Congressional Record

PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION OF THE SIXTY-SEVENTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LXII—PART 1

DECEMBER 5, 1921, TO JANUARY 11, 1922

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PROCEEDINGS AND DEBATES OF THE SIXTY-SEVENTH CONGRESS SECOND SESSION.

SENATE.

MONDAY, *December 5, 1921.*

The first Monday in December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Sixty-seventh Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

The VICE PRESIDENT (CALVIN COOLIDGE, of Massachusetts) called the Senate to order at 12 o'clock noon.

PRAYER.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our gracious Father, we bless Thee for the care Thou hast had over us, for all the mercies realized and for the good promised. We humbly beseech Thee this morning, as the duties of a regular session are pressing, that great wisdom and large understanding of the problems may be had, and by the guidance of Thine own overruling direction that the best results for the country and the world shall be realized. We humbly ask, in the name of Jesus Christ our Lord. Amen.

CALL OF THE ROLL.

Mr. LODGE. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll, that it may be ascertained that a constitutional number of Senators are present for the transaction of business.

The reading clerk (John C. Crockett) called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Lenroot	Sheppard
Ball	Fletcher	Lodge	Shortridge
Borah	France	McCumber	Simmons
Broussard	Frelinghuysen	McKinley	Smoot
Bursum	Gerry	McLean	Spencer
Calder	Glass	McNary	Stanley
Capper	Hale	Moses	Sutherland
Caraway	Harris	Myers	Swanson
Crow	Harrison	Nelson	Townsend
Culberson	Heflin	Nicholson	Trammell
Cummins	Hitchcock	Norbeck	Wadsworth
Curtis	Jones, Wash.	Overman	Walsh, Mont.
Dial	Kellogg	Page	Warren
Dillingham	Kendrick	Penrose	Watson, Ga.
du Pont	Keyes	Phipps	Watson, Ind.
Edge	King	Poindexter	Weller
Elkins	Ladd	Reed	Willis
Ernst	La Follette	Robinson	

Mr. CURTIS. I was requested to announce the absence of the Senator from Oklahoma [Mr. HARRELD], on account of illness. I wish this announcement to stand for the day.

Mr. HEFLIN. I wish to state that my colleague [Mr. UNDERWOOD] is absent by reason of the death of his mother.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is unavoidably detained.

Mr. GERRY. I wish to announce that the Senator from Ohio [Mr. POMERENE] and the Senator from New Mexico [Mr. JONES] are absent on official business.

The VICE PRESIDENT. Seventy-one Senators having answered to their names, a quorum is present.

LIST OF SENATORS.

The list of Senators by States is as follows:

Alabama.—Oscar W. Underwood and J. Thomas Heflin.
Arizona.—Henry F. Ashurst and Ralph H. Cameron.
Arkansas.—Joseph T. Robinson and Thaddeus H. Caraway.
California.—Hiram W. Johnson and Samuel M. Shortridge.
Colorado.—Lawrence C. Phipps and Samuel D. Nicholson.
Connecticut.—Frank B. Brandegee and George P. McLean.
Delaware.—L. Heisler Ball and T. Coleman du Pont.
Florida.—Duncan U. Fletcher and Park Trammell.
Georgia.—William J. Harris and Thomas E. Watson.
Idaho.—William E. Borah and Frank R. Gooding.
Illinois.—Medill McCormick and William B. McKinley.
Indiana.—James E. Watson and Harry S. New.
Iowa.—Albert B. Cummins and William S. Kenyon.
Kansas.—Charles Curtis and Arthur Capper.
Kentucky.—A. Owsley Stanley and Richard P. Ernst.
Louisiana.—Joseph E. Ransdell and Edwin S. Broussard.
Maine.—Bert M. Fernald and Frederick Hale.
Maryland.—Joseph I. France and Ovington E. Weller.
Massachusetts.—Henry Cabot Lodge and David I. Walsh.
Michigan.—Charles E. Townsend and Truman H. Newberry.
Minnesota.—Knute Nelson and Frank B. Kellogg.
Mississippi.—John Sharp Williams and Pat Harrison.
Missouri.—James A. Reed and Selden P. Spencer.
Montana.—Henry L. Myers and Thomas J. Walsh.
Nebraska.—Gilbert M. Hitchcock and George W. Norris.
Nevada.—Key Pittman and Tasker L. Oddie.
New Hampshire.—George H. Moses and Henry W. Keyes.
New Jersey.—Joseph S. Frelinghuysen and Walter E. Edge.
New Mexico.—Andrieus A. Jones and Holm O. Bursum.
New York.—James W. Wadsworth, jr., and William M. Calder.
North Carolina.—F. M. Simmons and Lee S. Overman.
North Dakota.—Porter J. McCumber and Edwin F. Ladd.
Ohio.—Atlee Pomerene and Frank B. Willis.
Oklahoma.—Robert L. Owen and J. W. Harreld.
Oregon.—Charles L. McNary and Robert N. Stanfield.
Pennsylvania.—Boies Penrose and William E. Crow.
Rhode Island.—LeBaron B. Colt and Peter G. Gerry.
South Carolina.—Ellison D. Smith and Nathaniel B. Dial.
South Dakota.—Thomas Sterling and Peter Norbeck.
Tennessee.—John K. Shields and Kenneth McKellar.
Texas.—Charles A. Culberson and Morris Sheppard.
Utah.—Reed Smoot and William H. King.
Vermont.—William P. Dillingham and Carroll S. Page.
Virginia.—Claude A. Swanson and Carter Glass.
Washington.—Wesley L. Jones and Miles Poindexter.
West Virginia.—Howard Sutherland and Davis Elkins.
Wisconsin.—Robert M. La Follette and Irvine L. Lenroot.
Wyoming.—Francis E. Warren and John B. Kendrick.

NOTIFICATION TO THE HOUSE.

Mr. LODGE submitted the following resolution (S. Res. 179), which was read by the Assistant Secretary (Henry M. Rose), considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

Mr. LODGE submitted the following resolution (S. Res. 180), which was read, considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT appointed as the committee Mr. LODGE and Mr. HITCHCOCK.

HOUR OF DAILY MEETING.

Mr. LODGE submitted the following resolution (S. Res. 181), which was read, considered by unanimous consent, and agreed to:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

ADJUSTMENT OF FOREIGN LOANS.

Mr. LODGE. Mr. President——

Mr. PENROSE. Will the Senator yield to me for a moment?

Mr. LODGE. Certainly.

Mr. PENROSE. I desire to state that after to-morrow and the message of the President has been heard I shall hope to succeed in having the bill relating to the so-called funding of the foreign debt made the unfinished business of the Senate. The Committee on Finance will meet to-morrow morning and consider House bill 8762 upon that subject, which is before the

committee, having passed the House; and it will be reported to-morrow to the Senate and offered at the proper time in connection with Senate bill 2135, already on the calendar.

RECESS.

Mr. LODGE. In order to give an opportunity for the committee of the two Houses to notify the President that Congress has assembled and is ready to receive a communication from him, I move that the Senate take a recess until 3 o'clock.

The motion was agreed to; and (at 12 o'clock and 10 minutes p. m.) the Senate took a recess until 3 o'clock p. m., at which hour it reassembled.

NOTIFICATION TO THE PRESIDENT.

Mr. LODGE and Mr. HITCHCOCK appeared, and

Mr. LODGE said:

Mr. President, the committee appointed by the Senate have the honor to report that in conjunction with the committee appointed by the House they have seen the President of the United States and that in reply to their announcement that the Congress is organized and ready for business, he informed them that he will communicate with the Congress to-morrow, that he will come to the House of Representatives at half past 12 and there deliver his message.

MESSAGE FROM THE HOUSE.

Mr. Overhue, the enrolling clerk of the House of Representatives, appeared and delivered the following message:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has assembled and that the House is ready for business.

Also, that a committee of three were appointed by the Speaker on the part of the House of Representatives to join with the committee on the part of the Senate to wait on the President of the United States and to notify him that a quorum of the two Houses has assembled and that Congress is ready to receive any communication that he may be pleased to make, and that Mr. MONDELL, Mr. MADDEN, and Mr. GARRETT of Tennesssee were appointed as the committee on the part of the House.

Further, that the House has agreed to a concurrent resolution (H. Con. Res. 32) authorizing the two Houses of Congress to assemble in the Hall of the House of Representatives on Tuesday, the 6th day of December, 1921, at 12 o'clock and 30 minutes in the afternoon for the purpose of receiving such communication as the President of the United States shall be pleased to make to them, in which it requests the concurrence of the Senate.

[Several messages in writing from the President of the United States were transmitted to the Senate by Mr. Latta, one of his secretaries.]

JOINT MEETING OF THE TWO HOUSES.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives (H. Con. Res. 32), which was read:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 6th day of December, 1921, at 12.30 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Mr. LODGE. I move that the Senate concur in the resolution which has just been read.

The concurrent resolution was considered by unanimous consent and agreed to.

THE BUDGET.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations:

MESSAGE.

To the Congress of the United States:

I submit herewith the budget of the United States for the fiscal year ending June 30, 1923. It will be noted that the estimated ordinary expenditures for 1922 show a reduction of $1,513,537,682.20, compared with the actual ordinary expenditures for 1921; and that the estimated ordinary expenditures for 1923 show a reduction of $447,704,239 under 1922, making the estimated ordinary expenditures under the budget for 1923 $1,961,241,921.20 less than the actual ordinary expenditures for 1921. Including transactions in the principal of the public debt and investments of trust funds, the total estimated expenditures for 1922 show a reduction under the total actual expenditures for 1921 of $1,570,118,323.30 and the total estimated expenditures for 1923 show a reduction of $462,167,639 under the total estimated expenditures for 1922, making a reduction in total expenditures in the estimated budget for 1923, as compared with the total actual expenditures for 1921, of $2,032,285,962.30. It will also be noted that the total estimated receipts for 1922 are in approximate balance with the total estimated expenditures, including reduction in the principal of the public debt, and that the total estimated receipts for 1923 are within approximately $150,000,000 of a balance with the total estimated expenditures of that year. Such a discrepancy is unavoidable, when authorizations of expenditure are being enacted during the process of budget closing, but ways are provided for relatively easy adjustment, without added taxation.

For the purpose of providing a portion of the funds necessary to balance the budget for 1923, in which the estimated expenditures exceed the estimated receipts by the sum of approximately $150,000,000, I recommend the following legislation in connection with the naval appropriation bill for 1923, which would result in the eventual automatic release of $100,000,000 now held in the naval supply account of the Navy Department:

"Hereafter, until the naval supply account shall have been reduced to a maximum sum of $150,000,000, which shall not thereafter be exceeded, one-half of all reimbursements otherwise due to the naval supply account, whether from current issues or from sales, shall be covered into the Treasury as miscellaneous receipts, and only one-half shall be credited to the naval supply account."

With continued pressure for economy in all departments and the passage of such legislation, the balancing of total receipts and total expenditures for the fiscal years 1922 and 1923 should be accomplished.

I also transmit herewith the report of the Director of the Bureau of the Budget on the budget of the United States and the operations of the Bureau of the Budget.

The details of the budget are shown in the accompanying statements, and may be briefly summarized as follows:

BUDGET SUMMARY.

Exclusive of postal revenues and postal expenditures paid from postal revenues.

	1923, estimated.	1922, estimated.	1921, actual.
Total receipts	$3,338,182,750	$3,943,453,663	$5,624,932,960.91
Total expenditures, including reduction in principal of public debt	3,505,754,727	3,967,922,366	5,538,040,689.30
Excess of expenditures	167,571,977	24,468,703	
Excess of receipts			86,892,271.61

WARREN G. HARDING.

THE WHITE HOUSE, *December 5, 1921.*

THE ALTERNATIVE BUDGET.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations:

To the Congress of the United States:

I submit herewith the alternative budget for the service of the fiscal year ending June 30, 1923, as required by section 205 of the budget and accounting act, 1921.

The information regarding revenues and expenditures is the same as that contained in the budget, with such changes in arrangement as will better present the facts in connection with the spending departments.

The estimates of appropriations in the alternative budget have been so assembled and correlated that all estimates for any given department are included in one chapter.

WARREN G. HARDING.

THE WHITE HOUSE, *December 5, 1921.*

STATUTES RELATIVE TO RECEIPTS, EXPENDITURES, AND ESTIMATES.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations:

To the Congress of the United States:

I transmit herewith a codification of the Federal statutes relating to the preparation and transmission to Congress of statements of receipts and expenditures of the Government and of estimates of appropriations, in accordance with the provisions of section 210 of the budget and accounting act, 1920.

WARREN G. HARDING.

THE WHITE HOUSE, *December 5, 1921.*

ADJOURNMENT.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 6, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 5, 1921.*

This being the day designated by the Constitution of the United States for the annual meeting of Congress, the Members of the House of Representatives assembled in their Hall for the second session of the Sixty-seventh Congress, and at 12 o'clock noon were called to order by the Speaker, Hon. FREDERICK H. GILLETT.

PRAYER.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, holy, holy, holy is Thy name; and may we only speak it in prayer and utter it in praise. We are so thankful that the heavens do stoop to our need. Therefore let gratitude, the joy of living, and the passion of a new life be declared in us. Make these days memorable in our Nation's history. Encourage every pure thought, give strength to every good aspiration, and make vital every duty which gives beauty to home, stability to society, and permanence to our Government. O, hold Thou our hands and be our guardian and the center of all our labors. Enable us to stand and falter not, to hope and fear not, to trust and never be dismayed. O come to the nations so weighted with depression and so bowed down with sorrow, and may universal peace lie like a shaft of light across the lands of the world. Through Jesus Christ our Lord. Amen.

CALL OF THE ROLL BY STATES.

The SPEAKER. The Clerk will call the roll of Members by States.

The Clerk called the roll by States, when the following Members responded:

ALABAMA.
John McDuffie.
John R. Tyson.
Henry B. Steagall.
Lamar Jeffers.
William B. Bowling.
Edward B. Almon.
George Huddleston.
William B. Bankhead.

ARIZONA.
Carl Hayden.

ARKANSAS.
William J. Driver.
William A. Oldfield.
John N. Tillman.
Otis Wingo.

CALIFORNIA.
Clarence F. Lea.
John E. Raker.
Charles F. Curry.
Julius Kahn.
John A. Elston.
Henry E. Barbour.
Walter F. Lineberger.
Henry Z. Osborne.

COLORADO.
William N. Vaile.
Charles B. Timberlake.
Guy U. Hardy.

CONNECTICUT.
Richard P. Freeman.
John Q. Tilson.
James P. Glynn.

DELAWARE.
Caleb R. Layton.

FLORIDA.
John H. Smithwick.

GEORGIA.
James W. Overstreet.
Frank Park.
Charles R. Crisp.
William D. Upshaw.
James W. Wise.
Gordon Lee.
Thomas M. Bell.
Carl Vinson.
William C. Lankford.
William W. Larsen.

IDAHO.
Burton L. French.
Addison T. Smith.

ILLINOIS.
Martin B. Madden.
James R. Mann.
Elliott W. Sproul.
Adolph J. Sabath.
John J. Gorman.
Stanley H. Kunz.
Fred A. Britten.
Carl R. Chindblom.
Ira C. Copley.
Charles E. Fuller.
John C. McKenzie.
Edward J. King.
Clifford Ireland.
Joseph G. Cannon.
Allen F. Moore.
Loren E. Wheeler.
William A. Rodenberg.
Edwin B. Brooks.
Thomas S. Williams.
Edward E. Denison.
Richard Yates.

INDIANA.
Oscar R. Luhring.
Oscar E. Bland.
James W. Dunbar.
John S. Benham.
Richard N. Elliott.
Albert H. Vestal.
William R. Wood.
Milton Kraus.
Louis W. Fairfield.
Andrew J. Hickey.

IOWA.
Harry E. Hull.
Burton E. Sweet.
Gilbert N. Haugen.
Cyrenus Cole.
C. William Ramseyer.
Cassius C. Dowell
Horace M. Towner.
William R. Green.
L. J. Dickinson.
William D. Boies.

KANSAS.
Daniel R. Anthony, jr.
Philip P. Campbell.
Homer Hoch.
James G. Strong.
Hays B. White.
J. N. Tincher.
Richard E. Bird.

KENTUCKY.
Alben W. Barkley.
David H. Kincheloe.
Robert Y. Thomas, jr.
Ben Johnson.
Charles F. Ogden.
Arthur B. Rouse.
James C. Cantrill.
Ralph Gilbert.
John M. Robsion.

LOUISIANA.
James O'Connor.
Whitmell P. Martin.
John H. Sandlin.
Riley J. Wilson.
George K. Favrot.
Ladislas Lazaro.
James B. Aswell.

MAINE.
Wallace H. White, jr.
John A. Peters.
Ira G. Hersey.

MARYLAND.
Albert A. Blakeney.
John Philip Hill.
J. Charles Linthicum.
Frederick N. Zihlman.

MASSACHUSETTS.
Allen T. Treadway.
Frederick H. Gillett.
Calvin D. Paige.
Samuel E. Winslow.
John Jacob Rogers.
A. Piatt Andrew.
Robert S. Maloney.
Frederick W. Dallinger.
Charles L. Underhill.
James A. Gallivan.
Robert Luce.
Louis A. Frothingham.
William S. Greene.
Joseph Walsh.

MICHIGAN.
Earl C. Michener.
John C. Ketcham.
Carl E. Mapes.
Patrick H. Kelley.
Louis C. Cramton.
Roy O. Woodruff.
Frank D. Scott.
W. Frank James.
Vincent M. Brennan.

MINNESOTA.
Sydney Anderson.
Frank Clague.
Charles R. Davis.
Oscar E. Keller.
Walter H. Newton.
Harold Knutson.
Andrew J. Volstead.
Oscar J. Larson.
Halvor Steenerson.
Thomas D. Schall.

MISSISSIPPI.
John E. Rankin.
Bill G. Lowrey.
Ross A. Collins.
Paul B. Johnson.
Percy E. Quin.
James W. Collier.

MISSOURI.
Frank C. Millspaugh.
Henry F. Lawrence.
Charles L. Faust.
Edgar C. Ellis.
William O. Atkeson.
Roscoe C. Patterson.
Sidney C. Roach.
Cleveland A. Newton.
Leonidas C. Dyer.
Marion E. Rhodes.
Isaac V. McPherson.
Samuel A. Shelton.

MONTANA.
Washington J. McCormick.
Carl W. Riddick.

NEBRASKA.
Robert E. Evans.
Melvin O. McLaughlin.
William E. Andrews.

NEVADA.
Samuel S. Arentz.

NEW HAMPSHIRE.
Sherman E. Burroughs.
Edward H. Wason.

NEW JERSEY.
Francis F. Patterson, jr.
T. Frank Appleby.
Ernest R. Ackerman.
Randolph Perkins.
Amos H. Radcliffe.
Herbert W. Taylor.
Richard Wayne Parker.
Frederick R. Lehlbach.
Archibald E. Olpp.

NEW MEXICO.
Nestor Montoya.

NEW YORK.
Frederick C. Hicks.
John Kissel.
Thomas H. Cullen.
Michael J. Hogan.
Daniel J. Riordan.
Meyer London.
W. Bourke Cockran.
Ogden L. Mills.
John F. Carew.
Isaac Siegel.
Anthony J. Griffin.
James W. Husted.
Peter G. Ten Eyck.
James S. Parker.
Frank Crowther.
Bertrand H. Snell.
Luther W. Mott.
John D. Clarke.
Walter W. Magee.
Alanson B. Houghton.

NORTH CAROLINA.
Hallett S. Ward.
Edward W. Pou.
Charles M. Stedman.
Homer L. Lyon.
Robert L. Doughton.
Alfred L. Bulwinkle.

NORTH DAKOTA.
Olger B. Burtness.
George M. Young.
James H. Sinclair.

OHIO.
Nicholas Longworth.
A. E. B. Stephens.
Roy G. Fitzgerald.
John L. Cable.
Charles C. Kearns.
Simeon D. Fess.
R. Clint Cole.
William W. Chalmers.
Israel M. Foster.
Edwin D. Ricketts.
Charles L. Knight.
W. M. Morgan.
Frank Murphy.
John G. Cooper.
Harry C. Gahn.
Theodore E. Burton.

OKLAHOMA.
Thomas A. Chandler.
Alice M. Robertson.
Charles D. Carter.
F. B. Swank.
L. M. Gensman.

OREGON.
Willis C. Hawley.
Nicholas J. Sinnott.
Clifton N. McArthur.

PENNSYLVANIA.
William S. Vare.
Harry C. Ransley.
James J. Connolly.
George P. Darrow.
Thomas S. Butler.
William W. Griest.
Charles R. Connell.
Fred B. Gernerd.

Louis T. McFadden.	Nathan L. Strong.
Edgar R. Kiess.	Harris J. Bixler.
I. Clinton Kline.	Stephen G. Porter.
Benjamin K. Focht.	M. Clyde Kelly.
John M. Rose.	Guy E. Campbell.
Edward S. Brooks.	Thomas S. Crago.
Adam M. Wyant.	William J. Burke.
Henry W. Temple.	Anderson H. Walters.
Milton W. Shreve.	

RHODE ISLAND.

Clark Burdick.

SOUTH CAROLINA.

W. Turner Logan.	William F. Stevenson.
James F. Byrnes.	Philip H. Stoll.
John J. McSwain.	Hampton P. Fulmer.

SOUTH DAKOTA.

William Williamson.

TENNESSEE.

B. Carroll Reece.	Joseph W. Byrns.
J. Will Taylor.	Lemuel P. Padgett.
Joe Brown.	Lon A. Scott.
Wynne F. Clouse.	Finis J. Garrett.
Ewin L. Davis.	Hubert F. Fisher.

TEXAS.

Eugene Black.	James P. Buchanan.
John C. Box.	Tom Connally.
Morgan G. Sanders.	Fritz G. Lanham.
Sam Rayburn.	Lucian W. Parrish.
Hatton W. Sumners.	Harry M. Wurzbach.
Rufus Hardy.	John N. Garner.
Clay Stone Briggs.	C. B. Hudspeth.
Daniel E. Garrett.	Marvin Jones.

UTAH.

Don B. Colton.	Elmer O. Leatherwood.

VERMONT.

Frank L. Greene.	Porter H. Dale.

VIRGINIA.

Schuyler Otis Bland.	Patrick Henry Drewry.
Andrew J. Montague.	R. Walton Moore.

WASHINGTON.

John F. Miller.	John W. Summers.
Lindley H. Hadley.	J. Stanley Webster.
Albert Johnson.	

WEST VIRGINIA.

Benjamin L. Rosenbloom.	Harry C. Woodyard.
Stuart F. Reed.	Wells Goodykoontz.

WISCONSIN.

Henry Allen Cooper.	Florian Lampert.
Edward Voigt.	Joseph D. Beck.
John M. Nelson.	Edward E. Browne.
John C. Kleczka.	James A. Frear.
William H. Stafford.	Adolphus P. Nelson.

WYOMING.

Frank W. Mondell.

The SPEAKER. Three hundred and twenty-one Members have answered to their names. A quorum is present.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed the following resolutions:

Senate resolution 179.

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

Senate resolution 180.

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

The message also announced that in compliance with the foregoing resolution the Vice President appointed as said committee Mr. LODGE and Mr. HITCHCOCK.

The message further announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2710. An act granting the consent of Congress to the Pamunkey Ferry Co. to construct a bridge across the Pamunkey River in Virginia.

NOTIFICATION OF THE SENATE.

Mr. MONDELL. Mr. Speaker, I ask immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Wyoming offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 236.

Resolved, That the Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared and that the House is ready to proceed with business.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

NOTIFICATION OF THE PRESIDENT.

Mr. MONDELL. Mr. Speaker, I also offer the following resolution.

The SPEAKER. The gentleman from Wyoming offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 237.

Resolved, That a committee of three Members be appointed by the Speaker on the part of the House of Representatives to join with the committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and that Congress is ready to receive any communication that he may be pleased to make.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to, and the Speaker appointed as the committee on the part of the House Mr. MONDELL, Mr. MADDEN, and Mr. GARRETT of Tennessee.

HOUR OF DAILY MEETING.

Mr. CAMPBELL of Kansas. Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kansas offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 238.

Resolved, That until otherwise ordered the hour of daily meeting of the House of Representatives shall be 12 o'clock meridian.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

GENERAL DEBATE.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that there be three hours of debate, to be divided equally between the two sides of the House; that I control an hour and a half and that the gentleman from Georgia [Mr. CRISP] control an hour and a half.

SEVERAL MEMBERS. On what subject?

Mr. MONDELL. On the state of the Union. Some gentlemen desire to speak on the St. Lawrence River Canal.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield.

Mr. GARRETT of Tennessee. The gentleman from Wyoming [Mr. MONDELL] spoke to me about the matter a few moments ago. I understood that he wanted two hours to be controlled on that side and an hour on this side, which was to be evened up to-morrow. I agreed to that, because I do not know that we will have any occasion to ask for more than one hour to-day.

Mr. CAMPBELL of Kansas. If that is agreeable to the gentleman from Tennessee, I will modify my request.

Mr. GARRETT of Tennessee. That is agreeable to this side, it being understood that it will be equalized later.

The SPEAKER. The gentleman from Kansas asks unanimous consent that there be general debate for three hours. Does the Chair understand that that is not to interfere with any message?

Mr. CAMPBELL of Kansas. Not to interfere with any message from the White House or the Senate.

Mr. JOHNSON of Washington. Reserving the right to object, will that do away with the taking up of the Unanimous Consent Calendar to-day?

Mr. CAMPBELL of Kansas. If the unanimous consent is agreed to, the Unanimous Consent Calendar will not be called.

Mr. JOHNSON of Washington. I have no objection.

The SPEAKER. Does the gentleman from Kansas mean to include in his request that after the general debate the Unanimous Consent Calendar shall not be taken up?

Mr. CAMPBELL of Kansas. That is not included in my request made, but I will include it.

Mr. STEENERSON. Reserving the right to object, is there any reason why we should not proceed to-day with the Calendar for Unanimous Consent?

Mr. CAMPBELL of Kansas. I understand there are only four or five bills on the calendar, and that they are not very important.

Mr. STEENERSON. I have quite an important bill on the calendar, and the parties are very anxious that it should be considered. Of course, if anybody objects, that will be sufficient.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, does the gentleman's request contemplate that the two or three hours' debate shall be devoted to the St. Lawrence Canal?

Mr. CAMPBELL of Kansas. Two hours on this side are to be devoted to that subject. I am not aware of the nature of the debate on the other side.

Mr. GARRETT of Tennessee. I am unable to state to the gentleman from Alabama what will be the subject of the speeches on this side. There are gentleman on this side who wish to discuss that proposition, but whether to-day or not I can not tell.

Mr. MANN. Will the gentleman yield?.

Mr. CAMPBELL of Kansas. I yield.

Mr. MANN. The request that the gentleman made was made in the House. My recollection is that throughout the whole history of the House debate on the state of the Union has been held in the Committee of the Whole House on the state of the Union. A motion to go into Committee of the Whole House on the state of the Union, of course, would be in order. I do not believe that we ought to set a precedent for general debate in the House as distinguished from debate in Committee of the Whole House on the state of the Union.

Mr. CAMPBELL of Kansas. I think the suggestion made by the gentleman from Illinois is one that the House should take notice of at this time, and I move that the House resolve itself into Committee of the Whole House on the state of the Union, and pending that I ask unanimous consent that general debate shall continue for three hours, two hours to be controlled by myself and one hour by the gentleman from Georgia [Mr. CRISP].

Mr. JOHNSON of Washington. Does the gentleman mean that the Unanimous Consent Calendar shall not be called to-day? We might as well include that, because the calendar is very short, and objection could be made to each bill called up.

Mr. MONTAGUE. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. MONTAGUE. Is it customary for the House to engage in any business, general debate or otherwise, pending the reply of the President to the committee that the House sends to notify him that it is organized and ready to do business?

Mr. CAMPBELL of Kansas. Yes; the House is organized.

Mr. MONTAGUE. That is not the question. I ask if it is not without precedent for the House to do what the gentleman contemplates it shall do prior to the response of the President to the House committee? In other words, is it not rather discourteous to the Executive for the House to enter upon any business pending this response of the President?

Mr. CAMPBELL of Kansas. There is no discourtesy to the President in the House proceeding with its business pending his pleasure in submitting the business that he desires.

Mr. MONTAGUE. May I repeat another phase of the question? If no discourtesy is intended, is it not wholly unprecedented to do what the gentleman asks the House to do, and is not such action an implied discourtesy?

Mr. CAMPBELL of Kansas. If it is, we can make a precedent at this time.

Mr. MANN. I think it has never been done since I have been here.

Mr. JOHNSON of Washington. The Senate has just passed a bridge bill.

Mr. MANN. The bridge bill was passed at the last session.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the House resolve itself into Committee of the Whole House on the state of the Union, and pending that that there shall be three hours' general debate, two hours to be controlled by himself and one hour by the gentleman from Georgia [Mr. CRISP], and that the Unanimous Consent Calendar be not taken up to-day. Is there objection?

Mr. WALSH. Reserving the right to object, that request is not to interfere with messages or other business of the House.

Mr. CAMPBELL of Kansas. Not at all, not to interfere with messages from the White House or the Senate.

Mr. STAFFORD. We will be in Committee of the Whole House on the state of the Union and can not receive messages.

Mr. MANN. We are constantly receiving messages while in Committee of the Whole House on the state of the Union, the committee rising to receive the message.

Mr. CAMPBELL of Kansas. The committee will rise when the messages are received.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The motion of Mr. CAMPBELL of Kansas to go into Committee of the Whole on the state of the Union was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

Mr. CRISP. Mr. Chairman, with the permission of the gentleman from Kansas [Mr. CAMPBELL], I yield three minutes of my time to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman, there is now happening in the city of Washington what is destined, in my judgment, to prove an historic event. At this time there is floating over the Capital City the United States Navy dirigible *C–7*, the first ship of the air filled with helium which has ever flown in the entire world. This accomplishment marks a new era in aviation. This wonderful inert gas affords the long-sought combination of safety and efficiency.

It was my pleasure this morning to attend the landing of the *C–7*, observed also by many interested spectators who have labored faithfully in the inauguration and development of the helium project. It came to the earth with the ease and grace of a large bird, bearing a confident crew that displayed no nervousness despite the fact that this was an initial experimental trip.

In a flurry of snow it completed its aerial journey from Norfolk, Va., in less than four hours, and is now beginning its return flight by circling in triumph above the Capitol and the departments which have helped to make its achievement possible. The members of the crew participating in this history-making feat are Lieut. Commander Zachary Lansdowne, in command; Lieut. Commander R. F. Wood, Lieut. A. T. Sewell, and Chief Machinist Grover Cleveland Ferris.

A novel incident occurred shortly after the landing at Anacostia. Those gathered about the dirigible were requested to smoke to their heart's content and were furnished the necessary materials for this purpose. Even the pilot in the cockpit was permitted to partake freely of his favorite pipe. Had the dirigible been filled with hydrogen, smoking would have been a reckless flirtation with death. The safe minimum distance of approach to a hydrogen vessel, under such circumstances, is perhaps 100 yards. Around the *C–7*, inflated with helium, both visitors and crew puffed in perfect safety in the happy realization that science had afforded a dirigible that can travel through the air with all the assurance that a ship can navigate the seas.

After two brief test flights at Hampton Roads, which were entirely successful, the trip to Washington was made without the loss of any helium whatever, despite the fact that the *C–7* is of the nonrigid type and not specially designed for aviation of this character.

Thus far helium has met every test, both in manufacture and in the demonstration of its practical use. Until 1917 but a few cubic feet of it had been extracted in the whole world, and that work had been done in laboratories at the prohibitive cost of from $1,700 to $2,000 per cubic foot. In our Government plant at Fort Worth, Tex., from which came the helium which filled the *C–7*, the cost of extraction has been reduced to a few cents per cubic foot. Surely this is a most creditable and gratifying showing for the operation of a new project which eliminates the possibility of the recurrence of midair explosions which have destroyed so much valuable property and taken such a lamentable toll of human lives.

I wish to call again to the attention of the Congress the fact that the United States has a practical monopoly of the known world supply of helium. Through the plant at Fort Worth, Tex., we have extracted about a million and a half cubic feet during the few months that it has been in operation. It seems to me that our future safety in the air must depend very largely upon the conservation and extraction of this element, which should prove an agency useful in times of peace and of inestimable value in times of war. Let us not be unmindful of the possibilities of this wonderful national asset. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield one hour to the gentleman from Ohio [Mr. CHALMERS].

Mr. CHALMERS. Mr. Chairman, the subject I am calling to your attention to-day and to the attention of Congress is of vital interest to every man, woman, and child in the United States, from Maine to California, from Washington to Florida. Look through the timber-laden forests of the North and the cotton fields of the South; the great metropolitan centers of population of the country and the small manufacturing hamlets of New England; the cabins in the mountains of Tennessee, to the peoples of the rich fertile soil of the Mississippi Valley and the vast rolling prairie lands—all are hoping, looking, and praying for success.

Did you ever realize what a remarkable body is this House of Representatives? How impossible it would be to consult the people of this vast domain and learn their opinions and wishes in a matter of great national concern. And yet we come here,

to this Hall fresh from the people. There is some one in this House from every nook and corner of this great country. There is some one here who knows personally the dweller in every hollow, on every hilltop, in every mountain side, every cross roads, and every broad expanse of vision of this the greatest and richest country of the world.

A great and rich country and yet only partly awake; why partly asleep? Asleep because of restricted circulation. The human organism attains its full strength and stature through full circulation through its veins and arteries. The channels of transportation are the veins and arteries of national life.

The railroads, the waterways, the electric tramways, and motor highways are the channels through which the life blood of our Nation flows. If these veins become clogged, it brings on commercial drowsiness and business stagnation. That is what is the matter with this country to-day.

My colleagues, on the 4th of last March we came direct from the people, coming from every district in every State and Territory in the Union. We came with our commissions of service. We go back to the people again next fall to have these commissions renewed or handed to more representative agents.

My object in coming before you to-day, my colleagues and friends, is to bring to the attention of my people and your people the theme as to how best to insure against future poor business circulation. I address you as colleagues and friends. Have you ever thought how unusual are the friendships formed here? We come here as perfect strangers, representing vastly diversified interests, and yet in a few months we know each other as Joe, Carl, Frank, and Bill.

I also learn that in the formation of these friendships there is no "middle aisle." There is no "middle aisle" in the subject I am bringing to your attention to-day Mr. Chairman. There is no party politics in it. It is just a great bjg subject of immense interest not only to every Member of the Congress and the Government but of interest to every man, woman, and child in the United States. The 28 States lying between the peaks of the Rockies and the Alleghenies are directly interested in it, and the other 20 States of the Union are indirectly interested. Eighteen States, through their legislatures, have formally approved the project. I refer to the Great Lakes-St. Lawrence deep waterway.

By the treaty of January 11, 1909, signed at Washington during the administration of William Howard Taft, the International Joint Commission was created. In 1911 three members were appointed to this commission by the United States and three members were appointed on the part of Canada.

The river and harbor act of March 2, 1919, contained the following item:

That the International Joint Commission created by the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington January 11, 1909, under the provisions of article 9 of said treaty, is requested to investigate what further improvements of the St. Lawrence River between Montreal and Lake Ontario is necessary to make the same navigable for ocean-going vessels, together with the estimated cost thereof, and report to the Government of the Dominion of Canada and to the Congress of the United States, with its recommendations, for cooperation by the United States with the Dominion of Canada in the improvement of said river.

This order from the Congress was passed on to the International Joint Commission by what is known as the "Reference," in a communication from Secretary of State Lansing, issued January 21, 1920.

This "Reference" required answers to the following questions:

1. What further improvement in the St. Lawrence River, between Montreal and Lake Ontario, is necessary to make same navigable for deep-draft vessels of either the lake or ocean going type? What draft of water is recommended and what is the estimated cost?

In answering this question the commission is requested to consider:

(a) Navigation interests alone, whether by the construction of locks and dams in the river, by side canals with the necessarys locks, or by a combination of the two.

(b) The combination of navigation and power interests to obtain the greatest beneficial use of the waters of the river.

2. Which of the schemes submitted by the Government or other engineers is preferred and why?

3. Under what general method of procedure and in what general order shall the various physical and administrative features of the improvement be carried out?

4. Upon what basis shall the capital cost of the completed improvement be apportioned to each country?

5. Upon what basis shall the cost of operation and maintenance be apportioned to each country?

6. What method of control is recommended for the operation of the improved waterway to secure its most beneficial use?

7. Will regulating Lake Ontario increase the low-water flow in the St. Lawrence ship channel below Montreal, and, if so, to what extent and at what additional cost?

8. To what extent will the improvement develop the resources, commerce, and industry of each country?

9. What traffic, both incoming and outgoing, in kind and quantity, is likely to be carried upon the proposed route both at its inception and in the future, consideration to be given not only to present conditions but to probable changes therein resulting from the development of industrial activities due to availability of large quantities of hydraulic power?

Mr. Lansing also wrote a letter of instructions to the engineers asking them to take charge of the survey of the St. Lawrence River, Montreal to Lake Ontario, for the purpose of preparing plans and estimates for its further improvement to make same navigable for deep-draft vessels of either Lake or ocean-going type and to obtain the greatest beneficial use from the waters.

The order to the engineers also requested that their plans and estimates should definitely cover the four general schemes or methods of improvement referred to in the "reference," but other variations of them may be considered and, if deemed advisable, also presented to the commission.

The channels to be considered are to be of 25 and 30 feet depth at low water, and the plans and estimates should be prepared accordingly. A choice between them will, under the terms of the "reference," be made by the commission.

The engineers appointed to conduct the surveys were Col. W. P. Wooten, for the United States, and Mr. W. A. Bowden, for the Dominion of Canada.

During the past 20 months the International Joint Commission has held 40 hearings in all the large cities from Montreal, Boston, and New York, on the east, to Portland and Seattle, on the west. A final review was held at Detroit, Mich., since this Congress has been in session; also, a special hydroelectric-power hearing at Ottawa, Canada, on the 14th of last month, and the final joint session will be held in Washington day after to-morrow. The engineers have reported favorably, and the report of the International Joint Commission will recommend the construction of the Great Lakes-St. Lawrence deep waterway.

In response to the request of the Secretary of State, after more than a year of intensive study, with all the assistance of the engineering experts of the two nations, the official engineers, Col. Wooten and Mr. Bowden, unanimously recommended the development of the project.

I quote the following summary of their conclusions and recommendations:

A. That the physical conditions are favorable for improvement for navigation which will be permanent and will have very low upkeep cost.

B. That improvement of the entire reach from Montreal to Lake Ontario for navigation alone is feasible, but the loss of power that can be generated as a by-product in some reaches is not warranted.

C. That the development of nearly all the potential power in the river amounting to approximately 4,100,000 horsepower can be made to coordinate parts of schemes for the improvement of navigation.

D. That the simultaneous development of such a vast quantity of power is not a sound economic procedure, as a market to take this output is not now in existence, and can not be expected to spring into being at once.

E. That the sound method of procedure is to improve for navigation along those reaches where side canals and locks can most economically be used and where the development of the power at some future time is not interfered with by the proposed improvement; and in that part of the river where the construction of locks and dams offers the most feasible means of improving navigation, to provide for the development of the incidental power obtainable as a result of the head created by the dams.

F. That the improvement of the first division, from Montreal Harbor to Lake St. Louis, is made by locks and side canals.

G. That the canal sections be excavated to a depth of 25 feet, and a bottom width varying from 220 feet in through cuttings to 450 feet in submerged or submarine channels. That provision for the future widening of this waterway be made from Victoria Bridge to west of the town of Verdun. That the locks be built for an eventual depth of 30 feet over the sills.

H. That the improvement of the second division, from lake St. Louis to lake St. Francis, be made in either of two ways. The first of these is by means of a side canal from Melocheville to Hungry Bay with flight locks at Melocheville.

K. That the improvement of the third division, Lake St. Francis to the head of St. Regis Island, be carried out by the dredging of a channel 450 feet wide and 25 feet deep at low water.

L. That the improvement of the fourth division, from the foot of St. Regis Island to Chimney Point, near Ogdensburg, be made by a dam at Long Sault Rapids and side canals with locks from the pool created by this dam to a junction with the river at Cornwall; also, by a dam with a side canal and lock at Ogden Island, near Waddington, N. Y., by considerable channel enlargement below Cornwall and in the stretch between the head of Ogden Island and deep water above Galop Rapids.

N. That the improvement of the fifth division will require the removal of certain shoals and the widening and straightening of the present channel.

O. That the total cost of improvement from Montreal to Lake Ontario, as recommended above, to afford 25 feet at present, with such provisions that a 30-foot depth may be secured at a later date without

interfering with the use of the waterway, is $252,728,000. This includes the cost of developing 1,464,000 horsepower. That the total annual cost of operation, maintenance, and depreciation of these works is $2,562,000. Of this sum, $1,457,000 is properly chargeable to the operation and maintenance and depreciation of power plants.

That the estimated cost of increasing the navigable depth throughout the entire stretch to 30 feet at a later date is $17,986,180.

P. That the improvements are carried on simultaneously, it will be possible to complete them in eight years from the time the work is begun, if funds are made available as fast as needed.

Q. That the construction of Ogden Island Dam affords a control over the level of Lake Ontario and the flow in the St. Lawrence River. That this control can be exercised so as to raise the mean level of Lake Ontario without causing it to fluctuate beyond the limits which it has reached in previous years.

That the more intangible assets to be derived from this improvement, such as the development of industries in both countries, the advantage of deep-water navigation from the ocean to the Great Lakes, the saving of coal, and the improvement of railroad freight conditions, while of great importance to the two countries, are not considered in this report, as the engineers do not understand that their instructions cover an investigation of these matters.

I propose to treat this subject under three general heads: 1, Feasibility; 2, availability; and 3, practicability. In other words, first, can it be done; second, will it be used; third, will it pay?

The great engineers of this country and Canada have answered the first question in the affirmative. Col. Wooten and Mr. Bowden, after long study, definite surveys and plans and specifications, have reported to both sections of the commission that the construction of this project is a simple engineering feat. I make the assertion that there is not a responsible engineer who will claim that there are any insurmountable engineering difficulties in the way of the completion of a 30-foot channel from the Great Lakes to the Atlantic Ocean.

How God must have marveled at the foolishness of the children of men who have not long since solved the simple problem he has set before us with an answer in plain view. What an easy matter, physically and scientifically, to clear away the barriers and turn the Great Lakes into a Baltic or Mediterranean Sea and bring the Atlantic Ocean within 100 miles of the center of population of the United States!

Let us consider the second question. Will this water highway be used if completed? That is easy to answer. It is used now. With all its handicaps and obstructions, it is used now.

The Detroit River to-day, connecting two land-bound inland lakes, carries more shipping than any other similar stretch of water in the world.

The World Almanac for 1921 gives the freight passing through the Suez Canal annually as 9,251,601 tons; the Panama Canal as 8,545,653 tons. Nelson's Loose Leaf Encyclopedia gives the annual freight passing through the Manchester Ship Canal as 3,161,012 tons. While, listen, my colleagues, the commerce passing through the Detroit River in 1919 was 73,526,602 freight tons, valued at $771,294,055, nearly a billion dollars. Have I said enough about the practical use of this waterway when completed?

Mr. Chairman, I call your attention to the third and last question, "Will it pay?" Will it pay to make the Great Lakes ports ocean ports connecting the Great Lakes with the ocean by a 30-foot channel 220 feet wide at its lowest depth at a total expense of $270,000,000, $135,000,000 to be guaranteed by the United States and $135,000,000 by Great Britain? This also includes the cost of developing 1,464,000 hydroelectric horsepower, the power station to be within the territory of the United States, close to the Canadian line, only 270 miles from Boston.

This power in Boston is worth $70 per year per horsepower, or over $100,000,000 annually when transferred to Boston at present prices. But placing the power value at the generating station at only $20 per year per horsepower, the income from the sale of this power would not only pay all annual expenses of operation, maintenance, and depreciation of these works and 5 per cent interest on the $270,000,000 issued to complete the project, but would form a sinking fund that would liquidate all expenses of constructing this great waterway and equipping the power plant in thirteen and a half years. From that point on, what a great source of revenue this would be to the Government!

Again, the construction and operation of the waterway would add to the value of the agricultural resources of this country more each year than the total cost of its construction. The price of any product is fixed at the place where that product comes in competition with similar products from the rest of the world. The price of wheat, therefore, is made in Liverpool. The opening of this canal will add 10 cents or more to the value of every bushel of wheat in the United States. The same principle would hold true for every other agricultural product. The same principle holds true in the shipment of every article of commerce.

The people of the Mississippi Valley are as much interested in the opening of this way to the sea as they are in the development of the Mississippi, the Ohio, and Missouri Rivers.

Improvement of the St. Lawrence will bring the ocean to Buffalo, Erie, Cleveland, Toledo, Detroit, Duluth, Superior, Milwaukee, Michigan City, and Chicago—1,500 miles nearer to the great bread basket and cream jug of the world—the Mississippi Valley.

If this great producing section of our country is to hold its own in the fight for world trade, this transportation question must be settled and settled right. The railroads are hopelessly behind. The greatest railroad executive of the age, Mr. James J. Hill, said that our railroads should have a billion dollars spent upon them annually for 15 years to keep them up to the demands of our natural commercial growth.

It would be a national sin to delay longer the completion of this much-needed public improvement. You ask why I call it a national sin? You know there are sins of omission as well as sins of commission. The deep waterway would bring great, permanent prosperity to this country. It would serve not only directly the 28 States referred to but indirectly every State and Territory in the Union.

To solve the problem of transportation for 28 States would lift the burden from the railroads and other systems of transportation so that there would be no more breakdowns when the peak load comes. In other words, water transportation would relieve the excessive demands at times of great stress just as relief and elasticity have come to the financial demands at crop-moving times by the act organizing regional banks and the revising of the banking laws.

Gov. Harding, of Iowa, says that a bushel of wheat can be shipped from Duluth to Buffalo for 2 cents; from Buffalo to the ocean-going boats for 17 cents; and from the ocean-going boats to Liverpool for 14 cents. This is the present method.

With the St. Lawrence canal, a bushel of wheat could be shipped from Duluth to Montreal for 3 cents, and from Montreal to Liverpool for 12 cents. The difference of 12 or 18 cents in transportation cost could go into the pockets of the American farmers.

You know that Liverpool fixes the market price of world foodstuffs. It is the place where surplus food is shipped from all parts of the world. The South Dakota farmers get the Liverpool prices for their wheat. Whenever Buffalo and New York take a toll of 15 cents on a bushel of wheat they are taking it from the farmers of the Middle West.

I can not look the producers in the face when I know that a barrier of from 12 to 15 cents is between them and a bushel of grain—a barrier that can be removed. And the parties in Washington can not afford to overlook that either. This thing of starting four carloads from the West to New York and having three carloads taken for freight charges can not go on. Corn was selling last week for 15 cents a bushel in Iowa. If this project were completed, it would be bringing four times that price.

The railroads fell down in 1914. Since then no new roads have been built. Nothing has been spent for terminals. A box car can make only one trip a season from the West to New York. Where are you going to get money to improve the railroads? Certainly not from higher freight rates. They are now more than the traffic will stand.

If this waterway were completed, freight could be moved to any ocean port of Europe, Asia, Africa, South America, or the islands of the sea before a loaded freight car could be moved by rail from Buffalo to New York and placed on board an ocean-going liner during the peak load of freight congestion.

At the Detroit hearing last spring I heard a Government engineer say that during 1919–20 they found cars that had been on the road so long that on the contents the dust and dirt had collected and the rain had fallen and that vegetation had grown 2 feet high before the car had reached its destination. He said that they had found loaded freight cars on sidetracks where birds had built nests on the trucks, the mother bird had laid her eggs, hatched her young, and departed with her brood before the switching crew had seen fit to depart with the car and send it on its way toward its destination.

These were some of the rail delays reported by a United States officer at the Detroit hearing. But not so with water shipments. Tear down the barriers and open the Great Lakes ports to the sea and we will show you what service is. Do you know that we have the most modern and most scientific loading and unloading facilities in the world? In September of this

year the *D. G. Kerr* broke all records in loading at the Two Harbors dock in Minnesota. She loaded 12,382 gross tons of iron ore in 16½ minutes. She was at the dock only 19 minutes. Less that 20 minutes from the time she arrived at dock she was headed down the lake with full cargo. She also broke the world's record in unloading five days later at Conneaut, Ohio. She was entirely relieved of the 12,382 tons of freight in 3 hours and 5 minutes.

Contrast that service with the port of New York. A recent editorial in a New York daily says that it costs 24 cents to bring a bushel of potatoes from Michigan to the Hudson River in New Jersey but 47 cents and 4 days to bring them across the river and over the docks and piers to the Manhattan consumers.

The trouble with progress in the past has been that we Americans have been taught to read, write, and spell in rail transportation terms only. Other nations have kept waterways apace with their rail routes. We do not understand that language. We regard commerce from the rail standpoint only. We do our commercial thinking in the language of railroads.

We are just in the morning of the electric day. The greatest progress in science and invention in this age will be made in the electric field. Watch for surprises in the Oregon Exposition in 1925.

The New England States are interested in this project, particularly from possibilities from its hydroelectric development. The St. Lawrence River drains one-fourth of the American Continent north of the Mexican border and in its course falls 221 feet and is capable of delivering more than 4,000,000 continuous horsepower. This is equal to the energy created by the burning of 40,000,000 tons of coal in the most modern steam plant. These figures are startling.

On January 27, 1919, the Secretary of the Interior sent to Congress a supplemental estimate of—

an appropriation in the sum of $200,000 for a special investigation and report on the power supply for the Boston-Washington industrial region to be made during the fiscal year 1920.

An appropriation of $125,000, carried in the sundry civil appropriation act for the fiscal year 1921, among the items under the United States Geological Survey, authorized the proposed investigation in the following language:

For the survey of power production and distribution in the United States, including the study of methods for the further realization of water power and the special investigation of the possible economy of fuel, labor, and materials resulting from the use of the Boston-Washington industrial region of a comprehensive system for the generation and distribution of electricity to transportation lines and industries, and the preparation of reports thereon, $125,000. The Secretary of the Interior is authorized to receive any sums which may be contributed for this purpose. Such sums shall be deposited in the Treasury and credited to the appropriation herein made and be available for expenditure for the purposes thereof.

This resulted in an elaborate report, Professional Paper 123, issued recently by the Interior Department, W. S. Murray, chief engineer, recommending a superpower circuit including Boston, New York, Baltimore, and Washington, and adjacent territory.

A superpower zone along these same lines could be developed for the cities of Buffalo, Syracuse, Rochester, Toronto, Cleveland, Toledo, and Detroit.

My own opinion is that a major superpower circuit can be created, taking in all cities and towns within the following outer circle: Boston, New York, Baltimore, Washington, Pittsburgh, Cleveland, Toledo, Detroit, Buffalo, Toronto, and Montreal. In other words, including all territory in New England, New York, New Jersey, Delaware, Maryland, Pennsylvania, Ohio, Michigan, and a part of the Dominion of Canada.

This improvement is something for which the Nation has been waiting for many years. It seems incredible to me that it was not consummated years ago. Starting of work on this project soon will do much to alleviate the unemployment problem that is confronting the country. It will provide work for thousands directly and many other thousands indirectly. It will stimulate business and doubtless will be a major factor in restoring America to normal.

It is time that we were about our country's business. Too long have we idled and wasted. Let us start in earnest to recuperate the losses we have suffered as a result of inertia that followed the World War. Let us erect in this waterway a monument to American enterprise. When completed it will stand out as the greatest constructive policy of the age.

This project is more than a mere business proposition. Its potential possibilities are limitless. It contains romance, comedy, tragedy, life, and death, not only to this generation but to countless generations yet unborn. Let us be pioneers and promoters of this the greatest and most beneficent enterprise of the age.

As I look back over the years, I ask myself why the big-visioned men of the past failed to utilize this wonderful natural resource. It means greater prosperity for the country—not for any select section but for all our people. The completion of this waterway is a program that interests all of us. No matter what section of the country we come from we must work together for this one great cause. It is too big and too important a thing to permit sectional rivalries to overshadow our sense of justice and fairness. In the final analysis prosperity can come to America only when all the people are prosperous and the Great Lakes-St. Lawrence River improvement will do much to bring about that desired end. There is no excuse for prejudice and no reason for jealousy.

While we are meeting and will meet much selfish opposition from New York City, the New York Times, one of the leaders of thought in the world to-day, ran an editorial about a year ago warning those opponents that their attitude was parochial and provincial. The New York Times was right. We who favor this project wish New York well. We are proud of New York. We have helped make her great, and we will continue to do so. The Congress has lavished many millions on her harbor improvements in the past and will undoubtedly hold a liberal policy toward our leading American port in the future, but as Senator LENROOT has said:

New York must learn that it is unwise to come to us holding out their hat for a donation in one hand while a brickbat is concealed in the other.

She should not be jealous of any proposition that will add wealth and riches to the West and South. We of the Middle West always go to New York to spend our money. If this opportunity should add a half billion to the States north, west, and south of her, New York would finally get most of the money. Remember I don't underestimate the power, financial strength, and finesse of the opponents.

You will find that the New York interests, when they begin their campaign to kill off this improvement, will count heavily upon what may be called their "patriotic appeal." Do not spend money in foreign territory.

"Why help the foreign port of Montreal at the expense of the port of New York?" "We have plenty of demands for our money at home without spending it in a foreign country." In order to spike their guns in anticipation of their patriotic-appeal barrage, I asked a New York official about waterways from the State of New York into the Dominion of Canada. Almost boastfully he set up the following special service. In his letter he said:

Thank you for your letter of recent date in regard to the development of the Hudson River. We have delayed in answering this until we could secure complete and accurate information regarding the connection between the New York Barge Canal and Hudson River and the St. Lawrence River by way of Lake Champlain. The information is as follows:

By means of the Champlain Canal, Lake Champlain, and the Canadian waterways, a direct route is provided for the use of commerce between New York Harbor and the St. Lawrence River. The course of a boat bound from New York Harbor to the St. Lawrence River would be northerly through the Hudson River to the United States Government lock at Troy; thence still northerly through what is known as the Champlain Canal at Whitehall; thence through Lake Champlain, crossing the Canadian boundary line a short distance above Rouses Point. From this point northerly the navigable channels are under the jurisdiction of the Dominion Government. The River Richelieu is followed downstream 23 miles to the entrance of the Chambly Canal at St. Johns. From St. Johns the Chambly Canal extends to the Chambly Basin; at the northerly end of the canal the Richelieu River is again entered and is navigated for a distance of 32 miles to the St. Ours Lock. From St. Ours Lock to Sorel, through the River Richelieu, is 14 miles. At Sorel the Richelieu joins the St. Lawrence River, and by way of the St. Lawrence from Sorel to Montreal is 46 miles. The total distance from New York City to the St. Lawrence River at Sorel is 402 miles.

It is right, proper, and patriotic for New York to build a canal into foreign territory, but it is wrong, wicked, and high treason for the West to connect up the Great Lakes with the St. Lawrence River.

Referring to this New York opposition in the hearings held by the International Joint Commission in New York City, Secretary of Commerce Herbert Hoover said:

I do not believe that the argument that New York would suffer is borne out by any experience in the expansion of transportation facilities, in view of the improvement of the whole economic condition of the country. New York rests on the commerce and the business of the United States, and if any project can improve the whole prosperity and productivity of the United States, we all have benefits, and New York City immeasurably benefits, notwithstanding any deprivation of port dues she might suffer through the transmission of wheat by this Great Lakes-St. Lawrence route. Food products I look upon as being the major use of such a route, at least until we have built up further industrial activities in the interior.

That is pretty strong testimony from the head of the Department of Commerce of the United States and also an expert engineer.

The settlement of this problem has become a national moral issue as well as a business one. The Grand Architect of the Universe is constantly gathering the waters from the surface of the seas of the world and dropping them down in the form of

sparkling dews and gentle rains in the great basin and valley of the St. Lawrence, which drains over one-third of the North American Continent. These waters flow into the great St. Lawrence to enter again upon their perpetual round which began in the early morning of creation and will end only when the shadows of dark night close the last day of eternity.

This annual flow of water as it comes through the St. Lawrence, dropping 220 feet in 181 miles, offers potential energy annually equivalent to 40,000,000 tons of coal. And we have been digging the coal from the bowels of the earth, exhausting the supply that can never be replaced, while we have allowed the hydroelectric equivalent to go to waste; when it is over the falls it is gone forever. This enterprise will spread the blessing of prosperity over more than two-thirds of the people of the United States. It has been shown by the experts that 41,000,000 people of the United States will be directly benefited by transatlantic traffic and 30,000,000 people will be interested in Central and South American shipments and that other millions will be interested in coastwise trading. The other third of our population will be directly benefited by having better service from the railroads that will be relieved from the impossible demands made upon them. Of our 105,000,000 people 70,000,000 will be directly benefited and the other 35,000,000 indirectly.

Although the West, the Middle West, and the South have been paying their tribute to the port of New York for decades, I am glad that we can come to you to-day asking for the approval of this project and not asking the Government to make the appropriation for its construction. I believe the electric power generated as a by-product in this construction will more than care for the financial requirements.

The Chicago Tribune less than a month ago announced at the head of its editorial page this platform: "A square deal in Congress for the Middle West."

In its first editorial it asked that Congress should not longer hold back the comparatively few millions necessary to open the ports of the world to the Middle West through the St. Lawrence seaway. I add my appeal and ask you to give a square deal to the Middle West, the West, and the South.

After a careful study and a clear understanding of the plans proposed and recommended, so simple, so easy of construction, and with such a small financial outlay, in my opinion it is an international crime that the project was not completed decades ago. Let me bring some encouragement to the proponents of this measure—the Great Lakes region will win its way to the sea. Nothing can stop it now. Opposition will be swept away just as the barriers of the St. Lawrence will be swept away.

As a student of history I have learned how permanent and persistent is truth. "God's in His heaven; all's right with the world," simply means that right will prevail. Fads and false ideals have come to the front and held attention for a time and then vanished away. False prophets have arisen and after a time have been forgotten. But everlasting truth carries on. Since the creation there has been present in the human breast the hope that cruel, bloody warfare should cease. We read in Isaiah, second chapter and fourth verse, "Nations shall not lift up sword against nations, neither shall they have war any more." This vision of the great prophet Isaiah has haunted the imagination of the human race ever since his day. This ideal has occupied the attention of men and nations from time to time through the past 2,500 years. It is our hope and prayer that the thoughts and aspirations of the ages shall be realized in our time, and that the international conference now being held in our National Capital shall lock the hasp and close the history of world wars for eternity.

I am digressing, Mr. Chairman, to illustrate the persistency of truth. In the last 2,500 years many things have come into the human mind only to be cast out again. All sorts of vagaries, hallucinations, and fantastic dreams have passed through the human mind only to be cast out and left behind. But this vision of the ancient Hebrew prophet has lived in the human heart through all these generations. Science teaches us to find deep significance in phenomena that are persistent. Anything that continues through a long number of years is something that must be reckoned with, because it is a part of the great world order. The very fact that the vision of Isaiah has come with undiminished vigor and attractiveness through so many generations to fruition in our day is evidence that it is not only a vision of man but also an idea of God; an indisputable feature of His universe.

The idea and necessity for the improvement of this waterway have persisted for over 250 years—since Father La Salle on July 6, 1669, started up the St. Lawrence with his 4 canoes and 14 men to explore the Great Lakes and Mississippi region and were compelled to carry their craft around the falls and other hindrances to navigation. It would be interesting to trace step by step the progress made in the development of this waterway from that time to the present. Suffice to say that the time is at hand to perfect the task of centuries and clear away all barriers and open this rich region to the markets of the world.

In closing let me give to the opponents to this project the advice that Gamaliel, a doctor of the law, gave to the Sadducees, as recorded in the thirty-eighth and thirty-ninth verses of the fifth chapter of the Acts:

> And now I say unto you, refrain from these men, and let them alone: for if this counsel or this work be of men, it will come to naught: but if it be of God, ye can not overthrow it; lest haply ye be found even to fight against God.

This ideal has persisted for nearly three centuries. It is right. It will be consummated. Within 10 years I expect to see the ships from the merchant marine of the world lashed to the docks of my home city. I hope to see the ships of all nations plowing the deep blue waters of the Great Lakes, flying the flags of all the civilized countries of the world, a picture of national success, happiness, and prosperity of all our people. But I hope that the flag that will be the most visioned in this world fleet will be our national emblem, the Stars and Stripes. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TEN EYCK. Will the gentleman yield?

Mr. CHALMERS. I have not the time.

Mr. BANKHEAD. I shall be glad to yield the gentleman one minute.

Mr. TEN EYCK. I take it for granted that the gentleman is interested in the prices the farmers in the West will get for their grain?

Mr. CHALMERS. Very much interested.

Mr. TEN EYCK. Is it not a fact that if Montreal becomes the export harbor for grain in North America and Liverpool becomes the import port and the grain is carried in English ships, that England will control the price of the grain, and, being a consuming nation, will reduce the price of wheat lower than what the farmers might save in freight if this project goes through?

Mr. CHALMERS. Mr. Chairman, I will say to the gentleman from New York that it is not the intention of the proponents of this project to make Montreal an export port. It is proposed to make Cleveland, Toledo, Detroit, Chicago, Milwaukee, Duluth, Superior, all of the Great Lakes ports, export ports. The ships loaded with grain from the West will sail by Montreal and land their grain in Liverpool. [Applause.]

During the delivery of the foregoing remarks the following occurred:

Mr. MONDELL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the committee rose, and the Speaker having resumed the chair, Mr. ARENTZ, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the state of the Union and had come to no resolution thereon.

REPORT OF COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. MONDELL. Mr. Speaker, the committee appointed by the Speaker, with a similar committee appointed by the Vice President, visited the President of the United States and notified him that the two Houses found themselves with a quorum, ready to proceed to business, and would be pleased to receive any communication he desires to make to them. The President notified us that he would be pleased to address the Congress in person, in joint session, at 12.30 o'clock to-morrow afternoon.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

JOINT MEETING OF THE SENATE AND HOUSE.

Mr. MONDELL. Mr. Speaker, I present the following resolution, which I send to the desk and ask to have considered at this time.

The SPEAKER. The gentleman from Wyoming offers the following resolution, which the clerk will report.

The Clerk read as follows:

House concurrent resolution 32.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 6th day of December, 1921, at 12.30 o'clock in the afternoon for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The SPEAKER. The question is on agreeing to the resolution.

Mr. WALSH. Mr. Speaker, I desire to ask the gentleman from Wyoming if it is expected, if this resolution be adopted, that admission to the galleries will be by card to-morrow?

Mr. MONDELL. That is the usual practice, and the usual practice will be followed, as I understand it.

Mr. WALSH. Well, I desire likewise to ask if the general populace is to be admitted to the floor of the House, as was the case on the last occasion when the President addressed the two Houses, or if it is to be reserved for Members of the House and Senate who are to receive the message?

Mr. MONDELL. I assume the officers of the House will see that the rules of the House in that regard are observed.

Mr. WALSH. I do not think the officers of the House are to be blamed for the admission of others than Members at the last session.

Mr. MONDELL. Well, I trust there will be no ground for complaint on that score to-morrow. Of course, I assume Members will not encourage anyone seeking a place on the floor who is not entitled to the floor under the rules.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

Mr. GARRETT of Tennessee. Mr. Speaker, I want to make a further inquiry of the gentleman from Wyoming for the information of Members relative to the order of business to-morrow. I believe a program has been sent out from the majority leader's office advising there would be general debate on the state of the Union to-morrow.

Mr. MONDELL. The practice in the House of late has been to refer the President's message to the Committee of the Whole House on the state of the Union. My thought was to ask for a certain amount of general debate on the President's message, which would, of course, include general debate on such subjects as Members might desire to discuss to-morrow for such time as might seem proper after receiving the President's message and after the close of the joint session.

Mr. MOORE of Virginia. Will the gentleman from Wyoming yield while he is on his feet?

Mr. MONDELL. Certainly.

Mr. MOORE of Virginia. I think the gentleman is to be congratulated upon having adopted the practice of making a weekly forecast of the business of the House. I know I have found it most helpful in enabling me to keep track of the business and I think that is the experience of other Members. I find, however, that the tentative plan he has furnished Members for the present week does not attempt to specify the business that will be taken up on Calendar Wednesday. I would ask my friend if he does not think it possible in the future to give more specific information in reference to the Calendar Wednesday business? On the call of committees, of course, there can be resort to the Union Calendar or the House Calendar, and without such a specification it is impossible for Members to know in advance what bills will be called up by the chairmen. Would it be possible for the gentleman to ascertain that information in time to include it in his weekly announcements?

Mr. MONDELLL. The gentleman from Virginia realizes, of course, that in presenting this tentative program that it must be subject to change, and, further, it has at times been very difficult to suggest a program as accurate as we would like to have it. Ordinarily, when the bulletin has been issued, we have been able to give with reasonable accuracy the measures that were likely to be taken up on Calendar Wednesday, but for various reasons it was impossible to say with certainty at the time the bulletin was issued on Saturday what would be taken up on Calendar Wednesday. I hope to place a new bulletin on the bulletin board this afternoon or to-morrow morning which will give the business on Calendar Wednesday.

Mr. MOORE of Virginia. I think what the gentleman is doing is a great improvement. In the last Congress when I came here it was difficult to know even an hour or so in advance what business was to be transacted at a given session, but now we are relieved of that difficulty, and in my opinion the gentleman is entitled to the thanks of the House. [Applause.]

MESSAGE FROM THE PRESIDENT.

THE BUDGET.

The SPEAKER laid before the House the following message from the President:

To the Congress of the United States:

I submit herewith the budget of the United States for the fiscal year ending June 30, 1923. It will be noted that the estimated ordinary expenditures for 1922 show a reduction of $1,513,537,682.20, compared with the actual ordinary expenditures for 1921; and that the estimated ordinary expenditures for 1923 show a reduction of $447,704,239 under 1922, making the estimated ordinary expenditures under the budget for 1923 $1,961,241,921.20 less than the actual ordinary expenditures for 1921. Including transactions in the principal of the public debt and investments of trust funds, the total estimated expenditures for 1922 show a reduction under the total actual expenditures for 1921 of $1,570,118,323.30 and the total estimated expenditures for 1923 show a reduction of $462,167,639 under the total estimated expenditures for 1922, making a reduction in total expenditures in the estimated budget for 1923, as compared with the total actual expenditures for 1921, of $2,032,285,962.30. It will also be noted that the total estimated receipts for 1922 are in approximate balance with the total estimated expenditures, including reduction in the principal of the public debt, and that the total estimated receipts for 1923 are within approximately $150,000,000 of a balance with the total estimated expenditures of that year. Such a discrepancy is unavoidable when authorizations of expenditure are being enacted during the process of budget closing, but ways are provided for relatively easy adjustment, without added taxation.

For the purpose of providing a portion of the funds necessary to balance the budget for 1923, in which the estimated expenditures exceed the estimated receipts by the sum of approximately $150,000,000, I recommend the following legislation in connection with the naval appropriation bill for 1923, which would result in the eventual automatic release of $100,000,000 now held in the naval supply account of the Navy Department:

"Hereafter, until the naval supply account shall have been reduced to a maximum sum of $150,000,000, which shall not thereafter be exceeded, one-half of all reimbursements otherwise due to the naval supply account, whether from current issues or from sales, shall be covered into the Treasury as miscellaneous receipts, and only one-half shall be credited to the naval supply account."

With continued pressure for economy in all departments and the passage of such legislation, the balancing of total receipts and total expenditures for the fiscal years 1922 and 1923 should be accomplished.

I also transmit herewith the report of the Director of the Bureau of the Budget on the budget of the United States and the operations of the Bureau of the Budget.

The details of the budget are shown in the accompanying statements, and may be briefly summarized as follows:

BUDGET SUMMARY.

Exclusive of postal revenues and postal expenditures paid from postal revenues.

	1923, estimated.	1922, estimated.	1921, actual.
Total receipts	$3,338,182,750	$3,943,453,663	$5,624,932,960.91
Total expenditures, including reduction in principal of public debt	3,505,754,727	3,967,922,366	5,538,040,689.30
Excess of expenditures	167,571,977	24,468,703	
Excess of receipts			86,892,271.61

WARREN G. HARDING.

THE WHITE HOUSE, *December 5, 1921.*

The SPEAKER. Referred to the Committee on Appropriations with accompanying papers and ordered printed.

ALTERNATIVE BUDGET.

The SPEAKER also laid before the House the following message from the President:

To the Congress of the United States:

I submit herewith the alternative budget for the service of the fiscal year ending June 30, 1923, as required by section 205 of the budget and accounting act, 1921.

The information regarding revenues and expenditures is the same as that contained in the budget, with such changes in arrangement as will better present the facts in connection with the spending departments.

The estimates of appropriations in the alternative budget have been so assembled and correlated that all estimates for any given department are included in one chapter.

WARREN G. HARDING.

THE WHITE HOUSE, *December 5, 1921.*

The SPEAKER. Referred to the Committee on Appropriations, with accompanying papers, and ordered printed.

CODIFICATION OF STATUTES RELATING TO THE BUDGET.

The SPEAKER also laid before the House the following message from the President:

To the Congress of the United States:

I transmit herewith a codification of the Federal statutes relating to the preparation and transmission to Congress of statements of receipts and expenditures of the Government and

of estimates of appropriations, in accordance with the provisions of section 210 of the budget and accounting act, 1920.

WARREN G. HARDING.

THE WHITE HOUSE, *December 5, 1921.*

The SPEAKER. Referred to the Select Committee on the Budget, with accompanying papers, and ordered printed.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to the Committee on Interstate and Foreign Commerce:

S. 2710. An act granting the consent of Congress to the Pamunkey Ferry Co. to construct a bridge across the Pamunkey River in Virginia.

LEAVES OF ABSENCE.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask leave of absence for Mr. MANSFIELD, of Texas; Mr. TAYLOR, of Colorado; Mr. FLOOD, of Virginia; and Mr. BRAND, of Georgia, indefinitely, on account of illness in each case.

The SPEAKER. Without objection the requests are granted.

There was no objection.

Mr. CROWTHER. Mr. Speaker, I make the same request on behalf of the gentleman from New York, Mr. HAMILTON FISH.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

GENERAL DEBATE.

Mr. MONDELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

Mr. BANKHEAD. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman and gentlemen of the committee, I am sorry that this discussion has been projected upon the floor of the House without notice. You can easily conceive that New York State and the city of New York are necessarily vitally affected by and interested in this proposed plan to open up the St. Lawrence River. I am not going into the breach to-day—without notice and unprepared as I am—with the view that I am in any sense fitted to immediately meet all the arguments which have been presented by the gentleman from Ohio [Mr. CHALMERS]. There are other men in this House on both sides who are more fully acquainted with all of the ramifications of this subject than I am. I wish that our good friend, for instance, from New York [Mr. DEMPSEY], the chairman of the Committee on Rivers and Harbors, were here. He has made a study of this subject and is equipped to meet every argument.

The arguments in favor of the St. Lawrence project have been presented under the three heads: (1) That it is feasible. (2) That it will be used. (3) That it will pay.

With the first contention I have no quarrel. I would hate to have myself included among those doubters who greet every suggestion for the improvement of mankind with the invariable, monotonous, and thick-headed response, "It can not be done." I do not like the sound of "can not" and am constitutionally sympathetic to the "open sesame" of "It can." I hope and believe that the undertaking is feasible. The courage, enterprise, and scientific attainments of the age which overcame the engineering difficulties of the Panama Canal and the New York Barge Canal can overcome, I have no doubt, the difficulties of the St. Lawrence project.

Will it be used? I am not so sure of that. If it were completed to-day, it is quite obvious it would not be used. The interests and sections which are clamoring for this project have the New York Barge Canal at their disposal, yet it is not used. Last year the barge canal carried 2,000,000 tons, although its total capacity is upward of 25,000,000 tons. It is, of course, claimed that the excessive charges for the transfer of freight from boats to cars or to ocean ships at the port of New York preclude the extensive use of the barge canal by western shippers. I will, however, show that contention is false and only a part of the wide propaganda invoked for the popularizing of the St. Lawrence project in certain quarters.

There is no doubt that a canal such as contemplated could be used by barges and specially constructed lake vessels; but the purpose is, I understand, to construct a type of vessel of great tonnage and draft designed to navigate the great freshwater Lakes, the locks and stretches of the proposed canal, and the salt and stormy ocean. This is a question which presents some very difficult problems in marine engineering. Experts differ as to whether or not it can be done. Assuming that it can be done, we are confronted with another collateral and incidental problem, namely: Can an ocean-going ship requiring a very large and expensive crew—a ship, for instance, which relies upon the speed of its ocean trips to make money for its owners—can such a ship afford to drop from a speed of 15 knots on the high seas to, say, 4 knots in an inland waterway? With such a reduction of speed there would follow a corresponding prolongation of the trip and a very pronounced augmentation of operating expenses.

The question is, Is the margin safe enough to insure the operation of such vessels in competition with the existing waterways and railroads? That question is not as yet determined, and is still a matter of conjecture, with all the probabilities against the innovation.

The last appeal is that the project is going to pay. That contention is based on the assumption that the canal can be built and that it can be operated by the class of triple convertible vessels I have described. Of course, they are as yet in the imagination of some enthusiastic marine engineer. They might be called now "triple-dexterous" ships. What they might be called after construction and actual trial, I will not venture to say. But to say that a thing is going to pay after you have surmounted, in your imagination, all the steps necessary to actual trial is very much like counting your chickens before they are hatched.

But I am not going to take the position that all of these difficulties can not be surmounted. I hope, when the time comes, that they will be surmounted.

Let us assume that the canal is built. By a number of locks between the head of the rapids at Ogdensburg, N. Y., and the foot of the lowest rapid at the city of Montreal there will be a drop in the water level of 221 feet. This fall of water they calculate is going to produce 1,464,000 horsepower. And by the sale of this in New York and in the New England States they assume that they are going to pay the cost of maintenance, the interest on the bonds, and set enough aside in a sinking fund to pay off the whole debt in 50 years.

This, of course, is more counting of chickens before they are hatched, and has been obviously devised while the plan is in the last throes of death to save it from premature burial. They could not expect the Federal Government to guarantee an admitted expenditure of $252,000,000—merely estimated—without devising some plan to appear on its face to save the Government from ultimate loss. You will notice they take the rather long period of 50 years for the confirmation of their glowing prophecies. None of those, however, who make the prophecies are likely to be alive to stand trial for false representation, or, if they are, they will be so old as to make their prosecution farcical.

What I want to ask is this: "If this hydroelectric power proposition is so alluring, why do not some of you gentlemen of sporting instincts take a chance at it yourselves? Why link it up with the waterway proposition at all?"

The gentleman from Ohio made a very temperate, a very strong, and a very reasonable argument in favor of his side of the proposition.

Mr. HICKS. Will the gentleman yield?

Mr. GRIFFIN. Surely.

Mr. HICKS. Is it not a fact, I ask my friend from New York, that if this ship canal was constructed it would mean that all the ships passing into the canal or out of it, for ultimate destination across the sea or from the other side, would have to go through foreign territory, and, no matter how friendly the foreign power may now be, would it not be a mistake to put our money on a soil and in a project where we could not control the canal itself?

Mr. GRIFFIN. Of course, that is the military and naval viewpoint. That, however, does not give me much concern. I am very glad that this country has been at peace for so many years with our neighbor across the border, and I hope and believe that that blessed relationship will continue for many years to come.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. GRIFFIN. I will.

Mr. STAFFORD. Does the gentleman from New York or any of his colleagues think that the treaty that has existed between our Government and Great Britain for more than 100 years, which limits the number of naval vessels to two minor cutters, and the like, on the Great Lakes, will be abrogated, notwithstanding the consummation of the wonderful Limitation of Armament Conference that is going on in Washington?

Mr. GRIFFIN. I say frankly that I have no such fear, and I had no idea of presenting that side of the question. It is quite natural for my friend from New York [Mr. HICKS], who is on the Naval Committee, to look at the proposition from the naval standpoint. I, however, prefer to take the hopeful view that peace between the United States and Canada shall be perpetual. In my discussion of this project I prefer to take the broad and tolerant view that it is commendable in our western neighbors, our Northwestern States, that they are endeavoring to promote their own commercial welfare by so ambitious a project. As a representative from the city of New York, and expressing the attitude, I dare say, of the bulk of the plain people of the city, I would extend to my northwestern friends a message of Godspeed in their effort to extend their commerce, if they may, by the deepening of their harbors, by cutting, if they can, through the St. Lawrence River, and extending that as a river highway so as to bring them in touch with the entire world. New York City is not hostile to the proposition.

And that, gentlemen, is a phase of the matter I propose particularly to emphasize. We have no jealousy of our northwestern neighbors. We are proud to see them develop, to increase in population, and to behold their industries and their commerce grow. But—for there is a "but" in our attitude—let us compare the efforts of our western friends in their struggle for betterment with the methods of our sturdy ancestors in the early days of New York City. It is true we have a natural harbor, one of great depth and breadth sufficient to hold and handle the fleets and commerce of all the world. But that alone was not sufficient. Happily we had men of vision who saw how their city could be made to increase in population and in power by opening up a waterway to the great West. By the magic of their skill and enterprise they transmuted their dreams into realities. They did not heckle their sister States nor strive to put their burden on the Federal Government. They had faith in their own visions and in their own power and in the resources of their own State.

The gentleman from Ohio [Mr. CHALMERS] compares the building of the Champlain Canal into Canada with his pet project and remarks quite naively:

> It is right, proper, and patriotic for New York to build a canal into foreign territory, but it is wrong, wicked, and high treason for the West to connect up the Great Lakes with the St. Lawrence River.

Not at all, my good friend; just pay the bill without squirming, as New York did, and you can build a canal to Mexico.

The people of the State of New York built the Erie Canal at their own expense, and, you must admit, it was a mighty good investment——

Mr. DUNBAR. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. In a moment. For out of that farseeing investment came commerce and industry, making the city of New York the greatest commercial emporium of all the world.

Mr. DUNBAR. Can the gentleman state how much the Erie Canal cost the State of New York?

Mr. GRIFFIN. Seven and one-half million dollars was the first outlay.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. ROSE. I had the pleasure of traveling over the Barge Canal from one end of it to the other, and——

Mr. GRIFFIN. Yes; I remember I was with the gentleman on that recent trip.

Mr. ROSE. After the gentleman from Ohio [Mr. CHALMERS] has so ably presented the case from his point of view, is it the opinion of the gentleman from New York that the construction of the St. Lawrence canal would sound the death warrant of the Barge Canal?

Mr. GRIFFIN. No; I do not think so. I think the Barge Canal is able to compete with any other waterway that can be devised by the ingenuity of man. There is too much ignorance upon that subject. I confess myself to have been ignorant of the magnitude and the possibilities of the Barge Canal. A native New Yorker, going upon that recent trip, to which the gentleman from Pennsylvania [Mr. ROSE] has just referred, I confess that I was amazed at its magnitude and I was also dismayed at the revelation of how utterly it has been neglected by the shippers of the country.

The gentleman from Indiana [Mr. DUNBAR] asked how much the Erie Canal originally cost. It was $7,500,000. But since it was opened by Gov. Clinton, the State of New York has paid for its maintenance and upkeep; it has never demanded a single appropriation from the United States Government for those purposes. Within the last 10 years it has expended $165,000,000 in extensions and enlargements, making it not only a modern canal but a magnificent waterway. Great dams and locks have been built. The water levels have been raised and the rivers of the State have been turned into a great highway. Instead of being a mere canal held in by artificial banks, it consists of the Hudson River, the Mohawk River, and the Oswego River, so that in its entire length there are only 42 miles which are held in by artificial banks. It is practically an enlargement of the rivers and the lakes of the State, and is capable of carrying the commerce of the State of New York and of all the Western States for many years to come.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield again?

Mr. GRIFFIN. I do.

Mr. DUNBAR. Did I understand the gentleman to state that the State of New York has in the last several years spent $165,000,000 in improvements to the canal?

Mr. GRIFFIN. Yes, sir. We have built a new waterway practically.

Mr. DUNBAR. Can the gentleman tell us what would be the total expense of that canal to-day? I asked the gentleman a while ago, and he stated that the original cost was $7,500,000.

Mr. GRIFFIN. No; I am unable to give the precise figures. Perhaps my friend from New York [Mr. TEN EYCK] can give the gentleman the exact figures.

Mr. TEN EYCK. The total expenditure on the Erie Canal plus the expenditure on the Barge Canal to date approximates $225,000,000, without any assistance from the other States of the Union or the Federal Government.

Mr. GRIFFIN. Yes. And in that connection, Mr. Chairman, in view of the fact that I am without my material and the data which I have collected on the subject, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CABLE. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. CABLE. I would like to ask the gentleman from New York whether the New York Barge Canal pays or not? Is it a paying proposition?

Mr. GRIFFIN. No, my friend; the New York canal does not pay. And thereby hangs a tale. No canal in the United States of America pays to-day. There was an old saying that there were four reasons against the parcel post. They were the American Express Co., the United States Express Co., the Adams Express Co., and Westcott's Express Co. Now, there are 400 reasons why the canals in the United States do not pay, and if you take a list of the railroads of the United States you will find those reasons in detail. It is the opposition of the railroads. Why, the railroads have bought canals all over the country only to abandon them. Once acquired, they have allowed the green sedge to choke their course and the water to stagnate within their banks. They have persistently struggled to eliminate or destroy all waterway rivalry. I urge my friends of the Northwest to give the Barge Canal a trial.

I am, in fact, less disappointed with them than I am with the people of my own State. The merchants' associations and the boards of trade should urge the people of the State of New York to give the Barge Canal a trial. They should make it known that it is not a canal any longer, but a free waterway, foolishly neglected by those who might profit most by its use. I would like to see the day come when that beautiful water highway, with its capacious locks and splendid terminals, might be used to its fullest capacity.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. WILLIAMSON. Is not one reason why the New York Barge Canal is not more in use to-day the fact that the charges for loading and transferring in New York City are from 4 to 5 cents a bushel on grain, and that there is a delay there of 4 to 6 days in securing the transfer of grains and other commodities from cars or barges to ocean-going vessels, while in Montreal the delay is not over 24 hours and the cost is only 1 cent per bushel for transfer? The fact is that Montreal has during the last few years largely displaced New York as the grain market for the Western Continent, due to its better terminal facilities and cheaper rates for handling and transferring freight.

Mr. GRIFFIN. I am glad the gentleman has made that statement, because that is a sample of the propaganda that has been widely circulated in order to prejudice the country against the Barge Canal. I saw a scurrilous editorial in a Michigan paper——

Mr. STAFFORD. That is right. Swear it on Wisconsin——

Mr. GRIFFIN. That paper is the Superior Telegram, of Wisconsin, and it emphasized the statement made by my friend from South Dakota. Only its language was not quite so decorous as his. This is part of the editorial which appeared in its

issue of October 25, 1921. You will notice that its language is neither chaste nor charitable:

[From the Superior Telegram (Wisconsin), Oct. 25, 1921.]

At the Duluth conference yesterday C. A. Lamoreaux, of Ashland, chairman of the Wisconsin tidewater commission, said:

"The West is now required to pay $65 a car for transfer of freight from a car to a boat in New York, while the same service costs $3.50 at Montreal."

More than eighteen times as much is paid for the transfer of a car of freight for export in New York as in Montreal. The New York steal is no modest affair. The condition in New York is absolutely rotten, and probably beyond reasonable hope of reform in the present generation. At last the mighty West, and nearly the whole country, has risen in righteous rebellion against this extortion and robbery, and thieving old New York will not only be defeated in its effort to perpetuate the thievery but it may get its nose rubbed strongly into its own filth. It is a big city, but not big enough to forever bluff the whole country. The deep waterway will be pushed to completion and new and better days will come for the whole interior of the continent.

It is regrettable that any sheet calling itself a newspaper and making a pretense of guiding public opinion should be guilty of such intemperance. You can hardly expect to build up good fellowship in our great Federal Union by inciting hate and mistrust among the States.

The plain people of New York are very much like the plain people of other States. New York is far, indeed, from being wicked. It is often the hiding place of little criminals and the "show-off" place of big criminals, but both alike are birds of passage. The money elements that come to New York City to exploit you, exploit us. The only difference, if any, is to your advantage. They are nearer to us than to you and we feel first and, perhaps, hardest the effects of their villainy.

But apart from that our western friends have no grievance as to the matters so strongly stated in the Wisconsin editor's philippic. It does not cost $65 per car at New York City for the transfer of freight from car to boat. That statement is pure invention to furnish an excuse for editorial vituperation.

Our friend from South Dakota [Mr. WILLIAMSON] asks if it is not true that the rate for handling grain at New York is between 4 and 5 cents a bushel. It is not. The present price is 1 cent per bushel. Furthermore, the State of New York has recently completed a grain elevator at the port of New York to meet the Montreal competition, and I am creditably informed that it is proposed to reduce that rate to one-half cent a bushel. There is the Barge Canal at the disposal of the people of the country without a cent of expense except the mere cost of handling the grain at the end of the journey, which, as I stated, is 1 cent per bushel.

Mr. TEN EYCK. Will the gentleman yield?

Mr. GRIFFIN. I yield to my colleague.

Mr. TEN EYCK. Is it not a fact that this year is the first year since the completion of the Barge Canal that it has been thrown open to the public for them to operate and use?

Mr. GRIFFIN. That is correct.

Mr. TEN EYCK. And is it not a fact this is the first year that boats have been put upon it which are owned and operated by private corporations and the general public, as well as individuals, on account of the Federal Government having taken over its entire control and operation?

Mr. GRIFFIN. Yes.

Mr. TEN EYCK. Heretofore the Government, since its completion a year or two ago, has controlled it up until this spring.

Mr. GRIFFIN. Yes; I am glad the gentleman brought that to your attention also, because when the Barge Canal was completed we were in the midst of war and the Government immediately took possession of the canal and of all the boats that were operating upon it, and then, strange to say, instead of using the canal and the vessels which were thus acquired in order to transport grain, material, and supplies, the Government either tied the boats up or made such exorbitant rates that it was impossible for the shippers of the country to use them. Within the past year the Barge Canal has been turned back to the people of the State, the boats have been sold, and they have been purchased by private individuals or corporations. Barges are now being built 300 feet long, with a capacity of 2,000 to 2,500 tons, and there is a prospect now that the Barge Canal will be used to its full capacity.

Mr. ROSE. Will the gentleman yield?

Mr. GRIFFIN. I yield to the gentleman from Pennsylvania.

Mr. ROSE. I was attracted by the question of the gentleman who has just taken his seat [Mr. WILLIAMSON] complaining about the Barge Canal not being at the present time a paying proposition, and I thought the Members of the House ought to have some knowledge which was obtained by those of us who were on the Barge Canal trip as to the reasons given for the failure of the Barge Canal up to the present time to be self-sustaining. It is true that the Government took it over in the time of war and gave it back to private control only within the past year. Now, we found that during the entire year only 2,000,000 tons of freight were transported over that canal, whereas it is capable of transporting 20,000,000 tons.

Mr. GRIFFIN. Yes; 25,000,000 tons.

Mr. ROSE. It is capable of transporting 20,000,000 to 25,000,000 tons a year. Now, while I am in favor of building waterways everywhere to help this country and to help the farmers of the West, I do not believe the people of New York are antagonistic to the construction of the St. Lawrence canal project, but I do believe they are fearful that the $200,000,000 that they have already expended may be jeopardized by the building of such a canal. I came to the conclusion myself that it is the fault of the people of New York themselves that the present barge canal is not a paying proposition for the reason that they have not yet got to thinking of the barge canal when they are ready to ship their ore and coal and other heavy freight from one city to another. I believe that there are sufficient people along that canal engaged in the active work of transportation of goods and merchandise so that that canal would amply pay provided they would use the facilities right at the door of the people of the State of New York.

Mr. GRIFFIN. Mr. Chairman, I should like 10 minutes more.

Mr. BANKHEAD. I yield 10 minutes more to the gentleman.

Mr. GRIFFIN. I want to make it as clear as I can that New York has nothing to fear from the encouragement of the St. Lawrence project. If any zealot nourishes the bitter hope in his heart—or in his liver—that the completion of that project is going to injure the city of New York, let him cease at once to take comfort from his illusion. It will not hurt New York; but it will doubtless delay and obstruct the river and harbor improvement of every other ambitious Atlantic port and thwart for many years to come the hopes of the Gulf and Pacific ports.

The gentleman from Pennsylvania [Mr. ROSE] has put his finger precisely on the seat of the trouble. The people of New York are their own worst enemy. They do not seem to know how to use the wonderful engineering achievement their own money and industry have consummated. Last year it was utilized only to 8 per cent of its capacity. It would seem as though they are waiting for our western friends to use it, and our western friends, equally oblivious of their opportunities, are wasting their time and energy in the pursuit of the St. Lawrence mirage—a mere ignis fatuus.

If the Barge Canal is not used, New York City will hardly feel or notice the difference in shipping activity. During the war it was practically closed down completely; yet the commerce of New York went on without the slightest apparent diminution.

Mr. TEN EYCK. Will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. TEN EYCK. Is it not a fact that the State of New York does not charge anything for the use of the Barge Canal?

Mr. GRIFFIN. Certainly that is a fact.

Mr. TEN EYCK. It is free of toll to the entire country.

Mr. GRIFFIN. I suppose it is generally known that the Barge Canal is free of tolls—thrown right open to the use of the commerce and industry of the country. The State of New York makes no profit from its use.

I do not fear that the building of the St. Lawrence canal, if it is ever consummated, will interfere with the usability of the Barge Canal. I would welcome the growth of population, industry, and commerce of our Northwestern States that would make the Barge Canal inadequate.

I cherish the thought that some time in the future the Barge Canal will be inadequate; but until it is inadequate it is rather too soon to talk of thrusting the tremendous burden upon the people of this country of contributing to the building of a canal, the greater portion of which lies in foreign territory. I would ask my friends of the Northwest to emulate the spirit and the enterprise of the State of New York which, when it needed waterways, built them. There is no objection to those Western States, whose legislatures have indorsed the foreign project, appropriating so much money per State in order to contribute to the building of the St. Lawrence Canal. They ought to do it if they think it is going to help them. I would urge them to do it, because I am satisfied it is going to repay them a hundred fold. But it is not good taste and it is not patriotic to come to Congress and ask the people of the United States to contribute to or back up this St. Lawrence project. First of all, in my opinion, Canada herself should build this waterway, or so much of it as lies within her boundaries. Let her enlarge and deepen the St. Lawrence River, say, to Lake Ontario. Then, when she has opened a navigable waterway to that point, let the northwestern States, whose ports may need a further development of the project, contribute, if they will, or if they wish, to the enterprise. Then, when the main artery of the waterway is open,

the time will be ripe for them to come to Congress for appropriations to connect their ports with something that is tangible.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. GRIFFIN. I will yield to the gentleman.

Mr. WILLIAMSON. Will the gentleman explain how the several States are to cooperate with a foreign Government in the building of a canal on foreign territory?

Mr. GRIFFIN. The gentleman loses the point of my remark. Appropriating money for the canal is an entirely different proposition from its allocation. They can appropriate the money for their share of the project. There is nothing to prevent them from doing that if they are in earnest. The National Government will doubtless find a way to attend to the allocation of it in cooperation with the foreign Government, if they see fit. But the time is not ripe yet for Federal intervention. If we were to undertake this plan now before the Barge Canal has been used to its limit, neither could possibly prosper.

But if you insist on appropriations from the United States Government, why burden our people with taxation in order to help Canada in an enterprise whose ultimate effectuality is conjectural? The vast amount of money which is called for in this enterprise ought to be used in the improvement of the rivers and harbors of not only the Lake region, but of the Atlantic, the Gulf, and the Pacific coasts, and the great waterways of our country. I am somewhat of an altruist, but I believe that altruism, like charity, should begin at home.

This whole question of entering into an agreement with a foreign nation for the purpose of building a commercial waterway on foreign territory is a dangerous proposition. It is altruism gone wild. It does not alone mean the initial appropriation, but we will inevitably be confronted, year after year, with appeals for additional money in order to deepen the channels and contiguous ports which will be the feeders and termini of the project.

How many western cities which have been mentioned here to-day on this floor have an adequate depth of water to float the ships which this enterprise contemplates? Remember they have in mind the building of seagoing ships capable of navigating the high seas, capable of going through rivers and canals, and drawing a depth of 25 and 30 feet. How many Representatives from districts which have these western ports can hold up their hands and say that they have that depth of water? Not one. It means that for years and years to come we are going to be asked to make appropriations for the purpose of dredging and other improvements. But if you build the St. Lawrence canal yourselves, I say more power to you, and when that time comes I shall be willing to grant appropriations for deepening your harbors; but as the matter stands to-day it does not seem to be good policy for the United States to enter into any combination with a foreign power to help it build its waterways so long as the waterways in our own country—on our Atlantic, Pacific, and Gulf ports—are so sorely in need of development.

The CHAIRMAN. The gentleman from New York yields back three minutes.

Mr. BANKHEAD. Mr. Chairman, I yield three minutes to the gentleman from Minnesota [Mr. SCHALL].

Mr. CRISP. I yield to the gentleman from Minnesota.

Mr. SCHALL. Mr. Chairman, I want to call the attention of Members interested that things vital to a vast number of our people, vital to the future of this country are weighed in the balance in room 704, Department of Commerce Building. The hearings began on November 28 and are to continue till the night of the 7th of December. On August 9, when the conference report on the packer control bill was before us, I called the attention of the House to the fact that the Attorney General's office was considering modifying the packers' consent decree. There was the greatest secrecy surrounding that projected modification. Prior to August 9 I had called the office of the Assistant Attorney General for further light on this matter, and all the response I could get for definite facts was a very lively interest as to how I got my information. The matter was being kept under cover from the very people most vitally concerned. Congress was not to know a thing about it. I could only squeeze out the admission that live-stock questions were not to be opened up. As to what articles were to be modified, not a word.

Through newspaper reports of my statement, the country's attention was awakened, and inquiry of the Attorney General's office revealed that such was contemplated. Those opposed to its change insisted upon a hearing and demanded to know upon what information such changes were to be based.

So far the testimony for the change is supported by only two concerns—the California Cooperative Canning Association and the National Sauer Kraut Co. The Canning Association, represented by Vernon Campbell, is estimated, allowing for its highest value, at $56,000. Campbell admitted that Armour & Co. held a mortgage upon this plant for $250,000. In California, where this plant is located, it is commonly known as the Armour plant. Fifty-one per cent of the stock of the sauer-kraut concern is owned by Armour & Co. Thus early it can be seen that the source of this propaganda for the change of the consent decree, represented to issue from the demand of the growers and canners, can be immediately traced back to the desire of the packers to avoid the agreement which they made to escape the penalty of the law. And now that the packers' control bill is a law, and by it the Federal Trade Commission and its incriminating evidence against the packers eliminated, the packers are seeking to destroy the consent decree around which the control bill was framed.

Congress in passing this so-called packer control act relied on the fact of the consent decree. That bill was as completely interwoven with the consent decree as the treaty of Versailles with the League of Notions. [Laughter.] To destroy the decree was to nullify the act, for time and again when Members wished to add or amend or interpolate, committee members, all in good faith, I believe, would rejoin, "Oh, that is all taken care of by the consent decree."

Hearings on the packer control bill were held in July. The consent decree was agreed to February 27, 1920. After the consent decree, hearings continued before House and Senate. The conference report on the packers control bill passed the House August 9, 1921. In the conference committee bill were provisions which prohibited the packers from running stockyards and stock papers. This was knocked out of the bill because the packers had signed the consent decree. No mention was even made of it in the later bill. The decree was assumed to cover this and many other cases. If the decree is modified, we shall have to take up the packer bill and go the whole weary road over again, because the Secretary of Agriculture, under that bill, has no control over the unrelated products. The recent decision of the Interstate Commerce Commission on the rate case was based on the existence of the consent decree. The question is continually suggested in these hearings by the Assistant Attorney General, "What wrongful act do you know of, committed by the packers in these unrelated industries?"

That is not the question. This is a question of whether we want a Government based on monopoly or a system of government based on competition. The question is, Is it American for this or any monopoly to be allowed to retain special privileges and be given further opportunities over the one thing which concerns the people's life, namely, food? We should all be for a competitive system. If we do not stop this thing now, it will not be very long—seven years at their present rate of turnover—until the packers control the whole food business of the United States.

This is certainly of vital interest to Congress, and if this decree is modified Congress should pass a resolution to have laid before it the evidence and testimony on which that decision was rendered. [Applause.]

I ask unanimous consent to extend my remarks in the RECORD by inserting an article from the New York City Journal of Commerce.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

The matter referred to is as follows:

[From the New York City Journal of Commerce, Sept. 8, 1921.]

"MEAT TRUST" WOULD RULE IN FIVE YEARS—PREDICTED RESULT OF ATTORNEY GENERAL DAUGHERTY'S PLAN.

"Set aside this consent decree and give the 'big five' packers carte blanche to can, manufacture, wholesale, and retail all food products, and I predict that within five years the big five will dominate the entire food supply of the Nation in the same sense that they now dominate the meat supply—completely," declared Arthur P. Williams of R. C. Williams & Co. yesterday to a reporter of the Journal of Commerce. "In an additional five years I predict that the few surviving independent canners, food manufacturers, wholesale and retail grocers will live only with the consent of the big five."

* * * * * * *

"That is a serious prophecy," continued Mr. Williams, "but I know what chance the independent business firm operating competitively in one market has to survive the far-flung organizations maintained by the big five. Their resources are without limit. The expedited service they get from the packer-owned refrigerator cars, the low car minima and freight rates are too much for any ordinary canner or merchant to overcome.

"The trade has been stunned by the secrecy and the unusual dispatch with which the Department of Justice has proceeded in this matter.

"Why all the secrecy and the haste? The matter only came to the attention of the public by tracing a charge made upon the floor of the House of Representatives by Representative SCHALL, of Minnesota, who is reported to have accused the Attorney General of having decided to set aside the consent decree and claimed he was only holding up the

announcement pending the passage by both Houses of the toothless packer control bill.

"Upon investigation the trade learned for the first time that the Attorney General had had the matter under advisement apparently for some time."

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 32.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 6th day of December, 1921, at 12.30 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

GENERAL DEBATE.

The committee resumed its session.

Mr. BANKHEAD. Mr. Chairman, I yield seven minutes to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Chairman, I am not sure but that some gentlemen from the East may have gotten the idea that the farmer of the South and the West is in a rather complaining mood, inclined to make unnecessary and unreasonable demands and complaints. Sometimes I am not sure but that they are inclined to answer us as the Negro answered the catfish in his hand. He said, "What do you want to keep flopping and flirting around that way for? I ain't goin' to do nothin' to you but split you open."

I have before me a letter received to-day on a matter that is somewhat akin at least to the subject now under discussion, and it has seemed to me that this is a good place to bring it in. Perhaps the prominent characteristic of what I have to say will be that it is not on the subject, but that is not uncommon in the American Congress anyway.

I have here a letter from Mr. Wilson, who is the head of the agricultural extension work of my own State, in which it seems to me he makes some pertinent remarks, and I think those remarks ought to be gotten before this House. I hope they will come in more directly later when we have legislation under consideration to which they will more directly apply. The letter is as follows:

COOPERATIVE EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS,
STATE OF MISSISSIPPI.
AGRICULTURAL COLLEGE, MISS., *December 1, 1921.*

Representative B. G. LOWREY,
House of Representatives, Washington, D. C.

DEAR MR. LOWREY: There is a great deal of discussion now as to why farming is not more profitable. It is a fact that farmers here in Mississippi are as a rule in serious financial straits. I know numerous individual farmers who after their operating expenses for this year are paid will be unable to pay their taxes. This applies to the land-owning class and not to tenants.

Of course, it may be said to be in a sense their fault, as they practiced a faulty system and imperfect methods, but even those who practiced fairly progressive and businesslike methods have realized little from their efforts, due to the fact that many of their products are being sold for little more, and in some cases less, than actual cost of production.

The question of markets is a complicated and difficult one that can not be solved quickly, but through the combined efforts of the Government, State extension forces, and organizations of the farmers themselves much progress is being made, and I believe that this problem will in a measure be worked out, at least in as far as conditions will permit.

But the thing that is doing more to throttle production in the South and drive farmers away from the land than any other one thing at this time is the exorbitant and discriminating freight rate on farm products.

I say this with no prejudice against the railroads. I would not for anything do them an injustice, as I realize the disastrous effect upon development that would follow were the railroads permanently crippled. Were the present rates necessary to tide the railroads over the present crisis, I think we would even be inclined to bear it temporarily. At least the radically different rates charged for farm products in the South as compared to other sections leads us to believe that they are not necessary, and it is against this apparently unwarranted discrimination that we complain, and I am appealing to you to see if any relief is possible, as we have appealed to the railroads in vain.

For instance, we have this year in Mississippi a surplus of corn. You will find by investigation that the rate on corn for, say, 100 miles in Mississippi is practically twice that for the same distance on the same line in Illinois.

Further than this, every station in Illinois that handles corn has a reshipping and milling-in transit rate, by which freight into a town of any size is practically absorbed when any product is reshipped.

Another tremendous injustice in the South is the absence of a through rate. As a concrete illustration of this a prominent shipper at Meridian, Miss., a few months ago shipped a carload of peas from Gatman, Miss., to Union City, Tenn. He was charged two rates, a rate from Gatman, Miss., to Tupelo, Miss., over the Frisco, and a rate from Tupelo, Miss., to Union City, Tenn., over the Mobile & Ohio. The combination rate was 48 cents per hundredweight. There was a through rate in effect from Gatman, Miss., to St. Louis, Mo., of 32 cents per hundredweight. The effect of this combination rate is that the railroad received 50 per cent more revenue than from hauling twice the distance where through rates were established.

The rate on export corn from St. Louis to New Orleans is 18½ cents. There is absorbed in this rate two bridge tolls of not less than 5 cents per hundredweight. Out of the 18½-cent rate the railroad company pays a toll of not less than 2½ cents to the bridge across the Mississippi River at St. Louis and the one across the Ohio at Cairo. The domestic rate on corn from St. Louis to New Orleans is 22½ cents, which also includes the two bridge tolls. The rate on corn, both domestic use and for export from practically all north Mississippi stations on the Mobile & Ohio Railroad and, I think, on the other roads to New Orleans, is 20½ cents. Out of this the railroads have no tolls of any sort to pay. It is all freight.

A short time ago a car of cattle was shipped from Starkville, Miss., to St. Louis, Mo. They were reasonably good; what is known as grass-fat cattle. After the freight and commissions were paid the producers received $1.90 per hundredweight for their cattle. In other words, a cow weighing 500 pounds, brought the owner $9.50. Is it any wonder that our people are discouraged and that it is extremely difficult to get farmers of Mississippi to diversify their crops? I do not know that anything can be done to relieve the situation, but there is nothing that would do more to encourage diversification and agricultural development, so much needed in Mississippi, as at least an equitable freight rate on products other than cotton.

Yours, very truly,

R. S. WILSON,
Director of Extension.

Mr. BANKHEAD. Mr. Chairman, I yield one minute to the gentleman from Maryland [Mr. HILL].

Mr. HILL. Mr. Chairman, I rise to speak on a bill I have to-day introduced providing for Federal local option under the eighteenth amendment to the Constitution. The amendment prohibits, for beverage purposes the manufacture, sale, or transportation of "intoxicating liquors." Ever since the ratification of this amendment the American people have been trying to find out what are "intoxicating liquors." The Supreme Court has decided that the duty of definition of these two words rests with the Congress of the United States.

Before the amendment, wine and beer were not popularly considered as "intoxicating liquors." They are not so considered to-day in many important parts of the United States. The bootleg whisky and home-made "hootch" that have taken the place of the former mild wine and beer have always been popularly considered the most conspicuous of the class of "spirits" known as liquor, as distinguished from wine or beer.

Before the amendment, the States exercised the American principle of local option in regard to the use of liquor, wine, or beer. By the amendment the manufacture, sale, or transportation of liquor is prohibited, but Congress may itself, under the decisions of the Supreme Court, say that wine or beer were not by that amendment classed as "intoxicating liquors."

The Federal Government itself has assumed exclusive control of the matter of alcoholic beverages. The Supreme Court, in effect, has decided that the "concurrent" power of the States is meaningless. It is therefore proper that the Federal Government should itself put into effect local option as to wine and beer.

The bill I to-day introduced is as follows:

A bill to reduce and equalize taxation, to create Federal local-option districts, to amend the revenue act of 1921, and for other purposes.

Be it enacted, etc., That the revenue act of 1921, Title VI, "Tax on beverages and constituent parts thereof," is hereby amended by the addition of the following section:

SEC. 604. (a) That from and after January 1, 1922, each of the congressional districts from which a Member of the House of Representatives is chosen shall constitute a Federal local-option district.

(b) That in the election to be held for choosing such Members of the House of Representatives in November, 1922, the electors of each of such Federal local-option districts shall decide by vote whether there shall be manufactured, sold, or transported in such district beer or wine, or both, as hereinafter defined.

(c) The word "wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits—grapes, apples, etc.—or other agricultural products containing sugar—honey, milk, etc.—containing not more than 12 per cent of alcohol by volume.

The word "beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt, and hops in drinkable water, containing not more than 4 per cent of alcohol by volume.

(d) That if in any such Federal local option district the majority of the said electors shall vote "for beer" or "for wine," or for both, that thereafter in such Federal local option district such beer or wine is hereby defined not to be an intoxicating liquor, the manufacture, sale, or transportation of which in said district is prohibited by the eighteenth amendment to the Constitution of the United States, but that thereafter said beer or wine or both may be manufactured, sold, or transported for sale in original packages for consumption only in homes and in bona fide hotels and clubs.

(e) That there shall be levied, assessed, or collected on all beer so manufactured a tax of 20 cents per gallon and on all wine so manufactured a tax of 40 cents per gallon.

(f) All legislation inconsistent herewith is hereby repealed.

The adoption of Federal local option will deal with the alcoholic beverage question in the American way. It will allay the present unrest, stop the widespread violation of law, and also produce millions of dollars annually of much-needed Federal revenue.

Prewar beer was about 4 per cent beer. Claret, according to the office of the Commissioner of Internal Revenue, contains an average volume per cent of alcohol of 10.30, white southern Italian wine is 10.28, Ohio red wine 10.63, and sweet champagne 10.30. Nature has placed beer and wine in a different

class from distilled spirits. American whisky, bottled in bond, according to the Treasury Department, averages 50 per cent by volume, while gin averages 48 per cent.

Congress can well follow the example of nature, and by the power of definition sanctioned by the Supreme Court place beer and wine outside of the liquor prohibition in those local-option units of the Federal Government which so desire. Those Federal local-option districts which do not want wine or beer by this bill are allowed to retain their freedom of choice, while those communities that desire beer or wine may legally have either or both. This is the American principle, and, believe me, gentlemen, this is the principle that you will ultimately adopt. The abuse of the saloon is barred forever, but the liberty of the American home should be restored.

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield one hour to the gentleman from Wisconsin [Mr. A. P. NELSON].

Mr. A. P. NELSON. Mr. Chairman and gentlemen of the House, on March 19, 1920, I addressed the House at some length upon the subject of the St. Lawrence route through the Great Lakes to the sea. Since that time a great deal of sentiment, both pro and con, has developed in this country concerning this great enterprise, designed to open up the interior of our great country and to aid and enhance the production and transportation facilities of our Nation. A great many of the objections raised by the opponents of this route, I think, are untenable, mythical, and imaginative.

I rise to address the House to-day for the purpose of answering some of the objections which have been raised to what I consider one of the most important and meritorious projects of the twentieth century. May I be permitted at the very outset to say that the proponents of this great highway to the sea have no quarrel whatsoever with the good people of New York concerning the great Barge Canal. It is not our purpose in any way to interfere, infringe on, or destroy the possibilities of the barge canal. New York is to be congratulated upon her great courage in going ahead, single-handed as a State, to develop this splendid enterprise. But we are convinced that the barge canal of New York does not and can not furnish the adequate outlet for the Middle West and Northwest to the sea and foreign ports. We contend that the great West, in the midst of which is situated the American Mediterranean, should not have this great inland sea bottled up and compelled to carry its ever-increasing commerce through the restricted conditions of the barge canal and the congested terminals at the port of New York. Moreover, the barge canal, with a capacity of only 10,000,000 tons a year each way, is not sufficient to take care of the peak loads from the Great Lakes area. Only the open waterway from the Great Lakes to the sea by way of the St. Lawrence can adequately furnish the inland States a proper outlet for their growing agricultural, industrial, and commercial life. [Applause.]

There is no question that the greatest and most important problem in the economy of our national life to-day is the problem of adequate transportation at reasonable cost both to the producer and the consumer, and the contention of the 18 States, members of the Great Lakes-St. Lawrence Tidewater Association, is that this great inland sea shall no longer continue bottled up, but be unbottled and utilized for the benefit of the interior States of the Nation, and that no one State or seaport should by mere local or selfish interest stand in the way of its development for the interest of the entire Nation.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. A. P. NELSON. Mr. Chairman, I do not wish to seem discourteous, but I must decline to yield at this time.

The St. Lawrence ship channel is not a competitive route to the New York Barge Canal. It can not be made a competitive route to this canal. The St. Lawrence route is a cooperative route between the East and the West, and it is my contention that the continued neglect to improve this waterway from the interior to the sea is nothing short of a national economic crime, and when New York and its estimable governor talk provincially of the barge canal as the ship channel to the sea as satisfying the needs and demands of the great Middle West it is, as Mr. Gillam, of Omaha, said, "like trying to feed a starving giant through a straw."

Mr. Chairman, in behalf of the State of Wisconsin and of the entire Northwest, I wish to call the attention of Congress to the economic problems which now confront the producers and manufacturers of that region. In that territory to which I allude is produced the larger proportion of the surplus food products entering into our foreign trade. We produce 75 per cent of the wheat, 65 per cent of the corn, 100 per cent of the flax, 85 per cent of the iron, 35 per cent of the copper, 34 per cent of the zinc, and 46 per cent of the lead of the entire country. By reason of the availability of the vast stores of raw materials, we have been able to establish upon the shores of the Great Lakes and at other favorable locations industries producing annually billions of dollars' worth of manufactured goods. In connection with these manufacturers we import vast quantities of raw material from foreign lands, and in our domestic life we consume about 40 per cent of the food and manufactured products imported into the country from other nations. Situated, as we are, 1,000 to 1,500 miles from the ocean, we are compelled to pay transportation costs amounting in the aggregate to many millions of dollars annually in excess of the costs which are paid by producers and consumers located along the seaboard. In view of our important contribution to the commerce of the country and of the heavy transportation taxes which we are compelled to bear, we feel that we have a right to demand from the National Government adequate action designed to foster and protect the development of our commerce and to advance our interests in world trade.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. A. P. NELSON. Mr. Chairman, I would prefer to continue without interruption.

Mr. LAYTON. Just for a short question.

Mr. A. P. NELSON. Very well, Mr. Chairman.

Mr. LAYTON. Is the gentleman in favor of ship subsidy?

Mr. A. P. NELSON. Mr. Chairman, I am not discussing that question now. I shall be glad to state my views on that question when we reach it.

INADEQUACY OF PRESENT TRANSPORTATION FACILITIES.

The United States has never had a transportation system devised in the interests of the people as a whole and coordinating our rail and water facilities. In the early history of the country ports were established along the Atlantic coast and rail lines were extended westward to meet the movement of the center of population and to obtain greater business for the railroads themselves. Eventually the transcontinental routes were constructed, providing us with rail transportation from sea to sea. As a result the direction of traffic has always been largely east and west. Later we built the Panama Canal, and although this canal involves the passage of several locks, overcoming a total elevation of 85 feet, and the tolls have amounted approximately to $1 per cargo ton, the economies of the route as compared with transcontinental lines have resulted in marked diversions of traffic to the water route, and lately the transcontinental lines have been obliged to make important reductions in freight rates with a view of meeting in some measure the competition of the water route. As it is, the rates by water are in many cases less than half the rates by rail, although the distance is twice as far, approximately. The benefits of the Panama Canal extend from the Atlantic coast westward as far as Indiana, from the Pacific coast eastward as far as the Rockies, and from the Gulf coast northward as far as St. Louis, leaving the great north central and western area of the country at a disadvantage in respect to both foreign and domestic trade and imposing restrictions in commercial intercourse which are unfair to those sections and injurious to the entire country. [Applause.]

In the last few years the United States has been placed in a particularly favorable position for gaining markets throughout the world which were formerly controlled largely by other countries, and as a result we have developed a vast trade for manufactured goods in South America and the Orient. The return of peace has brought with it a resumption of the keen competition for world trade that formerly existed among nations. American goods are popular, but American deliveries are notoriously uncertain because of the frequent congestion in transportation and of delays at the terminals. Distances to seaboard from industrial centers of England, Germany, Holland, Belgium, and other countries competing with us in manufacturing are from one-fourth to one-tenth the distance to seaboard from the industrial centers of the Great Lakes. In addition to this handicap, production costs in many lines are higher than abroad. Rail class rates between Chicago and New York on exports in cents per hundred pounds are 157½ first class, 138½ second class, 105 third class, 73½ fourth class, 63 fifth class, and 52½ sixth class. Between St. Louis and New York they are 184½, 162, 123, 86, 73½, and 61½, respectively; while between St. Paul and New York they are 216½, 188½, 143½, 100, 86½, and 72, respectively. On first-class freight these rates are equivalent to $31.50 a ton from Chicago, $36.80 a ton from St. Louis, and $43.30 a ton from St. Paul, the distances being 912, 1,065, and 1,322 miles, respectively. From New York to Australian ports the rates range from $15 a ton for unpacked freight to $30 a ton for fine cargo. The rate is less from New York to Australia, 13,000 miles distant, than from New York to Chicago, 900 miles distant. Adding the terminal cost at the seaboard, it is very much more expensive to place high-class goods from the West on board vessel at New York than to transport them by

ship to any part of the world. Our foreign competitors located on or close to the seaboard can place their goods on our shores at less cost than can the manufacturers of our interior.

But the cost of the movement to seaboard is not the only consideration. The commerce of the country at this moment does not seriously tax the railroads because we are passing through a period of business depression. The normal traffic of the country now exceeds the present car capacity by approximately 50,000,000,000 ton-miles annually, and it has been estimated by railroad authorities that over 700,000 cars are required to make up the present shortage, to retire worn-out cars, and to take care of normal increases of traffic, and an adequate surplus to handle the peak loads.

COST OF INCREASING RAILROAD FACILITIES TO MEET NORMAL TRAFFIC REQUIREMENTS IS PROHIBITIVE.

The cost of these cars would alone amount approximately to $2,000,000,000, nor is any improvement in the situation being made. On October 15, 1921, there were 374,431 cars in bad condition, and on July 1, 1921, there were in existence 27,048 fewer cars than on July 1, 1920. No new lines nor extensions are being constructed, and there has been a steady decrease in the mileage of track in the eastern district where the congestion is the greatest. With the revival of business we face transportation congestions more serious than have ever occurred before. Railroad authorities have estimated that it would require from $15,000,000,000 to $18,000,000,000 to place the railroads of the country upon an efficient basis. No such amount of money can be provided, and we must therefore seek other means of meeting the transportation needs of the country. In order to reduce excessive cost of transportation from the producing and manufacturing centers of the interior, the West demands an outlet to the sea, and in making this demand we are seeking not alone the protection and preservation of the commerce of that section but the advancement of our country's position in world trade as well. [Applause.]

INTERNATIONAL JOINT COMMISSION.

The project for the opening of the Great Lakes to ocean vessels by way of the St. Lawrence River is now receiving consideration by the International Joint Commission under authority of the river and harbor act of March 2, 1919. The commission has held hearings in all parts of the country, including those sections in which opposition to the project has centered. The chief opposition to this project which the West is demanding in the interests of the country is found in some but not all sections of the State of New York. The cities of Buffalo and New York have expressed great concern regarding the expenditure of funds for the purpose of providing a route for the commerce of the West which does not pass their doors.

Notwithstanding the fact that incontrovertible evidence as to the economic necessity for this improvement has been presented at the hearings before the International Joint Commission, and in due time will be presented to this body, the governor of the State of New York has recently delivered a series of addresses in which he assails the project as visionary and assumes the task of presenting the alleged real facts to the people. His addresses are remarkable for the solicitude expressed for South Atlantic and Gulf ports whose traffic would be ruined if this so-called visionary scheme were carried out. He would lavish Federal expenditures upon all ports and waterways except those of the great interior which is in need of cheaper and more adequate transportation. This is, indeed, a new aspiration for the commercial interests of New York, which have heretofore been conspicuous in their efforts to control the business of the country.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. A. P. NELSON. I prefer not to yield now.

BETTER DISTRIBUTION OF TRAFFIC NEEDED IN THE INTERESTS OF OUR PORTS AND THE MERCHANT MARINE.

The people of the West are in full accord with the principles enunciated by the governor of New York with respect to Federal improvement of navigation throughout the entire land; but we will go a step further and say that our interest should not be confined to making appropriations for improvement of rivers and harbors, but that other and more drastic remedies should be applied to effect a better distribution of commerce through the ports of the country, to the end that we may be freed, in part at least, from the tremendous burdens that have been placed upon our commerce by permitting the continuance of conditions which have forced the foreign business of the country largely through the "archaic" port of New York. We now have a large merchant marine and we must establish conditions which will enable the vessels of our commercial fleet to operate profitably not only at the port of New York but at every port of the country which constitutes a logical outlet for traffic. The great port of Norfolk, whose natural advantages are unsurpassed, has been a victim of our lack of a transportation policy devised in the interests of the country as a whole. Likewise the great ports of Boston, Charleston, Savannah, and Mobile, have been unable to take their true places as outlets for the territory logically tributary to them because of our remissness in permitting the powerful trunk lines centering at New York to control the situation. [Applause.] We have committed a monumental folly in permitting the assembling at one port of the shipping resources of a nation, and for this folly we are now bearing a burden amounting to hundreds of millions of dollars annually. Freight which should logically be shipped from Portland, Boston, Norfolk, Wilmington, Charleston, Savannah, Jacksonville, Tampa, and Mobile directly to foreign destination now proceeds by rail to New York, at great cost, because it can not obtain a ship to destination from the port which should receive the traffic. Are we to content ourselves with this situation or are we to begin now to unravel the tangles of our transportation situation and lay the foundation on which all of our important ports on the Atlantic, Gulf, and Pacific coasts and on the Great Lakes may hope to perform their proper functions in the interests of the whole country?

Only in this way can we reduce the excessive rail hauls that now burden our traffic and handicap us in foreign trade, and only in this way can we bring about conditions which will enable our large merchant fleet to operate successfully. I want to repeat that the West favors the opening of all these outlets, and it invites the State of New York to join in this great movement to which Congress has committed itself by delegating to the Shipping Board, in section 8 of the merchant marine act, the following duties:

SEC. 8. That it shall be the duty of the board, in cooperation with the Secretary of War, with the object of promoting, encouraging, and developing ports and transportation facilities in connection with water commerce over which it has jurisdiction, to investigate territorial regions and zones tributary to such ports, taking into consideration the economies of transportation by rail, water, and highway and the natural direction of the flow of commerce; to investigate the causes of the congestion of commerce at ports and the remedies applicable thereto; to investigate the subject of water terminals, including the necessary docks, warehouses, apparatus, equipment, and appliances in connection therewith, with a view to devising and suggesting the types most appropriate for different locations and for the most expeditious and economical transfer or interchange of passengers or property between carriers by water and carriers by rail; to advise with communities regarding the appropriate location and plan of construction of wharves, piers, and water terminals; to investigate the practicability and advantages of harbor, river, and port improvements in connection with foreign and coastwise trade; and to investigate any other matter that may tend to promote and encourage the use by vessels of ports adequate to care for the freight which would naturally pass through such ports.

While the governor of New York brands as theorists all who favor the opening of the Great Lakes to ocean vessels, he fails in every case to give the names of any experts who support his views. Let us examine a few of these statements, and ignore the generalities and denunciations long enough to get an unbiased view of the real facts.

ERRONEOUS STATEMENTS BY GOV. MILLER REGARDING ARMY ENGINEERS.

Gov. Miller states that "every report heretofore by every Army engineer who has studied that or similar projects for a ship canal from the Lakes to the sea has been adverse." What are the facts? In 1900 the Board of Engineers on Deep Waterways made complete surveys of various all-American routes between the Great Lakes and the Atlantic Ocean and reported in favor of a ship canal. The president of the board was Col. C. W. Raymond, Corps of Engineers, United States Army, and no other survey for this purpose has since been made by Army engineers with the exception of the new survey recently made by the engineers representing the United States and Canada with a view to the provision of a ship channel in the St. Lawrence River between Lake Ontario and Montreal. In 1918 what is known as a preliminary examination was made of the St. Lawrence River from Lake Ontario to the boundary line, and the report was adverse for the very sensible reason that the proposed channel would be useless unless extended to Montreal, and there was no authority for the consideration of such an extension.

The governor, in referring to the project for the St. Lawrence improvement, further makes the astonishing statement that "No such work was ever carried on within the estimates, either preliminary or detailed," this statement being intended to prove that the work will cost very much more than the estimate made by the engineers. It is true that in the past the actual cost of many of our river and harbor improvements exceeded the estimates. Particularly has this been the case where appropriations have been made in small installments covering a long period of years. In these cases the increased cost has been due to increased prices of labor and material and to inefficient

prosecution of the work due to the failure to supply funds as needed. For many years there has been a gradual increase in the cost of labor and material. Estimates based upon unit prices at the time of the survey obviously must be increased if, due to failure to provide funds to complete the work promptly, the unit prices have advanced. The large items of expense in the improvement of the St. Lawrence will be the construction of the locks and dams. The unit price of concrete used by the engineers is $12 per cubic yard. Since this estimate was made there has been a downward price tendency, and further recession in construction costs will certainly follow. In connection with the construction of the new Welland Canal now in progress by the Dominion of Canada a price of $9.50 per cubic yard is now being obtained. On what basis can it be contended that an estimate made at a time of abnormally high prices, due to the war, will have to be increased? Rather may we expect a saving in the cost as a logical result of the inevitable readjustment of price levels to more normal bases.

Even in the face of steadily advancing prices before the war, the Army engineers, contrary to the statement of the governor, have accomplished some remarkable savings in the prosecution of river and harbor improvements. In 1907 the project for the construction of a harbor at Cold Spring Inlet (Cape May), N. J., was adopted by Congress, the estimated cost being $1,311,000. It was completed in 1917 at a total cost of $879,274.62 plus $100,000 contributed by local interests. This improvement involved the construction of jetties and dredging. The improvement of Absecon Inlet, N. J., adopted in 1912, at an estimated cost of $270,000, was completed in 1916 at a total cost of $226,496.89. Many other cases might be cited to show that the statement of the governor is not in accord with the facts.

CONCLUSIONS AND RECOMMENDATIONS CONTAINED IN REPORT OF THE GOVERNMENT ENGINEERS (WOOTEN AND BOWDEN) RE IMPROVEMENT OF ST. LAWRENCE RIVER FOR NAVIGATION AND POWER.

As a result of their investigation of the engineering features of the proposed ship channel from Lake Ontario to Montreal, the engineers representing the United States and Canada have submitted to the International Joint Commission their conclusions and recommendations, of which the following is a brief summary:

The physical conditions are favorable for improvements for navigation which will be permanent and will have very low upkeep costs. The improvement for navigation alone is feasible, but it will be more economical to coordinate navigation with water power, limiting the latter development, however, to the amount which can be readily marketed. The project proposed contemplates improvement for navigation alone where side canals and locks can most economically be used, and provision for power development in that part of the river where the construction of locks and dams offers the most feasible means of improving navigation.

Mr. HUSTED. Mr. Chairman, will the gentleman now yield?

Mr. A. P. NELSON. Mr. Chairman, I am sorry, but I can not yield now. I shall be glad to do so later if I have the time.

Mr. Chairman, it is proposed to improve the lower section from Montreal to Lake St. Louis by locks and side canals, the canal sections to be excavated to a depth of 25 feet with bottom widths varying from 220 to 450 feet, and that the locks be built for an eventual depth of 30 feet over the sills. The cost of improving this section is estimated at $55,783,000, and the annual cost of operation, maintenance, and depreciation at $350,000. The cost of providing 30 feet depth in this section would involve an additional cost estimated at $12,944,000. The plan contemplates no power development in this section, but when the development of power is required it can be made by a further expenditure of $83,797,000.

The improvement of the second division from Lake St. Louis to Lake St. Francis is proposed by the construction of a side canal from Melocheville to Hungry Bay. The estimated cost of the works to a depth of 25 feet, a minimum bottom width of 220 feet, with banks and bridges placed for a future widening to 400 feet, and with locks and other structures designed for a depth of 30 feet is $36,590,000, and the annual cost of operation, maintenance, and depreciation is $400,000. The estimated cost of deepening the canal in the future so as to afford a depth of 30 feet is $3,110,000. No power development is at present contemplated in this section, but the development of 1,560,000 horsepower is possible without interfering with the use of the navigation works at an estimated cost of $151,688,000.

The improvement of the third division from Lake St. Francis to the head of St. Regis Island is proposed by dredging a channel 450 feet wide and 25 feet deep at low water, at an estimated cost of $1,158,000, and an annual maintenance cost of $30,000. The additional cost to provide a depth of 30 feet is estimated at $662,000.

The improvement of the fourth division from the foot of St. Regis Island below Cornwall to Chimney Point, near Ogdensburg, is proposed to be accomplished by a dam at Long Sault Rapids and side canals with locks from the pool created by this dam to the junction with the river at Cornwall, and by a dam with side canal and lock at Ogden Island. The project recommended provides a depth of 30 feet in all lock structures, and a depth of 25 feet in channels, except where a greater depth is required to discharge water without excessive velocities. The estimated cost of this work, including the installation of hydraulic and electrical machinery for the development of about 1,464,000 horsepower, is $159,097,200, and the annual cost of operation, maintenance, and depreciation is estimated at $1,762,000, of which $1,457,000 is properly chargeable to the development of power. The estimated additional cost of securing 30 feet depth in the future is $1,270,180.

The improvement of the fifth division from Chimney Point to Lake Ontario will require the removal of certain shoals and the widening and straightening of the present channel at a total estimated cost of $100,000 and an annual cost for operation and maintenance of $20,000.

The total cost of the improvement from Montreal to Lake Ontario, as recommended to afford 25 feet at present, with such provisions that a 30-foot depth may be secured at a later date without interfering with the use of the waterway, is $252,728,000, and the estimated additional cost of increasing the navigable depth throughout the entire distance to 30 feet at a later date $17,986,180.

In view of the fact that the opponents of the St. Lawrence improvement are seeking to give the impression that the above estimates are inadequate, it may be stated that other estimates have recently been made for improving this part of the St. Lawrence River. A project by the New York & Ontario Power Co., which provides for an improvement for navigation and power, is estimated to cost $171,773,215, of which $55,529,467 is chargeable to navigation and $116,243,748 to power. Three projects have been suggested by the Hydroelectric Power Commission, of Ontario. Scheme A is estimated to cost $209,843,804, of which $68,147,612 pertains to navigation and $141,696,192 to power. This plan will develop 1,492,000 horsepower. Scheme B is estimated to cost $211,466,419, of which $57,373,907 pertains to navigation and $154,092,512 to power developing 1,600,000 horsepower. Scheme C is estimated to cost $214,881,524, of which $59,956,109 is for navigation and $154,925,415 for power. This plan will develop 1,635,000 horsepower.

In reference to the recommendation of the engineers in favor of a 25-foot channel in the St. Lawrence River, at a total cost of approximately $252,000,000, with an additional expenditure of $17,000,000, to so construct the permanent works as to admit of enlargement to 30 feet, the governor interprets the action of the engineers as indicating their belief that ocean vessels will not use the canal and that the smaller depth was recommended solely to meet the needs of Lake carriers. This is an assumption which those familiar with the situation can readily show to be absurd. The Dominion of Canada now has in progress the enlargement of the Welland Canal, connecting Lake Erie and Lake Ontario, to provide a depth of 25 feet at extreme low water, but the sills of the locks are to be placed at a depth of 30 feet, so that the capacity of the canal can be readily increased at any time by merely dredging out the reaches. The Welland Canal will control the draft of vessels which may enter Lake Erie, and it is entirely proper that the development of the St. Lawrence should proceed similarly. It was, moreover, clearly determined that with a channel 25 feet deep at low water, under the conditions of protected navigation which will obtain between Lake Ontario and Montreal, vessels of a size and draft adapted for developing the ocean trade of the Great Lakes will be able to navigate freely.

EFFORTS OF OPPONENTS TO CREATE FALSE IMPRESSION REGARDING DRAFTS OF OCEAN FREIGHT VESSELS.

Part of the propaganda against the St. Lawrence improvement has included an effort to give the impression that vessels having a draft of 35 feet will be required to successfully develop ocean trade to and from Lake ports. Fortunately statements of this kind which, if true, would render this improvement less valuable, are readily refuted by official records. The deep-draft vessels of the world are the big passenger liners. These vessels are really floating hotels, with four or more decks, and to balance this lofty superstructure they must extend deep below the surface of the water. The vessels which carry the commerce of the world, known as cargo vessels, are quite different in construction and draft. Most valuable information upon this subject is afforded by the Annual Report of the Chief of Engineers for 1921, which is now in process of publication. This interesting study by the Corps of Engineers

is most timely, and I wish to quote some figures from it which will expose one more of the fallacious arguments against the improvement of the St. Lawrence River.

In recent years there has been quite an insistent demand for increased depths at harbors upon the belief that existing depths prevent the use of such harbors by modern freight vessels. Neither Lloyd's register nor the list of merchant vessels of the United States contains information relative to drafts of vessels, and very little information has heretofore been compiled upon the subject in such form as to be usable in the consideration of the worthiness of providing additional depths at our harbors. Complete records are kept, however, of the drafts of vessels passing through the Panama Canal. Since this canal has sufficient depth for the accommodation of the largest vessels, and is a gateway for traffic between world ports of the largest capacity, information relative to the drafts of vessels using this canal should give a fairly correct view of drafts of vessels which carry the world's commerce. A study has therefore been made of drafts of vessels using the Panama Canal during the calendar year 1920 and the results are given in this report.

Of 2,813 merchant vessels passing through the canal during 1920 to and from all ports of the world, 71.49 per cent drew under 25 feet and 98.79 per cent drew under 30 feet.

A total of 1,085 vessels from ports of the United States passed through the canal, and of these 65.37 per cent drew under 25 feet and 98.56 per cent drew under 30 feet. The vessels bound from ports of the United States in general were loaded deeper than vessels bound to ports of the United States. Of the latter there were a total of 731, of which 71.68 per cent drew under 25 feet and 99.04 per cent drew under 30 feet.

The only ports of the United States to which vessels were bound through the Panama Canal drawing 30 feet or over were New York, Norfolk, Newport News, Charleston, New Orleans, and San Francisco, and the total of these vessels was 23. While there were seven vessels bound from New York drawing 30 feet or over, there was only one vessel bound for New York in this class.

Of 521 vessels carrying general cargo to and from ports of the United States, 69.47 per cent drew under 25 feet and 98.64 per cent drew under 30 feet.

Of 188 vessels carrying nitrates to United States ports, 65.44 per cent drew under 25 feet and 97.89 per cent drew under 30 feet.

As a class the vessels carrying petroleum products have the greatest average draft. Of 101 such vessels, 27.72 per cent drew under 25 feet and 94.06 per cent drew under 30 feet. Fifty-four vessels, or 53.5 per cent of the total, drew between 25 and 28 feet.

Forty-nine vessels carried lumber from United States ports through the canal, of which 85.68 per cent drew under 25 feet and 100 per cent drew under 29 feet. Thirty-four vessels, or 69.6 per cent, drew between 20 and 25 feet.

One hundred and sixteen vessels carried flour and grain from Pacific ports through the canal, of which 44.83 per cent drew under 25 feet and 99.14 per cent drew under 29 feet.

These vessels proceeded from and to all ports of the world. The figures show that there is an abundance of freight carriers now in successful use which will be well adapted to the depths proposed in the St. Lawrence River. In fact, there is a large number of successful ports throughout the world which can not accommodate vessels of over 25 feet draft, and at some the vessels used are even smaller. To quote a practical shipping man relative to the suitability of the proposed St. Lawrence ship channel for ocean vessels, Hon. Magnus Swenson, president of the Norwegian-American Line, has stated that on the day that this waterway is opened to the sea his ships will be found poking their noses into the Great Lakes. Mr. Swenson regards as ridiculous the contention that ocean vessels can not navigate the channels of the Great Lakes, and he has called attention to the fact that while the Lake carrier is wide and unwieldly, the ocean carrier has finer lines and is more easily maneuvered. The assertions regarding the difficulty of navigating ocean vessels in a channel of the dimensions which it is proposed to construct have no foundation in fact. [Applause.]

Navigation facilities which will be made available to ocean vessels by construction of the proposed ship channel between Lake Ontario and Montreal.

Section.	Total distance (statute miles).	Length of artificial canal.	Depth (feet).	Lift locks.	Maximum size vessels accommodated (present ocean types).
Duluth to St. Marys River.	383	.....	Excessive...	.....	
St. Marys River and St. Marys Falls Canal.	63	1.6	21 at low water.	1	4,000 dead-weight tons, 8,800 with half load grain.
St. Marys River to St. Clair River.	220	.....	.....do.....	.....	Do.
St. Clair River.....	40	.....	20	.....	Do.
Lake St. Clair.....	17	3.5	20	.....	Do.
Detroit River.....	31	.....	22	.....	Do.
Detroit River to Welland Canal.	219	.....	Excessive...	.....	
Welland Canal (new).....	25	25.0	25 initial....	7	8,800 dead-weight tons.
			30 ultimate..	.....	14,000 dead-weight tons.
Welland Canal to foot of Lake Ontario.	160	.....	Excessive...	.....	
St. Lawrence River to Montreal.	182	[1] 31.0	25 initial....	7	8,800 dead-weight tons.
			30 ultimate..	.....	14,000 dead-weight tons.
Montreal to Belle Isle.....	1,003	.....	30-35	.....	
Belle Isle to Liverpool.....	2,186	.....	Excessive...	.....	
Total.....	4,529	61.1	.....	15	

[1] Project recommended by engineers representing the United States and Canada.

The above shows that there will be only 31 miles of artificial canal required to reach Lake Ontario, 56 miles to reach Lake Erie, 59.5 miles to reach Lake Michigan, and 61.1 miles to reach Lake Superior.

ALLEGED DIVERSION OF TRADE TO FOREIGN PORTS.

The governor of New York states that the St. Lawrence ship channel, "if commercially successful, would merely serve to divert shipping from our own ports to a foreign country." What are the foreign ports to which our business would be diverted? Montreal is at the head of ocean navigation on the St. Lawrence, and by reason of being the farthest point inland to which ocean vessels can penetrate, has become the chief seaport of Canada. By what process of reasoning can it be concluded that the extension of this route to Cleveland, Toledo, Detroit, Chicago, Milwaukee, Racine, Ashland, Washburn, Superior, and Duluth will divert shipping to foreign ports? The contrary is more reasonable, and were it not for the fact that ship channels of this character result in important benefits to all ports located upon them, it might be concluded that shipping would be diverted from Montreal to the American ports of the Great Lakes. Such was the contention of Liverpool, which violently opposed the construction of the Manchester Canal, and declared, just as we now hear the opponents of the St. Lawrence ship channel declare, in one breath that it was impracticable and in another breath that it would ruin Liverpool. Time proved that the ship canal passing by Liverpool, with 35 miles of the most restricted character of artificial canal, crossed by numerous highways and viaducts and with five sets of locks, involving an expenditure of more than $100,000,000 solely to avoid one transfer of cargo and a rail haul of 50 miles, was a paying investment, and that Liverpool was not injured but on the contrary was greatly benefited by the resulting industrial and commercial development of the hinterland. So it will be with Atlantic, Gulf, and Pacific ports, as well as with Montreal, although some interests at the latter city, contrary to the views of the governor of New York, are fearful that the extension of ship navigation beyond Montreal will result in the diversion of shipping to the American ports of the Great Lakes and to ports on the Atlantic seaboard.

SUPERIOR ECONOMY OF THE BULK LAKE CARRIER IS AN ARGUMENT FOR THE SHIP CHANNEL.

Opponents of the St. Lawrence Ship Channel, including Gov. Miller, refer to the fact that the bulk carrier of the Great Lakes is more economical than the ocean carrier. This is true, but it has no bearing upon the advisability of providing a ship channel between the Great Lakes and the sea. The bulk lake carrier can not go to sea, and under present conditions it can not even meet the ocean vessel. These vessels usually draw from 19 to 21 feet, but many of them are capable of loading up to 24 feet. The heaviest loads, a few of which have equaled 14,000 tons, are carried at times of high water, when ships can load to more than 21 feet. The effort of the opponents of the St. Lawrence improvement in seeking to give the impression that these vessels customarily carry 14,000 tons is in strict accord with their obvious purpose to emasculate the truth. The average load of the largest lake vessels is reported by the engineers in charge of the St. Marys Falls Canal as 7,746 tons. Only 8 per cent of the total traffic is carried in vessels of 6,000 net registered tons and over; 27 per cent is carried in vessels between 5,000 and 6,000 tons, 27 per cent in vessels between 4,000 and 5,000 tons, and 26 per cent in vessels between 3,000 and 4,000 tons. All lake vessels having a capacity of 14,000 tons and more have a length of over 600 feet, and of these there are only 42 on the lakes out of a total of 733 vessels. The largest number of carriers, segregated by length, is found to be in the 400 to 499 foot class, and of these there are 155. Lake vessels of this length have a cargo capacity of 5,000 to 8,000 tons, or about the same as standard steel ocean freight vessels of 6,000 to 8,800 dead-weight tons which will be able to enter the Great Lakes when the proposed 25-foot ship channel has been provided. The contention of opponents regarding this matter is a deliberate misrepresentation designed to deceive those unfamiliar with the facts.

The rate on grain from Lake Michigan ports to Buffalo this season by lake vessel has averaged 1.5 cents per bushel, and from Lake Superior ports to Buffalo about 1.8 cents per bushel. The rate from upper lake ports by water to Montreal this season has been 8 cents per bushel. The average rate per bushel on wheat by Barge Canal between Buffalo and New York was 9.3 cents in 1918, 8.2 cents in 1919, and 10.3 cents in 1920, as reported by the Buffalo Chamber of Commerce, and the total rate by lake and canal from Chicago to New York in 1920 was 14.6 cents. The average haul of the lake carrier from upper lake ports to Buffalo is over 900 miles. It will be seen that the rate per ton-mile by lake vessel is only a fraction of the ton-mile rate using a barge suitable for either the 12-foot

Barge Canal or the present 14-foot canals of the St. Lawrence River. Rates via the Barge Canal have never been as low as rates by the lake bulk carrier.

The logical deduction to be made from the arguments regarding the relative economy of the ocean and lake carriers is that, with the completion of the Welland Canal and the proposed improvement of the St. Lawrence, these wonderfully economical carriers should proceed as far as practicable through the Lakes and down the St. Lawrence River. By no stretch of fancy can it be contended that they should unload at Buffalo and transfer their cargo to rail or to a less economical carrier operating on the Barge Canal when they will be able to take grain to Montreal direct for not more than 3 cents per bushel. If grain were the only commodity to be considered, the Lake carrier should carry its load at least as far as Ogdensburg. In any intelligent study of overseas traffic, however, grain can not be considered alone, since it is an important factor in making up the cargoes of vessels carrying general cargo. The general cargo is available chiefly at Chicago, Milwaukee, Duluth-Superior, Detroit, Cleveland, and Toledo. The bulk Lake carrier can not carry general cargo and the package Lake carrier can not carry bulk grain; but the ocean carrier is built to carry both bulk grain and package freight. The grain, flour, and other bottom cargo is loaded first, and it is a fortunate coincidence that on the Great Lakes these are especially abundant at the ports constituting the logical termini of the ocean routes. Thus there will be afforded the most favorable conditions for the development of ocean service, and, as has been the case at Atlantic ports, the grain will be carried at a very low rate because of its value as ballast, and the profits from the operation of the ship will be derived chiefly from the general cargo consisting of high-class freight on which the rail charge to seaboard alone now ranges between $20 and $40 per ton. The grain which goes in full cargoes may be transshipped from bulk Lake carrier to ocean carrier at suitable ports on the St. Lawrence River, giving the Lake vessel as long a haul as possible, in order that the shipper may derive the utmost saving. It has been asserted by the Bethlehem Shipbuilding Corporation, however, that it is entirely feasible to design an ocean-going vessel suitable for service on the Great Lakes, with a cargo capacity of 7,000 tons, a draft of 20 feet, and a speed of 11 knots. On this basis the proposed ship channel 25 feet deep at low water will accommodate an ocean vessel of 10,000 tons capacity or more, adapted particularly to this service. Grain and flour are now carried from Pacific to Atlantic ports by way of the Panama Canal, and with the opening of the Great Lakes to ocean vessels suitable vessels will be able to carry it coastwise to Portland and Boston at very much lower cost than by any existing routes.

Evidence as to the economy of the bulk Lake carrier is no argument against the deepening of the channel of the St. Lawrence River; on the contrary it is a powerful argument in favor of any improvement which will give these vessels a longer haul. The competition between ocean and Lake carriers, to which Gov. Miller alludes, is mythical. In the journey of grain from Superior or Duluth to Liverpool by way of Buffalo, the Lake vessel has a haul of 988 miles, the rail lines 450 miles, and the ocean vessel from New York 3,578 statute miles. From Chicago the Lake vessel has a haul of 895 miles. The haul across the State of New York is the expensive part of the journey, distance considered. The ocean carrier entering the Great Lakes therefore will not be competing with the Lake carrier alone, but with a route involving other more expensive methods of transportation, and the study of rates shows that a very great saving will be effected on the movement to Liverpool as a whole. It is absurd to estimate the ability of the ocean vessel on the basis of the movement as far as Buffalo alone.

EFFORTS OF NEW YORK INTERESTS TO SHOW DIMINISHING GRAIN TRADE ARE INCONSISTENT WITH THEIR ACTION IN CONSTRUCTING BARGE CANAL AND GRAIN ELEVATORS—GRAIN NEEDED AT OTHER PORTS MORE THAN AT NEW YORK.

The governor of New York states that "the exports of cereals of all kinds from all of the Atlantic and Gulf ports last year were only 7,655,160 tons, and long before the St. Lawrence canal can possibly be constructed the increasing consumption of our own country will require a very large part, if not all, of that surplus, and the only grain for export in sight to be carried on such a route 10 years hence will be the products of western Canada." If such be the case it might be inquired why the city of New York, as explained by the governor in another paragraph, is proceeding with the construction of elevators to handle export grain. Indeed, if the tendency is as alleged, it may be wondered why the State of New York enlarged the barge canal at all. The real truth is that the per capita production in the United States has steadily increased. In 1849 the production of wheat was 100,486,000 bushels or 4.36 bushels per capita; in 1859 the per capita production was 5.58 bushels; in the period 1866–1870 it was 6.49 bushels; in the period 1871–1880 it was 7.54 bushels; and in the period 1911–1918 the average yearly production was 777,734,000 bushels, or 7.93 bushels per capita, which was larger than for any previous period. In 1916 the movement of grain to Atlantic ports alone amounted to 687,393,298 bushels or about 20,000,000 tons.

Gov. Miller's statement gives an erroneous view of the export grain movement. There is appended a table showing the exports of domestic cereals only through seven principal customs districts of the Atlantic and Gulf coasts for the eight years from 1913 to 1920, inclusive. In the latter year the exports through these districts amounted to more than 9,000,000 tons of domestic cereals, to which must be added the Canadian cereals exported through Portland, Boston, New York, Philadelphia, and Baltimore, averaging about 1,000,000 tons annually, or a total movement of more than 10,000,000 tons for export alone. The economic conditions governing the movement of grain are such that very little of this should go by way of the Barge Canal. Irrespective of its insufficient capacity, and its greater expense as compared with some other competing routes, it would be a national calamity for grain to be diverted from Gulf ports to New York, because the grain is needed at those ports for deadweight cargo. The cotton ports of the South must have heavy cargo of some kind in order to make up properly balanced loads. Grain is admirably adapted to this purpose, and in the interests both of the cotton trade and of our merchant marine we must see that the grain now passing through these ports is not diverted to New York, which does not need it for the maintenance of proper load conditions for vessels. The economical movement of our export grain and the necessities of ships demand an intelligent distribution through ports so situated as logically to compete for the business.

The grain of the North Central and Northwestern States should find its outlet through ports of the Pacific coast and the new ocean ports of the Great Lakes. Some will also move by way of Atlantic ports, and this movement will be greatly augmented during the winter. In fact, Portland, Me., and Boston, Mass., may expect to obtain more grain than at present. The grain of the Central Western States should move partly through Lake ports and partly through south Atlantic and Gulf ports, and the grain of the more southerly territory should move entirely through Gulf ports. The opening of the Great Lakes to ocean vessels does not mean that all the grain will go out by this route; it does mean, however, that other routes to seaboard will have to make rates which will meet the competition of the Lake route, and in either case the producer will be benefited. [Applause.]

LENGTH OF RESTRICTED NAVIGATION BETWEEN MONTREAL AND THE GREAT LAKES IS INSUFFICIENT TO CONSTITUTE A VALID OBJECTION.

Some opponents of the St. Lawrence Ship Channel have sought to create the impression that ocean ships will not enter the Great Lakes. Vessels now reach Montreal, 1,003 miles from the sea, and this port has attained supremacy in the grain trade of the continent. Only 182 miles now separate the ocean vessel from the Great Lakes, and of this amount the length of restricted navigation will be no greater than is now traversed every day in the Manchester Canal from Liverpool to Manchester. Surely no sane person will contend that navigation by ocean vessels as far as Lake Ontario will present any serious obstacles. Having reached Lake Ontario the ocean vessel has a clear passage at full speed to any port on this lake. If the ocean vessel does not penetrate farther into the interior, the improvement will be justified, because it will bring to American ports ships which can now reach only Canadian ports. Under these conditions Oswego and Ogdensburg would become important seaports, and it should be noted that the sentiment of northern New York is favorable to the improvement with the exception of points near Buffalo. With the completion of the enlarged Welland Canal, now in progress, the ocean vessel will be able to pass through this canal 25 miles in length and less difficult of passage than the Manchester Canal, thus reaching Lake Erie, where full-speed navigation will be available to the important cities of Cleveland, Toledo, Erie, Buffalo, Conneaut, Lorain, Ashtabula, and others. At some of these ports the conditions are ideal for establishing successful ocean service, in that there is an abundance of both dead weight and top cargo, bunker coal and fuel oil at low rates, and ample ship-repair facilities. If the ocean vessel should proceed no farther than Lake Erie, the benefits to the people of the United States would be tremendous.

Bear in mind that a very large volume of grain now proceeds from Lake Superior to Georgian Bay ports, where it is unloaded into elevators and is then carried by rail to Montreal, where it is again elevated and later loaded into ocean vessels. With the

ocean vessel in either Lake Ontario or Lake Erie, the movement by rail from Georgian Bay to Montreal during the navigation season will become an unnecessary extravagance. Still greater economy will be effected, however, by loading grain directly at Lake Superior and Lake Michigan points to the extent of about one-half the capacity of the ocean vessel, completing loading with top cargo and taking on bunker coal at Lake Erie ports. The capacity of the ordinary ocean freight vessel is divided into about one-half grain and one-half bale cargo, thus permitting the plan to be operated successfully. No deepening of the channels above Lake Erie will be required to meet these conditions.

UNWARRANTED INTERPRETATION PLACED ON RECENT REPORT OF ARMY ENGINEERS.

In the effort to give the impression that the St. Lawrence Ship Channel offers no advantages over the barge canal, Gov. Miller makes the following statement:

In 1920 a report by the board of Army engineers was submitted to Congress on the feasibility of a ship canal connecting the Great Lakes with the Hudson. They said that it would need to be 30-foot depth to accommodate ocean-going vessels with a draft of 27½ feet, and such vessels only have a capacity of about 7,000 tons, as against the Lake freighters' capacity of 14,000 tons with a draft of less than 22 feet. They said that a ship canal could be built connecting the Great Lakes and the Hudson, but that it would not be navigated by ocean-going vessels, as the barge was the most economical for restricted waterways.

The investigation in question was not made by a board of engineers, but by one officer known as the district engineer, who is stationed at Buffalo. In accordance with law, his report was referred to the Board of Engineers for Rivers and Harbors. The board did not express the views credited to it by Gov. Miller, but stated:

No doubt if an adequate waterway were made available with suitable terminal and transfer facilities at the principal Lake ports a large amount of general merchandise and most of the grain might be carried through the canal either in ocean-going vessels or in Lake vessels, transferring at New York.

It pointed out that the construction of a ship channel along the same route as the barge canal would involve the loss of the funds used for the construction of the barge canal. Its conclusions were as follows:

In view of the foregoing and of the investigation of the St. Lawrence River now being made by the International Joint Commission, the board concurs with the district and division engineers in the opinion that it is not advisable at this time for the United States to undertake the construction of a waterway admitting ocean-going vessels to the Great Lakes.

It will be observed that the board did not concur in the views of the district engineer regarding the details of his report, but only in the final conclusion, and this conclusion was reached particularly in view of the possibility that the investigation of the St. Lawrence River would offer a better remedy for the transportation needs of the Northwest.

In forwarding to Congress the reports on the investigation the Chief of Engineers, Maj. Gen. Lansing H. Beach, makes the following statements:

In reference to the desirability of the proposed canal, the district engineer states that this would depend chiefly upon how much of the 100,000,000 tons or more of present through lake commerce would use the new canal and what saving of freight charges, if any, would be effected. It should be borne in mind, however, that the need for economical transportation of the present bulk commerce of the Lakes is not the only need to be met. The great manufacturing cities of the Lakes now have a tremendous export and import traffic passing through Atlantic ports, chiefly New York. This traffic is now carried by rail and is subject to heavy charges for freight and terminal and transfer costs. * * *

After due consideration of the above-mentioned reports I concur in the views of the Board of Engineers for Rivers and Harbors, as expressed above, and in the conclusion reached by the board and the district and division engineers that the construction by the United States of a waterway between the Great Lakes and the Hudson River, admitting ocean-going vessels to the Great Lakes, is not deemed advisable at the present time.

Instead of concurring in the views expressed by the district engineer, it will be observed that the Chief of Engineers expressly refrained from such a concurrence. He concurs, however, in the views of the Board of Engineers for Rivers and Harbors and in the conclusion that the construction of a waterway for ships between the Great Lakes and the Hudson River is not advisable. There is nothing whatsoever in the report of the reviewing board and of the Chief of Engineers to cast any doubt upon the commercial practicability of a ship channel by way of the St. Lawrence River, but, on the contrary, it is shown that there is an enormous tonnage of manufactured goods requiring more economical transportation to destination, and that were a really adequate waterway available a large traffic would undoubtedly develop.

BARGE CANAL HAS NO EFFECT UPON RAIL RATES.

The governor further states that "already, this very season, marked reductions have been effected both in rail and water rates, due to the operation of the canal." To anyone familiar with transportation the suggestion that the small amount of grain carried on the barge canal, amounting to about 1 per cent of the total easterly movement, has had any influence upon rail rates is ridiculous. Railroads operating to the Gulf have applied for permission to increase grain rates on the contention that no weight should be given to the influence of the Mississippi as a competing route. The real reason for the decrease in rates on grain to Atlantic ports is to be found in the competition of the Gulf ports and in the movement to Montreal. Rail rates on grain to New York are higher than to Philadelphia and Baltimore, which have no barge canal. During the present year an enormous amount of grain has been shipped to elevators on Georgian Bay and thence by Canadian rail lines to Montreal, and a large amount has gone down the St. Lawrence to the same port. These are the causes of the reduction in rail rates on grain, supplemented by the evidence submitted to the Interstate Commerce Commission by western shippers regarding the excessive transportation costs on these products as compared with the market prices.

The above analysis of the statements made by Gov. Miller is sufficient to show that the criticisms made against the St. Lawrence River project have no foundation in fact and are merely part of the propaganda to influence the views of those who have not made a personal investigation of the engineering and economic features of the project.

PARTNERSHIP WITH CANADA.

Objection is raised to the St. Lawrence route because it is a joint development with Canada. Such an objection can not be sincere and can be raised only in a frantic effort to find some excuse for the continued monopoly of the port of New York and control of the toll gates at Buffalo. It is not a question of going into partnership with Canada. We are already in that splendid partnership by reason of our treaties already made. It is a question of the development, control, and administration of common property owned jointly by treaty rights for the common good of both countries.

We can not afford to repudiate this right gained by the treaty through the sturdy and far-sighted diplomacy of our forefathers. What a colossal mistake not to join whole-heartedly with Canada on a fifty-fifty basis in its full and complete development. Indeed, the opposition to this monumental project is based, in my opinion, upon false information and careless reasoning. As far as any interference by any other nation is concerned, the gates of the St. Lawrence are as safe for the United States as are the gates of the Mississippi or the Columbia. Indeed, a joint development with common interests with Canada will insure us a larger control and a greater security. [Applause.]

AGREEMENTS WITH FOREIGN STEAMSHIP LINES.

At this point I want to discuss briefly another heresy which has been advanced for the purpose of casting doubt upon the wisdom of the improvement. I refer to the suggestion that we should not participate in opening up any trade routes not entirely in American waters. This is a question which should be decided solely upon the benefits to American commerce and shipping. Our foreign trade must of necessity pass through foreign waters. The really important consideration is that our goods be carried in American ships. At some of our Atlantic ports the trunk-line railroads have entered into agreements with foreign steamship lines under which they grant these lines free dockage facilities and agree to turn over to them as much freight as the railroads can obtain. Under these conditions the foreign lines have an overwhelming advantage and American vessels are unable to get more than a small share of the traffic. At one important port all the grain elevators are at piers of railroads having preferential agreements with foreign lines, and grain from this port is carried almost exclusively in foreign bottoms. Here is a situation which demands correction before we can place our merchant marine in profitable operation. It is infinitely more important than the question of the ownership of routes through which American vessels must pass in foreign trade.

The boundary waters of the United States have been improved both by the United States and Canada. At Sault Ste. Marie there is one Canadian lock and three American locks. All of these locks are used freely by the vessels of either country. The Welland Canal is entirely in Canadian waters, but it is free to American vessels, as are also the present 14-foot canals of the St. Lawrence River. The treaty of 1909 guarantees equal treatment of American and British vessels in all these waters. Canada has spent funds in the improvement of Limekiln Crossing, Detroit River, and the United States has deposited dredged material on the Canadian side of the St. Clair River. The efforts to improve the navigation facilities of these waters have proceeded in the most friendly way. The interests are mutual. Canada has the same big problem as the United States in the development of her vast interior and in opening

economical outlets for her surplus production. No technical objection should be permitted to impede even for a moment the consummation of this worthy purpose. As a matter of fact, the contribution of the Welland Canal to the through route to the sea at the entire expense of Canada insures us more than a square deal in the division of the expense.

CONFLICTING VIEWS OF NEW YORK INTERESTS AND THE REAL REASON FOR THEIR ANTAGONISM.

The several quotations from the governor's speech are referred to solely to show to what extremes the opponents of the St. Lawrence improvement are willing to go in the effort to divert attention from the real issues involved in this great work. Their attack has taken the form of denunciations, ridicule, and sweeping denials of incontrovertible facts, and while declaring on the one hand that the ship channel would not be used, they have sought the aid of Atlantic and Gulf ports by representing that it would divert the commerce from them. Neither of the premises is correct and both have been refuted repeatedly. While opponents of the proposition at Buffalo and New York City have endeavored to show that there is no commerce in the great West seeking the sea, Hon. Ledyard P. Hale, attorney for the public-service commission of New York, has publicly advocated the improvement and made the significant declaration that "The smaller cities of the East will be compelled to take the lead in this great project." In commenting upon Judge Hale's public declaration, the Albany Times-Union, of which former Gov. Martin H. Glynn is publisher and editor, removes all doubt as to New York's real view regarding the commercial practicability of the St. Lawrence route by the following statement:

> It is difficult, indeed, to comprehend the perspective which induced him to espouse this project which, if consummated, will not only cripple the canals of New York but will deal a body blow at the supremacy of the port of New York and will seriously menace the commercial prosperity of this State.

Thus we find that in the frantic efforts of opponents of this project to prevent the opening of a route which will remove some of the tolls from American and Canadian trade most amusing and contradictory contentions have been advanced.

Mr. W. H. Chandler, for the opposition, objects to the diversion of traffic from railroads to water routes because of the provision of the transportation act which requires the Interstate Commerce Commission so to fix rates as to enable the carriers to earn a reasonable return on the property devoted to public use. He likewise objects to the water-power development because it will rob the railroads of some of their coal traffic. Gov. Miller, however, hopes to see all of the waterways developed, with the single exception of the St. Lawrence, and he is in favor of the development of water power except on the St. Lawrence, where he would permit it to run to waste.

The arguments of the governor of New York are not new. The record of the hearings before the international joint commission show that they have all been advanced at the New York, Albany, and Buffalo hearings, and that upon cross-examination of witnesses they have been shown to be of the most flimsy weave. At the New York hearing on October 19, 1920, Mr. Lewis Nixon, who has constructed vessels, stated that ships could not make more than 5 miles per hour in a river channel such as the St. Lawrence throughout its entire length, and that several feet must be available below the keel.

THE REAL FACTS REGARDING THE ADEQUACY OF THE PROPOSED SHIP CHANNEL FOR NAVIGATION BY OCEAN FREIGHT VESSELS.

Later Capt. Joseph W. Proctor was called to the stand by the opponents of the improvement because of the fact that he had navigated the St. Lawrence River. When asked what speed he would make in a river such as the St. Lawrence or Hudson, he replied that he would make full speed, and he proved a very good witness for the improvement by stating that he had brought his ship through the Welland Canal with only 1 inch to spare. But, then, Capt. Proctor is not a politician and should not know about these things. What are the real facts regarding the depth required below the keel? The greater the speed the greater is the margin of depth required, because of the squat of the ship. In rough water, such as is encountered at entrances to ocean ports, additional depth is required because of the "send" or plunge of the ship. Freight vessels are of slow speed, usually 9 to 11 knots, and require less depth below the keel in protected water, such as the St. Lawrence, than do fast passenger vessels. Nevertheless, the freight vessel should have several feet below the keel when moving at full speed. We must keep in mind the fact that the St. Lawrence River for a distance of 1,003 miles from the Atlantic Ocean to Montreal is now a practicable ship channel, and that depths in this stretch are fully adequate for full-speed navigation. From Montreal to Lake Ontario is a distance of 182 miles, of which 117 miles is suitable for full-speed navigation. This 117 miles includes the upper 68 miles between Lake Ontario and Galoup Island, in which there is a depth of 30 feet and over, with a minimum width of 500 feet, a stretch of 31 miles through Lake St. Francis, and a stretch of 16 miles in Lake St. Louis. Throughout all the sections named there is ample depth, except at two or three points, which will be deepened under the proposed plan. This leaves 65 miles requiring radical improvement to reach Lake Ontario and open the Great Lakes to ocean vessels. Under the plan contemplated this part of the river will be converted by dams into long pools of deep water, except at several short sections, where, for reasons of economy, lateral canals are proposed. In all there will be seven lift locks and two guard locks. Fully one-half of the 65 miles requiring improvement will afford depth suitable for full-speed navigation. In passing through the locks a few inches of water below the keel will suffice, and in passing through the shoal sections at reduced speed a margin of a foot will be desirable.

The CHAIRMAN. The gentleman from Wisconsin has now eight minutes remaining.

Mr. A. P. NELSON. Can the gentleman from Tennessee now state whether he can yield me some of his time?

Mr. GARRETT of Tennessee. Mr. Chairman, I yield the gentleman 10 minutes of my time.

Mr. A. P. NELSON. I wish to thank the gentleman from Tennessee for his courtesy.

The CHAIRMAN. The gentleman from Wisconsin will be recognized for 10 additional minutes, making in all 18 minutes.

Mr. A. P. NELSON. Mr. Chairman, the delay to the ship because of lockages and reduced speed where required will amount to only a fraction of a day, which is of no importance in a transatlantic voyage, as indicated by the fact that rates from all North Atlantic ports to Europe are the same, notwithstanding the fact that Baltimore is more than 500 miles farther from Liverpool than Boston and requires about two days more per trip. The total loss of time due to locks and restricted channels between the Atlantic Ocean and Duluth, Minn., under the plan recommended by the engineers, will be about 18 hours. Any practical shipping man knows that this delay is of no consequence as affecting the ability of the vessel to operate profitably. The additional expense involved as compared with the cost of shipping from Atlantic ports is only a very small fraction of the present cost of getting goods from the Northwest to the seaboard.

THE CAPACITY OF THE BARGE CANAL IS INSUFFICIENT TO AFFORD PERCEPTIBLE RELIEF TO TRAFFIC, AND IT IS NOT SUITABLE FOR ALL CLASSES OF GOODS SEEKING MORE ECONOMICAL TRANSPORTATION.

It has been suggested by the governor of New York and others that the Barge Canal will meet the needs of the Northwest as an outlet to the sea. In answer to this I wish to invite attention to a few pertinent facts. The opponents of the St. Lawrence improvement, in speaking of the ability of the Barge Canal to handle the traffic of the West, invariably confine their remarks to grain. Grain is only one of the many commodities demanding more economical transportation to the seaboard. Every commodity entering into the foreign trade of the Northwest is vitally concerned in the St. Lawrence ship channel. The total foreign commerce of the United States carried on vessels in 1920 is reported by the Chief of Engineers as 100,384,206 tons. Of this, 40,000,000 tons pertain to the section tributary to the St. Lawrence River. This commerce is now carried by rail to various seaports, principally New York, and the cost of the rail haul plus transfers is so great as to constitute a heavy burden to the country and to seriously affect our ability to compete in foreign markets. In addition to this traffic there is a much larger movement to points on and near the seaboard for domestic consumption. The freight moved by railroads between the Northwest and the Atlantic seaboard now amounts to approximately 250,000,000 tons annually. Coastwise receipts at the seaports of the United States in 1920 amounted to 45,371,489 tons, and coastwise shipments to 49,153,031 tons, while the commerce carried on the Great Lakes amounted to 111,139,686 tons. The distance by water between the ports of the Great Lakes and Atlantic ports averages less than 50 per cent of the distances between Atlantic and Pacific ports via the Panama Canal, and the relation of the water distance to rail distance is just as favorable for successful competition between water and rail carriers. The traffic of the country is increasing annually, and, as already stated, the rail movement is so great as to cause great congestion and delay. To meet these heavy traffic demands New York offers us the Barge Canal, with a total capacity of only 10,000,000 tons in each direction. Gen. Wotherspoon, formerly superintendent of public works of the State of New York, has shown that the industries along the canal will within a few years supply a greater tonnage than the canal can carry. All canals of this

character carry more local freight than through freight, and the Barge Canal in the past has carried three times as much local freight as through freight. This ratio will allow less than 4,000,000 tons of through freight in each direction, and this only for a short time, until the industries of the State finally require the full capacity. My colleague, Hon. V. M. BRENNEN, of Michigan, who recently made an inspection of the Barge Canal, gives the following conclusive statement of its practical operation:

It is beyond my comprehension to understand how anyone who had made the slightest study of the subject could seriously contend that the New York Barge Canal ever could act as a substitute for the proposed St. Lawrence Ship Canal. It has always been difficult for me to perceive why the two projects should be discussed together. Essentially they present two entirely different methods of transportation. The St. Lawrence offers a through passage without interruption for fast lake and ocean-going vessels from the cities on the Great Lakes to the ports overseas. The New York Barge Canal is what its name indicates—canal for barges, necessarily limited in speed and tonnage, and always involving the expense and delay of transshipping and rehandling through cargoes at Buffalo and again at the city of New York. The proposed ship canal will be either 25 or 30 feet deep, designed to accommodate all but the most mammoth ocean liners. The depth of the Barge Canal is permanently fixed at 12 feet. It is crossed by a multitude of low, stationary bridges which will always prevent its use by any other than the most primitive types of boats.

In 1920 receipts at Buffalo by way of the Barge Canal amounted to 371,049 tons, of which sand, stone, and clay amounted to 261,774 tons. Shipments via the canal amounted to 208,670 tons, of which grain constituted 130,000 tons and iron 62,680 tons. The total movement of grain to the Atlantic seaboard for export and domestic consumption amounts to 15,000,000 to 20,000,000 tons annually. It will therefore be seen that the capacity of the canal, considering the local traffic which can not be crowded off, is wholly insufficient to meet the needs of the grain alone. In recommending the construction of the Barge Canal, however, the committee on canals of the State of New York made the following statement:

It is not alone, however, the export grain trade which requires the enlargement of the Erie Canal. * * * The changes which are now taking place in the iron trade give reason to believe that if an adequate waterway can be secured between Lake Erie and the Hudson River the center of the iron industry can be brought within the State of New York. This has hitherto been within the State of Pennsylvania on account of its resources in ores, coal, and limestone. * * * Indeed it is not too much to expect that with a canal which can carry manufactured steel from Conneaut to New York for 50 cents a ton and distribute this from New York to points on the New England coast without breaking bulk, the vast steel and allied interests centering at Pittsburgh, which support a population greater than that of Chicago, will seek an outlet for their products by rail to Conneaut and thence by Erie Canal rather than across the Alleghenies to Philadelphia.

THE BARGE CANAL ROUTE TO NEW YORK CAN NOT COMPETE WITH PRESENT ROUTES TO MONTREAL.

It has not been shown that the port of Philadelphia has ever been so congested as to require this relief; in fact, Philadelphia is one of the few Atlantic ports which has not suffered seriously from congestion. The governor of New York has apparently overlooked the vast tonnage of iron and steel that is scheduled to seek the barge canal in preference to the port of Philadelphia, but let us not take this too seriously, any more than the thought of the governor that the grain of the West will move in any great amount by way of the barge canal. The reason is obvious. From Buffalo to New York by way of the barge canal is 450 miles. The depth is 12 feet. From Lake Erie to Montreal, by way of the St. Lawrence River, is only 368 miles, the present depth is 14 feet, and the capacity is unlimited. Charter rates on grain from Montreal to Liverpool during the past seasons have been the same as from New York, and Montreal is actually 500 miles nearer Liverpool. There is no inducement for the grain to go to New York, and, in fact, it is not doing so. It is going to Montreal, and so far this year Montreal has exported more grain than any other port on the American Continent, notwithstanding the efforts of the barge canal enthusiasts to make the public believe that the St. Lawrence is an impracticable route because of the fog, currents, and icebergs. Let it be said for the guidance of those who are not personally acquainted with conditions that all the fog, currents, and icebergs are far below Montreal, and that none of these things will be encountered on the section above Montreal which it is now proposed to improve. Their terrors may well be estimated by the difference in insurance rates, amounting to 2½ cents per $100 by way of the St. Lawrence more than by way of New York. With wheat at $1 per bushel, the increased cost on account of insurance is so small that it can not be found in a bushel of wheat.

"THE GRAVEYARD OF THE ATLANTIC."

A great cry has been raised against the St. Lawrence because of fogs and extra hazards to navigation, but only two instances have been mentioned—one the tragic collision of the *Titanic* with an iceberg, cited by my colleague, Hon. JAMES M. MEAD, of Buffalo, and the other the *Empress of India*, cited by Mr. Henry W. Hill and Congressman MEAD; but none of these gentlemen have taken the time to investigate the facts, because, as everyone knows, the *Titanic* did not meet its tragic fate on the St. Lawrence nor within 500 miles of its gulf but out at sea in its feverish race against time from Liverpool to New York. The tragic ending of the *Empress of India* was not, according to authentic testimony, due to fogs or ice, but from another cause. In trying to find objections to the St. Lawrence route our opponents are even willing to shift the "graveyard of the Atlantic" from hundreds of miles out at sea and plant it on the bottom of the St. Lawrence, and yet their objections concerning fogs are the least foggy of them all. [Applause.]

Upon completion of the enlarged Welland Canal to its preliminary depth of 25 feet, which is now in progress, the bulk-grain carrier will be able to reach Prescott, Ontario, only 120 miles from Montreal, and the prospect of any large grain movement by way of the barge canal will be even less than at present. The enlargement of the Welland Canal by Canada is a brilliant stroke to divert the grain trade from American ports to Montreal, and is well calculated to accomplish the results intended. Long before the St. Lawrence can be opened to ocean vessels and American merchant vessels can take cargoes directly at the American ports of the Great Lakes, Montreal will have achieved supremacy in the grain trade. And New York would have us defer this improvement to see what effect the barge canal, with a one-way capacity of 10,000,000 tons, will have upon a traffic situation involving between 200,000,000 and 300,000,000 tons annually. I am not unmindful of the value of the barge canal as an auxiliary route for traffic between the Great Lakes and the Atlantic seaboard, and its cost is fully warranted by the important influence it will have upon industrial development in the area tributary to it, but its capacity is wholly insufficient to meet the many needs of both local and through traffic, and the necessity for transfers renders it unsuitable for general package freight destined for export. Such freight seeks rail and ocean transportation and is rarely carried on canals.

WATERWAY WILL SAVE ANNUALLY MORE THAN ITS ENTIRE COST AND RENDER UNNECESSARY MUCH GREATER EXPENSE FOR RAILROAD EQUIPMENT.

Before closing my remarks I want to refer to the suggestion of the governor of New York that the expenditure involved is too great to be considered by the Government at this time. The saving on grain alone is estimated by competent men in the grain business, including Mr. Julius H. Barnes, formerly Director United States Grain Corporation, to amount to from 5 to 10 cents per bushel, and this will affect not only the grain exported but all the grain produced in the territory within the influence of the waterway. Indeed, this effect would be accomplished even though we should have no grain to export. The price is fixed at Liverpool and the American producer has the right to export his grain if he wishes. The domestic price must therefore equal the price which he would receive at Liverpool, less the cost of transportation, elevation, and incidental expenses. On the grain produced within the territory affected the saving will amount to approximately $350,000,000 per year, or more than double the amount which the United States will be required to contribute to the improvement. The saving on other commodities will be very great, and it may be conservatively estimated that the producers of the United States will be benefited to the extent of at least $500,000,000 annually in return for a total expenditure of less than $150,000,000, which will be reimbursed to the Government in full by the revenue derived from water power. This is a high-grade investment. Moreover, there must be expended upon the railroads of the country many billions of dollars before they will be equipped to handle the increasing traffic adequately. The opening of the Great Lakes to ocean vessels will substitute short hauls for some of the present long hauls and greatly increase the car efficiency. It will render part of the expenditure for railroad equipment unnecessary, and in this way more than save its cost. This is true economy. [Applause.]

PLAN NOT A BURDEN ON THE FEDERAL TREASURY.

The governor of New York says: "It is an agitation to get the Federal Government to spend a billion dollars." Now, our good governor knows better than that. Such a statement is mere camouflage, misleading, and not according to fact. The report of the engineers—Col. Wooten for the United States and Mr. Bowden for Canada—shows that plans providing one power dam developing about 1,464,000 horsepower and complete navigation possibilities will cost about $252,728,000, one-half to be assumed by each nation. Not a cent need be expended by either Government. A bond issue backed jointly by the credit of the two nations can easily be sold during the eight years required for the completion of the project.

Mr. W. L. Saunders, of New York, an authority on navigation, in the November number of Mining and Metallurgy, says:

It is estimated that the saving in freight rates would be equivalent annually to the cost of the development to the United States. The income from hydraulic power, made available in the carrying out of the project, would more than pay the fixed charges for interest and sinking fund of a bond issue in sufficient amount to defray the cost of the waterway and structures. It is a 100 per cent investment.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield at this point?

Mr. A. P. NELSON. For just a brief question.

Mr. GRIFFIN. How will these bonds of which the gentleman speaks, by which the expense of the undertaking is to be borne, be paid?

Mr. A. P. NELSON. I have already indicated that they can be paid by the revenues to be derived from the water-power development in connection with this project, as is so conclusively stated by W. L. Saunders whom I have just quoted.

Mr. GRIFFIN. Then the return is dependent upon the sale of the water power?

Mr. A. P. NELSON. The return of the cost of the entire project can be obtained from the sale of hydroelectric power as stated.

Mr. GRIFFIN. Out of which the bonds can be paid?

Mr. A. P. NELSON. Yes; the bonds can be paid in time from that source as already stated.

THE GREATEST MINDS OF AMERICA RECOGNIZE THE NECESSITY FOR OPENING THE GREAT LAKES TO OCEAN SHIPS.

Let me quote the opinions of a few men whose fidelity to the public welfare is well known and whose competency to discuss the questions involved is undoubted:

STATEMENT BY HON. HERBERT HOOVER, SECRETARY OF COMMERCE.

It would place every port on the Great Lakes on the seas. It would take off a considerable portion of the peak load from the trunk-line railways during the great crop-moving season. It would materially reduce the stricture in the flow of farm products to markets. It would give the railroads the benefit of a better average haul. It would cut the cost of moving farm products. It would give employment for our larger mercantile marine. Fifteen States facing toward the Great Lakes could find an outlet for a portion of their annual surplus quickly and more cheaply. The cost of transportation from the Lake ports to Europe would be greatly diminished and the diminished cost would go directly into the farmer's pocket.

STATEMENT BY JULIUS H. BARNES, FORMERLY DIRECTOR UNITED STATES GRAIN CORPORATION.

Records show that from the time the grain crops begin to move in July in the West the so-called western lines, west of the Mississippi and Chicago, are robbed of their car supply because those cars go on the eastern lines to the Atlantic seaboard. From July until usually February or March, in a general way, the railroads east of the Mississippi have in use from 10 to 20 per cent more cars than they own and the roads west of the Mississippi can lay hands on not more than 80 or 90 per cent of the cars they own. In some instances the cars rolling on individual western lines have fallen to 60 per cent.

There is only one remedy—until this condition is corrected the West is always going to have an inadequate car supply from the time the grain commences to move with harvest until that movement terminates. The simple remedy is to admit the ocean-going fleet to the producing section through the Great Lakes and at the same time to permit the Lake carriers to proceed with their cargoes to the seaboard.

If the cars from the harvest fields terminated their voyage with foreign-bound grain at the western Lake ports they would be retained on the lines which provide them; their carrying capacity would be enormously increased; the normal balance of car supply on the eastern and western lines would be preserved and every business in the country would be relieved at once by a more equal and just flow of car service.

STATEMENT OF H. H. MERRICK, PRESIDENT MISSISSIPPI VALLEY ASSOCIATION.

At Buffalo the wheat is unloaded from the Lake boat into trains or barges—practically all of it goes by train—and this enormous burden of 15,000,000 tons is dumped on top of the Lake traffic, which is already overburdening the railroads in this area. The overload paralyzes them. Embargo results. Wheat blocks the lines, but every class of production is affected.

What is the remedy? Increase in railroad facilities? To carry their regular loads the railroads must spend billions and the problem of credits for this expenditure is serious enough. In addition to that, to require the overstrained and overburdened roads East and West to provide facilities for such a peak load, doubling their equipment, doubling their trackage, establishing more terminals—to lie idle most of the year—would be a herculean feat and an unbankable proposition.

STATEMENT BY DR. GEORGE OTIS SMITH, DIRECTOR UNITED STATES GEOLOGICAL SURVEY.

Looking at the Barge Canal as necessarily having a future far different from its present, I see it as a 350-mile avenue of industries, each using this cheap transportation for its incoming raw materials and outgoing finished product, but that picture can not be realized without an adequate supply of cheap power, and of new power the largest block in sight is the proposed contribution from this same St. Lawrence development. * * * I can see this great advantage of developing a large local business along the Barge Canal without worrying about the possible loss of trunk-line business it does not even now possess. * * *

We must take the national view rather than the sectional view; if we study the facts of interstate commerce, we can not escape the conclusion that what helps the West helps the East—what benefits Minnesota benefits New York. Twenty years ago I heard these same arguments against taxing the East to reclaim western land, but every community thriving on the fruits of its irrigated acres now pays tribute to our eastern manufacturing industries. * * *

Send our goods to market by the shortest and cheapest route, and the whole country will share in the resulting greater profits. No State or nation lives unto itself—let us therefore look at this St. Lawrence project from the all-American point of view.

STATEMENT BY HON. JOSEPHUS DANIELS, FORMERLY SECRETARY OF THE NAVY.

The supreme duty of America lies with reference to water and ocean transportation. Before the war the business of the railroads was much greater than could be handled, and it was necessary, when the stress of war came, for the Government to take them over in order to transport the soldiers, supplies, munitions, and materials to the seaboard. The business of our country will continually expand, and it is our duty to secure the lowest transportation costs possible.

A thorough study should be made of inland transportation, and I believe one of the most important improvements is to make it possible to have water transportation for large ships through the Lakes from the Atlantic and by barges down the Mississippi River.

STATEMENT BY JOHN BARTON PAYNE, FORMERLY CHAIRMAN OF UNITED STATES SHIPPING BOARD.

Referring to the deep waterway between the Lakes and the Atlantic Ocean, you are right in stressing the importance of such a waterway. The importance of Chicago alone, not only as a manufacturing and packing center, but also as a clearing house for shippers generally west of Illinois, argues strongly for bringing to the highest possible state of accessibility and efficiency all means of freight transportation. The study which you are making of inland water transportation in the United States should substantiate the contention that the Great Lakes transportation system, important as it is at present, is in its infancy, and that delay in its development will cost producers, shippers, and consumers millions of dollars yearly.

STATEMENT BY MAJ. GEN. LEONARD WOOD, UNITED STATES ARMY.

In any comprehensive scheme of development the line of water communication from the Great Lakes to the sea via the St. Lawrence is an essential element. It is but an extension of the Great Lakes highway upon which our products may move to market at the most advantageous rates. If we can complete the system, it will be the shortest and most direct route to northern Europe. It will furnish most economical transportation of foodstuffs and raw materials and will furnish a readily available line for transportation to the Atlantic seaboard in case of need.

STATEMENT BY HON. FRANKLIN K. LANE, FORMERLY SECRETARY OF THE INTERIOR.

It has been truly stated that when this work is completed the Great Lakes will be an American Mediterranean Sea for at least eight months of the year, and important Lake cities would become practically seaports, relieving the railroads of a tremendous burden of traffic and enabling the wheat growers of the Middle West to have quicker dispatch to foreign markets at a saving of at least 5 cents per bushel in freight charges.

STATEMENT BY RALPH BUDD, GREAT NORTHERN RAILWAY CO.

The benefits accruing to the middle and northwestern sections of the United States as a result of the Great Lakes-St. Lawrence Tidewater project can not help being apparent to anyone who has given the subject consideration.

The success with which lake-and-rail movement of ore and coal is carried on serves as a splendid illustration of what could be done in a larger way with a tidewater project carried out so that exporting could be carried on freely from this great middle and northwestern territory directly from the termini of the rail lines which serve the territory. It would mean much for an improved car supply in times such as those recently experienced in that cars instead of being lost to the western lines and in that way to the shippers of the Northwest would be unloaded at Lake ports and returned immediately to the territory for other loads.

STATEMENT BY JOHN WANAMAKER.

The Great Lakes and the St. Lawrence will do great work for 40,000,000 people, and surely Congress will see this and in every way facilitate the rapid completion of such an enterprise, which will greatly benefit more than the Middle West and Northwest; and even so, if it were different, the United States is too big and too wise to stand in the way of the St. Lawrence waterway, which in these days seems to be more important than the Northern Pacific Railroad when it was first organized.

STATEMENT BY E. PENNINGTON, PRESIDENT MINNEAPOLIS, ST. PAUL & SAULT STE. MARIE RAILROAD.

The Pacific coast and Southern States have the Panama Canal, which has revolutionized their routes and is enabling them to develop their territory with a certainty of transportation. With the completion of the Great Lakes-St. Lawrence project the great Middle West, now from 1,000 to 1,500 miles from either ocean, will have the ocean transportation brought to their borders * * *.

There is little territory within my knowledge that attempts the export of its products for a distance from the ocean that the Middle West of North America does, and while our transportation rates on the agricultural products have been low compared with land transportation anywhere else, it has still been a handicap to the producers and to the development of the country. The population of the world and the demands for food and necessities of life are increasing. If the United States is to contribute to this demand, its producers must be placed in a position to meet the situation. Water transportation has always been, and will always be, the cheapest and most reliable transportation of the world at all times, and this Great Lakes-St. Lawrence project seems to be one that should be encouraged in every way possible.

STATEMENT BY MR. WALTER PARKER, EXECUTIVE VICE PRESIDENT OF THE MISSISSIPPI VALLEY ASSOCIATION AND GENERAL MANAGER OF THE NEW ORLEANS ASSOCIATION OF COMMERCE.

Some of the people on the Atlantic seaboard, who long have been enjoying some of the fruits of your labors, do not approve of your demand for a channel down the St. Lawrence. They fear such a channel might divert some of your commerce from them. In their efforts to block you they have suggested that New Orleans join them in opposing you. Here is how I replied:

* * * "The northern tier of States in the Mississippi Valley desire an outlet to the Atlantic via the St. Lawrence. If that project be proven to be feasible as an economic thing, we will help them get it.

"In our opinion it is economically wrong for any section to be compelled to function along channels of trade which arbitrarily favor some other section or some other set of business men when the people creating such commerce feel they should have access to other and possibly more economic channels * * *.

"Consequently we do not oppose the project to open a channel through the St. Lawrence, but stand ready to throw the full force of our influence behind such a project whenever it shall be shown that the expenditure of whatever public money may be called for will be justified in an economic sense."

The people of New Orleans are fully alive to the irrefutable economic fact that any public improvement which will result in benefit to the producers in the great central and western areas of the United States is bound to result in good to the port of New Orleans. The production and development of this vast territory depends wholly upon the economic conditions affecting its ability to engage in profitable commercial intercourse with other sections of this great country and with the foreign nations to whom our surplus must be sold.

BENEFITS TO THE FARMERS AND PRODUCERS OF THE WEST WILL BE SHARED WITH INDUSTRY THROUGHOUT THE ENTIRE COUNTRY, RESULTING IN IMPORTANT COMMERCIAL DEVELOPMENT AND IN ENHANCED TRAFFIC THROUGH ALL OF OUR PORTS.

The balance between agriculture and industry has been seriously impaired. The farm price level on November 1, 1921, was about 39.6 per cent lower than a year ago, 56.5 per cent lower than 2 years ago, and 33.7 per cent lower than the average for the past 10 years on November 1. The prices of meat animals—hogs, cattle, sheep, and chickens—on October 15 were 41 per cent lower than a year ago, 43.6 per cent lower than 2 years ago, and 25.5 per cent lower than the average of the past 10 years on October 15. During this period rail rates have increased 100 per cent and more, and while there have been some reductions recently, they are still about 80 per cent higher than the rates five years ago. These conditions have brought about a most serious decrease in the net income of the farmer. It is well known that the prosperity of industry depends upon the purchasing power of the farmer. With this power decreased as it is at the present time, and as it will be until cheaper transportation is obtained, the industries of the country will be retarded. Careful study of the costs of transportation from surplus producing areas to seaboard and to foreign markets shows conclusively that the opening of the Great Lakes to ocean vessels will result in marked improvement in the position of the farmer and will bring about conditions which will encourage production and the development of our vast interior areas. The benefits will be felt not only in a revival of industry, but in a general increase of commerce moving through all the ports of the United States. To meet the needs of the period of prosperity which will follow there must be an adequate number of outlets for traffic equipped with the facilities for economical transfer of goods and for the rapid turn around of ships.

THE WEST PLEDGES SUPPORT IN ESTABLISHING CONDITIONS WHICH WILL EFFECT A BETTER DISTRIBUTION OF TRAFFIC THROUGH OUR PORTS AND IN SECURING AN ADEQUATE DEVELOPMENT OF THE NATION'S WATERWAYS.

Conditions necessitating the movement of commerce by routes which have grown to be congested must be remedied and conditions established under which vessels may be attracted to the important ports not only of the Great Lakes but of the North Atlantic, South Atlantic, Gulf, and Pacific coasts. If our country progresses as it must progress, all of these outlets will be necessary, and if our merchant marine is to operate successfully, it must be freed from the shackles which now compel it to operate at congested and inadequate ports. The mere provision of channel facilities, so benevolently suggested by the governor of New York, will not render these outlets available to shipping. There must be a more heroic treatment, a treatment which will encourage commerce and ships to seek these other outlets. We of the West pledge our support in bringing these conditions to pass. We do not confine our pledge of assistance to the mere provision of channel facilities which under present conditions will accomplish no important change in the movement of traffic, but we stand fully behind the provisions of the merchant marine act, which contemplate adequate action to prevent congestion at ports and to bring about the conditions necessary to insure the adequate use by vessels of ports which are properly situated to handle a fair share of the trade of the interior.

The opening of the Great Lakes to ocean vessels constitutes an indispensable part of any logical water transportation system for the United States. An equally indispensable part of such a system is the radical improvement of the Mississippi River and tributaries, with a direct connection between the Mississippi and the Great Lakes and another connection between Lake Erie and the Ohio River. With these arteries established we shall have the foundation of a water transportation system capable of serving traffic in the interests of the Nation as a whole and relieving the producers and shippers of the interior from the excessive costs of rail transportation which are now sapping the lifeblood of our commerce and rendering impracticable the fullest development of our resources. [Applause.]

Exports of domestic grain and flour from principal Atlantic and Gulf customs districts, 1913 to 1920 (compiled from reports of the Department of Commerce).

[Quantities expressed in bushels; flour converted to bushels on the basis of 4.5 bushels to the barrel.]

FLOUR (WHEAT AND RYE).

Year.	Massachusetts.	New York.	Philadelphia.	Maryland.	Virginia.	New Orleans.	Galveston.	Total for 7 districts.
1913	457,123	16,948,129	5,375,538	4,236,948	819,301	3,742,123	1,534,644	33,113,806
1914	1,236,537	18,396,985	3,980,146	3,661,956	635,512	5,543,131	1,547,059	35,001,326
1915	2,306,929	32,511,942	5,517,931	4,624,114	1,611,643	9,356,071	1,957,666	57,886,296
1916	1,381,495	26,559,648	4,798,935	6,343,686	5,386,176	9,755,077	1,215,370	55,440,387
1917	1,130,566	17,333,977	3,669,187	10,211,067	2,470,959	9,487,359	804,181	45,107,296
1918	6,788,016	31,578,835	8,683,636	9,751,981	9,623,267	12,568,567	9,121,603	88,115,905
1919	4,296,212	37,976,485	15,689,794	11,789,739	14,434,141	11,382,808	3,841,963	99,411,144
1920	885,361	35,329,356	13,913,019	8,471,407	6,677,496	7,277,485	1,797,777	74,351,901
WHEAT.								
1913	2,540,859	25,968,451	7,387,240	6,518,749	.....	14,365,764	13,213,697	69,994,760
1914	4,223,852	21,877,705	6,915,772	12,893,028	521,108	12,186,362	10,057,579	68,675,406
1915	5,640,318	32,959,697	20,254,159	23,015,039	7,053,520	48,872,053	50,717,729	208,522,515
1916	3,775,018	40,490,159	27,242,120	26,611,988	8,289,105	19,492,611	28,987,212	154,888,213
1917	1,099,412	37,981,170	24,539,807	27,569,947	115,352	25,270,549	21,822,067	138,398,304
1918	4,642,029	22,739,855	16,752,320	17,258,200	345,835	9,401,837	4,576,605	75,716,681
1919	9,351,179	39,131,660	31,517,322	25,501,321	3,335,912	12,785,563	17,587,960	139,210,917
1920	4,174,554	36,148,606	17,655,343	27,798,338	2,153,278	48,695,864	46,561,406	183,216,389
OATS.								
1913	.....	5,093,698	1,095,706	14,680,377	8,394,118	497,148	.....	29,761,047
1914	39,640	310,597	176,142	70,072	.....	60,068	.....	656,519
1915	248,209	12,305,286	7,930,353	37,269,151	29,868,189	2,462,296	13,912	90,097,396
1916	1,121,356	15,941,498	4,727,551	23,681,080	46,209,615	441,405	62,403	92,184,908
1917	4,802,818	12,506,520	8,169,480	23,175,839	33,905,127	3,450,401	940,451	86,948,636
1918	6,950,376	18,770,973	8,586,934	10,408,381	14,411,050	17,452,662	.....	76,580,376
1919	3,524,100	26,641,915	7,649,722	6,129,895	1,367,863	6,891,101	56,180	52,260,776
1920	85,819	7,884,700	126,160	1,884,718	89,885	907,068	1,500	10,979,850
RYE.								
1913	144,987	678,992	62,216	442,732	.....	.....	.....	1,328,927
1914	125,647	335,977	180,208	1,272,847	.....	.....	.....	1,914,679
1915	468,326	2,454,078	405,803	9,136,798	32,592	28	.....	12,497,625
1916	137,255	1,135,474	1,347,021	11,275,321	429,789	5	.....	14,324,865
1917	484,928	1,104,104	396,213	10,083,764	.....	60,000	.....	12,129,009
1918	260,267	4,380,387	377,405	1,952,782	.....	261,879	230,246	7,412,966
1919	911,480	12,435,503	7,695,885	8,493,883	1,304,720	300	.....	30,841,771
1920	333,759	23,488,700	2,280,992	19,679,665	311,487	177,857	496,713	46,769,173

Exports of domestic grain and flour from principal Atlantic and Gulf customs districts, 1913 to 1920, etc.—Continued.

BARLEY.

Year.	Massachusetts.	New York.	Philadelphia.	Maryland.	Virginia.	New Orleans.	Galveston.	Total for 7 districts.
1913	.....	4,264,817	.....	179,589	5,560,639	.....	.....	10,005,045
1914	.....	644,931	215,365	.....	.....	.....	.....	860,296
1915	684,344	3,249,736	497,229	2,224,264	113,436	8,836	.....	6,777,845
1916	705,587	7,248,995	1,254,708	7,371,371	70,908	153,447	2,126	16,807,142
1917	10,248	8,688,489	220,174	2,186,771	.....	1,978,583	51,784	13,136,049
1918	414,523	6,386,888	571,180	184,043	.....	7,716,366	2,427,488	17,700,488
1919	2,517,290	8,334,279	2,303,565	4,062,624	4,628,757	6,926,738	1,562,420	30,335,673
1920	45,112	4,947,659	232,538	735,758	150,414	5,949,073	625,055	12,685,609

CORN.

1913	4,170,512	5,900,541	1,639,394	19,843,113	2,580,287	4,152,979	.....	38,286,826
1914	162,534	877,116	261,213	581,595	112,292	1,717,652	.....	3,712,402
1915	602,960	12,093,100	1,943,563	18,329,615	3,133,552	2,512,294	17,786	38,632,870
1916	319,942	3,133,326	1,391,620	14,945,252	411,044	6,127,592	1,859,753	28,188,529
1917	3,209,528	12,857,505	3,320,165	19,122,558	292,517	4,943,376	258,499	44,004,148
1918	327,304	6,842,662	1,239,749	1,414,328	33,414	9,415,384	3,797,264	23,070,105
1919	1,761	1,196,374	483,649	810,699	.....	1,233,081	3,306	3,728,870
1920	58,854	1,653,372	700,665	1,623,402	109,466	1,142,998	82,229	5,370,985

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. WALSH. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. CAMPBELL of Kansas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the state of the Union and had come to no resolution thereon.

LEAVES OF ABSENCE.

Leaves of absence were granted to—

Mr. BRAND (at the request of Mr. CRISP), indefinitely, on account of serious illness;

Mr. FULLER, for one week, on account of important business;

Mr. KLINE of New York, for the balance of the week, on account of death in his family;

Mr. HAMMER, from December 5 to December 12, inclusive, on account of illness in family;

Mr. DOMINICK, for one week, on account of illness in his family; and

Mr. SHAW (at the request of Mr. BROOKS of Illinois), for an indefinite period, on account of illness in his family.

ADJOURNMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, and accordingly (at 4 o'clock and 11 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 6, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

276. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of waterway from Chincoteague Bay, Va., to Delaware Bay, at or near Lewes, Del., including consideration of the relative advantages and cost of utilizing the Mispillion River as the northern entrance to the waterway rather than the Broadkill River (H. Doc. No. 128); to the Committee on Rivers and Harbors and ordered to be printed with an illustration.

277. A letter from the Secretary of the Navy, transmitting a draft of a bill for the relief of Francois C. Mevs; to the Committee on Claims.

278. A letter from the Secretary of War, transmitting list of typewriters and adding machines in part payment for new machines for the same purpose as those exchanged by the Panama Canal for the period July 1, 1920, to June 30, 1921; to the Committee on Appropriations.

279. A letter from the Secretary of War, transmitting a draft of a bill to authorize credits in the accounts of certain disbursing officers of the Army of the United States; to the Committee on Claims.

280. A letter from the Secretary of War, transmitting a draft of legislation providing that when supplies for the Military Establishment are accepted by the United States at factory or other point of origin and are shipped to destination at the expense of the United States, the cost of such transportation may be paid from the appropriation from which the supplies are purchased; to the Committee on Military Affairs.

281. A letter from the Secretary of War, transmitting data relative to the number of employees of the Washington office of the Panama Canal receiving increased compensation at the rate of $240 per annum, and the average number of grades receiving the same at each other rate during the first four months of the present fiscal year; to the Committee on Appropriations.

282. A letter from the Postmaster General, transmitting report of the appropriations, expenditures, and balances unexpended on account of the Postal Service for the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Post Office Department.

283. A letter from the Postmaster General, transmitting information with reference to the Official Postal Guide, which is distributed to the Postal Service and Post Office Department proper, and sold to the public; to the Committee on Printing.

284. A letter from the Postmaster General, transmitting data relative to typewriters exchanged by the Post Office Department during the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Post Office Department.

285. A letter from the Postmaster General, transmitting statement showing in detail what officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) have traveled on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Post Office Department.

286. A letter from the Postmaster General, transmitting statement showing the post offices where it was necessary to employ clerical assistance at a higher rate than $1,200 a year and the amount authorized at each office, payable from the appropriation for "Unusual conditions," for the fiscal year 1921; to the Committee on Expenditures in the Post Office Department.

287. A letter from the president of the Commissioners of the District of Columbia, transmitting report of the Commissioners of the District of Columbia for the fiscal year ended June 30, 1921; to the Committee on the District of Columbia.

288. A letter from the president of the Commissioners of the District of Columbia, transmitting report of the contingent expenses of the District of Columbia, fiscal year ended June 30, 1921; to the Committee on the District of Columbia.

289. A letter from the Secretary of the Treasury, transmitting report of typewriters and other labor-saving machines purchased in exchange during the fiscal year ended June 30, 1921, Treasury Department; to the Committee on Expenditures in the Treasury Department.

290. A letter from the Secretary of the Treasury, transmitting a statement showing the number of employees and their compensation in the Bureau of Engraving and Printing whose compensation is paid from "Compensation of employees" as carried in the sundry civil act, but who are detailed for duty in connection with clerical work, messenger and watchman services of the bureau; to the Committee on Expenditures in the Treasury Department.

291. A letter from the United States Shipping Board, transmitting report of claims arbitrated or settled by agreement by the United States Shipping Board and the board of trustees of the United States Shipping Board Emergency Fleet Corporation from October 16, 1920, to October 15, 1921; to the Committee on the Merchant Marine and Fisheries.

292. A letter from the chairman of the United States Shipping Board, transmitting statement of travel performed by the officers and employees of the United States Shipping Board during the fiscal year ended June 30, 1921; to the Committee on Appropriations.

293. A letter from the chairman of the United States Shipping Board, transmitting a report giving the aggregate number of publications issued by the United States Shipping Board and United States Shipping Board Emergency Fleet Corporation during the fiscal year ended June 30, 1921; to the Committee on Printing.

294. A letter from the Secretary of the Navy, transmitting detailed statements of expenditures under contingent appropriations for the Navy Department (civil) for the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Navy Department.

295. A letter from the chairman of Interstate Commerce Commission, transmitting a report showing the number of persons employed by the commission who received increased compensation for the months of July, August, September, and October, 1921; to the Committee on Appropriations.

296. A letter from the chairman of the Interstate Commerce Commission, transmitting a statement showing the travel of all officials and employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who have traveled on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1921; to the Committee on Appropriations.

297. A letter from the chairman of the Interstate Commerce Commission, transmitting a statement showing the make, model, and serial number of each machine exchanged during the fiscal year 1921, the period of its use, the allowance therefor, and the article, make, and model thereof, and price, including exchange value paid for each article procured through such exchange; to the Committee on Appropriations.

298. A letter from the chairman of the Interstate Commerce Commission, transmitting a statement showing the employment under appropriation for the valuation of carriers for the fiscal year ended June 30, 1921, by each division or title of organization, the names of all persons employed thereunder alphabetically arranged, the State from which each was appointed, the rate of compensation paid to each, etc.; to the Committee on Appropriations.

299. A letter from the Postmaster General, transmitting report of public property in the Post Office Department on December 1, 1921; to the Committee on Expenditures in the Post Office Department.

300. A letter from the chief clerk of the Court of Claims, transmitting statement of all judgments rendered by the Court of Claims for the year ended December 3, 1921, the amount thereof, the parties in whose favor rendered, and a brief synopsis of the nature of the claim; to the Committee on Claims.

301. A letter from the Secretary of the Smithsonian Institution, transmitting statement of travel on official business for Smithsonian branches during fiscal year ended June 30, 1921; to the Committee on Appropriations.

302. A letter from the Secretary of the Smithsonian Institution, transmitting information regarding the only purchase of a typewriting machine in which an exchange was made in part payment by the Government branches under the direction of the institute during the fiscal year ended June 30, 1921; to the Committee on Appropriations.

303. A letter from the Secretary of the Smithsonian Institution, transmitting statement showing for the first four months of the current fiscal year the average number of employees in the Government branches under the direction of the institute who received the increased compensation at the rate of $240 per annum, and the average number by grades who received the same at each other rate; to the Committee on Appropriations.

304. A letter from the Secretary of the Smithsonian Institution, transmitting a report of Government publications issued during the fiscal year ended June 30, 1921, showing the aggregate number of publications, the cost of paper and printing, the cost of preparation of each publication, and the number of each which was distributed during the fiscal year; to the Committee on Appropriations.

305. A letter from the Secretary of the Smithsonian Institution, transmitting report of international exchanges, Smithsonian Institution, 1921; to the Committee on Appropriations.

306. A letter from the Librarian of the Library of Congress, transmitting a statement showing in detail what officers or employees of the Library of Congress have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1921; to the Committee on Appropriations.

307. A letter from the Librarian of the Library of Congress, transmitting report giving the aggregate number of publications issued by the Library of Congress proper during the fiscal year 1920–21, the cost of paper used, the cost of printing, the cost of preparation, and the number distributed; to the Committee on Printing.

308. A letter from the Librarian of the Library of Congress, transmitting report of the average number of employees of the Library of Congress, including the copyright office, who receive the increased compensation at the rate of $240 per annum during the first four months of the fiscal year 1922; to the Committee on Appropriations.

309. A letter from the Superintendent of Buildings and Grounds, Library of Congress, transmitting report relative to travel from Washington, D. C., in connection with official business during the fiscal year 1921; to the Committee on Appropriations.

310. A letter from the Superintendent of Buildings and Grounds, Library of Congress, transmitting a statement showing the average number of employees receiving compensation at the rate of $240 for four months ending October 31, 1921; to the Committee on Appropriations.

311. A letter from the Secretary of Agriculture, transmitting report of the sums allotted to the Bureau of Chemistry, used for compensation of or payment of expenses to officers or other persons employed by State, county, or municipal governments during the fiscal year 1921; to the Committee on Expenditures in the Department of Agriculture.

312. A letter from the Secretary of Agriculture, transmitting a report of "the place, quantity, and price of seeds purchased, and the date of purchase," under the appropriation "Purchase and distribution of valuable seeds, 1921"; to the Committee on Expenditures in the Department of Agriculture.

313. A letter from the Secretary of Agriculture, transmitting statement showing, for the first four months of the current fiscal year, the average number of employees in the Department of Agriculture receiving increased compensation at the rate of $240 per annum, and the average number, by grades, receiving the same at each other rate, as required by section 6 of the legislative, executive, and judicial appropriation act approved March 3, 1921; to the Committee on Expenditures in the Department of Agriculture.

314. A letter from the Secretary of Agriculture, transmitting report of contributions on account of cooperative work with the Forest Service, and the amount refunded to depositors on account of excess deposits, national forests fund, for the fiscal year 1921; to the Committee on Expenditures in the Department of Agriculture.

315. A letter from the Secretary of Agriculture, transmitting detailed statement of the manner in which the appropriation "Miscellaneous expenses, Department of Agriculture, 1921," has been expended; to the Committee on Expenditures in the Department of Agriculture.

316. A letter from the Secretary of Agriculture, transmitting detailed report showing the names of all persons employed, their designations, and rates of pay in the Bureau of Animal Industry for the suppression of contagious, infectious, or communicable diseases of domestic animals during the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Department of Agriculture.

317. A letter from the Secretary of Agriculture, transmitting a detailed report showing the motor-propelled and horse-drawn passenger-carrying vehicles and motor boats purchased by the Department of Agriculture during the fiscal year 1921 for use in the conduct of the field work; to the Committee on Expenditures in the Department of Agriculture.

318. A letter from the Secretary of Agriculture, transmitting a detailed report of all typewriters, computing, addressing, and duplicating machines, and other labor-saving devices exchanged during the fiscal year 1921 in part payment for new machines; to the Committee on Expenditures in the Department of Agriculture.

319. A letter from the Secretary of Agriculture, transmitting a detailed report showing the publications received and distributed by the Department of Agriculture during the fiscal year ended June 30, 1921; to the Committee on Printing.

320. A letter from the Secretary of Agriculture, transmitting statement showing in detail the travel from Washington to points outside of the District of Columbia performed by officers

and employees (other than special agents, inspectors, and employees who in the discharge of their regular duties are required constantly to travel) of the Department of Agriculture during the fiscal year 1921; to the Committee on Expenditures in the Department of Agriculture.

321. A letter from the Secretary of Agriculture, transmitting statement of expenditures of the Department of Agriculture for the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Department of Agriculture.

322. A letter from the Acting Secretary of the Interior, transmitting a report, under section 2100 of the Revised Statutes of the United States, that no act of hostilities by any Indian tribe has occurred during the past fiscal year; to the Committee on Indian Affairs.

323. A letter from the Acting Secretary of the Interior, transmitting a report in compliance with the provisions of the act of March 3, 1921, relative to providing for new buildings and the enlargement and remodeling of present buildings at the Chilocco (Okla.) Indian School, and not recommending an appropriation for the fiscal year 1923 of additional moneys with which to effectuate the purposes indicated in the act; to the Committee on Indian Affairs.

324. A letter from the Acting Secretary of the Interior, transmitting a statement of the cost of all survey and allotment work on Indian reservations for the fiscal year ended June 30, 1921; to the Committee on Indian Affairs.

325. A letter from the Acting Secretary of the Interior, transmitting a report of expenditures made for the purpose of encouraging industry and support among the Indians on the Tongue River Reservation, Mont., during the fiscal year ended June 30, 1921; to the Committee on Indian Affairs.

326. A letter from the Acting Secretary of the Interior, transmitting a detailed report of expenditures from the $250,000 authorized from the funds of the Apache, Kiowa, and Comanche Indians for the fiscal year ended June 30, 1921; to the Committee on Indian Affairs.

327. A letter from the Acting Secretary of the Interior, transmitting a statement of the expenditures for the fiscal year ended June 30, 1921, of money carried on the books of that department under the caption "Indian moneys, proceeds of labor"; to the Committee on Indian Affairs.

328. A letter from the Acting Secretary of the Interior, transmitting a report of expenditures from the permanent fund of the Sioux Indians during the fiscal year ended June 30, 1921; to the Committee on Indian Affairs.

329. A letter from the Acting Secretary of the Interior, transmitting a report that no expenditures were made during the fiscal year ended June 30, 1921, for the construction of hospitals from the appropriation "Relieving distress and prevention, etc., of diseases among Indians, 1921"; to the Committee on Indian Affairs.

330. A letter from the Acting Secretary of the Interior, transmitting a detailed report of expenditures made for the purchase of cattle for the Northern Cheyenne Indians on the Tongue River Reservation, Mont., for the fiscal year ended June 30, 1921; to the Committee on Indian Affairs.

331. A letter from the Acting Secretary of the Interior, transmitting a detailed statement of expenditures from the tribal funds of the Chippewa Indians of Minnesota for the fiscal year ended June 30, 1921; to the Committee on Indian Affairs.

332. A letter from the Acting Secretary of the Interior, transmitting a detailed report of the expenditures made from tribal funds of the Confederated Bands of the Utes during the fiscal year ended June 30, 1921; to the Committee on Indian Affairs.

333. A letter from the Acting Secretary of the Interior, transmitting a report of all the moneys collected and deposited during the fiscal year ended June 30, 1921, from the appropriation "Determining heirs of deceased Indian allottees, 1921"; to the Committee on Indian Affairs.

334. A letter from the Acting Secretary of the Interior, transmitting two tables showing the cost and other data with respect to Indian irrigation projects as compiled to the end of the fiscal year 1921; to the Committee on Indian Affairs.

335. A letter from the Acting Secretary of the Interior, transmitting, in compliance with the statute, a copy of a letter from Dr. William A. White, superintendent of St. Elizabeths Hospital, dated August 5, 1921, transmitting the financial report contemplated by the act of June 4, 1880; to the Committee on the District of Columbia.

336. A letter from the Acting Secretary of the Interior, transmitting a report showing the diversion of appropriations for the pay of specified employees in the Indian Service for the fiscal year ended June 30, 1921; to the Committee on Indian Affairs.

337. A letter from the Acting Secretary of the Interior, transmitting the required report from the Acting Assistant Commissioner of the General Land Office with his letter of November 9, 1921; to the Committee on Expenditures in the Interior Department.

338. A letter from the Acting Secretary of the Interior, transmitting a copy of a letter from Dr. W. A. Warfield, surgeon in chief of the Freedmen's Hospital, dated November 15, 1921, transmitting detailed statement of expenditures for professional and other services contemplated by the act of July 19, 1919; to the Committee on Expenditures in the Interior Department.

339. A letter from the Acting Secretary of the Interior, transmitting a copy of a letter from Dr. W. A. Warfield, surgeon in chief of the Freedmen's Hospital, dated November 15, 1921, transmitting detailed statement of receipts and expenditures on account of pay patients contemplated by a provision of the act of June 26, 1912; to the Committee on Expenditures in the Interior Department.

340. A letter from the Acting Secretary of the Interior, transmitting a report for the fiscal year ended June 30, 1921, showing exchanges made by that department and its several bureaus and offices of typewriters, adding machines, and other similar labor-saving devices in part payment for new machines, and showing the articles, make, period of use, allowance, and prices paid, as required by the act approved March 4, 1915; to the Committee on Expenditures in the Interior Department.

341. A letter from the Secretary of the Interior, transmitting report of operations, including receipts and disbursements, to and including November 30, 1921, regarding relief of contractors connected with prosecution of the war; to the Committee on Expenditures in the Interior Department.

342. A letter from the Secretary of the Interior, transmitting report of the disbursements for the fiscal year ending June 30, 1922, made in the States and Territories under the provisions of an act approved March 4, 1907; to the Committee on Expenditures in the Interior Department.

346. A letter from the Secretary of the Treasury, transmitting statement showing expenditures to November 30, 1921, in the purchase of obligations of foreign Governments (H. Doc. No. 130); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

347. A letter from the Secretary of the Treasury transmitting statement of expenses of the first Liberty loan campaign, and all other expenses in connection with the loans, including certificates of indebtedness, from April 24, 1917, to September 23, 1917 (H. Doc. No. 131); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

348. A letter from the Clerk of the House of Representatives, transmitting report for the period from July 1, 1920, to June 30, 1921, both inclusive, showing the names of all clerks and other persons employed, the time they were actually employed, the sums paid each (such clerks and other persons having been actually employed), detailed statement of the items, of the manner in which the contingent funds of the House has been expended, the amounts drawn from the Treasury, and the balances remaining in hand; the quantity and cost of all stationery purchased and delivered; that used in the Clerk's office, the stock on hand, and the amounts of unexpended balances (H. Doc. No. 251); to the Committee on Accounts and ordered to be printed.

349. A letter from the Clerk of the House of Representatives, transmitting list of reports to be made to Congress by public officers during the Sixty-seventh Congress (H. Doc. No. 132); to the Committee on Accounts and ordered to be printed.

350. A letter from the Postmaster General, transmitting balance sheet and various papers giving detailed information in respect to the operation of the postal savings system during the fiscal year ended June 30, 1921 (H. Doc. No. 133); to the Committee on the Post Office and Post Roads and ordered to be printed.

351. A letter from the Secretary of the Treasury, transmitting a combined statement of the receipts and disbursements, balances, etc., of the Government during the fiscal year ended June 30, 1921 (H. Doc. No. 134); to the Committee on Appropriations and ordered to be printed.

352. A letter from the Secretary of War, transmitting report relative to the disposal of surplus property in the possession of the War Department located within the United States and the transactions which occurred in the period between November 20, 1920, and November 18, 1921; to the Committee on Expenditures in the War Department.

353. A letter from the Acting Secretary of the Interior, transmitting a detailed report of the expenditures made for the purpose of encouraging industry among the Indians of the various reservations during the fiscal year ended June 30, 1921, from the appropriation of $100,000 under the act of June 30, 1913; to the Committee on Indian Affairs.

354. A letter from the Acting Secretary of the Interior, transmitting a detailed report of the expenditures made for the purpose of encouraging industry among the Indians of the various reservations during the fiscal year ended June 30, 1921, from the appropriation "Industry among Indians, 1921"; to the Committee on Indian Affairs.

355. A letter from the Acting Secretary of the Interior, transmitting statement of expenditures for the fiscal year 1921 from the appropriation "Industrial work and care of timber, 1921"; to the Committee on Indian Affairs.

356. A letter from the Acting Secretary of the Interior, transmitting statement of expenditures for the fiscal year 1921 from the appropriation, "Indian schools, support, 1921"; to the Committee on Indian Affairs.

357. A letter from the Acting Secretary of the Interior, transmitting statement of expenditures for the fiscal year 1921 from the appropriation, "Indian school and agency buildings, 1921"; to the Committee on Indian Affairs.

358. A letter from the Acting Secretary of the Interior, transmitting statement of the fiscal affairs of Indian tribes for the fiscal year ended June 30, 1921; to the Committee on Indian Affairs.

359. A letter from the Secretary of the Treasury, transmitting estimate of receipts and expenditures of Indian tribal funds for the fiscal year ending June 30, 1923; to the Committee on Appropriations.

360. A letter from the Secretary of the Treasury, transmitting statement showing for the four months ended October 31, 1921, the average number of employees of the Treasury Department proper and of the field service of the department receiving increased compensation at the rate of $240 per annum, and the average number by grades receiving the same at each lower rate; to the Committee on Appropriations.

361. A letter from the Secretary of the Treasury, transmitting estimate of the appropriation for defraying the expenses of collecting the revenue from customs for the fiscal year ending June 30, 1923; to the Committee on Appropriations.

362. A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of War furnishing statement of all moneys arising from proceeds of public property received by the War Department during the fiscal year ending June 30, 1921; to the Committee on Expenditures in the Treasury Department.

363. A letter from the Secretary of the Treasury, transmitting a communication from the Surgeon General, Public Health Service, submitting detailed report of the expenditures under the appropriation "Preventing the spread of epidemic diseases" for the fiscal year ending June 30, 1921; to the Committee on Expenditures in the Treasury Department.

364. A letter from the Secretary of the Treasury, transmitting statement showing details of expenditures made by the Internal Revenue Bureau during the fiscal year 1921 under the appropriation "Refunding taxes illegally collected, 1918, and prior years"; to the Committee on Expenditures in the Treasury Department.

365. A letter from the Secretary of the Treasury, transmitting statement of the proceeds of all sales of old material, condemned stores, supplies, and other public property for the fiscal year ending June 30, 1921, deposited and covered into the Treasury as miscellaneous receipts; to the Committee on Expenditures in the War Department.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (S. 1099) to amend section 2372 of the Revised Statutes, reported the same with amendments, accompanied by a report (No. 496), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOTT: A bill (H. R. 9284) to provide adjusted compensation for veterans of the World War, and for other purposes; to the Committee on Ways and Means.

By Mr. MADDEN: A bill (H. R. 9285) to amend section 302 of the transportation act, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL: A bill (H. R. 9286) to reduce and equalize taxation, to create Federal local-option districts, to amend the revenue act of 1921, and for other purposes; to the Committee on Ways and Means.

By Mr. STRONG of Pennsylvania: A bill (H. R. 9287) for the erection of a public building in Kittanning, county seat of Armstrong County, State of Pennsylvania, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. ANDREWS of Nebraska: A bill (H. R. 9288) fixing the site and creating a commission to have plans and estimates prepared for an office building for the General Accounting Office of the United States; to the Committee on Public Buildings and Grounds.

By Mr. CHANDLER of Oklahoma: A bill (H. R. 9289) to perfect the title of purchasers of Indian lands sold under the provisions of any act of Congress and pursuant to regulations of the Secretary of the Interior; to the Committee on Indian Affairs.

By Mr. SUTHERLAND: A bill (H. R. 9290) to authorize the development of oil in the public lands in the Arctic regions of Alaska; to the Committee on the Public Lands.

By Mr. DYER: A bill (H. R. 9291) to reorganize and to promote the efficiency of the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETT (by request): A bill (H. R. 9292) to provide for the world-wide extension of education by the cooperation of National Governments; to the Committee on Education.

By Mr. GREEN of Iowa: A bill (H. R. 9293) to amend sections 600 and 601 of the revenue act of 1921, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITHWICK: A bill (H. R. 9294) making appropriation for the improvement of La Grange Bayou, Fla.; to the Committee on Appropriations.

By Mr. LANHAM: A bill (H. R. 9295) to authorize the acquisition of a site and the erection of a Federal building at Dublin, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. SMITHWICK: A bill (H. R. 9296) to authorize the boards of county commissioners of Escambia and Santa Rosa Counties, Fla., to construct, maintain, and operate a bridge across the Escambia River at or near Century, Fla.; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: A bill (H. R. 9297) authorizing refund of passport visé fees in certain cases, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WURZBACH: A bill (H. R. 9298) for the erection of a Federal building at Seguin, Tex.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS of Illinois: A bill (H. R. 9299) granting a pension to Bonnie Spraggins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9300) granting a pension to Minerva Plummer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9301) granting a pension to Mary E. Meek; to the Committtee on Invalid Pensions.

Also, a bill (H. R. 9302) granting a pension to Elvira James; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9303) granting a pension to Florence Burnett; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 9304) granting a pension to Robert O. Thomas; to the Committee on Pensions.

By Mr. CHANDLER of Oklahoma: A bill (H. R. 9305) for the relief of William M. Sheldon; to the Committee on Claims.

By Mr. COLE of Ohio: A bill (H. R. 9306) granting a pension to Mary Jane George; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 9307) granting a pension to George Mahoney; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 9308) granting a pension to Martha Moody; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 9309) for the relief of the Neah Bay Dock Co., a corporation; to the Committee on Claims.

Also, a bill (H. R. 9310) for the relief of the city of Port Townsend, Wash.; to the Committee on Claims.

By Mr. HOUGHTON: A bill (H. R. 9311) granting a pension to Laura Dolson; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 9312) granting a pension to John T. O'Brien; to the Committee on Pensions.

By Mr. LUHRING: A bill (H. R. 9313) authorizing the payment of compensation to Laura Roush for the death of her husband, William C. Roush; to the Committee on Claims.

Also, a bill (H. R. 9314) granting a pension to Warren O. Withrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9315) granting an increase of pension to Addie Martha Blevans; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 9316) for the relief of Robert J. Ashe; to the Committee on Military Affairs.

By Mr. MANN: A bill (H. R. 9317) granting an increase of pension to Kate A. Conley; to the Committee on Pensions.

Also, a bill (H. R. 9318) for the relief of David Alexander; to the Committee on Claims.

By Mr. MERRITT: A bill (H. R. 9319) granting a pension to Robert H. Love; to the Committee on Pensions.

By Mr. MONTAGUE: A bill (H. R. 9320) for the relief of George E. Taylor; to the Committee on Claims.

By Mr. NEWTON of Missouri: A bill (H. R. 9321) to extend the benefits of the employers' liability act of September 7, 1916, to Florence E. Blanks, a former employee of the post office in St. Louis, Mo.; to the Committee on Claims.

Also, a bill (H. R. 9322) for the relief of Louis F. Kestler; to the Committee on Claims.

Also, a bill (H. R. 9323) granting a pension to Emma Slattery; to the Committee on Pensions.

By Mr. PATTERSON of Missouri: A bill (H. R. 9324) granting an increase of pension to Joseph T. Butler; to the Committee on Pensions.

Also, a bill (H. R. 9325) granting a pension to Hiram N. Henry; to the Committee on Invalid Pensions.

By Mr. PATTERSON of New Jersey: A bill (H. R. 9326) granting an increase of pension to Hannah G. Weis; to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 9327) for the relief of Louis S. Barrett; to the Committee on Claims.

By Mr. PURNELL: A bill (H. R. 9328) granting an increase of pension to Sylvia C. Richardson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9329) granting an increase of pension to Dorcas W. Ash; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 9330) granting a pension to Elma McCann; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 9331) for the relief of James W. Kingon; to the Committee on Military Affairs.

Also, a bill (H. R. 9332) granting a pension to Bethena Starkey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9333) granting a pension to Sarah J. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9334) granting a pension to Anna Habich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9335) granting a pension to Flora A. Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9336) for the relief of Sarah Shelton; to the Committee on Claims.

Also, a bill (H. R. 9337) granting a pension to Barney Hammel; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 9338) granting a pension to Ida Belle Giddings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9339) granting an increase of pension to Olive C. Taylor; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 9340) granting a pension to Elizabeth Rachel McKallip; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9341) granting a pension to Sophia E. Quirk; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 9342) granting an increase of pension to Mildred M. Hull; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 9343) granting a pension to Mary E. Thomas; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: Resolution (H. Res. 239) for the relief of the widow of B. C. Yorks, late an employee of the House of Representatives; to the Committee on Accounts.

By Mr. IRELAND: Resolution (H. Res. 240) providing for compensation for substitute telephone operators; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3191. By the SPEAKER (by request): Petition of W. B. McFarland and others, of the first district of the State of Idaho, urging recognition for the Irish republic; to the Committee on Foreign Affairs.

3192. Also (by request), telegram from the Flying Club of Kansas City, imploring and urging support of the Wadsworth-Hicks bill now pending for a bureau of civil aeronautics in the Department of Commerce; to the Committee on Interstate and Foreign Commerce.

3193. Also (by request), letter from I. Amter, secretary of the Unemployment Council of New York, transmitting a copy of resolutions adopted by the unemployment conference in New York City November 26, 1921; to the Committee on Labor.

3194. Also (by request), petition of 2,450 citizens of the United States residing in the thirteenth congressional district of Michigan, urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

3195. Also (by request), petition of 1,336 citizens of the first and 487 citizens of the thirteenth congressional districts of Michigan, urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

3196. By Mr. COLE of Ohio: Petition of Federate Shop Locals at Crestline, Ohio, asking that section 8 of House bill 8928 be stricken out; to the Committee on Reform in the Civil Service.

3197. By Mr. CRAMTON: Resolutions of the Port Huron Trades and Labor Council, opposing the proposed department of public welfare; to the Committee on Labor.

3198. By Mr. DEMPSEY: Resolution of the combined councils of the American Association for the Recognition of the Irish Republic of Niagara County, N. Y., requesting favorable action on Senate resolution 173; to the Committee on Foreign Affairs.

3199. By Mr. DRIVER: Petition of the Osceola Progressive Club in support of the Towner-Sterling bill; to the Committee on Education.

3200. Also, petition of J. S. Williams, of Jonesboro, Ark., in support of House bill 2894; to the Committee on Interstate and Foreign Commerce.

3201. By Mr. JACOWAY: Petition of mass meeting held at Little Rock, Ark., on November 11, indorsing the movement to bring about limitation of armaments, and expressing the hope that the conference now in session in Washington may remain in session until same is accomplished, signed by Hon. Thomas C. McRae, governor, and Hon. Ben. D. Brickhouse, mayor of Little Rock; to the Committee on Foreign Affairs.

3202. By Mr. KENNEDY: Petition of 14,000 citizens of the third congressional district of Rhode Island, urging recognition of the republic of Ireland by the United States; to the Committee on Foreign Affairs.

3203. By Mr. KIESS: Evidence in support of House bill 9007, granting a pension to John Webster Haynes; to the Committee on Invalid Pensions.

3204. By Mr. KUNZ: Resolution of the Wisconsin Mineral Aggregate Association, of Milwaukee, Wis., to amend the Esch-Cummins bill as outlined by the American Farmers' Bureau Federation and the National Association of Railway and Utilities Commissioners; to the Committee on Interstate and Foreign Commerce.

3205. By Mr. REBER: Resolutions adopted at public meeting of citizens of Pottsville, Pa., indorsing and recommending the program of the Secretary of State relative to disarmament; to the Committee on Foreign Affairs.

3206. By Mr. RHODES: Resolution by National Tax Association, opposing Federal inheritance-tax legislation; to the Committee on Ways and Means.

3207. By Mr. SHREVE: Resolution of Commodore Perry Council, American Association for the Recognition of the Irish Republic; to the Committee on Foreign Affairs.

3208. By Mr. TEMPLE: Resolution of the Pennsylvania Congress of Mothers and State Parent Teacher Associations, in support of the physical education bill; to the Committee on Education.

3209. By Mr. WOODYARD: Memorial adopted by citizens of Wood County, W. Va., on armistice day at meeting held under auspices of the Knights of Pythias and Pythian Sisters, of Parkersburg, W. Va., relative to disarmament; to the Committee on Foreign Affairs.

SENATE.

TUESDAY, *December 6, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, with grateful hearts we approach Thy throne of grace this morning, recognizing that as the days are multiplied Thy mercies are more abundant unto us. The Lord cause His face to shine upon us and grant unto each of us such a sense of responsibility that we shall always live in Thy favor and in the fulfillment of duty's highest demands. Regard the President and all related to this great Government of ours, and may peace abound within our borders and unto the ends of the earth. Through Jesus Christ our Lord. Amen.

The Vice President being absent, the President pro tempore (ALBERT B. CUMMINS, a Senator from the State of Iowa) took the chair.

KENNETH MCKELLAR, a Senator from the State of Tennessee; ROBERT N. STANFIELD, a Senator from the State of Oregon; and DAVID I. WALSH, a Senator from the State of Massachusetts, appeared in their seats to-day.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The Chair presents a copy of a petition, the original of which was sent to the President of the United States, signed by some 700 citizens of Iowa, and asks that the petition itself, without the names, be printed in the RECORD.

There being no objection, the petition was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Petition to the President, the Senate, and the House of Representatives, Washington, D. C.

Whereas we believe that the conditions existing in Ireland are a menace to the peace of the world, and that the savage efforts of England, without protest by other civilized States, to repress representative government, are breeding disrespect for law and undermining the foundation of all organized government; and

Whereas we believe the highest and best interests of our country demand a free, prosperous, and peaceful republic in Ireland:

Therefore the undersigned, citizens of the United States, residing in the State of Iowa, respectfully petition the Congress of the United States to take the necessary action to bring about the recognition of the existing duly elected government of the republic of Ireland by the Government of the United States, in accordance with the traditional policy of our country faithfully adhered to since the early days of the Republic.

MARY A. MCDONALD,
110? Jefferson Street, Burlington, Iowa.

Mr. McLEAN presented a resolution adopted by the board of directors of the Connecticut Chamber of Commerce, of New Haven, Conn., protesting against removing the United States Naval Training School from Newport, R. I., which was referred to the Committee on Naval Affairs.

He also presented a resolution adopted at a special meeting of the Manufacturers' Association, of Hartford County, Conn., indorsing the principle of American valuation as contained in the so-called Fordney tariff bill, which was referred to the Committee on Finance.

He also presented 11 petitions of sundry citizens of New Britain and Bridgeport, both in the State of Connecticut, and of Washington, D. C., praying for the passage of Senate resolution 173, expressing the hope that the differences between Great Britain and Ireland may be speedily composed, etc., which were referred to the Committee on Foreign Relations.

He also presented a memorial of Chapman Woman's Relief Corps No. 49, of Clinton, Conn., remonstrating against the placing of the Arlington National Cemetery in the hands of the Confederate Daughters of America, which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by a meeting of the churches and ministers of Wilton Township, Fairfield County, at Cannondale; the Commodore Jack Barry Council, American Association for the Recognition of the Irish Republic, of New Britain; and the Redding Men's Club, of Redding, all in the State of Connecticut, indorsing the Conference on Limitation of Armament and the promotion of peace among the nations, which were referred to the Committee on Foreign Relations.

He also presented 46 memorials of sundry citizens of New Haven, Meriden, Waterbury, and Bridgeport, all in the State of Connecticut, remonstrating against the enactment of Senate bill 2135, to enable the refunding of obligations of foreign Governments owing to the United States of America, etc., and favoring a bonus for ex-service men, which were referred to the Committee on Finance.

Mr. WILLIS presented a resolution adopted by the council of the city of Warren, Ohio, assuring Congress that in the event a canal is constructed through the city of Warren, Ohio, that city will undertake to do everything necessary in the way of constructing docks, terminals, and warehouses, which was referred to the Committee on Commerce.

He also presented a resolution adopted by the council of the city of Youngstown, Ohio, assuring Congress that in the event a canal is constructed through the city of Youngstown, Ohio, that city will undertake to do everything necessary in the way of constructing docks, terminals, and warehouses, which was referred to the Committee on Commerce.

He also presented a resolution adopted by 100 employers of Fort Wayne, Ind., favoring prompt consideration of the so-called Fordney tariff bill and the use of American wholesale valuation as a basis for assessment of ad valorem duties on imports, etc., which was referred to the Committee on Finance.

He also presented a resolution adopted by the Ohio Federation of Churches, of Columbus, Ohio, favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the American Legion, of Washington, D. C., favoring the exclusion of aliens for a period of five years, which was referred to the Committee on Immigration.

Mr. LADD presented a memorial of sundry citizens of Grand Forks, N. Dak., remonstrating against the enactment of Senate bill 2135, to enable the refunding of obligations of foreign Governments owing to the United States of America, etc., which was referred to the Committee on Finance.

He also presented a resolution adopted by the Fargo (N. Dak.) Commercial Club, favoring the so-called French-Capper truth in fabric bill, which was referred to the Committee on Interstate Commerce.

Mr. ROBINSON presented a resolution adopted by the National Council of American Importers and Traders (Inc.) of New York City, protesting against the American valuation plan as set forth in the so-called Fordney tariff bill, etc., which was referred to the Committee on Finance.

Mr. JONES of Washington presented a resolution adopted by the Seattle (Wash.) Chamber of Commerce, favoring the enactment of legislation permitting the utilization of Alaska's resources so as to encourage the creation of local industries and settlement by home builders; and coordinating the various Government bureaus, commissions, and boards to be administered by officials resident in Alaska, etc., which was referred to the Committee on Territories and Insular Possessions.

Mr. MOSES presented a resolution adopted by Old Glory Council, No. 14, Sons and Daughters of Liberty, of Center Barnstead, N. H., indorsing the Conference on Limitation of Armament and the promotion of peace among the nations, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted at a meeting of citizens of Greek descent and other Americans resident in New York, held November 20, 1921, at Wynod Hall of the Cathedral of St. John the Divine, requesting the Congress of the United States to use its influence for the immediate cessation of all persecution and deportation of Greeks, Armenians, and other races oppressed by the nationalist Turks, etc., which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented resolutions adopted by the directors of the Pittsburg (Kans.) Chamber of Commerce, favoring the Conference on Limitation of Armament to the end that it may lead the world toward permanent peace by the adjustment of international problems on a basis of cooperation and good will, etc., which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Woman's Home Missionary Society, Methodist Episcopal Church, of Altoona, Kans., requesting that the Government of the United States whole-heartedly enter the disarmament conference and ask for total abolition of war, which was referred to the Committee on Foreign Relations.

Mr. SHEPPARD presented a resolution adopted by the Fort Worth (Tex.) Art Association, favoring the plan of placing the governmental scientific bureaus at Washington under the jurisdiction of the Smithsonian Institution, which was referred to the Committee on Appropriations.

Mr. SMOOT presented letters in the nature of petitions from Milton Bennion, dean, school of education, University of Utah, of Salt Lake City, Utah, and Dr. Everett Monroe Ellison, of Washington, D. C., indorsing the plan of placing the govern-

mental scientific bureaus under the jurisdiction of the Secretary of the Smithsonian Institution, etc., which were referred to the Committee on Appropriations.

IRISH RESOLUTION EXPRESSING GRATITUDE.

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to have inserted in the RECORD a copy of a short resolution passed some months ago by the Dail Eireann, the legislative branch of the Irish republican government. The resolution expresses the appreciation and thanks of the Irish people for the assistance rendered by the American people in raising money to help the cause of freedom in Ireland. In view of what has appeared in the press this morning there is every prospect of a final and satisfactory peace settlement between the republican government of Ireland and the British Empire, and if this much to be desired adjustment of political differences is successful the resolution may have a historic interest in future years.

The PRESIDENT pro tempore. Is there objection?

Mr. CURTIS. Mr. President, we were unable to hear the request.

Mr. TRAMMELL. What is the request? There is so much confusion in the Chamber I did not understand the request.

The PRESIDENT pro tempore. The Secretary will state the resolution:

The reading clerk read as follows:

Copy of resolution of thanks to the American subscribers to the first loan of the Irish republic adopted by Dail Eireann on August 17, 1921.

Resolved, That we, the members of Dail Eireann, the duly elected parliament of the Irish republic, in public session assembled this 17th day of August, 1921, hereby tender the gratitude of the Irish nation to the people of the United States of America for the warm support they have always given to the cause of Ireland and particularly for their generous subscription to the first loan of the Irish government; and we furthermore declare that each bond certificate purchased in the United States will be redeemed in due course by the Irish nation.

EAMON DE VALERA, *President*.

AUGUST 17, 1921.

Mr. TRAMMELL. I should like to have an explanation as to the purport of the resolution before it passes over without objection. I could not understand its purport.

Mr. WALSH of Massachusetts. It is simply a request to have printed in the RECORD a statement of appreciation by the Irish republican government of assistance rendered in their struggle for independence by the people of the United States.

The PRESIDENT pro tempore. Is there objection?

Mr. WATSON of Georgia. Mr. President, reserving the right to object, I wish to put the Senate on notice that we are making out in this country another Alabama claims case; that is exactly where we are drifting. We are encouraging in this country revolutionary movements against a Government with which we are at peace; we are encouraging the fitting out of another Alabama; we are allowing preparations to be made in this country to invade the integrity and the union of another country. We are drifting right up against another Alabama claims case, and Senators should be very careful, indeed, how much more of this we encourage or tolerate. Therefore, Mr. President, having made the point, and knowing that Senators understand it, I object.

The PRESIDENT pro tempore. Objection is made.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2124) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands contained within sections 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama (Rept. No. 325);

A bill (H. R. 6262) to add certain lands to Mount McKinley National Park, Alaska (Rept. No. 326); and

A bill (H. R. 7161) to authorize certain desert-land claimants who entered the military or naval service of the United States during the war with Germany to make final proof of their entries (Rept. No. 327).

Mr. SMOOT, from the same committee, to which was referred the bill (S. 486) to provide for agricultural entries on coal lands in Alaska, reported it with an amendment and submitted a report (No. 328) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests (Rept. No. 329); and

A bill (H. R. 3250) to authorize the Secretary of Commerce to convey to Augustus S. Peabody certain land in Galveston County, Tex. (Rept. No. 330).

Mr. MYERS, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 5511) for the relief of John Cestnik, jr., reported it without amendment and submitted a report (No. 331) thereon.

He also, from the same committee, to which was referred the bill (S. 2004) for the relief of the First International Bank of Sweetgrass, Mont., reported it with an amendment and submitted a report (No. 332) thereon.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 2205) to add certain lands on the North Fork of the Shoshone River to the Shoshone National Forest (Rept. No. 333); and

A bill (H. R. 2914) to add certain lands to Minidoka National Forest (Rept. No. 334).

Mr. LENROOT, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendments and submitted reports thereon:

A bill (S. 2468) providing for the sale and disposal of public lands within the area heretofore surveyed as Tenderfoot Lake, State of Wisconsin (Rept. No. 335);

A bill (H. R. 3116) validating homestead entry of Mike Campbell for certain public land in Alaska (Rept. No. 336); and

A bill (H. R. 6961) granting certain lands to the State of Alabama for the use of the Searcy Hospital for the Colored Insane (Rept. No. 337).

Mr. POINDEXTER, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1452) providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them (Rept. No. 338); and

A bill (H. R. 6864) authorizing exchanges of lands within the Rainier National Forest, in the State of Washington (Rept. No. 339).

Mr. BURSUM, from the Committee on Military Affairs, to which was referred the bill (S. 726) for the relief of George Emerson, reported it without amendment and submitted a report (Rept. No. 340) thereon.

Mr. LADD, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 7780) for the relief of G. Fred Roach and others, reported it without amendment.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 2774) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 2775) to extend for one year the powers of the War Finance Corporation to make advances under the provisions of the act entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921; to the Committee on Finance.

A bill (S. 2776) to authorize the construction of a toll bridge over the Columbia River at a point approximately 5 miles upstream from Dalles City, Wasco County, in the State of Oregon, to a point on the opposite shore of the State of Washington; to the Committee on Commerce.

A bill (S. 2777) granting a pension to Robert P. Gill; to the Committee on Pensions.

By Mr. KELLOGG:

A bill (S. 2778) to provide for suits for the recovery of internal-revenue taxes against the collector of internal revenue in his official capacity; to the Committee on Finance.

By Mr. BALL:

A bill (S. 2779) to license private detectives in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. KING:

A bill (S. 2780) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and

for other purposes," approved October 6, 1917, as amended; to the Committee on the Judiciary.

By Mr. MYERS:

A bill (S. 2781) providing for the appropriation of funds for acquiring additional water rights for Indians on the Crow Reservation, in Montana, whose lands are irrigable under the Two Leggins irrigation canal; to the Committee on Indian Affairs.

A bill (S. 2782) granting a pension to George A. Atkinson; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 2783) granting a pension to Gus Sweeney; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 2784) for the relief of Mary Zgur (with accompanying papers); to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 2785) to pension soldiers who were in the military service during Indian wars and disturbances, and the widows, minors, and helpless children of such soldiers; to increase the pensions of Indian war survivors and widows, and to amend section 2 of the act of March 4, 1917; to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 2786) for the relief of Joseph Y. Dreisonstok; to the Committee on Naval Affairs.

By Mr. JONES of Washington:

A bill (S. 2787) for the relief of the Neah Bay Dock Co., a corporation; to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 2788) to punish the storing of foodstuffs and other necessaries of life so as to affect the market price or limit the supply thereof, and for other purposes; to the Committee on Interstate Commerce.

By Mr. ELKINS:

A bill (S. 2789) granting a pension to William J. Smith; to the Committee on Pensions.

By Mr. TRAMMELL:

A bill (S. 2790) to authorize the boards of county commissioners, Escambia and Santa Rosa Counties, Fla., their successors and assigns, to construct a bridge across the Escambia River, Fla., at or near Century, Fla., approximately 33 miles from the mouth of this river; to the Committee on Commerce.

By Mr. FRANCE:

A bill (S. 2791) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching; to the Committee on the Judiciary.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 138) authorizing the payment of the cost of transportation for certain supplies purchased by the Military Establishment; to the Committee on Military Affairs.

AMENDMENTS TO THE TARIFF BILL.

Mr. SMOOT. Mr. President, I submit four amendments to House bill No. 7456, known as the Fordney tariff bill. I will state that one of the amendments provides for the so-called American valuation in a different form from that provided in the House bill; another makes provision with reference to the depreciated currency of foreign countries; the third authorizes the President to increase and decrease duties in certain cases; and the fourth covers all three of the points I have indicated in a rather restricted way. I ask that the four amendments, in addition to being printed in the usual form, be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the amendments were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. SMOOT to the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, viz: On page —, line —, insert the following:

"SEC. ——. That when, in his judgment, the public welfare may require, the President shall direct that investigation be made of the conditions affecting competition in the American market between foreign and domestic producers of any article or articles. In such investigation account shall be taken of the wholesale market price at which said articles are sold or freely offered for sale, the wages and other production costs which may appear, and any advantages of domestic and foreign producers in competitive trade. When the President shall find from such investigation that the duties fixed in this act do not equalize the advantages of competing domestic and foreign producers of any article or articles he shall proclaim a list of such articles, together with such changes in classification and such increase or decrease of the duties on any or all of the articles or, in case of advantages due to the depreciation of foreign currency, such variations in any duty or duties on similar articles, enumerated in said list as he finds will equalize such advantages; and when he shall find that by reason of the depreciation of foreign currency or by reason of uncertain conditions in the market of the country of origin of any article or articles enumerated in such list the value in the market of such country is not a stable basis for the assessment of duties, he may direct and proclaim that any ad valorem duty or any duty based in whole or in part on value levied upon such article or articles shall be assessed upon the wholesale selling price of such or similar products in the principal market or markets of the United States at the time of importation of the imported merchandise; and 30 days after the date of such proclamation such changes in classification or variation in any duties or in the basis of assessment shall take effect and such increased or decreased duties shall be levied, collected, and paid on such articles when imported directly or otherwise from the country of origin into the United States: *Provided*, That the total increase or decrease of such duties shall not exceed 50 per cent of the duties fixed in this act until further provided by law. The President may at any time by proclamation modify or revoke any such prior proclamation in whole or in part."

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Amendment intended to be proposed by Mr. SMOOT to the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, namely, on page —, line —, insert the following:

"SEC. ——. That in the case of merchandise which is subject to an ad valoreum duty or to a duty based upon or regulated in any manner by the value thereof, if the President shall find by reason of the depreciation of the currency or other unstable conditions in the country of origin of such merchandise that value, as defined in section 402, Title IV, of this act is not a certain basis for the assessment of duties, he may direct and proclaim that any ad valorem rate of duty or any duty based upon or regulated in any manner by the value of such merchandise shall be levied, collected, and paid upon the wholesale selling price of such or similar products in the principal market or markets of the United States at the time of exportation of the imported merchandise: *Provided, however*, That in such cases said duties may be increased or decreased in accordance with section 1, and 30 days after the date of said proclamation such imported merchandise shall be thus valued for the purpose of the assessment of duties."

(Note.—This section will be applicable only in case Congress restores in sec. 402, Title IV, the foreign market value as the basis for the assessment of ad valorem duties.)

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Amendment intended to be proposed by Mr. SMOOT to the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, viz, on page ——, line ——, insert the following:

"SEC. 2. That in the case of dutiable merchandise which is imported, directly or otherwise, from a country whose currency has depreciated more than 5 per cent from the value of the pure metal of its standard coin, if the President shall find that competitive advantages are accruing to producers in such countries because of such depreciation, he shall determine the duties which will respectively equalize such competitive advantages and shall proclaim a list of products thus affected and such respective equalizing duties applicable thereto, and 30 days after the date of such proclamation there shall be levied, collected, and paid in addition to the duties otherwise provided such equalizing duties, not exceeding 50 per cent of the value of the respective imported articles; that the President may, in determining such equalizing duties, take into account prices at which such or similar products are sold in the United States and competing foreign countries, wages, prices of materials, and other items in the costs of production of such or similar products in the United States and competing foreign countries, and any advantages of domestic and foreign producers in competitive trade: *Provided*, That the President may modify such equalizing duties or remove products from said list when he shall determine that the competitive advantages have changed or no longer exist which led to the inclusion of such products in said list."

—

Amendment intended to be proposed by Mr. SMOOT to the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, viz, on page ——, line ——, insert the following:

"SEC. 1. That it shall be the duty of the President to ascertain differences in conditions of competition in trade of such or similar products in the United States and competing foreign countries which will enable him to find what rates of duty upon imported merchandise will equalize any differences which he may find to exist in favor of foreign producers in marketing such products in the United States; that in determining such differences the President may take into account prices at which such or similar products are sold in the United States and competing foreign countries, wages, prices of materials, and other items in costs of production of such or similar products in the United States and competing foreign countries, and any advantages of domestic and foreign producers in competitive trade; that upon the ascertainment of such information the President may proclaim any changes in classification provided for in this act or such increases or decreases in any rate of duty as he shall determine will equalize such differences in the markets of the United States, and 30 days after the date of such proclamation all such changes in classification shall take effect, and all such increased or decreased rates of duty shall be levied, collected, and paid: *Provided*, That the total increase or decrease of such rates shall not exceed 50 per cent of the rates provided in this act until further provided by law."

PROTECTION OF MIGRATORY BIRDS.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (S. 1452) providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

BRIDGE ACROSS THE RED RIVER OF THE NORTH.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 8744) granting the consent of Congress to the State of North Dakota, the county of Cass, and the city of Fargo, N. Dak., and the State of Minnesota, the county of Clay, and the city of Moorhead, Minn., or any of them, to construct a bridge across the Red River of the North

between the cities of Fargo, N. Dak., and Moorhead, Minn., which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. MYERS submitted an amendment proposing to appropriate $9,819 to pay Katherine Macdonald, of Butte, Mont., on account of unpaid claims held by her for work and services performed on or supplies furnished for the construction of the Corbett Tunnel, a part of the Shoshone reclamation project in the State of Wyoming, intended to be proposed by him to House bill 9237, the deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULBERSON submitted an amendment intended to be proposed by him to House bill 9237, the deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed and to be printed in the RECORD, as follows:

On page 27, after line 25, insert a new paragraph:

UNEXPENDED BALANCES.

The unexpended balances of the appropriations chargeable with the settlement of claims resulting from the suspension or termination of contracts or other procurement obligations of the War Department consequent upon the suspension of hostilities and with the adjustment of claims under the act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as provided in the second deficiency act, fiscal year 1921, are hereby made available until June 30, 1922, for the payment of any award made by the Secretary of War under the act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, without reference to the purpose of the original appropriations from which the said unexpended balances are taken.

ADDITIONAL CLERK, COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. BALL submitted the following resolution (S. Res. 182), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate resolution No. 68, agreed to May 31, 1921, authorizing the Committee on the District of Columbia to employ an additional clerk at the rate of $1,600 per annum, to be paid out of the miscellaneous items of the contingent fund of the Senate, be, and it hereby is, renewed to continue in full force and effect from December 1, 1921, until the end of the Sixty-seventh Congress.

CLERICAL SERVICE IN PORTO RICO.

Mr. KING. I submit a resolution which I ask may lie on the table for the present. I shall call it up at a later day.

The resolution (S. Res. 183) was ordered to lie on the table as follows:

Whereas it is claimed that since Porto Rico was acquired by the United States an inordinately large proportion of the officials and clerical personnel of the territorial and of the local governments have been persons who went to Porto Rico from the United States in order to occupy such positions, and that since March 4, 1921, a large additional number of persons have gone from the United States to Porto Rico to fill various official positions in the territorial and local governments, and that such condition is a cause of complaint of dissatisfaction in the island: Now, therefore, be it

Resolved, That the Secretary of War is directed to report to the Senate a complete list of the number of persons holding positions in the territorial government and local governments, including the clerical personnel on the 4th of March, 1921, who were not natives of Porto Rico, and also a complete list of the persons who have, since March 4, 1921, been appointed to positions, including clerical personnel, in the territorial government and local governments, who are not natives of Porto Rico.

ADJUSTMENT OF FOREIGN LOANS (S. DOC. NO. 86).

Mr. REED. Mr. President, I ask unanimous consent to have printed as a public document the confidential print with reference to foreign loans and authority for making the same. The confidence has been removed. There were only 96 copies printed for the use of the Senate, and many Senators find themselves without copies. There is quite a little demand for the document, and I think since it has been made public we might have it printed as a public document so that Members of Congress may have it.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The order was reduced to writing, as follows:

Ordered, That the hearing before the Committee on the Judiciary, United States Senate, Sixty-seventh Congress, first session, relative to foreign loans and authority for making same be printed as a public document.

JOINT MEETING OF THE TWO HOUSES.

The PRESIDENT pro tempore (at 12 o'clock and 20 minutes p. m.). In pursuance of the concurrent resolution adopted by the Senate yesterday, the Senate will now proceed to the Hall of the House of Representatives to receive a communication from the President of the United States.

Thereupon the Senate, preceded by its Sergeant at Arms (David S. Barry) and headed by the President pro tempore and the Secretary (George A. Sanderson) proceeded to the Hall of the House of Representatives.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

The address of the President of the United States this day delivered at a joint meeting of the two Houses of Congress is as follows:

MR. SPEAKER AND MEMBERS OF THE CONGRESS: It is a very gratifying privilege to come to the Congress with the Republic at peace with all the nations of the world. More, it is equally gratifying to report that our country is not only free from every impending menace of war, but there are growing assurances of the permanency of the peace which we so deeply cherish.

For approximately ten years we have dwelt amid menaces of war or as participants in war's actualities, and the inevitable aftermath, with its disordered conditions, has added to the difficulties of government which adequately can not be appraised except by those who are in immediate contact and know the responsibilities. Our tasks would be less difficult if we had only ourselves to consider, but so much of the world was involved, the disordered conditions are so well-nigh universal, even among nations not engaged in actual warfare, that no permanent readjustments can be effected without consideration of our inescapable relationship to world affairs in finance and trade. Indeed, we should be unworthy of our best traditions if we were unmindful of social, moral, and political conditions which are not of direct concern to us, but which do appeal to the human sympathies and the very becoming interest of a people blest with our national good fortune.

It is not my purpose to bring to you a program of world restoration. In the main such a program must be worked out by the nations more directly concerned. They must themselves turn to the heroic remedies for the menacing conditions under which they are struggling, then we can help, and we mean to help. We shall do so unselfishly because there is compensation in the consciousness of assisting, selfishly because the commerce and international exchanges in trade, which marked our high tide of fortunate advancement, are possible only when the nations of all continents are restored to stable order and normal relationship.

In the main the contribution of this Republic to restored normalcy in the world must come through the initiative of the executive branch of the Government, but the best of intentions and most carefully considered purposes would fail utterly if the sanction and the cooperation of Congress were not cheerfully accorded.

I am very sure we shall have no conflict of opinion about constitutional duties or authority. During the anxieties of war, when necessity seemed compelling, there were excessive grants of authority and an extraordinary concentration of powers in the Chief Executive. The repeal of war-time legislation and the automatic expirations which attended the peace proclamations have put an end to these emergency excesses, but I have the wish to go further than that. I want to join you in restoring, in the most cordial way, the spirit of coordination and cooperation, and that mutuality of confidence and respect which is necessary in representative popular government.

Encroachment upon the functions of Congress or attempted dictation of its policy are not to be thought of, much less attempted, but there is an insistent call for harmony of purpose and concord of action to speed the solution of the difficult problems confronting both the legislative and executive branches of the Government.

It is worth while to make allusion here to the character of our Government, mindful as one must be that an address to you is no less a message to all our people, for whom you speak most intimately. Ours is a popular Government through political parties. We divide along political lines, and I would ever have it so. I do not mean that partisan preferences should hinder any public servant in the performance of a conscientious and patriotic official duty. We saw partisan lines utterly obliterated when war imperiled, and our faith in the Republic was riveted anew. We ought not to find these partisan lines obstructing the expeditious solution of the urgent problems of peace.

Granting that we are fundamentally a representative popular Government, with political parties the governing agencies, I believe the political party in power should assume responsibility, determine upon policies in the conference which supplements conventions and election campaigns, and then strive for achievement through adherence to the accepted policy.

There is vastly greater security, immensely more of the national viewpoint, much larger and prompter accomplishment where our divisions are along party lines, in the broader and loftier sense, than to divide geographically, or according to pursuits, or personal following. For a century and a third parties have been charged with responsibility and held to strict

accounting. When they fail, they are relieved of authority; and the system has brought us to a national eminence no less than a world example.

Necessarily legislation is a matter of compromise. The full ideal is seldom attained. In that meeting of minds necessary to insure results, there must and will be accommodations and compromises, but in the estimate of convictions and sincere purposes the supreme responsibility to national interest must not be ignored. The shield to the high-minded public servant who adheres to party policy is manifest, but the higher purpose is the good of the Republic as a whole.

It would be ungracious to withhold acknowledgment of the really large volume and excellent quality of work accomplished by the extraordinary session of Congress which so recently adjourned. I am not unmindful of the very difficult tasks with which you were called to deal, and no one can ignore the insistent conditions which, during recent years, have called for the continued and almost exclusive attention of your membership to public work. It would suggest insincerity if I expressed complete accord with every expression recorded in your roll calls, but we are all agreed about the difficulties and the inevitable divergence of opinion in seeking the reduction, amelioration, and readjustment of the burdens of taxation. Later on, when other problems are solved, I shall make some recommendations about renewed consideration of our tax program, but for the immediate time before us we must be content with the billion dollar reduction in the tax draft upon the people, and diminished irritations, banished uncertainty, and improved methods of collection. By your sustainment of the rigid economies already inaugurated, with hoped-for extension of these economies and added efficiencies in administration, I believe further reductions may be enacted and hindering burdens abolished.

In these urgent economies we shall be immensely assisted by the budget system for which you made provision in the extraordinary session. The first budget is before you. Its preparation is a signal achievement, and the perfection of the system, a thing impossible in the few months available for its initial trial, will mark its enactment as the beginning of the greatest reformation in governmental practices since the beginning of the Republic.

There is pending a grant of authority to the administrative branch of the Government for the funding and settlement of our vast foreign loans growing out of our grant of war credits. With the hands of the executive branch held impotent to deal with these debts we are hindering urgent readjustments among our debtors and accomplishing nothing for ourselves. I think it is fair for the Congress to assume that the executive branch of the Government would adopt no major policy in dealing with these matters which would conflict with the purpose of Congress in authorizing the loans, certainly not without asking congressional approval, but there are minor problems incident to prudent loan transactions and the safeguarding of our interests which can not even be attempted without this authorization. It will be helpful to ourselves and it will improve conditions among our debtors if funding and the settlement of defaulted interest may be negotiated.

The previous Congress, deeply concerned in behalf of our merchant marine, in 1920 enacted the existing shipping law, designed for the upbuilding of the American merchant marine. Among other things provided to encourage our shipping on the world's seas, the Executive was directed to give notice of the termination of all existing commercial treaties in order to admit of reduced duties on imports carried in American bottoms. During the life of the act no Executive has complied with this order of the Congress. When the present administration came into responsibility it began an early inquiry into the failure to execute the expressed purpose of the Jones Act. Only one conclusion has been possible. Frankly, Members of House and Senate, eager as I am to join you in the making of an American merchant marine commensurate with our commerce, the denouncement of our commercial treaties would involve us in a chaos of trade relationships and add indescribably to the confusion of the already disordered commercial world. Our power to do so is not disputed, but power and ships, without comity of relationship, will not give us the expanded trade which is inseparably linked with a great merchant marine. Moreover, the applied reduction of duty, for which the treaty denouncements were necessary, encouraged only the carrying of dutiable imports to our shores, while the tonnage which unfurls the flag on the seas is both free and dutiable, and the cargoes which make a nation eminent in trade are outgoing rather than incoming.

It is not my thought to lay the problem before you in detail to-day. It is desired only to say to you that the executive branch of the Government, uninfluenced by the protest of any nation, for none has been made, is well convinced that your proposal, highly intended and heartily supported here, is so fraught with difficulties and so marked by tendencies to discourage trade expansion that I invite your tolerance of noncompliance for only a few weeks until a plan may be presented which contemplates no greater draft upon the Public Treasury, and which, though yet too crude to offer it to-day, gives such promise of expanding our merchant marine that it will argue its own approval. It is enough to say to-day that we are so possessed of ships and the American intention to establish a merchant marine is so unalterable that a plan of reimbursement, at no other cost than is contemplated in the existing act, will appeal to the pride and encourage the hope of all the American people.

There is before you the completion of the enactment of what has been termed a "permanent" tariff law, the word "permanent" being used to distinguish it from the emergency act which the Congress expedited early in the extraordinary session, and which is the law to-day. I can not too strongly urge an early completion of this necessary legislation. It is needed to stabilize our industry at home; it is essential to make more definite our trade relations abroad. More, it is vital to the preservation of many of our own industries which contribute so notably to the very lifeblood of our Nation.

There is now, and there always will be, a storm of conflicting opinion about any tariff revision. We can not go far wrong when we base our tariffs on the policy of preserving the productive activities which enhance employment and add to our national prosperity.

Again comes the reminder that we must not be unmindful of world conditions, that peoples are struggling for industrial rehabilitation, and that we can not dwell in industrial and commercial exclusion and at the same time do the just thing in aiding world reconstruction and readjustment. We do not seek a selfish aloofness, and we could not profit by it were it possible. We recognize the necessity of buying wherever we sell, and the permanency of trade lies in its acceptable exchanges. In our pursuit of markets we must give as well as receive. We can not sell to others who do not produce, nor can we buy unless we produce at home. Sensible of every obligation of humanity, commerce, and finance, linked as they are in the present world condition, it is not to be argued that we need destroy ourselves to be helpful to others. With all my heart I wish restoration to the peoples blighted by the awful World War, but the process of restoration does not lie in our acceptance of like conditions. It were better to remain on firm ground, strive for ample employment and high standards of wage at home, and point the way to balanced budgets, rigid economies, and resolute, efficient work as the necessary remedies to cure disaster.

Everything relating to trade, among ourselves and among nations, has been expanded, excessive, inflated, abnormal, and there is a madness in finance which no American policy alone will cure. We are a creditor Nation, not by normal processes but made so by war. It is not an unworthy selfishness to seek to save ourselves when the processes of that salvation are not only not denied to others but commended to them. We seek to undermine for others no industry by which they subsist; we are obligated to permit the undermining of none of our own which make for employment and maintained activities.

Every contemplation, it little matters in which direction one turns, magnifies the difficulty of tariff legislation, but the necessity of the revision is magnified with it. Doubtless we are justified in seeking a more flexible policy than we have provided heretofore. I hope a way will be found to make for flexibility and elasticity, so that rates may be adjusted to meet unusual and changing conditions which can not be accurately anticipated. There are problems incident to unfair practices, and to exchanges which madness in money have made almost unsolvable. I know of no manner in which to effect this flexibility other than the extension of the powers of the Tariff Commission, so that it can adapt itself to a scientific and wholly just administration of the law.

I am not unmindful of the constitutional difficulties. These can be met by giving authority to the Chief Executive, who could proclaim additional duties to meet conditions which the Congress may designate.

At this point I must disavow any desire to enlarge the Executive's powers or add to the responsibilities of the office. They are already too large. If there were any other plan I would prefer it.

The grant of authority to proclaim would necessarily bring the Tariff Commission into new and enlarged activities, because no Executive could discharge such a duty except upon the information acquired and recommendations made by this commission. But the plan is feasible, and the proper functioning

of the board would give us a better administration of a defined policy than ever can be made possible by tariff duties prescribed without flexibility.

There is a manifest difference of opinion about the merits of American valuation. Many nations have adopted delivery valuation as the basis for collecting duties; that is, they take the cost of the imports delivered at the port of entry as the basis for levying duty. It is no radical departure, in view of varying conditions and the disordered state of money values, to provide for American valuation, but there can not be ignored the danger of such a valuation, brought to the level of our own production costs, making our tariffs prohibitive. It might do so in many instances where imports ought to be encouraged. I believe Congress ought well consider the desirability of the only promising alternative, namely, a provision authorizing proclaimed American valuation, under prescribed conditions, on any given list of articles imported.

In this proposed flexibility, authorizing increases to meet conditions so likely to change, there should also be provision for decreases. A rate may be just to-day and entirely out of proportion six months from to-day. If our tariffs are to be made equitable, and not necessarily burden our imports and hinder our trade abroad, frequent adjustment will be necessary for years to come. Knowing the impossibility of modification by act of Congress for any one or a score of lines without involving a long array of schedules, I think we shall go a long ways toward stabilization if there is recognition of the Tariff Commission's fitness to recommend urgent changes by proclamation.

I am sure about public opinion favoring the early determination of our tariff policy. There have been reassuring signs of a business revival from the deep slump which all the world has been experiencing. Our unemployment, which gave us deep concern only a few weeks ago, has grown encouragingly less, and new assurances and renewed confidence will attend the congressional declaration that American industry will be held secure.

Much has been said about the protective policy for ourselves making it impossible for our debtors to discharge their obligations to us. This is a contention not now pressing for decision. If we must choose between a people in idleness pressing for the payment of indebtedness, or a people resuming the normal ways of employment and carrying the credit, let us choose the latter. Sometimes we appraise largest the human ill most vivid in our minds. We have been giving, and are giving now, of our influence and appeals to minimize the likelihood of war and throw off the crushing burdens of armament. It is all very earnest, with a national soul impelling. But a people unemployed, and gaunt with hunger, face a situation quite as disheartening as war, and our greater obligation to-day is to do the Government's part toward resuming productivity and promoting fortunate and remunerative employment.

Something more than tariff protection is required by American agriculture. To the farmer has come the earlier and the heavier burdens of readjustment. There is actual depression in our agricultural industry, while agricultural prosperity is absolutely essential to the general prosperity of the country.

Congress has sought very earnestly to provide relief. It has promptly given such temporary relief as has been possible, but the call is insistent for the permanent solution. It is inevitable that large crops lower the prices and short crops advance them. No legislation can cure that fundamental law. But there must be some economic solution for the excessive variation in returns for agricultural production.

It is rather shocking to be told, and to have the statement strongly supported, that 9,000,000 bales of cotton, raised on American plantations in a given year, will actually be worth more to the producers than 13,000,000 bales would have been. Equally shocking is the statement that 700,000,000 bushels of wheat, raised by American farmers, would bring them more money than a billion bushels. Yet these are not exaggerated statements. In a world where there are tens of millions who need food and clothing which they can not get, such a condition is sure to indict the social system which makes it possible.

In the main the remedy lies in distribution and marketing. Every proper encouragement should be given to the cooperative marketing programs. These have proven very helpful to the cooperating communities in Europe. In Russia the cooperative community has become the recognized bulwark of law and order, and saved individualism from engulfment in social paralysis. Ultimately they will be accredited with the salvation of the Russian State.

There is the appeal for this experiment. Why not try it? No one challenges the right of the farmer to a larger share of the consumer's pay for his product; no one disputes that we can not live without the farmer. He is justified in rebelling against the transportation cost. Given a fair return for his labor, he will have less occasion to appeal for financial aid; and given assurance that his labors shall not be in vain, we reassure all the people of a production sufficient to meet our national requirement and guard against disaster.

The base of the pyramid of civilization which rests upon the soil is shrinking through the drift of population from farm to city. For a generation we have been expressing more or less concern about this tendency. Economists have warned and statesmen have deplored. We thought for a time that modern conveniences and the more intimate contact would halt the movement, but it has gone steadily on. Perhaps only grim necessity will correct it, but we ought to find a less drastic remedy.

The existing scheme of adjusting freight rates has been favoring the basing points, until industries are attracted to some centers and repelled from others. A great volume of uneconomic and wasteful transportation has attended, and the cost increased accordingly. The grain-milling and meat-packing industries afford ample illustration, and the attending concentration is readily apparent. The menaces in concentration are not limited to the retarding influences on agriculture. Manifestly the conditions and terms of railway transportation ought not be permitted to increase this undesirable tendency. We have a just pride in our great cities, but we shall find a greater pride in the Nation, which has a larger distribution of its population in the country, where comparatively self-sufficient smaller communities may blend agricultural and manufacturing interests in harmonious helpfulness and enhanced good fortune. Such a movement contemplates no destruction of things wrought, of investments made, or wealth involved. It only looks to a general policy of transportation, of distributed industry, and of highway construction, to encourage the spread of our population and restore the proper balance between city and country. The problem may well have your earnest attention.

It has been perhaps the proudest claim of our American civilization that in dealing with human relationships it has constantly moved toward such justice in distributing the product of human energy that it has improved continuously the economic status of the mass of people. Ours has been a highly productive social organization. On the way up from the elemental stages of society we have eliminated slavery and serfdom and are now far on the way to the elimination of poverty.

Through the eradication of illiteracy and the diffusion of education mankind has reached a stage where we may fairly say that in the United States equality of opportunity has been attained, though all are not prepared to embrace it. There is, indeed, a too great divergence between the economic conditions of the most and the least favored classes in the community. But even that divergence has now come to the point where we bracket the very poor and the very rich together as the least fortunate classes. Our efforts may well be directed to improving the status of both.

While this set of problems is commonly comprehended under the general phrase "Capital and labor," it is really vastly broader. It is a question of social and economic organization. Labor has become a large contributor, through its savings, to the stock of capital, while the people who own the largest individual aggregates of capital are themselves often hard and earnest laborers. Very often it is extremely difficult to draw the line of demarcation between the two groups; to determine whether a particular individual is entitled to be set down as laborer or as capitalist. In a very large proportion of cases he is both, and when he is both he is the most useful citizen.

The right of labor to organize is just as fundamental and necessary as is the right of capital to organize. The right of labor to negotiate, to deal with and solve its particular problems in an organized way, through its chosen agents, is just as essential as is the right of capital to organize, to maintain corporations, to limit the liabilities of stockholders. Indeed, we have come to recognize that the limited liability of the citizen as a member of a labor organization closely parallels the limitation of liability of the citizen as a stockholder in a corporation for profit. Along this line of reasoning we shall make the greatest progress toward solution of our problem of capital and labor.

In the case of the corporation which enjoys the privilege of limited liability of stockholders, particularly when engaged in the public service, it is recognized that the outside public has a large concern which must be protected; and so we provide regulations, restrictions, and in some cases detailed supervision. Likewise in the case of labor organizations, we might well apply similar and equally well-defined principles of regulation

and supervision in order to conserve the public's interests as affected by their operations.

Just as it is not desirable that a corporation shall be allowed to impose undue exactions upon the public, so it is not desirable that a labor organization shall be permitted to exact unfair terms of employment or subject the public to actual distresses in order to enforce its terms. Finally, just as we are earnestly seeking for procedures whereby to adjust and settle political differences between nations without resort to war, so we may well look about for means to settle the differences between organized capital and organized labor without resort to those forms of warfare which we recognize under the name of strikes, lockouts, boycotts, and the like.

As we have great bodies of law carefully regulating the organization and operations of industrial and financial corporations, as we have treaties and compacts among nations which look to the settlement of differences without the necessity of conflict in arms, so we might well have plans of conference, of common counsel, of mediation, arbitration, and judicial determination in controversies between labor and capital. To accomplish this would involve the necessity to develop a thoroughgoing code of practice in dealing with such affairs. It might be well to frankly set forth the superior interest of the community as a whole to either the labor group or the capital group. With rights, privileges, immunities, and modes of organization thus carefully defined, it should be possible to set up judicial or quasi judicial tribunals for the consideration and determination of all disputes which menace the public welfare.

In an industrial society such as ours the strike, the lockout, and the boycott are as much out of place and as disastrous in their results as is war or armed revolution in the domain of politics. The same disposition to reasonableness, to conciliation, to recognition of the other side's point of view, the same provision of fair and recognized tribunals and processes, ought to make it possible to solve the one set of questions as easily as the other. I believe the solution is possible.

The consideration of such a policy would necessitate the exercise of care and deliberation in the construction of a code and a charter of elemental rights, dealing with the relations of employer and employee. This foundation in the law, dealing with the modern conditions of social and economic life, would hasten the building of the temple of peace in industry which a rejoicing nation would acclaim.

After each war, until the last, the Government has been enabled to give homes to its returned soldiers, and a large part of our settlement and development has attended this generous provision of land for the Nation's defenders.

There is yet unreserved approximately 200,000,000 acres in the public domain, 20,000,000 acres of which are known to be susceptible of reclamation and made fit for homes by provision for irrigation.

The Government has been assisting in the development of its remaining lands, until the estimated increase in land values in the irrigated sections is full $500,000,000, and the crops of 1920 alone on these lands are estimated to exceed $100,000,000. Under the law authorizing these expenditures for development the advances are to be returned, and it would be good business for the Government to provide for the reclamation of the remaining 20,000,000 acres, in addition to expediting the completion of projects long under way.

Under what is known as the coal and gas lease law, applicable also to deposits of phosphates and other minerals on the public domain, leases are now being made on the royalty basis, and are producing large revenues to the Government. Under this legislation, 10 per cent of all royalties is to be paid directly to the Federal Treasury, and of the remainder 50 per cent is to be used for reclamation of arid lands by irrigation, and 40 per cent is to be paid to the States, in which the operations are located, to be used by them for school and road purposes.

These resources are so vast, and the development is affording so reliable a basis of estimate, that the Interior Department expresses the belief that ultimately the present law will add in royalties and payments to the treasuries of the Federal Government and the States containing these public lands a total of $12,000,000,000. This means, of course, an added wealth of many times that sum. These prospects seem to afford every justification of Government advances in reclamation and irrigation.

Contemplating the inevitable and desirable increase of population, there is another phase of reclamation full worthy of consideration. There are 79,000,000 acres of swamp and cut-over lands which may be reclaimed and made as valuable as any farm lands we possess. These acres are largely located in southern States, and the greater proportion is owned by the States or by private citizens. Congress has a report of the survey of this field for reclamation, and the feasibility is established. I gladly commend Federal aid, by way of advances, where State and private participation is assured.

Home making is one of the greater benefits which government can bestow. Measures are pending embodying this sound policy to which we may well adhere. It is easily possible to make available permanent homes which will provide, in turn, for prosperous American families, without injurious competition with established activities, or imposition on wealth already acquired.

While we are thinking of promoting the fortunes of our own people I am sure there is room in the sympathetic thought of America for fellow human beings who are suffering and dying of starvation in Russia. A severe drought in the Valley of the Volga has plunged 15,000,000 people into grievous famine. Our voluntary agencies are exerting themselves to the utmost to save the lives of children in this area, but it is now evident that unless relief is afforded the loss of life will extend into many millions. America can not be deaf to such a call as that.

We do not recognize the government of Russia, nor tolerate the propaganda which emanates therefrom, but we do not forget the traditions of Russian friendship. We may put aside our consideration of all international politics and fundamental differences in government. The big thing is the call of the suffering and the dying. Unreservedly I recommend the appropriation necessary to supply the American Relief Administration with 10,000,000 bushels of corn and 1,000,000 bushels of seed grains, not alone to halt the wave of death through starvation, but to enable spring planting in areas where the seed grains have been exhausted temporarily to stem starvation.

The American Relief Administration is directed in Russia by former officers of our own armies, and has fully demonstrated its ability to transport and distribute relief through American hands without hindrance or loss. The time has come to add the Government's support to the wonderful relief already wrought out of the generosity of the American private purse.

I am not unaware that we have suffering and privation at home. When it exceeds the capacity for the relief within the States concerned, it will have Federal consideration. It seems to me we should be indifferent to our own heart promptings, and out of accord with the spirit which acclaims the Christmastide, if we do not give out of our national abundance to lighten this burden of woe upon a people blameless and helpless in famine's peril.

There are a full score of topics concerning which it would be becoming to address you, and on which I hope to make report at a later time. I have alluded to the things requiring your earlier attention. However, I can not end this limited address without a suggested amendment to the organic law.

Many of us belong to that school of thought which is hesitant about altering the fundamental law. I think our tax problems, the tendency of wealth to seek nontaxable investment, and the menacing increase of public debt, Federal, State, and municipal—all justify a proposal to change the Constitution so as to end the issue of nontaxable bonds. No action can change the status of the many billions outstanding, but we can guard against future encouragement of capital's paralysis, while a halt in the growth of public indebtedness would be beneficial throughout our whole land.

Such a change in the Constitution must be very thoroughly considered before submission. There ought to be known what influence it will have on the inevitable refunding of our vast national debt, how it will operate on the necessary refunding of State and municipal debt, how the advantages of Nation over State and municipality, or the contrary, may be avoided. Clearly the States would not ratify to their own apparent disadvantage. I suggest the consideration because the drift of wealth into nontaxable securities is hindering the flow of large capital to our industries, manufacturing, agricultural, and carrying, until we are discouraging the very activities which make our wealth.

Agreeable to your expressed desire and in complete accord with the purposes of the executive branch of the Government, there is in Washington, as you happily know, an International Conference now most earnestly at work on plans for the limitation of armament, a naval holiday, and the just settlement of problems which might develop into causes of international disagreement.

It is easy to believe a world hope is centered on this Capital City. A most gratifying world accomplishment is not improbable.

The Senate returned to its Chamber at 1 o'clock and 27 minutes p. m., and the President pro tempore resumed the chair.

Mr. SMOOT. I ask unanimous consent that the address of the President of the United States, just delivered in the House, be printed in the RECORD as a part of the Senate proceedings.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXPENDITURES OF THE VETERANS' BUREAU.

The PRESIDENT pro tempore laid before the Senate a communication from the Director of the Veterans' Bureau, transmitting, pursuant to law, a report, including the names, classifications, and salaries of all employees and the nature and terms of all contracts made under the act creating the bureau, with names of the parties thereto, which was referred to the Committee on Finance.

CUMULATIVE SINKING FUND.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the cumulative sinking fund for the fiscal year ended June 30, 1921, which was referred to the Committee on Finance and ordered to be printed.

BOND PURCHASE FUND.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report of purchases for account of the 5 per cent bond purchase fund made during the fiscal year 1921, which was referred to the Committee on Finance and ordered to be printed.

EXPENDITURES UNDER LIBERTY BOND ACTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a list of expenditures under the Liberty bond acts for the fiscal year ended June 30, 1921, which was referred to the Committee on Finance and ordered to be printed.

OBLIGATIONS OF FOREIGN GOVERNMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a list of expenditures in the purchase of obligations of foreign Governments and purchase of United States bonds from repayments by foreign Governments on account of the principal of their obligations purchased by the United States, which was referred to the Committee on Finance and ordered to be printed.

COMPENSATION OF EMPLOYEES, BUREAU OF ENGRAVING AND PRINTING.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a statement showing the number of employees and their compensation in the Bureau of Engraving and Printing, whose compensation is paid from "Compensation of Employees" as carried in the sundry civil act, but who are detailed for duty in connection with clerical work, messenger and watchman services of the bureau, which was referred to the Committee on Appropriations.

REPORT OF NATIONAL FOREST RESERVATION COMMISSION (S. DOC. NO. 90).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, president National Forest Reservation Commission, transmitting, pursuant to law, the report of the National Forest Reservation Commission for the year ended June 30, 1921, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

PERMITS AND LICENSES ISSUED BY FEDERAL POWER COMMISSION (S. DOC. NO. 89).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, chairman of the Federal Power Commission, transmitting, pursuant to law, a report showing permits and licenses issued by the commission for the fiscal year ending June 30, 1921, which was referred to the Committee on Commerce and ordered to be printed.

INTERIOR DEPARTMENT REPORTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Secretary of the Interior transmitting, pursuant to law, an itemized statement of expenditures made by the department and charged to the appropriation "Repairs of Buildings, Department of the Interior, 1921," for the fiscal year ended June 30, 1921, which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, an itemized statement of expenditures made by the department and charged to the appropriation "Contingent expenses, Department of the Interior, 1921," fiscal year ended June 30, 1921, which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report of disbursements made in the States and Territories for colleges of agriculture and the mechanic arts, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report of claims filed and awards made to and including November 30, 1921, under the provisions of section 5 of the act approved March 2, 1918, which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report showing exchanges made by the department of typewriters, adding machines, etc., in part payment for new machines for the fiscal year ended June 30, 1921, which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report of travel expenses incident to the detail of employees from the office of one surveyor general to another, which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report of the superintendent of St. Elizabeths Hospital showing receipts and expenditures of the hospital for the year ended June 30, 1921, which was referred to the Committee on the District of Columbia.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report from the surgeon in chief of the Freedmen's Hospital of all receipts and expenditures on account of pay patients in the hospital for the fiscal year ending June 30, 1921, which was referred to the Committee on the District of Columbia.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report of the surgeon in chief of the Freedmen's Hospital showing in detail the expenditures of the appropriation for salaries at the hospital, which was referred to the Committee on the District of Columbia.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report on diversion of appropriations for the pay of specified employees in the Indian Service for the fiscal year ending June 30, 1921, which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a detailed statement of expenditures from the tribal funds of the Chippewa Indians of Minnesota for the fiscal year ended June 30, 1921, which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a detailed report of the expenditures made from tribal funds of the Confederated Bands of Utes during the fiscal year ended June 30, 1921, which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report of all moneys collected and deposited during the fiscal year ended June 30, 1921, from the appropriation "Determining heirs of deceased Indian allottees, 1921," which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a detailed report of expenditures made for the purchase of cattle for the Northern Cheyenne Indians on the Tongue River Reservation, Mont., for the fiscal year ended June 30, 1921, which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report of expenditures from the permanent fund of the Sioux Indians during the fiscal year ended June 30, 1921, which was referred to the Committtee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a statement of the expenditures for the fiscal year ended June 30, 1921, of money carried on the books of the Interior Department under the caption "Indian moneys, proceeds of labor," which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a detailed report of expenditures from the $250,000 fund of the Apache, Kiowa, and Comanche Indians, for the fiscal year ended June 30, 1921, which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report of expenditures made for the purpose of encouraging industry and support among the Indians on the Tongue River Reservation, Mont., during the fiscal year ended June 30, 1921, which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a statement of the cost of all survey and allotment work on Indian reservations for the fiscal year ended June 30, 1921, which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a statement relative to the enlargement and improvement of the Chilocco (Okla.) Indian boarding school, which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a statement reporting that no hostilities have occurred during the past fiscal year with any Indian tribes with which the United States has treaty stipulations, which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, two tables showing the cost and other data with respect to Indian irrigation projects as compiled to the end of the fiscal year 1921, which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a detailed report of the expenditures made for the purpose of encouraging industry among the Indians of the various reservations during the fiscal year ended June 30, 1921, which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a statement of expenditures on account of the Indian Service for the fiscal year ended June 30, 1921, which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report for the fiscal year ended June 30, 1921, relating to the appropriation "Indian Schools, Support, 1921," which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report for the fiscal year 1921 showing the amounts expended at each school and agency from the appropriation for construction, lease, purchase, repair, and improvement of school and agency buildings, which was referred to the Committee of Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a detailed report of expenditures made for the purpose of encouraging industry among the Indians of the various reservations during the fiscal year ended June 30, 1921, from the appropriation of $100,000 under the act of June 30, 1913 (38 Stat. L., 77–81), which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Acting Secretary of the Interior reporting that no expenditures were made during the fiscal year ended June 30, 1921, for the construction of hospitals from the appropriation "Relieving distress and prevention, etc., of diseases among Indians, 1921," which was referred to the Committee on Indian Affairs.

REPORTS OF THE DEPARTMENT OF AGRICULTURE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report of the expenditures of the department for the fiscal year ended June 30, 1921, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report of expenditures for seeds under the appropriation "Purchase and distribution of valuable seeds, 1921," which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report showing the names and rates of pay of persons employed in the Bureau of Animal Industry for the suppression of diseases of domestic animals for the fiscal year ended June 30, 1921, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a communication from the Secretary of Agriculture transmitting, pursuant to law, a report showing the number of motor and horse-drawn vehicles and motor boats purchased by the department, together with a statement showing the cost of maintenance, operation, and repair of all such vehicles and boats for the fiscal year ended June 30, 1921, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a communication from the Secretary of Agriculture transmitting, pursuant to law, a report showing travel to points outside the District of Columbia performed by officers and employees of the department during the fiscal year ended June 30, 1921, which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of Agriculture transmitting, pursuant to law, a report of expenditures from the appropriation "Miscellaneous expenses, Department of Agriculture, 1921," for the fiscal year ended June 30, 1921, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a communication from the Secretary of Agriculture transmitting, pursuant to law, a report of all typewriter, computing, addressing, and duplicating machines exchanged for new machines during the fiscal year ended June 30, 1921, which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of Agriculture transmitting, pursuant to law, a report of the moneys received by the department from the sale of waste paper, which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of Agriculture transmitting, pursuant to law, a report showing the publications received and distributed by the department for the fiscal year ended June 30, 1921, which was referred to the Committee on Printing.

REPORTS OF LIBRARIAN OF CONGRESS.

The PRESIDENT pro tempore laid before the Senate a communication from the Librarian of Congress transmitting, pursuant to law, a report of the aggregate number of publications issued by the Library during the fiscal year ended June 30, 1921, which was referred to the Committee on Printing.

He also laid before the Senate a communication from the Librarian of Congress transmitting, pursuant to law, a report covering travel expenses of officers and employees of the Library for the fiscal year ended June 30, 1921, which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Librarian of Congress, transmitting, pursuant to law, a report of the average number of employees of the Library receiving increased compensation and the amount of such increased compensation, which was referred to the Committee on Appropriations.

REPORTS OF SUPERINTENDENT OF LIBRARY BUILDING AND GROUNDS.

The PRESIDENT pro tempore laid before the Senate a communication from the superintendent of buildings and grounds, Library of Congress, transmitting, pursuant to law, a report of the average number of employees in the office of the superintendent receiving increased compensation and the amount of such incrased compensation, which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the superintendent of buildings and grounds, Library of Congress, transmitting, pursuant to law, a report covering travel expenses of officers and employees in the office of the superintendent, which was referred to the Committee on Appropriations.

FINANCIAL AFFAIRS OF SHIPPING BOARD.

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the United States Shipping Board, transmitting, in response to Senate resolution 155, statements, which were referred to the Committee on Commerce, as follows:

1. A statement of the number of debts now owed by the Shipping Board or its subsidiary agencies, including the United States Emergency Fleet Corporation, with the amount of each and the total amount of such indebtedness.

2. A statement reporting what amount of money is available to the Shipping Board at present, or under appropriations already made, or from any other source, for the payment of this indebtedness.

3. A statement reporting the number and total amount of claims which have been presented to the Shipping Board and which now remain unpaid; also what amount of such claims have been investigated and allowed by the Shipping Board as valid claims and what amount of such claims now pending have not been investigated by the Shipping Board the validity of which remain undetermined, and how long the said claims which remain undetermined have been pending before the Shipping Board.

CLAIMS AGAINST UNITED STATES SHIPPING BOARD, ETC. (S. DOC. NO. 88).

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the United States Shipping Board, transmitting, pursuant to law, a report of claims arbitrated or settled by agreement by the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation during the period from October 16, 1920, to October 15, 1921, which was referred to the Committee on Appropriations and ordered to be printed.

TRAVEL OF EMPLOYEES, ETC., SHIPPING BOARD.

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the United States Shipping Board, transmitting, pursuant to law, a statement of travel performed by officers and employees of the board during the fiscal year ended June 30, 1921, which was referred to the Committee on Appropriations.

SHIPPING BOARD PUBLICATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the United States Shipping Board, transmitting, pursuant to law, a report giving the aggregate number of publications issued by the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation during the fiscal year ending June 30, 1921, which was referred to the Committee on Printing.

TRAVEL OF INTERSTATE COMMERCE COMMISSION EMPLOYEES.

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, a statement showing the travel of all officials and employees (other than special agents, inspectors, or employes who in the discharge of their regular duties are required to constantly travel) on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1921, which was referred to the Committee on Appropriations.

INCREASED COMPENSATION, INTERSTATE COMMERCE COMMISSION.

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, a report showing the number of persons employed by the commission who received increased compensation for the months of July, August, September, and October, 1921, which was referred to the Committee on Appropriations.

EMPLOYMENTS UNDER "VALUATION OF CARRIERS."

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Interstate Commerce Commission transmitting, pursuant to law, a statement showing employment under appropriation for "Valuation of carriers" for the year ended June 30, 1921, the name of all persons employed, the State from which each was appointed, and the compensation paid to each, and also showing how the moneys appropriated for the fiscal years 1913 to 1921, inclusive, have been expended, which was referred to the Committee on Interstate Commerce.

EXCHANGE OF TYPEWRITING MACHINES.

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Interstate Commerce Commission transmitting, pursuant to law, a statement showing the make, model, and serial number of each machine exchanged during the fiscal year 1921, the period of its use, the allowance therefor, and the article, make, and model thereof, and price, including exchange value paid for each article procured through such exchange, which was referred to the Committee on Appropriations.

JUDGMENTS OF THE COURT OF CLAIMS (S. DOC. NO. 87).

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the United States Court of Claims transmitting, pursuant to law, a statement of the judgments rendered by the court for the year ending December 3, 1921, the amount, the parties in whose favor rendered, and a brief synopsis of their nature, which was referred to the Committee on Appropriations and ordered to be printed.

ADJUSTMENT OF FOREIGN LOANS.

Mr. GLASS. Mr. President, I ask leave to have printed in the RECORD a letter from the former Secretary of the Treasury, Mr. McAdoo, relating to the question of the refunding of the foreign debts.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

NEW YORK, *November 28, 1921.*

MY DEAR SENATOR: My attention has been called to the statement of Mr. FORDNEY and Mr. LONGWORTH, in the debate on the bill to authorize refunding of our foreign loans (reported in the CONGRESSIONAL RECORD of Oct. 21, 1921, pp. 7355 ff.), to the effect that the obligations taken by the Treasury from foreign Governments were not strictly in accordance with the Liberty loan acts pursuant to which these loans were made. This surprising statement is utterly without foundation, and was evidently made under a misapprehension of the law and the facts, or in forgetfulness of the record which they themselves helped to make.

The first Liberty bond act, section 2, authorized the purchase of "obligations" of foreign Governments bearing the same rate of interest and containing "in their essentials the same terms and conditions as those of the United States issued under the authority" of that act. The obligations issued by the United States under the authority of that act were of two classes, Liberty bonds, section 1, and Treasury certificates of indebtedness, section 6. In the exercise of the discretion which the act thus gave, the Treasury purchased from foreign Governments certificates of indebtedness in preference to bonds. It, however, exacted from the foreign Governments an agreement to convert them into bonds at the option of the United States.

The Treasury's construction of the acts and its policy and procedure in this matter were from time to time fully and freely explained to the Ways and Means Committee of the House and the Finance Committee of the Senate. Only one individual member of either committee ever voiced any criticism of it, though others made inquiries. Neither Mr. FORDNEY nor Mr. LONGWORTH, each of whom was a member of the Ways and Means Committee of the House, criticized or raised any objection. The committees and Congress, far from registering any protest or making any objection to the Treasury's construction of the acts under which it was proceeding or to its policy and practice in the matter, in every instance, with unanimity or substantial unanimity, registered their approval and confidence in the Treasury by confirming and extending the authority conferred upon the Treasury under the various and successive Liberty loan acts.

The following are extracts from the testimony before the Ways and Means Committee (Mr. FORDNEY being present) at the hearing on the second Liberty loan bill, August 28 and 29, 1917, pages 10 and 11:

"Secretary MCADOO. We have made loans to the foreign Governments thus far on short-time or demand obligations similar in form to the Treasury certificates of indebtedness issued by our own Government, and these obligations will be in due course converted into bonds of the same maturity as the Liberty bonds. I am suggesting provisions which will give us a little freer hand in determining the form of these obligations. I do not think it wise to have the Government of the United States tied so securely to a provision similar to that in the first bill. That makes it necessary ultimately to take their obligations of substantially the same form and maturities that we issue to our own people. Our experience thus far has convinced us that we ought not to be tied in that way. We ought to have a freer hand in determining not only the maturities of the loans that we make to them but also in determining the substance and general character of the obligations that we shall take from them.

"Mr. MOORE. Are those foreign securities brought here by the foreign commissioners?

"Secretary MCADOO. These loans are made always with the representative of the country; that is, the representative authorized to act for the foreign Government, generally the ambassador or minister.

"Mr. MOORE. Would you care to suggest the method by which the United States is protected by the actual control of these obligations?

"Secretary MCADOO. We take the obligations of those Governments in due form in each instance. They are the obligations of the Government concerned to pay back to us the amount of money advanced to it.

"Mr. MOORE. They are preparatory to the delivery of their bonds?

"Secretary MCADOO. They are short time or demand obligations, which will be converted into bonds.

"Mr. MOORE. And they remain in the Treasury Department here at Washington?

"Secretary MCADOO. Yes, sir.

"Mr. MOORE. It is not done through the Federal reserve bank?

"Secretary MCADOO. No, sir. In other words, for every dollar of loans that we have made to those Governments we have in the Treasury of the United States their obligations, duly executed by their representatives. In the case of each Government, the Secretary of the Treasury first receives assurances from our own State Department as to the authority of the foreign representative to execute the obligations on behalf of his Government.

"Mr. MOORE. It is really a condition precedent to the final delivery?

"Secretary MCADOO. While it is a demand loan at the moment, it will be converted into a long-time bond in due course."

(P. 64.)

"Mr. HELVERING. Mr. Secretary, how long will these obligations be carried as demand paper in the Treasury?

"Secretary MCADOO. Only until such time as we can prepare the definite obligations, as we call them, fixing the maturity. The obligations of the foreign Governments thus far taken, gentlemen, must ultimately have the same maturities and be in substance, in their terms, etc., like the obligations the United States has issued to its own people (in the first Liberty loan). Now, with respect to future obligations, I think we ought to have more latitude for the reasons I have already explained to you. Up to the present time we have not converted the short-time demand obligations of these Governments into definite obligations of substantially the same character as the Liberty bonds we have just issued. That is due solely to the fact that there has been so much else to do that we have not had time to think out the denominations, etc., we should like to have these foreign obligations bear; but at any moment they are prepared to convert these demand obligations into the definitive bonds of substantially the same character as the Liberty loan bonds.

"Mr. HELVERING. You will not wait for that until the close of the war?

"Secretary MCADOO. No; it will be done in due course. I have a copy of the obligation here. It is signed for the Government by its duly authorized representative in this country.

"Mr. MOORE. That answers the question of yesterday."

The original intention of the Treasury (having taken certificates of indebtedness or short-time obligations in the first instance) was to convert them promptly from time to time into long-time obligations. But with the progress of the war and the developments of experience the Treasury became convinced that it was unwise and inexpedient to do so until the conclusion of peace.

The matter was dealt with in the second Liberty bond act, approved September 24, 1917. This act is a ratification of the action of the Treasury in taking "short-time obligations of foreign Governments" and enlarged the power and discretion of the Secretary by providing (sec. 3) "that the Secretary of the Treasury is hereby authorized, from time to time, to exercise in respect to any short-time obligations of foreign Governments acquired under authority of this (second Liberty bond) act, or of said act (first Liberty bond act) approved April 24, 1917, any privilege of conversion into obligations bearing interest at a higher rate provided for in or pursuant to "said acts," and to convert any short-time obligation of foreign Governments which may have been purchased under authority of "said first and second Liberty bond acts into long-time obligations of such foreign Governments," etc.

The matter was also explained to the Finance Committee of the Senate at the hearing on the second Liberty loan bill, September 11, 1917 (p. 29):

"Senator SMOOT. I want to ask if the Treasury Department now has any short-time obligations of foreign Governments?

"Secretary MCADOO. Yes, sir.

"Senator SMOOT. In what shape are they?

"Secretary MCADOO. Senator, they are like our own short-time obligations of indebtedness, the Treasury's own short-time obligations. I will say this, I notice a question was raised by Mr. COOPER in the House which was based, I think, upon a misconception as to what the power under the law is. We are to take from these foreign Governments obligations which in their essentials are the same as those we issue to our own people. We wished to finance them temporarily until we could sell Liberty bonds, just as we did ourselves, and, of course, the short-time certificates of indebtedness and the long-time Liberty bonds are available not only for our own financing but for the foreign loans, so that we took back the obligations of the powers in their essence the same as the short-time obligations we issued to our own people, with a provision that those short-time obligations should be converted into longer-time obligations upon demand when we issued our Liberty bonds. In substance, that is what it is. I preferred to get the obligations of the foreign Governments in the form in which we could determine more definitely just what kind of denominations or what forms we should require them to convert these bonds into ultimately. In other words, we ought to be in a position to require them at any time to not only convert their obligations into higher interest-bearing obligations if we issue such obligations, but also to deliver such denominations as we thought desirable in lieu of a single denomination.

"I am satisfied that any lawyer would say that the obligations I have taken from these foreign Governments comply strictly with the requirements of the act.

"Senator SMOOT. The reason I asked the question was because I stated that we had short-time obligations of foreign Governments and it was denied, and I based my statement upon no knowledge that I had received from the departments, but upon the fact that I knew money had been advanced to England before ever the bonds could have been engraved, or before it was possible to receive them from England.

"Secretary MCADOO. Of course. We do not have to take an engraved bond. If we take the obligations of the Government in writing it is just as good.

"(The committee thereupon went into executive session.)"

The second Liberty bond act (passed unanimously by the Congress after these statements to the House and Senate committees) gave the Treasury the desired freer hand in determining the form of the foreign Government obligations. Where the first Liberty bond act required that the foreign Government obligations should bear the same rate of interest and contain the same terms and conditions as the obligations of the United States, the second Liberty bond act (sec. 2) required only that the maturity should not be later than the maturity of the last issue of Liberty bonds and that the interest rate should not be less than the highest rate borne by any Liberty bonds. The second Liberty bond act also gave authority to the Secretary of the Treasury to convert the short-time obligations acquired under either the first or second act into long-time obligations in accordance with his announced intention at the hearings.

The second Liberty bond act appropriated $4,000,000,000 for the purchase of obligations of foreign Governments in addition to the unexpended balance of the appropriation of $3,000,000,000 carried by the first Liberty bond act.

The third Liberty bond act increased the appropriation from $4,000,000,000 to $5,500,000,000. It was further increased by the fourth Liberty bond act to $7,000,000,000. As stated by the Committee on Ways and Means, reporting to the House on the fourth Liberty bond bill, the appropriations under the war bond acts for the purpose of extending credit to our allies have been as follows:

First Liberty bond act	$3,000,000,000
Second Liberty bond act	4,000,000,000
Third Liberty bond act	1,500,000,000
Proposed bill	1,500,000,000
Total	10,000,000,000

The following is an extract from the testimony of Mr. Leffingwell, then Assistant Secretary of the Treasury, before the Ways and Means Committee at the hearing on the fourth Liberty bond bill on June 27, 1918, at which both Mr. FORDNEY and Mr. LONGWORTH were present (p. 17):

"Mr. SLOAN. Mr. Leffingwell, what have you to say about the progress of exchanging the short-time for long-time securities of the Allies to whom we have made loans?

"Mr. LEFFINGWELL. The exchange of our short-time obligations?

"Mr. SLOAN. No; that is, you took short-time obligations, I understand, but the exchange of those for the long-time obligations were to conform with the long-time obligations that we were issuing in this country.

"Mr. LEFFINGWELL. You will recall that in connection with the second bond bill Congress authorized the Secretary to take short-time obligations and to convert them into long-time obligations. They have not been converted. The Secretary does not at the present time wish to convert them, for he does not think it wise to convert them into long-time obligations. The situation changes from day to day, and what maturities ought to be given to the long-time obligations is a matter which can not be advantageously determined now."

The following is an extract from the testimony of Mr. Rathbone, then Assistant Secretary of the Treasury, at the hearing on the fifth or Victory Liberty loan bill before the Ways and Means Committee, February 13, 1919 (pp. 45–47):

"Mr. SLOAN. The Secretary, I believe, Mr. Rathbone, said you would say something about what was intended to be done with regard to converting the credits, the evidences of indebtedness, whatever you have down there, into long-time securities that it was at first contemplated should be taken from the foreign Governments. I do not know whether he intended you should go further in that than he did or not. If not, I do not desire to press it.

"Mr. RATHBONE. I can not go much further. What we have now are the certificates of indebtedness of those countries, agreeing, at our option, either to pay on demand, whenever we demand these amounts, or, at our option, to convert the same into long-time obligations. So that as we stand to-day we can do whatever we want; we can demand long-time obligations, which they are bound to give us, or technically we can demand the cash, which they are bound to give us.

"The CHAIRMAN. But which they can not give us.

"Mr. RATHBONE. Which they can not give us. And the question of funding those obligations, exercising our option and taking the long-time obligations, has been only informally discussed with the representatives of the Governments. They have all agreed in the position, which I think is absolutely correct, that they can tell better after the peace treaty is signed and they know what they are going to get in the way of indemnities and how they are going to get it, when they can pay the money. And as we hold the obligations, giving us an option to do whatever we want to do in the way of fixing the date for their maturity, it seems to us we are not sacrificing any interest in letting the final determination of that question await the determination of the indemnity question.

"The CHAIRMAN. As I understand it, you are getting certificates of indebtedness, or due bills, of those Governments at 5 per cent interest?

"Mr. RATHBONE. Yes.

"The CHAIRMAN. And if you were to fund them into bonds, you would get the same rate of interest which our bonds bear?

"Mr. RATHBONE. No; under the provisions of the law we can not fund those short-time obligations into long-time obligations bearing a less rate of interest than the short-time obligations.

"Mr. SLOAN. There are a number of reasons why I suggest this. Among others is the insistent demand recently of Mr. Clemenceau and the commissioners over there that we should pay our share of the war expenses from the beginning of the European war, which was pretty well understood as a definite hint or suggestion that we forgive this debt. The premier of Italy made the same suggestion. There have been insistent suggestions to this country that that debt be forgiven, or that we pay the cost of the war before we entered it, and all that. And I thought—have thought all along and think now—that there should be carried out our original purpose of putting it in a definite form, as the statute required, and which the previous law stated may be done and the people understood would be done—put into long-time obligations these loans and have it definitely settled, and not to be in hodgepodge the way we are now.

"Mr. RATHBONE. I am very glad you brought that point up. I can not agree with you that is hodgepodge. I should like to read a letter received from the French commissioner, dated February 5. He says:

"'MY DEAR MR. GLASS: The attention of my Government has been called to an article published recently in the Washington papers, according to which President Wilson is said to have been approached by French officials with the view of having the United States share the war expenditures of the Entente in the same proportion as if your Government had entered the war in August, 1914. The prime minister has cabled me in order to deny most emphatically that such a suggestion has ever been made to President Wilson by any French official.'

"There have been other articles seen in the newspapers here, which in one or two cases have been referred to informally in conversation with officials of foreign Governments, which they have always denied. They have always expressed the intention of their Governments to pay the indebtedness, and have said that they had no intention of doing anything else. It is true there have been one or two suggestions made here by statesmen, not holding any public office, that the debts should be forgiven. There is nobody under heaven who can forgive those debts except the Congress. The Treasury Department does not advocate and never has advocated anything but the collecting of those debts. And the statement that the foreign loans held by the Treasury Department are in a hodgepodge is wholly erroneous. I do not see how we could conceivably be in a better position than we are to-day, when we have their legal obligation and can demand the money or fix the terms and then the obligation can be converted into long-term obligations.

"Mr. HULL. In that connection a financial dispatch from London states that England is very greatly worried because we do hold their demand obligations, rather than their long-term obligations.

"Mr. SLOAN. But they have failed to follow the statute which Congress passed.

"Mr. RATHBONE. No; I think we have followed the statute which Congress passed. I think that the steps taken followed the first Liberty bond act, and I think the second Liberty bond act clears up any doubt which might have existed as to the meaning of the first act."

The Treasury did not, in connection with the Victory loan bill, ask for any increase in its appropriation for foreign loans, but did ask for certain additional authority in connection with the appropriations already granted. The Victory Liberty loan act conferred authority to extend credits to foreign Governments to provide for purchase by them of property owned by the United States Government or wheat the price of which had been guaranteed by the United States. The act expressly provided that the authority so conferred should not be deemed to prohibit the use of the present balance of the appropriation of $10,000,000,000 for the purposes of the second Liberty bond act. Section 8 of the Victory loan act provided that the long-time obligations of foreign Governments taken in exchange for short-time obligations acquired under the first Liberty bond act should mature not later than June 15, 1947, and all other long-time obligations should mature not later than October 15, 1938.

It is significant that the Victory loan act, which thus again, after full discussion, ratified what the Treasury had done and renewed and extended its authority, was passed three or four months after armistice day and after the Republican victory in the congressional election of 1918.

For further details concerning the form and terms of the certificates of indebtedness it is unnecessary to do more than quote from Secretary Houston's annual report for 1920, pages 55–57:

"For these advances the Treasury holds obligations in the form of certificates of indebtedness to the United States, payable as to principal and interest, without deduction for taxes of the debtor Government, in gold coin of the United States of the present standard of weight and fineness at the Subtreasury of the United States in New York or at the Treasury of the United States in Washington. Certain of them, at the option of the holder, are payable in the money of the debtor country; some at a fixed rate, and others at the buying rate for cable transfers of the currency of the debtor country in the New York market at noon on the day of demand as determined by the Federal Reserve Bank of New York. The certificates of indebtedness are signed in the name of the respective debtor Governments by representatives of such Governments designated to the Treasury by the Department of State as being authorized to sign them in the name and on behalf of the respective Governments.

"The earlier certificates were payable at fixed dates of maturity, all of which are now past, so that they are now held as demand obligations. They bore interest at various rates of interest from 3 per cent per annum upward. Those subsequently taken are payable on demand and bear interest at the rate of 5 per cent. By arrangement with the respective Governments substantially all the obligations have since May 15, 1918, borne interest at the rate of 5 per cent. The certificates of indebtedness are receivable in payment for bonds of the debtor Government or else are convertible into bonds in conformity with the provisions of the various Liberty bond acts in effect at the respective dates of the certificates of indebtedness. All the obligations are of the same general character. The following is a skeleton copy of an obligation received under the fourth Liberty bond act:

"CERTIFICATE OF INDEBTEDNESS $(AMOUNT IN FIGURES).

"The Government of (name of foreign Government), for value received, promises to pay to the United States of America, or assigns, the sum of (number of dollars in words) on demand, with interest from date hereof at the rate of (rate per cent) per cent per annum. Such principal sum and the interest thereon will be paid without deduction for any (name of foreign Government) taxes, present or future, in gold coin of the United States of America of the present standard of weight and fineness at the Subtreasury of the United States in New York, or, at the option of the holder, at the Treasury of the United States in Washington.

"This certificate will be converted by the Government of (name of foreign Government) if requested by the Secretary of the Treasury of the United States of America at par with an adjustment of accrued interest into an equal par amount of (rate per cent) per cent convertible gold bonds of the Government of (name of foreign Government), conforming to the provisions of the acts of Congress of the United States known, respectively, as second Liberty bond act, third Liberty bond act, and fourth Liberty bond act. If bonds of the United States issued under authority of said acts shall be converted into other bonds of the United States bearing a higher rate of interest than 4¼ per cent per annum, a proportionate part of the obligations of the Government of (name of foreign Government) of this series acquired by the United States under authority of said acts shall, at the request of said Secretary of the Treasury, be converted into obligations of said Government of (name of foreign Government) bearing interest at a rate exceeding that previously borne by this obligation by the same amount as the interest rate of the bonds of the United States issued upon such conversion exceeds the interest rate of (rate of this obligation) per cent, but not less than the highest rate of interest borne by such bonds of the United States.

"———— ————.

"(Signature of representative of foreign Government.)

"For the Government of (name of foreign Government).

"Dated the — day of ————."

To recapitulate:

1. The Treasury was authorized by the Liberty bond acts to issue bonds and certificates of indebtedness of the United States and to purchase bonds or certificates of indebtedness—short-time obligations—of foreign Governments. It purchased only the latter. In doing so it proceeded in accordance with the letter and spirit of the law and for the best interest of the United States.

2. The facts and procedure were fully explained to the Ways and Means Committee of the House and to the Finance Committee of the Senate in the summer of 1917, in the summer of 1918, and again in February, 1919. In no instance did those committees or Congress disapprove the Treasury's course. On the contrary, in each instance, Congress, upon the recommendation of those committees, extended the Treasury's authority and in effect ratified and confirmed what had been done.

3. The action of the Treasury in taking short-time obligations instead of long-time obligations was eminently wise, inasmuch as it placed the United States in a better position to fix terms and details of the long-time obligations upon conversion of the short-time obligations than could possibly have been the case if the Treasury had attempted to fix and determine those terms and conditions before the termination of the war and when it was impossible to foresee the needs and requirements of the United States and the conditions and possibilities of repayment by the foreign Governments.

4. The first Liberty bond act provided that any series of bonds issued by authority thereof should "be convertible into bonds bearing a higher rate of interest than the rate at which they were issued, if any subsequent issue of bonds should be issued at a higher rate of interest," and expressly required that any obligations of foreign Governments purchased thereunder should be converted into obligations bearing such increased rate of interest. This provision was adhered to in subsequent acts.

The uncertainty as to the rate of interest which future issues of Liberty bonds might bear, and which no human mind was prescient enough to resolve, made it highly desirable to purchase short-time obligations which could be easily converted into new obligations bearing the increased rate that Liberty bonds might bear, rather than to require foreign Governments to issue series of engraved bonds involving expense and long delays and absorbing labor and materials difficult to obtain and desperately needed for the conduct of the war.

In fact, the first imperative need of the Allies was money. Their credit in the United States had been exhausted, and they were faced with the stoppage of food supplies and munitions of war unless they could get immediate financial relief. Our purpose was to provide that relief quickly. If we had wasted time in haggling with the Allies over specific security for the loans we made to them, and if we had delayed the loans until bonds could be engraved and shipped across the Atlantic, the consequences would have been fatal—the Kaiser would have won the war.

Mr. LONGWORTH'S remarks betray a singular confusion of thought about these foreign loans. He seems to think that we have less "security" for the loans because they are short-time instead of long-time obligations. An engraved bond of long maturity issued by a government is no better secured than a certificate of indebtedness or a short-time obligation of a government. In each case the security is the good faith and credit of the obligor government. It was never expected that the nations fighting with us in the war could give specific security for each loan we made to them. They were in a death struggle, bleeding at every pore, and our purpose was to help them with money and not bleed them more. The United States got all the security for these loans that the debtor nations, our associates in the war, could give; and in lending money to them on their faith and credit the United States did exactly what private bankers have done since the conclusion of peace in placing loans for France and Belgium and other foreign nations in the New York market upon the faith and credit of those nations.

Mr. LONGWORTH also seems to have a curious idea that if the Treasury had taken "formal security" for the loans "the income of the Government would be enhanced." I do not know what he means by "formal security," but it is enough to say that all the security that it was possible to get for these loans to foreign Governments was obtained at the time by the Treasury, and that, no matter what form of obligation the Treasury took at the time, the payment of interest was not prejudiced thereby. If the debtor nations can not pay interest as it accrues on the short-time obligations—which by their very terms are convertible into long-time obligations at the option of the United States—by what possible magic could these nations pay the interest on their loans if they were in the form of long-time instead of short-time obligations?

In the course of the debate Mr. HUSTED asked Mr. LONGWORTH, "Does the gentleman think that a note of hand signed by an ambassador is the legal obligation of a foreign Government?"

Mr. LONGWORTH: "Of course it is not, and we could not possibly collect upon it in any legal procedure whatever."

This is sheer nonsense. In the first place, debts of nations can not be collected by "legal procedure." The sole dependence of a creditor is upon the good faith of the debtor nation, and if that nation refuses to pay, the only resort is to force, unless it is determined to acquiesce in the default. Mr. LONGWORTH is singularly ignorant of the laws governing international intercourse when he says that the obligation of a foreign nation, executed by its duly authorized ambassador or representative, is not legal. Every foreign obligation held by the Treasury is a legal and binding obligation of the nation executing it. No nation has questioned or can question the validity of its debt to the United States. What possible purpose can Mr. LONGWORTH have in questioning the validity of these debts against the interests of his own country?

There is no possible doubt about the validity of the foreign obligations purchased by the United States Treasury. The form and character of those obligations put the United States in the most advantageous possible position in dealing with its foreign debtors, because it enables the United States to deal with the whole question in the light of existing conditions and in such manner as the welfare of the American people demands. By the express terms of each and every foreign obligation taken by the Treasury the obligor government agrees, upon the request of the Secretary of the Treasury, to convert such obligation at par with an adjustment of accrued interest into an equal par amount of convertible gold bonds of the foreign Government, bearing a rate of interest and conforming in all respects to the provisions and requirements of the several Liberty bond acts passed by the Congress of the United States. What more could the United States have exacted?

Cordially, yours,

W. G. MCADOO.

Hon. CARTER GLASS,
United States Senate, Washington, D. C.

RELIEF OF DISTRESS IN RUSSIA.

The PRESIDENT pro tempore. The morning business is closed.

Mr. WADSWORTH. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 2708, Order of Business 323, found upon page 10 of the calendar.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of a bill, the title of which will be stated by the Secretary for the information of the Senate.

The ASSISTANT SECRETARY. A bill (S. 2708) to authorize the Secretary of War to transfer without charge certain surplus material of the War Department to the American Relief Administration in Russia.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WATSON of Georgia. I object.

The PRESIDENT pro tempore. The Senator from Georgia objects. The calendar under Rule VIII is in order.

Mr. WADSWORTH. I move that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New York that the Senate proceed to the consideration of Senate bill 2708.

Mr. HITCHCOCK. Mr. President, I suggest that the bill be read or explained.

Mr. WADSWORTH. If I have an opportunity, I shall be very glad to explain the bill. It is very simple.

Mr. HITCHCOCK. I mean before we vote on the motion.

The PRESIDENT pro tempore. The motion is not debatable.

Mr. WATSON of Georgia. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names.

Ashurst	Harris	McLean	Spencer
Ball	Harrison	McNary	Stanfield
Broussard	Heflin	Moses	Stanley
Calder	Hitchcock	Myers	Sutherland
Caraway	Jones, Wash.	Nelson	Swanson
Cummins	Kellogg	Norbeck	Townsend
Curtis	Kendrick	Overman	Wadsworth
Dial	Keyes	Page	Walsh, Mass.
du Pont	King	Phipps	Walsh, Mont.
Edge	Ladd	Poindexter	Warren
Elkins	La Follette	Reed	Watson, Ga.
Ernst	Lenroot	Robinson	Watson, Ind.
Fletcher	Lodge	Sheppard	Weller
France	McCumber	Shortridge	Willis
Frelinghuysen	McKellar	Simmons	
Glass	McKinley	Smoot	

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is unavoidably detained. I ask that this announcement may stand for the day.

Mr. WALSH of Massachusetts. I wish to announce the absence of the Senator from Rhode Island [Mr. GERRY] on account of illness.

Mr. HEFLIN. I desire to announce that my colleague [Mr. UNDERWOOD] is absent on account of the death of his mother. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Sixty-two Senators have answered to their names. There is a quorum present. The question is upon the motion of the Senator from New York [Mr. WADSWORTH] that the Senate proceed to the consideration of Senate bill 2708.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2708) to authorize the Secretary of War to transfer without charge certain surplus material of the War Department to the American Relief Administration in Russia, which had been reported from the Committee on Military Affairs with amendments.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to transfer without charge therefor to the American Relief Administration in Russia such medicines, medical and surgical supplies now on hand in the War Department, and for which there is now or for which hereafter there may be no further use in said department or in other executive departments of the Government, and for which, in the opinion of the Secretary of War, there may be no ready sale. As a condition of the transfer of such goods and materials, all the assembling, segregating, handling, packing, loading, and shipping thereof shall be undertaken and paid for by the American Relief Administration in Russia, so that the War Department shall be at no expense whatever in connection therewith.

The PRESIDENT pro tempore. The amendments reported by the committee will be stated in their order.

The first amendment was, on page 1, line 5, after the word "such," to strike out "used clothing and footwear."

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. FRANCE. Mr. President, I object to that amendment.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

Mr. OVERMAN. Mr. President, I thought we were to have some explanation of the bill so that we might know the value of the property transferred and know what we are doing.

Mr. WADSWORTH. Just as soon as I can get recognition, I shall be very glad to make the explanation.

The PRESIDENT pro tempore. The Senator from New York is recognized as being entitled to the floor.

Mr. WADSWORTH. Mr. President, the bill as originally introduced provided for the transfer not only of medicines and medical and surgical supplies but of used clothing and footwear and foodstuffs. On consultation with the Secretary of Commerce, who happens to be the head of the Russian Relief Administration, and with the Secretary of War, it was generally conceded that what little used clothing and footwear was in possession of the War Department was not needed by the Russian people. Furthermore, the War Department has no surplus foodstuffs on hand in quantities amounting to anything. It has practically cleaned up its vast stock of canned goods. That is all gone. The Secretary of Commerce told me personally that what they really needed, and what they would be more than satisfied with, was the gift of medicines and medical and surgical supplies. There is grave need of these things in the famine-stricken areas of Russia, and of these things the War Department has a considerable store, especially of disinfectants.

The diseases which accompany a condition of famine are contagious and infectious. Typhus is one of the fearful horrors that accompany famine. What the Russian people need most of all to-day in the matter of medical supplies, according to the information which reached the committee through Mr. Hoover, is disinfectants. The War Department accumulated a large quantity of disinfectants during the war. To-day there is no market for that material. They can not sell it profitably in the open market in this country, perhaps because a good deal of it is put up in containers which make it almost impossible to sell it in a retail way. The War Department tell the committee that they would be glad to give it away. They have it in storage. It costs money to the Government every day to hold it in storage. Mr. Hoover says that is what the Russians need more than anything else, except food, of course; hence this bill, amended as proposed, is before the Senate. It will cost the Government nothing and will bring great relief to a heavily stricken people.

Mr. TOWNSEND. Mr. President, do I understand that in the distribution of these medicines and medical supplies the needs of the hospitals that we have established and are establishing for the relief of the ex-service men will not be interfered with?

Mr. WATSON of Georgia. Mr. President, will the Senator speak a little louder?

Mr. TOWNSEND. I was asking if this distribution of medicines and medical supplies—and I take it that that may include possibly surgical instruments, and so forth—will in any manner interfere with the furnishing of the necessary medical supplies for hospitals for our ex-service men, which hospitals have been established and are being established almost constantly.

I ask this question because recently I visited one of these hospitals that was established, as I understand, by the American Legion, aided by the State. They were asking the Government for certain surgical and medicinal supplies.

My question, therefore, I repeat: Will this action in any way deny our ex-service men the supplies which are necessary in our hospitals?

Mr. WADSWORTH. I am quite certain that no such results can follow the enactment of this legislation. I call the attention of the Senator from Michigan to the language in the bill, commencing at the end of line 7, as follows:

And for which there is now, or for which hereafter there may be, no further use in said department or in other executive departments of the Government.

Mr. TOWNSEND. I am not sure that the hospital I visited, the one at Camp Custer, is considered a Government institution now, but it has been established there for the relief of the ex-service men, and I know that they are asking for certain supplies of this kind. While I am in hearty sympathy with the object of the bill and want to aid in every way possible, I do feel that I do not wish to vote for any measure which would deny any proper care or attention to our own ex-service men.

Mr. WADSWORTH. I am quite certain that it will not have that effect.

Mr. WATSON of Georgia. Mr. President, we have just been put upon notice by the President that it is proposed, as a part of the official program, that millions of bushels of wheat and millions of bushels of corn shall be purchased by the Government and sent to Russia to feed those who need food in the famine-stricken districts. We ought to be extremely cautious in taking the first step, because the first step so easily leads to the second, and as we have been put on notice of what the second step is to be, we ought to attach more importance to this initial step.

We are put in the strange, anomalous, indefensible position, so far as my opinion is worth anything, of dealing with Russia apart from her Government. This Government is not dealing with the Russian Government. We are going over the heads of the Russian Government, refusing them recognition, acknowledging a debt of gratitude to the Russian Government, and yet refusing to acknowledge a Government which now maintains law and order, supports armies in the field, has a judicial system, has a post-office system, has a transportation system, has all of those various branches of interior administration which constitute a government.

We are refusing to recognize that Government because the form of it does not suit us. Yet we are the people who have laid down the doctrine, fought for it, and established it, that all just government rests upon the consent of the governed. It has been made manifest to the world that the present Government of Russia rests upon the consent of the governed. Indeed, Mr. President, it is but a modern adaptation of the old communal system, which is as old as Russia herself.

At any rate, Mr. President, it sustains itself. We are well aware of the fact that various attempts have been made from the outside to overthrow that Government. We all remember the movement led by Gen. Wrangel and the one led by Admiral Kolchak, and by various others who have attacked that Government from the outside. In every single case of the attempted imposition of foreign will upon the Russian people that attempt had been successfully resisted.

Do we not all remember how the home-rule instinct of the very nation to whose relief we went in the great World War

maintained itself for 23 years against a combination of the kings who fought the democratic principles of the French Republic? It took a third attempt, Mr. President, to establish that Republic, an attempt made because of the instincts of the people in favor of their right to govern themselves according to their own convictions, their own will.

For several years this soviet government in Russia, in spite of the fact that the ship was stormtossed at every stage of the voyage, has successfully made passage. It is not now being attacked by any Government in the world. Poland attacked it and has ceased to do so. France attacked it and has ceased to do so. England bombarded Russian cities and was a party to those other attacks, but England has now made peaceful trade relations with Russia.

Therefore, Mr. President, it seems to me to put our Government in an awkward, unprecedented, indefensible position to say that we will not recognize their established form of government, but we, as a Government, will feed their people. Why not recognize that Government, and then deal with the Russian people through their Government?

What brought upon the Russians the calamities from which they are suffering? It was the blockade, which we ourselves, in conjunction with England, declared against that country. She could not send out goods; she could not bring in goods. Neither imports nor exports could she deal in. Hemmed in, cut off, isolated, Russia fell into a state of interior suffering.

We who come from the Southern States know something of the horrors of a blockade. We were reduced to suffering by that of the Civil War. I know how, when I was a boy, we used to resort to every conceivable kind of substitute for those comforts and those luxuries to which we had been accustomed before the blockade. I myself have drunk coffee made from parched potatoes, parched okra, and other substitutes. I myself have written upon the shabby, homemade paper, with the ink extracted from poke berries, writing with pens shaped from the quills of geese. In fact, that is the way I learned to write, because I learned while the guns were still booming on both sides. Therefore I can understand the condition of the Russian people. I profoundly sympathize with them in the sufferings brought upon them by that blockade. If we, Mr. President, should recognize the actual facts as they exist and open up relations with the Russian Government we would do more to supply their needs than we will by supplying all the medicine the War Department has, or by sending the few million bushels of corn and wheat that we can send to one Province. If we would let them into the family of nations they could take care of themselves, as they always did.

Do we not remember the day when the Russian fleet steamed into New York Harbor, during the Civil War, at the very time when England and France were about to recognize the belligerency of the Southern States, the Confederacy of the South? Did not the action of Russia at that time virtually say to England and France, "Do not interfere"? Mr. President, it is well known that the action of Russia at that crisis was of enormous moral benefit to the cause of the Union, not only in this country but throughout the world.

Now, when Russia, after years of travail of childbirth, has emerged into a stability which no outside attack can overthrow we refuse to recognize her Government, and thus we take the breath of life away from the Government and try to salve our own conscience by giving them some medicine, surgical instruments, and a few bushels of wheat and corn.

Mr. FRANCE. Mr. President, I would ask the Senator if he does not think our consciences need some salve?

Mr. WATSON of Georgia. Mr. President, I believe in the right salve, and that is the recognition of the right of the Russian people to self-government. I believe in recognizing the actual facts, and the actual facts are that Russia has a stable government, functioning through all of its organs, just as ours does, the difference being that we belong to the family of nations and we will not let Russia into the family.

I was not aware of the fact that the Senator from New York intended to call up this bill. I have made no preparation to speak upon it, but it strikes me as not the right way to relieve the Russian situation, and I say that with all due respect to the Senator from New York. I do not think he is correct when he says that our own hospitals, governmental and otherwise, could not absorb all of the surplus medical supplies. I am not willing to vest in the Secretary of War an arbitrary discretion to say whether or not this country needs those medicines and those surgical supplies. We are setting a bad precedent. We are embarking upon legislation which will lead us far beyond this particular bill.

Charity, while it should not stay at home, should begin there. I know that throughout this whole country there are millions of people who need those medicines and who need those surgical supplies. I know that hospitals need them, and would be willing to buy them or to accept them for charitable use for charity patients.

The Senator speaks of a starving man being cured by medicine. No starving man, woman, or child needs medicine. Food is the medicine they need, and this bill would be idle, absolutely futile, if we did not follow it up by giving food in almost unlimited quantities. I could not vote for a thing like that when I know that there are millions of men, women, and children in my own country who have been reduced to starvation by some of the policies of our own Government, not by a blockade from the outside, not by any Admiral Kolchak, not by any Gen. Wrangel, not by any Polish invasion, but by the invasion of our own Government in ways which I have stated before and may again state. Nobody doubts that there are several millions of men out of employment. Nobody doubts that several million American women are in want. Nobody doubts that several million American children are facing starvation. How can we defend it, if we give our wheat, our corn, our canned goods, or any other article of food to foreign countries, leaving our own to starve?

Therefore, Mr. President, I hope the bill will not pass. I hope the Senator from New York will not press it. I hope that the supplies of the War Department will be devoted to our own people after the Secretary of War shall have made diligent inquiry to find out where they are needed, and in that inquiry he could be materially assisted by Senators, at least those from the South.

The PRESIDENT pro tempore. At this point the Chair desires to make a statement. It appears from the calendar that the unfinished business is Senate resolution 172, generally known as the Newberry case. In the opinion of the Chair the Newberry resolution is not at this time the unfinished business, and the Chair directs that the statement shall be omitted from the calendar to-morrow and thereafter. The Chair makes this statement because it would have seemed to be the duty of the Chair to lay that resolution before the Senate at 2 o'clock.

Mr. SMOOT. Am I to understand that the unfinished business was temporarily laid aside at 2 o'clock?

The PRESIDENT pro tempore. The Chair has just stated that there is no unfinished business and that the statement on the calendar to that effect is an error.

Mr. FRANCE. Mr. President, a parliamentary inquiry. Is a committee amendment now pending?

The PRESIDENT pro tempore. There is a committee amendment pending.

Mr. FRANCE. Are other amendments in order at this time?

The PRESIDENT pro tempore. The Chair is of the opinion that an amendment to the committee amendment is in order.

Mr. FRANCE. Mr. President, if the committee amendment is now pending I desire to address myself briefly to that amendment. I have in mind, however, to offer an amendment which will quite materially alter the bill. My amendment will provide for the striking out of all after the enacting clause and the substitution of a bill, namely, Senate bill 2717, offered by me on the 14th day of November, 1921, the provisions of which go very much further than the legislation which we now have before us.

I am entirely in favor of the legislation which has been reported by the committee, but I do not feel that it goes far enough. I feel that it would be far better at this time to authorize the Secretary of War, the Secretary of the Navy, and the Secretaries of the other departments of the Government which have surplus supplies, to donate a larger quantity of supplies and a greater variety of supplies if the Secretary of War, the Secretary of the Navy, and the Secretaries of the other departments having such supplies on hand should deem it wise to do so.

I find myself very much in sympathy with what the Senator from Georgia [Mr. WATSON] has said. I do not feel that the pending legislation is any proper remedy for the serious situation with reference to Russia into which we drifted under the last administration. I hope very shortly to see the policy of our Government changed. Certainly I hope to see it changed to the extent of our Government becoming willing at least to send a commission to Russia in order that this Government may be informed directly and disinterestedly as to what the conditions are in that great country.

I do not care at this time to go into any discussion of world politics. I am not prepared to do so for many reasons, but I do desire to say that practically all the information which we have had concerning conditions in the great country of Russia has been false information, and such false information has been sent over here with a very practical purpose by the gentlemen who inaugurated that false information.

Certain gentlemen in Europe who are wise statesmen, wise for the reason that they look after the interests of the populations of their various countries, know that the great Russian market is the greatest market in all the world to-day. They know that the natural resources of Russia are far greater than those of any other nation in the world to-day. They know that the potential wealth of Russia, the real wealth of Russia—because, after all, the only wealth is the real natural wealth of a country—is two and one-half times as great as that of the United States. They know that this vast wealth can be made the basis for credit in such a way that Russia can buy whatever she may require in any quantity. Knowing that, they are taking very great pains to see that the manufacturers of the United States and the farmers of the United States do not make contact with that great market before they themselves, for their own countries, make such contact.

Not only that, but there is going on in the world a great political game, concerning which I shall have something to say later. A great struggle is on in the world between two antagonistic systems and ideals of government, antagonistic and absolutely irreconcilable. Senators will remember what the great Lincoln said about a house divided against itself. That great statement is as true to-day with reference to world politics as it was true when uttered with reference to national polititcs. Either the world must come entirely under the domination of the imperial system or it must come under the domination of, if I may use the term, the American system. The imperialists of Europe know full well that if the two great anti-imperialistic Governments of the world—the United States and Russia—shall clasp hands in mutual understanding that would mark the doom forever of the imperial system in the world.

Senators, with our great wealth, with a great continent to develop, busy with the transformation of the natural resources of the United States into the visible wealth which we behold on every hand, the people and the statesmen of America have not busied themselves with learning the intricacies of the game of international politics, and we are now sitting at a table matching our wits with the past masters at that game.

Perhaps what I have said will give an intimation of my thought, but I shall say little more on the subject of the international question at the moment. I shall discuss it, I hope, in the near future at some length. What I have said will indicate that there were two very practical reasons why the United States and Russia should be kept apart.

The first reason is that the merchants of the European countries, the great pioneers of those European countries who have done much, I admit, for the development of the world, wanted Russia for themselves, as I can show later, and I have very definite information on that point. One of the countries of Europe could not have made certain agreements which it did make with Russia if Russia and the United States had been in contact and in cooperation.

I repeat that the first reason for our isolation from Russia is because those gentlemen in Europe wanted Russia for themselves as a market for their goods, and by the keeping of this Republic separate and apart from Russia they have preserved that great territory for themselves and those wonderful markets for their own goods. While we have surplus grain which our farmers can not sell, while we have several millions of men unemployed, Russia, the richest country in the world, with the greatest resources of any country, which any banker knows could be made a basis for credit, is in need of every kind of goods which we have or which we could supply. She could buy at once all the surplus cotton in the South and every bit of grain which is accumulating in the West; she could buy enough to start every spindle and every factory in the United States; she could keep all of our manufacturing enterprises busy for a year if they sold not another article of goods ordered by another customer.

Mr. WATSON of Georgia and Mr. REED addressed the Chair.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Maryland yield; and if so, to whom?

Mr. FRANCE. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. Mr. President, I should like to know if the Senator from Maryland and the Senator from New York would be willing to include a million bales of cotton in the donation which they propose to make to Russia?

Mr. FRANCE. The Senator from Georgia is now proposing to offer the cotton with the salve. Personally I feel that the Russians do not need anything donated to them; that if they shall be put in a position to purchase they can purchase the cotton of the South.

Mr. WATSON of Georgia. I agree with the Senator about that.

Mr. FRANCE. Russia is so rich that she needs nothing given to her if she can receive fair treatment and opportunity to work out her destiny.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Missouri?

Mr. FRANCE. I yield to the Senator from Missouri with pleasure.

Mr. REED. For the sake of clarity, I want to ask the Senator from Maryland what he means by the statement that Russia is able to purchase the vast quantities of goods and materials to which he has referred? Does he mean that Russia has now presently the money with which to make these purchases, or does he mean that some kind of scheme of financing, based upon the real estate values of Russia, must be first adopted? I am asking purely for information.

If there is gold in Russia, if the Russians are ready to trade, then to put up a bar against them coming here and paying for things for which they are ready to pay and able to pay, and at the same time sending them goods as charity to prevent people from starving, who would not be starving if they have the money with which to buy and if they are permitted to buy, is, of course, wholly foolish. However, if Russia has no money and can not buy, but merely has resources which the Senator from Maryland thinks might at some time in the future be used as a basis for credit, that is a very different question, because before the latter operation could be carried into effect the people of Russia would be starved. I want, therefore, to ask the Senator to make plain what he means by the statement that Russia has the wealth and the ability to buy.

Mr. FRANCE. Mr. President, I can very readily answer the Senator's question. Before I went to Russia I was continually contending that Russia was able to buy goods from the United States, and that if we did not enter the Russian market some other country would do so. My prediction has come true. Russia has supplies of gold and supplies of raw products and great resources of natural wealth upon which credits could be based.

The Senator from Missouri knows, I am sure, for he knows almost everything connected with the legislative matters here, that about a year ago the question of whether we might sell to Russia was very acutely raised. At that time I contended that Russia did have gold, which has since been proven; indeed, a very large supply of gold with which she has bought products from Germany, from Great Britain, and, in spite of all the obstacles placed in the way, also from the United States. Since a year ago Russia has been continually buying goods from those countries and also to a lesser degree from Italy, for which goods she has been paying with gold. Indeed, it is an astonishing fact, and one which should enlighten some of our citizens who really know little about European affairs, that after a bar against the minting of Russian gold was placed by our Treasury Department the routes through which Russian gold reached the United States were changed, and within the last year we have taken from Russia large quantities of gold through Paris, the French themselves acting as brokers in the transaction. I was asked when I was in Russia if I thought it was fair that we should maintain a policy which has resulted within a short period in the Russians paying to the French $15,000,000 as commissions upon the transactions between the two countries—10 per cent of $150,000,000 worth of business? In other words, during the last year the Russians have sent through French channels $150,000,000 into America to pay for American goods.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Georgia?

Mr. FRANCE. I yield.

Mr. WATSON of Georgia. I am not surprised to hear the Senator say that Russian gold has been coming into New York, because that had been currently stated in the newspapers; but I should like to have his information as to whether or not the Russian Government proposed to pay in gold to our Government the very large loan made before the blockade and that our Government refused to accept.

Mr. FRANCE. If the Senator will permit me, I will finish answering the question of the Senator from Missouri, and then, if he will pardon me, I will ask him to repeat his question, for I do not think I quite understand it.

The Russians have had a large quantity of gold. I refer to the quantity of gold which they had on hand after the revolution. I will not go into the question as to the amount of gold which they had for the purchase of goods during the last year, but the amount was very considerable.

Russia also has raw products. Of course, I need not say in passing that no country for any considerable time can purchase with gold. As the President very wisely said this morning, trade must be reciprocal, and no country can continue to sell which does not buy. No country can continue to buy which does not sell, and it is not to be assumed that Russia could very long continue to purchase in the world's market with gold. However, she still has a supply of gold on hand.

Mr. REED. Mr. President, in the interest of the truth of history, as we often say, the President did say that trade must be reciprocal; but he also stated that if the ships could go out full it was all right if they could come back reasonably empty. That was the meaning of what he said. I am wondering how the statements can be reconciled.

Mr. FRANCE. Mr. President, Russia, I will say to the Senator from Missouri, also has raw products, particularly furs and hemp, with which she could buy.

Now, with reference to trade processes, the purchase of any considerable amount of supplies by Russia would have to be based upon her credit. Of course, that is the only method which would be efficient so far as Russia is concerned.

Mr. REED. Then, if I understand the Senator—and I am not asking these questions in a controversial spirit at all—the probabilities are that Russia does not possess gold in sufficient quantities so that she could come now into our market or into any other market without supplementing her gold by trade and buy sufficient supplies to meet the wants of her people.

Mr. FRANCE. I will say to the Senator from Missouri that she could not do so, because the wants of her people are so vast. I have estimated from a very careful study of conditions that Russia needs immediately at least $2,000,000,000 worth of goods, as a minimum amount, and Russia has not $2,000,000,000 in gold at the present time, nor has any country save our own a gold reserve approximating that amount.

Mr. REED. Let me ask a further question. It is true, is it not, that Russia's general currency has been depreciated so that it is of but slight value?

Mr. FRANCE. That is true, I will say to the Senator.

Mr. REED. Then, if Russia is to carry on the business of rehabilitating herself, or taking care of her people by procuring goods from the outside, she must trade. Now, what has Russia to trade to us or to other countries with which she can get supplies? I am now dealing not with the question of giving securities based upon her real estate, but the question of immediately available property that could be shipped.

Mr. FRANCE. Russia has for immediate shipment gold, certain raw products, particularly furs, hemp, and flax, and, perhaps more important than all, probably a very considerable supply of platinum. I have reason to believe that the stores of platinum which Russia had on hand at the beginning of the revolution have never been disposed of, so that Russia could immediately buy the food which she needs, and no doubt Russia to-day could meet the famine situation in Russia if she could be assured that before the next harvest it would be possible for her to finance herself.

Mr. REED. The Senator has been very generous of his time. Lest I should be misunderstood in asking these questions, I think the Senator will permit me to say that on several occasions I have spoken here upon the floor of the Senate in opposition to the embargo upon Russian trade. It has seemed to me, first, to be a usurpation of power and authority by the Treasury Department; that the excuse they offer—namely, that some of the Russian gold may have been wrongfully taken—is merely an excuse; that the real fact is that an economic boycott has been declared by the Treasury Department of the United States upon a great country with which we have always been at peace so far as any legal war was concerned, and with which we are at peace now. Moreover, I have said, and I say now, that in my humble judgment the policy—and I want to employ as mild a term as possible—is a very foolish policy.

We have traded always with all peoples everywhere who would trade with us. We have traded with the naked savages of the forest and not raised any question about their morals or their government. We traded with autocratic Russia and asked no questions as to how many poor wretches were being driven with the knout into Siberian mines to perish. We traded with Belgium when she was enacting the horrors which appalled the world in her African possessions. We have traded with the Hottentots, with the Patagonians, with the Chinese, with the Japanese, with the English and the French and every other nation and never asked a question, so far as trade was concerned with reference to their morals, their religion, or their government. For a little coterie in the Treasury Department, either of the past administration or of the present administration, to deny the right of trade to 100,000,000 American freemen is, in my opinion, not only unjustifiable but—well, Mr. President, I will not characterize it as I view it.

That is quite a different question from the recognition of the Russian Government. Will the Senator let me trench enough on his time to make a further remark? I think, from all I know of it, that the Russian Government is unsound from every standpoint; that it is based upon principles which can not endure; that it is abhorrent to our opinions regarding property and personal rights; but if I admit all that, it is my opinion that it is a juster government than the government of the imperialists of Russia who for centuries held a hundred million people in slavery attached to the soil and who at the end of hundreds of years of government left a condition where 90 per cent of the people could not read or write in any language, where the land is undeveloped by railroads or transportation, where ignorance and misery have walked about like twin evils. So, I say, bad as this government is, it can hardly be worse than the government of the Czar, and we traded with them and we recognized them.

Mr. FRANCE. Mr. President, I thank the Senator for his contribution. In reply, I will say that it is true that, following the policies of the last administration, even this administration has placed certain bars in the way of trade with Russia, simply by carrying out the policies of the last administration, which is quite natural. It is a well-established principle of our Government that in dealing with foreign affairs sudden reversals should not be made, and it requires time to reverse a foreign policy of such importance as our Russian policy. Nevertheless, the bars have been raised against trade with Russia; and the placing of those bars against our trading with Russia has—and the American people are beginning to realize it—greatly redounded to the benefit of certain other nations.

I do not care to discuss now the character of the government in Russia, or the conditions which prevail there, as that would lead me too far afield; but certainly I can repeat what I said at the beginning of my remarks, that practically all of the information which we have received concerning Russia has been propaganda, inaugurated, as I was saying, for these two purposes: To separate us from the Russian markets, and—I will add the second one without enlarging upon it—to prevent the two great anti-imperialistic Republics—because the foreign policy of Russia has now been announced as being anti-imperialistic—from coming into friendly cooperation.

Let me say to you that when the United States, with its well-established foreign policy, and when Russia, with its clearly announced new foreign policy, which it would be well worth the while of Senators to consider carefully—fortunately, the papers dealing with that have all been gathered now in a single volume, which can be read in a few short hours—when these two Republics, with that clearly announced foreign policy of each, come together in cooperation, you will need no league of nations. These two mighty Republics, controlling so much of the raw products and the wealth of the world, will be able very greatly to influence the policies of the other nations, and without them there can be no great war; for without their products, their vast resources—resources of materials, wealth, and men—no world war could be fought.

Unless Russia materially changes her foreign policy and unless we materially change ours, bear it in mind, by becoming allied with empires in the carrying out of an imperial policy—unless the Russians change their foreign policy or we change ours, I believe that a proper cooperation between these Republics would end war and in the end sound the death knell of that imperialism which is the cause of all war.

I yield now to the Senator from Georgia for a question.

Mr. WATSON of Georgia. Mr. President, my question was, What is the understanding of the Senator from Maryland as to whether or not Russia, before those shipments of gold to France and New York, offered to pay our Government the $192,000,000 which former Russian Governments had borrowed from ours, and does the Senator know whether or not that offer was refused?

Mr. FRANCE. Personally, I do not know whether that is the case. It is a very interesting suggestion, however; and such a very rational procedure would be quite in harmony with our whole foreign policy as regards Russia.

Let me say one word, however, with reference to this administration and its foreign policy.

I confidently expect that our foreign policy with reference to Russia will be shortly changed. We have seen for some time the direction in which we were traveling. Those who have traveled on the seas know that all the great catastrophes at sea have occurred when the captain and the crew were looking disaster in the face.

They have occurred when the great ship has been put on the wrong course by an unintelligent or uninformed pilot. They have occurred when all were aware that death and disaster were imminent, but when it was too late to change the course. It takes time to change the course of this Government with reference to its foreign affairs, but I believe that it will be changed. I feel confident that our Russian policy will be altered.

Just one word with reference to the importance of the Russian markets upon our situation here.

We do not know generally the cause of our unemployment here, but it is very evident. If on the average we had 4,000,000 men out of work during the first nine months of 1921, and if on the average each one of those men would have earned $70 a month, the wage bill for those men would amount to $280,000,000 a month, and in nine months the wage bill for those men would amount to about $2,500,000,000, in round numbers. Now, $2,500,000,000 is approximately the loss of our foreign trade this year as compared with our foreign trade last year. In other words, those 4,000,000 men are out of work because our foreign trade has fallen off $2,500,000,000; and the way to cure unemployment is to open up the foreign markets of the world, and they are great enough for all.

All of the mills of England, all of the factories of the United States, all of the industrial concerns of Germany, could not supply in five years the needs of Russia or what Russia will be amply able to buy when she shall be placed in a position to purchase.

However, that takes me rather aside from the particular legislation which is pending. I find myself in agreement with much which the Senator from Georgia has said. I know that we need a major operation; nevertheless, I will not refuse the poor patient a grain of anodyne. I know that it will take time to reverse our foreign policy, but in the meantime I know that there is agony and suffering, starvation and death, confronting millions of people in Russia.

To show you the reliability of the information which comes out of Russia, the Senator from New York has said that the Secretary of Commerce has stated that no clothing, no shoes, nothing is needed in Russia except medical supplies; and I know that the Secretary of Commerce gave that information in the utmost good faith.

Mr. WADSWORTH. Mr. President, I did not intend to quote the Secretary of Commerce in that manner, and I think I did not so quote him.

Mr. FRANCE. What did the Senator say?

Mr. WADSWORTH. That the unused clothing which the War Department has on hand is of such a character and so small in quantity that it is unimportant; that they do not need it. That was the Secretary's statement.

Mr. FRANCE. I ask the Senator's pardon if I misquoted him; I am seeking the figures, though I have not yet obtained them, but I am under the impression that the supplies of clothing under the control of the War Department are very large; that they have a vast supply of blankets, of shoes, of harness, of automobiles and trucks, of a vast number of articles almost inconceivable in their multiplicity and variety and in their quantity, which the Russians could use most advantageously. I do not care at this time to attempt to paint any picture of Russia, but do you know what an old Army uniform or a pair of second-hand shoes or an Army blanket would mean to a Russian? Let your imaginations run on for a little while. Picture a country of 150,000,000 which has been cut off from the markets of the world practically for four years, first by her friends and later by those whom she did befriend and save. The destitution there is almost inconceivable.

The bill which I propose, and which will shortly be read, is in no way in conflict with the bill reported by the committee. It simply enlarges the power of the Secretary, and enlarges the number of relief agencies through which these goods would be distributed. I have great confidence in the Secretary of War. Those who know what I have said about the Secretary of War on this floor know that I have confidence in and admiration for him, and I am not afraid to see his powers enlarged so that he may give to Russia whatever he may think will be of benefit to Russia.

My bill, however, is not merely a bill for charity to the Russians, but it is a bill which will bring benefit to Americans. Those of you who have not thought about this question very much can scarcely realize the demoralizing effect upon our markets of having these surplus Army supplies hanging over them—demoralizing in two ways, demoralizing because the price is apt to be suddenly broken in the particular place where these supplies are sold, demoralizing because there are constantly at work between those who wish to get these goods for disposal and the minor officials of the Government improper influences to induce those who have the goods for distribution to put the goods on the market under such conditions that they can not be readily bought by the ultimate consumer. I am not referring, of course, to the Secretary, not even to the Army officers, but to the minor officials. On the other hand, there are constantly at work influences of all kinds to prevent the selling of these goods on the markets.

Consider the question of automobiles and trucks. Do you wonder why they are out in the open weather and allowed to go to ruin? It is a very easy thing to understand. Personally, I do not know what to do about it. I know very well that if those trucks and automobiles are put on the market, it will result for a time in the closing of a large number of the truck and automobile factories, throwing thousands out of work. On the other hand, if they are allowed to lie in the open weather, they will be destroyed, so that they will be of no use. In other words, without going into the subject at any great length, I call attention to the fact that these vast supplies of Army stores are a menace to our markets. They are a contributing factor—a minor one, I must admit—to the unemployment from which we are suffering.

Not many months ago, during the last administration, a large delegation of canners of Maryland, representing both those who canned the goods and those who grew the goods, came to see the congressional delegation from the State of Maryland to see what could be done to prevent the demoralization of the canning industry of America by the threatened precipitation upon the market of the canned goods owned by the Army. The mere hanging over the market of those vast stores of canned goods so unsettled the confidence of the growers and the canners that they were unable to proceed with the making of their contracts.

The same thing is true of other goods. The hanging over the markets of the Government's surplus supply of blankets, of harnesses, of cotton duck tends to unsettle the confidence of those who are manufacturing those products. A short time ago I saw some advertisements of large sales of cotton duck in one of the Southern States, sales which would take place at ruinous prices, and sales which brought that cotton duck into competition both with the growers of cotton and the weavers of cotton. So these vast supplies tend to unsettle our markets, and we would return more quickly to normalcy if every single article of these surplus supplies not needed for the purposes of the Government were shipped immediately out of the country on Shipping Board ships. In that way we would clear our shelves.

I know that what I am saying is the truth. I know that my reasoning is absolutely sound, that this country would not be impoverished, but would be enriched; that our poor would not be impoverished, but they would be benefited, if all of these supplies were immediately removed from the country, vast supplies of goods upon which American labor has already performed the labor, and which, as long as they are here, whether they be given away or however they be disposed of in this country, will necessarily result in unemployment to the extent of the labor which has already been performed on those goods.

As far as the American workingman is concerned, the American workingman wants no charity. He only wants opportunity. I had not expected to discuss to-day the bill which I have introduced, but I may say that when it was presented to the Baltimore Federation of Labor, a body of most intelligent men, headed by a man of unusual genius and ability, Mr. Henry F. Broening, one of our best citizens in the State of Maryland, when this problem was presented to the members of the Baltimore Federation of Labor their first reaction was that these goods ought to be given to the poor here, and then, when they began to think about it and reason about it, they began to see that the giving of those goods to the poor here would simply increase poverty, as giving generally does increase poverty if it is unwise. They finally came out in a splendid indorsement of this bill as being a measure which would benefit our own country, and at the same time enable us to give a wonderful Christmas gift to the Russians.

I was moved when the President, a great and benevolent man, to-day advocated something for the relief of Russian sufferers. I know the conditions in Russia. I know that they need rolling stock very badly. I know that there could be loaded upon trucks at St. Petersburg or at Riga the grain which we will donate to the Russians, and those trucks could carry it almost immediately right into the famine districts. Much of the famine in Russia is due to the breakdown in transportation, a breakdown which could be relieved if we would send these automobiles and trucks there in the donation of our surplus supplies.

But let me tell you another thing about this measure which I am proposing. There would not be any loss to the manufacturers of the foreign market as the result of the giving of these supplies to Russia, and manufacturers are beginning to see that. After all, the large number of trucks which are lying out in the weather here in America is not a large amount for the vast country of Russia. They will be lost in that vast territory. They will simply constitute a free sample of American goods, given away, and the man who receives and uses a car or a truck of American manufacture will come back, of course, for the repairs to the car, will come back for a new truck like the old one, because there is no truck or automobile in the world that can compete with the truck or automobile of American manufacture. Not only that, but these trucks will teach them how to use tractors, and it will be highly beneficial to the Russians to have these automobiles and trucks, which they can use temporarily as tractors, as everyone knows, until they shall be ready to buy tractors for themselves.

I sincerely hope that the Senate will see the propriety of doing a little legislating on its own behalf. It would be a refreshing sight to see the Senate really take up a new piece of legislation, not recommended by a department, and pass it, and hand it to the department as a surprise Christmas present. It would mean a restoration of normalcy of a very startling kind and of the kind advocated by the President in his great message this morning.

I believe that any fair-minded Senator who will read the measure which I propose, and which I shall offer as an amendment, will see the advantage of such legislation over that which is reported by the committee, my legislation merely enlarging the quantity of goods, specifying additional goods, and enlarging the powers of the Secretary of War and all the officials who will handle the disposition of those goods through the various agencies, of which the American Relief will be one, and agencies like the Red Cross, the Near East Relief, the Young Men's Christian Association, the Salvation Army, and the Knights of Columbus will be others.

I ask the Senate at this time—although I had not expected to bring it up—to pass my bill. It has not been very many days since people began to call that "Senator FRANCE'S Christmas gift bill." It would be a Christmas gift to ourselves and a Christmas gift to Russia at the same time. I believe the legislation which I propose is far preferable to the legislation offered by the committee. I believe the Senate will ultimately pass the bill which I have proposed, because I am sure that the demand throughout the country for it is very great on the part of the workingmen, on the part of the cotton growers, on the part of the woolgrowers, on the part of the clothing manufacturers, harness manufacturers, automobile manufacturers—on the part of all, from the standpoint of self-interest and because it also appeals to a great humanitarian impulse.

Mr. President, being a physician, I have naturally studied somewhat the great mysteries of life and of nature. In my early days I believed certain of the strange medical superstitions, many of which have even survived down to the present time. One of those is that old age is caused by a hardening of the arteries. That is not true. I have discovered in more recent years, as a result of more careful study, under a wider experience, that old age is not caused by a hardening of the arteries, but that it is caused by a hardening of the heart. I am not referring to the Senator from Georgia [Mr. WATSON], who is a very young man of tender and generous heart and impulses.

There is a certain remedy against old age, and it is found in the Good Book, which is always true, and anyone who does not desire to grow old can take that remedy and it will insure him perpetual youth. That remedy is the little recipe, "Harden not your hearts."

I should like to see the splendid young Senator from Georgia—I know he has not a hard heart—and other Senators here support this Christmas gift bill, which I shall offer as an amendment, which is a more constructive piece of legislation, a more far-reaching piece of legislation, than the bill as reported by the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee which the Secretary will report.

The ASSISTANT SECRETARY. On page 1, lines 5 and 6, strike out the words "used clothing and footwear" and the comma.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be reported.

The ASSISTANT SECRETARY. On page 1, lines 6 and 7, strike out the words "and foodstuffs."

The amendment was agreed to.

Mr. FRANCE. Mr. President, I offer the following amendment. I move to strike out all after the enacting clause and substitute therefor the following.

The PRESIDING OFFICER. The proposed amendment will be stated.

The ASSISTANT SECRETARY. Strike out all after the enacting clause and insert before the enacting clause the following preamble:

Whereas the Departments of War, Navy, the Treasury, and the Shipping Board have on hand huge supplies of textiles, dry goods, and so forth, transportation and motor equipment and supplies, building supplies, metals, tools and supplies, medicines, drugs, hospital supplies, surgical instruments, foodstuffs, miscellaneous stores, technical equipment and supplies, chemicals, acids, paints, and oils, and the existence of such supplies constitutes a disturbing influence on agriculture, industry, and business, and as the sale of these supplies is now unfavorably affecting and will tend to further unsettle agricultural operations, industry, and business, and there is desperate need for such supplies in the countries where there is acute distress or famine, particularly in Russia, China, and in the Near East: Now, therefore,

And after the enacting clause insert the following:

That the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the chairman of the Shipping Board be, and they are hereby, authorized, either acting together or separately, to report to the Director of the Bureau of the Budget the amount of surplus supplies, other than arms, ammunition, and ships, not required by their several departments and which have been or may be declared available for sale or transfer, such as drugs, chemicals, surgical instruments, medical appliances, shoes, gloves, clothing, fabrics, cloths, blankets, harness, meats, canned vegetables, and other foods, automobiles, trucks, and other unused war supplies now held under the listings of textiles, dry goods, and equipage; transportation supplies, building supplies, metals, tools and supplies, medicines, drugs, hospital supplies, surgical instruments, foodstuffs, miscellaneous stores, technical equipment and supplies, chemicals, acids, paints, and oils.

SEC. 2. That the Director of the Bureau of the Budget be, and he is hereby, authorized, immediately upon the reception of such reports, to transfer to the several departments of the Government such supplies as they may be able to use, and that he be, and he is hereby, further authorized and directed to dispose of any remaining surplus of such supplies by gift, either directly to the sufferers in the countries where there is acute distress or famine, particularly in Russia, China, and the Near East, through agencies which he himself may create, or indirectly through the organizations attending to the work of mercy and morale in these countries, such as the Relief Committees of the Society of Friends, the Near East Relief, the Young Men's Christian Associations, the Red Cross, the Salvation Army, the Knights of Columbus, the Russian Relief Committee, the Russian Famine Fund, and the Jewish Distribution Committee, or such other organizations, engaged in the work of mercy and morale in these various countries, as may meet with the approval of the Director of the Bureau of the Budget, and as may be acceptable to the Governments of the respective countries.

SEC. 3. That the Director of the Bureau of the Budget be, and he is hereby, authorized to request the cooperation of other departmental agencies, including the Shipping Board, to assist him in the handling, care, transportation, or shipment of such supplies.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maryland.

Mr. FRANCE. Before the vote is taken, I desire to offer an amendment to my amendment.

The PRESIDING OFFICER. If the Senator desires to perfect his amendment, he has the right to do so.

Mr. FRANCE. I find that inadvertently a mistake has been made in the description of the American Relief Administration in Russia so that I ask to amend or perfect my amendment by the addition in line 6, page 3, before the word "relief," of the words "the American Relief Administration in Russia," so that it will read: "such as the American Relief Administration in Russia, the relief committees," and so forth.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Maryland will be modified as suggested, and the question is on agreeing to the amendment as modified.

Mr. FRANCE. On this amendment I shall not ask for a yea-and-nay vote because I realize that the committee has not had an opportunity of really studying the amendment which I have offered, and that, therefore, some members of the committee might be inclined to vote against it at this time, whereas I think that later, when they have had an opportunity to examine the measure, they will perhaps be in favor of it. While I do not ask for a yea-and-nay vote at this time, I did not wish to seem to be giving my approval to the limited legislation presented by the committee when I had already proposed legislation of a much more far-reaching character. Although I hope my amendment will be agreed to, I shall not ask for the yeas and nays.

Mr. KING. Mr. President, before the vote is taken upon the amendment of the Senator from Maryland may I inquire of the chairman of the committee why there was no limitation placed in the bill as to the amount to be appropriated?

May I call the attention of the chairman of the committee to the fact that in August of this year I introduced a joint resolution which was referred to his committee, which provided:

That the President is hereby authorized to take from any surplus drugs, medicines, and medical supplies of his selection, and of the value of $5,000,000, from the medical stores of the War Department, and use and apply the same for the relief of sick and suffering people in Russia. The value of said supplies, to wit, the sum of $5,000,000 shall be credited to the War Department and charged against the appropriation of such supplies authorized by this act, and for this purpose this act shall be regarded as an act appropriating $5,000,000 for the purchase of such medical supplies.

It seems to me, if I may say so to my distinguished friend, that the measure which I offered and which is before his committee is better, more logical, and fairer to the War Department than the one which has been reported from the committee by its chairman. As we know, the War Department frequently has taken from it large supplies with which it has been charged in appropriation bills and for which it gets no credit. In the manner which I have proposed, the War Department would receive credit for the value of the medicines and other supplies that may be appropriated for the relief of Russia.

May I inquire of the Senator why my joint resolution was not acted upon, and why in the bill which has been reported from the committee there was no limitation as to amount?

Mr. WADSWORTH. Mr. President, the Senator's joint resolution differs very materially from the bill which the committee reported in that, according to his joint resolution, the President would be authorized to take medical supplies from the War Department, whether they were surplus or not. Whether they were needed by the Army or not, they are to be taken to the value of $5,000,000.

Mr. KING. They must be surplus.

Mr. WADSWORTH. Is the Senator certain that he has that word in there?

Mr. KING. As proposed by me it reads:

That the President is hereby authorized to take from any surplus drugs—

And so forth.

Mr. WADSWORTH. I was mistaken then. That was my error, and I desire to acknowledge it.

As to the appropriation which the Senator's resolution carries, the committee has considerable sympathy with that principle. The committee doubts, however, whether Congress would be willing to appropriate $5,000,000. It may be deemed an on-paper appropriation, but it is to be doubted if the Congress would be willing to appropriate the money from the Treasury to reimburse the department, Congress being very apt to believe the department would not need the money.

It was not deemed wise or necessary to put a limitation in the bill as to the amount of medical supplies which might be given to the American relief administration in Russia for distribution in that country, for the reason that the committee could not very well arrive at an accurate value or, for that matter, an accurate estimate of the amount or quantity of goods so valued. According to the information which comes to the committee, the amount is not large; it will not constitute a wastage of any considerable amount of property from the strictly business standpoint; and the committee thought it was entirely safe to leave that to the Secretary of War. That is the only explanation I can give the Senator from Utah.

Mr. KING. Mr. President, just a word. I regret that the chairman of the committee and the committee have reported in lieu of the joint resolution which I offered the bill which is now before us. The Senator from New York will perceive that one criticism which he leveled against my measure, if I may be pardoned for so saying, lacks merit. The intimation of the Senator was that the measure which I offered called for a direct appropriation, and the Senator expressed skepticism as to the willingness of Congress to make a direct appropriation of $5,000,000. I share that view of the Senator, if my resolution did operate to call for a direct appropriation of cash; but I ask the Senator's attention to the language of the resolution, which reads as follows:

That the President is hereby authorized to take from any surplus drugs, medicines, and medical supplies of his selection, and of the value of $5,000,000, from the medical stores of the War Department, and use and apply the same for the relief of sick and suffering people in Russia. The value of said supplies, to wit, the sum of $5,000,000, shall be credited to the War Department and charged against the appropriation of such supplies authorized by this act, and for this purpose this act shall be regarded as an act appropriating $5,000,000 for the purchase of such medical supplies.

In other words, the joint resolution merely embodied provisions for the purpose of protecting the War Department and making it appear, as it should be made to appear, that the War Department has not spent the large sum with which it is charged, but that it would receive a credit of $5,000,000. I think that when the War Department has surplus property and we take it away, as we have been taking it away from that department and turning it over to the Agricultural Department, the War Department ought to receive credit for the full value of such property, to the end that justice may be done to the War Department and that it may be made to appear to the American people and to the world that instead of the War Department spending, say, $100,000,000, it spent only $80,000,000, and that $20,000,000 of what it was charged with expending it had on hand in the shape of material which was sold to some other department of the Government, for which it received a credit, thus diminishing the amount, pro tanto, charged to the War Department. That is the purpose of my resolution, and it did seem to me that it was a fair thing to do in connection with the War Department in dealing with this matter.

The Senator from New York also made criticism as to the limitation contained in the joint resolution. The Senator expressed a doubt as to the ability of the War Department to ascertain the value of the supplies which would be turned over to Russia. Mr. President, it seems to me that there ought to be an appraisement, that there has been an appraisement, and that we ought to know just what we shall give to Russia. While we are more interested in the act of charity and philanthropy and altruism than in ascertaining just what we give to Russia, nevertheless we should know approximately the value of the commodities which we do give. The bill before us will never enlighten the public in that respect; it never will be stated what we did give.

In future years it may be said by those who are hostile to this country that we merely turned over to Russia in her dire distress some surplus supplies which were absolutely valueless and could not be used by ourselves; and in that way an attempt be made to detract from the dignity and the honor of the act which we are so voluntarily and cheerfully performing.

I do believe that the joint resolution which I have offered is far better than the bill which has been reported by the committee, though I have no pride of opinion in regard to it. If the joint resolution had been offered by the Senator from New York or by any other Senator, I should ask that it be substituted for the bill which has been reported by the committee, because the joint resolution has merits of which the bill before us is entirely devoid.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr. FRANCE].

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 7, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 6, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, the High and the Holy One, who inhabits eternity and to whom be glory and honor, count us worthy of our high calling and fulfill in us Thy good pleasure. When the ways are many, let Thy light shine upon the right one. O, let it glow with a flame of divine wisdom until we are moved by a compelling faith that lives when all things fail. We recall the past with all Thy mercies, but help us to grasp the present with all its responsibilities and anticipate the future with all its hopes. Gracious Lord, bestow upon our President a great measure of wisdom and look upon him with divine favor. Direct the Houses of Congress, and may all things be done in the fear of God and in the love of man. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

RECESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House stand in recess subject to the call of the Speaker.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the House stand in recess subject to the call of the Chair. Is there objection? [After a pause.] The Chair hears none.

Accordingly (at 12 o'clock and 9 minutes p. m.) the House stood in recess.

DURING THE RECESS.

At 12 o'clock and 15 minutes p. m. the members of the President's Cabinet entered the Hall and took seats at the left of the Speaker's rostrum.

At 12 o'clock and 19 minutes p. m. the members of the Conference on the Limitation of Armament entered the Hall and took the seats reserved for them fronting the Speaker's rostrum.

AFTER RECESS.

At 12 o'clock and 20 minutes p. m. the House was called to order by the Speaker.

At 12 o'clock and 22 minutes p. m. the Doorkeeper announced the President pro tempore of the Senate of the United States and the Members of the United States Senate.

The Members of the House rose. The Senate, preceded by the President pro tempore [Mr. CUMMINS], and by their Secretary and Sergeant at Arms, entered the Chamber.

The President pro tempore took the chair at the right of the Speaker and the Members of the Senate took the seats reserved for them.

The SPEAKER. The Chair appoints as the committee on the part of the House to wait upon the President and conduct him to the Hall the gentleman from Wyoming [Mr. MONDELL], the gentleman from Illinois [Mr. CANNON], the gentleman from Kansas [Mr. CAMPBELL], the gentleman from Tennessee [Mr. GARRETT], and the gentleman from North Carolina [Mr. POU].

The PRESIDENT pro tempore. In behalf of the Senate, the Chair appoints the Senator from Massachusetts [Mr. LODGE], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Minnesota [Mr. NELSON], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Utah [Mr. SMOOT].

At 12 o'clock and 30 minutes p. m. the President, escorted by the committee of Senators and Representatives, entered the Hall of the House, was announced by the Doorkeeper, and stood at the Clerk's desk, amid applause on the floor and in the galleries.

The SPEAKER. Gentlemen of the Senate and of the House, the President of the United States. [Prolonged applause.]

ADDRESS OF THE PRESIDENT.

MR. SPEAKER AND MEMBERS OF THE CONGRESS: It is a very gratifying privilege to come to the Congress with the Republic at peace with all the nations of the world. [Applause.] More, it is equally gratifying to report that our country is not only free from every impending menace of war, but there are growing assurances of the permanency of the peace which we so deeply cherish. [Applause.]

For approximately 10 years we have dwelt amid menaces of war or as participants in war's actualities, and the inevitable aftermath, with its disordered conditions, has added to the difficulties of government which adequately can not be appraised except by those who are in immediate contact and know the responsibilities. Our tasks would be less difficult if we had only ourselves to consider, but so much of the world was involved, the disordered conditions are so well-nigh universal, even among nations not engaged in actual warfare, that no permanent readjustments can be effected without consideration of our inescapable relationship to world affairs in finance and trade. [Applause.] Indeed, we should be unworthy of our best traditions if we were unmindful of social, moral, and political conditions which are not of direct concern to us but which do appeal to the human sympathies and the very becoming interest of a people blest with our national good fortune.

It is not my purpose to bring to you a program of world restoration. In the main, such a program must be worked out by the nations more directly concerned. They must themselves turn to the heroic remedies for the menacing conditions under which they are struggling; then we can help, and we mean to help. [Applause.] We shall do so unselfishly because there is compensation in the consciousness of assisting, selfishly because the commerce and international exchanges in trade, which marked our high tide of fortunate advancement, are possible only when the nations of all continents are restored to stable order and normal relationship.

In the main the contribution of this Republic to restored normalcy in the world must come through the initiative of the executive branch of the Government, but the best of intentions and most carefully considered purposes would fail utterly if the sanction and the cooperation of Congress were not cheerfully accorded.

I am very sure we shall have no conflict of opinion about constitutional duties or authority. During the anxieties of war, when necessity seemed compelling, there were excessive grants of authority and an extraordinary concentration of powers in the Chief Executive. The repeal of war-time legislation and the automatic expirations which attended the peace proclamations have put an end to these emergency excesses, but I have the wish to go further than that. I want to join you in restoring, in the most cordial way, the spirit of coordination and cooperation, and that mutuality of confidence and respect which is necessary in representative popular government.

Encroachment upon the functions of Congress or attempted dictation of its policy are not to be thought of, much less attempted, but there is an insistent call for harmony of purpose and concord of action to speed the solution of the difficult problems confronting both the legislative and executive branches of the Government.

It is worth while to make allusion here to the character of our Government, mindful as one must be that an address to you is no less a message to all our people, for whom you speak most intimately. Ours is a popular government through political parties. We divide along political lines, and I would ever have it so. I do not mean that partisan preferences should hinder any public servant in the performance of a conscientious and patriotic official duty. We saw partisan lines utterly obliterated when war imperiled, and our faith in the Republic was riveted anew. We ought not to find these partisan lines obstructing the expeditious solution of the urgent problems of peace.

Granting that we are fundamentally a representative popular government, with political parties the governing agencies, I believe the political party in power should assume responsibility, determine upon policies in the conference which supplements conventions and election campaigns, and then strive for achievement through adherence to the accepted policy. [Applause.]

There is vastly greater security, immensely more of the national viewpoint, much larger and prompter accomplishment where our divisions are along party lines, in the broader and loftier sense, than to divide geographically, or according to pursuits, or personal following. For a century and a third parties have been charged with responsibility and held to strict accounting. When they fail, they are relieved of authority; and the system has brought us to a national eminence no less than a world example.

Necessarily legislation is a matter of compromise. The full ideal is seldom attained. In that meeting of minds necessary to insure results there must and will be accommodations and compromises, but in the estimate of convictions and sincere purposes the supreme responsibility to national interest must not be ignored. The shield to the high-minded public servant who adheres to party policy is manifest, but the higher purpose is the good of the Republic as a whole.

It would be ungracious to withhold acknowledgment of the really large volume and excellent quality of work accomplished by the extraordinary session of Congress which so recently adjourned. I am not unmindful of the very difficult tasks with which you were called to deal, and no one can ignore the insistent conditions which, during recent years, have called for the continued and almost exclusive attention of your membership to public work. It would suggest insincerity if I expressed complete accord with every expression recorded in your roll calls, but we are all agreed about the difficulties and the inevitable divergence of opinion in seeking the reduction, amelioration, and readjustment of the burdens of taxation. Later on, when other problems are solved, I shall make some recommendations about renewed consideration of our tax program, but for the immediate time before us we must be content with the billion dollar reduction in the tax draft upon the people [applause], and diminished irritations, banished uncertainty, and improved methods of collection. By your sustainment of the rigid economies already inaugurated, with hoped-for extension of these economies and added efficiencies in administration, I believe further reductions may be enacted and hindering burdens abolished.

In these urgent economies we shall be immensely assisted by the budget system for which you made provision in the extraordinary session. The first budget is before you. Its preparation is a signal achievement, and the perfection of the system, a thing impossible in the few months available for its initial trial, will mark its enactment as the beginning of the greatest reformation in governmental practices since the beginning of the Republic. [Applause.]

There is pending a grant of authority to the administrative branch of the Government for the funding and settlement of our vast foreign loans growing out of our grant of war credits. With the hands of the executive branch held impotent to deal with these debts we are hindering urgent readjustments among our debtors and accomplishing nothing for ourselves. I think it is fair for the Congress to assume that the executive branch of the Government would adopt no major policy in dealing with these matters which would conflict with the purpose of Con-

gress in authorizing the loans, certainly not without asking congressional approval, but there are minor problems incident to prudent loan transactions and the safeguarding of our interests which can not even be attempted without this authorization. It will be helpful to ourselves and it will improve conditions among our debtors if funding and the settlement of defaulted interest may be negotiated.

The previous Congress, deeply concerned in behalf of our merchant marine, in 1920 enacted the existing shipping law, designed for the upbuilding of the American merchant marine. Among other things provided to encourage our shipping on the world's seas, the Executive was directed to give notice of the termination of all existing commercial treaties in order to admit of reduced duties on imports carried in American bottoms. During the life of the act no Executive has complied with this order of the Congress. When the present administration came into responsibility it began an early inquiry into the failure to execute the expressed purpose of the Jones Act. Only one conclusion has been possible. Frankly, Members of House and Senate, eager as I am to join you in the making of an American merchant marine commensurate with our commerce, the denouncement of our commercial treaties would involve us in a chaos of trade relationships and add indescribably to the confusion of the already disordered commercial world. Our power to do so is not disputed, but power and ships, without comity of relationship, will not give us the expanded trade which is inseparably linked with a great merchant marine. [Applause.] Moreover, the applied reduction of duty, for which the treaty denouncements were necessary, encouraged only the carrying of dutiable imports to our shores, while the tonnage which unfurls the flag on the seas is both free and dutiable, and the cargoes which make a nation eminent in trade are outgoing, rather than incoming.

It is not my thought to lay the problem before you in detail to-day. It is desired only to say to you that the executive branch of the Government, uninfluenced by the protest of any nation, for none has been made, is well convinced that your proposal, highly intended and heartily supported here, is so fraught with difficulties and so marked by tendencies to discourage trade expansion, that I invite your tolerance of noncompliance for only a few weeks until a plan may be presented which contemplates no greater draft upon the Public Treasury, and which, though yet too crude to offer it to-day, gives such promise of expanding our merchant marine that it will argue its own approval. It is enough to say to-day that we are so possessed of ships, and the American intention to establish a merchant marine is so unalterable, that a plan of reimbursement, at no other cost than is contemplated in the existing act, will appeal to the pride and encourage the hope of all the American people.

There is before you the completion of the enactment of what has been termed a "permanent" tariff law, the word "permanent" being used to distinguish it from the emergency act which the Congress expedited early in the extraordinary session, and which is the law to-day. I can not too strongly urge an early completion of this necessary legislation. [Applause.] It is needed to stabilize our industry at home; it is essential to make more definite our trade relations abroad. More, it is vital to the preservation of many of our own industries which contribute so notably to the very lifeblood of our Nation.

There is now, and there always will be, a storm of conflicting opinion about any tariff revision. We can not go far wrong when we base our tariffs on the policy of preserving the productive activities which enhance employment and add to our national prosperity.

Again comes the reminder that we must not be unmindful of world conditions, that peoples are struggling for industrial rehabilitation and that we can not dwell in industrial and commercial exclusion and at the same time do the just thing in aiding world reconstruction and readjustment. We do not seek a selfish aloofness, and we could not profit by it were it possible. We recognize the necessity of buying wherever we sell, and the permanency of trade lies in its acceptable exchanges. In our pursuit of markets we must give as well as receive. We can not sell to others who do not produce, nor can we buy unless we produce at home. Sensible of every obligation of humanity, commerce, and finance, linked as they are in the present world condition, it is not to be argued that we need destroy ourselves to be helpful to others. With all my heart I wish restoration to the peoples blighted by the awful World War, but the process of restoration does not lie in our acceptance of like conditions. It were better to remain on firm ground, strive for ample employment and high standards of wage at home, and point the way to balanced budgets, rigid economies, and resolute, efficient work as the necessary remedies to cure disaster.

Everything relating to trade, among ourselves and among nations, has been expanded, excessive, inflated, abnormal, and there is a madness in finance which no American policy alone will cure. We are a creditor Nation, not by normal processes, but made so by war. It is not an unworthy selfishness to seek to save ourselves, when the processes of that salvation are not only not denied to others but commended to them. We seek to undermine for others no industry by which they subsist; we are obligated to permit the undermining of none of our own which make for employment and maintained activities.

Every contemplation, it little matters in which direction one turns, magnifies the difficulty of tariff legislation, but the necessity of the revision is magnified with it. Doubtless we are justified in seeking a more flexible policy than we have provided heretofore. I hope a way will be found to make for flexibility and elasticity, so that rates may be adjusted to meet unusual and changing conditions which can not be accurately anticipated. There are problems incident to unfair practices, and to exchanges which madness in money have made almost unsolvable. I know of no manner in which to effect this flexibility other than the extension of the powers of the Tariff Commission, so that it can adapt itself to a scientific and wholly just administration of the law.

I am not unmindful of the constitutional difficulties. These can be met by giving authority to the Chief Executive, who could proclaim additional duties to meet conditions which the Congress may designate.

At this point I must disavow any desire to enlarge the Executive's powers or add to the responsibilities of the office. They are already too large. If there were any other plan I would prefer it.

The grant of authority to proclaim would necessarily bring the Tariff Commission into new and enlarged activities, because no Executive could discharge such a duty except upon the information acquired and recommendations made by this commission. But the plan is feasible, and the proper functioning of the board would give us a better administration of a defined policy than ever can be made possible by tariff duties prescribed without flexibility.

There is a manifest difference of opinion about the merits of American valuation. Many nations have adopted delivery valuation as the basis for collecting duties; that is, they take the cost of the imports delivered at the port of entry as the basis for levying duty. It is no radical departure, in view of varying conditions and the disordered state of money values, to provide for American valuation, but there can not be ignored the danger of such a valuation, brought to the level of our own production costs, making our tariffs prohibitive. It might do so in many instances where imports ought to be encouraged. I believe Congress ought well consider the desirability of the only promising alternative, namely, a provision authorizing proclaimed American valuation, under prescribed conditions, on any given list of articles imported.

In this proposed flexibility, authorizing increases to meet conditions so likely to change, there should also be provision for decreases. A rate may be just to-day, and entirely out of proportion six months from to-day. If our tariffs are to be made equitable, and not necessarily burden our imports and hinder our trade abroad, frequent adjustment will be necessary for years to come. Knowing the impossibility of modification by act of Congress for any one or a score of lines without involving a long array of schedules, I think we shall go a long ways toward stabilization, if there is recognition of the Tariff Commission's fitness to recommend urgent changes by proclamation.

I am sure about public opinion favoring the early determination of our tariff policy. There have been reassuring signs of a business revival from the deep slump which all the world has been experiencing. Our unemployment, which gave us deep concern only a few weeks ago, has grown encouragingly less, and new assurances and renewed confidence will attend the congressional declaration that American industry will be held secure.

Much has been said about the protective policy for ourselves making it impossible for our debtors to discharge their obligations to us. This is a contention not now pressing for decision. If we must choose between a people in idleness pressing for the payment of indebtedness, or a people resuming the normal ways of employment and carrying the credit, let us choose the latter. [Applause.] Sometimes we appraise largest the human ill most vivid in our minds. We have been giving, and are giving now, of our influence and appeals to minimize the likelihood of war and throw off the crushing burdens of armament. It is all very earnest, with a national soul impelling. But a people unem-

ployed, and gaunt with hunger, face a situation quite as disheartening as war, and our greater obligation to-day is to do the Government's part toward resuming productivity and promoting fortunate and remunerative employment.

Something more than tariff protection is required by American agriculture. To the farmer has come the earlier and the heavier burdens of readjustment. There is actual depression in our agricultural industry, while agricultural prosperity is absolutely essential to the general prosperity of the country.

Congress has sought very earnestly to provide relief. It has promptly given such temporary relief as has been possible, but the call is insistent for the permanent solution. It is inevitable that large crops lower the prices and short crops advance them. No legislation can cure that fundamental law. But there must be some economic solution for the excessive variation in returns for agricultural production.

It is rather shocking to be told, and to have the statement strongly supported, that 9,000,000 bales of cotton raised on American plantations in a given year will actually be worth more to the producers than 13,000,000 bales would have been. Equally shocking is the statement that 700,000,000 bushels of wheat, raised by American farmers, would bring them more money than a billion bushels. Yet these are not exaggerated statements. In a world where there are tens of millions who need food and clothing which they can not get, such a condition is sure to indict the social system which makes it possible.

In the main the remedy lies in distribution and marketing. Every proper encouragement should be given to the cooperative marketing programs. These have proven very helpful to the cooperating communities in Europe. In Russia the cooperative community has become the recognized bulwark of law and order, and saved individualism from engulfment in social paralysis. Ultimately they will be accredited with the salvation of the Russian State.

There is the appeal for this experiment. Why not try it? No one challenges the right of the farmer to a larger share of the consumer's pay for his product, no one disputes that we can not live without the farmer. He is justified in rebelling against the transportation cost. Given a fair return for his labor, he will have less occasion to appeal for financial aid; and given assurance that his labors shall not be in vain, we reassure all the people of a production sufficient to meet our national requirement and guard against disaster.

The base of the pyramid of civilization which rests upon the soil is shrinking through the drift of population from farm to city. For a generation we have been expressing more or less concern about this tendency. Economists have warned and statesmen have deplored. We thought for a time that modern conveniences and the more intimate contact would halt the movement, but it has gone steadily on. Perhaps only grim necessity will correct it, but we ought to find a less drastic remedy.

The existing scheme of adjusting freight rates has been favoring the basing points, until industries are attracted to some centers and repelled from others. A great volume of uneconomic and wasteful transportation has attended, and the cost increased accordingly. The grain-milling and meat-packing industries afford ample illustration, and the attending concentration is readily apparent. The menaces in concentration are not limited to the retarding influences on agriculture. Manifestly the conditions and terms of railway transportation ought not be permitted to increase this undesirable tendency. We have a just pride in our great cities, but we shall find a greater pride in the Nation, which has a larger distribution of its population into the country, where comparatively self-sufficient smaller communities may blend agricultural and manufacturing interests in harmonious helpfulness and enhanced good fortune. Such a movement contemplates no destruction of things wrought, of investments made, or wealth involved. It only looks to a general policy of transportation, of distributed industry, and of highway construction, to encourage the spread of our population and restore the proper balance between city and country. The problem may well have your earnest attention.

It has been perhaps the proudest claim of our American civilization that in dealing with human relationships it has constantly moved toward such justice in distributing the product of human energy that it has improved continuously the economic status of the mass of people. Ours has been a highly productive social organization. On the way up from the elemental stages of society we have eliminated slavery and serfdom and are now far on the way to the elimination of poverty.

Through the eradication of illiteracy and the diffusion of education mankind has reached a stage where we may fairly say that in the United States equality of opportunity has been attained, though all are not prepared to embrace it. There is, indeed, a too great divergence between the economic conditions of the most and the least favored classes in the community. But even that divergence has now come to the point where we bracket the very poor and the very rich together as the least fortunate classes. Our efforts may well be directed to improving the status of both.

While this set of problems is commonly comprehended under the general phrase "capital and labor," it is really vastly broader. It is a question of social and economic organization. Labor has become a large contributor, through its savings, to the stock of capital; while the people who own the largest individual aggregates of capital are themselves often hard and earnest laborers. Very often it is extremely difficult to draw the line of demarcation between the two groups; to determine whether a particular individual is entitled to be set down as laborer or as capitalist. In a very large proportion of cases he is both, and when he is both he is the most useful citizen.

The right of labor to organize is just as fundamental and necessary as is the right of capital to organize. The right of labor to negotiate, to deal with and solve its particular problems in an organized way, through its chosen agents, is just as essential as is the right of capital to organize, to maintain corporations, to limit the liabilities of stockholders. Indeed, we have come to recognize that the limited liability of the citizen as a member of a labor organization closely parallels the limitation of liability of the citizen as a stockholder in a corporation for profit. Along this line of reasoning we shall make the greatest progress toward solution of our problem of capital and labor.

In the case of the corporation which enjoys the privilege of limited liability of stockholders, particularly when engaged in the public service, it is recognized that the outside public has a large concern which must be protected; and so we provide regulations, restrictions, and in some cases detailed supervision. Likewise, in the case of labor organizations, we might well apply similar and equally well-defined principles of regulation and supervision in order to conserve the public's interests as affected by their operations. [Applause.]

Just as it is not desirable that a corporation shall be allowed to impose undue exactions upon the public, so it is not desirable that a labor organization shall be permitted to exact unfair terms of employment or subject the public to actual distresses in order to enforce its terms. [Applause.] Finally, just as we are earnestly seeking for procedures whereby to adjust and settle political differences between nations without resort to war, so we may well look about for means to settle the differences between organized capital and organized labor without resort to those forms of warfare which we recognize under the name of strikes, lockouts, boycotts, and the like.

As we have great bodies of law carefully regulating the organization and operations of industrial and financial corporations, as we have treaties and compacts among nations which look to the settlement of differences without the necessity of conflict in arms, so we might well have plans of conference, of common counsel, of mediation, arbitration, and judicial determination in controversies between labor and capital. To accomplish this would involve the necessity to develop a thoroughgoing code of practice in dealing with such affairs. It might be well to frankly set forth the superior interest of the community as a whole to either the labor group or the capital group. With rights, privileges, immunities, and modes of organization thus carefully defined, it should be possible to set up judicial or quasi judicial tribunals for the consideration and determination of all disputes which menace the public welfare.

In an industrial society such as ours the strike, the lockout, and the boycott are as much out of place and as disastrous in their results as is war or armed revolution in the domain of politics. The same disposition to reasonableness, to conciliation, to recognition of the other side's point of view, the same provision of fair and recognized tribunals and processes ought to make it possible to solve the one set of questions as easily as the other. I believe the solution is possible.

The consideration of such a policy would necessitate the exercise of care and deliberation in the construction of a code and a charter of elemental rights, dealing with the relations of employer and employee. This foundation in the law, dealing with the modern conditions of social and economic life, would hasten the building of the temple of peace in industry which a rejoicing nation would acclaim. [Applause.]

After each war, until the last, the Government has been enabled to give homes to its returned soldiers, and a large part of our settlement and development has attended this generous provision of land for the Nation's defenders.

There is yet unreserved approximately 200,000,000 acres in the public domain, 20,000,000 acres of which are known to be susceptible of reclamation and made fit for homes by provision for irrigation.

The Government has been assisting in the development of its remaining lands, until the estimated increase in land values in the irrigated sections is full $500,000,000, and the crops of 1920 alone on these lands are estimated to exceed $100,000,000. Under the law authorizing these expenditures for development the advances are to be returned, and it would be good business for the Government to provide for the reclamation of the remaining 20,000,000 acres, in addition to expediting the completion of projects long under way.

Under what is known as the coal and gas lease law, applicable also to deposits of phosphates and other minerals on the public domain, leases are now being made on the royalty basis and are producing large revenues to the Government. Under this legislation 10 per cent of all royalties is to be paid directly to the Federal Treasury, and of the remainder 50 per cent is to be used for reclamation of arid lands by irrigation and 40 per cent is to be paid to the States in which the operations are located, to be used by them for school and road purposes.

These resources are so vast and the development is affording so reliable a basis of estimates that the Interior Department expresses the belief that ultimately the present law will add in royalties and payments to the treasuries of the Federal Government and the States containing these public lands a total of $12,000,000,000. This means, of course, an added wealth of many times that sum. These prospects seem to afford every justification of Government advances in reclamation and irrigation.

Contemplating the inevitable and desirable increase of population, there is another phase of reclamation full worthy of consideration. There are 79,000,000 acres of swamp and cut-over lands which may be reclaimed and made as valuable as any farm land we possess. These acres are largely located in Southern States, and the greater proportion is owned by the States or by private citizens. Congress has a report of the survey of this field for reclamation, and the feasibility is established. I gladly commend Federal aid, by way of advances, where State and private participation is assured.

Home making is one of the greater benefits which government can bestow. Measures are pending embodying the sound policy to which we may well adhere. It is easily possible to make available permanent homes which will provide, in turn, for prosperous American families, without injurious competition with established activities or imposition on wealth already acquired.

While we are thinking of promoting the fortunes of our own people, I am sure there is room in the sympathetic thought of America for fellow human beings who are suffering and dying of starvation in Russia. A severe drought in the Valley of the Volga has plunged 15,000,000 people into grievous famine. Our voluntary agencies are exerting themselves to the utmost to save the lives of children in this area, but it is now evident that unless relief is afforded the loss of life will extend into many millions. America can not be deaf to such a call as that.

We do not recognize the government of Russia, nor tolerate the propaganda which emanates therefrom, but we do not forget the traditions of Russian friendship. We may put aside our consideration of all international politics and fundamental differences in government. The big thing is the call of the suffering and the dying. [Applause.] Unreservedly I recommend the appropriation necessary to supply the American Relief Administration with 10,000,000 bushels of corn and 1,000,000 bushels of seed grains, not alone to halt the wave of death through starvation, but to enable spring planting in areas where the seed grains have been exhausted temporarily to stem starvation. [Applause.]

The American Relief Administration is directed in Russia by former officers of our own armies, and has fully demonstrated its ability to transport and distribute relief through American hands without hindrance or loss. The time has come to add the Government's support to the wonderful relief already wrought out of the generosity of the American private purse.

I am not unaware that we have suffering and privation at home. When it exceeds the capacity for the relief within the States concerned, it will have Federal consideration. It seems to me we should be indifferent to our own heart promptings, and out of accord with the spirit which acclaims the Christmastide, if we do not give out of our national abundance to lighten this burden of woe upon a people blameless and helpless in famine's peril.

There are a full score of topics concerning which it would be becoming to address you, and on which I have to make report at a later time. I have alluded to the things requiring your earlier attention. However, I can not end this limited address without a suggested amendment to the organic law.

Many of us belong to that school of thought which is hesitant about altering the fundamental law. I think our tax problems, the tendency of wealth to seek nontaxable investment, and the menacing increase of public debt, Federal, State, and municipal—all justify a proposal to change the Constitution so as to end the issue of nontaxable bonds. [Applause.] No action can change the status of the many billions outstanding, but we can guard against future encouragement of capital's paralysis, while a halt in the growth of public indebtedness would be beneficial throughout our whole land.

Such a change in the Constitution must be very thoroughly considered before submission. There ought to be known what influence it will have on the inevitable refunding of our vast national debt, how it will operate on the necessary refunding of State and municipal debt, how the advantages of Nation over State and municipality, or the contrary, may be avoided. Clearly the States would not ratify to their own apparent disadvantage. I suggest the consideration because the drift of wealth into nontaxable securities is hindering the flow of large capital to our industries, manufacturing, agricultural, and carrying, until we are discouraging the very activities which make our wealth.

Agreeable to your expressed desire and in complete accord with the purposes of the executive branch of the Government, there is in Washington, as you happily know, an International Conference now most earnestly at work on plans for the limitation of armament, a naval holiday, and the just settlement of problems which might develop into causes of international disagreement.

It is easy to believe a world hope is centered on this Capital City. A most gratifying world accomplishment is not improbable. [Prolonged applause.]

At 1 o'clock and 20 minutes p. m. the President and the members of his Cabinet retired from the Hall of the House.

Thereupon the President pro tempore and the Members of the Senate returned to their Chamber.

The SPEAKER. The joint session of the two Houses is now adjourned.

CONTESTED-ELECTION CASE OF RAINEY VERSUS SHAW.

Mr. LUCE. Mr. Speaker, I desire to present a privileged report from the Committee on Elections No. 2.

The SPEAKER. The gentleman from Massachusetts submits a privileged report, of which the Clerk will report the title.

The Clerk read as follows:

Mr. LUCE, from the Committee on Elections No. 2, submits the following report from the Committee on Elections No. 2, to which was referred the contested-election case of Henry T. Rainey *v.* Guy L. Shaw, from the twentieth congressional district of the State of Illinois.

The SPEAKER. Referred to the House Calendar and ordered printed.

REFERENCE OF THE PRESIDENT'S MESSAGE.

Mr. MONDELL. Mr. Speaker, I move a reference of the President's message to the Committee of the Whole House on the state of the Union.

The SPEAKER. Without objection, the reference will be so made.

There was no objection.

COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION.

Mr. MONDELL. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Wyoming moves that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I yield.

Mr. WALSH. What matter is to be considered in the Committee of the Whole House on the state of the Union?

Mr. MONDELL. Several gentlemen have expressed a desire to address the committee on matters of interest and, as they believe, of importance, and the purpose is to give these gentlemen an opportunity to discuss a variety of public questions.

Mr. WALSH. Will the gentleman yield further?

Mr. MONDELL. I yield.

Mr. WALSH. Do these discussions which are about to be inflicted concern measures which are pending and which are of such moment that they can not wait for consideration under the rules of the House?

Mr. MONDELL. Mr. Speaker, it is not for me to judge as to the importance of addresses which gentlemen may desire to make. I can not think of them as being "inflicted" on the House. I believe that all of them will be well worthy of the

attention of the committee. Several gentlemen on both sides have asked the opportunity to address the committee, and this seems quite an appropriate and opportune time, before we take up for consideration on the morrow a bill in which the gentleman from Massachusetts is much interested.

Mr. WALSH. I do not know what bill the gentleman refers to that is to come up on Calendar Wednesday.

Mr. MONDELL. On the day after to-morrow, if it can not be brought up to-morrow. It will be brought up as soon as we can do it. Gentlemen will, I trust, be patient in the meantime.

Mr. WALSH. We have got to be patient, but this procedure is going to make me very impatient. [Laughter.]

Mr. GARRETT of Tennessee. Mr. Speaker, I understand that the gentleman from Wyoming made no request as to the control of the time. That is entirely agreeable to me.

Mr. MONDELL. I have made no request, Mr. Speaker, but I think it perhaps would be just as well if the gentleman from Tennessee will control the time on that side and the gentleman from Massachusetts [Mr. WALSH] will control the time on this side.

Mr. WALSH. There will not be any time assigned by the gentleman from Massachusetts. [Laughter.]

Mr. MONDELL. Then perhaps I had better control the time on this side. [Laughter.]

Mr. GARRETT of Tennessee. Mr. Speaker, I was about to say that it is entirely agreeable to this side of the House either way, but we would like to have an understanding of what it is to be.

Mr. MONDELL. I ask unanimous consent, Mr. Speaker, that the gentleman from Tennessee control the time on that side of the House and I on this side, and the time to be equally divided.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the time be equally divided, to be controlled half by himself and half by the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, on that question of equal division it was understood yesterday, I think, that I was to have an hour if needed.

Mr. MONDELL. I think that is true, Mr. Speaker, so that perhaps it is just as well to leave the matter as I suggested, with the understanding that I shall yield to the gentleman from Tennessee.

The SPEAKER. Is there objection?

There was no objection?

The SPEAKER. The question is on agreeing to the motion of the gentleman from Wyoming, that the House resolve itself into Committee of the Whole House on the state of the Union.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. WALSH. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Massachusetts demands a division.

The House divided; and there were—ayes 136, noes 53.

Mr. WALSH. Mr. Speaker, I object to the vote, because there is no quorum present. No; I will withdraw that.

So the motion was agreed to.

The SPEAKER. The gentleman from New York [Mr. HICKS] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HICKS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union.

Mr. GARRETT of Tennessee. Mr. Chairman, I yield 30 minutes to the gentleman from Alabama [Mr. JEFFERS].

The CHAIRMAN. The gentleman from Alabama is recognized for 30 minutes.

A TRIBUTE TO THE WOMEN OF THE A. E. F.

Mr. JEFFERS of Alabama. Mr. Chairman, since the cessation of the hostilities of the World War we have heard and read much of the magnificent work done overseas by our matchless American soldiers. We have heard of their willingness and of their cheerfulness under circumstances most trying. We do not grow tired of hearing of their innumerable deeds of heroism which were performed on land and at sea and in the blue azure above. It is a wonderful story to our ever-eager ears, and always we realize that in truth the half has never yet been told. We will never, never tire of this narrative of the gallant American youth who boldly took up arms and went forth into foreign countries ready to make battle, ready to engage at once in deadly conflict with a merciless enemy, firm in his determination to do or die for the standard which we love and for the safety of the homes and mothers and children of his own country.

It is well, Mr. Chairman and my colleagues, and it is as it should be, that we do have in our hearts the deep feeling of love and appreciation that will keep always fresh in our memory the recollection of all that which was done for us by these boys, the very flower of our American manhood, who were in the service for us. Officially and as private citizens we are happy to do homage to them.

But what, my friends, of their loving and loyal-hearted sisters who also felt and heeded the call to duty; who so bravely forsook the shelter and comforts of home and fireside; who cheerfully gave up the companionship of friends and loved ones; and who also placed themselves unreservedly upon the altar of service? What of them? They joined up, side by side with their warrior brothers, ready to share with them the fortunes or misfortunes of grim warfare.

So, therefore, while our hearts do glow with unrestrained pride for the patriotism and the valor of our boys, and while we shall ever sing their praises so well deserved, we must not fail to express our heartfelt appreciation of, nor must we withhold our sincere applause for, the brilliant and unimpeachable record made by our superb American girls who served in all the various capacities with and for our Army and Navy and Marine Corps all during our participation in the Great World War.

I am proud to-day, Mr. Chairman, that it is my high privilege, as well as my sincere pleasure, to have the honor of paying special tribute, in this distinguished company, to the real American Beauty—that incomparable Rose of No Man's Land—the American Red Cross nurse. [Applause.]

In the camps and cantonments in this country it was she who toiled through the terrible hours, day and night, in hospital wards that were filled and overflowing with the victims of the awful influenza epidemic. There she stood tireless, vigil, giving freely of her strength, without concern for herself, working far beyond the usual hours of duty, day in and day out, willingly sapping away her own energy and vitality and thereby placing herself in a position where she would become liable to the deadly ravages of the dread disease. On through those dark nights and weary days she labored, with never a thought save one—and that one thought was that she must bring her stricken brother back to his wonted health and strength so that he might yet be fit to go forth to battle. [Applause.]

And then when the American Army—the fresh, new, youthful army from the west—flung itself like a drab-colored cyclone across the billowy and dangerous Atlantic, these true-hearted Army girls were ready, and they, too, made the passage. What cared they for the lurking enemy submarine? What cared they for all the war-time dangers of the high seas? The American girl crossing the ocean at that time was not traveling abroad for her pleasure. She knew she was on a serious mission, and she had a clear conception of what that mission was. One thought was uppermost in her mind as she approached foreign shores where new and strange adventures awaited her, and that thought was that her warrior brother would have need of her over there, and she was going over to help him, to cheer him on, to bolster his morale, to be sister and mother to him, to nurse him in his illness, to attend him when he suffered from cruel wounds, and finally to send him, well and happy, back to home and loved ones here. [Applause.]

Did she fulfill her mission? Did she meet the test in every way and at all times? Ah, yes; my friends, a thousand times yes; she has a glorious record, and the undying gratitude of those whom she served so nobly and so well.

We know that in her heart the flame of patriotism burned as brightly and as unquenchably as it burned in the heart of the most intrepid doughboy soldier on the far-flung battle front. [Applause.]

Picture, my friends, as best you can, a cold, wet, dreary October night in a ward in an evacuation hospital near the front. The building but a mere cockleshell; a lightly-constructed, knockdown portable affair. Cracks in the plank floor, through which the chilling, searching wind whistled its dismal tune. The rattling windows all carefully shaded so that no ray of the all too feeble light within might find its way into the darkness outside and thereby reveal the location to the prowling hostile aircraft, whose droning could be heard somewhere in the black expanse above. Imagine the rows of cots, packed in as closely as possible, all filled with bad cases, boys terribly wounded, fresh from the lines, suffering the mental and physical tortures of the damned, writhing in their agony; some cursing their luck; and some praying in reverence; others crying out to their beloved comrades or calling for mother or sweetheart in their delirium; and now and again throughout the night some poor soul meeting his merciful God in death. Amid a scene like that, picture, my good friends, a heaven-sent angel of mercy.

A sweet, pure girl; consecrated to her task; constantly moving amongst these stricken men; placing her gentle hand upon a fevered brow; whispering words of comfort and consolation to a delirious, tossing youth; telling a sobbing lad of how proud his mother would be of him when she knew; and tenderly administering in countless ways to the wants and needs of these, her fallen brothers. You know her very soul must have been agonizing beyond expression; you know her heart must have been literally breaking; but her magnificent spirit held up, and she went through on her iron nerve and her sustaining faith—she was on a cruel rack, but she met the test. [Applause.]

And yet, Mr. Chairman, shameful though it seems, and shameful though it is, we have recently seen articles in the daily press and periodicals of our country containing accounts of slanderous utterances reflecting upon the American nurse overseas. My friends, such baseness is worthy of the fiend incarnate himself [applause], and the most charitable view that can possibly be taken is that anyone guilty of any statement in any way besmirching the record of the Army Nurse Corps overseas is simply ignorant of the caliber of women who served so loyally in that splendid organization. [Applause.] Any person guilty of such vague insinuations and loose allegations is not worthy of the name of man or gentleman. [Applause.]

In the written records of the American Expeditionary Forces we find many true and wonderful stories of the unwavering devotion to duty and of the heroism of our American girls over there.

In the account of the activities of Evacuation Hospital No. 22 we find the following:

All through the night we could hear the men marching to and from the trenches and the rumble of the ammunition and supply wagons and ambulances coming and going and the noise of the motor cycles carrying dispatches, and all in the very blackest night. Strange to say, we have fallen asleep many nights to the guns and have also awakened by the sound of the guns and the flashes from a barrage which lighted up the walls of our dormitory, as we could always uncover our windows after the light was out, when we were allowed to have any. All the windows and doors were camouflaged, and there were practically no lights in the wards, and it was very hard for the night nurses to try to get around.

From the account of Base Hospital No. 15:

Twelve hours' constant duty in the operating room is hard work at all times, but when it came to 16 or 20 hours we were pretty well fagged out and still we never heard any complaint. How could we with those brave boys all around us? If we went off duty, it only meant that much longer for them to wait, and every hour their wounds would become more infected.

And such bravery as those boys displayed! I remember one young boy with a fractured skull. He was too badly shocked for ether, so the operation was performed under local anæsthetic. For huge skull wounds drills and all sorts of other instruments were used. One large piece of shrapnel was extracted by a very powerful magnet, and never a whimper from the boy. When we praised his pluck, he told us that anyone who could stand the life in the trenches as it had been for the past week could stand anything.

Another youngster about 18 years old had gone to sleep on a table waiting for his turn to come. Suddenly his voice rang through the operating room, "Why, hello there, it is an age since I have seen a woman like you!" The surgeon wanted to know if he was a friend of mine, poor little chap. He was pitiful enough for anyone to claim him as a friend.

Extract from the account of Evacuation Hospital No. 49:

Another case was a lad of 21. He was a true soldier in every sense of the word. He suffered everything, yet he never complained once. He came in with a badly infected right leg, which he was obliged to lose nearly to the hip. It was only his fighting spirit to get well that enabled us to keep him as long as we did. When he died, I wrote his mother telling her what a brave lad he had been, etc. Several weeks after I heard from her—and she was so grateful—I felt sorry I hadn't written to more mothers. But we had so little time.

We nurses lived quite comfortably, though we slept in damp tents, wallowed in mud, and ate things we never ate before or intended to eat again. As for cooties, we still have the scars! We were often in great danger, but very few, if any, had any thought of fear for herself. It was quite evident that each nurse was bound to do her bit in the effort to get her American brother well and safely home.

From the account of Base Hospital No. 15:

Our last camp at Fromereville will never be forgotten by any member of our little hospital. It was hardship, sacrifice, and toil from the day we came there. Something seemed to tell us that this was the last fight, and that it was going to be to the bitter end.

The tents were pitched on the top of a hill overlooking the ruins of the village. Verdun was only about 4 kilometers from us. At this time the Germans were shelling Verdun very heavily, but we never dreamed for a minute that they were after our little camp, when one morning (November 3) they got our range and threw over 13 shells. Headquarters was shelled down completely; some shells struck the tents and the shrapnel flew in every direction. The details can not be explained; it all happened so quickly. The concussion of the air when these huge shells burst was terrible. No one knew where the next one would fall, but I am glad to say there was not one coward among our nurses. All who were able to do so helped the boys. Some carried stretchers, others went about with bandages and dressings, and still others did their best to cover the boys up. As usual, it was raining, and it was cold. We lost 2 of our best sergeants, and 1 officer and 12 boys were wounded; but after all we considered ourselves fortunate to have so few casualties.

The mud and cold will always be associated with our stay at Fromereville. Our uniforms had at this time been considerably changed. Instead of uniforms with such trimmings as white collars and caps, we were then wearing high rubber boots, trench coats, and rain hats, not to speak of sweaters and underwear. They were on in several layers. The mud was so deep we could hardly get about, and the work was piling in on us. It was difficult for us to realize that the end was so near. We will never forget November 11, when the news reached us that the armistice had been signed. To think that once again we were to have peace!

Even though our wounded continued to come in for 12 hours after the armistice was signed, the change was felt everywhere. In the profound stillness after the barrage ceased we all had our own little way in which we made our joy known. Now that it is all over and we are back with civilization once again, we look back on the days of hardships, but, strangely enough, it is not the discomforts we think of, because they were small compared to the joy it was to have been permitted to be up with our boys at the time when they needed us most, and I do not believe but that if the time came again when we were needed everyone of us who went to the front would ask to go again.

There were many nurses, you understand, my friends, who were actually under the shell fire of the enemy, and some who were wounded in line of duty by the action of the enemy.

While in Evacuation Hospital 2, on the night of August 17, 1917, during a German air raid, Miss Beatrice Mary MacDonald was wounded and lost the sight of her right eye. Miss MacDonald upon recovering continued on duty until two months after the armistice was signed. She has been awarded the Royal Red Cross and the military medal by the British, and has also received the distinguished service cross from the United States Government. Miss MacDonald came with Base Hospital 2—Presbyterian, New York—and was on duty with the British forces at Etretat until transferred to Evacuation Hospital 2 May 4, 1918.

Miss Isabel Stambaugh, who came to France with Base Hospital 10 and was stationed at Le Treport with British General Hospital No. 16, was wounded in the left leg by a piece of shrapnel during an air raid March 23, 1918. She had been sent with a team to a British casualty clearing station not far from Amiens, but when it was bombed retreat was made to Amiens, where more raids occurred. Upon recovering she, too, continued her work, and remained with her unit until returned to the States April 2, 1919.

The third nurse, Miss Eva Jean Parmalee, came with Base Hospital 5—Peter Bent Brigham, Boston—was stationed at Dannes Cammiers at British General Hospital No. 11. At the time the first American men of the American forces were killed during an enemy air raid on the night of September 4, 1917, Miss Parmalee received a slight wound in the face. Her injury did not necessitate her relief from duty. She has been cited by Gen. Pershing for "exceptional conduct" and decorated by the British.

It may be of interest to show in the centers, where the largest number of patients were grouped at this time, how many nurses were on duty. At Mesves center, on November 16, the center's "peak" day, there were 20,186 patients in the 10 hospitals, cared for by 394 nurses—1 nurse to 51 patients. At Allerey, on the 17th, in their six hospitals there were 17,140 patients, cared for by 360 nurses—1 to 48. Mars, on the 16th, in six hospitals had 14,302 patients, cared for by 493 nurses—1 to 30. And at Toul, on the 28th of November, in seven hospitals there were 10,963 patients, cared for by 320 nurses—1 to 34. The maximum number of nurses at these centers at one time was: Mesves, 650 on January 4; Mars, 642 on December 4; Toul, 438 on February 1.

Now, this was long after the armistice, and it will readily be seen that the nurses still had plenty to do.

The following paragraph from the report of Col. Wadhams, chief, Group B, G–4, general staff, general headquarters, may be of interest at this point:

It is unfortunate but certain that the Army and people at large will never be able to realize the debt of gratitude which they owe to the splendid and self-sacrificing personnel of these units (bases). Owing to the chronic shortage of sanitary personnel for duty at advanced sanitary formations (evacuation and mobile hospitals), it was necessary in times of active operations to draw upon the base hospital. It was at just those periods that the burden carried by the base hospitals was heaviest and personnel could least well be spared. Surgeons and nurses literally dropped at the operating tables from fatigue, but complaints were almost never heard. It was a splendid manifestation of magnificent devotion to duty.

My colleagues, I want to state that from my own personal knowledge and observation I can say truthfully that the presence of the American girls helped the morals as well as the morale of many a man overseas. Their goodness and their purity had a certain refining influence on the men who had the privilege of coming in contact with them, and many an American mother is to-day thankful for the presence over there of some sweet American girl who perhaps caused her son to think of his mother or of his own sister back home.

So, Mr. Chairman, in closing let me repeat that we must never fail to sing the praises of the American Red Cross nurse. Truly, to her we owe a debt of gratitude. She deserves the unstinted

commendation of the people of the whole Nation, and I believe, thank God, that she has it.

It occurred to me that it was particularly regrettable that the statements causing newspaper articles to which I referred a few moments ago came out just at a time when all our distinguished visitors from the other nations were here in our Capital City. I sincerely trust that they do not get the impression that any such loose insinuations were the sentiments of our people. I want these visitors who are within our gates to take back home with them the correct impression, and that is that all true Americans have for our own American women who were, and who are now, in our Army Nurse Corps the very highest esteem and utmost respect. Let us all emphatically tell the world that these noble women have, now and forevermore, the love and the everlasting gratitude of the people of the American Nation. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman from Alabama use some of his time?

Mr. BANKHEAD. The gentleman from Tennessee [Mr. GARRETT] in his absence asked me to take charge of the time on this side.

Mr. JOHNSON of Washington. I wish to follow the gentleman for 15 minutes. I would like to be yielded 15 minutes, at the request of the gentleman from Wyoming [Mr. MONDELL]. Is that satisfactory to the gentleman?

Mr. BANKHEAD. Yes; to proceed now for 15 minutes.

The CHAIRMAN (Mr. MANN). The gentleman from Washington is recognized for 15 minutes.

[Mr. JOHNSON of Washington addressed the committee. See Appendix.]

Mr. JOHNSON of Washington. Mr. Chairman, I yield back the remainder of my time.

Mr. O'CONNOR. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Louisiana makes the point of order that there is no quorum present. Obviously, there is not. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Dunn	Kirkpatrick	Reavis
Anderson	Dupré	Kitchin	Reed, N. Y.
Andrew, Mass.	Echols	Kline, N. Y.	Riddick
Ansorge	Edmonds	Kline, Pa.	Riordan
Anthony	Elliott	Knutson	Rodenberg
Bacharach	Fairfield	Kopp	Rogers
Beck	Faust	Lampert	Rosenbloom
Begg	Fenn	Langley	Rossdale
Bell	Fess	Larson, Minn.	Rucker
Blakeney	Fields	Lee, N. Y.	Sabath
Bland, Ind.	Fish	Linthicum	Sanders, Ind.
Blanton	Fisher	Little	Sanders, N. Y.
Bond	Flood	Lowrey	Sears
Bowers	Fordney	McArthur	Shaw
Brand	Frear	McClintic	Sisson
Brinson	Fuller	McFadden	Smith, Mich.
Britten	Funk	McKenzie	Stiness
Brooks, Pa.	Goodykoontz	McLaughlin, Mich.	Strong, Kans.
Browne, Wis.	Gould	Madden	Sullivan
Burke	Graham, Ill.	Maloney	Swing
Butler	Griffin	Mansfield	Tague
Cable	Hammer	Martin	Taylor, Ark.
Campbell, Kans.	Hawes	Mead	Taylor, Colo.
Campbell, Pa.	Hays	Merritt	Taylor, N. J.
Cantrill	Herrick	Michaelson	Taylor, Tenn.
Carew	Hersey	Mills	Thompson
Carter	Hickey	Montoya	Tillman
Christopherson	Hill	Moore, Ohio	Towner
Clark, Fla.	Himes	Morin	Treadway
Classon	Hooker	Mudd	Voigt
Codd	Hukriede	Nelson, A. P.	Volk
Cole, Iowa	Humphreys	Nelson, J. M.	Ward, N. Y.
Connell	Hutchinson	Newton, Mo.	Weaver
Cooper, Wis.	Ireland	Nolan	White, Kans.
Copley	Jacoway	Overstreet	Williams
Coughlin	Jefferis, Nebr.	Parks, Ark.	Wingo
Crago	Johnson, Miss.	Peters	Winslow
Crowther	Johnson, S. Dak.	Porter	Wise
Cullen	Jones, Pa.	Pou	Wood, Ind.
Dale	Kahn	Pringey	Woods, Va.
Deal	Kelley, Mich.	Purnell	Wright
Dominick	Kennedy	Rainey, Ala.	Yates
Drane	Kindred	Rainey, Ill.	Zihlman
Driver	Kinkaid	Ramseyer	

The committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the general state of the Union, and finding itself without a quorum, he had directed the roll to be called, that 259 Members had answered to their names—a quorum, and he handed in a list of the absentees for printing in the RECORD and in the Journal.

The committee resumed its sitting.

Mr. BANKHEAD. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, that great American, our President, who about an hour ago addressed a joint session of the Congress, gave utterance to many splendid thoughts and sentiments with which we all agree. Not for the shadow of a moment can I believe that I was the only Member of this branch of the Congress who noticed that the American boy who won the World War and saved civilization received but scant attention in that message. I am sorry that the chairman of the Committee on Ways and Means [Mr. FORDNEY] is not here and that he missed that message. I recall that in the summer months when we were considering the foreign debt refunding bill in this Chamber we were promised that the very first bill in the very first month of this session which the Ways and Means Committee would report would be a soldiers' bonus bill, and that it would have practically the solid support of the members of the Committee on Ways and Means. Now we read that the Republican leaders have decided not to pass a soldiers' bonus bill until next June, when this session will be closing and Members departing for home on other important business. If the soldiers' bonus bill is passed in June and a quarterly payment provided for the 4,000,000 men who fought for the flag, the first quarterly payment will come on the eve of the congressional elections. Then, again, we are told that a Republican Congress is not going to pass any soldiers' bonus bill, that the leaders are hoping to substitute for it an insurance-pension program, and that the insurance-pension program is very close to the President's heart. A Cabinet officer is now at work, we are told, and it is going to take him one year to bring out this insurance-pension program for our soldiers who saved civilization. Well, we do not know whether it is going to be a year or two years before we know the program; and we do not know, if they work out any insurance program, how long it will take to pass the legislation necessary to put the program on the statute books. This afternoon I am going to talk to a branch of Congress which has as much at stake as any other branch, as any other official who is clothed with power and authority to run our Government. I am going to talk to the branch of Congress which already has passed a soldiers' bonus bill.

In 1920, in the last Congress, this branch passed a bonus bill. To be sure there was some opposition on both sides of this Chamber, and I want my speech to be considered in no political sense whatever; I want to attempt to bring home to the minds of the Members of this House the duty which confronts them, and to some of them the dangers which may be awaiting them.

So far as the service men of our country are concerned, we have come to the parting of the ways; the feet of the Nation are at a spot where its onward march points in two directions, one of which we must take—the hard and stony road at whose end stands the temple of our national honor, and the smooth, broad road that leads to the house of broken pledges. At the entrance to one path stands the soldier who sacrificed; at the other the money broker who betrays. Which will you listen to, the voice of honor or the tongue of greed? You must make your choice to-day and decide which is the more precious national heritage for this land and its sons—an untarnished escutcheon or a fat Treasury?

The war is over. Our treaties of peace are signed. We are being told that we have saved civilization and liberty. Out there in the street the worn and wounded soldier of the war stands asking, "Will you now redeem your pledges and save your honor?" Whom will you serve, the patriot or the pawnbroker?

What will it profit the Nation to have gained the whole world if it has lost its soul? The pledge we made to the dead who died and to the living who have come back to face us here is more sacred than the promises printed on the bonds we gave our creditors, for while the bond is the pledge of the Nation's credit the other is the pledge of a Nation's honor.

Congress has listened to many voices since November 11, 1918; it has preferred the siren to the soldier. It has wasted the Nation's wealth on dubious schemes disguised as charity, health, education, and the egregious things called uplift and welfare. The horseleech's daughter has sat at the door of the Treasury. Congress has given millions to the railroads for imaginary losses; it has paid the usury of the alien carrier, forgetting his vast indebtedness to us; and the fantastic claims of contractors and patriotic profiteers have cost us billions and never a voice of protest raised. We are spending millions throughout the land for posthumous honors to the dead in ceremonials, in monuments, in arches, and in temples, and yet we have to be driven to bind up the wounds and satisfy the hunger of the living who call to us. We are exhibiting the historical ingratitude of Republics, forgetting in these days of peace and safety the promises made in the hours of panic and sacrifice, and repeating again the practices that called forth the reproach of the poet of the Revolution:

> When war is over and all things are righted,
> God is forgotten and the soldier slighted.

Look around, my friends, and witness, if you can, without blushing, the nations that were associated with us in the war and their treatment of the soldiers who served them in their hour of need. England and France remembered their promises; Australia and South Africa have not forgotten; our neighbor, Canada, has redeemed her pledges magnificently. No financial fears have kept them from the path of honor. They gave in pence as we gave in war—until it hurt—and the very voices that shrieked bankruptcy in our ears to keep us from the ways of honor and the fulfillment of our promises were the ones that gathered up our money to enable our associates to meet their pledges. They were willing to gather and give our money to the alien, and have denied it to our own soldier.

Again you see the greedy hand of the profiteer. There is profit in the foreign loan for the trader in dishonor; there will be no commission in the redeemed pledges of our Government. Better a thousand of our veterans should perish by the wayside than that one patriotic profiteer should go without his pound of flesh!

Lest we forget in these piping days of peace, let us go back in memory to those dreadful days of yesterday.

Whether they went as volunteer or conscript, our soldiers went with joy and enthusiasm to the service of the Republic; they sacrificed all they had—assured position and income, the promise of thriving business and lucrative profession; they went ungrudgingly beyond the seas at the call of duty to face dirt, danger, disease, and death; they put behind them home and all they loved and that make life worth living; they surrendered comfort and decency for filth and pestilence; and they faced the hazards and horrors of trench and trap uncomplainingly, indifferent to the pittance they were paid, sustained by their faith in their fellows and their confidence in the pledge of their Government that all would be well with them and their dependents in war and the peace beyond it.

At home in safety, far from the stealth of the submarine and the terror of the trench, remained the banker and the merchant, the contractor and the trader, the spouter and the chair warmer, the parasite and the profiteer, to cheer on the departing soldier, to swell the chorus of promises and pledges, to clutter up the streets of Washington and the pay rolls of the Nation and grow fat, insolent, and ungrateful on the grab and graft of greasy opportunity. [Applause.] In those days no promise was too glittering, no pledge too grandiloquent, to make to those who went out to do and dare and die. To-day none is too sacred to break and laugh at. The limping hero of the war has become the battered outcast of peace; and those who then dipped deepest in grab and greed shout loudest to-day of the "graft" of the hungry soldier. [Applause.]

The armies that went out from our shores in 1917 were composed of boys in the first flush of young manhood—exultant, exalted, idealistic, surrendering everything worth having and holding for the land and the flag, inspired by the faith that moves mountains, inflamed by the love of country and the passion for sacrifice that only youth with the promise of age and authority echoing in its ears can possess. And the pity of it! They have come back from all their sufferings and sacrifices, the youth in their hearts and the faith in their souls gone, disillusioned, cynical, their visions vanished, their whole being saturated with the sense of betrayal and abandonment. They have waked to find that Congress and the country have "welched" on them, and to learn that on Pennsylvania Avenue the little finger of finance is thicker than the body of valor, patriotism, and sacrifice. [Applause.]

You have scoffed at gratitude; you have scorned honor; you have made a jest of pledges and a gibe of promises. You have bowed low in reverence to your foreign debtors and laughed at your own veterans. You have listened to the tongues of Wall Street; you have hearkened to the paid clamor of Grub Street, and, sharing the tremors of the trader and the trimmer, you have refused to hear the plea of the soldier who fought and suffered and have caught only the virtuous protests of the stay-at-home and the service-chair hero. [Applause.]

The day of settlement is at hand. You will hear the voice of politics with increasing volume, and it is the voice of doom. The first blast was sounded in New York but a few weeks ago, and in the days fast coming you will find the ballots of the legion of the soldiers you slighted as deadly and disastrous as the German found their bullets and bayonets. [Applause.]

Congress has its choice now between an honorable bonus or political bankruptcy, and it must make its choice quickly. [Applause.]

The time to pay the so-called "bonus" is now. It is a debt of honor, a question of national good faith, and not an occasion for political tricks. If you defer action until next June in deference to your political hopes and fears you will be obeying the counsels of dishonor and infidelity.

The veteran of the Legion is intelligent, informed, insistent, and open eyed; he is not a gudgeon to be baited with stale tricks of politicians; his memory is longer than his ears; his ballot-laden hand is dangerous to honey-laden tongues [applause], and any slippery statesman who imagines he can fool a veteran with a June bonus will wake up a year from now to find he has caught a tartar with a November bludgeon in his fist.

The men who in 1917 sang "We won't come back till it's over over there" are now singing "You won't come back till you settle with us here." [Laughter and applause.] Now, this month, aye, this week is the appointed time. Get that June bug out of your head. [Laughter.] The Legion calls it a cootie. Stop talking about generosity. Keep that sort of "blather" for the benevolent banker, the British imperial debtor, the patriotic profiteer, and the Smith-Towner uplifters and tax eaters. [Laughter and applause.] What the soldier wants to hear while he is yet alive is the speech of duty and the spirit of justice. There are empty cupboards to-day. The flowers of June may be blooming over dead men's bones.

A wise philosopher once said of other veterans of other wars:

The vote that puts a square meal into the empty belly of a soldier while he is alive is a more practical form of gratitude than a law that plants a 10-ton monument on his stomach when he is dead.

[Laughter and applause.]

I am for a square meal at Christmas and not for a monument in June. [Applause.] The veteran asks for a bonus—for bread. I for one will not give him a stone. [Loud applause.]

The CHAIRMAN. The gentleman from Massachusetts yields back eight minutes.

Mr. MONDELL. Mr. Chairman, I yield 15 minutes to the gentleman from Indiana [Mr. DUNBAR].

The CHAIRMAN. The gentleman from Indiana is recognized for 15 minutes.

Mr. DUNBAR. Mr. Chairman and gentlemen of the House, there is nothing that can stay the march of progress, and I am one of those who believe that the St. Lawrence River enterprise, if no other new force or energy of nature be discovered, will eventually be realized. It is impossible to tell what the future will bring forth and what will then be the necessity for the development of the St. Lawrence River. New powers from the sources of nature are daily being discovered and daily being applied.

I was very much interested yesterday morning in listening to the talk of the gentleman from Texas [Mr. LANHAM], when he told us of the dirigible that had arrived from Norfolk which had been inflated by helium, a noninflammable gas.

Helium, as an element and a gas, was unknown as existing on the earth until within the last 50 years, previous to which time it had been discovered as existing in the sun. All of its physical and chemical properties were known, but no one suspected that it would ever be a product of mother earth.

Radium is an element resembling helium, in that each are destined to revolutionize scientific thought and achievements. Radium is an element which is capable of emitting rays of energy which have in them the power sufficient, if additional amounts of radium can be discovered, to furnish the motive power of the world.

In chemistry and physics it has been proven that whenever any of the "rare elements" are found valuable, it does not matter how rare an element may be, it will come into common use if it is found to be commonly useful, and it is not rash to predict, that, within some scores of years, the emitting of rays of energy from radium will supply the motive power of the world. The total energy emitted from radium is one million times greater than that produced by the combination of oxygen and hydrogen in the form to produce water. The transmutation of radium and other rare metals have proven the dreams of the alchemist to be true. That the obtaining of gold from some of the other elements is a possibility; and it is not improbable that before a hundred years roll around gold may be obtained through the experience afforded by the conduct of radium, so as to make our gold bonds of less value than if they were payable in tin of equal coinage and weight. And so whether or not there be discovered some new source of energy in nature which will render the improvement of the St. Lawrence River unnecessary, I do not know, but unless there is I am among those who believe that the scheme of developing the St. Lawrence River before a great many years will have been consummated.

I can not, however, wholly agree with the gentleman's implied conclusion, who presented his figures on yesterday, in which he stated that if the St. Lawrence Canal scheme was completed there would be developed approximately 1,500,000 hydro-

electric horsepower, and with this horsepower selling in Boston for the price of $70 per year per horsepower, it would bring in to the United States Treasury a revenue as a result of the enterprise of over $100,000,000 a year. He also made the statement that if the cost of the installation of the power house and the transmission would amount to $20 per horsepower per year, there would be approximately a profit of $70,000,000 a year. This may be true, but generating electrical stations and transmission lines could be constructed and operated under other conditions and circumstances which would bring to the Government a profit of $62,500,000 in the operation, if she wished to enter business enterprises, so that the real gain would be but $7,500,000.

I wish to call the gentleman's attention to the fact that a hydroelectric generating plan on any waterfall has no advantage over an electric generating power plant which might be erected near the coal fields of our country excepting the cost of coal; and inasmuch as power plants could be erected at our coal fields, I believe that the shorter distance of transmission by reason of the nearness of the coal fields to the point of delivery of the electrical energy would make up even for the difference occasioned in the price paid for coal. Nut and slack coal can be purchased at our mines for $1 per ton. Coal for $1 per ton will develop in a modern efficient electric power plant 600 horsepower hours per ton. That is a cost of one-sixth of a cent per horsepower hour. Now, an electric power plant generating 1,500,000 horsepower for 10 hours per day, located at a coal field, would consume only $7,500,000 annually worth of fuel, so that it would be possible to install electric generating systems in our coal fields and afford power for a greater area of territory, which upon a return of $100,000,000 a year would cost only $7,500,000 more than the actual cost of the 1,500,000 hydroelectric horsepower generated by the falling water of the St. Lawrence River. So I do not believe that the generation of electricity by any installation which we might make on the St. Lawrence River would afford a sufficient return in the United States to be of any great advantage. However, I understand that it is advocated only as one of the by-products of the enterprise, and that the great purpose would be to afford an easy and sure passage of the products of our markets to European countries. As I said before there is great potentiality in this enterprise, and I believe that before many years roll around the St. Lawrence River project will be completed, and that the great advantages which were pictured by the two gentlemen who on yesterday so ably addressed you in this behalf will be realized.

But, gentlemen, while we are contemplating the advisability of the United States Government expending approximately $150,000,000 for this scheme, which at the best would enable us to find a market for our products by an outlet located in foreign territory, I am reminded of a saying by Emerson "that love afar is hate at home." I do not altogether agree with this statement, because I believe that our love for humanity and our spirit of enterprise and our desire to do good should extend beyond the confines of our own domain; but at the same time I am one of those who believe that in matters of enterprise we should begin at home.

In this connection I am reminded of the fact that in 1910 the Sixty-first Congress of the United States pledged itself to improve the Ohio River, the improvements to be completed in 12 years, so as to afford a 9-foot stage in that river throughout the year. Estimates were made for the improvement of the river, just as estimates have been made for the improvement of the St. Lawrence River. Those estimates provided for the construction of something like 53 locks and dams to cost approximately $60,000,000. There has been spent on these dams to date something like $40,000,000. The amount of money necessary to complete the dams and locks according to the original estimates is $20,000,000, but on account of the increased cost of labor and material it will probably cost $25,000,000 or $27,000,000 to complete the project. Thirty-one of the dams and locks have been completed. Twelve are in process of construction. Ten or eleven have not yet been commenced, but I am informed by Gen. Lansing H. Beach that some of the dams can be eliminated, so that it will not be necessary, in order to afford a 9-foot stage in the river, to begin more than seven or nine dams over and above those which have been completed and those which are already under construction.

Now, gentlemen, what is the situation in regard to the Ohio River? I live at New Albany, Ind., across the river from Louisville, Ky. When I was a boy, during the season of navigation hundreds upon hundreds of bales of cotton were landed at New Albany from ports on the Mississippi River every day when there was a stage of river sufficient to enable steamboats to run. That cotton was shipped to eastern seaports. And, gentlemen, steamboats would have continued to bring that cotton to northern ports; perhaps not only to New Albany but to Cincinnati, Louisville, Pittsburgh, St. Louis, and Evansville, according to advantageous railroad facilities afforded. I remember in my boyhood days when on the Ohio River the finest steamboat palaces were afloat, in which people would travel from northern cities to New Orleans and other places en route. I remember when tens of thousands of hogsheads of tobacco in a season were brought up the Ohio River and landed at New Albany and Louisville. Now, what is the situation to-day? None of that freight comes by water from southern ports. I remember when steamboats used to bring coal down the Ohio River from Pittsburgh and the Kanawha coal fields in West Virginia for one-fifth of the rate that was then charged by the railroads. Coal could be brought from Pittsburgh to New Albany and Louisville for 50 cents a ton. At the same time the rail rate was $2.30 a ton. I have seen the steamboat *Joseph M. Sprague* bring down the Ohio River 50 barges of coal, each one of which contained 1,000 tons. Those 50,000 tons of coal so brought down were the equivalent of 1,000 cars of coal, each containing 50 tons.

Gentlemen, you will ask why this river traffic has been discontinued. The reason is that the water in the river is not of a sufficient stage throughout the year to permit steamboats to come down the river with their cargoes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DUNBAR. May I have five minutes more?

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is in control of the time.

Mr. WALSH. The gentleman from Wyoming has temporarily left the Chamber.

Mr. LAYTON. I ask that the gentleman from Indiana may have five minutes more.

Mr. WALSH. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Indiana [Mr. DUNBAR] is recognized for five minutes additional.

Mr. DUNBAR. Now, as I was saying, there is not a sufficient depth of water in all seasons to enable steamboats to operate on the river. Here was the condition that used to prevail: A steamboat would sometimes wait for months and months for a rise at Pittsburgh, and then it would proceed down the river on the rise, and wait for the river to be of a sufficient stage to return.

Mr. LAYTON. Will the gentleman yield right there?

Mr. DUNBAR. I will.

Mr. LAYTON. The gentleman says that in his day he remembers when the river afforded a depth of water sufficient for splendid passenger boats, but now it does not. Is that due to the filling up of the river or to the lessened watershed?

Mr. DUNBAR. It is supposed to be due to the fact that we have more floods now than formerly, and the reason that we have more floods is due to the fact that our forests have been depleted. The ground does not now retain the moisture which afforded a more constant supply of water to springs and rivulets that formerly fed the Ohio River.

As I was saying, the steamboat would wait for a rise in the river in order to return. Now, if you give a 9-foot stage of water in the Ohio River, there is not a day that there could not be half a dozen or a dozen steamboats come down the Ohio River towing barges containing coal which would amount to the equivalent of 6,000 and 12,000 cars of coal. Gentlemen, is there a man here who would not say that that in itself would relieve the railroad situation in the United States and would enable our people to receive coal at a price which in the calculation on transportation alone would save, even in our territory, $1.75 on a single ton of coal?

Formerly there were about 12 coal-boat rises in a year in the Pittsburgh district. Boats would be waiting, ready to take advantage of the "wave," and bring coal down the river. Then they would wait for another "wave," and return to Pittsburgh. This would keep a boat out of commission from five to nine months a year. Towboats would be filled with coal sometimes a month before they could be brought down the river. In those days manufactories and the people would lay in a supply of coal to last for four or five months, but after local coal began to become available people quit laying in a supply of coal to last them through the winter, and when coal could not be obtained from Pennsylvania, West Virginia, and Kentucky, would purchase local coal. Now, I am sorry to say, they buy coal from "hand to mouth" and depend altogether on railroad transportation, when coal from aforementioned fields is not available by river transportation, which makes the investment in steamboat property and equipment unprofitable when they can only op-

erate a few months in the year. A 9-foot stage in the Ohio River would enable steamboats conveying coal to be constantly engaged in its transportation, and coal could be brought down the Ohio River which would supply the territory contiguous in the Ohio and Mississippi Valleys at a greatly reduced price over the present cost.

Gentlemen, the Ohio River should be improved by the completion of the locks and dams under construction and the commencement and completion of those contemplated, and should be improved immediately. These facts as to the transportation of coal which I have cited to you will apply to everything that requires to be transported. The Ohio River is 800 miles in length from Pittsburgh to Cairo and in addition has 800 miles of tributaries. It traverses a territory almost as great as the frontage of the lake and the St. Lawrence River in the territory of the United States. While I am not opposed to the St. Lawrence project, I do believe we should first make our own rivers navigable and afford river transportation which could be made to carry the freight of 20 railroads of equal length, and that the money for the completion of the locks and dams on the Ohio River should immediately be appropriated and made available so that the river may be made navigable the year round, and in order that the $40,000,000 which we have already expended shall not longer continue to be an idle investment. [Applause.]

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] has used 26 minutes and the gentleman from Tennessee 44 minutes.

Mr. BANKHEAD. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Chairman, I ask unanimous consent to extend in the RECORD my remarks on the agricultural situation, particularly in Southern States, and measures for the relief of the same.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD on agriculture in the South. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Chairman, I yield 20 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman, before I address myself to the subject which seems to be generally under discussion—the St. Lawrence Canal project—I want to call attention to this decentralization measure with reference to the Veterans' Bureau with its 14 division offices and 140 other offices. I have in my hand a record from my office of an incident that began late in August in which three checks going to a beneficiary in my county were stolen at the Atlanta suboffice. Notice was given by the director of the office in Washington to the Treasury of the United States of the loss of these checks on the 24th of September. From that time to this we have been referred first to one office and then to another. We have a communication from one office and then from another, but no two agree. I am not criticizing the offices, but merely calling attention to the fact that there can not be two places to handle one thing, and these things all shed themselves back to Washington. Now, what I hold in my hand is merely a part of the correspondence that I am going to have printed in order that Members may see the duplication that is occasioned by the new arrangement that we have.

On November 30 the office at Washington wrote us a letter in which they say they have not the numbers nor the dates nor the amount of the checks stolen, although that same officer gave notice to the Treasury that they had been stolen on September 24, and they said they could not go any further until that information was furnished. I transmitted that on December 1 to my constituent and told him he would have to go to work and get it. The next day we got a letter from the Atlanta office saying that the duplicate checks had been issued and the numbers were so and so; that they had been forwarded to our constituent, which was eminently satisfactory if he received it. Now, I want you to read this in the RECORD to-morrow to see what we may expect from the multiplication of authority and the duplication of work which Members of Congress are going to have in dealing with these matters.

I will say for the officials here and the officials in Atlanta that they have been diligent. I am not criticizing them, but you can not have things mixed up in two different offices and go on in a businesslike way.

Mr. Chairman, I ask unanimous consent that this record to which I have referred may be printed as a part of my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

The record referred to is as follows:

SEPTEMBER 24, 1921.

TREASURER OF THE UNITED STATES,
Treasury Department.

SIR: Please enter stop-payment against the following checks drawn by R. S. Jackson, 92617:

Check No.	Amount.	Date.	Payee.
1524995	$31.00	Aug. 3, 1921	Smith D. Ellis.
941013	50.00	July 31, 1921	Do.
2015238	65.00	Aug. 15, 1921	Do.

The district manager at Atlanta advises that these checks were stolen.

Very truly, yours,

R. S. JACKSON,
Disbursing Officer, Rehabilitation Division,
United States Veterans' Bureau.
By ——— ———,
Deputy.

—

FEDERAL BOARD FOR VOCATIONAL EDUCATION,
DIVISION OF VOCATIONAL REHABILITATION,
Atlanta, Ga., October 4, 1921.

Mr. SMITH D. ELLIS,
Chesterfield, S. C.

DEAR SIR: We are inclosing herewith bond of indemnity for the issue of duplicate checks No. 1524995, dated August 3, in the amount of $31; check No. 941013, for $50, dated July 31,; and check No. 2015238, for $65, dated August 15.

2. Please execute this bond, following the directions very carefully, and return to us at once, at which time the matter of issuing duplicate checks will receive attention.

Yours, very truly,

M. BRYSON,
Acting District Manager, United States Veterans' Bureau.

—

NOVEMBER 3, 1921.

(In re Smith D. Ellis, Chesterfield, S. C. DC-65.)

Mr. M. BRYSON,
Acting District Manager, Atlanta, Ga.

MY DEAR SIR: Refer to yours of the 4th of October, 1921, in regard to the above case. Note the inclosed letter from Ellis. What is holding this matter up? It has been hanging fire for several months and I have written repeatedly in regard to it. Please get this matter closed at once and oblige.

Yours, very truly, ——— ———.

—

NOVEMBER 12, 1921.

(In re Smith D. Ellis, Chesterfield, S. C. Lost checks.)

Col. C. R. FORBES,
Director Veterans' Bureau, Washington, D. C.

MY DEAR COLONEL: Note the inclosed letter from M. Bryson, Atlanta, Ga., in regard to the above case. Here is a matter that has been pending for several months, and it looks to me as if it is about time this man should be getting his money, for it was no fault of his that the checks were stolen.

I will ask you to see that the checks in question get out to him at once, and oblige,

Yours, very truly, ——— ———.

—

NOVEMBER 21, 1921.

Mr. SMITH D. ELLIS,
Chesterfield, S. C.

MY DEAR SMITH: The reason you have not heard from us is because we have been after the bureau for some definite information and awaiting until we could get it to send to you. I am hard at work on the proposition and will do my very best.

Most sincerely, yours, ——— ———.

—

NOVEMBER 22, 1921.

(In re Smith D. Ellis, Chesterfield, S. C. C-452 889.)

Col. C. R. FORBES,
Director Veterans' Bureau, Washington, D. C.

DEAR COLONEL: Your attention is invited to the inclosed letter from the above-mentioned soldier. Please look into his case and let me hear from you as soon as possible.

Yours, very truly, ——— ———.

—

DIRECTOR'S OFFICE,
November 23, 1921.

Hon. W. F. STEVENSON,
House of Representatives, United States,
Washington, D. C.

DEAR MR. STEVENSON: Replying to your letter of November 12, 1921, with reference to the three checks payable to the order of Smith D. Ellis, which were stolen, you are advised that the office of the Treasurer of the United States in a telephonic conversation stated the amount of these checks had been reclaimed, and in all probability settlement would be made shortly.

Yours, very truly, C. R. FORBES,
Director United States Veterans' Bureau.

—

NOVEMBER 26, 1921.

Mr. SMITH D. ELLIS,
Chesterfield, S. C.

DEAR SIR: Note the inclosed letter from the Director of the Veterans' Bureau. I will do what I can to expedite this matter as much as possible and will write you later in regard to it.

With best wishes and kindest regards,

Yours, very truly, ——— ———.

NOVEMBER 30, 1921.

Hon. W. F. STEVENSON,
House of Representatives, Washington, D. C.

DEAR MR. STEVENSON: In reply to your letter of November 22, 1921, with inclosure from Mr. Smith D. Ellis, Chesterfield, S. C., stating that he has failed to receive three checks under his compensation award, you are advised that as Mr. Ellis has failed to state which checks he has not received a complete statement of payments issued in his favor is given.

It is therefore requested that he make a review of this statement and immediately notify the bureau exactly which checks he has failed to receive in order that a further investigation may be made, and if such action is deemed advisable that an indemnity bond may be forwarded to Mr. Ellis.

Statement of payments.

Check No.	Period covered.	Amount.
44264909	Payment from June 19, 1918, to Nov. 30, 1920	$235.20
44481496	December, 1920, payment	8.00
44733238	Adjustment from Nov. 1, 1920, to Jan. 31, 1921	36.80
44935016	February, 1921, payment	8.00
45155008	March, 1921, payment	8.00
45372300	April, 1921, payment	8.00
40180802	Adjustment from Apr. 1, 1921, to May 31, 1921	152.00
40283889	Payment from Aug. 16, 1921, to Oct. 31, 1921	95.48

* * * * * * *

As this payee states that he is entitled to compensation in the amount of $80 a month instead of $40, a further investigation is being made of this claim, and Mr. Ellis will be advised at an early date as to the result of this investigation.

Very truly, yours,

C. R. FORBES,
Director United States Veterans' Bureau.

—

DECEMBER 3, 1921.

Mr. SMITH D. ELLIS,
Chesterfield, S. C.

DEAR SIR: Note the inclosed letter from the Veterans' Bureau. Please send me the information they call for, and I will do my best to get a settlement on your case as early as possible. With best wishes and kindest regards.

Yours, very truly,

——— ———.

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DECEMBER 2, 1921.

(Subject: Ellis, Smith D., Chesterfield, S. C.)

Hon. W. F. STEVENSON,
House of Representatives, Washington, D. C.

DEAR SIR: With further reference to previous correspondence concerning the case of the above-named man, we are pleased to notify you that we are to-day forwarding to Mr. Ellis at Chesterfield, S. C., three substitute checks issued in lieu of checks previously made payable to Mr. Ellis which were stolen from the Atlanta local office, these substitute checks bearing same numbers and dates and for the same amounts for which reclamation of payment was made for the reason that the indorsements on the original checks were forged.

The checks which are forwarded to Mr. Ellis to-day are as follows:

Number.	Date.	Amount.
941013	July 31, 1921	$50.00
1523203	Aug. 2, 1921	30.00
2015238	Aug. 15, 1921	65.00

We thank you for your kind interest in this matter, and assure you of our readiness to cooperate with you in every way in serving the interests of the disabled men.

Respectfully,

M. BRYSON,
District Manager U. S. Veterans' Bureau.

—

DECEMBER 5, 1921.

Mr. SMITH D. ELLIS,
Chesterfield, S. C.

DEAR SIR: The inclosed letter from the Atlanta office, Veterans' Bureau, in regard to your checks, explains itself. You should have the checks by this time, and if you have received them, it won't be necessary to send the information called for in the director's letter of November 30, sent you by me on the 3d.

In regard to your compensation, I will write just as soon as I hear from the director. With best wishes and kindest regards.

Yours, very truly,

——— ———.

Mr. STEVENSON. Mr. Chairman, this is supposed to be an era of Americanism, with America for Americans, an era in which we are to have an avoidance of entanglements elsewhere than in America, and for the construction of American industries. Yet we are asked by gentlemen who have shown their learning by their research to embark the United States in the construction of an international highway whose terminus, the neck of whose bottle, is entirely in the control of a foreign country—an international highway that is useful, too, for only eight months in the year, when we have the great Mississippi system, which you can connect up with the Great Lakes by a ship canal, which will be entirely within the jurisdiction of the United States, that will tremendously aid the cities of the United States and build up the commerce of the country and make a great waterway from the great city of Chicago straight down the valley of the richest country in the world to the ocean, all in American territory, where no foreign gun can ever fire a shot across it. That is the proposition which we are asked to abandon for the proposition to build a canal through foreign territory, owning it jointly with another nation, that nation having the control of the mouth of the river and being able on a minute's notice at any time it sees fit to shut down navigation of it by American craft and bring us thereby into all kinds of international conflicts. I am opposed to the proposition. The opposition to the proposition yesterday was very largely stated by the proponents of the measure to be on the part of the great city of New York because of its competition in a canal across New York State. I do not put my opposition to it on any selfish interest on the part of State or municipality.

In the first place, as I say, the Great Lakes are navigable for only eight months in the year. The season closes the 1st of December and it opens about the 1st of April. Your commerce out of the St. Lawrence River would be correspondingly shut up. Let us see what the international complications might be. Suppose we go into this in conjunction with the Dominion of Canada. We construct it, and we would become thereby half owners. Suppose we had a war with England. Oh, you say, war is a thing of the past. Well, I want a bond for that statement before we go into a transaction of that kind. We have not gotten to that state of affairs yet, that is certain. You say there is not any liability of our ever having any war with England. We may have, and we must attend to our affairs on the basis of that thing being possible, and possible at all times. Suppose we had a war, what would be the situation? They have control of the river for a great distance up from the ocean and can fortify it on either side and prevent an American ship from going upon it, while they can take their warships and merchant ships and put them into the Great Lakes and have them right at the door of the great commerce of Chicago and the other great centers on those Great Lakes and you could not help yourselves. Oh, you say, that is not likely to happen. It is what is possible that we have to avoid, and that is one of the possibilities. The gentleman from Ohio [Mr. CHALMERS] who represents the Toledo district would vote to make it possible for the English to at least put their submarines right at his door.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. CHALMERS. Mr. Chairman, let me say to the gentleman from South Carolina that the proponents of the Great Lakes-St. Lawrence project are not opposed to water development in other sections of the country, but, on the other hand, are favorable to all projects that have merit. I would remind the gentleman that there is a treaty in existence between Great Britain and the United States which declares that the waters of the St. Lawrence River shall be free to the citizens of the United States. You say that Great Britain may break this treaty and warships and submarines come into our Great Lakes. My answer to that would be the Irishman's estimate of the value of a lock as protection on a leather bag. He said, "Shure a jackknife would laugh at that lock." So I would say to the gentleman a torpedo would in a moment destroy a dam or a lock, forming a permanent obstruction to the passage of a warship or a torpedo boat.

Mr. STEVENSON. The gentleman concedes, however, that the mouth of the St. Lawrence River would be controlled by Canada and through Canada by England?

Mr. CHALMERS. Yes.

Mr. STEVENSON. In time of war treaties perish. I can not yield further now. That is the first thing you are up against. You are putting yourself in a position where you may have the improvements there for which you pay one-half used against you by a country that is inimical to your interests. You say that is not probable and my friend says that it is not possible. A great many things are possible which people did not believe to be possible a few years ago. Suppose we are on friendly terms always with England and Canada, but suppose England becomes embroiled in a war with France or Germany or any other great nation, and that England sees fit to use that canal for the transportation of contraband of war, to be used in war, or to use it for the purpose of a harbor for her fleet. Suppose she did and that France would say to the United States that we claimed to be a neutral and yet we were allowing England to use the canal of which we are the half owner for the purpose of moving contraband of war and making an assault upon her while we were at peace with her. What would be our answer to that? The only answer is that the United States would have to repudiate its interest in and control over the canal or have to say to England that she must get out of there,

and immediately that would mean war, because she has a half interest in it; or we would have to say to the nation with which England is at war that we could not help ourselves, and that if that nation took exception to it we would have to fight about it. Where does that lead you? Talk about avoiding entangling alliances! It leads nowhere except to trouble. Not only that, but suppose the United States becomes embroiled with some other country in war, with this great inlet to the north of us, and that Canada and Great Britain are neutral and that we want to use that channel. Would we be allowed to do it? We would not be allowed to do it if England said no without a fight with England, and there you would lead again into conflict. Mr. Chairman, I am not talking ghost stories. If you will look at the history of the nations of the world you will see that it is out of just such things as that that wars of the world have arisen, and whenevor you embark upon that as an alternative to improving our own waterways, whenever you place our money and interest in an international waterway like that, which in time of war is sure to become a bone of contention, then, unless the United States and Canada become one and the same, a unit on every issue, you will have trouble, and whenever there is trouble between England and any other nation of the world the result is going to be that either you must allow the United States to be dragged in or you must let our flag trail in the dust and let England use at her own sweet will and in her own way and for unneutral purposes the property of which she is the half owner.

Well, now, what is the necessity for it? You can construct a ship canal across into the Mississippi River; you can with the same money that you would dig out that frozen river improve the Mississippi River and take the commerce of the world down it, and take it as cheap as you would take it down the St. Lawrence, and you will be building up America and American resources, and you will be bringing the markets of the world right to the door of the great granary and food-producing section of this country.

Now, I assert the view of it that I take. I do not want to see this country, because of the commercial greatness of the Middle West, and because of their ambition and desire to reach markets cheaply and to get cheap transportation, turn its back upon the greatest transportation system by water of any nation in the world potentially and embark upon a project which will be a retreat from our time-honored system of standing for America and Americans and keeping ourselves out of entanglements, and thereby lay ourselves liable in future generations to wake up to the most terrible national entanglements that we have ever conceived of. [Applause.]

I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The gentleman yields back five minutes.

Mr. OLDFIELD. Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDDLESTON. Mr. Chairman, the speech made by the gentleman from Massachusetts [Mr. GALLIVAN] in behalf of the soldiers' bonus interested me greatly. On December 5, 1918, I introduced the first bill introduced in Congress providing for a bonus for our soldiers. On January 2, 1919, I made the first speech made in Congress in behalf of such legislation. That was the time when the bonus should have been granted. I believe that the bonus will yet be granted. I will stand with the gentleman from Massachusetts and other supporters of the bonus in all efforts looking toward that end.

But I did not rise to discuss the subject of a soldiers' bonus. I take the text for what I shall say from the address of the President, delivered an hour ago in this Chamber. The President, referring to labor organizations, said—I now quote from page 11 of his address as it has been issued:

> In the case of the corporation which enjoys the privilege of limited liability of stockholders, particularly when engaged in the public service, it is recognized that the outside public has a large concern which must be protected; and so we provide regulations, restrictions, and in some cases detailed supervision. Likewise in the case of labor organizations, we might well apply similar and equally well-defined principles of regulation and supervision in order to conserve the public's interests as affected by their operations.

Also:

> Just as it is not desirable that a corporation shall be allowed to impose undue exactions upon the public, so it is not desirable that a labor organization shall be permitted to exact unfair terms of employment or subject the public to actual distresses in order to enforce its terms.

Again, on page 12 he says:

> In an industrial society such as ours, the strike, the lockout, and the boycott are as much out of place and as disastrous in their results as is war or armed revolution in the domain of politics.

This is not the utterance of some loose-mouthed agitator. It is not the pronouncement of some hard-boiled president of an employers' association. It is a statement made by the President of the United States; a statement made with all deliberation, after consultation with his Cabinet, carefully thought out, and meaning every word it contains. It is a statement which expresses the labor policy of the administration which now, unhappily, is in power.

"YOU SHALL NOT QUIT YOUR JOB."

And what does the President mean? Analyze the language in which it is framed. It needs no emphasis from me. It is as clear as words can make it that the policy of the administration does not contemplate mediation nor mere arbitration courts such as the Railroad Labor Board, but has in view labor tribunals such as the Kansas industrial courts. It contemplates a system of industrial laws applied to the whole country similar to that now in force in Kansas. It means labor courts with authority to fix wages and terms of employment and with power to enforce their decrees. It means courts with power to stand over the men who toil and say to them, "You shall not quit your job. Your occupation is charged with a public interest, and you shall continue to labor for such wages as we shall decide are fair and just. You shall not strike before having your disputes decided by us." It means a policy on the part of this administration which will take away the right that workingmen in this country have had to decide their own affairs for themselves. It means that men will be thrown into jail who dare to strike without asking the permission of a court created by Congress and composed of the appointees of the present administration.

The President's statement is not mere jumble of loose and idle words. It expresses a policy deliberately chosen, carefully thought out, and which no doubt will be enforced with vigor. It has remained for the Chief Executive of this Nation to recommend a policy toward men who labor harsh beyond comparison with any government in the world. The choice will be presented to you, Members of the House, whether you will approve this policy or whether you will adhere to the old standards.

I was shocked and amazed by the President's statement of policy. As I listened I could but wonder. I wonder if the President remembers the thirteenth amendment to the Constitution? I wonder if he knows that slavery is forbidden in America? I wonder whether he realizes for what principle all the blood was shed during the Civil War? Is he trying to turn back the stream of time and bring again into this country the day of the manacle, when serfs will be made to work at the dictates of their masters? Are we to establish in this professedly democratic country an autocracy of employers of labor?

LABOR'S ORGANIZED FIGHTING FORCES.

What the President had to say was by its terms aimed at organized labor. I hold no brief for organized labor. I am interested more in organized than unorganized labor merely because organized labor is the fighting force of all labor. It is like the army that goes to the front and into the trenches to defend the women and children back at home. Never was a battle fought by organized labor that the humblest unorganized toiler did not receive some benefit from it. Never was a sacrifice made by labor organizations that was not made on behalf of unorganized men as much as for themselves. And for the same reason is it true that never was there a labor hater who wanted to grind down men who toil, who regarded them as belonging to an inferior social order, who wanted to oppress all laborers because they were laborers, who did not fight labor organizations fully conscious that when once he had destroyed the organizations unorganized labor would fall an easy victim.

When a Nation sends its soldiers to battle they are not sent against noncombatant and peaceful citizens at home in the enemy country. The first principle of military strategy is to "seek out and destroy the armed forces of the enemy." In the World War we sent our armies to do battle with the German armies, with the organized forces fighting for Germany. We did not concern ourselves so much with what happened in the homes of Germany, because we realized that once we destroyed the German armies the peaceable inhabitants at home would submit.

And so every employer who wants cheap labor, who wants to oppress labor, who wants to make an unjust profit out of labor—every man who believes in differences in social orders, every man who belongs to the employer class and recognizes his duty

to his class and strength of the solidarity of his class takes off his coat and goes down to do battle with organized labor. And this instance of the President's attack by indirect methods upon the efficiency of labor organizations is, in my judgment, an apt illustration of this principle of strategy.

HITTING THE WORKER WHEN HE IS DOWN.

Of all times when a President might have addressed himself to measures intended to intimidate laboring men, this, it seems to me, is most inopportune. Oh, I have the ordinary American fighting instinct. We all love a good fight. We like to see a man fight, whether he be an employer or a worker. A real good fighter always commands our admiration. But every man who is himself brave loves a fair fight. We want to see the fighters on equal terms. We want to see both sides have an equal chance. We want to see the fight come at a time when both can stand on an equal footing.

As between workers and employers, fights can never be altogether fair fights. Each side in a labor fight has different things at stake. With an employer it is a matter, perhaps, of some more bank shares or a finer home, perhaps a marble palace instead of one of brick. It is merely a matter of another limousine or another cluster of jewels for his wife and another aigrette in her bonnet. It is merely a matter of profits from his plant. Oh, it is not such an awfully important matter with the employer. But with the man who toils bread is the stake.

The struggle between the employer and employee can never be a fair fight. One has in the scale only a question of profits. The other has the means of existence for his wife and children at stake. To one the result means one thing; to the other it means shelter and food and clothes and medicine for his family; it means the color in his child's cheek and, perhaps, whether it shall live or die. Anybody who thinks that a wage earner likes to strike is a fool. A strike always costs him more than it does the employer. Strikes are merely a form of warfare, and a strike, like other war, is hell, and its chiefest victims are the humble workers at the front.

Such a fight can never be a fair fight. Yet when conditions are even fairly equal, when there is a measure of prosperity in the country, when there is some opportunity for employment, when it may be said that there is a chance for the worker to win, then you may have a certain admiration for the hard-handed employer who goes down into a fight with his employee.

Oh, we all love a fair fight. But what about hitting a man when he is down? What about hitting the worker when his hands are tied? What about fighting a cripple or striking a man sick in bed? What about hitting the workers when they are walking the streets ragged and starving? And how about the workingman's wife and children, for whom he is responsible and who are dependent upon him?

Of all the times when the President's utterance might have been made, this is the most inopportune. Some 4,000,000 of men or more are out of employment. Many of them have been out of work for months. Many of them have exhausted their little savings. Many of them have tramped and tramped until their shoes are gone looking for work. Their clothes have passed from the state of respectability. The pinch of hunger is being felt in a million American homes. Millions of men, women, and children are destitute. They face direst need. Millions are dependent upon public charity. Only a few nights ago more than a hundred homeless men slept upon the cold, stone floors of the city hall in my home city.

Of all the times when men would strike, this is not the time. Of all the times when the restraints of law might be invoked to prevent strikes, this is not the time. Of those who have work millions are being sorely oppressed—millions are receiving a wage below any standard of decent living—they exist on hopes of better times. No doubt many strikes would occur except for the depressed conditions. The workers are submitting to oppression, even to slow starvation. They realize that they are being imposed upon. They submit because the choice is submission or quick starvation.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLDFIELD. Mr. Chairman, I yield 20 minutes further to the gentleman from Alabama.

The CHAIRMAN. The gentleman from Alabama is recognized for 20 additional minutes.

Mr. HUDDLESTON. Many of the men who remain at work are not getting enough wages to live on. The United States Steel Corporation, which is the largest employer of labor in the country, has in many, if not in all, cases cut wages one-half. And that is the attitude of many harsh employers. The cost of living remains up. The workers are in a great strain, even those who have work.

THE RAILROAD LABOR SITUATION.

There is much that I would like to say about the situation of the railroad employees, but I have time merely to deal with it briefly. Against their unanimous opposition the labor sections of the transportation act were forced into that act. It was done at the behest of the railroad managers. And now we find that the managers are themselves flouting and evading the law and treating it with contempt. What is the result? They get away with little criticism. Due to the subserviency of a parasite press, knowledge of their misconduct is withheld from the public. The country does not know how flagrantly the railroad managers are violating the labor sections of the transportation act.

The country is flooded with false pro-railroad propaganda. In an effort to distract attention from the fact that the railroads are strangling the country through extortionate rates, a lot of deliberate lying is being done about the wages of railroad employees. The excuse is made that railroad wages are so excessively high that rates can not be reduced.

The present railroad rates were fixed after the increase in wages was granted in July, 1920, and were intended to cover by threefold all increases in wages. By the reduction in wages made in July, 1921, some $400,000,000 was lopped from railroad expenses. The railroads have made some minor rate reductions since that time to suit their own fancy, but there has been no general reduction, no reduction which anything near equals the cuts in wages.

The railroads also have had enough influence to get the Railroad Labor Board to make many changes in working rules and conditions, which have resulted in further reductions in wages, estimated at some $300,000,000. Still there is no reduction of rates except in a fanciful way as suited the whim of the carriers.

The relative wages of railroad employees have been grossly exaggerated. They are paid no such wages as the public has been led to believe. In certain classes, in which men have always worked for less than a living wage, increases have been given, but so far as the great bulk of railroad wages is concerned the employees are now working for lower wages, compared with what the money will buy in the way of necessaries of life, than they received in 1915. I can not take time to deal with this subject fully. I merely wish to cite for illustration the wages of certain classes of transportation employees. It is estimated by the Bureau of Labor Statistics that in May, 1921, the cost of living to the average wage earner was 73 per cent above 1915; that is, what $1 would buy in 1915 the consumer must pay $1.73 for. Figuring from this basis I find the results to be:

	Average annual compensation in 1915.	173 per cent of 1915 average.	Present compensation.	Percentages of decreases July 1, 1921.
Yard enginemen	$1,528	$2,643	$2,255	8.9
Yard firemen	916	1,585	1,684	11.3
Yard conductors	1,358	2,349	2,138	9.2
Yard brakemen	1,169	2,022	1,833	9.8
Road freight enginemen	1,846	3,194	2,625	8.3
Road freight firemen	1,136	1,965	1,837	10.8
Road freight conductors	1,589	2,749	2,353	10.0
Road freight brakemen	1,036	1,792	1,730	12.5
Passenger enginemen	2,141	3,704	3,042	7.4
Passenger firemen	1,287	2,227	2,223	9.6
Passenger conductors	1,850	3,201	2,771	8.6
Passenger brakemen	1,026	1,775	1,869	12.0

These figures show that in all cases of transportation employees, with the exception of yard firemen and passenger brakemen, they are really getting lower wages now than in 1915. This means, of course, that their scale of living has been lowered. It should be remembered also that the increases of July, 1920, came after four years of high prices during which railroad wages had remained upon the 1915 basis.

RAILROAD EMPLOYEES EXASPERATED.

Railroad employees are in a state of extreme exasperation. It was not altogether the proposed further reduction in wages that caused the recent threat of a railroad strike. It was the feeling upon the part of the employees that the carriers were not being fair with them, that they were not getting a square deal, that the laws for their protection were being evaded, flouted, and treated with contempt.

I want to cite a few instances which have contributed to the exasperation of railroad employees. The Atlanta, Birmingham & Atlantic Railroad has a terminal in my district. Its manager proposed about a year ago to ignore the transportation act and to make a horizontal cut in wages. The cut was posted on the

boards. The employees thereupon appealed to the Railroad Labor Board, which promptly nullified the proposed cut and directed the manager to confer with the employees on the proposal to reduce wages. The manager refused to do this, but conspired with a creditor whose debt was not yet due and caused a collusive suit for receivership to be filed in a Federal court. The judge promptly appointed the manager as receiver, and upon his own request, without notice to the employees, authorized him to put in the same cut in wages which the Labor Board had ordered him to withdraw. The employees thereupon ceased work and entered upon a strike, which continues to this time. To their appeal the Labor Board answered that, since the Federal court had appointed a receiver, the Labor Board had lost jurisdiction. A similar case is that of the Missouri & North Arkansas Railroad.

I cite the case of the Erie, with its shops at Hornell and Marion, leased to dummy corporations organized by the railroad and officered by its former officials. The railroad made contracts with these dummies for repairs, and so forth, leaving them free to deal with their labor without the intervention of the Railroad Labor Board. The labor practices of these dummies have been outrageous and oppressive, yet there has been no relief for the employees.

Take the case of the Pennsylvania. Ordered by the Railroad Labor Board to negotiate with its shop employees through their organizations, the Pennsylvania created bastard organizations under its own domination and pretended that they were the employees' unions. The labor board struck down this fraud and again ordered the railroad to confer with the regular organizations of its employees as to its proposed reductions in wages. The railroad refused to do this and asked the labor board to reconsider its order; this was done, and the board adhered to its previous decisions and again ordered the railroad to confer with the organizations. Months have passed, and yet the railroad refuses to confer, yet the railroad refuses to obey the labor sections of the transportation act, which it was chiefly instrumental in forcing into that law.

These are but a few of many instances in which the railroads have behaved toward their employees as autocrats, as creatures above and beyond the law. Their posture is that they cause legislative bodies to make laws and that they are not required to obey the laws when made. The situation is enough to try the temper of the most patient employee. Small wonder that they are exasperated.

SHAKING FAITH IN AMERICAN INSTITUTIONS.

Oh, as I heard the President's speech I was amazed. I wondered what he was driving at. I imagine that the gentleman from New York [Mr. LONDON], the sole Representative of the Socialist Party in the House, must have felt a certain kind of sardonic pleasure upon hearing what the President had to say. Of course, he was pained by the proposal. Of course, knowing the distressing conditions among the working people of this country, his sympathetic heart was troubled over what the President's program involves. But viewing it from a partisan slant he must have smiled.

That statement upon the part of the President means a million Socialist votes in the next election. There is no need for agitators to stand on the soap boxes. There is no function for antifree-speech laws. Such utterances as that of the President will do more to stir up political discontent in the people who work in this country than the mouthings of all the agitators who ever undertook to speak for radicalism. The President condemned the propaganda of the Russian soviet government. He spoke of it with contempt. Let me say to him that he has done more in those few sentences to destroy the faith of the people in American institutions than all that Lenin and Trotski could do in a hundred years.

Be it noted that the President proposes to deal merely with a symptom, to wit, the strike, and not with the cause for the strike. That does not appear to concern him. When the fight comes on between employer and worker, then he proposes to intervene. Armies are to be organized on each side. They are to arm themselves, and when they go down to battle then the President would intervene. His program does not contemplate amelioration. It does not contemplate any swing forward. He has learned nothing from the past. He proposes to hold on to the old system and to go the old way, with the old struggle between the employer and the man who works for him, each of them resorting to the extremes of individualism; then, when the worker at last aroused to desperation, unable to endure his condition any longer, rises up and undertakes to avail himself of the strength of his organization, this beneficent President would intervene and strike him down.

NO PARALLEL BETWEEN LABOR UNIONS AND CORPORATIONS.

The President refers to all corporations, and the uninformed might be misled into believing that all corporations are regulated and under Government control. Of course, nothing of the kind is true. Only a comparatively few corporations operating public utilities are under Federal control. We take, it is true, a certain concern with unfair trade practices; we have forbidden them, after a fashion. We have never asserted such measure of control of any corporation as the President undertakes to apply to the men who work.

And, further, there is an essential difference between the man who works and the corporation for which he works. There is no parallel between them. The corporation enjoys public privileges. It is an arm of the Government. It is created upon the theory that it is to perform a public function. It is clothed with certain powers which are inherent in government. It enjoys benefits, privileges, and immunities; the worker enjoys none. He is a plain citizen left to his own devices. No Government takes care of him. He has no advantages, no privileges, no benefits. And yet the President would apply to these humble men, many of them inexperienced and uneducated—he would apply to them the same harsh laws applicable to the meanest and most oppressive of the corporations.

I quite agree that public privileges and advantages carry responsibilities with them. And to turn that thought around, if the public recognizes no duty or responsibility to the individual, the individual owes no duty to the public. I ask that you ponder that. If we do not concern ourselves about the wage and condition of the worker, he is not under the slightest obligation to concern himself about our convenience and interest.

If his work is a matter of public concern, let the public meet its responsibility to the worker. Let it secure to him fair wages and permanence of employment. Let it secure to him proper living conditions. This, at least, the public must do in order for the worker to owe the public any duty to continue to work. How unfair it is, how unreasonable, that a man, merely because he works at a certain calling, owes the public some duty in connection with that calling although the public ignores its duty to protect him in following it. If the public gives him nothing why should be give the public anything?

To no activity of the citizen is the public a total stranger. The general public is concerned with all kinds of business and with everything that men do, with every activity of their business and their private lives. All have an effect upon the public; there is merely a difference in degree among them. And there are times when it is proper that the public respond and protect itself and its interests; but the public has no moral right to respond for its own protection unless it also responds to its responsibility and gives the individual the advantage and the protection to which he is entitled. The thing is not one-sided. It is a door that swings both ways.

WHY THE WORKERS OBJECT TO LABOR COURTS.

People ask why it is that labor is unwilling to leave it to courts to fix wages and conditions and other matters with which it is concerned? I will tell you frankly. It is because labor feels that in a controversy between the employer and the wage earner he can not get a square deal from the courts. That is why it is.

Men who work are not fools. They realize that men who compose Federal tribunals are nearly always appointed for political, social, and business reasons. The laboring men know that those who are so chosen must have attained prominence in the community, a certain prestige, that they must be men of influence and have influential friends. It necessarily follows that they are affiliated with and belong to the higher social classes, that their interests are the interests of the employers or that they are affiliated with the employer class, if not in interest then as a matter of sentiment; and that as a rule their social lines are tied to those of the employer class. Why, then, should labor be willing to trust its all to the discretion of such men? It is impossible that any such court should be wholly impartial. On the one side is all of wealth, prestige, influence, and social position; on the other the poor, the humble, the obscure, the inexperienced.

But let us proceed to another point. How can courts decide what is a fair wage for a man who works? Answer me that, some philosopher. What rules are they to follow, what precedents have they, what principles shall govern them? Who is wise and just enough to say that men should be discriminated among according to their occupations and that one occupation should give a larger return than another? Who can say that the producers who do the hard, dirty work should receive less than the professional and parasitic classes who follow the more

pleasant occupations? Is it possible for a court to say Smith, a blacksmith, should receive $5 per day, and Jones, an engineer, $10 per day? What is there about any occupation that determines in advance what the return shall be to him who may follow it? It is impossible for a court, even if it were fair as Solomon, to hold the scales and justly determine what a man's wages should be, what the living conditions of his wife and children should be, what clothes they should wear, and what bread they should feed on. It can not be done, and any attempt to do it is the height of folly. No just legal system rules over men and elects one to wealth and ease and another to poverty and suffering. The question is whether you will adhere to the present system of giving labor a chance to fight its own battles in the strength of its organizations or hold labor back and let the employer work his will.

Mr. BANKHEAD. The President's message says, speaking about the settlement of these matters, that it would involve the necessity of developing a thoroughgoing code and practice in dealing with such affairs. Does the gentleman construe that as I do, as inviting legislation to put these things into effect?

Mr. HUDDLESTON. Of course, it would be impossible to give it any other meaning.

Mr. LONDON. The gentleman described with a great deal of eloquence what passed through my mind when I listened to the President's message. It occurred to me that that was the beginning of the socialism of plutocracy as distinguished from the socialism of democracy. Socialism of plutocracy consists of a little group having control of the Government and the power to tell the great masses of people how they shall live, what they shall eat, and what they shall think.

Mr. HUDDLESTON. I am obliged to the gentleman from New York. The program of the President carried to its logical conclusion would make of every laboring man or producer a slave to a society composed largely of idlers and parasites.

WILL ROCK NATION'S FOUNDATIONS.

Now, I must conclude. As I have said, I am not a member of any labor organization. I never followed any occupation which made me eligible to belong to one. But I am interested in labor organizations because they are the fighting forces for all men who toil. Without them in this era of acute industrialism the workers would be driven into practical serfdom. I am interested in the men who work because they compose the bulk of the common masses. I believe that the future of our country, and, indeed, of our civilization, lies in the welfare of the common man of this country, and therefore I want to see him put on higher ground and his life made brighter and happier so that his development and his march of progress may be sure. I am going to fight for that with every ounce of strength that in me lies.

I think I know something about the sentiments of the laboring men of America. I think I know what they are thinking about. I want to say to those who do not realize it that men who work for wages are exasperated to-day to a degree that they never knew before. There is discontent among them, but the discontent they feel is economic and industrial discontent. It is due to their sufferings, to the want of food, to low wages, and the oppression of their masters. That industrial and economic discontent may be converted into political discontent by the use of unjust political measures in dealing with it. By the use of such measures the Government will assume the burden which rightfully belongs to the employer and the exasperation which the worker feels will be discharged upon the Government.

The legislation which the President proposes will not be cheerfully accepted. It will not be easy to enforce. Men will resent it; they will resist it even as they are resisting the Kansas industrial act, where men go to jail rather than submit. As men have gone to jail in resenting injustice so will others go to jail. Instead of a program for industrial peace the President has proposed a program for industrial strife. He will cause strikes instead of preventing them. I warn the President and the big business interests back of him and the great employers for whom he was the spokesman here to-day that they have proposed a program which to carry out will rock the foundations of this Nation. [Applause.]

The CHAIRMAN. The gentleman from Wyoming has used 36 minutes and the gentleman from Tennessee 96 minutes.

Mr. MONDELL. Mr. Chairman, there was great difference of opinion in the Congress and in the country when President Wilson revived the practice abandoned early in the history of the Republic of appearing before the Congress and presenting his messages in person. There were many who did not approve that return to the old practice or the innovation, as they were pleased to term it. I approved it very heartily and expressed my approval at the time. I think it is a splendid thing for the President of the Republic to appear at a joint session and express his views to the Congress and to the country, as the President has to-day. President Wilson always delivered his messages in a pleasing and engaging way, and in that classic English and with the splendid diction that we all enjoyed.

President Harding has seen fit to follow what I believe was the wise policy of his predecessor in this regard. He presents to the eye a fine and pleasing picture, he looks the part, and he always brings a message of persuasion and conviction. If there is one quality that more than any other marks the message delivered by the Chief Executive to-day it is that of frankness and candor. Furthermore, there runs through the message to a marked degree a fine spirit of cordial copartnership and cooperation with the Congress. The President did not endeavor to cover the entire field of the problems before the country. He presented those he felt were the more pressing and the more important. He frankly told the Congress with regard to one particular act which the former Chief Executive did not feel justified in fully carrying out, that he hoped the Congress would be tolerant of noncompliance with the letter of that particular provision of the law for a brief period while plans were maturing for presentation to Congress for expanding our merchant marine which would argue their own approval.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAYBURN. Is that the proposition upon which the gentleman from Pennsylvania [Mr. EDMONDS] gave out a statement last fall saying that he intended to move to impeach President Wilson?

Mr. MONDELL. I do not know anything about the matter to which the gentleman refers. I am not the keeper of all of the statements of all of the gentlemen who are Members of Congress, thank heaven! If I were I would feel a heavy load on my shoulders at this hour.

Mr. RAYBURN. And further, is not that the very act that Mr. Harding during the campaign from the front porch very much criticized the President of the United States for?

Mr. MONDELL. Not as far as I know; but, however that may be, there was and is this marked difference, that from the 4th of March to this good hour I know that the President has been endeavoring to find, and has consulted a goodly number of gentlemen, touching some practical modification of that statute under which we might operate to the advantage of the country without embroiling us with the nations of the world, while President Wilson, so far as I can recall, never made any effort or suggestion toward curing that situation. But that is only in passing. I have other matters of importance that I desire to discuss.

Mr. CONNALLY of Texas. Will the gentleman from Wyoming state whether, in his opinion, President Harding followed the opinion of President Wilson, so far as these foreign treaties are concerned, because Mr. Wilson happened to be right or through affection for the former President?

Mr. MONDELL. It may have been both. I listened, and I am very sure all present listened, with very great interest and with very great satisfaction to what the President had to say to us in good nature, in good humor, with perfect candor, and breathing through it all that spirit of cooperation which is so essential in carrying forward the solution of the great problems before us.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Briefly.

Mr. BARKLEY. Would the gentleman aid me by stating, if he knows from the President's address, whether the President believes in the American-valuation plan in the Fordney tariff bill or not?

Mr. MONDELL. Mr. Chairman, the gentleman who has just interrogated me is one of the most intelligent men I know, and I am sure that it is entirely clear to him, as it is to me, that the President has some question in his mind as to the certain workability of that plan in its entirety at the present time or immediate future.

Mr. BARKLEY. I congratulate the gentleman from Wyoming upon his frankness, as well as the President.

Mr. MONDELL. And I want to say to my friend that the President is not the only man in the country who has some doubts as to whether so radical an innovation, which many people believe to be a very great improvement in our tariff policies, could be put into operation at once, safely and effectively. That is not to say, however, that the principle of American valuation is not sound and wise. The President left no such impression, and no such view may properly be taken from what the President said. There are many things that are sound and sane and sensible that can not safely or wisely be put into effect under all conditions. Nevertheless they are a desirable

goal toward which we may well make our way. If after mature consideration it shall be deemed wise that the plan of the American valuation shall be somewhat modified, there would be nothing extraordinary about it, because many a man voted for the plan who was not altogether certain that it could be put into full and complete operation just at this time. However, that is a matter that can be discussed further at length, and it is not the matter that I arose to discuss to-day.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GARRETT of Tennessee. If the suggestion of the President in respect to giving the Executive authority to fix customs duties, with the aid of the Tariff Commission, shall be adopted, then it really will not make very much difference about the American valuation plan, will it?

Mr. MONDELL. Oh, yes; I think it will still be important as to whether customs duties are levied on foreign or domestic valuations. Now that the gentleman has referred to the President's suggestion relative to flexibility in customs duties, I want to say, although I did not intend to refer to it, that I am glad the President made that suggestion. You know one of the difficulties in this country with regard to the tariff is that unhappily it becomes a matter of partisan politics. All of us know that every man who sits on the Democratic side is not a free trader, and that every man who sits on the Republican side is not necessarily a high-tariff man. We on the Republican side believe in and proclaim the doctrine of protection. There are many gentlemen on the Democratic side who, while they might not care to admit it, I know are not at all averse to putting into operation and maintaining tariff rates that are not only incidentally but actually protective. Unfortunately, however, while that is true, when it comes to voting there is little or no reflection of the individual view, but rather a party vote apparently intended to accomplish that which will most discredit the other side.

Mr. Chairman, the side in the minority at the time of tariff revision—whichever side it happens to be—I think, of course, that the Democratic side is more blamable in that behalf than the Republican side, although both are blamable to a certain extent—instead of helping to perfect a tariff measure, bend their efforts toward discrediting it and making it as bad as possible. Some one complained because we did not give the opportunity for a thousand or more amendments on the tax bill. I am sorry that that can not be done. If it were done, the Democratic side would not offer amendments with the hope and purpose of perfecting the measure, but with a view and purpose of "putting the Republican side in the hole," if I may be permitted to use that colloquialism—of embarrassing the other side.

Mr. GARRETT of Tennessee. I believe that is what Mr. FORDNEY wanted to do with the President once upon a time.

Mr. MONDELL. I never heard of it.

Mr. RAYBURN. Will the gentleman yield there?

Mr. MONDELL. Briefly.

Mr. RAYBURN. Under the rules under which we operate here we do not usually get an opportunity to help, but on those amendments that the Committee on Rules allowed the House to vote upon we did help in overturning the organization.

Mr. MONDELL. I can not agree that there was a disposition to help. If I were to agree that the outcome in any case he has in mind was a proper one, I would still insist—and know that I was right—that the votes on his side were not on the merits of the proposition, but on the theory that they did embarrass the majority. So even when you do right, if you ever do, you do not do it from a proper motive. [Laughter.]

Mr. CONNALLY of Texas. I assume the gentleman heartily agrees with that part of the President's message which said he believes these questions ought to be settled in conference; ought to be settled in the House?

Mr. MONDELL. I believe, as the gentleman does, in party responsibility. The gentleman from Texas and I are one on that proposition. When his side is in authority I think they ought to accept responsibility, when we are in control I think we ought to do so. The gentleman and I will not quarrel about that at all, and we will both agree with the President.

I have long hoped that we could eventually, and I believe we will eventually, get away from a purely partisan view of the tariff. We have made a little start along that line in the matter of the Tariff Board. We have a Tariff Board, that so far as the personal opinions of the majority of the board are concerned, I believe is now Democratic. It has been very valuable to us, because it has given us facts. That is what we want—facts. You may not agree with us as to what we should do on a given state of facts, but at least we shall have a basis for our difference of opinion or our agreement, as the case may be. I think the President has suggested one way whereby it may be possible, at least with regard to certain schedules of the tariff, to lay down a business policy that will keep our labor employed and industries prosperous, that will maintain American standards, while at the same time extending our trade with the world at large.

I think the President's suggestions are very valuable in this as they are in many things. In fact, I was so pleased with what the President said, with the whole tenor and spirit of it, that I have been amazed at the partisan harangue, if it may be parliamentary to use that term, which we just heard from the gentleman from Alabama [Mr. HUDDLESTON]. The President said not a word that any man could properly, honestly construe as in any wise expressing anything other than the view he holds and always has held of the dignity, high character, and sterling worth of American labor. No man in America as an employer has a finer record than he who stood and spoke here to-day, the Chief Executive of the Nation. No man in the Nation has a higher regard for the men who toil, and no man in the Nation will go further than he to see that they have justice always everywhere and at all times. And yet if one were to have listened to the speech of the gentleman from Alabama without knowledge of the President's message and were to believe what the gentleman said in his extravagant statements, one might imagine that the President had gone out of his way to express views unfavorable to the workingman and inimical to his interests. I do not know when I have heard in the same length of time so many extravagant and misleading statements as those made by the gentleman from Alabama. He says that he does not hold any brief for labor unions. I do, for I believe in them. I think they have accomplished a great good in America. The President of the United States believes in them, and has all his life, and expresses and emphasizes that belief in his message here to-day. The gentleman from Alabama says he never was engaged in any occupation that was unionized. I do not know that I ever heard of a union of the demagogues. I do not know whether the gentleman from Alabama ever actually worked or not. I have. I know what it is to toil, to work hard at heavy work, long hours, and I am the better physically and, I hope, mentally and morally because of that experience.

The labor unions of this Nation and of the world are essential in these days of combination, and the President realizes it as much as any man who lives. The harangue of the gentleman from Alabama was hung on the fact that the President in his message called attention to a fact that is becoming more and more recognized by all classes of our citizens in connection with industrial troubles, and that is the interest of the great body of the people. I know of no union man, and I know many well, who does not recognize the interest of the people generally in all of the questions and all of the problems of labor and employment. Labor has its best ally when its contention is first in a sympathetic public opinion. Who shall say that the public and the best part of the public, that portion we are pledged most faithfully to protect, has not, for instance, an interest in a milk-wagon drivers' strike? Who shall say that there may be industrial unrest and distress developing into strikes or lockouts without the public having a great interest in the outcome? I know of no man devoted to labor or its organizations who does not realize the public interest in labor problems. There is ground for real difference of opinion as to how the public shall express and make potent its great interest and influence in the settlement of these questions. The President has made a suggestion along lines that have been pursued to a certain extent in various parts of the country, suggestions that are entitled to careful consideration by every thoughtful man. I do not know how much labor is organized down in the country of the gentleman from Alabama [Mr. HUDDLESTON]; until quite recently labor organizations have not been encouraged down there. In the country I represent organizations are the rule and serious difficulties between organized labor and employers have been, thank heaven, largely the exception. Differences will arise. Surely no man within the sound of my voice but desires to have them settled otherwise than in the interest of those most intimately concerned and of the people affected. Such a settlement will be in the interest of the country as a whole.

There are not, there should not be, there must not be, in America a division into classes.

The time must never come when a boy or girl born anywhere in America may not properly and hopefully and expectantly aspire to any position, any station, or any place in the Republic. The time must never come when there shall be a class who labor in one particular employment through the generations. The door of hope and opportunity has always been open, and must always remain open; and no man exerts a more potent influence

toward closing it than he who indulges in demagogic appeals to class prejudice and class hate. We have established in America a standard higher than that prevailing anywhere else on earth, and under our system of government, under our laws, and under our policies, thank God, there is not a boy anywhere or a girl anywhere in this country who may not hopefully, expectantly, and with confidence aspire to any place in the gift of the people, any position of honor or influence. We are proud that it is so, and it shall be so so long as we treat these questions frankly and fairly; it will cease to be so when the sort of prejudice and exaggeration indulged in here this afternoon shall become general throughout the land and have borne its inevitable fruit. [Applause.]

As one who believes that a home and land owning citizenship is essential to the welfare of the Nation, and that we have reached the period in our development in which continuous and organized efforts are essential to combat the tendency toward city life and turn the hearts of men back to life on the land, I have listened with great interest and satisfaction to the President's reference to the possibility of splendid development through irrigation of arid lands and the reclamation of swamp and overflowed lands. As we reduce our expenditure for implements and establishments of war, we may well begin the expenditure of reasonable sums for work of development.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. The gentleman from Wyoming has consumed 66 minutes and the gentleman from Tennessee [Mr. GARRETT] has consumed 96 minutes.

Mr. MONDELL. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for two minutes.

Mr. GRAHAM of Pennsylvania. Mr. Chairman and gentlemen, I have taken the floor simply to call attention to a communication received by me from a gentleman of distinction, a publicist and educator, one who has founded a school and who has done more for the promotion of the welfare of his people than any other one man that I know of in the city of Philadelphia. At his own expense he visited the Canal Zone and has made a report upon certain discriminations that are practiced there which ought to be called to the public attention, so that if possible a remedy should be applied.

I desire, Mr. Chairman, simply with this introduction, to present a report by Dr. Matthew Anderson as part of my remarks and have it inserted in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to include as a part of his remarks a certain address. Is there objection?

There was no objection.

The report referred to is as follows:

A PRIVATE INVESTIGATION OF DISCRIMINATIONS BETWEEN COLORED AND WHITE EMPLOYEES ON THE PANAMA CANAL ZONE.

(By Matthew Anderson, D. D.)

For some time my attention has been called, both by the public press and from private sources, to the discrimination to which the colored employees of the Canal Zone are being subjected. My interest in my people led me this last summer, at my own expense, to visit the zone for the purpose of a personal investigation of these charges.

I arrived at the zone, after a delightful sail, on the 24th of August, and began my investigations at once, without making any public announcement of the object of my visit; proceeded practically incognito. I made a number of trips on the zone, going its whole length, interviewing a score or more on the subject in question, official and laymen, colored and white, so I feel prepared to make the following statements of fact:

It might be explained at the outset that employees on the zone are classified as gold and silver, gold meaning all citizens of the United States, silver all non-United States citizens. However, there are many whites admitted to the gold division who are not citizens of the United States.

First. As above stated, employees on the Canal Zone are divided into two classes, namely, gold and silver. The commissaries—places managed by the Government for the sale of foodstuffs and clothing—also are likewise classified. Silver employees are forbidden to make purchases in a gold commissary, but gold employees are permitted to purchase in both gold and silver commissaries. Servants of gold employees, usually colored, are permitted to make purchases in gold commissaries, but only for their employers, and they are segregated even for this to a small space, the goods being handed to them from the various departments of the store by the clerks in charge. It is also a fact that the silver commissaries are the recipients of all unsold stock or leftovers of the gold commissary. The custom is to place at all times inferior articles in the silver commissary, but the silver employee, the patron, largely, of the silver commissary, is asked the very identical price that is asked of the gold employee for the fresh and better grade of provision.

Second. The towns and living quarters are also classified as gold and silver, inhabited and used, naturally, by gold and silver employees. Usually a town is strictly gold or strictly silver, each gold town having an adjoining silver town, and each gold town showing evidences of this marked discrimination in point of quarters, upkeep, and general appearance. Quarters are usually frame, built two stories high, cottage style, surrounding open veranda, screened and well ventilated, grass plats, the dimensions being 72 by 45, intended for the use of four families in a gold town, with no rent; but a building of the same dimensions in a silver town is intended for 12 families, and then it is at times without any plumbing, and if any plumbing, it is inadequate. These quarters are leased to the silver employees at the rate of $5 per family per month, payable always in advance, netting $60 a month against not one cent of rent for the gold quarters. In a gold town the grass plats and roads are kept in excellent condition, while generally very little attention is given to the appearance of the grass and condition of roadways in the silver towns.

Third. As to wages, the same discrimination appears. A gold employee is paid from 90 cents to $1.50 per hour, pays nothing for transit to and from his work. A silver employee, doing the self-same work, is paid but 23 cents to 31 cents per hour; he must pay for his transit to and from work and is allowed no holidays except those purely legal. After the recent strike against this discrimination of wages the silver employees' wages were further reduced. If gold and silver employees are detailed to do work at a distance the gold employee is paid for his time during transit, but the silver employee is not.

Fourth. The United States post offices do not escape this practice of discrimination. There is not a post office on the zone from Cristobal, on the Atlantic end, to Balboa Heights, on the Pacific end, a distance of 50 miles, where a silver employee can purchase a stamp at the same window a gold employee makes his purchase. This is rigidly enforced in all post offices.

Fifth. There are 10 Young Men's Christian Associations on the zone, established and directed by the Government. Since the recent war these have been converted into community clubhouses—five gold and five silver. The salaries received by the gold secretaries is from $200 to $350 per month, while the salaries received by the silver secretaries is from $112.50 to $150 per month. It is generally admitted that a gold clubhouse rarely shows a balance at the end of the month and that the silver clubhouses are self-supporting. The gold clubhouses are, however, equipped far better than the silver clubhouses, having paid assistants, physical directors, swimming pools, popular and up-to-date libraries, etc.

Sixth. The same discrimination is prevalent in regard to the schools of the gold and silver towns. The gold towns have well-equipped and regulated schools, carrying a child through the elementary and high school grades. The schools provided for the silver employees' children are limited to the elementary grades. A father who has a bright and ambitious son—silver employee—complained that he had been compelled to have his son take the eighth-grade work over for three consecutive years rather than leave him run idle in the streets. Just while I am writing a girl of teen age came in, and when I asked if she were going to school her reply was that she had finished the elementary schools and that was all that was open to her on the zone. It is greatly to be regretted that there is no provision whatever for vocational education on the zone for the children of the silver employee.

It might be added in plainer description of the classification of the two groups of employees and towns that the terms gold and silver are practically synonymous with the words white and colored. This gives the casual observer a keener insight into the real meaning of the terms gold and silver.

There is a growing feeling of discontent and unrest on the part of the colored employees because of these discriminations.

INTERVIEW BETWEEN COL. JAY J. MORROW, GOVERNOR OF CANAL ZONE, AND DR. MATTHEW ANDERSON.

Dr. ANDERSON. Gov. Morrow, I take pleasure in presenting you these letters of indorsement of myself from three leading citizens of Philadelphia, namely, the Hon. J. Hampton Moore, mayor of the city of Philadelphia; the Hon. John Wanamaker; and the Hon. GEORGE S. GRAHAM, Member of Congress, each of whom I am sure you know.

Gov. MORROW. Yes, Dr. Anderson; I know these gentlemen personally.

Dr. ANDERSON. I came to the Canal Zone for three specific reasons: First, to spend my vacation; second, to visit my son-in-law, Mr. J. E. Waller, who has charge of one of the clubhouses on the zone, and his wife, my daughter; and third, to investigate personally the reported discriminations shown to the colored employees on the zone. It has been repeatedly reported in Philadelphia by the public press, by letter, and by persons visiting the zone that there is the most cruel discrimination in the treatment of the colored employees on the zone.

Gov. MORROW. Why, Dr. Anderson, there is no discrimination on the Canal Zone between the white and colored employees but what can be shown to be perfectly wise and just.

Dr. ANDERSON. Gov. Morrow, I arrived at the zone August 24 and commenced immediately a private investigation. During the two weeks since my arrival I have interviewed scores of employees, white and colored, and have discovered that discriminations alleged to exist are found in the following instances:

SECRETARIES OF CLUBHOUSES.

Dr. ANDERSON. The silver or colored secretaries receive from $112.50 to $150 per month salary, while the gold or white secretaries receive from $200 to $350 per month salary. A short while ago the gold or white secretaries received a great deal more than this, but even since they have suffered a reduction they are getting as much as twice the amount of salary received by the silver or colored secretaries.

The GOVERNOR. Dr. Anderson, we can not give the colored secretaries the same as the white; it requires more for the white secretaries to live than it does the colored; it is a question wholly of economics.

COMMISSARIES.

Dr. ANDERSON. A silver or colored employee can not make purchases in the gold commissary, but a gold or white employee can make purchases in both. Until recently the secretaries of the silver or colored clubhouses could not make purchases at the gold commissary, but by virtue of the fact that they are citizens of the United States they contended that they should have the same rights as other United States citizens. Now they can make purchases in the gold commissaries, but all other colored men and women are debarred from making purchases in gold commissaries. I am told that the food sold in silver commissaries is inferior to that sold in the gold commissaries.

The GOVERNOR. Dr. Anderson, the food is not inferior; it is exactly the same in both. Your informants are wrong.

Dr. ANDERSON. Well, I am told, Governor, that all stale and leftover products of the gold commissaries are sold out at the silver commissary.

The GOVERNOR. If that is true, Dr. Anderson, though I am afraid it is not, the silver employees do not pay the same price as the gold.

Dr. ANDERSON. I am told, Mr. Governor, that the price is exactly the same and that there is no reduction.

The GOVERNOR. If that is true, Dr. Anderson, then we must investigate the matter.

WAGES.

Dr. ANDERSON. You are paying the colored or silver skilled laborer from 23 cents to 50 cents per hour, while you pay the white skilled laborer from $1 to $1.50 per hour for practically the same work.

The GOVERNOR. No; that is not quite right; we are paying the colored from 21 cents to 31 cents per hour and the white from 90 cents to $1.25 per hour.

Dr. ANDERSON. Well, don't you see, Governor, that you are paying the white or gold employees four times as much an hour as you are paying the colored?

The GOVERNOR. Dr. Anderson, as I stated, this is wholly a question of economics; these colored employees are not worth any more; they are Barbadians, Jamaicans, Cubans, who were never used to the treatment we are giving them; they had no such accommodations and got the lowest kind of wages in their homes; we are paying them a great deal more than they got at their homes. They are all very lazy people; four of these men can't do as much as one Negro from the United States. Why, Dr. Anderson, I have seen six big stalwart fellows from Jamaica struggling to lift a hand car off the tracks, when two Negroes from the United States could have taken that same car and thrown it 20 feet.

Dr. ANDERSON. Yet, Governor, you pay colored skilled laborers from the United States the same low wages received by the laborers from the islands.

POST OFFICES.

Dr. ANDERSON. Is it true, Governor, that a colored man can not purchase a stamp at the same window where a white man purchases at any post office from Cristobal on the Atlantic end to Balboa Heights on the Pacific end of the zone?

The GOVERNOR. Dr. Anderson, we could not have it otherwise. If the colored people would attempt to have service from the same windows that the whites patronize, why there would be an uprising on the zone. These people were always used to being separated in this way. Take the Jamaicans and Barbadians, they have always been separated, Dr. Anderson. Go and see for yourself.

Dr. ANDERSON. Mr. Governor, I beg your pardon, sir, for I have been to Jamaica. I have been in Kingston, their capital city, where I visited all their large stores, in which is found colored clerks. The same in their banks, and in their post offices. In the largest post office of Kingston nearly all the clerks are colored. There exists no discrimination at these post offices.

Why, Mr. Governor, the thing that surprises me most on the zone is that some of the principal clerks you have in responsible positions on the zone are West Indians, men doing valuable service, too, for I have seen them.

Governor, how many gold employees have you on the zone?

The GOVERNOR. Oh, about 7,000, including the women and children.

Dr. ANDERSON. They are principally from the South, aren't they? But you have a great many more silver employees than gold?

The GOVERNOR. Yes; certainly, we have.

Dr. ANDERSON. Now, Governor, I can not see how there would possibly be an uprising against the colored people because of their receiving their mail and stamps at the same window as the whites when there never has been such discrimination in Panama, right at the door of your executive offices, where there is not a vestige of discrimination. Yesterday, Governor, by appointment I called upon the president of Panama. I went to see him to know what openings could be made in Panama for educated and ambitious young Negroes from the United States. He received me most courteously, and we talked the matter over, and I am to write him further concerning our conference when I get home. While in Panama I sought a place to dine. I was directed to one of the best hotels in the city. I was taken into the center of the dining room and served without any questions asked. This proves to me, Governor, that there would be no opposition on the part of the Panamanians and surely none by the silver employees; this would leave only the gold employees to make an uprising.

PUBLIC SCHOOLS.

Dr. ANDERSON. The schools for the silver or colored employees' children are confined wholly to the work of the elementary grades, while the schools for the gold or white employees' children cover the work of both the elementary and high schools.

(The governor made no comment on this discrimination in the schools.)

LIVING QUARTERS.

Dr. ANDERSON. Governor, the quarters which are put up for the whites are two stories high, 72 feet by 45 feet in dimension, divided up for four families, two on the first and two on the second floor. These quarters are modern in their appointments and furnishings. The buildings furnished for the colored are of the same dimensions as those for the whites, but 12 colored families are required to occupy each building instead of 4 as in the white quarters. The plumbing in the colored quarters, where there is any, is very inadequate. The colored families have to pay $5 in advance monthly, or $60 for the building monthly, while the white families pay no rent whatsoever.

The GOVERNOR. Dr. Anderson, these people have far superior living quarters to those they had in their own countries, as they lived practically in dugouts in Jamaica. Look at the living quarters of the Jamaicans who live in Panama—why there is a family in every room, and they are perfectly satisfied.

Dr. ANDERSON. But, do you think this is the way to elevate the people, Governor?

Governor MORROW. Well, as I have already said, this is a question wholly of economics.

Dr. ANDERSON. Please accept my thanks, Governor, for the kind way in which you have received me and for the courteous consideration you have given to what I have had to say.

Mr. MONDELL. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. BRENNAN].

The CHAIRMAN. The gentleman from Michigan is recognized for 15 minutes.

Mr. BRENNAN. Mr. Chairman and gentlemen of the House, two notable addresses were made yesterday by the gentleman from Ohio [Mr. CHALMERS] and the gentleman from Wisconsin [Mr. ADOLPHUS P. NELSON] upon the subject of the proposed improvement and deepening of the St. Lawrence River which has been suggested as the most practicable method of connecting the Great Lakes with the Atlantic Ocean. It would be presumptuous and futile for me to seek to add anything to the thoroughness, the erudition, and the technical correctness of their remarks. But opposition to the St. Lawrence project has been voiced yesterday and to-day by the gentleman from New York [Mr. GRIFFIN] and the gentleman from South Carolina [Mr. STEVENSON]. It seems proper that their contentions should be answered at this time.

As yet no bill has been introduced in Congress looking to the authorization of the St. Lawrence proposal. We are still awaiting the report of the International Joint Commission, to which was delegated by the Governments of the United States and Canada the duty to inquire into the feasibility and propriety of the proposal. Eighteen States in this country, stretching from the State of Michigan to the coast, have linked themselves together by legislative act or Executive order into the Great Lakes-Tidewater Association. We believe it is not premature to lay before Congress at this time certain of the fundamental arguments which we believe warrant and demand the immediate authorization of this improvement.

Within the past few months certain restricted sections of this country have deemed it to be to their selfish interests to spread propaganda unfavorable to the cooperation by our Government in the building of this ship canal. It seems particularly opportune that this propaganda be answered and that the Members of Congress be asked to retain an open mind until the report of the International Joint Commission has been filed, and until we have had the opportunity of receiving and examining all of the facts having to do with this project.

The first and natural inquiry which many Members of the House, who have given only passing consideration to this proposition, have voiced, is: "Why should the West and the Middle West seek a water outlet through a foreign land?" And it was almost asserted by the gentleman from South Carolina that the patriotism of certain sections of this country was greater than the patriotism of us of the Middle West, because we were willing and anxious to have the authorization made of this project which would give us an outlet to the sea through Canada.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. BRENNAN. Not until I have finished.

Mr. STEVENSON. The gentleman has made a statement which, I am sure, when he reads my remarks, which I will not change, will be found to be entirely without foundation. I made no such intimation that there was any want of patriotism at all.

Mr. BRENNAN. I think that the suggestion has been made that certain parts of this country were not willing under any circumstances to authorize improvements in a foreign land, carrying with it the implication that those of us who are interested in this project possibly are not influenced by the same considerations of Americanism.

Now, gentlemen, I think it is only self-evident that we of the Middle West have no greater desire to expend money in Canada than the gentlemen of the South or the gentlemen of the Southwest or gentlemen from any other part of the country. If the St. Lawrence River ran through the State of New York, we would not be here seeking congressional authorization of a project which requires the cooperation of a foreign dominion. But, fortunately or otherwise, nature saw fit to place the St. Lawrence River in the Dominion of Canada rather than in the United States. We are interested only in obtaining for the West the advantages of the most direct, the most practicable, the most economical, the most serviceable water outlet that is offered.

The sad experience of the past has taught us that we must have at least one through route to the sea which may be used by Lake and ocean vessels without the necessity of transshipping and rehandling cargoes at inland points as at present. We seek only the most feasible solution of our present aggravating transportation problems and an avoidance of the interminable delays and expenses which are incident to our present transportation facilities.

We have investigated the possibility of using the Mississippi, and we are using it to-day freely and gladly. But no one has seriously suggested deepening the Mississippi so that it would be navigable by ocean going vessels of 25-foot draft. The Mississippi River will always be efficiently used by barges and other craft of limited draft. It will always supplement the ship canal when the latter is built. But it should not be regarded as a competitor of or substitute for the latter. The two offer entirely different methods of transportation which in no way conflict with each other but rather harmonize and dovetail with each other. The West and the country need both. We have also investigated the existing New York Barge Canal recently completed and the possibility of the construction of a ship canal

through the State of New York. I was one of those who had the privilege of inspecting the St. Lawrence River route last summer with a number of Congressmen, and more recently I made a trip of inspection over the New York Barge Canal.

The New York Barge Canal is finished. Its greatest depth is 12 feet. It can be used only by barges and by other vessels of the more primitive type. The greater St. Lawrence waterway has not yet been started. But even now there is a through channel of 14 feet through the St. Lawrence from Lake Ontario to the sea. Last summer a commodious vessel, carrying a party of over 200, together with the crew, gave an actual demonstration of the present facilities and afforded a view of the unlimited possibilities if a comparatively small amount of money is expended in deepening this natural waterway. We were given a visual demonstration of what the engineers had already advised us. The United States Army engineers and other expert authorities have considered and compared the various routes which have been suggested, and are almost unanimous in their findings that the St. Lawrence River is the natural and obvious outlet from the Lakes. As compared with other routes, they approve of it because the engineering problems presented are simpler, because the initial cost would be immeasurably less, and because the eventual facilities of navigation and water power offered will be immeasurably greater.

We are committed to the St. Lawrence route not because we love Canada the more and the State of New York the less, but because we love the United States the more and believe that the supposed interests of one small section of the country should not stand in the way of the greater good of the balance of the country. It must be appreciated that the 18 great States which have associated themselves together in behalf of this project would not espouse it unless they were persuaded and convinced that no feasible route, lying entirely within American territory, existed. It should be remembered that the improvement of a waterway does not necessarily benefit the people along its shores more than it benefits the people served at its termini. The people in the Republic of Panama, of course, receive certain incidental benefits from the Panama Canal, but its great advantages redound to the people of our Atlantic and Pacific seaboards, and to a certain extent to the people in our interior, thousands of miles from the canal. If a narrow strip of land similar to the Isthmus of Panama and separating the Atlantic from the Pacific Ocean had lain within the territory of the United States, no doubt it would have been utilized in place of the route through Panama. But because no other water route from San Francisco to New York was practicable except a route through Central America we found it necessary and feasible to authorize and construct the Panama Canal.

It should not be thought for a moment that the entire Dominion of Canada is enthusiastically in favor of cooperating with us in improving the St. Lawrence. The city of Montreal seems to fear that it might be displaced as an ocean port and a number of its people are opposing this improvement, even though it would pass in front of its door.

But we are not disheartened because of the opposition voiced by a certain few in Canada. We are disappointed at what appears to be the attitude of a number of people in New York City. To some of us it seems in poor taste that the metropolis of this country, which has received so much from Congress in the past in the way of development of its port and harbor facilities, should now come here in the attitude of an obstructionist, should come here and attempt to dictate to the Middle West and to tell us that we should be forever required to send all of our products through the neck of the transportation bottle located at New York.

Mr. Chairman, last summer the Committee on Rivers and Harbors inspected the port of the city of New York. We were told that New York City is desirous of obtaining substantial appropriations from Congress for further deepening and improving its harbor. We know, of course, that in the past the metropolis has rightfully received more money, many times more money, than any other of the large harbors of this country.

And we expect in the future to appropriate further sums to improve that magnificent port. And yet in doing so we can not close our eyes to the almost intolerable congestion which has existed for years past in the vicinity of New York City and which is particularly emphasized on the lower end of Manhattan Island. New York City also recognizes that this congestion will soon become unbearable. The solution which it offers is the diverting of some of its commerce and traffic from Manhattan Island proper to Staten Island and Long Island. The municipality is making extensive improvements in the way of building piers on Staten Island and at Jamaica Bay. And while asking Congress to further deepen and improve the harbor, it finds it would be necessary to create artificial land upon which to build the piers to serve the harbor. All of this artificial development can result in spreading the congestion only over a few extra square miles, and within 25 years at best the last error will be worse than the first. We sometimes wonder whether some of New York's representatives are bespeaking the best interests of their own district when they insist that the West shall continue forever to pour its unlimited commerce into the narrow confines of the great metropolis. Can we be criticized for asking a transportation relief which would divert a part of our shipments through another route which would be uninterrupted and unhampered by the necessary rehandlings and breaking of bulk which now attend shipments through Buffalo and New York City?

But we are told by the gentleman from New York [Mr. GRIFFIN] that the time is not ripe, that we should wait, that this is not the time to come to Congress and ask for new projects. That warning has a familiar ring. We heard the same cry before this country was plunged into war. Because some preached in 1914 and 1915 that the time was not ripe for preparedness the country in 1917 entered the war unprepared. We can thank the valor of our soldiers rather than our own foresight for the victorious outcome. The armistice came suddenly, and we entered peace as unprepared for it as we had been unprepared for the conflict. For a few months after the ending of hostilities the wheels of industry whirled with artificial speed. But soon the fires burned out and the country lapsed into a period of almost unprecedented depression. Now we are seeking to work our way back to normalcy. Many of us believe that we have turned the corner and that the return of prosperity is in sight. Within a few months, or within a year at best, the manufacturers and the producers of the country will again be working to capacity, and we will need all of our present transportation facilities and much more if we hope to transport and deliver the products of our industry. Let us profit by our past experiences and not enter into this new period entirely unprepared for prosperity.

It is not necessary to go back many months to recall when we of the West were unable to get coal, were unable to get lumber or gasoline or other necessary materials, and were unable to move our grain or our manufactured products. We in Detroit were obliged to drive our motor vehicles overland to seaboard in order to ship them overseas. We were obliged to render them secondhand in order to deliver them. Why? Not through choice, but only because our factories, which turned out from 4,000 to 7,000 automobiles per day, could not find freight cars or other agencies of transportation with which to deliver them to our customers. We ask in justice to ourselves and to the prosperity of the entire country that we not be compelled to repeat these experiences forever.

Recently I heard a gentleman who opposed the St. Lawrence Ship Canal make the analogy that the United States is like a farmer who has built a barn upon his own land, the barn being the New York Barge Canal, and that it would be the height of folly for that farmer, having spent a large sum upon his own barn, to go upon his neighbor's land and build another barn there to use in place of his own. It seemed to me that the analogy would have been more accurate if he had suggested that the Middle West is like a farmer whose farm is landlocked, who has one narrow, muddy, and uncertain road to the market, and who seeks a more appropriate outlet.

A canal should not be compared to a barn or warehouse. It is a thoroughfare. We of the Middle West have one limited thoroughfare, the New York Barge Canal, which we are glad to use and are using wherever we can, where its restricted facilities will permit. We are aware that our neighbor to the north has a natural and better thoroughfare and that it is willing that we should cooperate in using it. Are we not like the farmer whose neighbor says to him, "You have no means of getting to market except a tortuous, narrow roadway, while I have here on my land a fine, natural road which requires some improvement. I am willing and glad to let you use my road if you will cooperate with me and help me pave it so that we can both get our goods to market"? The landlocked farmer, before expending money upon his neighbor's land, would be protected by a contract giving him a perpetual right to use it as a right of way. So we would be protected by a treaty with the Dominion of Canada which would forever protect our investment.

We have heard many praiseworthy expressions by Members of this House within the past few weeks with regard to the accomplishments and expected accomplishments of the disarmament conference. Some of us have had occasion to point to the friendly relations which have existed between the United States and Canada for over 100 years. To me it seems un-

fortunate that anyone should oppose this great international improvement upon military grounds.

Our dealings with Canada for generations have been predicated upon a continuation of our friendly relations. If they had been predicated upon a possible war we would never have deepened or improved the Detroit River, the St. Clair River, St. Marys River, or any of the other channels which separate our country from Canada. And to-day the great body of water known as the Great Lakes would have been useless for purposes of navigation because of a few unimproved channels which happened to lie upon the international boundary line. I do not believe that a majority of this Congress will ever approve a departure from our traditional policy with reference to Canada, or will ever refuse to authorize a peace-time project merely because some one has raised a cry, equally unjustified and impolitic, of a war which never can occur. I hope it will never become necessary to present to this House further answer to the war contention unfortunately already voiced. But if this necessity arises the proponents of the St. Lawrence project will be ready to show that if the inconceivable should happen and war should occur the existence of the improved St. Lawrence Canal could in no way operate against the military interests of the United States. [Applause.]

Mr. WALSH. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. GARRETT of Tennessee. Will the gentleman withhold that for a moment?

Mr. WALSH. For a moment.

Mr. GARRETT of Tennessee. There was yesterday an agreement privately entered into, but publicly stated, that two hours for general debate should be occupied on that side of the Chamber, controlled by the gentleman from Kansas [Mr. CAMPBELL], and an hour on this side. Two hours were used by the gentleman from Kansas [Mr. CAMPBELL], and I also yielded out of the hour that was given to this side some time to gentlemen on that side. That difference was to be evened up to-day. There are two speeches yet remaining on this side and one extension. It seems to me that unless we can have the assurance that on a subsequent day, and at a very early date, the gentlemen on this side may have the time that was agreed upon, it would be very unfair to make a point of no quorum and force an adjournment at this time.

The CHAIRMAN. The Chair will state that the gentleman from Wyoming has consumed 78 minutes and the gentleman from Tennessee 96 minutes.

Mr. MONDELL. Mr. Chairman, I understand the gentleman from Tennessee desires to yield the gentleman from New York [Mr. LONDON] 10 minutes, and I hope the gentleman from Massachusetts will withhold his point of order until the gentleman has spoken, if he desires.

Mr. GARRETT of Tennessee. I do not want any misunderstanding, but the gentleman from New York has not spoken to me for time.

The CHAIRMAN. Does the gentleman from Massachusetts make the point of order?

Mr. WALSH. I want to ask the gentleman from Wyoming if it is his purpose that this motion to go into Committee of the Whole House on the state of the Union is likely to be repeated to-morrow?

Mr. MONDELL. That motion would scarcely be in order, as to-morrow is Calendar Wednesday.

Mr. WALSH. Unless we should dispense with the business on Calendar Wednesday, and I did not know but that the gentleman intended to ask unanimous consent for that this evening.

Mr. MONDELL. I did not intend to.

Mr. WALSH. Of course, Mr. Chairman, it seems like cruelty to deprive the country of the valuable information that is being imparted to it in Committee of the Whole House on the state of the Union to-day and was imparted to us on these very important problems yesterday, none of which as far as I know are the subject of any legislation, but if the gentleman has some more information of a kindred nature which he thinks should be imparted I will withhold the point for a few moments.

Mr. GARRETT of Tennessee. I am glad the gentleman has withdrawn it, because I was anxious to find out just how many in the future I would have to go to to make an agreement effective. [Laughter.] Mr. Chairman, I now yield to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman and members of the Committee of the Whole House, Byron, in his immortal "Monody on the death of Richard Brinsley Sheridan," in unequaled lyrical pathos sings of the exalted oratory and unrivaled rhetoric of the distinguished Irish orator, whose eloquence and soul-stirring denunciation of those who misruled "trampled Hindustan" "shook the nations" and made even Warren Hastings, who was the defendant in the impeachment proceedings, wipe away the tears of regret for the atrocities with which he stood charged.

I have often wondered whether this House would be patient after a long and strenuous day of general debate with Sheridan himself were the shades of the ever-venerated and illustrious dead permitted to return to the scenes of their triumphs and disasters. Of one thing I am certain: I am not a Sheridan, and at this late hour in the evening it would be an act of folly if I attempted to hold you here with a lengthy address. Even if I were gifted with the divine afflatus and could inspire you by graceful rhetorical flourishes, I would be loath to take advantage of the power of such a blessing. I will therefore crave your indulgence for a few moments only. There are some things dear to my soul and when they are discussed I can not but rise and have my say. Permit me, therefore, to indorse in a few words the splendid expressions of JIM GALLIVAN on the bonus bill that must be passed in the interest of the national honor.

His sentiments and his hopes for the soldiers and sailors that we offered as a "holocaust to their country's need," soldiers and sailors who were willing to do, dare, and die for our country when the whole world was staggering before the terrific onslaught of the Germany Army, are my sentiments and my hopes. You remember, for it is an unforgetable chapter in the history of the United States of America, that the cry came to us from over the ocean, from reeling England and from heroic France, from the blood-soaked battle fields and trenches, "Save us, or the Hun will soon be at your gate, the vandal will soon be in your homes. Save us or we, you, and our civilization will soon be a memory. Save us, for God's sake." We answered that cry, uttered in heart-breaking tones, and we did save the world! But to do so we had to suffer our Golgotha, we had to slowly and wearily ascend Calvary, we had to offer and surrender forever many of our glorious youths to the Moloch of war. As the offered victims that were to secure the preservation of their country and the hopes of the world, our youth gladly went to the sacrifice singing hosannas and pæns of triumph. They swung across the great abyss lightly feeling that they would be intrenched in the hearts and affections of their countrymen forever more. For we had all promised them as they left our schoolhouses and assembly places for the seaside to take ship and cross the ocean that we never, never would forget them! JIM GALLIVAN, who is as attractive a personality as he is an earnest advocate of the cause he loves, is loyal to the soldiers and sailors of America, and I am glad, I repeat, to stand up for a few moments here and indorse his magnificent stand. Blessed by nature with a grateful heart and responsive to sentimental affections, he hearkens to the cry of our boys to-day just as he gloried in their dauntless courage when they were crossing the great sea to fight and defeat those who would bring fire and the sword to our shores if they were not stopped on the fields of France.

A splendid address. Bold, gallant, courageous JIM GALLIVAN, as true to-day in your fight for a bonus for our soldiers as you were brave in your words when bidding them farewell as they left the land of their birth, perhaps never to return. Splendid words you have uttered to-day; words that I hope will keep alive the romance of the World War. Like you, I can never forget our boys. Their triumphs have aroused in me memories of other wars, memories that I acquired in my school days of the part played by American valor in the long ago; the part played by American soldiers who long since journeyed to their final home. I will tell you a story of one of these American soldiers who was only a private on the battle field, but one of the commanding figures at all times in the cause of humanity and whose name is inscribed upon the hearts of the school children of two great cities of the American Union. For this soldier of the War of 1812 left the fortune he accumulated in after years to the cities of Baltimore and New Orleans for the education of the poor and the lowly as he knew the children of his day when our country was not an opulent country and when public schools were not so plentifully scattered over what is now a smiling land. But the hour is late, the sun has long since set and we are weary with the strife. Let me tell you his story as I told it to the board of trustees and the principal of the McDonogh High School, located in Maryland, when I had the honor to be the guest of that great institution and on which occasion I spoke to many of the finest men and women in proud old Maryland—men and women who had come into that temple of education to do honor to the memory of the soldier who was no more, John McDonogh, patriot, philosopher, philanthropist, and Christian gentleman, whose work and whose life should be an inspiration to the youth of our land through the centuries that lie ahead, for his rules for the guidance of life will be as

true a thousand years from now as they were on the day that they were written by his now cold and pulseless hand. I will insert that address in this few minutes' talk, and I hope you will read it in the morning:

SPEECH DELIVERED ON MCDONOGH DAY BY JAMES O'CONNOR, AT BALTIMORE, MD.

Down in southern Louisiana, across the Mississippi River from New Orleans, is one of the old towns of this country. It is affectionately referred to as McDonoghville. In that town is a cemetery, and in that cemetery is a tomb where once rested the remains of John McDonogh. Who was John McDonogh? The answer is partially found in the following inscription that appears upon the east front of the now empty sarcophagus:

"Sacred to the memory of John McDonogh. Born in Baltimore, State of Maryland, December 29, 1779; died in the town of McDonogh, State of Louisiana, October 26, 1850.

"WRITTEN BY HIMSELF.

"Here lies the body of John McDonogh, of the city of New Orleans, in the State of Louisiana, one of the United States of America; the son of John and Elizabeth McDonogh, of Baltimore, in the State of Maryland, also one of the United States of America; awaiting in full and firm faith the resurrection and the coming of his glorious Lord, Redeemer, and Master to judge the world."

How did he live his life? The answer will be found on the north and south sides, which reads:

"RULES FOR THE GUIDANCE OF MY LIFE IN 1804.

"Remember always that labor is one of the conditions of our existence.

"Time is gold; throw not one minute away, but place each one to account.

"Do unto all men as you would be done by.

"Never put off till to-morrow what you can do to-day.

"Never bid another to do what you can do yourself.

"Never covet what is not your own.

"Never think any matter so trivial as not to deserve notice.

"Never give out that which does not first come in.

"Never *spend but to produce.*

"Let the greatest order regulate the transactions of your life.

"Study in the course of your life to do the greatest possible amount of good.

"MCDONOGH."

INSCRIPTION ON SOUTH SIDE.

"Deprive yourself of nothing necessary to your comfort, but live in an honorable simplicity and frugality.

"Labor, then, to the last moment of your existence.

"Pursue strictly the above rules, and the Divine blessing and riches of every kind will flow upon you to your heart's content; but first of all remember that the first and great study of your life should be to tend, by all the means in your power, to the honor and glory of the Divine Creator.

"MCDONOGH.

"NEW ORLEANS, *March 2, 1804.*

"The conclusion of which I have arrived is that without temperance there is no health, without virtue no order, without religion no happiness, and the sum of our being is to live wisely, soberly, and righteously."

The vast majority of men live their lives upon this earth before they cross to that bourne from whence no traveler ever returns. There are some few, however, in every generation who in carrying out the Divine will remain dead to the world, but still in its midst during their lifetime, and only begin to speak to us in language eloquent after receiving the summons from on high to appear before the great white throne of God. Then they begin to exert a powerful influence upon those left behind to play out their parts in the grand drama of life. The many speak with their tongues and their pens; a few brave, heroic, self-sacrificing souls speak through their immortal deeds long after their tongues are silent and their pens are rust.

All over this country from ocean to ocean and from the Lakes to the Gulf, in every village, town, hamlet, and city, will be found in that most mournful place on earth, the cemetery, monuments erected by a great fraternal and benevolent association to commemorate the virtues of those of its members who have made the great journey of adventure, who have swung across the great abyss, each monument carrying the inscription "Dum Tacet Clamat"—"Though silent, he still speaks." This is but an evidence of the fact that mankind does and will continue to reverence in the years that are to come as it has in the centuries that first began their flight at Creation's dawn and are now rolled into eternity, the noble efforts of men and women to win the gratitude of succeeding generations, and bring themselves "Nearer, my God, to Thee."

For the members of this great organization are not the great and powerful of the Republic. They are in a vast majority of cases obscure, unknown, and lowly, and live their lives far from the madding crowd's ignoble strife. But a membership in this magnificent order evidences a sincere desire to do noble things, not dream them all day long and so make life, death, and that vast forever one grand, sweet song. It is a recognition that great work may be performed by an obscure personality, and is based upon the theory that considering his circumscribed sphere of action he has done the best for the elevation and uplift of his fellows and of the race.

Full many a gem of purest ray serene
The dark unfathomed caves of ocean bear;
Full many a flower was born to blush unseen
And waste its sweetness on the desert air.

If the Creator will crown our efforts, to whom will He not give the crown? The little violet growing at the foot of the gigantic oak may perform as great a function in the economy of nature as the monster in the forest which withstands the wintery blast and sighs beneath the summer breeze. Who are the victors and who the vanquished in that thrilling romance called life. Who the benefactors and who the beneficiaries is not always determined by history during the lifetime of the actors, but her pen makes record of their virtues or their frailties, and in the fullness of time enters judgment through a generation that she selects for that purpose. Poor John McDonogh was despised, ridiculed, scoffed, and jeered at during his life or the greater part of it, the last lap of his terrible journey, but a succeeding generation recognized his greatness and in tears washed away the cruel attitude of those who knew not the glorious Christianity of a world benefactor; for not only the schools of Baltimore and New Orleans received his benefactions, but slaves at home, peoples of far away Liberia, orphan asylums, public parks, life, and all things that tend to make life a sweet song mindful of the glory of God received his holy attention.

Though I am not unmindful of the applause that should crown the efforts of those who live wisely and well and who bestow upon mankind their blessings before they return to the everlasting dust from which they came, I can not forget that from the very twilight of history even in times that were written in fire and blood and scalding tears soldiers stopped on their cruel marches at the thought of some one who had gone down in the smoke of battle, but who had vainly struggled through his life to make some nook of God's creation a little brighter for his presence. This veneration for one who had done noble things may be found even in Egypt's celebrated Book of the Dead written 2,000 years before Joseph was sold into captivity and long before the dawn of Judaism had begun. There you will find these splended words which are the foundation for innumerable structures in the way of benevolent and fraternal organizations guided by good men and women, who have come and gone since that far-away period in the world's history: "He hath given bread to the hungry, water to the thirsty; He hath given clothes to the naked and a boat to the shipwrecked; He hath made due offerings to the gods; He hath buried the dead." I believe that men and women ought to live their lives along the social lines required of them by the generations in which they move and have their being and see to it by will and testament that after life's flitful fever is over and they sleep well that out of accumulations of their life are distributed funds for the widows and orphans for the building of hospitals and asylums and the education of the youth of the land. But I can not withhold the honor that I believe should be theirs and the tribute that should be paid to those departed spirits who strove and who saved during a life of sacrifice and toil and moil and whose only pleasure was in dreaming the dreams that would come into a reality after they had passed into the grave as a gateway to that land which I hope is sweeter and fairer than this; who suffered the contumelious stone during their lifetime, the sneering laughter of those whose children were ever in the eye of him that they mocked. Of the latter class is the man whose memory we reverence to-day, John McDonogh; in honor of whose great works we are assembled and to whose name and fame we pay our tribute in this historic building on this memorable day. For while I do not commend you to follow in the footsteps of the great philanthropist in denying himself the pleasures of life I ask you to always remember that he lived to bless mankind and carried out his mission in accordance with what he thought was the divine order of his creator the almighty God.

As a matter of fact, ladies and gentlemen, such a commendation to any generation is seldom productive of any result, good or evil, for human beings usually pursue the lines of least resistance, and a suggestion to take the lonely road up the hill of life set with innumerable difficulties, with heartaches, with toil, anguish, and suffering falls on unheeding ears no matter what triumph and glittering prize be promised him who makes the fearful trip and journey. God moves in mysterious way His wonders to perform, and apparently for some inscrutable reason selects to accomplish some great purpose one who was born of the obscure and who in life's low vale remote pined alone until given the signal by Him to go forth on the journey that is not lined by applauding onlookers and admirers, but is crossed by numberless men and women crying "Crucify him." Their children in a succeeding generation wipe away with tears and mortification the wrong done by their parents and kinsmen to the great benefactor and philanthropist who toiled that they might enjoy and whose benefactions came as glad tidings of a great joy, making their journey free from the toil and pain which he underwent in his days for their sake. His life was the extreme of self-denial and the study of it is valuable in showing in an extreme way the eternal economic truth that there is no royal road to success; that the goal can be achieved only by work and living according to the command of God. As a matter of fact, all the men and women who have secured a place in the chronicles of time, in some measure, lived in accordance with the rules which, to McDonogh, were a cloud by day and a pillar of fire by night.

I have come to praise McDonogh and join you in reverencing his memory and praying for the happiness of his great and magnificent soul. For it must be a goodly sight in the All-seeing Eye for men and women to pray for those that have gone before them. Too frequently does it happen that those who come to pray remain to censure and condemn. May such never be my attitude during my journey through this vale of tears. De mortuis nil nisi bonum—of the dead say nothing but good.

Why did he come to New Orleans? In order to understand his breadth of vision, let me give to you the conditions as they presented themselves to pioneers. No finer chapter can be found than that of William Allen—a chapter in which he pictures what would have been the greatest city in the history of the world had not fate stepped in and caused the invention of the locomotive.

At the beginning of the present century the Gulf of Mexico was virtually an inland sea of that magnificent American empire which still remained attached to the Spanish Crown. The splendid domains of Florida and Louisiana bounded the Gulf on the north and east, and placed a barrier in that direction to the expansion of the United States, while the great territory of Louisiana, stretching up the west side of the Mississippi, distinctly marked the limits of our country on the west. The stream of immigration which had broken over the Alleghenies years before the Revolutionary War had grown rapidly after that event, and the extent, resources, and importance of the Mississippi Valley were beginning to be realized. It did not require great foresight to reach the conclusion that the whole of this great valley must soon become in some way a part of the United States. The problem of the acquisition of those parts yet under foreign control was engaging the attention of American statesmen. The speedy and peaceful solution of this problem was to be one of the achievements of the great Virginian who had put into language the feelings which moved the popular heart at the beginning of the Revolutionary struggle, and who was destined to impress his views and principles so strongly on the Government he had done so much to create.

While Mr. Jefferson and others were watching with the keenest interest the progress of affairs in Europe, awaiting the opportunity which might place the Louisiana territory within reach of acquisition, enterprising American merchants and traders were already making brave ventures to secure a share of the great and lucrative trade whose principal avenues must be the Mississippi River. The commanding position and importance of New Orleans as the destined entrepot of this commerce could not fail to strike the mind. At this time, a generation before the invention of railroads, no city on the continent seemed to have such a future before it as New Orleans. Situated near the mouth of the Mississippi, with no rival for the trade of the great

valley, it seemed about to enter upon a career of commercial prosperity and growth such as nature had rendered possible to but few spots on the globe. At that day the only possible ways over which a great commerce could be carried were waterways; and the navigable waters which made their way past New Orleans to the sea penetrated every part of the finest river basin in the world, a basin immense in extent and unrivaled in productiveness of soil and salubrity of climate.

Into that great theater came John McDonogh in 1800, and from the day he arrived until his death he never left the stage. He thought New Orleans within the course of years would sweep past London, and that he would leave land which would some day be worth $500,000,000 as a foundation for the education forever of poor boys and girls. I will not dwell upon his so-called love affairs, suffice it to say that he was a part of the social life of New Orleans until he moved across the Mississippi River to his plantation, where now is the town of McDonoghville. He was intimately acquainted with all of the city officials and merchants and citizens generally and was a welcome figure in the salons of the most exclusive homes during his younger years.

Well educated, affable, and pleasing in his manners, strictly correct in his deportment and in all of his transactions, he was an attractive figure in all social and political gatherings before he retired to his country home, there to begin and conduct a correspondence with the prominent men of the Nation which was second in volume only to that of Thomas Jefferson. He was still young when the trumpet call to defend New Orleans from invasion by Packenham and the invincibles of the Peninsular wars rang out from Jackson Camp, and he at once joined a company of rifles, under Capt. Beale. On January 8, 1815, almost shoulder to shoulder with one of the greatest Indian chieftains that ever lived in the history and tradition of this continent, Pushmahata, the great orator, warrior, statesman, and rival of the celebrated Tecumseh, and with those other gallant spirits—Lafitte and Dominick You—who raised themselves from the depths, as it were, by their valor and refusal to sell their native land for gold, wrote his and their names imperishably across the chapters in that never to be forgotten period of the United States. There were giants in those days, and John McDonogh was great of statue among those heroic figures that covered themselves with glory on the Plains of Chalmette. They are no more. They have been wafted to another shore, but their deeds will be affectionately entrenched in the memory of generation after generation of Americans that will come and go, play out their parts on the banks of the Mississippi River, and then depart to meet the great ones of that day of men of renown, who fought for their native land and scorned to give aught other reason why.

The muffled drum's sad roll has beat
The soldier's last tattoo;
No more on life's parade shall meet
That brave and daring few.
On fame's eternal camping ground
Their silent tents are spread,
And glory guards will solemn round
The bivouac of the dead.

For years and years after the great battle had been fought and won the old fellows who indulged in street-corner conversation in the daytime and who sat in the wine shops at night with their big fireplaces, in which were blazing log fires, and there recited in low tones the nights of revelry following the celebrated victory, always talked of how McDonogh was a hero in the strife. In the Latin quarter and in the streets of the famous old city that were lighted by coal-oil lamps and the stars and the moon and which were given a sweet scent by the pomegranate and the night jessamine and the morning glory, the conversation was always about Jackson, of course, and the "Big Indian" and the "Big pirates," Lafitte and You, and the "Big Baltimore man," who was "sans peur sans raproache."

Yes; he was great in war and great in peace, and his really generous Nation responded at all times to the demands of his Lord and Redeemer and his countrymen. As an answer to the expressions of those who misunderstood one of the noblest figures of that day and generation, let me say that at the time of his death he owed $160,000, $100,000 of which was due the Citizens' Bank of Louisiana and the balance of $60,000 for several properties which he had purchased. He had at that time $10,500 in bank to meet this amount. Baltimore reveres the name of a splendid son and a great benefactor. New Orleans shall never forget his memory and his munificence. Annually 50,000 children and their parents gather in the historic Lafayette Square, which stretches in front of the famous old City Hall in New Orleans, and there strew flowers and garlands at the base of the pedestal on which stands the bust of the well-beloved dead. No longer misunderstood, he is affectionately entrenched in the hearts of all of our people who would attest, if necessary, with their tears their sorrows for the unhappey attitude of the generations in which John McDonogh lived. Thirty-one schoolhouses, each a monument in itself, carry his name and fame into the minds of boys and girls that are there fitting themselves for the high duty of American citizenship.

A magnificent home for destitute orphan boys conveys silently but eloquently the splendid story of him who has gone to the land where there are no orphan tears to wipe away. Also speaks out dreamily of his goodness of heart—a great magnificent park in which are to be found the finest water oaks in the world and whose enchanting mystery never fades from the mind of a beholder and where assemble every evening during the summer months forty to fifty thousand men and women—the great historic spot on which is observed the fall of the Bastile on July 14, 1789. This is also the spot where on the Fourth of July, 50,000 men and women gather to hear read the Declaration of Independence and cheer the orators who speak in glowing terms of the fadeless glory that made the young Republic and of those who have extended our frontiers so that we now phrase it "from ocean to ocean and from the Great Lakes down to the Mexican Sea." Aye, down to the great canal where the southern cross shines down on Old Glory and out into the eastern seas, and up near the Arctic Circle, where the northern lights shine above the Stars and Stripes of our native land. McDonogh's name is inseparably associated with a part of the wonderful growth of his country, for he was one of the great big giants of his day. He came to us in New Orleans as a heroic young figure and played out his part in the grand drama of life like the great American he was. He has left us for the land beyond the sky, but his memory will always remain green in the memory of men and women who cherish the recollection of those choice spirits that measured up fully to the magnificent inspiration of:

Do well thy work.
It shall succeed in thine or in another's day
And though thou lack the victor's meed,
Thou shall not want the toiler's pay.

He was unknown in the latter part of his life, but his benefactions as shown by his will and testament and which evidenced a desire to uplift the world has made his name a household word in Louisiana, particularly in the city of New Orleans, and in the city of Baltimore, Md. His name is better known to-day among the people of New Orleans than all the governors the old State has ever had, his memory is more affectionately reverenced than all the names of all the judges that ever presided in the city of New Orleans and his fame is more enduring than that of all the mayors that the old city has ever had.

My theme is ended, my song has ceased. He lives to-day and his name is clustered round with a greater glory than all others in our great city because he lived to bless mankind; because he did noble things, not dreamed them all the day long, and so made life, death, and that vast forever one grand, sweet song.

Mr. GARRETT of Tennessee. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. HUDSPETH].

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSPETH. Mr. Chairman, I wish to take advantage of this splendid audience and membership this evening and to thank my friend from Massachusetts [Mr. WALSH] for the opportunity of giving the country some information that I feel it should have at this time. The subject that I shall discuss, and which I have sat here these many hours with the object of discussing, is a subject that every Member who has a constituent engaged in the live-stock industry, I take it, will be interested. As is well known to every man who is engaged in that great industry, almost overnight, about 18 months ago, the industry was confronted with financial peril. This was occasioned by the high prices, for one reason, that were brought about during the war, and again it was occasioned by the Government during the war sending its agents throughout the West and the Southwest, in the great live-stock belt, urging the men who were producing cattle, sheep, hides, and meat to increase their flocks, to increase their herds. As patriotic citizens they responded to the request of their Government and went into the market and bought high-priced cattle and sheep and placed them on their ranches in order to feed our armies in Flanders and clothe the boys from the wintry blasts on the Argonne. This condition of a decline in prices continued to grow from bad to worse until—and I am violating no confidence in making this statement—about the 1st of June of this year, when it was brought to the attention of the President of the United States. Again, I say, I am violating no confidence when I state it was told to me by a gentleman who was present at that conference—and a majority of the Cabinet were there—that the President made the statement that this condition had gone beyond the local phase and had become national and that the live-stock industry of this country must not perish.

A plan was there formulated whereby the President would send to Congress a message requesting, as was done during the war, that loans be made direct to the live-stock producers of the country through the War Finance Corporation. A statement was given out through the press by the governor of the Federal reserve that this would be done—on the 8th of June. Yet the night before that statement was given out the governor of the Federal reserve left on a visit to the live-stock section of the country, to the West and to the Southwest, handing the statement to the newspaper boys to carry the message that the people there would be relieved, as they were relieved during the war, by direct loans. But the statement had hardly gotten cold in type—Gov. Harding left here on Sunday night, the 7th of June—when on Tuesday, the 8th of June, the bankers of New York and Chicago came to Washington en masse and conferred with the Secretary of the Treasury, and said to him that it was not necessary for the Government to make these loans; that they would organize a $50,000,000 pool and take care of the live-stock industry by making long-time loans at a reasonable rate of interest.

It is remarkably strange that these philanthropists, these benefactors of the live-stock producer, comprising this bankers' pool, so called, which did afterwards organize, should, over one year from the time the bottom dropped out of the live-stock industry, suddenly overnight wake up to the fact that they could take care of and would constitute themselves the guardian angels of the live-stock producers. Why was this done? I will tell you. Because, if the Government made the loans direct, then the live-stock producer would be independent of the Chicago banker when he paid the loan off; he might do his business wherever it suited him; and the finger prints of banks and loan companies of Chicago and elsewhere that had pressed down on him in times of dire distress would never press him again. The governor of the Federal reserve had hardly reached San Angelo, in my district, when a message was sent to him that the bankers' pool would take care of the live-stock industry. He had gone through that country carrying the message that the

War Finance Corporation would loan the money to the cattleman on long time so he could rehabilitate himself; to the wool producer who had been getting for his wool 50 cents during the war, only to find it suddenly drop the 1st of May, 1920, to 10 and 15 cents. He was informed that they had organized the bankers' pool in Chicago. How many cattle and sheep men who really needed this money were able to secure it?

I want to say to you gentlemen here on my responsibility as a Congressman that not many live-stock producers in the great State of Texas, as far as I have heard, received very substantial benefit from this bankers' pool. Oh, yes; they loaned some money out there, but in most instances they loaned the money to men who could go to any bank in the country and borrow money—not the men whose only salvation was time, three years' time, to grow out of the condition that the war had left them in. I am not fundamentally an advocate of direct loans from the Government, but in cases of this character, where it is an aftermath of the war, where the war condition produced the situation, then let the Government come to his relief as he bravely went to his Government's relief in time of its peril. Now, my colleague and friend from Texas [Mr. SUMNERS] was appointed on a special agricultural and live-stock committee, and he went into the live-stock section of our State to investigate conditions, made a trip along about the 1st of September, and he then discovered that unless relief was given to the live-stock people of that section at least 50 per cent of them would probably be in bankruptcy in a short while.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes; I will gladly yield to my friend from Kansas.

Mr. CAMPBELL of Kansas. May I suggest to the gentleman that it has been stated over and over again that the Federal reserve bank was refusing to rediscount cattle paper at that time, and was rediscounting speculative paper without limit.

Mr. HUDSPETH. I state to my friend that I think that is a mistake.

Mr. CAMPBELL of Kansas. That has been stated.

Mr. HUDSPETH. The Federal reserve bank at Dallas——

Mr. CAMPBELL of Kansas. I did not refer to any particular district——

Mr. HUDSPETH. Was rediscounting cattle paper and doing its best to relieve the situation, according to the information I secured up here. But the time of its rediscount loans was too short. The Government largely got us into this trouble, gentlemen, and we must be given time to get out.

Now, my friend SUMNERS made a visit to the western part of the State, where the great live-stock section is located, and he reported conditions as he found them and formulated a plan whereby, if the banks would carry 10 per cent of the responsibility, that there might be an amendment to the Norris or Kellogg bill permitting direct loans. Immediately certain gentlemen assembled in the city of Fort Worth and gave out a statement that they would organize, as has been organized since, a company, to be known as the Agricultural Livestock Finance Corporation, for the purpose of relieving the live-stock producer. You see, gentlemen, Mr. Meyer, manager of the War Finance Corporation, stating that the War Finance Corporation could not make direct loans, but desiring to relieve the depressed live-stock producer, had given out a statement to me and other Congressmen, encouraging the organization of these substantial loan companies. How? By making loans to the live-stock producer on long time, and rediscounting with the War Finance Corporation, converting the capital stock of said company into a revolving fund. Men all over the western part of Texas took stock in that corporation. Men dragged the very dregs of their pockets for a little cash in order to take stock and encourage a corporation that could, and that said it would, relieve the live-stock situation by long-time loans, and the War Finance Corporation said it would rediscount its paper. I want to state, gentlemen, as far as my observation has gone in personal contact and otherwise with the War Finance Corporation here that the gentlemen composing it have done their best and have studied conditions in the live-stock belt and have tried to meet the situation but they could not make loans, under the law, direct. Now, as I have stated, the people of that section, men who were depressed financially, had gone down in their pockets—myself and others—and taken stock, and one of my colleagues here, who does not own a cow on this earth, took stock and stated to them in a letter, so I am informed, "I bid adieu to my money for a period of a year. I want no interest for that time. I want to help sustain an industry that I fear is about to perish." Gentlemen, time was all these people required, and it was understood that this corporation that was organized at Fort Worth was organized to make loans, not on the depressed current valuation of the market now in its demoralized condition but upon what it might be expected to be 12 months from now. Now, what was the result? It was organized. A Mr. John Sparks, probably an estimable gentleman, I do not know him, was made president of this company, and I have letter after letter here, right here in my hands, from reputable men stating that the packers had gotten control of the company. You gentlemen can see these letters if you desire.

I am authorized by the signatories to print their names, but I do not wish to further imperil their financial stress by printing their names, because they are my friends. And the statement was also made, so one of these letters state, by a managing director "that we expect to make 35 per cent the first year." Off of whose money? Off of yours and mine. Off of the people's money. How could they make it? If they could not rediscount their paper through the War Finance Corporation, they could not exist three months and make any money. What business has Congress in this matter, you may ask. This is what Congress has to do concerning this matter: That the stock of this corporation was taken, so I am informed, by cattlemen, by ranchmen, by business men, who said they wanted to help the agricultural and live-stock producers throughout that country; and if it is making unreasonable dividends, gentlemen, upon the misfortunes of the live-stock industry on your money, Congress therefore ought to have a say in regard to it. Now, I want to say to you that this live-stock corporation to-day is expecting to and is rediscounting their paper through the War Finance Corporation under the Norris amendment organized for the relief of agriculture and live stock. That is the answer as to what Congress has to do with a proposition of that kind.

Now, the statement went out that the packers had gotten control. A friend of mine who edits one of the leading papers in the city of Fort Worth, and I believe a paper that has the largest circulation in Texas, and with whom I served, with pleasant remembrances, in the Texas Legislature, denied the statement and said that the packers had nothing to do with the corporation—although he may not want the fact told here that he once served in the legislature. But here is a statement in the Dallas News, and a similar one appearing in his own paper, the Star-Telegram, under a recent date line. I will let you draw your own conclusions:

Roy C. Vance was elected president of the Stockyards National Bank at the meeting of the board of directors Wednesday morning. He succeeds John N. Sparks, who recently resigned to take up the presidency of the Agricultural Live Stock Finance Corporation. Mr. Vance also will head the Fort Worth Cattle Loan Co., which is affiliated with the bank. The two institutions represent the Armour and Swift financial interests in Fort Worth and Texas.

Have the packers anything to do with this corporation? One of the men goes from a packer bank and takes charge of it, and another one from a packer bank takes his place. I have no fight to make upon the packers individually. I like Mr. Louis Swift and have had considerable correspondence with him as to matters of legislation. But the trouble with the packer is that every time his business is criticized he rushes into print in order to vindicate himself instead of discussing and solving the problem put up to him by and for the benefit of the people.

The packer says he only makes 90 cents a head on the cattle slaughtered. I think the packer takes himself too seriously as to the profits he is making and what the people think about them. I want to say to you, gentlemen, that if beef sold on the hoof and beef sold on the block at prices that were in proportion the people would not care so darn much what the packers' profits were. I want to ask you gentlemen and also the packers if a 4-cent beef steer and a 40-cent beefsteak has come to stay? I want to ask you also whether a 4-cent lamb and a 75-cent lamb chop are fixtures in this Government?

Now, getting back to this corporation.

Am I warranted in making these statements and bringing this matter to the attention of Congress? Let me read to you of the many, many letters I have received from good, level-headed, reputable citizens, who, if you knew them as I do, you would not question any statement they would make. Their integrity is 100 per cent and their Americanism 1,000 per cent, tested by the true standard during the World War, in which our country played such a conspicuous part. But before I read these letters let me make a further statement. The valuation placed by this corporation upon live stock, so another letter informs me, for loan purposes, is as follows:

	Per head.
Grown, well-graded cows	$25
Calves from these cows	10
Grown sheep	3
Good Angora goats	1

Now, how do these prices gibe with 21-cent wool and 25-cent mohair? A sheep that will shear $2 per year is worth $8 in-

trinsically, and any stockman knows it. A goat that will shear $1.50 worth of mohair is worth $4, and everybody, except certain loan companies, know it.

Now, I copy from the Cattleman, a publication of the Texas cattle raisers, at Fort Worth, sales made on October 18 of the Highland Hereford Association, comprising an organization of splendid cattlemen in west Texas, in my district, at Decatur, Ill. Some of these calves were sold to a citizen in the home town of my venerable friend, Uncle JOE CANNON:

The auction sale conducted by members of the Texas Highland Hereford Association of Marfa October 18, at the farm of J. G. Imboden & Son, near Decatur, Ill., was one of the outstanding features of the October cattle trade. Over 2,000 stockmen and farmers attended the sale. The 148 yearling steers sold for an average of $46.04; 25 yearling heifers, $36.75; 887 steer calves, $37.31; and 545 heifer calves, $31.95 per head.

The top price for calves was $45 and yearlings $50 per head. All were sold by the head and no weights taken.

A list of the breeders consigning cattle to the sale, number of head, class, names of purchasers, and the prices per head follows:

F. A. Mitchell, 48 steer calves to T. J. Rixon, Britton, Mich., at $45 per head.

F. A. Mitchell, 48 heifer calves to William Davidson, Gaston, Ill., at $35 per head.

T. H. Rawls, 16 heifers and 29 steers to L. D. Olliver, Mattoon, Ill., at $35 per head.

Smith Bros., 50 heifer calves to O. J. Austin, Pana, Ill., at $32 per head.

W. P. Fisher, 50 steer calves to C. W. Judy, Potomac, Ill., at $34.75 per head.

W. P. Fisher, 25 steer calves to A. J. Seyfert, Danville, Ill., at $32 per head.

W. P. Fisher, 50 heifer calves to Jacob Bilyen, Mowequa, Ill., at $30.50 per head.

W. P. Fisher, 50 steer calves to A. G. Seyfert, Danville, Ill., at $35 per head.

Now, how do these prices for calves and steer yearlings compare with your valuations of $25, or even $30 valuations, on grown cattle?

Now, I give you a few of the letters showing my authority and purpose for bringing this matter before Congress, which I feel it my duty and which numbers of my constituents have requested me to do:

SAN ANGELO, TEX., *December 1, 1921.*

Hon. C. B. HUDSPETH,
House of Representatives, Washington, D. C.

DEAR CLAUDE: I see from to-day's Star-Telegram, Sparks is out just raring and ready to take care of the dear people.

I had a talk with ——— on yesterday; he had just returned from Fort Worth. He said he offered them 8,000 good, young sheep and 2,000 goats for $25,000; they turned it down because they owned land and owed debts, and that they turned ——— down on his loan of $100,000 on 4,000 good cattle because ——— didn't have any land.

He said that Sparks told him that $500,000 of that stock was taken in Fort Worth; that 90 per cent of that company was taken by men not cowmen; that they were going to have, after this war-finance money could not be used, a big cattle loan company at Fort Worth that could take care of the cowmen so they would not have to go north. He said that they were working for the stockholders and not the cowmen. They said they did not want any slow paper and didn't want to take over anybody that was in debt.

I thought the purpose of it was to help the poor devils that were in debt. A man that is not in debt can take care of himself pretty well. ——— said that thing was a disadvantage to the cowmen, that it was absolutely putting men at the mercy of the packers.

Very truly, yours,

——— ———.

PECOS, TEX., *December 3, 1921.*

Hon. C. B. HUDSPETH,
Washington, D. C.

MY DEAR CONGRESSMAN: The inclosed clippings, one from the Star-Telegram, of Fort Worth, and the other from the El Paso Herald, El Paso, Tex., will explain themselves.

We want to tell you that we certainly appreciate what you are doing in our behalf, and if it was not for you, do not know what the poor cattleman would do. Several of our people went to Fort Worth with applications for loans from the Agricultural Live Stock Finance Corporation, and they placed such a low valuation on their cattle that they were unable to get the needed relief, but I understand they have been more lenient within the last few days, and that your efforts in the cattleman's behalf has been the cause of it. You, of course, know that a yearling or cow, or any other kind of live stock on the range, is worth considerably more there than it is in the stock yards. It seems that the sapheads who figure on the valuation do not take that fact into consideration.

Again thanking you, and with best wishes, I am,

Your friend,

——— ———.

SAN ANGELO, TEX., *November 29, 1921.*

Hon. C. B. HUDSPETH,
House of Representatives, Washington, D. C.

DEAR CLAUDE: It occurs to me that an extravagant amount of agitation and talk that has come on in connection with the organization of the Fort Worth Loan Co., which, as you know, has been organized for the purpose of making live-stock loans and passing same on to the War Finance Corporation, has been a positive injury to this country instead of a benefit.

The people of this country believed that when organization of the Fort Worth Loan Association was completed they would be able to obtain loans along the line set out in Gov. Harding's speech made in San Angelo last spring, but it seems from the talk I gather on the streets and in the offices of my associates that this loan company is setting itself up strictly as a money-making institution, and is not considering the relief it might be to all of the Southwest if it would adopt a more liberal policy.

For instance, they are declining to consider a man's real estate or any other additional collateral. As a matter of fact many of the stock of this country were bought at a high time and are already mortgaged for more money than the Fort Worth Co. is willing to place on them. Take for instance the ranch owned by (———) myself, which is located at a railroad station, is improved to the extent of $3 to $4 per acre, and contains 7,300 acres. On it we run 500 pure-bred white-faced cattle, 1,200 to 2,000 sheep, and 200 to 500 goats. We believe that this property or plant is well worth $125,000, but if we went to the Forth Worth Co. for a loan, under their rulings we could only borrow something like $10,000 on our cattle, and could not get anything on the balance of the security. You can see that, were we disposed to do so, we could not borrow sufficient money on this property to help anybody. While we are not applicants for a loan, yet the condition might arrive where, if we could borrow 40 or 50 per cent of the value of our ranch and stock, we might help tide some other friends over their difficult situations.

I am told that ——— went down to secure a loan of $100,000 on about 4,000 head of cattle and was turned down flat. Two years ago you and I thought that ——— was a very well-fixed man, and on that day he was. But now, if he has to continue paying his leases and 10 per cent interest, he can not remain in business long. On the other hand, if he could get the benefit of the reduced interest rate that the War Finance Corporation is trying to extend, his savings in interest would be enough to meet the balance of his expenses and enable him to tide over.

I am also told that ——— and ——— made an application for a loan on 11,000 head of good sheep and were told that sheep loans were not wanted. Now, you know that when careful business men like ——— and ——— have 11,000 head of unincumbered, nice young Rambouillet sheep and can not borrow $3, $4, or $5 per head on them, that business is getting in a very peculiar situation.

I have one friend who has a 6,000-acre ranch, very highly improved, very fine black land in a live-stock country, that is actually worth $20 per acre. He has about 400 head of registered cattle that should be easily worth $100 per head, and something like 2,000 head of sheep and goats that are easily worth $8,000 or $10,000. In addition to this he has notes amounting to some $20,000 and different kinds of stock in companies worth $25,000 or $30,000, and he unfortunately finds himself about $100,000 in debt at the present time. You can easily see that if he has to stay up against this 10 per cent interest proposition, that it is sure to get him in a short while. On the other hand, if he could have this money at 6 or 8 per cent, the savings in interest would run his outfit and be the means of saving a good man and not have him closed out and put a much worse man on the job.

Summing the whole situation up, it does seem strange that for the vast amount of wealth there is in the United States that producing businesses should be put in such a condition where people who had 50 to 75 per cent equity in their business find themselves absolutely unable to expense themselves and are facing bankruptcy. You know that this land can never be worth less intrinsically than it is to-day. It might sell cheaper on account of oppressed conditions, but it always comes back, and you know the old saying that they are not producing any more land, but we are producing people, and if we want to have a stable country people must own homes and live on them. If these conditions continue as they are, I see nothing for our country but a state of chaos such as we read of in Russia.

Hope you will pardon this long letter, but I know that you are deeply interested in the affairs of this country, and it would make you sick to be here and witness the state of mind in which our people are in.

With sincere good wishes, I remain,

Your friend,

——— ———.

P. S.—You understand that I am writing this from a disinterested viewpoint. Of course, I have a good solvent business, ———, out of debt, that is paying me sufficient salary to live on.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. I would like to have two minutes more in order to attempt to halfway discuss this great problem which so seriously affects my people.

Mr. GARRETT of Tennessee. I yield two minutes more to the gentleman.

Mr. HUDSPETH. Let me say this, gentlemen, in conclusion: You ask what the remedy is; what Congress can do. Now, if they have organized a corporation at Fort Worth, Tex., concerning which statements are made, as these numerous letters to me disclose, that they expect to make 35 per cent the first year, that they are not organizing for the protection of the live-stock producer but are after this money of the Government. That they are organized solely for the benefit of the stockholders, that they take no loans where the man is in debt, that they intend to keep up a big loan company after the Government has withdrawn its support. There are, in all probability, similar corporations organized in your States. Do you want them to make unreasonable dividends on your money?

And if that is the object of these corporations, ostensibly organized to relieve the live-stock situation, if they are making big dividends on the misfortunes of the live-stock producer, then the Government ought to withdraw this money. I am simply giving you this as it is given to me by letter. It ought not to discount the paper of a corporation that is in the business for the evil purpose of making big dividends for themselves, as these letters state to me is being done. A corporation is organized there that says it does not propose to make loans to people in debt, or loans that are slow. These are the ones that need it, and one of the first loans, so I am informed, was to a party in south Texas of $500,000, a man that could go to the Hanover National Bank any day in the year and get the money. Another, so these letters inform me, of $400,000, to a man in Fort Worth, recently reputed to me to be worth millions, who

ought to get this money on his own naked indorsement from any bank in the country having that amount. I want it distinctly understood I am not making any wholesale indictment of the directorate of this corporation. Many of the directors are personal friends of mine, are good men, and I know would do no man an injustice, but, on the other hand, would use their best endeavor to relieve the people who need it and must have it. Furthermore, I know that this corporation could not in safety make loans that the War Finance Corporation would and could not rediscount. The War Finance Corporation, however, expressed themselves to me to desire to be extremely liberal, considering at all times the limitations of the law under which they operate.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes; I yield to the gentleman from Massachusetts.

Mr. WALSH. Suppose the Government does withdraw this money. What will become of the stock raiser?

Mr. HUDSPETH. Well, they are not getting very much relief under this proposition, so these letters from reputable people state to me.

Mr. WALSH. No benefit whatever?

Mr. HUDSPETH. Oh, some benefit, probably, to a few, but not the relief it was expected would be given at the incipiency. That is what these letters state. One of these letters states that "it is a detriment instead of a benefit," and it comes from a good man who does not want to borrow a dollar from it—that is, this loan company—not the War Finance Corporation. I want to state that the gentlemen down there composing the War Finance Corporation have done their best to relieve that situation. You say, What is the remedy? What can Congress do? I will answer you right off the reel. Report out of the Banking and Currency Committee at once the bill which I hold in my hand, introduced by my friend, Congressman STRONG, of Kansas, and which is heartily indorsed by Gov. Harding, of the Federal Reserve Board; which provides for loans on two years' time to agriculture and live stock at 6 per cent and 6½ per cent interest by Federal reserve banks, these loans to be made direct to the producer; then you will solve the problem and save the second greatest industry in the world from the rocks of bankruptcy. I tell you, my friends, something must be done and done immediately. They can not wait. The financial wolf is howling; howling around the doors of their humble ranch homes day and night. They did not bring it about. Our Government in time of stress brought it about. If these loan companies organized for relief—and I want to say emphatically that I do not favor the making of a loan where there is a great element of risk; I do not favor dissipating the stockholders' money, but the moral risk and the time should be given weighty consideration—convert themselves into cold-blooded money-making machines and make loans only to the rich, who can step into any bank and borrow to their heart's desire, then I say, sirs, I am not in favor of the Government further lending its aid to these schemes of high financing if these hundred letters correctly inform me—and I believe the writers and know most of them personally.

Let me say to you Congressmen from the North and East, who are largely consumers, the live-stock producer for the past two years—and 18 months, especially—has been forced to throw his shear stuff and his calves and lambs on the market in order to keep his eyebrows out of the financial slough. At least 300,000 calves and 500,000 lambs went to market from Texas last year. You know what is going to happen. You are going to awake some fine morning to find the greatest shortage of meat and wool that this country has ever known, and then when these commodities are shipped in from the Argentine and abroad you will pay for them dearly. Now, what are you going to do about it? These men are calling for the "life line" from this Congress, and it must be thrown now. Not in 60 days or 6 months, but now, or they perish. The mothers in their sunbonnets, God bless them, knitted; the fathers borrowed money at 10 per cent and bought Liberty bonds, and borrowed money and increased their flocks. Their sons helped "hold the line" on the Argonne and at Chateau-Thierry for civilization. Gentlemen of Congress, will you help hold the line for them now? [Applause.]

I herewith attach, Mr. Chairman, the bill by Congressman STRONG of Kansas as a part of my remarks on this subject:

A bill (H. R. 8906) to amend the Federal reserve act so as to enlarge the open-market powers of Federal reserve banks by permitting them to purchase and sell long-time paper secured by shipping documents or warehouse receipts covering staple agricultural products or by chattel mortgages on live stock.

Be it enacted, etc., That section 14 of the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts approved September 7, 1916, June 21, 1917, and April 13, 1920, be further amended by adding at the end of the section a new paragraph reading as follows:

Any Federal reserve bank may, under rules and regulations to be prescribed by the Federal Reserve Board, purchase, at a rate of discount not less than 1 per cent per annum above the rate prevailing at said Federal reserve bank for eligible short-time commercial paper maturing within 90 days, and sell in the United States from or to any bank, individual, partnership, association, or corporation notes, drafts, and bills of exchange which (1) have maturities not in excess of one year and are secured by warehouse receipts conveying or securing title covering nonperishable staple agricultural products stored in warehouses independent of the borrower, or (2) have maturities not in excess of one year and are secured by shipping documents or chattel mortgages conveying or securing title covering nonperishable agricultural products, or (3) have maturities not in excess of two years and are secured by chattel mortgages on unencumbered live stock, and each of which bears the unrestricted signature or indorsement of a bank or the unrestricted signatures or indorsements of not less than three parties, each of whom has filed with the Federal reserve bank a financial statement satisfactory to said Federal reserve bank showing his net worth to be not less than twice the face amount of said note, draft, or bill of exchange: *Provided, however*, That the aggregate amount of unmatured or outstanding notes, drafts, or bills of exchange purchased by any Federal reserve bank under authority of this paragraph from any one bank or corporation, including any such notes, drafts, or bills of exchange purchased from such bank or corporation and rediscounted with other Federal reserve banks plus the amount of such notes, drafts, and bills of exchange purchased by other Federal reserve banks from such bank or corporation and rediscounted by such Federal reserve bank, shall not exceed the paid-up capital stock and surplus of such bank or corporation. The Federal Reserve Board shall have power to permit, or, on the affirmative vote of at least five of its members, to require Federal reserve banks to rediscount, at rates of interest to be fixed by said board, notes, drafts, and bills of exchange purchased by other Federal reserve banks under authority of this paragraph; but no Federal reserve bank shall hold at any one time an aggregate amount of notes, drafts, and bills of exchange originally purchased or rediscounted under authority of this paragraph in excess of 50 per cent of its surplus fund; and the aggregate amount of notes, drafts, and bills of exchange originally purchased by any one Federal reserve bank under authority of this paragraph and still outstanding, including notes, drafts, and bills of exchange rediscounted with other Federal reserve banks, shall not exceed the total amount of its surplus fund. Notes, drafts, or bills of exchange purchased or rediscounted under authority of this paragraph shall not be eligible as collateral security for Federal reserve notes.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. DAVIS].

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes.

Mr. DAVIS of Tennessee. Mr. Chairman and gentlemen, I wish to vary the program somewhat by commending that portion of the President's address to Congress to-day which reads as follows:

The previous Congress, deeply concerned in behalf of our merchant marine, in 1920 enacted the existing shipping law, designed for the upbuilding of the American merchant marine. Among other things provided to encourage our shipping on the world's seas, the Executive was directed to give notice of the termination of all existing commercial treaties in order to admit of reduced duties on imports carried in American bottoms. During the life of the act no Executive has complied with this order of the Congress. When the present administration came into responsibility it began an early inquiry into the failure to execute the expressed purpose of the Jones Act. Only one conclusion has been possible. Frankly, Members of House and Senate, eager as I am to join you in the making of an American merchant marine commensurate with our commerce, the denouncement of our commercial treaties would involve us in a chaos of trade relationships and add indescribably to the confusion of the already disordered commercial world. Our power to do so is not disputed, but power and ships, without comity of relationship, will not give us the expanded trade which is inseparably linked with a great merchant marine. Moreover, the applied reduction of duty, for which the treaty denouncements were necessary, encouraged only the carrying of dutiable imports to our shores, while the tonnage which unfurls the flag on the seas is both free and dutiable, and the cargoes which make a nation eminent in trade are outgoing rather than incoming.

The President referred to section 34 of the merchant marine act of June 5, 1920. At the time of the consideration of that bill in the House I spoke and voted against it because of this and other provisions which I deemed unwise and indefensible, and consequently I am gratified, as I indicated, that President Harding has subscribed to the same view that I then expressed.

Moreover, I wish to call attention to the further fact that after this law was enacted President Wilson, in like manner as President Harding has done, declined to undertake to carry out the directions contained in said section 34 of the merchant marine act. A similar question was presented in 1879 to President Hayes, in that Congress passed a law directing the President to give notice of the abrogation of two articles of a treaty then existing with China. President Hayes, because of such direction, vetoed that bill, and in doing so very properly and correctly stated, among other things—

The power of making new treaties or of modifying existing treaties is not lodged by the Constitution in Congress, but with the President, by and with the advice and consent of the Senate, as shown by the concurrence of two-thirds of that body.

President Wilson very naturally knew that to be true; he knew that this was an attempted invasion of the functions and powers of the Executive, and could be nothing more than an

expression of will and desire on the part of Congress. Yet, as a matter of fact, he did the same thing that President Harding says he did—that is, he took the matter up with a view of complying with the wishes of Congress if possible and feasible. However, he soon saw that an effort of that kind would be fraught with many serious difficulties and obstacles, and so he declined to undertake to carry out those provisions.

But what was the result? In keeping with the deliberately systematic plan and scheme of vituperation and abuse of President Wilson then being recklessly indulged, certain interests and even Members of the Congress viciously criticized President Wilson, even going so far as to declare that he ought to be impeached; and one Member of this House stated on the floor that he intended to move for President Wilson's impeachment because of his declination to carry out these provisions.

Now, in defense of the very proper and courageous action of President Wilson, and of the equally proper and courageous action on the part of President Harding, in declining to carry out that direction of Congress, I wish to call attention to certain facts which no doubt moved both of those Executives in reaching the conclusion they did. This provision involves the denouncement of 25 treaties with as many different nations, including all of the great nations—treaties that have been in existence all the way from a few years to 116 years—and they were treaties which did not provide for the separate abrogation of these particular provisions against which this act was directed. The only recourse would be to denounce the entire treaty. That could not be done in many instances without an absolute violation of treaties, because some of those treaties continued for certain definite periods of time, without the power of abrogation. And, furthermore, each and every one of those treaties contained other provisions, some of them numerous, other important provisions dealing with various subjects, granting reciprocal rights to the two contracting parties. Some of those provisions granted us favors and benefits in consideration of favors and benefits granted the other nation; and, in fact, with regard to the particular provisions mentioned in section 34 of the merchant marine act the provisions were entirely mutual and reciprocal. They granted to us the same rights that they granted to the other countries, and imposed upon us the same obligations that were imposed upon the other countries.

The so-called commercial treaties between this Government and other nations contain provisions securing for the citizens or subjects of each of the contracting parties reciprocal equality in the matter of duties imposed on the cargoes of vessels of each country in the ports of the other. The following article in the treaty concluded with the Argentine Republic on July 27, 1853, is a fair example of the provisions against which said section 34 of the merchant marine act was apparently directed:

> The same duties shall be paid and the same drawbacks and bounties allowed upon the importation or exportation of an article into or from the territories of the United States or into or from the territories of the Argentine Confederation, whether such importation or exportation be made in vessels of the United States or in vessels of the Argentine Confederation.

This incident presents additional evidence of the wisdom of our forefathers in establishing three separate coordinate branches of the Government, and of the lack of wisdom on the part of Congress when it undertakes to invade the province of the Chief Executive, which is the only treaty-making power; just as a lack of wisdom is always shown when the Chief Executive undertakes to encroach upon the authority of the Congress.

I could dwell at length upon various important provisions in numerous existing treaties which would have to be denounced along with the particular provisions mentioned in section 34, if either President Wilson or President Harding had undertaken to carry out those instructions.

Suffice it to state, as President Harding indicated and as was still truer 18 months ago, that this is no time to make confusion still worse confounded in world affairs and still further straining our relations with foreign countries by undertaking to denounce our treaties with 25 nations of the earth with which we are at peace, thereby arousing their suspicion, if not their ill will, and then to undergo the slow, tedious, doubtful, dangerous process of agreeing upon new treaties with all these countries.

I want again to call attention to the fact that President Wilson has been completely vindicated upon this proposition by the Republican President, and, as I before stated, after a Republican Member of this House went so far as to declare that he was going to move the impeachment of President Wilson for the very thing that President Harding has since very properly done.

However, this is only one of many vindications of President Wilson that have already occurred, and of many, many more that will occur in the future. The fact of the business is that, regardless of their preelection charges, criticisms, and promises, whenever the present administration honestly gets the true facts that prompted the preceding administration, this administration nearly always pursues the same course, and whenever it undertakes to pursue a different course it invariably "meets itself coming back." [Applause.]

The CHAIRMAN. The gentleman has consumed 10 minutes.

Mr. MONDELL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the state of the Union and had come to no resolution thereon.

PRINTING COPIES OF THE PRESIDENT'S ADDRESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that there may be printed as many copies of the President's address as can be printed for $500, for distribution to Members through the folding room as a House document.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

ADJOURNMENT.

Mr. MONDELL. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 38 minutes p. m.) the House adjourned until Wednesday, December 7, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

366. A letter from the Clerk of the House of Representatives, transmitting a report of the average number of employees of the House of Representatives, including the clerks to Members and Delegates, who during the first four months of the fiscal year 1920 received the increased compensation at the rate of $240 per annum; to the Committee on Appropriations.

367. A letter from the Acting Secretary of the Interior, transmitting an itemized statement of expenditures made by that department and charged to the appropriation "Contingent expenses, Department of the Interior, 1921," fiscal year ended June 30, 1921; to the Committee on Expenditures in the Interior Department.

368. A letter from the Acting Secretary of the Interior, transmitting an itemized statement of expenditures made by that department and charged to the appropriation "Repairs of buildings, Department of the Interior, 1921," for the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Interior Department.

369. A letter from the Secretary of Agriculture, transmitting a report required by act 25 (Stat. L., p. 672) authorizing the Secretary of Agriculture to sell waste paper, etc.; to the Committee on Disposition of Useless Executive Papers.

370. A letter from the Secretary of Commerce, transmitting statements showing disbursements during the period from December 1, 1920, to November 30, 1921; expenditures under all appropriations for the support of the Bureau of Fisheries during the fiscal year ended June 30, 1921; typewriters, adding machines, and all similar labor-saving devices exchanged during the fiscal year ended June 30, 1921; in detail the travel performed by officers and employees of the Department of Commerce during the fiscal year ended June 30, 1921; the average number of employees receiving increased compensation at the rate of $240 per annum, etc.; to the Committee on Appropriations.

371. A letter from the chairman of the Federal Power Commission, transmitting permits and licenses issued during the fiscal year 1921 to the parties thereto, and abstract of the terms prescribed; to the Committee on Interstate and Foreign Commerce.

372. A letter from the assistant inspector general of the National Home for Disabled Volunteer Soldiers, transmitting annual report of inspections of State homes for disabled volunteer soldiers and sailors; to the Committee on Military Affairs.

373. A letter from the Secretary of the Treasury, transmitting statement showing the details of the purchases of Victory notes for the bond purchase during the fiscal year 1921 (H. Doc. No. 137); to the Committee on Expenditures in the Treasury Department.

374. A letter from the Secretary of the Treasury, transmitting statement of the purchase of Victory notes for the cumula-

tive sinking fund during the fiscal year 1921 (H. Doc. No. 138); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

375. A letter from the chairman of the United States Tariff Commission, transmitting the fifth annual report of the Tariff Commission for 1921 (H. Doc. No. 136); to the Committee on Ways and Means.

376. A letter from the Secretary of War, transmitting statement showing for the four months ending October 31, 1921, the average number of employees receiving increased compensation under appropriations of the War Department at the rate of $240 per annum and the number of grades receiving the same at each other rate; to the Committee on Appropriations.

377. A letter from the Secretary of the Treasury, transmitting report of the contingent expenses of the Treasury Department for the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Treasury Department.

378. A letter from the Secretary of the Treasury, transmitting statement showing what officers or employees performed travel on official business from Washington to points outside the District of Columbia for the Treasury Department during the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Treasury Department.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LUCE, from the Committee on Elections No. 2, to which was referred the contested-election case of Rainey *v.* Shaw, reported the same, accompanied by a report (No. 498), which said report was referred to the House Calendar and ordered to be printed.

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 8344) to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes, reported the same with an amendment, accompanied by a report (No. 499), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 8832) to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent, reported the same with an amendment, accompanied by a report (No. 497), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8616) granting an increase of pension to William T. Marshall; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 9230) granting a pension to Carrie A. Boggess; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RIDDICK: A bill (H. R. 9344) providing for the appropriation of funds for acquiring additional water rights for Indians on the Crow Reservation in Montana, whose lands are irrigable under the Two Leggins irrigation canal; to the Committee on Indian Affairs.

By Mr. REECE: A bill (H. R. 9345) to authorize the appropriation of additional sums for Federal aid in construction of post roads, and for other purposes; to the Committee on Roads.

By Mr. STEDMAN: A bill (H. R. 9346) to provide for the purchase of a site and the erection of a public building at Mount Airy, N. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9347) to provide for the purchase of a site and the erection of a public building at Greensboro, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. FOCHT (by request): A bill (H. R. 9348) to license private detectives in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SUMMERS of Washington: A bill (H. R. 9349) providing for the appropriation of funds for continuing the construction of the Toppenish-Simcoe irrigation project on the Yakima Indian Reservation, Wash., and for other purposes; to the Committee on Appropriations.

By Mr. VOLSTEAD: A bill (H. R. 9350) to amend the act of March 4, 1917, for the restoration of the annuities of the Medawakanton and Wahpakoota (Santee) bands of Sioux Indians; to the Committee on Indian Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 9351) providing that the act approved December 17, 1919, entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relatives of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," shall be executed and administered as though it had been passed and approved October 6, 1917; to the Committee on Military Affairs.

By Mr. BURTON: A bill (H. R. 9352) to repeal seection 34 of the act of June 5, 1920, entitled "An act to provide for the promotion and maintenance of the American merchant marine," etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. TILSON: Joint resolution (H. J. Res. 227) extending the term of the National Screw Thread Commission for a period of five years from March 21, 1922; to the Committee on Coinage, Weights, and Measures.

By Mr. FORDNEY: Concurrent resolution (H. Con. Res. 33) providing for the printing of the revenue law of 1921; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWERS: A bill (H. R. 9353) granting an increase of pension to William J. Grimm; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 9354) granting an increase of pension to Barbara Williams; to the Committee on Invalid Pensions.

By Mr. GENSMAN: A bill (H. R. 9355) granting an increase of pension to Columbia A. Seaman; to the Committee on Pensions.

By Mr. GILLETT: A bill (H. R. 9356) granting an increase of pension to William Thornton Parker; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 9357) granting a pension to Glenn E. Walker; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 9358) authorizing the Secretary of War to donate to the village of Floral Park, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 9359) granting a pension to Ben C. Robinson; to the Committee on Pensions.

By Mr. IRELAND: A bill (H. R. 9360) granting a pension to Ann Katherine Kindred; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9361) granting a pension to Sarah J. Farlin; to the Committee on Pensions.

By Mr. LEHLBACH: A bill (H. R. 9362) for the relief of Patrick Sharkey; to the Committee on Claims.

By Mr. LINEBERGER: A bill (H. R. 9363) granting a pension to Ann Austin; to the Committee on Invalid Pensions.

By Mr. LUHRING: A bill (H. R. 9364) granting a pension to James McFarland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9365) granting a pension to Sarah Bunner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9366) granting a pension to Sarah E. Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9367) granting a pension to Cyrus N. Deffendall; to the Committee on Pensions.

Also, a bill (H. R. 9368) granting an increase of pension to Nancy A. Tyler; to the Committee on Pensions.

By Mr. McARTHUR: A bill (H. R. 9369) for the relief of the Pacific Commissary Co.; to the Committee on Claims.

By Mr. MOORE of Illinois: A bill (H. R. 9370) granting a pension to Ellen McClaflin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9371) for the relief of Mollie Lane; to the Committee on Claims.

By Mr. RAINEY of Alabama: A bill (H. R. 9372) for the relief of Joseph P. Esslinger; to the Committee on Claims.

By Mr. REECE: A bill (H. R. 9373) granting a pension to Emma Lethco; to the Committee on Invalid Pensions.

By Mr. STEPHENS: A bill (H. R. 9374) granting a pension to Henry Herzog; to the Committee on Pensions.

By Mr. TINCHER: A bill (H. R. 9375) granting a pension to William J. Bandhauer; to the Committee on Pensions.

By Mr. VAILE: A bill (H. R. 9376) for the relief of John L. Livingston; to the Committee on Naval Affairs.

By Mr. VOLSTEAD: A bill (H. R. 9377) granting a pension to Elizabeth House; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 9378) granting a pension to Hannah White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9379) granting a pension to Melvin B. Krause; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9380) granting a pension to Charles J. Bice; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3210. By Mr. BURDICK: Petition of thousands of citizens of the first congressional district of Rhode Island, urging recognition of republic of Ireland by United States; to the Committee on Foreign Affairs.

3211. By Mr. FENN: Petition of Commodore Jack Barry Council, American Association for the Recognition of the Irish Republic, of New Britain, Conn., asking that the representatives of this Republic at the Limitation of Arms Conference enter into no entanglement and stand for complete disarmament; to the Committee on Foreign Affairs.

3212. By Mr. FULMER: Petition of Association of Official Agricultural Chemists, urging Congress to continue adequate and beneficial legislation in behalf of the various chemical industries until they become firmly established; to the Committee on Ways and Means.

3213. By Mr. GALLIVAN: Petition from Joyce Kilmer Council, American Association for the Recognition of the Irish Republic, requesting favorable action on La Follette resolution for treaty between England and the Irish nation; also petition from John J. McDonald, commander department of Massachusetts Veterans of Foreign Wars, requesting favorable action on Senate joint resolution 131 and amendment thereto; to the Committee on Foreign Affairs.

3214. By Mr. KISSEL: Petition of Agnes Conlon, Bridget Conlon, Margaret Coughlin, Thomas Druan, Robert M. Larke, Annie Voltz, and Frank Voltz, of the third New York congressional district, for the recognition of the Irish republic; to the Committee on Foreign Affairs.

3215. By Mr. MAPES: Petition of Joseph H. Clark and 150 others, of Grand Rapids, Mich., for the recognition of the Irish republic; to the Committee on Foreign Affairs.

3216. By Mr. RAKER: Petition of the White House, of Dunsmuir, Calif., protesting against the American valuation clause in the Fordney tariff bill; also petition of the Rice Association of California, affiliated with the San Francisco Chamber of Commerce, protesting against proposed extension of the emergency tariff act and Fordney tariff bill imposing a 60-cent increase in tariff on Cuban sugar; to the Committee on Ways and Means.

3217. Also, petition of the Commonwealth Club of California, of San Francisco, Calif., in regard to the Conference for the Limitation of Armament; to the Committee on Foreign Affairs.

3218. Also, petition of the California Teachers' Association (northern section), of Sacramento, Calif.; George A. Bunell, of Jackson; and Henry W. Lange, of Shingle, Calif., all indorsing and urging support of the Sterling-Towner bill providing for a department of education; to the Committee on Education.

3219. Also, petition of the Citizens' Medical Reference Bureau, of New York City, relative to legislation relating to public health; to the Committee on Interstate and Foreign Commerce.

3220. By Mr. RIDDICK: Petition of citizens of Miles City, Mont., urging defeat of so-called Penrose bill, and that the United States Government take immediate steps to collect from foreign Governments the moneys owing to it; to the Committee on Ways and Means.

3221. By Mr. SIEGEL: Petition of citizens of New York against House bill 4388; to the Committee on the District of Columbia.

3222. By Mr. STINESS: Memorial of some 14,000 citizens of the second congressional district of Rhode Island, urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

3223. Also, memorial of Commodore John Barry Council, American Association for the Recognition of the Irish Republic, of Rhode Island, urging that a treaty of peace be signed between England and Ireland recognizing the Irish republic; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *December 7, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, truly this is one of Thy days and we would rejoice therein. We bless Thee for all the providences which enrich our daily lives. And this morning where shadows have gathered and where under the habiliments of mourning there are aching hearts, we bear before Thee the honored home stricken in the South and humbly ask Thee to comfort as one whom his mother comforts. Bless us each along the pathway and help us always to recognize the hand that leads. We ask in Jesus Christ's name. Amen.

The VICE PRESIDENT resumed the chair.

KEY PITTMAN, a Senator from the State of Nevada, and THOMAS STERLING, a Senator from the State of South Dakota, appeared in their seats to-day.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SUPPLEMENTAL ESTIMATES OF APPROPRIATION, 1922 (S. DOC. NO. 92).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a letter from the Director of the Bureau of the Budget submitting supplemental estimates of appropriation required for the service of the fiscal year 1922 in the total sum of $815,475—for the War Department, $132,500; for the Interior Department, $82,975; and for the Department of Agriculture, $600,000—which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF THE SECRETARY OF THE TREASURY.

The VICE PRESIDENT laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances, which was referred to the Committee on Finance.

EXPENSES, UNITED STATES COURT OF CUSTOMS APPEALS.

The VICE PRESIDENT laid before the Senate a communication from the Acting Attorney General, transmitting, pursuant to law, a statement of expenditures under appropriations for the United States Court of Customs Appeals for the fiscal year ended June 30, 1921, which was referred to the Committee on the Judiciary.

INCREASED COMPENSATION, DEPARTMENT OF JUSTICE.

The VICE PRESIDENT laid before the Senate a communication from the Acting Attorney General, transmitting, pursuant to law, a report showing the average number of employees of the Department of Justice, including the courts of the United States, receiving increased compensation at the rate of $240 per annum; also the average number of grades receiving the same at each other rate, which was referred to the Committee on Appropriations.

PROCEEDS FROM SALES, ALASKAN ENGINEERING COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report showing proceeds from the sale of surplus and obsolete material and equipment, and from collections from town-site assessments during the fiscal year ended June 30, 1921, in connection with the construction and operation of railroads in the Territory of Alaska, which was referred to the Committee on Territories and Insular Possessions.

REPORTS OF THE SECRETARY OF THE SENATE.

The VICE PRESIDENT laid before the Senate two communications from the Secretary of the Senate, transmitted, pursuant to law, which, with the accompanying papers, were ordered to lie on the table and, on motion of Mr. SMOOT, to be printed, as follows:

An account of all property, including stationery, belonging to the United States in the possession of the Secretary of the Senate on December 5, 1921 (S. Doc. No. 91); and

A statement of receipts and expenditures of the Senate for the fiscal year ended June 30, 1921 (S. Doc. No. 95).

LIBRARY OF CONGRESS REPORTS.

The VICE PRESIDENT laid before the Senate the annual reports of the Librarian of Congress and the Superintendent of the Library Building and Grounds for the fiscal year ended

June 30, 1921, which were referred to the Committee on the Library.

[Several messages in writing from the President of the United States were transmitted to the Senate by Mr. Latta, one of his secretaries.]

REPORT OF THE GOVERNOR OF THE PANAMA CANAL.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and ordered to be printed and, with the accompanying papers, referred to the Committee on Interoceanic Canals:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the annual report of the governor of the Panama Canal for the fiscal year ended June 30, 1921.

WARREN G. HARDING.

THE WHITE HOUSE, *December 7, 1921.*

REPORTS OF UNITED STATES BUREAU OF EFFICIENCY.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations:

To the Congress of the United States:

As required by the acts of March 4, 1915, and February 28, 1916, I transmit herewith the reports of the United States Bureau of Efficiency for the years ended October 31, 1919, 1920, and 1921.

WARREN G. HARDING.

THE WHITE HOUSE, *December 7, 1921.*

REPORT OF THE GOVERNOR OF PORTO RICO (S. DOC. NO. 93).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Territories and Insular Possessions, and ordered to be printed:

To the Congress of the United States:

As required by section 12 of the act of Congress approved March 12, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith, for the information of Congress, the report of the Governor of Porto Rico for the fiscal year ended June 30, 1921.

This report will not be printed as a part of the annual report of the War Department as heretofore.

WARREN G. HARDING.

THE WHITE HOUSE, *December 7, 1921.*

[NOTE.—Report accompanied similar message to the House of Representatives.]

REPORT OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS (S. DOC. NO. 94).

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read and ordered to be printed, and, with the accompanying papers, referred to the Committee on Naval Affairs:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I transmit herewith the seventh annual report of the committee for the fiscal year ended June 30, 1921.

I think there can be no doubt that the development of aviation will become of great importance for the purposes of commerce, as well as for national defense. While the material progress in aircraft has been remarkable, the use has not as yet been extensively developed in America. This has been due, in the main, to lack of wise and necessary legislation. Aviation is destined to make great strides, and I believe that America, its birthplace, can and should be foremost in its development.

I therefore urge upon the Congress the advisability of giving heed to the recommendations of the committee, the first and most important of which is that a bureau be established in the Department of Commerce for the regulation and development of air navigation.

WARREN G. HARDING.

THE WHITE HOUSE, *December 7, 1921.*

PETITIONS AND MEMORIALS.

Mr. SPENCER presented 75 petitions of 2,104 citizens of the State of Missouri, praying for the recognition of the Irish republic by the Government of the United States, which were referred to the Committee on Foreign Relations.

He also presented two memorials of sundry citizens of Clinton, Owensville, Rosebud, Canaan, and Bland, all in the State of Missouri, remonstrating against the enactment of Senate bill 1948, providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. KING presented a resolution adopted by the Utah State convention of the American Association for the Recognition of the Irish Republic, protesting against the refunding of the allied debt, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Utah State convention of the American Association for the Recognition of the Irish Republic, of Salt Lake City, Utah, favoring passage of the so-called Norris and La Follette resolutions relative to the Irish republic, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Utah State convention of the American Association for the Recognition of the Irish Republic, protesting against Ireland being developed by Great Britain as a naval and aerial base of operations, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Utah State convention of the American Association for the Recognition of the Irish Republic, favoring establishment of an independent Irish republic and recognition by the Government of the United States of the de facto and de jure government of the Irish republic, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted at a meeting of citizens of Park City, Utah, favoring the recognition of the Irish republic by the Government of the United States, which was referred to the Committee on Foreign Relations.

Mr. McKINLEY presented four memorials of sundry citizens of Springfield, Petersburg, Riverton, Pontiac, Virden, Bethany, and Hillsboro, all in the State of Illinois, remonstrating against the enactment of Senate bill 2135, to enable the refunding of obligations of foreign Governments owing to the United States, etc., which were referred to the Committtee on Finance.

Mr. ROBINSON presented a resolution adopted by the Saxton-Willis Post, No 64, the American Legion, of Heber Springs, Ark., protesting against suspension of train operation over the Missouri & North Arkansas Railroad, etc., which was referred to the Committee on Interstate Commerce.

Mr. BURSUM presented a letter in the nature of a memorial from Jesse C. Gilvin, commander Rhineland Post, No. 700, Veterans of Foreign Wars, of Coblenz, Germany, remonstrating against alleged discrimination in the employment in connection with the American forces abroad of foreign female civilian clerks and other foreigners rather than ex-service men of the United States forces, which was referred to the Committee on Military Affairs.

JARVIS M. RICHARDS.

Mr. ROBINSON, from the Committee on Military Affairs, to which was referred the bill (S. 2385) to correct the military record of Jarvis M. Richards, submitted an adverse report thereon, which was agreed to and the bill was indefinitely postponed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NICHOLSON:

A bill (S. 2792) for the relief of John L. Livingston; to the Committee on Naval Affairs.

By Mr. CURTIS:

A bill (S. 2793) to investigate the claims of and to enroll certain persons, if entitled, with the Omaha Tribe of Indians (with accompanying papers); to the Committee on Indian Affairs.

A bill (S. 2794) for the relief of Rosa E. Plummer (with accompanying papers); to the Committee on Claims.

By Mr. LA FOLLETTE:

A bill (S. 2795) granting a pension to Anna Sholts (with accompanying papers); and

A bill (S. 2796) granting an increase of pension to Olof Olson (with accompanying papers); to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 2797) granting an increase of pension to Edward Z. Marlette; to the Committee on Pensions.

A bill (S. 2798) for the relief of The Old National Bank of Martinsburg, Martinsburg, W. Va.; to the Committee on Claims.

By Mr. FRELINGHUYSEN:

A bill (S. 2799) to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New

Jersey, and to establish such bridge a military and post road," approved July 11, 1890; to the Committee on Commerce.

By Mr. BURSUM:

A bill (S. 2800) granting a pension to Mary C. Agnew; to the Committee on Pensions.

By Mr. NICHOLSON (by request):

A joint resolution (S. J. Res. 139) requiring scientific study of values and relative values by the Bureau of Standards; to the Committee on Finance.

AMENDMENT TO THE TARIFF BILL.

Mr. McNARY submitted an amendment intended to be proposed by him to House bill 7456, the permanent tariff bill, which was referred to the Committee on Finance and ordered to be printed.

ADDITIONAL CLERK OF COMMITTEE ON MILITARY AFFAIRS.

Mr. WADSWORTH submitted the following resolution (S. Res. 184), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Military Affairs be, and it is hereby, authorized to employ an additional clerk at the rate of $1,600 per annum, to be paid out of the miscellaneous items of the contingent fund of the Senate, during the second session of the Sixty-seventh Congress.

LAW ENFORCEMENT.

Mr. STERLING. Mr. President, I have here a copy of the address on law enforcement delivered by Hon. Guy D. Goff, Assistant to the Attorney General, before the National Law Enforcement Convention, in this city last evening. I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The address is as follows:

(By Hon. Guy D. Goff, assistant to the Attorney General. Delivered before the National Law Enforcement Convention, held in Washington, D. C., Dec. 6, 1921.)

Moments of supreme satisfaction come to every man. Such were mine when your chairman invited me to address this great gathering upon the question of law enforcement. He who discharges this duty enjoys a privilege and incurs a responsibility. It should be the wish of the speaker so to express himself that some of his words will remain in your memory long after this occasion is over. I shall speak to you, rather than before you, to you directly, to the end that we may reason together.

We are guided and governed by the eternal laws of justice to which we are subject. We may bite our chains as we will, but we shall be made to know ourselves and be taught that man is born to be governed by law, and he that will substitute will in the place of it is an enemy of God. No man in this country is so high that he is above the law, even though he may regard the rule or regulation as a personal affront. No officer of the law may set that law at defiance. All the officers of this Government, from the highest to the lowest, are but the creatures of the law and are bound to obey it. Government is a trust, and the officers of the Government are trustees, and both the trust and the trustees are created by the people for the benefit of all the people.

There is no greater evil to-day than the nonenforcement by public officials of laws which they have sworn to uphold. It is not for an executive, State or Federal, to say whether a law is good or bad. He should enforce it, or confess failure and resign. Therefore, behind every public office stands a power which creates it, and to which it is responsible. That power under our form of government is the sovereign will of the people. No government can be maintained without a principle of fear as well as of duty. Good men will obey the latter, bad men will obey only the former. The underlying evil in the administration of our public affairs is simply dishonesty. Our public offices are too often held by dishonest men, and too often used for dishonest ends. The error is rooted in a mistaken and immoral theory as to the nature of the position they hold. In law and morals a public office is but an agency of the people. They fix its duties and supply its salary. Few deny this truth, but practically it is contradicted every day in all parts of the Union. To have good government we must have good citizens, and always, continuously, a warfare without truce or quarter against those who violate the law. It is strange but true that bad men are combined and good citizens are divided, and that therein lies the cause of lawbreaking. If the good would join hands, the lawless could do nothing, because they constitute but a small proportion of the entire population. Burke's well-known words can not be too often quoted: "There never was long a corrupt government of a virtuous people." When we find any self-governing people afflicted with misgovernment, we can safely believe that they do not deserve a better fate.

Obedience to law is not confined to any form of government, to any race, or to any period in the world's history. If the laws are ignored, there is no government at all. Disregard for one law breeds contempt for all laws. This leads to corruption, and ultimately to destruction of all order. Respect for the law belongs to men of character, who are not only the conscience of government, but in every well-governed State its best motive power. It is the moral qualities in man and State that rule the world. The strength, the industry, and the civilization of a people all depend on individual character, and the very foundations of civil security rest upon it. Laws and institutions are but its outgrowth.

The first century of the English occupation of this continent, being the second century after the discovery of the New World, was the period in which the citizenship of our Republic was created. Whether he came to New England or Virginia, the Briton brought all the rights of personal manhood that had been written with strong hands and stout hearts into the very text of the Magna Charta. But while he brought the rights of the commoner, he did not bring the burdens of an inherited and traditional aristocracy. From the very beginning, all that was freest and best in English custom and English law had here a full course and a fair field, and thus was laid the first, the deepest, and the surest foundations of a free State and a full free citizenship of the free man. Two theories of government largely responsible for the spiritual and the intellectual outlook of our people were, however, then interwoven in the growing Colonies. These were the forces of State and Federal authority—the centrifugal and the centripetal forces of government. Men had been trained in those days to love the colony, and by inheritance to love the State. The sense of local freedom and the jealousies of central authority alike combined to make the citizens of the State distrustful of a new and unlimited National Government. On the other hand, men saw and felt that in union alone was strength, and that no Government could endure without the power to enforce its own decrees and compel obedience to its rightful commands. Between these theories there had to be compromise, or there could be no agreement. The Federal Constitution was such a compromise, and out of it grew the largest and the best scheme of popular free government that the world has yet seen tried. And so our fathers began with complete recognition of the absolute and inalienable rights of man as man. On this solid foundation they built their fabric of government. In time there came the spiritual conception of State and Nation. Those who loved the Union most insisted that to the Nation their highest allegiance belonged, and that when the State and Nation came in conflict, the Nation was supreme. The fact of Negro slavery intensified this difference. The debates went on in Congress, in court, in pulpit, and at last ended upon the field of battle. When the struggle of arms was ended, the debate was ended. Brave and honorable men had submitted this question of human government to the last tribunal known on earth, and when that tribunal had rendered its decree, that this Union of States, born of the people of the United States, is, and shall be forever, a Nation of laws with all that nationality implies, that decision was, and shall forever be, binding upon us all.

Thus has come, unmatched and unequaled, with all its name implies, the United States of America, and the question arises, must arise in every mind: To what shall it eventually grow to be? Rest is impossible. In all this vast creation, in plant, in earth, in stone there is no rest, and so there is and can be no rest in man, in social system or in State. We grow to better or we lapse to worse. The manhood of this people just in so far as it obeys the law will grow more manly, and in so far as it rejects the law will sink backward through sickening changes of weakness, vice, and degradation to anarchy, to an unmanly loss of liberty, and to an unmanly submission to slavery, first of the mob and then of the despot. Absolute liberty to do as one wishes would mean barbarism, for there would be no limit to the conduct of an individual except his whims. The liberty of one would be the unrestricted liberty of every other, and anarchy and absence of law would result as the wants and desires of men came into conflict.

And so I emphasize this fact, that we must learn to see in this great Republic of ours the powers of personality, morality, and spirituality struggling for utterance against the greed for gold, power, and falsehood—dangers as real as they are insidious. The clash of policies and the clash of moral forces are but the outer evidence of the deeper and more fateful clash of intellects. The lights that flash upon our vision, and the shadows that fall across our way, are only the faint, far-off reflections of the joys and the tragedies that move the lives of our friends and our neighbors.

And all through this vital, throbbing people the pulse of one great purpose beats and swells—a purpose that reveals its meaning more and more to those who reflect and will understand that personality and character and respect for the law are alone eternal, and that the real issues of the struggle are not intellectual or material but spiritual and moral, and that character is the constant factor in our governmental stability. The social conscience about which we hear so much is not a mere generalization nor a vague ghost stalking through our civilization and haunting our dreams, but it is a great national ledger in which all our mistakes, hopes, and aspirations are registered and which time reveals to us all.

This is a new era—"The old order changeth, yielding place to the new, and God fulfills Himself in many ways." In view of the present discontent and violation of the law, I was asked recently if this were not the hour when we should listen to sermons and be thankful. I replied, no—that it was the hour when we should take stock and find ourselves. We are reaping the harvest of the great disorder that always accompanies and succeeds war. Our situation does not differ in the least from that existing elsewhere. We are not the only people with problems of incompetence, graft, and criminal aggression. We have been tried and searched by grim tests, and we are now struggling back to everyday conditions. The world is distrustful and too many of our law-abiding people hesitate and delay to do the very things necessary to a speedy recovery. Individual men and women have knowingly sought substitutes for their old maxims, and have weakly proclaimed new discoveries in the make-up of society. The present-day idealist judges without psychology and purposely excludes himself. He shuts men off in water-tight compartments only to create a false sense of superiority. He labels one good, the other bad. Christ tried to teach men not to do that. It is such attitudes that make our habitual efforts at reform so dangerous. Men are not good or bad. They are good and bad. Self-righteousness is a real American peril, but no one possesses a monopoly of those virtues which go to make up real manhood and womanhood, and everyone knows that some men and women are crafty, dishonest, and responsive to immorality and criminal influences. We all know that life has been trying to teach humanity this fundamental lesson from the days of the first man and the first woman.

War lifted the nations engaged into a great force of unlimited energy. It lit the imagination, and the result was collective enthusiasm, much of which was at the expense of character and those principles which we have been taught to hold dear. Economic and ethical values became unsettled and too many of us were responsive to the unrest so prevalent on every side. The searching of our souls disclosed much that was good and much that was bad; but peril abides in this practice if it be too generally followed. Too many of us have a vivid taste for such tasks. The man who searches other people's souls will have no time to search his own. We must not preach disdain, because it exalts the menace of discontent. We must not take our mistakes too seriously, because that discourages repentance and destroys our sense of humor. Life has its absurd side, and those of us who are not snobs know that there is something in all of us at which we must laugh, and at which we do laugh, and at which the world always laughs. The situation admitted of corruption and invited and encouraged the ruthless pursuit of personal advantage. The manifold emergencies of the war and its complete preoccupation offered a perfect opportunity for the return of that unlovely trait in human nature that ever seeks gain out of the misfortunes and the afflictions which are the common lot. In every

vocation and avocation, trade, and craft certain men felt the instinct and were vile enough to take advantage of their friends and crush their competitors. As was to be expected, the large majority refused to yield, but many, too many, surrendered. The profiteer stalked abroad in the land and inflation became the order of the day. The mass opinion and morality became infected with the selfish psychology of the few. Mankind went alooting, and whenever law stood in the way it was annihilated. The favorite excuse was that the restriction of production justified a higher profit and that the increased cost of living justified excessive wages. Those who did not profiteer were ground between the millstones, but the majority did not. Of such, thank God, is the Republic of America. However, it must be admitted that the great majority of people do not regard the welfare of the whole as the chief object of their social obligations, but rather the immediate attainment of their own selfish ends. During the war "emergency" was the great word to which the honest rose and which they made the "slogan" of a splendid Americanism. "Emergency" was the word with which the crooked palliated their dishonesty of getting away with "easy money," while those who played straight were engaged in winning the battles that saved civilization.

There will be no better days, no way out, no escape from these forces more miserably destructive than the forces of war, unless we determine to wash out the small things of life and put in their places a superb sincerity and fearlessness of censure. There is no panacea, just the imperative duty to face the situation in the light of the actual facts. There must be a candid and fearless judgment, unpleasant though it may be. There must be no hesitation in pronouncing that a large part of our people have not been honest. We must take stock in our minds as individuals, and in every nook and cranny of our social, political, and governmental existence. We must legislate and prosecute and drastically punish, but principally we must educate and practice what we preach. No one can deny that things are wrong and that men in their pursuit of false gods have forgotten honor and justice. It is education that is needed. We can not save humanity by hanging murderers and sending thieves to prison. We can save it only by teaching mankind not to murder and that theft is, of all roads to wealth, the most precarious. To-day all mankind is suspicious, doing nothing, playing safe.

America must not and will not yield to this condition. Instead she must be the positive nation. She will. And she will, I am sure, be positively good. A negative nation seeking constantly for evil, even though it seeks that it may punish, if it is not ready to supplant with the positive good, can not and will not triumph in the end. We must inculcate into our people the homely virtues on which civilization rests. We must teach and learn that a virtuous people possessed of aggressive honesty and patient endeavor needs few laws, and that law forced from without can never take the place of character. M. Guizot was once asked to define civilization. He replied: "It is the progress of society and the progress of the individual." But society can not progress without respect for authority and order which is its cornerstone, and the individual can not make progress without that protection and security which respect for the law insures. Strong as this Government is, it is not strong enough to last unless the American citizen is taught, if needs be made, to respect authority and revere the law; that is, civilization rests upon the law, and law upon civilization; and when this fact is appreciated and observed then no man will be above the law and the law will reign over all.

In the great field of the enforcement of the law our difficulties are incredible. The criminal classes are not only insolently bold, but our hitherto law-abiding citizens find it convenient to forget the law. This is true particularly of the prohibition law and its enforcement. But it is the will of the majority operating through Congress. The difficulties encountered in the enforcement of this law are due possibly to the fact that it was passed before public opinion in many localities was ready to support it. All history shows that any new law which interferes with the so-called personal liberty of the community must pass through the stages of open violation, secret violation, passive enforcement, and then universal observance throughout the land. Prohibition is not the only law which is difficult to enforce, for, as everyone knows, we are to-day in a period of disrespect for law and order. This is to be expected as the reaction from the great sacrifices during the World War. History records that for every such action there is a reaction; that every great sacrifice is followed by great selfishness; that extreme altruistic optimism is followed by pessimism; that prosperity is the mere forerunner of depression; and that immorality and crime are in the ebb of every great moral wave. It may perhaps serve a good purpose to trace these cycles and see what bearing they have upon the conditions which confront us. In the height of prosperity during the early part of the war we were extremely optimistic. Prices were inflated and profits were gigantic. We could not stand prosperity, and the temptation to make great profits made us extravagant, indolent, wasteful, and indifferent to law and order. Not only did the Government join in the mad rush to waste its funds but all classes forgot to save and disregarded the teachings of economy. We should have known, in fact we did know, that we could not and can not be selfish, dishonest, and wasteful without suffering the penalty. We should have known, and we did know, that a nation can not disrupt its commerce and take men out of productive employments without disturbing its general welfare. Then came a period of inefficiency, dishonesty, crafty business, and social immorality. But the revelations and investigations of to-day must be accepted with care. We must not by forgetting war conditions lose our perspective. The Government's losses were due to the cancellation of contracts running into the millions. The fruits of these obligations would have been essential to the public welfare if the war had continued, and most of them were prompted by the highest motives of honesty and patriotism. They must be settled and the losses adjusted. There must be compensation for materials purchased and not used, and adequate payment provided for services arranged for and not used.

None of this is the fault of a single American. It is the fault of those who plunged the world into war. And yet the inevitable result was the open violation of the laws of society and of the moral teachings of church and home. Large and violent robberies were attempted, the mails were obstructed, and disrespect for law and authority assumed terrifying proportions. Some officials—I regret to state it—shut their eyes to the fact that a law without execution is like a promise unperformed. Such conditions produce and did produce an almost endless chain of destructive and degrading practices. Gentlemen considered it honorable to carry flasks of liquor and boasted openly of violating the law; and ladies, seemingly disregardful of the fact that one violation leads to another, willfully converted their handbags into receptacles where the cocktail lurked and the highball reposed, in open and flagrant, if not fragrant, violation of the law. Another prevalent cause of disrespect for the law is predicated on a more or less widespread feeling that influence or able representation can thwart the purposes of the law and save those who by willfully violating it have assassinated the will of the people. All of these acts, each in themselves an infraction—and they are not confined to any one class of society—weakened the whole structure of this Government and sowed the seeds that furnish a harvest of crimes in the courts of the land, as a study of their records discloses. If we are to take stock, there must be no false idealism or hesitation in pronouncing that many of our people have not been honest. It may be a truism, but it is nevertheless true, that the call was never greater than now for the highest type of fearless moral manhood and womanhood to assert its force and reincarnate its power, and the remedy is simple, plain, and imperative if we hope to survive as a great people.

One word—honesty—tells what is needed. It tells us, too, that it is quite as important that we know and reaffirm that it is a word with no double meaning. There is no comparative degree. There is no alternative, save its opposite. Men and women are honest or they are not, and so with a people. The call of the law is for sane citizenship, a condition of mind that inquires first and believes afterwards, for not only a more active participation of every citizen in public affairs, but for a more tolerant view and attitude toward those with whom we differ.

A gifted jurist, and a great American, has said:

"The perpetuity of this Government depends upon the manner in which our laws are carried out. Nearly every State has laws to which no attention is paid, and they reap the fruits by having all laws broken. I am not an alarmist when I say if these conditions be tolerated the Republic itself will sooner or later fall by the props of the law on which it rests being weakened and destroyed. Americans are accustomed to regard a republican form of government as a natural condition. That such a government is mortal and can die is a thought so entirely foreign to our conditions that it is folly in the minds of some to discuss it. A glance at history does not lend encouragement to this cheerful view. Our Republic, though the best, is not the first nor the oldest. We have lasted now 138 years. Venice had a republican form of government for 1,100 years; Carthage, 700 years; Athens, with various intermissions, 900 years; Florence, 300 years; and Rome, 500 years. These Governments have long since passed from the stage of the world, and some of them are little remembered.

"If our Government were to last three centuries longer and then die, it would go down in history as one of the most splendid and shortest-lived among the wrecks with which the shores of time are strewn. What caused the downfall of these governments by the people? The people made laws until the laws became so many the people began to disregard their own laws. The laws of Rome were good. Indeed, the Justinian Code is said to be the most perfect system of laws ever devised by man. Yet Rome rotted and fell, even while the code was in operation. The laws were all right, but the hearts of the people were not right and the laws were not obeyed. When the laws ceased to reign, the Government resting upon the foundation of laws commenced to topple over. The reign of laws means the rule of the people, for a majority of the people make the laws. They register their will crystallized in the form of statutes. We need a revival of the rule of the people."

In this connection I also wish to cull and quote certain thoughts of my friend and chief, the Attorney General of the United States, in that most wonderful of orations delivered at the meeting of the American Bar Association at Cincinnati, August 31, 1921. He said:

"The history of civilization has been a continuous struggle for law and order."

"Respect for law is the one essential fact of our civilization. Without it life, liberty, and property are insecure. Without it civilization falls back to the chaos and anarchy of primitive times.

"Our safety and happiness lies in obedience to law by every man, woman, and child within the domain of our Republic, and no one can undermine respect for law without being, to that extent, an enemy to law and orderly government.

"From the standpoint of the Government, the only sound view is that of law enforcement. Whatever differences of opinion exist in the views as to the wisdom of some of these laws can be of no concern to the agencies for law enforcement. The executive department can not make the laws. It is especially true that it can not nullify laws. To refuse or to neglect to enforce a valid enactment of the legislative department of government, or to enforce it mechanically or half-heartedly, or to wink at its violation, is without justification on any sound theory of government.

"The Government will endure on the rock of law enforcement or it will perish in the quicksands of lawlessness.

"As a citizen can not choose what laws he will obey, so likewise those charged with law enforcement can not choose what laws they will enforce. The only sound position for those who favor respect for law to take is that those charged with law enforcement must enforce all the laws, and all good citizens must obey all the laws. Neither can exercise any right of choice in this matter without placing themselves above the law.

"Those who do not believe in our Government and the enforcement of our laws should go to a country which gives them their peculiar liberty.

"My duty is clear. As long as I am the responsible head of the Department of Justice the law will be enforced with all the power possessed by the Government which I am at liberty to call to my command."

To all of this I add not only my indorsement but I pledge this: These principles shall be my principles; and as long as I am connected with the Department of Justice they shall be the Genesis of its present policy and the gospel of its New Testament.

Deplorable, but true, in our cities, in our States, yes, in the Federal Government we have officials, men sworn to uphold the honor of their country and preserve its Constitution who have, who are, and who will continue to subvert their Nation's cause to their own personal prosperity. Others there are who, because of political honor or personal friendship, or perhaps stronger influences, will allow illegal practices to be perpetrated and the law to be set at naught. The law is not made for a certain few; it is not enacted to be enforced against some and vacated against others. It is a beacon for all—for the poor, for the rich, for the Jew and the gentile, for the white and for the black, and for the high and the low. It chooses none and rejects none. It stands, proclaiming to the world, "Thou shalt not break," and when that commandment is broken the Nation should bend its efforts to see that atonement is made, no matter who may be the offender, no matter how high his rank or how low his station. The quickest and surest way of setting any law at naught is to relax its enforcement, while the quickest and surest way of instilling respect for the law in the hearts of a people is to vigorously press its enforcement.

We can say with pride, and I repeat it with hope, that the peak of lawlessness has been reached and passed and our national institutions left intact. And why? Because we had and have men in our State and Federal Governments who were not afraid to dig into the slime of this nasty, dirty graft and bring these treacherous vampires of corruption to the bar of justice, where, with a return of fear, they may be taught that there is "a God in Israel." Our Government and our constitutions embody the wisdom of the ages, and they are not to be overthrown by the whims or the depravity of those who speculate in public justice and view it as an article of personal favor. The parasites that fatten on crime and live on human sin shall not be permitted to traffic in our liberties and vulturelike sink their gorging beaks into our constitutions and our laws. I do not believe that men are inherently bad; it is only when the temptations are strong and men have not strength enough to resist that they violate the moral and statute laws. But the man who can not obey the law, the man who can not fearlessly enforce the law, and with the courage of his convictions bring before our judicial tribunals every dastardly and contemptible crook, no matter how high his rank, has no place in our system. Such a man fosters disrespect for the law by feeble enforcement, and, lacking in courage, he fails in the prime requirements of his obligations and undertakings. Many such an official also takes refuge in a too great discretion, and in the interpretation of statutes clothes himself with the unwarranted prerogatives of legislative and executive powers.

As bearing upon this question and reflecting as it does the sentiment of the bench and bar of the Nation, I invite your attention to the report recently presented and unanimously adopted by the judicial section of the American Bar Association:

"The judicial section of the American Bar Association, venturing to speak for all the judges, wishes to express this warning to the American people: Reverence for law and enforcement of law depends mainly upon the ideals and customs of those who occupy the vantage ground of life in business and society. The people of the United States, by solemn constitutional and statutory enactment, have undertaken to suppress the age-long evil of the liquor traffic.

"When, for the gratification of their appetites or the promotion of their interests, lawyers, bankers, great merchants and manufacturers, and social leaders, both men and women, disobey and scoff at this law or any other law, they are aiding the cause of anarchy and promoting mob violence, robbery, and homicide; they are sowing dragon's teeth, and they need not be surprised when they find that no judicial or police authority can save our country or humanity from reaping the harvest."

Here you have the views of those best qualified to express such an opinion. Law and government are, and always have been, but one expression of the life of the people. Law is regulative rather than generative. It is simply part and parcel of a people's life. It is a part of their life like their social habits and their language, and as such it must grow with their growth and wither with their decay. Every great reform which has been effected by law has consisted not in doing something new but in undoing something old. The most valuable additions made to legislation have been enactments destructive of previous legislation; and the best laws which have been passed have been those by which former laws were repealed. Law as it reflects the social expression is more or less idealistic. It embodies the new chapter in the story of man's struggle upward. The United States always has offered the richest free gift ever spread out before civilized man. It has ever been from its colonial period an exit into a freer life and a greater well-being than was ever before within the grasp of mankind. It demands the best and it always gives in return the chance for indefinite ascent in the scale of personal advancement. Never again can such an opportunity come to the sons of men where to each are offered the gifts after his own will. It gave to the pioneer a restless energy, a quick capacity for judgment and action, a belief in liberty, freedom of opportunity, and a resistance to the domination of class. America has always meant to the immigrants from the Old World the opportunity to destroy the bonds of social caste and to hew out for themselves in a new country a destiny and a career proportioned to the powers that God gave them. In a word, it has and it does to-day offer to everyone a chance to win a larger life than any other land in the world. This conception has vitalized American democracy and has brought it into sharp contrasts with the democracies of history and with "those modern efforts of Europe to create an artificial democratic society by legislation." The problem of the United States is, therefore, not to create democracy but to conserve democratic institutions and ideals, to the end that civic power shall dominate and individual achievement shall grow for the common good. American democracy practices the high diplomacy of truthful speech, the consummate tact of undivided attention. It dares to seize right with a giant's grasp, assume responsibility at any hazard, and suffer sacrifice without pretense. It capitulates to no unworthy cause, but carries its flag high at the point of a clear and a blameless conscience.

"She lives for those who love her,
For the land that holds her true,
For the cause that lacks assistance,
And the good that she can do."

A keen observer of American affairs well said:

"One does not find in America anything one does not find in Europe; but one finds in Europe what one does not find in America. America has, broadly speaking, no waste products. The wreckage, everywhere evident in Europe, is not evident there. Men do not lose their self-respect, they win it; they do not drop out, they work in. This is the great result not of American institutions or ideals, but of American opportunities."

True as this is, there is on every hand evidence that the world disease of social unrest still affects us. All classes are more or less influenced. A striking indication is that very many people feel that they have been exploited for the benefit of someone else, and that the time has now come for the cure of all human ills. This is largely due to mental listlessness—a conception that sees no light in the grey, and seeks refuge in hope, trusting that the way out of the storm will soon appear. Such people are the easy victims of the catch phrases of the day. New words coined to lead those who allow others to think for them mean very little to practical people. "Making the world safe for democracy;" "splendid isolation;" and "tying your destiny to a star," mean absolutely nothing. They appeal to the emotions and catch the crowd. They take the place of sweet music when the lights are low, but there is nothing to them when the sun rises the next day and the air is full of ozone. There can be no better days, unless we make them, unless we determine that there shall be better days. We are surrounded by impalpable foes. We are like the shipwrecked folk in "The Tempest," when the harpies swooped down from the mysterious air and carried away the feast from the banqueting table. The world is burdened with leaders, and each cries out to the multitude that he has found a way out. More wages and less work, more work and less wages, profit sharing, State ownership, destruction of capital, international socialism, and the rights of democratic free government. Everyone knows that there is no solution in any of them. This mundane sphere is a very old habitat and all of these ways have been followed, and they all return to the same place. They each appeal to self-interest, a powerful but far from supreme motive. The ultimate fact is that man does not live by bread alone but by faith, even though he does not know it. The secret of all progress in any field is unbounded optimism, which is just another name for faith, or, perhaps, it is possibly better to say that the imaginative act of faith is endowed with the power of making that which it wills come to pass, because the greater the number of people determining upon the same thing, the greater the result. It is for this reason that we must stop throughout the entire world to-day and take stock—that is, collectively agree to compromise and readjust, because all law is a living and growing organism that changes as the relations of society change. How many people reflect that democracy in its essence is a theory of life and government? There has been an attempt to confuse it with bolshevism. This is most unfortunate. Bolshevism is a class concept. It has its origin in class consciousness, and it is purely and simply proletarian autocracy. It has no more connection with the democracy of America than heaven with hell. It is kaiserism standing on its head and governing the world with its feet. It advances by physical force. It knows no law but might, and it seeks to substitute despotism for the freedom which mankind has struggled to obtain. The fact is, the divine prophecy of democracy has been fulfilled here in America.

"And their nobles shall be of themselves, and their governors shall proceed from the midst of them."

And may I venture a prophecy—it is uppermost in your minds—that the American ideal, conceived in liberty and dedicated to the proposition that all men are born with equal rights, is the most potent and moral ideal in all the world. All this country needs is to be true to herself, and she will save and lead mankind. No one knows these facts better than the American citizen who thinks and reflects for himself. He knows, too, that efforts to reform the world at one fell swoop or to readjust the vast disarray that succeeds the cataclysm of war are predoomed to fail. He realizes that the dissensions now existing are not exceptional, but rather the unavoidable consequences of most unusual causes. He knows that the danger element in the entire world to-day is the man who teaches the people to want what they can not have. He realizes that it is the suggestion of selfishness directed to susceptible minds that is preventing people from accepting conditions as they are and beginning the slow progress of building up again. Everyone realizes, even the agitator himself, that the first principle of citizenship is respect for the rights of others and the interests of the community as a whole. Nature will not yield her gifts except in return for effort. Agitation, confusion, idleness, and absolute contempt for the rights of others mean debt, poverty, hunger, and misery. It is a sad commentary upon our credulity and our hospitality that after we have opened our doors to those who pleadingly sought liberty, we must now be outraged by the very people to whom we encouragingly held out an inviting and helping hand. We welcome to-day, as we did in the past, those who love liberty, those who become American citizens without any mental reservations or purposes of evasion, but we have no room for those who would have us exchange our liberty and freedom for isms and licentious license. Such people, as the Attorney General so well says, "should go to a country which gives them their peculiar liberty," and I would add, if they do not go to such a country and remain to violate the laws of this Government, I pledge you to find a place, make a place in some Government institution, where—in their solitary, individual grandeur—they can set up a government of their own and be the monarch of all they survey.

Speaking upon the question of law and order, Dr. Wayne B. Wheeler, the general counsel of the Anti-Saloon League, has aptly and with characteristic terseness in a most timely article described the results that follow a reign of lawlessness. After referring to a prophecy of Lord Macaulay, who predicted that the civilization of the United States would be destroyed by lawlessness engendered within her own institutions, he said:

"For officers or the people to permit laws to be violated is a deadly attack upon the Government. Its contagion spreads from one law to another. It distills its deadly poison into the arteries of our jurisprudence. It palsies the power of honest officials. It assassinates the process of orderly control. It is a prolific source of disease to the whole social order, and jeopardizes the life of the race."

It is only by vigorous enforcement of all laws—not one law—that the great purpose of this Government can be accomplished. Any laxity in the law's execution removes the coercive power just as fully as though there were no laws. Enforcement is the stimulant, the coercive, which the weak require to enable them to obey the law, and it is only in this way that respect for the law and our institutions can be restored and maintained.

We are at the crossroads. We are facing the problems of a new age, the dangers of a highly developed civilization. We have expected a measure of unrest. We realize that there must be cooperation and coordination. We appreciate that the world to-day is just as confused and perplexed as ancient Babylon. The difference in ideals and ideas is just as much a Babel of conflicting interests as a Babel of voices was obstructive of national unity in the days of the Biblical tower. We know that we must stop thinking in terms of class and begin to think in terms of the United States. This can not be accomplished until we drive out suspicion, envy, and hate, and put big ideas in the place of small ones. The issue before this country to-day is Americanism, and the sooner we clean the melting pot and throw out the slag the better for all concerned. If the man with capital owes a duty to the public, the man who works with his hands can not escape the correlative obligation. Every man who labors with head or hands is a national servant; otherwise he has no rights either as a citizen or an individual under our form of government.

If the Government of the United States will pinch off the cooties, whether they be capitalists, socialists, bolshevists, or labor leaders and compel them to obey the law, because it is the will of the majority, the collective reason and justice of the people, it will win the peace of the world. I know this can be done, and as far as it lies within the power of the Attorney General and myself, speaking for the Department of Justice, it will be done. It can not be done without the assistance of all the people. It can not be done if those who enforce the law are not looked upon as the attorneys for all the people. It can not be done unless the efforts of those who have sworn to preserve the law have the support of a majority of the people who believe in the law. The Department of Justice here—or in every district where it is represented—can not execute a single law without the people. The greatest

power in all this land is in the jury box, and it is there that the people accept or reject the laws which their representatives enact. It is well to remember the words of Carlyle:

"There is justice here below, and even at the bottom there is nothing else but justice. Forget that and thou hast forgotten all."

These are grave and serious problems. They threaten the integrity of our institutions, if not the very existence of this Republic. We belong not to ourselves, but to the world. We can not rest upon our past, decided and glorious as it is. It is the future with which we are concerned. The conditions of life are ever changing, and the experiences of the fathers are rarely the experiences of the sons. The questions presented to us are not the founding of a great nation, but the preservation of one already old. The socialist says America is not truly democratic because the people are not all the same. But when did democracy guarantee the similarity of people and "grade mankind down to a dead level"? Democracy is no miracle worker. It declares and it does guarantee this: That men unequal in abilities shall be equal in their rights to develop their capacities. Every avenue must be open and every opportunity free. The instances in this country where the poor and the lowly rise to eminence and fame are not accidents. They are the best proof of an equality among men in the only sense in which equality is possible, equality of opportunity.

The future rests with us. The fate of humanity may be in our hands, because democracy can save or destroy the world. The pleading voice of a war-torn world, choked with the sob of the ages, is lifted to us. It beseeches us, in the name of God, in the name of charity, in the name of freedom, in the name of justice, to be consistent, law-abiding, generous, and true, lest we, too, may go the way of the earlier nations. And it is just at this point that I would emphasize that the Republic needs men, God-gifted men, of character, purity, vigor, and judgment. It needs men to stand in the hard places and fight the hard battles. It needs men to answer its questions and to solve its problems. It needs men whose lives appeal to our intellect, arouse our ideals, and touch the best in all of us. In short, this Nation to-day needs men who are not afraid of the demagogues and the unprincipled politicians who for selfish and sordid reasons tell the people that they are continually being cheated, deceived, and tricked, until confidence is destroyed and honor always questioned. It needs men with initiative and convictions. It needs men who have ideals, and who rely upon them for success. It needs men who will not disturb the public mind by teaching it to want. It needs men who will not disappoint the people with the promise of things they can not have and which they should not have. It needs men who will always do the very best they can, just where and as they are; men with sufficient self-abnegation to permit their laboring in obscurity, smiling in adversity, and waiting in patience. We have had altogether too much of a leadership that sees in every public question or national law the opportunity to make the public subservient to its private personal interest. We must look to the young men of ideals, men yet unspoiled by the cynical touch of the sordidness of the world, men who have courage and are capable of tremendous self-sacrifice. We should make it our duty to find such men among the mentally and spiritually young, not among the men who cringe before power and grow morally flabby in the presence of opportunity. We must look among those who, while they respect the past for the good it has produced, believe that the present and the future are all important. We must look to men who would rather be social exiles, having the testimony of an approving conscience, than be guests in kings' houses. Such men will proclaim and teach that American institutions and American law are the great bulwark behind which the forces of liberty are intrenched, and that the American Constitution is the outward and visible means by which the blessings of liberty have been secured. Such men will impose the principles of Americanism upon all newcomers and defend those principles against all attacks. Such men will do their work with enthusiasm, not for gain but because it is part of the plan. Such men will quit their obligations to the Commonwealth and render good account of themselves when the "Master of all good workmen" shall sum up their lives.

There is a great painting that tells of American activity—a prairie schooner with its oxen toiling westward, bearing a family to some undiscovered home. Above the caravan hover the angels of hope and faith and love, pointing the way to go. Below is the spirit of commercialism and above the spirit of idealism, and the plodding life of America marches on between the angels and the soil. In the conflict of these two forces lies the problem of our future. Are we to be the victims of our own prosperity, robbed by the very magnitude of our wealth, or shall we go on under the leadership of the wisest and the best?

This country in its government should reflect the purity, the order, the patience, and the virtue of every home within its boundaries. It will not be the government we intend it to be until such is the case. It will never be such a country until we show a willingness to forget self in the opportunity to serve, a willingness to sacrifice in time, thought, and means for the sake of all. This is the best of the civilizations. There is no room for any thought except liberty, individuality, and the right to be free. Our fathers before us solved every problem that confronted them. They feared God and loved liberty, and though they sleep in the narrow trenches of death, their imperishable spirit lives in the American citizen of to-day and will live throughout all the years to come. They lived and fought and died that we might be free. Their sons in France sought in sacrifice an opportunity that our flag might be unspotted and unstained. They willingly died that all men beneath its folds should bear no chains nor live in dishonor, while a single star shone in the firmament of God. We shall keep the faith with our dead—fathers, sons, and brothers. If we break it, they will not sleep, "though the poppies grow in Flanders fields." And if we find that we can not keep the faith without reserve, we should acknowledge that our civilization is a failure, and that we are too material to idealize the proud realities of life and respect the memories of those who so recently went forth to fight and die that moral values might survive, liberty be vindicated, and Christian civilization emerge to its final triumph. We shall back this Republic of our fathers, their sons, and our brothers against the world, and because justice is greater than power we know that this land, hallowed with the tears and the hopes of our sacred dead, shall, if we do our very best, live to scatter the riches of human liberty to races yet unborn and advance the cause of civilization that law and order, freedom, and peace shall always be preserved.

The law must be, and it shall be, enforced as it is conceived and written, and always without fear or favor. And so to you, and through you, I bring the pledge that in so far as it lies within the power of the Department of Justice to execute and enforce the law of the land there will be no backward step, no retreat, in preserving the Constitution and carrying out the mandate of the people.

CLERICAL SERVICE IN PORTO RICO.

Mr. KING. Mr. President, on yesterday I offered a resolution relating to certain information desired concerning employees in the Territory of Porto Rico, which I asked should lie on the table. I ask that the resolution may be read now.

The Assistant Secretary read the resolution (S. Res. 183) submitted yesterday by Mr. KING, as follows:

Whereas it is claimed that since Porto Rico was acquired by the United States an inordinately large proportion of the officials and clerical personnel of the Territorial and of the local government have been persons who went to Porto Rico from the United States in order to occupy such positions, and that since March 4, 1921, a large additional number of persons have gone from the United States to Porto Rico to fill various official positions in the Territorial and local government, and that such condition is a cause of complaint of dissatisfaction in the island: Now, therefore, be it

Resolved, That the Secretary of War is directed to report to the Senate a complete list of the number of persons holding positions in the Territorial government and local government, including the clerical personnel on the 4th of March, 1921, who were not natives of Porto Rico, and also a complete list of the persons who have, since March 4, 1921, been appointed to positions, including clerical personnel, in the Territorial government and local government who are not natives of Porto Rico.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

THE PEACE FLAG.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The ASSISTANT SECRETARY. Senate resolution 176, submitted by Mr. WALSH of Montana on the calendar day of November 23, 1921, as follows:

Whereas at a meeting of the Interparliamentary Union and World's Peace Congress peace flags of many nations have been displayed, made by adding a white border to each national flag; and

Whereas the United States flag, thus bordered as a peace flag, was carried by the first United States ship that passed through the Panama Canal, the *Cristobal*, a flag now in the custody of the Daughters of the American Revolution at the Capital of the United States: Therefore be it

Resolved, That the Senate hereby requests the President to authorize United States delegates at the Conference on Limitation of Armament now sitting at the city of Washington to display such a flag at the conference.

Mr. SMOOT. The resolution comes over under the rule?

The VICE PRESIDENT. It is a resolution coming over from a previous day under the rule.

Mr. SMOOT. I would like to ask the Senator from Montana if he desires to have it referred to any special committee?

Mr. WALSH of Montana. I should like to have the resolution taken up for consideration without referring it to a committee, because if there is going to be any opposition to it whatever I shall not press the resolution.

Mr. SMOOT. I assure the Senator that there will be opposition to it, and if I can defeat it I am going to do so. I will also say to the Senator that I have not counted the number, but I have received resolutions from Grand Army of the Republic organizations opposing the resolution. I have also received similar protests from many women's organizations of the country. I do not know that I have ever known any subject before the Senate that has been so universally protested against by every patriotic organization in the country, and I certainly shall do all I can to see that the resolution is defeated.

Mr. WALSH of Montana. Mr. President, in view of the statement of the Senator from Utah I have no desire at all to press the resolution for consideration. I may say, however, that I do not share in any measure whatever the sentiments of the Senator from Utah with respect to this matter.

The flag may be displayed as the United States flag, but it has a white border to indicate that in this particular instance the United States flag is on a mission of peace and not on a mission of war. That is all there is to it. I can very well understand the sentiment of the very good people who have addressed the Senator from Utah with respect to it; I have encountered that same sentiment on other occasions; it is a very proper sentiment which prohibits the use of the United States flag for any advertising purpose. That sentiment has found expression in the statutes of many States and very wisely so; I am in hearty accord with it; but I would naturally think that the good people, if they should reflect upon the matter at all, would see some difference between using the flag for advertising purposes and calling attention to the fact that in a particular building the delegates of the United States are concerned in a great mission of peace. It would scarcely come under the designation of advertising to use the United States flag with a white border to indicate that purpose.

Mr. SMOOT. I will say to the Senator from Montana that I have always understood that the Stars and Stripes was a flag of peace, an emblem of peace.

Mr. WALSH of Montana. So it is, Mr. President.

Mr. SMOOT. I do not think it is necessary to have a white border or any other kind of a border around the flag to indicate that.

Mr. WALSH of Montana. The flag is likewise an emblem of war as well, and it has been carried in the forefront of our troops on this continent and on the continent of Europe in some of the bloodiest engagements in which men ever participated.

Mr. SMOOT. But the ultimate purpose was to obtain peace.

Mr. WALSH of Montana. That, however, is neither here nor there.

Mr. WATSON of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH of Montana. I yield.

Mr. WATSON of Georgia. I should like to ask the Senator from Montana if the coloring of the flag is not fixed by law?

Mr. WALSH of Montana. It is.

Mr. WATSON of Georgia. I should like to ask the Senator if he did not see the yellow border on the flag in the other House on yesterday, and to inquire by what authority that yellow coloring was there?

Mr. WALSH of Montana. No; I did not see that.

Mr. WATSON of Georgia. There is such a yellow border on the flag there.

Mr. POINDEXTER. A "yellow streak" would very appropriately represent those who want to abandon the flag of the United States and what it stands for.

Mr. WATSON of Georgia. I do not quite catch the drift of the remarks of the Senator from Washington, but I do know—at least it is my impression—that the flag behind the Vice President is colored according to law and that the law has never been changed. So when I saw the yellow stripe around the flag which was displayed on yesterday in the House of Representatives in the joint session of the two Houses, as a law-abiding, patriotic American I felt some indignation that any coloring should be on the flag except that fixed by law. I am asking now by what authority the House of Representatives displays a flag there that is different from that which is displayed in this Chamber? The flag there displayed has a yellow border, and a very broad one at that, and it does not improve the looks of the flag, either.

Mr. SMOOT. Mr. President, I will say to the Senator from Georgia that I can not answer his question in reference to the yellow border on the flag displayed on yesterday in the House of Representatives, nor did I notice it. If I had, I should have made remarks similar to those which have been made by the Senator from Georgia upon this occasion.

Mr. WATSON of Georgia. I am quite sure that the Senator from Utah would have done so.

Mr. SMOOT. However, I am going to ask the Senator from Montana if he would not be satisfied to have the resolution go to the Committee on Military Affairs?

Mr. WALSH of Montana. If there is the slightest objection to the resolution, I have not any disposition to press it; it would be useless to pass the resolution unless it were done by unanimous consent. Accordingly, Mr. President, as the Senator from Utah is insistent upon his objection to the resolution, I ask that it be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered. Morning business is closed.

CONSIDERATION OF UNOBJECTED CASES ON THE CALENDAR.

Mr. CURTIS. Mr. President, I understand that the Committee on Finance desires to continue its hearings at 2 o'clock. The Committee on Appropriations also desires to continue its hearing. I therefore ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII and only consider unobjected measures.

The VICE PRESIDENT. Is there objection?

Mr. JONES of Washington. With the understanding that if there is no urgent business of the Senate to consume the remainder of to-day and to-morrow that we shall take up the calendar and dispose of bills under Rule VIII, I have no objection.

Mr. CURTIS. The intention was that the session should run until 2 o'clock to-day and that the Senate should then take an adjournment. Then, I thought that on to-morrow we could by motion take up bills which are on the calendar, if we shall adjourn early this afternoon. A request has been made by the chairmen of committees to which I have referred that we adjourn this afternoon in order that Senators may in committee prepare some measures for the consideration of the Senate to-morrow or the next day.

Mr. JONES of Washington. I hope that we may to-day take up unobjected bills on the calendar, and that on to-morrow we may consider bills on the calendar by motion, and that they may be then disposed of.

The VICE PRESIDENT. Without objection the request of the Senator from Kansas is granted. The Secretary will state the first bill on the calendar.

DUTIES OF UNITED STATES JUDGES.

The bill (S. 384) to require judges appointed under authority of the United States to devote their entire time to the duties of a judge was announced as first in order on the calendar.

Mr. DIAL. Mr. President, some Senators who desire to speak on the bill are absent, and I am going to ask that it go over. I desire to say, however, that I expect to call it up early after Christmas and to urge its passage.

The VICE PRESIDENT. Under objection, the bill goes over.

BILLS PASSED OVER.

The bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 581) to repeal the act prohibiting increased pay under lump-sum appropriations to employees transferred within one year was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 582) to repeal section 5 of the act approved June 22, 1906, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," was announced as next in order.

Mr. KING and Mr. SMOOT asked that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1439) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

STABILIZATION OF COAL INDUSTRY.

The bill (S. 1807) to aid in stabilizing the coal industry was announced as next in order.

Mr. FRELINGHUYSEN. Mr. President, I understand that under Rule VIII there is a limitation of five minutes on speeches. I wish to give notice that at some future date, within the next two weeks, I shall speak upon the coal question and upon this particular bill.

Mr. KING. I presume the Senator desires that the bill go over at the present time.

Mr. FRELINGHUYSEN. Yes; I ask that the bill go over for the present.

The VICE PRESIDENT. The bill will be passed over.

BILLS, ETC., PASSED OVER.

The bill (S. 205) relating to the fiscal system of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. That bill will take some time. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States" was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts was announced as next in order.

Mr. SMOOT. I have been requested by a Senator to ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 12) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic was announced as next in order.

Mr. KING. I think that joint resolution had better go over.

The VICE PRESIDENT. Under objection of the Senator from Utah the joint resolution will be passed over.

The resolution (S. Res. 67) authorizing the Committee on Expenditures in the Executive Departments to hold hearings here or elsewhere and to employ a stenographer to report the same was announced as next in order.

Mr. OVERMAN, Mr. KING, and Mr. SMOOT asked that the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

DAYLIGHT SAVING IN THE DISTRICT OF COLUMBIA.

The bill (S. 1855) to save daylight in the District of Columbia was announced as next in order.

Mr. WADSWORTH and Mr. KING asked that the bill go over.

Mr. JONES of Washington. Mr. President, I think that the bill might as well go to the calendar under Rule IX; and I ask that that order be made.

The VICE PRESIDENT. Is there objection to the request that the bill be placed on the calendar under Rule IX? The Chair hears none, and it is so ordered.

BILLS PASSED OVER.

The bill (S. 63) for the relief of Lester A. Rockwell was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 491) to provide without expenditure of Federal funds the opportunities of the people to acquire rural homes, and for other purposes, was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

DR. O. H. TITTMANN.

The bill (S. 136) for the relief of Dr. O. H. Tittmann, former Superintendent of the United States Coast and Geodetic Survey, was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. SPENCER. Mr. President, before the bill goes over under objection, I should like to make a brief statement as to its purport, to which I trust the Senator from Utah [Mr. KING] will listen. The bill is for the relief of Dr. O. H. Tittmann, who for many years was at the head of the Coast and Geodetic Survey of this country, and was in the service of the United States for 47 years. At one time while he was attending to the regular duties of his office he also served without compensation as a member of the United States and Canadian Boundary Line Commission. I presume it is perfectly fair to say that he has performed thousands upon thousands of dollars of service for the Government without pay. The facts of the case are that if Dr. Tittmann, who is now very old and who retired in 1915, had retired a year or two later he would have been retired with the rank of captain and would have received $3,750 a year for the remainder of his life; but he retired just before that provision of law was made. The department and the committee felt that certainly some recognition ought to be given to Dr. Tittmann after 47 years of service to the Government. The committee have brought in a report which seems to me inadequate, and yet it does recognize his service and allows him for the remainder of his life $150 a month. I am wondering whether under the circumstances I have stated the Senator from Utah will not allow the Senate to act upon the bill now.

Mr. KING. Mr. President, I think we had better let it go over.

The VICE PRESIDENT. Under objection, the bill goes over.

BILL PASSED OVER.

The bill (S. 2051) to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74, was announced as next in order.

Mr. CURTIS. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

COMMITMENTS TO REFORMATORY INSTITUTIONS.

The bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States was announced as next in order.

Mr. WATSON of Georgia. I ask that that bill go over.

Mr. WALSH of Montana. Mr. President, in regard to the bill, the title of which has just been read, I desire to make a brief statement in the hope that the next time that bill comes up for consideration upon the calendar the Senator from Georgia will permit its consideration. Personally, I have no interest whatever in the measure; I am not the father of the bill, and had nothing at all to do with its introduction. The Committee on the Judiciary was petitioned by the Department of Justice to report favorably such proposed legislation. In brief the situation is as follows: The existing statute provides in the case of juvenile offenders convicted of certain offenses that the judge may commit them to some reformatory institution or industrial school, instead of directing that they be confined in a county jail or a penitentiary. The Department of Justice wanted the provisions of the act extended so that in the case of female offenders found guilty of offenses against chastity similar action might be taken; that they might be sent to some reformatory institution, instead of beng sent to a common jail or to a penitentiary. The bill to which the Senator from Georgia objects is intended to accomplish that purpose.

It will be borne in mind that it applies only to females convicted of certain offenses. If the bill does not pass, the judge will have no discretion but must send the offender to the county jail or to the penitentiary, as the case may be. It is a question whether it is not less objectionable to send such offenders to reformatory institutions of some kind than to send them to county jails, and under the existing law, as I have stated, the judge is without discretion; he must send them to prison. Under this bill he would have the option of sending them to some institution existing for the purpose of attempting to reform such female offenders.

Mr. WATSON of Georgia. Mr. President, in order that my colleagues will not think that my objection is captious, least of all personal to the Senator who is sponsoring the bill, I will state that I investigated this matter some time ago; and, while I am speaking from recollection and do not pretend to be entirely accurate, I think that, on the whole, my statement will be found to be true.

The proposition of this bill is to turn over to private institutions persons who are convicted of crime in Federal courts. As a lawyer and as a citizen and as a Senator, it seems to me entirely wrong to establish a system by which private institutions of any kind are furnished free labor and are given complete control, in other States, of persons convicted of crime in the State where that crime was committed.

In a very famous case in my own State there was a witness needed by the prosecution, and the prosecution, which was being conducted in Atlanta, had to send for a witness who was being confined in Ohio, after she had been convicted in the police court of Atlanta. That witness was taken from a private institution, brought to the city of Atlanta, gave her testimony, and was returned to that private institution in Ohio.

Since the day that I made the first objection to this extension of that law so as to include all women of whatever age—not merely juvenile offenders but offenders of any kind—I have been furnished with evidence of a woman convicted in a State court of Georgia and sent to an institution in Baltimore.

Mr. President, I do not, of course, doubt the right of the Federal authorities to send their prisoners to any penitentiary or other place of confinement chosen by law in any other State, but the evil that I am trying to strike at is the taking into the jurisdiction of Federal courts offenses that are purely municipal or State. The State has jurisdiction to try, convict, or acquit.

Mr. WALSH of Montana. Mr. President, may I interrupt the Senator?

Mr. WATSON of Georgia. With pleasure.

Mr. WALSH of Montana. This bill does not extend the jurisdiction of the Federal courts at all. It simply provides that when, under the existing laws of the United States, a female is convicted of one of these offenses, she may then be sent to a house of refuge or reformatory institution instead of being sent to jail. The bill does not extend the crimes at all. It simply provides that when a female is convicted of one of these crimes under the law of the municipality this action may be taken.

Mr. WATSON of Georgia. Mr. President, I can not with propriety use language which would describe the crime which this bill seeks to embrace, but that crime may be readily supposed, and it falls strictly within the jurisdiction of the States and the State courts are constantly dealing with it. The States have their reformatories for boys and for girls.

Mr. WALSH of Montana. Mr. President——

Mr. WATSON of Georgia. I yield, with pleasure.

Mr. WALSH of Montana. I venture to interrupt the Senator again to read from the bill, as follows:

> Whenever a woman or girl shall be convicted of lewdness, prostitution, or similar offenses, under circumstances rendering such offense punishable by imprisonment under the laws of the United States, such woman or girl may be confined, during the term of sentence, in some home of refuge to be designated by the Attorney General.

Mr. President, the Senator does not have the experience in his State that we do in ours. We have five Indian reservations

within our State. Such crimes committed upon an Indian reservation are crimes against the laws of the United States. The State courts have no jurisdiction whatever over those reservations. If a girl or a woman is convicted of any of these crimes committed upon an Indian reservation the statute becomes applicable to her; that is all.

The Senator says that these are offenses which ought to be taken care of by the State. If they happen within the State jurisdiction they are taken care of by the State; but they become amenable to the laws of the United States when they occur within an Indian reservation or some other place under the exclusive jurisdiction of the United States. Take the great public parks, the national parks out West; they are all under the exclusive jurisdiction of the United States. Any one of these offenses committed within those areas is punishable under the laws of the United States and not under the laws of the States.

Mr. WATSON of Georgia. Mr. President, I shall not take the time of the Senate by debate on this subject, but I will add simply this: I am opposed, as a matter of principle, to giving the Attorney General the power of leasing out convicts, and this legislation does that very thing. It enables the Attorney General to make contracts for the labor of persons so convicted, and I do not think the Attorney General ought to have that power.

Mr. WALSH of Montana. Mr. President, I can not allow that statement to go unchallenged. There is nothing in the bill which authorizes the Attorney General to let out these convicts or any other convicts. There is nothing in the bill which even gives warrant for such a suggestion as that. That policy, prevailing in some States, I think is almost universally condemned by public sentiment in this country, and I would not have it thought that the Attorney General would even propose a measure of that character to the Congress of the United States.

Mr. WATSON of Georgia. Mr. President, a final word. I must take issue with the Senator from Montana. I can not be entirely mistaken in my reading of the statute furnished me some time ago. The Attorney General already has the power to do that, I am sorry to say, to a certain extent, and this bill simply proposes to enlarge that power so as to embrace all females. If I had my way, I would repeal that kind of legislation, because I think it is inherently wrong.

The VICE PRESIDENT. Objection having been made, the bill will be passed over.

BILLS, ETC., PASSED OVER.

The bill (S. 62) for the relief of Charles K. Bond, alias Kimball W. Rollins, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 73) amending Rules XXXVII and XXXVIII of the Standing Rules of the Senate so as to provide for the consideration of nominations and treaties in open executive session, unless otherwise ordered, was announced as next in order.

Mr. WADSWORTH and Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 1829) for the relief of Walter Runke, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2022) promoting civilization and self-support among the Indians of the Mescalero Reservation, in New Mexico, was announced as next in order.

Mr. KING. I have spoken to the chairman of the committee, Mr. President, and it is agreed that that bill may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 496) for the relief of George A. Robertson, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 985) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1920, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1771) to authorize the United States, through the United States Shipping Board, to acquire a site on Hazzell Island, St. Thomas, Virgin Islands, for a fuel and fuel-oil station and fresh-water reservoir for Shipping Board and other merchant vessels, as well as United States naval vessels, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Mr. President, I ask that that bill may go over for the day. I desire to get some further information in reference to it.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1063) for the relief of the owners of the schooner *Charlotte W. Miller* was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. SPENCER. Mr. President, this is a bill introduced by the Senator from Rhode Island [Mr. GERRY] to send to the Court of Claims a claim for injuries resulting from a collision with a naval vessel. It is a bill that has passed the Senate, and has been reported on favorably by the Committee on Claims of the House. I wonder if the Senator from Utah thinks——

Mr. SMOOT. I should like to have it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1856) to reimburse Horace A. Choumard, chaplain in the Twenty-third Infantry, for loss of certain personal property was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1535) for the relief of the estate of Catherine Locke, deceased, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 48) authorizing retirement as warrant officers of certain Army field clerks and field clerks Quartermaster Corps was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 405) for the relief of Harold Kernan was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1281) for the relief of Capt. Edward T. Hartmann, United States Army, and others, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. KING. Mr. President, I should like some explanation in regard to that measure.

The VICE PRESIDENT. It has been requested that it go over.

J. P. D. SHIEBLER.

The bill (S. 1541) for the relief of J. P. D. Shiebler was announced as next in order.

Mr. KING. Let that go over.

Mr. WADSWORTH. Mr. President, does the junior Senator from Utah desire an explanation of the bill?

Mr. KING. I reserve the right to object until I hear the Senator from New York.

Mr. WADSWORTH. I do not wish to pry into the mind of the Senator from Utah, but does the Senator object to the bill after having examined it and the conditions which gave rise to its introduction and report?

Mr. KING. Frankness compels me to state to the Senator that I examined the bill quite fully some time ago, but the facts have escaped my memory in part. I shall be glad to have the Senator state what the facts are.

Mr. WADSWORTH. These are the facts which gave rise to the introduction of the bill and its report by the Committee on Military Affairs: As the Senator knows, the War Department, in accordance with the law passed by the Congress, held examinations for commissions——

Mr. KING. The facts have come back to me now, Mr. President, and I withdraw the objection.

Mr. SMOOT. Mr. President, I want an explanation of the bill.

Mr. WADSWORTH. The War Department, pursuant to the law, held a large number of examinations for commissions in the Regular Army. There were 14,000 applicants for such commissions, and something like 5,600 passed and were commissioned in the several grades.

Maj. Shiebler was an emergency officer during the war, with a very excellent record. He presented himself to take the examination. He was rejected because of a physical defect, it being alleged that his eyesight was extremely defective. It required some time for Maj. Shiebler to ascertain the cause of his rejection, and when he ascertained that he had been rejected on account of his eyesight he was extremely surprised.

To satisfy himself he had his eyes examined by some of the greatest specialists in New York City, who told him that the report of the War Department examining surgeons was evidently an error; that no such condition as reflected in the report existed in his eyes.

He thereupon asked for a reexamination. I am giving these incidents to the best of my recollection. Finally, the Surgeon General of the Army invited him to come to Washington. That invitation was issued through me. Maj. Shiebler came to Washington, and the Surgeon General sent him to Walter Reed Hospital and had his eyes examined by the Army surgeons, who frankly admitted that the first examination had resulted in an error being made, that his eyes were all right, and that he should have been admitted. It was then too late, however, for him to be commissioned in accordance with the War Department regulations.

The Military Affairs Committee, of course, had presented to it 15 or 20 cases of alleged errors in examinations, and we made a very careful examination of the most conspicuous instances. We had the then Secretary of War, Mr. Baker, before us, and after thrashing out the cases as carefully as we could, which involved reading every line of the records of the examinations, which are very voluminous and very thorough, there were two cases in which the error of the examining boards was so apparent that it was conceded by the War Department, and those two cases the committee acted upon in the form of special bills. The Shiebler case is one of them.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. WALSH of Montana. I am interested in this matter, as the Senator from New York knows. What is the relief proposed?

Mr. WADSWORTH. It authorizes his commission in the service.

Mr. WALSH of Montana. The Senator may not recall it, but I think there was a very flagrant case of injustice done to a most deserving officer from my own State.

Mr. WADSWORTH. I recollect it. The committee examined into that case at some length, and may I say to the Senator, while the case appealed to the sympathies of the committee, it resolved itself down to a question of judgment; was the judgment of the examining board correct or incorrect? When it came to cases of that kind the committee felt it wiser not to attempt to substitute its judgment for the judgment of officers who were sworn as members of examining boards.

Mr. WALSH of Montana. I do not wonder, with the multitude of these matters which engage the attention of the Senator from New York, that the details are not present in his mind. In the case to which I refer the officer had an exceptionally fine record. He passed his examinations perfectly, but the board, acting here in the city of Washington, declined to recommend the appointment because of moral disqualifications. That finding was set aside by the Secretary of War upon the ground that there was no evidence whatever to sustain it, so that the record showed that the officer stood a perfect examination, and that there was no evidence whatever to sustain the finding of the board of a want of moral qualifications.

Mr. WADSWORTH. Is the Senator's recollection absolutely accurate as to the so-called setting aside of the findings? Is it not a fact that the Secretary of War had a certain letter inserted in the record, to remain a part of the record, which would relieve this officer of certain imputations against his character; but did the Secretary of War set aside the finding of the board? I think not.

Mr. WALSH of Montana. He did. The situation was this: That the local boards conducted the usual examinations. In this case there were three examinations. As a matter of course, there was an examination on the subject of moral qualifications, one on the subject of technical qualifications, and another on the subject of his experience. The local board found that the officer met all of these tests without exception. The record was sent to the board here in Washington. The record shows that that board admitted some officer to come in and say something derogatory to the character of the officer, in perfectly plain violation of the rules themselves, which declare that the board shall pass upon the matter as the record is transmitted to them by the local examining boards. They found against him on moral grounds, and the Secretary of War, or The Adjutant General, I am now uncertain which, set that finding aside upon the ground that there was no legitimate evidence upon which it could be made. So that the record of this officer stands as perfect upon his examinations, yet he is denied the appointment.

I shall offer no objection to the bill now before the Senate, but I take this occasion to say that I shall certainly introduce a special bill for the relief of Capt. Whipps, and if this bill is passed I think it will be impossible to deny him the relief to which, in my judgment, he is entitled. I shall be very glad to again call the matter to the attention of the Committee on Military Affairs upon the appropriate reference.

Mr. SMOOT. I wish to ask the Senator from New York if he has ever met Shiebler?

Mr. WADSWORTH. Yes; I have met him.

Mr. SMOOT. Does the Senator know that his eyes are all right?

Mr. WADSWORTH. No; I can not say that his eyes are all right; I am not an oculist. He passed the examination, when he got before a board which did not make errors, and passed it with flying colors, here at Walter Reed Hospital.

Mr. SMOOT. That is exactly what I have in mind. If there is any earthly way for a man to pass an examination to get a promotion in the Army, he is going to pass it.

Mr. WADSWORTH. This is not a promotion; it is an original appointment.

Mr. SMOOT. He is not in the Army now, and the bill would give him a standing in the Army, which, of course, he does not occupy to-day. If he wants to go into the military service, it is virtually a promotion. I do not want to be captious about these bills, but really I do feel that I would like to know it is all right before I withhold objection.

Mr. WADSWORTH. I am positive that it is all right.

Mr. SMOOT. If the bill is passed at this time, it will be pointed to for ever and ever as a precedent for every other such case. We now have a similar case called to our attention by the Senator from Montana. If this is passed, he wants to have his bill passed, and some other Senator will want to have another bill passed, and there will be no end to it all. However, if there is a real injustice done a man in an examination, of course that is another question; but I really wanted to know if the Senator had made any personal investigation of the matter.

Mr. WADSWORTH. I followed the case very closely. It all occurred during the autumn and winter of 1920.

Mr. WALSH of Montana. If the Senator from Utah will permit me, I will say that in connection with the matter to which I have just adverted I found occasion to inquire into the facts of the case to which the Senator from New York now refers, and I became entirely convinced of the perfect justice of the claim and the indefensible action in that particular case. It is not surprising that in this multitude of applications which were made, some injustices should have been done. It occurs to me that it is the duty and the business of Congress to correct them wherever they do occur. There are few of them, to say the most.

Mr. SMOOT. How can a board supposed to be qualified to pass upon the physical fitness of men desiring to enter the Army make such a horrible blunder as it is said has been made in this case?

Mr. WADSWORTH. That blunder may have been a clerical blunder.

Mr. SMOOT. We would have heard of it before if it had been a clerical blunder.

Mr. WADSWORTH. The committee heard of this case months and months ago. This bill has been on the calendar for months.

Mr. SMOOT. Since June.

Mr. WADSWORTH. The committee investigated it the year before. The first examination resulted so apparently in an error that it was admitted to be an error. The clerk in copying down the dictation of the surgeon who examined this man's eyes perhaps put in the wrong figure; that went in the report, and he was rejected by the commanding officers on the ground that his eyes were in a terrible condition, when they had never been in that condition.

Mr. SMOOT. Did the Senator ask for a report from the War Department on this case?

Mr. WADSWORTH. Yes; I did.

Mr. SMOOT. There is not any reply from the War Department included in the report.

Mr. WADSWORTH. That was before the committee. We had quite a little correspondence with the War Department about it, and the statement of facts was conceded.

Mr. SMOOT. Did they make a recommendation for this legislation?

Mr. WADSWORTH. No objection was ever interposed by the War Department to this legislation. That was the attitude taken by the War Department.

Mr. SMOOT. I would not want to do an injustice to this man, and I shall not object to the consideration of the bill; but I am afraid it will be pointed to as a precedent.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on

Military Affairs with an amendment, to strike out all after the enacting clause and to insert:

That the President be, and he hereby is, authorized to appoint J. P. D. Shiebler, formerly a major of Infantry, a major of Infantry, United States Army, to date from July 1, 1920, and to be placed upon the promotion list in such place as is provided by section 24a of the act of June 4, 1920, for persons appointed officers under the provisions of section 24 of said act.

Mr. KING. In view of the fact that there must be a reduction in the number of officers in the Army, which there ought to be because of the reduction in the number of the enlisted personnel, and in view of the fact that there have been so many demotions because of the reduction of the Army, may I inquire of the Senator from New York whether this man should be reinstated as a major, because some men in the same grade have been demoted to captains following the demobilization.

Mr. WADSWORTH. All the demotions had been accomplished before these ranks took effect, so that if the President should decide to appoint him a major he would not outrank anyone who had been a major before.

Mr. KING. The Senator says if he had received his appointment, or passed an examination favorably, he would now be a major, notwithstanding the demotions and the reduction of ranks.

Mr. WADSWORTH. Yes; the demotions only apply to old Regular Army officers who had advanced temporary rank during the war. They have all long since been demoted, in accordance with an act of Congress reported from the Military Affairs Committee. These are original appointments. No demotion can occur in an original appointment. The demotions occurred only in the rank of prewar regular officers.

Mr. KING. Do I understand from the Senator, then, that if we had, for example, 10,000 or 50,000 captains during the war, we must have the same number of captains now?

Mr. WADSWORTH. No; I should hope not.

Mr. KING. I should hope not, too; but it looks to me as though pretty soon we shall have more officers than privates in the United States Army.

Mr. WADSWORTH. I think the Senator had better take another survey of that situation. To-day we have about 12,800 officers, according to the last figures.

Mr. KING. That includes all, from general down to second lieutenant?

Mr. WADSWORTH. That includes all grades.

Mr. KING. Then there have been separations from the service of officers, corresponding with the decrease in the number of the enlisted personnel?

Mr. WADSWORTH. There are separations on account of death, and resignations and retirements going on all the time. The officer personnel can be recruited now only through the grade of second lieutenant, and the number of second lieutenants taken in has not as yet overtaken the wastage in the upper grades.

Mr. KING. Then, as I understand the Senator, if we should recruit the privates to a considerable number, we would have to increase the number of officers, because the number of officers we now have corresponds with the number of troops we now have; that is to say, there are not too many.

Mr. WADSWORTH. I am quite certain there are not too many, considering the various duties the commissioned personnel have to perform. The Senator will recollect that under statutes enacted by Congress a considerable portion of the commissioned personnel of the Army is assigned to duty other than the actual command of troops. If Congress will repeal those acts, if it will destroy the National Guard and take the Regular Army officers away from the guard as instructors and inspectors, if it will repeal the Reserve Officers' Training Corps provisions and take all the Army officers away from the schools and colleges, where they are carrying on military courses, if it will close the arsenals at Rock Island, Watervliet, Watertown, and Frankfort, at which a considerable number of officers are stationed, operating large manufacturing plants, then, of course, we could get along with fewer officers.

Mr. KING. I think we should close some of the arsenals.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

The bill (S. 2040) to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes, within the District of Columbia, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

RELIEF OF WAR CONTRACTORS AND OTHERS.

The bill (S. 32) for the relief of contractors, subcontractors, and material men who have suffered loss by reason of Government orders was announced as next in order.

Mr. KING. Let the bill go over.

Mr. POINDEXTER. Does the Senator insist upon his objection?

Mr. KING. I will withdraw the objection for the moment.

Mr. POINDEXTER. This bill has been before the Senate a number of times. It is recommended by the department and was carefully considered by the Committee on Naval Affairs. I think the purpose of it would appeal to the junior Senator from Utah. It is to relieve cases where there is an obvious equitable right. Where men, many of them small subcontractors and material men, had contracts with the Government which were interfered with by the orders of the Government in the conduct of the war certainly they ought not to be denied a remedy.

Mr. KING. Does the Senator think the bill is surrounded with sufficient safeguards to protect the Government?

Mr. POINDEXTER. Absolutely it is. The question of safeguards was very thoroughly considered by the Committee on Naval Affairs, and the bill was amended in order to safeguard the Government still further.

Mr. KING. What does the Senator estimate will be the amount required to meet the claims that may be allowed under the bill?

Mr. POINDEXTER. It is impossible to estimate with any exactness the amount that would be allowed. I asked that question of the department. They are unable to state. It probably would amount to more than $1,000,000, altogether.

Mr. KING. One million?

Mr. POINDEXTER. More than that, I think. I do not think it would amount to over $2,000,000.

Mr. SMOOT. I shall object to the consideration of the bill until we do know something about what it is going to cost the Government, because it seems to me that it may cost fifteen or twenty million dollars.

Mr. POINDEXTER. It is impossible to tell how much it will cost until authority is given to examine into the claims.

Mr. SMOOT. I will say to the Senator that I think the Navy Department know the claims that have been filed and the amount of the claims. That information we can get—not that the claims will be paid, I will say to the Senator, because they may not be—but I should like to know how many claims there are and what they amount to. Let the bill go over to-day.

The VICE PRESIDENT. On objection the bill goes over.

DEVELOPMENT OF AGRICULTURAL RESOURCES.

The bill (S. 2170) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. SMOOT. That can not be acted upon to-day. Let it go over.

The VICE PRESIDENT. On objection, the bill goes over.

LONGEVITY PAY FOR RESERVE OFFICERS AND NATIONAL GUARD OFFICERS.

The bill (S. 150) to provide longevity pay for reserve officers and National Guard officers serving under orders of the War Department was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. SPENCER. Mr. President, I wonder if the Senator from Utah understands what the bill is and the effect of it? It would give to National Guard officers, when they are called to Washington on duty under the national defense act, the same allowances and pay that Regular officers have when performing the same duty. It affects now five officers. The Secretary of War wrote this sentence with reference to it:

The omission of the provision of the act of June 4, 1920, for longevity pay for reserve officers detailed to duty as additional members of the General Staff for this very important duty was evidently unintentional.

That is the omission this bill supplies.

Mr. SMOOT. I am perfectly aware that where longevity pay is not given any kind of officers or anyone in the Public Health Service or anyone attached to the Government service at all, of course it is an oversight that they have not been taken care of.

I want to have the longevity pay proposition cut out entirely from the Government service unless the man has been in the Regular Army and joined the Army with that in view.

Mr. SPENCER. Will the Senator be good enough to tell me, if the provision for longevity pay is in the law and the Regular Army officers assigned to this duty are drawing it, why he would draw the line against National Guard officers when they are called upon to perform precisely the same duty? What reason is there why they should not have the same compensation?

Mr. SMOOT. Then we will have them here when they are called to duty, and the next thing we will be asked to give longevity pay to all the Reserve Corps and longevity pay to all the National Guard officers; and then we will have longevity pay for every man who enters the Army. That is what we are coming to if we follow the course that is being urged from one end of the country to the other. A propaganda is on for it now, and we might just as well understand it. So far as I am concerned I want to have it stopped.

Mr. SPENCER. I wish to have it clearly understood that the bill affects 5 officers. When there are 10 officers in the same office doing precisely the same duty and 5 of them are receiving longevity pay, why should not the other 5, simply because they are from the National Guard, receive the same allowance? That is precisely the situation to-day, and that is precisely what the bill corrects. That is precisely what the Secretary of War and his predecessor both recommend as an act of manifest justice.

Mr. SMOOT. There is quite a difference between the Regular Army and the National Guard and the Reserve Corps. It is true that the law has given longevity pay to officers in the Army. We recognize that. But if we begin this proposition now with the National Guard we shall have the same principle applying in all cases, no matter whether they are on special duty or not. Then we shall have it applying to all officers of the Reserve Corps, and we shall not only have longevity pay but commutation of quarters and everything else that is given to the Regular Army. It has been asked for the officials of the Public Health Service, and it will be asked for every other agency of our Government that can claim in any way to do service that the Army itself is doing.

I object to the consideration of the bill.

Mr. SPENCER. Of course I recognize that under the unanimous-consent agreement it lies in the power of any Senator to prevent action, but the vision of what may happen in the future is no argument against the correction of a manifest and unintentional injustice against National Guard officers assigned to duty in Washington.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. Under objection the bill will go over.

BILLS PASSED OVER.

The bill (S. 943) for the relief of John Lyons was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER (Mr. STERLING in the chair). On objection, the bill will be passed over.

The bill (H. R. 7158) to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor, was announced as next in order.

Mr. KING. This seems to be a bill of considerable length and involving large amounts. In the absence of the chairman of the Committee on Military Affairs, I suggest that we pass it over.

The PRESIDING OFFICER. On objection, the bill will go over.

The bill (S. 1565) making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. On objection, the bill will be passed over.

The bill (S. 1976) to amend the first paragraph of section 2 of the act entitled "An act to regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, was announced as next in order.

Mr. KING. Mr. President, there is now a subcommittee of the Senate Committee on the District of Columbia conferring with a like committee from the House considering the question of educational matters in the District. I hope that perhaps as the result of this joint committee's efforts some constructive legislation may be suggested. In view of that fact, I think this bill had better go over for the present.

The PRESIDING OFFICER. It will be passed over.

The bill (S. 1790) to place national guardsmen who entered the World War otherwise than through the draft on equal basis as to longevity and continuous-service pay with national guardsmen who were drafted was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1075) giving permanent rank to the district superintendents of the Coast Guard on the retired list was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes, was announced as next in order.

Mr. JONES of Washington. I ask that the bill may go over. It can not be disposed of under the unanimous-consent agreement. However, I desire to call it up at the first opportunity.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 115) directing an investigation of the administration of the Federal reserve system and the office of the Comptroller of the Currency was announced as next in order.

Mr. FRELINGHUYSEN. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 2263) to amend the Federal reserve act approved December 23, 1913, was announced as next in order.

Mr. KING. Let it go over.

The PRESIDING OFFICER. The bill will be passed over on objection.

The bill (H. R. 2373) to authorize associations of producers of agricultural products was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. On objection, the bill will be passed over.

IMPORTATION OF SUGAR FROM ARGENTINA.

A joint resolution (S. J. Res. 79) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. FRELINGHUYSEN. Can we not take up the joint resolution and dispose of it at the present time?

Mr. SMOOT. I know that the junior Senator from Iowa [Mr. KENYON] desires to be here when the joint resolution is under consideration. The Senator from Georgia [Mr. HARRIS] also desires to be present. I will ask that it go over.

Mr. FRELINGHUYSEN. Are we proceeding under Rule VIII?

The PRESIDING OFFICER. We are proceeding by unanimous consent to the consideration of unobjected bills on the calendar.

Mr. FRELINGHUYSEN. Then the provision of Rule VIII that we can take up by motion does not prevail?

The PRESIDING OFFICER. It does not prevail at this time. On objection, the joint resolution goes over.

CLARENCE L. REAMES.

The bill (S. 2356) for the relief of Clarence L. Reames was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. On objection the bill goes over.

TRADE IN CHINA.

The bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

FOREIGN TRADE ZONES.

The bill (S. 2391) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDING OFFICER. On objection it will go over.

COURT OF CLAIMS.

The bill (S. 2228) to amend certain sections of the Judicial Code relating to the Court of Claims was announced as next in order.

Mr. NELSON. Mr. President, I wish to make a brief statement about this bill. The Court of Claims is overwhelmed with business, with war claims coming in. The bill does not propose to enlarge the jurisdiction of the court in any respect beyond what is now fixed by law. It simply aims to give them a little more machinery to work more efficiently and expedite the claims. It changes the term of court, it changes the title of one officer. The title now known as "bailiff" is changed to "marshal," and the phrase "session of the court" is changed to "term of the court," and the term is changed. Otherwise it is simply to aid the court in the expedition of its business; that is all. The legislation meets with the approval of the Department of Justice and of the Court of Claims, and the bill is unanimously reported from the Judiciary Committee.

Mr. SMOOT. Mr. President, may I ask the Senator from Minnesota what is the salary of the clerk at the present time?

Mr. NELSON. The salary of the clerk of the court at present is $3,500. The clerks of the circuit courts of the United States and of the district courts of the United States get larger salaries than does the clerk of this court. The business of the court has very greatly increased, but the only change proposed in the salary of the clerk is an increase from $3,500 per annum to $4,500, which is less than the clerks of the circuit courts of the United States now receive.

Mr. KING. Mr. President, I suggested to the Senator from Minnesota the other day, when he was courteous enough to call my attention to this bill, that I should not object to its consideration, but that I should object to the increase proposed by the measure in the salary of the clerk of the court. I called attention to that matter and also to one other matter, namely, the proposed limitation in the number of masters in chancery who might be appointed by the court for the purpose of taking testimony. Let me now say to the Senator from Minnesota that the clerk of the court called upon me this morning and made a very clear and frank explanation respecting the latter objection which I had, and I am inclined to think that perhaps we shall have to leave that matter to the Appropriations Committee; and if we discover that the court is abusing the right to name examiners and masters in chancery, and is shirking the duties which properly devolve upon it for the purpose of having those duties performed by masters in chancery, and by those to whom they delegate the authority to take testimony, then Congress may refuse to make the appropriations. I wish to say to the Senator now that unless the reduction as reported is made in the clerk's salary, I shall claim the right to speak upon it and to oppose such increase. I am opposed to increasing salaries now; I think it is unwise; I think it is impolitic; and I think it is unfair to the Government.

Mr. NELSON. I suggest to my good friend from Utah that he may offer an amendment covering the point to which he refers, and we may take a vote on it.

Mr. KING. I suggest that the Senator from Minnesota accept my amendment in advance, before the bill is taken up.

Mr. NELSON. I think the Senator from Utah ought to agree to some increase of the salary of the clerk of that court. The court is overwhelmed with business at the present time; millions and millions of dollars worth of claims against the Government are filed there. The clerk has more work to do than he ever previously had. The Senator from Utah well knows that we give the clerks of the circuit courts of the United States, which are purely appellate courts, a salary of $6,000 a year.

Mr. KING. We give them too much. That is the trouble with the legislation of Congress. We increase one class of salaries to-day and that action is used as a pretext for increasing the compensation of others. We act in particular instances, and raise and pyramid the salaries from time to time, to the disadvantage of the Government. I think the Senator from Minnesota ought to give us a little more time to debate this bill if he is going to insist upon the increase of salary.

Mr. NELSON. Why can not the matter go to conference?

Mr. KING. I shall be constrained to oppose the bill if there is any increase in the salary of the clerk. I shall not vote for one penny of increase in any salary at the present time, in view of the exigencies which are now confronting the Government.

Mr. NELSON. Rather than have the bill fail, for I am at the mercy of the Senator from Utah——

Mr. KING. I do not want to object to the consideration of the bill if the Senator will accept the amendment.

Mr. NELSON. I do not feel that I can accept it, but the Senator from Utah might propose a modification. Why can we not compromise and make the salary of the clerk $4,000 per annum? That is only $500 more than he is now receiving.

Mr. KING. I am not in a compromising mood this morning, although I would do almost anything for the Senator from Minnesota.

Mr. NELSON. I hope the Senator from Utah will not delay the bill.

Mr. KING. Will the Senator from Minnesota let the bill go over until we may have a little time to discuss it? I do not care to coerce the Senator by objecting unless he accepts my amendment; I think it would be unfair for me to ask that; and yet I do think that the Senator ought to give us a chance to debate the bill. We could not do that under the 5-minute rule this morning. May we not take the bill up to-morrow? I shall join with the Senator in having the bill taken up to-morrow. The Senator from Minnesota is always so courteous that I dislike very much to object to the consideration of the bill.

Mr. NELSON. I think the Senator from Utah might well compromise on fixing the salary of the clerk at $4,000 per annum, in view of the fact that the clerks of the circuit courts are now receiving $6,000 per annum.

Mr. KING. I shall introduce a bill to reduce the salaries of the clerks of the circuit courts.

Mr. NELSON. Well, I leave the Senator from Utah to object, if he desires to do so.

Mr. KING. I hope the Senator will not do that.

Mr. NELSON. As I have stated, I would agree to an amendment fixing the salary at $4,000 per annum.

Mr. KING. I hope the Senator from Minnesota will not put me in the attitude of objecting to the consideration of the bill. I ask the Senator, in all kindness, will he not let the matter go over until to-morrow? I will then join with him in having the bill taken up for consideration. If the Senate wants to make the clerk's compensation $10,000, it will be for them to decide, but I desire to debate the question.

Mr. NELSON. Why can not the Senator from Utah make his motion now to amend the paragraph of the bill carrying the salary? Let the Senator now submit his amendment to that effect.

Mr. SMOOT. Why does not the Senator from Minnesota consent to let the bill go over until to-morrow instead of having its consideration now objected to?

Mr. NELSON. Why can we not dispose of the bill now? Let the junior Senator from Utah [Mr. KING] make his motion to amend the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. It would be impossible to dispose of the bill in five minutes time; there is no doubt about that. Therefore we are merely losing time by this debate on taking it up to-day under the five-minute rule. I suggest to the Senator that the bill may go over.

The PRESIDING OFFICER. The Chair suggests that he does not understand that the Senate is proceeding under the five-minute rule, but that the Senate is proceeding under a unanimous-consent agreement to consider unobjected business on the calendar. Objection is made, and the bill goes over.

BILL PASSED OVER.

The bill (S. 2337) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

Mr. SMOOT. It would be impossible to pass that bill to-day, and I therefore ask that it go over.

The PRESIDING OFFICER. Being objected to, the bill will go over.

ST. FRANCIS BARRACKS, ST. AUGUSTINE, FLA.

The bill (S. 2138) providing that the Government property known as the St. Francis Barracks, at St. Augustine, Fla., be donated to the State of Florida for military purposes, was announced as next in order.

Mr. SMOOT. Mr. President, I have not as yet received the information which I desired in connection with that bill. The Senator from Florida has spoken to me about the measure; he also desires the information I intended to obtain, and which I really expected to have at hand before to-day. Therefore I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. TRAMMELL. Mr. President, I should like to inquire of the Senator from Utah if his objection to the bill would stand if there were an amendment added to this effect:

Provided, That if the State of Florida shall cease to use said property for military purposes the same shall revert to the United States.

Mr. SMOOT. That is a splendid amendment, and I will accept such an amendment freely. However, I really desire to secure information from the department as to certain aspects of the situation.

Mr. WATSON of Georgia. Mr. President, I should like to say for the information of the Senator from Utah and others that if this bill passes it will simply be a pilot for other bills that will give away Government property in every State.

Mr. SMOOT. That is what I am afraid of.

Mr. WATSON of Georgia. A similar movement has been made in my State, and I am opposed to it.

The PRESIDING OFFICER. The bill will be passed over.

RESOLUTION AND BILL PASSED OVER.

The resolution (S. Res. 127) to investigate the causes of factory, wholesale, and retail price conditions in the principal branches of house-furnishing goods industry and trade was announced as next in order.

Mr. SMOOT. I ask that the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 2135) to enable the refunding of obligations of foreign Governments owing to the United States of America, and for other purposes, was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

MELQUIADES SANCHEZ.

The bill (S. 2144) for the relief of Melquiades Sanchez was considered as in Committee of the Whole. It proposes that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Melquiades Sanchez, late of Company E, Second Regiment New Mexico Volunteer Infantry, and Company D, First Regiment New Mexico Volunteer Cavalry, shall hereafter be held and considered to have been present with his company and regiment from October 1, 1861, to October 1, 1864; but that no pay, bounty, or other emoluments shall accrue by reason of the passage of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDNANCE DONATION TO UNIVERSITY OF SOUTH DAKOTA.

The bill (S. 2249) authorizing the Secretary of War to donate certain obsolete ordnance to the University of South Dakota was announced as next in order.

Mr. JONES of Washington. Mr. President, I have understood that there was a general bill being framed, or contemplated, at any rate, to provide for the disposition of ordnance property. I do not see the chairman of the Committee on Military Affairs here, and I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. JONES of Washington subsequently said: Mr. President, when Senate bill 2249 was reached on the calendar, I objected to it because I thought it related to World War trophies, and so forth, which I thought had been dealt with in general legislation. I find that we have passed through the Senate a general bill on that subject, but that Senate bill 2249 relates to Civil War ordnance; and I therefore withdraw any objection, so far as I am concerned.

The PRESIDING OFFICER. Without objection, the Senate will recur to the bill referred to by the Senator from Washington.

The Senate as in Committee of the Whole proceeded to consider the bill (S. 2249) authorizing the Secretary of War to donate certain obsolete ordnance to the University of South Dakota, which had been reported from the Committee on Military Affairs with amendments.

The amendments were, on page 2, line 1, after the word "small," to insert "8 inches long," and on the same line, after the word "mortar," to strike out "large" and insert "small, 10 inches long," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to the University of South Dakota, Vermillion, S. Dak., the following obsolete ordnance now on hand at Benecia Arsenal, Benecia, Calif., which were shipped to that point from the Manila ordnance depot, Manila, P. I., for the University of South Dakota: Two bronze lantakas; two bronze cannon; two iron cannon, large; two iron cannon, small; two bronze mortars, small, 8 inches long; one bronze mortar, small, 10 inches long; two iron cannon, small: *Provided*, That no expense shall be incurred by the United States through the delivery of any of the foregoing obsolete ordnance: *Provided further*, That each and every article mentioned herein shall be subject at all times to the order of the Secretary of War.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION PASSED OVER.

The joint resolution (H. J. Res. 183) imposing a duty of 90 per cent on all goods exported from the United States for the use of the American Expeditionary Forces and its allied forces and which have been sold to any foreign Government or person, when reimported into the United States, was announced as next in order.

Mr. KING. I ask that the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

AMERICAN ASSOCIATION OF PORT AUTHORITIES.

The joint resolution (S. J. Res. 45) to authorize the President to extend invitations to certain foreign nations to send delegates or representatives to the tenth annual convention of the American Association of Port Authorities, was announced as next in order.

Mr. JONES of Washington. I ask that that joint resolution may go to the calendar under Rule IX. I am inclined to think the time for the convention has passed. Instead of having it indefinitely postponed, however, I will merely ask that the joint resolution may go to the calendar under Rule IX.

The PRESIDING OFFICER. Without objection, the joint resolution will be transferred to the calendar under Rule IX.

BILLS AND RESOLUTION PASSED OVER.

The bill (S. 2515) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 268) for the relief of William O. Mallahan was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over under objection.

The bill (S. 2363) to abolish the limitation on military service without the continental limits of the United States imposed by the act of Congress approved March 4, 1915, was announced as next in order.

Mr. SMOOT. At the request of the Senator from Virginia [Mr. SWANSON], I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2035) for the relief of William M. Carroll was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 150) directing the Secretary of the Senate to employ a special officer for the office of the Secretary of the Senate was announced as next in order.

Mr. OVERMAN. I ask that that resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

LAND PATENTS FOR MISSIONARY OR RELIGIOUS ORGANIZATIONS.

The bill (S. 2211) authorizing the Secretary of the Interior to issue patents in certain cases to missionary or religious organizations was announced as next in order.

Mr. CURTIS. Mr. President, when the bill the title of which has just been read was under consideration some days ago the Senator from Montana asked that amendments be prepared limiting the amount of land that could be patented to the acreage actually used. If there is no objection to the consideration of the bill, I desire to offer an amendment.

The PRESIDING OFFICER. The Chair is informed that the bill has heretofore been considered as in Committee of the Whole and reported to the Senate. The bill is, therefore, now in the Senate and open to amendment. The Senator from Kansas offers an amendment, which will be stated.

The ASSISTANT SECRETARY. After the word "being" and before the word "used," in line 8 of page 1, it is proposed to insert the words "actually and beneficially."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment was agreed to.

Mr. WATSON of Georgia. Mr. President, it is my fault, of course, for which I beg the pardon of the Senate, but I do not quite understand what we are acting upon.

Mr. CURTIS. It is a bill to authorize the Secretary of the Interior to issue patents to certain religious organizations that have been conducting missions on Indian reservations. Nearly all such organizations have had patents issued to them. There are but very few of them left. This bill limits the land that may be patented to the actual amount employed for the beneficial use of the Indians, and the second amendment provides that in no case shall the amount exceed 160 acres.

There is another amendment.

The PRESIDING OFFICER. The second amendment will be stated.

The ASSISTANT SECRETARY. It is also proposed, at the end of the bill, after the word "purposes," to strike out the period and insert a semicolon and the following words:

The area so patented to not exceed 160 acres to any one organization at any station.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 2573) to amend section 198 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," as amended, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8331) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The concurrent resolution (S. Con. Res. 1) providing that legislation dealing with pensions, private claims, distribution of war trophies, etc., be initiated by petition on suitable furnished forms was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The concurrent resolution will be passed over.

MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA.

The bill (S. 1591) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838, as amended, was considered as in Committee of the Whole.

Mr. KING. Mr. President, may I make an inquiry of the Senator from California [Mr. SHORTRIDGE]? As I understand, this organization was incorporated under a private charter. It has not availed itself of the general incorporation act of the District, and the Senator is of opinion that it may not amend its charter other than by act of Congress?

Mr. SHORTRIDGE. That was the opinion of the committee, and it is my opinion.

Mr. KING. I have no objection to the consideration of the bill. Let me say to the Senator, however, that we ought to amend the general incorporation act so that these corporations existing under private charters may avail themselves of the general statute, so that Congress will not be bothered in order to grant amendments to every little corporation that may exist under a privae charter.

Mr. SHORTRIDGE. I agree with the Senator.

The PRESIDING OFFICER. The amendment of the committee will be stated.

The amendment was, on page 2, line 2, to strike out "Sibert" and insert "Seibert," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838 (6th Stats. at L., p. 741), as amended, be, and the same hereby is, amended so as to read as follows:

"That Drs. George Wythe Cook, William Gerry Morgan, John B. Nichols, William P. Carr, E. Y. Davidson, Philip S. Roy, A. L. Stavely, Henry C. Macatee, E. G. Seibert, J. Russell Verbrycke, jr., A. W. Boswell, Charles S. White, J. A. Gannon, D. S. Lamb, and Virgil B. Jackson, and such other persons as they may associate with themselves, and their successors, be, and they hereby are, constituted a body corporate of the District of Columbia, for the purpose of promoting and disseminating medical and surgical knowledge, and for no other purpose.

"SEC. 2. That the Medical Society of the District of Columbia be, and it is hereby, empowered to own, mortgage, and convey such property as may be necessary for its purposes, and to make such rules and regulations as it may require, and which may not be repugnant to the Constitution or laws of the United States.

"SEC. 3. That Congress may at any time alter, amend, or annul this act of incorporation of said society."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RESOLUTIONS PASSED OVER.

The resolution (S. Res. 77) creating a special committee to investigate the expenditures made in behalf of various propaganda and in the maintenance of lobbies in Washington was announced as next in order.

Mr. SMOOT. Mr. President, at the request of the Senator from New Jersey [Mr. FRELINGHUYSEN] I ask that that resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 170) referring the claims of R. S. Howard & Co., of New York City, and others, to the Court of Claims was announced as next in order.

Mr. KING. Let that go over until we can investigate it.

The PRESIDING OFFICER. The resolution will be passed over.

AMENDMENT OF JUDICIAL CODE.

The bill (H. R. 6679) to amend section 108 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. NELSON. Mr. President, all that that bill relates to is the transfer of one county in Texas from one judicial district to another. That is all there is in the bill, and there ought not to be any objection to it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. POINDEXTER. I ask that the bill be read.

The Assistant Secretary proceeded to read the bill.

Mr. POINDEXTER. I do not desire any further reading of the bill. I simply wanted to see the nature of it, and I ask unanimous consent that the further reading be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The bill is before the Senate as in Committee of the Whole and open to amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. Mr. President, I ask that the report on the bill may be published in connection with the proceedings.

The PRESIDING OFFICER. Is there objection? There being no objection, it will be so ordered.

The report is as follows:

The Committee on the Judiciary, to which was referred the bill (H. R. 6679) to amend section 108 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The following excerpt from the report of the Committee on the Judiciary of the House fully explains the object of the bill, which is purely local and of interest only to the people of Texas:

"This bill amends the existing law so as to transfer Pecos County, in the State of Texas, from the Del Rio division of the western judicial district of Texas to the El Paso division of the same judicial district in that State.

"Section 2 of the bill is new language, and provides in brief that all process against persons residing in Pecos County and are cognizable in the United States district court shall be issued out of and be made returnable to the court at Pecos City, and in addition thereto that all prosecutions against individuals for offenses that have been committed in that county shall be tried in the court at El Paso or Pecos City. The proviso contained in the second section is added so as to insure against the application of this section in any civil or criminal cause which was pending prior to the passage of this act.

"The bill will not entail any additional expenditure on the part of the Government, but will reduce expense by lessening the distance traveled in service of process, etc., and will be a great convenience to litigants and their attorneys resident in Pecos County."

BILLS, ETC., PASSED OVER.

The bill (S. 2682) to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 172) declaring Truman H. Newberry to be a duly elected Senator from the State of Michigan was announced as next in order.

Mr. JONES of Washington. Let that go over. It is the subject of a unanimous-consent agreement.

Mr. KING. Mr. President, these new measures just read by the Secretary do not seem to be upon any calendar that I have.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 748) to remove the charge of desertion from the military record of Charles F. Getchell was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1655) for the relief of Orin Thornton was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

EDITION OF CONSTITUTION OF THE UNITED STATES.

The resolution (S. Res. 151) providing for a reprint of the Constitution of the United States was announced as next in order.

Mr. JONES of Washington. Let that go over.

Mr. CURTIS. Mr. President, just a moment.

When this matter was up before, at the request of the chairman of the Committee on the Judiciary I, representing the Committee on Rules, stated to the Senate that I had already directed clerks of the Committee on Rules to proceed to prepare a copy of the Constitution with the cases cited under each paragraph or article, and my clerk is working at that at this time. I do not need to employ an expert to assist him. If this resolution could be amended so as to put this work in the hands of the Committee on Rules and permit the committee to hire an assistant to this man whenever one is needed the committee could accomplish the work very much better, and the chairman of the Committee on the Judiciary is perfectly willing that the amendments be made.

I will state that the man I have at work now has been at work some three or four weeks, and is getting along very nicely with the preparation of the work, and it will be a very valuable document for the Senators and also for anyone studying the Constitution.

Mr. JONES of Washington. Mr. President, let me ask the Senator whether the suggestion made on the floor of the Senate before with reference to the notations, and so on, is going to be carried out?

Mr. CURTIS. The Senator means, by that, citing the case and quoting from the decision?

Mr. JONES of Washington. Yes; the principal point decided in the case.

Mr. CURTIS. That is being done; and I might state that under one article my clerk has had to examine already some 500 pages to get out the decision.

Mr. JONES of Washington. I take it that the Senator is going to propose the amendments to which he refers?

Mr. CURTIS. Yes.

Mr. JONES of Washington. I withdraw my objection.

Mr. OVERMAN. Mr. President, let me ask the Senator whether this will be printed as a part of the manual or as a separate document?

Mr. CURTIS. It is not to be printed as a part of the manual. It will be submitted as a separate document.

Mr. OVERMAN. That is all right.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CURTIS. I offer the amendments which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendments will be stated.

The amendments were, on line 7, before the word "Committee," to strike out "Judiciary" and insert "Rules"; and on line 8, after the word "to," to strike out "prepare" and insert "assist in preparing," so as to make the resolution read:

Resolved, That the Constitution of the United States of America, including all amendments thereto and with citations of the cases of the Supreme Court of the United States construing its several provisions, collated under each separate provision, to date, be printed, and that 1,500 additional copies be printed for the use of the Senate. The Rules Committee is authorized to employ a competent person to assist in preparing the citations provided for, his compensation to be paid out of the contingent fund of the Senate.

The amendments were agreed to.

Mr. WILLIS. Mr. President, I desire to submit a question to the Senator from Kansas. Is it proposed that this document shall be printed in such form as will be convenient for distribution?

Mr. CURTIS. I will state to the Senator that when the matter was first proposed it was intended to print it as a part of the manual. If the substance of the decisions is given, it will make too large a volume. Therefore it is the intention of the committee to submit it so that it may be printed as a separate document.

Mr. WILLIS. That is desirable, I think.

Mr. CURTIS. That is the intention.

Mr. WILLIS. The Senator no doubt has many requests from his constituents for copies of the Constitution. It ought not to be too voluminous. The average layman will get lost if there are a large number of citations. I think that is a good plan.

Mr. POINDEXTER. Mr. President, I think there is a good deal of merit in the last suggestion of the Senator from Ohio as to the depreciation of the value of this work by a mere mass citation of vast numbers of cases.

Mr. CURTIS. Mr. President, the old manual did that very thing. The object of this is not to cite a large number of cases, but to quote from the decisions of the principal cases and then cite below the cases that sustain that one or more decisions, from which quotations are made so as to give to the reader the decision of the court upon every article of the Constitution, so that one reading the decision will know at once what part of the article it applies to.

Mr. POINDEXTER. For instance, there may be a great many cases which contain mere obiter dicta in regard to the Constitution.

Mr. CURTIS. Those will be referred to merely by the citation and not quoted from.

Mr. POINDEXTER. If the leading cases are cited and a few of the cases which follow them are given, it seems to me that would be sufficient. I am very glad, indeed, to hear the Senator from Kansas say that this new method of annotation is to be adopted, and in view of the fact that he is the chairman of the committee which has charge of the work, I urge him to take whatever steps may be required to see that the work is done in an efficient and able manner, otherwise its value will be practically nothing.

Mr. CURTIS. Mr. President, I intend to see that it is carefully and systematically done and that we get a work that is worth while.

Mr. POINDEXTER. The important part of it is that the annotations should be discriminating and should be accurate.

Mr. OVERMAN. Mr. President——

Mr. POINDEXTER. In just a moment.

Mr. OVERMAN. I want to indorse what the Senator has just said. When I was chairman of the Committee on Rules it had been the practice to set out a large number of citations, a number of which were valueless, and the Manual was so large that I instructed the clerk to leave off many of the citations, as they were of no value, anyway. The only satisfactory way to do that is as the chairman of the Committee on Rules has suggested.

Mr. CURTIS. May I make this suggestion: In order that the chairman of the Committee on the Judiciary might be familiar with what was being done, and also that the Senator from Connecticut, who first made the suggestion as to this work, might know what was being done, I have had prepared the decisions under the preamble, and I ask the Senator from Minnesota if he is not perfectly satisfied that it is a good piece of work?

Mr. NELSON. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Minnesota.

Mr. NELSON. I have examined the work done by the clerk of the Senator from Kansas, and I find it altogether superior to anything we have attempted to do heretofore. It cites the leading cases bearing upon each particular section, gives a brief synopsis of the decisions, and then other cases which bear on it directly. I have examined the decisions which are referred to in the older editions of the Manual. There are a great many citations, and if Senators will get the old Manuals and examine them they will find that a great many of the citations are not germane; that they do not bear at all upon the clauses of the Constitution referred to.

The clerk will have to go over it and revise the whole thing. Having seen samples of his work, I am satisfied, from the way he has started in, that it will be a great work, and will eliminate a great many of the citations found in prior manuals

Mr. POINDEXTER. Whether or not the work will be useful will depend altogether upon whether it is accurate and discriminating.

Mr. CURTIS. It will not be submitted until I know it is accurate; I promise the Senator that.

Mr. JONES of Washington. Mr. President, I do not think this will meet the situation the Senator from Ohio has in mind. I understand that he thinks there is to be a print of the Constitution which can be gotten out among the people generally. This edition will only be really serviceable to lawyers who want to refer to the cases bearing upon the Constitution and who want to know what the cases decide. I think that is a good thing and all right, but I believe the Constitution should be printed without these notations. This will be a volume of considerable size. If it is to contain extracts from the various decisions of the courts; it will be quite a large volume, and we will not print any considerable number compared with the number of people in the country who may desire it. But after this edition is prepared, we can print the Constitution without the notations, if we deem it wise to distribute it. I think it would be a good thing to print a very large number of copies of the Constitution and distribute them.

Mr. WILLIS. Mr. President, that is exactly the information I was trying to elicit. It is desirable that we shall have such a publication as the Senator from Washington has referred to, a rather comprehensive document, with citations, for the use of lawyers. Then there ought to be for quite general distribution a document that will bring the Constitution within the reach of everybody. I personally have a good many requests for copies of the Constitution, and there is no form now in which it can be sent out.

Mr. NELSON. I wish to say to the Senator that does not pertain to the work of this committee or of the clerk who is preparing the new edition. The question as to how many copies we will print or circulate is a matter which will come before the Committee on Printing, and they will determine that. The resolution simply relates to the work the clerk is doing, and the Committee on Printing will have to pass on the suggestion of the Senator from Ohio.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

Mr. NELSON. Mr. President, I ask that we go back to Senate bill 2682, to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto. After I have made a statement in regard to the bill, I do not think anybody will object to its consideration.

This is a bill to amend the law relating to the District of Columbia in relation to religious corporations, and the only amendment proposed is the insertion in that law of the words "or directors" after the word "trustees," so that it will be legal for one of these corporations to have directors instead of trustees. That is the only amendment.

The PRESIDING OFFICER. Is there objection to recurring to Senate bill 2682?

Mr. KING. I have no objection; but why may we not pass a general law, so that these amendments may be made by the stockholders or the directors, as the case may be, and as by statute provided, the same as amendments to articles of incorporation are made in the States?

Mr. NELSON. This relates simply to the laws of the District of Columbia, to religious corporations, and the only amendment is that they be allowed to use the term "directors" as well as the term "trustees."

Mr. KING. The Senator has not quite answered my question. I suggest that we pass a general law, by the terms of which corporations may amend their own articles without coming to Congress for the right to amend. I have no objection to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the act to establish a code of law for the District of Columbia, approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, constituting the Code of Law for the District of Columbia, be, and the same are hereby, amended as follows: By inserting the words "or directors" after the word "trustees" wherever the word "trustees" occurs in sections 589, 590, 591, 592, 593, 594, 595, and 596.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAL LANDS IN ALASKA.

The bill (S. 486) to provide for agricultural entries on coal lands in Alaska was announced as next in order.

Mr. LA FOLLETTE. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

TRANSFER BY THE UNITED STATES OF LANDS IN ALABAMA.

The bill (S. 2124) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands contained within sections 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the United States of America hereby forever relinquishes, releases, and quitclaims all right, title, and interest in and to all the lands now held under claim or color of title by individual or private ownership or municipal ownership and situated in the State of Alabama within the boundaries of sections 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama, whether or not patents issued therefor by the United States would be construed to include all the lands included within the boundaries of said sections.

The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTUS S. PEABODY.

The bill (H. R. 3250) to authorize the Secretary of Commerce to convey to August S. Peabody certain land in Galveston County, Tex., was considered as in Committee of the Whole.

Mr. WATSON of Georgia. Mr. President, I would like to have an explanation of that bill.

Mr. SHEPPARD. I shall be glad to state to the Senator from Georgia and to the other Senators the meaning of the bill.

In 1906 the United States Government obtained for lighthouse purposes certain lands from what was known as the Texas City Co. Afterwards a hurricane destroyed the lighthouses, and the Government reestablished them on other lands. This bill is to authorize the Secretary of Commerce to retransfer the lands to the legal successor of the parties who first deeded the lands. They practically donated them, the consideration being $1. So I think the bill will not be objected to.

Mr. KING. Did the occupation by the Government enhance the value of the premises?

Mr. SHEPPARD. Nothing was left after the hurricane destroyed the lighthouses but the bare land.

Mr. KING. So that the Government would lose nothing by the passage of this measure?

Mr. SHEPPARD. The Government would lose nothing.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 4, after the word "convey," to insert the words "by quitclaim deed," and on the same line to strike out the word "August" and to insert the word "Augustus," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized to convey by quitclaim deed to Augustus S. Peabody, of Chicago, Cook County, Ill., grantee of all rights, title, and interest of the Texas City Co., all the following-described tracts or parcels of land in Galveston County, Tex., known, designated, and described as follows, to wit: Being a part of lot No. 9, in block No. 47, first division of the town of Texas City, Galveston County, Tex., and beginning at the southwest corner of said lot No. 9; thence north along the west line of said lot 47 feet to a corner; thence east at right angle 25 feet; thence south along the east line of said lot 47 feet; thence west with the south line of said lot 25 feet to the place of beginning. Also, that certain tract or parcel of land, being a square 15 feet, and being a part of Bay Street, in the town of Texas City, Galveston County, Tex., and beginning at a point 62 feet east of the east line of block 9, first division of said town of Texas City, and 78 feet north of the southeast corner of said block 9; thence north 15 feet; thence east 15 feet; thence south 15 feet; thence west 15 feet to the place of beginning; all of which tracts or parcels of land were granted and conveyed to the United States by the Texas City Co. in May, 1906, for the nominal consideration of $1 for each tract, and which land was to be used as site for beacons or ranges to mark the Texas City Channel; said tracts of land being no longer needed for the purposes for which they were conveyed, in view of the abandonment of said beacons or ranges formerly established or intended for use upon such tracts: *Provided*, That such conveyance shall be made without expense to either party, except that the said Augustus S. Peabody shall pay a consideration of $2 and such expenses as are incident to the preparation and recording of the necessary title papers for the purpose of obtaining title to the said tracts and sites upon which beacons or shore ranges were established.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in:

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DESERT-LAND CLAIMANTS.

The bill (H. R. 7161) to authorize certain desert-land claimants who entered the military or naval service of the United States during the war with Germany to make final proof of their entries was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the act of March 1, 1921 (41 Stat., p. 1202), entitled "An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries," be, and the same is hereby, amended by adding thereto at the end thereof the following matter, which shall be known and designated as section 2 of said act:

"SEC. 2. That any entryman under the desert land laws, or any person entitled to preference right of entry under section 1 of the act approved March 28, 1908 (35 Stat. L., p. 52), who after application or entry for surveyed lands or legal initiation of claim for unsurveyed lands, and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to service is unable to accomplish reclamation of and payment for the land, may make proof without further reclamation thereof or payments thereon under such rules and regulations as may be prescribed by the Secretary of the Interior, and receive patent for the land by him so entered or claimed, if found entitled thereto: *Provided*, That no such patent shall issue prior to the survey of the land."

Mr. KING. May I inquire of any member of the committee what modification the bill makes in existing law? Does the Senator from Montana know whether it modifies existing law; and if so, to what extent, with respect to the character of proof to be submitted in order to obtain title?

Mr. MYERS. I can not fully answer that question. It is a House bill, and I did not report it from the committee. I was present at the committee meeting when the bill was ordered reported out, and the information given there was that it affects very few people. The bill gives substantial justice, and provides that these men may have the same treatment that is given other entrymen on public lands. I think it is a good bill, but I can not give the information which the Senator asks.

Mr. KING. If it extends to them the same right, gives the same treatment, in the words of the Senator, accorded others, of course it is proper, and we ought to pass it. May I inquire of the Senator from Wisconsin whether he is familiar with the terms of this measure?

Mr. LENROOT. In a general way. I remember the bill being up in the committee, and while I do not remember the details, I was satisfied at the time.

Mr. KING. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOUNT M'KINLEY NATIONAL PARK, ALASKA.

The bill (H. R. 6262) to add certain lands to Mount McKinley National Park, Alaska, was announced as next in order.

Mr. JONES of Washington. This bill passed the House. I have a great deal of confidence in the Senator from Utah [Mr. SMOOT], who reported the bill; yet we have nothing in our files to indicate how much of the land there is, or the reason for the passage of the bill.

Mr. CURTIS. Let it go over, then.

The VICE PRESIDENT. The bill will be passed over.

CLEARWATER, ST. JOE, AND SELWAY NATIONAL FORESTS.

The bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests was announced as next in order.

Mr. JONES of Washington. That bill is subject to the same objection. I do not know why we have not reports on these bills in our files, but they are not there.

Mr. KING. A number of these bills have just been reported. We do not have the advantage of any written report with respect to many of them, and it seems to me we ought not to consider them at this time, but should have an opportunity to examine the bills or familiarize ourselves with the reports which have been submitted in the House, if none have been submitted in the Senate.

Mr. CURTIS. Mr. President, I have been advised that the Public Printer has been unable to comply with the requirements of supplying the reports on these bills. If Senators wish to let them go over until the reports are here, I think that had better be done.

Mr. KING. I suggest that they go over until the reports are submitted.

Mr. CURTIS. Does that apply to all the balance of the bills on the calendar?

Mr. KING. Yes; I make that request as to all of them.

Mr. MYERS. There are two bills of that character on the calendar that were reported by me, and I am ready to explain them.

Mr. KING. I will exempt those two bills from my general request.

Mr. JONES of Washington. I would like also to have an exception as to the last one, reported by my colleague, because I know he is familiar with the facts, as we both are.

Mr. POINDEXTER. As to the next to the last one also, I can give an explanation.

The VICE PRESIDENT. The Chair suggests that the bills be taken up in their order.

FIRST INTERNATIONAL BANK OF SWEETGRASS, MONT.

The bill (S. 2004) for the relief of the First International Bank of Sweetgrass, Mont., was announced as next in order.

Mr. WATSON of Georgia. Let the bill go over.

Mr. MYERS. I would like to have the Senator withhold his objection for a moment until I may make an explanation of the bill.

Mr. WATSON of Georgia. I shall be very glad to do so.

Mr. MYERS. The fact of the matter is that Stephen Horgasz was a homesteader in Montana and was drafted into the United States Army during the war with Germany. He claimed his exemption on the ground that he was not a citizen of the United States, and swore that he was not, and that went into the records of the War Department. It seems that he was exempted on that ground. Later he came to make final proof on this homestead and he either swore that he was a citizen of the United States or produced evidence that he was, and that evidence was satisfactory to the register and receiver of the land office. The final proof was regular in every way on its face, and a receiver's receipt was issued for his final payment for the final proof.

A receiver's receipt is considered universally as evidence of title and, with very few exceptions, is always followed by the issuance of a patent in a very short time. People who have dealings with the holder of a receiver's receipt uniformly regard it as evidence of title. After getting this receiver's receipt, Horgasz went to this bank and mortgaged the land, which he had a right to do under the law, and borrowed $2,000 on it. I believe it is 640 acres under the homestead grazing act. He executed the mortgage which the bank holds, and he got the money.

Later in some way somebody informed the Interior Department—I believe somebody contested his right to a patent—of the fact that he had sworn when he was drafted that he was not a citizen of the United States. The matter was investigated and it was found that he had made his declaration of intention to become a citizen and had lived here long enough but had never taken out his final citizenship papers; had never obtained his certificate of citizenship. On that ground the Secretary of the Interior refused to issue the patent. The money was borrowed from the bank without any laches or fault or neglect on the part of the bank. The proceeding was regular on its face. I believe in the meantime Horgasz abandoned the land. He simply got the money and then abandoned the land.

The bill merely provides that patent may issue to the bank instead of to Horgasz, upon the bank paying to the United States Government the value of the land, but not under any circumstances less than $1.25 an acre, the amount required to be paid for the land if commutation were made. That is all that Horgasz would have been required to pay and it is all that the Government requires of anyone commuting a homestead entry. These are the facts, and on these facts and this showing the committee recommended the passage of the bill.

Mr. WATSON of Georgia. Will the Senator permit an inquiry?

Mr. MYERS. With pleasure.

Mr. WATSON of Georgia. As I understand the Senator there is no appropriation in behalf of the bank?

Mr. MYERS. None whatever. The bank must pay the United States at least $1.25 an acre for the land.

Mr. WATSON of Georgia. The bank gets the land and thereby collects its bill?

Mr. MYERS. Yes; if it can. These are the facts. The bill is recommended in a substitute form by the Secretary of the Interior. The Secretary of the Interior sent in an amendment in the nature of a substitute, thinking it fitted the facts better and served justice better. The Secretary unqualifiedly recommends the passage of the bill in that form, and it is so reported.

Mr. WATSON of Georgia. I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized, in his discretion, to issue patent to the First International Bank of Sweetgrass, Mont., for the south half of section 25, township 37 north, range 5 west, Montana principal meridian, upon payment by said bank of the value of said land, to be fixed by the Secretary of the Interior, less any amounts loaned by said bank to Stephen Horgasz and remaining unpaid: *Provided*, That in no event shall patent so issue to said bank for said land except upon the payment therefor by said bank at the rate of not less than $1.25 per acre.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN CESTNIK, JR.

The bill (H. R. 5511) for the relief of John Cestnik, jr., was considered by the Senate as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Northern Pacific Railway Co., upon its filing with the Secretary of the Interior a proper relinquishment disclaiming in favor of the United States all title and interest in or to the south half of the southwest quarter, section 11, township 8 south, range 20 east, in the Bozeman, Mont., land district, under its mineral indemnity selection, list No. 146, embracing said tract, shall be entitled to select and receive a patent for other vacant unreserved nonmineral public lands of an equal area in that State; and the Secretary of the Interior is hereby authorized and directed to permit, after the filing of such relinquishment by said railway company, the homestead entry of John Cestnik, jr., to remain intact as though said entry had been properly allowed, the same to remain subject to compliance with the laws governing entries of like character.

Mr. MYERS. Mr. President, I am prepared to make an explanation of the bill if anyone wishes it. This is a bill to authorize the Northern Pacific Railway Co. to relinquish its title to a piece of land in Montana and to select another piece of land of like character and value somewhere else in the State of Montana if it is so disposed. It is a bill which passed the House.

It seems that John Cestnik entered a piece of Government land and in some way or other, through some fault of some official of the Government, he was informed and led to believe that the land was all Government land subject to entry. His application was received and he was permitted to enter the land. He lived on it the required length of time and put valuable improvements on it and spent time and money on it. When it came to final proof it developed upon further investigation that title to a part of the land, some subdivision of it, is vested in the Northern Pacific Railroad Co. as railroad land. The bill is simply to authorize the railroad company, if it shall see fit, to relinquish its claim to that 40 acres, as I believe it is, and select other land elsewhere if it be so disposed. There is nothing compulsory. It is merely to enable the railroad company to do it, and the way the railroad company proposed to do it was to fix up the matter with the entryman, John Cestnik, agreeably to both, and then the entryman will get his land and the railroad may select 40 acres of land somewhere else.

That is the object of the bill and all that it provides. I think it is a very just bill, both to the railroad company and to the entryman, as well as to the Government. There is nothing compulsory about it. It is simply left to the discretion of the railroad company.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINIDOKA NATIONAL FOREST.

The bill (H. R. 2914) to add certain lands to Minidoka National Forest was announced as next in order.

Mr. CURTIS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

SHOSHONE NATIONAL FOREST.

The bill (H. R. 2205) to add certain lands on the North Fork of the Shoshone River to the Shoshone National Forest was announced as next in order.

Mr. CURTIS. Let the bill go over.

Mr. KENDRICK. I ask the Senator who objected to withhold his objection until I can make an explanation of the bill.

Mr. CURTIS. I am glad to withdraw my objection. I objected because there was an understanding that as no reports are in our files on these bills they should be passed over unless some one was present to explain. I did not know the Senator could explain it. I gladly withdraw the objection for an explanation.

Mr. KENDRICK. I think the best explanation would be to read from the report, which states that—

The proposed legislation would add four and one-half sections of land, or approximately 2,880 acres, to the Shoshone National Forest. The land in question was originally within the boundaries of the Yellowstone Park Timber Land Reservation, created by proclamation of the President on March 30, 1891. Due to the fact that the region was unsurveyed when the present boundary of the Shoshone National Forest was established it was thought that it would follow the line of the old Yellowstone Park timber land reserve, but on projecting the lines of survey a line was established which resulted in leaving out of the present national forest the particular lands in question. They are of the same general character as the adjoining national forest lands. They are rough, rugged, and generally unsuited for agricultural use. At the same time they are of very great importance in connection with the administration of the Shoshone National Forest, for which they form a natural gateway. They include two great buttes which rise on each side of the roadway at the proposed boundary line and form a landmark which is known throughout that region as the beginning of the national forest. This area also controls important camp grounds on the road to the east entrance to the Yellowstone National Park. The lands in question are already under presidential withdrawal in aid of this measure.

The lands involved are practically of the same character as those which are included in the park, and it is also of very great administrative advantage to have those lands included.

Mr. CURTIS. I have read the letter of the Acting Secretary and so far as I am concerned I have no objection.

Mr. WATSON of Georgia. I should like to ask the Senator from Wyoming how much will be involved in the purchase of those lands?

Mr KENDRICK. There are 2,880 acres of mountain territory that is of the same character as included in the withdrawal for the forest reserve. In fact, it was believed when the forest reserve was created that it included this land, but due to the absence of an official survey the land was left out. It made a jog in the boundaries adding to the cost and making more difficult the administration of the forest.

Mr. WATSON of Georgia. It is Government land?

Mr. KENDRICK. Yes; all of it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the following-described lands are hereby added to the Shoshone National Forest, Wyo., and made subject to all laws applicable to national forests: West half of section 17, all of sections 18 and 19, west half of section 20, west half of section 29, all of section 30, township 52 north, range 105 west, all of the sixth principal meridian, Wyoming.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

G. FRED ROACH AND OTHERS.

The bill (H. R. 7780) for the relief of G. Fred Roach and others was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That G. Fred Roach, who made desert-land entry Salt Lake City serial 016552 for the east half southeast quarter, southwest quarter southeast quarter, southeast quarter southwest quarter, and the west half southwest quarter of section 13, and the east half southeast quarter section 14, township 21 south, range 5 west, Salt Lake meridian; Grant H. Geddes, assignee of Richard S. Webber, who made desert-land entry Salt Lake City serial 016516 for the north half section 24, township 21 south, range 5 west, Salt Lake meridian; A. William Malone, who made desert-land entry Salt Lake serial 016517 for the south half section 24, township 21 south, range 5 west, Salt Lake meridian; and Mabel S. Roach, who made desert-land entry Salt Lake City serial 016553 for the northeast quarter, east half northwest quarter, and northeast quarter southwest quarter section 25, township 21 south, range 5 west, Salt Lake meridian, all of which entries were allowed on April 6, 1916, be, and they are hereby, authorized to complete title to the lands embraced in their respective entries upon the payment of any balance unpaid of the sum of $1.25 per acre for the lands so entered to the receiver of the United States land office at Salt Lake City, Utah, within 90 days from the approval of this act.

Mr. LADD. Mr. President, I wish to make a very brief explanation with reference to the bill. G. Fred Roach and three other parties filed at Salt Lake City in 1916. The war came on and they were unable to complete the holdings filed on and entered the war service. The bill is for the purpose of extending and giving them the privilege of completing their ownership to the land by the payment, within 90 days, of the balance due.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TENDERFOOT LAKE, WIS.

The bill (S. 2468) providing for the sale and disposal of public lands within the area heretofore surveyed as Tenderfoot Lake, State of Wisconsin, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That on the survey of any public lands found to exist within the area heretofore surveyed as Tenderfoot Lake, in sections 7, 8, 17, and 18, township 43 north, range 8 east, fourth principal meridian, in the State of Wisconsin, the owners of adjacent lands shall have a preference right to purchase such lands so surveyed for a period of 60 days after the filing of the official plats of such surveys at $1.25 per acre: *Provided*, That such privilege shall not extend to any lands so surveyed inuring to the State of Wisconsin under the act of September 28, 1850 (9 Stats., p. 519): *Provided further*, That nothing herein contained shall have the effect of defeating the rights of any other person or persons which may have attached to such lands or any part thereof.

SEC. 2. That the Secretary of the Interior is authorized to make all necessary rules and regulations to carry this act into effect.

Mr. WATSON of Georgia. Mr. President, will the Senator from Wisconsin be kind enough to explain the purpose of the bill?

Mr. LENROOT. This is a bill made necessary by an erroneous survey of lands fronting upon Tenderfoot Lake, a small lake in Wisconsin. The survey showed a meander line from the lake, but it was afterwards discovered, and only two or three years ago, that an error was made, and there are three tracts fringing the lake that are not included in the survey and which the adjacent owners for more than 40 years had supposed they owned. The bill merely provides that the adjacent owners of a very small fraction in each case shall be permitted to buy from the Government at $1.25 an acre what for more than 40 years it was supposed they already owned and was included in the original Government grant. There are only 300 acres involved altogether.

Mr. POINDEXTER. I would like to ask the Senator from Wisconsin whether there are any conflicting or adverse claims by other private parties?

Mr. LENROOT. None at all.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SEARCY HOSPITAL FOR THE COLORED INSANE, ALABAMA.

The bill (H. R. 6961) granting certain lands to the State of Alabama for the use of the Searcy Hospital for the Colored Insane was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the following-described lands contiguous to the Searcy Hospital for the Colored Insane, to wit, all of fractional section 1, township 1 north, range 1 west, St. Stephen's meridian, south of Cedar Creek and west of John Chastang's private land grant, containing 181.41 acres, be, and the same are hereby, granted to the State of Alabama for the use of the said hospital, and the Secretary of the Interior is hereby directed to issue a patent to said State for the same: *Provided*, That the said State shall not have the right to sell or convey the lands herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described, and in the event of attempted alienation or failure to use said lands for the purposes hereinbefore described the same shall revert to the United States.

Mr. HEFLIN. Mr. President, this bill was introduced in the House by Representative McDUFFIE, of the district in which this land and hospital are located. A similar bill was introduced here by my colleague, Senator UNDERWOOD. This is the McDuffie bill which passed the House. It was favorably reported by the Senate Committee on Public Lands and Surveys, and I am anxious to have it pass the Senate to-day. We have a hospital located in Mobile County, Ala., known as the Searcy Hospital for the Colored Insane, and the 181 acres of land here donated or granted for the use and benefit of the afflicted inmates of that institution are necessary to its successful operation.

Mr. WALSH of Montana. I wish to inquire of the Senator from Alabama if the hospital is a State institution?

Mr. HEFLIN. Yes; it is a State institution. I ask for a vote.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MIKE CAMPBELL.

The bill (H. R. 3116) validating the homestead entry of Mike Campbell for certain public land in Alaska was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the entry hereinafter described be, and the same is hereby, validated and the Secretary of the Interior is authorized to issue patent thereon upon the submission of satisfactory proof of compliance with the provisions of the act of June 6, 1912 (37 Stat., p. 123):

Homestead entry, Juneau, Alaska, No. 03986, made by Mike Campbell on July 14, 1919, for the west half of the northwest quarter, the northeast quarter of the northwest quarter, and the northwest quarter of the northeast quarter, section 6, township 13 north, range 4 west, Seward meridian, and in lieu of that tract the Territory of Alaska shall have the right to select equal area of public land of the character subject to selection under its school land grant.

Mr. LENROOT. Mr. President, having reported this bill, and having been requested to make an explanation of it, I will say that the beneficiary of the bill, Mr. Campbell, originated the claim by the purchase of improvements upon the land in question when it was a part of the Chugach National Forest. Under the law applying to Alaska he had the right to ask that the particular land upon which he located be listed and that he be permitted to file a homestead entry upon it. The forest ranger, however, upon the report of the department, told Mr. Campbell that this land would shortly be eliminated from the national forest, and that he had better wait to apply until the survey was made and that he could apply under the general land laws. This Mr. Campbell did. He did not make his filing when he could have done so while it was a part of the national forest. After the survey was made it so happened that this particular land fell in section 36, which was a school section donated to the Territory of Alaska. All this bill proposes to do is to validate his entry and to permit the Territory to select additional lands to make up its loss by reason of its being within the school section. If it was not for the fact that it was in section 36, Mr. Campbell could complete his entry. The bill is favorably recommended by the department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 726) for the relief of George Emerson was announced as next in order.

Mr. CURTIS. Let that bill go over, Mr. President.

Mr. MYERS. Mr. President, I should like to make an explanation of the bill if the Senator from Kansas will withdraw his objection for a moment. I will frankly state all of the facts connected with the bill, so far as I know them.

Mr. CURTIS. I have asked that the bill go over at the request of the Senator from Utah.

Mr. MYERS. If that is the case——

Mr. CURTIS. The Senate will meet to-morrow, and I suggest that the bill go over until then.

Mr. MYERS. Very well.

The bill (S. 1452) providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them was announced as next in order.

Mr. JONES of Washington. Mr. President, that bill was reported only yesterday. It is an important measure; I am inclined to think I shall be in favor of it, but——

Mr. POINDEXTER. I have the report on the bill here, I will say to my colleague.

Mr. JONES of Washington. However, I should like to have an opportunity to look the bill over a little.

Mr. WALSH of Montana. I will say to the senior Senator from Washington that I am inclined to favor the bill, but I should like to examine it.

The VICE PRESIDENT. The bill will go over.

LANDS IN RAINIER NATIONAL FOREST.

The bill (H. R. 6864) authorizing exchanges of lands within the Rainier National Forest, in the State of Washington, was considered as in Committee of the Whole.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept on behalf of the United States title to any lands not in Government ownership within the Rainier National Forest if, in the opinion of the Secretary of Agriculture, such lands are chiefly valuable for national-forest purposes, and in exchange therefor may issue patent for not to exceed an equal value of Government land within any national forest within the State of Washington, or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of national-forest timber in any national forest in the State of Washington, the values in each instance to be determined by the Secretary of Agriculture and to be acceptable to the owner as fair compensation. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the Rainier National Forest.

Mr. WATSON of Georgia. Mr. President, that bill seems to involve a very important matter. I wish the Senator from Washington would explain the bill.

Mr. JONES of Washington. Mr. President, although my colleague [Mr. POINDEXTER] reported the measure, I will say that we have passed through the Senate several bills similar in character with reference to various national parks in the different States. The situation in the State of Washington is just this: There are logging operations going on near the boundaries of this park. There are certain tracts of very valuable timber of a very fine character within the limits of the national park owned by private parties. They have delayed logging the timber for quite awhile upon assurances from us that such legislation would be passed as would enable the Forest Service to allow them to exchange these lands for other lands of a similar character, not exceeding in value the lands involved in this bill, somewhere else in some other forest reserve. The bill is for the purpose of preserving these forest lands.

Mr. WATSON of Georgia. Mr. President, I am somewhat of a crank about preserving trees, and I am in hearty sympathy with the object of the bill.

Mr. JONES of Washington. The bill is for that purpose.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HAROLD KERNAN.

Mr. BROUSSARD. Mr. President——

Mr. CURTIS. Mr. President, I understand that the Senator from Louisiana desires to make a request for unanimous consent.

Mr. BROUSSARD. I ask unanimous consent to recur to Order of Business 183, being the bill (S. 405) for the relief of Harold Kernan. I will state that I am not the author of the bill.

Mr. CURTIS. Let the bill be read.

The bill was read as follows:

Be it enacted, etc., That the accounting officers of the Treasury Department are hereby authorized and directed to credit the account of Harold Kernan, now serving as first lieutenant, Thirteenth Field Artillery, United States Army, in the sum of $3,426, with which said officer was charged for money stolen from an enlisted man serving under him, for which said officer was held responsible while stationed at the city of Brest, France, in October, 1919.

Mr. KING. I made objection to the consideration of that measure, but I withhold it pending the explanation of the Senator from Louisiana.

Mr. BROUSSARD. Mr. President, I did not introduce this bill, but as a member of the Committee on Claims, I reported it from that committee to the Senate. The bill has been pending here for some time. It involves purely a question of discretion and judgment on the part of the officer whose account has been charged with the amount of $3,426 because of the loss of that sum while it was being transported from the sales branch, depot quartermaster's office, to the finance office at Brest, France. The facts in the case disclose that Lieut. Harold Kernan, of the Thirteenth Field Artillery, United States Army, was

in charge of this sales branch. He succeeded some other Army officer who had established the precedent of transferring the money by sending it in the hands of one of the soldiers from the sales branch to the finance office, which was not a great distance away. The money was sent early in the afternoon, and, of course, in the daytime. The soldier had been in the habit of carrying the money, and the practice had been established before Lieut. Kernan was appointed to take charge of the sales branch. On that afternoon the soldier who was carrying the money was sandbagged on the streets of Brest and the money was taken away from him. The matter was reported to the proper authorities, but naturally the board which investigated the case, having no authority to appropriate funds, could not extend relief. The Secretary of War, however, on January 20, 1921, reviewing the proceedings had in the case finally concluded to recommend that Lieut. Kernan be relieved by crediting his accounts with the sum of $3,426, which had been charged against him.

Mr. KING. Mr. President, will the Senator yield?

Mr. BROUSSARD. Yes.

Mr. KING. Did not the Senator inadvertently rather inaccurately state the facts? As I recall the circumstances from the discussion which occurred here several months ago, the board found that the officer was culpable; that he was negligent in having failed to provide a proper guard. They did not base their final decision upon their lack of authority to exonerate the officer, but they positively found that he was guilty of negligence because he did not provide a sufficient guard to protect the employee of the Government who was carrying the money.

Mr. BROUSSARD. The Senator is entirely correct in that. What I meant to say was that the board, whether they found that he was guilty of any negligence or not, had no authority to make any appropriation or to issue any order crediting the accounts of Lieut. Kernan with the amount which had been charged against him. As I understand the proceedings, the board——

Mr. KING. If the Senator will pardon me, the Senator can see that it would have been wholly illogical and inconsistent for them to have found that he was guilty of neglect and then at the same time order that he be credited with the amount.

Mr. BROUSSARD. I understand; but immediately upon this amount being taken he was charged with the amount which had been stolen, and no board could have done away with that charge. That is my understanding at any rate.

Mr. WATSON of Georgia. Mr. President——

Mr. BROUSSARD. I yield.

Mr. WATSON of Georgia. Is it not a fact that this officer took no precautions at all, as is usual, in transferring money from one place to another?

Mr. BROUSSARD. I will state to the Senator from Georgia that the evidence shows that when this officer was appointed and assumed the duties of the office he inquired what the custom was in regard to transferring the funds, and he followed the practice which had prevailed. The money was given to a soldier to be carried a few blocks away through the streets at, I think, about 3 o'clock in the afternoon. The streets were not deserted; there were people all along there. The precedent of transmitting the funds in that way had been established by his predecessor.

Mr. ROBINSON. Was it customary to send a guard with the soldier carrying the funds?

Mr. BROUSSARD. It was not.

Mr. ROBINSON. That custom had been established prior to the incumbency of the officer who is charged with the default?

Mr. BROUSSARD. Yes; it so appears from the recommendation of the Secretary of War and from the evidence furnished before the Committee on Claims.

Mr. ROBINSON. Was any question raised as to good faith? Did anyone claim that there could have been collusion or that there probably was collusion?

Mr. BROUSSARD. There was no question of that kind raised at all.

Mr. ROBINSON. The honesty of the officer is not assailed in any way?

Mr. BROUSSARD. Not in any manner.

Mr. ROBINSON. I think under those circumstances the bill ought to be passed.

Mr. BROUSSARD. I hope the Senator from Utah will not urge his objection to the bill. A lieutenant in the Army receives a very small salary. This officer, I repeat, merely followed the precedent which had been established by his predecessor, and yet his account is charged with $3,426, which is nearly two years' salary. The Secretary of War at the time recommended that this relief be extended, and I hope that the Senate will pass the bill.

Mr. KING. Mr. President, I shall not object to the consideration of the bill, but I am afraid that the passage of the bill will be a rather unfortunate precedent. The Senator knows that large numbers of men are charged with the custody of Government funds in the Post Office, in the Army, in the Shipping Board, and in the multitudinous activities in which the Government is engaged. I think that every possible effort should be made to impress upon officers charged with the custody of public funds that they must guard them and protect them. We have in a number of instances appropriated money to postmasters where they alleged that the safes have been robbed, when they knew that the doors of the safes were not secured. They acted in good faith, in that they did not think that any person would invade the post office and attempt to rob it. We are letting down the bars and excusing men from taking what I conceive to be necessary and proper steps to protect Government property intrusted to their care.

I suggest to the Senator that if we pass this bill, it will be a bad precedent. It will be notice to Government employees that they need not think for themselves; that if they follow some old, outworn precedent or method or practice in dealing with Government funds, regardless of changed conditions, and the Government loses the funds intrusted to their care through robbery or through the misfeasance of some subordinate, the Government will come to their relief and exonerate them. Such a precedent will be bad. If, upon the other hand, the Government were to be rigid and exacting, while in some instances perhaps it would be rather severe punishment for the officials who had been intrusted with money to be called upon to pay it back, in the long run it would make for efficiency, for proper administration, and would save the Government large sums of money.

I shall not object to the consideration of the bill. I shall vote against it, however, as I think the precedent is very bad, and I do not think the Senate ought to go on record in favor of this measure.

Mr. ROBINSON. Mr. President, in connection with the statement of the position of the Senator from Utah [Mr. KING], I think it pertinent to bring to the attention of the Senate the report of the Secretary of War on this bill. In my opinion it fully justifies the statement of the Senator from Louisiana [Mr. BROUSSARD].

The Secretary of War, among other things, says:

> It appears, however, that since the transfer took place in the middle of the afternoon and the route followed was along frequented streets, the failure to provide more adequate protection was due to an error in judgment which might have been committed by anyone similarly placed. This view is also justified by the fact that Capt. Kernan's predecessor had, so far as the papers disclose, followed the same procedure in the daily transfer of these funds. I feel, therefore, that the ends of justice will be served by granting the relief contemplated.

Mr. President, if it should be made to appear that the officer in charge of these funds was under direct orders from a superior to supply a guard, he would be, of course, deprived of discretion in the matter; but the circumstances indicate, if they do not clearly establish, that a mere question of discretion was involved.

The distance was very short. The route was along a way that was frequented, and one could hardly anticipate that the messenger would be intercepted and assaulted and robbed.

Under those circumstances, I think it would be a very great injustice to this young officer to compel him to bear the responsibility for this robbery. Congress has passed a great many bills relieving civilians, postmasters, and others of that type, which in my judgment were not nearly so strongly entrenched in facts of justification as this case.

Under the circumstances, I join in the hope of the Senator from Louisiana that the bill will pass.

Mr. KING. Mr. President, just one word, in view of what my good friend from Arkansas has said.

There is one part of the report which I had not read and which has just come to my attention. It appears that an examination was held immediately after the robbery, and I want to read from the report of the board. It was composed of Maj. Lathe B. Row, who was the president, Capt. F. T. Burt, and First Lieut. W. D. Powell, recorder; and this report was approved by L. E. Scherer, colonel, Cavalry, United States Army, commanding.

Briefly, this report states as follows:

> About 3 p. m. on October 7, 1919, Capt. Harold Kernan, F. A., in charge of sales branch, depot No. 1, base section No. 5, Brest, France, intrusted to Pvt. Guy L. Bolton, Quartermaster Corps, detachment No. 500, the sum of $3,426, property of the United States, for which the said Capt. Kernan was responsible, and directed Pvt. Bolton to deposit this money at the base finance office. That shortly after 3 p. m. Pvt.

Bolton, while passing through an alley in the city of Brest, on his way to the finance office, was struck by a person or persons unknown, rendered unconscious, and while unconscious was robbed of the sum of $3,426 aforementioned.

The board further finds that Capt. Harold Kernan, Field Artillery, did not exercise reasonable prudence and care in intrusting the sum of $3,426 to Pvt. Bolton for deposit at the finance office. This conclusion is based on the fact that it is well known that the city of Brest is infested with lawless characters and that an individual traveling alone, especially an American soldier, is very apt to become involved in difficulties which would be likely to result in the loss of any considerable sum of money which he might have in his possession, and that under these circumstances, Capt. Kernan should have provided at least one other man as an escort for the bearer of these funds. It appears from the evidence that the practice of sending funds to the finance office by a soldier messenger, from the sales branch of depot No. 1, was inherited by Capt. Kernan's predecessor. It also appears that the robbery took place in broad daylight in a portion of the city of Brest somewhat frequented by passersby. These facts, however, do not constitute sufficient justification of Capt. Kernan's method in sending the funds in question to the finance office.

The board therefore is of the opinion that the loss of funds above mentioned was due to neglect on the part of Capt. Kernan to properly safeguard these funds while in transit to the finance office, and therefore recommends that Capt. Kernan be required, under the Eighty-third Article of War, to make good the loss of $3,426, the property of the United States.

There being no further business before it, the board then, at 4 p. m., adjourned sine die.

Then follow the names of those constituting the board, and the approval by the Cavalry officer.

Mr. President, it appears that immediately after this money was purloined or taken by force from the private, a board was convened to make an investigation. They were on the ground. Undoubtedly the officers composing the board would sympathize with a brother officer, and if they could have found honorably, under their oaths of office, any excuse for his conduct, any justification to relieve him from responsibility, it is fair to assume that they would have so found. It seems to me that we are discrediting the officers; we are going behind findings which they made when the evidence was before them, after a full and complete investigation; and in the teeth of their findings that the officer was at fault we propose to relieve him and to make the appropriation.

I make no objection to the consideration of the bill, but, I repeat, I shall vote against it.

The VICE PRESIDENT. If there be no objection, the bill is before the Senate as in Committee of the Whole and open to amendment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

BUSINESS OF THE SENATE.

Mr. HARRISON. Mr. President, is there nothing before the Senate?

Mr. CURTIS. It was the intention to have an executive session, but I understood the Senator wanted to take a few minutes to address the Senate.

Mr. HARRISON. I wanted to inquire about the railroad funding bill. I do not see the chairman of the Committee on Interstate Commerce in the Senate at this time.

Mr. WATSON of Georgia. And hardly anyone else.

Mr. HARRISON. And hardly anyone else, as suggested by the Senator from Georgia. It may be that the information I seek can be given by the Senator from Kansas, or some other Senator on the other side.

My inquiry is this: The President some time ago submitted to the Congress a request, a very urgent request, to pass the railroad funding bill. The bill passed the House and was reported out of the Senate Committee on Interstate Commerce. I think it is a very iniquitous measure, but some weeks ago the chairman of the committee expressed himself very strongly to the effect that he wanted the bill passed, and he set it aside at the very urgent request of the leadership on the other side, to permit the Newberry case to be taken up. Senators on the other side thought that perhaps they could rush the Newberry case through in a couple of days, and so, after some solicitation, the Senator from Iowa [Mr. CUMMINS] yielded, but in yielding he said that if the Newberry case took very long he would insist on taking up the railroad funding bill, again making it the unfinished business, and having it passed.

Just before we adjourned, 10 days ago, the Senator from Iowa stated that at the very first opportunity when Congress reconvened in December he would call up the railroad funding bill and press it for consideration. We have been in session three days, and while I have seen the Senator from Iowa on the floor, and nothing apparently of importance before the Senate, I have not heard anything of the railroad funding bill. If the Senator from Iowa or the Senator from Kansas will take us and the country into their confidence and enlighten us as to whether there has been a shift in the plans, we shall be very glad to know about it, and if there is any reason why the railroad funding bill is not as important and pressing for solution now as it was some weeks ago and a few days ago, when, because it was delayed a few days, there was talk of invoking cloture to press it through the Senate, we would like to know it; so if the Senator from Kansas will oblige me by answering the question I shall be glad to have him do so.

Mr. CURTIS. I am not a member of the Committee on Interstate Commerce, and I have no authority to speak for the chairman, but I understand the bill has been laid aside because of the fact that it is easy now to secure money, and the securities have been disposed of, or are being disposed of satisfactorily in the market.

Mr. ROBINSON. Then the Senator does not understand that the bill will be again brought before the Senate?

Mr. CURTIS. I could not say as to that. I should judge not.

Mr. HARRISON. It is about that that I desire to address the Senate briefly. It pains some of us to see this Congress starting out so inauspiciously. We had hoped that in the very beginning there would be a set program laid out, and that it would be rushed to completion. Of course, we may differ about these measures, but the country is entitled to know, and certainly the minority in the Senate is entitled to know, what bills are coming up, when they are coming up, and when they are going to be abandoned.

We had a good deal of such abandonment of measures in the last Congress. And that is one of the reasons why the Congress is in such disrepute. One day we would see reported out of one of the committees a bill that was urged as being important, and upon which it was said the prosperity and industrial activities of the country were dependent, and then in a day or two those in charge of it would see the light—realize their mistake—change front, and the bill would be withdrawn or recommitted to the committee. I know the soldiers' bonus bill, for instance, is fresh in the memory of Senators here. After the chairman of the Committee on Finance had heralded the importance of that legislation and in eloquent terms pictured the duty of Congress to do something for those who fought to preserve our institutions and add new glory to our country, they brought it out of the committee. We debated it a few weeks, and finally the President of the United States sent word to Senators on the other side to retreat, and they retreated.

Mr. WATSON of Georgia. I beg to remind my friend, the Senator from Mississippi, that the President came in person, made a speech on the negative side of the case, and killed the soldiers' bonus bill.

Mr. HARRISON. Yes; the first time in the history of the American Government that such a practice was attempted. But the President had changed his mind. Not for the first time in his career had he done that, because he told the soldiers as a candidate he was in favor of some legislation in their behalf. As a Senator he had spoken against Executive interference. He had held President Wilson up to scorn as being a dictator and an autocrat, forcing legislation through Congress, and he condemned his activities in that regard in the strongest terms and with the greatest eloquence he could employ. But he had forgotten all that, and came in person and asked the Congress to defeat legislation which they had promised the soldiers they would pass, and Senators retreated overnight, so that legislation died.

But that was not the only time he had changed front. We heard much about the reduction of taxes during the campaign and the need of the revision of our tax laws and of the lifting of the burden from the backs of those least able to bear them. Yet in the last Congress, just as the bill was about to be voted on, again he wrote a letter to the Congress and told them what he desired them to do, namely, to reduce the maximum surtax on large incomes from 50 per cent to 40 per cent. But the House of Representatives had independence, they had courage, they had doubtless read the speeches of the President when he was Senator against presidential encroachment, and they told him "where to get off"; they scorned his letter and repudiated his suggestion. They stood like true representatives of the people and ignored his request, and accepted the amendment that was put on the tax bill in the Senate by Democratic and progressive Republican votes.

It was due to the action of a few patriotic, courageous, lion-hearted Republicans, close to the people, who were not oblivious to their views, who wished to carry out their desires, who joined with us in removing the taxes in part from the masses and

placing them upon those best able to bear them—the wealth of the country—that we were able to increase the maximum surtax from 32 per cent to 50 per cent.

That roiled the President. I do not know why, but I can imagine why. I have heard that it was because he was in close touch with the reactionary, the predatory, elements in this country, who have bled the people for their own benefit for years; that he was in frequent conferences with these high financiers and that certain promises had been made to them—election pledges, may I say—and that they had called the turn, and said to him, "It is time to deliver, and the best way to deliver is in the tax bill, by taking from us some of the taxes which have been imposed on us and placing them on Ford automobiles and on the necessaries of life."

So they called his hand, and the President, true to the "powers" that had placed him in the White House, not forgetful of his promises, in turn said to the Republican leadership in Congress, "Let us come across, boys." So he was ruffled and angered when the House did not do his bidding.

I know it surprised the Senator from Pennsylvania and the Senator from Kansas and the Senator from Utah, because it was the plan, well laid but not carried out successfully, that there would be a compromise between the 32 per cent maximum surtax on large incomes as passed by the House and the 50 per cent passed by the Senate, when in conference all the differences were not ironed out and a compromise such as suggested by the President of 40 per cent was not incorporated in the bill. But things went awry. The plans miscarried, and consequently they adopted in the House what we passed here, and for that the President yesterday in his message expressed—briefly, yes; but quite explicitly, so that all could understand—that he did not approve the course of certain Senators here who had joined with the Democratic minority and put over that 50 per cent maximum surtax.

The Senator from Kansas and other Senators have no doubt read that part of the President's speech where he takes a rap at the agricultural group. I am sorry the distinguished Senator from Iowa [Mr. KENYON] is not in his seat. I am sorry that some of the other Senators who have fought for the agricultural interests are not in their seats, who, if they had not fought as they did, would not have procured the enactment of certain legislation which has been, in part at least, beneficial to the agricultural classes. But the President took his shot at those fellows. I do not know whether they will lose their patronage or not. I hope not. It would be very unfair if, because these few Senators have joined with us and voted in the interest of the people, they should be rebuked by having the patronage in their States taken away from them. In his message this is what the President said:

> There is vastly greater security, immensely more of the national viewpoint, much larger and prompter accomplishment where our divisions are along party lines, in the broader and loftier sense, than to divide geographically, or according to pursuits or personal following.

Oh, he was hitting the agricultural group. Yet I saw in the morning papers that one distinguished leader of that group had said it was a very splendid message to the Congress. What did he get out of the message, or what did others of the agricultural group get out of the message, that holds any encouragement to them? Is it that he suggests in this message the enactment of the cooperative marketing plan? He is adroit. He wants to hand to the farmers just a little sop, because he knows it does not take much to influence the votes of some Senators. So he thought perhaps if he said to them, "I am in favor of the enactment of the cooperative marketing plan," that would cause such jubilation among some of the agricultural group that they would find no fault with his condemnation of their actions in other matters. He should have praised the agricultural group, because good legislation that has come, as I said, for the agricultural classes has been in large part due to their activities, their joining with us, not on party lines but for the good of the country.

Some time ago when another President was in the White House and an election was coming on he addressed a letter to the American voters in which he asked that a Democratic House of Representatives be elected. Republican Senators and Congressmen and leaders condemned it. They said he had no right to plead with the voters along party lines for the election of those Members of Congress. You scorned that President for his action. You said it was unfair, and that it had never been done by any President before. Yet the President to-day, who no doubt condemned that message of yesterday to the American voter, in his speech to the American Congress on yesterday pleaded for adherence to party lines.

Yes; he thought by that means that he might influence the distinguished junior Senator from Kansas [Mr. CAPPER] and those who have worked with him for agricultural legislation to stop associating with Democrats in obtaining it, and vote with the Republican leadership upon all measures.

It may be that it was the first call of the President for Republican Senators to line up as a party policy to retain a seat in this body for TRUMAN H. NEWBERRY, who has been shown to have expended approximately $200,000 in his campaign in Michigan. It may be that he wants to force them in line so that this friend of the President might hold his seat here, even though a jury of his own constituents in Michigan, after hearing all the evidence and the pleas in his behalf, had convicted him by unanimous vote of the jury. Ah, I say to Senators on the other side of the Chamber that there are many questions which arise here that have no party tinge. We over here have joined with some of you in passing wholesome amendments to some bills that were in the original form inimical to the welfare of all the people. We expect to continue to vote with you when you propose legislation that is in the interest of the people.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. SPENCER in the chair). Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. HARRISON. I yield.

Mr. WATSON of Georgia. I know that the Senator from Mississippi desires to be entirely fair, but his statement in reference to the Newberry case is, to say the least, not full. Mr. Newberry was indicted in Michigan for conspiracy to violate a law which the Supreme Court of the United States said was unconstitutional. The Supreme Court said that there was no evidence whatever of corruption on the part of Mr. Newberry, and the Senator from Montana [Mr. WALSH] admitted on the floor of the Senate that there was no bribery.

Now, the Senator from Mississippi can easily learn, if he does not now know, that there is no limit whatever placed upon the amount of money which can be spent for specified purposes under the Michigan law. If Truman H. Newberry is guilty of any offense whatever it is under the Michigan law, under which law he has never been prosecuted. There was no evidence whatever to prove that Mr. Newberry had any personal knowledge or gave his consent to the expenditure of the $200,000 to which the Senator from Mississippi alludes.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. HARRISON. Certainly.

Mr. KING. I heard only a portion of the statement of my distinguished friend from Georgia. I am a member of the Committee on Privileges and Elections and am reasonably familiar with the record, having read the entire record twice and some portions of it several times. If the Senator from Mississippi will permit, I desire to express my dissent from the statement of the Senator from Georgia as to the facts as disclosed by the record. I think the record conclusively establishes that more than $200,000 was expended, indeed, more than $267,000, and that Mr. Newberry not only was familiar with this large expenditure but that a considerable portion of it came from his own bank account; that Mr. Newberry himself wrote a letter in which he stated, in substance, that he was responsible for the expenses of publicity, and the record shows that the publicity expenses exceeded the sum of $140,000.

I do not desire to be drawn into a discussion of the case at this time, but I did feel that the broad statement of my good friend from Georgia, whose good faith and integrity I readily accept and to which I pay tribute, should go unchallenged. I did not want his statement to go unchallenged that the record showed the facts as he has stated them. I have no doubt my friend after his reading of the record is sincere in that view and believes that the record will support the statement which he has made.

I wish to make the further statement that if the officials of the State of Michigan did their duty they would have prosecuted a large number of those who participated in that election, who helped to expend the money, and who joined in the conspiracy to expend a large sum of money to secure the nomination of Mr. Newberry for the office of United States Senator and his election to the Senate of the United States.

Mr. WATSON of Georgia. Mr. President, I hope the Senator from Mississippi will allow me a brief rejoinder to that statement. I will challenge now the Senator from Utah or any other Senator to cite the evidence that connects Newberry with the improper use of a single dollar of money in that election. The conviction to which the Senator from Mississippi refers was in part brought about by the expenditure of $400,000 of Government money in raking up testimony and in hiring extra lawyers to prosecute Mr. Newberry, to convict him, to send him to the penitentiary, so he could not come here and vote against the League of Nations.

Mr. CARAWAY. Mr. President, will the Senator from Mississippi yield to me?

Mr. HARRISON. With pleasure.

Mr. CARAWAY. The Senator from Georgia stated that he challenged anyone to cite evidence that the Senator from Michigan was connected with the expenditure of the money, for which act his right to a seat in this body is now challenged.

Mr. WATSON of Georgia. Illegal expenditure.

Mr. CARAWAY. It was practically all illegal.

Mr. WATSON of Georgia. Oh, that is not fair.

Mr. CARAWAY. For instance, the money was spent to bribe or to hire people who were not for him to become his supporters. It was spent for people to work on primary day, when the law forbade doing that. The record shows conclusively that it did go beyond that, and to deny that would be to deny what everybody knows to be the truth. Paul King went to a man in Flint, Mich., so the man swears, who had been convicted and sentenced to the penitentiary for from 2 to 15 years, and whose case was then on appeal, and tried to get him to support Newberry. He said, "I am not going to do it. I am not for Newberry, and will not be." Mr. Fletcher, who was with him, said, "Oh, well, let me talk to this man."

Fletcher said, "You know how I stand at the capitol at Lansing." I am not quoting his exact language. "You can support Newberry or you can go to jail, just whichever you see fit." He said, "I do not want you to say whether you will or not, but we know you control this district and we will know when the votes are cast on which side you were." The man said, "I went out and talked to my henchmen and said, 'They have put it up to me, and while I don't care whether Newberry is elected or not, I think I had better play safe,' and this district went for Mr. Newberry and my case was reversed."

Mr. WATSON of Georgia. Mr. President——

Mr. CARAWAY. Wait a minute. I am not through. There were four people present, all of them supporting Newberry. Mr. King denied it and the other three men who were present never opened their mouths to say whether that conversation occurred or not. That is one of the cases.

The Senator has said that Mr. Newberry did not know about these acts and expenditures. On the 8th day of August Newberry got a letter from a man by the name of Vandenberg about the expenditure of money in the Newberry campaign for the Senate in Michigan. I am not using the exact language. King said Newberry did not know how much and for what purpose they were expending money; that he never talked this phase of the campaign over with Newberry. Templeton said he never discussed it with him. Every man connected with the campaign said, "I never discussed finances with Commander Newberry at all." Therefore Newberry's supporters in the Senate say that Newberry knew nothing about the method or means of conducting his campaign. Let us see. On the 8th day of August this letter of Vandenberg came to him. It conveyed the information, if he had not already known it, that his campaign had become a campaign of corruption. Mr. Newberry replied, "I am informed that the Newberry committee can file its report and justify its expenditures." Who told him that? King said, "I did not do it." Templeton said, "I did not do it." Floyd said, "I did not do it." Everyone connected with the campaign denied giving Newberry the information.

Everybody who talked in behalf of Newberry on the floor of the Senate said no one ever communicated to Newberry the fact that money was being expended in connection with his campaign in Michigan, and yet on the 11th day of August he wrote to Vandenberg and said, "I am informed that these expenditures can be justified," and then he wrote to King and said, "I hand you herewith my letter that I wrote to the people at Flint, giving my superficial and flimsy explanation." That is not the term he used. The exact words were "my noncommittal letter."

Newberry did know all about the expenditure of money in his campaign, unless he was not telling the truth when he wrote to Mr. Vandenberg, because he said, "I am informed that the committee can account for my expenditures." So I know, whether Mr. Newberry keeps his seat in the Senate or not—I know it as well as I know that I am standing here—that Newberry knew about these expenditures of money. I also know that under the statute of Michigan the money was expended unlawfully. I know more than that; I know that Newberry gave a power of attorney to Smith, and Smith gave money in the name of John Newberry to this committee. Up to the 16th day of August he gave every dollar that the record shows that Newberry's committee had.

On the 27th day of July Newberry called up Smith—I am now talking about Commander Newberry, about the Senator—and said, "I want to know"—I am not quoting his language, but I am stating the substance of it—"I want to know something about this taking money out of my account, or all of our accounts down there, and putting it into my campaign for the Senate. I want to know how much longer it must continue." Senators are familiar with that matter. It comes into this record by reason of the fact that on the next day Smith sent Newberry a telegram and said, "I misinformed you about the date when these expenditures would cease. I told you they would cease on the 27th day of July; I meant the 27th day of August, because the expenses enumerated must go on until primary day." That was to Commander Newberry. Then, in explanation of that, he said that Newberry was complaining about their using his money—in fact, everybody's money—to finance the campaign and the extravagant use of this money.

The Michigan law says one may not give or loan. Newberry knew that his money was being "borrowed" to put into the account of his brother, John Newberry, and then to be taken out of John Newberry's account and given to the committee, so called, of his friends and by that committee used to buy a seat in this Senate. By the way, the committee did not consist of a single unpaid employee, because Templeton says he was a figurehead, although he is set down as chairman; and Blair, normally treasurer, says, "I did not know anything about even what I swore to," in the report of expenses. So the only men who touched that whole campaign, that Newberry swore was conducted by a voluntary committee of his friends, consisted of paid employees unless it be said that King was not paid; and King said that he expected to get his pay by being employed at some time as a lawyer, to look after some of the very numerous and valuable litigation that the Newberry estate had.

The bulk of the expenditures, according to the sworn statement, occurred after the 27th day of July. Less than $40,000 had been expended on the 16th day of August, if the sworn statement may be believed. I do not believe it; but if it may be believed, only $40,000 had been expended—I am speaking in round numbers—on the 16th day of August. The admissions show that more than $200,000 were expended in the campaign, and the expenditure possibly reached three-quarters of a million dollars. So at least $160,000 were expended after the conversation had with Newberry on the 28th day of July, or possibly $175,000 were expended after that. Newberry knew that when he was having this conversation with Smith that Smith was using the accounts of Truman Newberry, of his wife, of his brother, and, in fact, of all the Newberry estate, and feeding them into John Newberry's account to be expended in Truman Newberry's campaign for the Senate. He knew that, because Smith swears it, and nobody denies it, except the Senator from Georgia, and he is merely giving his impression. Nobody denies it who knows what the record shows.

Mr. WATSON of Georgia. I am going to give the Senator another impression presently.

Mr. CARAWAY. It will be no more accurate than the one the Senator gave a moment ago.

Newberry knew that; he knew on the 28th day of July his money was being used to finance the disgraceful purchase of a seat in the Senate; he knew the way this money reached this campaign committee was by Smith's transferring his account under a power of attorney. Smith was Newberry's attorney in fact. Newberry could have revoked that power of attorney that day and stopped the expenditure of over $50,000 that was taken—oh, yes, over $80,000 that was taken—out of the Newberry estate, his own money largely. Certainly the Senator from Georgia, who—and I may be pardoned for saying it, and I do so in all kindness—admits that he is the best lawyer that ever sat in this body, would not contend that a man could escape liability for the act of his attorney in fact, when all he would have to do to stop his activities was to revoke his power of attorney. Therefore Truman Newberry knew that this money, Truman Newberry's money, was being taken out of his account and by passing it through his brother's account would be expended in his campaign for another month, and he permitted it. To show the absolute absurdity of Smith's explanation, he said that he told Mr. Newberry that the primary was on the 27th day of July, and he would want us to believe that Newberry did not even know whether the primary in which he was a candidate for the Senate was in July or August!

If there ever was an aggregation of men who would be entitled to a certificate for absolute lack of intelligence, if one could believe the record, those who ran Truman Newberry's campaign for the Senate would meet the requirements. If any body of men ever handled $200,000 with less information than they possessed, if one could believe them on oath, I should like to see them. So much for the contention that Newberry did not know how his money was being expended.

My good friend, Senator Newberry's colleague from Michigan [Mr. TOWNSEND], recognizing that the employment of people to work on primary day was illegal, said—and honestly so, al-

though he was mistaken about it—that the committee countermanded the order to permit people to be employed to work on primary day. But they did hire men to work on primary day; they were given from $7 to $10 a day; they filled every ward and precinct, so far as the record shows, with paid workers on primary day. To show that they could hire men, they hired a man who was a superintendent of a division of the Buick Automobile Co., who said, "I think Ford is a good man; but," he said, "after they talked to me two or three hours and told me there was something in it, I went in this campaign in that way." "That way" was $150; and the next time he got another $150. He said, "That is what I understood I was going to get." All these men were hired. The Senator from Montana [Mr. WALSH]—I know the Senator from Georgia intended to be absolutely fair with him, but he misquoted him—did not admit that there was no bribery in the record; he merely said, "I was not discussing that feature." The Supreme Court never decided that bribery was not a part of the methods used by Newberry. The court never said that; the Supreme Court never passed on that question at all; the only thing the Supreme Court decided was that the Federal act was unconstitutional; that is absolutely everything the Supreme Court did decide, and that is all it could have decided.

Mr. HARRISON. Mr. President——

Mr. WATSON of Georgia. I hope the Senator will yield to me.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. HARRISON. I yield.

Mr. WATSON of Georgia. The Senator from Arkansas [Mr. CARAWAY] is incorrect in saying that I was inaccurate in quoting the words of the Senator from Montana [Mr. WALSH]. The RECORD will show that I quoted his exact words. He was in his usual seat, and I was in mine, and the question of bribery was put to him direct, and he said there was no bribery. Then I said afterwards, "You have admitted your case out of court"; and the RECORD will show it.

Mr. CARAWAY. If the Senator will pardon me, he will have so much less to take back if he will read the RECORD, and I am going to get it in a moment.

Mr. WATSON of Georgia. If the RECORD does not show that, then somebody has changed the RECORD. I know exactly what I said.

Mr. CARAWAY. The Senator may think he did.

The PRESIDING OFFICER. Does the Senator from Mississippi yield further; and if so, to whom?

Mr. HARRISON. I yield to both Senators.

The PRESIDING OFFICER. The Senator can not yield to both Senators at the same time.

Mr. WATSON of Georgia. I asked the Senator from Montana, in substance, "Do you claim that there was bribery?" He said, in so many words, "There was no bribery." Later I said in my speech, and it will so appear of record, "The Senator from Montana had admitted his case out of court."

The question was raised between him and me as lawyers, that he was construing a criminal statute by the principle of civil construction, to wit, he was, by imputation, placing a knowledge of crime and a proof of crime upon Mr. Newberry, whereas that can not be done. A crime has to be proven by competent evidence, which excludes all reasonable doubt; and, if the evidence is circumstantial in its nature, it has to exclude every other reasonable hypothesis than that of the guilt of the accused. Even an accomplice, a man who confesses that he and another have committed a crime, can not convict his principal unless that accomplice be so corroborated by other testimony as almost to make out a case of itself, independent of the accomplice. A man's own confession, Mr. President, made out of court, of course, can not convict him, it can not even be admitted in evidence, unless it be shown beforehand that that confession was freely and voluntarily made without the remotest fear of injury or the least hope of reward.

I do not claim to be the best lawyer in this body, but I do claim to know something about the law. As to a power of attorney, the law as I understand it is this: It empowers the agent to do what is therein stated in writing. Every man who deals with a man holding a power of attorney must examine into the agent's authority; and if that agent executes a deed or a mortgage under that power of attorney, the power of attorney itself must be attached to the deed or a certified copy thereof must be attached to it, else the deed will be invalid. If a person holding a power of attorney from me or from the Senator from Arkansas goes beyond the terms of that power of attorney, we are not bound by the actions of the agent who has exceeded his authority under the power of attorney. If that is not sound law, then I do not know what law is.

Mr. CARAWAY. I admit that.

Mr. WATSON of Georgia. Yes; the Senator admits that; and he will admit some other things before I sit down.

Mr. CARAWAY. May I interrupt the Senator for just a moment?

Mr. WATSON of Georgia. By the permission of the Senator from Mississippi [Mr. HARRISON], who had the floor two or three hours ago.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Arkansas?

Mr. HARRISON. I yield.

Mr. CARAWAY. I do not want the admission to be understood as relating to the correctness of what the Senator has said the law was. He said if that was not the law, he did not know what law was, and that was the statement that I was admitting. I said that in all kindness; it was a bit of byplay. The question of a power of attorney, and whether a copy of it should be attached to a deed or mortgage, I am sure, has nothing to do with this case, because the power of attorney gave Smith the authority to draw checks, and that is what he was doing. But this is the principle of law that is applicable—and the Senator is going all around it—that if two or more men enter into a conspiracy to do an unlawful thing, to wit, buy an election in Michigan, then so long as the conspiracy lives and lasts the act of each and every one of them is the act of each of them; and after they had entered into the agreement to buy this election, so long as that conspiracy lived, and until the fact was an accomplished fact, the act of each and every one of them, whether done in the presence of the others or not, or whether contemplated at the time of entering into the conspiracy, if it was something to forward the purpose of the conspiracy, was the act of all of them, and all of them are guilty.

Mr. WATSON of Georgia. Mr. President, it is elementary law that before anyone can be held accountable for the acts of an agent the agency must first be proved, and that agency is either general or special. In the instance of a power of attorney, the authority of the agent must appear on the face of the power of attorney, and before the principal can be held responsible for anything done by the holder of the power of attorney it must appear either that the agent confined himself to the powers given to him or that the principal became a party to his exceeding the powers granted to him.

Mr. CARAWAY. Mr. President, will the Senator, then, permit me to say that if the principal knows what use his agent is making of his agency, and does not check him, I presume he would be said to have ratified it, would he not?

Mr. WATSON of Georgia. After the fact; yes.

Mr. CARAWAY. And if Truman Newberry knew that the agent was taking his money and passing it into this campaign agency, and was going to continue to do it, and he did not object, the Senator would say that he ratified it, would he not?

Mr. WATSON of Georgia. I would; but, Mr. President, the Federal statute is out of the case by the decision of a court whose findings we are bound to respect. The court decided that the statute was unconstitutional in that it invaded the rights of the States, and the court said—whether it decided it or not—that there was no evidence of conspiracy or bribery.

Mr. CARAWAY. I beg the Senator's pardon; the court did not say that.

Mr. WATSON of Georgia. If the Senator will get the decision I will show it to him right away.

Mr. CARAWAY. No; one justice said that.

Mr. WATSON of Georgia. A justice who concurred—Chief Justice White.

Mr. CARAWAY. Oh, but what a justice may have said in concurring in an opinion is not the saying of the court. That is merely the dictum of the judge who declares that. The court decided but one thing, and that was that the act was unconstitutional.

Mr. WATSON of Georgia. If the Senator will send for the volume—to which I have not even referred, because the matter came up here unexpectedly—I will show him where that language is used.

Mr. CARAWAY. That the court said it?

Mr. WATSON of Georgia. Chief Justice White did not dissent from the opinion of the majority. He concurred in it.

Mr. CARAWAY. The Chief Justice did dissent from the opinion of the majority. All that the majority of the court decided was that the act was unconstitutional, and the Chief Justice did dissent from that.

Mr. WATSON of Georgia. Mr. President, the record shows that the Chief Justice reached the same conclusion by a different course of reasoning.

Mr. CARAWAY. Oh, no; the Chief Justice said the case ought to have been reversed by reason of the erroneous instruc-

tion of the lower court; but the Supreme Court only decided that the act was unconstitutional; and he concurred in the reversal of the case, but not in the opinion of the court.

Mr. WATSON of Georgia. If the Senator will send for the volume, I will show him that my statement of it is absolutely correct.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. HARRISON. Of course, this is a very interesting discussion, but I should like to proceed as soon as I can with the few remarks I desire to make.

Mr. President, I do not care to be diverted from the question which I was discussing by these technical discussions of the Newberry case. If I had thought it would cause such a discussion, I probably would not have said what I did say. I merely said that it may be that the President on yesterday, in appealing to the partisan spirit of Senators and Congressmen to cleave to party lines, had in mind the Newberry case, and he wanted to hold in line those men who in the past had shown some independence of action and had not listened to Executive dictation, that they might vote in the interest of the people and purity of elections against Newberry being seated. It may be that he desired to help Newberry out. Of course, I know not whether that was in his mind or not.

I said in the course of my remarks that Newberry was charged with spending $200,000 in his election. The lieutenant governor, as I recall, said in a letter that he wrote to Newberry that it looked as though they were spending between a quarter of a million and half a million dollars. I said, too, that on the charges that had been preferred against Newberry a jury, by the unanimous vote of 12 men sitting thereon, had found him guilty, and that a judge had imposed a penalty on that verdict.

I know, and the Senator from Michigan [Mr. TOWNSEND] knows, that no citizen of Michigan who sat on that jury wanted to convict Newberry. He hoped, as no doubt every citizen of Michigan desired, that the escutcheon of that State might not be tainted; that it might be shown that Newberry was not guilty; that the finger of scorn and contempt might not be pointed by all the people of the country to the electorate of Michigan.

Ah, there were people in Michigan who no doubt prayed that Newberry might be acquitted; but the facts were too strong. They were overwhelming, and notwithstanding the desire of the men who composed that jury that the fair name of Michigan might not be tarnished by this man's actions, they could do nothing else but find him guilty. Yet there will be Senators here, when the vote is taken, who believe that Newberry spent enormous sums of money, to the extent of $190,000, and yet they will vote to seat him. Why? Because you want to cleave to party lines.

Is it because in that close session of Congress, when you had perhaps one or two majority, you needed Newberry to form the Foreign Relations Committee with the Senator from Massachusetts [Mr. LODGE] as chairman, that the League of Nations might be defeated and the hope of the world for peace might be banished, that now you feel that you will pay back your party by voting to seat Newberry? The intimation was made, it was insinuated, that the League of Nations had something to do with it. I dislike to discuss the proposition. The Newberry case is so nauseating that it would befoul the discussion of any question, and I did not desire to say anything about it.

The discussion between the Senator from Georgia and the Senator from Arkansas has taken away from me the line of thought that I was indulging in; but it has brought some of the agricultural group into the Chamber, and so I can now proceed.

Mr. WATSON of Georgia. Mr. President, will the Senator allow a brief interruption?

Mr. HARRISON. I yield to the Senator.

Mr. WATSON of Georgia. I do not know whether the Senator is a lawyer or not. Is he?

Mr. HARRISON. I used to be before I got to associating with some of you fellows.

Mr. WATSON of Georgia. I will remind the Senator from Mississippi—who, I am sure, is as good a lawyer as he ever was—that the jury in this case had no discretion at all.

Mr. HARRISON. They convicted Newberry, did they not?

Mr. WATSON of Georgia. The verdict was, in effect, directed by the court. They could not escape it, under instructions which the Supreme Court said ought never to have been given.

Mr. HARRISON. Oh, yes; but the court always instructs juries.

Mr. WATSON of Georgia. The judge convicted him, and the Supreme Court judges reversed his conviction.

Mr. HARRISON. Well, Mr. President, we will leave the Newberry case. We will finish him up later, and those Senators who vote to seat him will be finished up a few months after that.

What I was saying when I was diverted was this: The President on yesterday, amongst other things, after condemning President Wilson some months ago for writing that letter asking to have a Democratic Congress elected, says:

> Ours is a popular Government through political parties.

I want my friend from Kansas [Mr. CAPPER], the Progressive Senator from Kansas, who has been so helpful to this side of the aisle in passing some wholesome legislation, those of us who have worked in a nonpartisan kind of a way to bring about the cooperative marketing system and some other legislation, to listen to this part of it. The President says:

> We divide along political lines, and I would ever have it so. * * * Granting that we are fundamentally a representative popular Government, with political parties the governing agencies, I believe the political party in power should assume responsibility, determine upon policies in the conference which supplements conventions and election campaigns, and then strive for achievement through adherence to the accepted policy.
>
> There is vastly greater security, immensely more of the national viewpoint, much larger and prompter accomplishment where our divisions are along party lines, in the broader and loftier sense—

Here is where he was slapping the Members of the Senate who form the agricultural group. Here is where he was rapping those Senators who joined with us to put the 50 per cent maximum surtax upon the wealth of the country—

> than to divide geographically, or according to pursuits, or personal following.

Is there any Senator here who doubts, when the President employed that language, that he had in mind the agricultural bloc? No, Senators. He says:

> The shield to the high-minded public servant who adheres to party policy is manifest.

It is a clarion call from him for you to stand together as a party. No matter how a measure or amendment that is presented by this side of the aisle may appeal to you, it matters not what convictions of right may be written in suggestions from this side of the aisle, you are to cleave to your party and stand together and fight those amendments and those suggestions. And then he hands this mild compliment to you. Oh, it is different from the compliments he wrote to Senator McCORMICK in that celebrated letter on the "monumental accomplishments" of the Republican Party—the "remarkable achievements," said President Harding, of the last Congress. That was before you took the recess, and you remember in that letter that he said—

> Now that you have taken a recess, and you do it because of your monumental achievements, when you come back you can pass the tax revision bill and revise the present tariff.

Well, which one did you pass? The tax revision bill? Yes; and in the next sentence of this remarkable message he condemns your work. Why, he says this:

> It would suggest insincerity if I expressed complete accord with every expression recorded in your roll calls.

He is hitting at you Senators who voted for that 50 per cent maximum surtax. He is striking at the Members of the House who voted to concur in the Senate amendment, the amendment that was pushed through this body by the Democratic minority and the agricultural bloc, which he condemns and invites you to have nothing more to do with. I believe there are Senators on the other side who have the interests of the people too much at heart to take the suggestion of President Harding—abolish their good work, disrupt the bloc, and cease to work and labor in the interest of the agricultural masses.

He goes further and says, when he tells you he is not in accord with all your votes:

> Later on, when other problems are solved—

I do not know what problems he is talking about.

> Later on, when other problems are solved, I shall make some recommendations about renewed consideration of our tax program.

In the remarkable letter which he wrote to Senator McCORMICK, which was to help Senator BURSUM in New Mexico, he spoke of the monumental achievements of the Republican Congress, and the monumental achievements that he promised immediately after the recess were the tax revision bill and tariff legislation. The tax bill which was passed is condemned by him in his first public utterance to Congress after the recess, and he tells you he is not satisfied with it, and that he will ask you, as soon as the other problems are out of the way, for a renewed consideration of it.

Are you Senators who voted before for the 50 per cent surtax going to retreat, as you did on the soldier bonus bill? Are you going to back up and follow the President in "renewed consid-

eration of the tax program"? If you do, you know what will happen.

Ah, Secretary Mellon expressed the views of President Harding, and here they are in this report just published. He wants you to put a tax on automobiles, the same amount on a Ford, which might cost $395, as on a Packard, which might cost $6,000 or $7,000. Of course, the Secretary might have it in for Ford because Ford happened to run against Newberry, and the Secretary wants to put the same tax on a little, cheap Ford car as on a high-priced limousine. That is the recommendation of Mellon, the Secretary of the Treasury, the second richest man in the United States. He is close to the wealth of the country, and he is carrying out the views of President Harding on tax matters, and in this late edition, fresh from the press, just published, later, perhaps, than the President's message of yesterday, as I have just been able to get it, after he abuses these high surtaxes, he said, among other things:

The income tax is firmly embedded in our system of taxation, and the objections made are not to the principle of the tax but only to the excessively high rates. We hear much of the need of simplifying our tax laws, and there is room for this. * * * So long as the rates were low there was not much difficulty in the administration of the law, even though the system was entirely new and the organization administering it unfamiliar with the operation of such a law.

* * * * * * *

To reduce the surtax rates to a maximum of 25 per cent and grading the reductions through all the brackets would mean an apparent loss of about $130,000,000 in revenue. A 20 per cent maximum rate on the same basis would involve a revenue loss of about $200,000,000. Other adjustments which should be made would probably involve an amount equal to that made in the surtax rates. This loss of revenue, however, would not be permanent, for the reduced rates would ultimately be productive of more revenue than higher rates due to the increase in taxable transactions.

If this loss of revenue could not be met by rigid economy in expenditures, the revenue required could be raised either by placing a tax on certain specific articles or by a low-rate general tax on a broad class of articles or transactions.

He wants to tax them all.

Such taxes as those now imposed on automobiles and tires have been found simple and inexpensive of administration, and the collection is always substantially current.

So reads this remarkable document, and I desire to have that part of this report which offers the remedy for existing tax ills placed in the RECORD following my remarks. (See Appendix.)

I do not know whether the Secretary is standing for a 20 per cent maximum surtax or whether he is standing for a 25 per cent maximum surtax, but he wants to relieve wealth of its just share of taxes and place it upon the masses of this country. That is what the President was hitting the agricultural group about. I am not unaware, and you are not, that the President of the United States to-day stands in higher favor than does the Republican Congress. God knows I know not what for, because he has done nothing to merit higher esteeem than has the Republican Congress.

The good legislation passed by this body and the other did not come at the suggestion of the President, and the good legislation which should have been passed was blocked by the President. If you had listened to the President of the United States you would have placed the surtax at 40 per cent or 32 per cent or perhaps 20 or 25 per cent. He wrote the letter to Congress and asked it to carry out that plan; but the House turned him down. Some of you tried to give some relief, I think six or seven of you. You were pretty solid for the soldiers' bonus bill at first, but as soon as the President cracked his whip and came here you deserted the soldiers and laid down on that proposition.

So I know not why the President stands in favor to-day. Is it because of the conference which is being held here? I would not say a word against it. My lips are sealed for the present. I wish for it every success. But that conference has met here not because of the President but in spite of the President. It is meeting here because of the great fight that was waged by the Senator from Idaho [Mr. BORAH] and a Democratic minority that was persistent and irresistible, and it was only accepted when there was nothing else remaining for him to do. He was moved because the sentiment of the country became crystallized and moved him to call it.

But let me go further. Here is the compliment he pays you at this time. It is just like a man saying he is going to strike you and then pulling out a piece of chewing gum to do it with. He says:

It would be ungracious to withhold acknowledgment of the really large volume and excellent quality of work accomplished by the extraordinary session of Congress which so recently adjourned.

Wonderful! The only thing he says you did is—

The first budget is before you. Its preparation is a signal achievement.

I think the printer must have made a mistake. I think instead of "a signal achievement" it should have been "a single achievement."

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Jersey?

Mr. HARRISON. I yield.

Mr. EDGE. If the Senator is correct in his analysis that the President——

Mr. HARRISON. I have not finished yet.

Mr. EDGE. That the President stands stronger with the country than the Congress, and is likewise correct in his assumption that the President is entirely dissatisfied with the tax bill as passed by the Congress——

Mr. HARRISON. I did not say that standing was very high, either.

Mr. EDGE. I understood the Senator to say, though I do not recall his exact remarks, that he well understood that the President stood higher in the esteem of the public than did the Republican Congress.

Mr. HARRISON. Yes; higher than the Congress. Both are in very bad odor, however.

Mr. EDGE. If the Senator is correct in that analysis, and is also correct in the further statement that the President is not satisfied with the tax bill, then does the Senator mean to assume that the public are satisfied with the tax bill? And if they are satisfied with the President's position it would seem to me that the Senator's position is rather contradictory.

Mr. HARRISON. I am quite sure that the public is not satisfied with that bill.

Mr. EDGE. The Senator just made the statement, as I understood him, that the public was holding the President in higher esteem than it held the Republican Congress, whose only accomplishment he states was the passage of the tax bill.

Mr. HARRISON. I said that the only thing that is narrated here as a signal accomplishment—which must have been an error, as he must have meant to say "single accomplishment"—is the budget bill, which was passed, and if the Senator understood me, I said that the President to-day is in higher standing than the Republican Congress, which I think is true, though I do not know why.

Mr. EDGE. It is a great satisfaction to all Republicans to realize that the official censor of the Republican majority in the Senate believes that the President stands in such high esteem in the country. I absolutely acquiesce in his view. I think it is remarkable. I do not know of a time in history when the President stood higher in the esteem of the public than our present President does, and I am very glad to know that the official censor thinks likewise.

Mr. HARRISON. I do not agree with the Senator at all that he stands so high. He stood a little higher a few months ago than he does now, and he stands a little higher now than he will in a few months from now; and if the Senator and his colleagues continue to go as they are going now, vote to have Newberry retain his seat, and pass such legislation as they have passed, they will find out what the people think about them at the first opportunity they have to express their opinion at the ballot box.

Mr. EDGE. I always enjoy the arguments of the Senator from Mississippi, but when he places himself in the position of being a prophet I am not particularly impressed with his success. I recall similar prophecies when he took such a very important part in the last campaign. It occurs to me that those prophecies were quite ill placed, and perhaps he will have the same success with his prophecies to-day.

Mr. HARRISON. Yes; those were pretty bad prophecies. I was mistaken. I am sorry to say that the people made a mistake. They see it now; they understand it.

Mr. EDGE. The Senator is very fair.

Mr. HARRISON. The Senator from New Jersey has made some prophecies, and so has his colleague made prophecies. They have made many prophecies. They made a prophecy in that campaign, when I was prophesying because I thought the people were fair and had just good, ordinary, common sense, and would not turn out an administration and a Congress which had brought such remarkable prosperity to the people, when every factory was humming, when every man was employed, when banks had more money than they had ever had before, when you could not see a tramp anywhere, when you could not get a box car to ship your products to market, when the ships were laden, carrying our goods to the markets of the world, when wages were high and the farmer's efforts were abundantly compensated. You said that if the Democrats got back there would be hard times, but that the prosperity would continue

if the Republicans got in. As soon as you got in your prophecy went for naught. The factories have stopped; men to the number of 6,000,000, according to the figures in the report of the Republican Secretary of Labor, are thrown out of employment, cars are idle on every sidetrack throughout the country. As I passed through Illinois the other day the farmers said they were getting but 20 cents a bushel for their corn. Prices are soaring high, but the farmers do not get the benefit of the high prices. There is a situation in this country of such complexity, confusion, uncertainty, and doubt that nobody knows exactly just where he is.

Mr. EDGE. Perhaps the Senator does not care to admit it—I do not wish to interfere with his line of argument or debate—but, of course, some of us realize, and I am quite sure the business public and farmers, who are included in the business public and a very important part of the business public, recognize the fact that it requires more than seven months to undo the misadministration of eight years.

Mr. HARRISON. Yes; and if the Senator's party continues as it is going now it will take about seven years to write a tariff bill. In the campaign three years ago, when the Republican Congress was first elected, the people were promised an immediate revision of the tariff. Two years passed by and no general tariff bill was written. You have been here in control now of this branch and the White House, too, for eight months or more, and you promised again a revision of the tariff. The bill passed the House only a few weeks ago, and the President condemned it on yesterday in his message. Why, he holds it up to scorn. He tells you practically that you are not fit to write a tariff bill. He condemns the American valuation plan because he finds fault with it as carried in the Fordney bill. The bill now rests serenely in your Committee on Finance, with little hope or expectation of it being soon disturbed. He said that authority should be given to the President of the United States to fix the rates. No more is the Congress to write the rates as they have been written from the very foundation of this Government. Oh, he apologized for wanting more authority, and he asked you to excuse him for even suggesting Executive encroachment, and yet he said he wants you to pass a law amending the Constitution, if need be, to give to the Tariff Commission greater and broader powers, fixing maximum and minimum rates, and allowing the President to exercise the autocratic power of fixing the rates upon every product brought into this country. Do you recall any other President who has ever asked for such monumental and stupendous power as that? That is worse than the American valuation scheme, bad as it is.

Mr. EDGE. I am sure the Senator does not wish to get into a tariff debate at the present time.

Mr. HARRISON. It matters little to me. Now is as good as any time to discuss it.

Mr. EDGE. I shall be glad to meet the Senator on that question at any time when that bill is before the Senate. I think there is very much to commend it, but tradition sometimes may well be forgotten in the light of the actual conditions which exist. When the time arrives that the American Congress can not trust some one, can not delegate such authority as is necessary to be delegated in order properly to administer the business of the country, then, in my judgment, it spells disaster from the industrial standpoint. However, that is a very large question, as the Senator knows, and can not be discussed in a hurried way by a mere passage of words back and forth.

Mr. HARRISON. If I correctly read the Senators' interview in the morning papers, he did not indorse that part of the President's address.

Mr. EDGE. Indeed, the Senator did, most decisively and emphatically.

Mr. HARRISON. And he is for that plan?

Mr. EDGE. I am.

Mr. HARRISON. I think the Senator is going to be almost by himself on that proposition.

It was really pitiful, and I am, indeed, sorry that the President in his remarkable message yesterday did not congratulate you Republicans on the passage of the emergency tariff bill. That is one thing you have done. That is one thing you passed through here. You took several bites at it, but finally you passed the so-called emergency tariff bill. The President hardly mentioned that. You said that when that bill passed that prosperity would come to the farmers, that it would help them to get higher prices for their live stock, that the price of corn would go up, wheat would go up, that everything would be helped that is raised by the farmers of the country, and yet to-day we have one of the most deplorable conditions ever experienced by the American farmer.

That which was predicted did not take place. Somebody else prophesied wrongly. Corn has not been so low in years. The live-stock interests are bankrupt; the agricultural situation is disheartening.

I think when the emergency tariff bill was passed corn was selling at between 75 cents and a dollar a bushel. To-day in parts of the country it is selling at 20 cents a bushel, and yet the President's message on yesterday appeals to some of the Senators from the corn belt, because the President said, "Let us buy 10,000,000 bushels of this corn and send it over to Russia and give to the famine-stricken area over there some corn." Some may think, since the emergency tariff bill had failed and the high tariff that was placed upon corn at that time failed to help the situation, that perhaps it can be helped by sending some corn over to Russia.

Mr. President, this message of yesterday is as confusing as it is vague, as conflicting as it is contradictory. The President said he does not want to see the United States industrially and commercially isolated, and yet the same President would have us in our international relations isolated and excluded from the other nations of the world. I can not for the life of me read that message on broadening the trade and commerce of the country and realize that he who uttered it and his former colleagues who indorse it, who voted against the Versailles treaty isolating us from the other nations of the world, would erect tariff barriers against trade with other countries.

The cooperative marketing scheme was indorsed by the President on yesterday. I am glad to see that. That has caught my friend, the junior Senator from Kansas [Mr. CAPPER]. He thinks it a great message because of that. That bill has been pending here for three years. It was here for a year and eight months while President Harding was a Senator, and yet his party has been unable up to this good hour to pass a bill incorporating the cooperative marketing plan. I hope that that same influence which has exerted itself in the past and caused some of you Senators to get a move on yourselves and pass some legislation will have a similar effect on you with respect to this suggestion of the President to see that the cooperative marketing plan is embodied in a bill that will be passed by the Congress.

The President in his message alluded to irrigation in the West, proposing to take over and improve some of those wild and waste lands there. He wanted to catch the ear of the West and bring some Senators from that faraway section under obligation to him, so that he might keep up his work and they dance to the music. Why, my colleagues, you had an opportunity to vote for that bill. That is the McNary bill offered by the distinguished senior Senator from Oregon. During the last Congress, in the closing hours of the extra session, I thought so much of the proposition that I made a motion to take up the bill and I met a violent and united opposition, it seemed to me, from the other side of the Chamber. Oh, Senators, if you had joined with those of us on this side of the Chamber that night when I made the motion to take up the McNary bill and had passed the legislation now suggested by the President, instead of talking to you and pleading with you now to pass the legislation he could have commended you for having done it.

So it goes, Mr. President. I shall not occupy the time of the Senate longer. I rose merely for the purpose of trying to ascertain why the railroad funding bill, about which we have heard so much and upon which its proponents have insisted the prosperity of the railroads and the country generally depend and which has been urged repeatedly by the chairman of the Committee on Interstate Commerce and which we were told just a few days ago, in the closing hours of the extra session, would be made the unfinished business before the Senate, has not been brought up now. But the senior Senator from Kansas [Mr. CURTIS] has told me it was because the situation has improved so much that stocks have gone up and the industrial market is in such splendid condition now that the railroads can finance themselves. All this has come about within a few days in a mysterious, mystical kind of way.

We prophesied when it was first presented there was no need to pass the legislation. We said it was incurring too much of an obligation on the part of the Government. But those who demanded it wanted to stand for the railroads. God knows the railroads have been the pet babies of this administration. They have gotten practically everything that they have requested. They were pampered and petted and every time they cried you poured financial milk to them out of the Treasury of the United States. No other business interest in the country has been treated better than have the railroads, and yet you wanted to pass that bill. It is not because the market has improved. It is not because the railroads can finance themselves now any better than they could 10 days ago or two months ago.

I will tell you why your leadership has abandoned the fight for the railroad funding bill. It is because the agricultural bloc or group which the President yesterday condemned, composed of Republicans and Democrats, together with the minority side of this Chamber, had made up their minds that on the railroad funding bill there should be certain amendments attached, one of which was to repeal the guaranty provision of the Cummins-Esch law, insuring cheaper freight rates, and you were afraid to face the music. And that, too, even though the President in his message yesterday said that the farmers needed a reduction in freight rates.

Where is your international funding bill? Here a few weeks ago the House passed it, and the Senate committee brought it out, giving great and inexcusable powers to the Secretary of the Treasury, so that he might compromise, might cancel, might extend, might liquidate, might swap all the indebtedness due this country to the amount of $11,000,000,000 from foreign Governments. But you have halted on that. Why? It is because you knew that the country would not stand for the kind of bill that your steering committee indorsed and which was reported out of the Finance Committee.

I read this morning with pleasure that the Finance Committee is listening to suggestions from the Democratic members of that committee and that they are about to accept the plan which has been proposed by the Senator from North Carolina [Mr. SIMMONS], the ranking Democrat on the committee, to modify the provisions of the bill and to restrict the power proposed to be given to the Secretary of the Treasury, so that a great harm might not come to the American people by a few international bankers obtaining control—influencing and dominating the settlement of our foreign indebtedness. I hope the Finance Committee will continue to see the light; that they will acquiesce in the wishes of the American people, and that they will accept the good advice tendered to them by Senator SIMMONS and the Democratic members of the Finance Committee. It sometimes looks as though the Republicans have no statesmanship of their own. We wish to help you, and if you will follow us in these matters we shall see that you keep on the right track and really obtain results in the interests of our Government and the American people.

APPENDIX.

THE REMEDY.

It would not seem either wise or necessary suddenly to change from our present system of taxation to new and untried plans; and the evils which have been discussed can be corrected without doing anything of this sort. The necessary adjustments can readily be made by retaining most of the present taxes, but substantially reducing the rates, and supplementing the revenues by some additional taxes.

The income tax is firmly embedded in our system of taxation and the objections made are not to the principle of the tax but only to the excessively high rates. We hear much of the need of simplifying our tax laws and there is room for this. The greatest simplification that can be made is in the reduction of the rates. So long as the rates were low, there was not much difficulty in the administration of the law, even though the system was entirely new and the organization administering it unfamiliar with the operation of such a law. The complexity of the law, so far as concerns the income tax itself, has arisen largely out of the high rates which make every point that arises involve substantial amounts of money, and which means that each possible question is contested by the taxpayer and by the Government, with resulting delay in the collection of the revenue, irritation and annoyance and expense on the part of the taxpayer, and costly litigation. With moderate rates, very much of this difficulty would disappear.

The amount of revenue involved in any such reform is not nearly so great as is generally supposed.

To reduce the surtax rates to a maximum of 25 per cent, and grading the reductions through all the brackets, would mean an apparent loss of about $130,000,000 in revenue. A 20 per cent maximum rate on the same basis would involve a revenue loss of about $200,000,000. Other adjustments which should be made would probably involve an amount equal to that made in the surtax rates. This loss of revenue, however, would not be permanent, for the reduced rates would ultimately be productive of more revenue than higher rates, due to the increase in taxable transactions.

If this loss of revenue could not be met by rigid economy in expenditures, the revenue required could be raised either by placing a tax on certain specific articles, or by a low-rate general tax on a broad class of articles or transactions. Such taxes as those now imposed on automobiles and tires have been found simple and inexpensive of administration, and the collection is always substantially current; they have been steadily productive of revenue, and have been without injurious effects upon the country. In view of past experience, a general tax either of this or like character upon a broad class of articles or transactions could be readily administered; and the rate could be made sufficiently low as not to bear unduly upon any class and at the same time produce a large amount of additional revenue. By retaining the income tax with reasonable surtax rates, which in peace times ultimately should not rise above 10 per cent, taxpayers would still be required to contribute in proportion to their ability to pay; while by placing a certain amount of tax on specific articles, or classes of articles, or transactions, at so low a rate that they could readily be borne without injury, the income tax could be materially simplified, the tax laws could be more readily administered, and at the same time the needed revenues would be raised without the evil effects now resulting from the present excessive rates of taxation.

EXECUTIVE SESSION.

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 8, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 7, 1921.

APPOINTMENTS IN THE DIPLOMATIC SERVICE.

SECRETARIES OF EMBASSY OR LEGATION OF CLASS FOUR.

Robert S. Burgher, of Dallas, Tex.
William A. Taylor, jr., of New York City.
George R. Merrell, jr., of St. Louis, Mo.
Charles A. Blackwell, of Cleveland, Ohio.

CONSUL OF CLASS FOUR.

Ross Hazeltine, of Indiana, to be a consul of class four of the United States of America, to which office he was appointed during the last recess of the Senate.

COLLECTORS OF INTERNAL REVENUE.

William E. Snead, of Boaz, Ala., to be collector of internal revenue for the district of Alabama, in place of John D. McNeel.

Charles A. Rasmussen, of Glendive, Mont., to be collector of internal revenue for the district of Montana, in place of James A. Walsh.

APPRAISER OF MERCHANDISE.

Joseph Carolan, of Chicago, Ill., to be appraiser of merchandise in customs collection district No. 39, with headquarters at Chicago, Ill., in place of Morris Sabath, resigned.

COLLECTOR OF CUSTOMS.

Niels Juul, of Chicago, Ill., to be collector of customs for customs collection district No. 39, with headquarters at Chicago, Ill., in place of William H. Clare, resigned.

UNITED STATES ATTORNEY.

E. E. Hindman, of Mississippi, to be United States attorney for the southern district of Mississippi, vice Julian P. Alexander, resigned, effective January 1, 1922.

PROMOTION IN THE COAST AND GEODETIC SURVEY.

Ralph Woglom Woodworth, of New Jersey, to be junior hydrographic and geodetic engineer in the Coast and Geodetic Survey with the relative rank of lieutenant (junior grade) in the Navy by promotion from aid with the relative rank of ensign in the Navy, vice Raymond P. Eyman, promoted.

RECEIVER OF PUBLIC MONEYS.

Arthur T. Moon, of Utah, to be receiver of public moneys at Salt Lake City, Utah, vice Heber C. Jex, resigned, effective December 31, 1921.

REGISTER OF THE LAND OFFICE.

Mrs. Lida M. Hume, of California, to be register of the land office at San Francisco, Calif., vice John B. Sanford, resigned.

PROMOTIONS IN THE REGULAR ARMY.

MEDICAL CORPS.

To be captain.

First Lieut. Joseph Aaron Mendelson, Medical Corps, from November 15, 1921.

DENTAL CORPS.

To be captains.

First Lieut. Henry Allen Winslow, Dental Corps, from November 14, 1921.

First Lieut. Ernest Frank Sharp, Dental Corps, from November 17, 1921.

CHAPLAIN.

Chaplain Ora Jason Cohee to be chaplain with the rank of captain from October 4, 1921.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

AIR SERVICE.

Lieut. Col. Paul Ward Beck, Infantry, with rank from July 1, 1920.

Maj. Robert Emmett Mason Goolrick, Coast Artillery Corps, with rank from July 1, 1920.

Maj. John Hastings Howard, Cavalry, with rank from July 1, 1920.

Maj. Junius Wallace Jones, Coast Artillery Corps, with rank from July 1, 1920.

Maj. Eugene Alexander Lohman, Cavalry, with rank from July 1, 1920.
Maj. Clarence Leonard Tinker, Infantry, with rank from July 1, 1920.
Maj. John Hamilton Chew Williams, Infantry, with rank from November 14, 1920.
Capt. Charles Belding Oldfield, Infantry, with rank from June 16, 1917.
Capt. William Hampton Crom, Infantry, with rank from June 27, 1917.
Capt. Francis Murray Brady, Infantry, with rank from July 1, 1920.
Capt. Charles Bernard Beeler Bubb, Cavalry, with rank from July 1, 1920.
Capt. Robert Alexander Kinloch, Infantry, with rank from July 1, 1920.
Capt. Walter Francis Kraus, Coast Artillery Corps, with rank from July 1, 1920.
Capt. John Frederick Loomis, Coast Artillery Corps, with rank from July 1, 1920.
Capt. Frank Hitch Pritchard, Coast Artillery Corps, with rank from July 1, 1920.
First Lieut. Samuel Charles Skemp, Cavalry, with rank from October 25, 1917.
First Lieut. Francis Bassett Valentine, Cavalry, with rank from November 2, 1919.
First Lieut. Ralph Bamford Walker, Infantry, with rank from July 1, 1920.

FIELD ARTILLERY.

Capt. Oliver Grant Brush, Air Service, with rank from December 12, 1920.

POSTMASTERS.

ALABAMA.

Stephen E. Rowe to be postmaster at Elba, Ala., in place of C. R. Talbot. Incumbent's commission expired June 27, 1920.
John G. Sanderson to be postmaster at Courtland, Ala., in place of H. B. Hall, removed.
James D. Silvey to be postmaster at Altoona, Ala., in place of J. R. Horton. Incumbent's commission expired January 15, 1921.
Alice E. Welch to be postmaster at Whistler, Ala. Office became presidential October 1, 1920.
Pallie M. Ellis to be postmaster at Valley Head, Ala. Office became presidential January 1, 1920.
George W. Buck to be postmaster at Thomaston, Ala. Office became presidential October 1, 1920.
Alida J. Cox to be postmaster at Spring Hill, Ala. Office became presidential October 1, 1920.
Daisy White to be postmaster at River Falls, Ala. Office became presidential January 1, 1921.
Moses B. Rushton to be postmaster at Ramer, Ala. Office became presidential January 1, 1921.
Pauline Balkcom to be postmaster at Newton, Ala. Office became presidential July 1, 1920.
William A. Dodd to be postmaster at Nauvoo, Ala. Office became presidential January 1, 1921.
Robert M. Mahler to be postmaster at Loxley, Ala. Office became presidential April 1, 1921.
Cullie O. Porter to be postmaster at Hillsboro, Ala. Office became presidential April 1, 1921.
John A. Griffin to be postmaster at Helena, Ala. Office became presidential April 1, 1921.
Ella M. Sullins to be postmaster at Hackleburg, Ala. Office became presidential April 1, 1921.
John W. Nixon to be postmaster at Goshen, Ala. Office became presidential October 1, 1921.
Robert O. Spiegel to be postmaster at Falkville, Ala. Office became presidential January 1, 1921.
James W. Curtis to be postmaster at Double Springs, Ala. Office became presidential January 1, 1921.
Peter L. Kirsch to be postmaster at Cherokee, Ala. Office became presidential January 1, 1921.

ARKANSAS.

Jack Grayson to be postmaster at Prescott, Ark., in place of J. A. Marr, deceased.
Helen Porter to be postmaster at Horatio, Ark., in place of W. L. Greer, resigned.
Homer H. Goodman to be postmaster at Cotter, Ark., in place of W. T. Beaver. Incumbent's commission expired January 12, 1921.
Joseph L. McLaughlin to be postmaster at Perry, Ark. Office became presidential January 1, 1921.
Paul Smith to be postmaster at Nettleton, Ark. Office became presidential January 1, 1921.
Patrick F. Maskell to be postmaster at Hartman, Ark. Office became presidential January 1, 1921.
Addie Gilbert to be postmaster at Decatur, Ark. Office became presidential July 1, 1920.

CALIFORNIA.

Edward T. Ketcham to be postmaster at Santa Maria, Calif., in place of J. F. Conkey. Incumbent's commission expired May 15, 1920.
Ella S. Stroup to be postmaster at San Andreas, Calif., in place of G. H. Treat. Incumbent's commission expired March 16, 1921.

CONNECTICUT.

Arthur W. Dickinson to be postmaster at Rockyhill, Conn. Office became presidential January 1, 1921.
Levi C. Frost to be postmaster at Milldale, Conn. Office became presidential July 1, 1920.

COLORADO.

Frank M. Whalen to be postmaster at Deertrail, Colo., in place of L. E. Wible. Incumbent's commission expired January 30, 1921.

FLORIDA.

William H. May to be postmaster at Tallahassee, Fla., in place of G. I. Davis. Incumbent's commission expired August 8, 1920.
James H. Boyd to be postmaster at Clermont, Fla., in place of H. E. Hooks. Incumbent's commission expired March 16, 1921.
Thomas J. Nobles to be postmaster at Wildwood, Fla. Office became presidential October 1, 1920.
Daniel C. Smith to be postmaster at Center Hill, Fla. Office became presidential October 1, 1920.
Marie Anderson to be postmaster at Brewster, Fla. Office became presidential January 1, 1921.

GEORGIA.

Robert Barron to be postmaster at Zebulon, Ga., in place of J. N. Mangham. Incumbent's commission expired January 31, 1921.
William T. Rudolph to be postmaster at Thomaston, Ga., in place of W. W. McMillan. Incumbent's commission expired August 4, 1920.
William H. Flanders to be postmaster at Swainsboro, Ga., in place of G. F. Flanders. Incumbent's commission expired July 25, 1920.
Mary W. Barclay to be postmaster at Rome, Ga., in place of J. P. Bowie, deceased.
Maggie Edwards to be postmaster at Canton, Ga., in place of W. J. Webb. Incumbent's commission expired July 25, 1917.
Robert H. Ridgway to be postmaster at Canon, Ga., in place of D. T. Barnes. Incumbent's commission expired January 24, 1921.
Ertha Garner to be postmaster at Buford, Ga., in place of M. C. Shadburn. Incumbent's commission expired March 16, 1921.

ILLINOIS.

Henry C. Arkebauer to be postmaster at Mount Olive, Ill., in place of L. D. Fuess. Incumbent's commission expired September 7, 1920.
Harrison T. Berry to be postmaster at Morrison, Ill., in place of Ray Raridon. Incumbent's commission expired July 12, 1920.

INDIANA.

Hal T. Kitchin to be postmaster at Greensburg, Ind., in place of G. E. Erdmann, resigned.
Winbern H. Dillon to be postmaster at Pittsboro, Ind. Office became presidential July 1, 1921.

IOWA.

Carl Nielsen to be postmaster at Moorhead, Iowa, in place of F. R. Parker. Incumbent's commission expired March 16, 1921.
Elmer L. Langlie to be postmaster at Marquette, Iowa, in place of A. B. Berry, resigned.
Martin A. Aasgaard to be postmaster at Lake Mills, Iowa, in place of C. W. Wescott. Incumbent's commission expired March 16, 1921.
Raymond F. Sargent to be postmaster at Fonda, Iowa, in place of J. J. McCartan. Incumbent's commission expired March 16, 1921.
Emil C. Weisbrod to be postmaster at Fenton, Iowa, in place of J. A. Schwartz. Incumbent's commission expired March 16, 1921.
Hugh W. Dickson to be postmaster at Delta, Iowa, in place of G. W. Bensler, resigned.

James F. Temple to be postmaster at Bode, Iowa, in place of A. M. Johnson. Incumbent's commission expired March 16, 1921.

William H. Hall to be postmaster at Allerton, Iowa, in place of Ed. McConaughey, resigned.

William W. Moore to be postmaster at Ainsworth, Iowa, in place of W. W. Moore. Incumbent's commission expired August 7, 1921.

Ruth E. Corr to be postmaster at Salix, Iowa. Office became presidential April 1, 1921.

Ulysses G. Hunt to be postmaster at Plymouth, Iowa. Office became presidential April 1, 1921.

Elizabeth Friman to be postmaster at Nodaway, Iowa. Office became presidential January 1, 1921.

Martin A. Sandstrom to be postmaster at Kiron, Iowa. Office became presidential January 1, 1921.

John F. Cagley to be postmaster at Ionia, Iowa. Office became presidential January 1, 1921.

Weber B. Kuenzel to be postmaster at Garnavillo, Iowa. Office became presidential January 1, 1921.

Earl M. Skinner to be postmaster at Farnhamville, Iowa. Office became presidential July 1, 1920.

Thomas Phillips to be postmaster at Dedham, Iowa. Office became presidential April 1, 1921.

KENTUCKY.

Walter L. Prince to be postmaster at Benton, Ky., in place of Joe Ely, removed.

Taylor P. Sewell to be postmaster at Campton, Ky. Office became presidential April 1, 1921.

LOUISIANA.

Joseph R. Domengeaux to be postmaster at La Fayette, La., in place of A. L. Marshall, resigned.

Joseph D. Hebert to be postmaster at Cottonport, La., in place of U. J. Marcotte. Incumbent's commission expired January 23, 1921.

MARYLAND.

Frank T. Buckingham to be postmaster at Woodbine, Md., in place of L. H. Gosnell. Incumbent's commission expired April 4, 1921.

Charles W. Meyer to be postmaster at East New Market, Md. Office became presidential January 1, 1921.

MASSACHUSETTS.

Charles F. Slate to be postmaster at Northfield, Mass., in place of E. K. Callaghan. Incumbent's commission expired July 25, 1920.

Robert M. Mudgett to be postmaster at Woronoco, Mass. Office became presidential July 1, 1920.

Warren C. Hastings to be postmaster at Southwick, Mass. Office became presidential January 1, 1921.

MICHIGAN.

John F. Krumbeck to be postmaster at Williamston, Mich., in place of W. H. Wint, resigned.

Burton P. Daugherty to be postmaster at Holly, Mich., in place of John S. Mills. Incumbent's commission expired July 25, 1920.

MINNESOTA.

Lida K. Gray to be postmaster at Taylors Falls, Minn., in place of L. K. Gray. Incumbent's commission expired May 17, 1921.

Stanley A. Torgerson to be postmaster at Hawley, Minn., in place of N. J. Thysell, deceased.

Daniel H. Hill to be postmaster at Cook, Minn., in place of O. J. Leding. Incumbent's commission expired March 16, 1921.

John C. Thorp to be postmaster at Shevlin, Minn. Office became presidential January 1, 1921.

MISSISSIPPI.

Alexander Yates to be postmaster at Utica, Miss., in place of I. G. Chapman. Incumbent's commission expired July 21, 1920.

John N. Truitt to be postmaster at Minter City, Miss., in place of L. M. Quarles, resigned.

Woodard M. Herring to be postmaster at Inverness, Miss., in place of W. M. Herring. Incumbent's commission expired March 16, 1921.

Joseph E. Lane to be postmaster at Flora, Miss., in place of J. E. Lane. Incumbent's commission expired January 31, 1921.

George D. Myers to be postmaster at Byhalia, Miss., in place of G. D. Myers. Incumbent's commission expired March 16, 1921.

Lee Bankston to be postmaster at Dundee, Miss. Office became presidential April 1, 1920.

MISSOURI.

Leonard D. Fisher to be postmaster at Union Star, Mo., in place of O. L. Perkins, resigned.

Kinzie K. Gittings to be postmaster at Chilhowee, Mo., in place of J. J. Salmon, resigned.

Horace L. Johnson to be postmaster at Winston, Mo. Office became presidential July 1, 1921.

Edward O. Horton to be postmaster at Washburn, Mo. Office became presidential January 1, 1921.

Isaac M. Galbraith to be postmaster at Walker, Mo. Office became presidential April 1, 1921.

Evelyn S. Culp to be postmaster at Rocky Comfort, Mo. Office became presidential January 1, 1921.

John W. Rissler to be postmaster at Houstonia, Mo. Office became presidential April 1, 1921.

Earle W. Phillips to be postmaster at Henrietta, Mo. Office became presidential April 1, 1921.

MONTANA.

Harry H. Goble to be postmaster at St. Ignatius, Mont., in place of Margaret O'Connell. Incumbent's commission expired March 16, 1921.

George S. Haynes to be postmaster at Judith Gap, Mont., in place of C. L. Beers, deceased.

Walter D. Vaughn to be postmaster at Augusta, Mont. Office became presidential April 1, 1921.

NEBRASKA.

Willard Stong to be postmaster at Syracuse, Nebr., in place of W. N. Hunter. Incumbent's commission expired March 16, 1921.

NEW JERSEY.

William Hockenjos, jr., to be postmaster at Lake Hopatcong, N. J., in place of F. R. Crater. Incumbent's commission expired March 16, 1921.

John D. Seals to be postmaster at Kenvil, N. J., in place of W. D. Jardine. Incumbent's commission expired March 16, 1921.

Charles R. Bassett to be postmaster at Bloomsbury, N. J., in place of Louis Cressman. Incumbent's commission expired April 24, 1921.

NEW MEXICO.

Jose C. Garza to be postmaster at Willard, N. Mex. Office became presidential July 1, 1921.

Menhard L. Albers to be postmaster at Old Albuquerque, N. Mex. Office became presidential April 1, 1920.

Florence Shelpman to be postmaster at Nara Visa, N. Mex. Office became presidential October 1, 1920.

NEW YORK.

Martin Z. Hyney to be postmaster at Sharon Springs, N. Y., in place of Eugene Smith, resigned.

John B. Cramer to be postmaster at Penn Yan, N. Y., in place to J. H. Meehan. Incumbent's commission expired January 5, 1920.

Owen W. House to be postmaster at Parish, N. Y., in place of B. L. Morgan, resigned.

Harold F. Clark to be postmaster at Ovid, N. Y., in place of Benjamin Franklin. Incumbent's commission expired August 8, 1920.

Edith A. Jennings to be postmaster at Mahopac, N. Y., in place of W. H. Spain. Incumbent's commission expired December 20, 1920.

Frederick Traudt to be postmaster at Hyde Park, N. Y., in place of R. C. Halpin. Incumbent's commission expired June 2, 1920.

Lucy E. Murray to be postmaster at Florida, N. Y., in place of A. D. Jessup, resigned.

Stanley D. Cornish to be postmaster at Carmel, N. Y., in place of Thomas O'Brien. Incumbent's commission expired January 28, 1920.

Frank A. Wheeler to be postmaster at Munnsville, N. Y. Office became presidential January 1, 1921.

NORTH CAROLINA.

John T. Benbow to be postmaster at Winston-Salem, N. C., in place of R. S. Galloway, resigned.

William E. Linney to be postmaster at Wilkesboro, N. C., in place of M. F. Bumgarner, resigned.

George H. Hodgin to be postmaster at Ramseur, N. C., in place of C. G. Foushee. Incumbent's commission expired January 8, 1921.

Clyde H. Jarrett to be postmaster at Andrews, N. C., in place of W. B. Walker, resigned.

Albert Z. Jarman to be postmaster at Richlands, N. C. Office became presidential January 1, 1921.

Thad G. Tucker to be postmaster at Elk Park, N. C. Office became presidential April 1, 1921.

NORTH DAKOTA.

Myron T. Davis to be postmaster at Lisbon, N. Dak., in place of C. S. Ego, resigned.

Reinhart Gilbertsen to be postmaster at Glenburn, N. Dak., in place of Reinhart Gilbertsen. Incumbent's commission expired March 15, 1920.

Harry M. Pippin to be postmaster at Halliday, N. Dak. Office became presidential October 1, 1920.

OHIO.

William Schnoor to be postmaster at Put in Bay, Ohio, in place of C. B. Johannsen. Incumbent's commission expired December 20, 1920.

Otho S. Holloway to be postmaster at Flushing, Ohio, in place of S. E. Bethel. Incumbent's commission expired July 10, 1920.

John R. Williams to be postmaster at College Corner, Ohio, in place of A. L. Foreman. Incumbent's commission expired July 14, 1920.

William S. Barhite to be postmaster at Hamler, Ohio. Office became presidential April 1, 1921.

OKLAHOMA.

Albert L. Chesnut to be postmaster at Kingston, Okla., in place of M. C. Murphy. Incumbent's commission expired March 16, 1921.

OREGON.

Elisabeth E. Johnson to be postmaster at Gresham, Oreg., in place of D. M. Roberts. Incumbent's commission expired September 7, 1920.

Gertrude H. Ashley to be postmaster at Bay City, Oreg. Office became presidential January 1, 1921.

PENNSYLVANIA.

Samuel M. Koppenhaver to be postmaster at Halifax, Pa., in place of J. C. Miller. Incumbent's commission expired August 3, 1920.

RHODE ISLAND.

William H. Follett to be postmaster at Howard, R. I. Office became presidential April 1, 1921.

SOUTH CAROLINA.

Adam C. Dayson to be postmaster at Johns Island, S. C. Office became presidential July 1, 1921.

TENNESSEE.

Joseph T. Hester to be postmaster at Huntingdon, Tenn., in place of J. B. Gilbert. Incumbent's commission expired January 2, 1921.

John Herd to be postmaster at Harrogate, Tenn., in place of K. W. Southern, resigned.

Leslie Vernon to be postmaster at Alamo, Tenn., in place of J. M. Emison. Incumbent's commission expired January 18, 1921.

Charles S. Harrison to be postmaster at Benton, Tenn. Office became presidential April 1, 1921.

TEXAS.

Tina West to be postmaster at Sanderson, Tex., in place of H. C. Jordan. Incumbent's commission expired July 10, 1920.

UTAH.

Walter Cannon to be postmaster at St. George, Utah, in place of D. R. Forsha. Incumbent's commission expired January 5, 1920.

Henry C. Ward to be postmaster at Myton, Utah, in place of William Zowe. Incumbent's commission expired January 5, 1920.

John F. Justesen to be postmaster at Spring City, Utah. Office became presidential January 1, 1921.

VERMONT.

William M. Batchelder to be postmaster at Dorset, Vt., in place of A. B. Roberts. Incumbent's commission expired January 13, 1921.

VIRGINIA.

John R. Rowland to be postmaster at Hollins, Va., in place of G. P. Murray. Incumbent's commission expired December 20, 1920.

Emeline P. Lacy to be postmaster at Scottsburg, Va. Office became presidential January 1, 1921.

William C. McCormick to be postmaster at Raphine, Va. Office became presidential April 1, 1921.

William E. Fraley to be postmaster at Cleveland, Va. Office became presidential January 1, 1921.

WASHINGTON.

Frank Hurst to be postmaster at Washtucna, Wash., in place of J. H. Gill. Incumbent's commission expired January 5, 1920.

Elijah H. Nash to be postmaster at Friday Harbor, Wash., in place of S. D. Martin. Incumbent's commission expired March 29, 1920.

Minnie M. McCracken to be postmaster at Clearlake, Wash., in place of M. M. McCracken. Incumbent's commission expired March 16, 1921.

WISCONSIN.

Harry Bradley to be postmaster at Taylor, Wis., in place of Harry Bradley. Incumbent's commission expired March 16, 1921.

Burton E. McCoy to be postmaster at Prairie du Sac, Wis., in place of A. H. Tarnutzer. Incumbent's commission expired January 31, 1920.

Carl E. Reichenbach to be postmaster at Merrillan, Wis., in place of C. E. Reichenbach. Incumbent's commission expired June 29, 1920.

Charles Pearson to be postmaster at Lavalle, Wis., in place of S. A. Towne. Incumbent's commission expired July 10, 1920.

George E. Alderson to be postmaster at Benton, Wis., in place of J. V. Swift, deceased.

Edmund O. Johnson to be postmaster at Warrens, Wis. Office became presidential January 1, 1921.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 7, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, Thou art unchangeably merciful and there is a place in Thy infinite heart for all. Forgive us our transgressions and disarm all our fears. Strengthen those who are burdened with cares. Come to any who may be in bereavement and put stars of hope into their skies. May all hearts and minds be joined together in a common purpose for the good and the well-being of our country. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ACQUISITION OF GOVERNMENT PROPERTY BY THE CITY OF CHICAGO, ILL.

Mr. CHINDBLOM. Mr. Speaker, this being Calendar Wednesday and the Committee on Public Buildings and Grounds having the call, there is a bill which I think was inadvertently placed on the Private Calendar, and I ask unanimous consent to have it placed on the Union Calendar in order that it may be considered to-day. It is the bill H. R. 9021.

The SPEAKER. The Chair thinks that he ought to correct the statement that it was done inadvertently; it was not done inadvertently. The gentleman from Illinois asks unanimous consent that the bill H. R. 9021, of which the Clerk will report the title, be transferred to the Union Calendar.

The Clerk read as follows:

A bill (H. R. 9021) to permit the city of Chicago to acquire real estate of the United States of America.

The SPEAKER. Is there objection?

Mr. WALSH. Let the bill be reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in consideration of the payment by the city of Chicago to the United States of America of the just compensation and damages for the real estate hereinafter described, as ascertained by a jury in proceedings to condemn real estate of the United States of America, the city of Chicago is hereby authorized to acquire for street purposes by two separate condemnation proceedings all interests of the United States of America in and to the following-described parcels of real estate, viz:

(a) The east 17 feet of south 100 feet of north 133 feet of west 125 feet of east 158 feet of south quarter of east half of northeast quarter of section 30, township 38 north, range 14 east, of third principal meridian, in the city of Chicago, county of Cook, and State of Illinois; and

(b) The east 17 feet of (except south 149 feet of south 100 feet of north 133 feet of west 125 feet of east 158 feet) south quarter of east half of northeast quarter of section 30, township 38 north, range 14 east, of third principal meridian, in the city of Chicago, county of Cook, and State of Illinois.

SEC. 2. That the city of Chicago shall assume the burden of reconstruction made necessary by the taking described in section 1 hereof, which reconstruction shall be done subject to inspection by the United States Government. The cost of said reconstruction shall be deducted from the award by jury provided for in section 1 hereof and used by the city of Chicago for this purpose.

SEC. 3. That this act shall be in force from and after its passage.

With the following committee amendment, which was read:

Strike out section 2 and insert the following:

"SEC. 2. That the Secretary of War is hereby authorized to expend such portion of said award as in his judgment may be necessary to restore or repair Government buildings or improvements taken or damaged by reason of the taking of said parcels of real estate; and the Attorney General is hereby authorized and directed to accept service and to appear on behalf of the United States to the extent necessary to protect the interest of the United Staes in said proceedings: *Provided*, That in the event the amount estimated and included in the jury's award for the restoration and repair of said buildings and improvements made necessary by the taking of said parcels of real estate shall prove insufficient for said purposes the city of Chicago shall pay any difference or balance not covered by said award therefor."

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I have made some investigation in regard to this bill, and I think the bill is all right. But my impression is that from the precedents the bill was originally referred to the proper calendar. The gentleman from Illinois asks unanimous consent to transfer it. Of course, I understand that is for the purpose of getting consideration of it to-day. I have no objection to the bill being considered to-day, but this being by unanimous consent I do not think it ought to be taken as a precedent that would control the reference of similar bills in the future.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This being Calendar Wednesday, the Clerk will call the roll of committees.

The Committee on Public Buildings and Grounds was called.

Mr. ELLIOTT. Mr. Speaker, the bill H. R. 6263 and the bill H. R. 6874 having been taken care of in the bill H. R. 6300, a deficiency bill, I ask that those two bills be laid on the table.

The SPEAKER. Without objection, the request is agreed to.

There was no objection.

Mr. ELLIOTT. Now, Mr. Speaker, I call up the bill H. R. 8401 on the House Calendar.

The Clerk read the bill, as follows:

A bill (H. R. 8401) to transfer the custody and control of the United States customhouse wharf at Charleston, S. C., from the Treasury Department to the War Department.

Be it enacted, etc., That the United States customhouse wharf at Charleston, S. C., be, and the same is hereby, transferred from the custody and control of the Treasury Department to that of the War Department, and that all branches of the public service now using said wharf shall be permitted to continue their use of the same.

Mr. WALSH took the chair as Speaker pro tempore.

Mr. ELLIOTT. Mr. Speaker and gentlemen of the House, this is a bill to transfer the control and custody of the United States customhouse wharf at Charleston, S. C., from the Treasury Department to the War Department. This is a matter that has been agreed upon between the two departments, and in the report of the committee there is included a letter from the Secretary of the Treasury, which reads as follows:

TREASURY DEPARTMENT,
Washington, April 12, 1921.

The SPEAKER, HOUSE OF REPRESENTATIVES.

SIR: Your attention is invited to the wharf which was constructed in connection with the customhouse at Charleston, S. C., and paid for out of the appropriation for that building.

It is necessary almost every year to expend a large amount from the appropriation for "Repairs and preservation of public buildings" for dredging in the neighborhood of the wharf in order that vessels may approach and dock, which constitutes a heavy drain upon that appropriation. The wharf was constructed originally for the use of the Customs Service in connection with goods intended for the bonded warehouse, but its use for this purpose has practically ceased and it is used now chiefly by the War Department. The quarantine and customs services and the Navy Department make a limited use of it only. In view of these changed conditions it is believed to be advisable to transfer the control of the wharf from the Treasury to the War Department. If this were accomplished the expense for dredging would be considerably lessened, as the latter department has a dredge located in the harbor of Charleston. The Secretary of War has indicated that such transfer would be satisfactory to him.

In view of the circumstances, as above set forth, it is recommended that legislation be enacted transferring this wharf from the custody and control of the Treasury Department to that of the War Department, with the proviso that all branches of the public service now using said wharf shall be permitted to continue the same.

A draft of the legislation to accomplish this purpose is herewith transmitted.

Respectfully,

A. W. MELLON, *Secretary.*

This bill came before the Committee on Public Buildings and Grounds with this recommendation from the department. We knew of no reason why the request should not be granted, as the reasons which the Treasury Department and the War Department assigned seemed to appeal to every one of the members of the Committee on Public Buildings and Grounds, and it is therefore reported unanimously for passage.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. ELLIOTT. I yield.

Mr. CLARKE of New York. Is the property of any permanent value to the Government?

Mr. ELLIOTT. It will not be transferred from the custody of the Government.

Mr. CLARKE of New York. Why should it be kept at an additional expense if it is of no use? Why not get rid of it?

Mr. ELLIOTT. This bill is only to transfer the control of it from one department to another.

Mr. CLARKE of New York. Is it property that the Government has a use for now?

Mr. ELLIOTT. The Government has use for it, and it is only transferring it from one department to another.

Mr. CLARKE of New York. What is it to be used for?

Mr. ELLIOTT. It is used as a wharf for the customhouse. The Government is not giving up control of it; it is merely asking that the control be transferred from the Treasury Department of the United States Government to the War Department of the United States Government, upon the theory that the Treasury Department has no further use for it, but the War Department has and had better handle it.

Mr. LANHAM. Will the gentleman yield?

Mr. ELLIOTT. I will.

Mr. LANHAM. Is it not true that this will effect certain economies in the matter of dredging about the wharf and at the same time not restrict the use of the property by the quarantine authorities in the customs service?

Mr. ELLIOTT. It was stated to the Committee on Public Buildings and Grounds that the War Department could take care of this wharf more advantageously and economically than the Treasury Department could, and then, when it was transferred, that all departments of the Government could use the wharf.

Mr. LANHAM. And this bill would increase rather than restrict the use of the property at a less expense.

Mr. ELLIOTT. The gentleman is entirely correct.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. TILSON. There is a subcommittee of the Committee on Military Affairs now considering the disposition of a number of pieces of land which have ceased to be of use to the Government. The gentleman from New York [Mr. CLARKE] raised the question whether this particular piece of ground is not one that ought to be disposed of rather than kept by the Government at considerable expense.

Mr. ELLIOTT. That question never has been raised in our committee.

Mr. TILSON. In case this authority is granted to the War Department to dispose of certain pieces of property for value, will this piece here, being transferred to the War Department, come under that provision?

Mr. ELLIOTT. This property after this bill is passed will still be the property of the United States Government, and be subject to control by Congress whenever it wants to act.

Mr. TILSON. But it will then pass under the control of the War Department, and if the War Department gets the permission which it is now seeking to dispose of certain property now belonging to the United States, no longer necessary for governmental purposes, then the Government may dispose of this property also?

Mr. ELLIOTT. I do not think it will have any authority to dispose of this property until Congress gives that authority.

Mr. TILSON. No; it would not; but if the control of the property passes now from the Treasury Department to the War Department, it will then pass within the scope of the legislation which is pending, as I understand it, for the disposition of property no longer needed by the Government.

Mr. ELLIOTT. That question has never been raised or considered in this matter.

Mr. TILSON. It would be no objection to the bill from my viewpoint.

Mr. ANDREWS of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. ANDREWS of Nebraska. This transfer would not encroach upon any plans or purposes embodied in the suggestions by the gentleman from Connecticut [Mr. TILSON]. The matter of inquiry would proceed as to the usefulness of this wharf for the Government and its consequent retention for public purposes. If that need should be clearly defined as to its retention, we assume that the War Department would readily retain it, as the Treasury Department would. The War Department has the facilities now at its command to do the dredging and keep the wharf in proper condition for all governmental purposes, with economy and dispatch, and nothing of this other matter would be involved in any sense whatever. We could take that into account and determine that proposition

upon the showing that would be made as to the need of this property for governmental purposes.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. McKENZIE. I would like to have a little light on this matter. Has the War Department asked for this legislation?

Mr. ELLIOTT. I called the gentleman's attention to the letter from the Secretary of the Treasury in which the Secretary of War has indicated that such a transfer would be satisfactory to him.

Mr. McKENZIE. What is the purpose of turning this over to the War Department? Is it in order that the War Department may be charged with the responsibility and the expenditure of money upon the property rather than the Treasury Department?

Mr. ELLIOTT. It was represented to us that the War Department could take care of this more advantageously and economically than the Treasury Department could, because it has facilities there to take care of the dredging and other repairs that are necessary, and that when it was done it would be used by all of the departments of the Government, and that it is satisfactory to the Secretary of War that this be done.

Mr. McKENZIE. What is the character of the property?

Mr. ELLIOTT. It is a customs wharf.

Mr. McKENZIE. In what city?

Mr. ELLIOTT. Charleston, S. C.

Mr. McKENZIE. Is not that a character of property that could be well transferred to the city of Charleston?

Mr. ELLIOTT. I know nothing about that question. All I know is what the department who is handling this put up. I do not think it would be advisable for the Government, however, to give its property to some municipality.

Mr. McKENZIE. I do not mean that the Government shall give it to a municipality.

Mr. ELLIOTT. Or to transfer the control of it.

Mr. McKENZIE. I simply want to call the attention of the House to the fact that we have been for almost a year trying to get an inventory of the nearly innumerable tracts of land under the control of the War Department. We have recently prepared a report, which will be presented to the chairman of the Committee on Military Affairs and reported to this House in the very near future, in which we try to make an inventory of the real estate owned by the War Department, and the scores of tracts of land that the War Department has notified us they have no further military use for, which they would like to dispose of by sale, transfer, or turning them over to some other governmental activity. The only thing I have in my mind is whether it is possible that we are taking on another tract of land to add to this list that we already have.

Mr. ELLIOTT. This is a horse that we already have in the stable, and we are merely taking him out of one door and putting him into another. The Government owns it all.

Mr. McKENZIE. I would say to the gentleman from Indiana that the War stable is so full of horses now that we can not get any more in, and we want to get some of them out.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield to me?

Mr. ELLIOTT. Yes.

Mr. CHINDBLOM. In addition to what the gentleman from Indiana [Mr. ELLIOTT] handling the bill has said, I call attention to the fact that the letter from the Secretary of the Treasury advised the Committee on Public Buildings and Grounds that this wharf is now being used chiefly by the War Department. It was originally erected for use in connection with goods intended for the bonded warehouse belonging to the customs service in the Treasury Department. However, the dredging in the water adjoining this wharf is connected with some expense, and the War Department has already the apparatus and machinery there for dredging the harbor at Charleston.

Mr. STAFFORD. And in that particular, if the gentleman from Indiana [Mr. ELLIOTT] will yield, may I ask the gentleman whether the hearings disclose anything as to the expense of dredging, whether it was incurred by the Treasury through private contractors or whether the Secretary of the Treasury did not have at his command the use of the Government dredge?

Mr. ELLIOTT. I do not remember that that question was gone into very fully, but the recommendation that was made to the committee was that the Treasury Department was not in position to do this dredging as economically as the War Department was, because the War Department was prepared to do the work.

Mr. STAFFORD. Reading the letter of the Secretary it would appear the Secretary of the Treasury did not have any claim upon the Government dredge operated by the War Department for keeping this wharf in condition and was obliged to call for bids from private contractors. If the Secretary of the Treasury had the right to call upon the War Department for the use of the War Department's dredge there would be no pressing need for this bill.

Mr. McKENZIE. The statement of the gentleman from Wisconsin has raised another very interesting question in regard to this matter. If the Treasury Department is to retain the warehouse that much at least is saved to the War Department, because we have warehouses to burn—we can not sell them—in charge of the War Department now, but here is the point: If the warehouse is to be used by the Treasury Department and then you are going to unload onto the War Department all the expense of the dredging and the keeping of that wharf in repair for the benefit of the Treasury Department, it seems to me it is unfair to the War Department.

Mr. STAFFORD. It unloads on the War Department something it has not any call for.

Mr. ELLIOTT. The War Department is not making any complaint about this.

Mr. MILLER. Will the gentleman yield?

Mr. ELLIOTT. I yield.

Mr. MILLER. I understand this warehouse is to remain in the Treasury Department and the wharf is to be kept in order by the War Department?

Mr. ELLIOTT. Yes.

Mr. MILLER. In other words, you are putting on the War Department the upkeep of the wharf as a part of the Military Establishment of the United States?

Mr. ELLIOTT. But the War Department is not making any complaint about this.

Mr. MILLER. Is the Secretary of War advised of the situation?

Mr. ELLIOTT. If the Secretary of the Treasury tells the truth, he is; he says he has advised him, and that he is satisfied to let it go.

Mr. MILLER. Have you any communication from the Secretary of War in regard to this?

Mr. ELLIOTT. Nothing except the letter of the Secretary of the Treasury.

Mr. MILLER. You want to wish it on the War Department?

Mr. ELLIOTT. I do not want to wish it on anybody.

Mr. MILLER. Nobody cares anything about it, and you do not care about it.

Mr. ELLIOTT. I will say this is of no importance to me except as a citizen of the United States, but as a member of the Committee on Public Buildings and Grounds I will say that they came before our committee with a reasonable proposition, and we thrashed it out, and the committee unanimously voted to report this bill for passage. And so far as all this trouble you are kicking up about the War Department is concerned, I would say this, that the War Department is always able to take care of itself. It knows this bill is in here. The Secretary of the Treasury says he has consulted with the Secretary of War, and nobody in the War Department has raised any question about it, nor anybody else except a few fellows who would like to act as guardian ad litem for the War Department.

Mr. MILLER. Was anybody there from the War Department to help in this thrashing process?

Mr. ELLIOTT. There was not anybody there from the War Department that I remember.

Mr. MANN. Will the gentleman yield for a question?

Mr. ELLIOTT. I yield.

Mr. MANN. Has this ever been referred to the Secretary of War for his opinion?

Mr. ELLIOTT. The Secretary of War reported he had taken it up. That is as much as I know about it.

Mr. MANN. Has the Committee on Public Buildings and Grounds ever referred to the Secretary of War the bill transferring property to the jurisdiction of the Secretary of War?

Mr. ELLIOTT. I will say to the gentleman from Illinois I am not the chairman of the Committee on Public Buildings and Grounds. What the chairman may have done in the way of referring this to the Secretary of War I do not know.

Mr. MANN. But there is no report from the Secretary of War, so far as you know?

Mr. ELLIOTT. No; nothing except the letter I have referred to.

Mr. MANN. I take it that the real reason for this bill is a form of appropriation made by Congress, and that in order for the Treasury Department to expend money in the protection of this wharf it is necessary to secure an appropriation from the Congress covered in the appropriation for repairs of public

buildings and grounds. If the War Department operates a dredge there under the present practice, that is paid out of the lump-sum appropriation for rivers and harbors and does not come under the scrutiny of any appropriation committee of this House. Is not that the real reason for this?

Mr. ELLIOTT. I am not advised as to whether it is or not.

Mr. MANN. I can advise the gentleman that that is the real reason. It is to avoid the necessity of asking Congress for an appropriation to dredge or protect this wharf. That is the real reason. Wherever a department can get hold of power to expend money without submitting a request to Congress they want that power always.

Mr. ELLIOTT. Well, gentlemen, so far as this bill is concerned, I have not had any reason put up to me so far that would change my mind. I voted to report this bill out for passage, and so far as I am concerned I will vote for its passage in the House. The War Department is using this wharf. Everybody seems to be satisfied with it.

Mr. KING. What are they using it for?

Mr. ELLIOTT. For a dock. I suggest that the gentleman from Texas [Mr. LANHAM] might use some of his time at this time, if he wishes. I reserve the balance of my time.

Mr. LANHAM. Mr. Speaker, I may say that I am somewhat grieved at this manifestation of a lack of confidence in the Secretary of the Treasury on the part of some of the majority Members. In his letter the Secretary very clearly outlines that the wharf is now being used liberally by the War Department, and that the Secretary of War has indicated that the transfer would be satisfactory to him. It would seem that the Secretaries of the two departments concerned are thoroughly in accord with reference to the desirability of the enactment of this measure, and those two wise men of the east having put their heads together and come to a common decision in the matter, I see no reason for any Republican contention that the bill should not pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ELLIOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. Has the Committee on Public Buildings and Grounds any further business?

OLD SUBTREASURY, SAN FRANCISCO, CALIF.

Mr. ELLIOTT. Yes. Mr. Speaker, I call up the bill H. R. 5700, Union Calendar, No. 131, a bill authorizing the Secretary of the Treasury to sell the old Subtreasury property at San Francisco, Calif.

The SPEAKER. The Clerk will report it.

The Clerk read the title, as follows:

A bill (H. R. 5700) authorizing the Secretary of the Treasury to sell the old Subtreasury property at San Francisco, Calif.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union for its consideration. The gentleman from Connecticut [Mr. TILSON] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5700, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5700, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell to the highest bidder, at public or private sale, the old Subtreasury property, located on the north side of Commercial Street about 60 feet west of Montgomery Street, and known as 608 Commercial Street, San Francisco, Calif., in such manner and upon such terms as he may deem to be to the best interests of the United States; to convey such property to the purchaser thereof by the usual quitclaim deed, and to deposit the proceeds of such sale in the Treasury of the United States as a miscellaneous receipt.

Mr. ELLIOTT. Mr. Chairman, this is a bill that was introduced by the gentleman from California [Mr. KAHN]. He is thoroughly conversant with the facts concerning it, and I yield to the gentleman 20 minutes.

The CHAIRMAN. The gentleman from California is recognized for 20 minutes.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2708. An act to authorize the Secretary of War to transfer without charge certain surplus material of the War Department to the American Relief Administration in Russia.

SALE OF OLD SUBTREASURY PROPERTY, SAN FRANCISCO, CALIF.

The committee resumed its session.

Mr. KAHN. Mr. Chairman, the old Subtreasury Building in San Francisco is located on Commercial Street, which is rather a narrow street in comparison with the other streets of the city. It was bought by the Government in 1854. The house and site cost something like $230,000. During the earthquake and fire of 1906 this was the only building that the Federal Government owned at that time that was burned, and it was burned practically to the ground. The first story and basement of the building at that time were used as a subtreasury. They had a few other Federal offices in the upper stories, the land office, notably; that is, the quarters of the surveyor general of California and of the receiver and register of the Land Office. When the building was burned it was found inadvisable to attempt to do more than put a roof over it and allow it to be used for a subtreasury building for the time being. The building was so used, but eventually the Subtreasury was moved into a new and substantial building at the corner of Sansome and Pine Streets. The building on Commercial Street remained idle for quite a length of time. Later on it was turned over to the War Department for a little while, and I think they had their engineers in there temporarily. Then it was turned over to the Navy Department for a little while, and they retained control for a few months. But eventually none of the Government officers found quarters there, and it has been rented to a private concern since January of this year. The Secretary of the Treasury in the meantime recommended that the building be sold and that the money be covered into the Treasury of the United States.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Wisconsin?

Mr. KAHN. Yes.

Mr. COOPER of Wisconsin. This bill, if enacted into law, would authorize the Secretary of the Treasury to sell at private sale, on any terms that might suit him, property belonging to the Government of the United States. Is that a good thing to do in time of peace, when there is no special hurry, to allow any man to sell public property at private sale in his discretion?

Mr. KAHN. Well, the Secretary of the Treasury evidently seems to think that possibly he can get a better price for it at private sale than by submitting it at public sale. But, of course, that is all within the option of the Secretary, and he does not have to accept the figure offered at private sale unless it is thoroughly agreeable to him.

Mr. Chairman, I think I have stated the matter pretty thoroughly. I yield back the balance of my time.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having taken the chair, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

SALE OF OLD SUBTREASURY PROPERTY, SAN FRANCISCO, CALIF.

The committee resumed its session.

Mr. ELLIOTT. Mr. Chairman, does the gentleman from Texas [Mr. LANHAM] wish to use any time?

Mr. LANHAM. Mr. Chairman, I simply want to reinforce some of the statements which have been made by the gentleman from California [Mr. KAHN]. I may say with reference to this bill, in contrast with the one which has just passed, that in this measure there is evident accord between the military and financial interests of the Government, for the chairman of the Committee on Military Affairs is sponsoring this measure.

This building is now practically useless to the Government. It was constructed in 1854. It was then a four-story building. Through fire and earthquake it has been so destroyed that the reconstruction of it permitted only a one-story building.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. LANHAM. I will.

Mr. RAKER. Will the gentleman advise the committee, so that there may be no doubt about it, as to the approximate size of the lot upon which this building is located?

Mr. LANHAM. I think that is set forth in the report.

Mr. RAKER. It may be in the original report, but it is not printed.

Mr. KAHN. I think the building is about 30 feet front by about 70 feet in depth.

Mr. LANHAM. And I understand there is no ground in addition to that which the building occupies.

Mr. KAHN. No; none whatever.

Mr. RAKER. Will the gentleman yield for another question?

Mr. LANHAM. I will.

Mr. RAKER. What is the gentleman's view as to lines 9, 10, and 11, which authorize the Secretary of the Treasury to sell this property at private sale without public auction?

Mr. LANHAM. I should like to answer that question by making one or two prefatory statements.

When this building was originally constructed it was in the heart of the city; that is, of the business section. Since 1854 the trend of commercial construction has been in a different direction, and this building has been left down in this section which is not now so frequented, practically isolated and alone in so far as commercial purposes are concerned. Added to this element of shrinking value is the destruction which I have mentioned, that has come from the fire and the earthquake, so that we have a one-story building in a poor state of repair where formerly there was a handsome four-story structure. Consequently, the demand for this building is not what it once was. It offers no specially attractive inducement to any commercial enterprise. It is not desired by any of the Government departments and not desirable for any of the proper functions of those departments. They have all signified their willingness to permit this building to be sold, by reason of the fact that it does not meet the requirements of any Government enterprise in that city. Accordingly, the building has been rented for $85 a month, which seems all that it will yield. Since it serves no useful purpose for the Government, if an advantageous sale could be had it would really be a benefit to the Government. I think that the provision for private sale is included in the bill by design. The lines to which the gentleman from California has referred are placed in the bill advisedly, and the Secretary of the Treasury is of the opinion that likely a much more advantageous sale of this particular property may be had privately than by public auction. And, as stated in the report, the Government may expect to obtain about $20,000 for this structure at private sale, and the consensus of opinion seems to be that that is all the building is worth. Since it is no longer necessary for governmental purposes, since it is in a part of the city where property is not worth what it once was, since the building has been practically destroyed and is now a one-story structure badly in need of repair, it seems that economy and expediency and the best interests of the Government are all conserved by authorizing the disposition of it at private sale, which, in the opinion of the Secretary of the Treasury, would probably yield a larger sum than by public auction. The Secretary is left the option as to the method and, under the terms of the bill, the sale may be either public or private.

Mr. RAKER. Will the gentleman yield for another question?

Mr. LANHAM. I will.

Mr. RAKER. I have been quite impressed with the gentleman's story of San Francisco, and I have just wondered when it was that the business interests moved from Montgomery Street.

Mr. LANHAM. Mr. Chairman, not having had the pleasure of visiting California or the Golden Gate City, but having heard their praises sung morning, noon, and night by the distinguished gentleman from California [Mr. RAKER], I refer him to another distinguished son of that State, the chairman of the Committee on Military Affairs [Mr. KAHN], who, together with the Secretary of the Treasury, is sponsor for the statement that the building is not now so advantageously situated commercially as it once was.

Mr. RAKER. What I wish to know is when the Secretary of the Treasury visited San Francisco and came to the conclusion that Montgomery Street was out of the business center of San Francisco?

Mr. LANHAM. I do not know just when that visit was made.

Mr. KAHN. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from California.

Mr. KAHN. This section of the city has gone down materially, and a new Subtreasury building was put up at the corner of Montgomery and Pine Streets, which is as fine a public building as there is in this country.

Mr. LANHAM. And that supersedes this old building and makes it no longer necessary.

Mr. KAHN. Exactly so. This building was occupied for a little time after the fire by the War Department. Then they had no further use for it. Then it was occupied for a little time by the Navy Department. Then they had no further use for it. For quite a while it was entirely empty. Then it was found that they could get a private concern to pay $80 a month rent for it, and the building is now occupied by that private concern.

Mr. LANHAM. There is now no governmental activity in the city of San Francisco which desires to use this building?

Mr. KAHN. No; I think the report of the committee shows that every time a public activity was asked about the building the Treasury officials were told that they would have to expend a great amount of money to reconstruct the building, and they all refused to do it.

Mr. LANHAM. May I ask the gentleman, who is thoroughly familiar with the physical property and its environment, if in his judgment and from his knowledge of the facts a sale for $20,000 would be an advantageous sale for the Government?

Mr. KAHN. I think it would.

Mr. LANHAM. I will ask the gentleman, further, if it is not probable that that is the approximate sum for which the building will be sold?

Mr. KAHN. I have been told or was informed in a letter or it was intimated that that is the fact, although I did not make any investigation. But I know that property in that section where this property is situated is not bringing a great deal of money.

Mr. LANHAM. The statement is made in the report also that it would cost $5,000 to repair this 1-story structure so that it could be used by any governmental activity.

Mr. STAFFORD. Will the gentleman from Texas yield for me to ask a question of the gentleman from California?

Mr. LANHAM. I will.

Mr. STAFFORD. I wish to inquire of the gentleman from California whether there are any governmental activities in San Francisco that are in rented quarters and calling for additional governmental space?

Mr. KAHN. They are not calling for additional space. I have an idea that there are a few in rented quarters, but it would cost so much to fit up this building for their use for their purpose that it would be cheaper to get rid of it; they are now nearer, in the buildings they occupy, to the business center of San Francisco, so that the business men can much easier get in touch with them.

Mr. STAFFORD. The gentleman is quite well acquainted with the policy of the Government; that when one governmental building is no longer large enough to carry on the activity of the Government, for the Government to retain it and transfer it to some other department of governmental activity. I noticed in the letter of the Secretary of the Treasury he says that at this time it is not desired to be used by any department, implying that in the future they may have occasion to use the property, and I question whether it might not be well to hold it rather than to sell it at a sacrifice price?

Mr. LANHAM. In reply to the gentleman let me say that the Secretary of the Treasury seems to have gone fully into that matter, and he can see no reasonable immediate prospect for its use by any branch of the Government.

Mr. RAKER. Will the gentleman yield for a question and a short statement?

Mr. LANHAM. I will.

Mr. RAKER. Of course, where Government property is not needed and you can get a fair value for it, it ought to be sold. I think there should be no objection to this bill. But I want some information, and my colleague has not answered the question. I am asking now when it was that the great business interests on Montgomery Street ceased or changed?

Mr. LANHAM. Mr. Chairman, in view of the fact that my familiarity with California is almost solely along esthetic lines and has been acquired from reading and from eating its delicious fruit and hearing about its balm and sunshine, I will yield for an answer to this very material question to my friend from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, Commercial Street, where this building is located, has been out of the business center of San Francisco for the last 35 or 40 years.

When you go down Montgomery Street from Commercial Street to California Street, some blocks farther down, you get into the wholesale business of the city and among the banks and insurance offices.

Mr. RAKER. How far is Commercial Street north——

Mr. KAHN. Far enough to have gone out of the business center of the city; it is no longer a portion of the business section of San Francisco, and any man who knows San Francisco ought not to ask the question. [Laughter.]

Mr. WINGO. Will the gentleman from Texas yield?

Mr. LANHAM. I will.

Mr. WINGO. What kind of business surrounds this property?

Mr. LANHAM. That also being a material fact, I refer the answer to the gentleman from California.

Mr. KAHN. They are small buildings.

Mr. WINGO. What kind of business is next door to this building?

Mr. KAHN. I do not think there is anything next door to it, but the buildings around there are small because it is a very small, narrow street.

Mr. WINGO. Occupied by fruit stands or wholesale warehouses, or what?

Mr. KAHN. It is very near Kearny Street, much nearer Kearny Street than Montgomery Street; Kearny Street near this building contains shooting galleries and retail stores of various kinds.

Mr. WINGO. Is it in the suburban retail district?

Mr. KAHN. No; it is not in the retail district of the city.

Mr. WINGO. It is not in the main retail district, but small retail shops.

Mr. KAHN. Yes.

Mr. WINGO. How many square feet are there in this site?

Mr. KAHN. About 21,000 square feet; possibly 25,000 square feet.

Mr. WINGO. What does property there bring a foot? Is there any proof on that?

Mr. KAHN. No; but they told me that they probably could get $20,000 for it, and I consider that that is a very fair price.

Mr. WINGO. Is it a corner lot?

Mr. KAHN. No; it is an interior lot.

Mr. WINGO. Thirty feet wide and seventy feet deep.

Mr. KAHN. I think that is it. It may be only 25 feet wide.

Mr. WINGO. That is in the gentleman's district?

Mr. KAHN. Yes.

Mr. RAKER. Mr. Chairman, will the gentleman yield further?

Mr. LANHAM. Yes.

Mr. RAKER. I hope my distinguished colleague from California took no offense at anything I said with respect to an inquiry about the great city of San Francisco and all of its surroundings.

Mr. KAHN. Oh, no; I never take any offense at anything the gentleman says.

Mr. RAKER. Because my observation some six months ago——

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman from California yield?

Mr. RAKER. Yes.

Mr. MOORE of Virginia. Has the gentleman from California ever been in San Francisco?

Mr. RAKER. Mr. Chairman, that might be either a pertinent or an impertinent inquiry. Of course, I know the gentleman did not mean to be impertinent. About this property, both east and west, north and south, there is one of the greatest developed cities in the United States, if not in the world, radiating from this general territory. Of course, the building may not be worth much, and I know that the desire of my distinguished friend from California is that the Government get not what the building is worth, for you might as well throw that into the bay, but what the ground is worth, to put a 15 or 20 story building on.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. KAHN. How many 15 or 20 story buildings are there on that block?

Mr. RAKER. Oh, there are so many in San Francisco that I get dizzy looking at them, and, therefore, I suppose that they would put a 15 or 20 story building on this lot.

Mr. LANHAM. Mr. Chairman, this resolves itself into a proposition of this character. Here is a piece of property estimated to be worth $20,000. The Secretary of the Treasury is of the opinion that he can get that sum, or approximately that, for it. The building, it seems, is practically worthless. It would require, according to the testimony, $5,000 to place it in repair for use, which is not now desired. There is no reasonable prospect that it will soon be desired for use by any branch of the Government. The matter resolves itself into a proposition of whether it is wiser under these circumstances for the Government to sell for $20,000 a piece of property which it would require $5,000 to put in repair, which to-day is being leased for a rental of $85 per month and with no assurance of a permanent lease at that price.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. COOPER of Wisconsin. What reason can the gentleman give for disposing of Government property at private sale in the time of peace?

Mr. LANHAM. The only reason that I can assign is the fact that the Secretary of the Treasury is of the opinion that he can make a more advantageous sale in that way than at public auction.

Mr. COOPER of Wisconsin. But one could say that about any sale. If an individual can express the opinion that he can get more money at private sale than at public sale, one could get that opinion every day. It does not justify the sale of this at private sale.

Mr. LANHAM. My observation has been that private sales frequently yield much larger returns than sales at public auction.

Mr. COOPER of Wisconsin. Does the gentleman know of any city contracts for doing work in the gentleman's own district where it is given into the hands of any one man to let the contract on private terms?

Mr. LANHAM. I would say that municipal contracts are usually let to the lowest bidder, while here we are seeking to get the highest bidder.

Mr. COOPER of Wisconsin. I know, but there is a public bidding, and the city gets the best terms it can at public bidding. The gentleman does not know of any municipality in the United States that ever disposes of a contract of that kind and hands out the money of the people or the country unless there has been a bidding for an opportunity to do the work.

Mr. LANHAM. I would say to the gentleman that I can not quite see the analogy between a contract made by a municipality and a sale of property by the Government.

Mr. COOPER of Wisconsin. But the sale is a contract of sale and it is completed by handing over the purchase money. The principle is identical. The Government ought not to sell its property at private sale.

Mr. LANHAM. The Government is doing that now in many instances, and we are not departing very much from precedent in that respect. I am a member of the committee, and I confess that I have deferred to the wishes and judgment of the Secretary of the Treasury. He is of the opinion that he can make a better sale according to the terms of this bill, and it was upon his recommendation and at his suggestion that this language was incorporated in this measure.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. MANN. Has it not sometimes been the practice for the Treasury Department to advertise for the sale of property and receive bids, which might not be very high, and then to sell the property to somebody else who would offer a considerably higher sum than the bids submitted?

Mr. LANHAM. I thank the gentleman for the suggestion. I do not think this language would interfere with a proceeding of that kind.

Mr. MANN. I took it that that was the reason for the verbiage here. It quite frequently happens that on receiving bids for the sale of property nobody bids very high because they do not know whether they will get it or not, but when it is agitated and bids are published, then some one else comes along who is willing to pay a substantially higher price.

Mr. LANHAM. That is correct, and I thank the distinguished gentleman for his contribution. This bill, I think, is so worded as to give the proper latitude to the Secretary of the Treasury in disposing of this property.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. KAHN. I would say further to the distinguished gentleman from Illinois that where this property is located on Commercial Street—a very narrow street with small houses upon it—the possibility is that they could arrange a combination among a few men to keep down the price; but the Secretary of the Treasury might get an offer from some other man very much in excess of what these bidders would offer; and I presume that is what he had in mind when he offered that language.

Mr. COOPER of Wisconsin. How would this other man know anything about this sale if it was not made public?

Mr. KAHN. Of course, if it were made public he would bid at the public sale, and if he were allowed to accept a private bid he would probably get a very much higher bid than the one he got in the public sale.

Mr. COOPER of Wisconsin. Would that not require a publication of a notice of sale of Government property, not in the discretion of any man but an absolutely mandatory statute?

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. KAHN. I will.

Mr. CONNALLY of Texas. I would like to ask the gentleman this question, namely, If he knows whether or not they have any particular purchaser in view now?

Mr. KAHN. I think they have in mind possibly the occupants of the building. Now, I do not know, because I have not spoken about this property to anybody; but I would rather imagine that the Secretary of the Treasury might have in view the people who occupy the building at this time, and they might offer more than would be offered at public sale.

Mr. CONNALLY of Texas. I apprehended that, because in view of the estimate of the possible purchase price I assume that it would necessarily be after conference with some prospective purchaser.

Mr. LANHAM. Mr. Chairman, I reserve the remainder of my time.

Mr. ELLIOTT. Mr. Chairman, I yield 30 minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, pursuant to the provision of an act passed by Congress and approved March 4, 1921, all "journals, magazines, and periodicals" of the departments of the Government died on the 1st day of December. Inasmuch as that situation has brought about considerable confusion, I ask permission to address the House for the time allotted to me outside of the subject under discussion. If there is no objection, I want to make a statement of the situation with reference to Federal printing.

Mr. CONNALLY of Texas. May I inquire the subject matter about which the gentleman wishes to talk?

Mr. JOHNSON of Washington. About the matter of suspending the printing of Government "journals, magazines, and periodicals," which went into effect December 1, last, and to endeavor to clarify the situation a little bit, for the reason that in my opinion a misunderstanding exists between the heads of the departments and the Public Printer as to just what shall be done.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to speak out of order. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Mr. Chairman, ever since I have had the honor to be a Member of Congress, now about nine years, I have given some attention to waste in Government Printing. I remember when I first came to Congress the chairman of the Committee on Printing was Mr. Barnhart, of Indiana, who labored long and hard in an effort to recodify and bring down to date and improve the laws relative to public printing and binding. He has been succeeded by the gentleman from Pennsylvania [Mr. KIESS], who works along the same line. In the Senate, as chairman of the Joint Committee on Printing, Senator SMOOT, and later Senator MOSES in the same capacity, have worked hard for many hours, and with the aid of all of the members of the Joint Committee, have managed to stop the printing of a large number of Government magazines, newspapers, and periodicals, and to secure from Congress the right for the Joint Committee on Printing to exercise supervision over the publication of bulletins and miscellaneous Government publications. Governmental printing of all kinds, in my opinion, in the last 10 years has amounted to a tremendous waste and a public scandal. Everybody knows that when a man feels like writing and gets hold of type and a printing press and some paper he will write and print, even if nobody reads his effusion. The departments have had the type, Congress has furnished the paper, and the bureaus have enlarged about every bulletin that possibly could be changed, into a magazine, a newspaper, or a periodical—nearly all without authority of law. Hence our present problems.

Before discussing the magazines and regular publications, I call attention to a proposed farmers' bulletin. I have here the manuscript. The reason that it came before the Joint Committee on Printing is because the Public Printer asked the committee to decide whether it was "waste in public printing." I defy any 10 Congressmen to say that the issuance of this bulletin would not be waste of the first magnitude.

The Department of Agriculture ordered 3,000 copies of it. Mind you, this is not a regular publication to come out weekly and monthly, of the kind the law suspended, but this is a farmers' bulletin to be issued under the authority of an act of Congress, and it would have been printed if the Public Printer had not had his eye open.

This bulletin is entitled "The labor and leisure year of the farmer and his wife. A graphic method of presenting the distribution of farm labor." It has been prepared by two experts of the department, one in the office of Farm Management and Farm Economics and one in the office of Home Management Studies of the States Relations Service.

Those are two bureaus designed to render assistance and to furnish information to the farmers and their wives. In their desire to be of use, in the name of the United States, they have experted two farmers and two wives of farmers. They induced a farmer and his wife out in Illinois and another farmer and his wife in Pennsylvania to keep tables as to how they spent their working time and leisure time for one year, and then these two experts got busy and wrote this pamphlet and drew these pictures, tables, and diagrams. Kindly note Table 1, a zigzag chart in three or four or five colors, red, blue, pink, yellow, and green, showing how the two farmers and their two wives devoted their working time and their leisure time; and this table here—No. 2—shows the distribution of this time, according to the length of the working day, for one family; and here is the distribution of days, according to the length of the working day, for the other family. These charts show by a dark line the increase of the work hours as the months go on toward summer time, and showing the decrease later as winter approaches. How astonishing! Does any farmer need a bulletin to show him that as the days get longer the two farmers and wives are inclined to have a little bit longer working-day?

A MEMBER. Do they have daylight saving there?

Mr. JOHNSON of Washington. Well, now, I presume that will be the subject of a special expert bulletin, with a new series of illustrated charts.

This table, which I will call No. 7, shows that as the days get shorter, toward October, they work a little less each day. Here is another of similar order, and here is another one [indicating]. Wait until you get down to the real nut of this expert analysis. I will quote from the manuscript of the bulletin itself. Let us see what leisure time meant for these four people. I quote:

> Leisure time was used in reading, visiting, attending entertainments and church, pleasure drives, and writing letters of friendship.

That constitutes the leisure time of the farmer.

Mr. DUNBAR. What objection has the gentleman to offer to a person so devoting his time?

Mr. JOHNSON of Washington. None whatever; but why write a book about it? It says further:

> Under "personal" was listed dressing, naps, resting, illness, attending funerals, and such other personal occupations as could not be considered recreation.

Now, my friends, my reason for quoting from that bulletin is this: That not only myself but other members of the very compact Committee on Printing of this House, consisting of three Members—the gentleman from Pennsylvania [Mr. KIESS], the gentleman from South Carolina [Mr. STEVENSON], and myself—are being criticized and are receiving almost more mail than we can look at because of the fact that we are accused of throttling Government printing. We do not desire to eliminate a single useful farmers' bulletin or a desirable publication of any kind, and we do not intend to. We do not propose to cut off a single desirable Labor Department publication that is issued within the law, or the necessary publications of any other department. But we do not want any one department to insist or to intimate that we are particularly and personally—every one of us or any one of us—after any particular publication. Not so. We are not "after" crop reports, seed reports, health reports, labor reports; but we are after such publications as this particular bulletin. If I am any judge, there is not one farmer in a million who wants such a segregation of his work time and play time or who has time to waste in reading charts and tables of the segregation of other people's time. Such a publication, particularly with a chart in colors, is a wanton waste of public money, in my opinion, and so long as I am on the committee it never will be permitted. [Applause.]

Mr. KING. Mr. Chairman, will the gentleman point out some other publications such as the one issued by the Department of Commerce, which, in my opinion, is practically useless?

Mr. JOHNSON of Washington. Yes; but "uselessness" has degrees of meaning. I think the one the gentleman has in mind is actually authorized by law. Since Congress gave this committee authority three years ago to remedy any "neglect, delay, duplication, or waste in public printing and binding" we have managed to cut off 111 publications at a saving of easily $1,200,000 a year. [Applause.] And we have now reached a point where they are either all dead or supposed to be dead, gasping hard in the last throes.

Before my time expires I want to show you an interpretation of the law under which, I think, if followed by the Secretaries of the departments, will permit within reasonable bounds the continuation of those publications which are entitled to continue without legislation from Congress.

But let us look at one or two more samples. Here is a publication called "The Sketching Board," issued in 1921 by the engineer school at Camp Humphreys in the number of 1,000 copies at a cost of $1,101.23. Now, my friends, this is nothing

else than a little souvenir album showing pictures of officers and buildings, with some of the officers on horseback.

A MEMBER. On white horses? [Laughter.]

Mr. JOHNSON of Washington. Yes. Perhaps so, but white elephants for the United States Government; that is sure. Now, that is only one sample. Recently I had a sample of 5,000 Christmas cards sent out by recruiting officers—just Christmas cards; that is all. It was a fraud and a bunco to call it printing required for the recruiting service.

Here is another one. This, in my opinion, comes under the guise of publications of the kind that Congress has ordered suspended. It is entitled "The United States Shipping Board Daily Bulletin"; it is the size of a telephone directory and is issued every day in the year and sold at $1 a copy. That sprang up in the Navy Department during the war, and was intended to contain reports of the movements of ships all over the world which was based on information gained by our radio service.

Mr. KING. Was not that of value to the people and valuable to the Shipping Board?

Mr. JOHNSON of Washington. Yes; it is of value of course. But if its particular purpose is to aid commercial shipping, why should the Federal Government carry it on at a very considerable loss? And even if it did have value and had a right to be printed, why, when it was authorized to be printed by the Navy Department, should it be transferred without any authority of any kind to the United States Shipping Board? Has any one any authority? Do the acts of Congress mean anything? That is what I am asking.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. What is the date of issue?

Mr. JOHNSON of Washington. November 2, 1921.

Mr. WALSH. Did we not cut off the publication of that bulletin by the Navy Department in the deficiency bill passed in the last session of Congress?

Mr. JOHNSON of Washington. Yes; I think so; a considerable time before adjournment.

Mr. WALSH. How comes it that the Shipping Board is publishing it?

Mr. JOHNSON of Washington. You can search me. I have devoted all the time I could spare in an effort to justify certain of these publications, and about all that I get for it is abuse.

The issue printed for Monday, September 19, 1921, has pasted on the cover, the following notice:

IMPORTANT NOTICE.

This bulletin having been transferred from the Navy Department to the United States Shipping Board, the latter will continue to publish it as heretofore.

That is all I know about it.

Mr. WALSH. There is a very strong prohibition carried in the appropriation bill against the Shipping Board or other departments carrying on other publications unless they are authorized by law. We have stopped the Navy Department, and I would like to know how the Shipping Board is publishing it.

Mr. JOHNSON of Washington. I will say to the gentleman that if we should have any luck at all there will not be any more of it, unless the shipping interests of the country come in and sustain it, or unless it is set up in the Department of Commerce by law and by arrangement with the shipping interests. A while ago it had about 300 paid subscribers at 50 cents a copy, and was estimated to the joint committee last winter as costing the Government about $130,000 a year. We directed the department to raise the price to $1 a copy in the hope of making it pay.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. CHINDBLOM. Might it not have some value to the Shipping Board, which is a Government agency?

Mr. JOHNSON of Washington. Yes, of course; but it is one of the things that go into the general aggregate that will make the Shipping Board lose millions of dollars a year.

Mr. CHINDBLOM. The benefit accruing to the Shipping Board and the Emergency Fleet Corporation might necessarily be charged to those agencies.

Mr. JOHNSON of Washington. Yes. As to that point, let me admit frankly that each and every one of these Government publications, even though it was a publication that used to exist out here at St. Elizabeths Insane Asylum, has some value; but whether the value is of sufficient importance to our people to warrant its printing and distribution by the Federal Government, with or without the authority of Congress, I am not able to say. Mind you, some of the most costly ones have extremely limited circulations.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. EDMONDS. Of course, if the Shipping Board is the owner of half the ships in the United States, it should have an appropriation to carry on that publication.

Mr. JOHNSON of Washington. It should not be done without authority from the Congress of the United States.

Mr. EDMONDS. Undoubtedly the Shipping Board has that authority.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. Does the gentleman know of any authority that the Shipping Board has to issue the bulletin and sell it at a dollar a copy?

Mr. JOHNSON of Washington. I do not, except that the Navy Department began publishing it, and the joint committee insisted that if it was to continue they must charge enough to make this thing pay, without any thought of the cost of the radiograms at all or cost of overhead charges.

Mr. EDMONDS. The Shipping Board has authority to operate its ships, and if this is necessary to operate their ships it would be necessary to publish it.

Mr. JOHNSON of Washington. Somebody asked me a moment ago about the commerce reports. They were issued daily, pursuant to law, with more or less efficiency, and some time ago they consolidated the daily information they desired to publish into a weekly edition.

Mr. KING. Is that the document that comes to our desks once a week?

Mr. JOHNSON of Washington. I think so. That is under date of November 14.

Mr. KING. Has the Congress given them authority to issue them in colors?

Mr. JOHNSON of Washington. No. It is not in colors. It has had colored covers, but they have been dropped.

Mr. KING. Why can not that be stopped? Of what use is it except to a few people?

Mr. JOHNSON of Washington. Let me give a complete answer to the whole proposition by making a statement. In an effort to find out just what to do, when we found the time approaching on December 1 that these publications should be suspended, a resolution was passed by unanimous consent in the Senate which provided that the Joint Committee on Printing should have the say so, willy-nilly, thumbs up or thumbs down, as to which of these publications should continue to be printed and which should not. That resolution was messaged over to the House and referred to the House Committee on Printing. In the House committee there was a tendency at first to adopt it in that form, but I took the stand that it was too severe a task for a little committee of three Senators and three Representatives to undertake to say what was fish and what was flesh in governmental printing, or to decide what was food for one man and poison for another, especially as that committee has a great deal of everyday routine work to do. So then it was proposed to extend the time another three months, and let all of the publications continue for this time. Congress had already done that on three occasions in the last three years, and I took the attitude that each and every time we delayed the cutting off of these publications we just weakened ourselves that much more and made it just that much harder to cut them all off, and that if we sat tight and let them all die on December 1 we would find it much easier to breathe the breath of life into those which were properly entitled to exist than we would find it to fight all of those in existence whether they had a right to exist or not. [Applause.] I filed a minority report opposing the extension and quoting the various laws and regulations, which you will find printed in the CONGRESSIONAL RECORD of November 23 last.

Mr. EDMONDS. Will the gentleman yield for a question?

Mr. JOHNSON of Washington. I yield to the gentleman from Pennsylvania.

Mr. EDMONDS. Is it intended to stop the publication of the Commerce Reports?

Mr. JOHNSON of Washington. No; it is not. I have said it has the sanction of an act of Congress. It is one of the actually legitimate publications.

Mr. EDMONDS. I agree with the gentleman that this weekly bulletin that they get out now is very valuable and ought to be continued.

Mr. JOHNSON. There is some value to every one of them, even the little Alaska Engineering Magazine, formerly published in far-off Anchorage, where they have few people and little news. Even if it filled its columns with such statements as the fact that Mr. and Mrs. John Henry Brown had arrived in Anchorage from the States to work on the Government railway and had taken a house on Third Street, still it was of some value; but was it of enough value to all of the people of the

United States to justify us in keeping it going at Government expense? It was not. [Applause.]

Mr. KING. It was not of sufficient importance to tax the entire people of the United States to operate it?

Mr. JOHNSON of Washingon. Of course not, and that applies to dozens and dozens of these publications that sprang up and flourished like green bay trees until your committee became incensed and cut down 111 of them at one fell swoop. And now—under direct instructions of Congress itself—all are down and out if they persist in trying to live as newspapers and magazines, but not if they will just keep within the law.

Another thing your committee did was to insist that all advertising matter should be cut out. And, by the way, that was then and is now the law. Some of the departments fought that. They wanted to continue these publications and as a side line to take in money for advertisements in competition with the general advertising business of the United States.

How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Washington has 10 minutes remaining.

Mr. JOHNSON of Washington. Let me say here in passing that the general law governing the public printing and binding and distribution of public documents was approved on January 12, 1895. That was a good many years ago. Except for a few amendments, that law has never been corrected and brought down to date since that time. In the last Congress the House passed a revised printing bill and sent it over to the Senate where it was not passed, and I sincerely hope that this Congress will find time to bring the printing laws down to date so that we may all know where we stand.

In regard to these publications that were discontinued on December 1 last, my opinion is that under this law—the statute of 1895—as defined by the rules of the Joint Committee, there is already sufficient authority for certain of them to live. Under that act the Secretary of any department may cause to be printed at the Government Printing Office, to the number of 1,000 copies, any report, publication, or document; but the sundry civil act, approved March 4, 1921, provides that such publications shall be certified in writing to the Public Printer by the respective heads or chiefs thereof to be necessary to conduct the ordinary and routine business required by law of such executive departments or Government establishments, and except such reports, monographs, bulletins, or other publications as are authorized by law or specifically provided for in appropriations herein; all other printing required or deemed necessary or desirable by heads of executive departments or other Government establishments or offices or bureaus thereof shall be done only as Congress shall from time to time authorize. (41 Stats., p. 1430.)

That is up to 1,000 copies, with the exception of the Department of Agriculture, which in respect to the Crop Reporter and certain other reports and bulletins may issue as many as the Secretary of that department thinks requisite. Now, with that law, until we are ready to revise the printing law, I can not see that Congress needs again to adopt any temporary measure.

There is a great demand on the part of some that the Labor Review be continued. That, so far as I can learn, is the only publication coming out of the Department of Labor, and, in my opinion, it can be printed for free distribution up to the number of 1,000 copies, so long as it consists of statistical matter and reports and not of book reviews and editorials.

Mr. Chairman, here are the exact words of a paragraph in section 89 of the printing act of 1895, which covers the situation, I think:

> No report, publication, or document shall be printed in excess of 1,000 of each in any one fiscal year without authorization therefor by Congress.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield to the gentleman from Tennessee.

Mr. TAYLOR of Tennessee. What will the total printing expenses of the United States Government aggregate in a year?

Mr. JOHNSON of Washington. Does the gentleman mean the white paper, letter paper, and everything else?

Mr. TAYLOR of Tennessee. The printing expenses of the departments?

Mr. JOHNSON of Washington. I can not say offhand, but it is a very large sum. I estimate that we have saved in one year's time $1,200,000 or $1,400,000 on one batch of publications alone, and to date this year we saved another half million on other discontinuations, and with the suspension of the particular ones that died on December 1, that ought to be suspended, we will save another half million or so. [Applause.] These represent savings, annually. We saved last spring exactly $684,000 on contracts for print paper. It takes labor, effort, and persistence to save a few million for Uncle Sam these days, but it can be done, has been done, and is being done at the printing end. [Applause.]

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. JOHNSON of Washington. With pleasure.

Mr. COOPER of Wisconsin. The gentleman said that publications could be continued if they contained statistics and not editorials.

Mr. JOHNSON of Washington. Yes.

Mr. COOPER of Wisconsin. When the gentleman uses the word "editorial," does he mean that there shall be no comments as to what the statistics mean?

Mr. JOHNSON of Washington. Oh, no.

Mr. COOPER of Wisconsin. No interpretation of them at all?

Mr. JOHNSON of Washington. Oh, no; I do not mean that. Tables have to be interpreted and explained, of course. But when a publication of the Government takes a stand for or against the League of Nations, or for or against reclamation, or for or against the open shop, or for or against any other open, debatable question, I contend that such statements are editorial and not a proper function of the Government.

Mr. COOPER of Wisconsin. That is not in relation to any statistics.

Mr. JOHNSON of Washington. That is what I mean by editorials. Now, it is interesting to note that the Department of Agriculture has had a very large number of these publications, and that this department is asking very earnestly for the continuation of several of them, and it is now proposed to combine three or four of them into one. The department offers to do this only after the screws are on, mind you, and it is worthy of note that about two years ago when we were pressing this question the Department of Agriculture did combine two or three—consolidated something into the Seed Reporter or Crop Reporter—and I have never yet found a living soul anywhere that has ever missed those that were dropped out of the publications of the Agricultural Department.

In conclusion, let me say that all of these publications started in good faith. Their editors are enthusiasts. Each is strong for his line of work. No one wants his paper to die. I sympathize with each one. It is not the fault of any particular one that this whole thing got out of bounds and ran wild. All hands will feel better when a readjustment is finally made. [Applause.]

Mr. LANHAM. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has consumed 35 minutes.

Mr. LANHAM. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman, I ask unanimous consent to proceed out of order for 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed out of order for 10 minutes. Is there objection?

There was no objection.

Mr. STEVENSON. Mr. Chairman, on this subject of printing the gentleman from Washington has given you a good deal of very valuable information, and I will state he is one of the most alert members of that committee from either end of the Capitol. I want to add a few words to what has been said and to state exactly what the status is from the legal standpoint.

This action was taken by Congress on June 5, 1920, and section 4 of the sundry civil bill reads as follows:

> SEC. 4. Any journal, magazine, periodical, or similar publication which is now being issued by a department or establishment of the Government may, in the discretion of the head thereof, be continued, within the limitation of available appropriations or other Government funds, until June 30, 1921, when, if it shall not have been specifically authorized by Congress before that date, such journal, magazine, periodical, or similar publication shall be discontinued.

That contemplates the discontinuance of all of those publications which were not in the meantime provided for by Congress and which were not statistical reports of the condition of the departments of the Government on June 30 last. When the time was about to expire Congress, in the sundry civil bill for 1920, made a provision which extended it up to December 1, 1921, in the following language:

> SEC. 3. Any journal, magazine, periodical, or similar publication which is now being issued by a department or establishment of the Government may, in the discretion of the head thereof, be continued, within the limitation of available appropriations or other Government funds, until December 1, 1921, when, if it shall not have been specifically authorized by Congress before that date, such journal, magazine, periodical, or similar publication shall be discontinued.

There is a good deal of misapprehension as to what that means. Many people are wiring us and making all sorts of demands as to the Labor Review and other statistical reports which, if confined within their legitimate bounds of furnishing

information and not publish magazines and newspapers, are not prohibited by this law. But there is a wide conception that all of these publications go out automatically as the result of this provision.

There is another provision in the same act which confers certain powers on the Joint Committee on Printing, and they have given instructions to the Public Printer which will enable every department to publish everything which it is legitimately entitled to publish as a governmental publication. That will be found on page 1430, volume 41, of the Public Laws in the same act.

Money appropriated under the foregoing allotments shall not be expended for printing or binding for any of the executive departments or other Government establishments, except such as shall be certified in writing to the Public Printer by the respective heads or chiefs thereof to be necessary to conduct the ordinary and routine business required by law of such executive departments or Government establishments, and except such reports, monographs, bulletins, or other publications as are authorized by law or specifically provided for in appropriations herein; all other printing required or deemed necessary or desirable by heads of executive departments or other Government establishments or offices or bureaus thereof shall be done only as Congress shall from time to time authorize.

Therefore each department has the right to have these things necessary for the conduct of the business of the United States with reference to its activities which should be communicated to the general public and to have it printed at the Government Printing Office by certifying that they are certain documents.

When it comes to the point where they want something printed which they are not prepared to certify to, which they are not prepared honestly to say is legitimate under the purview of the law constituting the department, then it ought to be stopped, and it will be stopped. Otherwise the legitimate publications will go on.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. MANN. Statistical publications are still permitted?

Mr. STEVENSON. Yes; they are expressly recognized.

Mr. MANN. Who determines whether a publication is statistical, which may be printed, or reading matter, which may not be published?

Mr. STEVENSON. Primarily the department which proposes to publish it determines that, and according to our construction of this law and the rule adopted by the Joint Committee it must certify that fact to the Public Printer. Then if it be so glaringly not that—if it is so apparently a misrepresentation of the facts—the Public Printer takes the liberty of submitting the matter to the Joint Committee on Printing, which finally does determine it. I do not know that it has any right to do so, but it does do it, and it will certainly not act arbitrarily in refusing a publication. However, if there is anything which is so glaringly improper which is claimed to be statistical the committee would certainly not hesitate to stop its printing.

Adverting to abuses which are growing up and which are attempted to be put across, just this morning we had submitted to us a bulletin from the Navy Department, which it is getting out or wants to get out, with a beautifully colored cover upon it. We do not allow them to publish anything under the law that has colored pictures and all of that without express authorization from the Printing Committee. Here was a bulletin the title of which was, "How to keep fit." It was a pamphlet and was addressed to young men especially who are supposed to be preparing to enlist in the Navy. The subject of how to keep fit was discussed, illustrated, and illuminated, and it was advice on how to keep free from certain diseases peculiar to young men of dissipated habits. In other words, we were asked to issue an expensively gotten-up, beautifully illustrated, colored printed bulletin to the young men of the country on how to avoid certain diseases which need not now be mentioned. That is the kind of thing we meet constantly. Gentlemen will see that we do not lie in a bed of roses always. The committee has made up its mind that this annual waste of two or three millions of dollars expended in the printing of useless publications must stop. They are not only expensive to the Government from the standpoint of the printing and the cost of the paper, but they are an enormous burden to the postal facilities, because they are loaded into the post office and sent everywhere. The practice ought to be stopped.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. JOHNSON of Washington. Also they came before the committee this morning with the request from the Navy Department to have printed as a House document four of the first pamphlets on the history of the Navy in the late war.

Mr. STEVENSON. Yes.

Mr. JOHNSON of Washington. Two have already been printed as monographs to the number to which the Navy is limited, but they find that they are not going to have very great circulation, so that they now have the audacity to determine on a plan of printing them for the Army and the Navy as House documents, something that might run along for 20 years.

Mr. STEVENSON. That is quite true. If gentlemen present have any constituents writing them that the Labor Review is going to be stopped and that therefore the foundations of the Government are being destroyed, I suggest that they write back and ask the people who write to them if they ever saw a copy of it.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LANHAM. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. DAVIS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. DAVIS of Tennessee. Yesterday copies of the Congressional Directory were delivered to all of the Members of the House, and to-day carriers came around taking them all up, with the statement that there was an error in them and that they were going to take them back and reprint them. Can the gentleman tell us what the error is and who is responsible for it and who is going to bear the loss of reprinting them?

Mr. STEVENSON. I have not heard of that incident, but we will undoubtedly have some trouble about it if that is the case. There is a propaganda in the country, especially by the people connected with the Federation of Labor and the Labor Department, which is causing letters to be written here from all over the United States. These letters come from colleges and from ladies' associations, they come from female voters' clubs, and they come from everywhere. It is stated that there is a proposition to stop the Labor Review, and that thereby irreparable damage will be done in the way of crippling all social work in the country. If gentlemen will ask some of these people who write these letters what they know about the Labor Review, they will not receive any reply, because they do not know anything, never having seen a copy of it, but they are simply writing in response to propaganda.

You are at liberty to say to them that if the Labor Review complies with the law as we have put it here to-day, if the Labor Department conforms to the legitimate functions for which it was established, and publishes those things which are legitimately to be used by the institutions of this country, there would be no trouble about its being stopped. However, if they continue to publish a magazine, especially a magazine that reviews books and prints commendations of soviet literature and all that sort of thing, so far as I am concerned, and I think I speak for the Printing Committee of the House, we do not propose that it shall be further published at the expense of the voters of the United States.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. MANN. The Printing Committee has reported favorably the House resolutions which were passed by the Senate to continue all of these publications for a temporary period.

Mr. STEVENSON. Until the 1st of March next.

Mr. MANN. I have been taking an interest in this matter of retrenching expenditures for useless printing for many years. At different times we have passed different acts, but most of them have been evaded or extended in some way. I take it that the gentleman favored that resolution. Would it kill anyone if we stopped them all until they got further authority to go ahead?

Mr. STEVENSON. That resolution was reported by a majority of the House Printing Committee, and I voted for the report with this in view. We were being besought by a great many people who said that certain matter was being destroyed and that they had not had an opportunity to have hearings; that if we would have hearings from all these people they could be concluded by the 1st of March, and then we could stop whatever should be stopped. After canvassing the situation and determining that they can proceed with all that is legitimate, the conclusion of the Printing Committee is to ask that the resolution be recommitted and that the matter rest where it is and let them get along with the authority that they have.

Mr. MANN. I am very glad to hear the statement the gentleman makes that an effort is not to be made to pass that resolution.

Mr. STEVENSON. It looked as if it was necessary to pass it in justice to some people.

Mr. MANN. I was confident it would not pass last Monday by unanimous consent. The truth is these same things now have been more or less pending with the Committee on Printing, authorizing them to continue publications for several years. How much they have authorized I do not know. Apparently sometimes it hits somebody's pet. I am not referring to the Printing Committee.

Mr. STEVENSON. We have none. They are all orphans to us.

Mr. MANN. I would like to see some of these publications stopped. I do not remember now how many there are. I understood a year or so ago that there were about a thousand Government publications—perhaps that is a wild exaggeration—in different forms. I hope the Joint Committee on Printing will not give authority simply because somebody asks for it.

Mr. JOHNSON of Washington. If Congress, and particularly the Budget Committee and the enlarged Appropriation Committee, will pay particular attention to the words "editors" and "subeditors," who want employment to edit a little, we will get some relief.

Mr. MANN. We passed a law some time ago forbidding the Forestry Service to publish anything. What did it do? They changed the form and the name. The only place it can be corrected is in the Government Printing Office under a law where they refuse to furnish printing.

Mr. STEVENSON. I will state to the gentleman that the number when we began this reduction was 200 and odd, and there have been 111 of them cut out. There are, according to my recollection, 112 of them that are still in existence on the 30th of November. I think the likelihood is they will be chopped down to about 50 or 60. I think that is about the situation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ELLIOTT. Mr. Chairman, I ask that the bill be read for amendment.

The Clerk concluded the reading of the bill.

Mr. ELLIOTT. Mr. Chairman, I move that the committee do now rise.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I do not recall a single instance in which unlimited discretion has by law been given to an executive officer to sell land owned by the United States Government in a city at private sale. If such a thing has ever happened, it ought never to happen again. Public property should always be sold after publication of a notice of the proposed sale, and in order to protect the Government that notice should always include the statement that it will be sold to the highest bidder and that the officer acting for the Government reserves the right to reject any or all bids.

That is the only proper way to make sale of public property. But this bill gives the right to the Secretary of the Treasury to sell this land in San Francisco in his discretion to anybody, on any terms, and at private sale. The bill itself, in my judgment, plainly shows that this is not to be a public but a private sale, for it does not provide that if he offer it at public sale he may nevertheless reject any or all bids. That right is not reserved. And there being no reservation of this right, which is absolutely necessary in public sales made bona fide, the bill shows on its face that the property in San Francisco is to be disposed of in private. The bill indicates this, beyond question, to be the fact.

Now, I have just found a law, enacted in 1908, for the construction of a new Federal building at Buffalo, N. Y., and for the sale of the old building. It reads:

That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell the old customhouse and post office building and the site thereof at the corner of Seneca and Washington Streets, in the city of Buffalo and State of New York, at public or private sale, after proper advertisement, at such time and on such terms as he may deem to be for the best interests of the United States, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt: *Provided,*—

And this proviso is important—

Provided, That said building and site shall not be sold for a sum less than $100,000.

In that case the law gave the Secretary the right to sell at public or at private sale, but only "after proper advertisement," and that means after public advertisement. There is nothing of that kind in the bill before us. That law contained also the proviso that the old building and site should not be sold for less than $100,000. The Government protected itself in that way. What was considered to be a fair price was fixed in the law. If he could get more all right, but he could not take less. But the pending bill contains no provision of that kind. It contains no safeguards whatever. The Secretary is to make the sale on any terms in his discretion and in private. The terms need not be made public until after the sale has become effective.

Now, although sometimes this sort of thing may have happened in the history of this Government, it is a practice which ought not to continue. It is a practice wholly vicious. No man, I care not who he may be, should ever be given unlimited discretion to dispose of Government real estate in a city at private sale.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the words "or private."

The CHAIRMAN. Without objection the pro forma amendment is withdrawn. The gentleman from Wisconsin offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amendment by Mr. COOPER of Wisconsin: Page 1, line 5, strike out the words "or private."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. ELLIOTT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it be passed.

The CHAIRMAN. The gentleman from Indiana moves that the committee do now rise and report the bill back to the House with the recommendation that it be passed. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 5700) authorizing the Secretary of the Treasury to sell the old subtreasury property at San Francisco, Calif., had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ELLIOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ACQUISITION OF GOVERNMENT PROPERTY FOR STREET PURPOSES, CHICAGO, ILL.

Mr. CHINDBLOM. Mr. Speaker, by direction of the Committee on Public Buildings and Grounds, I call up the bill (H. R. 9021) to permit the city of Chicago to acquire real estate of the United States of America.

The SPEAKER. The gentleman from Illinois calls up the bill H. R. 9021, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9021) to permit the city of Chicago to acquire real estate of the United States of America.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union for its consideration. The gentleman from Connecticut [Mr. TILSON] will please resume the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9021, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9021, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That in consideration of the payment by the city of Chicago to the United States of America of the just compensation and damages for the real estate hereinafter described, as ascertained by a jury in proceedings to condemn real estate of the United States of America, the city of Chicago is hereby authorized to acquire for street purposes by two separate condemnation proceedings all interests of the United States of America in and to the following-described parcels of real estate, viz:

(a) The east 17 feet of south 100 feet of north 133 feet of west 125 feet of east 158 feet of south quarter of east half of northeast quarter of section 30, township 38 north, range 14 east, of third principal meridian, in the city of Chicago, county of Cook, and State of Illinois; and

(b) The east 17 feet of (except south 149 feet of south 100 feet of north 133 feet of west 125 feet of east 158 feet) south quarter of east half of northeast quarter of section 30, township 38 north, range 14 east, of third principal meridian, in the city of Chicago, count, of Cook, and State of Illinois.

SEC. 2. That the city of Chicago shall assume the burden of reconstruction made necessary by the taking described in section 1 hereof, which reconstruction shall be done subject to inspection by the United States Government. The cost of said reconstruction shall be deducted from the award by jury provided for in section 1 hereof and used by the city of Chicago for this purpose.

SEC. 3. That this act shall be in force from and after its passage.

With a committee amendment, as follows:

Page 2, strike out all of section 2, comprising lines 16 to 22, inclusive, and insert in lieu thereof the following:

"SEC. 2. That the Secretary of War is hereby authorized to expend such portion of said award as in his judgment may be necessary to restore or repair Government buildings or improvements taken or damaged by reason of the taking of said parcels of real estate; and the Attorney General is hereby authorized and directed to accept service and to appear on behalf of the United States to the extent necessary to protect the interest of the United States in said proceedings: *Provided*, That in the event the amount estimated and included in the jury's award for the restoration and repair of said buildings and improvements made necessary by the taking of said parcels of real estate shall prove insufficient for said purposes the city of Chicago shall pay any difference or balance not covered by said award therefor."

Mr. CHINDBLOM. Mr. Chairman and gentlemen of the committee, the city of Chicago some years ago launched a general plan for the improvement of the big thoroughfares in that community. Bond issues have been authorized by the vote of the people of the city for the acquisition of the land necessary for the widening of some of the principal streets, and condemnation proceedings have also been begun for the acquisition of the land necessary. Special assessment proceedings, so called, have also been instituted, under which the property owners are required to contribute their proper shares for the improvement of the streets upon which their properties are located.

One of these principal thoroughfares in Chicago is Ashland Avenue. In 1919, by a vote of the people of the city, a bond issue of $5,800,000 was authorized for the widening of Ashland Avenue. It happens that upon Ashland Avenue the Government of the United States has a piece of property between Seventy-fourth Street and Seventy-fifth Street South, property belonging to the War Department and used by the Ordnance Department. There are some buildings upon it. It is necessary at this point to widen Ashland Avenue 17 feet.

Ashland Avenue has a width in some places of 66 feet and at this particular point a width of 83 feet. It is proposed to enlarge the avenue to a uniform width of 100 feet for a length of 22 miles, running from the extreme north end of the city to pretty nearly the extreme south end. As stated, condemnation proceedings have been begun by the city to acquire the necessary land for this widening of the avenue.

This bill authorizes the bringing of such condemnation proceedings against the United States of America for the acquisition of 17 feet of the west frontage of Ashland Avenue between Seventy-fourth and Seventy-fifth Streets.

Mr. SABATH. Mr. Chairman, will the gentleman yield there?

Mr. CHINDBLOM. Yes.

Mr. SABATH. When was this property acquired, and what is it being used for now? It was acquired during the war, was it not?

Mr. CHINDBLOM. It was acquired principally during the war. Some of it was acquired only in the last two or three years.

Mr. SABATH. It is not being used now?

Mr. CHINDBLOM. There is a storage depot at the corner, as I recall it, of Seventy-fourth Street and Ashland Avenue. One of the buildings involved here has never been used at all. It is supposed that it was intended to be used as a telephone exchange, but it never was so used.

This bill, as I started to say, would authorize condemnation proceedings to be brought by the city for the acquisition of the property owned by the Government.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. GREEN of Iowa. As I understand, if any of these buildings are taken under these condemnation proceedings, they will have to pay whatever damage is done.

Mr. CHINDBLOM. The condemnation proceedings, of course, will require the city to pay not only the value of the land, but as well the value of the buildings taken and the cost of restoration and repairing and rebuilding the portions of the buildings which are taken down.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. WALSH. I did not hear the first part of the gentleman's statement, but has the gentleman found any cases where the property of the United States Government has been placed subject to condemnation proceedings instituted by a municipality or a State?

Mr. CHINDBLOM. Yes. I have found an exact precedent in one of the appropriation bills of the last Congress; and I will say to the gentleman from Massachusetts that this bill follows practically the language which was placed in that bill by the Committee on Appropriations of the last Congress, but this present bill goes into much more detail.

Mr. WALSH. Will the gentleman cite the instance? Does he recall it?

Mr. CHINDBLOM. I looked it up at the particular time that this matter was before the Committee on Public Buildings and Grounds. It was the legislative, executive, and judicial supply bill passed March 3, 1921. The section will be found on page 1310 of volume 41, Public Laws, of the Sixty-sixth Congress.

Two elements of value are involved—the value of the land and the value of the damages to the buildings. So far as the value of the land is concerned, there can be no difference of opinion whatever as to what that value will be as found by the award of the jury, because land in that locality, in fact, as everybody knows, in all cities, is valued upon either a front-foot basis or a square-foot basis. Land here is valued on a square-foot basis, and all of the land in the immediate neighborhood is substantially of the same value. The vacant land in the block south and the land in the block north will be condemned, and there is some vacant land in this block which will be condemned, and the award will easily show the value which the jury places upon the land.

So far as the value of the buildings is concerned, this bill provides that in the event that the award of the jury should not be sufficient—and we have no doubt it will be adequate—to pay for complete restoration and rebuilding of the portions of the buildings which are taken, then the city of Chicago out of its corporate funds shall pay any balance or difference.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. CHINDBLOM. Yes; I yield to the gentleman.

Mr. DAVIS of Tennessee. If these streets are run through there, will they destroy all or simply portions of the existing Government buildings?

Mr. CHINDBLOM. Very small portions. I have a letter here written by Col. D. M. King, of the Ordnance Department of the United States Army, who is located at the Government arsenal at Rock Island, Ill. He made an investigation of this matter for the War Department, and went up to Chicago upon invitation of the city. In a letter dated November 1, 1921, to the Chief of Engineers of the War Department he states fully just what will be taken. He says:

Building A is a two-story building, which is now being used as the Chicago storage depot office. Only a small portion of it is used. Should these condemnation proceedings be approved, 17 feet must be cut from the front end of the building. This will not be detrimental to the operation of the plant. Building B is a one-story storeroom. Seventeen feet would be cut from its front. This can readily be spared. Building C is a concrete one-story building which sets back about 7 feet from the fence. About 10 feet would therefore have to be cut from its front. On the maps of the depot it is marked "Service building." There is nothing installed therein. I can find no one who knows for what it was erected. I am of the opinion, however, that it was for switchboards. Making it 7 feet shorter will not be detrimental. Building D is a concrete one-story building. On the maps of the depot it is marked "transformer vault." There is nothing installed therein. It sets back about 7 feet from the street; therefore about 10 feet would be cut off the front end. This would not be detrimental. Building E (so designated on the accompanying chart) is not a building, but is the extreme ends of the two runways for outside traveling cranes. Cutting off the ends of these craneways will not be detrimental to the plant nor its operation. Building F is a cooling reservoir. It is a concrete open tank, the top of which is practically level with the ground. About 10 feet will have to be cut from the front side of this tank. This would not be detrimental.

That is a complete survey of all of the buildings, showing that in some cases 10 feet will be cut off, and in some cases 17 feet will be cut off, but there will be no injury to the buildings for their present uses, and the buildings will be more than adequate for any purposes for which they have ever been intended.

Mr. DAVIS of Tennessee. Some of them are not in use at all.

Mr. CHINDBLOM. Not in use at all.

Mr. DAVIS of Tennessee. Why should the amount that will be awarded to the Government as incidental damages be expended in repairing buildings for which the Government has no use, instead of paying it into the Treasury?

Mr. CHINDBLOM. If we do not restore the fronts of those buildings, they will stand there with wide-open fronts, and it will not be very long until those buildings are altogether destroyed by the elements. Of course the city of Chicago is really not concerned with the question whether the Government wants to restore its buildings or not, but the War Department wants to have those buildings restored.

Mr. DAVIS of Tennessee. Some of them are really temporary buildings, are they not?

Mr. CHINDBLOM. No; they are not temporary. This property is in the district of my colleague [Mr. SPROUL], in the neighborhood where he lives, and he is entirely familiar with the physical condition there. If the gentleman from Tennessee [Mr. DAVIS] is willing, I suggest that I be permitted to yield a few moments time to him to state the physical situation down there.

Mr. BIRD. Other than pushing back the ingress and egress of these buildings does the contemplated plan change the ingress and egress?

Mr. CHINDBLOM. Not at all. The same fronts will be restored, and exactly the same condition will be reestablished as the present one.

Mr. EVANS. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. EVANS. Can the gentleman give us any information as to what the present value of that property is compared with the cost to the Government?

Mr. CHINDBLOM. I do not think there is any substantial change in the present value as compared with the cost to the Government three or four years ago.

Mr. EVANS. Why should there not be a sufficient award to place the buildings in good condition after the condemnation?

Mr. CHINDBLOM. There will be. There is no question about that. That is the purpose of the condemnation proceedings; but the proviso is put in the committee amendment so that nobody can question that the Government will be adequately and fully recompensed.

Mr. DAVIS of Tennessee. But might there not be enough in excess to pay for the value of the land there and for restoring it?

Mr. CHINDBLOM. There will be. The bill provides only with reference to the cost of restoration, that portion of the award that relates to the restoration, that the city shall pay any deficiency. The portion of the award that relates to the value of the land will be covered into the Treasury beyond any question, as will also any surplus after the building has been rebuilt or restored.

Mr. MANN. Will my colleague yield?

Mr. CHINDBLOM. Certainly.

Mr. MANN. In connection with that there is no authority here, as I understand, for the city to levy a special assessment against this property for benefits by opening the street.

Mr. CHINDBLOM. I thank my colleague for referring to that. I was coming to it. An estimate has been made by the valuation committee of the Chicago Real Estate Board. That board has a valuation committee which places values upon property to be sold or to be purchased upon the request of its members or upon the request of others who pay for the service rendered by the valuation committee of the board. They have placed an estimate of value on the land, upon the value of the portion of the buildings taken, and also on the cost of the rebuilding and restoring; these three elements have been included in the valuation. They have placed a total valuation of $33,360 for the 17 feet running between Seventy-fourth and Seventy-fifth Streets. The valuation placed by the valuation committee of the Chicago Real Estate Board on the increased value of the property and improvements is $8,890. Every other property owner on Ashland Avenue must contribute his share of the increased valuation, but the Government will not be required to contribute anything. In fact, the Government gets its increased value, which has been estimated at $8,890 by the committee, without any expense to the Government.

Now, I will yield to my colleague [Mr. SPROUL] such time as he may desire with reference to the inquiry of the gentleman from Tennessee or of any other Member.

Mr. SPROUL. Mr. Chairman, my colleague has covered the situation so thoroughly that I have not much to say. The Government acquired this property during the war and erected what they claim to be a shell factory, although no shells have ever been manufactured there.

To-day they use it for a storehouse for the Ordnance Department. I am satisfied that the buildings are not going to be damaged, so far as the use to which they want to put them. The city of Chicago was willing to pay for the land and pay for restoring the buildings to as good condition as they are at the present time.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. SPROUL. Yes.

Mr. DAVIS of Tennessee. Does the gentleman believe that it would be advisable for the Government to sell all of that property in view of the fact that it has no further use for it?

Mr. SPROUL. I think it would. I think there is no question about it.

Mr. DAVIS of Tennessee. It might be that a private purchaser would not want the buildings restored at all, that they would not count it in the bid, and that it would be throwing away that much money of the award in restoring the useless buildings.

Mr. SPROUL. No. The buildings should be restored. Those buildings cost about $2,500,000; they cover several blocks, and the most of them are fireproof and of splendid construction. I have understood from several real estate men that several manufacturers have been trying to negotiate for those buildings.

Mr. GREEN of Iowa. Are they suitable for manufacturing?

Mr. SPROUL. Yes.

Mr. STAFFORD. Will the gentleman yield?

Mr. SPROUL. I will.

Mr. STAFFORD. Are these the brick two-story buildings on Seventy-fourth Street which were used after the armistice for storing abandoned machinery by the Ordnance Department?

Mr. SPROUL. Yes; and are still used for that purpose.

Mr. STAFFORD. When I was out of Congress I went down there to inspect the machinery which was to be sold later by the Government. As I recall, they are two-story buildings of structural steel.

Mr. SPROUL. Yes; structural steel and reinforced concrete.

Mr. DAVIS of Tennessee. The gentleman's explanation is sufficient. I had no idea that they were such buildings. I supposed they were temporary structures.

Mr. SPROUL. Yes; they are finely-constructed buildings. I think if the Government decided to sell, it would be possible to get a purchaser for them immediately. They would make splendid buildings for manufacturers. Mr. Chairman, I think my colleague covered the whole ground. The city has provided a bond issue of $5,800,000, and it is really a necessity that it should take this land. Ashland Avenue is practically a business street for 22 miles. There is a great deal of manufacturing on it, and to-day it is almost impossible to get traffic through. The people there want the improvement, and they can not get it unless Congress consents to allow them to commence condemnation proceedings against the Government.

Mr. CHINDBLOM. Mr. Chairman, I will ask if any member of the committee desires any further information on this subject. If not, I will ask that the bill be read for amendment.

Mr. LANHAM. Mr. Chairman, I wish to make a few remarks on the measure. Of course, we all realize that municipal arteries of commerce in a city as large as Chicago are very essential. The purpose of the bond issue which has been mentioned was to afford such a street in the city of Chicago of a width of 100 feet and a length of approximately 22 miles.

This bill as originally drawn was objectionable in section 2. It provided that the city of Chicago should assume the burden of reconstruction and that the cost of this reconstruction should be deducted from the award made by the jury as provided for in section 1. This provision was objectionable to the Secretary of War, who asked that the measure be amended in order that the expenditures for restoration might be made by the War Department under the authority and direction and supervision of the Secretary of War. This insures the restoration of these buildings to the complete satisfaction of the Government. There is a further proviso included in the amended measure that if the award should prove insufficient for this purpose, in so far as the restoration of the buildings is concerned, any additional amount necessary will be paid also by the city of Chicago. It seems to me that for the purpose of facilitating the necessary traffic of this great metropolis, and in consideration of the fact that the contemplated alteration of the buildings will not be a detriment in the service to which the United States is putting them, and that we are to be fully compensated and the restoration is to be made under Government direction, there is no reason why the bill should not pass.

I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman, I am personally familiar with Ashland Avenue. I live on this street and have property within about 2 miles of Seventy-fourth and Seventy-fifth Streets. Ashland Avenue is a section line, and it is absolutely necessary to widen that great thoroughfare. The city and the people of Chicago are greatly interested. Not only have $5,000,000 of bonds been voted but the property owners will be assessed in addition, so that this improvement will cost probably from $10,000,000 to $12,000,000. The people are ready to pay for it. This property which we have acquired during the war I do not think will be of any value to the Government in the future, and it should be disposed of, because the buildings that have been erected, I think, can not be utilized to any advantage. I know the improvement is needed and that Ashland Avenue ought to be widened. It can not be done until we can secure permission to widen that section where the Government is interested. I think the bill should pass.

Mr. CHINDBLOM. Mr. Chairman, I ask that the bill be read for amendment.

The Clerk read as follows:

SEC. 2. That the city of Chicago shall assume the burden of reconstruction made necessary by the taking described in section 1 hereof, which reconstruction shall be done subject to inspection by the United States Government. The cost of said reconstruction shall be deducted from the award by jury provided for in section 1 hereof and used by the city of Chicago for this purpose.

The Clerk read the amendment, as follows:

Committee amendment: Page 2, line 16, strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. That the Secretary of War is hereby authorized to expend such portion of said award as in his judgment may be necessary to restore or repair Government buildings or improvements taken or damaged by reason of the taking of said parcels of real estate; and the Attorney General is hereby authorized and directed to accept service and to appear on behalf of the United States to the extent necessary to protect the interest of the United States in said proceedings: *Provided*, That in the event the amount estimated and included in the jury's award for the restoration and repair of said buildings and improvements made necessary by the taking of said parcels of real estate shall prove insufficient for said purposes the city of Chicago shall pay any difference or balance not covered by said award therefor."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. CHINDBLOM. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9021) to permit the city of Chicago to acquire real estate of the United States of America, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CHINDBLOM, a motion to reconsider the vote by which the bill was passed was laid on the table.

PANAMA CANAL.

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the annual report of the governor of the Panama Canal for the fiscal year ended June 30, 1921.

WARREN G. HARDING.

THE WHITE HOUSE, *December 7, 1921.*

STATE DEPARTMENT.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Expenditures in the State Department:

To the House of Representatives:

I transmit herewith a statement by the Secretary of State, with accompanying papers, of appropriations, expenditures, and balances of appropriations under the control of the Department of State for the fiscal year ended June 30, 1921.

WARREN G. HARDING.

THE WHITE HOUSE, *December 7, 1921.*

DEPARTMENT OF AGRICULTURE.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Expenditures in the Department of Agriculture:

THE WHITE HOUSE,
Washington, December 7, 1921.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In compliance with the provisions of the act of June 30, 1906, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907 (34 Stat., p. 679), I have the honor to transmit herewith for the information of Congress a statement of the number of persons employed in meat inspection, the salary or per diem paid to each, where they have been or are employed, together with contingent expenses for the period beginning July 1, 1920, and ending June 30, 1921. This statement was prepared by the Secretary of Agriculture.

Respectfully,

WARREN G. HARDING.

PORTO RICO.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Insular Affairs:

To the Congress of the United States:

As required by section 12 of the act of Congress approved March 12, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith for the information of Congress the report of the Governor of Porto Rico for the fiscal year ended June 30, 1921.

This report will not be printed as a part of the annual report of the War Department as heretofore.

WARREN G. HARDING.

THE WHITE HOUSE, *December 7, 1921.*

BUREAU OF EFFICIENCY.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Appropriations:

To the Congress of the United States:

As required by the acts of March 4, 1915, and February 28, 1916, I transmit herewith the reports of the United States Bureau of Efficiency for the years ended October 31, 1919, 1920, and 1921.

WARREN G. HARDING.

THE WHITE HOUSE, *December 7, 1921.*

AVIATION.

The SPEAKER also laid before the House the following message from the President of the United States, which was read:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I transmit herewith the seventh annual report of the committee for the fiscal year ended June 30, 1921.

I think there can be no doubt that the development of aviation will become of great importance for the purposes of commerce, as well as for national defense. While the material progress in aircraft has been remarkable, the use has not as yet been extensively developed in America. This has been due, in the main, to lack of wise and necessary legislation. Aviation is destined to make great strides, and I believe that America, its birthplace, can and should be foremost in its development.

I therefore urge upon the Congress the advisability of giving heed to the recommendations of the committee, the first and most important of which is that a bureau be established in the Department of Commerce for the regulation and development of air navigation.

WARREN G. HARDING.

THE WHITE HOUSE, *December 7, 1921.*

The SPEAKER. That will be referred to the Committee on Appropriations.

Mr. WALSH. Do I understand the Speaker refers that to the Committee on Appropriations?

The SPEAKER. The Chair did so, but the Chair is questioning the accuracy of that. The matter always has been referred to the Committee on Appropriations, but the gentleman probably has in mind that this suggests legislation. The Chair is informed that a bill has been introduced providing for such a bureau and that that bill has been referred to the Committee on Interstate and Foreign Commerce.

Therefore, unless there is some other suggestion, the Chair will ask unanimous consent to change the reference to the Committee on Interstate and Foreign Commerce. Is there objection? [After a pause.] The Chair hears none.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 81. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to the dead of the First Division, American Expeditionary Forces, in the World War.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2708. An act to authorize the Secretary of War to transfer without charge certain surplus material of the War Department to the American Relief Administration in Russia; to the Committee on Military Affairs.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 36 minutes p. m.) the House adjourned until Thursday, December 8, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

379. A letter from the Acting Secretary of the Interior, transmitting a report showing proceeds from the "Sale of surplus and obsolete material and equipment during the fiscal year ended June 30, 1921," and from "Collections from town-site assessments during the fiscal year ended June 30, 1921, in the Territory of Alaska"; to the Committee on Appropriations.

380. A letter from the Librarian of the Library of Congress, transmitting annual report of the Librarian of Congress and the annual report of the superintendent of the Library building and grounds for the fiscal year ended June 30, 1921; to the Committee on the Library.

381. A letter from the Acting Attorney General, transmitting statement of the expenditures under appropriations for the United States Court of Customs Appeals for the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Department of Justice.

382. A letter from the Acting Attorney General, transmitting report showing for the first four months of the fiscal year 1922 the average number of employees, including the courts of the United States, receiving the increased compensation at the rate of $240 per annum; also the average number by grades receiving the same at each other rate; to the Committee on Appropriations.

383. A letter from the Secretary of the Navy, transmitting report showing the number of officers and employees of the Navy Department who during the fiscal year ended June 30, 1921, traveled on official business from Washington to points outside the District of Columbia; to the Committee on Expenditures in the Navy Department.

384. A letter from the Secretary of the Navy, transmitting statements showing exchanges made during the fiscal year ended June 30, 1921, of typewriters, adding machines, and other similar labor-saving devices by the Navy Department and Naval Establishment, including the United States Marine Corps; to the Committee on Expenditures in the Navy Department.

385. A letter from the Secretary of the Navy, transmitting statement showing the amount of pay and allowances by ranks and ratings for officers and enlisted men of the Navy; to the Committee on Expenditures in the Navy Department.

386. A letter from the Secretary of the Treasury, transmitting statement of the expenditures of the Coast Guard for the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Treasury Department.

387. A letter from the Secretary of the Treasury, transmitting report in detail giving the number of the various publications issued by the Treasury Department during the fiscal year ended June 30, 1921; to the Committee on Printing.

388. A letter from the Secretary of the Treasury, transmitting annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1921; to the Committee on Ways and Means.

389. A letter from the Secretary of War, transmitting 865 reports of inspections of disbursements and transfers by officers of the Army received in the office of the Inspector General during the past fiscal year; to the Committee on Expenditures in the War Department.

390. A letter from the Acting Secretary of the Interior, transmitting a statement showing the documents received and distributed during the fiscal year 1921; to the Committee on Printing.

391. A letter from the Acting Secretary of the Interior, transmitting report of number of employees who have traveled on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Interior Department.

392. A letter from the Secretary of War, transmitting a letter from the Chief of Ordnance, United States Army, together with the statement of the cost of manufacture for the fiscal year ended June 30, 1921, at the several named United States arsenals and at Springfield Armory; to the Committee of Military Affairs.

393. A letter from the Secretary of War, transmitting letter from The Adjutant General, United States Army, together with a statement of publications on hand, received, and issued by the War Department during the fiscal year ended June 30, 1921; to the Committee on Printing.

394. A letter from the President of the United States, transmitting the annual report of the governor of the Panama Canal for the fiscal year ended June 30, 1921; to the Committee on Interstate and Foreign Commerce.

395. A letter from the President of the United States, transmitting statement by the Secretary of State, with accompanying papers, of appropriations, expenditures, and balances of appropriations under the control of the Department of State for the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Department of State.

396. A letter from the President of the United States, transmitting statement of the number of persons employed in meat inspection, the salary paid each, where they have been or are employed, together with contingent expenses for the period beginning July 1, 1920, and ending June 30, 1921; to the Committee on Expenditures in the Department of Agriculture.

397. A letter from the President of the United States, transmitting the report of the Governor of Porto Rico for the fiscal year ended June 30, 1921; to the Committee on Insular Affairs.

398. A letter from the President of the United States, transmitting the reports of the United States Bureau of Efficiency for the years ended October 31, 1919, 1920, and 1921; to the Committee on Appropriations.

399. A letter from the President of the United States, transmitting the seventh annual report of the National Advisory Committee for Aeronautics for the fiscal year ended June 30, 1921; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 8815) to authorize certain homestead settlers or entrymen on United States reclamation projects who entered the military or naval service of the United States during the war with Germany to make final proof of their entries, reported the same with an amendment, accompanied by a report (No. 500), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Pennsylvania, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 8818) granting the consent of Congress to the city of Pittsburgh, a municipal corporation of the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania, reported the same without amendment, accompanied by a report (No. 501), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9050) granting the consent of Congress to the Pamunkey Ferry Co. to construct a bridge across the Pamunkey River in Virginia, reported the same without amendment, accompanied by a report (No. 502), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. YOUNG: A bill (H. R. 9381) to provide for the extension of time within which loans may be made by the War Finance Corporation and the extension of the time within which the corporation shall proceed to liquidate its assets and wind up its affairs; to the Committee on Banking and Currency.

By Mr. WILLIAMSON: A bill (H. R. 9382) to authorize the Secretary of the Interior to extend payment of construction charges on reclamation projects for one year, and for other purposes; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 9383) to authorize the erection of a monument as a memorial to Indians of the Rosebud Reservation who lost their lives in the recent World War; to the Committee on Indian Affairs.

By Mr. GRIEST: A bill (H. R. 9384) to provide a 1-cent postage rate on local letters and expedite the handling of that class of mail matter; to the Committee on the Post Office and Post Roads.

By Mr. CABLE: A bill (H. R. 9385) to amend an act entitled "An act to limit the immigration of aliens into the United States"; to the Committee on Immigration and Naturalization.

By Mr. LYON: A bill (H. R. 9386) to grant the consent of Congress to the Whiteville Lumber Co., of Goldsboro, N. C., to construct a bridge across the Waccamaw River at or near Pireway Ferry, county of Columbus, N. C.; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: Joint resolution (H. J. Res. 228) interpreting section 50 (section 47c as amended), national defense act, approved June 3, 1916; to the Committee on Military Affairs.

By Mr. KAHN: Joint resolution (H. J. Res. 229) for the suppression of the manufacture and transportation of opium and other habit-forming drugs; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 9387) granting a pension to Mary Yancy; to the Committee on Pensions.

By Mr. FROTHINGHAM: A bill (H. R. 9388) granting a pension to Mary B. Thorpe; to the Committee on Invalid Pensions.

By Mr. HARDY of Colorado: A bill (H. R. 9389) granting a pension to Margaret M. Browning; to the Committee on Invalid Pensions.

By Mr. HAWES: A bill (H. R. 9390) granting a pension to Anna Dabel; to the Committee on Invalid Pensions.

By Mr. JONES of Pennsylvania: A bill H. R. 9391) granting a pension to Celina B. Lyon; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 9392) granting a pension to Hannah McReynolds; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 9393) granting a pension to George Warner; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 9394) granting a pension to Emeline Walker Swanson; to the Committee on Invalid Pensions.

By Mr. RANKIN: A bill (H. R. 9395) granting a patent to Gus McLeod and Mary Pearson McLeod Hambrick; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3224. By Mr. BOND: Petition of employees of the New York Navy Yard, suggesting means of relief for said employees in the event of the success of the Disarmament Conference, which would mean the elimination of the navy yards; to the Committee on Naval Affairs.

3225. By Mr. CONNOLLY of Pennsylvania: Petition of 340 citizens of the fifth congressional district of Pennsylvania, favoring the limitation of armament and urging the adoption by Congress of Senate resolution 173; to the Committee on Foreign Affairs.

3226. Also, petition of 660 citizens of the fifth congressional district of Pennsylvania, urging the recognition of the republic of Ireland; to the Committee on Foreign Affairs.

3227. By Mr. FENN: Petition of Reverend W. A. Harty Branch, Ancient Order of Hibernians, of New Britain, Conn., asking that the representatives of the United States at the Limitation of Armaments Conference make no entangling alliances with any nation, etc.; to the Committee on Foreign Affairs.

3228. By Mr. HUTCHINSON: Resolution submitted on behalf of the Methodist Episcopal Church of Hampton, N. J., urging the adoption of House joint resolution 159; to the Committee on the Judiciary.

3229. By Mr. KISSEL: Petition of Frank J. Brial, James J. McCarthy, John J. Lynch, James J. O'Keefe, Francis W. Stulz, and James Treacy, all of Brooklyn, N. Y.; to the Committee on Reform in the Civil Service.

3230. By Mr. RANSLEY: Petition of thousands of citizens of the third congressional district of Pennsylvania, urging recognition of the republic of Ireland by the United States; to the Committee on Foreign Affairs.

3231. By Mr. WATSON: Resolutions passed by the Elk County Manufacturers' Association, favoring American valuation plan; to the Committee on Ways and Means.

SENATE.

THURSDAY, *December 8, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we rejoice before Thee this morning that Thy mercies fail not, and that as we come into Thy presence we are assured of Thy guidance and help. May we so realize that blessedness of trust in Thee that this day shall be memorable in our history in the accomplishment of duties well attended to, and in the right consciousness of duties well preserved to Thy glory. For Thy name's sake. Amen.

GEORGE W. NORRIS, a Senator from the State of Nebraska, and JOHN K. SHIELDS, a Senator from the State of Tennessee, appeared in their seats to-day.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORT OF THE SURGEON GENERAL, PUBLIC HEALTH SERVICE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Surgeon General of the Public Health Service for the fiscal year ended June 30, 1921, which was referred to the Committee on Finance.

REPORT OF THE ATTORNEY GENERAL.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, pursuant to law, his annual report for the year ended June 30, 1921, which was referred to the Committee on the Judiciary.

DOCUMENTS DISTRIBUTED BY INTERIOR DEPARTMENT.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a statement showing documents received and distributed during the fiscal year 1921, which was referred to the Committee on Printing.

TRAVEL OF OFFICERS, INTERIOR DEPARTMENT.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a detailed statement showing what officers of the department (other than special agents, inspectors, or employees who in discharge of their regular duties are required constantly to travel) have traveled from Washington on official business to points outside of the District of Columbia during the fiscal year ended June 30, 1921, which was referred to the Committee on Appropriations.

PUBLICATIONS OF DEPARTMENT OF AGRICULTURE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed report of the aggregate number of publications issued by the department during the fiscal year ended June 30, 1921, together with the cost of preparation, paper, printing, etc., which was referred to the Committee on Printing.

REPORT OF THE INTERSTATE COMMERCE COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the thirty-fifth annual report of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

TRAVELING EXPENSES, DIRECTOR UNITED STATES BOTANIC GARDEN.

The VICE PRESIDENT laid before the Senate a communication from the Acting Director of the United States Botanic Garden, transmitting, pursuant to law, a report of travel expenditures by the director for the year ended June 30, 1921, which was referred to the Committee on the Library.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 5700. An act authorizing the Secretary of the Treasury to sell the old subtreasury property at San Francisco, Calif.;

H. R. 8401. An act to transfer the custody and control of the United States customhouse wharf at Charleston, S. C., from the Treasury Department to the War Department; and

H. R. 9021. An act to permit the city of Chicago to acquire real estate of the United States of America.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 81) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to the dead of the First Division, American Expeditionary Forces, in the World War, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. McLEAN presented a resolution adopted at a meeting of citizens of Watertown, Conn., indorsing the Conference on Limitation of Armament and the leadership of the United States in making military and naval sacrifices, etc., which was referred to the Committee on Foreign Relations.

He also presented eight letters and a telegram in the nature of petitions from sundry citizens of New Britain, Bridgeport, and Ansonia, all in the State of Connecticut, praying for the passage of Senate resolution 173, expressing the hope that the differences between Great Britain and Ireland may be speedily composed, which were referred to the Committee on Foreign Relations.

He also presented a petition of 942 employees of the Waterbury Clock Co., of Waterbury, Conn., praying for the enactment of the so-called Fordney tariff bill with the American valuation plan included, so as to enable manufacturers to better meet foreign competition and maintain American living standards for employees, which was referred to the Committee on Finance.

Mr. DILLINGHAM presented resolutions adopted by Division No. 2, Ancient Order of Hibernians, of West Rutland, Vt., indorsing the so-called La Follette resolution relative to Ireland, which were referred to the Committee on Foreign Relations.

Mr. WILLIS presented a resolution adopted by the Cincinnati (Ohio) Clearing House Association, protesting against inclusion in the tax law of the $300 exemption on dividends or interest from domestic building and loan associations, which was referred to the Committee on Finance.

PRINTING OF TREATIES WITH GERMANY AND AUSTRIA.

Mr. MOSES, from the Committee on Printing, reported a resolution (S. Res. 185), which was considered by unanimous consent and agreed to, as follows:

Resolved, That the treaties between the United States and Germany and Austria be printed as a Senate document.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 2801) to amend section 21 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896; to the Committee on the Judiciary.

By Mr. STERLING:

A bill (S. 2802) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Civil Service.

By Mr. HEFLIN:

A bill (S. 2803) to amend an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 4, 1920; to the Committee on Military Affairs.

By Mr. McNARY (for Mr. JOHNSON):

A bill (S. 2804) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; to the Committee on the Judiciary.

By Mr. DILLINGHAM:

A bill (S. 2805) granting an increase of pension to Julia A. Roberts (with accompanying papers); to the Committee on Pensions.

By Mr. CARAWAY:

A bill (S. 2806) for the relief of Paul B. Belding; to the Committee on Claims.

A bill (S. 2807) granting an increase of pension to Mrs. M. E. Jackman; to the Committee on Pensions.

A bill (S. 2808) making eligible for retirement under the same conditions as now provided for officers of the Regular Army, Lieut. Leonard C. Boyd, an officer of the United States Army during the World War, who incurred physical disability in line of duty; to the Committee on Military Affairs.

By Mr. ELKINS:

A bill (S. 2809) granting a pension to John D. Crouch; to the Committee on Pensions.

A bill (S. 2810) to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States, as amended and reenacted by an act approved August 22, 1914; to the Committee on the Judiciary.

By Mr. McNARY:

A bill (S. 2811) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States; to the Committee on Irrigation and Reclamation.

By Mr. NORBECK:

A bill (S. 2812) authorizing the Secretary of the Interior to extend the payment of construction charges on reclamation projects for one year, and for other purposes; to the Committee on Irrigation and Reclamation.

AMENDMENT OF DEFICIENCY APPROPRIATION BILL.

Mr. WELLER submitted an amendment proposing that the Comptroller General of the United States be authorized to audit and adjust the claim of the city of Baltimore, Md., for reimbursement for money expended and for obligations incurred and paid to aid the United States in the construction of works of defense in and around the city of Baltimore during the Civil War, intended to be proposed by him to House bill 9237, the deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by title and referred to the Committee on Public Buildings and Grounds:

H. R. 5700. An act authorizing the Secretary of the Treasury to sell the old Subtreasury property at San Francisco, Calif.;

H. R. 8401. An act to transfer the custody and control of the United States customhouse wharf at Charleston, S. C., from the Treasury Department to the War Department; and

H. R. 9021. An act to permit the city of Chicago to acquire real estate of the United States of America.

INVESTIGATION OF LOBBYING ACTIVITIES.

The VICE PRESIDENT. The morning business is closed.

Mr. KING. Mr. President, I move that the Senate proceed to the consideration of Senate resolution 77.

The VICE PRESIDENT. The Senator from Utah moves that the Senate proceed to the consideration of Senate resolution 77, proposing to create a special committee to investigate the expenditures made in behalf of various propaganda and in the maintenance of lobbies in Washington.

Mr. WADSWORTH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Robinson
Borah	Frelinghuysen	McNary	Sheppard
Bursum	Harris	Moses	Shortridge
Capper	Harrison	Myers	Spencer
Culberson	Heflin	Nelson	Sterling
Curtis	Jones, Wash.	Nicholson	Trammell
Dial	Kendrick	Norbeck	Wadsworth
du Pont	Keyes	Norris	Walsh, Mont.
Edge	King	Page	Warren
Elkins	Ladd	Phipps	Weller
Fernald	Lenroot	Poindexter	

Mr. CURTIS. I was requested to announce that the Senator from Pennsylvania [Mr. PENROSE], the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. McLEAN], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Indiana [Mr. WATSON], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from New York [Mr. CALDER] are engaged in hearings before the Committee on Finance.

I was also requested to announce that the Senator from Connecticut [Mr. BRANDEGEE], the Senator from Kentucky [Mr.

ERNST], the Senator from Ohio [Mr. WILLIS], the Senator from North Carolina [Mr. OVERMAN], and the Senator from Tennessee [Mr. SHIELDS] are engaged on business of the Senate.

I also wish to announce that the Senator from Oklahoma [Mr. HARREID] is absent on account of illness, and that the Senator from Nevada [Mr. ODDIE] is absent on business of the Senate.

Mr. HEFLIN. I wish to announce that my colleague [Mr. UNDERWOOD] is absent on account of the death of his mother.

Mr. HARRISON. I desire to announce that the senior Senator from Mississippi [Mr. WILLIAMS] is detained at home on business, and that the junior Senator from Rhode Island [Mr. GERRY] is necessarily detained by illness.

I wish also to announce that the Senator from Georgia [Mr. WATSON] is absent on official business.

The VICE PRESIDENT. Forty-three Senators having answered to their names, a quorum is not present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and Mr. CARAWAY, Mr. FRANCE, and Mr. TOWNSEND answered to their names when called.

Mr. DIAL. I desire to state that my colleague [Mr. SMITH] is unavoidably detained from the Senate.

Mr. GLASS, Mr. MCKINLEY, Mr. BALL, Mr. CARAWAY, Mr. CALDER, Mr. PITTMAN, Mr. BROUSSARD, Mr. MCLEAN, Mr. SUTHERLAND, Mr. LA FOLLETTE, Mr. KELLOGG, and Mr. WALSH of Massachusetts entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-eight Senators having answered to their names, a quorum of the Senate is present. The question is on the motion of the Senator from Utah [Mr. KING] that the Senate proceed to the consideration of Senate resolution No. 77, being a resolution submitted by him May 12, 1921, proposing to create a special committee to investigate the expenditures made in behalf of various propaganda and in the maintenance of lobbies in Washington.

Mr. STERLING. Mr. President, I should like to ask if a committee of the Senate was not appointed under a similar resolution?

Mr. KING. Replying to the Senator from South Dakota, I desire to say that this resolution when it was originally introduced was referred to the Committee on the Judiciary. The Committee on the Judiciary appointed a subcommittee, of which the Senator from Iowa [Mr. CUMMINS], the Senator from South Dakota [Mr. STERLING], and the Senator from Montana [Mr. WALSH] were named as members for the consideration of the subject embraced in the resolution. That committee had some hearings, and later reported back a resolution, which is now upon the calendar.

Mr. STERLING. The Senator from Utah refers to the resolution relating to the investigation of the dye industry?

Mr. KING. Yes. They modified the resolution as it was introduced, limiting the investigation to the dye lobby and its activities. That resolution was then, as a mere matter of form, as I supposed, referred to the Committee to Audit and Control the Contingent Expenses of the Senate. That committee reported the resolution back with one amendment, eliminating the clause of the resolution as it came from the Committee on the Judiciary which authorized the sending for witnesses, and so forth. That resolution is now on the calendar. The explanation was made by the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate that the committee eliminated that provision of the resolution because they considered it a duplication, the committee already having the power to send for witnesses and to incur the necessary expenses incident to the proposed investigation.

Mr. STERLING. I recall that discussion.

Mr. KING. I insisted that, even if the committee possessed that power, there would be no impropriety, "to make assurance double sure," in permitting the provision to stand.

Mr. STERLING. But, as I understand, the resolution for which the Senator from Utah asks consideration is another resolution providing for the appointment of a special committee?

Mr. KING. No; it is the same resolution, and I am now asking for its consideration. Objections to the consideration of the resolution have been made and its passage has been blocked thereby.

Mr. STERLING. The Senator's request is now confined to the resolution as reported?

The VICE PRESIDENT. The question is on the motion of the Senator form Utah [Mr. KING] to proceed to the consideration of the resolution.

Mr. FRELINGHUYSEN. The motion, I understand, is as to whether we shall or shall not take up the resolution?

The VICE PRESIDENT. The question is on the motion to take up the resolution.

The motion was agreed to.

The VICE PRESIDENT. The Chair lays the resolution before the Senate, and it will be read.

The reading clerk read the resolution (S. Res. 77) which had been reported by the Committee on the Judiciary with an amendment in the nature of a substitute and subsequently reported by the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment to strike out the last paragraph of the substitute resolution in the following words:

Resolved further, That the committee is authorized to subpœna witnesses, send for persons and papers, to administer oaths, and to employ the necessary clerical assistance in the prosecution of such investigation.

So as to make the resolution read:

Whereas it has been charged that the dye industry is controlled by a combination of corporations and that it is in fact a monopoly, and that in order to maintain such monopoly and obtain an embargo against the importation of competing dyes, has employed agents, attorneys, and lobbyists to influence Congress in behalf of special legislation in the interest of such dye monopoly: Now, therefore, be it

Resolved, That the Committee on the Judiciary, or any subcommittee thereof, is hereby authorized and instructed to investigate the charge that the dye industry is controlled by a combination of corporations which is in fact a monopoly and has employed agents, attorneys, and lobbyists to influence Congress in behalf of special legislation in the interest of such monopoly, and report its findings to the Senate, together with such recommendations as it may deem appropriate.

Mr. FRELINGHUYSEN. I offer the amendment to the resolution which I send to the desk. I ask that it may be read, and I then desire to be heard upon it.

The VICE PRESIDENT. The Secretary will state the amendment proposed by the Senator from New Jersey.

The reading clerk read as follows:

On page 3, after the word "monopoly," in line 18, it is proposed to insert a semicolon and the following:

"to investigate the activities and methods of importers of dyes from Germany, and their agents, attorneys, and lobbyists to influence Congress in behalf of special legislation, and to investigate the dye and chemical industries of the United States, and the supply and distribution methods, within the United States and elsewhere, of the German dye and chemical industries, with a view to recommending proper legislation."

Mr. FRELINGHUYSEN. Mr. President, I have no desire to prevent an investigation by the Senate of the United States of any abuses by any combination of capital or any industry in this country. If such abuses exist or there is a belief that they exist, it is the duty of those who suspect such mischief to see to it that an investigation shall be made.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. FRELINGHUYSEN. I yield.

Mr. NORRIS. Will the Senator state the effect of his amendment on the resolution? I have heard it read, but I could not tell from the reading just what the effect would be on the original resolution.

Mr. FRELINGHUYSEN. I shall be very glad to do so in the course of my remarks, if the Senator is willing to wait until that time.

Mr. KING. Mr. President, will the Senator yield?

Mr. FRELINGHUYSEN. I yield.

Mr. KING. While I believe that the amendment offered by the Senator from New Jersey is incongruous with the resolution before the Senate and introduces into the proposed investigation a matter which is entirely foreign to the purposes of the resolution, yet if the Senator desires to have the investigation broadened and an incongruous investigation made I have no objection, and I accept the amendment.

Mr. FRELINGHUYSEN. Mr. President, I think I can show that the amendment I have suggested is entirely relevant to the purposes of the proposed inquiry and investigation.

Mr. KING. Mr. President——

Mr. FRELINGHUYSEN. I yield; I wish to be courteous to the Senator.

Mr. KING. I merely wanted to state to the Senator that I accepted his amendment. If he does not desire me to accept it, I withdraw the tender.

Mr. FRELINGHUYSEN. It is perfectly agreeable to me if the Senator is willing to accept the amendment. I thought he was about to object to it.

Mr. POINDEXTER. The Senator has no right to accept it; the Senate has a right to vote on it.

Mr. FRELINGHUYSEN. Mr. President, I simply desire to be heard upon this subject. I intend to oppose the resolution, because I believe at this time it is unnecessary and unwarranted and that it will interfere with the great national defense policy of this country.

I believe that the motive behind the resolution is antagonistic to an industry that is very necessary to the national defense, an industry which at this time is prostrate and practically

paralyzed by reason of the fact that it is uncertain as to what the policy of the Congress will be, and those interested in it are not willing to take the ordinary business chances owing to the antagonism of certain Senators in this body. I believe, further, Mr. President, that the menace of a dye monopoly does not exist, but that the great menace that exists is that Germany will again control the dye business in this country and destroy the American industry which was fostered and built up during the war.

It has been stated that there is a dye monopoly. I am informed that an attack has been made on the du Pont interests, and it is charged that they constitute the monopoly. Mr. President, I know nothing of the du Pont interest; I know nothing of the general dye interests of the country. I have been informed that the du Pont interests are limited to 17 per cent of the dye production of the United States; that the National Aniline Co. controls, perhaps, 25 per cent, and that the remaining 60 per cent is in the hands of from 200 to 300 independent chemical concerns. There are at the present time in my State 204 independent chemical dye plants, and I have in my hand, and desire to insert in the RECORD, a list of those plants. In capital they vary from $5,000 to a million dollars. They are absolutely independent of any dye monopoly. At the beginning of the war there were a few chemical plants in this country, and when it was found that Germany had prepared herself for the World War and practically had a monopoly of the dyes and a monopoly of war munitions, these plants were employed in making munitions of war. They were augmented by other factories that were built for that purpose; and if it had not been for the genius and energy of these men during the war the Allies across the sea would have had no war munitions, no powder, and no materials with which to confront the attack of the Germans. As a result of the genius and energy manifested *not only in my* State but all over this country, these plants sprang up, and it was by reason of their efforts that civilization was saved.

I ask that the list of these plants be placed in the RECORD to show that there is a very large independent chemical interest in this country.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

LIST OF CHEMICAL AND DYESTUFF FACTORIES IN NEW JERSEY.

Acme Chemical Co., 501 Federal Street, Camden.
Acme Chemical & Supply Co., 411 Halsey Street, Newark.
Air Reduction Co., 134 Halladay Street, Jersey City.
Amalgamated Dyestuff & Chemical Co., Plum Point Lane, Newark.
American Agricultural Chemical Co., Carteret.
American Aniline Products (Inc.), 309 Sussex Street, Harrison.
American Bromine Co., Maywood.
American Chemical Co., Hudson Heights.
American Cyanamid Co., Warners and Elizabeth.
American Oil & Supply Co., 52 Lafayette Street, Newark.
American Pharmaceutical Co., post-office box 1718, Paterson.
American Synthetic Dyes Co., Newark.
Ammo-Phos Corporation, post-office box 36, Elizabeth.
Anderson Chemical Co., Wallington.
Antimony & Compounds Co. of America, post-office box 293, New Brunswick.
Atlas Powder Co., Landing.
Ault & Wiborg Co., 312 Washington Street, Jersey City.
Austin Color & Chemical Co., Lester and Brown Streets, Newark.
Avri Chemical Co., Jersey City.
J. T. Baker Chemical Co., Phillipsburg.
Barnes Chemical Works, Paterson.
Barrett Co., Elizabeth.
Battelle & Renwick, 115 Morris Avenue, Jersey City.
Bayway Chemical Co., Elizabeth.
Belleville Metal & Chemical Co., Belleville.
Dr. Bengue, 415 Kerrigan Avenue, West Hoboken.
Block Chemical Works, Berkeley Heights.
Bound Brook Chemical Corporation, Somerville.
Brauer & Co., Elijah, 48 Paterson Street, Jersey City.
British-American Chemical Co., Ridgefield Park.
Bulls Ferry Chemical Co., Hudson Heights.
Bureau of Explosives, South Amboy.
W. J. Bush & Co. (Inc.), Linden.
Butterworth-Judson Corporation, Newark.
Calco Chemical Co., Bound Brook.
Camden Chemical Manufacturing Co., Camden.
John Campbell & Co., Plum Point Lane, Newark.
Capes-Viscose Co., Delawanna.
Carbo-Hydrogen Co., Bayonne.
G. W. Carnick Co., 5 Skillman Avenue, Jersey City.
Celluloid Co., Newark.
Cellulose Products Corporation, 78 Paris Street, Newark.
Central Dyestuff & Chemical Co., Plum Point Lane, Newark.
Chemical Co. of America, Springfield.
Chipman Chemical Eng. Co., Bound Brook.
Antoine Chiris Co., Delawanna.
Chrome Color Works, Matawan.
Citro Chemical Co., Maywood.
Clifton Chemical Laboratory, Passaic.
Coiform Chemical Co., Dundee Lake.
Condensite Co. of America, Bloomfield.
Consolidated Color & Chemical Co., Brown and Lester Avenues, Newark.
Charles Cooper & Co., 346 Van Buren Street, Newark.
Cosmos Chemical Co. (Inc.), 709 Berckman Street, Plainfield.
Crescent Color & Chemical Works, Dunellen.
Crown Color & Chemical Co., Bound Brook.
Dehls & Stein (Inc.), 243 South Street, Newark.
Dooner & Smith Chemical Co., 376 Mulberry Street, Newark.
E. E. du Pont de Nemours & Co., Parlin, Arlington, Lodi.
Dye Products Chemical Co. (Inc.), 202 Vanderpool Street, Newark.
Eastern Products Corporation, Asbury Park.
Eastwood Chemical Co., Belleville.
Edel Laboratories (Inc.), 116 Market Street, Newark.
Edison (Inc.), Thomas A., West Orange.
Essex Laboratories (Inc.), 245 N. J. R. R. Avenue, Newark.
Eureka Flint & Spar Co., Trenton.
L. Feuchtwanger & Co., Little Ferry.
Fine Colors Co., 21 McBride Avenue, Paterson.
Flotation Oil & Chemical Co., Elizabeth.
Fore Chemical Works, 132 Monroe Street, Garfield.
Foster-Heaton Co., 27 Bager Avenue, Newark.
Franco-American Chemical Works, Carlstadt.
Fries Bros., Orange and Hill Streets, Bloomfield.
General Bakelite Co., Perth Amboy.
General Chemical Co., Edgewater.
General Supply Co., 262 Bertrand Avenue, Perth Amboy.
Globe Chemical Co. (Inc.), 168 Broadway, Jersey City.
Goodrich-Lockhart Co., Fords.
Grasselli Chemical Co., Grasselli.
Guarantee Products Co., 709 Berckman Street, Plainfield.
Haack & Co., 800 Broad Street, Newark.
Hanovai Chemical and Manufacturing Co., 233 N. J. R. R. Avenue, Newark.
Harrison Manufacturing Co., 55 Union Street, Rahway.
Heller & Merz Co., Wilson and L Avenues, Newark.
Hercules Powder Co., Kenvil.
Morris Herrmann & Co., 878 Mount Prospect Avenue, Newark.
Heyden Chemical Works, Garfield.
High Products Chemical Co., 37 Rich Street, Irvington.
Himadl, D. A., Lodi.
Johann Hoff Co., 42 Jellof Avenue, Newark.
Hygienic Chemical Co., Elizabeth.
Ideal Disinfectant Co., 9 Orchard Street, Newark.
Import & By-Products Co. (Inc.), Trenton.
Industrial Products Co., Trenton.
International Chemical Co., Camden.
International Coal Products Co., 581 Broad Street, Newark.
International Oxygen Co., 796 Frelinghuysen Avenue, Newark.
Interstate Chemical Co., Bayview and Garfield Avenues, Jersey City.
Jaenecke Printing Ink Co., Newark.
Kalbfleisch Corporation, Third and Baltic Streets, Elizabethport.
Keystone Dyestuff & Chemical Co., 11 Campbell Street, Newark.
Kil-Tone Co., Vineland.
King Chemical Co., Bound Brook.
E. C. Klipstein & Co., Chrome.
H. Kohnstamm & Co., Cleveland and Lois Avenues, Camden.
Lippincott Chemical Co., West Orange.
Lowenstein Radio Co., 50 Spring Street, Newark.
McCausland, S. D., post-office box 1516, Paterson.
McKesson & Robbins, Perth Amboy.
Maas & Waldstein Co., Riverside Avenue, Newark.
Mallinckrodt Chemical Works, Jersey City.
Maltbie Chemical Co., 250 High Street, Newark.
Mangano Manufacturing Co., 17 Seminary Avenue, Rahway.
Marden, Orth & Hastings Co., 44 Lewis Avenue, Jersey City.
Max Marks Color & Chemical Co., 192 Coit Street, Irvington.
May Chemical Works, 42 Jellif Avenue, Newark.
Maywood Chemical Works, Maywood.
Mechling Bros. Manufacturing Co., Camden.
Mennen Chemical Co., 42 Orange Street, Newark.
Merck & Co., Rahway.
Middlesex Aniline Co., Lincoln.
Migel & Blum, Paterson.
Minalco Chemical Co., 207 Market Street, Newark.
Monmouth Chemical Co., Keyport.
Morgenstern & Co., Edgewater.
Morris County Chemical Works, Bloomingdale.
Mutual Chemical Co. of America, Jersey City.
National Aniline & Chemical Co., 103 North Nineteenth Street, East Orange.
National Synthetic Co., Perth Amboy.
Neidich Process Co., Burlington.
New Brunswick Chemical Co., New Brunswick.
Newark Chemical Co., 269 Oliver Street, Newark.
Newport Co., Passaic.
Niasco Chemical Co., Newmarket.
Nixon Nitration Works, New Brunswick.
Onyx Oil & Chemical Co., 15 Exchange Place, Jersey City.
Organic Products & Color Co., Elizabeth.
Pacific Coast Borax Co., Bayonne.
Peerless Color Co., Bound Brook.
Perolin Co. of America, Paterson.
Perth Amboy Chemical Works, Perth Amboy.
Pharma-Chemical Corp., 169 West Fifty-second Street, Bayonne.
Philadelphia Quartz Co., Rahway.
Po Ambo Chemical Co., Matawan.
Powers-Weightman-Rosengarten, Summit.
Radium Luminous Material Corp., 166 Alden Street, Orange.
Rahway Chemical Co., Rahway.
Rahway Coal Tar Products Co., Rahway.
Robert Rauh (Inc.), 310 Elizabeth Avenue, Newark.
Reade Manufacturing Co., 1023 Grand Street, Hoboken.
Rector Chemical Corp., Clifton.
Rhodia Chemical Co., New Brunswick.
Roberts-Holt Chemical Co., 207 Market Street, Newark.
Roessler & Hasslacher Chemical Co., Perth Amboy.
Schmidt's American-Made Artists' Colors (Inc.), Montvale.
Scott & Bowne, Bloomfield.
Seaboard Chemical Co., Fort Blanchard Street, Newark.
Secaw Chemical Co., Irvington.
Seydel Manufacturing Co., 86 Forrest Street, Jersey City.
Sinclair & Valentine, Edgewater.
Sizing Specialties Co. (Inc.), 98 Hudson Street, Jersey City.
L. Sonneborn Sons (Inc.), Belleville.
E. R. Squibb & Co., New Brunswick.
Staier Chemical Co., 443 Riverside Avenue, Newark.

Standard Chemical Co., foot of West Fifth Street, Bayonne.
Stillwell Chemical Co., 525 Chancellor Avenue, Irvington.
Stubner Chemical Works (Inc.), 833 Magnolia Avenue, Elizabeth.
Walter F. Sykes & Co., 141 East Fifth Street, Bayonne.
T. M. & G. Chemical Co., Belleville.
Takamine Commercial Corporation, Clifton.
Taylor-White Extracting Co., Camden.
I. P. Thomas & Son Co., Mantua Point.
Tisza Chemical Co., 125 Cator Avenue, Jersey City.
Transatlantic Chemical Corporation, Linden.
Tyson Bros. (Inc.), Rahway Avenue, Carteret.
Union Chemical Products Corporation, York and Colgate Streets, Jersey City.
United Color & Pigment Co., Newark.
United Oil & Chemical Corporation, Milford.
U. S. P. Salicylic Co., Morsemere.
Utah Potash Co., Trenton.
Utility Chemical & Color Co., 377 Frelinghuysen Avenue, Newark.
Van Dyk & Co., 57 Wilkinson Avenue, Jersey City.
Verona Chemical Co., North Newark.
Vreeland Chemical Manufacturing Co., Little Falls.
Vulcan Detinning Co., Sewaren.
Warner Chemical Co., Carteret.
Welsbach Co., Gloucester.
White Tar Co. of New Jersey, P. O. Box 28, Five Corners Station, Jersey City.
Wilckes, Martin, Wilkes Co., Camden.
Jacques Wolf & Co., 285 Lexington Avenue, Paterson.
C. A. Woolsey Paint & Color Co., Grand and Golden Streets, Jersey City.

Mr. FRELINGHUYSEN. Mr. President, I am not opposing this resolution for any sordid purpose, to protect or defend any interest in my State. I am opposing it because I believe harassing and interfering with an industry of this character that is so essential for national defense is not only unnecessary but reprehensible, particularly when the agents of the German interests are now here again in this Capitol. Their agents are in this country. Their lawyers are here, trying to gain advantage in order that Germany may again capture this industry. Therefore I believe that the concern of this Congress should be to ascertain, in a fair and impartial way, methods whereby this industry shall be fostered, and methods whereby a return of German domination may be prevented. That is the patriotic duty of the Senators in this body; not by carping criticism, not by unfair attack, not by creating a false public opinion, to try and destroy this industry, because I suspect that back of those attacks are the sinister interests of our late enemy, Germany.

Now, let us see. The German methods prior to this war, from the standpoint of the dye industry and of war munitions, made this country prostrate. The history of our unpreparedness is known to everyone; but as a member of the Military Affairs Committee I made a study of certain phases of American statesmanship, so called, of the attitude of men in and out of Congress toward national preparedness for the past 40 years, and it is a continuous record of neglect, of lack of vision, of indifference toward national safety. I think it was immediately after the Spanish-American War, which showed that this country was unprepared, and caused an excessive loss of life by reason of such unpreparedness that William Jennings Bryan took as his campaign issue antimilitarism, anti-imperialism, basing his theory upon the principle that we should not have colonies in Porto Rico and the Philippines; and he went about this country giving an evangelical discourse entitled "The Prince of Peace." Sincere and well meaning, a lover of peace, is Mr. Bryan; but by reason of that school of thought he created in this country a sentiment against all measures of national defense, against all measures of preparedness. The great heart of America beats for peace at all times; but that propaganda created a blindness in statesmen and in candidates for office, who yielded to that sentiment rather than take the more courageous and nobler course by showing the people of this country that safety lay in proper means of national defense; and down through the years the same policy was pursued. We saw appropriations for the Army and the Navy cut down. We saw an absolute opposition to the creation of a merchant marine and absolutely no attention paid to the development of aircraft as a means of attack.

When Germany invaded Belgium this country, anxious regarding its safety, became aroused. At the same time men like Lord Roberts issued a warning in the House of Parliament; our own Gen. Leonard Wood, with a prophetic vision, stated that a German conflict with this country could not be prevented, and urged that this country prepare. Yet our President, Mr. Wilson, said, "There should be no hysteria; we are amply prepared"; and Mr. Bryan, the Secretary of State, said, "We can raise a million men overnight," expecting them, of course, to fight with their naked fists the next morning; and Mr. Wilson said that "we should be neutral in thought as well as in action," and in opposing the policy of preparedness he said that we would not enter this conflict, "we were too proud to fight." Notwithstanding the fact that the conflagration was going on in Europe and scorching our faces, we continued to resist all means of national preparedness. Even when the *Lusitania* was sunk statesmen in this body attempted to condone that great offense against civilization and humanity, stating that it was America's fault for allowing its citizens to go on that ship; but the people of America woke up when all over this broad land, in every city and hamlet, was heard the sound of marching feet. They knew better than so-called statesmen that civilization was in danger, and they demanded that our Government officials inaugurate a program of preparedness.

So much for our preparation. When we entered the war, what was the situation? Did we not have to go out in the open market and buy civilian overcoats and blankets in order to protect our troops in the camps; and did we not have to rely upon the Allies for our ordnance and our arms and our merchant ships with which to send the men to the other side? That was the record of this war. There was no lack of bravery or courage. There was preparedness there by the American people; but for 40 years the Government had neglected every means of national defense.

But there was another implement of war that had been disregarded and lost sight of. For 40 years the textile industries in this country had opposed a protective tariff on dyes and chemicals. I have read the record; you can read it yourselves, and see how these textile industries, particularly one great industry in New Hampshire, had opposed the protection of our dye industry in this country; how the head of that industry organized the opposition and appeared before the tariff committees, urging that no tariff protection be given to this great industry. For 40 years that condition had existed, and there was no dye industry in this country when the war broke out.

Col. Wood, who changed the specifications of the Army uniform while in the Quartermaster Department and put shoddy in it, has been the chief high priest and prophet in his opposition to a protective tariff or any protection of the dye industry in this country; and we actually were manufacturing shoddy stuff and putting it on our soldiers over there until Gen. Pershing cabled his protest, and Gen. Goethals ordered that a sufficient quantity of virgin wool be put in the uniform and demanded that it be made of proper weight to protect our soldiers; but these were the interests that prevented the establishment of a dye industry in this country.

What was the result? No one in this country knew of the development of that death-dealing gas. We had no dye organization, no chemical organization. Our scientists and chemists had not been encouraged; and one fatal day, when the Canadians and the English and the French were attacking the Germans at Ypres, a new, hellish device was launched upon them, and those men were stricken down by the thousands. That is the answer to the men who are trying to-day to prevent the establishment of a dye industry in this country. Look at these men in the hospitals, suffering from the gas attacks. Look at the men coughing their lungs out in the hospitals of this country, and then hark back to the 40 years of opposition to the development of this industry.

Now, the same agents who encouraged the textile industries to oppose a proper protective tariff on the dyes of this country all through those 40 years are here again, fighting the same battle, with the same alliances, trying to prevent this dye embargo, which would prevent Germany from restoring herself and gaining domination in this country. The same representatives of the Badische and the great German monopoly are here in this city pleading that something be done which will not prevent their enjoying the same benefits and the same opportunities they had before.

Mr. President, it is not the material interests of my State, or the material interests of any one, that I am thinking about. The issue involved is more momentous than that. When I came here to-day I prayed God that I might be able to present to the Senate the great danger there is in harassing and discouraging this industry in this country. If there are abuses, they can be corrected in another way than by an antagonistic attitude.

There are means of finding out fairly and impartially what the true situation is regarding this great subject. It is a technical subject. It is one that can not be understood in a superficial way. The great Judiciary Committee, with the ablest lawyers in this body upon it, is engaged in other business of the Senate, other activities. Have the members of that committee the time properly to investigate and examine into this question?

Mr. President, it should be an impartial and a fair investigation. Senate investigations are not always fair. The danger that lies in an investigation of this character is that a false

public opinion may be created, because we all have the same failing. When we are on a committee, we like to have our names on the front pages of the newspapers. These investigations are not investigations; they are inquisitions. The rules of evidence are disregarded. Each member of the committee becomes a prosecuting attorney, and I have seen many investigations where there was no opportunity to present any evidence in rebuttal. I say now, after the experience we have had in this war, that it is our duty to see that only the fairest sort of an investigation is made. I believe this great question of commerce should be taken up before the Department of Justice and the Department of Commerce, not by this body.

I spoke of the culmination of our disastrous protective policy on the dye industry. I said it reached its culmination in the gas attack at Ypres. Let me read a description of that attack in a book entitled "The Riddle of the Rhine," by Victor Lefelure, who was an officer of the Crown of Italy, a fellow of the Chemical Society. He writes under the head of "German Surprise, Ypres, April, 1915, to the Somme, August, 1916," as follows:

The critical factor of surprise in war was never nearer decisive success than on April 22, 1915. Of this, the occasion of the first German gas attack at Ypres, Field Marshal Sir J. D. P. French stated:

"Following a heavy bombardment, the enemy attacked the French division at about 5 p. m., using asphyxiating gases for the first time. Aircraft reported that at about 5 p. m. thick yellow smoke had been seen issuing from the German trenches between Langemarke and Bixschote. What follows almost defies description. The effect of these poisonous gases was so virulent as to render the whole of the line held by the French division mentioned above practically incapable of any action at all. It was at first impossible for anyone to realize what had actually happened. The smoke and fumes hid everything from sight, and hundreds of men were thrown into a comatose or dying condition, and within an hour the whole position had to be abandoned, together with about 50 guns. I wish particularly to repudiate any idea of attaching the least blame to the French division for this unfortunate incident."

The enemy just missed colossal success, rendered possible by the use of an entirely new war method, one contrary to engagements entered into by them at The Hague convention.

There were elements in this first gas attack which were absent even from the situation created by our first use of tanks. Unfamiliarity amongst the troops, or the staff, for that matter, created an atmosphere of unparalleled confusion. Men attempted to protect themselves by burying their mouths and nostrils in the loose earth. Those chemists on the spot not immediately struck down made frantic efforts to bring up supplies of any suitable and available chemical or material which might assist resistance and movement in the affected zone. Paying every homage to the heroic sacrifices and brave actions which characterized the allied resistance, we can not ignore the fact that morale must have been very severely shaken locally, and that a general disquiet and uneasiness must have permeated the whole front until measures were known to be effectively in progress, not only for protection but for retaliation. The enemy had but to exploit the attack fully to break through to the channel ports, but failed to do so. The master mind behind this new and deadly attack was not, let us remember, that of a soldier. It was very strongly rumored that this monstrous conception and its execution were due to one, or, at the most, two, renowned German professors. The first hammer blow in the enemy chemical campaign was a two-party conspiracy led by world-famous scientists and the powerful I. G., with the German army, unconvinced but expectant, little more than a willing dupe.

The Interessen Gesellschaft is the "I. G.," the great monopoly of Germany. They are here now. Their interests are here. They were the people who conceived the dastardly gas attack at Ypres, when at The Hague convention every civilized nation announced that it would refuse to employ such methods.

The point I make is that Germany was organized and is organized now. In two days she can equip her hundred thousand men with this deadly gas. We were not organized. We were unfamiliar with the formulæ and methods; and yet we are going to place the control of this industry and all of the scientific research back in German hands unless we absolutely refuse, through an embargo, ever to allow Germany again to dominate and control our market.

Mr. President, I stated that the same methods were being employed. I understand that there are agents now for Kuttroff & Pickhardt Co. (Inc.), who represent the great Badische Aniline Co. in this country, who are operating. Their agents are here and their lawyers are here. I can mention their names if anybody wants me to. Who are Kuttroff & Pickhardt Co. (Inc.)? I want this to go in the RECORD.

The facts show that Mr. Kuttroff organized the business in 1870–71. In 1878 the partnership took in the business of the Badische Anilin & Soda Fabrik of Germany. In 1900 the present firm of Kuttroff & Pickhardt Co. (Inc.) was organized and took over the established business. This corporation did business at the same place in New York until 1906, when it was combined with the Continental Color & Chemical Co. The Continental Co. was consolidated with the business of the Badische Co. of New York and the German Bayer Co. In 1907 the Badische Co. of New York was incorporated and took over the assets and business of the Continental Color & Chemical Co.

Business was conducted between the companies from 1873 until 1917 by various sundry agreements. Money was loaned by the German company to the American company and they participated in the profits. One accounting of the records shows the German company realized as high as 78 per cent of the earnings of the Kuttroff & Pickhardt Co.

The records show that Kuttroff & Pickhardt Co. asked for and received permission from the German corporation to raise salaries of the people in the American corporation as late as December, 1916. A translation of this letter, dated December 19, 1916, from the American corporation to the German corporation was sent at the time by the submarine *Deutschland*, and a reply was made by radio to the Kuttroff & Pickhardt people in New York.

The firm of Kuttroff & Pickhardt Co. (Inc.) were the consignees of the cargo of dyes brought over by the submarine *Deutschland*, and a remittance was made to the German corporation arbitrarily by Kuttroff without the action of the board of directors.

These few facts as well as the various agreements and arrangements, all contained in the official records of the Government, show that there was a close and existing relation as well as an inseparable interest between the Kuttroff people and the parent company in Germany.

Mr. President, I realize that Germany, in order to be restored, must be allowed to do business in the marts of the world. I have no objection to the descendants of Germans in this country, and people of German parentage who have taken the oath of allegiance to our Government, doing business here. I have no objection to the German firms engaged in industrial pursuits which can not in a moment be turned into implements of war, as the dye industry can, engaging in business in this country. They have the right to do so, and under our peace treaty they should be permitted to do so. But I say, Mr. President, with the record of this war, with 10,000,000 men under the sod, with millions of men suffering on account of the dastardly methods of the German dye industry, as long as I live I shall fight against their ever getting a foothold in this country. That is why I feel that it is unwise and unwarranted to unduly harass by congressional investigation an industry which at the present time is prostrate and which should be encouraged rather than attacked.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. FRELINGHUYSEN. I yield, though I have not finished.

Mr. NORRIS. I hope the Senator will let me ask a question. I am doing it entirely for information. I am very much impressed by what the Senator has said. I do not understand why, in view of the amendment proposed to the resolution, there should be an objection to all the truth being known that a fair investigation would bring out. I know that the Senator thinks we would not have a fair investigation by the Judiciary Committee, but the only thing he has suggested in lieu of it is that it ought to be investigated by the Department of Justice.

Mr. FRELINGHUYSEN. No; by the Department of Commerce.

Mr. NORRIS. Does the Senator think that the Department of Commerce would give us the facts any better than the Judiciary Committee would?

Mr. FRELINGHUYSEN. Yes, Mr. President. I do not challenge the fairness of the members of the Judiciary Committee. I think I clearly outlined in a previous part of my speech that I was not criticizing the members of the Judiciary Committee or their fairness and impartiality. But this is a technical question; it involves so largely our national safety; it is one that will require such a length of time to properly investigate that it should be placed in the hands of a body who will have the time and will devote their entire time to an investigation of this character.

I will say further to the Senator from Nebraska that if I did not believe at this time that an investigation of this character would encourage the German interests in Germany and here, and be misunderstood throughout the commercial world, when every one of our allies has created a selective embargo and forbidden, except through permission of their tariff commission, the introduction of German dyes in their country, which we have not done—if I did not believe that an attack of this kind would be misunderstood and that it is antagonistic—I most certainly should not oppose it. I am not opposing, really. I am pointing out the great danger of giving any encouragement to German interests and the great danger in superficially investigating this great subject. I am doing it from a sense of patriotic duty and not merely because there are dye interests in my State.

Mr. NORRIS. Mr. President, I certainly do not question the Senator's patriotic service or intention, and I am not saying that he is at all wrong, but I am one of the Members of the Senate, and I take it that there are a great many others, who care for nothing on this subject except the truth and light. As I understand it, the charges really made by those who favor the original resolution are that there is a lobby using various methods on one side of the controversy, and that the Senator charges that there is a similar lobby representing German interests who are doing something similar on different lines. Now, if that be true, and either one or both of those lobbies are resorting to means that are unfair or propaganda that is untrue, and we are not getting the whole truth, it seems to me that an investigation of the proposition would necessarily have to be undertaken by a committee of either the House or the Senate.

The Department of Commerce would not investigate something that pertained to any scheme to secure legislation. I do not understand that an investigation by the Department of Commerce would under any condition go into the question of whether there is a lobby here trying to control Congress on either side of this proposition. If we are going to investigate that at all it might better come through the House or the Senate, it seems to me.

Personally, I do not accept the very grave charges that I have heard made here from time to time about this lobby. Whether those charges are justified I would like to know. I think the country would like to know, and the Senate and the House would like to know, what the truth is about that.

Mr. FRELINGHUYSEN. I do not know anything about any lobby. I know that a number of manufacturers of my State have come here and have discussed with me the question of their business interests and expressed anxiety over the antagonistic attitude of Congress and some of the misstatements that have been made, and I feel that they have a perfect right to do that.

Mr. NORRIS. I think so, but would not an investigation disclose whether those statements are wrong or not?

Mr. FRELINGHUYSEN. I do not think there has been sufficient evidence presented to warrant an investigation. I do not believe there is a lobby, and I do not believe that the investigation will prove that there is one. I think that the Senate has too much else to do. If there is mischief, if there are evils and abuses properly shown, they can be investigated, but I do not think the charges which have been made warrant any investigation.

Mr. NORRIS. The Senator says that business men in his State who are engaged in the business have seen him.

Mr. FRELINGHUYSEN. Have they not a right to do so?

Mr. NORRIS. Certainly they have a right to do so. The Senator is getting a little too touchy. It seems to me the Senator insinuates that a man who wants to get light on the matter is doing something that is a great sin.

Mr. FRELINGHUYSEN. I beg the Senator's pardon. I had no intention of that.

Mr. NORRIS. It seems to me when the Senator says his own constituents say that the statements which have been made are not warranted that a fair investigation, if that be the truth, would vindicate his constituents.

Mr. FRELINGHUYSEN. But does the Senator believe an investigation should be had of every statement that is made by a constituent?

Mr. NORRIS. No; I do not; but I have heard statements made on the floor of the Senate in discussion of the so-called emergency tariff bill that were very startling. I voted for that tariff bill. I desire to protect this industry if it can be done within reason, but there were a good many things said which, if on investigation I found were true, would cause me to hesitate before I would vote to support or continue indefinitely at least the law that we enacted. If, on the other hand, the Senator is right, if the investigation develops that he is right, I would go just as far as he would to protect it.

Mr. FRELINGHUYSEN. Mr. President, I quite agree with the Senator that it is necessary to provide some means of protection. Of course, that is the whole burden of my speech. I am looking at the broader and larger question of the danger of attacking, in an unfair way and through a superficial investigation, this great industry. What I fear is that the investigation will not be thorough, and that it will be undertaken with prejudice. I feel that personally. I have no evidence of it, and yet I am not seeking to protect any interest or any concern. I have no interest in it beyond the general policy that I believe this Government should pursue of, in a friendly and impartial way, informing itself of the facts regarding this industry. This is an investigation proposed to be made by the Government under certain charges, under an indictment, and those who have made those charges will be in control of that investigation.

Mr. NORRIS. Why does the Senator say that?

Mr. FRELINGHUYSEN. The Senator from Utah [Mr. KING] has made the attack and will undoubtedly be on the committee.

Mr. MOSES. Oh, Mr. President, the Senator from Utah is not even a member of the Committee on the Judiciary.

Mr. NORRIS. No; he is not a member of the Judiciary Committee.

Mr. FRELINGHUYSEN. Then I withdraw that statement. I am mistaken as to that. Nevertheless, the Senator, of course, will appear.

Mr. NORRIS. That is his right, and he ought to appear.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from South Dakota?

Mr. FRELINGHUYSEN. Certainly.

Mr. STERLING. If I may be permitted a word as a member of the Judiciary Committee and as a member of the subcommittee which made the report in favor of a resolution calling for an investigation of the dye industry, I simply wish to say that I have served on a good many subcommittees which have conducted hearings, and I have never yet served on a subcommittee which did not give full opportunity to both sides to be heard.

The Senator from New Jersey awhile ago made the statement that nothing would be heard in rebuttal. I suppose by rebuttal he means nothing could be heard in denial or in explanation of the charges that are made and on which the investigation is founded. I think nothing can be further from the truth than that. Opportunity is always given—that is my experience at least—to the other side to be heard.

So far as the investigation being in control of anybody is concerned, it is not in control of anybody except the committee itself or the subcommittee which has immediate charge of the investigation or the hearing. Of course, the person making the charges has an opportunity to appear before the committee and make his statements and give his testimony, but beyond that he does not control the action or the decision of the committee.

Mr. FRELINGHUYSEN. The Senator knows that I did not state that this would be an unfair hearing, and that those appearing in denial would not be heard. If the Senator will recall my remarks, I said that many of these investigations were inquisitorial, and, by reason of that fact, that time could not be given to a proper hearing of all the evidence, and I still adhere to that statement.

Mr. President, speaking of the situation regarding the attitude of the textile mills of this country I referred to the tariff hearings before the Ways and Means Committee of the House in the Sixtieth Congress 1908-9, vol. 1, schedule A, chemicals, oils, and paints. On page 146 is a memorial and petition in opposition to any advance in duties on coal tars, chemicals, and dyes. The memorial is dated at Washington, December 20, 1908, signed by a number of consumers, headed by the Amoskeag Manufacturing Co. This petition protested against any advance in the rates of duty on coal-tar dyes or colors under section 15 of the then existing tariff on the ground that it would:

(a) Increase the cost of manufacturing colored cotton goods in the United States;
(b) Increase the price to the consumer in the United States;
(c) In the case of export trade an advance in the cost of any of our raw materials adds to our burdens and minimizes our opportunity to compete with foreign cotton manufacturers in foreign markets.

Mr. President, that opposition, as I have previously stated, by these interests existed prior to the war; but during the war the German market which had been open to them was denied to them, and they immediately began to appeal to the chemical and dye industries of this country to provide them with the necessary dyes in order that they might maintain their plants in operation and keep their operatives employed. Now, however, the embargo caused by the war is over and the dyes from Germany are now or are soon to be available at famine prices. Those dyes are produced in a country that recognizes no 8-hour law; they are produced at wages, especially considering rates of exchange, so far below our own that the goods may be brought here at a price that makes it practically prohibitive for the American manufacturers to compete; and now some of these men are suddenly opposing protection through a dye embargo designed to prevent the importation of those dyes and to foster our own industry here. That is the unfairness of the position, although I may say that many of the cotton manufacturers and other manufacturers in the country recognize that the patriotic policy to pursue is to support any proper legisla-

tion which will give the American industry an opportunity to live.

Now, I wish to consider for a moment the relative aspects of the prewar American situation. I read from the book which I hold in my hands, which is entitled "The Riddle of the Rhine," a copy of which I secured the other day. I was very much impressed with the statements which it contains, and I think they are fairly accurate. In regard to the prewar American situation, it states:

According to fairly well-known facts, confirmed by the reports of the two American officials mentioned above, the American prewar organic chemical industry consisted of little more than a series of small assembling plants. Although enormous supplies of coal-tar products were available, yet the dye intermediates derived from them were not made in America, but imported from Germany. After various attempts to establish the dye industry, it seemed at one time, about 1880, to have definitely taken root, but, within the space of five years, there were only four dye-producing establishments remaining.

In every instance the manufacture was almost immediately brought to an end by German price cutting. The same source reveals the direct and indirect methods used by Germany to prevent, at all costs, the development of an independent organic chemical industry. There are many pointed examples of the direct method, and we will glance at the case of salicylic acid. This is a very important chemical, used not only for certain important drugs, but also as an intermediate for dyes and photographic chemicals. In 1903 the United States possessed five manufacturers of this product. In 10 years time three of these had failed, and one of the survivors was a mere branch of a German house.

During this fatal 10 years the product was being sold in that country at a price 25 per cent lower than in Germany. The manipulation of the prices of the other products of the German monopoly enabled them by such methods to maintain it. Many other examples, including such important products as bromine, oxalic acid, and aniline, could be quoted to show the results of the German price-cutting policy. The direct significance of bromine for chemical warfare must be borne in mind.

Mr. President, I have spoken of the German methods employed after the war. It has been repeatedly said that Germany is prostrate, that she has not the ships, that she has not the financial credit necessary to establish her foreign trade and commerce. I want to read into the RECORD a letter upon commercial questions purporting to have been written by Stroheker. I say "purporting to have been written," for it purports to be a copy appearing in the Idea Nationale. I have cabled to Italy, to our ambassador, to verify this publication. I think, however, it is fairly authentic and accurate.

I am informed that shortly after the appearance of this publication Italy passed a dye-licensing act. It seems as though it was good national policy for her to do so, after she procured the information contained in this communication from the German counselor to the minister for foreign affairs at Berlin, which is a report from the commercial attaché at Rome to his Government.

GERMAN EMBASSY AT ROME,
No. 1784, GENERAL PRIVATE,
Rome, 25th May, 1921.

To the MINISTER FOR FOREIGN AFFAIRS,
Berlin:

I reply to the invitation contained in circular of 13th May to all commercial attachés to report to your ministry as to the situation and our activity and our commercial development abroad, and I have the honor to report as follows:

The figures of German commerce in Italy show that after the armistice our traders were not inactive in reconquering the Italian market compared with France, England, and the United States and maintaining our supremacy, but that does not mean that we have reached the state of your circulars of 20.8.1920 and 29.8.1920.

In order that we may create for ourselves a favorable political situation, taking advantage of the malcontent of the Italian people, and especially of the Nationalist and Nittian Parties against the powers of the Entente, a political situation which might in due course be favorable to us when Germany should be faced by fresh complications, it is necessary to strengthen this discontent in order to consolidate our situation through economic action.

To this end the point at which we have arrived is only a quarter of the way. We must create such economic interests and bonds with Italy that whatever happens Italy will have to follow our political lead.

First of all, it is necessary that a systematic supply of German goods be sent here, even below cost price to a considerable extent. Inundating the Italian market with German goods, we will not only have a place sympathetic to Germany, because, as many of our agents and commercial representatives have verified, Italian consumers gladly accept cheap articles, but we will also create a situation for Italian industry which will render any continuation of activity impossible. This without doubt will cause such a crisis that, besides keeping Italy in constant agitation, will enable use to become the sole masters of the peninsular trade, the more so as, from our information as to French activity in Italy, it appears that the French fear the outbreak of a revolution here which might cause them similar losses to those suffered in Russia.

The inclosed copy of a report by Sir Capel Cure, British commercial attaché, proves that the British, too, fear the unstable nature of the social situation in Italy.

Further, such situation would enable us to purchase the Italian industries at a very low rate, which would be the key of the situation, since it would also allow us to control trade between Italy and the Balkans in such a way that Italy would not compete with us for those markets. (See circular Oct. 30, 1920, regarding Italo-Jugo-Slav treaty.) This, of course, will happen as soon as Italy is forced to close down.

We have before us a varied field of development in Italian industry, viz, trade in rubber, Fiat, Spa, besides all the tire factories and motor-car engine factories which are already in a state of acute crisis on account of the huge German stocks of these lines sent to Italy.

The Siemens Schuckert already approached the Turin companies last September when the factories were occupied by the workmen, but without result. On my advice, the Siemens has already arranged for the absorption of the Fiat through a combination, Stinnes-Fiat, in the Alpinen and through the purchase by the Deutsch Bank, which has an interest in the Siemens, of the shares which are in the hands of the Banca Commerciale Italiana, amounting to 90,000 Alpinen shares and 100,000 Fiat shares, owned by said bank.

I shall only read portions of the letter, but ask that it may be printed in the RECORD in its entirety.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRELINGHUYSEN. Passing on, the writer of the letter states:

I have had a promise from the Italian cotton spinners of the possibility of action on their part against possible provisions of the Italian Government. As authorized by you, for my part, I have promised that any such action will be compensated by the dispatch of textile machines from Germany at very low prices.

It must not be forgotten, however, that the Italian textile industry, too, offers a field for economic development for Germany in Italy, whether because they are at present going through a period of crisis or because they obstruct our path toward the East. I understand that in the economic treaties which Italy is on the point of concluding with Jugoslavia she demands that the Jugo-Slavs shall acquire 200,000 quintals (2,000 tons) of textiles per annum in Italy; and it seems that this proposal has been received with pleasure by the Jugo-Slavs, since as a matter of fact the Italian cotton spinners have known how to penetrate that market.

* * * * * * *

Then we have at our disposal the Italian wealth of lignite. The Italians do not know how to get the most out of this and almost treat it as a thing of little value. On the contrary, it is a matter of 300,000,000 tons of which, as I have already reported, sub. n. 178 ND, only 3,000 000 tons per annum are used, whilst 115,000,000 tons per year could be got, as the deposits are estimated to be more than 35 meters deep.

Add that by distillation, a thousand tons of mineral oil could be obtained, since lignite has a percentage of 25 per cent of the components of such oil. The deposits of bituminous schist, valued at 115 000,000 tons, with 12 and up to 18 per cent of nafta, are worthy of notice, and these two are in a very slightly developed state, which may be attributed to lack of means on the part of the owners.

The Consortium of Chemical Products of Berlin, the Deutsche Bank, and the Discount Gesellschaft are already in treaty with various Italian groups.

As will be seen from this explanation, there is much to do in Italy, but action must be guided by the following rules in order to avoid clashing with Italian susceptibility:

(1) The Deutsche Italienische Vereinig should be able to continue to bring its influence to bear.

Instructions must be given to the Deutsch Italienische Vereinig so that its bulletins shall be inspired to draw attention to the lack of Italian products in Italy, the damage resulting from such lack, and the attempts at economic penetration on the part of foreign countries. Such criterion must also inspire the newspaper campaign of said organization.

(2) The setting up in Milan, too, of an information office at the consulte general for Germany with the aim of following the labor movements in north Italy and to report to Germany in relation to these movements the necessity to send German material and products in order to increase the crisis.

(3) As to fuel it is necessary that after the refusal of the Italians of our offer to collaborate in the development of the lignite mines and for the supply of the market with fuel against facilities of German property which has been so sequestrated, our action shall be turned toward private individuals.

Mr. President, I have never read any letter relating to trade conditions which showed more careful design in an effort to capture commercial advantage than this letter. It shows the attitude of German business efficiency. It indicates that in every country on the face of the globe there are German agents and a German system fighting to get back this trade. It is perfectly right for a country to desire to have prosperous commercial conditions. It is right that any country should wish that her industries should be fostered and built up. No one has any complaint about that; but when we, by any act of ours here in this Congress, or by any policy, encourage the building up of an industry in another country which means ultimately the domination of our industry here or its destruction, I say that the patriotic policy for us to pursue is to fight every effort that is made to discourage the industry in this country.

I hate any methods that are dishonest—I think my colleagues know that—and I try to pursue in my public life an independent attitude. It is true that I represent a great industrial State. It is true that these chemical industries have been planted there to the extent of over 200, many of them created during the war. It is true that the financial interests of my State are large. I want to guard them fairly and jealously. I believe that is my duty. I do not hesitate to oppose any policy of those interests that I believe is contrary to the public welfare or any dishonest methods that they may have. My conscience is perfectly clear. If there have been lobby methods employed here that are to be criticized, if evils have crept in that should be eliminated from this Capitol, no one is more heartily in favor of kicking them out than I am; and if any corporation, the dye industry included, is guilty of trade abuses or trade agreements that are against the public welfare, I believe they should be eliminated, but through the proper instrumentality, the Department of Justice, which is even now prosecuting some corporations in my State for such

alleged abuses. But, Mr. President, I feel that unless those who are back of this resolution are absolutely sure that the mischief exists—and I know nothing of it—they are taking a great chance in discouraging these business men who to-day are refusing to invest more capital, whose plants to-day are idle, because of the existing uncertainty as to the protection which will be accorded them.

It is charged that some of these concerns made money. Yes; they paid part of it out in excess-profits taxes; but, anticipating a longer duration of the war, those profits beyond what they paid the Government did not go into the pockets of the stockholders, in many instances, in these small independent plants. They went back into the expansion of the plants to equip them for a longer duration of the war, to equip them for peace pursuits after the war, and the enlargement of this industry which had been fostered and recaptured from Germany, and in which these corporations had the right to expect that they might continue under the protection of their Government. To-day these plants are idle. They will not take the chance with the antagonistic attitude of Congress, and the general attack that has been made upon this industry, and the feeling that this great, powerful German combine will again come over here and undersell, will come over here and capture this industry again, unless they have the protection of the Government, and unless only those dyes are admitted which they can not manufacture at the present time.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. FRELINGHUYSEN. I yield to the Senator.

Mr. NORRIS. The Senator is speaking of plants being idle. Would he mind explaining, if he understands, why they are idle? Is it not true that at the present time there is a complete embargo, and that no dyes can be imported under existing law at all except by a license?

Mr. FRELINGHUYSEN. That is perfectly true; and I did not refer to that condition as being due to the present situation, because the policy at this time is an embargo. I said that these plants were idle because they would not take the chance of expanding their plants, buying more raw materials, and going on manufacturing, unless they were assured that that policy was permament.

Mr. NORRIS. If they are waiting now, with a complete embargo, and not doing anything, what would they demand? Would it be a guaranty on the part of Congress that the embargo should continue indefinitely? What do they demand?

Mr. FRELINGHUYSEN. Mr. President, of course, the House in the tariff bill has defeated the permanent embargo, but if the Senator will recall, immediately after the war there was introduced the Longworth selective embargo bill, which was before this body; and it died, was talked to death here. That was the policy that the dye industries of this country hoped might be established—the selective license policy, which prohibited any importations from Germany except those dyes that could not be manufactured in this country, and opened the door only wide enough to permit the entrance from Germany of the dyes which our manufacturers could not produce.

I may say, in passing, that recognizing the great danger to national safety, England and France and Italy, I am informed, have passed similar acts. I have no general information regarding this subject. I only see these manufacturers in my State from time to time. I have studied the matter and have discussed it with them and have been given general information regarding the dye industry throughout the world; but I know nothing of their particular business, except in one instance. I know of one factory which was started during the war by a chemist, a neighbor and friend. He had accumulated a little money, and he built a little plant, a frame building not any larger than the area of the Senate Chamber, and he made one color. It was one color that was extremely difficult to make, and by continued experimentation he found a method of making a fast color of this shade. He made considerable money, $25,000 or $30,000, I should guess, beyond what he put in. He put in about $25,000. We came to the end of the war, and he was there with his plant and a certain amount of raw material. He was perfectly willing to meet the competition of the other plants in the State who had begun to manufacture the same thing that he had accomplished; but he said to me: "I am unwilling to go on unless the Government of the United States will say that Germany shall not import this color of mine. I can not compete with Germany." He said: "I am afraid to go on and put in more money because I would have to borrow the money to do it." That was just one illustration, and I think it quite completely reflects the situation all over the country.

Mr. President, as a means of national preparedness, this question has been before Congress. President Wilson, I think, twice has appeared and in messages called the attention of Congress to the necessity of protecting this industry. Secretary Weeks has publicly written, so have Secretary Denby and Gen. Pershing; and the President, Mr. Harding, has written to Mr. LONGWORTH, calling attention to the necessity through this embargo of protecting ourselves against German competition.

Mr. President, as I stated before, my position is that I believe it is entirely essential to the national defense, and I believe that we should not at this time in any way harass these interests.

President Wilson, coming back with the experience of the war, coming to Congress and urging Congress to adopt this policy, not to foster these industries or create monopolies but from the standpoint of national defense, said in his message of May 20, 1919:

> There are parts of our tariff system which need prompt attention. The experiences of the war have made it plain that in some cases too great reliance on foreign supply is dangerous, and that in determining certain parts of our tariff policy domestic considerations must be borne in mind which are political as well as economic. Among the industries to which special consideration should be given is that of the manufacture of dyestuffs and related chemicals. Our complete dependence upon German supplies before the war made the interruption of trade a cause of exceptional economic disturbance. The close relation between the manufacturer of dyestuffs, on the one hand, and of explosives and poisonous gases, on the other, moreover, has given the industry an exceptional significance and value.
>
> Although the United States will gladly and unhesitatingly join in the program of international disarmament, it will, nevertheless, be a policy of obvious prudence to make certain of the successful maintenance of many strong and well-equipped chemical plants. The German chemical industry, with which we will be brought into competition, was and may well be again a thoroughly knit monopoly capable of exercising a competition of a peculiarly insidious and dangerous kind.
>
> The United States should, moreover, have the means of properly protecting itself whenever our trade is discriminated against by foreign nations, in order that we may be assured of that equality of treatment which we hope to accord and to promote the world over.

Note this:

> Our tariff laws as they now stand provide no weapon of retaliation in case other Governments should enact legislation unequal in its bearing on our products as compared with the products of other countries.

Mr. President, to-day France, England, and Italy do not allow the importation of German dyes except through the selective-license system, as I understand. The industry in this country is not protected, and has not been protected, in a similar manner, and with all the experiences of the war, with the experience of the deadly gas attack, which we knew nothing of and which our chemists knew nothing of and with which we are not organized to compete, having to build plants and create the facilities, to-day we are simply slipping right back in the old groove, and I venture to predict that unless this body legislates against this German monopoly and ceases to harass and interfere with the American manufacture of dyes, inside of a year or a year and a half Germany will completely control this market.

I believe that, Mr. President, and that is the reason I believe it is unwise at this time, although I am not opposing this resolution, to go into an extended investigation, which I may go so far as to say I think may be somewhat unfriendly, as the result of which a false public opinion and sentiment may be created against this industry, which is so essential not only for commercial prosperity but also for national defense.

Mr. NORRIS. Mr. President, before the Senator closes his argument, as far as I am able to see, at least, the Senator has no reason to say that this investigation is going to be unfriendly. He must admit that the remedy is a remarkable one. I am not disputing that it may be necessary, because I do not know, but if we are to deviate from our ordinary tariff policy, and go beyond any protective principle, and levy an embargo to keep out entirely the competing article, there must be some good and sufficient reason for it. If it is necessary as a matter of defense; then we ought to do it; but in order to ascertain whether that radical step is necessary we ought to know all the facts, and I anticipate that is what this investigation will bring out.

If there were any reason to believe that it is going to be unfriendly, or that the Judiciary Committee would undertake to have a prejudicial or unbiased investigation of it, I would not want to vote for the resolution, of course. Nobody, I think, wants an unfair investigation. But we ought to know the facts.

Mr. FRELINGHUYSEN. Mr. President, the resolution itself is an indictment. Undoubtedly during the war there may have been cases where people were of the opinion that there were trade abuses; I do not know about that. I have been told that the Chemical Foundation, by reason of its control of patents,

should be investigated. It was created to provide for the turning over to a private corporation of the various German patents in this country, to license them to the dye industry, the chemical factories, practically without controlling them, making them free to everyone, as I believe, in order that we might have, for the benefit of American industry, the secrets and formulæ which Germany formerly employed.

I have always believed that was a good policy. It has been criticized by some. I know nothing of any lobby which it is claimed exists. Information regarding it will not be detrimental, but when the textile industries want to buy at the lowest market and yet have protection themselves, and then bitterly oppose the protection of the dye industry, and we have a resolution which is an indictment and an open charge that a monopoly exists—taking all of this circumstantial evidence, with the efforts of the textile interests to encourage German imports against the interest of our own industry, I think I am warranted in saying that the resolution is unfriendly. That is my position.

Mr. WADSWORTH. Certainly its source is unfriendly and has been proclaimed so over and over again.

Mr. NORRIS. That is always true in an ordinary lawsuit, when it starts out. Anybody who starts it may be unfriendly, may be unreasonable, or he may be fair and reasonable; but when it comes to the court and the jury, they are not influenced by that, and in my judgment it is not right to say that the tribunal which is to make this investigation, the Judiciary Committee, presided over by the Senator from Minnesota [Mr. NELSON], will be moved one way or the other because some one happens to be prejudiced who makes a charge. Charges are usually made by men who are prejudiced, and that is the way we get the truth many times. If we have a fair tribunal to pass on the facts, then those who want the truth will be able to get it from that tribunal.

Mr. FRELINGHUYSEN. Mr. President, I simply want to say that I do not question in any way the members of the Judiciary Committee or their ability to conduct the investigation. The only point I raised was this, that a committee of Congress, with its members employed on other committees, and with the great business of this Congress, would not have the time to investigate a technical subject of this character.

Mr. NORRIS. Whether or not there have been unfair methods used on either side of this controversy, whether or not an embargo is too great a protection, and whether by means of that embargo there ought to be a continuance of that kind of protection, or a change of legislation, is entirely a legislative proposition, and nobody would investigate it except a legislative body. You would never get the Department of Justice, the Department of Commerce, or any other department to make an investigation unless, indeed, they were instructed to do so by law. You would not get them to go into the question as to the methods adopted by any concerns or any combination of men regarding legislation in Congress. That is something peculiarly within the jurisdiction of the legislative body, and that is the reason it ought to be done, if done at all, by a legislative committee.

APPENDIX.

REPORT OF THE GERMAN COMMERCIAL ATTACHÉ AT ROME TO HIS GOVERNMENT.

[We reproduce the document in its entirety.]

GERMAN EMBASSY AT ROME,
NO. 1784, GENERAL PRIVATE.
Rome, May 25, 1921.

To the MINISTER FOR FOREIGN AFFAIRS,
Berlin:

I reply to the invitation contained in circular of May 13 to all commercial attachés, to report to your ministry as to the situation, and our activity and our commercial development abroad, and I have the honor to report as follows:

The figures of German commerce in Italy show that after the armistice our traders were not inactive in reconquering the Italian market compared with France, England, and the United States and maintaining our supremacy, but that does not mean that we have reached the state of your circulars of August 20, 1920, and August 29, 1920.

In order that we may create for ourselves a favorable political situation, taking advantage of the malcontent of the Italian people, and especially of the Nationalist and Nittian Parties against the powers of the Entente, a political situation which might in due course be favorable to us when Germany should be faced by fresh complications, it is necessary to strengthen this discontent in order to consolidate our situation through economic action.

To this end the point at which we have arrived is only a quarter of the way. We must create such economic interests and bonds with Italy that whatever happens Italy will have to follow our political lead.

First of all, it is necessary that a systematic supply of German goods be sent here, even below cost price to a considerable extent. Inundating the Italian market with German goods, we will not only have a place sympathetic to Germany, because, as many of our agents and commercial representatives have verified, Italian consumers gladly accept cheap articles, but we will also create a situation for Italian industry which will render any continuation of activity impossible. This without doubt will cause such a crisis that, besides keeping Italy in constant agitation, will enable us to become the sole masters of the peninsula trade, the more so as, from our information as to French activity in Italy, it appears that the French fear the outbreak of a revolution here which might cause them similar losses to those suffered in Russia.

The inclosed copy of a report by Sir Capel Cure, British commercial attaché, proves that the British, too, fear the unstable nature of the social situation in Italy.

Further, such situation would enable us to purchase the Italian industries at a very low rate, which would be the key of the situation, since it would also allow us to control trade between Italy and the Balkans in such a way that Italy would not compete with us for those markets. (See circular Oct. 30, 1920, regarding Italo-Jugo-Slav treaty.) This, of course, will happen as soon as Italy is forced to close down.

We have before us a varied field of development in Italian industry, viz, trade in rubber, Fiat, Spa, besides all the tire factories and motor-car engine factories which are already in a state of acute crisis on account of the huge German stocks of these lines sent to Italy.

The Siemens Schuckert already approached the Turin companies last September, when the factories were occupied by the workmen, but without result. On my advice the Siemens has already arranged for the absorption of the Fiat through a combination Stinnes-Fiat in the Alpinen and through the purchase by the Deutsch Bank, which has an interest in the Siemens, of the shares which are in the hands of the Banca Commerciale Italiana, amounting to 90,000 Alpinen shares and 100,000 Fiat shares, owned by said bank.

The transaction is on the way to completion and Messrs. Cavallini, Brunicardi, Trombetti, and Dante are backing it, to whom the Siemens will pay a percentage of 4½ per cent, as was decided at the meeting held in this embassy in September last. Then we have the dyeing trade in Italy, which, though in a precarious state of development, holds the promise of an assured future. It is, however, necessary that, in order to follow out in this branch, too, the method of peaceful destruction advised by me, the Italian Government should not take precautions to prevent the import of coloring matters from abroad, as otherwise it is certain that the Italian industry which, it appears to me, are seeking American capital to support them might assume a more solid position in the peninsular, a position which it would be more difficult to destroy.

I have had a promise from the Italian cotton spinners of the possibility of action on their part against possible provisions of the Italian Government. As authorized by you, for my part I have promised that any such action will be compensated by the dispatch of textile machines from Germany at very low prices.

It must not be forgotten, however, that the Italian textile industry, too, offers a field for economic development for Germany in Italy, whether because they are at present going through a period of crisis, or because they obstruct our path toward the east. I understand that in the economic treaties which Italy is on the point of concluding with Jugoslavia she demands that the Jugo-Slavs shall acquire 200,000 quintales (2,000 tons) of textiles per annum in Italy, and it seems that this proposal has been received with pleasure by the Jugo-Slavs, since, as a matter of fact, the Italian cotton spinners have known how to penetrate that market. Therefore, if we succeed in absorbing part of the Italian cotton industry—I have already made tentative proposals for the Rossi cotton mill and for the Prato factory, but up to the present I have had no result, and the negotiations have been passed on to the Schimmelpfeng Agency and to the office of Consul Oster—we could reduce Italian competition in the Balkans, where we could present our product as being Italian.

Then we have the metallurgical industry in Italy, and this is the most important of all, since the development which took place during the war is such that the matter must be taken into serious consideration.

In this connection I will refer to the matter again, pointing out that our participation in the Piombino establishments is assured. Messrs. Cavallini and Brunicardi are taking charge of the question of the Alti Forni (smelting furnaces) of Ports Ferraio in the interests of the firm of Krupp. They say that at the present moment the owners could ask 210,000,000 lire, but that if the present crisis continues even half that sum might be sufficient.

Then we have made an offer for the electric-railway workshops of Milan, a combination between the Pirelli and Eradania, and with the Cotton Transport Corsorzio, which could be absorbed, and offers regarding the fleet of Deutsche-Levant Linie, which could become an Italian navigation company.

The most important question is in fact that of the control of Italian fuel, which constitutes the integral part of Italian economic life.

The infiltration of the products of the A. E. G. into Italy has destroyed the industry in electrical materials which it will be easy to absorb, the more so as several members of that industry, indicated in my telegram No. 10878, assured me that in view of the business crisis those companies seek to obtain foreign capital.

If we assure a supply of electric material on the Italian market, we could obtain contracts for furnishing electric material for several hydro-electric works in constructions and for the State railways. But it is necessary for the German companies to understand the necessity of their branches in Italy remaining under the Italian name.

I have entered into agreement for the conclusion of contracts between the A. E. G. Siemens and the Societa Adriatica of electricity of the group Velpi-Negri for furnishing of the necessary material into the Veneto—that is to say turbo-alternators, turbines, pipes for the waterfall, and all the material—and the furnishing of the material as capital participation of said company, since these supplies are calculated at a value of over 8,000,000 lire.

This regarding white fuel.

Then, we have at our disposal the Italian wealth of lignite. The Italians do not know how to get the most out of this, and almost treat it as a thing of little value. On the contrary, it is a matter of 300,000,000 tons, of which, as I have already reported (sub. n. 178 ND), only 3,000,000 tons per annum are used, whilst 115,000,000 tons per year could be got, as the deposits are estimated to be more than 35 meters deep.

Add that by distillation a thousand tons of mineral oil could be obtained, since lignite has a percentage of 25 per cent of the components of such oil. The deposits of bituminous schist, valued at 115,000,000 tons, with 12 and up to 18 per cent of naftha, are worthy of notice; and these two are in a very slightly developed state, which may be attributed to lack of means on the part of the owners.

The Consortium of Chemical Products of Berlin, the Deutsche Bank, and the Discount Gesellschaft are already in treaty with various Italian groups.

As will be seen from this explanation, there is much to do in Italy, but action must be guided by the following rules, in order to avoid clashing with Italian susceptibility:

1. The Deutsche Italienische Vereinig should be able to continue to bring its influence to bear.

Instructions must be given to the Deutsche Italienische Vereinig so that its bulletins shall be inspired to draw attention to the lack of Italian products in Italy, the damage resulting from such lack, and the attempts at economic penetration on the part of foreign countries. Such criterion must also inspire the newspaper campaign of said organization.

2. The setting up in Milan, too, of an information office at the consulate general for Germany, with the aim of following the labor movements in north Italy and to report to Germany in relation to these movements the necessity to send German material and products in order to increase the crisis.

3. As to fuel, it is necessary that after the refusal of the Italians of our offer to collaborate in the development of the lignite mines and for the supply of the market with fuel against facilities of German property, which has been so sequestrated, our action shall be turned toward private individuals.

With respectful regards,

STROHEKER,
The Commercial Councilor.

[Idea Nazionale, Sunday, August 28, 1921.]

Mr. MOSES. Mr. President, through the adoption of the amendment offered by the Senator from New Jersey [Mr. FRELINGHUYSEN], which I think is certain, those of us who have advocated this investigation are now assured of the powerful aid of the Senator, and we welcome it. His remarks will be welcomed in another quarter also, Mr. President, for I am sure, when the news reaches S Street that he has quoted with such approval on the floor of the Senate the words of Woodrow Wilson, that distinguished citizen of New Jersey will be highly elated.

The statements which the Senator from New Jersey has made with reference to those who preached the gospel of gush throughout this country, and who, to that extent, hampered the preparedness of this Nation for war, into which, as every sane man knew, it was inevitable we should go, can not apply to me. I have advocated, whether as an editor, a public speaker, or a Senator, a big Navy and an adequate Army. I have voted here for a big Navy, for an adequate Army, and for enlarged appropriations for both.

But we are not living in the days of 1917. There sits in this city to-day a conference looking to the limitation of armament, a conference seeking to wipe out the viper of the sea and the poison gas of the land, and I have heard no suggestion from that conference, or from anyone connected with it, that the defense of this country should be turned over to the dye makers of America.

I wish to say that no one can be more anxious than I to protect any industry which exists in this country. I have stated over and over again, in such debate as has taken place upon this subject and in which I have participated, that I am an all-round protectionist.

Mr. President, I believe in a protective policy, and I say frankly to the Senate that if the dictum of the Senator from New Jersey should be accepted here, if an embargo must be placed upon dyestuffs because the manufacturers of dyestuffs say they must have it, it would be proper for every knitting mill in the country, on the ground that soldiers wear socks, to come here and demand an embargo, and we would have to grant it.

Mr. President, no adequate protection has yet been tried under a tariff law for the dyestuffs industry. In 1916, when the dye people came here and asked for protection, they were readily granted by Congress the full protection which they asked, and which they said at that time was all they would ever need; but before that protective tariff had time to operate, while we were still under the embargo laid by the operations of the British grand fleet, which prevented any dyestuffs entering this country save one small submarine cargo, before that protective tariff had an opportunity to demonstrate its usefulness, we were plunged into the war and the embargo was ipso facto continued.

The embargo has continued now for seven years, and if with seven years' absolute embargo an industry can not build itself up there must be something inherently wrong with its management.

The Senator has spoken of Mr. Bryan and his lectures. I wish to say to the Senator that the lectures of Mr. Bryan are as a whispering zephyr compared to the vociferous volume of propaganda which has been carried on by those who have advocated the continuance of the embargo.

I do not know how the Senator came into possession of the book from which he has read, but I have a copy of it, which was left at my door anonymously, and when I looked in the preface I found, over the signature of the author, statements to the effect that the establishment and the carrying on of chemical industries formed the groundwork for the stability of future peace.

Mr. KING. Mr. President, will the Senator yield?

Mr. MOSES. I yield.

Mr. KING. Mr. Francis B. Garvan, who is at the head of the Chemical Foundation and who is most active in perpetuating the dye lobby and preventing apparently this investigation, undoubtedly distributed those books. I received one accompanied with a letter.

Mr. MOSES. From whom, may I ask?

Mr. KING. From Mr. Garvan.

Mr. MOSES. Is he the author of this book?

Mr. KING. I have no doubt the Senator received one likewise.

Mr. WADSWORTH. Mr. President, did I understand the Senator to say that Mr. Garvan is opposed to an investigation?

Mr. KING. Very apparently he is opposed to it.

Mr. WADSWORTH. Why does the Senator say apparently?

Mr. KING. Because of the persistent activity of Mr. Garvan and his constant charges that those who are in favor of the investigation or favoring the work which is being suggested here are enemies to this country.

Mr. WADSWORTH. That is scarcely a sufficient answer, if the Senator from New Hampshire will permit me. The Senator is giving the Senate to understand or has endeavored to give the Senate to understand that Mr. Garvan is opposing this investigation. It so happens that I know Mr. Garvan rather intimately and have known him for many years, and I think I can say with a reasonable degree of assurance that he does not fear it. It is easy to rise on the floor of the Senate and make imputations against the character and the motives of people who can not be present. I think in justice to Mr. Garvan I should make this statement.

Mr. FRELINGHUYSEN. Mr. President, will the Senator suffer an interruption?

Mr. MOSES. Oh, yes.

Mr. FRELINGHUYSEN. The Senator is attempting to make it appear that in some way I have used a quotation from a book which has been written in order to propagandize the dye industry. That may be so as far as the book is concerned. Personally I do not know Mr. Garvan. I have been opposed to his methods and policies. I asked Dr. Herty, for whom I sent to come to my house in order that I might get some facts regarding the manufacture of dyes, to find an article which described the gas attack at Ypres. He told me of this book which contains a quotation from Gen. French's statement, not propaganda, but a military report describing that gas attack. So important did I think it was to point out to the Senate that the result of a failure to properly protect the dye industry would bring back those same methods and leave America unprepared, that I wanted to bring out that point of the gas attack at Ypres when the whole world was surprised and astonished.

Mr. MOSES. Mr. President, I think the Senator will bear me out in saying that I did not impugn his motives in reading from the book. The Senator adverted in the course of his remarks to his abhorrence of methods which operate in the dark with reference to propaganda or pressure upon legislative bodies for legislation, and I wished to point out that he had unconsciously been made a victim of a method of that sort.

Mr. FRELINGHUYSEN. I deny that and resent it for the simple reason that the book is not written or published by Mr. Garvan or the Chemical Foundation. It is written by an individual independent of any association.

Mr. MOSES. But circulated by Mr. Garvan to members of legislative bodies who have to pass upon this question——

Mr. FRELINGHUYSEN. The Senator might circulate the Bible, but it would not make the recipients religious.

Mr. MOSES. In just the same manner as the Chemical Foundation at great cost circulated many thousand copies of "Creative Chemistry," 63,000 copies of a book which retails for $3 in any store. This was circulated by the Chemical Foundation or Mr. Garvan for the purpose of influencing public opinion.

Mr. WADSWORTH. Mr. President, I received a copy of that book, and I will say frankly it is one of the most interesting books I ever read.

Mr. MOSES. It is, indeed.

Mr. WADSWORTH. There was nothing dark or devious about my receiving the copy. I was grateful to the man who brought it to my office. What is there reprehensible about that?

Mr. MOSES. Reprehensible in that the Chemical Foundation sets itself up to be an eleemosynary institution and it circulates thousands of copies of an expensive book in order to formulate public opinion and benefit the legislation which apparently it wants, because its counsel and officers have appeared before committees of the Senate and asked for the embargo.

Mr. WADSWORTH. The Senator must go on the assumption that legislators are fools——

Mr. MOSES. Oh, no; not at all.

Mr. WADSWORTH. And that they have not a sense of proportion. I think it is possible for me to read that book without having my judgment corrupted.

Mr. MOSES. Yes; but the Senators are only 96. Who received the other 62,904 copies of the book? They were sent to officers of many institutions and organizations for the purpose of formulating and forcing public opinion upon the Senate.

Mr. WADSWORTH. Does the Senator think 64,000 copies of anything can create public sentiment in this country?

Mr. MOSES. I think 64,000 people, carefully selected, as the list was, according to the testimony brought out before the Committee on Finance—64,000 people skillfully selected, whose minds have been brought to a common point—can exert a very great influence upon legislation.

Mr. WADSWORTH. Then they are dupes, in the first instance, or dishonest.

Mr. MOSES. The premise was "if their minds were brought to a common point."

Mr. WADSWORTH. There are a good many assumptions underlying the conclusions of the Senator from New Hampshire.

Mr. MOSES. Possibly.

Mr. WADSWORTH. I happened to read that book from cover to cover, as I said before, and I found it exceedingly interesting.

Mr. MOSES. So did I.

Mr. WADSWORTH. I did not find myself urged, directly or indirectly, by the book to surrender any conviction which I had previously in the matter of legislation.

Mr. MOSES. I think, however, the effect of the book throughout the country was a piece of very insidious propaganda.

Mr. WADSWORTH. I am almost inclined to believe that the Senator lacks confidence in his own ability to resist that kind of thing.

Mr. MOSES. I have resisted it thus far, and I think I shall be able to continue to do so until we get a vote on this resolution at any rate.

The Senator from New Jersey adverted also to a single shipment of foreign dyes which was brought into this country during the war. He named with much particularity and enumerated in detail the history of the consignees of that cargo. I assume he sought to bring out, or at any rate to establish by innuendo, an accusation of disloyalty against those consignees. I happen to have a mere casual acquaintance with one member of that firm only, and since this debate began this morning there has been put into my hands a copy of a letter written by an authority in this country before which even the Senator from New Jersey is accustomed to bow, in which the writer said:

I am fully satisfied as to their 100 per cent American citizenship.

Mr. NORRIS. Will the Senator give us the name of the author of the letter?

Mr. FRELINGHUYSEN. I ask that the Senator read the entire letter. I have a statement to make in regard to that, in view of the fact that the Senator has introduced it into the debate.

Mr. MOSES. I will, indeed, read it. It is as follows:

THE WHITE HOUSE,
Washington, November 21, 1921.

Messrs. CARDOZO & NATHAN,
128 Broadway, New York City.

DEAR SIRS: I have before me your letter of November 16.

I am writing to say that I happen to know personally concerning your clients in a way that either you or they know little about, and I am fully satisfied as to their 100 per cent American citizenship, and I am quite agreed that there is no good reason for denying their claim to the Liberty bonds seized by the Alien Property Custodian on March 19, 1919.

I know concerning the record of Lieut. Commander Pickhardt in the Navy and know that he is very highly esteemed. Because of what I know concerning the case I am to-day directing the Alien Property Custodian to make proper restitution of this property.

Very sincerely,

WARREN G. HARDING.

Mr. FRELINGHUYSEN. I wish to state for the benefit of the Senator from New Hampshire, if he will permit me, that I have made some investigation regarding that, and that the question of returning those bonds was on an appeal to the President made by a lawyer representing a German concern, in which it was represented that those bonds should in all fairness be returned. The Alien Property Custodian has referred that matter, I am informed, to the Department of Justice. I refer the Senator from New Hampshire to the Department of Justice for some interesting information in regard to the return of those bonds.

Mr. MOSES. That does not happen to be in my possession, but if the owners of the bonds are having any difficulty in procuring their property, which has been ordered returned to them, I suggest that they might get them by communicating with the gentleman who writes this letter, whose name I do not intend for the moment to give to the Senator from New Jersey. This is a letter written to a constituent of mine, and reads as follows:

DEAR SIR: I am advised that you represent a claim for certain shares of the General Electric stock now held by the Alien Property Custodian, and that the claim has been disallowed because of certain disloyal remarks made by the claimant, who is an American citizen. It has also been suggested that you may desire my services in connection with this claim. Inquiry has been made as to whether I am in a position to handle the same, and I beg to advise that on July 1, 1921, I severed my connections with the Alien Property Custodian as special litigation counsel and I see no reason why I should not accept employment. I am willing to handle the claim purely upon a contingent basis.

If you desire my services, you will kindly advise me within the next few days, as I am leaving for a short vacation on August 10.

Very truly, yours,

_____.

If the Senator wishes to know what connection this letter may have with the discussion of the dyestuffs problem, I will add for his further information that it happens to be written upon the letterhead and from the office of the eleemosynary institution known as the Chemical Foundation, which apparently exists for general educational and charitable purposes, with a little private rake-off on the side.

I have no desire to detain the Senate long. I thought we might dispose of this matter before the customary expiration of the morning hour. The Senator from New Jersey adverted somewhat to the claims of monopoly that exist in this country on dyestuffs and said he knew nothing of the Du Ponts. May I refresh his recollection a little by recalling that in this Chamber, when this subject was under somewhat prolonged discussion some months ago, the then senior Senator from Colorado, Mr. Thomas, in the course of a very extended speech on this subject, read into the RECORD a contract entered into between the Du Ponts of America and the Levensteins of London for the purpose of dividing the dye world between them. No eastern satraps ever met to carve a province with more unction than the Du Ponts and the Levensteins met to carve up the world between themselves, the Du Ponts to take this side of the ocean, the Levensteins to take the other. When rogues fall out honest men benefit, and it so happens that the rogues in this case did fall out and litigation was instituted, as a result of which I was prompted to see how far the ramifications of what I term a monopoly in the dyestuff industry exist on this side of the ocean. I sought to bring it down to visualized form, which form will be seen upon the chart which hangs upon the wall of the Chamber just behind me.

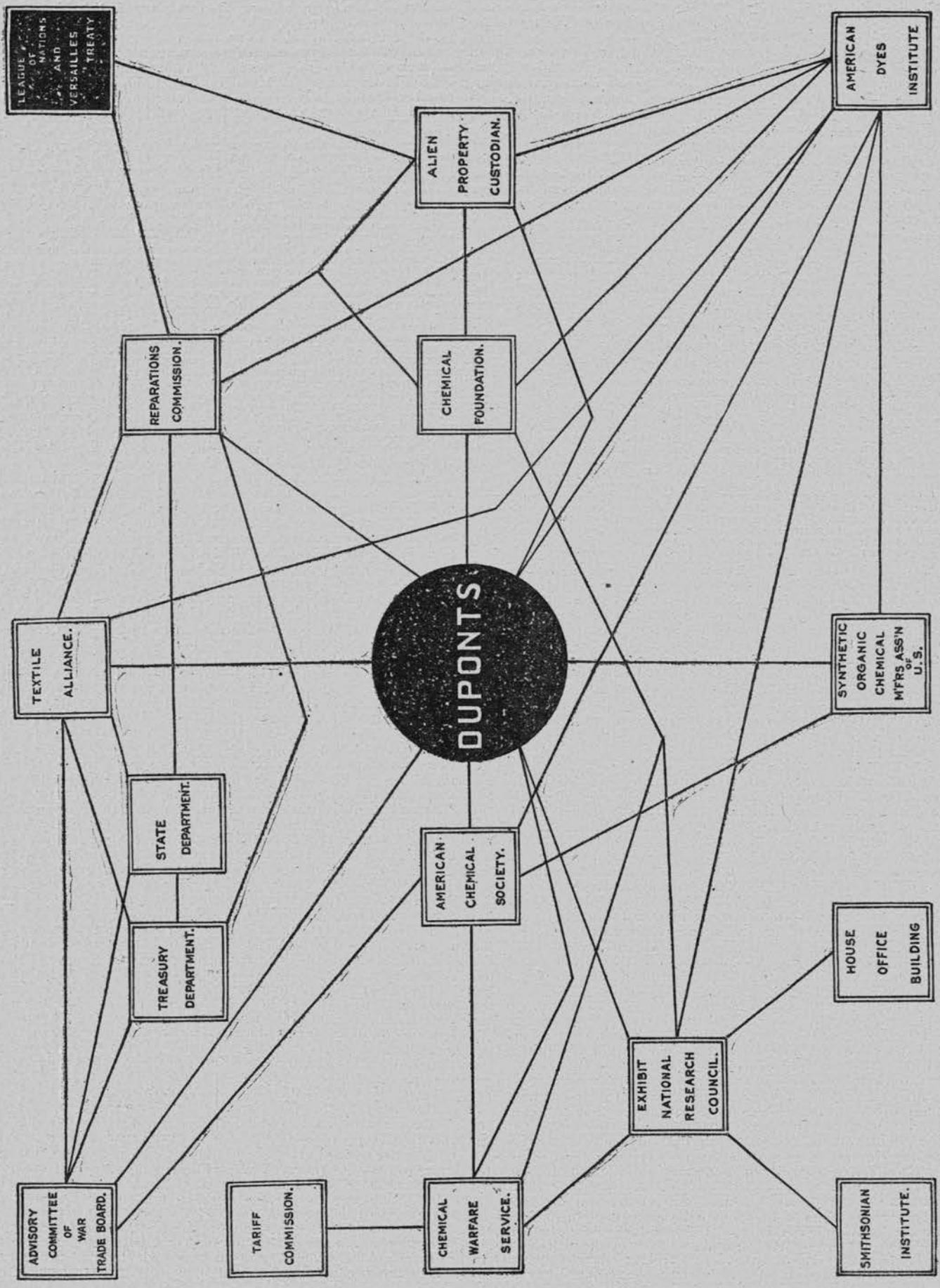
[For chart see next page.]

Because of the Du Ponts' transcendent resplendency in the sky of the dyestuff world I have placed them in the center of this universe, as is proper, and have marked them with vivid red. From them, equally in red, I have sent out the radiating lines of their influence to various affiliated and subsidiary and associated, and probably subsidized, institutions which deal with the dyestuffs industry in this country. It will be seen that a line in red runs directly from the Du Ponts to the Textile Alliance, from the Du Ponts to the advisory committee of the War Trade Board, from the Du Ponts to the Chemical Warfare Service, from the Du Ponts to the Exhibit of the National Research Council, from the Du Ponts to the Synthetic Organic Chemical Manufacturers' Association, from the Du Ponts to the Chemical Foundation, from the Du Ponts to the Alien Property Custodian, from the Du Ponts to the American Dyes Institute, from the Du Ponts to the Reparation Commission, and thence to the treaty of Versailles and the League of Nations.

In a speech which I made on this subject some months ago I pointed out the personality of the liaison officer of the Du Ponts with most of these institutions, Dr. Morris R. Poucher; and as we travel along these red roads which run from the Du Ponts to each one of these affiliated, subsidiary, probably subsidized, institutions, we meet the familiar form of Dr. Poucher. Going down, Mr. President, to that one of the organizations which bears the most resounding name—the Synthetic Organic Chemical Manufacturers' Association of the United States—a newborn baby in this already crowded house of illegitimate children of an illegitimate transaction, we discern easily the familiar figure of our old friend Dr. Poucher.

If we proceed to take the longer road which leads down into the southeast corner of the map, and goes from the Du Ponts to the American Dyes Institute, again we meet our old friend Dr. Poucher coming toward us with the smile on his face with which he always greets his friends. So, Mr. President, we find him in almost every one of these roads.

This information, Mr. President, should be developed through an orderly investigation before a committee of the Senate. I say "a committee of the Senate" because this question is in the Senate now; it is before the Senate by reason of the efforts made before the Committee on Finance to write the dye embargo into our permanent tariff law. The House of Repre-


LEAGUE OF NATIONS AND VERSAILLES TREATY
AMERICAN DYES INSTITUTE
ALIEN PROPERTY CUSTODIAN.
REPARATIONS COMMISSION.
CHEMICAL FOUNDATION.
TEXTILE ALLIANCE.
DUPONTS
SYNTHETIC ORGANIC CHEMICAL M'F'RS ASS'N OF U.S.
STATE DEPARTMENT.
AMERICAN CHEMICAL SOCIETY.
TREASURY DEPARTMENT.
HOUSE OFFICE BUILDING
EXHIBIT NATIONAL RESEARCH COUNCIL.
ADVISORY COMMITTEE OF WAR TRADE BOARD.
TARIFF COMMISSION.
CHEMICAL WARFARE SERVICE.
SMITHSONIAN INSTITUTE.

sentatives has defeated it, the question is here and nowhere else, and here, Mr. President, and nowhere else is the place to make the investigation.

I much prefer that the investigation shall go forward in an orderly manner before a committee of the Senate sitting impartially, in spite of the fears of the Senator from New Jersey, but searching deeply into every phase of this question. If, however, it must be conducted by means of speeches upon the floor of the Senate, it may be done in that way, probably to the interruption of more important and pressing business.

Mr. President, the question is here, and it should be disposed of; and no one more than I welcomes the great assistance of the Senator from New Jersey, whose amendment to this resolution is about to be adopted, and from whom we shall then receive all the constant and valuable cooperation of which he is so capable.

AMENDMENT OF TRANSPORTATION ACT OF 1920.

Mr. KENDRICK. Mr. President, a few days ago when the railroad funding bill was under consideration I submitted an amendment to that bill, a copy of which I now send to the desk and ask to have read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wyoming will be stated.

The READING CLERK. On page 7, after line 2, it is proposed to insert the following new section:

SEC. 3. That paragraph (3) of section 15a of the interstate commerce act, approved February 4, 1887, as amended, is amended to read as follows:

"(3) The commission shall from time to time determine and make public what percentage of such aggregate property value constitutes a fair return thereon, and such percentage shall be uniform for all rate groups or territories which may be designated by the commission. In making such determination it shall give due consideration, among other things, to the transportation needs of the country and the necessity (under honest, efficient, and economical management of existing transportation facilities) of enlarging such facilities in order to provide the people of the United States with adequate transportation, and to the return upon capital invested in industrial enterprises, in order not to prejudice the interests of, impose an unreasonable burden upon, or discriminate against shippers, producers, and consumers."

Mr. KENDRICK. Mr. President, the amendment submitted by me, if adopted, would repeal that provision of section 15a of the interstate commerce act which requires the commission to establish rates that will enable the railroads to earn a fixed income of from 5½ to 6 per cent on the aggregate value of the property, without giving consideration to the interests of the shippers or the public. The amendment proposed would remove that arbitrary limitation on the commission in fixing rates, and thus make it possible for the commission, in considering the transportation needs of the country, not only to have regard for the interests of the carriers but to pay heed to the needs of the shippers and patrons of the roads as well as to the rights of the general public.

As the law stands to-day, with this guaranty clause in effect, the Interstate Commerce Commission has no choice but to levy a toll upon all industry sufficient to pay the railroads a fixed profit, though every other industry in the land may operate at a loss. If the guaranty clause is repealed by the adoption of my amendment, the Interstate Commerce Commission in passing upon any proposed modification of the rates will be free to determine whether the charge can be made without imposing an unreasonable burden upon the shippers and consumers.

The disproportionately high freight rates which the commission has been forced to levy because of the mandatory provision of this section have constituted one of the greatest factors contributing to the desperate economic conditions in which the country now finds itself. To carry out this provision of the law, on July 29, 1920, the commission, in a decision designated as Ex parte 74, directed an increase of freight rates amounting to 40 per cent in the eastern group of roads, 25 per cent in the southern group, 35 per cent in the western group, and 25 per cent in the Mountain-Pacific group. This increase was in addition to a general increase of 25 per cent allowed during the period of Government control.

The result of this advance was nothing less than ruin to producers in many sections of the West. Under ordinary circumstances the increase would have proved in many cases inequitable and unnecessarily burdensome, but coming, as it did, coincidently with an abrupt decline in the values of every product of the farm and ranch, it was more than disastrous in its effect, not only bringing great and immediate financial loss to the producers, but in many sections suspending the very processes of production themselves. Scarcely a day goes by that the attention of the Senate is not called, in one way or another, to whole sections of the country where the farmers are unable to move their products because the prices offered are not sufficient to pay the actual freight charges involved in reaching the market. In such circumstances the farmer no longer has any incentive, with the result that farms and ranches, which are the very foundation of the Nation's prosperity, are being allowed to lie idle.

Among the many illustrations that may be cited of the manner in which these increased transportation charges levy a prohibitive tax upon production in different sections of the country I select only a few. The following extracts are from a letter received from the Milford Grange Cooperative Association, of Lander, Wyo.:

On November 4, 1921, at Powell, Wyo., wheat of the grade of No. 1 durum northern spring fancy was bringing the grower 67 cents per bushel; on the same date wheat of the same grade was quoted at $1.27 in Minneapolis. The freight rate, Powell to Minneapolis, is 68 cents per 100 pounds. A carload of wheat amounts to about 1,000 bushels. This means that it cost $600 to transport a car to market, $400 of which is freight, $200 being the buyer's commission. The freight charge is unreasonable and unjustifiable and can at least be remedied. * * *

We can not specifically state the freight-rate situation on potatoes, but when the grower gets around $1 per 100 pounds and the consumers in the Missouri River market territory pay $3.50 to $4 for the same quantity we might be excused for asking our Secretary of Commerce whether his department has any jurisdiction in such matters. We feel that we are being robbed, and we do not know just where to turn for protection or relief.

Our great industry is live stock. You are only too well acquainted with the terrible condition confronting our State in that line. Only to-day returns from a car of cattle shipped to Omaha show that it cost me $175 to ship and sell it, the freight being $138. Interstate freight rates prohibit us from shipping feed or stock from one section to another. * * *

We present to you the above as merely illustrative of our numerous troubles. Under such conditions the farmers and stockmen of Wyoming have not the means with which to properly defend themselves. We feel, to put it plainly again, that we are being robbed. * * *

As shown by the hearings on the grain and rate case before the Interstate Commerce Commission, a resident of Billings, Mont., on March 9, 1921, shipped a car of hay to Kansas City. The car sold for $173.32. The freight was $138.50, the commission $14.46, other charges $1.25, making a total charge of $154.21. Thus the net return to the consignor was $19.31 on the car, or $1.33 per ton for hay that actually cost from $10 to $15 per ton to produce and deliver to the local shipping point. It is estimated that there will be 20,000 cars less hay received in Kansas City this year than a year ago.

Nine shipments of hay from different points in Nebraska to Omaha during the first part of the present year showed the following results: The average selling price was $12.11; the average cost of harvesting was $5.61 per ton; commission, $1 per ton; freight, $4.87; making a total of expense incident to producing and marketing, $11.52. It will be seen that the average return to the producer was only 59 cents per ton.

Mr. CARAWAY. Mr. President, will it disturb the Senator if I interrupt him a moment?

Mr. KENDRICK. I yield to the Senator from Arkansas.

Mr. CARAWAY. I merely wish to call the Senator's attention to a shipment of cantaloupes from a place called Hope in my State to Pittsburgh. The shipment brought $586.70, but when the freight, the drayage, and the commission merchant's charges were taken out, the shipment netted the grower $38.20, or a little over 6 per cent of what the shipment sold for. Of over $10,000 worth of shipments of cantaloupes, beans, and commodities of that kind from the same locality, the average freight charges ran from 65 per cent to 94 and a fraction per cent.

Mr. KENDRICK. Mr. President, I am obliged to the Senator for his illustration. I wish to say here that I have received from friends in the live-stock industry many reports of still more serious burdens placed upon shipments of stock which are not included in the statement from which I have quoted. Among those that appear to me to be the most convincing was a shipment of 300 head of what are known as canner cows that were sent to the Fort Worth market. This class of stock, of course, sells for the lowest price, and there was a long freight haul en route to market, but the cost of transportation and of marketing consumed such a great proportion of the gross return that the cattle actually netted to the owner 18 cents a head, making for the total of 300 head $54.

Mr. CARAWAY. Were they full-grown cows?

Mr. KENDRICK. They were full-grown cows.

According to evidence submitted at the agricultural inquiry, the average price of 15 commodities in August, 1920, at a time when prices had started to decline, was 95 per cent above the average five-year prewar level, while freight rates were only 30 per cent above that level. During the year that followed this relationship was completely reversed and, on August 1, 1921, the average price level on these 15 farm commodities was only 30 per cent above the five-year prewar level, while freight rates were 90 per cent above that level. Thus, with the market price of farm products tumbling at an unprecedented and precipitous speed, the producer was called upon to pay a transportation

charge three times greater than that which he had paid during the war. It was as though the producer had been called upon to pay a tax upon his losses. We have not hesitated to repeal the tax on excess profits because we have been told that its effect was to hamper industry, destroy initiative, and induce stagnation. We have reduced surtaxes because we have been told that they drive investment funds out of productive industry into tax-exempt securities. Having acted so promptly for big business and for wealth, is it possible that we shall deny to the farmers and ranchers of the country even the slight measure of relief that would be afforded by the repeal of the guaranty clause which, in effect, is a tax upon excess losses?

Figures submitted in evidence at the hearings on the grain and rate case before the Interstate Commerce Commission in August show that the price of corn on the basis of Chicago market quotations was, during that month, only 9 per cent above the 1913 level, while freight rates were 84 per cent higher; barley 13 per cent higher, while freight rates were 80 per cent higher; oats 1 per cent higher, freight 80 per cent higher; wheat 49 per cent higher, freight 66 per cent higher.

To-day it costs $831 to ship a carload of wool from Boise, Idaho, to Boston. The same shipment cost the flockmaster only $475 in 1917. It is cheaper for the Idaho wool producer to ship to Portland, Oreg., and there rebill for Boston in order to get the advantage of the low transcontinental rate which prevails from Pacific to Atlantic ports in order to meet water competition. It is estimated that 30,000,000 pounds of western wool will either be rebilled by this method, thus entailing hundreds of miles of extra and unnecessary transportation, or that the shipments will be sent to Pacific ports by rail and then to Boston by water via the Panama Canal. It does not require argument to prove that a law which compels flockmasters living in the Rocky Mountains, in a State that borders on Canada, to use the Panama Canal to ship their product to Boston, is uneconomic if not absurd.

The rate on wool in maximum car lots of 32,000 pounds from Cheyenne, Wyo., to Boston is $2.06 per hundred. In minimum car lots of 24,000 pounds it is $2.35 per hundred. The water rate from the Pacific coast ports to Atlantic ports is 90 cents per hundredweight. The rate from Australia to Atlantic ports is $1.62 per hundred. Senators will not be slow to note the significance of these figures. The wool producer of the Antipodes can place his shipment in Boston more cheaply than the American woolgrower can transport his clip halfway across his own country by what we have been taught to believe is the most efficient transportation system in the world. To state it plainly, the guaranty clause is, in effect, a protective tariff, not for American but for foreign woolgrowers—and this at a time when the American producer is enduring the most severe hardships he has encountered in a generation, when our every thought should be to lighten, not to increase, the burden he is forced to carry.

To illustrate the extent of the disaster that has befallen our Western flockmasters, I desire to quote from the testimony of Dr. S. W. McClure, of Nampa, Idaho, who appeared before the Interstate Commerce Commission during the hearings on the petition of the live-stock producers of the West for a reduction of rates. Dr. McClure, who is a producer, as well as a representative of a loan company, in describing his own situation said:

> In 1918 I sold my wool for 60 cents a pound. In 1919 I consigned it, as was my custom, to a cooperative wool warehouse and storage company. I received an advance of 35 cents a pound on the wool. I, of course, had to pay the freight and handling expenses, so that the charges against that wool, and it is not sold yet, approach 45 cents a pound. I am willing at this time to give the warehouse holding my 1919 wool that clip and my 1920 wool and 1921 wool to make up what I now owe on that one year's clip.

In other words, the losses incurred on the product for the year 1919 were so great that to discharge his debt the producer must surrender not only the product of that year but the product of the two succeeding years as well. Under such circumstances, what defense can be made of a law which compels that man to increase his losses in order to guarantee the profits of the railroads?

Let me here call your attention to a statement of the returns from a shipment of choice lambs shipped from Caldwell, Idaho, to Chicago. There were 757 lambs in the shipment. I do not have the selling price, but the gross return was $6,696.30. The freight on the shipment amounted to $1,467.67, or $1.66 per head. Feed in transit amounted to $158.40, or 18 cents per head. Feed at Sycamore, Ill., amounted to $1,590.03, or $1.80 per head. Miscellaneous expenses amounted to $93.97. After the expenses were paid, the shipper had a net return of only $3,247.93. More than one-half of the selling price had gone into the payment of fixed charges, over which he had no control.

The illustration which I have just given relates to a shipment of lambs, which always bring a much better price than any other class of sheep. Flockmasters of the West have been unable to market old ewes at prices that would pay the charges of getting them to market; and in many instances, I am told, they are being permitted to die on the range.

Based on quotations in the Market Reporter of November 5, the average price paid on November 1 for common steers in Omaha was $5 per hundred. At this price the gross return on an 1,100-pound steer would have been $55. The freight rate from Cheyenne, Wyo., to Omaha is 50 cents per hundred, making the freight on this animal $5.50, or exactly 10 per cent of the gross. Canner cows and heifers averaged $3.35 per hundred. The gross return on a 700-pound animal would have been $22.75. The freight at 50 cents per hundred would amount to $3.50 on this animal, or 15.3 per cent of the gross. The low price quoted on canner cows and heifers at that market on that date was $2.75, which would have given a gross return on a 700-pound animal of $18.75. The freight at $3.50 would equal 18.9 per cent of the gross.

Here I am reminded to point out that as the value of the net return on the product decreases the proportionate cost of marketing increases. As an illustration, let us assume that on an animal which brings $30 on the market the freight is $5, or 16⅔ per cent of the gross return. If the same animal sold on a higher market for $60, the freight would remain the same, or practically the same, and amount to 8⅓ per cent of the gross; all of which illustrates that as the value declines the proportionate cost of fixed charges is increased. This indicates clearly the ruinous effect upon industry of increasing freight rates when the values of the products transported were declining to the lowest levels known for years.

Having indicated the disastrous effect upon the agricultural and live-stock interests of the country, it may now be shown conclusively that the increase of freight rates provided under the arbitrary provisions of section 15a have actually proved detrimental instead of beneficial to the railroads themselves. This increase in freight rates has operated to defeat the very purpose it was intended to serve. Instead of increasing revenue for the carriers, it has decreased the returns by limiting the volume of traffic. The volume of tonnage of freight in nearly every commodity carried by the railroads accurately reflects the condition of the live-stock and agricultural producers, for, as prosperity departs from the producer, he ceases to be a purchaser of the materials which the railroads carry. This is rather clearly shown in a detailed report of freight commodity statistics of class I roads, prepared by the Bureau of Statistics of the Interstate Commerce Commission, an abstract of which I submit for the RECORD without reading:

Comparative statement of freight commodity statistics of Class I roads of the United States for the first six months of 1920 and the first six months of 1921 compiled from the quarterly statements of the Bureau of Statistics of the Interstate Commerce Commission.

Commodity.	Total revenue freight carried, 1920.		Total revenue freight carried, 1921.	
	Number of carloads.	Number of tons (2,000 pounds).	Number of carloads.	Number of tons (2,000 pounds).
Products of agriculture	4,253,611	99,661,003	4,127,791	97,742,204
Animals and products	1,772,219	22,361,830	1,633,818	19,981,443
Products of mines	11,068,637	527,293,742	8,600,705	415,075,744
Products of forests	3,613,706	99,694,159	2,728,447	75,318,306
Manufactures and miscellaneous	9,390,245	237,428,061	6,363,652	159,316,202
Total	30,098,418	986,438,795	23,454,413	767,433,899

WESTERN DISTRICT.

Comparative statement of freight commodity statistics of Class I roads of the western district for the first six months of 1920 and the first six months of 1921, compiled from the quarterly statements of the Bureau of Statistics of the Interstate Commerce Commission.

Commodity.	Total revenue freight carried, 1920.		Total revenue freight carried, 1921.	
	Number of carloads.	Number of tons (2,000 pounds).	Number of carloads.	Number of tons (2,000 pounds).
Products of agriculture	1,983,101	48,615,231	1,838,909	48,919,739
Animals and products	951,108	11,246,513	815,089	9,415,524
Products of mines	2,791,382	124,266,814	1,677,003	74,629,937
Products of forests	1,596,051	47,546,889	1,134,767	33,699,053
Manufactures and miscellaneous	2,627,569	64,689,274	1,772,563	45,428,356
Total	9,889,211	296,364,721	7,237,331	212,092,609

This table shows that the number of cars of manufacturers' products and miscellaneous products, including merchandise of all kinds, was 855,006 less during the first six months of 1921 than during the same period in 1920. It will also be noted that there were 6,644,005 cars less freight moved during the first six months of 1921 than during the first six months of the previous year. In that fertile region west of the Mississippi, which produces practically all the surplus food products of the Nation, the decline in the volume of freight was more than 2,500,000 cars in a single year. Agricultural products in that district fell off 154,192 cars, and live stock and live-stock products decreased 136,029 cars. The revenue in that district for the first half of 1921 was $1,022,807,701, as compared with $1,105,032,814 for the same period of 1920, a decrease of $82,225,113.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. KENDRICK. I yield.

Mr. FLETCHER. Was there a falling off in production, or was the falling off in the amount of business all occasioned by the high freight rates?

Mr. KENDRICK. Undoubtedly the production of farm products was equal to that of the previous year; but, as I shall attempt to show, very many of the producers were unable to ship their products because the freight rates consumed the entire receipts for the products when they reached the market, a situation which made marketing prohibitive.

The statistics of the commission show that in the movement of hay alone from this western district there was a decrease of nearly 50,000 cars in the number shipped during the same period last year.

It will be seen from this table that every group of commodities shows a decreased movement. These figures tell a very convincing story of the restrictive influence that the unwarranted increase of freight rates has had on the orderly distribution of the products of the farm and factory. In order to appreciate that the cost of transportation has fallen with blighting force upon the productive capacity of the West, one needs only to see the thousands of tons of hay rotting in the stacks throughout that region because it can not be moved to market on account of the high toll taken by the railroads, and to listen to the many stories that are related by stockmen of exactions for freight and other fixed charges, which not infrequently during the past few months have absorbed as much, in any event, as 25 per cent of the gross returns which they received for their product at the market, and in not a few cases actually consumed the entire proceeds.

These are startling statements, but they are fully substantiated by a mass of evidence. The hearings before the Joint Commission on Agricultural Inquiry, or the record of the hearings of the Interstate Commerce Commission on the petitions for reduction in freight rates on live stock, contain the most conclusive evidence.

As indicating in a most convincing way that the rate increase authorized by Ex parte 74 can not be justified on the grounds of necessity so far as the western transcontinental lines are concerned, I submit for the RECORD a table prepared by the Interstate Commerce Commission, showing not the earnings of these lines, but the dividends declared by them. The lowest of these dividends on preferred stock was 4 per cent, the highest 5 per cent; the lowest dividend on common stock was 6 per cent, the highest 10 per cent.

Statement showing rate of dividends declared by the roads named, years ended June 30, 1915, to Dec. 31, 1920.

Year ended—	Southern Pacific Co.	Union Pacific R. R. Co.	Chicago, Burlington & Quincy R. R. Co.	Atchison, Topeka & Santa Fe Ry. Co.	Great Northern Ry. Co.	Northern Pacific R. R. Co.
June 30, 1915	6 per cent common	4 per cent preferred 8 per cent common	8 per cent common	5 per cent preferred 6 per cent common	7 per cent preferred	7 per cent common.
June 30, 1916	do	4 per cent preferred 8 per cent common	do	5 per cent preferred 6 per cent common	do	Do.
Dec. 31, 1916	do	4 per cent preferred 10 per cent common	do	5 per cent preferred 6 per cent common	do	Do.
Dec. 31, 1917	do	4 per cent preferred 10 per cent common	18 per cent common	5 per cent preferred 7½ per cent common	do	Do.
Dec. 31, 1918	do	4 per cent preferred 10 per cent common	8 per cent common	5 per cent preferred 6 per cent common	do	Do.
Dec. 31, 1919	do	4 per cent preferred 10 per cent common	do	5 per cent preferred 6 per cent common	do	Do.
Dec. 31, 1920	do	4 per cent preferred 10 per cent common	do	5 per cent preferred 6 per cent common	do	Do.

The foregoing list of railroads includes practically every one of the great transcontinental lines acting as carriers for the vast empire of country lying west of the Missouri River. The dividends declared, as shown by this table, indicate clearly that no advance of rates could have been based on the needs of these roads. In addition to this table, I may quote the following news despatch:

CHICAGO, *December 1.*

Directors of the Chicago, Burlington & Quincy Railroad Co. to-day declared a semiannual dividend of 5 per cent and a special cash dividend of 15 per cent, payable December 31, to stockholders of record December 17. The directors also announced inauguration of a pension plan January 1. Directors of the Colorado & Southern subsidiary committee declared a 2 per cent dividend on the first preferred, completed payment on the regular 4 per cent annually; a dividend of 4 per cent on the second preferred, and a dividend of 3 per cent on the common stock, all to be paid out of surplus earnings.

I submit, without reading, a statement for the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From Barrons Financial Review.]

BURLINGTON—BENEFIT TO NORTHERN PACIFIC AND GREAT NORTHERN FROM EXTRA DIVIDEND.

As Northern Pacific and Great Northern each own $82,933,700 of Burlington stock, its extra dividend just declared will mean additional income to each of the controlling roads of $12,440,000, equivalent to 5 per cent on Northern Pacific's $248,000,000 stock and 4.97 per cent on Great Northern's $250,000,000 stock.

Total dividends declared by Burlington this year have been 2 per cent on $110,939,100 stock and 25 per cent on $170,839,100 stock, aggregating $44,926,500.

Dividends accruing to Northern roads have been 2 per cent on $107,613,500 and 25 per cent on $165,867,400, aggregating $43,619,000.

This year's interest on joint bonds secured by Burlington stock and all the $230,000,000 6s remained outstanding to the end of the year would have been $11,775,000, which, deducted from aggregate dividends on pledged stock, would have left surplus of $31,844,000.

Great Northern's share of the interest has been increased somewhat by conversion of half of the 6s into Great Northern 7s, while Northern Pacific's share has been decreased slightly by conversion of about $10,000,000 6s into Northern Pacific 6s. But Great Northern's portion of the interest will not exceed $6,000,000, while Northern Pacific's will be, roughly, $5,800,000.

Mr. KENDRICK. Having in mind the hardship imposed upon the shippers of the West by the 35 per cent increase in rates, one finds it difficult to employ moderate language in passing judgment upon the guaranty clause, particularly when it is realized, as the dividends above indicated prove, that the railroads did not need the increase. The records show that almost every one of these six lines referred to was earning more than the guaranteed rate of income. But it was found necessary under the provisions of the interstate commerce act to levy this increase of freight rates even under a trying condition, not for the purpose, as stated before, of giving necessary revenue to the railroads involved, nor for the purpose of providing transportation service for that section of the country, but for the purpose of taking care of the transportation needs of remote sections, which, in all probability, are more favorably situated as to markets.

The interstate commerce act was originally enacted to protect the public from the extortions of the railroads, and made this principle one of primary consideration. That provision of the act to-day remains unchanged and reads as follows:

All charges made for any service rendered or to be rendered in the transportation of passengers or property, or in the transmission of intelligence by wire or wireless as aforesaid, or in connection therewith, shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful.

In the operation of the present law it is impossible to believe that discrimination could be more radical. It certainly could not be more disastrous in its effect. The result is shown, particularly in the West, by the abandoned farms and the diminishing herds and flocks. With corn selling for fuel and the value of live stock in many cases absorbed in the cost of marketing, a shortage of products threatens the Nation. With the decline of the agricultural industry, which is basic throughout the West, will follow a corresponding decline in other business and industries. The very prosperity of the railroads themselves is in-

separably linked with the prosperity of the farmers and live-stock producers of the West.

I want to call attention to a statement made to me to-day by a man well authorized to speak, in effect that in the Fort Worth market, one of the great live-stock markets of the Southwest, there have been slaughtered up to this time, during 1921, 150,000 more calves than were slaughtered in the same period last year.

Mr. FLETCHER. Mr. President, my information is that there has been a reduction of 10 per cent in rates on agricultural products. Has that gone into effect in the West, and if so, with what consequences? Has not that been of some benefit?

Mr. KENDRICK. It is my understanding that such a reduction has been ordered, but has not gone into effect. I expect to try to show before I am through with this statement that such a reduction would prove entirely ineffective, and I take occasion to say here that there will be no adequate relief to our western country until the rate increase authorized by Ex parte 74 is entirely canceled or eliminated. In our country west of the Missouri River that amounted to 35 per cent.

There was a reduction of 20 per cent in the rates on live stock where existing rates were in excess of 50 cents per hundred. But this rate did not become effective until September 20, which was not until after the greater part of the fall shipments had already moved to market. The reduction did not apply where the rates were already below 50 cents per hundred, and therefore gave no relief to many of the shippers. It might also be stated that the reduction was only temporary and intended to be suspended after January 1.

Under such impossible conditions it is no wonder that in some sections of the West many farms and ranches are going under the hammer at mortgage or tax sale. Only a few days ago, in turning the pages of a newspaper published in one of the most prosperous sections of the extreme West, under ordinary conditions, I noted three solid pages of notices advertising farms and ranches to be sold for taxes.

It is contended by many of the friends of the legislation that the law did not arbitrarily guarantee fixed incomes for railroad properties. Without regard to the language of the law, the interpretation of the law made the guaranty clause mandatory. I quote from the decision of the Interstate Commerce Commission in passing upon Ex parte 74, as follows:

> In establishing rates for the two-year period we have no discretion as to the amount of the fair return except that we add to the 5½ per cent provided by law a sum not exceeding one-half of 1 per cent of such aggregate value to make provision in whole or in part for improvements, betterments, or equipment, which, according to the accounting system prescribed by the commission, are chargeable to capital account. Having determined the per cent we are called upon to perform the administrative task of establishing rates that will yield in the aggregate as nearly as may be that per cent until March 1, 1922.

To guarantee incomes to the railroads and not to the producers is to assume that transportation is more essential than production. The very existence of the roads themselves is dependent upon an uninterrupted flow of commodities from the point of production to centers of distribution and consumption. Those responsible for the administration of the roads should realize that the welfare of the communities served by such roads is inseparably linked with the welfare of the carriers themselves. There is an interdependence of the one upon the other that can not be disregarded without serious consequence to both. As transportation facilities are vital in their importance to industries, so also is the welfare of every farmer along the track of the greatest importance to the railroads. For railroads to continue to prosper the communities they serve must prosper.

I am not unmindful of the difficulties of the railroads, but I want to urge most emphatically that while the Government is dealing generously with the transportation lines, as it most certainly has in the past, it should at least deal justly with the shippers.

No principle of economics or morals can be found to justify what is commonly termed the guaranty clause of 15a. Any arbitrary or preferential right accorded any industry under such a plan must by the very nature of things be made at the expense of other industries. As stated before, the interstate commerce act as originally enacted was to protect the public from extortions of railroads, and made this provision one of primary importance in that all rates should be "reasonable." Since the law was amended the commission has been required to ignore and disregard entirely the rights of the shipper. The principal objection is not that the guaranteed rate of profit is unreasonable in itself, but that it is unreasonable in the extreme to single out one industry and by law protect it from loss at a time when every other industry is suffering the effects of economic readjustment and many industries are fighting for their very existence.

Mr. TRAMMELL. I understand the Senator to say that this interest probably under certain conditions would not be excessive. As pertinent to that question, I would like to know what they were earning prior to the enactment of this guaranty law.

Mr. KENDRICK. I do not have at hand this information, but I have attempted to show by tables submitted, probably during the Senator's absence, some of the dividends paid on both common and preferred stock, particularly as applied to railroads west of the Missouri River.

Mr. TRAMMELL. According to my understanding, they earned, on the aggregate value of the entire properties in the United States, 2¾ per cent. That was about the average prior to the enactment of this law. That being true, when you raise it to 5½ per cent you are practically doubling your transportation charges.

Mr. KENDRICK. I think that is quite correct, and the 35 per cent in the western section referred to is just that much greater burden added to high rates already in existence at the time this increase was made.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. KENDRICK. With pleasure.

Mr. SHEPPARD. Is the Senator in position to tell us what the prospect is for the repeal of this guaranty clause?

Mr. KENDRICK. I will say to the Senator that I have no information on that point. I think it is easily within the bounds of discretion to say that there is a strong sentiment in the Senate in favor of such repeal.

It is true that 5 or 6 per cent can not be called a high rate of income, if based on a fair valuation. Occasions must arise, under favorable conditions, when in every section of the country railroads should be allowed to earn much more than that percentage, while, under conditions such as now prevail, transportation systems, like the industries and individuals they serve, might well be content to earn only the overhead expenses until such time as general conditions improve.

The opponents of the amendment may argue that this guaranty provision will expire by limitation in March, 1922, but an answer to this is found in the statement that such provision of law should never have been enacted in the first place, and the sooner it is repealed the more promptly will its vicious influences be terminated. An injustice of the kind this law inflicts upon the country should not be tolerated for a moment longer than it would take to repeal it.

The case, then, against the guaranty clause is clear. It is fundamentally unsound and uneconomic, because a law which lays a tax upon all industry for the benefit of one is indefensible from any point of view. It was argued when this provision was inserted in the transportation act that the Government should assure the railroads a fixed minimum income in consideration of the powers of regulation and control over the roads which were vested in the commission. It was impossible then and it is impossible now to foresee what circumstances the future may develop, and it was a fallacy to assume that by writing a flat profit guaranty into the law injustice could be prevented. The results, as proven by the conditions and the statistics I have just laid before you, prove that it has had an effect quite the reverse from what was anticipated. It forced an unjustified and unwarranted increase of freight rates for the benefit of the railroads that needed no increase at a time when the shipper, with the values of his products falling off and his returns being reduced, was in need of assistance. The net result was only to make more certain and more rapid the economic collapse of the country.

To fix incomes is to destroy initiative, to decrease efficiency, and to lessen the need of economy. A limited income is in every sense of the word as deadly in its effect upon the railroads. It takes away from the industry the pride of administration of both officials and employees. It removes that most vital factor, the spirit of enterprise. It is unsound in principle because of its effect upon both the roads themselves and those who are served by the systems, and such a plan entirely nullifies the principle for which the interstate commerce act was passed.

Not in a generation has the West been in a more critical position than it is to-day, and I have no hesitation in saying that the high freight rates caused by this guaranty clause contribute the factor which more than any other one thing is preventing readjustment. There can be no "return to normalcy" while industry as a whole is laboring under this unjustifiable tax.

Repeal this clause, reduce freight rates to normal, and I venture the prediction that recovery will be hastened. The producer's credit will be improved, he will be enabled to ship his product, he will be enabled to buy other commodities, freight

business will increase, and the railroads as well as the producer and the public at large will feel the impulse of improved conditions.

MICHIGAN SENATORIAL ELECTION.

Mr. WALSH of Montana. Mr. President, I observe by the RECORD that during my absence from the Chamber on yesterday a colloquy took place between the Senator from Mississippi [Mr. HARRISON], who had the floor, and the Senator from Georgia [Mr. WATSON] touching some phases of the so-called Newberry case, in which the Senator from Georgia said:

I know that the Senator from Mississippi desires to be entirely fair, but his statement in reference to the Newberry case is, to say the least, not full. Mr. Newberry was indicted in Michigan for conspiracy to violate a law which the Supreme Court of the United States said was unconstitutional. The Supreme Court said that there was no evidence whatever of corruption on the part of Mr. Newberry, and the Senator from Montana [Mr. WALSH] admitted on the floor of the Senate that there was no bribery.

The statement is not correct so far as the admission is attributed to me nor, in my judgment, is it correct in the statement of what the Supreme Court decided in the Newberry case. The Senator from Georgia must have referred to a colloquy between himself and myself in the course of some remarks submitted by me to the Senate on the 19th of November, recorded at page 8843 of the RECORD. I was at the time presenting the argument that large sums of money had been spent by the so-called Newberry committee in the employment of paid workers, and I was reading from the record to show such employment and such payment. In the course of the testimony which I read it appeared that one of the paid workers had passed some money in a clandestine way to another man whose services he was endeavoring to secure as a further worker in the interest of Mr. Newberry. The point I was making was not that any *voters had* been bribed or that anybody had been bribed. I was endeavoring to establish the character of the services being performed by these paid workers. In that connection I was interrupted by the Senator from Georgia, who said:

Mr. WATSON of Georgia. If the Senator is referring to my statement, he misunderstood me. I have here the decision of Chief Justice White, which is not a dissenting opinion, and Chief Justice White exonerates Mr. Newberry entirely, and the judge who tried him excluded from the jury any accusation of bribery.

Mr. WALSH of Montana. I gladly yield to the Senator to read to the Senate the language of Chief Justice White exonerating Mr. Newberry.

Mr. WATSON of Georgia. I will do that with pleasure.

Mr. WALSH of Montana. Was the Senator in the Chamber when I discussed the effect of the decision of the Supreme Court?

Mr. WATSON of Georgia. I may not have been in at the time. Does the Senator still want me to read the language to which I referred?

Mr. WALSH of Montana. If the Senator please. I do not want to pass that question at all.

Mr. WATSON of Georgia. Here is what the court said, on page 18:

"At the trial, before the submission of the case to the jury, the court put the fifth count entirely out of the case by instructing the jury to disregard it, as there was no evidence whatever to sustain it. The bribery, therefore, disappeared."

That is what Chief Justice White said:

Mr. WALSH of Montana. I have not discussed the bribery of voters at all. There was a count that voters had been bribed, and there was no testimony to sustain it, so the Chief Justice said that it was properly dismissed. I have not talked about the bribery of voters at all.

Mr. WATSON of Georgia. Then I misunderstood the Senator, especially regarding the magazine and the $50—those two incidents.

Mr. WALSH of Montana. I do not contend that they were bribed to vote. I contended that that was to hire them to go out and use their influence, and, at the same time, to get their support of Mr. Newberry. I am not arguing that Mr. Newberry ought to be unseated because any voters were bribed. I am arguing that Mr. Newberry ought to be unseated, first, because the committee who were his agents spent more than $3,750; second, I am arguing that he ought to be unseated because the committee, his agents, grossly and flagrantly violated the statute of the State of Michigan; in other words, hired those men to go to work for Newberry.

It is upon this statement that the Senator from Georgia must have advised the Senate that the Senator from Montana admitted that there was no bribery. It seems perfectly plain that I was contending at the time not that voters were bribed but that money had been illegally spent to hire workers to go out and exert their influence in behalf of Mr. Newberry, and in that connection their activities evidenced some disposition to bribe voters, but I was not called upon to admit that voters were or were not bribed. I was not discussing that subject at all.

The same may be said with reference to a statement to the effect that the Supreme Court had decided that there was no corruption. The Supreme Court decided nothing of the kind. There was, as stated here, a count in the indictment that there was a conspiracy to bribe voters, and no evidence upon that count was submitted at all and it went by the board. But corruption in elections is a term which extends far beyond the mere matter of the bribery of voters.

Corruption, as the term is ordinarily used, may be applied very properly to the subsidizing of newspapers and the acquisition of newspaper influence. It is very properly used in connection with the employment of a man to go to work for a candidate, whose support and influence is secured through the expenditure of money, even though he does not agree for the money to vote. Corruption may exist in many ways other than the corruption of voters.

The Supreme Court did not undertake to determine the question of whether voters had been bribed or had not. No evidence was submitted upon that subject before the trial court, and the Supreme Court merely recited the fact that no evidence had been submitted. The count, therefore, was properly dismissed and was not before the Supreme Court in any way, shape, or manner, and the Supreme Court did not undertake to pass upon the question as to whether there was bribery in the election or otherwise.

INVESTIGATION OF LOBBYING ACTIVITIES.

The Senate resumed the consideration of Senate resolution 77, proposing to create a special committee to investigate the expenditures made in behalf of various propaganda and in the maintenance of lobbies in Washington.

Mr. KING. Mr. President, the Senator from New Jersey tendered an amendment this morning. So far as I am able, I accept the amendment. I ask that it be reported and the Senate permitted to vote on it.

The VICE PRESIDENT. The Secretary will report the amendment.

The READING CLERK. On page 3, line 18, after the word "monopoly," insert a semicolon and the following:

To investigate the activities and methods of importers of dyes from Germany, and their agents, attorneys, and lobbyists to influence Congress in behalf of special legislation; and to investigate the dye and chemical industries of the United States, and the supply and distribution methods, within the United States and elsewhere, of the German and chemical industries, with a view to recommending proper legislation.

The VICE PRESIDENT. The amendment is accepted by the Senator from Utah. The Secretary will read the amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate.

The READING CLERK. On page 4, strike out the last paragraph in the following words:

Resolved further, That the committee is authorized to subpœna witnesses, send for persons and papers, to administer oaths, and to employ the necessary clerical assistance in the prosecution of such investigation.

Mr. KING. I ask that the Senate disagree to that amendment, and I call for a vote.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. JONES of Washington. Mr. President, as I understand, this investigation is to be made by the Judiciary Committee or some subcommittee of that committee?

Mr. KING. Yes.

Mr. JONES of Washington. Has not the committee general authority without reference to the paragraph which the Senator desires to have rejected?

Mr. KING. I wish to "make assurance doubly sure." If they have that authority, then there is nothing improper in rejecting the amendment. The provision was reported by the Judiciary Committee itself, by the Senator from Iowa [Mr. CUMMINS], the chairman of the subcommittee.

Mr. JONES of Washington. The Judiciary Committee did not recommend that this provision be stricken out?

Mr. KING. They were in favor of the provision and reported it.

Mr. JONES of Washington. It is recommended to be stricken out by the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. KING. Yes.

Mr. JONES of Washington. Of course, the RECORD will show whether the committee has that authority or not. I have not any doubt that it has, and I do not see any use in duplicating it.

Mr. OVERMAN. I do not think the committee has full authority to summon witnesses.

Mr. JONES of Washington. Very well.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate.

The amendment was rejected.

The VICE PRESIDENT. The question now is on the resolution as modified.

Mr. CURTIS. Mr. President, I thought the Senator from New Jersey [Mr. FRELINGHUYSEN] had offered an amendment to the resolution.

Mr. KING. That has been accepted.

Mr. NORRIS. That amendment has been agreed to.

Mr. KING. It has been agreed to.

Mr. FRELINGHUYSEN. But has it been agreed to by vote?

The VICE PRESIDENT. It has not been agreed to by vote, but by acceptance.

Mr. KING. Then, let us take a vote on it if the Senator desires.

Mr. FRELINGHUYSEN. I do not understand that the acceptance of an amendment by the author of a resolution is an adoption of the amendment, but that the question must be put. I simply asked if the Chair had proceeded in that way.

The VICE PRESIDENT. It is the understanding of the Chair that a Senator submitting a resolution has a right to modify it up to the time that the yeas and nays are ordered.

Mr. KING. I suggest that a vote be taken, in any event, so as to avoid any question.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Jersey to the resolution.

The amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

The preamble was agreed to.

ADJOURNMENT TO MONDAY.

Mr. CURTIS. I ask unanimous consent that when the Senate adjourns to-day it stand adjourned until Monday next at 12 o'clock noon.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MICHIGAN SENATORIAL ELECTION.

Mr. MOSES. Mr. President, I wish to give notice that at the next session of the Senate, which I understand will be on Monday next, at the conclusion of the morning business, I shall ask recognition for the purpose of submitting a few observations upon Senate resolution 172 relating to the Newberry case.

DEFICIENCY APPROPRIATIONS.

Mr. WARREN. Mr. President, from the Committee on Appropriations I report back with amendments the bill (H. R. 9237) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes, and I submit a report (No. 341) thereon. On Monday morning, at the close of the routine morning business, I shall ask that the Senate proceed to the consideration of the bill.

DEATH OF REPRESENTATIVE HENRY D. FLOOD.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. HENRY D. FLOOD, late a Representative from the State of Virginia, and transmitted the resolutions of the House thereon.

Mr. SWANSON. Mr. President, I ask the Chair to lay before the Senate the resolutions from the House.

The VICE PRESIDENT laid before the Senate the resolutions of the House of Representatives, which were read as follows:

IN THE HOUSE OF REPRESENTATIVES,
December 8, 1921.

Resolved, That the House has heard with profound sorrow of the death of Hon. HENRY D. FLOOD, a Representative from the State of Virginia.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. SWANSON. Mr. President, I move the adoption of the resolutions which I send to the desk.

The VICE PRESIDENT. The Secretary will read the resolutions.

The resolutions (S. Res. 186) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sorrow the announcement of the death of Hon. HENRY DELAWARE FLOOD, late a Representative in Congress from the State of Virginia.

Resolved, That a committee of eight Senators be appointed by the Vice President to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The VICE PRESIDENT appointed under the second resolution, Mr. SWANSON, Mr. GLASS, Mr. HARRISON, Mr. CARAWAY, Mr. HEFLIN, Mr. CURTIS, Mr. MCKINLEY, and Mr. WILLIS as the committee on the part of the Senate.

Mr. SWANSON. As a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 20 minutes p. m.) the Senate adjourned, the adjournment being, under the order previously made, to Monday, December 12, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 8, 1921.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, Thou art still leading us from day to day, and we bless Thee for all Thy gracious ministries. Reveal unto us the treasures of Thy wisdom and enrich us in all needful knowledge. Give us fortitude in danger, strength in temptation, and courage in conflict. O lead us on and on to the things that can not be measured, to the peace that is beyond understanding, to the love that can not be uttered, and to the joy that can not be expressed. We pause in our bereavement and bow our heads in the presence of death. Gracious Lord, remember the stricken fireside and comfort the afflicted. Impress us with human frailty, and when we fall bear us through the darkness up the stairway. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

DEATH OF REPRESENTATIVE FLOOD, OF VIRGINIA.

Mr. HARRISON. Mr. Speaker, it is my painful duty to announce to the House the death of my personal friend, our beloved colleague, Hon. HENRY D. FLOOD, from the tenth district of Virginia. He died at his residence in this city this forenoon at 20 minutes past 11 o'clock.

At some future time I shall ask the House to set aside a day for memorial exercises in connection with his life and public service. At present I ask permission to offer the following resolution.

The SPEAKER. The gentleman from Virginia offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 241.

Resolved, That the House has heard with profound sorrow of the death of Hon. HENRY D. FLOOD, a Representative from the State of Virginia.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

Accordingly (at 12 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Friday, December 9, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

400. A letter from the chairman of the Interstate Commerce Commission, transmitting the thirty-fifth annual report of the commission; to the Committee on Interstate and Foreign Commerce.

401. A letter from the Secretary of the Treasury, transmitting report of the Surgeon General of the United States Public Health Service for the fiscal year 1921; to the Committee on Interstate and Foreign Commerce.

402. A letter from the Secretary of Agriculture, transmitting report giving aggregate number of publications issued by the Department of Agriculture during the fiscal year ended June 30, 1921, together with the cost of preparation, paper, and printing of each publication, and the number of each distributed; to the Committee on Printing.

403. A letter from the Acting Director of the United States Botanic Garden, transmitting information relative to travel

from Washington, D. C., in connection with official business during the fiscal year 1921; to the Committee on the Library.

404. A letter from the Secretary of War, transmitting annual report of the American National Red Cross for the fiscal year ended June 30, 1921; to the Committee on Foreign Affairs.

405. A letter from the Attorney General, transmitting annual report of the Attorney General of the United States for the fiscal year 1921; to the Committee on the Judiciary.

406. A letter from the United States Civil Service Commission, transmitting statement showing expenses for travel of officers and employees of the Civil Service Commission from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1921; to the Committee on Appropriations.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9193) granting a pension to Eliza Davis, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII,

Mr. FORDNEY introduced a concurrent resolution (H. Con. Res. 34) providing for the printing of additional copies of the revenue law of 1921, which was referred to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARBOUR: A bill (H. R. 9396) for the relief of Ernest W. Bailey; to the Committee on Claims.

By Mr. GRAHAM of Illinois: A bill (H. R. 9397) granting a pension to Addie M. Elliott; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 9398) granting an increase of pension to George L. Hollis; to the Committee on Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 9399) to provide for a survey of the harbor at Escanaba, Mich., with a view to its improvement for navigation; to the Committee on Rivers and Harbors.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3232. By the SPEAKER (by request): Petition of J. D. Ryan and other citizens of the United States and voters in the Parish of Orleans, State of Louisiana, urging the enactment into law of the Towner-Sterling bills (H. R. 7 and S. 1252); to the Committee on Education.

3233. Also (by request), letter from I. Amter, secretary to the Unemployment Council of New York, transmitting the program of the council and a resolution adopted by the unemployment conference; to the Committee on Labor.

3234. By Mr. BACHARACH: Petition of sundry citizens of Burlington and Atlantic Counties, N. J., in favor of recognition of the Irish republic by the United States; to the Committee on Foreign Affairs.

3235. By Mr. KISSEL: Petition of M. Crowe and John Kelly, both of Brooklyn, N. Y., urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

3236. By Mr. WOOD of Indiana: Resolution adopted by the East Side Men's Club, of Gary, Ind., in favor of Senate resolution 173, which provides for a treaty of peace between Great Britain and Ireland; to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 9, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our blessed heavenly Father, we own Thy providence and we would pray: Guide us, O Thou great Jehovah, and always help us to seek the right things in the right way. In our ranks there is a vacant place. Again the mortal ties of affection and esteem are broken and laid low in the dust of earth. We listen, but we hear no sound of his approach; we look, but there is no hint that he is with us. Dear Lord, the alarm has sounded and he has left us, but there remains grateful memory of a public service without complaint, of a soul that was poured out without stint at our country's altar, and of a private life whose precept and example were above the fear of time and the fear of death. O how swift the tide that hurries us on! Give us to feel the solemn weight of things eternal. Whisper heaven's comfort and heaven's peace and heaven's hope into all sad and mourning breasts. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE TO ATTEND THE FUNERAL OF THE LATE REPRESENTATIVE FLOOD.

The SPEAKER. In accordance with the resolution adopted yesterday, the Chair appoints the following committee to attend the funeral of Mr. FLOOD:

Mr. SLEMP, Mr. MONTAGUE, Mr. HARRISON, Mr. BLAND of Virginia, Mr. WOODS of Virginia, Mr. MOORE of Virginia, Mr. DREWRY, Mr. DEAL, Mr. HOOKER, Mr. GARRETT of Tennessee, Mr. OLDFIELD, Mr. BOWERS, Mr. PORTER, Mr. ROGERS, Mr. TEMPLE, Mr. LINTHICUM, Mr. STEDMAN, and Mr. COCKRAN.

EXTENSION OF REMARKS.

Mr. WINGO. Mr. Speaker, I wish to submit a unanimous-consent request. Day before yesterday the representatives of the National Farmers' Union presented to the President resolutions adopted at their national convention congratulating him upon his convening of the Disarmament Conference. I wish to extend my remarks by printing in the RECORD the short address of the secretary of that organization in presenting the resolutions to the President.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The following is the address referred to:

ADDRESS OF A. C. DAVIS, SECRETARY OF THE NATIONAL FARMERS' UNION, PRESENTING RESOLUTIONS UPON DISARMAMENT TO PRESIDENT HARDING, DECEMBER 7, 1921.

Mr. President, upon several occasions during the past few years it has been my pleasure to present to our Chief Executive the position of organized farmers upon questions of vital concern to agriculture. The results of some of those conferences have been far-reaching in the extreme, yet none of them have afforded quite the degree of happiness that comes to us assembled here to-day. We are not necessarily representing any particular group of farmers upon this occasion, but are speaking for more than 40,000,000 of the sturdy yeomanry of America. These representatives have assembled in the Nation's Capital from all sections with a single thought in mind, to convey to you, in some degree at least, their appreciation of your magnificent effort to limit armaments among the nations.

It is extremely gratifying to us that we can for a time lay aside the class problems of the hour, and come, not in suppliance for remedial legislation, with no grievances for which we are seeking redress, but rather upon a mission of felicitation and good cheer.

Wars are older than history. Behind the misty veil of antiquity man settled his personal disputes and tribal enmity with the crude implements of his clan. Mars of Grecian mythology has always been a menace to the lives of peoples and of nations. Millions of the race and the untold wealth of empires have been sacrificed at the shrine of this ruthless god, and the chief financial burden of all time has been to pay for actual or anticipated war.

There may have been excuse for men of the stone age to use physical force for the preservation of their species, but none can defend such practices in the light of twentieth century civilization. Man prides himself upon achievement in mastering the elements, upon advancing by his constructive ability to a high degree of efficiency the arts and crafts in modern life. He has eliminated many things that have stood in the path of the march of progress, but has continued to allow the most serious menace of all to loom large, as a hideous monster ready to strike at a moment's notice.

Happily, however, the Christian era heralding the beautiful doctrine of man's brotherhood and God's fatherhood has presented a brighter, a fairer vision. There has been implanted in the hearts of untold thousands humanitarian ideals that are helping to mold and shape public opinion upon this grave problem of the day. Earnest men in many nations are hoping, are praying that man will subjugate the baser passions of malice and hate to the control of reason and common sense.

We are taught in Holy Writ that "Faith without works is dead." Acting upon belief in the truth of this statement, you, Mr. President, combining vision with practice, have initiated a workable plan for the consummation of our hopes and desires. The conception and execution of this wonderful movement, which has hitherto been regarded as beautifully idealistic but visionary, reflects great credit upon you and your coworkers.

That you have recognized the importance and power of agriculture in the selection of the efficient advisory council is deeply appreciated by us. No act of yours could have pleased agricultural America more than the appointment of Charles S. Barrett to a place on this distinguished body.

This young western republic, of which we are so intensely proud, is now host to the most momentous conference ever assembled upon the earth. The mind of man can not imagine a problem concerning the ongoing of civilization in which the human family could have greater interest than that of disarmament. Scientific research and inventive genius have been so applied to perfecting the agencies for destruction that the annihilation of entire cities is not beyond the possibilities of a single touch of a button. The perpetuity of nations now existing may be dependent upon the establishment of amicable relations at this conference.

The peoples of all climes are keyed up to a high pitch of expectancy. Not that they are so sanguine as to believe the nations here represented will voluntarily scrap all fleets and disband all armies. But the fact that the powers of the world are represented here at all is an omen that inspires us with hope and adds to our faith, and is within itself the most hopeful sign of the age.

Farmers of America have ever held in highest reverence the traditions of our forefathers. In our veins flows the blood of a liberty-loving ancestry. No class or clan responds more readily to a call for defense of those liberties, nor shall we allow any to lead us in the call to stack arms in the interest of peace; so to-day we present you with a copy of resolutions adopted by the National Farmers' Union pledging every ounce of our ability toward the success of this movement which is so near your heart.

Men can not and will not for long tolerate the use of our modern, cruel, and inhuman agencies of war. Every fiber of our moral being revolts, and every fine attribute of the soul cringes at the thought of such wanton barbarity. Our Nation, if it is to hold sacred its enviable position as a defender of the helpless, must allow nothing to hinder the ultimate success of this movement. We believe, Mr. President, that the suggestions offered by our Government as a basis of adjustment are so fair as to make the necessity for compromise extremely remote.

Agricultural America, regardless of religious creed or political affiliation, is heart and soul with you. Our wives and children offer in their daily devotions a petition to the great Creator for the success of this conference. We have envisioned as an aftermath of these deliberations a series of conferences ultimately resulting in the coming of a time when the scriptural prophecy would become literally true and our swords would be beaten into plowshares and pruning hooks; when the busy marts of our cities would hear not again the rumble and roll of marching armies; when the bosom of the sea would bear no burden save that of legitimate commerce and trade; and when the mothers of the race might rear their sons for the pursuits of happiness and peace and not for war.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its chief clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested.

S. 2144. An act for the relief of Melquiades Sanchez;

S. 2249. An act authorizing the Secretary of War to donate certain obsolete ordnance to the University of South Dakota;

S. 2211. An act authorizing the Secretary of the Interior to issue patents in certain cases to missionary or religious organizations;

S. 1591. An act to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838;

S. 2682. An act to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto;

S. 2124. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands contained within sections 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama;

S. 405. An act for the relief of Harold Kernan;

S. 2004. An act for the relief of the First International Bank of Sweetgrass, Mont.;

S. 2468. An act providing for the sale and disposal of public lands within the area heretofore surveyed as Tenderfoot Lake, State of Wisconsin; and

S. 1541. An act for the relief of J. P. D. Shiebler.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7161. An act to authorize certain desert land claimants who entered the military or naval service of the United States during the War with Germany to make final proof of their entries;

H. R. 5511. An act for the relief of John Cestnik, jr.;

H. R. 2205. An act to add certain lands on the North Fork of the Shoshone River to the Shoshone National Forest;

H. R. 7780. An act for the relief of G. Fred Roach and others;

H. R. 6961. An act granting certain lands to the State of Alabama for the use of the Searcy Hospital for the Colored Insane;

H. R. 3116. An act validating the homestead entry of Mike Campbell for certain public land in Alaska;

H. R. 6864. An act authorizing exchanges of lands within the Rainier National Forest in the State of Washington; and

H. R. 6679. An act to amend section 108 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 3250. An act to authorize the Secretary of Commerce to convey to August S. Peabody certain land in Galveston County, Tex.

The message also announced that the Senate had passed the following resolution:

Senate resolution 186.

Resolved, That the Senate has heard with deep sorrow the announcement of the death of Hon. HENRY DELAWARE FLOOD, late a Representative in Congress from the State of Virginia.

Resolved, That a committee of eight Senators be appointed by the Vice President to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that the Vice President had appointed under the second resolution, Mr. SWANSON, Mr. GLASS, Mr. HARRISON, Mr. CARAWAY, Mr. HEFLIN, Mr. CURTIS, Mr. MCKINLEY, and Mr. WILLIS as the committee on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 405. An act for the relief of Harold Kernan; to the Committee on War Claims.

S. 1541. An act for the relief of J. P. D. Shiebler; to the Committee on Military Affairs.

S. 1591. An act to amend an act entitled "An act to revive with amendments an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838, as amended; to the Committee on the District of Columbia.

S. 2004. An act for the relief of the First International Bank of Sweetgrass, Mont.; to the Committee on the Public Lands.

S. 2124. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands contained within sections 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama; to the Committee on the Public Lands.

S. 2144. An act for the relief of Melquiades Sanchez; to the Committee on Military Affairs.

S. 2211. An act authorizing the Secretary of the Interior to issue patents in certain cases to missionary or religious organizations; to the Committee on Indian Affairs.

S. 2249. An act authorizing the Secretary of War to donate certain obsolete ordnance to the University of South Dakota; to the Committee on Military Affairs.

S. 2468. An act providing for the sale and disposal of public lands within the area heretofore surveyed as Tenderfoot Lake, State of Wisconsin; to the Committee on Public Lands.

S. 2682. An act to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

PRINT OF REVENUE LAW OF 1921.

Mr. JOHNSON of Washington. Mr. Speaker, I call up House concurrent resolution No. 34 from the Committee on Printing.

The SPEAKER. The gentleman from Washington calls up a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 34.

Resolved by the House of Representatives (the Senate concurring), That there be printed 30,000 additional copies of Public Law No. 98, known as the revenue law of 1921, of which 2,000 shall be for the Senate, 22,000 shall be for the House, 1,000 shall be for the Senate document room, 2,000 for the House document room, 1,000 for the Committee on Finance of the Senate, and 2,000 for the Committee on Ways and Means of the House of Representatives.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to offer amendments as follows:

In line 2 strike out the word "thirty" and insert in lieu thereof the word "sixty"; in line 4 strike out "two" and insert "ten"; and in line 5 strike out "twenty-two" and insert "forty-four."

These amendments double the number of copies of the tax laws which the resolution calls for. The Members will remember that shortly before adjournment of the first session a House resolution was passed calling for the printing of these laws up to $500 worth. That distribution secured each Member about 33 copies. A large number of Members have asked for additional copies. In addition the clerks of the Ways and Means Committee state that the number allotted to them was not nearly sufficient to supply the demand, and a similar statement comes from the document room. The chairman of the Ways and Means Committee introduced a resolution calling for 30,000 copies, of which 2,000 should be for the Senate, 20,000 for the House, and 2,000 for the House document room, and a certain number for the two committees. It has developed that that would not be quite sufficient. The Senators were of the opinion that the Senate should have about 10,000 copies, and it was also thought that the House should have more than 50 additional copies, to be distributed through the folding room. The allotment will be about 100 copies per Member. So I shall offer these amendments.

Mr. MANN. Will the gentleman yield for a question?

Mr. JOHNSON of Washington. I will.

Mr. MANN. Does the gentleman think a Member will have any occasion to use 100 copies of this revenue law?

Mr. JOHNSON of Washington. Well, if the requests to my own office for the next week should be what they have been in the last 10 days, some of them by telegraph, I am sure we will need 100 copies, if not more.

Mr. WINGO. I have over 100 on my own files.

Mr. MANN. I have not got one.

Mr. JOHNSON of Washington. I congratulate the gentleman from Illinois; but he lives in a great city, with world-famous newspapers, which have printed complete digests of the law, no doubt.

Mr. MANN. And my city pays more taxes than the gentleman's State, and more people pay taxes. But I have no objection to the resolution.

Mr. WINGO. I will state that two of the gentleman's clients make up their tax list in my district.

Mr. TILSON. Is there not more reason that they should be distributed through the document room, inasmuch as some of the Members do not wish to use them at all and some need more than the allotment calls for?

Mr. JOHNSON of Washington. The committee has given a good deal of attention to that. When they supply a rush order through the document room, before you can turn around three times certain active Members or certain business interests have gotten them all. We have thought of bringing in an amendment to provide that if the distribution was not concluded in 15 days there should be a redistribution.

Mr. MANN. Of course, many people want the law. This law is printed already. Why not print it in annotated form? That is what the people want.

Mr. JOHNSON of Washington. I would like to see that done.

Mr. CHINDBLOM. I think it should be said that in New York and Chicago and other large cities the trust companies make it their business to publish the law. Certain trust companies had the law printed so that they were distributed the day after it was passed.

Mr. SNELL. Does not the gentleman think it would be preferable that the regulations to be issued by the Treasury Department be printed for general distribution?

Mr. JOHNSON of Washington. I believe, when the regulations are completed, if we desire the information, we can have them printed.

Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 2, strike out the word "thirty" and insert "sixty."

The SPEAKER. The question is on agreeing to the amendment.

Mr. DOWELL. Will the gentleman explain what the amendment is?

Mr. JOHNSON of Washington. The committee, after consultation with the clerks of the Ways and Means Committee, decided on 30,000, but the Senate decided that the 1,000 given to the Senate was not enough.

Mr. DOWELL. This is to increase it from 30,000 to 60,000?

Mr. JOHNSON of Washington. Yes; double the amount.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSON of Washington. There is another amendment in line 4.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 1, line 4, strike out the word "two" and insert in lieu thereof the word "ten."

The amendment was agreed to.

Mr. JOHNSON of Washington. There is another amendment in line 5.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, strike out the word "twenty-two" and insert in lieu thereof the word "forty-four."

The amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Speaker, I ask for a vote on the resolution.

The resolution was agreed to.

ADDITIONAL DISTRICT JUDGES.

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York offers a report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 242.

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 9103, "A bill for the appointment of additional district judges for certain courts of the United States to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts and for other purposes," and to consider the same under the general rules of the House.

Mr. SNELL. Mr. Speaker, the resolution just presented simply provides for the immediate consideration under the general rules of the House of H. R. 9103, a bill for creating additional district judges and for changes in the existing law, as set forth in the title.

There are four propositions in this bill. The main proposition is for the appointment of 22 additional district judges. The second is for the calling of an annual conference of the senior judges in the various districts by the Chief Justice of the United States for the survey of existing conditions concerning the Federal business in the various districts. The third is for the increasing of the daily expense account of the judges when traveling and away from home on official business. The fourth is to provide that any one of these judges may be assigned to other districts than his own without his consent.

Of course, the main provision of the bill is the increase of 22 additional judges. That is recommended for the following reasons: On the 1st of July the district courts of the United States had over 156,000 cases on their calendars. Of these there were 9,700 civil cases, 56,000 criminal cases, nearly 8,000 admiralty and various other cases.

There is so much business on the calendars of the United States courts at the present time because of laws that have been passed during the last two or three sessions of Congress, creating additional business for those courts, that it is impossible with the present judicial machinery to clear the dockets or give the people of the country the service they are entitled to have. These laws include the antinarcotic law, the espionage act, the laws against smuggling, the auto-theft law, the income-tax law, and especially the enforcement of the national prohibition act.

The records show that criminal business in the United States since 1912 has increased nearly 800 per cent, and a large portion of this increase comes from the national prohibition act which has been carried by such a large majority every time it has been before this House. And this bill provides for the appointment of additional judges only in those districts where the evidence before the committee shows there is absolutely the need of a judge to facilitate public business.

In this connection I want to call special attention to the conditions existing in the southern district of New York, one of the worst in the whole country. There we have four judges for about 4,000,000 people, and on the 20th of July there were over 20,000 cases on the calendars awaiting disposition. A great many of these cases deal with admiralty matters, and it is very injurious to the interests concerned when it is impossible to get those cases considered for a period of one, two, or three years. The character of the witnesses in these admiralty cases is such that they are scattered all over the world, and it is practically impossible to get them together unless the case can be heard within a reasonable length of time, and as a result of the conditions legitimate business has suffered materially.

The civil cases in a great many of these courts are almost entirely denied any attention whatever on account of the more pressing criminal cases. In the southern district of New York alone, in the last three years, 33 judges from other districts have been assigned there at an additional expense of about $35,000, or nearly enough to pay for the salaries of the additional judges for that district carried in this bill, and it has not been as satisfactory nor produced as good results.

I am incorporating a statement of extra expenses for this district as furnished by the Department of Justice:

Statement of expenses paid district and circuit judges, together with period of service, incident to holding court in the southern district of New York during the two-year period from Oct. 1, 1918, to Sept. 30, 1920.

Judges.	Official residence.	Period of service.	Expenses.
CIRCUIT.			
Chas. M. Hough	New York, N. Y.	Oct. 1, 1918, to Sept. 30, 1920	None.
Henry G. Ward	do	do	None.
Henry W. Rogers	New Haven, Conn.	do	$4,167.09
Martin T. Manton	Brooklyn, N. Y.	do	3,702.43
Julian W. Mack	Chicago, Ill.	Oct. 21 to Dec. 31, 1918	508.75
		Jan. 1 to Mar. 3, 1919	370.94
		June 2 to Dec. 31, 1919	1,886.00
		Jan. 5 to Feb. 27, 1920	641.50
		Apr. 7 to June 9, 1920	637.00

Statement of expenses paid district and circuit judges, etc.—Continued.

Judges.	Official residence.	Period of service.	Expenses.
DISTRICT.			
Learned Hand	New York, N. Y.	Oct. 1, 1918, to Sept. 30, 1920	None.
Julius M. Mayer	do	do	None.
Augustus N. Hand	do	do	None.
John C. Knox	do	do	None.
Henry D. Clayton	Montgomery, Ala.	Oct. 1 to Oct. 26, 1918	$343.00
Wm. B. Sheppard	Pensacola, Fla	Oct. 1, 1918	90.00
Edward E. Cushman.	Tacoma, Wash.	Oct. 8 to Nov. 18, 1918	860.73
J. C. Hutcheson, jr.	Houston, Tex.	During December quarter, 1918.	200.00
Jos. W. Woodrough.	Omaha, Nebr.	Feb. 3 to Mar. 7, 1919	491.00
Albert B. Anderson	Indianapolis, Ind.	Mar. 17 to Mar. 29, 1919	210.50
Frank S. Dietrich	Boise, Idaho	Apr. 1 to Apr. 29, 1919	503.70
Jeremiah Neterer	Seattle, Wash.	Apr. 21 to June 2, 1919	685.19
Wm. I. Grubb	Birmingham, Ala.	June 3, to July 25, 1919	632.54
Wm. R. Smith	El Paso, Tex.	July 7 to July 25, 1919	442.96
Rufus E. Foster	New Orleans, La.	July 21 to Sept. 15, 1919	753.51
Jas. C. Wilson	Fort Worth, Tex.	July 28 to Aug. 8, 1919	385.70
Jos. C. Hutcheson, jr.	Houston, Tex.	Aug. 5 to Aug. 29, 1919	453.70
Geo. W. Jack	Shreveport, La.	Sept. 2 to Sept. 30, 1919	510.29
Robt. T. Ervin	Mobile, Ala.	Sept. 15 to Oct. 10, 1919	411.21
Wm. B. Sheppard	Pensacola, Fla.	Oct. 2 to Nov. 5, 1919	491.28
John C. Rose	Baltimore, Md.	Nov. 5 to Dec. 5, 1919	356.16
Harland B. Howe	Burlington, Vt.	Feb. 2 to Feb. 21, 1920	268.45
Do	do	July 12 go July 29, 1920	263.89
Jos. W. Woodrough.	Omaha, Nebr.	Feb. 2 to Mar. 4, 1920	501.00
Edward E. Cushman.	Tacoma, Wash.	Feb. 6 to Mar. 29, 1920	791.30
John R. Hazel	Buffalo, N. Y.	Apr. 5 to Apr. 9, 1920	124.34
Arthur L. Sanborn	Madison, Wis.	May 17 to June 17, 1920	553.01
Wm. I. Grubb	Birmingham, Ala.	June 1 to July 30, 1920	725.45
Wm. B. Sheppard	Pensacola, Fla.	July 19 to Sept. 30, 1920	837.00
Edwin R. Holmes	Yazoo City, Miss.	July 26 to Aug. 27, 1920	521.71
Geo. W. Jack	Shreveport, La.	Sept. 1 to Sept. 24, 1920	324.83
Samuel H. Sibley	Atlanta, Ga.	Sept. 7 to Sept. 17, 1920	190.23

Statement of expenses paid district and circuit judges, together with period of service, incident to holding court in the southern district of New York, during the one-year period from Oct. 1, 1920, to Sept. 30, 1921.

Judges.	Official residence.	Period of service.	Expenses.
CIRCUIT.			
Chas. M. Hough	New York, N. Y.	Oct. 1, 1920, to Sept. 30, 1921	None.
Henry G. Ward	do	do	None.
Henry W. Rogers	New Haven, Conn.	do	$2,912.10
Martin T. Manton	Brooklyn, N. Y.	do	2,210.66
Julian W. Mack	Chicago, Ill.	do	1,815.50
DISTRICT.			
Learned Hand	New York, N. Y.	Oct. 1, 1920, to Sept. 30, 1921	None.
Julius M. Mayer	do	do	None.
Augustus N. Hand	do	do	None.
John C. Knox	do	do	None.
John W. Peck	Cincinnati, Ohio	Mar. 7 to Mar. 31, 1921	281.82
Harland B. Howe	Burlington, Vt.	Jan. 21 to Feb. 11, 1921 Mar. 26 to June 2, 1921	363.01
Frank S. Dietrich	Boise, Idaho	Jan. 3 to Feb. 2, 1921	585.05
Geo. W. English	East St. Louis, Ill.	Feb. 7 to Feb. 23, 1921	294.14
Colin Neblett	Santa Fe, N. Mex.	Feb. 28 to Mar. 25, 1921	401.91
John C. Pollock	Kansas City, Kans.	Feb. 14 to Feb. 25, 1921	330.00
W. H. Seward Thomson.	Pittsburgh, Pa.	Feb. 7 to Feb. 23, 1921	230.32
Rufus E. Foster	New Orleans, La.	Oct. 6 to Nov. 3, 1920	516.76
Wm. I. Grubb	Birmingham, Ala.	Nov. 3 to Dec. 21, 1920 Sept. 12 to Sept. 30, 1921	1,702.11
Wm. B. Sheppard	Pensacola, Fla.	Oct. 1, 1920 July 18 to Sept. 30, 1921	943.00
Edwin R. Holmes	Yazoo City, Miss.	July 18 to Aug. 19, 1921	510.48
J. C. Hutcheson, jr.	Houston, Tex.	Sept. 6 to Sept. 29, 1921	359.51

The actual expense to be incurred by this bill for the creation of the additional judges, their stenographers, court attendants, and everything, will be about $211,000 per year, but the fines, forfeitures, and so forth, will much more than pay the additional cost, and give people the service they are entitled to receive.

But the real question at issue is that it is absolutely necessary to create these positions in order to facilitate the public business.

This bill has been demanded by the Attorney General's office, It is approved by the Chief Justice of the United States, and in general it tends toward the dispatch of public business, which should be the desire of Congress. I trust the rule will receive your approval.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. HUDSPETH. How are these judges to be appointed—from the United States as a whole, or so many from each State?

Mr. SNELL. They are to be appointed from each district if after a careful investigation of the condition of affairs in that district it is shown that the district needs a judge.

Mr. HUDSPETH. But where do they have to reside?

Mr. SNELL. The judge has to be a resident of the district to which he is appointed.

Mr. HUDSPETH. As I understand, there are two to be appointed from Texas.

Mr. SNELL. There is one for the northern district of Texas.

Mr. HUDSPETH. He will have to reside in the northern district of Texas?

Mr. SNELL. Yes.

Mr. LAZARO. Will the gentleman yield for one question?

Mr. SNELL. Certainly.

Mr. LAZARO. The gentleman said the creation of these judgeships was necessary on account of the many laws which were enacted during the war.

Mr. SNELL. Not entirely. Part of them during the war, and other enactments of Congress following the war.

Mr. LAZARO. Is this to be temporary or permanent?

Mr. SNELL. There is a provision in the law that after four years, when one of the judges dies, application must be made to the Chief Justice of the United States and a showing made that they actually need a new judge, or no new judge will be appointed.

If there are no other questions, Mr. Speaker, I move the previous question on the adoption of the resolution.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. WILLIAMSON. I notice a provision in the bill to the effect that the judges may be transferred from their own districts to other districts for the purpose of transacting business there. I assume that these transfers are simply temporary in character?

Mr. SNELL. They are temporary in character, to take care of the congested condition—to take care of the congestion in the district to which he is assigned.

Mr. WILLIAMSON. And when such congestion is relieved they will go back.

Mr. SNELL. All transfers are merely temporary.

Mr. Speaker, I move the previous question on the adoption of the resolution.

The SPEAKER. The question is on the motion of the gentleman from New York ordering the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the resolution.

The resolution was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9103, for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, and to authorize the designation, assignment, and appointment of the judges outside their districts, and for other purposes.

Pending that I want, if possible, to agree on time. How much time does the gentleman from Kentucky think is desired for general debate in the consideration of this bill?

Mr. THOMAS. Mr. Speaker, I should think an hour and a half on a side would be ample.

Mr. PARKER of New Jersey. Mr. Speaker, I should like to know if I can get half an hour. I have an important matter which I desire to present to the committee.

Mr. VOLSTEAD. I think the gentleman ought to get along with less time than that.

Mr. PARKER of New Jersey. I do not feel like consenting to a limitation of time unless I can have at least 20 minutes.

Mr. VOLSTEAD. Suppose we make it two hours on a side. I think the gentleman can be accommodated. Mr. Speaker, I ask unanimous consent that general debate be limited to two hours on a side, one half to be controlled by the gentleman from Kentucky [Mr. THOMAS] and the other half by myself.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that general debate be limited to four hours, half of that time to be controlled by the gentleman from Kentucky [Mr. THOMAS] and half by himself. Is there objection?

There was no objection.

The SPEAKER. The question is on going into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9103.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9103, with Mr. STAFFORD in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, the following number of district judges for the United States district courts in the districts specified, the said appointments to be in addition to those now authorized by law:

For the district of Massachusetts, 2; for the eastern district of New York, 1; for the southern district of New York, 2; for the eastern district of Pennsylvania, 1; for the western district of Pennsylvania, 1; for the eastern district of Virginia, 1; for the northern district of Texas, 1; for the southern district of Florida, 1; for the eastern district of Michigan, 1; for the northern district of Ohio, 1; for the middle district of Tennessee, 1; for the northern district of Illinois, 1; for the eastern district of Illinois, 1; for the district of Minnesota, 1; for the eastern district of Missouri, 1; for the western district of Missouri, 1; for the eastern district of Oklahoma, 1; for the district of Montana, 1; for the northern district of California, 1; for the southern district of California, 1; and for the district of Arizona, 1. Said judges shall be residents of the districts for which appointed and shall receive the same salary and allowances and shall possess, exercise, and perform the same jurisdiction, powers, and duties as is now provided by law.

SEC. 2. That the Chief Justice of the United States, as soon as may be after the passage of this act, may summon the senior circuit judge of each judicial circuit of the United States, and such district judges as he may deem proper, to a conference to be held at Washington, in the District of Columbia, or at such other place as he may designate. And it shall be the duty of the said Chief Justice to annually call such a conference and summon said judges thereto, to be held as aforesaid, during the last week in September in each year hereafter. In case of the disability of the Chief Justice, the senior justice of the Supreme Court of the United States shall perform the duties herein imposed, and in case any judge summoned to a conference is unable to attend the Chief Justice or the senior justice of the Supreme Court, as the case may be, may designate and summon any other judge of the circuit or district to attend said conference and participate in same. It shall be the duty of every judge, when summoned as aforesaid, to attend such conference and to remain throughout its proceedings unless excused.

The said judges shall report as to the condition of the dockets in their circuits or districts and submit recommendations as to the needs thereof and advise as to the improvement or expedition of the administration of justice in the courts of the United States.

The district judge of each United States district court, on or before the 1st day of August in each year, shall prepare and submit to the senior circuit judge in which said district is located a report setting forth the state of business in said district court, including the number and character of cases on the docket, the business in arrears, and such other facts pertinent to the business disposed of and pending as said district judge may deem proper, together with recommendations as to the need of additional judicial assistance for the disposal of business for the year next ensuing.

These reports shall be laid before the conference hereinbefore provided by said senior circuit judge, together with such recommendations as he deems proper. In districts having more than one district judge the report herein required shall be prepared and submitted by the district judge who is senior in length of service. The Chief Justice shall be the presiding officer at the conference called hereunder.

Said conference shall make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans and schedules for the assignment and transfer of judges to or from circuits or districts where the state of the docket or the condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

The Attorney General shall, upon request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings to which the United States may be a party, together with such recommendations or requests as may be deemed proper. The Attorney General shall not be a member of said conference.

The Chief Justice and each justice or judge summoned to and attending said conference shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed $15 per day, to be paid as provided in section 8 hereof.

SEC. 3. That section 13 of the Judicial Code is hereby amended to read as follows:

"SEC. 13. That when any district judge is prevented, by reason of any disability, from holding any stated or appointed term of his court, and a certificate to that effect is submitted under the seal of the court by the clerk thereof to any circuit judge of the judicial circuit in which said district is located, or in cases of the absence of all the said circuit judges, to the circuit justice of said judicial circuit, such circuit judge or circuit justice may, if in his judgment the public interests require, designate, assign, and appoint any district judge of any district court within the same judicial circuit to hold said court for the whole or a part of said term, and to discharge all the judicial duties of the judge so prevented by illness or disability, during the period of such disability and for such further time as the business of such court and the circuit may seem to require.

"Whenever it is found impracticable to designate, assign, and appoint another district judge within the same circuit to discharge the duties of a district judge prevented by reason of any disability from holding a term of his court as aforesaid, and a certificate to that effect under the seal of the court is presented by a circuit judge or the circuit justice to the Chief Justice of the United States, he may, if in his opinion the public interests so require, designate, assign, and appoint a district judge of an adjoining judicial circuit, if practicable, if not, of any judicial circuit, to hold said court for the whole or a part of said term and to discharge all the judicial duties of said judge so prevented and for such further time as the business of the courts of such districts and circuits may seem to require.

"Designations, assignments, and appointments made hereunder shall be filed in the office of the clerks and entered on the minutes of both the court from and to which the judge is designated, assigned, and appointed, and a certified copy of such designation, assignment, and appointment, under the seal of the court of the justice or judge making same, shall be delivered to the judge thus designated, assigned, and appointed."

SEC. 4. That section 14 of the Judicial Code is hereby amended to read as follows:

"SEC. 14. That whenever by reason of the accumulation or arrears of business, or in case of any special or urgent business, in any district court in the judgment of the senior circuit judge or, in his absence, the circuit justice of the judicial circuit in which said district is located, there is need for additional judges in order to expedite the business of said court, such senior circuit judge or circuit justice may, and on request of the district judge of the district court where such accumulation, arrears, or urgency exists, shall designate, assign, and appoint any other district judge or judges within the said judicial circuit to hold a district court for a stated or appointed term or for a special term, in order to relieve such accumulation, arrears, or urgency, and such judge or judges when so designated, assigned, and appointed shall have the same powers and exercise the same jurisdiction and discharge the same judicial duties as the judge appointed for the district court to which such designation, assignment, or appointment is made. The same certification shall be made hereunder as is provided in the preceding section."

SEC. 5. That the Chief Justice of the United States, whenever it shall be certified to him by the senior circuit judge of any judicial circuit, or by the circuit justice thereof, that it is not practicable to designate, assign, and appoint a sufficient number of district judges of other districts within said judicial circuit, including any territory assigned to said circuit, to expedite the business or relieve the accumulation or urgency of business in any district court, may, if in his judgment the public interests so require, designate, assign, and appoint any judge of any district court in any other judicial circuit to hold a district court within the circuit where said accumulation or urgency exists, and to have and exercise all the powers that are vested in the judge thereof. Such certification, designation, assignment, and appointment shall be made as provided in section 3 hereof.

Each of said district judges may, in the case of designation, assignment, and appointment under the provisions of this act, hold separately at the same time a district court in such district or territory and discharge all the judicial duties of said district or territorial judge therein.

SEC. 6. That section 18 of the Judicial Code is amended to read as follows:

"SEC. 18. That the Chief Justice of the United States, or the circuit justice of any judicial circuit, or the senior circuit judge thereof, may, if the public interests so require, designate, assign, and appoint any circuit judge of a judicial circuit to hold a district court within said circuit."

SEC. 7. That whenever it shall be certified to the Chief Justice of the United States by the Chief Justice of the Court of Appeals of the District of Columbia or in his absence by an associate justice of said court of appeals, that on account of the accumulation or urgency of business in said district it is impracticable for the judges of the supreme court of said district to relieve such accumulation or urgency of business the Chief Justice of the United States may, if in his judgment the public interests so require, designate and appoint the judge of any district court in any circuit to sit in the Supreme Court of the District of Columbia and to have and to exercise within said district to which he is so assigned the same powers as are vested in a supreme judge thereof.

The certification, designation, assignment, and appointment hereunder shall conform so far as possible to the provisions of section 3 of this act.

SEC. 8. That whenever under the provisions of this act or of existing law a circuit or district judge is designated, assigned, or appointed to, or does hold, district court or transact other official business at any place other than his official place of residence, he shall, while so holding court or transacting such other official business be paid his necessary and actual expenses of travel, together with his reasonable and necessary expenses for maintenance, not to exceed $15 per day, which payments shall be made by the marshal of the district in which such court is held or other official business is transacted upon the written certificate of the judge incurring such expenses.

SEC. 9. That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

With the following committee amendments:

Page 2, line 4, after the semicolon, strike out the words "for the eastern district of Virginia, one;"

Page 2, line 19, after the word "law," insert a colon and the words: "*Provided, however*, That after four years from the passage of this act the death, resignation, or removal of any district judge in any district for which additional appointments are herein authorized shall not create a vacancy to authorize the appointment of a successor, unless, within 60 days after such death, resignation, or removal, the Attorney General of the United States and the senior circuit judge of the judicial circuit embracing the court and district affected, shall certify in writing to the President that the condition and volume of business in the district courts within said judicial circuit are such that in their judgment the public interest requires the appointment of such successor."

Mr. VOLSTEAD. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, this measure is designed to take care of the situation in the Federal district courts throughout the country, which has arisen by reason of the increase in business, the congestion of dockets, and the passage by Congress of laws extending the jurisdiction of Federal courts and also adding to Federal criminal statutes. Heretofore Congress has seen fit to make the increase in judges by particular districts. The Attorney General shortly after taking office invited several gentlemen to act as a voluntary commission to look into the condition of business in the Federal district courts. That commission was made up of Hon. J. E. Sater, United States judge from Ohio; Hon. John C. Pollock, United States district judge of Kansas; Hon. William E. Grubb, United States judge in Alabama; Mr. William H. Hayward, the United States district attorney for the southern district of New York; and Charles F. Clyne, United States attorney for the northern district of Illinois, practically the city of Chicago. Mr. George E. Strong,

one of the Attorney General's assistants, acted as secretary of this commission. This commission, after careful consideration of the dockets and the conditions of business in the United States courts, prepared a report which was submitted to the Attorney General on the 21st of July. This report recommended the appointment of 18 district judges at large, 2 to be appointed from each of the 9 judicial circuits. It also recommended that there be amendments to existing law providing for facilitating the designation and appointment of these judges to hold court in other districts and even in other circuits, if necessary. A bill was introduced carrying out such recommendation, at the request of the Attorney General, in the Senate and referred to the Committee on the Judiciary in the Senate. That committee held hearings at which appeared the Chief Justice of the United States, who, by the way, sat with this commission appointed by the Attorney General and participated in its considerations, and he indorsed their recommendations to the Senate Judiciary Committee.

The members of this commission also appeared before the Senate Judiciary Committee and explained the recommendations which they had made. Their recommendations were also supplemented by the testimony of the Attorney General.

Shortly after the hearings before the Senate committee the chairman of the Committee on the Judiciary of the House, the gentleman from Minnesota [Mr. VOLSTEAD] and myself went over the recommendations of this voluntary commission as presented to the Senate and also went over in a general way the testimony heard by the subcommittee of the House Judiciary Committee—of which I have the honor to be the chairman—upon various individual bills. After conferring with other members of the committee and several Members of the House, it was felt that it would be wiser if legislation were enacted assigning these judges to particular districts and eliminating the appointment of the judges at large. Personally, I felt that it would be much wiser to have a United States judge assigned to a particular district, have him have a legal and official residence in that district, and perhaps in that way he would be more familiar with the laws of the particular State in which he was appointed and to which he would be assigned, and that in viewing the situation as a whole it would be better to so appoint and assign these judges as to take care of the congestion, which is very apparent. I think every circuit is taken care of in the bill pending except the fourth circuit, for which provision was made in the bill as introduced; but by amendment in the committee one district was eliminated. An additional judge in that circuit has been eliminated. A judge was provided for the eastern district of Virginia—and I have a letter which was addressed by the present judge of the eastern district of Virginia to the gentleman from Virginia [Mr. MOORE], which Mr. MOORE has transmitted to me with permission to make its contents public. In that letter Judge Groner states that in his opinion the eastern district of Virginia will not require an additional judge; that while there has been increase in admiralty cases and other classes of cases, he feels that with the cooperation of the bar, which he will undoubtedly be able to get, he can keep the work practically current. I think that is in substance the statement in his letter, but I shall, with the permission of the committee, insert the letter in full in the RECORD:

OFFICE UNITED STATES DISTRICT JUDGE,
EASTERN DISTRICT OF VIRGINIA,
Norfolk, November 26, 1921.

HON. R. WALTON MOORE,
United States House of Representatives,
Washington, D. C.

MY DEAR MR. MOORE: I am very glad, indeed, to have your letter of November 25.

Of course, I knew of the recommendation of the Attorney General to create 18 additional district judges, alloted proportionately to the 9 different circuits, but my only information of the Walsh bill came as a result of a newspaper clipping that was sent to me a few days ago.

I am whole-heartedly opposed to the appointment of an additional district judge in this district, because, in the first place, of the absolute lack of any occasion for it; and, in the second place, because I foresee as a result of such an appointment, if it should be made, such a division of responsibility as will create untold difficulties, and, further, because the character of the work is such as to make any fair division of it practically impossible.

There is not, and never has been, enough work in this district to keep two judges even reasonably busy. Except for the admiralty work, all the criminal, equity, and common-law cases could be disposed of, if counsel were ready, in less than three months in every year. The admiralty work expanded during the war and immediately after the war, due, as, of course, you know, to the unusual conditions of shipping in and around Hampton Roads; but of the 271 admiralty cases stated to have been on the docket as of June 30, 1921, every one of them ready for trial will have been disposed of before June 30, 1922, and there will be at that date, if nothing unusual occurs, less than 50 live admiralty cases then on the docket. I am sure I am correct in saying that any litigant in any branch of the law in this court who is industrious in the preparation of his case can get a trial and a decision in less than four months after the suit is instituted.

I have looked over the figures in the statistical part of the report of the committee, and note that the total of pending cases in this district as of July 1 last (this is just one month after my appointment by President Harding) was a little more than a thousand. Of this number something over 400 are stated to be bankruptcy cases. There is not, and there has not been since the bankruptcy law was passed, a single bankruptcy case which has been delayed as much as 10 days in its final disposition by reason of lack of time or attention on the part of the court. There is to-day not a single petition for review, application for discharge, confirmation of composition, or order for sale of property in bankruptcy pending and unacted on, and these embrace about all the matters in bankruptcy in which the action of the court is required. The four hundred and odd cases shown on the docket are the accumulation of twenty-odd years and result from failure on the part of counsel to ask for discharges or cases perhaps, in which a few dollars of the fund remain but which it is impossible to distribute for one reason or another, but it does not reflect the real condition of the bankruptcy docket, which is completely up to date.

The pending criminal cases as of July 1 last are stated as numbering about 250. I am sure there are not to-day five criminal cases which were on the docket on July 1—unless they are cases in which appeals have been taken or which, for some extraordinary reason, could not be tried—except the cases classified as "fugitives from justice," whose names are kept on the docket four or five years in the hope that they may be caught. There are probably from 125 to 150 of these.

The criminal business has increased somewhat since July 1, but the character of the increase has been trifling and the cases are such as are tried in the State courts at the rate of 15 to 20 a day. The criminal docket is now up to date. There are only two or three criminal cases pending on the Alexandria docket which could be tried, less than half a dozen in Richmond, and before this term of court concludes there will be less than half a dozen in Norfolk. The criminal docket is regularly cleaned up at every term of court, and the only reason a criminal case ever goes over is either from lack of witnesses or good cause shown by counsel so that a trial can not be forced.

Every civil case—common law and equity—on the Alexandria docket ready for trial last July was tried. The same was true in the case of Richmond in October, and before the adjournment of the jury at this (November) term of court here every common-law case in which a trial can be had, or is asked for, will have been disposed of. The equity and common-law dockets are up to date and are easily kept up to date. The miscellaneous docket which embraces pure-food condemnation cases, suits that are brought on forfeiture of bonds, and matters of that kind, has been materially reduced since I became judge, and there is nothing pending on it.

The only business in this court which promises to keep me reasonably busy for the next four or five months is the admiralty work. I am now setting cases in admiralty for December, January, and February, and every lawyer who has an admiralty case which he wishes tried, or is able to try, finds no difficulty in getting a date set for the trial and in getting it tried and disposed of. If the admiralty work, which has shown a steady diminution over the past six months, were not embraced in the work of the judge of this court, the position would be one for a lazy judge. With the admiralty work there is just enough to do to stimulate the ambition and maintain the interest of the judge. To divide it up, if it were possible to divide it up, between two judges, would be to create a situation of unhappiness and idleness for both judges. Judge Waddill, whom I succeeded on June 1, last, lived in Richmond, where only about 10 per cent of the work is, and spent the major portion of his time there, and yet was able to keep the work up, to sit in the Circuit Court of Appeals more frequently than any other district judge, and to spend from a month to six weeks in other districts than his own sitting for other judges on account of their illness or incapacity.

Living in Norfolk, as I do, where the great bulk of the work is, I am sure that with reasonable industry I can hear and decide every case as rapidly as the lawyers can bring them into court, and have ample time for leisurely study and consideration of matters submitted to me, and, in addition, reasonable vacations from time to time. Whatever the necessities may be in other districts, as to which I have no information, it is undoubtedly and undeniably a fact that conditions in this district do not justify at this time the appointment of an additional judge, and the appointment of one would accomplish none of the purposes which I believe the Attorney General had in mind in his recommendation, or, doubtless, which Mr. WALSH had in mind in the preparation of his bill.

You were good enough to say in your letter that if I would write you the facts as to this district you would withhold the source of your information. I have no wish to impose this condition, but, on the contrary, would be very glad to have you present this letter to Mr. WALSH, if he is willing to receive it, and to supplement it with your own observations and knowledge of conditions in this district.

Yours, sincerely,

D. LAWRENCE GRONER,
United States Judge.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. RAYBURN. In the State of Texas, about two years ago, we had an additional judgeship created. I am wondering what testimony there was before the committee about that specific jurisdiction.

Mr. WALSH. I shall come to the particular districts a little later.

Mr. RAYBURN. And in the course of the gentleman's discussion I would like him to express his opinion as to the policy set out in the language at the bottom of page 2, providing that after the death, resignation, or removal of any of the district judges for which additional appointments are authorized there shall be no appointment unless the Attorney General and the senior circuit judge of the particular circuit shall deem it necessary.

Mr. WALSH. I will come to that later in my remarks.

Mr. Chairman, after the introduction of the bill H. R. 8875 a hearing was held by the full committee of the Committee on the Judiciary on the part of the House. At that hearing the Chief Justice of the United States appeared, as did the Attorney

General and the Assistant Attorney General. That bill was introduced, as I have said, as the result of consideration by the subcommittee of individual bills and also as the result of conference by the chairman of the committee, the gentleman from Minnesota [Mr. VOLSTEAD] and myself, and provided for two or three districts which are not included in the present measure. At the conclusion of the hearings a conference was held with the Attorney General, and also with the Chief Justice of the United States, and it had been arranged that that conference should be attended by the chairman of the Senate subcommittee, the Senator from Connecticut [Mr. BRANDEGEE], but he was ill during the entire week in which these two conferences were held, and was unable to be present.

The bill H. R. 9103 was gone over by the Attorney General, and in the main the districts therein provided for were stated by the Attorney General to be in need of additional judicial assistance. He made one or two suggestions at the conferences which were incorporated in the bill. He has written a letter expressing his views on this measure, which is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., November 14, 1921.

Hon. JOSEPH WALSH, M. C.,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN WALSH: Your bill, dated November 14, providing "for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes," is received, and I am very much in favor of its general purpose and scope, and in particular the provision for the conference and for elasticity in the judicial system. However, I have already indorsed S. 2433, a bill introduced in the Senate providing for 18 Federal district judges at large, and I can not consistently do more than state that if the provision for judgeships at large is objectionable to the Judiciary Committee of the House, I would not be opposed to the substitution of 23 permanently assigned judges, as provided in your bill.

I believe that 23 permanently assigned judges, assigned to the districts in your bill, are the least possible number which should be created. In general they cover the principal points of permanent congestion and are so distributed that temporary congestion can be relieved from time to time. I prefer the provision in your bill eliminating the consent feature in the Senate bill which requires the consent of a district judge before he can be assigned to another district, as this oftentimes is embarrassing.

Thanking you for the interest you are taking in affording relief to the Federal courts, I am,

Respectfully, yours,

H. M. DAUGHERTY, *Attorney General.*

Originally an additional judge was given to the district of Colorado. It was felt that geographically that circuit was entitled to an additional judge, but it was found—and I was advised, although I have endeavored to confirm it—that one of the commerce court judges has been helping out in the district of Colorado.

I have since been informed by Members of the Colorado delegation that they have no knowledge of any assistance being received in that particular district. However, that court was eliminated upon the recommendation of both the Attorney General and his assistant, as testified to before the committee, and an additional judge was given to the middle district of Tennessee. Tennessee has a district known as the "middle district," with a clerk and, I think, a marshal, but no judge, the court there being held by the judge of the eastern district. But upon the suggestion and recommendation of the Attorney General a judge was given to the middle district of Tennessee.

Mr. RAMSEYER. Will the gentleman yield there?

Mr. WALSH. I prefer to make my statement just for a few moments, and then I will be glad to yield to questions.

The increase in business is mostly, of course, upon the criminal side of the court. There have been a large number of cases brought as a result of the national prohibition act, although, I think, they furnish only between 8 and 10 per cent of the increase upon the criminal side of the court. There have been increases in the offenses against the national banking law, the auto theft act, the so-called Mann Act, the hours of service act, food and drugs act, the meat inspection act, in the animal quarantine act, in the plant quarantine act, the migratory bird act, and in cases of illicit distilling, comprehending offenses against the international revenue laws as distinguished from cases under the national prohibition law. There have been also increases upon the civil side of the court, and in the report filed upon this bill there is set forth the references made to that increase.

The gentleman from New York summarized the class of cases pending upon July 1 of this year, and it has been shown from the statistics that criminal business in the last eight or nine years in the various courts has increased about 800 per cent.

Now, with reference to the particular districts. In the first circuit, which includes the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Porto Rico, there have been some 8,694 cases on the 1st of July, of which number 6,834 were pending in the district of Massachusetts. That district has a population of 3,850,000, in round numbers, and has had one judge, and comprehends but one district. It sits at Boston, and, I think, also at Springfield, in the western part of the State. Of the 6,800 cases pending in Massachusetts, several hundred—I think possibly 2,900 or 3,000 of them—are cases under the selective service law, and I am advised that those cases in that district and in New York, and also in New Jersey, are very numerous, but that a comparatively small number of them will be tried. So much time has elapsed, and in many cases the records are so incomplete, that trials will not be had, but the cases will be disposed of without occupying any great length of time on the part of the court.

Mr. LONGWORTH. Will the gentleman yield?

Mr. WALSH. I agreed to yield to the gentleman from Iowa [Mr. RAMSEYER].

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. May I have 10 minutes more?

Mr. VOLSTEAD. Mr. Chairman, I yield 10 minutes more to the gentleman from Massachusetts.

Mr. WALSH. I yield to the gentleman from Iowa now.

Mr. RAMSEYER. I was going to ask about the Tennessee middle district. You say the district was created without a judge. Why do you have to make provision for him in this bill? There is simply a vacancy there.

Mr. WALSH. There never has been a judge. They made the district, and by the law the judge of the eastern district presides in the middle district. We are now giving the middle district a judge.

Mr. RAMSEYER. Then the judge of the eastern district has taken care of two district?

Mr. WALSH. Two districts.

Mr. LONGWORTH. The gentleman stated that in the criminal business of the courts the courts had increased some 800 per cent in a few years. I did not understand in how many years.

Mr. WALSH. I think in 8 or 10 years.

Mr. LONGWORTH. Would it not be possible to relieve some of the courts of some of these cases of the lesser sort, and would it not be a less expensive way?

Mr. WALSH. The suggestion has been made that the United States commissioners be created as a sort of inferior court of limited jurisdiction, but I think the objection to that has been that if they are given further judicial powers or are constituted as a court it would result in their being appointed for life, and the imposition of further judicial powers upon them would enormously increase the expense.

Mr. DAVIS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Tennessee.

Mr. DAVIS of Tennessee. I notice that this bill provides for an additional judge for the northern district of Illinois. Is that the district in which Judge Landis presides?

Mr. WALSH. I was about to reach these different districts. If the gentleman will desist for a minute, I will be glad to yield to him later on. The next circuit comprises New York, Vermont, and Connecticut. New York City, which is in the southern district of New York, has four judges, with a population of 3,801,364. They are also assisted at times by judges from one or more other districts. That is the only district to which judges under the existing law can now be sent from other districts or circuits without their consent. They even sent one of the judges from the Florida district, and I think Judge Mack, one of the commerce judges, has been sitting in New York quite frequently and has been there until a short time ago. In the last three or four years, I am informed by the gentleman from New York [Mr. SNELL], the records show that there have been from 30 to 33 outside judges helping out there. That is a very populous district, as I said, having 3,801,364 population, with 20,170 cases in the southern district of New York, and several hundred of these are selective-service cases. But in all of these districts, if you will deduct the selective-service cases and the bankruptcy cases, which in most districts do not require a great amount of time, you will still see that there is need of additional judicial assistance.

It seems to me I may so state in passing, as my time will soon again expire, that if Congress in its wisdom passes legislation which makes offenses of certain acts under the Federal law, there also rests a duty upon Congress to provide sufficient judicial machinery when persons are charged with these crimes to permit them to have a trial and an adjudication without undue delay. Now, in the New York and California districts

they have a great amount of admiralty business, and, as you know, in those cases it is essential that trial should be had with reasonable promptness; otherwise the witnesses who may be desired, many of whom are seamen, may be within the jurisdiction of the court or of the United States to-day and six months from to-day or a year from to-day they may be in another country. And so it was felt that in New York they were entitled to two additional judges, a bill to that effect having already passed the Senate and having been favorably reported by the House committee.

I will say in that connection that Arizona, Michigan, New York, and Oklahoma are provided for in bills now on the calendar. I think, perhaps with the exception of Oklahoma, that also California, Missouri, Florida, Massachusetts, and Tennessee have bills pending which have either had hearings upon them by the committee or have had favorable recommendation and have been reported to the House or have been reported to the Senate.

Mr. FESS. Mr. Chairman, will the gentleman yield there?

Mr. WALSH. I yield.

Mr. FESS. Are all of these special bills now on the calendar included in this bill?

Mr. WALSH. Yes. The number is larger than in the Senate bill, for 18 judges at large.

Mr. SNELL. Mr. Chairman, will the gentleman yield to me for a question right there?

Mr. WALSH. Yes.

Mr. SNELL. It is in regard to the southern district of New York. I want to say that the Federal Government has paid out enough money to add new judges there.

Mr. WALSH. Of course, shifting judges entails additional expense.

Now, in the circuit embracing Pennsylvania, New Jersey, and Delaware there is a judge given to the eastern district of Pennsylvania. These are populous districts. They have 3,200, 1,900, 3,400, and 3,100 cases, respectively, pending; but even deducting bankruptcy cases pending, there is a large congestion on their dockets.

Mr. CONNALLY of Texas. Do these cases include naturalization cases?

Mr. WALSH. They do not. But in the New Jersey district there are two judges and there are 13,567 cases. It was felt that under the designation and transfer of judges, if the eastern district of Pennsylvania be given an additional judge it might be possible to relieve some of the congestion in the New Jersey district. One reason for the congestion in the New Jersey district is because quite a number of corporations in the past have taken out their charters under the New Jersey law. There is also a large number of service cases in the New Jersey court, but, as I stated, I do not expect any of these will take much time.

In the fourth circuit we provided for a judge of the eastern district of Virginia, and the committee eliminated it. The fifth circuit takes in Texas, Louisiana, Mississippi, Alabama, Georgia, and Florida, with a population of 14,453,483. We provided for a judge of the northern district of Texas in which there are 1,200 cases in a population of 1,400,000. We also provided for a judge of the southern district of Florida, where of recent years there has been a substantial increase in admiralty cases and also in criminal cases, due to smuggling and the violation of the national prohibition law, due to the proximity of Cuba and the other islands in that locality where considerable smuggling is indulged in.

In the sixth circuit the eastern district of Michigan is provided with a judge, where there are 1,424 cases pending, and a population of 2,456,000 in round numbers, but with a very hard-working judge. The testimony before our committee was that this particular judge sits longer hours and holds court more days than the usual run of United States judges, and the record on that subject exceeds that of any other judge about whom testimony has been heard by the subcommittee of the Committee on the Judiciary.

I referred a moment ago to the middle district of Tennessee, which is in that circuit. In the seventh circuit——

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. VOLSTEAD. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes more.

Mr. WALSH. The seventh district embraces Wisconsin, Illinois, and Indiana. We give an additional judge to the northern district of Illinois and also to the eastern district of Illinois. It has been suggested that Cook County, which comprises the northern district—Cook County and a few other counties—might be entitled to two additional judges. But in view of the fact that one of those judges in Chicago has seen fit to accept outside employment at a large salary, it was felt that by the appointment of one additional judge in that district where there are 3,532 cases pending, 1,322 of which are bankruptcy cases, with the assistance of a judge from the eastern district, which is also given an additional judge, they could make some inroads upon that situation there.

Now, I am one of the members of the Judiciary Committee who do not approve of the action of a United States judge in accepting employment such as has been accepted by Judge Landis. [Applause.] I know he is a hard-working and a competent judge. I think perhaps he has some reputation for eccentricity and severity in sentences. I do not know whether that reputation is warranted or not, and I do not care to express any opinion upon it; but I believe that it were better, when a man has received the honor of an appointment to a judgeship of a United States court, if he should give his services to that work and not subject himself to criticism by accepting employment for hire either as a baseball arbitrator or as an arbitrator between lumber associations or coal associations or any other outside interests. [Applause.]

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. Would the gentleman be willing to accept an amendment that would forbid a judge from engaging in any outside occupation? The Senate Committee on the Judiciary has favorably reported a bill to that effect, providing that a district judge shall confine himself to the work of his judgeship and not accept other employment. Does not the gentleman think it would be desirable to put a provision of that kind into this bill? As I understand, it would be germane to the purposes of the bill, because the bill proposes to amend several sections of the Judicial Code.

Mr. WALSH. I would not want to say offhand that I would favor an amendment to this bill, without seeing the form of it and giving it a little further consideration; but I do think that there ought to be some way of preventing that practice, and if the provisions of section 2 of this bill are agreed to, which provides for the calling of a conference of the senior circuit justices by the Chief Justice of the United States every year in the last week in September, and such district judges as the Chief Justice may see fit to designate to attend that conference, I believe that as a result of that it may be possible to eliminate any further instances like the one which has occurred in the northern district of Illinois.

We provided for a judge for the eastern district of Illinois, where, although the congestion is not as great as in the other districts, yet its boundary lines run fairly close to Chicago, where the court is held for the northern district. It was also felt that in case of necessity a judge for the eastern district could be sent to assist the judge in the district of Indiana.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. I do not know whether the gentleman from Minnesota [Mr. VOLSTEAD] has any further time at his disposal. I dislike to ask for further time, but I have not completed what I should like to say about this bill.

Mr. VOLSTEAD. I will yield to the gentleman five minutes more.

Mr. KING. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Illinois.

Mr. KING. What was the reason there was not a judge provided for the southern district of Illinois? What did the committee think about that?

Mr. WALSH. In the southern district of Illinois there are 1,498 cases pending. That situation was brought to the attention of the Attorney General and his assistants, and they felt that if an additional judge were given to the northern district and one to the eastern district, between that additional assistance the entire State could be taken care of. They felt that by putting a judge in the eastern district he would be available to go to Indiana at less expense and upon shorter notice than if he were put in the southern district, which takes in the entire western half and more of the State.

Mr. KING. Is it not a fact that there is more business congestion in the southern district than there is in the eastern district at the present time?

Mr. WALSH. Yes; I will say right here that there are a great many districts not provided for which the statistics show have more cases pending than some of the districts that are provided for; but the assignment was made with a view to their designation and transfer to other districts.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Tennessee.

Mr. DAVIS of Tennessee. The gentleman from Massachusetts has stated that he did not approve of a judge accepting other employment.

Mr. WALSH. I yield for a question. I have only five minutes.

Mr. DAVIS of Tennessee. I want to ask the gentleman if he does not think it is tantamount to an expression of approval by this Congress to provide for an additional judge for the northern district of Illinois, when one of the judges of that district is acting as a baseball mogul?

Mr. WALSH. I can not quite agree with the gentleman. Of course, the gentleman knows that in the last Congress it was thought that impeachment proceedings should have been brought against Judge Landis, and a former member, Mr. Welty, from Ohio, impeached him upon the floor. That was referred to the Judiciary Committee, and after one or two brief hearings nothing further was done about it.

I should like to speak about the other provisions of the bill. Section 2 provides that the Chief Justice may call a conference of the senior justices of the circuits, and such district judges as he may designate, here at Washington or elsewhere once a year, to make a general survey of the situation in the district courts of the United States and to provide as far as possible in advance for the transfer and assignment of judges from one district to the other, or from one district in one circuit to a district in another circuit, in order that they may relieve the congestion and accumulation of arrears. It was also felt that at this conference the judges called together might arrange a little more uniformity in the matter of sentences perhaps and in the method of dispatching business in the various courts, the conference so called to have no inquisitorial powers and not to impose any regulations of a mandatory character; but it was felt that if these justices could confer once each year and with such district judges as might be called in, it would result in uniformity and tend toward the dispatch of business.

One other provision of the bill is that increasing the allowance of judges assigned outside their districts from $10 per day to $15 per day. I think perhaps that some of you here may appreciate the fact that I could not view that proposition with any alarming degree of enthusiasm, but it was felt on the part of the committee and others that with the great increase which has come in living expenses a United States judge sent outside of his district should receive sufficient to maintain himself in keeping with the dignity and importance of his position; and, of course, that is a reason which has a certain appeal, and it was thought that the increase was warranted.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. MANN. I hesitate to break into the gentleman's time, but at the beginning of a session I think we ought to have time at least to discuss important matters. That increase applies to the present circuit judges who attend to circuits away from their official residence, I take it?

Mr. WALSH. Yes.

Mr. MANN. What is the practice now? Do they take the full $15 a day, or do they make a statement about their expenses? The gentleman remembers that we had a scandal about that once.

Mr. WALSH. Yes; and as I understand it now they make a statement as to their expenses, and they are paid what the statement shows.

Mr. MANN. The gentleman is sure about that?

Mr. WALSH. I am not. I would not want to state that as a positive fact.

Mr. MANN. Is there any case where their expenses are less than $10 per day?

Mr. WALSH. I have not gone into the individual districts.

Mr. MANN. That is the first question I would have asked the Attorney General if the matter had come before me, and the gentleman from Massachusetts is much brighter and more critical than I.

Mr. WALSH. I am sorry, if the gentleman is going to put that reputation upon me.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. I desire to submit for consideration a table containing statistics which I have compiled from the Attorney General's report showing business disposed of in the districts provided for in the pending bill for the years 1920 and 1921:

Statement showing cases terminated during year ending June 30, 1921.

District.	Civil, to which United States was a party.	Criminal.	Admiralty.	All others except bankruptcy.	Number of jury trials in cases where United States was a party.	Cases pending, no action in past 5 years.
Massachusetts	[1] 175	[1] 316	[1] 62	[1] 139	[1] 15	[1] 120
	205	1,096	62	160	32	167
New York:						
Eastern district	[1] 30	[1] 563	[1] 351	[1] 93	[1] 61	[1] 140
	77	1,179	435	191	108	118
Southern district	[1] 340	[1] 1,879	[1] 859	[1] 755	[1] 188	[1] 86
	584	2,637	1,022	904	210	85
Pennsylvania:						
Eastern district	[1] 171	[1] 680	[1] 34	[1] 157	[1] 249	[1] 1,188
	258	400	78	201	417	1,233
Western district	[1] 94	[1] 522	[1] 10	[1] 116	[1] 59	[1] 767
	90	515	6	123	49	738
Ohio, northern district	[1] 78	[1] 967	[1] 25	[1] 469	[1] 45	.....
	245	1,459	12	309	108	.....
Michigan, eastern district	[1] 43	[1] 412	[1] 14	[1] 73	[1] 39	[1] 2
	89	382	6	126	56	.....
Tennessee, middle district	[1] 31	[1] 260	.....	[1] 20	[1] 40	.....
	57	183	.....	12	27	.....
Texas, northern district	[1] 3	[1] 261	.....	[1] 298	[1] 16	[1] 1
	24	474	.....	335	12	.....
Florida, southern district	[1] 51	[1] 203	[1] 56	[1] 151	[1] 50	.....
	115	450	142	101	98	.....
Illinois:						
Northern district	[1] 106	[1] 342	[1] 9	[1] 263	[1] 29	[1] 173
	160	366	3	665	37	.....
Eastern district	[1] 29	[1] 308	[1] 1	[1] 56	[1] 62	[1] 9
	42	417	1	66	82	5
Minnesota	[1] 327	[1] 517	4	[1] 115	[1] 54	[1] 344
	130	803	1	168	29	365
Missouri:						
Eastern district	[1] 85	[1] 307	.....	[1] 157	[1] 21	.....
	75	487	.....	246	29	.....
Western district	[1] 64	[1] 263	.....	[1] 241	[1] 5	.....
	63	655	.....	181	171	.....
Oklahoma, eastern district	[1] 725	[1] 714	.....	[1] 162	[1] 101	.....
	282	963	.....	211	140	.....
Montana	[1] 49	[1] 138	.....	[1] 50	[1] 54	[1] 34
	53	310	.....	56	75	40
California:						
Northern district	[1] 101	[1] 905	[1] 74	[1] 442	[1] 138	[1] 1,199
	75	1,154	117	1,172	80	553
Southern district	[1] 47	[1] 339	[1] 16	[1] 220	[1] 49	.....
	51	875	18	121	83	.....
Arizona	[1] 37	[1] 563	.....	[1] 114	[1] 60	.....
	40	471	.....	98	47	.....

[1] Corresponding figures for year ending June 30, 1920.

I also submit a table showing revenues of Department of Justice and United States courts for past five years:

Revenues, Department of Justice and United States courts.

Revenues.	1917	1918	1919	1920	1921	Total.
Collections in civil matters and cases	$1,473,752.73	$1,216,839.17	$1,080,253.49	$2,080,873.15	$1,389,396.88	$7,241,115.42
Collections in criminal prosecutions	672,593.64	815,318.50	1,917,828.39	2,452,620.32	3,921,454.02	9,779,814.87
Earnings from individuals and corporations by United States marshals	132,849.31	176,321.36	113,379.90	154,457.35	217,429.62	794,437.54
Excess of emoluments paid into the Treasury during the year by clerks of court	84,463.67	118,946.21	51,012.19	.....	.....	254,422.07
Unclaimed moneys from court registries	37,493.67	48,989.73	54,560.17	36,165.80	25,330.36	202,539.73
Proceeds of sale of Government property and other miscellaneous items	10,241.80	2,071.58	9,628.88	12,813.05	36,698.85	71,454.16
Earnings from individuals and corporations by clerks of United States district courts	.....	.....	.....	643,705.69	857,289.67	1,500,995.36
Net profit on operation cotton duck mill, United States penitentiary, Atlanta, Ga	.....	.....	.....	53,705.78	56,914.29	110,620.07
Total	2,411,394.82	2,378,486.55	3,226,663.02	5,434,341.14	6,504,513.69	19,955,399.22

I also desire to submit the following tabulated statement:

Statement showing business pending in United States district courts year ending June 30, 1921, compiled from information furnished by Attorney General.

Courts.	Number of judges.	Number of cases pending June 30, 1921. Civil.	Criminal.	Admiralty.	Bankruptcy.	All others.	Total.	Population, 1920.
FIRST CIRCUIT.								
Maine	1	22	252	92	152	233	751	768,014
Massachusetts	1	206	4,129	142	1,434	923	6,834	3,852,356
New Hampshire	1	14	45	3	136	58	267	443,083
Rhode Island	1	39	220	25	160	93	537	604,397
Porto Rico	1	16	77	3	111	98	305	1,297,772
Total	5	297	4,723	265	1,993	1,405	8,694	6,965,622
SECOND CIRCUIT.								
New York:								
Northern district	2	83	323	74	499	771	1,752	1,978,089
Eastern district	2	177	2,596	1,552	1,047	705	6,077	2,839,897
Southern district	4	2,890	8,897	3,230	2,740	2,413	20,170	3,801,364
Western district	1	135	480	32	638	213	1,528	1,764,791
Vermont	1	11	141	1	254	56	463	352,421
Connecticut	1	62	168	37	1,016	120	1,403	1,380,585
Total	11	3,358	12,605	4,926	6,194	4,728	31,393	12,117,150
THIRD CIRCUIT.								
Pennsylvania:								
Eastern district	2	283	391	286	886	1,887	3,783	3,287,781
Middle district	1	25	1,137	1	459	292	1,914	1,987,374
Western district	2	137	453	178	1,859	1,684	4,311	3,440,004
New Jersey	3	331	11,582	178	914	562	13,567	3,155,374
Delaware	1	14	13	58	41	149	275	223,003
Total	9	790	12,576	701	4,159	4,574	33,850	12,093,536
FOURTH CIRCUIT.								
West Virginia:								
Northern district	1	25	97	2	283	120	527	695,086
Southern district	1	49	225	3	185	282	744	768,544
Virginia:								
Eastern district	1	90	239	271	423	151	1,174	1,202,505
Western district	1	38	460	.....	249	70	817	1,103,856
Maryland	1	51	33	69	163	56	372	1,449,610
North Carolina:								
Eastern district	1	27	371	46	145	204	793	1,277,012
Western district	2	134	805	.....	165	152	1,256	1,279,474
South Carolina:								
Eastern district	1	27	319	24	421	89	880	964,948
Western district	1	30	441	.....	102	75	648	718,714
Total	10	471	3,190	415	2,133	1,199	7,215	9,459,729
FIFTH CIRCUIT.								
Texas:								
Northern district	2	140	585	.....	464	523	1,712	1,427,056
Eastern district	1	54	142	19	492	156	863	1,144,483
Southern district	1	79	130	25	172	130	536	850,668
Western district	2	128	281	.....	197	109	715	1,238,800
Louisiana:								
Eastern district	1	70	288	252	78	233	921	853,965
Western district	1	60	211	.....	366	144	781	943,833
Mississippi:								
Northern district	1	3	133	.....	323	52	511	807,961
Southern district		18	215	4	481	155	972	981,423
Alabama:								
Northern district	2	30	743	.....	3,556	168	4,497	1,224,203
Middle district	.....	10	85	.....	522	77	694	693,359
Southern district	1	20	174	30	138	32	394	429,733
Georgia:								
Northern district	1	559	2,347	.....	809	130	3,845	1,380,291
Southern district	1	134	1,253	43	804	173	2,407	1,514,392
Florida:								
Northern district	1	4	148	26	192	32	401	289,091
Southern district	1	250	612	165	235	327	1,589	677,205
Total	16	1,549	7,347	564	8,829	2,441	20,801	14,453,483
SIXTH CIRCUIT.								
Michigan:								
Eastern district	1	109	465	16	583	251	1,424	2,456,743
Western district	1	11	53	.....	60	82	206	1,210,479
Ohio:								
Northern district	2	155	1,119	21	722	656	2,673	3,195,651
Southern district	2	67	77	1	497	309	951	2,563,717
Kentucky:								
Eastern district	1	96	437	1	332	323	1,189	1,225,581
Western district	1	151	117	3	558	261	1,090	1,190,162
Tennessee:								
Eastern district	1	44	257	2	115	57	475	804,581
Middle district	.....	68	443	.....	458	50	1,019	830,323
Western district	1	41	210	.....	103	262	616	702,552
Total	10	742	3,178	44	3,428	2,251	9,843	14,179,792

Statement showing business pending in United States district courts year ending June 30, 1921, compiled from information furnished by Attorney General—Continued.

Courts.	Number of judges.	Number of cases pending June 30, 1921. Civil.	Criminal.	Admiralty.	Bankruptcy.	All others.	Total.	Population, 1920.
SEVENTH CIRCUIT.								
Wisconsin:								
Eastern district	1	30	83	12	132	138	395	1,441,069
Western district	1	65	375	4	106	111	661	1,190,770
Illinois:								
Northern district	2	229	1,108	10	1,322	863	3,532	3,824,105
Eastern district	1	36	276	.....	281	146	739	1,250,471
Southern district	1	109	567	1	658	163	1,498	1,410,522
Indiana	1	96	306	.....	234	262	898	2,930,544
Total	7	565	3,915	27	2,733	1,683	7,723	12,047,481
EIGHTH CIRCUIT.								
Minnesota	2	399	384	29	469	1,130	2,411	2,386,371
Iowa:								
Northern district	1	15	64	1	385	174	639	1,159,797
Southern district	1	155	236	2	272	190	855	1,243,833
Missouri:								
Eastern district	1	46	257	3	350	316	972	1,701,791
Western district	1	48	171	.....	442	297	958	1,698,755
Arkansas:								
Eastern district	1	21	136	.....	288	196	591	1,157,452
Western district	1	51	360	.....	67	137	615	593,543
North Dakota	1	40	504	.....	97	100	741	645,730
South Dakota	1	30	105	.....	364	232	731	635,839
Nebraska	2	97	184	.....	364	490	1,144	1,295,502
Kansas	1	52	117	.....	280	293	745	1,769,257
Oklahoma:								
Eastern district	1	233	765	.....	343	394	1,735	1,177,828
Western district	1	43	291	.....	110	172	616	849,735
Wyoming	1	26	115	.....	40	67	248	194,402
Colorado	1	48	109	.....	203	158	518	939,376
New Mexico	1	24	76	.....	74	54	228	360,237
Utah	1	39	253	.....	165	90	552	449,446
Total	19	1,367	4,138	35	4,313	4,493	14,329	18,258,893
NINTH CIRCUIT.								
Alaska:								
First division	1	3	68	8	5	151	235	55,033
Second division	1	.....	5	3	1	38	47	
Third division	1	1	26	2	6	54	89	
Fourth division	1	.....	13	.....	11	91	115	
Hawaii	2	11	18	2	43	11	85	255,912
Montana	1	81	340	.....	218	135	774	547,593
Idaho	1	20	109	.....	270	324	723	431,823
Washington:								
Eastern district	1	23	31	.....	99	51	204	437,034
Western district	2	121	269	57	255	270	972	919,282
Oregon	2	52	212	43	691	183	1,181	783,389
California:								
Northern district	2	147	1,099	755	1,156	2,413	5,570	1,746,403
Southern district	2	129	734	22	520	490	1,895	1,680,128
Nevada	1	17	39	.....	151	118	325	77,407
Arizona	1	16	134	.....	84	160	394	333,273
Total	19	621	3,097	892	3,460	4,489	12,609	7,257,188
Grand total	105	9,760	55,769	7,869	37,242	27,263	156,601	106,840,877

Additional cost for 22 additional judges would be:

22 judges, at $7,500 (annual salary)	$165,000
22 secretaries and stenographers, at $1,500 per annum	33,000
22 court criers, 200 days per year, at $3 per day	13,200
Total	211,200

Mr. THOMAS. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman, I regret very much to find myself unable to support this bill. It is recognized that there are a great many districts in the United States where a condition of congestion obtains. The facts upon which this bill is based and the method of their being obtained are very unusual in a legislative procedure. Some months ago, after consideration by the Judiciary Committee, it was determined to consult the Attorney General with reference to the condition obtaining in the Federal trial courts. After that consultation the Attorney General appointed a committee to make investigations. The Chief Justice of the United States became chairman of that committee. After investigation of the condition that committee reported favorably the proposition of adding 18 judges to the district judiciary, with the idea that these judges could be moved about over the United States in order to relieve the condition of congestion which obtains in the districts where congestion does obtain. In the meantime the Judiciary Committee had under consideration a number of bills offered to

create additional judges in certain congested districts. The Judiciary Committee itself has not investigated independently with reference to the needs in many of the districts where additional judges are by this bill proposed. The Chief Justice of the United States when before the Committee on the Judiciary made this statement:

One of the difficulties of the achievement of the dispatch of business has been the variation of conditions in the different districts and circuits. In some places there would be a judge who had but half his time occupied; in another place there would be a judge who would be overwhelmed with work. This bill introduces a reasonable system of watching and supervising conditions by the judges of the courts of appeal—

And he referred to the bill proposing the creation of 18 judicial judgeships—

with a view of having them get at the actual facts as to where the arrears are.

I now come to what I consider a very significent statement made by Judge Taft before our committee. He continues:

You gentlemen are all familiar with the fact that dockets are quite misleading in the number of cases that they seem to show. There is a lot of stuffing in the dockets. Many of the cases ought to be dismissed.

The point I make is, and one of the chief reasons why I am unable to support this bill is, that the Judiciary Committee by its investigation has never determined where those districts are, or the proportion of cases pending there that represent stuffed dockets or cases that ought to be dismissed.

Mr. DAVIS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. DAVIS of Tennessee. Has the committee any definite information as to the number of hours per day on an average the judges in the districts affected hold court?

Mr. SUMNERS of Texas. In so far as I know, the Judiciary Committee is not in possession of that information. Perhaps the gentleman in charge of the bill could give the gentleman from Tennessee that information. Very briefly, then, gentlemen, my position is that while I recognize the fact that congestion does obtain in many of the districts of the United States, and that relief is required in many of these districts, yet I am not in possession of information which convinces me that each of these additional judgeships should be provided.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. HILL. Has the gentleman or the committee any information as to the number and classes of cases disposed of in the last current year, in order that that might be compared with the pending cases?

Mr. SUMNERS of Texas. The Attorney General's report is just out, and I have not had opportunity to examine his report, to determine the number of cases disposed of during the year—I believe it ended in June—or of the number of filings that have occurred in those districts. I assume that an examination of the Attorney General's report would disclose those facts.

Mr. HILL. The Attorney General's report does include those facts, because I obtained the information for the district of Maryland for the previous year, but I was not able to obtain the information from the Attorney General's report for the current year.

Mr. SUMNERS of Texas. It was just issued yesterday, and I assume it is available now for examination. I want to suggest at this time, and I am going to take no more time than to make this suggestion, that at the proper time, I shall offer an amendment—if somebody else does not—with reference to these judges that are to be appointed, to the effect that in the event of death or resignation resulting in a vacancy in a particular district that the Congress shall favorably consider the matter again before another judge is appointed to fill the vacancy. I shall also offer an amendment to reduce the per diem from $15 to $10.

Mr. Chairman, I yield back the remainder of my time.

Mr. THOMAS. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Now, in reference to a question I propounded a minute ago to the gentleman from Massachusetts [Mr. WALSH], I wish to give notice that at the proper time I shall offer an amendment which, for the information of the gentleman from Massachusetts and other gentlemen, I would like to have read now.

The CHAIRMAN. The Clerk will read the proposed amendment.

The Clerk read as follows:

Amendment by Mr. MOORE of Virginia: Amend by inserting after section 1 a new section as follows:

"SECTION 1a. That the last sentence of section 1 of the Judicial Code is amended to read as follows:

"Every district judge shall reside in the district or one of the districts for which he is appointed, and shall devote his time to the duties of his office and shall not engage in any other employment for which he receives compensation; and for offending against the provisions of this section shall be deemed guilty of a high misdemeanor."

[Applause.]

Mr. MOORE of Virginia. Mr. Chairman, that amendment is drawn in the exact language of a bill that was reported during the extra session by the Senate Committee on the Judiciary, but which has not yet been considered in the Senate. If we are of opinion that the judges shall confine themselves to judicial work, it seems to me that we can not do better than express that opinion in an amendment of that character if this bill is to pass. I offer the amendment as stating a general principle. I do not care about specifying its applicability to any particular locality or to any particular judge. I think it is a good rule to adopt and that it should apply during the future to every judicial district.

Now, Mr. Chairman, I shall not discuss this bill at any length. I am not a member of the Committee on the Judiciary, but I may say this, that I have given such consideration to the facts the committee has presented as I have found possible.

Mr. STEPHENS. Will the gentleman yield?

Mr. MOORE of Virginia. In one minute.

I have been obliged to come to the conclusion, and I have reached it reluctantly, that we ought not to enact this legislation.

Mr. STEPHENS. Does not the gentleman believe that his amendment should incorporate the district attorneys and assistant district attorneys as well as the judges?

Mr. MOORE of Virginia. I do not think that is proper. I think that the line is very distinct between the judges and the lawyers who fill the offices the gentleman mentions.

Mr. DAVIS of Tennessee. While there is an ethical difference, as a matter of fact, do you not think that any district attorney can well devote all of his time to the Government's business? I think the Government is entitled to it.

Mr. MOORE of Virginia. I think that is ordinarily the case.

Mr. HILL. Would not the inclusion of the district attorneys in such a measure deprive the Government of the services of the type of lawyers which they could not get for the salaries paid? Now, for instance, in the district of Maryland the United States district attorney gives practically all of his time to the work of that office, which has increased enormously. He gets $4,000 a year. It is almost impossible to get anyone except young, ambitious men, who want to make a record, to take those offices, and it is the rule in that district that the United States district attorney be allowed to take some private civil cases. I want to ask if that is not the gentleman's personal experience?

Mr. MOORE of Virginia. That is largely true. We are all very largely the creatures of convention, and it has come to be considered by the people of our race, conducting government on both sides of the water, that judges should stand apart from the ordinary business of life and not engage in the ordinary occupations. I for one do not like to see any abandonment of that conception of the character and the dignity of the judicial office. And I think, Mr. Chairman, that there is nothing more important than to uphold the judiciary in the estimation of the people at a time when there is so much disorder and so much demoralization. [Applause.]

Mr. MANN. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. MANN. As I understand it, the gentleman's amendment refers to employment or compensation. Chief Justice White was an arbitrator between the Republics of Nicaragua and Costa Rica. I do not know whether he was compensated, but I suppose somebody was compensated. Chief Justice Taft was an arbitrator, in Montreal, appointed before he was made Chief Justice, and served after he was made Chief Justice. Many judges are appointed as arbitrators between employer and employee, and in many other ways. Does the gentleman design to prevent all that and to criticize all that?

Mr. MOORE of Virginia. So far as the present Chief Justice is concerned, he was concluding his work as an arbitrator at the time he was appointed to the Chief Justiceship, and I think he completely finished it before he was sworn in. Now, as to the relation of the former Chief Justice to some employment outside of his court, I can not speak definitely, because I have not the facts, but if the facts are as I have understood, Chief Justice White was engaged in the discharge of a great public duty.

Mr. MANN. I think so.

Mr. MOORE of Virginia. His service was not in the discharge of a private duty. I should not object at all to have the point raised by my friend covered by a change in the

amendment, so as to prevent a judge from engaging systematically in private business. I do not think that is proper. I do not think public sentiment approves it.

Mr. MANN. Judge Alschuler, of our city, is a very able judge, and for a year or more he acted frequently with reference to wages and working conditions between the packers of Chicago and the packers' employees, and performed a great public service.

Mr. MOORE of Virginia. I do not know whether he was paid for that or not.

Mr. MANN. I do not know either.

Mr. MOORE of Virginia. I do not believe he was.

Mr. MANN. Does the gentleman desire to prevent anything of that sort, or does he criticize it?

Mr. MOORE of Virginia. I will go very far to prevent judges turning away from their judicial work to engage in any other work. I am willing to take the chance of perhaps preventing a judge from doing something in some particular instance that might be beneficial. I think the important thing is to preserve the dignity as well as the integrity of the judiciary, and put it as far as possible beyond criticism or suspicion.

Mr. MANN. Well, if there is any man in this world who as a judge is beyond suspicion of favoritism it is Judge Landis.

Mr. MOORE of Virginia. I have not mentioned Judge Landis.

Mr. MANN. Oh, no. In what I say I am not afraid to get at brass tacks.

Mr. MOORE of Virginia. I likewise have no fear; and since the gentleman has mentioned Judge Landis, I agree with the American Bar Association in believing that that gentleman made a very great mistake in contracting with the baseball interests of the country and receiving a salary to give a part of his time to certain duties that pertain to those interests. [Applause.]

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. WALSH. Does the gentleman's amendment prevent a judge from accepting an appointment as executor under a will or being appointed an administrator of an estate?

Mr. MOORE of Virginia. Yes; I think it would. I can conceive that if a judge were to be permitted to do that he might allow the business coming to him as a fiduciary to take the greater part of his time, because some estates are very large, and they are just the kind of estates which, if any, would be intrusted to a judge.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield 20 minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. MONTAGUE. Before that I yield to the gentleman from Virginia [Mr. MOORE] five minutes additional time.

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes more.

Mr. MOORE of Virginia. I simply wanted to say this, without attempting to inflict any details upon the committee, that apparently this legislation proceeds upon the theory that there is an extraordinary amount of work in certain of the districts at this time, which calls for the appointment of a large number of additional judges. The bill, as the gentleman in charge [Mr. WALSH] has stated, among its major propositions, provides for judges of certain districts being designated to sit in other districts. The bill is made up on statistics that are summarized in the report of the hearings that were had before the House committee. Those statistics undoubtedly show that there is a very large amount of business in certain of the districts, and, as I understand, it is inferred from that showing that these additional judges are to be appointed. Now, I submit that just as clear an inference from those statistics is this, that the excess business in every one of the districts where it exists can easily be taken care of by judges who are not now unduly burdened with work. If the statistics are of any value, there will be no difficulty, in the event that the designation and allotment provisions of the bill are adopted, in having the business in Massachusetts, for example, taken care of by the judges belonging to other New England districts. There will be no difficulty in having the business in New York taken care of by the judges in certain districts in New York where there is not a very large business and by the New England judges; and these cases are illustrative of the general situation.

I submit to my friend from Massachusetts [Mr. WALSH] that such being the situation, he ought to go no further at this time than to insure that the judges now in office perform the judicial work of the country, without confining themselves to the districts to which they are immediately attached. All of the so-called congestion can be taken care of satisfactorily in that manner, and if that be done there will be no need to appoint more than 20 judges at once, with a prospect of a great many more judges being appointed in the near future. My friend has referred to individual bills that are pending that may be passed. If the matter is handled without creating new judges now, the Committee on the Judiciary will have ample opportunity to make the sort of investigation that my friend from Texas [Mr. SUMNERS] thinks ought to be made, and reach a reliable conclusion as to whether or not in this or that district a new judge ought to be appointed. I think it is premature to go further at this time.

Mr. WALSH. Mr. Chairman, if the gentleman will permit, I do not know whether the gentleman understands, but I think possibly he may not, from what he said, that all the individual bills pending and upon which action has been had are included in this measure.

Mr. MOORE of Virginia. Reading the testimony of the Attorney General, I can not escape thinking that it is the belief of the Attorney General that even though you may provide for the number of judges mentioned in this bill, nevertheless the appointment of still other judges will be hereafter sought. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. VOLSTEAD. Mr. Chairman, I yield 20 minutes to the gentleman from New Jersey [Mr. PARKER].

The CHAIRMAN. The gentleman from New Jersey is recognized for 20 minutes.

Mr. PARKER of New Jersey. Mr. Chairman, during the time that I was chairman of the Committee on the Judiciary I had occasion to look very carefully into our legislation as to judges and courts, and I may say in opening that I sympathize very heartily with the practice now adopted by the committee of bringing in a single bill and considering all the wants of all the districts of the United States and making comparison between them, instead of leaving that comparison to be made by individual Members of the House when a bill is brought in for a particular State or district. This is far the better way, because the matter has to be considered as a whole in order to find out which district really needs relief.

I may say also—and I risk my time a little in doing it—that I have always been very much impressed with the plan adopted in the old country of England, where they do not make more judges in order to get rid of an accumulation or flood of business in any particular circuit, but assign members of the bar, barristers and sergeants, by temporary appointment as commissioners, not to be judges but simply to try the cases. They are called commissioners of assize and nisi prius. They sit in assize for criminal cases. They sit in nisi prius for civil cases. They have no power, however, to act as judges, except merely to conduct the trial, for their report is made to the judge and they act wholly under his direction, and the judgment is signed by the judge.

Probably it was not intended by the Constitution of the United States to insist that there should be no such officers, or that they should be called judges and hold for life. The English practice is a practical, sensible way of relieving any accumulation of business within a particular district.

They have also in England a plan which is used in New Jersey, that a court of equity has a right to refer a whole case to the master of the rolls, or to a master in chancery to hear the case for the chancellor and to advise the court by his opinion what order or decree should be made thereon. I am sorry to say that in a carefully considered case in the Supreme Court of the United States it has been held that that practice can not be followed in our Federal courts except by consent, and that the whole case can not be referred for that purpose, but only a part of the case.

A complete reference can be made by consent, but the courts of this country would have great relief in the trial of long equity cases if they could select some counselor or attorney who was really acquainted with equity law to hear the case and advise the court on the decree. It would always be done practically by consent and would expedite business. So much for that. We are not following that practice of enabling the present judges to do the work. We are appointing 22 new judges when we already have 105. That makes 127 judges altogether. We have a population of a little over 105,000,000, according to this report, and the result is that there is one judge for every 800,000 of the population. I am free to say that I consider that apportionment by population is on the whole almost the best plan. The number of cases pending tells mighty little. They may be cases that have been on the calendar for a long while. They may be, as in the case of part of the criminal cases in my own State, a lot of draft cases, 10,000 of them, that may never come to trial. They may be little customs cases that go

through very quickly; they may be small cases at law. We do not bring them in the Federal courts in New Jersey, because we can try them better in our counties, and we have courts that we trust. Only the big cases go to the United States courts. We have in New Jersey 9 supreme court justices and about 20 circuit court judges. The supreme court sits in Trenton. We have a chancellor and 10 vice chancellors, and the supreme court justices, the chancellor, and the vice chancellors all get salaries above $10,000. They are taken from our best lawyers, and do justice with might and main from end to end of the year, and less cases therefore go into the United States courts. Nevertheless, in my State of New Jersey, in spite of the fact that we have three United States judges, it is less than our proportion to our 3,155,000 population, that at 800,000 population for each judge would entitle us to four judges. These three judges are overwhelmed with business. We have a large admiralty practice, not so large as New York, but large. We have besides that a wise system of law that has induced people very largely to incorporate in the State of New Jersey, because they trust our courts, and as a result our United States court is swamped with business brought to us for the adjustment of enormous business matters, largely suits in equity that take day after day to try, because they must be tried by the court. I have investigated in the Attorney General's report for 1920 the work done by these courts in New Jersey, which is far ahead of that by the Federal judges in other States in disposing of business; but, nevertheless, they have hardly been able to hold an equity circuit with any one of the three judges for a whole year. They have been overwhelmed with the criminal business, which takes precedence.

Mr. MACGREGOR. Will the gentleman yield? Will it interrupt the gentleman if I ask him a question?

Mr. PARKER of New Jersey. Not at all.

Mr. MACGREGOR. I have a recollection that we have more judges in the State of New York than they have in the whole of England. I looked that up when I was in the Legislature of New York. Has the gentleman made any study of that proposition?

Mr. PARKER of New Jersey. I have already said that the judges in England get rid of their business in two ways: One is by referring the law business for trial to commissioners, and the second method is by referring the equity business for trial to masters in chancery. We try to do the same thing in New Jersey in our State practice, and I believe it is the right way.

In the United States district court system there are two ways of dealing with a State: One is to divide it into small districts and make people go to various small towns in the State to try cases and to search records and to file papers, thus multiplying clerks, marshals, and officers of all sorts. In New Jersey we have followed the other plan. With a population large enough for four judges, at 800,000 people apiece, and with more than the business for that number, New Jersey has followed the plan of having but one district court. As a result, the three judges have their central office at the capital of the State. The records are kept there, and the judges are assigned their business and are all kept at work by the presiding judge. There is no danger of idleness anywhere, because each judge is given his work to do and the work is apportioned. There is less danger also of the selection of a friendly court or of conflicting injunctions, and all the horrors that come when one judge at one place takes hold of a matter and another judge at another place takes hold of the same matter and there is no central control over them all. Our district court is one court, and we get one decision in the courts of equity where they say equity varies with the discretion of the chancellor. We have but one court, and that is right. It has but one clerk and one marshal. There is no waste of money. It is the right way; and we have at the head of that court a senior judge of the district who is renowned all over the United States for the strength of his opinions, and he is assisted now by two young and earnest fellow judges. Yet they are away behind. I could turn to the Attorney General's report of 1921, if we had it, to see if they have done their work. During the previous year, taking such things as equity cases and admiralty cases, besides a very large amount of criminal business, there were begun in New Jersey, in 1920, 232 such cases and 183 disposed of—that is, of cases other than admiralty. Of admiralty and other cases than bankruptcy there were 295 cases begun and 352 disposed of, more than one case for each working day, of these heavy equity and admiralty cases which are not small things. It shows the pressure on the court of which I have spoken.

We may make a short comparison of the 22 districts in which new judges are provided. In the first place, with respect to population, I have already said that with 3,155,354 people we are entitled to four judges instead of three, and we ought to have one more; we need him. We will not really waste any money because we do not waste it on clerks' or marshals' salaries. It is paid only to the judge. There is only one clerk and one marshal.

As to cases pending, the report shows that there were 331 civil cases pending, and that is a larger number than is pending in any district except the southern district of New York, and usually twice or three times the number pending. With respect to criminal cases, there are 11,502 pending in New Jersey, more than in any other district whatever. We did go after the draft men, when other States failed to do so, and half of that is due to that fact. In admiralty cases we had 178 pending. That is more than any other district, except New York, the same number in the eastern district of Pennsylvania and in northern California. We have in bankruptcy 934 cases pending. Only 6 of the 22 districts named in this bill have more. Sixteen have less. We have in other cases than bankruptcy 482 cases pending. Only 7 of the 22 have more. We have a total of 13,667 cases pending, more than all of the other districts named, except southern New York.

I maintain that on that showing New Jersey has need for another judge to clear up arrears. I can not find out what cases were begun in 1921 because I have only the report of 1920, and I desire leave of the committee when I can get that report, if I can, to print a statement or to append it to my remarks, for I want to print my remarks to-day.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. PARKER of New Jersey. Yes.

Mr. WALSH. Is the gentleman referring to the number of cases begun in New Jersey in 1920?

Mr. PARKER of New Jersey. In New Jersey and in other States. I want to compare it.

Mr. WALSH. I have the number here for New Jersey.

Mr. PARKER of New Jersey. Yes; but we can not compare that with the others, and it is not fair to give a number without giving a comparison.

Mr. Chairman, every member of the bar in New Jersey will tell you that our United States court judges are worked to death at the present time, and that it is impossible for them to transact the amount of business that has come in. The number of cases begun and ended in a single year, of course, does not tell the size and character of the cases, nor tell as much as I can tell as a member of the bar, which is that New Jersey absolutely needs this relief, and that according to population and the number of cases pending there she is entitled to relief.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. PARKER of New Jersey. Yes.

Mr. MICHENER. What hours in each day do the courts in the gentleman's State sit?

Mr. PARKER of New Jersey. We sit from 10 o'clock until 4 or 5.

Mr. MICHENER. With what recess?

Mr. PARKER of New Jersey. Almost none. Half an hour.

Mr. MICHENER. Half an hour at noon?

Mr. PARKER of New Jersey. Yes.

Mr. MICHENER. How many days in the week?

Mr. PARKER of New Jersey. Every day, I believe.

Mr. MICHENER. And how much vacation do the judges take each year?

Mr. PARKER of New Jersey. That I can not answer, but it is quite small.

Mr. MICHENER. The gentleman says that the number of cases on the calender does not always tell the story.

Mr. PARKER of New Jersey. No; nor the number of cases begun and ended.

Mr. MICHENER. Does the gentleman not think that the number of hours per day and the days in the year that the judges work are really the determining factors?

Mr. PARKER of New Jersey. Yes and no. We have judges there who really dispose of the business. They get through with business which is before them, and they do not waste any time. The way cases move along there in the United States courts is something that is worth looking at.

Mr. MICHENER. Will the gentleman state in his remarks the number of hours per day that the judges in his State sit, and the days per year and the amount of time they take for vacation?

Mr. PARKER of New Jersey. The gentleman would have to inquire of the courts in New Jersey as to that. I know that they work as hard as any men can work, and that is all that I can say.

I yield back the remainder of my time, with many thanks for the accommodation given me.

Mr. WALSH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting therein one or

two statistical tables that I have prepared, and a letter to which I referred in my remarks upon the bill, and also one or two other communications touching upon legislation.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by inserting various tables and letters. Is there objection?

Mr. SUMNERS of Texas. Mr. Chairman, reserving the right to object, what is the letter to which the gentleman refers?

Mr. WALSH. I referred to a letter during the course of my remarks, addressed to Judge MOORE, of Virginia, by the United States judge for the eastern district of Virginia, stating in substance that there was no necessity for an additional judge there, and the gentleman from Virginia [Mr. MOORE] furnished me with the letter and said that he had no objections to its being made public.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, I renew my request to insert along with my remarks, or as an extension separately, a comparative statement with reference to cases begun and ended, abbreviated as much as possible.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to extend his remarks by inserting the statement indicated. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Chairman, the process or method of determining the number of judges provided for in the bill under consideration would secure an additional judge for the eastern district of Virginia. Indeed, upon this process or basis of consideration such an additional judge was prescribed in the original bill, and this is logical, for the statistics relied upon to give judges to other districts would have given an additional judge to the eastern district of Virginia. But I would not have supported the bill had such a provision remained in it, nor will I now support it with that provision eliminated. I simply mention the instance in my own district to stress the contradictory facts resulting from an identical system of statistics in order to observe that the judge of the eastern district of Virginia does not think that that district needs an additional member of the bench, and to suggest that if the truth could be obtained as to other districts many of them would not be saddled with the additional judges by this measure.

The question of the number of new judges does not determine my attitude upon this particular measure, but it is the unwise, unsafe, and untrustworthy method of determining the number of new judges, and the consequent inevitably faulty distribution of these judges that constrains me to oppose this bill. The statistical method of determining congested dockets and the accumulated and undisposed of litigation is not a sound or safe method to be employed.

It is obvious that the sole factor to be considered is the nature and character of the cases and the nature and character of the judges. We must know this before making new judges, and this is precisely what we do not know, but we do know that little or no effort has been made to gain this essential information. The records before us and the records in the Judiciary Committee give no satisfactory explanation of the evasion of this fundamental inquiry. There is a faint glimpse of appreciation of this omission by the reported division of cases into criminal, admiralty, and bankruptcy, and this is, indeed, a faint and dim glimpse, but even with these divisional statistics I submit that they are wholly untrustworthy and misleading. Perhaps, as the gentleman from New Jersey [Mr. PARKER] stated, if statistics are taken at all as a basis, the most satisfactory statistics are those relating to population.

I have no doubt that some additional judges are needed, but how many and where must they come from? A great deal of business that may be determined exigent is of a more or less passing character or nature, cases, for example, growing out of the war, which will hardly afford a permanent source of litigation. The prohibition question, for example, has given rise to a good many cases, but they require no great or serious thought by the judges. The bulk of this class of cases can be disposed of easily and expeditiously. So, with internal-revenue cases, most of them can likewise be rapidly disposed of by any ordinary judge. I was United States attorney for four years, and sometimes 20 or 30 cases a day were tried or finally disposed of for the violation of the internal-revenue law.

If there is real need for these judges, I am inclined to think, with all respect to my associates of the Judiciary Committee, that the Senate bill is preferable if a reduction of the number therein contained is accomplished. To attack this problem of congested dockets in a practical way, perhaps it is best to have a flying squadron of judges, but let that flying squadron be less in number, aye, half of the number, found in this bill. Why, under the condition of the finances of America, should we have 22 judges, I can not conceive, and the jaded public will not approve.

Again—and I do not desire to be a monitor when I make this statement—the judiciary, more than any other of the three departments of our Government, determines the general confidence of the people in the institutions of the American system, and upon a mere basis of flimsy and inapplicable statistics to burden the tax-ridden people with 22 additional judges will not tend to increase the confidence of the American people in the efficiency of the American courts.

I beg the Members of the House to lay fully out of view all partisan and personal considerations in dealing with so grave a subject. I beg them to consider not only the necessity of new judges but the financial conditions of this country as well, and that we may not undertake in this way, by some sort of mathematical enumeration and apportionment, to spread 22 judges throughout this country. I admit that there are judges needed in Massachusetts. I would very gladly vote for one, and not seriously object to two, for that State. The district of New York, a large district, seems to be quite congested in its docket, but we know nothing of the ability, industry, and temperament of the judges now presiding in those districts, and statistics can not solve this personal equation. Are they industrious? Are they efficient? What proof do the hearings supply upon this vital point?

Have we had the opinions of the judges from these so-called congested districts in the committee hearings? Perhaps one or two judges have appeared before the Attorney General. We seem not only not to have the requisite evidence, but to have avoided securing it.

The judge from the eastern district of Virginia has been upon the bench a short time. He succeeded a gentleman of most laborious temperament, who has recently been elevated to the circuit court of appeals. Both of them tell me that there is no need of an additional judge for this district. But if statistics of congestion are relied upon, as they seem to be relied upon, other districts will secure judges with as little or less support or reason than the eastern district of Virginia, where confessedly no additional judge is needed. I submit that if the same proof is wrong in one instance it may be faulty in another, and that we should go slowly and cautiously in multiplying judges upon a basis so impracticable and precarious.

Mr. Chairman, I am compelled to leave town in a few moments, but I did not wish to do so without expressing my opinion, however hurriedly and inadequately, upon this bill. I will offer the suggestion that the Senate bill is a better measure if you reduce the judges to 9 or 10. Try it out and see how it works. Congress is in session and is likely to be in session for a good while to come. There are judges in some of the circuits who, by reason of physical infirmities and decrepitude, are unable to perform their duties. These districts need some assistance. Bills in such cases have come before the House, and they have been scrutinized with very great care, and in many instances rejected by this House. So I declare to you that statistics or generalizations from them will not support the character of legislation now contended for, and that in the absence of full proof upon so grave and serious a matter you should not shock—and I use the language rather conservatively—the public conscience of the American people by increasing the judges from 105 to 127 in a few hours of debate. Beware of impairing or imperiling the American judiciary. Lift it above partisan consideration. We should look more for justice and less for judges. [Applause.]

Mr. WALSH. Mr. Chairman, the gentleman from Minnesota [Mr. VOLSTEAD] yields five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, I shall support the bill as reported by the committee. I want, however, to say that it was the understanding in the State of Kansas among the lawyers at the time this bill was being considered by the Judiciary Committee that the Senate bill providing for 18 judges, according to the circuits, was to be the legislation, and the bar association of my State have adopted a resolution and I think will present to the Senate committee the claim that Kansas should have an extra judge for our district. I would not offer that as an amendment here, because I think it is a matter that should be handled in the regular way by the committee and upon a showing made.

I want to take the time allotted to me to address the House upon a different subject for a few moments.

I suppose I have the company of all of the other Members of Congress in my amazement at the attack made upon Congress

by the Secretary of War. Concerning that portion of the Secretary of War's speech in which he criticizes our rules, and so forth, and objects to the independence of the House, I shall not enter into any discussion; but there are portions of his published address which amount not only to an attack upon Congress but to an attack upon the President as well, and I desire to call attention to it.

The Secretary is quoted as having said:

> I shall not take the time to criticize the legislation Congress has enacted for the benefit of the farmer. It was brought about by a combination of members of the two great political parties which had sufficient votes to obtain the result desired. * * *

That portion of the Secretary's speech means, I take it, that time alone prevents his denouncing all the legislation that has been enacted by this Congress for the benefit of the farmer. Then he does take time to be specific on the legislation, I suppose, that is closest to his heart, and he says:

> One of the least excusable of the laws passed, it seems to me, was that increasing the interest rate on farm loan bank bonds to 5½ per cent and leaving the rate to the farm borrower the same as it had been. Under the present law, as I see it, the Government is financing the farmer and is producing a vast volume of nontaxable securities, so that, in effect, the farmer is borrowing his money at a much lower rate than the current market warrants.

I desire to call the attention of the country to the fact that the President of the United States has signed all of the legislation that has been passed by this Congress, so that Mr. Weeks's criticism applies to the Executive as well as to the legislative branch of the Government. Too bad, indeed, if the farm loan banks and joint-stock land banks are permitted to sell their bonds at 5½ per cent interest but are not permitted to raise the rate of interest to the farmer. This statement on the part of the Secretary of War amounts to a statement that the farmer is enjoying too low a rate of interest, is being discriminated for; and in this regard I just want to leave the thought that the Secretary of War is not familiar with the situation and conditions in the agricultural sections, or he would not say that. I venture the assertion that the gentleman stands absolutely alone in the claim that there is an unjust discrimination on the part of Congress in favor of the farmer.

Of course, the Members of the House know the trouble with the Secretary of War. We reduced the Army to 150,000, and in that same bill, reducing the size of the Army, forced reforms in the expenditure of money in the War Department. I am informed and believe that the Secretary of War was the cause of the President of the United States writing Congress the letter in which we were informed that while the President had not vetoed the bill it was unworkable, and that we would in all human probability be called upon to appropriate money to make good moral obligations that we would be under to soldiers that enlisted for a fixed period and that they had had to discharge over their protests. I said at the time that the President was misinformed; that it was all right to write us the letter; that we would respect his views should there be a moral obligation. Suppose the President had followed the advice of the Secretary of War and vetoed that bill; then we would never have known how unsound the position of the Secretary was on this question. Now, we all know that the Army was reduced away before the time contemplated by the legislation, that there are no moral obligations, because they had to quit discharging soldiers upon their own requests, or there would not have been any Army left by this time.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman from Kansas is recognized for three minutes more.

Mr. TINCHER. But let us just contemplate for a moment how much credit Congress gets for this. I have seen a number of articles in the newspapers about how much money the War Department was saving. Why not be fair, Mr. War Department, and admit the saving of the money you have saved was forced upon you by this House of Congress? And why harbor any grudge about it and keep "picking" at Congress?

In your speech you say that to permit the land banks to sell their bonds at 5½ per cent but not to permit them to loan the money to the farmer for any more than they were before is inexcusable. The land banks are making money, can and will make money, on this margin. I would suggest that the Secretary of War read the President's message, and he will find that he agrees with the House of Representatives, that there are too many middlemen living off the farmer and consumer; that our marketing system of our products is imperfect in this regard; and that that same thing could be said of the marketing system of our loans. I think a broker is probably a necessary evil to some extent, but this is no time for Cabinet officers to worry because there is not enough margin between what the farmer pays for his loan and what the bond sells for.

Mr. LUCE. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. I can not yield; I have not the time. I will yield if the gentleman will allow me to finish. I am going to talk about you in a few minutes anyway. [Laughter.]

Mr. LUCE. Very well.

Mr. TINCHER. I may some day be called upon to apologize for my Republicanism; I belong to no "bloc"; it is not necessary to belong to a "bloc" in the House of Representatives under present conditions to get fair legislation. I have never used any adjectives to describe my Republicanism. If occasion ever requires that I make apologies for my party loyalty, I will not begin making these apologies to a Massachusetts Republican under existing conditions. [Applause.] Early in this Congress those of us who believed in a protective tariff were trying to pass that kind of a bill in the House of Representatives, but we ran against a "bloc" on the subject of a tariff on hides. The New England Republicans combined with the southern Democrats, and on a roll call defeated a clear majority of the Republican Members of the House, and left hides, so far as the House bill was concerned, on the free list at a time when a hide was selling at from 1 cent to 1½ cents a pound, the cheapest in a quarter of a century, at a time when the New England shoe manufacturer was selling his shoes at the highest peacetime price in a quarter of a century. Then, Mr. Secretary, before you find too much fault with these laws that have been passed to try to encourage agriculture, and the party regularity, as you term it, look up the record and you will find that the only Republican conference we have had this year to decide a question was bolted by the New England Republicans to such an extent that by combining with the Democrats they were able to defeat a majority of the Republican Members of Congress. [Applause.]

I know, Mr. Secretary, that it is popular when up in New York, making a speech, to condemn the American farmer in a roundabout way, and it is generally popular anywhere to condemn the American Congress. It has been a popular pastime for a good many years, but your criticism goes further and amounts to a good, sound rebuke for the President, who has not only signed all this legislation and refused to veto any bills, even at the request of any Cabinet member, but who, on last Tuesday, delivered a message to Congress which should be read—nay, even more than read, committed to memory—by members of the Cabinet before making any more New York speeches. [Applause.]

Mr. Chairman, I was a delegate to the 1916 Republican convention at Chicago. After looking over the field of candidates carefully, I cast my vote from start to finish for Charles Evans Hughes. As yet, I have no apologies to offer for that vote. [Applause.]

Mr. LUCE. Mr. Chairman, will the gentleman yield now?

Mr. TINCHER. I will yield to the gentleman if I have time.

Mr. LUCE. Can the gentleman inform the House as to the rate at which the last issue of farm loan bonds was put on the market?

Mr. TINCHER. I do not know. You mean from the Federal farm loan bank?

Mr. LUCE. I mean the last issue of farm loan bonds.

Mr. TINCHER. You may call it the farm loan bank or the joint-stock bank. But I say this: That the American farmer needs every penny of advantage that he is getting to-day from the farm loan bank or the joint-stock bank, and no Member dare go on record as advocating the repeal of that legislation. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has again expired. If no one else cares to participate in the general debate the Clerk will read the bill for amendment.

Mr. SUMNERS of Texas. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. SANDLIN].

The CHAIRMAN. The gentleman from Louisiana is recognized for five minutes.

Mr. SANDLIN. Mr. Chairman and gentlemen of the committee, I do not care at this time to discuss the pending bill. That bill has already been thoroughly discussed, and will be further discussed by those who follow me.

I resolved not to take up the time of this body unless I had a matter to bring to its attention in which I thought the membership might have some interest or one in which I was vitally interested.

When Postmaster General Hays put the marines on the trains in this country in order to guard the mail, I doubted very much the wisdom of that order then issued by him to these marines, to shoot to kill. Since that time I am convinced that the order

that he issued should not have been issued. In the view that I hold I am joined by one high in authority from one of the Middle Western States, a gentleman of the same political faith as the Postmaster General. In connection with my remarks I desire to read what he has to say upon this subject. I read:

[By the Associated Press.]

MADISON, WIS., *December 8.*

Gov. J. J. Blaine in a letter to-day to Will H. Hays, Postmaster General, attacked the Postal Department's policy of maintaining armed marine guards on mail trains, with the instruction to shoot to kill when necessities of the case require.

"When the necessities of the case require." Who is to decide? Of course, the marine himself. I read further:

The governor also asked that M. M. Hanson, the guard who shot Otto Lambrecht, of Kaukauna, Wis., be returned to Wisconsin for trial.

Gov. Blaine's letter is in reply to that of the Postmaster General, who answered the governor's request for surrender of the guard, with a statement defending his action and expressing the intention of the Government to continue the use of marines to guard mail trains.

The governor says this:

"If the rule set down by you is to obtain by the Federal Government, then there isn't any reason," Gov. Blaine said, "why any department of the Federal Government can not set up a military régime over the people of this country, the result of which will be that innocent men will be shot down like so many rats, according to the whim, caprice, inefficiency, inexperience, misjudgment, or even willfulness of the guard.

"However, the only purpose I have in the matter," he added, "is to see that the laws of the State of Wisconsin are enforced, and I therefore asume that the Federal Government will be very willing to permit the guard who did the shooting to be returned to Wisconsin for trial."

This morning I received in my mail from my district a letter from a gentleman who is mature in years, is a man of conservative judgment, a man who I know would not make a statement unless he had the facts to back it up. It is relative to a case that happened near Shreveport, La. Perhaps some other Members of the House have already read an account of it in the press. This gentleman writes me that a young farmer's lad was standing at a depot at a small village, Blanchard, in the parish of Caddo, waiting for a train to pass, as boys are wont to do; in fact, grown people gather around a depot to see the trains pass. This boy was standing there, and a mail guard told him, as reported to me, to move away from the train. The boy replied that he was not afraid of the marine's gun; but he moved, and moved back, stepped back to the edge of the platform, and was obeying the demand of the marine; but, like every red-blooded American, conscious of the fact that he had committed no offense, conscious of the fact that he had violated no law of the country himself, and while obeying the order had the manhood to tell this marine that he was not afraid of his gun.

Now, Mr. Chairman and Members of the House, I realize that perhaps it will do little good for an humble Member of this great body to call the attention of the country to this state of affairs, but if some one who had more influence with the Postmaster General——

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. SANDLIN. Certainly.

Mr. COOPER of Wisconsin. What happened? The gentleman said the man simply stepped back.

Mr. SANDLIN. I am glad the gentleman called my attention to that. The statement says the boy was shot down like a dog, and was killed, and as the gentleman puts it in his letter, he was murdered. Those are the facts as they come to me. If that is true, it is a bad state of affairs and something ought to be done about it.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. SANDLIN. Gladly.

Mr. BANKHEAD. Has the gentleman made any investigation or inquiry to determine by what authority of law the Postmaster General or the Secretary of the Navy are putting these 2,000 men on these trains?

Mr. SANDLIN. I have not, and I would be glad if somebody would obtain that information.

Mr. BANKHEAD. I think the whole country would like to know by what authority it is done.

Mr. SANDLIN. And I should like to say that if he has that authority I think it is being grossly abused, and should be withdrawn from him.

I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back three minutes.

Mr. SUMNERS of Texas. I yield 10 minutes to the gentleman from Virginia [Mr. HARRISON].

Mr. HARRISON. Mr. Chairman, I feel very sympathetic with the views of the Representatives of those sections of the country where there is a congestion of judicial business and a delay in obtaining the trial of cases in the courts. I do not know of anything more exasperating to suitors or to attorneys than to have term after term and year after year pass without having their legitimate business disposed of by the courts appointed for that purpose. A delay in the administration of the law is often a denial of justice, and a congested docket is often taken advantage of by evilly disposed persons to escape just liabilities. I will vote for any measure that I think will give relief to the people of congested districts. But it does seem to me that this bill before this body is of a very makeshift character. It affords a premium for judicial inefficiency. If it gives the relief to the congested districts that they are entitled to, it will do so by an alleged temporary legislation and by encumbering other districts with judges for whom they can have no use. It is hard to understand the present distribution of judges amongst the several States as exists by present law. Take, for instance, the State of Florida, that is represented on this floor by four Representatives. It has already two district judges. Take Massachusetts, represented on this floor by 16 Congressmen. That State has but one district judge. Take Indiana, a large western State, with large commercial interests. It has but one district judge. Alabama, another State more agricultural than commercial, has three district judges. The whole of New England has but six judges and Texas alone has six. Maryland, a great commercial State, has one, Ohio four, Tennessee two, Oklahoma two, Arkansas two, Nebraska two, Florida two.

Even the tables in the hearings do not justify the present distribution. Massachusetts has 6,834 cases on the court docket undisposed of and only one judge, New Jersey has three judges and 13,567 cases undisposed of, Florida has two judges and 1,990 cases on its docket. Whether we make the standard population or congested docket, the grossest inequality is disclosed.

Nothing, however, can be a worse guide than a congested docket. It is as often due to inefficient judges as to volume of business. Alabama has three judges and a 4,500 docket. The great commercial State of Maryland has one judge and a 372 docket. It has already been pointed out that in one alleged congested district the judge is receiving a $50,000 salary from organized baseball.

The present bill proposes only temporary relief. Judges are appointed in certain favored localities, but vacancies are not to be filed unless they occur within four years; then a permanent appointment may be made at the mere caprice of the Attorney General and a judge. But the appointments are for the lifetime of the judge. This may not cover a sufficient period or it may extend far beyond the necessity.

Without regard to costs, where a necessity exists for the proper transaction of public business, a court should be provided, not a judge to take charge of a temporary emergency. The judge may not live long enough to effectuate the relief or he may long survive the necessity, a useless burden on the Public Treasury.

Furthermore, the present bill simply accentuates the present inequalities of distribution. Florida, with only four Congressmen, has already two judges and is given an extra one, while Maryland, with six Congressmen and a great commercial center, continues with only one. Indiana, with thirteen Congressmen, has only one judge, but Arizona, with one Congressman and one judge, is given an extra one. Alabama has three judges, and——

Mr. KINCHELOE. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. KINCHELOE. Will the gentleman tell the House whether there is three times as much business in the Federal courts in the State of Alabama as there is in the State of Indiana?

Mr. HARRISON. How could there be? What is there in Alabama that entitles that State to three district judges as against one in the Commonwealth of Massachusetts?

Mr. MANN. How long has Alabama had three judges?

Mr. HARRISON. I do not know how long she has had them.

Mr. MANN. Alabama has had three districts, but until very recently at least one judge was appointed for two districts.

Mr. HARRISON. Now, take Tennessee. What is there in Tennessee that should give her any advantage over the State of Indiana? You propose to give a new judge to Tennessee, making it a State with three judges, as against Indiana that has only one.

Mr. MANN. Alabama, as I recall, has no special judge for the middle district. The judge for the southern district acts as judge for the middle district. I believe there are two judges for the northern district. How long that has been I do not know, but my recollection is that the bill was passed on the very urgent representation of the district that the business of Birmingham and other places was so great as to require that additional judge.

Mr. HARRISON. Alabama has three judges, and if Alabama could obtain its relief by a special bill for that purpose after

due consideration of its interests, why can not Massachusetts get the relief it is entitled to in the same manner? It seems to me that is the proper method to pursue. It looks to me like we were making a bargain, a deal, "If you will give me an extra judge down here, we will give you what judges you are entitled to up there."

Mr. MANN. I hope that is not the case. The gentleman knows that in recent years, instead of trying to pass separate bills which would require practically the same length of time, and which are only passed by unanimous consent, the general policy of the House has been to pass an omnibus bill. They need an additional judge in Massachusetts.

Mr. HARRISON. If we are to have an omnibus bill, let us have a bill that is of a permanent character, that will give the permanent relief to which the country is entitled, and not have a bill here that is a pure makeshift.

Mr. MANN. That part of the gentleman's argument I do not understand.

Mr. DAVIS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. DAVIS of Tennessee. With respect to how temporary this is—and it is proposed to be a temporary bill—I ask the gentleman if it does not largely depend upon the life of the man who happens to be appointed?

Mr. HARRISON. Yes.

Mr. DAVIS of Tennessee. In other words, if he dies within four years, his successor may or may not be appointed; but if he lives for 15 years he will continue as a judge whether he is needed or not.

Mr. HARRISON. Not only that, but the district judges who are appointed for the temporary purpose of taking care of this business can be converted into permanent judges by the certificate of the Attorney General and a judge. I have not time, but I could show a large number of the most peculiar distributions of these judges, and the peculiar distribution not only perpetuated in this bill but greatly accentuated. There is no difficulty in meeting the requirements of the country by a well-considered omnibus bill.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HUDSPETH. How about Montana?

Mr. HARRISON. There is one Congressman and two judges in Montana and Arizona has one Congressman but two judges. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. CLOUSE].

Mr. CLOUSE. Mr. Chairman, of course I could not begin to say in the five minutes granted me just what I would like to say in respect to this measure, but I do want to say that at this time I desire to compliment the Committee of this House upon bringing in for our consideration a bill of this character, a bill that I have no doubt has received the most serious consideration at the hands of each member of the committee. They have brought in a bill which the condition in the courts of the various districts of this country demand, and the legislation should be granted immediately. The gentleman from Virginia [Mr. HARRISON], my very good friend, wanted to know what there is in Tennessee to justify the creation of a new district. The gentleman overlooked the fact that Congress many years ago saw the necessity of an additional judge in Tennessee and created the district, but imposed the duties and obligations of holding court in that district upon the then existing judge for the extreme eastern district of Tennessee. We have in Tennessee, or did have on June 30 last, in the middle district of Tennessee, 1,494 cases pending on the docket. They are not cases that can be tried at the rate of 30 a day. I recall in the Nashville court a case that was recently tried involving the theft of millions of dollars worth of platinum from the Jacksonville powder plant, which extended over a period of five weeks, and there are yet three other defendants to be tried. That is but one case. I could enumerate not one, but dozens—yes, hundreds of cases in the middle district of Tennessee that will require days and weeks to try; and yet we are supposed to think that one judge can try 1,494 cases and clear the docket in that district! Besides, that judge has another district in which there were pending on the 30th day of last June 616 cases.

I am going to support this bill, because as a lawyer I know that in Tennessee the bill is needed, and I know from the careful investigation that the committee has given these other districts that the same necessity exists elsewhere.

There is another thing that I want to talk about, and that is this: In connection with the district courts, the United States to-day is paying out of the Treasury of the United States multiplied millions of dollars annually for keeping and detaining and confining prisoners who are charged with misdemeanors. You convict them and sentence them to 60 days or to 6 months imprisonment, and what do you do? You take the money from the Federal Treasury and you pay it to a jailer in some county. What ought we to do? I introduced a bill early in the extraordinary session providing that the Government maintain its own institutions for detaining its prisoners, and work them, not in competition with public labor but in producing the essential things of this Government, letting them in that way, in a measure at least, be self-sustaining. I wanted to call attention to this, because I hope one of these days at a very early time we are going to get consideration of that bill, and be here asking that, instead of throwing the money of the people of America away, we make these prisoners self-sustaining in an American institution where they can be confined and kept at labor rather than be confined in a county jail in idleness at an expense of from 75 cents to $1.15 per day for board. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. SWANK].

Mr. SWANK. Mr. Chairman, nothing deters the criminal more and has a greater effect for the good of society than a quick and vigorous enforcement of the laws of the land. While the Constitution of the United States and the different States provide that the accused shall enjoy the right to a speedy trial, this prompt action is not what the criminal wants, unless he is unable to make bond. If we are to have the criminal laws properly administered we must provide the proper machinery for that purpose. Delay in the trial of criminal cases usually benefits the person charged. With delay and continuances in court on account of a lack of judges to try the cases, crime will increase and the rights of the law-abiding people will thereby further be endangered. Violations of the liquor law and other criminal cases should be reasonably hastened for trial or it may be impossible to try them at all. There never was a time when there was a greater need for a strict enforcement of the law than now. A defendant should be given his constitutional right to a speedy and impartial trial; it makes no difference what the charge may be, how small the offense charged, nor how great, he is entitled to this under our wise and wholesome laws. This is not only for the benefit of the person charged, but for the good of the public as well. Litigants in civil cases also have the right to have their cases heard within a reasonable time with as little delay as possible. The courts of the country are instituted to settle difficulties among our citizens when they are unable to agree out of court and they should be established at convenient and easily accessible places. The people pay the expenses of the courts, as they do the other necessary expenses of government, and should be protected. A person may have a good cause of action when he files his suit, but a few months delay may ruin his case and deprive him of that to which he is justly entitled. A proper respect for the law is fostered by having it speedily, economically, and impartially administered. There is no body of men who can cause this respect more than the judges themselves. A judge should have time to investigate thoroughly all cases before him, without undue haste, that full and complete justice may be done. Some may say that if the judges will work they can keep up with their dockets. I know that in some districts one judge can not try the cases, and two will be kept busy with the work of the court. I believe in judges working the same as other public officials should do, and when one of them loafs on the job and does not earn his salary he should be removed, but there is no use in talking about a man doing something that can not be done. I was district judge for six years preceding my election to the Sixty-seventh Congress, and with four counties in the judicial district I found plenty to do, and did not only hold court in the daytime but at night as well. You know that much of a judge's work is outside the court room, in the preparation of instructions, reading briefs, and preparing opinions. Of course, it is largely a matter with the individual judge, but they all can not be gauged in their work by one who may loaf on the job.

On the 18th day of May this year I introduced H. R. 6317, providing for an additional judge for the eastern district of Oklahoma. On the 22d day of July we had a hearing on this bill before the subcommittee, and the additional judge for which I asked is included in the bill now before us. Oklahoma is divided into two Federal court districts, with the Old Indian Territory comprising the eastern district and old Oklahoma Ter-

ritory the western district. Only three counties of the congressional district which I have the honor to represent here in Congress are in the eastern district. I am familiar with the court business on the east side of the State as well as on the west side, having had three of the Indian Territory counties in my old judicial district. I believe all the judges provided for in this bill now before us are needed, and I know that another judge is greatly needed in the eastern district of my home State. In this district the Federal Government is a party to about 75 per cent of the cases filed.

Three tribal attorneys are employed by the Government, one each for the Choctaws, the Chickasaws, and the Creeks, and eight probate attorneys in addition. It is the duty of these attorneys to look after the affairs of certain members of the tribe in the State and Federal courts. The report of the clerk of this district shows that for the fiscal year ended June 30, 1921, there were filed 1,055 criminal cases, 249 law cases, 78 equity cases, and 232 bankruptcy cases, or a total of 1,614 cases. Of course, outside judges may be sent in at times to help with the work, but this is not always satisfactory. In the trial of criminal cases the law is general, and judges from other districts can try this class of cases all right, but judges from other States will not understand the law governing the trial of cases affecting Indian lands, and the same will be true to a large extent with the trial of oil and gas cases. These cases make up the great majority of civil suits which are tried in this district. The same would be true in States having admiralty cases to try and causes peculiar to the great coal-producing States.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SWANK. I yield to the gentleman from Texas.

Mr. HUDSPETH. In support of what my friend said, at one time I recall in my own State where the judge from the eastern district of Alabama was transferred to El Paso, and said that he knew nothing about the trial of Spanish land grants.

Mr. SWANK. I thank my friend for that statement. In the eastern district of Oklahoma outside judges held court 35 days in 1920 and 60 days in 1921. If it is shown that there is enough work to keep two judges busy in a district, in the interest of the public as well as the litigants the additional judge should be provided. I do not believe that it will cost the Government a penny more to have an additional judge in the eastern district of Oklahoma, for the reason that great expense will be saved where witnesses do not have to be subpœnaed and jurors summoned several times on account of continuances. Then more fines will be paid and more costs collected if the necessary court machinery is provided for the trial of the cases. There will be no additional district attorney, marshal, or clerk, and I do not believe that it will be necessary to add but few, if any, additional deputies.

Here I submit a statement from the clerk of the eastern district of Oklahoma showing the condition in this district, with a statement of fees collected and causes filed:

DEPARTMENT OF JUSTICE,
OFFICE OF CLERK UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF OKLAHOMA,
Muskogee, Okla., June 16, 1921.

DEAR SIR: At the request of Hon. R. L. Williams, judge of the United States District Court for the Eastern District of Oklahoma, I have compiled and herewith submit for your information certain data which have reference to the volume of business of this court.

You will find attached a comparative statement of the business of this court for the fiscal years ending June 30, 1919, and June 30, 1920.

Next attached will be found a statement of suits filed in this court during the fiscal year ending June 30, 1921 (up to and including the 15th day of June, 1921).

Next will be found the earnings of this office for the fiscal years ending June 30, 1919, June 30, 1920, and June 30, 1921 (up to and including June 15, 1921).

Next will be found a summary of the famous 30,000 land suits and the disposition made of those suits.

For your information, will advise that prior to July 1, 1913, the record of the disposition of these suits was kept in the office of the Attorney General at Washington, D. C., and for that reason I am unable to advise you how many of these cases were disposed of each year by agreement, but if desired this information may be secured from the Attorney General.

In order that you may readily understand the data herewith submitted may I not presume to explain the same to you in order that you may promptly answer any questions that may be asked you?

Take the comparative statement first attached for the fiscal years 1919 and 1920.

You will note on the margin that the sum total of all cases closed in this court for the fiscal year 1919 was 2,896. This means there were 2,896 cases disposed of. However, this statement is misleading, for the reason that there were 2,010 land suits disposed of by agreement, none of which were tried. Now, when you deduct the 2,010 special land-suit cases from the 2,896 cases disposed of you have but 886 cases that really came before the court.

This same statement applies to the fiscal year ending June 30, 1920. Total number of cases disposed of, as shown by the report, 1,690. However, of this number 603 were special land suits, and when you deduct these 603 special land suits you have 1,087 cases that actually came before the court. You will, therefore, see that instead of the business falling off, as claimed, the actual business disposed of increased from 886 cases during the fiscal year 1919 to 1,087 cases during the fiscal year 1920.

I regret that it will be impossible for me to get up our statistical report for the fiscal year ending June 30, 1921, and get the same to you for use between the 15th and 30th of this month, but I have gotten up and herewith submit all the information that is available at this time, and I will follow the same up with my statistical report at the earliest possible moment.

I call your attention to the fact that this preliminary report, herewith submitted, is taken off June 15, 1921, and does not include the present term of court at Hugo, now in session, with the exception of indictments found at the Hugo term.

From this report you will find that there have been 247 law, 78 equity, 232 bankruptcy, and 1,055 criminal cases filed in this court up to and including June 15, 1921, or a total of 1,612 cases filed.

To this number should be added the number of cases carried over from the fiscal year ending June 30, 1920, or 1,607 cases, which would make a grand total of 3,219 cases on our books during the fiscal year of 1921. However, from this total of 3,219 cases should be deducted the 208 special land suits disposed of during the fiscal year 1921 by agreement, which would leave a net grand total of 3,011 to come before the court during the fiscal year ending June 30, 1921.

The best indication of the increase in the volume of business in this court is by the increase in the earnings of the clerk's office, as shown by the table hereto attached:

1919	$16,754.56
1920	17,156.55
1921	17,670.73

I feel confident that there will be fully an additional $1,000 to add to the 1921 earnings.

Permit me to call your special attention to the disposition of the special land suits as shown by the last item on the statement hereto attached.

In 1915, 3,111 cases disposed of by agreement.

In 1916, 6,903 cases disposed of by agreement, and on down to 1921, when 208 were disposed of by agreement.

It occurs to me that if a fair estimate of the volume of work coming before this court is to be had, these special land suits that were settled by agreement should be deducted each year, in order to get an accurate estimate of the work actually performed by the court.

As shown by the statement, 7 and not to exceed 10 of these 30,000 special land suits were actually tried before the court, which would leave 29,865 disposed of by agreement and 125 yet undisposed of. Of these 125 cases, 75 are held up on account of dead defendants and other causes, and 50 account answers, so you can see that out of the 30,000 land suits only 10 of them have, and not to exceed 60 of them may, come before the court.

I feel sure that my statistical report will show that this court has disposed of fully 30 per cent more cases during the fiscal year ending June 30, 1921, than were disposed of during the fiscal year ending June 30, 1920, or in the neighborhood of 1,400 cases.

However, with this increase in cases disposed of we will carry over into the fiscal year of 1922 some 1,711 cases, not counting the cases filed between the 15th and 30th of June, 1921, or an increase of 434 cases. This increase does not include the land suits.

This would be enough to convince anyone that the volume of work in this court is not falling off.

Very respectfully, W. S. MCCLURE, *Clerk.*

Statement of suits filed in the United States District Court, Eastern District of Oklahoma, July 1, 1920, to June 15, 1921.

Law	247
Equity	78
Bankruptcy	232
Criminal	1,055
Total	1,612

Earnings of the clerk's office, fiscal years ending before June 30, 1919, 1920, and up to and including June 15, 1921.

FIRST HALF, ENDING DEC. 31, 1918.

Docket fees	$1,454.31
Bankruptcy	620.00
Miscellaneous	810.50
Naturalization	11.00
United States	3,221.65
Total	6,117.46

SECOND HALF, ENDING JUNE 30, 1919.

Docket fees	$1,012.15
Bankruptcy	650.00
Miscellaneous	1,136.60
Naturalization	27.00
United States	7,811.35
Total	10,637.10
Grand total	16,754.56

FIRST QUARTER, ENDING SEPT. 30, 1919.

Fees, docket	575.98
Bankruptcy	250.00
Miscellaneous	378.80
Attorneys	13.00
Naturalization	10.00
United States	1,573.80
Total	2,802.58

SECOND QUARTER, ENDING DEC. 31, 1919.

Fees, docket	781.95
Bankruptcy	250.00
Miscellaneous	607.09
Attorneys	25.00
Naturalization	18.00
United States	2,685.00
Total	4,308.89

THIRD QUARTER, ENDING MAR. 31, 1920.

Fees, docket	$951.96
Bankruptcy	200.00
Miscellaneous	758.90
Attorneys	16.00
Naturalization	36.00
United States	3,009.15
Total	4,972.01

FOURTH QUARTER, ENDING JUNE 30, 1920.

Fees, docket	806.87
Bankruptcy	280.00
Miscellaneous	806.75
Attorneys	19.00
Naturalization	13.50
United States	3,146.95
Total	5,073.07
Grand total	17,156.55

FIRST QUARTER, ENDING SEPT. 30, 1920.

Docket fees	518.20
Bankruptcy	250.00
Miscellaneous	394.25
Attorneys	6.00
Naturalization	33.00
United States	1,627.06
Total	2,851.00

SECOND QUARTER, ENDING DEC. 31, 1920.

Docket fees	896.78
Bankruptcy	735.20
Miscellaneous	568.75
Attorneys	8.00
Naturalization	87.00
United States	2,027.82
Total	4,323.55

THIRD QUARTER, ENDING MAR. 31, 1921.

Docket fees	2,038.27
Bankruptcy	1,104.40
Miscellaneous	673.30
Attorneys	18.00
Naturalization	$34.00
United States	2,579.98
Total	6,647.95

FOURTH QUARTER, ENDING JUNE 15, 1921.

Docket fees	1,200.00
Bankruptcy	480.00
Miscellaneous	382.00
Attorneys	5.00
Naturalization	12.00
United States	2,769.25
Total	3,848.25
Grand total	17,670.73

Court is now in session at Hugo, Okla., and I estimate there will be from $1,200 to $1,500 additional fees to add to the fourth quarter of this year's work.

Fees for fiscal year ending June 30, 1919	$16,754.56
Fees for fiscal year ending June 30, 1920	17,156.55
Fees for fiscal year ending June 30, 1921	17,670.73

The 30,000 land suits.

PENDING.

July 1, 1913, to June 30, 1914	17,092
July 1, 1914, to June 30, 1915	13,981
July 1, 1915, to June 30, 1916	7,078
July 1, 1916, to June 30, 1917	4,134
July 1, 1917, to June 30, 1918	2,946
July 1, 1918, to June 30, 1919	928
July 1, 1919, to June 30, 1920	333
July 1, 1920, to June 30, 1921	125

DISPOSED OF BY AGREEMENT.

Fiscal year 1915	3,111
Fiscal year 1916	6,903
Fiscal year 1917	2,944
Fiscal year 1918	1,188
Fiscal year 1919	2,018
Fiscal year 1920	595
Fiscal year 1921	208

According to the best information I can secure, 7 and not to exceed 10 of these cases were tried before the court; 125 are now pending, and 29,865 were disposed of by agreement or otherwise.

Of the 125 cases pending, 75 are held up on account of dead defendants and other causes; and 50 account answers, which will have to be set on the docket.

Comparative statement of suits filed in the United States district court for the eastern district of Oklahoma, fiscal years ending June 30, 1916, 1917, 1918, 1919, 1920, and 1921.

Year.	Criminal.	Law.	Equity.	Bankruptcy.	Grand total.
1916	159	130	117	237	643
1917	382	208	115	166	871
1918	473	252	105	126	956
1919	566	255	52	118	991
1920	681	204	84	96	1,065
1921	1,055	249	78	232	1,614

1921 figures are taken off as of June 15, 1921, and are short 15 days of that year's business.

The following judges held court in this district during the fiscal years ending June 30, 1920 and 1921:

1920.	Days.
Judge Frank A. Youmans	3
Judge John C. Pollack	3
Judge J. W. Woodrough	15
Judge Page Morris	14
Total	35

1921.	
Judge Frank A. Youmans	12
Judge John H. Cotteral	1
Judge William H. Hook	1
Judge David P. Dyer	17
Judge Frank A. Youmans	1
Judge Collin B. Neblett	18
Judge John C. Pollack	10
Total	60

W. M. MCCLURE, *Clerk.*

The committee report shows that on July 1, 1921, there were 156,601 cases pending in the United States district courts. Of this number 9,760 were civil, 55,769 criminal, 37,242 bankruptcy, 7,869 admiralty. The report shows that criminal business in the Federal district courts has increased over 800 per cent since 1912, and that a large portion of the increase the past two years is due to the national prohibition law. The narcotic law, espionage act, antismuggling law, Federal automobile theft law, violations of the income tax, and postal laws have also contributed to this increase. According to the report, of the criminal cases pending July 1, 1921, 10,365 were for violations of the Federal prohibition law, 6,558 internal revenue cases, 2,176 postal law cases, and 932 violations of the interstate commerce act. The average amount of fines and costs collected during the year ending June 30, 1921, was about $40,000 per judge—a much larger amount than it takes to run the courts. Therefore the enactment of this bill will not cause any additional tax levies for the expenses of the extra judges, but after paying all costs incident thereto, a large sum will be returned to the Treasury.

Mr. Chairman, I am not supporting this bill now before the committee for the reason that it includes my bill, but I am supporting it because I believe that it is necessary to a proper enforcement of the law. I am sure that the "bootleggers," "moonshiners," and others who violate the law of the land prefer that the bill do not become a law. They are well satisfied with delay in bringing them to trial, for their chances of escape are increased thereby. Of course, the enactment of this measure may add some additional costs to the Government, but it is a false economy in failing to provide properly for the courts that the dockets may be cleared and business expedited. This is not a political matter with me, for I know that a judge of my political faith will not be appointed in the eastern district of Oklahoma if this bill becomes a law. It should have been done when my party was in power, not for political purposes but because it was needed. Mr. Chairman, the judiciary should always be above politics, and when a judge renders a political opinion he then becomes unfit, in my opinion, to fill the position. [Applause.] It is the duty of the courts to construe the law as they find it, without favor, and honestly alike to the poor and the rich, the high and the low, the man in humble walks of life the same as the great, powerful, and influential after enacted by the legislative branch of the Government. The courts should not only protect property rights, but should at all times preserve the individual, constitutional rights of our entire citizenship. There is a limit to human endurance, and the impossible should not be expected. The proper facilities should be provided for the trial of cases and the enforcement of the law, and then we should see that court is held and the cases disposed of as speedily as possible. The rank and file of all political parties want the affairs of Government honestly, economically, and efficiently administered, and they want the machinery provided for that purpose. I believe in the principles of economy as my vote and record will show, but I always will vote for appropriations sufficient to have the courts properly run and the law efficiently administered. And, Mr. Chairman, I likewise will vote for adequate appropriations for the purpose of promoting our basic industry, agriculture, and to increase our trade with foreign countries that there may be a better market for the products of our farms, factories, and shops, and thereby provide for good wages and the better enjoyment of life. In the interest of law enforcement and the protection of the rights of our people, I believe that this bill should be passed, and hope that it will be enacted into law before this session of Congress adjourns. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL. Mr. Chairman and gentlemen of the committee, this bill (H. R. 9103) does two things. It provides, in the first place, for a proper and logical coordination of the judges of the United States. That is a very necessary reform, and I think the committee is to be congratulated on that provision of the bill. I heartily approve that part of it.

It provides also for additional district judges. As to that matter the committee states that it has made ample provision. At a later moment, however, I shall offer an amendment as follows:

On page 2, line 14, after the word "one" insert: "For the district of Maryland, one."

The fourth judicial circuit under this bill gets no increase in judges. A judge was provided, as the committee has stated, an extra judge, for the eastern district of Virginia, but that on consideration was eliminated. I desire to call to your attention the need of an additional district judge in the district of Maryland, and I shall later include in my remarks a tabulation of the cases actually tried and disposed of in that district in the past five years.

The fourth judicial circuit contains West Virginia, Virginia, Maryland, North Carolina, and South Carolina. At the present time the district of Maryland, which is a part of that circuit, has one judge. There were pending on June 30, 51 civil cases, 33 criminal cases, 69 admiralty cases. I want to call your especial attention to the admiralty cases. The great waterways that center in the Chesapeake use this court. It is a very crowded court and a very important one. There were also 163 bankruptcy cases and 56 cases of other sorts. There are 372 cases pending. The population of the district in 1920 was 1,449,610. But here is the situation, as you will see from the table which I will file that there is not any district in the whole of this circuit or in this country where the judge works harder than Judge Rose of that district. Cases tried, and not cases pending, should be the test.

From the years 1910 until 1913 or 1914 there were two district judges in that district, and there were two courts working. I was United States attorney for that district from 1910 to 1915. In that time we had the so-called Bath Tub Trust case, and we had the American Can Antitrust prosecution. Two courts ran during that time until the death of Judge Morris. You will see from the summary of cases instituted and tried that it is only by extraordinary work, which should not be required of a district judge, that the docket is in the condition that it is. Unfortunately we have not here the reports from the other States of work done in past years in their districts. The real need of an associate judge could best be shown by a comparison between this district and districts of similar population in the United States. It might be interesting to make the comparison, especially with the districts in which new judges are to be appointed in accordance with the pending bill.

Mr. HARRISON. Will the gentleman yield?

Mr. HILL. I will.

Mr. HARRISON. The gentleman speaks of the unfinished business in Maryland being 372 cases with one judge. In Oklahoma, a little State with two district judges, they have nearly 2,300 cases undisposed of. That is quite a difference.

Mr. HILL. The gentleman is quite correct. Now, a compilation taken from the annual reports of the Attorney General of the United States showing the total number of various cases in the United States district court for the district of Maryland, from June 30, 1914, to 1920, is as follows:

Cases in United States District Court for the District of Maryland.

Cases.	United States a party.		Admiralty.	Bankruptcy.	All others.	Total.
	Civil.	Criminal.				
Pending June 30, 1914	10	21	7	147	37	222
Commenced during year	126	101	58	199	51	535
Terminated during year	121	103	49	166	55	494
Pending June 30, 1915	15	19	16	180	33	263
Pending June 30, 1915	15	24	16	180	33	268
Commenced during year	19	107	82	161	40	409
Terminated during year	27	98	65	164	47	401
Pending June 30, 1916	7	33	33	186	26	285
Pending June 30, 1916	7	33	33	160	26	259
Commenced during year	67	88	84	152	59	450
Terminated during year	68	93	92	141	57	451
Pending June 30, 1917	6	28	25	171	28	258
Pending June 30, 1917	6	28	25	171	28	258
Commenced during year	39	662	93	121	59	974
Terminated during year	28	644	99	177	56	1,004
Pending June 30, 1918	17	46	19	115	31	228
Pending June 30, 1918	17	46	19	115	31	228
Commenced during year	180	1,140	68	86	84	1,558
Terminated during year	91	1,146	63	109	74	1,483
Pending June 30, 1919	106	40	24	92	41	303
Pending June 30, 1919	106	40	23	92	41	302
Commenced during year	92	410	84	84	85	755
Terminated during year	159	386	75	79	91	790
Pending June 30, 1920	39	64	32	97	35	267

Totals as given above.

	1914	1915	1916	1917	1918	1919	1920
Pending June 30 of each year	222	263	285	258	228	303	267
Commenced preceding year	.....	535	409	450	974	1,558	755
Terminated preceding year	.....	494	401	451	1,004	1,483	790

All figures taken from annual reports of the Attorney General of the United States. Years mean fiscal years from June 30 to June 30.

The report of the Attorney General for this year had just been published and there has been no opportunity to compare it.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. HILL. Mr. Chairman, I ask that the gentleman from Texas will let me have two minutes more.

Mr. SUMNERS of Texas. I will let the gentleman have one minute.

The CHAIRMAN. The gentleman from Maryland is recognized for one additional minute.

Mr. HILL. The volume of work accomplished each year in the district of Maryland is very great because of the efficiency, hard work, and long hours of Judge Rose. But, gentlemen, it is not conducive to the proper disposal of the public business of the United States courts to sit too long. The courts should not sit excessive hours. I know one important prosecution of a criminal case which was tried for two weeks and which was lost simply because the judge—a judge from another district—insisted on holding the jury so long at night that they would not return verdicts of guilty as to any except one of many defendants.

Here is the tabulation showing the pending cases in the fourth circuit, which gets no additional judge under this bill:

Statement showing business pending in United States district courts, year ending June 30, 1921, compiled from information furnished by Attorney General.

	Number of judges.	Number of cases pending June 30, 1921.						Population, 1920.
		Civil.	Criminal.	Admiralty.	Bankruptcy.	All others.	Total.	
FOURTH CIRCUIT (9 DISTRICTS).								
West Virginia:								
Northern district	1	25	97	2	283	120	527	695,066
Southern district	1	49	225	3	185	282	744	768,544
Virginia:								
Eastern district	1	90	239	271	423	151	1,174	1,202,505
Western district	1	38	460	.....	249	70	817	1,103,856
Maryland	1	51	33	69	163	56	372	1,449,610
North Carolina:								
Eastern district	1	27	371	46	145	204	793	1,277,012
Western district	2	134	805	.....	165	152	1,256	1,279,474
South Carolina:								
Eastern district	1	27	319	24	421	89	880	964,948
Western district	1	30	441	.....	102	75	648	718,714
Total	10	471	3,190	415	2,133	1,199	7,215	9,459,729

Here are the pending cases (June 30, 1921) in the district of Maryland which gets no additional judge under this bill:

Cases.	District of Maryland (population, 1920, 1,449,610).				
Civil, prohibition					1
Civil, total	15	17	106	39	51
Criminal, internal revenue	4	13	10	20	4
Criminal, post office	10	16	11	12	9
Criminal, interstate commerce	2	3	3	5	
Criminal, prohibition				7	12
Criminal, total	19	46	40	64	33
Admiralty	16	19	24	32	69
Bankruptcy	180	115	92	97	163
Others, United States not a party	33	31	41	35	56
Total	263	228	303	267	372

The fourth circuit requires an additional judge and that judge should be assigned to the district of Maryland. I shall seek to accomplish this by amendment. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. SISSON].

The CHAIRMAN. The gentleman from Mississippi is recognized for 10 minutes.

Mr. SISSON. Mr. Chairman, before you create new judgeships it might be well for Congress to make some investigation about the amount of real, honest service that the present judiciary is doing. Of course I realize that Congress is the one object toward which all criticism, whether true or false, can always be freely hurled, and that sort of criticism is indorsed by nearly everybody except the friends of the Congressmen in the individual districts. I think, however, one of the greatest evils that afflict the United States to-day is the lack of service on the part of the Federal judges throughout the United States.

Now, gentlemen, do not get shocked and frightened and angry, because generally if a man says anything in the world about a judge of any kind, about the judiciary, you will find a self-righteous man who will say, "You ought not to talk about a judge." You know Abraham Lincoln suffered for some time because he had the nerve and the courage to get up on the floor of this House and tell what he thought about the Federal judges. Now, I know you do not have any Abraham Lincolns in this House, and you do not have many of them left in this country, but we certainly need some who will without fear tell the truth about the Federal courts. The theory has been that they are not subject to the influence of public opinion, but I really think that the courts sometimes are almost as subject to public opinion as are other branches of our governmental institutions, and one of the judges told me that it is going too far to say that public opinion does not find expression when it makes, as it sometimes does, its way into the court and into our chambers. Since Congress can not control in any way the judiciary, and ought not under our system of government, when they do wrong public opinion alone can reach them. The people should know the facts. For example, the Supreme Court of the United States—and I have great respect for that great body—pretends to work only about seven months in the year. They adjourn along in June and do not return until October. Some of the Federal judges actually hold court only from 39 to 41 days in a year, and in one State the Federal judge himself said that he has never held court more than three months, and usually about from 40 to 60 days.

There was a great effort being made to create a new judge for that State. Well, some of the Congressmen prevented it, and we were very harshly criticized because we did not create an extra judge for that State.

If the Federal judges would work as the ordinary State judge does, you now have all the judges you need in the United States except in a few instances, and even in those cases, if they were properly apportioned and distributed, they could do the work that they are called upon to do. But of course it would require some of the judges to do something that they do not like to do. They will be required to work. They will be required to open court sometimes as early as 9 o'clock and run them perhaps, occasionally on terrible stresses, as late as 1 o'clock, and they will have to hold court something like eight or nine months in a year. Whether it is true in all the districts or not, it is true in most of the districts in the United States, that one of the great evils we have to-day is the tendency to put everything under the Federal Government and into the Federal courts, thus adding to the business of the Federal courts. If this is not stopped it will destroy the Government our fathers established.

I will tell you another thing: If you will take from the judge this life tenure of office you will have an entirely different mental attitude on the part of the judge toward the public and toward the performance of his duties. I never believed in a life tenure of office in a Republic. It may be harking back to that gentleman who is not very popular in these days—I may be harking back to the man who was Abraham Lincoln's ideal in politics, namely, Thomas Jefferson; and by the way, Abraham Lincoln and he agreed even on the subject of slavery; that is, Lincoln agreed with Thomas Jefferson. The one thing Jefferson hated Judge Marshall for was his attitude on the bench toward the Federal Government.

Mr. Jefferson said when he saw the first copy of the Constitution he could not support it, and one of the reasons for it was that under that instrument as it was then drawn the judges were amenable only to their consciences and to their God, and after being on the bench a while they would lose their conscience and forget their God. In another utterance of Jefferson concerning the judiciary, as then constituted, he called them sappers and miners. In other words, Mr. Jefferson never did become reconciled to a life tenure in office. I am no more reconciled to-day to a life tenure in office than he was.

No man has more respect for the courts of the country than I have. I think that any man who has not proper respect for the courts of the country is a dangerous citizen. But as a legislator, when an evil exists, even when it exists around the sanctity of the court room, somebody somewhere ought to call attention to the evil. These evils exist and are growing. Something must be done. Our people are staggering under the burdens of taxation, yet every day that Congress is in session these are increased.

As great as the evil is there is no way to get at it; Congress can not pass a law to control the judge. It has got to be by reason of an inherent desire in his heart and his soul to do his duty, unless public opinion can reach him and wake him up. Impeachment is the only remedy and that is not even a scarecrow.

I know when there is an opportunity to create one of these judgeships in your State, of course, you want it. You are not going to stop to consider, very many of you—I do not know whether any of you will stop to consider, "Well, we do not especially need it. All we have got to do is to let the judges do a little more work." Why not now say that and save the taxpayer from additional burdens? No; you will not. The question is, "I want to get a new judge in my district, and I have got a good fellow, who is a friend of mine, who wants the place, and Senator So-and-so is going to recommend him for me and that will help me get back." No thought of the people's interest. When the Democrats are in power it is some good Democratic lawyer, and when the Republicans are in power it is some good Republican lawyer. If you will remove that motive behind the creation of many of these judgeships, you will find no influence here to create these new judgeships. No doubt there are a few instances where the business of the country demands an additional judge. They are the exception, and I want to repeat that if you will apportion the work better, if you will permit the judge to go from the territory where he has nothing to do into the territory that is congested, in other words, if you will simply readjust the Federal judgeships in this country you will have no need for another judge. Pie, judicial pie, is the moving power behind this bill.

There is perhaps one evil that grows out of this life tenure, and that is that many of these judges stay on the bench long after they ought to retire, declining to go back to private life, and are unfitted to perform the duties of the office, and this causes congested dockets and a demand for more judges. I happen to have in mind the cases of two very estimable gentlemen, fine men, who refused to be retired, and held their term of office long after they ought to have been retired. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Tennessee makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and fourteen Members present, a quorum.

Mr. VOLSTEAD. I yield 10 minutes to the gentleman from West Virginia [Mr. GOODYKOONTZ].

Mr. GOODYKOONTZ. Mr. Chairman and gentlemen of the committee, it seems to me that the disposition of some people in the country to pick upon Members of Congress is only equaled by the disposition of some Members of Congress to pick upon the Federal judiciary. My opinion is, for whatever it may be worth, that the Federal judges of the Nation taken as

a class are the equals of any other class of men in this or any other country for respectability, courage, intelligence, and industry. It occurs to me to say that a body of men of the caliber of the Representatives of the people in Congress owe a duty to these judges to defend them when assailed and to challenge any man who attacks their reputation for industry and other good qualities whenever the occasion shall arise, whether it be here or elsewhere. To attack the judiciary is to undermine one of the great institutions set up by the Constitution. I care not what Jefferson may have said or done in assaulting the name of the great Chief Justice Marshall, but of the judges who have sat upon the Federal bench in America Marshall was the greatest star of all, and his power and influence for the good and glory of the Republic shines now with a refulgence as great as that of any patriot who has ever lived. [Applause.]

When this bill arrives at the amendment stage I shall offer a suggestion—a proposition—to provide an additional judge for the State of West Virginia, not because "Senators may have the privilege of filling the place with some one of their selections," but in the interest of law and order in my State to take care of that constantly increasing population that has been and is now being attracted there by the great resources of that State. The high cost of transportation is bringing many industries to West Virginia. Great manufacturing concerns are going there in order to be near our great coal fields. Capital from New York, Philadelphia, Baltimore, Indianapolis, Chicago, Cincinnati, Richmond, and many other places is being invested in that State, which is so rich and powerful in natural resources. In West Virginia cattle graze upon the sod of a thousand hills. She has immense resources of timber, oil, and gas, and of the coal that runs the furnaces of the mills and factories and the Navy of the United States. Her people are as good as any. The great majority of them are of the best, but the flotsam and jetsam of other States and everywhere else naturally come drifting into that new and growing and developing State, so that there arises the necessity for an additional judge to take care of infractions of the criminal law and to settle controversies arising in civil transactions. If I am correctly informed, the Attorney General arrived at the conclusion that if an additional judge were put into Virginia such additional judge could take care of the situation in West Virginia, where the calendars of the courts have been and are now greatly congested. But the thought that an additional judge were necessary in Virginia was not justified after the President had seen fit to select a circuit judge from that State, a lawyer from Richmond, and put him upon the bench, thereby giving to the Old Dominion three resident judges; so that the necessity for an additional judge in West Virginia is warranted by the facts, justified in the interest of good government required for the maintenance of law and order, and therefore a compelling necessity. [Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman from West Virginia yields back four minutes.

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Tennessee makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and one Members present, a quorum.

Mr. SUMNERS of Texas. I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, a measure to create 23 more judges of the Federal courts of the United States seems to me uncalled for at this time, when from one end of this Nation to the other, in Cabinet meetings and in all of the conferences of both parties, and in the Congress of the United States, everyone has said that something must be done to curtail the expenses of government. But I presume that one of the supposed exigencies for this increase of the Federal judges is the enforcement of the law carried in the obnoxious, partisan, sectional bill that is before the Rules Committee for consideration now, to be brought before the House in the near future, called the antilynching bill. I suppose that must be considered by the Republicans one of the necessities for all of these Federal judges.

In my judgment, many of the Federal judges of the United States do not put in on an average two hours a day throughout the entire year. In the State of Mississippi the Federal judge has rarely been known to hold court more than a few hours a day, and very few courts during the year. The excuse that is brought here to put on the pay roll 23 additional judges does not seem to me to warrant this Congress in passing this measure. The fact of it is, I wish we had fewer judges than we have to-day. Instead of increasing them I would decrease them.

Mr. HILL. Mr. Chairman, will the gentleman yield for a question?

Mr. QUIN. I can not yield, Mr. Chairman; I have only five minutes. As I say, instead of increasing these judges, I would decrease them. Instead of increasing the number of citizens of the United States who have the right to hold office as a Federal judge by appointment of the President of the United States, I would decrease the number. Instead of their being appointed for life by the President, I would have them elected by the people, the same as the Senators of the United States are elected.

As long as we have this pretense of increasing the Federal judges of the United States, so long will you increase the centralizing and autocratic power of the few. A judge who is appointed by the Chief Executive of the Nation for life is bound, from the very nature of things, in the course of time to become autocratic in the method of conducting his court. So long as you have this method of naming the Federal judges you will build up that centralized power wherein the few can be heard and the many never. I do not think Congress should pass this bill at a time when all of the people of the United States are demanding the curtailment of Government expenses, particularly when no one has given any legitimate reason, so far as I can see; when there is no just demand for an increase in the number of judges except upon the part of those who are seeking the pie. Why, this will mean that there will be 23 splendid jobs, none of them for less than $7,500 per year, and some of them for more, to be dished out to 23 "worthy Republicans" throughout the United States of America.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. I hope that remark did not bring down the expiration of my time. Will the gentleman yield me some more time?

Mr. SUMNERS of Texas. I yield the gentleman two minutes more.

Mr. QUIN. Mr. Chairman, I hope that when these 23 worthy Republicans shall get these splendid plums, lifetime jobs, hanging on the backs of the people who must toil in the United States, that they will not be the type who think they alone know all of the law and that all power is vested in them.

I must say that if you push through that obnoxious, unconstitutional antilynching bill that you have before the Rules Committee now, I hope these 23 worthy Republicans will not come into the State of Mississippi to do what you endeavor to do in that bill, namely, bring back the carpetbag government, bring back the bad days that our people suffered there from 1866 clean on up to 1876. I hope that none of the gentlemen who vote for that antilynching bill which is hanging before the Rules Committee now will ever have occasion to cause one of the 23 worthy Republicans who will be named under this measure that you are considering to-day, to sit and do injustice to the counties of any State of this Nation. That measure that you have proposed is conceived in inquity and is born in animosity, and if it passes through this House it will doom to destruction whatever element of decency the Republican Party has throughout the different sections of the South. My judgment is that on the Republican side of the House you ought to be a unit in opposing that measure which is proposed at this time. You gentlemen hold power in this Congress because of your great number and you should not allow such a measure as that to be passed through the Congress with your votes. We few Democrats are helpless to prevent this great wrong, and you all know it and are taking advantage of your great majority. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman from Minnesota yield to me for a question?

Mr. VOLSTEAD. Yes.

Mr. GARRETT of Tennessee. What is the purpose of the gentleman? Does he propose to try to finish this bill to-night?

Mr. VOLSTEAD. My idea was to conclude general debate and read the first section.

Mr. GARRETT of Tennessee. Still leaving that section open to amendment?

Mr. VOLSTEAD. Yes.

Mr. GARRETT of Tennessee. Mr. Chairman, how much time remains?

The CHAIRMAN. Forty-two minutes on each side.

Mr. VOLSTEAD. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa [Mr. BOIES].

Mr. BOIES. Mr. Chairman, I wish to first declare that Iowa is to receive no additional judge under this bill. It seems to me proper to remark here that the judiciary of this country, followed from the organization of the Government to the present time, needs no defense in a town meeting, in a political convention, nor in this great body. If there is a branch of this Government that should not be touched by politics it is the judiciary. I am surprised that the opposition to this bill comes from the minority side of this Chamber. I do not forget that prior to the 4th day of last March there were several applications presented to the Committee on the Judiciary of this House by Democrats for additional Federal judges. Since that time the demand has been rather quiet from their standpoint.

Mr. Chairman, I have a statistical table here that I ask be printed in the RECORD as a part of my remarks, in the larger type of the RECORD, so that it may be easily read, and I trust that it will be helpful in the discussion under the five-minute rule.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the manner indicated by inserting a table. Is there objection?

There was no objection.

Mr. BOIES. Mr. Chairman, it has been suggested here frequently that there are districts in this country that have so little work to do that the judges in such districts might assist in relieving the work in the congested districts. This table will be helpful in showing the contrary of that proposition, that there is no district in the United States where the judge has not all of the work that he can do, and no relief can come from that source. The Chief Justice of the United States and the Attorney General and the committee acting under them have recommended the passage of this bill. If we had no other information, it seems to me that those gentlemen are of such high character that we could without much alarm follow their advice and suggestion. This table is taken from the report of the Attorney General for 1920, and it is also offered for the purpose of meeting the inquiry that has been made here as to how the work to-day compares with the work a year ago, and whether it is on the increase or not. The table I think will afford some illumination on that point. The table gives the names of all of the States in the Union, together with the population. Under column 2 it gives the present number of judges; to the right of the present number, indicated by the sign of addition, the proposed increase. Under column 3 is shown cases per judge pending June 30, 1920. Under column 4 the selective draft cases pending June 30, 1920, are shown. Column 5 shows the national prohibition cases pending June 30, 1919, and the national prohibition cases pending June 30, 1920. Column 7 shows cases exclusive of draft and bankruptcy on June 30, 1920, and cases per judge other than draft and bankruptcy cases pending June 30, 1920.

I append herewith the table referred to:

Statistics.

State.	Population.	Present number of judges.	Cases per judge pending June 30, 1920.	Selective draft cases pending June 30, 1920.	National prohibition cases pending June 30, 1919.	National prohibition cases pending June 30, 1920.	Cases exclusive of draft and bankruptcy pending June 30, 1920.	Cases per judge other than draft and bankruptcy pending June 30, 1920.	State.
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	
California	3,426,536	4+2	1,287	403	.....	147	4,745	1,186	California.
New York	10,384,144	9+3	2,217	9,758	.....	922	10,198	1,133	New York.
Georgia	2,894,683	3	1,133	128	.....	138	3,270	1,090	Georgia.
Massachusetts	3,852,356	1+2	5,668	4,655	.....	53	1,013	1,013	Massachusetts.
Pennsylvania	8,720,159	5+2	1,162	1,170	.....	32	4,638	928	Pennsylvania.
Oklahoma	2,027,564	2+1	919	11	.....	35	1,826	913	Oklahoma.
Minnesota	2,386,371	2+1	683	6	.....	13	1,360	660	Minnesota.
New Jersey	3,155,374	3	4,200	10,595	.....	81	2,006	669	New Jersey.
Florida	966,296	2+1	654	24	.....	52	1,283	642	Florida.
Kentucky	2,416,013	2	614	7	.....	50	1,220	610	Kentucky.
Maine	768,014	1	609	9	.....	12	600	600	Maine.
Illinois	6,485,098	4+2	611	46	.....	92	2,397	599	Illinois.
Virginia	2,306,361	2	535	1	.....	25	1,069	535	Virginia.
Mississippi	1,789,384	1	509	15	.....	7	494	494	Mississippi.
North Carolina	2,556,486	3	482	9	.....	258	1,437	479	North Carolina.
Louisiana	1,797,798	2	487	24	.....	20	951	476	Louisiana.
Montana	547,593	1+1	449	31	.....	4	418	418	Montana.
Tennessee	2,337,459	2+1	415	8	.....	38	823	412	Tennessee.
Kansas	1,769,257	1	437	33	.....	.....	404	404	Kansas.
Missouri	3,403,547	2+2	399	7	.....	27	792	396	Missouri.
Idaho	431,826	1	389	6	.....	3	383	383	Idaho.
Texas	4,661,027	6+1	378	71	.....	82	2,194	366	Texas.
Nebraska	1,295,502	2	365	3	.....	5	726	363	Nebraska.
West Virginia	1,463,610	2	365	33	.....	31	698	349	West Virginia.
Ohio	5,759,368	4+1	384	66	.....	115	1,390	348	Ohio.
Rhode Island	604,397	1	363	15	.....	16	348	348	Rhode Island.
South Carolina	1,683,662	2	351	8	.....	48	695	348	South Carolina.
Alabama	2,347,295	3	411	292	.....	50	941	314	Alabama.
Michigan	3,667,222	2+1	319	23	.....	51	615	308	Michigan.
Wisconsin	2,631,839	2	327	43	.....	13	612	306	Wisconsin.
Arizona	333,273	1+1	294	18	.....	9	276	276	Arizona.
Colorado	939,376	1	263	2	.....	8	261	261	Colorado.
South Dakota	635,839	1	260	4	.....	2	256	256	South Dakota.
Washington	1,356,316	3	258	9	.....	63	766	255	Washington.
Iowa	2,403,630	2	269	59	.....	4	478	239	Iowa.
Oregon	783,389	2	229	2	.....	46	455	228	Oregon.
North Dakota	645,730	1	423	214	.....	24	209	209	North Dakota.
Connecticut	1,380,585	1	202	1	.....	5	201	201	Connecticut.
Utah	449,446	1	358	158	.....	.....	200	200	Utah.
Nevada	77,407	1	190	1	.....	15	189	189	Nevada.
Delaware	223,003	1	186	2	.....	.....	184	184	Delaware.

Statistics—Continued.

State.	Population.	Present number of judges.	Cases per judge pending June 30, 1920.	Selective draft cases pending June 30, 1920.	National prohibition cases pending June 30, 1919.	National prohibition cases pending June 30, 1920.	Cases exclusive of draft and bankruptcy pending June 30, 1920.	Cases per judge other than draft and bankruptcy pending June 30, 1920.	State.
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	
New Hampshire	443,083	1	180	.....	.....	5	180	180	New Hampshire.
Maryland	1,449,610	1	170	4	.....	7	166	166	Maryland.
Indiana	2,930,544	1	320	2	.....	.....	318	159	Indiana.
Wyoming	194,402	1	152	7	.....	.....	145	145	Wyoming.
Vermont	352,421	1	174	35	.....	33	139	139	Vermont.
Arkansas	1,750,995	2	354	18	.....	15	276	138	Arkansas.
New Mexico	360,237	1	128	10	.....	3	118	118	New Mexico.

The above statistics are taken from the official report of the Attorney General for the fiscal year ended June 30, 1920 (his official report for the fiscal year ended June 30, 1921, not being published at this time), but, in fact, on March 31, 1921, the situation in Minnesota was and is as follows:

Cases pending in Minnesota Mar. 31, 1921, covering the first 9 months of the fiscal year ended June 30, 1921, and which will appear in the report of the Attorney General for that year.

Description.	Started.	Disposed of.	Pending.	Total.
United States civil cases:				
Food and drug	25	10	15	
Internal revenue	232	26	206	
All others	28	9	19	
Total United States civil cases	.....	.....	240	240
United States criminal cases:				
National prohibition	311	251	60	
Customs	15	10	5	
Internal revenue	176	94	82	
Post office	32	17	15	
Food and drug	9	1	8	
Interstate commerce	1	1	.....	
All others	119	102	17	
Total United States criminal cases	.....	.....	187	187
Suits to which United States was not a party:				
Admiralty	.....	.....	30	
Bankruptcy	.....	.....	638	
All others	.....	.....	1,156	
Total to which United States was not a party	.....	.....	1,824	1,824
Grand total cases pending in Minnesota Mar. 31, 1921	.....	.....	.....	2,251

I am not especially interested in the State of Minnesota, but having become familiar with the situation there, simply as a person who ought to be interested in the things that are proper and right, I present as a part of this table an addition affecting the State of Minnesota. This showing is from the official record of June 30, 1921. The State of Minnesota constitutes one district, having two judges, but one of them, on account of his physical condition, is unable to do much work. This additional table shows that there were pending on last June undetermined in that State 2,251 cases in the Federal court of Minnesota. The rate of increase of business for the first nine months of the fiscal year 1921 indicates a rate of increase not foreseen in 1920. There were 2,251 cases pending on March 31, 1921. If two judges were to try one case per day, excluding Sunday, for three and one-half years the calendars of the Minnesota court as they stood on March 31, 1921, would be cleared of cases pending on the date last mentioned. But the Minneapolis & St. Paul Street Railway rate cases, involving the valuation of all the properties of the street railways; the telephone rate cases, involving the valuation of all the properties of the Northwestern & Tri-State Co. in the State of Minnesota; and the railway rate-lowering cases of Minneapolis are of themselves sufficient to occupy the attention of one judge for one year.

Mr. Chairman, I yield back the balance of my time.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I think anyone familiar with the Federal judiciary, notwithstanding the criticism that has been made or is made at times, will agree that they are, ordinarily speaking, capable, able, hard-working men. It is one of the most important and honorable positions in the gift of the American people. A stable, level-headed, courageous judge can do more to stabilize the conditions in the community in which he lives than any other or all the other officers combined. A delay of the cases, civil or criminal, in our courts is a denial of justice. It deprives a man of his right to his property, to his life, to his happiness, and nothing is more conducive to a good, wholesome feeling in a com-

munity, in a county, a State, or a Nation, than to have such a number of judges and courts that the business should be current as near as it can be.

Now, in regard to some criticism that was just made relative to this side of the House, it becomes quite pertinent that I refer to a little past history. Four years ago there was—and I am going to refer simply to the northern district of California and thereby not scatter—a bill passed creating an additional judge for the northern district of California in the Senate. It came to the House Committee on the Judiciary and was unanimously reported favorably by the now Senator, then Member, Mr. CARAWAY. Gentlemen on that side of the House objected to the final consideration of that bill, and it was not disposed of during the Sixty-fifth Congress. During the Sixty-sixth Congress a similar bill passed the Senate and was sent to the House Committee on the Judiciary. Hearings were had. I want to refer to the history regarding that and the necessity for the legislation.

There is no district in the United States, and the examination of the record will show it, where the business is as great and in which there were then, during those four years, as many live, pending cases, according to the judges per district as in the northern district of the State of California. And during two long years, while those people were suffering and demanding justice at the hands of this Congress, the full record shows we could not get a move toward creating an additional judge, to the end that these litigants might have their business disposed of.

Now, I want to call your attention to this in order to show that there is no question of sufficiency of the evidence. Hearings were had, and then we could not get it. The Members of the California delegation, irrespective of party, unanimously filed and sent to the Judiciary Committee a request, a copy of which I hold in my hand, signed by each of the Members, asking that at least the Committee on the Judiciary take up and act upon this legislation. They could not get any result. The hearings can be found as of date of February 18, 1920, on the bill S. 1358. It says there that there were something over 4,000 pending active cases, and besides over 1,800 cases that had not been called for four years before, that the people demanded to be attended to. Now, see whether or not we can get any relief. This bill does not add anything to what is really in practice now in the Federal courts. We have now, instead of taking up and analyzing and investigating and determining each case for itself and letting each case stand upon its own merits, an omnibus bill, a sort of bill intended to rake in all of them, but I do not know whether any of the other provisions of the bill are such as would compel me to vote against it or not. But the necessities of the northern district of California require and demand they should have relief from the congestion of the calendar.

During the year 1916 there were judges called in to participate in that court, Morrow, Hunt, Ross, Sawtelle, Dietrich, Bledsoe, Trippet, and Rudkin, making 142 days of actual trial held by those outside judges, saying nothing about the time it took them to go over the records and the briefs and prepare the trial of the cases and dispose of them. Now, during 1918 there were the following judges from outside, namely, Morrow, Hunt, Rudkin, Trippet, Sawtelle, Wolverton, Bledsoe, Neterer, Cushman, Bean, and Farrington. There were 308 days of actual work, not of two hours each, but from 9 o'clock until sometimes 7 o'clock, and evening sessions were held by that court in San Francisco also. There were 365 days of actual work outside of the judges in that district. During 1919—and I did not get this last year—there were judges who served to the extent of 254 days. This is a certified record by the clerk of the court as to the actual days served by those judges who tried those cases. The district judges, the clerk, the marshal, the district attorney all show the necessity, by presentation, for the creation of an additional judge, so that this work can go forward. And in addition to that there is in each one of those years the work of at least two judges in the trying of cases during the whole year. They came from other districts.

When we talk about new legislation here we should remember that if the judges are in the district and are requested, they will come and do the work; but nevertheless and notwithstanding the fact that efforts were made, as the record shows, to get other judges, they could not be had, because their business would not permit them—the business of their courts would not permit them—to go to San Francisco and hold court.

I am not in a position to say whether or not the other 22 places are as urgent as the northern district of California, because I have not gone into the matter and must of necessity take the report and the judgment of the committee. But it is unfortunate, as the record shows, that for five years over 5,000 active cases, notwithstanding the enormous amount of work done, were then on the docket of that district. Outside of New York, where there are four, if not five, judges—I think it is in the southern district—there were more cases actually tried and convictions obtained, 2 to 1, than in any other district in the United States, and then all these judges from Idaho, Montana, Nevada, New Mexico, Arizona, Washington, and Oregon were brought in to assist.

I will append to my remarks a joint letter on the subject addressed to the chairman of the Committee on the Judiciary and the chairman of the subcommittee of that committee, as follows:

UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., April 27, 1920.

Hon. ANDREW J. VOLSTEAD,
Chairman Committee on the Judiciary, and
Hon. JOSEPH WALSH,
Chairman Subcommittee on Senate 1358,
House of Representatives, Washington, D. C.

GENTLEMEN: We, the undersigned members of the California delegation, most respectfully call to your attention the hearings had before your committee on February 18, 1920, on Senate 1358, pages 31 to 54, inclusive.

The urgency and necessity for this legislation is fully presented in the hearings. The record shows the large number of cases pending before said court and undisposed of. It further shows that during the last three years that outside judges have been called in to an extent that has amounted to more than the services of more than one judge during the entire three years. The expense to the Government will be but little more, if any, by the providing for an additional judge for the northern district of California. Under the present conditions many litigants are denied the opportunity to be heard, and in many cases, both civil and criminal, it is in effect a denial of justice. This legislation is urged by the unanimous voice of the people of the State of California, as well as their Representatives in Congress.

We therefore take this opportunity of calling your attention to this important matter and earnestly urge that the bill may be disposed of by your committee to the end that the House may act upon it at an early date and that much needed relief by provided for.

Respectfully submitted.

CLARENCE F. LEA,
Member of Congress, First District.
JOHN E. RAKER,
Member of Congress, Second District.
C. F. CURRY,
Member of Congress, Third District.
JULIUS KAHN,
Member of Congress, Fourth District.
JOHN I. NOLAN,
Member of Congress, Fifth District.
J. A. ELSTON,
Member of Congress, Sixth District.
H. E. BARBOUR,
Member of Congress, Seventh District.
H. S. HERSMAN,
Member of Congress, Eighth District.
C. H. RANDALL,
Member of Congress, Ninth District.
HENRY Z. OSBORNE,
Member of Congress, Tenth District.
WILLIAM KETTNER,
Member of Congress, Eleventh District.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. TAYLOR].

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes.

Mr. TAYLOR of Tennessee. Mr. Chairman and gentlemen of the committee, while I have not had an opportunity to go into the various details of the situations in the various States which are sought to be relieved by this bill, yet I have gone into the Tennessee situation very thoroughly, and I profess to know something about Tennessee.

The need for an additional Federal judgeship in Tennessee has been recognized for a great many years in both this House and in the Senate, and from time to time during the last few years bills creating such a judgeship have been pending, and while bills have passed both Houses on the subject they did not pass both Houses during the same session. It will be recalled that during the last session the Senate passed a bill creating this judgeship, but it did not pass the House on account of lack of time. I was in favor of the bill at that time, although I recognized that, the administration being Democratic, a Democratic judge would be appointed; and now, since the administration has changed and become Republican, I have not changed my attitude on the bill. [Laughter.]

Mr. Chairman, it seems to me that there is poor economy in denying the people proper court facilities. As a matter of fact, the records in the Department of Justice will show that our Federal courts have always been self-sustaining. In fact, some revenue, as I understand, has been yearly turned into the

Treasury from the Federal judiciary. Our court in Tennessee will not entail any additional expense other than the salary of the judge and the salary of the stenographer. It will not necessitate the appointment of any additional United States marshals or clerks, because there will be no additional courts held. Judge Edward J. Sanford, our present district judge, has the reputation of being one of the most able, industrious, painstaking, courageous, and courteous district judges in the whole country. He holds court now at five different places, and the creation of a new judgeship will not necessitate the establishment of any additional courts.

During the last five years the business of the district courts in Tennessee has increased more than 100 per cent, and there is no indication that it will subside soon. I have a copy of a letter which Judge Sanford sent to the Attorney General, at the request of the Attorney General's office, which shows that it would take him one year, busy every day in the year, to dispose of the business that has already accumulated and that is now on his docket.

As I said a moment ago, there is no more industrious judge than Judge Sanford, but an industrious judge should not be imposed on. As a matter of fact, Mr. Chairman, in a great many of the criminal cases that we have the defendants, recognizing that to plead not guilty means a continuance of their cases, do so plead, and the expense resulting from that practice will much more than exceed the expense of this new judgeship. As a matter of fact, it is vulgar to talk of expense when such wholesome and necessary legislation as this is under consideration. As I said at the outset, to deny the people proper court facilities is in effect a denial of justice. [Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman from Tennessee yields back one minute.

Mr. SUMNERS of Texas. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON]. May I ask in this connection, Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Texas has 32 minutes remaining, and the gentleman from Minnesota [Mr. VOLSTEAD] has 27 minutes. The gentleman from South Carolina [Mr. STEVENSON] is recognized for five minutes.

Mr. STEVENSON. Mr. Chairman, I desire to notice one or two things in connection with the details of this bill. I think the chairman of the committee will at least admit them. On page 4 of the bill, lines 18 to 23, the provision is made that in districts having more than one district judge "the report herein required shall be prepared and submitted by the district judge who is senior in length of service." Two years ago we passed an act authorizing the President to appoint an additional judge in any district in which the judge presiding had become unable, in the judgment of the President, to fully discharge the duties of the office, and it was provided that the additional district judge so appointed should be the ranking judge. That is the language of the statute, and therefore he controls the business done, and he assigns to the old district judge the duties that he has to perform and the work that he has to do.

Now, you propose by this action to take that power away from the ranking, active judge who has been appointed because of the disability of the older man, and put on the man who is not actively in charge of the work the discharge of those duties which are necessarily closely in the purview of the new judge who has been appointed and by law is made the ranking judge of the district. I think the report should be required from the ranking judge and not from the judge of the senior commission. If he has not been outranked by one of these emergency judges appointed, the older judge will be the ranking judge. But if he has been outranked, he is practically in retirement and on duty in retirement.

Then, as to the proposed amendment offered by the committee, the provision is made—

> That after four years from the passage of this act the death, resignation, or removal of any district judge in any district for which additional appointments are herein authorized shall not create a vacancy to authorize the appointment of a successor, unless, within 60 days after such death, resignation, or removal, the Attorney General of the United States and the senior circuit judge of the judicial circuit embracing the court and district affected shall certify in writing to the President that the condition and volume of business in the district courts within said judicial circuit are such that in their judgment the public interest requires the appointment of such successor.

Now, either that is a limitation placed upon the appointing power of the President, to be exercised by two officials, the Attorney General and a circuit judge, and therefore an invasion of the prerogatives of the President—and an invasion which I think this House should not countenance, whether it is competent to make that invasion or not—or it is an invasion of the power of the Congress to declare a vacancy. Congress might say absolutely, as it has done in the act passed two years ago providing for an extra judge wherever the presiding judge is now unable to discharge properly the duties of his office, that on the death of the senior judge, who is thus practically retired, there shall not be another appointment made unless there is action by Congress. Congress has the right to say that, and it is now abrogating that right absolutely, turning it over to the Attorney General and the senior circuit judge of the circuit in which the vacancy occurs. I think it is objectionable, because it is putting a limitation upon the power of the President to appoint if there is a vacancy existing and it ought to be done, and it is objectionable, on the other hand, because it is delegating our power to somebody in the executive and judicial departments, making a combination between executive and judicial action to declare a vacancy which ought to be declared only by the legislative department.

Now, Mr. Chairman, I do not know what this four-year provision means. I take it for granted that gentlemen are casting their eyes forward to another administration that may come in about four years from now, and they want the door left open to appoint without any limitation at all as long as they are assured that there is a Republican President. I take it that must be the meaning of this language, and that, forsooth, because there will be uncertainty about it afterwards they will require the conjoint action of a circuit judge, who, if appointed now, is liable to be a Republican, and of the Attorney General; and if they can not act conjointly, then there will be no declaration of any vacancy and the Democratic President who will probably be elected in 1924 will be unable to appoint when a vacancy occurs.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield to the gentleman from California [Mr. LINEBERGER] five minutes.

Mr. SUMNERS of Texas. I yield five minutes additional to the gentleman from California [Mr. LINEBERGER].

The CHAIRMAN. The gentleman from California [Mr. LINEBERGER] is recognized for 10 minutes.

Mr. LINEBERGER. Mr. Chairman, I do not desire to address myself to the House on the pending bill. I shall vote for the bill as reported out by the committee. The matter upon which I do desire to address the House, however, is one of vital import to the country at this time.

A determined effort is being made by the chairman of the United States Shipping Board, seconded by interested commercial steamship companies, to have the President by Executive order discontinue the Army, Navy, and Marine Corps transport service, and have all of the carrying of personnel and supplies for these departments turned over to commercial steamship companies.

The principal effort now being made is to discontinue the transport service in the Pacific and turn the business over to a commercial line, which will operate ships from the west coast to the Orient.

The plan of the Shipping Board is to use the Army, Navy, and Marine Corps business as a nucleus around which to build up their commercial business. It can readily be seen that the military and naval services will always receive secondary consideration. Our soldiers and sailors will be transported as steerage passengers in common with the Asiatics, who are the only class of steerage passengers traveling between the United States and the Orient. It is understood that the proposal of the Shipping Board provides for a fixed reduction from the regular rates charged by commercial steamship companies.

An investigation of the cost of the regular transport service and of the cost of transporting troops and supplies by the Shipping Board shows that the Government will pay more than double the amount which it would cost the Army and Navy to do the same service by Government-owned transports.

A rough estimate of the relative cost of the Army Transport Service, and of the cost of the same service if performed by commercial lines under direction of the Shipping Board, shows the following:

	Per year.
Pacific service:	
Army transports	$2,250,000
By Shipping Board	5,250,000
Atlantic service:	
Army transports	2,200,000
By Shipping Board	5,000,000

This shows that while the Army Transport Service can operate for approximately $4,500,000, the Shipping Board would require $10,250,000 for the same service, or a difference of $5,750,000. This latter amount would constitute, therefore, a subsidy

of $5,750,000 paid the Shipping Board from appropriations for the Army each year.

While the economic feature is a very important one, the most vital element in so far as the military and naval services are concerned is that of the character of the transportation which would be furnished the Army and Navy personnel by commercial lines, and particularly the enlisted men.

Officers traveling on leave, members of officers' families on foreign service, officers and members of their families returning to the United States on account of sickness from foreign stations, and noncommissioned officers and members of their families who are not entitled to have their transportation paid by the Government would all be required to pay the excess prices charged by the commercial lines.

This would practically mean that the families of officers, noncommissioned officers, and particularly of civilian employees of the War and Navy Departments could not join the heads of their families while on the tour of foreign service, which under the present proposal of Congress is to extend over a period of three years.

The Army and Navy Transport Services also have extended, under authority of Congress, the privilege of transportation to Members of the Senate and House of Representatives and the various executive departments of the Government. This privilege provides for traveling on transports at actual cost, which is about one-fifth of that normally charged by the passenger-carrying commercial lines.

Another important feature is that the trained personnel of the Army and Navy Transport Services, many of whom have been in these services since the Spanish-American War, would find themselves out of employment, as it would be necessary to discharge them from their present positions. The commercial lines operated by the Shipping Board already have their permanent personnel on the vessels to be used, and there would therefore be no place for taking in the present civilian personnel of the Army and Navy Transport Services. A number of ship's officers, engineers, stewards, and seamen of various grades would thus be displaced and forced to seek positions in an overcongested marine labor market. This would immediately affect over 1,000 employees of the shore establishments and crews of vessels engaged in the transpacific service alone, and eventually an equal number engaged in the Atlantic Army Transport Service.

Many of the employees of the Army and Navy Transport Services have remained in these services with the prospect of retirement when they had completed the required number of years of service or had reached the retirement age. Their discharge from the service would therefore nullify all of their previous record and long service.

The commercial lines would not be governed by any sentiment in regard to taking into their services the employees of the Army and Navy Transport Services, and they could not be expected to discharge their own faithful employees of long service to make a place for these surplus Government employees.

The representatives of the Steamship Owners' Association recently had a hearing on the Edmonds bill (H. R. 5348). I quote that bill as follows:

A bill (H. R. 5348) to amend sections 17 and 19 of the merchant marine act, 1920.

Be it enacted, etc., That section 17 of the merchant marine act, 1920, shall be amended by adding a new paragraph, as follows:

"Whenever the Shipping Board finds it possible to utilize the transport of the Army, Navy, or Marine Corps as a basis for the establishing of permanent steamship lines, the President may, if he deems it advisable, discontinue such service by the Government and contract for a period not to exceed 10 years with the new service proposed: *Provided*, That no contract shall be made with any steamship company whose ownership is less than 75 per cent American, and all of whose ships, owned directly or through subsidiaries, are registered or enrolled under the laws of the United States."

SEC. 2. That section 19 of the merchant marine act, 1920, shall be amended by adding a new paragraph, as follows:

"(5) That any contemplated extension of service by the Panama Steamship Co. shall be submitted to the Shipping Board for approval, and all extensions of service made by this company since in control of the Government shall be approved of by the Shipping Board, or discontinued, and all freight rates established by this company shall be in agreement with rates established by the board for its operators, and be subject to the approval of the board."

This bill provides for the discontinuance of the Army, Navy, and Marine Corps Transport Services, and the turning over of the business to commercial lines was the recommendation of the Secretary of War, Elihu H. Root, made in 1902.

The Secretary of War in this report expressed the opinion that this business would be more economically done by privately owned commercial steamship lines than by Government-owned transport service.

Congress took prompt action to protect the Army Transport Service by the act of March 2, 1903, which reads as follows:

No action looking to the discontinuance of the Transport Service shall be taken without further action of Congress. (Act of Mar. 2, 1903, 32 Stats., 939.)

It is an interesting fact that Secretary Root never again renewed his original recommendation, and it appears that he was convinced, after further experience in the Office of the Secretary of War, that the continued operation of the Transport Services was to the best interest of the Government.

Some years later a further attempt was made by interested commercial lines to discontinue the Transport Service in the Pacific. Congress again came to the rescue by passing the following law:

Act of March 3, 1905: Hereafter no steamship in the Transport Service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained.

It appears that those interests seeking to influence the President to discontinue the present military and naval transport services by Executive order base the authority for doing so upon the provision in the act creating the United States Shipping Board. The specific authority under which this action is sought is contained in section 6 of the act of September 7, 1916, as follows:

The President may transfer either permanently or for limited periods to the board such vessels belonging to the War or Navy Departments as are suitable for commercial uses and not required for military or naval use in time of peace, and cause to be transferred to the board vessels owned by the Panama Railroad Co. and not required in its business.

There is a difference of opinion as to the authority conferred upon the President by the provisions in the Shipping Board act. The act clearly states that vessels belonging to the War and Navy Departments may be transferred when "not required for military or naval use in time of peace."

The transport service of the War and Navy Departments are considered as legally authorized branches of the Military and Naval Establishments, and the right of the President to discontinue these branches without authority of Congress has been strongly questioned.

It is a well-established principle that the executive branch of the Government can not nullify or set aside the clear provisions of an act of Congress or take any steps that are in direct violation of the specific provisions of such acts. Acts of Congress can only be nullified or rescinded by the action of Congress itself.

The provision in the act of March 2, 1903, that no steps looking to the discontinuance of the transport service shall be taken without further action of Congress is a distinct prohibition of any executive action by the President which would discontinue the military and naval transport services.

The effect of such an action by the President without authority of Congress would be too serious for such action to be taken without a careful consideration of all of the consequences.

To use the appropriations made for the Military and Naval Establishments as a subsidy for the operation of private commercial steamship lines, even though they may be operating under the general supervision of the Shipping Board, will naturally meet with very strong opposition of Military and Naval Committees of both branches of Congress.

The military and naval transport services have been most economically and efficiently operated since the Spanish-American War. They have a highly trained and efficient civilian personnel, who are entitled to all the benefits conferred by Congress upon civilian employees as to retirement and protection in their civil-service positions, and these employees would lose all of these advantages by the discontinuance of the services.

It has been clearly demonstrated that the military and naval transport services can be actually operated for much less cost to the Government than it would be possible to have the same service performed by commercial lines.

The control of the overseas transportation of military and naval forces and supplies by the War and Navy Departments is vitally necessary for the efficient functioning of these services, and particularly to meet emergencies of the character which have several times arisen during the past 20 years. Another important feature to be considered is the fact that the War Department and the Navy Department are permanent establishments in the executive branch of the Government.

The United States Shipping Board can only be regarded as an agency that was created during an emergency. With the passing of the emergency, which rendered its creation desirable, and with the present apparent antagonism of the commercial maritime interests to its continuing as a permanent shipping agency, it is very probably that its present organization will be discontinued and that it will pass to the control of one of the established executive departments of the Government.

It was commonly understood at the time of the coming into office of the present administration that the activities of the Shipping Board and of the Emergency Fleet Corporation would be placed under the direction and control and absorbed by the Department of Commerce. This rumor was so strong that it apparently had a great deal of influence in preventing experienced shipping men from accepting the chairmanship of the board. While they were willing to accept the position so long as it was independent in character, they would not care to accept it as a temporary office and with the prospect of its being absorbed by the Department of Commerce.

It is also well known that there is a strong feeling in Congress against the continuance of the Shipping Board in its present independent capacity.

The record of the United States Shipping Board from an economic standpoint has not been such as to reflect credit on governmental administration. The mercantile marine companies have also felt that the Shipping Board has not been in full sympathy with their interests and that its management has been along the line of active competition with the private steamship lines.

It is a well-known fact that the Shipping Board has not been able to economically conduct any of its enterprises and that its operations have resulted in a continued steady loss to the Government aggregating hundreds of millions of dollars.

Those Members of Congress and others who have become interested in the question as to the discontinuance of the military and naval transport services naturally question the good business judgment of those who would discontinue services which have been efficiently and economically managed for a long number of years and turning over their activities to another Government agency of a purely temporary character that has been charged with gross extravagance and mismanagement and that is now being operated at a continual loss to the Government. [Applause.]

Mr. VOLSTEAD. I yield to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Chairman, the discussion heretofore had on H. R. 8928, the reclassification bill, makes it apparent that considerable misapprehension and consequent misgiving exist concerning the financial effects of the scheme of reclassification and the compensation schedules proposed. In order that the House may be as fully informed as available figures make it possible, I will insert in the RECORD certain compilations and tables.

The first table I insert shows an allocation of the entire personnel affected by the bill to their respective services and grades within the services as of April 30, 1919, the latest date concerning which entirely complete figures are available to your Committee on Reform in the Civil Service and the former Joint Congressional Commission on Reclassification and the various agencies and persons who cooperated with the joint commission. The table shows the total number of employees at that time, their distribution both by number and percentage throughout the different services, the total amount of compensation for each grade, and the average pay of an employee in each such grade.

The relative importance of the different services and grades within services in the District of Columbia on the basis of numbers, compensation, and average pay, Apr. 30, 1919.

[Employees receiving allowances in addition to salary and employees in discontinued war agencies have been omitted.]

Service and grade.	Civil employees in the District of Columbia working full time and receiving no allowance, Apr. 30, 1919.						
	Number.		Aggregate compensation.				Average pay, including bonus.
	Total.	Per cent distribution.	Exclusive of bonus.	Estimated bonus law of Mar. 1, 1919.	Base pay plus bonus.		
					Amount.	Per cent distribution.	
Total	90,815	100.0	$112,979,500	$19,331,118	$132,310,618	100.0	$1,457
Professional service	6,521	7.2	14,476,788	1,165,177	15,641,965	11.8	2,399
Grade 1	1,608	1.8	2,568,717	372,600	2,941,317	2.2	1,829
Grade 2	2,527	2.8	5,164,214	549,550	5,713,764	4.3	2,261
Grade 3	1,507	1.7	3,870,110	211,052	4,081,152	3.1	2,708
Grade 4	822	0.9	2,583,797	31,975	2,615,772	2.0	3,182
Grade 6	57	0.1	289,950	.....	289,950	0.2	5,087
Subprofessional service	3,449	3.8	4,576,759	716,700	5,293,459	4.0	1,535
Grade 2	669	0.7	622,091	155,289	777,371	0.6	1,162
Grade 3	2,087	2.3	2,722,010	414,480	3,136,490	2.4	1,503
Grade 4	551	0.6	887,263	121,680	1,008,943	0.8	1,831
Grade 5	99	0.1	214,463	23,340	237,803	0.2	2,402
Grade 6	43	(1)	130,932	1,920	132,852	0.1	3,090
Clerical service	54,948	60.5	66,971,287	11,423,695	78,394,982	59.3	1,427
Grade 1	8,217	9.0	8,455,725	1,636,080	10,091,805	7.6	1,228
Grade 2	34,130	37.6	39,757,262	7,053,840	46,811,102	35.4	1,372
Grade 3	9,433	10.4	12,857,103	2,068,920	14,926,023	11.3	1,582
Grade 4	2,344	2.6	4,027,034	511,080	4,538,114	3.4	1,936
Grade 5	728	0.8	1,594,603	146,477	1,741,080	1.3	2,392
Grade 6	88	0.1	279,560	7,298	286,858	0.2	3,260
Institutional service	77	0.1	82,472	16,800	99,272	0.1	1,289
Grade 4	13	(1)	10,602	2,760	13,362	(1)	1,028
Grade 5	52	0.1	53,230	11,400	64,630	(1)	1,243
Grade 6	10	(1)	12,140	2,400	14,540	(1)	1,454
Grade 7	2	(1)	6,500	240	6,740	(1)	3,370
Custodial service	7,122	7.8	5,077,743	1,581,120	6,658,863	5.0	935
Grade 1	1,052	1.2	540,661	211,920	752,581	0.6	715
Grade 2	5,624	6.2	4,138,567	1,265,160	5,403,727	4.1	961
Grade 3	350	0.4	276,673	83,040	359,713	0.3	1,028
Grade 4	39	(1)	40,457	8,640	49,097	(1)	1,259
Grade 5	15	(1)	19,900	3,600	23,500	(1)	1,567
Grade 6	35	(1)	48,965	7,200	56,165	(1)	1,605
Grade 7	7	(1)	12,520	1,560	14,080	(1)	2,011
Inspectional service	134	0.1	210,520	29,280	239,800	0.2	1,790
Grade 1	25	(1)	28,310	6,000	34,310	(1)	1,372
Grade 2	55	0.1	64,840	13,200	78,040	0.1	1,419
Grade 3	22	(1)	34,340	5,280	39,620	(1)	1,801
Grade 4	25	(1)	56,130	4,800	60,930	(1)	2,437
Grade 5	6	(1)	21,900	.....	21,900	(1)	3,650
Grade 6	1	(1)	5,000	.....	5,000	(1)	5,000

[1] Less than one-tenth of 1 per cent.

The relative importance of the different services and grades within services in the District of Columbia on the basis of numbers, compensation, and average pay, Apr. 30, 1919—Contd.

Service and grade.	Civil employees in the District of Columbia working full time and receiving no allowance, Apr. 30, 1919.						
	Number.		Aggregate compensation.				Average pay, including bonus.
	Total.	Per cent distribution.	Exclusive of bonus.	Estimated bonus law of Mar. 1, 1919.	Base pay plus bonus.		
					Amount.	Per cent distribution.	
Police and criminal investigation service	863	1.0	$1,090,520	$206,160	$1,296,680	1.0	$1,503
Grade 1	64	0.1	57,180	15,360	72,540	0.1	1,133
Grade 2	636	0.7	777,300	152,640	929,940	0.7	1,462
Grade 3	90	0.1	119,850	21,600	141,450	0.1	1,572
Grade 4	51	0.1	85,280	12,240	98,520	0.1	1,932
Grade 5	15	(1)	29,160	3,600	32,760	(1)	2,184
Grade 6	4	(1)	9,900	720	10,620	(1)	2,655
Grade 7	3	(1)	10,850		10,850	(1)	3,617
Fire service	630	0.7	756,020	150,960	906,980	0.7	1,440
Grade 1	483	0.5	534,720	115,920	650,640	0.4	1,347
Grade 2	41	(1)	49,140	9,840	58,980	(1)	1,439
Grade 3	83	0.1	115,760	19,920	135,680	0.1	1,635
Grade 5	22	(1)	52,900	5,280	58,180	(1)	2,645
Grade 6	1	(1)	3,500		3,500	(1)	3,500
All other	17,079	18.8	19,737,391	4,041,226	23,778,617	18.0	1,392

[1] Less than one-tenth of 1 per cent.

It will be observed that on that date the total number of employees was 90,815, their total compensation was $132,310,618, and the average pay was $1,457.

Through the Committee on Appropriations the Committee on Reform in the Civil Service was furnished an estimate of the number of employees in the departments in Washington and the estimated annual pay rolls as of November 15, 1921. As I understand it, it is not claimed that these estimates are complete and accurate, but they approximate actual conditions sufficiently to form a reliable basis of comparison:

Statement showing the estimated number of Government employees in the District of Columbia and the estimated annual pay-roll cost, including the $240 bonus. (Nov. 15, 1921).

Department or establishment.	Estimated number of employees.	Estimated annual pay roll.
Department of State	619	$1,012,080
Department of the Treasury	20,347	31,822,320
Department of War	4,091	6,033,230
Department of Justice	723	1,211,940
Post Office Department	2,047	2,996,432
Department of the Navy	1,898	3,198,130
Department of the Interior	6,140	9,701,200
Department of Agriculture	4,661	8,152,089
Department of Commerce	3,859	5,209,364
Department of Labor	571	981,269
Veterans' Bureau	4,416	7,085,904
Government Printing Office	4,410	6,240,030
Shipping Board	1,779	4,235,180
General Accounting Office	1,500	2,259,600
Superintendent, State, War, and Navy Building	1,237	1,267,712
Interstate Commerce Commission	1,189	2,699,030
Railroad Administration	1,133	2,831,940
United States Housing Corporation	565	552,000
Library of Congress	589	783,959
Smithsonian Institution	509	627,597
Civil Service Commission	361	540,417
Federal Trade Commission	308	753,500
Alien Property Custodian	164	315,888

Statement showing the estimated number of Government employees in the District of Columbia, etc.—Continued.

Department or establishment.	Estimated number of employees.	Estimated annual pay roll.
Panama Canal	107	$195,472
Tariff Commission	95	248,340
Federal Board for Vocational Education	81	181,700
Employees' Compensation Commission	80	141,200
Bureau of Efficiency	48	130,370
Botanic Gardens	47	54,981
The White House	41	89,520
National Advisory Committee for Aeronautics	22	42,380
Total	63,638	101,594,774
Municipal government of the District of Columbia	5,730	8,931,927
Grand total	69,368	110,526,701

Average salary, $1,593.

From these two tables it will appear that the personnel in the District of Columbia has been reduced from April 30, 1919, to November 15, 1921, by 21,447, the average pay has increased $136, and the total pay roll decreased $21,783,917.

Under the scheme of the reclassification bill a great majority of the employees will initially receive compensation at the lowest salary rate in the ranges of salaries for the various grades, and through the course of years, when stability in the system has been established, will average in each grade at the middle or medium rate. It is obvious that the original cost will be decidedly less than the ultimate cost. The following table shows what the increase in the ultimate cost would be, assuming the same number of employees now and in the future as in April, 1919. This table embraces only the principal services, but the omission of the remaining employees will in no way affect the correctness of the comparison:

Estimate of the cost of the reclassification of the professional, subprofessional, clerical, custodial, and inspectional services, assuming that the number of employees and rates of pay had remained constant since Apr. 30, 1919, excepting for changes in the bonus.

Service and grade.	Employees in the professional, subprofessional, clerical, custodial, and inspectional services working full time and receiving no allowance, Apr. 30, 1919.						
	Number.	Average compensation.		Aggregate compensation.		Increase in compensation, using median rate.[1]	
		Including bonus,[2] Apr. 30, 1919.	Median rate in the Lehlbach bill.	Including bonus, Apr. 30, 1919.	Median rate in the Lehlbach bill.	Amount.	Per cent.
Total	72,166	$1,472	$1,591	$106,229,069	$115,226,090	$8,997,021	8.5
Professional service	6,521	2,399	2,940	15,641,965	19,172,850	3,530,885	22.6
Grade 1	1,608	1,829	1,980	2,941,317	3,183,840	242,523	8.2
Grade 2	2,527	2,261	2,610	5,713,764	6,595,470	881,706	15.4
Grade 3	1,507	2,708	3,480	4,081,162	5,244,360	1,163,198	28.5
Grade 4	822	3,182	4,590	2,615,772	3,772,980	1,157,208	44.2
Grade 6	57	5,087	6,600	289,950	376,200	86,250	29.7

[1] A minus sign (—) denotes a decrease.

[2] The bonus allowed for is that of $240 provided under the law of Mar. 1, 1919. The present average bonus is somewhat higher because $240 is now provided in the Veterans' Bureau.

Estimate of the cost of the reclassification of the professional, subprofessional, clerical, custodial, and inspectional services, assuming that the number of employees and rates of pay had remained constant since Apr. 30, 1919, excepting for changes in the bonus—Continued.

Service and grade.	Employees in the professional, subprofessional, clerical, custodial, and inspectional services working full time and receiving no allowance, Apr. 30, 1919.						
	Number.	Average compensation.		Aggregate compensation.		Increase in compensation, using median rate.[1]	
		Including bonus, Apr. 30, 1919.	Median rate in the Lehlbach bill.	Including bonus, Apr. 30, 1919.	Median rate in the Lehlbach bill.	Amount.	Per cent.
Subprofessional service	3,449	$1,535	$1,671	$5,293,459	$5,762,700	$469,241	8.9
Grade 2	669	1,162	1,200	777,371	802,800	25,429	3.3
Grade 3	2,087	1,503	1,620	3,136,490	3,380,940	244,450	7.8
Grade 4	551	1,831	2,160	1,008,943	1,190,160	181,217	18.0
Grade 5	99	2,402	2,520	237,803	249,480	11,677	4.9
Grade 6	43	3,090	3,240	132,852	139,320	6,468	4.9
Clerical service	54,940	1,427	1,492	78,394,982	81,990,480	3,595,498	4.6
Grade 1	8,217	1,228	1,170	10,091,805	9,613,890	−477,915	−4.7
Grade 2	34,130	1,372	1,410	46,811,102	48,123,300	1,312,198	2.8
Grade 3	9,433	1,582	1,770	14,926,023	16,696,410	1,770,387	11.9
Grade 4	2,344	1,936	2,220	4,538,114	5,203,680	665,566	14.7
Grade 5	728	2,392	2,790	1,741,080	2,031,120	290,040	16.7
Grade 6	88	3,260	3,660	286,858	322,080	35,222	12.3
Custodial service	7,122	935	1,130	6,658,863	8,044,980	1,386,117	20.8
Grade 1	1,052	715	750	752,581	789,000	36,419	4.8
Grade 2	5,624	961	1,170	5,403,727	6,580,080	1,176,353	21.8
Grade 3	350	1,028	1,380	359,713	483,000	123,287	34.3
Grade 4	39	1,259	1,560	49,097	60,840	11,743	23.9
Grade 5	15	1,567	1,860	23,500	27,900	4,400	18.7
Grade 6	35	1,605	2,400	56,165	84,000	27,835	49.6
Grade 7	7	2,011	2,880	14,080	20,160	6,080	43.2
Inspectional service	134	1,790	1,904	239,800	255,080	15,280	6.4
Grade 1	25	1,372	1,410	34,310	35,250	940	2.7
Grade 2	55	1,419	1,590	78,040	87,450	9,410	12.1
Grade 3	22	1,801	1,920	39,620	42,240	2,620	6.6
Grade 4	25	2,437	2,570	60,930	64,250	3,320	5.4
Grade 5	6	3,650	3,540	21,900	21,240	−660	−3.0
Grade 6	1	5,000	4,650	5,000	4,650	−350	−7.0

However, as the number of employees has already been reduced by over 21,000, and as the average salary rate has been increased from $1,457 to $1,593, and as the average salary rate ultimately under H. R. 8928 would be $1,591, this increase is apparent rather than real, and there would certainly be no substantial initial increase. Furthermore, a comparatively small reduction in the personnel would absorb the entire increase and result in a net reduction of the cost of maintaining the civil service.

But the committee in charge of the bill has been made aware of the very general sentiment in the House against any present increase in the cost of the civil service, and against providing now for any possible increase in the future. It seems to be the judgment of the membership that reduction in personnel should result in actual saving to the Treasury. Therefore, the Committee on Reform in the Civil Service, although maintaining that the schedules in the bill as reported were neither excessive, extravagant, nor unreasonable, have nevertheless agreed to accept suggestions for a downward revision of these schedules, which will result in a saving in the cost of the civil service immediately and in no appreciable increase in such cost in the future.

The following is the proposed revision:

PROFESSIONAL SERVICE.

GRADE 1.

In bill, $1,800, $1,920, $2,040, and $2,160.
As revised, $1,620, $1,740, $1,860, and $1,980.

GRADE 2.

In bill, $2,340, $2,520, $2,700, and $2,880.
As revised, $2,100, $2,280, $2,460, and $2,640.

GRADE 3.

In bill, $3,120, $3,360, $3,600, and $3,840.
As revised, $2,820, $3,060, $3,300, and $3,540.

GRADE 4.

In bill, $4,140, $4,440, $4,740, and $4,620.
As revised, $3,720, $4,020, $4,320, and $4,620.

GRADE 5.

In bill, $5,400, $5,700, and $6,000.
As revised, $4,860, $5,160, and $5,460.

GRADE 6.

In bill, $6,000, $6,600, and $7,200.
As revised, $5,400, $6,000, and $6,600.

SUBPROFESSIONAL SERVICE.

GRADE 1.

In bill, $240, $300, and $360.
As revised, $240, $300, and $360.

GRADE 2.

In bill, $1,080, $1,140, $1,200, $1,260, and $1,320.
As revised, $1,080, $1,140, $1,200, and $1,260.

GRADE 3.

In bill, $1,440, $1,560, $1,680, and $1,800.
As revised, $1,320, $1,440, $1,560, and $1,680.

GRADE 4.

In bill, $1,980, $2,160, and $2,340.
As revised, $1,740, $1,920 and $2,100.

GRADE 5.

In bill, $2,340, $2,520, and $2,700.
As revised, $2,100, $2,280, and $2,460.

GRADE 6.

In bill, $3,000, $3,240, and $3,480.
As revised, $2,700, $2,940, and $3,180.

CLERICAL SERVICE.

GRADE 1.

In bill, $1,080, $1,140, $1,200, and $1,260.
As revised, $1,080, $1,140, and $1,200.

GRADE 2.

In bill, $1,260, $1,320, $1,380, $1,440, $1,500, and $1,560.
As revised, $1,200, $1,260, $1,320, $1,380, and $1,440.

GRADE 3.

In bill, $1,620, $1,680, $1,740, $1,800, $1,860, and $1,920.
As revised, $1,500, $1,560, $1,620, $1,680, $1,740, and $1,800.

GRADE 4.

In bill, $1,980, $2,100, $2,220, $2,340, and $2,460.
As revised, $1,860, $1,980, $2,100, $2,220, and $2,340.

GRADE 5.

In bill, $2,520, $2,700, $2,880, and $3,060.
As revised, $2,340, $2,520, $2,700, and $2,880.

GRADE 6.

In bill, $3,300, $3,540, $3,780, and $4,020.
As revised, $2,940, $3,180, $3,420, and $3,660.

GRADE 7.

In bill, $4,320, $4,560, $4,800, $5,040, and $5,280.
As revised, $3,780, $4,020, $4,260, $4,500, and $4,740.

CUSTODIAL SERVICE.

GRADE 1.

In bill, $720 and $780.
As revised, $720 and $780.

GRADE 2.

In bill, $1,080, $1,140, $1,200, and $1,260.
As revised, $1,080, $1,140, and $1,200.

GRADE 3.

In bill, $1,320, $1,380, and $1,440.
As revised, $1,260, $1,320, and $1,380.

GRADE 4.

In bill, $1,500, $1,560, and $1,620.
As revised, $1,440, $1,500, and $1,560.

GRADE 5.

In bill, $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040.
As revised, $1,560, $1,620, $1,680, $1,740, $1,800, $1,860, and $1,920.

GRADE 6.

In bill, $2,160, $2,280, $2,400, $2,520, and $2,640.
As revised, $1,980, $2,100, $2,220, $2,340, and $2,520.

GRADE 7.

In bill, $2,760, $2,880, and $3,000.
As revised, $2,520, $2,640, and $2,760.

I insert at this point a table showing the same comparisons between the revised schedules and conditions existing in April, 1919, as is shown in the foregoing table in which the original rates in the bill were employed.

If the rates in the Lehlbach bill were reduced in the manner suggested by the committee as possible, the estimate of the cost for the professional, subprofessional, clerical, custodial, and inspectional would be as follows, assuming that the number of employees and rate of pay had remained constant since April 30, 1919, excepting the changes in the bonus:

Service and grade.	Employees in the professional, subprofessional, clerical, custodial, and inspectional services working full time and receiving no allowance: April 30, 1919.						
	Number.	Average compensation.		Aggregate compensation.		Increase in compensation, using median rate.	
		Including bonus April 30, 1919.	Median rate in possible revision.	Including bonus April 30, 1919.	Median rate in possible revision.	Amount.	Per cent.
Total	72,166	$1,472	$1,496	$106,229,069	$107,957,930	$1,728,861	1.6
Professional service	6,521	2,399	2,675	15,641,965	17,445,390	1,803,425	11.5
Grade 1	1,608	1,829	1,800	2,941,317	2,894,400	−46,917	−1.6
Grade 2	2,527	2,261	2,370	5,713,764	5,988,999	275,226	4.8
Grade 3	1,507	2,708	3,180	4,081,162	4,792,260	711,098	17.4
Grade 4	822	3,182	4,170	2,615,772	3,427,740	811,968	31.0
Grade 6	57	5,087	6,000	289,950	342,000	52,050	18.0
Subprofessional service	3,449	1,535	1,543	5,293,459	5,323,290	29,831	0.6
Grade 2	669	1,162	1,170	777,371	782,730	5,359	0.7
Grade 3	2,087	1,503	1,500	3,136,490	3,130,500	−5,990	−0.2
Grade 4	551	1,831	1,920	1,008,943	1,057,920	48,977	4.9
Grade 5	99	2,402	2,280	237,803	225,720	−12,083	−5.1
Grade 6	43	3,090	2,940	132,852	126,420	−6,432	−4.8
Clerical service	54,940	1,427	1,403	78,394,982	77,091,030	−1,303,952	−1.7
Grade 1	8,217	1,228	1,140	10,091,805	9,367,380	−724,425	−7.2
Grade 2	34,130	1,372	1,320	46,811,102	45,051,600	−1,759,502	−3.8
Grade 3	9,433	1,582	1,650	14,926,023	15,564,450	638,427	4.3
Grade 4	2,344	1,936	2,100	4,538,114	4,922,400	384,286	8.5
Grade 5	728	2,392	2,610	1,741,080	1,900,080	159,000	9.1
Grade 6	88	3,260	3,240	286,858	285,120	−1,738	−0.6
Custodial service	7,122	935	1,101	6,658,863	7,843,140	1,184,277	17.8
Grade 1	1,052	715	750	752,581	789,000	36,419	4.8
Grade 2	5,624	961	1,140	5,403,727	6,411,360	1,007,633	18.6
Grade 3	350	1,028	1,320	359,713	462,000	102,287	28.4
Grade 4	39	1,259	1,500	49,097	58,500	9,403	19.2
Grade 5	15	1,567	1,740	23,500	26,100	2,600	11.1
Grade 6	35	1,605	2,220	56,165	77,700	21,535	38.3
Grade 7	7	2,011	2,640	14,080	18,480	4,400	31.3
Inspectional service	134	1,790	1,904	239,800	255,080	15,280	6.4
Grade 1	25	1,372	1,410	34,310	35,250	940	2.7
Grade 2	55	1,419	1,590	78,040	87,450	9,410	12.1
Grade 3	22	1,801	1,920	39,620	42,240	2,620	6.6
Grade 4	25	2,437	2,570	60,930	64,250	3,320	5.4
Grade 5	6	3,650	3,540	21,900	21,240	−660	−3.0
Grade 6	1	5,000	4,650	5,000	4,650	−350	−7.0

In this connection also it must be kept in mind that the reduction of the force and the present increase in average salary will more than wipe out the apparent ultimate increase in the cost of the civil service estimated at 1.6 per cent, and will result in no increase whatsoever. The average ultimate salary under the revised schedules will be $1,496 as against the average present salary of $1,593, according to the estimate furnished by the Committee on Appropriations.

Mr. SUMNERS of Texas. I yield five minutes to the gentleman from Georgia [Mr. LARSEN].

Mr. LARSEN of Georgia. Mr. Chairman and gentleman of the committee, no right is more sacred to the American people than that which makes for speedy and efficient administration of justice. We should always have a sufficient number of judges to secure this right, but this does not mean we should create judges unnecessarily and locate them in places not needed.

The wholesale method of creating judges in accordance with provisions of this bill is out of the ordinary, and I fear may result in subjecting the judiciary to the "pork-barrel" criticism which has heretofore been aimed at so much congressional legislation.

Some months ago the Judiciary Committee, we are told, consulted the Attorney General regarding conditions obtaining in the Federal courts. As a result, he appointed a committee headed by the Chief Justice of the United States Supreme Court to investigate and report as to the advisability of appointing new judges for such courts. The committee recommended the appointment of 18 additional judges. We assume the committee thus appointed was competent and did its work faithfully, but for some reason the committee reporting the pending bill has not followed its recommendation. Indeed, it has increased the number recommended by nearly 25 per cent, the bill providing for 22 instead of 18 additional judges. The reason for such increase is not definitely stated. We may assume, however, that 18 was not sufficient for political emergencies. I do not understand that the committee, selected by the Attorney General, recommended judges for any particular State or district. It recommended 18 should be selected and assigned for duty wherever needed. Such system as proposed may not be without its virtues, but it would not be entirely free from criticism.

Some of us regard the suggested system the entering wedge to the reestablishment of what is known in the South as the "carpetbag system," and hence feel a natural prejudice against it. But there seems to be little or no necessity of discussing this phase of the situation, for the committee has not followed that recommendation, but has instead reported a bill which gives to designated districts in several States additional judges.

Section 3, which proposes an amendment to section 13 of the Judicial Code, seems to provide machinery whereby it would be possible under certain circumstances to designate a judge

from North Carolina, or other State, to preside over the courts in Florida or elsewhere. I assume that the administration of this provision would, generally speaking, prove satisfactory, but I can understand wherein it might result in inefficiency and useless expense to litigants. The rules of law and procedure obtaining in the various States are to be enforced in the district courts of such States, hence a judge sent from North Carolina to preside over the courts of Georgia or Florida might be learned and well qualified for duty in his native State yet unfamiliar with the laws of Georgia or Florida, and, therefore, inefficient for service in such State. A judge going from a code State to one in which only the common law prevails, or vice versa, would probably find himself very much confused and unable to render best service.

I regret that I can not agree to the provision of the bill respecting allocation of judges to be appointed. If the figures contained in the report of the committee, and those submitted by the Attorney General in his annual report, are to be relied upon it appears to me that rank discrimination has been shown in favor of some States and against others. My own State, Georgia, when compared with Tennessee on the north and Florida on the south, furnishes such an example.

I am puzzled to understand why gentlemen framing the bill, and others interested in the administration of justice, should overlook the fact which makes it so evident that Georgia is entitled to relief which the bill does not afford.

By way of comparison, I call your attention briefly to a few conditions existing in Georgia, Florida, and Tennessee. These States now have two district judges each. The bill proposes to give both Tennessee and Florida an additional judge, but makes no provision for Georgia.

The report discloses that in the southern district of Florida there were, on June 30, 1921, 1,589 cases pending. On said date there were pending in the northern district of Georgia 3,845 cases. In the southern district of Florida 808 cases were disposed of last year, while in the northern district of Georgia there were 1,773. On date aforesaid there were pending in the district courts of Florida 1,990 cases; in the district courts of Georgia 6,252—more than three times as many as in Florida—a very natural condition when we remember the population of Georgia is more than three times that of Florida. There were disposed of in the State of Florida last year 1,104 cases; in Georgia, 2,623. The two judges in Georgia disposed of more than twice as many cases as did the two in Florida. Why? Under the provisions of this bill you would give Florida an additional judge and withhold one from Georgia. Why?

The report discloses that in the middle district of Tennessee there were pending on June 30, 1921, 1,019 cases. There were pending in the northern district of Georgia more than three times that number. There were disposed of in said district of Tennessee 252 cases; in the northern district of Georgia during this same period there were disposed of more than seven times as many. On the date aforesaid there were pending in the district courts of Tennessee 2,110 cases; at the same time practically three times this number were pending in Georgia. There are one-half million more population in Georgia than Tennessee, three times as many cases pending on the district court dockets, and more than four times as many were disposed of last year.

Will you further impose on the industrious and efficient judges of Georgia by refusing to relieve them when you grant it to neighbors whom, the facts show, do not so richly deserve it?

The figures cited, and the comparisons mentioned, puzzle one to understand why such rank discrimination should be perpetrated. We are not envious of Tennessee or Florida, but we ask why this discrimination by a Republican Congress in Washington? Is it because of a desire to reward Tennessee for placing itself in the Republican column last year, or for the reason some Republican interests, or individuals, are to be appointed to lucrative positions in Florida?

Mr. SUMNERS of Texas. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. CABLE].

Mr. CABLE. Mr. Chairman, while this bill deals directly with the appointment of Federal judges, I shall take this opportunity to call the attention of Members of the House to a decision of Federal judges, namely, the so-called Newberry case. The necessity for a new bill defining corrupt practices in the election of Members of Congress has arisen by reason thereof. In 1910 Congress passed an act which simply provides for the report by candidates to Congress of their expenses. In 1911 an amendment to this act limited the amount that could be expended for nomination and for election to the sums indicated by State legislatures, but in no case was the sum to exceed $5,000 for Representatives and $10,000 for Senators. At that time Senators were elected by State legislatures and the law was drawn to apply accordingly. By the seventeenth amendment of the Constitution Senators are now elected by direct vote of the people, and part of the act, section 8, so far as the election of Senators is concerned, was repealed by that amendment. Then when the Supreme Court decided the Newberry case and reversed the conviction in the district court it was based chiefly on the reason that Congress had no authority to pass any law dealing with the primary election of Senators. The effect of the decision is that to-day the corrupt practice act does not apply to Senators. It applies to Representatives in one particular, and that is that a candidate for Representative after election must file his report showing how much his expenditures were in respect to the election. Congress, according to this decision, has jurisdiction to limit the amount a Representative or Senator may expend for his election. The law as to nominations is left to the States. In the States of Illinois, Mississippi, Rhode Island, and Tennessee there is no corrupt practice act at all. In Delaware, Georgia, New York, Pennsylvania, Vermont, and Washington there is no limit upon the amount which can be expended.

In New Jersey the limit is $50,000. In Arizona, Colorado, Idaho, Louisiana, Oklahoma, and Virginia they have a State corrupt practice act which applies to the primary only. Therefore, in view of the decision of the Supreme Court and of the amendment to the Constitution of the United States, in my opinion, it is the duty of Congress to pass a new corrupt practice act that will protect an honest candidate who seeks election to either House of Congress. Purity in politics is necessary for good government. Publicity of expenses of campaigns should be required by Congress. The act as it applies to candidates is almost obsolete. A new law should be passed—one having teeth in it—so that a seat in Congress can not be purchased and all may have an equal opportunity in the election.

Mr. VOLSTEAD. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman, for a number of years the people of Illinois, particularly southern Illinois, have felt the necessity for an additional judicial district, and at various times bills for that purpose have been pending. I think there are three bills now pending for an additional district in southern Illinois, one of which I filed.

However, from the standpoint of economy, I think this solution of the question is better than the creation of new districts, and I am going to support the bill as the committee has reported it.

For the rest of the time allotted to me I do not care to discuss this bill. I assume that most of the general debate upon the bill has been concluded, and therefore I feel justified in asking the indulgence of the committee on another subject, namely, soldier-benefit legislation. I have here a statement that was published in last Saturday's Washington Star, which I shall hand to the Clerk and ask to have read in my time.

The CHAIRMAN. The gentleman asks unanimous consent to have the newspaper article referred to read in his time. Is there objection?

There was no objection.

The Clerk read as follows:

[From the Washington Star, Dec. 3, 1921.]

SEES WHITTLESEY CASE AS SHOCKING REMINDER.

The suicide of Col. Charles W. Whittlesey, leader of the famous "lost battalion," should serve as a "shocking reminder of how the poison of war leaves its trace in men's souls long after the fighting is over," according to John Thomas Taylor, chairman of the legislative committee of the American Legion.

Mr. Taylor, who has been in close touch with the situation surrounding sick and wounded service men since the armistice, declares that thousands of men are in the same mental condition as was Col. Whittlesey—a condition credited with having caused his suicide. The gallant leader's untimely end, Mr. Taylor says, is a summons to the Nation "to save its broken defenders before it is too late."

"Nearly 50,000 mildly insane veterans have passed through our hospitals since the armistice," the Legion official declares in a statement. "Despite our efforts the Government has not yet built one good hospital for the care of these men nor established one good rehabilitation center for their cure. If a highly educated, well-provided-for veteran like Whittlesey surrenders, what may we not fear for the thousands of discouraged, broken-minded, and often destitute men kicked around from pillar to post by their Government?"

More than one-third of the 30,000 disabled veterans now receiving treatment are mentally disabled, according to Mr. Taylor. Of these 10,000 almost 7,500 are scattered through the country in asylums for the criminal and pauper insane.

Mr. DENISON. Mr. Chairman, this statement which Mr. Taylor has no doubt given wide publicity over the country is neither a fair nor accurate statement of facts. It contains a veiled criticism of the administration of our soldier legislation and of Congress, and is an illustration of criticisms which we have often heard with reference to the treatment accorded by our Government to our soldiers of the World War. Fortunately

such criticism does not often come from responsible sources. It has not often come from members of the Legion themselves, who are at all informed on the legislation that has been enacted and who are most deeply interested in the future welfare of the veterans themselves.

I have presented this statement of Mr. Taylor to Col. Forbes, the Director of the Veterans' Bureau, and have asked him to give me a brief statement of the actual facts. Col. Forbes ought to be in possession of the facts as accurately as anyone else in this country, and ought to be in a position where he can make a straight, unbiased statement which will give information not only to the soldiers but to the whole country. He has done so in a communication I have just received from him, and before I am through I will ask that his statement be read and made a part of my remarks.

Such criticism as this suggested to me the idea of making an inquiry into the whole subject of our soldier legislation; this naturally led me to a comparison of what Congress has done for the soldiers of the World War with what was done by the Government for the soldiers of our other wars; and also a comparison of what we have done for the soldiers of our last war with what has been done for their soldiers by the other Governments that were associated with us in the war. The results are interesting and instructive, and I ask your indulgence while I present them briefly.

The first soldiers' pension law ever enacted by any English-speaking government was passed by the Parliament of England in 1592 when Elizabeth was Queen. It was just after the defeat of the Spanish Armada, and history relates that the maimed and disabled soldiers returning from England's wars became vagabonds and beggars and were so numerous and so annoyed the Queen with their importunings as she would go out to take air that the Government was forced to take action, and the result was the enactment of the first soldiers' pension law, which merely provided for their care in an institution which was something of a cross between a hospital and a poorhouse.

Other acts for the relief of disabled soldiers were passed by Parliament until the practice was quite well established in England when our Colonies were struggling to establish themselves in this country.

It is interesting to note that these first soldiers' relief acts were passed by Parliament in order to get rid of what was then considered the annoyance caused by the crippled and maimed soldiers who became vagabonds and beggars.

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. LINEBERGER. Does not the gentleman think that the soldiers even in the time of Queen Elizabeth, after having fought for their country, were entitled to some consideration, and that the word "annoyance" ought not to be used with respect to them. I do not know whether the gentleman means to imply that the present demand upon the part of the soldiers here for some consideration is an annoyance to the Government or not.

Mr. DENISON. Oh, not at all.

Mr. LINEBERGER. I agree with the gentleman regarding Mr. Taylor's report, and I am interested in what he has to say.

Mr. DENISON. I was referring to the public attitude with reference to these original acts to show the changed attitudes of the later governments with respect to soldiers. The first pension legislation, as I stated, was enacted by the governments for the purpose of getting rid of what they considered an annoyance on the part of the crippled and maimed soldiers who returned from the wars. That was the motive that prompted the first soldier's benefit legislation in the time of Elizabeth, and as I proceed with my remarks I shall show the different views of governments with respect to their duty toward their soldiers.

The first soldiers' pension legislation ever proposed in this country was prepared and passed by the Colony of Virginia in 1624. But this failed to become a law because it was not ratified by the Government in England. The first pension legislation actually enacted into law in this country was passed by the Plymouth Colony in 1636. Gradually each of the colonial governments passed some sort of crude pension legislation. These laws were all general in their terms, not fixing any amounts to be paid to the soldiers, but leaving the amount of each pension to be determined by local courts and the funds to be raised by local taxation. It is interesting to note that all of the colonial pension legislation was enacted for the purpose of inducing or encouraging the settlers to fight the Indians, and generally these laws provided that no soldier could receive their benefits except such as were so disabled as to become a public charge or an object of charity. No soldier who was merely wounded or injured in defending the Colonies against Indians or against their enemies in other Colonies was considered eligible for a pension unless his injuries or disabilities were of such a nature as to render him incapable of earning a living and make of him a public charge.

As the Revolutionary War approached, and indeed after it was in progress for some time, the Continental Congress failed or refused to enact soldiers' relief legislation until some of the States, particularly Virginia and Pennsylvania, passed laws of their own making liberal provision for disabled soldiers and for the widows of those who were slain.

On August 26, 1776, the Continental Congress passed the first national pension law in the United States. This act allowed half pay for life or during disability to every officer, soldier, or sailor losing a limb in battle or being so disabled in the service of the Government as to render him incapable of earning a living. The administration of the act as well as its enforcement was left entirely to the different State governments. They were to examine the applications of their own soldiers, pay the pension to those who were found qualified, and deduct the amount paid from the State's quota due to the Federal Government. During the progress of the Revolutionary War other soldiers' relief legislation was passed, but it was all passed for the single purpose of encouraging enlistments. Commissioned officers, when disabled so as to be wholly incapable of earning a livelihood, were allowed half pay during life; noncommissioned officers and privates when so disabled as to be wholly incapable of earning a living were allowed $5 a month, with proportionate allowance for partial disability.

We sometimes hear criticism of Congress for its delay in passing legislation. In this connection it may be interesting to know that the Continental Congress during the trying days of the Revolutionary War had under consideration from the beginning of the war until May 15, 1778, about three years, a bill to grant adjusted compensation to the officers and enlisted men of the Army, and this was in the face of repeated warnings from Gen. Washington that unless some such legislation were enacted the Army would lose all of its officers and would become unfit to fight. The bill was only finally passed by a compromise, which limited the half-pay gratuity of the commissioned officers to the period of seven years after the end of the war. It provided a gratuity of one year's full pay, $80, to noncommissioned officers and enlisted men who served faithfully to the end of the war.

This was the first bonus or adjusted compensation bill for soldiers ever passed by Congress. And in this connection I may also say that the original advocate of soldiers' bonus legislation, so far as my investigation has disclosed, was from New Jersey. While this bill was under discussion in Congress in April, 1778, Gov. Livingston, of New Jersey, wrote as follows:

> But in my private judgment I should be totally against the plan of allowing the officers half pay after the war. It is a very pernicious precedent in republican States, will load us with an immense debt, and render the pensioners themselves in a great measure useless to their country. If they must have a compensation, I think they had better have a sum certain to enable them to enter into business and become serviceable to the community.

On August 24, 1780, Congress amended the act of May 15, 1778, by granting half pay for the period of seven years to the widows of the officers who had died or should thereafter die in the service from the result of wounds or injuries received in the service, the payment to begin from the time of the officer's death, and if there was no widow surviving, or in case of her death or remarriage, the half pay was to go to any orphan child of the deceased. This was the first national pension law of the United States for the benefit of the widows and orphans of the soldiers, and the benefits were limited to the widows and orphans of commissioned officers.

In March, 1783, after prolonged discussion in the Congress and much agitation among the soldiers and all over the country, Congress passed the commutation act, which provided that in lieu of the half pay for life the officers should receive five years' full pay in money or in securities bearing interest at 6 per cent, as Congress should find most convenient.

This was the first adjusted compensation law providing for a cash settlement ever passed by Congress, so far as I have been able to ascertain. It created a profound impression among the different States. Protests were sent to Congress by the States of Massachusetts and Connecticut, and a bitter agitation started against Congress from all over the country, which threatened the dissolution of the Confederacy. Washington championed vigorously the cause of the soldiers and defended the acts of the Continental Congress in granting this gratuity to the soldiers and the commutation to the officers. It is interesting to note the arguments which he made in favor of the legislation. In one of his letters he said:

> The resolutions of Congress now alluded to are undoubtedly as absolutely binding upon the United States as the most solemn act of confederation or legislation. The half pay and commutation ought not to

be regarded in the odious light of a pension. It was a part of the officers' hire. I may be allowed to say it was the price of their blood and of your independence; it is, therefore, more than a common debt; it is a debt of honor; it can never be considered as a pension or gratuity, nor be canceled until it is fairly discharged.

We have all observed, no doubt, how Washington's arguments of 140 years ago defending the adjusted compensation acts for the soldiers and officers of the Revolutionary War are repeated to-day by those who are urging adjusted compensation legislation for the soldiers of this war.

The commutation act of 1783 providing commutation of the half pay for life allowed to officers, and the act of 1778 providing one year's full pay after discharge for enlisted men were never fully carried into effect, because, necessarily, they depended for their execution upon the action of the States themselves and some of the States refused to act. Moreover, many of the payments were made in scrip which was never redeemed. The result was that the agitation continued until 1828, 45 years after the close of the war, when Congress, in the administration of John Quincy Adams, passed a bill granting full pay for life, beginning March 3, 1826, to the surviving Revolutionary officers, and also full pay for life for noncommissioned officers and enlisted men who enlisted in the war and served until its end.

On April 24, 1816, Congress amended the pension law, increasing the rate of pension for invalid private soldiers from $5 to $8 per month.

So, from the beginning of the Revolutionary War until the act of April 24, 1816, over 40 years, no wounded or disabled soldier who fought to win our independence received a pension of more than $5 per month, and that only in case of disability to such an extent as to render him unable to perform manual labor.

In 1818 the Treasury of the Government was overflowing with money as the result of revenues received from the rapidly increasing imports, and Congress again amended the pension law so as to provide that every officer who served as much as nine months or longer at any period of the Revolutionary War could receive a pension of $20 per month and every noncommissioned officer and private $8 per month during life. No person under this act was eligible to receive a pension unless by reason of his reduced circumstances in life he was in need of assistance and support from his country.

This was the first service pension law ever enacted by Congress and was the precedent for all subsequent service pension legislation.

So, from the beginning of the Revolutionary War until 1818, or about 42 years, no soldier who served in the war for independence was allowed a pension for any reason except for injuries or disabilities incurred in the service.

From the beginning of the Revolutionary War until July 4, 1836, 53 years after the close of the war, no widow of an enlisted soldier who served in the war for independence was ever allowed a pension. By the act of July 4, 1836, and several amendatory acts, widows of Revolutionary soldiers were allowed a pension of, at first, $4 per month, and later $8 a month, and were never allowed more than that until the act of 1886, over 100 years after the war, when the pensions of a few of the surviving widows of that war were increased to $12 per month.

Soldiers of the War of 1812 who suffered total disability from wounds received in action were pensioned at $5 a month until the act of 1816, which increased their pensions, as well as those of the soldiers of the Revolutionary War, to $8 per month.

So no soldier of the War of 1812 was pensioned for any cause except for disability incurred in service until 1871, about 60 years after the war. In 1871 Congress passed a service pension law for the surviving soldiers of the War of 1812, which granted to all the surviving soldiers of that war who served 60 days the sum of $8 per month during life.

Until the act of 1816 no widow of a soldier of the War of 1812 received a pension. By that act widows of the soldiers of that war who were killed in the service were allowed half pay or $48 a year, $4 per month.

By the act of 1871 the pension of widows of soldiers of the War of 1812 who died from the result of wounds received or diseases contracted in the service was increased to $8 per month during life; and the act of 1886, over 70 years after the close of the war, increased the pensions of such widows to $12 per month.

No soldier of the Mexican War received a pension, except such as were wounded or disabled in the service, until 1887, 40 years after the close of the war. Those who were totally disabled as the result of the service received but $8 per month.

In 1887 service pensions amounting to $8 per month to all soldiers of the Mexican War who were either 62 years of age or who were subject to disability or dependency were granted by act of Congress.

In 1893, 45 years after the close of the Mexican War, Congress increased the pension of the Mexican War veterans to $12 per month. But this increase only applied to such as were wholly disabled from manual labor and in such destitute circumstances that $8 per month was insufficient to provide them with the necessaries of life. Subsequent acts allowed the Mexican War veterans a pension of $12 per month without conditions.

In 1907, 60 years after the close of the Mexican War, age and service pensions were granted to those who served 60 days or more and were honorably discharged, the rate being $12 per month for those 62 years of age, $15 per month for those 70 years of age, and $20 per month for those 75 years of age.

In 1912, 65 years after the close of the war, the pensions of Mexican War veterans were increased to $30 per month. Finally, in 1920, 72 years after the close of the Mexican War, the pensions of Mexican War veterans who served 60 days were increased to $50 per month, and in cases of complete dependency, $72 per month.

Widows of soldiers killed in the Mexican War received half pay, or $48 per year, for life, and it was never increased above that amount, $4 per month, until 1887, 40 years after the close of the war, when it was increased to $8 per month, and it remained $8 per month until the act of 1908, 60 years after the close of the war, when their pensions were increased to $12 per month. In 1916, Mexican War widows' pensions were increased to $20 per month, and this was in 1920 increased to $30 per month.

On July 14, 1862, Congress passed what is known as the general law pension system for the benefit of soldiers of the Civil War, and all subsequent wars, and their dependents. Only those soldiers who incurred disability in the service as a direct result of the performance of their military duty were entitled to pensions. Pensions allowed to soldiers of the Civil War under this law ranged from $30 per month for lieutenant colonels and all officers of higher rank to $8 per month for noncommissioned officers and privates. Pensions for Civil War veterans remained substantially the same under this law until the act of June 27, 1890, when the first Civil War service pension law was enacted.

So no soldier of the Civil War who was not injured or disabled by his military service received any pension from the Government until the act of 1890, 25 years after the close of the war; and those who were totally disabled in the service only received $8 per month in the case of privates and $30 per month in the case of lieutenant colonels and those of higher rank.

Under the service pension act of June 27, 1890, all soldiers of the Civil War who served 90 days or more and who were suffering from a mental or physical disability of a permanent character, not the result of their own vicious habits, which incapacitated them from the performance of manual labor in such a degree as to render them unable to earn a support were entitled to receive a pension not exceeding $12 per month and not less than $6 per month, according to the degree of their inability to earn their support. This act was a combination service and disability act. Under it all who served 90 days and who were unable to earn their support on account of mental or physical disability were entitled to the pension, and it was not necessary that their disability should be of service origin. These rates were increased in 1907 to $12 per month for those 62 years of age, $15 per month for those 70 years of age, and $20 per month for those 75 years of age or over.

On May 11, 1912, Congress passed the act known as the age and service act, under which soldiers of the Civil War were pensioned in varying amounts according to their age and the length of their service, ranging from $13 per month for those who were 62 years of age and had served 90 days to $30 per month for those who were 75 years of age and had served 3 years.

Finally the act of May 1, 1920, known as the Fuller Act, allows to all veterans of the Civil War who served 90 days or more, without regard to age or length of service, $50 per month, and in case of physical or mental disability to such an extent as to require the services of an attendant, $72 per month.

So the highest pension paid to a private soldier of the Civil War who was totally disabled in line of duty, for 25 years after the war was $8 per month; and the highest now paid to a soldier of the Civil War under the general pension law since the act of May, 1920, is $50 per month, except in cases where the soldier requires the assistance of an attendant, in which case it is $72 per month.

Widows of soldiers of the Civil War who were killed or died by reason of wounds received or diseases contracted in the service were pensioned at the same rate that the soldier would have received had he been totally disabled, which in the case of privates was $8 per month.

The act of 1862 also provided that in case there was no widow the pension should be paid to the child or children until they reached the age of 16 years, and if the deceased left no widow or children then the mother or orphan sisters were entitled to the pension. This was the first pension act in the history of our Government under which mothers and orphan sisters of the soldiers were provided for.

In 1886 the pension of widows of the Civil War veterans was increased to $12 per month. So that no widow of a veteran of the Civil War whose death resulted from wounds received or disease contracted in the service received as much as $12 per month until over 20 years after the close of the war, and their pensions remained at $12 per month until the act of 1916, by which it was increased to $20 per month.

The act of 1890, which provided the first service and disability pension, also allowed the first pensions to widows of Civil War veterans whose death was not the result of injuries received or diseases contracted in the service. Under that act the widow was entitled to a pension if her husband served 90 days or more and was honorably discharged and thereafter died from other than service causes, leaving the widow without other means of support than her daily labor.

So that it was not until 25 years after the close of the war that the widows of Civil War veterans could receive a pension except upon proof that the soldier's death was of service origin.

In 1912 pensions of widows of the Civil War were increased to $20 per month and by the act of May 1, 1920, they were still further increased to $30 per month.

Veterans of the Spanish-American War who served 90 days or more and were honorably discharged are, since the act of June 5, 1920, entitled to receive not more than $30 per month and not less than $12 per month proportioned to the degree of disability to earn a support.

Widows of the veterans of the Spanish-American War have never been allowed a pension more than $12 per month and prior to the passage of the Sells Act in 1920 they were never allowed that except in cases where the soldier's death was due to injuries received or disease contracted in the service.

In addition to the general disability pension laws which I have thus briefly reviewed there were special provisions made for special disabilities incurred in line of duty.

From 1864 to 1872 soldiers of the Civil War were allowed $25 per month in case of the loss of both hands, both feet, or both eyes.

From 1872 to 1874 they were allowed by law for such injuries $31.25 a month.

From 1874 to 1878 for such injuries $50 per month.

From 1878 to 1890, $72 per month.

And finally the rate allowed for the loss of both hands or both feet or both eyes was fixed at $100 per month, which is the rate now allowed.

I have reviewed briefly the pension legislation of our Government passed for the benefit of our soldiers of all wars prior to the World War and their dependents. I will insert here a table showing the total amount paid out by the Government in pensions for each of the different wars in which our country has been involved:

Table showing total amounts paid to soldiers of the various wars in which the United States has been engaged from 1790 to 1920, inclusive.

Revolutionary War	$70,000,000
War of 1812	46,094,572
Indian wars	20,017,919
Mexican War	54,471,001
Civil War	5,749,030,456
War with Spain and Philippine insurrection	76,007,333
Regular Establishment	57,302,421
Unclassified	16,508,447
World War	99,402
Total	6,089,531,551

So, Mr. Chairman, our pension system has been a tremendous burden. It would be interesting, if it were possible of ascertainment, to know just what part of this vast expenditure has gone where it was deserved and needed, and what part has gone where it was not deserved and not needed.

Pension systems always have been and always will be abused. Governments must be grateful to those who fight their battles; they must be liberal with those who sacrifice for them. No government could or would deserve to long endure that would not well reward its defenders.

But the history of our pension legislation is an indictment of the system. Laws granting or increasing pensions have been passed or defeated without regard to the real needs of the soldiers themselves.

They have been passed at times because there were abundant funds in the Treasury or for purely political reasons, and they have been delayed or even defeated through sheer blindness to the necessities and the just claims of the soldiers.

These facts confronted Congress when we were drawn into the World War in April, 1917. Most of us here realized the vastness of our undertaking and the colossal costs and losses it would bring. I think Congress took a most wise and commendable course when it threw aside and abandoned our antiquated pension system and enacted the comprehensive, equitable, and patriotic plan of dealing with our soldiers of the World War and their dependents in the manner provided by the War Risk Insurance act and its subsequent amendments.

If we can but have the wisdom and the courage to resist the temptation to return to the old inadequate and abused pension system, and by perfecting amendments to and proper administration of the present War Risk Insurance law, deal justly and fairly with our veterans of the World War and their dependents, we shall have done a worthy service both to the country and to those who joined the colors.

Now, what benefits has Congress provided by legislation for the soldiers of our last war?

First, we have provided a simple but adequate system of compensation for all who suffered any injury or disability or contracted any disease in the service, the amount of such compensation to be determined not by the soldier's poverty or affluence, but by his proven degree of disability and by the number and dependency of his family.

If the soldier is single and suffered a temporary total disability, he gets $80 a month. If he has a wife, he receives $90; with a wife and one child, $95; with a wife and two children, $100; with a wife and two children and two dependent parents, $120; and in addition to these amounts he receives an additional $20 per month for nurse hire where it is necessary. For permanent total disability he receives $100 a month, and $20 additional for a nurse if necessary. For double total disability, $200 per month, with $20 additional for a nurse if necessary.

For less than total disability the compensation is determined according to the degree of his disability as ascertained by medical examination, and may be increased or decreased as his condition changes.

Contrast this compensation with the $8 per month which was all that was allowed the soldiers of the Civil War who were disabled in the struggle to save the Union for 25 years after the war, or contrast it with the pensions that are now, 60 years after the Civil War, allowed to the veterans of that war—namely, $50 per month, or in cases of absolute helplessness, $72 per month.

Contrast it with the pensions allowed to the soldiers of the Spanish-American War, which for more than 20 years after the close of that war were only $30 per month for commissioned officers of the rank of lieutenant colonel and higher rank who were totally disabled, and $8 per month for noncommissioned officers and privates who were totally disabled. Veterans of the Spanish-American War now are limited to a maximum of $30 per month and a minimum of $12 per month, depending upon the degree of disability.

In the second place, the compensation allowed to the widow and dependent children of the soldiers of the World War is very liberal as compared with similar allowances to the dependents of soldiers of our other wars.

If the soldier was killed or died from wounds received or diseases contracted in the service, his widow receives $25 per month for life, or until her remarriage. A widow and one child receive $35 per month; a widow and two children, $42.50 per month; a widow and three children, $47.50 per month; a widow and four children, $52.50 per month.

If the soldier left no widow and left one child, it is allowed $20 per month; two children, $30 per month; three children, $40 per month; four children, $45 per month; five children, $50 per month.

And in addition to these amounts, if the soldier left a dependent mother or father, $20 per month, or if he left a dependent mother and father, $30 per month, all in addition to the family allowances.

So that Congress has provided compensation for dependent families of the soldiers of the World War amounting to from $25 per month in the case of a widow only to $80 per month, depending upon the number of dependents. We have appropriated $397,150,000 for the payment of compensation claims alone since 1918.

Contrast these allowances with the fact that no pension at all was allowed to widows of the soldiers of the Revolutionary War until many years after the close of the war, and then their pension was only $4 per month; and widows of soldiers of the Revolutionary War were not allowed as much as $8 per month until 53 years after the close of the war, and their pensions were only increased to $12 per month in 1886, over 100 years after the close of the war.

Contrast this allowance also with the pension allowed to widows of the Civil War, which was only $8 a month for over 20 years after the war. In 1886 this was increased to $12 per month, and so remained until 1916, when it was increased to $20 per month, and even now it is only $30.

And widows of the Spanish-American War veterans have never been pensioned more than $12 per month, and until the Sells Act of 1920 they could not receive any pension except in cases where the soldier died from injury received in the service.

In the third place, for the first time in our history Congress provided war-risk insurance, so that every man who entered the service could secure at cost insurance for the benefit of his family to the extent of $10,000. The beneficiaries of those who carried as much as $10,000 insurance and who were killed or died as the result of their services receive $57.50 a month for a period of 20 years, in addition to the compensation which they receive from the Government. And if the soldier suffers permanent total disability so as to render him incapable of earning a living, his insurance is payable to him the same as it would be to his beneficiaries in case of his death, at the rate of $57.50 per month on a policy of $10,000. We have appropriated $53,196,906 for the payment of insurance claims.

In the fourth place, Congress has provided by law for as complete a system of physical rehabilitation for discharged, injured, or disabled soldiers as could be obtained. No amount of money has been spared in providing the very best medical treatment and hospitalization for all soldiers who suffer from any injury or disease of service origin. They are sent to a Government hospital and given the very best medical care and attention that the Government can provide until they are cured or found to be incurable, all at Government expense; and moreover, as soon as they are sent to the hospital for treatment they are at once rated as temporary total disability and their compensation is increased accordingly. Physical rehabilitation or hospitalization such as the Government is now furnishing to the discharged soldiers of the World War was never furnished by the Government to the soldiers of any other war. We have appropriated for this purpose the sum of $309,293,040 since 1918.

In this connection I now wish to read the letter from Col. Forbes in answer to the published statement of Mr. Taylor that was read a moment ago:

TREASURY DEPARTMENT,
BUREAU OF WAR RISK INSURANCE,
Washington, December 7, 1921.

Hon. E. E. DENISON,
House of Representatives, Washington, D. C.

MY DEAR MR. DENISON: Acknowledging receipt of your letter of December 5, 1921, inviting attention to a statement issued by Mr. John Thomas Taylor, chairman of the legislative committee of the American Legion, and published in the Washington Star of December 3 under the title "Sees Whittlesey Case as Shocking Reminder," and requesting a statement from me confirming or denying the correctness of Mr. Taylor's statements, I am very glad to comply with your request, and I am outlining below a résumé of the situation as found by this bureau after a careful analysis of the situation.

The total number of neuropsychiatric cases admitted to hospitals up to the present time is approximately 29,000, this figure including a considerable number who have been admitted, discharged, and readmitted from one to many times, and including also under the broad term of neuropsychiatric cases the insanities, the psychoneuroses (neurasthenia, hysteria, etc.), feeble-mindedness, constitutional psychopathic states, defectives, epilepsy, etc. The mildly insane veterans referred to by Mr. Taylor are probably meant to include all of the types referred to above, as well as such cases which react abnormally, even though to a slight degree, to the difficulty of social adjustment, a necessary burden upon ex-service men returning to civilian life at the conclusion of the World War. Of this type of case there are hospitalized at the present time 5,540 cases, 1,266 of which are in various civilian and State hospitals under contract with the United States Veterans' Bureau, leaving a balance of 4,274 who are being provided for in appropriate governmental institutions.

The total number of ex-service men and women in all hospitals for all cases at the present time is between 29,000 and 30,000. From this it may be seen that the neuropsychiatric cases at the present time are something less than one-fifth of the total cases receiving treatment. Careful estimates, made by trained medical officers of the several governmental services, indicate that the maximum number of neuropsychiatric cases requiring hospitalization by the United States Veterans' Bureau will be approximately 9,500 in number, and that the peak load of hospitalization with reference to this type of case will be reached in all probability during the coming spring.

The termination of the World War and the passage by Congress of the war risk insurance act placed immediately a burden on the governmental facilities provided to carry on this work, tremendous in its size and with entirely inadequate hospital and other medical facilities for the proper care and treatment of these wards of the Government. In common with other types of construction, the building of hospitals was practically at a standstill during the war period, and after the war the hospital situation throughout the country was inadequate in bed capacity to take care of the needs of the civilian population, without consideration of the needs of the disabilities of the war veterans. Through expansion of existing governmental hospital facilities, making use of hospitals in cantonments, securing and remodeling suitable private properties obtained under lease, the number of hospital beds through these various methods has been expanded until at the present time there are something over 28,000 governmental beds available for the treatment of our beneficiaries, of which number approximately 5,500 are for the exclusive care and treatment of neuropsychiatric cases.

In March, 1921, Congress, through the agency of the Langley bill, appropriated the sum of $18,600,000 to provide for a hospital program for the care of disabled war veterans. The handling of this sum of money was placed under the Secretary of the Treasury, who, through the agency of an advisory body of prominent and nationally known physicians, has given careful consideration to the needs for additional hospital facilities throughout the entire United States, and which advisory committee has allocated the sum appropriated, providing for increased bed facilities of existing hospitals by the number of approximately 4,500 beds and providing for new construction and purchase of hospital facilities with an additional bed capacity of approximately 2,750. Of these projects, approximately 2,650 beds are for mental and nervous cases. As yet only one of these hospitals provided by the Langley bill has become available up to the present time. It is expected, however, that in the next six to eight months the others will be available for use. The facilities now provided, and which will become available within the next several months, will very largely carry the burden of the maximum load of neuropsychiatric cases needing treatment in hospitals. The additional number of this type of case for which governmental beds have not or will not be provided will be taken care of through selected State institutions of the better character. It has been necessary from the beginning of the work to use existing facilities, particularly State institutions, for the care of frankly insane, but in carrying out this measure the greatest care possible has been exercised to eliminate the institutions of inferior or questionable character or whose facilities are of inadequate order. It is true that the pauper and criminal insane are hospitalized in practically all of the State institutions, but this type of case is, as a rule, segregated and kept separate and apart from the general patients of the institutions. The beneficiaries of this bureau hospitalized in these institutions have in a large percentage of cases been grouped in separate wards and, where possible, in separate buildings. Many of the facilities thus used are of high type modern institutions, and it is believed that our patients on the whole have received very excellent care and treatment in good surroundings.

With reference to the statement that not one good rehabilitation center has been established, let me advise you that there are in existence training centers for the rehabilitation of ex-service men at Nauvoo, Ill.; Pascagoula, Miss.; Port Jefferson, N. Y.; Waynesville, N. C.; Pocono Pines, Pa., and two rehabilitation centers are in course of preparation at Prescott, Ariz., and at Meramec Heights, Mo. On the 1st of December the United States Veterans' Bureau vocational school No. 1 was opened at Chillicothe, Ohio, and is now engaged in training and rehabilitating ex-soldiers. The bureau has further plans with respect to training centers.

It should be realized that the hospital program for the care of veterans has been limited by congressional authority. Until March 4, 1921, those charged with the care of the World War veterans were limited to utilizing existing governmental facilities, such as taking over ex-Army cantonments, extending, altering, or repairing existing institutions, and leasing properties which might be converted to hospital use. There were no funds for the purpose of hospital construction prior to the passage of the Langley bill of March 4, 1921, already referred to. That bill was for the purpose of constructing hospitals for the care of World War veterans, but placed the control of the funds and the location of the hospitals in the hands of the Secretary of the Treasury, the Director of the United States Veterans' Bureau having no authority in the matter whatsoever.

Since the passage of the act of August 9, 1921 (the Sweet bill), it is true that the United States Veterans' Bureau has been consulted in the location of hospitals, but the control of the method of constructing such hospitals is still vested in the Secretary of the Treasury and not with the Director of the United States Veterans' Bureau.

From the foregoing it will be seen that with reference to the hospitalization and medical care and treatment of beneficiaries Mr. Taylor's statements are in some cases not true, in others greatly exaggerated and calculated to give an impression that the United States Veterans' Bureau has been neglecting its responsibilities. This is not the fact. The United States Veterans' Bureau has definite programs and plans for meeting its obligations for the care and rehabilitation of veterans of the World War, but has been limited in carrying this work out by the facts already stated in this letter. Its ability to cope with the situation in the future will largely depend on congressional action from time to time. In short, the problems connected with the care and rehabilitation of World War veterans has received and is receiving most earnest consideration by this bureau. Considering the handicaps which have been placed on the bureau in meeting its problems, it is believed it has utilized the machinery which has been available to the best advantage.

Very truly, yours,

C. R. FORBES,
Director United States Veterans' Bureau.

I think that sufficiently answers Mr. Taylor. Congress has always promptly responded to all that has been asked for our wounded or disabled veterans.

In the fifth place, we have provided for vocational rehabilitation for any soldier who by reason of injuries or disabilities received or contracted in the service has been rendered incapable of pursuing his regular vocation, regardless of the extent of his injury; if they are of such a nature as to prevent or even handicap him in the pursuit of his accustomed vocation, the Government furnishes him books, tools, and equipment free, sends him to an institution where his tuition and expenses are paid, and reeducates or rehabilitates him in some useful vocation until his course has been completed and he is pronounced rehabilitated; and during the period of his vocational training the Government pays him at the rate of from $80 to $150 per month, according to the number of his dependents. Vocational

rehabilitation was never provided by the Government for the soldiers of any other war.

Congress has up to this time appropriated $249,000,000 to carry on the work of vocational rehabilitation, and the Government is now giving vocational education to 90,000 veterans.

I now wish to make some comparison between the treatment given our soldiers of the World War and that given the soldiers by other countries with which we were associated in the war.

First, as to rates of pay during service. I insert here a statement giving a comparison of the rates of pay in the various armies. This was furnished me by the Acting Chief of the Finance Department of the Army.

It shows that the United States paid her enlisted men $30 a month, and in case of overseas service $33 per month; Canada, $33 per month; Great Britain, $11.40 per month; Germany, $3 per month; France, $1.50 per month; Austria-Hungary, $1.96 per month; Japan, $1.78 per month; Italy, $1.58 per month. Only two countries paid their soldiers more than the United States. These were Australia, $43.50 per month, and New Zealand, $36.60 per month. Comparative rates of pay for corporals, sergeants, and sergeants major will be found in the following table:

COMPARISON OF RATES OF PAY IN VARIOUS ARMIES.

Rates of pay per month, effective during the war, for privates and certain grades of noncommissioned officers in the infantry branch of service are shown. Food and clothing allowances are very largely the same for all armies.

[Source of information: Military Intelligence Division, General Staff.]

	Private.	Corporal.	Sergeant.	Regimental sergeant major.
Australia	$43.50	$72.90	$76.50	$94.80
New Zealand	36.60			
Canada	33.00	36.00	45.00	54.00
United States	30.00	36.00	38.00	51.00
Great Britain	11.40	15.30	19.20	24.60
Germany	3.00	9.00	15.00	18.30
France	1.50	2.52	6.00	13.20
Austria-Hungary	.96	1.50		
Japan	.78	2.32	3.90	9.90
Italy	.58	1.45	9.55	25.19

I also insert here a comparative table showing annual compensation and also annual separation allowances, which we called allotments and allowances, for men while in the service or who were disabled in or lost their lives through their service. This table was furnished me by the Veterans' Bureau:

Comparative table of annual pensions (compensation or insurance) and separation allowances (allotment and allowance) for men while in service or who were disabled in or lost their lives through service.

[From latest available data, August, 1921.]

Annual payment to—	Great Britain.			Canada.		France.			Italy.		United States.
	Pounds.	Shillings.	Value in United States dollars.	Canadian dollars.	Value in United States dollars.	Francs.	Centimes.	Value in United States dollars.	Lire.	Value in United States dollars.	Value in United States dollars.
Total permanent disability:[1]											
Man alone	104		$376.48	[2] $600.00	$540.00	4,000		$314.00	1,260.00	$55.44	$1,200.00
Man and wife	130		470.60	900.00	810.00	4,000		314.00	1,260.00	55.44	1,200.00
And 1 child	149	10	541.19	1,080.00	972.00	4,000		314.00	1,360.00	59.84	1,209.00
And 2 children	165	2	597.67	1,224.00	1,101.60	4,000		314.00	1,435.00	63.14	1,200.00
And 3 children	180	14	654.13	1,344.00	1,209.60	4,000		314.00	1,485.00	65.34	1,200.00
And 4 children	195	16	710.60	1,464.00	1,317.60	4,000		314.00	1,485.00	65.34	1,200.00
For each subsequent child[3]	15	12	56.47	120.00	108.00						
For necessary attendant		(4)	(4)	750.00	675.00		(4)	(4)	(4)	(4)	240.00
Death:											
Widow alone	52		188.24	[2] 480.00	432.00	700		54.95	630	27.72	300.00
And 1 child	78		282.36	660.00	594.00	1,000		78.50	730	32.12	420.00
And 2 children	96	4	348.24	804.00	723.60	1,300		102.05	805	35.42	510.00
And 3 children	111	16	404.72	924.00	831.60	1,600		125.60	855	37.62	570.00
And 4 children	127	8	461.19	1,044.00	939.60	1,900		149.15	855	37.62	630.00
For each subsequent child[3]	15	12	56.47	120.00	108.00	300		23.55			
Maximum life insurance (in addition)		(4)	(4)	[5] 367.90	331.11		(4)	(4)	[6] 500	22.00	[7] 690.00
Separation allowance:											
Wife alone	55	18	202.36			638	75	50.14	255.5	11.24	360.00
And 1 child	63	14	230.59			912	50	71.63	383.25	16.86	480.00
And 2 children	70	4	254.12			1,186	25	93.12	517	22.48	570.00
And 3 children	79	6	287.07	(8)	(8)	1,460		114.61	638.75	28.11	630.00
And 4 children	84	10	305.89	(8)	(8)	1,733	75	136.10	766.5	33.73	690.00
And 5 children	87	2	315.30	(8)		2,007	50	157.59	894.25	39.35	750.00
And 6 children	89	14	324.71			2,284	25	179.08	1,022	44.97	780.00
For each subsequent child[3]	2	12	9.41			273	75	21.49	127.75	5.62	

[1] 50 per cent disability based in all cases on amounts paid for total permanent disability.
[2] A bonus of from $36 Canada dollars to $120 is paid in addition during first year only.
[3] In almost all instances these amounts are only paid up to age 18.
[4] No provision.
[5] It is stated that the above payment ($367.90) on a $5,000 policy is the maximum obtainable. This is not substantiated. It is also payable for total permanent disability.
[6] One payment.
[7] This insurance is also payable in the event of total permanent disability.
[8] The same as Great Britain.

NOTE.—Exchange rates used: Pound, $3.62; shilling, $0.181; Canada dollar, $0.90; franc, $0.0785; lira, $0.044.

It shows that for permanent total disability the United States paid $1,200 per year; Italy, $55.44; France, $314; Canada, $540; and Great Britain, $376.48.

If the man who was permanently totally disabled had a wife and four children, the United States pays $1,200 per year; Italy, $65.34; France, $314; Great Britain, $710.60. Canada is the only country which pays more in cases of that kind, namely, $1,317.60.

Where the disability of the soldier is such that he requires the attention of a nurse, the Government of the United States pays $240 per year additional, Italy pays nothing, France nothing, Great Britain nothing; Canada pays $675 additional.

This table shows that in case of death, where the soldier leaves a widow alone, the Government of the United States pays the widow $300 a year; Italy, $27.22; France, $54.95; Great Britain, $188.24; Canada, $432, or $132 more than the United States. And where the deceased soldier left a wife and four children the United States pays $630 compensation per year; Italy pays $37.62; France, $149.15; Great Britain, $461.19; and Canada, $939.60, or $309.60 more per year than the United States.

Great Britain and France made no provision for life insurance in addition to compensation for her soldiers. The maximum life insurance provision for soldiers of the United States is $57.50 per month, or $690 a year. That for Italy is $22 a year; that for Canada $331.11 per year.

An analysis of this table and of others which I have seen shows that the United States exceeds all other nations in the compensation allowed to its soldiers in the World War for total permanent disability, with the exception only of the Dominion of Canada, and there only when the disabled soldier has a wife and four children, in which case he receives $1,317.60 as against $1,200 received by the American soldier, and where the soldier has a wife and three children, in which case he receives $1,209.60 as against $1,200 received by the American soldier.

The table also shows that the United States has dealt more liberally than all other nations in the payment of death benefits to the widows and children of her soldiers of the World War

with the single exception of the Dominion of Canada, where the payments run something larger than payments to our soldiers.

For the first time in our history we also made provision for compulsory allotments from the soldiers' pay in favor of his family, and for separation allowances by the Government for the benefit of the families of soldiers while they were absent in the service. We never did this for the soldiers of any of our former wars. Congress has appropriated the sum of $298,615,000 for this purpose.

The table which I am filing and making a part of my remarks shows a comparison of the separation allowances made by Great Britain, Canada, France, Italy, and the United States.

Where the soldier had a wife the compulsory allotment and the separation allowance by the Government together amounted per year to $360 for the American soldier. It amounted to $11.24 for the Italian soldier; $50.14 for the French soldier; $202.36 for the British soldier, and $202.36 for the Canadian soldier. If the soldier had a wife and six children the compulsory allotment and allowance by the United States was $780 per year; by Italy, $44.97; by France, $179.08 per year; by Great Britain, $324.71 per year; and by the Dominion of Canada, $324.71 per year.

So that the United States made far more liberal provisions for the maintenance and care and support of the families of our soldiers during their service in the Army than did any other Government engaged in the World War.

I have here a chart showing the war gratuities paid by the United States and foreign Governments. It was prepared by the Veterans' Bureau, and I wish to ask permission to insert it as part of my remarks. It gives a comparative statement of the war gratuities paid by Italy, France, Australia, Great Britain, Canada, and the United States to their soldiers who did not go overseas as well as to those who did go overseas:

War gratuities paid by United States and foreign countries.

[Information from Library of Congress, 1920.]

(Only cash war service gratuities are shown. Other benefits, such as loans for the purchase of farms, live stock, and the erection of buildings, are provided by certain of these countries.)

	Not overseas.					
	Italy.	France.	Australia.	Great Britain.	Canada.	United States.
Major general	$369.92 to $852.42	Special.		$2,430.00 to $7,290.00	$744.00 to $2,392.00	$60.00
Brigadier general		Special.		810.00 to 4,860.00	403.00 to 1,380.00	60.00
Colonel	305.58 to 691.58	Special.		724.34 to 3,645.00	232.50 to 874.00	60.00
Lieutenant colonel	241.25 to 611.17	Special.		679.99 to 2,673.00	193.75 to 759.00	60.00
Major	209.08 to 490.54	Special.		532.17 to 2,430.00	155.00 to 613.33	60.00
Captain	176.92 to 434.25	$74.31 to $187.21		399.13 to 1,944.00	116.25 to 467.66	60.00
Lieutenant	125.45 to 337.75	74.31 to 187.21		340.00 to 1,458.00	80.60 to 361.86	60.00
Second lieutenant	112.58 to 209.08	74.31 to 187.21		310.43 to 1,215.00	80.60 to 361.86	60.00
Warrant officer	44.39 to 73.34	74.31 to 187.21		72.90 to 131.22	71.30 to 318.93	60.00
Sergeant major	44.39 to 73.34	74.31 to 187.21		58.32 to 116.64	70.00 to 300.00	60.00
Quartermaster sergeant	44.39 to 73.34	74.31 to 187.21		58.32 to 116.64	70.00 to 300.00	60.00
Color sergeant	44.39 to 73.34	74.31 to 187.21		58.32 to 116.64	70.00 to 300.00	60.00
Sergeant	44.39 to 73.34	74.31 to 187.21		38.88 to 97.20	70.00 to 300.00	60.00
Corporal	44.39 to 73.34	74.31 to 187.21		29.16 to 87.48	70.00 to 300.00	60.00
Private	34.74 to 63.69	74.31 to 187.21		24.30 to 82.62	70.00 to 300.00	60.00
Length of service	1 year to 4 years 3 months.	1 year to 4 years 3 months.	1 year to 3 years	1 year to 5 years	Unmarried man for 1 year up to married man for 3 years.	On discharge.

	Overseas.					
	Italy.	France.	Australia.	Great Britain.	Canada.	United States.
Major general	$369.92 to $852.42	Special.	$250.61 to $751.82	$2,430.00 to $7,290.00	$2,928.00 to $4,758.00	$60.00
Brigadier general		Special.	174.96 to 524.88	810.00 to 4,860.00	1,586.00 to 2,745.00	60.00
Colonel	305.58 to 691.58	Special.	174.96 to 524.88	724.34 to 3,645.00	915.00 to 1,738.50	60.00
Lieutenant colonel	241.25 to 611.17	Special.	147.62 to 442.87	679.99 to 2,673.00	762.50 to 1,509.75	60.00
Major	209.08 to 490.54	Special.	120.29 to 360.86	532.17 to 2,430.00	610.00 to 1,220.00	60.00
Captain	176.92 to 434.25	$82.99 to $233.58	92.95 to 278.84	399.13 to 1,944.00	457.50 to 930.25	60.00
Lieutenant	125.45 to 337.75	82.99 to 233.58	74.72 to 224.17	340.00 to 1,458.00	317.20 to 719.80	60.00
Second lieutenant	112.58 to 209.08	82.99 to 233.58	74.72 to 224.17	310.43 to 1,215.00	317.20 to 719.80	60.00
Warrant officer	44.39 to 73.34	82.99 to 233.58	51.97 to 185.90	72.90 to 189.54	280.60 to 634.40	60.00
Sergeant major	44.39 to 73.34	82.99 to 233.58	54.08 to 164.03	58.32 to 174.96	280.00 to 600.00	60.00
Quartermaster sergeant	44.39 to 73.34	82.99 to 233.58	58.85 to 158.56	58.32 to 174.96	280.00 to 600.00	60.00
Color sergeant	44.39 to 73.34	82.99 to 233.58	54.68 to 164.03	58.32 to 174.96	280.00 to 600.00	60.00
Sergeant	44.39 to 73.34	82.99 to 233.58	49.21 to 147.62	38.88 to 155.52	280.00 to 600.00	60.00
Corporal	44.39 to 73.34	82.99 to 233.58	47.39 to 142.16	29.16 to 145.80	280.00 to 600.00	60.00
Private	34.74 to 63.69	82.99 to 233.58	32.81 to 98.42	24.30 to 140.94	280.00 to 600.00	60.00
Length of service	1 year to 4 years 3 months.	1 year to 4 years 3 months.	1 year to 3 years	1 year to 5 years	Unmarried man for 1 year up to married man for 3 years.	On discharge.

NOTE.—All gratuities are figured on a prewar normal basis; if average August, 1921, rate of exchange were used, the following deductions should be made to equitably compare with the United States: Italy (lira), 77 per cent deduction; France (franc), 60 per cent deduction; Great Britain (pound), 25 per cent deduction; Canada (dollar), 10 per cent deduction.

The only gratuity paid by the United States, of course, without regard to whether the service was overseas or not, and without regard to the rank of the soldier, was $60 in all cases, and this cost us the total sum of $256,239,900.

Italy paid a cash gratuity to her private soldiers of from $34.74 to $63.69, depending upon the length of service. France, $74.31 to $187.21; Great Britain, $24.30 to $82.62; Canada, $70 to $300, all in cases where there was no overseas duty.

Where the soldier served overseas the gratuity paid by the different nations to the private soldiers was as follows: Italy, $34.74 to $63.69; France, $82.99 to $233.58; Australia, $32.81 to $98.42; Great Britain, $24.30 to $140.90; Canada, $280 to $600; United States, $60.

The gratuities paid to officers of higher grades and ranks differ about in the same proportion, with the exception of the United States, which paid a flat gratuity of $60 for all ranks. Italy paid her major generals a gratuity of $369.92 to $852.42; Great Britain, $2,430 to $7,290; Canada, $744 to $2,392; and in case of overseas duty Italy has paid major generals a gratuity of $369.92 to $852.42; Australia, $250.61 to $751.82; Great Britain, $2,430 to $7,290; Canada, $2,928 to $4,758; United States, $60.

The record shows, then, and the people of the country ought to understand it, that our Government has dealt far more liberally with the soldiers of the World War and their dependent families than we have ever dealt with the soldiers of any of our former wars. We have been far more liberal with them in their rate of pay, in the benefits allowed to the families during the service of the soldiers, in the benefits provided for the widow and children in case of the death or total disability of the soldier, in the compensation allowed the soldiers in case of partial or total disability or disease contracted in line of duty, in the insurance provided, and in hospitalization and physical and vocational rehabilitation provided by the Government for those who were injured in the service. The record further shows that the United States has been more liberal than any other nation

engaged in the World War, with the exception of Australia and New Zealand, in the rate of pay for the soldiers during their service, and more liberal than any other nation in the allotment and allowances provided for their families during their service, in the benefits allowed to their widows in cases of death, or to the soldiers in case of permanent total disability, and in the compensation allowed to the family of the soldier in case of death or permanent total disability where there is a widow and children surviving, with the single exception of the Dominion of Canada to which I have referred.

We have appropriated altogether since 1918 for soldier benefit legislation the sum of $1,462,845,326.

But, Mr. Chairman, we must frankly admit we have been less liberal in the payment of adjusted compensation than have most of the allied nations. Great Britain, Canada, Australia, France, and Italy have not only been more liberal with their commissioned officers—Great Britain paying in the case of major generals from $2,430 to $7,290; Canada, $2,928 to $3,758; Australia, $250.61 to $751.82; Italy, $369.92 to $352.42; and the United States, $60—but they have all, with the possible exception of Italy, paid more to their privates, Canada paying as much as from $280 to $600.

I do not think we can afford to let the record remain so. We may well be proud of all else we have done for our soldiers. While the war burdens are heavy, are we not as able to pay as the nations associated with us, who bore the burdens of war for four bitter years?

There is a feeling, a persistent conviction, with the majority of our ex-service men, I believe, that the Government ought to adjust the compensation allowed them.

This feeling is due largely, I think, not so much to the small pay they who went to the front received as to large and greatly increased wages those received who remained at home, especially those for whose greatly increased pay and back pay the Government was directly or indirectly responsible. Whether or not the high wages and the bonuses paid here at home during the war was wise or necessary does not answer the question. The fact remains and will not be forgotten by those who made sacrifices with the colors until there has been some sort of an adjustment of their pay.

This problem confronts us here and now, and I think we ought to meet it as soon as possible. I think Congress ought to pass an adjusted compensation bill that will deal justly with the soldiers and fairly with those who must largely bear the burden. And I think it will cost the country immeasurably less to do it now than it will if it is delayed indefinitely. History repeats itself and we can not change facts by closing our eyes or stopping our ears to them.

There is not one of us, I am sure, who is not proud of the service and of the splendid record of those who served the country both at home and on the fields of France and Flanders. We want them to feel contented through life. We want them to be proud of their country as well as of their service. And above all we want them to feel that their country has dealt justly with them.

Just as certain as we do not do so, we will as surely be driven sooner or later to refuge in the old, abused, and inadequate pension system. If that door is ever opened, generations yet unborn will pay the price of our reluctance and our folly.

I do not want our Government to ever revert to the pension system for the soldiers of this war. I do not see how anyone who is at all familiar with the history of our pension legislation could do so. Congress can remove what might be the most urgent excuse or reason that could hereafter be urged for that, in my humble judgment, by dealing justly with our soldiers now, so they may always feel that the Government has at least fairly compensated them for their services.

We can not satisfy all of them, of course. There are some who always will look upon military duty as labor for rather than service to their country.

But we can satisfy most of them if we try. And we must remember that those who went into the service were the best we had. They will in peace love and honor and serve well their country, for which in war they were willing to fight so well.

One hundred and forty-four years ago Congress, on the advice of Gen. Washington, adjusted the compensation of all those who fought that we might be free by granting five years' full pay for all officers and one year's full pay—$80—to all enlisted men. It is true that adjustment was made to encourage or induce men to enlist and fight until the finish.

Now it will be paid, if at all, as an act of justice deferred through the stress of circumstances.

But then our Government was young and poor and weak. Now we are grown great and wealthy and strong. Should we do less now than we did then?

I confess I do not know the financing problem involved. But notwithstanding this and notwithstanding the splendid and liberal provisions we have made as compared with those for our former wars and those of other countries in this war, let us finish our good work here by adjusting as soon as possible the compensation for those who fought or were ready to fight the good fight for us. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I believe that the Committee on the Judiciary, of which I am a member, is as free from party influence, as free from partisanship, as any other committee of the House. I regret it as an unfortunate thing, however, that during any administration, whether it be Democratic or Republican, such an addition to the Federal judiciary as is here proposed ever in the judgment of the party in control may be deemed necessary.

Reference to this particular bill, investigation as to the necessity, the recommendation as to necessity, comes very largely from those connected with the judiciary. It is unfortunate that during the last Congress, of the last administration, when a number of these bills were presented to the Judiciary Committee for consideration, some few of them presented to the House for action, whatever may have been the reason which prevented, the fact is they were not permitted to be enacted into law. Whether or not the fact that, if enacted, a Democratic President would have made some of the appointments controlled that determination I am not prepared to say. But it is a fact that a bill was offered giving an additional judge for the State of Arizona. That bill was not permitted to pass, but of these judgeships one is for the State of Arizona. A bill was offered for the northern district of California in 1919. A judgeship for that district is included in this bill. The former bill, providing for the State of California, failed. The same is true of the State of Florida, for the northern district of Illinois, for the eastern district of Michigan, for the State of Minnesota, for the State of Montana, for the eastern district of Oklahoma, and for the middle district of Tennessee. Those bills, each offered in due form, with the conditions similar to the conditions which it is claimed necessitate increase now, were not acted upon by this Congress. At that time we had a Democratic President who, I assume, would have appointed some Democrat to this position. Congress was then in the control of the Republican Party, but the appointive power was Democratic. Now we have a Republican Congress, a Republican President, and one great bill is brought into the House upon an investigation conducted by the Attorney General, by members of the Federal judiciary, proposing an increase at one time by 22 members of the Federal judiciary of the Nation. Mr. Chairman, this action with reference to the Federal judiciary, at least in so far as appearances are concerned, is not in line with the will of the Nation that its Federal judiciary shall never become involved in consideration of party expediency.

The CHAIRMAN. The time of the gentleman from Texas has expired. The Clerk will read.

The Clerk read as follows:

For the district of Massachusetts, two; for the eastern district of New York, one; for the southern district of New York, two; for the eastern district of Pennsylvania, one; for the western district of Pennsylvania, one; for the eastern district of Virginia, one; for the northern district of Texas, one; for the southern district of Florida, one; for the eastern district of Michigan, one; for the northern district of Ohio, one; for the middle district of Tennessee, one; for the northern district of Illinois, one; for the eastern district of Illinois, one; for the district of Minnesota, one; for the eastern district of Missouri, one; for the western district of Missouri, one; for the eastern district of Oklahoma, one; for the district of Montana, one; for the northern district of California, one; for the southern district of California, one; and for the district of Arizona, one. Said judges shall be residents of the districts for which appointed and shall receive the same salary and allowances and shall possess, exercise, and perform the same jurisdiction, powers, and duties as is now provided by law.

Also the following committee amendment was read:

Page 2, line 4, after the semicolon, strike out the words: "For the eastern district of Virginia, one."

The CHAIRMAN. The question is on the first committee amendment.

Mr. GARRETT of Tennessee. Mr. Chairman, I have an amendment to the committee amendment.

Mr. VOLSTEAD. Mr. Chairman, I move that the committee do now rise.

Mr. GARRETT of Tennessee. Mr. Chairman, I would like to offer my amendment, so that there will be no question about it.

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee to offer his amendment. Does the gentleman from Minnesota withdraw his motion to rise?

Mr. VOLSTEAD. I do.

Mr. GARRETT of Tennessee. After the word "successor," line 23, page 2——

The CHAIRMAN. That amendment has not yet been submitted for consideration of the committee.

Mr. GARRETT of Tennessee. I thought he was reading that.

The CHAIRMAN. The amendment under consideration was the first amendment, on lines 4 and 5, page 2, to strike out the eastern district of Virginia.

Does the gentleman from Minnesota [Mr. VOLSTEAD] renew his motion to rise?

Mr. VOLSTEAD. I do.

The motion was agreed to; and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 9103, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2205. An act to add certain lands on the North Fork of the Shoshone National Forest;

H. R. 3116. An act validating homestead entry of Mike Campbell for certain public land in Alaska;

H. R. 5511. An act for the relief of John Cestnik, jr.;

H. R. 6961. An act granting certain lands to the State of Alabama for the use of the Searcy Hospital for the Colored Insane;

H. R. 6679. An act to amend section 108 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 6864. An act authorizing exchanges of lands within the Rainier National Forest, in the State of Washington;

H. R. 7161. An act to authorize certain desert-land claimants who entered the military or naval service of the United States during the war with Germany to make final proof of their entries; and

H. R. 7780. An act for the relief of G. Fred Roach and others.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. LINEBERGER, for two months (December 15, 1921, to February 15, 1922), on account of trip abroad to study conditions in France and Germany.

Mr. ARENTZ, indefinitely, on account of sickness.

Mr. DRANE, for an indefinite period, on account of serious illness in family.

ADJOURNMENT.

Mr. VOLSTEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.), the House adjourned until Saturday, December 10, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

407. A letter from the Public Printer, transmitting annual report of the operations of the Government Printing Office for the fiscal year ended June 30, 1921; to the Committee on Printing.

408. A letter from the chairman of the United States Shipping Board, transmitting fifth annual report of the United States Shipping Board for the fiscal year ending June 30, 1921; to the Committee on the Merchant Marine and Fisheries.

409. A letter from the chairman of Federal Power Commission, transmitting statement showing the number of employees of the commission who traveled on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1921; to the Committee on Interstate and Foreign Commerce.

410. A letter from the Acting Director of United States Botanic Garden, transmitting statement regarding increased compensation paid employees in the Botanic Garden for the four months ending October 31, 1921; to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KAHN, from the Committee on Military Affairs, to which was referred the resolution (H. Res. 226) calling on the Secretary of War for information in regard to soldiers under sentence for participation in the Houston riot, reported the same adversely, accompanied by a report (No. 503), which said resolution and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9311) granting a pension to Laura Dolson; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9193) granting a pension to Eliza Davis; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BRAND: A bill (H. R. 9400) to extend for one year the powers of the War Finance Corporation to make advances and renewals under the provisions of the act entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921; to the Committee on Banking and Currency.

By Mr. CABLE: A bill (H. R. 9401) to decrease the number of midshipmen at the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. KAHN: A bill (H. R. 9402) to amend section 90 of the national defense act, as amended, approved June 4, 1920, and for other purposes; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 9403) to amend section 5201 of the Revised Statutes, to authorize national banking associations to invest in the stock of safe-deposit companies, and for other purposes; to the Committee on Banking and Currency.

By Mr. MANN: A bill (H. R. 9404) providing for the establishment at the city of Chicago, in the State of Illinois, of a mint to be known as the Mint of the United States at Chicago; to the Committee on Coinage, Weights, and Measures.

By Mr. SNYDER: A bill (H. R. 9405) authorizing the collection of a reasonable fee from Indian lessors from moneys collected by the Indian Service as royalties and rentals arising from mining leases; to the Committee on Indian Affairs.

Also, a bill (H. R. 9406) to provide for the disposal of homestead allotments of deceased allottees within the Blackfeet Indian Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. HICKS: A bill (H. R. 9407) to create a bureau of civil aviation in the Department of Commerce, to encourage and regulate the operation of civil aircraft in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 9408) to authorize the payment of the cost of transportation from the appropriation from which the supplies are purchased; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 9409) to amend section 5209, Revised Statutes of the United States, relating to penalty for embezzlement by a Federal reserve officer, agent, or employee, so as to include national bank examiners or assistants; to the Committee on Banking and Currency.

By Mr. ROSSDALE: A bill (H. R. 9410) to provide compensation to veterans who served in the military and naval forces of the United States during the World War, and to provide revenue by taxes upon sales by importers, manufacturers, producers, wholesalers, and retailers; to the Committee on Ways and Means.

By Mr. KNUTSON: A bill (H. R. 9411) to provide for the payment of claims of Chippewa Indians of Minnesota for back annuities; to the Committee on Indian Affairs.

By Mr. ROSSDALE: A bill (H. R. 9412) to provide increased postal facilities by erection of a central distributing and general post-office building upon the acquired Federal site on East One hundred and forty-ninth Street, Borough of the Bronx, New York City; to the Committee on Public Buildings and Grounds.

By Mr. JONES of Pennsylvania: A bill (H. R. 9413) for the purchase of a site and the erection thereon of a public building at Philipsburg, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9414) to increase the cost of the public building at State College, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9415) for the purchase of a site and the erection thereon of a public building at Clearfield, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9416) for the purchase of a site and the erection thereon of a public building at Bellefonte, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9417) to increase the cost of the public building at Dubois, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. VAILE: Concurrent resolution (H. Con. Res. 35) requiring scientific study of values and relative values by the Bureau of Standards; to the Committee on Coinage, Weights, and Measures.

By Mr. KIESS: Concurrent resolution (H. Con. Res. 36) to print as a House document 1,500 copies of the journal of the Fifty-sixth National Encampment of the Grand Army of the Republic for the use of the House and the Senate; to the Committee on Printing.

By Mr. WOODS of Virginia: Resolution (H. Res. 243) to pay L. D. Arnold and Lenore Hughes, clerks to the late Hon. Henry D. Flood, one month's salary; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 9418) granting a pension to Anna McClelland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9419) granting an increase of pension to Homer E. Harlow; to the Committee on Pensions.

By Mr. BURDICK: A bill (H. R. 9420) granting a pension to Thomas Stanton; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 9421) granting an increase of pension to Noel M. Pursley; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 9422) granting an increase of pension to Daniel H. Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9423) granting a pension to Lester W. Stoddart; to the Committee on Pensions.

Also, a bill (H. R. 9424) granting a pension to John Ford; to the Committee on Pensions.

By Mr. DALLINGER: A bill (H. R. 9425) for the relief of Florence E. Bulley; to the Committee on Claims.

By Mr. DICKINSON: A bill (H. R. 9426) granting a pension to Phil Livingston; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 9427) for the relief of Jacob Myers; to the Committee on Military Affairs.

By Mr. FOSTER: A bill (H. R. 9428) granting a pension to Elizabeth Briggs; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 9429) for the relief of Thomas F. Rose; to the Committee on Naval Affairs.

By Mr. GERNERD: A bill (H. R. 9430) granting a pension to James Homan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9431) granting a pension to Kate E. Reimert; to the Committee on Invalid Pensions.

By Mr. GOODYKOONTZ: A bill (H. R. 9432) for the relief of the old National Bank of Martinsburg, of Martinsburg, W. Va.; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 9433) granting a pension to Miriam Lambert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9434) granting an increase of pension to Mary Lemon; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 9435) granting a pension to Fred A. Stout; to the Committee on Pensions.

By Mr. MORIN: A bill (H. R. 9436) granting a pension to Joseph E. Quinn; to the Committee on Pensions.

By Mr. PERKINS: A bill (H. R. 9437) granting a pension to Ellen Frances Hughes; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 9438) granting an increase of pension to Elizabeth C. Grady; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 9439) granting a pension to Nannie C. Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9440) granting a pension to John West McCeldry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9441) granting a pension to Isaac N. Daniels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9442) granting an increase of pension to Samuel G. Dinsmore; to the Committee on Pensions.

Also, a bill (H. R. 9443) granting an increase of pension to Alexander Clayton Donnelly; to the Committee on Pensions.

Also, a bill (H. R. 9444) granting a pension to George W. Gaby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9445) granting an increase of pension to Charles M. Fink; to the Committee on Pensions.

By Mr. RODENBERG: A bill (H. R. 9446) to incorporate the American Institute of Accountants; to the Committee on the District of Columbia.

By Mr. RYAN: A bill (H. R. 9447) for the relief of the family of Thomas Broome; to the Committee on Claims.

By Mr. SCOTT of Tennessee: A bill (H. R. 9448) granting an increase of pension to Nancy M. Travillion; to the Committee on Invalid Pensions.

By Mr. SHAW: A bill (H. R. 9449) granting a pension to Hattie Kindred; to the Committee on Invalid Pensions.

By Mr. SHELTON: A bill (H. R. 9450) granting a pension to Priscilla Burk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9451) granting an increase of pension to Nancy J. Barnett; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 9452) granting a pension to Winnie Louisa Martin; to the Committee on Invalid Pensions.

By Mr. STEPHENS: A bill (H. R. 9453) for the relief of the owners of the steamboat *Kanawha;* to the Committee on Claims.

By Mr. STOLL: A bill (H. R. 9454) to provide for an examination and survey of Alligator Creek and Four-Mile Creek in Georgetown County, S. C., with a view to connecting, by canal, the North Santee and South Santee Rivers; to the Committee on Railways and Canals.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9455) granting an increase of pension to William M. Loy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9456) granting a pension to Jesse Wright; to the Committee on Pensions.

Also, a bill (H. R. 9457) granting a pension to Nancy E. Blankenship; to the Committee on Pensions.

By Mr. WATSON: Joint resolution (H. J. Res. 230) authorizing the Secretary of the Treasury to reimburse the heirs of Christopher B. Heebner, out of any money in the Treasury not otherwise appropriated, in a sum sufficient to cover the exemption of soldiers from draft during the Civil War; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3237. By the SPEAKER (by request): Petition of Eleuterio Pujals, requesting Congress to grant independence to Porto Rico; to the Committee on Insular Affairs.

3238. By Mr. BYRNS of Tennessee: Evidence in support of House bill 9421, granting an increase of pension to Noel M. Pursley; to the Committee on Pensions.

3239. By Mr. COUGHLIN (by request): Petition of John Lambert and 450 others, of the eleventh congressional district of Pennsylvania, favoring recognition of the Irish republic by the United States; to the Committee on Foreign Affairs.

3240. By Mr. CURRY: Petition of 155 residents of the third congressional district of California, indorsing establishment of a department of education; to the Committee on Education.

3241. By Mr. EDMONDS: Petition of citizens of the fourth congressional district of Pennsylvania, urging recognition of the republic of Ireland by the United States; to the Committee on Foreign Affairs.

3242. By Mr. GERNERD: Evidence in support of House bill 9431, granting a pension to Mrs. Kate E. Reimert; to the Committee on Invalid Pensions.

3243. Also, evidence in support of House bill 9430, granting a pension to James Homan; to the Committee on Invalid Pensions.

3244. By Mr. GREENE of Massachusetts: Resolution of the South Somerset (Mass.) Methodist Episcopal Church, favoring constitutional amendment to prohibit sectarian appropriations; to the Committee on the Judiciary.

3245. Also, resolution of the Italian Methodist Episcopal Church, of Fall River, Mass., favoring a constitutional amendment to prohibit sectarian appropriations; to the Committee on the Judiciary.

3246. Also, resolution of the Episcopal League of the Italian Methodist Episcopal Church, of Fall River, Mass., favoring constitutional amendment to prohibit sectarian appropriations; to the Committee on the Judiciary.

3247. Also, resolution of the Bible class of the Italian Methodist Episcopal Church, of Fall River, Mass., favoring constitutional amendment to prohibit sectarian appropriations; to the Committee on the Judiciary.

3248. By Mr. HILL: Petition of Patrick Henry Council of the American Association for the Recognition of the Irish Republic; to the Committee on Foreign Affairs.

3249. Also, petition of the Michael Fitzgerald Council of the American Association for the Recognition of the Irish Republic; to the Committee on Foreign Affairs.

3250. Also, petition of the Joseph Murphy Council of the American Association for the Recognition of the Irish Republic; to the Committee on Foreign Affairs.

3251. By Mr. KAHN: Petition of about 100 citizens and residents of California, favoring House joint resolution 199, protesting against the affronts of Negro troops of France against the white women of the German occupied territory; to the Committee on Foreign Affairs.

3252. Also, resolution of San Francisco County Council of the American Legion, pledging support to the movement for a naval base at Alameda, Calif.; to the Committee on Naval Affairs.

3253. Also, resolution by Valencia Street Association, of San Francisco, Calif., pledging support to the movement for a naval base at Alameda, Calif.; to the Committee on Naval Affairs.

3254. By Mr. KISSEL: Petition of May Caporal, of Brooklyn, N. Y.: to the Committee on Ways and Means.

3255. By Mr. NEWTON of Minnesota: Petition of certain members of the City Council of Minneapolis, relating to the peace conference; to the Committee on Foreign Affairs.

3256. By Mr. NOLAN: Petition of Mr. A. A. Erz, of San Francisco, Calif., favoring the passage of House joint resolution 199; to the Committee on Foreign Affairs.

3257. By Mr. RAKER: Petition of the National Association of Securities Commissioners, of Lincoln, Nebr., indorsing House bill 7215 and opposing House bill 7868; to the Committee on Interstate and Foreign Commerce.

3258. Also, petition of the Universalist Church, of Boston, Mass., urging complete amnesty for all persons convicted and imprisoned for violation of the antisedition laws; to the Committee on the Judiciary.

3259. By Mr. SMITH of Idaho: Petition of 30 people of Canyon County, 24 residents at Nampa, and 18 residents at Nampa, all in the State of Idaho, favoring the recognition of the Irish republic; to the Committee on Foreign Affairs.

3260. By Mr. STEENERSON: Petition of residents of Pennington County, Minn., favoring disarmament; to the Committee on Foreign Affairs.

3261. By Mr. VARE: Petition of citizens of Philadelphia, Pa., against compulsory Sunday observance bill (H. R. 4388); to the Committee on the District of Columbia.

3262. Also, petition of citizens of Philadelphia, Pa., for the recognition of the Irish republic by the United States; to the Committee on Foreign Affairs.

3263. By Mr. WATSON: Petition signed by Anthony J. Horan, Mary F. Joyce, John J. O'Donnell, and 567 others, for the recognition of the existing duly elected government of the republic of Ireland by the Government of the United States; to the Committee on Foreign Affairs.

3264. Also, resolution passed by Division No. 5, Ancient Order of Hibernians, in favor of Senate resolution 173; to the Committee on Foreign Affairs.

3265. Also, resolution passed by Wolfe Tone Council, American Association for the Recognition of the Irish Republic; to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 10, 1921.*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we are Thy children of need and necessity; we would therefore lift our hearts unto Thee, from whence cometh our help. We need Thee, for the load is often heavy and the way is often dark. Come with great wisdom to direct us and with sweet peace to cheer us. Redeem us from all worry and anxious care. Ennoble us with the spirit that stoops to serve and delights to sacrifice. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

AUGUSTUS S. PEABODY.

Mr. BRIGGS. Mr. Speaker, I desire to call up from the Speaker's table the bill H. R. 3250 and concur in the Senate amendments.

The SPEAKER. The gentleman from Texas calls up the bill H. R. 3250 and moves to concur in the Senate amendments. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 3250) to authorize the Secretary of Commerce to convey to Augustus S. Peabody certain land in Galveston County, Tex.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The amendments were agreed to.

EXTENSION OF REMARKS.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the revenue bill.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ADDITIONAL DISTRICT JUDGES.

Mr. VOLSTEAD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9103.

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9103. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] will resume the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9103, with Mr. STAFFORD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the House bill 9103, for the appointment of additional judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. WALSH. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count. [After counting.] Forty Members are present, not a quorum. The Clerk will call the roll to ascertain the presence of a quorum.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Cramton	Hoch	Millspaugh
Andrew, Mass.	Crisp	Houghton	Montague
Andrews, Nebr.	Cullen	Humphreys	Montoya
Ansorge	Darrow	Hutchinson	Moore, Ohio
Anthony	Davis, Tenn.	Jacoway	Moores, Ind.
Appleby	Deal	James	Morin
Arentz	Denison	Jefferis, Nebr.	Mott
Bacharach	Dickinson	Johnson, Ky.	Mudd
Barbour	Dominick	Johnson, Miss.	Murphy
Beck	Doughton	Johnson, S. Dak.	Nelson, J. M.
Beedy	Drane	Kahn	Nolan
Begg	Drewry	Kendall	O'Brien
Benham	Dunbar	Kennedy	Oliver
Blakeney	Dunn	Kiess	Olpp
Bland, Ind.	Dupré	Kincheloe	Osborne
Blanton	Edmonds	Kindred	Overstreet
Bowers	Ellis	King	Padgett
Brand	Elston	Kinkaid	Parker, N. J.
Brennan	Fairchild	Kitchin	Parker, N. Y.
Brinson	Faust	Kline, N. Y.	Parks, Ark.
Britten	Favrot	Knight	Parrish
Brooks, Pa.	Fenn	Knutson	Patterson, N. J.
Browne, Wis.	Fields	Kopp	Perkins
Burdick	Fish	Kraus	Perlman
Burke	Focht	Kreider	Peters
Burton	Frear	Langley	Petersen
Campbell, Kans.	French	Larson, Minn.	Porter
Cantrill	Frothingham	Lazaro	Pringey
Chandler, N. Y.	Fuller	Leatherwood	Purnell
Chandler, Okla.	Funk	Lee, Ga.	Radcliffe
Chindblom	Gahn	Lee, N. Y.	Rainey, Ala.
Christopherson	Gallivan	Lineberger	Rainey, Ill.
Clague	Garrett, Tex.	Linthicum	Raker
Clark, Fla.	Goldsborough	Little	Ramseyer
Clarke, N. Y.	Gorman	London	Rankin
Classon	Gould	Longworth	Ransley
Cockran	Graham, Pa.	McClintic	Reavis
Codd	Greene, Mass.	McDuffie	Reed, N. Y.
Cole, Iowa	Griffin	McFadden	Riddick
Cole, Ohio	Hadley	McLaughlin, Pa.	Riordan
Collier	Hammer	McSwain	Rogers
Colton	Hardy, Colo.	Maloney	Rossdale
Connally, Tex.	Hawley	Mansfield	Ryan
Connell	Hays	Mead	Sabath
Cooper, Wis.	Herrick	Merritt	Sanders, Ind.
Coughlin	Hicks	Michaelson	Sanders, N. Y.
Crago	Himes	Michener	Schall

Sears	Stiness	Thompson	Watson
Shaw	Strong, Pa.	Tillman	White, Kans.
Siegel	Sullivan	Tilson	Williamson
Slemp	Summers, Wash.	Timberlake	Wilson
Smith, Mich.	Sweet	Towner	Wingo
Snell	Swing	Treadway	Winslow
Snyder	Tague	Vaile	Wright
Sproul	Taylor, Colo.	Vare	Wurzbach
Steagall	Taylor, Tenn.	Volk	Wyant
Steenerson	Temple	Ward, N. Y.	Zihlman
Stevenson	Ten Eyck	Ward, N. C.	

The committee rose; and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, finding itself without a quorum, he caused the roll to be called, whereupon 200 Members, a quorum of the committee, had answered to their names, and he handed in the names of the absentees for printing in the Journal and RECORD.

The SPEAKER. A quorum is present. The committee will resume its session.

Accordingly the committee resumed its session, with Mr. STAFFORD in the chair.

The CHAIRMAN. When the committee rose last evening there was under consideration and pending the first committee amendment, which, without objection, the Clerk will again report.

The Clerk read as follows:

Committee amendment: Page 2, line 4, strike out the words "for the eastern district of Virginia, one."

The CHAIRMAN. The question is on the adoption of the committee amendment.

The amendment was agreed to.

Mr. GOODYKOONTZ. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. There is another committee amendment to be acted upon.

Mr. GOODYKOONTZ. Then I will reserve my amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 2, line 19, after the word "law," insert:

"*Provided, however*, That after four years from the passage of this act the death, resignation, or removal of any district judge in any district for which additional appointments are herein authorized shall not create a vacancy to authorize the appointment of a successor, unless, within 60 days after such death, resignation, or removal, the Attorney General of the United States and the senior circuit judge of the judicial circuit embracing the court and district affected, shall certify in writing to the President that the condition and volume of business in the district courts within said judicial circuit are such that in their judgment the public interests requires the appointment of such successor."

Mr. SUMNERS of Texas. Mr. Chairman, I desire to offer a substitute for that amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SUMNERS of Texas: Page 2, line 23, after the word "successor," strike out the remainder of the section and insert in lieu thereof "unless such death, resignation, or removal shall reduce the number of judges in such district below the number authorized by law prior to the passage of this act."

Mr. SUMNERS of Texas. Mr. Chairman, the purpose of this amendment is to render these positions being created subject to the control of Congress—as far as Congress can retain control—until we shall have determined by actual experience whether these judgeships will be required as a permanent proposition. Gentlemen of the committee are familiar with the language which has usually been incorporated in the bills where judges have been assigned to districts where the presiding judge for any reason has become incapacitated and the Congress has not determined that an additional judge will be required permanently to discharge the judicial duties of the district. In such a circumstance as that it is provided that in the event of death, resignation, or removal of a judge in that district another judge shall not be appointed until congressional consent shall have been obtained. That is the purpose of this amendment.

As I stated yesterday, I believe no one can now say whether or not these judges, to the number now being provided for, will be required as a permanent proposition to take care of the business of the respective districts to which they may be assigned. In view of that situation, it seems to me well that in the event of the death or resignation of a judge in any one of these districts to which there will be assigned judges under this bill that the Congress shall again look the situation over and determine whether or not in its judgment the condition which then obtains in the district requires that another judge be appointed for that district. This is a precautionary measure, justified by the uncertainty which everyone must admit obtains, growing out of the present circumstances. Everyone recognizes that the volume of business in a number of these districts has been caused to a large degree by what is known as the slacker cases. Nobody seems to have a very clear idea as to how long the present volume of criminal prosecutions arising out of the prohibition legislation will continue. We are in a condition of uncertainty. Nobody will undertake, I dare say, to forecast what will be the condition of the dockets of the Federal courts within a few years. This amendment that I have offered will not apply within the next four years, but it is hoped that during the next four years we may be able to evolve a better method of taking care of a lot of the smaller criminal litigations which are now taking so much of the time of the Federal courts. For that reason, in view of the fact that Congress can act upon this matter at any future time, it seems to me that we ought to hold this matter clearly within congressional control.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LUCE. Mr. Chairman, I rise in opposition to the amendment. I ask unanimous consent to proceed out of order for 10 minutes, to comment upon the discussion of a constituent of mine on the floor yesterday by the gentleman from Kansas [Mr. TINCHER].

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for 10 minutes out of order. Is there objection?

There was no objection.

Mr. LUCE. Mr. Chairman, yesterday the gentleman from Kansas [Mr. TINCHER] discussed some remarks made by a constituent of mine, one of my predecessors in this House, a member of the Cabinet, the Hon. John W. Weeks.

Massachusetts is proud of her daughter State Kansas. She rejoices when Kansas sends here such virile and robust men as the gentleman who addressed you yesterday. [Laughter.] We are delighted to observe that Kansas takes pride in the title of the Sunflower State, and we are pleased when its Representative so accurately corresponds to the nature of its emblem. [Laughter.] The sunflower is an upstanding plant, glorious in its beauty and effulgent in its radiance; but I must not carry the parallel further, for we all recognize that at the end of the season it produces nothing of practical importance, its only fruit being a large circle of useless seeds. [Laughter.] Nor would I continue the parallel by recalling that when a Kansas zephyr blows the paint off the houses, the petals of that flower, waving in the air, seem to menace those within its view. [Laughter.] Rather would I, speaking more seriously, acknowledge the usefulness to this body and to this country of the services of the gentleman from Kansas, which increases all the more my sorrow that he should have seen fit to forget for a rare and exceptional moment the canons of good taste and good judgment in attacking on this floor a man who can not come here to reply.

The imputation that John W. Weeks, in his views on the attitude of Congress or its action, was moved one iota by its course in regard to appropriations for his own department should and will be resented, not alone by the citizens of Massachusetts but by all you who remember his services on this floor and in the Senate, who remember him as one of the ablest men we ever sent here—a man of calmness, a man of prudence, a man of wise judgment, who contributed greatly to the work of this Government during the years that he was here.

The gentleman from Kansas [Mr. TINCHER] yesterday expressed the desire that members of the Cabinet might learn by heart the message of the President delivered last Tuesday. Borrowing the suggestion, I have tried to commit to memory one sentence of the President, where he declared—

> There is vastly greater security, immensely more of the national viewpoint, much larger and prompter accomplishment where our divisions are along party lines, in the broader and loftier sense, than to divide geographically, or according to pursuits or personal following.

It was but two days after this that his Secretary of War saw fit to elaborate the same idea when addressing a gathering in New York. When the gentleman from Kansas intimates that therein there is some disloyalty to the Republican Party, he intimates there is disloyalty to a self-evident truth, acknowledged and recognized by all thinking citizens, irrespective of party. In the course of his remarks, to illustrate his view, my friend from Kansas saw fit to reprimand the Members from Massachusetts and the rest of New England for voting in favor of free hides, and he sent forth to the country a misstatement which I greatly regret should be spread upon the record, because he averred that in the matter in question New England Republicans, combining with the southern Democrats, overthrew the

will of the Republican majority. What are the figures? The facts are that upon this question 29 Republicans from New England voted as he says, and 108 Republicans from outside New England. Among the strong speeches in favor of free hides, perhaps the strongest was by the gentleman from Oregon [Mr. HAWLEY]. There might be placed next one from the lady from Oklahoma [Miss ROBERTSON], and, third, one from the gentleman from Ohio [Mr. BURTON], who after serving in the House served also in the Senate. Were these three, and were their associates from beyond the Alleghenies, in the combination of which he speaks? There is no New England bloc, there is no eastern bloc, and I trust there never may be, because I trust we may follow the advice of our President in eschewing these combinations so dangerous to liberty.

We approach the next campaign under sorry circumstances. [Applause on the Democratic side.] We are to be held responsible for acts in large measure perpetrated by the gentlemen who just now started faint applause on the Democratic side—faint in guilty consciousness of their own share in the result; and yet it is impossible for us to make the people understand where the votes came from.

I have in my hand a page from the current number of the Outlook, a temperate journal which discusses public affairs chiefly from the Republican point of view, but always with caution and due wisdom. The editorial hereon says in the second paragraph:

> A chorus of disapproval of the special session's work has gone up all over the country.

That is absolutely true. The editorial then names 10 bills for which this special session was responsible. For five of them I believe it capable of demonstration that the responsibility really rests with the sectional and class combination that has saddled the Republican Party with this burden. We approach the election unable to explain that this thing was done against the remonstrance of many Republican leaders, unable to explain that again and again we have lacked the votes with which to overcome the attitude of this group of sectional Representatives.

It chances that in the same home paper in which I find a full report of the speech of the Secretary I find another address, by a Massachusetts man speaking to a manufacturers' association, in which he says of one of the enactments of this group of sectionalists:

> This law is one of the achievements of the so-called agricultural bloc, before which our whole Government machinery now prostrates itself. This effort to substitute sectional government for party government will overreach itself, as every previous effort has.

Mr. Chairman, when the President of the United States, speaking in behalf of the time-honored system of party government, begs us to remember how much vaster the security, how much larger and prompter the accomplishment, where we proceed along time-honored lines, and when those associated with him in administration see fit to spread his views, is it due and proper and meet for a member of his party to rise here and not only assail the arguments but also impugn the motives of the men whom we believe will nevertheless lead us safely through the storm? [Applause on the Republican side.]

Mr. MONDELL rose.

The CHAIRMAN. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. Mr. Chairman, I came in when the gentleman from Massachusetts [Mr. LUCE] was talking, and I am not informed whether he had the floor by unanimous consent.

The CHAIRMAN. The gentleman from Massachusetts secured unanimous consent to speak for 10 minutes out of order.

Mr. MONDELL. Mr. Chairman, that being the case, I ask unanimous consent that I may be allowed to address the committee out of order for 10 minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to address the committee for 10 minutes, out of order. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, there is a rule, a very wise rule, under which it is not proper to criticize in this body the acts of the other legislative body of the Congress. A like rule is quite generally observed in the House touching the acts of the Executive and the executive departments, and particularly upon the side of the party of the administration. That this is also a wise rule is illustrated by what has occurred here to-day and yesterday in the matter of the remarks yesterday by the gentleman from Kansas [Mr. TINCHER], and what has been said to-day by the gentleman from Massachusetts [Mr. LUCE]. I do not know what the gentleman from Kansas said, I did not hear him, and I did not read his speech, but I understand his remarks referred to the fact that a member of the Cabinet of the President had seen fit in a public speech to rather severely criticize the Congress, and particularly, I might say wholly, this branch of it. I do not intend to reply to what the Secretary of War said, either now or at any other time. I shall merely express the hope that it may be remembered by the gentlemen who have administrative relations with the Congress that there is considerable question as to the propriety of their discussing in a critical way, a severely critical way, in a public address, the Congress or either branch of it.

Comparisons are always odious, and as far as possible we should avoid indulging in them. I have been here for nearly a quarter of a century. I have seen other managements and other organizations than that under which we are now attempting to carry out the will of the American people. I have never made a business of criticizing the organizations of the Congress at any time, but without a disposition to indulge in comparisons, I still insist that if the importance and volume of the work of the Congress and its notable accomplishments test its worth and the character of its organization, then this Congress up to this hour will bear with great credit comparison with any Congress that has sat here during the years of my service. [Applause on the Republican side.]

Perhaps I ought not be the one to say that, in view of the fact that I have had some considerable responsibility in connection with the organization, but I feel that under the circumstances it is rather essential that some one shall present the matter in just that way. And speaking of criticism, personally, as a Republican, I trust I shall never be tempted, in a public address, to criticize the Cabinet of the administration. What strikes me as being rather curious is that the Cabinet minister referred to confined his criticism to the House, whereas the fault, or the credit, as one may consider it, for the one thing which I think he really had most in mind to complain of, though he did not so state, that is the high surtax in that tax bill is chargeable or creditable, as the opinion may be, not to this but to another body. [Applause.] It seems strange to me that a member of the Cabinet, being disposed to criticize the Congress, and having in mind at the time, I think, one or two things recently transpired, saw fit to criticize not the body which took the initiative in the action he deplores but the body which, wisely or otherwise, merely followed the almost unanimous action of the other body. It seems to be popular to criticize Congress, but I have wondered why it was much more popular to criticize this branch of the Congress. Are some people a trifle shy of offending the gentlemen at the other end of the Capitol who have more jurisdiction than we have over some matters appertaining to and affecting the executive branch of the Government, and are we simply witnessing in these days further illustration of the time-honored pastime of whipping the willing horse to make the slacker go [applause], or of cracking the fellow whom one stands a little in awe or fear of over the back of some one else?

I can not agree with the gentleman from Massachusetts who has just taken his seat [Mr. LUCE] or with the gentleman from Massachusetts who holds the high office of Secretary of War, either as to the facts appertaining to or as to the character of certain legislation which they both disapproved.

The emergency tariff and its extension; the legislation effecting and strengthening the Federal land bank system; and the legislation extending the powers of the War Finance Corporation in the financing of farmers and stockmen were not the work or accomplishment of any agricultural or other bloc or combination, at least so far as this body is concerned, as there has been none such. It was legislation approved by the administration, of which the Secretary of War is a member, which received the support of Republicans in all parts of the country, including a considerable number from New England.

Contrary to the opinion of these gentlemen, this legislation was wise, sound, and has been very helpful. These acts will stand as among the conspicuously wise enactments of this Congress.

Now, I regret that this matter should have been discussed at all, either in New York or on the floor, though, knowing the gentleman from Kansas [Mr. TINCHER] fairly well, I am almost prepared to indorse, in advance of having read it, what he may have said. [Applause.]

Mr. Chairman, we expect criticism from the Democratic side. It is the business of the minority to spur us with criticism; it is their duty to do it. Times are trying. The tasks are not easy. The difficulties are many, and, do the best we may, we shall not make a perfect job of it, and we shall not for the time and as we work out our problems please everyone. Yet I repeat, if I may properly do that in view of my position of responsibility, that there has never been an organization in this House so responsive to the will of the majority as the present

organization; there has never been a Congress in which this House better performed its duty to the American people or more nearly met their reasonable expectations. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Texas [Mr. SUMNERS] to the committee amendment, which, without objection, the Clerk will again report.

Mr. GARRETT of Tennessee rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GARRETT of Tennessee. I move to strike out the last word.

The CHAIRMAN. That motion is not in order, because it is in the third degree.

Mr. GARRETT of Tennessee. I ask unanimous consent to proceed for half a minute.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for half a minute. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. I rise simply, Mr. Chairman, to make the statement that we on this side feel that the matter so far has been very fully discussed, and we do not care to add anything at this time. [Laughter.]

The CHAIRMAN. Without objection, the amendment of the gentleman from Texas [Mr. SUMNERS] to the committee amendment will be again reported. [After a pause.] The Chair hears no objection.

The amendment was again read, as follows:

Page 2, line 23, after the word "successor," strike out the remainder of the section and insert in lieu thereof "unless such death, resignation, or removal shall reduce the number of judges in such districts below the number authorized by law prior to the passage of this act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mr. VOLSTEAD. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The time has been exhausted so far as opposition is concerned.

Mr. MANN. The Chair is mistaken.

The CHAIRMAN. The Chair will stand corrected. The gentleman from Massachusetts [Mr. LUCE] stated that he desired recognition in opposition to the amendment, and then later asked unanimous consent to proceed out of order for 10 minutes. That negatived, of course, speaking in opposition to the amendment. The gentleman from Minnesota [Mr. VOLSTEAD] is recognized in opposition.

Mr. VOLSTEAD. Mr. Chairman, it seems to me the amendment as drawn will serve no useful purpose. The number should not be reduced below the number now authorized by law. That is not what we want. It is sought by the provision that is in the bill to give an opportunity to determine from time to time, as some of these judges die or retire in the districts where these additional judges are to be appointed, whether there is a necessity for another appointment. Now, we are trying to confer that upon the Attorney General and the senior circuit judge of the circuit where the district is located. If they shall certify to the fact that there is a necessity to fill such vacancy, an appointment would be made, but in the event that there is no such necessity the vacancy ought not to be filled. It seems to me that it is proper to leave with these two officers, who are closely in touch with the business in the district, the duty to certify to that fact. There is only one chance of a reduction in the number of judges, namely, in the event that business should fall off. It is hoped by some people that business may fall off, and if it does the Attorney General will know, and so will the senior circuit judge of the particular district affected.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. SUMNERS of Texas. The difference between the amendment offered by myself and the provision in the bill is that under the amendment offered by myself the Congress shall pass upon the question of need, and under the provisions of this bill it shall be passed upon by the Attorney General and the senior circuit judge. That is the difference, is it not?

Mr. VOLSTEAD. That is the difference. You realize how difficult it is at times to secure the passage of a bill creating an additional judge. It will wipe out this aditional force that we deem now to be necessary, and until Congress could act again as to any particular district there would be no judge to take care of the business.

Mr. SUMNERS of Texas. Does the gentleman think it would be wise legislation to provide in a general bill that the Attorney General and the senior judges of these various districts may provide whatever need there may be in those districts for judges from time to time?

Mr. VOLSTEAD. I think those officers would have an opportunity to know, and as such could very properly make that certificate, upon which the vacancy would be filled.

Mr. SUMNERS of Texas. Why not pass a general law letting the Attorney General and the senior judges in these different districts keep these various courts provided with judges throughout the United States?

Mr. VOLSTEAD. I would not do that; Congress should provide a limit on the number. Those officers might provide a good many more than we might consider necessary.

Mr. MANN rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. MANN. To address the committee.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to address the committee for five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I do not know that it makes any difference to me whether this amendment goes in or not. The committee amendment is an apology for the bill. Here is a bill that proposes to appoint 22 new judges, and I think perhaps the reasons given by the committee are sufficient for the appointment; but if so, it is ridiculous to say that perhaps they are not needed. No sane man expects that the business of the United States courts will decrease in the next four years. That is childish to say that a new judge is required, but perhaps he will not be at the end of four years. Why, the business of the country and of the courts is increasing and will not be lessened.

It seems to me doubtful—and that is what I rose to say—doubtful that the existence or appointment of a judge should depend upon a certificate in writing of some one that he is needed. I do not think that it is the province of the Attorney General of the United States to certify that there shall be a judge in this district or that there shall not be a judge in that district. [Applause.]

Congress provides for the existence of the judges. This provision says that at the end of 4 years—and there is no reason given for saying 4 years rather than 1 year or 10 years—if there is a vacancy, no judge shall be appointed unless the Attorney General shall say he is needed. Who is the Attorney General? Is he the legislative body? Is he the man to create judgeships? That is our duty, our responsibility.

I do not quite understand the amendment offered by the gentleman from Texas [Mr. SUMNERS], as I was unable to hear his explanation. I do not know whether that amendment ought to go in to change the committee amendment, but I think the whole committee amendment ought to be rejected. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Texas [Mr. SUMNERS] to the committee amendment.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. SUMNERS of Texas. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Texas demands a division.

The committee divided; and there were—ayes 26, noes 51.

So the amendment was rejected.

Mr. BANKHEAD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

Mr. GOODYKOONTZ. Mr. Chairman, I sent up an amendment a while ago.

The CHAIRMAN. The gentleman from West Virginia has not been authorized yet to offer an amendment. The Chair was in error in not recognizing the gentleman before the second committee amendment was submitted. If the gentleman's amendment relates to the committee amendment now under consideration, the Chair will recognize the gentleman from West Virginia.

Mr. GOODYKOONTZ. Mr. Chairman, I think it does not relate to it.

The CHAIRMAN. The gentleman from Alabama [Mr. BANKHEAD] is recognized to offer an amendment. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD to the committee amendment: On page 2, line 23, after the word "successor," strike out the remainder of the proviso.

Mr. BANKHEAD. Mr. Chairman, I very thoroughly concur with the statement made by the gentleman from Illinois [Mr. MANN]. It seems to me that we are going very far, in dealing with so grave a matter as the Federal judiciary, to adopt the innovation of allowing the Attorney General, a mere temporary officer, acting in conjunction with the senior judge of the district, to have practically the plenary power, by their ipse dixit, to say whether or not a district judge, or in some instances possibly two district judges, may be reappointed for additional terms.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. BANKHEAD. I would be very glad to.

Mr. MANN. Does the gentleman understand that if his amendment were adopted and both the district judges, where one is now added, should die, there would be no district judge appointed in that district?

Mr. BANKHEAD. Upon what ground does the gentleman base that contention?

Mr. MANN. This provision is not one that relates to new judges merely; it relates to all of the judges of a district where one is added. Then the provision is that if a vacancy occurs in that district after four years the vacancy shall continue, shall not be filled, "unless"—and the gentleman strikes out the "unless," and that leaves it so that it shall not be filled.

Mr. BANKHEAD. After four years. It does not affect the situation until after the lapse of four years. It applies in the case of a vacancy existing four years after the passage of the bill.

Mr. MANN. That is true.

Mr. BANKHEAD. My contention is that in the event of death, resignation, or removal in one of these districts affected by this bill after four years, they must come back to Congress. It is practically the position assumed by the gentleman from Texas that if such a contingency arose after this matter had had the benefit of an experience of four years, probably it would be wiser for the Congress of the United States to determine whether or not there should be another appointment than to leave it to the Attorney General and the senior judge.

Mr. MANN. Of course, Congress could afterwards provide that there shall be one. It does not seem to me that should be in the law.

Mr. BANKHEAD. Technically that situation might arise where there is more than one judge in a particular district.

Mr. MANN. There will be where they add one by this bill.

Mr. BANKHEAD. I will say to the gentleman that in offering this amendment I had not considered that possible contingency. It might occur, and yet I think it is a remote contingency that will not occur, that there would be more than one death in a particular district.

Mr. MANN. Oh, they will all die in time. When one dies the law provides that no one shall be added in any district covered by this bill. That would be 22 districts. There would be no one appointed after the judge who is there now should die. Of course, Congress could correct it in the future, but is it wise to put such a provision in the law as an expression of the will of Congress?

Mr. BANKHEAD. I am very much obliged to the gentleman from Illinois for calling my attention to that situation, and in view of my recognition of the validity of his objection I ask unanimous consent to withdraw my amendment. I hope the gentleman will be moved to lead us in opposing the entire committee amendment.

Mr. MANN. Let us defeat the committee amendment.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the adoption of the committee amendment.

The question being taken, on a division (demanded by Mr. VOLSTEAD) there were—ayes 8, noes 36.

Accordingly the committee amendment was rejected.

Mr. HILL. Mr. Chairman, I rise to offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HILL: Page 2, line 14, after the word "one" insert "for the district of Maryland, one."

Mr. HILL. Mr. Chairman and gentlemen of the committee, on page 220 of the RECORD you will find a tabulation, which I offered yesterday in the discussion of my proposed amendment, showing the judicial business in the Maryland district and in the fourth judicial circuit, of which Maryland is a part.

In the fourth judicial circuit there were pending on June 30, 1921, 7,215 untried cases. The fourth judicial circuit gets no additional judge under the pending bill (H. R. 9103). On November 22 I introduced H. R. 9255, providing for an additional judge for that circuit, assigned to the district of Maryland. This proposed amendment covers that point.

It is to be noted that on the same page of the RECORD on which I discussed this amendment yesterday it is stated that there were pending in Maryland only seven prohibition criminal cases. The cases for which there is need of an additional judge in Maryland are not prohibition cases. Maryland is a law-abiding State. [Applause.] We have admiralty cases and civil cases which require an additional judge, and I rise to urge upon this Committee of the Whole the claims of the fourth judicial circuit, the circuit of Chief Justice Marshall and other great leaders of the bar and bench, which circuit is not represented in this bill. I urge that you pay as much attention to admiralty cases as you do to prohibition cases.

On page 2 of the report of the Judiciary Committee I find this statement concerning the pending bill:

Criminal business in United States district courts has increased over 800 per cent since 1912. A large proportion of the increase during the past two years in criminal business is due, in the judgment of officials of the Department of Justice, to the enforcement of the national prohibition act.

Of the total criminal business pending on July 1, 1921, 10,365 were for violations of the national prohibition act.

I point with pride to the fact that only seven of those pending prohibition cases were in the district of Maryland.

But I desire to call the attention of this House, following the remarks of the gentleman from Texas [Mr. SUMNERS], to the fact that most of the increases—22 judges and $211,000 a year—called for in this bill are necessitated by the national prohibition act.

As long as that is the law it should be enforced; but I also call the attention of the House to the bill I introduced on Monday, H. R. 9286, the Federal local option bill, which will decrease such trials if passed.

Mr. DYER. Will the gentleman yield?

Mr. HILL. Please excuse me. I have only five minutes. I ask the Clerk to read in my time two short editorials, one from the Baltimore Sun and the other from the New York World, on that bill.

Mr. WALSH. Mr. Chairman, I do not think it has any bearing on this bill to read editorials on prohibition.

Mr. DYER. They relate to the gentleman's speech.

Mr. WALSH. In that case I will not object.

The CHAIRMAN. Is there objection to reading the editorials referred to?

There was no objection.

The Clerk read as follows:

A DEMOCRATIC PROPOSITION.

[Baltimore Sun.]

Representative JOHN PHILIP HILL has put up to Congress a proposition on 100 per cent democracy and local self-government in his bill authorizing a vote by congressional districts on the legalizing of the manufacture and sale of light wines and beer. The Volsteaders will rage and the Anti-Saloon League scoff at the proposal, but inherently and logically it is an absolutely fair one. The Supreme Court has decided that Congress has a right to define what percentage of alcohol is intoxicating. The Volstead Act declared that more than one-half of 1 per cent is intoxicating, and though that was almost equivalent to saying that black is white, the Supreme Court upheld the power of Congress to ignore facts. Mr. HILL now proposes that Congress should raise the alcoholic limit to 4 per cent in the case of beer and 12 per cent in the case of wines, and to permit the voters of each congressional district to decide next fall for themselves in "local-option" fashion on the subject.

The prohibitionists are not likely to allow such a bill to go through, if they can prevent it. But, nevertheless, Mr. HILL raises an issue that will be reflected in the elections and which will put many Congressmen in an uncomfortable position. If they refuse to allow the people to vote on the question, it may be difficult for them to explain how they reconcile such an attitude with their professions of devotion to popular government. And if the prohibitionists are as sure of their hold on the country as they say they are, why should they be afraid to accept a challenge to a fight before the people?

A FAIR TEST.

[New York World.]

Representative HILL, Republican, of Maryland, has introduced a bill to liberalize the Volstead interpretation of the eighteenth amendment.

This bill would provide for local option by congressional districts on the subject of permitting the manufacture and sale of light wines and beer for consumption in homes, hotels, and clubs.

It would perhaps be overoptimistic to imagine that this bill will pass in the present session. The influence of the Anti-Saloon League is powerful in both House and Senate. And the A. S. L. will crack the whip.

If the bill can be brought to a vote, it will help. The roll call will identify the men opposed to such a law. In the next election the line can be drawn. Those who favor a reasonable and truthful interpretation of the eighteenth amendment could pick their candidates and fight the Anti-Saloon League with its own nonpartisan weapon.

A vote for the Hill bill would not be a vote for the saloon. It would be a vote against the bootlegger. This bill, or a similar measure, would form the basis for a fair test of public sentiment on the policy of prohibition as it exists to-day.

Mr. HILL. Maryland having only seven prohibition cases pending, and the fourth judicial circuit having 7,215 untried cases of various kinds, I ask for an additional judge for Maryland. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I did not intend to make a speech on prohibition; but my friend, the gentleman from Maryland [Mr. HILL], makes use of every opportunity to make a speech on that subject, and I presume I ought to give it passing notice. I think prohibition is the settled national policy to-day. Everybody knows that the bill which the gentleman has introduced is in flagrant violation of the Constitution, and that a Member of Congress who has taken an oath to support the Constitution would have to disregard that oath to vote for the gentleman's bill. Everybody knows that 4 per cent beer and that 10 or 12 per cent wine are intoxicating. The idea of asking us to vote for a thing of that kind is ridiculous. The Supreme Court has never held that beer containing one-half of 1 per cent of alcohol is intoxicating, nor that Congress could say that a liquor that is intoxicating is not intoxicating, but the Supreme Court has held that if Congress deems it necessary for the purpose of enforcing prohibition to prohibit liquor that is not intoxicating, it may do so.

Now I will say just one word with reference to this request for a judge. Maryland has about the smallest number of cases on its calendar of any district in the country. It does not have business enough to occupy the time of the present judge. I presume this amendment was simply offered for the purpose of gaining an opportunity to make an antiprohibition speech.

Mr. STEVENSON. Mr. Chairman, I move to strike out the last word. I want to have something to say about the efficiency of this Maryland district. I am not surprised that there are only seven cases on the docket over there. Two or three years ago, when they were still selling "fire water" in Baltimore, three gentlemen from South Carolina—and they were gentlemen, too—went over there just before Christmas, and each one of them was taking a little home with him in his trunk. They were together. They went down and had some for themselves and their friends, but they had not enough to violate the 5-gallon law. They checked their trunks. They were forbidden then under the interstate commerce law to put liquor into interstate commerce. As soon as their trunks were checked the prohibition inspectors took charge of the trunks. They went and asked them if those were their trunks, and each one of them admitted it. Then they took these gentlemen up town. That was in the morning about 9 o'clock, and by 4 o'clock that afternoon I had an appeal from them to come over there, and I went over there. They had already tried them. They had had a grand jury pass upon the matter and find a true bill. They had tried and convicted them and sentenced them to four months in jail, and it was an awful looking jail, too. They had to serve the sentence. That is an example of the efficiency which people outside of Maryland used to meet over there, and I am not surprised, when you can railroad three gentlemen to jail in less than 10 hours by the methods that are pursued over there and make them serve the sentence simply because they are carrying a little Christmas liquor with them, that they have not any more cases on the docket than they have. [Laughter.] They do not need any more judges over there. That man can attend to all the business there is.

Mr. UPSHAW. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. UPSHAW. Remembering that one of the editorials which was read from the Clerk's desk at the request of the gentleman from Maryland [Mr. HILL] bore the caption that it was a Democratic proposition which had been proposed, I ask the gentleman from South Carolina how on earth a wet Republican can bring up a Democratic proposition before the American people?

Mr. STEVENSON. Oh, that is a contest between the gentleman from Georgia [Mr. UPSHAW] and the gentleman from Maryland [Mr. HILL], the celebrated rider of the white charger.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The question is on the amendment offered by the gentleman from Maryland.

The question was taken, and the amendment was rejected.

Mr. GOODYKOONTZ. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 4, after the semicolon, insert "for the southern district of West Virginia, one."

Mr. GOODYKOONTZ. Mr. Chairman, West Virginia has two Federal judicial districts and one judge for each. We formerly had in that State a Federal circuit judge, in the person of Judge Goff, but after that distinguished judge was elected to the Senate West Virginia was unsuccessful in securing the appointment of a judge or lawyer in that State as his successor. The result was that the judgeship went to Judge Woods, of South Carolina, notwithstanding the fact that folks back in West Virginia—during President Wilson's administration—made an effort to get Mr. John W. Davis put upon the bench. We, therefore, lost our circuit judge. After the recent death of Judge Pritchard, one of the judges of the circuit, whose residence was in North Carolina, we renewed our effort to get a circuit judge for West Virginia. We were again unsuccessful. The appointment went to Judge Waddell, of Richmond, in the eastern district of Virginia. It was conceded by all that the region constituting Virginia and West Virginia required the service of an additional judge, and for a good while, as I understood it, it was generally considered that this judgeship should go to West Virginia, but the Attorney General took the view that the Norfolk district seemed to be more congested, according to the number of cases on the calendar, and under his advice the allotment of the judge for this region was assigned under the bill as introduced in the House to the eastern district of Virginia. After that was done I brought to the attention of the committee—and I presume I am violating none of the proprieties in mentioning it—the fact that Judge Waddell, a circuit judge, resided in Richmond and that Virginia already had three judges, that the eastern district had two of them, and that consequently if an additional judge were assigned to Virginia that would give that State four judges, whereas my State would have only two. I have only the kindliest feeling for Virginia. It was not at my suggestion that the provision for an extra judge there was eliminated from the bill, but the plan was that the country should have 22 additional judges, and the report made by the gentleman from Massachusetts [Mr. WALSH], of the standing committee, speaking of the proposition, says:

The first is the appointment of 22 additional district judges.

The bill carries provision for only 21 judges. The standing committee arrived at the decision to submit this question to the House, whether the additional judge should go to West Virginia or to Virginia. Yesterday the gentleman from Massachusetts [Mr. WALSH] read before the committee a letter written by the judge of the eastern district of Virginia to the gentleman from Virginia [Mr. MOORE], in which he said that he was able to cope with the situation down there and that no additional judge was required, so that as I understand the situation the Virginia delegation in Congress is not insisting upon having a provision in this measure for an additional judge in the eastern district.

In my State, as I had occasion to mention yesterday, there is a great and rapid development going on. Land titles are being litigated, coal lands are being put under development. New industries are coming in from all over the country in order to locate near the base of supply of coal and other fuel. High freight rates on coal is forcing manufacturers to establish their plants in close contiguity to an inexhaustible supply of fuel, good labor, healthful surroundings, raw material, and fine churches and schools. This rapid development has increased the business of the courts—civil as well as criminal business. The court calendars are crowded with cases. Our judges are unable to cope with the situation. We feel that we are entitled to this additional service at the hands of Congress. The administration of public justice requires it to be done. I therefore hope that you will find it consistent to vote for the amendment I have proposed.

Mr. VOLSTEAD. Mr. Chairman, I would be very glad to accommodate my friend, but I do not believe we would be justified in allowing an additional judge in West Virginia. There are two reasons to which I want to call attention. The number of cases on the docket is not very large, and it must be remembered that until within very recent times they were without any judge in West Virginia quite a long time. The former judge became disabled and finally died, and they were unable to secure the appointment or service of a judge for a good many months. That is the reason why there is anything like a congestion, and still there are a number of districts in which there are a larger number of cases pending, where we do not provide for a judge in this bill. The population is comparatively small, only a million and a half, and they already have two judges.

I wish to call attention to another thing. We purpose to offer as an amendment to this bill a provision, which has been approved by the Judiciary Committee, authorizing the judges of the Court of Customs Appeals to function in the district courts as judges of those courts. Those judges have had but very little to do for a number of years. There are five of them living here in this city drawing a salary, I believe, of $8,000 per year. They are capable men, just as capable as any of the ordinary district-court judges. The reputation they bear is very good. They can easily do work in West Virginia to help clean up the court dockets there and in some of the adjoining States.

It is our purpose to make those judges function the same as the other judges that we have on the pay roll. With those judges located here, there would be no difficulty whatever in supplying an additional judge, if necessary, down in West Virginia. It is true that as soon as the new tariff bill passes, for some months, perhaps for a year or two, they may have considerable work in the Court of Customs Appeals, but as soon as the construction of the new tariff law is fixed they will have considerable leisure. At least that has been our experience. During the last few years those judges have been without much of any work, and during the last Congress one of these came to me and asked me to introduce a bill to give them an opportunity to be assigned to district and circuit work. We passed that bill in the House, but for some reason or other it failed in the Senate.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. HUSTED. Does the gentleman feel sure that the judges who sit on the bench of customs appeal are as well qualified to act as the district judges?

Mr. VOLSTEAD. There is no question in my mind about that.

Mr. HUSTED. They handle but two classes of cases, reappraisement, and classification cases under the tariff law.

Mr. VOLSTEAD. I know, but they are high-class lawyers; they were men who could have been put on the district bench or circuit bench when appointed.

Mr. HUSTED. But they have not been practicing for years. They have been serving on this customs court of appeals.

Mr. GOODYKOONTZ. Will the gentleman yield for a question?

Mr. VOLSTEAD. Yes.

Mr. GOODYKOONTZ. What would these customs appeal judges know about land titles in West Virginia. Who would want to trust them to go out there and try an important case affecting property rights?

Mr. VOLSTEAD. They are as good lawyers as the average district judge trying such questions. There is no doubt of their qualification. The Chief Justice, and I do not think it is improper for me to say to you that he called my attention to the fact that these men were high-grade men and ought to be put to work, and that they were capable of serving in the district courts or in the supreme court or court of appeals in this district. And we hope this House will accept that amendment and allow those men to do this work, and if they are given the work there is absolutely no excuse, even with the congestion that exists to-day, for providing an additional judge for West Virginia.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment of the gentleman from West Virginia [Mr. GOODYKOONTZ].

The question was taken, and the amendment was rejected.

Mr. ROACH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ROACH: Page 1, line 4, after the word "appoint," insert: "for a term of four years from the date of such appointment."

Mr. WALSH. Mr. Chairman, I make a point of order against that.

Mr. ROACH. Will the gentleman reserve it?

Mr. WALSH. I will reserve it if the gentleman desires.

Mr. ROACH. Mr. Chairman and gentlemen of the committee, I offer this amendment because I did not have an opportunity to speak on the bill under general debate, and in order that I might express my views on life-tenure appointments. I am opposed to life tenure in any office, and believe that the people of this country are.

Mr. VOLSTEAD. Will the gentleman yield for a question?

Mr. ROACH. Yes.

Mr. VOLSTEAD. How does he think they can do it under the Constitution, that says they must be appointed for life. The Constitution says that all judges, both inferior and those of the Supreme Court, must be appointed for life.

Mr. ROACH. I take it that if there is an emergency existing, such as is claimed by the advocates of this bill, that temporary appointments could be made to take care of that emergency, and that at the conclusion of the emergency their terms should be made to expire. I assume that to be a fact, for the reason that in the report submitted by the committee of learned judges appointed under the direction of the Attorney General, they seem to have contemplated in their report that whatever action was taken by Congress with respect to creating the 18 judgeships which they recommended in their report, it would be only a temporary arrangement upon the part of Congress in order to meet the congested condition of the dockets of the courts of this country at this time. And if they were correct in their conclusions about it, then I do not see why such an amendment could not be made to the present bill and the other sections and provisions of the bill amended accordingly. That is as much as I care to say upon that particular phase of the amendment at this time.

I assume you have gathered from my remarks that I am not in favor of this bill. It may seem remarkable, coming from Missouri as I do, where there are to be two additional judges appointed, that I would not favor this bill. But I do not favor it because I do not believe that there is any insistent demand or necessity for it. If it could be shown to me, or I was convinced, that there was any State, or any particular district in any State, that really required an additional judge at this time, I would be among the first to vote for it, but to bring in a blanket bill, as has been brought in here, to create 22 additional judges and 22 additional other officers, and, perhaps, altogether 66 additional offices, at an annual expenditure of close to a quarter of a million of dollars at a time when the country needs to husband every one of its dollars, I am not in favor of that sort of a program. [Applause.]

Mr. DYER. The gentleman says he would be in favor of the legislation if he thought it was needed. I call his attention to the fact that in both districts the report of the Attorney General shows that there were 800 cases pending—in both the eastern and western districts.

Mr. ROACH. If the gentleman will take the time to examine those cases he will find that there are 792 of them that are bankrupt cases. And I will venture the assertion that out of 792 there is only one or two out of each 100 cases that could not be disposed of by a judge of ability in a few minutes, because all he would have to do would be to sign an order.

Mr. DYER. The gentleman has not read the hearings or the report of the Attorney General.

Mr. ROACH. Oh, yes; I have.

Mr. DYER. Then the gentleman makes a misstatement when he says that they are nearly all bankruptcy cases, because the reports show to the contrary.

Mr. ROACH. I did not make that statement. I said that there were 792 bankrupt cases, according to the committee who gave the table set forth in the report of the committee.

Mr. DYER. In both districts?

Mr. ROACH. In both districts. Not only that, but the committee further reports that the necessity for this legislation grows out of the fact that a number of cases have arisen on account of the fact of national prohibition. That does not appeal to me, for in the eastern district of Missouri, as shown by the table in the committee report, there are only 12 of such cases and in the western district 15, and Judge Slate, who sits at Jefferson City, could dispose of all those cases in an evening after supper, and you know it, and yet you want to bring in a bill that will cost the taxpayers of this country a quarter of a million dollars annually. [Applause.]

Mr. WALSH. Mr. Chairman, I reserve a point of order. The gentleman from Missouri evidently has given but slight consideration to the provisions of the bill or the hearings which have been had upon it, or the report of the Attorney General. Because if he will refer to the report, he will see that there were 284 cases under the national prohibition law terminated during 1920 and 442 commenced, and that there are 487 cases pending, including 246 cases to which the United States Government is not a party. That is in the eastern district of Missouri. The committee held hearings upon individual bills covering both these districts, and the gentlemen representing the places where court is held in either of those districts, of course, are more familiar with the facts than I am, and can answer the contention of the gentleman that there is no need for any judicial assistance in the State of Missouri.

But, Mr. Chairman, the gentleman offers an amendment which provides that these judges shall be appointed for four years. I make the point of order that in a bill providing for the appointment of United States district court judges it is not germane to appoint them for a specific period in the law.

The law requires, the Constitution requires, that the district court judges shall have a life tenure, and I submit that it is not germane, in the face of the constitutional requirement, for Congress to seek to restrict their term of office to any prescribed period; that it is, in other words, doing a vain thing. And while ordinarily the presiding officer in Committee of the Whole is not called upon to pass upon the effect of an amendment or to interpret its provisions, yet if this amendment were to be considered we would not be appointing additional district judges, because there can be no district judges except those who are appointed for life. If we were appointing, as the gentleman from Missouri [Mr. ROACH] sought to show, some sort of an inferior judge or to provide for some sort of an inferior

court, to take care of some emergencies, that would present a different question.

Mr. ROACH. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield.

Mr. ROACH. How does the gentleman harmonize the statement just made with the provision which the committee itself has placed in the bill on page 2, the proviso: "*Provided*, That after four years from the passage of this act if there is a death, resignation, or removal, there can not be an appointment"? Is not that in effect a limitation?

Mr. WALSH. No; that is not a limitation. They are still appointed for life. That provision has been stricken out of the bill. But that only provided that if, after four years, a death occurred, such death or resignation or removal would not create a vacancy. But that provision has gone out of the bill. We are not seeking to establish any inferior courts or judges of inferior jurisdiction. I submit that the amendment is not germane.

Mr. BOND. Mr. Chairman——

The CHAIRMAN. Does the gentleman wish to address himself to the point of order?

Mr. BOND. No.

The CHAIRMAN. The gentleman from Missouri [Mr. ROACH] offers an amendment limiting the term of the judges to be appointed by this act to four years. The gentleman from Massachusetts [Mr. WALSH] makes the point of order that it is not germane, and argues that because the Constitution provides in section 1 of Article III that judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, therefore this amendment is in violation of that constitutional mandate. All the precedents that the Chair is acquainted with are uniform to the effect that it is not for the presiding officer to pass upon the constitutionality of any proposed legislation.

The Chairman of the Committee of the Whole does not occupy the position of a judge of the Supreme Court to pass upon the constitutionality of a bill or of amendments that are offered to bills. Many times in the history of Congress bills are subject to objection on the ground that they are beyond the constitutional prerogative of Congress, and the individual Member may oppose them for that reason. Yet the Supreme Court, recognizing the fact that we have a Government of coordinate branches, does not even set aside a bill upon the ground that it is unconstitutional because they would have, as Members of the legislative body, considered it such, but they resolve the doubt as to constitutionality in favor of the Congress, and hold it unconstitutional only when they have no doubt that the Congress has exceeded its constitutional powers.

Mr. WALSH. Mr. Chairman, I have made no point of order that the amendment is not constitutional. I have made a point of order that it is not germane, because it is providing for a character of judge that is not provided for in the bill. The bill is providing for a United States district judge. This is providing for an entirely different class of judges, temporary judges. The bill provides for 22 additional judges, the district judges to be appointed for a certain period. The gentleman from Missouri [Mr. ROACH] is seeking to transform the purpose of the bill to appointing another class of judges, namely, judges to be appointed for four years.

The CHAIRMAN. Leaving out of consideration, then, the question whether the Constitution has any effect on this question, the point of order now pressed by the gentleman from Massachusetts resolves itself for decision whether in a bill providing for the creation and appointment of judges for an unlimited term, as this bill proposes, an amendment restricting that term would not be in order as not being germane. The Chair, from that point of view, can not follow the reasoning of the gentleman from Massachusetts. Suppose this bill had by its phraseology provided that these district judges should be created for a term of life or for a specific term of years, it would be in order for the gentleman to offer an amendment limiting and restricting the term. Therefore the Chair overrules the point of order.

Mr. LARSEN of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. ROACH].

Mr. GARRETT of Tennessee. Mr. Chairman, may we have the amendment reported again?

The CHAIRMAN. The gentleman from Tennessee asks that the amendment be again reported. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROACH: Page 1, line 4, after the word "appoint," insert the words "for a term of four years from the date of such appointment."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GARRETT of Tennessee. Mr. Chairman, may I be recognized on the amendment in opposition?

The CHAIRMAN. The gentleman from Tennessee is recognized in opposition.

Mr. GARRETT of Tennessee. Mr. Chairman, we are now, of course, confronted by a proposition which involves a constitutional question. The bill provides for the creation of additional district judges. Under the Constitution the district judge serves during good behavior.

Personally I have always felt that if possible there ought to be a limitation on the terms of Federal judges; but I have never been able to find any way in which that could be done except by an amendment to the Constitution. So in my vote here upon this proposition, nothwithstanding the fact that I favor a limitation of the terms of Federal judges, I have gone back to the question of my oath to support the Constitution of the United States, and I know that under the Constitution as it now stands you can not create a district judge with a limitation for the time he shall serve.

Mr. ROACH. Will the gentleman yield?

Mr. GARRETT of Tennessee. Certainly.

Mr. ROACH. Does the gentleman concede that if the title of these judges was changed a little bit from what it is in this bill, and they were designated as associate judges or commissioners, the provision would be constitutional?

Mr. GARRETT of Tennessee. I am not prepared to say that. My recollection is that the language of the Constitution applies to the inferior courts.

Mr. GRAHAM of Illinois. I have it here. The language is—

The judges, both of the supreme and inferior courts, shall hold their offices during good behavior.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. GARRETT of Tennessee. Certainly.

Mr. MOORE of Virginia. Let me suggest to the gentleman that during the hearings, either before the House committee or the Senate committee, the present Chief Justice expressed the opinion that the gentleman from Tennessee is now expressing. As I understand, he went to the point of saying that any official upon whom Congress may confer judicial functions would come within the provision of the Constitution which has just been quoted.

Mr. GARRETT of Tennessee. It seems to me that is very clearly so.

Mr. EVANS. Is it the contention of the gentleman that if the amendment proposed by the gentleman from Missouri were adopted and the bill enacted into law it would not be a district judge who would be appointed under its terms or is it the gentlemen's contention that the words of the amendment would be mere surplusage and not to be considered?

Mr. GARRETT of Tennessee. Of course, the gentleman is now leading into a wide field. I do not know how the Supreme Court would construe such an act. But this is not a question for me to determine on the basis of what I might think the Supreme Court of the United States would decide. I have to decide this for myself, and I do not see how, under the Constitution, I can vote to create a district judge with a limitation upon his term.

Mr. PARKER of New Jersey. Will the gentleman yield for a question?

Mr. GARRETT of Tennessee. Certainly.

Mr. PARKER of New Jersey. Did the gentleman hear me yesterday on the subject of commissioners of assize and nisi prius in England? They are not judges. They are not, therefore, appointed under the law of England, which says that judges shall hold during good behavior. They are simply appointed to aid the judge by holding trials. The judge signs the judgment, but the commissioners hear criminal trials and civil trials. In my opinion the Constitution of the United States, in speaking of judges, did not mean to include the aiding of a court if such an officer could be appointed to aid him. But that is not in this case and would not be germane to it.

Mr. GARRETT of Tennessee. That is where the commissioner is appointted by the court itself, is it not?

Mr. PARKER of New Jersey. No; the commissioner is appointed by the Crown and sent down as a commissioner of assize and nisi prius to aid the judge on the circuit in carrying on his business. We ought to have such officials in the United States.

Mr. GARRETT of Tennessee. However that may be, that is the English system, where there is no written constitution. We are confronted here by a written Constitution.

Mr. PARKER of New Jersey. There is, however, an act of Parliament, which is equivalent to a constitution there, which says that all judges shall hold during good behavior, and these commissioners of assize and nisi prius are not reckoned as judges.

Mr. GARRETT of Tennessee. I suppose that statute could be changed any day by Parliament?

Mr. PARKER of New Jersey. Yes.

Mr. GARRETT of Tennessee. But we are confronted by a constitutional provision.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. GARRETT of Tennessee. Certainly.

Mr. SUMNERS of Texas. I think it is perfectly clear that one of two things would occur if this amendment were adopted and action attempted thereunder—either we would not create a judgeship, either we would not clothe an individual with judicial power, or, if we did, he would continue to exercise that power during good behavior. There is no question about that.

Mr. GARRETT of Tennessee. The gentleman now speaks of the effect of what would finally be held by some tribunal that would decide the question.

Mr. SUMNERS of Texas. Either we must do nothing or we would create a judge who would hold the position during good behavior.

Mr. GARRETT of Tennessee. I think the gentleman is entirely correct about that. I have no doubt of it. But we are here now voting upon our own responsibility and under our oath to support the Constitution; and, notwithstanding I should like to see the terms of Federal judges limited, as a matter of principle, I do not see how I can vote for this.

Mr. SUMNERS of Texas. The fact is that if we ever got this judge in he would hold during good behavior.

Mr. FESS. If the gentleman will permit, I think that is entirely correct. The Constitution specifically names the Supreme Court and inferior courts, giving to Congress the power to increase the inferior courts as it sees fit, but specifically fixes the tenure either at life or good behavior, so that I do not think Congress has any power over the tenure.

Mr. BRENNAN. Mr. Chairman, the amendment aims to limit to a term of four years the tenure of the district judges to be appointed under the provisions of this bill. There seems to be no question but what the amendment is unconstitutional, for section 1 of Article III of the Federal Constitution provides:

> The judges, both of the superior and inferior courts, shall hold their offices during good behavior, * * *.

Any attempt to limit to a fixed number of years the tenure of office of Federal judges would conflict with this provision.

But, aside from the constitutional question involved, there seem to be the best of reasons for defeating this amendment. Never in the history of jurisprudence has there been a judicial system so free from the slightest suspicion of corruption or bias as our Federal judiciary. Always our Federal judges have received their commissions from the President and their tenure has been for life. In our entire history only three members of the Federal bench have been impeached. We should hesitate long before attempting to change a system which has worked with such unparalleled success. It is said that State judges serve only for limited terms. But State judges, generally, are elected by popular vote and rightly find it essential to so administer their offices, if they seek reelection, as not to lose the confidence of the public. But if Federal judges were obliged to seek reappointment every four years, some might, consciously or unconsciously, have their decisions or conduct influenced by a desire to please the Executive from whom reappointment would come. Politics, which has always been forgotten the moment a Federal judge ascended the bench, could never be divorced entirely from the office. Under the system we have always known, the Federal judge has never found it necessary to curry favor from executive or legislative officers, and has had before him as his only guide his own conscience and the law of the land. It is a system which has made for independence and integrity, and it would be the height of folly to tamper with it.

There is another excellent reason why this amendment should not carry. It contemplates, as I understand it, the purpose of abolishing many of these judicial offices, which we are now creating, at the end of four years. If there is necessity for 21 additional judges in the country at this time, there will be greater need for that number four years from now as the population and normal business of the country increase. This bill, in the interest of economy, has limited the number of new judgeships to a minimum. I can not, of course, speak for the other 20 judicial districts affected, but I can say something regarding the eastern district of the State of Michigan. If we were to insist upon our real needs at this time, we would be asking Congress for two additional judges instead of merely one. At the present time there are 2,456,743 people in the eastern judicial district of Michigan, which includes the city of Detroit, the fourth city of the country. For years the bar and the public have viewed with amazement and admiration the untiring zeal of Judge Arthur J. Tuttle of this district in handling entirely without aid, except on rare occasions, the Federal judicial business of almost two and a half millions of people. There is no more industrious, capable, or faithful judge on the Federal bench. But even his unstinted energy has not enabled him to bring the docket to date.

There are particular reasons why the judicial business of this district has increased during late years. The city of Detroit in 10 years has increased from a population of 500,000 to 1,000,000. That increase was occasioned in great part by our industrial expansion, which in turn has created a large volume of civil litigation, which usually follows the establishment of new enterprises and increased relationships with the citizens of other States. We are one of the largest and most important ports on the Great Lakes. Consequently our Federal court has more than its share of admiralty litigation.

No city in proportion to its size has had a greater influx of foreign population. No city has assimilated and Americanized more successfully the alien which it has welcomed to its gates. As a consequence many days each year are used by the Federal court for the exclusive handling of naturalization cases. The creation of new Federal criminal offenses and the enlargement of the jurisdiction of the Federal courts have affected this district particularly. Being the center of the automobile industry, for a while Detroit was the especial prey of automobile thieves. The strict enforcement of the Dyer Act has abated this evil considerably, but in so doing has contributed to the congestion of our Federal court. Our proximity to Canada, portions of which have not adopted prohibition, has added to the number of our cases involving the illegal importation of liquor. Smuggling and immigration cases also combine to clog our criminal docket.

Hon. Alexis C. Angell, former Federal district judge in this district, is of the opinion that our problems can not be solved until we have been allotted two additional judges. But the public and the bar will welcome the relief offered by the one extra judge, and will be sincerely grateful to Congressman CODD, who introduced the original bill providing for this extra judgship, and to Congressman MICHENER, who, on the Judiciary Committee, was helpful in having Mr. CODD's bill incorporated in this general measure which aims to relieve 21 districts throughout the country. One of the valuable features of this bill is the provision which enables the assignment of an outside judge to service in a particularly crowded district. We of the eastern district of Michigan will depend upon the exercise of this authority for our relief until we have been allowed the two additional judges which we need. I sincerely hope that the amendment will be defeated and that the bill will pass. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I move that all debate upon this section and all amendments thereto close in 20 minutes.

The question was taken.

Mr. LARSEN of Georgia. Mr. Chairman, I demand a division. Perhaps a parliamentary inquiry might answer my demand, however. I want to know, if the motion prevails, whether it will preclude me from offering an amendment to this section?

The CHAIRMAN. It will not.

Mr. LARSEN of Georgia. And it will be debatable?

The CHAIRMAN. It will, if the gentleman is recognized for his amendment before the time for debate has expired. Does the gentleman withdraw his demand for a division?

Mr. LARSEN of Georgia. Yes; I withdraw the demand for a division on that statement.

The motion was agreed to.

Mr. WALSH. Mr. Chairman, is there not an amendment pending?

The CHAIRMAN. There is pending a pro forma amendment.

Mr. BOND. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BOND. Mr. Chairman, I agree with the gentleman from Michigan [Mr. BRENNAN] as to the unconstitutionality of the pending amendment intended to limit the appointment of these additional judges to a period of four years. I also agree with him that the provision of the Constitution which makes it obligatory that United States judges be appointed for life is a most wise and salutary one. Apparently this amendment is based on the theory that the present congested condition of the calendars of these courts is but temporary. I do not know much about the rest of the United States, but I do want to speak as to the eastern district of New York. The volume of business there has increased more than 60 per cent during the last year. In 1920, there were only 2,034 cases commenced, while in 1921 there were more than 3,200 cases. There have been filed as

many as 20 admiralty cases and 10 or 15 bankruptcy cases in this district in one day. There are many so-called prohibition cases to be tried in this district, and this will be a permanent condition unless and until such time as the prohibition law is changed, as it should be, making a more reasonable definition of the term "intoxicating beverages." Unpopular laws are always subject to many violations and are difficult of enforcement. In the large cities, at least, the present prohibition law is unpopular. There can be no doubt that in the eastern district of New York, at least, there is most urgent necessity for this legislation.

Mr. Chairman, as I have already said, the increase of business in the eastern district of New York during the past year has been phenomenal. If the slacker cases are eliminated in the totals for the year 1920, as they should be, we find that 2,034 regular proceedings were commenced in this court for the fiscal year of 1920 and 3,271 in 1921. This is an increase of 60 per cent. The increase in some of the departments is even greater. The figures for the present fiscal year indicate that this increase will be maintained or, rather, augmented. There was an increase in bankruptcy in one period of over 300 per cent and in admiralty 400 per cent. There have been days when over 20 admiralty suits have been commenced and from 10 to 15 bankruptcy petitions filed.

The following statement of business in 1906 makes an interesting comparison:

Proceedings commenced.	Cases.
Admiralty	185
Law and equity	126
Bankruptcy	256
Criminal cases	74
Civil, United States	14
Total	655

In 1911 the total number of cases commenced was 1,009. It was deemed necessary at that time to have two judges, thus increasing the capacity of the court by 100 per cent. Furthermore, in 1906 the judge of this district devoted a great deal of his time to criminal trials in the southern district of New York. In 1920 the business had more than doubled the figures given in 1911, and in 1921 it had more than trebled 1911.

After Judge Veeder was appointed, the judges arranged schedules of assignments, so that one judge for a period of two months did the trial work, such as admiralty, law, equity, and criminal cases, while the other judge would take the motion calendars, occupying practically the whole of Wednesday and Friday afternoons of each week, and the naturalization calendar, which took up the whole of Thursday morning. In this way the judge would have Monday, Tuesday, and half of Wednesday, Thursday, and Friday to use for the purpose of attending to the ex parte business and for the purpose of going over testimony and considering cases tried before him and submitted to him for decision during the preceding two months. In very many cases judges had to read over 500 or 1,000 pages of testimony, voluminous briefs, and examine the law in opinions of courts. This practice prevailed until 1917, when the judge in charge of trials was compelled to assign the criminal work to the judge taking the ex parte and motion work. For some time this judge took, in addition to the motions and ex parte work, criminal trials on Mondays and Tuesdays. The pressure of business continued to increase, and for over a year now it has been the practice of one judge to try equity, common law, and admiralty cases, while the other judge did all of the ex parte work—that is, applications for orders, and so forth—general motion calendar on Wednesdays at 2 o'clock; naturalizations on Thursday morning, bankruptcy calendar on Fridays at 2 o'clock, and criminal trials at every other moment that it was possible for him to be on the bench. The result has been that instead of deciding cases tried before him during the preceding months, during office hours, it was necessary for him to come down to his chambers during the evenings and on Saturday afternoons and Sundays. It is no uncommon thing for the judges to spend from half past 8 in the morning until after 6 in their chambers, go to dinner and return, working until after 11 at night. If they did not do this, they generally took work home, which occupied them during the whole evening. It is difficult to think of judicial work in terms of mechanical labor when one considers the mental strain. It is not too much to say that the judges in the eastern district of New York often worked from 60 to 75 hours a week. The result of this terrific strain is seen in the breakdown of Judge Chatfield and his serious illness.

Going over the calendars in admiralty for many years, it is found that the new calendars made up in October every year usually average about 75 cases. The calendar this year for October 1 had about 300 cases on it, and many more have been added since that time. The law calendar has increased and so has the equity.

During the fiscal year ended June 30, 1921, 150 civil cases were tried in the court in addition to criminal trials. This does not convey strictly an idea of the amount of work done, for the reason that while two admiralty cases may be tried in one day, it is also possible to have one admiralty case take over two weeks to try. It is not so long ago that one criminal case took a period of nine months for the trial in this district. Conditions indicate that instead of there being a slackening up of business there will be a greater increase this year than in previous years. In addition to the regular proceeding referred to, there are many special matters, such as habeas corpus and many applications in special matters, not in regular cases.

The naturalization work is limited because of the fact that the judges can not devote more time for hearing naturalization proceedings. If more time, a half day each week, could be given to this part of the work, it would be possible to double the number of applications filed, thus relieving the situation. As it is, applications are of necessity refused to the great inconvenience of those desiring citizenship.

I ask unanimous consent to extend my remarks in the RECORD and to print as a part thereof a report from the clerk of the court, giving in detailed statistics the situation in the eastern district of New York.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

Table showing business in United States district court, Brooklyn, N. Y.

Class of case.	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921
Cases in which United States not a party.											
ADMIRALTY.											
Cases commenced	224	226	259	319	493	469	431	422	389	543	863
Cases terminated	193	190	210	232	262	295	[1] 2,321	284	289	351	435
LAW AND EQUITY.											
Cases commenced	121	139	61	164	181	142	120	217	190	173	321
Cases terminated	110	124	114	92	112	160	[1] 1,681	101	91	93	191
BANKRUPTCY.											
Cases commenced	490	516	778	553	616	592	601	480	392	362	583
Cases terminated	355	532	781	503	605	587	500	533	434	450	321
United States cases.											
CRIMINAL.											
Cases commenced	129	88	99	107	100	146	106	1,000	862	[2] 2,890	1,328
Cases terminated	116	76	166	76	134	178	110	897	893	503	1,179
Trials	11	13	23	17	28	23	12	73	52	61	108
Fines imposed	$44,462	$18,879.10	$2,298.00	$3,863	$13,365	$10,244.68	$7,635	$24,840.01	$20,116	$26,874.00	$76,571.50
Collected	$32,391	$3,679.10	$1,958.81	$963	$3,061	$9,925.68	$7,444	$5,518.01	$11,393	$23,474.50	$39,554.50
CIVIL.											
Cases commenced	45	182	120	6	31	54	36	26	53	66	176
Cases terminated	59	140	100	49	46	75	37	17	51	30	77

[1] At request of Attorney General, all cases in which no proceedings have been taken for a period of more than 5 years were dismissed.
[2] This includes 2,100 indictments in so-called "slacker cases."

The CHAIRMAN. The question is on agreeing to the pro forma amendment to strike out the last word.

The amendment was rejected.

Mr. MANN. Mr. Chairman, there is another amendment to be offered, as I understand it?

Mr. LARSEN of Georgia. Yes.

Mr. MANN. Then I move that all debate upon the pending amendment do now close.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Missouri, which, without objection, will again be reported.

There was no objection, and the Clerk again reported the Roach amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. ROACH), there were—ayes 10, noes 53.

So the amendment was rejected.

Mr. LARSEN of Georgia. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LARSEN of Georgia: Page 2, lines 8 and 9, after the word "one," in line 8, strike out the following: "For the northern district of Illinois, one."

Mr. LARSEN of Georgia. Mr. Chairman and gentlemen of the committee, the gentleman from Virginia [Mr. MOORE] gave notice yesterday that he would offer an amendment which would prohibit Federal judges from engaging in private enterprises. I understand that a point of order will be made to his amendment. I therefore feel justified in offering an amendment at this time. The amendment which I offer simply denies to the northern district of Illinois an additional judge at this time.

Members of the committee, I presume, know that the northern district of Illinois is the district in which Judge Landis presides. He is, however, not the only judge in that district. We find that in this district of Illinois for the last year there was a reasonable amount of work performed; at any rate, I am not going to criticize the work done. I do call attention to the fact that Judge Landis holds another very responsible position—supreme umpire of the baseball league—for which, I am informed, he receives a salary of $42,500 per year, in addition to his salary as a judge of the district court, making his entire compensation about $50,000 a year.

The press of the country indicates that he is giving a great deal of attention to the position which pays the most money, and in which he deals with Babe Ruth and other famous athletic characters. I think, therefore, that we ought at least to get enough information about this proposition to understand how much time Judge Landis is giving to the work in his district.

There is pending in the northern district of Illinois at this time, according to the report, 3,532 cases. There were disposed of last year in that district, according to the report of the United States Attorney General, 1,194 cases. For official comparison I call attention to conditions in Georgia. In the northern district of Georgia there were pending at the same time 3,845 cases, more than 300 cases in excess of the number pending in the northern district of Illinois. The northern district of Georgia has one judge, and that judge last year disposed of 1,773 cases, several hundred cases more than the two judges disposed of in the northern district of Illinois. So far as I have been able to ascertain from records available, during last year in the northern district of Georgia more cases were disposed of than in any other district in the United States which is served by only one judge. It occurs to me that the average maintained in the northern district of Illinois is not exceptionally high under any conditions. The work in that district is equaled if not exceeded by many districts in the United States where they have but one judge.

In the eastern district of New York last year two judges disposed of 2,922 cases, more than 1,400 cases each. In the southern district of New York four judges disposed of 5,147 cases, or more than 1,200 cases each. Certainly the character of litigation in these districts of New York compares favorably with that in the northern district of Illinois, yet two judges in the northern district of Illinois, as the records disclose, did less work than the average for either of the judges in the eastern or southern districts of New York. It may be possible that the duties of Judge Landis in administering the affairs of the baseball league consumed time which should be spent in the administration of justice in the district courts of Illinois. The committee is without information as to what the distinguished jurist is doing in the courts of Illinois. I therefore submit that an additional judge should not be granted at this time for that district until the Congress and the country know that his work as judge of the district courts is not being neglected.

Gentlemen, in my opinion it is most likely true that no additional judge is needed in that district. Press dispatches, I believe, reported that last week Judge Landis was in Buffalo, N. Y., giving his attention to matters concerning the baseball league. To-day we are asked to grant an additional judge to relieve congestion in his district. If we are going to relieve that district, why not do so by sending a competent man, which the district already has, back to his job and let him get to work on it? [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Georgia [Mr. LARSEN].

Mr. MANN. Mr. Chairman, may we have the amendment reported again?

The amendment was again reported.

Mr. MANN. Mr. Chairman, for many years Chicago has needed and begged for an additional district judge. At one time provision was started here to give Chicago two additional judges. If any place in the United States needs additional judges, they are needed in that district, which transacts an immense business, not consisting in the main, as is the case in the district of my distinguished friend who just spoke, of things like liquor cases or bankruptcy cases.

Mr. LARSEN of Georgia. Will the gentleman yield for a little information on that point? In the northern district of Illinois last year 160 cases were tried, and in the northern district of Georgia 256 cases were tried.

Mr. MANN. The business in Chicago is manyfold larger than the business in Georgia. That goes without saying.

I rise not to explain that, because everybody here knows it, even my beloved friend from Georgia. It has been popular to attack Judge Landis. He is one of the hardest-working judges in this country. I know of no other judge who does more business in his court than he does. He has been attacked because he became the head of organized baseball. There is perhaps proper criticism to be leveled at that. But what was the situation? Organized baseball represents the baseball interests of the United States. The baseball interests of the United States extend to every school and every street, every vacant lot in the United States. It is the great game of the American people. It is the outlet of their enthusiasm. There is no other thing in American life which answers the playing of baseball. I do not play it, but I am a baseball fan. I wish there were more. [Applause.] I go to a baseball game whenever there is a chance for me to do so. I love to see it played. I know it does me good, and I know it does the little fellow good from the time he is four years old up to the time he plays the game, and then in after years, to look at it. And some of the old fogies here ought to go to the game instead of putting in their time attacking Judge Landis. [Laughter.] What is the situation? Baseball in the United States was in a critical state. It had lost the confidence of the people largely as to its honesty. People believed that Judge Landis was above suspicion as to his honesty, and because he stood so high as an honest man the baseball magnates selected him to head them in order to restore the confidence of the American people in the game. It has had the proper effect. Jump onto him; he can not answer you. Roast him; he can not answer you. After all, he has done a great service to the country in that position. [Applause.]

Mr. TOWNER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not rise to discuss the amendment. I am very sorry, indeed, that I have not been able to be present to take part in these discussions. I am very anxious, however, that this legislation should pass. I think that its passage will be not only a great advantage in the administration of justice in the United States, but that it is imperatively necessary. Gentlemen, I should have supported a bill that would have made an increase in the number of judges in the United States without assignments; I am very glad, indeed, to support this bill, increasing the number with assignments. I do not know as to the merits of these amendments. I presume it is not likely that many of us can really know their merits. I am willing to follow the judgment of the Committee on the Judiciary and the judgment of this Committee of the Whole as to the proper and rightful determination of them. But, gentlemen, if we do not realize that there is a crisis upon us, upon the Nation, upon the entire administration of justice in the United States, it seems to me that we are not alive to the conditions that confront us. We ought to realize, as I am sure we all do, that after all, if there is a failure in the administration of justice in the United States it is a menace to the very foundation of our Government. We can get along with an indifferent Executive; we can get along with an incompetent Congress even, but we can not get along with an administration of justice that does not commend itself

to the good judgment and approval of the people of the United States. After all, it is necessary that we should maintain an administration of the law which shall hold the confidence and approval of the people of the United States or our system of Government fails. We can, if necessary, get along with bad officers; we can get along with bad laws, but we can not get along with insufficient or with halting or with an inadequate administration of justice in the United States. Let us not hesitate upon this great proposition. Let no mere incident, let no mere proposition here that you do not approve cause you to neglect the serious duty that we have before us. We know that our courts are so clogged now throughout the whole United States that proper administration of justice is denied to the people. We know that these conditions exist. We know they are caused largely because there is not a sufficient number of judges to administer the law. Then let us not hesitate, gentlemen, to do our duty in regard to this matter. To supply the people of the United States with an adequate administration of justice is something they have a right to demand at our hands. So I hope this committee will report promptly the bill that will at least, in a measure, remove these criticisms and conditions and real delinquencies that now exist in the administration of justice in the United States. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I move that all debate on the pending amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. LARSEN], which, without objection, the Clerk will again report.

The amendment was again reported.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. LARSEN of Georgia. Division, Mr. Chairman.

The committee divided; and there were—ayes 19, noes 58.

So the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. FITZGERALD] offers an amendment, which the Clerk will report.

Mr. WALSH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. How much time is there remaining?

The CHAIRMAN. Six minutes.

The Clerk will report the amendment of the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. FITZGERALD: Page 2, line 5, after the word "one" where it occurs the first time insert: "for the southern district of Ohio, one."

Mr. FITZGERALD. Mr. Chairman, I confine my remarks on this bill and amendment to the able and persuasive argument prepared and submitted by the bar of my home city, Dayton. The southern district of Ohio is in the sixth United States judicial circuit, which is composed of the States of Michigan, Ohio, Kentucky, and Tennessee. This circuit has a population in excess of 14,000,000 people. Under the existing law there are 10 United States district judges within this circuit.

The sixth judicial circuit can be conservatively said to include a greater number of large cities and important industrial centers than any other of the nine judicial circuits within the United States. Among these cities are the following:

In Michigan: Detroit.
In Ohio: Cleveland, Cincinnati, Toledo, Columbus, Akron, Dayton, Youngstown, Springfield, Canton, Middletown, Sandusky, Steubenville, Lima, Hamilton, Portsmouth, Ironton, Zanesville, Chillicothe, Piqua, and many others.
In Kentucky: Louisville, Covington, Newport, Lexington, and others.
In Tennessee: Chattanooga, Nashville, Memphis, Knoxville.

The industrial activities and the diversity of manufacture within this circuit are second to none in the United States. By comparison with other circuits the following condition is revealed:

The sixth circuit, as heretofore stated, is served by 10 district judges. The fifth circuit, of approximately the same population, has 16 district judges. By House bill No. 9103 it is proposed to give the fifth circuit 2 additional district judges, making in all 18, and the sixth circuit, 3 additional judges, making a total of but 13.

The ninth circuit, with but half the population of the sixth circuit, and exclusive of admiralty and miscellaneous cases, about a like number of cases pending, has 20 district judges as against the sixth circuit with but 10, and under this bill as reported by the committee, the ninth circuit will have 24 district judges as against the sixth circuit but 13. To some extent this disparity may be explained by the larger territory embraced in the fifth and ninth circuits, but we submit that the preponderance of industrial activities in the sixth circuit to a large extent nullifies this argument.

This bill, as reported, provides an additional district judge for the northern district of Ohio. At present there are two district judges in the northern district and two in the southern district of Ohio. It is conceded that an additional district judge is needed for the northern district of Ohio. I submit that an additional district judge is likewise needed for the southern district of Ohio. Of the two judges now serving in the southern district of Ohio, services of the one are required continuously in Cincinnati, and at times the services of the other judge are also required there. The other judge in the southern district as at present constituted holds court in Columbus almost continuously, and from time to time in Dayton and Steubenville. A considerable portion of his time must, therefore, be occupied in travel between these three cities. By reason of his work being devoted exclusively to holding court in Cincinnati, it is possible for the judge there to hold three terms of court each year. Columbus, Dayton, and Steubenville, on the other hand, because one judge must serve them all, have but two terms a year. This latter condition obviously results in many instances in inability on the part of those charged with criminal offenses under the Federal law, as well as on the part of litigants in civil action, to have their cases heard and disposed of without undue delay. It is to furnish relief from this condition that has been the moving force in bringing about the proposal for additional district judges. It is apparent with semi-annual terms of court, in May and November, persons arrested for violation of the Federal law must lie in jail awaiting action by the Federal grand jury for an average of three months, and, of course, in many instances for almost the full period of six months. The same rule is, of course, applicable to civil actions.

In that part of the southern district of Ohio outside of Cincinnati and the immediate vicinity are embraced the following large and important communities: Columbus, Dayton, Springfield, Urbana, Sidney, Piqua, Troy, Greenville, Newark, Zanesville, Steubenville, Bellaire, Bridgeport, St. Clairsville, Lancaster, New Lexington, Marietta, Chillicothe, Wilmington, and many others. In this region are vast manufacturing activities embracing almost every kind of manufacture, from the taking of coal, iron, and other minerals from the ground to the production of finished articles of the most intricate mechanism. Most of the articles manufactured are of wide use in interstate commerce and many enjoy a world-wide market.

A manufacturing district of this type is naturally the home of many important patented articles; for the protection of the rights therein the Federal courts must needs be frequently applied to.

The city of Dayton, above referred to as within the southern district of Ohio, is known the world over for its manufacture of mechanical devices of highly intricate nature, requiring the greatest and most exact skill in the manufacture, the most of which enjoy patent protection at the hands of all nations. Important among the manufacturers of these devices are:

The National Cash Register Co.
The Davis Sewing Machine Co.
The General Motors Corporation.
The Dayton Engineering Laboratories Co.
The Domestic Engineering Co.
The Computing Scale Co.
The Dayton-Wright Airplane Co.
The Recording & Computing Machines Co.
The Dayton Manufacturing Co.
The Ohmer Fare Register Co.
The Egry Register Co.
The Dayton Rubber & Manufacturing Co.
The Ingle System Co.

Dayton has as well large Government activities, being the site of the Central Branch of the National Home for Disabled Volunteer Soldiers and the two United States Army aviation fields—McCook Field and Wilbur Wright Field. Through the territory in and around Dayton run some of the largest railway transportation systems in the country, including the New York Central lines, Pennsylvania lines, Baltimore & Ohio, and Erie Railroads. In addition to this the Miami Valley is well known to be one of the richest agricultural producing communities to be found anywhere.

In conclusion we wish to say this, that too high a tribute can not be paid to Judge John E. Sater, the present district judge, who holds court at Columbus, Steubenville, and Dayton, or to Judge John W. Peck, who holds court at Cincinnati, and who are the present two district judges in the southern district of Ohio. Judge Sater gives willingly of his time and energy to the work thus placed upon him, which is accentuated by the fact that he is required to cover so much territory and has and merits the respect and gratitude of the bar and the public generally for his conscientious service. However, it is well known to everyone who has business with the courts that there are many times when matters of great urgency come up and in which speedy action is necessary in order that the rights of

all parties may be fully preserved. In order that this may be accomplished it is apparent that there should be another judge in the southern district of Ohio, conveniently located to some of the large centers referred to outside of Columbus, so that he may be immediately available.

I call attention to the report accompanying House bill No. 9103, being Report No. 482, House of Representatives, Sixty-seventh Congress, first session, where, at page 5, it is authoritatively stated that no expense will be put upon the people by the creation of additional judgeships, because the average amount of fines, forfeitures, and penalties collected by each judge is greatly in excess of the salary list necessary for the maintenance of such judge and his court.

The creation of an additional judge in the southern district of Ohio is justified, therefore, as an economy measure. We would suggest, further, that the available statistics setting forth the number of cases is not in all instances a fair criterion of the need of additional judges. With more Federal courts available, the Federal jurisdiction will be more frequently invoked. The courts of the United States should be readily and speedily available to all citizens, and an additional district judge should be provided for that part of southern Ohio centering around Dayton.

Within the last few minutes I have received a telegram from the Hon. John E. Sater, of Columbus, who, with the Hon. John W. Peck, of Cincinnati, are the two United States district judges for the southern district of Ohio. Let me read this telegram:

COLUMBUS, OHIO, *9.36 a. m., December 10, 1921.*

No additional judge needed in this district. Any representation to you that my work or work of district in arrears unwarranted.

J. E. SATER.

I wish to say that this telegram is absolutely true in saying that there is no congestion on the dockets of the courts in southern Ohio, but this is due to the marvelous energy of the two judges, who find all their joy in life in working more hours a day than any labor union would or ought to permit, and I venture this assertion, that if the other district judges in the United States were of the same forceful, energetic type no additional judges would be necessary, for there would be no congestion of the public business in the courts. Each one of these two judges accomplishes about what three others ordinarily would do, and I for one am opposed to overloading a willing horse.

Based upon standards of population and importance of litigated matters, an additional judge for the southern district of Ohio is needed far more than for some of the districts provided for in this bill, and I can not agree that congestion of the court business should be the criterion to determine the need for additional judges. Because the judge who sent the telegram which I have just read to the House is willing to go on performing the most extraordinary and exacting labor without complaint and even glory in the opportunity and constitute a living reproach to other judges in the land who with congested dockets find time for a generous amount of recreation and even to engage in very lucrative employment on the outside is, in my mind, no reason why an additional judge should not be provided for the southern district of Ohio. A candid examination of the tables submitted by the gentleman from Iowa, Judge BOIES, yesterday and printed on page No. 222 of the CONGRESSIONAL RECORD will bear me out. On the question of economy, if this judgeship is not warranted, then there should be many conscientious votes recorded against this measure when it comes up for passage.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

Mr. WILLIAMSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 19, after the word "law," insert "*Provided, however,* That after four years from the passage of this act the death, resignation, or removal of any district judge in any district for which additional appointments are herein authorized shall not create a vacancy until such time as the whole number of judges in such district shall be reduced to the number provided for by existing law."

Mr. WILLIAMSON. Mr. Chairman, I think the observation of most people who have had much experience with courts is that litigation goes in waves, and I do not believe that the present condition of the courts and the congestion that exists there is a normal one.

This amendment would result in automatically reducing the judges in time to the number provided for by existing law, and would carry out the purposes, very largely, of the committee amendment which was rejected some time ago on the ground of the provision in the committee amendment authorizing the Attorney General and senior circuit judge of the district affected to pass upon the question of whether a vacancy should be declared.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Tennessee asks for a division.

The committee divided; and there were—ayes 53, noes 53.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. WILLIAMSON and Mr. VOLSTEAD to act as tellers.

The committee again divided; and the tellers reported—ayes 51, noes 71.

So the amendment was rejected.

Mr. PARKER of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 2, line 4, after the word "one," insert "for the district of New Jersey, one."

Mr. PARKER of New Jersey. Mr. Chairman, how much time is left?

The CHAIRMAN. One minute.

Mr. PARKER of New Jersey. Mr. Chairman, I can say in one minute all I have to say. I spoke yesterday. New Jersey has more arrearage than any other State in the Union, including criminal cases, although their judges are working all the time. It is due to the fact that she has enough population for four judges, and she has likewise a tremendous amount of equity practice which is sent there by people who do business there, large corporations, and we can not get along without an additional judge.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey [Mr. PARKER].

The question was taken, and the amendment was rejected.

Mr. MOORE of Virginia rose.

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. MOORE of Virginia. I rise to offer an amendment which I sent to the Clerk's desk yesterday, which consists of an independent section.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHINDBLOM. Is it an amendment to section 1?

The CHAIRMAN. It is an amendment as a new section.

Mr. CHINDBLOM. It must be to section 1.

The CHAIRMAN. No; if it is an amendment to section 1 it can be offered. The gentleman offered an amendment, and the Chair directed the Clerk to report it. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: Amend section 1 by inserting a new section, to read as follows:

"SECTION 1a. That the last section 1 of the Judicial Code is amended as follows: 'Every district judge shall reside in the district or one of the districts for which he is appointed and shall devote his time to the duties of his office, and shall not engage in any other employment for which he receives compensation; and for offending against the provisions of this section shall be deemed guilty of a high misdemeanor.'"

Mr. MANN. Mr. Chairman, I make the point of order that the amendment is not in order and is not germane to the bill.

The CHAIRMAN. The gentleman from Illinois makes the point of order that the amendment is not germane to the bill. Does the gentleman from Virginia desire to be heard on the point of order?

Mr. MOORE of Virginia. I understand that the gentleman from Illinois [Mr. MANN] has the floor.

Mr. MANN. Mr. Chairman, the bill does not relate to any provision of this kind whatever. It is a specific bill in reference to the appointment of new judges, and the assignment of judges in different districts, and their allowance for expenses when away from home, and a provision in reference to a meeting of judges. There is no general provision in the bill to which this could be related, and the bill is not a revision of the judicial title. I would be glad to hear the gentleman from Virginia, who is very able and quite ingenious, explain how he thinks

this amendment is germane to any provisions of this bill or to the bill.

Mr. MOORE of Virginia. Mr. Chairman, I realize that when it comes to the discussion of any parliamentary question, or, indeed, any other question, I am at a very great disadvantage where the view I entertain is opposed by the very distinguished gentleman from Illinois.

He objects that the amendment is not germane. Of course, that is altogether aside from the merits of the amendment. If the amendment can be brought to a vote, I entertain very little doubt that it will receive the approval of the committee.

Is the amendment germane? This bill deals with the judiciary. It deals with the district courts. It deals with the district judges. It deals in part with provisions of the Judicial Code. It proposes to amend at least sections 13 and 18 of the Judicial Code. The amendment I have proposed has reference to the district courts, to the district judges, and to the Judicial Code. The first section of the Judicial Code provides that judges of the district courts shall reside within their districts, and makes it a high misdemeanor for them to violate that provision. The design of my amendment is to go a step further and to make it a high misdemeanor not only to violate that provision but to violate the new provision incorporated in the amendment, to wit, the provision that forbids a district judge from engaging for compensation in other employment than his judicial work. That for one thing.

Then the bill is shot all through with the purpose to take care of and expedite the work that is carried on in the district courts, and except for that being the purpose the bill would not be here. Now, the amendment suggests one incident to the work being properly and efficiently conducted—of meeting the present congestion and preventing congestion occurring in the future. It would say to a judge, "You must attend to the business of your office and you ought not to be allowed any diversion toward other business, however profitable it may be, however much it may tend to enrich you." So I say, regarding the literal terms of the bill and then again regarding the general purpose of the bill, the amendment is germane.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. GARRETT of Tennessee. May I call the attention of the gentleman to the expression in line 18, on page 2? The concluding sentence of that section is—

Said judges shall be residents of the districts for which appointed and shall receive the same salary and allowances and shall possess, exercise, and perform the same jurisdiction, powers, and duties as is now provided by law.

It relates, among other things, to the duties of the judges. Now, the gentleman is undertaking in his amendment, as I understand it, to define the duties of the judges. Does it not relate directly to the word "duties" in that particular section?

Mr. MOORE of Virginia. Undoubtedly. It seems to me, apart from any precedent that may bear upon the question, it is sound common sense to allow this amendment to be passed upon by the House with a view of accomplishing a very desirable result.

When we talk of precedents, Mr. Chairman, we are obliged to recognize what lawyers commonly recognize when they talk about precedents in the courts, that you can find precedents both ways. I have no doubt that there are some precedents in favor of the point of order. There are unquestionably precedents opposed to the point of order, and one that is exactly pertinent, which dates back as far as 1902. It is cited in Hinds' Precedents, volume 5, section 5824. On June 7, 1902, a bill was under consideration here to amend the act to establish a uniform system of bankruptcy.

Mr. De Armond, of Missouri, moved to amend that bill by striking out all of the enacting clause and providing for a repeal of the entire bankruptcy law. If that was permissible, a fortiori it was permissible to amend the bill by modifying any provision of the general bankruptcy law other than the particular provisions that were covered by the bill. The Speaker pro tempore, Mr. Dalzell, of Pennsylvania, overruled the point of order. He held that the proposition to amend the bill, which was restricted to specific features of the bankruptcy law by repealing the entire law, was not subject to a point of order, and then he went on to say this, which justifies the remark that I made a moment ago:

For example—

He said—

it would be in order to amend the bill by adding additional sections amendatory of sections of the bankruptcy law not referred to in the bill.

Now, if my suggestion is not well founded, namely, that this amendment is germane to the general great purpose of this measure, in that event I appeal to this precedent as supporting my view, which is to the effect that when there is a bill here amending certain provisions of the Judicial Code it is within the province of the committee to consider an amendment or amendments that have reference to other sections of the Judicial Code. I understand that principle was in substance ruled at least twice during the extra session, and I am not sure that my valued friend from Massachusetts [Mr. WALSH] was not in the chair on one occasion when it was so ruled.

If there should be any doubt about the question submitted for your decision, Mr. Chairman, is it not best that the doubt be resolved in favor of the validity of the amendment? Courts are constantly liberalizing their procedure in the interest of justice. They are steadily discarding what we call technicalities. Is it not desirable that we should follow a similar course and enable this House, which is so crowded with business—more congested than most of the courts are—to dispose of matters that are brought up here, which we all thoroughly understand, upon which we do not need to have any more light, with as little insistence upon the technicalities of parliamentary practice as possible? It seems to me, Mr. Chairman, with great deference to my distinguished friend from Illinois, that I have offered an amendment that is tenable, notwithstanding his point of order.

Mr. MANN. Will the gentleman yield for a question?

Mr. MOORE of Virginia. Yes.

Mr. MANN. I understand the gentleman to maintain that an amendment proposing to amend any section of the Judicial Code would be in order on this bill. Does the gentleman think that any amendment changing the jurisdiction of United States courts as to the amount involved in controversies, or in reference to citizenship, would be in order on this bill?

Mr. MOORE of Virginia. That is exactly what was held in the precedent that I have cited.

Mr. MANN. I do not think so, but I am asking what the gentleman contends.

Mr. MOORE of Virginia. I think, Mr. Chairman, it is hardly necessary to discuss the application of the precedent to the extent indicated by the inquiry of the gentleman.

Mr. MANN. As I understood the gentleman's argument, he contended it is in order to amend any section of the Judicial Code on this bill.

Mr. MOORE of Virginia. I certainly contend that where the same general subject matter is under consideration that an amendment of some other section of the Judicial Code not specified in the bill is permissible.

Mr. MANN. I understood the gentleman's argument to be that because this bill amended one section or two sections or three sections of the Judicial Code, therefore, under the rulings, it is in order to amend any section of the Judicial Code. Is that the gentleman's position, may I ask, respectfully?

Mr. MOORE of Virginia. Mr. Chairman, I do not rely upon that proposition. I rely mainly upon the proposition first stated, that the amendment is germane to the bill without reference to the precedent which I cited. As to the precedent, I can only say that the precedent would sustain the amendment even though the amendment related to something besides the district courts, the district judges, and the duties of the district judges. However, we can confine ourselves, for the purposes of this discussion, to the district courts, the district judges, and the duties of the district judges.

Mr. LONDON. Mr. Chairman, will the gentleman from Virginia yield to me for a moment?

Mr. MOORE of Virginia. Yes.

Mr. LONDON. Mr. Chairman, may I ask the gentleman from Illinois if the amendment were to be limited to the 22 judges to be added under this bill, would it not then be relevant?

Mr. MANN. I am going to side-step that inquiry just as the gentleman from Virginia [Mr. MOORE] side-stepped my inquiry. That is not the pending amendment. The gentleman from Virginia abandons the argument which he made. His argument was that because of the provisions of this bill any section of the Judicial Code is subject to amendment on the bill. He practically abandons that argument, or that position, as I now understand him. That was the only argument I thought that he made in favor of the amendment. I do not see how it is possible, because the bill is brought in here on one subject for one purpose, to contend that therefore that opens up the whole law to amendment in any particular. I am familiar with the decision of Mr. Dalzell, referred to. It did not go to that extent at all.

Mr. COCKRAN. Mr. Chairman, it seems to me that the misapprehension under which the gentleman from Illinois [Mr. MANN] is laboring is apt to becloud the matter now before the Chair. This proposal is not, as I understand it, a general amend-

ment of the Judicial Code. This amendment affects the conduct of judicial officers, and that surely is germane to a bill creating new judicial officers. I hardly think the gentleman would object upon the ground of its being not germane, even though he might think it superfluous, if the amendment provided that the judges should perform their duties, and that is all this amendment directs. This amendment merely declares what now is the law, but it is law which this House has not enforced. This amendment is simply a declaration on the part of the House that hereafter the law will be enforced.

It is a high misdemeanor that has been laid to the charge of the particular judicial officer whose conduct this amendment aims to make impossible hereafter. Declaring it a high misdemeanor now does not alter its character in the slightest degree. Everyone admits it is a gross judicial impropriety. Even the gentleman from Illinois [Mr. MANN] himself, standing here apologizing for Judge Landis, did not undertake to say that this conduct which the amendment denounces was consistent with judicial propriety, and conduct inconsistent with judicial propriety is of itself a high misdemeanor. This House should have impeached him. It ought to impeach him for it now, if it wished to perform its full duty as the grand inquest of this Nation. That, indeed, is among the most important functions of this House. It is first and above all the grand inquest of the Nation, and when it finds conduct by any public officer inconsistent with efficient, loyal discharge of the duties of his office, it has the right, and it is its duty, to impeach him for that.

If this conduct were a statutory offense there would be no occasion for impeachment; the judge could be indicted. This amendment is simply a declaration by this House of the law as it stands with respect to these judicial officers and their conduct—a declaration that they must perform their duties, and not go outside of them for the purpose of personal profit. If that amendment is not germane to a measure creating judicial officers then the significance of the word "germane" is beyond the range of my intellectuals.

Mr. WALSH. Mr. Chairman, without expressing any opinion of the merits of the amendment offered by the gentleman from Virginia [Mr. MOORE], I think the Chair will find precedents to the effect that when amendments are offered which are offered upon the ground that they are germane to the bill, they must be germane at the particular place in the bill where they are offered. The gentleman from Virginia offers this amendment to follow section 1. Section 1 provides for 22 additional judges and prescribes that their duties shall be the same as those of the judges heretofore appointed under the provisions of the Judicial Code. The amendment which the gentleman offers following that section, which deals with the 22 additional judges, relates not only to those judges but to the judges who have been heretofore appointed. There is nothing in section 1, there is nothing at this particular place in the bill, which deals with that, whether there is later on or not.

The bankruptcy case which the gentleman cities, the present occupant of the Chair well knows, has not been followed with uniformity since the decision was made, nor has it been carried to the extent that the occupant of the Chair at that time applied it. It would seem to me that at this particular place in the bill the amendment of the gentleman from Virginia, which applies to all judges and which amends section 1 of the Judicial Code, is not in order because it is not germane to anything in the bill at this particular place.

Mr. LONDON. Mr. Chairman, the theory of germaneness in parliamentary practice can not be different from the rule of logic which prevails in other provinces of human thought. There can not be any doubt that the amendment is logically connected with the subject matter under discussion. What does this bill do? In order to meet an emergency which has arisen in the courts of justice, in order to meet a situation which has arisen because of the fact that the Federal courts have extended their sphere of action, that new Federal legislation has been enacted, that new crimes have been created, we are increasing the number of judges, but in addition to that we are imposing new duties upon the courts now existing and upon the judges thereof. This bill, for instance, imposes upon the Chief Justice of the Supreme Court the duty of convoking, from time to time, conferences. In other words, this bill is not limited to the appointment of additional judges, but in order to carry out the purposes of the bill it creates new judges and it confers new duties upon the now existing courts.

It can not, therefore, be argued that the sole purpose of the bill is to increase the number of judges.

One of the methods of meeting the emergency is to prevent judges of the Federal courts from engaging in other occupations, so that they may devote all their time and all their energies to the performance of judicial duties, to perform which they are appointed. That is the long and the short of it. The object of the bill is to prevent a practice which has become frequent and which is an undesirable practice. It is not only an immoral practice, but it is an uneconomical practice, inasmuch as it wastes the energy of the court. And from this standpoint I would say the amendment is strictly in order, strictly connected with the subject under discussion, is strictly correlated, and if it were a part of the bill proposed by the committee it would have been considered an essential part of the scheme, of the plan which induced the authors of the bill to submit it for the consideration of the House.

I submit, Mr. Chairman, that the ordinary rules which apply to human reasoning make this amendment relevant, germane, and inseparable from the proposition before the House.

Mr. HUSTED. Mr. Chairman, the question of germaneness unquestionably goes to the subject matter and not to any code or any section. It is certainly true that a provision in a bill which defines the conditions under which an officer may hold his office is germane to a provision for the appointment of that official. And that is all, really, that the amendment of the gentleman from Virginia [Mr. MOORE] does. The amendment says this, that "if you are appointed you must hold your office in a certain way, you must devote your time to it, and you must not accept compensation from private interests."

As to the point made by the gentleman from Massachusetts [Mr. WALSH], that this is not the proper place where the amendment should be offered, I can not conceive that there could be a more proper place, for it is introduced as a separate section immediately after the section providing for the appointment itself. It is certainly logical, it is certainly consistent that an amendment should be held to be germane which merely defines the condition under which a judge shall hold his office. That is certainly germane to the provision for his appointment.

The argument of the gentleman from Illinois was, of course, correct, as it almost always is, but his argument was beside the question. He addressed his argument to the proposition that because it referred to some other section of the Judicial Code which was mentioned in this act that the amendment was necessarily in order. Of course, that does not necessarily follow, and would not follow if the provision was not itself germane. But this provision is germane, and for that reason the fact that it refers to another section of the Judicial Code should not operate against it.

Mr. MANN. Will the gentleman yield for a question?

Mr. HUSTED. Certainly.

Mr. MANN. Suppose this were a bill, and there have been many bills of that character, creating an additional judge in one of these districts—we have passed many bills of that kind—would it then be in order on such a bill to offer an amendment defining the duties of the judge already on the bench?

Mr. HUSTED. That, I think, is not a parallel question; and if the question was resolved favorably to the gentleman's evident contention, it would not make any point as against the question now before the House. This is a general bill before the House, and these provisions would operate equally as against all judges now in office or hereafter in office.

The gentleman is suggesting that a general amendment might not be germane to a particular appointment. Well, that is undoubtedly true, but this is a general provision applying in a general bill, applying to all judges, either created by this bill or who are now in office.

Mr. MANN. I do not quite understand the distinction the gentleman makes as to what he calls a "general bill." A bill creating a new judge is a public bill. This creates more than one judge, but a limited number.

Mr. CLOUSE. Will the gentleman from Illinois yield?

Mr. MANN. I will.

Mr. CLOUSE. I just wanted to ask the gentleman this question: If the bill now under consideration is not general in its character?

Mr. MANN. I think it is.

Mr. CLOUSE. Since it provides for a conference of all judges now existing and those to be appointed.

Mr. MANN. I think all the bills are public bills, but they are not what you call general bills. I do not know just what the definition of a general bill is. Generally the definition is wrong wherever it applies.

Mr. CLOUSE. Does it not affect all judges, those that are now holding and have heretofore been appointed, as well as those to be appointed under the bill?

Mr. MANN. It does in some respects.

Mr. CLOUSE. Then would it not be germane if it affects the judiciary under the present system and those judges are embraced in the provisions of this bill?

Mr. MANN. I certainly think not.

The CHAIRMAN. The gentleman from Virginia [Mr. MOORE] offers an amendment as an independent section which amends the last sentence of section 1 of the Judicial Code by inserting after the word "appointed" the following language:

And shall devote his time to the duties of his office, and shall not engage in any other employment for which he receives compensation.

So that the sentence as amended will read:

Every district judge shall reside in the district or one of the districts for which he is appointed, and shall devote his time to the duties of his office, and shall not engage in any other employment for which he receives compensation, and if offending the provisions of this section he shall be deemed guilty of a high misdemeanor.

To that the gentleman from Illinois [Mr. MANN] makes the point that it is not germane. The bill under consideration provides for the appointment of additional district judges of the United States, provides for annual conferences of certain judges to consider matters pertaining to said courts, also makes provision for the designation of certain judges to other districts, and further changes the existing rates of allowances which judges may receive when absent from their official domicile on official business.

The Chair has had the advantage of the language of the proposed amendment since it was first suggested on yesterday, and has given careful consideration to the precedents, because the Chair realizes that the question is not entirely free from difficulty, and very few questions relating to germaneness are free from difficulty. The Chair has listened attentively to the arguments made by all who have addressed the Chair, particularly the argument made by the gentleman from Virginia [Mr. MOORE], the proponent of the amendment.

The gentleman invokes the rule that because the bill under consideration amends two or three provisions of the Judicial Code, therefore it is in order to amend all or any section of the entire Judicial Code. The Chair can not subscribe to that doctrine, since it would violate the fundamental principles that guide the procedure of the House in the consideration of questions that come up from time to time. The very purpose of the rule of germaneness is to center the attention of the House on the consideration of the matter before it, not to liberalize it to the extent suggested by the gentleman from Virginia, that any amendment relevant to the subject matter could be considered.

If the Chair should hold, as the gentleman from Virginia contends, that every bill amending more than one section of a code or of a statute would make amendments to every other section in order, it goes without saying that there would be no end to the discussion before this body.

The gentleman cited a decision made some years ago as found in Fifth Hinds, section 5824, relating to the bankruptcy law, and called the attention of the Chair to the ruling of Congressman Dalzell, an eminent parliamentarian, who held that in the case of a bill modifying many sections of the bankruptcy law, vitally affecting all of the sections of the bankruptcy law, it would be in order to offer an amendment to repeal that law. Only in the last Congress, when that same citation was called to the attention of the present Speaker on a Senate amendment to an appropriation bill, the Speaker then pointed out—and the decision may be found in toto in section 954 of the Manual—that for that rule to have application the bill or provision under consideration must affect vitally all of the sections of the law to open an amendment for its repeal or its general modification. No one contends that the pending bill affects, or vitally affects, the 300 sections of the Judicial Code.

The clause as to germaneness that applies to this question is found in paragraph 7 of Rule XVI, which is as follows:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

In all these questions of germaneness the Chair is compelled to analyze the various sections of the bill under consideration to determine what is the subject matter. This bill, as the Chair reads it, has for its subject in the main the increase of the number of district judges and by certain machinery to assign district and circuit judges to various districts. That is the subject matter. The Chair has not been able to find in his examination of the Judicial Code any provision whatsoever, and the Chair's attention has not been called to any law relating to the qualifications of judges of a district court or of any of the courts of the United States, nor has any reference been made, nor has the Chair been able to find any reference, prescribing the hours of employment of a judge, or the duties that devolve upon a judge.

The Chair follows the logic of the argument submitted by the gentleman from Illinois [Mr. MANN] that if there was a bill under consideration providing, say, for the creation of an additional clerk and an additional chief of bureau, without any reference to the hours of employment, that it would not be in order to limit the hours of employment of all clerks and all bureau chiefs, or all other officials and employees of the Government.

The Chair has not the right in the determination of the question of germaneness to determine what the purposes of the bill are. He should consider the subject of the bill, as, for instance, in a bill providing for the establishment of an Isthmian Canal it would not be in order to consider an amendment providing for airplane transportation or other means between the coasts simply because the purpose of the canal was to expedite traffic between continental cities. The purpose of such an act might be to expedite traffic, but the subject is the building of a canal.

The Chair has gone far enough in his argument to show that in the opinion of the Chair the amendment is not germane, and therefore sustains the point of order.

The Clerk will read.

Mr. MOORE of Virginia. Mr. Chairman, in view of the fact that the Chair stated at the outset that the question is not free from doubt, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Virginia appeals from the decision of the Chair. The question is whether the decision of the Chair shall be sustained.

Mr. CAMPBELL of Kansas assumed the chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. VOLSTEAD. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 59, noes 51.

Accordingly the decision of the Chair was sustained.

The Clerk read as follows:

SEC. 2. That the Chief Justice of the United States, as soon as may be after the passage of this act, may summon the senior circuit judge of each judicial circuit of the United States, and such district judges as he may deem proper, to a conference to be held at Washington, in the District of Columbia, or at such other place as he may designate. And it shall be the duty of the said Chief Justice to annually call such a conference and summon said judges thereto, to be held as aforesaid during the last week in September in each year hereafter. In case of the disability of the Chief Justice, the senior Justice of the Supreme Court of the United States shall perform the duties herein imposed, and in case any judge summoned to a conference is unable to attend, the Chief Justice or the senior Justice of the Supreme Court, as the case may be, may designate and summon any other judge of the circuit or district to attend said conference and participate in same. It shall be the duty of every judge, when summoned as aforesaid, to attend such conference, and to remain throughout its proceedings unless excused.

The said judges shall report as to the condition of the dockets in their circuits or districts and submit recommendations as to the needs thereof and advise as to the improvement or expedition of the administration of justice in the courts of the United States.

The district judge of each United States district court, on or before the 1st day of August in each year, shall prepare and submit to the senior circuit judge in which said district is located, a report setting forth the state of business in said district court, including the number and character of cases on the docket, the business in arrears, and such other facts pertinent to the business disposed of and pending as said district judge may deem proper, together with recommendations as to the need of additional judicial assistance for the disposal of business for the year next ensuing.

These reports shall be laid before the conference hereinbefore provided, by said senior circuit judge, together with such recommendations as he deems proper. In districts having more than one district judge the report herein required shall be prepared and submitted by the district judge who is senior in length of service. The Chief Justice shall be the presiding officer at the conference called hereunder.

Said conference shall make a comprehensive survey of the conditions of business in the courts of the United States and prepare plans and schedules for the assignment and transfer of judges to or from circuits or districts where the state of the docket or the condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

The Attorney General shall, upon request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings to which the United States may be a party, together with such recommendations or requests as may be deemed proper. The Attorney General shall not be a member of said conference.

The Chief Justice and each justice or judge summoned to and attending said conference shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed $15 per day, to be paid as provided in section 8 hereof.

Mr. SNELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SNELL. I intend at the proper time to offer an amendment to cut down the travel pay and expense allowance of these judges from $15 a day to $10 a day as applied to the general proposition of district judges throughout the United States. Whether it be proper to offer that amendment at this time or to wait until we have section 8 read, I should like to get the opinion of the Chair.

Mr. WALSH. That is not a parliamentary inquiry.

The CHAIRMAN. The Chair wishes to state to the gentleman from New York that that is not a parliamentary inquiry. It is a question of the construction of the bill.

Mr. SNELL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SNELL: On page 5, line 18, strike out the figures "15" and insert in lieu thereof the figures "10."

Mr. SNELL. Mr. Chairman, I am in accord with the general provisions of this bill, but I do not believe that at this time we should add one dollar of extra expense that is not absolutely necessary. I would not object to the $15 a day allowance for the time that the judges spend in Washington, if that is the place where the conference is held, but I do not believe it is at all necessary to pay any of these judges $15 a day when he is traveling about the average country district attending to his official duties. Every man on the floor of the House knows that the great number of these judges when they are away from home do not spend to exceed $10 per day. We are legislating here not for the extreme cases, where one man is called to New York or some big city occasionally, but for the average case in the average district in the United States, and I do not believe it is at all in the interest of economy or efficiency at this time to increase that allowance to more than $10 a day.

Mr. LANHAM. Can we not obviate an even greater expense by striking out this section entirely? What is the necessity for an annual junket here to Washington the last week in September in each year merely to bring the record of the condition of the dockets in the various districts?

Mr. SNELL. I am not familiar enough with the work of the courts to know about that. The other proposition I think I do know about.

Mr. LANHAM. The provision seems to be simply that it shall be the duty of these judges sent to Washington simply to assemble data from the various circuits as to the condition of the dockets, and then to act as messengers to bring the data here.

Mr. SNELL. I will ask some members of the committee to answer that question.

Mr. DEMPSEY. Does not this provision simply provide for the expense allowance of the judges on their trip to Washington?

Mr. SNELL. That is all that is provided in this section, but it is all coupled up together, this and the allowance made in section 8 of the bill providing for regular allowances during the year, and I think both should be stricken out and $10 a day substituted in place of $15 a day.

Mr. DEMPSEY. But this amendment applies only to the trip to Washington.

Mr. SNELL. I expect to offer another amendment when we reach section 8, on page 10, and I think they should both be the same.

Mr. DEMPSEY. My understanding of the gentleman's statement is that he is not opposed to an allowance of $15 a day for the attendance of the judges in Washington.

Mr. SNELL. I do not care so much about that, if that was all, as they could spend that much in Washington, all right, but I am considering them both together.

Mr. DEMPSEY. I am afraid the judges when they come here will find that they will expend the whole $15 a day.

Mr. SNELL. That will not be very serious once a year. We increased their pay about $1,000 a year a short time ago to make up for their increased living expenses. I do not know of anybody else who has got increased pay—certainly not Members of Congress. And, furthermore, considering that they have a life job, I think they are being treated pretty well, and there is absolutely no excuse at this time, with a downward tendency in living expenses, to increase this allowance, and I trust, in the interest of economy, it will not be done.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BLACK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 5, line 18, after the word "exceed," strike out the figures "$15" and insert the figures "$10"; and then, after the word "day," in the same line, strike out the balance of the line and all of line 19 and insert in lieu of the language stricken out the following language: "Which payment shall be made by the marshal of the district in which said conference is held, upon the written certificate of the judge incurring such expenses."

Mr. BLACK. Mr. Chairman, I ask unanimous consent to modify my amendment so that it will begin by striking out, after the word "day" in line 18, the language "to be paid as provided in section 8 hereof" and to insert the language which the Clerk read.

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment as indicated. Is there objection?

Mr. WALSH. Reserving the right to object, the gentleman is simply transferring the language of section 8 to this section. Is not that the purpose?

Mr. BLACK. Yes; and I will explain the reason. It is my understanding that when we get to section 8 the gentleman from Texas [Mr. SUMNERS] intends to offer an amendment to strike out that section, because we already have section 259 of the Judicial Code, which provides that these judges shall be paid $10 per day, and if that be the sentiment of the House—and I think it will be—then unless the gentleman from Massachusetts has some special reason, I see no reason why the whole section should not go out. But if it does go out, then we need the language that I offer, and for that reason I offer it here.

Mr. WALSH. I have no objection to the modification.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Without objection, the Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 5, line 18, after the word "day," strike out the remainder of line 18 and all of line 19 and insert in lieu thereof the following: "Which payment shall be made by the marshal of the district in which said conference is held, upon the written certificate of the judge incurring such expenses."

Mr. BLACK. Mr. Chairman, section 8 of the bill is the one which provides that the subsistence pay of the judges shall be $15 a day instead of $10 a day, and provides this method of payment. I understand that when we reach that section my colleague from Texas [Mr. SUMNERS] intends to move to strike it out, leaving us with section 259 of the Judicial Code, which provides for $10 subsistence pay. Therefore, if that section is stricken out, there would be no section 8 in the bill, and it would be necessary to have the language that I have offered in order to provide the method of payment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. DAVIS of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Tennessee: Page 4, line 11, after the word "arrears," insert: "the number of days and the average number of hours per day said district judge has held court during the preceding year."

Mr. DAVIS of Tennessee. Mr. Chairman and gentlemen, my reason for offering this amendment is that I think it would be a very important feature of this report required to be made by every district judge on the 1st of August to the presiding circuit judge, in connection with the other matters mentioned in the section in question. That paragraph provides that the district judge shall submit to the senior circuit judge—

a report setting forth the state of business in said district court, including the number and character of cases on the docket, the business in arrears, and such other facts pertinent to the business disposed of and pending as said district judge may deem proper, together with recommendations as to the need of additional judicial assistance for the disposal of business for the year next ensuing.

It is a very important matter to determine whether or not that district judge has been conscientiously, faithfully, and diligently performing his duties in determining whether the circuit judge should assign one of these other judges to assist him. The purpose of this report is that the presiding circuit judge may determine whether the conditions in a particular district are such as to warrant the assigning of another judge to grant relief. I respectfully submit that while many of our Federal judges render faithful, conscientious service and work a sufficient period of time, yet many of them do not, which is a matter of common knowledge, and those who are not rendering faithful service ought not to be given an assistant in order that they may loaf still further on the job.

Mr. WALSH. Mr. Chairman, I see no necessity for the provision which is included in the gentleman's amendment. I do not think it is intended that Congress should provide that a judge shall work by a stop watch. We have eliminated that from our arsenals and munition works, and to say that a judge sitting upon the bench disposing of cases should have his eye on the clock each day and deduct the time taken out for recess and lunch, and also that he should keep track of the number of hours spent in chambers preparing opinions or giving con-

sideration to cases, is drawing a line rather fine. If this conference is authorized, I think you will find that there will be more uniformity throughout the country in the Federal district courts in respect to the manner of holding court, that there will be an hour in the morning when these courts will pretty generally assemble, but I do not believe it is necessary that it should be written into the law as one of the requirements. It is not going to be for the purpose simply of finding out how many cases were pending and how many were disposed of, or how many were begun, that this conference is to be held. It is to find out the condition of the various districts and, as far as possible, make provision in advance for the transfer and designation of judges from one district to the other, to take care of business for the year ensuing, and also to arrange, if possible, for uniformity of procedure, and to get the benefit of the knowledge and experience of the various judges as to how cases in particular districts are disposed of relating to particular classes and perhaps to have some uniformity in the matter of sentences. It is hardly necessary to write all those things in the law. This proposal was made by the Chief Justice of the United States and was submitted by him to the Senate Judiciary Committee and also to the House Judiciary Committee, and necessarily it was felt that the proposition should be couched in rather general terms, because it would hardly seem necessary for the Congress to lay down any narrow, restricted limits within which this conference should operate.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. LANHAM. Could not that information be had and that relief secured without entailing the permanent annual expense of a conference here in the city of Washington? Could not *that information* be sent here and could not the Chief Justice and those who advise with him here pass on that and if necessary add to the report by such correspondence as might be necessary?

Mr. WALSH. The gentleman, of course, appreciates that in a matter dealing with the procedure of the courts a conference of a week would accomplish a great deal more than letters written from all over the country at various times and then an attempt made to collate the information. If the judges are here together, with such district judges as might be deemed necessary to be had, they can confer and compare notes and as a result submit recommendations which it is felt will be of great assistance to the courts in carrying on that work.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. MONTAGUE. If the gentleman thinks that the assembling of this conference is so desirable, why was it not carried into practical effect by asking the judges before the committee to find out whether or not they think a conference of this kind is necessary?

Mr. WALSH. Some judges were here.

Mr. MONTAGUE. How many appeared?

Mr. WALSH. Two.

Mr. MONTAGUE. Out of 105.

Mr. WALSH. There are only nine circuits, and this involves only the circuit judges coming here, with possibly here and there a district judge whom the Chief Justice may designate to attend the conference.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. HUDSPETH. The gentleman stated that this bill had the indorsement of the Chief Justice of the Supreme Court.

Mr. WALSH. Yes.

Mr. HUDSPETH. How many judges did the Chief Justice recommend?

Mr. WALSH. He recommended 18 additional judges.

Mr. HUDSPETH. Then why has it been increased to 22?

Mr. WALSH. I stated yesterday that we have added to the number 18 the number of judges for which individual bills have ever been reported, some of which have passed the Senate.

Mr. HUDSPETH. One has been reported from Texas, and you give Texas one additional judge.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The amendment was rejected.

Mr. LEA of California. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LEA of California: Strike out section 2.

Mr. LEA of California. Mr. Chairman——

Mr. VOLSTEAD. Mr. Chairman, I move that all debate be closed in five minutes on this section and all amendments thereto.

Mr. LEA of California. Mr. Chairman, I will not yield for that purpose.

The CHAIRMAN. The gentleman from California [Mr. LEA] is recognized for five minutes.

Mr. LEA of California. Mr. Chairman, I believe there is a real need for increasing the number of judges in this country. But in my judgment it would be a mistake to make section 2 a part of the law of the land. Section 2, in effect, provides for an annual conference of Federal judges, to be called annually by the Chief Justice of the Supreme Court, the expense to come out of the Treasury. The judges summoned are compelled to attend whether they desire to do so or not and are compelled to "remain throughout its proceedings." Each district judge in the country is compelled to submit annually to the conference his recommendations as to the "needs of additional judicial assistance" for the next year. Every judge, whether he wants any assistance or not, must annually express his opinion upon that matter. Though they need no assistance, many will be required to travel annually to a common meeting place, at public expense, to so report.

The conference itself must, among other things, make "a comprehensive survey" of the court business of the country, and, further, judges shall "advise as to the improvement of the administration of justice." In other words, the Federal judges, in conference assembled, are to be a legally constituted and publicly financed propaganda organization in behalf of the Federal judiciary of the country.

I am opposed to this section for four reasons. In the first place, it places the judiciary of the country in a self-seeking position. In the second place, it assigns to the judges legislative and political functions, and throws the judiciary of the country into the fields of destroying controversies. In the third place, the conference proposed would easily deteriorate into a publicity-seeking propaganda effort. And, in the fourth place, it is cheapening to the judiciary for its judges to desert court work, to assemble annually at public expense in what would be regarded by the public as more or less a junket or annual vacation.

If the Federal judges of the United States were members of a legislative body, if they were a boosters' organization, or if they were a fraternal order, such an arrangement as provided for in section 2 might be appropriate, but I believe this scheme is wholly inappropriate for the Federal judges of the United States.

The scheme partakes of the nature of a junket for Federal judges or an annual outing at the expense of the Public Treasury. The conference is to be held in Washington or "other place," as it may be called. It can easily deteriorate into a publicity seeking propaganda effort.

I regard our courts, and particularly our Federal courts, as the first and last bulwark of our Government. It is of primary importance in the administration of our Government to keep the Federal judiciary so far as possible above legitimate criticism. We should not endanger the prestige of our judges or invite them into fields of destroying controversies by compelling them to perform functions primarily legislative or political. We should not encourage—or we should not require, as this bill does—our Federal judges to participate in practices that will inevitably subject them to charges of junketing and self-seeking at public expense.

This conference scheme will tend to organize our Federal judges into a judicial machine. It will furnish new grounds of attack by those who would weaken and destroy the functions of our Federal courts.

Historians, scholars, and statesmen have assumed that our written Constitution was a perpetual guaranty of our form of government that would preserve its framework even against the attacks of legislatures or courts. That assumption has not been entirely justified. What becomes of our Constitution and where is its protection and security? What becomes of its limitations and guaranties when its terms are finally distorted and perverted by a Federal judiciary? Conceive of our Federal judges in disrepute, maligned, and no longer enjoying the confidence of the people.

When that time comes another time will shortly follow when those Federal judges will be deposed. They will be followed by other judges, who in all probability will go to the other extreme from that which occasioned the downfall of their predecesors. A new judgeship warranted in disregarding the decisions of the old, under the power of judicial interpretation, can make the Constitution mean another thing, pervert its powers, and sweep away its safeguards, limitations, and bill of rights.

To the extent that this bill, even in a small degree, tends to subject judges to such criticism and disrespect, it contributes toward that final calamity.

What will these judges do when they meet? In making a survey they will perform a legislative function that belongs to a committee of Congress and not to a judicial body.

They are required to "submit recommendations as to the needs." They are charged with the duties of advising as to "improvement or expedition of the administration of justice."

We know about what that will mean. It will mean eventually that our Federal judiciary in conference assembled will become the propaganda organization for legislation for the benefit of the Federal judiciary. As section 1 gives judges and the Attorney General the right to create a Federal judgeship, section 2 will give official color to the judicial recommendations to Congress to create more judgeships and seek other advantages for the Federal judiciary.

The report of this committee now before us gives warning of what kind of recommendations the Federal judges will make. The report on page 4 shows that the Attorney General created a voluntary commission consisting of three Federal judges and two Federal attorneys to "look into the question of relieving the United States district courts of the congestion."

The report of this voluntary committee is annexed to the report of the Judiciary Committee. That committee suggested nothing to improve or expedite the work of any Federal judge in this country. They recommended that 18 district judges at large be appointed to meet the present emergency as to congestion. They also stated that additional permanent judges should be provided where it was apparent that congestion was to be permanent. They made no recommendation for eliminating incapacitated or antiquated judges. They made no recommendation for speeding up work by judges who are indifferent or lax in their methods. They recommended only the creation of more judgeships.

If this conference is created it will be recommending more judgeships as long as the Republic lasts. Their recommendations, where frequently their own interests are involved, will be presented here as recommendations having the weight of official character. For the sake of the good name of our Federal judiciary we can not afford to put it in a position of such self-seeking. In questions where the betterment of the situation of these judges or the relief of themselves from work is involved they are not in position to give Congress advice that might be controlling. They should not be placed in that assailable situation in the eyes of the people of the country. Neither would such a conference be in a position to reject the persistent demands of various fellow judges from over the country without embarrassment.

In my judgment section 2 should be eliminated from this bill.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. VOLSTEAD. Mr. Chairman, I move to close debate in three minutes.

The CHAIRMAN. Upon what?

Mr. VOLSTEAD. Upon the section and amendments thereto.

The CHAIRMAN. The gentleman from Minnesota [Mr. VOLSTEAD] moves that all debate on the section and all amendments thereto close in three minutes.

The motion was agreed to.

Mr. VOLSTEAD. Mr. Chairman, I think we ought to retain this provision. This is one of the provisions that the Chief Justice is very much interested in, and so is the Attorney General and the commission that was appointed by the Attorney General for the purpose of trying to see if we could not get some system into our judicial machinery.

Mr. LANHAM. Will the gentleman tell us the number of judges that it is contemplated will attend the conference?

Mr. VOLSTEAD. Nine.

Now, it is the object of this to try to keep these judges working to the best advantage and make all of the judges function. In some sections they do but little work, while other judges work very hard. I believe if the judges can meet together and plan the work to be done and judges can be assigned to do it, we will get the judges to feel the responsibility for performing the judicial work of the country. I hope this House will leave this provision in the bill.

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. LEA].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That section 13 of the Judicial Code is hereby amended to read as follows:

"SEC. 13. That when any district judge is prevented by reason of any disability from holding any stated or appointed term of his court, and a certificate to that effect is submitted under the seal of the court by the clerk thereof to any circuit judge of the judicial circuit in which said district is located, or in cases of the absence of all the said circuit judges, to the circuit justice of said judicial circuit, such circuit judge or circuit justice may, if in his judgment the public interests require, designate, assign, and appoint any district judge of any district court within the same judicial circuit to hold said court for the whole or a part of said term, and to discharge all the judicial duties of the judge so prevented by illness or disability, during the period of such disability and for such further time as the business of such court and the circuit may seem to require.

"Whenever it is found impracticable to designate, assign, and appoint another district judge within the same circuit to discharge the duties of a district judge prevented by reason of any disability from holding a term of his court as aforesaid, and a certificate to that effect under the seal of the court is presented by a circuit judge or the circuit justice to the Chief Justice of the United States he may, if in his opinion the public interests so require, designate, assign, and appoint a district judge of an adjoining judicial circuit, if practicable, if not, of any judicial circuit, to hold said court for the whole or a part of said term and to discharge all the judicial duties of said judge so prevented and for such further time as the business of the courts of such districts and circuits may seem to require.

"Designations, assignments, and appointments made hereunder shall be filed in the office of the clerks and entered on the minutes of both the court from and to which the judge is designated, assigned, and appointed, and a certified copy of such designation, assignment, and appointment under the seal of the court of the justice or judge making same, shall be delivered to the judge thus designated, assigned and appointed."

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the committee, this is a part of the machinery in this section that provides for the transfer of judges from places where they may not be, for the time, needed, to other places where they are needed. I expect to support this bill, and yet I do not want to support it without stating to the members of the committee that, in my judgment, it is very imperfect in many respects. It provides for the appointment of a number of district judges, and yet many places that need such additional help are not provided with it. For instance, in the particular district in which I live, the southern district of Illinois, embracing several large cities, the largest cities in the State outside of the city of Chicago, no additional judge is provided, and yet the accumulation of business there is 1,500 cases, while other districts that are provided with additional judges do not have half that number. I take it from what the Attorney General has said, and I believe it is true, that additional judges over and above the number required in this bill will hereafter be urged, and I desire to say now, on my own behalf and for those who live in my part of the State of Illinois, that the business in our district is so congested that unless some relief is given us by transfer of judges from other places we can not possibly catch up with the business in that district in Illinois.

Mr. WILLIAMSON. Does not the gentleman think a provision which will permit the systematizing and the synchronizing of the work throughout the United States will obviate the difficulty of which he speaks?

Mr. GRAHAM of Illinois. I think it will help. I think it is one of the valuable provisions of the bill. I can see no harm in it. If there ever was a time in the history of the country when we needed judges, courts, and something done, it is now. The national prohibition law is being openly flouted. The condition in this country is becoming such as to bring the blush of shame to anyone who will acknowledge the truth about the situation. The law is being openly flouted everywhere; I do not know whether it is because of the lack of judges, or whether it is because the law that we have is not enforced; but so far as I am concerned, unless this law is to be a farce, we ought to authorize all the necessary machinery to enforce the law, and if then it can not be enforced we should do something else.

I have stood here and voted consistently every time for national prohibition. I have always voted that way. I believe in it. But, gentlemen of the committee, I believe in my heart that there could be nothing worse for us than the conditions that exist in this country to-day, where the law is being brought into open contempt and disrepute by lawbreaking everywhere. I want to see additional judges appointed on the bench of the United States who will not only be good lawyers but who will inject some fear of God into the breasts of lawbreakers in this country. I hope they will do it. The time has come for us to quit fooling with these people who break the law, and either enforce the law as it should be enforced or else back up and change the law. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. COCKRAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COCKRAN: Page 6, line 11, after the word "require," insert: "Every judge shall devote his time to the duties of his office, and he shall not engage in any private employment for which he receives compensation."

Mr. MANN. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the amendment.

Mr. COCKRAN. Mr. Chairman, you will observe that this is different from the amendment just ruled out of order and is distinctly germane to the provisions of this section.

This section makes provision for cases where judges are disabled and do not perform the full duties of their office. This is a provision to the effect that this disability and failure to perform the duties of his office shall not arise from his taking other occupations for which he receives compensation. That is entirely distinct from the other, which declared a certain act to be a high misdemeanor. This simply takes measures to prevent the condition from becoming too numerous—the condition with which the section seeks to deal.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. COCKRAN. Certainly.

Mr. MANN. The gentleman said that his amendment relates generally to judges, or only to the judges who are assigned?

Mr. COCKRAN. It relates to all judges, because these judges become a part of the general judicial establishment, and the prohibition applies to all of them, to prevent an increase of the condition which renders these new appointments necessary.

Mr. MANN. I think that is what the gentleman's amendment would do.

Mr. COCKRAN. Certainly.

Mr. MANN. It would apply to all the judges, as the gentleman states. This provision, however, applies only to the judges when they are assigned, while they are assigned to hold court in another district. Therefore the gentleman's amendment is not *germane* to that provision.

Mr. COCKRAN. But this section has to deal with the transfer of all judges. The section which it seeks to amend deals with the transfer of all judges and the conditions under which the transfer becomes necessary. The object of this amendment is to reduce, so far as possible, the conditions under which the assignment shall become advisable.

Mr. MANN. This section applies to the assignment of judges from one district to another district, and then provides that the judge so assigned shall, when he is so assigned, discharge the duties of the judge to whose district he is assigned. That is all the section does. The gentleman proposes an amendment defining the duties of all judges, whether they are assigned or not. Plainly that provision is not germane to the amendment providing that a judge who is assigned shall perform the duties of the judge in whose district he is assigned.

The CHAIRMAN. The gentleman from New York [Mr. COCKRAN] offers an amendment to the proposed amendment of section 13 of the Judicial Code, as follows:

> Every judge shall devote his time to the duties of his office, and shall not engage in any private employment for which he receives compensation.

The original section 13 of the Judicial Code and the proposed amendment as carried in the bill are limited, and their subject matter is confined to the designation of judges. There is no provision in the original section nor in the section under consideration referring to the duties, qualifications, and time that the judge shall devote to the performance of his duties. It is a matter not connected with the subject matter of the section under consideration. The subject matter of the section under consideration is the designation and assignment of judges in the performance of the duties of such judges. Therefore the amendment is not germane, and the Chair sustains the point of order.

The Clerk will read.

Mr. STEVENSON. Mr. Chairman, I move to strike out section 3.

The CHAIRMAN. The gentleman from South Carolina moves to strike out section 3.

Mr. STEVENSON. Mr. Chairman, this is merely a provision which is an entering wedge to having what once was called a lot of "carpetbag judges" transported from one section of the country to another. I have no harsh words to speak about that class of judges, but the Federal courts administer law which is written in the States. In matter of property, in all important matters, the proceedings are according to the law of the State where the court is conducted. Now, you propose to fix it here so as to take judges, say, from Louisiana, where the civil law applies, over into Alabama, where the common law applies, and put them to work to hold court and try all sorts of cases. You propose to take men from Maryland or Virginia or Pennsylvania and send them down to South Carolina, where the practice is different, where many of the rules of property are different, where the decisions are entirely unfamiliar to the transferred judge. You transport him down there and put him on the bench to try the cases that are to be tried in that jurisdiction.

Mr. DEMPSEY. Do not the Supreme Court and the circuit court of appeals have to deal with just those conflicts to which the gentleman refers?

Mr. STEVENSON. The Supreme Court and the circuit courts do have that to do, but they do not have anything else to do, and the questions come up there and they have the opportunity to master those questions as they are presented much better than a man does who is simply a district judge, and who is familiar with the practice in one district, and then is transferred somewhere else, where he does not know anything about the practice, the bar, or the rules of property, or the controlling decisions.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. STEVENSON. I yield to the gentleman.

Mr. WILLIAMSON. Does not the gentleman believe that the provision for an annual conference, by which these judges can get together and discuss these matters, will result in sending judges who are properly qualified to the States in which they are to sit?

Mr. STEVENSON. These conferences are held by one circuit judge from each circuit. That judge himself may be entirely unfamiliar with the legal terminology of States and districts that are within his own circuit.

Now, Mr. Chairman, I realize that this is probably the heart of this bill. I do not care if we break the heart of the bill. I do not like it anyhow. In the first place, you are adding an enormous expense here without necessity, according to my judgment. In the next place, we of my State, at least, have had enough of the transportation of judges from a distance down there to make decisions that are revolutionary and which will overturn the decisions with reference to the rights of property and the rulings of the courts. We have had enough of that to do us for a century at least. We used to have a satrap from Baltimore who went down there and put many of our people in jail, and they had to be delivered from jail by the Supreme Court of the United States, and some of them had to suffer until they were delivered by the pardon of President Grant, although the statute under which they were put in jail was subsequently practically declared to be null and void and without authority of the Constitution. Therefore I am slow to agree to anything which proposes to give anybody the right to violate in principle that section of the Constitution which says that a man who is to be tried has a right to be tried by a jury and a court who are familiar with the surroundings from which he comes and with the conditions under which he labors. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I move that all debate on this section and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this section and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. HAYDEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Arizona asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Chairman, just a word. We practically have this provision in the present law. All this does is to permit the judges from one circuit to be sent across the line so they can try cases in an adjoining circuit. In many instances that will be a great advantage.

Mr. STEVENSON. Is not that permissible now when it is requested?

Mr. VOLSTEAD. No; it is not. This will allow them to go wherever they are sent, and it seems to me that the line between the circuits should not bar the assignment of judges from one circuit to another.

Mr. JONES of Texas. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. JONES of Texas. In view of the different procedure that applies in the different States, does not the gentleman think that this should be limited to judges within the same State? In other words, strike out, in lines 6 and 7, the words "judicial circuit" and insert the word "State," so that they might be transferred anywhere in the same State.

Mr. VOLSTEAD. No. The present law allows them to be assigned inside their own circuit.

Mr. JONES of Texas. I understand they could still be assigned as under the present law; that it would not keep the present law from applying where they consented to it.

Mr. VOLSTEAD. A good many of these judges do not want to be assigned to other districts, but we feel that when they are drawing their salaries as judges they ought to serve the public, and that the power should exist to send them wherever they can perform service; and with this annual conference it seems to me they will be able to determine where a particular judge can do the best work, and he ought to be assigned there, irrespective of any circuit boundary line. I do not imagine there will be any trouble on that account. [Applause.]

Mr. JONES of Texas. I thoroughly agree with the gentleman that they ought to be assigned wherever they consent to it, but it does seem to me that a judge should not be compelled to go to some place outside his own State where he may not be familiar with the procedure. When he is sent outside of his own State, it ought to be with his consent.

Mr. VOLSTEAD. It is the understanding of the committee that very often when judges are assigned they want to go to some distant State.

Mr. JONES of Texas. That could be taken care of under the existing law.

Mr. LAYTON. Will the gentleman yield?

Mr. VOLSTEAD. I yield to the gentleman from Delaware.

Mr. LAYTON. Is it possible under this bill for the Chief Justice of the Supreme Court of the United States to take any of the circuit judges and transfer them at his will and pleasure from one circuit to another?

Mr. VOLSTEAD. I think this relates more particularly to the district judges. I do not think there is any provision of that kind in the bill.

Mr. LAYTON. He would not have that power?

Mr. VOLSTEAD. I do not think so.

The CHAIRMAN. The question is on the amendment of the gentleman from South Carolina [Mr. STEVENSON] to strike out section 3.

The question being taken, the amendment was rejected.

The Clerk read as follows:

SEC. 4. That section 14 of the Judicial Code is hereby amended to read as follows:

"SEC. 14. That whenever by reason of the accumulation or arrears of business, or in case of any special or urgent business, in any district court in the judgment of the senior circuit judge or, in his absence, the circuit justice of the judicial circuit in which said district is located, there is need for additional judges in order to expedite the business of said court, such senior circuit judge or circuit justice may, and on request of the district judge of the district court where such accumulation, arrears, or urgency exists, shall designate, assign, and appoint any other district judge or judges within the said judicial circuit to hold a district court for a stated or appointed term or for a special term, in order to relieve such accumulation, arrears, or urgency, and such judge or judges when so designated, assigned, and appointed shall have the same powers and exercise the same jurisdiction and discharge the same judicial duties as the judge appointed for the district court to which such designation, assignment, or appointment is made. The same certification shall be made hereunder as is provided in the preceding section."

Mr. DAVIS of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Tennessee: Page 8, line 3, after the word "made," strike out the period and insert a semicolon and the words: "*Provided*, That no district judge shall be thus relieved, unless it appears that he has actually held court at least 1,000 hours during the preceding year, provided such district judge has been physically able to render such service during said period."

Mr. DAVIS of Tennessee. Mr. Chairman and gentlemen, some seem to think that this is a laughing matter, but it is not near as much a joke as is the disgraceful manner in which some of the Federal judges pretend to perform their duties. This does not require the judge to do his duty, it does not require him to work, but it does provide that unless he renders this reasonable service the people of the United States shall not pay the salary of another judge to do the work that he should do. Awhile ago the gentleman from Massachusetts [Mr. WALSH] suggested that it was undignified to hold a stop watch on the judges. Some of them ought to have a stop watch held on them, but this does not do it. In order to ascertain the amount of time he has held court, all that is necessary is for the clerk to tabulate the hours from the minutes of the court, a very simple process. This amendment only involves holding court for 5 hours per day for 5 days per week for 40 weeks per year, which leaves 12 entire weeks vacation, and it also leaves 2 days' vacation each of the other weeks, and then only requires him to hold court for 5 hours daily during the days when he is holding court. While we have many faithful, honest, conscientious judges—we have two of them in my State—yet the necessity for this bill in many particulars grows out of the absolutely dishonest failure of many Federal judges to perform their duty, and I do not think it is nearly so undignified for a Federal judge to make a single report upon the labor that he has performed as it is for him to dishonestly and flagrantly refuse to perform his duties and then expect the Government to furnish him another man to do it for him.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. CHINDBLOM. Does the gentleman's amendment make any provision for ascertaining the time spent in chambers?

Mr. DAVIS of Tennessee. No; but assuming that a judge ought to work eight hours per day, and he should, if necessary, that would leave at least three hours each day, and if necessary two days additional each week when he could perform his duties in chambers, and very few, if any, of them spend half of that time in the performance of that labor.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield for another question?

Mr. DAVIS of Tennessee. Further in this connection, as I say, this does not require him to work this much at all, but it does provide that he is not entitled to this relief unless he renders this modicum of labor named in my proposed amendment.

Mr. CHINDBLOM. I observe the gentleman said that this leaves him two days per week without occupation or employment. Does that include Sunday?

Mr. DAVIS of Tennessee. Yes; that, of course, would, technically speaking, include Sunday, but that is begging the question. One of the things that has brought the Federal judiciary into disrepute more than anything else is the knowledge on the part of the public that the judges frequently permit their dockets to be clogged by working only two or three or four hours per day, and it is not only a question that involves the time and salary of a Federal judge but of the large attendance of jurors and litigants and witnesses, many of whom are there on the pay of the Government. I say that this is a serious matter, and this amendment should prevail in the interest of honesty and economy. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I move that all debate upon this section and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The amendment was rejected.

Mr. LARSEN of Georgia. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 5. That the Chief Justice of the United States, whenever it shall be certified to him by the senior circuit judge of any judicial circuit, or by the circuit justice thereof, that it is not practicable to designate, assign, and appoint a sufficient number of district judges of other districts within said judicial circuit, including any territory assigned to said circuit, to expedite the business or relieve the accumulation or urgency of business in any district court, may, if in his judgment the public interests so require, designate, assign, and appoint any judge of any district court in any other judicial circuit to hold a district court within the circuit where said accumulation or urgency exists, and to have and exercise all the powers that are vested in the judge thereof. Such certification, designation, assignment, and appointment shall be made as provided in section 3 hereof.

Each of said district judges may, in the case of designation, assignment, and appointment under the provisions of this act, hold separately at the same time a district court in such district or territory and discharge all the judicial duties of said district or territorial judge therein.

Mr. WALSH. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 8, line 19, strike out the figure "3" and the word "hereof" and insert in lieu thereof the figures and words "13 of the Judicial Code."

Mr. WALSH. Mr. Chairman, section 3 of this bill amends section 13 of the Judicial Code, and this change is made to correspond with that.

Mr. MOORE of Virginia. Is the gentleman quite sure that the term "Judicial Code" technically applies to the statute that treats judiciary?

Mr. WALSH. It does. The act passed in March, 1912, or on March 3, 1911, I have forgotten the date, specifically provides that it may be known and cited as the Judicial Code.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That section 18 of the Judicial Code is amended to read as follows:

"SEC. 18. That the Chief Justice of the United States, or the circuit justice of any judicial circuit, or the senior circuit judge thereof, may, if the public interests so require, designate, assign, and appoint any circuit judge of a judicial circuit to hold a district court within said circuit."

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word. I have listened with attention to the entire debate on this bill, and while the discussion has covered a wide field, it seems to me that the issue can be summed up by asking this question: Will Congress grant the measure of relief here proposed to remedy a condition of congestion of business before the Federal courts the existence of which everyone admits? Most of the Members of the House are lawyers, and I freely concede that they are better qualified to argue about court procedure than a mere layman like myself, but sometimes I fear that the very familiarity of attorneys with legal delays may cause them to forget the feelings of their clients whose business affairs are paralyzed and whose hearts are sick waiting for judicial decisions long deferred. In the punishment of crime the need for prompt action is even greater, for will anyone deny that the administration of justice becomes a mockery when none are tried except those who are so poor and friendless that they can not give bail. Punishment must not only be certain but swift if there is to be respect for the law. Let us therefore pass this bill, so that we can truthfully say to those who sent us here that Congress is no longer a party to the intolerable procrastination that plagues those who seek a legal remedy for the wrongs from which they suffer and that the lapse of time will not continue to be a safe shield for criminals.

Complaint is made that the House has not been furnished with complete and detailed information as to the necessity for the appointment of each and every one of the 22 additional judges provided for in this bill. My reply is that no mistake was made in recommending another judge for the district of Arizona, and it is only fair to presume that the same care and consideration was exercised in reaching a like conclusion in the 21 other instances. Nor is any useful purpose served by seeking some fixed and inflexible rule to determine whether an extra judge is needed. Why talk of population or the number of cases pending when the demonstrated fact remains that there is more work than any one judge, however industrious or however able, can do?

One who would take population as his sole guide said to me that he could see no reason for two judges in Arizona, where only 333,000 people reside, while 2,930,000 are served by one Federal judge in Indiana. The answer is that there are over 42,000 Indians in Arizona, while all the red men were long since driven from the State to which they gave its name. Every Indian is a ward of the Government, and therefore is entitled to the protection of the Federal courts. There are over 18,000,000 acres in Indian reservations in Arizona and, in addition, over 13,000,000 acres are also under Federal control as national forests. Citizens can only go upon these forests by permission, not by right, and trespass cases are tried at every term of the Federal court. Indiana contains no forest reserves. Originally there were 22,000,000 acres of public land within her borders, but it has long since passed into private ownership. The public domain almost equals that amount in Arizona to-day, and its proper protection must be safeguarded by the Federal court. The reclamation law does not apply to Indiana, yet under its terms over $19,000,000 of Federal funds have been invested in irrigation projects in Arizona, and the Federal court has, after extended litigation, directed the collection of millions of dollars payable to the United States by the water users.

It is remotely possible that dutiable goods might be smuggled into Indiana from Canada, but the Federal court in Arizona must frequently try and punish violators of the customs laws who seek to take advantage of the inadequately patrolled Mexican border. The proximity of Mexico is likewise the cause for many violations of the immigration laws, particularly the Chinese exclusion act. The court must also enforce the prohibition against the export of arms into Mexico, which is still in effect. These are all instances of special and peculiar Federal interests and activities which add to the duties of a judge of the United States court in Arizona that are unknown in Indiana, even though the population be eight times as great. In addition thereto the court in Arizona has been forced to consider its due proportion of cases arising from the enactment of the pure food and drugs act, the antinarcotic law, the prohibition amendment, the railway safety appliance act, the hours of service act, and various other laws enacted by Congress in recent years.

As another illustration of the difference in the conditions prevailing in Arizona let me refer to the recently issued annual report of the Attorney General, which shows that $50,876 was expended in Arizona during the last fiscal year for the support of prisoners of the United States court while but $10,054 was spent for that purpose in Indiana. The sum so expended in Arizona is greater than in any other State in the Union, and the reason for it is that large numbers of prisoners must be held in jail for months awaiting trial. There can be no question but that much more than the salary of the additional Federal judge and all of the other additional expenses incident to his appointment will be saved each year by the prompt trial of criminal cases.

Another extraordinary condition which adds to the difficulties of the Federal judge in the State that I have the honor to represent is its great area. Arizona is the fifth State in size in the Union, being exceeded only by Texas, California, Montana, and New Mexico. It is larger than all of New England, and if Rhode Island is excluded from that group of States and New York added, the combined area is only a few square miles larger than Arizona. The 113,956 square miles in my State are greater than the combined area of New Jersey, Delaware, Pennsylvania, and Maryland, and almost as great as that of Ohio, Indiana, and Kentucky. From the Colorado River one can follow the international monuments eastward on her southern boundary for 350 miles to the New Mexico line. From Douglas on the Mexican border to Fredonia near the Utah line is 400 miles in a direct route, but no one could travel that way except in an airship, because the San Francisco Peaks two and a half miles high and the Grand Canyon a mile deep are in the way.

It is difficult for Members from the Eastern States to realize the distances that must be traveled between the places where sessions of the Federal court are required by law to be held twice each year in Arizona. From Prescott to Phoenix is 137 miles and from Phoenix to Tucson is 122 miles. In each case the judge must travel farther than from Washington to Richmond, or about as far as from Washington to Philadelphia. From Tucson to Globe is 238 miles, which is the same railroad mileage as from Washington to New York City. The total distance from Globe to Prescott by rail is 497 miles, which is farther than from Washington to Columbus, Ohio, or to Columbia, S. C., or to Boston, Mass.

There is another explanation for the congested condition of the Federal court calendar in Arizona, which arises from the fact that prior to statehood, under the Territorial laws, companies could be incorporated more promptly and at less expense than anywhere else. Thousands of such corporations were organized to do business in other States, and when they get into difficulties elsewhere suits are brought against them in the Arizona Federal court. A recent case of this character was the Coca-Cola Co. *v.* the Koke Co., which took months of the court's time before a decision was rendered.

A further cause for litigation is the transfer of cases from the State courts to the Federal court owing to the fact that practically all of our large copper-mining companies are foreign corporations. The employers' liability and workmen's compensation law of Arizona defines mining as an extra-hazardous occupation and is unique in that a workman has three different remedies that he may pursue in case of injury. Arizona produces more copper than any other State in the Union, and large numbers of miners are employed, with the natural consequence that transferred suits of this character, many of which are stubbornly contested, occupy much of the time of the Federal judge.

Having demonstrated the exceptional nature and character of the cases that he must decide, it is proper that I should speak of the ability and industry of the judge. The present incumbent was appointed nine years ago in the prime of life. Under his oath he has conscientiously administered justice to the rich and poor without fear or favor. He has held two terms of court in four places in the State each year, and has worked day and night until his health is beginning to break under the strain of attempting to dispose of the ever-increasing business of his court. He has had no real vacation since his appointment, because he has felt it proper to assist the Federal judges in California each summer in return for the many occasions on which he has called upon them to come to Arizona to assist him. He holds court from 9 in the morning to 5 o'clock in the afternoon during jury trials and from 10 to 4 and 5 o'clock for law cases, yet, despite his every effort, and with the assistance of other judges, the situation grows worse each year. The appointment of an additional judge is the only possible way of relief.

In conclusion let me say that I am heartily pleased that the Committee on the Judiciary had the courage to utterly reject the proposed plan for the appointment of 18 district judges with roving commissions. I suspect that the whole scheme was born of a desire to avoid conflicts with Members of the body at the other end of the Capitol, who, since they have the right to confirm nominations made by the President, might seek to dictate the appointment of judges in their States. I know that it was first suggested by those who have experienced that very difficulty. There are numerous exceptions, but it is unfortunately true that there are some Federal judges who, through the long-continued exercise of power, have become inconsiderate and arbitrary. Almost the only restraining in-

fluence upon them is that, by reason of their selection from the bar of the State in which they continue to reside, old friends can address them with frankness respecting their official conduct. Judges with no fixed assignment would be without even this slight check upon their actions on the bench, with the result that they would soon be looked upon as judicial despots whose coming was to be dreaded. The entire proposal was wrong in its conception and it is well that it has been definitely abandoned. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 7. That whenever it shall be certified to the Chief Justice of the United States by the chief justice of the Court of Appeals of the District of Columbia or in his absence by an associate justice of said court of appeals, that on account of the accumulation or urgency of business in said district it is impracticable for the judges of the supreme court of said district to relieve such accumulation or urgency of business the Chief Justice of the United States may, if in his judgment the public interests so require, designate, and appoint the judge of any district court in any circuit to sit in the Supreme Court of the District of Columbia and to have and to exercise within said district to which he is so assigned the same powers as are vested in a supreme judge thereof.

The certification, designation, assignment, and appointment hereunder shall conform so far as possible to the provisions of section 3 of this act.

Mr. WALSH. Mr. Chairman, I offer the same amendment in line 23, page 9, to strike out the figure "3" and the words "of this act" and insert the figures "13" and the words "the Judicial Code."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 9, line 23, strike out "3 of this act" and insert in lieu thereof "13 of the Judicial Code."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. VOLSTEAD. Mr. Chairman, I offer a committee amendment from the Judiciary Committee.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. VOLSTEAD: Page 9, after the end of line 20, insert as a separate paragraph the following:

"The judges of the United States Court of Customs Appeals, or any of them, whenever the business of that court will permit, may, if in the judgment of the Chief Justice of the United States the public interest so requires, be designated and assigned by said Chief Justice for service, from time to time and until he shall otherwise direct, in the district court of any district or the Supreme Court of the District of Columbia or the court of appeals of said District, when so requested by the judge thereof, or in courts with more than one judge when requested by the senior judge or chief justice thereof, and the judge so assigned shall exercise and is hereby vested with all powers, jurisdiction, rights, and duties conferred by law upon the judge of the court to which he may be assigned."

Mr. WINGO. Mr. Chairman, I make a point of order against the amendment. It is neither germane to the bill nor the section to which it is offered.

The CHAIRMAN. The gentleman from Arkansas makes a point of order that the amendment is not germane to the bill or germane to the section to which it is offered. The Chair sustains the point of order so far as that it is not germane to the section to which it is offered, but will reserve his ruling as to whether it will be germane as a separate section. Does the gentleman from Minnesota desire to offer it as a new section?

Mr. VOLSTEAD. I will. Mr. Chairman, I offer the amendment that I send to the Clerk's desk as a separate section, to be known as section 8.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. VOLSTEAD: Page 9, after line 23, insert a new section as follows:

"The judges of the United States Court of Customs Appeals, or any of them, whenever the business of that court will permit, may, if in the judgment of the Chief Justice of the United States the public interest so requires, be designated and assigned by said Chief Justice for service, from time to time and until he shall otherwise direct, in the district court of any district or the Supreme Court of the District of Columbia or the court of appeals of said District, when so requested by the judge thereof, or in courts with more than one judge when requested by the senior judge or chief justice thereof, and the judge so assigned shall exercise and is hereby vested with all powers, jurisdiction, rights, and duties conferred by law upon the judge of the court to which he may be assigned."

Mr. WINGO. Mr. Chairman, I make the point of order that the amendment is not germane to the bill. The bill, I understand, and as I take it, is a bill providing for the appointment of additional district judges, for their assignment, and for increase in their maintenance allowance. As I grasp the gentleman's amendment it covers the question of assignment of members of the Court of Customs Appeals, who are authorized when assigned to hold court for any of the regularly appointed district judges of the United States or for the Supreme Court of the District of Columbia. That is not germane to the purpose of the bill.

Mr. MANN. Mr. Chairman, I am inclined to think that the amendment is germane to the provisions of the bill. The same matter is not involved that was involved in points of order that were made heretofore. Here is a bill that relates to the assignment of judges of different courts, including the Supreme Court of the District of Columbia. Now, it is true that the judges of the customs court are not mentioned in the bill, but this bill generally refers to the assignment of Federal judges in the United States in various districts, from one district to another. There are three or four or five separate sections relating to that subject in the bill. It seems to me perfectly competent to add additional judges who may be assigned from one district to another. It seems to me it is a germane proposition to assign other Federal judges from one district to another.

Mr. WINGO. I may be in error as to what the bill contains, although I have read it several times. The bill only covers district judges.

Mr. MANN. District judges and circuit judges.

Mr. WINGO. But nowhere in the bill is there any provision covering the appointment of additional judges of the Court of Customs Appeals or for the discharge of any duty or in any way affecting their employment or emolument.

Mr. MANN. Undoubtedly not.

Mr. WINGO. So if there is nothing in there covering those particular judges as a separate class—and it deals with other judges—it would not be germane to the bill.

Mr. MANN. It would not be germane to define new duties for the judges of the customs court, but here is a bill mainly related, in most of its sections at least, to the assignment of Federal judges to various district courts, including the courts of the District of Columbia. I should think it is wholly competent in connection with that to provide additional judges who may be assigned to the same place already provided in the bill for other classes of judges.

The CHAIRMAN. The bill under consideration, so far as the assignment of judges is concerned, provides not only for assignment of district judges, but, in section 6, for the assignment of circuit judges to relieve the congested conditions in various district courts.

If the bill under consideration were restricted merely to the appointment of district judges, it might be argued that, as it applied only to one class, it would not be in order to provide for the designation of another class. But as there are two classes of judges that may be designated to district courts, it comes within that familiar rule where, when a bill provides for more than one class, a third class may be added. The Chair overrules the point of order.

Mr. GARRETT of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. GARRETT of Tennessee. Mr. Chairman, this amendment, if adopted, would inject an element into this bill which, however much it may have been considered by the Committee on the Judiciary of the House, has not been considered by the House fully. In my opinion, if this amendment be adopted, it will provoke an opposition to the bill, as reported by the committee and which has been considered by the Members in their private study, that does not now exist.

I think the question of assigning the customs court judges who were appointed, after all, for a particular purpose—that is, with particular duties confronting them—is a thing that ought to be considered separate and independent of this measure as reported originally from the committee. I very much hope the amendment will not be agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment to the Volstead amendment.

Mr. HUSTED. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. HUSTED. Mr. Chairman, I think this amendment should not prevail. The gentlemen who are now on the Customs Court of Appeals may be very able lawyers. Personally, I do not know as to that, but I do know this, that they need not be necessarily very great lawyers to serve well in that court. They have but two classes of cases to pass upon. One class is that of cases of reappraisement of the valuation of merchandise imported into the United States. The other is the classification of that merchandise. They deal almost exclusively with questions of fact and very little with questions of law. They

may have been able men and able lawyers when they went on the bench, but they have been out of touch with the practice of the law for many years, and I am very sure that in my own State and in my own district we would not want one of these men assigned to come there and try these vastly important cases—admiralty cases and patent law cases—when they have not been in touch with the practice of the law for years.

Why, by this amendment we are practically creating a number of district judges. We should not create them in that way. These men were not appointed because they were well qualified to be district judges. They were appointed because they were well qualified to pass upon questions arising under the tariff law. I do not think we would aid the administration of justice by enacting an amendment of this kind. I do not think we would facilitate the transaction of our important business. I think it would be a bad precedent, an unwise thing to do. I think it would lower the standard of judicial service and accomplishment, and I feel that the amendment should be defeated.

Mr. RAKER. Mr. Chairman, I offer the following amendment to the Volstead amendment.

Mr. VOLSTEAD rose.

The CHAIRMAN. The Chair will recognize the gentleman from Minnesota.

Mr. VOLSTEAD. I rise in opposition to the pro forma amendment.

Mr. Chairman, I am surprised at the statements that have been made by different gentlemen. These judges are very high-class lawyers. They receive $8,000 in annual salary, a salary that is higher than that paid district judges. I have made considerable inquiry in reference to them. They stand very high as lawyers and there is not any reason on earth why they should not be put to work.

Mr. MILLER. Mr. Chairman, will the gentleman yield for a short question?

Mr. VOLSTEAD. Yes.

Mr. MILLER. What is the information of the gentleman as to the number of men on the Court of Customs Appeals who would be available for this work?

Mr. VOLSTEAD. There is one vacancy on that bench now, but there are five judges under the statute. It seems to me ridiculous for Members to insist that they are unfit to try such cases as they may be called upon to try. We hope to put them to work in the supreme court of this District, where they have been clamoring for two additional judges. There is no reason why they should not serve and thus save $7,500 for each of two judges.

These judges have very little to do and they asked me during the last Congress to introduce a bill, and I introduced one practically the same as the amendment which I have offered. It was passed in this House, but failed in the Senate.

Mr. MILLER. You will be having some judges drawing $8,000 and some drawing $7,500?

Mr. MCARTHUR. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. MCARTHUR. Is there not enough work for these customs court judges to do now?

Mr. VOLSTEAD. No.

Mr. MCARTHUR. Then why not abolish the court?

Mr. VOLSTEAD. When we get a new tariff law those judges will have work for some time, until they get the law settled. They do not pass upon questions of fact, as the gentleman from New York [Mr. HUSTED] has just told you. That is done by the board of appraisers, or whatever they are called, and these men are appointed to pass upon the law questions; that is what they are for. Whenever those questions are settled they may have but very little work to do, and then may be assigned to other work if this amendment is adopted.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. DEMPSEY. As I understand the gentleman, while these judges have not had anything to do for some time past, yet they are certain to have something to do in the future, and we are legislating for the future and not for the past?

Mr. VOLSTEAD. We provide that they shall serve when they are available.

Mr. DEMPSEY. They will not be available, with a new tariff law just coming in force, for a considerable time. We are not talking and legislating for the past. We are legislating for the future.

Mr. VOLSTEAD. But just as soon as the tariff law has been passed the various questions will be presented and adjudicated just as they were before, when we passed the last tariff law.

Mr. GARRETT of Tennessee. About what time does the gentleman think that will begin? [Laughter.]

Mr. VOLSTEAD. That is another question. It may be five or six months before that time comes. There is no reason why they should not go to work here in the District and help to clean up this calendar that is almost three years behind. Here we have five judges of this Customs Court with practically no work, men whom we have got to pay, men who are abundantly able to do that work, and are willing to do it. It seems utterly ridiculous that Congress should refuse to set those men at work.

Mr. MILLER. Why do you not confine it to Washington?

Mr. VOLSTEAD. I move that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this amendment and all amendments thereto close in 10 minutes.

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask for a division, and pending that I ask unanimous consent to proceed for one-half minute.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for one-half minute. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. I think the gentleman from Minnesota perhaps did not understand that the gentleman from California [Mr. RAKER] has an amendment that he desires to offer, an amendment to the amendment, upon which he would like to have five minutes.

Mr. WALSH. There will be 10 minutes' debate.

Mr. VOLSTEAD. If the gentleman will be satisfied with four minutes there will be no trouble about it.

Mr. RAKER. I will take four minutes.

Mr. VOLSTEAD. There will be 10 minutes of debate, and that will accommodate everybody.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this amendment and all amendments thereto close in 10 minutes. A division has been asked for.

The committee divided; and there were—ayes 60, noes 2.

Accordingly the motion was agreed to.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

There was no objection.

Mr. WINGO. A parliamentary inquiry, Mr. Chairman. How is the 10 minutes' time to be divided?

The CHAIRMAN. No arrangement was made as to the disposition of the time.

Mr. WINGO. I understand the gentleman from California is willing to take four minutes.

Mr. RAKER. Yes.

Mr. CURRY. I want one minute.

Mr. WINGO. And I understand I am to have the remaining five minutes.

The CHAIRMAN. That is entirely agreeable to the Chair. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Add to the Volstead amendment inserted as a new section 8, the following:

"The certification, designation, assignment, and appointment hereunder shall conform, so far as possible, to the provisions of section 13 of the Judicial Code."

Mr. VOLSTEAD. The committee accepts that amendment.

The CHAIRMAN. The gentleman from Minnesota accepts the amendment.

Mr. BANKHEAD. A point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman from California desire to discuss his amendment?

Mr. RAKER. I should like to be heard.

Mr. BANKHEAD. I make the point of order that under the rules a proposed amendment can not be accepted. It must be adopted.

The CHAIRMAN. The point of order made by the gentleman from Alabama is well taken. The Chair did not intend to have the amendment adopted merely upon the ipse dixit of the gentleman from Minnesota. The gentleman from California is recognized.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I did not rise to discuss the amendment I offered to the Volstead amendment and shall not discuss it. It is in the same language as the other sections, and is necessary. It is wholly immaterial to me what the House does with it. But what I do rise to say is this: The Chief Justice of the United States Court of Customs Appeals, Judge De Vries, was a former and able Member of this House, where he had a high standing.

He has a high standing as a member of the bar of California. None better. Another member, Judge Smith, was Governor General of the Philippines, and for years stood at the head of the bar of San Francisco as a lawyer. The other two men on the bench of that court, one of them from Vermont, Judge Barber, and the other from Ohio, Judge Martin, and each of them stood at the head of the profession in the State from which he came. The statement that only two questions are involved before this court is a mistaken statement. Read the reports of the decisions of that court, nine volumes now published and one partly published, and you will find that all the questions of evidence in civil and equity cases are involved in those decisions. All these men are the peers of any of the judges of the district courts of the United States as men, in ability, and as civil and equity lawyers, all men of wide experience, able lawyers, and able and worthy judges, and they would be a credit to the district bench wherever they might be sent to preside, and they can give the very best service. I am for this amendment and hope it will be adopted.

Mr. CURRY. Mr. Chairman, I have the honor of the personal acquaintance and friendship of three of the members of the Court of Customs Appeals. There are no abler lawyers in the United States of America than those three men. They would grace the Supreme Bench of the United States. I had the honor to succeed one of these gentlemen as a Member of this House. There is no question as to their ability, there is no question that they could perform the duties of United States district judges as well as anyone who might be selected. The only question to be considered by the committee is as to whether the duties of the Court of Customs Appeals will permit of their devoting their time to other work after the tariff bill shall have been enacted. I can not sit quiet and hear their ability attacked without stating that from my personal knowledge there are no better lawyers in the United States than these three men, and none better qualified to perform the duties of district judges should this amendment be adopted and any of them should be assigned to hear and decide any case that may come before such court.

Mr. WINGO. Mr. Chairman, I think it is unfortunate that from the statement which has been made both of the gentlemen from California who have preceded me should have the impression that anything was said in disparagement of the character or legal ability of the members of the Court of Customs Appeals. But in all seriousness I want to submit to you lawyers and to you business men that it would be unwise to adopt this amendment.

While, of course, there is some doubt as to when you will pass your tariff law, of course you are going ultimately to do it, and that will cause considerable work for your Court of Customs Appeals. I care not how able these men may be as lawyers, or how high their character, their peculiar fitness in one place is not a measure of their peculiar fitness to discharge duties in another place, and it would be unfortunate for you gentlemen, more so than for me, to have a member of the Court of Customs Appeals who has been devoting his time and attention and thought for years to the peculiar and particular class of business that comes before that court taken from that court and assigned as an emergency judge to clean up dockets in a district court where the general run of cases he would be called upon to try are those heard and determined generally in the district courts of the United States. It would not be fair to this Court of Customs Appeals, it would not be fair to the litigants, it would not be fair to the attorneys. Instead of expediting the clearing of the dockets, in the nature of things it would have a tendency to slow up the action of the courts over which they presided. I hope the amendment will not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Minnesota.

The question was taken, and on a division (demanded by Mr. VOLSTEAD), there were—ayes 56, noes 44.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 8. That whenever under the provisions of this act or of existing law a circuit or district judge is designated, assigned, or appointed to, or does hold, district court or transact other official business at any place other than his official place of residence, he shall, while so holding court or transacting such other official business be paid his necessary and actual expenses of travel, together with his reasonable and necessary expenses for maintenance, not to exceed $15 per day, which payments shall be made by the marshal of the district in which such court is held or other official business is transacted upon the written certificate of the judge incurring such expenses.

Mr. WALSH. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Strike out section 8.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. VOLSTEAD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9103 and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a separate vote upon the amendment assigning judges of the Court of Customs Appeals to the district courts.

The SPEAKER. Is a separate vote demanded on any other amendment? [After a pause.] If not, the question will be taken on the other amendments.

The other amendments were agreed to.

The SPEAKER. The question now is on the amendment on which a separate vote is demanded, which the Clerk will report.

The Clerk read as follows:

Page 9, after line 23, insert a new paragraph, as follows:

"SEC. 8. The judges of the United States Court of Customs Appeals, or any of them, whenever the business of that court will permit, may, if in the judgment of the Chief Justice of the United States the public interest so requires, be designated and assigned by said Chief Justice for service, from time to time and until he shall otherwise direct, in the district court of any district of the Supreme Court of the District of Columbia or the court of appeals of said District, when so requested by the judge thereof, or in courts with more than one judge when requested by the senior judge or chief justice thereof, and the judge so assigned shall exercise and is hereby vested with all powers, jurisdiction, rights, and duties conferred by law upon the judge of the court to which he may be assigned."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. VOLSTEAD) there were—ayes 63, noes 58.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. SUMNERS of Texas. Mr. Speaker, on that I demand the yeas and nays.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry. The previous question having been ordered, if the yeas and nays are ordered, and the House should adjourn, would this be the unfinished business on Monday?

The SPEAKER. It would. The gentleman from Texas demands the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 197, nays 90, answered "present" 1, not voting 144, as follows:

YEAS—197.

Ackerman	Carter	Dickinson	Graham, Ill.
Anderson	Chalmers	Dowell	Green, Iowa
Andrew, Mass.	Chandler, N. Y.	Dunbar	Greene, Mass.
Andrews, Nebr.	Chindblom	Dyer	Greene, Vt.
Appleby	Clague	Echols	Griest
Barbour	Clouse	Elliott	Hadley
Benham	Cole, Iowa	Ellis	Hardy, Colo.
Bird	Cole, Ohio	Evans	Haugen
Bixler	Connell	Fairchild	Hawes
Boies	Connolly, Pa.	Faust	Hawley
Bond	Cooper, Ohio	Fess	Hayden
Brennan	Coughlin	Fitzgerald	Herrick
Brooks, Ill.	Cramton	Foster	Hersey
Brown, Tenn.	Crowther	Free	Hickey
Browne, Wis.	Curry	Freeman	Hicks
Burroughs	Dale	French	Hoch
Burtness	Dallinger	Frothingham	Hogan
Burton	Darrow	Gahn	Hudspeth
Butler	Davis, Minn.	Gernerd	Hukriede
Campbell, Pa.	Dempsey	Goodykoontz	Hull
Cannon	Denison	Gorman	Husted

Ireland	McFadden	Pringey	Taylor, N. J.
James	McKenzie	Raker	Taylor, Tenn.
Johnson, Wash.	McLaughlin, Mich.	Ramseyer	Temple
Jones, Pa.	McLaughlin, Nebr.	Ransley	Tilson
Kearns	McPherson	Reece	Timberlake
Keller	Madden	Reed, W. Va.	Tincher
Kelley, Mich.	Magee	Rhodes	Treadway
Kelly, Pa.	Mann	Ricketts	Underhill
Ketcham	Mapes	Riddick	Vaile
King	Michener	Robertson	Vestal
Kinkaid	Millspaugh	Rodenberg	Voigt
Kirkpatrick	Mondell	Rogers	Volstead
Kissel	Montoya	Rosenbloom	Walsh
Kleczka	Moore, Ill.	Ryan	Wason
Kline, N. Y.	Moore, Ohio	Sabath	Watson
Kline, Pa.	Morgan	Schall	Webster
Kraus	Mott	Scott, Mich.	Wheeler
Kunz	Mudd	Scott, Tenn.	White, Kans.
Lampert	Murphy	Shelton	White, Me.
Larson, Minn.	Nelson, A. P.	Shreve	Williams
Lea, Calif.	Newton, Minn.	Sinclair	Williamson
Leatherwood	Newton, Mo.	Sinnott	Woodruff
Lehlbach	Norton	Smith, Idaho	Woodyard
Lineberger	Osborne	Smith, Mich.	Wyant
Longworth	Paige	Snell	Young
Luce	Parker, N. J.	Sproul	Zihlman
Luhring	Parker, N. Y.	Stafford	
McArthur	Patterson, Mo.	Strong, Kans.	
McCormick	Porter	Swank	

NAYS—90.

Almon	Driver	Lowrey	Rouse
Aswell	Fisher	Lyon	Rucker
Bankhead	Fulmer	McDuffie	Sanders, Tex.
Barkley	Garrett, Tenn.	McSwain	Sandlin
Bell	Garrett, Tex.	MacGregor	Sisson
Black	Gilbert	Martin	Smithwick
Bland, Va.	Hardy, Tex.	Miller	Steagall
Bowling	Harrison	Montague	Stedman
Box	Hill	Moore, Va.	Stevenson
Briggs	Hooker	Moores, Ind.	Stoll
Buchanan	Huddleston	O'Connor	Sumners, Tex.
Bulwinkle	Johnson, Ky.	Ogden	Taylor, Ark.
Byrnes, S. C.	Jones, Tex.	Oldfield	Ten Eyck
Byrns, Tenn.	Kincheloe	Oliver	Thomas
Cantrill	Kopp	Padgett	Tillman
Chandler, Okla.	Lanham	Park, Ga.	Tyson
Cockran	Lankford	Parrish	Vinson
Collins	Larsen, Ga.	Quin	Ward, N. C.
Connally, Tex.	Layton	Rankin	Wingo
Crisp	Lazaro	Rayburn	Wise
Davis, Tenn.	Lee, Ga.	Roach	Woods, Va.
Doughton	Logan	Robsion	
Drewry	London	Rose	

ANSWERED "PRESENT"—1.

Gensman

NOT VOTING—144.

Ansorge	Dupré	Kitchin	Reed, N. Y.
Anthony	Edmonds	Knight	Riordan
Arentz	Elston	Knutson	Rossdale
Atkeson	Fairfield	Kreider	Sanders, Ind.
Bacharach	Favrot	Langley	Sanders, N. Y.
Beck	Fenn	Lawrence	Sears
Beedy	Fields	Lee, N. Y.	Shaw
Begg	Fish	Linthicum	Siegel
Blakeney	Focht	Little	Slemp
Bland, Ind.	Fordney	McClintic	Snyder
Blanton	Frear	McLaughlin, Pa.	Speaks
Bowers	Fuller	Maloney	Steenerson
Brand	Funk	Mansfield	Stephens
Brinson	Gallivan	Mead	Stiness
Britten	Garner	Merritt	Strong, Pa.
Brooks, Pa.	Glynn	Michaelson	Sullivan
Burdick	Goldsborough	Mills	Summers, Wash.
Burke	Gould	Morin	Sweet
Cable	Graham, Pa.	Nelson, J. M.	Swing
Campbell, Kans.	Griffin	Nolan	Tague
Carew	Hammer	O'Brien	Taylor, Colo.
Christopherson	Hays	Olpp	Thompson
Clark, Fla.	Himes	Overstreet	Tinkham
Clarke, N. Y.	Houghton	Parks, Ark.	Towner
Classon	Humphreys	Patterson, N. J.	Upshaw
Codd	Hutchinson	Perkins	Vare
Collier	Jacoway	Perlman	Volk
Colton	Jefferis, Nebr.	Peters	Walters
Cooper, Wis.	Jeffers, Ala.	Petersen	Ward, N. Y.
Copley	Johnson, Miss.	Pou	Weaver
Crago	Johnson, S. Dak.	Purnell	Wilson
Cullen	Kahn	Radcliffe	Winslow
Deal	Kendall	Rainey, Ala.	Wood, Ind.
Dominick	Kennedy	Rainey, Ill.	Wright
Drane	Kiess	Reavis	Wurzbach
Dunn	Kindred	Reber	Yates

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. MORIN (for) with Mr. GALLIVAN (against).

Mr. KNIGHT (for) with Mr. HAMMER (against).

Mr. VOLK (for) with Mr. BLANTON (against).

Mr. SNYDER (for) with Mr. DEAL (against).

Mr. ANSORGE (for) with Mr. WILSON (against).

Mr. BLAKENEY (for) with Mr. GOLDSBOROUGH (against).

Mr. ROSSDALE (for) with Mr. BROOKS of Pennsylvania (against).

Mr. LEE of New York (for) with Mr. DUPRÉ (against).

Mr. WURZBACH (for) with Mr. UPSHAW (against).

Mr. FORDNEY (for) with Mr. WRIGHT (against).

Mr. MILLS (for) with Mr. PARKS of Arkansas (against).

Mr. OLPP (for) with Mr. FAVROT (against).

Mr. BACHARACH (for) with Mr. RIORDAN (against).

Mr. HUTCHINSON (for) with Mr. CULLEN (against).

Mr. REBER (for) with Mr. CAREW (against).

Mr. GRAHAM of Pennsylvania (for) with Mr. DOMINICK (against).

Mr. EDMONDS (for) with Mr. GRIFFIN (against).

Mr. WINSLOW (for) with Mr. SULLIVAN (against).

Mr. PATTERSON of New Jersey (for) with Mr. JACOWAY (against).

Mr. KENNEDY (for) with Mr. TAGUE (against).

Mr. BEEDY (for) with Mr. KINDRED (against).

Mr. PURNELL (for) with Mr. BRAND (against).

Mr. BLAND of Indiana (for) with Mr. MEAD (against).

Mr. KAHN (for) with Mr. O'BRIEN (against).

Until further notice:

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. GENSMAN with Mr. MCCLINTIC.

Mr. BEGG with Mr. KITCHIN.

Mr. ANTHONY with Mr. WEAVER.

Mr. WALTERS with Mr. POU.

Mr. HAYS with Mr. RAINEY of Illinois.

Mr. BURKE with Mr. BRINSON.

Mr. DUNN with Mr. DRANE.

Mr. KIESS with Mr. HUMPHREYS.

Mr. SIEGEL with Mr. JOHNSON of Mississippi.

Mr. STRONG of Pennsylvania with Mr. MANSFIELD.

Mr. ATKESON with Mr. GARNER.

Mr. THOMPSON with Mr. SEARS.

Mr. LAWRENCE with Mr. RAINEY of Alabama.

Mr. REAVIS with Mr. COLLIER.

Mr. PERLMAN with Mr. FIELDS.

Mr. KREIDER with Mr. OVERSTREET.

Mr. FENN with Mr. JEFFERS of Alabama.

Mr. COOPER of Wisconsin with Mr. LINTHICUM.

Mr. VARE with Mr. TAYLOR of Colorado.

Mr. GENSMAN. Mr. Speaker, I have a general pair with the gentleman from Oklahoma, Mr. MCCLINTIC, and I wish to withdraw my vote of "yea" and answer "Present."

The result of the vote was announced as above recorded.

On motion of Mr. VOLSTEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. FAVROT, by unanimous consent, was granted leave of absence for 10 days, on account of illness.

EXTENSION OF REMARKS.

Mr. ROSENBLOOM. Mr. Speaker, I ask unanimous consent to insert in the RECORD remarks which I made before the Committee on Rivers and Harbors in support of the bill (H. R. 8783) to prohibit the pollution of navigable streams.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to insert in the RECORD remarks made by himself before the Committee on Rivers and Harbors. Is there objection? [After a pause.] The Chair hears none.

The following are the remarks referred to:

REMARKS OF HON. BENJAMIN L. ROSENBLOOM AT A HEARING BEFORE THE RIVERS AND HARBORS COMMITTEE, HOUSE OF REPRESENTATIVES, DECEMBER 7, 1921, IN SUPPORT OF H. R. 8783, A BILL TO PROHIBIT THE POLLUTION OF NAVIGABLE STREAMS.

Mr. ROSENBLOOM. Mr. Chairman and gentlemen of the committee, I listened intently to the remarks of the Secretary of Commerce, who preceded me, and was impressed with his statement that legislation to correct conditions of pollution at ports and in harbors is imperative. Although Mr. Hoover described the present condition of the waters at ports and harbors as damaging to property and destructive to fisheries and the fishing industry, I regret greatly that his investigations were not of sufficient scope to observe the conditions of navigable streams, resultant from the deposit of noxious acids. In view of his recommendation that nothing in the way of legislation be attempted until after a thorough investigation has been made of navigable inland waterways, with your indulgence I will submit comprehensive reports and studies which have already been made, and which, I believe, will convince you, gentlemen of the committee, that something must be done to correct existing conditions.

Apparently the only consideration which the Department of Commerce has given this question, according to the statement of Secretary Hoover, was from the viewpoint of the successful operation of fisheries and the preservation of fish life.

While the preservation and propagation of fish is an incidental object that we hope will be accomplished by the enactment of the bill which I introduced, it is by no means the primary consideration. While it may be the fundamental object of the Department of Commerce to secure legislation which will afford required protection to the fishing industry at ports and harbors I am actuated by many considerations in my effort to prohibit the contamination of inland waterways.

The discharge or deposit of free acid, acid waste, or any material which will become acid after being in the water is responsible for the following injury and damage:

It constitutes a constant menace and is a source of injury to the health of persons residing along the stream and using the water.

It is damaging to the steel structural parts of Government dams, resulting in hindrance to navigation.

Acid water corrodes and deteriorates plumbing in homes and buildings.
It is destructive to boiler tubes in plants located along the river and as well in steamboats operating thereon.
It annihilates all fish and kills all manner of vegetation.
It jeopardizes the health of stock on the farms.
The acid causes injury to clothing washed in the water.
The chemicals make the water dangerous to bathe in.

At some points along the Ohio River, which river has come under my personal observation, and in which I am particularly interested, the bathing beaches were deserted because of the odor from the decaying fish.

It is therefore obvious, gentlemen, that the preservation of fish life is entirely incidental, viewed from the standpoint of public importance.

In my opinion, legislation tending to overcome the present condition of navigable inland waterways is of far greater importance than the legislation which the Secretary of Commerce recommends. The water of inland rivers in many places is the only source for human consumption, and is used everywhere for domestic purposes. Ocean water is not extensively used for these purposes.

In my home city of Wheeling, W. Va., located on the banks of the Ohio River, we do not have any system of filtration, and the polluted water from the river is served to the public for every domestic use. This is true of other cities in this country. While it is true that people who can afford to have pure water delivered to them for drinking purposes do so, it is also true that many of the people in less fortunate circumstances must drink the water which is sufficiently contaminated by this acid pollution to exterminate fish life.

The United States Government is annually spending millions of dollars in constructing locks and dams and in making other improvements of navigable waterways, and the acid which is deposited in the water is destroying this work, so that Congress should do one of two things, viz, either discontinue the appropriations for improvements or protect the improvements that have been made.

The CHAIRMAN. Just a moment, Mr. ROSENBLOOM. You take the lower Mississippi; they are having a very prosperous season there in shipping. I do not think there is any pollution interfering with navigation or with the water in that part of the stream. I do not think that is true, probably, of the Ohio.

Mr. ROSENBLOOM. I will say, frankly, that this pollution does exist in the Ohio, virtually all the way from Pittsburgh to Cairo. The water is so highly charged with acids from the factories and mines along the river that it is eating out all the metal work on the dams, and Gen. Beach will tell you that it is only a question of time before all the metal superstructure will be eaten out and will have to be replaced.

The CHAIRMAN. That is what I called attention to in the present act. I think the present act does apply in a broad way to navigation. It does not apply simply to the ability to run the boats?

Mr. ROSENBLOOM. The condition of the water is such that it interferes with navigation. On the navigable streams the life of the boilers is so short that it is unprofitable to operate steamboats. The public is interested in development of steamboat transportation. The Government is interested in it to the extent of improving the waterways. Both the Government and operators of steamboats will be discouraged by the destruction of their equipment, due to this acid in the water.

The CHAIRMAN. Do you not think that the enforcement of the present law would cover that?

Mr. ROSENBLOOM. No; for the reason that while it allows the War Department to have control of the streams, there is not sufficient authority vested in the War Department to carry its orders into effect.

The principal reason for the introduction of this bill, which is always the reason for the introduction of bills in legislative assemblies, is the almost universal demand, not only from the constituents whom I have the honor to represent, but as well from people all along navigable streams everywhere. I have introduced this bill to rectify a condition which can not be remedied in any other way.

The people who live in the Ohio Valley, and who are taxpayers owning their own property, do not understand why certain individuals should be permitted to dump acids into the river which corrode and deteriorate the plumbing in their homes, causing them annoyance, inconvenience, and expense. The farmer is indeed reticent to offer water to his stock that is sufficiently contaminated to cause the destruction of all animal life which would be present in pure water. Women complain that the acid in the water has a very destructive effect on the clothes which are washed in it, and they have no other water to use except that from the river.

After a period of commercial inactivity, extending until the past summer, the Ohio River had again stocked itself with numerous fish. For the first time in many years men had an opportunity to secure an article of food of great value without cost. During the industrial depression when many families were financially crippled, many men availed themselves of the opportunity of providing a meal for their families by fishing along the banks of the river. As I have previously stated, the mere preservation of fish is only an incidental consideration for the enactment of the bill which I have introduced, yet at a time such as I have mentioned, the relief afforded by food provided as a result of catch of fish was indeed welcome to the family in dire circumstances.

The item of fish preservation is not to be ignored. Fish do not require hay, oats, or corn on which to survive, nor do they require care or attention from anyone. It consumes nothing that could otherwise be utilized by mankind, but is always available as a source of food supply. The Government annually spends a great deal of money stocking streams with fish, mainly on considerations such as I have outlined. Again I say the Congress ought either to discontinue appropriations for this purpose or adopt legislation which will protect the streams after they are stocked with fish.

Following the industrial depression some of the mills resumed operation, and after the first deposit of acid into the Ohio the surface of the water for many miles was covered with dead fish. The combination of the acid in the water and the dead fish made the water unfit for every purpose, and the odor from the decaying fish was so intense, particularly in the hot summer weather, that for a considerable period of time people living adjacent to the river were greatly annoyed.

I contend that these people are entitled to relief from similar conditions, which will continue so long as the streams are defiled. I submit, further, that no individual or group of individuals has the right to create such a nuisance against the mass of people.

I am offering for your inspection letters and petitions of protest against these conditions. I have also received many resolutions of indorsement of the bill which I have introduced from the people who are affected. I call your attention to communications which I have from New Cumberland, Wellsburg, Wheeling, New Martinsville, Marietta, Parkersburg, and Louisville, all located along the Ohio River and all complaining of the conditions which I am endeavoring to portray and asking for relief.

Mr. LAYTON. As a matter of fact, for public information, how much fish have you in the river?

Mr. ROSENBLOOM. I mentioned the fish not for the purpose of propagation but as showing the condition of the water.

Mr. LAYTON. As affecting the public health?

Mr. ROSENBLOOM. As affecting the public health. Even the manufacturers who are located along the river are compelled to treat the water chemically before they are willing to use it in their boilers.

Mr. LAYTON. I should judge from your remarks that 75 per cent of the water was pure sulphuric acid.

Mr. ROSENBLOOM. I would not say that it was quite that high. I would say it is over "one-half of 1 per cent." [Laughter.] It is an unlawful content, I am sure of that.

Speaking seriously, however, I regret that the only consideration which the Department of Commerce gave this subject was from the viewpoint of the protection of fisheries. I think I have made it clear that the problem which confronts us is of vastly superior consequence. While I realize there may be some Members of Congress who are interested primarily and entirely in prohibiting the pollution of ports and harbors, there is not a Member in Congress who is not interested in the object of the bill which I have introduced—to keep the streams in this country uncontaminated, pure, and undefiled.

The district which it is my privilege to represent is a busy hive of industry. Practically every foot of the shore line is occupied by a factory of some kind. I also have many coal mines. In justice to these manufacturers and to the operators of these coal mines it is only fair for me to state that I have not received an objection to the legislation which I proposed.

The conditions of which I speak are unusually acute in streams where the Government erected dams. These dams naturally retard the normal movement of the water, retaining sufficient in the pools to insure a certain depth or stage. This aggravates the condition.

Some of the gentlemen who have preceded me argue that water purifies itself. This was probably true at a time when the population residing along the streams and the industries located on the banks were not congregated so thickly as they are now. On the banks of the Ohio River industrial plants are so congested that the water does not have any chance to purify itself, and the flow being interfered with also adds to prevent natural purification.

This is a matter that well deserves the attention of this committee, gentlemen, as the question can only be solved by the enactment of national legislation. Sixteen separate States have already passed laws undertaking to eliminate this condition. It is evident that it would be of no avail for manufacturers and coal operators in one State to endeavor to remedy the condition when similar industries in adjacent or contiguous States were not compelled to exercise the same precaution.

Mr. LAYTON. Do I understand that in using the water of the river for commercial purposes they are estimating to do it by means of purifying the water?

Mr. ROSENBLOOM. Yes, sir; to put it in condition for use in the boilers.

Mr. LAYTON. To get rid of the acids by reason of which they can not use it in the boilers or for other purposes?

Mr. ROSENBLOOM. That is correct.

Mr. LAYTON. And your idea is that by having that process extended to this flow into the stream, polluting the stream, it would not cost very much more than the other?

Mr. ROSENBLOOM. It will not cost as much, as will be demonstrated here. From some of these other gentlemen you will hear the objections from the manufacturers and coal operators. If this legislation were to entail any great burden or interfere with or embarrass industry in any way, I would not advocate its enactment.

Mr. LAYTON. Just another question. You do not believe that all of the refuse that goes from every kind of a mill into the stream is necessarily a detriment to fish life or harmful to Government work?

Mr. ROSENBLOOM. No; that is a decision which, under the bill, will be left to the War Department.

Mr. LAYTON. Do you not think that before any legislation is enacted there should be an absolute investigatoin of the chemicals to find out just exactly which are deleterious and which are simply neutral? That would be the most scientific way.

Mr. ROSENBLOOM. We must have the law passed before any offense has been committed. It has been demonstrated that certain acids and alkalis are harmful and deleterious. The mere discharge of harmless waste matter into the streams would not be an offense which can be punished. Under this bill the offender has the right to call in and consult with the Chief of Engineers of the United States Army, who is in charge of this stream. It gives him that power. While he may have the power under the present law, there is no way of compelling compliance with his advice, as there are no "teeth" in the law. The act I propose, taken along with the act regulating the harbors of this country, would undertake to place this matter in charge of those who would be able to enforce it.

Before introducing this measure I, of course, considered carefully the effect it would have on industry. I think I have previously stated that I would not conscientiously advocate any measure which would encumber the manufacturer or the coal operator. I expect to be able to show by Gen. Beach and some other gentlemen who have made an intensive study of this problem that these conditions can be corrected at an inconsequential cost. I earnestly believe that suitable legislation is imperative, and can not see where anything can be gained by deferring or delaying the matter.

We men, as I take it, are here representing those who are not of sufficient means and whose individual interests are not great enough to enable them to come here or to hire attorneys or experts or lobbyists to secure beneficial legislation. We are the paid lobbyists of the people back home, and in my district I probably have 100,000 or more of them, and none of them are here on either side of this question. If the interests represented here who object to this legislation will bear with the demonstration we have here and will listen to the statement of Gen. Beach, they will be convinced that the question must be considered, and should be considered at once.

Mr. CLOUSE. Will the gentleman permit an interruption?

Mr. ROSENBLOOM. Yes.

Mr. CLOUSE. Under the act of March 3, 1899, which is the existing law, does not that act prohibit the discharge or deposit of any substance or material in any navigable stream or any of its tributaries that will impede or obstruct navigation? Is not that the substance and meaning of that act?

Mr. ROSENBLOOM. That is correct; yes, sir.

Mr. CLOUSE. Then the act further provides that the Secretary of War or the Chief of Engineers of the War Department may permit a deposit into any of the navigable streams of the United States or their tributaries when, under certain conditions, he may deem that it is not an impediment or an obstruction to navigation. Now, if that be the existing law, why have we not the power, and why have not the people in your district and along the Ohio River and every other navigable stream the power to do the very things that you suggest by your bill?

Mr. ROSENBLOOM. For the simple reason that there is no penalty provided.

Mr. CLOUSE. I would like to know whether or not an amendment of the existing law adding a penalty for the violation of the act would not reach the end you seek by your bill?

Mr. ROSENBLOOM. That is all this bill does. This bill simply adds a penalty, in the discretion of the Chief of Engineers, if his orders fail to be complied with.

HOUSE JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that December 9 they had presented to the President of the United States, for his approval, the following House joint resolution:

H. J. Res. 81. Joint resolution authorizing the erection on public grounds in the city of Washington, District of Columbia, of a memorial to the dead of the First Division, American Expeditionary Forces, in the World War.

ADJOURNMENT.

Mr. VOLSTEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until Monday, December 12, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

411. Under clause 2 of Rule XXIV, a letter from the chairman of the United States Interdepartmental Social Hygiene Board, transmitting report of the board for the fiscal year ended June 30, 1921, was taken from the Speaker's table and referred to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. REED of West Virginia, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7601) to amend an act incorporating the Prospect Hill Cemetery, and for other purposes, reported the same without amendment, accompanied by a report (No. 505), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9014) for the relief of Elsie McDowell Bunting, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 9458) to provide for the suspension of immigration for three years, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. FORDNEY: A bill (H. R. 9459) for the relief of the suffering people of Russia through the American Relief Administration; to the Committee on Foreign Affairs.

By Mr. HAYS: A bill (H. R. 9460) to provide for the erection of a public building on ground already acquired at Sikeston, in the State of Missouri; to the Committee on Public Buildings and Grounds.

By Mr. SINCLAIR: A bill (H. R. 9461) to promote agriculture by stabilizing the prices of certain agricultural products; to the Committee on Agriculture.

By Mr. STEENERSON: A bill (H. R. 9462) to encourage commercial aviation and authorizing the Postmaster General to contract for air mail service and prescribing rates of postage thereon; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 9463) to improve the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. SUMMERS of Washington: A bill (H. R. 9464) authorizing the construction of a bridge across the Snake River at Central Ferry, Wash.; to the Committee on Interstate and Foreign Commerce.

By Mr. DEAL: A bill (H. R. 9465) to amend the act approved May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes"; to the Committee on Reform in the Civil Service.

By Mr. FOSTER: Joint resolution (H. J. Res. 231) proposing an amendment to the Constitution of the United States; to the Committee on Ways and Means.

By Mr. ANDERSON: Concurrent resolution (H. Con. Res. 37) providing for the printing of 50,000 additional copies of the report of the Joint Commission of Agricultural Inquiry; to the Committee on Printing.

Also, concurrent resolution (H. Con. Res. 38) extending the time of the Joint Commission of Agricultural Inquiry to a date not later than April 15, 1922, to file its report to Congress; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Virginia: A bill (H. R. 9466) for the relief of Frank Foretich; to the Committee on Claims.

By Mr. CHANDLER of Oklahoma: A bill (H. R. 9467) granting a pension to Frances E. Morrison; to the Committee on Invalid Pensions.

By Mr. GORMAN: A bill (H. R. 9468) for the relief of Mary Altieri; to the Committee on Claims.

By Mr. HOCH: A bill (H. R. 9469) granting a pension to Joseph W. Songer; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 9470) granting a pension to Harry M. Isbell; to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 9471) granting a pension to Richard Burns; to the Committee on Pensions.

By Mr. KELLER: A bill (H. R. 9472) for the relief of the Canadian Pacific Railway Co.; to the Committee on Claims.

By Mr. LANHAM: A bill (H. R. 9473) granting a pension to John J. Campbell; to the Committee on Pensions.

By Mr. MANN: A bill (H. R. 9474) granting a pension to Richard R. Hyatt; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 9475) granting a pension to John F. Harmon; to the Committee on Pensions.

By Mr. RHODES: A bill (H. R. 9476) granting a pension to David L. Horton; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 9477) granting an increase of pension to Frank L. Johnson; to the Committee on Invalid Pensions.

By Mr. ROBSION: A bill (H. R. 9478) granting a pension to William C. Wooton; to the Committee on Pensions.

Also, a bill (H. R. 9479) granting a pension to Lusutta A. Duvall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9480) granting a pension to Walter Roberts; to the Committee on Pensions.

Also, a bill (H. R. 9481) granting a pension to Nancy Ellen Bruce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9482) granting an increase of pension to Annie Page; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9483) granting a pension to Luther Silvers; to the Committee on Pensions.

Also, a bill (H. R. 9484) granting a pension to Nellie A. Hope; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9485) granting an increase of pension to Melroe Tartar; to the Committee on Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 9486) granting a pension to Rhoda B. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9487) granting a pension to Candus Bailey; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 9488) granting an increase of pension to George L. Porter; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3266. By the SPEAKER (by request): Letter from Edwin S. Bettelheim, jr., chairman of the legislative committee of the Veterans of Foreign Wars of the United States, transmitting a copy of resolution 29, recently enacted by the Twenty-second Annual Encampment of the Veterans of Foreign Wars held at Detroit, Mich., urging a congressional investigation of the case of Robert Rosenbluth; to the Committee on Rules.

3267. By Mr. DRIVER: Petition of the American Legion Post of Heber Springs, Ark., for the resumption of operation of the Missouri & North Arkansas Railroad; to the Committee on Interstate and Foreign Commerce.

3268. By Mr. HOCH (by request): Petition of the Methodist Episcopal Church of Marion, Kans., by the pastor, Rev. H. E. Ross, favoring the constitutional amendment proposed in House joint resolution 159; to the Committee on the Judiciary.

3269. By Mr. KISSEL: Petition of Charles McComb, of Brooklyn, N. Y.; to the Committee on Foreign Affairs.

3270. Also, petition of Helen M. Lyons, of Brooklyn, N. Y.; to the Committee on Foreign Affairs.

3271. By Mr. A. P. NELSON: Petition of the Technical Club, of Madison, Wis., indorsing the St. Lawrence ship canal and the associated development of water power; to the Committee on Rivers and Harbors.

3272. Also, petition of the Wisconsin Mineral Aggregate Association, indorsing the program of the American Farm Bureau Federation and the National Association of Railway and Utilities Commissioners in their efforts to amend the Esch-Cummins law; to the Committee on Interstate and Foreign Commerce.

3273. By Mr. VARE: Petition of citizens of Philadelphia, Pa., in favor of the recognition of the Irish republic by the United States; to the Committee on Foreign Affairs.

3274. By Mr. YOUNG: Resolution of the federated committees of the teachers' unions of Washington, D. C., favoring an amendment to the Lehlbach bill which includes teachers in the classification, etc.; to the Committee on Reform in the Civil Service.

3275. Also, resolution of the Commercial Club of Fargo, N. Dak., favoring certain modifications of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

3276. Also, resolution of the Commercial Club of Fargo, N. Dak., favoring the passage of the so-called French-Capper "truth in fabric" bill; to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *December 12, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee for the rest and refreshment and the privileges of yesterday; and as we turn toward the duties of the week we implore Thy help. May we better understand what Thy will is, and may there be a greater desire on our part to fulfill its obligation and to serve Thee faithfully as the days go by. We humbly ask in Jesus Christ's name. Amen.

FRANK R. GOODING, a Senator from the State of Idaho; WILLIAM S. KENYON, a Senator from the State of Iowa; ELLISON D. SMITH, a Senator from the State of South Carolina; and OSCAR W. UNDERWOOD, a Senator from the State of Alabama, appeared in their seats to-day.

The reading clerk proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEATH OF TAKASHI HARA, PRIME MINISTER OF JAPAN.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a note from the counselor of the Japanese Embassy at Washington, with an accompanying message from Count Uchida, minister for foreign affairs of Japan, assuring the Senate of the profound appreciation of the Japanese Government for its sympathetic action in relation to the death of the late prime minister of Japan, Mr. Takashi Hara, which was ordered to lie on the table.

CLAIM OF GEORGE A. CARDEN AND ANDERSON T. HERD (S. DOC. NO. 99).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a letter from the Secretary of War to the Director of the Budget, relative to a claim for $550,000 in favor of Messrs. George A. Carden and Anderson T. Herd, in connection with the acquisition by the United States of title to certain ships, which was ordered to lie on the table and to be printed.

REPORT OF THE PUBLIC PRINTER (S. DOC. NO. 97).

The VICE PRESIDENT laid before the Senate a communication from the Public Printer, transmitting, pursuant to law, his annual report of the operations of the Government Printing Office for the fiscal year ended June 30, 1921, which was referred to the Committee on Printing.

REPORT OF THE UNITED STATES SHIPPING BOARD.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the United States Shipping Board, transmitting, pursuant to law, the fifth annual report of the United States Shipping Board, covering the period June 30, 1920, to and including June 30, 1921, which was referred to the Committee on Commerce.

REPORT OF THE FEDERAL TRADE COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report of the Federal Trade Commission for the fiscal year ended June 30, 1921, which was referred to the Committee on Interstate Commerce.

REPORT OF INTERDEPARTMENTAL SOCIAL HYGIENE BOARD.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the United States Interdepartmental Social Hygiene Board, transmitting, pursuant to law, the report of the board for the fiscal year ended June 30, 1921, which was referred to the Committee on Appropriations.

REPORT ON PACIFIC COAST PETROLEUM INDUSTRY.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, in response to Senate resolution 138, of the Sixty-sixth Congress, Part II, with appendix, of a report on the Pacific Coast Petroleum Industry, which was referred to the Committee on Interstate Commerce.

INCREASED COMPENSATION, INTERIOR DEPARTMENT.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, statements showing for the first four months of the current fiscal year the average number of employees in the Secretary's office, the Solicitor's office, the various bureaus and offices of the department, the Alaskan Engineering Commission, and the Territories of Alaska and Hawaii, respectively, receiving increased compensation, at the rate of $240 per annum, and the average number by grades receiving the same at each other rate, which was referred to the Committee on Appropriations.

TRAVEL OF OFFICERS, FEDERAL POWER COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, chairman Federal Power Commission, transmitting, pursuant to law, a detailed statement showing the travel undertaken by officers of the Federal Power Commission on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1921, which was referred to the Committee on Appropriations.

INCREASED COMPENSATION OF BOTANIC GARDEN EMPLOYEES.

The VICE PRESIDENT laid before the Senate a communication from the Acting Director of the United States Botanic Garden transmitting, pursuant to law, a statement regarding increased compensation paid employees in that office, which was referred to the Committee on Appropriations.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the president of the United States Civil Service Commission transmitting schedules of useless papers on the files of the commission at Washington and elsewhere which are not needed in the conduct of the business of the commission and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. STERLING and Mr. MCKELLAR members of the committee on the part of the Senate and ordered that the Secretary of the Senate notify the House of Representatives thereof.

CLAIMS GROWING OUT OF FEDERAL CONTROL OF RAILROADS, ETC. (S. DOC. NO. 100).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Director General of the United States Railroad Administration, transmitting, in response to Senate resolution 174, a report relative to funds placed at the disposal of the Railroad Administration and the disposition thereof; the amount of indebtedness incurred by the railroads; claims filed prior to December 1, 1921, the estimated amount of those still remaining to be filed and settlements made between the Railroad Administration and individual carriers, etc., which will be referred to the Committee on Interstate Commerce.

Mr. FLETCHER. Mr. President, may I inquire if the communication from the Director General of Railroads is to be printed as well as referred to the Committee on Interstate Commerce? I think it ought to be printed. Will the Chair order it printed?

The VICE PRESIDENT. It is for the Senate to decide whether the communication shall be printed. Does the Senator

from Florida desire to have the Senate take action on the matter of printing?

Mr. FLETCHER. I think the communication from the Director General of Railroads ought to be printed. I should like to have it printed as well as have it referred to the committee.

The VICE PRESIDENT. Without objection, it will be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the amendments of the Senate to the bill (H. R. 3250) to authorize the Secretary of Commerce to convey to Augustus S. Peabody certain land in Galveston County, Tex.

The message also announced that the House had passed a bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 34) providing for the printing of 60,000 additional copies of the revenue law of 1921, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 2205. An act to add certain lands on the North Fork of the Shoshone River to the Shoshone National Forest;

H. R. 3116. An act validating homestead entry of Mike Campbell for certain public land in Alaska;

H. R. 5511. An act for the relief of John Cestnik, jr.;

H. R. 6864. An act authorizing exchanges of lands within the Rainier National Forest, in the State of Washington;

H. R. 6679. An act to amend section 108 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 6961. An act granting certain lands to the State of Alabama for the use of the Searcy Hospital for the Colored Insane;

H. R. 7161. An act to authorize certain desert-land claimants who entered the military or naval service of the United States during the war with Germany to make final proof of their entries; and

H. R. 7780. An act for the relief of G. Fred Roach and others.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the national legislative committee, Veterans of Foreign Wars of the United States, transmitting copy of a resolution recently adopted by the twenty-second annual encampment of said veterans held at Detroit, Mich., requesting a congressional investigation of the methods employed by agents of the Department of Justice and other officials of the Government in the case of Robert Rosenbluth, a former officer in the Engineer Corps of the United States Army and a veteran of the late war, who was arrested sometime ago charged with the killing of another officer and since released without trial or exoneration, etc., which was referred to the Committee on Military Affairs.

Mr. LADD presented resolutions adopted by the John Snyder Camp, American Association for the Recognition of the Irish Republic, and the Modern Woodmen of America, Camp No. 5799, both of Rogers, N. Dak., favoring an expression by the United States of the hope that differences between Great Britain and Ireland may be speedily composed by a treaty of peace and amity, etc., which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted at the Twenty-fifth Annual Convention of the Association of American Dairy, Food, and Drug Officials held at Miami, Fla., November 8–11, 1921, favoring the enactment of the so-called Haugen slack fill bill, pertaining to the slack filling of packages with certain types of foodstuff, which was referred to the Committee on Agriculture and Forestry.

Mr. TOWNSEND (for Mr. NEWBERRY) presented 45 petitions numerously signed by sundry citizens of Grand Rapids and Detroit, Mich., praying for the recognition of the Irish republic by the Government of the United States, which were referred to the Committee on Foreign Relations.

Mr. ELKINS presented a resolution adopted by the Ladies' Auxiliary, Ancient Order of Hibernians, of Parkersburg, W. Va., protesting against the enactment of Senate bill 2135, to enable the refunding of obligations of foreign Governments owing to the United States, etc., which was referred to the Committee on Finance.

Mr. WILLIS presented a resolution adopted by the Historical and Philosophical Society of Cincinnati, Ohio, favoring the enactment of legislation placing the governmental scientific bureaus at Washington under the jurisdiction of the Board of Regents of the Smithsonian Institution, which was referred to the Committee on Appropriations.

He also presented resolutions adopted by the Central Trades and Labor Council of Zanesville, Ohio, protesting against appointing any additional Federal judges for the State of Ohio and also any increase in salaries for such judges, which were referred to the Committee on the Judiciary.

H. H. M'CORMICK—CLAIM AGAINST ALIEN PROPERTY CUSTODIAN.

Mr. WADSWORTH. Mr. President, at the last session of the Senate the Senator from New Hampshire [Mr. MOSES] commented upon a letter which had been written by a Mr. McCormick upon the letterhead of the Chemical Foundation. Representatives of the foundation have addressed to me a letter inclosing a copy of an additional letter which show very clearly that the letter referred to by the Senator from New Hampshire was written without the authority of the Chemical Foundation and that the person writing it, Mr. McCormick, had no right to use this stationery of that organization. I ask that the letters which I have received be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE CHEMICAL FOUNDATION (INC.),
81 FULTON STREET, NEW YORK CITY,
230 Munsey Building, Washington, D. C., December 8, 1921.

[Francis P. Garvan, president; Douglas I. McKay, vice president; George J. Corbett, treasurer; Joseph H. Choate, jr., general counsel; Ramsay Hoguet, patent counsel. Trustees: Otto T. Bannard (chairman), Cleveland H. Dodge, George L. Ingraham, B. Howell Griswold, jr., Ralph Stone. Refer to cable address: Chemfound.]

Senator JAMES W. WADSWORTH,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR WADSWORTH: Senator MOSES in the course of his speech this afternoon read a letter signed "H. H. McCormick," written on the letterhead of the Chemical Foundation, in reference to some claim against the Alien Property Custodian. Mr. McCormick used the stationery of the Chemical Foundation without the knowledge or consent of any person in authority. He had no right to use this stationery, as he had no connection with the foundation. When we discovered that Mr. McCormick was using this stationery, a letter stating that Mr. McCormick never had any connection with the foundation and had no authority to use this stationery was sent to those persons with whom he had corresponded.

I am attaching a copy of a letter sent from this office, and I know that Mr. Garvan will greatly appreciate it if you will have this copy inserted in the CONGRESSIONAL RECORD. The attached letter was signed by Miss Agnes Riordan, the stenographer who originally wrote the letters for Mr. McCormick.

Very truly, yours,

WM. F. KEOHAN.

—

NOVEMBER 16, 1921.

ROBERT L. HOGUET,
27 William Street, New York, N. Y.

DEAR SIR: A few weeks ago Mr. H. H. McCormick sent you a letter written on stationery of the Chemical Foundation without the knowledge or consent of any responsible person connected with the foundation.

Mr. McCormick had no right to use Chemical Foundation stationery in his correspondence. He is not now, and never has been, connected with the Chemical Foundation in any way whatever.

Very truly, yours,

AGNES RIORDAN.

REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

A bill (S. 2072) to authorize the Secretary of War to make and receive conveyances effecting an exchange of title to the railroad rights of way at Camp Henry Knox, Ky., and for other purposes (Rept. No. 343);

A bill (S. 2621) authorizing the President to dispose of certain arms and ammunition seized in pursuance of the act approved June 15, 1917, along the Mexican border (Rept. No. 344);

A bill (S. 2774) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920 (Rept. No. 345);

A bill (H. R. 4598) to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii (Rept. No. 346);

A bill (H. R. 7204) to provide a Government-owned water-service system for the Fort Monroe Military Reservation (Rept. No. 347); and

A joint resolution (S. J. Res. 138) authorizing the payment of the cost of transportation for certain supplies purchased by the Military Establishment (Rept. No. 348).

Mr. SPENCER, from the Committee on Military Affairs, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

A bill (S. 1542) for the relief of Philip A. Hertz (Rept. No. 349); and

A joint resolution (S. J. Res. 41) authorizing transportation for dependents of Army field clerks and field clerks Quartermaster Corps (Rept. No. 350).

Mr. BURSUM, from the Committee on Military Affairs, to which was referred the bill (S. 2328) for the relief of Margaret I. Varnum, reported it without amendment and submitted a report (No. 351) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (S. 2801) to amend section 21 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896, reported it without amendment and submitted a report (No. 352) thereon.

He also, from the same committee, to which was referred the bill (H. R. 6998) to amend section 17 of an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, as amended by the acts of February 5, 1903, and March 2, 1917, reported it with amendments and submitted a report (No. 353) thereon.

BRIDGES ACROSS RED RIVER OF THE NORTH AND THE MISSOURI RIVER.

Mr. CALDER. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 8744) granting the consent of Congress to the State of North Dakota, the county of Cass, and the city of Fargo, N. Dak., and the State of Minnesota, the county of Clay, and the city of Moorhead, Minn., or any of them, to construct a bridge across the Red River of the North between the cities of Fargo, N. Dak., and Moorhead, Minn., and I submit a report (No. 342) thereon. The Senator from North Dakota [Mr. McCUMBER] is anxious to have the bill passed to-day, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of North Dakota, the county of Cass, and the city of Fargo, N. Dak., and the State of Minnesota, the county of Clay, and the city of Moorhead, Minn., or any of them, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Red River of the North, at a point suitable to the interests of navigation between the cities of Fargo, N. Dak., and Moorhead, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The first amendment was on page 2, after line 7, to insert a new section as section 2, as follows:

SEC. 2. That the time for completing the construction of the bridge across the Missouri River at Chamberlain, S. Dak., authorized by section 1 of the act of Congress approved April 28, 1916, is hereby extended three years from April 28, 1922.

The amendment was agreed to.

The next amendment was, on page 2, line 8, to change the section number from "2" to "3."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the State of North Dakota, the county of Cass and the city of Fargo, N. Dak., and the State of Minnesota, the county of Clay and the city of Moorhead, Minn., or any of them, to construct a bridge across the Red River of the North between the cities of Fargo, N. Dak., and Moorhead, Minn., and for other purposes."

ADJUSTMENT OF FOREIGN LOANS.

Mr. McCUMBER. Mr. President, I request permission to report out of order later in the day from the Committee on Finance the bill (H. R. 8762) to create a commission, authorized under certain conditions, to refund or convert obligations of foreign Governments owing to the United States of America, and for other purposes. I have not the report ready this morning because of a little delay in preparing it, and I ask permission to present the bill at a later hour in the day.

I desire to state at this time that opportunity will be given for any member of the committee to make a minority report if he may so desire, and that it is my intention to move to take up the bill to-morrow after the close of the routine morning business, provided the pending deficiency appropriation bill has been disposed of.

The VICE PRESIDENT. Without objection, leave will be given to submit the report later in the day.

Mr. BORAH. Mr. President, I have not any objection to the filing of the report later in the day, but I should like to have an opportunity to read the bill before we take it up. If we are going to take it up in the morning and the report comes in late in the day we shall have no time to consider it at all.

Mr. McCUMBER. I expect the report here in a few moments and shall certainly not take advantage at any time I may call up the bill of any Member of the Senate who has not had an opportunity to read the bill as reported.

Mr. KING. May I inquire of the Senator whether he expects to make the bill the unfinished business or let it take its chance to-morrow?

Mr. McCUMBER. I desire to make it the unfinished business and have it disposed of as soon as possible.

Mr. KING. That is, after the deficiency appropriation bill is out of the way?

Mr. McCUMBER. Yes.

SPECIAL REPORT ON FLORIDA SEMINOLE AGENCY.

Mr. MOSES, from the Committee on Printing, reported a resolution (S. Res. 187), which was considered by unanimous consent and agreed to, as follows:

Resolved, That the manuscript entitled "Special Report on the Florida Seminole Agency" be printed as a Senate document.

JURISDICTION OF PUBLIC GROUNDS IN THE DISTRICT OF COLUMBIA.

Mr. KING. I introduce a bill to which I ask the attention of the Senator from Maine [Mr. FERNALD]. I think he is of the opinion that the bill should be referred to the Committee on Public Buildings and Grounds, while I was rather of the opinion that it should be referred to the Committee on the District of Columbia. I have no particular choice, but will ask that the bill be stated by title and then let the Senate determine the question of reference.

The bill (S. 2813) to transfer to the Commissioners of the District of Columbia the supervision of all public grounds within the District of Columbia, and for other purposes, was read twice by its title.

Mr. FERNALD. Mr. President, it would seem quite proper that a bill of that character should go before a committee which has had charge of the public grounds and parks of this city for 106 years. The bill relates to what are really national parks; they are administered by the National Government, by the Chief Executive of the country, through the War Department, and the Committees on Public Buildings and Grounds, and have been so administered for more than a hundred years. Now, to relieve the Committee on Public Buildings and Grounds which for all these years has had charge of the public parks and to place them in the hands of another committee or commission seems to me hardly appropriate. I think it quite proper that such a measure should be referred to the Committee on Public Buildings and Grounds.

Mr. SMOOT. Mr. President, I should like to have an opportunity to look at the bill for a moment.

Mr. FERNALD. I have nof had an opportunity to read the bill; but, as I understand from what I gather from the morning newspapers, the bill is designed to relieve the Committee on Public Buildings and Grounds from further jurisdiction.

Mr. KING. I suggest that, pending the disposition of the reference of the bill, other Senators desire to offer bills, and I will ask that I may be permitted to withdraw the bill temporarily, in order that the Senator from Utah and my friend from Maine may have an opportunity to examine it.

The VICE PRESIDENT. Without objection, the bill is withdrawn.

Mr. KING subsequently said:

Mr. President, the bill which I introduced a moment ago, and then withdrew, I now reintroduce, and request that it may be referred to the Committee on Public Buildings and Grounds. If that committee does not deal with it properly we will endeavor to have it referred to the Committee on the District of Columbia.

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on Public Buildings and Grounds.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 2814) to amend section 6 of an act entitled "An act to provide for the fourteenth and subsequent decennial censuses," approved March 3, 1919; to the Committee on Civil Service.

By Mr. WADSWORTH:

A bill (S. 2815) to create a bureau of civil aviation in the Department of Commerce, to encourage and regulate the operation of civil aircraft in interstate and foreign commerce, and for other purposes; to the Committee on Commerce.

By Mr. KENYON:

A bill (S. 2816) to provide for the purchase of corn and grain seed in the United States for the relief of the people of Russia; to the Committee on Appropriations.

By Mr. POINDEXTER:

A bill (S. 2817) providing for the men who served with the American Expeditionary Forces in Europe as Engineer field clerks the status of Army field clerk, and field clerk, Quartermaster Corps of the United States Army, when discharged; to the Committee on Military Affairs.

By Mr. FLETCHER:

A bill (S. 2818) to authorize the naturalization of certain aliens employed in the civil service of the United States in the Canal Zone (with accompanying papers); to the Committee on the Judiciary.

By Mr. MYERS:

A bill (S. 2819) granting a pension to Orville G. Willett; to the Committee on Pensions.

A bill (S. 2820) authorizing the Secretary of the Interior to enter into an agreement with the Cut Bank irrigation district, of Cut Bank, Mont., for the disposal of the surplus waters of Cut Bank and Badger Creeks on the Blackfeet Indian Reservation, not needed by the Indians of the Blackfeet Reservation for domestic and irrigation purposes; to the Committee on Indian Affairs.

By Mr. SUTHERLAND:

A bill (S. 2821) for the relief of John T. Harris, executor of the estate of Brig. Gen. Thomas M. Harris; to the Committee on Claims.

By Mr. BALL:

A bill (S. 2822) to regulate the practice of optometry in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KEYES (by request):

A bill (S. 2823) to provide for the world-wide extension of education by the cooperation of national governments; to the Committee on Education and Labor.

By Mr. CAPPER:

A bill (S. 2824) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty; to the Committee on Military Affairs.

By Mr. SPENCER:

A bill (S. 2826) granting a pension to Elzea H. Allison (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 2827) to provide for the disposal of homestead allotments of deceased allottees within the Blackfeet Indian Reservation, Mont.; to the Committee on Indian Affairs.

A bill (S. 2828) relative to the citizenship and naturalization of married women; to the Committee on Immigration.

By Mr. REED:

A bill (S. 2829) granting an increase of pension to Sallie E. Patrick; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 2831) to authorize the State of Washington to construct a bridge across the Snake River, at or near Central Ferry, in or about section 9, township 13 north, range 40 east, Willamette meridian; to the Committee on Commerce.

By Mr. CURTIS:

A joint resolution (S. J. Res. 140) relative to payment of tuition for Indian children enrolled in Montana State public schools; to the Committee on Indian Affairs.

By Mr. TOWNSEND:

A joint resolution (S. J. Res. 141) authorizing and directing the Secretary of the Treasury to pay to Paul Kijigobenesse and Albert Shananquet, delegates and attorneys in fact—Indians—of the Ottawa and Chippewa Indians of Michigan, the sum of $423.20, a balance remaining in the Treasury for said Indians because of an error in making up the rolls (with an accompanying paper); to the Committee on Indian Affairs.

BANK OF NATIONS.

Mr. HITCHCOCK. Out of order, I desire to reintroduce a bill heretofore introduced by me, providing for a bank of nations, as I have amended it. I also desire to have it referred to the Committee on Banking and Currency, together with an explanation of the bill; and I ask unanimous consent that the bill, together with the explanation, may be printed in the RECORD.

The bill (S. 2825) to establish a bank of nations to promote and regulate commerce with foreign nations and to act as the fiscal agent of the United States was read twice by its title, referred to the Committee on Banking and Currency, and, together with the accompanying statement, was ordered to be printed in the RECORD, as follows:

A bill (S. 2825) to establish a bank of nations to promote and regulate commerce with foreign nations and to act as the fiscal agent of the United States.

Be it enacted, etc., That there is hereby authorized and established an international banking institution to be known and designated as the bank of nations, with headquarters in the city of New York, and such branch offices in the United States and other countries as the directors may from time to time decide upon.

The bank of nations shall be organized in corporate form with a capital stock of $2,400,000,000, divided into 240,000 shares of $10,000 each, of which at least one-third shall be paid in gold and of which not to exceed two-thirds may, at the option of the subscriber, be paid in the form of interest-bearing bonds of solvent Governments at the current market price.

Solvent Governments shall be deemed to be such Governments as the directors of the bank of nations may certify on the bank records as prompt in the payment of their external obligations and as having in some form adopted a policy of limitation of armament and military naval expenditure.

The bank of nations shall be the fiscal agent of the United States Government and of such other Governments of the world as may be admitted as stockholders.

The Secretary of the Treasury on behalf of the United States Government shall subscribe for and take $1,300,000,000 of the capital stock, paying therefor one-third in gold and two-thirds in the bonds of any solvent Government or Governments that he may have on hand.

Two hundred million dollars of the capital stock shall be offered for subscription at par to banks, bankers, importers, and exporters of the United States, payable as heretofore set forth in gold and acceptable Government bonds.

The remaining capital stock of the bank of nations, amounting to $900,000,000, shall be sold to such solvent Governments as may be admitted as stockholders by treaty or trade agreements negotiated by the President of the United States. In such cases the method of payment shall be as hereinbefore set forth.

The Federal Reserve Board of the United States shall act as the provisional body to receive subscriptions and fix the time for stock payments.

As soon as subscriptions to $1,400,000,000 of stock have been received the Federal Reserve Board shall call a meeting of the stockholders to select directors.

Thirteen directors shall be chosen by the Secretary of the Treasury, with the approval of the President; 2 shall be chosen by the stockholders in America other than Government, and as other Governments become stockholders each shall be entitled to such representation on the directorate or such voice in naming a director as may be provided in the treaty or trade agreement, but the total number of directors shall be limited to 24, of whom not over 9 shall be chosen by stockholding Governments other than the United States. The directors shall hold office at the pleasure of those stockholders who named them.

As soon as 15 directors shall have been named they shall become the governing body of the bank of nations, and shall perfect its organization by the election of such officers as they may decide upon and elect, and thereupon the bank may be opened for business. As other directors are chosen upon the admission of new stockholders they shall take their places on the board.

The resources and facilities of the bank of nations shall be used to promote international commerce, to establish international credit, and to stabilize international exchange. To this end the bank of nations shall have power—

To accept deposits from the United States and other Governments; from banks and bankers in the United States and other countries; from importers and exporters in the United States and other countries.

To lend money to its depositors, to buy from them or sell to them international bills of exchange, to buy or sell bonds or Treasury certificates of solvent Governments, or mercantile paper growing out of imports or exports. Except in the case of Government bonds or Government Treasury certificates the maturity of paper dealt in shall not exceed one year.

To issue its notes or bank currency payable on demand in gold dollars or their equivalent in lawful money at the bank or any of its branches in other countries, but such notes or bank currency may be emitted only as a result of loans to its depositors, or by purchase of international bills of exchange, or mercantile paper growing out of imports or exports.

The amount of currency which the bank may have outstanding at any time shall be limited by the requirement that it shall keep on hand a reserve of 33 per cent in gold.

The bank of nations shall keep on hand as against deposits a reserve of not less than 25 per cent, of which not less than four-fifths shall be in gold and of which one-fifth, or 5 per cent, may be in Government bonds or Treasury certificates.

The notes of the bank shall be accepted by the Government of the United States and by the other stockholding Governments in the payment of taxes.

EXPLANATION OF THE BANK OF NATIONS BILL.

In brief form the arguments for this measure may be stated as follows:

First. A system of credit is absolutely necessary to the transaction of business under modern methods.

Second. Every nation in the world provides a system of credit for its domestic transactions.

Third. This system of credit is provided by a system of banking and currency. In the United States this system consists of State banks, the great national banking system, and finally the Federal reserve banking system, established under the Wilson administration. In Great Britain it is a system headed by the Bank of England; in France it is a system headed by the Bank of France; in Germany it is a system headed by the Reichsbank.

Fourth. In all these systems the central idea is similar, and one of the great purposes is to provide credit for the transactions of business, for if business had to be done on a cash basis it would necessarily shrink to a very small fraction of what it now is and we would revert to crude and half-civilized conditions. Perhaps nine-tenths of the business of the country is done on the credit which these banking and currency systems provide.

Fifth. All of these banking and currency systems, however, stop at the boundary of the country. They relate to domestic business only. When it comes to the great international business of exporting and importing there is no system of credit provided by law, and at the present time international business may be said to be done almost upon a cash basis.

Sixth. This plan for the establishment of a bank of nations is to apply to the international field the same ideas that have been successfully used in the domestic field—that is, to establish a great international bank, with the power to issue currency against a safe reserve of gold. The plan is to make it the business of this bank to finance international trade, to buy and sell exchange, and to lend money to importers and exporters. In a supplemental way the bill would also give power to buy and sell interest-bearing bonds of nations owning the bank.

The bill would provide for this bank a capital of $2,400,000,000. It would provide that the United States Government should take the controlling interest in the bank and sell minor interests to those nations which are willing to enter into treaties for that purpose, the treaties to define their rights and obligations.

After the United States Secretary of the Treasury had taken for the Treasury of the United States $1,300,000,000 of the stock the bill would offer $200,000,000 of the stock for sale to bankers and exporters and importers interested in international commerce. They might also have checking accounts in the bank. The bill would then offer for sale to other nations of the world $900,000,000 of the capital stock, provided they entered into the necessary treaties to become stockholders. It would make one-third of each stock subscription payable in gold and two-thirds in interest-bearing bonds of solvent Governments, meaning those Governments which had made the arrangements with the United States to reduce armaments so as to make their Governments solvent.

It is believed that such a bank would become a great international clearing house for the purchase and sale of exchange, so that the managers of the bank would know what exchange was worth instead of leaving everybody to guess and gamble, as they do at present. It would be a part of the purpose of the bank to so stabilize exchange as to prevent violent fluctuations without attempting to change the value of foreign currencies, but merely to stabilize them.

This bank would put a stop in this way to the present gambling and speculation in exchange which renders its sale and purchase dangerous and which has made exporting and importing a dangerous business and led to many bankruptcies. This in brief is the outline of the measure.

The fact is, at the present time we have in the United States about 50 per cent of all the gold in the world accumulated through the centuries. The other 50 per cent is divided among the nations of the earth, none of which has enough. There is no need to export this gold if we find a use for it. This plan provides for keeping it here and using it as a cover for the issuance of international dollars by this bank so that that currency might become a medium of exchange between the nations in international transactions. The bank would have the power to issue several billion dollars of perfectly good currency, and it could contract and expand as the needs of commerce would require. The effect would be to greatly stimulate our foreign commerce and facilitate our foreign exports, which now are in a deplorable condition, being only a fraction of what they were two years after the war. The decline in our exports is the cause of our idle factories and our depressed agriculture and our unworked mines.

CONSERVATION OF FOOD, FUEL, ETC.

Mr. LENROOT. Mr. President, a short time ago I introduced a bill, but I find that an error was made in the bill then introduced. I desire, therefore, to reintroduce it, correcting the error.

The bill (S. 2830) for the conservation of food, fuel, and other commodities in interstate commerce was read twice by its title and referred to the Committee on Interstate Commerce.

OPERATIONS OF THE FIRST PROVISIONAL AIR BRIGADE.

Mr. BORAH submitted the following resolution (S. Res. 188), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the report, or copy of the report, made by Brig. Gen. Mitchell relative to the operations of the First Provisional Air Brigade with relation to the sinking of battleships at Langley Field, filed on or about September, 1921.

INVESTIGATION OF CHINESE LOANS.

Mr. BORAH submitted the following resolution (S. Res. 189), which was referred to the Committee on Foreign Relations:

Resolved, That the Committee on Foreign Relations is hereby authorized and directed through the full committee, or through any subcommittee thereof:

First, to investigate as speedily as possible the entire question of loans made, or proposed to be made, to the Chinese Government by citizens, financial associations or organizations, or banks of this country; and to include in such investigation to what extent the matter of German bonds issued by the Chinese Government and held by the German Government, or the German people, prior to the war has entered into, or become a part of such transaction.

Second, to investigate as speedily as possible all facts and circumstances touching, or relating to, the so-called Chinese consortium.

Third, to make a report of such investigation to the Senate.

EDWIN W. TRIMMER, DECEASED.

Mr. WADSWORTH submitted the following resolution (S. Res. 190), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Horace C. Trimmer, Theodore L. Trimmer, Sidney C. Trimmer, Rhoda W. Pickrell, and Gail C. Peacock, children of Edwin W. Trimmer, late a conductor of elevator in the employ of the United States Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

HOUSE BILL REFERRED.

The bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

PRINTING OF REVENUE LAW OF 1921.

The VICE PRESIDENT laid before the Senate the concurrent resolution (H. Con. Res. 34), which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 60,000 additional copies of Public Law No. 98, known as the revenue law of 1921, of which 10,000 shall be for the Senate, 44,000 shall be for the House, 1,000 shall be for the Senate document room, 2,000 for the House document room, 1,000 for the Committee on Finance of the Senate, and 2,000 for the Committee on Ways and Means of the House of Representatives.

Mr. MOSES. Mr. President, I move that the Senate concur in the resolution of the House of Representatives.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire to concur in the House resolution.

Mr. KING. Mr. President, may I inquire of the Senator whether the number of copies of the tax law authorized by the pending resolution will be in addition to the number authorized by the resolution which we passed the other day, or will that be taken into account?

Mr. MOSES. The pending resolution provides for an additional number. The resolution passed some days ago was designed to take care of the Senate without reference to the House of Representatives, and the concurrent resolution now before the Senate takes care of the requirements of both bodies. I will say for the further information of the Senator that the addition then authorized is already exhausted.

Mr. KING. Then the Senator thinks we will need this additional number?

Mr. MOSES. Oh, without question; everybody wants to know what the taxes are.

Mr. KING. They do not want to pay them, though.

The VICE PRESIDENT. The question is on concurring in the resolution of the House of Representatives.

The resolution was concurred in.

DEFICIENCY APPROPRIATIONS.

The VICE PRESIDENT. Morning business is closed. The calender, under Rule VIII, is in order.

Mr. WARREN. Mr. President, pursuant to the notice given by me on Thursday last, I now ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 9237) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes.

The VICE PRESIDENT. Is there objection?

Mr. JONES of Washington. I should like to ask the Senator a question. This is the day, under the rule, when we are to take up the calendar by unanimous consent. I am very anxious to do that. I realize the importance of securing the passage of the appropriation bill, and I do not want to prevent its early passage, but I am wondering whether we may not provide an opportunity for the consideration of the calendar. We would have an hour and a half this morning under the rule to consider bills on the calendar. Would it be possible to have a unanimous-consent agreement to devote an hour and a half at least to the consideration of bills on the calendar after the appropriation bill shall have been disposed of? I present it as a request for unanimous consent, that upon the disposition of the appropriation bill one hour and a half be allotted to the consideration of bills on the calendar.

Mr. KING. Mr. President, may I suggest to the Senator from Washington and to the Senator from Wyoming that the Senator from New Hampshire [Mr. MOSES] gave notice that he would desire to address the Senate this morning, and I think he ought to be afforded full opportunity to do so.

Mr. MOSES. Mr. President, I can do that perfectly well while the deficiency bill is under consideration.

Mr. JONES of Washington. I think that is true; but I should like to submit a request for unanimous consent that to-morrow be substituted for to-day for the consideration of the bills upon the calendar under the rule.

Mr. SMOOT. Mr. President, I can not agree to that, because we hope to take up the refunding bill to-morrow.

Mr. JONES of Washington. It can be taken up at 2 o'clock.

Mr. SMOOT. I think we would like to take it up just as quickly as possible after meeting to-morrow.

Mr. JONES of Washington. Can we not take up the calendar, then, to-day after the deficiency bill is disposed of?

Mr. SMOOT. I have no objection to that.

Mr. JONES of Washington. I hope it will be understood, at any rate, that after the deficiency bill is disposed of, even though it may be after 2 o'clock, we will take up the calendar instead of taking up another bill.

The VICE PRESIDENT. Is there objection?

Mr. KING. Mr. President, I do not want to consent that that may be done. Some reasons may be apparent then that do not exist now.

The VICE PRESIDENT. The question now is on taking up the deficiency appropriation bill.

Mr. JONES of Washington. That can only be done by unanimous consent. It can not be done by motion. I think the Senator ought not to interfere with the consideration of the calendar under the rule.

Mr. NELSON. Let the calendar be taken up after the deficiency bill is disposed of.

Mr. JONES of Washington. I am perfectly willing to have that done, but I understand that the Senator from Utah is not willing that we shall take up the calendar then.

Mr. KING. The Senator misunderstood me. I am not objecting to the consideration of the deficiency bill now. I simply do not feel like consenting that at the conclusion of the deficiency bill we shall go to the calendar.

Mr. JONES of Washington. That is what I understood.

Mr. KING. Reasons may appear then that might make it unwise to do so.

Mr. JONES of Washington. But the situation now is, of course, that the taking up of the deficiency bill can be prevented by an objection.

Mr. KING. I am not objecting.

Mr. WARREN. Mr. President——

Mr. JONES of Washington. I think the deficiency bill ought to be taken up, but I do not like to see the calendar displaced. I understand that the Senator objects to that.

Mr. KING. I ask the Senator to prefer his request when we get through with this bill. As far as I know now, I do not think there will be any objection.

Mr. JONES of Washington. I will do that, then, with that general understanding.

Mr. BORAH. Mr. President, a parliamentary inquiry. If we take up the calendar after 2 o'clock, that will not prevent Senators from discussing other subjects?

Mr. LENROOT. I think it will. Speeches will be limited to five minutes.

Mr. KING. Oh, yes; if we take up the calendar under the five-minute rule.

Mr. BORAH. Then, Mr. President, I am not going to consent or stand silent when the proposition is made to take it up after 2 o'clock.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming that the Senate proceed to the consideration of the deficiency appropriation bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9237) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I ask unanimous consent that the formal reading of the bill be dispensed with, and that the bill be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Without objection, it is so ordered.

MICHIGAN SENATORIAL ELECTION.

Mr. MOSES. Mr. President, pursuant to the notice which I gave on the day of last meeting of the Senate, I have secured recognition for the purpose of addressing myself to Senate resolution 172, dealing with what is popularly known as the Newberry case.

Mr. President, the most interesting note which has yet been struck in the discussion of this resolution is to be found in the lofty declarations, by those who oppose its adoption, of their devotion to the purity and integrity of the senatorial title. I am not disposed, sir, nor will the rules of the Senate permit me, to impugn these declarations, nor to impute to any Senator an unworthy or unbecoming motive.

But, sir, it is impossible to believe that the movement to unseat the Senator from Michigan had a genesis other than political and partisan. The political campaign of 1918 is neither so far in the past nor were its general characteristics so shrouded in mystery that its salient points may not be readily recalled and visualized. The country was at war. A Democratic administration, disdainful of the free Republican support which it had received, had taken to itself and its favorites the benefits of the self-sacrifice of both those who went overseas and those who stayed at home; had squandered the hard-won but readily paid savings of our countrymen who subscribed so liberally to the Nation's securities; had shrunken the census returns of Democratic States and had swollen those of Republican States in order that the latter should furnish a disproportionate share of soldiers under the draft law; had arrogated to itself a portion of virtue and patriotism to which it had no just claim; had foreseen the end of hostilities which actually took place in less than a week after the election; and had capped the climax of its ineffable egotism with the readily recalled letter of the President demanding that the country should give him a Democratic Senate and a Democratic House of Representatives in order that he might continue to be the unembarrassed spokesman for the United States.

Before passing to the remarkable reaction with which the electorate of the country responded to this base and baseless appeal, it may be interesting to note, Mr. President, that Mr. Wilson therein promised to accept the judgment of the people without cavil. How well he kept this promise has passed into history, and the Nation last year gave its verdict upon it.

The President's appeal for the holding up of his partisan hands was issued October 24, 1918. The election took place a fortnight later. Within this interval the American spirit of justice and of fair play was stirred as it rarely has been in our political annals, and the response to the President's partisan plea was immediately and disastrously complete. A Democratic majority was swept out of the House of Representatives; and the Senate, wherein the Democratic Party had stood intrenched since the fateful year of 1912, saw a Democratic majority of eight transformed into a Republican majority of two.

Even without the corroborative testimony of synchronous events it would be easy, Mr. President, to discern the consternation with which Mr. Wilson and his party viewed this outcome. To lose the House of Representatives was bad enough; but to lose the Senate—that coeval and coequal partner of the

President in the treaty-making power—was a cup of Gethsemane which must be withheld from the presidential lips at any cost.

The returns were no sooner at hand than the Democratic managers began casting about for ways and means to overthrow the will of the voters. A single Republican Senator barred from his seat would make this body a tie, and the then Vice President, scrupulously mindful of his oath of office, but none the less reliable in his partisanship, would hold the deciding vote. The Senate would continue in Democratic hands, with all of its patronage, with all of its machinery, continuing to work the presidential will.

Two States, New Hampshire and Michigan, seemed to offer themselves for the purpose which the conspirators had in mind. From these States—whether by complicity I can not say—telegrams were promptly dispatched by local Democratic managers to Members of the Senate and others high in national Democratic politics at Washington protesting the election as returned. I hope to speak without feeling, Mr. President, but I can not forget the embarrassment of my first hour upon this floor—an embarrassment which arose wholly, as Senators will readily understand, because I had to remain silent. I had come bearing credentials in proper form and I was known to most of the Senators then present to be the man named in those credentials; yet the senior Senator from Ohio sought to prevent me from taking my seat. His remonstrance was based upon some telegrams and letters received by him from Democratic managers in New Hampshire charging irregularities in the election, none of which, however, as the Senator was free to assert, were brought home to me. A recount had been demanded and ordered in New Hampshire, declared the Senator from Ohio, when as a matter of fact no such thing as a recount exists under the laws of my State; and the examination of ballots, which alone we provide for, could have resulted no further than to afford my defeated opponent some evidentiary basis upon which to conduct a subsequent contest for the seat to which I was clearly entitled.

Had this conspiracy succeeded, had it been possible to send my case to the Committee on Privileges and Elections and to have deprived my State of the representation which I alone could have given it, because my colleague at the time was then absent in Europe, it might have been possible after the 4th of March, 1919, to continue a sure, if slender, Democratic ascendancy in the Senate and to enable Mr. Wilson to maintain at Paris that mandate from the American people which he so frequently and so falsely there declared himself to possess.

But, Mr. President, thanks to the precedents of this body, and thanks in even larger degree, as I shall never cease personally to feel, to two sterling constitutionalists on the other side of the aisle—the senior Senators from Alabama and Missouri—the Senate, without division, decided that I could not be denied the seat which I had so hardly won, and it remained for time to tell whether my discomfited opponents at home would pursue the futile protest which they had lodged against me.

For a time, Mr. President, they exercised themselves exceedingly. My State swarmed with Democratic agents of a Democratic Department of Justice. New Hampshire homes were invaded, New Hampshire women were given the third degree. A Democratic Federal judge from another State was summoned to my home city; a special Democratic prosecuting attorney was imported to present evidence to a specially called session of the Federal grand jury. The net result of all this was to disclose the fact that the deeper and closer the investigation the wider and more astounding was the Democratic irregularity discovered to be; while the chief evidence adduced against me was that towns which had been for years regularly and robustly Democratic had in 1918 gone Republican. My opponents, Mr. President, were forgetful that I had visited those towns and made speeches, the charm of which had produced a result as unlooked for by me as by my Democratic friends.

The whole moral of this New Hampshire case, which I have dwelt upon I hope not too wearily for the Senate, is that Democrats, generally speaking, are poor losers; and as an example of another sort may I direct the attention of the Senate to a special election of a Senator which took place on the same day in Idaho, where with a vote more than 35 per cent larger than that cast in New Hampshire a Democrat was elected by a majority 10 per cent smaller than mine; yet neither the Republican State chairman of Idaho nor the defeated Republican candidate in Idaho took any step whatever to deprive Senator Nugent of his victory.

Turning now to Michigan, Mr. President, we find a set of facts probably unparalleled in American political history. There are many States, sir, where the primary election laws have been drawn with such extreme liberality that any voter may choose his candidates at will, regardless of his previous partisan affiliation or of his intention to vote at a succeeding election. Michigan is one such State. But, sir, while Democrats have undoubtedly aided in making Republican nominations elsewhere, Michigan stands alone in presenting the spectacle of a Democratic President attempting to nominate a Senator in a Republican primary.

In 1918 Henry Ford was generally regarded, as he is now, an amiable and somewhat narrow-minded wizard of industry; a man capable of making motor cars, but not known to be gifted in legislation; the possessor of a huge fortune, however slender his intellectual capital; and an idolatrous burner of incense at the shrine of Woodrow Wilson. He had no political record; he had hardly ever voted; no testimony has ever been adduced that he was familiar with public life in any sense. The magic of his industrial achievements was thought to possess a talismanic quality in an appeal to the electorate; and the majesty of his adoration for the President then in the White House constituted a passport to the high favor of him who sought to place this profiteering sire of the Nation's most conspicuous slacker in a seat which had been adorned by Alpheus Felch, by Thomas W. Ferry, by James McMillan, and others of equal worth and weight. Mr. Ford was not put forward for the Senatorship by Republicans of Michigan; he was not put forward even by himself—for I freely acquit him of the vainglorious ambitions for public life and its distinctions which so often obsess those who have been successful in amassing money. He was put forward by a Democratic President of the United States, who two years before, in the welter of Republican disaster in the Middle West, had, nevertheless, seen Michigan, 54,000 strong, standing firm for Republicanism and Hughes, and at the same time reelecting its senior Senator by the triumphant majority of 107,000. For Mr. Wilson to win a Senator under any circumstances in such a State, Mr. President, would be a tremendous achievement, but to win a Senator in such a State and to seat him in the ranks of political opposition would be a triumph Homerically sardonic.

Small wonder, Mr. President, that the Republicans of the country, and especially the Republicans of Michigan, stood aghast at this appearance of the cuckoo's egg in the robin's nest of politics. To prevent its hatching was the duty of every Republican not only in Michigan but elsewhere; and to prevent its hatching those who opposed it, those who dreaded it, were justified in employing any and every method which law and a sense of political honor would permit.

And, Mr. President, its hatching was prevented by legal and honorable means. The magic of Henry Ford's name, the glamor of Woodrow Wilson's prestige, the recruited forces from all the allied, affiliated, and associated enterprises which fed upon Ford were elements of political strength not to be despised; to beat Henry Ford and to thwart Woodrow Wilson was a job for a real Republican, well worth a real Republican's doing.

Truman H. Newberry was then as now a man not given to self-glorification—modest, high charactered, successful in the business world, and with a fine record of public service which he was at the moment enlarging by donning for the second time the blue of the Navy. He was on duty in a distant State; he was engrossed in the responsibilities which his position laid upon him; he was not seeking political preferment; he was striving only to serve his country. His age, his domestic situation, every claim, indeed, which made men exempt from military duty freed him from the sacrifice which he was making—a sacrifice which he did not seek to avoid when his embattled political brethren in Michigan called upon him to lend them the prestige of his character and record, although he might readily have liberated himself from the strict routine of the Navy for the freer and more enjoyable life of the hustings. He gave what he could, his consent; and, like our colleague from West Virginia, went on calmly serving under a Commander in Chief who was striving to humiliate him in the political battle raging back home. And the record of this case, Mr. President, contains no conclusive evidence that at any time Senator Newberry had any detailed knowledge of political events in Michigan save that he was a candidate and that his friends were doing their best for him against a well-organized, well-equipped, and none too scrupulous opposition.

It is significant, Mr. President, that the emphasis of this case has been constantly laid upon the primary election in Michigan. The dreary effort through a physical recount of the ballots cast in the general election was barren of result. No one directly questions the validity of the credentials presented here by Senator Newberry; and no one attacks them except collaterally and antecedently by assailing the primary.

The Supreme Court has spoken with finality, as I had thought, Mr. President, upon this phase of the subject; yet the assault

upon Senator Newberry goes on with unabated virulence, though its foundations were long since destroyed by judicial T. N. T.

There are Senators across the aisle who look askance at these proceedings, Mr. President. The distinguished leader of the minority is on record as deprecating a Federal inquiry into a primary election. In a Washington dispatch printed in the Birmingham Age-Herald of August 1, 1920, I find the following:

Senator UNDERWOOD, who unexpectedly returned to Washington last night, will not encourage the effort of certain Alabamians to induce the senatorial investigating committee to inquire into the expenditure of money in the recent primary in Alabama.

In stating his reason he voiced a fear lest in the event of Republican national success this fall he and his Democratic colleagues in the Senate will be compelled to prevent the passage of a force bill.

"I was very glad when I learned that Judge Leon McCurd, of Montgomery, had charged the grand jury to inquire into the campaign expenditures of candidates in the recent primary," said Senator UNDERWOOD.

"There is very little doubt in the minds of men who talked with me in Alabama that one of my opponents and organizations supporting him expended a minimum of $250,000. While the tapping of the barrel was not as pronounced in Montgomery as in a certain other section of the State, money was spent in Montgomery. So the grand jury may be able to find some evidence.

"There is no question but that the expenditures should be investigated. There should never be another election in Alabama featured by the tactics which featured the last. But the investigation must be made by ourselves through our own courts.

"We should not permit the setting of a precedent of a Federal inquiry into a primary election."

But the precedent is already here, Mr. President, set by the Senator's party associates in their persecution of the Senator from Michigan. If parity of reason should be applied to Alabama as to Michigan, would not we on this side be justified in calling upon the Senator from Alabama to show cause why he should retain his seat, inasmuch as, if one of his opponents spent a minimum of $250,000 in the Alabama primary, he must have spent more than that amount himself in winning the nomination?

I have said, Mr. President, that the energetic movement which I have termed a Democratic conspiracy to upset the will of the people in the election of 1918 was confined to two States. I have also pointed out how with a far better basis for action the Republican managers failed to stigmatize the title of the Democratic Senator from Idaho. There is yet another element in the picture. Three States in 1918 were called upon to elect a Senator for an unexpired term. One of the group was Nevada, where the Hon. Charles B. Henderson had been serving by appointment of the governor and where he became a candidate to succeed himself. Senator Henderson received a certificate of election and no Republican assailed the validity of his credentials. An independent candidate, however, Miss Annie Martin, had contested in the Nevada election, and her right to challenge the result in her State was as unquestioned as Henry Ford's in Michigan. She exercised that right, and entered into correspondence with the Democratic chairman of the Committee on Privileges and Elections.

On January 7, 1919, Miss Martin wrote to the senior Senator from Ohio as follows:

RENO, NEV., *January 7, 1919.*

Senator ATLEE POMERENE,
Chairman Committee on Privileges and Elections of United States Senate.

DEAR SENATOR POMERENE: I note with interest the firm stand you took in the Senate on December 14 for an investigation by your committee of the campaign expenses of Mr. Newberry. Your position commends itself to all Americans desirous of securing justice in elections.

As a public duty, in order to help enforce the purity of election laws of the State of Nevada and of the United States, that the voters may choose their representatives uninfluenced by unfair or corrupt practices, I protest against the violation of both State and National statutes in the recent election in Nevada.

Reports filed with the secretary of state by the Democratic State central committee and other Democratic organizations working for the election of the Democratic ticket, headed by Senator Charles B. Henderson, show an expenditure that greatly exceeds the maximum of $15,000 allowed each political party for campaign expenses by the corrupt practices act of the State of Nevada.

I affirm that the election of Senator Henderson by such means constitutes a violation of the laws of the State and of the acts of Congress relating to "campaign contributions made for the purpose of influencing elections at which Representatives in Congress are elected."

As further evidence of the manner in which the campaign was conducted, Federal officials contributed to Mr. Henderson's campaign fund, an action strictly in violation of law. The records show that Mr. Fred L. White, postmaster of Reno, contributed $200 to the Washoe County Henderson Club; that Mr. William Woodburn, United States district attorney, contributed $500 to the same fund; and that Mr. William Kelly, internal-revenue collector, contributed $250. (Sec. 14, act of Cong., 22 Stat. L., p. 407.)

In addition, the reports referred to give inherent evidence of incompleteness and of inconsistencies that demand investigation.

I therefore ask you as chairman of the Senate Committee on Elections to hold an investigation to determine what sum was really spent to elect Senator Henderson, and how far the laws of the State and of the Nation have been violated.

Very truly, yours,

ANNE MARTIN.

To this the chairman of the committee made the following reply:

JANUARY 21, 1919.

Miss ANNE MARTIN, *Reno, Nev.*

DEAR MISS MARTIN: I have your favor of the 7th instant making the charge that the election of Hon. Charles B. Henderson as United States Senator from the State of Nevada was brought about by "a violation of the laws of the State and of the acts of Congress relating to campaign contributions made for the purpose of influencing elections at which Representatives in Congress are elected."

If you will send to me a memorandum of any evidence or proof you may have sustaining these charges, I will submit it to the Committee on Privileges and Elections for its consideration.

Very sincerely,

ATLEE POMERENE,
Chairman Committee on Privileges and Elections.

And, on January 30, 1919, Miss Martin telegraphed from Reno in these words:

Senator ATLEE POMERENE,
Chairman Committee on Elections,
Senate Office Building, Washington, D. C.:

Memorandum of evidence sustaining my charges Nevada senatorial election will be mailed you to-morrow by registered post in reply to request in your letter of January 21, which has just been received.

This memorandum can not now be found in the files which were turned over to the Secretary of the Senate at the conclusion of the Sixty-fifth Congress. It never was laid before the committee, so far as I can ascertain. Is it therefore an unfounded suspicion, Mr. President, if one should now conclude that the Committee on Privileges and Elections in the Sixty-fifth Congress was interested in the purity and integrity of the Senate's personnel only on the Republican side of the Chamber?

The senior Senator from Ohio, whose interest and zeal in the Newberry case have been so consistently persistent, is not in the Chamber. He is not even in the country. He is engaged in discovering whether a republican form of government exists in Haiti and Santo Domingo. Upon his return he will doubtless be able to explain to the Senate what has become of the Henderson dossier. The information, however, Mr. President, will be, if I may quote the words of a distinguished New England jurist, "late, reluctant, and unimportant," because Mr. Henderson no longer sits among us and the Republican majority of two which the people gave to this Chamber in 1918 has now been multiplied a dozenfold. But it will remain passing strange, Mr. President, that the Senator should have continued so unremitting in his pursuit of the Senator from Michigan alone when he had in his hands the evidence of what, as Miss Martin has declared to me, was "a more lavish use of money in the Nevada election in proportion to the population than was spent by the Republicans in Michigan."

The Michigan case, Mr. President, has waxed fat upon rumor, although the figures of expenditure in Michigan have never, even by the tongue of gossip, been named in an amount to equal the sum which the minority leader declared was spent in Alabama. Had we on this side of the Chamber seen fit to shape our course by the fitful stars of tittle-tattle we could have called to the carpet more than one Senator on that side of the aisle, and conspicuous among them would be the senior Senator from Georgia, where even with the mighty aid of Woodrow Wilson and all of the administration forces Gov. Hardwick was hardly defeated, and Kentucky, whose brilliant senior Senator belittles his talents in picayunish assaults upon the Senator from Michigan, though his own State two years ago and even yet has echoed with the rumbling rumor of irregularity at the polls.

There is another aspect to this effort to maintain the purity and integrity of the Senate which I feel justified in discussing. It is noteworthy, Mr. President, that the most violent of the attacks which have been made here upon the sitting Senator from Michigan have come from Senators representing the Southern States. In one sense, sir, this is indeed natural, for the representation of the Democratic Party in this body is now almost wholly from that section of the country. But I can not escape some feeling of amazement that even under these circumstances Democratic Senators should feel warranted in the excess of language which they have employed in this discussion.

A few comparisons, Mr. President, may possess pertinence.

Alabama has 298,143 white male citizens of 21 years and over, 214,168 colored male citizens of 21 years and over, a total of 512,311. The vote electing a Democratic Senator in 1914, in this State, was 63,389.

Arkansas has 284,301 white male citizens of 21 years and over, 111,523 colored male citizens of 21 years and over, a total of 395,824. This State elected a Democratic Senator in 1916 on a vote of 110,293.

Florida has 124,311 white male citizens of 21 years and over, 89,884 colored male citizens of 21 years and over, making a total of 214,195. This State elected a Democratic Senator in 1916 on a vote of 58,391.

Georgia has 353,569 white male citizens of 21 years and over, 267,047 colored male citizens of 21 years and over, a total of 620,616. This State elected a Democratic Senator in 1914 on a vote of 61,107.

Louisiana has 240,001 white male citizens of 21 years and over, 174,918 colored male citizens of 21 years and over, a total of 314,919. This State elected a United States Senator in 1916 on a Democratic vote of 78,000.

Mississippi has 192,741 white male citizens of 21 years and over, 232,412 colored male citizens of 21 years and over, a total of 426,953. This State elected a Democratic Senator in 1916 on a vote of 72,290.

North Carolina has 357,611 white male citizens of 21 years and over, 148,523 colored male citizens of 21 years and over, a total of 506,134. This State elected a Democratic Senator in 1914 on a vote of 121,342.

Oklahoma has 395,377 white male citizens of 21 years and over, 51,889 colored male citizens of 21 years and over, a total of 447,266. This State elected a Democratic Senator in 1914 on a vote of 119,443.

South Carolina has 165,769 white male citizens of 21 years and over, 169,277 colored male citizens of 21 years and over, a total of 235,046. This State elected a Democratic Senator in 1914 on a vote of 32,950.

Tennessee has 433,431 white male citizens of 21 years and over, 119,237 colored male citizens of 21 years and over, a total of 558,668. This State elected a Democratic Senator in 1916 on a vote of 99,567.

Texas has 838,962 white male citizens of 21 years and over, 167,395 colored male citizens of 21 years and over, a total of 1,006,357. This State elected a Democratic Senator in 1916 on a vote of 301,957.

Virginia has 363,259 while male citizens of 21 years and over, 159,873 colored male citizens of 21 years and over, a total of 523,132. This State elected a Democratic Senator in 1916 on a vote of 133,056.

These figures, Mr. President, relate solely to senatorial elections. It is doing no violence to the subject if we address ourselves briefly to the figures presented by congressional districts.

For example, Mr. President, the State of Alabama and the State of Minnesota elect the same number of Congressmen, 10; the State of Georgia and the State of New Jersey choose 12 each; the State of Florida and the State of Maine have 4 apiece. The State of Louisiana and the State of Kansas have 8 each.

The bracketed States of Alabama and Minnesota contained populations, respectively, and in round numbers, of 2,138,093 and 2,537,167. Their respective total vote in the year of which we continue to speak was 122,815 for Alabama and 311,333 for Minnesota. In other words, Mr. President, the vote in Alabama possessed something more than two and a half times the political power of a vote in Minnesota. The comparison between Georgia and New Jersey is even more illuminating. Georgia had a population of 2,609,121; New Jersey had a population of 2,537,167. Georgia's 12 Congressmen were elected with a total vote of 133,965, while to elect a dozen Representatives from New Jersey it required 413,810 votes. A vote in Georgia was more powerful than three votes in New Jersey. Florida and Maine are equally interesting to study. Florida had a population of 752,619; Maine's inhabitants numbered 742,371. Each elected four Congressmen. Florida by sending 83,173 of her people to the ballot box, while in Maine 149,507 Yankees were required to do the work of about half that number of Crackers. The last in our quartet of grouped States, Mr. President, are Louisiana and Kansas, the former with a population of 1,656,388, the latter with a population of 1,690,949. Each State elected eight Congressmen, but it took 523,211 to turn the trick in the Sunflower State, where full equal suffrage then as now prevailed, whereas in Louisiana, where full and equal suffrage has never prevailed, it required only 35,941 votes of the ruling oligarchy to send their eight men to Washington. In other words, Mr. President, a vote in Louisiana in 1916 had fifteen times the political power of a vote in Kansas.

I am prepared to be told, Mr. President, that all this has no connection with the election of a Senator in Michigan. I am equally prepared, sir, to resist that assertion. The adage of law is that he who seeks equity shall do equity; and it is equally aphoristic that those who declaim about the purity and integrity of the Senate should have equivalent consideration for the purity and integrity of the entire legislative establishment. The money changers were scourged not only from the porch of the temple but from the entire sacred precinct; and if elections are to be inquired into inquiry should not hold in a few isolated States of the North but should proceed with diligence over the whole extent of the Union. According to the figures which I have above quoted, Mr. President, no less than 37 Members of Congress and an equal number of members of the Electoral College exercise their functions on the basis of a counted though submerged population in contravention of the language and the intent of the Federal Constitution.

It will be urged that States alone may regulate the qualifications of their voters. It will be urged, too, that under this authority many States, including my own, have cast restrictions about the exercise of the franchise. This is true, Mr. President, and so far as I am concerned I am entirely willing that my State shall pay the price which the Constitution exacts from those communities which, having for any reason abridged suffrage, shall have their representation reduced in the proportion of that abridgment. It certainly can not be claimed, sir, that New Hampshire, with a total population of 460,000, yet casting a total vote of 156,000, has abridged suffrage in any like proportion with the State of Alabama, whose population is 2,138,000, yet casts a total vote of only 232,000.

Mr. President, I can not state with accuracy the reasons which the Southern States advance for their repressive election laws. I can not say whether they are necessary for preservation of law and order, for the maintenance of economical government, or even, if you please, for the upholding of white supremacy. But this I do know, that in the Southern States which I have hitherto enumerated there were in the census of 1910 more than 4,000,000 white males of voting age out of a total qualified electorate of 5,761,000, yet those States cast only 1,251,000 votes, which, even had they been exclusively white, would indicate that the oligarchy of 30 per cent is ruling both white and black in that section of the country. The privilege thus obtained is high and valuable. Why is it not worth paying for? Where is the boasted chivalry of the South?

The President of the United States in his recent visit to Alabama took up this question with a courage worthy of our recollection of him here in this body and of our knowledge of him as he sits at the other end of the Avenue. Lip service was freely rendered to him by representative men of the Southland. Is it too much to hope, Mr. President, that words may now be translated into deeds and that in view of the approaching reapportionment made necessary by the recent census we may have an inquiry, widespread and searching, so that the purity and integrity of American representative institutions shall be maintained everywhere?

I speak of this now, Mr. President, because during the Sixty-sixth Congress I deemed it my duty to present a resolution calling for such inquiry. I asked that it might be referred to the Committee on Privileges and Elections, which had been so diligent in pursuing the Michigan investigation, but the Vice President referred it to the Committee on the Judiciary, where it slept painlessly.

The Vice President vouchsafed no reasons for refusing my request. Later, in several southern newspapers, I read—and I now quote from the Birmingham Age-Herald:

> There are southerners on the Judiciary Committee, and the resolution in all probability will die a-bornin'.

Mr. President, I had and have no desire to legislate exclusively for one section of the country or against another. My desire solely is that we shall be a nation and not a group of sections; that our laws shall be fair and equitable; that the Constitution shall operate equally in every community, and that the purity and integrity not only of the Senate but of all our institutions shall be maintained. To those on the other side of the Chamber who have so vigorously opposed the resolution which we are now considering I can only say: "Why beholdest thou the mote that is in thy brother's eye but not the beam in thine own?"

Mr. President, the day is not far distant when the Senate will pass finally upon the contested election in Michigan. I shall vote for Senator Newberry, and I shall vote for him because I believe him innocent. The vengeance of Henry Ford has already been invoked upon the Senate.

Not long since I received the following letter:

GRANITE TRUST CO.,
September 29, 1921.

"IT RESTS WITH THE SENATE TO CLEAN ITS OWN SKIRTS, AND IF IT FAILS I PREDICT THE PEOPLE WILL DO THE WORK, BECAUSE I WILL CARRY THE CASE TO THEM."

Mr. SENATOR: The above is what Henry Ford says, as you will see from the inclosed clipping from to-day's Boston Herald.

In many ways I do not like Mr. Ford, and I do not want him to be a United States Senator, but I believe he is absolutely right in saying that if you and your fellows do not unseat Mr. Newberry for his flagrant defiance of law in securing his election the people will express their resentment.

Mr. Ford is a fighter when he is aroused, and he has both the connections throughout the country and the money to tell people the facts, and when people are told the fact story here—a story that has to do with the very basic part of our Government—the people will take action

Sincerely, yours,

DELCEVARE KING.

Mr. CARAWAY. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from New Hampshire yield to the Senator from Arkansas?

Mr. CARAWAY. I merely wish, before the Senator gets through with his tirade against the South, to ask him one question.

Mr. MOSES. The Senator is too late; I shall finish in one moment. If he will withhold his question until then, I shall be very glad.

Mr. CARAWAY. I would rather ask it at this time.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Arkansas?

Mr. MOSES. I yield.

Mr. CARAWAY. The Senator is very much perturbed by reason of the fact that certain Negroes in the South are not permitted to vote.

Mr. MOSES. I did not mention any Negroes not voting in the South.

Mr. CARAWAY. The Senator did. I did not think the Senator was conscious of doing it, but that is what he was talking about.

Mr. MOSES. Just one moment, please. I only enumerated the total population and the total vote cast. I enumerated them, it is true, by stating first the total white and then the total colored population, but I made no discrimination, even as we make no discrimination in my own State.

Mr. CARAWAY. If the Senator will pardon me, he even commended the President for going down to Alabama and saying that the Negroes ought to vote.

Mr. MOSES. I beg the Senator's pardon; I said the President called this thing to the attention of the southern people. I can not permit the Senator to make my speech for me. He can read it in the RECORD, and comment on my very words tomorrow, but I can not go on here with a discussion between the Senator and myself as to what he thinks I said and what I know I said.

Mr. CARAWAY. I know what the Senator said. Of course, he is now undertaking to repudiate it.

Mr. MOSES. I repudiate nothing.

Mr. CARAWAY. I believe the Senator was very bitterly opposed to granting suffrage to the women in his own State.

Mr. MOSES. No; I was trying to save the women of my State who did not want suffrage.

Mr. CARAWAY. And those who did want it you did not want to have it.

Mr. MOSES. The great majority of the women in my State did not want it.

Mr. CARAWAY. Do you think the Negroes in Arkansas, for instance, are better qualified to vote intelligently than are the women in your own State?

Mr. MOSES. I shall not pass upon that question, but I will say that in my own State every person of voting age who is eligible to approach the ballot box, male or female, white, black, or copper colored, may come and vote freely and have his or her vote honestly counted.

Mr. President, recurring now to the letter which I received from Mr. Delcevare King, I do not know how many Senators have been similarly menaced by this friend of Henry Ford, who bears such a resoundingly royal name. Nevertheless, I do not question his assertion that Henry Ford has the necessary money to invade any State. According to the junior Senator from Georgia, in a recent speech made here, Henry Ford retains some $21,000,000 of public money, which he took from a tax-burdened people during the war and for which he has made no accounting. Would it not be well for him to return this money to the Treasury, with interest, before permitting his henchmen anywhere to threaten Senators with the resentment of a people who care nothing for Henry Ford or his millions?

Mr. STANLEY obtained the floor.

Mr. WARREN. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Wyoming?

Mr. STANLEY. I yield to the Senator.

Mr. WARREN. Mr. President, the pending deficiency appropriation bill came from the House to the Senate on the day before we adjourned at the last session. We took up that bill in the Committee on Appropriations on the first day of the present session last week; we hastened its consideration as rapidly as we possibly could, and I was instructed by the committee to report the bill to the Senate on Thursday last, and the Senate immediately adjourned over until to-day. The bill contains appropriations of money for the payment of disabled soldiers who are in the hospitals and those who are receiving vocational education to the amount of over $60,000,000. The appropriation which has heretofore been made for that purpose will be exhausted before the 15th instant. I realize that the Senator from Kentucky [Mr. STANLEY] has a perfect right, of course, to discuss subjects other than the pending bill. I did not ask the Senator from New Hampshire [Mr. MOSES] to desist in his speech, because he had given notice of his purpose to speak before I had notified the Senate of my intention as to the consideration of the pending bill. I hope, however, that too much time may not be consumed in the discussion of extraneous matters, but that we may proceed with the consideration of the appropriation bill.

Mr. STANLEY. Mr. President, I will say to the Senator from Wyoming that my remarks will be brief, for I realize the importance of the pending legislation.

Mr. President, I am surprised rather than angered at the statement of the Senator from New Hampshire [Mr. MOSES] or at least his reference to the senior Senator from Kentucky. For one I am not inclined to criticize the partisan. This is a Government of parties, and while the Senator from New Hampshire has shown himself a partisan of partisans, vitrolic, I will not say narrow, but certainly intense, I have considered him fair; at least I thought he hoped to be fair and manly, endeavoring to be just. The gallant and accomplished Senator from New Hampshire was the last man I would have suspected, even in the present emergency, and in the desperate strait of a despicable client, of even an implied sanction to an ugly, false, cowardly, and anonymous assault upon the honor of a colleague on either side of the Chamber.

My comments upon the manifest corruption with which the Senator from Michigan is charged have been free from any personal ill will or political bias against the Senator from Michigan. My abhorrence was of the offense, not a narrow, partisan hostility to the man or his party.

It is true, Mr. President, there were mutterings and rumblings when I took my place in this great body. It was necessary to find somewhere a counterirritant, to raise a false issue, to divert attention from the open infamy of the Senator from Michigan and the conduct of his campaign; so a loose, unfounded, unsubstantial, and ugly charge was made touching the honor, the patriotism, and the disinterested devotion to his country and his State of the governor of Kentucky, now the senior Senator from that great State.

I dare the Senator from New Hampshire; I defy the sponsors and apologists of Mr. Newberry here to counsel him, under fire and under ugly charges, to walk one single step in the path trod by the senior Senator from Kentucky. He would no more do it than he would leave that wooden battleship in Central Park and face a real gun and a real enemy.

It was charged, sir, that I used the high powers of the governor of Kentucky in selecting men under the draft for the service of their country, and that I so manipulated those boards as to further my own political ambitions. There is nothing except falsehood and cowardice behind that ugly and anonymous charge, for no man has ever made it and no man will ever dare to make it over his own signature here or in Kentucky. When that anonymous charge was made I went before the Committee on Privileges and Elections; I asked for an investigation, and waived every technical right. I did more; I said, "Bring on your proof; I will appear before any committee you may name; I will ask no question about its personnel; I will take a solemn oath in advance that no man shall be heard in my defense except a Republican of known worth and standing in his party."

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New Hampshire?

Mr. STANLEY. I yield.

Mr. MOSES. Until this moment, Mr. President, I have never known what formed the basis for the rumors to which I referred in my prepared remarks. I merely knew that there were reports regarding the election in 1918 in Kentucky. I merely knew that the story in more or less nebulous form had been brought to my attention at the time when my own title had been called in question here. I will say for the benefit and information of the Senator from Kentucky, for whose talents I have great admiration and whom I can never thank too much for the complimentary words with which he began his speech, that I thought it was poor sportsmanship to be threatening the title of any Senator upon tittle-tattle, upon unsupported charges.

Mr. STANLEY. And is it not poorer sportsmanship to raise dust about the charges against the sitting Member from Michigan by throwing again into the air this foul, unseemly slander first hurled at me by a coward, that will never be repeated as true by any man not at once a liar and a fool?

Of course the Senator knows nothing of the truth of this accusation, but any old scandal, any old dirty thing, no matter whom it touches, can again be opened up and referred to in this high place for all the world to guess what was the nasty thing, what were the ugly rumblings about the Senator from Kentucky, who was born in honorable poverty and is poorer now than when he was born. Such position as I have attained in my profession or in public life is as free from suspicion of the use of a dirty dollar as a virgin's honor, unassailed and unassailable. I have won upon my worth; I have never prostituted any voter by an appeal to his cupidity, to his cowardice, and his lack of loyalty to his State and to his country.

I said to the chairman of the Committee on Privileges and Elections, "I want my record shown. Now I can speak of it. Two charges have been made—an abuse of the pardoning power, with which you have no concern a bit more than you have with the color of my eyes, and abuse of my power as governor, as a Federal officer, with which you are concerned." I invited inquiry.

I never named a commission, I will say to the Senator from New Hampshire, that was not absolutely bipartisan from the top to the bottom. I was the only governor, as I am informed, in the United States—Democrat or Republican—whose commissions had no partisan bias. The most powerful and strongest Republicans in the State were on the commission named by me. My esteemed friend the junior Senator from Kentucky [Mr. ERNST] is present here to-day, and he knows, and, if questioned, will say that there were no greater towers of strength in his party and no more intense partisans that Fred M. Sackett, who was my food commissioner; than that gifted lawyer, William Cochran, brother of the Federal judge; than Richard C. Stall, the election commissioner of the State; than Green Garrett, head of the railroad commission; and yet those men were upon the highest commissions. The Council of National Defense had for its chairman Mr. Edward Hines, and when the present governor of Kentucky gave notice that he would name a nonpartisan commission for the control of the charitable and penal institutions he named Edward Hines, the man whom I had named as the chairman of the Council of National Defense.

Officers in charge of the recruiting and the disbursing were promoted according to their efficiency. Some were made lieutenants, some were made captains, and two were made colonels, and one of the two was the disbursing officer from Kentucky, Henry Rhodes.

There are not a half dozen States in this Union that assembled their soldiers with greater efficiency, that had a smaller proportion of desertions. Not one single train was ever kept waiting for the brave boys eager to do and to die for their country. They assembled to the minute. I worked from early morning until late at night with all the vigor and with all the strength that God has given me. I was too old to go out and do the great part; but all that I had left in that high place I gave without stint and without thought of partisan advantage to that flag in that solemn and awful hour.

Those who bear my name will receive nothing in the way of patrimony; but the conduct of their sire as the war governor of Kentucky will never make a scion of my race blush or offer an apology. I then and now invite the fullest discussion. I repeat here and now upon the floor of the Senate what I have often repeated before, that I court an inquiry. I will bring only Republicans to testify before it, and if the committee fails to exonerate me I will resign the seat I hold. I would not hold a seat in this body by a narrow appeal to partisan hate and partisan prejudice and partisan indifference to my infamy. I would not sit here five minutes under the shadow of Truman Newberry's guilt to wear all the crowns that ever adorned the head of tyranny, to wield all the scepters that ever cursed power. Let him follow my example.

They had an inquiry in Kentucky touching other matters. I was under no obligation to go, but I went. I found this inquiry, touching the conduct and expenditures of the governor of Kentucky, held behind closed doors. I threw the doors wide open. I stood in those open doors and said: "There is one thing you can not do: You can not close these doors."

They said: "It is for the protection of persons who are liable to be wrongfully accused." I said: "Let the slanderer show his face. Bring in all the world. I prefer to be tried upon a mountain top. I have never exercised executive clemency, however great may have been my mistakes, that I did not believe I did my duty before my countrymen and my God, and I am anxious to answer for every official act. I am ready to account to all the world for every dollar received and every dollar expended as governor of Kentucky." At last this nosing committee found, and I admitted it was true, that I had fed my bird dogs in the penitentiary. Yet those things must be lugged in here in an effort to save the bedraggled name and the stained honor of a man tried by a judge of his own party, and convicted by a Republican jury; and now you would save him by a majority in a Republican Senate who have not the conscience of a Republican judge or the shame of a Republican jury!

Mr. HEFLIN. Mr. President, I presume that the speech of the Senator from New Hampshire [Mr. MOSES] this morning is notice not only to Democrats but to Republicans who are in favor of unseating Mr. Newberry that he is to be seated.

The Senator from New Hampshire has talked about rumors. He has gone out into the primaries of other States. He has told what rumor said about them. He is trying to get away from the issue involved here.

Mr. President, when I was a boy I used to chase the red fox. In the spring of the year, when the mother fox was rearing her young in the forest, when I sounded my horn and started away for a chase, the mother fox—cunning, smooth artist that she was—would get up and come around between my dogs and her young. She would lead the dogs away out into field and wood remote from the abiding place of her young, and finally lose the hounds miles away from her young ones. That was what she was trying to do.

That smart performance of the cunning fox came to my mind this morning when the Senator from New Hampshire was speaking. He wants to lead us away from the issue—Mr. Newberry. Is he to be regarded as the special ward or proud offspring of the Republican Party? Are the Senators on the other side ready to stand sponsor for him? Does the Senator from New Hampshire think that he can theorize about rumors of large expenditures of money in primaries of other States, and that that will justify him and others who will vote for Mr. Newberry, in supporting him, when the facts in this case clearly establish his guilt?

The Senator referred to my State. Mr. President, when the senatorial campaign was on in Alabama between my colleague, the able senior Senator from Alabama [Mr. UNDERWOOD], and two other Democrats in my State, I was engaged in a race with four other gentlemen for the nomination for the Senate, and I do not know much about the conduct of anybody's else campaign, but I do know about my own. There is no suspicion of wrongdoing connected with my nomination or election, and, thank God, no cloud rests upon my title.

I had no hired agents—not one. I never spent a dollar unlawfully or unjustly. I received my nomination and election at the hands of an upstanding, proud, and incorruptible people.

In the other race for the Senate in my State I do know that certificates were made in that primary by my colleague [Mr. UNDERWOOD] and by his opponents, Mr. Musgrove and Mr. Weakley, to the effect that they did not expend more than $10,000 each. If the Senator from New Hampshire wants to challenge those statements he has a right to do so. Anybody else had that right; but it was not done so far as I know. How can the Senator justify himself now in voting to hold in this Chamber a man who has literally purchased his seat here by talking about rumors as to what was done in the race of Senator UNDERWOOD or Senator Henderson or Senator STANLEY of Kentucky? That does not get him away from the issue here, nor is he going to be permitted to get away from it, nor are any of those who vote to seat Mr. Newberry ever going to get away from it.

Mr. President, Shakespeare tells us that when the ghost of Hamlet's father appeared on the castle grounds of Denmark, Marcellus, a castle guard, said: "Speak to it, Horatio." The evil spirit that Washington warned us against is not standing menacingly at the door of this Chamber. It has entered and now stalks through this historic Hall. Washington warned us against the baneful influence of money in politics. I never dreamed that the day would come when any Senator would stand here and solemnly defend one who had bought his seat in this body, and yet that is just what is being done here now.

There is not an intelligent man in this body or outside of it who believes that Truman H. Newberry would have a seat in this body but for the excessive use of money in the Michigan primary. There is no one here or elsewhere who believes that but for the lavish and unlawful use of money in that primary Truman H. Newberry would hold a place in this body. That is true. If it is true, what right has he to sit here?

I heard of a young man who said not long ago that as soon as he got money he was going to join the golf club at Chevy Chase. I heard of another fellow who said that as soon as he got money enough he was going to buy a seat on the Stock Exchange in New York. There are some men in this country—and they are not all confined to any one party; they belong to both parties—who think that when they get a pocketful of

money they would like to buy a seat in the United States Senate. They have gone out after them in the past. They will do it in the future unless those who sit here, having sworn at the altar place of this Chamber to protect the honor and integrity of this body, will shut the door in their faces and not permit them to enter.

Mr. President, is this body to become simply a clearing house for political tradesmen? Is the membership here to be confined in the future to men of enormous wealth? God spare the Republic from such a fate!

The Senator from New Hampshire has waved the bloody shirt here this morning, has raised a sectional issue. There certainly should not be any sectional issue raised in the consideration of a question of this kind. It is my duty, as much as it is the duty of the brave and able Senators from Idaho and Iowa, to protect the integrity of this body and its good name. I am a Democrat; they are both Republicans. In a case of this kind we ought to lose sight of politics and strike hands about a common center for the honor of this body and the good of our common country.

What can the Senator hope to accomplish by the bitter speech that he has made about the conduct of elections in the South? His statistics regarding my State are misleading and incorrect. We have more white men in Alabama than we have Negro men, but, according to the Senator's statistics, as I heard them, there are about 50,000 more Negro men in my State than white men. We have a good many more white men in Alabama than Negro men.

I desire to propound a question to the Senator from New Hampshire. There are some counties in my State where the Negroes are in the majority. The white people who live in those counties sprang from the stock that lived in the South when knighthood was in flower. I wish to ask the Senator if he would deprive us of the right to protect the ballot box and sovereignty of the white race there, and if he would favor putting Negroes in office over the white people of those counties?

Mr. MOSES. I assume the Senator wishes to be answered.

Mr. HEFLIN. I yield to the Senator for an answer.

Mr. MOSES. Mr. President, in the course of my remarks I stated I was unable to state accurately the motives which led to the repressive election laws of the Southern States. I sought to point out, however, that if in order to maintain law and order, in order to maintain an economical government, in order, if you wish to state it that way, to maintain white supremacy, it is necessary to abridge the suffrage, why are you not willing to pay the price which the Constitution says you shall pay for that great and lofty privilege? If you wish to rule by an oligarchy in Alabama, why are you unwilling to have your representation in Congress and in the Electoral College abridged in proportion as you abridge suffrage? That is the constitutional penalty exacted for the great right which you say you are taking in those counties and elsewhere. Why are you not willing to do it? That is all I want to know about Alabama.

Mr. HEFLIN. I answer the Senator from New Hampshire by saying that the Supreme Court of the United States has passed upon and upheld the suffrage laws of Alabama. They conform to the Constitution. The Senator would deprive us of our representation, cut it down, and put a penalty upon us for daring to stand for white supremacy in this country.

Mr. MOSES. If the Senator will permit me——

Mr. HEFLIN. I gladly yield to the Senator.

Mr. MOSES. I am not sure whether the Supreme Court has declared, in terms, the validity of those election laws. My own impression of it is that the court has ducked the question about as often as it has come up.

Mr. HEFLIN. Oh, yes; the Supreme Court has passed upon the suffrage article in the Alabama constitution.

Mr. MOSES. I accept the Senator's statement as to that, he being a very distinguished member of the bar. With that statement I admit that the abridgment has taken place by constitutional means. The Constitution further provides that when abridgment has taken place representation may be abridged in the same manner, and I ask the Senator if he is willing that that shall be done? Let him compare his State with mine. We have a total population of somewhere around 460,000, and the people cast 156,000 votes in that little State. One person in every three votes there. The Senator represents a State, if I recall, with something more than 2,000,000 population, and the highest vote I find recorded in any statistics for the past 10 years is 232,000—1 person in 10. Is the Senator willing that Alabama shall pay the constitutional price for the constitutional privilege exercised there?

Mr. HEFLIN. Mr. President, the Senator knows that in my State, as in some Northern States, a nomination is equivalent to an election, and as soon as a candidate is named everybody knows he is going to be elected; they want him elected, and a great many of them do not go to the polls. The matter is decided in the primary. That is why the Senator will frequently see a very small vote cast in the general election in some of the Southern States. That is one reason I am saying here that Senator Newberry corrupted the primary in Michigan, a Republican State, bought up the machinery, purchased newspapers, hired agents, and purchased men outright, if you please, and put his machinery in such form that nobody could defeat him in the general election. The question was settled in the primary. He knew that if he got the nomination he would get through at the general election.

Mr. MOSES. I know perfectly well that there are many States in the Union where a nomination by the Democratic Party is equivalent to an election. That certainly is not so in the section of the country from which I come. There one fights for his nomination, and then fights for his election. But I believe that the figures would show an equally deplorable condition of affairs in reference to the primary election. I do not happen to have on my desk at the moment the primary statistics of the Southern States, so far as I have been able to get them, but I do recall one State, not the Senator's State, but the State of Mississippi, where, as every one knows, in 1918 there was a very spirited contest for the Democratic nomination for Senator between the sitting junior Senator and ex-Senator Vardaman, whom he defeated. The total vote in that primary for the three candidates running, who, I think, were Vardaman, HARRISON, and Noel, was a little rising 107,000, and the State of Mississippi has eight Members of Congress. In my State, Mr. President, we cast 156,000 votes at an election, with only two Members of Congress.

Mr. HEFLIN. Mr. President, in the year to which the Senator has referred there were 100,000 Mississippi boys in France fighting for the country. That, of course, reduced the vote in that election.

Mr. MOSES. How many of the hundred thousand were colored boys, who would not have been permitted to vote no matter where they were?

Mr. HEFLIN. Some of them were Negroes, serving in one capacity or another, and we have the best Negroes in the world down there, if people like my distinguished friend from New Hampshire would let them alone. These long-distance politicians and misguided champions from other sections come with their half-baked nostrums and vagaries and suggest to us how to solve a problem that we have had ever since their forbears sold the Negro slaves to us at magnificent figures, and then set them free without paying us a single dollar. I will tell my friend from New Hampshire what we are going to do with that question some day, if they keep on nagging at it and fooling with us. Why we are going to let them have it up there nearer home. There is food for thought in that suggestion. The white people of the South are going to protect the sanctity of their homes, the integrity of the white race, and maintain white supremacy at any cost, no matter what it is, and if the time *should* ever come when leaders like the Senator from New Hampshire can control the Republican Party, and they shall undertake to put the Negro above the white man in the South, we will send the problem up there and let the Senator from New Hampshire and others there handle it at close range.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. HEFLIN. I am delighted to yield to the Senator.

Mr. MOSES. I merely wish to point out to the Senator, Mr. President, that they are willing to do all this at any cost, he says, save that of paying the constitutional price of having their political strength shorn.

Mr. HEFLIN. Mr. President, the Senator is a brilliant lawyer, although he may not have studied law; he is quick to catch and retain a point.

Mr. MOSES. Mr. President, I am not even a member of the bar.

Mr. HEFLIN. I said whether the Senator had studied law or not. I told him just a little while ago that these suffrage laws of all the Southern States had been passed upon and approved by the Supreme Court of the United States, which decided they were in accord with the Constitution of the country. Still the Senator wants me to agree with him that we should be shorn of some political strength. We are doing nothing that is unconstitutional now, and we do not intend to be shorn of strength that rightfully belongs to us. I can tell the Senator another thing in this connection.

Mr. MOSES. That may be true of the present, but it will not go on forever, for I want the Senator from Alabama to

understand that the free voters of the Northern States are sick and tired of going into every election with the dice loaded against them. The Senator knows perfectly well that with a free ballot and a fair count in his State, if they would take on the constitutional penalty for the abridgement of the suffrage, the Democratic Party would not carry a national election in a thousand years. Some day, Mr. President, the Republican free voters of this Nation are going to realize that, and some day, cloture or no cloture in the Senate, something will be done about it.

Mr. HEFLIN. Mr. President, the Senator is innocent of all kinds of knowledge about my State and the other Southern States. Even if they were to reduce the representation, as he has said, he might sit here until the stars grow old and the sun grows cold and he would never see a Republican in the Senate from down there. We have only a few Republicans down there, and it is as impossible to produce Republicans on a large scale in my State as it is to grow watermelons on Greenland's icy mountains. [Laughter.]

Mr. MOSES. That is probably true, Mr. President, but if we have the situation which I am suggesting will one day come Alabama will not be casting 12 votes in the electoral college.

Mr. HEFLIN. Mr. President, I find consolation in the thought and in the conviction that my friend from New Hampshire does not speak for the Northern States. He is one in a hill upon this question. I have talked to northern people upon this subject, some of them Republicans, who do not want to bother and hamper the South in the solution of this race problem, and when the Senator from New Hampshire and those who entertain views like his inject that question into discussions in this body they are hurting rather than helping us in a right solution of the race problem. We know best how to solve it. We have it, and, as I said a while ago, we are going to solve it in our own way to the highest and best interest of both races. Mr. Lincoln once said, the Senator will recall, that he opposed making voters or jurors of Negroes.

Mr. WARREN. Will the Senator permit me?

Mr. HEFLIN. I yield to the Senator for a question.

Mr. WARREN. I do not like to interfere with the discussion, which is very interesting, but the race question and matters connected with it will be with us always, I suppose, and will always lead to a great deal of debate. While we are debating that, the suffering soldiers of the late war are anticipating, and naturally so, being without money on the 15th of this month. After we pass the deficiency bill it must go to conference and there be agreed upon, then both Houses must pass upon the conference report, then the bill must be enrolled, signed, and go to the President and be approved before the 15th or the United States will be in default in about $50,000,000 or $60,000,000 due the soldiers. So I wish the Senator might join with me and put the further discussion of this matter over until a more convenient time.

Mr. HEFLIN. I shall be through in a very few moments. I regret that my good friend from Wyoming did not think of this while the Senator from New Hampshire was speaking.

Mr. WARREN. If the Senator was in the Senate the other day and again this morning——

Mr. HEFLIN. I knew it was an oversight, or that the Senator was absent.

Mr. WARREN. The Senator from New Hampshire gave notice, prior to the time that I gave notice of the calling up of the appropriation bill, that he wished to address the Senate this morning. He waited until this bill came up, and of course addressed his remarks to the deficiency bill, which, by the way, the Senator from Alabama has neglected to do.

Mr. HEFLIN. What is it the Senator from Alabama neglected to do?

Mr. WARREN. To direct his remarks, when he commenced, to the bill before the Senate.

Consequently I did not know of the ammunition and projectiles that were in store, and I am only pleading now, not as a matter perhaps of right but as a matter of sympathy for our friends, the soldiers who need it, that we may be able to get the appropriation bill through.

Mr. HEFLIN. Mr. President, I assure the Senator that I will not speak but a few minutes longer. I had not intended to speak, but there were many misleading things in the speech of the Senator from New Hampshire and an attack upon my State and other Southern States, a waving of the old threadbare bloody shirt, and I felt it my duty to say a few words.

Now, no one has any more sympathy for the soldiers than I have. I will vote for anything that suggests fair treatment for the soldiers of the great World War. I voted to square the account with these boys and grant them adjusted compensation, when 500,000 of them were walking the streets of the country hungry and unemployed. The RECORD shows how I stand with regard to the soldiers.

The Senator from New Hampshire is responsible for this discussion. He has injected the Negro problem into this debate. Like the old fox that I spoke about awhile ago, he is doing this to lead the minds of certain people away from the issue that Newberry bought his seat in this body.

Mr. President, when the War with Spain came on and we saw Fighting Joe Wheeler of Confederate fame and the son of Gen. Grant bivouacked upon the same battle field and marshaled beneath the same flag, one would think that the War of the Sixties was over and that we had indeed and in truth a reunited country. Then when the war came on with Germany the nations of the earth were engaged in the bloodiest war that ever cursed the world, and southern boys and northern boys were side by side on the fields of France. I remember a beautiful poem written by one of them:

Here's to the blue of the wind-swept North
When we meet on the fields of France
May the spirit of Grant be with you all,
As the sons of the North advance.

Here's to the gray of the sun-kissed South
When we meet on the fields of France
May the spirit of Lee be with you all,
As the sons of the South advance.

And here's to the blue and gray as one
When we meet on the fields of France,
May the spirit of God be with you all,
As the sons of the flag advance.

No politics there, but 100 per cent Americanism was seen on every hand. Mr. President, Alabama boys, Idaho boys, Iowa boys, New Hampshire boys, all fought and died side by side. What were they fighting for? They were fighting for the honor of the flag, fighting for the preservation of American ideals and institutions, fighting for the preservation of the American Republic. What would they think if their spirits could look down from the parapets of the sky and see seats sold in the citadel of national legislation in the country for which they died 3,000 miles away from home?

The Senator from New Hampshire can not by the miserable tactics he has employed here to-day get away from this issue. We must settle the question now, Are seats in the United States Senate for sale and traffic to the highest bidder?

This man Newberry bought a seat in this body. You might go around and say he expended too much money, he resorted to this method and that which was reprehensible, but stripped of all its smoke-screen devices, he has bought a seat in the Senate, and the question is, Are we going to become a party to the crime? The Senator from New Hampshire can not come lugging into this debate rumors about other State primaries, and dodge the issue by reflecting upon my State and other Southern States, where the race problem is now being solved. Senators, we have very decided and fixed convictions upon this subject. We need your friendship and good will. I shall never forget President McKinley—God bless his memory. I was a member of the Alabama Legislature appointed on a committee of three with the speaker of the house and Maj. Robinson, of Mobile, to invite him to come over and address the Alabama Legislature. He was in Atlanta attending the peace jubilee, following the War with Spain. We went up to his room at the Kimball House, a hotel in Atlanta. He said, "Gentlemen, I appreciate the invitation you have extended. I have seen it in the newspapers, and I am going to accept it. I want you to know that I have been invited to speak to the colored people at Old Ship Church, in Montgomery, and I desire to know whether it would be agreeable to you gentlemen for me to do so. I do not want to do anything that will hurt, but on the contrary I want to help you if I can in solving this race problem. I said to him, "No, Mr. President, we have no objection in the world to your speaking to them. You can speak to us in the capitol, and then speak to them at their church. You have been giving them wholesome advice in all of your speeches in the South. You know the serious situation here, and we feel that we have your sympathy."

He accepted the invitation and came and made a speech to us, and then spoke to them and told them in substance that we were the best friends they had, and that they should not antagonize the great white race in the South.

The Senator from New Hampshire does not come out openly and declare it, but his position in effect is that wherever the Negroes are in the majority they should be put in office over and given dominion over the white people. I again remind the Senator that it may be that some day, in the settlement of this race question, he will have acquired a good sprinkling of

them in New Hampshire. Let the Senator bear in mind always that we will do whatever is necessary to protect and preserve inviolate racial integrity and white supremacy.

Every white man and woman in the South who reads this unwarranted attack of the Senator from New Hampshire will think of the carpetbaggers who infested the South just after the war of the sixties and gave us a reconstruction mantled in a saturnalia of crime that shocked and astounded the civilized world. Confederate soldiers, many of them lame and halt, and members of the Ku-Klux Klan, with their muskets, walked the roads in the nighttime and guarded the homes of the widows and daughters of their brave comrades who died in battle, protecting them from burly black brutes drunk on their new-found freedom. We had scalawags and carpetbaggers who would tell them, "Take these homes; they are yours; drive these people out. We will colonize you in this section. Let these white people go elsewhere."

Thank God there were not enough of them to have their way. A number of northern Democrats and some Republicans did not sympathize with that policy. I dislike to see the Senator from New Hampshire lugging that question into the discussion to-day in an effort to cover the tracks of a man who left the dollar mark behind him every time he put his foot down in his race for the Senate of the United States.

Mr. President, I like to hear things said here that make for American solidarity. I wish to see this Union knitted closer and closer together in the bonds of a loyal national love. Any man, be he Democrat or Republican, who seeks to stir up sectional feeling and hate is an enemy to the flag, an enemy to the country. We ought to contribute only those things that make for closer and more cordial relationship between the sections. I would remind the Senator from New Hampshire, since he has attacked the South, that more courage was never shown in battle than the Southern boys showed on the battle fields of France. I would remind the Senator from New Hampshire that the very States that he has been criticizing to-day furnished the boys who broke the Hindenburg line.

The Senator from New Hampshire said a while ago that nobody had suggested that Senator Newberry had expended as much as rumor said was expended in the last Alabama senatorial primary. I was satisfied the Senator had not read the record and that he did not know what the testimony was when he spoke, because the now lieutenant governor of Michigan wrote to Mr. Newberry, while his race for the Senate was on, and told him that it was currently reported that they had spent or were spending in Newberry's race for the Senate anywhere from $250,000 to $500,000. Mr. Newberry has never opened his mouth as to whether the charge of the lieutenant governor, who is a Republican, was true or not that they were spending from $250,000 to $500,000. I wish the Senator from New Hampshire would keep that in mind.

I wish to say that they, Mr. Newberry's friends, admit spending about $200,000 in the senatorial primary. If they will admit that, I would like to see those bank books, checks, and stubs that were lost. I have my suspicion about how those things came to be lost, and I will tell it to the Senate. I think Mr. Newberry's friends deliberately burned those check stubs and bank books and destroyed them for the purpose of hiding that testimony from Senators in this body. That is what I think was done with them. Are we going to seat a man who comes in here with such clouds of suspicious circumstances and scandal upon his title?

The Senator from New Hampshire will send his speech up into New Hampshire and the other New England States, showing that he has criticized the primary system in the South and the disfranchisement laws of the South, for the purpose of making them forget the Newberry case. He can not do that. When this tale is finally told and the record of this debate is finally made up, they are going to cull from it the nuggets of truth and they are going to be sent into every State in the Union. They must be submitted at the judgment bar of the men and women voters of the various Commonwealths and let them ask the Senator who voted to seat him when he comes up for reelection—"Are you a United States Senator?" "Yes, sir."

"You were elected to represent us in the United States Senate?" "Yes, sir." "You were present when the Newberry case was decided?" "I was." "Did you vote to seat him?" "I did." "Did you read the letter of Osborn, the former distinguished Republican governor of Michigan, who told Newberry that if he denied that he knew they were spending great sums of money in his campaign he was an ass and a liar?" "Yes, sir." "Did you read the letter of the lieutenant governor, a Republican, in which he told Newberry he ought to withdraw from the race; that he had been conducting a scandalous campaign the result of which Michigan would not recover from in 25 years; and that they had expended from $250,000 to $500,000?" "Yes, sir." "You read the testimony of Fred Smith, the confidential agent of Newberry?" "Yes, sir." "He swore that he checked upon the joint fund of Truman H. Newberry and John Newberry." "Yes, sir." "You heard Mr. Paul King testify that he was Newberry's manager?" "Yes, sir." "And that he did whatever he thought was necessary to do to win the race without regard to cost?" "Yes, sir." "You knew that the law of Michigan provided that a candidate for the Senate could not spend more than $3,750 in a senatorial election for all purposes?" "Yes, sir." "You heard the Newberry managers admit that they spent $200,000—52 times as much as the statute of Michigan said they should or could spend?" "Yes, sir." "You took an oath when you went to the Senate from this State that you would support the Constitution and protect and defend it against all enemies, foreign or domestic?" "Yes, sir." "And in the face of this record you ask us to elect you again to the Senate?" "Yes, sir." "Well, we bid you good night and goodbye." [Laughter.] Why, Mr. President, he will get it right where he ought to get it, where the chicken got the ax—in the neck—and he ought to get it there.

I would not vote for a candidate who would vote to seat a man in this body under the facts in this case, I do not care who he is; I would not vote for a man for membership in this body who, in the face of this testimony, would vote to clothe the man charged with the unlawful expenditure of money with power to deny the soldiers who saved the life of my Nation a just settlement when they return in want and are walking the streets hungry in the land that they saved. I would not vote to give such a man the power to grant a bonus of nearly $200,000,000 to the profiteers of the country and deny a fair settlement to the soldiers who saved the Republic and the civilization of the world. I will not vote to permit a man to sit here as a United States Senator who by the unlawful use of money procured a seat in this body.

Mr. President, this whole Newberry transaction is covered all over with dollar marks from the day he wired Paul King to be his manager, from the time he reached the deck of the wooden vessel in the park in New York, where he posed as an officer in the Navy looking for enemies out upon the high seas as he sought to deceive the people of Michigan, to the day when he wrote Paul King a letter saying, "I will never cease to be under obligations to you for the work that you have done."

What sort of work? Dickinson said, "It is so scandalous that it is referred to only in terms of 'boodle' and as 'rotten,' and it will take the State 25 years to recover from it." Newberry said in that letter, "To-morrow we shall see the fruits of your work."

Who furnished the sinews of war for that work?

The Newberrys—but I do not care whether they furnished it or not, it was furnished with the knowledge and consent of Newberry, and I do not care whether the expenditures had his knowledge or consent, for so long as I hold a seat in this honored body and have sworn to support the Constitution and to defend it against domestic and foreign enemies I am going to stand with drawn sword at the entrance here and say to those who come, "I do not care whether you are a Democrat or Republican, if you have such scandalous credentials you are an enemy to my country; you shall not sit in this body."

I have said here before, and I want to repeat it before I sit down, that the manly thing for this man to do is to come down here to the floor of the Senate and say, "Senators, the majority of the committee—Republicans—while they are willing for me to have a seat here, condemn the money spent in my campaign. They say it was excessive; far too much. So they do not give me an entirely clean bill of health. The minority members deny that I ought to have a seat here and say that I expended money excessively and unlawfully and that I ought not to be seated. So both groups of the committee have cast some cloud and taint upon my title. In order to make it clear that I do not want a seat here that is not free from taint and which I did not obtain honestly I am not going to bother you with this thing any further. I am going to wire the governor of my State my resignation, and I am going back and ask the people of Michigan to give me a primary; and I will show you a primary in which there will be no expenditure of money in a corrupt or unlawful way, and I will ask vindication at the hands of the State which it is claimed I have shamed, discredited, and dishonored." That would be the honorable thing to do. But is he doing it? No. He even refuses to talk.

I should love to know what he paid Paul King to manage that campaign. I am satisfied he paid him $50,000, perhaps $100,000. I do know that they tried to get Mr. Hayden here in Washington, and Mr. Hayden told them it was going to be a money campaign, and that he did not want to have anything to do

with it. Then this man Cody said, "Oh, do not talk in that way; he [Mr. Newberry] will make you such a fabulous financial offer that you can not afford to refuse it."

Senators, was it the manly worth and merit of this man Newberry that they were holding up to the people of Michigan? Was it the principles of right and justice that he stood for? No; it was the power of filthy lucre in politics. The power against which Washington, Jefferson, and Lincoln warned us. That was the inspiriting and dominating force all through the Newberry campaign. Mr. President, I wish I knew how much he paid Paul King. I wish I knew how much was expended. I am satisfied they expended in that campaign anywhere from $700,000 to $1,000,000.

Oh, Senators, seats in this body are being sought. The mighty rich are seeking to control a majority of them. They have in the past succeeded in buying a seat now and then in this Chamber. I now recall two instances. In one case a Republican was involved and in the other a Democrat. Lorimer, a Republican, and Clark, of Montana, a Democrat, were unseated. Money bought the seats of these two men, and the Senate lived up to its oath and kicked both of them out of this body, and now we are asked to truckle and crawl in the presence of the wealth of Mr. Newberry because Wall Street and Detroit say, "This man must be seated." Word has gone out from those who made big campaign contributions to the Republican Party that Newberry must be seated.

Mr. President, is Mr. Newberry resigning, as I have suggested that he should? No. He is dodging and slipping and sliding around; now you see him and now you do not. But he has never testified here; he never testified in Michigan; he never testified before the Senate committee. Senators, what do you think the common-sense man and woman in this country will think of that? If I were charged with having bought a seat in this body, would I sit in a court and permit myself to be convicted and sentenced to the penitentiary? He was sentenced, I believe.

Mr. KING. He was sentenced, and then the sentence was set aside.

Mr. HEFLIN. Yes; when the Federal statute was declared unconstitutional.

Would I permit myself to be convicted and sentenced and sit silent through it all, charged with corrupting the voters of the State, with poisoning the very life of my Commonwealth at its source? But he sits with folded arms and sealed lips through it all, impervious to any suggestion of the scandal into which he has plunged his State, and then he comes to the Senate, welcomed by some on the other side and taken into the fond embrace of others. I imagine my good friend, the Senator from New Hampshire [Mr. MOSES] threw his arms around his neck and wept tears of joy upon his bosom.

The committee entered upon an investigation. Did Mr. Newberry open his mouth there? Not a word was uttered by him. Did he look like he wanted to do this thing properly in an open and above-board manner? We can not judge so from his conduct. Did he go to the committee room and ask to be permitted to be heard? No.

Did the majority members ask him to come in? No. Did the minority say, "We ought to bring him in"? Yes. What did the majority say then? They said, "We are not going to invite or request him to come before the committee." So we have in this Chamber, for the first time within my recollection of parliamentary procedure, a request of Senators on a committee denied by the controlling party. It was done, however, in this case.

Why was this man shielded? If he had been a poor man and charges had been preferred against him, they would have had his hide rattling around, but it is different in the case of a man of immense wealth in these days of materialism under Republican rule, when they are trying to reverse the doctrine of Lincoln and put the dollar above the man. Lincoln said he wanted to keep the man above the dollar; he favored the democracy of humanity rather than the aristocracy of the dollar; but we see the old order returning by the conduct of some on the other side. Did Mr. Newberry testify there? Not once. Then the case came into this Chamber, where sworn men must sit to try it. We have read the testimony; we are convinced one way or the other. We say he did this or he did that. Does he come in and rise up and interrupt me and say, "You are mistaken, Senator; here is the truth about it"? Under similar circumstances I would have remained here and tried to correct any errors if any Senator had misrepresented the facts in my case. I would have helped all I could to exonerate myself and prove my title clear to a seat in this body. But what does he do? He sits back and says nothing. "Mr. Fred Smith, was that money the joint fund of Mr. Truman Newberry and John Newberry?" "Yes, sir; and of all the other Newberrys." "You checked on it?" "I did." Then, we say that Senator Newberry knew about that; he was bound to know about it; but he does not come in here and say we are mistaken; not once.

What does he say in conclusion? His lawyers conclude his presentation of the case by saying, "We have no apology to make for anything we have done." What do you think of that, Senators? You know, to my mind, it shows contempt for this body. I never thought the day would come when any man, Democrat or Republican, could walk through this Chamber, rattle his gold coin, and get by without some sort of personal investigation when he is charged with corrupting voters and making barter of a seat in this honored body.

What do you suppose a jury would do if they knew that a fellow had gone through three or four courts and had finally come to them, and one of the jurors should say, "Let us bring him in here; I want to interrogate him; this is a very serious matter to him and to us and the country," and they were to come back and say, "He declines to come in; he will not testify"? I know what the honest juror would say. He would say: "Men, this fellow acts like he is guilty. He knows that it will not do to get on the witness stand. He dreads to be questioned."

Why, take this case in Michigan. Paul King went into the court up there with his prepared story. He told it to the court, and just when the lawyers on the other side got ready to cross-examine him, Paul threw up his hands and said, "I am sick." He left the courtroom, and cross-examination was not permitted, and nobody who favored honest elections and clean titles in this body got the opportunity to ask him one question. Mr. Newberry's manager got sick and would not let anyone ask him any questions, and Mr. Newberry himself would not appear to be questioned at all. He was as silent as the tomb.

Mr. KING. Mr. President, will the Senator yield?

Mr. HEFLIN. I am glad to yield to my friend from Utah.

Mr. KING. The Senator, I am sure, would not misinterpret the testimony; and I would not, if I could avoid it, permit anything to go into the record—even if it militated against Mr. NEWBERRY, who I think should be unseated—unless the facts warranted it.

Mr. HEFLIN. Sure. I will thank my friend for any correction.

Mr. KING. If the Senator will permit me to correct just one statement which he made, the record does show, as stated by the Senator from Alabama, that Paul King claimed to be ill, and probably was, after he had submitted certain testimony in the trial court. He was, however, as I recall, examined by some of the Senators, probably by some of the minority Senators, when he appeared before the Senate committee.

Mr. HEFLIN. The Senator is correct. I did not mean to say that he did not testify here, because I quoted from his testimony; but I meant that up there they did not get an opportunity to question him at all.

I quoted Paul King in another speech here, saying in his testimony before the Senate committee that he kept Mr. Newberry informed as to what was going on in the senatorial campaign. This of itself is enough to connect and bind Mr. Newberry.

Mr. CARAWAY. Mr. President, in the interest of accuracy let me say—because the record shows it—that the acting chairman heckled and hindered in every way possible any kind of effort to pin Paul King down to statements where he wanted to evade, and repeatedly said, "The committee is not interested in that question."

Mr. HEFLIN. I think the testimony as printed in the record bears out the conclusion that my friend from Arkansas has drawn. I was impressed that way myself when I read the testimony. It looked like an effort to shield Mr. Newberry. I do not want to do any injustice to anybody, but there seemed to me from beginning to end to be a disposition to shield this man and protect him rather than have him or his friends come out and make a clean breast of the whole case. That is what disgusts me, Mr. President.

I want to say before I sit down that this case ought to be tried without regard to whether Mr. Newberry is a Republican or a Democrat. I want to say this to the Senators on the other side who have made up their minds to cast their lot with him, and to go with him, whether out of this Chamber or not finally, and I think they will. I think the man who votes to seat him here votes at the same time to unseat himself, and it ought to be so. Senators, you can not be too particular about this money proposition. There are a great many men in this country who think, when they accumulate a little money and get a good-sized "wad," as they call it, that they ought to enter politics. That was not the rule in the old days. They said then: "What manner of man is he? Is he a man of ability? Is he a man of honor and integrity? Is he a man trained in the art of state-

craft? Does he understand anything about the science of government? Would he make an able and a faithful Senator?" Now they want us to descend so low in the scale of being that we will only ask, "How much money has he?" And the fellow who has made a lot of money says, "I think I will go into politics. Send down for these political tradesmen and ask them what it will cost me to buy a seat in the Senate." In the Newberry case they said, "Why, Hayden is the man you want." So Cody came down here, and Hayden said, "I do not want to have anything to do with it." Then they said, "We know where there is a man—Paul King. He is a smooth artist. He was with the Taft faction, while you, Mr. Newberry, were with the Roosevelt faction in 1912, and if we can get Paul King over we will have done a big day's work. Of course it will cost a good deal of money." "Go bring Paul to me"; and they brought Paul to New York, and Paul appeared to Mr. Newberry—not in a dream, but in reality—and the first question Newberry asked Paul King was, "How much will it cost?"

What is the first thing a man asks when he goes to an auction where they are going to sell a mule or a horse or a fine Jersey cow? He says, "I like the looks of that one over there. How much will it cost me?" They tell him in the neighborhood of about what it will cost, and he says: "Count me in the running"; and he stands and bids in this matter of barter, and purchases a commodity at the auction block. Newberry referred to these seats, honored by Webster and Clay and Calhoun and Morgan and Voorhees and Cullom, able and distinguished Democrats and Republicans, who served their country faithfully and well: "How much will it cost me to get in that body?" "Well, it will cost you about $50,000, maybe upward of $50,000." Then what happened? "Go!" Paul went back, and he entered the field as Mr. Newberry's manager. How much did he expend? We trailed down and they admit expending four times $50,000, or $200,000.

What did Mr. Newberry write to Paul King when they suggested that he get out of the race? He said: "I am in to a finish, and when I go into a thing I want to accomplish it." What else did he say to Paul? In substance: "If you will keep our publicity going at full pressure, we will keep anybody else out of the race." What did that "full pressure" mean? Dollars—hundreds, thousands, and tens of thousands. Newspapers? Yes.

MY DEAR MR. NEWBERRY—

Listen to Paul King—

We have now 201 newspapers actively supporting you, and I am going out after the other 300.

O Senators, Senators, I repeat what I said here before: I would love to try this case before a precinct jury and a justice of the peace! I would not have any doubt about the verdict there.

I do not know what influences are at work here, but they are at work as surely as you live and I live and God reigns. Lawyers have been employed at big fees to come here and defend this contest. They know the situation, and never once did they rise up and ask to bring in their man Newberry and let him testify.

Senators, one time in Kentucky old James Garnett—known to my good friend Senator STANLEY as a great prosecuting attorney—was prosecuting a murder case, and the lawyer on the other side rambled around the hillside and out in the mountain ranges like the Senator from New Hampshire [Mr. MOSES] did here to-day, and old James Garnett made a very short speech, and closed by saying:

Gentlemen of the jury, stripping this case of all the misleading and confusing things that have been injected into it by the attorney on the other side, this man is guilty of murder.

That is the situation here. I can sum it up in a nutshell. Stripping this case of all the smoke screens that have been thrown over and around it, of hatred for Henry Ford—and Henry Ford is entirely out of it, for if we deny Newberry a seat Ford will not be seated—stripping this case of all smoke screens brought in here to hide the facts, this man is guilty of buying a seat in the Senate of the United States. Am I going to sanction the sale? So help me, God, I will not! I hope, when the vote is finally had, that it will be unanimous in favor of unseating him and in favor of protecting the honor and integrity of the Senate.

The Senator from New Hampshire [Mr. MOSES] can not come in here with any of his little chickadee-dee, sleight-of-hand performance and get away from the hard, cold facts in this case.

Senators, the Senator from New Hampshire misquoted the figures about my State. He said, as I understood him, that we had about 50,000 more Negro men than white men in Alabama. The census of the population shows that we have 1,407,000 whites, 900,000 blacks, and 490,000 of all others. We have more whites, as I said at the outset, than we have Negroes. I give these figures to show you how misleading was his statement about my State. I repeat that we are doing our very best to solve the race problem in the right way. The Senator from New Hampshire ought to give us his sympathy in solving that problem, rather than stand here and make political horseplay out of what we are doing and trying to do with one of the most serious problems that confront the American people.

God Almighty has a climax in everything. He has it in the moon, sun, and stars. The stars and the planets float in the wide arch above us, the moon reflects the glory of the sun, but all of them are held in place by the majesty and the power of the sun. In the beasts of the field there is a climax and a ruling spirit, and that is the lion. In the fowls of the air there is a climax. The owl has a beak and talons just like the eagle, and so has the hawk, but the eagle is the king of all fowls. He kindles his eye in the morning sun and bathes his plumage in the thunder's home. There are four races—black, yellow, red, and white—and the white man is the climax and crowning glory of God's creation, and wherever he establishes his sovereignty he will at any cost maintain it as long as God lets him live. He is God's chosen instrument to rule this country. He is the dominating power—master spirit in the Republic—and all other bodies are held in place by his majesty and power.

Let the Senator from New Hampshire join with me from Alabama; let the Senators from the other sections vie with each other as to who can contribute most to good government and to the strength and solidarity of the American Union. Let us work together, solving these great problems as best we can, not hampering or hindering one section or the other, but working together for the good of each and each for the good of all.

I submit, before taking my seat, that, occupying a seat once honored by John T. Morgan, of Alabama, later by John H. Bankhead of my State, there is no service I could render of a higher order than to vote to safeguard the rights and liberties of the American people and protect the honor and integrity of the Senate by voting against the sale of seats in this body. There is no vote that I will cast while I serve in this body which I can call to the attention of my boy with more pride and satisfaction in the years to come than the vote that I shall cast to unseat Mr. Newberry, and in doing so help to safeguard the rights and liberties of the whole American people, protect the honor and integrity of the Senate, and keep faith with the boys who fought for and yet live and their comrades who died for the flag in France.

Mr. PITTMAN subsequently said:

Mr. President, I was absent from the Senate for a few minutes to-day while the senior Senator from New Hampshire [Mr. MOSES] was addressing the Senate on a matter rather foreign to the subject before the Senate, and rather reflecting upon my former colleague from the State of Nevada, and a former Member of this body, Senator Henderson. I have read the report of that portion of his remarks.

It is not my purpose at this time to answer the Senator. His remarks were more of a reflection upon the senior Senator from Ohio [Mr. POMERENE] than they were upon the former Senator from the State of Nevada. The Senator from Ohio, who is now absent on official business, out of the United States, will be back in a few days, and I have no doubt he will be able in a proper manner to reply to the unjust and unnecessary criticism of the Senator from New Hampshire.

I want to say this, however, that the Senator bases his criticism of the former Senator from Nevada upon a letter written by a lady who was an independent candidate for the election to the Senate in the campaign of 1918. That letter is in the record, having been placed in the record by the Senator from New Hampshire. It does not contain the statement of any facts whatever which would justify the charge made in the letter, that this lady believed that Senator Henderson had spent a large sum of money in that campaign. It is the unsworn statement of a defeated candidate, unsupported by facts.

The reply of Senator POMERENE, who was then chairman of the Committee on Privileges and Elections, disclosed the fact that he immediately requested Miss Martin to submit any evidence to the committee which she possessed touching her charge. There was a letter from Miss Martin stating that on the following day she would send the evidence in her possession. The speech of the Senator from New Hampshire does not disclose whether or not that evidence ever reached the committee, but the insinuation is made that in his opinion he believes it reached there, and that it has been removed from the committee through some improper means.

That took place in January, 1919, and in March, 1919, the Republican majority came into control of that committee, with eight members to the Democratic five members. It seems to me that during the time that a Republican majority were in charge

of that committee, if it had been possible to make any bona fide charge against Senator Henderson on account of excessive expenditures of money, or other grounds affecting his right to sit in this Chamber, they would not have remained quiet during the period of two years that Senator Henderson was a Member of this body, and would not have waited until after he had ceased to be a Member and then have permitted some individual Senator to cast an insinuation against the absent Senator, who has ceased to be a Member of this body, based upon the flimsy charges which the Senator from New Hampshire has placed in the RECORD.

Senator Henderson stands high in the State of Nevada. No man ever stood higher, or stands higher to-day. His honor and integrity were never questioned in that State. The Republican State central committee of the State of Nevada never supported the letter from Miss Martin which has been placed in the record. The National Republican committee never supported the letter written by Miss Martin, and Miss Martin, during the two years' time that the opposition party was in power in this body, and in power in the Committee on Privileges and Elections, either never attempted to bring her matter up, or the Republican majority in charge of the committee would not let her bring it up.

I know that the Republican majority in the committee would have brought it up if Miss Martin had urged that it be brought up. The facts stand that there is an insinuation made against a man who stood high in this body, and who stands high in his own State, on a flimsy letter that has been written; that the charges made and the insinuations made against this Senator, without excuse and without justification, tend to blacken his name and his record in this body, were made solely for the purpose of defending some other Senator who is charged with a similar offense.

I think that the Senator from New Hampshire, when he reads his own record, will be ashamed of it, and I hope to see him get up on the floor of the Senate, when he has had time to think of this, and apologize for reflecting upon a former brother Senator in the manner in which he has done it.

I would go into the record of this case and elaborate on it, but I am not a member, and never have been a member, of the Committee on Privileges and Elections, and I know that Senator POMERENE, who was chairman of the committee at that time, and is still a member of that committee, although not chairman, will answer the Senator from New Hampshire, as a member of that committee, with a full knowledge of all of the facts, and will brand the insinuations cast particularly against him in the only way that he can brand it in this Chamber.

Mr. HARRIS subsequently said:

Mr. President, I am sorry to take the time of the Senate, but it is necessary in order to reply to certain misstatements made to-day by the Senator from New Hampshire [Mr. MOSES]. I had hoped that the Senate would dispose of the deficiency appropriation bill at an earlier hour so that I might not interrupt its consideration.

The Senator from New Hampshire in discussing the Newberry case referred to my election, which had no bearing on the subject under discussion. He stated that—

Even with the mighty aid of Woodrow Wilson and all of the administration forces Gov. Hardwick was hardly defeated.

Mr. President, that is about as near the truth as the Senator's statements usually are when he becomes excited and allows partisan feeling to destroy his judgment. Members of the Senate who serve with him know that he is utterly reckless in his statements and we pay no attention to them, but the country does not understand that, and for that reason I must correct the misstatements he has made.

The Senator from New Hampshire said that Mr. Hardwick was hardly defeated. The fact is that in Georgia we vote under the county unit system, and I carried 114 counties, while Mr. Hardwick carried 17.

In regard to President Wilson's part in this campaign, we know that during the war Senator Hardwick was not supporting President Wilson's recommendations, which many thought was necessary to win the war. He was then Commander in Chief of the Army and Navy. Our country was at war, and we know that President Wilson's indorsement of me had good effect on my campaign; but when the Senator from New Hampshire [Mr. MOSES] says that all the administration forces were at work for me he makes another statement which is not true. Many of the most influential Federal officeholders in my State supported one of the other four candidates, among them the collector of internal revenue of the State of Georgia.

The postmaster of Atlanta, the largest city in our State; the United States district attorney and the United States marshal for the northern district of Georgia—any number of President Wilson's appointees opposed me for election, and no effort was made by President Wilson to influence them to support me.

After the first speech I made I wired my campaign manager not to accept one dollar of contribution from any man employed by the Government or anyone who was interested in any Government contract. My campaign manager, Dr. L. S. Ledbetter, is a man of the highest sense of honor and had never before taken part in the management of a political campaign. He has the respect and confidence of everyone in the State who knows him, and I know that he carried out my instructions. He is one of the best men I ever knew.

I shall not take the time of the Senate to deny other misstatements made by the Senator from New Hampshire, but I would like to say that during the campaign I, through the newspapers and in all my speeches, offered to show all my campaign contributions to the public and asked all the other candidates to do likewise.

Mr. President, there are many Senators who will vote to seat Senator Newberry, and I have the greatest respect for those who differ with me, but I do not believe there is one of them, except Senator MOSES, who would make such misstatements about the election of Senators from Alabama, Kentucky, Nevada, Georgia, and other States. Senator MOSES's animosity toward former President Wilson is well known, but he should not deliberately make misstatements of facts as to the election of Senators because they supported President Wilson while he was in office. Even when President Wilson was seriously ill from overwork in trying to win the war Senator MOSES made a false statement about the President's condition, of which, I think, any other Member of this body would have been ashamed. There were many other Senators who differed with President Wilson, as Senator MOSES did, but they did not stoop to such methods.

Mr. President, the Senator from New Hampshire [Mr. MOSES] knows that a Republican judge and jury in Michigan convicted Senator Newberry and several others connected with his campaign, and there are thousands of Republicans in that State who disapproved of such methods. The evidence in this case, I think, speaks for itself. It is admitted that they spent about $200,000 in the primary. It is most unfortunate for the Senate, as well as the State of New Hampshire, which has such an able and conscientious Senator in Mr. KEYES, that Senator MOSES can not discuss any question on its merits, but must make a partisan matter of every question. I had hoped that extreme partisanship was a thing of the past. I had hoped never to take part in a partisan debate, but when Senator MOSES makes a statement about my election which was far from the truth I feel compelled to state the facts. Georgia has never had an election which disgraced our State. You can not buy the people of Georgia, and the Senator from New Hampshire can not reflect on my State as long as I am a Member of this body without my stating the facts as I know them.

DEFICIENCY APPROPRIATIONS.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Secretary will proceed to read the pending deficiency appropriation bill.

Mr. BORAH. Mr. President, after the admonition of the Senator from Wyoming, I rise to occupy the time of the Senate with some embarrassment. I do not desire to delay the consideration of the deficiency bill, and I promise to be brief, and if the Senator from Wyoming needs a quorum, I will stay here until he gets the bill through.

Mr. WARREN. I wish to say, since this subject and others which lead to discussion have been brought up, that I shall endeavor to have this bill proceeded with and kept before the Senate, and I hope all those who have entertained us with speeches will remain until we finish the consideration of the bill. I say that now, so that it may be understood that I shall attempt to have the bill passed during the day, on account of the stress under which we are laboring.

WORK OF CONFERENCE ON LIMITATION OF ARMAMENT.

Mr. BORAH. Mr. President, it has been a little over a year since the resolution was introduced in this body asking the President to call a disarmament conference. It is now just a month since the conference convened. No one appreciates more than I the work which the conference has done in reference to the subject of disarmament. The proposition submitted by the Secretary of State upon the convening of the conference, the manner in which it was presented, and the boldness of the program should meet with the highest commendation of all people who are interested in that cause or in the cause of peace generally. It was a splendid beginning. I doubt if a conference international in its nature ever convened which began its pro-

gram so propitiously or promisingly as the conference known now as the Washington conference. I will not be considered as fulsome when I say the manner of its opening and the presentation of the program placed the Secretary of State of the United States among the great premiers and secretaries of state of history.

As I stated, the conference has now been in session about a month, and we are advised that, in all probability, in a very short time, since the presentation of the treaty upon Saturday, the conference will close. That is the justification for the remarks which I am going to make; that it may not be said hereafter that I did not speak at a time when possibly what I had to say might have been listened to in other places. I do not want to be estopped hereafter by silence at this time.

Up until this time the conference has not dealt with the weapons of war with which the next war will be fought, in case it should come. It was of tremendous moment that the cessation of the building of battleships should become an established fact, but in my opinion that relates more particularly to the question of economy. It has been my opinion for months, based upon the advice of the great experts of the English and the American navies, that the battleship is either obsolete or obsolescent, and that the part which it will play in the next great conflict, if we be so unfortunate as to have one, will be a most inconsequential and unimportant part. The real weapons of war, those weapons which the experts touching this subject seem to agree will be the instruments with which the next war will be carried on, apparently have not yet come to the consideration of the conference, at least in a practical way. Of course, in saying that, I realize that after the first few hours of the conference the doors were closed and we may not be thoroughly advised as to just what has taken place; but if we are correctly informed through the news items these subjects have not as yet been touched. The only matter which has been dealt with is that of the destruction of a certain number of battleships and the cessation of building others.

In this connection, as some justification for the conclusion which I have drawn with reference to the value of a battleship in modern warfare, I read a statement which is accredited to Admiral Sims, made only a few days ago, in which he said:

> The battleship is no longer the backbone of the Navy. The battleship has no defense against airplanes and no offensive power against airplane carriers which have speed enough to keep away.

Whatever credit may, therefore, be justly given to the conference for dealing with this particular phase of naval preparation, I feel that it would be very discouraging if the treaty concerning disarmament, which is ultimately to be sent to the Senate for ratification, should include nothing more than the program which has thus far been presented. We would have destroyed some ships which it would have been our duty to destroy anyway, as a matter of economy. We would have destroyed some ships, as Great Britain had already destroyed a number, a thing not of very much consequence. We would have ceased to build ships, which is a matter, I concede, of very great consequence; but we would not have touched at all the control or elimination of those weapons with which the next war will be fought.

Take, for illustration, the submarine. It would seem from the conference's proceedings up to this time that there is no intention of dealing with that in the manner with which, in the name of civilization and of peace, it ought to be dealt. The submarine is not a weapon of civilized warfare. It is the instrument with which men prey upon noncombatants, nonbelligerents, upon commerce. Its highest achievement is signified in such horrors as the sinking of the *Lusitania*. It is a barbarous, inhuman, and murderous weapon of the sea, a means of assassination, and not of civilized warfare. However much we therefore may have accomplished in the matter of economy, there would be no evidence at all that these four great naval powers propose to disable themselves or to limit themselves in the real methods of barbarous warfare should the time come for them to engage in such a thing.

We are in position now, it seems to me, not only to limit the number of submarines which may be constructed, to limit the number which each nation may build, but we are in a position, if we have faith in what we are doing, and in the leagues and alliances which we are forming, to eliminate them and banish them from the sea entirely.

It is within the power of the three, or four at most, great nations here assembled to establish the rule of the sea, to free it in time of war, as well as in time of peace, of these instruments, which, at the time they were first brought to our attention, were universally denounced by all the world as outside the pale of civilized warfare. There is no other nation to dispute the program, either in fact or in design, and should we leave this matter untouched and unconsidered we will have left in the hands of the great naval powers of the world the most barbarous instrument known to sea warfare. Why? For whom?

It has been proposed in the conference, as I understand, by one of the powers that some consideration be taken of this matter. I am perfectly aware that this proposal, coming from the source from which it comes, is calculated to excite the suspicion or arouse the fears of certain people. It might be thought there may be some sinister or ulterior motive behind the suggestion. It seems to me, however, that we ought not to permit such matters to enter into our consideration. If a proposal has been made which inherently is in the cause of peace, which will promote the cause of disarmament, we should be so free of those things as to judge of it from its inherent worth, and not to condemn it by reason of the source from which the suggestion has come. Perhaps the most astonishing feature of the whole submarine discussion has come from the fact that another great nation seems to oppose the proposition; that is France. Of course, it would be highly improper for me to criticize the course of any country represented at the conference. It can not be considered, however, improper to consider fairly any proposition which has been submitted, because this body undoubtedly will have to pass upon it before it is finally consummated.

There is no nation in the world outside of the four nations here assembled of whom any one of them need have any fear. In other words, the fear must arise, if it exists, against or concerning some one of the four great nations assembled. It seems incredible to me that France and Great Britain, lately engaged in a struggle for their preservation, should have any fear concerning their relationship for any reasonable length of time in the future. They were allies in the great struggle, and in addition to that they are both members of what is known as the League of Nations, associated together in an effort to promote peace, as they contend this organization is calculated to do. In addition to that, they are now members of an alliance known as the Pacific alliance.

Mr. President, if the League of Nations and the alliance are organized for the purpose of promoting peace and the organizers believe and trust in them, it would seem there can be no possible reason why this barbarous instrument of warfare should not be eliminated and banished entirely from the sea. In other words, to leave it is to cast doubt and fear and suspicion and plant them all in the very heart of the movement for disarmament. It notifies every nation in the world and the people of the nations that the faith of those nations here assembled is not strong in the cause in which they are engaged.

My idea of disarmament is that we can take some of the risk with reference to disarmament that we take with reference to war. Some one might argue that it is not safe or in exact harmony with the ideas of security that the United States should deprive itself of the right to build submarines, but unless a great nation like the United States is willing to exhibit its faith and have its faith tested in this cause we had just as well cease to call disarmament conferences. If we have faith in France, in Great Britain, and in Japan, there is no possible reason why we should keep this instrument on the sea. If we have no such faith, this entire proposition is but a delusion. In other words, by failing to deal with this subject we renounce our faith in the movement so splendidly started. Not a single one of the instruments which were condemned during the war as hideous and barbarous—submarines or poison gas or any of that class of weapons—are to be touched; they are to be left as the instruments with which these four great powers are in the future to conduct war in case they shall fight either among themselves or against anyone else. In what respect have we discouraged war? In what respect have we manifested our faith in peace? In what respect have we discredited force as the real security upon which nations are still to rely?

I trust, therefore, Mr. President, that before the treaty dealing with the subject of disarmament reaches this body it will have included in it a prohibition against the use of the submarine and a prohibition against its manufacture or its building. It is said that it is the defense of small nations. What security could a small nation enjoy from the number of submarines which it could construct as against the naval power or the capacity to build submarines of the four great naval nations, or any one of them, here assembled? What possible security could a small nation enjoy either in the number which they could build or the manner in which they could make use of them as against these great naval powers?

It is not in my judgment the interest in the small nation. It is because they are not quite willing to rest their faith in the cause of disarmament to the extent of embarrassing themselves

to any considerable degree in case another war comes. And by such a course the next war is assured.

Now, Mr. President, to illustrate the extent to which we shall have traveled in the cause of disarmament when the conference closes, if we go no further than we have in this movement, let me call your attention to a clause in the treaty which has been proposed and which we shall be called upon to ratify. This is known as a four-power treaty. I am frank to say that the extent and vigor of my opposition to this treaty will be determined very largely by what the conference does with reference to real disarmament and by what it does with reference to China. In this proposed treaty is the following clause:

If the said rights are threatened—

That is, the rights of any one of those four nations—

by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken jointly or separately to meet the exigencies of the particular situation.

In case the rights of any of the parties are assailed, rights of any character, territorial integrity or any other right which they shall possess within the territory defined, they shall confer fully and frankly as to what measures they shall take either jointly or separately.

Now, Mr. President, what does that clause 2 mean? It might be a very harmless proposition under some circumstances, but suppose there is an aggression which invokes the existence of another conference under this clause, who will assemble? Japan, Great Britain, France, and the United States. If the conference adjourns with its present program, what will be the military standing of that conference when it assembles? Those four nations will represent the only naval power upon the earth. They will have under the program 40 battleships, all the submarines which they see fit to construct, the airplanes, and the other equipment which constitutes a navy, which will constitute a navy the like of which the human mind never dreamed of before. Assembled in the Pacific Ocean there will be an armada compared with which the Spanish Armada was an insignificant affair.

But that is not all. Represented there in the same conference will be practically all the land military power that is worth while in the world—France, representing her 800,000 or 1,000,000 army, with her military alliance with Belgium, her military alliance with Poland, with Poland's 450,000 army; Japan, with her army; Great Britain, with her army; and the United States, with her army. Those powers will assemble in this conference under this clause, representing the greatest naval and land armament yet known to history.

It is said that there is no military force lurking anywhere in and about this treaty. I grant you that in the language itself it is not provided for, and you seldom find an alliance or a league in which it is provided for. No one would have the temerity in this day and age of the world to write any such thing into a league or a treaty. But I invite your attention to the practical carrying out of article 2, and that is that it means the assembling of the armed forces of the four great powers of the world. I grant you also that they could assemble and not make use of that power, but if an aggression had been made and they did assemble and did not make use of it, it would be the first time in the history of the world that any such thing ever happened.

Mr. President, alliances and leagues and understandings and associations of nations organized for the purpose of peace, organized in the interest of peace, become a league for war, an association for war, in accordance with the military condition or status of those who are members of it. League covenants, associations, and understandings are construed one way when vast armaments are at hand and another after armaments have been put aside. As Gen. Smuts has said, if the arms are at hand, men will use them. An "aggression" would be met instantly and crushingly if those assailed had at their command 40 battleships, a herd of hideous submarines, and 2,000,000 men, as these four nations would have. Anyone who would expect peaceful methods under such circumstances would be regarded as an enemy.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. KING. Does not the Senator think that a quadruple alliance has greater possibilities for war and international discord than a world league?

Mr. BORAH. I do not care to compare the two. I may do that later. I only wish to urge what I rose to urge, and that is that unless there is real disarmament this must inevitably be a military alliance and nothing else—a determination to overawe and dominate the Pacific by force.

Why, Mr. President, let us contemplate for a moment the situation. Let us suppose this treaty is ratified; let us suppose that we go out of here with 22 battleships for Great Britain, 18 for the United States, 10 for Japan, and a certain number for France—I do not know just what, but not very important so far as the naval part of it is concerned. Let us assume that the armed forces by land continue as they are. Then let us assume that Russia and China combined, or Russia or China or any other nation or combination of nations should attack one of the islands covered by this contract or undertaking and invade it or take possession of it. Suppose that the conference were convened to deal with that matter. It is very true that they are not under obligation to use armed force, but no man will deny that they have the power under that contract to commit us to such a course. When I say "commit" I do not mean that they could legally bind the Congress of the United States to send an army, but when I say "commit" I mean precisely what the former President of the United States, Mr. Wilson, said with reference to article 10 of the League of Nations, that the moral obligation would be commanding and more binding than the legal obligation itself. If our representatives in that conference vote in favor of meeting the aggression by force and they determine there in secret conference—and it will be secret, if we judge the future by the past—to bring out of that secret conference an obligation or an agreement that force is the only method by which the contingency can successfully be dealt with, what will be the position of the Congress of the United States in regard to it?

We will either have to comply with the agreement which has been reached or the whole compact goes to pieces the moment we do not do so. In other words, the judgment of the men there assembled either binds us or it does not—not legally; I am not now speaking of its legal effect, because I have never contended in this debate that by a treaty we could change the Constitution of the United States so as to take away the formality of Congress providing for the Army.

So I get back to the proposition which I wish to stress today, and that is that this alliance makes it absolutely necessary that real disarmament take place, or else it becomes nothing in the world but a military alliance by which the Pacific is to be controlled by the four great military powers of the world. If there were such disarmament as reasonably to assure the world that the nations interested would prefer to resort to arbitration or other methods of settlement, one might consistently argue that this would not be a dangerous treaty for the United States to enter; but without real disarmament it would mean to me nothing but a military alliance, the same as the Anglo-Japanese alliance. I desire to read some of the provisions of the Anglo-Japanese alliance:

The consolidation and maintenance of the general peace in the regions of eastern Asia and India—

That is, this is one of the objects of the treaty of alliance—

(b) The preservation of the common interests of all powers in China by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunity for the commerce and industry of all nations in China.

(c) For the maintenance of the territorial rights of the high contracting parties in the regions of eastern Asia and of India and in defense of their special interests in said regions.

ARTICLE I. It is agreed that whenever, in the opinion of either Great Britain or Japan, any of the rights and interests referred to in the preamble of this agreement are in jeopardy the two Governments will communicate with one another fully and frankly and will consider in common the measures which should be taken to safeguard those menaced rights or interests.

There is no difference so far as substance is concerned in that proposition and this, except some immaterial change of language. In other words, this is the Anglo-Japanese alliance with two other members.

If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any power or powers, either high contracting party should be involved in war in defense of its territorial rights or special interests mentioned in the preamble of this agreement, the other high contracting party will at once come to the assistance of its ally and will conduct the war in common and make peace in mutual agreement with it.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. POINDEXTER. Does the Senator from Idaho find anything in the agreement which has just been reported from the arms conference to the effect of the last clause of the British-Japanese alliance he has just read, wherein one party agrees to come to the assistance of the other in case it becomes involved in war?

Mr. BORAH. Not specifically in language, but the terms of article 2 permits just that course, and unless such course is pursued the treaty is meaningless and worthless.

Mr. POINDEXTER. That may be, but that does not answer the question as to what the obligations created by the instrument are.

Mr. BORAH. Mr. President, if I find that an instrument creates a situation, which situation compels me to take a certain course, it is immaterial to me that the language is not found in the instrument which compels me to take that certain course. I am not going to be blinded here by language which puts the United States in a situation where it can only take one course or act in dishonor. I had infinitely rather see the contract upon its face define what should be done.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further?

Mr. BORAH. Does the Senator desire to ask another question?

Mr. POINDEXTER. I was merely going to suggest in the same connection that there is another very radical difference between the instruments, in that the one—that is, the British-Japanese agreement—is universal in its application to all of the international affairs of the two parties; that is, one party agrees to go to the assistance of the other in case of war arising from any cause which can be construed as an aggression upon any of its interests, whereas the agreement just reported from the arms conference is limited to controversies relating to the island possessions and dominions of the several parties.

Mr. BORAH. Precisely so; and just imagine starting a war in the Pacific by those four powers which would not include every nation on earth. If there were a controversy in the Pacific in which these nations should be brought into controversy or with reference to which a war should occur, it would inevitably spread to all corners of the earth, because those four powers will, when they assemble there, represent practically all of the military and naval power of the world, and their interests and possessions are in every quarter of the globe.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield.

Mr. REED. On that point I venture to call attention to the fact that the World War started over the killing of a single individual in a little country in Europe, and from that beginning spread all over the world. The man who thinks that if war should occur about an island lying a few miles from the coast such a war would be confined to that island has a strange conception of the way in which wars are originated and the manner in which they are carried on.

Mr. POINDEXTER. Mr. President, the trouble about the remarks of the Senator from Missouri in this connection is that he seems to assume that the limitation of this agreement to controversies arising about the island possessions or island dominions of the several powers increases the chances of war. My view of it is that it rather diminishes the chances of war, and is in line with the purpose of the agreement to avoid the causes of war and possibly to avoid war. Of course, I agree with the Senator from Missouri and the Senator from Idaho that if the parties become involved in war for any cause it will involve their entire interests; but that is rather aside from the question.

Mr. REED. The Senator will hardly contend that even if the cause of war were one growing out of the islands of the sea we do not increase our liability when we consider that we have practically no island possessions except the Philippines, which we ought to give up, and that Japan and England have together, either by previous acquisition or by acquisition achieved through the treaty of Versailles, seized every island in the Pacific Ocean, Japan taking those north of the Equator and Great Britain taking those south; and that when we enter into this arrangement, if it means anything at all, we become involved the moment any of those island possessions are assailed.

Mr. POINDEXTER. Mr. President——

Mr. BORAH. Mr. President, I hope the Senator will not interrupt me again, because I want to conclude. I know the Senator from Wyoming [Mr. WARREN] is justly impatient of the situation.

When interrupted I was calling attention to the Anglo-Japanese alliance with a specific object in view, rather than for the purpose of comparing it with the instrument emanating from the Conference on Limitation of Armament, although the similarity between the two in some respects is very marked. It will be observed, however, that one of the objects of the Anglo-Japanese alliance was the preservation of the common interests of all the powers in China by insuring the independence and integrity of the Chinese Empire. Now, my friends, take down a map of China as it existed in 1905, at the time when the Anglo-Japanese treaty was first signed, and then take a map of China and look at it as it is to-day under the protection of the Anglo-Japanese alliance. I am not here to criticize the nations which have acted under the Anglo-Japanese alliance, but I call attention to the fact that we are asked to sign a treaty with the same principle embodied in it, and China is not deemed worthy of being considered or being asked to attach her signature to the treaty. It becomes a vestibule for the exploitation of China, if there are any nations there which see fit to engage in that kind of an enterprise. We had our contract or treaty or agreement with Korea, to which we paid no attention when the hour came to discharge our obligations and duties; and under the Anglo-Japanese alliance the rights of China have diminished and her territorial integrity has been encroached upon from day to day. So I say, Mr. President, it does not turn upon the wording of the treaty as to the military equipment of the respective powers which sign the treaty. A solemn promise in the Anglo-Japanese treaty to protect China has been so construed as to accomplish the very opposite. What will be the fate of China, judging the future by the past, if a similar spirit prevails upon the part of the signers of this treaty? Our protest might be recorded; so might it have been in the case of Korea, but it was not. This treaty could well become the smoke screen under which the dividing up of China, so ambitiously begun, could be completed.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. POINDEXTER. Is there anything in this proposed agreement that imposes any obligation or provides for any action on the part of the United States that the United States ought not to take in the course of good conduct toward the world, even though we had no such agreement as that?

Mr. BORAH. I do not think I caught the Senator's drift.

Mr. POINDEXTER. I will state it a little more specifically. Is any obligation imposed on the United States by this agreement that does not already exist—assuming, of course, that it is an obligation on the part of a great nation which desires to preserve comity and friendship among nations and peace in the world—to confer with neighboring powers about its own interests and their interests which are the subject of a controversy leading to war? That is all that this agreement provides for.

Mr. BORAH. Mr. President, I am rather of opinion that the Senator was not in the Chamber during the first part of my remarks. I said at the time that my attitude ultimately toward this matter, whether aggressive or otherwise, depends very largely upon whether or not real disarmament takes place here in this Washington conference. I know, and the Senator knows, from every page of history that has been recorded, that three out of four nations assembled together, when called upon to act in regard to an aggression, if they are armed to the teeth, will act through armed methods. Arbitration does not take place under any such circumstances. If the nations will disarm to the extent that I think they ought to disarm, I would concede what the Senator says to be true, that they might meet there and arbitrate a question or settle it according to peaceful means.

Mr. POINDEXTER. This agreement does not provide for arbitration.

Mr. BORAH. I know that. It does not provide for anything.

Mr. POINDEXTER. It merely provides for good offices.

Mr. BORAH. No; it does not provide for good offices. I beg the Senator's pardon.

Mr. POINDEXTER. As I understand, there is nothing provided for in this agreement which was not done, as a matter of fact, by all of the allied nations at the outbreak of the great German war. In other words, England and France and also the United States under the leadership of President Wilson, as I understood, exhausted every possible remedy to avoid going into war. In fact, President Wilson was very severely criticized for writing notes and hesitating and procrastinating and multiplying the means by which he sought to adjust the differences between Germany and the United States and the abuses that arose out of the conduct of the German Government rather than redress our grievances by a show of force. That was done without any agreement, so it seems to me that the writing of a policy of that kind into this agreement changes very little the situation as between these nations.

Mr. BORAH. In other words, this treaty does not amount to anything, one way or the other.

Mr. POINDEXTER. No; that is not the conclusion I draw. I think it amounts to a great deal.

Mr. BORAH. If it does not impose any obligation upon us except that which we already have, or if it is not calculated to inspire us to do anything but what we would do anyhow, I do not see how it amounts to anything.

Mr. POINDEXTER. It amounts to something in this way, as I see it: If the Philippines, for instance, should be menaced—in order to speak frankly and plainly—here we have a written understanding, an express understanding, that Great Britain will use her good offices and her influence to prevent an attack upon the Philippines.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. Yes. I will read this proposed agreement over again while the Senator from Arkansas is propounding his question. I have never seen anything of that kind in it.

Mr. ROBINSON. Will the Senator permit me to ask the Senator from Washington a question?

Mr. BORAH. Yes.

Mr. ROBINSON. Does not the Senator from Washington think that the proposed agreement—that in case these rights are threatened by the aggressive action of any other nation the high contracting parties shall consult fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately—implies the use of force in the event the rights are violated by any other than the four contracting powers? And if he does not think so, why were not specific methods prescribed?

Mr. POINDEXTER. In my opinion, specific methods are prescribed. This is the language of the proposed agreement:

> If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

Mr. ROBINSON. If the Senator from Idaho will permit me, I quoted the language of article 2 literally, with the exception of the last clause, and I refrained from doing it in the hope that the Senator from Washington would express his interpretation of its meaning—"to meet the exigencies of the particular situation." It contemplates the existence of an emergency. It is an agreement or an undertaking between these four powers to stand together for the preservation of their rights, and, in case an attempt is made to violate them by the aggressive action of any other power, to confer together and decide upon the best means of protecting those rights. That is exactly what "meeting the exigencies of the particular situation" means. It can mean nothing else.

Mr. POINDEXTER. That is what it says. Now, if the Senator from Idaho will permit me, I should like to ask the Senator from Arkansas a question.

Mr. ROBINSON. Let me carry my question a little further. Suppose the aggressor in the violation of these rights, as defined by the treaty, should appear with a navy in a harbor of one of the islands. What does the Senator from Washington think would be the inevitable result of this agreement?

Mr. REED. What would be "the most efficient measures"?

Mr. ROBINSON. Yes. "The most efficient measures" for carrying out the agreement undoubtedly would be the application of force.

Mr. POINDEXTER. What does the Senator from Arkansas think would be "the most efficient measures," or what would the parties who would be responsible for the conduct of the several nations at that particular juncture in their affairs think would be "the most efficient measures"?

Mr. ROBINSON. I will tell the Senator from Washington in a very few words. I think when these four powers assembled, if it were Japan whose possessions were assailed, they would say: "Japan, can you take care of this situation? If not, we will assist you in doing it, as our obligation plainly binds us to do."

Mr. BORAH. Mr. President, I wish to call the attention of the Senator from Washington to this feature of the matter, which is another illustration partially suggested by the Senator from Arkansas:

Suppose naval vessels should appear in one of the harbors of the islands in a threatening way, and suppose these four nations should assemble, and suppose the representatives of these four nations there in conference should determine that the most efficient measures for dealing with the situation were for each of the four different nations to furnish a certain amount of naval force. While, as I say, I do not contend that a treaty could be made which would take away from the Congress what I will call the formality of authorizing it, yet under this treaty we would be bound to send that force as a moral proposition, just the same as we would under article 10 of the League of Nations covenant.

Mr. POINDEXTER. That is the Senator's opinion and construction of this language, which is entirely different from mine. I do not read anything in the language which has been repeated here which deprives either one of the parties to it of its independence of action.

Mr. BORAH. I agree to that perfectly.

Mr. POINDEXTER. Furthermore, in the situation the Senator from Idaho has described, you are confronted with actual war. The assembling of a hostile fleet and the menace and gesture of attack—which, I assume, he includes in the imaginary case that he is citing—would be an act of war. It would be a hostile act, and the only remedy upon which any self-respecting nation would rely under those circumstances would be an adequate naval power of its own to resist it.

Mr. BORAH. Mr. President, the Senator takes exactly the position that I do. Article 2 of this proposed treaty does not provide for anything except aggression. That is all it provides for. If the aggression takes place, it is a hostile demonstration, and when it takes place you will meet it, if you have the navy and the army, in the same way; and that is precisely what I contend for.

Mr. President, I agree with the Senator in the suggestion made a moment ago that this agreement does not compel us to act with the other nations; but it does obligate us to come into conference and there to decide what shall be done. It certainly does not prevent us nor exclude our representatives from deciding upon force. If they think it is wise to use force, it is certainly within their power to decide upon that, and if they do decide upon that we are morally bound to carry it out just the same as we were under article 10 of the League of Nations covenant.

Mr. POINDEXTER. One of the most conspicuous features of this instrument is the fact that our representatives gain from this document no authority, no governmental power, except what exists under the Constitution of the United States. There is not a word in the instrument which would confer upon the President or upon any other representative of the United States authority to commit any act except in a constitutional method, when authorized by the Congress of the United States, or by such other sanction as required by our fundamental law.

Mr. BORAH. Mr. President, I contend that no treaty can take away a constitutional right of Congress. It can bind us morally to do a certain thing. It can bind the entire Government to do it. Of course, if the Congress sees fit to repudiate it it can repudiate it, as it can any treaty, but the moral obligation is there so long as the treaty is in existence. A nation can not disregard a solemn obligation of a treaty upon the plea that some particular department of the Government fails to act.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. Yes.

Mr. REED. The argument made by the Senator from Washington is exactly the same argument that was made repeatedly upon the floor of the Senate with reference to article 10 of the League of Nations covenant, which he was one of the foremost Senators in denouncing.

Mr. POINDEXTER. There is a very great difference between them.

Mr. REED. It was then contended by the proponents of that instrument that it did not violate the Constitution of the United States, because it was said that no treaty could take away from Congress its constitutional prerogative to declare war or withhold a declaration of war, but that it created an obligation which would be binding upon us in our honor.

This instrument binds us to come into common council to advise the most efficient means of resisting force. If we should enter into this agreement, if the exigency arose, and the nations assembled, and our representative and the representatives of other Governments agreed upon a course of military action, and the Congress refused to ratify it, we would stand before the world as breakers of treaties. If we are free to take that course, then every other nation is equally free to take the same course, and you have an obligation to meet, to consider, and to determine, with it being understood in advance that nobody is bound; and yet if you were to take this instrument and to write into it a clause that it should not be binding, either morally or legally, upon any of the parties to it, it would become the laughingstock of the world.

Mr. POINDEXTER. I will answer in just a word what the Senator from Missouri has said. I agree with the Senator from Missouri as to the obligation to comply with an agreement we

have entered into. If article 10 of the League of Nations covenant had been ratified, we would have agreed affirmatively to preserve the political independence and the territorial integrity of every member of the league. I never made the argument, but I heard it made, that it would have been necessary for Congress to take action to carry out that agreement. That was no alleviation of its demerits, in my opinion; because, in my opinion, Congress was at least morally obliged to take such action to carry it out. But the simple answer to the comparison which the Senator from Missouri makes between article 10 of the covenant of the League of Nations and this instrument is that this instrument contains no such language. There is not anything in it which could be distorted into either a legal or a moral obligation on the United States to preserve the territorial integrity and political independence of any one of these parties.

Mr. ROBINSON. Mr. President, will the Senator from Idaho permit me to say a word?

Mr. BORAH. Certainly.

Mr. ROBINSON. In my opinion the Senator from Idaho is exactly correct when he says there is no legal difference between the nature of the obligation carried in article 10 of the covenant of the League of Nations and that included in articles 1 and 2 of the four-power treaty. Article 1 obligates the high contracting powers "as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean." That is comparable to the first sentence of article 10 of the covenant of the League of Nations, under which the members of the league undertook to respect, as against external aggression, the territorial integrity and existing political independence of all members of the league.

Article 2 of the four-power treaty, as quoted, obligates the parties to the covenant, if the said rights are threatened by the aggressive action of any other power, to arrive at an understanding as to the most effectual means to be taken, jointly or separately, to meet the exigencies of the particular situation, whereas in article 10 of the covenant of the League of Nations the provision is:

> In case of any such aggression, or in case of any threat or danger of such aggression, the council will advise upon the means by which the obligation shall be fulfilled.

As suggested to me by the Senator from Tennessee [Mr. SHIELDS], the language of article 10 of the covenant of the League of Nations is not as strong as that contained in article 2 of the four-power treaty, coupled with the first clause of article 1 of the four-power treaty. In both cases the legal nature of the obligation is the same. It arises upon aggression or threat of aggression, and in case of threat of aggression, or any act of aggression, by any other than the high contracting parties, all four of the high contracting parties are to get together and decide whether they shall proceed jointly or severally, and upon the best means to carry out the obligation. "To meet the exigencies of the particular situation," while very indefinite language, can not mean anything else than to determine upon the method by which the obligation shall be fulfilled.

Mr. REED. And if the exigency is war, how will they meet it?

Mr. ROBINSON. They will meet it by force, of course.

Mr. REED. Certainly.

Mr. POINDEXTER. Am I to understand the Senator from Arkansas to contend—and I am asking this in order to develop his view—that in effect the four-party agreement just published requires the United States to preserve the territorial integrity and political independence of the other parties to that agreement?

Mr. ROBINSON. No; the Senator, of course, understands, if he has read the four-power treaty, that its operation is limited to insular rights and insular possessions. It does obligate the United States to confer with the other three powers signing the treaty as to the best means by which those rights and possessions shall be preserved in case they are assailed by any other than one of the contracting parties, and to further show that this is the correct construction of it——

Mr. POINDEXTER. That is what it says.

Mr. ROBINSON. Take the last clause of article 1. If these four powers, or any of them, differ as to the nature of their rights in the insular possessions, they get together and try to find a way of settling it. If any other nation, by an act of aggression, assails them, they get together and decide upon the best means to preserve those rights and possessions. "To meet the exigencies of the particular situation" can not mean anything else.

Mr. POINDEXTER. Does the Senator argue that as to the island possessions and dominions the language of the agreement which he just read is equivalent to a guaranty to preserve their territorial integrity?

Mr. ROBINSON. It is not an express guaranty of territorial integrity, but it is a guaranty that this Nation will confer with the other three nations as to the best means of accomplishing that end, and as stated by the Senator from Idaho, it does involve a moral obligation, forceful and binding.

Mr. KELLOGG. What is the objection to consulting about it, as long as there is not a guaranty that we will preserve the territorial integrity?

Mr. ROBINSON. The Senator from Arkansas has not suggested an objection. The Senator from Arkansas is arguing that that is the correct construction of the obligation, and that it is not distinguishable from the obligation under article 10 of the covenant of the League of Nations, except that this obligation deals with a comparatively unimportant subject and is limited to an undertaking on the part of four powers, whereas the covenant of the League of Nations, including article 10, related to all the powers entering the league.

Mr. BORAH. Mr. President, I will state to the Senator from Minnesota what the objection to it is. My objection to the proposition is this: By this the powers agree that—

> If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

It can not be denied that we have there delegated to this conference to pass judgment upon the most efficient measures of meeting the exigency of the situation. If they do pass upon it and determine that force is the most efficient measure by which to meet it, we are bound by that, are we not?

Mr. KELLOGG. I do not think we are bound to take any particular action.

Mr. BORAH. If we are not bound by it, of course it is not a dangerous treaty. What is the treaty for if we are not bound by it?

Mr. POINDEXTER. Mr. President, does the Senator from Idaho contend that if in a conference over some aggression upon the island possessions of one of these parties, the majority—three of the parties—agree to set up a court, the other party is bound to join with them in it?

Mr. BORAH. No, Mr. President; I am not contending for that at all, although that is very likely what would happen.

Mr. POINDEXTER. That might happen, but it would not be imposed by this agreement. It could stay in or stay out, as it saw fit.

Mr. BORAH. The Senator is arguing something which the Senator from Idaho is not suggesting.

Mr. POINDEXTER. I thought the Senator had suggested that in his answer to the Senator from Minnesota.

Mr. BORAH. No; I did not suggest that. I suggested that if the conference, including our representatives, decide upon a certain course, then the Congress of the United States and the Executive are bound to carry it out, in morals.

Mr. POINDEXTER. I do not agree with the Senator at all. I think that in this conference our representatives would have no more power than they have at the present time. There is not any new power created by this agreement. There are no new agencies erected by it, and, in my opinion, there is very little new obligation created by it. The only effect of it is to put in written form and to express the concurrence on the part of these parties to a course of conduct which humanity and decency would require a nation to follow in any event, even though there were no such agreement.

Mr. REED. In other words, the best thing the Senator can say for it is that it does not do anything.

Mr. POINDEXTER. I did not say that; that is the Senator's statement. I think it does a great deal.

Mr. REED. What does it do? The Senator just said it did not do anything.

Mr. WARREN. Will not my colleagues allow the Senator from Idaho to finish his speech, so that we may go on with the business before the Senate?

Mr. BORAH. Mr. President, of course we are meeting precisely the same question and the same argument we met in the discussion of the League of Nations; that is, that one day it meant a great deal and the next day it did not mean anything.

I urged two fundamental objections to the league, one that it would entangle us with foreign nations. But let us put that aside entirely and assume that we are all willing to surrender that doctrine, and that we are willing to go into an alliance or a league, and let us consider it simply from the other standpoint, which was the basis of my objection, that it was not a league of peace but that it was a league for war.

I am not one of those who believe that policies determine armaments. I think the reverse is true, and it does not make any difference what the verdict of your league or your alliance may be, if the nations are armed cap-a-pie, that which you have organized for the purpose of preserving peace will become an alliance or a league for war.

For this I contend that if we go out of this conference with these four nations holding the control of the naval power of the world, and representing all the armed force of the world, when they meet there under article 2 they will meet as a military force to carry this instrument into effect by military means and not by peaceful means.

I want to illustrate that again. I call attention to the fact that the League of Nations, so far as the language was concerned, was dedicated entirely to the question of effectuating peace through peaceful means. So far as the language of the covenant was concerned, the desire was to attain one object, and that is the same thing we have here, to adjust difficulties through peaceful means. But the only time the Geneva conference was swept off its feet, the first time it met, was when some delegate proposed to create a large international navy and a large international army; and the second time they met precisely the same exhibition took place. This brought forth a statement by one of the members of the conference, who said upon the floor of the assembly:

> The members here are not nominated by the league, nor controlled by the league. They are nominated by virtue of the war ministries and the admiralties of the different countries, and they receive their instructions from their ministries at home. That is to say, for the league itself, in dealing with these questions, there is an outpost of war ministers with regard to these questions, from the point of view of military attachés, and not as servants of the league nor advocates of peace.

This illustrates one objection to this proposition, as the matter will stand when this conference closes. It will be a military alliance, because there will be no disarmament which will be calculated to bring about the settlement of these matters through peaceful means instead of through military means.

If we are willing to put aside the question of nonentangling alliances, and to discard the teachings of Washington, then, so far as I am concerned, if that is to be the ultimate result, I am perfectly willing to join an alliance by which nations will counsel. I am perfectly willing to join a league of nations by which they will counsel, provided they disarm, so that when they meet they will not meet as armed forces but as peaceful nations. I want the situation such that I can feel reasonably sure that the nations when they meet will think of arbitration, of justice of courts and not of force.

So long as it is an armed world and armed to the full, the league which we write and the alliance which we write will be an armed league, an armed alliance, and settle their matters in that way. When we meet here in the midst of the Pacific to settle these questions, as I said a moment ago, unless they do something at this disarmament conference there will not be any subtraction whatever from the fighting power of those nations as it existed when we went into the war in 1914. We will be just as thoroughly equipped for war as we were when we entered the great World War. We will be better equipped because we will have the efficiency and the perfection of the submarine and the poison gas and every other instrument of torture and desolation which the satanic ingenuity of man could invent during that struggle.

Therefore, Mr. President, so far as I am concerned, I wish to be understood as opposing the proposition until there is some evidence of real disarmament.

I shall not give my consent to the United States becoming a member of a military alliance.

Mr. POINDEXTER. Mr. President, will the Senator permit me to ask a question before he takes his seat?

Mr. BORAH. Certainly.

Mr. POINDEXTER. The Senator speaks in favor of disarmament. Am I to understand the Senator from Idaho to mean that literally—that he favors a complete disarmament for these several nations?

Mr. BORAH. Of course, Mr. President, I understand that we could not have at this time complete disarmament.

Mr. POINDEXTER. Does the Senator favor it?

Mr. BORAH. Yes; I would favor it if I could get it.

Mr. POINDEXTER. The Senator, then, would have the nations, including the United States, with no armament at all, and, as I understand it, would be disposed to rely upon such an agreement as this.

Mr. BORAH. If I had my way about it, I would disarm down to the question of a police force in and for the respective nations of the world.

Mr. POINDEXTER. And depend upon this agreement, which the Senator now says is dangerous?

Mr. BORAH. No; I would not depend upon this agreement. It is a lame and impotent affair so far as providing peaceful methods of settling disputes.

Mr. POINDEXTER. Or some other agreement.

Mr. BORAH. I would depend upon the power of public opinion to enforce the rights of the respective nations without arms, and I would set up institutions and courts to that end.

Mr. POINDEXTER. I am very much afraid the Senator would be disillusioned on the question of public opinion.

Mr. BORAH. If the Senator is not in favor of disarmament, why juggle the proposition and disarm a little? It does not do any good to disarm a little. We are just as well equipped for war, and will be when we get through with this disarmament program as we were before. We have sunk 15 battleships, which the Senator from Washington would not have sent into naval combat if he had been an admiral, but the question of the submarine, poison gas, airplanes, and all the instrumentalities with which the Senator would fight the war have not been touched at all.

Mr. POINDEXTER. It is difficult for me to realize what I would do if I could imagine myself being an admiral, but that raises the question which the Senator brought into the discussion in the Senate some time ago about the relative value of capital ships in naval warfare. All I have to say about that is that all the other naval authorities in the world, if I may use that expression, so far as official authority is concerned, regard capital ships as the basis of naval power. The Senator from Idaho may be right and they all may be wrong, but that is the basis upon which this conference among the nations is being conducted, in an effort to bring about a limitation of naval armament.

Mr. BORAH. The Senator said the battleship is the basis of the navy, the backbone of the navy. I read a few moments ago, when the Senator was not here, I take it, that the battleship is no longer the backbone of the navy. That is said by Admiral Sims. The battleship has no defense against airplanes and no offensive against airplane carriers, which are speedy enough to get away. We need not go into that question again, but I do not think the Senator ought to say that such is the opinion of the Senator from Idaho.

Mr. POINDEXTER. I said the official authorities.

Mr. BORAH. Admiral Sims is the head of the Naval Board, is he not?

Mr. POINDEXTER. Admiral Sims is not the head of the Naval Board and is not authorized to fix the naval policy of the United States. There is authority to fix that policy, and that authority, in so far as these international negotiations are concerned, acting through the President of the United States, has decided that the basis of the naval strength is the capital ship, and the units of capital ships are the measure by which the powers propose to be guided in the limitation of their respective fleets.

Mr. WATSON of Georgia. Mr. President——

Mr. BORAH. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. With the permission of the Senator from Idaho I should like to ask the Senator from Washington if the official statement given out is not to the effect that, if this four-power agreement is sanctioned, the Anglo-Japanese treaty or alliance will be automatically ended? When the Senator from Washington said that the present four-party agreement, section 2, amounts to nothing, does he not place himself in the attitude of saying that the odious—odious to the western world—alliance between Great Britain and Japan amounts to nothing?

Mr. POINDEXTER. The Senator from Georgia bases that question upon an erroneous premise. I did not say that this agreement amounted to nothing. I said that it created no new agencies and it imposed no new obligations upon the United States, but it does this, and I think that it is very far from amounting to nothing. It expresses a policy of action to be applied to emergencies as they arise from time to time, but that policy is to be carried out by existing agencies of government, not by any supergovernment or a council of foreign nations; but, in so far as the United States is concerned, by the United States itself and its constitutional authority.

Mr. WATSON of Georgia. Mr. President——

Mr. BORAH. Let me say a word, and then I shall sit down.

Mr. WATSON of Georgia. I would like to ask the Senator from Washington a question right at that point.

Mr. BORAH. Very well.

Mr. WATSON of Georgia. Does the Senator from Washington believe that Japan would voluntarily surrender what she

is now getting under the Anglo-Japanese alliance unless Japan thought she was getting something equally as good, if not better?

Mr. BORAH. Mr. President, no one here need be uneasy about what Japan is getting, because Japan will take care of herself. That is demonstrated to a certainty, both at Versailles and in this conference.

Mr. POINDEXTER. What she will get and what the relative status of the various nations concerned will be is not determined by this agreement that we are discussing here. That is very limited in its operation. I might agree with the Senator from Georgia in a great many observations upon the interests of Japan and the United States, respectively, in Asia. How much Japan would get out of this conference no man can tell until the conference is ended. What we are discussing at the present time is the particular matter of the four-party agreement which has been signed, and which does not deal with the matter of other questions between the nations.

Mr. WATSON of Georgia. How does the Senator from Washington understand that this recognition of the equality of Japan and our taking her into this kind of an alliance would affect the 11 States on the Pacific slope which are interested in the Japanese question?

Mr. POINDEXTER. To be perfectly frank, the 11 States on the Pacific coast, if they had their way, as I view it, would rely upon the naval strength of the United States to protect them. To say the least, they are not injured in any way by the agreement, but in my opinion they are benefited by it in the manner which I pointed out a moment ago, in that the agreement of the other parties to this four-party arrangement, including France and Great Britain, is to use their influence to prevent an aggression upon the island possessions or the island dominions, which includes those, of course, of the United States, in the Pacific, and consequently tends to remove or to minimize the probabilities of an attack upon them.

Mr. BORAH. Mr. President, I hope——

Mr. STANLEY. Mr. President, just a moment.

Mr. BORAH. I do not wish to be interrupted further. I will yield the floor in a moment.

Mr. STANLEY. Before the Senator takes his seat, though I do not wish to interrupt him, I would like to ask him a simple question.

Mr. BORAH. Ask me a question?

Mr. STANLEY. Yes.

Mr. BORAH. I yield for that purpose.

Mr. STANLEY. The Senator, to begin at the bottom of my question and work to the top, read here something with reference to the four-party treaty to the effect that it is made for the purpose of preserving peace. Is the Senator acquainted with any great alliance ever made between these powers, except the United States—the quadruple alliance, the triple alliance, the holy alliance, or any other alliance seeking the balance of power in Europe—that it was not on the face of it for the purpose of preserving peace and expressly decried any idea of war?

Mr. BORAH. Certainly; that is always true. That goes back to the proposition which I have stated once or twice, that I think these alliances and leagues are always interpreted or construed according to the military capacity or power of the signers of the alliance or league. It is for that reason that I rose to-day to urge that if we are going to be asked to go into this alliance, then there must be such disarmament here as would indicate that it is not made as a military alliance, but, as a matter of fact, for the purpose of effecting a settlement through peaceful means. If we meet and assemble under this alliance under such conditions as will exist at the time this conference closes, with reference to disarmament, it will be a military alliance, it will be a naval alliance, and nothing else.

Mr. STANLEY. In the language of Napoleon, these four powers mean to have peace under this treaty if they have to fight for it.

Mr. BORAH. Certainly; and the Senator from Washington has just revealed the fact that the conference will adjourn upon the theory that all matters must be settled by force. He rather scouts the idea that we should disarm to the extent of relying upon anything but force. If we should not disarm to the extent that we could rely upon the justice or righteousness or the influence and the power of public opinion to enforce arbitration and settlement, then there is no reason to call this conference at all. If we are going to rely upon force, and that is to be the fundamental principle upon which we are proceeding in the future, then there is no reason why we should call the conference for disarmament.

My idea of disarmament is that we should reduce the arms to such extent that it manifests an intention upon the part of the nations of the world to settle their troubles through peaceful means and not through armed force, and unless we do that I do not propose to join any combination to control the Pacific which combination may be turned into a military and naval autocracy.

Mr. POINDEXTER. Mr. President, I ask unanimous consent that the Secretary may read the letter which I send to the desk and that the articles attached to it be incorporated in the RECORD without reading.

The PRESIDING OFFICER. Without objection, the Secretary will read the letter.

The letter was read by the reading clerk.

Mr. POINDEXTER. I ask that the letter be printed in the ordinary RECORD type, but that request does not apply to the articles which, however, I ask to have printed in the RECORD.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

The letter read by the reading clerk and the articles referred to are as follows:

MILLER FREEMAN PUBLICATIONS,
71 COLUMBIA STREET,
Seattle, Wash., November 30, 1921.

Senator MILES POINDEXTER,
Washington, D. C.

DEAR SIR: I beg to submit attached statement of Canon W. H. Bliss made at the "antidope" meeting called by the governor and held in Seattle November 26, in which he charged that the Japanese are flooding this country with dope in the same manner and for the same sinister purposes as they are conducting this traffic in China.

These grave charges made by the head of the White Cross Society are worthy of your most serious consideration as United States Senator from this State.

The Federal administration has repeatedly admonished the citizens of the Pacific coast that they or the States should not attempt to deal with the various phases of the Japanese problem, but leave their solution to the Federal Government.

Yet not only has the Federal Government taken no action of decisive character, but it is actually a party to Japanese aggressions which constitute a formidable assault on our people and on our country.

Specific instances are:

1. Leasing of lands on the Yakima Indian Reservation to Japanese.

2. Monopoly of the fishing industry of southern California by the Japanese who are allowed to operate out of our ports in violation of the Federal coastwise navigation laws.

3. Wholesale trafficking in opiates by the Japanese.

4. Attempted corruption and intimidation, through powerful financial interests, commercial and religious organizations, of members of the Legislature of the State of Washington by Japanese in attempt to prevent passage of land bill which applied to all aliens.

5. Operation of Japanese propaganda bureau under the direction of K. K. Kawakami, San Francisco.

6. Operation of Japanese propaganda journals and subsidizing of American publications by Japanese interests.

7. Operation of Japanese language schools.

8. Allowing Japanese to operate producing and marketing combinations, with power to dictate prices to be paid white producers, and prices to be paid by white consumers.

9. Since President Roosevelt concluded the so-called "Gentlemen's agreement" by which Japan on her honor agreed to keep her people out of this country, she has sent here on her passports more than 100,000 nationals, under the guise of merchants, students, wives, etc., who have become permanent residents. Read Roosevelt's biography and you will be convinced that Japan has grossly violated the terms of her agreement.

All of these are matters which the Federal Government alone can deal with.

For a good many years the people of the Pacific coast have been exceedingly patient, having been led to believe by representations of the Roosevelt, Taft, Wilson, and Harding administrations that they should leave the settlement of the Japanese question to the Federal Government, yet immigration of this obnoxious and unassimilable race still continue.

The people of this coast are determined to keep this a white man's country if they have to fight for it. Unless the issue is met with courage immediately and definitely settled it will certainly bring on war with Japan.

Yours, very truly,

MILLER FREEMAN.

[From the Seattle Star, Thursday, Dec. 1, 1921.]

JAPAN PERIL UP TO SENATE—SAYS FEDERAL GOVERNMENT IS AIDING NIPPON—MILLER FREEMAN MAKES SENSATIONAL CHARGES IN LETTER CALLING ATTENTION TO DOPE.

That the Federal Government is a party, "either directly or by acquiescence," to Japanese aggressions which "constitute a formidable assault on our people and on our country," is the charge made by Commander Miller Freeman in a letter he dispatched to-day to Senator MILES POINDEXTER.

The letter was written to call attention to the charges made at the recent dope conference by Canon W. H. Bliss that Japan is deliberately promoting the narcotic traffic in this country in an effort to make America's young men unfit for military service.

Commander Freeman takes advantage of the opportunity to specify other objectionable activities of the Japanese on the west coast, either tolerated or actually assisted by the Federal Government.

"Unless this issue is met with courage immediately and definitely settled," the letter concludes, "it will certainly bring on war with Japan."

—

[From the Seattle Post-Intelligencer, Sunday, Nov. 27, 1921.]

HEAD OF WHITE CROSS DECLARES DOPE EVIL THREATENS HUMANITY.

Canon W. H. Bliss, of Seattle, pastor of Trinity Episcopal Church and head of the White Cross Society for the prevention of the narcotic curse in this State, made one of the most stirring addresses of the governor's conference. He was repeatedly interrupted with applause.

He was introduced by Chairman Thomas P. Revelle as the man who had most unselfishly and tirelessly worked, in season and out, just out of love for humanity and desire to defeat the forces of evil that would wreck humanity.

Rev. Mr. Bliss said:

"After all this is not a matter for the law-enforcement officers exclusively, but it is for the general public to put full force into the campaign.

"If the public conscience could only be thoroughly aroused the matter of law enforcement would not be the difficult task that it is now. The thing we have most to combat and the thing this conference should now set itself most specifically and particularly to combat is the blindness, seemingly willful blindness, of the general public to the terrible menace to society of the drug habit.

"May I offer these figures for your consideration? They represent the importation into the United States of crude opium for the three years of 1917, 1918, and 1919, and show the startling growth of the demand upon the American drug-manufacturing plants in this country for the finished "dope," the derivatives of the raw opium, which include morphine as well as the manufactured opium for smoking purposes that dope users call 'mud':

	Pounds.
1917	60,000
1918	170,000
1919	730,000

EACH NEW CUSTOMER BRINGS SIX.

"Between the years of 1917 and 1918 the demand for the stuff increased nearly 200 per cent, between 1918 and 1919 nearly 330 per cent, and between 1917 and 1919 more than 1,000 per cent. That bears out the well-known adage of dope peddlers: 'When you make one new customer he makes six more for you.'

"Think also of this startling fact: One ton of morphine is equal to 500,000,000 so-called 'shots.' How many billion 'shots' are being manufactured in the United States every year?

"The United States imports from thirteen to seventy-two times as much crude opium as any other nation in the world. The doctors and dentists don't use it all. They use very little of it. The great bulk of it is exported, later to be smuggled back into this country.

"How many addicts in the United States? Take the figures of trained experts, who have given the study of a lifetime to the narcotic evil. The estimates vary between 1,000,000 and 4,000,000 addicts. Dr. Reidy says 1,988,000. Say we have 2,000,000 addicts. That is 1 person out of every 50, and it would bear out the estimates of the Seattle police and Dr. Read, city health officer, which place the total in Seattle between 8,000 and 10,000.

"Consider also that fully 25 per cent of the addicts are always unemployed—hopeless hoboes and vagrants. Consider the effect of the narcotic evil on your unemployment problem."

ADDICTS SPEND MILLION DAILY.

At this stage Mr. Bliss called upon expert witnesses in the audience to tell the people how much daily the average dope fiend required to get his drug. R. F. Baerman, one of Inspector Hans Damm's chief assistants in the city antinarcotic service, said from $5 to $9 a day. Miss Cora West, superintendent of the Lakeside Hospital, said from $4 to $8 a day.

He continued:

"Suppose we say that the minimum expenditure of a dope addict is $3 a day. Two million addicts in the United States at $3 a day—that is $6,000,000 a day, or $2,190,000,000 a year, and $2,000,000,000 a year would pay all the costs of running the United States Government that are not directly attributable to war.

"In Seattle users of the dope will spend from $15,000 to $30,000 a day. That is from $5,000,000 to $10,000,000 a year, and would pay all the expenses of running our city government. Think of such a sum going into the pockets of these ghoulish devils who prey upon the souls and bodies of our citizens.

"I think Hans Damm said the truest thing I have ever heard about the horror and the bottomless pit of the illicit drug-peddling business when he declared that a dope peddler was worse than a murderer in just so far as the fate to which he consigned his victims was worse than death.

"This will give you some idea of why the dope business is so lucrative and why it is so hard to stop.

"Hard to stop? How can 200 men, which is all the United States Government has assigned to stopping it, guard 10,000 miles of coast line? How can 200 men put to route an army of 15,000 to 20,000 vicious, furtive, lawless dope peddlers?

EVERY VESSEL BRINGS IN DOPE.

"There is not one vessel coming into the port of Seattle that does not bring in with it, hidden somewhere, dope.

"One vessel last year brought in $120,000 worth. I heard a man, whose word I am willing to believe, say he saw 65,000 pounds in one container near Seattle. Sixty-five thousand pounds of morphine is enough to kill every man, woman, and child in the city of Seattle.

"'In 10 years,' said a great Japanese physician, who studied the narcotic business in this country for some years, '5,000,000 young Americans will be unfit for military duty because of the hold the drug has upon them.'

"Can we not see the great national menace behind this? Many hundreds of thousands of pounds of morphine are shipped to Japan. It doesn't stop in Japan. Japan has the strictest laws of any nation on earth against the use of narcotic drugs by its citizens. Japan ships this stuff to her controlled ports of China, where it is given away to beginners in the use of dope. The Japanese tell the unhappy Chinese victims that it is white man's medicine. They get him inoculated with the habit till he can't get along without it, and then tell him that the stuff is so scarce that they haven't any more to give away, but will have to make him pay for it now. Then they have him where they want him.

"And huge quantities of that which is shipped to Japan is smuggled back to the United States."

Canon Bliss went at some length to describe so-called "snow parties" among boys and girls of Seattle of high-school age. A voice in the audience asked him what he meant by "snow parties."

"'Snow' is cocaine. It is white and glistens like snow. There are parties of automobilists organized among boys and girls of high-school age. They sniff cocaine and that adds life to their party. Our jazz music and snow parties are simply on different ends of the same string. Our young people are crazed for new excitement.

"Diseased bodies and drug addiction are going hand in hand with boys and girls of 15 and 16.

"Not any menace to-day faces our people that is equal to the drug menace.

"We need laws with teeth. It is a common thing to see a drug peddler walk out of a United States court with a sneer on his face because of the inadequate sentence passed on him.

"Notorious Chinese and Japanese peddlers are arrested over and over again, and get off with sentences that are not punishment but merely license. Our Federal deportation laws ought to be made more adequately to fit their cases."

Mr. REED. Mr. President, is it not a little singular that the advocacy of an alliance or an agreement with Japan should be followed by a letter accusing Japan of a direct violation of the arrangement which she already has with this country?

Mr. WARREN. Mr. President, may not the reading of the bill now be proceeded with?

DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9237) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes.

Mr. ASHURST. Mr. President, I send to the desk a notice in writing of a motion which I intend to make to suspend the rules. I will ask that the notice be read and that the amendment which I propose to offer to the pending bill be read at this time.

The PRESIDING OFFICER. The Senator from Arizona gives notice of a motion to suspend the rules. The Secretary will read the notice.

The reading clerk read as follows:

DECEMBER 12, 1921.

I hereby give notice that under and by virtue of the provisions of Rule XL of the Standing Rules of the Senate, I shall move to suspend paragraphs 2 and 3 of Rule XVI of the Standing Rules of the Senate, for the purpose of offering to the bill (H. R. 9237) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes, the following amendment:

Mr. ASHURST. If it be a sufficient compliance with the rule, I will not ask that the amendment be read, but merely that it be printed in the RECORD.

Mr. KING. Let the proposed amendment be read.

The PRESIDING OFFICER. The rule requires the reading of the amendment.

Mr. ASHURST. Then I ask that the amendment be read.

Mr. WARREN. Mr. President——

Mr. ASHURST. I yield to the Senator from Wyoming before having the amendment read.

Mr. WARREN. Mr. President, I think the Senator from Arizona well knows that I am desirous of providing adequately for the disabled soldiers, and we propose, in a proper way, to do so. We are now and have been all day long listening to debate on matters which are not concerned with the pending bill. I still expect to have the bill passed and sent to conference to-night. To delay its passage so that the proposed amendment which to become in order has to lie over for a day would place the bill in such attitude that we would be in default on the 15th instant and be unable to provide properly for the soldiers who are already in the hospitals. Now, I ask the Senator if he is not willing to withdraw his proposition, since we are all aiming at the same object?

Mr. ASHURST. If I may have a vote on my amendment to-night, I shall be very glad to withdraw it for the present. If there shall be a guaranty that no point of order will be made

against the amendment, I shall be delighted now to withdraw it. If the Senator can give me that guaranty, I will withdraw the amendment at this moment.

Mr. WARREN. I do not know what the Senator from Arizona wishes to submit, and there is no guaranty that I could make, of course, as to what might occur.

Mr. ASHURST. If the reading of the amendment may not now be dispensed with under the rule, I shall have to ask that it be read, and I make that request.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from Arizona will be read.

The READING CLERK. On page 25 it is proposed to strike out lines 23, 24, 25, and 26, and on page 26 strike out all of lines 1 to 14, inclusive, and to insert the following:

That the Director of the United States Veterans' Bureau is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities, to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto, vehicles, live stock, furniture, equipment, and accessories, and also to provide accommodations for officers, nurses, and attending personnel, and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named therein. Such hospital plants shall be of fireproof construction, and the location and nature thereof, whether for the treatment of tuberculous, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau.

That for carrying into effect the preceding paragraph relating to additional hospital facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000 to be immediately available and to remain available until expended.

Mr. ASHURST. Mr. President, the time has arrived in the progress of hospitalizing the ex-service men when no further explanations or excuses may be offered. The situation is one which calls for immediate action. There is in this pending bill a provision to appropriate $1,000,000 to enable the Government of the United States to take part in the International Exposition at Rio de Janeiro. Naturally the opulent Government of the United States, which courts and deserves the esteem of other powers and other peoples, can not be oblivious to the fact that we should in due time take our proper part in the International Exposition at Rio de Janeiro, which will require the expenditure of $1,000,000; but are we prepared to vote $1,000,000 to take part in the International Exposition at Brazil when in one town in the United States 950 tubercular soldiers are suffering from neglect? Are Senators ready on their conscience to say that they prefer that this $1,000,000 shall be spent for an international exposition rather than for the hospitalization of tubercular soldiers?

The Senator from Idaho [Mr. BORAH] has just concluded a brilliant speech in which he depicted the horrors of war. I wonder if he knows and do other Senators know that in one city in this country 950 suffering soldier boys are shamefully neglected by a most opulent Government? On Armistice Day we had services in honor of the unknown dead; and the private soldier was permitted to stand on the sidewalk and see the procession go by. Fifty thousand dollars were appropriated by Congress for the purpose of making arrangements for the exercises, and this sum was spent in giving admirals and generals and high foreign dignitaries seats; but the "gold star" mother received scant attention; no gold-star mother was brought here to participate in those exercises. All the soft seats and all the carriages and the equipages were preempted by generals and admirals and high foreign dignitaries. Now, with 950 ex-service men suffering from neglect on the streets of Phoenix, Ariz., we are going to "shell out" $1,000,000 to participate in an exposition in Brazil, but refuse to hospitalize those who stood in the iron storm of war and breathed poison gases in order that our civilization might be saved.

What are the facts? Am I within the bounds of truth when I say that 950 ex-service men require hospitalization in one town in this country? I see the learned Senator from Massachusetts [Mr. WALSH] before me. He is a member of the Senate committee on investigation which was appointed by virtue of Senate resolution 59, presented by the same Senator from Massachusetts [Mr. WALSH]. That committee is presided over by the Senator from West Virginia [Mr. SUTHERLAND]. Three times in public I have urged that committee to go to Arizona. I now challenge them to go.

Are the luxuries of Washington so soft that they will not leave the District of Columbia? Do they think of nothing except of Washington and its beautiful environments? I know the Senator from Massachusetts [Mr. WALSH] is ready and willing to go there, as he has so expressed himself. Let that committee of upstanding Senators accept my challenge and go to the Salt River Valley, where 950 men are suffering because of neglect. Let the committee abandon for a few days the soft luxuries of Washington and go into the country and see what is going on with respect to the soldiers. Will my challenge be accepted? I think it will be, because I will build a pretty hot fire under the committee if they do not go to Arizona and investigate conditions.

On the 2d day of last November——

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Massachusetts?

Mr. ASHURST. I know the Senator from Massachusetts [Mr. WALSH] would go in a moment if the chairman would authorize him. I demand that the chairman of the committee either go there or resign and let some one take his place who will investigate the conditions.

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Massachusetts?

Mr. ASHURST. I yield.

Mr. WALSH of Massachusetts. Could the committee, if they should visit Phoenix, Ariz., do more than the Senator is now doing, namely, make a vigorous protest against the dilatory tactics of the administrative officers in not building with reasonable speed hospital facilities with the money which they now have?

Mr. ASHURST. I think if the Senator went there and saw and conversed with the men who went through the iron storm of the war and talk to them I believe his heart would be touched and so would that of the entire committee, and they would become advocates of proper relief for our ex-service men. So much for generalities. What are the facts? On the 2d day of November, when the tax bill was before the Senate, I submitted an amendment similar to the one I have just presented. The Senator from Pennsylvania [Mr. PENROSE], the chairman of the Committee on Finance, asked me to withhold the amendment, because it could not go on that bill. I did so. My friend from Wyoming [Mr. WARREN] said that the Committee on Appropriations, of which he is chairman, would give this matter attention, and would provide an adequate appropriation. Now, I wish my friend Senator WARREN——

Mr. WARREN. Mr. President——

Mr. ASHURST. Just a moment. I wish my learned friend to understand that I am not criticizing him. He has acted according to the light before him, but I believe if he knew the situation as I do he would be the first, because he himself is an ex-soldier, to declare himself for proper hospitalization. It will not do to tell me that in this bill there is already adequate provision, because there is not.

Mr. WARREN. Mr. President, before the Senator gets too far from this proposition.

Mr. ASHURST. I will not yield to the Senator under that suggestion. The Senator will wait until I get through. I am not getting away from the proposition; I am just coming to it.

Mr. WARREN. The Senator stated that I said something, but he did not state accurately what I said, and I wished to make a correction before he got too far from it.

Mr. ASHURST. Then I will yield.

Mr. WARREN. I said that the matter would be considered by the committee, and it has been considered. I have done exactly as the Senator asked me to do. Witnesses have been brought before the committee and have been examined. The matter will be reached in another way, and the proper relief will soon be provided, or otherwise provision would probably have been made on this bill. We are, however, lacking two of the elements to enable us to make the provision the Senator desires on this particular measure at this time.

Mr. ASHURST. Mr. President, we will get back to that question later. I want to talk about facts. At that time I read a telegram from the governor of Arizona. The governor of Arizona pointed out that ex-soldiers, not by the dozens, not by the score, but by the hundreds, were pouring into the Southwest, because they believed—whether erroneously or not we do not know, but they believed—that the salubrious climate of the Southwest was a healing balm for the specific malady from which they suffered, was a cure for soldiers afflicted with tuberculosis and soldiers who had been gassed; that the local authorities were absolutely powerless to cope with the situation; that the State authorities were unable to deal with it; and since that time the number has doubled. Only Saturday, only to-day, I conferred with the editor of the leading Republican daily paper in the State and with the governor. Thursday I conferred with Director Forbes, of the Veterans' Bureau. They each and all say that those soldiers there are without adequate hospital facilities; that they are going out upon the desert and dying from lack of hospitalization; and yet we propose to

appropriate $1,000,000 so that some of the social climbers at Washington and elsewhere may journey to Brazil and there take part in an exposition. Well and good; meanwhile our soldiers die from neglect.

Mr. WALSH of Massachusetts. Mr. President, will the Senator explain what Director Forbes suggests as a remedy?

Mr. ASHURST. Director Forbes suggests as a remedy the appropriation of $16,000,000 immediately to be put into his hands, so that he may sever the damnable red tape that is costing the lives of so many soldiers, and that he may act instead of talking about it.

Mr. WALSH of Massachusetts. I sympathize with that plan, and I commend the Senator for his interest and zeal in this important and pressing necessity. The Senator knows that the special committee to which the subject was referred made that recommendation also; but what I should like to know is, What is being done now by our administrative officers to relieve the present situation? As the Senator knows, I am in full sympathy with the desire to relieve it.

Mr. ASHURST. I can speak only for the Southwest.

Mr. WALSH of Massachusetts. What is being done by Director Forbes or by any other administrative officer in Washington to remedy the conditions of which the Senator and the Arizona press complain?

Mr. ASHURST. I am only speaking for Arizona. I will tell you what is being done in Arizona.

Many, if not most, of the people of the United States, whether erroneously or not, believe that the balmy, salubrious climate of the Southwest is a specific for tuberculosis. It may or may not be. I am not an expert. By reason of that belief ex-soldiers swarm into Arizona. I repeat, they come by the hundreds. Those who have studied tuberculosis know that it is a peculiar disease; the patient believes that if he could be taken to a different climate he could recover. He goes to that different climate at his own expense. He goes far from home. He is seized with homesickness. He becomes abject and miserable; his temperature rises; he dies.

The citizens of the Southwest have taken the tuberculosis patients into their homes. The Southwest is dotted with little hospitals—flimsy affairs, it is true—one here and one there. There is one in Phoenix with 64 or 65 beds; another one that has 14; another one that has 20; another one that has probably 25, and so on; but there is no coordinated, prudent, adequate method of treating these soldiers.

I know that Senators would take my word, but I will not ask them to take my word. Before they vote on this amendment, let them talk with Director Forbes. Before they vote on this amendment let them telegraph Dr. Sweet, of the Public Health Service, in Phoenix. Let them interview the governor of Arizona. Let them write the leading metropolitan journals of the State, Democratic and Republican. Let them telegraph any official of the State, and he will tell you that I am conservative in the number—it is 1,500 instead of 950—but I put it at 950 because that is the most conservative estimate I can make.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield further?

Mr. ASHURST. I yield.

Mr. WALSH of Massachusetts. So I understand that the situation amounts to this, does it not: These men, without any advice from any official or medical authority, are flocking to Phoenix. They find the Government hospitals filled——

Mr. ASHURST. They find the local hospitals and many of the homes filled.

Mr. WALSH of Massachusetts. And the Government hospitals in Arizona. There are some in Arizona?

Mr. ASHURST. Yes; No. 50 and No. 51.

Mr. WALSH of Massachusetts. They find these Government hospitals filled with inmates, and all that the Government is doing is to urge these men to go away to some other hospital?

Mr. ASHURST. The Senator has conceived the situation exactly.

Mr. WALSH of Massachusetts. What the Senator desires is, first of all, some temporary relief, the establishment of some temporary structures or hospitals, and secondly, the appropriation for new hospitals of this $16,000,000; and with that program I am in hearty sympathy with the Senator from Arizona.

Mr. ASHURST. I am indebted to the Senator from Massachusetts, because he has in a few words stated what it has taken me many words to say. It is true, Senators—the record shows it—that in hospitals throughout the United States, for example, there are 90 beds vacant in one hospital, in another one 200, in another one 400, we will say; and if you consult the records you will find that many, many beds in the tuberculosis hospitals of the country are vacant. The Government, whether wisely or unwisely, is attempting to withdraw the tubercular and gassed soldiers from the Southwest, and agrees and offers to hospitalize those soldiers in other hospitals; and it may be, for aught I know, that the soldier could receive better or equally good hospitalization elsewhere than he could in Arizona, but you can not make the soldier believe it. The soldier shares the general feeling—which I say for the fourth time may be erroneous or not; I do not know—that if he can reach a balmy climate, where there is perpetual sunshine, where it is warm, he can recover. He shares that feeling. You can not drive from his mind the idea or belief that he will recover in the Southwest. The Government futilely and uselessly offers him transportation elsewhere. The Government futilely and uselessly offers him hospitalization elsewhere.

He remains where he is, and he resents the offer of the Government officers and hospital authorities to take him elsewhere. Sick, miserable, profoundly believing, and everybody telling him that the Southwest is where he will get well, he remains there. Now, are you thinking more of the status of this Government in Rio de Janeiro, or are you thinking of the soldier? That is the question that this body must determine to-morrow.

Mr. KING. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. KING. I ask the Senator for information, and to enable me better, perhaps, to vote on the general policy: We have appropriated hundreds of millions of dollars, as the Senator knows, for hospitalization——

Mr. ASHURST. Just a minute; not hundreds of millions; $18,600,000.

Mr. KING. I will be accurate if the Senator will let me get through.

Mr. ASHURST. All right.

Mr. KING. I repeat, we have appropriated hundreds of millions of dollars for hospitalization and for the care of the soldiers. I am told by men who are just as solicitous for the welfare of the soldiers as the Senator from Arizona——

Mr. ASHURST. The Senator need not say that. One Senator is not more solicitous than the other. That is gratuitous. The Senator should withdraw that.

Mr. KING. No; I shall not withdraw it.

Mr. ASHURST. All right. Let it stand, then. I will answer it.

Mr. KING. If the Senator is going to take offense, I shall not interrupt him.

Mr. ASHURST. I was not offended, but I was not born yesterday. There was a sly insinuation that I am a little bit too zealous for the soldier, and that in the Senator's opinion there are other men here who are just as zealous for the soldier as the Senator from Arizona. I did not come to town yesterday. Now, I have been—shall I say it?—no, I will not. I was about to say, shall I be tricked and deceived longer on this soldier question? I shall demand proper treatment for sick soldiers.

Some of my words seem harsh, but they are true, Mr. President. That is the sad part of it. I have made this as my protest. I have made it over and over and over again. Let my learned friend from Utah [Mr. KING] go to Arizona as a member of the committee. He is an excellent lawyer and is a man of humanitarian impulse, and there he will see soldiers with hollow chests coughing their lives away, dying because we would not appropriate the money for their hospitalization. Nobody here has denied what I have to say, because to deny it would be to impeach every respectable journal in Arizona. To deny it would be to impeach the governor. To deny it would be to impeach the statements of the chambers of commerce. To deny it would be to impeach Mr. Forbes. I went to Director Forbes a month ago. He said:

> Go to the President immediately and ask him to use his strong arm and help me to cut the red tape. Will you not do that and help the soldier? I am tied up by red tape. If you will go to the President, Senator, and urge him to give me the authority and the power, I will hospitalize every soldier in Arizona within 60 days.

Thirty of those days have gone by, and no move has been made.

On to-morrow I will present an amendment dealing with this matter and ask for a vote on it. I know that it takes a two-thirds vote, but Senators can say then on their consciences whether the $1,000,000 shall go for buildings in Brazil or for hospitals for soldiers. I am not showing, as my learned friend might wish to insinuate, an undue zeal.

There have not been hundreds of millions of dollars appropriated. Eighteen million six hundred thousand dollars were appropriated in the closing days of the Sixty-sixth Congress, after a contest on this floor which lasted for many days and which should not have lasted for an hour. That has all been spent, and wisely spent. I am not criticizing the Government or any agency of the Government for wasting a single dollar

of that money. I am only asking that they do more. Is my request unreasonable?

The Senator from Wyoming [Mr. WARREN] says he called witnesses. How many soldiers from Arizona did he call? Not one—not one.

Mr. WARREN. Mr. President, did the Senator from Arizona ask me to summon any soldiers from Arizona?

Mr. ASHURST. No, I did not. I will be frank.

Mr. WARREN. And I did not summon them from other hospitals because I thought the better way was to make our inquiries through the regular sources—the United States Veterans' Bureau, the Public Health Service, the Treasury Department, and other sources connected with the whole situation.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. ASHURST. Yes.

Mr. CARAWAY. What did the Treasury say it would do about this matter?

Mr. ASHURST. The department says: "I will send them to other hospitals. I will have my way about it."

The Treasury says, "We are going to send them where I want them to go, not where the soldier wants to go." The soldier in time of war went where others said he should go; but I say that in time of peace he ought not to be held to such a strict rule and be required to go where others think he should go. The soldier is dying. Is it not harsh to say, "You are going to the hospital we name, or die"?

Senators go to the Southwest when afflicted with tuberculosis. Almost the first Senator I ever saw was in the Southwest seeking relief from tuberculosis. I have had the honor and the pleasure to become acquainted with many of the great Senators and other public men of the past when they came to the Southwest, believing—whether erroneously or not, I do not know—that the balmy air there would relieve them; and yet, when the soldier goes there he is to be told to "move on."

I do not want to delay this bill. If the Senator from Wyoming will let me have a vote on my amendment and will not interpose a point of order, and will prevent his colleagues from interposing a point of order, we can vote to-night, and I have done my duty; and if I have said harsh things, they have been necessary. If I wounded my friend from Utah, such wounds were necessary. "Faithful are the wounds of a friend." This is no time for soft talk, when men in the streets of my capital city are petitioning me and petitioning their Government for a place in which to die decently. Should we indulge in soft talk under such circumstances?

Mr. President, I have finished my remarks. I do not think there is an official anywhere who will say that what I have said is untrue. He may say, "We want to hospitalize them elsewhere." I am asking for a vote on my amendment, and, if it be in order, I ask for it now. I ask for unanimous consent that a vote be taken on it now.

The PRESIDING OFFICER. Under the unanimous-consent agreement the Senate is proceeding with the committee amendments. The Secretary will read the next amendment.

The ASSISTANT SECRETARY. On page 2, after line 1, the committee proposes to insert:

To pay Lillie S. Knox, widow of Hon. Philander C. Knox, late a Senator from the State of Pennsylvania, $7,500.

The amendment was agreed to.

Mr. WARREN. At this point I ask to have inserted an amendment from the committee, which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 2, after line 5, insert:

For the purchase or exchange of an automobile for the Vice President, $4,000.

Mr. KING. May I inquire if one has not been purchased since the Vice President was inaugurated?

Mr. WARREN. No; there has been no such purchase.

Mr. KING. I am making no question of it. I just made the inquiry as to whether one had been purchased.

Mr. WARREN. No.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment.

The ASSISTANT SECRETARY. On page 2, after the amendment just agreed to, the committee report to insert:

For driving, maintenance, and operation of an automobile for the Vice President for fiscal year 1921, $93.35.

Mr. KING. It is my recollection that the former appropriation bill carried an item for that purpose.

Mr. WARREN. It carried it, but there is a deficiency, in order to carry it to the 30th of June.

Mr. KING. The amount allowed was inadequate?

Mr. WARREN. Yes; it fell short. The Senator will notice that this is for the fiscal year 1921, which ended on the 30th of June.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will read the next amendment.

The ASSISTANT SECRETARY. The next amendment of the committee is, on page 3, after line 3, insert:

ARLINGTON MEMORIAL BRIDGE COMMISSION.

To enable the commission created by section 23 of the public buildings act approved March 4, 1913, to investigate and report to Congress a suitable design for a memorial bridge across the Potomac River from the city of Washington to a point at or near the Arlington estate, in the State of Virginia, together with such surveys and estimates of cost as they may deem advisable, to be expended under the direction of the commission and to remain available until expended, $25,000.

Mr. KING. Mr. President, I wish to call attention to the fact that there was a great deal said by some newspapers, and by members of the majority party, to the effect that the expenses of the Government under Republican administration had been greatly reduced. Of course, there should have been material reductions in the transition period from war to peace, and there was a great deal of congratulation that the appropriations for the fiscal year 1922 aggregated but $3,909,282,209.46.

I stated, when the appropriation bills for the fiscal year 1921 were under consideration, that there would undoubtedly be deficiency bills, and that the amount which I have just stated would be greatly increased by reason of deficiency bills. We have before us now a deficiency bill calling for $106,857,868.92. We all know that this will not be the only deficiency appropriation bill. We all know that there will be millions, possibly tens of millions of dollars, and if certain contemplated legislation shall be enacted, perhaps hundreds of millions of dollars, added to the figures which I have given.

I wanted to call attention to that fact so that the record may be straight and that the facts may appear, that the appropriations which were announced some time ago as being the maximum were not the maximum, but that they will be greatly increased by this and by other appropriation bills.

Some of the items contained in this bill seem upon their face to be entirely proper. There are others which I think call for some explanation. The chairman of the committee, with commendable patience, has listened to various speeches this afternoon and is very anxious to get the pending bill through. Otherwise I should ask that he make an explanation as to many of these items. I hope that before we conclude the consideration of the bill he will offer an explanation as to some of the items.

The amendment was agreed to.

Mr. HARRISON. Mr. President, is it the intention to finish the bill to-night?

Mr. WARREN. If the Senator from Mississippi will allow me, I will ask the Secretary to read the letter which I send to the desk, which will show the reason why we should finish the bill to-night.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, December 3, 1921.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations,
United States Senate, Washington, D. C.

MY DEAR SENATOR WARREN: May I call your attention to a very grave situation which will arise in connection with the proper care of disabled soldiers unless the deficiency bill for the fiscal year ending June 30, 1922, at least as far as the United States Veterans' Bureau is concerned, is passed by December 15.

The balance to the credit of the appropriation for vocational rehabilitation on November 30, 1921, was $5,565,477.73. The amount due on December 15 for payment of maintenance pay to approximately 100,000 trainees is $7,502,450.10.

The foregoing means that on December 15, 100,000 disabled ex-service men and their dependents will be without means of support unless the appropriation is passed. It means that some of these disabled men will probably be forced to drop their training in order to earn some sort of livelihood. It means that educational institutions with whom we have contracts for instruction will not receive their money and it means that employees of the bureau and such indispensable bills as coal, etc., can not be satisfactorily treated.

Because of the obvious desperate situation which will arise when 100,000 disabled men start clamoring for money which the Government has obligated itself to pay, I beg to urge that you take all possible steps to secure action on the deficiency appropriation for the United States Veterans' Bureau prior to December 15.

Very truly, yours,

LEON FRASER,
Acting Director United States Veterans' Bureau.

Mr. WARREN. The Senator from Mississippi knows that there is quite a good deal to do after a bill of this kind passes the Senate. It must then go to the House and there it must be decided whether the bill shall go to conference, and while the conference committee may agree in the shortest possible time, a

conference report must still go back and be presented to each of the bodies, and then the bill must be enrolled, signed, sent to the President, and so forth. I feel that there is a very narrow chance whether it is possible to enact it in the time left.

Mr. HARRISON. I have no inclination to do anything which would retard the passage of the bill. I am glad to see that the committee proposes to do something for the ex-soldiers, be they disabled or not. I am glad there is a good reason why this measure should be expedited. But I rose to ask as to the amount which the bill carries, as proposed to be amended by the Senate committee. It is $106,000,000, I understand.

Mr. WARREN. It carried approximately $103,000,000 as it came from the House, and about $3,000,000 has been added to it by the Senate committee.

Mr. HARRISON. May I ask what was the estimate of the Budget Bureau for the deficiency bill? Was it less than this amount or more?

Mr. WARREN. It was more than this in some instances and very largely more in the matter we are discussing, the provision for the soldiers; but the information which came from the House was satisfactory to the committee that it was sufficient to carry it possibly to March. We shall have another deficiency bill very soon, containing other items which may come in. This bill, the Senator will remember, was left over from the last session.

Mr. HARRISON. The estimate of Gen. Dawes the other day in his initial report showed quite a saving from last year, and that was heralded throughout the country as a gigantic saving of some $450,000,000. Do I understand the Senator to say that the estimate of Gen. Dawes for this deficiency was more than is carried in the bill?

Mr. WARREN. It was in some particulars.

Mr. HARRISON. Can we have the figures in the aggregate?

Mr. WARREN. It originally carried $187,000,000 altogether. There is a difference of forty or fifty or sixty million dollars in this one item for the soldiers, which came as a result not of the action of the budget, but the action of the House in reducing the figures from those estimated by the budget.

Mr. HARRISON. So the item estimated by the Budget Commission was some $50,000,000 more for the soldiers than is contained in the bill as now presented?

Mr. WARREN. I will give the figures exactly in a moment. The Senator from Mississippi knows how indefinite that particular appropriation is, in that there are more soldiers in one place every day that must be taken care of, and less, perhaps, in another place at the same time, so that there never has been, and I do not know when there ever can be, an absolutely correct statement of what the expense may be three or six or nine months ahead. There are some other items of a similar character.

Mr. HARRISON. I am trying to get at the difference between the amount fixed by the action of the House and the estimate of the Budget Bureau. Gen. Dawes's estimate, as I understand the chairman, was forty or fifty million dollars more for disabled soldiers than is provided for in the bill, and notwithstanding that reduction the committee recommends an appropriation not within $80,000,000 of the amount Gen. Dawes says is needed. Is that correct?

Mr. WARREN. That does not follow the figures exactly, but is approximately right.

Mr. HARRISON. So if the Congress had appropriated all that Gen. Dawes recommended in his estimate, including the $50,000,000 additional for the soldiers, Congress would have appropriated $135,000,000 more, approximately?

Mr. WARREN. If we should appropriate all he estimated, it would be about $187,000,000 altogether.

Mr. HARRISON. But that does not include the forty or fifty million dollars, as I understood the chairman of the committee.

Mr. WARREN. Oh, yes; it does.

Mr. HARRISON. It does?

Mr. WARREN. The House cut off $55,000,000 from that particular item.

Mr. HARRISON. So the pending bill carries then about $80,000,000 less than was estimated by Gen. Dawes?

Mr. WARREN. Yes; in that neighborhood.

Mr. HARRISON. If I recall the last deficiency bill that was passed by Congress, Gen. Dawes asked for $125,000,000 and we gave him $49,000,000. Am I right in those figures?

Mr. WARREN. I have not the figures here, but I think the Senator is not exactly correct.

Mr. HARRISON. I would like to be corrected as to the figures.

Mr. WARREN. There are a great many figures that can not be carried in one's head all the time, the Senator will remember.

Mr. HARRISON. Anyway, in the last deficiency bill the estimate of Gen. Dawes was reduced approximately $75,000,000, and in this bill it is reduced approximately $80,000,000?

Mr. WARREN. Of course, I understand very well what the Senator is after.

Mr. HARRISON. No; I am just going to congratulate the committee upon the reduction.

Mr. WARREN. I will undertake to help him as much as I can. The first call that came from the different departments as to the probable deficiencies and additionals amounted to something like $375,000,000.

Mr. HARRISON. More than the estimates?

Mr. WARREN. No; this was in advance of the budget estimates. Again passing the scrutiny of the department under the direction of the budget, those were reduced to $187,000,000. Because of the limitation of armaments conference that is in session in Washington, it was thought best by the department to ask that the naval item should be omitted, which is a matter of some $27,000,000, and that was omitted after the figures were made up, but on the request of the Budget Bureau. Then there was $55,000,000 of reduction made in one particular item by the House. There are certain other items that were estimated in the budget but left out by the House, some of which I propose to offer as committee amendments to the bill when we reach the proper point, that we wish to have retained. Has the Senator anything further?

Mr. HARRISON. There were two deficiency bills last year for which the Director of the Budget estimated, one carrying about $75,000,000 more than was appropriated and this one about $80,000,000 more than will be appropriated. What other deficiency bills were there in the last year?

Mr. WARREN. If the Senator wishes those to be introduced, I will send to my office and get them, but that is not a matter now before us.

Mr. HARRISON. No; but I know the Senator is the best informed Member here upon the finances of the Government, and I thought with his usual good memory he would have the figures at his finger tip. My recollection is there were four or five deficiency bills. The other day we had the report of the Budget Commission showing a very large decrease from the appropriations of last year, amounting to between $400,000,000 and $500,000,000. Of course the impression is created in the country that a great saving has been made by this single achievement, namely, the enactment of the budget system. If we are going to pass a lot of general appropriation bills and then have speeches made by Republican leaders stating that a great saving has been effected, and then have them bring in a lot of deficiency bills that carry the total amount appropriated up to the amount of the saving and more, then, of course, there is no saving, but there is an increase. So we are to start off here in the very first instance since the opening of the session with a deficiency bill carrying $108,000,000, reducing the estimate of the budget from $187,000,000.

Mr. OVERMAN. Mr. President, the Senator need not fear that there will be no other deficiency bill presented than this one. That is the way they do it. They say, "The appropriation of last year is reduced as contained in the general appropriation bill now before the Senate," and then in a month or two they come in with a deficiency bill and another deficiency bill and still another deficiency bill. It is mere camouflage for the people.

Mr. HARRISON. Yes, and the people will never know what is going on. It is a matter of confusion and camouflage, as the Senator from North Carolina stated; but I was in hopes that appropriations would be made in the general appropriation bill and that we would not have saddled upon the people these large deficiency appropriation bills carrying, as in this instance, $108,000,000.

Mr. WARREN. So far as the Budget Bureau is concerned, that was organized only a few months ago, since March 4. There has been no general appropriation bill since and only one deficiency bill, as I remember. The fact is that there never has been a Congress in my short service here, as the Senator from Mississippi may view it, when we have not had a deficiency bill toward the end of every session. This came in near the close of the last session. It is not for the present session, but reached us too late for consideration at the last session. It reached us the day we adjourned.

Mr. KING. Mr. President, will the Senator from Wyoming yield?

Mr. WARREN. Certainly.

Mr. KING. We made appropriations in various general appropriation bills for the fiscal year ending June 30, 1922. Now we have not yet reached the calendar year 1922.

Mr. WARREN. But the Senator must remember these all run for the fiscal year.

Mr. KING. Of course, I understand that. We have only absorbed a part of the fiscal year 1922. Scarcely six months of the fiscal year 1922 have passed, and yet we are asked to appropriate by a deficiency bill more than $100,000,000. Usually deficiency appropriation bills come in after the expiration of the fiscal year, or at least toward the latter end of a fiscal year, but now, before the fiscal year is half over, we are called upon for deficiency appropriations, and I am admonished that there will be further deficiency appropriations, so that the appropriations for the fiscal year 1922, instead of being substantially $4,000,000,000, may be $4,500,000,000 or $5,000,000,000. Indeed, no one but a prophet—and the Senator from Wyoming is not a prophet—can tell us what the amount will be.

Mr. WARREN. The Senator can indulge in bogey men, as all of us can.

Mr. KING. Can the Senator tell us what it will be?

Mr. WARREN. Since the war we have had various deficiencies at various times, and now that the war is behind us we are trying to settle the hang-over items. It has taken time to present those and to demonstrate how those claims can be handled in order that they might be reduced from the enormous sum in which they were presented to the sum which is considered appropriate and justly due. We have had to deal with matters of that kind. We have always at the end of the year a lot of judgments of courts—the Court of Claims and others—which we have to take care of, as we have now.

Mr. OVERMAN. Mr. President, can the Senator from Wyoming tell me why it is that the House of Representatives should cut the appropriation down by $48,000,000 when the Senator admits that in the next deficiency bill we shall be called upon to restore it?

Mr. WARREN. I think the Senator from North Carolina can explain that as well as I. I think it is simply the proposition of the House to make two mouthfuls take the place of one. We should have made it one, if it had come to us in the first place.

Mr. OVERMAN. Then it appears that the appropriation was reduced by the other House that much below the estimate, with the idea that it would be provided for in another appropriation bill which is coming in March.

Mr. WARREN. That is the intention, I believe.

Mr. HARRISON. Before the chairman of the Committee on Appropriations takes his seat I desire to ask him a question. One of the most urgent matters which we have before us at this time is that which relates to the question of unemployment in the country. Millions of men are out of work. May I ask is there a provision in the pending bill to take care of that very abnormal situation?

Mr. WARREN. In the first place, there is the regular provision of $225,000, to which the committee of the Senate has reported an amendment providing $100,000, which the Senator will find in the bill as we go along.

Mr. HARRISON. I am glad that is in the bill. I have not had time to study the bill thoroughly.

Mr. WARREN. That is a committee amendment. Of course it will have to go to conference.

Mr. HARRISON. I am glad the committee recognizes the necessity of taking some action in reference to the question of unemployment now existing in the country.

Mr. ASHURST obtained the floor.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Massachusetts?

Mr. ASHURST. I yield it to the Senator, if I have the floor.

Mr. WALSH of Massachusetts. Mr. President, as I understand, the deficiency appropriation for vocational rehabilitation contained in the pending bill is due to the fact that the Committee on Appropriations failed to include in the annual appropriation bill $60,000,000 that the board having charge of vocational training desired and requested. The committee which has been investigating agencies dealing with the rehabilitation of the soldiers had their attention called to the fact that the appropriation for vocational training for the present fiscal year was less than a year ago, and that $60,000,000 would be required later in the way of a deficiency appropriation. I note that the committee has only recommended an appropriation of $40,000,000. Representatives of the Federal board alleged that they had failed to present their case to the Committee on Appropriations, or that the Committee on Appropriations had made a mistake in underestimating their requirements. The bare fact is that the regular appropriation was less than that of a year ago though it was apparent that there would be very many the outset of the annual appropriation, apparent to everybody that $60,000,000 more would be needed to carry on the work of more soldiers desiring vocational training and that it was, from the bureau. Am I stating the situation in a substantially correct manner?

Mr. WARREN. I have no disposition to dispute what the Senator says. I have already stated that the budget came down to Congress with an estimate for an appropriation of $65,000,000, as I recall, more than this bill contains.

Mr. WALSH of Massachusetts. Why has the Senator's committee made the appropriation $40,000,000 instead of $60,000,000, may I ask?

Mr. WARREN. The estimate first went to the House of Representatives, and the House cut it down. It was stated to Representatives, and was reported to me, that it would be necessary to consider another deficiency measure later on, and there was no occasion to provide the entire sum at once as we should have again to act upon the question before March. I made inquiry if the budget officer had anything further to lay before the committee. We also had before the committee representatives of the Veterans' Bureau who stated that the amount carried by the pending bill would be all sufficient if we made further provision in the next bill, which I presume we shall have before us later on.

Mr. WALSH of Massachusetts. My remarks are not critical of the committee at all, but I wanted to point out the fact that this deficiency appropriation for vocational training is not more than was originally contemplated as necessary, but there was actually in the beginning an error in the appropriation, which I think was due to the neglect of the bureau in not watching the action of Congress. They needed $60,000,000 more from the very outset.

Mr. OVERMAN. The trouble is that when the departments send their estimates here the chairman of the Committee on Appropriations and members of the committee say, "We will appropriate so much for this estimate." The amount estimated by the department was sufficient for this purpose, but instead of making the full appropriation $60,000,000 less than the estimate was provided. Now, we have before us an appropriation bill to provide for the deficit. That is the way it happens, and it happens in the case of practically all appropriation bills.

Mr. WALSH of Massachusetts. The Federal Board for Vocational Training were charged before our committee with neglect, with not having studied the situation so as to make a correct estimate, but they denied that to be so. We could not understand why shortly after the appropriation bill had been passed they said, "There is going to be a deficit of $60,000,000," when the bill had just been signed. They have explained the matter in the manner which I have indicated.

I repeat that I did not rise to criticize the committee, but I was anxious to know whether the Federal Board had been so neglectful as not to have anticipated that there would be a deficiency of $40,000,000 under the appropriation which was given to them at the time the regular appropriation was provided for.

Mr. WARREN. I have not heard a word of criticism along that line. It is a straight matter of fact. The House committee and the House cut down the amount nearly one-half, because they said they would provide for it later in the session. In the case of this appropriation, and, as the Senator from Massachusetts knows, in the case of several others of the same kind, the requirements can not be always *calculated* upon accurately long beforehand. Their necessities can not be foreseen.

Mr. WALSH of Massachusetts. Exactly.

Mr. WARREN. For instance, as to certain other lines, such as the case of foot-and-mouth-disease and sometimes in the case of cattle suffering from tuberculosis, it has become necessary to appropriate a great deal of money in appropriation bills. That is also true as to forest fires and matters of that kind, which we have tried to take care of from time to time, because it is entirely inadequate to undertake to provide that a certain amount shall last for a year as against incidents and accidents, tornadoes, fires, epidemics, and so forth, that may occur.

Mr. WALSH of Massachusetts. I am personally gratified that the committee have recommended $40,000,000 and that they feel that the work of vocational rehabilitation can be done satisfactorily with that sum instead of $65,000,000.

Mr. ASHURST. Mr. President, the chairman of the committee, the Senator from Wyoming, some time ago caused to be read a letter pointing out the necessity of early action on the deficiency bill, which carries $100,000,000. While I do not say

it is true in this case, it is a fact that in most legislative bodies in the States—and it has happened in the Congress—where there is something that is faulty, where there is something that it is hoped may be glossed over, where there is something that can not be explained or defended in a bill, the first plea made is for haste, and frequently the statement is made, "If you do not hurry, you will be charged with having starved the Government." The cry is "hurry."

Mr. WARREN. Mr. President, does not the Senator think I have been patient enough to-day?

Mr. ASHURST. The rules of the Senate require a bill to be read on three different days. It is the Senate that has been patient with the Senator from Wyoming. If we were not patient with the Senator, the rule would require the bill to be read on three different days. Sir, we are the patient ones.

Mr. WARREN. The Senator does not mean——

Mr. ASHURST. Does the Senator think he is exercising patience when he brings a hundred million dollar bill and endeavors to whip it through in one day? That is not patience. The bill under the rule, if objection is made, must be read three times—once on three different days or three times in all.

Mr. WARREN. It has been read all but the third time.

Mr. ASHURST. It has been read twice, but the third reading of the bill can be postponed to another day.

Mr. WARREN. The Senator is entitled to put this bill over beyond the 15th day of the month if he desires to do so.

Mr. ASHURST. Does the Senator think he is telling me something new? His remark would indicate that he hopes to impress somebody with the idea that I am delaying the bill and may perhaps starve the Government thereby. I wish, however, the learned Senator would tell me where in this bill the Public Health authorities or the Secretary of the Treasury or the Director of the United States Veterans' Bureau are given any authority or where anybody is given authority to build new hospitals or to enlarge existing facilities for the hospitalization of soldiers. If the Senator will point to me an item where not only is the power granted to build new hospitals, but the money adequate to build them is provided I will be obliged to withdraw all I have said.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New York?

Mr. ASHURST. I yield.

Mr. WADSWORTH. I call the attention of the Senator to the language near the bottom of page 8, which, commencing in line 18, reads as follows:

The allotments—

That is, from the $25,000,000 appropriated on that page—

The allotments to the said Board of Managers shall also include such sums as may be necessary to alter, improve, or provide facilities in the several branches under its jurisdiction so as to furnish adequate accommodations for such beneficiaries of the United States Veterans' Bureau as may be committed to its care.

Mr. ASHURST. The provision the Senator has read, of course, is in the bill, and I think the warm heart of the Senator from New York and the warm heart of the chairman of the committee would construe that language to mean that an additional hospital could be erected, say, at Phoenix.

Mr. WADSWORTH. No; the heart of the Senator from New York could not possibly construe the provision in that way.

Mr. ASHURST. That is just what I want to know. Where is the language in this bill which grants the Public Health authorities or the Veterans' Bureau the money to establish a hospital at Phoenix or Tucson?

Mr. WADSWORTH. The Senator did not ask that question.

Mr. ASHURST. I said "new hospitals."

Mr. WADSWORTH. The Senator said new hospital facilities, and the language I have read provides for new hospital facilities; but it so happens that it provides for them at the National Soldiers' Homes. They are being provided there to-day, and the language I have quoted provides for additional hospital facilities at those same homes, one of which is in the balmy Southwest.

Mr. ASHURST. The Senator was not in the Chamber, undoubtedly, when I pointed out that it is necessary to establish either by purchase, by construction, or otherwise a hospital in the Salt River Valley in Arizona.

Mr. WADSWORTH. The Senator from New York was in the Chamber when the Senator made his speech——

Mr. ASHURST. Then I beg the Senator's pardon.

Mr. WADSWORTH. But just a moment ago the Senator apparently challenged the Senator from Wyoming to point out anything in this bill which provided for additional hospitalization facilities for soldiers. I point to a place where the bill does provide for additional hospitalization facilities.

Mr. ASHURST. Very well; I stand corrected, and I thank the Senator. Now, in all kindness, I will ask the Senator from Wyoming or any other Senator to tell me where in this bill there is any authority granted to the Public Health Service, the Treasury Department, or any other agency of the Government to establish a hospital at Phoenix, where there is none, and to pay for the construction of such a hospital? Is there any such authority in the bill? There is not.

The provision which my esteemed friend from New York read represents the crumbs that are left over, the amount that simply happens to be remaining which may be used upon existing hospitals for their alteration, enlargement, or repair. What I am seeking is eligible language which will command the Public Health authorities to erect hospitals where the soldiers are and where the soldiers are going.

Mr. WADSWORTH. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from Arizona yield further to the Senator from New York?

Mr. ASHURST. Certainly.

Mr. WADSWORTH. Is the Senator at all familiar with the character of the new hospitals that have been put up at the soldiers' homes?

Mr. ASHURST. Frankly, I am not, personally.

Mr. WADSWORTH. I thought not, or the Senator would not have made that last observation.

Mr. ASHURST. I confess my inadequacies and my delinquencies. I do not dodge them. I say I am not familiar with the hospital facilities at the soldiers' homes.

Mr. WADSWORTH. Is it due to the Senator's unfamiliarity with that subject that he refers to those hospital facilities as crumbs?

Mr. ASHURST. No; not at all.

Mr. WADSWORTH. What is it due to?

Mr. ASHURST. What I meant was that the sums of money that are to be expended for the enlargement of hospitals are mere chips and whetstones; they are such small amounts.

Mr. WADSWORTH. Does the Senator know that at these homes new hospitals have been erected and hundreds of beds added, with the most modern facilities?

Mr. ASHURST. I know that; yes.

Mr. WADSWORTH. Does the Senator know that that language is to enable the work to be continued?

Mr. ASHURST. That is very true, and I am not complaining about that. I ask that it go further. I ask that not only the hospital facilities at soldiers' homes and the existing hospitals be continued, but that new hospitals be built. That is my contention, and I say the language is not eligible to do that. The present language is not eligible to create new hospitals, to build new ones, or to buy new ones.

Mr. WADSWORTH. Of course, it does not create new hospitals at Phoenix, Ariz.

Mr. ASHURST. That is just where I want them built.

Mr. WADSWORTH. So I understood.

Mr. ASHURST. And I am entirely unembarrassed in arguing for hospitals in Arizona. I am not fearful that it will be charged that I am trying to have money spent in my State. I am not a timid man. I suppose that might deter some shrinking, modest, lilylike Senator from New York, but it would not deter me. If soldiers desire to be hospitalized in Arizona or Arkansas or New York, I am ready to vote for adequate funds to hospitalize them.

My friend from New York is familiar with the Southwest. I do not need to argue to the Senator from New York this matter. He knows the Southwest. Do I need to tell him that, whether erroneously or not, the general public believes that the Southwest is a great specific for tuberculosis? We must leave it to physicians to say whether or not that is a correct impression, but the Senator knows that that is true. It would be a reflection upon the Senator's frankness for him to say that he did not know that the Southwest is generally regarded as a good place for hospitalization in cases of tuberculosis.

Mr. WADSWORTH. I have not said anything of the sort.

Mr. ASHURST. Now then, what I am seeking is this, and only this—that adequate funds shall be appropriated for the hospitalization of soldiers.

Senators, I do not know whether this appeals to you or not, but I have never been unfairly critical in a partisan way during my term of service as a Senator. I do not believe there is a Senator here who will say that I display more than necessary partisanship. Certainly I never have been offensively partisan. Many of the gentlemen who furnished me the information as to the necessity for these hospitals in Arizona are not members of my party.

I am unable to get an answer from the chairman of the committee, so I will repeat the question to him: In this bill is there any provision for the establishment of hospitals in Arizona, or any other part of the Southwest, for the hospitalization of soldiers?

Of course the Senator can talk with other Senators. He can disregard my question. I have been accustomed to practising law, where the witness was required to give attention to the question, but I can not require the consideration of questions here. Now, since I can not require his attention, I know that the courtesy of the Senator from Wyoming will cause him to answer my question. Is there any provision in this bill which will grant the authority to construct hospitals in the Southwest, and to pay for their construction, for the hospitalization of ex-soldiers?

Mr. WARREN. Mr. President, the Senator knows about the $18,600,000 appropriation that I spent a good deal of time over and held up an appropriation bill for some weeks to bring about. It has been allocated, a large portion of it, but not expended; but there is a little less than a million dollars that has not been allocated and could be spent to-morrow in Arizona, if the Senator could convince those who have the power of allocating that money that it should be put to that use; and I dare say the Senator can do that upon his representation of conditions as they are.

Mr. ASHURST. That is an honest and frank answer, and I am going to analyze it.

It is true that all of this $18,600,000 has been allocated or spent except about $700,000; and, I repeat, I do not charge that any of it has been improperly spent. The only complaint I make is that there was some delay in expending it. I believe that every dollar of it was honestly spent; but as to the $700,000 still remaining, the Secretary of the Treasury announces that there might be some defect in the plans here or there; might be some breakdown in the construction of these hospitals, and that as a matter of prudence, as a matter of wisdom and business judgment, he must keep on hand a balance to be immediately available if there should be a breakdown or a defect in construction somewhere. So, I say to my friend the Senator from Wyoming, that $700,000 balance is, for practical purposes, unavailable for the construction of new hospitals. Therefore, it requires an act of Congress; it requires a new and additional appropriation, because the Secretary of the Treasury will not use this reserve fund. His reserve is growing smaller every day. He has a large number of hospitals under construction, some 50 per cent built, some 90 per cent built, and some entirely built. You can not escape the force of his reasoning when he says:

> I must have a reasonable amount of money on hand to pay for accidents or deficiencies that may occur.

So I want to ask the Senator from Wyoming again, Is there in this bill any authority to construct additional hospitals and to pay for their construction? There is not. Now, I ask the Senator——

Mr. WARREN. The Senator has answered the question himself.

Mr. ASHURST. I wanted the Senator to say that. I wanted it to appear in the RECORD that I was not going through the idle and empty performance of urging appropriations when the Congress had already taken care of the matter.

I am not one who has talked about extravagance. Senators, I talked with a high official five days ago. He said, "In some evil day the Democrats may come into power again, 20 years from now, and you will point to our extravagances in building these hospitals." I said, "I am sorry you said that. It was cowardice of officialdom, the fear of making mistakes, that led to the fatal, tragic tumble-down in the aircraft program during the war. It was the fear of criticism that first led to the lamentable and scandalous failure in the aircraft program."

Senators, if we are to be criticized, I would prefer to be criticized for having appropriated for too many hospitals rather than for not appropriating for enough. I have here on the floor of the Senate this afternoon made serious statements, and that, if false, should brand me as a falsifier before the country and the Senate as well. I challenge contradiction of the figures I have given. I ask any committee to call any reputable man or woman in Arizona, and they will bear out what I have said. I ask and implore your honorable committee to go to Arizona, and if they do not find the situation far worse than I have made it out or tried to show it to you, I shall be very much surprised.

My distinguished friend tells me that there is in the deficiency bill no appropriation, no language, eligible to be employed to give authority to the proper officers of the Government to construct additional hospitals for tubercular soldiers. If that be true, and we are unable to put on an amendment here, then it means that several hundred ex-service men who added new luster to our stainless standards, who carried our banner through the iron storm of war, will come home and die as rats on the desert because we sat here and would not appropriate the proper funds. That is the situation into which we will be drifting. It is a position that I do not intend to occupy if I can prevent it. I have warned my brother Senators in private conversation and in public speech of this situation. Long before I made this speech I begged, implored, and besought them to correct the situation; and yet in this bill we find not a single dollar that will give the Public Health Service authorities or the Veterans' Bureau the power to build or to buy additional hospitals for tubercular soldiers.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Wyoming?

Mr. ASHURST. Certainly.

Mr. WARREN. I do not wish to interfere if the Senator has not completed his remarks, but some of his remarks I think upon reconsideration he will find are rather extravagant.

If I understood the Senator aright—and I am sure I did—he stated that there were at various places hospitals for tubercular patients that were open and containing many empty beds. He stated that there were drifting into Phoenix, Ariz., soldiers who wished to be admitted to the hospitals there without having applied to the Public Health Service or otherwise, and whose applications had not been properly passed on. Suppose all of our soldiers should insist that they should go to some one hospital.

Would the Senator undertake overnight, as you might say—for it takes time to draw plans and build big hospitals—without anything back of it, without any statement from the departments wanting it, withtout any statement from the regular service that has the matter in hand, say that we must appropriate to build a new building, costing some millions of dollars, in Arizona for Arizona's benefit because there may be soldiers that prefer that location to some other place?

Mr. ASHURST. The Senator has asked me a fair question. He is a good business man. I can not answer it all at once. The Senator has asked me two or three different questions.

First, you are not building the hospital for Arizona's benefit. I do not want to hear that any more. It is the soldiers from Massachusetts, it is the soldiers from New York, and from Illinois and Ohio for whose benefit hospitals would be built. It is not for the benefit of Arizona's soldiers alone, but it is for the benefit of those boys who in other climates have heard of the healing air of the Southwest and have gone there, not by the scores, Senators, but by the hundreds. Now, the Senator says if 1,500 soldiers should go to Phoenix or Tucson or some other town in the Southwest, or some place in New Mexico or southern California, would I build a hospital upon what you might say was their whim?

Senators, that is a question for us to consider. Sick soldiers believe they will recover their health there, and think when you send them to other places you have murdered them. Shall you, in your humanitarian impulses, listen to them or shall you compel them to go elsewhere to what they believe is death?

Mr. WARREN. If the Senator were the chairman of an appropriation committee would he say, if he were asked the question, that regardless of all the hospitals we have, regardless of all the money we are expending, regardless of all the care that has been taken, we must be guided entirely by the say-so of certain soldiers who want to go to a certain point, rather than to take the advice of those who have the matter regularly in charge and the advice of all the noted surgeons and medical men, who are working for the best interests of their patients?

Mr. ASHURST. Whose life are you trying to save?

Mr. WARREN. I am trying to save the Senator's, but I fear——

Mr. ASHURST. Oh, no; you are trying to save the soldier's life. That is what you are trying to save. I hope no Senator will say we are trying to save dollars. We drafted these boys and sent them against flame and shell. Meanwhile we screened from the public the amount of billions the profiteers made. We published to the world the list of the boys that escaped the draft; then we refused to publish to the world the list of the millionaires' dollars that escaped the draft. If a considerable number of soldiers desired a hospital, and that expression was firm and clear, and was reinforced by the judgment of all the people that a certain place would have them, I would vote for the appropriation as chairman of the committee, and I would bring in the bill and I would say to the opposition: "I defy you to criticize so meritorious a bill."

What we need now is a little courage; it will not take much, just about as much courage as it takes to get up and take a bath in the morning when the bugle sounds; that is about all, just a little willingness to share criticism, if it comes, and you will thus save the lives of many bright-eyed boys from Wyoming, from Massachusetts, from New York, and from other States who have come into Arizona, our governor says, by the hundreds. They come on every train. They are afflicted with tuberculosis, and they come there to be cured. They are afflicted with neuropsychiatry at times, which is a disease that causes restlessness. Do you wonder these boys wandered from place to place looking for a cure? Did you ever go into a hospital where there were gassed soldiers? If so, you never will wish to go again; you will recall them gasping for breath, you will realize that segments of the lungs are burned and torn away, and in their pitiful and horrible struggles to get pure air into the remaining portion of the lung they will limn before you a picture from which you would be glad to escape.

So I want it understood that in this bill there is no money appropriated to enable the Public Health Service or the Veterans' Bureau to create new hospitals. I want to pin somebody down, somewhere, sometime. You can play ping-pong in the parlors of the dilettante, and you can play ping-pong in politics, but you are not going to play ping-pong with the wounded soldier. It would not have been polite for me to have spoken as I did to the Senator from Utah [Mr. KING], and I apologize to him now for the rather unnecessary remark I made to him. I am no more of a friend to the soldier than anybody else is.

I have laid before you a state of facts that ought to cause you to pause, and ought to cause you to investigate further, and to say to your special committee, "Call the witness, and see whether the Senator from Arizona has correctly stated the facts," for I have challenged anyone to deny what I have said here.

Call the witnesses. Call the governor; call the judges; call the members of the legislature; and call the members of the chambers of commerce; call Director Forbes; call Maj. Louis T. Grant, Mr. Milliken; call the editor of the Daily Gazette; call the editor of the Arizona Republican, and they will tell you that men are walking around on the desert and on the streets, objects of charity, appealing to people for hospitalization, and are being told, "Oh, go to Walla Walla. Oh, go to New York. Go to Oshkosh. They have a hospital for you up in Chicago, with many beds and few patients there. Go where the beds are." But the soldier shares the view which so many share, to wit, that he must have a good climate to arrest the progress of his disease.

I do not want to delay the consideration of this bill, but I ask the Senator from Wyoming to permit me to have a vote on my amendment, which is to strike from the bill the $1,000,000 to erect monumental buildings in Rio de Janeiro, and to use that sum for the hospitalization of soldiers, where the Director of the Veterans' Bureau sees fit. Will the Senator let me have a vote on that?

Mr. WARREN. What is the Senator's request?

Mr. ASHURST. Will the Senator permit me to have a vote on my amendment, which proposes to strike from the bill the provision for $1,000,000 for the erection of monumental buildings in Rio de Janeiro, and use that sum for the hospitalization of gassed and tubercular soldiers?

Mr. WARREN. Mr. President, we have a unanimous-consent agreement to go on with the bill and finish the Senate committee amendments, and I will then consider with the Senator any amendment he may have to offer. I do not suppose the Senator cares whether he knocks out the Brazil matter or whether he does not; but he wants $1,000,000, as I understand it, for an Arizona hospital.

Mr. ASHURST. I will not say for an Arizona hospital. The Senator should not say that.

Mr. WARREN. A hospital, then, at that point.

Mr. ASHURST. No, Mr. President. Will not the Senator put it this way, in the language of the amendment, that the $1,000,000 shall be spent by the Director of the War Risk Insurance Bureau for hospitalization of soldiers wherever he sees fit?

Mr. WARREN. As the Senator had it, the amendment is legislation, and a point of order would lie against it. If he simply wishes to get an appropriation of $1,000,000 for some hospital at some point, I could, of course, consistently allow that to go to a vote, although it could be ruled out on a point of order.

Mr. ASHURST. Then, I will offer the amendment——

Mr. WARREN. No; not now. Let me insist that when we have a Senate unanimous-consent agreement, we fulfill that agreement, and go on with the bill. Then, when we have finished with the committee amendments, we can take up these other amendments.

Mr. WADSWORTH. Mr. President, I think we ought to proceed with this bill in an orderly manner. We have now been here an hour and a half, and heard three speeches on the same topic by the same person.

Mr. ASHURST. You have heard three speeches on the same topic from the same person, and you will hear very many more speeches on the same topic from the same person, and it may be ultimately that that person will drive an idea into the head of the Senator from New York on that subject.

The PRESIDING OFFICER. The Secretary will state the next amendment.

The READING CLERK. The next amendment of the committee is, on page 3, line 25, in the item for expenses in connection with closing up the business of the United States Board of Mediation and Conciliation, to strike out "$6,650" and insert in lieu thereof "$8,000."

The amendment was agreed to.

The READING CLERK. The next amendment is, on page 4, after line 16, to insert:

Employees' compensation fund: For carrying out the provisions of section 11 of the District of Columbia appropriation act approved July 11, 1919, extending to the employees of the government of the District of Columbia the provisions of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, $4,000.

Mr. KING. May I inquire whether the appropriation made for the fiscal year on this particular subject has been exhausted already?

Mr. WARREN. Yes; that is the state of affairs.

Mr. KING. I can not understand how the officials of the Government, having a year before them, should exhaust within a very few months the entire appropriation.

Mr. WARREN. That is one of the class I tried to set before the Senate in the proper light. There are certain things it is impossible to calculate and appropriate for beforehand. The size of that compensation fund just depends on how many may be injured. In six months 5 men may have been injured and at another period in three months 25 were injured. We have to provide money for whatever that commission may certify is due to these injured Government employees.

Mr. KING. I have not read the testimony which is the basis of this item, but I have read considerable testimony in the past, and that tended to show a substantial uniformity. Of course, with the increase in the number of employees who would be entitled to compensation, manifestly the amount from year to year would necessarily have to be augmented; but with a substantial uniformity in these appropriations I can not understand how the appropriation would be exhausted in so short a time. However, I suppose the Senator has the evidence tending to show that it has been exhausted.

Mr. WARREN. At the time the estimate was made it was a balance of only nine hundred dollars and something, but that was some time ago.

Mr. KING. I make no objection to the amendment.

The amendment was agreed to.

The READING CLERK. The next amendment of the committee is, at the top of page 5, in the items for the District of Columbia, to insert:

Public schools: For furniture and equipment, including clocks and window shades, for the four-room addition to the Henry D. Cook School, $2,893.75.

The amendment was agreed to.

The reading of the bill was continued to line 19 on page 6.

Mr. WARREN. I offer a committee amendment relating to the Interstate Commerce Commission, which has been estimated for and comes in proper form but was not included in the bill as reported.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 6, after line 19, insert the following:

Bureau of Safety: To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with the acts to promote the safety of employees and travelers upon railroads; the act requiring common carriers to make reports of accidents and authorizing investigations thereof; and to enable the Interstate Commerce Commission to investigate and test block-signal systems and appliances intended to promote the safety of railway operation, as authorized by the joint resolution approved June 30, 1906, and the appropriation of the sundry civil act approved May 27, 1908, including the same objects specified in the sundry civil appropriation act for the fiscal year 1922, and to take care of additional duties placed upon the commission by the transportation act, 1920, $36,400.

Mr. KING. Mr. President, I have no objection to that appropriation; indeed, with the information which I have I am in-

clined to think it is proper. But this is what I want to ask the Senator. Perhaps it is in violation of our unanimous-consent rule, but it will save recurring to the matter again. I direct attention to the item ending on line 10, page 6, for $300,000, appropriated to the Interstate Commerce Commission for expenditures necessary in execution of laws to regulate commerce, to take care of additional duties, and so on. That is a deficit. Half the year has not expired, and I ask the Senator if the large sum which was appropriated in the general appropriation bill has been exhausted and we are compelled at this early date to make this additional appropriation.

Mr. WARREN. The Senator will notice that this is for 1920 and relates to one of the lump-sum appropriations. We appropriate millions of dollars for certain purposes. Attorneys and others go here, there, and other places, and the vouchers of their expenses are not received until after the end of the year, after the money balance has gone back to the Treasury. Then we have to appropriate the next year for things of that kind.

Mr. KING. I did not notice that this was for 1920.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the committee was, on page 7, beginning in line 22, to strike out the following additional proviso:

Provided further, That no part of the foregoing appropriation shall be expended for construction work (except necessary minor repairs) at any Army camp acquired by the United States Veterans' Bureau for use as a training center.

The amendment was agreed to.

The READING CLERK. The next amendment of the committee is, on page 9, after line 14, to insert the following:

BUREAU OF ANIMAL INDUSTRY.

General expenses: To enable the Bureau of Animal Industry, Department of Agriculture, to perform the duties imposed upon it by the Agricultural appropriation act approved March 3, 1921, for the payment of indemnities on account of cattle slaughtered in connection with the eradication of tuberculosis from animals, $400,000.

Mr. WARREN. I offer a committee amendment to enlarge the appropriation and the total.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The READING CLERK. On page 9, line 21, strike out "$400,000" and insert in lieu thereof "$600,000."

Mr. KING. I would like to have some explanation of that item. The Agricultural Department a few years ago was receiving four or five or six million dollars a year. The appropriation is now between thirty and forty million dollars per annum. The year has not expired, just a few months of the year have passed, and we are asked now for an additional appropriation, a deficit, of $400,000, which has been raised by the amendment which has been tendered to $600,000. I ask the Senator what reason there is for this appropriation?

Mr. WARREN. I think the Senator understands that the law provides that the Secretary of Agriculture may take steps looking to the prevention of that disease and its cure, in connection with the States, and the way most of the States arrange is that an animal found affected with tuberculosis is appraised, the owner stands one-third; the State, under this appropriation, pays one-third and the Government pays one-third. Tuberculosis is confined now to a few States, but is very prevalent in some. They are now at a point where unless we appropriate we will be in the position of entering a man's barnyard and condemning and killing his cow without having the wherewith to pay for it.

In looking the matter over and getting the best information we can from the States, we believe the amount is necessary. That is one of the amounts, like the other, which depends upon the situation from time to time. It can not be calculated a year or two ahead.

Mr. KING. I would like to ask the Senator whether the $600,000 is to be used entirely for the object just indicated by him? My understanding is that a considerable portion of it is for other purposes, to pay compensation.

Mr. WADSWORTH. It is all indemnities.

Mr. KING. I mean compensation of employees.

Mr. WARREN. There might be the compensation of the inspectors on the ground, but they are taken care of otherwise. This is all for indemnities.

Mr. KENYON. The Secretary of Agriculture estimated $900,000 for indemnities. The budget commission cut it to $600,000. So this is the amount estimated for in the budget, and it is a very necessary appropriation.

Mr. KING. As the Senator knows, the appropriation bill for the fiscal year 1922 carried more than $36,000,000, and there was a very large sum in that bill for this very purpose, as I recall.

Mr. KENYON. Yes; a considerable sum.

Mr. KING. Has that all been exhausted?

Mr. KENYON. Oh, yes; it is exhausted. This matter has gotten down to some four or five States, where it is very bad indeed, and the system of apportionment is such that those States are absolutely with nothing. The Senator can see the injustice of the whole proposition of killing the cattle and the owners getting no indemnity.

Mr. KING. I could not conceive of appropriations for this year having been exhausted from the 1st of July to the present time.

Mr. KENYON. The State contributes, as the Senator knows, in these cases.

Mr. KING. Yes; I know, and I would not have been surprised if a deficiency appropriation had been brought in along in March or April or May, but to bring in one now, when just a few months of the fiscal year 1922 has elapsed, is rather surprising to me.

Mr. WADSWORTH. One explanation is this, if the Senator will allow me. As the Senator from Wyoming said, it is almost impossible to anticipate exactly how much money is to be expended under an appropriation of this kind from month to month, and it is almost impossible to draw a dividing line between fiscal years with such accuracy and assurance that not a dollar appropriated for the fiscal year 1921 shall be expended in the fiscal year 1922, and not a dollar appropriated for the fiscal year 1922 shall be expended in the fiscal year 1923.

Under this system the dairy herds are given two tests, as I understand it. If the second test shows an absence of bovine tuberculosis, the herd is passed clear and credited as a clean herd. A large number of herds are in process of being passed on between the first and second tests. About 10,000 herds have been cleaned up and certified as clean. There are something like 72,000 herds, as I recall, still to be passed on finally. If this appropriation is not made, all the work stops in the six or seven States where the greater number of herds are concentrated and the money that has already been spent in the first test will have been wasted and no good will have been accomplished. As a matter of fact, this is one of the most useful activities the Government has embarked upon. I know that the State of New York has spent years at this work. The work was inaugurated when I was a member of the State legislature. The State reimburses the farmer according to certain schedules of payment, reimbursing him in part for the animals that are killed. The Federal Government has stepped in in recent years to assist the State in the matter. The States put up three times as much as the Federal Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 12, beginning in line 14, to strike out the proviso in the following words:

Provided, That no person shall be employed hereunder at a rate of compensation exceeding $4,500 per annum and only one person may be employed at the rate of $4,500 per annum.

The amendment was agreed to.

The next amendment was, under the heading "Department of the Interior," on page 13, after line 6, to insert:

PATENT OFFICE.

Salaries: For additional employees from January 1 to June 30, 1922, both dates inclusive, as follows: Law examiner, $2,750; examiners of trade-marks and designs—3 first assistants, at $2,400 each; 6 second assistants, at $2,100 each; 4 third assistants, at $1,800 each; examiners—2 principals, at $2,700 each; 6 first assistants, at $2,400 each; 6 second assistants, at $2,100 each; 6 third assistants, at $1,800 each; 6 fourth assistants, at $1,500 each; clerks—4 of class 4, 4 of class 3, 4 of class 2, 4 of class 1; in all, $52,975.

The amendment was agreed to.

The next amendment was, on page 13, after line 17, to insert:

Printing and binding: For binding German and other foreign patents and periodicals for Scientific Library, $30,000.

Mr. KING. Mr. President, may I inquire of the Senator from Wyoming whether there is any law authorizing these additional employees, or is this new legislation?

Mr. WARREN. There is merely the general law which provides for sufficient employees along this line, and this is to conform to the requirements. Of course, in the Patent Office they are away behind in their work and have to have help. Meantime the so-called Patent Office bill which proposes to increase amounts and raise all these salaries is lodged in the brush on the wayside somewhere, but the work is accumulating down there to such an extent that they should have this help. They have been cut down heretofore.

Mr. KING. May I inquire whether the employees named herein are already in the service of the Government?

Mr. WARREN. No; they are not.

Mr. KING. This means taking on a large number of additional employees?

Mr. WARREN. That is my understanding of it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, under the subhead "Employment service," on page 19, after line 20, to insert:

To enable the Secretary of Labor, during the present unemployment emergency, to augment the existing facilities of the United States Employment Service in facilitating the transportation of labor from one State to another, inform States in which there is scarcity of labor of the situation in States where there is surplus of labor of the kind desired, and securing, compiling, and publishing information on unemployment throughout the country, including personal services in the District of Columbia and elsewhere, and for their actual necessary traveling expenses while absent from their official station, together with their per diem in lieu of subsistence, allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; rent of quarters outside of the District of Columbia; supplies and equipment, telegraph and telephone service, and printing and binding, $100,000.

The amendment was agreed to.

The next amendment was, under the heading "Postal Service," on page 21, after line 10, to insert:

For miscellaneous items necessary and incidental to post offices of the first and second classes, $50,000.

The amendment was agreed to.

Mr. KING. Mr. President, I see a large number of items aggregating nearly $7,000,000 for the Post Office Department. As I have stated repeatedly, we have but recently entered upon the fiscal year 1922, and yet we are confronted with a deficit of nearly $7,000,000 in the Post Office Department. There has been a great deal of talk about economies that the Postmaster General was effectuating in improved service, but notwithstanding the enormous appropriation which was made of hundreds of millions of dollars we are asked now to appropriate nearly $7,000,000 to meet a deficiency. I should like to know how it is possible that the enormous appropriations made for that department could have been expended and we should have deficits so soon. At this rate we shall have a deficit two or three or four times that amount before the expiration of the fiscal year.

Mr. WARREN. I will not say that I regret to see, because I ought not to regret it, but I expect to see these post-office matters come in this way for all time as long as history records its annals, because of the situation existing. In the first place, the Senator will observe that part of this is for past years.

There are certain expenditures which have been made and certain obligations that have to be met. Before all the accounts can get here and be audited, the end of the fiscal year comes and another year begins, and the money goes back into the Treasury, and we have to reappropriate to meet those items. Those items in a sense do not mean that we are spending any additional money beyond the appropriations originally made.

That is one side of the question. On the other side of it we go on from time to time with legislation providing that the Post Office Department shall carry on additional activities, like the parcel post, the postal routes, and the postal banks, and the carriage through post-office transportation of almost everything except babies, although they do send live animals. No matter what we appropriate, the increased business during the year, to the extent we have had it in the past, always requires helping out in this way. For instance, with reference to the parcel post, we raised the limit of weight that might be admitted within certain zones, and, of course, we increased the amount of merchandise carried in that way, and that requires extra supervision, and so forth.

Then comes the matter of settling for damages and shortages. It is difficult to tell, on the other hand, what those will amount to. I am speaking generally now, without reference to the particular items. This is one of the departments where the money comes back, where we are supposed to get about as much back as we pay out, and when they say to us that it requires very large appropriations, they appear very large, as the Senator has said, but they are extremely necessary.

Mr. KING. Are any steps being taken by the Committee on Post Offices and Post Roads for the purpose of increasing the revenue derived from the operation of the Post Office Department? I ask because these deficits seem to be continuing. We have been told repeatedly that the deficits amount to $70,000,000 for postage alone. These additional amounts for losses by reason of carrying parcel post, and so forth, will make the deficit in the Post Office Department perhaps $100,000,000.

May I ask the Senator from Colorado [Mr. PHIPPS], who is also a member of the Committee on Appropriations and a member of the Committee on Post Offices and Post Roads, what steps are being taken to recoup some of the losses resulting from the operation of the Post Office Department?

Mr. PHIPPS. Mr. President, I do not know of any definite program that is being considered except that a study is being made to ascertain the cost of handling parcel post as compared to second-class and third-class mail matter; also in connection with first class, where we know that a greater margin of profit, if there is any, exists.

Referring to these deficits, I wish to call the Senator's attention to the fact that under this deficiency bill $4,160,000, in round figures, relates to the year 1921 and not to the current fiscal year.

In reference to deficiencies, officials of the Post Office Department and of other departments endeavor to estimate in advance the amounts which will be required to carry on their activities, but the business of the departments is growing all the time, and it is practically a physical impossibility for any body of men to figure on the 1st of September of this year, for instance, what is going to be required for expenditure from the 1st of July, 1922, until the 1st of July, 1923. It is possible only to make an approximate estimate of the amount which will be needed. Departmental officers are required under the law to avoid deficiencies. When they discover at about this time of the year that their business has grown and that the estimate submitted for the year 1922 was insufficient, it is quite proper for them to report what additional amounts will be required in order to avoid a deficiency. Such items are supplemental estimates, properly speaking; they are not true deficiencies. Under our understanding in the Committee on Appropriations, a deficiency is an expenditure created over and above the amount authorized. The department in this instance is attempting to show to Congress that the amounts already authorized are inadequate and insufficient. Therefore they are submitting these supplemental estimates.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 22, after line 3, to insert:

For the operation and maintenance of the airplane mail service between New York, N. Y., and San Francisco, Calif., via Chicago, Ill., and Omaha, Nebr., including necessary incidental expenses and employment of necessary personnel, $250,000.

The amendment was agreed to.

The next amendment was, on page 22, line 26, to change the total appropriation for the Office of Second Assistant Postmaster General from $3,599,482.66 to $3,849,482.66.

Mr. WARREN. I ask that the Secretary be authorized to make any corrections of totals in the bill which may be necessary by reason of the adoption of amendments.

The PRESIDING OFFICER. Without objection, that order will be made.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 23, line 5, to change the total appropriation for the Postal Service from $6,525,934.08 to $6,825,934.08.

The amendment was agreed to.

The next amendment was, under the heading "Treasury Department," on page 26, after line 17, to insert:

Division of Customs: For salaries and expenses of Dye and Chemical Section from November 27, 1921, to June 30, 1922, $17,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 19, to insert:

COAST GUARD.

For payment of damages caused by collision of Coast Guard cutter *Manning* with the schooner *Alice May Davenport*, belonging to Acostia & Cia, $110.

Mr. WARREN. On page 30 I desire to propose an amendment, which I send to the desk, being merely a transposition of language in the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. On page 30 it is proposed to transpose the amendment just agreed to, being the clause from line 20 to line 23, inclusive, to follow line 19.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "War Department," on page 31, after line 6, to insert:

OFFICE OF CHIEF SIGNAL OFFICER.

For replacing the worn-out portions of the Washington-Alaska military cable and telegraph system, $1,500,000, to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 31, after line 10, to insert:

Inland and port storage and shipping facilities: For completing the acquisition of certain land near Fairmont, W. Va., from John F. Phillips, and expenses incident thereto, the Secretary of War is authorized to

expend $29,750 from the sum of $7,000,000 pertaining to the appropriation "Inland and port storage and shipping facilities," the expenditure of which after June 30, 1921, was authorized by the Army appropriation act approved June 30, 1921, and reappropriated.

Mr. WARREN. There is another transposition which I desire to suggest, on page 31, occasioned by a slight mistake which was made in the printing of the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wyoming will be stated.

The READING CLERK. On page 31 it is proposed to transpose the amendment just stated, embraced in lines 11 to line 19, inclusive, so as to follow line 6.

The PRESIDING OFFICER. Without objection, the transposition will be made, and, without objection, the amendment of the committee is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 32, after line 7, to insert:

UNEXPENDED BALANCES.

The unexpended balances of the appropriations chargeable with the settlement of claims resulting from the suspension or termination of contracts or other procurement obligations of the War Department consequent upon the suspension of hostilities and with the adjustment of claims under the act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as provided in the second deficiency act, fiscal year 1921, are hereby made available until June 30, 1922, for the payment of any award made by the Secretary of War under the act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, without reference to the purpose of the original appropriations from which the said unexpended balances are taken.

Mr. WARREN. The committee have an amendment to offer in place of the entire amendment running from line 8 to line 24, inclusive, on page 32. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wyoming to the amendment reported by the committee will be stated.

The READING CLERK. On page 32 it is proposed to amend the committee amendment by striking out lines 8 to 24, inclusive, and inserting:

PAYMENT OF AWARD.

The unexpended balances of appropriations made available by the second deficiency act, fiscal year 1921, approved June 16, 1921, for the settlement of claims resulting from the suspension or termination of contracts or other procurement obligations of the War Department consequent upon the suspension of hostilities and with the adjustment of claims under the act approved March 2, 1919, shall be available for the payment of an award made by the Secretary of War in the sum of $550,000 in favor of George A. Carden and Anderson T. Herd, being the only existing unsatisfied award made under said act.

Mr. POINDEXTER. Mr. President, this amendment has a bearing upon the appropriations which were made available by the act referred to in the amendment, the second deficiency act for the fiscal year 1921, approved June 16, 1921, for the relief of the so-called war-mineral claimants, on account of claims which grew out of the production, at the request of the Government, of chrome, manganese, and other so-called war metals. By the act of March 2, 1919, $8,500,000 were made available out of the appropriation of the act of the previous year for the payment of those claims. That appropriation was continued in effect by the act of June 16, 1921, which I have just mentioned.

A number of awards have been made to these so-called war-mineral claimants which have not been settled because of the fact that the claimants were not satisfied with the amount that was awarded them. There has been passed an act of Congress, which was approved November 23, 1921, only a few days ago, providing for a rehearing and resubmission of these awards to the Secretary of the Interior through a commission provided by law for a determination of the amount that may be due them under the interpretation given to the previous act by Congress in its recent act of November 23, 1921. I say that this amendment has a bearing upon that situation in this respect: It proposes to take money out of the fund that was made available for the payment of the awards which I have described to the extent of $550,000 to pay the claim cited in the amendment of George A. Carden and Anderson T. Herd, and it contains the assertion—a very curious thing to put in legislation, and, I think, entirely inappropriate, being a mere recital—"being the only existing unsatisfied award made under said act."

It is not "the only existing unsatisfied award made under said act," because, as I have just stated, there are a number of awards which have been made and are pending under that act on account of the so-called war-mineral claims. I ask the Senator from Wyoming to agree to eliminate from his amendment the concluding words, "being the only existing unsatisfied award made under said act." I reserve the right to make the point of order against it.

Mr. WARREN. Mr. President, so far as I am concerned, I am willing to accept the suggestion of the Senator from Washington and eliminate the language of which he speaks.

Mr. POINDEXTER. Except as to those words, I have no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Without objection, the amendment as amended is agreed to.

Mr. WARREN. Mr. President, I offer an amendment to come in on page 34.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 34, in lines 15 and 16, it is proposed to strike out the words "present session" and insert in lieu thereof "first session of the Sixty-seventh Congress."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the heading "judgments, United States courts," on page 34, after line 18, to insert:

For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress during the present session by the Attorney General in Senate Document No. 81, and which have not been appealed, namely:

Under the War Department, $4,371.80, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made.

Mr. WARREN. I offer an amendment to the amendment. The amendment is made necessary by reason of the fact that the bill was considered and acted upon by the House of Representatives in the first session of the Sixty-seventh Congress, but now we are in the second session of that Congress.

The PRESIDING OFFICER. The amendment submitted by the Senator from Wyoming to the amendment reported by the committee will be stated.

The READING CLERK. On page 34, in lines 23 and 24, it is proposed to amend the committee amendment by striking out the words "present session" and inserting in lieu thereof the words "first session of the Sixty-seventh Congress."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Judgments, Court of Claims," on page 35, line 13, after the numerals "119," to insert "and Senate Document No. 82," so as to make the paragraph read:

For payment of the judgments rendered by the Court of Claims and reported to Congress during the present session in House Document No. 119 and Senate Document No. 82, namely:

The amendment was agreed to.

Mr. WARREN. I offer another amendment, to come in on page 35.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 35, in line 10, it is proposed to strike out the words "present session" and insert in lieu thereof the words "first session of the Sixty-seventh Congress."

The amendment was agreed to.

Mr. WARREN. I offer another amendment of the same character.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 35, line 12, after the word "the," it is proposed to strike out "present session" and insert in lieu thereof "first session of the Sixty-seventh Congress."

The amendment was agreed to.

Mr. WARREN. I offer another amendment of the same tenor.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 36, line 6, after the word "at," it is proposed to strike out "its present session" and insert in lieu thereof "the first session of the Sixty-seventh Congress."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was under the heading "Judgments, Court of Claims," on page 35, line 15, to strike out "$85,393.93" and to insert "$103,264.44," so as to read, "Under the War Department, $103,264.44."

The amendment was agreed to

The next amendment was, on page 35, after line 15, to insert: "Under Navy Department, $275,237.40."

The amendment was agreed to.

The next amendment was, on page 35, line 18, after the words "In all," to strike out "$97,268.93," and to insert "$390,376.84," so as to read: "In all, $390,376.84."

The amendment was agreed to.

The next amendment was, at the top of page 47, to insert a new section, as follows:

AUDITED CLAIMS.

SEC. 3. That the payment of the following claims, certified to be due by the General Accounting Office, under appropriations the balances of which have been exhausted or carried to the surplus fund under the

provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1919 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 80, reported to Congress at its present session, there is appropriated as follows:

For suppressing counterfeiting and other crimes, $2.50.
For freight, transportation, etc., Public Health Service, $28.73.
For maintenance, marine hospitals, Public Health Service, $70.36.
For care of seamen, etc., Public Health Service, $10.
For pay of personnel and maintenance of hospitals, Public Health Service, $164.56.
For field investigations of public health, $1.64.
For expenses, Division of Venereal Diseases, Public Health Service, $1.
For collecting the war revenue, $25.87.
For restricting the sale of opium, etc., $2.50.
For refunding taxes illegally collected, $34.99.
For Coast Guard, $1,625.77.
For operating supplies for public buildings, $71.87.
For furniture and repairs of same for public buildings, $19.53.
For increase of compensation, Military Establishment, $5,128.81.
For registration and selection for military service, $589.90.
For contingencies, Military Information Section, General Staff, $18.29.
For Signal Service of the Army, $1,528.12.
For increase for aviation, Signal Corps, $684.47.
For Air Service, military, $181.13.
For Air Service production, $5,636.57.
For national security and defense, War Department, $29.13.
For general appropriations, Quartermaster Corps, $83,276.67.
For subsistence of the Army, $2.75.
For supplies, services, and transportation, Quartermaster Corps, $101,596.63.
For transportation of the Army and its supplies, $54.30.
For barracks and quarters, $2,377.15.
For roads, walks, wharves, and drainage, $69.69.
For inland and port storage and shipping facilities, $10,933.14.
For medical and hospital department, $3,000.45.
For engineer operations in the field, $218.07.
For ordnance service, $344.44.
For ordnance stores and supplies, $2.25.
For support of dependent families of enlisted men, $2.50.
For arming, equipping, and training the National Guard, $446.33.
For repairs of arsenals, $17.06.
For fire control at fortifications, $10,227.
For contingent expenses, seacoast fortifications, $12,470.40.
For armament of fortifications, $14,180.41.
For proving-ground facilities, $43.61.
For proving grounds, Army, $1,087.
For submarine mines, $3,636.
For armament of fortifications, Panama Canal, $320.58.
For ordnance depot, Panama Canal, $158.76.
For pay, etc., of the Army, $2,362.11.
For increase of compensation, rivers and harbors, $20.
For headstones for graves of soldiers, $4.61.
For national cemeteries, 58 cents.
For disposition of remains of officers, soldiers, and civil employees, $152.93.
For National Home for Disabled Volunteer Soldiers, Central Branch, $146.90.
For increase of compensation, Naval Establishment, $59.56.
For pay, miscellaneous, $1,900.94.
For aviation, Navy, $608.60.
For pay, Marine Corps, $2,130.86.
For maintenance, Quartermaster's Department, Marine Corps, $699.44.
For contingent, Marine Corps, $348.25.
For transportation, Bureau of Navigation, $7,132.84.
For outfits on first enlistment, Bureau of Navigation, $579.93.
For instruments and supplies, Bureau of Navigation, $132.49.
For Naval War College, Bureau of Navigation, $1.65.
For ordnance and ordnance stores, Bureau of Ordnance, $586.30.
For naval gun factory, Washington, D. C., $1,650.
For reserve ordnance supplies, Bureau of Ordnance, $40,288.33.
For maintenance, Bureau of Yards and Docks, $491.96.
For Medical Department, Bureau of Medicine and Surgery, $7,814.68.
For bringing home remains of officers, etc., Navy Department, $32.84.
For pay of the Navy, $16,042.47.
For provisions, Navy, Bureau of Supplies and Accounts, $1,293.91.
For maintenance, Bureau of Supplies and Accounts, $122.83.
For freight, Bureau of Supplies and Accounts, $26,945.56.
For fuel and transportation, Bureau of Supplies and Accounts, $2,331.15.
For construction and repair, Bureau of Construction and Repair, $977.60.
For engineering, Bureau of Steam Engineering, $987.17.
For scientific library, Patent Office, $66.65.
For classification of lands involved in Oregon and California railroad forfeiture suit, $6.28.
For Geological Survey, $13.74.
For operating mine rescue cars, Bureau of Mines, $1.95.
For testing fuel, Bureau of Mines, 53 cents.
For increase of compensation, Indian Service, $10.
For relieving distress and prevention, etc., of diseases among Indians, $7.99.
For Indian school and agency buildings, $7.10.
For industrial work and care of timber, $28.15.
For purchase and transportation of Indian supplies, $581.65.
For telegraphing and telephoning, Indian Service, $1.52.
For drainage assessments, Omaha and Winnebago allotments, Nebraska (reimbursable), $2,126.95.
For Indian school, Carson City, Nev., irrigation, $7.60.
For support of Sioux of different tribes, subsistence and civilization, South Dakota, $1,301.25.
For salaries and expenses, committee on public information, $1.71.
For transportation of diplomatic and consular officers, $48.09.
For salaries of secretaries, Diplomatic Service, $100.
For post allowances to diplomatic and consular officers, $166.67.
For contingent expenses, foreign missions, $474.70.
For salaries, Consular Service, $1,287.17.
For allowance for clerks at consulates, $2,075.93.
For contingent expenses, United States consulates, $3,187.
For relief and protection of American seamen, $11,487.54.
For national security and defense, Department of State, $90.
For representation of interests of foreign Governments growing out of hostilities in Europe, etc., $1,683.42.
For salaries and expenses, United States Food Administration, $30.17.
For national security and defense, United States Fuel Administration, 22 cents.
For library, Department of Agriculture, $26.50.
For general expenses, Weather Bureau, $16.36.
For general expenses, Bureau of Animal Industry, $3.54.
For purchase and distribution of valuable seeds, $22.44.
For stimulating agriculture and facilitating distribution of products, $166.97.
For national security and defense, Department of Agriculture, $1.53.
For general expenses, Forest Service, $13.17.
For general expenses, Bureau of Chemistry, $1.44.
For general expenses, Division of Publications, $4.20.
For general expenses, States Relations Service, $177.06.
For enforcement of the United States cotton-futures act, $2.76.
For enforcement of the United States grain standards act, 25 cents.
For commercial attachés, Department of Commerce, $14.27.
For promoting commerce, Department of Commerce, 40 cents.
For military research, Bureau of Standards, $2.16.
For general expenses, Lighthouse Service, $4.769.
For contingent expenses, Departent of Labor, $2.21.
For salaries and expenses, Commissioners of Conciliation, $4.89.
For war labor administration, $57.34.
For national security and defense, Department of Labor, $46.07.
For expenses of regulating immigration, $7.57.
For miscellaneous expenses, Bureau of Naturalization, $90.76.
For investigation of child welfare, Children's Bureau, $4.09.
For fees of commissioners, United States courts, $82.75.
For fees of jurors, United States courts, $11.40.
Total audited claims, section 3, $406,490.53.

Mr. WARREN. I offer an amendment to the amendment to come in on page 47.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. In the committee amendment on page 47, line 11, after the word "Congress," it is proposed to strike out the words "at its present session," and to insert "during the first session of the Sixty-seventh Congress."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 54, line 21, to change the number of the section from "3" to "4."

The amendment was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. FRANCE. Mr. President, in behalf of my colleague, the junior Senator from Maryland [Mr. WELLER], who is necessarily absent, I offer a meritorious amendment authorizing the Secretary of the Treasury to pay to the city of Baltimore, Md., $202,022.99, in settlement of a claim growing out of moneys paid by the city of Baltimore during the Civil War in the construction of works of defense in and around that city. I ask that the amendment be stated.

The PRESIDING OFFICER. The Senator from Maryland offers an amendment, which the Secretary will state.

The READING CLERK. At the proper place in the bill it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the city of Baltimore, State of Maryland, out of any money in the Treasury not otherwise appropriated, the sum of $202,022.99, being the balance due said city for amounts advanced and expenses incurred and paid, arising out of the request of Maj. Gen. R. C. Schenck, United States Army, dated June 20, 1863, to aid the United States in the construction of works of defense in and around the city of Baltimore during the Civil War.

Mr. WARREN. Mr. President, I shall have to make a point of order against the amendment. In the first place, in the form of a bill it is now pending before the Committee on Claims, but has not been reported by that committee. Furthermore, the rules of the Senate provide that claims shall not be permitted on appropriation bills. The amendment presented by the Senator from Maryland relates to a claim of the old times, growing out of the Civil War, which has been before the Committee on Claims for a number of years, but which has not reached a point where it can be recognized as in order on an appropriation bill. I therefore make the point of order.

The PRESIDING OFFICER. The point of order is sustained.

Mr. ASHURST. Mr. President, if this is the appropriate time I offer an amendment, and I am going to be very brief with respect to it, because I have already trespassed, perhaps, too long on the time of the Senate. My amendment simply proposes to appropriate $1,000,000 to be placed in the hands of Director Forbes, of the Veterans' Bureau, and to be spent in the further hospitalization of soldiers wherever the director sees fit. The language I have employed is a rescript of the bill which Director Forbes drew, the amount being reduced, however, to $1,000,000.

Mr. WARREN. As I understand, the amendment simply provides an appropriation of $1,000,000 for hospital purposes?

Mr. ASHURST. For hospitalization, to be expended under the direction of the Director of the United States Veterans' Bureau.

Mr. WARREN. I shall not object to the amendment.

Mr. ASHURST. Let the amendment be read. I think it ought to be read. I will then withdraw the other amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 9, after line 12, it is proposed to insert the following:

That the Director of the United States Veterans' Bureau is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau, by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, and accessories, and also to provide accommodations for officers, nurses, and attending personnel, and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named therein. Such hospital plants shall be of fireproof construction, and the location and nature thereof, whether for the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau.

That for carrying into effect this provision relating to additional hospital facilities there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, to be immediately available and to remain available until expended.

Mr. WADSWORTH. Mr. President, may I ask a question or two about this amendment?

Mr. WARREN. Mr. President, I will ask the Senator if he has not legislative matter in there, and if he cares to have that carried? If it is simply a straight matter of appropriation, it would, of course, be one thing; but if it involves legislation, it is rather different.

Mr. ASHURST. I conceive it to be important that this money should be placed at the disposal of the Director of the Veterans' Bureau, Col. Forbes. He drew the bill originally and provided for $16,000,000. The language that is employed there, he employed first. It is true that the amendment carries legislation, and would be subject, I suppose, to a point of order; but the object of my argument this afternoon has been to try to direct it to the point that Director Forbes is convinced that it should be done. I have a report in my office on my very bill, where he says that $16,000,000 is necessary.

Mr. WARREN. I hope the Senator will not talk so long that I will have to make a point of order against the amendment.

Mr. ASHURST. I will quit. I am through.

Mr. WARREN. I was about to say that under the rules of the House, of course, a point of order will be raised there. I am not going to raise the point myself at this time if the Senator will avoid incorporating legislation in the amendment.

Mr. WADSWORTH. Mr. President, may I call attention to one phase of this amendment which I think the Senator may have overlooked? He provides that "such hospital plants shall be of fireproof construction." Is it really true that the emergency at Phoenix requires that the hospitals to be built there or elsewhere shall be of fireproof construction?

Mr. ASHURST. That is a wise suggestion, and I will ask that that language be stricken out. The Senator's judgment is excellent. I ask that that language be stricken out.

Mr. WADSWORTH. There is a form of hospital construction for tuberculosis patients, of the pavilion type, which is most excellent, and the danger from fire is next to nothing.

Mr. ASHURST. The Senator is correct. It was due to my haste that I overlooked striking that out, and I thank the Senator.

Mr. WARREN. I want to say to my friend that when a matter goes in on the floor of the Senate, I consider myself instructed to protect it in conference; but, as the Senator knows, no Senator can State beforehand that he can stand all the fires of conference. I will do the best I can with it. That is all I can say. We may not be able to protect this particular item.

Mr. ASHURST. The Senator has always been fair, and the Senator has always been frank, and I believe he will manfully stand and contest for this amendment in the conference. I believe that.

Mr. PHIPPS. Mr. President, just for the RECORD, I should like to call attention to the fact that of the $18,600,000 which is authorized to be expended for hospitalization there has been allocated to Prescott, Ariz., $600,000; to Fort Bayard, N. Mex., $850,000; to Fort Logan H. Roots, Little Rock, Ark., $250,000; and to Palo Alto, Calif., $1,500,000.

I think it is only fair to the Treasury Department, which has had in charge the locating of these hospitals and the distribution or allocation of the $18,600,000, to call attention to the fact that it has not been overlooking the southwestern country, although it has passed over Colorado, where I know and I think the Senator knows that we have three seekers for health to one that goes to Arizona to be cured of tuberculosis. I also want to call the Senator's attention to the fact that out of this appropriation $791,000 has been reserved for contingencies, not yet allocated. I want to say for myself that I believe beyond any question it will be found that the balance of $17,809,000 will be much more than sufficient for the hospitals that have been designed or laid out under this plan. In my humble opinion, the figures that have been set aside for the different buildings, based on the number of beds, are much higher than they should be. They are more than ample. I should say that those hospitals could be built for at least a million dollars less than the Treasury Department has estimated.

Mr. McKINLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Illinois.

Mr. PHIPPS. I do.

Mr. McKINLEY. May I ask whether this legislation has given power to the Director of the Veterans' Bureau to make this expenditure?

Mr. PHIPPS. It has not. This $18,600,000 is under the Treasury Department.

Mr. BURSUM. Mr. President, I merely want to call the attention of the Senator from Colorado to the fact that while it is true that $850,000 has been allocated to Fort Bayard, N. Mex., and contracts let, that amount will not place Fort Bayard in good condition. There are a number of buildings there which can not be replaced for that amount of money. I was speaking with the Architect of the Treasury a couple of days ago, and his estimate is that $900,000 more may be required for that work.

Mr. PHIPPS. It may be, but I should like to take the contract off the contractor's hands to-day.

Mr. BURSUM. The Senator from Colorado probably has not visited Fort Bayard. He probably has not seen the conditions that exist there. The buildings there are 30 years old or more. They are frame buildings. They are fire traps. They are used only because of the necessity. There is no economy in undertaking to keep up hospitals in that condition. There is need for that money and it ought to be appropriated.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arizona [Mr. ASHURST] as modified.

Mr. WADSWORTH. Mr. President, for the information of the Senator from Arizona, I will say that I have changed the language of that amendment. It formerly read:

Such hospital plants shall be of fireproof construction, and the location—

And so forth. I have stricken out the words—

Such hospital plants shall be of fireproof construction, and—

Leaving the sentence to read as follows:

The location and nature of such hospitals, whether for the treatment of tuberculous, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the director—

And so forth.

Mr. ASHURST. I thank the Senator from New York. He is correct, and I accept the modification.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arizona, as modified.

The amendment, as modified, was agreed to.

Mr. WADSWORTH. Mr. President, now that the amendment is out of the way, I will state that I have grave doubts whether we should have one of these hospitals built by the Director of the Veterans' Bureau, and all the others built by the Treasury Department.

The PRESIDING OFFICER. The bill is still before the Senate as in Committe of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. WARREN. I move that the Senate insist upon its amendments and ask for a conference with the House of Representatives upon the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. CURTIS, and Mr. GLASS conferees on the part of the Senate.

ADJOURNMENT.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to, and (at 6 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 13, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 12, 1921.*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father, we linger where none but God can hear. We thank Thee for Thy abounding and unchanging love. Speak to our hearts and let them feel the kindling of Thy presence, and may they be pledged to a high sustaining purpose. O, bless our country; continue to light up the dark places of the world with heavenly light. How grateful we are that the spirit of righteousness, justice, and truth is falling upon the leaders from the ends of the earth like a sunburst breaking through a cloudland. O, abide with all of us in human sympathy and in heavenly peace. In the name of Jesus. Amen.

The Journal of the proceedings of Saturday, December 10, 1921, was read and approved.

LEAVE TO ADDRESS THE HOUSE.

Mr. BLANTON. Mr. Speaker, I request unanimous consent that on next Friday, after the reading of the Journal and the disposition of the business on the Speaker's table, I be permitted to address the House for one hour on the subject of what the American people expect of this Congress.

The SPEAKER. The gentleman from Texas asks unanimous consent on next Friday that he be allowed to address the House for one hour. Is there objection?

Mr. MONDELL. Mr. Speaker, some time ago and at various times the matter of fixing a date or time for addresses out of order and not upon the measures before Congress has been discussed. I think we all understand that it is the opinion of Members that these special privileges and arrangements for speeches out of order should not be agreed to unless there is some very urgent public reason for it. Gentlemen come to me almost every day and ask that I agree——

Mr. BLANTON. Well, if there is going to be objection, I withdraw the request, Mr. Speaker, to save time.

DISTRICT OF COLUMBIA BUSINESS.

The SPEAKER. To-day is District of Columbia day. The gentleman from Pennsylvania [Mr. FOCHT] is recognized.

MASONIC RELIEF ASSOCIATION, DISTRICT OF COLUMBIA.

Mr. FOCHT. Mr. Speaker, I call up the bill H. R. 6380.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 6380, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6380) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended.

Be it enacted, etc., That sections 2, 3, and 5 of an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended, be amended to read as follows:

"SEC. 2. That membership in this association shall be limited to master Masons, and that the business and objects of the society or corporation shall be to provide, maintain, and disburse a fund for the benefit of the members, their wives, widows, children, orphans, dependents, heirs, assignees, legatees, or beneficiaries, and for this purpose it shall and may be lawful for the said society or corporation to make all and every insurance appertaining to or connected with life or disability risks of whatever kind and nature; and, in addition thereto, to provide, maintain, and disburse a fund for owning, establishing, maintaining, and operating homes, hospitals, sanitariums, and any other aid or service for its members, master Masons, their wives, widows, children, orphans, dependents, or beneficiaries; and because of its fraternal organization and benevolent purposes it shall be defined and classed as a fraternal beneficial society: *Provided, however*, That upon all contracts of insurance it shall maintain a reserve fund adequate to meet all liabilities thereon, and which in case of life risks shall be not less than that computed upon the American experience table of mortality at 4 per cent interest.

"SEC. 3. That the number of directors of said association shall be at least 21, a number of whom, less than a majority, shall be elected annually by the members of the association from among themselves and shall serve for three years. In all cases of a tie vote the choice to be determined by lot, and in all other cases a plurality vote shall decide. That the annual meeting of said association shall be held on the third Tuesday in February of each year, and said directors shall, at their first meeting succeeding the annual meeting of the association, elect one of their number to be president of the board of directors, who shall also be president of the association, and shall elect one of their number as vice president, and one of their number or a member of the association as secretary of the association, and the said secretary of the association shall give bond with surety to said association in such sum as the board of directors may require for the faithful discharge of his duties; and one of their number as treasurer, who shall also give bond with surety to said association in such sum as the said board of directors may require for the faithful discharge of his trust. At all meetings of the board of directors 12 members of the board shall form a quorum. In case of any vacancy in the board of directors, by death, resignation, or otherwise, such vacancy shall be filled by the remaining directors from among the members of said association for the remainder of the unexpired term.

"SEC. 5. That the said board of directors may be increased from time to time to a number not exceeding the number of grand lodges of Masons in the United States, and the said board shall be capable of taking and holding the funds, property, and effects of said corporation, which funds, property, or effects shall forever be devoted to the purpose mentioned in section 2 hereof."

Mr. FOCHT. Mr. Speaker, the purpose of this bill is to extend the powers of the Masonic Mutual Relief Association of the District of Columbia so that it may be privileged to extend relief to orphans and children and dependents in addition to the insurance that is received through the agency of the association.

I yield 10 minutes to the gentleman from Illinois [Mr. WILLIAMS].

The SPEAKER. The gentleman from Illinois is recognized for 10 minutes.

Mr. WILLIAMS. Mr. Speaker, this bill amends in three features the charter of the Masonic Mutual Relief Association of the District of Columbia.

This association was incorporated in 1869. It was given permission under its charter to do a life insurance or a mutual relief business among members of the Masonic fraternity. The first charter gave the association very limited powers. It was limited in the amount of benefits it should pay to any beneficiary to $1 for each member of the association. The charter has been amended four or five times since that time, each amendment having in view making more liberal the charter and to enable the association to extend the benevolent work for which it was incorporated. At the present time this association is doing business in 37 States of the Union and has a membership of more than 40,000.

This bill changes the charter first in this respect: It will enable the association to do hospital work, to build sanitariums and hospitals, if it so chooses. It is not under its present charter permitted to do that kind of work. Nearly all the fraternal insurance associations of the country, by charter, are permitted to engage in that class of relief work, and it is a handicap on this association, which is doing business in 37 States, that it should not be permitted to engage in that kind of relief.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. TILSON. Is this peculiarly a District of Columbia organization? Are its headquarters in Washington?

Mr. WILLIAMS. Its headquarters are in Washington, but it does business throughout the Union.

Mr. TILSON. But why was it incorporated in the District of Columbia rather than in some State?

Mr. WILLIAMS. I can not answer that question. That was in 1869.

Mr. WALSH. Mr. Speaker, will the gentleman yield there?

Mr. WILLIAMS. Yes.

Mr. WALSH. Was it not probably because it was desired to do business throughout the different States of the Union?

Mr. TILSON. As the gentleman knows, if it was incorporated in any State throughout the Union it would be just the same.

Mr. WILLIAMS. Not many such organizations are incorporated in the District of Columbia.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. LONDON. I understand that the incorporation laws of the District of Columbia provide for the organization of fraternal insurance companies, so that such fraternal insurance companies may do business throughout the various States the same as organizations incorporated under the laws of any of the States.

Mr. WILLIAMS. Yes; that is true. If this bill is enacted into law it will give this association the right to do hospital and relief work through sanitariums and along the lines practiced by other fraternal insurance companies.

It changes the charter in one other respect. At present the number of directors is fixed at 25. The charter fixes the number at not less than 21. But they have 25 directors, which is the number of lodges in the District of Columbia. It is proposed to amend the charter so that the number of directors shall not be greater than the number of grand lodges throughout the United States, which would be 48—one grand Masonic lodge for each of the several States. These directors are elected by members of the associations themselves, proxies not being voted, and the management of the association is absolutely in the hands of the membership.

It changes the charter in one other particular. At the present time the limit of the amount of insurance to any one beneficiary is $5,000. This bill removes that limit, so that the association will be enabled to write insurance as other companies do under the rules of insurance.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. SNELL. Was this association incorporated originally by an act of Congress?

Mr. WILLIAMS. Yes; and all the amendments to its charter have been by act of Congress.

Mr. SNELL. Is there any law in the District now under which a company or association could incorporate to do a general business the same as in other States, or would it be required to have a special act of Congress if anybody wanted to start a new one?

Mr. WILLIAMS. I do not know as to that.

Mr. LONDON. If I may answer that question, the law of the District of Columbia permits the organization of fraternal orders in the District of Columbia, with the right to do business everywhere else. In other words, they have almost the same insurance laws as any State in the Union.

Mr. SNELL. I do not understand the difference between this and a general fraternal insurance organization.

Mr. LONDON. Neither do I. I do not know enough about this bill.

Mr. WILLIAMS. This association was organized under a special charter, and they have had to come to Congress each time they wanted a change in their charter.

Another change that will be made is that the association will be permitted to write accident and benefit policies. They are not now permitted to do this under their present charter.

All the changes that are sought to be made in this bill make more liberal the charter under which this association can do business. It will enable them to render a more helpful service to the members of the association, and is necessary if the association is to progress and compete in this field of relief work with other fraternal and mutual relief and insurance associations.

Mr. TREADWAY. Will the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. TREADWAY. Are there any changes suggested that take away from this association the mutual feature?

Mr. WILLIAMS. Oh, no.

Mr. TREADWAY. It remains entirely mutual?

Mr. WILLIAMS. Absolutely so. The only changes are those I have enumerated, increasing the number of directors to 48, taking away the limit of $5,000 on policies they may write, also to permit the writing of accident and benefit insurance, and for hospitalization and relief work.

Mr. TREADWAY. Then there will be no personal benefit or gain to any official.

Mr. WILLIAMS. Not at all. It does not change the charter in any respect as to that.

Mr. MILLER. Will the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. MILLER. Can the gentleman give us any idea of the volume of business transacted by the association in the States enumerated?

Mr. WILLIAMS. Not as to particular States, but in these 37 States there are more than 40,000 policyholders. It is quite a business.

Mr. MILLER. Forty thousand policies?

Mr. WILLIAMS. Forty thousand policyholders.

Mr. WALSH. Will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Massachusetts.

Mr. WALSH. Will the gentleman state if there is any limit fixed in the amount of insurance to any one individual, or does this just take off the $5,000 limit?

Mr. WILLIAMS. This takes off the $5,000 limit. I have here the original charter and the various amendments that have been made by act of Congress from time to time.

Mr. GERNERD. Will the gentleman yield for a question?

Mr. WILLIAMS. Certainly.

Mr. GERNERD. Does this provision conflict with any State laws?

Mr. WILLIAMS. Oh, no. In fact, it gives this association the rights and powers which practically all the States have given to fraternal insurance associations.

Mr. GERNERD. It is similar in character?

Mr. WILLIAMS. Similar in character.

Mr. GERNERD. So it does not require them to register with each State in order to do business in it?

Mr. WILLIAMS. Oh, yes; the State laws require that. This does not change or conflict with the State laws in any way.

Mr. GERNERD. What I am trying to get at is that there is nothing intended here that will in any way override any of those State provisions?

Mr. WILLIAMS. Not at all. It simply enables this association, which is purely a mutual association, confined to members of the Masonic fraternity, to render a more helpful service to those seeking its benefits.

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS. May I have two minutes more?

Mr. FOCHT. I yield to the gentleman two minutes more.

Mr. WILLIAMS. This bill was reported unanimously out of the Judiciary Committee of the Senate in the last session by Senator NELSON, passed the Senate unanimously, was reported out of the District Committee of the House by unanimous vote, but died on the calendar in the closing hours of the session.

So far as I know there is not the slightest opposition anywhere to the changes in this charter sought by the association.

Mr. FOCHT. Mr. Speaker, if there are no further remarks or questions to be asked, I move the previous question on the bill.

The SPEAKER. The gentleman moves the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. FOCHT, a motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATING THE ISSUANCE OF CHECKS, DRAFTS, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. FOCHT. Mr. Speaker, I call up the bill S. 1033, an act regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person within the District of Columbia who, with intent to defraud, shall make, draw, utter, or deliver any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time of such making, drawing, uttering, or delivering that the maker or drawer has not sufficient funds in or credit with such bank or other depository for the payment of such check, draft, or order in full upon its presentation, shall be imprisoned for not more than one year, or be fined not more than $1,000, or both. As against the maker or drawer thereof the making, drawing, uttering, or delivering by such maker or drawer of a check, draft, or order, payment of which is refused by the drawee because of insufficient funds of the maker or drawer in its possession or control, shall be prima facie evidence of the intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository, provided such maker or drawer shall not have paid the holder thereof, upon demand, in person or in writing, the amount of said check, draft, or order, together with the amount of protest fees, if any. The word "credit," as used herein, shall be construed to mean arrangement or understanding, express or implied, with the bank or other depository for the payment of such check, draft, or order.

The following committee amendments were read:

In line 1, page 1, of the bill, strike out the word "imprisoned" and insert the words "guilty of misdemeanor and punishable by imprisonment."

In line 12, page 2 of the bill, strike out the words "upon demand, in person or in writing, the amount of said check, draft, or order," and insert "the amount due thereon."

In line 14, page 2 of the printed bill, after the word "any," strike out the period, insert a comma and the words "within five days after receiving notice in person, or in writing, that such draft or order has not been paid."

Mr. FOCHT. Mr. Speaker, the provisions of this bill are in operation in, I think, nearly every State in the Union, but to my positive knowledge in the States of New York and Pennsylvania. For amplification of its provisions, I yield 10 minutes to the gentleman from Maryland [Mr. ZIHLMAN], the author of the bill.

Mr. HICKS. Will the gentleman from Maryland yield for a question?

Mr. ZIHLMAN. I will yield.

Mr. HICKS. In reading this bill, and having heard the explanation given by the gentleman from Pennsylvania that it is similar to the laws in various States of the Union, will the gentleman state just what is the law in the District of Columbia and why we have not had this law upon the statute books before?

Mr. ZIHLMAN. As I understand the law in the District of Columbia, it is necessary to prove an intent to defraud. This bill provides that the making of the check, for the purpose of prosecution, shall be prima facie evidence of the fact that there is an intent to defraud, unless the maker or drawer of the check within five days makes good the amount appearing on the face of the check. This bill is very similar in its language to the present New York law, except that the New York law makes the drawer of the check with intent to defraud guilty of an attempt at larceny.

Mr. HICKS. Will the gentleman state what the present law is in the District of Columbia?

Mr. ZIHLMAN. I have just stated that the present law makes it punishable to issue a check with an intent to defraud, and the difficulty is in proving that intent to defraud. It has

been impossible under the procedure in the District to prove makers of checks guilty of an intent to defraud. This bill provides that if he does not make the check good within five days he shall be guilty of a misdemeanor and punished by fine or imprisonment.

Mr. LONDON. Will the gentleman yield?

Mr. ZIHLMAN. Certainly.

Mr. LONDON. The law of New York gives the maker of the check 10 days, does it not?

Mr. ZIHLMAN. The law of New York gives 10 days' notice.

Mr. MANN. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. MANN. If I understand this bill correctly—and I desire to be corrected if I do not—under the existing law a man who gives a check when he knows that he has no money in the bank could not be prosecuted successfully without proof of the intent to defraud. The fact that he had no money in the bank is not prima facie evidence of an intent to defraud, but under this bill a man gives a check on a bank where he has no money, and if it is not paid within five days after protest and notice it is to be prima facie evidence of an intent to defraud—not conclusive evidence but prima facie evidence.

Mr. ZIHLMAN. Yes; that is it.

Mr. KING. I see that this bill provides for punishment in the penitentiary for a man who with intent to defraud issues a check upon any bank or other depository knowing that he has not sufficient funds in or credit with such bank, and I would like to ask the gentleman if that would apply to the Sergeant at Arms' office.

Mr. ZIHLMAN. I presume it would.

Mr. CONNALLY of Texas. Does this bill cover the Sergeant at Arms' office down stairs?

Mr. ZIHLMAN. I presume so, but I can not answer.

Mr. LONDON. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. LONDON. Does not the gentleman believe that 10 days is a more reasonable notice than 5 days?

Mr. ZIHLMAN. Well, I have no objection to it being made 10 days.

Mr. LONDON. I think five days is too short.

Mr. WINGO. Will the gentleman yield?

Mr. ZIHLMAN. Certainly.

Mr. WINGO. Would the gentleman be in favor of a general amendment of the law in all cases of fraudulent representation as provided in this bill?

Mr. ZIHLMAN. This bill was passed by the Senate——

Mr. WINGO. The gentleman did not catch my question. Under the law now the first part of the bill does not add anything. The first part of the bill is the law to-day without any statute. The real law that you are writing here appears on page 2 in line 4, and the rest of it is the law now. It is unlawful now to draw a check on a bank when you have no funds there if you do it knowingly and willfully for the purpose of defrauding. Now, I want to ask the gentleman what has been held by the courts in Maryland and the District of Columbia with reference to the effect of proof of the act. The bill does not add to the crime but it changes the rule of evidence. Suppose a defendant is indicted for obtaining from me an automobile under certain false representations. When the prosecution proves the procurement of the automobile, proves the representations upon which I turned over the automobile to the defendant, and proves that these representations were false, what is the rule then under existing law? Does it devolve on the defendant to prove that there was no intent to defraud; in other words, does the burden shift to the defendant or not?

Mr. ZIHLMAN. I can not answer that except to say that there has been great difficulty in proving the intent to defraud, and there have been few successful prosecutions under the general law.

Mr. WINGO. I am in favor of prosecutions of this sort, and I appreciate the difficulties. I have been attorney for a bank and have had cases of this kind in court, and I know the difficulty that surrounds them. But is not the same difficulty encountered in every case of fraud, and do you not by this simply remove the protection of the presumption of innocence from the man who defrauds by drawing a check? You raise the presumption that he is guilty when you have proved that he has no funds in the bank, and thereby shift the burden on him to prove his innocence or rather lack of intent to defraud.

Mr. ZIHLMAN. No; it gives him five days to make good the amount of the check.

Mr. WINGO. That is compounding a felony and really makes the act vicious from that standpoint. Would it not be better to provide that the fact he drew a check and that he has no funds in the bank should prima facie show fraudulent intent? Why go ahead and provide that he may compound the felony by paying it off?

Mr. ZIHLMAN. Is the gentleman from Arkansas familiar with the law in his own State with reference to this matter?

Mr. WINGO. Not within the past few years. They have passed a banking law down there lately, and they may have amended the statute, but I suspect that every State has a law somewhat similar to this with reference to fraudulent bank checks. Banks are highly organized. I have been a bank director and a bank attorney myself. And while I support the law, it occurs to me that whenever we undertake to have reforms along this line we ought to give the benefit to every man who is defrauded. Why should you not make a general rule of evidence in the District that where persons obtain property or funds under false representations, and the representations are proven to be false, that that shall be prima facie evidence of intent to defraud?

Mr. FOCHT. Mr. Speaker, this is to meet the unusual circumstances of a man who has been carrying a bank account who may have exhausted it, and whether he gives the check fraudulently or otherwise, in order that it may not be too drastic it is provided that he may have this time. Even if he gives the check in good faith and has no money there, we do not want to put him in jail. We give him a chance to make good his checks. That was all gone over, I think, by Mr. McKee, the president of the bankers' association here.

Mr. WINGO. Oh, I know what the argument is; I have made it myself; but the gentleman does not catch my question. If this is a reform in the rules of evidence, from the public standpoint—and it is from the public standpoint that you must consider this—if it is wise from the banker's standpoint—and I am not criticizing him—to provide a special rule of evidence in cases of fraud, why not make it apply to every case where goods, property, or money are obtained upon fraudulent representations, and provide, by proving the falseness of the representation, the presumption of fraudulent intent shall arise. Is it any more vicious to society to have a man perpetrate a fraud by fraudulent check on a bank than it is upon a grocer by getting his goods under false pretense?

Mr. FOCHT. We made no such provision for the same reason, I presume, that it is not incorporated in the law of the gentleman's State or in the law of my own State.

Mr. WINGO. That is the point I am getting at. Because bankers are very influential men, and I am not saying this critically of them, in every State in the Union practically they have gotten a law passed which changes the rule of evidence for their benefit in the prosecution of cases for fraud. If it is wise in their case, why should not an automobile dealer or a merchant, or a wholesaler, or anyone else, not have the same privilege and be relieved of the necessity of proving criminal intent when he is prosecuting a man who has obtained goods from him under false pretenses, simply by proving the falseness of the representations, as in this case. I know what the gentleman has in mind. Not one man in a hundred, I venture to say, keeps up with his bank account. I never do. I try to clear mine up once a month, perhaps, and see whether I have overdrawn it.

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. FOCHT. Mr. Speaker, I yield 10 minutes more to the gentleman from Maryland.

Mr. WINGO. Mr. Speaker, will the gentleman yield further?

Mr. ZIHLMAN. Yes.

Mr. WINGO. The reason why there is difficulty in these cases is that every man on a jury knows that the great majority of people do not keep up with the exact state of their accounts in banks. A man comes in and says he has had an account at this bank, and he has been issuing checks heretofore and he did not intend to defraud anyone. He states that he would have made it good if he had been able to. If this is a very fine change in the rules of evidence, why not make it apply to all cases of fraud?

Mr. ZIHLMAN. I have no objection to the gentleman taking up that provision of the law. Mr. Speaker, I ask unanimous consent at this time that I may yield to the gentleman from Iowa [Mr. HAUGEN], who desires to address the House for a moment or two out of order.

The SPEAKER. Is there objection?

There was no objection.

HANDFORD MACNIDER.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to proceed for two minutes out of order.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Speaker, I note in the gallery one of my constituents who rendered distinguished service in the World

War. He was wounded at St. Mihiel and was cited three times in general orders for extraordinary heroism in action. He wears the distinguished service cross with oak-leaf clusters, the cross of the Legion of Honor, the croix de guerre with palms, and one gold and one silver star, and the Italian war cross. He rose from the training camp at Fort Snelling to the grade of lieutenant colonel.

He took an active part in the organization of the American Legion, in which he has filled various offices, and recently at the Kansas City convention he was elected to the exalted office of national commander of the American Legion. I refer to Handford MacNider, of Mason City, Iowa. [Applause.]

REGULATING THE ISSUANCE OF CHECKS, DRAFTS, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. ZIHLMAN. Mr. Speaker, the House committee has amended the provisions of the Senate bill to provide that five days shall be given as an opportunity for the maker of the check to make the amount good.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CHINDBLOM. The first inquiry propounded to the gentleman from Maryland was by the gentleman from New York [Mr. HICKS], who asked why, if all of the States of the Union have this kind of legislation, or most of them do, the District of Columbia has gone without it. I think it is fair to say that this kind of legislation is of quite recent origin in most of the States, and that the District of Columbia is not very far behind in the enactment of the legislation. I do not want it to appear that Congress has been derelict in the performance of its duty with reference to legislation for the District.

Mr. ZIHLMAN. I would say to the gentleman that his own State passed a similar law four years ago.

Mr. KIRKPATRICK. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. KIRKPATRICK. I would suggest in answer to the gentleman from Arkansas [Mr. WINGO], as to the protection of others than bankers, when you prove that a man makes an intentional statement, which is false, which is fraudulent in itself, you have proved enough to meet the burden of proof as to fraudulent intent. There are many cases in which bad checks may be given by mistake, and you do not meet the burden of proof in such a case merely by proving there was no money in the bank. When you prove that a man has made a false statement, you have met the burden of proof, and so banks and others are protected.

Mr. WINGO. I hope the other Members of the House did not get the same idea of my contention which the gentleman did, because he is wholly in error. I discussed a different proposition.

Mr. KIRKPATRICK. I understood the gentleman to ask why this did not apply to other cases than those of checks, and I was simply suggesting that as a reply to him.

Mr. WINGO. Will the gentleman yield me some time?

Mr. FOCHT. How much time?

Mr. WINGO. As an innocent bystander I ask for five minutes.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. WILLIAMSON. This law does not seem materially different from most of the laws enacted in the several States of the Union which are now in force, except as to one particular, in that it differs somewhat from some of the State statutes, as it allows only five days' notice to pay the amount due upon the check and the amount that may accumulate as protest fees. Has the gentleman's committee given careful consideration in respect to the length of time?

Mr. WHEELER. There is an amendment.

Mr. ZIHLMAN. I will say in answer to the gentleman, I am not familiar with the law of all the States, but I know most of the States allow 10 days. The State of New York allows 10 days, and I presume in the District of Columbia, covering a very small territory, it was thought that five days' notice would be ample.

Mr. FOCHT. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, I do not object to the bill although I think there is reason to object to the way it is written in reference to one provision. In other words, because I give a check on a bank in which I never had any money, and know I have not, the bill says that if I pay that within five days I am relieved from prosecution.

The danger I call your attention to—or rather, the evil—is this, that instead of having a different rule of evidence reach a particular class of cases that grow out of the same generic criminal offense, you ought to have one rule of evidence. Now, if the experience of the courts has demonstrated that the burden, which is upon the State in every case to establish the guilt of the defendant beyond reasonable doubt, and the presumption of innocence that goes as a general rule in behalf of every defendant charged with crime—if the adherence to those rules in cases of fraud has defeated the ends of justice, then why not amend the rule of evidence in all fraud cases? That was the suggestion I made. If you prove, as my friend here suggested, if the State on the presentation of its case should prove what the gentleman states, that takes it out of this situation entirely.

A jury would convict under the present law in the District of Columbia if you prove what the gentleman has suggested. Here is what you want to do: You want to shift the burden of evidence. By this bill you simply say, notwithstanding the presumption of innocence which follows every defendant into the prisoner's box, notwithstanding the burden of the State to prove on the whole case that the defendant is guilty as charged beyond a reasonable doubt, you say, notwithstanding that, as a general rule, when you prove a man gave a check on the bank and it was shown that he did not have funds there, he is presumed to have acted with a fraudulent intent. Gentlemen say that if you do not do that bankers will suffer. If you do not do that, grocerymen will suffer, and my observation has been that there have been more crimes committed in connection with storekeepers than with bankers.

Mr. CHINDBLOM. Is there not this distinction, namely, that in the case of a merchant you go to him and get credit for the goods that you buy, but in the case of the banker you get credit for the amount of money you deposit?

Mr. WINGO. I will say that a man I know represented to a merchant that had been carrying his account for three or four years that he was still employed by a lumber company. He had been paying up each pay day. They found out afterwards that he was discharged. He knew that the conditions were changed, and he made a false representation, and he could not have gotten those goods at all except on the fact that he was a known employee of a reputable concern there next door to the merchant.

Mr. CHINDBLOM. Of course, the merchant could very easily have verified the fact before he extended credit.

Mr. WINGO. I will tell you what the defense was, namely, that he hoped to get back. And the defense is, when they have not money in the bank, that they expected to have some funds or that they made a miscalculation. The only suggestion I had to make—and it just occurred to me—was to have it reach the point where we could amend the rules of evidence in all fraud cases and not simply as to checks on banks.

Mr. MANN. Will the gentleman yield?

Mr. WINGO. I will.

Mr. MANN. The gentleman has several times referred to this bill as being in the interest of the bank. Is it in the interest of the bank that takes the check? The bank does not pay the check. If a man gives a check on a bank without money in the bank, unless he is in good standing, the check is protested. The banks are secure.

Mr. WINGO. I think the gentleman's correction is well taken.

Mr. FOCHT. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. CLOUSE].

Mr. CLOUSE. Mr. Speaker, there is one feature of this bill that seems to me to be a joke. However, I do not mean to be understood as opposing this law, but if we enact one let us enact one that has teeth in it. I am not so fearful of jeopardizing the liberties of any individual by saying that a certain state of facts shall be prima facie evidence of guilt. In fact, so far as I know, every State, or practically every State, in the Union has enacted laws similar to this. But I have my first statute to read that says that notice must be served, either in person or in writing, upon the individual before it shall constitute a sufficient ground to assume that the act was done with a fraudulent intent.

Now, let me state a hypothetical case. Let us see where you are going to get to with this law if it is passed by Congress just as it is written. Now, it shall be prima facie evidence of guilt only if the drawer shall not have paid the holder of the check, together with the amount of protest fees, within five days after receiving notice in person or in writing. I go down to a merchant here and give him my check this morning for $200. I immediately leave for New York City. The merchant does not know where I have gone. He could not serve notice upon me in person, because I am not here. He could not serve notice on me in writing, because he does not know my address. And before you could receive the benefits of this legislation you must affirmatively show that I have received the notice provided for under the act.

Mr. HUDSPETH. The gentleman states that immediately after he gives the check he leaves for New York City. Would not that be prima facie evidence under this bill that he intended to defraud?

Mr. CLARKE of New York. Why New York City more than Texas? [Laughter.]

Mr. CLOUSE. I do not quite agree with the gentleman that that would be sufficient prima facie evidence of an intent to defraud. I do know the trouble the merchants and the business men are put to by the indiscriminate drawing on accounts in banks by people, in which banks they have no funds. If we are going to enact this law, let us make notice of the fact that payment has been demanded and refused for lack of funds, sufficient if mailed to his last known address.

That is the only remedy that you can give to the business people, the only effective remedy that you can give them. If you intend to give them anything, let us give them something that is practical and possible for them to operate under.

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. CLOUSE. Yes.

Mr. ROSE. I doubt if there is any other class of crime that is looked upon as more trivial than the giving of a worthless check, and I often wondered why it is one of the hardest crimes to prove. Now, if every merchant would do, as in some States the law provides, make a reasonable search, to be satisfied whether or not the man had money to meet that check, in most cases that would be sufficient. This law makes no provision of that kind at all. It allows the merchant to be careless, and it allows the banker to be careless in paying the check. If they were required to examine into the matter, we would not have much need for legislation of this kind.

Mr. CLOUSE. But you will recollect that in all cases it is not possible to give that character of thorough investigation to which the gentleman has referred. For instance, I go down to a store here in Washington and give a check, drawn not upon a bank in Washington but one in Baltimore. What would you do in a case of that kind?

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. ROSE. Mr. Speaker, I ask unanimous consent that the gentleman may have one more minute.

Mr. FOCHT. Mr. Speaker, I yield to the gentleman one minute more.

Mr. ROSE. In answer to that I would like to say that I recently heard of the case of the son of a Member of this House who desired to ship an automobile from his residence to Washington and gave a check covering the cost of transportation. They held it up and delayed the shipment of the automobile until they could find out whether the young man had funds in the bank on which the check was drawn. I will say to the gentleman that I would not accept his check unless I knew him. But I could easily ascertain if he had money or not. [Laughter.]

The SPEAKER. The time of the gentleman from Tennessee has again expired.

Mr. FOCHT. Mr. Speaker, I just want to say to the gentleman from Tennessee, or make the inquiry of him, if his objection would not be fully met by the language beginning on line 13 of page 2, "the amount due thereon, together with the amount of protest fees, if any, within five days after receiving notice in person or writing"? What does the gentleman expect to do—send detectives out and hunt for the fellow who is running away?

Mr. CLOUSE. No; provide that this notice, mailed to his last address, shall be considered sufficient.

Mr. FOCHT. I wanted to ask the gentleman if that would not probably meet that objection?

Mr. CLOUSE. No; my objection is that you require the holder to first make it appear that he—the drawer—has been served with notice in writing, that the notice has been given and received by him before you can get the benefit of the presumptions of this act. You must make it affirmatively appear that he has received your notice. But if you make it mailable to his last known address, then——

Mr. CHINDBLOM. If you are going to prosecute him, you have to get him within the jurisdiction anyhow. What good will it do to mail it to him?

Mr. CLOUSE. Because you can get him brought from Tennessee or anywhere else if he has committed a crime.

Mr. CHINDBLOM. I understand the gentleman said he did not know where he was.

Mr. CLOUSE. You have his address, but you do not find him at that address, but notice mailed to his last known address should for all intents be regarded as sufficient.

Mr. PARRISH. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PARRISH: On page 2, line 4, after the word "both," strike out the remainder of line 4 and all of lines 5 to 16, inclusive, down to and including the word "paid."

Mr. PARRISH. Mr. Speaker, I offer this amendment because I believe it is a dangerous policy to undertake, as is done in this legislation, to change the rule of evidence. I believe that the presumption of innocence ought to stay with a man through the entire case. It would be a mistake to place the burden upon the defendant in a case of this kind. It is so easy for a misunderstanding to arise; it is so easy for a mistake to be made or a man to be imposed upon in the matter of an honest overdraft. I want it distinctly understood that I have no sympathy whatever for the man who knowingly gives a fraudulent check or willfully overdraws an account, knowing that it will not be paid, or is guilty of defrauding the public. I believe that kind of a man ought to be apprehended and punished, and punished severely. But I fear that the provision of this bill which I seek to strike out, if it becomes a law, will result in working hardships and perhaps in many cases downright injustices upon innocent people who overdraw their accounts but who do not intend to commit a crime.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. PARRISH. Yes, sir.

Mr. MANN. I did not hear the amendment reported.

Mr. PARRISH. I will say to the gentleman from Illinois that the amendment strikes out all of that part of the bill appearing on line 4, after the word "both," down to and including the word "paid," on line 16, referring to prima facia evidence of guilt.

Mr. MANN. That would leave the law just as it is now.

Mr. PARRISH. I do not know whether the law as it now exists is that way or not. I do not know whether the paragraph relating to "credit" is in the existing law or not, but it would leave the law substantially as it is in my State.

Mr. MANN. It would leave the law as it is here, where they can not punish for giving a fraudulent check.

Mr. PARRISH. They can punish a man for giving a fraudulent check even with the changes I have suggested.

Mr. MANN. Theoretically they can, but practically they can not.

Mr. PARRISH. With the change I have suggested, it seems to me, there is ample provision for punishment here, if the law is enforced.

Mr. RAKER. Mr. Speaker, I rise in behalf of the amendment of the gentleman from Texas [Mr. PARRISH]. I want to call the gentleman's attention——

Mr. FOCHT. Mr. Speaker, does the gentleman want time? How much time does the gentleman want?

Mr. RAKER. Five minutes; that is all.

Mr. FOCHT. Mr. Speaker, I yield to the gentleman from California five minutes.

Mr. RAKER. Mr. Speaker and gentlemen of the House, I want to call your attention to the amendment of the gentleman from Texas, and particularly to the case of Bailey against the State of Alabama, decided January 3, 1911, by Mr. Justice Hughes, then an Associate Justice of the Supreme Court of the United States and now the Secretary of State. I think I can state in a moment the question involved.

The State of Alabama passed a law making it a misdemeanor for a man who entered into a contract to perfrom service for another and obtained money from his employer to leave the employment without performing the service. The fact that he left the employment and did not do the work was by the act made prima facie evidence that he obtained the money through fraud.

Bailey was convicted in the lower court in Alabama. He appealed his case to the supreme court, and the State supreme court upheld the verdict. The case was removed to the Supreme Court of the United States on the ground that the act was unconstitutional and that the defendant was deprived of his right to be heard. The opinion of Mr. Justice Hughes fully and clearly goes into that case, which is substantially like the case under this bill. The fact that the man did not pay is prima facie evidence of his guilt, prima facie evidence that he was guilty of fraud in issuing the check, and, second, the fact that he knew he had no money on deposit. He may not have had any money, but might have thought he had it or might have put it in the next day, but this act makes the absence of money on deposit prima facie evidence that he committed fraud when he drew the check. In submitting such a case to the jury in the District of Columbia all you have to prove is that the man drew

the check and that he had no money on deposit to pay it, and that is prima facie evidence that he committed a fraud when he drew the check.

The Supreme Court of the United States holds that that rule of evidence deprives a man of his constitutional right to be heard before the court, and this decision annulled the statute of Alabama and held that a man could not be thus convicted. That is the same as in this case. Clearly it violates a man's fundamental right to be heard, to prevent evidence in his own behalf, because he would have no opportunity to do it. This act makes it prima facie evidence, and the Government will rest its case on that prima facie evidence, and the man will be adjudged guilty of a fraudulent transaction at the time he issued the check or order for the money.

I want particularly to call the attention of the committee to this decision. I have read it and reread it many times during the last four months, with reference to some legislation that is now pending before the Committee on Immigration and Naturalization in regard to peonage and involuntary servitude.

In this case of Bailey against the State of Alabama the Supreme Court says that not only was the defendant deprived of his constitutional right but that he was subjected to involuntary servitude, against the thirteenth amendment to the Constitution, and that the statute is also unconstitutional upon that ground.

Mr. MOORE of Virginia. Will the gentleman please give me the citation to that case? I should like to look at it.

Mr. RAKER. It is the case of Bailey against Alabama, decided in Two hundred and nineteenth United States, at page 219, and running to page 245.

After reading this decision, it seems to me that there never were two cases more nearly on all fours than the case now before the House and the case decided in Two hundred and nineteenth United States, at page 219. I have not the time to read it, but anyone looking at it can readily see the similarity. The same points are involved.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman from Texas.

Mr. CONNALLY of Texas. Did the Supreme Court of the State of Alabama affirm the conviction, and was the case then removed to the Supreme Court of the United States?

Mr. RAKER. The Supreme Court of Alabama affirmed the conviction, and then the case was removed to the Supreme Court of the United States, with the result which I have stated.

The SPEAKER. There are some committee amendments on which the vote will first be taken. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, line 1, strike out the word "imprisoned" and insert in lieu thereof the words "guilty of a misdemeanor and punishable by imprisonment."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 12, strike out the words "upon demand, in person or in writing, the amount of said check, draft, or order" and insert in lieu thereof "the amount due thereon."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 14, after the word "any," insert the words "within five days after receiving notice in person, or writing, that such draft, or order, has not been paid."

Mr. RAKER. Mr. Speaker, may I be heard on the amendment?

The SPEAKER. The gentleman from Pennsylvania is in charge of the floor. The Chair supposes he will yield.

Mr. RAKER. I just want two minutes to read part of that Alabama decision.

Mr. FOCHT. I yield to the gentleman two minutes.

Mr. RAKER. The act referred to, Alabama General Acts, 1907, page 636, reads as follows:

Any person who, with intent to injure or defraud his employer, enters into a contract in writing for the performance of any act of service, and thereby obtains money or other personal property from such employer, and with like intent, and without just cause, and without refunding such money, or paying for such property, refuses or fails to perform such act or service, must, on conviction, be punished by a fine in double the damage suffered by the injured party, but not more than $300, one-half of said fine to go to the county and one-half to the person injured; and any person who, with intent to injure or defraud the landlord, enters into any contract in writing for the rent of land, and thereby obtains any money or other personal property from such landlord, and with like intent, without just cause and without refunding such money, or paying for such property, refuses or fails to cultivate such land, or to comply with his contract relative thereto, must, on conviction, be punished by fine in double the damage suffered by the injured party, but not more than $300, one-half of said fine to go to the county and one-half to the party injured.

And here is the crux of it:

And the refusal or failure of any person who enters into such contract to perform such act or service or to cultivate such land, or refund such money, or pay for such property, without just cause shall be prima facie evidence of the intent to injure his employer or landlord or defraud him.

The Supreme Court said that was unconstitutional and nullified the statute of Alabama on that ground.

Mr. FOCHT. Mr. Speaker, I move the previous question on the bill and all amendments.

Mr. CONNALLY of Texas. Mr. Speaker, I ask recognition in opposition to the amendment.

The SPEAKER. The gentleman from Pennsylvania has the right to move the previous question.

Mr. FOCHT. We have discussed the question fully, and it is well understood that the bill carries out the policies for which it is intended.

Mr. CONNALLY of Texas. Well, Mr. Speaker, I think we ought to have a quorum here if we are going to start the steam roller. I have never made the point of no quorum, but I make the point of no quorum now.

The SPEAKER. The gentleman from Texas makes the point that no quorum is present.

Mr. FOCHT. Mr. Speaker, I withdraw my motion.

Mr. CONNALLY of Texas. Then I withdraw my point of no quorum.

Mr. FOCHT. How much time does the gentleman from Texas want?

Mr. CONNALLY of Texas. I do not want any time; I only want to ask the gentleman a question. I want to know the reason for striking out the words "upon demand in person or in writing the amount of said check, draft, or order" and inserting "the amount due thereon."

Mr. FOCHT. He may have some amount in the bank, but not enough to meet the check.

Mr. CONNALLY of Texas. Why not make him pay the amount of the check, and what do you mean by the words "the amount due thereon"?

Mr. MANN. They do not pay checks partially.

Mr. CONNALLY of Texas. I know that, but why strike out the words "amount of said check, draft, or order"?

Mr. ZIHLMAN. The bill as it passed the Senate provides that "if it is not paid on demand," and the committee thought that was drastic and inserted the five-days' clause, and in doing that we copied the language of the New York law which I think is "the amount due thereon." It means the same thing.

Mr. CONNALLY of Texas. I thought it might be that the committee wanted to get the interest.

Mr. ZIHLMAN. Oh, no; it is simply the amount of the check.

Mr. FOCHT. Mr. Speaker, I renew my motion for the previous question.

The previous question was ordered.

The amendment was agreed to.

The SPEAKER. The question now is on the amendment offered by the gentleman from Texas [Mr. PARRISH], which the Clerk will report.

The Clerk read as follows:

Page 2, line 4, after the word "both," strike out the remainder of line 4 and all of lines 5 to 16, inclusive, down to and including the word "paid."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and on a division (demanded by Mr. PARRISH) there were 13 ayes and 47 noes.

So the amendment was rejected.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. FOCHT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CEMETERY OF THE WHITE TABERNACLE, DISTRICT OF COLUMBIA.

Mr. FOCHT. Mr. Speaker, I call up the bill S. 2108.

The SPEAKER. The gentleman from Pennsylvania calls up a bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 2108) prohibiting the interment of the body of any person in the cemetery known as the Cemetery of White's Tabernacle No. 39 of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia.

Be it enacted, etc., That from and after the date of the passage of this act it shall be unlawful to inter the body of any person in the cemetery known as the Cemetery of White's Tabernacle No. 39 of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia, and situate in the District of Columbia, to wit: Part of a tract called "Chappell's Vacancy," contained

within the following metes and bounds, namely: Beginning for the same at the southeast corner of the land conveyed to Frederick Bangerter by deed recorded in Liber No. 785, folio 474, of the land records of the District of Columbia, and running thence north 15¾° east, 20.44 perches; thence south 89° east, 3.9 perches; thence south 15¾° west, 20.44 perches; thence north 89° west, 3.9 perches to the point of beginning; and any person or persons violating the provisions of this act, or aiding or abetting its violation, shall be subject to a fine or not less than $100 nor more than $500 for each offense, to be collected as other fines are collected in the District of Columbia.

SEC. 2. That the board of officers of White's Tabernacle No. 39 of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia, be, and they are hereby, authorized and empowered, under such regulations as the Commissioners of the District of Columbia may prescribe, to disinter and remove all the bodies now buried in said cemetery lot, and to transfer and reinter the same in some other suitable cemetery or cemeteries selected by the said board of officers of White's Tabernacle No. 39 of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, and at the cost and expense of said order: *Provided*, That each monument, tombstone, or marker marking any grave or graves in said described burial ground shall be transferred to mark the grave or graves in which such body or bodies are to be interred, and shall be there placed in position as soon as can be done without danger of settling.

SEC. 3. That in so far as the same shall be inconsistent with the provisions of this act as to the cemetery lot herein described, sections 675 and 680 of the Code of Laws of the District of Columbia shall be, and the same are hereby, declared inoperative, otherwise said sections 675 and 680 to remain unqualified and in full force and effect.

Mr. FOCHT. Mr. Speaker, the House knows from the reading of the bill this measure provides for the removal of bodies now interred in a cemetery in the northwestern part of the city about which there is growing residential and commercial congestion. It seems desirable to remove these bodies without the District, which is to be done by this colored secret society at their expense. It is recommended that they get the authorization provided for by this bill. If there are no questions to be asked and no remarks to be made I move the previous question on the bill and amendments.

The previous question was ordered.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FOCHT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PROSPECT HILL CEMETERY.

Mr. FOCHT. Mr. Speaker, there is an understanding with gentlemen who have other bills which they wish to bring forward and the District Committee having consumed an hour and 20 minutes I wish to yield to the gentleman from West Virginia [Mr. REED], who has a bill on the private calendar considered by the District Committee, which corresponds somewhat to the bill just passed.

Mr. REED of West Virginia. Mr. Speaker, I ask unanimous consent that the bill H. R. 7601 be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that the bill H. R. 7601 be considered in the House as in Committee of the Whole. Is there objection? The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7601) to amend an act incorporating Prospect Hill Cemetery, and for other purposes.

Be it enacted, etc., That wherever the words "members of the German Evangelical Society" occur in the original act of incorporation entitled "An act to incorporate the proprietors of Prospect Hill Cemetery," approved June 13, 1860 (12 Stats., p. 32), they shall be interpreted and construed to mean and shall signify the proprietors of lots in said cemetery.

That the affairs, business, and property of said corporation shall be under the direction, control, and management of a board of seven trustees, any five of whom shall constitute a quorum with full authority to act, which board of trustees shall be elected annually by the proprietors of lots in said cemetery, and the trustees shall elect and appoint from their own board a president, a secretary, and a treasurer; also appoint all necessary officers and agents and fix their duties and compensation, and make such by-laws, rules, and regulations as they may deem proper for conducting the affairs of the corporation for the government of lot holders and visitors to the cemetery. The board of trustees shall have authority to fill temporary vacancies occurring in their board and shall hold their offices until their successors are elected and qualified.

SEC. 2. That the annual meeting of the proprietors of lots shall be held in the District of Columbia the second Tuesday of March of each and every year, the place and hour of assembling to be specified in a public notice previously given by the board of trustees, and at such meeting there shall be at least 15 lot proprietors in order to constitute a quorum to transact business. In the election of the trustees at such meeting each lot proprietor shall be entitled to one vote. Said corporation is authorized and empowered to sell any part of said cemetery grounds not used for burial purposes, and particularly that land situate west of North Capitol Street, and invest the proceeds thereof for the care, maintenance, and improvement of said cemetery, and without the purchaser being required to see to the application of the purchase money.

SEC. 3. That the said act of Congress approved June 13, 1860 (12 Stats., p. 32), and the subsequent acts of Congress approved August 5, 1890 (26 Stats., p. 299), and February 28, 1907 (34 Stats., pp. 1008–1009), so far as they are inconsistent with the provisions of this act, are hereby amended so as to authorize and empower the sale of the land hereinbefore provided.

Mr. REED of West Virginia. Mr. Speaker, there should be no objection to the passage of this bill, as it relates to the development and improvement of the city of Washington. The bill has been approved by the Commissioners of the District. It has twice been unanimously favorably recommended by the District of Columbia Committee. Owing to the vast amount of legislation pending in the Sixty-sixth Congress it was not reached before the close of the session.

The bill relates to a burial ground in the heart of the city. The extension of North Capitol Street many years ago cut off a part of Prospect Hill Cemetery from the main cemetery proper, and the parcel of land so cut off has been abandoned as a place of sepulture. There is no one to care for it or keep it clean, and the regulations of the city are such that it can not be used for burial purposes. Under the provisions of this bill this land may be sold and used for building purposes, and will be a revenue producing property for the District. In a short time the city will probably be getting three or four thousand dollars a year in taxes from this old cemetery ground that is now practically useless. In the main cemetery more than a hundred veterans of the Civil War have been interred. The proceeds will be used to beautify and keep up the main cemetery. This is specially made a condition of the sale authorized by the bill.

Mr. CLARKE of New York. How large an area is there in this cemetery?

Mr. REED of West Virginia. I could not tell the gentleman the exact area. I have here a map of the city of Washington which will show its size as compared with several blocks of city lots.

Mr. CLARKE of New York. I am surprised that the gentleman has not given closer study to that.

Mr. REED of West Virginia. I may say that it is one of the smaller cemeteries of the city.

Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. REED of West Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Has the gentleman from Pennsylvania any further business?

Mr. FOCHT. Nothing further to-day, Mr. Speaker.

CLASSIFICATION OF CIVILIAN POSITIONS IN THE DISTRICT OF COLUMBIA.

Mr. LEHLBACH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field service.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8928, with Mr. WALSH in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. When the committee rose the gentleman from New Jersey [Mr. LEHLBACH] had demanded tellers upon an amendment offered by the gentleman from Indiana [Mr. WOOD]. Pending the demand for tellers being seconded, the committee rose. Does the gentleman from New Jersey now demand tellers?

Mr. LEHLBACH. Mr. Chairman, pending the demand for tellers I ask unanimous consent, in view of the fact that the amendment was pending and the vote being taken during the last session of Congress, that the gentleman from Indiana [Mr. WOOD] be accorded five minutes in which to explain the amendment, and that I be accorded five minutes in which to reply, and that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Amendment by Mr. WOOD of Indiana: Page 3, line 12, after the word "shall," add the following: "under such rules and regulations as the President may prescribe."

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that pending the demand for tellers he may be permitted to discuss the amendment for five minutes, and that the gentleman from Indiana may be permitted to discuss the amendment for five minutes. Is there objection?

There was no objection.

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, the amendment now under consideration was presented as one of a number of amendments that had preceded it, and the purpose of the amendment is to provide that the heads of the various departments, under such rules and regulations as the President may prescribe, shall allocate these positions instead of that being done as provided for in the text of the bill. I take it that if we were conducting this Government as a private business, or as a business corporation, we would charge the heads of the various departments with the responsibility of allocating the workmen in the several departments so as to produce the best possible results. If the heads of these departments are worth anything, they certainly should be charged not only with the responsibility of allocating but they should have the intelligence and information by reason of their experience and observation so that they may make that allocation for the best interests of the Government, getting the best results for the amount of pay involved. This amendment provides that this responsibility shall not be taken away from the executive and placed where there is no responsibility. It should remain in the executive, and should be exercised under such rules and regulations as the President may prescribe. I can not, for the life of me, see why there should be any objection to the amendment. It is in the interest of good government and for the best interests of the Treasury of the United States. I think it should prevail.

Mr. LEHLBACH. Mr. Chairman, the bill as drawn provides that the allocation shall be made by the heads of the departments, which shall be subject to review by the Bureau of the Budget, which is the agent of the Government responsible for the classification. This amendment under consideration provides that the President shall prescribe rules and regulations, and is a part of a scheme which the gentleman from Indiana intends to develop by further amendments which will substitute for the control of these expenditures, as represented by allocations from the Budget Bureau, the Bureau of Efficiency. The reason for that proposition is claimed to be that the Bureau of Efficiency has a mass of information and has recently made a compilation of the civil-service positions within the District, and that it would be uneconomical to waste the vast amount of labor which it has performed in preparing itself for this purpose. The committee reporting the bill is aware of the fact that both the Civil Service Commission and the Bureau of Efficiency have information and have done work which will be very helpful in lightening not only the work of allocation by the department heads but the work of review and revision by the Bureau of the Budget. Their cooperation will remove from the Bureau of the Budget a good deal of routine labor and reserve the functions of the bureau largely for the determination of vital questions. At the proper time, looking to that end, amendments will be offered by the committee. This proposition invests the President with power to make rules and regulations and means merely that subsequently this duty will be designated by the President to the Bureau of Efficiency, and we will have the Bureau of Efficiency supplanting the Bureau of the Budget in being the restraining agency to guard against extravagance and wrongful allocations being made under the classification.

The committee was strongly of the opinion that of all the agencies of the Government the restraining hands should be those of the Bureau of the Budget, which in the last analysis is responsible to the President and responsible to the Congress for the expenditures of these moneys involved.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I would like to get a little information if I can. This section provides that the Bureau of the Budget shall go over these allocations. I suppose that means the places the positions are put in. Another provision of the bill provides that the Bureau of the Budget before the next session of the Congress shall make a report as to all the officers of the United States outside of the District of Columbia, this bill providing that the Bureau of the Budget shall make its report on the budget in accordance with the allocation in different departments provided by this bill. Am I correct? I have a very high idea of the Director of the Budget and the men under him. I do not know much about the men under him, but I think Gen. Dawes is one of the greatest business men I ever met.

But does anyone, does my friend from New Jersey believe that it will be possible for the Director of the Budget to allocate or determine whether allocations are correct or not as to all of the officers and employees in the District of Columbia and all of the Government employees outside of the District of Columbia between next June and next December? We have been working away on this thing for quite a number of years, fairly familiar with it before we started. We had a committee on classification, or whatever it was called, which made an elaborate report to the Congress. We have had a Bureau of Efficiency monkeying back and forth about these things for a good many years, and now we have a new bureau in the Government, and you propose to have them do overnight something that the whole Government machinery has not been able to do in years. How in the world are you going to do it?

Mr. LEHLBACH. Will the gentleman yield?

Mr. MANN. Certainly; that is what I am here for, to yield for information.

Mr. LEHLBACH. In the first place, the administrative department of the Government has not done this because it has not been vested with authority to do it, and as to the physical labor involved it will resolve itself into the bureau heads or officials of the Bureau of the Budget determining upon doubtful cases where whole classes of positions are involved. The great mass of allocations will be made by the department heads, and if the amendments are agreed to which the committee intend shortly to offer, they will have their active assistants and the detail work will be taken from their shoulders by both the Bureau of Efficiency and the Civil Service Commission.

Mr. MANN. Of course, I do not know what amendments the gentleman proposes to offer that remove or change the terms of the bill. I am not familiar with those. I have taken the liberty of reading the bill. I do not believe it is possible. I think the time for the report as to the officers outside the District of Columbia at least ought not to be made fast. If this work is done it ought to be done properly, it ought to be done carefully, it ought to be done so it will remain, and not done at a guess or haphazard. The Bureau of the Budget has to make up the budget for the next year. It is a big job for the bureau. It has to go over the expenditures during the present year and the demands for the next, and that is a big job.

Mr. LEHLBACH. Will the gentleman yield again?

Mr. MANN. Not just now. I have no objection to the Bureau of the Budget having jurisdiction over these allocations in the District of Columbia, but I do not see, and I would like to get any information on the subject, how, in addition to all that, they can classify all the places of the Government employees outside the District of Columbia and report to Congress and make up the budget in accordance with it by next December.

Mr. LEHLBACH. If the gentleman will yield. When the Bureau of the Budget makes up its forthcoming budget and allocations, in accordance with this or any other classification to be made by the department heads, naturally in making up various items for various departments they scrutinize the allocations and the grades and classes of employees and salaries they are to receive. And that is exactly what they would be doing; they receive and revise the allocations and the two jobs are completely dovetailed into each other, because one is supplementary to the work of the other.

Now, so far as the allocations in the field are concerned——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent that the gentleman may have five additional minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the gentleman from Illinois may have five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LEHLBACH. Now, the actual work of the classification in the field will be done by the departments, under the direction of the department heads. They will get the rough work completed. They will have at their disposal such information, and I understand it is voluminous, as the Bureau of Efficiency has at its disposal, so far as the character of the job is concerned and qualifications for it; they have the job specifications of the Civil Service Commission, which initially selects people and prescribes the qualifications necessary to fill these jobs in the beginning, and again, the physical labor involved in the Bureau of the Budget will be in large part performed by other people who are equipped for that work. Whether they can take that work, revise it, and coordinate it by the time the next budget is to be transmitted to Congress, is a question of judgment, and if those in whose judgment and experience I have great faith think the time is too short, it is a simple matter to eliminate that time limitation for report on field services. But I do think it would be a mistake to leave the responsible

approval to any other Government agency than the Government agency that is responsible for the money to be spent, namely, the Bureau of the Budget.

Mr. MANN. I am inclined to agree with the gentleman, although I do not want to see the Bureau of the Budget diverted from its purposes nor built up into a large force of employees, apart entirely from budget work, or a large temporary force. I believe the Bureau of the Budget may do some good. Of course, I have never had a great deal of faith in the budget system, but I am willing to be convinced and shown at any time.

Mr. STAFFORD. I believe the gentleman is acquainted with the budget law, which provides, I believe, for only four officers to perform the work in conjunction with the forces of the various department heads?

Mr. MANN. I would not say I was acquainted with any law that provided for only four or five officers in it. I am not.

Mr. STAFFORD. That was the testimony before the Committee on Appropriations last week, namely, that there were only, outside of the head of the bureau, four or five officers provided in that law.

Mr. MANN. Apart from assignment?

Mr. STAFFORD. Apart from assignment.

Mr. MANN. Oh, well.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, this is my understanding of what would happen, or what is contemplated by the committee, under this bill, touching the matter of placing the personnel of the Government service in the new classified status under the act. If this bill passes the House and Senate, which I earnestly hope it will, in such form as the two bodies may eventually agree upon, at a reasonably early date, the department heads and the heads of the independent establishments can and should begin at once the placing of their employees on the classified lists, making the original allocation of the employees under the classification provided for in the law. They could present that allocation or allotment to the Bureau of the Budget, or any other bureau that may be designated to finally pass upon the matter, at any time after they have made their original allocation. They probably would present the matter to the Bureau of the Budget in the summer or early in the fall, before the regular presentation of the estimates, which, I believe, is the 1st of October. If, however, they should not present these matters to the Bureau of the Budget until the 1st of October, that bureau would have two months in which to make its allocation. I assume the committee had in mind, in providing that the Bureau of the Budget should make the final allocation, that the bureau would, under the direction of the President, secure its personnel for that service from among those employees of Government services qualified to do that class of work, principally, I should say, from the Bureau of Efficiency. I understand that the chairman of the committee now contemplates offering an amendment to the bill under which that shall be specifically provided for, that the necessary help and assistance shall be loaned by the Bureau of Efficiency and the Civil Service Commission, still leaving, however, in the hands of the Bureau of the Budget the responsibility for the work as finally done.

Now, whether or no that work of allocation or reallocation will be a difficult one will depend a good deal upon the work as it is primarily done by the bureau and department heads. If we were quite confident that all of them would use good judgment in the placing of the personnel of their departments in the classifications provided, then there would be very little for the final allocating agency to do. But inasmuch as there would be a difference of opinion, and, in some cases, the original allocation might be quite liberal toward the employee, in other cases less liberal, it is, of course, essential that some one shall survey the entire field and endeavor to make an equitable adjustment under the classification throughout the entire Government service.

Assuming for the sake of argument that the Bureau of the Budget would not receive the reports from the departments until the 1st of October, when they must be presented under the law as a part of the estimates, assuming they were not presented until then, this bureau would have two full months within which to review the work. With such allotment of personnel as might be made from the Bureau of Efficiency and the Civil Service Commission, they ought to be fully able to complete the labor of finally allocating and placing the personnel in the classified lists in a fair and equitable way before Congress meets in December. The probability is that they could get to work on some of those lists much earlier. There is no reason why they should not be able to do so. That is a matter of administration which I am sure would be given attention by the President. So that, it seems to me, the plan proposed is one that is calculated to give the departments plenty of time to bring about the adjustment of this matter in a sane and sensible and equitable way. Why, some folks have suggested that the Committee on Appropriations could within a month or two go over the whole list and classify it. Of course, members of the committee know that that could not be done.

But here is a plan under which there will be several months for the primary placing of the personnel. Then there will be at least two months for the Bureau of the Budget, cooperating with the Bureau of Efficiency and the Civil Service Commission, to make the final allocations provided for.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STAFFORD. From the gentleman's large legislative experience and also his administrative acquaintance with departmental work, does the gentleman think that where the Bureau of the Budget is charged with the responsibility of passing upon estimates involving billions of dollars, covering the transactions of every activity of the Government, it is humanly possible or feasible and practicable to impose upon the bureau this little piecemeal work of determining what shall be the proper salary and allocation of salaries to thousands and tens of thousands of the various officials and employees in the departments and in the field in two months?

Mr. MONDELL. I would be perfectly willing to give the gentleman from Wisconsin the job and think he could do it within 30 days.

Mr. STAFFORD. I would positively decline to assume to do it within that time limit.

Mr. MONDELL. With sufficient help. Of course, he would not do it all himself, but he would do a large part of it. I am suggesting that as the extreme situation. The probability is there would be more time; there is no reason why there should not be three or four months for the final allocation. That is to say, we are proposing to pass the bill now, so that there shall be all next summer and fall during which period the departments may adjust these salaries and make the final allocations.

Why do we refer the matter finally to the Bureau of the Budget? Because the Bureau of the Budget is the organization under the Government responsible for the estimates, and they can not pass upon estimates intelligently, they can not adjust estimates as they should do, unless they shall have some authority in the matter of the allocation of the classified employees. The responsibility is theirs, but the detailed work would be performed by those from the Bureau of Efficiency and the Civil Service Commission who might be delegated to do that work by the President. Under this bill the plan is a sound, sane, sensible, and logical one. We are giving an entire year for the performance of this work, and we are placing the responsibility on the agency that is responsible for the estimates.

Mr. BLACK. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimouse consent to proceed for five minutes. Is there objection? There was no objection.

Mr. BLACK. Mr. Chairman, there is another section in the bill which I think illustrates the wisdom of making the Bureau of the Budget the final authority to review, revise, and approve the allocations to positions.

There are two classes of employees in the service: Those that labor in connection with clerical work and other departmental work, and, second, those known as the skilled trades, such as mechanics in the navy yards, in the Bureau of Engraving and Printing, and in the Government Printing Office. As to the latter class of employees the bill does not undertake to fix the compensation on the annual basis. Section 8 provides that the compensation of employees in the skilled trades shall be fixed by a wage commission composed of three members, to be appointed by the President, one of whom shall be a representative of the employees.

Your committee thought that there should be some final approval of the decision of the wage commission in order that there might be some uniformity in its findings. Therefore we thought it wise to lodge that authority with the Bureau of the Budget. Suppose we should change this section 3 and provide that the Bureau of Efficiency shall allocate these positions. Are we going to change section 8 and provide that the Bureau of Efficiency shall pass upon the decision of the wage commission? I dare say not.

Mr. WOOD of In. .ana. I will say to the gentleman that in order that I may be consistent and in order that he may be consistent in his argument, I propose to strike out section 8.

Mr. BLACK. I think the gentleman would do a very unwise thing if he should offer an amendment to that effect, and that Congress would do a still more unwise thing if it should adopt the amendment.

Now, I understand organized labor opposes that the Bureau of the Budget should have anything to do with the decision of the wage board. But if we do strike out section 8 we shall have the same inequalities growing up in the service in the future as have grown up in the past. The only way we can have uniformity is to have some agency like the Bureau of the Budget as the central, definite approving authority.

What the committee has done in this bill is to provide that in one case the heads of departments shall make the allocations of these employees, and then in the other case, as to the skilled trades, the wage commission shall fix the rates of wages, but that in both cases they shall be referred to the same central authority for review, revision, and final approval, to wit, the Bureau of the Budget; and I can not think of any more logical, any more appropriate agency to have this work than the Bureau of the Budget.

Mr. LEHLBACH. Mr. Chairman, I renew my demand for tellers.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. WOOD], which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 3, line 12, after the word "shall" add the following, "under such rules and regulations as the President may prescribe."

The CHAIRMAN. The gentleman from New Jersey [Mr. LEHLBACH] demands tellers.

Tellers were ordered, and the Chairman appointed Mr. LEHLBACH and Mr. WOOD of Indiana to act as tellers.

The CHAIRMAN. Those in favor of the amendment offered by the gentleman from Indiana [Mr. WOOD] will pass between the tellers and be counted.

The committee divided, and the tellers reported—ayes 5, noes 35.

Accordingly the amendment was rejected.

Mr. LEHLBACH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: Page 3, line 16, after the word "herein," insert: "In making such allocation the heads of departments shall consult with the Civil Service Commission and the Bureau of Efficiency, and shall avail themselves of all pertinent information in the possession of both bodies."

Page 3, line 19, after the word "bureau," insert: "The Civil Service Commission and the Bureau of Efficiency shall render the Bureau of the Budget such cooperation and assistance as the Bureau of the Budget may require for the performance of its duties under this act."

Mr. STAFFORD. Mr. Chairman, I ask recognition in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. STAFFORD. From my acquaintance with the work of the Civil Service Commission I think that body could aid only very slightly in the work that will be required to be done in passing in review upon the recommendatons of the heads of the departments as to the salaries that should be paid to the respective bureau chiefs, officials, and employees of the departments. The Civil Service Commission have hardly any technical knowledge of a character to qualify them for the performance of that duty. That is a bureau organized for examination purposes, not a bureau that passes directly upon the character of the work that is being performed, except so far as the standards of efficiency and qualifications that may be required for different kinds of work is concerned are furnished by the departments. There is in the Government a highly organized bureau for which we appropriate considerable money, which has been engaged for years and years in the performance of this very work. That is the Bureau of Efficiency. It had occasion some years back to investigate the salaries and the grades of efficiency of the different employees in the Post Office Department under Postmaster General Burleson, to whom credit must be given for inviting the Bureau of Efficiency to survey his department. He saw that there was need of having salaries and wages based largely upon the compensation paid outside the Government service for work of the same character. The Bureau of Efficiency made extended investigation of the salaries paid by railroads to employees in clerical positions, and of the salaries paid to clerks and others in large commercial and industrial establishments, for the purpose of arriving at a standard which should be the basis of pay for those in the departments here. Now, the Bureau of Efficiency has that data. It made a full review of all that work. The Civil Service Commission is organized largely for examination purposes, and has not a knowledge as to the wages and salaries which should be paid. This is a bill seeking to determine what is a proper wage and salary scale to be paid to Government employees and officials, and the Bureau of Efficiency has that information. Then why should we include the Civil Service Commission as an aid in that work?

Mr. Chairman, I move as an amendment to strike out the words "the Civil Service Commission" in both paragraphs of the amendment, so as to leave the detail work entirely with the Bureau of Efficiency.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the amendments offered by Mr. LEHLBACH: Strike out the words "Civil Service Commission" wherever they appear in both amendments.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BYRNS of Tennessee rose, and was recognized.

Mr. MONDELL. Mr. Chairman, I ask that the gentleman from Wisconsin [Mr. STAFFORD] may have five minutes more.

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. BYRNS of Tennessee. I yield for the request.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that the gentleman from Wisconsin [Mr. STAFFORD] may proceed for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I regret that I did not hear all that the gentleman from Wisconsin said in support of his amendment. I am sure we are all anxious to make the very best provision that can be made for the wise and sound and equitable allocation of the personnel on the classified lists. Is the gentleman from Wisconsin of the opinion that the Civil Service Commission can not render useful service in this regard?

Mr. STAFFORD. We have in existence an agency that is fully equipped in every particular with this information. That is the Bureau of Efficiency. I take it that the Civil Service Commission will have to create an additional branch of its service in order to be able to aid the Bureau of the Budget in the performance of their work in determining the proper salaries that should be paid to the various heads of departments and other employees.

Mr. MONDELL. If the gentleman will allow me——

Mr. STAFFORD. Certainly.

Mr. MONDELL. Of course, this entire matter will be handled by the President primarily. The Bureau of the Budget is the President's direct official organization. It will be for the President, following the recommendations of the chief of the Bureau of the Budget, to determine to what extent the Civil Service or other services may contribute to the success of this work. Of course, this can all be done without this specific authority.

Mr. STAFFORD. I take issue with the gentleman from Wyoming when he suggests that if we adopt this amendment vesting authority in the Civil Service Commission to collaborate with the Bureau of the Budget that activity will be under the control of the President, so far as the Civil Service Commission work is concerned. We are legislating to vest this authority in two bureaus, or in one bureau primarily, to have the aid of two agencies of the Government, one the Civil Service Commission and the other the Bureau of Efficiency.

I contend very strongly that the Civil Service Commission today has no data, is not equipped to aid in the particular design that is to determine what should be the proper salaries to be paid and the proper allocation in these positions.

Mr. LAYTON. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. LAYTON. As a matter of fact, is not the Civil Service Commission, and will it not be for months to come, absolutely incapable of rendering any service in view of the President's order respecting postmasters?

Mr. STAFFORD. Be that as it may, if we vest it in the Civil Service Commission it will be necessary for that commission to establish an additional agency, a duplicate of this Bureau of Efficiency.

Mr. MONDELL. The gentleman from Wisconsin is an old and tried legislator and he knows perfectly well that under this language the Director of the Bureau of the Budget could call on the Civil Service Commission for a single employee, if he

called upon them at all, or he could call for half a dozen or a hundred.

Mr. STAFFORD. I take issue with the gentleman. The fact is, if the gentleman knows anything of the functions of the Civil Service Commission, that they have no evidence in their possession, they have no agency under their existing establishments, which can be any aid to determining the proper salaries to be paid to the various employees and officials of the Government.

Mr. ROACH. Will the gentleman yield?

Mr. STAFFORD. I will yield.

Mr. ROACH. I want to suggest to the gentleman that he should incorporate in his amendment the striking out of the word "both," because it says that there shall be a call made on both of these departments. I want to suggest also that if they do not display any better judgment as a consulting agency than they do in applying practical methods to the post-office examinations of this country they will not be of much value to the Budget Bureau in making these salary allocations.

Mr. STAFFORD. I thank the gentleman for his valuable contribution.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. COOPER of Wisconsin. Did I undertsand the gentleman to say that the Civil Service Commission would have to have some new officials in order to determine the facts about these salaries?

Mr. STAFFORD. That is what I said.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I move to strike out the last word. I think we all realize that there is need for a reclassification. We all know that a great many salaries now being paid by the Government are too small for the character of the service rendered, and I think it can be truly said that there are some that are too high for the services rendered to the Government. There is an inequality in salaries among the departments here that ought to be corrected. Several years ago it was my privilege to present an appropriation bill which carried for the first time a provision looking to a reclassification. But I very much doubt, gentlemen, that this is the particular time to enter on a reclassification of salaries, especially when we are told that the passage of this bill as reported means an increase of more than $9,000,000 to the salary roll in the District of Columbia alone. That, in addition to the $35,000,000 or $50,000,000 paid in the last two years by the way of bonus to employees in order to take care of the high cost of living.

The gentleman from New Jersey, the chairman of the committee, placed in the RECORD the other day a statement showing that he was going to offer an amendment which would reduce the salaries proposed in the reclassification bill. Gentlemen, that has only served to emphasize the doubt in my mind that Congress ought to pass this bill at this time. It shows, with all due respect to the committee, that there has not been given that full and thorough consideration to the salaries which are being proposed in the reclassification bill that ought to have been given. Who is there here, whether he be on the committee or not, that can tell any Member of this Congress just what this reclassification bill is going to mean in dollars and cents to the Treasury of the United States? They say that it will cost more than $9,000,000, but I tell you that there has been no statement furnished to Congress which gives absolute and definite information as to just what this bill means in the way of increasing the salary roll in the District of Columbia.

Now, I know, of course, that some sort of effort has been made to secure this information. I have been told that this information was gathered in this way. In other words, the committee fixed the maximum and minimum salaries under the classification schedule and then they sent them to a bureau chief, or the head of the department and through him to the bureau chief, and asked him to say just what it would mean in point of money as applied to his particular bureau. No reliance can be placed on information like that, gathered as it was from many individuals, each of whom was free to place his own construction on the proposed law.

I submit, gentlemen, that there ought to be a little more systematic effort to get exact and definite information before we are called upon to vote for this bill. As the gentleman from Wisconsin well said a while ago, the Bureau of Efficiency has been making examinations and gathering information along this line for the past 10 years. It has valuable information which it has gathered at public expense, information gathered from all of these departments which will justify a reclassification of salaries in these departments without additional work or investigation. It has established efficiency ratings in the Post Office Department and the State Department and in a number of bureaus in the Treasury Department. Are you going to cast that aside and not use that information in the effort to properly classify and equalize salaries in the District of Columbia and put them on a fair basis, doing justice to both the employee and the Government?

I think that the amendment of the gentleman from Wisconsin [Mr. STAFFORD], if I understand it correctly, ought to be adopted. There are several features of this bill that I do not favor. I do not like section 8, providing for a wage commission, but that will be discussed later.

There is another objection that I have to this particular bill. I do not know whether anybody here agrees with me or not on the subject, but I do not agree with my distinguished friend from Wyoming [Mr. MONDELL], who thinks that the Bureau of the Budget ought to be charged with the final supervision of these allocations and this classification. I feel sure that we all want to see the Bureau of the Budget function just as the law intended it should function, and I say that you are endangering the proper functioning of that bureau if you now undertake to put upon it this extra duty which was never contemplated when the law was passed or when the director was appointed.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. I do not speak for the present director, because I have no right to speak for him—I have not discussed the matter with him—but I dare say that if any of you gentlemen would talk to Gen. Dawes, the very efficient and earnest Director of the Bureau of the Budget, he would tell you that this duty should not be placed upon that bureau, because it now has all that it can possibly do. What does the law contemplate with reference to the Director of the Bureau of the Budget? The law specifically provided that the director should be appointed by the President. His term is indefinite. He may be continued during the entire term of the President or he may be removed and some one else appointed at any time. It is not necessary for him to be confirmed by the Senate. In other words, the whole idea of the budget law was that the President of the United States should have as a director of the budget and as his adviser a man who not only holds his political views but who is his personal friend, a man who is interested in him and in whom he has the utmost confidence. I have very high respect for the present Director of the Budget, and I am not now speaking particularly of him, but of any director who might be appointed under Presidents hereafter to be elected, but I can not favor a proposition to put on that semipolitical agency of the President of the United States the duty of classifying and allocating these various positions in the District of Columbia. When you come to reclassify these positions it ought to be done free of politics. There ought not to be the slightest possibility of any suspicion of any political influence being exerted here or there in favor of any class of employees in the District. By this bill you are undertaking to fasten on the Bureau of the Budget, which as I have said is, as a matter of fact, political to a certain extent, because the appointment of the director is a political appointment, the duty of classifying these various positions here in the District of Columbia, and to that extent you will hamper him in the performance of his real duties in bringing about economy and efficiency in government.

I doubt if this is now the time to pass a reclassification bill. I am not so sure but what the bonus ought to be continued until prices are more stabilized. Farm products are lower than they have been and ought to be, wages are being reduced upon the railroads and in the factories and upon the farms and everywhere throughout the country, but here you are passing a bill at this stage of falling prices and a hoped-for reduction in the cost of living undertaking to fix irrevocably upon the statute books a provision of law which will confessedly increase the salaries paid in the District of Columbia to Government employees not only over the statutory salaries fixed by law, but, in addition to that, over the $240 extra, paid in the form of a bonus, and allowed during the past few years to take care of the increased cost of living. [Applause.]

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. The creation of the budget was for the purpose of consolidating the various departments of the Government. This amendment, if I understand it, means there must be three separate departments passing upon one single question. Under this amendment the heads of departments must consult with the other two departments, and it necessarily follows that these de-

partments, in order to have information, must create bureaus or departments within themselves in order to get the information about which it is to be consulted. This amendment, if adopted, means that three different agencies of the Government shall investigate the salaries paid to employees of the Government.

Mr. FAIRFIELD. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. FAIRFIELD. Is the gentleman aware whether the Civil Service Commission when it advertises for an examination appends the amount of the salary which belongs to the place to fill which the examination is held?

Mr. DOWELL. Yes; and that is fixed by the various departments under which the employment is sought.

Mr. FAIRFIELD. In other words, the Civil Service Commission knows and has on file the salary rate of every employee of the Government and the position for which the examination is held?

Mr. DOWELL. As it is at the time of the examination. They have that information which everyone has, if he will but look at the record. They have no more information than any individual may have if he will look at the records and see what certain employees are paid under the schedule at the time the examination is held. What I call attention to is this: The budget system was created for the purpose of consolidating these various departments. I differ with the gentleman from Tennessee [Mr. BYRNS].

I believe it is the duty of these departments to have an itemized account of what is to be expended. The Bureau of the Budget is the one department of all others that should have the necessary information to be sent to the Congress, but when two other separate bureaus of the Government must be consulted it necessarily follows that we must equip these two other bureaus with the same equipment given to the Bureau of the Budget in order to secure the information, or their advice would be of no value, and we are therefore multiplying the expenditure of carrying out this provision.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. MOORE of Virginia. Does the amendment which is under consideration require that the Bureau of the Budget shall consult these other departments?

Mr. DOWELL. As I understand the amendment, it is mandatory.

Mr. LEHLBACH. Oh, the gentleman is utterly mistaken about that.

Mr. STAFFORD. The gentleman is not.

Mr. LEHLBACH. I ask that the amendment be again reported.

There was no objection, and the Clerk again reported the amendment, as follows:

Page 3, line 16, after the word "herein," insert:
"In making such allocations the heads of departments shall consult with the Civil Service Commission and the Bureau of Efficiency, and shall avail themselves of all pertinent information in the possession of both bodies."

Page 3, line 19, after the word "bureau," insert:
"The Civil Service Commission and the Bureau of Efficiency shall render the Bureau of the Budget such cooperation and assistance as the Bureau of the Budget may require for the performance of its duties under this act."

Mr. DOWELL. Yes; and the amendment provides that the heads of the departments shall consult with the Civil Service Commission.

Why will the Civil Service Commission be consulted unless you furnish the commission with an agency that will give the information you want to secure? That will happen after this amendment carries, for we will be called upon to provide a department within this department to furnish the information sought.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOWELL. I ask permission to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. DOWELL. Now, I was opposed to the amendment of the gentleman from Indiana because I believe this question should be left with the budget.

Mr. MANN. Will the gentleman yield?

Mr. DOWELL. I will yield to the gentleman.

Mr. MANN. Has the gentleman any objection to that part of the amendment which authorizes the Bureau of the Budget to get the assistance of the Civil Service Commission and the Bureau of Efficiency, if the Bureau of the Budget desires it?

Mr. DOWELL. No. If you will strike out of this amendment the word "shall" and then permit the consultation, if they desire it, I would have no objection to the amendment.

Mr. MANN. Then the objection is not in reference to the heads of the department——

Mr. DOWELL. Yes.

Mr. MANN. Permitting them to consult?

Mr. DOWELL. Yes. I have no objection to that, but to require them in my judgment means we must furnish that department with special equipment to secure the information.

Mr. MANN. It might at least very much delay the action by the heads of the department.

Mr. DOWELL. Certainly it would delay, and I think this amendment as it now stands should be voted down. I have no objection to the head of a department consulting with the Civil Service Commission. They should consult with every department official where information can be secured, but it does not require an amendment here to permit them to make this investigation and consult with other departments with reference to information, and when you require it as a matter of law it necessarily follows you must equip that department with the necessary means to secure the information desired.

Mr. BEGG. Will the gentleman yield?

Mr. DOWELL. I will.

Mr. BEGG. Is it really necessary to have legislation to permit the Bureau of the Budget to get this information now?

Mr. DOWELL. Certainly not. They may secure any information from any department of the Government, and it is not necessary to pass this amendment. It seems to me we are only delaying and encumbering this matter, and it can not be worked out properly unless we leave the responsibility where it is.

Mr. MADDEN. Mr. Chairman, I am not familiar with the details of the amendment which is pending, and therefore I am not competent to speak as to the advisability of the adoption or rejection of that amendment, but I have long since believed that the time has come for a simplification of the practice prevailing in fixing compensation for those who are employed by the Government. The compensation should be uniform for like work. The enactment of a classification law, it seems to me, is one of paramount importance. The Committee on Appropriations has no power and will not undertake to exercise power, as I understand it, and at any rate, as far as I am concerned, to increase compensation beyond the statutory salaries. And it is therefore more important than ever before that there should be some authority vested somewhere to place before the Committee on Appropriations a concise authorized compensation to be paid by the Government for the various classes of employment.

I think what we should do is to work along orderly lines. Now, whether the budget officer is the man best qualified to fix compensation under the efficiency ratings or not I do not undertake to say, but what I do undertake to say is that it is vitally important that some law should be enacted fixing and esablishing the power in some one to do that very thing, so when the question comes before the Committee on Appropriations it will not be called upon to equivocate or vacillate or violate the laws or the rules of the House. I am firmly of the opinion that it should be the business of the Committee on Appropriations to write the bills under the law as we find it and not to inject itself into the creation of new laws. Now, that being the case, the question before you gentlemen here is to determine whether or not in the face of the present situation there should be a classification law that will enable us as your representatives on the Committee on Appropriations to function with some degree of intelligence. The budget officer has more facilities that can be utilized in the fixing of compensation on ratings fixed, either by the Efficiency Bureau or by the heads of the bureaus or departments, than any other institution in the Government, and it might be very wise to place the responsibility on him to write into the estimates for any given year just what the ratings should be as set out by either the Bureau of Efficiency or the bureau heads or chiefs or heads of departments.

Mr. DOWELL. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. DOWELL. Must not he necessarily know what is paid to each one in order to recommend that?

Mr. MADDEN. He should; somebody should; but the main thing and the most important thing here, as I see it, is that there should be some law enacted which will place the responsibility somewhere. You can not place it on the Committee on Appropriations; that would be endless detail, and you do not want the Committee on Appropriations to assume that re-

sponsibility. They ought not to assume it. They ought to be permitted to write the figures fixed by the law and say whether or not these figures shall obtain, or whether there should be a certain number of people in a department or whether you are going to increase or decrease the amount to be expended in a given year. But they ought not to be called upon to say what the rate of pay shall be. [Applause.]

Mr. BLACK. Mr. Chairman, I heartily agree with what the gentleman from Illinois has just said, but I want to discuss for a moment the pending amendment.

I believe the amendment should be adopted. I think it will decidedly improve the bill from the Government's standpoint. Now, the method of allocating, as provided in the bill, is for it to be done, in the first instance, by the heads of departments, and then later on reviewed, revised, and approved by the Bureau of the Budget. The committee thinks it is very important that this work should be done, in the first instance, just as uniformly as possible. The committee knows that if we left this allocation to the heads of the departments or the bureau chiefs unassisted and gave them the same power of decision as they now have, we would have approximately the same amount of inequality and lack of uniformity that we now have.

Concerning present inequalities, what did the Commission on Reclassification find in studying this whole situation? It found, for instance, that in some of these new departments, as compared with some of the older ones, an inequality existed like this. On page 38 the commission says:

> The average salary for junior mail-route clerks, for example, was $878 in the old establishments not expanded by the war, as contrasted with $1,116 in the war-expanded organizations other than the Treasury.

So far as I know, the nature of the duties performed in each case is the same.

If you will analyze the rolls of the new departments, like the War Risk Insurance Bureau, you will find a very much higher range of salary for identically the same class of employment than exists in the older departments. The purpose of this amendment is to require all of these heads of departments to call upon the Civil Service Commission and the Bureau of Efficiency for help in making this classification. The committee believes that requirement would materially aid uniformity and system, and certainly that is a consummation devoutly to be wished.

Now, when the allocation goes up to the Bureau of the Budget, the director does not have to call upon the Civil Service Commission or the Bureau of Efficiency for assistance, but the amendment which the gentleman from New Jersey has offered gives him the power to do it, and I think that also is desirable. And, therefore, I think the amendment should be adopted as it now reads.

Mr. MANN. Will the gentleman allow me to state a case?

Mr. BLACK. I shall be glad to.

Mr. MANN. Take it in the custodian service of public buildings, where they have a post office in the building, the custodian service of the building is under the Treasury Department. The janitor, I believe, gets paid about $60 a month. The Post Office Department has janitors in the Post Office Department under the Post Office. They get paid about $100 a month. Now, under the provision that is offered there would be the intention to somewhat bring those salaries under the same lines for the same work.

Mr. BLACK. Yes.

Mr. MANN. Whereas if it was simply left to the head of the department it might be made exactly as it is now, with two men working side by side doing the same work but paid very different salaries because they were under different departments.

Mr. BLACK. I think the gentleman is exactly right. That is what would happen in many cases.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BLACK] has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DOWELL. Will the gentleman yield for one question in connection with the statement of the gentleman from Illinois [Mr. MANN]?

Mr. BLACK. Yes; I will be glad to yield to my friend from Iowa.

Mr. DOWELL. But the last clause of this paragraph provides that this entire matter should be determined by the Bureau of the Budget, and that is where you have your equalization. It is not presumed now that you are going to get this except through this agency.

Mr. BLACK. The thought the committee has in mind is identically the thought suggested by the gentleman from Illinois. If we allow the bureau heads to make the original allocation without any supervision, we will have an allocation go up to the Director of the Budget which would in all probability lack uniformity, and the more unequal it is the more likely the Bureau of the Budget would be to make errors in its revision and in its final approval. And so it occurs to me that the sensible thing to do is to have the allocations made as uniform and as equal in the original instance as possible, and then the Director of the Budget will be less liable to make errors in his revision and in his final approval. I think the amendment speaks for itself and really needs no defense.

Mr. DOWELL. The fact that the last paragraph is in this section indicates to the committee that the committee well knows that the department will not do this work except through the work of the Bureau of the Budget.

Mr. BLACK. I just explained my viewpoint upon that. I think it is very wise and very salutary that the Bureau of the Budget is to do that—review, revise, and finally approve the allocations—but we want the list to go to it in as good a shape as possible in the original instance.

Mr. WOOD of Indiana. Mr. Chairman, I wish to call the attention of the committee to some history that I think is very applicable in the consideration of the amendment now before us. The Bureau of Efficiency was created in 1912 and was made a part of the Civil Service Commission. It proved an abosolute failure, and was undermining the real purpose of the civil service. In consequence in 1916 the Efficiency Bureau was taken away from the civil service and made an independent establishment and has been doing remarkably well ever since. It is not the business of the Civil Service Commission to fix salaries. It is their purpose to examine applicants, to see whether or not they are fit to become employees of the Government, and to classify them in accord with the grades that they make. Now, then, we are going back to throwing the same poison into the Civil Service Commission that was destroying it in 1912 and down to 1916, if this amendment proposed by the gentleman from New Jersey is adopted. In my opinion, the civil service should have no responsibility concerning the efficiency of the employees of the Government after examination and employment. It has quite enough to do in passing upon their qualifications, and when they become employees of the Government of the United States it should be the function of somebody else to determine efficiency. One of the great weaknesses of this Government is in the division of responsibility that we find all the way through it.

Now, then, suppose this amendment were adopted here. Then we would have this responsibility divided among three different agencies—the Budget Bureau, the Bureau of Efficiency, and the Civil Service Commission—each one of them denying that this or that which has proven an utter failure can be traced to them, or that they have had anything to do with that, and perhaps taking all the praise for that which proves for efficiency, whether that credit belongs to them or not. The responsibility should be lodged somewhere. It should be lodged in one agency and not divided among three.

I agree with the gentleman from Illinois [Mr. MADDEN], the chairman of the Committee on Appropriations, that there is a growing need for an intelligent reclassification of the civil service of the United States. But we should have an intelligent reclassification, and the very amendments that are now being proposed to this bill are but emphasis to the fact that this is not an intelligent reclassification, and there is nobody who can undertake to interpret it in dollars and cents.

Now, then, I have called the attention of this committee to this before, and I think your attention should be called to it again, that there is an Executive order now extant and in process of being worked out whereby an efficiency survey is being taken of every department of the Government. Questionnaires are now in the hands of the different heads of the departments and the employees of those departments for the purpose of establishing efficiency ratings in these several departments.

I have heretofore called attention to the fact—and I shall call attention to it again—that we have spent more than a million dollars in investigations for the purpose of entering upon a reclassification, and we have had no benefit whatever from the result of those investigations, while, on the other hand, a reclassification has been made that applies to all the employees of the Federal Government in the District of Columbia, embracing some 65,000 people, a reclassification that is complete and only needing an Executive order to put it into effect, and until we can have an intelligent reclassification covering the whole field submitted to us, with somebody behind it who can tell us what it means, we had better go a little slow instead of driving along "sight unseen" and increasing salaries to the extent of

nearly $20,000,000, covering employees inside and outside the District of Columbia.

I am desirous of a reclassification. Everybody who has had to do with this present hodge-podge of salaries should be desirous of a reclassification. But I am opposed to this reclassification, because it is not intelligent, and nobody can understand it or explain it satisfactorily, and it is being made at a time when the Government of the United States ought to be a little mindful of fixing permanent salaries when, as I stated before, the cost of living is going constantly down, for a salary once fixed by statute is never decreased.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Indiana may proceed for two minutes more. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. GREEN of Iowa. The gentleman from Indiana has given a great deal of study to this subject, and, as I understand, if this amendment carries, it will impose upon the Civil Service Commission duties other than those which they now have. Am I correct in that?

Mr. WOOD of Indiana. Yes.

Mr. GREEN of Iowa. And it seems to me it would subject them also to political influences and other influences that would be likely to interfere with the proper performance of their duties as now imposed upon them. Does the gentleman agree with me on that?

Mr. WOOD of Indiana. Yes. I think the gentleman is entirely correct about that, and if the Civil Service Commission is what it should be and what it was intended to be by the framers of the law creating it, no other duties than those of grading applicants and ascertaining the qualifications of applicants will be put upon them. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. CROWTHER rose.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LEHLBACH. Mr. Chairman, if the gentleman will bear with me for a moment, I ask unanimous consent that the debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. CROWTHER. Mr. Chairman and gentlemen of the committee, I realize, of course, the extreme importance of this measure. I had the privilege and honor of being a member of the committee in the last Congress when the original report came in, accompanied by a very voluminous bill, which this bill takes the place of, and I realize that there is, perhaps, a certain necessity of adjudicating wages. I suppose the word "adjudicating" in this connection means largely the raising of wages, because nobody contemplates that anybody's wages or salary will be reduced by this bill, and I think, perhaps, that may be a very necessary and splendid thing to do for the benefit of the employees of the Government.

Personally I think that the United States should set an example as to wage standards, for we can not expect industrial concerns to pay wages that will maintain American living standards if the Government fails to set a good example.

It is true that the Government employees need all the money they can get, especially those who live in Washington, for this city is the paradise of the profiteer, where rents and living expenses are higher than they are anywhere else in the world. Speaking of salary increases, I believe that it would meet with popular approval if the congressional salaries were raised, although probably no Member has the necessary nerve to introduce a bill to do it, because we are pledged to economy, and no Member would care to shoulder the blame as to inconsistency that would follow such action. Yet Members receiving $7,500 to-day are not really getting as much as they did when the salary was $5,000 a few years ago.

But I want to say this, that there is a general impression in the country that certain promises made by this administration have not been lived up to, and one of them is a three-word promise contained in the President's inaugural address, "instant tariff action."

Mr. Chairman, my home papers carried a story last week regarding the establishment of bread lines for the deserving poor and needy, and in some of the cities of my district manufacturing plants are closed because we have no tariff bill. Let every Member on this side of the House urge upon his Senators the urgent need of speedy action on the Fordney bill. [Applause.]

Another thing demanding attention is the adjusted compensation bill for our soldiers, and while I do not intend to oppose the bill now pending I feel that every Member of this House, especially on the Republican side, ought to stop raising the wages of civilian employees of the Government until we pass the adjusted compensation bill, or the soldiers' bonus bill—I do not care what name you give it—and thus keep the party's promise to the men who went to the front and were the country's pride on the fighting line. [Applause.]

Mr. LEHLBACH. Mr. Chairman, I desire to say, in the first place, in answer to the gentleman from New York [Mr. CROWTHER], that it is not intended that as a result of the passage of this bill there shall be a general increase in salaries.

The amendment that is pending provides that in making such allocation the heads of the departments, the various bureau chiefs, the division heads who make the initial allocation, shall consult with the Civil Service Commission and the Bureau of Efficiency and shall avail themselves of all pertinent information in possession of both bodies.

As has been explained already, that is in the interest of initial uniformity. The gentleman from Indiana [Mr. WOOD] and the gentleman from Tennessee [Mr. BYRNS] have pointed out that the Bureau of Efficiency has for years been gathering information that is invaluable in the performance of this work. It is at the present time gathering supplemental information that will be of great value in making the original allocation and in making the revision. The gentleman's bill embodies the scheme which he favors in place of this reclassification, and it seeks in a nutshell to delegate to the Bureau of Efficiency the right to write the pay rolls of the Government. Since the beginning of this Government Congress has never surrendered or delegated that right, but has held it itself, and in the bill under consideration it holds in itself the right to write the pay rolls.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. WOOD of Indiana. The gentleman does not intend to misrepresent me. The bill that I introduced does not do what the gentleman says, but, upon the other hand, it divides the classified service into grades, leaving it with the Congress each year to fix, if it so desires, what the salary of each grade shall be.

Mr. LEHLBACH. It leaves it to the Bureau of Efficiency to recommend, to classify, and within the grades, where in some cases there is a difference of $2,000 between the maximum and the minimum, to fix whatever salaries they consider equitable and just, and leaves it to the cursory revision of the Committee on Appropriations, which can not do the work, which he himself says it will take the Bureau of the Budget months to do, and necessarily would leave the fixing of salaries to the Bureau of Efficiency instead of having a schedule of salaries adopted by Congress as the law of the land.

Why should both these bodies be consulted by the heads of the departments? The Bureau of Efficiency has this information, which is invaluable and which ought to be placed at the disposal of the department heads in making the allocation.

Now, why should the Civil Service Commission be consulted? The Civil Service Commission has analyzed and has on record in its archives a statement of the duties of every position in the civil service and the qualifications necessary to fulfill those duties. In other words, it has a job analysis of every position in the civil service of the United States. Now, why on earth can not the heads of the departments be able to go to the Civil Service Commission and say, "We are allocating these positions; give us your job analyses that you have on record"? That is all that will be required of the Civil Service Commission. The Civil Service Commission will not be asked to fix a salary. It will only be asked to give that information to the department heads, and later to the Bureau of the Budget. It would be an act of folly, because of prejudice against the Civil Service Commission or for any other reason, to deprive the Bureau of the Budget of the right to get these job analyses from the Civil Service Commission; and that will be the sum total of the contribution of the Civil Service Commission to this work, and will not vest the Civil Service Commission with one iota of authority in making the allocations.

Mr. CLOUSE. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. CLOUSE. Suppose the Director of the Budget should ascertain the fact, for instance, as to class 6 of your professional schedule that the minimum salary of $6,000 was too much for that class of service. Then what should we do?

Mr. LEHLBACH. I do not know of any class in which there is a minimum salary of $6,000.

Mr. CLOUSE. Under grade 6 of professional service the minimum salary is $6,000 and the maximum $7,200. That requires just such work as the district attorneys of Baltimore and New York City and other places in the country are doing for $4,500.

Mr. LEHLBACH. If the gentleman will read the specifications he will find that that refers to the responsible head of a big and important department. However, if the gentleman has done me the honor to read what I put into the RECORD, he will find that all these salaries have been reduced.

Mr. CLOUSE. I want to be perfectly clear on that, because I am very much interested in it. Does the gentleman mean to say that by the passage of this bill we are going to reduce the expense to the Government of the clerical help that is necessary to carry it on?

Mr. LEHLBACH. If the revision of the schedules as accepted by the committee is written into the bill there will be a reduction in the cost of the maintenance of the civil service as a result of the reclassification.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. STAFFORD. I ask for a separate vote on the respectice amendments offered by the gentleman from New Jersey.

Mr. LEHLBACH. The amendment to the amendment comes first.

The CHAIRMAN (Mr. LONGWORTH). As the Chair understands it, there is an amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] to the amendment of the gentleman from New Jersey [Mr. LEHLBACH].

Mr. STAFFORD. I offered two amendments. I ask for a division of the amendments offered by the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. The amendment of the gentleman to my amendments is one single proposition, and it is not divisible in its nature. It is to strike out the words "the Civil Service Commission" wherever they occur. That is not a divisible amendment.

The CHAIRMAN. The Chair thinks the amendment is divisible.

Mr. BRIGGS. Mr. Chairman, may we have the amendments reported?

The CHAIRMAN. Without objection, both amendments will be reported.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: Page 3, line 16, after the word "herein," insert:

"In making such allocations the heads of departments shall consult with the Civil Service Commission and the Bureau of Efficiency and shall avail themselves of all pertinent information in the possession of both bodies."

Page 3, line 19, after the word "Bureau," insert:

"The Civil Service Commission and the Bureau of Efficiency shall render the Bureau of the Budget such cooperation and assistance as the Bureau of the Budget may require for the performance of its duties under this act."

Amendment to the amendment offered by Mr. STAFFORD: Strike out the words "Civil Service Commission" where they appear in both amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin to the first amendment offered by the gentleman from New Jersey.

The question was taken, and on a division (demanded by Mr. STAFFORD) there were 8 ayes and 35 noes.

So the amendment was rejected.

Mr. DOWELL. Mr. Chairman, in the first amendment offered by the gentleman from New Jersey I move to strike out the word "shall" and to insert the word "may."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In the first amendment offered by Mr. LEHLBACH strike out the word "shall" and insert in lieu thereof the word "may."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and on a division (demanded by Mr. DOWELL) there were 9 ayes and 36 noes.

So the amendment was rejected.

The CHAIRMAN. The question is on the first amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin to the second amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the second amendment offered by the gentleman from New Jersey.

The question was taken and the amendment was agreed to.

Mr. WOOD of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 3, lines 15 to 19, inclusive, strike out the matter following the word "thereunder" in line 15 and insert the following:

"If the compensation schedules contain no specifications exactly defining the work of a particular position to be allocated, the head of the department shall allocate such position to the grade which in his judgment contains the specification of work most nearly comparable to that pertaining to such position, giving due regard to the mental and physical requirements of the position and to the preparation and training necessary therefor. From and after the effective date of this act no employee shall be paid a salary exceeding the maximum rate or less than the minimum rate prescribed for the grade to which his position is allocated: *Provided*, That during the probational employment of a new appointee or during the first six months' service of any employee on new work the head of a department may, in his discretion, fix the salary of such appointee or employee in the next grade below that to which his position is allocated."

Mr. WOOD of Indiana. Mr. Chairman, I will say to the committee that it occurs to me that this provision ought to be in any bill that is adopted. It is a physical impossibility, I take it, to make reclassifications or defining grades that will exactly cover every position of the employee in the service of the Government; so there should be a discretion lodged somewhere, so that whenever it is discovered that there is a position not defined, one that does not come within the classification on that particular work that this person is to do, that is not placed within the allocation of any other position, that some one should be charged with the responsibility, temporarily, of placing that man, during a probationary period at least, and determining where he shall be placed and the salary he may receive. It ought to be in this bill or any other bill, because of the necessities and emergencies and exigencies that will arise, no matter how perfect the bill may be.

It also authorizes the head of the department during the first six months, if he deems it necessary, to place him in the grade whereby he will receive a salary next lower than the grade he hopes to be qualified to fill.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. PARKER of New Jersey. With reference to the lines on page 4—

That whenever an existing position or a position hereafter created by law shall not fairly and reasonably be allocable to one of the grades of the several services described in the compensation schedules, the Bureau of the Budget shall adopt for such position the range of compensation prescribed for a grade, or a division thereof, comparable therewith as to qualifications and duties.

Does not the gentleman think that that covers what the gentleman desires?

Mr. WOOD of Indiana. No; that is an attempt to take care of it, but it has a fixity about it that can not be applicable in every case, for the reasons I have suggested. There will be numerous occasions when positions will arise where it will be absolutely impossible to know where to place the individual and the salary he should receive.

Mr. LEHLBACH. Mr. Chairman, just a word in reply to the gentleman from Indiana. As has been pointed out, where the position is not fairly and reasonably allocable it is provided that it be taken care of by the Bureau of the Budget. All these points in the gentleman's amendment are covored properly and logically and in their right order in the provisions of the bill. The gentleman from Indiana, as is well known, has sought to substitute his bill for that of the committee. He has sought to substitute the matter contained in his bill for the provisions in this, and this particular amendment is merely a portion of his bill which he seeks to substitute and has sought to substitute from time to time. He is by piecemeal endeavoring to substitute his bill for that reported by the committee. There is no need of the provisions in his amendment, because all of those provisions are in here. It is a question which bill the committee is going to continue to consider.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The amendment was rejected.

Mr. MOORE of Virginia. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 3, line 17, after the word "compensation," insert the words "shall be reviewed and," so that the sentence will read:

"Such allocations and rates of compensation shall be reviewed and may be revised by the Bureau of the Budget."

Mr. LEHLBACH. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That the Bureau of the Budget, in order effectively to revise and approve allocations, may make all necessary rules and regulations not inconsistent with the provisions of this act and provide such subdivisions of services, titles of positions, and definitions of duties as it may deem necessary.

The Bureau of the Budget may divide the positions in a grade into divisions according to the difficulty of the work performed, and may fix minimum and maximum rates of compensation for such divisions within the salary range of such grade.

That whenever an existing position or a position hereafter created by law shall not fairly and reasonably be allocable to one of the grades of the several services described in the compensation schedules, the Bureau of the Budget shall adopt for such position the range of compensation prescribed for a grade, or a division thereof, comparable therewith as to qualifications and duties.

The Bureau of the Budget shall make necessary adjustments in compensation for positions carrying maintenance.

Mr. WOOD of Indiana. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. WOOD of Indiana: Page 3, line 20, strike out the entire section 4 and insert the following:

"SEC. 4. That the President shall promulgate suitable rules and regulations for carrying this act into effect, and is authorized to supplement the compensation schedules from time to time as may be necessary, to the end that they shall be current and readily applicable to all positions covered by this act, and to the further end that all rates of compensation shall be fixed upon the basis of equal pay for like or similar services and all just and reasonable compensation for all employments: *Provided*, That this shall not be construed to authorize the President to increase or to decrease the number of grades specified in the compensation schedules or to alter or modify the salary or salary ranges pertaining thereto."

Mr. WOOD of Indiana. Mr. Chairman, it may be seen from this amendment that the purpose of it is to take from the Budget Bureau the responsibility which is sought to be placed upon the budget by the text of the original bill. If the budget is to be successful, it ought to be permitted to discharge the duties for which it was created, and it should not thus early when it is yet going through the experimental stage be loaded down with a lot of matters that are entirely extraneous to that bureau. I am revealing no secret, because what I am about to say is likewise known to the chairman of this committee, when I say that the budget officers are fearful of having this responsibility placed upon it. The Assistant Director of the Budget informs me, and I think he informed the chairman of this committee, that the Budget Bureau is not the place for this responsibility; it has no machinery whereby it could discharge the duties attempted to be imposed upon it, and which will be imposed upon it if this bill is passed as originally written.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. I yield.

Mr. LEHLBACH. If the Bureau of the Budget is to be too busy to do this work, does the gentleman think that the President of the United States has ample leisure, personally, to attend to it? And if not, in whom is he going to vest it?

Mr. WOOD of Indiana. Mr. Chairman, that same sort of specious argument might be urged with reference to any bill offered here where it is desired or attempted to make a lot of new places. It will be plainly seen that one of the purposes of this section is to have a lot of new machinery created within the budget. The first thing that will happen if this bill becomes a law as it is written will be the creation within the Bureau of the Budget of a bureau of efficiency, completely equipped and manned with directors and subdirectors, with agents and subagents, with economists and subeconomists, with fancy salaries. That is as sure to come as that day follows night.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. DOWELL. Is it not true that the budget in order to get that information before the committees must necessarily have this information, and must necessarily have a department to secure that in order to make up a proper budget?

Mr. WOOD of Indiana. They would secure that then as they secure it now. How did this first budget receive its information? It received it, if you please, from these various departments. It will so receive the information then, and that is the purpose of it. The budget is not for the purpose of establishing a policy; it is not for the purpose of creating new avenues of government; it is not for the purpose of helping create new agencies to expend money. One of the things it was created for was for the purpose of saving money.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. LEHLBACH. The gentleman said this may result in the creation of a bureau of efficiency in the Bureau of the Budget?

Mr. WOOD of Indiana. Yes.

Mr. LEHLBACH. Does not the gentleman think it would be salutary to have the existing Bureau of Efficiency function under the control and direction of the Bureau of the Budget?

Wr. WOOD of Indiana. I say no, for the reason that you are going to cause conflict the very minute you do that thing, and that is the reason it was separated from the civil service. Anyone who has had experience for a number of years with these departments knows how jealous they are of their jurisdiction and of the encroachment of another upon it. If you are going to weaken this budget institution, this so-called reclassification bill, you will do the very thing which you are attempting to do here. If, on the other hand, you want to create a piece of machinery that is going to establish the best way to bring about the purpose so much desired, you are going to keep responsibility single, so far as possible, instead of dividing it as you are attempting to do, and if you wish to destroy the budget, keep on heaping this character of duties upon it and it will not last for five years.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. CROWTHER. Where does the gentleman get his information that he gave us regarding the additional cost of, perhaps, $20,000,000 that this bill would entail?

Mr. WOOD of Indiana. That information comes from experts who were selected from the various departments to figure on these classifications, taking the maximum and minimum and striking an average. I do not know exactly how it was done, but it is the result of those figures that I have received. I am told that within the District of Columbia the increase will amount to $8,000,000—some say as high as $10,000,000—and if you include all of the civil-service employees, both inside and outside of the District, it will amount to about $20,000,000.

Mr. ROACH. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. ROACH. What is the gentleman's understanding of the provision in lines 23, 24, and 25, which authorizes the Bureau of the Budget to provide such subdivisions of services, titles of positions, and definitions of duties as it may deem necessary?

Does that in the opinion of the gentleman authorize the increase in the personnel of the Bureau of the Budget itself?

Mr. WOOD of Indiana. The bureau will find a way of increasing it. If they do not do it directly under the terms of the law it will be done by implication; and it will be absolutely impossible, it would be a physical impossibility, for the budget to do this work. As was stated here a while ago, Mr. Dawes, in appearing before our committee the other day, said if it had not been for the details they gathered here, there, and yonder he never could have gotten anywhere. Under the law they are only given four men to do this work. They have independent work and should not be charged with all this responsibility that they are seeking to bestow by virtue of this amendment.

Mr. ROACH. If the gentleman will permit another question. What I was interested in was in trying to determine whether or not this bill really contemplates a material increase in the personnel or the membership of the Bureau of the Budget; whether this section does authorize such an increase or not?

Mr. WOOD of Indiana. That I am unable to say, but I expect the chairman of the committee could answer better than I can.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOOD of Indiana. I wish to say in closing we ought not to destroy the budget; let us keep it clean by not adding this detailed and foreign responsibility to it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACK. Mr. Chairman, I desire to make an observation at this point about the work of the Bureau of the Budget. Now, the contention of the gentleman from Indiana [Mr. WOOD] and the gentleman from Tennessee [Mr. BYRNS] is to the effect that Congress never contemplated when it created the Bureau of the Budget that it would have anything to do with the setting of salaries and expenses in the departments, and so forth. Section 209 of the act which created the Bureau of the Budget reads as follows:

The bureau, when directed by the President, shall make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organizations, activities, and methods of business of such departments or establishments; (2) the appropriations therefor; (3) the assignment of particular activities to particular services.

Why, that is exactly what this bill does. It assigns the particular activities of a certain employee, for example, to the professional service. It assigns the activity of another employee to the clerical service. It assigns the activities of another employee to the custodial service. That is exactly in line with one of the duties of the Bureau of the Budget to perform at the request of the President. I continue to read section 209:

(4) The regrouping of services.

Now, it occurs to me that that section which I have just read shows that it was clearly in the contemplation of Congress when we set up the Bureau of the Budget that it should be the right arm of the President, in so far as economy is concerned, when it comes to dealing with the executive departments, and it is not illogical to delegate to it this authority, but, on the contrary, it is fit and proper.

System and uniformity and fair adjustment of pay for equal work is what we need in the Government service.

Has anyone suggested a better method of obtaining it than the plan of the committee which we propose? I think not.

Mr. STEVENSON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I have listened to the learned discourse of these gentlemen on the committee and the gentleman from Indiana [Mr. WOOD] in discussing this amendment and the provisions of the bill, and I can not gather which will be economical and which will not. The gentleman from Indiana says that the method proposed by the committee will not be economical but will be extravagant. He does not in any way show us by his proposed course whether it is going to reduce expenditures or make it economical. Now, I am like the distinguished gentleman from New York [Mr. CROWTHER], who awhile ago startled us by saying that a bread line had been established up in his country somewhere. That is a very painful communication to this House. Why, only yesterday and this morning the papers of this city were teeming with praises of the administration because it had raised the price of Liberty bonds almost to par. I commend to my friend to advise his constituents that they sell their Liberty bonds and not get in the bread line. I commend another thing, and that is that while those bonds have been going up that corn has gone down to 15 cents a bushel. They ought to be able to sell their Liberty bonds and buy corn at 15 cents a bushel and keep out of the bread line.

Mr. CROWTHER. Will the gentleman yield?

Mr. STEVENSON. I do.

Mr. CROWTHER. I just want to say to my friend that the folks in my district who are now standing in the bread line were fortunate enough once to own Liberty bonds, but they have not got them now.

Mr. STEVENSON. They have parted with them, and therefore they are not able to buy corn.

Mr. WINGO. If the gentleman will yield, in speaking of the bread line and the reduced price of corn, the gentleman remembers we were promised a return to normalcy.

Mr. STEVENSON. But 15 cents for corn in the western fields is not normalcy, and with wheat something like 60 per cent now of what it was 12 months ago, where bonds have gone up, and corn, wheat, horses, cows, and everything else have gone down, these people in the bread line ought to be able to get their wheat and corn cheaper. I am like the gentleman from New York. I want these distinguished gentlemen to tell us which is economical, so that I may be able to know which way to vote, where, as it is, they have left us in a fog thus far.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. WOOD].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. MOORE of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MOORE of Virginia: In line 21, on page 3, before the word "revise," insert the word "review" and a comma, so that the sentence will read: "That the Bureau of the Budget, in order effectively to review, revise, and improve allocations," etc.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virgiain [Mr. MOORE].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the Bureau of the Budget shall report to Congress at the beginning of the session following the passsage of this act schedules of positions, grades, and salaries for the field services, which shall follow the principles and rules of the compensation schedules in so far as these are applicable to the field services. This report shall include a list prepared by the head of each department allocating all of the field positions in his department to their appropriate grades in said schedules and fixing the proposed rate of compensation of each employee thereunder in accordance with the rules prescribed in section 6 herein.

Mr. WOOD of Indiana. Mr. Chairman, I move to strike out the section.

Mr. MANN. Mr. Chairman, I move to amend by striking out, in line 17, the words "at the beginning of the session" and inserting the words "as soon as practicable."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MANN: Page 4, line 17, strike out the words "at the beginning of the session" and insert "as soon as practicable."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. MANN. I am inclined to think that is a good amendment.

Mr. LEHLBACH. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. LEHLBACH. The thought of the committee in fixing this time limit was that the allocation of personnel in the field and the revisions of such allocation should be made contemporaneously with the work done in the District of Columbia. It is true that there exist more complete data here in the District, but the field service falls in the main along certain broad lines, and instead of making two bites of this job and making the allocation in the District, and after that is completed starting de novo and making it for the field, we thought the two works could run side by side. However, if there is a danger that it could not be completed if this time limit remains, I see no great objection to the change. The only thing is that if we leave it as it is it will be a direction that Congress expects the work to run along contemporaneously, while otherwise it may be thought by those who are charged originally with preparing the field classification and allocation that they have plenty of time after they have got the first job finished before they consider doing the second. We can always extend time if we find it physically impossible to do the work within time specified.

Mr. MANN. From the legislative point of view I am fairly familiar with the Government service. I think my friend from New Jersey [Mr. LEHLBACH] is somewhat mistaken in thinking that the Government service outside of Washington is very similar to the Government service inside of Washington. This is an administrative work here; that is field work there. The two services are entirely different. Take the Post Office Department, with which we are all familiar, with the offices in the Post Office building down here in Washington, and allocating the places down here in the Post Office building in the administrative service would not be a very great one. Much less would that be the case in the Agricultural Department, in the Interior Department, or in other departments of the Government. Now, I would like to have the work done just as soon as possible. When we create a commission of Congress, as we frequently do, there has been, I think—I may be mistaken—no instance where the commission did not ask for an extension of time, Congress being in session usually. The Commission on Reclassification in the Government Service, which was appointed, had its time extended once or twice. But if you direct the Bureau of the Budget to make a report on the first Monday of next December, Congress being not in session, I hope, for several months before that time the bureau must make some kind of a report. I fear it will not be a very satisfactory or carefully considered report if they are not able to do it within that time. While I hope they will be able to report at that time, I would rather give them a little more time and have a report that we can rely upon than require them to report without knowledge.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MOORE of Virginia. If the gentleman's amendment is adopted and the language stricken out, what would happen in the event they could not find time to make this report before next December? Then it would not require the submission of their report even at that time unless some provision was made.

Mr. MANN. That is just what I am saying. It would not require a submission of the report before they are able to report.

Mr. MOORE of Virginia. That would make it possible if you provided that the report would be filed later than the 1st of December, 1922.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LEHLBACH. The remarks I made in the form of inquiry to the gentleman from Illinois merely set forth what the committee had in mind when they wrote the language as it is. The committee has no objection to the amendment offered by the gentleman from Illinois.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Indiana [Mr. WOOD] to strike out the section.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That in determining the compensation to be established for the several employees the following rules shall govern:

1. In computing the existing compensation of an employee, any bonus which the employee receives shall be included.

2. If the employee is receiving compensation less than the minimum salary of the grade or division thereof in which his duties fall, the compensation shall be increased to that minimum rate.

3. If the employee is receiving compensation within the range of salary prescribed for the appropriate grade at one of the rates fixed therein no change shall be made in the existing compensation.

4. If the employee is receiving compensation within the range of salary prescribed for the appropriate grade, but not at one of the rates fixed therein, the compensation shall be increased to the next higher rate.

5. All vacant or new positions shall be filled at the minimum rate of the appropriate grade or division thereof.

6. In determining the rate of compensation which an employee shall receive the principle of equal compensation for equal work irrespective of sex shall be followed.

Mr. GRAHAM of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM of Illinois: Page 5, strike out lines 7, 8, and 9.

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen, I am not sure that I understand exactly what this language means, but if it means what I think it means, it ought not to be in this bill.

I take it that it means to include as a part of the basic salary the present bonus which we are paying to some of the clerks, and if that is not correct I would like to have the chairman of the committee so state. In view of the silence of the gentleman from New Jersey [Mr. LEHLBACH], I conclude that that is what it means. If it means that, gentlemen of the committee, it means to continue as a part of the permanent salary of the clerks a bonus which we gave them as a war measure entirely, and which we have said on repeated occasions in this House and to the country at large that we would stop as soon as this war was over. Now we propose to continue it.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes; for a question.

Mr. BLACK. I wanted to ask the gentleman this simple question: Having reclassified all the postal employees in the Government service; having reclassified the school-teachers of the District of Columbia; having reclassified the policemen and firemen, and having given them an average increase of $500 or $600 each on basic salary, does the gentleman think it would be equitable to these other employees to go back to the basic salary existing before the war?

Mr. GRAHAM of Illinois. That is the trouble with us in this House. The gentleman from Texas is a good legislator, and he is a man for whose opinion I have great respect, but the trouble with his argument and with us, gentlemen, in this House—I have seen it during the five years of my service here—is that if we want to put anything over, we always stand up and call attention to something else that has been done by some other Congress, and say that because we have done that, therefore we shall do this.

If a thing is wrong, the time to discontinue it is when it is up. I do not care what Congress has done about some other class of employees. I think this is wrong. I think this is the time to stop it.

Now, if it is the right thing to do to increase the wages of some of these employees—and I think it may be, because I think some of them are underpaid; I am frank to admit that—let it be done in a systematic way, in a scientific way, by increasing the wages of those who are entitled to an increase, and keeping down the wages of those not entitled to a raise. But I do not think it is a good plan to take a civil-service clerk who is now getting $240 more than he is entitled to and putting that bonus on permanently. It should be taken off. If we can not do this scientifically now, we should wait until we have more information before we attempt to legislate upon the subject. It is wrong in principle. I do not think any of us want to go to the country to-day and say to the ex-service men that we could not give a bonus to them because of the state of the finances of the country, and still admit that we are giving to every clerk and civil employee a war bonus of $240. [Applause.]

I do not know that anything I may say here will have any influence on your minds; but, gentlemen, it is unwise, and it is unwise from the standpoint of public policy, to do that and resist the appeal of the ex-service men of this country. If you want to raise some of these salaries, then raise them, but not in the way of continuing the bonus. [Applause.]

Mr. BLACK. Mr. Chairman, my record in the House for economy will probably compare with that of the gentleman from Illinois [Mr. GRAHAM], though I freely admit his is good. But I think it is grossly unfair to refer to the increase, the temporary increase, which was given to the employees of the District, as a bonus. I think it is unfortunate that the increase was ever referred to as a bonus.

For example, in regard to an employee who was receiving a basic salary of $1,300 a year—and that is more than the average which prevailed at the time the war began—if that employee's salary was increased $240, representing less than an increase of 20 per cent, I do not regard such increase as any more of a bonus than that which was given to the railroad employees by the Railroad Administration during Government control, which amounted to an aggregate of 52 per cent, and which was increased after the period of Government control another 20 per cent. I do not regard it as any more of a bonus than that which Congress gave to the postal employees in the first Madden reclassification bill, which, while temporary, amounted to $200 for each employee. That increase was just as much a bonus, if you are going to call it a bonus, as the $120 increase which we gave to the employees in the District of Columbia the first year of the war. But we did not stop as to postal employees with the Madden temporary bill of $200 increase for each employee which raised them from original grade 1 at $800 to grade 1 at $1,000. We did not stop there. We did not stop until we had enacted a permanent reclassification bill which made grade 1 not $1,000 but $1,400, increasing all postal employees on an average of $600 each over the old basic salaries, or an average of at least 35 per cent.

Now, the only thing the committee had in view in making up this bill was to prepare a uniform system of classification, make it workable along practical lines, and prepare a salary range which would be fair, equally to the employees and to the Government. We believe that the bill measurably meets with that requirement.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes; I will be glad to yield.

Mr. FESS. I have been disturbed on this item myself. I agree with the gentleman that the calling of this thing a bonus was very unfortunate.

Mr. BLACK. Yes. The calling of this a bonus was very unfortunate. A bonus carries with it the idea of a gift or a gratuity. I do not regard the salary increases to Government employees in that way any more than I would salary increases in private employment.

Mr. FESS. We made it up because of the excessive cost of living during the war.

Mr. BLACK. Exactly.

Mr. FESS. Here is my difficulty: Now we are away from that in a degree, and we are going to count the bonus as an additional salary, no matter who got it or how much he was being paid up to $2,500; and I am wondering whether that is scientific or not. I agree with my friend in this, that we ought either to repeal this bonus altogether and stop it or else we ought to add it to the salary, one or the other.

Mr. BLACK. Let me answer the gentleman from Ohio by making this statement, that the bill does not necessarily perpetuate the salary increase commonly referred to as the bonus. When the bill was originally considered by the committee it did contain a paragraph in section 6 which provided that in the reclassification no employee should be reduced in salary. But the committee struck that provision out, because we took the view that if an employee fitted into any particular grade, there is where he should go, and he should receive the compensation for that grade, even though it meant a reduction in salary. It has been often said on the floor of the House that some employees have been promoted to their present position through favoritism and are receiving more compensation than they should. If there are any such cases the committee does not care to perpetuate them and has tried to avoid doing so in this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACK. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two minutes additional. Is there objection?

There was no objection.

Mr. BLACK. To be frank with the House, the practical workings of the bill, in my opinion, will in most instances carry the compensation which the employee is receiving at present. But the fact is often referred to, and, I think, is uncontradicted, that even with the decline in the cost of living during the past 12 months the basic index figure stands 55 per cent more than it did in 1913. Taking the basic salaries as a basis, the average Government employee does not receive more than $1,300. That would mean that if we perpetuate the $240 per annum which he has received as increase in salary it will be approximately 20 per cent increase over the prewar wages. Of course, if the Government employees had received any increase in wages such as 50 or 60 per cent, as was the case in most private employment, I would be strongly in favor of bringing it down some, but such was not the case.

Mr. FESS. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. FESS. My only concern was that the bonus of $240 applies to all grades up to a certain salary. Now, is it not true that we are increasing the salaries of all people who had that bonus, $240, without reference to the type of work that they are doing?

Mr. BLACK. No; as I stated to the gentleman a while ago, the bill does not do that.

Mr. FESS. That will be the practical effect of it, will it not?

Mr. BLACK. I think in allocating the positions most of them will receive their basic wage plus the $240. But that will not be true in all cases. If their class of work puts them in a grade where the compensation is less than they now receive, then they will be reduced.

Mr. FESS. At any rate, we get rid of the bonus idea.

Mr. BLACK. Yes. It ought never to have been called a bonus. It was an increase in salary considerably less than that in most private employments. This bill now proposes to reclassify all salaries and do away with the bonus idea entirely.

Mr. FESS. That is a virtue.

Mr. WOOD of Indiana. Mr. Chairman, I move to strike out the last word. The discussion upon this proposed amendment to my mind has very greatly emphasized how unscientific is the fixing of salaries under this bill. The bonus proposition was unscientific, as everybody will admit. It was proposed as a temporary measure to assist the clerical forces of the Government to get by the high cost of living. It was done without any scientific consideration or reason. The arbitrary sum of $240 was agreed upon, and that it should be given to everyone whose salary was $2,500 or less. Now, if a particular employee received a salary of $2,501 he was not entitled to this bonus, whereas if he received $2,500 he was entitled to an additional $240, thus giving him $239 more than one who was receiving a salary of $2,501.

Mr. MANN. Surely the gentleman does not want that statement to go into the RECORD.

Mr. WOOD of Indiana. What statement?

Mr. MANN. The statement that he has just made.

Mr. WOOD of Indiana. What is that?

Mr. MANN. That the man who received less than $2,500 would under the bonus receive more than a man who was getting $2,501. The bonus provision took care of that.

Mr. WOOD of Indiana. The bonus provision did not take care of it, for this reason: The bonus provision provided that those who were receiving $2,500 or less were entitled to the bonus of $240. Is not that correct?

Mr. MANN. The bonus provision contained a proviso that if a man was receiving less than $2,500 he should receive the bonus, or a part of it, but not so as to make his total compensation more than $2,500.

Mr. WOOD of Indiana. The gentleman is mistaken. There was no piecemeal about it. He either got $240 or else he did not get it.

Mr. MANN. The gentleman is mistaken about that.

Mr. WOOD of Indiana. I think I am correct about it. But be that as it may, everybody has admitted all the way through that it was an unscientific proposition; and if it was an unscientific proposition then, it is unscientific now. If it was unscientific in its application, it is unscientific under the proposal of this measure to fix it as a basis of compensation now.

Mr. BLACK. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Texas.

Mr. BLACK. The gentleman in his own bill that he introduced, H. R. 8921, classifies typists in grade 5. Now, typists under the basic salary would come in at $900, but I notice that the gentleman himself has started the initial grade at $1,140. Now, if the gentleman did not intend in the drawing of that bill to add $240 to $900, I would like to have him explain what is the purpose of making it $1,140 all through his own bill?

Mr. WOOD of Indiana. That might be true.

Mr. BLACK. All through the bill.

Mr. WOOD of Indiana. No; not all through the bill; in many instances it does occur, and in many instances it goes above, but in far more it goes below. But that was a proposition to fix the salaries under that schedule upon scientific lines in describing the job they were employed to do. While here they are fixed arbitrarily and they provide that the bonus shall be included. If it means what it says, it means that whatever raise there is it must be in addition to the $240 bonus. It is just as unscientific now as it was under the compulsion of existing circumstances when it was adopted arbitrarily during the war.

Mr. LEHLBACH. Was the gentleman from Indiana quoted correctly in the Star a short time ago when he appealed for a support of his bill on the ground that it would preserve the present salaries and preserve the bonus?

Mr. WOOD of Indiana. I do not know what the gentleman read in the Star and I do not propose to be responsible for all that is said about me in the newspapers, or what is put in my mouth by the newspapers. I do not remember of ever having said anything of that character, and if I did say it I did not intend to. It always has been contended that the bonus was a temporary makeshift, and why in the world the committee in deliberating upon an equitable reclassification bill should adopt an unscientific proposition such as that is and make it the basis upon which to fix permanent salaries is beyond my understanding.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last two words. Gentlemen of the committee, I am opposed to the amendment of the gentleman from Illinois [Mr. GRAHAM]. As I understand, this bonus was simply an increase in the salaries of employees to meet war conditions and the raise in prices in Washington, that are still high. Now, Mr. Chairman, a great deal has been said in the discussion of this bill about "Old Man People," and a great deal has been said about whom we serve. Well, we all get our commissions from that old gentleman, I take it. I know I am responsible to that elderly gentleman, and now also his better half, for my stay here. I recall that my good friend from Mississippi [Mr. SISSON], who spoke in opposition to this measure when it was before the House at another and recent date, he referred to the fact that "Old Man People" was not being represented here and said that these salaries run up as high as $7,000. I do not think there is any clause of this bill where it is possible to increase salaries to that extent, except one, and in that one practically the head, or acting head, of a great department. My friend went on to state that employees of the Government worked not many hours a day here and that he at one time worked a "one-eyed mule" to a "one-eyed plow" over in the "cut-over" lands in Mississippi. That is commendable to a great extent in my friend from Mississippi, but if he had his choice now of going back to that one-eyed mule and one-eyed plow or remain where he is, he would choose to remain an honored Member of Congress.

Mr. SISSON. Will the gentleman yield?

Mr. HUDSPETH. Yes; I yield to my friend from Mississippi.

Mr. SISSON. I never plowed with a "one-eyed mule" or a "one-eyed plow" in my life. [Laughter.]

Mr. HUDSPETH. Well, the gentleman should correct the RECORD. He is in the RECORD as having pulled the bell cord over a one-eyed mule and a one-eyed plow in Mississippi. [Laughter.] The gentleman from Arkansas, my friend Mr. WINGO, says that he used to drag a cotton sack over in the red hills of Arkansas. It is very commendable, but if my good friend had his choice to go back to the cotton sack and the red hills and pluck the fleecy staple I think he would stay in Congress. [Laughter.] I myself might qualify by saying that I was a superintendent of a flock of sheep for eight years. That is what they call it now, but in my day they called them herders and "paseoras." I was barefoot most of the time, but if I had my choice to go back to that flock of sheep on the honeycombed hills of western Texas I think I would remain right here, and I hope the people will respect my choice. [Laughter.]

Mr. WINGO. Will the gentleman yield?

Mr. HUDSPETH. Yes; I yield to my good friend from Arkansas.

Mr. WINGO. What did the gentleman say about my being connected with a cotton sack?

Mr. HUDSPETH. I said that the gentleman said he dragged a cotton sack, and I think it was very commendable in him. But if he had his choice, he would not go back to the cotton sack, but would remain right here, an honor to his district and a useful man in Congress. Let me say there is a provision whereby salaries can be reduced if it becomes necessary. My friend from New York [Mr. CROWTHER] says there is no provi-

sion for reducing the salaries. I do not read it that way, because if he will read the latter part of section 7, it says:

That reductions in compensation and dismissals shall be made by heads of departments in all cases whenever the efficiency ratings warrant, as provided in section 9 herein.

Mr. CROWTHER. The gentleman does not suppose they will ever find any, does he?

Mr. HUDSPETH. Then the gentleman wants to go on record as saying that there is no honesty in the heads of these departments, because under the bill if they are honest they will decrease salaries where the employees do not come up to the rating. That is what this bill says. Now, my friends, as to what kind of a Congressman I am making, I do not know—that is for my constituents to say—but I do know I am a good messenger. [Laughter.] I met my friend the Senator from Ohio the other morning—we board at the same place—and he asked me where I was going so early. I told him I was going out on my rounds of the departments, to present requests from my constituents that I looked after personally, and he said that he would join me in a moment if I would only wait until he had his breakfast. In this way I have become acquainted with all the department heads and many of the subordinates. As I understand, this measure permits the rewarding of merit. Take a man like Mr. Batson, in the Internal Revenue Bureau. I want to state to you gentlemen that a more efficient man is not employed in this Government, and as I understand he draws a salary of something over $3,000 per annum.

Will any man who comes in contact with that gentleman say that he is overpaid? Take Mr. Chatterton, who is his able assistant, who keeps in close touch with not only his department but those in other units of the Internal Revenue Income Department, will anyone claim he is overpaid? Also, Mr. Tonnis, of the Mexican Division, State Department, and many others I could mention. And take Mrs. Busby, that splendid lady, the wife of the secretary to Uncle JOE CANNON, who is employed in the Bureau of War Risk——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSPETH. I think I want only about two minutes. As I say, take Mrs. Busby, who is employed in the Bureau of War Risk, who will assist you not only in her department but in any other in that great bureau, and do you want to tell me that people of that kind and efficiency ought not to be rewarded according to the service which they render? Take Col. Wills, in the Department of Internal Revenue, a very efficient man from the good old State of Kentucky. Those kind of men and women ought to be paid according to the service which they render. If I understand this bill, the purpose of it is to reward the very sort of people whom I have mentioned, who are giving very efficient service to the Government, and who can not be properly rewarded under present conditions and provisions of the law.

Mr. CROWTHER. I want to say to the gentleman that while all these people the gentleman speaks of may be very competent and masterful, that we all of us have our special set of friends in the various departments. I could name another list of people who do not stand so high, but who do their work just as well as the people the gentleman mentioned do, for less money.

Mr. HUDSPETH. Does the gentleman think that they are getting more money than they deserve?

Mr. CROWTHER. No; I do not.

Mr. HUDSPETH. And again I say take the assistant director of the Bureau of War Risk, Maj. John G. MacDonald; a more efficient and courteous gentleman does not exist. He is doing a splendid work and is underpaid, and I might mention hundreds of other splendid men and women whom I have met personally in various departments of this Government who are underpaid.

Mr. CROWTHER. The gentleman misunderstands me if he thinks that in my remarks I have suggested that I am against their having as much money as they desire. I said that they deserve it in this paradise of profiteering, the city of Washington, but I am against doing anything for them until we do something for the soldier who has not anything to do, and who is to-day standing in a bread line, who is out of a job, and who has never had the service that we promised him when he came back. I do not think we should do anything for these people until we have done for them. [Applause.]

Mr. HUDSPETH. I agree with the gentleman in respect to his statement concerning the soldiers. I voted for the cash bonus and every other kind of bonus.

Mr. CROWTHER. And so did I.

Mr. HUDSPETH. And I was one of the Democrats on this side who voted for the bonus bill, and I shall vote for it again if you Republicans will only give me and my colleagues on this side a chance.

Mr. CROWTHER. I am glad that the gentleman represents the intelligent wing of the Democratc Party.

Mr. HUDSPETH. I am very much obliged to the gentleman. I admit it. [Laughter and applause.]

Mr. DAVIS of Tennessee. The majority of the Democrats voted for it.

Mr. HUDSPETH. That is true, as I recall. The majority of Democrats voted for it. I know I did. The responsibility for the failure of the measure rests with the majority party in this House, who have not kept their promise to the soldiers or the dependents of those soldiers who sacrificed their all in many instances, and who have not yet been awarded adjusted compensation, but only promises from you Republicans. Ah, you are "promising gentlemen," I must say. But if I understood my friend from New York—I think I did understand him correctly—he suggested that there would be no reductions under this bill. It is permissible.

Mr. CROWTHER. The law says there may be; I do not think there will be.

Mr. HUDSPETH. Oh, that is the gentleman's opinion. My opinion is that there will be where it is shown to be necessary and raises where it merits, and therefore it is a matter of a difference of opinion. I am in favor of this measure. I believe it is drawn along the right lines, and because there are inefficient public servants in the District of Columbia, I want to state that that does not carry with it the implication that they are all inefficient. There are people serving this Government to-day who are not getting the salaries that they should get. Take the poor charwomen about whom so much has been said, who get down on their knees and scrub out the Office Building and get $30 or $40 a month. Is there any gentleman on the Republican side who will contend that those women who clean out our offices, who get there before the sun rises in the morning and work many hours, under this bill would be getting a higher salary than they deserve? I do not believe anyone does. Let us fix it so a competent bureau can pass upon efficiency and a law that will permit the rewarding of merit where merit is due. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. MANN. Mr. Chairman, in connection with this bonus proposition I want to get a little information if I may. When does the compensation provided for in this act take effect?

Mr. LEHLBACH. At the beginning of the fiscal year next after the report of the budget, based upon the classification.

Mr. MANN. The budget is reported the 1st of next December.

Mr. LEHLBACH. Then the salaries will begin in the following July.

Mr. MANN. They would not begin until the following fiscal year?

Mr. LEHLBACH. That is correct.

Mr. MANN. It will not be in effect in the next fiscal year?

Mr. LEHLBACH. No.

Mr. MANN. There will be no bonus in the next fiscal year unless it is provided for by the appropriation bill, assuming that that is the way it will be provided. I would suggest to my friend from Indiana and the other members of the Committee on Appropriations, who have been opposing the inclusion of the bonus as a part of the basic salary, that the basic salary, according to this bill, is not the basic salary for this fiscal year but the basic salary for the next fiscal year.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MANN. And unless the bonus is included in the next fiscal year it will not be included in the basic salary fixed by this bill for compensation. I yield to the gentleman.

Mr. GRAHAM of Illinois. Then there is no reason for the inclusion of the language.

Mr. MANN. There may be reason for the inclusion of the language.

Mr. GRAHAM of Illinois. What is it?

Mr. MANN. Congress will take into consideration, I take it, in fixing the salaries of employees for the next fiscal year the fact that that will be the basic salary under which compensation will be made under the terms of this law if it is enacted into law.

And it is up to the Congress to determine hereafter what that basic salary shall be, whether it shall be inclusive of the bonus or not.

Mr. FESS. Will the gentleman yield?

Mr. MANN. I will.

Mr. FESS. Unless the Committee on Appropriations provides for a bonus beyond what the employees are receiving this year——

Mr. MANN. There is no bonus now that extends beyond June 30 next.

Mr. FESS. It will end June 30 unless it is allowed again?

Mr. MANN. Unless it is allowed again by act of Congress.

Mr. FESS. It will not apply to this bill.

Mr. MANN. The bonus now in existence will not apply to this bill if the amendment in the last section of the bill goes into the law, and it will be up to the Congress, it will be up primarily to the Committee on Appropriations, and that is what I am suggesting to these gentlemen who will have to act upon it in the future.

Mr. FESS. That means the Committee on Appropriations will allow it.

Mr. MANN. Oh, well, there are many ways, of course, of getting the bonus into the law. It may go in in the House, it may go in in the Senate and be agreed to by the House. Oh, there are other ways of "skinning the cat."

Mr. FESS. If the gentleman will allow another question?

Mr. MANN. Certainly.

Mr. FESS. The bonus, as I understand it, was to measure the excess of the high cost of living during the war. Is it not an unscientific plan to add that amount to every salary if we have dismissed the idea of a bonus?

Mr. MANN. Well, there is no scientific method of fixing salaries. I have heard a great deal about that, but I do not think there is any. We were up against it. The bonus was a compromise. It was a question of adding to salaries in some way during the war or else lose the employees of the Government. The Congress provided for a temporary bonus. It has continued that temporary bonus ever since. I am not saying now whether it ought to be continued or not. I was calling attention to the situation so our distinguished friends on the Committee on Appropriations might know what they were up against.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. LEHLBACH. I will yield to the gentleman.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GRAHAM of Illinois. Mr. Chairman, I have been interested in what Mr. MANN says, as I always am. I have great regard for his opinion. He says that the war bonus of $240 is not included on account of the fact that it will be stopped before the period begins. Then there is no reason for putting this language into the law. It is unsafe and it may incline the Committee on Appropriations hereafter to take an erroneous idea of what is in our minds. I do not believe that a system of bonuses is a good thing. I do not believe that it is a scientific way of fixing salaries. I do not think it is a good thing to do, even if the Committee on Appropriations should conclude to do so in the future. If you keep this language in the law—

Any bonus which the employee receives shall be included—

that by implication at least says to the Committee on Appropriations that we are looking with favor upon that sort of a proposition. If these employees need additional wages, let us fix the additional wages, but the idea of a bonus ought to be eliminated from this bill. It ought to be eliminated from our appropriations because it is not scientific or a safe way to proceed.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. DAVIS of Tennessee. Is it not a further fact, which, as Mr. MANN says, is true, and I believe it is, that the Committee on Appropriations and the Congress might feel fully justified in continuing it for at least one more year, because prices had not sufficiently fallen and we would not feel like continuing it indefinitely.

Mr. GRAHAM of Illinois. It may be so, but what good can be accomplished by putting this language in here; what is the idea of having it in here anyhow?

Mr. ROACH. If Congress did see fit to continue the bonus another year, then the leaving of this section in the bill would operate——

Mr. GRAHAM of Illinois. To continue it indefinitely, but it would be better for the Congress in the future, if it wants to give a bonus, not to predetermine the proposition.

Mr. FESS. If the gentleman will permit, it is only a question of whether it shall be applied in this way——

Mr. GRAHAM of Illinois. I said in the beginning, if the gentleman from Ohio will permit me to say, a lot of these clerks and employees ought to have more wages, but it ought to be allowed in a scientific way. To give some $240 would not be enough, but to give some $240 is too much, and I do not think we ought to do anything here by legislative expression that might be construed as we would not care to have it construed in the future, and I think it will help the bill if this language goes out.

Mr. LEHLBACH. There is a good deal of misapprehension about this rule 1 in section 6. The debate shows the belief that by including in existing compensation the bonus it establishes basic pay and bonus in some way as a basis for the salaries fixed for the respective grades in the bill. It does not. All that section 1 does is that when for the purposes of comparison it is necessary to ascertain what a person is getting now we should find out what he is getting, not what he is theoretically getting. If John Doe is getting $1,140 let us say so, and not pretend he is getting $900. Therefore, to ascertain what the fact is, what the person is being paid, we define that what he actually is paid should be taken as a criterion. That that is not made the basis of rates of pay in the various grades is shown in grade 2 of the subprofessional service, in which the lowest basic pay is $900, and with bonus $1,140. The bill as reported by the committee says that the entrance pay for grade 2 shall be $1,080, having no relation to bonus. We did not draw these salary ranges with a view of conforming with salaries plus bonus but with what is right and fair and just, considering both the taxpayers' interests and adequate compensation for the work done by the employees. This is merely a convenient method of ascertaining what a person is really getting at the present time. If he is not getting the bonus when this bill goes into effect and when the allocations are made it will not be considered, because it says when we consider what a person is getting for compensation at the present time, we take what he actually is getting and not what his theoretical salary is, and the gentleman is mistaken when he says that is embraced in the salary schedules and is made a basis for them, because you will find the low salaries at the beginning of a grade are less than the basic salaries plus bonus at the present time.

Mr. SISSON. Mr. Chairman, I move to strike out the last two words.

I am rather at a loss to know just what this clause does if the chairman of the committee is correct. He lays down a rule that must be followed by others. It seems to me they did not follow their own rule according to his statement, because according to his statement they fixed the salaries irrespective of bonus. But I take it that that statement of his applies to people first entering the service, because if this rule applies when this law becomes effective, then in calculating the salary of those already in the service of course the bonus is to be included. If it does not mean that, it does not mean anything. But I want to give you just a moment's history about this $240.

Mr. LONDON. Will the gentleman permit me?

Mr. SISSON. I have only five minutes.

Mr. LONDON. The gentleman can get more time. I think the gentleman misinterprets the word "computing." It does not mean determining; it means the summing up and calculating. It does not mean determining. If it meant determining the compensation, then the contention of the gentleman from Illinois [Mr. MANN] would be correct, but it means summing up or calculating.

Mr. SISSON. It looks to me like a difference between tweedledee and tweedledum. I have not time to go into those refinements.

Mr. FESS. Will the gentleman yield?

Mr. SISSON. I yield.

Mr. FESS. Section 6 says that in determining the compensation to be established for the several employees, so and so, and then this rule follows. I do not understand my friend.

Mr. SISSON. I have not time, of course, to yield for that purpose. But when this matter was first considered during the war this bonus was to cover the physical increase in the cost of food, and at first it was thought that $10 might take care of the physical increase in the cost of the food; but food continued to soar in prices, and it was made $20. Congress never intended to make the $240 a part of the base pay. It was put in as a bonus, with the expressed intention of not being an increase in salary. It was to be a gratuity paid to relieve the Government employees from the clutches of the Washington profiteers; but, like everything else done in government, when you are trying to treat fairly those people who are drawing salaries, and when you give them what was intended to be a temporary bonus, something they were not and are not entitled to by law, instantly it is contended that it was intended to be permanent, and they cry out, "That belongs to us." Now, in no private office in the world,

when we give a man a quarter or half a dollar or $10 extra, does it mean an increase of his salary. But that is the evil that there is in precedents in Governments, and everybody now under the Hill is contending that the $240 is a permanent part of the pay. The very contrary is true. Every line of legislation shows it. They say that you are reducing their salary to take away the bonus, when such is not the case.

We knew if we increased a salary and put it in the permanent roll that that was a finality, but by having a bonus you could keep the salary and bonus separate, and you could cut the bonus off at any time. Here we find it contended the sacred bonus belongs to the employee. In other words, if Congress continues to follow the policy they are following now the men that run the grocery stores and own the apartment houses and real estate in this city will come and sit in this legislative body, and, in fact, fix what you are going to have to pay out of the Treasury to run this Government. Now, do you believe that? These people have got to live here. Now, do not let any real estate owner that happens to be in the House—and I hope there is none here—get mad now. The people outside of the District of Columbia who are paying these taxes do not like to be treated in this way. But I have been very close to this matter for some years. I want to say, without a moment's hesitation, that you can not go anywhere in this District without finding a sentiment prevailing amongst those people who own property and those people who sell something that it is the duty of Congress to maintain and keep them up as a part of the Capital City.

Now, if that is going to be the rule, and the Government is confined to this restricted area, then these gentlemen will determine, following the line of reasoning that has entered into the question here, what is to be paid out of the Treasury of the United States for salaries.

Now, one other word in conclusion. I have investigated that subject as best I could, and my friend from Indiana [Mr. WOOD] has done so, and the gentleman from New Hampshire [Mr. WASON] also. I will say that if a man will go down into the Government offices he will find some faithful employee perhaps getting less than he ought to get, but a man of that kind is a notable exception. Such men are mountain peaks in the range. You will find here that, in proportion to the amount of service rendered, Government employees are getting more per unit of labor performed than in any other employment in the United States or in the world. That is an extreme and broad statement, but nevertheless it is true. One man told me that there were 11 men in his department whose duty it was to correct certain figures by going over a certain number of sheets, and this man was getting $1,600. He said, "If you will give me $2,500, I will take over the work of the entire room, and when the thing is over I will make fewer mistakes than the whole 11 of us make and never be worked a minute overtime."

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. HUDSPETH. Do you believe that under this bill that gentleman would receive what he ought to receive?

Mr. SISSON. No; I do not.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. SISSON. Of course I do not think he will. You may vote for the reclassification bill, but under that he is not going to get it. You are going about the thing in the wrong way. You will not be able, in my judgment, to get salaries reduced until you have prepared an efficiency rating system and taken into consideration the units of labor performed. And when that is done you will find that all the union labor in this country will be against you, and you can not pass such a measure through this House or through the next House. Of course, under the present method of fixing wages it is a question of politics and not a question of determining the unit of labor performed and its value.

If the same method were followed in paying men who lay brick or men who make shoes they would no longer, as now, receive pay in accordance with the amount of work performed. You would attempt to pay the man who made 10 pairs of shoes the same wage that you paid to the man who made 1 pair of shoes, and the man who made 10 would soon wake up and say, "To hell with such a system; I will go to making 1 pair." That whole philosophy is wrapped up in this idea. You will not get an equitable condition established under this bill. When we endeavored to get an efficiency rating bill passed through the House and the Senate the employees of the Government had enough influence to have that bill vetoed by the President of the United States. Now, under an efficiency system, if it means anything, an employee that is efficient will say, "I want to be paid in accordance with what I do," while under the present system the inefficient employee will say, "I want to receive a living wage," regardless of what he does.

Mr. VARE. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. VARE. Has the gentleman made any calculation as to how much more this bill will cost the Government?

Mr. SISSON. No; and no man on earth can make that calculation. The attempted calculation of that question by the greatest expert on earth would avail nothing.

Mr. VARE. Does this bill raise salaries?

Mr. SISSON. Yes; and in a few years the salary of every man under the Government can be raised 100 per cent, if this bill is enacted into law. Salaries can be doubled under the terms of this bill, and does any man believe that it will not be done?

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. COOPER of Wisconsin. How can the salaries be raised without the vote of Congress? Does the gentleman believe they can?

Mr. SISSON. Yes.

Mr. COOPER of Wisconsin. Do you suppose Congress will do that?

Mr. SISSON. Yes. They have increased some of these salaries more than 100 per cent already. They have increased the school-teachers' salaries more than 100 per cent.

Mr. COOPER of Wisconsin. Did the gentleman vote to increase the salaries of Congressmen?

Mr. SISSON. No; I was not here. Did the gentleman vote?

Mr. COOPER of Wisconsin. Yes.

Mr. SISSON. I never have voted and never will vote to increase my own compensation.

Mr. COOPER of Wisconsin. I did not, either; but I think, from my knowledge of the facts——

Mr. SISSON. In other words, you are trying to measure the value of art, poetry, and service in dollars and cents. We shall have gotten down to the lowest basis that any nation can get down to when you get down to measuring everything in cold-blooded dollars and cents.

But, Mr. Chairman, to get back to where I was interrupted, these salaries are going to be increased. It is part of the game of the people who dominate the affairs of this District to increase Government salaries. You fall under the influence of that atmosphere. You hear it all the time. You lose your power of clear thinking here. Do not tell me you do not, because I know you do. When you get back home, close to the folks, you will have a different line of thought and action from what you have here. That is undoubtedly true. Every man is subject to the influence of his environment. Men will get up and misrepresent things. My good friend from Texas [Mr. HUDSPETH] has made a most terrible fling at me. He spoke of my having worked with a one-eyed mule and a one-eyed plow over in Mississippi. [Laughter.] It never did run in my blood to plow anything with one eye. [Laughter.]

Mr. QUIN. That was a bull-tongued plow that was one-eyed, that the gentleman was talking about. [Laughter.]

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. MURPHY. Mr. Chairman, I ask unanimous consent that the gentleman be given five minutes more.

Mr. SISSON. I thank the gentleman, but I do not care for more time.

Mr. LONDON rose.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that all debate on this section and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LONDON. Mr. Chairman, when I voted for section 6 in the committee I was under the impression that section 6 secured to the Government employee a salary which would not be less than the salary now paid; that is, the basic salary, plus the bonus. Of course a 20 per cent increase, or what we called "a bonus," was not a scientific thing. Everybody admits that.

There is, however, very little science about the determination of wages. Wages are not fixed by any scientific rule or any moral code. In industry wages are governed by the merciless law of supply and demand, and in Government employment they are decided by politicians, and politicians do not follow any rule of reason or of science. They follow only expediency. They make compromises—compromises with common sense, compromises with conscience, provided they accomplish results or think they accomplish results. Every man here knows that the disparity between the purchasing power of the dollar of 30 years ago—and that is when wages were last fixed—and the purchasing power of the dollar of to-day is more than 20 per cent. From our daily experience we know that the purchasing power of the dollar to-day is not more than 60 per cent of the purchasing power of the dollar of 10 years ago or of 8 years ago.

Mr. BEGG. Will the gentleman yield for a question?

Mr. LONDON. I do.

Mr. BEGG. I agree with the gentleman, and I think everybody else does; but I want to ask the gentleman if he believes that disparity in the purchasing power of the dollar is any worse to the Government employee than it is to the employee outside, in industries back in your home city?

Mr. LONDON. So far as the outside employee is concerned, he deserves all that he is getting. I agree with Morgan on the subject of the outside employee. When Morgan appeared before the Commission on Industrial Relations just before the war, and it was pointed out to him that the head of a family who was a longshoreman was getting $9 a week, Morgan said that he was getting all that was coming to him, and I agree with him that industrial workers do not get any more than their political sense and their intelligence justifies them in getting. They are getting what they are voting for.

Mr. BEGG. The gentleman is losing sight of what I am trying to get across.

Mr. LONDON. I know what the gentleman is trying to get across, and I am trying to get something across, too. I tell the gentleman that the outside industrial workers are getting what they have voted for. They are getting nothing.

Mr. BEGG. Now, I will ask my question, if the gentleman will permit.

Mr. LONDON. Yes.

Mr. BEGG. Is it not true that in the Government service, outside of positions which require technical skill, Government employees are higher paid than employees in civil life right here in the city of Washington?

Mr. LONDON. No. That was disputed by every man who testified before our committee.

Mr. BEGG. You can go right down town and find the pay of employees there, and they are not getting within 20 per cent of what we are paying in the Government service.

Mr. LONDON. If that is a fact, that is not any standard for me. I say to the gentleman that the standard of wages in private employment is not determined by any moral or ethical code, but by the extent to which the worker's resistance can be destroyed by the employer.

Mr. GRAHAM of Illinois. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GRAHAM of Illinois. There is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Fifty-seven Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Ackerman	Codd	Garner	Johnson, S. Dak.
Ansorge	Collier	Garrett, Tex.	Johnson, Wash.
Arentz	Connell	Gilbert	Kahn
Beedy	Cramton	Glynn	Kelley, Mich.
Blakeney	Davis, Minn.	Goldsborough	Kennedy
Bland, Ind.	Dominick	Gould	Kiess
Blanton	Drane	Graham, Pa.	Kirkpatrick
Bond	Drewry	Griffin	Kitchin
Brand	Dunn	Hammer	Knight
Brinson	Dupré	Haugen	Knutson
Britten	Echols	Hawley	Kreider
Brooks, Ill.	Edmonds	Hayden	Lampert
Brooks, Pa.	Elliott	Hays	Langley
Burke	Ellis	Hill	Lawrence
Burton	Elston	Hines	Lee, N. Y.
Butler	Evans	Houghton	Lineberger
Campbell, Pa.	Favrot	Humphreys	Little
Cannon	Fenn	Husted	McArthur
Cantrill	Fields	Hutchinson	McClintic
Chandler, N. Y.	Fish	Ireland	McLaughlin, Nebr.
Christopherson	Focht	James	McLaughlin, Pa.
Clark, Fla.	French	Johnson, Ky.	MacGregor
Classon	Gallivan	Johnson, Miss.	Maloney
Mansfield	Patterson, Mo.	Sanders, Ind.	Thomas
Martin	Perkins	Scott, Mich.	Tincher
Mead	Perlman	Sears	Towner
Merritt	Peters	Shaw	Treadway
Mills	Petersen	Siegel	Vinson
Montague	Pou	Slemp	Voigt
Morin	Pringey	Snell	Volk
Mudd	Radcliffe	Snyder	Ward, N. Y.
Nelson, J. M.	Rainey, Ala.	Stedman	Ward, N. C.
Newton, Minn.	Rayburn	Steenerson	Wheeler
Nolan	Reavis	Stiness	Wilson
O'Brien	Riddick	Strong, Pa.	Winslow
Olpp	Riordan	Sullivan	Wise
Osborne	Rosenbloom	Swing	Wright
Parker, N. Y.	Rossdale	Tague	Wurzbach
Parks, Ark.	Rucker	Taylor, Colo.	Zihlman

The committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8928, and finding itself without a quorum, he had caused the roll to be called, when 276 Members answered to their names, a quorum, and he handed in a list of the absentees to be published in the RECORD and in the Journal.

The committee resumed its session.

Mr. LONDON. Mr. Chairman, I understand that I have the floor.

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. LONDON. Mr. Chairman, when interrupted I was trying to prove to the committee that the so-called bonus was not a gratuity or a bonus in any sense of the word, but that it was only in part compensation of what we owed to the Government employees, that the disparity between the nominal dollar and the purchasing power of the dollar was so great that the cost of living has far outstripped any possible increase in nominal wages. After all, what the average man is interested in is not in the nominal sum which he earns, but in the purchasing power of the sum which he earns. Judged by that standard, you should not only retain the present bonus but you should increase it. I am opposed to the proposition of the committee of which I am a member to decrease the schedules which they have presented. Such a reduction will do a serious injustice to the Government employees. Let me quote to you from the report of the Congressional Joint Commission, the commission which Congress appointed and which made a conscientious and careful study of the subject. On this very question of the disparity between the nominal dollar and the real dollar, that report says on page 41:

> The average annual salary of the Government employees in the District of Columbia, according to the figures thus derived, was $1,096 in 1893. In 1919 it was $1,321, to which an allowance to cover the bonus must be added. Investigation indicates that $215 is a fair amount to allow for the bonus. If the bonus be included, the increase in the average salary amounts to approximately 40 per cent, whereas the increase in the cost of living in the same period was 159 per cent. The $1,536 salary of to-day will purchase only 54 per cent of the quantity of goods that could be bought with the $1,096 salary of 1893. If the attempt should be made to restore the purchasing power of the average salary of 1893, the average salary of to-day would have to be about $2,800.

Mr. STAFFORD. Mr. Chairman, will the gentleman inform the committee when those statistics were obtained?

Mr. LONDON. Those statistics were obtained in 1920.

Mr. STAFFORD. Before the present drop in prices?

Mr. LONDON. Nobody, I hope, will seriously contend that at the present moment the increase in the cost of living does not exceed 20 per cent. Does the gentleman from Wisconsin so contend?

Mr. STAFFORD. Surely not.

Mr. LONDON. That it does not exceed 20 per cent?

Mr. STAFFORD. I contend that the cost of living exceeds that.

Mr. LONDON. Exactly; and so, when we increase the salary of the Government employee by 20 per cent, we do him an injustice. Men dare to talk here about deducting the bonus from the present compensation. That is exactly the point which I was making when the committee rose on the point of no quorum made by the gentleman from Illinois. He seemed very much aroused.

Mr. GRAHAM of Illinois. Oh, the reason I made the point of no quorum was that I was sure the gentleman was going to make a good speech, and I wanted to get him an audience.

Mr. LONDON. I thank the gentleman for that. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD. I may want to submit some statistical data.

The CHAIRMAN. Is there objection?

There was no objection.

By unanimous consent, leave to extend their remarks in the RECORD was granted to Mr. HUDSPETH and to Mr. CROWTHER

Mr. LONDON. Mr. Chairman, I offer the following amendment to the pending amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 5, line 8, strike out the word "received" and insert in lieu thereof the words "as last received."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from Illinois.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask unanimous consent that my amendment be again reported.

There being no objection, the amendment of Mr. GRAHAM of Illinois was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. GRAHAM of Illinois) there were—ayes 40, noes 58.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask for tellers. I think the vote is close enough for us to have tellers.

The CHAIRMAN. The gentleman from Illinois asks for tellers. Ten gentlemen have arisen, not a sufficient number, and tellers are refused.

Mr. LEHLBACH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 8928, had come to no resolution thereon.

PERSONAL EXPLANATION.

Mr. APPLEBY. Mr. Speaker, the roll call on Saturday morning showed about 100 Members absent. I was one of that hundred down at the Limitation of Armament Conference. I simply wanted to make that explanation on behalf of those Members who were there.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 3250. An act to authorize the Secretary of Commerce to convey to Augustus S. Peabody certain land in Galveston County, Tex.

LEAVE OF ABSENCE.

Mr. BARKLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARKLEY. Mr. Speaker, I ask leave of absence indefinitely for my colleague [Mr. GILBERT] on account of illness.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

By unanimous consent,

Mr. DOMINICK was granted leave of absence, indefinitely, on account of illness in family.

Mr. JAMES was granted leave of absence, for one week, on account of illness in family.

ADJOURNMENT.

Mr. LEHLBACH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.), the House adjourned to meet to-morrow, Tuesday, December 13, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

412. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, submitting abstracts of proposals received during the fiscal year ended June 30, 1921, for material and labor in connection with works under the Engineer Department; to the Committee on Expenditures in the War Department.

413. A letter from the Secretary of War, transmitting a report covering publications issued by the War Department during the fiscal year ended June 30, 1921, within the meaning of the statute as interpreted by the Attorney General; to the Committee on Printing.

414. A letter from the Secretary of War, transmitting report of expenditures on account of appropriation "Contingencies of the Army" during the fiscal year ending June 30, 1921; to the Committee on Expenditures in the War Department.

415. A letter from the President of the United States Civil Service Commission, transmitting list of useless papers in the files of the Civil Service Department to be destroyed; to the Committee on Disposition of Useless Executive Papers.

416. A letter from the Chief of the Bureau of Efficiency, transmitting list of publications issued by the Bureau of Efficiency during the fiscal year 1921; to the Committee on Printing.

417. A letter from the chairman of the Federal Trade Commission, transmitting annual report of the commission for the fiscal year ended June 30, 1921; to the Committee on Interstate and Foreign Commerce.

418. A letter from the Secretary of the Interior, transmitting statement showing for the first four months of the current fiscal year the average number of employees of the Department of the Interior receiving the increased compensation at the rate of $240 per annum; to the Committee on Appropriations.

419. A letter from the President of the United States, transmitting letter from the Director of the Budget, with a letter from the Secretary of War, regarding the purchase of the Cape Cod Canal (H. Doc. No. 139); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

420. A letter from the Acting Secretary of the Interior, transmitting report in detail giving the aggregate number of various publications issued during the fiscal year 1921; to the Committee on Printing.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (S. 2708) to authorize the Secretary of War to transfer without charge certain surplus material of the War Department to the American Relief Administration in Russia, reported the same with amendments, accompanied by a report (No. 507), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. VAILE, from the Committee on the Public Lands, to which was referred the bill (H. R. 6196) for the relief of Robert E. Danforth, reported the same without amendment, accompanied by a report (No. 506), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 3 of Rule XXII, the Committee on Claims was discharged from the consideration of the letter from the Secretary of War, transmitting a draft of a bill to authorize credits in the accounts of certain disbursing officers of the Army of the United States, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WINSLOW: A bill (H. R. 9489) for the purchase of the Cape Cod Canal property, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9490) to provide for medical and hospital services for the officers and seamen of the Coast and Geodetic Survey; to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON: A bill (H. R. 9491) granting an increase of pension to certain soldiers, sailors, and marines of the Civil War, and to the widows of such soldiers, sailors, and marines; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 9492) providing ocean transportation to parents and wives of certain deceased persons who lost their lives during the World War and who are buried abroad; to the Committee on Military Affairs.

By Mr. LYON: A bill (H. R. 9493) making appropriation for the improvement of the Cape Fear River below Wilmington, N. C.; to the Committee on Appropriations.

By Mr. OSBORNE: A bill (H. R. 9494) to amend the act of May 1, 1920, to provide that any pensioner of the Civil War and the War with Mexico, otherwise qualified, who has reached the age of 80 years, shall be conclusively presumed to be permanently totally disabled and to require regular personal aid and attendance of another, and be entitled, from the date of filing his application therefor alleging the attainment of said

age, to receive pension at the rate for such disability; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 9495) for the protection of timber owned by the United States from fire, disease, or the ravages of beetles or other insects; to the Committee on the Public Lands.

By Mr. RYAN: A bill (H. R. 9496) to amend the revenue act of 1918 in relation to the estates of soldiers and sailors who were killed or died in the service; to the Committee on Ways and Means.

Also, a bill (H. R. 9497) to provide revenue by the sales tax upon importers, manufacturers, producers, wholesalers, and retailers, for the purpose of providing a bonus to those who served in the military and naval forces of the United States during the World War, and for other purposes; to the Committee on Ways and Means.

Also, a bill (H. R. 9498) to provide increased postal facilities by the erection of a central distributing and general post-office building upon a site to be acquired on West Fifty-seventh Street, between Ninth and Tenth Avenues, New York City; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Idaho: A bill (H. R. 9499) to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands; to the Committee on the Public Lands.

By Mr. ROGERS (by request): Resolution (H. Res. 244) in behalf of the Armenians; to the Committee on Foreign Affairs.

By Mr. COUGHLIN: Resolution (H. Res. 245) calling for an investigation of the conditions and management of the Government Vocational School for Disabled Veterans of the World War at Pocono Pine, Pa.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIRD: A bill (H. R. 9500) to amend and correct the military record of John Martin Van Buren Summers; to the Committee on Military Affairs.

By Mr. BOWERS: A bill (H. R. 9501) granting an increase of pension to James Forsyth Harrison; to the Committee on Pensions.

By Mr. BROWN of Tennessee: A bill (H. R. 9502) granting a pension to John A. Brammett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9503) granting an increase of pension to James W. Scott; to the Committee on Pensions.

By Mr. CABLE: A bill (H. R. 9504) granting an increase of pension to William Briney; to the Committee on Pensions.

By Mr. FESS: A bill (H. R. 9505) granting a pension to Mary E. Johnson; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 9506) granting a pension to Amy V. Rice; to the Committee on Invalid Pensions.

By Mr. HUKRIEDE: A bill (H. R. 9507) for the relief of George W. Morgan; to the Committee on Military Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 9508) granting an increase of pension to Elmer E. Frederick; to the Committee on Pensions.

By Mr. LYON: A bill (H. R. 9509) authorizing the Secretary of War to make a survey of the Cape Fear River above Wilmington, N. C.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9510) authorizing the Secretary of War to make a survey of the Cape Fear River below Wilmington, N. C.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9511) for the relief of the widow of Hugh D. Ward; to the Committee on Claims.

Also, a bill (H. R. 9512) granting a pension to D. W. Fulcher; to the Committee on Pensions.

Also, a bill (H. R. 9513) granting a pension to Crawford W. Watts; to the Committee on Pensions.

Also, a bill (H. R. 9514) granting a pension to H. E. O. Mintz; to the Committee on Pensions.

Also, a bill (H. R. 9515) granting a pension to Oscar Sorensen; to the Committee on Pensions.

By Mr. MICHAELSON: A bill (H. R. 9516) authorizing the Secretary of War to donate to Norwood Park, Chicago, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. MOORES of Indiana: A bill (H. R. 9517) granting a pension to Georgiana Page; to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 9518) granting an increase of pension to Slatha Beard; to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 9519) for the relief of Henry F. Woodard and Samuel Ross; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9520) making appropriation for payment of claims of John Sevier, sr., and John Sevier, jr., in accordance with report and findings of the Court of Claims as reported in House Documents Nos. 1302 and 131, under the provisions of the act approved March 3, 1883, known as the Bowman Act; to the Committee on Claims.

Also, a bill (H. R. 9521) granting a pension to Sarah Crippen; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 9522) granting an increase of pension to Willard F. Bradford; to the Committee on Pensions.

Also, a bill (H. R. 9523) granting a pension to Charles L. Nix; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3277. By Mr. BARBOUR: Petition of the Fifty-fourth State Fruit Growers and Farmers' Convention of California, indorsing House bill 2373 for the protection of cooperative marketing associations; to the Committee on the Judiciary.

3278. By Mr. FREAR: Resolution of the members and friends of the first Methodist Episcopal Church of Eau Claire, Wis., indorsing House joint resolution 159; to the Committee on the Judiciary.

3279. By Mr. GERNERD: Resolution from the Manufacturers' Association of Berks County, Pa., protesting against the passage of Senate bill 2267; to the Committee on Coinage, Weights, and Measures.

3280. By Mr. KINDRED: Resolution from the board of directors of the New York County Lawyers' Association, approving House bill 7077, relating to conditions in the Patent Office; to the Committee on Patents.

3281. By Mr. KISSEL: Petition of the New York patent bar, Duell, Warfield & Duell, Fetherstonhaugh & Co., Fraser, Turk & Myers, Howson & Howson, Kenyon & Kenyon, Harold S. Mackaye, Albert E. Parker, Rogers, Kennedy & Campbell, and Scott & Williams, all of New York City; to the Committee on Patents.

3282. By Mr. RAKER: Petition of Piedmont Parlor, No. 120, Order of Native Sons of the Golden West, of Oakland, Calif., relative to the selection of Alameda as the permanent naval base of the Pacific Fleet; to the Committee on Naval Affairs.

3283. Also, petition of the teachers' unions of Washington, D. C., protesting against the inclusion of the teachers of the public schools in the act designed to reclassify Federal employees; to the Committee on Reform in the Civil Service.

3284. By Mr. TEMPLE: Petition of the Charles W. Crede Post, No. 461, Pittsburgh, Pa., in support of adjusted compensation bill; to the Committee on Ways and Means.

3285. By Mr. WILLIAMSON: Resolution of the South Dakota Development Association, protesting against the passage of the Barbour bill, the purpose of which is to create the Roosevelt National Park; to the Committee on the Public Lands.

SENATE.

TUESDAY, *December 13, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, though clouds and fog may hang about nature, we want to see light in Thy light, and so to be led by Thee that in all the circumstances of life we may recognize Thy goodness to us, Thy helpfulness in times of difficulty, and leading us always into a larger place of fellowship, one with another, in the high responsibilities of life and with Thyself. We ask in Christ Jesus' name. Amen.

The Assistant Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PUBLICATIONS OF INTERIOR DEPARTMENT.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a detailed report giving the aggregate number of various publications issued during the fiscal year 1921, and also the cost of the paper used for such publications, cost of

printing and of preparation of each publication, and the number of each which has been distributed, which was referred to the Committee on Printing.

SALES OF CONDEMNED PROPERTY BY SERGEANT AT ARMS.

The VICE PRESIDENT laid before the Senate a communication from the Sergeant at Arms of the Senate, transmitting, pursuant to law, a list of condemned property of the United States sold subsequent to December 6, 1920, together with a list of the proceeds from such sales, which was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the bill (S. 2108) prohibiting the interment of the body of any person in the cemetery known as the Cemetery of White's Tabernacle, No. 39, of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia.

The message also announced that the House agreed to the amendments of the Senate to the bill (H. R. 8744) granting the consent of Congress to the State of North Dakota, the county of Cass and the city of Fargo, N. Dak., and the State of Minnesota, the county of Clay and the city of Moorhead, Minn., or any of them, to construct a bridge across the Red River of the North between the cities of Fargo, N. Dak., and Moorhead, Minn.

The message further announced that the House had passed the bill (S. 1033) regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution (H. Con. Res. 38) extending the time for the completion of investigation and filing of report by the Joint Commission of Agricultural Inquiry to not later than the 15th of April, 1922, in which it requested the concurrence of the Senate.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 6380. An act to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended; and

H. R. 7601. An act to amend an act incorporating Prospect Hill Cemetery, and for other purposes.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H. R. 9237) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes, agreed to the conference requested by the Senate, and that Mr. MADDEN, Mr. CANNON, and Mr. BYRNS of Tennessee were appointed managers of the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 3250) to authorize the Secretary of Commerce to convey to Augustus S. Peabody certain land in Galveston County, Tex., and it was thereupon signed by the Vice President.

SENATOR LODGE'S ADDRESS AND THE FOUR-POWER TREATY (S. DOC. NO. 101).

Mr. KELLOGG. Mr. President, I ask unanimous consent to have printed in the RECORD in the ordinary 8-point type and also printed as a public document the address of the senior Senator from Massachusetts [Mr. LODGE] on the four-power treaty before the Conference on Limitation of Armament, together with a copy of the treaty.

The VICE PRESIDENT. Without objection, it is so ordered.

Hon. HENRY CABOT LODGE, a Senator from the State of Massachusetts and member of the American delegation at the Conference on the Limitation of Armament, spoke as follows, December 10, 1921, at the fourth plenary session of the conference:

"I should be insensible, indeed, if I did not feel deeply gratified by the opportunity which has come to me to lay before the conference the draft of a treaty, the terms of which have been agreed upon by four of the great powers of the earth in regard to the islands of the Pacific, which they control, either as possessions or dominions. I will begin by reading to the conference the treaty, which is both brief and simple, and yet I am sure is full of meaning and importance to the world's peace.

"'The United States of America, the British Empire, France, and Japan—

"'With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean—

"'Have determined to conclude a treaty to this effect and have appointed as their plenipotentiaries—

"'The President of the United States of America,

"'His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India,

"'And for the Domonion of Canada,

"'For the Commonwealth of Australia,

"'For the Dominion of New Zealand,

"'For India,

"'The President of the French Republic,

"'His Majesty the Emperor of Japan,

"'Who having communicated their full powers, found in good and due form, have agreed as follows:

"'I.

"'The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

"'If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

"'II.

"'If the said rights are threatened by the aggressive action of any other power the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

"'III.

"'This agreement shall remain in force for 10 years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the high contracting parties to terminate it upon 12 months' notice.

"'IV.

"'This agreement shall be ratified as soon as possible in accordance with the constitutional methods of the high contracting parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate.'

"The signing of this treaty is, on the part of the United States, subject to the making of a convention with Japan concerning the status of the island of Yap and what tre termed 'the mandated islands' in the Pacific Ocean north of the Equator, the negotiations in regard to which are almost concluded, and also to the reservations with respect to what are termed 'the mandated islands' in the Pacific Ocean south of the Equator.

"It should also be observed that the controversies to which the proposed treaty refers do not embrace questions which, according to principles of international law, lie exclusively within the domestic jurisdiction of the respective powers.

"The conference will perceive that I spoke correctly when I referred to the terms of the treaty as simple. To put it in a few words, the treaty provides that the four signatory powers will agree as between themselves to respect their insular possessions and dominions in the region of the Pacific, and that if any controversy should arise as to such rights all the high contracting parties shall be invited to a joint conference looking to the adjustment of such controversy. They agree to take similar action in the case of aggression by any other power upon these insular possessions or dominions. The agreement is to remain in force for 10 years, and after ratification under the constitutional methods of the high contracting parties the existing agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate. And that is all. Each signer is bound to respect the rights of the others, and before taking action in any controversy to consult with them. There is no provision for the use of force to carry out any of the terms of the agreement, and no military or naval sanction lurks anywhere in the background or under cover of these plain and direct clauses.

"The surest way to prevent war is to remove the causes of war. This is an attempt to remove causes of war over a great area of

the globe's surface by reliance upon the good faith and honest intentions of the nations which sign the treaty, solving all differences through the processes of diplomacy and joint consideration and conciliation. No doubt we shall hear it said that the region to which this agreement applies is one most unlikely to give birth to serious disputes, and therefore an agreement of this character is of little consequence. History unhappily has shown that there is no corner of the earth so remote or so valueless that it is not capable of giving cause for controversy or even for war between the tribes and the nations of mankind. But the islands of the Pacific, although remote from the dwelling places of the mass of humanity, are far from valueless.

"The islands of the southwestern Pacific extend over a vast space in that great ocean. They reach from the Marquesas on the east to the Philippines on the west; from the Aleutian Islands on the north nearly to the Antarctic Circle on the south. They are far more numerous than is generally realized. I do not know what the total number is, but I am informed as to the Philippines, and it appears that this group alone contains over 3,100 islands, of which 1,600 have names. We have all probably heard of the remark of Robert Louis Stevenson, when on leaving one of the Pacific Islands he was asked how he was going to Samoa. He replied that he should just go out and turn to the left. These islands are, comparatively speaking, so dense that we might describe them in the words of Browning as the—

Sprinkled isles.
Lily on lily that o'erlace the sea—

"And yet the region through which they are scattered is so vast that the isles of Greece and the Aegean Sea, so famous in history and in poetry, could easily be lost therein and continue unnoticed except by wandering seamen or stray adventurers. They range from Australia, continental in magnitude, to atolls where there are no dwellers but the builders of the coral reefs, or lonely rocks marking the peaks of mountains which rise up from the ocean's floor through miles of water before they touch the air. To the western and eastern world alike most of the islands of the southwestern Pacific are little known. There still lingers about them the charm so compelling and so fascinating which an undiscovered country has for the sons of men who are weary of main-traveled roads and the trampled highways of trade and commerce which cover the surface of the present earth.

"Upon these islands still shines the glamor of romance in the stories of Melville and the writings of Robert Louis Stevenson, to whom the South Seas gave both a grave and a monument imperishable as his own fame. But the Pacific islands are much more than this. They possess certain qualities other than natural beauty and romantic charm, which to many minds are more enticing. The larger ones are rich in many ways, fertile in the gifts of soil and climate and in other forms of riches desired by men, which extend from the untold mineral resources of Australia to the pearls which are brought from the depths of the ocean. There are among them all great areas of forest and of plain fit for the support and prosperity of civilized man. In a word, they have a very great material value, largely undeveloped; and where this condition exists the desires of men will enter, and conflicting human desires have throughout recorded history been breeders of war.

"Thus far the wastes of the Pacific Ocean, with all the crowding islands, except on the edges of the continents, have not been the scene of great wars; and yet not many years have passed since three great nations sent their warships to Samoa because there was a dispute in regard to those distant islands. Therefore, an agreement among the nations controlling these islands has a very serious importance to the peace of the world. We make the experiment here in this treaty of trying to assure peace in that immense region by trusting the preservation of its tranquillity to the good faith of the nations responsible for it. The world has just passed through a war the very memory of which makes us shudder. We all believe deep in our hearts that this hideous destruction of life, this suffering and ruin which still beset us, must not be permitted to come again if we can prevent it.

"If the nations of the earth are still in the innermost recesses of their consciousness planning or dreaming of coming wars and longing for conquests, no treaties of partition and no alliances can stay them; but if, as I firmly hope, the world has learned a frightful lesson from the awful experiences of the Great War of 1914, then our surest appeal in order to prevent wars in the future must be to the hearts, the sympathies, the reason, and the higher impulses of mankind. Such an appeal we make today by this agreement among four great nations. We rely upon their good faith to carry out the terms of this instrument, knowing that by so doing they will prevent war should controversies ever arise among them. If this spirit prevails and rules we can have no better support than the faith of nations. For one I devoutly believe the spirit of the world is such that we can trust to the good faith and the high purposes which the treaty I have laid before you embodies and enshrines.

"Agreements of this kind, I know, have often been made before, only to fail. But there has been a far-reaching change in the mental condition of men and women everywhere. That which really counts is the intention of the nations who make the agreement. In this hour of trial and darkness which has followed the war with Germany the spirit of the world is no longer the same. If we enter upon this agreement, which rests only upon the will and honor of those who sign it, we at least make the great experiment and appeal to the men and women of the nations to help us sustain it in spirit and in truth."

PETITIONS AND MEMORIALS.

Mr. JONES of Washington presented 60 petitions of sundry citizens of Pacosco, Black Diamond, Seattle, Ravensdale, Issaquah, Tukwila, Benton City, Kennydale, Bellingham, Ferndale, Everson, Olympia, Puyallup, Sumner, Orting, Harstine Island, Detroit, Ballow, Allyn, Manette, Carbonado, Nooksack, Blaine, Lawrence, Ronald, Marysville, Arlington, Twisp, East Stanwood, Bryant, Dominion, Auburn, Hoquiam, Tacoma, Winthrop, Okanogan, Mazama, Starbuck, Addy, Orin, Hillyard, Coupeville, Port Angeles, Elwha, Spokane, Maple Valley, Prosser, Grandview, Colville, Meyers Falls, Marcus, Joyce, Eden, Gettysburg, Washougal, Camas, Vancouver, Everett, Snohomish, Renton, Monahan, Doty, Dryad, Littell, Bay View, Mount Vernon, Lyman, Enumclaw, Waterman, Big Lake, Wickersham, Acme, Clipper, Lynden, Chisville, Custer, West Lake, Kettle Falls, Glenwood, Laurel, Toppenish, Tracyton, Bremerton, Ridgefield, Gertrude, Meridian, Camden, Elk, Scotia, Anacortes, Burlington, Goldbar, Sultan, all in the State of Washington, praying for the repeal of the espionage act and all war-time legislation, which were referred to the Committee on the Judiciary.

Mr. LADD presented a memorial of sundry citizens of Grand Forks and University, N. Dak., remonstrating against the enactment of Senate bill 2135, to enable the refunding of obligations of foreign Governments owing to the United States, etc., which was referred to the Committee on Finance.

He also presented a communication in the nature of a petition from Henry W. Nevinson, correspondent to the Manchester (England) Guardian, relative to the granting of amnesty to prisoners who have been sentenced on account of violation of war-time laws, which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

A FOREIGNER'S PETITION.

Coming as I do from England as a stranger among the American people, I certainly have no wish to interfere in their domestic or political affairs, but there are some things that appeal to one in the name of justice and humanity quite apart from national rights or citizenship.

In spite of all my genuine admiration for American life and manners, one discovery fills me with astonishment and regret. I am informed that the American Government still holds some 145 persons in prison on account of supposed offenses committed under the so-called espionage act and other special laws enacted during the late war, which has now in reality been terminated for three years.

Many of these prisoners are serving terms of 10 or even 20 years merely, as I understand, for the expression of their opinions, chiefly or entirely in opposition to war. They come of all classes, but most are workingmen, naturally engaged in mining, lumber, and agriculture, so that the whole Nation loses by their imprisonment. And they themselves, being removed from wholesome employment, are likely to degenerate as men do in jail. The longer they are imprisoned the less useful they will become.

The right of free speech may perhaps be restricted of necessity in war time. But such restrictions are among the most pernicious curses of war, and it is the duty of every nation to remove them with all speed the moment that peace is concluded. In my own country all offenders under this head have long been released; I think within a month or two of the armistice. The same is true, I believe, of all other countries except the one country which I was brought up to regard as the very land of freedom. One of the most peculiar circumstances in the case is that the espionage act itself, so I am told, was suspended last March, and these political offenders continue imprisoned under a law which no longer exists.

I speak as one who has spent a long and varied life mainly in advocating personal freedom and contending with all his might against oppression and injustice wherever he has found them. Those long efforts and my profound regret at finding this oppression and injustice still possible in a Nation which I so greatly honor are my sole reasons for joining in this appeal to the President or Congress of the United States for a general amnesty in regard to these supposed breaches of an obsolete law.

The present occasion appears particularly suitable for this amnesty since, during this conference in Washington, such speeches denouncing war and extolling peace have been made by many statesmen of the highest position in their various countries as would probably have consigned them also to jail if they had been made only four years ago.

HENRY W. NEVINSON,
Correspondent to the Manchester Guardian.

WASHINGTON, D. C.

Mr. TOWNSEND (for Mr. NEWBERRY) presented three resolutions adopted by the Chamber of Commerce of Menominee; the Home Fortnightly Club, of Calumet; and the Union Literary

Club, of Big Rapids; all in the State of Michigan, favoring the completion of the Great Lakes-St. Lawrence waterway for ocean-going vessels, which were referred to the Committee on Commerce.

He also (for Mr. NEWBERRY) presented a resolution adopted by the American Association for the Recognition of the Irish Republic, of Detroit, Mich., commending the President for calling the Conference on Limitation of Armament, favoring open sessions of said conference, and requesting that action be taken to prevent further military aggression by Great Britain against the Irish republic, which was referred to the Committee on Foreign Relations.

He also (for Mr. NEWBERRY) presented a resolution adopted by the board of directors of the Escanaba (Mich.) Chamber of Commerce, favoring the enactment of the so-called French-Capper truth in fabric bill, which was referred to the Committee on Interstate Commerce.

REPORT OF THE COMMITTEE ON MILITARY AFFAIRS.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 28) to provide for appropriate military records for persons who, pursuant to orders, reported for military duty, but whose induction or commission into the service was not, through no fault of their own, formally completed on or prior to November 11, 1918, and for other purposes, reported it without amendment and submitted a report (No. 356) thereon.

CLAIMS BEFORE ALIEN PROPERTY CUSTODIAN.

Mr. NELSON. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 2780) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended. I ask for its present consideration.

The VICE PRESIDENT. The Senator from Minnesota asks for the immediate consideration of a bill, which the Secretary will report.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That section 9 of the act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, is hereby amended by striking out the words "six months" in such section and inserting in lieu thereof "18 months."

Mr. NELSON. Mr. President, I wish to state that the object of the bill is to extend from 6 months to 18 months the time in which to bring suits against the Alien Property Custodian for property taken by him. The time limit of six months has nearly expired, and if any relief is to be given it ought to be given now.

The bill was referred to the Department of Justice, and I have a letter from the Attorney General recommending the passage of the bill. I also have a letter from the Alien Property Custodian.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. POINDEXTER. Let the bill be read.

The VICE PRESIDENT. The bill has been read. Does the Senator desire to have the bill read again?

Mr. KING. Let it be read again. It is very brief.

The Assistant Secretary again read the bill.

Mr. POINDEXTER. What is the purpose of the bill?

Mr. NELSON. I just stated it a moment ago. The object of the bill is to extend the time for bringing suits against the Alien Property Custodian on claims growing out of property which he seized. The six months' time limit under the existing law is now about to expire. It expires, I think, the 1st of January.

Mr. KING. Yes.

Mr. POINDEXTER. That is, the time for bringing suits against the Government or against the Alien Property Custodian?

Mr. NELSON. Against either of them for property taken by the Alien Property Custodian. The bill is for the purpose of extending that time for 18 months, and it is recommended by the Alien Property Custodian and by the Department of Justice. Assistant Attorney General Goff of that department has been assigned to the duty of looking after all matters pertaining to the Alien Property Custodian, and I have a letter from him recommending the bill. It is a very short letter, so I shall read it.

Mr. POINDEXTER. Does he give the reasons upon which he bases his request that the time for suing the Government shall be extended?

Mr. NELSON. I will read the letter:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., December 12, 1921.

Hon. KNUTE NELSON,
Chairman Senate Judiciary Committee, Washington, D. C.

MY DEAR SENATOR NELSON: Senate bill 2780, providing that section 9 of the trading with the enemy act be amended by striking out the words "6 months" and inserting in lieu thereof the words "18 months," has been referred to this department for its suggestion. The effect of this change is to extend the time for bringing suit under this act.

I take pleasure in advising you that it will be most acceptable to the department to have this bill passed. The change suggested is very necessary. The department heartily indorses the bill and trusts that its immediate passage will follow.

Thanking you very much, I am,

Yours, very sincerely,

GUY D. GOFF,
Acting Attorney General.

I also have a letter from the Alien Property Custodian in favor of the bill.

Mr. KING. Mr. President, if I may have the attention of the Senator from Washington for just a moment, I will state that I prepared and introduced the bill some time ago for this reason. As the Senator knows, a large amount of property owned by perhaps several hundred thousand people was seized by the Alien Property Custodian under authority granted by Congress.

Much of that property, under laws which we have subsequently passed, should be returned, but the proof of citizenship and the necessary steps to be taken involve so much time that it will be absolutely impossible within the time limit fixed by law for the property to be restored.

In order to avoid putting them to the necessity of going into court, it was deemed wise to extend the time within which they might sue in order that the Alien Property Custodian might make ample investigation and restore the property without compelling them to go into court. It is in the interest of justice, in the interest of American citizens whose property has been seized, as well as in the interest of the nationals of countries other than those who were belligerents in the recent war.

Mr. POINDEXTER. The purpose stated by the Alien Property Custodian in his letter, which I have just examined, is to give the Alien Property Custodian a longer time in which to consider the claims which have been presented. It is rather for his relief than for that of the claimants. I have no objection to the bill. I think it is a very good measure.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. NELSON. I ask that the letter of the Alien Property Custodian be printed in the RECORD in connection with the passage of the bill.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

ALIEN PROPERTY CUSTODIAN,
Washington, D. C., December 12, 1921.

Hon. KNUTE NELSON,
Chairman Senate Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR NELSON: The attention of this office has been called to Senate bill 2780 introduced by Senator KING of Utah, which, if enacted into law, will extend the time in which suits may be brought under the trading with the enemy act.

By the peace proclamation, the termination of the war dates from July 2, 1921, and therefore, January 2, 1922, is the last date within which suit can be brought under the statutes for the recovery of property when the claim has been disallowed by this office and the Department of Justice. Because of the great number of claims now pending in this office, the time is inadequate to properly consider them for allowance or disallowance, and, therefore, those claimants whose claims might be disallowed would not have time to institute suit by January 2, 1922.

For the reason set forth above, I take pleasure in advising you that this proposed legislation is acceptable to this office, and its early passage will enable us to solve the difficulties that have arisen because of the conditions outlined above.

Respectfully, yours,

THOMAS W. MILLER,
Alien Property Custodian.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 2832) authorizing the Secretary of the Interior to allow the additional homestead application of Otha Potter; to the Committee on Public Lands and Surveys.

By Mr. ROBINSON:

A bill (S. 2833) for the relief of J. S. Handford, trustee; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 2834) for the relief of William Mortesen; to the Committee on Claims.

A bill (S. 2835) fixing the per diem allowance in lieu of lodging and subsistence of clerks of the United States district courts,

their deputies and clerical assistants, when absent from their official residences; to the Committee on the Judiciary.

By Mr. TOWNSEND:

A bill (S. 2836) granting an increase of pension to Abram Norwood (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 2837) granting a pension to Caldona Doan;

A bill (S. 2838) granting an increase of pension to Samuel N. Bridgman;

A bill (S. 2839) granting a pension to Lillian Bramun;

A bill (S. 2840) granting an increase of pension to Elizabeth Brannon;

A bill (S. 2841) granting a pension to Ida May Hollister;

A bill (S. 2842) granting a pension to Mollie E. Paulk (with accompanying papers);

A bill (S. 2843) granting a pension to Anna Droste (with accompanying papers);

A bill (S. 2844) granting an increase of pension to Austin L. Myers;

A bill (S. 2845) granting a pension to Emma G. Randall (with accompanying papers);

A bill (S. 2846) granting a pension to Mary F. Robinson;

A bill (S. 2847) granting a pension to Mary J. Kimble (with accompanying papers);

A bill (S. 2848) granting a pension to Charles C. Newton (with accompanying papers);

A bill (S. 2849) granting a pension to Catharine Smith (with accompanying papers);

A bill (S. 2850) granting a pension to Mary M. Geist (with accompanying papers); and

A bill (S. 2851) granting an increase of pension to Fermon L. Botkin (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 2852) granting an increase of pension to Alice M. Todd (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 2853) for the relief of persons suffering damage by reason of proceedings for the condemnation of land for Camp Benning, Ga.; to the Committee on Claims.

By Mr. SUTHERLAND:

A bill (S. 2854) for the relief of Oakley Randall; to the Committee on Claims.

A bill (S. 2855) to acquire a site for a public building at Parsons, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. KING:

A bill (S. 2856) to establish a standard decimal system of weights and measures for the United States; to the Committee on Manufactures.

UNITED STATES JUDGES.

Mr. DIAL submitted an amendment intended to be proposed by him to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside of their districts, and for other purposes, which was referred to the Committee on the Judiciary and ordered to be printed.

COMMITTEE SERVICE.

Mr. CURTIS submitted the following order, which was read and agreed to:

Ordered, That the Senator from Missouri [Mr. SPENCER] be excused from further service as chairman of the Committee on Claims and assigned to the chairmanship of the Committee on Indian Affairs; that the Senator from Kansas [Mr. CAPPER] be assigned to the chairmanship of the Committee on Claims; that the Senator from Delaware [Mr. BALL] be excused from further service as a member of the Committee on Commerce; that the Senator from Minnesota [Mr. KELLOGG] be excused from further service as a member of the Committee on Education and Labor; that the Senator from New Hampshire [Mr. MOSES] be excused from further service as a member of the Committee on Expenditures in the Executive Departments; that the Senator from Pennsylvania [Mr. PENROSE] be excused from further service as a member of the Committee on Immigration; that the Senator from Maine [Mr. FERNALD] be excused from further service as a member of the Committee on Manufactures; that the Senator from Oklahoma [Mr. HARRELD] be assigned to service on the Committee on Agriculture and Forestry; that the Senator from Delaware [Mr. DU PONT] be assigned to service on the Committee on Commerce, the Committee on Education and Labor, and the Committee on Expenditures in the Executive Departments; and that the Senator from Pennsylvania [Mr. CROW] be assigned to service on the Committee on Immigration, the Committee on Interoceanic Canals, the Committee on Manufactures, and the Committee on Territories and Insular Possessions.

HOLIDAY RECESS.

Mr. CURTIS submitted the following concurrent resolution (S. Con. Res. 16), which was referred to the Committee on Appropriations:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses complete the business of the calendar day of Thursday, December 22, 1921, they shall stand adjourned until 12 o'clock meridian Tuesday, January 3, 1922.

AMENDMENT OF THE RULES—LIMITATION OF DEBATE.

Mr. JONES of Washington. Mr. President, I desire to give notice of a proposed amendment to the rules and ask that it may be read.

The VICE PRESIDENT. The Secretary will read the notice.

The READING CLERK. Notice of an amendment intended to be proposed to Rule XIX by Mr. JONES of Washington:

Add a new paragraph to Rule XIX to be numbered 7, as follows:

7. Debate shall be confined to the question under consideration, unless otherwise provided by unanimous consent.

HOUSE BILLS REFERRED.

The following bills were each read twice by title, and referred to the Committee on the District of Columbia:

A bill (H. R. 6380) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended; and

A bill (H. R. 7601) to amend an act incorporating Prospect Hill Cemetery, and for other purposes.

CALL OF THE ROLL.

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Mr. CURTIS. Mr. President, several Senators have requested me, before the calendar shall be proceeded with, to suggest the absence of a quorum. I therefore make that suggestion.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Capper	Harrison	Myers	Shortridge
Caraway	Heflin	Nelson	Smith
Culberson	Jones, Wash.	Nicholson	Stanfield
Cummins	Kellogg	Norbeck	Townsend
Curtis	Kenyon	Norris	Trammell
Dial	Keyes	Page	Wadsworth
Ernst	King	Phipps	Walsh, Mont.
Fernald	Ladd	Pittman	Warren
Fletcher	McKinley	Poindexter	Watson, Ga.
Hale	McNary	Robinson	Willis
Harris	Moses	Sheppard	

Mr. HARRISON. I desire to state that the junior Senator from Louisiana [Mr. BROUSSARD] is detained from the Chamber by illness in his family.

Mr. CURTIS. I desire to announce that the Senator from Pennsylvania [Mr. PENROSE], the Senator from North Dakota [Mr. MCCUMBER], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from Idaho [Mr. GOODING] are detained from the Senate in attendance upon a meeting of the Committee on Finance.

I also desire to announce the absence of the junior Senator from Nevada [Mr. ODDIE] on business of the Senate.

The VICE PRESIDENT. Forty-three Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absent Senators.

The reading clerk called the names of the absent Senators and Mr. EDGE and Mr. REED answered to their names when called.

Mr. MCKELLAR, Mr. OVERMAN, Mr. STERLING, Mr. LENROOT, Mr. SHIELDS, Mr. BURSUM, Mr. KENDRICK, Mr. FRANCE, Mr. LA FOLLETTE, Mr. STANLEY, Mr. MCLEAN, and Mr. ELKINS entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-seven Senators having answered to their names, a quorum of the Senate is present.

ISSUANCE OF CHECKS, ETC., IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1033) regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia, which were on page 1, line 10, strike out "imprisoned" and insert "guilty of a misdemeanor and punishable by imprisonment"; on page 2, lines 5 and 6, strike out "upon demand, in person or in writing, the amount of said check, draft, or order" and insert "the amount due thereon"; and on page 2, line 7, after "any" to insert "within five days after receiving notice in person, or writing, that such draft, or order, has not been paid."

Mr. JONES of Washington. Mr. President, the chairman of the Committee on the District of Columbia asked me to move

to concur in the amendments of the House of Representatives. I can explain the amendments in just a moment.

Mr. KING. Mr. President, may I inquire of the Senator if this is a bill with respect to the issuing of checks?

Mr. JONES of Washington. It is.

Mr. KING. Has the bill been considered by the Committee on the District of Columbia?

Mr. JONES of Washington. Yes. It is Senate bill No. 1033 and is entitled "A bill regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia. I do not know whether or not it is the bill the Senator has in mind.

Mr. KING. I did not know that it had been considered by the committee.

Mr. JONES of Washington. It has been so considered.

Mr. KING. I had supposed that such a bill would be referred to the Committee on the Judiciary.

Mr. JONES of Washington. The bill passed the Senate on June 10 last.

Mr. KING. I was not aware of that. I should like the Senator to allow the bill and amendments of the House of Representatives to lie over until I have a chance to examine them.

Mr. JONES of Washington. I can explain the amendments of the House of Representatives in just a moment, and then the Senator may realize that the amendments of the House really supplement what the Senate had in mind and make the bill a better one.

The bill as passed by the Senate reads:

That any person within the District of Columbia who, with intent to defraud, shall make, draw, utter, or deliver any check, draft, or order for the payment of money upon any bank or other depository * * * shall be imprisoned for not more than one year.

The House struck out the word "imprisoned" and inserted the words "guilty of a misdemeanor and punishable by imprisonment." I think that is much better language and expresses better the intent of the act than the language of the bill as passed by the Senate.

Then, beginning in line 5, on page 2, the Senate bill reads:

Provided such maker or drawer shall not have paid the holder thereof, upon demand, in person or in writing, the amount of said check, draft, or order.

The House strikes the language out beginning with the words "upon demand" and inserts in lieu thereof the words "the amount due thereon," but the next amendment practically covers the part stricken out, for on page 2, line 7, after the words "the amount due thereon, together with the amount of protest fees, if any," the House has inserted an amendment reading "within five days after receiving notice in person, or writing, that such draft or order has not been paid."

The amendments of the House meet substantially the intention of the Senate, and are probably expressed in somewhat better language.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from California?

Mr. JONES of Washington. I yield.

Mr. SHORTRIDGE. I should like to ask the Senator what is the maximum punishment in case the amendments suggested be adopted?

Mr. JONES of Washington. The bill provides in the case of conviction imprisonment for not more than one year or a fine of not more than $1,000, or both. That language was adopted both by the Senate and the House; there has been no change in that at all.

Mr. KING. Mr. President, may I inquire of the Senator whether such punishment would be inflicted upon a person who, with intent to defraud, might draw a check for 10 cents or $1, whereas if he had stolen such an amount it would be only petty larceny and would subject him only to the penalty that is provided for a misdemeanor?

Mr. JONES of Washington. There seems to be no limit, one way or the other, as to the size of the check or draft. The language as passed by the Senate in that respect has also been adopted in the House; so that it is merely a question as to concurrence in the amendments of the House, which, of course, are substantially the same as the provisions of the Senate bill.

Mr. KING. Mr. President, of course, I appreciate the parliamentary situation of this bill. If I had been present when the bill was under consideration, I would have moved certain amendments. I am opposed to the bill in its present form, as I have hastily read it. As I said a moment ago, I do not think it is fair to subject an individual who draws a check for 10 cents or $1, for the purpose of defrauding, to the same punishment as that meted out to a man who draws a check for $1,000 or $10,000 with a like purpose. If we distinguish between grand and petty larceny, it would seem to me that there ought to be some differentiation between the act which sought to defraud of 10 cents and the act which contemplated defrauding of $10,000.

Mr. JONES of Washington. Let me suggest to the Senator that this bill leaves it in the discretion of the court. The court can fine a man $1 if he desires to do so, and I take it that the circumstances the Senator has related would appeal to the sound discretion of the court in fixing the penalty. The bill reads, as the Senator will note:

For not more than one year, or be fined not more than $1,000, or both.

In other words, the court could fine the man 10 cents and let him go.

Mr. KING. Yet the Senator knows that with respect to larceny or embezzlement there is a maximum fixed for the amount under $50 usually—that is, six months in the penitentiary and a fine not to exceed $300. That is the penalty in nearly every State of the Union; whereas in grand larceny, where the amount purloined is in excess of $50, the minimum punishment is one year in the penitentiary and $500 or $1,000 fine, in the discretion of the court.

Mr. JONES of Washington. Of course, that differs in the different States; but that, of course, is not, as the Senator realizes, the situation in controversy here. The bill has passed the Senate. It has passed the House with these minor amendments that really make the language of the Senate bill more clearly express what was intended.

Mr. KING. It seems to me that the more we talk about mercy and charity and civilization the harsher penalties we prescribe. I do not believe in these harsh penalties which we so often enact; and I think the penalty of $1,000 fine and a year in the penitentiary which may be inflicted by the court for the fraudulent procurement of a dollar or other insignificant sum is too great.

Mr. JONES of Washington. I can not conceive that the court would impose a penalty of that kind under the circumstances related by the Senator; and this bill allows the court to make the punishment just as light as he feels that the circumstances warrant. It does seem to me we could safely trust the court in cases of that kind; but, of course, that is my opinion, and the Senator has a different view of the matter.

Mr. KING. May I inquire of the Senator as to another matter? I have not the bill before me, but I hastily read the words that certain things would be prima facie evidence. I do not like any bill that makes any act criminal in character and makes certain things prima facie evidence.

Mr. JONES of Washington This bill reads in this way—I have not examined the bill with that in view, because I simply had in charge the matter of these amendments:

As against the maker or drawer thereof the making, drawing, uttering, or delivering by such maker or drawer of a check, draft, or order, payment of which is refused by the drawee because of insufficient funds of the maker or drawer in its possession or control, shall be prima facie evidence of the intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository, provided such maker or drawer shall not have paid the holder thereof upon demand, in person or in writing—

And so forth.

Mr. REED. Now you amend that by inserting "within five days?"

Mr. JONES of Washington. We amend that in this way: In line 5 we strike out the words "upon demand, in person or in writing, the amount of said check, draft, or order," and put in lieu of that the words "the amount due thereon," and then it reads in this way:

The holder thereof the amount due thereon, together with the amount of protest fees, if any.

And then this amendment follows, which really takes care of the language stricken out:

Within five days after receiving notice in person or writing that such draft or order has not been paid.

Mr. KING. Of course this looks like a bill to enforce a civil liability by the threat of criminal prosecution. The act of criminality seems to be eliminated if you make payment.

The intent is all right if you make payment; so that the act might have been criminal, but if you make payment you are absolved. In other words, you use the threat that this shall be prima facie evidence of fraud unless within five days you make payment. It is at variance with every conception of criminal law. The crime was committed if there was a fraudulent intent; and it seems to me that you can not whitewash the intent and eliminate it by saying, "Well, if you make payment within five days, then there was no intent, and you are exonerated."

I do not believe that the legislation is wise, and it seems to me it is not fashioned along just and rational lines. Of course,

I appreciate that it can not be amended. We must take the bill as it is or reject it as it is.

Mr. ROBINSON. Mr. President, will the Senator yield for a statement?

Mr. KING. I yield.

Mr. ROBINSON. This seems to be an express effort to use the machinery of the criminal courts to collect a debt, contrary to criminal procedure in most of the States.

Mr. KING. That is what I was trying to say, but the Senator has said it better than I could.

Mr. ROBINSON. I thank the Senator from Utah. No one could say anything better than he.

Mr. REED. Mr. President, in most civilized countries if a man were to commit a crime by getting money through false pretenses or otherwise and the person injured were to threaten the individual with prosecution in order to compel him to pay that money, he would be himself guilty of a crime, and the prosecuting attorney who would threaten to employ the criminal processes for the purpose of compelling a man to pay a civil debt would himself be guilty of usurpation and of being a party to extortion, and would be liable to punishment.

This act, if it were properly entitled, would be entitled "An act to authorize the use of the criminal processes for the purpose of compelling the payment of a civil debt." To my mind it is utterly monstrous, and will set an example that will be exceedingly injurious, both in its moral effect and in every other way.

Following the analysis of the Senator from Utah, the bill amounts to this: It declares that any person who shall utter a check without having funds in the bank sufficient to meet it shall be guilty of a crime.

Mr. JONES of Washington. Mr. President, will the Senator permit me to suggest there that the language of the bill is "with intent to defraud"?

Mr. REED. Very well. That makes it worse. It provides, then, that whoever, with the intent to defraud, shall utter a check without having funds in the bank sufficient to meet it, shall be punished, provided, however, that at any time within five days he can go around and pay the amount of that check, and his criminal intent and his criminal act cease to exist.

Under this bill a man could go down to one of our banks with the deliberate purpose of fraud formed in his heart and pass a check for $100,000, or he could go into a business transaction and pass a check for $100,000, and get the money in his pocket and not have a dollar in that bank, and know that he did not have a dollar in the bank on which the check was drawn. If he can run away and get away with the money, all right; he has escaped. If they catch him, he can give the money back and go unwhipped of justice. Such a law as that, Mr. President, is a disgrace to the statutes of any civilized country.

There are other objections to this bill. The language of it is that—

> As against the maker or drawer thereof the making, drawing, uttering, or delivering by such maker or drawer of a check, draft, or order, payment of which is refused by the drawee because of insufficient funds of the maker or drawer in its possession or control, shall be prima facie evidence of the intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository.

That language is very loose and ought not to be in the statute.

The refusal of a bank to pay a check on the ground that there are not sufficient funds never ought to create a prima facie case against any man, because frequently banks refuse payment upon the ground that there are not sufficient funds when there are sufficient funds, and it has happened tens of thousands of times through the fault of the bank; yet the refusal, because there are not sufficient funds, under this bill, would create a prima facie case against a man who might have the money in the bank. Moreover, a man might believe that he had money in the bank, and in the very best of faith draw his check—it has happened, I presume, to every man in this Senate Chamber at some time in his life—and the mere fact that he made a mistake ought to create no prima facie case against him. The question as to whether he knew or did not know ought to be a question of fact, to be proven as other questions of fact are proven, by substantive evidence.

I do not want to take time to argue this matter, but just to illustrate for a moment: Here is a man who, in the long course of business, is giving out checks. He is noticing his bank balance. Somebody has a check that he may for a year or two years or three years let lie around in his desk without depositing it. It happens frequently. It has happened to me. I have done it myself. That check goes in two or three years late. The man who has the money in the bank has forgotten all about the check, and has noticed his bank balance, and he apparently has plenty of money there. The old check some day appears in the bank, and the money is checked out on it, and when a new check comes in there is no money there to meet it, or not sufficient funds. Mistakes of this kind are of daily occurrence.

I was talking only yesterday with a man engaged extensively in the cattle business, and he told me this story: That in a certain community of foreigners he had bought cattle in very large numbers for many years; that they insisted upon having his checks in hundred-dollar amounts; and although the deal might involve many thousands of dollars, he had to make hundred-dollar checks. He did not know the reason for it at the time, but afterwards discovered that these foreign people put the checks away in their homes and held them, and that some of them were not cashed for three or four years; that in the meantime, while his book showed his bank account was exhausted, the bank's books showed that he had thousands of dollars to his credit.

This sort of legislation is wholly unnecessary. There are plenty of laws on the statute books now providing that if any man draws a check with a fraudulent purpose, and does not have funds in the bank, he can be punished. It is a common-law crime to obtain money or credit in that way, and all that is necessary is the proof that a man gave a check under such circumstances as to indicate his fraudulent intent, and from that the intent can be inferred.

I go back to the first proposition I discussed. To put upon the statute books the bald proposition that a man may conceive a fraud, may execute his fraud, may obtain the proceeds of his fraud, and then, if he pays the money back, the criminal process shall cease, is a monstrous and unthinkable thing in criminal jurisprudence.

Mr. ROBINSON. The language of the proposed statute, if the Senator from Missouri will permit, makes it even worse than that, because the prima facie presumption of fraud does not attach, however the actual fraud may have occurred, if the party guilty of the fraud subsequently pays the amount of the check to the holder of it. It is vicious in every aspect, I agree with the Senator from Missouri, and is contrary to the laws of almost every State in the Union, to provide that if one practices a fraud he may be relieved from the penalty for it by making reimbursement to the party upon whom the fraud has been practiced. It is nothing more than writing into the law a provision that the criminal statutes and criminal processes may be used to enforce the collection of a debt.

Mr. REED. It is as bad as to say that if a man steals a horse and afterwards returns the horse when he is detected in his theft he shall not be prosecuted for horse stealing.

Mr. ROBINSON. And the presumption shall not arise that he intended to steal it.

Mr. KING. I ask the Senator from Washington, who has this matter in charge, to let it go over until to-morrow. The parliamentary situation is such that I am unable to perceive how we are going to extricate ourselves from this cul de sac if we reach the conclusion that this legislation is subject to the criticism which has been made. I understand the bill was passed by the Senate, it went to the House, and they have passed it with sundry amendments. Obviously we must agree to those amendments or send the bill to conference, and if it goes to conference, then the conferees could deal only with those amendments, and the amendments do not reach the point to which attention has been called. I beg the Senator to let it go over until to-morrow, to see if some plan may not be devised by which these evils in the bill may be corrected.

Mr. JONES of Washington. Mr. President, I have no objection to the matter going over. I must say that I can see no force whatever in the objections made by the Senator from Utah and the Senator from Missouri. The cases cited by the Senator from Missouri could be met under the bill as it passed. I shall not argue the merits of the measure. I think a mere reading of the bill will show there is no danger of any hardships being worked under it. If a man draws a check, knowing that he has no money in the bank, with the intent to defraud somebody, why should we be so solicitous about him? He is protected to this extent: The act provides that while the drawing of the check, when he knew he had no funds in the bank, is prima facie evidence of the intent to defraud, if upon notice in writing or in person he pays it in five days, that ends it. I am not sure, but I think we have a law in our State somewhat like that, and I think there are other States which have laws of that kind. I can not see that it would work hardship upon any honest man. I can see loopholes, even, for dishonest men to avoid the consequences of their dishonest intent.

But, as the Senator has said, the amendments the House has made are the only matters at issue here. If the bill were sent to conference, the matters to which objection has been made,

as the Senator from Utah has said, would not be subject to conference, and would not be corrected even if they should be corrected. I do not think there can be any reasonable objection to the amendments made by the House, but I am willing, at the request of the Senator from Utah, to let the matter go over until to-morrow rather than ask that it be disposed of in the absence of the Senator from Delaware [Mr. BALL].

Mr. FLETCHER. May I inquire of the Senator whether the whole matter is not one for State action?

Mr. JONES of Washington. This relates to the District of Columbia.

Mr. FLETCHER. I did not understand that.

Mr. JONES of Washington. I ask that the matter lie on the table until to-morrow.

The VICE PRESIDENT. Without objection, the bill and the amendments of the House will lie on the table. The calendar, under Rule VIII, is in order.

THE CALENDAR.

The bill (S. 384) to require judges appointed under authority of the United States to devote their entire time to the duties of a judge was announced as first in order on the calendar.

Mr. DIAL. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 581) to repeal the act prohibiting increased pay under lump-sum appropriations to employees transferred within one year was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 582) to repeal section 5 of the act approved June 22, 1906, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," was announced as next in order.

Mr. KING. As I recall, a Senator wishes to make some observations on this bill. I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1439) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1807) to aid in stabilizing the coal industry was announced as next in order.

Mr. WADSWORTH. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

REVENUES FOR THE DISTRICT OF COLUMBIA.

The bill (S. 205) relating to the fiscal system of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. May I say to the Senator from Washington, who has been very courteous in not pressing this measure, that I shall not object to its consideration, except to say that I do not think we can fully consider it under the five-minute rule.

Mr. JONES of Washington. If we take it up by motion, then we would not be limited by the five-minute rule. That is my understanding.

Mr. KING. I shall not interpose any obstacle to the Senator pursuing such course as he may regard as proper.

Mr. JONES of Washington. If the Senator asks that the bill shall go over, I will move that we take the bill up notwithstanding his objection. Then, I understand, the Senator would have more than five minutes in which to discuss the bill.

Mr. KING. I may not want to talk for five minutes, but for the purpose of having further time than five minutes I suggest that the bill go over.

Mr. JONES of Washington. I move that the Senate proceed to the consideration of the bill, notwithstanding the objection.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington to proceed to the consideration of Senate bill 205.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the general expenses of the District of Columbia shall be chargeable to and paid out of the Treasury of the United States and the revenues of said District in the proportion of 50 per cent from the Treasury of the United States and 50 per cent from the revenues of the said District.

SEC. 2. That the Secretary of the Treasury is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, as authorized by Congress, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof. If in any year the taxes and revenues of the District of Columbia shall be insufficient to reimburse the Treasury for the portion of said advance payable by the District of Columbia, such unpaid advance shall be reimbursed to said Treasury out of the revenues of the District of Columbia of the succeeding year or years. If in any year the taxes and revenues of the District of Columbia shall be more than sufficient to reimburse the Treasury for the portion of said advances payable by the District of Columbia, such surplus of revenue and all unexpended or unappropriated surpluses of the District revenue shown by the reports of said commissioners to have been heretofore accumulated and deposited in the Treasury of the United States shall be held in the Treasury as a trust fund for the benefit of said District and available as revenue of the District of Columbia for meeting the portion of appropriations payable by said District in the succeeding year or years.

SEC. 3. That the per cent of approved estimates to be levied and assessed under the act of June 11, 1878, upon the taxable property and privileges in said District shall be raised by the imposition of such rate of taxation on realty and tangible personal property as the commissioners shall ascertain to be necessary to raise annually, in combination with other District tax revenues and unexpended tax surpluses of previous years, a sum sufficient to meet the proportion of expenses to be paid by the District of Columbia under existing law: *Provided, however*, That such rate of taxation shall in no event be less than 1½ per cent.

Mr. NELSON. Mr. President, I desire to ask the Senator from Washington a question. There is one thing which strikes me in the reading of the bill, that in the provision relating to personal property it is limited to tangible property. Credits are immune from taxation under it.

Mr. JONES of Washington. It repeats the law just as it is now. We do not attempt to change the tax law.

Mr. NELSON. The bill provides for the levy of taxes on real estate and tangible personal property.

Mr. JONES of Washington. That is as the law is now.

Mr. NELSON. But it does not provide for the levy of taxes on other personal property. Does not the Senator know that the District of Columbia is a sort of a paradise for wealthy men, who come here to get immunity from taxation on credits?

Mr. JONES of Washington. We do not attempt to affect the law with reference to taxation at all. We have not attempted to deal with that. We have left that just as Congress has left it, and we use the language which is in the law now. Of course, if the Senator desires to amend the tax law, that should be done, I think, in a separate measure.

Mr. NELSON. Why should we limit taxation, as is done in this bill, to realty and tangible personal property?

Mr. JONES of Washington. We do not limit it in this bill; it is limited by law. We merely reaffirm here the language of the law as it is now, with reference to taxation, and the only difference we make is that we do provide that the rate of taxation shall in no event be less than 1½ per cent. That is what it is now. We did not desire to lower the rate of taxation, so we provided that it should not be lower than that rate.

Mr. LENROOT. Nearly every State has now enacted State income tax laws. The District of Columbia has no such law. If it had such a law, a very large revenue would be obtained from that source. If we had such a law, as nearly every State now has, would the Senator still be in favor of a 50-50 proposition?

Mr. JONES of Washington. The people here do pay income taxes, the same as they do in the States.

Mr. LENROOT. Oh, no. Each individual in a State pays a Federal income tax and then pays a State income tax.

Mr. JONES of Washington. He does where the State has provided for it.

Mr. LENROOT. Most of the States have provided for it.

Mr. JONES of Washington. I do not know about that statement. I do not think they have provided for a State income tax in my State, and I think there are many States which have not provided for income taxes.

Mr. LENROOT. That may be a strong statement of mine, but most of the Eastern States have an income tax law. New York has and Wisconsin has.

Mr. JONES of Washington. Even under that condition, I can not see any reason why we should change the rate. I think the 50–50 plan would still be fair.

Mr. LENROOT. Then, does the Senator think that by a proper, reasonable means of taxation we should accumulate a very large sum which can not properly be used for municipal expenses?

Mr. JONES of Washington. I do not understand the Senator's question.

Mr. LENROOT. Assuming that a very large sum would be raised through that means and assuming, further, that the rate fixed in the bill is only a reasonable rate, does the Senator think we should raise money that we do not need for municipal purposes and that the Federal Government should appropriate money that is not necessary for municipal purposes?

Mr. JONES of Washington. No; we probably would have to change the rate then. If we impose a rate upon citizens here on personal property that takes from their incomes a large amount of money, there is no reason why it is not fair to them that the rate on the real estate should be made lower, but I believe that a contribution by the citizens of the District of 50 per cent of the taxation necessary to carry on the affairs of the District is really fair and just.

Mr. LENROOT. Does not the Senator think the citizens of the District of Columbia should pay as large a tax proportionately as is paid by the citizens of a State?

Mr. JONES of Washington. I do not know about that. Conditions here are quite different from what they are in the States. There is so much property here that is withdrawn from taxation entirely that it makes a condition which I think is different from that in the States.

Mr. LENROOT. That has nothing to do with my question.

Mr. JONES of Washington. It seems to me that it has, or else I do not understand the Senator's question.

Mr. LENROOT. Suppose three-fourths of the property were withdrawn, does the Senator say that would affect the question of the amount of taxes which ought to be paid by the individual? Has he any right to complain if he is not paying any more than citizens of the States are paying?

Mr. JONES of Washington. Possibly not. I really do not see how that makes any difference here.

Mr. WADSWORTH. Mr. President, may I interrupt at this point, in view of the question asked by the Senator from Wisconsin?

Mr. JONES of Washington. Certainly.

Mr. WADSWORTH. It does not seem to me that we should enact a tax law for the District of Columbia on the theory that a citizen here should pay as much as a citizen of the State of New York, for instance. The citizens here should pay enough to support the District government. The tax should be measured by the cost of the government and not by taxes in any other part of the country. The taxes in one part of the country should not be measured or controlled by what happens to be paid in another part of the country.

Mr. JONES of Washington. I think there is much force in that suggestion.

Mr. LENROOT. May I ask the Senator this question: If the citizens of the District of Columbia enjoy all the privileges and all the benefits so far as taxation can affect those privileges or benefits, does the Senator think this should be a haven for citizens of other States to come to and escape paying their fair share of taxes, and that the Government, all the people of the United States, should contribute for their benefit?

Mr. JONES of Washington. Certainly not, Mr. President. I do not think this should be a haven for anybody trying to evade the payment of taxes.

Mr. LENROOT. It is suggested by the Senator from New York that it is not a fair measure of taxation to compare it with what other citizens pay. It must be remembered in this proposition that all the people of the United States are to contribute 50 per cent of the expenses of keeping up this municipal government irrespective of whether the citizens of the District are called upon to pay a fair share or not.

Mr. JONES of Washington. It is irrespective of that. It is on the theory that that is a fair share. That is the theory on which this is based. This question has been investigated many times. I have not gone into the details of the matter as fully as I would if it had never been investigated, but it has been investigated especially of late years by a special committee created by Congress to look into that very proposition, and that committee took hundreds, and possibly thousands, of pages of testimony. I have the two volumes here before me now in which they submit the testimony that they took, together with their report, and they came to the conclusion that the people here should pay a reasonable rate of taxation.

Mr. CARAWAY. Mr. President, may I suggest to the Senator from Washington that they absolutely recommended that the rate of fifty-fifty be abolished.

Mr. JONES of Washington. The Senator can not find that anywhere in their recommendations.

Mr. CARAWAY. That was in their recommendation, if the Senator will pardon me. They said possibly that was a fair rate then, but they recommended that the rate be abolished.

Mr. JONES of Washington. But they did that on this theory——

Mr. CARAWAY. I know the theory upon which they did it.

Mr. JONES of Washington. That the Government should pay more than 50 per cent.

Mr. CARAWAY. Oh, no. It was on the theory that the people of the District should pay a fair tax, and then whatever the amount lacked of taking care of the expenses of the District of Columbia the Federal Government should pay. The Senator's bill prohibits the taxation of the people of the District of Columbia for more than 50 per cent of the expenses of the government of the District, although that might result in practically exempting wealth from taxation in the District of Columbia. That is the bill which the Senator is championing.

Mr. JONES of Washington. The bill that is presented now is based upon the theory——

Mr. CARAWAY. I know the theory, and that theory makes it absolutely impossible for the Government to require the citizens of the District of Columbia to pay a fair tax provided 50 per cent of the expense is paid by the Federal Government.

Mr. JONES of Washington. It simply leaves it so that whenever Congress comes to the conclusion that 50–50 is not a fair rate, it can change it. Of course, if Congress has reached that conlusion now it can change it in this bill. I am proceeding on the theory that the 50–50 rate is fair to the Government and fair to the citizens of the District of Columbia now.

Mr. CARAWAY. It is absolutely tying the hands of the Committee on Appropriations when they come to fixing the amount to be contributed by the District and by the Federal Government. It makes every item subject to a point of order.

Mr. JONES of Washington. It is not the duty or the business of the Committee on Appropriations to determine that; it is a legislative proposition that Congress ought to lay down by legislation. As I said, if the time is not now, but should arise next year, when the 50–50 rate is not fair, then we should legislate to that effect so that the Committee on Appropriations may be guided by it. It is not within the jurisdiction of the Committee on Appropriations to legislate on this question.

Mr. CARAWAY. May I ask the Senator another question? Why would it not be fair under the present law to let the committee fix the amount necessary to maintain the District government, first applying to it whatever sums may have been raised by a reasonable tax on the property in the District of Columbia, and supplementing that from the general revenue of the country? Why should a man in my State or in the Senator's State be required to pay three times as much tax as a man living in the District of Columbia, in order that we may relieve the man in the District of Columbia?

Mr. JONES of Washington. The Senator should not state it in that way. That is not the purpose of the bill.

Mr. CARAWAY. That is the effect of it.

Mr. JONES of Washington. That is the Senator's opinion; it is not my opinion.

Mr. CARAWAY. I am entitled to whatever opinion I draw from it.

Mr. JONES of Washington. Certainly the Senator is, but he has not any right to question my opinion and the integrity of it.

Mr. CARAWAY. I am not questioning the integrity of the Senator's opinion, but I am saying that is the effect of the bill.

Mr. JONES of Washington. That is the Senator's opinion and I think he is honest in his opinion, but my judgment is the other way.

Mr. CARAWAY. I presume the Senator will give me credit for being honest. I took that for granted or I would not have asked the question.

Mr. JONES of Washington. The Senator suggested rather a peculiar thing by the language he used.

Mr. CARAWAY. This is what I said: If Congress is compelled to contribute 50 per cent out of the general revenues of the Government and give to the Commissioners of the District of Columbia the right to fix their rate of taxation so that they shall be required to raise only 50 per cent of the taxes, are they not compelled under the Senator's bill to lower the taxes in order that they shall not raise more than 50 per cent? As it is now—and I speak now advisedly, because I know whereof I

speak, having paid taxes here and in another jurisdiction as well—the tax in the District of Columbia is not more than 33⅓ per cent of what it is in my State, and we are obliged to pay that high rate there in order to contribute a part of that tax to the expense of the District of Columbia, so that the Commissioners of the District of Columbia may lower the rate here. The Senator's bill makes it absolutely imperative that they shall lower it whenever the rate of tax would raise more than necessary to raise the 50 per cent.

Mr. McNARY. Mr. President, may I make an inquiry of the Senator from Washington?

Mr. JONES of Washington. Certainly.

Mr. McNARY. Is it the theory of the Senator that the Government should pay half the taxes because the Government occupies a certain territorial part of the District? Is that the theory?

Mr. JONES of Washington. It is based largely upon that and the value of its property.

Mr. McNARY. If the Government property were removed from the District, would not the Senator from Washington concede that the other property would not have any value, and that it is the governmental activities and property that give private property here its value?

Mr. JONES of Washington. Of course, this is the capital of the Nation.

Mr. McNARY. It is a charity, the Senator must admit.

Mr. JONES of Washington. I do not think it is a charity at all.

Mr. McNARY. Let me ask the Senator from Washington another question. Out in the great Western States the Government keeps off the tax rolls a large portion of the property. Does the Government come to the aid of the States and pay taxes on that untaxable land owned by the Government?

Mr. JONES of Washington. I think it ought.

Mr. McNARY. Does it?

Mr. JONES of Washington. The Government furnishes a lot of money for forest trails that is used really for good-road purposes, and so on, but I do not think it does its duty with reference to those States. I agree with the Senator from Oregon. My State is affected probably worse than the Senator's State, about 20,000,000 acres in it being forest reserve, and there is no hope that it will ever be made subject to taxation.

Mr. McNARY. I am very glad to hear my colleague and neighbor admit that the people of the District of Columbia are receiving fairer treatment than the people living in the public-land States.

Mr. JONES of Washington. Almost everybody is receiving fairer treatment than the people in the public-land States, but that does not affect my judgment with reference to determining what I think ought to be done in the District of Columbia.

Mr. McNARY. I believe, and I think any Senator who gives it any thought will concede, that the people of the District of Columbia do not pay half the taxes that the people owning private property in any of the States and municipalities pay. May I offer the further observation that this was a cow pasture before the Government came in with its activities, and it is the Government activities and investments that have given private property its value. I think the people of the District should give the Government a subsidy instead of having their taxes paid by appropriations out of the Federal Treasury.

Mr. FLETCHER. Mr. President, I think the suggestion with reference to the Federal Government contributing to taxes in States where there are Government lands does not apply, because there the Federal Government has not anything to do with the government of the States. The States pay the expenses of conducting the State governments because they control, direct, and manage the affairs of their governments. Here the Federal Government controls the affairs of the District of Columbia. The Federal Government actually owns in the District of Columbia at least half, if not more than half, of the property in the District in value and pretty nearly in extent and area. That property is not taxed at all. It would be wholly unfair and absolutely unreasonable to expect the taxpayers of the District of Columbia to bear the entire expenses of the Government in the District, which is administered very largely for the benefit of the Federal Government, and for the benefit, protection, and care of its property. I think, beyond any question, a casual glance at the map will show that at least half in value of the property in the District of Columbia is owned by the Federal Government, and the expenses in connection with it, in the way of policing, lighting, heating, pavements, water supply, and other public improvements, are largely incurred for the benefit of the property of the Federal Government. Why should the taxpayers of the District pay the expenses in connection with that? Numerous officials and employees of the Government must live here, and they must have schools, hospitals, and other institutions and facilities required in civilized communities.

Mr. McNARY. Mr. President, I wish to ask the Senator a question more or less personal. I wish to know what his lovely home on Massachusetts Avenue would be worth if the Government were not conducting its activities here and erecting from time to time its splendid departmental and other buildings?

Mr. FLETCHER. Of course, the Government is not conducting its activities for the benefit of my property or anybody else's property. I can not see really the relevancy of that inquiry, because the question of whether the Government's activities here really have any bearing on the value of property has nothing to do with this matter of determining what proportion of the burden of taking care of the property should be borne by the Government and what proportion should be borne by the taxpayers of the District. I realize, of course, that the improvements made to the property of the Government, beautifying the parks, constructing handsome buildings, tends to make the property attractive and valuable and make Washington a desirable city to live in and has its bearing on the value of other property. Of course, if there were no such activities here, there would be no such city as we have and no property holders and no taxes to trouble anybody, but that does not reach the point of this matter at all. It is beside the question entirely to raise that issue. The question here is whether or not the expenses in connection with the administration of the Government in the District of Columbia shall be borne in due proportion by the Federal Government and the taxpayers of the District.

Mr. CARAWAY. Mr. President, may I ask the Senator from Florida a question?

Mr. FLETCHER. In a moment. There is another view, and that is this: In no State are governmental affairs administered by the Federal Government; they are administered by the people through their chosen representatives. If that were true in the District, the taxpayers of the District would not expend the amount of money that is being expended in Washington in the way of public improvements, lights, and pavements, and that sort of thing, which are desirable and absolutely necessary in a great city which is the Capital of the Nation.

I say that the city ought to be kept up properly, but some of the things which are being done here are not absolutely necessary; they are more ornamental than useful, perhaps; yet I make no complaint because of their being done. At the same time, we should not expect the taxpayers of the District of Columbia to pay for the doing of some of those unnecessary things which are being done by the Government within the District.

Mr. CARAWAY. Now, may I interrupt the Senator?

Mr. FLETCHER. I yield to the Senator. In fact, I have nothing further to say, and I have been trespassing on the time of the Senator from Washington [Mr. JONES].

Mr. CARAWAY. I should like to ask the Senator from Florida if he does not think that he ought to pay as much taxes on his property here as the people of Florida are compelled to pay on their property before he asks the people of Florida to contribute toward the taxes of the District of Columbia?

Mr. FLETCHER. In the first place——

Mr. CARAWAY. That is personal, of course; but inasmuch as that question was injected into the debate it may not be inappropriate. However, I will put it the other way, and say that I should pay as much on my property here as I compel the people at home to pay on their property before I ask them, in addition, to contribute toward relieving me of taxes here in the District of Columbia.

Mr. FLETCHER. In the first place, Congress has not anything to say about the amount of taxes which shall be paid in Florida by the people of Florida.

Mr. CARAWAY. But Congress has something to say about what taxes are paid here.

Mr. FLETCHER. Exactly. The people of the District have no voice in it.

Mr. CARAWAY. And if we relieve the people here we have got to put the taxes on the people in Florida and in Arkansas.

Mr. FLETCHER. I once figured up about what the proportion of the expenses of the District of Columbia the people of Florida paid, and I think the amount was about 20 cents apiece. They have an interest in the Federal buildings and property here.

Mr. CARAWAY. For each one of them?

Mr. FLETCHER. Yes; but I have not made any actual calculation recently. It would not be easy to arrive at definite, accurate figures as to any particular State.

Mr. CARAWAY. Does the Senator from Florida know how much the Federal Government contributes toward the expenses of the District of Columbia?

Mr. FLETCHER. I have not the figures now before me.

Mr. CARAWAY. It is several million dollars.

Mr. KING. It is now about $10,000,000 a year.

Mr. CARAWAY. However, it does not make any difference, if I may be permitted to say it, what Florida pays, whether it is $2 or $2,000,000; do we want to legislate so that the burden of taxation shall fall upon people who do not enjoy any of its benefits? There is not a city in the United States where so many advantages are found as in Washington; there is not a place in the world where taxes are so light as they are here.

I say that whenever the people of the District of Columbia shall pay upon their property taxes equivalent to those paid in other cities in the States of the Union for municipal purposes and improvements, then we should go no further; but there is not any sense, there is not any justice, there is not any excuse on God's earth for saying that a man who owns property here in the District of Columbia and pay practically nothing on it for maintaining it while the people in every other State shall be compelled to contribute to keep it up. Somebody has got to pay it.

Mr. FLETCHER. I think if the Senator owns property here he is certainly not in a position to say that he pays practically nothing in the way of taxes.

Mr. CARAWAY. I pay three times as much on my property in my own town of Jonesboro, Ark., according to the value, as I pay on property here in the District of Columbia, and I own property in both places.

Mr. FLETCHER. Then the Senator's taxes at home are too high.

Mr. CARAWAY. Then taxes ought not to be made lower here but should be increased. If they are already too high elsewhere, and if the people here in the District of Columbia dodge their taxes, then taxes have got to be increased on the people in my own home town to make up the deficit. That is all that it means.

I know it is said, if the Senator will pardon me, that the Government owns 50 per cent of the area and 50 per cent of the property value in the District of Columbia. If the Senator will pardon me, I will say that is foreign to the facts. If we should charge every park and every street in the District of Columbia to the Government and call it Government property, then we should have not one-third of the area within the District of Columbia in Government ownership, although the parks are for the people and not the Government, the streets are for the people and not the Government. Yet it is said that the Government owns one-half of the area, when, as a matter of fact, less than 100 acres in the District of Columbia are actually used for governmental purposes exclusively.

I was on the "town council" in the other House, where I put in two years listening to people telling me that the District of Columbia was overtaxed, and during that time on one occasion I went into that matter and found they were taxed then less than 10 per cent of the average cost of maintaining city governments of like size in other communities.

It is an infamous outrage, if I may be permitted to say it, to require people in the States to pay taxes for the population here. This is an "isle of refuge" for rich people. This bill, if I understand it correctly, strikes out every bit of the taxes on intangible wealth and absolutely makes Washington a place where a man who wants to dodge taxes in the States can take up a fictitious residence here.

Mr. JONES of Washington. The Senator from Arkansas is mistaken in that. The bill does not do that at all.

Mr. CARAWAY. I may be mistaken in that, but the Supreme Court will have to pass on it before I shall yield it.

I remember the incident of a man who lived in Battle Creek, Mich. He was a manufacturer of one of these sawdust breakfast foods and grew rich in that industry. When he died, to everyones' astonishment, it was found that he was a resident of the District of Columbia, although he never lived here a day in his life. All he had here was a lot of second-hand furniture stored in somebody's garage. He escaped the inheritance tax, the estate taxes, and all those burdens that would have been incident to a man who lived in Michigan. He acquired his wealth in Michigan, but by a fictitious residence in the District of Columbia he escaped hundreds of thousands of dollars worth of taxes. That is not an unusual case.

I know of a man here who, under the old law, mortgaged the furniture in his residence on Massachusetts Avenue for $40,000 and then took a string of race horses and went to France. Of course, his taxes were reduced by $40,000 by the fictitious mortgage that went on the records of the Recorder of Deeds. He mortgaged his household furniture when he was worth a million dollars. The reports in connection with these matters are very interesting.

Mr. FLETCHER. Of course, such incidental cases do not bear on the question now before us; they are quite beside the subject. I do not understand that this bill changes the principle of taxation or the kind of property to be taxed at all, but I will say this——

Mr. CARAWAY. Then the Senator has not read the bill, because that is exactly what it does.

Mr. FLETCHER. I only want to mention the fact that, so far as taxes are concerned, I pay some taxes in the District of Columbia, not to any large amount, and I do not know what the rate of tax is; I get my bills and I send my check for the amount. I have observed, however, that the taxes which I paid this year are very much higher than those paid by me last year. As to the exact rate, I do not recall; I have never looked into that matter particularly, but I do know that taxes this year are very much higher than they were last year. So the rate must have been increased, or the valuation increased; I do not know which, but I think the rate has been increased within the last year very materially, I should say 30 to 40 per cent, and quite as much as the taxes have been increased generally over the country.

Mr. JONES of Washington. Mr. President, I wish to call attention to the language of the bill with reference to taxation, and I should like the attention of the Senator from Arkansas. Here is the language of the bill:

SEC. 3. That the per cent of approved estimates to be levied and assessed under the act of June 11, 1878, upon the taxable property and privileges in said District shall be raised by the imposition of such rate of taxation on realty and tangible personal property as the commissioners shall ascertain to be necessary to raise annually.

That is the law as it is now.

Mr. CARAWAY. No; there is an intangible personal tax in the District of Columbia.

Mr. JONES of Washington. I will show the Senator where that is covered in this bill. I call his attention to the following language:

In combination with other District tax revenues.

Mr. CARAWAY. Yes, sir; but the Senator knows that the enumeration of certain items is the exclusion of others. The others will be considered excise taxes pure and simple.

Mr. JONES of Washington. Of course, if there is any doubt about that it should be made clear, but what the Senator from Arkansas has suggested was not the intention of the committee. I wish to say to the Senator that this exact language has been carried in at least two appropriation bills under which an intangible tax has been levied. There has never been any question as to the intangible property tax which was provided under an amendment offered by the Senator from South Dakota [Mr. STERLING] some years ago. Since that time there has been no question about it at all.

Mr. KING. Mr. President, will the Senator permit an interruption there?

Mr. JONES of Washington. I yield.

Mr. KING. I can state to the Senator that there are a large number of persons who have established their residences here merely for the purpose of avoiding any intangible taxation. I was told this morning by a Representative from an adjoining State—I shall not mention it—that there are three families, his personal acquaintances, one living in the same apartment house in which he lives, who have moved here and who contend that they pay all of their expenses of living in Washington and make money by having a nominal residence here in Washington, rather than living in their own State and paying the taxes which they escape paying in their own State.

Mr. JONES of Washington. That may be true in some instances in the case of intangible property.

Mr. KING. I refer to bonds and stocks and moneys and similar property.

Mr. JONES of Washington. Those, of course, would come under the head of intangible property. We adopted an amendment here quite a while ago, after considerable debate and discussion, imposing a tax on intangibles. If that is not an ample tax, then let us make it what it ought to be. We do not in this bill pretend to deal with that subject.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. JONES of Washington. I will yield in a moment. The Senate, after long discussion, concluded that it ought not to go further than the provisions of the so-called Sterling amendment. That amendment may not go far enough; that may be true. I am not prepared to say whether it does or does not.

Mr. LENROOT. Now, will the Senator yield?

Mr. JONES of Washington. I yield.

Mr. LENROOT. Does not the Senator think that before fixing this arbitrary ratio the committee ought to ascertain whether other sources of taxation ought to be utilized, as they are being utilized in the States, and fair taxes imposed upon the citizens of this District, and then ascertain after that is determined what share the Government ought to pay?

Mr. JONES of Washington. The committee proceeded on the theory that Congress had declared itself with reference to taxation on real property and upon intangibles in the District of Columbia. It was only, I think, two or three years ago when the Sterling amendment was adopted. That was the last expression of Congress. It was an expression made after considerable discussion. So the committee proceeded on the theory that Congress, so far as that is concerned, had gone as far as it thought it ought to go.

The Senator suggested a moment ago privately that this bill ought not to be taken up now; that it would not be considered by the House, and so on. This is one reason that actuates the committee in bringing it out; and it has expressed a desire to me that I should press it for passage largely on this account. We remember that at every session of Congress we have a protracted controversy over the District of Columbia appropriation bill. That measure has been held up until the last days of the session because of the controversy between the Senate and the House with reference to the ratio. As Senators who have been here for some time know, the Senate has often declared itself in favor of the 50-50 plan, and we have adopted it upon two or three appropriation bills. Within the last two or three years we passed a separate bill providing for that ratio; but the District of Columbia appropriation bill, as I have said, has been held up until the last days of the session, and in a short session we have been threatened with a failure to pass it on account of the situation. The committee felt that we ought to try to legislate upon this question and fix it by legislation so that the appropriation bill would not be endangered by reason of such controversies.

Of course, if the Senate think the 50-50 basis is not a fair one, we ought to make it what we think it ought to be; but I do think that we ought to fix it so as to avoid this controversy.

I want to refer for just a moment to the reason for having a definite basis. It was suggested a while ago that we ought to leave it indefinite, and the proposition suggested by the Senator from Arkansas is the proposition that the Senator from Utah has suggested many times—that we ought to impose a fair rate of taxation upon the people in the District and then the Government ought to make up the balance. That sounds all right, and abstractly that is all right; but the matter has been tested as to the indefinite proposition, and it was declared to be very unsatisfactory in the past, and the reasons for fixing it definitely have been pretty clearly stated by some of the leading statesmen of this country.

I want to read a statement that was made by one of the Senators in this body when the present law was enacted, in 1878. Of course, that is a good while ago; but the argument upon the principle of the thing applies, it seems to me, now just as well as it applied then.

Senator Blackburn, of Kentucky, said this:

> We have come down now to the naked question as to the proportion of the expenses of this District which the Federal Government should bear. This bill proposes that the proportion shall be 50 per cent, and the reasons for that basis of calculation have been very lucidly stated to the House.
>
> The people of the District have the right to demand that we fix permanently their relations to the Federal Government. It is the Federal Government on one side treating with the Federal city on the other. The people of this District have a right to protest against being left subject to the whim and caprice of Congress with each recurring session.
>
> They have and can have no tangible value to their real estate property. Should you go out, any one of you, to purchase a piece of real estate in the city of Washington, naturally you would ask in the first instance to what taxation it was subject. If the owner is an honest man, he can simply reply to you that he does not know * * *.
>
> This condition of things unsettles values in the District. No value can be attached to a foot of real estate owned by a property holder within the limits of this District, because the purchaser can not tell what taxation he will be subjected to. The people of the District have a right to demand that you shall fix this question permanently and finally. If you do not intend to bear more than 10 per cent of the burden of taxation, then say so; if you will bear 50 per cent of it, then say so. But whatever per cent the Federal Government is to bear should be determined and fixed permanently, so that legitimate and permanent land values may be established in this District.

Mr. President, I think that is an opinion that ought to be given very great weight. It appeals to me. It appeals to my judgment.

Mr. KING. Mr. President, will the Senator yield?

Mr. JONES of Washington. I yield to the Senator.

Mr. KING. Does not the fallacy of the argument suggested by former Senator Blackburn strike the Senator from Washington, whose clear mind, I am sure, is able to penetrate the sophistry which is there suggested? Let me illustrate.

If some one were to say to the Senator from Washington or the Senator from Wisconsin—both of whom, let us say, have property in their respective States—"I desire to buy this piece of property belonging to you, Senator JONES, or to you, Senator LENROOT, but I do not want to buy until I know what the taxes are going to be," what would you say? You would say to him: "Mr. Jones, I can not tell you what the taxes are going to be. The State of Washington is contemplating building roads that may cost $100,000,000, and it can issue bonds. The city in which I live is a progressive city. It contemplates inaugurating a system of education which will be superior to any in the United States, and it is going to bond for $25,000,000, possibly, for schoolhouses. I do not know what the taxes will be. The rate changes from year to year, and the amount changes from year to year, dependent upon the improvements which are inaugurated by the people." That is the case everywhere, and that never has and never will deter a man who seeks to buy property from purchasing.

Mr. JONES of Washington. Mr. President, in my State—I do not know how it is in the Senator's—we have limitations upon the amount of indebtedness that can be incurred, imposed by constitutional provision that limits the taxation.

Mr. KING. That is true, if the Senator will pardon me; there is a limitation in most constitutions, probably all in the United States, all with which I am familiar, beyond which the States may not go; but, subject to that——

Mr. JONES of Washington. But that is a very important limitation. There is a limit upon cities and upon counties as well as upon the States.

Mr. KING. Does the Senator think that the Congress of the United States is going to impose taxes here which would be in excess of the maximum which is permitted in the progressive States of the United States?

Mr. JONES of Washington. I do not think we pay very much attention to the taxes in the States.

Mr. KING. If the Senator will pardon me further, does he not think that in view of the fact that most of the States have a limitation of 10 per cent in their constitutions, there would be nothing unfair in providing here that the people should pay merely a reasonable tax upon the value of their property—such a tax as is paid in the progressive cities of the United States—and that all of the balance shall be paid by the Government of the United States?

Mr. JONES of Washington. That involves the whole proposition, and I am going to try to discuss some of the questions involved if I get an opportunity.

Mr. CARAWAY. Mr. President, before the Senator leaves this question, may I just make a suggestion?

Mr. JONES of Washington. Yes.

Mr. CARAWAY. The Senator read the statement of Senator Blackburn, made in 1878, in which he says that the citizen ought to know what his rate of taxation is going to be, because that would be the only way to determine the value of his property. We have an annual assessment in which the values change. Why should you not just as well say that the law shall be fixed so that you shall not change the assessed valuation, so that the man shall always know that you are not going to increase his taxation?

Mr. JONES of Washington. I think we have in this District a provision of law that the assessment shall be changed only at certain times.

Mr. CARAWAY. That is, every year.

Mr. JONES of Washington. No; I think it is every three years.

Mr. CARAWAY. Well, let us say every three years.

Mr. JONES of Washington. That gives him something definite.

Mr. LENROOT. That is another privilege that the taxpayers of the District have that the people generally do not have.

Mr. CARAWAY. But it still affects and must unstabilize values, if Senator Blackburn's argument is good for anything.

Mr. JONES of Washington. I am perfectly willing to put Senator Blackburn's judgment with reference to some of these matters against the judgment of other Senators, and I will take my choice as to which, in my opinion, is right.

On this subject Mr. Poland, a Member of the House, in the report of the House Judiciary Committee, said this:

> As to the third and last branch of the resolution asking whether some accurately defined basis of expenditure could not be prescribed and maintained by law, your committee remark that they believe this to be of paramount importance both to the Federal and local government * * *.

It is believed that it will be much wiser and more economical, both to the national and local governments, to fix upon a definite sum or proportion to be contributed by both, and it is more important that these appropriations should be made regularly and upon some well-defined principle than that they should be large.

The House committee that had up the Mapes bill in the last session of Congress reported out that bill, and the minority of the committee submitted a minority report. When I say "the minority of the committee," in this case it does not mean the smaller number of the committee. As a matter of fact, when you examine the record you will find that the majority of that committee were against the bill that was reported, or at least they were equally divided. This minority report is signed by eight members of the committee. I examined the vote on the passage of the Mapes bill, and I found—it has been a year or so since I looked it up—that one or two of the committee who did not join in this minority report voted against its passage, and one or two were paired against its passage. My recollection is that the committee was really against the Mapes bill, instead of an actual minority being against it.

Mr. CARAWAY. Mr. President, may I ask how the House stood on the Mapes bill?

Mr. JONES of Washington. Oh, they passed it.

Mr. CARAWAY. By an overwhelming majority?

Mr. JONES of Washington. Oh, yes; they passed it. That is true; and they were very strongly and very firmly in favor of having a definite and fixed liability.

Mr. President, it was suggested a moment ago that the joint committee created by Congress a few years ago was in favor of doing away with the 50-50 plan. I asserted that it was on the theory that the proportion of the Federal Government should be larger than it is now. I may be wrong about that, but that is the way I construe the language of this report; and I have the language here, on page 19. This is what the committee says:

But we think that the conditions of to-day and of the few years last past are so different from the conditions of 1878 that this arbitrary rule—a rule of then seeming necessity—need no longer be applied to District appropriations.

That is true; the committee say they do not think it is necessary to apply the 50-50 rule longer.

Then the District was under a great debt; to-day that debt has been very largely paid, and the next few years will see it completely paid in the manner we have described herein.

Then the District was suffering from the many experimental forms of government which had been tried in successive years almost; to-day the form of government is one of long existence, tried and tested.

Then the population was less than one-half of the nearly 350,000 people who now reside in Washington.

Then the splendid utility and beauty of the city planned on a national base were just beginning to be seen; now the Government has many buildings which are of the very highest standard of architecture and has laid the foundation by purchase of additional areas of land for more public buildings, parks, and reservations.

Now, note this language:

More and more every year is land being acquired and held for strictly governmental purposes, withdrawn from participation in assessment and taxation.

What other conclusion can you draw than that the committee had in mind that if property is withdrawn from taxation and assessment the proportion of the Government should be greater to make up for that withdrawal?

Mr. CARAWAY. Mr. President, may I interrupt the Senator there?

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Washington yield to the Senator from Arkansas?

Mr. JONES of Washington. I yield.

Mr. CARAWAY. What did the committee have in mind when it said that the District had a large funded indebtedness in 1878, and now that indebtedness is paid, and therefore there is no longer any necessity for raising money to pay that?

Mr. JONES of Washington. I do not know what the committee had in mind.

The increasing needs of the Government in this, its central home, demand and will continue to demand more land, more buildings, more reservations.

All of this means that the District of Columbia and the National Government should not be longer on any partnership basis of contribution, but that the national city, the Nation's home, should be a district where the national authority is not only supreme but a district where the just pride of a great people should insist upon its maintenance in a manner most fitting to the dignity of the citizens whose manifestation of central government it is.

Nothing is clearer to us than it never was the intent that this District should bear all the very extraordinary burdens of expense incident to its plan and occupancy as a national city, and any such proposed burden would be most inequitable and unjust now.

Mr. President, it has been suggested that the tax on the property here is much less than it is in the States, and individual instances are cited. I do not know. I own no real property here. I know, however, of some particular instances, and I have been impressed with the view that many judgments are formed upon individual experiences with reference to taxation. I know this: One particular instance in my State was brought to my attention where property was assessed at $350 value. That was the basis of assessment. The rate of taxation was about 4½ per cent. Now, 4½ per cent compared with 1½ per cent sounds big, and we would at once conclude that the people of the locality where they are assessed 4½ per cent are paying a much bigger tax than they are here, where they pay 1½; and yet I know that while that property was assessed at $350 value it was sold for $2,000 cash. In other words, the tax that was paid upon that property was equivalent to no more than 1 per cent.

Mr. LENROOT. I would like to ask the Senator if we assess on the basis of two-thirds of the value of the property here?

Mr. JONES of Washington. Two-thirds of the value.

Mr. LENROOT. Then, generally speaking, in the State of Washington are the taxpayers compelled to pay more than 1½ per cent, including State, county, and municipal taxes?

Mr. JONES of Washington. I gave that instance. I do not know how far that goes.

Mr. LENROOT. The Senator must have some general knowledge of taxation in his State, I presume. I have a knowledge of those matters in my State.

Mr. JONES of Washington. I do not know about them in detail, but I know that while our law provides for the assessment of property upon the fair market value, very seldom is it assessed at more than 25 per cent of its value. I know it is true that in making the assessment they make it 25 or 30 per cent of the value of the property. That probably accounts for the high rate of taxation.

Mr. LENROOT. I do not know what law the Senator may have in his State. I assume it is a full value law.

Mr. JONES of Washington. They take the fair market value.

Mr. LENROOT. I want to say to the Senator that in my State—Wisconsin—from one end of the State to the other, even in the rural communities, there can not be found any such low rate of tax, when you consider State, county, and municipal taxes, as is imposed in the District of Columbia.

Mr. JONES of Washington. This joint committee, which was selected by Congress, composed of Members of the House and of the Senate, found that—

It is, of course, not the purpose of this committee to act as a board of tax assessment and equalization of property within the District of Columbia, for that work obviously was not intended to be assumed by this committee. But we have heard evidence of tax assessments and tax rates in many American cities, some of this evidence being most instructive, other of it affording interesting comparisons as the conditions resembled or differed from conditions in Washington.

The annual tax in Washington is approximately $16 per capita.

In the judgment of your committee this is a reasonable tax levy at this time, especially when we consider, as we must, that a large proportion of the population here pays but a small amount of the taxes imposed.

The subjects of taxation in Washington differ somewhat from those of many other American cities. Here, for instance, intangible personal property is not a subject of taxation, and taxes on franchises and earnings of public-service corporations are not classed as personal taxes.

We find from the evidence of fair-minded men, residents of Washington familiar with real-estate values in general, that the present assessment of real estate for taxation is fair and reasonable.

Mr. President, I have not given this subject the investigation which would enable me to set my judgment up against the judgment of these men, who spent weeks, if not months, in trying to arrive at a just conclusion with reference to this matter. I find that the House committee went into the same thing, and in this minority report I find that they give details, and the detailed evidence is given in the report of this committee. In their report they do not analyze it particularly, but they state the conclusion which they have reached after studying all of that evidence. This is what the alleged minority of this committee say about this question:

For the fiscal year 1918 citizens of Washington paid a per capita realty tax of $16.55. Of the 68 other cities in the United States with over 100,000 population, 26 paid a higher per capita realty tax, 42 a lower.

This committee may have been wrong about that; I can not say as to that. The figures they present and the detailed figures in this other report bear out their statement.

Mr. LENROOT. Does the Senator know whether those taxes were imposed to raise money for municipal purposes, or whether they included realty taxes for State and county purposes?

Mr. JONES of Washington. I take it that it meant all the taxes which should legitimately be borne by the citizens of a city, which, of course, would include the school tax, and the city tax, and I suppose whatever State tax was necessary. At present there is no State tax imposed here in the District of Columbia, because we do not have a State. The people pay their income taxes and other taxes to the National Government.

Mr. LENROOT. But the people of the District have all the benefits of a State government which the people of a State have, do they not?

Mr. JONES of Washington. Oh, no.

Mr. KENYON. Except the right to vote.

Mr. JONES of Washington. The people of the District have nothing to do with the formation of the Government, nothing to do with carrying it on, or saying how it shall be carried on, or anything of that sort. We in the States prize that privilege pretty highly and would not like to have it taken away; we would rather pay some tax than to have it taken away. But this committee evidently took into account everything they thought would put the people of the District upon a par with the people in the States, and that is the way they compared the taxes.

Mr. NORRIS. In view of the questions which have been asked of the Senator, as to what was included, I wish he would read again, so that we may clearly understand, what the per capita tax does include, as compared with the per capita tax in other cities. Does it say it is a realty tax?

Mr. JONES of Washington. It reads this way:

> The annual tax in Washington is approximately $16 per capita. In the judgment of your committee—

That is, the joint committee of Congress—

> this is a reasonable tax levy at this time, especially when we consider, as we must, that a large proportion of the population here pays but a small amount of the taxes imposed.
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> * * * * * * *
>
> We find from the evidence of fair-minded men, residents of Washington familiar with real estate values in general, that the present assessment of real estate for valuation is fair and reasonable.

Probably I had better read the preceding paragraph.

Mr. NORRIS. I wanted the Senator to read, in connection with that, the statement he read a while ago about the other cities. Did that relate to real estate, or did it include only personalty?

Mr. JONES of Washington. I will read that after I read a paragraph which I did not read before, because I did not think it bore upon this matter:

> The subjects of taxation in Washington differ somewhat from those of many other American cities. Here, for instance, intangible personal property is not a subject of taxation, and taxes on franchises and earnings of public service corporations are not classed as personal taxes.

Since that declaration was made, we provided for a certain tax on intangibles. It may not go as far as some think it should. This is from the minority report:

> For the fiscal year 1918 citizens of Washington paid a per capita realty tax of $16.55. Of the 68 other cities in the United States with over 100,000 population, 26 paid a higher per capita realty tax, 42 a lower.

Mr. NORRIS. I take it that had nothing to do with anything but real estate taxes.

Mr. JONES of Washington. That is all with which that had to do.

Mr. NORRIS. That is very illuminating.

Mr. JONES of Washington. In the other report apparently it gave the full amount. It said:

> The annual tax in Washington is approximately $16 per capita.

Mr. NORRIS. But they probably were referring to real estate taxes in the minority report.

Mr. JONES of Washington. These were two different committees.

Mr. NORRIS. I understand, but the Senator has two reports there. One he designates as the minority report and the other he designates as the joint committee report. I do not know why he designates one as the minority report——

Mr. JONES of Washington. I do that because it is designated as the minority report of the House committee.

Mr. NORRIS. In that the tax is designated as the real estate tax, both as to Washington and as to the other cities, and it says that in Washington the real estate taxes were $16.55 per capita.

Mr. JONES of Washington. Yes; that is correct.

Mr. NORRIS. So I take it that the other must refer to realty taxes, or one or the other of them is wrong, if they refer to the same year.

Mr. JONES of Washington. They refer to different years, I think.

Mr. CURTIS. The report from which the Senator is reading was made before the Sterling amendment was agreed to in the Senate. I think that explains to a large extent the difference between the two reports.

Mr. JONES of Washington. This report was made in 1916, and the minority report referred to taxes of 1918, so that they are different in that respect. As the Senator from Kansas has just said, this joint committee report was made before we adopted the intangible tax amendment. This reads further:

> For the same year the total per capita property tax in Washington was $20.68. Thirty of the 68 cities paid a higher and 38 a lower per capita tax.

That apparently covers all. I think that is a pretty significant statement. Unless Senators are prepared to show that that is not correct, it seems to me it is pretty overpowering, as far as the justice of the tax on the people of Washington is concerned. It continues:

> For the same year 50 out of the 227 cities in the United States which have a population of over 30,000 paid a higher per capita property tax than Washington, while 176 paid a lower.

Mr. STERLING. For what year?

Mr. JONES of Washington. For 1918. Senators may satisfactorily account for these figures, but they appeal very strongly to me when we come to consider the justice or the fairness of the tax situation in the city of Washington at the present time. It convinces me that the basis of taxation we have is fair and just and reasonable, not only to the citizens of the District but to the Government of the United States and the citizens of the entire country.

I do not think I care to take any more time of the Senate. I know there is room for controversy with reference to this matter. I know it has been charged from time to time that the people of the District of Columbia were not paying the taxes they ought to pay, and yet every investigation which has been made has come to a different conclusion. I have not taken the time to try to controvert the conclusion arrived at by the joint committee we provided. The men who composed that joint committee were men of high standing, men of great ability, and many of them were men of great business experience, and I want to say that I am satisfied to take their judgment, they having made the investigation they did.

Who composed that committee? Hon. W. E. Chilton, of West Virginia, was chairman of it. The other members upon the part of the Senate were Willard Saulsbury and John D. Works. No more careful, conscientious, painstaking Senators ever sat in this body than those three men. On the part of the House there were Henry T. Rainey, of Illinois, a man of long service; Warren Gard, of Ohio; and HENRY ALLEN COOPER, of Wisconsin.

As I said, I have not had the time to investigate this matter and attempt to show that these men were wrong. I may be neglectful of my duty, but I am willing to take their judgment with reference to the question as to whether or not the people of Washington are paying a fair and just rate of taxation. I believe they are, and I believe it is fair to them and fair to the Government and fair to the citizens of this Republic that the Government should say in plain, unmistakable terms, that it will pay 50 per cent of the necessary expenses of the Government, and that the other 50 per cent must be put up by the people of the District.

There are one or two other propositions in this bill to which I simply want to call the attention of the Senate. Under the act of 1878 the Commissioners of the District are prohibited from submitting estimates to Congress of the needed appropriations for the District in excess of the estimated revenues of the District, one-half from taxes and one-half from the Government. The result of that we feel to-day. I remember, I think it was last winter, when the matter of increased appropriations for the schools of the District was being agitated. My colleague, the Senator from Kansas [Mr. CURTIS], suggests that it was last spring when the commissioners came before the Appropriations Committee. We asked them why they had not submitted the estimates which were necessary to put the school system here on the basis on which it should be. They said they could not do it under the law. In other words, the Commissioners of the District of Columbia are prohibited by law now from submitting to Congress estimates of what they consider to be the imperative needs of the District of Columbia. This bill relieves them from that limitation and allows them to submit to Congress the estimates which they think ought to be submitted to take care of the needs of the District, and then, of course, it leaves it to Congress to make appropriation for those needs or refuse the appropriation, as it sees fit.

Mr. STERLING and Mr. NORRIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES of Washington. I yield to the Senator from South Dakota, who I think rose first.

Mr. STERLING. My attention has just been called to this bill, and particularly to section 3 of the bill, by the Senator from Minnesota. Section 3 provides:

That the per cent of approved estimates to be levied and assessed under the act of June 11, 1878, upon the taxable property and privileges in said District shall be raised by the imposition of such rate of taxation on realty and personal property as the commissioners shall ascertain to be necessary to raise annually.

Mr. JONES of Washington. Read on.

Mr. STERLING. I will do so:

In combination with other District tax revenues and unexpended tax surpluses of previous years, a sum sufficient to meet the proportion of expenses to be paid by the District of Columbia under existing law.

The question is whether that might not impliedly repeal the provision in regard to intangible property.

Mr. JONES of Washington. Not at all. I am perfectly willing to have written in whatever may make that perfectly clear, but this language has been carried in two appropriation bills in the past and there has been no question raised about intangible taxes. I know at that time the idea of the committee was that this did not affect that at all, and that the words "in combination with other District revenues" simply took the tax upon tangible personal property and real estate and put it along with the intangible.

The only purpose of that language really is to provide that the tax now on real property and tangible personal property, which is 1½ per cent, can not be put lower than 1½ per cent. We did not think that it was wise for us to say that the intangible tax should be raised to 1½ per cent, because that might be right and it might not be right. We were not intending to affect the real tax system that we have—that is, the rate of taxation—except to say that it should not be less than 1½ per cent.

Mr. STERLING. As I understand it, the Senator said that such has been the interpretation of previous bills.

Mr. JONES of Washington. This language has been in two appropriation bills and there has been no question raised about it. I do not believe there can be any question. At any rate we certainly do not intend to affect intangible property. The intangible rate may be too low or it may be too high, but that is a matter for separate legislation.

Mr. CURTIS. Mr. President, will not the Senator from Washington state that by reason of this limitation upon the part of the commissioners, and the fact that the Congress has reduced the appropriation, there has been accumulated in the Treasury over $4,000,000 surplus, which the District people have been denied the use of because of the construction placed upon the matter on the part of another legislative body that it did not belong to them, although they had paid it in taxes and it is in the Treasury.

Mr. JONES of Washington. I was just coming to that.

Mr. CURTIS. I beg the Senator's pardon.

Mr. JONES of Washington. I am glad the Senator suggested it. The Senator has stated it very clearly. We propose to take care of that and make available for the District that $4,000,000, or whatever it is, of surplus that has been taken from the taxpayers of the District and not used on the 50–50 basis. We believe that in justice and equity the money belongs to the citizens who paid it upon the theory and under the system that required the Government to contribute $1 for every dollar that they contributed, and should be used on that theory and on that basis. Then we provide, of course, that if in the future any surplus arises, it can be credited on the succeeding year, and if there is any deficit it has to be made by raising the 1½ per cent rate.

Mr. CURTIS. The Senator realizes, too, that that surplus is a surplus which was not in part credited to the Government of the United States or taken from the Government, but was actually paid in by the taxpayers of the District.

Mr. JONES of Washington. Oh, yes; it was actually raised in taxes. It is contended in another body that that has gone into the Treasury of the United States and is the property and the money of the United States and that the citizens of the District have no right, title, or claim to it. In the pending bill the committee have recognized the claim of the citizens to that money and the claim that it should be expended for improvements of the District that we have heretofore had under consideration.

Then, as I said, we provide that this rate of taxation, 1½ per cent, may be raised by the commissioners if it is necessary to raise it in order to produce the 50 per cent which the people of the District must pay.

Mr. NELSON. If the Senator will allow me, this amount can not be raised except on real estate and tangible property.

Mr. JONES of Washington. Oh, yes; or by the intangible property tax imposed by the existing law.

Mr. NELSON. No. The provision about the increase in section 3 limits it to two kinds of property, real estate and tangible personal property.

Mr. JONES of Washington. I think if the Senator will read it carefully he will see that we have not interfered with the intangible tax. We say that the tax on real property and tangible personal property, "in combination with other revenues," shall be so much. That includes intangible tax, license tax, and so on.

Mr. KING. Mr. President, will the Senator from Washington yield to me?

Mr. JONES of Washington. Certainly.

Mr. KING. As I understand, there is no intangible tax, in the technical sense, levied now in the District; I mean that the intangible property of taxpayers is not fully reached—and millions that should be taxed are never reached. The bill which the Senator is now championing with so much ability confirms the present method of taxation, whether it is good or bad. As the Senator knows, if this bill becomes a law the Committee on Appropriations will follow it. It will not change the method of taxation or enlarge the variety of properties which will be taxed; indeed it will be an admonition to the District Committee and to the Appropriations Committee and to other committees that may deal with the question of taxation that Congress has again expressed itself in favor of a perpetuation of the present method of taxation and the objects of taxation.

Mr. JONES of Washington. No; I do not believe anyone can construe the bill as an attempt to interfere with the system of taxation and the taxes on property in the District, except as it does give to the Commissioners of the District authority to raise the 1½ per cent rate upon tangible personal property and real property.

Mr. STERLING. Mr. President——

Mr. JONES of Washington. Mr. President, the Senator from South Dakota, I think, can answer the suggestion of the Senator from Utah that we have no intangible tax.

Mr. STERLING. Certainly we have an intangible tax.

Mr. JONES of Washington. The Senator is the author of that measure.

Mr. KING. I am speaking from hearsay rather than from actual knowledge, but what I mean is that if one will examine the assessment rolls he will discover that property, both tangible and intangible, escapes taxation, and persons establish a residence, actual or fictitious, in the District of Columbia, as a result of which they escape taxation in their own States and also evade a proper tax in the District of Columbia. I was told of a case this morning by a Congressman from an adjoining State, a member of the joint committee investigating the schools of the District, which is not an isolated one. Three individuals from his State have established their nominal residence in the District of Columbia, and as a result they escape taxation upon their stocks and bonds and intangible property in their home State, and the limited amount of tax which they pay here is so small that the difference between that which they pay here and that which they would pay if they were taxed in their own State enables them to live in comparative affluence in the District of Columbia.

Mr. STERLING. Is the Senator satisfied that they have a right to escape an intangible tax imposed by the law of the District of Columbia? Is it not a rule or principle of law that personal property follows the residence of the owner for taxation purposes? Of course, we can not change the situs of real estate, but personal property follows the residence of the owner. If a resident of the city of Washington attempts to put his money on deposit in a bank in Baltimore or in a city outside of the District, I think he is liable to the intangible property tax on that money in the District of Columbia, if it be discovered.

Mr. KING. Another case that came to my notice showed that though the taxpayer paid tax here upon intangible property, he was able to save hundreds of dollars per annum because the tax here is so much less than that he would have been compelled to pay in his home State. It is claimed that under the system of taxation adopted here hundreds, if not thousands, of persons of great wealth establish their residence in Washington in order to avoid the heavy taxation in their own States. It is also claimed that if they paid a tax in the District of Columbia upon their intangible property based upon the assessment which is levied here they would save hundreds of thousands of dollars in the aggregate in the matter of taxes in the course of a year or two. In other words, the taxes are so much less in the District than in the States from which they come that the individuals who seek to establish a residence here are influenced in so doing by the pecuniary advantages derived therefrom.

Mr. STERLING. I wish to say to the Senator from Utah that when the subject was first up in an amendment which I had the honor to offer to the District of Columbia bill I in-

vestigated the rate upon intangible property as fixed in States or by the laws of the States. The rate provided for here corresponds to the rate upon intangible property in the State of Minnesota. The tendency has been, I think, where there have been taxes imposed upon intangible property in the various States, to lower the rate, and that on the theory that intangibles can easily escape taxation and that the temptation is, if there is a high rate, for property to be disposed of or put in some other jurisdiction so it would escape taxation and no revenue at all be derived therefrom. I think the 3 mills tax rate here is perhaps now in accordance with the general theory in regard to intangible property taxes.

Mr. KING. If the Senator will pardon me, I think many of the States in the Union tax stocks and bonds the same as they tax real estate. They tax according to value.

Mr. STERLING. I think that is not true generally I will say to the Senator from Utah. I think the disposition in later years has been to lower the tax on intangibles. It may be so in the Senator's State. For a time it was so in my State.

Mr. KING. If there has been a lowering of tax on intangible property there has been an augmentation of tax upon incomes.

Mr. STERLING. No; the theory of putting the low tax on intangibles is that there may be found that much more property subject to taxation than before. If the tax is too high it would not result in any revenue at all, because the property can so easily escape.

Mr. JONES of Washington. Mr. President, I have taken much more time than I intended to take on this matter. It has been before the Senate many times and it has been before the House many times. As I said, we have had these investigations, and I have no doubt Senators have their minds pretty well made up as to what they are in favor of.

I believe that the 50–50 basis is fair and just to the people of the District, and is fair and just to the people of the country.

Mr. President, I desire to say further that I do not believe that the people of the country at large are worrying about the taxation here in the District of Columbia. I do not know how it may be in other States, but, if Senators will pardon a personal reference, three or four years ago when I had an opportunity during the summer I went over my State talking about the city of Washington, showing the people some views of the city, and I found that the people of my State approved unqualifiedly the statement that whatever expenditure was necessary in order to make the city of Washington the most beautiful city in the world I would stand for. There was no dissent upon the part of anybody, either in the audience or otherwise. The people of this country feel that this is their Capital; it is not the Capital City of the people of Washington, but it is the Capital City of the people of the United States. They are proud of it; they want to see it the mecca not only of the people of this country but of the people of the world. They want to see the people of this country instead of traveling abroad to Paris, to Berlin, and to other cities across the water come to Washington and see here everything that is best in architecture, best in sculpture, best in art and literature of every kind and character. They are willing that every dollar that is necessary to make this Capital of theirs really an education in itself shall be expended, and whenever any boy or girl, man or woman, comes here they are willing to pay every dollar that is necessary to make it that.

Mr. President, I do not believe that Congress can do anything better, anything that will be more satisfactory to the people of this country, than to assure them that it is going to do whatever is fair and reasonable in order to make this Capital City what the people of the country would like to have it made.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES of Washington. I do.

Mr. STERLING. I merely desire to correct an impression which I fear I made in a statement called out by the Senator from Utah [Mr. KING]. I think I left the impression, if I did not say directly, that the tax on intangibles was three-tenths of 1 per cent in the District of Columbia.

Mr. KING. The Senator said 3 mills.

Mr. STERLING. Yes. Here is the provision of the law. I find that the tax is four-tenths of 1 per cent. The law provides:

That the moneys and credits, including moneys loaned and invested, bonds and shares of stock (except the stock of banks and other corporations within the District of Columbia the taxation of which banks and corporations is herein provided for) of any person, firm, association, or corporation resident or engaged in business within said District shall be scheduled and appraised in the manner provided by paragraph 1 of said section 6 for listing and appraisal of tangible personal property, and assessed at their fair cash value, and as taxes on said moneys and credits there shall be paid to the tax collector of said District four-tenths of 1 per cent of the value thereof.

Mr. KING. Mr. President, before the vote is taken upon this bill I shall offer an amendment. In line 6 of the first page I shall move to strike out the word "fifty" and insert the word "forty," and in line 7, to strike out the word "fifty" and insert the word "sixty." The object of the amendment is to change the ratio or proportion from that contained in the bill, so that the Government will pay but 40 per cent and the District 60 per cent.

In view of the fact that the Conference on the Limitation of Armament is talking about ratios with respect to the navies of various countries, the Senator from Washington will probably be willing to use the ratio which I suggest. The question before us seems to be perennial. It has occupied the attention of Congress at various times for many years. When the population of the District was much less than at present, and property values insignificant, measured by the present value of the real and personal property within the District, as well as the intangible property subject to taxation, a ratio was established which this bill seeks to retain. It was then determined, as I am advised, that half of the expenses incurred in maintaining the government of the District should be paid from taxes derived from private property within the District, and that the Government should pay the remaining half.

But important changes have occurred since them. Washington has grown not only in population but in wealth. Thousands and tens of thousands of people have taken up their residence in Washington; some to engage in business, others to enjoy the benefits which result from the culture and the political and other advantages which exist here. It is said that many have established their residence in Washington in order to avoid the payment of taxes upon certain personal and intangible property which would be reached in the States from which they come and upon which heavy taxes would be exacted.

The reasons which prompted Congress to establish the 50–50 plan do not now obtain, and I have been unable to follow the logic of those who are now contending for the continuation of that system. The Senator from Washington seems to imply that the perpetuity of that system is essential to the growth and development of Washington, and in order to beautify the Capital of the Nation and make it a city so fair, architecturally and otherwise, as to surpass the capitals of all nations.

Mr. President, all Americans have pride in the Capital of their Nation. They have a pardonable pride in the capitals of their own States. They are also interested in the municipalities in which they reside and voluntarily impose heavy burdens for the construction of magnificent municipal buildings as well as State capitols. The interest which they have in these public buildings is manifested in the fact that they know that to realize their desires and their ambitions they will be compelled to pay millions of dollars annually in taxes and assessments.

The American people are willing that the National Government should do its full share for the development of the Capital of the Nation. They have pride in the splendid buildings which have been erected and would be glad to see Washington the center of American culture as it is the center of our national activities. They desire to see suitable departmental buildings erected and such national structures as the needs of this great Nation demand. But they also understand that those who reside in Washington are the beneficiaries of the expenditures made by the Government, and benefit not only in a material way but in an educational, in a political, and in a moral way from the generous contributions of the Federal Government and from its multitudinous activities within the District, activities which, though centered here, project themselves into various parts of the Republic. The American people also desire that those who own property within the District should pay a fair and just and honest tax. This they require and nothing more. They are willing that the National Government should meet all expenditures required to beautify and develop and improve this city, after the residents of the District contribute their fair and full share toward these great ends.

The Senator speaks of the great capitals of Berlin and Paris. He could have referred to London and other great capitals of Europe, such as St. Petersburg and Vienna as they existed before the war, where imposing buildings have been erected and everything done that the skill and genius of men could devise for their beautification and development.

But the Senator will discover upon examination that the residents of these great capitals paid heavy taxes and bore almost crushing burdens in order that the improvements which they desired might be made. Certainly the Senator can not contend

that our interest in the Capital of the Nation and our desire to see it among the most beautiful cities of the world should lead to legislation which will relieve the residents of the District from the just and proper obligation to do their full share in meeting the expenditures which must be made.

Mr. President, I am in favor of liberal appropriations for the District. I join with those who are interested in the development of Washington. I have pride in its natural beauties and in the artificial additions which have been made. I shall vote for large appropriations for public buildings, for schoolhouses, for school grounds, for sanitation, and an adequate water supply, and for all measures needful to bring Washington to the summit of municipal excellence and of architectural beauty. I have often said that it was one of the best-governed cities in the world and that nothing should be omitted necessary to raise Washington to the highest standard of excellence.

As Senators know, a joint committee of the two Houses is now considering the educational needs of the District. This committee, of which I am a member, is earnestly devoting itself to the formulation of a plan that will provide the District with the finest school system that human wisdom can devise. They want to give to Washington the best school buildings, modern and up to date; buildings not only adequate for the present but for the immediate future. I am sure that the committee will report a plan that will indicate their deep interest in education and their earnest desire for Washington to lead the world in the public-school system.

The hundreds of thousands who reside here should be willing—and I believe the overwhelming majority are willing—to be taxed, and taxed heavily, for these municipal improvements and for these great governmental and social benefits. We must understand, and the people must understand, that in order to obtain good government and all of the advantages of modern civilization, heavy taxes must be paid by the people. There are some who expect fine parks, the best of highways, school buildings of the most approved style, sanitation that conforms to the highest scientific formula, waterworks, and all the important benefits that a high degree of culture and civilization not only portend but enjoy, without paying for the same. Those who are familiar with the enormous budgets of New York City and Philadelphia and Detroit and Cleveland and Cincinnati, and other cities of our country, know the tremendous burdens which the owners of property are compelled to bear in order to enjoy the blessings and advantages flowing from progressive municipal government. A high social state implies a vast organization and calls for enormous expenditures. If we must have street cars and illuminated streets and magnificent public buildings, modern police and fire protection, educational advantages of the highest order, and peace and law and protection, then we must be prepared to pay for the same. It also should be added that where these great advantages are found to exist, property values increase; so that there is compensation to be derived by the property holders in the enhanced value of their property resulting from municipal improvements.

Mr. President, the plan suggested by the Senator from Washington is illogical and arbitrary and can not be defended upon any rational hypothesis. He urges a ratio of 50–50. Why not 45–55, or 25–75, or 40–60, or why provide that the people of the District pay any part of the tax? If they are to be taxed at all, there must be some reason for imposing a tax. That reason is found in the fact that justice and equity require that the people of the District should pay for the benefits and blessings and advantages which they enjoy.

It is no answer to say that this is the Capital of the Nation and that the National Government possesses valuable public buildings within the District. As a matter of fact, the buildings, if they were not needed by the Government, would be comparatively valueless. If they have any monetary value it is only because the Government needs them. If the seat of government were removed to some other part of the Nation, the Government buildings within the District would possess little, if any, value. The parks owned by the Government are enjoyed by the people and are for the benefit of the people. The streets and highways, title to which rests in the Government, are of no advantage to the Government; indeed, they are a source of expense to the Government. They are valuable to the people who live in the District, to the property owners abutting upon the streets. Indeed, many of the streets have been opened up by the Government over and across private lands, and at the request of the owners of the same. The opening of the streets and their improvement by the District, added millions of dollars to the value of abutting and contiguous properties.

The improvement of parks, great or small, has added materially to the value of the properties abutting upon the same. The circles and squares and miniature parks sprinkled throughout the city add to the value of private property and enrich the people residing within the District. Is the Government to add to the wealth of the people and they be relieved from the costs which these improvements compel?

Mr. President, the rational and equitable course to pursue is to levy upon the property of the District—real, personal, mixed, tangible, and intangible—a fair tax; a tax such as would be paid upon properties in the progressive cities of the United States, whose population was substantially the same as that of the District. In other words, the value of all private property within the District—real, personal, mixed, tangible, and intangible—the value of franchises, and all property which is subject to taxation in progressive and enterprising cities and States, should be ascertained and then a levy should be made upon such property as would be fair and just.

We know that in modern and up-to-date cities the city, county, and State taxes are between 3 per cent and 5 per cent upon valuations of from 60 per cent to 100 per cent. There is no reason why Washington should not pay similar taxes to those paid in other developed and progressive cities. I summit that a plan of taxation of this character should be adopted. If the revenues derived under this plan prove inadequate—and such I am sure would be the case—for the needs of the city, then the Federal Government should make up the balance. It may be in time that if the plan which I have suggested were adopted the needs of the city would be such as to call for 60 per cent, or perhaps more, of all the operating expenses of the Government to be paid from the National Treasury.

I am entirely willing, Mr. President, to support a plan that will impose upon the National Government the burden of paying any deficit that may be incurred in meeting all the expenses of the District after the property within the District has paid a fair and reasonable tax.

I do not believe in this arbitrary apportionment or ratio. I do not believe in the 50–50 plan or the 40–60 plan. As stated, the only fair, scientific, and logical plan is to tax all property within the District that would be subject to taxation in any modern and progressive community, and at such rates as prevail in such communities, and then call upon the Federal Government to make up the balance required to meet all the expenses incurred in maintaining the District government.

Now, Mr. President, I move, as suggested at the outset of my remarks, to amend the pending bill by striking out in line 6 the word "fifty" and inserting in lieu thereof the word "forty"; and in line 7, I move to strike out the word "fifty" and insert the word "sixty."

As stated, the amendment which I tender is not logical. It is arbitrary, as is the bill itself, but it is fairer than the measure before us, because investigation has shown that if any fair and just system of taxation were adopted for the purpose of raising revenue to meet the expenses of the District the property of the District would be called upon to pay at least 60 per cent. I have indicated, however, that the proper and fair way was to impose a just and reasonable tax upon private property of the District and then have the Government pay whatever else may be required to meet all expenses of the District.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah.

On a division, the amendment was rejected.

Mr. KING. Mr. President, I reserve the right to offer the same amendment in the Senate.

Mr. CARAWAY. Mr. President, I want just a moment of the time of the Senate to discuss this measure.

I concede that the people of the District of Columbia should pay no more tax than the people in any progressive city of like size and advantages. I have always felt that I could not justify my position nor maintain my self-respect if I wanted to impose burdens on people who were not in a position to resist the imposition. On the other hand, if this is to be the National Capital, as the Senator from Washington said, the most beautiful city, the city to which all people might and should point with pride, I do not believe that it ought at the same time to be a city of refuge for those who want special privileges, who do not want to bear their fair burden of taxation. It seems to me to be a travesty to bring our constituents here and point out the magnificent parks, libraries, streets, and public buildings, and then say: "The people who live here not only enjoy all these benefits, but by act of Congress we relieve them from their fair share of the burdens of maintaining them, and put it on you who come here, maybe, once in a lifetime," and most of them do not come at all.

Answering one other suggestion of the Senator from Washington, which I am sure he would not urge if he would stop to think, he argues that we ought to relieve the people of the District of Columbia of taxes because they have not a right to vote.

In other words, he wants to write into the law here a discrimination in their favor, and then justify it by saying: "We made you sell your birthright. We have assessed against the people at large the privilege of voting, and we have taken away from you the right to be an American citizen, and we compensate you by reducing your taxes." I hardly believe that anybody wants to go out and defend the proposition that he took away from a man his right of American citizenship and compensated him for it by reducing his taxes.

I think everything that possibly can be said in this matter has been said over and over much better than I could say it, but I want to say this again:

I am entirely familiar with the report of the joint committee. It nowhere says—there is not a line of evidence in it from beginning to end—that the 50–50 plan was fair and equitable. It repudiates it in its report. The whole testimony offered by everybody who testified, except those people who were directly interested here in the District of Columbia in getting a low assessment, shows that it was inequitable and unfair. There are certain people everywhere—possibly no more here than there are in my own State and other States—who are perfectly willing to accept favors. If the Government will relieve them from paying taxes, they raise no complaint at the action of the Government; but that is not the question with which we are confronted. We are here—and, by the way, most of us are taxpayers in the District of Columbia.

Ninety per cent of the people who will vote on this question have a pecuniary interest in it. I have. If I should vote with my interest, I should vote to keep the levy 50-50, and vote to make my taxes in the District of Columbia not more than one-third of what they are in the average community, because I take it that my rate of taxes at home is not much greater than in a similar community in any other State; and, notwithstanding that fact, we have many advantages here that we do not enjoy there. We have magnificent parks, libraries, art galleries, broad, magnificent streets, well lighted and clean, as the Senator from Florida [Mr. FLETCHER] called to our attention; and with all those advantages we pay less or not exceeding one-third of what we pay in the way of taxes on property of equal value at home.

If there were any justification—and I deny it—in saying that so much of the Government's property is located here and it occupies such a vast area as compared to the entire area of the District of Columbia that you can not figure out a just rate of taxes, I should suggest that in some of the Western States, where practically 90 per cent of the property is in the Government, where vast forests are set aside as national forests not for the benefit of the people in those States but to secure and to provide an adequate supply of timber for all the people of all the United States, the Government ought to be willing to pay at least a part of the taxes of those communities. In my own State we have, as I now recall—and I am speaking offhand—about 4,000,000 acres in a national forest. In some counties they occupy more than 50 per cent of the area of the counties. The value of that property is largely enhanced by reason of the fact that there are improvements made in the counties, that roads are built, that the protection of law is extended to the Government's property by reason of the enforcement of law throughout the county, and yet the Government does not pay one penny toward maintaining local government in the county or the State—not a nickel. More than 50 per cent of the area of the county is withdrawn. All the burdens of county government fall upon the people occupying less than 50 per cent of the county. As I suggested, some of the Western States have 90 per cent of their area withdrawn for the public good, and not one penny is paid by the National Government to maintain the State governments.

If we feel that the conditions that exist here in the District of Columbia are such that they appeal to us, and we ought to tax all the people to relieve from taxation the people here, we ought to do the same thing for the people in Arizona. There is a sense of justice underlying it that appeals to me. The Senator from Florida said he figured out that the people of Florida paid only $2 each toward maintaining the National Government. Of course he is in error about that; but if it were only 50 cents a question of right or wrong underlies it. If the people of the District of Columbia pay a fair tax, they ought to pay no more; but until they do pay a fair tax they ought not to come to the Federal Government for special favors.

I want to make the city what it should be. I am in favor of appropriations to give them the advantages they are entitled to receive. I want them to pay only a fair tax, and the remainder can come from the Federal Government; but to say that they ought to pay only 50 per cent, when all of us know that 50 per cent borne by the Government practically relieves them of two-thirds of their taxes, does not appeal to me; and I hope the bill will not pass.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. KING. Mr. President, I gave notice that I should reserve for a separate vote in the Senate the amendment which I tendered a few moments ago; and before that vote is taken I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Glass	McKellar	Simmons
Borah	Hale	McKinley	Smith
Bursum	Harris	McNary	Sterling
Calder	Harrison	Moses	Sutherland
Capper	Heflin	Nelson	Swanson
Caraway	Hitchcock	Norbeck	Townsend
Culberson	Jones, Wash.	Norris	Trammell
Curtis	Kellogg	Overman	Wadsworth
Dial	Kendrick	Page	Warren
Edge	Kenyon	Phipps	Watson, Ga.
Elkins	Keyes	Poindexter	Willis
Ernst	King	Robinson	
Fernald	La Follette	Sheppard	
Fletcher	Lenroot	Shields	

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent, attending the Limitation of Armament Conference.

The VICE PRESIDENT. Fifty-two Senators having answered to their names, a quorum is present.

Mr. KING. Mr. President, a quorum was called to vote upon an amendment which I had offered to the pending measure. Obviously no considerable number of Senators will be here to vote upon this amendment or upon the bill. Whenever a 50–50 measure is before the Senate, for some unaccountable reason it awakens no interest and provokes but little if any opposition. It seems to be a foregone conclusion that the Senate will support any bill that imposes upon the property of the District a small tax—a tax represented in this 50–50 plan. It has been suggested to me that if this bill were properly labeled it would be called "a bill to protect the residents, property owners, and real-estate dealers of the District of Columbia, and a number of more or less transient tax dodgers, from the payment of an honest and fair tax for the purpose of meeting the expenses of the District." May I suggest to my good friend, the Senator from Washington, that he further examine this bill and all its effects and implications with a view to determining how much of truth there is in the indicated title suggested for this measure? Let us be entirely frank and fair in considering this bill. Its object is to prevent the adoption of a tax system, based upon values and benefits. Its purpose is to require the people of the United States to pay one-half of all the expenses incurred and to be incurred in the District government in the construction of municipal improvements, in the erection of schoolhouses, in the meeting of the proper and legitimate expenses necessary to provide the people of Washington with the finest and best city government in the world, even though such a plan would relieve the property owners of the District from the payment of a just and honest tax.

Let us tell the people of the United States that we propose to make this the most beautiful city in the world, but we are going to make the people of the United States make a larger contribution than is fair or reasonable. Let us say we are so interested in those who have holdings within the District and some who have established residences here to avoid paying taxes in their own States, that we are so solicitous for the real estate dealers and other property holders that we will not adopt any system of taxation which would require them to pay a reasonable tax upon the fair market value of their property.

This bill finds no parallel in any legislation in any country or in any city. It is worse than an anachronism; it spells inequality, special privilege, and sectional favoritism. It places Washington in a special position. It throws over private property an ægis, a shield not provided for property elsewhere, and extends immunity to individuals claiming residence here denied to persons anywhere else in the United States.

A just system of taxation is to be desired. To secure it is a task that engages the serious efforts of publicists and statesmen. Equality in taxation is a fundamental principle in this Government. We are now conjured to enact a permanent statute under the terms of which a plan of taxation is to be adopted which contravenes accepted canons of taxation, and which I submit can not be defended upon any theory which finds expression in revenue legislation in the United States. Is there something

sacred in this 50-50 program which is so vehemently urged? It would seem that the property of the District of Columbia is so sacred that it must be protected from taxation.

Let me ask the Senator from Washington, if I may have his attention, if he will consent to an amendment to this bill to this effect, that all of the property within the District of Columbia, real, personal, and mixed, including franchises, and all forms of intangible property, which in progressive communities is subject to taxation, shall be assessed at the market value, and then be subjected to a just and reasonable rate or levy, and the revenue derived therefrom to be paid into the Treasury of the United States, to be devoted to meeting the expenses of the District government, and that whatever sum or amount in addition thereto may be required to meet such expenses shall be appropriated by the National Government. Will the Senator accept an amendment of that character?

Mr. JONES of Washington. Mr. President, I would not accept an amendment of that character. I would be willing to take up any tax proposition, however, correcting any inequalities in the tax laws which the Senator may propose. I presented the reasons why I thought there ought to be something definite and certain with reference to the proportion which should be paid by the District and by the United States, and I thought I gave very good authority for it.

Mr. KING. Mr. President, the authority largely consisted of a statement by former Senator Blackburn, of Kentucky. The principal reason assigned by him for his position was that if one desired to purchase property he would want to know the rate of taxation to which such property would be subject. As a reason, measured by practical experience, it is not only fallacious but it is absurd.

I call the attention of Senators to the fact that no one in any progressive State or municipality knows what the taxes for the coming year or the immediate future will be. Who can predict with certainty the rate of taxation or the value which will be placed upon property in New York, Washington, or Wisconsin, or any city or State of the Union for the year 1923 or 1924? Not only values but rates vary from year to year. The requirements of cities and States and political subdivisions differ each year, so it is impossible to fix any sum as the certain amount which will be required for taxes for a given period. One year a State may be engaged in road building, the next year it may be engaged in a comprehensive scheme for public improvement of a different character. It may want a capital. So it adjusts its taxes with reference to its needs, and the man who buys real estate or personal property in a State or municipality buys with the knowledge that no one can definitely determine what his taxes will be.

Why should the inhabitants of the District of Columbia be placed upon a different footing from persons residing in other cities? It is quite possible that real estate purchases in Washington may be increased by reason of the supposed permanent policy of the Government to tax the property within the District in such a manner that it will yield but 50 per cent of the costs of running the District government. But that is no sufficient reason for adopting an unfair system of taxation.

Mr. President, it is human nature, perhaps, to seek to lighten one's burdens, and it seems to me that behind this measure is a desire upon the part of some property holders in the District of Columbia to escape paying a fair and just tax. I readily concede the honesty and high integrity of Senators supporting this bill, but I believe they are mistaken in their course and are unconsciously promoting an unreasonable and unjust plan.

Why should the people of the District of Columbia, and the property of the District, pay a lower tax than is paid in other progressive cities of the United States? Do not the people here enjoy benefits? Do they not have schools? Do they not have all of the concomitants of a splendid and progressive civilization? Indeed, the advantages enjoyed by the residents of the District are in many ways greater than can be found in any city in the world. Yet with all these advantages, shelter is sought under the protection of Congress in order to escape fair and just taxation.

The House over and over again has denounced this scheme, and the Senate over and over again has approved it. Why is the Senate so zealous in extending protection to the taxpayers of the District of Columbia? Why are Senators so solicitous to have the property owners escape paying a fair tax? Why should not Senators vote for a proposition that the people of the District shall pay a reasonable, a fair, and a just tax, and, after having done that, whatever deficit results in the administration of the affairs of the District, that the Government of the United States shall pay the residue? That would be fair, and if, upon that plan, the Government pays 50 per cent, or 60 per cent, or 70 per cent, no one could object. Let the people pay a just tax, and let the Government of the United States pay the balance.

Let me say to the Senator that the amendment which I have offered provides that the District shall pay 60 per cent and the Government 40 per cent. I do not justify that upon the ground that it is logical. It may be unfair. It is just as logical as the 50-50 ratio, and I know it is very much fairer, because from the investigations which I have made I know that the District property should pay 60 per cent or more of the burdens of taxation in this District.

But if the Senator will not accept the proposition that the people here shall pay a reasonable tax and a fair tax, and insists upon a ratio, upon a proportion, then let him accept the one which I have suggested, which is fairer. If my recollection serves me rightly, we are already operating under the 60-40 ratio. The House insisted, when the Senate adhered to its 50-50, upon the 60-40 ratio; they compelled the Senate to accept that, and they are operating under that now, and, as the Senator from Arkansas [Mr. CARAWAY] suggests, are obtaining surplus revenues. Notwithstanding the fact that the District is now paying 60 per cent, the Senator from Washington and other members of the District Committee are determined to force through the Senate a bill which will relieve the property holders of the District from paying one-sixth, measured in percentages, of the taxes which they are now paying.

Mr. LENROOT. Mr. President, this is a bill the purpose of which is to reduce the taxes now imposed upon the District of Columbia and make the people of the United States outside of the District contribute to the upkeep of the District a larger portion than they are now contributing. That is the effect of the bill; that is the only purpose of the bill; and before the Senate should be asked to act favorably upon a proposition of that kind its proponents should be able to show conclusively to the Senate that the taxes now paid by the District are so great as not to be just and reasonable.

Mr. CURTIS. Mr. President——

Mr. LENROOT. I yield to the Senator from Kansas.

Mr. CURTIS. Is not the Senator mistaken in his statement that this reduces the taxes to be paid? It will have no effect of that kind. The present law, which expires July 1 next, fixes the rate at 60–40, and the rate for the ensuing year will have to be fixed in the next District appropriation bill.

The object of the pending bill, as I understand it, is to try to reach an agreement between the House and the Senate on a policy. The bill has fixed the rate at 50–50, because that is the existing law and has been held as the fundamental law of the District by the Supreme Court of the United States.

Mr. LENROOT. It is not the existing law for this year.

Mr. CURTIS. I mean it is the permanent law, and we only amended it for the year in the District appropriation bill.

Mr. LENROOT. That is true. My statement is exactly correct that the contribution now is upon the basis of 60–40, and the purpose of the bill is to make the basis of 50–50 instead of 60–40.

Mr. CURTIS. Again I state that the present basis of the permanent law is 50–50, and while it was changed in the appropriation bill to 60–40 it can be changed again to 60–40 in the next appropriation bill if the two Houses can not get together in the meantime on a satisfactory basis.

Mr. LENROOT. The Senator says this is for the purpose of getting an agreement upon this much controverted question between the House and the Senate, and yet this bill proposes to compromise by having the House surrender its position and go back to the present law, which, of course, the House will not do.

Mr. NORRIS. Mr. President, will the Senator permit an interruption?

Mr. LENROOT. Certainly.

Mr. NORRIS. I may not understand it fully, but it seems to me that the bill is almost useless. If the Senator from Kansas is correct—and I presume he is—that the permanent law provides for a 50–50 division, and in an appropriation bill Congress disregarded that permanent law and made the appropriation on the basis of 60–40, what good would it do to reenact existing law and provide for a 50–50 basis if Congress again, if it saw fit when it comes to the next appropriation bill, could change it and put it in any other ratio for that particular year? What are we accomplishing, whether we pass it or not?

Mr. CURTIS. Mr. President, if the Senator from Wisconsin will yield further——

Mr. LENROOT. Certainly.

Mr. CURTIS. I would like to state first that it has always been the practice, or was up to two years ago, if one House added an amendment that in any way changed existing law, that if the other body insisted upon existing law or the permanent

law the body making the change would give in or recede. Two years ago the House refused to do that, and the Senate, in order to pass the bill, yielded to the 60–40 basis. The same thing occurred in the last appropriation bill. So far as I am concerned, I do not think the 60–40 or 50–50 makes very much difference, except the 50–50 is the amount voted for by the Senate at all times.

However, there are provisions in the bill which, I think, are of vast importance to the District of Columbia. For instance, if the bill passes there will be no more surpluses put in the Treasury, or if there is a surplus the District will be permitted to use it. Under the practice which has been followed heretofore for years little surpluses have accumulated from year to year and have gone into the Treasury of the United States, and now amount to over $4,000,000. Last year millions or more were needed to build schoolhouses in the District; when the streets needed improvement, we attempted to use this surplus, and were prevented from doing it because the Members of another body claimed that the money did not belong to the taxpayers who had paid it in, but that it was money belonging to the United States. If this bill is passed—and these, I think, are the most important provisions—arrangements are made for the use of the surplus, or, if there is a deficit, to make it up out of the surplus of the next year or the next year thereafter.

I think the other provisions of the bill are of much more importance to the people of the District and of the country than is the 50–50 proposition.

Mr. LENROOT. I wish to know whether I understand, and I think I do understand, the effect of the provision to which the Senator from Kansas is now referring. I wish to ask him if the effect is not this: Let us assume that next year the estimates are made and the amounts are appropriated that may call for a rate of tax of 2 per cent, but that creates a surplus. Now, in succeeding years the Government will still contribute dollar for dollar every dollar raised by the District, but the District will have the benefit of the surplus in future years that we have created out of this appropriation. Is not that true?

Mr. CURTIS. No. The Government can only contribute its part to pay the actual expenses, and no dollar of the surplus that is now in the Treasury was contributed by the General Government, but every dollar of that money was paid in by the taxpayers of the District.

Mr. LENROOT. But what about future surplus?

Mr. CURTIS. The Senator from Washington [Mr. JONES] is the author of that provision, and I would rather he would answer that if he will. I know, but I would rather he would state it.

Mr. JONES of Washington. Of course, if they should have a surplus next year that surplus would be credited on the amount raised by the District for the next year.

Mr. LENROOT. Then I was correct in my statement.

Mr. JONES of Washington. It takes nothing from the Government at all.

Mr. LENROOT. It takes from the Government because the Government still matches dollar for dollar.

Mr. CURTIS. No; it does not match until it is used.

Mr. LENROOT. I understand that, of course.

Mr. CURTIS. Then under the rule ought not the Government put in its proportionate share when it is used?

Mr. LENROOT. Even though it has created a surplus, and then again is used and then again taken out of the District's share, the Government must contribute again dollar for dollar.

Mr. CURTIS. That is not the intention. As I understand it, this was the intention: If there is a surplus this year of $2,000,000, all paid in by the taxpayers, because the tax rate levied brings in $2,000,000 more than is required to meet the District's half, the Government pays no additional amount, but the District people pay $2,000,000 more than is needed. That goes into the Treasury. Now, next year if that surplus is used which the Government has not met this year, then the Government meets it, and does not meet it until it is used, so there is but one matching, and that is made when the money is used.

Mr. LENROOT. I confess I am not familiar with this, but we will suppose, to illustrate, that the amount raised for the District is $5,000,000, $2,000,000 more than is needed. The Government has contributed a million dollars of that.

Mr. CURTIS. No; it does not contribute a cent of that.

Mr. LENROOT. Let us put it another way. Here is $10,000,000 raised by the District and the Government contributes $10,000,000.

Mr. CURTIS. Not unless the $20,000,000 is needed and used. When they fix this tax levy they find that $18,000,000 is needed and the Government only pays in $9,000,000 of the $10,000,000 which it otherwise would have paid in, but the District pays in the full $10,000,000. That leaves the District a surplus of a million dollars, but no surplus on the part of the Government, because the Government stops at $9,000,000. The Government only meets what the District uses.

Mr. LENROOT. When that million dollars for the following year is used the Government contributes a million dollars, does it not?

Mr. CURTIS. Certainly. It meets it then instead of this year.

Mr. LENROOT. And the taxpayers are to get the benefit?

Mr. CURTIS. Why not? They paid it in.

Mr. LENROOT. Let us see. The result, then, is to reduce the charge upon the taxpayers constantly if there be a surplus.

Mr. CURTIS. If there be a surplus it simply reduces the amount of taxes for the next year and the Government does in the next year what it otherwise would have done the year before if the money had all been used in the year before.

Mr. LENROOT. So the Government must at all times, whether the money is needed, match dollar for dollar the money raised by taxation in a given year for the purposes of that year, but whenever used the Government must match every dollar that is raised at some time or other.

Mr. CURTIS. That is true, and I think that is fair.

Mr. LENROOT. It all goes back to the question of whether the residents of the District are paying a reasonable rate of taxation. If they are paying no more than is reasonable, why should the Government make a contribution based wholly upon that arbitrary proposition that the Government shall match dollar for dollar?

Mr. CURTIS. Mr. President, I do not wish to prolong the debate, but when the Commissioners of the District of Columbia put in an estimate that they will require, say, $24,000,000, and the tax levy is made and they raise from the District taxpayers $12,000,000, but the Congress takes from the District schoolhouses, the Congress refuses to improve a road, and by those and similar means reduces the amount which the Government would contribute, is it under those circumstances fair to the taxpayer then two years later, when these new schoolhouses are built or this street is improved and the money which they have already paid in as taxes is used, to relieve the United States Government from its share?

Mr. LENROOT. The Government will appropriate whatever the Government finds is necessary for the District of Columbia, and the taxpayers of the District of Columbia ought to pay that proportion of the amount appropriated which will be a fair tax for them. The Government should pay the difference, whether it be more or whether it be less than was raised by taxation.

Mr. CURTIS. As I said a moment ago, I do not care to delay the passage of the bill. The question has been before the committee for many years. I have read the report made in 1878 and all the evidence taken and the reports made by the committee in 1918. As chairman of the subcommittee in charge of the District appropriation bill for a number of years, I have believed that 50–50 was about as near right as it could be, but I have tried, as chairman of that subcommittee, to get the question into conference, so that six Members of the Senate and House could get together and see if we could not agree upon some proposition with reference to it. If I was wrong, as the then chairman of the subcommittee I was willing to give in. We passed a bill. We could not settle it on the appropriation bill, so we passed the bill as a separate measure, sent it to the House. For some reason the conferees did not meet for months.

Mr. LENROOT. I wish to ask the Senator from Kansas this question: Why is it not a fair proposition to ascertain what is a fair rate of taxation here, whether it be the amount in this bill or in existing law, or some other rate, and then provide that that amount shall be raised, and that the Government out of the Treasury of the United States shall appropriate the difference, whether it be more or whether it be less.

Mr. CURTIS. I probably would not be permitted to state just why I have opposed that proposition. If it could be carried out to the letter and the Congress would be fair to the people of the District of Columbia, I do not believe I would oppose it. But I must say, and I say it after having presided over that subcommittee for a number of years, that there has been an attempt made by the Congress to reduce the appropriations for the District far below what was needed. With all the fighting that could be done, and all the showing that the District people make before the committee, and all the efforts that could be put forth, we could not get the money that was actually needed. I think every Senator, if he will visit the schoolhouses, will admit that Congress has not provided sufficient schoolhouses: that it has not provided sufficient playgrounds. The

streets are in an awful condition and should be improved, and the blame is on the Congress.

Mr. LENROOT. If that is true under the 50–50 proposition, it is very evident that it is due to some other cause than this proposition, because this will not help that situation.

Mr. CURTIS. As I said a moment ago, I believed, as this had been provided as the fundamental law, had been declared virtually the constitution of the District of Columbia by the Supreme Court of the United States, that it was our duty to stand by the 50–50 proposition, believing further, as I did, that it was about as fair a basis as we could have until the two bodies of Congress could get together and agree upon something that would be reasonable and fair. I still believe that this is the best way to do it.

Mr. KING. Mr. President, will the Senator yield?

Mr. LENROOT. I yield.

Mr. KING. The Senator from Kansas does not mean by his statement as to what the Supreme Court did that that inhibits Congress from passing any sort of bill we see fit?

Mr. CURTIS. Oh, certainly. I have just stated that I think it ought to stand until Congress does act.

Mr. KING. Then the Senator thinks that we ought to change, and change it in all fairness and reasonableness, and impose upon the property in the District of Columbia fair and reasonable taxes?

Mr. CURTIS. I certainly do.

Mr. KING. And let the Government pay the balance?

Mr. CURTIS. I think the Government ought to pay the balance, but I am not ready to say that 60–40—although I gave in as chairman of the subcommittee for two years—is fair and just for the people of the District.

Mr. LENROOT. Mr. President, with due regard to the Senator from Kansas, I get rather tired of hearing about this law of 1878 being the fundamental law in the nature of a constitution for the District.

Mr. CURTIS. I was simply using the language of the Supreme Court of the United States.

Mr. LENROOT. I understand that, and very proper language for the Supreme Court or any administrative body to use, but for the Congress of the United States that made it and the Congress of the United States whose jurisdiction it is to change it, there is nothing sacred about it.

Mr. CURTIS. Mr. President, I have not claimed that there was anything sacred about it. In fact, I have said I should like to see it changed; I should like to see the two bodies get together.

Mr. LENROOT. Yes; but I think, Mr. President, that the bodies can get together a great deal quicker and a great deal easier if the Senate shall propose something that is different from existing law, which we know the House of Representatives will not accept. The House—and I was a Member of that body during a part of this controversy—I may say, has not very much confidence in the Senate in dealing with this question. If the Senate would show a little greater disposition to agree upon some reasonable basis, the two Houses would get together a great deal easier upon this subject. I have the greatest confidence, of course, in the members of the committee, but there is an impression at the other end of the Capitol that the Senate in dealing with this question has paid not very much attention to its merits, but has paid a good deal of attention to the wishes of real estate owners in the city of Washington. I do not believe that; I believe the Senator from Kansas [Mr. CURTIS] has considered and studied this matter faithfully and is just as honest in his opinion as is any Member of the other House.

Mr. CURTIS. Mr. President, as I have previously said, I have read all of the hearings contained in the report of the commission of 1878 and the hearings of 1918, and I have taken the position which I thought was right, and I feel sure the Senator would have taken the stand I did if he had been on the conference committee.

I wish further to say to the Senator that if it had not been for the fact that the District appropriation bill carried the money for the schools of the District of Columbia, the bill probably would have been killed; but, as one of the conferees, I did not feel that I had the right to deprive the people of this District of the appropriations which they needed simply because I was not pleased with the attitude of the conferees of the other House.

Mr. LENROOT. Had I been a member of such a conference committee I should have done exactly as the Senator did, if I had held his views; but I want to say, Mr. President, that, in my opinion, the passage of this bill is not going to improve the situation of which the Senator now speaks; the passage of the pending measure is not going to conduce, upon an appropriation bill or otherwise, to a getting together of the two Houses or create a better feeling upon the part of the Members of the other House who hold the views they do with reference to this very important question. On the contrary, if this bill passes, I prophesy this afternoon that the House of Representatives will compel the Senate conferees again to do exactly what they did on the last bill, or there will be no bill. That is one reason why I do not think this bill ought to pass.

Mr. President, the 50–50 proposal can not be justified upon any basis of reason. It is an arbitrary proposition. Who is there can say that because the seat of government is here that a 50 per cent ratio is just what the Government ought to pay for the upkeep of this District?

Senators talk about the parks here and the property that has been removed from the field of taxation. So far as parks are concerned, every other city in the United States provides parks out of its own taxes and maintains them out of its own taxes, which has not been done here in the District of Columbia. That is true also as to many other things which the people of the District here enjoy; not on a 50–50 basis, but on a basis of the entire expense being paid out of the Treasury of the United States.

While it is not an argument which appeals to me, when Senators talk about one-half of the property being withdrawn from taxation and the burden of the taxpayers being thereby increased, I desire to suggest that there is not a city in the United States of the same population as Washington which would not be delighted to make a proposition to remove the seat of government to their city and to pay every dollar of taxes. I repeat that, of course, that is not an argument, and yet it is quite as good an argument as some of the arguments that have been used upon the other side of this question.

It is also true that whenever a hundred acres are withdrawn for the purpose of a park here in the city of Washington the value of the surrounding property is immediately increased, sometimes in the aggregate a great deal more than the original value of the property withdrawn from taxation.

Mr. President, I do not wish to see the people of this District pay one single dollar more of taxes than is just; I would not wish them to pay any more in taxes than is paid upon the average by people of other cities, although it is true—I am not speaking of the political rights now—that the people of the District of Columbia do enjoy privileges furnished by the United States Government, paid for out of the Treasury of the United States, increasing the value of private property in the District, which people of other cities do not enjoy.

It seems to me clear that there is but one proper, reasonable basis upon which the taxation question should be settled. We ought to have a commission—and on it there should be no one owning any property in the District of Columbia, I may say—which should ascertain what is the average rate of taxation for all purposes in cities of the size of Washington, and, having ascertained what that average rate is, apply it. If it is one-half, as is provided now, well and good; let it stand and let that be the rate. Then, whatever amount is necessary in order to meet the deficit created by appropriations made by Congress for the District of Columbia should be paid out of the Treasury of the United States, whether it be more than 50 per cent or whether it be less than 50 per cent.

Mr. PHIPPS. Mr. President, will the Senator yield to me?

Mr. LENROOT. I yield.

Mr. PHIPPS. I should like to ask a question. How would the Senator arrive at values that would be comparable for the purpose of determining what the taxation here should be? Assessments are not the same in any two cities in the United States. They are supposed to be based on full value, but we well know that they are not, and never have been.

Mr. LENROOT. Mr. President, a commission properly constituted could get sufficient information as to the proportionate rate of assessments which is practically uniform. In some cities the assessment is upon a two-thirds basis or a 50 per cent basis or a 75 per cent basis. That can easily be ascertained.

Mr. PHIPPS. On two-thirds or 75 per cent of what?

Mr. LENROOT. Of the true value of the property.

Mr. PHIPPS. Of the true value of the property, which is an estimated value.

Mr. LENROOT. Of course it is.

Mr. PHIPPS. And which is estimated differently not only in different cities but in different parts of the same city.

Mr. LENROOT. Yes; that is true.

Mr. PHIPPS. So that a fair basis could hardly be arrived at in that way.

Mr. LENROOT. Nevertheless, that kind of an estimate would at least have some basis in judgment, whereas the proposition for which the Senator now stands is purely arbitrary.

Mr. PHIPPS. Mr. President——

Mr. LENROOT. I yield.

Mr. PHIPPS. The Senator from Wisconsin preceded me in service here, and I never had the honor of being a Member of the other body; but the Senator, I think, will hardly recall a time when there was a dispute over the 50–50 arrangement as between the Government and the District of Columbia until we became involved in the World War, when, by reason of the neglect to erect school buildings, to construct roadways, and to carry on other public works, the proportion of 100 per cent which was paid in according to the estimates by the city taxpayers was not used and became a surplus which was held in the Treasury of the United States. The accumulation of that surplus is the reason why this proposition was advanced by the House; otherwise we would never have heard any criticism of the 50–50 plan. That is the information I have. If the Senator has any different information, I shall be glad to hear it.

Mr. LENROOT. I can correct the Senator's information, for I was a Member of the House long before the World War began, and this subject was then one of the very acute subjects of controversy. There were investigations and reports made upon this very proposition long before we entered the war.

Mr. PHIPPS. Mr. President, I have been a taxpayer in two other cities of the Unites States, as well as a taxpayer in this city. I have no personal reason for wanting to see the rate of taxation kept low on the real estate in this city, other than that the citizens of the District of Columbia should be fairly treated, but I am strongly of the opinion that the rate of taxation I am called upon to pay in the District is at least as great as it has been in the other cities where it has been my privilege to live.

Mr. LENROOT. If that is true, the Senator from Colorado is very fortunate in the ownership of his property in other cities.

Mr. KING. Mr. President, may I interrupt the Senator from Wisconsin?

Mr. LENROOT. I yield.

Mr. KING. The Senator from Colorado indicates that this is a new question and if it had not been for the war and some accumulation of taxes in the Treasury we would never have heard of it.

Mr. PHIPPS. That, as I have stated it, is my information.

Mr. KING. Let me say to the Senator that I had the honor to be a Member of the House of Representatives 18 years ago, and it was then a subject of discussion, and I contended at that time that a fair system of taxation would be one which would impose upon the property of the District of Columbia a reasonably fair rate of taxation, the Government to pay the residue.

Mr. PHIPPS. To my mind, Mr. President, the trouble lies in the difficulty of arriving at a method of determining a fair basis. Are you going to take the value of all the property in the District, including the value of the public buildings? Would that be agreed to as a basis?

Mr. LENROOT. No.

Mr. PHIPPS. No; that is the answer of the House; they would not listen to that. They say that all property should be treated alike; that the Government should only pay its proportion, and yet when they are asked if they are willing to take a definite valuation of real estate and all improvements in the District as a basis and allow the Government to pay whatever proportion its share is shown to be of the total valuation, the answer is "no," just as the Senator from Wisconsin answers "no."

Mr. LENROOT. No.

Mr. PHIPPS. They do not want to take that basis. Why not? Is not that fair?

Mr. LENROOT. Does the Senator think that would be fair?

Mr. PHIPPS. I think that would be eminently more fair than the suggestion made by the Senator under which an effort would be made to arrive at the valuation obtaining in other cities.

Mr. LENROOT. Let us see about that.

Mr. PHIPPS. Why would it not be more fair?

Mr. LENROOT. The Senator comes from Colorado.

Mr. PHIPPS. Yes.

Mr. LENROOT. Does the Senator think that in the city of Denver, which is the capital of Colorado, the value of the capitol grounds should be taken into consideration in ascertaining the taxes to be paid by the people of the city of Denver, and that the State of Colorado should pay upon the value of its capitol grounds to the city of Denver?

Mr. PHIPPS. I will say to the Senator, Mr. President, that in case the State of Colorado should invite the Federal Government to move its National Capital to Colorado, as has been suggested, Colorado would say, "Yes; we are glad to have you, but if you are going to have the officials and employees of the different Federal departments located here you must expect to provide homes and proper facilities for them." You would not find a State offering to carry the entire burden; that would be unreasonable.

Mr. LENROOT. What is the difference between a State Capital and the National Capital, except relatively?

Mr. PHIPPS. The difference between a State Capital and the National Capital is that a State capital is to a great extent a mere incident. The location of a State capitol in a given city involves, perhaps, the acquisition of no more than from 1½ to 4 acres of ground, even in the largest State capital in the United States. The State capitals have manufacturing and other industries. The Federal Capital is not intended as a manufacturing center and is not maintained for any such purpose.

Mr. LENROOT. Does the Senator from Colorado think that the ownership by the Government of property and the activities of the Government are a burden and a hardship upon the people of the District of Columbia?

Mr. PHIPPS. I think when the Federal Government brings employees here by the thousands it must expect to do more for them than if it were an ordinary city.

Mr. LENROOT. No, no; the Senator will please answer my question. Does he think the Government activities in the District of Columbia are an injustice and a hardship upon the people of the District of Columbia?

Mr. PHIPPS. Of course the answer to that question is, No.

Mr. LENROOT. What would the property here be worth if it were not for those activities? It would be worth about $20 an acre.

Mr. PHIPPS. What would it cost to keep it up? It is the cost of maintenance that makes taxation necessary.

Mr. LENROOT. Certainly.

Mr. PHIPPS. It is not the mere existence of a city.

Mr. LENROOT. Mr. President, I do not for an instant suggest that the people of the District of Columbia should pay all that it costs to maintain the city of Washington. We ought to make the city of Washington the most beautiful place in the world, and it ought to cost a great deal more to maintain the city of Washington than it costs to maintain any other city of like size anywhere in the United States, and the Treasury should foot that difference and pay it, and pay it willingly. On the other hand, those who come here to the District, whatever their purpose may be, ought to be willing and should be compelled to pay their fair share of taxes, and no one should complain here if he is not compelled to pay any more here in the District of Columbia than taxpayers are compelled to pay in other cities of like population. Then, beyond that, we ought to be liberal in appropriations, and we ought not to be either limited, upon the one hand, by any 50-50 proposition, nor, upon the other hand, should we be compelled to contribute 50 per cent irrespective of the needs of the District.

Mr. PHIPPS. Mr. President, I do not know that the Senator really meant that last statement—"compelled to *contribute* 50 per cent irrespective of the needs of the District." It seemed to me that the Senator from Kansas [Mr. CURTIS] made a very definite explanation of the manner in which these surpluses arose. Perhaps it was not quite convincing to the mind of the Senator from Wisconsin, but, if I may have a moment, I should like to put it in this form:

We will say that for the year 1920 the estimate for the District is $10,000,000, and that for the Federal Government $10,000,000, regardless of whether it was 60-40 or not. The committees, when they come to round out the bill, make the bill $18,000,000. The Federal Government pays in only the $9,000,000. The District pays $9,000,000, it is true, on account of those expenditures, but the surplus of a million dollars of taxation which it has collected goes into the Treasury of the United States. As to those accumulations that have gone on year by year, you have the Members of the House claiming that that money belongs to the Federal Government, and refusing to have it used for the purpose of applying against the taxation of following years. The purpose of the Jones bill is to correct that unfair and unjust proposition on the part of Congress, and I hope the Members of the Senate will so see it.

Mr. LENROOT. I want to ask the Senator from Colorado a question. If the taxation that produces the $10,000,000 is not any more than a fair rate of taxation, is not any more than the taxpayers here should justly pay, considering other cities, why should they have the benefit of that in a subsequent year?

Mr. PHIPPS. Why should they not? They contributed it as taxation for the purpose of carrying on the activities of the local government, for providing public schools, for paving streets, and for other purposes. Why should it not be expended in following years? Why should it remain in the Treasury of

the United States, and, if finally covered in, reduce the Government's contribution by that amount?

Mr. LENROOT. Why should the Government contribute any more than is necessary to make up the deficit after a reasonable rate has been imposed? That is my question, and that is what I have failed to get an answer to.

Mr. PHIPPS. The question of a reasonable and fair rate is a moot question, and it is one on which we do not agree. The Senator thinks that 50-50 is not fair to the Federal Government. With all the study I have been able to give it since I have been here, I think it is.

Mr. LENROOT. What does the Senator base his 50-50 proposition upon? I should like to know what reasonable ground there is for it. Why does the Senator say that the Government should contribute just 50 per cent, and not 45 per cent or 55 per cent?

Mr. PHIPPS. Probably for the opposite of the reason that the Senator says it should be 60-40.

Mr. LENROOT. I have not said that.

Mr. PHIPPS. The Senator is making an argument along those lines.

Mr. GLASS. Mr. President, with respect to the surplus, how does the Senator arrive at the conclusion that the surplus is composed of revenue derived from the taxation of property in the District?

Mr. PHIPPS. Because it comes from no other source whatever. No Government money is paid excepting that which goes directly to the liquidation of the expenditures incurred.

Mr. GLASS. Say, for example, that $9,000,000 of Government funds is appropriated, and $9,000,000 assigned to the District of Columbia to be derived from taxation.

Mr. PHIPPS. Yes.

Mr. GLASS. Is the entire $9,000,000 appropriated by the Government used?

Mr. PHIPPS. Yes; it is.

Mr. GLASS. Then, how do you arrive at the conclusion that the $1,000,000 carried to surplus is totally derived from local taxation?

Mr. PHIPPS. Because the rate of local taxation was based on a figure that would raise $10,000,000, and the $10,000,000 was raised and paid into the Treasury; but the appropriation for the District was only $9,000,000, one-half of the $18,000,000 carried by the bill. Therefore there remained a surplus of a million dollars.

Mr. GLASS. But the example cited by the Senator was that of a total revenue of $18,000,000.

Mr. PHIPPS. No; I beg the Senator's pardon—a total appropriation of $18,000,000, of which the Government was to pay one-half and the District one-half.

Mr. GLASS. Yes.

Mr. PHIPPS. The taxation raised by the District was $10,000,000, or $1,000,000 more than the amount required to pay its half of the total appropriation, and therefore that million dollars remained as a balance. That is merely illustrating in round figures the fact that during the past few years those surpluses have accumulated year by year until, as said by the Senator from Kansas, they exceed $4,000,000 to-day in the Treasury of the United States.

Mr. GLASS. In other words, the fund derived from taxation as the District's share was, we will say, a million dollars more than was appropriated by Congress as the Government's share?

Mr. PHIPPS. It would average about that over a four-year period.

Mr. GLASS. Then, I would say that that fund belongs to the District of Columbia.

Mr. PHIPPS. That is our contention; but the contention of the House is that that $4,000,000 belongs to the Federal Government.

Mr. LENROOT. Mr. President, of course the result of this, as is desired by the Senator from Colorado and as will be proposed by this bill, is this:

Take the illustration that the Senator gives. He will correct me if I have not understood him correctly. We will say that there is $10,000,000 raised by taxation. There is $18,000,000 appropriated, leaving a million dollars surplus. The Senator would have that million dollars deducted the next year from the amount to be raised by taxation, irrespective of the fact that the $10,000,000 that was raised by taxation was no more than the taxpayers reasonably ought to pay for the benefits they enjoy here in the District.

Mr. KING. Less than what they reasonably ought to pay.

Mr. LENROOT. That is the proposition.

Mr. GLASS. How do you arrive at what the taxpayers of the District of Columbia reasonably ought to pay?

Mr. LENROOT. I think they ought to pay here in the District the average rate, as nearly as it can be ascertained, that they would pay anywhere in the United States under like circumstances.

Mr. GLASS. But what I want to know is, how are you going to adjust the rate of taxation to the requirements of the District of Columbia? When you apply a rate of taxation to any given community it is the rate of taxation required for the necessities of that particular community.

Mr. LENROOT. Certainly. Then I would have paid out of the Federal Treasury all that is necessary beyond that, whether it is 50 per cent or 60 per cent or 30 per cent.

Mr. GLASS. But there would be nothing beyond that if you applied to the property owners of the District of Columbia the tax rate necessary to meet the necessities of the District.

Mr. LENROOT. Oh, no; I did not say the tax rate necessary to meet the necessities of the District. I say that if, for instance, the average throughout the United States of cities of 500,000 people is 1½ or 2 per cent upon the full value of the property—and that can easily be ascertained—that should be the fixed rate here upon realty in the city of Washington.

Mr. GLASS. Suppose that rate should meet all of the requirements of the District of Columbia?

Mr. LENROOT. Then there is no reason in the world why any money should be paid out of the United States Treasury.

Mr. GLASS. That is what I sought to draw from the Senator. The proposition is, if the District should raise it all, then there would be no obligation upon the Government of the United States to supply a dollar.

Mr. LENROOT. Not a dollar.

Mr. KING. That is my contention, too.

Mr. LENROOT. Mr. President, in addition to that, it can not be denied that Washington has become the haven and the refuge of people from all over the United States, one of the purposes—I do not say the main purpose, but one of the inducements—being that their taxes will be less here in the District of Columbia than elsewhere; and it seems to me that before we attempt to make permanent this arbitrary 50-50 proposition, at least we should apply here in the District the system of taxation that is being applied in other States. There ought to be an inheritance tax. This ought not to be a place—the only place, I believe, in the United States to-day—where a man can move with his family and feel that when he dies there will be no local inheritance tax to pay. There ought to be a reasonable income tax, similar to that which is imposed by the States, in addition to the Federal income tax.

In other words, the man who lives here in Washington, getting the privileges that he does in the way of Government activities and what the Government furnishes for his pleasure and his comfort, ought not to enjoy an advantage here in the way of taxation. All I ask is that those matters be equalized, that men should be called upon to pay as much here as elsewhere. If it is 1½ per cent, as proposed in this bill, I am content.

People talk about the difficulties of ascertaining it. In my State we have a State tax commission whose duty it is under the law to ascertain, for the purpose of fixing a rate of taxation upon railroads, the average taxation of the State, based upon the full value of the property. It does it every year. It does it to the satisfaction of the public and the railroads, and there is not the slightest difficulty about it. So a commission could ascertain the average rate of taxation in half a dozen or a dozen cities comparable to Washington in population and fix it as the rate of taxation for the District of Columbia. If it is 1½ per cent, let it stand at 1½ per cent; if it is 1¾ per cent, make it 1¾ per cent; and then let Congress appropriate whatever is necessary to make up the difference, whatever it may be, whether it be more than 50 per cent or whether it be less than 50 per cent.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. LENROOT. Yes.

Mr. CARAWAY. Before the Senator takes his seat, I should like to suggest to him a proposed amendment for his consideration, if he cares to have me do so.

Taking the bill as offered, let this part of the language stand, "that the general expenses of the District of Columbia shall be chargeable to and paid out of the Treasury of the United States." Then, after the word "States," in line 5, page 1, strike out all the balance and insert the following as section 2:

> The rate of taxation in the District of Columbia shall be fair and reasonable, and the revenues thus derived shall be covered into the Treasury of the United States as miscellaneous receipts.

That would obviate all the difficulty the Senator from Kansas referred to about surplusage. They simply put their money into the Treasury, and out of the Treasury come all the expenses of

the government of the District of Columbia. It takes care of every other suggestion in the bill.

Mr. LENROOT. How would the rate be ascertained?

Mr. CARAWAY. Congress, of course, will have to fix the rate. I understood the Senator from Washington wanted to fix some definite means by which we could proceed, and the position of the Senator from Wisconsin is, as I understood him—and I thoroughly agree with him as I understood him—that the people of the District of Columbia should pay a fair and a reasonable tax, and then the Government should pay the difference. The bill then would provide that the expenses of the District of Columbia should be paid out of the Treasury of the United States, and section 2 would provide that—

The rate of taxation in the District of Columbia shall be fair and reasonable, and the revenues thus derived shall be covered into the Treasury of the United States as miscellaneous receipts.

Mr. LENROOT. The difficulty I see with that is in fixing the rate. I am frank to say that I would rather fix the rate in the bill at one and a half, just as it is, and get the correct principle adopted, and let the one and a half stand until we can get an ascertainment of what is a fair average rate.

Mr. CARAWAY. It is a tentative amendment I have suggested for the consideration of the Senate. I should not object if we provide that the rate of taxation shall be as now provided in the law, until we change it.

Mr. LENROOT. That would establish the correct principle. I do not desire to seek to increase the taxes in the District of Columbia, unless they ought to be increased, and that only upon a fair, impartial investigation; but there is no foundation that can be based in logic for this 50–50 proposition. It ought to be done away with, and the same is true of the 60–40 proposition. That is not any more logical than the other.

The Senator from Kansas has intimated that Congress will not make the necessary appropriations for the District of Columbia unless this 50–50 proposition be adopted, but I call the attention of the Senator from Kansas—who knows it even better than I—to the fact that as long as we have had this 50–50 proposition, there has been constant complaint here in the District of Columbia that we have not made sufficient appropriations, and I do not think that this will have anything to do with that question one way or the other.

Mr. CURTIS. Mr. President, I have been on the District subcommittee of the Appropriations Committee for many years, and I never heard any serious complaint about the amount appropriated until about three or four years ago. In other words, the commissioners seemed to be well satisfied up to that time, and that was when the surplus commenced to accumulate.

Mr. LENROOT. The Senator has been on the Committee on Appropriations, and I ask the Senator if he has found any opposition here on the floor of the Senate to appropriations made for the District of Columbia?

Mr. CURTIS. I would have to say yes.

Mr. LENROOT. I do not remember it.

Mr. CURTIS. We have sometimes had pretty hard fights here over the bill. Before I became chairman of the subcommittee I remember that we used to take about three weeks to pass the bill. I think the two times I have handled the bill, one time we passed it in 45 minutes and the other time in a day and a half.

Mr. LENROOT. Whenever the Senator from Kansas has handled the bill it has gone through very rapidly.

Mr. CURTIS. I am not throwing any bouquets at myself——

Mr. LENROOT. It is a fact.

Mr. CURTIS. I am simply stating that to show the Senator that there has at times been some opposition. I remember once it took three weeks to pass the bill. I remember the Senator from New Hampshire, Mr. Gallinger, was once taken sick, about eight years ago, and I was asked to take charge of the bill, and we were at least a week passing it.

Mr. LENROOT. I remember when there was controversy over the District bill, but I never heard of any controversy over the items in the District bill with reference to schools and other absolutely necessary things for the District. I do know of a great deal of controversy over items in the bill with reference to acquiring property, where there was more or less suspicion as to who the beneficiaries of such action might be.

Mr. CURTIS. I think the Senator is right. I do not remember of any particular opposition as to schools, but there was in one of the Congresses quite a fight on the schools.

Mr. LENROOT. The Senator knows there were quarrels between real estate men here in the city of Washington that did bring on such contests.

Mr. CURTIS. I state for the committee that during the last four years we have refused to let the real estate men of this District come before our committee to be heard.

Mr. LENROOT. There has not been the contest in the last few years.

Mr. KING. The Senator is referring to the Appropriations Committee?

Mr. CURTIS. The Subcommittee on Appropriations has refused to hear the real estate dealers of the District of Columbia, and we have passed upon the District appropriation bills upon the record as we could get it and our own information. We called in the people we believed knew about the conditions, and if they did not have the information we have made them get it for us or we have gotten it for ourselves.

Mr. DIAL. Mr. President, I would like to ask the Senator from Kansas if it is not true that we provide in these bills where the money shall be spent, on what streets, and so on?

Mr. CURTIS. That is true, except that there is a fund for general repairs, which may be used by the District Commissioners in their discretion, but usually Congress designates where the money shall be used or what streets shall be paved and that certain others shall be repaired. There is a general fund out of which the commissioners may repair those which they think most need it under certain circumstances.

Mr. KING. The designation of the places where the money should be spent has been made as the result of testimony which came before the committee.

Mr. CURTIS. I do not like to take up so much of the time of the Senate, but the members of the committee in the last four years have made it their practice to go over all the streets and determine for themselves, after looking over the various sections, what streets should be improved.

Mr. DIAL. Would it not be well to leave that to the commissioners? Congressmen are very busy, and do not have time to study all those things out.

Mr. CURTIS. The committee took time to do it. Last year I think every member of the subcommittee went out; that is my recollection.

Mr. DIAL. The reason I asked the question was to develop the fact that a short time ago I viewed a great development on the edge of the town, and it seemed to me to be much finer and more expensive than the surroundings required, and perhaps the city would have been better off if that money had been otherwise expended.

Mr. CURTIS. I judge the money referred to was used out of the general fund. The subcommittee made no recommendation, unless they were certain that the improvements were actually needed.

Mr. CARAWAY. I suggest for the consideration of the Senator from Wisconsin as an addition to the amendment that there be added section 3, to read as follows:

Until otherwise provided by law the rate of taxation shall be as now existing.

Mr. LENROOT. I think that would be a very desirable amendment to make.

Mr. CARAWAY. May I suggest, then, what the amendment would be if the bill were passed?

Mr. LENROOT. Certainly.

Mr. CARAWAY. First:

That the general expenses of the District of Columbia shall be chargeable to and paid out of the Treasury of the United States.

Then strike out all the remainder of the bill and insert:

SEC. 2. The rate of taxation in the District of Columbia shall be fair and reasonable, and the revenues thus derived shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 3. Until otherwise provided by law, the rate of taxation shall be as now provided.

That would be the way the bill would read.

Mr. GLASS. That would not increase the sources of taxation in any respect. What is to become of the personal property and securities now exempt? What is to become of the objection raised by the Senator from Wisconsin that there is no local income tax and no inheritance tax?

Mr. CARAWAY. That would all be a question for Congress. If it proceeded to fix the rates of taxation, all those questions would be taken care of. I think, myself, the Senator from Wisconsin is entirely correct in saying that we ought to have an inheritance tax and an income tax in the District of Columbia, as they have in Virginia, and it merely fixes a workable basis until Congress shall have disposed of the question.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LENROOT. I yield.

Mr. KING. It seems to me, from the questions propounded by the Senator from Virginia, as well as the general discussion, that this bill is premature, as well as being exceedingly

imperfect. It establishes no principle. It does not determine the character of taxation. It does not determine whether we shall have an income tax or an estate tax, or what not. It leaves those questions for future determination. It merely provides that the District shall only pay 50 per cent of the burdens of running the District of Columbia, and then it leaves it for future legislation to determine how the taxes which the District shall pay are to be raised.

It does seem to me that we ought to pass a comprehensive taxation bill, providing a reasonable inheritance tax or estate tax, a reasonable income tax, and a fair and just method of assessing the value of property in the District, and fixing a reasonable rate, such as obtains in progressive cities of the United States which receive such advantages, or approximately the advantages, because none receive as great as are enjoyed by the inhabitants of this District; and then provide that after assessing the property along those lines, and obtaining that amount of revenue, whatever deficit results the Treasury of the United States shall be called upon to meet.

Mr. LENROOT. Mr. President, I agree with the Senator from Utah, and if this bill does not pass the Senate, I am very confident that the committee will take this matter in charge, and, I hope, will present to the Senate a comprehensive bill, based upon some sound principles, which this bill clearly is not.

I call attention to another feature with reference to taxation, what is known as the Borland Act, which passed a few years ago, assessing to the abutting property part of the cost of paving and street improvements. There is very great opposition to that here in the District of Columbia. Citizens' asssociations are passing resolutions for the repeal of it. Under it the taxpayer in Washington is compelled to pay 50 per cent of the cost of the paving upon half of the street abutting his property. They are objecting to that.

In the city of Superior, where I live, we pay every dollar of the cost of such improvements under what are known as special assessments, and nearly every State of the Union imposes upon the abutting owner every dollar of such cost, and that is reflected, I say to the Senator from Washington, in the rate of taxation here, while it is excluded in all the rates you get from other cities, because it is not included in the general tax rate at all. That is another advantage citizens here have. Yet they are trying to accomplish the repeal of that act.

The only possible thing which can be urged against the proposition which I have made, that a fair rate should be imposed upon the District and that Congress should make up the difference, whatever it is, is that stated by the Senator from Kansas, that under such a system Congress will not appropriate the moneys which ought to be appropriated to make Washington what it ought to be.

If that is true, it will be the fault of his own committee, because the Senate will pass, as the Senate has passed ever since I have been a Member of this body, anything for the District of Columbia which the Committee on Appropriations is willing to give to them, and I believe that in all time to come Senators and Members of the House will have such pride in the city of Washington that they will be much freer to vote whatever ought to be voted out of the Treasury of the United States when they feel that the citizens are paying their fair share than a share, under this present system, which is so unsatisfactory to so large a percentage of the House and of the Senate.

I believe that in the interest of the District itself, in the interest of the two Houses getting together, this bill should not pass. If it does pass, in my judgment it will only increase the distance between the two Houses; it will only accentuate the differences between them. I am satisfied that the House will never agree to this 50-50 proposition, and to pass it now, in the face of the agreement which has been made for this current year, I say to the Senator from Washington [Mr. JONES] and the Senator from Kansas [Mr. CURTIS], both of them on the Appropriations Committee, that if this is passed it will cause trouble, in my judgment, in the next appropriation bill, and they will not get any further in what they seek to accomplish than if the bill is killed, as I think it ought to be.

Mr. KING. Mr. President, in view of the discussion which has taken place, I feel sure that Senators desire further time to consider this measure, and I believe that the District Committee will be glad to consider it further. I therefore move that the bill be recommitted to the District Committee.

Mr. JONES of Washington. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. BALL], who is necessarily absent. I transfer that pair to the Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. GLASS (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. TRAMMELL (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Arizona [Mr. ASHURST] and vote "yea."

Mr. WARREN (when his name was called). I inquire if the Senator from North Carolina [Mr. OVERMAN] has voted.

The VICE PRESIDENT. That Senator has not voted.

Mr. WARREN. I have a pair with that Senator, which I transfer to the Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

The roll call was concluded.

Mr. FERNALD. I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair to the junior Senator from Arizona [Mr. CAMERON] and vote "nay."

Mr. KELLOGG. I transfer my pair with the senior Senator from North Carolina [Mr. SIMMONS] to the junior Senator from Indiana [Mr. NEW] and vote "nay."

Mr. TRAMMELL. I desire to announce the temporary absence of the Senator from North Carolina [Mr. OVERMAN] on official business.

Mr. KING (after having voted in the affirmative). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and allow my vote to stand.

Mr. KENDRICK. I have a general pair with the senior Senator from Illinois [Mr. MCCORMICK], which I transfer to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. JONES of Washington (after having voted in the negative). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent. I agreed to take care of him during that absence with a pair. I find I can transfer that pair, however, to the junior Senator from Missouri [Mr. SPENCER], which I do, and allow my vote to stand.

Mr. CURTIS. I desire to announce that the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. MCLEAN], the Senator from Indiana [Mr. WATSON], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Massachusetts [Mr. WALSH] are detained from the Senate in attendance upon a meeting of the Committee on Finance.

I desire also to announce the following pairs:

The junior Senator from Delaware [Mr. DU PONT] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Massachusetts [Mr. LODGE] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Nevada [Mr. ODDIE] with the Senator from Ohio [Mr. POMERENE];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Maryland [Mr. WELLER] with the Senator from Louisiana [Mr. BROUSSARD].

The result was announced—yeas 17, nays 26, as follows:

AYES—17.

Caraway	King	Robinson	Trammell
Dial	La Follette	Shields	Willis
Harris	Lenroot	Smith	
Harrison	McKellar	Stanfield	
Heflin	McNary	Sutherland	

NAYS—26.

Bursum	Fletcher	McKinley	Sheppard
Calder	France	Moses	Sterling
Capper	Hale	Nicholson	Townsend
Curtis	Jones, Wash.	Page	Wadsworth
Elkins	Kellogg	Phipps	Warren
Ernst	Kendrick	Pittman	
Fernald	Keyes	Poindexter	

NOT VOTING—53.

Ashurst	Cummins	Hitchcock	Myers
Ball	Dillingham	Johnson	Nelson
Borah	du Pont	Jones, N. Mex.	New
Brandegee	Edge	Kenyon	Newberry
Broussard	Frelinghuysen	Ladd	Norbeck
Cameron	Gerry	Lodge	Norris
Colt	Glass	McCormick	Oddie
Crow	Gooding	McCumber	Overman
Culberson	Harreld	McLean	Owen

Penrose	Simmons	Underwood	Weller
Pomerene	Smoot	Walsh, Mass.	Williams
Ransdell	Spencer	Walsh, Mont.	
Reed	Stanley	Watson, Ga.	
Shortridge	Swanson	Watson, Ind.	

The VICE PRESIDENT. A quorum has not voted.

Mr. KING. I move that the Senate adjourn.

The motion was rejected.

The VICE PRESIDENT. The Secretary will call the roll to develop the presence of a quorum.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Bursum	Harrison	McKinley	Shields
Calder	Heflin	McNary	Smith
Capper	Jones, Wash.	Moses	Stanfield
Caraway	Kellogg	Nicholson	Sterling
Curtis	Kendrick	Norris	Sutherland
Dial	Kenyon	Page	Townsend
Elkins	Keyes	Phipps	Trammell
Ernst	Ladd	Pittman	Wadsworth
Fernald	La Follette	Poindexter	Walsh, Mass.
Fletcher	Lenroot	Robinson	Watson, Ga.
Harris	McKellar	Sheppard	Willis

Mr. TRAMMELL. I desire to announce the temporary absence from the Chamber of the Senator from North Carolina [Mr. OVERMAN] on official business.

Mr. WALSH of Massachusetts. I desire to announce the absence of the Senator from Rhode Island [Mr. GERRY] on account of illness.

The VICE PRESIDENT. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Senators.

The Assistant Secretary called the names of the absent Senators, and Mr. KING, Mr. MYERS, and Mr. SMOOT answered to their names when called.

Mr. WARREN, Mr. GLASS, Mr. FRANCE, and Mr. HALE entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-one Senators have answered to their names. A quorum is present.

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. JONES of Washington. Mr. President, I wish to make a parliamentary inquiry. As I understand, if the Senate goes into executive session now, the bill which has just been under consideration will remain the unfinished business?

The VICE PRESIDENT. It will.

Mr. JONES of Washington. Very well.

Mr. CALDER. Mr. President, pending the motion of the Senator from Kansas, I desire to ask the Senator if he will yield to me to report a resolution and two bills, for the consideration of which I desire to ask unanimous consent.

Mr. CURTIS. I yield to the Senator for that purpose.

Mr. JONES of Washington. I shall make no objection, with the understanding that the pending bill will not be displaced. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the unfinished business will be temporarily laid aside.

ADDITIONAL CLERK OF COMMITTEE ON MILITARY AFFAIRS.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate resolution 184, and I ask unanimous consent for its immediate consideration.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Military Affairs be, and it is hereby, authorized to employ an additional clerk at the rate of $1,600 per annum, to be paid out of the miscellaneous items of the contingent fund of the Senate, during the second session of the Sixty-seventh Congress.

ESCAMBIA RIVER BRIDGE, FLORIDA.

Mr. CALDER. From the Committee on Commerce I report back favorably with amendments the bill (S. 2790) to authorize the boards of county commissioners, Escambia and Santa Rosa Counties, Fla., their successors and assigns, to construct a bridge across the Escambia River, Fla., at or near Century, Fla., approximately 38 miles from the mouth of this river, and I submit a report (No. 355) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendments of the Committee on Commerce were, on page 1, line 3, before the name "Escambia," to insert "of"; in line 7, after the name "Escambia River," to strike out "Florida, at or near Century, Fla., approximately 38 miles from the mouth of this river, at a point suitable to the interest of navigation, one end of said bridge to be in the county of Escambia, Fla., and the other in the county of Santa Rosa, Fla.," and to insert "at a point suitable to the interests of navigation, between said counties, and at or near Century, Fla."; and in line 12, before the word "act," to strike out "an" and to insert "the," so as to make the bill read:

Be it enacted, etc., That the boards of the county commissioners of Escambia and Santa Rosa Counties, Fla., their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Escambia River at a point suitable to the interests of navigation, between said counties, and at or near Century, Fla., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the boards of county commissioners of Escambia and Santa Rosa Counties, Fla., to construct a bridge across the Escambia River, at or near Century, Fla."

COLUMBIA RIVER BRIDGE, OREGON AND WASHINGTON.

Mr. CALDER. From the Committee on Commerce I also report back favorably with amendments the bill (S. 2776) to authorize the construction of a toll bridge over the Columbia River, at a point approximately 5 miles upstream from Dalles City, Wasco County, in the State of Oregon, to a point on the opposite shore, in the State of Washington, and I submit a report (No. 354) thereon. I ask unanimous consent for immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendments of the Committee on Commerce were, on page 1, line 6, before the word "bridge," to strike out "toll"; in line 8, after the word "navigation," to strike out "of said river, the bridge to be located at"; in line 11, after the word "meridian," to strike out "in Oregon"; on page 2, line 4, after the numerals "1906," to strike out "(Thirty-fourth Statutes at Large, page 84)"; so as to make the bill read:

Be it enacted, etc., That The Dalles Oregon-Washington Toll Bridge Co., a corporation of the State of Oregon, its successors and assigns, be, and they are hereby, authorized jointly or separately to construct, maintain, and operate a bridge and approaches thereto over the Columbia River at a point suitable to the interests of navigation, approximately in either section 20 or 29, township 2 north of range 14 east, Willamette meridian, and from the point of beginning on the Oregon shore of said river, thence running in a northerly direction to a suitable landing in the State of Washington and on the Washington side of said Columbia River, and all in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the construction of a bridge over the Columbia River at a point approximately 5 miles upstream from Dalles City, Wasco County, in the State of Oregon, to a point on the opposite shore of the State of Washington."

EMPLOYMENT OF ATTORNEYS BY ALIEN PROPERTY CUSTODIAN.

Mr. KING. I submit a resolution which I ask may be read and lie on the table.

The resolution (S. Res. 191) was read and ordered to lie on the table as follows:

Resolved, That the Alien Property Custodian is directed to report to the Senate the names of all attorneys who have been appointed or employed by the Alien Property Custodian and the compensation which has been allowed to each, and the character of services performed by each; the names of all attorneys, directors, supervisors, managers, auditors or other agents appointed by the Alien Property Custodian to take care of or to have the administration of property under the control of the Alien Property Custodian, with the compensation paid to each or to be paid to each by the Alien Property Custodian or out of the trusts or trust funds in his custody; the names of all attorneys appointed or employed by corporations, agents or individuals who have been or are acting as administrators or caretakers of property for the Alien Property Custodian and the compensation paid to or to be paid to each; the names of all attorneys who have represented or who now represent claimants to property under the control of the Alien Property Custodian; the names of all attorneys who have represented claimants to whom property has been returned under section 8 of the trading with the enemy act and the compensation allowed each of such attorneys out of the trust or trust funds subject to such claims; a statement and description of all property sold by the Alien Property Custodian with the names of the corporations or persons to whom sold, and the amount received therefor; and a statement and description

of all property seized or demanded by the Alien Property Custodian since the passage of the resolution declaring a state of peace to exist with Germany, Austria, and Hungary.

EXECUTIVE SESSION.

Mr. CURTIS. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened; and (at 4 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 14, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 13, 1921.

MEMBER OF THE FEDERAL TRADE COMMISSION.

George W. Upton, of Ohio, to be a member of the Federal Trade Commission, for a term of seven years, vice John Garland Pollard, term expired.

COLLECTOR OF CUSTOMS.

George V. Denny, of Savannah, Ga., to be collector of customs for customs collection district No. 17, with headquarters at Savannah, Ga., in place of David C. Barrow, jr.

COLLECTOR OF INTERNAL REVENUE.

Carl F. Routzahn, of Mansfield, Ohio, to be collector of internal revenue for the eighteenth district of Ohio, in place of Harry H. Weiss.

JUDGES OF CIRCUIT COURT OF HAWAII.

Frank Andrade, of Hawaii, to be first judge of the Circuit Court, First Circuit of Hawaii, vice Cornell S. Franklin, resigned, effective December 11, 1921.

John R. Desha, of Hawaii, to be fourth judge of the Circuit Court, First Circuit of Hawaii. (Additional position.)

UNITED STATES MARSHAL.

James H. Mulheron, of New Jersey, to be United States marshal, district of New Jersey, vice Albert Bollschweiler, resigned, effective January 13, 1922.

RECEIVERS OF PUBLIC MONEYS.

George J. Reiley, of Baton Rouge, La., to be receiver of public moneys at Baton Rouge, La., vice William W. Ventress, deceased.

Edward P. Gorman, of Wausau, Wis., to be receiver of public moneys at Wausau, Wis., vice Kurt A. Beyreis, resigned.

REGISTERS OF THE LAND OFFICE.

George C. Davenport, of Bozeman, Mont., to be register of the land office at Bozeman, Mont., vice Fletcher W. Appleton, term expired.

Emery Edwin Fleming, of Forsyth, Mont., to be register of the land office at Billings, Mont., vice Frank T. Woods, whose term will expire January 23, 1922.

JUNIOR HYDROGRAPHIC AND GEODETIC ENGINEER.

Joseph Murray Smook, of New York, to be junior hydrographic and geodetic engineer, with relative rank of lieutenant (junior grade) in the Navy, by promotion from aid, with relative rank of ensign in the Navy, in the United States Coast and Geodetic Survey, in the Department of Commerce, vice Leo C. Dyke, promoted.

PROMOTIONS IN THE REGULAR ARMY.

To be colonel.

Lieut. Col. Laurence Halstead, Infantry, from November 26, 1921.

To be lieutenant colonels.

Maj. Robert John Binford, Infantry, from December 16, 1920.

Maj. John Augustus Brockman, Infantry, from December 19, 1920.

Maj. Charles Conaway Burt, Coast Artillery Corps, from December 21, 1920.

Maj. Sheldon Webb Anding, Infantry, from December 22, 1920.

Maj. William Gaither Murchison, Infantry, from December 23, 1920.

Maj. Joseph Howard Barnard, Quartermaster Corps, from December 27, 1920.

Maj. Rodman Butler, Quartermaster Corps, from January 6, 1921.

Maj. Howard Stanley Miller, Coast Artillery Corps, from January 19, 1921.

Maj. Clarence Lininger, Cavalry, from January 26, 1921.

Maj. Edward Murray Offley, Cavalry, from January 28, 1921.

Maj. John Cocke, Cavalry, from January 29, 1921.

Maj. William Henry Menges, Finance Department, from February 1, 1921.

Maj. Ronald Earle Fisher, Cavalry, from February 2, 1921.

Maj. Thomas Watson Brown, Infantry, from February 8, 1921.

Maj. Otis Robert Cole, Infantry, from February 10, 1921.

Maj. Charles Emery Hathaway, Cavalry, from February 11, 1921.

Maj. Joseph Victor Kuznik, Cavalry, from February 26, 1921.

Maj. Edward Raymond Coppock, Cavalry, from February 27, 1921.

Maj. Shelby Carl Leasure, Infantry, from March 4, 1921.

Maj. Peter John Hennessey, Cavalry, from March 12, 1921.

Maj. Kenyon Ashe Joyce, Cavalry, from March 16, 1921.

Maj. Francis Joseph Behr, Coast Artillery Corps, from March 18, 1921.

Maj. Fred Hays Turner, Infantry, from March 19, 1921.

Maj. Howard Carlyle Tatum, Cavalry, from March 24, 1921.

Maj. Arthur George Fisher, Cavalry, from April 23, 1921.

Maj. John Pope McAdams, Infantry, from April 27, 1921.

Maj. Thomas Hood Cunningham, Cavalry, from April 28, 1921.

Maj. John Robert Musgrave, Coast Artillery Corps, from April 29, 1921.

Maj. Ralph Middleton Parker, Cavalry, from May 9, 1921.

Maj. Pat M. Stevens, Infantry, from May 10, 1921.

Maj. George Steele Gillis, Quartermaster Corps, from May 11, 1921.

Maj. John Joshua Fulmer, Infantry, from May 29, 1921.

Maj. Joseph Irving McMullen, Judge Advocate General's Department, from June 17, 1921.

Maj. Matt Combes Bristol, Finance Department, from June 17, 1921.

Maj. Francis Cassius Endicott, Infantry, from June 18, 1921.

Maj. Thomas Pitcher Bernard, Cavalry, from June 21, 1921.

Maj. Daniel D. Tompkins, Cavalry, from July 1, 1921.

Maj. Clarence Anderson Dougherty, Cavalry, from July 1, 1921.

Maj. Henry Hossfeld, Infantry, from July 1, 1921.

Maj. Isaac Samuel Martin, Cavalry, from July 2, 1921.

Maj. Channing Edmonds Delaplane, Infantry, from July 15, 1921.

Maj. Laurance Oldham Mathews, Quartermaster Corps, from July 17, 1921.

Maj. George R. Somerville, Cavalry, from July 23, 1921.

Maj. Seth William Cook, Air Service, from August 11, 1921.

Maj. Milton Garfield Holliday, Quartermaster Corps, from September 10, 1921.

Maj. Robert Rogers Love, Cavalry, from September 24, 1921.

Maj. Thorne Strayer, Infantry, from October 10, 1921.

Maj. Francis Buck Eastman, Infantry, from October 15, 1921.

Maj. Robert Gaither Caldwell, Infantry, from October 26, 1921.

Maj. Hugh Almer Parker, Infantry, from October 26, 1921.

Maj. Charles Wesley Tillotson, Infantry, from November 2, 1921.

Maj. Will Dunbar Wills, Infantry, from November 2, 1921.

Maj. Ira Austin Smith, Infantry, from November 5, 1921.

Maj. William James Davis, Infantry, from November 7, 1921.

Maj. John Fleming Clapham, Infantry, from November 26, 1921.

To be majors.

Capt. Eugene Owen Hopkins, Finance Department, from December 16, 1920.

Capt. Elmer Ellsworth Lockard, Finance Department, from December 16, 1920.

Capt. Dana Woods Morey, Finance Department, from December 17, 1920.

Capt. Selden Brooke Armat, Finance Department, from December 19, 1920.

Capt. George Zinn Eckels, Finance Department, from December 21, 1920.

Capt. Jerome Clark, Finance Department, from December 21, 1920.

Capt. Louis Maloney Thibadeau, Finance Department, from December 21, 1920.

Capt. Frank B. Shelly, Finance Department, from December 22, 1920.

Capt. Clarence Maynard Exley, Finance Department, from December 23, 1920.

Capt. Otto Wilhelm Cralund, Finance Department, from December 27, 1920.

Capt. Horace Grattan Foster, Finance Department, from December 28, 1920.

Capt. James MacKay, Finance Department, from December 31, 1920.

Capt. Thomas Scott Pugh, Finance Department, from January 1, 1921.
Capt. Stephen Roscoe Beard, Finance Department, from January 5, 1921.
Capt. George Nicoll Watson, Finance Department, from January 6, 1921.
Capt. Guy Russell Doane, Finance Department, from January 7, 1921.
Capt. Emmet Crawford Morton, Finance Department, from January 13, 1921.
Capt. Harold George Salmon, Finance Department, from January 14, 1921.
Capt. Ed Norment Enders, Finance Department, from January 19, 1921.
Capt. Archie Henry Willis, Finance Department, from January 20, 1921.
Capt. Edward Tiffin Comegys, Finance Department, from January 21, 1921.
Capt. Harrison Willard Smith, Quartermaster Corps, from January 26, 1921.
Capt. Horace Grant Rice, Finance Department, from January 27, 1921.
Capt. Charles Russell Insley, Quartermaster Corps, from January 27, 1921.
Capt. Ernest Palmer Hoff, Finance Department, from January 27, 1921.
Capt. Wilhelm P. A. T. von Hartung, Finance Department, from January 27, 1921.
Capt. Montgomery Taft Legg, Finance Department, from January 28, 1921.
Capt. James Asa Marmon, Finance Department, from January 28, 1921.
Capt. Walter Davis Dabney, Finance Department, from January 29, 1921.
Capt. Percy Gabriel Hoyt, Finance Department, from January 29, 1921.
Capt. William James Lisle, Finance Department, from January 30, 1921.
Capt. William Alexander MacNicholl, Finance Department, from February 1, 1921.
Capt. Carl Halla, Finance Department, from February 1, 1921.
Capt. Charles Franklin Eddy, Finance Department, from February 1, 1921.
Capt. William Maynard Dixon, Finance Department, from February 1, 1921.
Capt. Richard Le Roy Cave, Finance Department, from February 2, 1921.
Capt. Alfred James Maxwell, Finance Department, from February 2, 1921.
Capt. Orva Earl Beezley, Finance Department, from February 2, 1921.
Capt. Frank Elmer Parker, Finance Department, from February 4, 1921.
Capt. Edwin Fairbrother Ely, Finance Department, from February 8, 1921.
Capt. Raymond George Moses, Corps of Engineers, from February 9, 1921.
Capt. Wilhelm Delp Styer, Corps of Engineers, from February 10, 1921.
Capt. Charles Holmes Cunningham, Corps of Engineers, from February 10, 1921.
Capt. Dwight Frederick Johns, Corps of Engineers, from February 11, 1921.
Capt. William Arthur Snow, Corps of Engineers, from February 16, 1921.
Capt. Thomas Dewees Finley, Infantry, from February 16, 1921.
Capt. Elroy Sandy Jackson Irvine, Corps of Engineers, from February 26, 1921.
Capt. Stanley Eric Reinhart, Field Artillery, from February 27, 1921.
Capt. Notley Young Du Hamel, Corps of Engineers, from February 27, 1921.
Capt. Wilburn Henry Henderson, Corps of Engineers, from February 27, 1921.
Capt. Robert George Guyer, Corps of Engineers, from March 2, 1921.
Capt. Dean Hudnutt, Field Artillery, from March 4, 1921.
Capt. Louis Emerson Hibbs, Field Artillery, from March 4, 1921.
Capt. Robert Allen Sharrer, Corps of Engineers, from March 12, 1921.
Capt. Ludson Dixon Worsham, Corps of Engineers, from March 13, 1921.
Capt. Edward Goring Bliss, Corps of Engineers, from March 16, 1921.
Capt. Horace Logan McBride, Field Artillery, from March 18, 1921.
Capt. Ralph Gillett Barrows, Corps of Engineers, from March 18, 1921.
Capt. Holland Luley Robb, Corps of Engineers, from March 18, 1921.
Capt. Hamilton Ewing Maguire, Field Artillery, from March 19, 1921.
Capt. Ray Corrigan Rutherford, Field Artillery, from March 24, 1921.
Capt. Frederick Walker Bonfils, Corps of Engineers, from March 29, 1921.
Capt. Robert Reese Neyland, jr., Corps of Engineers, from April 12, 1921.
Capt. William Morris Hoge, jr., Corps of Engineers, from April 23, 1921.
Capt. William Roscoe Woodward, Field Artillery, from April 27, 1921.
Capt. Stanley Lonzo Scott, Corps of Engineers, from April 27, 1921.
Capt. Tattnall Daniell Simkins, Corps of Engineers, from April 27, 1921.
Capt. Henry Crampton Jones, Field Artillery, from April 27, 1921.
Capt. Leslie Thomas Saul, Infantry, from April 27, 1921.
Capt. Carl Lee Marriott, Coast Artillery Corps, from April 27, 1921.
Capt. James Arthur Pickering, Field Artillery, from April 27, 1921.
Capt. James Knox Cockrell, Cavalry, from April 27, 1921.
Capt. Hugh Allen Ramsey, Coast Artillery Corps, from April 27, 1921.
Capt. William Spence, Field Artillery, from April 27, 1921.
Capt. John White Rafferty, Field Artillery, from April 27, 1921.
Capt. Willis McDonald Chapin, Coast Artillery Corps, from April 27, 1921.
Capt. Fred Beeler Inglis, Field Artillery, from April 28, 1921.
Capt. Robert Bruce McBride, jr., Field Artillery, from April 29, 1921.
Capt. Paul Vincent Kane, Field Artillery, from May 9, 1921.
Capt. De Rosey Carroll Cabell, jr., Ordnance Department, from May 9, 1921.
Capt. Ralph Irvine Sasse, Cavalry, from May 9, 1921.
Capt. William Ewen Shipp, Cavalry, from May 9, 1921.
Capt. Carl Smith Doney, Coast Artillery Corps, from May 9, 1921.
Capt. William Hisatt Cureton, Field Artillery, from May 9, 1921.
Capt. Fay Brink Prickett, Field Artillery, from May 9, 1921.
Capt. Calvin De Witt, jr., Cavalry, from May 10, 1921.
Capt. James Mitchell Crane, Field Artillery, from May 10, 1921.
Capt. Lucien Samuel Spicer Berry, Cavalry, from May 10, 1921.
Capt. Victor William Beck Wales, Cavalry, from May 11, 1921.
Capt. William Earl Chambers, Infantry, from May 11, 1921.
Capt. Joseph Merit Tully, Cavalry, from June 18, 1921.
Capt. James de Barth Walbach, Coast Artillery Corps, from June 19, 1921.
Capt. Warner William Carr, Infantry, from June 21, 1921.
Capt. Hugh Mitchell, Signal Corps, from July 1, 1921.
Capt. Robert LeGrow Walsh, Air Service, from July 1, 1921.
Capt. Richard Mar Levy, Coast Artillery Corps, from July 1, 1921.
Capt. Thomas Lyle Martin, Infantry, from July 2, 1921.
Capt. Geoffrey Prescott Baldwin, Infantry, from July 3, 1921.
Capt. John Bennington Bennet, Infantry, from July 14, 1921.
Capt. Clarence Scott Maulsby, Cavalry, from July 15, 1921.
Capt. Kenneth Macomb Halpine, Infantry, from July 17, 1921.
Capt. George Sidney Andrew, Cavalry, from July 29, 1921.
Capt. Roland Paget Shugg, Field Artillery, from August 2, 1921.

To be captains.

First Lieut. Hugh Whitt, Quartermaster Corps, from December 16, 1920.
First Lieut. Edward Hayward Raymond, Corps of Engineers, from December 16, 1920.
First Lieut. Charles Frederick Wilson, Quartermaster Corps, from December 17, 1920.
First Lieut. Fred William Crisp, Coast Artillery Corps, from December 19, 1920.

First Lieut. Ray Aloysious Dunn, Air Service, from December 21, 1920.
First Lieut. Irwin Wilson Guth, Quartermaster Corps, from December 21, 1920.
First Lieut. Crawford McMann Kellogg, Chemical Warfare Service, from December 21, 1920.
First Lieut. William Frank Johnson, Infantry, from December 21, 1920.
First Lieut. Frank Dennison Wheeler, Quartermaster Corps, from December 22, 1920.
First Lieut. Herbert Allen Gardner, Quartermaster Corps, from December 23, 1920.
First Lieut. Fred Place, Air Service, from December 24, 1920.
First Lieut. Albert Lobitz, Quartermaster Corps, from December 25, 1920.
First Lieut. Birnie Lee Brunson, Finance Department, from December 25, 1920.
First Lieut. Simon Jacobson, Quartermaster Corps, from December 27, 1920.
First Lieut. Edward William Lachmiller, Quartermaster Corps, from December 28, 1920.
First Lieut. Talmage Phillips, Quartermaster Corps, from December 29, 1920.
First Lieut. John Paul Tillman, Quartermaster Corps, from December 30, 1920.
First Lieut. George Wilbur McEntire, Air Service, from December 31, 1920, subject to examination required by law.
First Lieut. John Newport Greene, Cavalry, from January 1, 1921.
First Lieut. Frank Arthur Mertz, Quartermaster Corps, January 1, 1921, subject to examination required by law.
First Lieut. William McKee Dunn, Field Artillery, from January 5, 1921.
First Lieut. Asa Jeremiah Etheridge, Air Service, from January 6, 1921.
First Lieut. Earl Spiker Schofield, Air Service, from January 7, 1921.
First Lieut. Henry James Conner, Quartermaster Corps, from January 13, 1921.
First Lieut. Arthur Emel Simonin, Air Service, from January 14, 1921.
First Lieut. Frank O'Driscoll Hunter, Air Service, from January 17, 1921.
First Lieut. Royal Barton Libby, Ordnance Department, from January 19, 1921.
First Lieut. Harold Huston George, Air Service, from January 20, 1921.
First Lieut. Alden Harry Waitt, Chemical Warfare Service, from January 21, 1921.
First Lieut. Sterling Clifton Robertson, Infantry, from January 24, 1921.
First Lieut. Charles Walton Cameron, Quartermaster Corps, from January 26, 1921.
First Lieut. Arthur Edwin Danielson, Quartermaster Corps, from January 27, 1921.
First Lieut. George Beatty Patterson, Air Service, from January 27, 1921.
First Lieut. Paul Lindsay Beard, Quartermaster Corps, from January 27, 1921.
First Lieut. Joseph Lawrence Aman, Ordnance Department, from January 27, 1921.
First Lieut. Walter Jay Reed, Air Service, from January 28, 1921.
First Lieut. St. Clair Streett, Air Service, from January 28, 1921.
First Lieut. Ranald Trevor Adams, Infantry, from January 28, 1921.
First Lieut. Andrew Jackson Nichols, Infantry, from January 29, 1921.
First Lieut. Archie Donald Cameron, Infantry, from January 29, 1921.
First Lieut. John Conrad Christophel, Quartermaster Corps, from January 30, 1921.
First Lieut. Malcolm Douglas Grimes, Quartermaster Corps, from February 1, 1921.
First Lieut. Roger Shaw McCullough, Air Service, from January 1, 1921, subject to examination required by law.
First Lieut. Franklin Overheiser, Quartermaster Corps, from February 1, 1921, subject to examination required by law.
First Lieut. Frank Morell, Quartermaster Corps, from February 1, 1921.
First Lieut. Peter Shemonsky, Quartermaster Corps, from February 2, 1921.
First Lieut. William Hunt Roach, Quartermaster Corps, from February 2, 1921.
First Lieut. Carl Bierwirth Searing, Infantry, from February 2, 1921.
First Lieut. Robert Lake Miller, Quartermaster Corps, from February 3, 1921.
First Lieut. Ralph Eli Fleischer, Quartermaster Corps, from February 4, 1921.
First. Lieut. Robert Oliver White, Quartermaster Corps, from February 4, 1921.
First Lieut. William Foelsing, Quartermaster Corps, from February 8, 1921.
First Lieut. Charles William Dietz, Quartermaster Corps, from February 9, 1921.
First Lieut. Walter Lane Shearman, Quartermaster Corps, from February 9, 1921.
First Lieut. Samuel Howes Baker, Quartermaster Corps, from February 10, 1921.
First Lieut. Elisha Kenneth Henson, Quartermaster Corps, from February 10, 1921.
First Lieut. John Isham Moore, Air Service, from February 11, 1921, subject to examination required by law.
First Lieut. Lloyd Milton Garner, Quartermaster Corps, from February 16, 1921.
First Lieut. John Parr Temple, Air Service, from February 16, 1921.
First Lieut. Vance Lawton Richmond, Infantry, from February 17, 1921.
First Lieut. Earl Trask Loucks, Infantry, from February 22, 1921.
First Lieut. Harris Markham Findlay, Field Artillery, from February 26, 1921.
First Lieut. Alfred Dorrance Cameron, Infantry, from February 26, 1921.
First Lieut. Russell Crayden Winchester, Cavalry, from February 27, 1921.
First Lieut. George Hunter Passmore, Infantry, from February 27, 1921.
First Lieut. James Stevenson Rodwell, Cavalry, from February 27, 1921.
First Lieut. George Orenthus Allen Daughtry, jr., Infantry, from March 1, 1921.
First Lieut. Kirk Broaddus, Cavalry, from March 1, 1921.
First Lieut. Newton Gale Bush, Infantry, from March 2, 1921.
First Lieut. Paolo Hoffoss Sperati, Infantry, from March 3, 1921.
First Lieut. Charles James Schaefer, jr., Coast Artillery Corps, from March 4, 1921.
First Lieut. LeRoy Welling Nichols, Infantry, from March 4, 1921.
First Lieut. Harvey Julius Silvestone, Infantry, from March 4, 1921.
First Lieut. Charles Martin Chamberlain, jr., Infantry, from March 12, 1921.
First Lieut. LeRoy Allen Whittaker, Coast Artillery Corps, from March 12, 1921.
First Lieut. Harry Barnes Sepulveda, Infantry, from March 13, 1921.
First Lieut. Sherman Lawrence Hougen, Infantry, from March 13, 1921.
First Lieut. William Fenton Newton, Infantry, from March 18, 1921.
First Lieut. John Robert Hubbard, Quartermaster Corps, from March 18, 1921.
First Lieut. Robert Gale Breene, Cavalry, from March 18, 1921.
First Lieut. George Abe Woody, Ordnance Department, from March 19, 1921.
First Lieut. Thomas Kenneth Vincent, Ordnance Department, from March 24, 1921.
First Lieut. Talbert Bass Fowler, Infantry, from March 29, 1921.
First Lieut. Samuel Littler Metcalfe, Infantry, from March 29, 1921.
First Lieut. Geoffrey Maurice O'Connell, Coast Artillery Corps, from April 3, 1921.
First Lieut. Frank Wilbur Halsey, Infantry, from April 7, 1921.
First Lieut. Kirby Green, Infantry, from April 9, 1921.
First Lieut. Myron Joseph Conway, Infantry, from April 9, 1921.
First Lieut. Hollis Benjamin Hoyt, Infantry, from April 11, 1921.
First Lieut. George Calvin Tinsley, Air Service, from April 12, 1921.

First Lieut. Arthur Foster Gilmore, Coast Artillery Corps, from April 12, 1921.
First Lieut. Lawrence Walter Marshall, Infantry, from April 13, 1921.
First Lieut. John August Otto, Infantry, from April 13, 1921.
First Lieut. Joseph Burton Sweet, Infantry, from April 13, 1921.
First Lieut. William Quinntullus Jeffords, jr., Coast Artillery Corps, from April 16, 1921.
First Lieut. Robert Chandler Knowlton, Cavalry, from April 17, 1921.
First Lieut. Garland Cuzorte Black, Cavalry, from April 23, 1921.
First Lieut. George Anthony Patrick, Coast Artillery Corps, from April 24, 1921.
First Lieut. Joseph Andral Nichols, Infantry, from April 27, 1921.
First Lieut. Leon Lightner Kotzebue, Infantry, from April 27, 1921.
First Lieut. Walter Christian Thee, Coast Artillery Corps, from April 27, 1921.
First Lieut. Thomas Reed Holmes, Infantry, from April 27, 1921.
First Lieut. Roscoe Irwin McMillan, Infantry, from April 27, 1921.
First Lieut. Nicholas Dodge Woodward, Infantry, from April 27, 1921.
First Lieut. Edgar William King, Coast Artillery Corps, from April 27, 1921.
First Lieut. Riley Edward McGarraugh, Coast Artillery Corps, from April 27, 1921.
First Lieut. Allan Preston Bruner, Coast Artillery Corps, from April 27, 1921.
First Lieut. Egbert Frank Bullene, Cavalry, from April 27, 1921.
First Lieut. Mark Gerald Brislawn, Infantry, from April 27, 1921.
First Lieut. Carleton Burgess, Cavalry, from April 27, 1921.
First Lieut. Arthur Eugene Fox, Field Artillery, from April 27, 1921.
First Lieut. Robert Francis Kelley, Infantry, from April 28, 1921, subject to examination required by law.
First Lieut. Carleton Smith, Infantry, from April 29, 1921.
First Lieut. Hall Conover Gripper, Signal Corps, from April 29, 1921.
First Lieut. LeCount Haynes Slocum, Field Artillery, from April 29, 1921.
First Lieut. Edwin Fry Barry, Ordnance Department, from May 2, 1921.
First Lieut. Hinton Fort Longino, Field Artillery, from May 4, 1921.
First Lieut. Frederick Harry Black, Field Artillery, from May 8, 1921.
First Lieut. Josef Robert Sheerz, Field Artillery, from May 9, 1921.
First Lieut. Warren Slaughter Robinson, Field Artillery, from May 9, 1921.
First Lieut. Charles Paul Cullen, Infantry, from May 9, 1921.
First Lieut. Frederic Arthur Metcalf, Field Artillery, from May 9, 1921.
First Lieut. Harry Emerson Storms, Infantry, from May 9, 1921.
First Lieut. David Dean Barrett, Infantry, from May 9, 1921.
First Lieut. Lawrence James Meyns, Ordnance Department, from May 9, 1921.
First Lieut. Thomas Harry Ramsey, Infantry, from May 10, 1921.
First Lieut. Robert Taft Staples, Field Artillery, from May 10, 1921.
First Lieut. James Cutler Vickery, Ordnance Department, from May 10, 1921.
First Lieut. Leon Dessez, Field Artillery, from May 11, 1921.
First Lieut. Lawrence Iverson, Coast Artillery Corps, from May 11, 1921.
First Lieut. Robert Bruce Jackson, Cavalry, from May 11, 1921.
First Lieut. Archibald Luther Parmelee, Coast Artillery Corps, from May 17, 1921.
First Lieut. Walter Byron Fariss, Infantry, from May 19, 1921.
First Lieut. John Patrick Crehan, Field Artillery, from May 20, 1921.
First Lieut. Clive Andrew Wray, Infantry, from May 21, 1921.
First Lieut. Donald Sutter McConnaughy, Field Artillery, from June 2, 1921.
First Lieut. John Theodore Sunstone, Infantry, from June 2, 1921.
First Lieut. Richard Brownley Gayle, Infantry, from June 7, 1921.
First Lieut. Frederick Webster Deck, Corps of Engineers, from June 18, 1921.
First Lieut. Joseph Houston Payne, Infantry, from June 18, 1921.
First Lieut. Jesse Benjamin Smith, Infantry, from June 19, 1921.
First Lieut. Guy Edward Dillard, Cavalry, from June 19, 1921.
First Lieut. Robert Tappan Chaplin, Coast Artillery Corps, from June 19, 1921.
First Lieut. Raymond Edwin Vermette, Infantry, from June 21, 1921.
First Lieut. Abraham Robert Ginsburgh, Field Artillery, from June 23, 1921.
First Lieut. Elijah Garrett Arnold, Infantry, from June 23, 1921.
First Lieut. Benjamin Witwer Pelton, Infantry, from June 25, 1921.
First Lieut. Henry Carrington Jordan, Infantry, from July 1, 1921.
First Lieut. Robert Elting Woodward, Infantry, from July 1, 1921.
First Lieut. Farlow Burt, Infantry, from July 1, 1921.
First Lieut. Warren Joseph Clear, Infantry, from July 1, 1921, subject to examination required by law.
First Lieut. Arthur Arnold Baker, Infantry, from July 2, 1921.
First Lieut. Joseph Nathan Arthur, Infantry, from July 2, 1921.
First Lieut. Dean Ambrose Jones, Cavalry, from July 3, 1921.
First Lieut. James Henry Howe, Infantry, from July 3, 1921.
First Lieut. Robert Artel Case, Infantry, from July 8, 1921.
First Lieut. John Russell Deane, Infantry, from July 10, 1921.
First Lieut. Richard Zeigler Crane, Ordnance Department, from July 14, 1921.
First Lieut. Paul Carson Febiger, Cavalry, from July 14, 1921.
First Lieut. Hilliard Vincent MacGowan, Infantry, from July 14, 1921.
First Lieut. Norman Bemis Chandler, Infantry, from July 15, 1921.
First Lieut. Richard Ogle Welch, Infantry, from July 17, 1921.
First Lieut. Leslie Walter Jefferson, Coast Artillery Corps, from July 19, 1921.
First Lieut. Dimetrio Peter Harkins, Cavalry, from July 22, 1921.
First Lieut. Bruce Magaw McDill, Cavalry, from July 23, 1921.
First Lieut. James Fairbank Smith, Infantry, from July 23, 1921.
First Lieut. John Reigel Embich, Chemical Warfare Service, from July 29, 1921.
First Lieut. Fred William Koester, Cavalry, from July 31, 1921.
First Lieut. William Neely Todd, jr., Cavalry, from August 2, 1921.
First Lieut. Ellis De Vern Willis, Infantry, from August 2, 1921.
First Lieut. Thomas Reed Taber, Ordnance Department, from August 2, 1921.
First Lieut. Harry William Lins, Coast Artillery Corps, from August 2, 1921.
First Lieut. Edward Brooke Harry, Cavalry, from August 6, 1921.
First Lieut. Harry Lee Franklin, Infantry, from August 9, 1921.
First Lieut. Harold Paul Stewart, Cavalry, from August 10, 1921.

To be first lieutenants with rank from August 5, 1921.

Second Lieut. James Raymond Goodall, Coast Artillery Corps.
Second Lieut. John Kenneth Sells, Cavalry.
Second Lieut. Douglas Cameron, Cavalry.
Second Lieut. Hobert Hayden James, Field Artillery.
Second Lieut. Eleuterio Susi Yanga, Philippine Scouts.
Second Lieut. Donald Raymond West, Quartermaster Corps.
Second Lieut. Edward Lowry Traylor, Infantry.
Second Lieut. Robert Thomas Randel, Infantry.
Second Lieut. John Barry Peirce, Infantry.

Second Lieut. Arthur Jennings Grimes, Infantry.
Second Lieut. Walter Duval Webb, jr., Field Artillery.
Second Lieut. Ernest Starkey Moon, Air Service.

To be first lieutenants with rank from August 4, 1921.

Second Lieut. Charles Emmett Cheever, Quartermaster Corps.
Second Lieut. Paul Gustav Wehle, Air Service.
Second Lieut. Vesper Anderson Schlenker, Field Artillery.
Second Lieut. Harry Meyer, Corps of Engineers.
Second Lieut. Peter Anthony Feringa, Corps of Engineers.
Second Lieut. John Russell Perkins, jr., Field Artillery.
Second Lieut. Warren Catlin Hamill, Infantry.
Second Lieut. Edward Barber, Coast Artillery Corps.
Second Lieut. Edward Hall Walter, Corps of Engineers.
Second Lieut. David Albert Morris, Corps of Engineers.
Second Lieut. Percy Earle Le Stourgeon, Infantry.
Second Lieut. Juan Segundo Moran, Philippine Scouts.
Second Lieut. Paul Cone Parshley, Corps of Engineers.
Second Lieut. Lewis Wellington Call, jr., Coast Artillery Corps.
Second Lieut. Richardson Selee, Corps of Engineers.
Second Lieut. Luis Mobo Alba, Philippine Scouts.
Second Lieut. Don Waters Mayhue, Field Artillery.
Second Lieut. Charles Harold Crim, Coast Artillery Corps.
Second Lieut. John Harry, Field Artillery.
Second Lieut. Harold Oakes Bixby, Coast Artillery Corps.
Second Lieut. John Bruce Medaris, Infantry.
Second Lieut. Ambrose Lawrence Kerrigan, Coast Artillery Corps.
Second Lieut. Charles Ernest McKelvey, Chemical Warfare Service.
Second Lieut. Irvin Albert Robinson, Infantry.
Second Lieut. George Randall Scithers, Field Artillery.
Second Lieut. John Henry Featherston, Coast Artillery Corps.
Second Lieut. Paul Massillion McConihe, Infantry.
Second Lieut. Ralph Roth Wentz, Ordnance Department.
Second Lieut. Daniel Webster Kent, Infantry.
Second Lieut. Michael Henry Zwicker, Coast Artillery Corps.
Second Lieut. Frederic de Lannoy Comfort, Cavalry.
Second Lieut. Charles Andrews Jones, jr., Chemical Warfare Service.
Second Lieut. Cecil Austin Bryan, Infantry.
Second Lieut. William Conrad Jones, Infantry.
Second Lieut. George Marion Davis, Infantry.
Second Lieut. Hubert Stauffer Miller, Infantry.
Second Lieut. Edward Harold Coe, Infantry.
Second Lieut. Allan Eugene Smith, Field Artillery.
Second Lieut. Daniel Burnett Knight, Infantry.
Second Lieut. Paul MacKeen Martin, Cavalry.
Second Lieut. Creswell Garrettson Blakeney, Field Artillery.
Second Lieut. Alfred Griffin Ashcroft, Ordnance Department.
Second Lieut. Louis Jeter Tatom, Signal Corps.
Second Lieut. George Wythe Bott, jr., Ordnance Department.
Second Lieut. Louis Watkins Prentiss, Field Artillery.
Second Lieut. William Edmund Waters, Field Artillery.
Second Lieut. Joseph Kennard Bush, Infantry.
Second Lieut. Orlando Clarendon Mood, Infantry.
Second Lieut. John Oliver Kelly, Coast Artillery Corps.
Second Lieut. Bert Nathan Bryan, Infantry.
Second Lieut. Harvie Rogers Matthews, Infantry.
Second Lieut. Louis Beman Rapp, Cavalry.
Second Lieut. Caryl Rawson Hazeltine, Infantry.
Second Lieut. James Thorburn Cumberpatch, Air Service.
Second Lieut. Edwards Matthews Quigley, Field Artillery.
Second Lieut. Kent Roberts Mullikin, Chemical Warfare Service.
Second Lieut. James Breakenridge Clearwater, Field Artillery.
Second Lieut. Henry Laurance Ingham, Field Artillery.
Second Lieut. Joseph Warren Huntress, Quartermaster Corps.
Second Lieut. Luther Daniel Wallis, Infantry.
Second Lieut. William Daniel Bradshaw, Field Artillery.
Second Lieut. Wesley Tate Guest, Signal Corps.
Second Lieut. Edward Charles Engelhardt, Field Artillery.
Second Lieut. Duncan Philip Frissell, Infantry.
Second Lieut. James Baker Dickson, Air Service.
Second Lieut. Henry Hammond Duval, Coast Artillery Corps.
Second Lieut. Charles Edward Neagle, Coast Artillery Corps.
Second Lieut. Leon Valentine Chaplin, Field Artillery.
Second Lieut. John William Dwyer, Coast Artillery Corps.
Second Lieut. Alfred Vepsala, Field Artillery.
Second Lieut. Samuel Howard Davis, Air Service.
Second Lieut. Joseph Myles Williams, Cavalry.
Second Lieut. Edmund C. Langmead, Air Service.
Second Lieut. Carroll Heiney Deitrick, Ordnance Department.
Second Lieut. Burton Larrabee Pearce, Field Artillery.
Second Lieut. Alan Dean Whittaker, jr., Coast Artillery Corps.
Second Lieut. Lee W. Haney, Infantry.
Second Lieut. Leon Crescencio Reyna, Ordnance Department.
Second Lieut. David William Goodrich, Air Service.
Second Lieut. Franklin Mitchell, Infantry.
Second Lieut. George William White, Infantry.
Second Lieut. Arnold Hoyer Rich, Infantry.
Second Lieut. Philip Fisher Robb, Field Artillery.
Second Lieut. William Hypes Obenour, Field Artillery.
Second Lieut. Wallace Ellsworth Niles, Infantry.
Second Lieut. Lewis Edward Weston Lepper, Field Artillery.
Second Lieut. Edward Harris Barr, Field Artillery.
Second Lieut. Melecio Manuel Santos, Philippine Scouts.
Second Lieut. James Augustus Whelen, jr., Cavalry.
Second Lieut. James Roscoe Hamilton, Infantry.
Second Lieut. Joe Robert Sherr, Signal Corps.
Second Lieut. Harold Goodspeede Laub, Coast Artillery Corps.
Second Lieut. Charles Dawson McAllister, Field Artillery.
Second Lieut. Henry Chester Jones, Infantry.
Second Lieut. Louis Simelson, Infantry.
Second Lieut. Frank Weddall Simpson, Coast Artillery Corps.
Second Lieut. Christopher William Duffy, Infantry.
Second Lieut. Charles Irish Preston, Field Artillery.
Second Lieut. Edward Albert Banning, Infantry.
Second Lieut. Keff Dobbs Barnett, Coast Artillery Corps.
Second Lieut. Louis Leopold Lesser, Field Artillery.
Second Lieut. Walter Francis Jennings, Cavalry.
Second Lieut. Edward Cuyler Applegate, Infantry.
Second Lieut. Henry Louis Love, Field Artillery.
Second Lieut. Fay Warren Lee, Field Artillery.
Second Lieut. Stanley Lane Engle, Infantry.
Second Lieut. Asa Vern Wilder, Coast Artillery Corps.
Second Lieut. Clinton Velony Stevens, Field Artillery.
Second Lieut. Lewis Eugene Snell, Field Artillery.
Second Lieut. Harold Arthur Doherty, Infantry.
Second Lieut. Cranford Coleman Bryan Warden, Infantry.
Second Lieut. William Dawes Williams, Field Artillery.
Second Lieut. William Thomas Semmes Roberts, Infantry.
Second Lieut. McDonald Donegan Weinert, Infantry.
Second Lieut. John Walker Childs, Signal Corps.
Second Lieut. Vincent Joseph Tanzalo, Infantry.
Second Lieut. Carl Emil Hansen, Coast Artillery Corps.
Second Lieut. Charles Donald Clay, Infantry.
Second Lieut. Wilmar Weston Dewitt, Infantry.
Second Lieut. Carl Philip Dowell, Field Artillery.
Second Lieut. Gerald Handley Fitzpatrick, Air Service.
Second Lieut. James Milliken Bevans, Field Artillery.
Second Lieut. Floyd Raymond Brisack, Field Artillery.
Second Lieut. Clarence Everett Jackson, Infantry.
Second Lieut. Edward Joseph Walsh, Infantry.
Second Lieut. Chester Arthur Carlsten, Infantry.
Second Lieut. James Thomas Dismuke, Infantry.
Second Lieut. Russell Harold Swartzwelder, Infantry.
Second Lieut. Hayden Purcell Roberts, Field Artillery.
Second Lieut. Aaron Grayson Dawson, Infantry.
Second Lieut. Alan Sydney Rush, Infantry.
Second Lieut. Thomas Brown Manuel, Infantry.
Second Lieut. Clifford Cleophas Duell, Field Artillery.
Second Lieut. Harry Lynch, Signal Corps.
Second Lieut. Thomas Whitfield Ross, Infantry.
Second Lieut. Lauren Blakely Hitchcock, Field Artillery.
Second Lieut. Thomas Archer Bottomley, Infantry.
Second Lieut. Thomas Williams Williamson, Infantry.
Second Lieut. William Orville Collins, Infantry.
Second Lieut. Frank Thomas Honsinger, Air Service.
Second Lieut. Harry Craven Dayton, Field Artillery.
Second Lieut. William Larwill Carr, Field Artillery.
Second Lieut. Russell George Duff, Field Artillery.
Second Lieut. Raphael Fred Rabold, Air Service.
Second Lieut. Ross Clyde Brackney, Infantry.
Second Lieut. Alfred Clement, jr., Air Service.
Second Lieut. John Randolph Reilly, Infantry.
Second Lieut. Roy Prewett Huff, Field Artillery.
Second Lieut. Herbert John Affleck, Infantry.
Second Lieut. Nicolas Boadilla Dalao, Philippine Scouts.
Second Lieut. Lawrence August Dietz, Infantry.
Second Lieut. Narcisco Lopez Manzano, Philippine Scouts.
Second Lieut. Paul Hanes Kemmer, Air Service.
Second Lieut. Elmo Shingle, Infantry.

To be first lieutenant with rank from September 23, 1921.

Second Lieut. Richard Sears, Field Artillery.

MEDICAL CORPS.

To be captain.

First Lieut. Joseph Aaron Mendelson, Medical Corps, from November 15, 1921.

DENTAL CORPS.

To be captains.

First Lieut. Henry Allen Winslow, Dental Corps, from November 14, 1921.

First Lieut. Ernest Frank Sharp, Dental Corps, from November 17, 1921.

First Lieut. Clarence Roy Benney, Dental Corps, from November 21, 1921.

CHAPLAINS.

To be chaplain with the rank of captain.

Chaplain Ora Jason Cohee, from October 4, 1921.

VETERINARY CORPS.

To be first lieutenant.

Second Lieut. Nathan Menzo Neate, Veterinary Corps, from November 24, 1921.

APPOINTMENTS IN THE REGULAR ARMY.

GENERAL OFFICERS.

Brig. Gen. Harry Foote Hodges to be major general from December 21, 1921, vice Maj. Gen. John F. Morrison, who is to be retired from active service December 20, 1921.

Brig. Gen. Omar Bundy to be major general, vice Maj. Gen. Harry F. Hodges, who will be retired immediately upon confirmation under the act approved March 4, 1915 (Panama Canal act).

Col. Benjamin Andrew Poore, Infantry, to be brigadier general, vice Brig. Gen. Harry F. Hodges, to be appointed major general.

Col. George Van Horn Moseley, Field Artillery, to be brigadier general, vice Brig. Gen. Omar Bundy, to be appointed major general.

INFANTRY.

To be second lieutenant with rank from November 2, 1921.

George Work Marvin, of California.

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY.

ORDNANCE DEPARTMENT.

Capt. Arthur Castle Hawkins, Coast Artillery Corps, November 30, 1921, with rank from July 1, 1920.

Capt. Albert Adkins Hedge, Coast Artillery Corps, December 1, 1921, with rank from July 1, 1920.

CHEMICAL WARFARE SERVICE.

Capt. Julian Conrad Tips, jr., Air Service, November 25, 1921, with rank from July 1, 1920.

Capt. Thomas Joseph Johnston, Coast Artillery Corps, with rank from July 1, 1920.

First Lieut. William James Horrigan, Quartermaster Corps, with rank from July 1, 1920.

CAVALRY.

First Lieut. LeRoy Moore Wightman, Air Service, November 26, 1921, with rank from July 1, 1920.

FIELD ARTILLERY.

Capt. Howard Forrest Long, Cavalry, December 1, 1921, with rank from July 1, 1920.

First Lieut. William McKinley Tonkay, Infantry, November 25, 1921, with rank from July 1, 1920.

First Lieut. William Windom Dixon, Air Service, November 26, 1921, with rank from July 1, 1920.

First Lieut. Raynor Garey, Air Service, with rank from July 1, 1920.

INFANTRY.

First Lieut. Thomas Simons Garrett, Quartermaster Corps, November 26, 1921, with rank from July 1, 1920.

AIR SERVICE.

Lieut. Col. John Hastings Howard, Cavalry, December 1, 1921, with rank from May 26, 1921.

Capt. Samuel Charles Skemp, Cavalry, December 3, 1921, with rank from March 16, 1921.

PROMOTIONS IN THE NAVY.

Commander Edward T. Constien to be a captain in the Navy from the 3d day of June, 1921.

Lieut. Commander David Lyons to be a commander in the Navy from the 1st day of January, 1921.

The following-named lieutenant commanders to be commanders in the Navy from the 3d day of June, 1921:

Byron McCandless.	George C. Pegram.
William E. Eberle.	Theodore G. Ellyson.
John W. Wilcox, jr.	Russell Willson.
Leigh Noyes.	Arthur L. Bristol, jr.

Lieut. Commander Frank J. Fletcher to be a commander in the Navy from the 25th day of June, 1921.

Lieut. Commander Walter F. Jacobs to be a commander in the Navy from the 1st day of July, 1921.

The following-named lieutenants to be lieutenant commanders in the Navy from the 3d day of June, 1921:

Harold T. Smith.	Edmund S. R. Brandt.
Arthur S. Dysart.	Freeland A. Daubin.
Wallace L. Lind.	Virgil J. Dixon.
Charles E. Reordan.	Clifford E. Van Hook.
Mark C. Bowman.	Walter E. Brown.
Charles M. Elder.	Millington B. McComb.
Harry W. Hosford.	Stanley R. Canine.
Melville S. Brown.	Henry B. Cecil.
Benjamin V. McCandlish.	

Lieut. Robert T. Young to be a lieutenant commander in the Navy from the 1st day of July, 1921.

Lieut. (Junior Grade) George E. Maynard to be a lieutenant in the Navy from the 1st day of July, 1920.

Ensign Leonard Doughty, jr., to be a lieutenant (junior grade) in the Navy from the 30th day of March, 1920.

Ensign George E. Maynard to be a lieutenant (junior grade) in the Navy from the 28th day of June, 1920.

The following-named passed assistant surgeons to be surgeons in the Navy with the rank of lieutenant commander from the 11th day of May, 1921:

Harry E. Jenkins.
Stanley D. Hart.
Robert G. Davis.

Asst. Surg. Joseph H. Durrett to be a passed assistant surgeon in the Navy with the rank of lieutenant from the 30th day of January, 1920.

Asst. Surg. William C. Darwin to be a passed assistant surgeon in the Navy with the rank of lieutenant from the 6th day of December, 1920.

Asst. Surg. Paul V. Greedy to be a passed assistant surgeon in the Navy with the rank of lieutenant from the 6th day of June, 1920.

Passed Asst. Dental Surg. James L. Brown to be a dental surgeon in the Navy with the rank of lieutenant commander from the 11th day of May, 1921.

Civil Engineer Reuben E. Bakenhus to be a civil engineer in the Navy with the rank of captain from the 1st day of October, 1921.

POSTMASTERS.

ALABAMA.

William F. Crownover, jr., to be postmaster at Oakman, Ala., in place of V. C. Jones. Incumbent's commission expired July 7, 1920.

Luther E. Huie to be postmaster at Albany, Ala., in place of T. H. Alexander. Incumbent's commission expired March 16, 1921.

Alexander G. Taylor to be postmaster at Silas, Ala. Office became presidential January 1, 1921.

Dona M. Dees to be postmaster at Repton, Ala. Office became presidential January 1, 1921.

Jesse D. Newton to be postmaster at Odenville, Ala. Office became presidential April 1, 1921.

Benjamin F. Beesley to be postmaster at McKenzie, Ala. Office became presidential January 1, 1921.

Leonard E. Blackwell to be postmaster at Deatsville, Ala. Office became presidential April 1, 1921.

Thomas W. Naugher to be postmaster at Chase, Ala. Office became presidential July 1, 1921.

James Alexander to be postmaster at Marion Junction, Ala. Office became presidential April 1, 1921.

Jay K. Siddall to be postmaster at Girard, Ala. Office became presidential January 1, 1921.

James F. Slone, jr., to be postmaster at Cedar Bluff, Ala. Office became presidential April 1, 1921.

ARIZONA.

James L. T. Watters to be postmaster at Duncan, Ariz., in place of John Evans. Incumbent's commission expired January 30, 1921.

ARKANSAS.

James A. Ginocchio to be postmaster at Little Rock, Ark., in place of W. E. Floyd, resigned.

George L. Fink to be postmaster at Newark, Ark., in place of O. F. Craig. Incumbent's commission expired January 31, 1921.

Cary Johnson to be postmaster at Hot Springs, Ark., in place of R. H. Smiley, resigned.

Henry C. Wade to be postmaster at Batesville, Ark., in place of S. W. Deener, resigned.

Perry W. Hampton to be postmaster at Glenwood, Ark., in place of William B. Gould. Incumbent's commission expired January 12, 1921.

John Barnes to be postmaster at Leslie, Ark., in place of G. B. Greenshaw, resigned.

COLORADO.

May D. Thomas to be postmaster at Eagle, Colo., in place of R. T. De Foor, resigned.

Darlie R. Greigg to be postmaster at Greeley, Colo., in place of Hubert Reynolds, resigned.

Charles H. Pollard to be postmaster at Cortez, Colo., in place of Minnie Johnson. Incumbent's commission expired March 29, 1920.

Mary J. Fuller to be postmaster at Two Buttes, Colo. Office became presidential July 1, 1921.

Arthur R. Noll to be postmaster at Eureka, Colo. Office became presidential April 1, 1921.

CONNECTICUT.

Edward H. Bailey to be postmaster at Danbury, Conn., in place of J. E. Cuff. Incumbent's commission expired June 2, 1920.

DELAWARE.

Ralph W. Emerson to be postmaster at Wyoming, Del., in place of J. H. Gooden. Incumbent's commission expired June 27, 1920.

John W. Godwin to be postmaster at Felton, Del., in place of J. G. Jester. Incumbent's commission expired June 27, 1920.

FLORIDA.

Francis C. Leavins to be postmaster at Ponce De Leon, Fla. Office became presidential April 1, 1921.

E. J. Freiwald to be postmaster at Valparaiso, Fla. Office became presidential April 1, 1921.

Thomas J. Bulford to be postmaster at Hilliard, Fla. Office became presidential April 1, 1921.

Mattie D. Perry to be postmaster at Floral City, Fla. Office became presidential April 1, 1921.

William T. Graves to be postmaster at Cottondale, Fla. Office became presidential April 1, 1921.

GEORGIA.

James T. Dampier to be postmaster at Adel, Ga., in place of John W. Wells, resigned.

Claude M. Proctor to be postmaster at Summit, Ga. Office became presidential April 1, 1920.

James M. Wright to be postmaster at Screven, Ga. Office became presidential October 1, 1920.

Noel H. Bragg to be postmaster at Gray, Ga. Office became presidential January 1, 1921.

Joe B. Saunders to be postmaster at Ringgold, Ga., in place of D. A. Trundle, resigned.

Jimmie R. Studstill to be postmaster at Milan, Ga. Office became presidential January 1, 1921.

IDAHO.

Emma C. Weber to be postmaster at Burke, Idaho, in place of G. W. Harris, removed.

Elizabeth Helmer to be postmaster at Bovill, Idaho, in place of R. A. McDonald, resigned.

ILLINOIS.

Bertha M. Smith to be postmaster at Savanna, Ill., in place of F. S. Greenleaf. Incumbent's commission expired January 10, 1920.

Aquilla E. Miller to be postmaster at Salem, Ill., in place of Mollie Webster. Incumbent's commission expired February 7, 1920.

Mary E. Sullivan to be postmaster at Riverside, Ill., in place of M. E. Sullivan. Incumbent's commission expired July 14, 1920.

Benjamin A. Kent to be postmaster at Morrisonville, Ill., in place of D. E. Noonan. Incumbent's commission expired September 7, 1920.

Hugh H. Bolton to be postmaster at Joliet, Ill., in place of J. F. Quinn. Incumbent's commission expired January 10, 1920.

Clarence H. Loveridge to be postmaster at Alexis, Ill., in place of W. M. Humphreys, resigned.

Gilbert R. Huffstodt to be postmaster at Wyanet, Ill., in place of Glenn P. Wyatt, resigned.

Elmer E. Adams to be postmaster at Winnetka, Ill., in place of Arthur M. Kloepfer. Incumbent's commission expired August 17, 1921.

Everett L. Buck to be postmaster at Normal, Ill., in place of George Rankin, removed.

Elza F. Gorrell to be postmaster at Newton, Ill., in place of Elmer E. Burton. Incumbent's commission expired August 6, 1921.

Frank S. Vandersloot to be postmaster at Farmington, Ill., in place of B. J. Ritson, resigned.

Christ H. Staats to be postmaster at Downers Grove, Ill., in place of J. D. Downer. Incumbent's commission expired January 8, 1921.

August Koehne, jr., to be postmaster at Sibley, Ill. Office became presidential January 1, 1921.

Charles A. Pease to be postmaster at Malta, Ill. Office became presidential July 1, 1920.

Henry C. Minton to be postmaster at Alto Pass, Ill. Office became presidential April 1, 1920.

Edwin Temple to be postmaster at Tampico, Ill., in place of J. H. Daley. Incumbent's commission expired June 23, 1920.

Charles S. Russell to be postmaster at Neponset, Ill., in place of M. O. Scott, resigned.

William C. Henley to be postmaster at Nashville, Ill., in place of E. F. Bieser, deceased.

Peter Thomsen to be postmaster at Fulton, Ill., in place of F. K. Bastian. Incumbent's commission expired January 10, 1920.

Emil Straka to be postmaster at Berwyn, Ill., in place of George Petertil. Incumbent's commission expired January 10, 1920.

Albert T. McLane to be postmaster at Arcola, Ill., in place of John McCann, resigned.

Gordon Winks to be postmaster at Alma, Ill. Office became presidential April 1, 1921.

INDIANA.

Ernest G. Meyer to be postmaster at Vincennes, Ind., in place of R. M. Robinson, resigned.

William A. Williams to be postmaster at Rome City, Ind., in place of J. A. Jennings. Incumbent's commission expired December 20, 1920.

Willis D. Handley to be postmaster at Monon, Ind., in place of W. H. Bennett, resigned.

John J. Wood to be postmaster at Hobart, Ind., in place of William Kostbade. Incumbent's commission expired July 21, 1921.

Charles E. Jones to be postmaster at Hazleton, Ind., in place of C. W. Walters. Incumbent's commission expired March 16, 1921.

Leo Yount to be postmaster at Brookston, Ind., in place of J. W. Wright, resigned.

Mary A. Dooley to be postmaster at Montezuma, Ind., in place of W. J. Rierden. Incumbent's commission expired June 1, 1920.

Frank M. Harwood to be postmaster at Lyons, Ind., in place of John Davidson. Incumbent's commission expired July 21, 1921.

George W. Overmeyer to be postmaster at Culver, Ind., in place of S. J. Lenon. Incumbent's commission expired March 16, 1921.

Anton R. Gustafson to be postmaster at Chesterton, Ind., in place of Charles L. Haslet. Incumbent's commission expired July 21, 1921.

Luella W. Geier to be postmaster at Reynolds, Ind. Office became presidential July 1, 1920.

Lillie Robbins to be postmaster at Oolitic, Ind. Office became presidential April 1, 1921.

Walter L. Oster to be postmaster at Georgetown, Ind. Office became presidential July 1, 1920.

Robin H. Heath to be postmaster at Shelburn, Ind., in place of J. W. Payne, removed.

IOWA.

Arty T. Parke to be postmaster at Keswick, Iowa. Office became presidential April 1, 1921.

KANSAS.

Charles A. Connelly to be postmaster at Independence, Kans., in place of J. O. Ferguson. Incumbent's commission expired July 23, 1921.

Frank E. Enlow to be postmaster at Galesburg, Kans., in place of James P. Newman, resigned.

Rose R. Stapleton to be postmaster at Fulton, Kans., in place of Mary E. Shaffer. Incumbent's commission expired July 23, 1921.

Minnie B. Fretz to be postmaster at Canton, Kans., in place of L. D. Cassler. Incumbent's commission expired July 23, 1921.

V. Gladys Reed to be postmaster at Williamsburg, Kans. Office became presidential October 1, 1920.

Essie M. Hosman to be postmaster at Potwin, Kans. Office became presidential July 1, 1920.

Paul H. Quinn to be postmaster at Geuda Springs, Kans. Office became presidential January 1, 1921.

Earl D. Jones to be postmaster at Elbing, Kans. Office became presidential July 1, 1920.

John W. Baker to be postmaster at De Soto, Kans. Office became presidential January 1, 1921.

KENTUCKY.

Joseph R. Kimmel to be postmaster at Drakesboro, Ky. Office became presidential January 1, 1921.

Hebron Lawrence to be postmaster at Tompkinsville, Ky., in place of B. L. Bradshaw. Incumbent's commission expired December 20, 1920.

John P. Balee to be postmaster at Guthrie, Ky., in place of Thomas Mimms. Incumbent's commission expired July 21, 1920.

LOUISIANA.

Bernese S. Marquart to be postmaster at Lake Arthur, La., in place of Clifford C. Anderson, jr., resigned.

Mable B. Leland to be postmaster at Kinder, La., in place of Will A. Steidley. Incumbent's commission expired July 21, 1921.

George A. Rau to be postmaster at Gretna, La., in place of George H. Thoede, resigned.

Leslie M. Hill to be postmaster at Cravens, La. Office became presidential July 1, 1920.

John H. Allen to be postmaster at Plain Dealing, La., in place of J. H. Allen. Incumbent's commission expired March 16, 1921.

Johnnie D. Stagg to be postmaster at Longville, La., in place of H. L. Rhorer, resigned.

Bernard Isaacs to be postmaster at Gueydan, La., in place of C. N. LeBlanc. Incumbent's commission expired April 19, 1921.

Alice I. Redmond to be postmaster at Delhi, La., in place of B. M. Hulse, removed.

MAINE.

Eugene S. Thurston to be postmaster at South West Harbor, Me., in place of W. J. Tower. Incumbent's commission expired December 20, 1920.

Anatole L'Heureux to be postmaster at Chisholm, Me., in place of George F. Treat, resigned.

MASSACHUSETTS.

Henry B. Sampson to be postmaster at South Lancaster, Mass., in place of J. H. Whelan. Incumbent's commission expired May 14, 1921.

John T. Toomey to be postmaster at Oxford, Mass., in place of J. T. Toomey. Incumbent's commission expired September 7, 1920.

MICHIGAN.

Glen H. Doyle to be postmaster at Cedar Springs, Mich., in place of R. C. Blackburn, resigned.

Robert Darnton to be postmaster at Adrian, Mich., in place of M. L. Gillen, resigned.

Platt A. Mumaw to be postmaster at Marshall, Mich., in place of James C. Beckwith, deceased.

George D. Childs to be postmaster at Bay View, Mich., in place of Sara E. C. Irish. Incumbent's commission expired March 16, 1921.

Volney R. Reynolds to be postmaster at Waldron, Mich. Office became presidential July 1, 1920.

George E. Meredith to be postmaster at Minden City, Mich., in place of A. C. Kulish, resigned.

Harold B. Whalley to be postmaster at Kalkaska, Mich., in place of Cornelius Cronin, deceased.

MINNESOTA.

George T. Sands to be postmaster at Alvarado, Minn. Office became presidential October 1, 1920.

Charles H. Huntsberry to be postmaster at Forest Lake, Minn., in place of A. W. Johnson, resigned.

William H. Sturgeon to be postmaster at Canton, Minn., in place of W. H. Sturgeon. Incumbent's commission expired March 16, 1921.

MISSISSIPPI.

Enfield Wharton to be postmaster at Port Gibson, Miss., in place of R. W. Magruder, removed.

Asa A. Edwards to be postmaster at Laurel, Miss., in place of E. G. Harris, resigned.

MISSOURI.

Kate Farmer to be postmaster at Linn Creek, Mo., in place of John A. Farmer. Incumbent's commission expired December 20, 1920.

Thomas O. Spillers to be postmaster at Otterville, Mo. Office became presidential January 1, 1921.

Edwin McKinley to be postmaster at Wheaton, Mo., in place of E. H. Davis, removed.

MONTANA.

Carroll E. Griffin to be postmaster at Glendive, Mont., in place of John F. Butler. Incumbent's commission expired January 11, 1920.

Jesse D. Working to be postmaster at Wilsall, Mont., in place of A. M. Johns. Incumbent's commission expired December 20, 1920.

Edgar P. Mizell to be postmaster at Troy, Mont., in place of Hallie Savage. Incumbent's commission expired March 16, 1921.

Elbert L. Stackhouse to be postmaster at Thompson Falls, Mont., in place of William Moser. Incumbent's commission expired August 3, 1920.

NEBRASKA.

Clarence L. McEntaffer to be postmaster at Emerson, Nebr., in place of William Sweeney, resigned.

Charles C. Wake to be postmaster at St. Edward, Nebr., in place of W. G. Lawrence. Incumbent's commission expired April 24, 1920.

Luther A. Howard to be postmaster at Hyannis, Nebr., in place of Sadie E. Flaherty, resigned.

Charles A. Smiley to be postmaster at Shubert, Nebr. Office became presidential July 1, 1920.

NEW JERSEY.

Christian Kuhlthau to be postmaster at Milltown, N. J., in place of John V. L. Booraem, resigned.

William S. Kershaw to be postmaster at Neshanic Station, N. J., in place of W. R. Huff. Incumbent's commission expired March 16, 1921.

NEW YORK.

Howard Spurr to be postmaster at Red Creek, N. Y., in place of William G. Phippin. Incumbent's commission expired February 3, 1920.

Frank P. Daley to be postmaster at Port Henry, N. Y., in place of George H. Barwise, resigned.

Elmer G. Miller to be postmaster at Phelps, N. Y., in place of George W. Salisbury. Incumbent's commission expired January 18, 1920.

Harland N. Brown to be postmaster at Mayfield, N. Y., in place of Charles L. Graham. Incumbent's commission expired March 16, 1921.

Thomas M. Keegan to be postmaster at Ferndale, N. Y., in place of T. M. Keegan. Incumbent's commission expired January 8, 1921.

NORTH CAROLINA.

Roscoe C. Chandley to be postmaster at Greensboro, N. C., in place of A. W. Cooke, resigned.

Abram W. Titman to be postmaster at Lowell, N. C. Office became presidential July 1, 1920.

Chester A. Hughes to be postmaster at Elon College, N. C., in place of H. D. Lambeth, resigned.

NORTH DAKOTA.

Mark Johnson to be postmaster at Ellendale, N. Dak., in place of L. G. McGinnis. Incumbent's commission expired August 8, 1920.

Theodore S. Overby to be postmaster at Finley, N. Dak., in place of A. K. Cochrane, resigned.

Frank K. Shearer to be postmaster at Dazey, N. Dak., in place of F. K. Shearer. Incumbent's commission expired December 20, 1920.

OHIO.

Wilbur D. Schuder to be postmaster at West Carrollton, Ohio, in place of J. S. Heeter. Incumbent's commission expired May 7, 1921.

H. B. Miller to be postmaster at Shiloh, Ohio, in place of J. M. Hamilton. Incumbent's commission expired December 20, 1920.

William F. Lehman to be postmaster at Payne, Ohio, in place of J. E. Rubin. Incumbent's commission expired July 21, 1921.

Harry F. Mikesell to be postmaster at New Madison, Ohio, in place of Maud Walker. Incumbent's commission expired December 20, 1920.

Bolivar C. Reber to be postmaster at Loveland, Ohio, in place of G. M. Keating, resigned.

Florence Mutchler to be postmaster at Rutland, Ohio. Office became presidential October 1, 1920.

Alberta Edwards to be postmaster at Trenton, Ohio. Office became presidential July 1, 1921.

Edwin E. Hayman to be postmaster at Long Bottom, Ohio. Office became presidential January 1, 1921.

Frank F. Perringer to be postmaster at Woodville, Ohio, in place of L. H. Stein. Incumbent's commission expired December 17, 1919.

Randle B. Hickman to be postmaster at Wilberforce, Ohio, in place of J. D. M. Russell. Incumbent's commission expired March 16, 1921.

Jesse Gamble to be postmaster at Shadyside, Ohio, in place of L. E. Jones, deceased.

Fred C. Troxel to be postmaster at Apple Creek, Ohio, in place of J. C. E. Jacot, deceased.

Edwin D. Cox to be postmaster at Leesburg, Ohio, in place of H. R. Grandle. Incumbent's commission expired December 20, 1920.

OKLAHOMA.

James M. Johnson to be postmaster at Terral, Okla. Office became presidential April 1, 1921.

Sandy H. Singleton to be postmaster at Loco, Okla. Office became presidential January 1, 1921.

Charles W. Straughan to be postmaster at Wakita, Okla., in place of H. A. Garrett. Incumbent's commission expired July 25, 1920.

OREGON.

Tony D. Smith to be postmaster at Union, Oreg., in place of O. J. Skiff. Incumbent's commission expired July 21, 1921.

PENNSYLVANIA.

John W. Eshleman to be postmaster at Mount Joy, Pa., in place of J. W. Freed. Incumbent's commission expired July 24, 1920.

Edward F. Poist to be postmaster at McSherrystown, Pa., in place of E. F. Poist. Incumbent's commission expired January 8, 1921.

William Z. Clay to be postmaster at Emlenton, Pa., in place of M. J. Flynn. Incumbent's commission expired January 6, 1920.

Alden M. Schnell to be postmaster at Youngsville, Pa., in place of C. E. Chapel, resigned.

John M. Hayes to be postmaster at Montoursville, Pa., in place of W. F. Harrer, resigned.

Paul A. Hepner to be postmaster at Herndon, Pa., in place of J. C. Billman. Incumbent's commission expired July 10, 1920.

SOUTH CAROLINA.

Benjamin J. Mixson to be postmaster at Orangeburg, S. C., in place of A. C. Ligon. Incumbent's commission expired January 19, 1920.

Allie J. Milling to be postmaster at Clinton, S. C., in place of W. M. McMillan. Incumbent's commission expired August 10, 1921.

Paul E. Bryson to be postmaster at Woodruff, S. C., in place of B. K. Arnold. Incumbent's commission expired August 1, 1917.

Cary Smith to be postmaster at Manning, S. C., in place of H. H. Bradham, resigned.

S. T. Waldrop to be postmaster at Greer, S. C., in place of W. E. James, resigned.

Lewis E. Stephenson to be postmaster at Dillon, S. C., in place of N. B. Hargrove, resigned.

Mack C. Holmes to be postmaster at Conway, S. C., in place of P. W. Bethea, resigned.

Warley L. Parrott to be postmaster at Bishopville, S. C., in place of M. B. McCutchen, resigned.

TENNESSEE.

William J. Julian to be postmaster at Silver Point, Tenn. Office became presidential April 1, 1921.

George B. Beaver to be postmaster at McMinnville, Tenn., in place of S. A. Hammer, resigned.

Charles L. Bitner to be postmaster at Chuckey, Tenn. Office became presidential July 1, 1920.

Will F. Sherwood to be postmaster at Petersburg, Tenn., in place of S. H. Allen. Incumbent's commission expired January 2, 1921.

TEXAS.

Cora E. Antram to be postmaster at Nocona, Tex., in place of S. M. Davis. Incumbent's commission expired July 21, 1921.

Rufus L. Hybarger to be postmaster at Pineland, Tex., in place of R. L. Hybarger. Incumbent's commission expired September 7, 1920.

Delmont Greenstreet to be postmaster at Ennis, Tex., in place of A. H. Buie. Incumbent's commission expired September 5, 1920.

Mamie E. Bonar to be postmaster at Aubrey, Tex., in place of B. M. Coffey. Name changed by marriage.

Hugh T. Chastain to be postmaster at Alvarado, Tex., in place of H. T. Campbell. Incumbent's commission expired August 26, 1920.

VIRGINIA.

Otis J. Borden to be postmaster at Toms Brook, Va. Office became presidential July 1, 1921.

Blanche DeBusk to be postmaster at North Holston, Va. Office became presidential July 1, 1921.

James M. Denton to be postmaster at Big Island, Va. Office became presidential July 1, 1920.

John P. Middleton to be postmaster at The Plains, Va., in place of J. T. Cochran. Incumbent's commission expired July 25, 1920.

James R. Miller to be postmaster at Strasburg, Va., in place of J. E. Rogers. Incumbent's commission expired July 21, 1921.

William T. Hopkins to be postmaster at Newport News, Va., in place of C. W. Mugler, removed.

Charles W. Wickes to be postmaster at New Market, Va., in place of C. E. Clinedinst. Incumbent's commission expires January 24, 1922.

Isaac A. Luke to be postmaster at Holland, Va., in place of B. W. Councill. Incumbent's commission expired January 8, 1921.

Jennie G. Phillips to be postmaster at Gloucester, Va., in place of R. M. Janney. Incumbent's commission expired December 20, 1920.

Mary F. Cunningham to be postmaster at Fort Myer, Va., in place of M. K. Cunningham. Incumbent's commission expired December 20, 1920.

Palmer R. Cooper to be postmaster at Keokee, Va. Office became presidential July 1, 1921.

Harold H. Hoyt to be postmaster at Herndon, Va., in place of C. F. Russell, resigned.

Mary L. Addison to be postmaster at Emory, Va., in place of S. F. Akers. Incumbent's commission expired December 20, 1920.

WASHINGTON.

Edwin L. Hughes to be postmaster at Napavine, Wash. Office became presidential July 1, 1920.

Calvin K. Cooper to be postmaster at Long Beach, Wash. Office became presidential April 1, 1920.

Arthur B. Foley to be postmaster at Wilbur, Wash., in place of A. B. Foley. Incumbent's commission expired August 7, 1920.

John L. Field to be postmaster at Quincy, Wash., in place of J. L. Field. Incumbent's commission expired March 16, 1921.

Oscar W. Behrmann to be postmaster at Fairfield, Wash., in place of O. W. Behrmann. Incumbent's commission expired January 8, 1921.

WEST VIRGINIA.

William A. Ramsdell to be postmaster at Ceredo, W. Va. Office became presidential January 1, 1921.

Herbert H. Smith to be postmaster at Amherstdale, W. Va. Office became presidential April 1, 1921.

Leslie C. Halbritter to be postmaster at Tunnelton, W. Va., in place of J. E. Lavelle. Incumbent's commission expired September 1, 1920.

Albert A. Drinkard to be postmaster at Elbert, W. Va., in place of M. M. Deyerle, resigned.

John S. Walker to be postmaster at Sharples, W. Va. Office became presidential April 1, 1921.

Albert Kirk to be postmaster at Kermit, W. Va. Office became presidential July 1, 1920.

John M. Cress to be postmaster at Ethel, W. Va. Office became presidential January 1, 1920.

E. S. Hatfield to be postmaster at Mullens, W. Va., in place of S. D. Frantz, resigned.

Hallie A. Overholt to be postmaster at Thurmond, W. Va., in place of P. H. Kelly, resigned.

WISCONSIN.

Guy E. Brigham to be postmaster at Darien, Wis., in place of G. L. Reed. Incumbent's commission expired March 16, 1921.

Carl R. Anderson to be postmaster at Weyerhauser, Wis., in place of C. A. Anderson, resigned.

Andrew Kaltenbach to be postmaster at Potosi, Wis., in place of Andrew Kaltenbach. Incumbent's commission expired June 29, 1920.

Emil C. Kraemer to be postmaster at Fond du Lac, Wis., in place of D. F. Blewett. Incumbent's commission expired May 10, 1920.

WITHDRAWAL.

Executive nomination withdrawn from the Senate December 13, 1921.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

AIR SERVICE.

Capt. John Frederick Loomis, Coast Artillery Corps, with rank from July 1, 1920.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 13, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, Thy mercy is like the fullness of the sea and Thy truth is from everlasting to everlasting. In the light of these revelations teach us the deep things of the soul. Spirit Divine, ever persuade us to practice the virtue of obedience and to seek the mission of sacrifice. O give us the power to touch the world and yet remain unspotted; tempted and tried yet without blame or fault. As we venture along with our fellows help us to be rich in spirit, generous in service, and wise in our counsel, and at the last may we behold the King in His beauty. In the name of Jesus the Savior of the world. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had concurred in the following resolution:

House concurrent resolution 34.

Resolved by the House of Representatives (the Senate concurring), That there be printed 60,000 additional copies of Public Law No. 98, known as the revenue law of 1921, of which 10,000 shall be for the Senate, 44,000 shall be for the House, 1,000 shall be for the Senate document room, 2,000 for the House document room, 1,000 for the Committee on Finance of the Senate, and 2,000 for the Committee on Ways and Means of the House of Representatives.

The message also announced that the Senate had passed with amendments the bill (H. R. 9237) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes, had insisted upon its amendments, had asked a conference with the House of Representatives upon the bill and amendments, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. GLASS as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 8744) granting the consent of Congress to the State of North Dakota, the county of Cass and the city of Fargo, N. Dak., and the State of Minnesota, the county of Clay and the city of Moorhead, Minn., or any of them, to construct a bridge across the Red River of the North between the cities of Fargo, N. Dak., and Moorhead, Minn., in which the concurrence of the House of Representatives was requested.

The message also announced that the Vice President had appointed Mr. STERLING and Mr. MCKELLAR members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for disposition of useless papers in the executive departments," for the disposition of useless papers in the Civil Service Commission.

DEFICIENCIES.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take the deficiency bill from the Speaker's table, disagree to the Senate amendments, and agree to the conference asked.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table, disagree to the Senate amendments, and agree to the conference on the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9237) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes.

Mr. MADDEN. And I wish to add to that that I may be permitted to file a report before midnight to-night, because it is important that this bill should be the law before the 15th, or the War Risk Bureau will not have money with which to operate.

Mr. GARRETT of Tennessee. Reserving the right to object, inasmuch as I have asked and have not found anyone who does know, what is the nature of the amendments?

Mr. MADDEN. They add about $3,000,000 to the bill.

Mr. GARRETT of Tennessee. Are there many of them?

Mr. MADDEN. Only a few—five or six. One is for hospitalization, and another one is, I think, for the payment of some awards made by the Court of Claims and by the Secretary of War.

Mr. GARRETT of Tennessee. Did I understand that the Senate asked for the conference?

Mr. MADDEN. Yes, sir.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. WINGO. Reserving the right to object, I would like to ask the gentleman if one of the amendments diverts the unexpended balance of the War Minerals Relief Association?

Mr. MADDEN. It does not; or it will not get through if it does.

Mr. WINGO. My understanding was that it was made available to pay war contract claims, which would include all of it.

Mr. MADDEN. I will say to the gentleman that is one of the things that our committee has been very solicitous about, and I think we have adjusted it.

Mr. WINGO. I think the gentleman sees the difficulty.

Mr. BYRNS of Tennessee. I think the amendment applies to unexpended balances in the War Department.

Mr. MADDEN. I think it covers other balances, but I think we have that all right.

Mr. WINGO. The gentleman sees the merit there?

Mr. MADDEN. There will not be anything of that sort when this comes back.

The Speaker announced the following conferees:

Mr. MADDEN, Mr. CANNON, and Mr. BYRNS of Tennessee.

The SPEAKER. The gentleman from Illinois asks unanimous consent that in case the conferees come to an agreement the report can be printed at any time up to midnight to-night. Is there objection? [After a pause.] The Chair hears none.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9237) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 10, 11, 12, 13, 14, 18, 19, 20, 21, 22, 32, 33, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 23, 24, 28, 31, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46, and agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $5,000 per annum and only one person may be employed at the rate of $5,000 per annum"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments of the Senate numbered 15, 17, 25, 26, 27, 29, and 30.

MARTIN B. MADDEN,
D. R. ANTHONY, Jr.,
JOSEPH W. BYRNS,
Managers on the part of the House.

F. E. WARREN,
CHARLES CURTIS,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9237) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On Nos. 1, 2, 3, and 4, relating to the Senate: Appropriates as proposed by the Senate for the following items: $7,500 for the widow of the late Senator Knox, $4,000 for an automobile for the Vice President, and $93.35 for the maintenance of the Vice President's automobile for the fiscal year 1921.

On No. 5: Strikes out the appropriation of $25,000, inserted by the Senate, for the Arlington Memorial Bridge Commission.

On No. 6: Strikes out the increase of $1,350, proposed by the Senate, in the appropriation for the Board of Mediation and Conciliation.

On Nos. 7, 8, and 9, relating to the District of Columbia: Appropriates $4,000 for the employees' compensation fund and $2,893.75 for the equipment of an addition to the Henry D. Cooke School, as proposed by the Senate.

On Nos. 10 and 11: Strikes out the item of $36,400, inserted by the Senate, for the enforcement of the safety appliance act by the Interstate Commerce Commission.

On Nos. 12, 13, and 14, relating to the Veterans' Bureau: Restores the limitation stricken out by the Senate prohibiting the use of the appropriation in this bill for vocational rehabilitation for construction work at any Army camp except necessary minor repairs.

On No. 16: Restores the limitation on salaries for enforcement of the future trading act by the Department of Agriculture, modified so as to place a limitation of a maximum of $5,000, instead of $4,500 as proposed by the House and an unlimited rate as proposed by the Senate.

On Nos. 18, 19, and 20, relating to the Patent Office: Strikes out the appropriation of $52,975 for additional employees and $30,000 for printing and binding foreign patents.

On Nos. 21 and 22: Strikes out the appropriation of $100,000, proposed by the Senate, for the Employment Service under the Department of Labor.

On Nos. 23 and 24: Appropriates $50,000, as proposed by the Senate, for miscellaneous expenses at first and second class post offices.

On No. 28: Inserts the appropriation of $17,000, proposed by the Senate, for the dye and chemical section in the Division of Customs, Treasury Department.

On Nos. 31 to 35, inclusive, relating to the War Department: Provides for the expenditure of $29,750 from existing appropriations for completing the acquisition of certain land near Fairmont, W. Va.; strikes out the appropriation of $1,500,000, proposed by the Senate, for replacing portions of the Washington-Alaska military cable; provides for the payment from existing funds of an award of $550,000 made by the Secretary of War under the Dent Act to Messrs. George A. Carden and Anderson T. Herd.

On Nos. 36 and 37: Appropriates $4,371.80 for the payment of judgments of United States courts certified to Congress after the bill had passed the House.

On Nos. 38 to 43, inclusive: Appropriate $293,107.91 for the payment of judgments of the Court of Claims certified to Congress after the bill had passed the House.

On No. 44: Makes a change in the text of the paragraph for the payment of audited claims so as properly to identify the document in which the claims are carried.

On No. 45: Appropriates $406,490.53 for the payment of audited claims certified to Congress after the bill had passed the House.

On No. 46: Corrects a section number in the bill.

The committee of conference have not agreed upon the following amendments of the Senate:

On Nos. 15 and 17, relating to the appropriation of $600,000 for the payment of indemnities for cattle slaughtered in connection with the eradication of tuberculosis from animals.

On Nos. 25, 26, and 27, relating to the appropriation of $250,000 for the airplane mail service.

On Nos. 29 and 30, relating to the appropriation of $110 for the payment of a claim for damages caused by a Coast Guard cutter.

MARTIN B. MADDEN,
D. R. ANTHONY, Jr.,
JOSEPH W. BYRNS,
Managers on the part of the House.

JOINT COMMISSION OF AGRICUTURAL INQUIRY.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent for the consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 38.

Resolved by the House of Representatives (the Senate concurring), That the time for the completion of the investigation by the Joint Commission of Agricultural Inquiry, created by a Senate concurrent resolution (S. Con. Res. 4) of the first session of the Sixty-seventh Congress, and the filing of the report to Congress therein directed to be made, be, and the same is hereby, extended to a date not later than the 15th of April, 1922.

Mr. ANDERSON. Mr. Speaker, may I say that the resolution under which the committee proceeded was a very broad one. We divided the investigation into four parts, the first one dealing with the agricultural crisis and its causes; the second dealing particularly with credit, particularly agricultural credits; the third with transportation; and the fourth with marketing and distribution. The report dealing with the agricultural crisis and its causes should be issued Thursday; the one dealing with credits is in galley proof, and, we think, will be issued before the Christmas recess. The third, dealing with transportation, and the fourth with marketing and distribution, are in the process of analysis, and it is a matter very largely of putting a great mass in the form of a report and getting an agreement as to the recommendation which the commission will make as to those particular phases of the investigation.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. ANDERSON. Surely.

Mr. GARRETT of Tennessee. I had forgotten for the moment, but it is my best recollection that the resolution creating the commission conferred upon it the authority to recommend legislation?

Mr. ANDERSON. Yes; but not direct to the House, as I understand.

Mr. GARRETT of Tennessee. They can not report a bill?

Mr. ANDERSON. No.

Mr. WALSH. Mr. Speaker, reserving the right to object, when was this commission supposed to report?

Mr. ANDERSON. The original resolution was passed on June 7, as I now recall, and required the commission to report in 90 days, and the time was subsequently extended until the first Monday in January.

Mr. WALSH. Does the gentleman think that the inquiry which is under way will take until April of next year before any conclusion can be reached?

Mr. ANDERSON. There will be conclusions as to the two parts of the investigation to which I referred. It is very difficult to estimate the time that it will take, for the reason, as the gentleman knows, that the members of the commission are Members of the House and of the Senate, and their time is more or less occupied with committee meetings and with Senate and House meetings, and after you have gotten the material entirely together, and have analyzed it and put it in the form of a report for the consideration of the commission, it will take considerable time to get a crystallization of views in order to make it possible to make a unanimous report. As a matter of fact, the two parts of this report which are about to be issued were in galley proof in October, and if it had not been for the other activities of the members of the commission those two parts might have been issued long before this.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution. The Clerk will report the resolution.

The Clerk read as follows:

Concurrent resolution 38.

Resolved by the House of Representatives (the Senate concurring), That the time for the completion of the investigation by the Joint Commission of Agricultural Inquiry, created by a Senate concurrent resolution (S. Con. Res. 4) of the first session of the Sixty-seventh Congress, and the filing of the report to Congress therein directed to be made, be, and the same is hereby, extended to a date not later than the 15th of April, 1922.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. COPLEY. Mr. Speaker, I ask unanimous consent to extend in the RECORD a speech made by the Hon. JOSEPH W. FORDNEY at Bridgeport, Conn., on December 7, on the American valuation features of the tariff.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by inserting the speech referred to delivered by Mr. FORDNEY. Is there objection?

There was no objection.

Following is the speech referred to:

ADDRESS BY HON. JOSEPH W. FORDNEY AT BRIDGEPORT, CONN., ON DECEMBER 7, 1921.

In the time I have at my disposal here this evening it would be very difficult, indeed, to cover the tariff question and the numerous incidental considerations that have been presented to the Ways and Means Committee during the past year in connection with tariff legislation. The changed conditions abroad have brought forth many new lines of thought, and I have studied the question from every angle as thoroughly as my time and energy would permit. At the outset I want to state very definitely that nothing has occurred to weaken in the least my belief in the wisdom of the protective tariff policy. On the contrary, I am convinced that the enactment of a law that will

adequately protect American producers against the importation of competitive products at less than the American cost of production is essential to industrial and business revival.

A most perplexing problem that has presented itself to the committee in its effort to draft a bill that will afford a reasonable degree of protection where protection is most needed results from the existing abnormal discrepancy in production costs in various foreign countries and our present practice of assessing ad valorem duties on foreign values. An ad valorem rate that would afford a reasonable degree of protection against one country under the present system on account of the variance in foreign values might afford no protection whatsoever against the importation of similar commodities from some other country. The committee early in its consideration of the tariff came to the conclusion that a change in the basis on which ad valorem rates are assessed must be adopted, and the committee very logically came to the conclusion that the only equitable basis for assessing ad valorem duties is the value of the commodity or of a comparable commodity in the American market, rather than the value of the imported merchandise in the country of origin.

To-night I shall endeavor to show the necessity for the so-called American valuation proposal. To do this, some brief general observations in regard to protection may be in order.

A study of the commercial progress of the principal nations of the world during the past half century clearly indicates the wisdom of a protective-tariff policy. From 1818 to 1865 Germany prospered under a protective system. In 1865 the free-trade thought prevailed and Germany abandoned the policy that had worked so satisfactorily. During the succeeding 14 years German industries suffered a very decided setback and the revenue of the German Empire was insufficient to meet expenditures. In 1879 Bismarck urged that Germany revert to customs-house legislation which had existed from 1818 to 1865. Among other things, Bismarck said in opening the debate in the Reichstag:

> Through the widely opened doors of its import trade the German market has become the mere storage space for the overproduction of other countries. * * * The success of the United States in material development is the most illustrious of modern times. The American Nation has not only successfully borne and suppressed the most gigantic and expensive war of all history but immediately afterwards disbanded its Army, found work for all its soldiers and marines, paid off most of its debt, gives labor and homes to all the unemployed of Europe as fast as they arrive within the territory, and all by a system of taxation so indirect as not to be perceived, much less felt. Because it is my deliberate judgment that the prosperity of America is mainly due to its system of protection laws, I urge that Germany has now reached that point where it is necessary to imitate the tariff system of the United States.

The Reichstag followed Bismarck's advice and the year 1879 marked the return of Germany to the policy of protection. The industrial and commercial progress of Germany from that date down to the beginning of the war is well known to all.

In urging the enactment of adequate tariff measures Bismarck said he based his opinion on practical experience—that the protective countries were prospering and the free-trade countries decaying. He predicted that England eventually would return to the protective policy, and would do so in order to keep at least her home market.

In this connection it is interesting to note that during the past year England enacted a bill placing substantial import duties on some 6,000 items. The legislation is entitled "Safeguarding of industries act, 1921." The rates became effective October 1.

Previous to the recent war we witnessed Germany with tariff barriers erected against such countries as Switzerland, where production costs and wages were less. Switzerland was looked upon then as a free-trade nation. As a result of the war and the collapse of Germany's monetary system, wages and production costs in Germany are now far less than in Switzerland, and Switzerland in an effort to preserve her home market is erecting tariff barriers against the flood of cheap imports from central Europe. Switzerland, close to the area where depreciated currency exists, is brought forcefully to realize the present urgent necessity for adequate import duties. Due to previous low tariff laws her present controversy is of special significance and interest. On September 11 the President of Switzerland delivered a lengthy address in defense of higher import duties. He stated the new tariff had become an urgent necessity, and the authorities were convinced that, due to the difference in production costs abroad and at home, the existing moderate rates did not give the slightest protection. Opponents to the Swiss tariff program have presented arguments from the standpoint of the consumer as distinguished from the producer, the same inconsistent argument with which we have to contend in the United States. President Schulthess's views on this point are well worth repeating.

Addressing himself to the consumer and to the workman as well he said:

> Do not forget that it is a great economic mistake to divide the people into producers and consumers. Everyone is a consumer, but he can only spend the income which he obtains directly or indirectly from the result of production or some secondary activity dependent on it. If you annihilate production you will strike the income and the consumer who cooperates with it, destroying the sources which give him living, and he will have nothing more to spend. The maintenance of production is a vital interest for everybody, and therefore the measures which favor it ought also to be understood and indorsed by everybody.

President Schulthess further said:

> The customs tariff is not a work of arbitrariness which owes its origin to personal ideas and fancies. It is the logical consequence of the present-day economic situation. It represents a situation which forces itself upon us, which was unavoidable. Other men than those who brought it forth would have reached the same result, after objectively weighing all circumstances, if they had been in responsible positions, even those who are leaders in the fight on the other side.

Switzerland, bordering on the countries of central Europe where currency values have so materially depreciated, is in a position to realize quickly the seriousness of the economic conditions prevailing in certain parts of the world to-day.

The countries of Europe one after the other are raising tariff barriers against the flood of cheap goods from central Europe.

I have a monthly report on the German market situation for November, 1921, written at Frankfort. It is significant, and I shall read a portion of it:

> The enormous depreciation to which the mark has been subject, especially during the last two months, has brought chaotic conditions into the prices of German merchandise. * * * The retail shops of Germany are being literally ransacked by the native population and by the many foreign visitors, who are coming to Germany owing to the cheapness of living and of goods. * * * The factories are working to full capacity and are booked up with orders for many months ahead.
>
> A great many novelties and new lines are being prepared in leather goods, jewelry, toys, china, and kindred lines, and designers, die makers, pattern makers, and toolmakers working overtime. Large cable repeat orders have reached Germany from America. An unusual number of foreign buyers are at present in this market taking advantage of the favorable rate of exchange. Large purchases are being made for American account in hosiery, china, toys, trimming, bead bags, notions, and linens. Exports to England and the colonies, Italy, Spain, Scandinavia, and Canada have increased. Exports to France and Switzerland are greatly curtailed by the high-tariff legislation and dullness of business in these countries.

A STABLE TARIFF LAW REQUIRES AD VALOREM RATES ON A STABLE BASIS.

When an ad valorem duty is assessed on an article the amount of duty in dollars and cents is determined by multiplying the rate by the value of the article. The value of the article has as much to do with the amount of duty to be paid as the rate itself. If either the rate or the value is variable the degree of protection will be variable. If either the rate or the value is beyond the control of Americans the amount of duty and the amount of protection will be beyond the control of Americans.

The inefficiency of assessing ad valorem duties on foreign values has been recognized for a century. Eighty years ago Henry Clay pointed out the weakness of the present system. He said:

> Now the valuation is made in foreign countries. We fix the duties and we leave to foreigners to assess the value on articles paying ad valorem duties. It is evident that the amount of duty payable on a given article subject to an ad valorem duty may be affected as much by the fixation of the value as by the specification of the duty, and for all practical purposes it would be just as safe to retain to ourselves the ascertainment of the value and leave to the foreigner to prescribe the duty as it is to reserve to ourselves the right to declare the duty and allow to him the privilege to assess the value.

ACCURATE INFORMATION REGARDING FOREIGN VALUES IS NOT OBTAINABLE.

Foreign countries resent inquiries and investigations on our part in regard to their manufacturing costs and selling prices. Our means of ascertaining the correctness of statements contained in importers' invoices regarding foreign values are meager at best. As a result, appraising officers rely largely on the importer's statements. The temptation to undervalue is most apparent.

As long ago as 1849 the Secretary of the Treasury in his annual report declared that—

> the facilities afforded to frauds upon the revenue are very great, and it is apprehended that such frauds have been and are habitually and extensively practiced.

In 1850 President Fillmore in his annual message referred to undervaluation as an existing evil and recommended—

> that instead of taking the invoice of the article abroad as a means of determining its value here, the correctness of which invoice it is in many ways impossible to verify, the law be so changed as to require a home valuation or appraisal.

In his third message President Fillmore again criticized the assessing of ad valorem duties on foreign values and said that "legislation should never encourage dishonesty or crime." He explained that through undervaluation the dishonest importer would pay only a part of the duties which are paid by the

honest importer, and thus indirectly receive from the Treasury of the United States a reward for his fraud and perjury.

In 1882 Assistant Secretary French, of the Treasury Department, recommended the adoption of home valuation, and in 1912 an appraisement commission appointed by Secretary MacVeagh made an exhaustive report, finding that many instances had been revealed where private invoices had been falsely fabricated for the purpose of deceiving appraising officers. That commission referred to undervaluation as a systematic and continuous fraud, and stated that—

> with the element of interest always operative to conceal the truth from the investigator, whose means of ascertainment are at best feeble, the difficulty of definitely ascertaining true market values is glaringly plain.

Assessing ad valorem duties on production costs in America, where accurate information is obtainable, will obviate the necessity of relying on the importer's invoice. It will remove the premium which now exists on dishonesty and will save the honest merchant from the unfair competition of unscrupulous importers with which he must contend under the present practice of assessing duties on foreign values.

A further argument against foreign valuation is that it affords the least degree of protection when protection is most needed. If prices abroad are high, the necessity for tariff protection is at a minimum, but when prices abroad decline the danger to American industries and the need of adequate import duties correspondingly increase. An ad valorem rate on foreign value operates in such a way that the amount of protection varies directly with the increasing or decreasing foreign prices.

Why should a higher rate of duty be assessed upon an article imported from England than is assessed upon a similar article imported from Germany, Poland, or Czechoslovakia? How glaringly unfair it would be if local taxes were assessed in this manner. Suppose two farmers owned adjoining tracts of land similar in acreage and in value. Let us assume that one of them acquired his as a result of a forced sale at one-half its real value, and that the other farmer paid the full market value for his land. Would it be at all equitable to value one for the purpose of taxation at $5,000 and value the other at $10,000?

However, that is substantially the manner in which duties are assessed on imports. The importer states the purchase price or foreign value, and the appraising officer, generally speaking, accepts the value set forth in the invoice. There is a wide discrepancy in foreign values, resulting in a wide range of import duties paid. The system is void of logic or fairness and opens the door to frauds upon the Treasury through willful undervaluations.

If we are to have a stable tariff law, we must have a stable basis for the assessment of ad valorem duties. Conditions abroad at the present time are extremely abnormal. Price fluctuations are very violent and discrepancies in prices in the various countries are perhaps greater than at any time during the history of this Nation. The inequalities resulting from imposing ad valorem duties on foreign values are doubly apparent at this time. The present system must be changed, for under its operation duties will be prohibitive where protection is least required, and where protection is most needed the duties collected will be the smallest and will afford no protection whatever.

Not long ago an importer came to my office at Washington and stated that he had just returned from central Europe, and had found prices in certain portions of Poland, Austria, Czechoslovakia, and Germany so low in American money they amounted to practically nothing. In school we are taught that if we multiply zero by a number, no matter how large that number may be, the result is zero. To determine the amount of duty to be collected on an importation, the value of the article is multiplied by the ad valorem rate. When the foreign value approaches the zero point the amount of protection is mighty near nothing, no matter how high the ad valorem rate may be.

Recently my attention was called to an invoice covering bentwood chairs purchased in Czechoslovakia. The price stated on the invoice was 3,600 Polish marks per dozen. I do not know the rate of exchange which prevailed on the day the purchase was made, but I do know that on the day I saw that invoice 4,400 Polish marks could be purchased for $1. In other words, a dozen chairs could have been purchased for about 80 cents and the cost of a chair would have been about 7 cents. The import duty on chairs in the present law is 15 per cent of the foreign value. You would all agree with me, I believe, and especially if you were engaged in manufacturing bent-wood furniture, that protection was most needed against importations from Czechoslovakia.

This illustration serves to show the practical impossibility of fixing an ad valorem rate based on foreign values that will afford even a reasonable degree of protection where protection is most needed. The assessing of ad valorem duties on American values is logical and extremely equitable, and when an importer endeavors to show that an ad valorem duty of about 20 per cent on American values amounts to 150 per cent or more on the foreign value, about the only thing he proves is a tremendous discrepancy in prices here and abroad and the absolute necessity of abandoning foreign valuation as a basis if we are to have a tariff law that will protect American industries under the present world-wide chaotic conditions.

Importers and retailers who specialize in the handling of the products of foreign labor are very active in their opposition to the pending tariff legislation, and they have elected to make the American valuation proposal their point of attack. Every free-trade argument I have ever heard is predicated on some apparent fallacy, and the arguments advanced against the American valuation plan are not exceptions. Many statements which have been made by importers are inaccurate and altogether misleading. In contending that American valuation will increase prices to the consumer, I note that in every instance they base their argument on the assumption that the price in America will be the foreign price plus transportation charges plus import duties plus a very liberal and arbitrary profit to the inporter. To me there is something very un-American in the very basis of their argument. Their assumption that under adequate rates they will continue to dictate prices in the American market is one thing to which I most strenuously object.

The importers' argument seems to be that we must allow the importers a wide margin of profit and that the American manufacturers deserve no consideration. They say not one word in regard to the possible beneficial effect on prices of increased domestic production. Their propaganda—and I have read it—ignores the American producer as completely as though he did not exist. It ignores the benefits that accrue through the furnishing of employment to American labor. From beginning to end it broadly assumes that importers will and should fix prices in the American markets. Do you like this primary consideration of the importer—the man who peddles the product of the world's pauper labor in the American market? Do you like this secondary or entire lack of consideration of the American manufacturer—the man who furnishes employment to American labor and contributes directly and indirectly to the maintenance of our schools and other public institutions? If anyone must have an advantage in the American market, why not the domestic producer? I do not want the foreigner to name the price at which I must buy or sell. Under an adequate tariff law healthy domestic competition will regulate prices. It is fair to both consumer and producer. It means industrial activity with labor well employed. It spells prosperity for the Nation.

Opponents of tariff legislation resort to the argument that legislation by the United States will cause retaliation by other countries. Its purpose is to stir up ill feeling at a time when, in the interest of all, ill feeeling should not exist.

They would lead you to believe that America alone contemplates increased import duties. The necessity for tariff changes, however, has been recognized by nearly every principal nation, and the changes in some of the foreign tariff laws have been quite radical.

A recent report by the Department of Commerce clearly shows the general trend of foreign tariff legislation since the armistice to be toward higher rates. The reasons ascribed for such tariff advances are "depreciation of exchange, resulting in intensive competition from certain countries; the tendency toward economic self-sufficiency for national reasons; a general movement for tariff revision in order to meet new economic conditions; and a desire to increase revenue from customs."

The enactment by England of the "safeguarding of industries act, 1921," marks the absolute reversal of her traditional free-trade policy. That bill imposes very substantial protective rates on a long list of competitive articles. Certain other countries have made horizontal increases in existing tariff rates.

In Argentina, for instance, a flat increase of 20 per cent was provided for by executive decree July 6, 1920.

In Australia, on March 25, 1920, a revised tariff became effective having for its object, as officially stated, the protection of industries created or expanded during the war, as well as the encouragement of new industries calculated to increase the economic independence of the country and to bring about a fuller utilization of Australian natural resources.

The trend of tariff changes in Belgium has been in an upward direction, and in a tariff act passed June 10, 1920, provision was made to change the basis for ad valorem duties from the cost of the goods in the country of origin to the value at the time of their presentation for customs clearance.

Even in far-away British India tariff duties have been increased, and the desire to protect and promote domestic industries is very evident.

In February of this year Chile provided for horizontal increases of 50, 60, and 100 per cent of existing import duties.

France has effected quite radical tariff changes through rates previously existing by certain coefficients.

Italy has adopted a new tariff law, effective July 1, 1921, which law contained a system of coefficients similar to those in France. Italian import rates have been considerably raised and the new legislation provides for the computing of duties in gold lire, and the duties are thus subject to increases which correspond with prevailing rates of exchange when paid in paper.

Japanese tariff changes have been, for the most part, emergency measures aimed to aid in the upbuilding of new industries. In the law effective June 1, 1921, provision was made for the assessment of ad valorem duties on values at the time of customs clearance, and a considerable number of rates were changed from specific to ad valorem.

The necessity for tariff revision in the United States to me seems more apparent than in any of the countries I have enumerated. Wage scales and the standard of living are higher in America than in other countries and our currency has not depreciated in value. Under the existing tariff law competitive foreign goods are offered in the American market at far less than our cost of production, and the inevitable result has been to curtail manufacturing and increase unemployment. It seems shortsighted on the part of people here and abroad to urge upon the United States the retention of a policy which will interfere with our prosperity, for it is not difficult to show that adversity in this country will be reflected in other countries and that the United States will not be in a position to aid foreign countries unless our people are well employed and have money with which to buy. Happiness and employment go hand in hand and misery comes when one is deprived of the right to work. Tariff legislation now under consideration is not aimed at foreign countries. The one big purpose is to revive domestic industries. The United States does not deny other countries the right to change tariff rates, and we reserve to ourselves the right to work out our own tariff policy.

It should be interesting to those who desire to sell in the domestic market to note the recent decline in our imports. For the nine months ending September of last year imports amounted to $4,358,000,000. For the corresponding nine months of this year imports were but $1,872,000,000. Present imports, it is thus seen, amount to about 42 per cent of what they were one year ago. The decline in prices and the emergency tariff might be alleged to cause the decrease, but the decrease has not been confined at all to articles covered in the emergency act, and the falling off of imports seems out of proportion to the decline in prices. One year ago cargo space was not as readily obtainable as at present. Fewer foreign goods were then offered for sale. In spite of all this, however, the sales of foreign goods in the United States were nearly two and a half times as great as to-day. Upon studying the situation I can arrive at but one conclusion, and that is that the purchasing power of the American people has been very seriously diminished. The mere presence of gold in the United States is not conclusive evidence of general prosperity. Prosperity is dependent upon ready and constant circulation of money, and this is made possible only through industrial activity.

The immediate result of the enactment of tariff rates which will adequately protect domestic industries will be temporarily to reduce imports of competitive products, thus causing a resumption of our industries and the enhancing of our purchasing power, and with the purchasing power of this country restored a healthy increase of sales of foreign commodities in the domestic market will develop and the prosperity of the United States will be reflected upon other countries, especially upon Canada, our neighbor to the north. A healthy foreign trade, it seems to me, can not be predicated on industrial inactivity.

It is argued by some that we must buy from abroad if we expect to sell abroad, but a more important consideration from the standpoint of commerce is that the American people shall have employment and have money with which to buy.

It is argued by those interested in importing goods into the domestic market that tariff increases will increase costs of production in the United States and make it impossible for the United States to hold her trade in South America. They say that Europe will win our markets in South America. These same importers, however, contend that if we do not buy from Europe, Europe will not have money with which to pay her debts. Is this not inconsistent? In one breath the opponents say we must surrender markets to Europe, and in the next breath they say we must adopt a policy which will enable us to retain markets and to prevent Europe from extending her sales. If it is true that the United States must surrender some market to Europe, would it not be better to surrender South American trade than to surrender the domestic market, which is by far the best market in the world for American-made goods? Some 90 per cent of all our products are marketed in the United States, while South America takes less than 1 per cent of what we produce. In a more or less uphill fight to extend the market now absorbing but 1 per cent of our production importers advocate a policy, the evident, inevitable result of which will be the surrender and ruinous impairment of the market for 90 per cent of what we have to sell.

I desire to call to your attention a portion of an article that appeared in an English newspaper on October 3, 1921. The paper is the London Morning Post. It sheds an important light on the propaganda in America in opposition to tariff legislation. The statement is as follows:

> The present position of the tariff is that it is held up for revision and will not come up again until January or February, 1922, and then, if at all, in a very modified form. In the meantime public opinion in America is steadily growing against the tariff. It is very important, the delegates say, that all industries in this country should examine the tariff closely and get in touch with the consumers of their goods in America, and should see that the propaganda that has been so successfully launched should not be allowed to die out.

As above stated, this article appeared on October 3. It refers to propaganda that the English have successfully launched. It urges that the propaganda should not be allowed to die out and predicts that tariff legislation has been held up, and if it comes up at all again will be brought up in a modified form. Practically all the opposition to the pending tariff bill can be readily traced to people financially interested in selling the product of foreign labor in the American market. They have resorted to all manner of arguments to carry their point.

The following is a portion of a letter sent out by Marshall Field & Co. to retailers:

> The American valuation plan in the Fordney tariff bill will prohibit our buying Europe's products that are to be assessed on an ad valorem basis.

I can not help but believe when Marshall Field & Co. used the word "prohibit" that they willfully make a statement which they know is not a fact. If Marshall Field & Co. had desired to be accurate, they could have said:

> The American valuation plan will make it less profitable for us to deal in Europe's products.

I have with me two knives sent me by a man in Chicago. One was picked up recently in Germany by a traveler. It cost the equivalent of 9.6 cents. The second knife was purchased in Marshall Field's store in Chicago, and the price paid was $5. Both knives were made by the firm of A. J. Henckle. Consider what the margin of profit must be on the knife imported by the firm of Marshall Field & Co. Marshall Field & Co. is not an eleemosynary institution. On the contrary, they are reported to be more or less supersensitive on the question of money making. They have been taking a leading part in opposing American valuation. In their newspaper advertisements they claim that their representatives are known in every country of the world. In their advertising they refer to their foreign organization. If they can purchase knives in Germany for 9 cents and sell them in Chicago for $5, are we assuming too much when we assert that their activity in opposing the pending tariff bill is prompted by selfish motives? Do you think an ad valorem duty assessed on the value of that German knife in America will be a prohibition against the importation of that cheap knife from Germany? Where the discrepancy is as great as appears in the case of those knives, American valuation may cut the importers' profit in half; but I state very firmly that such abnormal profits should be cut in half.

Where the foreign value and the American value do not differ materially, a duty based on the American value will not be materially higher than the duty based on the foreign value. In such a case added protection is not needed. Protection is needed where the great discrepancy in value exists, and with ad valorem duties assessed on American values the amount to be paid by the importer will be materially increased where foreign prices are abnormally high.

It should be recognized by all that the one desire of Congress is to enact a tariff law which will restore industrial activity in the United States and permit the standard of living to be maintained. The United States has many laws in the interest of labor which, however, add to the cost of production, and it would be preeminently unfair to our manufacturers who must comply with those laws to be placed in open competition with the product of foreign countries where such laws do not exist.

I refer to child-labor legislation and legislation affecting the hours of labor. I refer to minimum wage laws and to factory-inspection regulations, to the pure-food laws, and to legislation on the subject of employer's liability.

Wealth is created only by activity. A man out of work is a burden on the community. Unemployment in the United States will only tend to add to the difficulties of other countries, while our own prosperity will be reflected all over the world, and it is my very firm conviction that prosperity to this country can be restored only through the revision of existing tariff laws.

On October 31 the Daily News Record, of New York, carried an article entitled "Women oppose valuation in Fordney tariff bill." The article related solely to the possibility of advances in prices under American valuation. True to form, the author of the article completely ignored such a thing as domestic competition. The conclusions were all based on the assumption that the price asked by the importer on imported goods would control the American market. The article purported to show present retail prices and what they termed "Fordney retail prices," prices they claimed would prevail with the new valuation plan in force. On November 2 I received a letter from the Cleveland Woolen Mills, of Dresden, Ohio, criticizing the article in question of the Daily News Record. The following is a portion of what the president of the Cleveland Woolen Mills wrote me:

In looking over the article and the difference in prices, showing the advances the women have been led to believe will take place, I notice the fifth article is overcoating. The present retail price is stated as being $12.35 and the Fordney retail price $17.65. This is so misleading that I thought it best to call your attention to it, as we know something about overcoatings, as we make thousands of yards of it. About the rest of the list we know nothing, but if the overcoating question is anything to go by the whole list is ridiculous on the face of it.

I am taking the liberty of inclosing you two samples of overcoating that we have made very large quantities of this year, known as fancy plaid backs, we are selling to the garment manufacturers at less than $3 per yard, and if you can get anyone to produce anything better than this we would like to know it.

We do not want to bother you with a lot of detail, but thought you would be interested in seeing what American manufacturers are doing. It seems to me this overcoating is good enough for any man in the world to wear.

No doubt the importer was dealing in imported overcoatings because he could purchase them for less than the price asked by the American manufacturer. However, the consumer was not getting the benefit. No doubt the importer by claiming some superiority of foreign workmanship was able to exact a fancy price for the product of cheap foreign labor. Will the importer be able arbitrarily to advance his prices as he seems to assume? What about the competitive American-made commodity? With an adequate domestic supply, open and apparent to all, the opportunity for the middleman to profiteer is reduced to a minimum. American valuation will reduce the incentive to push foreign-made goods and will increase the market for goods "made in America." It will aid industry and furnish added employment to our labor.

In conclusion I can say in regard to the pending tariff legislation what the President of Switzerland so aptly said in regard to their tariff changes—that the tariff is not a work of arbitrariness which owes its origin to personal ideas and fancies, but is the logical consequence of the present-day economic situation. It represents a solution which forces itself upon us. Other men than those who brought it forth would have reached the same result after objectively weighing all circumstances if they had been in responsible positions, even those who are leaders in the fight on the other side.

The abject inability of American manufacturers to continue operations in the face of importations of competitive commodities at far less than the American cost of production is most apparent. I trust the tariff program will be expedited by all possible means at the session of Congress just opened and that foreign valuation, as a basis for the assessment of ad valorem duties, will be speedily placed in the discard, where it very fittingly belongs.

BRIDGE ACROSS THE RED RIVER OF THE NORTH.

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8744 and concur in the Senate amendments thereto.

The SPEAKER. The gentleman from North Dakota calls up the bill H. R. 8744. The Clerk will report it by title with the Senate amendments.

The Clerk read as follows:

A bill (H. R. 8744) granting the consent of Congress to the State of North Dakota, the county of Cass and the city of Fargo, N. Dak., and the State of Minnesota, the county of Clay and the city of Moorhead, Minn., or any of them, to construct a bridge across the Red River of the North between the cities of Fargo, N. Dak., and Moorhead, Minn.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. STAFFORD. Mr. Speaker, I do not recall another instance where the House has passed a bridge bill and the Senate has taken upon itself to add as an amendment an entirely distinct proposition. The House bill relates to a bridge over a nonnavigable stream known as the Red River of the North. No objection was raised to its passage here. It goes over to the Senate. The Senate has the nerve, for the first time in my legislative experience, to add an amendment entirely foreign to the subject matter under consideration, namely, the extension of time for the construction of a bridge over an entirely different stream, namely, over the Missouri, at Chamberlain.

It is within the province of the gentleman to take this bill from the Speaker's table and move to concur in the Senate amendments, and I would strenuously oppose it were it not for the fact that the House Committee on Interstate and Foreign Commerce has recommended a bill providing for the extension of the time as embodied in the proposed amendment of the Senate. But I raise my voice in opposition to the practice. These bridge bills should not be loaded down by foreign matter pertaining to other bridges when the House has not had an opportunity to consider them. I think the practice is objectionable and should not be followed.

Mr. BURTNESS. Mr. Speaker, I will yield to the gentleman from South Dakota for such explanation as he cares to give.

Mr. WILLIAMSON. Mr. Speaker, I notice that one of these amendments deals with the extension of time for the completion of the Chicago, Milwaukee & St. Paul Railway Co. railway bridge at Chamberlain, S. Dak. Now, there have been already at least three different extensions, and there has expired a period of not less than 15 years from the time the railroad company first was required to build this bridge. I would not seriously object to this amendment if the time were reduced to two years, but I certainly shall object to it in its present form.

I want to say in this connection that a bill has passed the Senate granting an extension of three years in which to complete the Chamberlain bridge, and it is now pigeonholed in the Committee on Interstate and Foreign Commerce of the House. I saw the chairman of that committee a short time ago, and he advised me that no action would be taken on the matter until I had had an opportunity to present my views before the committee. This opportunity has not been afforded. The bill now presented is certainly a surprise, and I shall object to its being taken up in its present form and at this time. It is out of order, and under the long-established rules of the House ought not to be put on its passage without any consideration of its merits and without opportunity for amendment.

The right to construct a wagon bridge across the Red River of the North in North Dakota has no relation to the completion of the railroad bridge at Chamberlain, S. Dak., and ought not to be coupled with it for the sake of getting by in this House. It is unfair, as it does not permit of the consideration of the Chamberlain proposition on its merits.

Mr. BURTNESS. Mr. Speaker, I want to say that I have no desire that my bill shall be burdened with this additional legislation, but inasmuch as the amendment put on by the Senate is simply to extend the time in which a bridge can be completed, and that legislation has been passed by this Congress providing for the completion of such a bridge, allowing the building of the bridge, and inasmuch as a bill granting the same extension as is suggested by this amendment has already passed the Senate, and, if I am correctly informed, has already been approved of by the Interstate and Foreign Commerce Committee of the House, I hold it as of small moment and a matter that I think might as well be disposed of at this time, although I agree absolutely with the gentleman from Wisconsin [Mr. STAFFORD] that the practice of adding an amendment of this sort by another House is not a good or proper practice.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. GARRETT of Tennessee. Mr. Speaker, I think the gentleman from Wisconsin [Mr. STAFFORD] is to be congratulated upon his alertness in this matter, and is to be congratulated also upon expressing himself plainly and squarely upon this proposition.

The condition which he and the gentleman from South Dakota [Mr. WILLIAMSON] have set forth, namely, that there is a bill on the calendar pending before the Committee on Interstate and Foreign Commerce taking care of the matter by way of an amendment plainly obviates what otherwise might be a real objection. Nevertheless, I think it is eminently proper that there should be a protest against the practice, and if it should be repeated an emphatic objection raised. Of course, I assume that the other body did not know anything about a bill having been favorably reported from the Committee on Interstate and

Foreign Commerce and being on the House Calendar. But if they can begin taking bridge bills and adding one bridge in an entirely different place they can just as well add a dozen, and then a Member here can move to concur in the Senate amendments. I congratulate the gentleman from Wisconsin.

Mr. WILLIAMSON. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMSON. Would it be in order to move to amend to strike out section 2 of the bill relating to the bridge at Chamberlain?

The SPEAKER. It is not necessary to move to strike out. The House may refuse to concur in the Senate amendment. That would practically strike it out. The question is on concurring in the Senate amendment.

The question being taken, the Senate amendment was concurred in.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Page 2, line 8, strike out the figure "2" and insert the figure "3."

The amendment was concurred in.

By unanimous consent the amendment to the title was concurred in.

Mr. STAFFORD. Mr. Speaker, I move to lay on the table S. 2588, which is the bill to provide for the extension of time for the construction of the bridge at Chamberlain, N. Dak.

The SPEAKER. The gentleman from Wisconsin moves to lay on the table S. 2588.

The motion was agreed to.

CLASSIFICATION OF CIVILIAN POSITIONS.

Mr. LEHLBACH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 8928, to provide for the classification of civilian positions within the District of Columbia and in the field service.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 8928, with Mr. WALSH in the chair.

Mr. WOOD of Indiana. Mr. Chairman, I move to strike out section 6.

The CHAIRMAN. The gentleman from Indiana offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD of Indiana moves to strike out all of section 6, beginning on page 5, line 4, and ending on page 6, line 3.

Mr. WOOD of Indiana. Mr. Chairman——

Mr. LEHLBACH. I call for a vote on the amendment.

Mr. WOOD of Indiana. I wish to call attention——

Mr. LEHLBACH. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. LEHLBACH. Was not the debate on this section and all amendments thereto closed yesterday?

Mr. LONDON. That is correct.

The CHAIRMAN. The Chair will state that the present occupant of the chair was temporarily out of the chair at that time.

Mr. MANN. The gentleman from New Jersey asked unanimous consent that the debate close in 10 minutes, and that was agreed to, and the 10 minutes were used, 5 minutes for and 5 against.

Mr. STAFFORD. I hardly think the gentleman from New York [Mr. LONDON] used the entire 10 minutes at his disposal.

Mr. GRAHAM of Illinois. He did not have 10 minutes. He had only 5.

The CHAIRMAN. The Chair is informed that he consumed the time allotted for debate on this section and all amendments thereto.

The question is on the motion of the gentleman from Indiana [Mr. WOOD] to strike out section 6.

The question being taken, the motion was rejected.

The Clerk read as follows:

SEC. 7. Increases in compensation shall be allowed only upon the attainment and maintenance of the appropriate efficiency ratings; to the next higher rate within the salary range of the grade; and not more than once a year: *Provided*, That in any case wherein a specific recommendation is made by the Bureau of the Budget and the Congress expressly appropriates the money therefor, an increase in compensation may be allowed at any time to any rate within the salary range of the grade. And for such appropriation by Congress this provision shall be sufficient authority.

Reductions in compensation and dismissals shall be made by heads of departments in all cases whenever the efficiency ratings warrant, as provided in section 9 herein, subject to the approval of the Civil Service Commission.

Mr. LEHLBACH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH. Page 6, line 17, after the word "Commission," insert: "*Provided further*, That nothing in this act shall modify or repeal any existing preference in appointment or reduction in the service of honorably discharged soldiers, sailors, or marines under any existing law or any Executive order now in force."

Mr. LEHLBACH. Mr. Chairman, I do not think that any provision in this act would conflict with either existing law or the existing Executive order with regard to preference of service men, but at the request of the chairman of the legislative committee of the American Legion I have agreed to submit this amendment, and I think it should be adopted.

Mr. WINGO. Mr. Chairman, I move to strike out the last word.

Mr. CHINDBLOM. Will the gentleman from New Jersey yield for a question?

The CHAIRMAN. The gentleman from Arkansas [Mr. WINGO] moves to strike out the last word.

Mr. WINGO. Mr. Chairman, as I listened to the reading of the amendment, I understood that it was to provide that nothing in the act or this particular section should affect the soldiers' preference in existing law. Is that the purpose of it?

Mr. LEHLBACH. That is the purpose of it.

Mr. WINGO. Of course, I shall support that, but I am wondering what useful purpose it will serve under this administration. It will be nothing more than a French gesture, because this administration, so far as the Post Office Department is concerned, is absolutely ignoring the soldiers' preference. For illustration, there was a man who saw service overseas, who was in action—a valiant soldier. He passed one examination in the last administration and became a postmaster; but even though he served satisfactorily for a considerable time he was kicked out for political purposes and another examination held and another man put in. Does the gentleman from New Jersey contend that this administration, in the conduct of the affairs of the Post Office Department, pays any attention to the preference rights of the soldiers?

Mr. LEHLBACH. If I thought the gentleman was seeking information, I would be glad to answer him.

Mr. WINGO. I want to know if the gentleman contends that is true. The gentleman is presenting an amendment here with reference to the law, and I want to know if they are going to obey this amendment or are they going to do with reference to this as they are doing with reference to postmasters?

Mr. CHINDBLOM. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. CHINDBLOM. Does this bill or any portion of it relate to the appointment of postmasters?

Mr. WINGO. No. As usual a Republican politician will evade the real issue. The charge is this, and it is supported by the record, that you are ignoring the soldiers' preference which Congress provided in the appointment of postmasters, and that charge can not be denied. It is not denied, but the contention is made—and, of course, there may be something to it—that the President has the right to appoint postmasters regardless of that if he sees fit. I simply wanted to know if this is merely a piece of buncombe for the benefit of the American Legion and whether or not you are going to live up to it or whether you are going to turn it down whenever a Republican boss in my State or any other State says he wants a Republican machine politician for postmaster, even though he did not serve overseas, and if you are going to put out a veteran who has rendered acceptable service?

Mr. BARKLEY. If the gentleman will yield, the gentleman is aware of the fact that under the previous administration, where the law did not make it mandatory to appoint an ex-soldier the department gave preference to him?

Mr. WINGO. It did so. As a matter of fact, the soldier preference went in favor of Republican ex-service men in my State. They were selected by President Wilson even though the Congressman of that district wanted a Democratic friend of his own. That was adhered to. But whenever a Republican ex-service man fails to get an indorsement of the Republican organization, however acceptable may have been his service in France, if he has not made a fight in the political trenches for the Republican organization, he falls by the wayside and is forgotten.

Mr. KING. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. KING. Can the gentleman state any other cases except in his district?

Mr. WINGO. I did not mention my district.

Mr. KING. The gentleman mentioned one lone instance where that occurred.

Mr. WINGO. Is not the gentleman aware of what is going on in the country?

Mr. KING. I am not aware of what is going on in the gentleman's district, and perhaps no one else in the United States.

Mr. WINGO. I am taking the whole of the United States, and I did not mention my district. I will ask the gentleman if in his State of Illinois that same thing is not going on.

Mr. KING. I am not aware of it.

Mr. BARKLEY. I can give the gentleman two instances.

Mr. WINGO. Then the gentleman is woefully ignorant of what is going on, or he is not candid with the House.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. I ask for five minutes more, in order to satisfy the curiosity of these gentlemen.

The CHAIRMAN. The gentleman from Arkansas asks that his time be extended for five minutes. Is there objection?

There was no objection.

Mr. WINGO. Now I yield to the gentleman from Alabama.

Mr. JEFFERS of Alabama. I will give the gentleman from Illinois [Mr. KING] a specific instance in my district where three eligibles were on the list. There was, first, a Democrat, now postmaster; second, a Republican lady; and, third, a Republican lady. There was very little difference in the ratings of the two Republican ladies. Knowing that the Democratic candidate had no chance, I investigated as between the two Republican ladies. The second one is a young lady who has means of support. Upon the investigation I learned that the third is the wife of a disabled ex-service man. I appealed for her to this Postmaster General, or to his First Assistant. The two women were both loyal Republicans, and I asked them to decide, between these two Republican ladies, in favor of the wife of the disabled ex-service man. They informed me that there was nothing doing, because the second candidate had the support of the local political referee. I then took it up with him, and he answered that the second eligible was the selection and that no consideration could be given to my appeal for the wife of the disabled ex-soldier. I can cite other cases if you want more.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

Mr. WINGO. I decline to yield, Mr. Chairman.

Mr. MONDELL. What is the question under discussion?

Mr. WINGO. Mr. Chairman, I am an old-fashioned Methodist, so I will continue a little longer this experience meeting, because the gentleman from Illinois [Mr. KING] seems to be surprised at the information.

Mr. KINCHELOE. Will the gentleman yield?

Mr. WINGO. I will.

Mr. KINCHELOE. I will say to the gentleman from Illinois that I received the eligible list after examination for a rural-route carrier. There was one soldier marked with a preference, and notwithstanding that, a younger man, a good Republican, was appointed rural mail carrier. I investigated it and found out the reason why. There was a Republican appointed who had been a former postmaster, who agreed to resign if they would appoint him, so as to make a vacancy for another good Republican. Consequently they kicked the ex-service man out, and he did not get a look-in, notwithstanding he was marked for preference in the list.

Mr. WINGO. Now, Mr. Chairman, I appreciate the desire to get on with the bill. I am very fond of the gentleman from Illinois, and I will tell him how to get the information: Go down and call for the records. He need not confine it to Arkansas; he can go to Kentucky, and unless I am very much mistaken he can go down to Egypt, in Illinois, and he may find a few cases there. Now, to get back to the question. I venture to assert that there are 100 men here, many on the Republican side, who know of instances of this kind. They know that the claim of my good and genial friend, Mr. Hays—and I am very fond of him; I am always fond of political deacons—they know that the claim he has made in a magazine article that he was going to put postmaster appointments on a nonpartisan basis is absolute bunk, and he can not claim that he has made all the appointments on a nonpartisan basis. Not only does the Republican organization control the Post Office Department but they control the workings of the Civil Service Commission, and while a Republican politician who can not make over 45 on mathematics and accounts on a simple third-class post-office examination can get an appointment by having his grades revised; and not only do you control the Post Office Department but the Republican machine controls the Civil Service Commission, so that they revise the examinations, and one man on a revision of grades slips in on a two-tenths of 1 per cent and is appointed. They frankly admit down at the Post Office Department that H. L. Remmel, Republican chairman of Arkansas, controls appointments in that State, and I am surprised that my good friend, Mr. Hays, should try to fool the country into believing that he is conducting a nonpartisan administration of the Post Office Department. Why, he was put in charge of the Post Office Department because he was recognized as a past master of partisanship. I am not complaining about your being partisan in the appointments, but I am complaining about your hypocritical pretense that you are having a civil-service nonpartisan administration of the Post Office Department.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. KING. There is considerable truth in what the gentleman says, but the trouble is, if there is any criticism to be laid at the door of Mr. Hays, it is because he is following the policy adopted by Mr. Woodrow Wilson.

Mr. WINGO. I deny that. The record shows that President Woodrow Wilson in every State in the Union, and I measure my words, gave preference to soldiers, and he gave preference to Republicans under his order and appointed Republicans over the protest of Democrats because he lived up to the letter and spirit of his order.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. CHINDBLOM. Mr. Chairman, I rise to oppose the motion to strike out the last word. Since it has been demonstrated that two Democratic Congressmen have been unable to dictate the action of the Post Office Department in the appointment of a postmaster and a rural carrier, I think it is time that we get back to the proposition before the House. That is the reason I asked the question whether there was anything in the bill which relates to the appointment of postmasters.

Mr. WINGO. Will the gentleman tell the House what is in this amendment?

Mr. CHINDBLOM. Yes; I understand the amendment, and I do not think there is any doubt about the gentleman understanding the amendment. I want to ask the chairman of the committee whether he does not think the word "*further*" should be stricken out where it occurs after the word "*Provided.*"

Mr. LEHLBACH. I think both the words "*Provided further*" should be stricken out, and I think the gentleman from Illinois [Mr. MANN] has an amendment which he purposes offering to that effect.

Mr. CHINDBLOM. That is all I have to say.

Mr. MANN. Mr. Chairman, I move to strike out of the amendment the language "*Provided further,*" and that the amendment shall be reported as a separate paragraph.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN to the amendment offered by Mr. LEHLBACH: At the beginning of the amendment strike out the words "*Provided further,* That."

Mr. LEHLBACH. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois to the amendment offered by the gentleman from New Jersey.

The amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New Jersey as amended.

The amendment as amended was agreed to.

Mr. MANN. Mr. Chairman, in lines 9 and 10, I move to strike out the word "expressly" and insert in lieu thereof the word "specifically."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 6, lines 9 and 10, strike out the word "expressly" and insert in lieu thereof the word "specifically."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, in line 17, page 6, I move to strike out "the Civil Service Commission" and insert in lieu thereof "the Bureau of Efficiency."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 6, line 17, strike out the words "Civil Service Commission" and insert in lieu thereof the words "Bureau of Efficiency."

Mr. STAFFORD. Mr. Chairman, I direct the attention of the committee to the fact that the Civil Service Commission has no data at the present time from which to form any intelligent

judgment as to what should be the compensation of employees, or the basis for their reduction, or for dismissals as provided in this paragraph. As the bill was originally drawn it was intended to create in the Civil Service Commission an instrumentality whereby they would obtain the same data and facts that are now in the possession of the Bureau of Efficiency. We have the Bureau of Efficiency. We vote them $125,000 annually for the collection of this very data. Yesterday the committee recognized the fact that the Bureau of Efficiency has this information, and authorized the heads of the departments to call upon the Civil Service Commission, if that commission had any information, and the Bureau of Efficiency. I then moved to strike out the Civil Service Commission, and the amendment was rejected. Some gentlemen claim that if the Civil Service Commission has some little information the heads of the departments should have it; but now by this provision it is sought to have accomplished the same work for which the Bureau of Efficiency is equipped and compel the Civil Service Commission to investigate into matters where now they have no data whatsoever. I stated yesterday that the Civil Service Commission had no data, has nothing on which to intelligently determine the proper salaries that should be paid to our Government employees. I also stated yesterday, in justification of my position, that the Bureau of Efficiency has been engaged in this work for several years past.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BLACK. This bill provides that the efficiency rating of each employee shall be kept in the office of the department and in the records of the Civil Service Commission. If that provision is followed out, it occurs to me that the logical agency to approve dismissal of the employee would be the agency where the efficiency rating is on file.

Mr. STAFFORD. Does not the gentleman recognize that the Bureau of Efficiency is equipped with all of the instrumentalities and facts for performing this function, and that if you now provide an additional agency, the Civil Service Commission, they will have to go ahead and duplicate the work at the expense of thousands and thousands of dollars?

Mr. BLACK. Oh, no. This bill provides that the efficiency rating of every employee shall be filed in the department where he serves and in the records of the Civil Service Commission. We would have to rewrite the bill in that particular if the gentleman's ideas were carried out.

Mr. STAFFORD. Oh, no; you would not have to rewrite the bill. All that would be necessary—and I intend to follow it up—would be in section 9 to substitute the words "Bureau of Efficiency" for the words "Civil Service Commission."

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MANN. Is not this provision of the bill designed to prevent political dismissals?

The Civil Service Commission, notwithstanding the statement of the gentleman from Arkansas [Mr. WINGO], which is not founded, I think, upon fact, acts in a nonpartisan way. It would be the tendency all the time, whatever administration comes in, if there is no check upon it, to rate a man according to political bias or prejudice and dismiss him. This check it gives to the Civil Service Commission, the authority to refuse a dismissal or reduction of a man because of his politics. That is the whole theory of the civil-service law.

Mr. STAFFORD. That does not controvert what I said before, but, to answer directly the question put to me by the gentleman from Illinois, I wish to say that in the Post Office Department during the Democratic administration—and perhaps that will be used against the amendment I propose, it did not seem to have much consideration on the Democratic side yesterday—in the administration of this very thing in the Post Office Department there were no instances called to the attention of the Committee on Appropriations when we went over the estimates, as far as clerical positions were concerned, of dismissals by reason of political affiliations.

Mr. MANN. Oh, I had a great many complaints myself, maybe because I was Republican leader of the House, because of dismissals for political reasons during the Wilson administration.

Mr. STAFFORD. From the Post Office Department?

Mr. MANN. From all departments of the Government, particularly the Post Office Department. Whether they were well founded or not, I do not know. I never thought it was my duty to undertake to determine those things. I do not wholly rely upon the information of a man when he is dismissed as to the reasons for the dismissal, but there ought to be a check, it seems to me, and the Civil Service Commission has been a check all the time as to dismissals for partisan purposes.

Mr. STAFFORD. This provision if adopted will merely mean a substitution of another agency where the Government has already such agency, and it will require a duplication of effort, and I do not think the Bureau of Efficiency will ever be utilized as a political means to discharge clerks or employees from the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEHLBACH. Mr. Chairman, the gentleman from Wisconsin [Mr. STAFFORD] is completely in error when he says that the Civil Service Commission has not the information nor the equipment to perform the functions which this paragraph and the supervision of the efficiency ratings upon which this paragraph depends, place upon it. The Bureau of Efficiency performs a very good work. It is vested with many and important functions in the making of this reclassification, and I would be the last to belittle the value of its services in the installation of this plan. But the Civil Service Commission is peculiarly the body which should supervise the installation of systems of efficiency, and it should be vested with the function that is prescribed in this particular section. In the first place, the Civil Service Commission has a detailed analysis of the duties to be performed by persons holding positions of every kind in the civil service. It has, furthermore, an analysis of the qualifications which are necessary in a person satisfactorily to perform those functions. It is upon that information that it bases all of its examinations.

Furthermore, under the retirement law the Civil Service Commission has a complete record of every single employee in the civil service from the time he enters the service until he is separated therefrom. It has in its archives the knowledge of each man's position, where he has been before, how long he has been in the service, and it has the complete analysis of what duties that man performs and the qualifications necessary to perform those duties. The Bureau of Efficiency in the past has dealt with broader problems, with the efficient functioning of the departments or of divisions or of bureaus, and has no information whatsoever, save that which it may have recently gathered, concerning individual employees and their individual duties. That is in the possession of the Civil Service Commission. To accept the amendment means to scrap the entire plant of the Civil Service Commission and force the Bureau of Efficiency de novo to build up this great mass of information.

Mr. ELLIS. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. ELLIS. If I read this section right, you provide in the first instance in the beginning of the paragraph for increase of compensation. You propose to do that by use of the Bureau of the Budget, and then at the end of the paragraph——

Mr. LEHLBACH. Is the gentleman referring to section 7?

Mr. ELLIS. To section 7—an increase in compensation you provide for, and then you say "That in any case wherein a specific recommendation is made by the Bureau of the Budget." I take it you contemplate that increase shall be upon the recommendation of the Bureau of the Budget?

Mr. LEHLBACH. Oh, no.

Mr. ELLIS. What does it mean? What is the recommendation?

Mr. LEHLBACH. The plan of classification classifies the entire personnel of the Government into a broad service and then divides it into various grades within each service. It provides a range of salaries for each grade, and it provides that advancements may be made from time to time when they are earned by the employees having maintained such degree of efficiency as would entitle them to an advance in pay.

And that is made in accordance with the efficiency systems which are provided for later in the bill. It also provides that reductions in pay and dismissals for lack of efficiency shall be under the general supervision of the Civil Service Commission, that has the information. It does provide for where there is a single exceptional instance, where it is necessary either for the good of the service to retain an employee or better his position, and it ought to carry with it a specific compensation not provided for in the general classification, that if the Bureau of the Budget recommends it to Congress, and Congress specifically appropriates the money for it, then such salary may be established, whether it comes within the broad classification or not.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. ROACH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the committee, I am not so much interested in the particular amendment now under consideration as I am in some other matters connected with this bill. Perhaps I may not have an opportunity later to state what

I would like concerning this measure, so avail myself of this opportunity to make a few observations relative to this bill. I favor this legislation—that is, I want to favor it, and will favor it if it can be amended to conform to my ideas of what it should be. On yesterday the amendment of the gentleman from Illinois [Mr. GRAHAM] to strike out subsection 1 of section 6 was defeated. Unless that subsection is stricken out of this bill I can not support it, and if there is a motion made to recommit this bill I shall vote to recommit the bill to strike out that section. I want to call the attention of the membership of this committee to the fact that if that provision is left in this bill it automatically increases the salary of every Government employee now drawing a salary of less than $2,500 from the Government, and this is no time to make a permanent increase, when we should be voting to make decreases instead of increases of these salaries. I wanted to call the attention of the membership of the committee to that fact, because I wished to explain why I shall vote against it, if I do vote against it.

Diverting now from the bill and answering the gentleman from Arkansas [Mr. WINGO], who spoke a moment ago, to the effect that the Civil Service Commission was under the domination and control of the party now in power, I can cite to him one concrete instance and example which disproves, to my mind at least, his assertion—an incident of which I have personal knowledge.

The Civil Service Commission in grading the applicants for a postmastership in a town in my district gave the present Democratic postmaster a rating of 90 out of a possible 100 on his "business experience." His business experience, to my personal knowledge, consisted of his having been a country school-teacher, a postmaster, and running a livery stable. His estimable wife was given a rating on her business experience of 84, and her experience consisted of having been assistant postmaster and a country school-teacher. A gentleman who took the examination right along with these two estimable people, who had had 20 years' business experience at the head of an important business concern situated in that town, and who was its active head and assistant manager, holding a position that required executive ability and tact in dealing with the public with a business concern doing an annual business of approximately $40,000 or $50,000 a year, coming in contact daily for more than 20 years with the people there, was given a rating of 74 on his business experience. He was the Republican on the list. Such inequalities as that and such impracticable methods of rating as that upon the part of the Civil Service Commission convinces me that the present party in power is not controlling their actions, and if I had my say about it the Civil Service Commission would be abolished entirely, so far as postmaster examinations are concerned or involved.

Mr. WINGO. Did the gentleman ask the Civil Service Commission to regrade the Republican?

Mr. ROACH. I certainly did, and they certainly did not raise his grade.

Mr. WINGO. Did they refuse to do it?

Mr. ROACH. They pretended to review it, but, in my opinion, they never did, as a matter of fact, review it, or they would have raised his grade on his business experience accordingly.

Mr. LAYTON. In other words, if you will permit me, your personal experience proves that the Civil Service Commission——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAYTON. Mr. Chairman, I ask for one moment.

The CHAIRMAN. What is the gentleman's request?

Mr. LAYTON. I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent that the time of the gentleman from Missouri [Mr. ROACH] be extended for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. LAYTON. The result of your experience, I take it, is this, that you found the Civil Service Commission was not partisan, but was inefficient?

Mr. ROACH. Not only inefficient but some Members on this side believe that, after all, our minority friends over there have their friends in the commission who are "slipping the chunks" under us on this side.

Mr. WINGO. Which one got the appointment?

Mr. ROACH. The gentleman's wife was appointed by me.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROACH. Mr. Chairman, I ask unanimous consent for two minutes' extension of time.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ROACH. I wanted to cite this personal instance in order to disprove the remarks just made by the gentleman from Arkansas [Mr. WINGO] that the Civil Service Commission was being dominated and controlled by the party now in power. Such has not been my personal experience. I used all the influence I had and all the power that I had with the department heads to change such nonsensical rules and impracticable rating as they were applying over there, but I have not been successful.

Mr. WINGO. Will the Civil Service Commission, at the request of Republican chairmen in a Democratic State, revise ratings on a man who on the face of his papers shows he was not entitled to the revised grade?

Mr. ROACH. If the gentleman will allow me to express my opinion of the Civil Service Commission, it can, in my opinion, be induced to do most anything over there. Perhaps after my trip to Panama I will have some further remarks to make in regard to that commission in connection with legislation to curtail their activities or abolish the commission altogether, which I have in mind to offer later on.

Mr. BARKLEY. Is it true that both the gentleman and other Members of the House on that side, and the Republican heads, are asking the commission to revise figures where Republicans are put on the list?

Mr. ROACH. Oh, I do not know. It is my personal experience and observation, however, that these departments are so infested with employees from the minority party that we are not able to accomplish much in the way of securing appointments, and I think it is about time that, instead of creating any more new positions, we should dispose of the people of the minority holding some of these positions and from now on fill them with Republicans. I believe in the old adage, "To the victor belong the spoils." [Applause.] When you boys win I want you to have all that is coming to you, and when we win I think we ought to have the same. [Applause.]

Mr. WINGO. Mr. Chairman, I rise in opposition to the proforma amendment of the gentleman from Missouri [Mr. ROACH], who has just taken his seat.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield for a unanimous consent request?

Mr. WINGO. Just wait for a moment.

Mr. LEHLBACH. Very well.

Mr. WINGO. Mr. Chairman, I appreciate the last statement of my friend from Missouri [Mr. ROACH], because I was a little bit puzzled on hearing the early part of his remarks. I am very fond of him, and I find myself in accord with him on some things, and I do not want the House to misunderstand me. I am not protesting against partisan appointments. I did not agree with President Wilson when he appointed Republican postmasters in my State in strict adherence to his civil-service rule. I did not agree with President Wilson when he appointed in the Northern States a majority in number as Republican postmasters under that order of his and only a bare majority in number of Democrats in the Southern States under that last order of his. I believe in the civil service for purely clerical positions, but in a position of executive authority, where a bureau or office or department is called upon to carry out a party policy, I say it is good judgment for the party in power to have its own agents to carry it out. [Applause.]

I disagreed with President Wilson because he went further than that. I criticize Mr. Hays, not for appointing Republicans to postmasterships, but on account of his hypocrisy in pretending that he is not doing it. [Applause.] I say, Why do you not have the courage, as we Democrats did, in the beginning of the first Wilson administration? I said, "Yes; I am going to make a fight to name the men that I want for postmasters." [Applause.] And who, gentlemen, is better qualified to recommend postmasters than the Congressmen who keep in touch with their districts and know who are competent and acceptable? [Applause.]

The thing I complain of is that you pretend that you are running a Sunday School down here at the Post Office Department, headed by a Presbyterian deacon, when I know that his real claim for distinction is that he is a past master of partisan politics, and that he is put into that place to take care of faithful Republicans. I am not objecting to his appointment of Republicans but I am objecting to his hypocritical pretense. That is all.

Mr. LAYTON. Mr. Chairman, will the gentleman yield right there?

Mr. WINGO. No; I can not yield now. I want to finish. Now, in reference to the Civil Service Commission, I regret that the gentleman from Missouri [Mr. ROACH] has not as much influence with the Civil Service Commission as have the Repub-

lican bosses in some, at least, of the Democratic States, because I say that in one case they have at the request of the Republican leader revised the grade of a man who on the face of those papers was not competent. He is not competent, and in addition to that he is a carpetbagger. He did not give a single reference in his civil-service examination to a single resident of the State in which he was to be appointed, but he had to give as his references persons living in another State.

Mr. ROACH. Will the gentleman designate the particular office where that is done?

Mr. WINGO. I find that the gentleman from Missouri is in a row with the Civil Service Commission. If he really wants information I can take him where he can get all the information he wants. If he will go down and ask the Post Office Department officials frankly, "Are you going to appoint a Democrat where the Republican Party organization of that State objects and has a man that it wants? Are you going to appoint a Democrat, who is the head man on the list, or who is an ex-service man, over a Republican candidate, indorsed by the Republican referee?" They will say frankly, "No." They will appoint a Republican.

I always watch one of these nonpartisan gentlemen. [Laughter.]

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. KINCHELOE. Does not the gentleman think from the applause that he is receiving from the Republican side, the President failed to consult Republican Congressmen before he issued his Executive order pertaining to presidential postmasters?

Mr. WINGO. I say it is an outrage, in my opinion, that *some little* Republican boss in a Democratic State should dictate postmasterships. I say that a Congressman who comes here ought to know something about his district, and know who should best serve the community as postmaster. I say it is an outrage for some little political boss to override the Congressman who is elected. I think Will Hays and President Harding ought to give you Republican Congressmen the postmasters you name. They are doing it in some instances, but in others they are permitting Republican bosses to override the indorsement of Republican Congressmen. I repeat, I do not object to partisan appointments, but I want them made openly and not under a false pretense of nonpartisanship and behind the manipulated screen of the civil service. [Applause.]

Mr. STEVENSON rose.

Mr. LEHLBACH. Mr. Chairman, does the gentleman from South Carolina desire to discuss the pending amendment?

Mr. STEVENSON. Yes; in a general way. [Laughter.]

Mr. LEHLBACH. I ask unanimous consent, Mr. Chairman, that the debate on the pending amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the debate on the pending amendment and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. STEVENSON. Mr. Chairman, I do not want to precipitate myself into this very considerable melee about post offices; but the gentleman from Illinois a while ago expressed doubt as to the authenticity of some of these developments that have been referred to. Now, if the gentleman will go and look at the records in a county that is very near to mine but not in my district—and therefore I am not interfering, for it is none of my business—he will find that in the city of Conway in the county of Horry, in the State of South Carolina, the referee in that district announced before the examination was heard from that Mr. A would be appointed postmaster. When the examination was heard from and the list was certified to the Post Office Department, lo and behold Mr. A did not get on that list. He was not eligible. They could not get at him with a 40-foot pole with a hook on the end of it or a shepherd's crook. What did they do? They went up there and they had it revised by the Civil Service Commission, and by using the shepherd's crook of this divine institution known as the Civil Service Commission they hung him on the last round, No. 3, and they immediately appointed him postmaster. You may say that there is nothing in the statement of the gentleman from Arkansas [Mr. WINGO]. I do not draw any inferences but you are drawing them yourselves. I know it from the expression on your faces. You are drawing the inference. It is partisan politics that has done it. Now, I do not blame them. I state frankly that Andrew Jackson was born and reared in my district, and I have always subscribed to his doctrine that to the victors belong the spoils. [Applause.] I sympathize with the gentleman from Missouri.

Mr. BLACK. Will the gentleman yield for one observation?

Mr. STEVENSON. Certainly.

Mr. BLACK. The gentleman does not mean to say that he subscribes to the practice of the Civil Service Commission in undertaking to revise its report so as to get a man on the list?

Mr. STEVENSON. Oh, I disagree with the Civil Service Commission in its revision which enables the administration to appoint a man who by the certificate of the Civil Service Commission was declared and found to be incompetent. I disagree with that, but I am just like the gentleman from Illinois [Mr. WILLIAMS] who some time ago spoke his mind here. I do not believe in that method of the selection of postmasters and I never have agreed with it and I never will. So far as I am concerned I prefer to be shorn of the responsibility, and I am glad that the gentleman from Missouri and his party have the responsibility to-day of naming postmasters. But when they say that there is nothing in the charge that there is manipulation, when the favored man of the organization does not get on the list, and they go and revise the list and get him on it, I say there are inferences to be drawn from circumstances such as I have related to you that are beyond cavil or dispute. You can not evade them.

Mr. ROACH. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes; I yield.

Mr. ROACH. Does not the gentleman believe that when the Civil Service Commission pursues the methods and practices to which he has just made reference its jurisdiction over postoffice examinations should be taken away from it?

Mr. STEVENSON. Mr. Chairman, I thought I had said that before. I did not agree with the order of April, 1917, which was ironclad and which was enforced, and I do not believe in the more hypocritical order of May, 1921, which broadened it out and endeavored to give the boys a chance to get the faithful on, and then they go and rape that whenever the occasion arises, to override it by a revision and a reconstitution of the list.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. All time has expired. The question is on the amendment of the gentleman from Wisconsin [Mr. STAFFORD], which the Clerk will again report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 6, line 17, strike out the words "Civil Service Commission" and insert in lieu thereof "Bureau of Efficiency."

The question being taken, the amendment was rejected.

Mr. WOOD of Indiana. Mr. Chairman, I move to strike out the entire section.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as folows:

Amendment offered by Mr. WOOD of Indiana: Strike out section 7.

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, I want to point out some inconsistencies in this paragraph and in the preceding paragraph which to my mind are conclusive that this bill should never become a law.

In section 6 it is provided that—

2. If the employee is receiving compensation less than the minimum salary of the grade or division thereof in which his duties fall, the compensation shall be increased to that minimum rate.

3. If the employee is receiving compensation within the range of salary prescribed for the appropriate grade at one of the rates fixed therein, no change shall be made in the existing compensation.

4. If the employee is receiving compensation within the range of salary prescribed for the appropriate grade, but not at one of the rates fixed therein, the compensation shall be increased to the next higher rate.

In the last paragraph of the section now under consideration it is provided that reductions in compensation and dismissals shall be made by heads of departments, and so forth. There is a nigger in that woodpile, for there can be no reductions to a lower grade, or to a lower compensation.

Mr. LEHLBACH. Will the gentleman read—

As provided in section 9 herein—

which changes the entire meaning of the paragraph?

Mr. WOOD of Indiana. Yes; you can read section 9 in connection with this. The criticism has been offered before, and I desire to reiterate it again, that this bill was never created for the purpose of lowering a salary, no matter how much too high that salary might be. It has every provision for increasing salaries but no adequate provision for lowering them. I wish to call your attention to a thing that is most significant. Every Member of this House whom I have talked to, when this bill was first brought in for consideration, received a telegram asking him to support this measure. Every one of those telegrams comes from the head of the Federal Employees Union in this town, or at his suggestion. If this bill could be denominated

by its proper title it would be entitled the "Luther Stewart bill." The representatives of the Federal Employees Union are in the galleries now. They are all around here urging upon this body their desire for the passing of this bill. It never was offered in the interest of the Government. It never was drafted to save a dollar to the Treasury of the United States. It was drawn, if you please, in accord with their desires, and that is the reason why they are so earnestly insisting upon its passage.

Mr. CLARKE of New York. Will the gentleman permit a question?

Mr. WOOD of Indiana. I do.

Mr. CLARKE of New York. Has there been any statement here in any such form that we could see what the results of this would be in saving?

Mr. WOOD of Indiana. Oh, the question has been repeatedly asked and answered. It is absolutely a physical impossibility for anybody to form an intelligent conclusion in figures from this bill.

Those who attempted this classification provided for here have estimated that it would increase the pay roll of the District of Columbia from $8,000,000 to $10,000,000. They have estimated that the service outside and inside would be increased $20,000,000.

Mr. CLARKE of New York. They have taken those estimates and applied them to the different departments theoretically to see what the effect would be.

Mr. WOOD of Indiana. That is my information.

Mr. CLARKE of New York. And everywhere it is an increase.

Mr. WOOD of Indiana. Everybody knows that it is going to increase the expenditures, and the conservative estimate is that it will increase them in the District of Columbia by $8,000,000, and outside of the District of Columbia $12,000,000. I am calling attention to this at this time to show the absolute inconsistency. It provides for an increase, but no adequate provision is made for a decrease. You may be assured that there will be no decrease, but there will be an increase up to the maximum.

Mr. STEVENSON. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. STEVENSON. The gentleman means to say that the forward gear is all right but there is no reverse gear. [Laughter.]

Mr. WOOD of Indiana. That is it, full steam ahead for the maximum salary.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more to answer a question.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the time of the gentleman from Indiana be extended two minutes. Is there objection?

There was no objection.

Mr. FESS. There is a provision beginning on line 13, page 7, for a decrease in the rate of compensation for employees who at the time are above the minimum rate for the class to which their positions are allocated and permitting the Civil Service Commission and the heads of departments after consultation to reduce the salary.

Mr. WOOD of Indiana. Yes; but here is the defect: Here is a definite fixed manner prescribed in the bill for an increase but no definite fixed manner for a decrease. For a decrease you have got to go through the civil-service allocation, the budget, the Bureau of Efficiency, and get up to where they may possibly decrease after a full hearing. But that will never occur, and it was never meant that it should occur.

Mr. FESS. I think there is a good deal of force in what the gentleman says. I do not recall ever seeing a salary reduced.

Mr. BLACK. Mr. Chairman, the statement has been made several times by the gentleman from Indiana [Mr. WOOD], and also by the gentleman from Tennessee [Mr. BYRNS] and some others, that no estimates are available as to the increased cost of this bill. The case which these gentlemen have attempted to make out has been argued as if the Committee on Reform in the Civil Service had not made any study of this subject, did not have any information as to what the bill would cost, and has considered it wholly in the dark. Now is as good time as any to put that statement to rest. Let us briefly review the history of the whole legislation. In March, 1919, when the Democrats were in control of both Houses of Congress, provision was made for the appointment of a reclassification commission, and it was the duty of that commission to make an investigation of the whole Government service in the District of Columbia and make its report to Congress. There were appointed upon that commission three Senators and three ex-Members of the House. The commission made a thorough and exhaustive investigation of the whole subject. They put in the hands of every employee in the Government service here in the District a questionnaire, and the answers to those questionnaires showed the compensation that the employee was receiving, the class of duties that he was performing, and all of the surrounding circumstances with reference to his employment.

When these questionnaires were returned the commission had every one of the many thousand of them carefully analyzed and each employee classified. In this work the commission had as their assistants some of the leading authorities in the United States on reclassification work. The commission then submitted to Congress an estimate of what would be the cost if their recommendations were put into effect, and if the House will bear with me at this point, in order to refute the statement that has been repeatedly made that the committee knew nothing about the increased cost I am going to take the liberty of reading to you what this reclassification commission said about it. If there is any better authority in the House as to the increased cost let him give his reasons for his superior knowledge.

Mr. BOX. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. BOX. Does the report from which the gentleman reads refer to this bill?

Mr. BLACK. The salary schedules are the same as in this bill, and I may say it is the intention of the committee to propose certain amendments which have been agreed upon which will reduce the salary scales to where I think it may be safely stated that there will not be a larger aggregate increase than 2 per cent, and my judgment is that if the reclassification is efficiently and carefully done the appropriations for salaries after this bill goes into effect should be considerably less than at present. I make this statement, based upon the belief that there should be a considerable reduction in the number of employees in the District after the reclassification is done.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman give the date when that questionnaire was sent out?

Mr. BLACK. Some time in 1919, and the reclassification report was made in March, 1920.

Mr. CLARKE of New York. Has the gentleman taken this law and applied it in its application, and can he give us the figures as to by how many it will reduce the number on our payrolls, and by how much it will reduce the amount of salary that we are paying now?

Mr. BLACK. There has already been a considerable reduction. There has been a reduction of some four or five thousand employees in the District since the 1st of July, 1921.

Mr. SNYDER. But the gentleman will admit, of course, that that has nothing to do with this at all?

Mr. BLACK. Oh, none at all. Let me read from this report, as I stated I would a while ago, for the purpose of giving light on the question of costs:

> In considering the cost of the proposed changes in salaries your commission was of necessity compelled to depend on carefully prepared estimates. Our statistical staff made a detailed study of 68,806 positions, or approximately 70 per cent of the total number in the Washington service, to estimate the cost of the recommendations made in respect to them. These positions represented practically all of the numerically important classes of employees working full time and receiving no special allowance.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK. To continue the reading from the report:

> We regard these estimates as giving results of substantial accuracy, not only because the classes were representative, but also because the average basic salary of the positions included in the estimates was $1,242, and the average basic salary of all the 100,000 positions on our position list, as based on the pay rolls and reports submitted by the departments was $1,240.
>
> The other test to which the estimates were submitted seems to us to demonstrate that the percentages of increases they showed were substantially accurate.
>
> Judging from these figures we would place the percentage of increase in pay, over and above the present pay, including the bonus, at between 8 and 10 per cent. We believe the percentage will be nearer 8 than 10. A closer statement is difficult, because for most classes provision is made for efficiency advances within the class. Actual experience alone will demonstrate how many of the employees in a given class will get the maximum and how many the minimum. With due allowance for this factor of uncertainty, we believe it safe to say that the increased appropriations involved will not exceed 10 per cent over the present pay, including bonus, and in all probability will be approximately 8.5 per cent.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. WOOD of Indiana. I see the statement there is that it would not exceed 10 per cent of the present statutory salary with the bonus included. Has the gentleman computed what 10 per cent of the present salary list with the bonus included amounts to?

Mr. BLACK. Yes. It would amount to about eight or ten million dollars, but the committee has agreed upon amendments to all of these schedules which will be offered in time, and I am sure will be adopted. Since these amendments have been agreed upon we have had their practical effect analyzed, and the opinion is that when the House adopts these amendments, if it does adopt them, and I think it will, the increase will certainly not exceed 2 per cent over the present expenditures.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. FESS. Reverting to my query to the gentleman from Indiana a moment ago, does the report from which the gentleman is reading show any decrease anywhere in any salary?

Mr. BLACK. The salary schedules as such do not show any decreases, but it is expected that in the allocation to grades that some decreases will result. The gentleman asked yesterday if an employee could be reduced and I am glad he did. The statement has often been made, and I have no doubt there is some foundation for it, that in certain cases employees are receiving considerably more than the nature of the work they are doing would entitle them to receive. In other words, that there are favorites of the department heads who have been placed in positions where they do not belong. Placed there because of political and other reasons. When the committee originally considered the bill there was a provision in it, and it was also in the Senate bill, which prevented the reduction of any salary by means of his reclassification. Consequently the gentleman from Ohio can see that if an employee is in the clerical service and is drawing $1,800 a year, but really belongs in grade 2 and will be classified there when this reclassification work is done, and that provision to which I have referred had remained in the bill, such employee would have been put into class 2 all right, but as long as he remained in the Government service he would have continued to draw $1,800 per year, notwithstanding that amount is $300 more than the maximum salary of grade 2. We struck that provis'on out. The committee takes the position that the classification should be carefully made and that every employee should be put into the grade where his work belongs, and should draw the salary of that grade, and if it means that he will be reduced in his present salary, then he will have to take it.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. FESS. I think the gentleman has expressed the proper theory. The only doubt I had yesterday and also to-day is with respect to the rating of the salaries. All of us agree that there are salaries that ought to be increased, and I think a few of us believe that some salaries should be decreased for the amount of work that is done. The bill seems to be written upon that theory. Will that be put into practice under our method of procedure?

Mr. BLACK. I think so. I think we will come a great deal nearer getting it by a systematic classification than under the present system. Certainly everyone will admit there is a great lack of uniformity now. Let me give the gentleman an illustration as to the practical workings of this bill. Take grade 2 in the clerical service. Gentlemen will find that grade on page 14 of the bill. It is there provided:

> Grade 2, which may be referred to as the assistant clerical grade, shall include all classes of positions in this service, the duties of which are to perform, under supervision, assigned clerical work requiring training or experience, but not the exercise of independent judgment. This grade shall include ordinary typists and stenographers.

If a clerk belongs in that grade the entrance salary under this bill is $1,200, or will be if our committee amendment is adopted. It is true that at the present time these employees come to Washington for about $1,100, typists and stenographers, but they get the bonus after six months' satisfactory work. The announcement digest of the Civil Service Commission notifies them that they will get the bonus. Their pay then amounts to $1,340 a year. Some gentlemen have stated on the floor, "I can get a typist or stenographer in my home town for $75 a month or $900 per year."

Perhaps they can, Mr. Chairman; and we might follow that same rule if all the employees were to be taken from the District of Columbia. But we all know that we have a provision in the civil service law that requires an apportionment among the States of these employees; and is there a Member of the House who wants a young lady typist or a stenographer in his district to come to Washington and undertake to enter the Government service at less than $100 a month? I do not think anyone will contend that amount of pay is excessive when we consider the high cost of living here in Washington.

Mr. FESS. If the gentleman will yield there——

Mr. BLACK. Yes.

Mr. FESS. For a question on the gentleman's statement a moment ago? This bill, the gentleman says, carries an initial salary of about $1,200.

Mr. BLACK. For that class of clerks.

Mr. FESS. That would be a saving of $140 over——

Mr. BLACK. Over the present pay.

Mr. FESS. What becomes of that other provision we spoke of yesterday in which the bonus is to be included in making up the basic salary?

Mr. LEHLBACH. Oh, it does not say that; it says in computing the present compensation.

Mr. FESS. Equivalent to adding the bonus?

Mr. BLACK. Let me be frank with the gentleman from Ohio. I said that employees who come into the Government service in the future will come in at $1,200. Those who are now in the service are receiving a compensation of $1,100 plus the $240 increase. If that should still be their compensation a year hence, when this reclassification is to be made, these employees would be put in that grade or that subdivision of the grade which corresponds with the salary they are now receiving; but all employees who come into the service in the future come in at the minimum rate.

Mr. FESS. So the reduction would be made in the case of new employees?

Mr. BLACK. It would. I want to make clear to the gentleman's mind, however, that there is a provision in this bill that requires a reduction of compensation where the employee is now receiving a salary in excess of the maximum salary of the grade in which he is placed. As a matter of fact, some reductions will undoubtedly be made.

Mr. FESS. I want to state to my friend I am in sympathy with the theory of this legislation, and I have been in a quandary to know whether in the rating there would be anything like a reduction; we know there will be increases, but will there be any real reduction?

Mr. BLACK. What I took the floor for, if I had time, was to take up the bill of the gentleman from Indiana [Mr. WOOD] commonly known as the Wood-Smoot bill, and compare some of its salary schedules with the pending bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEHLBACH. I ask unanimous consent that the time of the gentleman from Texas be continued for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. BLACK. I will.

Mr. ANDREWS of Nebraska. What is the minimum salary under this bill?

Mr. BLACK. Well, that would depend upon the service and the grade.

Mr. ANDREWS of Nebraska. I mean the minimum.

Mr. BLACK. Two hundred and forty dollars. That includes grade 1 in the subprofessional class. There will, of course, be very few in that class. They will be apprentices who will be preparing for license or training for some grade or profession.

Mr. ANDREWS of Nebraska. That is, the clerical grade?

Mr. BLACK. No; the lowest clerical grade would be $1,080.

Mr. ANDREWS of Nebraska. Now, we have to-day and have had for a long period of time several thousand people in the Government service who receive much less than $1,080. Will they be advanced to $1,080 from $660, $720, $840, and $900? Will they all go up to $1,080?

Mr. BLACK. There are no clerks——

Mr. ANDREWS of Nebraska. There are thousands of them.

Mr. BLACK. None that I know of.

Mr. ANDREWS of Nebraska. There are.

Mr. BLACK. Not classed as clerks.

Mr. ANDREWS of Nebraska. I have entered many of them on the rolls myself, drawn through the Civil Service Commission.

Mr. BLACK. I will answer the gentleman frankly and say that anyone whose work is classed as clerical work will receive

an entrance salary of $1,080 under this bill, even if he is only in clerical grade 1. That is only $90 per month, and I hardly think anyone can say that is too much compensation, even for very simple clerical work.

Mr. ANDREWS of Nebraska. There were a large number in years past at much lower grades, listed as clerks, certified as such, and appointed as such.

Mr. COOPER of Wisconsin. If the gentleman will permit an interruption, I was a member of the Reclassification Commission, and what the gentleman from Nebraska [Mr. ANDREWS] says reminds me of an important finding of fact reported by that commission. The gentleman says that he finds people rated as clerks at $600, $700, or $800.

Mr. ANDREWS of Nebraska. Seven hundred and twenty dollars, perhaps; $840 or $900.

Mr. COOPER of Wisconsin. We found persons doing essentially the same work getting all sorts of salaries.

Mr. ANDREWS of Nebraska. And that you will never cure.

Mr. COOPER of Wisconsin. Well, we want to try.

Mr. ANDREWS of Nebraska. You will try and you will not.

Mr. COOPER of Wisconsin. We are going to try by this bill; but we found 106 titles, different titles, of people doing practically the same work but receiving widely different salaries.

Mr. BLACK. Now, I am compelled not to yield further, for this reason——

Mr. ANDREWS of Nebraska. I wanted to get by my question to the matter of the increase by this bill of those people who are now listed as clerks who will get the $1,080.

Mr. COOPER of Wisconsin. They were not clerks in many cases——

Mr. ANDREWS of Nebraska. They were certified as such by the Civil Service Commission and appointed.

Mr. COOPER of Wisconsin. I want to say——

Mr. ANDREWS of Nebraska. They were certified as such.

Mr. BLACK. I can not yield further. The gentleman from Indiana [Mr. WOOD] has been a persistent critic of this bill. I have a very high regard for him personally, but I think much of his criticism is unfounded. Now, let us compare a schedule of this bill with his own bill. I have in my hand the bill known as the Wood-Smoot bill, and I read from page 41 of the bill with reference to the chief clerk in one of the large departments. It says:

> Under general direction, having administrative control over the clerical force, and responsibility for the general business operations of one of the largest departments.

That class would include the chief clerks of such departments as the Treasury Department, a very responsible position.

Now, what is his salary according to this Wood-Smoot bill? It is $4,500 to $5,700. Now, let us read from our bill which we are now considering. This same employee would fall in clerical grade 7. With the amendment which the gentleman from New Jersey [Mr. LEHLBACH] proposes, or will propose, our range for this grade of employee is from $3,780 to $4,740, as against $4,500 to $5,700 in the Wood-Smoot bill. And I could offer many similar illustrations of that kind showing that our bill does not in any sense present an extravagant range of salaries. If you will examine this pending bill carefully you will find that it can meet the test not only from the standpoint of economy but from the standpoint of a uniform, equal, systematic classification of the Government employees. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. LEHLBACH. Mr. Chairman, I simply desire to call the attention of the committee to the fact that substantially the figures and comments, I think, that the gentleman from Texas has employed in the course of his remarks can be found in the RECORD of December 9, on pages 171, 172, 173, and 174.

Mr. FAIRFIELD. Mr. Chairman, I move to strike out the last word.

There has been a good deal of criticism of the committee to the effect that it has, without any thought or any particular attention to the salaries or expense, brought in a bill here in which there were to be very large increases, and that the committee had no knowledge of the probable cost. And yet these statements were purposely put in the RECORD that the Members of the House might familiarize themselves with the matter. In addition to that, the committee had met and specifically adopted certain amendments which they proposed to offer to the rates in the various grades where they are under consideration. The committee is convinced that the cost will not be any more than at present, and most of us believe that the cost will be absolutely less.

Mr. CLARKE of New York. Will the gentleman permit a question?

Mr. FAIRFIELD. Certainly.

Mr. CLARKE of New York. Do you not think that a copy of your bill could have been furnished to the heads of the different departments and that they could have given you in return facts and figures that would have justified an exact statement instead of surmises and guesses?

Mr. LEHLBACH. The exact cost of the bill would depend upon the allocation.

Mr. CLARKE of New York. Why not allocate?

Mr. LEHLBACH. Because the allocations made by the chief of the bureau of "this" is on a different idea than that of the chief of the bureau of "that," but when these tentative allocations are made, and when the advice of the Bureau of Efficiency and the Civil Service Commission is brought to bear and revision is made by the Bureau of the Budget, then you will have a uniform and reasonable allocation. That is what the bill provides for.

Mr. FAIRFIELD. The truth is that always with regard to legislation there is some question as to its specific effect.

Mr. LEHLBACH. May I interrupt the gentleman once more?

Mr. FAIRFIELD. Certainly.

Mr. LEHLBACH. I desire to say that as of April 30, 1919, when the last exact figures were had, the force of employees in the city of Washington, which was numbered at 90,815, have been entirely allocated to their respective services and grades and the salaries applied, all of which is shown in those tables in the RECORD. We can not allocate at the present time, because we have not the precise information of what each man in every department is doing.

Mr. FAIRFIELD. What I meant to say was this, that the committee took every precaution to convince itself as to the probable cost, and then prepared express amendments which will be proposed when the various rates are under consideration, and then there will be opportunity to thrash out definitely as to the amount of increase or reduction, or whether they practically remain the same. The thing that I resent is that men will say again and again on the floor of the House that the bill has been brought in without any thought or any consideration. It has been under consideration by the committee from the time that the report was made by the Reclassification Committee, and I may say that, in my judgment, the other bills that were prepared were compilations that were thrown together hastily in order that the bill which the regular committee was to introduce might be supplanted. I may be wrong with regard to that, but that conviction is pretty deep in my own mind. We went over the Wood bill in committee and we were convinced that that bill would increase the expenses more than our own bill with the modifications that we put in it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Virginia. Mr. Chairman, I wish to call the attention of the chairman of the committee in charge of the bill to one point. The proposition in the last clause of this section 7 relates to dismissal. The clause provides dismissal shall be made by the heads of the departments, subject to the approval of the Civil Service Commission. Now, will not that clause, standing as it does, be construed to repeal the existing law which provides how the Civil Service Commission shall act upon a suggested dismissal? That law provides, among other things, for a hearing if desired by the employee involved.

Mr. LEHLBACH. That is not in the existing law, I think, I will say to the gentleman.

Mr. MOORE of Virginia. A continuing provision was incorporated in the Post Office appropriation bill approved August, 1912, and your committee in the last few months, during the extra session, reported favorably a bill that was introduced by the gentleman from Illinois [Mr. MADDEN] amending that provision.

The law of 1912 is recognized as in effect by the bill last referred to, which proposes an amendment thereto. My point is this: That an official of the Government could, if you leave this final clause of section 7 just as it is written, rule that it operates to repeal existing law.

Mr. LEHLBACH. It does not; and if the gentleman from Virginia will bear with me, I will show him why, in my judgment, it does not. The power of removal and dismissal that now exists in the department head, and any functions that the Civil Service Commission under existing law now has to perform with regard thereto, are unimpaired. But we provide in this bill for a new ground of dismissal, namely, lack of maintaining a standard rate of efficiency, which is provided for in section 9 herein, and this paragraph, requiring that reductions and dismissals shall be made by the heads of departments subject to the approval of the Civil Service Commission, relates only by its terms to such reductions and dismissals as are provided for in section 9 herein, and limits the operation of the paragraph to such reductions and dismissals as are provided

in section 9 herein. It leaves untouched the law in other circumstances.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. COOPER of Wisconsin. The gentleman from Virginia referred to a bill which was enacted into law, amending the Post Office bill. Now, on lines 11 and 12, on page 2 of the pending measure, we find that the word "position" relates to a civilian office in departments other than offices or employments in the Postal Service.

Mr. MOORE of Virginia. Yes; and the provision to which I allude, contained in the Post Office appropriation bill, is a general provision. It is not limited to employment in the Post Office Department. I merely wish to draw attention to this point.

Mr. COOPER of Wisconsin. The gentleman says it is general legislation enacted on the Post Office appropriation bill?

Mr. MOORE of Virginia. Yes, sir. If the chairman of the committee is content with the clause in question as it is written, I will not press an opposite view.

Mr. LEHLBACH. That very point was given very careful scrutiny by the committee. Some amendments and suggestions were considered, and the committee finally arrived at the determination that the effect of the paragraph was as I have stated.

The CHAIRMAN. The time of the gentleman from Virginia has expired. The question is on agreeing to the amendment of the gentleman from Indiana [Mr. WOOD], striking out the section.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. That, subject to revision and approval by the Bureau of the Budget, the rates of compensation of all employees to whom the compensation schedules are made inapplicable by section 3 hereof shall be fixed and readjusted from time to time by a board of three members, to be known as the Federal Wage Commission, who shall be appointed by the President and shall hold office during his pleasure. One member of such commission shall be chosen from the employees affected. The commission is authorized to employ such assistance, at reasonable compensation, and make such necessary expenditures as may be appropriated for by Congress.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Illinois moves to strike out the section.

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, this section establishes some new machinery and incidentally creates some new offices. It provides:

That, subject to the revision and approval of the Bureau of the Budget, the rates of compensation of all employees to whom the compensation schedules are made inapplicable by section 3 hereof shall be fixed and readjusted from time to time by a board of three members, to be known as the Federal Wage Commission.

By reference to section 3 you will find that the particular ones to whom this applies are those which are named in section 3 as apprentices, helpers, or people who do journeymen's work in a recognized trade or craft and skilled and semiskilled labor. Therefore it would appear that this section provides machinery by which the wages of men who work in arsenals and navy yards shall be fixed.

Under the existing law, gentlemen, as is well known, the wages of men who work in navy yards and arsenals of the United States are to-day fixed by wage commissions. The law is—and we have established it in the several acts until it has become the fixed law of the land—that in each arsenal, we will say, a commission is appointed to fix the wages of the men who work in that particular arsenal. On this commission, which is under the control of the Secretary of War, but directly appointed, I think, by the commandant of the particular institution, the laboring men are represented and the Government is represented. They get together and they fix the wages according, as the law says, to the rates that are paid in private industry in that particular locality.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. BLACK. The gentleman, of course, realizes that this provision refers only to the employees in the District of Columbia, because the bill has no reference to those who work outside of the District.

Mr. GRAHAM of Illinois. I do not so understand it.

Mr. BLACK. That provision has no application to Government employees outside of the District.

Mr. HULL. The navy yard would be included.

Mr. GRAHAM of Illinois. Yes; the employees of the navy yard would be included.

Mr. BARKLEY. What section of the bill is it that limits this bill to fixing of wages in the District?

Mr. GRAHAM of Illinois. I should like the gentleman from Texas to explain that.

Mr. DALLINGER. Section 3.

Mr. GRAHAM of Illinois. On what theory does the gentleman from Texas [Mr. BLACK] claim that this bill refers only to employees within the District of Columbia?

Mr. BLACK. Section 3 provides—

That the compensation schedules shall apply only to civilian employees in the departments within the District of Columbia, and shall not apply to employees in positions the duties of which are to perform or to assist in apprentice, helper, or journeyman work in a recognized trade or craft, and skilled and semiskilled laborers.

Mr. BARKLEY. That is, classified service.

Mr. GRAHAM of Illinois. I do not understand it the way the gentleman does. He may be right about this, but there is considerable doubt in my mind about that proposition. It looks to me as though this section as it is drawn includes any person who works in a place as a civil-service employee.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. BARKLEY. I think section 3 merely means that these compensation schedules shall apply only to classified employees in the District of Columbia, and not to those classified outside the District, and that the wage commission shall have jurisdiction over all skilled and unskilled labor, such as the gentleman is talking about, wherever they may be located.

Mr. GRAHAM of Illinois. The title of the bill is this:

To provide for the classification of civilian positions within the District of Columbia and in the field services.

Mr. MOORE of Virginia. Let me draw this to the gentleman's attention: It would be almost absurd to provide by this section that we are on now for a wage board to deal only with the navy yard in the District.

Mr. GRAHAM of Illinois. That is what I said.

Mr. BLACK. It would deal also with the employees of the Bureau of Engraving and Printing and those of the Government Printing Office, and other skilled trades are included.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. COOPER of Wisconsin. If the gentleman will look at line 18, on page 6, he will see that his contention is correct:

That, subject to revision and approval by the Bureau of the Budget, the rates of compensation of all employees to whom the compensation schedules are made inapplicable by section 3 hereof shall be fixed and readjusted from time to time by a board of three members, to be known as the Federal wage commission, who shall be appointed by the President and shall hold office during his pleasure.

Mr. GRAHAM of Illinois. I think the gentleman from Wisconsin is right, and I believe a reasonable interpretation of this bill would be that all employees who work in navy yards or arsenals throughout the United States probably would come under the intent and purview of this act. If they do, their wages to-day are fixed by a machinery which has been constituted by law and which, so far as I know, is working satisfactorily. The biggest ordnance arsenal in the United States, I presume, is in the district which I have the honor to represent, and I know how that machinery is working there. I have been told by other gentlemen on the floor of the House here how it is working in their districts where there are similar institutions. It is working all right and it is working with economy and dispatch, and it is not costing the United States Government a single penny, as far as I know, at this time. These boards operating in these different places are doing this work gratuitously, without compensation, and are costing the Government nothing, and the machinery is working smoothly, the men are satisfied, and the Government is getting fair treatment. Every particular institution has its own peculiar local condition, which ought to be taken into account. Now, what is the idea here in this thing? It is to set up a Federal wage commission. I believe, gentlemen, that we have enough wage commissions in this country of ours.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GRAHAM of Illinois. I ask unanimous consent to proceed for five minutes additional.

The CHAIRMAN (Mr. TILSON). The gentleman from Illinois asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. GRAHAM of Illinois. We have enough trouble with the wage commissions that we have now, and it is a very serious question in my mind whether we have not entirely too many of them and whether we ought not to abolish some of those that we already have.

Mr. BARKLEY. Will the gentleman yield? I do not want to interrupt him.

Mr. GRAHAM of Illinois. I yield to the gentleman from Kentucky.

Mr. BARKLEY. May not this section be interpreted to apply not only to all skilled and unskilled labor within these Government arsenals and navy yards, and so on, but may it not also be interpreted to apply to all Government employees outside of the District of Columbia, because they are all excluded by section 3, so that this wage commission would apply to everybody who is excluded by section 3?

Mr. GRAHAM of Illinois. There is at least an arguing ground for that. It is somewhat ambiguous. I do not know just what it does mean, but I do know this, that the very moment you pass this bill and make it the law you build up a great institution here and a large expense account and a new board, which will immediately do as all other boards and all other commissions have done from time immemorial. It will build up a large clerical force, and it will go to work fixing wages in the country from Washington, and every institution at any place in the country will have to come to Washington to have wages fixed here instead of having that done by wage boards in the particular locality, who are familiar with conditions there.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. GRAHAM of Illinois. I yield to the gentleman from South Dakota.

Mr. WILLIAMSON. Where does final authority rest to-day to fix the wages of these people?

Mr. GRAHAM of Illinois. It rests in the head of the department, where it ought to rest. Let me call your attention to the folly of some of this machinery. The section says:

Subject to revision and approval by the Bureau of the Budget.

If it is subject to revision and approval by the Bureau of the Budget, that intends, does it not, that the Bureau of the Budget can change it if it is necessary? Therefore the men who are working in the Government navy yards under the control of the Secretary of the Navy, for whose labor the Secretary of the Navy is responsible and for the administration of which he is responsible, are to have their wages supervised and fixed by the Bureau of the Budget, an entirely different concern. The responsibility for the work that is done in the navy yards rests with the Secretary of the Navy. He is the administrative head. He ought to have something to say about the organization and the working rules and the wages of the men who are under him, and he ought to be held responsible, as the Secretary of War ought to be held responsible for the work that is done and the wages paid in his department. Here you are saying that all this shall be subject to supervision by the Bureau of the Budget, and thereby setting up another piece of useless machinery, which will cause conflict between these departments and is not workable.

Mr. NEWTON of Minnesota. And are we not adding to the Bureau of the Budget an entirely different responsibility than was contemplated when the Bureau of the Budget was established? [Applause.]

Mr. GRAHAM of Illinois. Absolutely. Let me call your attention to that. When this Bureau of the Budget was established it was not established for the purpose of fixing wages. It was appointed as a bureau to figure up the expenses of the Government and figure up how much we were going to get from revenues and taxes and advise the President, so that we could make our suit fit our cloth. But now we are adding to the powers of that bureau in this bill and many other like bills, trying to make it a wage-fixing body, trying to make it fix everything else, to go into all the departments and do things that it was never intended on God's earth that it should do. Gentlemen, the theory is wrong. You had better leave the Bureau of the Budget out of this thing. In the first place the Bureau of the Budget does not want this responsibility. I do not believe there is a man on this committee, the chairman of the committee or anybody else, who will say that the Bureau of the Budget ever sought any such power, and I believe in my heart they do not want it. The thing to do is to hold the heads of these departments responsible for this thing, put the responsibility on them, and let them do it. This section, to my mind, ought to go out of this bill.

Mr. LONDON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LONDON: Page 6, line 20, insert after the word "employees" the following: "except such employees whose compensation is now being determined by the now existing wage board."

Mr. LONDON. Mr. Chairman, the object of my amendment is to except from the operation of section 8 the branch of the Government service where the compensation of the Government employees is determined by wage boards. On the wage board the employees have a representative and the Government has a representative. They consult in order to reach a conclusion as to the compensation to be paid, and they take into consideration the wages prevailing in the neighborhood in similar industries. These employees would like to be excepted from the operation of section 8 as it is now worded.

Mr. KINDRED. Mr. Chairman, I desire to state that I have a perfecting amendment which I have sent to the Clerk's desk, but as I favor the proposal made by the gentleman from Illinois [Mr. GRAHAM] to strike out section 8 in its entirety, I would prefer to have my amendment read for information, and if the section is not stricken out I will offer my amendment.

The CHAIRMAN. Without objection, the amendment will be read for information of the committee.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. KINDRED: Page 6, line 22, after the word "as," strike out the remainder of section 8 and insert the following:

"*Be it enacted, etc.*, That a Board of Adjustment, hereinafter referred to as the 'board,' which shall be composed of three members, to be appointed by the President, one member to serve during his first term for a period of two years; one to serve for a period of three years, and one to serve for a period of four years, and upon the expiration of the above-named terms the said members thereafter shall be appointed for and serve for a period of three years. Of said members, one shall be a representative of the employees of navy yards and arsenals of the United States and of all employees to whom the compensation schedules are made inapplicable in section 3 and nominated by them to the President in such manner as a majority of all such employees may determine; one member shall be a representative of the United States, as the employer; and the third member shall represent the general public. The board shall choose one of its members to act as its chairman. In the event of a vacancy in the membership, from any cause, the same shall be immediately filled by the same nominative and appointive authority as in the original appointment.

"That no member of the board shall receive compensation, but shall be allowed actual expenses, and the board shall elect a secretary, who shall receive a compensation of $3,500 per annum, and shall appoint such other assistants or employees as may from time to time be found necessary.

"That the board shall annually, on the 1st day of January, establish a fair and reasonable wage and salary schedule to include all classes of employees of the navy yards and arsenals, and said schedule shall be effective for one year.

"In determining the justness and reasonableness of such wage schedules the board shall take into consideration all relevant factors."

Mr. CHINDBLOM. A parliamentary inquiry, Mr. Chairman. Is that a substitute for the bill?

Mr. KINDRED. It is not a substitute for the bill, but a very pertinent amendment to some of the workings of the bill.

Mr. STAFFORD. It was read for information of the committee.

The CHAIRMAN. There is one amendment to perfect the text of the bill and an amendment to strike out the section.

Mr. BARKLEY. Mr. Chairman, I confess that I am laboring under some confusion about the scope of section 8, but as I understand it I am against it and hope it will be stricken out. Section 8 and section 3 must be read together in order to understand them. Section 8 says that "the rates of compensation of all employees to whom the compensation schedules are made inapplicable by section 3 hereof shall be fixed and readjusted from time to time by a board of three members," and so forth, and that is subject to revision and approval by the Bureau of the Budget. In other words, the Government service, according to my interpretation of the bill, whether in the District of Columbia or anywhere else, whose salary is not fixed according to these schedules outlined in the various sections of this bill, are to be fixed by this wage board. The reading of the section by reference back to section 3 says that "the compensation schedule shall apply only to civilian employees in the departments within the District of Columbia," and that means that everybody excluded in section 3 is included in section 8.

Mr. CLOUSE. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. CLOUSE. Fortifying the gentleman's position, the title of the bill is "to provide for the classification of civilian positions within the District of Columbia and in the field services."

Mr. BARKLEY. That is undoubtedly true, and we have to find out what they mean by "employees" by looking at the definition in section 2, which says that the term "employee" means any person temporarily or permanently in a "position," and the term "position" means "a specific civilian office or employment, whether occupied or vacant, in a department other than offices or employment in the Postal Service and teachers under the board of education of the District of Columbia." In other words, every employee in the United States outside of the District of Columbia will be included in the provisions of section

8 that gives the wage board the right to fix salary and compensation. I certainly agree with the gentleman from Illinois [Mr. GRAHAM] that so far as fixing the wages is concerned in the arsenals and the navy yards and other Government institutions by this proposed wage board, where the present law is operating to the satisfaction of the Government and employees, it is an unwise thing. It is unwise to set up in Washington a central wage board to which the representatives of all employees in the various Government establishments, wherever located, must go to have their wages adjusted. It is unwise centralization, one that we have been trying to get away from in this country for years.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. MOORE of Virginia. Would it not be just as consistent to do away with all of these provisions we have here with reference to the civilian employees and to constitute a board to classify those civilian employees? We are undertaking to deal with them in considerable detail. When you come to these employees that are not in the civilian group in the departments, then it is proposed, as the gentleman states, that a special wage board shall deal with them.

Mr. BARKLEY. Yes; and the effect of that is that when the Congress of the United States, by the passage of this classification bill, fixes the salaries of the civilian employees in the District of Columbia, who compose about eighty or ninety thousand out of 450,000 Government employees throughout the United States, that all the rest of them are to have their salaries fixed by this centralized wage board, which is to be located here in the city of Washington.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. BLACK. For the gentleman's information, I would state that the skilled trades in the city of Washington asked to not be reclassified. We will propose an amendment confining this to the District.

Mr. BARKLEY. As the bill now reads it is not confined to the District. I do not know whether it would be a wise thing to confine it to the District of Columbia in so far as the classified employees of the United States are concerned. Are they entitled to any more special consideration in the District of Columbia than the thousands of classified Government employees all over the United States? I am not sure, even if the members of the committee offer that amendment, that it ought to be adopted; but certainly as the bill is written now, or as it may be amended, this wage board ought not to be set up here for the purpose of fixing the wages of these employees.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. LONDON. Does not the amendment which I have offered meet the objection of the gentleman from Kentucky?

Mr. BARKLEY. Not entirely.

Mr. LONDON. My amendment provides that the employees whose compensation is now being determined by wage boards shall be excepted from the operation of section 8.

Mr. BARKLEY. I think that would correct the situation so far as the employees of arsenals and navy yards are concerned, but it still would not except the thousands of employees scattered all over the United States and it would not prevent this Budget Bureau from exercising not only supervisory power but in the exercise of that power it would not prevent them from the actual fixing of the compensation of all these other employees not included in these schedules outlined in the bill, and even though the gentleman's amendment were to be adopted, I think the whole section ought to be stricken out, because in the first place the Budget Bureau ought not to have that power, and in the next place this wage commission ought not to be set up. I hope the motion to strike out the section will be adopted. The wages of these skilled and unskilled employees in the arsenals, navy yards, and other Government plants are now being adjusted by boards that are on the ground and acquainted with local conditions. That system ought not to be abolished by the creation of a central wage board here in Washington.

Mr. BLACK. Mr. Chairman, I make the point of order that debate upon the pending amendment is exhausted. I do not intend to try to prevent any Member from voting on the Graham amendment. I would like to take votes on these separate amendments as we go along, and I make the point of order that debate upon the London amendment is exhausted.

The CHAIRMAN. The gentleman makes the point of order that debate upon the London amendment is exhausted. The Chair understands that there has been five minutes of debate on the amendment and five minutes in opposition thereto. The Chair therefore sustains the point of order.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word. I am heartily in favor of the amendment of the gentleman from Illinois [Mr. GRAHAM] to strike out this entire section. To my mind the section is absolutely unjustifiable and indefensible. This is no time to create a new commission with the large expense which inevitably will be involved in the creation of such a commission. This section—section 8—applies only to those employees who are engaged in the mechanical trades, which practically means the men who are employed in the arsenals and navy yards of the country. Their wages are now fixed in accordance with law by wage boards appointed from time to time by the commandants of the different arsenals and navy yards, involving no expense to the Government. Under the law these boards must fix the scale of wages according to the average wage paid for like work by private establishments in the vicinity. Those commissions are costing the Government nothing. They are working on the whole satisfactorily, the only cause of dissatisfaction being certain arbitrary regulations of the Ordnance Bureau. It is now proposed in place of them to have a new commission created to sit here in the city of Washington, a commission that is bound to be entirely unfamiliar with the local conditions in the different parts of the country, that is bound to cause dissatisfaction all along the line, and that will involve a wholly unnecessary expense to the already overburdened Treasury of the United States. I trust that the section will be stricken out.

Mr. LEHLBACH. Mr. Chairman, there seems to be considerable misapprehension in respect to what section 8 means, to what section 3 purports to do, and what section 5 purports to do, and tortured, unreasonable, and fantastic constructions of the provisions of the bill have been put forward, which are entirely untenable and which do not rest upon the plain language and the plan and the scheme as incorporated in this measure. The purpose of this bill is to classify and to apply compensation schedules to civilian employees of the District of Columbia.

Mr. BARKLEY rose.

Mr. LEHLBACH. I can not yield at this time until I have made my statement. Section 3 provides that these compensation schedules which are the classification and the rates of pay, shall apply only to civilian employees in departments of the District of Columbia. Section 5 provides that an analogous classification be made of employees outside of the District of Columbia. Section 3 further provides that the compensation schedules applicable to the civilian employees of the District shall not apply to the skilled trades and the skilled labor within the District, and it is provided in section 8 for a method of applying wages to the skilled trade employees of the Government within the District of Columbia. It does not apply any method of fixing the compensation of any skilled trade in the field service, but when the report of the classification is made, and nothing with reference to the field service is enacted into law until further action of the Congress, it is the intention that similar machinery for fixing the wages of skilled employees in the field as is here provided for fixing such wages in the District of Columbia shall be adopted, which will be exactly the system that now applies throughout the country in the various navy yards and arsenals. All section 8 does is to apply to the rest of the skilled grades in the District the system, the very system that is now in force in the navy yards here.

The Federal Wage Commission is constituted exactly as under the Navy Department and the War Department and existing wage commissions are created. It has exactly the same powers. It has exactly the same limitations, the limitation of the Bureau of the Budget that has in existing law supervision over every estimate and every pay roll submitted by every department to the Bureau of the Budget before it is submitted to the President and by him transmitted to the Congress on the first Monday in December. It does not in any way change existing law. It simply applies the existing law to the rest of the skilled trades where such system does not now obtain in the District of Columbia, and it does not in any way apply to the field service, and when they are classified, then similar systems which are now in vogue will be adopted for that purpose.

Mr. DALLINGER. If the gentleman will yield, I would like to ask the gentleman from New Jersey if he is willing to accept an amendment in line 20, page 6, "In the District of Columbia"?

Mr. LEHLBACH. It would be superrogation——

Mr. DALLINGER. There is nothing in that section referring to the District of Columbia.

Mr. LEHLBACH. I think it would be much better and broader and go more to the root——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEHLBACH. I ask for two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LEHLBACH. It would go more to the root of the objections which have been voiced here. I do not agree with the premises upon which those objections are based; but now if the amendment by the gentleman from New York, that is pending, is adopted, that will cure all possible doubt as to the limitation, and then you preserve all existing wage boards throughout the country.

Mr. KINDRED. The amendment of which gentleman from New York?

Mr. STAFFORD. The amendment of our distinguished Socialist friend from New York.

Mr. KINDRED. My amendment should have precedence.

Mr. WOOD of Indiana. I would like to ask the gentleman from New Jersey why, instead of providing for the creating of an entirely new Federal Wage Commission, you do not provide for a Federal Wage Commission in the District of Columbia to take care of these disputes in the District of Columbia?

Mr. LEHLBACH. Because the wage commissions which are now created and are functioning in the District of Columbia are limited in their jurisdiction, and this will be general in jurisdiction.

Mr. WOOD of Indiana. Could you have imposed this duty upon it?

Mr. LEHLBACH. There is no machinery to be built up, no clerical expense. It is exactly—if there is clerical expense, if there is machinery in existence now in the existing wage board, it should be here, if not, it will not be here. It is exactly the same system, selected the same way. There is no salary, no authority to spend money, nothing of the sort at all.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GRAHAM of Illinois. Mr. Chairman, I have listened to what the chairman of the committee has said about this. I do not think anybody on earth can read section 3 and agree with him in his contention. He says it only applies to the District of Columbia. That certainly can not be true. That section expressly states it shall not apply "to employees in positions the duties of which are to perform or assist in apprentice, and so forth." The title of the bill refers not only to a classification of civilian positions within the District of Columbia but also to the field service. This particular class of workmen are exempt from the operation of this law and are brought under the Government Federal Wage Commission. I have listened to hear him show a good reason why it would only apply. Why under the shining sun should we set up this expensive machinery? He says it will not cost anything.

Mr. BLACK rose.

Mr. GRAHAM of Illinois. I can not yield.

Mr. LEHLBACH. The gentleman should not misquote anyone and refuse recognition for him to make a correction.

Mr. GRAHAM of Illinois. If I misquote, I shall be glad to yield to the gentleman from New Jersey.

Mr. LEHLBACH. I said it would apply to all skilled trades within the District of Columbia—the Printing Office, the Bureau of Engraving and Printing, and so forth, but only in the District of Columbia.

Mr. GRAHAM of Illinois. I do not agree and there is nothing in the bill that indicates this.

Mr. LAYTON. If the gentleman will yield, why not have a special commission for all stenographers in the District of Columbia and another special commission for every other form of employment?

Mr. GRAHAM of Illinois. It would be just as sensible. Now, listen to this:

The commission is authorized to employ such assistants, at reasonable compensation, and make such necessary expenditures as may be appropriated for by Congress.

I want to know what that means? To build up an expensive commission to do work that is now being done satisfactorily? I can not agree with the chairman.

The CHAIRMAN. The time of the gentleman has expired. The question is upon the motion of the gentleman from New York, which the Clerk will again report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 6, line 20, insert, after the word "employees," the following: "except such employees whose compensation is now being determined by now existing wage boards."

The question was taken, and the Chair announced that the noes appeared to have it.

On a division (demanded by Mr. BLACK and Mr. LONDON) there were—ayes 16, noes 34.

So the amendment was rejected.

Mr. BLACK. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 6, line 21, after the figure "3," insert the words "and who are employed within the District of Columbia."

Mr. BLACK. Now, Mr. Chairman, a few facts might be well understood with reference to the skilled trades. It was at their request that they were not classified, as were the employees who received the annual salary. The committee thought it wise—and, in fact, there was no suggestion to the contrary—that we set up a wage commission. These skilled trades now are regulated for the most part by wage boards. The fact of the matter is that the representative of the employees, Mr. N. P. Alifas, who now sits in the gallery, asked that a wage commission be set up. I quote his exact language from page 129 of the hearings on the reclassification bill. He said:

We believe that if a reclassification bill is going to be enacted it should provide for a wage board.

Now, the objection of Mr. Alifas and those Members of the House who seem to be following his views to the present provision is—and that is the only objection, so far as I know—that the decision of the wage board shall be subject to review by the Director of the Bureau of the Budget. They do not want decisions as to these skilled trades reviewed by anybody, and I am amazed to see some Members of this House fall in with that view.

The gentleman from Kentucky [Mr. BARKLEY] in the remarks that he made says, "Why not let the head of the department have the final say as to what wages shall be paid to the skilled trades?"

Mr. BARKLEY. I did not say that. The gentleman misunderstood me.

Mr. BLACK. "Why not trust it to the heads of the departments?" Did the gentleman not say that?

Mr. BARKLEY. I think the gentleman misunderstood it. I said to leave it to the agents who are now deciding the question of wages in these various employments.

Mr. BLACK. That would mean you would leave it to some of the heads of the departments. In this bill we say that in the original instance the heads of the departments shall allocate the salaried employees, but in order that there may be system and uniformity about it we made the Bureau of the Budget the final reviewing authority. The House wisely accepted that. Why not do the same thing as to these skilled trades? Why not have the same system of uniform reviewing by the budget authority. I have no fears that under such procedure labor would not receive a square deal.

I recall that when we had the Cummins-Esch bill before the House some of these gentlemen who, when every bill comes before the House, assume to be the spokesmen for labor, vigorously opposed the creation of the Railroad Labor Board. The gentleman from Kentucky [Mr. BARKLEY] was one of those who vigorously opposed it. And yet where would labor be to-day, and especially the unskilled labor on the railroads, without the protecting arm of that board? Strike this section 8 out if you want to, gentlemen, but you will not be doing any favor to labor when you do it. This provision contemplates that a wage commission be set up upon which commission the employees shall have one representative, and the decision of that wage commission is not left to the arbitrary decision of the heads of the departments, but is to be made up after careful hearings and investigation, and is subject only to the review and final decision of the Director of the Bureau of the Budget.

Now, if any gentleman can advance any reason in debate why we should not undertake to have some uniformity of the wages of the skilled trades, just as we try to have it as to the other civil employees, then I would like to hear him on the topic, and if we are to try to have any uniformity about it I would like to hear a better method suggested than the wage commission, with its decisions subject to review and revision by the Director of the Budget, the same authority which reviews, revises, and approves the allocation of the civil-service employees to their positions.

Mr. QUIN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and two Members are present—a quorum.

Mr. GRAHAM of Illinois. Mr. Chairman, I rise in opposition to the amendment. There is an amendment pending that I want to oppose.

The CHAIRMAN. The amendment of the gentleman from Texas is pending. The gentleman from Illinois is recognized for five minutes.

Mr. GRAHAM of Illinois. The amendment of the gentleman from Texas [Mr. BLACK], gentlemen of the committee, seeks to limit the operation of this section to the District of Columbia and thus make it applicable to the employees of the navy yard and such other employees as work at skilled trades, presumably in the Printing Office, and in the Bureau of Engraving and Printing, and similar places. At present the wages are being fixed by law. In the navy yard they are being fixed by the board I have already spoken of. In other places they are being fixed, and, as I understand, being fixed satisfactorily. In any event, let me suggest to the gentleman from Texas that Congress always has it in its power to fix the wages of these people in a proper way.

Mr. BLACK. Will the gentleman yield for a question?

Mr. GRAHAM of Illinois. Yes.

Mr. BLACK. Does the gentleman think the committee would have discharged its duty if it had not undertaken a specific method for fixing the compensation of every employee in the Government of the District of Columbia?

Mr. GRAHAM of Illinois. That is true, if the gentleman from Texas please, but you have not taken a specific method. You have taken a general method. Instead of fixing them yourselves, or attempting to make classifications under which these classes of employees might have come, you have sought to fix a labor board and let this board do it.

Mr. BARKLEY. The gentleman from Texas has urged uniformity in his amendment; and if it is adopted, so that the wage board applies to employees in the District of Columbia, there will be little uniformity as to those in the country.

Mr. GRAHAM of Illinois. Men who work over here on the training grounds in Maryland, and in camps, and men who work in the arsenal in my district, and in the navy yards of California, would have no uniformity at all with what would be paid in the District; and we have a great commission of the Government fixing the wages of a few employees of the District and spending the money of the country in an unnecessary way, while other employees outside of the District have their wages fixed in an entirely different way. It does not occur to me that the amendment of the gentleman from Texas helps this in any way, and I hope it will be defeated.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. BLACK].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BLACK. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-two Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Drane	Houghton	Maloney
Anderson	Dunn	Humphreys	Mansfield
Ansorge	Dupré	Husted	Martin
Anthony	Edmonds	Ireland	Mead
Beedy	Elston	James	Montague
Begg	Evans	Johnson, Ky.	Montoya
Blakeney	Favrot	Johnson, Miss.	Morin
Bland, Ind.	Fenn	Johnson, S. Dak.	Mudd
Blanton	Fields	Kahn	Nelson, J. M.
Brand	Fish	Kennedy	Nolan
Brinson	Focht	Kitchin	O'Brien
Britten	Funk	Kline, N. Y.	O'Connor
Brooks, Pa.	Gallivar	Knight	Overstreet
Byrns, Tenn.	Garner	Knutson	Parks, Ark.
Cannon	Gilbert	Kreider	Perlman
Chandler, N. Y.	Glynn	Langley	Peters
Chandler, Okla.	Gould	Larson, Minn.	Pou
Christopherson	Graham, Pa.	Lawrence	Pringey
Clague	Greene, Vt.	Leatherwood	Radcliffe
Clark, Fla.	Griffin	Lee, N. Y.	Rainey, Ala.
Classon	Hammer	Lineberger	Rayburn
Codd	Hawes	Linthicum	Reavis
Collier	Hawley	Little	Riordan
Connell	Hayden	Lyon	Rogers
Dale	Hays	McDuffie	Rossdale
Davis, Minn.	Herrick	McFadden	Rucker
Dominick	Hogan	McLaughlin, Nebr.	Sanders, Ind.
Scott, Mich.	Strong, Pa.	Tillman	Wilson
Sears	Sullivan	Tincher	Winslow
Shaw, Ill.	Swing	Tinkham	Woodyard
Sinclair	Tague	Treadway	Wright
Stedman	Taylor, Ark.	Volk	Wurzbach
Steenerson	Taylor, Colo.	Walters	Young
Stiness	Thomas	Ward, N. Y.	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columba and in the field services, and finding itself without a quorum, he had directed that the roll be called, whereupon 297 Members answered to their names, a quorum, and he submitted a list of absentees for printing in the Journal and in the RECORD.

The SPEAKER. The committee will resume its session.

The committee resumed its session.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLACK], which the Clerk will report.

Mr. HULL. Mr. Chairman, that amendment was voted down.

Mr. BARKLEY. The point of order was not made on the vote on that amendment.

The CHAIRMAN. The Clerk will again report the amendment. The point of order was made on the vote on the amendment.

Mr. BARKLEY. Mr. Chairman, the gentleman from Texas made the announcement that he did not make the point of order on the vote on the amendment.

The CHAIRMAN. The announcement does not affect the situation. The point of order was made on the vote on the amendment. The Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 6, line 21, after the figure "3," insert "and who are employed within the District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. LONDON. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from New York asks for a division.

Mr. LONDON. No; I will withdraw it.

So the amendment was rejected.

Mr. HULL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last three words.

Mr. HULL. Mr. Chairman and gentlemen, I am in favor of the motion of the gentleman from Illinois [Mr. GRAHAM], to strike out this section. I am in favor of that for several reasons, but mainly because the section itself is contradictory. This bill is intended to fix the salaries, and it says it fixes the salaries of the civil-service employees. In section 3 it limits the operation of the bill apparently to the employees here in the District of Columbia. In section 8 it contradicts itself and extends the operation of the bill to the entire country.

I call your attention to this language:

That, subject to revision and approval by the Bureau of the Budget, the rates of compensation of all employees to whom the compensation schedules are made inapplicable by section 3 hereof shall be fixed and readjusted from time to time by a board of three members to be known as the Federal Wage Commission.

That extends it to the entire country. That would make it apply in every arsenal and every navy yard in this country. You have already by law established the way to fix the salary or wages in your arsenals, in your quartermaster depots, in your navy yards. By that section you would establish another agency. You would create a commission here in Washington to fix the wages of the men employed in the arsenals all over the country. That commission would be in the Bureau of the Budget, which is already overworked. It is an absolutely new commission and knows nothing about the wages of the workmen in the arsenals and in the navy yards.

Mr. GOODYKOONTZ. Mr. Chairman, will the gentleman yield?

Mr. HULL. Yes.

Mr. GOODYKOONTZ. Does not the gentleman think that we already have too many bureaus, boards, and commissions, and that the administration now ought to consider the proposition of dissolving some of these superfluous commissions and boards and bureaus with a view to restoring the old-time régime?

Mr. HULL. I agree with the gentleman absolutely. There is no reason for the creation of a commission to do something for which you already have commissions all over this country

that are doing it much better than they will do it under this bill.

Mr. DEMPSEY. Will the gentleman yield for a question?

Mr. HULL. Certainly.

Mr. DEMPSEY. As I understand the gentleman's position, it is that this section 8 extends the act generally to employees throughout the country.

Mr. HULL. It unquestionably does.

Mr. DEMPSEY. And the gentleman also takes the position that section 3 limits it to the District of Columbia?

Mr. HULL. Certainly. That is what it intended to do at the start.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. GRAHAM] to strike out section 8.

The question being taken, on a division (demanded by Mr. BLACK) there were—ayes 122, noes 9.

Accordingly the amendment was agreed to.

The Clerk read as follows:

SEC. 9. That the Civil Service Commission, after consultation with the heads of departments, shall establish uniform systems of efficiency rating for the various grades, which shall set forth the degree of efficiency which shall constitute ground for (a) increase in the rate of compensation for employees who have not attained the maximum rate of the class to which their positions are allocated, (b) continuance at the existing rate of compensation without increase or decrease, (c) decrease in the rate of compensation for employees who at the time are above the minimum rate for the class to which their positions are allocated, and (d) dismissal.

The head of the department shall rate, in accordance with such systems, the efficiency of each employee under his control or direction. Such current ratings for each grade shall be open to inspection by the representatives of the Civil Service Commission and by the employees of the department under conditions to be determined by the Civil Service Commission after consultation with the department heads.

The Civil Service Commission may require that one copy of such current ratings shall be transmitted to and kept on file with the commission.

Mr. WOOD of Indiana. Mr. Chairman, I move to strike out section 9.

The CHAIRMAN. The gentleman from Indiana offers a motion, which the Clerk will report.

The Clerk reads as follows:

Amendment offered by Mr. WOOD of Indiana: Strike out section 9.

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, if you will examine this section you will find that it is not the purpose of the proponents of this bill to have the Civil Service Commission act in a simply advisory capacity, but it is intended that within the Civil Service Commission there shall be established all the machinery necessary to determine the matter of efficiency.

On yesterday there was a proposition made and an amendment proposed and adopted by the committee that the Bureau of the Budget might call upon the Bureau of Efficiency for advice with reference to the enforcement of this thing. Now, if you will read section 9 you will find that the Civil Service Commisssion, after consultation with the heads of the departments, shall establish uniform systems of efficiency rating for the various grades set forth herein; that the Civil Service Commission shall take upon itself the duty of establishing grades of efficiency for every one of the departments and every classification in this bill in every department.

Yesterday I called the attention of the committee, and I desire to call its attention again, for there are a few more members here now than there were yesterday, that when this efficiency law was first established, its administration was lodged in the Civil Service Commission. That was ineffective and of no avail, and in order that it might be of some consequence, in order that it might not prejudice the purposes for which the Civil Service Commission was created, Congress took the matter up in 1916 and an independent branch was established known as the Bureau of Efficiency. Now, inconsistent with the amendment that we adopted here yesterday, making it ineffective, the attempt is being made to place upon the Civil Service Commission the entire duty of formulating efficiency ratings in the different departments. Is there anything which would indicate that if it was a failure in 1912 down to 1916, it will be more effective under this law? Is there anything to induce any man here to think for a moment that the efficiency obtained through an independent institution will be more effectually obtained through the Civil Service Commission, and that that commission can do more toward establishing efficiency than the bureau whose entire duty it is to make efficiency prevail? One of the things urged against it then was that this extra duty was inconsistent with the duties of the Civil Service Commission, that the commission was appointed to make selections by examination, and that when the appointees were distributed among the various departments, it should be the work of another body to determine whether they were efficient or inefficient. It was destructive then of the good purposes of the Civil Service Commission. It will be destructive now.

Mr. GOODYKOONTZ. Will the gentleman yield for a question?

Mr. WOOD of Indiana. I yield to the gentleman from West Virginia.

Mr. GOODYKOONTZ. The Civil Service Commission was established, and in the organic act creating it it was provided that it should be an independent and nonpartisan body. Does the gentleman think that the commission as now constituted is a body of that character?

Mr. WOOD of Indiana. I do not care to discuss that point. I want to keep to the text that we have immediately before us; but I do know this, that if you put this extra duty upon the Civil Service Commission, if there is any question now with reference to its skirts being clean, as to whether it is or is not nonpartisan, you are going to add tenfold opportunity for it to be less nonpartisan and more partisan than it now is. Why, you will have every friend of every man whose efficiency is in question, or who desires to have an efficiency rating other than that which has been accorded him by the head of the department under which he is working, logrolling and pulling by every influence possible at the coat tails of the members of this commission. It is the worst thing that could possibly happen to the commission. It is the worst thing that could possibly happen to the efficiency of the employees of this Government. It is as bad as the provision of this bill which charges the Bureau of the Budget with an equal responsibility with that of the Civil Service Commission with reference to allocation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOOD of Indiana. I should like two minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for two minutes additional. Is there objection?

There was no objection.

Mr. WOOD of Indiana. It has been repeatedly said here—and I appeal to every friend of the Bureau of the Budget—that if you wish to have this budget system the success we hope it to be you will not encumber it by placing this additional duty upon it. If it is your purpose to destroy the Bureau of the Budget, to break it down before it is really standing alone, you can best accomplish it by putting upon it the responsibility provided for in this bill. I know that the budget officers do not want it. They have told me repeatedly that they think it is destructive of the very purpose for which the Bureau of the Budget was established. Therefore we should consider well not only the item to which I have called attention, but if you will read the bill from start to finish you will find it is a conglomeration of inconsistencies not only with reference to the grades established and the definitions under which they are placed, but it will entail an expense additional to that which we have now that can not be calculated by anybody here and which can only be ascertained by putting it into force. You will find that under this provision it is possible for every one with a little bit of influence outside to get within the preferred class. They have established more professors and made it possible for there to be more professors in these positions than the founders of the Government ever dreamed of. [Applause.]

Mr. LEHLBACH. Mr. Chairman, the gentleman from Indiana has made this identical speech within the last four days on every section of this bill, but nevertheless it is necessary to make a reply. Section 9 provides for a system of efficiency within the civilian service of the Government. A mere classification equalizing and readjusting compensation is ineffective as a measure of economy and efficiency without a system whereby the employees themselves are held accountable for the greatest measure of service that can reasonably and fairly be required of them. In some of the departments efficiency systems and ratings based upon them already obtain. Section 9 provides that this shall be made uniform throughout the service, and in order to establish uniformity and fairness there must necessarily be a supervision lodged in some responsible heads. There is no desire to create any new department or subdepartment of the Government. For that reason the framers of the bill cast about among the existing departments of the Government for one suited both by experience and character of work now done and by material gathered in the past to do this work. The Civil Service Commission, as I said earlier in the afternoon when a similar attack was made by the gentleman from Indiana, has a complete analysis of the duties of every class of employees in the civil service; it has a complete analysis of the qualifications necessary to perform these duties. It has upon its rolls the name of every single employee in the service and the position he holds and the duties he is to perform and the qualifications he had when he entered the service,

whether it was yesterday or 10 years ago. Manifestly with that information and with the experience in examinations and with the acquaintance with the duties of the position, the Civil Service Commission is the only body that can pass intelligently on the system of measuring the efficiency with which these duties are performed.

To substitute the Bureau of Efficiency is to scrap the entire plant of the Civil Service Commission and to direct the Bureau of Efficiency to build up this great mass of information over again.

The Bureau of Efficiency in the past has revised the bookkeeping methods of the Treasury, installed system in the Postal Service, and has installed working efficiency in different divisions and bureaus. But it has had nothing to do with passing on the quality of the service of the individual employee. The only bureau that has had such functions is the Civil Service Commission, and while we have to have some unifying supervising force it would be folly to choose another body or commission except the one that has in the last years done this work.

Mr. STAFFORD. Mr. Chairman, I move to strike out, in line 5, page 7, the words "Civil Service Commission" and insert "Bureau of Efficiency."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 5, strike out the words "Civil Service Commission" and in lieu thereof insert the words "Bureau of Efficiency."

Mr. LEHLBACH. Will the gentleman from Wisconsin yield?

Mr. STAFFORD. For what purpose?

Mr. LEHLBACH. To make a request for unanimous consent to limit debate.

Mr. STAFFORD. I have not heretofore abused the privileges of the House, and I shall only take five minutes. It may be that other gentlemen desire to speak after hearing my remarks, as I was induced to offer the amendment after hearing the statement of the gentleman from New Jersey.

Mr. Chairman, the gentleman from New Jersey admits that there has been put in force in certain departments efficiency rating systems whereby the efficiency of the governmental service has been established. There has been only one agency that has attempted that and has perfected it. That is the Bureau of Efficiency. The Bureau of Efficiency has put into force in the Post Office Department and various divisions of the Treasury a system of efficiency rating. Not only that, but I hold in my hand a classification schedule of employees in the District of Columbia with the ratings prepared by the Bureau of Efficiency. Now, it is proposed to establish in the Civil Service an agency and pile upon them a work that has never been performed by the commission up to this time.

Mr. ELLIS. Will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. ELLIS. Is it not true that the Civil Service Commission is behind with its work?

Mr. STAFFORD. Not only that but the Appropriations Committee from time to time has come to the relief of the Civil Service Commission by allowing additional employees to do the work within their proper jurisdiction. Whoever heard that the Civil Service Commission has ratings as to the efficiency of the clerks in the respective bureaus?

I never heard of it, and I do not believe anyone else ever heard of that in respect to the Civil Service Commission. It is foreign to their work. It is something that you are going to impose on them, and in the effort to make them a judicial body, to pass on the merits of promotions, demotions, and dismissals, with their real work of administration, they will become a political body by this proposal in section 9.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LAYTON. If the duties as construed under section 9 are to be placed on the Civil Service Commission, does the gentleman not think the next thing in order would be a bill to repeal the Bureau of Efficiency?

Mr. STAFFORD. There will be little work for the Bureau of Efficiency to do, but we would not be able to get such a bill through, because the Bureau of Efficiency is a member of a historic family. Once you establish a bureau, you can rarely have it cease functioning. We appropriate $125,000 a year for the Bureau of Efficiency. Is anyone here contending that they have not done their work efficiently? No; they have done it so well that some other commission that has not had this work now desires to take it on. It is proverbial and also historical that no commission ever refuses any work when the purpose is to magnify its power. I do not deny that the Civil Service Commission wishes to have further power. There is not a bureau nor a division of the Government that does not want to amplify its power. The Bureau of Efficiency have had experts throughout the country to determine what shall be the rating and to what grades these clerks shall be assigned. Why should we now, when we are projecting a bill that will in three years add $20,000,000 to the pay roll in increased appropriation for the civilian lists of the Government, add several hundred thousand dollars more in order to provide machinery whereby this can be accomplished when you have existing machinery already in the Bureau of Efficiency?

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BUTLER. Is it conceded that this bill will add to the pay roll $20,000,000?

Mr. STAFFORD. That has not been conceded—I have not heard any concession to that effect—but it will cost $10,000,000, and it is conceded and the gentleman knows that when he surrenders to the decision of departments the fixing of the salaries, that while it will cost only $10,000,000 if enforced in the medium grades, in the maximum grades it will cost $20,000,000 and there is where they will go in a short time.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I did not intend to offend to the extent of asking an extension of time, but with the consent of the gentleman from New Jersey [Mr. LEHLBACH] I shall ask to proceed for three minutes more.

The CHAIRMAN. Is there objection?

Mr. LEHLBACH. Mr. Chairman, reserving the right to object——

Mr. STAFFORD. I withdraw the request, Mr. Chairman.

The CHAIRMAN. The gentleman withdraws his request.

Mr. LEHLBACH. I was not going to object to his having three additional minutes. I was merely going to see whether at that time some arrangement for completing debate could not be made. The gentleman may continue for three minutes so far as I am concerned.

The CHAIRMAN. The gentleman from Wisconsin has withdrawn his request. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and on a division (demanded by Mr. LEHLBACH) there were—ayes 25, noes 35.

So the amendment was rejected.

The CHAIRMAN. The question now comes upon the motion of the gentleman from Indiana to strike out the section.

The amendment was rejected.

The Clerk read as follows:

SEC. 10. That, subject to such rules and regulations as the Civil Service Commission may from time to time prescribe, an employee may be transferred from a position in one grade to a vacant position within the same grade at the same rate of compensation, or promoted to a vacant position in a higher grade at a higher rate of compensation, any provision of law to the contrary notwithstanding: *Provided*, That nothing herein shall be construed to authorize or permit the transfer of an employee of the United States to a position under the municipal government of the District of Columbia, or an employee of the municipal government of the District of Columbia to a position under the United States.

Mr. MANN. Mr. Chairman, I find in section 10 the following language:

any provision of law to the contrary notwithstanding.

Would that relate to past laws or to future laws? What is the purpose of it? What does it mean and what is the need for it?

Mr. LEHLBACH. It is in the nature of repealing existing law which is in conflict with this section.

Mr. MANN. It is not necessary to put such a provision in a repeal of a law, if it be in conflict with this section, because this section becomes a new law and any law that is in conflict with it is to that extent repealed without any such provision.

Mr. LEHLBACH. But under the canon of construction that statutes should be construed if possible so that both statutes may stand, it was thought best to include such a provision. It is merely a safeguard. It may not be necessary and probably is not necessary, but it was deemed for the purposes of certainty or assurance best to put it in.

Mr. MANN. This whole bill is a change of law. It is the creation of a new law. Section 10 contains positive revisions in reference to transfers from one grade to another, of promotions. We do not carry such a provision in other sections of the bill. Suppose Congress hereafter, without specifically repealing this provision, should provide for an appointment or transfer or promotion, might it not then be claimed that it will not have any effect because here is a provision stating that so-and-so should be the law, any provision of law to the contrary notwithstanding.

Mr. LEHLBACH. Later statutes govern, and the express provisions of those statutes will be carried out.

Mr. MANN. If this bill becomes a law and is in effect and is in conflict with some prior statute, that statute is no longer the law. This is the law.

Mr. LEHLBACH. I think the words are not essential.

Mr. MANN. Mr. Chairman, beginning in line 9, on page 8, I move to strike out the words "any provision of law to the contrary notwithstanding."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 8, line 9, after the word "compensation," strike out the words "any provision of law to the contrary notwithstanding."

Mr. FESS. Mr. Chairman, I do not resist the amendment. I am rather of the opinion that the language is not at all necessary, but I know why it was inserted. During the war stress we were losing a great many of our experts in certain grades who were being advanced to upper grades. In order to prevent this practice an appropriation bill had inserted in it a provision forbidding it. I thought at the time that it was a very unfortunate piece of legislation to governmentally forbid the promotion of an employee from one grade to another if his ability was such that he ought to be promoted, and if the upper grade wanted to use him. However, the chairman of the Committee on Appropriations, at that time Mr. Fitzgerald, pointed out that many of our grades were losing their best people, and that some of the grades were draining the lower grades of the best men they had.

Therefore we wrote that provision in the appropriation bill. I thought it was a very unwise thing to do. I think that is why this language was used.

Mr. MANN. I think I understand the reason why. I thought there ought not to be any question of a complication with a prior statute. Suppose instead of saying "any provision of the law to the contrary notwithstanding," we should say "any provision of an existing statute."

Mr. FESS. That would reach it.

Mr. MANN. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw his amendment. Is there objection?

Mr. MANN. I move to strike out, in line 10, page 8, the words "any law" and insert in lieu thereof the words "existing statute."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 10, strike out the words "any law" and in lieu thereof insert the words "existing statute."

Mr. DEMPSEY. There certainly can not be any constitutional provision or common law on the subject, so the change must be simply a change of verbiage and not a change of substance.

Mr. MANN. Well, this as it reads might be claimed to apply to a law hereafter passed by the Congress which did not specifically repeal this.

Mr. DEMPSEY. We could not by any possibility restrict the passage of future laws.

Mr. MANN. We could not restrict the passage of a future law at all, but suppose the future law be passed which does not repeal this——

Mr. DEMPSEY. In express terms.

Mr. MANN. Which does not purport to repeal it. Here is a provision that if there is any such provision of law this shall be the case, and I do not think it ought to be complicated that way. I do not think there is very great difficulty about it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. DUNBAR. Mr. Chairman, I move to strike out the necessary number of words.

The CHAIRMAN. The gentleman moves to strike out the last two words.

Mr. DUNBAR. I wish to address my remarks to the chairman of the committee. Under the provisions of this bill what civilian employees of the Government of the United States outside of the District of Columbia are exempt from its provisions? Are there any?

Mr. LEHLBACH. There are no employees of any kind outside the District of Columbia who are embraced in the classification and the ranges of salaries known as the compensation schedules, but section 5 provides for the making of a similar classification and the application of analogous salary ranges to the field services, which classification, when made, is to be reported back to the Congress for its action.

Mr. DUNBAR. Then the bill provides for a further classification of employees outside the District of Columbia and any classification that might be made under the provisions of this bill would not become operative without congressional action?

Mr. LEHLBACH. Without congressional action; correct.

Mr. REED of West Virginia. Mr. Chairman, I ask for permission to speak for two minutes.

The CHAIRMAN. The gentleman rises in opposition to the motion to strike out.

Mr. REED of West Virginia. I want to ask the Chairman if this cures a certain condition that has recently existed. Without mentioning the employee's name, I will give an instance in which there was an employee under the civil service, a man of education, who performed his duties well in his department for many years. Incidentally, I may say the head of the department was changed and he found occasion to reduce him from about $1,600 to about $900 a year. Time goes on, he is still efficient, another bureau head comes in and raises him to his old salary again. Can those things happen under this bill?

Mr. LEHLBACH. No; because the present employee would be allocated to a grade in the service that his duties would call for. He would then be subject to a test as to his efficiency, and he can be neither increased in salary nor decreased in salary nor dismissed from the service unless the work that he is performing merits either a reward or punishment, so he is protected against unreasonable, unfair, and arbitrary disturbance in his job. But if, as is now the case, his work is not up to standard, while under present conditions he is allowed to slack along from year to year, it would be mandatory on the bureau chief, if his work was of such slight unsatisfactoriness as merely to justify it, he would be reduced in pay, and if his services were thoroughly worthless it would be mandatory on the bureau chief to dismiss him from the service. On the other hand, if his work is such a conspicuous fitness and efficiency that it would merit an increase in pay as provided for, if Congress should appropriate for such increase—and thereby Congress always has a check on that—he would get the increase, and such salary increases as are now constantly made would be made on the basis of efficiency and not at the whim of his immediate superior.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 12. That the compensation schedules be as follows:

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to inquire of the chairman of the committee whether he has arrived at any conclusion as to the method of considering the remaining part of the bill, which comprises 28 pages and is included in one section?

Mr. LEHLBACH. I have only considered that the rules of the committee govern; that is all.

Mr. STAFFORD. I was going to make the suggestion to the committee as to whether it would not be better to try to consider it, possibly, by grades of professional service, so that the committee could consider each grade by itself, rather than read over 28 pages and have, maybe, 125 or 150 paragraphs open to amendment. It does not tend to good parliamentary consideration to have these various matters in 28 pages, including, maybe, 125 paragraphs, considered at one time. I merely offer it as a suggestion.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent, in considering section 12 under the rules for amendment, and in reading it, that each service shall be considered a section—shall be read and then be subject to amendment.

The CHAIRMAN. The gentleman from New Jersey [Mr. LEHLBACH] asks unanimous consent that in the consideration of section 12 each service heading may be read and considered as a section for amendment. Is there objection?

Mr. WOOD of Indiana. Reserving the right to object, Mr. Chairman, I desire to make an inquiry. At the proper time I desire to move to strike out all after line 21 and substitute entire new matter. I do not know whether I shall do that at the end of the reading of the first subhead or wait to get through. I do not care to interfere with any plan here so long as I have my rights.

Mr. LEHLBACH. I think, pending my unanimous-consent request, that we ought further to agree that if a substitute for the entire section is offered it should be offered upon the completion of the consideration of the existing section; in other words, when the last service has been completed. Otherwise, should his motion prevail the bill as reported by the committee would not be before the Committee of the Whole House for consideration at all.

Mr. WOOD of Indiana. That is entirely satisfactory.

Mr. LEHLBACH. The gentleman from Indiana agrees to that, and that is incorporated as a part of my unanimous-con-

sent request, that a motion to substitute the matter for the entire section shall come upon the completion of the last service.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that in the consideration of section 12 each paragraph under the service heads shall be considered for amendment as a separate section; that upon the completion thereof any motion to strike out the language of the entire section and substitute new language shall be deferred until the completion of the various paragraphs of the section. Is there objection?

Mr. WINGO. Reserving the right to object, does that prevent the customary practice of offering a complete substitute for all after the reading of the first section and giving notice that if adopted the remaining sections will be stricken out?

The CHAIRMAN. The Chair so understands it. The Chair understood the request of the gentleman from New Jersey to the effect that if the gentleman from Indiana had a proposed amendment it would strike out all after the language in the first line of the section and substitute new language for that section.

Mr. WINGO. I could not hear the colloquy.

The CHAIRMAN. And it is asked now, if it be agreed to, that such an amendment be deferred until the entire section has been considered, each service heading paragraph being considered as a separate paragraph for amendment.

Mr. WINGO. In other words, the section will be divided into paragraphs?

Mr. LEHLBACH. Service heads.

Mr. WINGO. That is what I mean. I mean that the substitute will be last.

The CHAIRMAN. The Chair so understands. The Clerk will read the first paragraph under the service heads.

The Clerk read as follows:

PROFESSIONAL SERVICE.

The professional service shall include all classes of positions the duties of which are to perform apprentice, routine, advisory, administrative, or research work which is based upon the established principles of, and which require training in, a recognized profession. Positions in the following callings, when requiring professional training equivalent to that represented by graduation from a college or university of recognized standing, shall be regarded as in the professional service: Accountancy, agricultural economics and marketing, architecture, astronomy, bacteriology, biology, chaplaincy, chemistry, child hygiene, civil-service examining, dentistry, dietetics, economics, education, engineering, forestry, geology, history, law, library science, mathematics, medicine, metallurgy, meteorology, patent examining, pathology, pharmacology, physics, political science, social economics, statistics, therapeutics, translating, and veterinary science. The specific mention of these callings, however, shall not be construed to exclude other callings which are to an equal degree professional.

Grade 1, which may be referred to as the junior professional grade, shall include all classes of positions in this service the duties of which are to perform under immediate supervision the simplest kinds of work requiring professional training.

The annual rates of compensation for classes of positions in this grade shall be $1,800, $1,920, $2,040, and $2,160.

Grade 2, which may be referred to as the assistant professional grade, shall include all classes of positions in this service the duties of which are to perform under general direction assigned professional work requiring professional training and previous experience but not the exercise of independent judgment.

The annual rates of compensation for classes of positions in this grade shall be $2,340, $2,520, $2,700, and $2,880.

Grade 3, which may be referred to as the associate professional grade, shall include all classes of positions in this service the duties of which are to perform independently or with a small number of subordinates in the junior or assistant professional grade, or with other subordinates, responsible professional work requiring extended training and considerable successful previous experience.

The annual rates of compensation for classes of positions in this grade shall be $3,120, $3,360, $3,600, and $3,840.

Grade 4, which may be referred to as the full professional grade, shall include all classes of positions in this service the duties of which are to perform independent and highly expert professional work, or to be responsible for the administration of a minor division of a large organization, or a major division of a small organization doing such work.

The annual rates of compensation for classes of positions in this grade shall be $4,140, $4,440, $4,740, and $5,040.

Grade 5, which may be referred to as the senior professional grade, shall include all classes of positions in this service the duties of which are to act as assistant head of a large professional organization, or as administrative head of a major division of such an organization, or as head of a small professional organization, or to serve as a consulting specialist, or to carry on the most advanced professional research.

The annual rates of compensation for classes of positions in this grade shall be $5,400, $5,700, and $6,000, unless a higher rate is specifically authorized by law.

Grade 6, which may be referred to as the chief professional grade, shall include all classes of positions in this service the duties of which are to act as technical and administrative head of a major professional or scientific bureau.

The annual rates of compensation for classes of positions in this grade shall be $6,000, $6,600, and $7,200, unless a higher rate is specifically authorized by law.

Mr. LEHLBACH. Mr. Chairman, in behalf of the committee in charge of this bill I submit the following amendment.

The CHAIRMAN. The gentleman from New Jersey offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

AMENDMENT TO PROFESSIONAL SERVICE.

GRADE 1.

Strike out: $1,800, $1,920, $2,040, and $2,160.
Insert: $1,620, $1,740, $1,860, and $1,980.

GRADE 2.

Strike out: $2,340, $2,520, $2,700, and $2,880.
Insert: $2,100, $2,280, $2,460, and $2,640.

GRADE 3.

Strike out: $3,120, $3,360, $3,600, and $3,840.
Insert: $2,820, $3,060, $3,300, and $3,540.

GRADE 4.

Strike out: $4,140, $4,440, $4,740, and $5,040.
Insert: $3,720, $4,020, $4,320, and $4,620.

GRADE 5.

Strike out: $5,400, $5,700, and $6,000.
Insert: $4,860, $5,160, and $5,460.

GRADE 6.

Strike out: $6,000, $6,600, and $7,200.
Insert: $5,400, $6,000, and $6,600.

Mr. LONDON. Mr. Chairman, I rise in opposition to the committee amendment.

The committee proposes to offer a series of amendments to diminish the salaries originally recommended by the committee as proper salaries.

This particular amendment deals with the salaries of the professional service.

I am opposed to the amendment.

Extensive hearings, lasting a month, were had on this bill. Representatives of numerous organizations, speaking for almost every branch of the service, appeared in support of the bill. I take it that the principal reason for their support of the bill were the salaries which the bill fixed. They are less interested in the problem of reclassification than in the question of dollars and cents—in the question of the livelihood which they will be able to obtain by working for the Government.

I look upon these hearings, at which the employees of the Government appeared in advocacy of the salaries scheduled in the bill, as possessing almost the sanctity of an agreement with these employees. They do not strike against the Government. They do not take any form of aggressive collective action against their employer, the Government. They appear before a committee; they present their side; they examine the salaries which are offered to them; they pass their judgment. The committee approves. They express their satisfaction, although some protest that the salaries fixed are too small.

After the committee had reported the bill, and after it had been taken up for consideration, for some reason which I can not understand, the committee has decided to reduce these salaries by substantial sums. The only possible explanation of the committee's action is that those members of the committee who voted for this reduction feared that the bill might be defeated in case they did not consent to a reduction.

They yielded to the general cry for a reduction of salaries, for a reduction of wages. They feared that the outside industrial world and the outside business world would condemn the action of Congress if Congress were not now to follow the footsteps of our industrial magnates in taking advantage of the present industrial depression and were not to reduce the earnings of those who are compelled to work for a living.

I can not share the fear of the committee on that subject. I take it that the salaries of the Government employees are far below the minimum necessary to sustain life with any degree of comfort. I take it that particularly men in the professional branches of the service are shamefully underpaid.

Now, take these professional services that we are dealing with. It embraces every branch of scientific endeavor, the very highest sphere of intellectual activity. You have astronomy there, and biology, and bacteriology, and education, history, law, mathematics. I recall one of these scientists in the employ of the Government who is a world-known figure. I recall his testimony before the committee. I felt tears coming to my eyes when I heard him testify that he had been compelled to mortgage his home in order to meet the growing cost of living during the last few years—a sad state of affairs. And while the man of science is not and should not be devoted to money making, no Government can afford to treat men of science in the manner in which this Government has been treating its professional employees.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONDON. Mr. Chairman, may I ask for another five minutes?

The CHAIRMAN. The gentleman from New York asks unanimous consent for five minutes additional. Is there objection?

There was no objection.

Mr. LONDON. Now, gentlemen, you all know that the so-called bonus was a mere guess. You guessed at 20 per cent. It was one of those political guesses, like Mr. Bryan's guess of 16 to 1. It happened to be 20 per cent; not 22½ per cent or 19¾ per cent; just 20 per cent. But it had no relation to the actual purchasing power of the dollar.

On yesterday everybody, I think, agreed with me that the disparity between the nominal dollar and the real dollar—that is, the nominal dollar and the purchasing power of the dollar—was three times as great as 20 per cent. Somebody asked me the date of the statistical data that I relied on. I stated that the statistical data were of 1920.

I have now before me statistical data relating to the cost of living, which take us up to September, 1921, up to the very last minute, practically; and what do we find? Taking the city of Boston, for example, we find that between 1914 and 1921 the cost of food had increased 52.1 per cent; the cost of clothing, 118.8 per cent; housing, 31.6 per cent.

Mr. BLACK. Does the gentleman mean from 1917?

Mr. LONDON. I mean from 1914 to 1921. I am quoting from page 78 of the monthly Labor Review for November, 1921. Housing, I said, increased 31.6; fuel and light, 94.4; furniture and furnishing, 139.5; and miscellaneous, 94.6, making an average of 72.8 per cent increase since 1914.

In New York the increase is 79.7; in Mobile, Ala., 67.2; in Washington, D. C., 66.2.

Under these circumstances we should not think of decreasing the salaries of the men whose only means of livelihood comes from their serving the Government. I am not making this argument just for the sake of making an argument. Every professional man in the House who accepts fees for services rendered charges now a great deal more than 20 per cent additional for the service he performs. Every professional man pays to his office help more than 20 per cent above what he was paying in 1914. The salaries that were originally fixed in this bill were based on a slight increase over the old salary, plus the bonus, an increase which, as the commission estimated, would involve an additional expenditure of 8.5 per cent. That is, assuming that there would be no economy, assuming that there would be no elimination of useless workers, assuming that there would be no gain through higher efficiency.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. STAFFORD. I hold in my hand the table inserted by the gentleman from New Jersey [Mr. LEHLBACH] showing the increase in these various grades of professional services, on page 172 of the RECORD. I direct the gentleman's attention to grades 3 and 4, as to the increases of compensation, using the median rate. It is 28.5 for grade 3, and 44.2 for grade 4. How does the gentleman harmonize that with his 8.5 per cent?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONDON. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. LONDON. I did not quite get the question of the gentleman from Wisconsin. The gentleman was addressing himself to the professional service?

Mr. STAFFORD. Yes.

Mr. LONDON. That 8.5 per cent applied to the entire service.

Mr. STAFFORD. I understood the gentleman in his remarks to say that the average increase of the professional service would be only 8.5 per cent.

Mr. LONDON. No.

Mr. STAFFORD. I understood the gentleman was addressing his protest entirely in the interest of the men of science in the professional grades.

Mr. LONDON. We are dealing now with this amendment, and I confine my remarks to this amendment.

Mr. STAFFORD. That relates only to the professional service. I am calling attention to the fact that the increase to the professional grades is much more than the 8.5 per cent which the gentleman stated.

Mr. LONDON. The 8.5 per cent related to the entire civil service.

Now, when you speak of comparisons with the outside business world you realize, of course, that the business world is never actuated by any higher motive than that of making money, and in those industries where there is intense competition the meanest man controls the situation; the will of the meanest employer is supreme. The man who can get his employees for the lowest wage and under the worst possible conditions has the greatest chance of survival. There you have the law of the survival of the fittest working in the sense of the survival of the meanest as a rule. That is what the law of the survival of the fittest means there. And where industry is monopolized the worker is altogether helpless.

But that should not be made to apply to the delicate relations between the Government and its employees. It is an extremely difficult proposition. The personal relation between employer and employee does not exist in the Government service. There is no feeling of friendship, no intimate knowledge of the individual. There is an absence of the human element. The Government as an employer is an abstraction. Unless the worker feels that his livelihood is secured by the Government, unless he feels he is getting a square deal from the Government, you can not inspire him with that desire to render the best service which is so necessary in order that the service may be efficient.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. ANDREWS of Nebraska. Does the gentleman include the bonus of $240 in the basic salary upon which he makes his computation of an average 8.5 per cent increase?

Mr. LONDON. I do include the so-called guess, which was called the bonus; yes.

Mr. ANDREWS of Nebraska. That is, the $240 is included?

Mr. LONDON. Yes; the $240 added to a wage originally fixed 30 years ago.

Mr. ANDREWS of Nebraska. Then the salary would be the former salary plus the bonus, and then there is a gain of 8.5 per cent.

Mr. LONDON. A general increase of 8½ per cent.

Mr. ANDREWS of Nebraska. I wanted to get that point clear.

Mr. LONDON. Yes; but when you will realize that the ordinary expenditures of the Government constitute only 7 or 8 per cent of our total budget, and that 93 per cent goes for the expense arising out of the war, you will see that the committee wants us to be penny-wise. You will injure the entire service of the Government if you yield to the cry of the outside world for reducing wages, for grinding down the men who work, for ruthlessness in the relation between employer and employee. Congress instead of being the leader in good morals as between employer and employee is asked to succumb to the general cry of the industrial rulers, whose only ideal is gold.

Mr. LUCE. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. LUCE. The force of the gentleman's argument appeals to me so much that I almost hesitate to ask him what seems to me to be a pertinent question; yet I can not help desiring to know how he reconciles that argument with the system of philosophy for which, I understand, he is sponsor, under which we are to be paid not according to our deserts but according to our needs?

Mr. LONDON. I do not quite get the gentleman's question. Probably the gentleman has his own conception of what my philosophy is. I do not believe he understands my philosophy. If the gentleman will be kind enough to ask some day that I be given an hour to explain my philosophy, or if he will be patient enough to read a list of books which I shall be glad to give him, then I will discuss with him my philosophy. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEHLBACH. Mr. Chairman, the increase in compensation which would have resulted from the compensation schedules in the bill as originally reported, on the basis of comparison with the service as it was both in numbers and average salary in April, 1919, would have been, over the then conditions, 8.5 per cent, or something in excess of $8,000,000. However, since 1919 the number of employees in the District of Columbia has been reduced by 21,000. The average salary was something over $1,400. That would mean a decrease in the pay roll for the District of something in the neighborhood of $30,000,000. Furthermore, the only figures that we have as to the pay roll in departments in the District of Columbia at the present time are those furnished through the Committee on Appropriations, which is the second table in the figures which I inserted in the RECORD on page 227 of the RECORD of December 9, 1921, and which show an average salary, instead of $1,457, of $1,593. Whether those figures, which are by departments, are exactly comparable with figures by services it is impossible to determine exactly, but as a general basis of comparison they ought to

be reliable, because they were furnished the Committee on Appropriations, I understand, by the Bureau of Efficiency. That shows an average increase in salary for District employees of over $100 in the last two years. That shows that there is a substantial increase at least over the salary in 1919, and that in large measure, I think, is accounted for by the fact that in the lowest entrance salary in the statutory grade the lowest range of salary has been rather generally disregarded and people are no longer starting in the service at $720 or $900, but start up somewhere about $1,000 at the present time. That is the reason for the average higher pay. But the decrease in the employees and the increase in the salary would make the discrepancy between the salaries reported in the compensation schedules originally and present compensation materially less than 8 per cent, materially less than $8,000,000, and would reduce it to between three and five million dollars, and there is no justification—nobody has any figures, nobody has any moral right to say that this bill at any time, at present or in the future, would cost $20,000,000, or anything like it. Such statements are unjustifiable and are made in reckless disregard of ascertainable facts.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. STAFFORD. Has the Civil Service Commission any data as to what the increases will be under this bill?

Mr. LEHLBACH. As far as I know, none whatever, excepting such information as is available to all those who have studied the facts reported by the Reclassification Commission and have endeavored to bring them down to date.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. FESS. I understood by a publication recently that we have reduced the employees here to 78,000?

Mr. LEHLBACH. The employees on November 15 in the District of Columbia were a few hundred in excess of 69,000. There has been a reduction of over 5,200 in the number of employees in the last four months, and that ratio of reduction is hoped to be continued for some time to come.

Mr. FESS. Did I not understand the gentleman to say some moments ago that we had 90,000 here?

Mr. LEHLBACH. In 1919, on April 30, as of which date these tables are computed, we had 90,815 employees in the District of Columbia.

Mr. FESS. Sixty-nine thousand shows some progress in reduction.

Mr. LEHLBACH. It is a reduction of over 21,000.

Mr. FESS. Can we hope for further reductions?

Mr. LEHLBACH. We can under normal conditions, without any legislation; but if we reorganize the departments, which this Brown Commission is endeavoring to do, and we complement that work with the reclassification of the personnel, we can make drastic reductions in the personnel in every department of the Government and save money.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FESS. As I recall it, we had 37,000 employees in 1917 when we went into the war.

Mr. LEHLBACH. I believe that is correct.

Mr. FESS. And our present number is pretty nearly double that.

Mr. LEHLBACH. Yes.

Mr. FESS. My concern is whether that increase is so substantial that we can not reduce to anywhere near the number we had formerly.

Mr. LEHLBACH. Additional activities, which resulted from the war, which are not activities for carrying on war but for carrying on activities which resulted from the war—our immense War Risk Insurance, the Veterans' Bureau, the great increase in the handling of the new conditions in respect of finances in the Treasury, and so forth—will necessarily mean a substantial permanent increase over the 37,000 that there were, but there ought to be a very substantial reduction from the 69,000 which to-day are still in the service in the District.

Notwithstanding the fact that the increase as originally reported in the bill was a slight increase and would in comparison to the entire cost of the service of the Government and the expenditures of Government be negligible, nevertheless, sensing the sentiment of the House that there should be not any increase in the pay roll, not any increase in the cost of maintaining the civil service of the Government, your committee has given further study to the subject and has brought in a revision of the compensation schedules which insure that in the first fiscal year in which these schedules are put into effect the pay roll would be less than it would be without the adoption of the classification, for the reason that while there is no substantial reduction made in the pay of existing employees, who are in jobs, in very many instances, generally throughout the service, the entrance salary will be less than the present salary plus the bonus. In other words, where people now enter the service at $1,140, they will enter the service at $1,080. When you consider the thousands of turnover we have had and the thousands of new entrants constantly coming into the service, and that we are making a substantial reduction in the entrance salary in practically all the services, we have that element of saving, entirely aside from that element of saving which would come from a reduction in the personnel. In consequence, assuming the number to remain static, we would have our cost of maintenance of the civil service reduced, and, further, we would have this situation, that whatever reduction in the personnel is achieved, would be an actual saving to the Treasury and would not be absorbed by the salaries paid to others.

Mr. FESS. Will the gentleman yield for another question?

Mr. LEHLBACH. That is the initial effect of this reclassification as revised.

Mr. FESS. Does this bill cover all the employees here in Washington?

Mr. LEHLBACH. The gentleman means compensation schedules? All with the exception of the skilled trades and skilled labor which are now not compensated in accordance with either statute or departmental regulations, but which are now compensated by wage boards which take into account from time to time such fluctuations as the market price of those wages may show.

Mr. FESS. Are there any employees attached to war agencies that were created and that still exist that are not included in this bill, such as the Shipping Board?

Mr. LEHLBACH. No; they are all in the bill.

Mr. FESS. So that the danger of lump-sum appropriations with power to fix salaries is eliminated?

Mr. LEHLBACH. Nowadays a bureau chief might ask for a lump-sum appropriation to run his division. He might say, "I want $5,000,000 for certain purposes." If he got that sum, he was not compelled to spend it for those purposes, but could take and spend it in any way within his department, provided he did not exceed the $5,000,000, and could expend it by paying high salaries. But when the personnel is classified and they are put into the grades of services and their salary ranges fixed, he can not change the salary by raising anybody except on the bases of efficiency supervised by competent authority.

Mr. FESS. The gentleman said when they are classified.

Mr. LEHLBACH. I mean when they are allocated. This bill establishes the classification, and it is up to the department heads, under the final say so of the Bureau of the Budget, to assign their personnel to the proper grades in the service.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. WOOD of Indiana. Mr. Chairman, the gentleman from New Jersey during the course of his remarks stated that no one had any right to make any accusation in reference to the increases this bill will entail upon the Government. I have before me, and with the consent of this body I will incorporate it in the RECORD for the edification of this committee, a table which shows the complete application of this bill to the Treasury Department in the city of Washington, its present cost of operation, the cost of operation if the Lehlbach bill becomes a law, and the cost of operation if the so-called Wood-Smoot bill becomes a law. There are some very striking figures. The largest activity within the Treasury Department is the Internal Revenue Office. The present cost of that office is $12,578,770. Under the reclassification as proposed in the pending measure it would be $15,658,020, or an increase of $1,079,250, or an increase of 8.6 per cent. Under the so-called Wood-Smoot bill the cost under the reclassification would be $12,667,780, or a minus of $80,930 as compared with the present cost, or under the application of the Wood-Smoot bill it would cost six-tenths of 1 per cent less than it is now costing.

Mr. STAFFORD. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. STAFFORD. Does the gentleman intend to explain how that reduction is allocated to the various grades in the Treasury Department—whether in the higher ones or whether those in the lower grades are promoted to higher salaries? Whether there is any uniform increase in the salary of clerks?

Mr. WOOD of Indiana. It includes all clerks, all labor of the different offices under the present salary schedule, the entire cost under the Lehlbach schedule, if adopted, and the entire cost assuming the Wood-Smoot bill is adopted.

Mr. LEHLBACH. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. LEHLBACH. Will the gentleman explain how the allocation of positions in the Treasury Department to the grade by the Wood bill can be made when the range of salaries for each grade in some cases is from $1,500 to $2,000? How can anybody tell where in that range any particular person is to be allocated?

Mr. WOOD of Indiana. I take very great delight in telling the gentleman. If the gentleman had taken the time to examine the records we had here the other day, or will take the time to examine them now, he will see full well how it was accomplished; how under the direction of the President to the Bureau of Efficiency certain pay was established under its definitions of service. Those salaries so fixed by the Bureau of Efficiency as a result of its survey are the figures that are used in making this calculation.

Mr. LEHLBACH. Then those salaries that are applicable to the Treasury Department under the Wood bill were entirely fixed by the Bureau of Efficiency?

Mr. WOOD of Indiana. They were fixed because of the fact the salaries came in the definition saying how the salaries should be placed. That is just the trouble with this bill. Nobody will ever know where you are under this bill, because there is not any concrete definition so that anybody can be held to it if they have a mind to get out of it. The total cost to the Government of the Treasury Department, to which this applies, is $34,252,111.61.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. May I have five minutes more?

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WOOD of Indiana. The total cost under the Lehlbach bill will be $36,315,517.28, or an increase for the entire operation of the Treasury Department of $2,063,400.59, or a total cost applying to the entire department of an increase of 6 per cent, while the total cost, if the Wood bill were applied, would be plus $342,099; that is, it would increase the cost more than the present cost by 1 per cent. Now, gentlemen, much has been said here about the Wood bill, and they have attempted to use that bill as a buffer against the arguments adduced in opposition to the passage of this bill. I claim no pride of authorship so far as the Wood-Smoot bill is concerned. I introduced it because I believe, as everyone else here feels, that we should have a reclassification. When I introduced it the indications were, and we all hoped, that there would be a reduction in the cost of living, whereby the dollar would be made to go further than it was then going and approach somewhere near the point where it was when we entered upon this war. But I wish again to say to you, gentlemen, that this is the worst time possible to increase statutory salaries permanently, and if I were asked the question whether you should this day substitute this Wood-Smoot bill for this bill, which very materially increases the cost of government over the so-called Wood-Smoot bill, and adopt the Wood-Smoot bill, I would say no, because of the fact that these prices are still ranging so high that they are abnormal and must certainly remain abnormal for some time at least.

And if we are to do the best we can for the Treasury of this country, if we are to keep the promises we have made to the taxpayers of this country, we should put forth the best possible effort to lighten the burden of taxation. Why should we insist, and take the bit in our mouths and run away with this proposition? Why is this extraordinary demand now for the passage of this bill? Why is it so strongly urged that it pass at this particular hour? Because the gentlemen who are most vitally interested in it now know that if they can fix the base salary proposed, based upon the conditions now existing, they will have permanent salaries that will remain when the living prices become lower.

And there is another thing to which I wish to call the attention of this body. During all this investigation that was made preparatory to this reclassification what they had in mind was influenced by those extraordinary prices, and suggesting there be fixed upon this Government a schedule of salaries that no one, I care not who he might be, would have cared to have defended prior to the time we got into this war.

Mr. TILSON. Will the gentleman yield?

Mr. WOOD of Indiana. I yield.

Mr. TILSON. What would the gentleman say as to the comparative cost of running the government of the District of Columbia if this becomes a law as it is written and the present cost of running the government with the bonus?

Mr. WOOD of Indiana. Well, as I say, if the Lehlbach bill became the law and took the place of the present statutory salaries with the bonus, for the operation of the Treasury Department for one year it would increase the cost of that operation $2,063,400.

Mr. TILSON. Does the gentleman take the lower pay or the medium pay or the higher pay in making his calculation?

Mr. WOOD of Indiana. It takes into consideration the entire personnel of each division and it separates them and calculates the cost upon the personnel as now paid and contrasts what the same personnel would cost under the Lehlbach bill and under the so-called Wood bill.

Mr. TILSON. Under the Lehlbach bill there are several sums appropriated within the same grade——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. Mr. Chairman, I ask unanimous consent that the gentleman have an additional five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. There are several different sums within the same grades. There are sometimes three and sometimes four different amounts paid. Which of those does the gentleman take in the various grades, or has he averaged them in getting at the cost of the Lehlbach bill?

Mr. WOOD of Indiana. I will state to the gentleman—and I want to be entirely accurate about it——

Mr. TILSON. I am asking for information. The House wishes information.

Mr. WOOD of Indiana. I do not want to make a mistake about that, and I will give the correct information later during the debate, so that there will not be any mistake upon what the calculation was made. I wish again to say that it occurs to me that, if we were acting wisely and were wanting some time to get an intelligent reclassification that might stand and meet the approval not only of this body but of this country, that has to pay for it, we had better defer the passage of this or any other bill at this time.

We have managed to get through in an unscientific way ever since the cost of living has been mounting higher and higher. If we adopt this sort of a scheme, such as is proposed in this bill, we are fastening upon the Government an unequally unscientific scheme. It is best illustrated by what has occurred here in the last few minutes, when it was proposed arbitrarily to reduce each one of the salaries in this first section that was read by 10 per cent. Why 10 per cent?

Mr. LEHLBACH. It is not 10 per cent, if the gentleman will yield. It varies in the different services, as the gentleman will ascertain if he will look at the figures.

Mr. WOOD of Indiana. How much is it if it is not 10 per cent?

Mr. LEHLBACH. It comes about to 10 per cent, but it is not a uniform 10 per cent reduction.

Mr. WOOD of Indiana. My information is that it amounts to a 10 per cent reduction.

Mr. LEHLBACH. These figures, I will say to the gentleman, have been in the RECORD since December 9. If the gentleman was interested, he could have looked at them.

Mr. WOOD of Indiana. Does the gentleman say it is not a 10 per cent reduction?

Mr. LEHLBACH. I say it is not a uniform 10 per cent reduction.

Mr. WOOD of Indiana. The result of it is a reduction of 10 per cent. Is not that true?

Mr. LEHLBACH. That is what it will amount to. The gentleman said each figure was reduced 10 per cent. That was a very incongruous way of reducing salaries.

Mr. WOOD of Indiana. I think so, too. What hearings have you had since the reporting of this bill? What opportunity have you given the public or anybody interested to come before the committee and give them the benefit of their advice and counsel with reference to what that per cent should be, either decreased or increased?

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. LONDON. Does not the accusation of the gentleman mean that instead of making one guess of 10 per cent they have made several guesses?

Mr. WOOD of Indiana. That is what it amounts to. The point I am making is that it is a guess at best. It is a guess if you pass this bill as to how much the burden of the taxpayers of this country will be increased.

There is one thing, however, about which there may be no uncertainty and no guess, and that is if you fix these as the basic statutory salaries now they will remain permanently upon the statute books of this country for a long time, for in all the experience of the oldest man here you have never known salaries to be decreased. Their tendency is always to be higher and higher, and the efforts of those interested are constantly to increase them higher and higher.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent to insert this schedule as part of my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Following is the schedule referred to:

Statement showing increases in Treasury Department pay roll under Lehlbach bill compared with increases or decreases under Wood-Smoot bill.

Office.	Lehlbach bill.				Wood-Smoot bill.			
	Present cost.[1]	Cost under reclassification.	Increase.	Per cent of increase.	Present cost.[1]	Cost under reclassification.	Increase (+) or decrease (−).	Per cent of difference.
Office of the Secretary	$102,640.00	$107,910.00	$5,270.00	5.1	$1,243,358	$1,333,200	+ 89,842	7.2
Office of the Chief Clerk	981,805.00	1,111,352.48	129,546.48	13.2	[2]	[2]	[2]	[2]
Division of Appointments	54,870.00	55,190.00	320.00	.6	78,650	78,300	− 350	− .4
Division of Bookkeeping and Warrants	128,520.00	137,640.00	9,120.00	7.0	158,540	161,400	+ 2,860	1.8
Division of Customs	77,860.00	95,620.00	17,760.00	22.8	73,360	79,440	+ 6,080	8.3
Division of Public Moneys	60,580.00	64,920.00	4,340.00	7.2	30,060	29,580	− 480	−1.6
Division of Printing and Stationery	67,800.00	72,960.00	5,160.00	7.6	72,820	73,500	+ 680	.9
Division of Loans and Currency and Office of the Public Debt	3,310,370.00	3,398,350.00	87,980.00	2.7	3,377,630	3,410,680	+ 33,050	1.0
Division of Secret Service	26,280.00	30,160.00	3,880.00	14.8	31,138	34,680	+ 3,542	11.4
Federal Farm Loan Bureau	68,220.00	70,320.00	2,100.00	3.1	80,420	83,780	+ 3,360	4.2
Office of Disbursing Clerk	31,590.00	38,220.00	6,630.00	21.0	50,470	50,400	− 70	− .1
Office of Supervising Architect	404,376.00	459,240.00	54,864.00	13.6	419,112	438,360	+ 19,248	4.6
Office of Comptroller of the Treasury	182,140.00	194,880.00	12,740.00	7.0	188,800	187,100	− 1,700	− .9
Office of Comptroller of the Currency	285,388.00	321,528.00	36,140.00	12.7	367,188	386,540	+ 19,352	5.3
Office of Auditor for the Treasury	405,400.00	418,130.00	12,730.00	3.1	419,260	438,420	+ 19,160	4.6
Office of Auditor for State	207,990.00	219,600.00	11,610.00	5.6	196,630	213,840	+ 17,210	8.8
Office of Auditor for War	1,411,243.68	1,510,100.00	98,856.32	7.0	1,310,860	1,356,900	+ 46,040	3.5
Office of Auditor for Navy	484,470.00	496,300.00	11,830.00	2.4	712,570	759,240	+ 46,670	6.5
Office of Auditor for Post Office	811,136.00	833,596.00	22,460.00	2.8	831,720	834,900	+ 3,180	.4
Office of Auditor for Interior	150,830.00	157,520.00	6,690.00	4.4	134,150	139,080	+ 4,930	3.7
Office of Treasurer of the United States	1,755,566.00	1,854,306.00	98,740.00	5.6	1,689,560	1,732,020	+ 42,460	2.5
Office of the Register of the Treasury	1,357,232.00	1,399,490.00	42,258.00	3.1	1,374,552	1,395,540	+ 20,988	1.5
Internal Revenue Bureau	12,578,770.00	13,658,020.00	1,079,250.00	8.6	12,748,710	12,667,780	− 80,930	− .6
Bureau of War Risk Insurance	8,067,520.40	8,146,545.80	79,025.40	1.0	8,395,468	8,433,680	+ 38,212	.5
United States Coast Guard	148,090.00	162,120.00	14,030.00	9.5	145,470	147,720	+ 2,250	1.5
Bureau of Public Health	988,618.61	1,185,719.00	197,100.39	19.9	986,389	992,320	+ 5,951	.6
Miscellaneous[3]	102,810.00	115,780.00	12,970.00	12.6	189,996	190,560	+ 564	.3
Total	34,252,116.69	36,315,517.28	2,063,400.59	6.0	35,306,861	35,648,960	+342,099	1.0

[1] Difference in present cost due to difference in dates. Lehlbach appraisals were made in December, 1921; Wood-Smoot appraisals early in 1921.
[2] Included in Office of the Secretary.
[3] Includes Section of Surety Bonds, Division of Mail and Files, Division of Deposits, Bureau of the Mint, and Office of Commissioner of Accounts and Deposits.

Mr. BLACK rose.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent that at the expiration of the remarks of the gentleman from Texas—how much time does the gentleman from Texas desire?

Mr. BLACK. Five minutes.

Mr. LEHLBACH. I ask unanimous consent that at the expiration of five minutes, debate on the pending amendment and all amendments thereto be closed.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the debate on the committee amendment and all amendments thereto close in five minutes. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I would like to have at least five minutes on this professional service title.

Mr. LEHLBACH. I will modify my request and make it 10 minutes.

The CHAIRMAN. The gentleman from New Jersey modifies his request and now asks unanimous consent that all debate on the committee amendment and all amendments thereto terminate in 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLACK. Mr. Chairman, I want to reply briefly to the statement that has been frequently made by the gentleman from Indiana [Mr. WOOD] that the work of preparing this bill and amendments was done without study and without due consideration.

Now I do not like to speak of the individual work that I have done in the study of this bill and will not speak of it except to say this: Some time ago I had the Civil Service Commission send me over the announcement digests of all examinations for 1921. There were about 40 of these, covering all sorts of positions in the Government service, examinations for which were advertised for during 1921; and in order to test out this bill and to see how it will work, as compared with the salaries paid now, I worked in my office every night last week until 10.30 or 11.30 o'clock, allocating these positions for my own information, in accordance with these announcement digests.

I do not have the time now to give the House the results of this study, but let me give you just one concrete illustration as applied to, for example, the professional service. The first four grades are comprised in the following: Grade (1) junior professional grade, grade (2) assistant professional grade, grade (3) associate professional grade, and grade (4) full professional grade.

Let us take the announcement digest issued February 10, 1921, by the Civil Service Commission for coal-mining engineer. That is one of the professions defined in this bill. The announcement digest advertises an examination for coal-mining engineer, associate coal-mining engineer, junior coal-mining engineer, and assistant coal-mining engineer. Let us see how the salaries in this civil-service announcemet list compare with the salaries as per the revised amendment of the gentleman from New Jersey [Mr. LEHLBACH] which the committee studied out very carefully. Let us take junior engineer first as grade 1. Under the existing law as published in this announcement digest for junior coal-mining engineer the scale is from $1,500 to $2,000. Grade 1 in this bill is from $1,620 to $1,980 as per the amendment of the gentleman from New Jersey [Mr. LEHLBACH].

Let us take grade 2, assistant coal-mining engineer. In the Civil Service Announcement Digest that you can all read for yourselves, the one dated February 10, 1921, the salary of assistant coal-mining engineer, is from $2,000 to $3,000. In this bill grade 2, which is the assistant professional grade, is from $2,100 to $2,640, as per the Lehlbach amendment which is now pending.

Let us take the next one, the third professional grade, the associate professional grade. I read from the Announcement Digest of the Civil Service Commission. The salary of associate coal-mining engineer at the present time is from $3,000

to $4,000. The associate grade in this bill as per the Lehlbach amendment is from $2,820 to $3,540.

Let us take the full professional grade of coal-mining engineer.

Mr. CONNALLY of Texas. Will the gentleman yield for a question?

Mr. BLACK. Yes.

Mr. CONNALLY of Texas. Do these announcements of the Civil Service Commission include the bonus?

Mr. BLACK. These more highly paid employees do not get any bonus.

Mr. CONNALLY of Texas. The gentleman cited one from $2,000 to $3,000.

Mr. BLACK. Yes; it announces at the bottom that each employee is entitled to a bonus up to $2,500, but the advertisement is the basic salary. Now, we will take the full professional grade, coal-mining engineer. Under the present law it is from $4,000 to $4,800, and in the Lehlbach bill it is $3,720 to $4,020. So, gentlemen, with these figures I have given you I do not think it can be said that our bill imposes an extravagant list of salaries. Of course, it will readily be admitted that there are other classes of professional employees, now very much underpaid, who will receive considerable increases under the salary schedules which we have named in our bill. But in this evening-up process the increases will not in any sense be extravagant or wasteful.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. STAFFORD. Mr. Chairman, when this bill was up for consideration in general debate I did not have the advantage of the tables that had been prepared for the use of the committee. I then stated that in many instances the salaries of employees of the Government were increased as high as 50 per cent and in some cases 100 per cent. The table that has been inserted in the RECORD by the gentleman from New Jersey [Mr. LEHLBACH] confirms that statement, for in his original bill in grade 3 the total increase would be 28.5 per cent and in grade 4, 44.2 per cent.

Now, following the line of the argument just advanced by the gentleman from Texas [Mr. BLACK], he takes the salary, based not on the statutory roll but that which was fixed by the head of a bureau, out of a lump-sum appropriation. I want to call the attention of the committee to the salaries paid in those same grades based on the statutory roll. In the Bureau of Standards what do we find is paid to the assistant chemists? I do not know whether an assistant chemist is in grade 3 or in grade 2.

Mr. BLACK. He is in grade 2.

Mr. STAFFORD. The highest salary being paid to the assistant chemists of the Bureau of Standards, expert men selected by that rare head, Dr. Stratton, is $1,800; the other grades are $1,600 and $1,400, four at $1,800, six at $1,600, and six at $1,400. What is proposed to be done under the revised figures of the committee amendment in grade 2? The minimum will be $2,100 and up to $2,640.

Take the associate chemists or associate physicists. At present there are four grades—$2,700, $2,500, $2,200, and $2,000. Under the proposed amendment you start at $3,120, and the highest salary is $3,800. My experience on the legislative appropriating committee confirms my opposition to the method of lump-sum appropriations. That is what the proposed bill will result in by vesting in the heads of the departments the determination of the amounts of salaries that shall be paid, leaving it to the heads of the departments without any direct supervision by Congress.

Mr. BLACK. Will the gentleman yield?

Mr. STAFFORD. I have only five minutes. To-morrow, when I have more time, I will gladly yield to the gentleman. The Librarian of Congress often came before the Committee on Appropriations making his appeal to have salaries raised horizontally, and we declined, because we knew there were other factors to be taken into consideration besides the mere salary attached to a position in the Government service. We find these inordinate increases. Is there a man in this House who would vote to-day to increase the salaries of professional men so inordinately in these days when everyone is clamoring for a reduction, and when there are no withdrawals from the service? They have more applicants for Government positions at the Bureau of Standards than they have positions to fill, and yet it is proposed to increase their salaries radically by this bill, and not only in the minor grade. The average to which I called attention, of 44 per cent, is of the medium salary. One thing that has been brought to our attention time and time again is that the heads of bureaus and divisions always want to raise their men up to the higher salaries. There is no adequate agency provided in this bill which will be able to restrain them from raising the salaries to the maximum, nor is there any agency which will prevent the play of favoritism. We are surrendering our congressional control over these salaries. For years and years, ever since the existence of the Government, we have had control of them by voting upon them specifically. It is now proposed by this modern, scientific method of classification, which has been the vogue lately of increasing salaries in the field service, to increase these here. The powers that be were very potent in so far as the increase in the Postal Service employees was concerned, and now in a time of declining prices we are asked to raise salaries in the professional grades, where no vacancies exist and no impairment of the service has been reported.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The question is on the amendment offered by the gentleman from New Jersey.

The amendment was agreed to.

Mr. DARROW. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DARROW: On page 9, line 11, following the word "pharmacology," insert the word "pharmacy," followed by a comma.

Mr. DARROW. Mr. Chairman, I have offered this amendment so that the classification shall apply to the profession of pharmacy. It is the common term used and is understood to apply to that profession. As I understand it from those better qualified to judge, the word "pharmacology" has a more restricted meaning and applies more particularly to the study of the action of drugs. The term "pharmacy" is the common term used and understood by the American Pharmaceutical Association, the Conference of Pharmaceutical Faculties, the National Association of Retail Druggists, also by the Army and Navy, as well as in foreign countries.

Mr. FESS. Is pharmacology included in pharmacy?

Mr. DARROW. It may be the term "pharmacy" is broad enough to include the term "pharmacology," although I am not certain.

Mr. FESS. Why not strike out the word "pharmacology" and insert "pharmacy"?

Mr. DARROW. And yet "pharmacology," as I understand it, is applied more particularly to the study of the action of drugs.

Mr. GARRETT of Tennessee. Mr. Chairman, to save gentlemen from entering into a long discussion on the relative meanings of those two words, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is not.

Mr. LEHLBACH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8928, and had come to no resolution thereon.

CALENDAR WEDNESDAY.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Has any agreement been entered into to dispense with the business in order on Calendar Wednesday?

The SPEAKER. The Chair thinks not.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to dispense with business in order on Calendar Wednesday, to-morrow.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, can the gentleman inform us whether the conferees on the deficiency appropriation bill have reached an agreement, and probably will reach an agreement in time to file under the consent given by 12 o'clock to-night?

Mr. MONDELL. Mr. Speaker, my understanding is that they probably will reach an agreement.

Mr. STAFFORD. I may say that they did not meet until 4 o'clock this afternoon.

Mr. GARRETT of Tennessee. If they reach an agreement so as to file under the consent granted by 12 o'clock, I understand the conference report will be called up to-morrow?

Mr. MONDELL. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

CONFEREES ON DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The Chair appoints as one of the conferees on the deficiency appropriation bill Mr. ANTHONY in place of Mr. CANNON, resigned.

ADJOURNMENT.

Mr. LEHLBACH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned until to-morrow, Wednesday, December 14, 1921, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KEARNS, from the Committee on Military Affairs, to which was referred the bill (H. R. 5385) for the relief of Henry T. Hill, reported the same with an amendment, accompanied by a report (No. 508), which said bill and report were referred to the Private Calendar.

Mr. WURZBACH, from the Committee on Military Affairs, to which was referred the bill (H. R. 4894) for the relief of George W. Posey, reported the same with an amendment, accompanied by a report (No. 509), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9368) granting an increase of pension to Nancy A. Tyler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9442) granting an increase of pension to Samuel G. Dinsmore; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HILL: A bill (H. R. 9524) to amend an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 4, 1920; to the Committee on Military Affairs.

Also, a bill (H. R. 9525) to reimburse the city of Baltimore, State of Maryland, for moneys expended to aid the United States in the construction of works of defense during the Civil War; to the Committee on War Claims.

By Mr. KLINE of New York: A bill (H. R. 9526) to amend section 1 of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Reform in the Civil Service.

By Mr. LAWRENCE: A bill (H. R. 9527) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations; to the Committee on Banking and Currency.

By Mr. SUTHERLAND: A bill (H. R. 9528) providing for the retention by the Government of the property in Nome, Alaska, known as the detention hospital building, and its use by the Bureau of Education, Department of the Interior; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAKENEY: A bill (H. R. 9529) for the relief of Rita Nielsen and Axel Nielsen; to the Committee on Claims.

By Mr. BROWN of Tennessee: A bill (H. R. 9530) granting an increase of pension to George W. Vinyard; to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 9531) granting a pension to Jane Bohanan; to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 9532) granting a pension to Bessie B. Celley; to the Committee on Pensions.

By Mr. HADLEY: A bill (H. R. 9533) granting an increase of pension to John Mesner; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 9534) granting a pension to Ira Buzan; to the Committee on Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 9535) granting a pension to Mabel P. Hubbell; to the Committee on Pensions.

By Mr. OLDFIELD: A bill (H. R. 9536) granting an increase of pension to Margaret E. Patterson; to the Committee on Invalid Pensions.

By Mr. PARK of Georgia: A bill (H. R. 9537) for the relief of George W. Young; to the Committee on Military Affairs.

By Mr. SANDERS of New York: A bill (H. R. 9538) granting a pension to Julia E. Millington; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 9539) granting a pension to Chester W. Taft; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 9540) granting a pension to Clarinda Riggs; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3286. By the SPEAKER (by request): Resolution adopted by the Organization of Master Mates and Pilots of America, Local No. 27, of Balboa and Pedro Miguel, Canal Zone, opposing the passage of House bill 240; to the Committee on Naval Affairs.

3287. By Mr. ARENTZ (by request): Petition of residents of Reno and vicinity, in the State of Nevada, that Congress shall not pass House bill 4388; to the Committee on the District of Columbia.

3288. By Mr. COLE of Iowa: Resolution unanimously adopted by the Methodist Church of Clarence, Iowa, indorsing the proposed constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

3289. By Mr. CULLEN: Resolution adopted by the board of directors of the New York County Lawyers' Association, approving House bill 7077, to remedy conditions in the Patent Office; to the Committee on Patents.

3290. Also, resolution adopted by the employees of the New York Navy Yard at a regular meeting, suggesting certain remedies for employees of navy yards who will be affected by the limitation of armaments; to the Committee on Naval Affairs.

3291. By Mr. FULLER: Petition of Condon Bros. and J. T. Buckbee, seedsmen, of Rockford, Ill., opposing House bill 8441, regarding special delivery of parcel-post matter; to the Committee on the Post Office and Post Roads.

3292. Also, petition of the Illinois Agricultural Association, for appropriations for purchase of grain and dairy products for Russian relief; to the Committee on Agriculture.

3293. Also, petition of Booth Fisheries Co., of Chicago, Ill., opposing Federal aid legislation, and especially House bills 7 and 21; to the Committee on Interstate and Foreign Commerce.

3294. Also, petition of B. Heller & Co., of Chicago, Ill., favoring the American-valuation feature of the Fordney tariff bill; to the Committee on Ways and Means.

3295. Also, petition of Chicago Live Stock Exchange, Traders' Live Stock Exchange, and National Live Stock Exchange, all of Chicago, Ill., favoring the Lehlbach bill (H. R. 8928); to the Committee on Reform in the Civil Service.

3296. Also, petition of the Illinois Valley Manufacturers' Club, of La Salle, Ill., favoring House bill 10 and Senate bill 2267, establishing the metric system; to the Committee on Coinage, Weights, and Measures.

3297. By Mr. KINDRED: Resolution adopted at a regular meeting of the employees of the New York Navy Yard, suggesting certain remedies for the employees of navy yards who will be out of work because of the limitation of armaments; to the Committee on Naval Affairs.

3298. By Mr. KISSEL: Petition of American Osteopathic, of Omaha, Nebr.; to the Committee on the Judiciary.

3299. Also, petition of Admiral Schley Naval Squadron, No. 16, of Brooklyn, N. Y.; to the Committee on Naval Affairs.

3300. By Mr. McCORMICK: Petition of the Senate Literary Society, of Mount St. Charles College, Helena, Mont., for the setting aside of certain lands covered and known as "the Gates of the Rocky Mountains" into a national park or monument and withdrawing the same from entry; to the Committee on the Public Lands.

3301. By Mr. WILLIAMSON: Resolution adopted by the Farmers' Union of Gregory County, S. Dak., favoring the limitation of armaments; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *December 14, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we would come as the children of Thy love into Thy presence this morning. We thank Thee for all the health Thou hast given us, and the extension of life, and the privilege of service; and we humbly ask that to-day it may be rendered unto Thee heartily and for the glory of Thy great name, as well as for the welfare of our land. We ask in Jesus' name. Amen.

HARRY S. NEW, a Senator from the State of Indiana, appeared in his seat to-day.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. LADD presented a resolution adopted by the North Dakota Farm Bureau Federation, commending the so-called agricultural bloc in Congress for its efforts to revive American agriculture, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Whereas the agricultural bloc is an organization of Representatives in Congress organized for the purpose of securing a needed relief for agriculture; and
Whereas said agricultural bloc does not recognize party lines; and
Whereas said agricultural bloc has its representation from the South and West; and
Whereas its only purpose is to bring life back to a fast decaying and depleted agriculture; and
Whereas, if American agriculture is allowed to become depleted and the farms abandoned, that a most serious menace will confront this great Republic and will, if continued, finally place the United States in the history of the world alongside other great nations that have failed: Therefore be it

Resolved by the North Dakota Farm Bureau Federation, That we commend the work of the agricultural bloc, and we further assure them of our undivided and hearty support in the gigantic task that they now have before them of bringing life back to American agriculture.

Mr. WILLIS presented a resolution adopted by the Sanitary Potters' Association at Pittsburgh, Pa., composed, among other members, of the Horton Pottery Co., of Chillicothe; the Sanitary Earthenware Specialty Co., of Columbus; the Standard Sanitary Manufacturing Co., of Tiffin, all in the State of Ohio, December 6, 1921, favoring retention in the permanent tariff bill of the American valuation plan, which was referred to the Committee on Finance.

Mr. WALSH of Montana presented memorials of sundry citizens of Content, Malta, Leedy, Saco, Glasgow, Sun Prairie, Great Falls, and Sweetgrass, all in the State of Montana, remonstrating against the enactment of Senate bill 1948, providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. TOWNSEND presented sundry petitions signed by 906 citizens of the State of Michigan, praying for the recognition of the Irish republic by the Government of the United States, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. POINDEXTER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 2556) to advance Capt. Benjamin S. Berry to the permanent rank of major, reported it without amendment and submitted a reoprt (No. 357) thereon.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (H. R. 1460) for the relief of the William Gordon Corporation, reported it without amendment and submitted a report (No. 358) thereon.

He also, from the same committee, to which was referred the bill (S. 1298) to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co., reported it without amendment and submitted a report (No. 359) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 2857) granting a pension to Sarah H. E. Ryan; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 2858) authorizing the Treasurer of the United States to pay to S. C. Davis the sum of $617.70 as full compensation for services rendered as a member of the local draft board for Bibb County, Ga.; to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 2859) authorizing the construction of a bridge across Snake River, in the State of Washington; to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 2860) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia; to the Committee on the District of Columbia.

By Mr. MCNARY:

A bill (S. 2861) for the relief of George W. Mellinger; to the Committee on Military Affairs.

By Mr. CALDER:

A bill (S. 2862) for the relief of the Merritt & Chapman Derrick & Wrecking Co.; to the Committee on Claims.

By Mr. JONES of Washington:

A bill (S. 2863) granting an increase of pension to Malcolm J. McNeill (with an accompanying paper); to the Committee on Pensions.

ESTIMATES OF COTTON PRODUCTION.

Mr. DIAL. Mr. President, I do not believe in complaining, and I am not rising for that purpose; but I received this morning from a constituent of mine a letter calling my attention to the recent estimate of the Government of the amount of cotton being raised this year. This constituent complains very bitterly about the methods used and the inaccuracy of these reports.

For instance, in June, 1920, the department estimated that there would be 10,000,000 bales of cotton raised, and that year there were 13,340,000 bales produced. This constituent calls my attention to the fact that a day or two ago the department gave out an estimate of 8,340,000 bales being raised this year, whereas some two months ago it gave out an estimate of 6,500,000 bales. He calls my attention to the fact that 12 cotton firms in the United States made an estimate of the crop recently, and their combined estimate was 7,926,000 bales; and yet the Government estimate is 8,340,000, being 414,000 bales more than theirs. He suggests that if our Government is not more accurate it ought to cease giving out estimates of the production and it ought to confine itself merely to giving a statement of the condition of the crop.

Whether this position should or should not be adopted I do not know; but I desire to say that it does seem to me that with all the aid that this department has if it can not make a guess that is within 25 per cent of the actual size of a crop it certainly ought to stop estimating. It is misleading and confusing, and it is very injurious to the producers of cotton. It has gotten to a point where the public puts no confidence whatever in the department's estimates, and I consider that a very deplorable condition.

I very much regret to see a situation where the people of our country have no respect or confidence in the accuracy of our departments, and it does seem to me that the time has come when this department should be overhauled and reorganized, or certainly looked into very thoroughly. All of these reports come around and they operate against the producer. There has arisen a system of publishing the reports—although the Government is not responsible for that; it is done on the part of the manipulators—in such a way as to combine, for instance, the quantity of linters on hand with the quantity of cotton.

For instance, a short time ago I saw where they had reported in Charleston 190,000 bales of cotton on hand. I was satisfied that that was an error, and I wired Charleston, and they wired me back that they had about 20,000 bales of cotton on hand, and 168,000 bales of linters. Those reports are allowed to go out to the public, and the people believe that there is a great quantity of cotton on hand, whereas that is an error and is misleading.

I can not understand how reputable newspapers will publish statements of that kind. They certainly can get the facts from the Agricultural Department if they would ask, and the department separates linters from actual cotton; but they will persistently do it, and if you will watch in the morning paper you will see where they combine those linters with cotton and count it all as cotton.

My constituent says our people are suffering greatly by reason of these manipulations. I think we ought to take some step to correct the situation.

I might say that but few, if any, people have confidence in the last Government estimate.

ISSUANCE OF CHECKS, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. JONES of Washington. Mr. President, I wish to recur to the bill (S. 1033) regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia, which is now on the table and which came over from the House with some amendments. I do not know whether the

junior Senator from Utah [Mr. KING] is willing to allow the House amendments to be adopted or would prefer to have the amendments go to conference.

Mr. KING. Will the Senator be kind enough to wait until the Senator from Arkansas [Mr. ROBINSON] and the Senator from Missouri [Mr. REED] come into the Chamber?

Mr. JONES of Washington. Are they coming?

Mr. KING. I understand they will be here. If they do not come within a short time, I shall not resist the Senator seeking the floor for the purpose of making such disposition of the amendments as he deems proper.

Mr. JONES of Washington. Very well.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McNary	Smith
Bursum	Hale	Moses	Smoot
Capper	Harris	Myers	Spencer
Caraway	Harrison	Nelson	Stanfield
Culberson	Jones, Wash.	Nicholson	Sterling
Cummins	Kellogg	Norbeck	Townsend
Curtis	Kendrick	Norris	Trammell
Dial	Kenyon	Overman	Wadsworth
du Pont	Keyes	Page	Walsh, Mont.
Elkins	King	Phipps	Warren
Ernst	Ladd	Pittman	Watson, Ga.
Fernald	Lenroot	Poindexter	Willis
Fletcher	McKellar	Robinson	
France	McKinley	Sheppard	

Mr. CURTIS. I wish to announce that the Senator from Nevada [Mr. ODDIE] is absent on business of the Senate.

I also wish to announce that the Senator from Pennsylvania [Mr. PENROSE], the Senator from North Dakota [Mr. MCCUMBER], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], and the Senator from Connecticut [Mr. MCLEAN] are attending a meeting of the Committee on Finance.

Mr. HARRISON. I desire to announce that the junior Senator from Louisiana [Mr. BROUSSARD] is detained from the Senate on account of illness in his family.

I also desire to state that the Senator from Alabama [Mr. UNDERWOOD] is absent from the Senate because of his necessary attendance on the sessions of the Conference on Limitation of Armament.

The VICE PRESIDENT. Fifty-four Senators having answered to their names, a quorum is present.

REPORT OF JOINT COMMISSION OF AGRICULTURAL INQUIRY.

The VICE PRESIDENT laid before the Senate a communication from Hon. SYDNEY ANDERSON, chairman of the Joint Commission of Agricultural Inquiry, transmitting, pursuant to Senate concurrent resolution 4, part 1 of the report of the said commission, entitled "The Agricultural Crisis and Its Causes," and stating that the remainder of the report would be issued in three parts, as follows: Part 2, Credit; part 3, Transportation; and part 4, Distribution and Marketing; which was ordered to lie on the table.

Mr. LENROOT. Mr. President, with reference to the report which the Chair has just laid before the Senate from the Joint Commission of Agricultural Inquiry I will say that this is the first section of the report, the commission having determined to report to Congress in four sections. The report which has just been handed down, known as the first section, is on the subject of the causes of the agricultural crisis. I shall ask for the present merely that the report lie upon the table. I may desire to make a motion with respect to it later on.

Mr. NORRIS. Mr. President. I should like to ask the Senator a question. Has the report to which he refers been printed?

Mr. LENROOT. It has not been printed, except an advance copy. There will be a resolution in the other House providing for printing the report.

Mr. NORRIS. I have no objection to the Senator's request, except that I should like to have the report printed so that Senators may get it.

Mr. LENROOT. It will be printed. A joint resolution of the House will provide for the printing of 50,000 copies.

Mr. NORRIS. Would not the Senator be willing to have printed the report which has now been made? How long is it?

Mr. LENROOT. It comprises 125 pages. I now ask unanimous consent that the summary of part 1 of the report as found in the report be printed in the RECORD. It is about 16 pages in length.

The VICE PRESIDENT. Without objection, it is so ordered, and the summary will be printed in the RECORD.

The summary referred to is as follows:

CAUSES OF AGRICULTURAL CRISIS—SUMMARY OF PART 1 OF HOUSE REPORT NO. 408 OF THE JOINT COMMISSION OF AGRICULTURAL INQUIRY RELATIVE TO THE CAUSES OF THE AGRICULTURAL CRISIS.

The commission recommends:

(1) That the Federal Government affirmatively legalize the cooperative combination of farmers for the purpose of marketing, grading, sorting, processing, or distributing their products.

(2) That the farmer's requirements for credit corresponding to his turnover and having maturity of from six months to three years, which will enable payment to be made from the proceeds of the farm, be met by an adaptation of the present banking system of the country, which will enable it to furnish credit of this character. It is expected that a concrete proposal to carry out this recommendation will be made in part 2 of this report.

(3) That there should be a warehousing system which will provide a uniform liability on the part of the warehousemen and in which the moral and financial hazards are fully insured. To this end the commission suggests the extension of the existing Federal warehouse law and the passage by the several States of uniform laws regulating the liability of warehousemen and the services rendered by them.

(4) The commission believes that an immediate reduction of freight rates on farm products is absolutely necessary to a renewal of normal agricultural operations and prosperity and recommends prompt action by the railroads and constituted public authority to that end. (Since this recommendation was agreed to, certain reductions in freight rates upon agricultural products have been made.)

(5) That there should be an extension of the statistical divisions of the Department of Agriculture, particularly along the lines of procurement of live-stock statistics.

(6) That provision should be made by Congress for agricultural attachés in the principal foreign countries producing and consuming agricultural products.

(7) The development by trade associations and by State and Federal sanction of more accurate, uniform, and practical grades of agricultural products and standards of containers for the same.

(8) That adequate Federal appropriations should be made for the promotion of better book and record keeping of the cost of production of farm products on the basis of the farm plant unit, as a basis for the development of more efficient methods of farm management.

(9) Provision for an extended and coordinated program of a practical and scientific investigation through State and National departments of agriculture and through agricultural colleges and universities directed toward reducing the hazards of climate and weather conditions and of plant and animal diseases and insect pests.

(10) More adequate wholesale terminal facilities, particularly for handling perishables at primary markets and a more thorough organization of the agencies and facilities of distribution of the large consuming centers of the country.

(11) The development of better roads to local markets, joint facilities at terminals connecting rail, water, and motor transport systems, and more adequate facilities at shipping points with a view to reducing the cost of marketing and distribution.

(12) That greater effort be directed to the improvement of community life.

(13) The renewal of conditions of confidence and industrial as well as agricultural prosperity is dependent upon a readjustment of prices for commodities to the end that prices received for commodities will represent a fair division of the economic rewards of industry, risk, management, and investment of capital. These conditions can not be brought about by legislative formulas, but must be the result for the most part of the interplay of economic forces. The Government and the States within their respective spheres should do by legislative and administrative action what it may be possible to do, based upon sound principles, to facilitate this readjustment.

In making the foregoing recommendations it must be understood that the jurisdiction of the Federal Government is limited and that it can not directly regulate production, marketing, or transportation, not the subject of interstate commerce. Therefore the foregoing recommendations contemplate, in addition to legislation within the jurisdiction of Congress, action by State authorities within their respective jurisdictions and local and private interests, in order to achieve the objects sought.

Business cycles of alternating great prosperity and succeeding great depression, such as that from which we are now emerging, have occurred in a more or less regular way among all modern highly organized nations. These cycles vary greatly in phenomena, intensity, and duration, and among the countries and localities affected by them, but are substantially similar in their principal characteristics.

Various theories have been advanced as to the causes of these cycles, but the consensus of opinion, we think, supports the view that the primary cause of the arrest of optimism, expansion, speculation, and prosperity, and the beginnings of the phenomena of depression, is the exhaustion of credit and money capital, which is followed by the loss of either foreign or domestic markets or both.

The cycle runs from the end of a period of depression, when confidence begins slowly to return, when surplus stocks of goods have been worked off and shelf stocks are generally reduced; when the lowered demand accompanying unemployment begins to overtake supply, when money is easy, interest rates are down, and prices, especially for raw materials, are low. At this period business begins to revive; more and more people are employed, and more and more goods are consumed. Business expands at an increasing tempo, unemployment disappears, and wages increase. As prices rise, a fever of speculation sets in, and there develops a veritable scramble for goods, stocks, and properties. Paper profits are large. People spend freely, extravagantly, and finally beyond their current income. Orders for present and future deliveries pile up and an apparent shortage of goods develops a seller's market. Industrial plants are extended to meet this supposed demand, interest rates rise, and bank loans and currency issues expand to meet the expansion of business. All the economic and psychological factors conspire to produce an era of intense business activity and prosperity.

In these periods of great activity and prosperity, a heavy volume of debts is made for plant extensions, for production, and consumption. These debts accumulate faster than production and savings. Greater and greater difficulty is encountered in meeting debts and interest currently due with current production and savings. As interest and debts currently due overtake and pass current production and savings, a curious reversal of direction occurs in the economic and psychological forces and phenomena which combine to produce prosperity. Bankers, whose expanding loans have depleted their reserves, are forced to stop further lending and then to call loans; banks of issue raise discount

rates; speculation rapidly diminishes; manufacturers and merchants begin to place surplus stocks on the markets; prices begin to fall; consumers curtail purchases and spending in anticipation of still lower prices; orders for goods are canceled, and it becomes apparent that the orders representing demand were more or less of fictitious proportions; more and more goods are put on the market, while demand grows less and less; building slows down; debts are liquidated as far as possible from current receipts; the buyers' strike develops; production falls off in consequence of lowered demand; and unemployment develops; prices continue to fall, and the decline is usually more rapid than the rise.

This process is continued until some portion of the debts made in the period of prosperity is liquidated and until stocks are reduced to a point where such demand as exists, even in times of unemployment, finally overtakes supply. Prices and interest rates are down, wages are lower, money is easy, and the beginning of the new era of prosperity is at hand; all of which we have seen in this country and in many others in a highly condensed and most spectacular form in the last two and a half years. Rarely has a cycle swept through all its familiar features more swiftly and dramatically than that which followed the close of the Great War. The most distant nations were equally involved, and most of them followed through the successive phases in almost identical times. Far-distant Java and Japan were affected in much the same way, at much the same times, as the United States, Canada, and Great Britain.

In the United States every industry and every class of people were involved in the avalanche of descending prices. The turn in the tide from optimism, expansion, speculation, and extravagance to the reaction of deflation and depression occurred about the middle of 1920 and at about the time when the grain crop of the United States was beginning to go on the market. The prices of live stock and live-stock products had already begun to decline, and these facts together, coupled with a failing export demand, were undoubtedly responsible for earlier and more rapid decline in the prices of agricultural products compared with the prices of other groups of commodities.

It is to the determination of the present condition of agriculture as a result of the influences, psychological and economic, which brought about the crisis of 1920 and 1921 and the causes of these conditions that this part of the report is devoted.

In arriving at an understanding of the condition of the farmer resulting from the debacle of prices in 1920 and 1921 and in the economic periods which preceded it, the commission has undertaken to measure the well-being of the farmer by four standards. These standards were:

1. The purchasing power of the farmer's dollar.
2. The absolute prices of farm products as compared with the absolute prices of other groups of commodities.
3. The quantity production of agriculture as compared with the quantity production of other industries.
4. The income or reward for capital invested and labor employed in the agricultural industry as compared with the income or reward for capital invested or labor employed in other industries.

THE FARMER'S DOLLAR.

Measured in terms of purchasing power, the farmer's dollar in 1920 was worth 89 cents. In May, 1921, it was worth 77 cents. During the past 12 months it has been worth less than in any preceding 12 months in 30 years.

The prices of farm products during the war period were higher than the prices of some groups of commodities and lower than others. On the whole, they about kept pace with the prices of all commodities combined. In the recent perpendicular decline the prices of farm products declined more rapidly and went to a lower level than the prices of other commodities. This fact increased the disadvantage of the farmer during the period of deflation by increasing the margin between the prices of what he had to sell and the prices of the commodities he had to buy. Inflation has the effect of taking money from some groups and giving it to others. Deflation does the same, but deflation does not necessarily take money from those who profited by inflation. In the rise and fall of commodity prices during the cycle through which we have just passed the farmers profited but little in a few years and lost heavily in recent months. The profits made by the farmer during the war were only slightly greater than those of 1913 and were swept away by the decline in prices of 1920 and 1921.

THE RELATIVE GROWTH OF AGRICULTURE AND OTHER INDUSTRIES IN QUANTITY PRODUCTION.

The quantity production of agriculture as an industry has not kept pace with quantity production in other industries. It has just about kept pace with population. From 1899 to 1909 the quantity output of agricultural products in the United States increased 10 per cent while the population increased 21.5 per cent. From 1909 to 1919 the quantity output of farms increased 10.5 per cent while population increased 14.5 per cent. This increase in farm output was largely due to an increase in acreage and to a slight degree only to an increase in output per acre. Quantity output of other industries, such as mining and manufacturing, increased more rapidly than did population and has also increased more rapidly than the quantity output of agriculture. Measured by quantity output the well-being of agriculture has lagged behind other industries.

WAGES AND INCOMES.

Agriculture has produced from 16 per cent to 23 per cent of the national income of the United States and normally about 17 per cent or 18 per cent, although approximately 30 per cent of the persons gainfully employed in the United States are engaged in agriculture. The average income received by a farmer for his labor, after deducting the return of 5 per cent on his property investment, is below the average earnings of employees in many other industries. The average reward per farmer for labor, risk, and management, after allowing 5 per cent return on the value of his investment, in 1909 was $311. In 1918 it was $1,278, and in 1920 it was $465. Measured in terms of purchasing power, the farmer's reward in 1909 was $326; in 1918, it was $826; and in 1920, $219. The average reward of employees in the mining industry in 1909 was $590; in 1918 it was $1,280. Measured in purchasing power, it was $618 in 1909 and $808 in 1918. The average yearly earnings of employees in railway transportation in 1909 was $773, and in 1918, $1,532. Measured in terms of purchasing power, the earnings of employees in rail transportation was $682 in 1909 and $882 in 1918. If a farmer in 1918 had been employed in the mining industry, he would have received a wage of $1,280, or about what he received for labor, risk, and management on the farm. Had he worked as an employee of a railway or of a bank and obtained the average wages of an employee in either industry, he would have received more for his labor than he received for risk, management, and labor in 1918 on the farm.

While the income and reward for capital invested and labor employed in agriculture have been improving in recent years, as compared with other industries, they are still relatively lower and in 1920 were far below the rewards of other industries.

Measured by the standard of purchasing power of his products, by the absolute prices of farm products as compared with the prices of other commodities, by the test of quantity output or the test of income and rewards for capital invested and labor employed, agriculture in 1920 and thus far in 1921 is relatively worse off than other industries.

PRODUCTION IN 1920.

In summating the causes which brought about the debacle of prices in 1920 and 1921 it is necessary to marshal them in such a way that their relation to the crisis may be fully understood and their influences properly assessed. These factors are normally the factors which go to make prices of farm products which in their relation to the prices of other groups of commodities are in a sense a measure of the relative well-being of agriculture as compared with other industries. These factors are total production, including imports, per capita production, total consumption including exports and per capita consumption.

Was the decline of agricultural prices in the crop year 1920–21 induced by overproduction in 1920? The total production of grain in 1920 was greater than in any other year since 1915 but less than in 1915, 1912, or 1906. In none of these years did a production greater than that of 1920 produce anything like the same decline in prices. The production of wheat and corn in 1920 was somewhat larger than the average for 1909–1913, while the production of cotton was relatively less.

The number of beef cattle and sheep on farms in 1920 was less than on the average for the period of 1909–1913, while the number of hog farms was somewhat greater. The slaughter of cattle and sheep in 1920 was markedly below the average slaughter in the years 1909–1913, while the slaughter of hogs was slightly greater than the years 1909–1913 and the slaughter of calves markedly so. On the whole, however, it can not be said that overproduction or overmarketing of farm products in 1920 was in any considerable measure a moving factor in the decline of prices, 1920–21.

EXPORTS AND IMPORTS OF FARM PRODUCTS.

If the decline in prices of agricultural products can not be attributed to overproduction, can it be attributed to a decline of consumption as reflected in a falling off of exports of farm products?

In assessing the importance of exports as a factor in determining the price of the domestic product, it must be remembered that agricultural products for the most part are produced in surplus quantities and that a relatively inconsiderable increase or decrease in exports has more than a correspondingly great influence upon the prices. The great economist, Gregory King, has estimated that a deficiency of one-tenth will increase the price three-tenths and that a deficiency of two-tenths will increase the price eight-tenths. The same law applies to surpluses. Excess production, therefore, unless absorbed by exports, tends to depress the price in much the same ratio. With the exhaustion of the credits extended by the United States Government to European Governments during the war, of which there was a balance of $2,500,000,000 at the close of the war, the purchasing power of European peoples began to decline. This failing purchasing power was immediately felt in a decline of exports from this country. Production of wheat in 1920, as has been seen, was slightly above the average. Exports of wheat and wheat flour in the fiscal year 1920–21 was greatly in excess of the average and larger than either of the fiscal years 1918–19 or 1919–20, and the decline of the price of wheat was relatively less than the decline in the price of any other grain except rye, production of which in 1920 was largely above the average as were exports. Production of corn in 1920 was also above the average, while exports of corn and corn meal for the fiscal year 1920–21 were also above the average. The price of corn for the crop of the year 1920, however, declined more than the price of either wheat or rye. The production of oats in 1920 was likewise above the average. While exports of oats were above the average 1909–1913 they were far below the average of the preceding five years.

On the whole exports of all grains in the fiscal year 1920–21 were greatly in excess of the 1909–1913 average and about equal to the average of the preceding five years. Excepting wheat and rye, exports of other farm grains are normally not a large factor in determining prices; exports of grain other than wheat and rye are normally almost an insignificant part of the total production. Exports of cotton were markedly less in 1920 than the average. The decline in exports of cotton began in March, 1919, and was promptly reflected in a decline in prices. Approximately two-thirds of the cotton crop is exported, although exports of cotton in recent years have shown a marked tendency to decrease. Consumption of cotton in 1920 was lower than in any year since 1915, and this failure of consumption, coupled with the lack of export demand, was undoubtedly a major factor in producing the tremendous decline in the prices which occurred in this commodity.

Exports of beef and veal declined rapidly during 1920 and 1921. This decline in exports was coincident with the decline in prices and doubtless was a major factor in inducing it. The failure of export demand was accompanied by a sharp decline in prices. Consumption of beef in this country bears a very close relation to urban employment or unemployment, and with the progress of the period of business depression and consequent unemployment, consumption of beef and beef products diminished.

The exports of pork began to fall off as early as May, 1919, and declined rapidly thereafter. Domestic consumption of pork, which is essentially a poor man's food, was relatively maintained during 1920. The first influence, therefore, which induced the decline in prices of pork and pork products must be assigned to the diminishing export demand. The decline in the prices of dairy products was preceded by both a failure of exports and an increase of imports. On the whole, it may be said that the first downward impulse was given prices of live stock, live-stock products, and cotton by diminishing export demand, and that while large exports of wheat and rye served to maintain the level of prices of these commodities above those of other agricultural products they did not serve to wholly prevent decline of prices of these commodities. Consumption of wheat, beef, mutton, and dairy products have all declined during the period of depression and this decline in consumption undoubtedly contributed to and accelerated the decline in the prices of these commodities.

THE BREAK IN PRICES.

The crisis was not confined to this country. The avalanche of declining prices and its attending hardships, sacrifices, and losses involved the whole world. It began in distant Japan with the break

in the silk market and the Chinese boycott of Japanese goods. It traveled the circle of the Far East, Australia, India, Java, England, France, Italy, the whole of Europe, South America, Canada, and the United States. It embraced all countries and all industries, though not to the same extent or in the same way.

PRODUCTION AND CONSUMPTION OF FARM PRODUCTS.

In the United States the decline of prices began with live stock and ran the course of farm products. Prices of clothing, metals, and metal products, lumber, shoes, steel, fuel, house-furnishing goods, copper, gasoline, and commodities of all descriptions followed in the train of the prices of agricultural products, but the prices of these commodities did not decline to the same degree or at the same time or with the same rapidity as the prices of agricultural products. Some of them declined only very slightly as compared with agricultural products. All of this served to diminish the purchasing power of farm products during the period and to intensify the farmers' difficulties. As the failing purchasing power of the world began to make itself felt in the lessening of export demand for farm products, the prices of agricultural products began to decline. As prices of agricultural products declined, the purchasing power of the agricultural population, representing nearly 40 per cent of the total purchasing power of the country, began to diminish. As the purchasing power of the American farmer diminished, the production of industries that produced the commodities of commerce began to decline, and unemployment, resulting in diminishing consumption, gave further impulse to the avalanche of prices. Influential and important as these economic forces are in their effect upon prices of commodities, the psychology and attitude of 100,000,000 people, once directed either by optimism and the influences of expansion or by pessimism and the influences of depression, must not be overlooked.

PER CAPITA PRODUCTION AND CONSUMPTION OF FARM PRODUCTS.

A constructive and general program of permanent agricultural development can not be predicated upon the abnormal phenomena of a period of expansion or depression. It must proceed from a consideration of the course of agriculture over a long period of development in order that the wisdom of experience and a consideration of the organized knowledge of agriculture may be the guide and director of future development. It is therefore necessary to marshal the facts of production and consumption in such a way that the relation of the various factors which influence prices and therefore, in a degree at least, determine the welfare of agriculture may be thoroughly considered and the course of agricultural development properly appraised. A summation of these factors on the basis solely of total production would lead to wholly erroneous conclusions. The development of agriculture must be measured in terms of increase of population—that is, in terms of production per inhabitant. The total production of wheat shows marked fluctuations from year to year, but on the whole has about kept pace with the increase in population.

The consumption of wheat, while varying widely and showing a great tendency to decline in periods of industrial depression and unemployment, has, nevertheless, on the whole, shown a tendency to increase. While there is at times an apparent relation between consumption as expressed by domestic consumption and exports and the price of wheat and wheat flour, the relationship is extremely irregular and apparently modified greatly by the method of selling wheat on the exchanges of the country, which introduces among the price-determining factors rumors of every sort, including the weather, crop failures, industrial and economic conditions of more or less temporary and indefinite character. The domestic consumption of wheat in 1920, as compared with 1919, dropped from 6.9 bushels to 4.6 bushels. This decline in consumption was no doubt due to failing purchasing power resulting from unemployment and the general depression which came upon the country during the last half of 1920.

Production of corn has about kept pace with population, and consumption has been about equal to production from year to year. The relation of prices to per capita production has been an irregular one, but on the whole a large per capita production of corn has resulted in a decreasing price and a small production in an increase of price. Corn can be carried over from year to year, and the carry over has had the effect of somewhat stabilizing the price of corn from year to year.

Production of cotton in the United States in recent years has shown a tendency to decline. Exports which constitute normally from one-half to two-thirds of the crop has likewise declined in recent years. There appears to be a close relation between production and consumption of cotton, including export demand and prices. In general, large crops have resulted in declining prices and small crops in increased prices. It seems probable that statistics of crop conditions and of crop production, which for cotton are probably more accurate than for any other farm product, have had an influence in establishing a closer relation between the factors of production and consumption and the price in the case of cotton than in any other farm product.

The total number of milch cows on farms has increased in recent years, but the number of milch cows per 1,000 of population has decreased. The increase in total number has not been sufficient to maintain the per capita ratio of milch cows to population. The value of milch cows has increased steadily since 1890 and apparently without regular relation to the increase or decrease in the number of head per 1,000 of population, although on the whole the decline in the ratio of milch cattle to population has apparently tended to support a slight increase of milch cows in recent years. There has been a marked revolution in the dairy industry in recent years. The production of butter and cheese has markedly declined since 1899, while the production of milk and the number of gallons of milk sold has increased. In other words, the increasing quantity of milk required by increasing urban populations has been obtained at the cost of decreased production of butter and cheese.

The number of cattle other than milch cows on farms during the last decade was less than in the preceding decade. The number of cattle on farms per thousand of population has decreased in the last decade at a rapid rate. The price of cattle has borne a rather close relation to the increase or decrease of the number of cattle per thousand of population. Seven years of large production of cattle per capita were accompanied by seven years of low prices. Three years of low production, beginning in 1897, resulted in three years of high prices. Eleven years of large production resulted in 11 years of low prices, while 10 years of low production brought 10 years of relatively high prices.

On the whole consumption of meat in the United States is declining, and it may be inferred that consumption of meat in this country is following the trend of consumption of meat in Europe—that is to say, that with declining herds and increasing cost of production, the prices of meat seem likely to continue to increase, with resulting decreases in consumption. This decrease in consumption of meats is probably a factor in the increasing consumption of wheat and bread grains. In other words, we are gradually changing from a meat-eating nation to a bread-eating nation. Consumption of veal in this country has rapidly increased in recent years, and if continued at the same or an increasing rate is certain to result in a decrease in the supply of beef in the future.

The tendency toward increased slaughter of calves and consumption of veal is a real menace to the future production of beef in the country, and presages an increase in the price of beef in the relatively immediate future.

The actual number of sheep on farms in the decade ending 1920 was lower than in the decade ending 1910. The average number of sheep per thousand of population in the last decade was below the average of either of the two preceding decades. The marked decline in the price of sheep which occurred in 1920 and 1921 seems likely to increase the rate at which flocks of sheep in this country are diminished. Unless some way can be found to introduce sheep and wool production in the scheme of husbandry of small farms, the diminishing acreage for pasture in the mountain States, coupled with the increases in the cost of production, seem likely to further diminish the total number of sheep on the farms.

On the whole, agricultural production in the United States has barely kept pace with consumption. Production of wheat and grains have about kept pace with increase in population, while production of cattle other than beef cattle and sheep has not kept pace with increase in population. The prices received for farm products have not been such as to induce an increase in farm production on the whole. While prices of agricultural products have borne a more or less irregular relation to the factors of supply and demand, these relationships are not as close as they should be or would be if more accurate agricultural statistics of production and supply could be made available.

COSTS OF PRODUCTION.

The costs of production for the 1920 crop were greater than the costs of any preceding crop in the history of the country. During 1919 and the first half of 1920 costs of production of agricultural products rose more rapidly than prices of agricultural products and since June, 1920, costs of production have declined less rapidly than prices of agricultural products.

Considerable data upon costs of production of farm products have been gathered by the United States Department of Agriculture and State departments of agriculture, but this data is not sufficiently comprehensive nor accurate nor does it cover a sufficiently long period of time to constitute a safe basis for definite conclusions with respect to the profit or lack of profit in farming operations in recent years. In general, however, it can be safely assumed that the crop of 1920 was sold at less than the cost of production. Changes in farming methods, as well as the lack of skilled help and the development of farm machinery, have introduced a number of new elements into the cost of production and at the same time investment in land, buildings, and equipment has very materially increased. The quantity of fertilizers used in the production of farm crops, as well as the total expenditure for farm fertilizer, has more than doubled in the last 10 years.

Wages of employees in agriculture, while relatively lower than in any other industries, have increased in later years. This is due to the necessity of meeting industrial competition and the more skilled character of the labor which must now be employed in farming operations.

FARM MORTGAGES.

In the last 10 years the total number of mortgages on farm lands and buildings owned by their operators has more than doubled and has increased proportionately more than the value of lands and buildings. The increase in the amount of farm mortgages is greatly in excess of the increase in quantity production of farm products, and it would seem that the payment of the added interest and principal of the farm debt can only be paid out of increased prices. It is difficult to see how it can be paid out of prices such as have existed during the past 12 months. The decline in prices of agricultural products in the last 12 months has been equivalent to 53 per cent of the prices at the peak. This decline in the price of agricultural products has the effect of again doubling the farmers' debt, already doubled as compared with 1910.

TENANCY.

Tenancy in the United States has increased but slightly in the last decade, principally in the States west of the Mississippi River and south of the Mason and Dixon line. It is impossible to accurately predict the effect of the recent avalanche of descending prices upon tenancy in this country, but it is probable that tenancy will increase rather than diminish.

TRANSPORTATION.

The pyramided advances in freight rates which have been made since 1913 have resulted in the highest level of freight rates during the period when agricultural products were at the lowest point they have been for 30 years in terms of purchasing power. These increases have had the effect of diminishing the net price received by the farmer, as the price of farm products is usually the price at the terminal or the price at the place where the product of one locality or one country comes in direct competition with the product of another locality or another country, less the freight from the local market to that terminal.

Railroad service, like any other service or commodity, must be sold at a price within the reach of the people who pay for it. Freight rates, therefore, must bear some relation to the prices which it is possible to obtain for the commodities transported.

Numerous instances were brought to the attention of the commission in which it was shown that the total receipts from shipments, especially of fruits and vegetables, were absorbed by railroad charges in transporting them to market, leaving the producer nothing for his time, labor, and investment in producing them.

In other cases commodities could not be moved at all because the price at the terminal would be entirely absorbed by the freight charges in transporting them.

No industry can survive or prosper under such conditions.

An immediate reduction in freight rates from the farmer's standpoint, both as a producer and consumer, is absolutely essential to anything approximating a normal return of profits for farming operations. The commission believes that an immediate reduction of freight rates on farm products is absolutely necessary to a renewal of normal agricultural operations and prosperity, and recommends prompt action by the railroads and the constituted public authority controlling transportation rates looking to a scientific readjustment downward of exist-

ing tariffs on agricultural products. (Since this recommendation was agreed to, certain reductions in freight rates upon agricultural products have been made.)

WHOLESALE AND RETAIL PRICES.

During the period of price decline the wholesale prices of other commodities lagged behind the prices of farm products, and retail prices lagged far behind wholesale prices. Wholesale and retail prices of other commodities did not come down as fast as prices of farm products. This had the effect of widening the margin between the price which the farmer received for the products he had to sell and the prices which he paid for the products he had to buy. In general, retail margins have shown a tendency to decline as wholesale prices rose and to increase as wholesale prices declined. Retail margins in the first half of 1921 when farm products were at the lowest level were very much above retail margins in 1913.

The commission is now engaged in gathering data from which it expects to make an exhaustive analysis of the processes of distribution and the relation of prices of farm products, wholesale prices and retail prices. The conclusions and recommendations which it is expected will result from this investigation are reserved for another part of this report.

ACREAGE AND VALUE OF FARM LANDS.

At the close of the War between the States the unappropriated public domain consisted of 1,470,098,812 acres. In the 50 years since 1870 this acreage has been reduced by settlement 554,330,545 acres, and there remains of the public domain, including Alaska, unappropriated 542,511,252 acres.

There is no classification from which an estimate can be made of the proportion of these lands which is suitable for agricultural development, but it is safe to say, in general, that the remaining public lands are probably suitable for grazing and forestry except in those localities where land may be reclaimed by either irrigation or drainage.

From 1870 to 1920 the total value of land in farms and on farm buildings increased from $7,444,054,462 to $66,316,002,602. The value of land in farms in 1920 was $54,829,563,059 and the value of buildings on farms, $11,486,439,543. In the period from 1870 to 1920, the value per farm of land and buildings increased from $2,799 to $10,284. The total sum invested in farm equipment and machinery increased in the same period from $270,913,678 to $3,594,772,928. The total value of live stock on farms in the same period increased from $1,229,889,609 to $8,013,324,808. The rural population—that is, the population outside of incorporated places having 2,500 or over—decreased from 71.4 per cent to 48.6 per cent. The per acre production of grains has increased at the rate of about one-half of 1 per cent per acre per annum in the last 30 years.

NEED OF AGRICULTURAL PROGRAM.

It is clear that there is an imperative necessity for the formulation of a definite program looking to the permanent development of agriculture with a view of relating agriculture with the various agencies of distribution in such a way as to avoid duplication, waste, and loss in the common purpose to deliver the products of the farm to the consumer in the most economical and efficient way. The first essential of such a program is a conscious appreciation not only on the part of the farmer but also on the part of the country as well, that such a program is necessary. The second essential involves the proper organization of the knowledge of agriculture with particular reference to the marketing and distribution of agricultural products and the establishment of a sound, accurate, and current basis of agricultural statistics. This is suggested without reflection or criticism upon the statistical divisions of the Department of Agriculture. The agricultural statistics of this country are better than those of any other country in the world. They can and ought to be better than they are.

STATISTICS OF AGRICULTURE.

The statistics now available are neither sufficiently accurate, comprehensive, nor current, nor are they established upon a sufficiently definite and uniform basis to be completely comparable from year to year over a long period. There is not sufficient coordination of agricultural statistics with statistics of production and consumption, exports and imports procured by other departments. There should be an expansion of the statistical divisions of the Department of Agriculture, particularly along lines of procurement of live-stock statistics. Sound, accurate, current statistics are essential, not only to a conscious program of agricultural development but to the correlation of agriculture with the agencies of manufacture and distribution.

Agricultural statistics should include not only statistics of production and consumption, exports and imports from and to this country, but similar data with reference to crops in foreign countries. The commission is of the opinion that the United States should be represented by agricultural attachés in the principal countries producing agricultural products and consuming them. Foreign agricultural statistics, both of production and consumption, are seldom available from foreign Government sources in time to be of value to the farmers or dealers in grain in this country. It is desirable that agencies should be set up in the principal centers of foreign production and consumption of farm products in order that those interested in the United States can be currently advised as to world crop production and consumption conditions.

STANDARDS OF AGRICULTURAL PRODUCTS AND CONTAINERS.

One of the elements which is now lacking in considerable measure, at least in the procurement of agricultural statistics, is a basis of standardization of agricultural products and containers. Standardization of agricultural products and containers is likewise essential to any adequate scheme of marketing and distributing farm products if unnecessary waste and losses in the process of marketing and distribution are to be avoided. The process of distribution will be greatly facilitated by sound and practical standards and grades applied to agricultural products in commerce. Standardization will likewise increase the opportunity of the consumer to secure the exact thing for which he bargains and to measure the quality of the product which he buys.

NEED OF ORGANIZATION AND COOPERATION IN PRODUCTIVE MARKETING AND DISTRIBUTION OF FARM PRODUCTS.

In recent years there has been a marked development of farm organizations upon cooperative lines for the purpose of selling, sorting, grading, marketing, and processing farm products. Losses to the farmer incident to his failure to properly sort, grade, and bulk his product are by no means inconsiderable. Individual farmers, however, can not economically purchase and operate the necessary machinery and maintain the necessary agencies for this purpose. It must be done cooperatively, if the farmer is to do it, or the farmer must turn this phase of the function of marketing over to some one else, in which case the profits incident to the better sorting, grading, and packing of the product go to the sorter, grader, or packer instead of to the farmer. The appropriate place and the proper functions of farmers' cooperative organizations will be fully discussed in connection with the report on distribution of farm products to be issued later, but the investigation of the commission has proceeded far enough to justify it in recommending legislation by Congress affirmatively recognizing the right of the farmer to combine with other farmers for the purpose of selling, sorting, grading, marketing, and processing his product.

AGRICULTURAL CREDIT.

The need of adapting the banking machinery of the country to the farmer's turnover and business requirements will be discussed in part 2 of this report and recommendations to accomplish this result will be therein made. It is sufficient to say here that the creation of adequate banking machinery fully adapted to the farmer's requirements is an integral part of a comprehensive program of agricultural development.

WAREHOUSE SYSTEM.

The warehouse system of the United States is a decentralized and disintegrated system, subject to the widest variations of regulation of the warehouseman's liability in the different States. This situation does not lend itself to systematic marketing or orderly financing of farmers' crops. There should be a national warehouse system which would provide uniform liability on the part of the warehouseman and in which the moral and financial hazards are fully insured. To this end the commission recommends the extension of the existing Federal warehouse law and the passage by the several States of uniform laws regulating the liability of warehousemen and the services rendered by them. The farmer can not hope to adequately control the marketing of his product or to have influence in proportion to his number and importance in the absence of a warehouse system which will enable him to hold or sell his crops as his own judgment, or the judgment of the cooperative association of which he may be a member, dictates.

READJUSTMENT OF PRICES.

The orderly development of production, marketing, and distribution of farm products must be predicated upon the establishment of price levels representing a fair degree of equality of purchasing power between agricultural products and other commodities and economic rewards for investment and labor in agriculture equivalent to the property and labor returns in other industries.

It is perfectly obvious that agriculture can not prosper on the basis of a price level for its products substantially below the price level of other commodities. The exodus from the farm to the city has been attributed in the most part to the social advantages which the city is supposed to offer over the country. A careful investigation of the economic condition of the farmer leads to the conclusion that this exodus has been in a larger measure due to the greater economic rewards offered by urban employment than is offered for the risk, management, and labor on the farm and the greater income for capital invested in industry as compared with the income of capital invested in agriculture.

AGRICULTURAL SCIENCE AND EDUCATION.

Agriculture is subject to exceptional hazards resulting from the weather and climatic conditions, animal and plant diseases, and insect pests. These hazards reduce farming to a gigantic gamble. But methods of production can be adapted to the end of reducing losses from climatic and weather conditions to the minimum. Plant and animal diseases and insect pests can, to a certain degree, be controlled. But the means and the method of reducing or controlling these hazards can not be worked out on the farm by the individual farmer. The investment even of the largest is not sufficient to permit the maintenance of the organization necessary for the study and formulation of these means and methods. A program of agricultural development therefore must include provisions for an expanded and coordinated program of practical scientific investigation through State and National departments of agriculture, and through agricultural colleges and universities directed toward reducing the hazards of climatic and weather conditions and of plant and animal diseases and insect pests. It should include the extension of instruction in the sciences and economics of agriculture in the public schools.

COST ACCOUNTING.

Considerable progress has been made in recent years in promoting better book and record keeping of the costs of production of farm products on individual farms. Better bookkeeping methods, including more adequate and complete cost records by farmers, are essential to the development of more efficient farm management methods. The efforts of farmers in this direction should be promoted by State and Federal departments of agriculture and supported by adequate Federal appropriations.

WHOLESALE TERMINAL FACILITIES.

Wholesale terminal facilities in most of the cities of the United States are archaic and ill adapted to efficiently and economically distribute farm commodities, particularly perishables. Better wholesale terminal facilities of primary markets and a more thorough knowledge of organization of distribution agencies and facilities in large cities is essential to carrying out any constructive agricultural program.

GREATER SOCIAL AND COMMUNITY SATISFACTION.

Good roads to local markets, joint facilities at terminals connecting rail, water, and motor transport systems and more adequate facilities at shipping points will materially contribute to a reduction in the costs of marketing and distribution to the mutual benefit of producer and consumer.

While it is considered that greater economic rewards will constitute the greatest incentive to maintaining agricultural production and particularly keeping on the farm the people already there and their children, a program of agricultural development should be directed toward greater social and community satisfactions, and more convenient and improved social and community institutions.

Mr. SMITH. I should like to ask the Senator a question. Does the matter which the Senator has sent to the desk have anything to do with continuing the life of the commission?

Mr. LENROOT. No; it is a summary of the first section of the report of the commission that is now before us. I shall later bring up the matter of continuing the life of the commission.

Mr. SMITH. The matter to which the Senator referred is the first section of the report?

Mr. LENROOT. It is the first section of the report.

Now, Mr. President, I ask unanimous consent for the present consideration of House concurrent resolution No. 38, extending the time within which the commission may make its investigation and report.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate the concurrent resolution referred to by the Senator from Wisconsin, which will be read.

The concurrent resolution (H. Con. Res. 38) was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the time for the completion of the investigation by the Joint Commission of Agricultural Inquiry, created by a Senate concurrent resolution (S. Con. Res. 4) of the first session of the Sixty-seventh Congress, and the filing of the report to Congress therein directed to be made, be, and the same is hereby, extended to a date not later than the 15th of April, 1922.

Mr. LENROOT. I move that the Senate concur in the resolution of the House.

The motion was agreed to.

TRADE WITH CHINA.

Mr. CUMMINS. Mr. President, I desire to say to the Senate for its information that immediately after the bill relative to the financial affairs of the District of Columbia shall have been disposed of, it is my purpose to ask the Senate to proceed to the consideration of what is generally known as the China trade act.

I wish, further, to say that the hearings upon this subject, which are very illuminating and extensive, have been laid upon the desk of each Senator this morning, so that by the time we reach the subject every Senator may be well advised upon the matter.

FINANCIAL AFFAIRS OF SHIPPING BOARD (S. DOC. NO. 103).

Mr. POINDEXTER. Mr. President, a few days ago the Shipping Board, so I am informed, transmitted to the Senate the information called for by Senate resolution 155. I think the communication from the Shipping Board was referred to the Committee on Commerce. If there is no objection, I should like to have it printed, and I ask unanimous consent that it may be printed.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

KOREAN MISSION TO CONFERENCE ON LIMITATION OF ARMAMENT.

Mr. KING. I have here a statement addressed to the Conference on Limitation of Armament by the Korean Mission, which I ask may be printed in the RECORD.

The VICE PRESIDENT. Without objection, the statement will be printed in the RECORD.

The matter referred to is as follows:

KOREAN MISSION TO THE CONFERENCE ON LIMITATION OF ARMAMENT, CONTINENTAL TRUST BUILDING,
Washington, D. C., December 1, 1921.

"All of us demand liberty and justice. There can not be one without the other, and they must be held the unquestionable possession of all peoples. Inherent rights are of God, and the tragedies of the world originate in their attempted denial. The world to-day is infringing their enjoyment by arming to defend or deny, when simple sanity calls for their recognition through common understanding." (President Harding in opening address to the conference.)

TO THE CONFERENCE ON LIMITATION OF ARMAMENT:

Prior to your assemblage and organization we presented to the delegation from the United States an appeal on behalf of the Korean people for an opportunity to present their plea to its consideration, in the hope that we might, through its good offices, be granted the opportunity to obtain a hearing before the conference. A copy of that appeal is hereto attached. (Appendix No. 1.)

All of the conferee nations, with one exception, are in a similar situation to the United States, for they have agreed by treaty with Korea to use their good offices in case of her oppression—per consequence—we have resolved to also present Korea's appeal for justice to the conference as a whole.

Assuredly we can assume that all of the ambassadors, delegates, and advisers who participate in the grave responsibilities of your task are familiar with those treaties and with the interpretative diplomatic correspondence relating to them. However, for convenience of reference we have prepared an abstract of the governmental records, documents, and treaties pertaining to the relations of each conferee nation with Korea, which is attached as Appendix No. 2 under the title, "What the conferee nations have said and pledged."

We solemnly affirm that justice to Korea constitutes an indispensable requisite to the permanent adjustment of far eastern affairs. How can there be peace in the Orient if a nation of 20,000,000 people are left to smart with the injustice of treaties "unkept"?

When Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and Empress of India, through Her Majesty's envoy extraordinary and minister plenipotentiary Sir Harry Smith Parkes, Knight of the Grand Cross and Knight Commander of the Most Honorable Order of the Bath, said in the treaty of 1883, that there shall be perpetual peace and friendship with Korea, and that in case of difference with a third power Great Britain would step in to exert its good offices to bring about an amicable arrangement Korea saw back of those covenants the integrity of England.

When His Majesty the King of Belgium, through Monsieur Leon Vincart, Chevalier of the Order of Leopold of Belgium, said in the treaty of 1901 that the good offices of Belgium would be extended to Korea in case of need, Korea knew that the honor of Belgium had been pledged.

When His Majesty the King of Italy, through Chevalier Ferdinand de Luca, Knight Commander of the Mauritian Order and of the Order of the Crown of Italy, decorated by China with the Order of the Two Dragons, said in the treaty of 1884 that the good offices of Italy would be available to Korea in case of differences with a third power, she knew that she could rely upon the pledges of Italy.

The pledges of Denmark were hers through the treaty of 1902, when His Majesty the King of Denmark, through Monsieur A. Pavlow, Commander of the Order of St. Anne, signed the treaty with Korea.

What confidence must have been Korea's when she read the proclamation of the President of the United States that "every clause and article" of the treaty of 1882 "must be observed and fulfilled with good faith by the United States and the citizens thereof."

Can you say to Korea that these pledges are meaningless? That she can be annexed by her own ally whom she assisted to win a great war? That against the will of her people she can be stripped of all sovereignty, freedom, and liberty? That her people can be taxed without representation, oppressed and annihilated, without even a protest? If you say that; if that is your position—can you expect to have world peace result from such a conference? Will any agreement that you make here have any more binding force or effect than the agreements that you have already made, and will the world at large or even yourselves have any respect for them?

The United States should assist China, as she is doing. She is hearing China's cry for justice because in 1858 the United States pledged to China her good offices in the treaty then proclaimed by President Buchanan (U. S. Stat. at Large, vol. XII, p. 1023). For the same reason she should assist Korea, because in 1882 the United States pledged to Korea her good offices in the treaty then proclaimed by President Arthur (U. S. Stat. at Large, vol. XXIII, p. 720).

An American writer of the highest repute has recently declared that—

"In the list of commitments our pledged support to China and our guarantee of her territorial and administrative integrity, now greatly menaced, will bulk large. Our pledge to support China goes back to the treaty of 1858, in which we pledged ourselves to use our good offices in case any nation acted unjustly toward China. To-day that pledge is China's main hope of salvation from the many dangers by which she is threatened. Should we be blind to our own interests? The appeal to our national honor will not be made in vain nor go unheeded."

Korea, yielding to the persuasion of America, emerged from the solitude of her hermit life and timidly joined the family of nations. She differs from China to-day only in that the processes of foreign intrusion have fully accomplished in Korea what are still in progress in China. Confronted with their menace Korea vainly invoked the covenant for her protection. Her "appeal to the national honor" was made in vain, for it went unheeded.

If the observance of this pledge be now essential to the preservation of China, it is the more essential for the restoration of Korea, which presents in concrete form the fruitage of every policy which threatens China's economic or political integrity. The processes involving China are those which submerged Korea. They are identical in origin, in purpose, and in result. They can not be thwarted in China if they are to be disregarded in Korea.

Because China still retains the external forms of government she is rightly given a place at your council board. Because Korea has been deprived of all forms of government is she to be denied even a hearing before a tribunal which "is an earnest of the awakened conscience of twentieth century civilization," the call for which "is the spoken word of a war-wearied world struggling for restoration, hungering and thirsting for better relationship of humanity, crying for relief and craving assurances of everlasting peace"?

We venture the assertion that our appeal for your consideration can be denied only from motives of expediency. But this conference, rich with the sad experiences of its many predecessors, should provide no place for an expediency which excludes the seat of justice. Expedients are palliatives which postpone but never correct; always convenient, sometimes necessary, seldom conclusive. They are the bane of treaties, the most fruitful, if not the only cause of their miscarriage.

If it be argued that the absorption of Korea by the Empire of Japan be a fait accompli, and therefore beyond your consideration, we may reply by the assertion that no such act is ever final when the result is oppression or breach of treaty covenants. History supplies us with many illustrations of this inexorable truth, of which Poland, Greece, Finland, Bohemia, and others are exemplars. The conscience of the world sustains the cause of such people, and its peace is imperiled until justice hears and responds to their appeals.

Korea is the most ancient of nations. Until compelled by the force majeur of the United States she was wholly self-contained. She was the hermit nation. She was content with her own affairs. She envied her neighbors neither their commerce nor their domains. She sought no conquests. She committed no aggressions.

From 1882 to 1907 she maintained diplomatic relations with all nations under treaties which, without exception, covenanted for the exercise of their good offices should any nation deal unjustly with her. She relied upon these covenants for her security, since her geographic position exposed her to the perils of conflict between her more powerful neighbors.

Her domain commands the entrance to the Yellow Sea, whose hinterland teems with vast populations eager for the trade of the world. It constitutes a tempting, if not essential basis, for extensive schemes of Asiatic conquest, whether military or commercial.

Korea's twenty millions of people are united in their protest against the domination of Japan. That protest has crystallized into the formation of a Republic. Their resistance to the dominant authority is necessarily passive, yet constant and persistent. They are without arms and without money, yet not without organization. Their faith is in the wisdom, the discernment, and the sense of justice of this great conference. They ask to be heard. They are prepared to accept your decree upon the hearing with all the facts before you. The future peace of the world is in your hands, but it will not be attained until the cry of Korea for justice has been answered.

If it be contended that to grant our appeal would be to intrude a domestic or internal affair of Japan into an international discussion, we answer that the more serious problems affecting China are subject to the same criticism. Yet China participates in the deliberations of the conference, and it is universally recognized that the adjustment

of her affairs is the sine qua non of any effectual scheme for reducing armaments. And China's principal right to consideration rests upon treaty covenants identical with our own.

It is because the nations with whom we covenanted disregarded our appeals for the exercise of their good offices in our behalf when Korea was unjustly dealt with that we are compelled to present this petition. Had the least of them responded, the eyes of the world would have been turned upon Japan, whose gaze would have stayed her hand. Surely, you will not turn away from us, when you consider how indispensable is your favor to our national rehabilitation and to the accomplishment of your great objective.

Japan can not defend nor mitigate her forcible dominion over Korea upon the plea of needed territory for her expanding population. Korea can be used for colonization only by exterminating the Korean people, which is beyond her power. Korea comprises but 84,400 square miles, with a population of some 20,000,000, or 239 to the square mile. This density of population forbids any other alternative. The policy has been attempted, yet during the comparative long period of Japanese occupation only 300,000 Japanese have made Korea their abode. They came not to develop, but to exploit.

We are aware of the fact that Japan has claimed that certain treaties were made after the treaty of alliance between Korea and Japan in 1904, by which Korea voluntarily gave up her sovereignty to Japan.

If we but consider what must have been the attitude and the temper of the Korean people at this time, we realize how absurd and impossible this would be. How could the Koreans forget the murder of their Queen and the poisoning of their Emperor? Could they forget how Japan came into Korea, protesting love and friendship under a treaty of alliance, and how, flushed with the victory over Russia, which the Koreans themselves made possible, the Japanese threw off the guise of friendship and violated their treaty of alliance, refusing to withdraw their troops, and have continued their military possession to this day? Korea has never been put back in the position she was in before the treaty of alliance, where she could defend herself. Japan never placed her in statu quo. Consequently nothing that Japan has done or that she has procured to be done under the menace of this military occupation can be used by Japan to justify her retention of Korea. The facts regarding the treaties said to have been made during this term of duress were covered in the "brief for Korea," which was filed with the Hon. Charles Evans Hughes in April, 1921, and for convenience we attach hereto a copy of that brief as Appendix No. 3.

Should this conference complete its labors and adjourn without heeding the plea of Korea, its work, however beneficent otherwise, will leave to posterity an Asiatic Alsace-Lorraine problem to plague its conscience, threaten its peace, and disturb the finality of every adjustment of international relations.

Finally, it may be asserted that Korea's right to be heard by this conference rests upon the solemn sanction of treaty obligations. Apart from the failure of the members of this conference to observe their covenants with Korea when called upon to exercise their good offices in her behalf when unjustly assailed by Japan at the threshold of her aggressive policies, there remains the fact that Korea is the unhappy victim of her abiding trust in the sanctity of international agreements. Not force, but fraud, gave Japan possession of Korean territory and Korean sovereignty. Her treaty of alliance with Korea against Russia in 1904 made Korea her indispensable base of operations against the common enemy, in acknowledgment for which great advantage she covenanted to safeguard Korea's independence and territorial integrity for all time. Then, victorious over Russia, she forged her treaty into a weapon for the undoing of Korea. The burden of the yoke then fashioned for the necks of her unhappy people has been made heavier by the indifference of the nations to their obligations. This great conference, whose convocation has been greeted as the harbinger of a new era in world affairs, constitutes the final tribunal of appeal for Korea. She asks for justice and nothing more.

Hers is the far eastern problem in all its phases. She is both its exponent and the finished example of Japanese ambitions. Her fate, if permitted to remain unremedied, will be the fate of Asia unless prevented by a resort to the ultimo ratio of nations.

By direction of the Korean Mission to the Conference on Limitation of Armament.

SYNGMAN RHEE, *Chairman.*
PHILIP JAISOHN, *Vice Chairman.*
HENRY CHUNG, *Secretary.*
FRED A. DOLPH, *Counsellor.*
CHARLES S. THOMAS, *Special Counsel.*

COTTON GINNED OF THE CROP OF 1921.

Mr. SMITH. Mr. President, I desire to submit a Senate resolution, for which I should like to have immediate consideration. The resolution simply proposes to direct the Census Bureau to obtain from the ginners direct and not from the platforms the number and weight of the bales of cotton which have been ginned this year. That bureau has issued a preliminary statement to the effect that they could not differentiate between the bales of cotton of this year and of last year, because they had obtained their statistics from the platforms—that is, where the cotton was sold—that on account of the carry over from last year the bales of cotton which were ginned last year were mixed with the bales of cotton which were ginned this year; and that, therefore, there was no way to determine the average weight of the bales of cotton produced from the crop of this year. The resolution follows language which was indicated to me by the bureau, and it will not involve any expenditure. I am advised that if this proposed direction of the Senate shall be followed they may get the information which is so essential to the welfare of the producers of cotton. I ask unanimous consent that the resolution be considered this morning. I repeat that it involves no additional expense.

The VICE PRESIDENT. For the information of the Senate the Secretary will read the resolution.

The resolution (S. Res. 192) was read, as follows:

Resolved, That the Director of the Census be, and hereby is, directed to ascertain from the ginners, for the period from August 1, 1921, to December 1, 1921, the total number of bales of cotton ginned by each ginner, the total weight of the cotton ginned, and the average weight per bale, and to find the average weight per bale of the total number of bales thus reported, and to report the same to the Senate as early as possible, such findings and report not to include linters.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

RURAL HOMES.

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Mr. JONES of Washington obtained the floor.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES of Washington. I was going to suggest, if the morning business is closed, that the Senate resume the consideration of the unfinished business, in order thereby to expedite matters; but, of course, if some other Senator has a matter which he desires to have taken up and disposed of before 2 o'clock, I shall not interfere.

Mr. SMOOT. Mr. President, as Senators know, I am detained from the Chamber every morning and every afternoon because of the hearings now being held before the Finance Committee. There is a bill on the calendar which passed the Senate in the last Congress, known as the rural homes bill, which I think ought to be again passed and go to the House for action just as soon as possible. I can not conceive of any objection to the bill. It is not sectional in character at all; it involves the swamp lands of the South, the cut-over lands of the Northwest, and the semiarid lands of the West. It has received the unanimous indorsement of all of the Secretaries of the Interior since and including Secretary Lane.

Mr. WADSWORTH. Mr. President, may I ask the Senator what is the calendar number of the bill?

Mr. SMOOT. It is Order of Business 118.

Mr. President, if we can not pass the bill before 2 o'clock, I do not wish to take the time of the Senate in its consideration to-day, and we might just as well go on with the unfinished business; but I want to say frankly to the Senate that I am sure there are at least $15,000,000 waiting to be put into projects which would fall under the provisions of this bill, and I have no doubt that there will be more lands redeemed in all sections of the country under the bill than have been redeemed under the reclamation program itself. It is not going to cost the Government of the United States a penny.

Mr. FLETCHER. Mr. President, has the bill been reported?

Mr. SMOOT. No; I am simply making a statement now, and then I am going to ask the junior Senator from Utah [Mr. KING] if he thinks that the bill could be passed between now and 2 o'clock.

Mr. FLETCHER. I am very much interested in the Senator's statement, but I did not understand that the bill was on the calendar.

Mr. SMOOT. It is on the calendar, being Order of Business No. 118, and I should like to move to take it up at this time if it could be passed before 2 o'clock.

Mr. FLETCHER. I thought the Senator stated the bill had not been reported from the committee.

Mr. SMOOT. Oh, no; the Senator misunderstood me; I thought the Senator asked if it had been read.

Mr. FLETCHER. Then the bill has been reported by a committee and is on the calendar?

Mr. SMOOT. Certainly, and it passed the Senate in the last Congress.

Mr. KING. Mr. President, replying to my colleague, I will say that I have no idea as to the length of time that will be consumed in the discussion of the bill to which he has referred. It may be passed in a very few moments and it may provoke some discussion. I think the Senator from New York and the Senator from Montana [Mr. WALSH], as well as myself, gave some little attention to this bill when it was once before under consideration. There are some very meritorious provisions contained in the bill, and yet I fancy that I can perceive some dangers that will result from its passage. I do not desire to interpose an objection to its consideration, but I do not wish to give any assurance to my colleague as to the length of time that it will take to pass the bill.

Mr. SMOOT. I would not have made the suggestion if I could be here in the Senate at the regular sessions of the Senate, but that is impossible, because of the fact that I am compelled to attend the hearings before the Finance Committee, and unless I could have the assurance that the bill could be passed before 2 o'clock, I should not want to take the time of the Senate. Therefore, in view of the circumstances, the Senator from Washington may as well call up the unfinished business, and I will take advantage of the first opportunity which

is afforded to call the rural homes bill up, because I know what it means to all sections of the country.

Mr. FLETCHER. Mr. President, may I ask the Senator if it applies as well to the swamp and overflowed lands as it does to the arid lands?

Mr. SMOOT. It does.

Mr. FLETCHER. It involves the reclamation of such lands under the national Reclamation Service?

Mr. SMOOT. It affects privately owned lands. Under the bill the Government of the United States may make surveys provided the owners of the lands will put up the money necessary for that purpose. The Government of the United States now has an efficient Reclamation Service with a complete organization. Money can not be put into all projects which may be brought up by every individual. Past experience has demonstrated that the losses in connection with such procedure are so great that money will not go into them. All the bill does is to allow the Reclamation Service of the Government to make surveys of projects, and, if those projects are approved, there is every assurance in the world that the money will be forthcoming on the part of banks and individuals in certain sections of the country to make the development. I know of projects that are now waiting to be acted upon that will require over $15,000,000, which projects will be financed without a dollar of cost to the Treasury of the United States.

I know of no section of the country that is so much interested in this proposed legislation as is the South. Land organizations from that section of the country have passed resolutions, copies of which I have in my office, approving the bill, and, as I have said, Secretary Lane, Secretary Payne, and Secretary Fall have heartily approved it. I repeat, furthermore, that it has already passed the Senate once at a previous session.

Mr. FLETCHER. I have been receiving communications from a number of organizations in the South approving of what is called the Bankhead-Borah bill, which provides a different plan, as I understand.

Mr. SMOOT. That is a different bill entirely. If the Senator desires, I will bring over the resolutions which have been passed by southern organizations in behalf of this bill and which have been in my office since last year, when the legislation was first proposed. Those organizations, I will say to the Senator, had a considerable hand in preparing the bill.

Mr. HARRISON. There is no conflict between this bill and the Borah-Bankhead bill, is there?

Mr. SMOOT. Oh, none whatever; none whatever.

Mr. HARRISON. If the bill has passed the Senate before, and there is no opposition to it, why can we not dispose of it now?

Mr. SMOOT. I will say to the Senator from Mississippi that there is opposition to it. My colleague [Mr. KING] wants to say something about it. Therefore I shall not ask for action at this time; but I give notice now that at the very first opportunity I shall call up the bill for consideration.

REVENUES FOR THE DISTRICT OF COLUMBIA.

Mr. JONES of Washington. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 205, the unfinished business.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (S. 205) relating to the fiscal system of the District of Columbia, and for other purposes.

Mr. JONES of Washington. I understand we were in the midst of a roll call on a motion to recommit when the bill was laid aside last night.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah [Mr. KING] to recommit, on which a roll call was started, and a quorum was not present. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. ERNST (when his name was called). I transfer my pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from California [Mr. SHORTRIDGE] and will vote. I vote "nay."

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair to the junior Senator from Arizona [Mr. CAMERON] and will vote. I vote "nay."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence, I withhold my vote.

Mr. HALE (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Oklahoma [Mr. HARREL] and will vote. I vote "nay."

Mr. KELLOGG (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. In his absence, I withhold my vote.

Mr. KENDRICK (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. MCCORMICK]. As he is absent, and I am unable to obtain a transfer, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SHEPPARD (when his name was called). I voted yesterday on this question under a misapprehension, and I change my vote now from "nay" to "yea." I vote "yea."

Mr. WELLER (when his name was called). I am paired with the junior Senator from Louisiana [Mr. BROUSSARD]. I transfer that pair to the junior Senator from Indiana [Mr. NEW] and will vote. I vote "nay."

The roll call was concluded.

Mr. DU PONT. I transfer my pair with the senior Senator from Louisiana [Mr. RANSDELL] to the senior Senator from Connecticut [Mr. BRANDEGEE] and will vote. I vote "nay."

Mr. KING (after having voted in the affirmative). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I observe that he is not in the Chamber. I transfer that pair to the senior Senator from Missouri [Mr. REED] and will allow my vote to stand.

Mr. TRAMMELL. As my pair, the senior Senator from Rhode Island [Mr. COLT], is absent and I am unable to obtain a transfer, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. MYERS. I have a general pair with the Senator from Connecticut [Mr. MCLEAN], who is absent. I transfer that pair to the Senator from Rhode Island [Mr. GERRY] and vote. I vote "nay."

Mr. WALSH of Montana (after having voted in the affirmative). I inquire if the Senator from New Jersey [Mr. FRELINGHUYSEN] has voted?

The VICE PRESIDENT. He has not.

Mr. WALSH of Montana. I have a general pair with that Senator, which I transfer in his absence to the Senator from Alabama [Mr. HEFLIN] and will allow my vote to stand.

Mr. WALSH of Massachusetts. I desire to announce that the Senator from Rhode Island [Mr. GERRY] is detained from the Senate on account of illness.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Massachusetts [Mr. LODGE] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Nevada [Mr. ODDIE] with the Senator from Ohio [Mr. POMERENE]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 20, nays 38, as follows:

YEAS—20.

Ashurst	Harrison	McNary	Sheppard
Caraway	Kenyon	Nelson	Smith
Culberson	King	Norbeck	Sutherland
Dial	Lenroot	Overman	Walsh, Mont.
Harris	McKellar	Robinson	Willis

NAYS—38.

Ball	Fletcher	Nicholson	Swanson
Borah	France	Norris	Townsend
Calder	Hale	Page	Wadsworth
Capper	Hitchcock	Phipps	Walsh, Mass.
Cummins	Jones, Wash.	Pittman	Warren
Curtis	Keyes	Poindexter	Watson, Ga.
du Pont	Ladd	Smoot	Watson, Ind.
Elkins	McKinley	Spencer	Weller
Ernst	Moses	Stanfield	
Fernald	Myers	Sterling	

NOT VOTING—38.

Brandegee	Glass	McCormick	Reed
Broussard	Gooding	McCumber	Shields
Bursum	Harreld	McLean	Shortridge
Cameron	Heflin	New	Simmons
Colt	Johnson	Newberry	Stanley
Crow	Jones, N. Mex.	Oddie	Trammell
Dillingham	Kellogg	Owen	Underwood
Edge	Kendrick	Penrose	Williams
Frelinghuysen	La Follette	Pomerene	
Gerry	Lodge	Ransdell	

So the Senate refused to recommit the bill to the Committee on the District of Columbia.

Mr. KING. I offered an amendment yesterday. I ask permission to withdraw it temporarily, as I understand that the Senator from Arkansas [Mr. CARAWAY] desires to offer an amendment which logically should precede the one which I have offered.

The VICE PRESIDENT. The amendment offered by the Senator from Utah is withdrawn. The bill is in the Senate and open to amendment.

Mr. CARAWAY. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 1, line 5, it is proposed to strike out all after the word "States" and to insert in lieu thereof the following:

SEC. 2. The rate of taxation in the District of Columbia shall be fair and reasonable, and the revenues derived from this source shall be covered into the Treasury of the United States as miscellaneous revenue.

SEC. 3. Until otherwise provided by law, the rate of taxation in the District of Columbia on personal and real estate shall be $1.75 per hundred, and other taxes shall be as now provided.

Mr. CARAWAY. Mr. President, I desire to make a statement with reference to the amendment, although I think that pretty nearly all that could be said on the subject was said yesterday.

The present ratio of 50-50 was adopted in 1878, when the bonded indebtedness of the District of Columbia, as I now recall, was somewhere between thirty-eight and fifty million dollars; I do not remember the exact amount. The revenues of the District of Columbia were very inadequate. There had been prior to that a District government, which was known as local self-government, under which the District had been plunged hopelessly into debt, and was bankrupt. A joint committee of Congress was appointed, and the scheme of government which is now in existence was devised in 1878, under which the Government of the United States undertook to pay 50 per cent of the expenses of the District of Columbia. The law also provided that the District commissioners could not estimate for or recommend an appropriation in excess of twice the amount of the District revenues.

That has been the law from that day to this. There came a time when that system raised more money than was needed, and a certain clique in control of the affairs in the District of Columbia came back to Congress and lobbied through Congress—and I speak advisedly—a scheme by which they cut down the rate of assessment on real estate to $1 a hundred, while the rate of assessment on personal property was to remain at a dollar and a half.

In other words, if a man owned a house and rented it, he paid only $1 per hundred tax, but if some widow rented a house and had a few dollars' worth of property, consisting of mules and drays, engaged, we will say, in transporting goods on the street, she paid on that personal property $1.50 a hundred.

It was necessary to cut the rate in order that the old system requiring the Government to pay one-half of the expenses might be maintained, otherwise they would accumulate a surplus, and in order that the benefits might fall on those who were least meritorious, that those who were least able to pay should continue to pay and those who were most able to pay be relieved even of that which they had to pay, they cut the rate on real estate, but kept the same rate on personal property.

There has been a fight, to which the Senator from Colorado [Mr. PHIPPS] seems to have only waked up recently, ever since I have been in Congress, and I was in the House eight years before I was translated to this body. I know the fight was an ancient one when I came to Congress and existed as long as the injustice rankled in the breasts of people who studied the system, and I say honestly and seriously, aside from the Senator from Washington [Mr. JONES], who has given the subject careful consideration, and the Senator from Kansas [Mr. CURTIS], who says he has, I have never known anyone else who took the time and the pains to accurately inform himself of the true condition and who undertook to defend it. It is indefensible.

I say, sir, that a man living in the District of Columbia, enjoying all the advantages which citizenship here affords—magnificent parks, broad, well-lighted, well-cleaned streets, beautiful scenery, magnificent libraries and art galleries and museums—ought to pay at least as much as the man who lives in some little village in New Jersey, or Delaware, or Maine, or Arkansas, or North Carolina. I know, and I speak advisedly, that if the people of my home town could enjoy the advantages which people here in the District of Columbia enjoy, although they now pay nearly three times as much taxes as people here pay, would be perfectly willing to be assessed additional sums to get the additional advantages.

I do not think the people in my State are different from those in many other States; I know they are not. In addition to paying already more than three times as much tax as people pay here in the District of Columbia, and enjoying infinitely fewer advantages than people here enjoy, if they want to maintain their public schools for 10 months in the year, with teachers with the approximate training possessed by the teachers here, they have to go into their pockets and pay.

I know it, because I have done it, and I know our people have. I know that the people in my home town, a small place, had to raise $30,000 last year to supplement the revenues in order to give them a 10-month free school, and yet on the real value of their property they were paying three times as much as the people here are paying. I have paid taxes in both places, and I know, and I know that I know. I know that the people in the District of Columbia, if you do not consider their extra advantages, if you say they are no greater than those of the people living in other communities of like population, are paying less than half, I think less than one-third, what people pay elsewhere.

In addition, in most places, to paying their regular taxes—State, county, and municipal—and school and road assessments, if they have a public improvement they pay for that. In my home town, which I think is not an exception, the abutting property owner pays for the pavements; he pays for the sidewalks, he pays the water and light and sewer assessments, and all public improvements have to be paid for by the people who enjoy them. None of those things are paid for here by the property owners. They make a very great deal of noise and complaint, and the present commissioners have devoted their entire time to two things: One of them goes out and stops somebody who has a Ford car—and nobody with one better than that is interfered with—and runs to the newspapers and reports his activity, and goes to a citizens' association and makes a speech and calls attention to the great efforts he is putting forth in behalf of good government.

Mr. FLETCHER. May I interrupt the Senator?

Mr. CARAWAY. I yield to the Senator.

Mr. FLETCHER. I think the Senator is mistaken when he says the property owners do not contribute to the expense of paving. I believe they do under the law.

Mr. CARAWAY. The Senator lives on Massachusetts Avenue and owns property there. If he ever paid one 5-cent piece for the improvement of that street I will vote for any bill he will introduce. Let the Senator get his tax receipts and read them. He never paid a penny for the improvement of that street.

Mr. FLETCHER. No improvement has been made on Massachusetts Avenue since I have been living there.

Mr. CARAWAY. Nobody who ever lived there ever paid for any improvement to that street in the matter of paving.

Mr. FLETCHER. There is a law which requires the property owner to pay one-half of the paving cost.

Mr. CARAWAY. I was coming to that.

Mr. FLETCHER. I want to ask the Senator another question.

Mr. CARAWAY. Just wait a moment. I do not concede that the Senator fully stated the case.

Mr. FLETCHER. Several Senators have said that they have paid one-half of the expenses of paving.

Mr. CARAWAY. I was going to state what the Senator said he thought he paid. The Borland amendment was put on in the House while I was a Member of that body. It provided that in newly improved districts, where the streets were unopened, that the abutting property owners should pay 50 per cent and the Government pay 50 per cent; but that relates to additions which are newly laid out. It does not include the city proper, and the people living in the city proper never paid, and the Senator never paid, a penny, nor did the Senator from Delaware [Mr. BALL] ever pay a penny for improvements in the old city proper.

Mr. BALL. I paid one-half of the cost of the improvements in front of my property.

Mr. CARAWAY. Where is the Senator's home?

Mr. BALL. Thirty-two forty-four Thirty-eighth Street.

Mr. CARAWAY. That is not within the old city proper.

Mr. BALL. No; it is not.

Mr. CARAWAY. I said that, and the Senator understood it, and the Senator from Utah [Mr. SMOOT], who got up to deny it, knows that in the old city proper they never paid a penny, and I know it.

Mr. SMOOT. The Senator from Utah did not rise to deny it.

Mr. CARAWAY. I beg the Senator's pardon.

Mr. POINDEXTER. Mr. President, conversation in other parts of the Chamber is louder than the conversation in the center of the Chamber, and while they are both going on at the same time it is impossible to hear either one of them.

Mr. CARAWAY. Those people who are carrying on the conversation have already made up their minds to vote for the 50–50 proposition; they do not want any information about it, and I could not give it to them. I do not object to their conversation.

Mr. FLETCHER. May I ask the Senator the other question I rose to ask him?

Mr. CARAWAY. Certainly.

Mr. FLETCHER. I simply wanted to correct what I thought was a misapprehension on his part with regard to the paving expenses, because I understood the Senator to say that in this city there was no contribution toward paving by the property owners.

Mr. CARAWAY. I know about the Borland law; everybody knows about that.

Mr. FLETCHER. I am not captious about that at all, but aside from that I was going to ask the Senator if it is not a fact that the property owners pay more than a dollar on the hundred on their real estate?

Mr. CARAWAY. I told the Senator the history of that. The real estate assessment went up to $1.95. It has been cut again, because they were raising too much revenue, and they set about relieving those who were ablest to pay.

Mr. FLETCHER. The Senator's amendment proposes to make it $1.75, I understood.

Mr. CARAWAY. Until Congress shall have an opportunity to investigate and fix a fair and reasonable rate.

Mr. FLETCHER. I was just going to ask if that is not about what it is now.

Mr. FERNALD. Mr. President, I am very much interested in the speech the Senator is making, and I would like to be able to hear him, but certainly no one can be heard who is trying to make a speech at this time.

Mr. CARAWAY. Mr. President, I am not appealing to anybody not to carry on a conversation. I know that when I fail to interest, Senators have a perfect right to find entertainment wherever they may.

The Senator from Florida asked me a question about the $1.75 rate. I do not know whether that is the present rate or not. I do not want the people living in the District of Columbia to pay a rate that is unfair or unjust. I do not want them to pay any special taxes on account of the special advantages they enjoy; I am not urging that. I want them to pay what would be commensurate with what is paid in communities of like population and like advantages elsewhere, and then I am perfectly willing to have the Federal Government make up any deficit. Let the amount to be paid by the United States be whatever it may, I shall vote for it; but until the rate of taxation is made more nearly equal to that paid in like communities elsewhere, I do not see how anybody can defend it.

Mr. FLETCHER. I understand the Senator's amendment proposes to levy a tax of $1.75 a hundred?

Mr. CARAWAY. Until otherwise fixed by law.

Mr. FLETCHER. I was under the impression that the tax amounted to about that now.

Mr. CARAWAY. I thought that was about the present rate. As I first wrote the amendment, it provided that the tax should be as provided by law. A Senator on the other side who was interested in the amendment suggested that I ought to put in some definite figure, inasmuch as the commissioners may raise or lower the rate, under their power, and I wrote into the amendment what I thought was about the present rate—$1.75.

Mr. JONES of Washington. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Washington?

Mr. CARAWAY. I yield.

Mr. JONES of Washington. We all want to accomplish the same thing. There is just a difference of judgment as to the best method of bringing it about. I have conferred with several Senators who are interested in the proposition, and we can see no serious objection to the amendment of the Senator from Arkansas. One dollar and seventy-five cents is a little more than the regular fixed rate now. The fixed rate on real estate and tangible personal property is now $1.50. Under the authority of the last two appropriation bills the commissioners have had the power to raise it not exceeding, I think, 2 per cent.

Mr. CARAWAY. They did raise it to $1.95, did they not?

Mr. JONES of Washington. They raised it, I think, to $1.95. The Senator's amendment makes the rate of taxation certain and definite, and it seems to me that that will tell to the people of the District of Columbia, as certainly as can be, the amount of taxes they will have to meet, and with that proposition included I do not see any objection to the amendment of the Senator from Arkansas; that is, any serious objection.

I do think it is really better for the District if Congress is obligated to raise a certain amount, and it would do that probably more freely if the people have to put up a similar amount. But the responsibility for the District is primarily upon Congress. The Senator's amendment places the responsibility clearly upon us if the needs of the District are neglected, and I do not think we ought to take the position that Congress really can not be depended upon to take care of the District. So that, in order to get a solution of this controversy we have been having for years over the appropriation bills and in the hope that this may result in a solution, and also in order to avoid further discussion, so far as I am concerned, I will agree to the amendment of the Senator from Arkansas.

Mr. CARAWAY. I thank the Senator, and I have nothing further to say.

Mr. NORRIS obtained the floor.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. KING. I wanted to ask the Senator from Washington, who has the bill in charge, whether the amendment tendered by the Senator from Arkansas in his opinion would interfere in any manner with what are denominated special assessments? I think we ought not to interfere with them.

Mr. JONES of Washington. I understood from the reading of the amendment that it would not, and I understand it will not interfere with the intangible tax law we have on the books. It affects only the tax on real estate and tangible personal property, as I understand the amendment.

Mr. KING. Let me inquire of the Senator what tax is now imposed upon franchises, and upon what the Senator has denominated as intangible property?

Mr. JONES of Washington. My recollection is that the tax on intangible property is three-tenths of 1 per cent; but I am not sure about it. That was mentioned yesterday, I know, by the Senator from South Dakota [Mr. STERLING], who is really the author of it. I do not think there is any tax on franchises. Possibly there is room for legislation revising the tax system of the District, and this does not hamper Congress in any way. Of course the Senator knows that we could not bind Congresses of the future, but this merely makes the tax definite and certain until Congress legislates further upon the question.

Mr. KING. Then, as I understand the Senator, if tax dodgers in the various States obtain a fictitious or nominal residence in the District of Columbia, as some have done, for the purpose of avoiding the payment of honest taxes in their own States, under the head of intangible property we would tax them here only three-tenths of 1 per cent?

Mr. JONES of Washington. That is probably true; but I want to say to the Senator that he is not any more in favor of catching tax dodgers than I am, so far as that is concerned. I will join with him in aiding in the framing of legislation to effect the discovery of tax dodgers, if there are any here.

The bill is not really an attempt, as the Senator knows, to revise the taxes. That is quite a problem, and it is one we can not solve on the floor of the Senate and one that would require very careful consideration. The Senator from South Dakota [Mr. STERLING] mentioned yesterday several reasons why the amount of the intangible property tax probably was put as low as it is, simply because it was believed that by putting it low we would get more tax than we would if we raised it high. There is room, of course, for difference of opinion about that, but, as I said, I will join with the Senator—he and I are both members of the Committee on the District of Columbia—whenever he is ready and desires to do so, to try to work out a proper basis of taxation for the District of Columbia.

Mr. KING. At our next committee meeting I shall move that a subcommittee be appointed for the purpose of drafting a suitable tax law to deal with the District of Columbia.

Mr. JONES of Washington. I shall vote with the Senator, hoping that I shall not be on the subcommittee, however.

Mr. KING. The reason why I moved to recommit the bill was because it seemed to me that now is an opportune time to draft a comprehensive revenue system for the District, one which in a progressive and proper way would deal with the question of taxation. There is too much property, in my opinion, escaping taxation in the District. We have put the intangible tax rate so low that it is an invitation to residents of the States to come here in order that they may avoid taxation at home. The low tax here is a mere bagatelle and invites them to come for that purpose.

I thank the Senator from Nebraska for yielding to me.

Mr. NORRIS. Mr. President, I am not sure that I fully understand the amendment of the Senator from Arkansas. As I do understand it, however, I am in favor of it. I should like to ask the Senator from Arkansas if his amendment proposes to strike out all reference to any division such as 50–50 or 60–40.

Mr. CARAWAY. Yes; it does.

Mr. NORRIS. I have always thought that the basis of taxation in the District, based on any ratio, was illogical and unfair. It seems to me that 50–50, or 60–40, or 5–5–3, or 10–10–7, or any other ratio, is not based upon any logical or sound rea-

soning of the situation. We all know—and I believe it is conceded by everybody—that the Government of the United States will have to pay a portion of the money necessary to support the District. I think those who have considered it realize that that is not only necessary but it is fair. Whether it should be on a basis of 50–50 or 60–40 depends altogether, it seems to me, upon what is done in the way of improvements, and so forth, in the District. There might be times and occasions when, if it was based on a 50–50 ratio, it would be unfair to the District, and there might be times when it would be unfair to the Government.

All we have a right to demand of the taxpayer of the District and all the taxpayer in the District has a right to demand of the Government is that he shall pay an honest tax upon his property. When that is paid, if it is sufficient to run the affairs of the District, well and good. If it lacks, the balance must be made up by appropriations from the Treasury of the United States. As I understand the amendment of the Senator from Arkansas, that in effect is what he seeks and does accomplish by his amendment.

Mr. WATSON of Georgia rose.

Mr. NORRIS. Does the Senator from Georgia desire to interrupt me?

Mr. WATSON of Georgia. With the permission of the Senator from Nebraska I would like to call his attention to this fact, a historic fact. The District of Columbia was nationalized for very good reasons. We are taxing these people and giving them no representation. When I was a Member of the House 30 years ago the 50–50 plan had been in operation, as I was informed, for very many years, and so far as I know it continued to be in operation for many years. We deny the citizens of Washington any representation. The 50–50 plan was agreed upon as a part of the general scheme of having a national capital with no statehood, no Territorial rights, but a national status.

Mr. NORRIS. Mr. President, I am very anxious to hear the Senator from Georgia and he is speaking loudly enough to be heard, but there are a number of other Senators talking in the Chamber at the same time, and it is impossible for me to hear the Senator from Georgia.

Mr. WATSON of Georgia. I will again state that it seems to me due consideration ought to be given to the fact that a peculiar condition applies to the people of the District of Columbia, in that they are taxed and are not represented. We govern the District through a committee. Congress virtually acts as the town council. The District has nothing to do with it. Washington has nothing to do with it. We are the town council, elected from all over the Union to this body and the other body, and we govern the conditions here in the Capital City and this nationalized District. Should it not be taken into consideration that we are dealing with a historic and anomalous condition of things which brought about the nationalization of the District of Columbia instead of giving it Territorial rights or statehood?

Mr. BALL. Mr. President——

Mr. NORRIS. In just a moment I will yield to the Senator from Delaware. I think what the Senator from Georgia has said is recognized by all of us. It is a peculiar condition. I do not care to discuss now, however, the history or the necessity of continuing the present form of government in the District of Columbia. Much could be said on the question of representation in the District. I will say in passing that personally I feel that it is the duty of Congress to retain within itself the power of governing the District.

Now, we want, of course, always to be just with every taxpayer, and when we levy a tax that is fair and that is just the taxpayer has no complaint so far as taxation is concerned. We have no right to levy, if we want to be fair—and I assume that we do—anything but a fair and just tax.

Mr. JONES of Washington. Mr. President——

Mr. NORRIS. I must first yield to the Senator from Delaware, and then I shall be glad to yield to the Senator from Washington.

Mr. BALL. I wish to call attention to one feature of the amendment offered by the Senator from Arkansas. As I understand it, there is in the United States Treasury a surplus resulting from the District of Columbia taxpayers having paid more than their proportion of the 50–50 proposition as called for under that plan. The Government expended only a part of the money raised by taxation for a number of years back. This left a surplus of something in the neighborhood of $5,000,000. As I understand the amendment, that $5,000,000, together with the taxes raised in the future, reverts back to the general fund in the United States Treasury. I think that is unfair to the citizens of Washington, whose government is entirely in the hands of Congress, who paid this additional tax in good faith. It should be used and expended for the benefit of the District and not go into the general fund of the Government.

Mr. NORRIS. I think as an abstract proposition that what the Senator has said is absolutely correct. If, however, we are going to proceed on the theory that the Government of the United States is to appropriate out of the Treasury of the United States whatever may be necessary to carry on the government of the District, then it becomes immaterial what happens to that $5,000,000 or what happens to any other money that is paid by taxation into the Treasury of the United States from the District.

I now yield to the Senator from Washington.

Mr. JONES of Washington. I wish to say to the Senator that I did not understand, when I expressed myself about the amendment offered by the Senator from Arkansas, that it affected the other provision of the bill relating to surplus. I have talked with him and he has said that had not occurred to him at all and that he was not intending to strike out the provision with reference to that.

I agree with the Senator from Delaware that the surplus should be expended for the District. I wished to make that statement, so my position would be understood. I believe we can rearrange the language to take care of that. I wanted to suggest that while the Senator was discussing the proposition.

Mr. BALL. Mr. President, I wish to state that I have no objection to the amendment or substitute, as it really is, provided those matters are taken care of; but, as we have so much agitation in the District now for representation in Congress, there being taxation without representation, as they express it, we ought to be extremely careful not to do anything which may tend to aggravate that condition.

Mr. NORRIS. I find no fault with what the Senator has said, as I said before, but I believe if the amendment is agreed to it will be absolutely immaterial what is done with that $5,000,000. I have no objection to providing, if it will suit anybody, that the $5,000,000 shall be utilized for the government of the District. If we do that, we release the Government of the United States in that same amount. As I look at it, it is absolutely immaterial, and I have no objection to any provision the Senator may want to put in if he thinks it is material.

If we proceed on the theory that we are going to tax the people of the District of Columbia a certain amount which we decide to be fair and just and that then, regardless of how much money that may raise and put into the Treasury we are going to pay for the management and government of the District out of the Treasury of the United States, it becomes absolutely immaterial, as I see it, whether we turn that $5,000,000 over and say nothing about it or whether we provide by law that that shall first be used before we use anything else. The money is not any different from any other $5,000,000. If we should try to get it out of the Treasury now, we would not get the identical money that was put in. We would only get $5,000,000. So what is the difference? It seems to me there is absolutely none.

Mr. President, when I was interrupted by the very logical suggestion that was made by the Senator from Georgia [Mr. WATSON], I was about to call the attention of the Senator from Utah [Mr. KING] to a condition of which he has several times spoken in this debate; that is, as to the tax dodger who comes to the District of Columbia to avoid taxation in the State where he has previously lived. I suppose that occurs; I have had called to my attention in years past several instances of that kind; but, Mr. President, the Senator from Utah will not, in my judgment, reach the tax dodger by providing for the payment of a tax on intangible property at the same rate that he may propose to tax tangible property. That is a point that I do not intend to discuss in detail, but I believe it is the conclusion of students who have made a life study of the taxation problem—a problem that has been before us ever since we have had any civilization, and always will be—that a light tax on intangible property will bring more money into the Treasury than will a heavy tax. It is that theory, as I understand, of tax students that has induced several States and induced the Congress in legislating for the District of Columbia to provide for a light tax on intangible property, because history has shown, I think, from the beginning of civilization that where intangible property is taxed at the regular rate for other property and at its full value the law has not been able to reach intangible property for taxation. No legislature has ever yet discovered a method by which to reach the dishonest man,

who entirely escapes taxation on his intangible property, and the honest man, therefore, pays a higher rate than he would pay if everybody paid a fair tax.

Mr. KING. Mr. President——

Mr. NORRIS. In just a moment I will yield to the Senator. I may be mistaken, but, as I recall, the State of Pennsylvania started out several years ago to levy a very light tax on intangible property, with the result that that State increased by many millions the revenues which were secured from the taxation of that kind of property in the State. I may be mistaken as to the State; I am speaking only from memory; but similar action has been taken in several States, with a like result.

It may be that men have come to the District of Columbia in order to escape taxation because they have had a large amount of intangible property and it was taxed lightly here and taxed heavily somewhere else. At the time the existing law fixing the present rate of taxation on such property in the District was enacted it seemed to be the judgment of experts on the proposition that it would raise a larger amount of money than a higher rate would raise, paradoxical as that statement may seem at first blush. However, the point which the Senator from Utah makes is an excellent one.

There is another tax which people dodge by coming to the District of Columbia, from some of the States at least. It is a tax that does not apply to any specific kind of property. There are quite a number of States—perhaps, it is true as to most States—that levy inheritance taxes. Some of those taxes are progressive in their nature, so that on a very large estate upon the death of the owner a large amount is collected. The District of Columbia has no inheritance tax. It is our fault that it does not have one. If we had in the District of Columbia an inheritance tax, we would, in my judgment, to a considerable extent, relieve the situation of people coming here for the purpose of escaping taxes.

I had called to my attention several years ago litigation that was then pending in the court involving the estate of a very wealthy man who had come here from one of the States, and who had been a candidate for Senator even after he had come here, but who died here. The question arose as to whether he was a resident of the District of Columbia or of the State in which he had formerly lived.

The case involved the question of inheritance taxes amounting to several hundred thousand dollars. If he were a resident of the District of Columbia his estate escaped those taxes, but if he were not a resident of the District, his estate was liable. I submit to the Senator from Utah, who is on the District Committee, and who has told the Senate that at the next meeting of the committee he proposes to move the appointment of a subcommittee to take up this question, that if he will see that a bill is presented to Congress, and will assist us in passing it, that will provide for an inheritance tax in the District of Columbia similar to inheritance taxes that are provided in many of the States, he will, to a great extent, solve the question of the tax dodger. Now, I yield to the Senator from Utah.

Mr. KING. Mr. President, in what I said respecting the taxing of intangible property, I may have been unfortunate in my language. What I intended to say was that I was in favor of taxing intangible property. I did not particularly complain of the rate here, but let me say to the Senator from Nebraska that it is a difficult thing to reach intangible property. If there were a local income tax law applicable to the District, that would be the surest and most effective way of reaching intangible property.

In some States which have adopted it, the system of taxing intangible property works disadvantageously; it is unjust. For instance, it may be said that some person by reason of an advantageous position upon a street in connection with the conduct of his business has some intangible value or property in the locus, and he ought to pay taxes upon it.

Mr. NORRIS. In my judgment, such a tax would be a very unjust tax.

Mr. KING. It would be a very unjust tax. I think any intangible tax, unless it is properly guarded, is a dangerous thing.

Mr. NORRIS. It is.

Mr. KING. I think the best way is to have an income tax. Then the income upon intangible property is reached.

Mr. NORRIS. Yes.

Mr. KING. A fair method of taxing intangible property may be devised, and yet it is a very difficult thing. I concede all that the learned Senator has so forcefully said. I am complaining generally though of the fact that people do take refuge here, some of them, in order to escape the income tax and the inheritance tax of their respective States, and they make enormous profits by transferring their residence here and escaping a fair income tax, the tax on intangible property, and the estate tax of the State from which they come.

Mr. NORRIS. Mr. President, I am much obliged to the Senator from Utah for his statement. There is much force in it, and I think it would be well when the Senator and his subcommittee get to work for them to consider the proposition of a District income tax such as many States have. I know, however, that the Senator would not want to work out a tax system designed to reach the tax dodger coming into the District which would result in an unfair burden on the people of the District. For instance, if some one who lived in a State where there was levied an unjust and unfair tax, such as the one in the illustration given by him, came to the District for the purpose of avoiding that tax, the Senator would not want to enact any law to prohibit him from doing that which would tax him in a similar way here. In other words, if in the District we should endeavor to meet all conditions, we would have to levy taxes here that would sometimes be unjust if there was any State where there was an unjust tax from which anyone was trying to escape.

It is not always fair, Mr. President, even as the Senator has outlined, to provide an income tax with the idea of bringing about complete justice in the taxing of intangible property. It is true we would get, as the Senator from Utah very well says, a tax on the income derived from such property, but, unless there was some differentiation made in the law as to the different sources of income, it might result in double taxation on tangible property, because tangible property being assessed would, if it brought in any income, have to pay another tax in the way of an income tax. So there are always difficulties. As I have already said, one difficulty with the intangible tax which has never yet been met by any taxing system devised by man is to bring out for taxation property that can so easily be concealed and covered up. The only feasible plan, so far as I know, that has ever been devised has been to tax such property at a light rate so that the honest man can afford to bring it forth and the dishonest man can not afford to run the risk of trying to avoid the payment of a reasonable tax.

But, Mr. President, we have not all those questions before us now. I think we ought to consider them; I think we ought to have in the taxing system of the District a slight exemption on improvements, one that would apply to all property alike.

Let it be fixed at a reasonable amount so that what if we should allow an exemption of $2,500 on improvements on real estate, for instance, it would apply to the block that cost $1,000,000 as well as to the home that cost only $2,500. Such an exemption would result in a little higher tax on property that is held for speculation. I think in the District—it is true to a great extent of other large cities, but it is particularly true with respect to the city of Washington—that a very large amount of vacant property is held unimproved purely and solely for speculative purposes. If we can do so fairly, we ought to tax that kind of property a little heavier than the property which has been improved, and we can do that by allowing a reasonable exemption for improvements on property. That would tend to reduce rents in the District of Columbia, which is a very desirable consideration; and it would tend also to the construction of homes and the owning of homes by individuals, which is another very desirable consideration.

Under present conditions the man who has a piece of property and plants a rose bush on it increases his taxation; he is penalized for every improvement that he makes. If he builds a little home and puts on it another coat of paint and thus adds a little to its value the tax collector adds a little to the tax he must pay. If the property owner does something of that kind that improves the general condition of the community, he is penalized for doing it, while the speculator who does nothing of the kind gets the benefit in the increased value of his property by every improvement that is made by every man who toils and puts a block of pavement in a street; so that every drop of sweat, every effort that is made in the way of improvement adds something to enhance the value of the speculator's property. We can meet that, and the only way I know of meeting it is to allow a reasonable exemption for improvement on real estate; and I want to submit that idea to the District Committee so that when they get the subject under consideration they can give to it such weight as they think it deserves. It seems to me it would go a long way toward reducing the cost of living and adding to the number of people who own their own homes.

Mr. JONES of Washington. Mr. President, I appreciate the force of the suggestion of the Senator from Nebraska with reference to the surplus. I think there is no answer to that

suggestion; but there has been accumulated in the District, out of the revenues paid by the people under the half-and-half system, some four or five millions of dollars. Under the law as heretofore, as I called attention to yesterday, the commissioners have been limited in their power to submit estimates to Congress to the needs of the District. They have not been able even to submit estimates to Congress that would enable, under the rules of Congress, the appropriation of that money especially for much-needed school facilities in the District.

I think there ought not to be any limit placed upon the estimates that the commissioners can send to Congress as to the needs of the District. Then, of course, the responsibility rests with Congress as to whether or not it will appropriate the money to meet those needs, and that is one of the purposes of this bill; so I desire to propose this amendment, when the proper time comes, as another section of the bill.

Mr. KING. I will say to the Senator that it is proper now.

Mr. JONES of Washington. No; the amendment of the Senator from Arkansas is pending. I merely want to read this for information. I am not offering the amendment now, but simply reading it for information, and giving notice that I will offer it when the amendment of the Senator from Arkansas is disposed of. It will be a new section, to be known, I think, as section 4.

Mr. KING. I inquire of the Senator whether the amendment which he is about to read now would not be a proper amendment to that offered by the Senator from Arkansas, perfecting his amendment?

Mr. JONES of Washington. No; it would not.

Mr. KING. It is not in the third degree.

Mr. JONES of Washington. No; what I intend to propose is really another section of the bill.

Mr. KING. I think the Senator could tender it now.

Mr. JONES of Washington. I am going to read it, anyhow, and I may offer it when we come to vote on the Senator's amendment. Anyhow, I want to read it now for the information of the Senate, so that those who desire may think about it:

The appropriation of an amount equal to the unexpended or unappropriated surpluses of the District revenues shown by the reports of the commissioners to have been heretofore accumulated and deposited in the Treasury of the United States, in addition to the estimates submitted for the next fiscal year, is hereby authorized; and hereafter there shall be no limit upon the amount of the estimates to be submitted to Congress to meet the annual needs of the District, any law to the contrary notwithstanding.

Mr. KING. Mr. President, I should like to have the Senator explain the significance of that amendment; and may I inquire, so that he may answer it if he chooses, whether it is purposed by his amendment to require the Government of the United States to duplicate the fund which has been accumulated in the Treasury, and which amounts to between $4,000,000 and $5,000,000, or whether that may be expended by the District Commissioners without calling for a similar amount out of the Treasury of the United States?

Mr. JONES of Washington. The purpose is just this: Of course, if this bill should pass as now proposed to be amended, as the Senator has suggested, it does not make any difference about this surplus. Congress has to appropriate out of the Treasury of the United States everything that is necessary to take care of the needs of the District, and if we should put up $5,000,000, of course there would be that $5,000,000 less that we would have to appropriate hereafter, so that it really does not make any difference. But here is the situation:

We are confronted with our rules and with the law limiting the commissioners in their estimates for this year for the District. I do not know whether those estimates are ample to cover the actual and pressing needs of the District or not. If this amendment should be adopted, it would give authority to the Committee on Appropriations, for instance, if it saw fit to do it, to make provision for the appropriation of this amount in addition to the regular estimates that have come down. That is all the authority it gives. We might appropriate $1,000,000, we might appropriate $500,000, we might appropriate nothing, but it gives us authority. In other words, no point of order could be made against the proposition; and then it removes hereafter the limitation upon the power of the commissions to submit estimates to Congress for the pressing needs of the District. Those are the two propositions involved in the amendment.

Mr. President, I desire to offer this as an amendment to the amendment. I think I had better read it; I am afraid the Secretary could not read it:

SEC. 4. The appropriation of an amount equal to the unexpended or unappropriated surpluses of the District revenues shown by the reports of the commissioners to have been heretofore accumulated and deposited in the Treasury of the United States, in addition to the estimates submitted for the next fiscal year, is hereby authorized; and hereafter there shall be no limit upon the amount of the estimates to be submitted to Congress to meet the annual needs of the District, any law to the contrary notwithstanding.

The PRESIDING OFFICER (Mr. LADD in the chair.) The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to amend the amendment offered by the Senator from Arkansas proposing to insert certain words by adding to those words a new section, as follows:

SEC. 4. The appropriation of an amount equal to the unexpended or unappropriated surpluses of the District revenues shown by the reports of the commissioners to have been heretofore accumulated and deposited in the Treasury of the United States, in addition to the estimates submitted for the next fiscal year, is hereby authorized; and hereafter there shall be no limit upon the amount of the estimates to be submitted to Congress to meet the annual needs of the District, any law to the contrary notwithstanding.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Washington to the amendment of the Senator from Arkansas.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Arkansas, as amended.

Mr. NORRIS. Mr. President, I desire now to offer an amendment. I have not before me the amendment of the Senator from Arkansas, but I think it will go in very well right at the close of the amendment just agreed to.

Mr. KING. If the Senator will pardon me, I have a copy of it here, which I send to the Senator from Nebraska.

Mr. NORRIS. I will not take the time of the Senate to go over it now; but, in accordance with the suggestion of the Senator from Washington [Mr. JONES], I offer it as section 5, a new section of the amendment. It is carrying out what I believe to be very fair. I may be wrong in the amount that I have placed here; it may be too small, or it may be too large; but it seemed to me that one desirable thing, if possible, was to tax just a little higher real estate held for speculation, and to relieve, if possible, the penalizing of any man who makes slight improvements and builds a house, or something of that kind. So I am going to offer this amendment:

SEC. 5. In fixing the value of improvements—

I might pause here to say that under the general law applying to the District it is the duty of the taxing authorities to value the improvements separately from the real estate. If you will examine a tax receipt for real estate you will find that the improvements are valued in one column and the real estate itself in another, so that the provisions of this amendment can be very easily carried out.

In fixing the value of improvements on any lot or tract of real estate for the purpose of taxation, the first $2,500 of value thereof shall be exempt, and shall not be taken into consideration in fixing such value.

Mr. KING. Mr. President, in view of the suggestion which has been made, which I am sure will be carried into execution, the District Committee will immediately take up the matter of formulating a comprehensive revenue system for the District of Columbia, and I venture to suggest to the Senator that it might be wise to defer dealing with the question of taxation here by the adoption of the amendment which the Senator has offered, which seems very praiseworthy and commendable, because undoubtedly exemptions will be found provided for in any comprehensive and scientific tax bill. It would seem to me to be better to provide for exemptions in appropriate legislation, rather than to attempt in this bill to deal with the question of exemptions from taxation. I merely suggest that to the Senator, without any antagonism toward the spirit of the amendment which he has offered.

Mr. NORRIS. I think the Senator's suggestions have a good deal of merit in them, but in answer to the Senator I want to say, and I think the experience of all of us bears me out, that those things which it is sometimes predicted will be taken care of in another bill do not very often reach the Senate. It probably would be a little more appropriate, if we had a general District of Columbia tax bill, that this should be put on that, although it seems to me it is perfectly germane to the subject under consideration, and I think that even if we had a rule which excluded all amendments which were not germane this amendment would be held to be germane in this case.

I am afraid that even with the Senator from Utah prodding the proposition, it will be a long time before a general taxation bill for this District will reach the Senate. I would like to have such a bill passed while I am still here. The Senator from Washington suggests to me that he thinks I have this amount too high.

Mr. JONES of Washington. That is what I wanted to suggest. I think it is a little too high. My recollection is that in my State, though I do not know how it is in other States, there is an exemption of $300 allowed on personal property.

Mr. NORRIS. This has not anything to do with personal property.

Mr. JONES of Washington. The Senator from Utah informs me that there is an exemption on personal property in this District of $1,000.

Mr. NORRIS. I think it is $800.

Mr. JONES of Washington. I have looked it up. I think this is a little high. I believe in the principle of it; I am in favor of the principle of it. I suggest that the Senator make it $1,000.

Mr. NORRIS. I am willing to make it $2,000. It seems to me that is low, because we can not get very much of an improvement on a piece of property in the District of Columbia for $2,000.

Mr. JONES of Washington. I do not think it is the Senator's intention to exempt all of the property from taxation.

Mr. NORRIS. No. I would like to do something to keep a poor man who wants to put an improvement on his property, and who makes an improvement on his lot, from being penalized while the benefit of the general prosperity that comes from his improvement enures to the speculator, who does not contribute anything toward the improvement.

Mr. JONES of Washington. I would like to penalize the man who does not put anything on his property.

Mr. NORRIS. I will change it to $2,000.

Mr. JONES of Washington. I do not object to that. Of course, the bill will have to pass the scrutiny of the House.

Mr. KING. I desire to correct an error which I inadvertently fell into a moment ago. I remembered the figures, but perhaps made the statement a little too broad. I had before me the report of Mr. MAPES, from the Committee of the District of Columbia of the House, in support of a certain measure, and I had in mind the statement which he made as to $1,000 exemption. It reads: "Tangible personal property. After exempting household furniture of the value of $1,000," and so forth, the property is subject to taxation. Household furniture to the value of $1,000 is exempted from taxation, but as to the amount of exemption for other personal property I am not able to state. I wanted to make that correction.

Mr. NORRIS. I believe there is no other exemption. I think the Senator has stated it correctly, and I misstated it a while ago when I said there was an exemption of $800. I think that applies only to household goods. There is no other exemption.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS] to the amendment of the Senator from Arkansas [Mr. CARAWAY].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AFFAIRS IN ANATOLIA.

Mr. KING. Mr. President, under the latitude of debate permitted in the Senate, I desire to call the attention of the Senate to a matter which, in my opinion, deserves consideration, and has attracted a great deal of attention not only in the United States but throughout the world, and as a premise to my observations I desire to have the Clerk read the following resolution.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Assistant Secretary read the resolution (S. Res. 193), as follows:

Whereas the treaty between Great Britain, France, Italy, and Japan on the one part and Turkey on the other part, signed at Sevres on the 10th day of August, 1920, makes complete and particular provision for the protection of racial and religious minorities within the territory committed to the sovereignty of Turkey, including Pontus on the southern littoral of the Black Sea; and

Whereas by article 141 of said treaty Turkey undertook specifically to assure "full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race, or religion, and in article 144 further undertook to facilitate the return to their homes and the restoration to their properties and business of all persons who had become exiles by reason of the terrorist régime in Turkey during the late war; and

Whereas in violation of the stipulations of said treaty and in violation of the laws and customs of nations and of the principles of national morality and of justice recognized by all civilized States the so-called Kemalist régime in Anatolia has continued the massacre of the Christian population of Anatolia, and particularly of the inhabitants of Pontus, who are of the Greek race and religion, by which such inhabitants have been deprived not only of their properties and business but have been subjected to a system of ruthless decimation and extermination; and

Whereas the Government of France has recognized the Kemalist régime as the de facto and as the lawful Government of Turkey; and

Whereas the inhabitants of Pontus have no redress or recourse for protection and vindication except by appeal to the powers which are parties to the treaty of Sevres; and

Whereas by article 151 of said treaty, said powers agreed to consult with the council of the League of Nations upon measures necessary to guarantee the execution of Part IV of said treaty, including the articles aforesaid, and the Turkish Government agreed to accept all decisions taken in that behalf: Now, therefore, be it

Resolved, That the Senate of the United States expresses abhorrence and condemnation of the brutal and ruthless persecution of the Greeks of Pontus by the government of Kemal Pasha and by Ottoman Turks in Anatolia and deplores the failure of the European powers to take effective measures to restore and maintain order in Anatolia in conformity to the treaty of Sevres, and to exercise the authority reserved by said powers in that behalf; and the Senate respectfully requests that the President of the United States bring the atrocities in Pontus to the attention of the European powers and the council of the League of Nations, to the end that adequate and expeditious measures be taken in accordance with said treaty, to arrest the persecution and extermination of the inhabitants of Pontus, who are of the Greek race and religion, and generally to enforce and vindicate the rights accorded racial and religious minorities in Anatolia by the said treaty.

Mr. KING. Mr. President, I sought the floor a moment ago for the purpose of submitting some observations predicated upon the resolution which has just been read. I understand the Senator from New York [Mr. WADSWORTH], who has an engagement which compels him to leave the Chamber shortly, desires to call up for consideration another measure, and later in the day I shall ask the Senate to listen to the observations I may care to submit upon the resolution.

DISPOSITION OF SUGAR IMPORTED FROM ARGENTINA.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry. What is the order of business at present?

The PRESIDING OFFICER. There is nothing before the Senate. The unfinished business has just been disposed of.

Mr. WADSWORTH. I move that the Senate proceed to the consideration of Senate joint resolution 12, authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic.

Mr. WALSH of Montana. Mr. President, that is rather an important matter, and there ought to be a quorum here to hear the discussion and to consider the question. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Borah	Frelinghuysen	Lodge	Sheppard
Bursum	Glass	McKellar	Shields
Calder	Gooding	McKinley	Smith
Capper	Hale	McNary	Smoot
Caraway	Harris	Myers	Stanfield
Cummins	Jones, Wash.	Nicholson	Sutherland
Curtis	Kellogg	Norbeck	Swanson
Dial	Kendrick	Norris	Trammell
Edge	Kenyon	Overman	Wadsworth
Elkins	Keyes	Page	Walsh, Mass.
Ernst	King	Phipps	Walsh, Mont.
Fernald	Ladd	Poindexter	Watson, Ga.
Fletcher	La Follette	Reed	Willis
France	Lenroot	Robinson	

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present. The question is on the motion of the Senator from New York.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 12) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic, which was read, as follows:

Resolved, etc., That the President is authorized to require the United States Sugar Equalization Board (Inc.) to take over from the corporation, American Trading Co., and the copartnership, B. H. Howell, Son & Co., a certain transaction entered into and carried on by said corporation and copartnership at the request, under direction, and as agents of the Department of Justice and Department of State, which transaction involved the purchase in the Argentine Republic, between the 13th day of May, 1920, and the 22d day of May, 1920, of 13,902 tons of sugar, the importation thereof into the United States and the distribution of a portion of the same within the United States, and to require the said United States Sugar Equalization Board (Inc.) to dispose of any of said sugar so imported remaining undisposed of, and to liquidate and adjust the entire transaction in such manner as may be deemed by said board to be equitable and proper in the premises, paying to the corporation and copartnership aforesaid such sums as may be found by said board to represent the actual loss sustained by them, or either of them, in said transaction, and for this purpose the President is authorized to vote or use the stock of the corporation held by him, or otherwise exercise or use his control over the said United States Sugar Equalization Board and its directors, and to continue the said corporation for such time as may be necessary to carry out the intention of this joint resolution.

Mr. WADSWORTH. Mr. President, the pending joint resolution is identical with a joint resolution which the Senate passed on a former occasion and sent to the House of Representatives at a period in the session of that day too late for the House to take affirmative or, indeed, negative action. It was

reintroduced in this session of Congress, and again the Committee on Agriculture and Forestry, as it did before, reported the joint resolution with but one dissenting vote. I think I am accurate in saying that the Senator, who as a member of the committee voted against reporting the measure, did not do so on the ground of any criticism of the record or motives of the claimants, but rather as a criticism of the Government itself in embarking upon the undertaking which I am about to describe.

In the spring of 1920 the country was obsessed with fearfully high living costs, especially those costs relating to the food of the people. The Department of Justice, under the leadership of the then Attorney General, Mr. Palmer, embarked upon a campaign, as it were, to reduce the price of food. One of the food articles which had reached extraordinary heights of price upon the market was sugar. At that time, as I recollect, sugar was selling at from 25 to 30 cents a pound, an unheard of price, with a resultant hardship upon every household in the country. The Department of Justice, in an effort to reduce this price to something like a reasonable figure, happened upon the information that there was a considerable quantity of sugar in the Argentine Republic.

At that time the Argentine Government had imposed and was maintaining an embargo against the exportation of sugar from the Argentine. The Department of Justice, however, through the Department of State, instituted negotiations, semiconfidential in character at the beginning, with the Argentine Government to ascertain if the Government of the Argentine would lift that embargo as a favor to the Government of the United States.

At the same time the Department of Justice requested an American commercial concern known as the American Trading Co., a concern which had engaged in a general import and export business for many years and involved dealings in all kinds of articles which go into international commerce, to lend its service in the purchase of some sugar in the Argentine, based upon the assurance that the Argentine Government would allow the American Trading Co. to export it and bring it to the United States in an effort to smash the domestic price of sugar. The American Trading Co. was requested to perform this service on account of the fact that it had agents in the Argentine and had had them there for many years as an ordinary commercial practice.

At the same time an agreement was reached by the Department of Justice with the American Trading Co. and also with a concern known as B. H. Howell, Son & Co. for the distribution of such sugar as might be brought from the Argentine by the American Trading Co. A rigid limitation upon the price to be charged for sugar was fixed by the Department of Justice and agreed to by these concerns. The American Trading Co. was to do the purchasing in the Argentine and bring the sugar to the United States in merchant vessels and B. H. Howell, Son & Co. were to do the distributing of the sugar in this country to consumers named by the Government itself, largely canners, who were greatly in need of sugar. As I said, the price was to be fixed and was fixed by the Government.

Mr. REED. At what figure?

Mr. WADSWORTH. At 20 cents per pound, averaging 7, 8, or 9 cents below the then market price, and the profit of these American citizens who agreed to perform the service for the Government was strictly limited to 1 cent per pound delivered and distributed from the Atlantic seaboard, in this case New York.

The Department of Justice informed the American Trading Co. that the Government of the Argentine had agreed to permit the exportation of the sugar from the Argentine, and requested the American Trading Co. thereupon to purchase the sugar in that country.

I call the attention of the Senate to the committee report, Exhibit No. 1, which is a letter written by Mr. Howard Figg, special assistant to the Attorney General, to Mr. Wallace D. Franklin, vice president of the American Trading Co., under date of May 11, 1920. The first paragraph of the letter reads as follows:

> DEAR SIR: I was notified by State Department of the receipt of cable from the Argentine that upon proper presentation through official channels of the American Government that the Argentine would lift the embargo on present surpluses in that country, now amounting to some 150,000 tons.

Then the letter says that he, Mr. Figg, had made arrangements with large interests in this country to handle all or any part of the sugar that he might indicate.

Mr. REED. I do not at all wish to interrupt the thread of the Senator's statement, but it would afford me some assistance if I could know who Mr. Howard Figg is.

Mr. WADSWORTH. He was special assistant to the Attorney General, and at the time of the writing of this letter he had general charge of the anti-high-cost-of-living campaign then being carried on by the Department of Justice.

Mr. REED. Very well; but I now wish to ask when the Department of Justice got into the sugar business?

Mr. WADSWORTH. It did not get into the sugar business. It got an American concern into the sugar business with the results which I shall relate in a few moments.

Mr. REED. If the Department of Justice got an American concern into the sugar business, by what authority did the Department of Justice get it into the sugar business?

Mr. WADSWORTH. I am not sure about the legal authority for inviting an American concern to render service to the Government, but the concern responded to the request and invitation of the Government in the best of faith, with the results that I am going to relate.

Mr. REED. Suppose I had invited an American concern to go out and buy a few hundred thousand or million dollars' worth of sugar and bring it over here and sell it to the American people, and they undertook it and lost money, does the Senator think that my action would bind the Government in any way?

Mr. WADSWORTH. If the Senator was occupying the position of Attorney General of the United States and acting with the authority of the President of the United States and did such a thing as that, and then, at a later time in the transaction which the Senator has not given me an opportunity to describe, intervened and absolutely prevented the American concern which had responded to the invitation from withdrawing from the undertaking, and thereby compelled the concern willy-nilly to incur a tremendous loss, I would say that it involved a moral obligation upon the part of the Government of the United States to protect its own citizens.

Mr. REED. Now, the Senator said if I did this or undertook to do this with the authority of the President. Will the Senator tell me what authority the President had, either by himself or by an agent, to go out and purchase or contract for the purchase of an immense quantity of sugar or one single pound of sugar?

Mr. WADSWORTH. Mr. President, I can not point to a legal authority, as I said to the Senator before. I am endeavoring to prove to the Senate that there is a high moral obligation here, a moral obligation which, if it were avoided or dodged by a private citizen in business, would forever exclude that private citizen from the company of decent men.

Mr. REED. Mr. President, I, of course, ought not to take the Senator's time, but I hope he will permit me merely to say this: If I have no authority to buy sugar or to bind the United States, and another man who has no authority to buy sugar or to bind the United States tells me to go and buy sugar, and I proceed to buy it, I have gained no authority from a man who himself possesses no authority. If the unauthorized man telling me to make the agreement afterwards, without authority, tells the person with whom the pretended agreement was made that he must carry it out, being still without authority, the whole transaction has back of it not one line of law and not one particle of authority, for no matter how many unauthorized men undertake to do an unauthorized act, the act is still unauthorized.

I do not want to interrupt the Senator again; I have been trenching on his time; but I wish before I sit down to ask how much money this is to cost the United States?

Mr. WADSWORTH. In the neighborhood of $1,000,000. That is what the citizen had to pay, and he was helpless in the matter.

Mr. REED. He was helpless?

Mr. WADSWORTH. He was helpless when once he responded to the invitation of his Government to perform a public service.

Mr. REED. But the point is that he had no invitation from the Government.

Mr. WADSWORTH. The facts are to the contrary. In good faith he responded to the invitation of his Government.

Mr. REED. The Senator means he responded to the unauthorized request of an individual.

Mr. WADSWORTH. He had no reason to believe that the request or invitation was unauthorized.

Mr. REED. But he had the laws of his country to guide him.

Mr. WADSWORTH. Time and again citizens respond to the request of a department or of the President of the United States and render a service in an emergency; it is seldom that a service of exactly this kind has been directly requested of a citizen. In this case it involved a commercial transaction in which

the Government assumed to do certain things. As the case proceeded——

Mr. REED. Mr. President——

Mr. WADSWORTH. I wish the Senator would let me proceed. I have a committee meeting to attend at 2.30 o'clock.

Mr. REED. I beg the Senator's pardon, but sometimes we get more light by asking questions than we do by listening to speeches.

Mr. WADSWORTH. As this transaction proceeded the Government's rigid hand was always apparent; it was always in control, and the citizen was helpless, as I shall proceed to show.

The Senator from Missouri asked what authority under the law there was for this transaction? I can not point to the specific authority under the law. I can, however, point to a high moral obligation which rests upon the Government of the United States, which has been testified to by two Attorneys General, by their subordinates, both under the Wilson administration and this administration, by the president of the Sugar Equalization Board, by the counsel of the Sugar Equalization Board, and by an overwhelming vote of the Committee on Agriculture upon two occasions.

As I was saying, Mr. Figg, special assistant to the Attorney General, informed the American Trading Co. that the State Department had received a cable that the embargo maintained by the Argentine Government against the exportation of sugar was to be lifted, and then proceeded to ask them to instruct their agents in Argentina to go out and buy the sugar. This was done in May of 1920.

To show how the United States Government took this matter up officially with the Argentine Government, I call attention to Exhibit No. 2 in the committee report, which is a cablegram dispatch to the American Embassy at Buenos Aires, Argentina, signed by Mr. Frank W. Polk, then Acting Secretary of State, dated May 13, 1920, in which Mr. Polk uses this language:

With reference to the telegrams from the department, Nos. 39, 40, and 43, and to your telegram No. 113, regarding the lifting of the embargo on sugar from Argentina: This is strictly confidential. The American Trading Co. has been appointed purchasing agent by the Department of Justice and it is being instructed by that department to obtain quietly as many options as possible before the market is aware that the embargo has been lifted, in order to avoid unduly high prices; otherwise it will be impossible to buy Argentine sugar. By this method there will be an avoidance of profiteering at this end, and the Department of Justice is safeguarding all steps so that the American household consumer may be protected.

Instructions are hereby given to you to bring this matter most confidentially to the attention of the Government of the Argentine for its information. The hope is expressed that the Argentine Government will be satisfied with this arrangement. In the near future the official request for the lifting of the embargo will be made. This is being done merely to avoid speculation, which might destroy the entire transaction, and there is no intention of preventing sugar interests in the Argentine from securing a price which is just.

POLK, *Acting.*

That cablegram shows that this concern, upon responding to the invitation of the Department of Justice, was named in the dispatches of the State Department to the embassy in Buenos Aires, and thence to the Government of the Argentine, as the agent of the United States in this transaction. The company proceeded to buy something like 13,900 tons of sugar on the assurance from our Government that the embargo was to be lifted by the Argentine Government. It turned out, however, that a misunderstanding had taken place in that regard; the Argentine Government did not then and there lift that embargo; and the American Trading Co., acting always as the agent of the United States, was unable to ship from the Argentine the sugar which it had purchased.

In the meantime, back here in the United States, the Department of Justice, very properly, I think, advertised far and wide that this great supply of sugar had been located in the Argentine, and that steps were being taken to bring it to the United States to break the domestic price. The newspapers were filled with this news; the Department of Justice very properly, I think, disseminated the information all over the country, with the result that shortly thereafter the price of sugar in the United States began going down hill, to the great relief of the American people; indeed, considerable relief was afforded to the American people by this campaign, even though not 1 pound of sugar had actually arrived in the United States. But the Argentine Government still stood in the way of the actual exportation of the sugar and the bringing of it to the United States. Sugar in the United States was going down hill; it went below the price that the Government had fixed to this concern, namely, 20 cents a pound for the sugar which was to be brought in. Finally, however, the Argentine Government, on the 23d of June, through its appropriate officials, issued this proclamation at Buenos Aires:

MINISTRY OF HACIENDA OF THE ARGENTINE NATION,
Buenos Aires, June 23, 1920.

Having seen the request of his excellency the ambassador of the United States of America regarding the necessary authorization for the American Trading Co., purchasing agent of the Department of Justice, to export 13,909 tons of sugar of national production; and considering that the Government is animated by the desire to fulfill satisfactorily the foregoing petition made direct by a sister nation, the executive power of the nation, in general agreement with the ministers, decrees:

ARTICLE 1. That the necessary permission be given to the American Trading Co., purchasing agent for the Department of Justice of the United States of America, to export to the said country 13,909 tons of sugar of national production.

ART. 2. That this be communicated, published, and filed.

IRIGOYEN.
D. E. SALABERRY.

That proclamation or order of the Argentine Government once more confirms the assertion and the contention that the United States Government had taken this matter up as an official proposition and named the American Trading Co. as its agent. It confirms also the contention that the Argentine Government regarded the American Trading Co. as nothing more nor less than the agent of the Government of the United States. But so long was the delay before this permission of the Argentine Government was obtained that the price of sugar in this country had fallen, as I said a moment ago, below the price fixed by our Government itself as applicable to the American Trading Co. and B. H. Howell, Son & Co. the distributors. When the price in the United States fell below the price fixed by the United States Government upon the American Trading Co. as the importer and B. H. Howell, Son & Co. as the distributors, the American Trading Co., seeing that it was hopelessly caught in this situation, although it was the agent of the Government and had done nothing except upon the request of the Government, asked our Government if they could not sell the sugar in the Argentine and get out of the whole transaction.

Now, I call the attention of the Senate to Exhibit No. 3, which is a letter written to Mr. Franklin, of the American Trading Co., under the date of August 2, 1920. It, too, is signed by Mr. Howard Figg, special assistant to the Attorney General. It reads as follows:

DEAR MR. FRANKLIN: I am in receipt of your communication of July 29 in regard to disposing of a certain portion of the 14,000 tons of Argentine sugar contracted for by the B. H. Howell Co., and in which the Department of Justice participated in distribution.

I may say that something like 5,000 tons of it had been brought to the United States prior to this time, leaving something like 9,000 tons still on the hands of these American citizens in the Argentine. Mr. Figg continues:

I am very sorry to inform you that under no circumstances could the Government concur in the thought even of allowing any portion of this sugar to be sold in the Argentine. You will find attached hereto paraphrase of cablegram received from Wiley, in charge of the embassy at Buenos Aires, which very definitely states the position of the Government in this transaction. But in spite of this I took the matter up with the State Department and found that Ambassador Stimpson, from Argentina, was here—

That is, the American ambassador to the Argentine happened to be in Washington at that time—

I arranged a conference with him, which took place Saturday, and I can not begin to make you understand how deeply he feels on this subject.

He also brought to my attention a matter of seeming interest to you, and that was that if any portion of this sugar was sold in the Argentine it would be ruination to the American Trading Co., or any other American interests that might be involved, as well as a very serious thing for the United States Government.

I had a talk with Mr. Linn, your representative here in Washington, this morning and I tried to make him understand the seriousness of this thought.

It is unnecessary to read the rest of the letter. That letter, however, is the evidence which shows, and it was fully supported in the hearings before the committee, that the United States Government, never releasing control of this transaction, or its agent, refused to permit these American citizens to sell this sugar in the Argentine, and thus escape from the inevitable financial loss which would attend bringing it to the United States under the agreement which they had with the Government; and so these people were left with the sugar on their hands. They brought it to this country. They brought it under a contract with this Government that it should be distributed to persons named by the Government, canners and other consumers of sugar. The Government had such a list of consumers. It was supplied to the B. H. Howell, Son & Co., the distributors of the sugar, but none of those consumers would take the sugar at the 20-cent price, because sugar had gone far below 20 cents; and these people, who were entirely innocent parties to this transaction, who had responded to the invitation of their own Government to perform a public service and help in smashing the price of sugar in the domestic market of the United States, find themselves facing, as they have faced for a year and a half or nearly two years, this tremendous loss.

The president of the Sugar Equalization Board was entirely familiar with this transaction, although that board had not taken any part in the campaign to reduce the price of sugar. The counsel of the board, Mr. Glasgow, as well as the president, appeared before the Agricultural Committee and told us of their entire familiarity with this whole transaction, their gratitude to Mr. Post, the president of B. H. Howell, Son & Co., and to the American Trading Co., for the services which they had rendered, and their earnest hope that the Congress of the United States would take some measure which would relieve these people of such a staggering loss, incurred by them through no fault of theirs, and incurred even in spite of their pleading that they be permitted to withdraw from the transaction at a time when they could have done so without loss—a transaction which they went into only at the Government's invitation, and from which the Government refused to let them withdraw, thereby compelling them to take a loss of something like $1,000,000.

Mr. REED. Mr. President, for my information, before the Senator sits down, why did the Government—as the Senator uses that term—refuse to let them withdraw from this contract or to sell their sugar in Argentina?

Mr. WADSWORTH. I gather from the testimony, and also from this letter which is printed in the report, that this matter had become one involving the relations of the United States Government with the Government of the Republic of Argentina. The Republic of Argentina for months and months before this time had refused to permit any sugar of a certain grade—and that is the grade that was needed in this country—to be exported.

The Argentine Government and the Argentine people knew, of course, that the prices of sugar the world over, outside of the Argentine, were very high. They wanted to hold their own sugar there—they are a large sugar-producing country—so that the price of sugar to the people of the Argentine might be kept within reasonable bounds; but, as a favor to the Government of the United States, they said, "We will permit the exportation of a certain surplus. You," said they to the United States, "have asked this as a favor. You want it for certain purposes, to relieve your condition in the United States. All right; you can have it for that purpose." Now, when later on the condition in the United States had completely changed, and this long delay in getting the lifting of the embargo had transpired before the Argentine Government finally said "Yes" to the request of the United States Government, they then took the attitude—an attitude which they certainly must have related to the officials of the American Embassy in Buenos Aires—that they did not want the American Trading Co. to resell this sugar in the Argentine because the price of sugar in the Argentine had begun to go up, and they did not want any American citizen or anybody else to take advantage of that comity between nations which was illustrated by this entire transaction and make money in a speculative sense and at the expense of the Argentine people. The American ambassador to Buenos Aires had a thorough comprehension of the attitude of the Argentine Government in that respect, and he personally told the officials of the Department of Justice that it was unthinkable that the United States Government should request permission to resell the sugar in the Argentine; and the Department of Justice gave this information to these American citizens, and in effect forbade them to resell that sugar and thereby escape from the predicament in which they found themselves. In other words, they were compelled to bring it on to the United States in the face of a certain loss.

Senators may say that there is no legal authority back of the action of the Attorney General of the United States; that there was no legal authority about any of this campaign carried on to reduce the cost of living in the United States by the Department of Justice. That may be true. I do not assert that there is a legal authority, but I do assert that there is a high moral obligation on the part of the Government to grant these people relief in the way proposed by this joint resolution.

The United States Sugar Equalization Board is still in existence. It is authorized to carry on those transactions which were provided for in the original statute. The attorneys for the United States Sugar Equalization Board informed the Attorney General, when this predicament of the American Trading Co. and B. H. Howell, Son & Co. was brought to their attention, that the United States Sugar Equalization Board did not have authority to take over a transaction of this kind, as it was a peculiar kind not contemplated in the act which created the Sugar Equalization Board, and the Sugar Equalization Board themselves suggested that the only relief would be through the passage of an act of Congress authorizing the President of the United States to direct the Sugar Equalization Board to take over this transaction and liquidate it, take it off the hands of these citizens who find themselves in this predicament, who tried to escape, and had every legal right to escape, ordinarily speaking, but who were not permitted to escape. Hence this joint resolution.

Mr. WALSH of Montana. Mr. President, I think that the facts in the case have been stated with substantial accuracy by the Senator from New York [Mr. WADSWORTH], making due allowance for such color as an advocate of a measure may usually be charged with; and the essential facts are not intricate nor involved. I am perfectly satisfied that if the Senate of the United States were apprised of the facts of this case and the significance of them by a fair presentation by both sides of the controversy, there could be no question about what the result would be. The trouble about it is that there are not more than a dozen Senators in the Chamber. I counted them just a moment ago; possibly one or two have come in since; but there are not to exceed 12 or 14 Senators in the Chamber now. I suggested the absence of a quorum before we began the discussion of this measure, and 49 Senators or thereabouts appeared, and immediately disappeared.

The Senator from New York has apprised the Senate that this joint resolution involves a matter of about $1,000,000. The fact about the matter is that the testimony taken in the hearings by the Committee on Agriculture and Forestry discloses that the amount involved is not less than $1,800,000, and, if I understand the situation correctly, it amounts to more than $2,500,000.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Hale	McNary	Stanley
Bursum	Harris	Nicholson	Sterling
Capper	Kellogg	Norris	Sutherland
Cummins	Kendrick	Overman	Swanson
Curtis	Kenyon	Page	Trammell
Dial	Keyes	Reed	Walsh, Mont.
Fletcher	Ladd	Shields	Warren
France	Lodge	Smith	Watson, Ga.
Frelinghuysen	McKellar	Spencer	Willis

The VICE PRESIDENT. Thirty-six Senators having answered to their names, a quorum is not present. The Secretary will call the names of the absent Senators.

The reading clerk called the names of the absent Senators, and Mr. ELKINS, Mr. MCKINLEY, Mr. MOSES, Mr. SHEPPARD, and Mr. WADSWORTH answered to their names when called.

Mr. CALDER, Mr. CARAWAY, Mr. NELSON, Mr. POINDEXTER, Mr. ROBINSON, Mr. LENROOT, Mr. KING, Mr. FERNALD, Mr. TOWNSEND, Mr. GLASS, Mr. ERNST, Mr. JONES of Washington, and Mr. EDGE entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-four Senators having answered to their names, a quorum is present.

Mr. WALSH of Montana. Mr. President, from the testimony of Mr. Armstrong, a representative of B. H. Howell Son & Co., given in the hearings at page 4, I read as follows:

> Through circumstances over which they had no control the transaction went astray as far as the commercial interests were involved. It accomplished the public purpose, and millions of dollars were saved to the American consumer by it, but through difficulties with the Argentine Government the sugar was not brought up as planned, and 9,000 tons of that sugar remain on hand unsold, involving a loss to these commercial interests of some $1,800,000.

That represents a loss, as will be perceived, of 2 cents per pound upon each pound of sugar. The witness testified that 9,000 tons remained unsold, but the joint resolution under consideration authorizes the Equalization Board to take over, not 9,000 tons but 13,902 tons of sugar, and if a similar loss is involved in the excess the total loss will be something over $2,700,000; so that the proposition before us is to reimburse B. H. Howell, Son & Co. to the extent of something over two and one-half million dollars on the transaction which is the subject of investigation.

I said that the essential facts are quite simple. In the spring or early summer of 1920 an arrangement was entered into between the then Attorney General and B. H. Howell, Son & Co. under which B. H. Howell, Son & Co. was to purchase in the Argentine Republic, as the agents and factors of the United States, sugar to the amount of about 70,000 tons.

That sugar was brought to the United States and there turned over to the distributors designated by the Department of Justice and sold to the consuming public at such a figure as would cover the actual cost of the sugar and 1 cent more per pound, that 1 cent to go to B. H. Howell, Son & Co. as their commission and compensation for services to be rendered by them.

Bear in mind, Mr. President, that B. H. Howell, Son & Co. risked not one dollar in the transaction. They claim to have been acting simply as purchasing agents for the United States. However, the United States having no money for the purpose of carrying on a transaction of that character, B. H. Howell, Son & Co. were obliged to advance the necessary money, this to be reimbursed to them by the Government of the United States when the sugar should be sold at an advance or, as transpires, if sold at a loss, by an appropriation to be made by the Congress, as it is proposed now shall be made.

I wish to assume the most perfect good faith in this matter upon the part of B. H. Howell, Son & Co. They represent that they were importuned to go into this transaction by the Attorney General; that, in the first place, they were averse to taking it up, but, yielding to the solicitation thus emanating from the head of this great Department of Justice, they undertook the commission as desired by him.

Mr. President, I am asked to yield to the Senator from Wyoming [Mr. WARREN], which I gladly do.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House excused Mr. CANNON from service on the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9237) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes, and that the Speaker of the House appointed Mr. ANTHONY to fill the vacancy.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 9237, the first deficiency appropriation act, fiscal year 1922.

The message further announced that the House receded from its disagreement to the amendments of the Senate numbered 15, 17, 29, and 30, to House bill 9237, and agreed to the same; that the House receded from its disagreement to the amendments of the Senate numbered 25, 26, and 27, and concurred therein with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution (H. Con. Res. 39) providing for the correction of an error in the enrollment of House bill 9237, the first deficiency appropriation act, fiscal year 1922, in which it requested the concurrence of the Senate.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. Mr. President, I ask the Chair to lay before the Senate the conference report on the amendments of the Senate to the bill (H. R. 9237) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Chair lays before the Senate the conference report, which will be read.

The reading clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9237) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 10, 11, 12, 13, 14, 18, 19, 20, 21, 22, 32, 33, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 23, 24, 28, 31, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46, and agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: " : *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $5,000 per annum and only one person may be employed at the rate of $5,000 per annum"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments of the Senate numbered 15, 17, 25, 26, 27, 29, and 30.

F. E. WARREN,
CHARLES CURTIS,
CARTER GLASS,
Managers on the part of the Senate.

MARTIN B. MADDEN,
D. R. ANTHONY, Jr.,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. WARREN. Under the pressure of the passage of this bill I was compelled to overlook a point which I shall raise at some other time in connection with another bill. I move the adoption of the conference report, and following that I have another motion to make.

Mr. ASHURST. Mr. President, I wish for a few moments to discuss the conference report, but obviously I can not interfere with the address of the Senator from Montana. I have no disposition to delay the report, appreciating its importance.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. WALSH of Montana. Certainly.

Mr. KING. The Senator from Arkansas [Mr. ROBINSON] stated that he desired to be here if the conference report was called up, and I ask the Senator from Wyoming to defer consideration for a moment until I can send for that Senator.

Mr. WARREN. The Senator mentions 4.30 or 5 o'clock. Of course, if the Senator wishes to take the responsibility, he may do so. However, the bill must be enrolled and go to the President in time to become a law to-day, or we are in the default which I stated yesterday. We must pay the trainees in the vocational educational institutions, who will be unpaid to-morrow, because to-morrow is pay day. Therefore I hope there may be no delay.

Mr. SPENCER. Mr. President——

Mr. ASHURST. I yield to the Senator from Missouri.

Mr. WALSH of Montana. Mr. President, I supposed I had the floor.

Mr. ASHURST. I beg the Senator's pardon. The Senator from Montana has the floor.

Mr. SPENCER. Will the Senator from Montana yield while I ask a question of the Senator from Wyoming?

Mr. WALSH of Montana. I yield.

Mr. SPENCER. I wish to ask whether that provision which the Senator inserted regarding $100,000 for the unemployment emergency in connection with the Department of Labor was left in or stricken out?

Mr. WARREN. It was stricken out. We were unable to hold it. I will say to the Senator, without divulging any secret, that that and the one in which the Senator from Arizona is particularly interested went out. We were unable to maintain them.

Mr. SPENCER. I recognize so clearly the emergency for the passage of the bill from the standpoint of the injured ex-service men that I have nothing more to say about it at this time.

Mr. WALSH of Montana. Mr. President, I yielded to the Senator from Wyoming for the purpose of presenting the conference report and, of course, under the circumstances, I shall be glad to yield for the consideration of it if the debate is not protracted.

Mr. WARREN. Mr. President, conference reports are always in order, but I understand we can not proceed with it if the Senator does not wish to have us proceed and if the Senator does not wish to yield a sufficient time to his colleague to address the Senate at this time.

Mr. WALSH of Montana. I have no objection if the matter can be disposed of with reasonable promptness.

Mr. WARREN. Will the Senator from Montana yield further so that the Senator from Arizona may occupy the floor as he desires?

Mr. WALSH of Montana. I am glad to do so.

Mr. ASHURST. Mr. President, I thank the Senator from Montana for yielding to me at this juncture.

The VICE PRESIDENT. Perhaps the Chair ought to say that the Chair asked unanimous consent of the Senate that the conference report might be laid before the Senate at this time. There was no objection, and the report is therefore before the Senate for consideration. The Senator from Arizona is recognized.

Mr. ASHURST. I appreciate that the conference report must be adopted, and adopted soon. I should say that within an hour the enrollment of the bill should begin. My first duty is to thank the conferees on the part of the Senate, the Senator from Wyoming [Mr. WARREN], the Senator from Kansas [Mr. CURTIS],

and the Senator from Virginia [Mr. GLASS]. So far as I am advised, they faithfully attempted to carry out in conference the expressed will of the Senate. For that, as faithful servants, they have not only my thanks but the thanks of the country as well.

Mr. President, when this conference report is adopted what do we find has been done, amongst other things? In the first place, the conference on unemployment called by the President, which convened last October, recommended an appropriation of $400,000 to assist in procuring employment for the unemployed. The Budget Commission reduced the amount to $200,000, and the Senate incorporated an amendment into the bill appropriating not what the conference asked, not what the Budget Commission asked, but $100,000; a very necessary appropriation in these times, with so many men out of employment and winter coming on. The Senate acted wisely. If there was any unwisdom about its action, it was in reducing the amount to so small a sum as $100,000; but the Senate acted with the best lights before it and did a substantial service to the country by appropriating $100,000.

I shall not take time now to go over the ground I traversed on last Monday. The Senate will remember that I presented a status of affairs which I believe convinced every Senator of the necessity for immediate action regarding the hospitalization of tubercular soldiers. The Senate adopted my amendment which appropriated $1,000,000 to be spent by the Director of the United States Veterans' Bureau or in such other manner as the executive branch might see fit, for the hospitalization of tubercular soldiers who were gathering in large numbers throughout the Southwest, attracted there, as I said, by the widespread opinion, shared not only in the West but throughout all portions of our country, that in the Southwest a specific, the healing air, could be found for their great plague, tuberculosis.

The Senate was convinced that a real necessity existed.

I did not happen to have in my pocket or amongst my papers on Monday, when I made my speech on this subject, a telegram which I shall now read. This is the telegram from Dr. Sweek, of Arizona, of the Public Health Service:

> Exact figures impossible. Lowest estimates 950 active cases vicinity of Phoenix. Four hundred should be hospitalized but not willing to enter present contract hospital. Number of cases in Arizona that would enter properly conducted hospital, lowest estimate, 1,500. Present number hospitalized here, 104. Any size institution up to 1,500 would be full nine months of year. Hospital for 400 could be kept full year round for 25 years. Attending specialists available. Expensive resident staff of full time men unnecessary. Would like opportunity to make this model hospital. Great need for hospital here, as men come from all States. Proper care here would prevent widespread criticism. As disease advances the number here increases as Southwest is used as last resort.

Now, that telegram means that 1,500 men could be hospitalized; it means that 104 are being hospitalized. As I said Monday, the opinion is widespread throughout the United States that the Southwest is a specific, a healing balm for soldiers and other persons afflicted with tuberculosis. I went on to point out patients from all over the world gather in the Southwest, and that while it is true that there are vacant beds in hospitals throughout the United States in other States, yet because there are vacant beds in various hospitals the authorities decline, it seems, to set up a hospital in Phoenix, and they say to the soldier, "Go where we say you must go."

Now, Mr. President, I submit that in time of war it is right for the superior officer to say where a soldier shall go, whether it costs the soldier's life or not, but after he has gone faithfully through the war, after he has had practically every segment of his lungs burned and torn away by the enemy's gas, it is not humanitarian, it is not just to him to say, "You shall go where we say or you shall die." A humanitarian Government, a just Government will say to him, "If you share the common belief that your plague will be lifted and your disease arrested in some particular climate and you have gone there in large numbers, in good faith, at your own expense, in that belief, then a rich and opulent Government will set up a hospital there for you."

I repeat the Senate conferees are entitled to the thanks of the Senate for the manly way in which they struggled to save this amendment appropriating the $1,000,000, and if a thousand ex-soldiers die from neglect, abandoned by the most powerful and opulent Government, the blame will not rest upon the Senate, but will rest upon those who are so bound by red tape that they are no longer free men.

Mr. CALDER. Mr. President, as I recall reading the conference report as published in the RECORD of yesterday, the Senate conferees have agreed to strike out the item of $100,000 for the Labor Employment Bureau. I regret very much that such action has been taken. I heard the distinguished Senator from Arizona [Mr. ASHURST] discussing the matter as I entered the Chamber. In this country to-day a very great many people are out of employment, I believe fully as many as two or three months ago, despite the reports of some of the departments of the Government to the effect that employment of labor is increasing.

This appropriation was asked for by the conference appointed by the President, which held prolonged meetings in this city during the fall. It was earnestly urged by the Department of Labor. The sum of $400,000 was asked for by the conference appointed by the President, and $200,000 was urged by the Dawes Commission, but the Senate appropriated only $100,000. Now, even this amount has been stricken from the bill.

At a time like this, Mr. President, when there are so many men and women who need work, the Government could perform splendid service in extending the operations of the employment bureau. It seems too bad that the Senate conferees did not bring this item back in disagreement and permit the Senate to insist upon their previous action. I believe that if the conferees had done that the House would have been constrained to agree.

I hesitate to criticize the Senate conferees; I know how interested they are in seeing to it that provisions which are voted into a bill are finally carried toward enactment; but it seems to me that in this instance it is to be regretted very much, indeed, that the appropriation of $100,000 provided for in the Senate has been eliminated.

I repeat, Mr. President, that there are millions of men and women who are to-day walking the streets, and we have stricken from this deficiency appropriation bill the one item which might in some manner have helped to reduce that amount of unemployment.

In the State of New York, where the Federal Labor Board acts with the State board, I know they have done excellent service. I know of no bureau of the Government that has done more in its efforts to help in the present most unfortunate labor situation. I repeat, I regret very much, indeed, that the conferees on the part of the Senate have agreed that the amendment shall go out of the bill.

Mr. ROBINSON. Mr. President, I was absent from the Chamber, attending a meeting of the Joint Committee on Agricultural Inquiry, when the conference report on the deficiency bill was brought before the Senate for consideration. I am informed that amendments numbered 21 and 22, authorizing an appropriation of $100,000 for the use of the employment service, which were adopted by the Senate after a hearing in the matter by the Senate committee, have been stricken from the bill. The so-called unemployment conference, which was convened by the President in this city a few weeks ago in order to secure advice as to the best means of relieving unemployment throughout the country, as one of its major recommendations suggested that an additional sum of $400,000, in the nature of an emergency appropriation, be made for the use of the employment service in the Bureau of Labor. If my information is correct, the budget embraced $200,000 for that purpose. Notwithstanding the item in the budget for $200,000, the Senate committee incorporated only $100,000. It now seems that that $100,000 is to go out, and that no additional sum is to be made available for meeting the requirements of the employment service.

The necessity that this urgent deficiency appropriation bill shall pass very soon seems to me to be very great, and upon a consideration of the matter, without having had an opportunity to confer with others who have expressed an interest in the subject, I would not feel justified in asking that the Senate reject the conference report in order to secure the further consideration by the conferees of these amendments. So far as I know, that is the only way by which it could be accomplished.

I do not know what value should be attached to the recommendation of the unemployment conference. There has been some diminution in unemployment since that conference concluded its labors. The extent to which unemployment has decreased, however, is, I believe, very slight, and it is certain that if the Employment Service in the Department of Labor is to accomplish any substantial benefit, particularly under conditions as they now exist, it must be accorded more liberal appropriations.

There is a difference existing in the minds of legislators as to whether the Employment Service ought to be perpetuated. I think my colleagues already know my attitude upon the subject. I have felt that there is great need for an active, well-organized, and efficient employment service. The time is approaching, if it has not arrived, when the Congress ought to determine the question whether it is advisable to maintain a Federal employment service. There is no doubt in my own mind as to the correct conclusion respecting that question. I feel that the conferees on the part of the Senate might have

given the Senate an opportunity further to express itself upon this subject before eliminating the appropriation which was inserted in the bill by the Appropriations Committee.

Mr. WARREN. Mr. President, will the Senator permit an interruption?

Mr. ROBINSON. I yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, the Senator's interest in this particular subject is well known. I have recognized it, as he knows, many times in the past, and he, among others, was in my mind in the struggle we made last night to retain in the bill the $100,000 item to which he refers.

I observed when I examined the testimony taken before the House committee, when it was considering this subject, what I thought was a reluctance on their part to entertain suggestions along this particular line. Nevertheless, the Senate committee invited testimony, not only from the Labor Department officials in charge but from representatives of the conference which was appointed on the invitation of the President of the United States. We had before the Senate Committee on Appropriations from that conference two witnesses who were well versed in the subject, who were very interesting, and from whom we obtained much information. We came to the conclusion that it was best at least to try an appropriation of $100,000, and so such an item was put in the bill. That and one other item which I have mentioned were the last upon which late last night we were unable to agree. The bill, as the Senator knows—and I dislike to make these explanations—is under stress. In order to become a law it must be signed to-day by the President, or else we shall to-morrow be in default several million dollars needed to provide for the disabled soldiers.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Kansas?

Mr. WARREN. I yield to the Senator.

Mr. CURTIS. If the Senator will permit me, I should like to add that, in addition to having taken before the Committee on Appropriations the testimony to which he refers, the conferees of the Senate last night reread the testimony to the conferees on the part of the other body and insisted upon their agreeing to the Senate amendment, but they would not do so.

Mr. WARREN. I will say to the Senator from Arkansas, who is a distinguished Member of this body, of long experience here as well as in another body, that knowing the exigencies of the position, and politics, and all of that, I am always inclined, as chairman of the Appropriations Committee, to say to every Senator that if he can do himself any credit by abusing the conferees I have not any objection. But the Senator from Arkansas does not want to do that, I know; and I wish to say to him, in renewing the thread of my remarks, that we were compelled either to let it go or to come back with a disagreement and pass by the date when this bill ought to pass.

That is all I can say.

Mr. ROBINSON. Mr. President, I do not know just what the Senator from Wyoming means by one of the remarks he has just made. I have not abused the conferees, and I had no purpose to do so.

Mr. WARREN. And I did not accuse the Senator of so doing.

Mr. ROBINSON. Just a moment. The only thing that makes it seem pertinent that the conferees might be criticized in connection with their very prompt relinquishment of this item is the suggestion of the Senator from Wyoming, which might be construed by those who heard it as implying that they ought to be criticized, since no one, as far as I know, has attempted to criticize them.

Mr. President, it is true that the body at the other end of the Capitol on another occasion, when this body had inserted an appropriation of $250,000 for the regular service of the Labor Department in connection with unemployment, repudiated the proposal, and that when the conference report was brought before the Senate, I, with others, asked that the Senate disagree to it and that the bill be sent back to conference, and as a result of that action the body at the other end of the Capitol yielded, and there was very promptly incorporated in the bill, as soon as the House had a chance to vote upon it, the item of $250,000 which the Senate had first asked for.

I have no disposition whatever to criticize anybody in connection with this matter. I think it is exceedingly regrettable that the President's unemployment conference should have accomplished so little in connection with the Employment Service of the Department of Labor, in view of its recommendation that $400,000 be appropriated for this purpose.

Mr. FRANCE. Mr. President, I do not wish, of course, to criticize the conferees for the omission of this item, but I do feel that it is a very serious mistake.

We are facing to-day in this country the most critical condition of unemployment which has ever existed in its history. Some little time ago I had occasion to refer to the unemployment of 1914, particularly during the months of February and March, the months when unemployment in this country normally reaches its maximum. The unemployment condition then was not comparable to the unemployment condition which existed in this country during the months of September and October, months when unemployment normally is at its minimum. An unemployment during the months of September and October of from 4,000,000 to 6,000,000 men presages, unless drastic measures of relief are applied, that next February and March we shall be facing in this country a most deplorable situation, and one which may shake the Republic to its foundations.

For my own part, I have been waiting patiently for a complete reversal of the policies of the last administration, but I must confess that my patience is nearly exhausted, and, for my own part, I believe we have now reached the time when we must reverse the policies inaugurated by the last administration or go upon the rocks.

I have looked with amazement at the RECORD containing the remarks of some of the Members upon the other side of the Chamber upon the situation—industrial, financial, and commercial—which confronts the country. I have been astonished to find that they seem not at all to realize that the condition in which we find ourselves is the result of the policies, not of this administration but of the last one, policies which, I regret to say, have not as yet been completely abandoned. I believe these policies will be changed; I hope they will be changed very shortly; but I am convinced that before very long they must be changed in response to an insistent demand from the American people, the people on our farms, where the corncribs and granaries are bursting with grain, while, as I said the other day, the owners of that grain are asking whether a system be rational and valid under which the American farmer can not sell his products while millions in Europe, in countries which are fundamentally solvent, are compelled to starve for the lack of those very materials which the farmer can not sell. The same thing is true of our cotton growers in the South, while the banks of the West and South are filled with frozen assets based upon these commodities which can not be moved, and which prevent the liquidation of those assets until they are moved.

I left this country in the spring to make some observations in Europe. Long before I left I had predicted that we were running into a serious condition of unemployment. When I left there were hundreds of thousands out of employment. When I came back there were millions out of employment. The owners of the huge steel furnaces were drawing their fires; the important factories were closing down; the great industries were marking time; and yet I found in Europe a market great enough to absorb everything which we had, or everything which we could make for a long period to come, if all of our industries were running full time. There is something radically wrong.

This condition of unemployment is a serious and a tragic one, and we are denied, by the obstinacy of some members of this conference committee in the House, a paltry $100,000 to find relief for 4,000,000 of unemployed men, who are suffering not through fault of their own, not because of the consequences of war, but because of the stupidity of our governmental policy. There is no fundamental reason why there should be unemployment and financial, industrial, and commercial depression in the United States.

They tell us, "This was to be expected; it is the natural reaction from war." That is very true; but picture the Army surgeon rising from his tent in the morning and going out into the early light and finding a soldier wounded upon the crimson snow, stained by his fast-ebbing blood, and saying, "It is very sad, but it is the consequence of war," and think of that surgeon refusing to save the wounded soldier by ligaturing his bleeding arteries and closing his wounds! That is the condition which we are in to-day. We need surgery to avert a calamity which is not far away; and yet, for even a study of the condition of unemployment, we are denied by the obstinacy of the House conferees a paltry $100,000.

What excuse will you make to the workers in all the States when you are placed upon the defensive in the next campaign? I can make none, and will make none, except to point to my record as condemning in unequivocal terms the yielding upon this matter; not condemning the conferees—I do not do that, because I believe that they conscientiously tried to retain this amendment—but condemning the fact that there had to be yielding, as it seems, under the circumstances. It seems to be the case that in our legislation those who are in the right recede and those who are in the wrong succeed.

In ordinary times, with the great Republic in a condition of health, with its great resisting and restorative power unimpaired, that policy might do; but we are in an extraordinary time, when measures of relief must be had, and when, if they are not had, disaster can be the only result.

For my own part, I feel so deeply about this matter that I feel that it is time for us to make a stand upon all questions which involve the restoration of the country, the reemployment of its unemployment, and the rehabilitation of the southern and western farmers, upon whom the prosperity of the country ultimately depends; and, for myself, I want to say that from this time on I propose to wage a vigorous fight for the measures which seem to me to be measures of relief, not because I wish to resist those who have had much more experience in legislative affairs than I, but because, in the critical condition in which we find ourselves, I believe that it is the duty of every man to exercise his judgment as best he may, and to stand by the conclusions which he is compelled to reach after having studied the situation confronting him.

I hope that in some way it may be possible to keep this item in the bill; and I express that hope for the reason that I believe there will be serious criticism of the House and of the Senate if this most important appropriation is allowed to go out of the bill.

Mr. ROBINSON. Mr. President, I do not think there is anything in the subject immediately under consideration or in the remarks that I made a few minutes ago calculated to provoke the outburst which the Senate has just heard on the part of the Senator from Maryland [Mr. FRANCE] respecting the policies of a former administration. To my mind, this is not a political question; and the Senator from Maryland, however much he may be disposed to do so, can not and shall not throw upon a former administration the responsibility for the failure of the present administration to give reasonable or adequate support to the unemployment service of the Department of Labor.

Mr. FRANCE. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield to the Senator from Maryland.

Mr. FRANCE. I merely wish to say to the Senator—my very good friend, although we differ in politics—that I was not referring to any remarks which the Senator himself had made in connection with the pending measure. I was referring to some of the statements which had been made in times past, and was not in any way referring to the Senator himself. Otherwise, his criticism of what might have seemed to be an attack upon what he said would be perfectly proper. I merely wish the RECORD to show that I was not referring to his remarks in connection with this measure.

Mr. ROBINSON. Mr. President, I repeat my former statement, that there is nothing in the issue now under consideration, or in anything else which has occurred here, which justifies the injection of politics into this controversy. The former administration can not be held responsible, in my opinion, for the unemployment which exists now. Neither do I assert that the present administration is fairly to be held responsible for unemployment. This condition is the result of far-reaching economic and industrial influences which can not always be controlled by political action, however wise, and it is that thought which prompts me at this time to resent the effort upon the part of my friend the Senator from Maryland to in some mysterious manner hold the former administration responsible for the conditions of unemployment which now exist.

We on this side think that the Senator, and all those who pursued the course in so long delaying the disposition of the treaty of peace and consequently the return of world peace, has contributed not a little to the conditions which now exist in the United States, and indeed throughout the world, with reference to unemployment.

I have no disposition to take issue with the Senator from Maryland respecting the terrible arraignment he has made of the present administration, when he has characterized its governmental policies as "stupid beyond description." I myself have no disposition to inject at this time into the Senate a consideration of that subject.

Three years and more have come and gone since the party with which the Senator from Maryland is associated assumed control in both branches of Congress, with an overwhelming majority, and when he denounces the governmental policies of the United States respecting unemployment and commercial and industrial conditions as "stupid beyond description," he characterizes in his own chosen way the policies of the present and not a former administration.

I well understand that there is in his remarks the implied declaration that all the woe and misery which has come to curse mankind during recent years is in some mysterious and unexplainable manner the result of Democratic policies and administrations. It is regrettable to me that at a time when thousands of men who, at the demand of their country, entered its military service and abandoned their positions of profitable employment, fought valiantly, and, returning home at the close of the war, found their places filled by others and themselves unable to secure employment; at a time when thousands of ex-soldiers are walking about the streets of the great cities pleading for an opportunity to earn a living by toil; at a time when there is great need for an efficient employment service—a policy should be pursued of so stinting the unemployment service as to render that service incapable of proving whether it can meet the requirements of the existing situation and bring idle men into profitable labor.

Mr. WARREN. Mr. President, I hope the Senator will let us finish the consideration of this conference report. It provides for some of the disabled men the Senator is speaking of, and I assume he is in sympathy with this action.

Mr. ROBINSON. I understand that well. Within 48 hours I have seen men, wearing dirty and ragged fragments of uniforms, soliciting aid in the city of Washington, and when asked why they did not go to work I have heard the reply, "Give me the opportunity, and I will work at anything."

Great men of the Nation, at least men whom the President considered great, convened in a conference for the purpose of considering the subject, said that the Federal Government could do its part toward relieving unemployment by making a liberal appropriation available for the service in the Department of Labor, and now the Congress, by agreeing to this conference report, refuses to grant a dollar. The responsibility must rest upon the Congress and not upon the body at the other end of the Capitol alone.

The Senator from Maryland, and other Senators, can not acquit themselves for the failure to discharge their duty in connection with this important subject by saying that the House of Representatives, in a brief hour or two of conference, through its conferees, refused to agree to this item. The subject is far more important than appears on the face of the item, or upon the face of the action taken by the conference committee. Millions of men in the United States are out of employment. Years ago, in a "former administration," this Government adopted the policy of creating a Federal agency to relieve, in part, those conditions as they arose, and now, while the Bureau of Employment in the Department of Labor is operating under an appropriation so small in amount that it has been compelled to confine its activities to a few congested centers, and has not been given an opportunity of demonstrating whether a Federal employment service is really of great value, it is denied an allowance of a single dollar to meet an emergency which even Gen. Dawes, the head of the budget, recognized by recommending the appropriation of $200,000; but the responsibility is on the Congress and not on the House of Representatives alone. It takes action by both bodies of Congress to pass a measure or to make an item law.

It is about time the Senate was serving notice on the body at the other end of the Capitol that when an amendment is incorporated in an appropriation bill by a vote of the Senate that amendment must be considered by the conference. One House has no right to make and enforce a rule which precludes the conferees from considering items adopted by the other House. The conferees on the part of the Senate ought either to make their position as to that clear, or they ought to require the conferees on the part of the body at the other end of the Capitol to take these disputed items back to their House and have a vote on them. If a vote had been had on this item in the House of Representatives, as occurred two years ago, it probably would have been overwhelmingly agreed to.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. WARREN. Mr. President, I ask the Chair to lay before the Senate the action of the House on certain amendments of the Senate to the bill.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
December 14.

Resolved, That the House recede from its disagreement to the amendments of the Senate Nos. 15, 17, 29, and 30 to the bill H. R. 9237, the first deficiency appropriation act, fiscal year 1922, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 25, and concur therein with an amendment as follows:

In lieu of the sum proposed in said amendment, insert "$175,000."

That the House recede from its disagreement to the amendment of the Senate No. 26, and concur therein with an amendment as follows:

In lieu of the sum proposed in said amendment, insert "$3,774,482.66."

That the House recede from its disagreement to the amendment of the Senate No. 27, and concur therein with an amendment as follows: In lieu of the sum proposed in said amendment, insert "$6,750,734.08."

Mr. WARREN. Mr. President, I can not allow this to go by without making a very brief statement, and I ask my fellow Senators to suffer me to do so.

The conferees of Senate and House agreed last night in full and signed in blank the conference report, and the blank form as usual stated that a full and free conference had been had. For reasons which I shall endeavor to explain, and which I presume were the real reasons, the House conferees insisted that the clerks draw up a report, which went through the Appropriations Committee to the House some time last evening, showing certain disagreements on certain items in the bill. That was, in fact, incorrect and misleading.

Now, to go back a little, after the budget bill passed the House proceeded to have all the appropriations come from one committee, in which they were right, undoubtedly. Then the House adopted a rule which I am generous enough to think they adopted for the purpose of governing their own body rather than insisting upon governing ours, but, as a matter of fact, a rule providing that anything put in a bill by any Member anywhere contrary to the rules of the House should not be permitted to go to a committee of conference with power to effect settlement, but the House as a whole should withhold the power of "full and free conference" from its conferees.

In the last Congress when the first bill after the adoption of that rule came over here, with a hundred or more differences, 75 of them perhaps claimed to be obnoxious to their new House rule, we on this side of the Capitol were in a hurry, as usual at the close of the session, and so they asked us to go in as if we could agree upon everything, after which they would go back and insist upon the House agreeing to various Senate items that might be obnoxious to their new rule, and then come back and confer together.

Now we are in this position: We depend now for estimates upon the budget. The President of the United States sends to us and to the House the estimates. The House committee so far, while paying attention, it is true, in a large way to those estimates, yet have cut them ad libitum where they like; and when the bills come to us we naturally presume that we have the right, under the laws and estimates and under laws which we believe have existed for years, because we have been appropriating under them for years, to proceed as heretofore. We are then met by the assurance on the part of the House conferees that they are with us and would like to agree with us, but, unfortunately, they have first to go back to the House for its action, notwithstanding the fact that we are under orders to have a "full and free conference."

I have in my hand the original conference report on the measure upon which we have just acted. It may have been observed that I did not send it to the desk, but have asked action entirely upon the House report. This report which I hold in my hand is signed by WARREN, CURTIS, and GLASS, and it reads that we have entered into a full and free conference, and this is the report. We signed it with the understanding that it was a full and free conference. Now we are met with this condition of things as it comes over from the House. I can understand that they probably should take credit in this case for whipping the devil around the stump so as to get the bill through to-day; but I wish to give the Senate notice, and I wish in this way to give the House notice, that if I have any influence over the Committee on Appropriations I shall never again go into a conference and sign a report beforehand which states that it is a full and free conference and have it directly untrue on its face, as it is reported in the CONGRESSIONAL RECORD this morning and in the message on which we have just acted. That is all I have to say about the matter now.

Mr. GLASS. Mr. President, I wish to say just a word supplementing what the chairman of the committee has said. I wish it very distinctly understood that I shall refuse to serve as a conferee hereafter if my name is to be attached to a report which is not a true report. I was amazed to find my name attached in the printed RECORD to a report which reads in the last paragraph that the committee of conference have not agreed upon certain specified amendments. As a matter of fact, the committee of conference agreed upon every amendment.

Mr. WARREN. And this report is made under protest and simply to keep the record straight.

Mr. GLASS. I desire to have it distinctly understood that my name shall not be attached hereafter to a report that is not a full and free conference report, and that does not appear in the RECORD as we agreed upon it.

Mr. WARREN. The Senator is right about that.

Mr. KENYON. Mr. President, I should like to ask the Senator from Wyoming with reference to the item of appropriation for the reduction of tuberculosis in cattle. What happened to that?

Mr. WARREN. Last night it was agreed to, but this morning I find it was disagreed to. However, the House in the meantime has voted upon it and it is agreed to in the sum of $600,000.

The VICE PRESIDENT. The question is on agreeing to the amendments of the House to the amendments of the Senate.

The amendments were agreed to.

The VICE PRESIDENT. The Chair lays before the Senate a resolution from the House of Representatives, which will be read.

The resolution (H. Con. Res. 39) was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H. R. 9237, the first deficiency appropriation act, fiscal year 1922, the Clerk be authorized and directed to strike out "present session," on page 17, line 24, of the engrossed bill and insert in lieu thereof "first session of the Sixty-seventh Congress."

Mr. WARREN. The resolution involves a matter of form merely. The bill contained the words "present session," it having been considered and passed by the other House during the last session, but we are now in another session and it becomes necessary to make the change as proposed in the resolution.

The VICE PRESIDENT. The question is on concurring in the resolution of the House.

The resolution was concurred in.

Mr. WARREN. I am very much obliged to the Senator from Montana [Mr. WALSH]. I did not intend to take up so much of his time.

DISPOSITION OF SUGAR IMPORTED FROM ARGENTINA.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 12) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic.

Mr. WALSH of Montana. Mr. President, reminding the Senate of the very eloquent arraignment of the Congress of the United States for declining to make an appropriation of the relatively small sum of $100,000 in order to enable the Department of Labor to cope with the problem of unemployment, I repeat that we are now asked to vote a subsidy, a gratuity, of more than $2,500,000 to B. H. Howell, Son & Co., a sum twenty-five times greater than the amount which has given rise to the discussion which has just taken place.

Mr. President, I desire to assume that B. H. Howell, Son & Co. in the transaction under investigation were actuated by perfectly praiseworthy motives and acted in entire good faith, but I do not recognize, as has been asserted, that there is any high moral obligation devolving upon us in this matter, nor any moral obligation whatever. I am not basing my opposition to the joint resolution upon the view that there is no legal liability upon the part of the United States. If I recognized that there were a moral obligation of any kind whatever, I should not be opposing its speedy passage.

The question presented is simply this: When the head of a department goes entirely outside of the authority conferred upon him by law and undertakes to obligate the United States, is Congress under any moral obligation to take up the contract which he has thus made without any authority in the law at all? If that principle be admitted, Mr. President—and that is the principle upon which this joint resolution is founded—we might as well repeal all statutes imposing any restrictions whatever upon the power of the heads of departments so far as obligating the Government of the United States is concerned and let them "go to it."

Mr. President, it is said that during the war time, when it became necessary to act promptly without a moment's delay, authority was assumed by the heads of departments, and Congress afterwards ratified and confirmed their action by appropriate legislation. If this transaction had occurred in war time, I might be disposed to regard it with a less critical eye, but, make no mistake whatever, the transactions under investigation occurred in the summer of the year 1920, more than 18 months after the armistice had been signed, and when there was no exigency such as confronted the officers of the Government in the executive branch in the midst of the perplexing problems incident to the waging of the war.

The Senator from New York [Mr. WADSWORTH], advocating the enactment of this legislation, very candidly has stated that the transaction was without any authority whatever in the law.

That is quite right. In that respect, however, he differs from the Attorney General, who, testifying before the Committee on Agriculture, said:

Under the Lever Act the President was empowered to use any agencies that he might see fit to purchase supplies of necessaries of this kind, especially sugar; and the Department of Justice and the Department of State, which were acting, after all, for the Executive, were simply within their rights and performed their duties, as I see it, in arranging for the purchase of this sugar.

I shall presently show, Mr. President, that there is no foundation for that statement. The law is perfectly plain and perfectly clear, and it confers no authority whatever upon any officer to purchase this sugar or any sugar under the circumstances here detailed.

Of course, Mr. President, if there were authority in the law this legislation would never be presented to the Senate for its consideration at all, because if there were a perfectly legal contract with B. H. Howell, Son & Co., and satisfaction was not promptly made for anything that was due to them under the contract, the Court of Claims is open to them, and they could go there and sue the Government of the United States without depending upon this legislation. They need this legislation because there was no authority for the making of a contract. The situation, Mr. President, is this: The only law to which any appeal can be made at all is what is known as the Lever Act, referred to in the extract from the testimony of the Attorney General to which I have just called the attention of the Senate. The Lever Act authorized the President of the United States to do a great many things, and the President of the United States delegated the authority conferred upon him by that act to the food controller.

When this matter was under consideration by the Senate some time ago, before I had given it the attention which I have bestowed upon it since, I said that if any officer of the Government were authorized by any law to make such a contract as it is alleged was entered into in this case it was the food controller and not the Attorney General, and that the Attorney General acted without the semblance of authority.

My attention has since been called, however, to the fact that prior to the time that these transactions arose, by Executive order, the powers of the former food controller were reposed in the Attorney General. So that whatever authority the food controller had under the Lever Act, the Attorney General was entitled to exercise at the time of these transactions; but not only is there no express authority conferred upon the President or upon the food controller or anyone else by the Lever Act to purchase sugar, but it is impliedly denied to him by the provisions of section 11, to which I shall invite the attention of the Senate.

Mr. McNARY. Mr. President, will the Senator yield for a question?

Mr. WALSH of Montana. Yes.

Mr. McNARY. I am interested in the point the Senator is now discussing in regard to the authority to act under the Lever Act, but it is true, is it not, that there was a corporation formed in Delaware, known as the Sugar Equalization Board, through which the President did in fact purchase sugar and from the operations of which there was accumulated a vast sum of money in profits which were returned to the Treasury? Is not that the agency to which the Attorney General doubtless made reference?

Mr. WALSH of Montana. No; that is impossible. The so-called Sugar Equalization Board was created by the President as one of the agencies for the purpose of carrying out such power as was given to him under the act in question. I have not before me the order of the President creating the Sugar Equalization Board. I have, however, before me the act under which that board was created and under which it was entitled to exercise whatever power the President had in the premises, and I am inviting the attention of the Senate to the fact that the President had no such powers, and therefore could not confer those powers either upon the equalization board or on any other agency.

Mr. McNARY. Mr. President, does the Senator attempt to make the point and justify the statement that the President had no authority during the war under any specific act to purchase food products?

Mr. WALSH of Montana. No, sir; I am just going to invite attention to the fact that he had authority to purchase certain food products not including sugar. Section 11 of the Lever Act reads as follows:

That the President is authorized from time to time to purchase, to store, to provide storage facilities for, and to sell for cash at reasonable prices wheat, flour, meal, beans, and potatoes: *Provided*, That if any minimum price shall have been theretofore fixed pursuant to the provisions of section 14 of this act, then the price paid for any such articles so purchased shall not be less than such minimum price.

So, Mr. President, having enumerated these particular articles of food which the President was authorized to buy and to sell, as a matter of course every other food article is necessarily excluded. In other words, not only is there in the act no express authority to the President to buy sugar, but by the fact that certain articles are specified which he is entitled to buy he is, therefore, forbidden to spend a dollar of the public money in the purchase of sugar.

Mr. McNARY. Mr. President, let me make a suggestion to the Senator, if he will yield for a moment.

Mr. WALSH of Montana. I will be glad to yield.

Mr. McNARY. The President under some authority of law, although I have not before me the particular act, constituted the Sugar Equalization Board, which did operate and function, which acquired the Cuban sugar crop of 1919, put a price on it, sold it to the public, and realized a great profit, which was turned into the Treasury of the United States.

Mr. WALSH of Montana. Exactly, but I have not felt called upon to inquire upon what pretended authority the Cuban sugar crops of 1917–18 and 1918–19 were acquired. That was in the midst of hostilities. That, to my mind, furnishes no basis whatever for the claim that, 18 months after the armistice was signed, the President had any authority, unless somebody can point to some provision of the law conferring it upon him.

Mr. McNARY. Is it not true—I have not the law before me and am speaking only from memory—that the Lever Act itself did not terminate until a proclamation was issued by the President that a state of peace existed with Germany?

Mr. WALSH of Montana. Exactly. That is what I am saying, that at the time in question the only authority of law was the Lever Act, which expressly excluded sugar from its operations.

Mr. McNARY. Let me ask the Senator if it is not true that after the Sugar Equalization Board was created its authority was extended for practically the same period as stated in the Lever Act?

Mr. WALSH of Montana. The authority of the Sugar Equalization Board was extended by virtue of an act passed October 18, 1920, generally known as the McNary Act, all of these transactions having occurred prior to that time.

Mr. McNARY. I appreciate that; but, still, the Sugar Equalization Board was a functioning organism of the Government.

Mr. WALSH of Montana. Under the Lever Act, authorized to do the things which the Lever Act authorized the President to do.

Mr. McNARY. I am asking the Senator if it is not a fact that after the Sugar Equalization Board was created the President did acquire, through it, the crop of sugar I have mentioned?

Mr. WALSH of Montana. The Senator means the Cuban sugar crop of 1917–18?

Mr. McNARY. Yes; and disposed of it to the American public at a profit?

Mr. WALSH of Montana. I do not know; I have not investigated by what claim of authority it was exercised; but I am perfectly willing to say that they believed they had the right under the Lever Act to do it. I do not care anything about that. It is perfectly plain that they did not have the authority under the Lever Act to do it.

Mr. McNARY. Will the Senator pardon me for just a moment?

Mr. WALSH of Montana. I yield to the Senator.

Mr. McNARY. I hesitate to interfere with the remarks of the Senator.

Mr. WALSH of Montana. No; that is all right. I hope we may get some enlightenment.

Mr. McNARY. I have a reference to the testimony of the Attorney General, though I am not able to place my finger on it at this moment, where he in fact said that the President was acting by virtue of the Lever Act.

Mr. WALSH of Montana. I have it. I read it a moment ago.

Mr. McNARY. I want to say that there is a difference of opinion between the two great lawyers on that subject.

Mr. WALSH of Montana. Here is the testimony of the Attorney General:

Under the Lever Act the President was empowered to use any agencies that he might see fit to purchase supplies of necessaries of this kind, especially sugar.

And I am calling your attention to the fact that there was not any expression of sugar in the act, but that, on the contrary, sugar was excluded from the things which he was permitted to purchase.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. WADSWORTH. The Senator understands, I assume, that there is no contention on the part of the supporters of this measure that the United States Government purchased this sugar in the Argentine.

Mr. WALSH of Montana. If they did not, I do not know where their liability comes in at all.

Mr. WADSWORTH. The contention is rather that the United States Government used as an agency these two concerns which I have mentioned before for the purchase of the sugar.

Mr. WALSH of Montana. Exactly. The United States purchased through these people as its agents.

Mr. WADSWORTH. It named them as the agents of the United States Government in its negotiations with the Argentine Government.

Mr. WALSH of Montana. Exactly; and the United States Government, of course, if it goes down there, must act through certain agents, and it utilized these people as agents.

Mr. WADSWORTH. The United States Government, of course, did not put up any of the money.

Mr. WALSH of Montana. Exactly; Howell & Co. put it up.

Mr. WADSWORTH. Howell & Co. put it up, and they did the actual purchasing.

Mr. WALSH of Montana. Exactly.

Mr. WADSWORTH. The Senator would not contend, would he, that the Department of Justice had no right to use an agency in that way?

Mr. WALSH of Montana. The Department of Justice had a right to use any agency they saw fit to carry out such powers as were given to them by the act. There is not any doubt about that. That is to say, if the Department of Justice had the power to buy the sugar, they undoubtedly would have the right to employ Howell & Co. to do the actual purchasing.

Mr. WADSWORTH. The Senator knows that I have not contended that the Department of Justice had the right to use the public funds in the purchase of sugar. I do contend, however, that it had the right to enter into voluntary agreements with citizens by which this sugar should be purchased by citizens, brought to the United States, and sold and distributed at a price and in a manner fixed by the Government; and that is what was done.

Mr. WALSH of Montana. Wherein is the difference?

Mr. WADSWORTH. There is a very great difference.

Mr. WALSH of Montana. Not the slightest. The thing comes down eventually to the proposition that the Government of the United States is called upon to make up the loss because Howell & Co. were not carrying out a transaction upon their own account and in their own interest, but that they were merely acting as agents for the Government of the United States. That is the basis of the claim, is it not?

Mr. WADSWORTH. That is not quite an accurate description of it, in my view. This matter comes before us because the Government declined to release these people from this undertaking——

Mr. WALSH of Montana. That is another matter.

Mr. WADSWORTH. And they were still faithful to their Government.

Mr. WALSH of Montana. That is another feature of it, to which I shall advert presently—the alleged interposition of the Government of the United States, preventing Howell & Co. from disposing of this sugar in the Argentine. That is another matter; but the transaction is that Howell & Co. were employed by the Government of the United States to buy the sugar, bring it to the United States, and turn it over to the Government of the United States, acting as agents for the Government; and, of course, any money that they advanced the Government of the United States stood obligated to return to them, either out of the Treasury of the United States or from the money received from the avails of the sugar sold. There is not any controversy about that, and can not be.

Mr. President, I have demonstrated, as I think, with perfect clarity that there was no such authority in the Attorney General or any other officer of the United States; but what does that mean? That means that by no possibility can there arise any moral obligation upon the Government of the United States. If these people had been in some way or other deceived about the matter, it would be another transaction; but they enter into a transaction with the Attorney General of the United States; they enter into a contract with him in which he professes and purports to act as the representative of the Government of the United States. The ordinary duties of the head of the Department of Justice are in connection with litigation in which the Government of the United States is involved. If this were a matter concerning the apprehension of a criminal or the transportation of a criminal from a foreign country to this country, or if it touched in any way the conduct of the courts or the management of any public building devoted to the use of the courts, if it fell within what might be regarded as the general scope of the duties of the Attorney General of the United States, but there was no express law for it, the man might be excused for believing that the Attorney General had the power under the law which he assumed and ventured to exercise. The adjudications of the Supreme Court fully warrant the belief that when an officer of the Government, particularly the head of one of the departments, for a long period of years has pursued a practice with reference to the general subject matter the conduct of which is reposed in his department, it will be presumed that his act is with the approbation of the Congress of the United States, and it practically becomes in effect a law.

It was so decided in the case of the Midwest Oil Co., the decision in which is well known to the Senator from Oregon. There was a practice pursued by the Secretary of the Interior and the Department of the Interior for years and years and years and years with reference to the disposition of the public funds, and it was held that although there was not any express law authorizing him to do so, it was within his authority.

Here, however, is a case in which a department undertakes to act in a matter entirely outside of the scope of the business of that department. If this were the Secretary of Agriculture, if it were the Secretary of Commerce, there might possibly be some rule; but when B. H. Howell, Son & Co. go and deal with the Attorney General of the United States upon a subject of this kind, involving the expenditure of enough money upon their part to buy 70,000 tons of sugar, you would imagine, at least, that they would have taken some advice as to whether they had a right to make any such contract as that or not; and, turning to the statute enacted by the Congress of the United States, their counsel must have advised them that the Attorney General had no such power, had no such right; it was entirely outside of the authority conferred upon him by any statute whatever; and they could not undertake a transaction of that kind with any degree of safety to themselves.

Mr. President, it is a question as to whether we propose to say to the heads of these various departments that they are at liberty to make any kind of contract they please, within or without the general scope of the duties devolving upon them, and the Congress will stand back of that contract, or whether we are obliged to say to them: "We lay down the law for you. You must follow that law. You must confine your activities within the scope of the powers which we have reposed in you, because we shall not be responsible for any debts that you contract outside of that."

Mr. President, that is the way a private citizen acts. That is the way he deals in his own private affairs. If one undertakes to act for him in a matter concerning which he has granted him no authority whatever—indeed, where he has either expressly or impliedly taken the authority away from him—neither the law nor morals imposes any obligation upon him.

Take the case of the president of a corporation undertaking to make a contract beyond the scope of the powers conferred upon him either by the directors or by the stockholders of the corporation: The corporation are not subject to criticism, either upon moral or upon legal grounds, if they say, "We shall not be bound by a contract of that character."

But, Mr. President, there is more than that in this—a feature that has not been adverted to in the discussion thus far.

Bear in mind that B. H. Howell, Son & Co. were not risking one single dollar in this enterprise. According to their contention, they were acting for the Government of the United States as its agents, not buying this sugar upon their own account but buying it under a contract by which they were constituted the agents of the Government of the United States for the purpose of making the purchase. They were, as I have indicated before, obligated to advance the money necessary to make the purchase and to bring the sugar to the United States; but they ran no risk whatever, as is contended here. They were to get their money out of the sale of this sugar, and, if that was not enough, the Congress of the United States was to be called upon to make the necessary appropriation to take care of the transaction.

Let us see, Mr. President. They were to have 1 cent a pound clear upon all of this sugar. That was their contract. One cent a pound means $20 a ton. They were to buy 70,000 tons, and their profit was to be $1,400,000 upon this transaction, in which they did not risk a penny, and all they had to do was to go to Argentina, buy the sugar, put it on a ship, and their responsibility was gone. One million four hundred thousand dollars was to come to them for that simple work. I can not believe—I can not believe, Mr. President—that the services

which they say they were called upon to render called for any such exorbitant compensation.

Mr. WADSWORTH. Mr. President——

Mr. WALSH of Montana. I yield.

Mr. WADSWORTH. Has the Senator ever heard of a transaction in sugar involving its purchase 5,000 miles away and its transportation overseas at a net profit of but 1 cent a pound all expenses included?

Mr. WALSH of Montana. I know something about that. I participated in an investigation of that subject as a member of a committee of this body at one time. My recollection is that the legitimate profit of the American Sugar Refining Co., which goes to Cuba and buys its sugar, taking all the responsibilities in the matter, putting out its own money, refining the sugar and putting it on the market, is less than 1 cent a pound.

Mr. WADSWORTH. Less than 1 cent a pound?

Mr. WALSH of Montana. Less than 1 cent a pound, including the cost of refining.

Mr. WADSWORTH. Does the Senator know of any transoceanic transaction which has ever been carried on, or proposed to be carried on, at such a close margin of profit as that?

Mr. WALSH of Montana. Mr. President, you will bear in mind that those people who get that margin are taking all of the risks of the market. They are venturing their own money in it. These people ventured not a dollar under the contention made in this case.

Mr. WADSWORTH. The Senator is certainly mistaken in that. Under the contention made in this case, if he puts it on that assumption, he certainly is mistaken.

Mr. WALSH of Montana. How am I mistaken? The Senator says they lost, or stand to lose, a million dollars upon this transaction, and he says the United States is morally obligated to make that good to them.

Mr. WADSWORTH. Under the circumstances——

Mr. WALSH of Montana. How have they risked a dollar?

Mr. WADSWORTH. Because the Government possessed the power over them all the time to hold them in this case whether they won or lost.

Mr. WALSH of Montana. We are speaking about the money risk they took.

Mr. WADSWORTH. But we must consider all the facts when we begin to estimate risks.

Mr. WALSH of Montana. Exactly. The only risk they took was that Congress might repudiate the transaction and not make the appropriation; but assuming that the contract went through, and they acted in perfect good faith in the matter, they took no risk whatever.

Mr. WADSWORTH. Assuming that the Government did nothing else except what it proposed to do in the first instance.

Mr. WALSH of Montana. The Senator is again talking about the obstacles placed upon the disposition of this sugar in the Argentine.

Mr. WADSWORTH. Yes.

Mr. WALSH of Montana. I am going to talk about that directly.

Mr. McNARY. I want to inquire of the Senator from Montana whether the 1 cent a pound paid for the transportation and refining, to which he referred, was in time of war?

Mr. WALSH of Montana. What is the Senator's query?

Mr. McNARY. The reference the Senator made to 1 cent a pound as the cost of transportation and refining of sugar was not during the war?

Mr. WALSH of Montana. Oh, no.

Mr. McNARY. That is quite a different proposition. At that particular time, and prior thereto, the Government was handling the sugar transportation from Cuba, a very short distance, and allowed 2 cents a pound.

Mr. WALSH of Montana. That may or may not be. However, there is no evidence here at all which permits us to make any inquiry into it at all, but it does not make a bit of difference. The transportation feature to which the Senator has referred, and I am very glad he referred to it, cuts absolutely no figure whatever, because these people were entitled to 1 cent a pound no matter what the transportation cost was. That was their clear profit, and I venture to say that the American Sugar Refining Co. is doing business to-day upon less profit than a cent a pound, taking all the risks of the business, and meeting all the transportation charges.

Mr. WADSWORTH. I merely want to make the observation, if the Senator will permit me, that there is not a commercial concern on the face of the earth that could do business long on such a close margin.

Mr. WALSH of Montana. Considering the amount of sugar that is consumed in this country, a very small margin will pay big dividends on the stock of the American Sugar Refining Co.

Mr. WADSWORTH. I think the Senator must know that 1 cent a pound on a transaction of this kind, if it was conducted for any term of years, would not pay the expenses of maintaining the agencies in the foreign country, plus the insurance on the product, the cost of transportation, and the interest on the money.

Mr. WALSH of Montana. I do not know anything of the kind, and I dispute the proposition. The whole transaction did not cover a period of more than three months, and it would have involved profit to B. H. Howell, Son & Co. of $1,400,000, if the transaction had been carried out as was suggested.

Mr. President, another feature of the case to which the Senator from New York has adverted is this: That these people, finding that the price of sugar in the United States had dropped—and I shall refer to that directly—tried to dispose of the sugar in the Argentine, and they said the Government of the United States would not let them.

Bear in mind, Mr. President, that at the time this transaction was inaugurated, the Republic of the Argentine had an embargo upon the exportation of sugar, which had been in force for some time. For the purpose of providing the necessities of their own people, they had refused to allow sugar to be exported from the country. Thereupon the State Department of this country was importuned to enter into negotiations with the department of state of the Argentine Republic, and to represent to the state department of the Argentine Republic that this sugar belonged to the Government of the United States, and to ask them, as a matter of courtesy to the Government of the United States, to allow that sugar to go out of the Republic. They conceded that as a courtesy to the Government of the United States.

It is said that then the Attorney General would not allow B. H. Howell, Son & Co. to sell this sugar in the Argentine. It belonged to the Government of the United States. I see the Senator from New York shakes his head. To whom did it belong?

Mr. WADSWORTH. It belonged to the American Trading Co. and B. H. Howell, Son & Co.

Mr. WALSH of Montana. If it belonged to the American Trading Co., if it was its sugar, upon what basis are we answerable in any way for losses they sustained by reason of a private transaction of their own?

Mr. WADSWORTH. It belonged to that company, as the Senator knows. They had put up the money to purchase the sugar, and they had done so at the request of our Government. The Government then told them that they must not resell it in the Argentine, because that would be a violation of a treaty between the Government of the United States and the Government of the Argentine.

Mr. WALSH of Montana. Will the Senator point to some kind of a statute by which the Attorney General is enabled to tell B. H. Howell, Son & Co. that it can not sell its own sugar in the Argentine Republic? That seems to me a baby plea. If they wanted to sell their sugar in the Argentine because they feared they would have a loss on it if they brought it to the United States, and the Attorney General said, "I will not let you sell that sugar," it would seem to me as though they would take some advice of counsel, who, of course, would be obliged to tell them, "If this sugar is yours, the Attorney General has no power over you at all. He can not prevent you from selling your property in the Argentine Republic."

Mr. WADSWORTH. It should be recollected that these gentlemen were exceedingly loyal citizens; that is, loyal to the United States; and when they were told by their own Government that the sale of the sugar in the Argentine would seriously embarrass the Government of the United States in its relations with a foreign Government they obeyed.

Mr. WALSH of Montana. The claim of loyalty as to something which happened 18 months after the armistice does not appeal to me.

Mr. WADSWORTH. I understood that loyalty continued indefinitely. The Senator will not contend that if they had sold the sugar in the Argentine at that time they would not have escaped from the predicament and made a little profit?

Mr. WALSH of Montana. No; I do not know of any testimony to that effect in the record.

Mr. WADSWORTH. There is such testimony.

Mr. WALSH of Montana. However that may be, it does not make a bit of difference to me. If that sugar belonged to the Government of the United States, then the Government of the United States had the right to say whether it should be sold in the Argentine or should not be sold in the Argentine. If it belonged to B. H. Howell, Son & Co., they had a perfect right to sell it in the Argentine or anywhere else, and the Government of the United States could not possibly stop them, and it is just

baby talk to say, "We wanted to sell our own sugar and the Attorney General would not let us."

Mr. WADSWORTH. Does the Senator say that the attitude of the State Department and of the Department of Justice in that respect was baby talk?

Mr. WALSH of Montana. I do not know. I do not care anything at all about it, whether it was or whether it was not.

Mr. WADSWORTH. That is the governing feature in this matter.

Mr. WALSH of Montana. I do not care anything at all about what the Department of Justice said about the matter. The Attorney General told us that he had authority under this law to make this contract, when the law itself expressly stated that he did not.

Mr. WADSWORTH. I was asking the Senator about the resale of the sugar and the attitude of the State Department and of the Department of Justice in telling these people that they must not resell it. The reasons are given in the official dispatches.

Mr. WALSH of Montana. It would seem to me that prudent business men under those circumstances would go to their own counsel and say, "We are in this predicament; they will not let us sell this sugar. Have they any right to stop us?"

Mr. WADSWORTH. I suppose legally they would have no right to stop them selling the sugar, but the United States Government had given certain assurances to the Argentine Government that such and such things would be done with the sugar, and when the Argentine Government informed the American ambassador at Buenos Aires that the resale of the sugar would be objectionable and obnoxious, our Government immediately told its agents that they must not sell the sugar.

Mr. WALSH of Montana. That is what I said, that it told its agents that they must not sell the sugar.

Mr. WADSWORTH. And the agents being loyal to the United States did not sell the sugar.

Mr. WALSH of Montana. It told its agents that they must not sell the sugar.

Mr. WADSWORTH. Yes.

Mr. WALSH of Montana. If they were its agents, the Government of the United States had the right to give any directions it saw fit, and they can not complain.

Mr. WADSWORTH. In either event, the agents are not to blame.

Mr. WALSH of Montana. In either event, of course, they are out this amount of money, that is all, and the question is, are they not out by reason of their own violation of the ordinary prudence which governs men in business transactions?

Mr. WADSWORTH. Mr. President, if the Senator and the Congress are going to impose such standards of what he calls "ordinary goods" on citizens in their business relations with the Government, in time of crisis and stress the Government will hereafter get mighty little assistance from its citizens.

Mr. WALSH of Montana. I do not admit there was any time of stress at all.

Mr. WADSWORTH. The Government thought so.

Mr. WALSH of Montana. It was 18 months after the armistice was signed.

Mr. WADSWORTH. The time of stress was reflected in the price of sugar in the United States, which was 25 cents and more.

Mr. WALSH of Montana. That reminds me; I was just coming to that. The evidence before the Committee on Agriculture, of course, was all submitted by those who wanted the bill passed, by those who desired that B. H. Howell & Son should be held harmless in this matter to the extent of more than $2,500,000. No one was there representing the Government of the United States except the committee. No one was interested in the defeat of the bill except so far as the committee was naturally antagonistic to an appropriation at this time from the Treasury of the United States. It seems quite likely that some of the suggestions which have now been made upon the floor, however valuable or valueless they may be, were entirely wanting before the committee. But all of the testimony, including that of the Attorney General, was to the effect that bringing this large amount of sugar to the United States broke the price of sugar, and that the great body of the people of the United States profited by getting their sugar at a lower price, and that is the basis of this claim.

What is the truth about that matter? The price of sugar broke the same as the prices of all other agricultural products broke about that time. Our people out West who expect to pay their debts by the sale of live stock of one kind or another met exactly the same condition. Live-stock prices broke earlier than did the price of sugar. The price of sugar held up pretty well until the month of August, 1920, and then fell with a crash. So the price of live stock, earlier in the year, about the month of May, dropped like lead. Wool, in the production of which my State leads, when it came upon the market in the month of June, 1920, went down to the bottom of the sea, leaving our people hopeless and despondent.

When the crops of that year came upon the market in the month of October, wheat and all other grains dropped in exactly the same manner. In the month of August sugar dropped. That is the plain truth about the matter. I asked the Bureau of Markets for information as to what occasioned the drop in sugar in the month of August of 1920, and the chief of that bureau did not tell me that it dropped because of this contract to bring in sugar from the Argentine. He said it had dropped because of exactly the same conditions that made all other agricultural products drop at that time, and dropped with a crash. That is the situation, and those people met exactly the same fate that multitudes of other people met. My constituents in my own State, from one end of the State to the other, met exactly the same condition, and they are not asking us to make good their losses.

I can not see any virtue in that measure at all. It seems to me plainly a bill to vote a subsidy, a gratuity of over $2,500,000 to these people, who say they did not know what the law was. They say they did not talk with their own counsel, their own attorneys. Why, Mr. President, this is a great, big commercial institution, able to employ the most accomplished and talented lawyers in the city of New York, who have communicated with me upon the subject. They did not even talk with their lawyers to find out whether the Attorney General of the United States had the power to go away outside of the scope of the duties we had reposed in him, to make a contract for the purchase of sugar in the Argentine Republic on the part of the Government of the United States for the purpose of distributing it generally throughout the country in order to break the sugar market.

Mr. President, I regret exceedingly that there have not been more Senators here during the discussion to get some kind of an idea of the matter that is involved. I know how this thing goes. Senators will come in and inquire, "How does the committee stand on this? It comes from the Committee on Agriculture and Forestry, does it?" "Yes." "Very well, we will vote to sustain the committee." That is the way the thing goes. I regret that it is so, but I could not refrain from expressing my own earnest denunciation of the measure as entirely unwarranted.

Mr. CURTIS. May I ask the Senator from New York if he wishes to complete the joint resolution to-night? We would like to have a short executive session, and it is now 5 o'clock.

Mr. WADSWORTH. I am not informed whether any other Senator desires to speak on the question. May I ask the Senator from Montana if he intends to call for the yeas and nays?

Mr. WALSH of Montana. Oh, yes.

Mr. WADSWORTH. The Senator and I probably agree that it would be very difficult to get a quorum to-night.

Mr. WALSH of Montana. Yes.

Mr. WADSWORTH. I understand that the Senator from Oregon [Mr. MCNARY] desires to read into the record a portion of a very short dispatch which I omitted from my remarks. After he has done that, I shall be willing to yield for the purpose of moving an executive session.

Mr. MCNARY. I had intended to make a few observations, as a member of the Committee on Agriculture and Forestry, from which this measure came, and also to offer some documentary evidence. However, it would suit me just as well to take five minutes to-morrow morning, in order that we may have an executive session now.

PRINTING OF CERTAIN TREATIES.

Mr. MCKELLAR. Mr. President, I have before me copies of the proposed so-called four-power treaty, a copy of the treaty between Great Britain and Japan of the 13th day of July, 1911, and also a copy of one of the so-called Bryan peace treaties of 1914, which I would like to have printed together in the RECORD. I think they would be of some interest to Senators, and perhaps to others. I ask unanimous consent to have them printed in the RECORD.

There being no objection, the treaties were ordered to be printed in the RECORD, and they are as follows:

TEXT OF FOUR-POWER TREATY.

The United States of America, the British Empire, France, and Japan,

With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the regions of the Pacific Ocean,

(1) Have determined to conclude a treaty to this effect and have appointed as their plenipotentiaries:

The President of the United States of America,

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India,
And for the Dominion of Canada, ———,
For the Commonwealth of Australia, ———,
For the Dominion of New Zealand, ———,
For India, ———,
The President of the French Republic,
His Majesty the Emperor of Japan,
Who, having communicated their full powers, found in good and due form, have agreed as follows:

ARTICLE I.

The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the regions of the Pacific Ocean.

If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the high contracting parties to a joint conference, to which the whole subject will be referred for consideration and adjustment.

ARTICLE II.

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly and separately, to meet the exigencies of the particular situation.

ARTICLE III.

This agreement shall remain in force for 10 years from the time it shall take effect, and after the expiration of said period it shall continue to be in force, subject to the right of any of the high contracting parties to terminate it upon 12 months' notice.

ARTICLE IV.

This agreement shall be ratified as soon as possible in accordance with the constitutional methods of the high contracting parties, and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate.

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TEXT OF ANGLO-JAPANESE TREATY.

PREAMBLE.

The Government of Great Britain and the Government of Japan, having in view the important changes which have taken place in the situation since the conclusion of the Anglo-Japanese agreement of the 12th August, 1905, and believing that a revision of that agreement responding to such changes would contribute to general stability and repose, have agreed upon the following stipulations to replace the agreement above mentioned, such stipulations having the same object as the said agreement, namely:

(a) The consolidation and maintenance of the general peace in the regions of eastern Asia and of India.

(b) The preservation of the common interests of all powers in China by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China.

(c) The maintenance of the territorial rights of the high contracting parties in the regions of eastern Asia and of India, and the defense of their special interests in the said regions:

ARTICLE I.

It is agreed that whenever, in the opinion of either Great Britain or Japan, any of the rights and interests referred to in the preamble of this agreement are in jeopardy, the two Governments will communicate with one another fully and frankly, and will consider in common the measures which should be taken to safeguard those menaced rights or interests.

ARTICLE II.

If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any power or powers, either high contracting party should be involved in war in defense of its territorial rights or special interests mentioned in the preamble of this agreement, the other high contracting party will at once come to the assistance of its ally, and will conduct the war in common, and make peace in mutual agreement with it.

ARTICLE III.

The high contracting parties agree that neither of them will, without consulting the other, enter into separate arrangements with another power to the prejudice of the objects described in the preamble of this agreement.

ARTICLE IV.

Should either high contracting party conclude a treaty of general arbitration with a third power, it is agreed that nothing in this agreement shall entail upon such contracting party an obligation to go to war with the power with whom such treaty of arbitration is in force.

ARTICLE V.

The conditions under which armed assistance shall be afforded by either power to the other in the circumstances mentioned in the present agreement and the means by which such assistance is to be made available will be arranged by the naval and military authorities of the high contracting parties, who will from time to time consult one another fully and freely upon all questions of mutual interest.

ARTICLE VI.

The present agreement shall come into effect immediately after the date of its signature, and remain in force for 10 years from that date.

In case neither of the high contracting parties should have notified 12 months before the expiration of the said 10 years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the high contracting parties shall have denounced it. But if, when the date fixed for its expiration arrives, either ally is actually engaged in war the alliance shall, ipso facto, continue until peace is concluded.

In faith whereof the undersigned, duly authorized by their respective Governments, have signed this agreement and have affixed thereto their seals.

Done in duplicate at London the 13th day of July, 1911.

E. GREY,
His Britannic Majesty's Principal Secretary of State for Foreign Affairs.
TAKAAKI KATO,
Ambassador Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan at the Court of St. James.

—

TEXT OF WILSON-BRYAN TREATY (SAMPLE).

(All the treaties signed are identic mutatis mutandis, except for a few changes introduced into the treaties with the Netherlands and with Great Britain.)

TREATY TO FACILITATE THE SETTLEMENT OF DISPUTES (BETWEEN THE UNITED STATES AND FRANCE).

The President of the United States of America and the President of the French Republic, desiring to strengthen the friendly relations which unite their two countries and to serve the cause of general peace, have decided to conclude a treaty for these purposes and have consequently appointed the plenipotentiaries designated hereinafter, to wit:

The President of the United States of America, the Hon. William Jennings Bryan, Secretary of State of the United States; and

The President of the French Republic, His Excellency J. J. Jusserand, ambassador of the French Republic to the United States;

Who, after exhibiting to each other their full powers, found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

Any disputes arising between the Government of the United States of America and the Government of the French Republic, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the high contracting parties do not have recourse to arbitration, be submitted for investigation and report to a permanent international commission, constituted in the manner prescribed in the following article.

The high contracting parties agree not to resort, with respect to each other, to any act of force during the investigation to be made by the commission and before its report is handed in.

ARTICLE II.

The international commission shall be composed of five members, appointed as follows: Each Government shall designate two members, only one of whom shall be of its own nationality; the fifth member shall be designated by common consent and shall not belong to any of the nationalities already represented on the commission; he shall perform the duties of president.

In case the two Governments shall be unable to agree on the choice of the fifth commissioner, the other four shall be called upon to designate him, and failing an understanding between them, the provisions of article 45 of The Hague convention of 1907 shall be applied.

The commission shall be organized within six months from the exchange of ratifications of the present convention.

The members shall be appointed for one year and their appointment may be renewed. They shall remain in office until superseded or reappointed, or until the work on which they are engaged at the time their office expires is completed.

Any vacancies which may arise—from death, resignation, or cases of physical or moral incapacity—shall be filled within the shortest possible period in the manner followed for the original appointment.

The high contracting parties shall, before designating the commissioners, reach an understanding in regard to their compensation. They shall bear by halves the expenses incident to the meeting of the commission.

ARTICLE III.

In case a dispute should arise between the high contracting parties which is not settled by the ordinary methods each party shall have a right to ask that the investigation thereof be intrusted to the international commission charged with making a report. Notice shall be given to the president of the international commission, who shall at once communicate with his colleagues.

In the same case the president may, after consulting his colleagues and upon receiving the consent of a majority of the members of the commission, offer the services of the latter to each of the contracting parties. Acceptance of that offer declared by one of the two Governments shall be sufficient to give jurisdiction of the case to the commission in accordance with the foregoing paragraph.

The place of meeting shall be determined by the commission itself.

ARTICLE IV.

The two high contracting parties shall have a right, each on its own part, to state to the president of the commission what is the subject matter of the controversy. No difference in these statements, which shall be furnished by way of suggestion, shall arrest the action of the commission.

In case the cause of the dispute should consist of certain acts already committed or about to be committed, the commission shall as soon as possible indicate what measures to preserve the rights of each party ought in its opinion to be taken provisionally and pending the delivery of its report.

ARTICLE V.

As regards the procedure which it is to follow, the commission shall as far as possible be guided by the provisions contained in articles 9 to 36 of convention 1 of The Hague of 1907.

The high contracting parties agree to afford the commission all means and all necessary facilities for its investigation and report.

The work of the commission shall be completed within one year from the date on which it has taken jurisdiction of the case, unless the high contracting parties shall agree to set a different period.

The conclusion of the commission and the terms of its report shall be adopted by a majority. The report, signed only by the President, acting by virtue of his office, shall be transmitted by him to each of the contracting parties.

The high contracting parties reserve full liberty as to the action to be taken on the report of the commission.

ARTICLE VI.

The present treaty shall be ratified by the President of the United States of America, with the advice and consent of the Senate of the

United States, and by the President of the French Republic, in accordance with the constitutional laws of France.

It shall go into force immediately after the exchange of ratifications and shall last five years.

Unless denounced six months at least before the expiration of the said period of five years, it shall remain in force until the expiration of a period of 12 months after either party shall have notified the other of its intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done at Washington this 15th day of September, in the year 1914.

[SEAL.] WILLIAM JENNINGS BRYAN.
[SEAL.] JUSSERAND.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 15, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 14, 1921.

COLLECTOR OF CUSTOMS.

John C. McBride, of Juneau, Alaska, to be collector of customs for customs collection district No. 31, with headquarters at Juneau, Alaska, in place of John W. Troy.

PROMOTIONS IN THE COAST GUARD.

To be lieutenants.

Lieut. (junior grade, engineering) Norman B. Hall to be a lieutenant (engineering), to rank as such from April 26, 1921, in place of Lieut. (engineering) Henry F. Schoenborn, retired.

Lieut. (junior grade, engineering) Philip B. Eaton to be lieutenant (engineering), to rank as such from May 14, 1921, in place of Lieut. (engineering) Horatio N. Wood, promoted.

Ensign (engineering) William J. Kossler, to be a lieutenant (junior grade, engineering), to rank as such from April 20, 1921, in place of Lieut. (junior grade, engineering) Frank E. Bagger, resigned.

These officers have passed the examination required by law.

POSTMASTERS.

ALABAMA.

Samuel C. Puckett to be postmaster at Springville, Ala. Office became presidential July 1, 1920.

Thomas L. Jackson to be postmaster at Phil Campbell, Ala. Office became presidential April 1, 1920.

Josiah F. Irby to be postmaser at Lower Peach Tree, Ala. Office became presidential July 1, 1921.

ARKANSAS.

Oscar W. McClintock to be postmaster at Monticello, Ark., in place of J. R. Cotham. Incumbent's commission expired July 14, 1920.

CALIFORNIA.

Columbus W. Bouldin to be postmaster at Strathmore, Calif., in place of W. D. Browning. Incumbent's commission expired January 30, 1921.

FLORIDA.

Leon E. Mizell to be postmaster at Punta Gorda, Fla., in place of G. D. Rhode, removed.

GEORGIA.

John A. Crawford to be postmaster at Dalton, Ga., in place of B. L. Heartsill, resigned.

ILLINOIS.

Walter G. Lambert to be postmaster at Valier, Ill. Office became presidential October 1, 1920.

John C. Harned to be postmaster at Secor, Ill. Office became presidential July 1, 1921.

Roy A. Gulley to be postmaster at Sesser, Ill., in place of G. B. Gray, resigned.

INDIANA.

Martha A. Barr to be postmaster at Edwardsport, Ind. Office became presidential April 1, 1921.

Joe B. Mayfield to be postmaster at Bruceville, Ind. Office became presidential October 1, 1920.

James Quilliam to be postmaster at Elnora, Ind., in place of F. A. McMullen, removed.

IOWA.

Arthur F. Pitman to be postmaster at Lamont, Iowa, in place of Thomas Kelsh. Incumbent's commission expired March 16, 1921.

KANSAS.

Henry A. Lacerte to be postmaster at Collyer, Kans. Office became presidential October 1, 1920.

Clarence R. Haymond to be postmaster at Burdett, Kans. Office became presidential January 1, 1921.

Otto E. Becker to be postmaster at Bazine, Kans. Office became presidential January 1, 1921.

D. Dee Davis to be postmaster at Larned, Kans., in place of R. P. Sloan, resigned.

Albert F. Adeshold to be postmaster at Kinsley, Kans., in place of B. F. Tatum, deceased.

John R. Shoup to be postmaster at Cimarron, Kans., in place of C. M. Dillman, resigned.

KENTUCKY.

Harry A. Tate to be postmaster at Monticello, Ky., in place of W. M. Back, resigned.

King Prewitt to be postmaster at Elkton, Ky., in place of N. E. Butler. Incumbent's commission expired May 24, 1920.

Louis E. Rue to be postmaster at Danville, Ky., in place of W. L. Wood, resigned.

LOUISIANA.

Albert R. Smith to be postmaster at Mangham, La., in place of A. R. Smith. Incumbent's commission expired March 16, 1921.

Otto S. Osterberg to be postmaster at Ferriday, La., in place of S. E. Ober, resigned.

MASSACHUSETTS.

Fred B. Roach to be postmaster at Dover, Mass. Office became presidential April 1, 1921.

James E. Williams to be postmaster at North Dighton, Mass., in place of C. H. Walker, removed.

MICHIGAN.

Glenn W. Davis to be postmaster at Reading, Mich., in place of C. W. Hartwell. Incumbent's commission expired June 23, 1920.

MINNESOTA.

Axel P. Lofgren to be postmaster at Karlstad, Minn. Office became presidential October 1, 1920.

Albert H. Sugg to be postmaster at Zumbro Falls, Minn. Office became presidential January 1, 1921.

Laura E. Cronan to be postmaster at Rose Creek, Minn. Office became presidential April 1, 1921.

Lewis F. Hodgson to be postmaster at Donnelly, Minn. Office became presidential July 1, 1920.

John A. Fridgen to be postmaster at Parkers Prairie, Minn., in place of Andrew Johnson. Incumbent's commission expired May 17, 1921.

Walter Peltoniemi to be postmaster at New York Mills, Minn., in place of Julius Fischer. Incumbent's commission expired March 22, 1920.

MISSOURI.

Junius M. Bryant to be postmaster at Strafford, Mo. Office became presidential January 1, 1921.

Arthur B. Calame to be postmaster at Niangua, Mo. Office became presidential April 1, 1921.

Isaac H. Arnold to be postmaster at Forsyth, Mo. Office became presidential April 1, 1921.

Karma K. Black to be postmaster at Fordland, Mo. Office became presidential April 1, 1921.

William O. Tout to be postmaster at Archie, Mo. Office became presidential January 1, 1921.

Marie Amyx to be postmaster at Amsterdam, Mo. Office became presidential April 1, 1921.

Everett L. Griffin to be postmaster at Aldrich, Mo. Office became presidential July 1, 1921.

Clarence B. Robinson to be postmaster at South West City, Mo., in place of W. F. Stevenson. Incumbent's commission expired January 13, 1921.

Ruby M. Woods to be postmaster at Laredo, Mo., in place of A. C. Dobbins, resigned.

William E. Fuson to be postmaster at Hartville, Mo., in place of G. W. Summers. Incumbent's commission expired July 25, 1921.

NEBRASKA.

Julius C. Moore to be postmaster at Waterloo, Nebr., in place of C. E. Wilkins. Incumbent's commission expired December 20, 1920.

J. Miles Robinson to be postmaster at North Bend, Nebr., in place of A. G. Newsom; appointee declined.

NEW HAMPSHIRE.

Charles Myers to be postmaster at Jaffrey, N. H., in place of J. H. Paradise, deceased.

NEW JERSEY.

Elizabeth Packer to be postmaster at Sea Bright, N. J., in place of Frank Hampton. Incumbent's commission expired August 6, 1921.

NEW YORK.

Carolyn E. Perkins to be postmaster at South Otselic, N. Y. Office became presidential April 1, 1921.

John F. Lord to be postmaster at Loon Lake, N. Y. Office became presidential October 1, 1920.

Frank G. Sherman to be postmaster at Oneonta, N. Y., in place of C. J. Beams. Incumbent's commission expired July 21, 1921.

Alice Huested to be postmaster at Nassau, N. Y., in place of G. W. Witbeck. Incumbent's commission expired April 16, 1921.

Royal W. Northup to be postmaster at Morrisville, N. Y., in place of H. C. Wood. Incumbent's commission expired March 16, 1921.

NORTH CAROLINA.

Elijah F. Pearce to be postmaster at Princeton, N. C. Office became presidential July 1, 1920.

NORTH DAKOTA.

James N. Campbell to be postmaster at Stanley, N. Dak., in place of Charles Lescault. Incumbent's commission expired March 16, 1921.

Ralph E. Itskin to be postmaster at Hazen, N. Dak., in place of R. E. Itskin. Incumbent's commission expired March 16, 1921.

OHIO.

Estella Denney to be postmaster at Bidwell, Ohio. Office became presidential April 1, 1921.

Mae E. Douds to be postmaster at Hudson, Ohio, in place of L. H. Chapin. Incumbent's commission expired January 14, 1918.

Alton D. Whiteman to be postmaster at Green Springs (late Greenspring), Ohio, in place of A. D. Whiteman. Name of office changed.

PENNSYLVANIA.

Iva L. Humes to be postmaster at Tarentum, Pa., in place of I. F. Cutshall. Incumbent's commission expired January 6, 1920.

Ralph E. Kelder to be postmaster at Matamoras, Pa., in place of J. A. Schroeder. Incumbent's commission expired September 6, 1920.

SOUTH CAROLINA.

David N. Baker to be postmaster of Olanta, S. C. Office became presidential January 1, 1921.

Lawrence A. Cox to be postmaster at Simpsonville, S. C., in place of N. S. Moore, declined.

TENNESSEE.

Henry F. Marion to be postmaster at Blountville, Tenn. Office became presidential July 1, 1920.

TEXAS.

Abel J. Durham, jr., to be postmaster at Sabinal, Tex., in place of K. T. Biggs. Incumbent's commission expired July 15, 1920.

VIRGINIA.

Shebuel R. Henry to be postmaster at Nassawadox, Va. Office became presidential January 1, 1921.

WASHINGTON.

Jesse Simmons to be postmaster at Tolt, Wash. Office became presidential July 1, 1920.

Fred Arrowsmith to be postmaster at Sunnyside, Wash., in place of U. K. Lail. Incumbent's commission expired January 19, 1920.

Thomas J. Atwood to be postmaster at Sultan, Wash., in place of E. P. Marsolair. Incumbent's commission expired May 25, 1920.

Zophar Howell to be postmaster at Edmonds, Wash., in place of Oscar Grace, resigned.

WEST VIRGINIA.

James T. Keeney to be postmaster at Eskdale, W. Va. Office became presidential April 1, 1921.

Alice M. Pittinger to be postmaster at Newell, W. Va., in place of H. A. Turk, resigned.

WISCONSIN.

John L. Hefferman to be postmaster at Wilton, Wis., in place of R. S. Serrurier. Incumbent's commission expired March 16, 1921.

Mike E. Gensman to be postmaster at Slinger, Wis. (late Schleisingerville), in place of Theodore Koenings. Incumbent's commission expired March 16, 1921.

Lawrence G. Clark to be postmaster at Middleton, Wis., in place of E. M. Du Frenne. Incumbent's commission expired March 16, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 14, 1921.

APPRAISER OF MERCHANDISE.

Joseph Carolan to be appraiser of merchandise in customs collection district No. 39, with headquarters at Chicago, Ill.

COLLECTOR OF CUSTOMS.

Niels Juul to be collector of customs for customs collection district No. 39, with headquarters at Chicago, Ill.

JUNIOR HYDROGRAPHIC AND GEODETIC ENGINEER.

Ralph Woglom Woodworth to be junior hydrographic and geodetic engineer in the Coast and Geodetic Survey.

RECEIVER OF PUBLIC MONEYS.

Arthur T. Moon to be receiver of public moneys at Salt Lake City, Utah.

REGISTER OF THE LAND OFFICE.

Mrs. Lida M. Hume to be register of the land office at San Francisco, Calif.

PROMOTIONS IN THE ARMY.

AIR SERVICE.

To be lieutenant colonel.

Paul Ward Beck.

To be majors.

Robert Emmett Mason Goolrick.
John Hastings Howard.
Junius Wallace Jones.
Eugene Alexander Lohman.
Clarence Leonard Tinker.
John Hamilton Chew Williams.

To be captains.

Charles Belding Oldfield.
William Hampton Crom.
Francis Murray Brady.
Charles Bernard Beeler Bubb.
Robert Alexander Kinloch.
Walter Francis Kraus.
Frank Hitch Pritchard.

To be first lieutenants.

Samuel Charles Skemp.
Francis Bassett Valentine.
Ralph Bamford Walker.

FIELD ARTILLERY.

To be captain.

Oliver Grant Brush.

MEDICAL CORPS.

To be captain.

Joseph Aaron Mendelson.

DENTAL CORPS.

To be captains.

Henry Allen Winslow.
Ernest Frank Sharp.

CHAPLAIN.

Ora Jason Cohee to be chaplain.

POSTMASTERS.

COLORADO.

Frank M. Whalen, Deertrail.

CONNECTICUT.

Levi C. Frost, Milldale.
Arthur W. Dickinson, Rockyhill.

FLORIDA.

Marie Anderson, Brewster.
Daniel C. Smith, Center Hill.
Thomas J. Nobles, Wildwood.

GEORGIA.

Maggie Edwards, Canton.
Mary W. Barclay, Rome.
William H. Flanders, Swainsboro.
Robert Barron, Zebulon.

ILLINOIS.

Harrison T. Berry, Morrison.
Henry C. Arkebauer, Mount Olive.

IOWA.

William W. Moore, Ainsworth.
William H. Hall, Allerton.
James F. Temple, Bode.
Thomas Phillips, Dedham.
Hugh W. Dickson, Delta.
Earl M. Skinner, Farnhamville.
Emil C. Weisbrod, Fenton.
Raymond F. Sargent, Fonda.
Weber B. Kuenzel, Garnavillo.
John F. Cagley, Ionia.
Martin A. Sandstrom, Kiron.
Martin A. Aasgaard, Lake Mills.
Elmer L. Langlie, Marquette.
Carl Nielsen, Moorhead.
Elizabeth Friman, Nodaway.
Ulysses G. Hunt, Plymouth.

KENTUCKY.

Walter L. Prince, Benton.
Taylor P. Sewell, Campton.

MICHIGAN.

Burton P. Daugherty, Holly.
John F. Krumbeck, Williamston.

MINNESOTA.

Daniel H. Hill, Cook.
Stanley A. Torgerson, Hawley.
John C. Thorp, Shevlin.
Lida K. Gray, Taylors Falls.

MONTANA.

Walter D. Vaughn, Augusta.
George S. Haynes, Judith Gap.
Harry H. Goble, St. Ignatius.

NEBRASKA.

Willard Stong, Syracuse.

NEW JERSEY.

Charles R. Bassett, Bloomsburg.
John D. Seals, Kenvil.
William Hockenjos, jr., Lake Hopatcong.

NEW YORK.

Stanley D. Cornish, Carmel.
Lucy E. Murray, Florida.
Frederick Traudt, Hyde Park.
Edith A. Jennings, Mahopac.
Frank A. Wheeler, Munnsville.
Harold F. Clark, Ovid.
Owen W. House, Parish.
John B. Cramer, Penn Yan.
Martin Z. Hyney, Sharon Springs.

OHIO.

John R. Williams, College Corner.
Otho S. Holloway, Flushing.
William S. Barhite, Hamler.
William Schnoor, Put in Bay.

PENNSYLVANIA.

Samuel M. Koppenhaver, Halifax.

RHODE ISLAND.

William H. Follett, Howard.

WASHINGTON.

Minnie M. McCracken, Clearlake.
Elijah H. Nash, Friday Harbor.
Frank Hurst, Washtucna.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 14, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, while chance and change are around about us, yet Thy goodness never faileth. Along our way Thy spirit seeks to hush us into peace. How we long for the joy that time can not ravish. O renew the freshness of the early years, the happy expectation of to-morrow and the zest of life that looks of the good time coming. O for the bound of soul that sorrow can not hold down; O for the freedom of spirit that burdens can not crush; O for the vigor of heart that criticism can not chill. Break into the inner circle of our beings and give us back the childhood of the soul. Then shall we find rest in labor and be prepared to go back to the arms of the Father and into the homeland of eternity. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

REREFERENCE OF A JOINT RESOLUTION.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to have rereferred to the Committee on Indian Affairs Senate joint resolution 59.

The SPEAKER. The Chair thinks the House is entitled to have the title reported.

Mr. STAFFORD. As I understand——

Mr. SNYDER. This is a joint resolution that was passed by the Senate in the last session of Congress. The Indian Affairs Committee reported it out. Since then information has come to the committee that requires the necessity of rewriting the joint resolution in order to bring it before the House in proper form.

Mr. WALSH. Will the gentleman state what it is about?

Mr. SNYDER. I would be glad to do so.

The SPEAKER. The Clerk will report the joint resolution by title.

The Clerk read as follows:

Senate joint resolution 59.

A joint resolution authorizing the Secretary of the Interior to protect certain restricted members of the Five Civilized Tribes, and for other purposes.

The SPEAKER. Is there objection to the rereference? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2790. An act to authorize the boards of county commissioners, Escambia and Santa Rosa Counties, Fla., to construct a bridge across the Escambia River, Fla., at or near Century, Fla.;

S. 2776. An act to authorize the construction of a bridge over the Columbia River at a point approximately 5 miles upstream from Dalles City, Wasco County, in the State of Oregon, to a point on the opposite shore of the State of Washington; and

S. 2780. An act to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2780. An act to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; to the Committee on Interstate and Foreign Commerce.

S. 2790. An act to authorize the boards of county commissioners of Escambia and Santa Rosa Counties, Fla., to construct a bridge across the Escambia River at or near Century, Fla.; to the Committee on Interstate and Foreign Commerce.

S. 2776. An act to authorize the construction of a bridge over the Columbia River at a point approximately 5 miles upstream from Dalles City, Wasco County, in the State of Oregon, to a point on the opposite shore of the State of Washington; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 3250. An act to authorize the Secretary of Commerce to convey to Augustus S. Peabody certain land in Galveston County, Tex.;

H. R. 2205. An act to add certain lands on the North Fork of the Shoshone River to the Shoshone National Forest;

H. R. 3116. An act validating homestead entry of Mike Campbell for certain public land in Alaska;

H. R. 7780. An act for the relief of G. Fred Roach and others;

H. R. 5511. An act for the relief of John Cestnik, jr.;

H. R. 6679. An act to amend section 108 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 6864. An act authorizing exchanges of lands within the Rainier National Forest, in the State of Washington;

H. R. 6961. An act granting certain lands to the State of Alabama for the use of the Searcy Hospital for the Colored Insane; and

H. R. 7161. An act to authorize certain desert-land claimants who entered the military or naval service of the United States during the war with Germany to make final proof of their entries.

FIRST DEFICIENCY APPROPRIATION BILL.

Mr. MADDEN. Mr. Speaker, I call up the conference report on the bill H. R. 9237.

Mr. SINNOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SINNOTT. When is the proper time to make a point of order?

The SPEAKER. After the report has been made.

(For conference report and statement see House proceedings of December 13, pp. 310, 311.)

Mr. SINNOTT. Mr. Speaker, I desire to make a point of order against the conference report in that the conferees have exceeded their authority in agreeing to Senate amendment No. 34 and for the further reason that this is a deficiency bill and they have no right to agree to such an amendment and it is new legislation.

The SPEAKER. What page?

Mr. SINNOTT. Page 33, amendment No. 34.

The SPEAKER. The Chair will hear the gentleman.

Mr. SINNOTT. Mr. Speaker, as I understand this amendment, and as the amendment is understood in the Interior Department, it endeavors to divert funds that have been appropriated for in the act of March 2, 1919, appropriated for and devoted to the payment of certain war mineral claimants who are covered under section 5 of the act of March 2, 1919. This claim referred to herein, the claim of George Carden and Anderson T. Herd, is a claim within the jurisdiction solely of the War Department. Now, under that act the War Department has jurisdiction over the settlement of certain contract claims, express and implied. Under section 5 the Secretary of the Interior has jurisdiction to adjust and make awards upon certain war relief claims, claims filed by persons who got out for governmental purposes chrome, manganese, and other ores. There are two entirely different purposes provided for in the act of 1919. The claims are presented in an entirely different way and the statute of limitations is different pertaining to the War Department—different from that pertaining to the Department of the Interior. The claims provided for in the first part of the act may be taken into the Court of Claims——.

The SPEAKER. The Chair thinks the matter might be simplified if the Chair should be assured that there is no difference of opinion as to the question of fact before we get to the question of law. The Chair would like to ask the gentleman from Illinois if he agrees?

Mr. MADDEN. In the first place, Mr. Speaker, I would like to read in reply to the question of the Speaker the Dent Act.

The SPEAKER. Does the gentleman agree to the fact that this is an appropriation different——

Mr. MADDEN. No, sir; I do not.

The SPEAKER. The Chair will have to investigate the facts.

Mr. MADDEN. Mr. Speaker, I would like for the gentleman to yield to me a few minutes to state the facts.

Mr. SINNOTT. I would like to have the matter cleared up, if it can be.

Mr. MADDEN. Mr. Speaker, in the first place, here is the fund from which the appropriation is to be made:

Unexpended balances: Such amounts of the unexpended balances of the appropriations chargeable with the settlement of claims resulting from the suspension or termination of contracts or other procurement obligations of the War Department, consequent upon the suspension of hostilities, and with the adjustment of claims under the act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, shall remain upon the books of the Treasury to the credit of the respective appropriations and be available for similar purposes until June 30, 1922, and of said amounts not to exceed $250,000 shall also be available for such personal services as in the discretion of the Secretary of War are necessary to properly protect the interests of the United States in making such settlements and adjustments: *Provided*, That no part of said amounts shall be used to pay any claims arising out of any contract or other obligation unless such contract or obligation was entered into subsequently to April 6, 1917, and prior to November 12, 1918.

These are all unexpended balances, all out of the War Department, and have no relation whatever to the subject upon which the gentleman is discoursing. And Gen. Lord, the finance officer of the War Department, has just stated that they have sufficient balances in the fund, in connection with which I have just made this statement, to pay the item carried in the bill, and that it in no sense infringes upon the appropriation set out in the statement of the gentleman from Oregon [Mr. SINNOTT].

Mr. MONDELL. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MONDELL. Is the act to which the gentleman has just referred also an act approved March 2, 1919?

Mr. MADDEN. Yes; and June 16, 1921.

Mr. MONDELL. Yes; but the act referred to in this amendment is the act approved March 2, 1919?

Mr. MADDEN. The 1919 act is the Dent Act, and is only descriptive in this connection.

Mr. SINNOTT. That is the act that covers the chrome and mineral claimants.

Mr. MADDEN. Not at all.

Mr. SINNOTT. I have been following your reading.

Mr. MADDEN. One part of the Dent Act carried them, but the appropriation set out for the liquidation of the claims under the mineral proposition was made as a separate item, and under the Interior Department, and this relates entirely to the War Department, and the War Department has all the funds it needs to meet the obligation.

Mr. MANN. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. MANN. There was authorization in the Dent Act for settlement of claims both in the War Department and Interior Department, as I understand?

Mr. MADDEN. Yes.

Mr. MANN. The appropriation made by the second deficiency act of 1921 was an appropriation purely for the settlement of claims in the War Department?

Mr. MADDEN. Yes.

Mr. MANN. And not for the Interior Department?

Mr. MADDEN. Not for the Interior Department.

Mr. MANN. As I understand this item, it only relates to the appropriation in the deficiency act of 1921, which related to the War Department?

Mr. MADDEN. Certainly; and does not touch the other matter at all. We were careful about that, and went thoroughly into it and consulted with the War Department about it.

Mr. SINNOTT. Mr. Speaker, if I were convinced that such was the proper construction, of course I would withdraw the point of order.

Mr. MADDEN. Will the gentleman listen to me?

Mr. SINNOTT. Yes.

Mr. MADDEN. We have gotten the information within 10 minutes from the finance officer of the War Department. I can assure the gentleman that there is no question whatever about where the fund is from which this payment will be made.

Mr. SINNOTT. I was talking to Judge Robinson this morning over the phone. He is the chairman of the commission that has the adjudication of these war mineral claims, and it is his construction that this would encroach upon the fund appropriated for in the act of March 2, 1919, for the mineral claims. He further told me that he was informed yesterday by the War Department that there were no funds on hand to pay such claims as this, and that it was generally understood that the parties interested in this claim were endeavoring to have it paid out of the unexpended balance left over from the war minerals relief portion of that act.

Mr. MADDEN. Will the gentleman yield to me?

Mr. SINNOTT. In just a moment. Furthermore, the act reads:

That the unexpended balances of appropriations * * * consequent upon the suspension of hostilities.

Now, this is the language:

And with the adjustment of claims under the act approved March 2, 1919, shall be available for the payment of this claim.

I have the act of March 2, 1919, here, and section 5 refers to the war minerals relief claims, and to none other, adjudicated by the Interior Department. The first part of the act refers to those who had claims with the War Department.

Mr. MADDEN. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. MADDEN. In the conversation just a few minutes ago with the war finance officer of the War Department we were assured that they will have at the end of the fiscal year, after adjudicating such claims as are now in process of adjudication, out of the funds appropriated in the deficiency act of 1921, $15,000,000 in the War Department of an unexpended balance. It would be absurd to assume that they would take $550,000 out of another appropriation when they have so much money in another fund and in another department.

Mr. SINNOTT. Furthermore, in the CONGRESSIONAL RECORD of December 12, on page 248, there is the specific statement, if I

may be permitted to refer to it, made by Senator POINDEXTER in approving this amendment, that the payment is to be made out of the $8,500,000.

Mr. MADDEN. But he was mistaken.

Mr. SINNOTT. He may be.

Mr. MADDEN. I have made a thorough investigation of this.

Mr. SINNOTT. That could be very easily corrected by going to conference and striking out four or five words.

Mr. MADDEN. The gentleman can take my word for it that there is no such condition as he portrays.

Mr. MANN. If the gentleman from Oregon [Mr. SINNOTT] will yield, this appropriation in this amendment purely relates, as I understand it, to unexpended balances of appropriations made by the second deficiency act of 1921.

Then the language of the amendment goes on to explain what those appropriations are for, to pay certain claims under the Dent Act. But the appropriation made by the deficiency act of 1921 was principally for claims in the War Department. This only makes those appropriations available. It does not make any of the appropriations in the original Dent Act available, and it would not affect the Interior Department.

Mr. SINNOTT. Well, if it is limited by the language in that deficiency act to which the gentleman refers, then it would be all right.

Mr. MANN. It is so limited. There is a specific appropriation in the deficiency act of 1921 limiting it very closely to certain specific items, and not in any way affecting any of the items in the Interior Department.

Mr. SINNOTT. But the apprehension of Judge Robinson, the head of the board, is that it is subject to the construction that I have advanced.

Mr. MANN. Plainly he has not read the deficiency act of 1921 and this amendment, one of the two, because on its face it is just as clear as daylight.

Mr. WINGO. Mr. Speaker, I desire to be heard.

The SPEAKER. The Chair will hear the gentleman.

Mr. WINGO. Mr. Speaker, I differ from the gentleman from Illinois as to the scope and effect of the deficiency act of 1921. The gentleman from Illinois [Mr. MANN] and the other gentleman from Illinois [Mr. MADDEN] and the War Department were, of course, thinking about one class of claims and one business, but the Speaker must understand that the act of March 2, 1919, referred to in the deficiency act, and also referred to in this amendment No. 34 of the Senate—he must understand that that was the general act, and the general act originally provided solely for war contracts. But it was amended by putting in what is known as section 5, which was a complete law covering the adjustment of claims growing out of the procurement of war minerals; in other words, known as the war mineral relief act.

Now, in the act of March 2, 1919, there were two distinct and separate features, both of which were for the settlement of claims; one of them a War Department fund and the other a fund made available to pay awards by the Interior Department on account of claims growing out of the activities of four branches or bureaus of the Government other than the War Department. Now, when the second deficiency act of 1921 came up, at that time I and others who were interested in continuing this fund were advised that the War Department was only seeking to continue its part, and the question arose as to whether or not we should insist upon a separate amendment. Members of the House and of the Senate both went into that question at that time and decided that the language was so clear and unequivocal that it covered all amounts of unexpended balances. I will read the language of the second deficiency bill:

> Such amounts of the unexpended balances of the appropriation chargeable with the settlement of claims resulting from the suspension or termination of contracts or other procurement obligations of the War Department consequent upon the suspension of hostilities, and—

If you were to stop there, it would only cover the War Department, but it goes on—

> and for the adjustment of claims under an act—

And then it cites the title of the act of March 2, 1919; in other words, "and for the adjustment of claims."

Now, under the act of March 2, 1919, there were two classes of claims, and the reason why those others interested in war minerals did not offer a separate amendment was that it was the unanimous judgment of everyone who examined that provision of the second deficiency bill that was pending that it was sufficient. Especially was that true of some Senators who were watching it very closely; and they satisfied me and other Members of the House that that language would take care of and continue the unexpended balance of the Interior Department funds.

Now, let us see what was the interpretation of the Senate. Some of the Senators who were opposed to that interpretation afterwards found out that that was the law. What did they do? They introduced and passed through the Senate in the last session of Congress a bill to cover back into the Treasury this unexpended balance that had been continued under the second deficiency act, and we held it up here in the House, as the Speaker will recall, and not only held it up, but passed a bill providing for a review of the claims, and the Speaker will recall the controversy that arose over the provision continuing the appropriation. It was the opinion of all of us that it was absolutely unnecessary to put that appropriating provision in there, and finally that was decided, and the Senate agreed to the House amendment cutting it out, with an amendment, because it was specifically stated on this floor and accepted by the House that that was continued, and the proposed provision making the unexpended balances of appropriation available was unnecessary because the second deficiency act of 1921 had specifically continued all unexpended balances of the act of March 2, 1919; not only unexpended balances of the War Department fund, but of the war minerals fund in addition to the War Department fund, and all other funds under that act.

Now, this amendment No. 34 goes along and attempts to repeat the language of the second deficiency act. But look at the top of page 34 of the bill as it comes to us. It goes further and quotes this act:

> And with the adjustment of claims under the act approved March 2, 1919.

Why did not the gentleman do as was suggested to be done yesterday? It was very easy to put in a line of that amendment the words "and chargeable to the War Department funds." That would have been very easy. Then there would be no question.

The trouble is that the gentleman from Illinois can not give us an assurance that will bind the comptroller. I do not know what this one will do, but the last one refused to be bound by the intention of the House, as clearly expressed. Now, it is true that Gen. Lord made the statement referred to a few minutes ago, and if the comptroller would accept the assurance of the gentleman from Illinois, there would be no difficulty. I was present at the time the conversation with Gen. Lord over the telephone was carried on 10 minutes ago, and it is true that he said that there are ample funds in the War Department item, and for that reason I think it will not affect it; but I did not want the record to go unchallenged and leave it so that the comptroller reading the record would say that the Congress had so decided. I do not think the Speaker is bound to sustain the point of order, but on the assurance that Gen. Lord has given us, I hope the gentleman will withdraw the point of order.

My only object in calling attention to it is to show specifically for the record what is the condition, and not have it appear that we acquiesced in the theory that the act of 1921 only continued one fund provided by the act of March 2, 1919, and did not continue the other. So I trust that the gentleman from Oregon will withdraw his point of order, as we have the assurance of Gen. Lord that there are ample funds in the War Department fund, so that the war minerals funds will not be used.

The SPEAKER. Before the point of order is decided the Chair thinks it would be well to have the question of fact settled. The Chair would be glad to hear any argument that the deficiency bill of 1921 does not extend the whole of the Dent Act. It seems to the Chair that the argument made by the gentleman from Arkansas [Mr. WINGO] is a strong one.

Mr. MADDEN. Mr. Chairman, the Dent Act provides that the Secretary of War shall have the power to settle only claims that originated under the formal or informal contracts within the War Department or contracts that may have been authorized by the President of the United States and in performance of its functions under the authority granted in this act to settle claims referred to in the report of the managers of the House. The question whether he had authority to make that settlement was in doubt, and he referred the matter to the Attorney General of the United States, and in an opinion rendered by the Attorney General he was advised that the act of the President brought the claim within the scope of his jurisdiction; and acting under what he believed and what the Attorney General said was his authority he settled the claim, which was a war claim, not under a mineral contract but under a claim that originated in a transaction between Carden and Herd and the President of the United States.

This being an act of the President, and the Dent Act providing that the act of the President in any case shall be settled by the Secretary of War if there is a dispute, it is contended that the Secretary acted within his rights and within the law.

A warrant was issued by the Secretary of War to meet the payment under the settlement and presumably out of the funds that are at the disposal of the War Department in unexpended balances, and have no reference whatever to any unexpended balances to the credit of the war minerals settlement fund.

Mr. WALSH. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. WALSH. Does this claim arise out of some contract?

Mr. MADDEN. It arises out of a contract for the purchase of ships owned by citizens of Austria in the early part of the war.

Mr. WALSH. Is the claim itself founded upon a contract?

Mr. MADDEN. The contention of the claimants is that they entered into a contract with certain citizens under which they were to act as the agents for the purchase of seven Austrian ships for a New York syndicate. They had made a contract with the Austrian owners of the ships and had agreed upon the price. They were to turn these ships over to a New York syndicate, who were to be the owners and operators of the ships between neutral ports in South America and ports of the United States. This was before we declared war with Austria. After the President ascertained that the sale of the ships was about to be made he sent for Carden and Herd. He told them he wanted these ships turned over to the Government of the United States, and he wanted them turned over without any profit. The President authorized Denman, chairman of the Shipping Board, to begin negotiations for the purchase of the ships, with the understanding that there would be no profit to Carden and Herd in the transaction. After Denman had been negotiating for some time under the instructions of the President, the President transferred the authority to negotiate to Bernard Baruch, and he continued the negotiations.

In the course of the negotiations it was stated by Carden and Herd that they had a prospective profit in the sale of these ships, but the President insisted there should be no profit. In the course of the negotiations it was found that Carden and Herd had promised to pay a commission to an Austrian citizen by the name of Festetichs and to an American citizen, Mr. Tomlinson, in addition to the price agreed upon, which was said to be cost. Carden and Herd insisted that they be permitted to pay Festetichs and Tomlinson the commission, and Mr. Baruch allowed them $194,000 for that purpose, out of which they paid Festetichs and Tomlinson $80,000, leaving them $114,000. Carden and Herd claimed they had incurred other expenses connected with the negotiations for the purchase or sale of the ships amounting to $84,000, and the Government allowed them that. Then, before the negotiations were finally completed for the transfer of the ships to the United States, it was found that in the sale of the ships by Carden and Herd to the American syndicate they had imposed neutral conditions on the use of the ships; that conditions were imposed which would prevent the use of the ships except in South American ports and the United States ports. In the course of the negotiations Mr. Baruch and the President said they could not take the ships with neutral conditions imposed, and so they undertook to remove the neutral conditions. The Government of the United States was called upon to pay some $1,050,000 for the removal of the neutral conditions, and they also demanded and received from the Government $188,000 in commission on the sale.

Later it was found that they had, they said, incurred obligations for legal services amounting to $20,000, and they were allowed $15,000 for that. And altogether, deducting the $80,000 that was paid by Carden and Herd to Festestichs and Tomlinson, they had $401,000 left as their fee in the transaction. They claimed, of course, that they spent all this money for expenses in the course of the negotiations. Whether they did or not, I do not know.

Then it was said that Mr. Baruch promised Carden and Herd that if the ships were sold to the Government with the neutral restrictions removed and without profit to the sellers, they might be permitted to operate the ships under the MO–4 contract that was then in force under the Shipping Board, that managing owners' contract under which they were to get 5 per cent of the gross receipts as their commission for operation.

In the testimony taken in the trial of the claim of Carden and Herd, Mr. Baruch was put upon the witness stand. He did not say that he did not promise to give them the right to operate, but he would not admit that he did, and there was a contention about whether there was any implied or other contract under which they were to have this right. They set up a claim for $7,500,000 for prospective profits, which they claimed they would have made if they had operated the ships. That claim was rejected. The first board that tried the case, I understand, made an award of $4,500,000. That award was referred to an appeal board, and the appeal board rejected it.

Then the matter was referred to Secretary of War Baker. He was just about to retire. This case was lying on his desk when he was about to go out. He called the attention of the incoming Secretary of War to it, and the incoming Secretary took up the question. He made the investigation. There was some doubt about his authority to settle the claim. He had doubts himself. He referred the question of authority to the Attorney General of the United States, who wrote an opinion, in which he set out that it was within the power of the Secretary of War to settle the case. The Secretary of War made a settlement. I understand he rejected the claim of Carden and Herd on the ground of prospective profits, which the Dent Act distinctly prohibits. He took into consideration the question of how much profit they were able to prove they would have made direct in the sale of the ships, and he also took into consideration, as I understand, the amount paid by the Government—this $401,000—and then he deducted the $401,000 from the amount which he ascertained would have been the profit if the sale had been completed to the New York syndicate, and then he deducted $40,000 from what was left and he awarded $550,000 as the amount that he found to be due to Carden and Herd, to be paid out of the unexpended balances at his disposal for the disposition of cases in the War Department, and he issued a warrant on the Treasury for the payment of the $550,000.

When that warrant was submitted for payment the Comptroller General ruled, not that the Secretary of War had no power to settle or that the settlement was not fair or just, but that it would not be possible to pay the award out of the unexpended balances that were to the credit of the War Department, because these unexpended balances were standing to the credit of specific funds for the payment of specific awards in connection with those specific items, and it was because there was no specific fund out of which it could be paid in the unexpended balances that the Comptroller General decided against the payment. So it came to us.

It came to us in many forms. There has been legislation pending which, if enacted, would take all the unexpended balances, amounting to about $39,000,000, including the unexpended balance in the mineral claims act, amounting to about $4,000,000, and place them to the credit of the Secretary of War for the payment of such awards as he might make. But the Committee on Appropriations determined not to permit the transfer of these unexpended balances in blank for the settlement of claims about which no one knew anything, and after months of careful consideration and a great deal of investigation it was finally concluded that the only way to prevent the use of the unexpended balances or to prevent committing them to any uses that we knew nothing whatever about was to provide specifically for the payment of the award to Carden and Herd, and that item was included in the bill in the Senate, as you see, and was agreed to by the House conferees in its present form, and we know, or we think we know, that there is no chance whatever for the payment of any part of this claim out of any funds except funds that are now unexpended to the credit of the War Department.

Mr. WALSH. Will the gentleman from Illinois yield for a question?

Mr. MADDEN. I yield to the gentleman from Massachusetts.

Mr. WALSH. Upon what contract, express or implied, is this claim based for which the award of $550,000 has been made?

Mr. MADDEN. This was on the contract under which the President of the United States authorized the purchase of the seven Austrian ships which were about to be transferred to a New York syndicate.

Mr. WALSH. Yes; but the ships had been paid for.

Mr. MADDEN. The ships had been paid for.

Mr. WALSH. Now, upon what contract other than that for the payment of the ships was this award of $550,000 based? What was the contract, express or implied, and who made the contract?

Mr. MADDEN. The claim was based, as I understand it and as I thought I explained very fully, on the claim that the President of the United States took from the pockets of Carden and Herd a profit which they could have made in the transfer of the ships to the private owners, a New York syndicate.

Mr. WALSH. But the act to which the gentleman refers contained a specific proviso that none of these claims shall be paid based on profits or prospective profits, and the act does not permit the appropriation of a gift to anyone.

Mr. MADDEN. In what I have said I have given the history of the case.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CAMPBELL of Kansas. I understand that the award of the Secretary of War for $550,000 was on account of the commission that Carden and Herd were entitled to and had earned.

Mr. MADDEN. That is what I said.

Mr. CAMPBELL of Kansas. For the ships they had already sold to the syndicate, consummated, and for which the money had been turned over. They had to give the money back to the New York syndicate to which they had sold the ships on the request of the President of the United States that the ships be sold to the Government.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. COOPER of Wisconsin. I understood the gentleman from Illinois [Mr. MADDEN] to say, in reply to the gentleman from Massachusetts [Mr. WALSH], that these were profits which could have been earned, not which had been earned.

Mr. MADDEN. Profits which would be received if the completion of the sale to the syndicate had not been interrupted by the President.

Mr. COOPER of Wisconsin. I think the gentleman used the expression "could have been."

Mr. MADDEN. I do not remember my words.

Mr. COOPER of Wisconsin. Those were the gentleman's words.

Mr. MADDEN. They made the claim that they would have made certain profits if they were allowed to operate the ships.

Mr. COOPER of Wisconsin. Were they prospective profits?

Mr. MADDEN. They were.

Mr. COOPER of Wisconsin. Were they allowed?

Mr. MADDEN. No.

Mr. COOPER of Wisconsin. They would have made them if they had an opportunity.

Mr. MADDEN. No; and the claim was not settled upon that basis. I thought I explained the matter very fully, that the award was made upon the basis of the difference between what the Government paid and what the syndicate was about to pay when the transfer was prevented by the President of the United States.

Mr. COPLEY. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. COPLEY. Did not the syndicate agree to pay, and had *not that* money already been earned as a commission?

Mr. MADDEN. Of course, I do not know; I would not undertake to say.

The SPEAKER. The Chair would suggest that we seem to be discussing the merits of the proposition at the present time, rather than the point of order.

Mr. MADDEN. I understood the Chair was asking me to discuss the merits.

The SPEAKER. Yes; but the Chair would suggest that the point of order be now considered. Before we come to that, the Chair would like to state that it seems to the Chair that the appropriation in the deficiency act of 1921 clearly covered the whole Dent Act, including section 5, so that it seems to the Chair this appropriation could be paid, if it is passed, out of the fund provided in the Dent Act. Of course, it does not follow that it is necessarily subject to the point of order, and the Chair will hear the gentleman from Oregon on that question.

Mr. MADDEN. This is placed under the War Department absolutely; it is not placed under any definite appropriation.

The SPEAKER. It comes under the unexpended balances provided for in the deficiency act of 1921. It does not follow, of course, that it is subject to a point of order, and the Chair will hear the gentleman from Oregon as to whether or not it is subject to the point of order.

Mr. MADDEN. The unexpended balances would come under the Interior Department; but it is not under that, it is under the War Department.

The SPEAKER. Why is it under the War Department?

Mr. MADDEN. As the Chair will see on page 32 of the bill.

Mr. WINGO. The gentleman means that this item is under the subhead "War Department."

The SPEAKER. Does the gentleman claim that would prevent its being paid out of the Interior Department fund?

Mr. MADDEN. I do; yes.

Mr. WINGO. You look to the text of the law and not to the caption.

The SPEAKER. The Chair will hear the gentleman from Oregon as to whether it is subject to the point of order, provided it could be paid out of either fund.

Mr. SINNOTT. This is legislation on an appropriation bill.

The SPEAKER. Why is it legislation?

Mr. SINNOTT. It is legislation settling a private claim against the Government, and it is legislation diverting moneys that have been appropriated and devoted to a certain limited number of claims, among which this is not included, devoting that appropriation to the payment of this claim, a claim that is not embraced at all in section 5 of the act of March 2, 1919. We might just as well provide that this claim shall be paid out of the reclamation fund, a fund devoted to another purpose.

Mr. MADDEN. Mr. Speaker, I would like to be heard for a moment on that.

The SPEAKER. The Chair is ready to rule.

Mr. WINGO. Mr. Speaker, I am still of the same opinion that I was when I argued this point of order, when it came up specifically for one of the purposes expressly provided in the Dent Act. The gentleman from Wisconsin [Mr. STAFFORD] ruled this out, and I thought he was wrong then, and I think the Speaker now can rule that this is including in a class of claims a certain claim, and that does not necessarily make it subject to a point of order, because while it indirectly places a burden on the appropriation and while this specifically says unexpended balances shall be available for that, it plainly comes within the general class intended to be covered by the Dent Act—claims other than express legal liability growing out of work done.

Mr. SINNOTT. The very fact that they are demanding this legislation and appropriation shows that it is legislation, because if it were embraced within the Dent Act it would not be necessary for them to come here, but would be paid by the Secretary of War under the act itself. The very fact that they are here demanding the legislation shows what it is.

The SPEAKER. The question that arises is whether a reappropriation of a fund which is not specifically appropriated to this purpose, and therefore is appropriated to another purpose, is legislation.

The Chair assumes that this claim has been adjudicated or adjusted and only needs an appropriation. Indeed, the Chair is informed that a warrant was actually drawn for it by the Secretary of War which the comptroller refused to pass because the appropriation had not been made.

Now, it does not seem to the Chair that it is legislation to make a reappropriation of funds to a purpose which was not embraced in the original appropriation. It seems to the Chair the Appropriations Committee has the right to appropriate from a fund different from the one from which normally the payment would be made, and therefore this amendment is not subject to the point of order——

Mr. SINNOTT. Has the attention of the Chair been called to a citation in the manual of a decision of Chairman Hay?

The SPEAKER. Yes. There are several decisions in the print which are contradictory. There are decisions both ways. The Chair thinks inasmuch as the Committee on Appropriations has the right to appropriate if there was no fund at all, that it is not legislation to reappropriate from a fund which has been originally allotted for another purpose, and therefore the Chair overrules the point of order.

Mr. MADDEN. Mr. Speaker——

Mr. HUDSPETH. Will the Chair allow one question? I want to ask the chairman of the committee what action the Senate took with reference to the appropriation for the cure of tuberculosis in cattle?

Mr. MADDEN. The Senate did not take any action. We have taken action, but we will reach that in a few moments.

Mr. HUDSPETH. All right.

Mr. BROOKS of Illinois. This $550,000 in the case of Carden and Herd will be paid out of some other fund than the war mineral relief act?

Mr. MADDEN. There is nothing to be paid out of the war mineral fund. Mr. Speaker, I desire to present a short statement in connection with the agreement entered into by the House managers on this bill. The House agreed to the payment of various items put into the bill by the Senate amounting to $789,457.34, $700,000 of which is judgments of the Court of Claims and audited claims, leaving only $89,000 for various other items, to which the House managers agreed in conference.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. MADDEN. In just a moment, let me make this statement. The Senate receded from items which they had inserted in the bill amounting in the aggregate to $2,819,725. The total of the bill as it left the House was $103,719,936.58. The total of the bill as it passed the Senate was $108,098,268.92. The total of the bill as it comes back to the House is $105,277,543.92. If the recommendations of the conferees prevail as to some of the items I think it may be said that in the consideration of the problems involved in the differences between the two Houses

that the House really was very successful in having eliminated items inserted by the Senate. In this connection there are some items that we have come back to the House with to which we could not agree under the rules of the House.

One of those items is the eradication of tuberculosis in animals amounting to $600,000. Another one is an item of $110 for a claim for damage created by the action of a boat under the control of the Coast Guard. Another item is for $175,000 for the continuation of air mail service between New York and San Francisco, making a total of $775,110, or, if added to the $789,000 already referred to, would make a total of $1,564,567.34 which will be added to the bill as it passed the House. In addition to that we have this so-called Carden and Herd item of $550,000 which we are not now adding to the sum total of the bill because if it is approved it will not be an appropriation; it will be a payment from appropriations already made. In addition to that we will have an item for the completion of the purchase of land near Fairmont, W. Va., $29,750. It appears that authority was granted to the War Department to purchase land at this point. Appropriations were made for the payment of the land under the authority to purchase. The purchase was not completed. The appropriation reverted to the Treasury. The deed was made and transfer ready and the War Department finally decided it did not want the land, although it had a contract which obligated it to take the land, and they refused to take the deed. The owner of the land then instituted proceedings in the Court of Claims. The Department of Justice advised the War Department that it would be better all around to carry out the terms of the contract, and having no money with which to complete the contract, the money previously appropriated having gone back into the Treasury, it became necessary to ask for this additional appropriation to carry out the agreement entered into under the circumstances that I have just described. Now if the gentleman from Tennessee [Mr. BYRNS] wishes some time I will yield.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. CHINDBLOM. The gentleman spoke of audited claims. The Post Office Department has some audited claims, at least they are so-called by the department, arising out of the demotion of collectors some years ago. The gentleman no doubt is familiar with the situation. Are those included in this deficiency appropriation?

Mr. MADDEN. I would not be able to say that definitely, I have all the claims here.

Mr. CHINDBLOM. I will say to the gentleman I could not get that information from the Post Office Department. Are they listed——

Mr. MADDEN. Every item is separately listed; look at the back of the bill.

Mr. CHINDBLOM. The claim I am looking for is not here.

Mr. MADDEN. They have not reported it. If they had reported it, it would have been appropriated for. It is not the fault of the committee but of the Post Office Department.

Mr. MANN. The audited claims do not come from the Post Office Department; they come from the Treasury Department.

Mr. MADDEN. They have not come to us.

Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. WALSH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Massachusetts offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. WALSH moves that the conference report be recommitted to the conferees and that the managers on the part of the House be instructed not to agree to Senate amendment No. 34.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts to recommit.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. WALSH. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 115, noes 42.

Mr. WALSH. Mr. Speaker, I object to the vote because there is no quorum present, and I make the point of no quorum.

The SPEAKER. The gentleman from Massachusetts makes the point of no quorum. It is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 82, nays 219, answered "present" 2, not voting 129, as follows:

YEAS—82.

Almon	Begg	Browne, Wis.	Collins
Andrews, Nebr.	Bird	Burtness	Colton
Arentz	Bland, Ind.	Clague	Cooper, Wis.
Barbour	Bowling	Clouse	Cramton
Crowther	Jefferis, Nebr.	Mondell	Sinclair
Dallinger	Johnson, Wash.	Moore, Ill.	Sinnott
Dowell	Kearns	Moore, Ohio	Speaks
Echols	Keller	Morgan	Stafford
Edmonds	Kendall	Nelson, A. P.	Steagall
Evans	Kinkaid	Nelson, J. M.	Strong, Kans.
Fitzgerald	Knight	Newton, Minn.	Thompson
Frothingham	Kraus	Newton, Mo.	Volstead
Fulmer	Lampert	Norton	Walsh
Gensman	Larsen, Ga.	Oliver	Webster
Goodykoontz	Little	Perlman	Wheeler
Graham, Ill.	Logan	Rankin	White, Kans.
Greene, Mass.	London	Ricketts	Williams
Hawley	McArthur	Roach	Williamson
Hoch	MacGregor	Rosenbloom	Woodruff
Huddleston	Michaelson	Schall	
Hukriede	Millspaugh	Siegel	

NAYS—219.

Anderson	Doughton	Lazaro	Riddick
Andrew, Mass.	Drewry	Lea, Calif.	Robertson
Anthony	Driver	Leatherwood	Robsion
Appleby	Dunbar	Lee, Ga.	Rose
Aswell	Dyer	Lehlbach	Rouse
Bacharach	Elliott	Linthicum	Ryan
Bankhead	Fairchild	Longworth	Sabath
Barkley	Fairfield	Lowrey	Sanders, N. Y.
Beedy	Faust	Luce	Sanders, Tex.
Black	Fess	Luhring	Sandlin
Blakeney	Fisher	Lyon	Scott, Tenn.
Bland, Va.	Fordney	McClintic	Shelton
Bond	Foster	McDuffie	Shreve
Bowers	Frear	McFadden	Sisson
Box	Free	McLaughlin, Mich.	Slemp
Brennan	Freeman	McLaughlin, Nebr.	Smith, Idaho
Briggs	French	McLaughlin, Pa.	Smithwick
Britten	Fuller	McPherson	Snell
Brooks, Ill.	Garrett, Tenn.	McSwain	Snyder
Brown, Tenn.	Garrett, Tex.	Madden	Sproul
Buchanan	Gernerd	Magee	Steenerson
Bulwinkle	Glynn	Mann	Stephens
Burdick	Goldsborough	Mapes	Stevenson
Burroughs	Gorman	Martin	Stoll
Burton	Gould	Michener	Sumners, Tex.
Butler	Greene, Vt.	Miller	Swank
Byrnes, S. C.	Griest	Mills	Taylor, Ark.
Byrns, Tenn.	Griffin	Montague	Taylor, N. J.
Cable	Hadley	Montoya	Taylor, Tenn.
Campbell, Kans.	Hardy, Colo.	Moore, Va.	Ten Eyck
Campbell, Pa.	Hardy, Tex.	Moores, Ind.	Tillman
Cannon	Harrison	Morin	Tilson
Cantrill	Hayden	Murphy	Timberlake
Carter	Herrick	O'Connor	Underhill
Chalmers	Hersey	Ogden	Upshaw
Chindblom	Hickey	Oldfield	Vaile
Clarke, N. Y.	Himes	Olpp	Vare
Cockran	Hogan	Osborne	Vestal
Cole, Ohio	Hudspeth	Overstreet	Vinson
Connally, Tex.	Husted	Padgett	Voigt
Connell	Hutchinson	Paige	Volk
Cooper, Ohio	Jacoway	Park, Ga.	Walters
Copley	Johnson, Ky.	Parker, N. J.	Wason
Coughlin	Jones, Tex.	Parker, N. Y.	Watson
Crago	Kelley, Mich.	Parrish	Weaver
Crisp	Kelly, Pa.	Perkins	White, Me.
Cullen	Kiess	Petersen	Wingo
Curry	Kincheloe	Purnell	Wise
Dale	King	Quin	Wood, Ind.
Darrow	Kissel	Radcliffe	Woods, Va.
Davis, Minn.	Kline, N. Y.	Rainey, Ill.	Wright
Davis, Tenn.	Kline, Pa.	Raker	Wyant
Deal	Lanham	Rayburn	Young
Dempsey	Lankford	Reece	Zihlman
Denison	Layton	Reed, N. Y.	

ANSWERED "PRESENT"—2.

Langley	Reed, W. Va.

NOT VOTING—129.

Ackerman	Fish	Kopp	Rossdale
Ansorge	Focht	Kreider	Rucker
Atkeson	Funk	Kunz	Sanders, Ind.
Beck	Gahn	Larson, Minn.	Scott, Mich.
Bell	Gallivan	Lawrence	Sears
Benham	Garner	Lee, N. Y.	Shaw
Bixler	Gilbert	Lineberger	Smith, Mich.
Blanton	Graham, Pa.	McCormick	Stedman
Boies	Green, Iowa	McKenzie	Stiness
Brand	Hammer	Maloney	Strong, Pa.
Brinson	Haugen	Mansfield	Sullivan
Brooks, Pa.	Hawes	Mead	Summers, Wash.
Burke	Hays	Merritt	Sweet
Carew	Hicks	Mott	Swing
Chandler, N. Y.	Hill	Mudd	Tague
Chandler, Okla.	Hooker	Nolan	Taylor, Colo.
Christopherson	Houghton	O'Brien	Temple
Clark, Fla.	Hull	Parks, Ark.	Thomas
Classon	Humphreys	Patterson, Mo.	Tincher
Codd	Ireland	Patterson, N. J.	Tinkham
Cole, Iowa	James	Peters	Towner
Collier	Jeffers, Ala.	Porter	Treadway
Connolly, Pa.	Johnson, Miss.	Pou	Tyson
Dickinson	Johnson, S. Dak.	Pringey	Ward, N. Y.
Dominick	Jones, Pa.	Rainey, Ala.	Ward, N. C.
Drane	Kahn	Ramseyer	Wilson
Dunn	Kennedy	Ransley	Winslow
Dupré	Ketcham	Reavis	Woodyard
Ellis	Kindred	Reber	Wurzbach
Elston	Kirkpatrick	Rhodes	Yates
Favrot	Kitchin	Riordan	
Fenn	Kleczka	Rodenberg	
Fields	Knutson	Rogers	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. TREADWAY with Mr. COLLIER.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. LINEBERGER with Mr. KITCHIN.

Mr. CONNOLLY of Pennsylvania with Mr. RIORDAN.

Mr. PATTERSON of Missouri with Mr. THOMAS.

Mr. IRELAND with Mr. FAVROT.

Mr. DUNN with Mr. HOOKER.

Mr. FUNK with Mr. O'BRIEN.

Mr. STRONG of Pennsylvania with Mr. WARD of North Carolina.

Mr. REAVIS with Mr. CAREW.

Mr. ROSSDALE with Mr. BELL.

Mr. CHANDLER of Oklahoma with Mr. OLIVER.

Mr. WOODYARD with Mr. STEDMAN.

Mr. PORTER with Mr. GALLIVAN.

Mr. KENNEDY with Mr. TAGUE.

Mr. HULL with Mr. HUMPHREYS.

Mr. MALONEY with Mr. MEAD.

Mr. TINCHER with Mr. WILSON.

Mr. REBER with Mr. DUPRÉ.

Mr. KAHN with Mr. PARKS of Arkansas.

Mr. WURZBACH with Mr. GILBERT.

Mr. SWING with Mr. JOHNSON of Mississippi.

Mr. FENN with Mr. SEARS.

Mr. BURKE with Mr. DOMINICK.

Mr. ACKERMAN with Mr. FIELDS.

Mr. PATTERSON of New Jersey with Mr. GARNER.

Mr. RHODES with Mr. SULLIVAN.

Mr. GRAHAM of Pennsylvania with Mr. HAWES.

Mr. KNUTSON with Mr. BLANTON.

Mr. LAWRENCE with Mr. RAINEY of Alabama.

Mr. ATKESON with Mr. MANSFIELD.

Mr. WINSLOW with Mr. KUNZ.

Mr. JOHNSON of South Dakota with Mr. TYSON.

Mr. FISH with Mr. POU.

Mr. YATES with Mr. RUCKER.

Mr. BROOKS of Pennsylvania with Mr. BRINSON.

Mr. MUDD with Mr. HAMMER.

Mr. HAYS with Mr. BRAND.

Mr. RODENBERG with Mr. JEFFERS of Alabama.

Mr. ELLIS with Mr. DRANE.

Mr. BOISE with Mr. TAYLOR of Colorado.

Mr. BIXLER with Mr. KINDRED.

Mr. LANGLEY. Mr. Speaker, I have a general pair with the gentleman from Florida, Mr. CLARK. I do not know how he would vote. Therefore I desire to withdraw my vote of "nay" and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. MADDEN. Mr. Speaker, I ask to have amendment No. 15 reported.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Senate amendment No. 15: Amend, page 11, line 2, by inserting the following:

"BUREAU OF ANIMAL INDUSTRY.

"General expenses: To enable the Bureau of Animal Industry, Department of Agriculture, to perform the duties imposed upon it by the Agricultural appropriation act approved March 3, 1921, for the payment of indemnities on account of cattle slaughtered in connection with the eradication of tuberculosis from animals, $600,000: *Provided*, That this sum shall be expended only in payment to owners whose cattle have been in their possession for a period of at least six months prior to slaughter: *Provided further*, That no part of said sum shall be expended for the payment of indemnities to owners of herds hereafter placed under Federal and State supervision, unless such herds are located in circumscribed areas designated and agreed upon by the States and the Federal Government in which to conduct cooperative tuberculosis eradication work."

Mr. MADDEN. Mr. Speaker, I move to recede and concur in the amendment.

The SPEAKER. The gentleman from Illinois moves to recede and concur in the amendment. The question is on agreeing to that motion.

The motion was agreed to.

Mr. MADDEN. Mr. Speaker, I ask that Senate amendment numbered 17 be reported and concurred in.

The SPEAKER. The Clerk will report Senate amendment No. 17.

The Clerk read as follows:

Senate amendment No. 17: Amend, page 14, line 5, by striking out the figures "$613,500" and inserting "$1,213,500."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 25: On page 23 of the bill, after line 12, insert:

"For the operation and maintenance of the airplane mail service between New York, N. Y., and San Francisco, Calif., via Chicago, Ill., and Omaha, Nebr., including necessary incidental expenses and employment of necessary personnel, $250,000."

Mr. MADDEN. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Mr. MADDEN moves that the House recede from its disagreement to Senate amendment No. 25 and agree to the same with an amendment, as follows: "In lieu of the sum proposed in said amendment insert '$175,000.'"

Mr. MADDEN. Mr. Speaker, in the last appropriation bill $1,250,000 was appropriated for the Air Mail Service between New York and San Francisco. This was the amount authorized last year, and I opposed it. As I recall, under preceding administrations this activity was conducted and partially paid for out of funds appropriated for the Railway Mail Service. No authority was ever granted to take funds out of the Railway Mail Service to pay for the conduct of this activity, but it was done, and the result is that while on the face it appears that this service was being conducted for $1,250,000 a year the fact is that it cost a very much larger sum.

Estimates were proposed by the President for $350,000 to be added to the existing appropriation of $1,250,000. The House committee declined to recommend the appropriation. The bill went to the Senate. The Senate added $250,000. In the conference the House conferees endeavored to the best of their ability to eliminate the entire item, but I think it may be fairly said that, notwithstanding my opposition to the whole activity from start to finish; notwithstanding the excessive cost of transporting the mail by air, which is $5.35 per ton-mile as against 9 cents per ton-mile by mail; and notwithstanding the further fact that the mail carried by air pays no postage whatever, because they only take the mail off the train and advance it to the next train, and really the postage paid goes to the railroad for carrying the mail; and so I say that no postage whatever is paid on any mail carried by air; yet, inasmuch as it seems to be manifest that if this experiment is to be continued it can not be successfully continued unless this additional sum is appropriated, we have agreed to the amendment that I propose.

I believe now, as I have believed in the past, that we might very well reduce the number of trips made by these transcontinental experiments; but the department believes that that would destroy the efficiency of the service and that the experiments would not be of the same value under such circumstances as they will be if they have daily communication, and I may say that this is a compromise to reach other compromises in the bill.

Mr. SNELL. Mr. Speaker, will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. SNELL. Then, as I understand the gentleman's explanation, if we cut this $250,000 out we simply have fewer of these experimental trips?

Mr. MADDEN. That is true.

Mr. SNELL. They think it would ruin the service to have fewer of these trips?

Mr. MADDEN. Yes. I want to say to the gentleman and to the House that personally I would not have agreed to the $175,000, but we had other items in the bill that were of far greater importance and which carried larger sums of money, where the compromises might not have been successful if we had not agreed about this.

Mr. SNELL. On the strength of that statement I shall vote for this, but under other conditions I would not.

Mr. MADDEN. I will say to the gentleman that under other circumstances I would not vote for it, but under the present circumstances the House has made a very good compromise.

Mr. SNELL. The House conferees are always opposed to this appropriation?

Mr. MADDEN. Yes.

Mr. CHALMERS. I would like to ask the gentleman whether the opinion that he has just now expressed comes from the Post Office Department or from the Bureau of the Budget?

Mr. MADDEN. It comes from the Post Office Department.

Mr. CHALMERS. It comes from the department?

Mr. MADDEN. Yes. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the amendment with an amendment.

The amendment as amended was agreed to.

Mr. MADDEN. Mr. Speaker, I ask that amendment No. 26 be reported.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Senate amendment No. 26: Page 24, line 11, strike out "$3,599,482.66" and insert "$3,849,482.66."

Mr. MADDEN moves that the House recede from its disagreement to Senate amendment No. 26 and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$3,774,482.66."

Mr. MADDEN. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. MADDEN. Mr. Speaker, I ask for a vote on amendment No. 27.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Page 24, line 16, strike out "$6,525,924.08" and insert in lieu thereof "$6,825,924.08."

Mr. MADDEN. Mr. Speaker, I move that the House recede and concur with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois moves to recede and concur with an amendment which the Clerk will report.

The Clerk read as follows:

Mr. MADDEN moves that the House recede from its disagreement to the amendment of the Senate No. 27, and agree to the same with an amendment as follows: In lieu of the sum proposed in the said amendment insert "$6,750,934.08."

Mr. MADDEN. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion to recede and concur with an amendment.

The motion was agreed to.

Mr. MADDEN. I ask the Clerk to report amendment No. 29.

The SPEAKER. The Clerk will report the next Senate amendment, No. 29.

The Clerk read as follows:

Amendment No. 29: On page 32 of the bill, after line 7, insert:

"COAST GUARD.

"For payment of damages caused by collision of Coast Guard cutter *Manning* with the schooner *Alice May Davenport*, belonging to Acostia & Cia, $110."

Mr. WALSH. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. WALSH. Why is this item carried in a deficiency bill, and what is the reason why it should not be referred to the Committee on Claims and take the usual course?

Mr. MADDEN. I think it had no business on the bill, but the Senate put it on. We would not have put it on if it had been in the House.

Mr. SNELL. Will the gentleman yield for another question?

Mr. MADDEN. Yes.

Mr. SNELL. There are several claims similar to this one before the War Claims Committee, and I should like to know something about this, so we can form some judgment as to how to pass on these other claims, if this is going through without any consideration whatever.

Mr. MADDEN. On July 5, 1921, the Coast Guard cutter *Manning*, at about 7.30 a. m., collided with the schooner *Alice May Davenport*, while endeavoring to get alongside the pier at the entrance of the floating dry dock. The collision was due to a flood tide, limited space in which to maneuver, to the fact that the *Manning* handled badly, having but one boiler in use and a piece of hawser wrapped around her propeller, and that there was no tug available to hold the *Manning's* stern up against the tide while docking. The commanding officer of the *Manning*, Lieut. Commander P. H. Scott, was on the bridge and handling his vessel, and did his best to handle his vessel so as not to create damage. Evidently it was an accident that could not be avoided, and it was adjudicated by the department.

Mr. SNELL. Why should it go through in this way and be put on an appropriation bill, while other claims have to go through the regular channels?

Mr. MADDEN. I agree that it is very bad practice, and it would not have been put into the bill by the House, but it was a Senate item.

Mr. SNELL. The Senate continually do that, and I do not think we should allow those items here.

Mr. WALSH. Of course the gentleman from New York will appreciate the fact that this is the Christmas season. We have just made one Christmas gift of half a million dollars, and I trust the gentleman will not oppose this one of $110.

Mr. SNELL. I am simply expressing my opinion as to the impropriety of the practice.

Mr. MANN. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MANN. In nearly all these cases the departments can settle claims under $500 caused by collision. I thought that applied to the Coast Guard as well. The Navy Department can settle such claims and I think the War Department can.

Mr. WALSH. No; not the War Department.

Mr. SNELL. The War Department informed me that they could not do it. There are three or four War Department claims before our committee now.

Mr. MANN. They have the authority and they settle a great many claims in the Engineer Department.

Mr. SNELL. We have half a dozen similar claims before the War Claims Committee now.

Mr. MANN. I may be mistaken as to the War Department.

Mr. SNELL. The Navy Department can settle claims up to $500, but the War Department state that they can not.

Mr. MANN. I secured the passage of the first bill on the subject, I think, for the Lighthouse Service. I think they have authority to settle such claims, and it ought to be so with all the departments.

Mr. SNELL. It seems to me it would be better to do that rather than to bring a claim of $100 before Congress.

Mr. MANN. When a man has to come before Congress to get the settlement of a claim for $110 it is hard enough on him without resisting his claim when it is properly before the House.

Mr. SNELL. I agree to that. I simply would like to have some uniform plan followed as to all of them.

Mr. CHALMERS. I want to say that while this is a small claim, it is a dangerous practice, a bad habit, and I do not think this item ought to go into the bill in this way.

Mr. MADDEN. I agree that it ought not to have been put on the bill, but it was put on in the Senate, and we had a lot of other matters to settle.

Mr. CHALMERS. Why can you not vote it out here in the House?

Mr. MADDEN. If we vote it out it will delay the passage of the bill, and, as has been explained before, it is important that the bill pass quickly.

I move that the House recede and concur.

The SPEAKER. The gentleman from Illinois moves that the House recede from its disagreement to amendment numbered 29 and agree to the same.

The motion was agreed to.

Mr. MADDEN. The next amendment is No. 30.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Amendment No. 30: On page 32, in line 12, strike out "$26,057,631.71" and insert "$26,074,741.71."

Mr. MADDEN. Mr. Speaker, I move to recede and concur.

The SPEAKER. The gentleman from Illinois moves that the House recede from its disagreement to amendment numbered 30 and agree to the same.

The motion was agreed to.

Mr. MADDEN. Mr. Speaker, I desire to offer a concurrent resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H. R. 9237, the first deficiency appropriation act, fiscal year 1922, the Clerk be authorized and directed to strike out "present session," on page 17, line 24 of the engrossed bill, and insert in lieu thereof "first session of the Sixty-seventh Congress."

Mr. MADDEN. Mr. Speaker, in all other places of the bill this language appears, and this one item ought to be corrected in order to make the bill uniform.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE FEDERAL RESERVE SYSTEM.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD by printing an able and exhaustive address delivered last night before the Washington Chamber of Commerce by Gov. W. P. G. Harding, of the Federal Reserve Board, on the Federal reserve system as related to American business.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

CLASSIFICATION OF CIVILIAN POSITIONS.

Mr. LEHLBACH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8928, the reclassification bill.

The motion was agreed to. Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. WALSH in the chair.

Mr. BROOKS of Illinois. Mr. Chairman, I ask unanimous consent to return to page 2, line 13, of the bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to page 2, line 13, of the bill. Is there objection?

Mr. GARRETT of Tennessee. Mr. Chairman, when the committee rose last evening there was an amendment pending offered by the gentleman from Pennsylvania [Mr. DARROW]. Has that been disposed of?

The CHAIRMAN. The gentleman from Tennessee is correct. The gentleman from Illinois will postpone his request until the pending amendment is disposed of. The Clerk will read the pending amendment.

The Clerk read as follows:

Amendment offered by Mr. DARROW: On page 9, line 11, following the word "pharmacology," insert the word "pharmacy," followed by a comma.

Mr. LEHLBACH. Mr. Chairman, there seems to be a difference of opinion as to the meaning of the words "pharmacology" and "pharmacy." The committee thought that the combining of drugs, the study of drugs with relation to their effect on the human system, the use of drugs for the treatment of certain pathological conditions, was best described by the term "pharmacology," but it seems that in professional circles the term "pharmacy" is the one generally used. If the gentleman from Pennsylvania will so modify his amendment as to strike out the word "pharmacology" and insert "pharmacy," I have no objection to the amendment.

Mr. DARROW. Mr. Chairman, I ask unanimous consent to modify my amendment by striking out the word "pharmacology" and inserting the word "pharmacy" in lieu thereof.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

The Clerk reported the modified amendment, as follows:

On page 9, line 11, strike out the word "pharmacology" and insert in lieu thereof the word "pharmacy."

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment. The proposed substitute amendment shows the impracticability of the classification of scientists by grades as enumerated in this bill. It is proposed under the present law, if there happens to be some person who is a graduate of a school of pharmacy, a man who may be a high-school student and who has taken two or three years in a school of pharmacy, which qualifies him as a graduate of a college, and he happens to be at the head of a professional grade, he would get the minimum salary under the proposed change made by the gentleman from New Jersey yesterday of $5,400 and a maximum salary of $6,600. It is hard for me to conceive how a mixer of medicine would be entitled to even the minimum amount prescribed by the bill. I referred to this inconsistency and want of practical application in general debate. If you go through the bill you will see that it is unworkable, because you can not fix the salary of these professional men for all the sciences alike, grade them according to these grades and according to the general classification as here provided for. There are men in the department, heads of the Chemical Division of the Department of Agriculture, men in the Bureau of Standards, who may be entitled to $5,400, and even up to $6,000 or $6,600. It is possible that in the prohibition unit it may be necessary to employ a pharmacist to analyze blends. I do not know, but I think there is not a service except in the prohibition unit that would require it. Perhaps the gentleman from Pennsylvania, who comes from a city which has a most excellent school of pharmacy and has graduates throughout the country, can inform the committee in what department of the Government pharmacists will be employed entitled to the high salaries ranging from $5,400 to $6,600. Why, there are tens of thousands of graduates from the school of pharmacy who would be glad to fill these responsible positions for a salary of $2,500 or $3,000, yet here you are proposing to raise their salaries to $5,400 or $6,600.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MANN. How about the officer of the Government who works with others in making up the United States Pharmacopœia? Is not that a responsible position?

Mr. STAFFORD. That is a responsible position, but I question whether to-day he is receiving anyway near the minimum salary here proposed. That is what I am protesting against. Under the terminology of pharmacists the high salary would not only go to this man, who is engaged in preparing the pharmacopœia, but would also go to others employed in the Agricultural Department or the prohibition unit, or in any other department of the Government. One man might be entitled to a high amount and another man might not, and that is the vice of this classification.

Mr. MANN. Probably the man would not get it if he is not entitled to it.

Mr. STAFFORD. Oh, it is mandatory. When this law is passed, and when the head of a department employs a man, if he occupies that position in grade 5 and does the work at the head of the bureau, he is entitled to the minimum salary; there is no escape from that.

Mr. MANN. If he is the head of the bureau that has to do with the making up of the pharmacopœia, he would have a responsible position.

Mr. STAFFORD. But there may be pharmacists employed by the Government who are not engaged in that high technical work of preparing the pharmacopœia, who under this schedule of salaries would be entitled to this high salary.

Mr. LEHLBACH. Mr. Chairman, I move to strike out the last word. The gentleman from Wisconsin [Mr. STAFFORD] had hermetically sealed not only his ears, but his brains, against any enlightenment as to what this bill purports to do or the plan and scheme under which the classifications are made. It is impossible for the ordinary pharmacist to hold any such position. If the gentleman would only read the bill understandingly he would know that it is impossible for the ordinary pharmacist employed in any office in the Government to get even the $3,000 which he said so many would be glad to receive. The gentleman said that the ordinary pharmacist would mandatorily receive from $5,400 to $6,600. Let us see who is entitled to that range of salary. I read from the bill, on page 11:

Positions in this service the duties of which are to act as technical and administrative heads of a major professional or scientific bureau.

There may be four or five in the entire Government who would receive that salary, and they would not receive any material increase over their present pay. But the gentleman from Wisconsin entirely perverts the plan and scope of the bill.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. SNELL. Will the gentleman tell me just how much the man who is performing the $7,200 job receives at the present time?

Mr. LEHLBACH. What $7,200 job?

Mr. SNELL. The last one provided for on page 11.

Mr. LEHLBACH. But there is no such place.

Mr. SNELL. I understand the gentleman has offered an amendment to reduce it to $6,600.

Mr. LEHLBACH. And the amendment has been agreed to.

Mr. SNELL. I understand, but how much does the man occupying that position receive at the present time?

Mr. LEHLBACH. I do not know.

Mr. SNELL. I think that fact should be given to the Members of the House. I think we should know how much these men get now who fill these positions. What I am interested in is to know how much we are increasing the salaries. The gentleman just said there are only four or five who would get these high salaries. What are those men getting at the present time? With all of the gentleman's information—and I admit he understands his bill——

Mr. LEHLBACH. I do.

Mr. SNELL. The gentleman ought to be able to tell us what these men are getting.

Mr. LEHLBACH. I can not recall the specific salaries of the particular employees who would fill these grade 6 positions at the present moment. If I had a few moments I suppose I could refer to them.

Mr. BLACK. Mr. Chairman, will the gentleman yield to me?

Mr. LEHLBACH. I yield to the gentleman from Texas.

Mr. BLACK. The Chief of the Bureau of Standards would be an example of an official who would come under grade 6 of the professional grade. He receives $6,000 under present law. The scale of salaries in grade 6, to which the gentleman from New York [Mr. SNELL] refers, begins at $5,400 and goes to as high as $6,600. The middle grade is $6,000. Therefore, the Chief of the Bureau of Standards when he is allocated will be placed in the middle grade and receive identically the salary that he now receives. The Chief of the Bureau of Foreign and Domestic Commerce of the Department of Commerce is another example of officials who will fall in this grade 6. He

also now receives $6,000 per annum and would go into the same classification as the Chief of the Bureau of Standards.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. SNELL. What information came to the gentleman's committee after this bill was introduced on November 3 which led the committee to believe that the salaries fixed in the bill were too high, and to reduce them by the amendment which was adopted, and other amendments which will be proposed, by 10 per cent?

Mr. BLACK. I shall be very frank to answer that question. This salary schedule recommended by the Reclassification Committee was made up in March, 1920, when prices were at their highest peak. We all know that.

Mr. SNELL. Was this whole bill made up as far back as that?

Mr. BLACK. The report of the Reclassification Committee was submitted to Congress in March, 1920, with its salary recommendations. The Lehlbach bill followed the salary recommendations of the Committee on Reclassification, and that committee after a very careful analysis of all the jobs estimated that it would make an increased cost of about 8.5 per cent in the annual appropriations. To show that this estimate was in line with the facts, take the figures which the gentleman from Indiana [Mr. WOOD] put into the RECORD yesterday. Mr. Herbert D. Brown is the head of the Bureau of Efficiency.

I have no criticism to make of Mr. Brown. I think he is a competent, honest, able public servant, but it is admitted that he is not an advocate of the Lehlbach bill, and therefore would not submit any partial figures in its favor. He took the employees of the Treasury Department, with an annual expenditure of $34,000,000 at the present time for their salaries, which is about a third of the annual pay roll here in the District of Columbia, and using this Lehlbach bill, by careful, expert allocation, Mr. Brown estimates that if the salary schedules go into effect without amendment it will increase the pay roll of the Treasury Department slightly over $2,000,000, or an even 6 per cent. The committee takes the view that now is no time to add additional expenditures to the Government, not even an increase of 6 per cent. So it was the judgment of the committee that amendments should be prepared which would reduce the salary schedules to such an extent that the passage of the bill would not add to the aggregate expenditures of the Government over present costs. These amendments have been carefully prepared and I feel very sure will be adopted by the House.

Mr. SNELL. Right there, will the gentleman tell me how much you are adding by this bill?

Mr. BLACK. None whatever, assuming there are no separations from the service during the fiscal year——

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. SNELL. I ask unanimous consent that the time be extended five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from New Jersey be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LEHLBACH. I will yield further to the gentleman from Texas.

Mr. BLACK. Assuming there are no separations from the service the first fiscal year this bill operates——

Mr. SNELL. Right there, is it not understood in Congress that we are going to have some separations from the service, that we are going to reduce the number of employees?

Mr. BLACK. Let me complete the statement, and then the gentleman can make whatever comment he chooses to make upon it. Assuming the same number of Government employees stay in the service—that is the only way you can make the calculation——

Mr. SNELL. I think that is true.

Mr. BLACK. There would be an increase even after the amended schedule is adopted of about 1½ per cent over the present aggregate. Assuming, however, there will be the normal separations from the service, the new employees will come in at the minimum salaries as provided by the bill, and that one item will absorb all of the increase. Therefore, I feel absolutely certain in my own mind that while this bill will in certain cases increase salaries and in certain other cases decrease them, and equalize the whole salary level, as we hope it will, that the aggregate expenditure for salaries will not be any more than it is now. On the contrary, if reductions in personnel are made which should be made, the expenditure should be less.

Mr. SNELL. Are the general provisions of this bill made up on conditions that existed in 1920?

Mr. BLACK. As I stated to the gentleman, we are making these reductions for the simple reason that we all know there has been a considerable decline in the cost of living, the burdens of the taxpayers are heavy, and the expenses of the Government should not be increased.

Mr. SNELL. Why did you not make the changes before November 3; what came up after November 3 which changed your mind?

Mr. BLACK. If the gentleman wishes me to speak for the committee, I will say that the committee, after having heard the bill discussed in the House, after having been apprised of the sentiment of the House, thought it was nothing but the just thing to do to heed the sentiment thus expressed and comply with it.

Mr. SNELL. That is a good explanation and I like it.

Mr. BLACK. And we did not draw these amendments in a haphazard way, either. The committee sat almost two whole days going over carefully schedule by schedule, so as to work out these amendments in a just and equitable manner and with some system to it.

Mr. SNELL. If this general bill increases the efficiency, I think everybody is for it, but if it is going to tend to increase salaries, except in some special cases, I personally am very much opposed to it.

Mr. BLACK. It will even up salaries. I do not care to read what I have already read into the RECORD with reference to the present very unequal pay for equal work which prevails as to some of the Government departments. We have stated that in substance this bill will continue the present range of salaries of employees in general, including the $240 increase which was received since the beginning of the war, and as to some other employees who are receiving too much or too little there will be an evening-up process. That, in brief, is what we hope the bill will accomplish in addition to its methods of efficiency ratings for the future.

Mr. SNELL. So the employees will get the benefit of the bonus whether we continue it or not, is that the idea?

Mr. BLACK. No; there will be no more bonus. The bill does away with that altogether, and those who come into the service in the future will come in at the basic minimum rates.

Mr. SNELL. I mean the medium grades.

Mr. BLACK. If the bonus be continued the next fiscal year, then it will be a part of the compensation which the employee is receiving at the time he is allocated into a particular grade of one of the services provided for in the bill and will, of course, in that way effect his allocation.

I have endeavored to make that feature of the bill perfectly plain to the House in observations which I have already made.

Mr. LAYTON. Will the gentleman yield for one question?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LAYTON. Mr. Chairman, I move to strike out the last two words for the purpose of asking two questions. After quite an extended dissertation yesterday the gentleman from Texas started out with the assumption that he would prove very clearly that this bill did not carry any more money than to equalize the present salary charge; that there would not be an increase of salaries; but I understood him, after final questioning at the end of his speech, to admit that it would carry $10,000,000 more.

Mr. BLACK. No; the gentleman never heard me admit that on the floor of the House. The gentleman heard me admit this, that if the bill was passed unamended that it would increase the expenses approximately 8.5 per cent, and the present pay roll being something over $100,000,000, at 8.5 would amount to between $8,000,000 and $10,000,000; but if the gentleman was listening to what I said, and I am sure he was——

Mr. LAYTON. I was.

Mr. BLACK. But merely does not remember what I said for the time being. I stated this, that the committee had carefully worked out amendments which would be offered, and if adopted would not increase expenses to a greater extent than 2 per cent, assuming there were no separations from the service.

Mr. LEHLBACH. Will the gentleman yield?

Mr. LAYTON. Just a moment; I want to finish this. The gentleman admits, I understand now, that under the terms of this bill the bonus will be included.

Mr. BLACK. I never contended anything else, I will say to the gentleman.

Mr. LAYTON. That is all I want of that.

On yesterday the chairman—I may be mistaken, but I so understood it on the discussion of the section relating to the bonus—when it was proposed to strike it out, claimed the bonus was not necessarily included in these salaries.

Mr. LEHLBACH. Not in every salary.

Mr. LAYTON. Then all I have to say is that I will let the two gentlemen settle this discrepancy between them.

Mr. LEHLBACH. Will the gentleman yield until I make a complete answer?

Mr. LAYTON. Yes.

Mr. LEHLBACH. For instance, where the entrance salary at present is $900 and the bonus is $240, every new employee, of whom there are thousands coming into the service in the course of the year, starts at $1,140. After this reclassification takes effect they start at $1,080 instead of $1,140. So you see there is an example of where the salary is not the salary plus the bonus but is something less than the present initial salary. And that is the case in the entrance salaries of quite a number of grades. That will result in this, that, assuming the total number of employees is not reduced, the lower pay which the new entrants receive will equal such increases for the purpose of equalizing as the bill may make, so that there will be no general increase in the bill. Any reduction in force that may be made will inure to the benefit of the Treasury and actually reduce the cost of maintaining the civil service.

Mr. LAYTON. That any economy that will be had in this bill will depend upon the future entrants, so to speak, or those who are after this time initiated into the service? And then, as far as the present number on the pay roll is concerned, that does not apply?

Mr. LEHLBACH. Surely. But the bill further carries with it—and if it did not it would hardly be worth while bothering with—the opportunity of very largely reducing the personnel because of the increased efficiency which will result from a proper classification.

Mr. LAYTON. That, with all due respect to the gentleman, is an assumption.

Mr. LEHLBACH. Of course, it is an assumption.

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. MANN. Mr. Chairman, I presume I shall vote for this bill. I have expected to up to the present time, but I will not do it under any delusion. When a man goes into the service new now, he goes in at a low salary. Nobody enters the service of the United States at the top salary in these clerical positions or anything of that sort. He probably goes in at a lower salary than will be provided under this bill. So the entrants under this bill will not reduce the expense of the Government from the expense now. It strikes me that the real thing in this bill is the matter of promotion. There is often complaint that the Government has not increased its rates of pay for many years. But a man goes into the public service under the Government usually at a low grade, at a low salary, and he works his way up. The difficulty now is, in order to keep the best employees in the service, the way up is disturbed, has too many stumbling blocks, runs into a blind alley, and has no chance for an employee for promotion, except occasionally.

That was true in the Post Office Department, and we corrected it by automatic promotions. That was true in the police and fire departments in the District of Columbia, which probably was corrected by automatic promotions. This bill really provides for automatic promotions on efficiency ratings which we could control but which we will not. When the efficiency rating regulations are established and an employee of the Government conforms with those regulations and his efficiency ratings become so high that he is entitled to promotion of $100 a year, or whatever it may be, for the next year, he will get it. We will appropriate the money for it. I have no doubt that so far as the average pay of individuals is concerned, the expense will be greater under this bill than it is now. But it may be, and it is not at all unlikely, that the increased efficiency will more than pay the increased cost.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DARROW].

The question was taken, and the amendment was agreed to.

Mr. BROOKS of Illinois. Mr. Chairman, I ask unanimous consent to return to page 2, lines 13 and 14.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to page 2, to the paragraph beginning on line 10 and ending on line 14. Is there objection?

Mr. WOOD of Indiana. Reserving the right to object, may I ask the gentleman what his purpose is in returning?

Mr. BROOKS of Illinois. The other day there was an amendment offered by the gentleman from Ohio [Mr. BEGG] in reference to the teachers under the board of education of the District of Columbia, placing them in a trade position instead of a profession.

Mr. MANN. Reserving the right to object, what does the gentleman want to do?

Mr. BROOKS of Illinois. I was waiting on the gentleman who first reserved the right to object.

Mr. MANN. I am doing so now.

Mr. BROOKS of Illinois. I want to rescind the action.

Mr. MANN. You can not make such a motion. It is not in order. You can not move to reconsider in the Committee of the Whole. That is not in order. Now, the gentleman might just as well——

Mr. CONNALLY of Texas. If the gentleman will permit, can not the gentleman accomplish his purpose by voting down the amendment when we get into the House?

Mr. MANN. Yes; or if he can get unanimous consent he can vacate the action of the committee in agreeing to the amendment. That could be done just as well as by making the request now to return to it, and having to do it twice instead of once.

Mr. BROOKS of Illinois. I make the request of the gentleman from Illinois.

The CHAIRMAN. The gentleman from Illinois [Mr. BROOKS] will state his request.

Mr. BROOKS of Illinois. I want my colleague to state it.

Mr. MANN. Mr. Chairman, the gentleman's request is that the committee vacate the vote by which the amendment offered by the gentleman from Ohio on the page and line suggested, in reference to teachers, was agreed to, and that the amendment be disagreed to.

The CHAIRMAN. The gentleman from Illinois [Mr. BROOKS] asks unanimous consent that the committee vacate the vote whereby certain amendments were agreed to in the paragraph covered by lines 10 to 14, inclusive, on page 2, and that the amendments be disagreed to. Is there objection?

Mr. CONNALLY of Texas. Reserving the right to object, Mr. Chairman, has the gentleman consulted the gentleman from Ohio [Mr. BEGG]?

Mr. BROOKS of Illinois. Yes.

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I understand that when the gentleman from Ohio [Mr. BEGG] moved his amendment it was under the influence of some officials connected with the educational system of the District of Columbia; and, apparently, these high officials, as I am informed, have changed front and no longer wish to be included in this classification bill. I assume that is the reason for the gentleman from Illinois making the request at this time.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CONNALLY of Texas. Does the gentleman think he is fair to the gentleman from Ohio? I thought he was absent, but I see that he is present, and he is amply able to take care of himself.

Mr. STAFFORD. I think I am fair to him, because the gentleman from Ohio is present and can speak for himself, and he is not opposed to this amendment because of the change of heart of the officials under the board of education.

Mr. CONNALLY of Texas. Is the gentleman fair to the gentleman from Ohio in saying that his action was controlled by the officials under the board of education? Should he not say it was inspired?

Mr. STAFFORD. I should say it was inspired by the school officials.

Mr. BEGG. Mr. Chairman, I want to say that the other day, when I made that motion, I made it with serious intent, believing then, as I do now, that the school-teachers of the District should be paid on a par with common labor.

Mr. CONNALLY of Texas. The gentleman does not mean that. He means higher.

Mr. BEGG. They are not paying them now as much as they pay the keeper of the morgue or the monkey-cage keeper. Those keepers are getting more than the school-teachers. I understand that the teachers are not averse to getting an increase of salary, as they would do under this bill, but they fear that some of their regulations regarding pay and tenure of office might be disturbed, and they prefer to take their chances on a separate bill, and on that ground I gave them assurance that I had no desire to wish on them something that they did not want, and I would be perfectly willing to have it effected if it can be done.

I do not think it is necessary to say anything more than that at this time. I do think there are some features of the proposition that ought to be corrected—and I say that most seriously—regarding the tenure of office.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. BROOKS]?

There was no objection.

The CHAIRMAN. Accordingly the proceedings whereby amendments were made to the paragraph referred to are vacated and the amendments are disagreed to. The Clerk will read.

The Clerk read as follows:

SUBPROFESSIONAL SERVICE.

The subprofessional service shall include all classes of positions the duties of which are to perform work not requiring professional training, but incident, subordinate, or preparatory to work in the callings included in the professional service, and shall also include classes of positions the duties of which involve work in recreational, welfare, and other community activities.

Grade 1 shall include all classes of positions in this service the duties of which are to receive such instruction and perform such practical apprentice work as constitutes preparation for the examination for license or training for the trade or profession.

The annual rates of compensation for classes of positions in this grade shall be $240, $300, and $360, with maintenance or the cash value of such maintenance.

Grade 2 shall include all classes of positions in this service the duties of which are to perform simple work incident to drafting, engineering, forestry, library, museum, pharmacy, physical or biological science, or other professional work, but not requiring professional training, or to assist in simple recreational, welfare, or community work.

The annual rates of compensation for classes in this grade shall be $1,080, $1,140, $1,200, $1,260, and $1,320.

Grade 3 shall include all classes of positions in this service the duties of which are to perform difficult routine work not requiring professional training in the field of civil service examining, dental hygiene, drafting, engineering, forestry, law, library science, marketing, preparing museum specimens or exhibits, pharmacy, relief map modeling, physical or biological science, social service, translation, or recreational, welfare, or community work.

The annual rates of compensation for classes in this grade shall be $1,440, $1,560, $1,680, and $1,800.

Grade 4 shall include all classes of positions in this service the duties of which are to perform difficult and supervisory work not requiring professional training, in preparing and caring for museum specimens, in making relief maps, in social investigation or school attendance, or in recreational, welfare, or community work.

The annual rates of compensation for classes of positions in this grade shall be $1,980, $2,160, and $2,340.

Grade 5 shall include all classes of positions the duties of which are to have charge of the probation work for a court.

The annual rates of compensation for classes of positions in this grade shall be $2,340, $2,520, and $2,700.

Grade 6 shall include all classes of positions the duties of which are to perform the highest order of administrative work in community organization or recreation or to advise and assist officials and private persons in problems relating to community organization.

The annual rates of compensation for classes of positions in this grade shall be $3,000, $3,240, and $3,480.

Mr. LEHLBACH. Mr. Chairman, I offer a committee amendment in behalf of the committee in charge of the bill.

The CHAIRMAN. The gentleman from New Jersey offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

AMENDMENT TO SUBPROFESSIONAL SERVICE.

GRADE 2.

Strike out "$1,080, $1,140, $1,200, $1,260, and $1,320" and insert "$1,080, $1,140, $1,200, and $1,260."

GRADE 3.

Strike out "$1,440, $1,560, $1,680, and $1,800" and insert "$1,320, $1,440, $1,560, and $1,680."

GRADE 4.

Strike out "$1,980, $2,160, and $2,340" and insert "$1,740, $1,920, and $2,100."

GRADE 5.

Strike out "$2,340, $2,520, and $2,700" and insert "$2,100, $2,280, and $2,460."

GRADE 6.

Strike out "$3,000, $3,240, and $3,480" and insert "$2,700, $2,940, and $3,180."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CLERICAL SERVICE.

The clerical service shall include all classes of position, the duties of which are to perform routine or administrative work requiring business ability or specialized training, but not of a professional character.

Grade one, which may be referred to as the junior clerical grade, shall include all classes of positions in this service, the duties of which are to perform, under immediate supervision, the simplest routine clerical work.

The annual rates of compensation for classes of positions in this grade shall be $1,080, $1,140, $1,200, and $1,260.

Grade two, which may be referred to as the assistant clerical grade, shall include all classes of positions in this service, the duties of which are to perform, under supervision, assigned clerical work requiring training or experience, but not the exercise of independent judgment. This grade shall include ordinary typists and stenographers.

The annual rates of compensation for classes of positions in this grade shall be $1,260, $1,320, $1,380, $1,440, $1,500, and $1,560.

Grade three, which may be referred to as the full clerical grade, shall include all classes of positions in this service the duties of which are to perform under general supervision responsible clerical work requiring independent judgment or knowledge of a specialized subject matter or to supervise a small section performing clerical work. This grade shall include stenographers taking difficult or technical dictation or acting in a secretarial capacity to responsible officials and typists performing difficult typing work or supervising a typing unit.

The annual rates of compensation for classes of positions in this grade shall be $1,620, $1,680, $1,740, $1,800, $1,860, and $1,920.

Grade four, which may be referred to as the senior clerical grade, shall include all classes of positions in this service the duties of which are to perform under general direction exceptionally difficult and responsible clerical work requiring mature judgment and thorough clerical knowledge of unusually difficult subject matter, or under direction to supervise a large clerical organization engaged in simple work or a small clerical organization engaged in difficult work. This grade shall include stenographers who record verbatim the proceedings of informal meetings or meetings of a somewhat technical character or who supervise a unit of stenographers.

The annual rates of compensation for classes of positions in this grade shall be $1,980, $2,100, $2,220, $2,340, and $2,460.

Grade five, which may be referred to as the chief clerical grade, shall include all classes of positions in this service the duties of which are to supervise a large clerical organization engaged in difficult or varied work. This grade shall include private secretaries to assistant heads of departments and heads of large bureaus and the official stenographer reporters who take the most important public hearings of a judicial or quasi judicial nature or conferences on highly technical subjects.

The annual rates of compensation for classes of positions in this grade shall be $2,520, $2,700, $2,880, and $3,060.

Grade six, which may be referred to as the clerical administrative grade, shall include all classes of positions in this service the duties of which are to be responsible for the clerical administration of a small department or independent establishment or of a large bureau or office, or to be in charge of a major administrative division of a large bureau or to act as assistant to a head clerical administrator in grade seven. This grade shall include private secretaries to members of the Cabinet or to heads of the largest independent establishments.

The annual rates of compensation for classes of positions in this grade shall be $3,300, $3,540, $3,780, and $4,020.

Grade seven, which may be referred to as the head clerical administrative grade, shall include all classes of positions in this service the duties of which are to be responsible for the clerical administration of the largest departments and independent establishments.

The annual rates of compensation for classes of positions in this grade shall be $4,320, $4,560, $4,800, $5,040, and $5,280 unless a higher rate is specifically authorized by law.

Mr. LEHLBACH. Mr. Chairman, on behalf of the committee in charge of the bill, I offer an amendment.

The CHAIRMAN. The gentleman from New Jersey, on behalf of the committee in charge of the bill, offers the following amendment, which the Clerk will report.

Mr. LONDON. Mr. Chairman, may I ask that the Clerk read those figures slowly so as to give us a chance to follow him?

The Clerk read as follows:

AMENDMENT TO CLERICAL SERVICE.

GRADE 1.

Strike out "$1,080, $1,140, $1,200, and $1,260," and insert "$1,080, $1,140, and $1,200."

GRADE 2.

Strike out "$1,260, $1,320, $1,380, $1,440, $1,500, and $1,560," and insert "$1,200, $1,260, $1,320, $1,380, and $1,440."

GRADE 3.

Strike out "$1,620, $1,680, $1,740, $1,800, $1,860, and $1,920," and insert "$1,500, $1,560, $1,620, $1,680, $1,740, and $1,800."

GRADE 4.

Strike out "$1,980, $2,100, $2,220, $2,340, and $2,460," and insert "$1,860, $1,980, $2,100, $2,200, and $2,340."

GRADE 5.

Strike out "$2,520, $2,700, $2,880, and $3,060," and insert "$2,340, $2,520, $2,700, and $2,880."

GRADE 6.

Strike out "$3,300, $3,540, $3,780, and $4,020," and insert "$2,940, $3,180, $3,420, and $3,660."

GRADE 7.

Strike out "$4,320, $4,560, $4,800, $5,040, and $5,280," and insert "$3,780, $4,020, $4,260, $4,500, and $4,740."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CLOUSE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Tennessee is recognized.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the following titles:

House concurrent resolution 38.

Resolved by the House of Representatives (the Senate concurring), That the time for the completion of the investigation by the Joint Commission of Agricultural Inquiry created by a Senate concurrent resolution (S. Con. Res. 4) of the first session of the Sixty-seventh Congress and the filing of the report to Congress therein directed to be made be, and the same is hereby, extended to a date not later than the 15th of April, 1922.

House concurrent resolution 39.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H. R. 9237 the first deficiency appropriation act, fiscal year 1922, the Clerk be authorized and directed to strike out "present session," on page 17, line 24, of the engrossed bill and insert in lieu thereof "first session of the Sixty-seventh Congress."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing

votes of the two Houses on the amendments of the Senate to the bill (H. R. 9237) entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes."

Resolved, That the Senate had agreed to the amendments of the House to amendments of the Senate numbered 25, 26, and 27 to the said bill.

CLASSIFICATION OF CIVILIAN POSITIONS WITHIN THE DISTRICT OF COLUMBIA.

The committee resumed its session.

Mr. CLOUSE. Mr. Chairman and gentlemen of the committee, we have heretofore adopted subsection 1 of section 6 of this bill, which provides this:

That in computing the existing compensation of an employee any bonus which the employee receives shall be included.

Now, with that provision in the bill let us see what we are going to do, notwithstanding the fact that we are accepting a 10 per cent reduction here on the recommendation of the committee.

For instance, under grade 3 of the section that we are now considering the annual rates of compensation for positions in this grade shall be a minimum of $1,620 as printed in the bill, or $1,500 as recommended by the committee amendment, and shall range to the maximum salary of $1,920 as printed in the bill, or $1,800 as recommended by the committee amendment.

In the classification of these employees what are you going to do and how are you going to arrive at the grade in which they should be placed? Here are five separate, distinct grades in the one class, and in arriving at the grade to which you assign the employee you must take into consideration the $240 bonus as an element in arriving at that conclusion. That is provided by subsection 1 of section 3. Now, with employees at present in the departments, instead of starting them at $1,620 you are going to advance them to a higher grade, because you are required under this bill to reach your conclusion by considering first their salaries in connection with the $240 bonus that they are now receiving. I do not know—I wish I did know—but I heard the distinguished gentleman from Texas [Mr. BLACK], a member of the committee, say yesterday that if this bill is passed by the House as it was originally presented by the committee it will cost in the District of Columbia alone between $8,000,000 and $10,000,000; and I for one am unwilling to raise the salaries of this class of employees at this time, because conditions are changing, and inasmuch as this bill can not take effect until the fiscal year 1923, I think we had better proceed with the reclassification and leave salaries alone, because we know the cost of living is declining from day to day, and no man can tell what it will be twelve months or two years hence.

Mr. BLACK. Will the gentleman yield?

Mr. CLOUSE. I yield to the gentleman from Texas.

Mr. BLACK. Knowing that these civil-service employees in the District, in the instances that the gentleman has mentioned, have received an increase of only $240, or less than 20 per cent on the average, and that we have permanently reclassified the postal employees so as to give them an average increase of about 35 per cent, I want to ask the gentleman if he advocates the repeal of the postal reclassification law and wishes to go back to the salary scale for postal employees which existed prior to the passage of that bill? If he does believe in that, why does he not introduce a bill to repeal the increased compensation to the postal employees? I could then see some consistency in the gentleman's position.

Mr. CLOUSE. I will say to the gentleman that the cases are not similar. In the first place, has the gentleman told the membership of this House whether these civil-service employees originally were overpaid and the employees of the Postal Service underpaid? If the gentleman would tell us about that, we would have some basis upon which to arrive at our conclusion in this case.

Mr. BLACK. I have given the gentleman the figures, and he can judge for himself. In June, 1920, Congress gave the postal employees an average increase of 35 per cent. I have heard no one advocating its repeal. Certainly the pending bill is written along as conservative and reasonable lines as was the postal reclassification bill.

Mr. CLOUSE. I have looked at the figures, and what I am saying is that, notwithstanding the committee recommends a decrease of 10 per cent in almost all instances, you are going to put these employees in a class where they will still get the 20 per cent increase of $240 a year, and that is inevitable from the reading of your own bill. [Applause.]

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 10 minutes.

Mr. LEHLBACH. I ask unanimous consent that the amendment pending be voted on at the conclusion of 10 minutes.

Mr. LONDON. I want five minutes.

Mr. LEHLBACH. At the conclusion of 15 minutes.

The CHAIRMAN (Mr. CAMPBELL of Kansas). The gentleman from New Jersey asks unanimous consent that debate on this amendment shall close in 15 minutes. Is there objection?

There was no objection.

Mr. STAFFORD. I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, during the general debate on this bill I pointed out that the chief clerks of departments received an increase of something like 60 to 70 per cent under the bill as reported. The chief clerks in the departments to-day receive $2,500. Under the bill as reported they were to be raised from $2,500 to a minimum of $3,300 and a maximum of $4,020. Now it is proposed to increase their salaries from $2,940 to a maximum of $3,660. The gentleman from Illinois [Mr. MANN] has correctly stated that when this bill goes into effect it will result in all of the officials, if they have the proper efficiency, going to the maximum grade. The statistics on which the gentleman from Texas [Mr. BLACK] and the committee base their conclusion that there will be an increase of only 1½ per cent is predicated upon the assumption that it is intended to continue the bonus to all those who have been receiving it during the past several years.

There is a radical divergence of opinion in this House as to whether this lump-sum allowance of $240 to every clerk in the District of Columbia is merited and should be continued.

Permit me to call the attention of the House to the gross amount of appropriation that is required for the $240 bonus. In 1920, when the $240 bonus went into effect, the total appropriation required was in the neighborhood of $29,000,000. In 1921 it rose to $69,000,000 as the result of the action of the Secretary of the Navy in giving the bonus, against the intention of Congress, to all the naval employees in the various navy yards of the country. In 1922 it is estimated that the amount will be from $35,000,000 to $40,000,000. At the present time there are 63,638 employees in the District of Columbia, receiving an average pay of $101,594,000. In the District government there are 5,730 employees, receiving a total pay of $8,931,000, or a total of $110,526,000. Based upon the increase, as this bill was introduced, of 8½ per cent of the total increase, the charge on the Public Treasury would amount to $9,374,000.

I stated before this amendment was proposed that the bill would entail a charge on the Treasury in three years of $20,000,000 additional to the $30,000,000 or $40,000,000 now paid them under the bonus. Here is my basis for making the charge: If the gentleman from Illinois, Mr. MANN's, position is correct—and that is the position I have taken throughout the entire discussion—the salaries will be raised to the maximum. The estimate of percentage increase is based on the medium salary, not on the maximum, and there is an average difference of $200 or $300 between medium-grade salary and the higher. If you multiply the number of employees by 300 you have the enormous sum, if they reach the maximum, of $19,000,000 additional. And then the chairman of the committee says that I am making a wild statement when I call the attention of the committee to the fact that this bill will perpetuate a charge on the Government by continuing the bonus of $30,000,000 or $40,000,000, and in its modified form will increase the maximum amount $12,000,000 to $15,000,000 more in the course of a few years after the bill has been in force and the clerks raised to the maximum amount.

Mr. BLACK. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BLACK. I understood the gentleman to say that the pay of the chief clerk in executive departments was $2,500.

Mr. STAFFORD. Yes.

Mr. BLACK. The gentleman is absolutely in error, as he is in many other of his statements. The chief clerk of the Interior Department, of the Treasury Department, the Post Office Department, the War Department, to my certain knowledge, now gets $4,000 each.

Mr. STAFFORD. I will stand corrected. I was speaking of grade 6, private secretaries to members of the Cabinet. Inadvertently I said chief clerks of the departments. I do say that

the private secretaries, grade 6, to members of the Cabinet receive $2,500.

Mr. BLACK. That is true, but they are not in grade 7.

Mr. STAFFORD. I was referring to grade 6.

Mr. BUTLER. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BUTLER. Is there any limitation on the number of clerks that can be promoted to the highest grade?

Mr. STAFFORD. That is one of the defects of this bill. We are surrendering completely the control over the determination of the number of clerks that will be allocated, because it will be impossible hereafter, except by lump-sum appropriations, to control the expenditure of the amount of money necessary for the respective grades. It is no longer intended to have a legislative, executive, and judicial appropriation bill, with provision for a stated number of clerks in respective grades, but merely to have lump-sum appropriations for the various grades. It is a matter of legislative impossibility for the House to control it, except by checking the amount required for the total appropriations.

Mr. BUTLER. The number of clerks that may be promoted to the highest grade will depend upon the administrative officer?

Mr. STAFFORD. Yes.

Mr. BUTLER. And the gentleman thinks that they will all be promoted to the higher grades?

Mr. STAFFORD. Under supervision and recommendation of the Civil Service Commission and the Budget Commission.

Mr. BUTLER. Then it will cost twice as much as the gentleman states, and I believe he figures $19,000,000. If they are all promoted to the highest grade it will break up the Treasury. [Laughter.] I want to vote for the bill, but there ought to be somebody who can give us something definite in the way of the amount involved in the increase.

Mr. STAFFORD. If I am in error in assuming that there is a difference of between $200 or $300 in the salary paid in the medium grades and the maximum grade, I wish to be corrected. I have scanned the bill, and if you place it at $200 and there are 63,000 employees, that will make over $12,000,000.

Mr. BUTLER. But we are not going to have 63,000 employees; get administrative officers that will reduce them.

Mr. STAFFORD. They are being reduced in number, but you will have to have employees.

Mr. BUTLER. But not as many as we had during the war.

Mr. STAFFORD. The primary objection to the bill is that we yield up the control over grades and salaries and leave it to the heads of departments subject to supervision of the Civil Service Commission and the Budget. The Budget will not have much to do with it, because its duties cover such a range, and it will be impracticable to go into the details of bureau and division requirements.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. KINCHELOE. I am asking for information. I have heard what seems to be more guesses on this bill than any bill that I have ever heard discussed. I understood the gentleman from Wisconsin to say that in his opinion, if this becomes a law it will increase the burden of taxation by raising the salaries of these employees to the extent of $19,000,000.

Mr. STAFFORD. Not immediately; but, as the gentleman from Illinois [Mr. MANN] says, the tendency will be to raise salaries to the highest grade. We all know what the tendency will be; it will be for the department heads and bureau chiefs, if the clerks have efficiency, to raise them to the maximum grade.

Mr. KINCHELOE. The gentleman from Texas [Mr. BLACK] contends that it will not raise them a cent. Therefore, I want to know who is right.

Mr. STAFFORD. The gentleman from Texas will not dispute the statement that the revised figures are based upon the salaries in the medium grades.

Mr. BLACK. Mr. Chairman, the gentleman heard my statement. Assuming that the same number of employees are allocated, with the original allocations in the bill, this will not increase the present expenditure more than 2 per cent, and with the separations from the service it will not cause any increase at all. I have not contended, of course, that promotions in the future will not add some additional expense.

Mr. STAFFORD. I am pointing out how we are surrendering entire control, after having pursued a policy for years and years of having the Congress, through the Committee on Appropriations, control the number of clerks in the various grades. We are surrendering control so that we will virtually have lump-sum appropriations in these various grades in the various departments.

Mr. GRAHAM of Illinois. It would not be possible to do it in any other way.

Mr. STAFFORD. Practically not. I want to submit this one fact: Who are the Members on this floor who are opposing this bill? All who are opposing it have had from 4 to 6 to 8 or 10 years' experience in the framing of the legislative, executive, and judicial appropriation bill. I refer to the distinguished gentleman from Tennessee [Mr. BYRNS], the gentleman from Indiana [Mr. WOOD], the gentleman from Mississippi [Mr. SISSON], and myself. We all realize what this means. It is not a pleasant task to get up and call the attention of the committee to what it is. But each of us has a duty to perform of acquainting the membership with the special information gained from service on the legislative subcommittee on salaries.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LONDON. Mr. Chairman, I am opposed to the amendment of the committee. It proposes to reduce the salaries originally submitted by the committee. On yesterday I stated the grounds for my opposition to the amendment of the committee so far as the professional service was concerned. The same grounds hold good for the other services of the Government. In this case we are dealing with the clerical service, the employees of which constitute almost 60 per cent of the entire service. When the committee strikes at that branch of the service it strikes at 60 per cent of the employees who receive almost nominal salaries.

Mr. SNELL. And a great many of them vote.

Mr. LONDON. So far as the vote is concerned, I do not care much for it. The vote of the Government employee is usually an intimidated vote, and he votes with the party in power. That is one of the reasons I object to low salaries—salaries which destroy manhood, which destroy the faith of the man in his ability to earn a livelihood, which destroy to a large extent his self-respect.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. LONDON. Yes.

Mr. GRAHAM of Illinois. I would like to know, if that is so, if these salaries are destroying the manhood of these folks, why it is that I have never yet been able in the five years I have been here to find anyone from my district who wanted to quit one of these places.

Mr. BUTLER. And the gentleman will never find one unless he is fired.

Mr. LONDON. There is no doubt that there hang about politicians men who do not want to work, and taking their Congressman as a glaring example they believe they should get something for nothing. Of course, I am making no personal reference to the gentleman from Illinois. There is no doubt that the ordinary Congressman has around him a host of men called ward heelers or ward loafers, but I am not speaking on their behalf.

I am speaking on behalf of the men who work, who render service. I have before me a scholarly analysis of the minimum standards of living, prepared by various wage boards within recent times, and none of these standards of living, taking the minimum necessary for the existence of a human being in any degree of comfort, but is higher than the salaries you pay to the great majority in the clerical service. Deflation should not begin with the worker. He is not inflated. He is neither too fat nor too rich. As I pointed out yesterday, the cost of living is at least 70 per cent higher than it was in 1914. And, mind you, all of these so-called scientific standards are based on a nominal allowance for education, for recreation, for health, for insurance, for civic activities. They confine themselves almost exclusively to the things necessary to maintain the physical being, such as food, clothing, rents, allowing only a nominal sum for the activities of a civilized human being.

A great deal has been said about the failure of the committee to furnish the House with definite figures. The trouble is that Members do not study the material they have. Here is material in which gentlemen will find the exact figures. It is part 2 of the report of the Congressional Joint Commission on Reclassification of Salaries, in which every salary is indicated. The commission shows that the increase, the highest possible increase, would be 8.6 per cent. The Bureau of Efficiency, according to the figures submitted yesterday by the gentleman from Indiana [Mr. WOOD], an opponent of this measure, shows that the increase would be only 6 per cent. The committee by reducing the salaries originally proposed in the bill by 10 per cent actually reduces the salaries paid to-day. I am opposed to this reduction. I am opposed to all the other reductions which the committee has announced it intends to propose.

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

INSTITUTIONAL SERVICE.

The institutional service shall include all classes of positions the duties of which are to perform or supervise nonprofessional work incident to the care, treatment, and well-being of inmates of hospitals, charitable, correctional, or other Government institutions.

Grade 1 shall include all classes of positions in this service the duties of which are to receive instruction and do routine nursing work prerequisite to qualifying as a registered nurse.

The annual rates of compensation for classes of positions in this grade shall be $180, $240, and $300, with maintenance.

Grade 2 shall include all classes of positions in this service the duties of which are, under direction, to move patients, clean rooms, scrub floors, and do work similar to that of hospital orderlies.

The annual rates of compensation for classes of positions in this grade shall be $420, $480, and $540, with maintenance.

Grade 3 shall include all classes of positions in this service the duties of which are to assist, under direction, in routine work incident to the nursing, care, and comfort of patients, and in the housekeeping work in institutions.

The annual rates of compensation for classes of positions in this grade shall be $600, $660, and $720, with maintenance.

Grade 4 shall include all classes of positions in this service the duties of which are to exercise general supervision over an assigned group of patients or a small group of employees in a lower grade; to perform specialized housekeeping work or supervise ordinary work in institutions.

In case maintenance is provided the annual rates of compensation for classes of positions in this grade shall be $780, $840, and $900; in case maintenance is not provided the annual rates shall be $1,140, $1,200, and $1,260.

Grade 5 shall include all classes of positions in this service the duties of which are to perform the ordinary work of a graduate nurse and to supervise the work of students and helpers; to have charge of a branch of the housekeeping work in institutions.

In case maintenance is provided, the annual rates of compensation for classes of positions in this grade shall be $900, $960, and $1,020; in case maintenance is not provided, the annual rates shall be $1,320, $1,380, $1,440, and $1,500.

Grade 6 shall include all classes of positions in this service the duties of which are, under the direction of a physician, to supervise the nursing work in an assigned part of a hospital; to perform important supervisory housekeeping work in institutions or other Government establishments.

In case maintenance is provided, the annual rates of compensation for classes of positions in this service shall be $1,080, $1,140, and $1,200; in case maintenance is not provided, the annual rates shall be $1,620, $1,740, and $1,860.

Grade 7 shall include all classes of positions in this service the duties of which are to direct the entire nursing and attending staff in a hospital or to direct the nursing work in a large administrative unit; to supervise large institutions or other Government establishments as superintendent, manager, or other administrative head.

In case maintenance is provided, the annual rates of compensation shall be $1,740, $1,920, and $2,100; in case maintenance is not provided, the annual rates shall be $2,580, $2,760, and $2,940.

Mr. DENISON. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed for three minutes out of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENISON. In my time I want to ask the chairman of the committee when he expects to get a vote upon the bill, as nearly as he can say?

Mr. LEHLBACH. Mr. Chairman, it is my hope that this bill may come to a vote this afternoon. There is a very appreciable number of Members who must leave town this afternoon who are very desirous of an opportunity of casting their votes for or against this measure. It is to accommodate them that I am trying, if possible, to complete the reading of the bill, in order to reach a vote this afternoon. I think the bill and its effect and the things connected with it have been so thoroughly debated that much more debate will not be necessary.

Mr. DENISON. Mr. Chairman, I was hoping there would be a vote upon the bill this afternoon. At the same time I am one of those who have to leave this evening and will not be back until after the holidays. I do not know whether it will reach a vote before I leave or not. I intended to vote for the bill if a vote is reached before I leave, and if not I have arranged for a pair. I hope we will get to a vote for it. I am in favor of the passing of the bill and would be glad to vote for it if I were here. While I am on my feet I do not know whether the legislative program as arranged by the leader will be carried out or not. I understood the antilynching bill was supposed to come up before the holiday adjournment. If it does, of course, having to be away I can not be here to vote on that bill. My intention would be to vote for the bill if here. If the bill comes up before the holidays, of course I can not vote for it, and I have arranged a pair with another Member who is going away with me and who is against the bill and would vote against it. I would vote for it if I were here.

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, I wish to call the attention of this committee to a danger that is perfectly patent to me by reason of the experience I have had as chairman of the legislative committee. Until the war broke, practically the clerical service in the District of Columbia was upon the statutory roll, the salaries being fixed by statute. Because of the great necessity for additional employees in all the departments, and in a lot of new departments which were created by reason of the war emergency, lump-sum appropriations amounting to millions and millions of dollars each year were made. Out of the lump-sum appropriations the various departments began competition against each other for clerks and technical men, and they were going from place to place in obedience to the increased price offered here, there, and yonder. The result was a demoralization of the clerical service in the District of Columbia from which we are suffering now. Now, we are seeking to perpetuate that character of business in this bill. No one will ever know the amount of waste that was incurred by reason of the unfortunate lump-sum appropriations. As long as Congress keeps its hands upon the button and fixes the amount of appropriation of each department in accord with the statutory positions there we have some way of knowing the amount of public expenditures for civil-service work, but when we have no control over it, and, if you please, wages are left to the parceling out by the heads of these institutions under this or any other character of bill, human nature is the same as it was yesterday and will be forever, and the tendency will be, especially in the administration of governmental affairs, toward waste. Now, the calculations that have been made here have not taken into consideration what the possible result would be in the event that the maximum salaries may be paid. The maximum, you may rest assured, will be paid. If not in the first year of the administration of this affair it will be paid very soon thereafter.

Mr. REED of West Virginia. Will the gentleman yield for an explanation?

Mr. WOOD of Indiana. Yes.

Mr. REED of West Virginia. The Post Office Department have a classification. Do they all go to the highest grades?

Mr. WOOD of Indiana. That is a fine example. They do not do it, and I will tell the gentleman why. They were classified by Executive order under the Bureau of Efficiency, where men in the Post Office Department to-day are rendering more service for the amount of money paid than in any other department of this Government, because their work is defined, and the man who does the work within the definition gets a certain pay, and the appropriation is made in accord to that.

Mr. REED of West Virginia. Just one more. Why can not the provisions of this bill hold them down to the same standard of administration as the Post Office Department?

Mr. WOOD of Indiana. I will tell the gentleman why: Because the range they have made from the minimum here to the maximum—it is the easiest matter in the world for a clerk either through his own persuasive powers or through the influence of some gentleman up here on the hill who wants to see him promoted—to get him into the maximum, and I will tell the gentleman why.

Mr. BLACK. Will the gentleman yield to me?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACK. I ask that the gentleman from Indiana have five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BLACK. The reason I asked the gentleman to yield is because I think he misunderstood the question of the gentleman from West Virginia. I think the gentleman from West Virginia, when he said clerks in the Post Office Department, employees, meant those in the field service, such as letter carriers, postal clerks, and so forth.

Mr. REED of West Virginia. The entire Postal Service.

Mr. BLACK. They do get automatic promotions. The man who starts in grade 1 in the year 1921, then, will go the next following year into grade 2, and he will go the next following year into grade 3, and so forth, and the appropriations are automatic and not upon an efficiency rating. Now, as a matter of fact, this bill is a decided improvement upon it, because no clerk by this bill has the right to an automatic promotion. He has no right to get a promotion at all unless he shows a certain efficiency rating. Now, that is not true of the Post Office Department, and if he stays in the service he is automatically promoted.

Mr. REED of West Virginia. Is it not true there are always a large number in the lower grades in the Post Office Department?

Mr. BLACK. If they are, they are in the new places, because the law provides for automatic promotions in the Postal Service.

Mr. WOOD of Indiana. I wish to call the attention of this committee to some experience we have had that absolutely

proved beyond peradventure the danger of this character of legislation.

Since these lump-sum appropriations have been made and since it has occurred with each recurrent legislative bill that they were abusing them and paying out of all proportion the money in large salaries, limitations have been put upon each one of these departments that has a lump-sum appropriation, providing that they could not pay beyond a certain amount of money to more than a certain number of positions. In that way they have been kept in check, and each time they come back insisting that they can not run the department unless they have more high-priced men, each time trying to convey the idea that if their department has to function and render the best service they must have many additional high-priced men, reaching a maximum, and they have raised the maximum price. I call attention to one or two concrete examples which will show you what will happen under this sort of a reclassification bill.

You take the Department of Health. There is not a doctor in that department that would think about serving for less than $5,000 or $6,000 a year. Prior to the time we entered the war we had surgeons in every soldiers' home hospital of high repute, many of them with reputations extending far beyond their own States for their extraordinary ability, and there was not one of them that was receiving in excess of $3,000. The Department of Health came along, augmented and magnified by reason of the war, and they boosted these salaries up to $9,000 a year, or, at least, many of them to $7,500, and the result was they went away from the soldiers' homes. Those who stayed by the old jobs insisted that they should have salaries somewhere in proportion to the other salaries. As a result, they were increased $600, and they are getting $3,600.

They also increased by more than 50 per cent the pay of nurses in the various hospitals, and the result was that we had to increase the pay of the nurses in these soldiers' home hospitals and likewise the attendants. And so this furnishes a concrete example of what will be done when they have no check upon them except the highest maximum. So you can depend upon it that instead of setting the average of what the gentleman says the outlay will be, it will be practically what it is now. He does not take into consideration, or will not for a moment contend, if the maximum is reached or anywhere near approached, but what the additional expenditures will be increased to the Government many millions of dollars.

Mr. KINCHELOE. I agree with what the gentleman says about the lump-sum appropriations, but what is his remedy for it?

Mr. WOOD of Indiana. My remedy for it is simply this, to fix it exactly like it was done in the Post Office Department.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. I ask, Mr. Chairman, unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WOOD of Indiana. Fix it exactly like it was done in the Post Office Department. And I want to say to you now that nine-tenths of all the abuse that was heaped on Postmaster General Burleson's head came because of the fact that he was trying to get some efficiency in the Post Office and in getting a dollar's worth of work for a dollar's worth of money. The Bureau of Efficiency went in there under Executive order. It was the only place it did go under Executive order, and they defined the work to be done and then fixed the pay in accordance with that work. It resulted, if you please, in the reduction of some 30 or 40 men that were being overpaid. It resulted in promotion of several that were being underpaid, but immediately when those gentlemen were demoted the trouble began, and then criticism began to be hurled against Gen. Burleson and the Bureau of Efficiency, and they have been poison droppers from that day to this. I will say to the gentleman that whenever you give into the keeping of the heads of any of these departments the lump-sum appropriation you can depend upon it it is not going to be spent for the best interests of the Government or of efficiency. It never has been in the past and never will be. There is not a man upon the Appropriation Committee but that knows that this lump-sum appropriation has been a curse, and it has been the labor of the committee to try to check it, and the only way they have found to check it is by putting a limitation upon the salaries that may be paid out of it and on the number of high-priced men that may be engaged under it.

Mr. BUTLER. Can we not do it here?

Mr. WOOD of Indiana. No; we can not do it here.

Mr. LEHLBACH. Mr. Chairman, no one can be more desirous of denouncing the inequalities, the extravagances, and the unbusinesslike administration of the affairs of the Government under the lump-sum system than I. It was for the very purpose of eliminating those evils that it was first proposed the entire service be reclassified. It never has been completely classified. No one, by taking up an estimate either from a department that employs statutory employees or from a department that has its appropriations provided by lump sum, can tell by looking at the estimate of appropriations asked for what the people to be appropriated for are actually doing in the service. There are in the old estimates about 2,000 pay-roll titles. There are as many as 17 different titles for the same work that is being done in the various departments, and there are salary ranges for the same identical work of from $1,080 to $2,400, for exactly the same work, under the present system.

Now, how are you going to cure it? The gentleman from Indiana says the only way you can do it is by putting a limitation on the lump sum, saying you shall not employ more than so many men at $2,000 or more than so many men at $3,000. That is a pitiful confession that Congress can not introduce businesslike methods in the business of the Government. The way to do it is to classify all the different kinds of work to be done for the Government. Take your professional men, your subprofessional men; here is your clerical force; here is your custodial force, your institutional force, and, in the District here, is your police force, your fire force, and your inspectional force.

They all do, on broad lines, the same kind of work. Now, they do different grades of work within that service. There is your top man in charge, and then there at the very bottom of the custodial service, we will say, are the charwomen. Then there are the people who under immediate supervision do the simplest kind of clerical work. Then we have people who do expert clerical work. We have heads of divisions and of rooms, and we have bureau chiefs and we have private secretaries. The way to do is to classify the service, examine the quality of the work to be done and the necessary qualifications of the individuals to perform that work. Compare it; consider present conditions; consider all the elements and then fix a fair average salary range for that work, for that grade and that position, and then you have a situation where no head of a department, no bureau chief, can pay any employee of the Government whatsoever one penny more than the salary fixed by the Congress itself for that grade and that service.

That is what we intend to do in this bill. Then you do away with lump-sum appropriations. Your estimates will come in here, "We need so many people in grade 1, in grade 2, and in grade 3," or "We need so many in grades 4 or 5." Then the Committee on Appropriations can intelligently scan that estimate, knowing the quality and kind of work that each man in that grade shall perform, and they can tell whether the department actually needs that number of employees or not, and they can revise the estimates. No bureau or division or department can have more people in grade 4 of the clerical service or grade 5 or grade 3 of the clerical service than Congress says they shall have, and Congress can then intelligently say how many they should have, because for the first time Congress will know what these people that are asked for are supposed to do.

Now, my friends, so far as increasing pay is concerned, every single year when the appropriation bills come in there are requests for promotions in this department, and in that bureau, or in that service, and so on, and Congress says, "We will appropriate the money for 20 of these promotions," or "We will cut off 20," and so forth. Now, who gets these promotions? There is nothing to govern, no rules or regulations, but simply the whim of the superior, and, as the gentleman from Indiana [Mr. WOOD] says, political influence very frequently enters into the question as to who gets the promotion, whether it is deserved by quality of work or not.

In our bill we say that all these advances must be on the basis of fitness and efficiency ratings, which are examinable and which can be understood.

The CHAIRMAN. The time of the gentleman from New Jersay has expired.

Mr. LEHLBACH. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LEHLBACH. Now, another thing about the lump-sum appropriation system that the gentleman from Indiana has spoken of. That is the competition between two departments, where the employees are given a higher inducement, as, for example, by the Public Health Bureau, where doctors are offered a higher salary than they are getting in the service where they now are, and they are thus taken away. We know where stenographers at $1,000 and $1,100 in the departments were taken away by the War Risk Insurance Bureau and paid $1,800

and $2,000, and we attempted to check that by prohibiting transfers from a department to a new service that had a lump-sum appropriation.

What we try to do throughout this bill is to see to it that the people employed shall have equal pay for equal work, and that there will be no inducement for one department to get an employee away from another department, because it can not offer him a higher salary, because people doing the same work will get the same pay throughout the service.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BUTLER. As I recall the Post Office appropriation bill, for example, appropriations were made for so many people of so many classes. Will we do the same thing under this bill?

Mr. LEHLBACH. Yes.

Mr. BUTLER. Hereafter, when the estimates are submitted, they will be for so many clerks of a certain grade, and so on?

Mr. LEHLBACH. Yes. It will absolutely do away with lump-sum appropriations, so far as the personnel of the civil service is concerned.

Mr. SNELL. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from New York moves to strike out the last two words.

Mr. SNELL. Mr. Chairman, I want to get a little more information from the chairman of the committee in regard to this bonus proposition. It is not clear in my mind. When you say you are not increasing salaries, do you mean you are providing by statute for these employees, or with the bonus at the present time?

Mr. LEHLBACH. Over present compensation, which includes the bonus.

Mr. SNELL. Then if we vote for this bill it means a continuation of the bonus forever, regardless of what future conditions may be?

Mr. LEHLBACH. Not in so far as the lower grades and the entrance figures for some of the grades are concerned; but generally speaking, for the body of the personnel now in the service, we are absorbing the bonus.

Mr. SNELL. Does the gentleman think that if that was made clear to the membership of this House, and they actually understood it, they would vote for that bonus forever? That has never been made clear to me until this very moment, that that is what the conditions are.

Mr. LEHLBACH. Before the bonus was granted the salaries were grossly inadequate. From 1913 up to the present time the increase in the cost of living is still 55 per cent, and the bonus is only 20 per cent. In the Postal Service and in the police force and in the fire department, and in the schools to the teachers, and in other services that may not for the moment come to my mind, we have permanently increased the salaries from 35 to 40 per cent. In view of those facts we are absorbing the 20 per cent increase here. I will say to the gentleman from New York that, as far as I am concerned, we can never go back to the proposition of asking a girl to come from anywhere in this country to the city of Washington and subsist here and be decent and work for $900 a year. [Applause.]

Mr. SNELL. That is not the question I am asking at all. What I am asking is that it be made clear that this is perpetuating the bonus forever. That has never been made clear before in this debate.

Mr. LEHLBACH. Oh, yes.

Mr. SNELL. I have never understood it before.

Mr. LEHLBACH. In a debate lasting for at least an hour or more on section 6 that question was dealt with exhaustively.

Mr. BUTLER. Mr. Chairman, I am decidedly opposed to striking out the two words which the gentleman from New York [Mr. SNELL] moved to strike out, and therefore I think I am entitled to the floor to ask the gentleman from New Jersey [Mr. LEHLBACH] a question. If this bill becomes a law, does the gentleman anticipate that Congress will be asked hereafter to vote a bonus of $240 on top of the figures provided in this bill?

Mr. LEHLBACH. Absolutely not.

Mr. BUTLER. Then, this is simply an increase in salary?

Mr. SNELL. Certainly.

Mr. BUTLER. But it is not as much as the bonus in some instances?

Mr. LEHLBACH. That is correct.

Mr. BUTLER. I want it understood that I am not going to vote for any more bonuses if this bill passes.

Mr. LEHLBACH. Oh, no.

Mr. SNELL. The gentleman provides the bonus forever if this bill passes.

Mr. BUTLER. No; it is an increase of salary. You may call it what you please, but nevertheless it is an increase of salary. We have been voting the bonus from year to year, but this makes a permanent increase.

Mr. MANN. The gentleman from Pennsylvania understands that the salaries which the employees of the Government will receive under this bill will not include the bonus in any case unless Congress provides the bonus in its next annual appropriation bill.

Mr. BUTLER. So that we will have a chance to vote on it again. I thank the gentleman very much. I understand that.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

CUSTODIAL SERVICE.

The custodial service shall include all classes of positions, the duties of which are to supervise or to perform work involving the custody, maintenance, and protection of public premises, or to receive, check, and store supplies, equipment, and securities, or to have custody or care of other public property.

Grade 1 shall include all classes of positions in this service, the duties of which are, as junior messengers, to run errands and to perform under supervision the simplest routine office work in any department.

The annual rates of compensation for classes of positions in this grade shall be $720 and $780.

Grade 2 shall include all classes of positions in this service the duties of which are to perform, under immediate supervision, the simplest kinds of routine custodial and maintenance work in protecting and cleaning buildings, markets, morgues, rest rooms, and other public premises, checking stores and securities, caring for mammals, birds, reptiles, and fish or plants, performing responsible or confidential messenger or motor-cycle messenger work in any department, or performing other custodial work of similar character.

The annual rates of compensation for classes of positions in this grade shall be $1,080, $1,140, $1,200, and $1,260.

Grade 3 shall include all classes of positions in this service the duties of which are to perform, under supervision, responsible custodial work, usually involving the supervision of a small group of persons in grade 1 or other subordinate employees, such as assisting in the direction of a small group of building guards, supervising a small group of messengers, caring for a group of mammals, birds, reptiles, or fish, having charge of cleaners in a small public building, performing responsible storekeeping, checking, and sorting, or other custodial work of similar character.

The annual rates of compensation for classes of positions in this grade shall be $1,320, $1,380, and $1,440.

Grade 4 shall include all classes of positions in this service the duties of which are to supervise a detachment of building guards and subordinate officers during a designated watch or to exercise general supervision over the subordinate officers and building guards in a small public building or group of buildings, to direct a large force of messengers and other employees serving a large administrative unit, to assist a head storekeeper in the supervision of a warehouse, or to be responsible for a small-stores department, to be in charge of markets in the District of Columbia, to be responsible for the cleaning of a large public building or group of buildings, to be in charge of convenience stations in the District of Columbia, or to perform other supervisory custodial work of similar character.

The annual rates of compensation for classes of positions in this grade shall be $1,500, $1,560, and $1,620.

Grade 5 shall include all classes of positions in this service the duties of which are, under direction, to exercise general supervision over the subordinate officers and building guards in a large public building or a group of smaller public buildings or other large reservation or public premises, to be responsible for the maintenance and operation of a large aquarium and to supervise fish-culture operations in the field, to be in charge of a large warehouse for receiving and storing materials and supplies, to act as an usher in connection with the activities of the presidential family.

The annual rates of compensation for positions in this grade shall be $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040.

Grade 6 shall include all classes of positions in this service the duties of which are under direction, to be responsible for the custody and care of all works of art in the United States Capitol Building, to be responsible for the care and exhibition of mammals, birds, and reptiles in the National Zoological Park, to receive, interview, and direct visitors at the Executive Office of the White House, to supervise the work of ushers and other assistants in connection with the official, social, and personal activities of the presidential family, to be responsible for the cleaning, heating, and upkeep of the public-school buildings and adjacent recreational grounds of the District of Columbia, or to be responsible for the maintenance and operation of a small public building or to assist in the maintenance and operation of a large public building, or to perform other administrative custodial work of similar character.

The annual rates of compensation for positions in this grade shall be $2,160, $2,280, $2,400, $2,520, and $2,640.

Grade 7 shall include all classes of positions in this service the duties of which are, under general direction, to be responsible for the maintenance and operation of a large public building, or to perform other administrative custodial work of similar character.

The annual rates of compensation for positions in this grade shall be $2,760, $2,880, and $3,000.

Mr. LEHLBACH. Mr. Chairman, on behalf of the committee in charge of the bill I offer a committee amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment which the Clerk will report.

The Clerk read as follows:

Committee amendment:

CUSTODIAL SERVICE.

Grade 2: Strike out "$1,080, $1,140, $1,200, and $1,260," and insert "$1,080, $1,140, and $1,200."

Grade 3: Strike out "$1,320, $1,380, and $1,440," and insert "$1,260, $1,320, and $1,380."

Grade 4: Strike out "$1,500, $1,560, and $1,620," and insert "$1,440, $1,550, and $1,560."
Grade 5: Strike out "$1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040," and insert "$1,560, $1,620, $1,680, $1,740, $1,800, $1,860, and $1,920."
Grade 6: Strike out "$2,160, $2,280, $2,400, $2,520, and $2,640," and insert "$1,980, $2,100, $2,220, $2,340, and $2,520."
Grade 7: Strike out "$2,760, $2,880, and $3,000," and insert "$2,520, $2,640, and $2,760."

The CHAIRMAN. The question is upon the amendment.

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, it has been repeatedly stated, and I take it for granted that the statement is correct, that in the original bill, before any of these amendments were offered, the salaries proposed were taken from the report of the committee upon reclassification, and that their recommendation in each instance was adopted, so that the salaries in the original bill were the salaries proposed by the reclassification committee.

Now, as suggested by the gentleman from Texas, at the time the reclassification committee made its investigation we were at the peak of the high cost of living, and they made these recommendations influenced by the then high cost of living to the civil-service employees.

Mr. LONDON. Will the gentleman permit me for one minute?

Mr. WOOD of Indiana. Yes.

Mr. LONDON. They used the figures of 1919, and the increase in the cost of living did not reach the peak until 1920.

Mr. WOOD of Indiana. That is exactly what I am saying.

Mr. LONDON. These figures are lower than the figures of the peak of the high cost of living.

Mr. WOOD of Indiana. The proponents of this bill knew that they were fixing permanent salaries, but by reason of these suggestions and amendments we have been successful, and not only have amendments been made, but if it had not been for the little recess we had in the consideration of this bill they would not have been made. Now they are admitting that the cost of living has been reduced practically 50 per cent.

Mr. LONDON. Oh, no.

Mr. WOOD of Indiana. The gentleman from New Jersey said a few moments ago there had been that reduction from the time this salary list was originally gotten up down to to-day. If that is true, if it is still abnormal, why does this body of so-called intelligent men want to add to the list of salaries for these civilian positions?

Mr. BLACK. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BLACK. The committee does not regard the schedule of salaries as abnormal.

Mr. WOOD of Indiana. You must admit that if they are not abnormal, if they are normal to-day, they will become abnormal if you reduce the 50 per cent of abnormalcy in the high cost of living. You may take either horn of the dilemma you please—it is either too low or it will be too high when you get back to normalcy.

Mr. BUTLER. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. BUTLER. I wish the gentleman would answer a question and take the kinks out of my mind. I have had more trouble connected with this bill than with any other since I have been a Member of the House. I do not want the authority taken from the House to deal with the number of clerks or the salaries. We will still have them appear before the Committee on Appropriations, and to keep the number of employees in a distinct grade. I want to ask the gentleman a question because he has thought it out very well: Do not we still have authority to fix the number of employees in the different grades as we do under the Post Office bill?

Mr. WOOD of Indiana. There is no doubt that under this bill Congress would have the right to limit the number of employees and to increase or decrease them, but here is the trouble. You take any one of the classifications with the range of salaries; here is one that provides a range of salary from $1,680 to $2,040, and here is where we are going to slip up. We are going to let loose our hold on raising a salary from $1,680 to $2,040. Never again will you pass upon that thing.

Mr. BUTLER. Can not you say so many clerks in this grade——

Mr. WOOD of Indiana. Yes; but you can not say how many shall receive such a salary, except between the top and bottom range.

Mr. LEHLBACH. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. LEHLBACH. We adopted an amendment which says that nobody can get an increase from one grade to the next without the approval of Congress and an explicit appropriation.

Mr. WOOD of Indiana. Then why all the machinery of allocation and reallocation and for promotion and demotion?

Mr. LEHLBACH. To make it more uniform and fair and get rid of the hodgepodge that we have to-day.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. I ask for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WOOD of Indiana. If the gentleman is correct now with reference to the contention he is making, we have got the first part of the bill, two-thirds of it, defining duties that shall be performed by the Civil Service Commission and the budget and by this and that, with reference to the allocation of these people to different grades. Why put that in if Congress has this power?

Mr. CLOUSE. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. CLOUSE. After having adopted such an amendment, I call attention to page 6 where it is provided that for such appropriations by Congress the provision shall be sufficient. Does not that do away with the amendment because it is subsequent?

Mr. WOOD of Indiana. Absolutely. Now, I am not accusing the committee and I would not believe it of the committee if I accused them of it myself—I would not accuse these gentlemen of trying to delude Congress, but there is not a single man who can read this bill from start to finish and then state that he is satisfied with it because there are so many inconsistencies in it. You are saying in one place that the Congress of the United States shall say when and where a man shall be promoted, and in a half a dozen other places you say that this or that authority shall promote him.

Mr. LEHLBACH. Will the gentleman yield for a question?

Mr. WOOD of Indiana. Yes.

Mr. LEHLBACH. How are promotions in the service made to-day?

Mr. WOOD of Indiana. They are made at the recommendation of the heads of the departments.

Mr. LEHLBACH. How are they made under the classification bill?

Mr. WOOD of Indiana. As I say, within these ranges.

The time of Mr. WOOD of Indiana having expired, he was given two minutes more by unanimous consent.

Mr. WOOD of Indiana. Here is what happens now, and although bad as it is, it is much better than what you propose: Under the present arrangement they come before the Committee on Appropriations and ask to have so many clerks in class so-and-so, and it is intimated that there is a promotion in it, and the committee has the right to inquire why the promotion is being made. You will never get a chance to do that under this bill.

Mr. LEHLBACH. Every person entering the service enters at the bottom salary after the allocations have been made, and then promotions can not be made except upon the basis of fitness, and those are revised and subject to the approval of the Committee on Appropriations and Congress. The only difference between the present system and the proposed system is that the recommendations must be fairly made instead of on whim.

Mr. WOOD of Indiana. Mr. Chairman, Congress has a right, and it has taken three-fourths of the time of the committee on the legislative bill to inquire into why they are attempting to promote such and such a man. Congress will have no right to do that, for there is nothing in this bill that requires them to come to Congress and render an account of their promotions. Just as long as they keep within the maximum and the minimum grade they are a law unto themselves and monarchs of all they survey.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. LONDON. Mr. Chairman, I move to strike out the last word. The gentleman from Indiana [Mr. WOOD] either misunderstood or did not hear the question I asked. He said that we based the salaries which we recommended upon the report of the commission.

Mr. WOOD of Indiana. That is what the chairman says.

Mr. LONDON. That is true, and that the commission based its estimates on the cost of living in 1920. Let us see. The commission prepared the schedules some time at the end of 1919.

The only available figures they had then were the figures for June, 1919. Let us compare the figures of June, 1919, with those of September, 1921. We find that in Boston the total increase of the cost of living, as compared with 1914, was, in June, 1919,

72.8 per cent, and that in September, 1921, it was 72.8 per cent. In Detroit it was 84.4 per cent in June, 1919, and it is 88 per cent now. In New York it was 78.2 per cent in June, 1919, and 79.7 to-day, so that there is really no difference between the cost of living of June, 1919, and the cost now, when we are called upon to vote on the bill.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. WOOD of Indiana. Do you not think, then, because of the figures that you have given, that this is a very poor time in which to fix statutory salaries?

Mr. LONDON. Then it must be borne in mind that as compared with 1914 you are 72 per cent behind. Gentlemen must admit that in 1914 we were paying these miserable Government clerks 72 per cent more than they were entitled to or that we are not paying the proper salary to-day. It is one or the other. We can not get away from that.

Mr. STAFFORD. The gentleman does not want to make a misstatement. It has been admitted here and stated time and time again that the legislative committee in reporting the legislative bill had provided for additional positions in the higher grades, $1,400, $1,600, $1,800, in order to provide for the promotion of these worthy clerks. That has been the rule from time immemorial. Of course, the gentleman has not been on that committee and is not aware of that fact.

Mr. LONDON. I know that all the wisdom and all the knowledge and all of the logic of the House of Representatives is lodged in the four Members who have been on the legislative committee. I do not know what proportion of that wisdom is lodged with the gentleman from Wisconsin [Mr. STAFFORD], but I assume that he has a just proportion of it. I shall not dispute that proposition.

Mr. STAFFORD. The gentleman is now getting away from his line of thought.

Mr. LONDON. That is true. The gentleman from Indiana says that now is not a time to fix permanent salaries. Then do not pass any bill. I do not expect any substantial change in the cost of living for the next 10 or 15 years. The world has been so badly upset by that scourge of humanity—war—that it can not come to itself for a generation. Gentlemen should not make any mistake about that.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN. Mr. Chairman, in connection with these salaries I want to get a little information, if I can. Section 3 of the bill provides for the allocation of positions of those now in the service to the appropriate grades in the compensation schedule, and that the head of the department shall fix the rate of compensation of each employee in the department in accordance with the rules prescribed in section 6. Section 6 provides that if an employee is receiving compensation less than a minimum salary of the grade or division in which his duties fall, the compensation shall be increased to the minimum rate, and if he is receiving compensation within the range of salary prescribed for the appropriate grade, he shall be advanced to the next higher grade. Suppose he is getting more? I have heard the statement made here several times that different employees of the Government in different departments of the Government, doing exactly the same work, receive different rates of pay; that one may get $1,000 or $1,100 and another $2,000 or $2,500, and one gentleman went as far as to say it went as high as $3,300, all doing the same work. There is no provision in section 6 with reference to that. When the head of a department allocates these men in the different departments, what salaries are to be given to the men who get the highest salary?

Mr. BLACK. In accordance with section 3 it must be within the salary range of the grade to which he is allocated. Inasmuch as there happens to be no specific rule for the guidance of the department head, I presume that he must exercise his judgment, but he must reduce his employees to some salary within the grade.

Mr. MANN. Then the salary must be reduced in some cases?

Mr. BLACK. It must be.

Mr. MANN. I do not want to ask any improper question, but why was not that put in the bill? The bill refers to an increase but says nothing about a decrease.

Mr. BLACK. I was looking for the Sterling bill, and I thought I had it here.

Mr. MANN. That does not interest me.

Mr. BLACK. I was going to call attention to a provision in the Sterling bill which was originally in this bill when first considered which covered that sort of case.

Mr. MANN. Did not that say that there should be no reduction.

Mr. BLACK. Yes. We struck that from the bill, and the committee thought that the bill was sufficient to make it certain that an employee in that class would be allocated to the grade nearest his compensation, but reduced in salary. The committee has no objection, so far as I am concerned, if that is not clear, to an amendment that he shall be allocated to not a greater salary than the maximum of the grade.

Mr. MANN. Well, I could not see, I am frank to say, why you should provide for every case specifically except where there might be a reduction and say nothing about it in such case.

Mr. LEHLBACH. It was the unqualified judgment of the committee or the intention of the committee that such a reduction be made in such case; but I would be glad to prepare an additional amendment under section 6 that will specifically take care of it or will be glad to accept such an amendment.

Mr. MANN. I have not prepared anything. I should think it might be very difficult for a head of the Agricultural Department and the head of the Treasury Department if they have two men performing practically the same service, and one of them is now getting $1,100 a year and the other $2,200 a year, to arrange the matter unless there is a law on the subject.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEHLBACH. Mr. Chairman, I offer an amendment to the amendment which I have previously offered.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. LEHLBACH: Committee amendment to the amendment. Amend the amendment by adding to salaries in grade 2, "*Provided*, That charwomen working part time be paid at the rate of 40 cents an hour and head charwomen at the rate of 45 cents.

Mr. LEHLBACH. Mr. Chairman, it was thought that possibly by not mentioning charwomen, this bill dealing entirely with permanent employees, they might come within the classification of cleaners that have permanent employment, and it is to make clear that is not the intention, but to establish what is now the rate, that this amendment is offered.

The question was taken, and the amendment was agreed to.

The amendment as amended was agreed to.

The Clerk read as follows:

INSPECTIONAL SERVICE.

The inspectional service shall include all classes of positions the duties of which are to observe and report on facts and conditions in order to insure compliance with laws, regulations, or standards, or to supervise such observation and reporting and take appropriate official action.

Grade 1 shall include all classes of positions in this service the duties of which are, under supervision, to inspect, test, and seal gas meters, or to inspect street lighting and installations.

The annual rates of compensation for classes of positions in this grade shall be $1,320, $1,380, $1,440, and $1,500.

Grade 2 shall include all classes of positions in this service the duties of which are, under supervision, to inspect elevators and similar appliances, or plans and specifications for them, to inspect overhead electric wire construction or electrical equipment of motion-picture theaters, to inspect the sanitary condition of places where foods are prepared for sale or sold, and to examine food products or to inspect meat and meat products and the sanitary conditions of establishments where such products are handled, to inspect the collection and disposal of garbage, ashes, and refuse, or to inspect premises for insanitary conditions, to make simple inspections of supplies and materials, or to take samples of coal and prepare them for laboratory analysis, to perform simple routine work involved in inspecting and testing weights and measures for the District of Columbia, in investigating scale and weighing conditions for the Bureau of Standards or in investigating shipping containers for the Bureau of Markets, or to perform other inspectional work of similar character.

The annual rates of compensation for classes of positions in this grade shall be $1,500, $1,560, $1,620, and $1,680.

Grade 3 shall include all classes of positions in this service the duties of which are, under general direction, to be responsible for the inspection of elevators and similar appliances or plans and specifications therefor and personally to make difficult inspections; under direction to supervise and assist in testing and sealing gas meters, to test gas to determine its heating and lighting value, and to act as assistant to a chief inspector of gas; to assist in supervising the Field Inspection Division of the Bureau of Animal Industry and to have special charge of the enforcement of the laws and regulations relating to the treatment of live stock in interstate shipment; to assist the chief sanitary inspector in the supervision of the inspection of sanitary and health conditions and to make inspections of special difficulty or importance; under general supervision to receive, inspect, test, or cause to be tested, supplies received at Washington for the Post Office Department or to inspect or supervise the inspection of shoes and leather for the Army; to assist the superintendent of weights, measures, and markets in the supervision of the inspection of weights and measures and personally to perform the most difficult field work; to inspect Army camps, depots, and hospitals in the interest of accident prevention; to inspect and test insecticides and fungicides in interstate commerce; to inspect steam-power plants and to examine steam engineers for licenses, or to perform other important or supervisory inspectional work of similar character.

The annual rates of compensation for classes of positions in this grade shall be $1,800, $1,920, and $2,040.

Grade 4 shall include all classes of positions in this service the duties of which are to direct and be responsible for the gas inspection bureau of the District of Columbia, to direct and be responsible for the inspection of city refuse, or to direct the enforcement of laws and regulations of the District of Columbia relating to sanitation, smoke, and the 8-hour female labor law, and to assist in enforc-

ing regulations regarding contagious diseases and vital statistics, to supervise the inspection and testing of all supplies received at Washington for the Post Office Department, and under supervision of the corporation counsel of the District of Columbia to investigate and report upon complaints and claims against the District, under general direction, to be responsible for the enforcement of the laws and regulations concerning food inspection in the District of Columbia, under general direction, to make field inspection of locomotives and to investigate locomotive accidents resulting in injury or death, to inspect for evaluation by the Interstate Commerce Commission locomotives or car equipment, to inspect safety appliances on railroad equipment, or to investigate hours of service on railroads, under direction of the chief inspector of weights and measures, Bureau of Standards, to operate, repair, and seal test cars and perform the most difficult related work, to perform such special and difficult inspectional and investigative work as may be required by the Secretary of the Interior or the United States Shipping Board or to supervise the inspectional work of the Office of Indian Affairs, or to perform other administrative inspectional work of similar character.

The annual rates of compensation for classes of positions in this grade shall be $2,200, $2,400, $2,580, $2,760, and $2,940.

Grade 5 shall include all classes of positions in this service the duties of which are to act as technical adviser and to supervise the work of inspection in connection with the manufacture of pyrotechnics, to supervise the inspection of subsistence supplies for Army camps, cantonments, and Army supply bases, to assist in directing the inspection and testing of locomotives and the investigation of locomotive accidents, or to assist the chief in general administration of the Bureau of Safety, to assist the Chief Inspector of Weights and Measures of the Bureau of Standards in directing the inspection of railroad tracks, master scales, mine and tipple scales, and commercial weighing and measuring devices, or to be responsible to the Commissioners of the District of Columbia for the operation of the weights and measures laws and the operation of the municipal markets, or to perform administrative inspectional work of similar character.

The annual rates of compensation for classes of positions in this grade shall be $3,180, $3,420, $3,660, and $3,900.

Grade 6 shall include all classes of positions in this service the duties of which are to be responsible to the Interstate Commerce Commission for the enforcement of the safety appliance law, the hours of service law, the accident investigation law, and other similar laws, or for the inspection and testing of locomotives and their appurtenances and for the investigation of locomotive accidents resulting in injury or death, to be responsible to the Chief of the Division of Weights and Measures of the Bureau of Standards for the inspection and testing work of the division, or to be responsible for the direction of inspectional work of similar scope and importance.

The annual rates of compensation for classes of positions in this grade shall be $4,200, $4,500, $4,800, and $5,100.

Mr. RAINEY of Illinois. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAINEY of Illinois: Page 25, line 13, after the semicolon, add the following: "Under direction to inspect the sanitary condition of places where foods are prepared for sale or sold, and to examine food products, or to inspect meats and meat products and the sanitary condition of establishments where such products are handled."

Mr. STAFFORD. Mr. Chairman, I reserve the point of order for an explanation.

Mr. RAINEY of Illinois. Mr. Chairman, before offering this amendment I discussed same with the chairman and members of the committee explaining the reason why it was necessary. This reclassification bill applies only to the employees in the District of Columbia, and as far as the veterinarians in the Bureau of Animal Industry are concerned, I am advised they are satisfied, but some of the lay inspectors are fearful their rights may be prejudiced because of the various lines of activity connected with their positions. In the District of Columbia there are no slaughtering houses and the work is confined to observation over canning, packing, rendering, storing, and cooking meats. In the larger cities these lay inspectors are engaged in inspecting stock on the hoof, as well as biological products used for the treatment of animals in tuberculosis and hog-cholera serum plants. Furthermore, they assist in determining what food products are properly prepared and labeled, but the great majority are engaged in packing-house inspection. Consequently the chairman realizes this amendment will clarify the situation and take care of all these good fellows. I sincerely trust the amendment will carry.

Mr. LEHLBACH. Mr. Chairman, I have examined this amendment, the gentleman from Illinois was good enough to show it to me, and I can see no objection to it. I think if there were such employees in the District of Columbia, and there may be such, I do not know where they are properly allocable as he seeks to grade them.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

POLICE AND CRIMINAL INVESTIGATION SERVICE.

The police service shall include all classes of positions the duties of which are to perform, supervise, or inspect work involved in the preservation of law and order and the protection of life and property, special police or detective work of a confidential nature, work in executing the orders of Federal courts, or in preserving game for the public use.

Grade 1 shall include all classes of positions in this service the duties of which are, under direction and during a definite watch, to be responsible for the preservation of law and order and the protection of life and property within an assigned park area, square, or reservation under the jurisdiction of the Federal Government.

The annual rates of compensation for classes of positions in this grade shall be $1,560 and $1,620.

Grade 2 shall include all classes of positions in this service the duties of which are, during a definite watch under immediate supervision as a police private or detective, to perform work as directed in the preservation of law and order, the protection of life and property, and the prevention of crime and disorder; under direction to have immediate charge of a squad of patrolmen working in park areas, reservations, squares, and adjoining streets.

The annual rates of compensation for classes of positions in this grade shall be $1,680, $1,740, $1,800, $1,860, and $1,920.

In addition the following extra allowances shall be paid:

Police privates assigned as station clerks shall receive an extra compensation of $60;

Police privates assigned as precinct detectives shall receive an extra compensation of $120;

Police privates assigned as detective sergeants shall receive an extra compensation of $420;

Police precinct detectives assigned as indentification detectives shall receive an extra compensation of $120 in addition to the above rates for private.

Grade 3 shall include all classes of positions in this service the duties of which are, under general supervision during a definite watch, to supervise as police sergeant the work of a group of police officers in an assigned district, or to act as detective sergeant or sergeant of harbor police; to have administrative supervision over the United States park police; to serve processes, act as court bailiff, and execute court orders in a Federal court, or under supervision to enforce as game warden the migratory bird treaty act and the Lacey Act.

The annual rates of compensation for classes of positions in this grade shall be $1,800, $1,920, $2,040, and $2,160.

In addition the following extra allowances shall be paid:

Detective sergeants assigned to identification work shall receive extra compensation of $240;

Police privates assigned as detective sergeants shall receive an extra compensation of $420 in addition to the grade 1 rates for privates.

Grade 4 shall include all classes of positions in this service the duties of which are as police lieutenant to assist in supervising a police company, or to direct the work of a group of police officers engaged in the maintenance of law and order on and near waters, or to assist in supervising identification or detective work.

The annual rates of compensation for classes of positions in this grade shall be $2,280 and $2,400.

In addition the following extra allowances shall be paid: Police lieutenants or detective sergeants assigned as assistant inspectors in the detective bureau shall receive an extra compensation of $360 in addition to the above rates for lieutenant.

Grade 5 shall include all classes of positions the duties of which are, under general direction as police captain, to act as commanding officer for a police company, or to have immediate charge of the police work in the District of Columbia in connection with women and children, or to assist in the general supervision of detective and identification work; or to have direct supervision over a group of officers engaged in carrying out the orders and assisting in the police and other work of a Federal court.

The annual rates of compensation for classes of positions in this grade shall be $2,580 and $2,760.

In addition the following extra allowances shall be paid: Police captains assigned as inspectors in the detective bureau shall receive an extra compensation of $360.

Grade 6 shall include all classes of positions the duties of which are, under general supervision, as police inspectors to inspect police property, buildings, and personnel, or as chief deputy United States marshal to assist in the administration of the office of the United States marshal.

The annual rates of compensation for classes of positions in this grade shall be $3,000 and $3,240, except that in the case of the chief deputy United States marshal the maximum shall be $3,480.

Grade 7 shall include all classes of positions the duties of which are to assist in the general administration of the Metropolitan police department or in the administration of the migratory bird treaty act and the Lacey Act.

The annual rates of compensation for classes of positions in this grade shall be $3,600 and $3,900.

Grade 8 shall include all classes of positions the duties of which are to exercise administrative direction over the Metropolitan police department; to have responsible charge of the office of the United States marshal; to assist in the general administration of the Secret Service Division of the Treasury Department or the Bureau of Investigation of the Department of Justice; or to enforce the provisions of the migratory bird treaty act and the Lacey Act.

The annual rates of compensation for classes of positions in this grade shall be $4,500, $4,800, and $5,100.

Grade 9 shall include all classes of positions the duties of which are to have responsible charge of the Secret Service Division, the Bureau of Investigation, or the Division of Post Office Inspectors.

The annual rates of compensation for classes of positions in this grade shall be $5,400, $5,700, and $6,000, unless a higher rate is specifically authorized by law.

Mr. BLACK. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend salary schedules of police and criminal investigation service as follows:

Page 29, line 17, strike out "$1,560" and "$1,620" and insert in lieu thereof "$1,460" and "$1,520."

On page 30, lines 2 and 3, strike out "$1,680," "$1,740," "$1,800," "$1,860," "$1,920" and insert "$1,560," "$1,620," "$1,680," "$1,740," "$1,800."

On page 31, lines 2 and 3, strike out "$1,920," "$2,040," and "$2,160" and insert "$1,860," "$1,920," and "$1,980."

On page 31, line 18, strike out "$2,280" and "$2,400" and insert "$2,120" and "$2,240."

On page 32, line 9, strike out "$2,580" and "$2,760" and insert "$2,520" and "$2,580."

On page 32, line 19, strike out "$3,000" and "$3,240" and insert "$2,760" and "$3,000"; and on line 21 strike out "$3,480" and insert "$3,240."

On page 33, line 2, strike out "$3,600" and "$3,900" and insert "$3,300" and "$3,600."

On page 33, line 19, strike out "$5,400," "$5,700," and "$6,000" and insert "$5,100," "$5,400," and "$5,700."

Mr. BLACK. Mr. Chairman, I do not wish to argue the amendment that I have offered except simply to state that it is one agreed upon by the committee and in line with the similar amendments we have heretofore considered and adopted to-day. The adoption of this amendment will work a considerable economy and at the same time will afford a fair rate of compensation to the employees affected by it.

Mr. STAFFORD. Will the gentleman yield?

Mr. BLACK. I will yield.

Mr. STAFFORD. I notice that the amendment has reduced generally the salaries of all those in the service, at least the higher salaries, except of those officials found on page 33, lines 12 and 13.

Mr. BLACK. If the gentleman will permit, that grade includes the superintendent of the Metropolitan police, who now receives $4,500 per annum, which is his salary as fixed by the provisions of the Mapes bill of December 5, 1919.

Mr. STAFFORD. Can the gentleman inform the committee as to the salaries now being paid to the other officials who are included in grade 8? Even if the chief of the Metropolitan police is receiving the minimum salary of $4,500 a year, that would not prevent a promotion if it was desired to have him go to the highest grade.

Mr. BLACK. No; he would still be eligible for promotion, it is true, but it was not the intention of the committee in the revision of these salary increases to reduce the compensation of the superintendent of the Metropolitan police, and for that reason this one particular schedule was left as written in the bill. If we had lowered it from the present figures such would have amounted to a reduction, and the committee knows of no reason why that should be done.

Mr. MANN. If the gentleman will permit, that would not reduce his salary, anyhow. If the maximum salary was $4,500, his salary would not be reduced at the rate of compensation. This will increase his salary.

Mr. BLACK. No. Under the terms of the bill an employee who receives $4,500 now will, of course, go into the $4,500 grade.

Mr. MANN. He is eligible for promotion the same as other employees in the service.

Mr. STAFFORD. Has the gentleman information as to the salaries being paid to the other designated officials, for instance, those in the office of the United States marshal, and in general administration of the Secret Service division in the Treasury Department, or the Bureau of Investigation in the Department of Justice?

Mr. BLACK. My recollection is that the Chief of the Bureau of Investigation in the Treasury Department receives $4,500 per annum and his assistant chief receives $3,500. Of course, I can not carry all these salaries in my mind, but my recollection also is that the Chief of the Bureau of Investigation of the Department of Justice gets $4,000 per annum.

Mr. CLOUSE. If the gentleman will permit, under section 10 the bill provides that the Civil Service Commission may at any time promote a person to a vacant position in a higher grade and at a higher rate of compensation, any provision of the law to the contrary notwithstanding. Is there any provision in the bill that will prevent the officers to which you have just now referred from being promoted to the highest grade?

Mr. BLACK. The Civil Service Commission, I will say to the gentleman, does not promote anybody.

Mr. CLOUSE. What does this section 10 mean, then?

Mr. BLACK. The promotions are made by the heads of the departments upon efficiency ratings which are prescribed by the Civil Service Commission.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Texas be extended five minutes because I wish to direct an inquiry to him on a different subject.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Texas may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CLOUSE. The gentleman says the Civil Service Commission has no authority to promote. I am frank to say I am earnestly endeavoring to understand this bill——

Mr. BLACK. I have no doubt of that.

Mr. CLOUSE. If section 10 means anything other than that the Civil Service Commission may promote, I would like the gentleman to explain.

Mr. BLACK. Section 10 reads:

That, subject to such rules and regulations as the Civil Service Commission may from time to time prescribe, an employee may be transferred from a position in one grade to a vacant position within the same grade.

But that transfer is to be carried out, I will say to my friend from Tennessee, by the head of the department. In order, however, to have uniformity in all matters of transfer your committee thought it best to have the Civil Service Commission promulgate some uniform rules and regulations as to transfer and all the heads of the departments must obey these rules. That will enable transfers to be effected in proper cases and will at the same time, we hope, prevent any abuses of the privilege.

Mr. CLOUSE. It is true it provides for the transfer and it likewise provides for the promotion to a position in a higher grade.

Mr. BLACK. The gentleman does not contend that the Civil Service Commission will promote anybody?

Mr. CLOUSE. They prescribe a rule and the head of a department may immediately promote to a higher grade.

Mr. BLACK. The head of a department has the right under this bill to promote under efficiency rating not more than once a year, and then only within the salary ranges of the grades. The House has also, since the bill was taken up for consideration, adopted an amendment which I offered further safeguarding the Government against abuses of the promotion privilege by providing that none of these increases in salaries shall become effective until Congress itself shall appropriate the money to pay the increase.

Mr. CLOUSE. Yes; but we provide in this bill, if the gentleman remembers, that this shall be a sufficient authorization for the appropriation.

Mr. LEHLBACH. That is only an exception, where the Bureau of the Budget recommends a salary outside of the classification entirely, for a specific individual.

Mr. BLACK. It is true that the bill furnishes sufficient authority for Congress to appropriate money, but a promotion does not become effective until Congress takes affirmative action and ratifies it by appropriating the money.

Mr. CLOUSE. Does not that apply also to a particular class? I call your attention to section 7. Does it not embrace every class contained in the entire bill?

Mr. LEHLBACH. The gentleman misunderstood me. I said that where the bill speaks of this provision being sufficient authority to make the appropriation, that language is used in connection with where the Director of the Budget may make a special recommendation. But, of course, the act of Congress is authority for Congress to make the appropriation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask for recognition in opposition to the amendment. I notice in three places in this service under consideration that the committee refers to two acts of Congress not in the customary phraseology of legislation but in the popular phraseology, as the "migratory bird treaty act" and the "Lacey Act." It is not customary in referring to acts of Congress to refer to them by their popularly known names. I think it is open to some criticism. I think it would be better to refer to them by giving the dates of the acts, so that it would be more definite.

Mr. LEHLBACH. Everybody knows what is meant, and no department head and no official of the Government or comptroller can close his eyes to what statute is meant when the usual and common term by which it is frequently referred to in Government publications is employed.

Mr. STAFFORD. I take issue with the gentleman as to there being any such popularly accepted meaning of the act of 1900 as "the Lacey Act." It is true that Representative Lacey was the sponsor for it in the House, but it has not received that accepted definition.

Mr. MANN. I would not think that that would be a very good reference.

Mr. STAFFORD. I ask the authority on phraseology, the gentleman from Illinois [Mr. MANN], whether it is customary to refer to acts in this form?

Mr. MANN. I am not an authority.

Mr. STAFFORD. I think it would be preferable in the case of these acts to refer to them by their dates.

Mr. LEHLBACH. I have no objection.

Mr. STAFFORD. Then, after the pending amendment is disposed of, I will offer a series of amendments to clarify the language.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment: On page 30, line 23, after the word "the," insert "act of July 3, 1918, known as the," and in line 24, after the word "and," insert "the act of May 25, 1900, known as." On page 32, line 25, after the word "the" where it first occurs,

insert "act of July 3, 1918, known as the," and after the word "the" in the same line, where it occurs the second time, insert "act of May 25, 1900, known as the." On page 33, line 10, after the word "the," where it occurs the first time, insert "act of July 3, 1918, known as," and after the word "the," where it occurs the second time, insert "act of May 25, 1900, known as the."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD:

On page 30, line 23, after the word "the," insert "act of July 3, 1918, known as the," and in line 24, after the word "and," insert "the act of May 25, 1900, known as."

On page 32, line 25, after the word "the" where it first occurs, insert "act of July 3, 1918, known as the," and after the word "the" in the same line, where it occurs the second time, insert "act of May 25, 1900, known as the."

On page 33, line 10, after the word "the" where it occurs the first time, insert "act of July 3, 1918, known as," and after the word "the" where it occurs the second time, insert "act of May 25, 1900, known as the."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FIRE SERVICE.

The fire service shall include all classes of positions the duties of which are to supervise or to perform work in extinguishing or preventing fire or to perform inspectional, investigational, and regulative work incidental thereto.

Grade 1 shall include all classes of positions in this service the duties of which are to perform the routine work of the service in extinguishing or preventing fire; with the rank of private, to make regular inspections of buildings in an assigned area to secure compliance with regulations; or as fire wardens under supervision to organize and instruct occupants of Government buildings in the use of apparatus, to hold fire drills of employees, to test apparatus, and to make inspections.

The annual rates of compensation for classes of positions in this grade shall be $1,680, $1,740, $1,860, and $1,920.

Grade 2 shall include all classes of positions in this service the duties of which are to serve as third officer of a fire company.

The annual rates of compensation for classes of positions in this grade shall be $1,980 and $2,040.

Grade 3 shall include all classes of positions in this service the duties of which are to have charge of the second platoon of a fire company, or to have charge of the inspectional force in the office of the fire marshal.

The annual rates of compensation for classes of positions in this grade shall be $2,100 and $2,160.

Grade 4 shall include all classes of positions in this service the duties of which are to command as captain the work of a fire company, under direction, to assist with the rank of captain, in supervising the care, maintenance, repair, and reconstruction of fire-fighting apparatus, and under direction, with the rank of captain, to assist in the supervision and direction of the inspection of buildings for compliance with the regulations, to assist in conducting investigations of the causes of and damages by fires, to assist in the supervision of theaters, and to perform other relative work.

The annual rates of compensation for classes of positions in this grade shall be $2,280 and $2,400.

Grade 5 shall include all classes of positions in this service the duties of which are, under general direction, to be in responsible charge of all personnel, apparatus, and quarters in a battalion district of the municipal fire department, with the rank of battalion chief to be in immediate charge of the office of the fire marshal, or to supervise the care, maintenance, reconstruction, testing, and repair of fire-fighting apparatus, to design and supervise the construction of new apparatus, and to perform other similar work.

The annual rates of compensation for classes of positions in this grade shall be $2,580 and $2,760, except that in the case of the fire marshal and superintendent of machinery the rates shall be $2,760 to $2,940.

Grade 6 shall include all classes of positions in this service the duties of which are to be deputy chief of the fire department of the District of Columbia, or as a fire-prevention engineer to conduct investigations, submit reports, and make recommendations leading to improvements in fire-prevention methods and in the installation of fire-prevention and fire-fighting apparatus in Government-controlled properties.

The annual rates of compensation for classes of positions in this grade shall be $3,180 and $3,420.

Grade 7 shall include all classes of positions in this service the duties of which are, under general direction of the Board of Commissioners of the District of Columbia, to exercise administrative supervision over and be fully responsible for the work of the fire department.

The annual rates of compensation for classes of positions in this grade shall be $4,500, $4,800, and $5,100.

SEC. 13. That the estimates of the expenditures and appropriations set forth in the budget to be transmitted by the President to Congress on the first day of the next ensuing regular session shall conform to the classification herein provided, and that the rates of salary in the compensation schedules shall not become effective until the first day of the fiscal year estimated for in such budget.

Mr. BLACK. Mr. Chairman, I offer an amendment on behalf of the committee.

The CHAIRMAN. The gentleman from Texas on behalf of the committee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. BLACK: Amend fire service salary schedule:

On page 34, line 11, strike out "$1,680," "$1,740," "$1,860," and "$1,920" and insert "$1,560," "$1,620," "$1,680," and "$1,800."

On page 34, line 17, strike out "$1,980," "$2,040" and insert "$1,800" and "$1,920."

Page 34, line 23, strike out "$2,100" and "$2,160" and insert "$2,040" and "$2,100."

Page 35, line 11, strike out "$2,280" and "$2,400" and insert "$2,160" and "$2,280."

Page 35, line 23, strike out "$2,580" and "$2,760" and insert "$2,520" and "$2,700." And on line 25 of the same page strike out "$2,760" and "$2,940" and insert "$2,700" and "$2,880."

Page 36, line 10, strike out "$3,180" and "$3,420" and insert "$3,000" and "$3,240."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. STAFFORD. Can the gentleman from Texas [Mr. BLACK] inform the committee as to how the amended salaries conform to the salaries now paid to the members of the fire department?

Mr. BLACK. The pay of privates in the police department and in the fire department is the same. There are three grades—$1,460, $1,560, and $1,660, and they also receive the $240 bonus which is now paid.

In order to conform to the general revision of the bill as nearly as we have been able to figure it out we have reduced the salary schedule for police privates to where it will be $1,560, $1,620, $1,680, $1,740, and $1,800, and we make the same schedule as to firemen.

Mr. STAFFORD. At present the entrance salary for firemen and policemen is what?

Mr. BLACK. It is $1,460 plus the bonus, making $1,700.

Mr. STAFFORD. And you now propose to have the entrance salary what?

Mr. BLACK. One thousand five hundred and sixty dollars.

Mr. STAFFORD. Raising the entrance salary $100 for both firemen and policemen?

Mr. BLACK. Yes, over that of the Mapes law of December, 1919, but reducing the salary schedule from what it now is including the bonus. In other words, the committee seeks to accomplish by these amendments the same ratable reductions as to firemen and policemen schedules of the bill as we have accomplished as to other parts of the bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WOOD of Indiana. Mr. Chairman, I move to strike out all of the section that we have just been considering, commencing with line 21 on page 8, and insert the following.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: On page 8, beginning with line 21, strike out all of the remainder of section 12 and insert in lieu thereof the following:

"COMPENSATION SCHEDULES.

"Grade 1. Character of work——

Mr. LEHLBACH. Mr. Chairman——

The CHAIRMAN. The Clerk had not completed the reading of the amendment.

Mr. LEHLBACH. I ask unanimous consent to interrupt the reading of the amendment for a moment. I do this at the suggestion of the gentleman from Indiana [Mr. WOOD] who offers the amendment.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to proceed for five minutes pending the reporting of the amendment. Is there objection?

There was no objection.

Mr. LEHLBACH. The amendment offered is the schedule of compensation contained in the Wood bill (H. R. 2921), by which it is proposed to replace the compensation schedules which have just been read and adopted by the committee. The gentleman from Indiana [Mr. WOOD] agrees that, inasmuch as these schedules are very long and are already in print and available to the Members of the House, further reading of the amendment be dispensed with. I ask unanimous consent that that be done.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the further reading of the amendment offered by the gentleman from Indiana [Mr. WOOD] be dispensed with. Is there objection?

Mr. CAMPBELL of Kansas. Reserving the right to object, has the amendment ever been read?

Mr. WOOD of Indiana. No; it never has been read.

The CHAIRMAN. The Chair understands it has not been read.

Mr. LEHLBACH. It has been printed.

Mr. CAMPBELL of Kansas. Well, I do not think we ought to agree to an amendment in the House without reading it.

Mr. BLACK. We are not going to agree to it.

Mr. CAMPBELL of Kansas. Or even to consider an amendment without reading it. I think the amendment should be read.

The CHAIRMAN. The gentleman from Kansas objects. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana:

Compensation schedules.

CHARACTER OF WORK.

GRADE 1.

(Salary range, per annum, from $360 to $660.)

1. Light janitorial work (charwomen).

GRADE 2.

(Salary range, per annum, from $540 to $720.)

1. Running errands within an office and doing light tasks with little responsibility (messenger boys).
2. Checking parcels.

GRADE 3.

(Salary range, per annum, from $720 to $1,080.)

1. Supervising a small group of persons doing light janitorial work.
2. Handling heavy objects, such as desks, mail sacks, etc., and doing other work usually required of unskilled laborers.
3. Operating elevators.

GRADE 4.

(Salary range, per annum, from $900 to $1,260.)

1. Running errands and doing light manual tasks with some responsibility; carrying important documents from one office to another; attending the door and private office of bureau chiefs, department heads, etc.
2. Supervising a large group of persons doing light janitorial work.
3. Packing goods for shipment.
4. Operating passenger or freight automobiles.
5. Operating paper-cutting machines, envelope-opening and envelope-sealing machines.
6. Under supervision, firing and keeping up steam in boilers used for heating purposes in office buildings, cleaning boilers, and oiling machinery and related apparatus.
7. Performing under immediate supervision, without former training or experience, miscellaneous beginners' work in an engraving establishment, such as making mechanical rulings, using character dies, cutting the simplest line work, caring for instruments and tools, and practicing simple line work.
8. Guarding office and storage buildings.
9. Cleaning and caring for laboratory glassware and apparatus.

GRADE 5.

(Salary range per annum $1,140 to $1,500.)

1. Supervising a small force of unskilled laborers.
2. Firing and keeping up steam in heating apparatus and operating the boilers and other equipment used for heating purposes.
3. Typing from plain copy nontechnical material, with little or no tabular matter.
4. Preparing stencils for addressing machine (Belknap).
5 Operating addressing machines (addressograph, Belknap, Elliott, etc.), canceling machines, duplicating machines (mimeograph, etc.).
6. Operating listing adding machines (Burroughs, Dalton, Sunstrand, etc.).
7. Punching cards for tabulating machines (Hollerith, Powers, Peirce, etc.)
8. Embossing names, addresses, and other information on metal plates for use in addressing machines (graphotype).
9. Operating telephone switchboard.
10. Operating punch-card sorting machines (Hollerith, Powers, etc.).
11. Entering in registers, cash books, or journals from verified original documents, without classification or distribution in columns according to classification indicated on original documents. (Longhand as distinguished from machine work.)
12. Sorting and counting valuable paper, stamps, currency, coin, coupons, etc., under supervision.
13. Verifying shipping lists of currency, securities, etc.
14. Sorting papers numerically or alphabetically.
15. Indexing papers by names; filing by names or numbers.
16. Filing punch cards where the work requires merely the ability to read the cards.
17. Searching indexes (numeric or alphabetic).
18. Reading and classifying mail for distribution where the classification is by large office divisions.
19. Performing routine elementary library work under direct supervision, such as following: Assisting in cataloguing; sorting and recording periodical material; keeping routine library records, including circulation, accession, and bindery records; serving the public at circulation desks.
20. Comparing printed or typewritten matter with copy and indicating discrepancies.
21. Hand copying of simple text and addressing envelopes.
22. Filling acknowledgment and similar forms.
23. Verifying bills, checks, notices, statements, letters, etc., with records from which prepared.
24. Proof reading and correcting errors in embossed plates and stencils.
25. After some experience and training performing under close supervision work of a primary character in an engraving establishment, such as making mechanical rulings, using character dies, doing simple engraving, and learning the trade by practicing simple line work and lettering.
26. Assisting in routine laboratory work; preparing media; mixing simple solutions; preparing specimens.

GRADE 6.

(Salary range, per annum, from $1,320 to $1,680.)

1. Supervising the operation and maintenance of a small heating plant and its auxiliary equipment.
2. Performing general semimechanical new or repair work requiring some skill with hand tools.
3. Operating nonlisting machines, principally addition only. (Comptometer, Burroughs calculator, etc.)
4. Operating automatic feed addressographs.
5. Operating tabulating machines (Hollerith, Powers, etc.).
6. Setting type for the multigraph.
7. Operating bookkeeping machines for register, journal, or billing work (Underwood, Remington-Wahl, Elliott-Fisher, etc.).
8. Typing from plain copy in which technical or unusual words, expressions, and phrases occur frequently; typing of involved tabular matter where operator is responsible for arrangement.
9. Preparing stencils for mimeograph.
10. Performing ordinary stenographic work, such as taking in shorthand and transcribing routine nontechnical dictation.
11. Entering in registers, cashbooks, or journals from verified original documents, with distribution in columns or otherwise, according to a classification made by the entry clerk himself (longhand as distinguished from machine work).
12. Indexing papers by names and indicating subject matter.
13. Searching subject files for specific information.
14. Reviewing circulars, letters, and reports for errors in grammar, punctuation, and spelling.
15. Selecting and transcribing figures from reports, publications, and documents to tabulation sheets.
16. Making simple tabulations that require no knowledge of the subject matter, but merely the following of simple instructions.
17. Coding schedules, questionnaires, reports, or other documents for use in punching tabulation cards.
18. Simple drafting, including tracing, simple lettering, etc.
19. Hand copying of tabular matter.
20. Selecting correspondence forms and filling in appropriate items.
21. Receiving and issuing supplies and stores.
22. Keeping time records of personnel and preparing pay rolls.
23. Receiving and treating emergency cases of illness and accident in departmental relief rooms (first aid).
24. Performing library work of an intermediate grade, under supervision, such as the following: Reference work; cataloguing, shelf listing, and accessioning; checking book catalogues and bibliographical lists.
25. Performing the work of skilled trades, such as work of carpenters, steamfitters, plumbers, electricians, stationary engineers, bricklayers, and other skilled tradesmen.

GRADE 7.

(Salary range, per annum, from $1,500 to $1,860.)

1. Supervising a large force of unskilled laborers.
2. Repairing office appliances.
3. Operating computing and calculating machines, involving addition, subtraction, multiplication, and division, or any two or three of these processes (comptometer, Burroughs calculator, Monroe, Millionaire, Marchant, etc.).
4. Operating telegraph.
5. Operating bookkeeping machines for ledger and statement work (Underwood, Remington-Wahl, Burroughs, Elliott-Fisher, etc.).
6. Transcribing from dictating machines.
7. Having direct supervision over a group of typists.
8. Performing stenographic work of more than average difficulty, such as taking in shorthand and transcribing routine dictation in which technical words, expressions, and phrases occur frequently, or taking in shorthand and transcribing dictation with constant variation of subject matter (not routine), but containing few technical words, expressions, and phrases.
9. Posting detail ledgers from registers, cash books, or journals, or from separate posting media, locating errors in such ledgers and taking trial balances thereof (longhand as distinguished from machine work).
10. Under direct supervision, analyzing personal income-tax returns not involving a field audit for the purpose of determining the taxable income under the Federal income tax laws and the tax liability.
11. Making routine examination of fiscal officers' accounts where only a limited knowledge of regulations, comptroller's decisions, and minor points of law is required.
12. Examining and settling property returns and accounts, including passing upon the validity of papers filed as vouchers to property accounts.
13. Auditing passenger transportation claims and bills not involving land grants and express claims and bills.
14. Receiving cash or cash items under general supervision, and keeping primary accounts thereof.
15. Performing routine clerical work in connection with receiving, sorting, storing, issuing, and shipping currency, bonds, securities, and valuable stamped paper; and keeping records of receipts, withdrawals, and balances thereof.
16. Indexing or marking papers for filing by subjects according to a simple system.
17. Reading and classifying mail embracing a wide variety of subjects, which must be routed to many groups of employees, or where the work and organization of the office is involved and overlapping of functions between divisions is frequent.
18. Examining simple statistical reports or schedules to determine their accuracy and completeness and preparing them for tabulation.
19. Planning, arranging, and engrossing lettering, flourishes, and other characters upon official documents.
20. Preparing correspondence in cases which require little special knowledge and in which the facts are clear and the action to be taken is obvious.
21. Reviewing requisitions for supplies, where the work requires the exercise of little discretion.
22. Briefing or digesting simple cases for action by administrative officers.
23. Performing clerical work in connection with the proceedings of cases instituted before a court, board, or other similar body, such as keeping dockets of hearings, petitions, appeals, etc.
24. Performing clerical work in connection with personnel administration, involving the application of civil service and departmental rules and regulations.
25. Rating, initially or upon review, civil-service examinations, not including scientific, technical, or professional tests, assisting in the preparation of such examinations and in conducting written or practical examinations.
26. Translating work, involving a knowledge of but one foreign language.
27. Performing the work of secretarial clerk to the head of a minor branch of the service.
28. Under supervision, engraving topographic maps or nautical charts on copper plates, where the design is not intricate and where the detail is not great.
29. Performing assigned routine laboratory work which requires some professional training or its equivalent; making simple analyses, or-

ganic preparations, or standard solutions; cultivating fungi; making isolations; assisting in plant-breeding experiments.

30. Under supervision, doing specialized library work with children, public school students, or the blind.

GRADE 8.

(Salary range, per annum, from $1,680 to $2,040.)

1. Performing the work of foreman of skilled mechanics.

2. Supervising the operation and maintenance of a large heating, lighting, and power plant and all auxiliary mechanical and electrical devices and equipment in connection therewith.

3. Performing stenographic work of high grade, such as taking in shorthand and transcribing dictation in which technical words, expressions, and phrases occur frequently, with constant variation of subject matter.

4. Having direct supervision over a group of stenographers and typists.

5. Under a simple accounting system, journalizing routine transactions (or posting them directly to a ledger), where the bookkeeper must use judgment as to the accounts affected; posting of general ledger, locating errors therein, and taking trial balance thereof. (Longhand, as distinguished from machine work.)

6. Under direct supervision, analyzing partnership income-tax returns not involving a field audit in order to determine the net profits of the partnership for the purposes of the Federal income tax laws.

7. Under direct supervision, reviewing personal income-tax returns which have been given a field audit for the purpose of determining the taxable income under the Federal income tax laws and the tax liability.

8. Under direct supervision, reviewing, partnership income and profits tax returns which have been given a field audit in order to determine the net profits of the partnership for the purposes of the Federal income tax laws.

9. Auditing freight claims and bills not involving land grants.

10. Indexing or marking papers for filing by subjects according to a system of moderate complexity.

11. Under general direction, being responsible for opening, reading, routing, dispatching, classifying, indexing, and filing mail in a small Government organization where the responsibility for such functions is vested in one position, and supervising the work of assistants when required.

12. Editing manuscripts for form and marking them for the printer, indicating style of type, headings, etc.; reading and revising galley and page proof; preparing title-pages, tables of contents, indexes, etc.

13. Reviewing letters, telegrams, reports, etc., composed by correspondence clerks and others; criticizing such material as to general appearance, style, diction, and grammatical construction to see that it conveys the correct information in as concise form as possible.

14. Preparing, under general supervision, statistical tables and computations following a definite plan laid out, involving the use of adding, computing, and tabulating machines, and the supervision of a small group of employees performing a single process or group of simple related processes.

15. Plotting from field notes, map making, preparing topographic maps, simple mechanical and architectural drafting.

16. Reviewing requisitions for supplies, when the work requires the exercise of considerable discretion.

17. Briefing or digesting cases of moderate complexity for action by administrative officers.

18. Composing and dictating correspondence, reports, and memoranda involving an understanding of office procedure and policy.

19. Supervising or administering a large storeroom or warehouse.

20. Having direct supervision over the work of a group of clerks engaged on time records and the preparation of pay rolls.

21. Rating the subjects of education, training, and experience in non-assembled civil-service examinations; having responsibility for a primary subdivision of examining work not involving technical, scientific, or professional tests.

22. Making simple translations from or into two or three of the less difficult foreign languages.

23. Performing general or specialized library work of professional grade, under supervision, such as the following: Reference, bibliographical, and other work; classifying and cataloguing books, periodicals, prints, documents, etc.; having the care of a minor library collection in a Government department or bureau not requiring advanced specialization in subject matter.

GRADE 9.

(Salary range, per annum, from $1,860 to $2,400.)

1. Making stenographic reports of the proceedings of meetings, conferences, hearings, or similar gatherings, where the proceedings are more or less informal.

2. Having general supervision over a large stenographic section.

3. Analyzing and journalizing for cost accounting purposes pay rolls or time records, and requisitions or other records of property issued.

4. Making examinations of fiscal officers' accounts where a thorough knowledge of regulations, comptroller's decisions, and minor points of law are involved.

5. Under direct supervision analyzing corporation income and profits tax returns not involving a field audit for the purpose of determining the taxable income under the Federal income tax laws and the tax liability.

6. Under direct supervision reviewing income and profits tax returns which have been given a field audit for the purpose of determining the taxable income under the Federal income tax laws and the tax liability.

7. Having general supervision over a group of counters of money and securities and directing distribution of the work.

8. Under direct supervision performing statistical clerical work demanding a thorough clerical knowledge of difficult or complicated subject matter and the exercise of mature statistical judgment and supervising a small statistical clerical organization, being responsible for the output, flow of work, etc.

9. Conducting correspondence in cases of moderate complexity requiring considerable special knowledge, in which the determination of the facts and the action to be taken involves the exercise of judgment and discretion.

10. Having general supervision over a group of employees engaged in miscellaneous clerical work of a simple kind.

11. Performing responsible clerical work in connection with the proceedings of cases instituted before a court, board, or other similar body, such as acknowledging, classifying, and docketing appeals, petitions, and other documents and referring them to an adjudicating organization.

12. Passing upon claims or other matters, disposition of which involves the exercise of knowledge of particular laws, regulations, and office procedure but not a general legal knowledge; conducting correspondence arising in connection therewith.

13. Having general supervision over a central time record and payroll organization, involving the management of a large group engaged on time records and pay rolls.

14. Performing work involving supervisory responsibility or the exercise of independent judgment and discretion in connection with the personnel administration of a Government organization or bureau; administering and applying, or assisting in the administration and application of the civil-service laws and rules.

15. Preparing and rating or supervising the rating of civil-service examinations involving scientific, technical, and professional tests.

16. Performing difficult and specialized work involved in the making of purchases of varied materials, supplies, or equipment; compiling estimates of requirements for materials, supplies, or equipment and soliciting bids and quotations.

17. Making translations from or into four or more of the less difficult languages, such as French, Italian, Spanish, Portuguese, German, Dutch, Danish, Swedish, or Norwegian, or a smaller number of Slavic or oriental languages.

18. Performing under direct professional, scientific, and technical supervision simple and elementary work of a character requiring some training, but little or no previous experience, such as (a) making scale and full-size detail and other working architectural, mechanical, or engineering drawings; (b) making pen-and-ink and water-color drawings of plant and animal life, minerals, and biological and pathological subjects for illustrations in scientific articles; (c) assisting in the more responsible treatment and care of, or the examination of, or the investigation of conditions affecting patients in a hospital or other Government institution, supervising the work of nurses or other trained assistants; (d) performing minor legal work as assigned, such as searching for, interpreting, and applying laws, court decisions, and other legal authorities in the preparation of drafts of opinions and briefs and compiling data and reference for use in trials.

19. Performing the work of a secretarial clerk to the head of a major branch of the service.

20. Under direct supervision, constructing from drawings and specifications geodetic, astronomical, nautical, and high-class surveying instruments and apparatus, and repairing and overhauling such instruments and apparatus.

21. Under supervision, engraving on copper plates, topographic maps, or nautical charts, or other similar work where the design is intricate and the detail is minute, lettering and similar work, repairing defective and worn plates, changing and making additions to existing plates, and instructing beginners in the trade.

22. Directing and having independent responsibility for the receiving and paying of money in a small bureau or establishment where the disbursements relate almost exclusively to salaries and travel.

23. Being responsible for library service in a Government establishment carrying on investigations of importance in the natural and economic sciences; directing the circulation department, children's work, or training class of a municipal public library.

GRADE 10.

(Salary range, per annum, from $2,160 to $2,700.)

1. Making verbatim reports of the proceedings of formal conferences and meetings.

2. Under a complex accounting system, journalizing transactions (or posting them directly to a ledger) when the bookkeeper must use judgment as to the accounts affected, posting on general ledger, locating errors therein, taking trial balances thereof, and preparing periodical and special financial statements, such as balance sheets and operation statements.

3. Assisting in the designing and installing of accounting systems of a complex nature requiring a knowledge of accounting theory and practice.

4. Auditing transportation claims and bills, verifying transportation rates and charges involving allowances, divisions, or land grants, and handling correspondence in connection therewith.

5. Supervising the work of auditing and settling claims and accounts in a section of an auditor's office or performing the more difficult work of the section.

6. Having direct charge of a large stock vault or a group of vaults and supervising a group of clerks receiving, storing, safeguarding, issuing, and shipping securities, keeping records and indexes thereof, taking inventories, and making reports as required, where the transactions are numerous, and conducting correspondence relating to the work.

7. Indexing or marking papers for filing according to a complex subject system embracing a great variety of subjects.

8. Having responsible supervision over a large mail and file division where the subject matter of the correspondence is of a varied nature and devising methods for the expeditious conduct of the work.

9. Editing and revising material for public distribution, advising with authors as to arrangement of materials, and laying out copy for printer's guidance. Preparing summaries of reports for the press.

10. Briefing and digesting cases of exceptional complexity for action by administrative officers.

11. Conducting correspondence in complex cases requiring much special knowledge, and in which the determination of the facts and the action to be taken requires independent judgment and discretion.

12. Supervising the work of a large group engaged in the distribution of publications, devising methods of facilitating and expediting the work, and making necessary reports and conducting correspondence.

13. Passing upon requisitions for printing and binding, and supervising the distribution or sale of publications, including maps, charts, and departmental forms and blanks in a department or large bureau.

14. Supervising and directing the work of civil-service examiners in the preparation and rating of examinations, conducting important investigations, and conferring with the public and departmental officers.

15. Having general supervision over the personnel office of a small Government organization.

16. Preparing instructions for medical examinations of claimants for pensions, designating the resident surgeons who shall make such examinations, examining the certificates of these examinations, and conducting the correspondence required to complete or correct them.

17. Translating from or into three or more of the Romance or Teutonic languages and two of the more difficult or unusual languages.

18. Translating the most difficult or highly technical documents.

19. Supervising and reviewing the work of a number of employees engaged in translating.

20. Being responsible for the maintenance and operation of a large public building, directing supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees in the maintenance and operation of the building, preparing estimates for minor improvements, additions, and repairs.

21. Under direction, constructing and repairing instruments of precision in accordance with plans, drawings, and specifications requiring a knowledge of the theory and methods governing the use of such instruments.

22. Performing under specific direction responsible library work requiring advanced library technique, specialization in some field of knowledge or supervisory ability, such as the following: Doing expert bibliographical or reference work, revising the cataloguing and classification of books, or cataloguing books and other material of the most difficult character.

GRADE 11.

(Salary range, per annum, from $2,460 to $3,000.)

1. Supervising and laying out the work of a group dealing with tariff-rate questions and investigations, performing highly specialized and technical tariff and rate research work in determining the legal net transportation rates.

2. Making settlements with carriers on the basis of commercial rates, less the proper land-grant deductions, and in accordance with accounting laws.

3. Revising disbursing officers' accounts involving payments for freight transportation.

4. Directing and having independent responsibility for the receiving and paying of money in a small bureau or establishment where the disbursements are somewhat varied.

5. Having direct charge of a large vault or group of vaults containing large quantities of securities, and supervising a group of clerks receiving, storing, safeguarding, issuing, and shipping securities held in trust by the United States, making substitutions and exchanges, clipping coupons and accounting therefor, keeping records and indexes thereof, taking inventories and making reports as required where the transactions are numerous, and conducting correspondence relating to the work.

6. Performing under general direction highly responsible work requiring the most advanced library technique, authoritative scholarship in some specialized field of knowledge, or administrative ability, such as the following: Being responsible for advanced bibliographical research, cataloguing, or ordering of books where an authoritative knowledge of the literature of the subject and scholarly methods are required.

7. Supervising and laying out the work of a group of clerks engaged in conducting important or specialized correspondence.

8. Supervising the work of a group engaged in receiving, acknowledging, classifying, docketing, indexing, filing, examining, and assigning appeals, pleadings, petitions, or other documents used in the proceedings of cases instituted before a Government board, commission, or other body possessing powers of adjudication; conferring with attorneys, plaintiffs, and others, and advising them as to the practice, procedure, and preparation of cases; deciding matters of practice and procedure; and similar duties.

9. Assistant to a personnel officer in a large Government establishment where the personnel work requires a large force.

10. Having responsibility for the procurement, receipt, storage, issue, and maintenance of supplies and equipment of a varied nature in a department, large bureau, or independent establishment.

11. Being responsible for the maintenance and operation of a group of public buildings; directing supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees in the maintenance and operation of the buildings; preparing estimates for minor improvements, additions, and repairs.

12. Performing the work of a private secretary to the head of a bureau having jurisdiction over a group of major divisions or subdivisions.

13. Under general direction, having administrative control over the clerical force and responsibility for the general business operations of a small independent establishment, or of a minor bureau or division of a department, involving general supervision over all matters relating to the employees of the bureau or division; responsibility for the enforcement of general regulations; supervision over the classification and compilation of estimates of appropriations and general supervision over expenditures from appropriations for contingent and miscellaneous expenses of the bureau or division; and acting as administrative assistant to the head of the bureau or division.

14. Under general direction engraving on copper plates topographic maps or nautical charts or other similar work where there is much intricate detail, lettering, and similar work; repairing defective and worn plates; changing and making additions to existing plates; giving instructions to and supervising the work of other engravers in the advanced work and at times taking charge of a number of engravers doing the higher class of work. The work of this group requires thorough accuracy, exceptional skill, and speed in execution.

15. Performing under professional, scientific, and technical supervision, assigned work, requiring training and previous experience, such as (a) preparing detail drawings to conform to general specifications, supervising a group of draftsmen engaged in work requiring skill and experience in working out details but no ability to design, preparing and carrying to completion working architectural or mechanical drawings from detailed specifications;

(b) Reviewing the work of medical examiners on pension claims, determining whether medical questions, especially those relating to pathology, have been properly answered, and whether disabilities have been correctly described and properly rated in accordance with existing laws and regulations.

(c) Examining medical evidence to determine the degree of disability of a claimant for benefits under the war risk compensation act.

(d) Performing work of a routine character, such as searching for, interpreting, and applying the laws, court decisions, or other legal authorities, and the preparation of opinions, briefs, tentative judicial decisions, or other legal documents, preparing pleadings, indictments, or other court papers in connection with suits, trials, or other legal actions, preparing or passing upon the legality or sufficiency of contracts, leases, bonds, and claims.

(e) Being responsible for conduct of minor specific jobs assigned or performing such work with a small number of subordinates by following specific directions or specifications.

GRADE 12.

(Salary range, per annum, from $2,700 to $3,300.)

1. Having responsibility for the accounting work of a small Government accounting organization having both field and office operations.

2. Having general supervision over a large group of bookkeepers and accounting clerks.

3. Planning, allotting, and supervising the work of auditing and settling claims and accounts in a division of a departmental auditor's office.

4. Supervising the editing and preparation for printing and the proof reading of official publications of a department or bureau; consulting with and advising the chief of a department or bureau and others concerning matters of editorial policy and preparing or supervising the preparation of press material.

5. Under supervision, constructing, and occasionally suggesting improvements and new designs in instruments of precision requiring familiarity with practical astronomy, geodesy, hydrography, navigation, magnetism, and surveying generally, in their relation to the observational instruments used, and knowledge of applied physics and optics necessary to assist in the designing of new instruments; doing creative work along these lines, requiring knowledge of materials and instrument shop practice and executive ability in administering the affairs of a scientific division.

GRADE 13.

(Salary range, per annum, from $3,000 to $3,600.)

1. Supervising the operation of an entire system of accounts in a large office and designing and installing new features and procedures for the existing system.

2. Directing a large organization consisting of groups of tariff examiners and rate verifiers, and coordinating the methods followed in the work.

3. Directing and having independent responsibility for the receiving and paying of money and rendering reports thereof in a Government department or large bureau where the transactions are varied and general in character.

4. Performing, either with or without a small number of trained assistants or under professional, scientific, or technical direction, with considerable latitude of individual judgment, responsible professional, scientific, or technical work requiring extended training and considerable successful previous experience, such as—

(a) Reviewing war-risk cases examined by medical examiners and deciding cases pertaining to the reinstatement of policies of insurance.

(b) Searching for, interpreting, and applying the laws, court decisions, or other legal authorities in the preparation of opinions, briefs, tentative judicial decisions, or other legal documents, preparing pleadings, indictments, or other court papers in connection with suits, trials, or other legal actions, preparing and passing upon the legality or sufficiency of forms of contracts, leases, bonds, and of claims, conducting or assisting in the prosecution or defense of suits or trials.

(c) Collecting and compiling data for special lines of professional, scientific, or technical work.

(d) Conducting specific tests or investigations in this field.

5. Having general supervision over the personnel office of a large Government organization.

6. Performing the work of private secretary to a department head.

7. Under general direction, having administrative control over the clerical force and responsibility for the general business operations of a large independent establishment, or of a major bureau or division of a department, involving general supervision over all matters relating to the employees of the bureau or division, responsibility for the enforcement of general regulations, supervision over the classification and compilation of estimates of appropriations and general supervision over expenditures from appropriations for contingent and miscellaneous expenses of the bureau or division, and acting as administrative assistant to the head of the bureau or division.

GRADE 14.

(Salary range, per annum, from $3,300 to $3,900.)

1. Directing the editorial work of a department or other Government organization in which a large and diverse volume of reports, bulletins, circulars, press articles, and other material for publication is produced; supervising the editing, the preparation for printing, and the proof reading of these publications; consulting with and advising the head of the department or bureau and others concerning matters of editorial policy and the need for publications on a particular subject.

2. Designing and constructing instruments of precision requiring thorough familiarity with practical astronomy, geodesy, hydrography, navigation, magnetism, and surveying generally in their relation to the observational instruments used, knowledge of applied physics and optics necessary to the designing of new instruments, with creative ability along these lines, and knowledge of materials and instrument shop practice, and acting as administrative head of a group of artisans engaged in making and repairing instruments of this character.

GRADE 15.

(Salary range, per annum, from $3,600 to $4,500.)

1. Supervising and having independent responsibility for the accounting work of an organization requiring extensive accounting operations, principally of a difficult or complicated nature, involving the direction of the accounting work of field officers.

2. Under general supervision, designing and installing accounting systems of a complex nature, requiring a full knowledge of accounting theory and practice.

3. Under general supervision, making a field audit of the books of corporations for the purpose of Federal income tax laws; analyzing consolidated corporation income and profits tax returns which have been given a field audit for the purpose of determining the taxable income under the Federal income tax laws and the tax liability.

4. Performing, under general administrative supervision, independent and specialized professional, scientific, and technical work in a limited field or to be responsible for the administration and work of a minor organization doing such work as—

(a) Legal work of an important character in the administration of special subjects involving questions of law, evidence and fact, as to the sufficiency or admissibility of evidence, examination of witnesses, arguing cases in court, passing upon the sufficiency of legal documents or of proceedings instituted or of opinions given.

(b) Performing independently or with assistants difficult specialized work of research, design, or construction in professional, scientific, or technical fields.

5. Having responsible direction and control over extensive purchases of varied materials, supplies, and equipment for an executive department or bureau making purchases on a large scale.

6. Under general direction determining the need for particular statistical inquiries; having responsibility for the collection and compilation of important statistics; planning the schedules or outlining other means of collecting the information required; devising processes and formulas for tabulation; interpreting and explaining statistical results in tabular, text, or graphic form or by oral discussion.

7. Under general direction having administrative control over the clerical force and responsibility for the general business operations of a Government department involving general supervision over all matters relating to the employees of the department; responsibility for the enforcement of general departmental regulations; supervision over and responsibility for the proper maintenance and operation of the buildings under the control of the department and direction of the engineers, mechanics, watchmen, and other employees connected with such maintenance and operation; supervision over the classification and compilation of estimates of appropriations and general supervision over expenditures from appropriations for contingent and miscellaneous expenses of the department; and acting as administrative assistant to the head of the department.

8. Directing and having independent responsibility for the receiving and paying of money in one of the largest Government organizations where the transactions are of great volume and variety; preparing financial statements, estimates for appropriations, and general reports.

GRADE 16.

(Salary range, per annum, from $4,500 to $5,700.)

1. Having general supervision over the design and installation of accounting systems of a complex nature, requiring a full knowledge of accounting theory and practice.

2. Acting as assistant head of a large professional, scientific, or technical organization, or as head of a small organization of this character, or to serve as a consulting specialist on large and important work, or to carry on advanced research in these fields, such as—

(a) Directing, supervising, or reviewing the work of attorneys and assistants in the administration of special statutes or groups of statutes on special subjects, doing original legal work of an important character in the whole field of legal practice involving questions of law, evidence, and fact as to the sufficiency or admissibility of evidence; preparation of cases for trial; conducting cases in court.

(b) Planning, organizing, and directing expeditions or investigations in original research or development work in professional, scientific, or technical fields.

3. Under general direction, being in responsible charge of and initiating and executing policies for a major administrative division of a department or large bureau.

4. Under general direction, having administrative control over the clerical force and responsibility for the general business operations of one of the largest departments, involving general supervision over all matters relating to the employees of the department; responsibility for the enforcement of general departmental regulations; supervision over and responsibility for the proper maintenance and operation of the buildings under the control of the department and direction of the engineers, mechanics, watchmen, and other employees connected with such maintenance and operation; supervision over the classification and compilation of estimates of appropriations and general supervision over expenditures from appropriations for contingent and miscellaneous expenses of the department; and acting as administrative assistant to the head of the department.

GRADE 17.

(Salary range, per annum, from $5,700 to $7,500.)

1. Acting as technical and administrative head of a major organization engaged in important, independent, professional, scientific, or technical work covering a large field with a variety of functions, as head of a bureau or principal adviser to a department head or commission dealing with professional, scientific, or technical problems.

GRADE 18.

(Salary range, per annum, from above $7,500.)

1. All technical, scientific, professional, and executive employments whose characteristics and requirements are superior to those described in grade 17 shall be rated at such salaries as Congress may from time to time approve, and after the expiration of one year from the date of approval of this act no salary at a rate in excess of $7,500 per annum may be paid to any person unless specifically authorized by Congress.

Mr. WOOD of Indiana. Mr. Chairman, I wish, first, to congratulate the reading clerk on his ability to read, and, second, I wish to say that for the purpose of expediting time I consented that the amendment I proposed should not be read in full, but I do ask each Member before we come to the final vote to read the amendment which I have just proposed. It will be enlightening at any rate, and it will show the two different schemes proposed for reclassification. The thing I wish to call attention to is this: Instead of making a classification with a range of salary with the right of promotion from one range to another, as under the pending bill, in the amendment I have offered there is a definition of work performed and the range of salary following that work performed; that is to say, every salary must be predicated on the actual work performed by a given clerk, and it applies to all different departments alike.

I think it is an improvement for the reason I have suggested, and I wish to reiterate that under the proposal in the pending measure, if it is adopted and becomes a law, there is absolutely no check except the conscience of the man who makes the promotion with reference to raising the salary from the minimum to the maximum. If this Congress is to proceed in the future as it has in the past, with a constant tendency toward the higher salary, the so-called Lehlbach bill will increase the salary roll of this country more than $19,000,000 in my opinion.

This is the most important piece of legislation that this session of Congress will have to do with so far as dollars and cents are concerned. It is not a mere passing of a bill for temporary relief of clerks of this country. It is the placing on the statute book of a permanent salary list that will stand as long as time, or until some other war, which God forbid ever takes place, when there will be a clamor again to increase these permanent salaries. So I say it behooves every man before he casts his vote on this bill—and I am going to see that he has an opportunity before he votes—to determine well his action and to decide whether he wants to commit himself and his country to the possibilities of extravagant expenditure that are confined within the limits of this measure.

I stated the other day, and I wish now to state, that this is the worst time in the world to attempt to make permanent salaries. It has been admitted here in the argument this afternoon that these salary lists were made up at a time when the cost of living was at its peak. It is contended now that it has not been very materially reduced. Some say it has by 50 per cent, and some contend that it has only been reduced by 33⅓ per cent. If that is so, it is proof conclusive, or should be, to the minds of fair-minded men that this is no time to fix a permanent salary which is to apply in normal times.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. KINCHELOE. I have great respect for the gentleman's knowledge along these lines. In his judgment if this bill be passed as read and amended how much will the total increase be?

Mr. WOOD of Indiana. If the bill is passed with the amendments adopted it will increase the salaries in the country to the amount of the present bonus.

Mr. KINCHELOE. And then some.

Mr. WOOD of Indiana. And then some; but I would not undertake to say how much. That is the lowest of the possibilities.

Mr. KINCHELOE. How much increase, if any, will there be if the gentleman's amendment be adopted?

Mr. WOOD of Indiana. If my amendment be adopted, according to calculations, it would increase the present cost of the Government, including the bonus, 1 per cent. I have not offered this thing with the hope of having it adopted, because if I thought it would be adopted I would say to you with the same frankness what I am now saying in respect to the Lehlbach bill, that I think it is an inopportune time to fix permanent salaries.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD of Indiana. This is fixing on the taxpayers of this country a salary list that we would not have thought of prior to our going into the war. We are all hoping, we are all trying to devise ways and means, to get back to that normalcy where we were before the war commenced. There is no reason why, if we are normal and the world is normal, the cost of living should be any higher to-day than it was when we entered the war. I think all will admit that. If we do get back to that normal condition we would then have an abnormal salary list if this bill passes.

Mr. KINCHELOE. If the committee were to adopt the gentleman's amendment, then would it not increase salaries on a permanent basis?

Mr. WOOD of Indiana. That is true, but that is an absolute impossibility. My purpose in introducing it was to show the advantages so far as the schemes are concerned. If that improbability should happen to my amendment, then the Congress of the United States with each annual appropriation bill could lower the salaries of every clerk by just simply dropping from a higher to a lower grade. That can not be done under the present scheme unless each one of these classifications be revised and the salary range changed. Under the bill that I propose here there would be 18 grades, with a salary for each grade. It might fit the occasion this year. I think it would fit the occasion this year, because it would amount to the statutory salary, together with the bonus. That would cover this continuing high cost of living. Suppose next year that the cost of living has been reduced 25 per cent. Then in the appropriation bill you could drop back the salaries one grade and it would cover that 25 per cent, and then if the next year after that it should be reduced 25 per cent, you could drop back

the list one grade more, and you would cover that; but that is a physically impossible thing to do under the Lehlbach bill.

Mr. KINCHELOE. I understand the gentleman's position is that his amendment would prove the converse of the Lehlbach bill.

Mr. WOOD of Indiana. Yes; for this reason: The minimum fixed in the Lehlbach bill includes, except in the entrance positions, the bonus added as a permanent part of the salary. All admit that, and it will remain that way until there is some affirmative action of Congress to reduce it. It would take independent legislation to do that. If my scheme were adopted they would pay the maximum salary to-day of the grade, because the Congress would feel in its conscience that it is necessary to do that in order to meet this high cost of living, but next year the cost of living being reduced, they would reduce the grade into the next lower grade, but you will have no such flexibility or possibility in the Lehlbach bill.

Mr. TILSON. Would not that take congressional action?

Mr. WOOD of Indiana. Certainly not; under the Holman rule it could be done.

Mr. TILSON. But it would take congressional action.

Mr. WOOD of Indiana. Of course it would, but with each recurring Congress the Appropriations Committee could do that thing on the investigation then made.

Now, there will be no investigation, because you have permanently fixed a minimum salary that covers and includes the bonus, and you have got a maximum salary that is way beyond the bonus, which will be a fixed salary one of these days.

Mr. LEHLBACH. Will the gentleman yield?

Mr. WOOD of Indiana. I do.

Mr. LEHLBACH. Does the gentleman mind telling the committee whether he intends to ask for a reading of the engrossed copy of the bill?

Mr. WOOD of Indiana. Yes, sir, I do; for I want every man here to read this thing if he will. That is the only way that he can have any chance to do it. This being the most important bill, so far as it can be measured in dollars and cents is concerned that we will deal with, it behooves every man here to vote intelligently upon this proposition and see whether or not in his own mind he is not convinced that this is not the time to fix permanent salaries such as are provided for in the pending measure.

The CHAIRMAN. The time of the gentleman has again expired.

The question is upon the amendment offered by the gentleman from Indiana.

Mr. LEHLBACH. Mr. Chairman, I can state that I merely wish to reply for five minutes and then move that the committee rise.

Mr. GARRETT of Tennessee. Does the gentleman intend to rise before the vote upon the amendment or afterwards?

Mr. LEHLBACH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 8928, the reclassification bill, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent—

Mr. CLAGUE was granted leave of absence until January 4, 1922, on account of important business.

Mr. COCKRAN was granted leave of absence for two days, on account of important business.

Mr. QUIN was granted leave of absence indefinitely, on account of illness.

EXTENSION OF REMARKS.

Mr. LONDON. Mr. Speaker, I ask leave to extend my remarks in the RECORD on this pending bill.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks on this bill. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDREWS of Nebraska. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. LEHLBACH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned to meet to-morrow, Thursday, December 15, 1921, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TEMPLE, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 9548) for the relief of the distressed and starving people of Russia, reported the same without amendment, accompanied by a report (No. 512), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill (H. R. 9060) to authorize the Secretary of War to lease a certain tract of land to the city of Leavenworth, in the State of Kansas, reported the same without amendment, accompanied by a report (No. 511), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ECHOLS: A bill (H. R. 9541) to provide for additions and extensions to the United States post office at Charleston, W. Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9542) to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States as amended and reenacted by an act approved the 22d day of August, 1914; to the Committee on the Judiciary.

By Mr. FOCHT: A bill (H. R. 9543) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia; to the Committee on the District of Columbia.

By Mr. BRENNAN: A bill (H. R. 9544) to insure trial by jury in prosecutions for libel; to the Committee on the Judiciary.

By Mr. FITZGERALD: A bill (H. R. 9545) for the repression of prostitution in the District of Columbia; to the Committee on the District of Columbia.

By Mr. UNDERHILL: A bill (H. R. 9546) relating to assuring compensation for accidental injuries or death of employees in certain occupations in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FOSTER: A bill (H. R. 9547) to provide adjusted compensation for veterans of the World War, and for other purposes; to the Committee on Ways and Means.

By Mr. TEMPLE: A bill (H. R. 9548) for the relief of the distressed and starving people of Russia; to the Committee on Foreign Affairs.

By Mr. BRIGGS: A bill (H. R. 9549) for the improvement of Galveston Channel, Tex., and for other purposes; to the Committee on Rivers and Harbors.

By Mr. GREEN of Iowa: Joint resolution (H. J. Res. 232) proposing an amendment to the Constitution of the United States; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ATKESON: A bill (H. R. 9550) granting a pension to Nannie E. Boatright; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 9551) granting a pension to Ida R. Bowden; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 9552) granting a pension to Jennie E. Buckley; to the Committee on Pensions.

By Mr. DALLINGER: A bill (H. R. 9553) granting a pension to Albert M. Whipple; to the Committee on Invalid Pensions.

By Mr. ECHOLS: A bill (H. R. 9554) granting an increase of pension to Mary A. Johnston; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 9555) granting a pension to Emma Darby; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 9556) granting a pension to Oh Wan, alias Katok; to the Committee on Pensions.

Also, a bill (H. R. 9557) granting a pension to Moh Ush, alias Mosak; to the Committee on Pensions.

Also, a bill (H. R. 9558) granting a pension to Cochino Achuk, alias Coche Aar; to the Committee on Pensions.

Also, a bill (H. R. 9559) granting a pension to Wamett Shom, alias Ramon White; to the Committee on Pensions.

Also, a bill (H. R. 9560) granting a pension to Machie Gulack, alias Pantaloon; to the Committee on Pensions.

Also, a bill (H. R. 9561) granting a pension to Choor Aguisse, alias Cheroquis; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 9562) granting a pension to Mark C. Cox; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 9563) granting an increase of pension to Annie Grady; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 9564) granting a pension to Anna R. N. Beach; to the Committee on Invalid Pensions.

By Mr. NORTON: A bill (H. R. 9565) granting a pension to Samuel Bond; to the Committee on Invalid Pensions.

By Mr. ROBSION: A bill (H. R. 9566) granting a pension to James S. Stubblefield; to the Committee on Pensions.

Also, a bill (H. R. 9567) granting a pension to Nancy J. Robertson; to the Committee on Invalid Pensions.

By Mr. STOLL: A bill (H. R. 9568) to provide for an examination and survey of Alligator Creek and Four-Mile Creek in Georgetown County, S. C., with a view to aiding navigation through the North Santee and South Santee Rivers; to the Committee on Rivers and Harbors.

By Mr. WARD of New York: A bill (H. R. 9569) to remove the charge of desertion against William H. Carter; to the Committee on Military Affairs.

Also, a bill (H. R. 9570) for the relief of David Rosenberg; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 9571) granting a pension to Susana Whitlatch; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3302. By Mr. BRENNAN: Resolutions of the American Association for the Recognition of the Irish Republic, approving purposes of the Conference for the Limitation of Armaments, urging open session, etc.; to the Committee on Foreign Affairs.

3303. By Mr. CURRY: Resolutions of the Commonwealth Club of California, petitioning that the latitude and international latitude station at Ukiah be maintained and requesting an appropriation of $15,000 for the use of the Coast and Geodetic Survey for the next fiscal year to repeat and extend the triangulation on the Pacific coast; to the Committee on Appropriations.

3304. Also, resolutions of the State Fruit Growers and Farmers' Convention of California, indorsing House bill 2373, providing for the exemption of the cooperative farmers' marketing associations from the provisions of the Sherman Antitrust Act; to the Committee on the Judiciary.

3305. By Mr. KISSEL: Petition of the Keystone Automobile Club, of Philadelphia, Pa.; to the Committee on Roads.

3306. Also, petition of the National Council of A. I. and T. (Inc.), of New York City; to the Committee on Ways and Means.

3307. By Mr. MOORE of Ohio: Petition of sundry citizens of Marietta, Ohio, requesting Congress to take immediate steps to collect the $10,000,000,000 now owing the United States from foreign Governments; to the Committee on Ways and Means.

3308. By Mr. RAKER: Resolution by the Fifty-fourth State Fruit Growers and Farmers' Convention of the State of California, held at Sacramento, Calif., indorsing House bill 2373; to the Committee on the Judiciary.

3309. Also, petition of the Commonwealth Club of California, urging an appropriation for the United States Coast and Geodetic Survey for 1922–23; also petition of the California State Board of Forestry, of Sacramento, Calif., relative to the white-pine blister rust; to the Committee on Appropriations.

3310. Also petition of the California State Board of Forestry, of Sacramento, Calif., protesting against the transfer of the United States Forest Service from the Department of Agriculture to that of the Interior; to the Committee on Agriculture.

3311. By Mr. SMITH of Michigan: Petition of 61 citizens of Albion, Mich., protesting against the compulsory Sunday observance bill (H. R. 4388); to the Committee on the District of Columbia.

3312. By Mr. TAYLOR of New Jersey: Petition of sundry citizens of Belleville, N. J., favoring a republic for Ireland; to the Committee on Foreign Affairs.

3313. By Mr. VAILE: Petition signed by sundry citizens of Colorado, protesting against the enactment of House bill 4388, providing for the observance of Sunday within the District of Columbia; to the Committee on the District of Columbia.

3314. By Mr. WOODYARD: Memorial of the Missionary Society of the First Methodist Episcopal Church, of Spencer, W. Va., commending President Harding in the calling of the arms conference; to the Committee on Foreign Affairs.

3315. By Mr. YOUNG: Resolution of the North Dakota State Teachers' Association, favoring the passage of the so-called Towner-Sterling bill; to the Committee on Education.

SENATE.

THURSDAY, *December 15, 1921.*

Rev. Emile S. Harper, rector of All Saints' Church, Brooklyn, N. Y., offered the following prayer:

Let us pray. Almighty God, to whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts from all human infirmities, that all the deliberations here decided upon and all the work done may redound to Thy everlasting glory and to the salvation of mankind. This we ask through Him who lived and died for us, our Lord and Savior, Jesus Christ. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2108. An act prohibiting the interment of the body of any person in the cemetery known as the Cemetery of White's Tabernacle, No. 39, of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia;

H. R. 8744. An act granting the consent of Congress to the State of North Dakota, the county of Cass and the city of Fargo, N. Dak., and the State of Minnesota, the county of Clay and the city of Moorhead, Minn., or any of them, to construct a bridge across the Red River of the North between the cities of Fargo, N. Dak., and Moorhead, Minn., and for other purposes; and

H. R. 9237. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes.

MEMORIAL HIGHWAY COMMISSION.

Mr. WILLIS. Mr. President, I present a communication in the nature of a petition with an attached resolution adopted by the American Scenic and Historic Preservation Society, relative to the creation of a memorial highway commission to locate certain historic points in France and Belgium, the idea being to lay out a system of highways that will connect those places. I desire that the statement and resolution shall be printed in the RECORD, without reading, and referred to the appropriate committee, which I suppose will be the Committee on Foreign Relations.

There being no objection, the statement and resolution were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

THE AMERICAN SCENIC AND HISTORIC PRESERVATION SOCIETY.

(Minutes of Board of Trustees, Oct. 31, 1921.)

MEMORIAL HIGHWAY IN FRANCE AND BELGIUM.

The principal object of the creation of the proposed memorial highway commission is the establishment of a memorial highway to facilitate access to the fields of operation of the World War in France and Belgium, and to secure the erection of suitable memorials along such highway indicating the history of their respective localities or neighborhoods and perpetuating the memory of the American troops which took part in the operations in the various sectors along the route.

For this purpose it is proposed that existing highways be linked together and improved, where necessary and possible, after the manner of the Lincoln Highway in the United States.

The Lincoln Highway consists of a chain of State, county, and municipal highways, starting from the Lincoln Memorial in Washington, D. C., with a branch to the Arlington (Va.) National Cemetery, runs through Maryland into Pennsylvania, where it passes the Gettysburg Battle Field and National Cemetery, and thence runs westward to the Pacific Ocean. Along this route tablets have been erected commemorating historical events that have occurred all the way across the continent. The route is further indicated by red, white, and blue bands painted on the telegraph and telephone poles and guideposts. The roads are usually the ones most frequented in the regions through which they pass, and their development and improvement, under the stimulus of the historical and civic interest aroused, have greatly facilitated travel and benefited the communities through which they run.

The great number of Americans who now go to France and Belgium, some to revisit the scenes of their military service overseas, others to visit the places where relatives served, and still others to study the fields of operation in the World War from the historical standpoint, will increase rather than decrease as time goes on. Not only will the financial means for travel increase with the return of normal times, but in the order of nature future generations will multiply the number of descendants or relatives of the 2,000,000 Americans who went to France in 1917–18—descendants and relatives who will take pride in the achievements of their predecessors and wish to visit the scenes of their service. It is desirable that such travel be encouraged in order that the patriotic memories of the World War may be cherished, and also that the bonds of friendship between the United States and the allied nations may be strengthened by continued mutual intercourse. It is needless to say that Americans are welcome guests in France and Belgium, and that any measures which would promote their visiting would have cordial sympathy and encouragement.

The routes tentatively suggested for the memorial highway in France and Belgium are as follows:

1. Paris to Coblenz: This route starts from Paris near which, at Suresnes, is one of the six permanent American cemeteries in France. Thence it runs northeastward through Meaux to Chateau-Thierry, near which at Belleau is another of the permanent American cemeteries. Thence it runs along the Marne River to Epernay, where it turns northward to Rheims; thence goes eastward to Montfaucon. A short distance north of Montfaucon is the Meuse-Argonne permanent cemetery for Americans at Romagne. From Montfaucon the route runs northward to Stenay; thence in a generally northeastward direction along the route taken by the American Army of occupation through Montmedy, Longuyon, Longwy, Luxembourg, and Treves to the Coblenz bridgehead on the Rhine.

2. Verdun-St. Mihiel-Toul-Metz route: This route leaves the Paris-Coblenz route at Montfaucon and runs southeastward to Verdun, thence southward and southeastward through St. Mihiel to Toul. There it turns sharply to the northward and runs through Flirey, passes another of the permanent American cemeteries called the St. Mihiel Cemetery at Thiaucourt, continues northward to Mars-la-Tour, eastward to Metz, and northward through Thionville to Luxembourg, where it rejoins the Paris-Coblenz route.

3. Chateau-Thierry to Brussels: This route leaves the Paris-Coblenz route at Chateau-Thierry and runs in a generally northward and northwestward direction through Soissons, passing near the Oise-Aisne permanent cemetery for Americans, and thence paralleling the Hindenburg line to Peronne, passing near the Somme cemetery for Americans at Bony. From Peronne the route may run directly northward to Arras or make a detour westward to Amiens, thence northeastward to Arras. From the latter point the tentative route continues northward to Oostroosebeke in Belgium, where the Ninety-first American Division was located when the war ended, thence eastward to Brussels. This route would pass a proposed American cemetery in Belgium.

It will be observed that these suggested routes lead through or near the scenes of most of the major operations in which the American troops and the Allies took part, also near the seven principal permanent American cemeteries in France and Belgium. The routes above described are only tentative, but are suggested to show the possibilities of the plan. The permanent routes would be selected in cooperation with the French and Belgian authorities if the plan meets with their approval.

It is suggested that the memorial highway be indicated by suitable markers or by the national colors, somewhat after the manner of the Lincoln Highway in the United States.

Along this memorial highway it is proposed that simple historical tablets be erected giving designations of the American divisions engaged at or near the points passed by the highway, the names of the commanders, and the dates of the engagements, with other appropriate data showing the relation of their movements to those of allied divisions. It is hoped that the French and Belgians will cooperate in erecting similar tablets, so that the series will tell the chief historical events of the entire route. It is not proposed to erect elaborate monuments along the memorial highway, but it is suggested that the tablets might be elevated on battle mounds, on or near which there might be small parks of military trophies, heaps of war relics, specimens of barbed-wire entanglements, "tanks," and other devices illustrative of the military operations in the neighborhood.

It is recommended that at Coblenz there be erected two bronze tablets, one containing the roster of troops of the American Army of occupation and the other the roster of the present American forces in Germany, after the style of the bronze tablets to commemorate the campaign of Santiago de Cuba and of the China Relief Expedition.

It is suggested that the American memorial commission, to be appointed by the President of the United States, include the Hon. Myron T. Herrick, ambassador to France; the Hon. Brand Whitlock, ambassador to Belgium; Maj. Gen. Henry T. Allen, commanding the first American Army of occupation; President Lowell, of Harvard University, representing the New England States; President Butler, of Columbia University, representing New York; and other distinguished Americans of similar character.

It is proposed that the Quartermaster General of the Army have charge of the wording, making, and care of the memorial tablets, in order to insure their historical accuracy, and that their design be approved by the National Fine Arts Commission at Washington.

It is also recommended that the National Fine Arts Commission act in an advisory capacity with the Quartermaster General of the Army in the laying out and care of the American cemeteries in France and Belgium.

After a brief discussion of the subject the following resolution was adopted:

Resolved by the Board of Trustees of the American Scenic and Historic Preservation Society, That the President of the United States be very respectfully requested to take such measures as to him may seem advisable for the appointment of a memorial highway commission to be composed of 11 or more American citizens distinguished in civil or public life, to cooperate with the appropriate authorities in France and Belgium in laying out a memorial highway through the zone of the World War in France and Belgium, and erecting thereon suitable memorials of the sacrifices and triumphs of the Allies in that struggle.

PETITIONS AND MEMORIALS.

Mr. WILLIS presented a resolution adopted by the Wooster Boalt Post, No. 34, Grand Army of the Republic, Department of Ohio, of Norwalk, Ohio, favoring the enactment of legislation increasing pensions for Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. PHIPPS presented a memorial of sundry citizens of Denver, Edgewater, Boulder, Berthoud, Canon City, Paonia, Colorado Springs, and Eads, all in the State of Colorado, remonstrating against the enactment of Senate bill 1948, providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. NICHOLSON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 7589) for the relief of Maj. Ellis B. Miller, reported it without amendment and submitted a report (No. 360) thereon.

Mr. KEYES, from the Committee on Naval Affairs, to which was referred the bill (S. 1690) to correct the military record of John Sullivan, reported it without amendment and submitted a report (No. 361) thereon.

Mr. JONES of Washington, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 37) granting pensions to certain members of the former Life-Saving Service (Rept. No. 362); and

A bill (S. 2199) to provide for the marking of anchorage grounds in waters of the United States (Rept. No. 363).

REFUND TO EX-CIVIL-SERVICE EMPLOYEES.

Mr. STERLING. From the Committee on Civil Service I report back favorably without amendment the bill (S. 2802) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and I ask unanimous consent for its present consideration.

Mr. KING. I object.

The VICE PRESIDENT. There is objection.

Mr. STERLING. Mr. President, I hope the Senator from Utah will withhold his objection. The bill, I will state to the Senator from Utah, is simply for the purpose of expediting the payment of refunds to civil-service employees who are separated from the service before the time for retirement under the civil service retirement law. That is the sole purpose of the bill. I hope the Senator will withdraw his objection.

Mr. KING. If the Senator will pardon me, I did not hear the first part of his statement.

Mr. STERLING. The sole purpose of the bill is to expedite the payment of refunds to civil-service employees who have become separated from the service. There are over 70,000, I think about 77,000, of these refunds, and there are about 22,000 yet remaining to be adjusted. Under the law as it is, it is a slow and tedious process to have these adjustments and payments made. This is merely to cut out some of the red tape that is involved in the procedure with the consequent delay.

Mr. KING. Does it change the substantive law?

Mr. STERLING. It does not, I think, change the substantive law at all. It really is an interpretation of the substantive law so that it will be certain that the payments can be made by the Commissioner of Pensions without going through the Civil Service Commission, but on records required to be kept by the various departments and certified direct to the Commissioner of Pensions under whose authority the payments are finally made.

Mr. KING. I had in mind, when objection was made, the fact that there has been, as the Senator knows, a very extended propaganda to immediately amend the law before its full operation and effect have been ascertained.

Mr. STERLING. There is no effort to amend the law along any of the lines that the Senator from Utah has in mind. I have talked with him in regard to some of the efforts to amend the law, and I am not in favor of them any more than he is, but the bill now pending does not undertake to do that. It is in the interest both of accuracy and expedition in the making of these payments.

Mr. KING. I shall withdraw the objection, but I suggest to the Senator that he permit us to get through with the morning business, and then I shall join with him in asking for its consideration. I am not objecting; but suggest that we first get throught with the routine morning business.

Mr. WATSON of Georgia. Mr. President, if the Senator from South Dakota will allow me——

Mr. STERLING. Certainly.

Mr. WATSON of Georgia. I might make a statement which would satisfy my vigilant friend from Utah. I went over this matter personally with the chairman of our committee yesterday morning; I went into it thoroughly; and I assure my friend,

the Senator from Utah, that the bill is absolutely unobjectionable and simply puts the work on a business basis.

Mr. KING. Having so much confidence in the Senator from South Dakota and the Senator from Georgia, I withdraw the objection; but I do suggest that they permit us to get through with the routine morning business and then recur to the bill.

The VICE PRESIDENT. The Chair understands that the Senator from Utah objects to the consideration of the bill at this time.

Mr. KING. No. I do not; but I ask the Senator to let us get through with the routine morning business.

Mr. STERLING. It will take no longer to dispose of it now, I will say to the Senator from Utah, than at any other time. Why may we not go ahead with it now? It will take but a moment.

Mr. KING. I never can resist the seductive appeals of the Senator from South Dakota.

Mr. STERLING. I have another bill, unanimous consent for the consideration of which I intended to ask, but I shall not do it if the Senator will consent to the consideration of this bill now.

Mr. KING. Mr. President, I take my seat.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The reading clerk proceeded to read the bill, and read as follows:

Be it enacted, etc., That section 11 of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, is hereby amended by adding at the end thereof three new paragraphs to read as follows:

"Each executive department, and each independent establishment of the Government not within the jurisdiction of any executive department, shall establish and maintain such record as will enable it to determine the amount deducted within each fiscal year from the basic salary, pay, or compensation of each employee within its jurisdiction to whom this act applies. When such employee is transferred from one office to another a certified abstract of his official record shall be transmitted to the office to which the transfer is made.

"When application is made to the Commissioner of Pensions for return of deductions and accrued interest, as provided in this section, such application shall be accompanied by a certificate from the proper officer showing the complete record of deductions, by fiscal years, and other data necessary to the proper adjustment of the claim.

"The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder."

SEC. 2. That section 13 of such act of May 22, 1920, is amended to read as follows——

Mr. STERLING. Mr. President, I think it is hardly necessary to read section 13. There are just two words inserted in section 13 as it now stands and those two words are "for annuity," to be inserted at the proper place. The matter of refunds having been covered by the other three paragraphs which the Secretary has read, there is no necessity to read the entire section 13, which is rather long. It is simply proposed to have those two words inserted in section 13 for the purpose of harmonizing that section with the other paragraphs of the bill.

The VICE PRESIDENT. Without objection, section 13 will not be read.

Mr. STERLING. I ask that the letter of the Assistant Secretary of the Interior be printed in the RECORD without reading in connection with this bill.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 2, 1921.

Hon. THOMAS STERLING,
Chairman Committee on Civil Service,
United States Senate.

MY DEAR SENATOR: I submit herewith a proposed amendment of the civil service retirement law of May 22, 1920 (41 Stat., 614), which is strongly urged by the Commissioner of Pensions to expedite the adjudication of applications for refund under that law.

On account of the many separations from the service, due to reduction of force, there have been filed over 72,000 applications for refund, and there are more than 22,000 of these still undisposed of. Under a ruling by the Comptroller of the Treasury (27 Comp. Dec., 686) the Commissioner of Pensions can not require the heads of departments to report the actual amount of the deductions taken from the salary of employees, and he is required to calculate the amount from the period of service and rate of pay reported to him.

This procedure is not in the interest either of accuracy or expedition. Of course it is the actual amount and not the theoretical amount which should be returned, and it has been found that the legal amount has not in all cases been deducted. Due to the fact that the present appropriation is not sufficient to enable the Bureau of Pensions to keep the work current under existing practice, much criticism has been made by former employees who feel that their applications should be acted upon more expeditiously. The proposed change in the law will authorize a procedure which will facilitate the settlement of such cases.

Therefore I recommend favorable and early action on the proposed amendment.

Respectfully,

E. C. FINNEY, *Acting Secretary.*

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOLIDAY RECESS.

Mr. WARREN. Mr. President, from the Committee on Appropriations I report back favorably without amendment Senate concurrent resolution No. 16.

Mr. CURTIS. I ask unanimous consent for the immediate consideration of the resolution. It fixes the time for the holiday recess. Members on both sides of the aisle have asked that it be acted on at an early day so that they might make their arrangements for the holidays. I ask that it be read.

The VICE PRESIDENT. The concurrent resolution will be read.

The reading clerk read Senate concurrent resolution 16, submitted by Mr. CURTIS on the 13th instant, as follows:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses complete the business of the calendar day of Thursday, December 22, 1921, they shall stand adjourned until 12 o'clock meridian Tuesday, January 3, 1922.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent for the present consideration of the concurrent resolution. Is there objection? The Chair hears none. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

ADDITIONAL CLERK, COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. CALDER. Mr. President, during the last session of Congress the Senate authorized the Committee on the District of Columbia to appoint a clerk for the last session at a salary of $1,600 a year. The chairman of that committee, the senior Senator from Delaware [Mr. BALL], introduced a resolution authorizing the continuation of the employment of that clerk during the remainder of this Congress.

I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably the resolution, which I do, and ask unanimous consent for its present consideration. It provides for the continuation of the employment of this clerk for the remainder of the present Congress.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 182) was read, as follows:

Resolved, That Senate resolution No. 68, agreed to May 31, 1921, authorizing the Committee on the District of Columbia to employ an additional clerk at the rate of $1,600 per annum, to be paid out of the miscellaneous items of the contingent fund of the Senate, be, and it hereby is, renewed to continue in full force and effect from December 1, 1921, until the end of the Sixty-seventh Congress.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. JONES of Washington. Mr. President, I do not like to object to a matter of this kind; but resolutions of this character heretofore have confined the employment of such clerks to the session, and I think the same rule ought to be followed with reference to all of these temporary clerks, for that is what they are contemplated to be. I will ask the chairman of the District Committee if he would not be willing to have the employment of this clerk limited to the session?

Mr. BALL. I am perfectly willing to make it for the session, but I was informed by the financial clerk that the usual custom was to draw such resolutions for the Congress. My request was that it be made for this session, and he drew it for the duration of this Congress.

Mr. JONES of Washington. I do not know why he should do that.

Mr. BALL. I have no objection to making it for the session.

Mr. CALDER. I suggest that the resolution be amended so as to provide that the employment of the clerk be authorized for the present session of Congress.

Mr. JONES of Washington. I shall have no objection to it in that form.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The VICE PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The READING CLERK. On page 1, line 7, before the word "sixty-seventh," it is proposed to insert "second session," so that if amended it will read:

Until the end of the second session, Sixty-seventh Congress.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

A bill (S. 2865) for the relief of Barbara Johnson, widow of Thomas C. Johnson; to the Committee on Military Affairs.

By Mr. DILLINGHAM:

A bill (S. 2866) to amend the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921; to the Committee on Immigration.

By Mr. KELLOGG:

A bill (S. 2867) granting a pension to W. H. H. Johnston; to the Committee on Pensions.

A bill (S. 2868) for the relief of F. A. Maron; to the Committee on Claims.

A bill (S. 2869) providing for the remodeling and repairing of the post-office building at St. Paul, Minn.; to the Committee on Public Buildings and Grounds.

A bill (S. 2870) to authorize the Supreme Court to prescribe forms and rules, and generally to regulate pleadings, procedure, and practice on the common-law side of the Federal courts; to the Committee on the Judiciary.

By Mr. SPENCER:

A bill (S. 2871) granting an increase of pension to Theodore L. Shaffer; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 2872) to amend section 800 of the revenue act of 1921; to the Committee on Finance.

Mr. WALSH of Massachusetts. This bill proposes to extend to posts of the Veterans of Foreign Wars the tax-exemption provisions of the revenue act of 1921 to admissions, all proceeds of which inure to said post. It seeks to extend to the posts of the Veterans of Foreign Wars the same exemption now extended very properly to posts of the American Legion.

By Mr. POINDEXTER:

A bill (S. 2873) for the regulation of commission men in interstate commerce; to the Committee on Interstate Commerce.

By Mr. CALDER:

A bill (S. 2874) to amend section 1 of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Civil Service.

Mr. KING. Mr. President, for some time complaint has been made, at least by one Senator, about promotions in the Army and the Navy. Notwithstanding the constant diminution in the numbers of the personnel both in the Army and in the Navy, we have been promoting officers by the score, indeed, by the hundred. When complaint has been made, the response has been that the law calls for these promotions. We shall soon have most of our officers in the advanced list—brigadier generals, major generals, and so forth.

I introduce a joint resolution to prevent further promotions in the Army, and one to prevent further promotions in the Navy and the Marine Corps until further ordered by Congress. I ask that the first joint resolution be referred to the Committee on Military Affairs and the second to the Committee on Naval Affairs.

The VICE PRESIDENT. It will be so ordered.

By Mr. KING:

A joint resolution (S. J. Res. 143) discontinuing promotions in the United States Army unless authorized by Congress; to the Committee on Military Affairs.

A joint resolution (S. J. Res. 144) discontinuing promotions in the Navy and Marine Corps of the United States unless authorized by Congress; to the Committee on Naval Affairs.

AMERICAN MEMORIAL HIGHWAY COMMISSION.

Mr. WILLIS. I introduce the bill which I send to the desk and which is designed to carry into effect the purposes of the petition which I presented a few moments ago. I ask that the bill may be read and referred to the Committee on Foreign Relations.

The bill (S. 2864) for the creation of an American memorial highway commission for France and Belgium to designate the roads over which Americans marched to victory and to secure the erection of historical rosters of American divisions engaged and other appropriate memorials thereon was read twice by its title and referred to the Committee on Foreign Relations.

PAY OF THE ARMY, NAVY, AND KINDRED SERVICES.

Mr. WADSWORTH. I introduce a joint resolution, which I ask the Secretary to read. It is exceedingly brief, and after it shall have been read, I shall ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The joint resolution (S. J. Res. 142) to extend the time within which the Special Committee on the Readjustment of the Pay of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service may make its report to Congress was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the special committee of the Senate and House of Representatives, appointed in accordance with the last proviso of section 13 of the act entitled "An act to increase the efficiency of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920, be, and it is hereby, authorized to make the report required in said section not later than the first Monday in March, 1922, notwithstanding that the said act requires the report to be made on or before the first Monday in January, 1922.

Mr. WADSWORTH. The joint resolution merely provides a method of securing an extension of the time during which the special committee may make its report.

The VICE PRESIDENT. Is there objection to the immediate consideration of the joint resolution?

Mr. JONES of Washington. Does the Senator from New York think that the committee will be able to submit its report within the time specified in the joint resolution?

Mr. WADSWORTH. I think so. I may say that our hearings are finished, but between now and Christmas it would be quite impossible for us to make a definite and comprehensive report.

Mr. KING. Is the committee considering the question of promotions and providing for arresting promotions in the Army and Navy?

Mr. WADSWORTH. The committee has no jurisdiction over promotions. It only has jurisdiction, according to the act of Congress, in a legislative sense, of course, over pay schedules and allowances.

The VICE PRESIDENT. Does the Senator from New York ask for the present consideration of the joint resolution?

Mr. WADSWORTH. I do.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELATIONS WITH RUSSIA.

Mr. FRANCE. I introduce a joint resolution which I send to the desk, and which I prefer to have referred to the Committee on Agriculture and Forestry as it deals with rather complex questions relating particularly to the condition of agriculture in which the West is vitally interested.

The joint resolution (S. J. Res. 145) to authorize the President of the United States to send a commission to Russia and to invite a Russian commission to the United States, to hold informal conversations with the de facto government of Russia for the purpose of arriving at a basis of understanding between the United States and Russia, to discuss and to negotiate all problems and differences which must be adjusted, looking to the formal recognition by the United States of the de facto government of Russia and to the restoration of friendly international and commercial relationships between the United States and Russia, was read twice by its title.

Mr. PITTMAN. Mr. President, it would seem from the scope of the joint resolution which has just been read that it is properly referable to the Committee on Foreign Relations. The chairman of that committee is absent; in fact, I see no member of the committee present except the Senator from Indiana [Mr. NEW], so I shall have to object to the resolution being referred to the Committee on Agriculture and Forestry. If the matter is to be one of contest, I move that the resolution be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The Senator from Indiana moves that the joint resolution be referred to the Committee on Foreign Relations.

Mr. McNARY. Mr. President, would it be proper to ask that the joint resolution be again read by title in order that Senators may understand its scope and substance? I do not think all Senators heard it.

The VICE PRESIDENT. The Secretary will read the joint resolution by title.

The joint resolution was again read by title.

Mr. NEW. I think it is perfectly manifest to all that the joint resolution should be referred to the Committee on Foreign Relations. Do I understand that the Senator from Nevada has moved such a reference?

The VICE PRESIDENT. He has.

Mr. NEW. Very well.

Mr. FRANCE. Mr. President, I desire to say a few words in explanation of my request to have the joint resolution referred to the Committee on Agriculture and Forestry rather than to the Committee on Foreign Relations.

While I was a member of the Committee on Agriculture and Forestry, particularly during the latter months of my membership on that committee, the committee was engaged in the effort to ascertain some means of relief to the farmers of the West and the cotton planters of the South. The committee made extensive investigations into the whole problem of what might be done to relieve the critical situation which exists in the South and in the West, a situation not only affecting the farmers and the cotton planters in those particular districts but affecting the bankers, who, as I said on yesterday, are compelled to carry notes secured by the crops which the farmers are unable to move, and also affecting the great industrial centers of the East, where there is a widespread depression because of the paralysis of the purchasing power of the farmers in the West and the cotton planters in the South.

This whole economic question has been very carefully investigated by the Committee on Agriculture and Forestry; and in connection with the investigation the matter of foreign markets was very carefully considered and the possibility of reestablishing our export trade, because the investigations had not proceeded far before it became apparent to many members of the committee that the chief difficulty which stood in the way of a revival of agriculture in this country was the demoralization of our foreign trade. So the joint resolution I have introduced deals with a great economic question and one which is interwoven with the whole fabric of our industrial, commercial, and agricultural life, and I suggested reference to the Committee on Agriculture because I knew that committee had been making an exhaustive study of this whole question.

Then I may be very frank and add that a joint resolution along somewhat similar lines which I introduced many, many months ago and which was referred to the Committee on Foreign Relations, a joint resolution upon which hearings were had both in open and in executive session, has not as yet received attention or at least a report at the hands of the Foreign Relations Committee. That joint resolution was introduced on the 27th of February, 1920.

I do not feel that the matter of reference is important. I think that ultimately the resolution would go to the Committee on Foreign Relations, but I thought that it would be most helpful——

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Kansas?

Mr. FRANCE. I yield.

Mr. CURTIS. I wish to ask the Senator if he does not realize from the reading of the joint resolution the subject matter is such that it ought to be considered first by the Committee on Foreign Relations? I think clearly that is so.

Mr. FRANCE. I was about to add that I believe ultimately the joint resolution would go to the Committee on Foreign Relations, but I thought that the preliminary study of the question should be made by the Committee on Agriculture and Forestry. I will say in answer to the question of the Senator from Kansas that the title of the joint resolution would indicate that it should undoubtedly go to the Committee on Foreign Relations. However, I will say that the body of the resolution, the subject matter——

Mr. ROBINSON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Arkansas?

Mr. FRANCE. I yield.

Mr. ROBINSON. I observe that in the body of the first paragraph of the resolution is contained this language, referring to the commission which the Senator's joint resolution seeks to create—

> all of whom shall constitute a commission to visit Russia for the purpose of investigating and making report upon the problem of the restoration of normal and peaceful relationships between the United States and Russia.

And in the third paragraph of the resolution I find this language:

> For the purpose of establishing a basis of mutual understanding and cooperation between the two countries, for the purpose of settlement of all differences which may exist between them, and the adjustment of all claims which either of these Governments or its citizens may assert or have against the other, and for the bringing about of conditions which will make possible the resumption of cordial international and commercial relationships between the two countries.

And in another paragraph further along this language is contained:

> And refunding by the present de facto government of Russia of Russia's proper share of the debts and obligations of Russia outstanding, particularly the obligations of the old Imperial Government and concerning the proper proportion of such old imperial debts outstanding which should be borne by the present government of Russia and the proportion to be borne by the countries constituting the territories disannexed from Russia by the powers in the peace settlement.

The important matters dealt with in the resolution, of course, involve questions of international relationship, which, under the rules of the Senate, are exclusively within the jurisdiction of the Committee on Foreign Relations. It is inconceivable to me that at this time, considering the circumstances as they exist affecting our international relationships, the Senate should be expected to impose upon the Committee on Agriculture and Forestry the obligation of determining these questions and making recommendations respecting them to the Senate, and, on the other hand, should deprive the committee vested under its rules with the jurisdiction of the right to pass upon them. So I think the Senator had best concede the motion of the Senator from Nevada.

Mr. FRANCE. In answer to the very pertinent observations of the Senator from Arkansas I will state that there is force in what he says; but the Senator failed to read the other portions of the joint resolution. It is true that this commission is to be authorized to discuss questions of international financial and political relationships, but the other portions of the joint resolution, which were not read by the Senator, refer more particularly to the economic questions; and the Senator would find, if he read the whole resolution, that in the preamble——

Mr. ROBINSON. Will the Senator yield for a question?

Mr. FRANCE. I yield.

Mr. ROBINSON. Does the Senator understand that the Committee on Agriculture and Forestry of the Senate takes jurisdiction of economic questions relating to foreign countries, or transactions between this country and foreign countries? The jurisdiction of the Committee on Agriculture and Forestry, as I understand, does not extend to that, but all that is usually held to be within the jurisdiction of the Committee on Foreign Relations.

Mr. FRANCE. I have no contention with the Senator upon that point. The Senator and I are very much in agreement; but I do say that the purpose of this joint resolution in a general way is to give relief, not to Russia, but to our farmers in the West and to our cotton planters in the South, for the purpose of bringing about a general revival of industry in this country, which can not come about until that relief is had.

Mr. ROBINSON. If the Senator will pardon me, in that connection the Senator, however, proposes to accomplish that by effecting arrangements with foreign countries, particularly the country of Russia; and if the Senator's theory is correct that the Committee on Agriculture and Forestry could acquire jurisdiction of this subject for that reason it might be held to deprive the Committee on Foreign Relations or other committees of the Senate of any jurisdiction whatever.

If the Senator will pardon a further statement, of course we understand that the real gist underlying the Senator's proposal to refer the joint resolution to the Committee on Agriculture and Forestry arises out of the fact that he does not think the Committee on Foreign Relations will act upon it promptly or favorably; but, to my mind, that is a very good reason why that committee, which is vested with jurisdiction of the subject under the rules of the Senate, should be required, or at least permitted, to consider the joint resolution. That committee is supposed to have knowledge of the affairs of this Government relating to foreign countries; and, as the Senator well knows, it is composed of Senators who are very eminent, very experienced, and very learned in matters affecting our foreign relations.

Mr. FRANCE. Mr. President, I have no contention with the Senator on any of the points which he has advanced. My thought was that as this is a measure particularly looking to the relief of the producers of crops in the West and in the South with a view to bringing about a general revival of trade, it might be very properly considered first by the Committee on Agriculture and Forestry, and then perhaps considered later by the Committee on Foreign Relations.

However, I do not wish to consume the morning hour with a prolonged debate. I think really it is perhaps immaterial to which committee the joint resolution goes. I never have held to the doctrine of the infallibility of committees. I think committees are merely for the convenience of the Senate, and that any matter might very properly be referred to any committee which by any reasonable process of thought could be held to have any interest in the subject, on the theory that every measure must ultimately come before the Senate for action by the Senate, regardless of what committee reports it.

I have stated my position and my desire and have tried to indicate the reason why I suggested this reference. However,

it is for the Senate to decide, and I am perfectly willing to yield my opinion to the opinion of the majority.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. FRANCE. I yield the floor.

Mr. KING. I was called from the Chamber, and the Senator may have answered the thought that occurs to me now. It seems to me that this joint resolution in its present form commits us to a recognition of the government of Russia as a de facto government and does not wait until that fact shall be determined by some executive or legislative branch of the Government, but assumes in advance to commit us to the proposition that there is a de facto government in Russia which we recognize. It seems to me that a matter involving that question should go to the Committee on Foreign Relations.

Mr. FRANCE. I will say to the Senator that this joint resolution in no sense recognizes any government in Russia. Our statute very clearly defines what a de facto government is—such a government as we should consider a de facto government. I can not quote the exact language of the statute to the Senator, but no doubt he has it in his very capacious brain, which is a most learned one on all subjects. Our statute defines a de facto government as being any faction or body of men who may be temporarily in control of a country. That is the general definition—a definition of the most inclusive kind. Any body or faction of men who even for a few days may be in control of a situation in a country are a de facto government of that country for those few days, under the definition in our statute. I can give the Senator a more definite reference to the statute later, if desired.

Mr. KING. I am not controverting the existence of a de facto government in Russia. I make no point upon that; but this joint resolution seemed to contemplate first that there was a de facto government, and secondly that we recognize it.

Mr. FRANCE. No; it does not do so. It merely suggests that a commission be sent there to investigate the whole situation, and that one be invited here to hold conversations with our representatives here, looking to an examination of all of the questions which must, of course, be settled before there could be any recognition to carry on the negotiations, all of which must be gone through before the question of recognition could be considered. It merely provides for the appointment of a commission to Russia and for the inviting of a commission here for the purpose of looking into the whole question of the possibilities of commercial and international relationships and of the ultimate possibility of a recognition of the de facto government.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada [Mr. PITTMAN] that the joint resolution be referred to the Committee on Foreign Relations.

The motion was agreed to.

UNITED STATES JUDGES.

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside of their districts, and for other purposes, which was referred to the Committee on the Judiciary and ordered to be printed.

TRANSCONTINENTAL FREIGHT BUREAU.

Mr. PITTMAN. Mr. President, I have a Senate resolution which I wish to submit and ask for its present consideration. I discussed the matter with the chairman of the Committee on Interstate Commerce and with other members of the committee, and they see no reason why it should not be acted on immediately.

Mr. CURTIS. Let it be reported.

Mr. PITTMAN. I ask to have the resolution read for the information of the Senate.

The VICE PRESIDENT. The Senator from Nevada asks unanimous consent for the immediate consideration of the resolution which the Secretary will read for the information of the Senate.

The reading clerk read the resolution (S. Res. 194), as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby, authorized and directed to inquire into and report to the Senate as speedily as practicable upon the following matters, to wit:

The organization, management, and control of the Transcontinental Freight Bureau, R. H. Countiss, agent, 608 South Dearborn Street, Chicago, Ill.; the purposes for which the bureau was organized; its duties and activities; the names of the carriers it represents and the influence it exercises in the publication of rates, rules, fares, and charges as between carriers; whether its operation in any manner stifles competition; and any other facts and circumstances which the said Interstate Commerce Commission may deem important and necessary to a full knowledge and understanding of the organization and activities of the said bureau.

The VICE PRESIDENT. The Senator from Nevada asks unanimous consent for the present consideration of the resolution.

Mr. CUMMINS. Ordinarily a resolution of that character would be referred to the Committee on Interstate Commerce, but in view of the difficulty of having a full committee present, and in view of the suggestions which are contained in the resolution itself, I can see no good object which might be accomplished by referring the resolution to the committee. Therefore, so far as I am concerned, I have no objection either to the present consideration of the resolution or to its passage.

The VICE PRESIDENT. Does the Senator from Nevada move the adoption of the resolution?

Mr. PITTMAN. I move the adoption of the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

ISSUANCE OF CHECKS, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. JONES of Washington. Mr. President, I move to take from the table Senate bill 1033, with the amendments of the House, in which I moved to concur the other day.

The motion was agreed to; and the Senate resumed the consideration of the amendments of the House of Representatives to the bill (S. 1033) regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia, which were, on page 1, line 10, to strike out "imprisoned" and insert "guilty of a misdemeanor, and punishable by imprisonment"; on page 2, lines 5 and 6, strike out "upon demand, in person or in writing, the amount of said check, draft, or order," and insert "the amount due thereon"; and on page 2, line 7, after "any," to insert "within five days after receiving notice in person, or writing, that such draft, or order, has not been paid."

Mr. JONES of Washington. I move that the Senate concur in the amendments made by the House.

Mr. KING. Mr. President, when this matter was up for consideration a few days ago, the Senator from Missouri [Mr. REED] and the Senator from Arkansas [Mr. ROBINSON] voiced their opposition to certain provisions of the bill. I shared the views which were expressed by those Senators. I regret very much that this bill is not here ab initio; that is, that we may not offer such amendments as may be deemed necessary in order to make it an acceptable legislative enactment.

The Senator from Missouri and the Senator from Arkansas have with great clearness and force called attention to one or more provisions of the bill, and expressed the view that those provisions are not defensible. The point which was attacked most forcibly by the Senators referred to was that which aimed at relieving an act which was criminal from criminality, providing payment were made to the person alleged to have been injured within five days after presentation of the check or draft. In other words, the bill would make it a crime, and the act itself would be fraudulent, if a check or draft were drawn when there were no funds in the bank to meet it; and yet, even with the criminal intent, the act would be robbed of its criminality if payment were made within five days after advices were furnished to the drawer of the check or draft that the check was not honored.

Mr. NORRIS. May I interrupt the Senator?

Mr. KING. I yield.

Mr. NORRIS. I am very much interested in the statement of the Senator. I have not had occasion to examine the bill, but is it true that it provides that the intent shall be held to be criminal without any actual intention to defraud on the part of the person who draws the check? In other words, if by mistake, which is likely to occur at any time, and without any criminal intent, a person draws a check for an amount exceeding the amount he has on deposit, is that conclusively criminal under this proposed statute?

Mr. ROBINSON. May I answer the Senator from Nebraska?

Mr. KING. I yield to the Senator from Arkansas.

Mr. ROBINSON. Under those circumstances the drawer of the check would be prima facie presumed to be guilty, and the burden would rest upon him of proving his innocence. But that is not the worst feature of the bill. The worst feature of the bill is the provision that if a bank makes a mistake and refuses a check which it ought to pay, on the ground that there are not sufficient funds in the bank, as sometimes happens, the same presumption arises, even though the party may have in the bank the money with which to pay the debt, and the only way he can escape prosecution under the provisions of the bill

is to pay the amount of the check to the holder thereof within five days.

With the purposes of this legislation I am in sympathy. I do not propose to be put in the attitude of favoring or supporting a dishonest transaction; on the other hand, I do not believe that the Senate understands the effect of this measure, and I am convinced that when it does understand it it will not pass the bill in its present form. Under the bill if one drew a check on a bank or other depository and the bank refused to pay it on the ground that there were no funds there, a presumption would arise, from the refusal of the bank to pay the check on that account, that the party was guilty of a fraudulent intent. Anyone reading the bill will see that that is the only construction which can be given to it.

Mr. NORRIS. Will the Senator permit an interruption?

Mr. ROBINSON. I yield.

Mr. NORRIS. The fact that a check is drawn when there is not sufficient money in the bank to pay it, while it would not be conclusive of intent to defraud, as a matter of law, it seems to me, would be evidence of fraud and very proper to introduce, and if unexplained would be sufficient to sustain a conviction. I would not want to vote for any statute that would give a conclusive nature to a presumption of that kind.

Mr. ROBINSON. I have no objection to the enactment of a bill forbidding the drawing of a check upon a bank or other depository where the party has not funds with which to meet the same, and I have no objection to making the fact that the funds are not there prima facie evidence that he intended to draw a check when the funds did not exist; but I object to making the refusal of the bank or other depository prima facie evidence of a fraudulent intent upon the part of the drawer of the check when, as a matter of fact, the drawer may actually have the money in the bank or other depository with which to pay the check.

Mr. JONES of Washington. While, of course, this point is really not in controversy under the motion, I hardly think the construction the Senator puts upon this bill is correct. Let me read it:

> That any person within the District of Columbia who, with intent to defraud, shall make, draw, utter, or deliver any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time of such making, drawing, uttering, or delivering that the maker or drawer has not sufficient funds in or credit with such bank—

And so forth.

Mr. ROBINSON. Of course, there is no objection to that. I have said I did not object to that. But the Senator must be familiar with this bill. Here is the clause to which I called attention——

Mr. JONES of Washington. This will have to be construed in connection with the other point the Senator makes.

Mr. ROBINSON. This clause is entirely independent, and I leave it to Senators. Listen to this:

> As against the maker or drawer thereof the making, drawing, uttering, or delivering by such maker or drawer of a check, draft, or order, payment of which is refused by the drawee because of insufficient funds of the maker or drawer in its possession or control, shall be prima facie evidence of the intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository.

There is no room for construction; it is a plain statement of fact that if a bank refuses to pay a check on the ground that there are not sufficient funds with which to pay it, the drawer is prima facie presumed to be guilty of a fraud, even though, as a matter of fact, there may be funds in the bank to his credit with which to pay the check.

I have known of several instances where parties drew checks upon banks, and the banks refused to pay them for want of sufficient funds, but upon investigation of the matter it was found that the banks had made errors, and that there were funds out of which the checks could be paid. Under that state of facts the Congress would create by law a prima facie presumption of guilt, even though it would have appeared that the person drawing the check had the money in the bank with which to pay it, if his account had been correctly kept by the bank, and even though the refusal to pay it was a mistake by the bank. That is proposition No. 1, and if Senators read the language of the bill they can not get away from it. Let me read it again:

> As against the maker or drawer thereof the making, drawing, uttering, or delivering by such maker or drawer of a check, draft, or order, payment of which is refused by the drawee because of insufficient funds.

No proof of intent is required under that; no proof of fraudulent purpose is required. The fraudulent purpose is presumed because of the making or drawing of the check payment of which is refused by the bank. Such a case as I have suggested would not happen often, but such instances have occurred, and may occur again. What is the occasion for raising a presumption of guilt when a person draws a check upon his account in the bank, when he has the right to draw it, and the bank has made a mistake in keeping his account? That is objection No. 1.

Objection No. 2 is equally important, if not more so. Under the second provision which I have said is objectionable, if one draws a check upon a bank with a fraudulent purpose or intent, and within five days after the crime has been committed makes good the amount, he can not be prosecuted, even though he has committed a crime.

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to his colleague?

Mr. ROBINSON. I yield.

Mr. CARAWAY. It strikes me, from reading the bill, that the intent of the bill is this, that it makes no difference what the intent of the drawer of the check was, if he is able to pay he is innocent; and it makes no difference what his intent was, if he is unable to pay he is guilty.

Mr. ROBINSON. That is an epigrammatic statement of the effect of this bill. If he is innocent and is unable to pay, he is held guilty; if he is guilty of a crime and able to pay, he is held innocent. The time has not come when Congress ought to pass such laws as that. I know that some of the States have passed them. In one State I have in mind the provision with respect to this latter objection is—

> *Provided*, If the drawer upon notice shall immediately make good the amount, he shall not be prosecuted.

There is no one here who doubts that the effect of this legislation would be to enforce the collection of a civil debt by a criminal prosecution. Why should Congress pass a measure under which in any case a man who is innocent shall be presumed to be guilty? Why should Congress in any case pass a measure under the terms of which one who is guilty shall be immune from prosecution?

Under the language of this bill, if you draw a check for $100,000 with a fraudulent intent to cheat the payee of the check, and become frightened and make good the amount within five days, no matter how criminal your intent or act may have been, you are held innocent under the provisions of this bill; and, as I have repeatedly stated, under the first provision to which I referred, if you draw a check honestly believing you have the funds in the bank with which to meet it, if you draw a check and in fact have the funds there, and the bank refuses payment on the check, whether its accounts are right or wrong, the presumption arises, when it refuses payment, that you are guilty of a crime, and the only way you can escape punishment is by making good the amount.

The time has not come when the Congress of the United States needs to lend itself to the collection of civil debts by the passage of criminal statutes. Let the man who has the intent and the purpose to defraud be held guilty under all circumstances and in all cases. Let the man who is actually innocent be protected from prosecution and conviction.

I have no interest or concern in the matter further than to see that Congress does what is right about it.

Mr. DIAL. Mr. President, I can not see any well-founded objection to this bill. We have a similar law in many of the States of the Union. We have it in my State.

There is a good deal of ground for what the Senator from Arkansas [Mr. ROBINSON] has said about allowing days of grace in which to make up the funds to pay the debt, but that is intended as a matter of leniency and should not be used as an argument against the bill. I do not think there is very much in the Senator's first suggestion that banks would turn a check down when they might have money in the man's account, turning the check down through a mistake of the bank.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. DIAL. Certainly.

Mr. ROBINSON. Has the Senator never known a bank to make a mistake in its accounting?

Mr. DIAL. Yes; often; but the bank would be liable in damages.

Mr. ROBINSON. Does the Senator think that would be adequate protection to the man who had been wrongfully indicted and prosecuted for drawing a check upon an account, where it was claimed there were not sufficient funds, when in fact he had sufficient funds to meet the check?

Mr. DIAL. That would be mighty poor consolation to that particular man.

Mr. ROBINSON. That is exactly what I thought about it, and Congress ought not to put itself in the attitude of making such a thing possible.

Mr. DIAL. Yes; I think it ought to. It would occur very seldom.

Mr. ROBINSON. Why should Congress authorize it to occur at all?

Mr. DIAL. Congress does not authorize it to occur, but it can not make human beings perfect, either bank officials or anybody else.

As a matter of law, as I understand it, there is no necessity for the bill. If a man draws a check on a bank where he has no money and gets the proceeds of that check, he has obtained money under false pretenses and can be prosecuted under the general law. But the bill is in the interest of the floating public and in the interest of helping people, instead of trying to hurt them. If a bank refuses to pay a check when a man has money in that bank, it would be liable to be mulcted in damages, and possibly very heavily mulcted. Therefore, that incident would occur possibly one time in a million, or much less frequently. Not only that, but any man dealing with the bank would be presumed to be on reasonably pleasant business terms with the officials of the bank, and they would know that the matter would soon be adjusted, if there was an oversight one way or the other.

I think if there is any place in the country that needs a law of this kind it is the District of Columbia. I have had a little experience myself. When I landed here they put me in the first room in the Senate Office Building, right by the front door, where every man who came to Washington, it seemed to me, called in to see me. I had not been there a week before a nicely dressed little fellow, looking like a dude, came in to congratulate me on being in the Senate. I felt pretty proud and thanked him. He said I was the very kind of man the country needed in the Senate. I appreciated his compliment. He told me who he was. He went on to say that he was over in Baltimore with his wife in the hospital, that he was assistant cashier of a bank in my State, and that he was a little bit short of change and had just dropped over to get me to help him out to the extent of $50 in cash. I am a good-natured kind of a fellow and will do about anything anybody asks me to, so everybody imposes on me, of course.

But that did not have exactly the right ring to me. The idea of an assistant cashier coming to me, a man he had never seen before, and wanting me to scotch him to the tune of $50 did not sound just right. I told him I had just landed in town and had not anchored in any bank yet, and had not brought along a great amount of surplus funds in my jeans, and that I was sorry that I could not accommodate him. I directed him over to the Congressman from his district, whom I knew to be pretty flush. [Laughter.] He said that he and that Congressman were not on good political terms. I thought there might be something in that. I scratched my head and looked at him again, and then I referred him to a man who is much more wealthy than I, and told him no doubt he would float him. He said he did not know about that and left.

About a week after that a Congressman came over and told me that I was young and green. I thanked him and told him I admitted that. He said he wanted to put me wise; said there was a young fellow going around all dressed up and that he had touched him for $50 and that another friend let him have $100, and then he had written down to South Carolina and found there was no such man in the State. He was an impostor.

I know of plenty of other instances. I was talking with a Congressman night before last who told me one of his experiences. These crooks are pretty wise. This Congressman is an exceedingly bright fellow and had had some experience and had been touched before. He said this man called to see him and told him who he was; that he was a great friend of his friends, and so on, and that they had always helped him politically. He said that he was at the hotel and the bill was more than he thought it would be. He said these hotels had a way of saying that a bill would be one thing, for instance, $5 a day for himself, but that he had brought his wife along and he thought it meant $5 a day for both, but when he got ready to go home they said it meant $5 each, $10 a day. Unfortunately he was short of funds.

The Congressman said he was a little shy, but he listened to him. The Congressman said if the fellow had told him he wanted $25 or $50 or an even amount, he would have shook his head and declined, but when the fellow told him he wanted $18.50 just to fix up that hotel bill, he said he thought the man was so accurate he must be honest just to ask for the odd dollars and cents; that he set him up. When he got back to the House he met a friend of his and this friend told him that he was delighted to meet his friend from South Carolina. He said, "What about it? What did he want?" His friend replied, "He said he was just a little shy of coin and he wanted a little help to pay his hotel bill," and he had also financed the fellow. That was another case of an impostor who got his money and had gone.

If there is any one place in the country where we need this kind of a law it is in the District of Columbia. I see no objection to the bill and think it ought to pass.

Mr. JONES of Washington. Mr. President, about 23 years ago I had a similar experience to that of the Senator from South Carolina, the only difference being that instead of calling at my office they called at my house about midnight.

Mr. KING. I may say to the Senator that is outlawed. Twenty-three years is too long.

Mr. JONES of Washington. Oh, it was paid long ago.

It is difficult for me to speak in proper language of the arguments that are used against this measure so I shall not refer to them. I do wish to call attention just to this fact, that in the State of Arkansas there is this language in the statute. After prohibiting the utterance of these checks it is provided:

Provided, however, That if any individual, corporation, or association of individuals, shall, when notified of such draft or check, immediately make a deposit to cover same, they shall not be subject to the provisions of this act.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. JONES of Washington. Certainly.

Mr. ROBINSON. I made reference to that statute myself. Does the Senator think that is a fair statute?

Mr. JONES of Washington. I think so. I think it is a fair statute.

Mr. ROBINSON. Suppose that the person had no evil intent and was unable to make reimbursement immediately; suppose that the bank had made a mistake in his account and should have paid the check, but refused to do so on the belief that there were not sufficient funds there, and he had been indicted and convicted, or an indictment was pending, and the party was called upon immediately to make good the amount, and he refused to do it. Does the Senator think that man ought to be prosecuted?

Mr. JONES of Washington. I merely read that proviso with reference to the particular suggestion which the Senator made. I am a little surprised at the first part of this Arkansas statute to find that it leaves out the words "with intent to defraud." I think it is rather hard in that respect.

Mr. ROBINSON. But the Arkansas statute is based upon intent to defraud.

Mr. JONES of Washington. It does not express that.

Mr. ROBINSON. Oh, yes. I have the statute here.

Mr. JONES of Washington. And I have it here, and it reads as follows:

It shall hereafter be unlawful for any individual, corporation, or association of individuals, resident or doing business in this State, to make or give any check or draft on any account in any bank or trust company or on any person, firm, or corporation on which the said individual, corporation, or association of individuals shall not have full authority to check or draw such draft or check, or having such authority to make any check or draft upon an account in any bank, savings bank, or trust company when there shall not be sufficient funds therein to cover the same, unless they shall have made prior arrangements—

And so forth.

Mr. ROBINSON. I stated I had no objection to a bill like that because that is based upon the question of whether the party has funds in the bank and not upon the refusal, right or wrong, of the bank to pay a check when drawn.

Mr. JONES of Washington. I am not going to argue that proposition with the Senator.

Mr. ROBINSON. Oh, well, the Senator will argue it.

Mr. JONES of Washington. I do not agree with the Senator's position at all. I do not believe that any court would agree with it, but that is only a matter of argument.

Mr. ROBINSON. With what feature does the Senator disagree?

Mr. JONES of Washington. I am satisfied the knowledge that they have not funds in the bank is one of the main elements of this offense, and even though it might be held that the mere refusal of the bank to pay it was prima facie evidence, upon the mere presentation of the fact that the Senator suggests, that the bank had made a mistake or that there was money there, of course that would end it.

Mr. ROBINSON. Oh, yes; but does the Senator think one who is actually innocent ought to be prosecuted and the burden of proof placed upon him to prove his innocence?

Mr. JONES of Washington. No; and he will not be prosecuted under this bill.

Mr. ROBINSON. Oh, yes; he will.

Mr. JONES of Washington. Oh, no; he will not. I will take my chances under it. Every honest man will take his chances under it. There will be no trouble.

Mr. ROBINSON. I do not think that is a fair statement.

Mr. JONES of Washington. I will say frankly that I do not think the Senator's statement is fair. It is hardly worth while for us to argue it, however.

Mr. ROBINSON. The plain implication of the Senator's statement I do not think he means——

Mr. JONES of Washington. The Senator said my statement was unfair.

Mr. ROBINSON. That those of us who are opposed to the bill are taking that position because we are afraid we will be prosecuted for drawing bad checks.

Mr. JONES of Washington. Oh, certainly not. Of course the Senator knows I did not intend any reflection upon him or any other Senator on the floor.

Mr. ROBINSON. I do not know what the Senator meant by his remarks.

Mr. JONES of Washington. I think I have always tried to use language on the floor of the Senate in discussions not to reflect upon the opinion, the judgment, the honesty, or the sincerity of Members of the Senate. It was only the language which the Senator used that we were unfair in this matter that probably led me to say something he might construe differently.

Mr. ROBINSON. I have made no statement that anyone was unfair in this matter.

Mr. JONES of Washington. Oh, the Senator used that very language, and the RECORD will show it.

Now, Mr. President, I have here the statute of Missouri with reference to this matter, which is almost word for word the language of the proposed bill. I wish to read the evidence part of it:

SEC. 2. Notice—Five days—How evidence: As against the maker or drawer thereof, the making, drawing, uttering, or delivering of a check, draft, or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depositary, provided such maker—

And so forth.

Then, I have here the statute from Utah, which provides:

The making, drawing, uttering, or delivering of such check, draft, or order, as aforesaid, shall be prima facie evidence of intent to defraud.

The pending bill is simply substantially in line with the legislation in 46 States of the Union. So much for the merits of the bill in general.

The Senate has passed the measure, the House has passed it with just a couple of changes, and apparently there is no objection to the making of those changes. They are the only matters that are involved in the situation, and that is all I care to say about it. I ask to have printed in the RECORD all of the statutes of Missouri, Utah, and Arkansas relating to this subject.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

(Arkansas laws, 1913, No. 258, as amended 1917, No. 370.)

Be it enacted by the people of the State of Arkansas—

SECTION 1. It shall hereafter be unlawful for any individual, corporation, or association of individuals, resident or doing business in this State to make or give any check or draft on any account in any bank or trust company or on any person, firm, or corporation on which the said individual, corporation, or association of individuals shall not have full authority to check or draw such draft or check, or having such authority, to make any check or draft upon an account in any bank, savings bank, or trust company when there shall not be sufficient funds left therein to cover the same unless they shall have made prior arrangements with said bank, savings bank, or trust company for said check or overdraft: *Provided, however,* That if any individual, corporation, or association of individuals shall, when notified of such draft or check, immediately make a deposit to cover same, they shall not be subject to the provisions of this act: *Provided further,* That checks or drafts given where said individual, corporation, or association of individuals shall have had no checking account in said bank shall not come under the provisions of this act.

SEC. 2. Any individual, corporation, or association of individuals who shall give any check or draft, and later withdraw the account or deposit on which said draft or check was given and made, and not state to the said bank or trust company, person, firm, or corporation that checks are outstanding against said deposit or account, with the amount of said checks or drafts so outstanding, shall be considered as having violated the provisions of this act, but he may be excused or released in the manner provided in section 1 of this act.

SEC. 3. Any person or any officer or officers of the corporation or association or individuals who shall violate the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than $25 nor more than $500: *Provided,* That if any check or draft mentioned in section 1 of this act shall exceed the sum of $100, then any person who shall issue such checks or drafts in excess of $100 shall be deemed guilty of a felony and upon conviction thereof shall be imprisoned in the penitentiary not less than one year nor more than five years.

(Missouri laws, 1917, pp. 244–245.)

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. Drawing check with intent to defraud—Misdemeanor—Penalty.—Any person who, with intent to defraud, shall make or draw or utter or deliver any check, draft, or order, for the payment of money, upon any bank or other depositary, knowing at the time of such making, drawing, uttering, or delivering that the maker or drawer has not sufficient funds in, or credit with, such bank or other depositary for the payment of such check, draft, or order, in full, upon its presentation, shall be guilty of misdemeanor and punishable by imprisonment for not more than one year, or by a fine of not more than $1,000, or both fine and imprisonment.

SEC. 2. Notice, five days, how evidence: As against the maker or drawer thereof, the making, drawing, uttering, or delivering of a check, draft, or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or credit with, such bank or other depositary, provided such maker or drawer shall not have paid the drawee thereof the amount due thereon (together with the drawee thereof the amount due thereon), together with all costs and protest fees, within five days after receiving notice that such check, draft, or order has not been paid by the drawee.

SEC. 3. Defining the word "credit": The word "credit," as used herein, shall be construed to mean an arrangement or understanding with the bank or depositary for the payment of such check, draft, or order.

Approved April 13, 1917.

(Utah Laws, 1913, ch. 26.)

ISSUING CHECK WITHOUT SUFFICIENT FUNDS FOR PAYMENT.

An act relative to the giving of checks or drafts on any bank or other depositary wherein the person so giving such check or draft shall not have sufficient funds or a credit for the payment of the same and providing a penalty therefor.

Be it enacted by the Legislature of the State of Utah—

SECTION 1. Issuing fraudulent check unlawful: Any person who, with intent to defraud, shall make or draw or utter or deliver any check, draft, or order for the payment of money upon any bank or other depositary, knowing at the time of such making, drawing, uttering, or delivery that the maker or drawer has not sufficient funds in or credit with such bank or other depositary for the payment of such check, draft, or order in full upon its presentation, shall be guilty of a misdemeanor.

The making, drawing, uttering, or delivering of such check, draft, or order as aforesaid shall be prima facie evidence of intent to defraud. The word "credit," as used herein, shall be construed to mean an arrangement or understanding with the bank or depositary for the payment of such check, draft, or order.

Approved March 4, 1913.

Mr. NORRIS. Mr. President, the parliamentary situation in reference to this proposed legislation is such that, technically speaking, the only question before the Senate is on concurring in the amendments of the House to the bill. The Senator from Washington [Mr. JONES] is right in that respect; and yet it seems to me, upon an examination of the bill which I have made since the debate has been proceeding here this morning, that it is eminently unfair and unjust, and really is a repeal, so far as such repeal can be made by statute passed by Congress, of the principle of the criminal law which prevails everywhere in civilized countries, that a man who is charged with a crime is always presumed to be innocent until it is shown beyond a reasonable doubt that he is guilty. It seems to me that we would be justified, if we could do so, even at this late stage, in preventing any action on the bill and letting it die a natural death.

I am not unmindful of the fact, Mr. President, that a great many of the States have statutes similar to the bill which it is now proposed to pass. In my judgment, while that is a proper argument to be adduced here, it is not conclusive of the justice of the proper legislation. In the first place, assuming that there is a law in the District of Columbia making it a criminal offense to obtain money under false pretenses—and I presume that is a fair presumption, though I am not familiar with the statute on the subject here; but all the States and all jurisdictions have statutes on the subject—assuming that to be true, we shall run no risk whatever if the entire proposed legislation shall be defeated.

Mr. KING. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. KING. The Code of the District of Columbia contains the statute which I shall now read, and which, in my opinion, is entirely adequate to meet the existing situation. The statute provides:

False pretenses. Whoever, by any false pretenses, with intent to defraud, obtains from any person anything of value, or procures the execution and delivery of any instrument of writing or conveyance of real or personal property, or the signature of any person as maker, indorser, or guarantor, to or upon any bond, bill, receipt, promissory note, draft, or check, or any other evidence of indebtedness, and whoever fraudulently sells, barters, or disposes of any bond, bill, receipt, promissory note, draft, or check, or other evidence of indebtedness, for value, knowing the same to be worthless, or knowing the signature of the maker, indorser, or guarantor thereof to have been obtained by any false pretenses, shall, if the value of the property or the sum or value of the money or property mentioned or described in the instrument so obtained, procured, sold, bartered, or disposed of is $35 or upward, be imprisoned not less than one year nor more than three

years; or, if less than that sum, shall be fined not more than $200 or imprisoned for not more than six months or both. Any person who obtains any lodging, food, or accommodation at an inn, boarding house, or lodging house without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at such an inn, boarding house, or lodging house by the use of any false pretense, or who, after obtaining credit or accommodation at such an inn, boarding house, or lodging house, absconds or surreptitiously removes his baggage therefrom without paying for his food, accommodation, or lodging, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the police court in the District of Columbia be fined not more than $100 or imprisoned not more than 6 months, or both, in the discretion of said court.

So the Senator from Nebraska will see that for the District of Columbia there is a very broad statute punishing the obtaining of any money or anything of value by false or fraudulent pretenses or misrepresentations.

Mr. NORRIS. Of course, under that statute if one should obtain money from a bank or obtain money from the Senator from Utah, for instance, by giving a check which was not good and under false pretenses, he could be punished. The fact that such a person gave a check when he had no money in the bank while it would not be conclusive would be a matter that could be proven; evidence could be offered on either side of the proposition, yet proof of the act itself would be proper evidence; and if the act were unexplained the evidence would be sufficient to obtain a conviction; and a conviction obtained on that kind of evidence would be sustained by any appellate court.

While I do not think the proposed portion of the statute is at all necessary, I should not have any objection to the language:

That any person within the District of Columbia who, with intent to defraud—

Those are the words which make the act criminal—"with intent to defraud." An intent in law is always proven by evidence of the actual act. One can not, of course, go into a man's heart and read there what his intent is, but his intent may be proven; and the only way his intent may be proven for the purposes of conviction is to show the acts which constitute the fraud. That always leaves it possible for the defendant, if he be innocent, to make a showing of what the facts really were, to show that his intent was different from what would naturally appear from his acts. The bill reads:

That any person within the District of Columbia who, with intent to defraud, shall make, draw, utter, or deliver any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time of such making, drawing, uttering, or delivering that the maker or drawer has not sufficient funds in or credit with such bank or other depository for the payment of such check, draft, or order in full upon its presentation, shall be imprisoned for not more than one year, or be fined not more than $1,000, or both.

One of the House amendments is to strike out the word "imprisoned" and insert "guilty of a misdemeanor and punishable by imprisonment," and so forth.

If the proposed statute stopped there, I should not have any objection to it, although even that much would be unnecessary, for such a person could be convicted under the statute which has just been read by the Senator from Utah [Mr. KING]. That, however, Mr. President, is as far as we ought to go in order to be just and fair to anyone who might be charged under the language which follows in this proposed statute.

Mr. KING. Mr. President——

Mr. NORRIS. I yield to the Senator from Utah.

Mr. KING. In view of the Senator's expression to the effect that he would have been satisfied with the bill if it had ended at the point he stated, I invite his attention to the fact that in most States—in fact, in all States, so far as I know—there is a distinction in the punishment inflicted in the case of a theft of a large amount and the case of the theft of a small amount; between petit larceny and grand larceny.

Mr. NORRIS. But this proposed statute would not make any such distinction.

Mr. KING. There is a distinction between the punishment of embezzlement of a large sum and a small amount. I asked the Senator from Washington [Mr. JONES] the other day if under this bill the punishment would not be the same if a person drew a check for 10 cents or $1 with intent to defraud or if he drew a check for $10,000 or $100,000 with like intent. Of course the Senator was compelled to answer affirmatively, but the Senator took refuge—I say it with all respect to the Senator—behind the proposition that discretion was lodged in the court, and that presumably the court would not inflict so severe a punishment upon the man who robbed of 10 cents as upon the man who robbed of $100,000; yet we know frequently, if I may be permitted to say so parenthetically, of the infirmity of judges and the severity with which sometimes the most insignificant offenses are punished.

Mr. FLETCHER. Mr. President——

Mr. NORRIS. Before the Senator from Florida interrupts me I wish to discuss for a moment the question which the Senator from Utah has raised.

Mr. FLETCHER. I merely wish to say——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. NORRIS. I will yield in a moment, but not now.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield.

Mr. NORRIS. Mr. President, the Senator from Utah has made a very pertinent point, although I would not vote against the bill on that ground. Several years ago Congress revised the criminal statutes of the United States, and in that revision, after a great deal of debate and discussion, minimum penalties were omitted. The Senator from Utah will find upon examination of the revised criminal code that minimum penalties are omitted, and a larger discretion is vested in the court. The usual provision is that the person found guilty shall be fined in a sum not exceeding a certain amount, only the maximum being stated. I thought Congress made a mistake when it did that. I agree with the Senator from Utah that the amount involved ought to be taken into consideration by the statute itself; but those of us who held that opinion were voted down. So the provisions of the bill now before us in that respect are in harmony with the existing revised criminal code. It was the idea that the court having such discretion would inflict a punishment according to the circumstances of each case, and would be moved, to some extent at least, by the amount of money involved. While I think that often gives to a court a discretion which I should like to see modified to some extent by providing a limitation as to the amount involved, it must be said in favor of the House amendments to the pending measure that they correspond with the general terms of the revision of all the criminal statutes of the United States.

However, Mr. President, it is provided in the pending bill as follows:

As against the maker or drawer thereof the making—

Now, the bill sets up evidence, and that is always a dangerous thing for a legislative body to do. The bill embodies a statement as to what shall constitute a certain crime by setting forth the evidence that may be offered and by saying that if such and such evidence is produced such and such a conclusion must follow. It is always a dangerous thing for a legislative body to set forth what shall be necessary to constitute sufficient evidence to bring about a conviction.

As against the maker or drawer thereof the making, drawing, uttering, or delivering by such maker or drawer of a check, draft, or order, payment of which is refused by the drawee because of insufficient funds of the maker or drawer in its possession or control, shall be prima facie evidence of the intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository, provided such maker or drawer shall not have paid the holder thereof the amount due thereon, together with the amount of protest fees, if any, within five days after receiving notice in person, or writing, that such draft, or order, has not been paid.

Mr. President, it is not necessary to set forth in a proposed statute even the first portion of that statement, that the acts specified shall make a prima facie case. Under the first part of the proposed statute I have read the court in trying a man charged for issuing a check to meet which he had no funds would admit in evidence the statement of the bank officials that there were not sufficient funds in the bank to pay the check, the court would admit in evidence the fact that the check had been protested, and the conclusion that the defendant had not in the bank an amount sufficient to meet the check drawn by him. That would be proper evidence, and, if unexplained, would be sufficient upon which to sustain a verdict of guilty, and any court would, in substance, so instruct the jury. However, Mr. President, when we say to the defendant, "If you do a certain thing it shall be prima facie evidence of your guilt, but it shall not be prima facie evidence of your guilt if you make good financially within five days," we are putting into the criminal law a proposition which, in my judgment, can not be defended anywhere in the civilized world, no matter how many State statutes there are that make such a provision. If we say, "You are guilty if the bank says you have no money on deposit but if you pay the bank the money you are free of guilt," that enables the man who has rich relatives and who commits a crime of this kind to escape punishment entirely by paying money, while the man without any financial resources who commits a similar crime must go to jail and suffer the penalty.

Mr. TOWNSEND. Mr. President——

Mr. NORRIS. I yield to the Senator from Michigan.

Mr. TOWNSEND. I am quite in sympathy with the last suggestion of the Senator, but I am wondering if I read this pro-

vision correctly or whether the Senator may not be mistaken in his construction of it. The first part of this bill clearly declares that there must be intent to defraud when a check is drawn without funds to meet it.

Mr. NORRIS. Yes.

Mr. TOWNSEND. The provision which the Senator has been discussing, commencing in line 4, is in the same terms. It is not a new paragraph. It occurs to me if I were the court and the matter were presented to me I should conclude that the provision in regard to intent applied to the last provision the same as it did to the first.

So far as evidence being prima facie, I can see why that is put in the bill, but I do not like the last provision that a man may escape punishment if within five days, although he be guilty of a fraudulent intent, he may refund the money and escape punishment. That is the provision to which I object. The rest of it seems to me to be technical. It does not seem to me that the statute could be construed as a whole as applying to anything but intent; but I can see that it might be desirable——

Mr. ROBINSON. Mr. President, will the Senator from Nebraska yield to me at this point?

Mr. TOWNSEND. Just a moment; let me finish. I can see that it might be desirable that proof that there was no money in the bank when the check was drawn should be prima facie evidence of intent to defraud.

Mr. NORRIS. I want to say to the Senator from Michigan that I would not have any objection to putting in the statute a provision that a certain state of facts shall be prima facie evidence, but I would much rather leave it out, because even if we do not state it, it is true as a matter of law, and the court will tell the jury so if it is unexplained. I do not think it adds anything to state it in the statute; but I would not quibble a moment about this bill if there were nothing else but that in it, because those of you who have had experience in or observation of the trial of men for obtaining money under false pretenses or almost any other crime realize that intent is always part of a crime, as a general proposition, and that it is never, or very seldom, at least, except where a man has confessed, possible for the prosecution to prove intent except by acts of the defendant and circumstances. Ordinarily that is the only way in which an intent can be proven, and if a man draws a check on a bank and has nothing in the bank to pay it and you stop right there and have no other evidence the presumption probably would be, and ought to be, that the man knew he did not have any money there; but that is only a presumption. It does not follow, because he has done that, that it is absolutely true.

Very often, Mr. President, there is a dispute between the depositor and the bank as to whether or not he has any credit. Frequently lawsuits grow out of a dispute of that kind, where the bank will say to Mr. A, "You have nothing to your credit in the bank," and Mr. A asserts that he has. It is a question upon which honest men may disagree and they may litigate over it; but under this bill the fact that the bank says that Mr. A has no money there makes him a criminal unless he buys the payee off with money.

Mr. ROBINSON. Mr. President, will the Senator now yield to me?

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. ROBINSON. Referring to the suggestion of the Senator from Michigan, he and I are entirely in accord upon the last proposal, that it is vicious to permit a man who draws a check with the intent to defraud some one to compound his wrongful act by making good the amount of which he sought to defraud the party. I think that is vicious in principle; and it is disclosed by the fact suggested by the Senator from Nebraska that the man who is fortunate enough to have friends who are able to make payment, or who himself possesses funds that will enable him to make payment, can go unwhipped of justice when he ought to be punished. Do Senators see the point? When he ought to be punished, when he discovers that he is likely to be punished, he escapes the penalty by paying; but the man who has not the money and can not get the money has to suffer the penalty.

We are in accord upon the last proposition; but I want to point out to the Senator from Michigan wherein I think the first proposition is vicious. Under the existing statute, if one draws a check with intent to defraud, he can be punished, and the burden of proof is upon the Government to establish the intent. Under the proposed modification of law carried in this bill the burden of proof is reversed. The presumption of guilt arises upon the refusal of a bank to pay a check which perhaps it ought to pay. As suggested by the Senator from Nebraska, disputes frequently arise as to accounts in bank; and under this bill the presumption of guilt arises, and then the party must establish his innocence. The ordinary rule as to the burden of proof is reversed, and the burden is placed upon the party accused to establish his innocence, rather than upon the Commonwealth or the Government to prove the material allegations in the indictment.

As suggested before, the vice in this proposition is that occasionally men who are entirely innocent happen to overdraw their accounts. I doubt if there is a Senator present who has not occasionally overdrawn his account without an express arrangement with the bank to meet the overdraft. If you pass this bill, every overdraft under such circumstances becomes a crime.

Mr. FLETCHER. Provided the amount is not made good within five days.

Mr. ROBINSON. Provided the amount is not made good within five days; that is true. The point I rose to make, however, was that the vice in the first proposition is that it shifts the burden of proof to establish the intent from the State, where it ought to be, and imposes it upon the defendant.

I thank the Senator for yielding.

Mr. NORRIS. Mr. President, as showing how easily there might arise between a bank and a depositor a dispute in which all the parties are perfectly honest, I remember an actual occurrence in litigation that happened where a man doing business with a bank and having a checking account signed as security with one of his neighbors a note payable to the same bank. He gave no attention to the note. I presume he forgot it, supposing that the man who ought to pay it would pay it. The note came due, however, and as far as the face of the note was concerned he was just as liable as the other man. There was no difference as a matter of law. The note came due, and the bank, as it had a legal right to do, charged it up against his account, and when he drew a check in the course of his business there was no money there to pay it. He did not know it. He did not believe it was possible when it occurred. It never occurred to him that that operation had taken place, and yet it was a legal thing that had transpired.

Mr. SHIELDS. Mr. President——

Mr. NORRIS. I yield to the Senator from Tennessee.

Mr. SHIELDS. I should like to ask the Senator whether he ever before knew of any proposed criminal law under which the act of a person who occupies, as it were, an antagonistic position to another, could create prima facie guilt of felony on the part of the latter person?

Mr. NORRIS. I do not know of any case except in statutes similar to this. There are quite a number of similar statutes in the States. This statute would do that very thing.

Mr. SHIELDS. A thousand cases may occur where there is a difference between a depositor and a bank——

Mr. NORRIS. Yes; and they may be perfectly honest disputes.

Mr. SHIELDS. Perfectly honest—and the bank would refuse to pay the check, awaiting a settlement of matters.

Mr. NORRIS. Yes.

Mr. SHIELDS. They are both honest; and yet, by that act of the banker, he makes prima facie his depositor a felon. It seems to me the most monstrous proposition I ever heard of being presented in a legislative body.

Mr. NORRIS. Prima facie the man who drew the check would be guilty of a crime. I would not say anything about it if it were not for the fact that this whole thing is unnecessary. No criminal can escape because of the nonpassage of this bill.

Mr. POINDEXTER. Mr. President, may I ask the Senator from Nebraska whether or not there is any law now applying to the District of Columbia which specifically makes it a felony to draw a check on a bank with intention to defraud?

Mr. NORRIS. No; it is not stated, as I understand, in the way of a check; but there is the ordinary statute here which provides that anyone who obtains money or other thing of value under false pretenses is guilty of a crime. Under that kind of a statute a man can be prosecuted for drawing a check on a bank where he has no funds.

Mr. POINDEXTER. I have seen many cases, however, where there would be some difficulty in proving the case, where there were no express representations whatever, where there was simply the passage of a check and nothing at all was said. The most that could be said about that would be that there was an implied representation; and the question is more or less of a doubtful one under some circumstances whether or not you can send a man to the penitentiary for false pretenses when those pretenses are merely implied and not expressed.

I appreciate fully the force of what has been said by the Senator from Nebraska [Mr. NORRIS] and also by the Senator from Arkansas [Mr. ROBINSON] and the Senator from Tennessee [Mr. SHIELDS] and others, that it is wrong to make a felony of an act which is not in itself a crime at all, where

there is no intent to commit a crime, and where the transaction may be absolutely honest; but, notwithstanding that, it does seem that there ought to be a law in the District of Columbia specifically making it a crime for a man with intent to defraud to issue a check which he has no funds to pay.

Mr. NORRIS. In answer to the Senator, I will say that there is no doubt whatever in my mind but that the facts stated by the Senator already constitute a crime under the laws applying to the District of Columbia. The difficulty of proving the intention will not be relieved if instead of providing in general terms that a man who obtains money or other thing of value under a false pretense shall be guilty of a crime. We say that a man who draws a check where he has no money, with intent to defraud, is guilty of a crime. In one case it is more general; the first case I gave includes the latter one, and if we could have only one of the laws we ought to have the first one. I should have no objection to having both of them, but the difficulty of making proof and proving the intent is just the same in each case. If, under the statute as it exists now, you charge a man with obtaining money or other thing of value under false pretenses, and in making your proof you show that he drew a check on a bank where he had no funds, and that the payee, relying on that check, accepted it at its face value and turned over something of value to the man who drew it, you would be able to prove his intent just as easily as though you specifically provided that by drawing a check without funds, with intent to defraud, he would be guilty of a crime. In either case you would have to prove something from which the evil intent could be presumed, and in the case of drawing a check the court undoubtedly would tell the jury that the man who draws a check and presents it to some one for money or value is presumed as a matter of law, when he gives it to the person who takes it, to represent by that very act that his check is good, that it will be paid when presented, and that he has the money or the credit there with which it will be met when it is presented at the bank.

If the proof stopped there, if no further evidence were offered, the court would tell the jury that they had a right to presume, with no other evidence before them, that the money was obtained contrary to the provisions of the statute. In other words, the proof of obtaining money under false pretenses may be a direct promise, may be the giving of a note that is forged or a check which is no good, or something else which is valueless, under circumstances, whether direct or implied, that whatever it was was of value, and was to be paid or redeemed according to the statement on its face.

Mr. POINDEXTER. Has the Senator from Nebraska looked up the law on that subject?

Mr. NORRIS. I have not had anything to do with a lawsuit of that kind for a good many years, but I have tried a good many such cases.

Mr. POINDEXTER. Has the Senator tried a good many cases where a man was prosecuted for obtaining money under false pretenses merely because he gave a check that was not good?

Mr. NORRIS. Yes; I have tried several such cases.

Mr. POINDEXTER. I confess I have not examined the law on the subject, but it seems to me that there might be some doubt, where the question of the commission of a felony was concerned, where the charge was that a man obtained money under false pretenses, and the facts were that he did not make any pretense whatever, that he did not say anything whatever, except by implication.

Mr. NORRIS. That is of itself a pretense, and one in writing. If it were true that the man did not intend to defraud by his check, if there were no more evidence offered except what is suggested by the Senator from Washington, probably a denial under oath on the part of the defendant would be sufficient, but if he has an opportunity to be heard and remains silent, you have a right to presume that when he delivered the check he intended to have the drawee believe that the check was good and that he had the money in the bank.

It seems to me, Mr. President, that this bill is a vicious one, and I do not think we ought to pass it. I realize it has got to the point where we can not stop it, but I would like to see it remain where it is.

Mr. POINDEXTER. At least, it ought to be amended.

Mr. NORRIS. It certainly ought to be amended before it is passed.

Mr. FLETCHER. Mr. President, I want to call attention to one criticism or objection raised by the Senator from Utah, in line 1, page 2, where the House amendment strikes out the word "imprisoned" and inserts the words "guilty of a misdemeanor and punishable by imprisonment."

If the Senator from Washington thinks he can get a vote on the bill before 2 o'clock, I will not talk longer.

Mr. JONES of Washington. I do not know, I am sure; but I hope to do so.

Mr. FLETCHER. The amendment of the House makes the offense a misdemeanor, so that the danger of having a defendant punished as for a felony does not exist, under this bill. The point was raised that a check might be given for an insignificant amount, and that a person would be punished just the same for violating the statute as if the check were given for a larger amount, and the fraud, of course, was of very much greater consequence. I am simply calling attention to the fact that the House amendment makes the offense a misdemeanor in any case, so that it would be largely with the judge to determine whether or not the defendant would be punished by imprisonment or by a fine, or both, and that, of course, would depend largely on the whole transaction, the circumstances, the amount involved, the extent of the fraud, and the extent of the offense. By agreeing to the House amendment, we would provide that the penalty should be for a misdemeanor.

As to the second part of the bill, which makes the giving, making, drawing, uttering, or delivering of a check, draft, or order prima facie evidence, where there are not sufficient funds, I can not see any real basis for the objection to that provision. The matter of good faith can be easily covered by the proviso. If a mistake has been made, all one has to do is to rectify it by making good the balance in bank, where he has given a check overdrawing his account. If there is not good faith, if there has been no mistake made, why is it unreasonable to provide in the law that the fact of having given a check on a bank where there were not sufficient funds to meet it shall be regarded as prima facie evidence, not conclusive proof at all, but prima facie evidence, of intent to defraud, and especially where there is no understanding or arrangement with the bank that the account might be overdrawn? If there is an understanding or an agreement with the bank that the account might be overdrawn, or where the funds have been made sufficient to meet the draft or check given, there is not prima facie proof of fraud at all, and no case is made out. It seems to me that is sufficient protection for the honest man, for the man who really intended to commit no fraud. I think the bill is a good one, and that the amendments ought to be concurred in and the bill should become a law.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from California?

Mr. FLETCHER. I yield.

Mr. SHORTRIDGE. Has the Senator in mind the great, all-embracing presumption of innocence, which, of course, applies to all human transactions? If in a given case a presumably honest man draws a check and overdraws his account, entirely through mistake, why should that naked fact give rise to any presumption or be held prima facie evidence of guilty intent?

Mr. FLETCHER. My claim is that it does not in itself. You must construe the proviso as a part of this provision. The giving of the check is not held to be prima facie evidence of fraud, provided, where a mistake has been made, the balance is made good within five days time.

Mr. SHORTRIDGE. I will put the question in a somewhat different form. Let me suppose that any one of us here should draw a check upon our home bank, and, not being familiar with the state of our account, the check would overdraw our account. The check is deposited in the mail and pursues its way to the home bank. Perhaps, however, it passes through many hands, and is slow in arriving at its destination. In the meantime the drawer of the check has departed from Washington, gone his way; it may be on official business of this body, and receives no notice of the fact that his account is overdrawn. I understand the bill contains some provision for notice to the drawer of the fact of the overdrawing of his account.

Mr. FLETCHER. Yes; it does.

Mr. SHORTRIDGE. In such a supposititious case, wherein is there any justice in the provision of the bill, as I understand it, that the fact that the drawing of the check, after the notice referred to, even, shall give rise to a presumption of guilty intent or be prima facie evidence of fraud? I understand the bill contains a provision of that character. I may be in error, but if such is the scope of the intended act, then I submit for the consideration of the Senator, is that a proper or a right or a just provision?

May I answer, in part, my own question? Is it not conceivable that the reputation of the most honorable man might be sullied if such a law were enforced strictly? Is it not easily conceivable that any one of us might be brought into that

very disagreeable and embarrassing situation? It seems to me so.

Mr. FLETCHER. In answer to that, in the first place, there would be no danger of any prosecution upon prima facie evidence only. No bank, no institution, no individual would institute a prosecution against any man, and especially a gentleman or a corporation or an association of reputation and standing, where they had only prima facie proof of fraud. This does not open the way for prosecution, but it does provide for a case of actual fraud, where the purpose and intention was to overdraw when the parties knew there were not sufficient funds, when the original idea was to get money on a check or a draft or to have it function as money, when the party giving the draft did not have the money. The statute would provide under this bill that a prima facie case was made out where the check was drawn and there were not sufficient funds, for instance, and in the instance the Senator mentions, only prima facie then, provided, upon notice, the Senator had overdrawn his account and he failed to make good that account. That would only be a prima facie case, and there would be no prosecution, in any event, based purely upon a prima facie case. It would be folly upon the part of anyone to institute a prosecution under such circumstances, because he would be liable himself to suit for malicious prosecution.

Mr. SHORTRIDGE. I suggest this to the Senator: I am not concerned with the ultimate outcome of such a prosecution——

Mr. FLETCHER. That is, where the injury to one's reputation would arise by a prosecution for fraud for violating the statute.

Mr. SHORTRIDGE. Precisely. I have not before my eye the provision as to notice, as to whether it shall be personal, actual notice, received by the drawer of the supposed check; but if it requires personal notice and receipt of the notice, that is one thing. In any event, however, if the statute provides for prima facie evidence, that would, I submit, induce the initiation of proceedings against a given man which would cause injury to his reputation. It is not necessarily a presumption, but it shifts the burden of proof.

Mr. FLETCHER. That is precisely what the bill would do, and that is all it would do, and I think that in those circumstances the burden of proof ought to be shifted. Where a check has been given or a draft made upon a bank where there were not sufficient funds to meet the check or the draft, and after notice given and demand made, and all that, and where there had been no understanding or arrangement as to credits or anything of that sort, why should those things not be held to make out a prima facie case of fraud?

Mr. SHORTRIDGE. Just a final word, if the Senator will permit me. I can conceive of a case where a most honorable man might, through mistake, overdraw his account and be properly notified of that fact and be unable to make it good within the time specified; but under such circumstances the mere failure to make good ought not to be prima facie evidence of a guilty intent.

The PRESIDING OFFICER (Mr. KENDRICK in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A joint resolution (S. J. Res. 12) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic.

Mr. FLETCHER. I do not care to discuss the unfinished business, and as the morning hour has expired and I have been interrupted I shall not say anything further at this time.

Mr. JONES of Washington. Mr. President, I would like to make a parliamentary inquiry. What is the status of the motion to concur in the House amendments? Will it have any special position to-morrow?

The PRESIDING OFFICER. The Chair understands that it will not.

Mr. KING. May I not suggest that this is in the nature of a conference report?

Mr. JONES of Washington. No; it is not a conference report; it is a motion to concur in the House amendments. The matter is on the table. I suppose it goes back to the table and remains there, to be taken up on motion or otherwise.

CLAIMS FOR OCCUPATION OF BUILDINGS BY NAVY DEPARTMENT.

Mr. CALDER. Mr. President, on June 18, 1918, the Secretary of the Navy issued a commandeering order directing that certain business concerns in the city of New York vacate their premises and buildings which they were occupying so that the Navy Department might occupy those premises for war purposes. Those concerns did vacate their premises and suffered considerable loss. Subsequently I introduced a number of bills relieving them from those losses.

The Senator from Missouri [Mr. SPENCER], until recently chairman of the Committee on Claims, reported a resolution on November 9 of this year, which is Order of Business 319, directing that those bills introduced by me in connection with this matter be referred to the Court of Claims for a finding of fact, and then to be referred back to the Senate with their finding of fact.

I rise now to request my colleague [Mr. WADSWORTH] to agree to temporarily lay aside the unfinished business in order that I may ask unanimous consent for the present consideration of that resolution. If it leads to any debate, I shall not press it.

Mr. KING. The Senator will recall that more than a year ago, nearly two years ago, we passed a bill which authorized a certain board in the War Department to consider, pass upon, and adjust all valid claims growing out of the activities of the War Department. May I inquire of the Senator whether or not the powers of that board are not sufficiently comprehensive to enable them to pass upon the claims to which the Senator refers?

Mr. SPENCER. I understand they are not.

Mr. WADSWORTH. This comes under the Navy Department.

Mr. SPENCER. The purpose of the resolution is merely to allow the Court of Claims to pass upon the facts, and then, as it is expressly provided in the resolution, report back those findings to Congress.

Mr. CALDER. And then Congress will be called upon to appropriate the money as indicated by the report of the Court of Claims.

Mr. KING. I would like to inquire of the Senator whether he regards that as safe legislation and a proper precedent?

Mr. SPENCER. Not only, may I say to the Senator from Utah, is it safe legislation and a proper precedent, but it is the only fair way to act. Here are these claimants who allege that they have just claim against the Government, and the Navy Department says, "perhaps they have, we do not know." What could be more fair than that those claimants should be allowed to have their claims presented to a court which is our creation for the ascertainment of the real facts?

Mr. CURTIS. I wish to call attention to the fact that the bill does not provide for the payment of any judgment. It merely provides for a finding of fact. That has frequently been done before.

Mr. CALDER. It is a practice that has been in existence since the law of March 3, 1911, was passed. There are numerous cases of this kind.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Oregon?

Mr. CALDER. Certainly.

Mr. McNARY. I merely wish to remark that it is clearly evident that the resolution will lead to controversy. The unfinished business is the joint resolution concerning the Argentine sugar proposition, and I think we had better finish that, for evidently, there being three or four Senators now on their feet, we can not pass the Senator's resolution without extended discussion.

Mr. CALDER. If there is further discussion I shall not ask further consideration of it, of course.

Mr. KING. Let me suggest to the Senator from New York that he defer his request until we get through with the sugar matter, and then if he will renew it I shall not object.

Mr. CALDER. Very well; I withdraw the request for the present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House passed a bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services, in which it requested the concurrence of the Senate.

DISPOSITION OF SUGAR IMPORTED FROM ARGENTINA.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 12) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic.

Mr. McNARY. Mr. President, I wish briefly to discuss the pending resolution offered by the Senator from New York [Mr. WADSWORTH]. I would refrain entirely from occupying any of the time of the Senate if it were not for the splendid argument made by the Senator from Montana [Mr. WALSH] on yesterday. I think his argument, while perhaps in law sound to a very large extent, yet is not applicable to the matter attempted to be adjusted by reason of this legislation.

If I gained correctly the thought of the Senator from Montana yesterday, though I have not had an opportunity to read his speech in the RECORD, it was that the President was not authorized by reason of any existing statutes to purchase sugar. That was brought out by a statement to which I call his attention, made by former Attorney General Palmer, which I read at that time, and is, I think, the basis of the argument brought up by the Senator from Montana. It is found at page 13 of the joint committee hearings on agriculture under Senate joint resolution 238. The Attorney General, speaking to that committee, said in part as follows:

> Under the Lever Act the President was empowered to use any agencies that he might see fit to purchase supplies of necessaries of this kind, especially sugar.

Mr. President, this statement was not in reference to the Sugar Equalization Board, but was with particular reference to the attitude and the action of the Department of Justice and the Department of State in inducing the claimants under this joint resolution to purchase the particular sugar in question. I think the Senator from Montana argued, and correctly, that the Attorney General was wrong. I do not believe there is any section of the Lever Act directly authorizing or empowering the President to acquire sugar by purchase. That far I go with the distinguished Senator. It may be that in section 10 and section 2 of the Lever Act there are implied powers which would grant to the President the right to acquire sugar through some department of the Government. Particularly this might be said with reference to section 10. As I recall the hearings before the committee investigating the sugar situation, section 10 and section 2 were referred to by the Attorney General as giving him plenary power to acquire sugar by some public act of the President of the United States.

It is true, and I think the distinguished Senator from Montana will agree, that the President, exercising the authority of the Lever Act, had a right to purchase the Cuban crop of sugar under the Sugar Equalization Board. In section 2 the law plainly specifies that the President may create agencies to perform those things required of him in the Lever Act. That agency was the incorporation, under the laws of Delaware, of an organization known as the Sugar Equalization Board. Indeed, that board did function and no question was raised in the Congress. The board even went to the extent in the years 1917 and 1918 of purchasing the crop of sugar for the consumption of the American people.

It even went further. The Sugar Equalization Board, feeling the strength of the power vested in it by the Congress under the Lever Act, required a license for all those who were selling sugar at retail and at wholesale. They, indeed, went further and fixed a particular price, a maximum, which the sugar refiners could charge for refining sugar.

Congress recognized the power of the President to function under the Lever Act through the administration of the law by the Equalization Board, because, in December, 1919, the Congress, without reference being made to the right of the President to operate the agency known as the Sugar Equalization Board, extended that power for one year until December, 1920. That extension was written upon the statute books and not a voice was raised on the floor of the Senate against its legality. It passed the House, but the President refused to employ it.

Mr. SMITH. Mr. President, may I ask the Senator what was the date when this sugar transaction took place?

Mr. McNARY. I would speak from memory, but I think in August, 1920.

Mr. SMITH. That was when the purchase was made in Argentina?

Mr. McNARY. The purchase was made in May.

Mr. SMITH. Does the Senator recall how long this licensing feature obtained after the cessation of war or after the armistice?

Mr. McNARY. My memory is unreliable, because events were occurring with such great rapidity that I forget dates. It is not important, I think, at any rate.

Mr. SMITH. It is important to this extent. The reason why I ask is that quite a bit of the argument has hinged upon the fact that this was not during the time of actual war and was after the armistice. I was anxious to know just how long the powers of the Equalization Board were extended. The Senator has just said it was until December, 1920. Did the matter of apportionment and licensing of sugar extend after the armistice was declared?

Mr. McNARY. Yes. The Senator must well know, as a very distinguished citizen of his State and an active participant in matters of legislation, he being a member of the Committee on Agriculture and Forestry, of this provision of the Lever Act that it should remain in force until peace was made with Germany and promulgated by the President. There is no question about that, but that is not involved here in any way.

I quite agree with the judgment of the distinguished Senator from Montana [Mr. WALSH], who is an eminent lawyer, that the President technically did not have any authority under the Lever Act to purchase sugar or to authorize the Department of Justice or the Secretary of State to acquire this particular lot of sugar. But the President did have the right to and did function legally through the medium of the Sugar Equalization Board, though I am not claiming it had anything to do with this particular purchase. So I think as a matter of law there is no disagreement between the Senator from Montana and myself as the matter presents itself at this time.

Mr. WALSH of Montana. Mr. President, I desire to inquire of the Senator from Oregon why it was that the Sugar Equalization Board, having been created for the purpose of dealing with the subject of sugar and at the time functioning, in that connection exercising whatever authority was conferred upon the President in relation to sugar, was entirely ignored in this transaction and passed by and had absolutely no knowledge of the matter at all, and the Attorney General conducted it.

Mr. McNARY. I would answer that by saying to the Senator from Montana——

Mr. WALSH of Montana. The purchase of the Cuban sugar in 1917–18 was made through the Sugar Equalization Board. The purchase of the Cuban crop the next succeeding year was made through the same board. Just why was that board passed up and why did the President assume to act in the matter?

Mr. McNARY. I think I can answer that; perhaps not to the satisfaction of the Senator from Montana, but to the satisfaction of the Senator from Oregon.

In the execution of the Lever Act the President created what was known as the Food Administration. That was in August, 1917, as I recall the date. About two years later the authority to function under the Lever Act was transferred from the Food Administration to the Department of Justice by order of the President. I think that is a satisfactory answer, but I may go further if the Senator will let me.

Mr. WALSH of Montana. Yes.

Mr. McNARY. In the hearings before the Senate Agricultural Committee Mr. Zabriskie and Judge Glasgow told the committee repeatedly that they were desirous of getting out of business and settling up their affairs. While they had a legal status and were a legal entity at that time, they were not functioning, the only functioning organization under the Lever Act being then the Department of Justice.

Mr. WALSH of Montana. Mr. President, the Senator from Oregon will bear in mind that during all of the period during which the Sugar Equalization Board was functioning we had a food controller; that notwithstanding we had a food controller dealing with the subject of foods generally, a Sugar Equalization Board was created to deal with the subject of sugar especially, and that the two functionaries, if they may be so denominated, operated concurrently. Although the food controller was in existence, nevertheless, sugar transactions were conducted through the Sugar Equalization Board. The situation was in no respect different when the food controller's authority was transferred to the Attorney General. The Sugar Equalization Board still remained, and I was curious to know whether some intimation had not come from the Sugar Equalization Board that they did not care to undertake that kind of a transaction, in view of the law impliedly forbidding their doing so.

Mr. McNARY. I will say to the Senator from Montana that I think there was some inconsistency; there was duplication and some bad management, as the Senator knows, for he ought to know and does know much more about the Wilson administration than do I. I can not answer the question; but the condition then existing was consistent with much of the attitude and the conduct of that administration.

Mr. WALSH of Montana. That is not the question which I addressed to the Senator from Oregon.

Mr. McNARY. I think that is a sufficient answer.

Mr. WALSH of Montana. No. It is true that duplication had occurred; we had a food controller and we had a sugar equalization board. In 1917–18 the Sugar Equalization Board made purchases and in 1918–19 the Sugar Equalization Board made purchases, but when it came to 1920, for some reason or other, the acting food controller stepped in and made the purchases.

Mr. McNARY. Now, I think I know precisely a complete answer, not that the answer which I have heretofore given has been incomplete. When we reached 1920 a law was passed bearing the name of the Senator now on the floor authorizing the Sugar Equalization Board to buy the sugar crop of Cuba.

In May, 1920, the President of the United States refused to direct the board to function, and they plainly said they would have nothing more to do with the sugar proposition unless the President would authorize them to go ahead and conduct the business. What did the President do? In November, 1919, when this matter was the subject of consideration by the Congress of the United States, the President issued a proclamation transferring the authority then invested in the Food Administration to the Department of Justice. That is when the Department of Justice insisted upon these claimants going in and buying the Argentine crop.

Mr. President, I again say I do not think the legal question is involved. I agree with the distinguished lawyer and Senator from Montana as against his Democratic friends who were high in authority during the last administration on that point. I want to repeat that it was the opinion expressed by Mr. Palmer, then Attorney General, that the President had sufficient authority to acquire the sugar, and that this claim should be paid.

I now turn to the opinion and statement of an eminent jurist, having a splendid legal education and a great sense of justice, Judge Glasgow, who was the attorney for the Sugar Equalization Board, the attorney for the Food Administration, and an eminent Democrat in the State of Pennsylvania. Reading from the hearings before the Joint Committee on Agriculture on Senate joint resolution 238, page 26, I quote from the testimony of Judge Glasgow:

It is the unanimous view of the board that these gentlemen—

Referring to the gentlemen mentioned in the joint resolution—

have been dealt with pretty hardly and that their loss will be a vital one to them, and it was no fault of theirs; and if the committee feels that the sugar board ought to take this matter over we will gladly carry out the views of the committee and try to handle it the best we can.

But the committee did not see the wisdom of following the advice of the eminent jurist, and brought in the pending resolution, thinking that Congress could do the act just as well as the Sugar Equalization Board; but here is the view of Judge Glasgow that these men have been harshly dealt with and that the matter ought to be taken over and an adjustment made.

Senator Hoke Smith, who was then a Member of this body, propounded this inquiry:

You believe that the Government or the people ought to stand this loss rather than this firm?

Mr. GLASGOW. Undoubtedly, Senator.

Senator SMITH of Georgia. As it was intended as a service for all the people at the instance of the Department of Justice.

Mr. GLASGOW. I think so. I think if it had been an entirely commercial transaction with that amount of money involved, the hope of profit that they were going to get out of the transaction would not have justified their dealing.

Mr. President, referring to page 27 of the same document, I read further:

Mr. GLASGOW. I want to state that the first ground is the failure of the State Department to carry out the plans which it had inaugurated at the instance of the Department of Justice. That, I think, is an equitable view that, man to man, people are bound to consider.

The second is the failure of the State Department and the failure of the Department of Justice on the request of these gentlemen to permit them to dispose of the sugar which would, in the second case, have relieved the loss. If they had gotten it here this amount they have lost now would have been distributed all over the United States among the people who bought the sugar.

Mr. President, I might say that anyone who reads this record carefully will be impressed by the number of times Judge Glasgow spoke of this transaction as an equitable one and as a claim which should be paid. The same testimony practically was given by Mr. Zabriskie, who was president of the board, and the other distinguished Democrat whom I have mentioned, namely, Hon. A. Mitchell Palmer, also spoke in a like vein.

The distinguished Senator from Montana referred to this not being a legal claim. I am one of those who entertain the same thought. I do not believe the company which is interested in this matter could go into the Court of Claims and bring a legal action against the Government; nor is that necessary. How many transactions, I may ask the Senator to state, during the war, when the great stress was on, when there was necessity for hurried action, were based upon the four corners of the statute law of the United States or on the common law? I will say, however, to the Senator that it matters not, in my opinion, whether this is a legal claim or not; it does not matter whether or not an action could be brought to maintain it in the Court of Claims by suing the United States; the question is, Should we pay it and is it an equitable claim?

Mr. WATSON of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. McNARY. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I was not in the Chamber at the time the Senator began his remarks, and I do not know whether he has discussed the question of title, but I should like to ask him whether there is anything in the way of a cablegram or anything else issuing from the Government or any department of the Government that recognizes that the title to the sugar in question had vested in the Government?

Mr. McNARY. I think so, but I was going to read that a little later if the Senator will bear with me for a few moments.

Mr. WATSON of Georgia. Certainly.

Mr. McNARY. Mr. President, I repeat that, in my opinion, it is not an essential element of this whole controversy as to whether the claimants could sue and win their case in the Court of Claims, or whether they would have any right in a court of law; the question is, Was there some department of the Government which, acting in a public way, gave these claimants reasonable cause to enter upon a transaction of this nature, so that these people in fact assumed a liability by which an indebtedness was created or a service rendered? I ask if there is any Senator present who would not think it sufficient in transacting business with a foreign country in time of peace to rely upon the word and the promise of the Department of Justice or the word and the promise and conduct of the Secretary of State? It was these two instrumentalities of government which imposed this burden and created the liability which attaches to this transaction at this time.

It does not matter whether there was a lawyer looking over the contract, and it does not matter whether it was signed by the President under specific authority of law, for the President thought he had authority of law. Mr. Palmer, who was the legal adviser of the administration, thought there was sufficient law, and Judge Glasgow, who was the attorney for the Food Administrator in the administration of the Lever Act and attorney for the Sugar Equalization Board, thought there was sufficient law. These gentlemen were Democrats, and the only eminent Democrat who has disagreed with that Democratic view is the distinguished Senator from Montana, with whom I am inclined to agree with respect to the legal proposition. But here, Mr. President, there were these two departments of the Government, advised by the distinguished men to whom I have referred, telling the company interested in this matter what to do and imploring and begging them to enter into this transaction.

Now, the question to my mind is, Does that create an equitable liability? If so, has the Supreme Court of the United States ever declared that the Congress has a right to meet an equitable claim? The Senator will remember the case decided by Judge Peckham, the case of United States against Realty Company, reported in One hundred and sixty-third United States, page 427, where the Supreme Court say that Congress has the legal right to meet a debt of the United States, and then the court, speaking further, say that a debt of the United States need not consist of a statutory obligation or one the terms of which were confined within a written contract, but it might be a contract such as is known as an equitable one or one of honorary obligation.

So, Mr. President, without repeating too often, I may say as my final deduction of the law: Beyond question the Lever Act did not authorize the President to purchase the sugar. Whether or not he entered into a contract to purchase through an instrumentality of the Government, it is true that he did have authority, operating through the Sugar Equalization Board, although that board did not enter into this transaction; and the three eminent advisers of the Government in some of its capacities advised the departments and advised the Congress of the United States that there was sufficient legal authority. Assuming, however, that there was no legal authority, could anyone say that these men were not brought into this transaction and assumed a liability under a contract which no reasonable man would turn down or question?

Having that in mind——

Mr. WALSH of Montana. Mr. President——

Mr. McNARY. If I may conclude in just a moment. Having that in mind, if that is not a correct deduction, the court has held that Congress can respect and must respect an obligation exactly similar in character, I say, to the one in question.

Mr. WALSH of Montana. I am not quite sure that I understood the Senator from Oregon, but I want to make certain. Does the Senator say that Mr. Glasgow asserted that the Attorney General had the authority to make this contract?

Mr. McNARY. I did not. I said that the Attorney General made that statement himself, which the Senator read yesterday and which I repeated to-day.

Mr. WALSH of Montana. Who are the "three eminent Democratic authorities," then, who have asserted that the Attorney General had the power to make this contract?

Mr. McNARY. I said that the three eminent Democratic authorities were the Attorney General, Mr. Palmer——

Mr. WALSH of Montana. Mr. Palmer clearly so asserts.

Mr. McNARY. Judge Glasgow advised the members of the Senate Agricultural Committee, or the joint committee, that the claim should be paid.

Mr. WALSH of Montana. That is another matter.

Mr. McNARY. That is not another matter at all. When the man who was perhaps the most conspicuous lawyer in the great State of Pennsylvania came before a joint committee and said: "You ought to pay the claim; it is right," I do not think that is another matter at all.

Mr. WALSH of Montana. I am not speaking about that.

Mr. McNARY. I am.

Mr. WALSH of Montana. The Attorney General clearly said that the Attorney General had the power. That is one Democratic authority. Of course the fact that it is Democratic authority does not make it a bit better so far as the proposition of law is concerned; but I have failed to find in the record anywhere the opinion of anyone but the Attorney General that he had the power.

Mr. McNARY. I said to the Senator from Montana that the President, by this promulgation, thought he gave authority to the Attorney General to operate under the Lever Act.

Mr. WALSH of Montana. Undoubtedly he did.

Mr. McNARY. And the distinguished Attorney General, Mr. Palmer, in doing this particular thing evidently thought there was sufficient authority.

Mr. WALSH of Montana. But how does the Senator from Oregon reach the conclusion that the President of the United States—who apparently did not know anything more about this than I did at the time——

Mr. McNARY. I have an idea that is true.

Mr. WALSH of Montana (continuing). Believed that the Attorney General had this power?

Mr. McNARY. I say that in transferring the authority from the Food Administrator to the Department of Justice I assume that the President knew what he was doing.

Mr. WALSH of Montana. Undoubtedly.

Mr. McNARY. He must have thought that he was in fact turning over from one department to the other the principles that were embodied in the Lever Act.

Mr. WALSH of Montana. Nobody doubts or controverts that proposition.

Mr. McNARY. That is all right. That is as far as I go.

Mr. WALSH of Montana. But that is quite a different proposition from the question whether the President of the United States thought, in transferring to the Attorney General the powers granted to him under the Lever Act, that the Attorney General had the power to enter into this contract.

Mr. McNARY. I am not interested, and the Senator from Montana should not be interested, in what the President thought, or his state of mind. He is not involved in this controversy.

Mr. WALSH of Montana. I was simply interrogating the Senator from Oregon in reference to his statement that three great, eminent Democratic authorities have concurred in the view that the Attorney General had the power to make this contract.

Mr. McNARY. I think that is a reasonable inference, but I am not disturbed as to whether it is or not. The question is, Is this an equitable claim? Does it come within the scope of the duties or rights of the department?

Mr. WALSH of Montana. Exactly; that is all.

Mr. McNARY. Has not the Supreme Court held that an equitable claim can be paid by Congress as well as a legal claim? Otherwise we agree upon the law of the case, and I think we agree upon that.

Mr. President, I promised to speak but a moment, and I have gone over my time. The Senator from Georgia has requested the reading of a cablegram that perhaps may be a matter of importance at this point, and I ask that it be read from the desk. I ask that the Secretary may read Exhibit 12.

The VICE PRESIDENT. In the absence of objection the Secretary will read as requested.

The reading clerk read as follows:

(Paraphrase of cablegram.)

TO AMERICAN EMBASSY AT BUENOS AIRES, ARGENTINA.

Dated August 12, 6 p. m. No. 88.

Reference is made to your No. 185 of August 6, and No. 186 of August 9.

(1) If approved by Sullivan, convey to the Government of Argentina that this Government desires to state again its appreciation of its favor in permitting the export of sugar to relieve necessities in this country; and that since the situation in the United States has been remedied, in large measure through the courteous act of the Argentine Government, and at the same time the market in Argentina appears to be suffering from a sugar shortage, this Government would be glad to resell to the Argentine Government, if it so desires, or on the market under its supervision, such quantities of sugar which have not already been exported to the United States; that the sugar is offered at 16 cents United States currency, and amounts to 4,383 tons. You may explain to the Argentine Government, if you think advisable, that the stated price is placed somewhat above purchase price in order to cover expenditures incidental to its handling, purchase, and storage.

(2) Please be careful to avoid giving impression which you warned against in your cablegram of July 29, No. 178.

(Signed) COLBY.

Mr. McNARY. Mr. President, I think that cablegram speaks for itself. It shows the effort that was being made to sell this sugar in the Argentine.

Mr. President, only one word more. The Committee on Agriculture and Forestry considered this matter patiently, and, after an exhaustive hearing, reported favorably on the bill. The Senate passed it without much controversy at the last session. I can not see that any new facts have been developed or that anything has been presented to change the Senate's mind from that time to this.

Mr. McKINLEY. Mr. President, as a member of the Committee on Agriculture of the House of Representatives, I heard the testimony given in connection with the so-called Argentine sugar case. This included the testimony of representatives of the Department of State, the Attorney General's office, and the Sugar Equalization Board. After hearing this testimony I came to the following practical conclusion:

The people of the United States consume about as much sugar as they do flour, say between four and five million tons per year, or nearly 400,000 tons per month. The price of sugar in March, 1920, had mounted in some extreme cases to 32 cents per pound. The plan outlined and carried out, under the direction of the President, by the State Department and the Attorney General's office, working through the medium of Howell & Co. and the American Trading Co., but under the absolute direction of the two departments, broke the corner on sugar. It saved the people of the United States nearly $80,000,000 in one month by reducing the price of sugar 10 cents a pound. In bringing about this saving of $80,000,000 per month to the people a loss of something like $1,000,000 has been incurred; and it is upon this loss that we are asked to legislate to-day.

There is no question about the facts in the case. A very able and highly technical legal argument was made yesterday by the Senator from Montana [Mr. WALSH], setting out that the Department of State and the Department of Justice had no legal power to break this corner in the manner they did. Perhaps that is so. Perhaps it would have been better to have handled the sugar business through the Sugar Equalization Board, which had functioned for a number of years and had accumulated a profit of some $38,000,000 now standing to the credit of the Government, and from which it is proposed to pay this item. The administration thought otherwise and ordered the Department of Justice to take charge. They did so. They controlled in a general way the price at which the sugar should be bought; they controlled absolutely the price at which it should be offered for sale, and dictated to whom it should be sold. They restricted the profits to less than 10 per cent of the amount of the actual cash which had to be provided, and out of this 10 per cent must be deducted the interest on the $6,000,000 invested in the sugar, which sum was borrowed from the banks at a high rate of interest in extremely critical financial times. By this transaction the people of the United States profited by hundreds of millions of dollars. The work was carried out in good faith and ably handled by the Department of Justice, the Department of State, and the agency they selected.

Mr. WALSH of Montana. Mr. President, the distinguished Senator from Illinois [Mr. McKINLEY], who did me the honor to refer to some observations made by me on yesterday in this matter, perhaps did not hear what I said concerning the claim asserted here to the effect that this transaction broke the sugar market. I advised the Senate on yesterday that the Bureau of Markets do not take that view of the situation. They take the view of the situation that the sugar market broke just the same as the wool market broke, just the same as the live-stock market broke, just the same as the grain market broke, just the same as the cotton market broke, and for like reasons.

On yesterday I asserted that the so-called commission of 1 cent a pound which B. H. Howell, Son & Co. were to receive without the investment of a dollar on their part—that is, without risking a dollar—was an exorbitant thing. They contemplated making a profit of $1,400,000 upon the mere matter of acting as purchasing agents for the United States in the Argentine Republic—a margin of profit which I asserted was greater than the average profit made by the sugar refiners of this country who go to foreign countries, buy sugar, bring it to this country, refine it, and put it upon the market here.

I have before me, Mr. President, tables from a pamphlet issued by the United States Tariff Commission entitled "Refined

sugar," found on page 17 thereof, which show the difference between the price of raw centrifugals in New York and the price of refined sugar for every year from 1880 to 1918. The profit runs from five-tenths of 1 cent to 1 15/16 cents. The average, I should say, was something less than 1 cent.

These people risk their money. They take continually all the chances of the fall of the market leaving them with a loss. B. H. Howell, Son & Co. represent that they were to take no chance at all; that they were simply buying as agents for the United States, the transaction to be carried out by the United States. As said by the Senator from Illinois [Mr. McKINLEY], the United States simply constituted them its agents for the purpose of carrying out the transaction.

I also desire, Mr. President, to read the brief report made by the minority of the House committee on House joint resolution No. 444, identical with the joint resolution now before the Senate—Senate joint resolution No. 12—made February 1, 1921. It is as follows:

This is a resolution the adoption of which would result in the Sugar Equalization Board paying to B. H. Howell, Son & Co. and the American Trading Co. a loss of more than $2,000,000, sustained by them in the purchase of Argentine sugar.

The American Trading Co., importers, with offices in the Argentine, introduced the subject of buying Argentine sugar for import to the State Department in April, 1920. They informed the State Department that there was at that time about 100,000 long tons of sugar in the Argentine for sale. Following this information the Department of Justice told the American Trading Co. and B. H. Howell, Son & Co., distributors, that if they would undertake to buy and import about 70,000 tons of this sugar the Department of Justice would undertake, through the Department of State, to have the then existing Argentine embargo lifted so that the sugar could be brought to the United States. Nothing was said at that time about any profit or loss. Later, however, the Department of Justice informed these companies that as licensees under the food control act they would be limited to 2 cents per pound profit; that is, 1 cent per pound profit for each company.

Pursuant to this arrangement about 14,000 tons of sugar were actually purchased in the Argentine for around 13 cents per pound (whether in our money or not is not disclosed). In response to the activities of our State Department, the Argentine embargo was lifted within a very reasonable length of time, and a permit issued on the 23d of June to remove the sugar.

No further negotiations between the Government and these companies are disclosed until July 29, when a Mr. Franklin, representing the companies, suggested to the Government the desirability of selling a large portion of the sugar in the Argentine. This view was not concurred in by the Government, for the reaosn that this purchase, and anticipated purchases, had already materially inflated sugar prices in the Argentine. As early as August 12, however, the Secretary of State consented to the sale of the sugar in the Argentine. The evidence fails to disclose any offer to sell any portion of it for less than 16 cents per pound, although the 13 cents paid for the sugar included in addition to the actual purchase price all expense incident to assembling it. It is, therefore, evident that the price asked contemplated a profit of over $900,000, being a much larger profit than the companies claim they hoped to get by bringing the sugar to the United States.

Failing in this effort to sell the sugar in the Argentine at an unreasonable profit, the companies then brought the sugar to the United States. The price of sugar in the United States having fallen in the meantime, the companies were unable to dispose of it in this country at a profit. They then undertook to induce the Sugar Equalization Board to take over the entire transaction and save them harmless. Failing in this, they have appealed to Congress, and seek through this resolution to avoid any loss by having the Government assume it through the Sugar Equalization Board.

During this whole transaction the Sugar Equalization Board was in existence and had in its treasury more than $40,000,000.

We submit:

(1) That if the Sugar Equalization Board can now be called upon to assume this transaction with its assured loss, it could with propriety have been called upon in the beginning to assume the responsibility and take the contemplated profit of more than $600,000.

(2) Thousands of individuals and companies did, as a result of the war and the appeals of the Government, engage in new and unusual activities, actuated by patriotism as well as a desire to profit. Incalculable loss has resulted. In our judgment this claim has no more merit than thousands of others that are pending or may be presented in the years to come. To allow this claim would, in our judgment, set a very dangerous precedent.

Mr. TOWNSEND. From what is the Senator reading?

Mr. WALSH of Montana. I am reading from the minority report on a resolution in the House, a counterpart of this one. I may say in this connection that I am told that other claims are pending which are substantially like this on similar contracts entered into with other companies for the purchase of sugar in foreign countries.

Mr. McKINLEY. Mr. President, will the Senator state how many out of the 21 members of the committee signed that report?

Mr. WALSH of Montana. I was about to read the names. Four members signed the report. The report continues:

(3) It is admitted that these companies have no legal claim against the Government. It is also admitted that no one, acting for the Government, ever directly or impliedly guaranteed either of these claimants against loss.

(4) This claim may be summed up with the following statement:

These claimants undertook, through the good offices of the Department of Justice and the Department of State, to bring into the United States from Argentina a large amount of sugar, upon which they expected to realize an enormous profit. Failing in this and facing a loss, they now turn to the Government and ask to be relieved of that loss and have the Government assume the burden.

G. N. HAUGEN.
FRED S. PURNELL.
J. N. TINCHER.
M. O. McLAUGHLIN.

Mr. WATSON of Georgia. Mr. President, in reference to the cablegram read by the Senator from Oregon [Mr. McNARY], it must have occurred to him that it either proves nothing or proves too much. If it proves nothing, of course, it will go out, be disregarded; but if it proves anything at all, it proves that the Government recognized this sugar as its own property. In that case the remedy would be not by this joint resolution but by some other method.

Mr. WALSH of Montana. Unless somebody wants to discuss the general features of the joint resolution, I move to amend by striking out, on page 2, lines 1 and 2, the words "thirteen thousand nine hundred and two" and inserting in lieu thereof the words "nine thousand."

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 2, lines 1 and 2, strike out the words "thirteen thousand nine hundred and two" and insert the words "nine thousand."

Mr. WALSH of Montana. This amendment is founded upon the testimony of Mr. Lorenzo D. Armstrong, representing B. H. Howell, Son & Co., found at page 4 of the hearings before the Joint Committee on Agriculture, where he testified as follows:

Through circumstances over which they had no control the transaction went astray as far as the commercial interests were involved. It accomplished the public purpose, and millions of dollars were saved to the American consumer by it, but through difficulties with the Argentine Government the sugar was not brought up as planned, and 9,000 tons of that sugar remain on hand unsold, involving a loss to these commercial iterests of some $1,800,000.

Apparently the claimants do not claim to have on hand any more than 9,000 tons of sugar to be taken over.

Mr. WADSWORTH. May I ask the Senator if that amendment if adopted would not be to the disadvantage of the Government? This has come up rather suddenly, if I may say so, but according to my recollection the testimony is that these people brought something like 5,000 tons of sugar to the United States and sold it and I think made some profit per pound on the sugar sold. The joint resolution as drafted instructs the President to in turn instruct the Sugar Equalization Board to take over the entire transaction. If the companies have sold 5,000 tons of sugar at a profit, out of 13,902 tons mentioned in the joint resolution, the Sugar Equalization Board, in taking over the whole transaction and making good the net loss to these companies, will take into account the profit they made on the 5,000 tons. I think it is not to the advantage of the Government to eliminate from the Sugar Equalization Board's jurisdiction, as it were, the inclusion of that profit, if such were made, on the sugar that was sold.

Mr. WALSH of Montana. I should like to cooperate with the Senator from New York in bringing about the result he would like to attain, but I submit to him that it can not be achieved by the language of this joint resolution. This does not authorize the Sugar Equalization Board to call B. H. Howell, Son & Co. to account for any sugar which they have disposed of. It just authorizes the Sugar Equalization Board to take over——

Mr. WADSWORTH. The entire transaction.

Mr. WALSH of Montana. Thirteen thousand tons of sugar.

Mr. WADSWORTH. To take over the entire transaction.

Mr. WALSH of Montana. No; it does not say the entire transaction. It says 13,000 tons of sugar.

Mr. WADSWORTH. No; it says the entire transaction; "to take over, from the corporation, American Trading Co., and the copartnership, B. H. Howell, Son & Co., a certain transaction."

Mr. WALSH of Montana. What is meant by the expression "to take over a certain transaction"?

Mr. WADSWORTH. On line 10 the bill reads:

Which transaction involved the purchase in the Argentine Republic, between the 13th day of May, 1920, and the 22d day of May, 1920, of 13,902 tons of sugar.

Mr. WALSH of Montana. If B. H. Howell, Son & Co. sold 5,000 tons at a loss, then we would have to sustain a loss. What information has the Senator as to a profit having been made on this 5,000 tons and how much was the profit?

Mr. WADSWORTH. I can not tell. Mr. Glasgow was rather careful to emphasize before the committee the importance of the Sugar Equalization Board having power to act upon the whole transaction. Five thousand tons were sold.

Mr. McNARY. I think that question is not pertinent under the circumstances, because it appears plainly that there was no

loss on the 5,000 tons. The joint resolution refers to the whole undertaking as a transaction.

Mr. WADSWORTH. My recollection is that all, or a considerable part, of the 5,000 tons that were sold reached this country prior to the very severe drop in the domestic price of sugar, and that they managed to persuade some of the consumers, a list of whom was given to these people by the Government, to take the sugar at 20 cents, or whatever was the agreed rate. Upon that, my very clear impression is, they made some money, perhaps the full cent a pound. If the 5,000 tons is eliminated from the jurisdiction of the Sugar Equalization Board, then the board would be unable to charge against these companies the money which they made on the 5,000 tons. I think it would be a dangerous amendment, I say very frankly.

Mr. WALSH of Montana. I should say that the expression "to take over the transaction" is a rather indefinite way of expressing the idea the Senator has in mind.

Mr. WADSWORTH. That was the language especially desired by Mr. Glasgow, of the board, in order to protect the Government.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. WALSH].

The amendment was rejected.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. WALSH of Montana. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harrison	Nelson	Smoot
Bursum	Jones, Wash.	New	Spencer
Calder	Kellogg	Nicholson	Stanfield
Capper	Kendrick	Norbeck	Sterling
Cummins	Kenyon	Overman	Sutherland
Curtis	Keyes	Page	Swanson
Dial	King	Phipps	Townsend
Dillingham	La Follette	Pittman	Trammell
du Pont	Lenroot	Poindexter	Underwood
Fernald	Lodge	Reed	Wadsworth
Fletcher	McKellar	Robinson	Walsh, Mass.
France	McKinley	Sheppard	Walsh, Mont.
Glass	McLean	Shortridge	Warren
Gooding	McNary	Simmons	Watson, Ga.
Harris	Moses	Smith	Willis

The VICE PRESIDENT. Sixty Senators having answered to their names, a quorum is present. The question is on the passage of Senate joint resolution 12.

Mr. WALSH of Montana. Mr. President, before the vote is taken I desire to address a question to the Senator from New York [Mr. WADSWORTH]. Assuming that this company has on hand 9,000 tons of this sugar which is to be turned over to the Sugar Equalization Board, to be sold, of course, and disposed of by that board, can the Senator tell us how present prices compare with prices in August, 1920?

Mr. WADSWORTH. They are much lower.

Mr. WALSH of Montana. Much lower?

Mr. WADSWORTH. Yes.

Mr. WALSH of Montana. Then, of course, the loss will be more than 2 cents a pound?

Mr. WADSWORTH. Yes.

Mr. WALSH of Montana. Can the Senator tell us how much lower? At 2 cents a pound the loss would be $360,000 on 9,000 tons. That is the testimony before the committee.

Mr. SMOOT. Is there any testimony as to what they paid for it?

Mr. WALSH of Montana. They paid 13 cents.

Mr. SMOOT. If they paid 13 cents, the loss would be 11 cents a pound. Anyone can buy raw Cuban sugar to-day for 2 cents a pound.

Mr. WALSH of Montana. That would be $220 a ton, and 9,000 tons would be nine thousand times $220. That is, the loss will be in the neighborhood of $2,000,000.

Mr. WADSWORTH. No such figure was estimated by anyone.

Mr. WALSH of Montana. That is the situation of affairs. They are to take over 9,000 tons of sugar for which Howell, Son & Co. paid 13 cents, and sell it at the market price.

Mr. WADSWORTH. We are all familiar with the case, and the question is whether Congress shall insist that these people be treated in this way.

Mr. WALSH of Montana. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the Senator from New Mexico [Mr. JONES]. I transfer that pair to the junior Senator from Arizona [Mr. CAMERON] and vote "yea."

Mr. HARRISON (when his name was called). I transfer my general pair with the junior Senator from West Virginia [Mr. ELKINS] to the junior Senator from Alabama [Mr. HEFLIN] and vote "yea."

Mr. KENDRICK (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. MCCORMICK], which I transfer to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. KING (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the junior Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. TRAMMELL (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the junior Senator from Georgia [Mr. WATSON] and vote "nay."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

The roll call was concluded.

Mr. DU PONT (after having voted in the affirmative). I have a general pair with the Senator from Louisiana [Mr. RANSDELL]. I am informed that on this question he would vote as I have voted. Therefore I allow my vote to stand.

Mr. McKINLEY (after having voted in the affirmative). I have a general pair with the Senator from Arkansas [Mr. CARAWAY]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE] and allow my vote to stand.

Mr. WALSH of Massachusetts. I wish to announce that the junior Senator from Rhode Island [Mr. GERRY] is detained on account of illness.

Mr. HARRISON. I desire to announce that the Senator from Louisiana [Mr. BROUSSARD] is detained on account of illness in his family.

Mr. CURTIS. I wish to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Maine [Mr. HALE] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Maryland [Mr. WELLER] with the Senator from Louisiana [Mr. BROUSSARD];

The Senator from Nevada [Mr. ODDIE] with the Senator from Ohio [Mr. POMERENE]; and

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY].

The result was announced—yeas 37, nays 18, as follows:

YEAS—37.

Ball	Gooding	McLean	Stanfield
Bursum	Harrison	McNary	Sterling
Calder	Jones, Wash.	Moses	Sutherland
Capper	Kellogg	New	Underwood
Cummins	Kendrick	Nicholson	Wadsworth
Curtis	Kenyon	Page	Warren
Dillingham	Keyes	Phipps	Willis
du Pont	Lodge	Poindexter	
Fernald	McKellar	Smith	
France	McKinley	Spencer	

NAYS—18.

Dial	La Follette	Robinson	Trammell
Fletcher	Lenroot	Sheppard	Walsh, Mass.
Glass	Overman	Simmons	Walsh, Mont.
Harris	Pittman	Swanson	
King	Reed	Townsend	

NOT VOTING—41.

Ashurst	Ernst	McCumber	Shields
Borah	Frelinghuysen	Myers	Shortridge
Brandegee	Gerry	Nelson	Smoot
Broussard	Hale	Newberry	Stanley
Cameron	Harreld	Norbeck	Watson, Ga.
Caraway	Heflin	Norris	Watson, Ind.
Colt	Hitchcock	Oddie	Weller
Crow	Johnson	Owen	Williams
Culberson	Jones, N. Mex.	Penrose	
Edge	Ladd	Pomerene	
Elkins	McCormick	Ransdell	

So the joint resolution was passed.

HOUSE BILL REFERRED.

The bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services was read twice by its title and referred to the Committee on Civil Service.

TRADE WITH CHINA.

Mr. CUMMINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Order of Business No. 262, commonly known as the China trade act.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China, which had been reported from the Committee on the Judiciary with an amendment in the nature of a substitute.

Mr. CUMMINS. Mr. President, I hope I may be indulged while I make a brief statement with regard to the scope and the purpose of the bill. It is intended, Mr. President, to remove some of the disadvantages which are experienced by citizens of the United States in trading with the people of China. I will not attempt to state all of these disadvantages, but will content myself with a statement of one or two of the principal difficulties.

We all know that transactions of a material character in commerce are carried on largely through the medium of corporations. When the people of the United States desire to deal, in a corporate form, in foreign commerce with the people of China it is necessary that the corporation shall be organized under the laws of some State or Territory of the United States. There is no general incorporation law in China. There is very little coherence in the laws of China relating to commerce of a general character. Until recently it was possible for those who wanted to engage in commerce with that country to organize under what are known as the Hongkong ordinances. Not very long ago, however, that rule was changed so that none but British subjects could incorporate under these ordinances. So it came about that American corporations or American citizens who had theretofore done business in that way were compelled to abandon it and to rely entirely upon organizations under the corporate laws of some State or Territory of the United States.

Every principal country other than ours which does business in China is enabled to organize corporations under the laws of the country of which the people interested are citizens. It is not so in the United States. The people of China look with some suspicion upon a corporation organized under the law of a State, simply because it is quite beyond the comprehension of the ordinary Chinese business man to understand why an association which seeks to do business in China does not come with the authority of the United States rather than with the authority of some particular State.

There is a great deal of capital in China which the people of this country and of every other country, indeed, naturally desire to enlist in the commercial transactions which are daily carried on; but Americans who are trying to do business in China encounter difficulties which they can not surmount when they are compelled to compete with corporations which are organized under the laws of Great Britain or under the laws of some other well-known and well-understood Government. That is resulting in a diminution of our trade in China, and it is apprehended that, as time goes on, the disadvantage will be greater than it now is.

We have, as Senators are aware, what is known as an extraterritorial jurisdiction in China. China is one of two or three countries possibly in which the United States, under a treaty, exercised a certain jurisdiction over its citizens in China and with respect to many controversies which arise between citizens of the United States and citizens of China. That jurisdiction is exercised through a United States district court in China and through the consular officers established by our Government in that country. What I have said about the United States is also true of other countries which have extraterritorial jurisdiction for their courts in China.

I presume there is no country in the world in which there will be found as great opportunities for the enlargement and increase of our commerce as in China. That country is just beginning to manifest its full strength, and China, as a whole, wants a great many things which we produce, and the people of this country will want a great many of the things which China produces.

I take it for granted that there will be no dispute of the fundamental proposition that if we can do it without injury, without imposing any burden whatever upon the United States, we ought to do all we can to enable our citizens to compete upon favorable terms with the citizens of other countries in the commerce which is carried on between ourselves and China.

This subject grows in importance, because we all believe that the outcome of the Limitation of Armament Conference which is now in session in Washington—of which I see a distinguished member, the Senator from Alabama [Mr. UNDERWOOD], acting for the United States, now in the Senate Chamber—will be a very considerable if not a complete emancipation of China from interference on the part of other nations of the world, and I have no doubt that China will, under these better conditions, do a great deal more business with the United States than it has ever before done.

Mr. President, I could amplify this subject indefinitely, for the hearings which we have undertaken in the Judiciary Committee, from which this bill is reported, are replete with illustrations and information indicating conclusively that we can make our trade with China more secure and make certain that it will grow and develop commensurately with our own growth and development; but I shall forbear unless some inquiry is made or some objection upon that score appears. The Judiciary Committee were very deeply impressed in a general way with the wisdom of making some suitable provision for the protection of our commerce and for the advantage of our own people.

I pass at once to the differences which exist between the bill passed by the House of Representatives and the bill as reported to the Senate. I have not referred to that up to this time, but I interpose the thought that the House of Representatives passed, I think, with substantial unanimity the bill which is now under consideration. It came to the Senate. A subcommittee of the Judiciary Committee, of which I happened to be chairman, held hearings and heard the arguments.

The most important controversy before that subcommittee, and afterwards before the full committee, related to the form in which we should give the encouragement and protection that seemed to be so necessary. The House bill is bottomed upon a theory of our constitutional authority which the Senate committee was unable to accept. That is the principal reason for the very substantial changes which appear in the substitute which the Senate committee recommends as compared with the provisions of the House bill.

Passing a great many objectionable provisions which we found in the House bill, I invite the attention of Senators to the foundation or basis of the proposed legislation in that bill. The House bill provided for the organization of corporations just as our bill does. In section 4 the general purpose of these corporations is set forth. I beg to read that section. It is as follows:

SEC. 4. (a) Three or more individuals (hereinafter in this act referred to as the "incorporators"), a majority of whom are citizens of the United States, may, in accordance with the provisions of this act, form a corporation.

(b) Such corporation may engage in any business or enterprise conducted wholly within China and carried on with persons in China; except that the corporation—

(1) Shall not engage in any business or enterprise unlawful in the territory in which it is carried on; and

(2) Shall not engage in the business of discounting bills, notes, or other evidences of debt, of receiving deposits, of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt, for circulation as money; nor engage in any form of banking business.

(c) The corporation shall not engage in any business or enterprise other than that authorized by subdivision (b), except that it—

(1) May purchase in the United States for transportation to China, goods, wares, or merchandise necessary to the establishment and conduct of a business or enterprise in which it is authorized to engage;

(2) May do in the United States and elsewhere any act which is incidental to the organization of the corporation or to the issue, sale, transfer, or redemption of its stocks, bonds, or other evidences of indebtedness; and

(3) May do in the United States and elsewhere any act which is approved by the Secretary of Commerce as necessary to the establishment and conduct of any business or enterprise in which it is authorized to engage.

I think, Mr. President, that most lawyers will agree that it is not within the constitutional powers of Congress to authorize the formation of corporations for the purpose of carrying on a business wholly within a foreign country. At least that was the unanimous view of the members of the subcommittee of the Judiciary Committee and also of the full committee when the bill was reported to that body. We heard arguments of some length and some merit upon that proposition, and I think none of the lawyers who appeared for the House bill really doubted the statement I have just made; but it was sought to found our power to authorize the formation of corporations to do business wholly in China upon the theory that we exercised extraterritorial jurisdiction in China and that under our treaties with that country we could authorize the organization of these corporations. Upon that point we heard the representatives of the Secretary of State and the representatives of the Department of Commerce, but we were not persuaded that we had any such authority; and after very careful consideration we dismissed any attempt to authorize the organization of corporations simply to do business in another country and wholly within another country.

It then became important for us to determine whether there was any practicable way in which we could authorize the organization of a national corporation to meet the demands which seemed to be very clear and very imperative. After much discussion and months of reflection and study the Senate com-

mittee came to the conclusion that Congress could very properly, and that it ought to, authorize the organization of corporations the business of which would be to engage in commerce between the people of the United States and the people of China.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. KING. Does the Senator claim that there is any greater authority in the Federal Government to create corporations to engage in commerce between citizens of the United States and the nationals of a foreign country than there is to create corporations to engage in interstate commerce?

Mr. CUMMINS. If the Senator will permit me, I will answer that question not categorically but by stating what I understand to be the authority of Congress in that general respect.

In my opinion Congress has no greater power to create corporations to engage in foreign commerce than it has to create corporations to engage in commerce among the States. The Constitution gives us that authority in exactly the same terms. The provision of the Constitution—without attempting to quote it literally—is that Congress shall have the power to regulate commerce among the States and with foreign nations; so that I answer the question by saying that our power in the one respect is just the same as our power in the other respect. Before I attempt to present the outline of my argument upon that point, however, I ought to lay before the Senate what we have proposed in the substitute as reported by the committee.

This substitute is a general incorporation act, applicable only to China, but it does not create any specific corporation. It takes much of its language from the most advanced and the most modern of the State legislation upon that subject, and authorizes individuals to incorporate, and then surrounds the corporation with such restrictions and safeguards, both as to the public and as to those who may deal with it, as modern thought has seemed to require.

The amendment proposed by the Senate committee provides:

> Five or more individuals (hereafter in this act referred to as "incorporators"), a majority of whom are citizens of the United States, may, as hereinafter in this act provided, form a corporation for the purpose of engaging in commerce between the people of the United States and the people of China.

I need not go further in reading the substitute, so far as the point is concerned with which I am now dealing, because all the remainder of the substitute consists of provisions for the government and restriction and safeguarding of the corporation and the people who deal with it; but the question which is evidently in the mind of the Senator from Utah is whether Congress has the power to authorize the creation of a corporation to engage in commerce among the States or to engage in commerce between the United States and a foreign country.

I have no doubt whatever about that proposition. It was for years seriously disputed; but, if I understand correctly the decisions of the Supreme Court of the United States, that uncertainty now has been put at rest. The Supreme Court has decided in at least four cases, as I remember—I have not examined them in recent months, nor do I carry in my mind the citations—that Congress may create a corporation to engage in the business of a common carrier among the States. The decisions to which I refer do not, it is true, found that power solely upon what we know as the commerce clause of the Constitution, because they invoke the war power and the power to establish post offices and post roads as well; but in each of them the clause which I have already mentioned—namely, the authority to regulate commerce among the States—is referred to as one of the constitutional grants of authority which would empower Congress to authorize the incorporation of railway carriers doing business among the States.

There is no difference in principle between authorizing the creation of a corporation carrier to transport goods from one State to another and authorizing an association to sell goods in one State to be delivered in another, or to buy goods in one State to be transported beyond its borders.

If we have that authority with regard to our internal commerce, there can be no question whatever that we have it with regard to our foreign commerce; and the members of the subcommittee, composed of the Senator from Montana [Mr. WALSH], the Senator from Connecticut [Mr. BRANDEGEE], and myself, after reviewing the authorities, were fully convinced of our constitutional authority to do the thing which we have now proposed to the Senate to be done. I think no question was made of our constitutional authority when the bill was reported to the full committee and considered there, and reported, as I remember, unanimously. Until some one is able, through reference to some adjudication, to cast a doubt upon our power in that respect, I shall content myself with the references I have already made; for it seems to me that in view of the investigations which we have carried on in the past 10 years, especialy in the Committee on Interstate Commerce, it has become one of the accepted doctrines of the lawyers of this country that in our efforts to regulate commerce among the States and with foreign nations we can create such agencies to engage in that commerce as the necessities of the situation may require.

I recognize, of course, that after I have established the full constitutional authority to do what I have done, there still remains to be considered the policy or wisdom of accomplishing our purpose in this way.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. KING. Conceding the full power of the Federal Government to adopt regulatory measures over interstate commerce or over corporations engaged in interstate commerce or foreign commerce, does the Senator differentiate this bill, and the corporations which it will create, and the objects which it will accomplish, from mere regulatory provisions?

Mr. CUMMINS. Of course I do not differentiate it, because to differentiate it would be to destroy my argument entirely.

Mr. KING. Then the Senator's theory is that the power to regulate includes the power to create corporations to engage in interstate commerce or commerce between the United States or its nationals and foreign States and the nationals of other countries?

Mr. CUMMINS. Precisely. I repeat that the Supreme Court of the United States has said that, as a matter of regulation of commerce among the States, it is within the province of Congress to create the agencies through which transportation can be and is carried on. The question with regard to our power to organize or create a corporation to sell and buy goods passing from one State to another has never arisen, simply because Congress up to this time has never attempted to exercise that particular kind of authority; but that it can be well founded upon our power to regulate commerce I have no doubt whatever.

Mr. KING. The Senator, who is a great lawyer, will perceive that his argument and his position, carried to the logical conclusion, mean that the Federal Government has the power—though it does not necessarily mean that it will be exercised—to take over practically all the commerce of the United States and to control it.

Mr. CUMMINS. I do not concede that.

Mr. KING. To regulate it, to create the instrumentalities by which that business shall be carried on, define the limitations and the power of corporations, prescribe the compensation of employees, provide an army of Federal officials to supervise and control and to regulate the activities of all of the interstate commerce, which is substantially, perhaps, 60 to 80 per cent of the commerce of the United States.

Mr. CUMMINS. Mr. President, some part of what the Senator from Utah has just said is very readily conceded, but I do not concede all of it. I have no doubt about the power of Congress to regulate the affairs of associations doing an interstate business; none whatever. We have done that repeatedly. A conspicuous illustration of the power we have exercised in that way is the antitrust law. Where do we get the power to say that a combination or an agreement or a conspiracy in restraint of trade shall be an offense, or that the thing itself may be abated? The antitrust law specially says "to restrain trade among the States or with foreign nations." Just how far we may go in the regulation of the association or corporation so engaged it is not necessary to answer, but we have not yet found the limit of our jurisdiction in that respect. The Interstate Commerce Commission is constantly exercising that jurisdiction in an extremely wide field. The Federal Trade Commission is exercising that power, wisely, I hope; beneficially, I hope; but, at any rate, no one questions its general power in that respect, and there are many other of our departments which are exercising a similar authority.

That leads inevitably to the conclusion that if Congress desires to do it, if it is found to be good policy to do it, we can authorize the formation of corporations to engage in commerce between the United States and foreign countries. There is no reason for doing that with respect to most of the world, and Congress, I assume, would as to most countries be exceedingly slow to exercise its undoubted authority; but there is a sound reason for doing it with respect to China, if we intend to take our part in the commerce of that great, undeveloped country, under the conditions I outlined a few moments ago.

The point, I think the only point, that is subject to dispute is the one I have just stated. I submit that if Senators will examine the remaining parts of this bill it will be found that these corporations are to be organized in a way and under such restraints as will make them as nearly honest and fair as individual or corporate action can be made. If there is failure in this substitute to put around these organizations all proper restrictions in order to hold them to the utmost accountability, both to their stockholders and creditors and to the public generally, upon suggestion of any such failure I will be very glad to take it up; but I do not think I ought to consume the time of the Senate in passing over critically and in detail these parts of the bill, because they are common to the incorporation laws in almost every State in the Union. They are just such provisions as are found in the laws of nearly every State in the United States. I desire to say before I close, so that there may be no controversy about that phase of the matter, that in the bill as it passed the House there was a provision for the exemption of these corporations from taxation. That did not commend itself to the Judiciary Committee, and no such provision will be found in the substitute proposed by our committee, and that idea is just as abhorrent to me now as it was when there were certain proposals looking to the amendment in that respect of the revenue bill recently passed. I say this because I want no misunderstanding with regard to that matter.

With these suggestions, Mr. President, I submit my analysis of the bill to the Senate.

Mr. KING. Mr. President, the Senator from Iowa has been presenting a very important matter to the Senate. There have been three Republicans and half a dozen Democrats here. I am sorry more were not here to listen to his argument upon a matter which obviously is important to the commerce of the United States.

Obviously the consideration of this measure will take some further time; I desire to address myself to it to-morrow morning. I suggest the absence of a quorum, and when a quorum is obtained I hope we may hear the Senator from Missouri [Mr. REED], who will not be able to be here to-morrow, who desires to submit some observations to-day.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Capper	Kendrick	New	Smoot
Caraway	Kenyon	Norbeck	Sutherland
Cummins	Keyes	Norris	Swanson
Curtis	King	Overman	Townsend
Fletcher	La Follette	Page	Wadsworth
Gooding	Lenroot	Poindexter	Walsh, Mass.
Harris	Lodge	Reed	Walsh, Mont.
Heflin	McKinley	Robinson	Warren
Jones, Wash.	McNary	Sheppard	Willis
Kellogg	Nelson	Shortridge	

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names. A quorum is not present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and Mr. DIAL, Mr. MCKELLAR, Mr. NICHOLSON, Mr. STANFIELD, Mr. STERLING, and Mr. WATSON of Georgia answered to their names when called.

Mr. BURSUM, Mr. HARRISON, Mr. SIMMONS, Mr. SPENCER, Mr. MOSES, Mr. BALL, Mr. PHIPPS, Mr. CALDER, Mr. SMITH, Mr. TRAMMELL, and Mr. MCLEAN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum is present.

Mr. REED obtained the floor.

Mr. KENYON. Mr. President, will the Senator yield to me to give a notice?

Mr. REED. Certainly.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. KENYON. I wish to give notice in behalf of a number of Senators that when the present unfinished business, the China trade bill, shall have been concluded I shall move to take up the bill (S. 2263) to amend the Federal reserve act, approved December 23, 1913. It is the bill to amend the Federal reserve act by placing a representative of agriculture on the Federal Reserve Board.

CONFERENCE ON LIMITATION OF ARMAMENTS.

Mr. REED addressed the Senate. After having spoken for about half an hour he yielded the floor for the day.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, December 16, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 15, 1921.

REGISTER OF THE LAND OFFICE.

Miss Martha J. Spears, of Colorado, to be register of the land office at Denver, Colo., vice Mrs. Mary Wolfe Dargin, whose term will expire January 10, 1922.

PROMOTION IN THE NAVY.

Civil Engineer Luther E. Gregory, United States Navy, to be Chief of the Bureau of Yards and Docks, in the Department of the Navy, with the rank of rear admiral, for a term of four years.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 15, 1921.

APPOINTMENTS IN CONSULAR SERVICE.

SECRETARIES OF EMBASSIES OR LEGATIONS, CLASS 4.

Charles A. Blackwell.
Robert S. Burgher.
George R. Merrell, jr.
William A. Taylor, jr.

CONSUL OF CLASS 4.

Ross Hazeltine.

JUNIOR HYDROGRAPHIC AND GEODETIC ENGINEER.

Joseph Murray Smook to be junior hydrographic and geodetic engineer in Coast and Geodetic Survey.

REGISTERS OF THE LAND OFFICE.

George C. Davenport to be register of land office, Bozeman, Mont.

Emery Edwin Fleming to be register of land office, Billings, Mont.

RECEIVER OF PUBLIC MONEYS.

George J. Reiley to be receiver of public moneys, Baton Rouge, La.

POSTMASTERS.

COLORADO.

Charles H. Pollard, Cortez.
May D. Thomas, Eagle.
Arthur R. Noll, Eureka.
Darlie R. Greigg, Greeley.
Mary J. Fuller, Two Buttes.

CONNECTICUT.

Edward H. Bailey, Danbury.

KANSAS.

Minnie B. Fretz, Canton.
John W. Baker, De Soto.
Earl D. Jones, Elbing.
Rose R. Stapleton, Fulton.
Frank E. Enlow, Galesburg.
Paul H. Quinn, Geuda Springs.
Essie M. Hosman, Potwin.
V. Gladys Reed, Williamsburg.

MICHIGAN.

Robert Darnton, Adrian.
George D. Childs, Bay View.
Glen H. Doyle, Cedar Springs.
Harold B. Whalley, Kalkaska.
George E. Meredith, Minden City.
Volney R. Reynolds, Waldron.

NEW JERSEY.

Christian Kuhlthau, Milltown.
William S. Kershaw, Neshanic Station.

OHIO.

Fred C. Troxel, Apple Creek.
Edwin D. Cox, Leesburg.
Edwin E. Hayman, Long Bottom.
Bolivar C. Reber, Loveland.
Harry F. Mikesell, New Madison.
William F. Lehman, Payne.
Florence Mutchler, Rutland.
Jesse Gamble, Shadyside.
H. B. Miller, Shiloh.

Alberta Edwards, Trenton.
Wilbur D. Schuder, West Carrollton.
Frank F. Perringer, Woodville.

UTAH.

John F. Justesen, Spring City.

WISCONSIN.

George E. Alderson, Benton.
Emil C. Kraemer, Fond du Lac.
Andrew Kaltenbach, Potosi.
Carl E. Reichenbach, Merrillan.
Carl R. Anderson, Weyerhauser.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 15, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, we have found Thee in the beneficence of earth and sky, in the stress of duty, in the exactions of labor, and even in the solitude of sorrow. We therefore approach the secret place of the Most High to render Thee our humble thanks and gratitude. We ask Thee to fill our lives with great and mighty meaning. Then shall we be able to mount the heights that are and move toward the greater heights beyond. May our love for our country be pure and sacrificial and may we always work to keep it right and just. Grant that our land may ever be a balm for the sick, a joy for the sorrowing, and a refuge for all who love our flag and respect our laws. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CLASSIFICATION OF CIVILIAN POSITIONS.

Mr. LEHLBACH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8928.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8928, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8928, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services.

The CHAIRMAN. When the committee rose last evening there was pending an amendment offered by the gentleman from Indiana [Mr. WOOD].

The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the committee amendment.

Mr. LEHLBACH. Mr. Chairman, I offer an amendment as a new section, to follow the section just read.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: Page 36, after line 17, insert a new section to read as follows:

"That, subject to revision and approval by the Bureau of the Budget, the rates of compensation of all employees in the District of Columbia, except those whose wages are adjusted by now existing wage boards, to whom compensation schedules are made inapplicable by section 3 hereof, shall be fixed and be readjusted from time to time by a board of three members, to be appointed by the President and to hold office during his pleasure. One member of such board shall be chosen from among the employees affected, one representative of the Government, and one representative of the public. The members of this board shall serve without compensation."

Mr. GRAHAM of Illinois. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-one Members are present, not a quorum. The Clerk will call the roll.

The roll was called and the following Members failed to answer to their names:

Ansorge	Beedy	Brennan	Burtness
Anthony	Bland, Ind.	Brinson	Christopherson
Appleby	Blanton	Brooks, Ill.	Clark, Fla.
Atkeson	Bowers	Brown, Tenn.	Classon
Beck	Brand	Burke	Cockran
Codd	Hayden	Maloney	Rosenbloom
Collier	Hays	Mansfield	Rossdale
Connell	Herrick	Mead	Sanders, Ind.
Davis, Tenn.	Hogan	Michaelson	Scott, Mich.
Denison	Hudspeth	Montoya	Sears
Dominick	Hull	Newton, Mo.	Shaw
Drane	Humphreys	Nolan	Sinclair
Dunn	Hutchinson	Norton	Smithwick
Dyer	James	O'Brien	Snyder
Edmonds	Jefferis, Nebr.	O'Connor	Stiness
Elston	Johnson, Miss.	Paige	Sullivan
Favrot	Johnson, S. Dak.	Patterson, Mo.	Swing
Fenn	Jones, Pa.	Patterson, N. J.	Taylor, Colo.
Fess	Kahn	Peters	Taylor, N. J.
Fields	Kearns	Petersen	Thomas
Fish	Ketcham	Porter	Timberlake
Fisher	Kiess	Pou	Tinkham
Focht	Kitchin	Pringey	Treadway
Funk	Knutson	Quin	Underhill
Garner	Kunz	Rainey, Ala.	Ward, N. Y.
Gilbert	Lampert	Reavis	Wilson
Gould	Lawrence	Reber	Woodyard
Graham, Pa.	Leatherwood	Rhodes	Wright
Hammer	Lee, N. Y.	Riordan	Wurzbach
Hawes	Lineberger	Roach	Yates
Hawley	Luhring	Rodenberg	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 8928) to provide for the classification of civilian positions in the District of Columbia and in the field services, and finding itself without a quorum, he had directed the roll to be called, whereupon 309 Members answered to their names, a quorum, and he submitted a list of absentees for insertion in the RECORD and in the Journal.

The SPEAKER. The committee will resume its session.

The committee resumed its session.

The CHAIRMAN. The gentleman from New Jersey [Mr. LEHLBACH] is recognized.

Mr. LEHLBACH. Mr. Chairman, on yesterday there was stricken from the bill section 8, which provided for a wage commission, and it was the intention of the committee reporting the bill, who incorporated section 8 in it, to have it apply solely to skilled labor and skilled trades within the District of Columbia. Considerable objection was raised to section 8, and it was stricken from the bill for these reasons: It is the present policy of the Government in fixing wages for machinists, metal workers, and others who are in the skilled trades and skilled labor by a system of wage boards. Throughout the country there are in the navy yards and arsenals local wage boards who from time to time fix and adjust the wages of the employees falling in that class, and who by law fix them at a figure in no case higher than the prevailing rates paid to similar labor in that vicinity. It was feared that the section as drawn would interfere with the operation of the present wage boards in the field services throughout the country. The section was also objected to on the ground that it would interfere with the existing system of adjusting wages in the navy yard here in the District of Columbia, which has such a wage board. There was also some objection raised that this wage commission might be a permanent body, building up an organization, with clerical force, and so forth.

Now, granting the validity of these objections, and seeking to eliminate them, and yet to provide a means of fixing the wages of some 10,000 skilled labor employees in the District of Columbia who are not in the navy yard, the chairman of the committee offers the pending amendment, which in the first place restricts its operation to the District of Columbia. That eliminates the entire field service, and in the second place it excepts those whose wages are now adjusted by existing wage boards. That eliminates the navy yard here in the District of Columbia.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield for a question?

Mr. LEHLBACH. Yes.

Mr. BARKLEY. I would like to get some idea about what number of employees now in the District of Columbia are not included in the jurisdiction of the existing wage board?

Mr. LEHLBACH. The existing establishments where no wage board now exists are the Government Printing Office and the Bureau of Engraving and Printing, and also a large number of scattered skilled employees in the various departments. They number about 10,000, and provision ought to be made for them in this bill.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield further there?

Mr. LEHLBACH. Yes.

Mr. BARKLEY. Why is it not possible to bring these employees in the District of Columbia that are not now included under the jurisdiction of the wage boards within the same kind of jurisdiction or under the same sort of wage boards as are

now operating in the navy yards and arsenals throughout the country if any wage boards are necessary at all for these in the District?

Mr. LEHLBACH. I thank the gentleman for that question. He has tersely stated just exactly what the amendment intends to do.

Mr. BARKLEY. I do not quite agree with the gentleman's statement there.

Mr. LEHLBACH. Let me read the provision to the gentleman.

Mr. BARKLEY. I have read it.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. REED of West Virginia. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

Mr. BARKLEY. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection to the request?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey is recognized for five minutes more.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BARKLEY. These other boards, as I understand, are not constituted like the one provided for in this amendment, and their action is not subject to review and approval or disapproval by the Budget Bureau as provided in this amendment.

Mr. LEHLBACH. The approval by the Bureau of the Budget is general, and applies to every estimate and to the details of every estimate, and this only preserves that same jurisdiction over this new wage board which exists at the present time over all the wage board, and all the departments that transmit the estimates based upon wage-board action.

Mr. BARKLEY. The power of the Bureau of the Budget is general in the revision of estimates; but, as I understand, the Bureau of the Budget has now no authority to pass upon decreases or increases of wages fixed by these wage boards.

Mr. LEHLBACH. It can effectively do so. If there is an estimate of so much money for so many thousand employees and they think the wage scale is too high, they can scale it down.

Mr. BARKLEY. In your amendment here you give the Bureau of the Budget practically the power to fix the wages by rejecting or disapproving any recommendation of this wage commission.

Mr. LEHLBACH. Does not the gentleman think it is a salutary safeguard to supervise and review the action of the wage boards?

Mr. BARKLEY. Replying to the gentleman's inquiry, I am frank to say that I do not believe that it was ever intended by Congress that the Bureau of the Budget should have the power to pass upon the increase or decrease of the individual wages of the various employees of the Government. I think that the bureau was intended to coordinate the various branches and to have some system in the estimates submitted to Congress, but certainly that Bureau of the Budget ought not to have the power to say whether the wages in the Government Printing Office or in the Bureau of Engraving and Printing or anywhere else ought not to be increased when this commission, or whatever authority exists for that purpose, says they are entitled to an increase. I do not think that was intended in the scope of its duties.

Mr. LEHLBACH. I do not think any such action would follow from the amendment as drawn at all. It simply refers to the Bureau of the Budget the exercise of the power of revision in this respect as in every other respect; that is all.

Mr. BARKLEY. Now, if this board should hold that there are men in the Printing Office, for instance, who ought to be increased, could not the Budget Bureau nullify that decision by a contrary decision?

Mr. LEHLBACH. I presume the Budget Bureau would have that power. The President of the United States also has that power. But I doubt if the Bureau of the Budget or the President would exercise it or do anything of the sort.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. REED of West Virginia. I have had information that some of the workers in many particulars objected to the provision in section 8, but that the gentleman's amendment is satisfactory to all the workers.

Mr. LEHLBACH. I know of no objection from any source to this particular amendment as drawn. That is, no objection has been voiced to me, save as to its form.

Mr. MANN. Will the gentleman yield for a question?

Mr. LEHLBACH. I will.

Mr. MANN. Does not the gentleman's amendment apply to all the employees in the District of Columbia, including the clerical forces?

Mr. LEHLBACH. Oh, no. It says:

That subject to revision and approval by the Bureau of the Budget the rates of compensation of all employees in the District of Columbia except those whose wages are adjusted by now existing wage boards to whom the compensation schedules are made inapplicable under section 3 hereof——

Mr. MANN. Then it does apply to the clerical force?

Mr. LEHLBACH. No; it only applies to those in the District of Columbia to whom the compensation schedules are made inapplicable, and that means the skilled trades. The compensation schedules are applicable to the clerical forces; therefore they are not within the purview of this amendment.

Mr. MANN. I think the gentleman's language is susceptible of the explanation he gives, but it is very inartificially drawn. The language that the gentleman excepts to is the language excepting from the general provision of the wage board. That is the way I read it, and I read it six times, trying to make out the proper construction of it.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. GRAHAM of Illinois. Mr. Chairman, I rise in opposition to the amendment. This amendment is not much less vicious than section 8, which was stricken from the bill. Day before yesterday the Committee of the Whole House on the state of the Union took a vote on section 8, and by an almost unanimous vote—122 to 9—it was stricken from the bill. Now it is coming in by the back door; not the same thing in toto, but the same thing in effect, and just as bad in many of its essential provisions as was the original section.

This amendment does a lot of things that we do not want. It is now stated that it constitutes a board which shall pass upon the wages of certain skilled and semiskilled employees in the District of Columbia, and it is said it is limited to the employees of the Bureau of Engraving and Printing and to the Government Printing Office and a few other unclassified workers, and does not include the navy yards and arsenals. I want you to notice the language of it—

That subject to revision and approval by the Bureau of the Budget, the rates of compensation of all employees in the District of Columbia, except those whose wages are adjusted by now existing wage boards, to whom the compensation schedules are made inapplicable—

Listen to this—

shall be fixed and readjusted from time to time by a board of three members to be appointed by the President, and to hold office during his pleasure.

This means that the wages of about 10,000 employees in the District of Columbia shall be fixed by the wage board at their pleasure, and the members of the board shall be appointees of the President. There are no restrictions upon what rates of wages they shall give. You will remember that now the wages of the employees in the navy yards and arsenals of the United States are fixed by local wage boards. These local wage boards are established by law. They cost the Government nothing. They are composed under the orders of the commandant of the particular institution involved. The law, however, provides that the wage they fix shall be the wage that is customarily paid in that locality; and the last time the bill was up the gentleman from Massachusetts [Mr. LUCE] incorporated an amendment on the existing law providing that these local boards in arsenals and navy yards should never pay more than was paid for similar work in that locality, and we adopted that by an overwhelming vote, thus limiting the operation of these boards to pay not more than what was being paid in that locality. Do you see any such limitation in this amendment? No; the wage board that the chairman of this committee [Mr. LEHLBACH] seeks to set up in this amendment can fix these wages at any figure they desire without any limitation. It may be more than is paid in this locality for similar work, and there is no limitation upon it at all.

I have contended all the time during this argument on this bill and on this section that this appointment of a Federal wage commission is a bad plan, anyhow. I do not believe that Congress ought to give away to any board its right to fix these statutory wages. [Applause.] What is the reason for it? Are we not competent to legislate on this subject? We are doing so now.

Mr. BARKLEY. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes; I will yield.

Mr. BARKLEY. Under this amendment, if it should be adopted, we would have this situation, that in the District of

Columbia we would have some skilled laborers in the employment of the Government whose wages were fixed by the local board and others whose wages would be fixed by this board, subject to review by the Bureau of the Budget.

Mr. GRAHAM of Illinois. By a political board, if you please.

Mr. BARKLEY. There would be no uniformity between different classes of laborers in the District of Columbia.

Mr. GRAHAM of Illinois. The men in the navy yard would be limited to what others in similar outside trades were getting, while the fellows in the Printing Office would not. Their wages would be fixed by a board appointed by the President. I do not care whether by a Republican President or a Democratic President. That makes no difference. The wages will be fixed by a board appointed by the President. It is said that one representative on the board shall be from the workers. Who appoints him? Do the workers appoint him? Not at all. The President appoints him. The President appoints all the members of the board, and these 10,000 employees come in and make their showing to the board, and the board do just as they please, and Congress appropriates the amount they tell us to appropriate. Gentlemen of the committee, we have ability enough in this House to fix these wages ourselves, and we ought to do it. The gentleman says we are leaving these 10,000 men out of consideration. Why does he not fix his bill and put them in and take care of them, instead of deputizing to some political board the task of doing the thing that we ought to do?

Mr. LEHLBACH. The gentleman says the task of fixing wages should not be deputized, but should be done by Congress. Did not the gentleman yesterday state that the wage board fixed the wages in the arsenal in his home district, and did he not give that system his approval?

Mr. GRAHAM of Illinois. I said that had been the established law for many years in that institution.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GRAHAM of Illinois. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. GRAHAM of Illinois. The wisdom of that course was ascertained long before I came into this body and has been handed down from year to year. But if the argument of the gentleman is right, if I made any such concession I would like to have the gentleman show me any such safety provisions in this amendment as surround the men in those public institutions. There are no safety provisions here. It is wide open and the roof is the limit. That is one bad feature in it, but there is a worse one. The amendment seeks to impose on the Bureau of the Budget functions never intended that that budget should perform. The Bureau of the Budget was constituted originally to reckon up the expenditures of the Government and, as I said on a former occasion, give the President advice whether we could cut our suit to fit our cloth. By this amendment you give over the right to a board to fix the wages and to have it revised by the Bureau of the Budget. I will tell you gentlemen that if you pass this amendment you will have to make these appropriations for this class of employees in a lump sum. How else can you do it? Do you think that is a good way to appropriate money, to appropriate a lump sum? We must do it that way, because the wage board may meet at any time and change the standard. We ought to keep our hand on the throttle; we ought to know what we are paying. These men ought to have a statutory wage, and we ought to appropriate for statutory wages as we are doing now. Whatever else may be said about other parts of the bill, this amendment is vicious and ought to be defeated.

Mr. CLOUSE. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. CLOUSE. I would like to ask the gentleman if the salaries of the employees of the Printing Office and in the Bureau of Engraving and Printing are not fixed by statute?

Mr. GRAHAM of Illinois. Absolutely.

Mr. CLOUSE. Under this amendment it would give the wage board the power to fix the salaries or wages of these employees at any sum they saw fit.

Mr. GRAHAM of Illinois. Yes; and all the previous legislation we have had on that subject will be at an end.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 205. An act relating to the fiscal system of the District of Columbia, and for other purposes.

CLASSIFICATION OF CIVILIAN POSITIONS.

The committee resumed its session.

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, the amendment now proposed is just one more link in the confusion of this bill. I would like to know how many men in this body are satisfied in their own minds that they ought to vote for this bill. I would like to know how many men in this body feel in their own minds that they can vote intelligently for this bill. Some one has asked what is to become of the clerical force of the Members of this body under this bill. There is no provision in the bill for them. They are not under the civil service, and if any provision is to be made hereafter to take care of them it will have to be by an independent bill introduced in the House. How many of you gentlemen knew that? They are not included.

Now, gentlemen, I wish for the last time, because it is the last opportunity I shall have, to call to your attention some of the things this bill will do. It will do more to destroy the civil service than anything that has been introduced in Congress since I have been here. It will do more to ruin the budget system than anything that has been suggested, and that entire organization is crying out against this thing being imposed upon it. Why men should insist in trying to destroy an instrument that we are looking to for so much good is hard for me to understand. If you pass the bill as now proposed and it becomes a law, it will entail an additional expense of $19,000,000 a year at least on the taxpayers of the United States. Are you willing to do it? It has been admitted time and time again that these schedules are based upon the high cost of living that was extant at the time of the reclassification made by the committee. A confession of that fact was made in the proposal to reduce the schedule or the amounts called for 10 per cent. It is admitted that the price of living is still high, above normal, some say 75 per cent, and the gentleman from New York contends it is more than 75 per cent above normal. Here you are fixing schedules of salaries at 75 per cent higher than the normal rate. higher than you would do if you were fixing it at a normal rate. Are we abnormal as the times are abnormal? We will be if we give our sanction to this abnormal system of salary fixing and these grades of salaries. This is not the time to do it. We have got along in the last two or three years under trying circumstances by patchwork, and we had better patch it up a little longer until we can more intelligently arrive at some arrangement whereby gentlemen with a clear conscience can vote for a reclassification. There are not 15 men within the sound of my voice who will be satisfied in their own minds if this bill passes at these abnormal figures. I say as a representative of the people we have no right to accept such figures. The people have no representatives except us; they have no one sitting in the gallery asking us not to pass something that they know is not right.

I appeal to you in the name of the taxpayers of this country, who in the last analysis are the ones who must pay the bills. There is no one here but will admit that if these salary lists are passed and become a law as they are now there is a possibility of raising from the minimum to the maximum. You gentlemen who have had experience know how easy it is to boost a salary from the lower to the higher, and how hard it is to reduce it from the higher to the lower, so that in any event you may rest assured that you are making it possible to entail an expense of more than $19,000,000 in addition to the present salary lists, and you are also fixing forever the bonus as a part of the permanent salary of these Government employees. [Applause.]

Mr. BLACK. Mr. Chairman, I want to say just a few words in reply to the contention of the gentleman from Indiana that the salary schedules in this bill are abnormal. I submit that he has offered no proof of that assertion. I always think that an ounce of fact is worth a pound of theory or a flood of vehement denunciation of a proposition without citing facts. I have here in my hand the announcement digest from the United States Civil Service Commission announcing examinations for certain positions in the Government service, which came to my office, and I suppose to the office of every Member of Congress, yesterday. It is dated December 10, 1921. I am going to read from it and by comparison with the pending bill show the House just what salaries are now paid for some of these particular positions, and what will be paid if this bill becomes a law. If any gentleman who is opposing this bill takes the position that I am inaccurate in any of these statements I shall gladly yield for correction.

First, here is an advertisement for chemists in the Chemical Warfare Service, the salary scale of which ranges from $3,600 to $5,000 a year under the present law; associate chemist, $2,500 to $3,600 a year; assistant chemist, $1,800 to $2,500 a year. Let us see where these particular positions would fall under our bill. They would fall in the professional service. Let us take, first, the assistant chemists. At the present time they would receive under this advertisement of the Civil Service Commission in the minimum grade, $1,800 plus $240 after six months in the service, which makes it $2,040, and the maximum grade would run as high as $2,500, plus the $240 after six months in the service, which would make it $2,740. Therefore, under the present law for assistant chemists it may be said the compensation ranges are from $2,040 to $2,740 for this particular grade of the service.

What would be the salary ranges under this bill?

Grade 2, which provides the assistant professional grade, which would take in the grade of employees to which I have just referred, runs from $2,100 to $2,640. Therefore the entrance grade in this bill is $60 more than that announced by the Civil Service Commission in this announcement digest, and $100 less than the maximum grade.

Let us take next the associate chemists. Under this advertisement under the present law the associate chemist receives $2,500 plus the $240, which is $2,740. That is the minimum grade, and the maximum is $3,600. Under our bill this class of Government employees would fall in grade 3, associate professional grade, which begins at $2,820 and runs to a maximum, as amended, of $3,540. So that we have a $60 increase in the minimum grade published in the civil-service announcement digest and a $60 reduction in the maximum grade.

Let us take next the chemist, the full professional grade. Under the advertisement of the Civil Service Commission which I have just read the chemist receives from $3,600 to $5,000 per year. Under our bill, grade 4, which is the full professional grade, the pay runs from $3,720 to $4,620, so that in the minimum grade of the full professional grade under the Lehlbach bill there would be an increase of $120 and a reduction of $380 in the maximum grade.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEGG. Mr. Chairman, will the gentleman yield for a question on that point?

Mr. BLACK. Yes.

Mr. BEGG. Will the gentleman explain why it is that all of the Government employees are so favorable to this bill and want it so badly, if they are going to have a cut in salary? That is a rather unnatural condition and I would like to have that explained.

Mr. BLACK. If the gentleman will permit, I have never contended that all of the salary schedules would work out just as the comparison I am now making. I am citing these examples to disprove the statement of the gentleman from Indiana that this is a wildly extravagant bill. I have stated that there are many cases under the old statutory salaries where the employees are underpaid as compared with others doing similar work in the Government service, and it is expected that this bill will even up these discrepancies and make them more uniform and equitable, without adding any new burdens to the Treasury.

Mr. CLOUSE. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Not now, I am sorry but I have only about a minute more. Let me go on with this comparison. There is an advertisement here in this digest for a drug inspector, Bureau of Chemistry, at $1,600. The drug inspector under the present law receives $1,600 plus the $240 after six months, which is $1,840. Under this bill we are now considering this particular employee would fall in grade 3 of the inspectional service and the salary range of that grade is $1,800 to $2,040. There will be an increase of $120 over the present entrance grade, not including the $240 which is now paid after six months' service, but it would be $40 less than the entrance grade if the $240 is included. The maximum grade in our bill would be $200 per annum above the present entrance grade, including the $240 increase after six months. But it must not be understood that the employee would receive this maximum salary when he first comes into the service. Not at all. He would only be eligible to that salary by promotion, because of faithful and efficient service.

I merely cite these examples as instances to show how the bill will work out in practice and to refute the argument that it imposes upon the Government an extravagant scale of salaries.

My view of this whole matter is to steadfastly oppose the creation of any new Government bureaus which we do not need, and if we have any now that we should not have or which should be consolidated with others, let us take that action. No one will join in it more heartily than I. But for those Government employees who are needed in the service, let us prepare a range of salaries which will be fair to them for the work performed and fair to the public.

It is because I believe this bill to a measurable degree comes up to that standard that I am supporting it.

Mr. SISSON. Mr. Chairman and gentlemen of the committee, I want to call the attention of the committee, and especially of my friend from Texas [Mr. BLACK], to a proposition which we are now considering in the Appropriations Committee, to which he has repeatedly referred during this debate. We are now considering the Post Office appropriation bill. My fingers have been burned already with reorganization economists. There is no such animal. Every reorganization bill that I have ever seen has been one which raises salaries and is full of extravagance. The people and taxpayers never get any consideration. The bill is introduced either by them, for them, or by anyone who is sound for them, but always for the employee. We are considering a bill now in our committee which deals with a bill which reorganized the Postal Service, and I do not believe the membership of this House would have voted for it if they could have known what it would cost us in one year. That postal reorganization bill, in the interest of economy, with the identical clerical force in the field and in the city of Washington, has cost us $42,000,000. It will cost, to be exact, this year $41,855,000, and if you add to that the war bonus act of July 2, 1918, which increased the pay to postal employees $33,202,600, then add to that the increase under House joint resolution of November 8, 1919, which is $35,898,400, you have a grand total of $212,859,600. Some economy, I would say. Legislation affecting the postal employees in reference to their classification, including the soldiers' preference act, has already cost us $110,756,000. and the automatic promotions under that Post Office reorganization act to which the gentleman from Texas has so repeatedly referred as justification for this bill, according to the testimony of those gentlemen before us at this time, will in the next year, including the other bonuses, be something like $212,859,000, to which must be added the automatic increases under that bill, which will be at least $40,000,000, with the identical service that you have now. The Lord only knows where it will finally get to.

Gentlemen of the House, I beg and beseech you to remember the people you represent. They are the taxpayers. Both parties, especially you Republicans, are committed and are honor bound to reduce taxes, and you can not reduce taxes unless you reduce expenses. You will violate every obligation that you owe your people to pass this bill.

But, Mr. Chairman, I fear that I am appealing to deaf ears. The "die is cast," the edict has gone forth, the command is given, and you will place hand upon shoulder and lockstep will proceed, and the bill will pass. You will go back to your people and tell them how you voted for their interest. You know that they will not be able to find you out, so you surrender to these people closest to you now, those who draw the salaries. I know that it is unpopular here to vote as I am going to vote, but every one of you know that it is right to vote against this bill.

Why, I have heard men in the name of economy get down in this pit and say, "We are passing this bill in the name of economy, and because it will reduce expenditures so much." I have heard that for 14 years. Nearly every day I hear it said, and, my God, if this were true, and each of these bills have been reducing and promoting economy, as you hear of down in this pit, I will "be blamed" if we would not be running this Government now on a shoestring. [Applause.] And yet every time you get one of these reorganization bills and put it through, it is only necessary to wait until it has gone into operation and you find the practical effect of it to be that it mulcts the Government out of millions of dollars. I tell you the Post Office appropriation is not a bagatelle to what this will be in the next two or three years. Do not talk to me about a bill having the unanimous support of all the Government employees who are affected under the bill being for economy. I only want such evidence to prove the paternity of the child, to prove the father of this bill. I make proffer of this as evidence conclusive that there is no economy in the bill. No; not a salary is in fact reduced. They are all increased. These people down under the hill know what they are doing. The chief clerks and those peo-

ple have figured these things out to a gnat's heel. They know what they are doing, but we Members of Congress do not know what we are doing. No; but you look, we vote for this bill as if we did. Do not say after you have been so repeatedly told of how wicked this bill is that you were mistaken. No; you had better leave it until the reforms which your administration (the Republican) is endeavoring to put into effect down there now under the direction of the President, under the direction of the Cabinet officers; you had better not meddle with them until you find out what these men are doing who, the people, when they elected Mr. Harding, authorized him to put in charge of this budget department—wait until you hear from them. You know this committee did not write this bill. This bill was not prepared by people who did not know what they wanted. This bill was prepared by people who did know what they wanted. Not a single member of this committee, not a Member of Congress can take this bill and come within $20,000,000 of what it is going to cost you finally. [Applause.]

It can not be done. You take it and figure it out. You have got to know first the number of employees in every grade. You have to go and get every chief clerk in this Government to make a list of the Government employees and the present salary plus the bonus, and then you would have to apply that pay roll to the rules laid down by this bill. Not a member of this committee can do it. It is a problem which every one of these chief clerks would have to work out after the bill is passed. And, mark you, every employee of the Government, I grant you, has looked it over and figured out how it is going to affect him.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I would ask for two more minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. SISSON. In view of the fact we do not hear one single protest against it is the highest evidence of the fact it does not injuriously affect them, because if it affected a man in my district I would hear from him, and in your district you would hear from him. No; not one protest. This committee seems to have fallen under the control of the employees. Instead of Congress being made of men high-minded, men who their duties know and dare maintain, it seems to be made of men who fail completely, fail in courage, and bow submissively to the imperious will of the Government clerk.

You cut the salary of a man in your district and you will find out very quickly you will hear from him. You gentlemen are business men. You gentlemen on this side have an overwhelming majority; the responsibility is with you, and I believe my colleagues on the Committee on Appropriations, and my colleagues who have served with me in this House for some time, will tell you that I have never played any politics with Uncle Sam's money. I do not believe in it. I think we ought to try to serve the people irrespective of what party we belong to, and I have tried to do it, and when I come to this majority I come to you in that spirit in regard to these matters, and I say to you without hesitation I do not believe a single member of this committee can tell you anything like what this will cost any more than they could tell you when they passed the reorganization bill for the Post Office Department. We did not dream the first year it would cost one hundred and ten and odd million dollars, but it has done it. It cost $110,000,000 without adding one single employee to the Postal Service; the stupendous sum of $110,000,000! Now, if you want to vote for this bill, if you want to vote for it without knowing exactly where you are going to land, go do it, for every man controls his own vote, influenced by his own conscience and by his own judgment. I appreciate, gentlemen, that you have the majority of this House, and I say you ought to wait until the Cabinet officers selected by your President have a chance to speak on the matter and put your budget into perfect system and effect. Vote this bill down and rely on those gentlemen, whom the country have selected down there to attend to your reorganization, and I believe you would be doing the right thing. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last three words. Mr. Chairman, I stated yesterday that this bill, predicated upon the idea that every person receiving the bonus was to have it continued, would cost the Government from thirty-five to forty million dollars. Over and above that it will cost the Government millions and millions more, because, as the gentleman from Illinois [Mr. MANN] stated yesterday, there is no question but what these men will ultimately be promoted to the highest grade.

The estimate as furnished to the committee is based on the medium grade. The medium grade, in some instances, is $500 less than in the maximum grade. But take the average of $200 as the increase between the minimum grade and the maximum grade and with the 63,630 employees in the District, that would incur an added obligation to the $40,000,000 the bonus occasions of $12,000,000.

Now, I wish to apply the suggestion of the gentleman from Texas [Mr. BLACK]. I do not go to some advertisements of the Civil Service Commission to state to you the actual facts as regards the effect of this bill. I take the existing legislative bill, which you may all send for. On page 55 you will find there stated the salaries paid to the professional class he referred to under the Bureau of Standards. I am willing to take any one of them at the suggestion of the gentleman from Texas. Take the position of chemist. They pay a few chemists there the higher salary of $3,500. Under the Lehlbach proposition their salaries will be $3,720 to a maximum of $4,620. There are more chemists employed at $3,000. They will receive the same increase, a minimum of $3,720 to a maximum of $4,620.

Now, take the case of physicists. A leading physicist receives $3,600, and his salary will be increased from $3,720 to $4,620. But there are many physicists receiving $2,300 to $3,000.

I have here a table of the total estimate of these respective grades under the revised schedule proposed by the Lehlbach amendment. What do we find will be the increase in grades 3 and 4 of the professional class? The table is based upon compensation at the median rate, not the maximum rate. In grade 3 of the professional class it is estimated to be an increase of $711,098, or 17.4 per cent. The increase in grade 4 is $811,000, or 31 per cent.

Mr. BLACK. Were not those estimates made from the bill before amendments were adopted?

Mr. STAFFORD. No. I beg the gentleman's pardon. Here is what we find here. You will find on page 174 of the RECORD——

Mr. BLACK. When were those estimates made?

Mr. STAFFORD. They were based on the revised estimates. The figures under the original proposals can be found at the bottom of page 172.

Mr. BLACK. That is different.

Mr. STAFFORD. I call the attention of the committee to the table on page 172, as inserted by the gentleman from New Jersey [Mr. LEHLBACH], the author of the bill, based on the salaries before there was any revision of the schedules, and if I am in error, I wish to stand corrected. At the bottom of page 228 we find the estimates in the professional service: Grade 3, based upon the minimum rate of the salaries before they were revised, a total of $1,163,000, or a gross per cent of increase of 28.5; grade 4, $1,157,000, or a total percentage of increase of 44.2.

Now, turn over to page 174, and I ask the attention of the gentleman from Texas to the figures I have just read, which are lower in those same grades.

Under the revised schedules there will be large increases even taking the middle grade as the basis. So it is fair to state that this bill will add millions of taxes to the burdens of the people.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment of the gentleman from New Jersey [Mr. LEHLBACH].

Mr. FAIRFIELD and Mr. MANN rose.

The CHAIRMAN. The gentleman from Indiana [Mr. FAIRFIELD] is recognized.

Mr. FAIRFIELD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. FAIRFIELD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, men who are opposing this bill in their discussion assume that in the allocation the head of every department will do his best to secure the maximum salary for the individual who is allocated, and of all the employees. How improbable such an assumption is will address itself to your own good judgment.

In the second place, the assumption is that in the promotions the head of every department will seek every opportunity to put each individual into the maximum salary of the grade to which he belongs. The next assumption is that in the allocation, when the judgment of the Bureau of Efficiency is asked for, when the Civil Service Commission is consulted, that they, too, will sustain the heads of the departments in allocations that are just as burdensome on the Government as it is possible to secure. And beyond that, when the head of every department has prostituted his office and has stultified his conscience, and has violated the law against his oath to take care

of the interests of the Government, and after the head of every department has thus acted and has been confirmed in it by the Civil Service Commission and by the Bureau of Efficiency, then the Committee on the Budget, to whom we look for a conservation of the resources of the country, will come in and say amen to this iniquitous proceeding.

Ah, it does seem strange to me that men would presume to say to intelligent men that that is a course which the application of this law will run. The truth is that this law is the result of many years of study and thought. The truth is that the conditions in the Government were so bad that Congress appointed a commission and spent a large sum of money to get accurate knowledge.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FAIRFIELD. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FAIRFIELD. That committee sat for more than a year, secured expert advice, and found out the exact condition and the personal service of every employee of the Government. Upon their report this bill was made.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield for a question?

Mr. FAIRFIELD. Yes.

Mr. CLARKE of New York. Did your committee get reports from the different departments as to the application of this bill and its cost?

Mr. FAIRFIELD. From the various departments?

Mr. CLARKE of New York. Yes.

Mr. FAIRFIELD. We had an estimate as of date 1919.

Mr. CLARKE of New York. That has nothing to do with this case.

Mr. FAIRFIELD. There was no estimate made except that proportional rates were applied as to the number in each department, and they were scaled down. There was no reliable information later than of 1919 as to the number of employees exactly and the wages that they were receiving. The estimates in this bill are based upon tentative allocations that were made by the Bureau of Efficiency.

Mr. CLARKE of New York. But these estimates have not been brought down to date now? There are no comparable figures with present conditions?

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. FAIRFIELD. Yes.

Mr. LEHLBACH. I will say to the gentleman from New York that in April, 1919, there were 90,413 employees. Those employees were card catalogued, and their pay, and duties, and so forth, and a tentative allocation under this bill was made. Using this same personnel, a comparison was made between the revised schedules and the then pay, and it was shown that substantially there would be no increase at the beginning of the installation of this reclassification, and the ultimate increase, if the conditions remained the same, would be about 1½ per cent; but since then the number of employees has been reduced from 90,413 to 69,000, a reduction of 21,000, and the annual salary has apparently risen from $1,472 to $1,593, which, of course, would lessen the gap between the reclassification and the conditions existing in 1919. Consequently there will be no increase in the cost of the civil service under this reclassification. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. MANN. Mr. Chairman, I would like to propose the striking out of the last two words.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Mr. Chairman, one little feature about the pending amendment strikes me very forcibly, but I shall not object to it. It provides for the appointment of one member of the board of wages from the employees, one from the Government, and one from the public, and that they are to receive no compensation. Of course, the employee under the Government will continue to draw his pay, and the Government official will continue to draw his pay, but the man representing the interest of the public works for nothing, and hence he does not work. [Laughter.] It is ridiculous to expect somebody who knows to come to Washington and sit with a board frequently and constantly without any compensation.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. MANN. If the gentleman will get me more time I will.

Mr. LEHLBACH. That is, however, the way that the wage boards in the navy yards and arsenals are constituted.

Mr. MANN. I expect so, and that is probably the reason why they very generally very much increase the wages. [Laughter.] The public has no look-in. I believe in giving the public a fair show. However, probably that is not serious.

Mr. Chairman, I have been a Member of this House for a long time in one way, and have paid a great deal of attention during a good many years to the appropriation bills. I presume I have stricken out more increases in pay, more additions of various sorts from appropriation bills than any other man who has ever been in Congress, living or dead. [Applause.] I have watched these appropriation bills, not in the last few years so carefully, but before that, for years. An appropriation bill that would come in from any of the subcommittees or any of the committees of the House, especially from the committee having in charge the legislative, executive, and judicial appropriation, would be reported in the past, in the main, just the same as the existing law relating to the then current fiscal year, with a few additions, some added clerks. No Committee on Appropriations ever had the power, perhaps, certainly never exercised it, to attempt any correlation of the forces in different departments of the Government. They had not time; they had not the knowledge; and, as a rule, they could not extract the necessary knowledge from the department officials if those department officials knew.

There was a general demand from all members of the Committee on Appropriations, from all Members of the House, and I might say of the Senate, and from the executive departments of the Government, and from the public who had any knowledge, and frequently where they had no knowledge, that there should be a readjustment of offices or places under Government control, and that one department of the Government should not be permitted to employ a man under one title and pay him a salary for doing exactly the same work that another department employed a man under a different title and at a very considerably different salary. It looked as a business proposition as though the Government, with a good many branches, ought to have some method of bringing these branches into something like uniformity.

No great business concern would or could have continued to operate well under the conditions under which we were carrying on the Government. The great United States Steel Corporation, which has so many subsidiary companies, wholly independent of each other, can not provide and does not for a moment think of having an entirely new method and set of wages and titles in one mill from what it has in another mill. There is some correspondence, so that you may know something about the situation of all when you know about one place. But you can study one department of the Government to-day thoroughly, and yet have no idea, with the facts before you as to names and salaries, as to the condition in another department without studying that department.

We provided for a classification committee. I was not enamored of the idea. I was afraid of the classification committee and what it would do, before it was appointed, when it was appointed, and after it completed its work. But here is a bill largely based upon the work of the classification committee, and I have been surprised at the modesty of this bill. I expected, when they reported, following their study of this subject, that there would be an insistent demand for a great increase in the expense of the Government and the compensation of its employees, and I do not find that this is the case in this bill. [Applause.]

I have listened attentively and carefully, since I have been back, to the distinguished members of the Committee on Appropriations who have been fighting this bill.

I have always liked the attitude of the Committee on Appropriations that fights every expenditure which is not reported from that committee. I believe it is the duty of that committee to bring the matter before the House, and if they have not favored a proposition, to oppose it, so that we may have a chance to find out about it.

Now, I have listened to these distinguished members of the Committee on Appropriations in opposition to this bill with great respect, but I have not found yet that they have given any evidence against passing this bill. It may be—I do not know—that in the future under the terms of this bill there will be promotions under regulations for efficiency. It may be that under the regulations for efficiency employees will become more efficient and will have their salaries increased. I do not know; but I am sure that there ought to be a general regulation of this subject in all the departments of the Government, and I do not believe that the passage of this bill will at least immediately increase the expenses of the Government. I believe it will be a mighty good thing. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed the following concurrent resolution:

Senate concurrent resolution 16.

Resolved by the Senate (the House of Representatives concurring), That when the two Houses complete the business of the calendar day of Thursday, December 22, 1921, they shall stand adjourned until 12 o'clock meridian Tuesday, January 3, 1922.

CLASSIFICATION OF CIVILIAN POSITIONS.

The committee resumed its session.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last two words. I had not intended to say anything on this bill until I happened this morning to hear a gentleman speak very unjustly of the work of the Reclassification Commission; and inasmuch as I was a member of that commission I beg the indulgence of this committee while I say a word respecting that body, the work it did, and the report it submitted of its findings and recommendations. And by way of preliminary it may be well to say that my appointment came to me as a complete surprise. Not a word had ever been said or written to me upon the subject by any person until the distinguished Speaker, Mr. Clark, sent for me to come to the south corridor, and when I reached him asked if I would go upon the Reclassification Commission. I said, "Well, what commission is it? I am getting ready to go home. I am not to be a Member of the next Congress and have made all my preparations to leave for home in a few days." The Speaker replied, "A commission to reclassify the civilian employees of the Government in the District is provided for in a provision incorporated in an appropriation bill which has just passed, and I want you to be one of its members"; and I accepted the appointment. On the commission were three Senators, and two Members of the House whose terms were about to expire—Mr. Keating, of Colorado, and Mr. Hamlin, of Missouri.

The chairman was the Senator from New Mexico, Mr. JONES, an able man who had had long experience in an important position in the Department of the Interior. We called in experts of national reputation—Dr. Baird, of the New York Bureau of Municipal Research; Mr. Robert Moses, the executive secretary of the New York Reconstruction Commission, a man of wide experience in classification work; and E. O. Griffenhagen, an expert in accounting and reclassification, and the most remarkable man in his line of work that I have ever seen. Mr. Griffenhagen and members of his firm, at the request of a Canadian commission, had reclassified the Canadian civil service. His report was adopted by the Canadian Parliament by virtually a unanimous vote, and a bill embodying his recommendations was by that Parliament enacted into law and is now on the statute books of Canada. We employed Griffenhagen as our chief adviser during all our labors.

Mr. Chairman and gentlemen, the pending bill in important particulars embodies the recommendations of the Reclassification Commission, of which I had the honor to be a member. We worked many hours, sometimes until midnight, and it may surprise you to know, but it is true, that we worked also on holidays in order to be able to complete our task and submit a final report within the very limited time allowed us by the statute. We were given virtually only 10 months; and after my appointment man after man came to me and said, "COOPER, this will take three or four years. Nobody expects you to get through within the time fixed." It was absolutely impossible to finish within the time limit, and we were compelled to ask for a few weeks more; but we finished the work in one year, and here is the report in this volume. The task assigned to the commission by Congress was the largest and most important of the kind ever undertaken. And, gentlemen, ignoring everything that I did, assuming that I did nothing at all, I do only justice to my fellow members when I say that the work of the commission as embodied in this report has been rightly declared by recognized leaders of opinion upon the subject of reclassification and the laws which ought to govern the civilian employees of this Government to be the best thing of the kind, the most exhaustive and thorough, in the history of the country.

We examined a very large number—many scores—of witnesses. We were astonished at the mental caliber of many of the employees of this Government. Some of them are men and women of unusual attainments, and it is a thousand pities that their testimony has not been printed. It would have illuminated the dark recesses of the minds of many gentlemen who in this debate have shown themselves to be so hostile to the pending measure. They would have been surprised to see and listen to the men and the women who came before us, some of them getting $1,800 a year, some $1,400, some $800, and supporting themselves and their children on those wages in Washington, the Capital of incomparably the richest Nation on which the sun ever shone, and a city that is the most expensive in the Nation in which to live.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes additional. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. We examined witnesses from almost every vocation in which humanity engages. There were 1,700 different classes of work, ranging from the humblest to the loftiest types, done by these employees. And the reclassification covered them all. It was a reclassification of charwomen, and of men who study the stars.

As has been said during the debate, this is one of the most important bills that will come before Congress; but not in the evil sense in which the gentleman from Indiana [Mr. WOOD] said it is important, not because it points toward an extravagant expenditure of the public funds, not at all; but important in its prophecy of a reformation of abuses that have gone on while my friend from Indiana [Mr. WOOD], and my friend from Wisconsin [Mr. STAFFORD], and my friend from Mississippi [Mr. SISSON], and other equally good friends on the Committee on Appropriations who oppose this bill, have been recommending appropriations year after year to support the very abuses which we made public in this report. Here are some, a very few, of the many indisputable statements of fact in our report:

Equal pay for equal work as a standard for employment does not prevail in the United States civil service. To secure the application of such a standard some centralized agency would have to be functioning to say what the wage should be and to see that that wage and no other is being paid. The Government has had no such agency.

Listen to this:

The commission found that of the 383 under file clerks, 92 received less than $720, whereas 77 received $1,000 or more. The most common rate was from $900 to $1,000. The difference between the highest paid and the lowest paid exceeded $500. It should not have exceeded $200.

We reported that—

the figures for junior file clerks showed 309 at $900 but under $1,000, and 377 at $1,320 to $1,440—

for doing identically the same work.

The absence of a proper relationship between the pay for the different classes would be apparent at a glance. Although one can generally pick out the dominating rate of pay for a class and likewise trace the general increase from class to class, the lack of a uniformly applied standard is at once apparent. Many junior file and record clerks are paid more than seniors, and some seniors get more than many principals.

We found, for example, that there were 106 different pay-roll titles in use for employees whose actual duties would bring them all under the title, "Senior file and record clerk." They were doing practically the same work and yet receiving all manner of wages.

Here is also what we found—and it is a significant fact:

Because of the practice of basing rates of compensation upon title of position only, it is not an uncommon occurrence to change the title of a position without change of duties so as to increase the salary of the incumbent.

Titles deliberately invented in order to increase salaries.

None of the members of the Committee on Appropriations who have during the debate opposed this bill, although they kept recommending appropriations, have ever introduced a measure or made a suggestion to remedy these acknowledged evils.

Now, to answer the gentleman from Mississippi [Mr. SISSON], who a few moments ago declared that we ought to wait and not pass a reclassification bill until after the reorganization commission, recently appointed by President Harding, shall have issued its report, it is only necessary to say that the reorganization commission will have nothing whatever to do with reclassification.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. [Cries of "Vote!" "Vote!"]

Mr. COOPER of Wisconsin. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MONTAGUE. Will the gentleman permit me to ask him a question?

Mr. COOPER of Wisconsin. Certainly.

Mr. MONTAGUE. Does the bill under consideration in any measure carry into practical effect recommendations made by the commission of which the gentleman was a member?

Mr. COOPER of Wisconsin. Yes. Some of the most important of them. I shall vote for the bill, although I am op-

posed to the pending amendment. I think the bill, when enacted, will do a very great amount of good in remedying abuses.

Now, as I remarked, the gentleman from Mississippi [Mr. SISSON] said that we ought to wait until the report of the reorganization committee recently appointed by President Harding. That commission is presided over by Mr. Brown, of Toledo, Ohio, who is, I understand, an excellent man, and is doing a laborious work, but it will not report a plan to reclassify positions but only a plan to reorganize departments and bureaus—two very different things.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. COOPER of Wisconsin. I will.

Mr. WOOD of Indiana. I think the gentleman from Wisconsin misunderstood the gentleman from Mississippi [Mr. SISSON]; he referred to the work of the Cabinet in making an efficiency survey and not to the reorganization commission.

Mr. COOPER of Wisconsin. I made a note of his words, and I am sure that everyone in the House understood that he meant the reorganization commission. And I wish again to direct attention to the fact that the reorganization commission will report simply as to where whole bureaus shall be allocated, in what form departments shall continue to exist, and, of course, whether there shall be an elimination or combination of existing bureaus and departments. But the question of reclassification is an entirely separate thing.

The friends of this bill want the employee who goes into the service of the United States in the District of Columbia to know what his or her duties are to be, and we want the law so made that nobody called upon to render certain service shall receive $1,000 more than another receives for performing the same work.

Here is what the commission unanimously found as to the probable expense if the bill should become law. The report was made on the 12th of March, 1920:

> Your commission recommends that the Congress authorize some competent body to make an examination of the work of the various departments with a view to their reorganization, to the end that duplication of activities may be eliminated and that modern methods may be generally introduced. In the judgment of your commission, such a reorganization would lead to a marked improvement in the service, and to a very considerable reduction in the annual expenditure.

The commission unanimously believed that reorganization would lessen annual expenditures. Already the discharge of employees in this District to the number of 20,000 and more will result in a reduction of annual expenditures of more than $20,000,000. And the coming reorganization will eliminate duplication of activities and result in a further reduction in annual expenditures.

Gentlemen of the committee, this is truly one of the most important bills that you will be called upon to consider, but it is important not in the bad sense of indicating extravagance or a wish to be extravagant, but in the noble sense of a desire to improve the civil service of the Government in the District of Columbia. What is the civil service here—this army of employees in the District? It is in an important sense the Government of the United States of America. This bill recognizes that fact. Its friends wish that the evils which beset the service here shall cease, and that employees shall be properly, not extravagantly, paid. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BARKLEY rose.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent that all debate upon the amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARKLEY. Mr. Chairman, I would not take the time of the committee now to talk at all except for the fact that the debate has gone very far afield from the amendment which is pending and upon which we must vote in a few minutes. The amendment offered by the gentleman from New Jersey [Mr. LEHLBACH] provides that there shall be set up by the President's appointment a wage board to pass upon the readjustment of wages from time to time of employees here in the District of Columbia not included in the provisions of section 3 of the bill. In other words, it is the same proposition that was included in section 8, which was stricken out day before yesterday by an overwhelming vote, except that it is limited to the employees in the District of Columbia who are either not classified under the schedules of salaries fixed in the bill or who already have a wage board to pass on the adjustment of their wages.

The objection that I have to this amendment in the first place is that it is unnecessary, and it is unwise in two or three respects. It applies only to the Printing Office and to the Bureau of Engraving and Printing, and perhaps to a few other unclassified employees in the various departments. If there is need of a wage board to pass upon the readjustment of wages in the Government Printing Office it ought to be the same kind of wage board that is provided by the law for the employees in the arsenals and in the navy yards, and if you adopt this amendment you will have this situation in the District of Columbia. In the navy yard they have a wage board that fixes and adjusts the wages. That wage board is arranged for on the premises. The laborers have a right to select one member of the board and the commandant selects another. They get together and adjust the wages of the employees of the navy yard, based on the current wages for similar employment in the community, and that will be here in Washington; and in other sections of the country where the arsenals and navy yards are located, based on the current wages at these places. You would have then two wage boards in the District of Columbia; one of them arranged for by employees and others of the Navy Department, to pass upon the wages of employees in the Navy Yard, and another set up by the appointment of the President to pass upon the wages of the employees of the Government Printing Office and the Bureau of Engraving and Printing and any other unclassified employees there may be in the various departments.

The wages of these employees are already fixed by law. If there is anxiety here about the employees of these two departments, or they are not satisfied with present arrangements, then we ought to take them in under the general law, which gives them a right to have a wage board of their own, in which they have some voice, at least in the selection of one of the members of the board.

A more serious objection, at least one that is equally serious, to my mind, is the fact that this amendment gives the Bureau of the Budget power over the wages of the Printing Office employees and those of the Bureau of Engraving and Printing, which power they do not have over any other class of employees in the Government service. The Bureau of the Budget has no right to revise or disapprove the action of the wage board that passes on the wages of the employees in the Navy Yard or the arsenals, but you are in this amendment giving the Bureau of the Budget the right to veto the finding of the board set up by the appointment of the President, provided that bureau does not see fit to indorse the action of the wage board as to the employees covered by the amendment. I think it is an unwise provision in the first place. We never contemplated when we created the Bureau of the Budget that it was to be a wage-fixing board. Its business is to bring into the Congress an intelligent estimate which would enable us to pass intelligently upon the appropriation bills. We can not justify giving them the right of veto over a few employees in the District of Columbia and not giving them the same authority over other employees, and if you once let the camel's nose under the tent and give them the right to veto individual increases or decreases in salary in one or two of these establishments the ultimate result will be to confer upon that bureau the power to pass on the wages of all of the Government departments, for that is what it amounts to when you give them the right to approve or disapprove.

I do not think we ought to agree to this amendment. I think we ought to give the Budget Bureau an opportunity to justify itself within the powers it already possesses, by more experience, rather than confer upon that bureau additional powers, and especially powers not contemplated in the original act.

Mr. DEMPSEY. And, furthermore, the Budget Bureau has not the time to do this work, has it?

Mr. BARKLEY. No. That is the fact. It has all it can attend to now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey, which the Clerk will again report.

The Clerk read as follows:

> Amendment offered by Mr. LEHLBACH: Page 36, after line 17, insert a new section to be known as section 13, as follows:
> "That, subject to revision and approval by the Bureau of the Budget, the rates of compensation of all employees in the District of Columbia, except those whose wages are adjusted by now existing wage boards, to whom the compensation schedules are made inapplicable by section 3 hereof, shall be fixed and readjusted from time to time by a board of three members to be appointed by the President and to hold office during his pleasure. One member of such board shall be chosen from among the employees affected, one representative of the Government, and one representative of the public. The members of this board shall serve without compensation."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The clerk will report the next committee amendment.

The Clerk read as follows:

Page 36, after line 17, insert a new section as follows:

"SEC. 13. That the estimates of the expenditures and appropriations set forth in the budget to be transmitted by the President to Congress on the first day of the next ensuing regular session shall conform to the classification herein provided, and that the rates of salary in the compensation schedules shall not become effective until the first day of the fiscal year estimated for in such budget."

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I have been just a little surprised at some of the opposition to this measure. I have said to some of the gentlemen who oppose it, "What do you propose to do in the matter of the adjustment of the salaries of Federal employees; what are you going to do with the bonus?" Generally, some did not just know. Some assumed an attitude of "Oh, what is the use of doing anything? Why not just drift along? Some day we may be compelled to do something, and we will act then."

Mr. Chairman, I can not agree with that view of legislation. I can not believe it is wise to persist in refusing to meet a situation until it develops into a catastrophe and then hurriedly enact legislation not so much to cure the situation as to cure the catastrophe that grew out of it.

At one time I served for nearly two years as Assistant Commissioner of the General Land Office, and among other duties I had charge of the personnel of the office. At that time I obtained a pretty fair idea not only of the personnel in that office but through investigations that I entered upon out of my interest in the problems we met I gained a very considerable knowledge with regard to conditions in the public service generally.

I made up my mind then that a general reclassification or readjustment of the public service was important. That was over 20 years ago, and conditions have not improved in the interval. In fact, during the war they grew worse. We created new bureaus, new establishments, and we fixed new wage rates, and we accentuated and increased and made more inequitable the inequities already existing in the public service. We provided inadequately and not entirely equitably for the increased cost of living in the way of a bonus. What are we going to do about it; just drift along; just drop part of the bonus some day and leave conditions still more inequitable, or drop all of it and leave conditions in certain classes of employment intolerable, or shall we rather proceed in a logical, sensible, and businesslike way and secure a readjustment of salaries and place the Government service on a business basis? That is what this bill proposes and all it proposes. We are proposing to pass it early enough in the legislative year, the Senate being willing, that the departments and bureaus of the Government shall have months within which to allocate their employees in the new classifications. We are making provision under which the Bureau of the Budget, responsible to the President for estimates and costs of government, shall have a sufficient period of time in which to review the allocations and reallocate and reassign where in their opinion and judgment that ought to be done. In due course, without hurry, with plenty of time to adjust the matter fully and settle it fairly, the new classifications will be fixed as the basis of pay for the following fiscal year. We have not proposed anything in this Congress more reasonable, more logical, more carefully considered. Some gentlemen claimed that the range of salaries was too high. Meeting that view, the gentleman from New Jersey [Mr. LEHLBACH] has presented, and the committee has accepted, a very considerable reduction in the range of salaries. The question is asked, How much will it cost? No man can say absolutely. If the allocations were all made at the top salaries it would cost considerably more with the same number of employees in the same service than at present. And if they were all placed in the lower ranges of salaries it would cost less, and if fairly allocated between the top ranges and the lower ranges of salaries the probability is that the same number of employees would receive but little more than now. And so we have had presented, carefully considered, thoroughly debated, a fine constructive piece of legislation. I want to congratulate the gentleman from New Jersey and his committee on the way they have handled this bill under fire. [Applause.] I am glad there has been this critical examination, because I think out of it has come to those who have listened attentively the conviction that the legislation is not only wise but that it is absolutely essential. [Applause.]

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, the gentleman from Wyoming [Mr. MONDELL] expressed some surprise at the attitude that some of us have occupied in our position on this bill. Well, I can say to the gentleman from Wyoming that he is not the only person who is surprised at the attitude of gentlemen in the discussion on this bill. Some of us are considerably surprised at the attitude of the gentleman from Wyoming with reference to this bill, as some have been considerably surprised before at his attitude with reference to guarding the Treasury of the United States. Now, he says we will take and consider it in a good, businesslike way and determine it as business men. Now, just think of the proposition that he is asking us here to determine as business men, watchful of our ordinary private individual interests, when he knows that the thing is impossible, that this thing is all predicated upon conditions that existed when the cost of living had reached its peak and upon conditions that now exist, when the cost of living is more than 50 per cent higher than it ought to be. He is making that sort of contention, appealing to the credulity rather than the intelligence of this body, in asking us to give this bill our support. Business men all over this country are trying to reduce business conditions to a normal situation. The railroad managers of the country, the Interstate Commerce Commission of the country, the labor boards of this country, are trying as best they know how to reduce the wages paid to the employees of the great railroad systems that we may get back as fast as possible to normalcy. There is a great strike to-day among the employees of the packers of this country. Why? Because the great packers of this country are trying like business men to get back to business ways, to normal conditions that existed before we got into this war, and yet the leader of the Republican side is appealing to this House, asking us to fasten upon the overburdened taxpayers an abnormal set of salaries, passed at an abnormal time, based upon abnormal conditions, and to continue throughout all time.

Mr. CARTER. Will the gentleman yield?

Mr. WOOD of Indiana. I will yield.

Mr. CARTER. The gentleman from Wyoming stated that probably the amount carried by this bill would be necessarily a little higher than the salaries now carried. I was wondering if he includes in that the bonus which was put in the bill to take care of the increased salaries at higher prices?

Mr. WOOD of Indiana. Yes; that has been repeatedly stated, that the bonus is included in it and made permanent forever, so if we are to act like business men I suggest you do not take the advice of the gentleman from Wyoming but discharge your duties toward the taxpayers of this country as you would discharge your duties if you were running this as your own business. You know there is not one of you who would make up a salary list for men in your factory by which you would be bound for years and years and years.

That instead of trying to boost the salary lists you would be trying to lower the level in order that you might get down to normal. That is what you would be doing as business men. And our leader is appealing to the credulity rather than the intelligence of the membership of this House, for if we do proceed as business men we will put a block under this thing until such time as we may know what normal conditions will be and can act with some degree of intelligence, at least.

There is not a single man who is in favor of this bill who will contend for a single moment that it will not largely increase the pay roll. There is no one here who knows the natural disposition and tendency to increase wages from the lowest to the highest but what knows that that will obtain under this bill which has always obtained. There is not a man here but knows that each head of the department has been coming down under the present plan and asking for largely increased wages for everybody under his employ. Now, they will not come to the Congress, but they will do it under this bill themselves. They can fix the increased salary themselves. Do you think they will be different when they have got the power in their own hands than when they had to come here and appeal to us to do it?

Now we have some opportunity to know what they are doing. Then we will have no opportunity.

Mr. ANDREWS of Nebraska. Has the Bureau of the Budget submitted the increases asked for by the departments or for the Appropriations Committee to allow?

Mr. WOOD of Indiana. In some instances, yes; in many instances, no. But the Bureau of the Budget will have but little to do with it. Mr. Dawes said before our committee the other day that formulating policy is not a part of the business of the budget. It is their business to see that money appropriated

shall go as far as it can be made to go. So the increased cost of service and the promotion of the employees is lodged entirely in the hands of the men who are at the head of these departments, without any supervision on your part at all, as long as they keep within the minimum and the maximum range.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto do now close.

Mr. GRAHAM of Illinois. Mr. Chairman, reserving the right to object, I would like to have about five minutes. I have not talked on this bill at all. I have not taken a bit of the time of the House except on the amendments.

The CHAIRMAN. Is there objection?

Mr. LEHLBACH. The gentleman from Illinois has reserved the right to object.

Mr. GRAHAM of Illinois. If I can get five minutes, I will not object.

Mr. LEHLBACH. I ask unanimous consent that all debate upon the bill or any amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that all debate on the pending amendment and all amendments thereto close in five minutes.

Mr. LEHLBACH. Make it 10 minutes.

Mr. STAFFORD. Mr. Chairman, I have no desire to limit debate, but I do object to a precedent being established attempting to limit debate on the bill. Under the rules of the House you can not limit debate on the bill if an amendment is presented, because the rule says there shall be five minutes' debate.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. I object.

The CHAIRMAN. The gentleman from New Jersey [Mr. LEHLBACH] asks unanimous consent that all debate on the pending amendment and amendments thereto close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, I have studied this bill with what care I could. I have made up my mind I can not support it, but I do believe that a decent regard for the situation requires me to have some good reasons why I do not support it. I think I have such reasons, and I want to give them to you:

1. This bill, by the admission of everyone who has participated in this discussion, raises the aggregate of the salaries of the civil-service employees of the Government. Three years after the end of the war, with the price of living decreasing, this is not justifiable, in my judgment.

2. The bill in effect continues the war bonus to Government employees in the District of Columbia and in the field service indefinitely. The bonus was a temporary allowance intended to provide for the increased cost of living occasioned by the war, and to obviate the necessity of a permanent increase in salary. To continue this bonus further is, in my judgment, unjustifiable.

3. The bill proposes to add to the basic salary of every civil-service employee $240 without respect to whether the salary of such employee is now too low or too high.

4. The bill deprives Congress of its right and duty to appropriate specific sums for statutory salaries, but will necessitate lump-sum appropriations for that purpose—an unsafe and dangerous method of making appropriations.

5. It extends the functions of the Bureau of the Budget and makes of it a wage-fixing body, something that was not originally intended, and which impairs the usefulness of that bureau.

6. It divides responsibility between the Civil Service Commission, the Bureau of the Budget, and the head of a department, where such employees are used, thus depriving the head of the department of control over his department, and at the same time lessening his responsibility for what occurs in his department.

7. The bill leaves to the head of a department the rating of an employee as to salary. The result of this will be that within a few years every employee in each classification will be drawing the maximum salary, thus entailing a maximum expenditure of public funds. The power should be retained by Congress to determine the number to be employed at each grade.

8. Finally we have no knowledge of the extent of the expenditures made necessary by the passage of this bill.

In the absence of such knowledge we ought not to proceed.

For these reasons, which I think are good, I am opposed to this bill.

Mr. LEHLBACH. Mr. Chairman, without recurring to the figures and comparisons that for the last four days and for two days before the recess we have constantly placed before this Committee, I now say emphatically—and I say it advisedly; I say it upon my reputation as a Member of this body, and upon my reputation for veracity—that this bill as it stands now will not cause any substantial increase in the cost of the maintenance of the civil service. [Applause.]

I say, in further answer to the gentleman from Illinois [Mr. GRAHAM], that instead of perpetuating and extending the system of lump-sum appropriations, in so far as the payment of the personnel of the Government is concerned, it abolishes it. It will compel every department, every division, every bureau in detail to state how many clerks in this grade of the service and in that grade of the service they require; how many they require in the next grade, and so on.

The grades are defined, and the qualities necessary for an employee in that grade are set forth in the law itself. The range of salary is fixed by Congress in the law for an employee having those qualifications and performing those duties. Consequently the Committee on Appropriations, when this classification goes into effect, will for the first time know just exactly what all the employees asked for are to do, and it can with intelligence say whether the number asked for in any particular bureau or division is excessive or not, and can intelligently reduce the number without impairing the efficiency of any division or bureau or office of the Government. It absolutely abolishes the lump-sum appropriation and puts the conduct of the Government's business on a business basis.

The Bureau of the Budget now has the duty imposed upon it—and it was created for that purpose—of taking the various department estimates, coordinating them, revising and reducing them, and bringing them together in one budget, and submitting it to the President, by him to be transmitted to Congress. To do that it must of necessity have knowledge of what each division and each bureau is doing, and what the employees in that division or bureau are supposed to do; and it enables it to revise intelligently the allocations of the various grades in the service. It is the one body in this Government having the financial responsibility to which we ought to intrust the final revision of these allocations with the reasonable assurance that the work will be done efficiently and honestly.

It is not true at all that the authority and the responsibility are divided between the Bureau of the Budget, the Bureau of Efficiency, and the Civil Service Commission. The Bureau of the Budget can require the Bureau of Efficiency to render such aid and assistance and furnish such information as may be necessary, and it can require the Civil Service Commission to aid it. But the Bureau of the Budget is the boss, and these two other establishments are merely to place at the disposal of the Bureau of the Budget all the resources of information and work which they possess. [Applause.]

I wish to say that this bill is intended to eradicate inequalities, make uniformity throughout the service, and establish an efficiency system, so that we may be reasonably sure that for every dollar of wages we pay we can get a commensurate return in honest work. It makes for efficiency, it makes for uniformity, it makes for equality and justice, and it makes for economy. [Applause.]

The CHAIRMAN. The question is upon agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent to make a correction on page 14, line 2. The word "position" should be "positions," plural.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to correct the word "position" in line 14 of page 2. Without objection, the correction will be made.

There was no objection.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent to return to page 5, line 21, for the following purpose: It was the intention of the committee, and it was stated that wherever an employee, after he is allocated to the proper grade, is found to receive at the present time pay in excess of the range of salary of that grade, he should be reduced to a salary within that grade. It was thought that the bill ought to carry a specific provision to that effect, to insure absolutely that such reduction shall be made. For that reason I ask unanimous consent that this amendment be incorporated at the point indicated.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to return to page 5 for the purpose of offering and considering an amendment. Is there objection?

Mr. GRAHAM of Illinois. Mr. Chairman, may we hear the amendment read first?

The CHAIRMAN. The Clerk will report the amendment to be proposed, if consent is granted, for the information of the committee.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: Amend, page 5, on line 21, by inserting a new paragraph, to read as follows:

"5. If the employee is receiving compensation in excess of the range of salary prescribed for the appropriate grade, the compensation shall be reduced to the rate within the grade nearest the present compensation."

The CHAIRMAN. Is there objection to returning to page 5 for the purpose of considering the amendment proposed by the gentleman from New Jersey [Mr. LEHLBACH], which has just been reported for the information of the committee?

There was no objection?

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: Amend, page 5, on line 21, by inserting a new paragraph, to read as follows:

"5. If the employee is receiving compensation in excess of the range of salary prescribed for the appropriate grade, the compensation shall be reduced to the rate within the grade nearest the present compensation."

Mr. LEHLBACH. Mr. Chairman, I ask for a vote.

Mr. CLOUSE. Before a vote is taken I want to ask the gentleman from New Jersey just one question. The gentleman says he shall be reduced to the grade nearest the present rate of compensation. What does he mean by that—the salary he is getting over and above the rate fixed in the bill?

Mr. LEHLBACH. He is to be reduced if he falls within a certain grade of the service, or a range, we will say, between $3,000 and $3,400, and it is found that he is getting $4,000, he would be reduced from $4,000 to the salary in the grade nearest to it. It makes mandatory a reduction of pay where a man is getting excessive wages.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LEHLBACH. Mr. Chairman, I move that the committee do now rise and report to the House the bill with the amendments agreed upon, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from New Jersey moves that the committee do now rise and report back to the House the bill with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LEHLBACH. Mr. Speaker, I move the previous question on the bill and all amendments to the final passage.

The SPEAKER. The gentleman from New Jersey moves the previous question on the bill and all amendments to the final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. LONDON. Mr. Speaker, I ask a separate vote on the amendments reducing the schedules of salaries as stated in section 12 of the bill—the committee amendments.

The SPEAKER. The gentleman from New York asks a separate vote on the amendments specified. Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments in gross.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote is demanded.

Mr. LEHLBACH. Mr. Speaker, we all understand thoroughly what these amendments are to which the gentleman from New York [Mr. LONDON] alludes. They are the amendments reducing the salary schedules in the various grades from the figures originally in the bill when reported to the figures submitted by the committee in the amendments which were adopted from time to time. I therefore ask unanimous consent that we may proceed to a vote on the amendments without their being reported.

The SPEAKER. The gentleman asks unanimous consent that the reading of the amendments be dispensed with. Is there objection?

There was no objection.

The SPEAKER. The question is on the committee amendments.

The question being taken, on a division (demanded by Mr. LONDON), there were—ayes 159, noes 9.

Mr. LONDON. Mr. Speaker, I object to the vote, as it discloses the absence of a quorum. I make the point of order that there is no quorum present.

The SPEAKER. The Chair thinks there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members. As many as are in favor of the amendment will as their names are called vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 281, nays 28, answered "present" 3, not voting 120, as follows:

YEAS—281.

Ackerman	Edmonds	Larson, Minn.	Robertson
Andrew, Mass.	Elliott	Layton	Robsion
Andrews, Nebr.	Ellis	Lazaro	Rogers
Ansorge	Evans	Lea, Calif.	Rose
Anthony	Fairfield	Lee, Ga.	Rouse
Arentz	Faust	Lehlbach	Ryan
Aswell	Fitzgerald	Linthicum	Sanders, Tex.
Bacharach	Focht	Little	Sandlin
Bankhead	Fordney	Lowrey	Schall
Barbour	Foster	Luce	Scott, Tenn.
Begg	Frear	Luhring	Shelton
Bell	Free	Lyon	Siegel
Benham	Freeman	McArthur	Sinnott
Bird	French	McClintic	Sisson
Bixler	Frothingham	McCormick	Slemp
Black	Fuller	McDuffie	Smith, Idaho
Blakeney	Garrett, Tenn.	McFadden	Smith, Mich.
Bland, Va.	Garrett, Tex.	McKenzie	Snell
Boies	Gensman	McLaughlin, Mich	Snyder
Bond	Gernerd	McLaughlin, Nebr.	Speaks
Bowers	Glynn	McLaughlin, Pa.	Sproul
Bowling	Goldsborough	McPherson	Stafford
Box	Goodykoontz	McSwain	Steagall
Briggs	Gorman	MacGregor	Stedman
Britten	Graham, Ill.	Madden	Steenerson
Brooks, Pa.	Green, Iowa.	Magee	Stephens
Browne, Wis.	Greene, Mass.	Mann	Stevenson
Buchanan	Greene, Vt.	Mapes	Stoll
Bulwinkle	Griest	Martin	Strong, Kans.
Burdick	Griffin	Michener	Summers, Wash.
Burroughs	Hadley	Miller	Swank
Burton	Hardy, Colo.	Mills	Sweet
Byrnes, S. C.	Hardy, Tex.	Millspaugh	Taylor, Ark.
Byrns, Tenn.	Harrison	Mondell	Taylor, Tenn.
Cable	Hawley	Montague	Temple
Campbell, Kans.	Herrick	Montoya	Thompson
Campbell, Pa.	Hersey	Moore, Ill.	Tillman
Cantrill	Hickey	Moore, Ohio	Tilson
Carter	Hicks	Moores, Ind.	Timberlake
Chalmers	Hill	Morgan	Tincher
Chandler, N. Y.	Himes	Morin	Towner
Chindblom	Hoch	Mott	Tyson
Clague	Hooker	Murphy	Upshaw
Clarke, N. Y.	Houghton	Nelson, A. P.	Vaile
Clouse	Hukriede	Nelson, J. M.	Vare
Cole, Iowa	Husted	Newton, Minn.	Vestal
Cole, Ohio	Hutchinson	Ogden	Vinson
Colton	Ireland	Oldfield	Volstead
Connally, Tex.	Jacoway	Oliver	Walsh
Cooper, Ohio	Jeffers, Ala.	Olpp	Walters
Cooper, Wis.	Johnson, Ky.	Osborne	Wason
Copley	Johnson, Wash.	Overstreet	Watson
Coughlin	Jones, Tex.	Padgett	Weaver
Crago	Kelley, Mich.	Park, Ga.	Webster
Cramton	Kelly, Pa.	Parker, N. J.	Wheeler
Crisp	Kendall	Parker, N. Y.	White, Kans.
Curry	Kennedy	Parks, Ark.	White, Me.
Dale	Ketcham	Parrish	Williams
Dallinger	Kincheloe	Perkins	Williamson
Darrow	King	Purnell	Wingo
Davis, Minn.	Kinkaid	Radcliffe	Winslow
Deal	Kirkpatrick	Raker	Wise
Dempsey	Kissel	Ramseyer	Wood, Ind.
Dickinson	Kleczka	Rankin	Woodruff
Doughton	Kline, Pa.	Ransley	Woods, Va.
Dowell	Knight	Rayburn	Wyant
Drewry	Kopp	Reece	Yates
Driver	Kraus	Reed, N. Y.	Young
Dunbar	Kreider	Reed, W. Va.	
Dupré	Lanham	Ricketts	
Echols	Larsen, Ga.	Riddick	

NAYS—28.

Almon	Gallivan	Logan	Sabath
Barkley	Hogan	London	Sinclair
Beck	Huddleston	Moore, Va.	Smithwick
Carew	Keller	Mudd	Tague
Collins	Kindred	O'Brien	Ten Eyck
Cullen	Lampert	Perlman	Volk
Fulmer	Lankford	Rainey, Ill.	Zihlman

ANSWERED "PRESENT"—3.

Haugen	Langley	Sumners, Tex.

NOT VOTING—120.

Anderson	Classon	Fields	Johnson, Miss.
Appleby	Cockran	Fish	Johnson, S. Dak.
Atkeson	Codd	Fisher	Jones, Pa.
Beedy	Collier	Funk	Kahn
Bland, Ind.	Connell	Gahn	Kearns
Blanton	Connolly, Pa.	Garner	Kiess
Brand	Crowther	Gilbert	Kitchin
Brennan	Davis, Tenn.	Gould	Kline, N. Y.
Brinson	Denison	Graham, Pa.	Knutson
Brooks, Ill.	Dominick	Hammer	Kunz
Brown, Tenn.	Drane	Hawes	Lawrence
Burke	Dunn	Hayden	Leatherwood
Burtness	Dyer	Hays	Lee, N. Y.
Butler	Elston	Hudspeth	Lineberger
Cannon	Fairchild	Hull	Longworth
Chandler, Okla.	Favrot	Humphreys	Maloney
Christopherson	Fenn	James	Mansfield
Clark, Fla.	Fess	Jefferis, Nebr.	Mead

Merritt	Pou	Rucker	Taylor, N. J.
Michaelson	Pringey	Sanders, Ind.	Thomas
Newton, Mo.	Quin	Sanders, N. Y.	Tinkham
Nolan	Rainey, Ala.	Scott, Mich.	Treadway
Norton	Reavis	Sears	Underhill
O'Connor	Reber	Shaw	Voigt
Paige	Rhodes	Shreve	Ward, N. Y.
Patterson, Mo.	Riordan	Stiness	Ward, N. C.
Patterson, N. J.	Roach	Strong, Pa.	Wilson
Peters	Rodenberg	Sullivan	Woodyard
Petersen	Rosenbloom	Swing	Wright
Porter	Rossdale	Taylor, Colo.	Wurzbach

So the committee amendments were agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. BRENNAN with Mr. HUDSPETH.

Mr. BLAND of Indiana with Mr. THOMAS.

Mr. TREADWAY with Mr. COLLIER.

Mr. BUTLER with Mr. BLANTON.

Mr. APPLEBY with Mr. FISHER.

Mr. DENISON with Mr. DAVIS of Tennessee.

Mr. HULL with Mr. QUIN.

Mr. WURZBACH with Mr. SUMNERS of Texas.

Mr. LEATHERWOOD with Mr. HAYDEN.

Mr. NEWTON of Missouri with Mr. BRAND.

Mr. KIESS with Mr. RIORDAN.

Mr. ATKESON with Mr. FIELDS.

Mr. REBER with Mr. KUNZ.

Mr. ROSENBLOOM with Mr. O'CONNOR.

Mr. LINEBERGER with Mr. KITCHIN.

Mr. CONNOLLY of Pennsylvania with Mr. WRIGHT.

Mr. DUNN with Mr. FAVROT.

Mr. RHODES with Mr. GARNER.

Mr. PATTERSON of New Jersey with Mr. SULLIVAN.

Mr. BURKE with Mr. DOMINICK.

Mr. CROWTHER with Mr. WILSON.

Mr. ROACH with Mr. GILBERT.

Mr. PATTERSON of Missouri with Mr. POU.

Mr. PORTER with Mr. MEAD.

Mr. FUNK with Mr. DRANE.

Mr. KAHN with Mr. WARD of North Carolina.

Mr. TAYLOR of New Jersey with Mr. BRINSON.

Mr. KEARNS with Mr. SEARS.

Mr. HAUGEN with Mr. COCKRAN.

Mr. NORTON with Mr. HAWES.

Mr. RODENBERG with Mr. RUCKER.

Mr. GRAHAM of Pennsylvania with Mr. MANSFIELD.

Mr. CANNON with Mr. HAMMER.

Mr. MALONEY with Mr. JOHNSON of Mississippi.

Mr. LAWRENCE with Mr. TAYLOR of Colorado.

Mr. BEEDY with Mr. RAINEY of Alabama.

Mr. JEFFERIS of Nebraska with Mr. HUMPHREYS.

Mr. LANGLEY. Mr. Speaker, I have a general pair with the gentleman from Florida [Mr. CLARK], and as I do not know how he would vote on this proposition I withdraw my vote of "aye" and desire to be recorded as answering "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. WOOD of Indiana. Mr. Speaker, I move that the bill be recommitted to the Committee on Reform in the Civil Service.

Mr. LEHLBACH. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Indiana to recommit the bill.

Mr. WOOD of Indiana. And on that, Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Indiana demands the yeas and nays. Forty-one gentlemen have arisen. It requires 63 to demand the yeas and nays. The yeas and nays are therefore refused. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. WOOD of Indiana) there were 61 ayes and 157 noes.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was being taken, when Mr. LEHLBACH demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 246, nays 65, answered "present" 4, not voting 117, as follows:

YEAS—246.

Ackerman	Fairfield	Lankford	Reed, W. Va.
Almon	Faust	Larson, Minn.	Ricketts
Andrew, Mass.	Fitzgerald	Lazaro	Riddick
Ansorge	Focht	Lea, Calif.	Robertson
Anthony	Foster	Lehlbach	Robsion
Arentz	Frear	Linthicum	Rogers
Bacharach	Free	Little	Rouse
Bankhead	Freeman	Logan	Ryan
Barbour	French	London	Sabath
Barkley	Frothingham	Longworth	Sanders, N. Y.
Beck	Fuller	Luce	Sandlin
Begg	Fulmer	Luhring	Schall
Bird	Gallivan	Lyon	Scott, Tenn.
Bixler	Garrett, Tex.	McArthur	Shelton
Black	Gensman	McCormick	Shreve
Blakeney	Gernerd	McFadden	Siegel
Bland, Va.	Glynn	McKenzie	Sinclair
Boies	Goldsborough	McLaughlin, Mich	Sinnott
Bond	Gorman	McLaughlin, Nebr.	Slemp
Bowers	Green, Iowa	McPherson	Smith, Idaho
Briggs	Greene, Mass.	McSwain	Smith, Mich.
Britten	Greene, Vt.	MacGregor	Smithwick
Brooks, Pa.	Griest	Madden	Speaks
Browne, Wis.	Griffin	Magee	Sproul
Bulwinkle	Hadley	Mann	Steenerson
Burdick	Hardy, Colo.	Mapes	Stephens
Burroughs	Hardy, Tex.	Martin	Strong, Kans.
Burton	Hawley	Michener	Summers, Wash.
Cable	Herrick	Miller	Swank
Campbell, Kans.	Hersey	Mills	Sweet
Campbell, Pa.	Hickey	Millspaugh	Tague
Carew	Hicks	Mondell	Taylor, Ark.
Chalmers	Hill	Montoya	Taylor, Tenn.
Chandler, N. Y.	Himes	Moore, Ohio	Temple
Chandler, Okla.	Hoch	Moore, Va.	Ten Eyck
Chindblom	Hogan	Moores, Ind.	Thompson
Clague	Hooker	Morgan	Tilson
Clarke, N. Y.	Houghton	Mott	Timberlake
Cole, Iowa	Huddleston	Mudd	Tincher
Cole, Ohio	Hukriede	Murphy	Towner
Collins	Husted	Nelson, A. P.	Upshaw
Colton	Hutchinson	Nelson, J. M.	Vaile
Cooper, Ohio	Ireland	Newton, Minn.	Vestal
Cooper, Wis.	Jeffers, Ala.	O'Brien	Volk
Copley	Johnson, Wash.	Ogden	Volstead
Coughlin	Keller	Olpp	Walsh
Crago	Kelley, Mich.	Osborne	Walters
Cramton	Kelly, Pa.	Overstreet	Watson
Cullen	Kendall	Parker, N. J.	Weaver
Curry	Kennedy	Parker, N. Y.	Webster
Dale	Ketcham	Parrish	Wheeler
Dallinger	Kindred	Perkins	White, Me.
Darrow	King	Perlman	Williams
Davis, Minn.	Kirkpatrick	Purnell	Williamson
Dempsey	Kissel	Radcliffe	Woodruff
Dickinson	Kleczka	Rainey, Ill.	Woods, Va.
Doughton	Kline, N. Y.	Raker	Wyant
Dowell	Kline, Pa.	Ramseyer	Yates
Dupré	Knight	Ransley	Young
Edmonds	Kopp	Rayburn	Zihlman
Ellis	Kreider	Reece	
Fairchild	Lampert	Reed, N. Y.	

NAYS—65.

Andrews, Nebr.	Dunbar	Lowrey	Stafford
Aswell	Echols	McClintic	Steagall
Bell	Elliott	McDuffie	Stedman
Benham	Evans	McLaughlin, Pa.	Stevenson
Bowling	Fordney	Montague	Stoll
Box	Garrett, Tenn.	Morin	Tyson
Buchanan	Graham, Ill.	Oldfield	Vare
Byrns, Tenn.	Harrison	Oliver	Vinson
Cantrill	Jacoway	Park, Ga.	Ward, N. C.
Carter	Johnson, Ky.	Parks, Ark.	Wason
Clouse	Jones, Tex.	Rankin	White, Kans.
Connally, Tex.	Kincheloe	Rose	Wingo
Connolly, Pa.	Kraus	Rucker	Winslow
Crisp	Lanham	Sanders, Tex.	Wood, Ind.
Deal	Larsen, Ga.	Sisson	
Drewry	Layton	Snell	
Driver	Lee, Ga.	Snyder	

ANSWERED "PRESENT"—4.

Byrnes, S. C.	Langley	Padgett	Tillman

NOT VOTING—117.

Anderson	Drane	Jefferis, Nebr.	Patterson, Mo.
Appleby	Dunn	Johnson, Miss	Patterson, N. J.
Atkeson	Dyer	Johnson, S. Dak.	Peters
Beedy	Elston	Jones, Pa.	Petersen
Bland, Ind.	Favrot	Kahn	Porter
Blanton	Fenn	Kearns	Pou
Brand	Fess	Kiess	Pringey
Brennan	Fields	Kinkaid	Quin
Brinson	Fish	Kitchin	Rainey, Ala.
Brooks, Ill.	Fisher	Knutson	Reavis
Brown, Tenn.	Funk	Kunz	Reber
Burke	Gahn	Lawrence	Rhodes
Burtness	Garner	Leatherwood	Riordan
Butler	Gilbert	Lee, N. Y.	Roach
Cannon	Goodykoontz	Lineberger	Rodenberg
Christopherson	Gould	Maloney	Rosenbloom
Clark, Fla.	Graham, Pa.	Mansfield	Rossdale
Classon	Hammer	Mead	Sanders, Ind.
Cockran	Haugen	Merritt	Scott, Mich.
Codd	Hawes	Michaelson	Sears
Collier	Hayden	Moore, Ill.	Shaw
Connell	Hays	Newton, Mo.	Stiness
Crowther	Hudspeth	Nolan	Strong, Pa.
Davis, Tenn.	Hull	Norton	Sullivan
Denison	Humphreys	O'Connor	Sumners, Tex.
Dominick	James	Paige	Swing

Taylor, Colo.	Treadway	Wilson	Wurzbach
Taylor, N. J.	Underhill	Wise	
Thomas	Voigt	Woodyard	
Tinkham	Ward, N. Y.	Wright	

The following additional pairs were announced:

Mr. DENISON (for) with Mr. DAVIS of Tennessee (against).

Mr. APPLEBY (for) with Mr. FISH (against).

Mr. HUDSPETH (for) with Mr. TILLMAN (against).

Mr. BURKE (for) with Mr. QUIN (against).

Mr. SCOTT of Michigan (for) with Mr. BYRNES of South Carolina (against).

Mr. FAVROT (for) with Mr. PADGETT (against).

Mr. WURZBACH (for) with Mr. SUMNERS of Texas (against).

Mr. HULL (for) with Mr. BLANTON (against).

Additional general pairs:

Mr. BUTLER with Mr. WRIGHT.

Mr. NOLAN with Mr. WISE.

Mr. KAHN with Mr. DOMINICK.

Mr. LANGLEY. Mr. Speaker, I have a general pair with the gentleman from Florida [Mr. CLARK], and as I do not know how he would vote on this proposition I withdraw my vote of "aye" and desire to be recorded as answering "present."

Mr. BYRNES of South Carolina. Mr. Speaker, I am paired with the gentleman from Michigan [Mr. SCOTT]. I voted "no" and I desire to withdraw that and answer "present."

On motion of Mr. LEHLBACH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RELIEF OF STARVING PEOPLE IN RUSSIA.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution.

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering H. R. 9548, being a bill for the relief of distressed and starving people of Russia. There shall be not to exceed two hours of general debate on the said bill, the time for such general debate to be controlled one-half by those favoring the bill and one-half by those opposing it. Thereupon the bill shall be read for amendment under the five-minute rule. Upon the conclusion of the consideration of the bill for amendment the bill shall be reported to the House with such amendments as may have been agreed to; whereupon the previous question shall be considered as ordered on the bill and on all amendments thereto, to final passage, without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, before referring to the resolution just reported, I want to announce for the benefit of the membership of the House, many of whom have asked me when the antilynching bill will be called up, that it will be called up following the disposition of this bill to-morrow morning. It is expected that this bill will take a very short time out of to-morrow. The antilynching bill will follow that.

Mr. Speaker, the nature of this bill and the conditions it undertakes to remedy make a very strong appeal not only to the people of the United States but to the people of the whole world. The conditions existing in Russia to-day are most pitiable. It is doubtful if any people have ever suffered the woes that the people of Russia have suffered within the past four years and are suffering now. Added to their other ills is famine. Men, women, and children are starving to death. The United States has an abundance of food. It is the richest and most productive country in the world. The people in Russia, with a vast empire, rich in every variety of resource, with a fertile soil, as fertile as any beneath the sun, are to-day realizing the reality of an idealistic dream that had for its object the betterment of mankind. In reality mankind is suffering under it as mankind has never suffered before under any régime in all the world. There has never been such cruelty, there has never been such inhumanity as there is in Russia to-day, and as there has been during the entire socialistic régime in that unhappy country. There has never been a time when hope has been so taken out of men, women, and children as in Russia to-day. The opportunity for reward for individual effort is gone. The people are driven like galley slaves to their tasks. If they accumulate anything, it is taken from them without pay. Thus it is that an unhappy condition exists under a socialism in Russia which beggars description. Production fails largely because there is no reward to the producer. An appeal is made by a socialistic condition to a capitalistic government, to use socialistic parlance, to save millions of starving people from a ruin that has in large part been brought upon them by reason of the blight of the socialism, the communism, and the bolshevism under which they live.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. Will $20,000,000 out of the pockets of the taxpayers of this Republic, bringing food to them without effort, in any way turn them from their way toward socialism and realizing the reality of an idealistic dream?

Mr. CAMPBELL of Kansas. We can not relieve all of the distress there with $20,000,000 worth of food. That is impossible, but we can not afford to deny to the starving there the $20,000,000 worth of food that we are so abundantly able to send them simply because they are the victims of a socialistic state.

Mr. Speaker, the rule provides that there shall be not to exceed two hours of general debate upon the bill and at the end of the general debate the bill may be considered for amendment. I have discussed with members of the Committee on Foreign Affairs, and because of questions that have arisen have discussed with Secretary Hoover, under whose direction the provisions of the bill will be put into operation in all probability, the probable method of acquiring the grain that is to be shipped to the people who are suffering in Russia.

Mr. CHANDLER of New York. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. After I make a brief statement. Secretary Hoover tells me that it has been arranged and is being arranged that the food shall be assembled through elevators, without profits to the elevators, and that it shall be transported to the port of departure from this country at reduced rates, if possible, upon the railroads, thus enabling as large an amount of grain as is possible to be secured for $20,000,000 to be shipped to these people.

Of the $20,000,000 to be appropriated under this bill $19,000,000 are now in the hands of the Grain Corporation, a corporation formed during the war, of which the President is the sole stockholder. That corporation is now being liquidated and its affairs closed up. This money would soon be turned into the Treasury of the United States. It is proposed by this bill to divert it to the purchase of food provided for in the bill. In the purchase of the food, as I have stated, it is proposed that as much grain shall be purchased as is possible, and every element of waste and of cost is to be eliminated in the administration of the disposition of the food. I now yield to the gentleman from New York.

Mr. CHANDLER of New York. Mr. Speaker, I am somewhat concerned about the use of the term "Russia." Russia is a rather indefinite geographical term at the present time. Does the bill refer to Russia proper or does it include the Baltic countries, the Caucasian countries, Chita and others? What was in the contemplation of the committee at the time?

Mr. CAMPBELL of Kansas. I am not advised as to that. That will have to be answered by the members of the Committee on Foreign Affairs.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. COLE of Iowa. What kind of grain is to be shipped?

Mr. CAMPBELL of Kansas. Wheat and corn are the grains contemplated, together with some milk.

Mr. COLE of Iowa. In what proportion?

Mr. CAMPBELL of Kansas. I think about three of corn to one of wheat.

Mr. LONDON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. LONDON. I wanted to say in reply to the question of my colleague from New York [Mr. CHANDLER] that, so far as the administration is concerned, when it speaks of Russia, it speaks of the former Empire of Russia minus Poland and Finland.

Mr. CHANDLER of New York. Is the gentleman a member of the committee?

Mr. LONDON. I understand that to be the present view of the administration.

Mr. CAMPBELL of Kansas. I have not inquired into that, but that would be my idea of it.

Mr. CHANDLER of New York. That is the American contemplation of Russia, but that is not the contemplation of the French or of the British. I think the French have recognized the independence of Esthonia.

Mr. CONNALLY of Texas. Mr. Speaker, if the gentleman will permit, I will say to the gentleman from New York that, so far as the practical application of this relief is concerned, the real purpose is to relieve the Russian distress in the Volga Valley.

Mr. CHANDLER of New York. What is the basis of the gentleman's assertion?

Mr. CONNALLY of Texas. The hearings before the committee, and if the gentleman will read the report of the chairman of the Committee on Foreign Affairs he will see that it is proposed to relieve suffering in the Volga Valley.

Mr. CHANDLER of New York. Then, the gentleman from New York [Mr. LONDON] was wrong in his information.

Mr. CONNALLY of Texas. The Volga Valley is somewhat distant from the places the gentleman has in mind.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. CANTRILL].

Mr. CANTRILL. Mr. Speaker and gentlemen of the House, the Rules Committee is supposed to be the political committee of the House of Representatives, but I am glad to say that in the Committee on Rules there is no political division when it comes to the consideration of a measure which affords relief to millions of people who are now dying and other millions who are upon the verge of starvation. This report from the Committee on Rules is a unanimous report. I sincerely hope that the rule will be unanimously adopted; I think it would be a great tribute to the American people, and I believe they would unanimously indorse the action of the American Congress if the bill reported from the Committee on Foreign Affairs is unanimously passed.

Mr. Speaker, this bill from the Committee on Foreign Affairs in effect means a tax of only $20,000,000—we have 100,000,000 citizens of this great Republic—a tax of 20 cents per capita to save millions of human beings from starvation. At this particular time, near the Christmas time, when the hearts of men are mellowed, and when we undertake to carry out the Divine injunction of rendering help to our fellow men, I do not believe the American Government could pass a law that would serve humanity better and meet the more hearty approval of the American people than this measure. Peace on earth, good will to men. Here is a practical chance, here is a time to put into practice what every true American believes, and I sincerely hope that this bill will have the unanimous approval of this House.

Mr. WINSLOW. Will the gentleman yield?

Mr. CANTRILL. In just a moment, if the gentleman pleases. I want to say, Mr. Speaker, in reading the report of this committee the Committee on Foreign Affairs seems to think that this great distress in Russia has been brought about by two causes: First, the plan of government that is now in existence in Russia; and, second, the great drought that has swept over a great portion of Russia for three years in succession.

These millions of people who are starving to death certainly are not to blame for the great drought which has been sent upon them for three years in succession. The people of America have prospered in the production of their crops. We have more foodstuffs laid away in storage than ever in the history of the country, and in many sections of this great Nation of ours food is being burned for fuel, and yet there are millions of people, without any fault of their own, who before next spring comes will have died, millions of women and children, helpless human beings, our brethren in the human race, and we, the greatest and richest Republic in the world, can certainly not withhold help in this great emergency. I sincerely hope, Mr. Speaker, that this Congress will not for a minute consider that form of government that is now in Russia. A great majority of the people there are not responsible for that form of government. It has been put on them by the force of arms. They are helpless, they are starving, and I think it would be a disgrace, to be frank with you, for the American Congress to stop and haggle about the form of government in Russia, where this great calamity stares them in the face, a calamity to the world at large, if it is not speedily remedied.

Mr. WINSLOW. Will the gentleman yield?

Mr. CANTRILL. I will.

Mr. WINSLOW. For the purpose of obtaining information, I would like to ask the gentleman if he feels it would be wise to continue this proposition of appropriating money for charitable purposes after we have passed, if we should, this bill? Would the gentleman, for instance, favor having us go on and appropriating money for the relief of Armenia, which has suffered longer than Russia?

Mr. CANTRILL. Well, Mr. Speaker, I hardly think that question is pertinent to the bill. It is not worth while to go out on outside measures. We have before the House to-day a specific, concrete proposition that has been thoroughly thrashed out before the Committee on Foreign Affairs, showing the immediate need of millions of starving people. So far as I am concerned, I am frank to say to the gentleman from Massachusetts that whenever the opportunity presents itself, so long as my country is as rich as it is to-day, and any other people on the face of the earth of any color anywhere are starving to death, I am willing to vote to help them. [Applause.] Why, I should say to the gentleman from Massachusetts that it is not only from the standpoint of humanity I would take that stand, but you could get to it from the standpoint of a cold business proposition if you wanted to put it on the basis of dollars and cents. Now, Mr. Speaker, at this particular time I think it would have a splendid effect the world over if the American Congress, by unanimous vote let us hope, could cheerfully grant this relief, which, as I have said, is but a tax of 20 cents per capita upon the American people. I do not believe there is a man, woman, or child in the American Republic who would begrudge a tax of 20 cents to save millions of people in Russia from starving to death. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I am very sorry to delay the proceedings, but I shall oppose this rule and shall oppose the bill. Of course, it is easy at this particular time of year, as the gentleman from Kentucky [Mr. CANTRILL] has pointed out, to consider the United States of America as the Santa Claus of the world, but the gentleman from Kansas has presented a situation which would give rise to the conclusion that the reason this condition exists in Russia is due to some doctrine, to some internal disagreement as to their form of government, and that after presenting that $20,000,000 worth of grain for planting, and milk for their women and children, without any effort on their part, it will bring them to their senses and they will establish a form of government which will not permit a recurrence of this dire stress that has overcome them. But, sir, we have some people here at home who we must consider. We are pledged to a program of economy, and are we to say whenever a drought or whenever flood overtakes any unfortunate peoples in the world, any peoples on the inhabited globe, that because the United States is the richest Nation, that aid shall be had out of the Treasury to relieve that at the expense of the taxpayers? I am opposed to any such proposition as that. If this only requires $20,000,000, why do not the civilized peoples of the world, through private subscription and contribution, through organized charities which are undertaking to relieve such situations throughout the globe, handle this?

Why should we put the stamp of approval by legislation upon this and establish a precedent which will cause the people everywhere, no matter how severe or how great the calamity may be which overtakes them, to look to the United States for an appropriation? Oh, yes; I know the Executive has recommended that an appropriation be made for this purpose. But I can not agree with that recommendation, nor can I agree to support the setting of such precedent.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. CHANDLER of New York. Is it not true that a very celebrated precedent has already been established, in the previous administration, when the Democratic President made a request, which was supported almost unanimously by Congress, to send $100,000,000 abroad for the specific purpose of curing bolshevism through the stomach?

Mr. WALSH. I do not recall any such legislation as that. It was not by an act of this sort.

Mr. CHANDLER of New York. This House voted for it.

Mr. WALSH. That money may have been available for a specific purpose. If this is to cure bolshevism, it should say so. If it is to relieve starving people, I am not in favor of doing it in this way, because the people of wealth in other countries, together with the people of wealth in this country, through their organized agencies, can allay this situation and help those people without causing us to be the almoner of the world. We were generous during the war to other peoples. We poured forth our money and our men to help save civilization. We are trying now to get back to normalcy. We are trying now to get back to a program of economy and to see if we can not lift the burdens of taxation from our own people, with many nations yet owing us vast sums of money which were loaned for the purpose of prosecuting the war. And now, sir, to embark upon this program will constitute a precedent which eventually will make our war expenditures look like 30 cents, because other nations will smile and simply say, "There is no need for us to organize our government; no need for us to help ourselves; there is Uncle Sam, who is always ready to appropriate the taxpayer's money for relief." [Applause.]

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Speaker, I have but five minutes to deal with this vast subject. The chairman of the Committee on Rules, the gentleman from Kansas [Mr. CAMPBELL] has shown one thing, that he is not made of presidential timber. The President of the United States has presented this very question in his message. He did not attempt to blame the drought upon the existing government of Russia, but he contented himself

by saying that he did not like the propaganda that the present Russian government was carrying on, and that he did not recognize that government.

The gentleman from Massachusetts [Mr. WALSH] would be entirely right in his contention if he were to take the argument of the gentleman from Kansas [Mr. CAMPBELL] as true. But the viewpoint taken by the gentleman from Kansas is a narrow one. Russia lost 4,000,000 men in the war, more than all the Allies combined. Russia had 10,000,000 men wounded. When she declared war upon Germany she declared war upon herself, because 80 per cent of exports and imports were going and coming through Germany. Her industrial life was paralyzed; her commercial life was suspended. A man who understands anything realizes that.

Mr. McSWAIN. Will the gentleman yield?

Mr. LONDON. One moment. I have only five minutes.

Almost the entire youth of Russia was drafted into the army, thus adding to the confusion of industry and agriculture. But much as Russia suffered from the World War, only her frontiers suffered from direct contact with the enemy's armies. The heart of Russia was not affected. It was only after the Allies, and particularly the French bondholders, the international usurers of the world, attempted to force a collection of their bonds—it was only after this Government, together with the other allied or associate powers, began to aid the imperialist policy of France, so as to permanently cripple Russia and to prevent her from getting into friendly contact with her neighbors—it was only after money and munitions had been supplied by the Allies to every charlatan and every adventurer who was ready to carry on a civil war against the government of Russia—it was only after the blockade that she was completely wrecked.

The Denikins, the Wrangels, the Kolchaks, a monarchist each one of them, flooded the mines, devastated the wheat fields, destroyed the railroads, adding to the horrors of the allied blockade the chaos of internal war. These monarchists, these adherents of the Czar, were all the time being supported by the allied Governments. Without any authority by Congress and without the consent and against the will of the American people, our own Government conducted war upon the Russian people. The appropriation of $20,000,000 to aid the famine-stricken people of the Volga region will be a very poor atonement indeed for the sins we have committed and are committing against the Russian people.

They have a right to their dreams and to seek a change in their own way. We do not understand their psychology. One thing is certain, as was said by Senator REED of Missouri, that the present government of Russia is the best that Russia has ever had. In spite of her inexhaustible resources, Russia has had these famines every 15 or 25 years under the noble government of the Czar. It is easy to employ superlatives. If we give, let us give like men. You can not either fight bolshevism or help it. What is bolshevism? It is the exuberance of revolution. Every revolution carries the people farther than they want to go. The present government of Russia has been compelled to carry on a double war while endeavoring to carry out the theory and the ideals of the revolution. It was inevitable that after the present Russian government had repelled the foreign enemy and had suppressed the fomenters of civil war it should in the attempt to apply its revolutionary theories modify those theories from day to day and yield to the permanent psychology of the people and not to the temporary manifestations of revolutionary fervor.

All government is nothing but a series of expedients, and every student of history will realize it. Three or four years is not by any means too long a term for a people of 150,000,000 souls to get on their feet after suffering a thousand years of oppression under a coercive government. Did you ever protest against the Czar? Did you ever protest against the old czarist government that made of the whole of Russia one endless prison? Why do you speak now with such hatred of the effort of a people groping toward the light, struggling in their own way through their own misery, through their own agony, toward the broad road which I hope will lead them into a permanent and lasting democracy of their own choice? [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, the response to the appeal for help will not be made less generous by deploring the conditions that have made it necessary. Notwithstanding the exuberance of the gentleman from New York [Mr. LONDON] and his eulogy of socialism or bolshevism—whichever he wants to term it, or both—the fact remains that the unhappy conditions in Russia to-day are due more to Lenin and Trotski and the government they maintain than to any other condition that has existed or exists in Russia. The most inhuman government that ever existed among men has existed under Lenin and Trotski in the past four years in Russia, and everybody knows it who knows the condition there. [Applause.] More men have been murdered for opinion's sake by Lenin and Trotski under bolshevism in Russia than have ever been murdered for opinion's sake in the same period of time in all the history of civilization.

Therefore we deplore the conditions, but the appeal that comes from that unhappy people impels us to make this small appropriation to alleviate the conditions that exist there.

Mr. JONES of Texas. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. JONES of Texas. Does the gentleman think we have a right to appropriate Government money for other than Government functions?

Mr. CAMPBELL of Kansas. We have established precedents for this action. We have appropriated money since I have been in Congress in the last 20 years for the relief of unfortunate conditions that have arisen by reason of earthquakes and floods.

Mr. LONDON. And for Austria, with which we were at war at the time.

Mr. CAMPBELL of Kansas. And we sent $50,000,000 worth of flour within the past year into Armenia, the Balkan States, Czechoslovakia, and other sections that were afflicted.

Mr. McSWAIN. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. McSWAIN. I wish to ask the gentleman if he knows that there is a positive sentiment among the Christian denominations of America that there should be some organized and ample relief afforded to the suffering people of Armenia, and that those people are being ground between the Turkish nationalist movement on the one side and bolshevism on the other, and whether they should be included in this relief measure?

Mr. CAMPBELL of Kansas. In a bill that we passed a year ago an appropriation was made directing that $50,000,000 worth of flour should be sent abroad for the relief of suffering people there. Much of it was sent into Armenia.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from Kansas moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the "ayes" seem to have it.

Mr. WALSH. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 108, noes 17.

Mr. WALSH. Mr. Speaker, I object to that vote. I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on agreeing to the resolution.

The question was taken; and there were—yeas 237, nays 44, answered "present" 1, not voting 150, as follows:

YEAS—237.

Ackerman	Cooper, Ohio	Gorman	Kleczka
Andrew, Mass.	Cooper, Wis.	Graham, Ill.	Kline, N. Y.
Ansorge	Coughlin	Green, Iowa	Kline, Pa.
Arentz	Crago	Greene, Mass.	Kopp
Bankhead	Cramton	Greene, Vt.	Kraus
Barbour	Cullen	Griest	Kreider
Barkley	Dallinger	Hadley	Lampert
Beck	Darrow	Hardy, Colo.	Lankford
Begg	Davis, Minn.	Hardy, Tex.	Larsen, Ga.
Benham	Dempsey	Harrison	Larson, Minn.
Bird	Dickinson	Haugen	Lea, Calif.
Bixler	Doughton	Hawley	Lehlbach
Bland, Va.	Dowell	Herrick	Linthicum
Boies	Dunbar	Hersey	Little
Bond	Dyer	Hickey	London
Bowers	Edmonds	Hicks	Lowrey
Bowling	Elliott	Hill	Luce
Briggs	Ellis	Himes	Luhring
Britten	Evans	Hoch	Lyon
Brooks, Pa.	Fairchild	Hogan	McArthur
Browne, Wis.	Fairfield	Huddleston	McCormick
Bulwinkle	Fitzgerald	Hukriede	McLaughlin, Mich.
Burdick	Focht	Husted	McLaughlin, Nebr.
Burroughs	Fordney	Hutchinson	McLaughlin, Pa.
Burton	Foster	Ireland	McPherson
Cable	Frear	Johnson, Ky.	MacGregor
Campbell, Kans.	Freeman	Johnson, Wash.	Magee
Campbell, Pa.	French	Keller	Mann
Cantrill	Frothingham	Kelly, Pa.	Mapes
Chalmers	Fuller	Kendall	Martin
Chandler, N. Y.	Fulmer	Kennedy	Michener
Chindblom	Gallivan	Ketcham	Miller
Clague	Garrett, Tenn.	Kincheloe	Millspaugh
Cole, Iowa	Garrett, Tex.	Kindred	Mondell
Cole, Ohio	Gernerd	King	Moore, Ohio
Collins	Glynn	Kinkaid	Moore, Va.
Colton	Goldsborough	Kirkpatrick	Moores, Ind.
Connally, Tex.	Goodykoontz	Kissel	Morgan

Morin	Ramseyer	Smith, Mich.	Voigt
Mott	Ransley	Snell	Volk
Murphy	Reece	Speaks	Volstead
Nelson, A. P.	Reed, N. Y.	Sproul	Walters
Nelson, J. M.	Reed, W. Va.	Stedman	Ward, N. C.
Newton, Minn.	Ricketts	Steenerson	Wason
O'Brien	Rogers	Stephens	Watson
Ogden	Rose	Strong, Kans.	Weaver
Oldfield	Rouse	Summers, Wash.	Webster
Oliver	Rucker	Sweet	Wheeler
Olpp	Ryan	Tague	White, Kans.
Osborne	Sabath	Taylor, Tenn.	White, Me.
Overstreet	Sanders, N. Y.	Temple	Williamson
Padgett	Schall	Ten Eyck	Winslow
Park, Ga.	Scott, Mich.	Thompson	Wood, Ind.
Parker, N. J.	Scott, Tenn.	Tilson	Woodruff
Parker, N. Y.	Shelton	Timberlake	Woods, Va.
Perkins	Shreve	Tincher	Wyant
Perlman	Sinclair	Towner	Young
Purnell	Sinnott	Upshaw	
Radcliffe	Slemp	Vare	
Rainey, Ill.	Smith, Idaho	Vestal	

NAYS—44.

Almon	Crisp	McDuffie	Snyder
Aswell	Deal	McFadden	Stafford
Bell	Driver	McSwain	Steagall
Black	Free	Parrish	Stevenson
Box	Gensman	Raker	Stoll
Buchanan	Jacoway	Rankin	Swank
Byrnes, S. C.	Jones, Tex.	Rayburn	Tillman
Byrns, Tenn.	Lanham	Robsion	Tyson
Carter	Lazaro	Sanders, Tex.	Vaile
Clarke, N. Y.	Logan	Sandlin	Vinson
Clouse	McClintic	Sisson	Walsh

ANSWERED "PRESENT"—1.

Sumners, Tex.

NOT VOTING—150.

Anderson	Dunn	Knight	Reavis
Andrews, Nebr.	Dupré	Knutson	Reber
Anthony	Echols	Kunz	Rhodes
Appleby	Elston	Langley	Riddick
Atkeson	Faust	Lawrence	Riordan
Bacharach	Favrot	Layton	Roach
Beedy	Fenn	Leatherwood	Robertson
Blakeney	Fess	Lee, Ga.	Rodenberg
Bland, Ind.	Fields	Lee, N. Y.	Rosenbloom
Blanton	Fish	Lineberger	Rossdale
Brand	Fisher	Longworth	Sanders, Ind.
Brennan	Funk	McKenzie	Sears
Brinson	Gahn	Madden	Shaw
Brooks, Ill.	Garner	Maloney	Siegel
Brown, Tenn.	Gilbert	Mansfield	Smithwick
Burke	Gould	Mead	Stiness
Burtness	Graham, Pa.	Merritt	Strong, Pa.
Butler	Griffin	Michaelson	Sullivan
Cannon	Hammer	Mills	Swing
Carew	Hawes	Montague	Taylor, Ark.
Chandler, Okla.	Hayden	Montoya	Taylor, Colo.
Christopherson	Hays	Moore, Ill.	Taylor, N. J.
Clark, Fla.	Hooker	Mudd	Thomas
Classon	Houghton	Newton, Mo.	Tinkham
Cockran	Hudspeth	Nolan	Treadway
Codd	Hull	Norton	Underhill
Collier	Humphreys	O'Connor	Ward, N. Y.
Connell	James	Paige	Williams
Connolly, Pa.	Jefferis, Nebr.	Parks, Ark.	Wilson
Copley	Jeffers, Ala.	Patterson, Mo.	Wingo
Crowther	Johnson, Miss.	Patterson, N. J.	Wise
Curry	Johnson, S. Dak.	Peters	Woodyard
Dale	Jones, Pa.	Petersen	Wright
Davis, Tenn.	Kahn	Porter	Wurzbach
Denison	Kearns	Pou	Yates
Dominick	Kelley, Mich.	Pringey	Zihlman
Drane	Kiess	Quin	
Drewry	Kitchin	Rainey, Ala.	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. PORTER (for) with Mr. WOODYARD (against).

Until further notice:

Mr. APPLEBY with Mr. FISHER.

Mr. HULL with Mr. BLANTON.

Mr. BURKE with Mr. QUIN.

Mr. DENISON with Mr. DAVIS of Tennessee.

Mr. BRENNAN with Mr. HUDSPETH.

Mr. WURZBACH with Mr. SUMNERS of Texas.

Mr. WILLIAMS with Mr. MONTAGUE.

Mr. FAUST with Mr. DUPRÉ.

Mr. ANTHONY with Mr. PARKS of Arkansas.

Mr. KAHN with Mr. DOMINICK.

Mr. BACHARACH with Mr. COCKRAN.

Mr. PAIGE with Mr. SMITHWICK.

Miss ROBERTSON with Mr. DREWRY.

Mr. SIEGEL with Mr. HOOKER.

Mr. CONNOLLY of Pennsylvania with Mr. MEAD.

Mr. DUNN with Mr. FAVROT.

Mr. ROSSDALE with Mr. TAYLOR of Arkansas.

Mr. REAVIS with Mr. JEFFERS of Alabama.

Mr. CHANDLER of Oklahoma with Mr. CAREW.

Mr. BLAKENEY with Mr. GRIFFIN.

Mr. KNUTSON with Mr. LEE of Georgia.

Mr. MOORE of Illinois with Mr. WINGO.

Mr. SABATH. Mr. Speaker, the gentleman from New York [Mr. SIEGEL] was called away on a very important matter. He requested me to state that if he had been present he would have voted "yea."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TILSON). A quorum is present. The Doorkeeper will open the doors.

LEAVE TO EXTEND REMARKS.

Mr. REED of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing in large type a speech of Senator LADD.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I understand that a number of gentlemen have suggested to the gentleman from Pennsylvania, in charge of the Russian relief bill, the propriety of not beginning the debate on the bill until to-morrow morning. I understand the gentleman from Massachusetts [Mr. LUCE] desires to call up an election case.

Mr. DYER. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. LUCE. I will.

Mr. DYER. Will the gentleman from Wyoming state to the House when it is expected that the rule will be called up for the consideration of the antilynching bill?

Mr. MONDELL. Immediately after the conclusion of the consideration of the Russian relief bill to-morrow.

Mr. DYER. To-morrow afternoon?

Mr. MONDELL. Yes.

Mr. TEMPLE. Will the gentleman from Wyoming state if it is the intention to take up the Russian relief bill the first thing following the reading of the Journal to-morrow?

Mr. MONDELL. The first thing to-morrow morning.

CONTESTED-ELECTION CASE—RAINEY AGAINST SHAW.

Mr. LUCE. Mr. Speaker, I desire to call up the contested-election case of Rainey against Shaw.

The SPEAKER. The gentleman from Massachusetts [Mr. LUCE] calls up the contested-election case of Rainey against Shaw. The Clerk wil report the resolution.

The Clerk read as follows:

Resolved, That Henry T. Rainey was not elected a Representative in this Congress from the twentieth congressional district of the State of Illinois and is not entitled to a seat herein.

Resolved, That Guy L. Shaw was duly elected a Representative in this Congress from the twentieth congressional district of the State of Illinois and is entitled to retain a seat herein.

Mr. LUCE. Mr. Speaker, the Committee on Elections No. 2 is unanimous in its report upon this case. The facts are set forth in the report, I think adequately, and there seems to be no occasion for any detailed discussion of the matter. It brings up, however, collaterally a problem that might usefully receive the consideration of the Members between this time and whenever the Committee on Election of President, Vice President, and Representatives in Congress shall, if it sees fit, report as to what should be done in view of the circumstances produced by the decision in the so-called Newberry case.

In this contest Mr. Rainey alleged violations of the corrupt practices act by Mr. Shaw; not violations implying any moral obliquity, nor, indeed, any extravagant expenditure of money nor any expenditure that was illegitimate. Technical violations of the law were alleged.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. GARRETT of Tennessee. Mr. Speaker, I have read the report in the case; but, as I understand it, the contestee did not file answer to the contestant's declaration in the time prescribed by statute.

Mr. LUCE. That was one of the averments.

Mr. GARRETT of Tennessee. I understand that to be a fact.

Mr. LUCE. Yes.

Mr. GARRETT of Tennessee. The other, as I now recall it, is that a report of the expenditures in the regular elections—to say nothing of the primaries, passing that aside—was not made, or at least was not received by the Clerk of the House, within the time fixed by statute.

Mr. LUCE. Yes.

Mr. GARRETT of Tennessee. I believe this is a unanimous report from the committee.

Mr. LUCE. It is.

Mr. GARRETT of Tennessee. The committee dismissed the matter as being technical and involving no moral questions that the committee regarded as proper to be settled.

Mr. LUCE. Yes.

Mr. GARRETT of Tennessee. Was there any testimony before the committee to show what the expeditures, in fact, were?

Mr. LUCE. Oh, yes; statements of expenditure were filed, but those now in possession of the Clerk of the House came in late.

Mr. GARRETT of Tennessee. What was the total expenditure, if the gentleman remembers?

Mr. LUCE. About $3,000.

Mr. CABLE. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. CABLE. Is it not a fact that Mr. Shaw contended that he filed his expense account, and the issue was whether he had filed it or had not filed it in time?

Mr. LUCE. Yes; I think that the gentleman from Tennessee so understood it.

Mr. GARRETT of Tennessee. I understood they were not registered.

Mr. LUCE. They were not registered.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. MOORE of Virginia. I gathered from the report that the committee found that none of the expenditures, whether made in the primary contest or in the general elections, were for improper purposes.

Mr. LUCE. No; the contestant, before the case was finished, apparently withdrew all suggestion to that effect. There is no question here of impropriety of expenditure, nor of excessive expenditure, but simply a technical violation of the law.

To resume what I had desired to put before the House, the committee learned from the Attorney General that in his opinion so much of the corrupt practices act as relates to filing statements of expenses for elections still survives.

The inference from his letter is that so much of the corrupt practices act as relates to the limit on expenditures in elections has gone. All agree that so much of it as relates to primaries has gone. Within a few hours it has been brought to my attention that there are authorities who contend that in the matter of criminal statutes, if any part of a statute is found unconstitutional the whole statute goes. I have not had opportunity as yet to examine thoroughly those authorities, and I do not desire to commit myself, but if they are valid, then nothing of the corrupt practices act survives. Under the circumstances, whether any of the statute survives or not, it is my own judgment that the people of the country will expect Congress to meet the situation.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. GARRETT of Tennessee. I do not understand that the report of the committee in any way takes the position that the whole statute has fallen.

Mr. LUCE. The committee does not.

Mr. GARRETT of Tennessee. Nor does the report.

Mr. LUCE. No; the committee nor the report; but this particular phase of the matter has just been brought to my attention, raising the question of whether separability, if I may call it such, relating to constitutional issues, differs in the case of criminal statutes from its relation to civil statutes.

Mr. GARRETT of Tennessee. The committee has gone no further than the Supreme Court went in the Newberry case.

Mr. LUCE. No. The committee faced the issues in this particular contest with the letter of the Attorney General in mind.

Mr. STAFFORD. May I inquire in that particular whether the gentleman's committee, or any of the other committees, is taking up the question of revising the corrupt practices act, in view of the decision of the Supreme Court in the Newberry case?

Mr. LUCE. The Committee on Election of President, Vice President, and Representatives in Congress has the problem under consideration, and I am commenting upon it in view of the fact that perhaps a few minutes may now be taken without injury to the work of the House, in order to urge gentlemen to be centering their thoughts upon what ought to be done—whether the act should be revived in the matter of the limitation of expenditure upon elections, whether there ought to be an attempt by constitutional amendment or otherwise to restore the vitality of the act in relation to primaries, and—in my judgment of more importance—whether in taking up the problem once more we should, in the light of the circumstances that led to the Supreme Court decision, consider putting teeth into the law and having it meet what many people in the country think is an evident need.

Mr. McSWAIN. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. McSWAIN. Following the suggestion of the gentleman that now is a good time to have the House center its thoughts on certain matters, I want to remind the gentleman that now might be a good time to remind the House that the Supreme Court at least still recognizes that there is such a thing as a Constitution.

Mr. LUCE. That, of course, gratifies us all. [Laughter and applause.]

Mr. McSWAIN. I hope my friend will still be gratified by the reminder when we consider the next bill under the call of the House.

Mr. LUCE. Mr. Speaker, it was not my intention on this occasion to argue at all as to what ought to be done in the matter of the corrupt practices act, but simply to emphasize the fact that the circumstances—pardon my repetition, I make it because I deem the subject of much consequence—simply to emphasize the fact that the circumstances which have led up to the invalidating of at least some part of the act have evidently awakened a public interest in the matter which would warrant us in treating it as one of the issues to which our attention might usefully be directed.

Unless some gentleman desires to discuss the particular problem before us at the moment, I shall move the previous question. I yield five minutes to the gentleman from Ohio [Mr. CABLE], a member of the committee.

Mr. CABLE. Mr. Speaker and gentlemen, I simply desire to call your attention to the fact that when we do put a new law on the statute books we should provide in that law a penalty for friends of a candidate going out and, whether known or unknown to him, expending $150,000 or more on his behalf. [Applause.] We should provide in that law—and I have introduced a bill and we have already had a hearing on it—that if any man expends a certain amount of money on behalf of a candidate, that he shall be compelled under penalty to report such expenditure before election. Every Member of this House and the Senate is opposed to a rich man buying a seat in Congress. [Applause.] But we must give every man a chance in his election. One way to do it—and that is the intent of all these election laws—is to give publicity to expenditures and means of obtaining votes. That publicity must be before election as well as after. We have seen the case of a man who has been convicted of a crime of conspiracy against section 8 of the corrupt practices act in spending a huge amount of money for election and the case reversed by the Supreme Court, which said that primary elections were not in existence at the time the Constitution went into force, and therefore the Constitution did not give Congress the right to legislate as to primary elections. We should provide immediately some kind of a law that will protect an honest man in his campaign for a seat in the Congress. Gentlemen, I thank you. [Applause.]

Mr. LUCE. Mr. Speaker, I move the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore (Mr. TILSON). The question is on the first resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That Henry T. Rainey was not elected a Representative in this Congress from the twentieth congressional district of the State of Illinois and is not entitled to a seat herein.

The question was taken, and the resolution was agreed to.

The SPEAKER pro tempore. The Clerk will report the next resolution.

The Clerk read as follows:

Resolved, That Guy L. Shaw was duly elected a Representative in this Congress from the twentieth congressional district of the State of Illinois and is entitled to retain a seat herein.

The question was taken, and the resolution was agreed to.

On motion of Mr. LUCE, a motion to reconsider the vote by which the resolutions were agreed to was laid on the table.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 205. An act relating to the fiscal system of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8744. An act granting the consent of Congress to the State of North Dakota, the county of Cass and the city of Fargo, N. Dak., and the State of Minnesota, the county of Clay and the city of Moorhead, Minn., or any of them, to construct a bridge across the Red River of the North between the cities of Fargo, N. Dak., and Moorhead, Minn., and for other purposes; and

H. R. 9237. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2108. An act prohibiting the interment of the body of any person in the cemetery known as the Cemetery of White's Tabernacle, No. 39, of the Ancient United Order of Sons and Daughters, Bretliren and Sisters of Moses, in the District of Columbia.

BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 9237. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned to meet to-morrow, Friday, December 16, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

421. A letter from the Assistant Secretary of Labor, transmitting statement of the number of publications issued during the fiscal year 1921, the number distributed, the cost of paper used for such publications, the cost of printing, and the cost of preparation; to the Committee on Printing.

422. A letter from the Doorkeeper of the House of Representatives, transmitting list of property belonging to the United States and under his charge as Doorkeeper, in the various rooms of the House in the Capitol Building and folding room in the House Office Building, as of December 5, 1921; to the Committee on Accounts.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PARKER of New York, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2591) to provide for the construction of a public bridge across the Niagara River, reported the same with an amendment, accompanied by a report (No. 513), which said bill and report were referred to the House Calendar.

Mr. GOULD, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 99) providing a site upon public grounds in the city of Washington, D. C., for the erection of a statue of Dante, reported the same without amendment, accompanied by a report (No. 514); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 43) to grant authority to continue the use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C., reported the same with amendments, accompanied by a report (No. 515), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 108) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to Jeanne d'Arc, reported the same without amendment, accompanied by a report (No. 516), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARRETT of Texas, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 221) directing the Secretary of War to furnish clothing to ex-service men while patients in Public Health Service hospitals, reported the same with amendments, accompanied by a report (No. 517), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9508) granting an increase of pension to Elmer E. Frederick, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LEE of New York: A bill (H. R. 9572) enabling the United States Supreme Court to enforce efficient performance of judicial duties; to the Committee on the Judiciary.

By Mr. McFADDEN: A bill (H. R. 9573) to amend the act approved July 17, 1916, known as the Federal farm loan act, so as to provide for the organization of a fiscal association to be known as the Federal farm loan investment corporation; to the Committee on Banking and Currency.

By Mr. WINSLOW: A bill (H. R. 9574) to amend section 9 of the trading with the enemy act, approved October 6, 1917, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. MAPES: A bill (H. R. 9575) making an appropriation to provide for the establishment and maintenance of a forest experiment station in the Lake States; to the Committee on Appropriations.

By Mr. OLDFIELD: A bill (H. R. 9576) providing for the purchase of certain inventions, designs, and methods of aircraft, aircraft parts, and aviation technique of Edwin Fairfax Naulty and Leslie Fairfax Naulty, of New York; to the Committee on Appropriations.

By Mr. REBER: A bill (H. R. 9577) relating to the title to land to be acquired as a site for a post-office building at Tamaqua, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. MOTT: A bill (H. R. 9578) to amend the revenue act of 1921; to the Committee on Ways and Means.

By Mr. McFADDEN: A bill (H. R. 9579) to amend section 5219 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. BROWNE of Wisconsin: Joint resolution (H. J. Res. 233) providing for the postponement of the World's Dairy Congress; to the Committee on Foreign Affairs.

By Mr. IRELAND: Resolution (H. Res. 247) providing for offices for the Committee on Appropriations, the chief bill clerk, the journal clerk, and for other purposes; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FAIRFIELD: A bill (H. R. 9580) granting a pension to Eliza J. Brunson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9581) to correct the military record of Richard Brannan; to the Committee on Military Affairs.

By Mr. GENSMAN: A bill (H. R. 9582) granting a pension to Christian Madsen; to the Committee on Pensions:

By Mr. GRIFFIN: A bill (H. R. 9583) for the relief of Matthew H. Moore; to the Committee on Military Affairs.

By Mr. HOUGHTON: A bill (H. R. 9584) granting a pension to Estella Connelly; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 9585) for the relief of John Buchanan; to the Committee on Military Affairs.

By Mr. LUCE: A bill (H. R. 9586) granting an increase of pension to Charles M. Walker; to the Committee on Pensions.

By Mr. LUHRING: A bill (H. R. 9587) granting a pension to Della Gray; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 9588) granting an increase of pension to Lettia D. Wheeler; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 9589) granting an increase of pension to John T. Phillips; to the Committee on Pensions.

Also, a bill (H. R. 9590) granting an increase of pension to William Estes; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 9591) granting an increase of pension to Leva Raymond; to the Committee on Pensions.

By Mr. ROSE: A bill (H. R. 9592) granting an increase of pension to Elizabeth C. Berkey; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 9593) granting a pension to Mariah Johnson; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 9594) granting a pension to Alonzo L. Grotton; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 9595) granting a pension to Sarah J. Skeels; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3316. By Mr. BARBOUR: Petition of members of the Bakersfield Chapter of the Daughters of the American Revolution, of Bakersfield, Calif., urging the introduction and passage of a bill declaring the Revolutionary battle field at Yorktown, Va., a national military park; to the Committee on Military Affairs.

3317. By Mr. CULLEN: Resolutions adopted at a mass meeting of the Patrick Henry Branch, Friends of Irish Freedom, held at St. Mary's School Hall, Court and Luquer Streets, Brooklyn, N. Y., on December 9, 1921, protesting against any "association of nations"; to the Committee on Foreign Affairs.

3318. By Mr. KELLY of Pennsylvania: Resolutions of Pennsylvania Chamber of Commerce, favoring taxation of State and municipal securities; to the Committee on Ways and Means.

3319. By Mr. KISSEL: Petition of the Badger Fire Extinguisher Co. (Inc.), Cine-Mundial, B. Frankfield & Co., the Harry R. Gordon Co., George Lueders & Co., and Thomson & Kinnon, all of New York City; to the Committee on Ways and Means.

3320. Also, petition of the Citizen's Medical Reference Bureau, of New York City; to the Committee on Interstate and Foreign Commerce.

3321. By Mr. LINTHICUM: Petition of the Henry Wessel Co., of Baltimore, Md., opposing American valuation plan; also petition of W. E. Ferguson, of Baltimore, Md., favoring constitutional amendment to eliminate in future issuing of nontaxable bonds; also petition of the International Co., of Baltimore, Md., opposing proposed exorbitant rate of duty on dried eggs; also petition of the Swan Shoe Co., of Baltimore, Md., protesting against proposed duty on imported hides; also petition of Wertheimer Bros., of Baltimore, Md., protesting against higher duties on tobacco; to the Committee on Ways and Means.

3322. By Mr. TIMBERLAKE: Petition of W. C. Wiles and other adult residents of Boulder, Colo., protesting against the passage of House bill 4388, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

SENATE.

FRIDAY, *December 16, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we realize that in Thee we live, move, and have our being, and turn toward life and its duties with the consciousness of Thy help, so that when the burdens increase or the confusion and restlessness of life press most heavily upon us we may bravely turn to the responsibilities and feel that somehow Divine aid is granted unto us. So may we live that Thy own honor and Thy will shall be subserved by us. We ask in Jesus Christ's name. Amen.

LEBARON B. COLT, a Senator from the State of Rhode Island, appeared in his seat to-day.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS.

Mr. CAPPER presented a resolution adopted by the Topeka (Kans.) Chapter of the Military Sisterhood, commending the President for calling the Limitation of Armament Conference and favoring the removal of unnecessary armament burdens and the prevention of war among the nations, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the James Shields Post, No. 57, Department of Kansas, Grand Army of the Republic, of Wellington, Kans., favoring the enactment of the so-called Morgan bill, increasing pensions for Civil War veterans to $72 per month and their widows to $50 per month, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each without amendment:

H. R. 5700. An act authorizing the Secretary of the Treasury to sell the old Subtreasury property at San Francisco, Calif.; and

H. R. 8401. An act to transfer the custody and control of the United States customhouse wharf at Charleston, S. C., from the Treasury Department to the War Department.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 423) for the relief of Hans P. Guttormsen, reported it with an amendment and submitted a report (No. 364) thereon.

ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on December 15, 1921, they presented to the President of the United States the enrolled bill (S. 2108) prohibiting the interment of the body of any person in the cemetery known as the Cemetery of White's Tabernacle No. 39 of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. JONES of Washington:

A bill (S. 2875) to confer jurisdiction upon the insular courts of Porto Rico to enforce the national prohibition act and the act supplemental thereto; to the Committee on the Judiciary.

By Mr. LENROOT:

A bill (S. 2876) for the relief of the Philippine Scouts; to the Committee on Military Affairs.

A bill (S. 2877) for the relief of Frank Murray; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 2878) to allocate the control, administration, and supervision of all functions of the Government principally affecting agriculture, forestry, and food to the Department of Agriculture; to the Committee on Agriculture and Forestry.

By Mr. POINDEXTER:

A bill (S. 2879) granting a pension to Lucy Ord Mason; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 2880) granting an increase of pension to Thomas M. Woods (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A joint resolution (S. J. Res. 146) authorizing the President to extend invitations to foreign Governments to send delegates to a world's dairy congress in 1923; to the Committee on Agriculture and Forestry.

UNITED STATES JUDGES.

Mr. BURSUM submitted an amendment intended to be proposed by him to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, which was referred to the Committee on the Judiciary and ordered to be printed.

LOANS TO FOREIGN GOVERNMENTS.

Mr. HARRIS. Mr. President, I submit the following resolution, which I ask may be read for the information of the Senate.

The PRESIDENT pro tempore. The Secretary will report the resolution.

The reading clerk read the resolution (S. Res. 195), as follows:

Whereas the payment of the financial obligations owing by foreign Governments to the United States as a result of the war with Germany directly involves matters of utmost national and international importance; and

Whereas Governments and individuals will be materially assisted in the ultimate solution of the many problems confronting them growing out of and related to the payment of such obligations by an expression of the policy of the Senate of the United States of America in relation to such payments: Therefore be it

Resolved, That it is hereby declared to be the sense of the Senate that the Government of the United States will be unable to agree to or accept the cancellation or discharge of such obligations, or any part of them, without payment.

Mr. HARRIS. Mr. President, I ask that the resolution may lie on the table. I merely have this to say with reference to it: There has been much discussion and a number of statements in the newspapers with regard to the United States canceling the indebtedness owing us from foreign Governments. I grew up in a part of the country devastated by war, and I sympathize with the people of those foreign countries in the condition in which they find themselves, but the people of this country are not going to consent to those debts being canceled, and I think the sooner those who owe us this money understand that we are not going to cancel those debts or any part of them, the better it will be for those countries. That is the reason why I desire to get the Senate to go on record with reference to the matter.

The PRESIDENT pro tempore. The resolution will lie on the table.

ISSUANCE OF CHECKS, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. BALL. Mr. President, I ask unanimous consent that the Chair lay before the Senate the amendments of the House of Representatives to the bill (S. 1033) regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia, and I move that the Senate request a conference with the House on the disagreeing votes of the two Houses.

The PRESIDENT pro tempore. Is there objection?

Mr. ROBINSON. Mr. President, let the request be stated.

The PRESIDENT pro tempore. The Senator from Delaware asks unanimous consent that the amendments of the House of Representatives to Senate bill 1033 be laid before the Senate, and also moves that the Senate disagree to the amendments proposed by the House and request a conference.

Mr. ROBINSON. I shall make no objection to the request, because I believe it is the only way in which the bill may be put in a position or condition where it may be properly passed or disposed of by the Senate. So far as the House amendments are concerned, I do not understand that there is objection to them, but the parliamentary situation is such that it will be necessary to have the bill go to conference before the matter may be cleared up and the bill modified so as to meet with the approval of Senators.

Mr. FLETCHER. The amendments of the House are on the table, and if taken up by unanimous consent, the question will be whether the Senate shall concur or decline to concur in the amendments. That is the situation, as I understand it.

Mr. ROBINSON. May I call the attention of the Senator to the fact that the request for unanimous consent to lay the amendments before the Senate was coupled with a motion for a conference.

Mr. FLETCHER. If we disagree to the House amendments, they will have to go to conference?

Mr. KING. That is the request.

Mr. FLETCHER. I have no objection to it.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 1033) regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia; and the question is on the motion of the Senator from Delaware to disagree to the House amendments and request a conference.

The motion was agreed to; and the Vice President appointed Mr. BALL, Mr. JONES of Washington, and Mr. KING conferees on the part of the Senate.

CLAIMS FOR REIMBURSEMENT OF WAR LOSSES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a detailed statement of the number of claims filed under the provisions of "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," together with a statement of the status of the work involved in connection with their adjudication, which was referred to the Committee on Public Buildings and Grounds.

TRAVEL OF OFFICERS AND EMPLOYEES, UNITED STATES VETERANS' BUREAU.

The VICE PRESIDENT laid before the Senate a communication from the Director of the United States Veterans' Bureau, transmitting, pursuant to law, a detailed statement showing what officers or employees (other than special agents or inspectors who in the discharge of their regular duties are required to travel constantly) have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year, etc., which was referred to the Committee on Appropriations.

REGULATION OF MARINE INSURANCE IN THE DISTRICT OF COLUMBIA.

Mr. JONES of Washington. Mr. President, I understand that when the present unfinished business has been disposed of the Senator from Iowa [Mr. KENYON] will move, in accordance with the notice he has given, that the Senate proceed to the consideration of the bill (S. 2263) to amend the Federal reserve act, approved December 23, 1913. While I know that a notice does not give any special right in the matter, I desire to give notice that when that bill shall have been disposed of I shall ask the Senate to proceed to the consideration of the bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes.

I do not think there will be any serious opposition to the measure. It has been thrashed out and those interested have been satisfied, but it is rather a long bill and probably could not be disposed of by unanimous consent. It is rather an important measure, and I shall seek to have the bill taken up when the bill of which the junior Senator from Iowa has charge is disposed of.

TRADE WITH CHINA.

The VICE PRESIDENT. Morning business is closed.

Mr. CUMMINS. Mr. President, I ask unanimous consent that the Senate resume the consideration of the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China.

Mr. FRELINGHUYSEN. Mr. President, reserving the right to object, I should like to ask the Senator if he will not allow me to bring up for consideration, providing it does not involve any lengthy debate, the joint resolution (S. J. Res. 79) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic. I was not here last night when a similar measure, providing for reimbursement to the American Trading Co. for the importation of certain sugar, was passed, and therefore did not have an opportunity to move the consideration of this measure, which is practically similar in character. In view of the fact that the Senate favorably considered that measure, I ask the Senator if he will allow me to bring the joint resolution before the Senate now for a vote.

Mr. CUMMINS. Mr. President, I asked that the trade with China bill be brought before the Senate at this moment largely to afford the Senator form Missouri [Mr. REED] an opportunity to continue the address which he began yesterday, knowing that if no question were pending before the Senate it would not be in order for the Senator to speak. I understand that the Senator from Missouri expects to occupy two hours or more in an address on the Limitation of Armament Conference and its work. I do not think that it would facilitate the consideration of the joint resolution to which the Senator from New Jersey refers if I were to withdraw my request.

Mr. FRELINGHUYSEN. I do not wish to interfere with any arrangements that have been made with regard to the continuation of any speech or the bringing before the Senate of the measure which the Senator from Iowa has in charge. I am compelled to be away next week, however, and I should like to have the Senate consider this joint resolution, which has been on the calendar for some time.

Mr. CUMMINS. I am in just the same position. I expect to leave Washington very early next week, and I am exceedingly anxious to secure a vote upon the so-called China trade act; but I am sure we can accommodate the matter.

Mr. FRELINGHUYSEN. Mr. President, possibly later during the day or to-morrow an opportunity will be offered to bring up the matter to which I have referred, and therefore I withhold any objection.

Mr. CUMMINS. I will do all I can to help the Senator from New Jersey bring before the Senate the joint resolution to which he refers.

The VICE PRESIDENT. Is there objection to taking up the unfinished business?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	Lodge	Sheppard
Ball	Gooding	McKellar	Smith
Bursum	Hale	McKinley	Spencer
Capper	Harris	McNary	Stanfield
Caraway	Harrison	Moses	Sterling
Colt	Heflin	Nelson	Swanson
Culberson	Jones, Wash.	New	Townsend
Cummins	Kellogg	Nicholson	Trammell
Curtis	Kendrick	Norbeck	Underwood
Dial	Kenyon	Overman	Wadsworth
du Pont	Keyes	Page	Walsh, Mass.
Ernst	King	Phipps	Walsh, Mont.
Fernald	Ladd	Poindexter	Warren
Fletcher	La Follette	Reed	Watson, Ga.
France	Lenroot	Robinson	Willis

Mr. CURTIS. I desire to announce that the following Senators are detained from the Senate in attendance upon a meeting of the Committee on Finance: The Senator from Pennsylvania [Mr. PENROSE], the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from Indiana [Mr. WATSON], the Senator from West Virginia [Mr. SUTHERLAND], the Senator from North Carolina [Mr. SIMMONS], and the Senator from New York [Mr. CALDER].

I also desire to announce that the junior Senator from Nevada [Mr. ODDIE] is absent on business of the Senate.

The VICE PRESIDENT. Sixty Senators have answered to their names. A quorum is present.

CONFERENCE ON LIMITATION OF ARMAMENT AND FOUR-POWER TREATY.

Mr. REED resumed and concluded the speech begun by him on yesterday. His speech entire is as follows:

Thursday, December 15, 1921.

Mr. REED. Mr. President, I desire to enlist, if possible, the attention of the Senate to the proposed quadruple alliance of 1921. Perhaps it might better be denominated the American-Anglo-Japanese alliance. This gold brick was finished one night at 11 o'clock in secret session and handed to the American people about daylight the next morning, evidently with the idea at that time that it could be sold quickly to an unsuspecting public.

A conference of the great nations was called, partially at least in response to a resolution of Congress, for the purpose of working out a plan of reduction of armaments. The request was made through that resolution of Congress that in so far as possible the negotiations should be conducted in public in order that the American people and all the world might understand what was being undertaken, and be made acquainted with the arguments and policies advanced by the various countries. The conference was assembled with a great flourish of trumpets. The stage was admirably set. No advertising manager of a moving picture or a circus ever conceived a better plan of publicity.

On the very day the conference was to assemble we were to celebrate armistice day and the body of the unknown soldier was paraded through the streets of Washington, of course to justly honor the dead. But singularly enough the opening of the Disarmament Conference was set for the identical time. The papers, of course, carried in parallel columns to the people of the United States the accounts of both events. The picture was drawn by the pens of wonderful writers, so that all the sentiments of the battle field, all the tender and loving thoughts of the American heart, all of the appeals of heroism, would be concentered around one thought, that here was meeting a great convention of nations having for its sole object the reduction of armament, the destruction of the implements of death, the abolition by peaceful negotiation of those deadly and fearsome appliances which men have made for their own destruction.

The assembly was called together in public. The Congress was invited. The Secretary of State, in opening the proceedings, suggested only a plan for the reduction of armaments. Little by little it later began to filter out that in secret conferences which had sprung up, consideration was being given to some kind of alliance. That every effort was made to keep the fact from the American public and the world can not be denied, for all the ingenuity of the masterly corps of writers who have attended this conference was unable to report to the American people any real and substantial information regarding this proposed quadruple alliance. All that we received were hints, suspicions, prognostications by shrewd men who were trying to see behind the scenes, but who were kept out by a curtain of secrecy as carefully drawn as ever were the barred shutters of a chamber in which the plottings of kings for the partitioning of the earth have taken place.

Senators and Representatives who heard of these suspicions hesitated to speak of them, because we have all appreciated the fact that delicacy should be observed in discussing questions pending their negotiation. But, Mr. President, I am determined to now express my views regarding this treaty. For so doing I have many reasons, among others is the fact that a few months ago we were told that because negotiations had been allowed to proceed with reference to another treaty, and because the President at that time had made certain declarations and they had not been opposed upon the floor of Congress, we were thereby estopped and in honor could not refuse to abide by declarations that had been publicly made to the world.

So far as I am concerned, therefore, I propose now briefly to state my views with reference to this treaty. At the outset let me say that I believe every man in this Chamber, every man in the House of Representatives, and the entire American public, without exception, would welcome with delight the working out of a plan of general reduction of armaments, so that some of the burdens of taxation might be removed from the shoulders of the people of our country and of the peoples of the world. To the happy consummation of such a project we are ready to give our united support. We all long for the day when the substance of the people of the world will not be consumed in preparations for war, and when the race in the creation of armaments shall have ceased. To the realization of such a hope we are all devoted.

But, Mr. President, the reduction of the number of ships of the United States Navy and a corresponding reduction in the number of ships of the navies of the other nations of the world has no proper relation to an American-Anglo Franco-Japanese alliance. The plain truth is that an attempt is being forced to make the proposition of reduction of armaments the pack horse upon whose sagging back shall be loaded a quadruple alliance made for the protection of the interests of Japan and Great Britain in the Orient, to compel the United States of America to underwrite, in the blood of its sons, the ambition and avarice of Great Britain and Japan in the Pacific Ocean.

Mr. President, let us make a brief survey of America's position as it is to-day, as it always has been, and, God willing, as it always shall be. Abraham Lincoln in his first great patriotic speech delivered at Springfield, Ill., on January 27, 1837, said this:

> All the armies of Europe and Asia and Africa combined, with all the treasure of the earth in their military chests, with a Bonaparte for a commander, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years.

Thus spoke the American of the past generation; thus spoke Abraham Lincoln, whom I regard in many respects as the greatest man and the greatest patriot who ever lived for his country and died in her cause.

In 1837, when Lincoln uttered those words, the United States had a population of 15,000,000; in 1860, when we entered the war between the States, we had but 31,000,000 people; to-day we have 110,000,000. Then we were a poor people, a debtor Nation, with undeveloped industries, with a trackless forest yet to be conquered. Nearly all of the vast area west of the Ohio River was almost terra incognita. To-day every fertile acre of land between the two oceans is under cultivation. Cities have arisen as by magic. Gigantic factories produce more than the population can use and have a mighty surplus to be shipped abroad.

In the last war we demonstrated that we could feed the world, and, if it had been necessary, we could have demonstrated that we could have conquered the world. At least I can say in all modesty that we could have stood upon our seagirt shores and hurled back into the bloody tide the body of every invader though the united armies of the earth had come against us.

We are to-day so situated, as creditor nation to the world, that in a race for naval or military supremacy we can unquestionably eclipse all other powers. We could use the interest on our foreign loans, if it is ever paid, and with it alone build a navy faster than any other nation of the world.

We have the opportunity to become the master of the seas. Any other Government but ours would embrace the opportunity. We alone of all the nations of the world have pursued a wholly unselfish policy. We have proclaimed by our example and our history and reaffirm to-day that what we have and which we justly acquired in every foot we will maintain, but that we will enter upon no buccaneering expeditions to ravish other peoples' lands or goods. We have no ambition to gratify, no imperialistic impulse to glut. We stay at home and attend to our own business. We have no subject peoples; we have forged no chains, riveted no fetters, imposed no slavery, civil or religious,

upon any people of the earth. So living, blessed by God and by nature, and wisely guided by the prescience of our forefathers, desiring nothing except to work out our own salvation and fulfill our own destiny, we are content. Possessing the power to become master of the ocean and to impose our will upon other peoples, we have no desire to exercise that power. Our only wish is that we shall forever remain a sovereign State. We are willing that all other peoples shall enjoy the privilege we claim for ourselves. Animated by these motives we invited certain of the great nations to come in council and to work out plans for the reduction of armaments. We were willing to waive the opportunity to become master of the ocean and to take our place merely as one of the powers upon the ocean.

In the pursuit of that thought the Secretary of State submitted a plan which insures to Great Britain absolute supremacy on the seas for 10 years. Mark you, the Hughes plan takes from us by solemn treaty the right to make ourselves the equal of the British Empire upon the seas until 10 years have elapsed. The stipulations of the treaty are explicit. We can not until the end of 10 years have a fleet equal to that of Great Britain. That is a dangerous concession; certainly one which goes to the entire limit of prudence. In 10 years' time empires may be dissolved, nations may be destroyed, and the face of the world completely changed.

Furthermore, while this arrangement may be terminated at the end of 10 years, it is intended to be permanent in its nature, because the proportion of armament is not worked out until the end of 10 years, and if the plan were to be then discontinued there would be but little use in entering upon the arrangement.

The plan further contemplates that there shall be conceded to Japan a navy entirely out of proportion to her wealth or to her population when measured by the wealth and population of either Great Britain or the United States. Japan is allowed three-fifths as many vessels as the United States. She has half our population; she has probably one-tenth or one-twentieth of our wealth; yet she is permitted to maintain three vessels to our five.

Friday, December 16, 1921.

Mr. REED. Mr. President, on yesterday I called attention to the fact that if we enter into this proposed treaty we shall solemnly bind ourselves for 10 years to a plan which during the entire 10 years will permit Great Britain to retain her supremacy upon the seas and to the important consideration that we shall not be allowed during that entire period to increase our naval armament, though we may find ourselves in the greatest peril.

I also called attention to the fact that Japan will be allowed to maintain three vessels against our five, and I challenged attention to the circumstance that the proportion of Japan's sea armament to that allowed the United States is out of all harmony with the ratio of the two countries' populations and resources.

I have thus far been speaking merely of the number of ships and weight of metal accorded the respective nations. It is important, however, that I should add that, as I am informed, naval experts can demonstrate that in fact the power of the ships allowed the United States, when correctly tabulated, is far below the proportions of 5-5-3. Moreover and by way of parenthesis, it appears from press reports that an agreement has already been made whereby Japan shall retain her most modern and best fighting ship, and one which, if I am not misinformed, has a distinct advantage over any ship of the American Navy, if, indeed, it does not have an advantage over any ship afloat or which is being designed.

This is only another evidence of the fact that the occidental mind is no match for oriental skill in diplomatic proceedings. From the beginning of the European war down to the present moment Japan has demonstrated her superiority over American and European statesmen. With the loss from the war of practically nothing in money and with a loss, I think, of less than a thousand men in the war, she took of the spoils of that war more than any other nation except Great Britain. She seized and holds the keys of the Pacific in so far as those keys relate to the doors of China and the Far East. Before her to-day our statesmen bend and yield to her not only an unfair proportion of the ships but, at her insistent demand, allow her to keep a floating arsenal with a greater speed and gun power than any vessel in the American Navy.

But, Mr. President, he who estimates the power of a navy merely by the number of ships and the weight of metal proves himself the veriest of amateurs. As important as ships and guns are naval bases, enabling a fleet to seek security from pursuers beneath the guns of their own fortresses and to obtain supplies at convenient points, and thus continue operations. In that connection I desire to call attention to the fact that America has but few naval bases, while her great rivals upon the ocean are equipped to such an extent that the possession of practically one-half of the fleet of the United States would give them an overmastering advantage in every conflict taking place at a considerable distance from our shores. Japan has not overlooked this fact; England has not overlooked it; they are awake. Every foot of land they could seize has been seized, and, as I shall show, by this instrument which we are asked to ratify we confirm them in their title and agree to defend them in their possession.

Now, briefly to lay the groundwork for deductions to be made hereafter, I desire to call the roll of the principal naval bases of Great Britain, some of them in the Atlantic, it is true, and some of them in the Pacific, but there will never be a war in the Pacific that does not extend to the Atlantic. The principal naval bases of the British Empire are:

Chatham, Liverpool, Plymouth, Portsmouth, Rosyth, in the British Isles; Calcutta, India; Singapore, Straits Settlement, Hongkong, China; Malta and Gibraltar, in the Mediterranean; Melbourne and Sydney, Australia; Hamilton, Bermuda; Halifax, Esquimault, and Victoria, in Canada.

Other bases of equal importance, if not so well protected, are—

Queenstown, Dover, and Pembroke, in the British Isles; Aden, Bombay, Madras, Rangoon, Karachi, India; Freemantle, Perth, Hobart, Brisbane, in Australia; St. Georges, Bermuda; Charlottetown, Montreal, Quebec, St. Johns, New Brunswick, Canada; Colombo, Ceylon; Weihaiwei, China; Jamaica, West Indies; Mauritius, Zanzibar, and Dar-es-Salaam, in the Indian Ocean; St. Johns, Newfoundland; Freetown, Sierra Leone, Capetown, South Africa; and Auckland, New Zealand.

The totals are 15 main naval bases and 28 of slightly less importance. Naturally there are many other British ports that could be easily converted into bases.

The digest which I have read was furnished me by Mr. Schreiner, a student of international affairs. In connection with it, and in so far as our own coast is concerned, I can not refrain from challenging attention to the fact that Great Britain holds the Bahamas, only a few miles from our coast, commanding trade routes, and furnishing a point of immediate attack by airplane or submarine upon the coast of America In like manner Trinidad is the key to the south; but, in addition to this, she holds command of a vast group of islands which form the segment of a circle embracing the easterly end of the Panama Canal. These islands, Mr. President, are almost innumerable. The spots upon the map of the West Indies which I have here, some of them almost invisible, are all controlled by Great Britain, with the exception of a few controlled by France.

I shall not take the time to-day to enlarge upon this question. Its importance is demonstrated by the fact that we have only recently purchased at great cost from Denmark the Virgin Islands. We were told that they commanded the mouth of the canal; we were informed that they were essential to its defense; and yet the Virgin Islands are completely surrounded by the possessions of Great Britain. That fact can not be ignored. If those islands were of critical and vast importance, and if they alone menaced the canal, it can not be denied that by the fortification and control of this vast group of islands, forming a complete segment of a circle, shutting the Gulf and closing the waters of the Caribbean Sea, Great Britain could, if she saw fit, command absolutely our entrance to and exit from the canal.

One of these islands is within 48 miles of the Florida coast. Naval experts agree that in case of a war with a first-rate power the capture of the Florida coast by that power is more important from a strategic standpoint than would be the capture of New York City.

You ask me what this has to do with the question under consideration. I reply that, to borrow the phrase of another, applied elsewhere, the canal is the jugular vein of America. Any war we may have with any great naval power will not be confined to either the Atlantic or the Pacific Ocean.

It will extend over all the seas, and both our coasts must be defended. In such a controversy as that it is absolutely essential that we should hold a complete control of the canal, so that our vessels might pass back and forth, the Atlantic and the Pacific Fleets supplementing each other in order to come to America's defense.

But, Mr. President, when we turn to the Pacific Ocean we find that in that terrftory Japan and Great Britain now, under the new arrangement, hold an absolute dominance. To begin with, Japan has fortifications on many of her islands. I have here a complete list of them.

The principal coast defenses of Japan are the following:

Tokyo Bay, which includes the defenses of the naval station at Yokosuka.
Shimonoseki, which guards the western entrance to the Sea of Japan.
Hakodate.
Yura Strait, which guards the approach to Osaka.
Hiroshima, which guards the approaches to the Kure Naval Station.

Kii Channel, which guards the entrance to the Inland Sea between Honshu and Shikoku.
Bungo Channel, which guards the entrance to the Inland Sea between Shikoku and Kyushu.
Maizuru Naval Station.
Tsushima (Takeshiki Naval Station).
Sasebo Naval Station.
Nagasaki.
Shinkai Naval Station, Korea.
Port Arthur.
Keelung, Formosa.
Pescadores (Bako Naval Station), between Formosa and China.
Port Lloyd, Bonin Islands (being built or increased).
Prohibited areas established at Amami-O-Shima, Loochoo Islands, recently, which probably means the establishment of fortifications in these islands.

This document was furnished to me by a man who knows what he is talking about.

Mr. President, that is not all that there is to be said about bases and fortifications. The whole system of warfare has been revolutionized in the last few years. Formerly, although generally regarded as a great handicap, great naval guns could be trained upon fortresses, and frequently silence the fortress. Therefore great and expensive fortifications were created; but in modern times it has been discovered that a navy is absolutely helpless against a single first-class land battery.

I call attention, without stopping to go into details, to the fact that in the Dardanelles, in the late war, 18 great British men-of-war, headed by a superdreadnaught, for many hours undertook to silence the Turkish guns, composed of a battery that had been emplaced in less than two weeks' time. At the end of that fight the Turkish batteries were unharmed and the great British fleet, supplemented by a French vessel or two, was driven from those waters. It therefore follows that wherever a country has an island lying anywhere near a trade route, or has an island anywhere which it is necessary to resort to for the protection of ships, the planting there of a few guns will make it a place of refuge for every vessel of that country, and will make it impregnable against assault. These islands, therefore, can not only be used as places to which hard-pressed vessels can take refuge in security, but in addition to that they can be and will be the coaling and outfitting stations to which war vessels may resort, and thus keep indefinitely on the waters of the ocean.

Now let me call your attention to these islands of the Pacific. They have been described in beautiful and poetic language by the distinguished Senator from Massachusetts [Mr. LODGE].

I think we ought to read this often; it is so much like a poem and so little like statesmanship. Senator LODGE said:

> History unhappily has shown that there is no corner of the earth so remote or so valueless that it is not capable of giving cause for controversy or even for war between the tribes and the nations of mankind. But the islands of the Pacific, although remote from the dwelling places of the mass of humanity, are far from valueless.
>
> The islands of the southwestern Pacific extend over a vast space in that great ocean. They reach from the Marquesas on the east to the Philippines on the west; from the Aleutian Islands on the north nearly to the Antarctic Circle on the south. They are far more numerous than is generally realized. I do not know what the total number is, but I am informed as to the Philippines, and it appears that this group alone contains over 3,100 islands, of which 1,600 have names. We have all probably heard of the remark of Robert Louis Stevenson, when on leaving one of the Pacific Islands he was asked how he was going to Samoa. He replied that he should just go out and turn to the left. These islands are, comparatively speaking, so dense that we might describe them in the words of Browning as the—
>
> Sprinkled isles,
> Lily on lily that o'erlace the sea—
>
> And yet the region through which they are scattered is so vast that the isles of Greece and the Aegean Sea, so famous in history and in poetry, could easily be lost therein and continue unnoticed except by wandering seamen or stray adventurers. They range from Australia, continental in magnitude, to atolls where there are no dwellers but the builders of the coral reefs, or lonely rocks marking the peaks of mountains which rise up from the ocean's floor through miles of water before they touch the air—

and breathe. He did not say "and breathe," but I take it that is what they came up for. I had thought to omit the next, but I will read it, it is so pretty. It reminds me of a mother's blandishments to her baby when she is about to administer a dose of castor oil. How sweet it sounds. It is almost as entrancing as a hand organ heard beneath the window of a hospital's operating room. [Laughter.]

> To the western and eastern world alike most of the islands of the southwestern Pacific are little known. There still lingers about them the charm so compelling and so fascinating which an undiscovered country has for the sons of men who are weary of main-traveled roads and the trampled highways of trade and commerce which cover the surface of the present earth.
>
> Upon these islands still shines the glamor of romance in the stories of Melville and the writings of Robert Louis Stevenson, to whom the South Seas gave both a grave and a monument imperishable as his own fame. But the Pacific islands are much more than this. They possess certain qualities other than natural beauty and romantic charm, which to many minds are more enticing. The larger ones are rich in many ways, fertile in the gifts of soil and climate and in other forms of riches desired by men, which extend from the untold mineral resources of Australia to the pearls which are brought from the depths of the ocean. There are among them all great areas of forest and of plain fit for the support and prosperity of civilized man. In a word, they have a very great material value, largely undeveloped; and where this condition exists the desires of men will enter, and conflicting human desires have throughout recorded history been breeders of war.
>
> Thus far the wastes of the Pacific Ocean, with all the crowding islands, except on the edges of the continents, have not been the scene of great wars; and yet not many years have passed since three great nations sent their warships to Samoa because there was a dispute in regard to those distant islands. Therefore, an agreement among the nations controlling these islands has a very serious importance to the peace of the world.

Beautiful picture! "Lily on lily that o'erlace the sea"! But he forgot to tell us that the Union Jack of England, the tricolor of France, or the red-disked banner of the Mikado floats over all save a few of them, which, outside of the Philippines, can be counted on the fingers of the hand. He forgot to mention that by the treaty made with Germany there were turned over to Japan the Marshall and Caroline groups, which form impregnable belts between the United States and her Philippine possessions, the possession of which brings Japan's base of operation 2,000 miles nearer the American coast than it ever was before. This would compel us to run the gantlet of Japanese guns in case there should ever be a controversy and the Philippines should be seized. He also forgot to relate that these islands, turned over to and now claimed by Japan, give to Japan an almost perfect command of the Chinese coast, and amount to fortifications erected between the United States and Japan as well as between the United States and our Philippine possessions.

We have heard much talk of the island of Yap, and one would think the island of Yap was the most important point in the Pacific Ocean. It is only one of the little petals of the "lily on lily that o'erlace the sea." In the vast circle of the Pacific it is about equivalent to a diminutive and microscopic fly speck on the face of a large plate-glass window. It is one of hundreds, if not thousands, of islands dealt with by the Versailles treaty, and which we now by this instrument, no matter how much quibbling there may be about it, confirm forever to Japan.

There will be a lot of quibbling about this treaty. Indeed, reservations to it have already appeared. If the Senate does its duty, before it gets through with this treaty it will write a reservation that will strike it all out except merely a friendly proffer.

In connection with the remarks of Senator LODGE I can not refrain from reading an excerpt from an article by H. L. Mencken. He states, ironically:

> An imagination approaching the frenetic in virulence is needed to see anything more than an amiable politeness in the four-power treaty so painfully concocted by the great statesmen assembled at Washington. Even Senator HENRY CABOT LODGE, in his speech launching it upon the world, was very cautious about describing its practical effects. Instead of going into that important matter frankly and fully, he devoted at least half of his time to a lyrical account of human happiness in the South Seas—an account obviously based upon a diligent reading of Frederick O'Brien's celebrated book, and particularly upon an examination of the illustrations thereof, with their intimate views of exquisite scenery, both geographical and anatomical. At least one other Senator confesses that he was moved profoundly by his learned colleague's eloquence. Ah, to be young again and free to roam this lovely earth—
>
> Eating huckleberries all day long,
> And learning how to love!

[Laughter.]

Mr. President, a smile is a good thing at any time, but, after all, this is no laughing matter. This treaty is a solemn convention which will bind us irrevocably for 10 years. We can not withdraw during that time unless we break faith. At the end of that period we will have the option of withdrawing.

Upon the other side of this Chamber, occupying at the time seats now almost vacant, sat gentlemen who denounced the League of Nations covenant as impossible because it did not provide a means by which we could withdraw at will. I am wondering if those gentlemen are now willing to enter into a compact which would bind us irrevocably for 10 long years of time, a treaty that contains no condition whatever permitting us to increase our sea armament, even though we might be menaced in the most serious way.

Ten years is a long time in the life of a nation. An hour is sometimes filled with a nation's fate. But 10 years of ordinary time in the life of a nation is longer, as events now transpire, than a century would have been under the conditions of two centuries ago. What lies within the womb of the immediate future? Who shall answer, save he be a fool, willing to risk his prophecy as against the culmination of events?

Sir, there lies a Russia. What is to be her destiny? Will she emerge formed into a dozen contending States? Will she come forth a great and imperial domain, controlled, as in the past, by a ruling class? Or will she be set upon and divided by her

rapacious enemies, and in such a division as that how much would Japan claim? Japanese soldiers are already on the mainland, and if Russia should ever rise to expel them, war upon the islands held by Japan would be the first necessary blow. In such a war, under this treaty, as I shall show later on, we would be obligated to stand with Japan against Russia, a country which has never fired a hostile gun at the American Nation and has been our friend through the century and a third of our existence.

Mr. KING. Mr. President, would it interrupt the Senator if I should make a suggestion at this time?

The PRESIDING OFFICER (Mr. SWANSON in the chair). Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I yield.

Mr. KING. I desire to invite the attention of the Senator to the fact that the policy of the United States under the Wilson administration—and, so far as I know, it is the policy of the present administration—was to preserve the territorial integrity of Russia, and therefore Mr. Wilson and the State Department discouraged any attempt to dismember Russia or to foment strife within which would culminate in the segregation of any territory and the organization of the same into a separate State.

Mr. REED. I thank the Senator. I was pursuing the theme of the possibilities of the future. What is to come?

Mr. FRANCE. Mr. President, if the Senator will yield——

Mr. REED. I yield.

Mr. FRANCE. I would like to call attention to the fact that the Senator from Utah and I have already had some controversy upon that very point in the course of a public debate. I call attention to the fact that while the Wilson administration did once protest against the dismemberment of Russia, Russia was dismembered by the allied policy and at the peace conference by the action of the conferees there, as was very clearly brought out in the book of Mr. Dillon, "The Inside Story of the Peace Conference." He called attention to the fact that territory was disannexed from Russia as a result of the policy of the Allies, particularly at Paris.

Mr. REED. I thank the Senator; and in a few moments I shall prove that this treaty ties us into the League of Nations.

Mr. FRANCE. I should have stated that territory was disannexed from Russia as a result of allied policy and at the peace conference, instead of speaking of Russia as being dismembered.

Mr. REED. I understand what took place. Allow me to proceed with my theme. I do not wish to get this debate into the question of what ex-President Wilson did or of what President Harding is doing. I sincerely desire to put it upon the broad ground of our national safety and our national policy.

I said that this treaty ties us into the league. I wish to make that statement clear. Our associates are tied in the league, subject to the orders of the league, and we therefore can be affected by its decrees through this treaty, although we have no part or voice in the proceedings of the league. That I shall discuss presently.

Mr. WALSH of Montana. Mr. President——

Mr. REED. I yield to the Senator from Montana.

Mr. WALSH of Montana. I merely desire to ask, if the Senator will permit me to interrupt him for that purpose, that the Senator from Maryland [Mr. FRANCE] tell us what portion of Russia was disannexed by the Versailles treaty.

Mr. FRANCE. I was referring to territory which was disannexed by allied policy and which was a part of the Russian dominion prior to the war.

Mr. WALSH of Montana. What part?

Mr. FRANCE. That territory which composed Poland, which is now an independent power, Latvia, Lithuania, Esthonia, and Finland, also now independent.

Mr. WALSH of Montana. Those are the territories to which the Senator refers?

Mr. FRANCE. Yes.

Mr. WALSH of Montana. Are we to understand the Senator from Maryland disapproves of the dismemberment of Poland as a part of Russia?

Mr. FRANCE. I will say in answer to the question of the Senator that I was not expressing either approbation or disapprobation. I was merely calling attention to the historical fact.

Mr. WALSH of Montana. I understand perfectly well, but I wanted to get an expression from the Senator on that subject if he would be willing to venture one.

Mr. FRANCE. I dislike to discuss so large a question in the time of the Senator from Missouri.

Mr. WALSH of Montana. Very well; I do not press it.

Mr. FRANCE. It is rather a large question.

Mr. REED. Mr. President, I desire, if I can, to keep this question free from all complications and to discuss it by itself. I referred to the League of Nations only because it furnishes an example of the attitude of Senators on the other side of the Chamber and some Senators upon this side. I particularly call attention again to the fact that there was scarcely a Senator upon the other side of the Chamber who did not denounce the provision in the original draft of the League of Nations because it afforded a way for us to go in but did not provide a means for us to get out. Because of that universal protest the clause was inserted allowing us to withdraw after two years' notice. That was again denounced upon the other side of the Chamber as insufficient; but it is now proposed to submit to the Senate a treaty which binds us irrevocably, I repeat, for a period of 10 years.

I was discussing the theme of what might happen at this time. I have referred to Russia. What of all the new States that have been created? What of the conflict now burning between Great Britain and France and Germany in regard to Silesia, in regard to all the other questions that are wrapped up in the aftermath, if you please, of the Great War? What will be the condition in 10 years from now? No living man can say with any certainty that Germany and Russia may not be in an alliance or coalition. He can not state what conflict may arise between Japan and Russia growing out of the complications which may arise.

What of China? There she lies, evidently awakening from the slumber of centuries. The most wholesome thing I know of China is that her people are in a condition of practical revolt. They are filled with dissatisfaction. They are struggling to find a way out. If the 300,000,000 Chinamen shall find themselves, who dares to say that they will permit Japan to keep her hand upon the Chinese throat—and the man who denies that that hand is there to-day and the clutch constantly tightening is a man who is not informed or who is not candid. What lies within the next 10 years? No man, I repeat, can tell.

Now, Mr. President, I proceed to a discussion of the terms of this instrument; but as a preliminary, let me observe that there is absolutely no use in discussing the terms of any instrument with any man who will not be candid. If men desire to see an instrument in a certain light and are determined for partisan or other reasons to so regard it, there is but little use in talking to such men. I affirm that the meaning of this instrument is so plain upon its face that there is no room for two opinions as to its meaning.

Mr. WALSH of Montana. Mr. President, will the Senator permit another interruption?

Mr. REED. Certainly.

Mr. WALSH of Montana. For the purpose of getting history straight, I desire to remark that the Senator from Maryland [Mr. FRANCE], if he so said, and I understood him to say so, is in error in the statement that either Latvia or Lithuania was separated from Russia by the Versailles treaty or by any act of the Government of the United States or any representative of the Government of the United States. Neither Latvia nor Lithuania was referred to in the treaty of Versailles. They each established their independence by independent action against Russia, and their independence has been recognized by the government of that country, so far as it has a government.

Mr. SHIELDS. Mr. President——

Mr. REED. I yield to the Senator from Tennessee.

Mr. SHIELDS. I have come into the Chamber since the Senator began speaking. He has been discussing the treaty, and I do not know to what subject he has devoted himself. I understand he is now proposing to discuss the terms of the treaty?

Mr. REED. Yes.

Mr. SHIELDS. Preliminary to that is the authority to make the treaty. Has the Senator discussed that?

Mr. REED. I have not.

Mr. SHIELDS. I wish the Senator would address himself to that question before he has concluded. If these parties have no authority to deal absolutely with each other, the terms amount to little. The Senator should remember that under the League of Nations three of these powers are subject nations.

Mr. REED. I intend to discuss that.

Mr. SHIELDS. They owe allegiance to the supergovernment created by the League of Nations of which they are members. This treaty can not, in the language of the Versailles treaty, or rather the league, be binding until it is filed with the secretary of the League of Nations and published. Their Governments have nothing to do but with the finality of making it binding.

Secondly, and more important, which is final, there is a conflict of jurisdiction. This treaty provides for a meeting of the

representatives of the four nations to settle matters. Under the League of Nations it is provided that these same matters shall be settled by the council and by the assembly. There is such a vital conflict of jurisdiction that these subject nations—Great Britain, Japan, and France—must secede from the League of Nations before they can bind themselves to us. We are standing here in a bad attitude. We can bind ourselves. They, as subject nations, can not do it, but are subject to the League of Nations and must obey in every controversy what the league decides they shall do.

Mr. REED. I am obliged to the Senator. It is a theme I expect to dwell upon, but he has stated it so well that I may not be obliged to take the time of the Senate to discuss it further than perhaps call attention to the specific language of the compacts these nations have made.

Mr. WALSH of Montana. Mr. President, if the Senator will permit a further interruption——

Mr. REED. I yield.

Mr. WALSH of Montana. If I understand the argument of the Senator from Tennessee quite correctly, we never, now or hereafter, can make a treaty on any subject with any nation being a member of the League of Nations.

Mr. SHIELDS. Oh, no; the Senator has no right to place any such construction upon my statement. These other nations can not make a treaty with us without the consent of the league.

Mr. WALSH of Montana. What am I to understand? The Senator calls attention to the fact that the treaty must be recorded.

Mr. SHIELDS. Certainly.

Mr. WALSH of Montana. And therefore they are restricted in their power to make a treaty. That provision applies to every treaty, and accordingly we can make no treaty whatever.

Mr. SHIELDS. As members of the league, they must first file the treaty there and then it must be published. Until then, if they keep their word with the League of Nations, they are powerless to make and perform a treaty.

Mr. WALSH of Montana. Undoubtedly.

Mr. SHIELDS. They are subject nations.

Mr. WALSH of Montana. Undoubtedly.

Mr. SHIELDS. They owe their allegiance to the supergovernment created by the League of Nations.

Mr. WALSH of Montana. I understand the Senator correctly, but they can not make a treaty.

Mr. SHIELDS. Of course not, any more than a State of this Union could under the Constitution make a separate treaty with a foreign Government.

Mr. REED. Mr. President, I am appealing to Senators to bring to this question the rules of construction applicable to treaties.

The language employed in treaties is not the language which is employed between individuals. Phrases have a peculiar meaning. No nation preparing to form an offensive alliance has ever written into the treaty that it is forming such alliance for the purpose of destroying or making war on some other nation. The universal language of such a treaty is that the nations are joined together for the purpose of preserving the peace, for the purpose of mutual protection, for the purpose of saving themselves or the world from destruction. Whenever the agreement is made that they will stand by each other, there is but one construction placed upon that kind of proposition, when it comes to a practical test, and that is that they shall make war side by side. It has been true in every period of history. I wish merely to show Senators how ancient it is. Here is a treaty made between Rome and the 30 Latin cities 492 years before Christ, and the opening clause provides:

> There shall be peace between the Romans and all the Latin cities so long as the heavens and the earth shall remain in the same position.
> They shall not make war nor cause war to be made against each other, nor permit each other's enemies to pass through their respective territories.

And yet the practical construction of that treaty was that they were allies in defense and allies in attack, until the mountains and the valleys of Italy were drenched with gore.

Again, 418 years before Christ, the Argives and the Lacedaemonians made a treaty of peace and of arbitration, for arbitration is nothing new. I read:

> It seems good to the Lacedaemonians and to the Argives to make peace and alliance for 50 years on the following conditions:
> (1) They shall submit to arbitration on fair and equal terms according to their ancestral customs.

So, long ago, in the centuries which have passed, in this treaty, which was made nearly 500 years before Christ, one finds in part the language of this present instrument in substance and effect. Mark you, the present treaty provides that in case of a menace or attack we shall consult together with our new allies, the three other members of this quadruple alliance, with reference to the best means of defense. How ancient that is! This treaty continues:

> (4) If it shall be necessary to make an expedition in common against any place, the Lacedaemonians and Argives shall consult together and fix the share in the war which may be equitably borne by the allies.

Again, 220 years before Christ, Byzantium and Prusias, king of Bythnia and Rhodes, made a treaty which recited:

> There shall be peace and amity forever between Prusias and the Byzantines.

That treaty, if I recollect my history aright, eventuated in the two nations standing together in war.

One hundred and seventy-nine before Christ Pharnaces, Eumenes, and Ariarthes made a treaty of defense against Roman supremacy, and it contained a clause which is singularly like a clause in the treaty which I am now considering and which provides for the cancellation of the Japanese and English alliance. More than 2,000 years ago it was provided that—

> Such treaties as exist between Pharnaces and the Gauls are hereby rescinded.

I could go on at considerable length calling attention to these ancient treaties, but coming to more modern times, the quadruple alliance which was entered into—1718—between Great Britain, France, the Netherlands, and Spain set up the same pretense for its existence. It recited that under a previous treaty—the triple alliance—provision had been made for peace to be brought about and established, and that by that treaty they "further gave a friendly invitation to his imperial majesty that out of his love for the public peace and quiet" he would join. And yet everyone knows that that treaty was in fact merely a treaty of compulsion, and that under it these nations acted together for the purpose of imposing their will upon other nations; but it speaks of peace, peace, always of peace.

Let us turn to the holy alliance—1815—which first invoked the blessing of God—

> And especially of the blessing which it has pleased Divine Providence to shower down upon those States which place their confidence and their hope in it alone.

Then it proceeds that having—

> acquired the intimate conviction of the necessity of settling the steps to be observed by the powers, in their reciprocal relations, upon the sublime truths which the holy religion of our Saviour teaches, they solemnly declare that the present act has no other object than to publish in the face of the whole world their fixed resolution, both in the administration of their respective States and in their political relations with every other Government, to take for their sole guide the precepts of that holy religion, namely, the precepts of justice, Christian charity, and peace, which, far from being applicable only to private concerns, must have an immediate influence on the councils of princes and guide all their steps as being the only means of consolidating human institutions and remedying their imperfections.

So they declare their purpose being to protect religion, peace, and justice; and yet the sword of the Holy Alliance sprang from its scabbard at the first opportunity and was stained with the blood of every people daring to rise in their own defense, until at last the name "Holy Alliance" became synonymous with oppression and blood and rapine and murder.

The instrument creating the union of the five powers contained this language:

> (2) That this union, which is the more real and durable, inasmuch as it depends upon no separate interest or temporary combination, can only have for its object the maintenance of general peace, founded on a religious respect for the engagements contained in the treaties, and for the whole of the rights resulting therefrom.

All are familiar with the story of Europe at that time, and all know that these treaties, which bore the mask of soft professions and that carried seemly messages of peace and good will, soon resolved themselves into combinations to conquer and despoil the earth.

Now, Mr. President, coming to more modern times and leading up to the exact meaning of this treaty, I invite attention to the language of the triple alliance of 1879, between Austria-Hungary and the German Empire:

> Inasmuch as their Majesties the German Emperor, King of Prussia, and the Emperor of Austria, King of Hungary, must consider it their inalienable duty to provide for the security of their Empires and the peace of their subjects, under all circumstances; * * *
> Inasmuch as, finally, an intimate cooperation of Germany and Austria-Hungary can menace no one, but is rather calculated to consolidate the peace of Europe on the terms established by the stipulation of Berlin,
> Their Majesties, * * * while most solemnly promising never to allow their purely defensive agreement to develop an aggressive tendency in any direction, have determined to conclude an alliance of peace and mutual defense.

Mr. STANLEY. From what treaty is the Senator reading?

Mr. REED. The triple alliance between Germany and Austria-Hungary.

> ARTICLE I. Should, contrary to their hope, and against the loyal desire of the two high contracting parties, one of the two Empires be attacked by Russia, the high contracting parties are bound to come to the assistance one of the other—

And so forth.

ART. II. Should one of the high contracting parties be attacked by another power, the other high contracting party binds itself hereby, not only not to support the aggressor * * * but to observe at least a benevolent neutral attitude toward his fellow contracting party.

But who doubts what that treaty was made for? And, Mr. President, it is all in point, for we are dealing with nations impelled by similar motives, as every page of their history demonstrates.

Then, in 1903, the triple alliance was amended, and the first article reads:

The high contracting parties mutually promise peace and friendship * * *.

They bind themselves to proceed to negotiations on such political and economic questions of a general nature as may arise; and, moreover, promise their mutual support within the scope of their own interests.

That is exactly what is done by the present treaty. They bind themselves to proceed to negotiate—that is all—and yet everyone knows that that was the chain of steel in which they were held together. The language was construed that as the result of their negotiations they should act in common. Every time you find the phrase, wherein nations stipulate to consult together and to agree, it implies that the agreement shall be carried into effect; otherwise the proposition is itself idiotic. To consult and agree, and then not to carry out an agreement, is to consult and agree to do nothing.

Now, I want to call attention to and particularly emphasize the fact that these understandings between nations are of so delicate a character that in modern times they have not even been reduced to the form of treaties, and that those were the conditions existing between France and England. Yet as a result of those conditions England felt herself bound immediately to enter the Great War once France had been attacked. These conditions are contained in an exchange of letters. On November 22, 1912, Sir Edward Grey wrote to Cambon, the French minister:

I agree that if either Government had grave reason to expect an unprovoked attack by a third power, or something that threatened the general peace, it should immediately discuss with the other whether both Governments should act together to prevent aggression and to preserve peace, and, if so, what measures they would be prepared to take in common.

To discuss—that is all—and when they discuss to decide what measures should be taken. Is not the language in this treaty stronger than that? Let me call attention to it:

If the said rights are threatened by the aggressive action of any other power the high contracting parties shall communicate with one another fully and frankly—

That is the equivalent of "discuss," is it not?

In order to arrive at an understanding—

That is the equivalent, is it not, of the language of the four-power treaty—

In order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

Parallel it with the statement of Sir Edward Grey, print them in columns side by side, and do they not mean exactly the same thing? Let me read them both again, even at the risk of consuming a little time.

Sir Edward Grey to France:

I agree that, if either Government had grave reason to expect an unprovoked attack by a third power, or something that threatened the general peace, it should immediately discuss with the other whether both Governments should act together to prevent aggression and to preserve peace, and, if so, what measures they would be prepared to take in common.

Article II of the proposed treaty:

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

The treaty, if anything, is more explicit and is stronger in its terms than was the language of Sir Edward Grey to M. Cambon.

There will be quibblers who will quibble, and dodgers who will dodge, and acrobats who will turn somersaults; but the man who will deny that that language is the equivalent of an agreement to consult and agree and act is either a knave or a fool. That is pretty strong language, but it is time to use strong language, because this instrument is an obligation which may mean again the unfurling of the battle flags to settle controversies abroad. It may mean conscription; it may mean again sending boys to die on foreign soil, because it is an agreement in advance, not a convention entered into when we are actually confronted with a situation that imperils our own safety.

The language of Sir Edward Grey was the pledge which carried the thin red line of England to the fields of France; and England responded with an alacrity and with a decisiveness and with an honesty that will be eternally to her credit. They went instantly, and out of that original army which marched forth and threw itself in front of the columns of the German advance scarce a man lived to tell the story. England kept her faith, as we will keep our faith, as we must keep our faith if we ratify this treaty.

There is a little more in the correspondence.

M. Cambon to Sir Edward Grey, November 23, 1912:

You reminded me in your letter of yesterday, 22d November, that during the last few years the military and naval authorities of France and Great Britain had consulted with each other from time to time; that it had always been understood that these consultations should not restrict the liberty of either Government to decide in the future whether they should lend each other the support of their armed forces; that, on either side, these consultations between experts were not and should not be considered as engagements binding our Governments to take action in certain eventualities; that, however, I had remarked to you that, if one or other of the two Governments had grave reasons to fear an unprovoked attack on the part of a third power, it would become essential to know whether it could count on the armed support of the other.

Your letter answers that point, and I am authorized to state that, in the event of one of our two Governments having grave reasons to fear either an act of aggression from a third power, or some event threatening the general peace, that Government would immediately examine with the other the question whether both Governments should act together in order to prevent the act of aggression or preserve peace. If so, the two Governments would deliberate as to the measures which they would be prepared to take in common.

"Deliberate as to the measures!" I read yet again from the four-power treaty:

Communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately.

You can not escape it. The language of this treaty is in part borrowed, and the scheme of this treaty is completely foreshadowed or outlined in the method employed by Great Britain and France to arrive at an understanding. That understanding, as they afterwards construed it, resulted in an immediate marching of troops the moment one of the parties deemed itself in danger.

Now, Mr. President, I want to call your attention to the source of more of the language of this treaty, for, as a matter of fact, in the Anglo-French arrangement, arrived at through letters, and in the Anglo-Japanese treaty we find phraseology so identical with the instrument now presented to the American people that one is bound to conclude that they were drawn by some man who had studied those treaties and their language, and who deliberately adopted the set phraseology of those treaties because it would have a defined and certain meaning.

The Governments of Great Britain and Japan, actuated solely by a desire to maintain the status quo and general peace in the extreme east—

That is the object of this treaty, is it not?

Being, moreover, specially interested in maintaining the independence and territorial integrity of the Empire of China and the Empire of Korea, and in securing equal opportunities in those countries for the commerce and industry of all nations, hereby agree as follows.

Since the day when Pontius Pilate, with hypocritical lips and more hyprocritical acts, professing to believe in justice and to be unwilling to be a party to the crucifixion, washed his hands and said, "Take ye Him and crucify Him," was there ever a more hypocritical document written than this one which in 1902 was signed by Great Britain and France, in which they declared that it was their mutual purpose to maintain the independence and territorial integrity of China and the Empire of Korea?

How long was it after that when Japan seized Korea? How long was it after that they began the active work of slicing up China and of declaring by their acts that China was legitimate prey for every international wolf who saw fit to fasten fangs into the helpless body of China?

Shall we enter into treaties such as this? This is the treaty to which we are to become the fourth party, France in the meantime having also united. Of course, the language is not the same, but the purpose is the same purpose. The present treaty is to take the place of this treaty, which was written with the pen of hypocrisy and stained with the blood of the innocent.

I continue to read from the Anglo-Japanese treaty:

Having in view, however, their special interests, of which those of Great Britain relate principally to China, while Japan, in addition to the interests which she possesses in China, is interested in a peculiar degree politically, as well as commercially and industrially, in Korea, the high contracting parties recognize that it will be admissible for either of them to take such measures as may be indispensable in order to safeguard those interests if threatened either by the aggressive action of any other power, or by disturbances arising in China or Korea, and necessitating the intervention of either of the high contracting parties for the protection of the lives and property of its subjects.

In the event Great Britain or Japan, "in the defense of their respective interests * * * should become involved in war with another power, the other high contracting party will maintain a strict neutrality." They did not agree there, as we agree in this treaty, to fight together, to stand together, to consult

together, as to the best means of conquering the outside party. They simply agreed to maintain neutrality, each nation to "use its best effort to prevent other powers from joining in hostilities against its allies."

I spoke of the phraseology we find in the instrument now under consideration. That Anglo-Japanese treaty provided—

Whenever in the opinion of either Great Britain or Japan the above-mentioned interests are in jeopardy, the two Governments will communicate with one another fully and frankly.

There is not a word in that treaty about the two countries going to war together. Instead they agree to communicate with one another fully and frankly. Out of that treaty we get the language of the present instrument, which is—

The high contracting parties shall communicate with one another fully and frankly.

When they signed that treaty England and Japan knew what the language "agree to communicate with one another fully and frankly" meant. They were not engaged in child's play. They were not going to communicate about inconsequential things. When they said they would communicate with each other fully and frankly, they meant that they would arrive at an understanding as the result of any such communication, and that that understanding would bind them, just as though two men were to agree, if I may drop into the vernacular, "All right; if your house is attacked to-night, send me word. If my house is attacked, I will send you word." What does it mean except that each will go to the rescue of the other?

Later they revised the treaty of 1905, and they say that "believing that a revision of that agreement responding to such changes would contribute to general stability and repose, have agreed," and so forth. I omit parts of it. It continues:

Such stipulations having the same object—

That is, the stipulations of the treaty of 1905, which this is to replace—

Such stipulations having the same object as the said agreement, namely:

The consolidation and maintenance of the general peace in the regions of eastern Asia and of India.

Is not that the purpose of this agreement which is now proposed to us? It is its avowed purpose. That can not be denied.

I read from the four-power treaty:

With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean—

The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

The two treaties are substantially identical. Notice this language from the Anglo-Japanese treaty:

ARTICLE I. It is agreed that whenever, in the opinion of either Great Britain or Japan, any of the rights and interests referred to in the preamble of this agreement are in jeopardy, the two Governments will communicate with one another fully and frankly and will consider in common the measures which should be taken to safeguard those menaced rights or interests.

Article II of the four-power treaty reads:

If the said rights are threatened by the aggressive action of any other power the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

"To meet the exigencies of the particular situation" finds its parallel in the language of the Anglo-Japanese agreement "to safeguard those menaced rights or interests." There is absolutely no difference in the meaning; there is substantially no difference in the language.

It is true that later on in the Anglo-Japanese treaty it is stated, in article 5, that—

The conditions under which armed assistance shall be afforded by either power to the other in the circumstances mentioned in the present agreement and the means by which such assistance is to be made available will be arranged by the naval and military authorities of the high contracting parties.

But what does that add to the foregoing? It is merely a statement that the particular amount of power which each shall bring will be arranged by the military authorities. It would be so arranged without that statement. It adds not one jot or tittle to the preceding clause, and the preceding clause meant that under the Japanese treaty of 1902, as well as under the treaty of 1905, when they consulted together as to the best means to be employed, the best means, of course, meant the means which would be necessary. What means are practical against an enemy threatening your gates with his guns or invading your shores with his soldiers except other soldiers and other guns? They who consult as to the best means to be employed of course agree that they will select the best means. When the best means are selected it is pure idiocy to say they are not to be used; that when they are selected to be employed that they will not be employed.

Mr. OVERMAN. Mr. President, do the terms of this treaty, or this alliance, bind us in any way beyond the islands of the Pacific Ocean?

Mr. REED. Mr. President, that brings me now to the very theme I am about to discuss—the scope of the treaty.

In the first place, I am so reliably informed that I charge that on yesterday the Secretary of State admitted that the term "insular possessions" covered all parts of Japan, and it follows, therefore, that in so far as we are bound to protect any island anywhere we are bound to protect the entire Japanese Empire. The Japanese Empire is a group of islands. The language of this instrument is somewhat peculiar, "insular possessions and dominions," so that clearly, if Japan were attacked anywhere in any one of her islands, it would be an attack upon Japan. How else can we construe it? Each one of the islands constitutes Japan. There are larger islands and smaller islands, but no one of them constitutes Japan. She is a group of islands, a numerous body of islands. If, then, she were to be attacked in any one of those islands it would be an attack upon the Empire. She has, for instance, the following islands, and I give their area:

Principal islands.	Number of adjacent small islands.	Area in square miles.			
		Principal islands.	Adjacent small islands.	Total.	Per cent.
Honshiu	167	86,953	473	87,426	33.53
Shikoku	74	6,907	176	7,083	2.72
Kiushiu	150	13,870	1,833	15,703	6.02
Hokkaido (excluding the Chishima)	13	30,340	162	30,502	11.70
Chishima or Kurile Islands (31 islands)	.....	6,068	.....	6,068	2.33
Sado	.....	337	.....	337	.13
Oki	1	130	1	131	.05
Awaji	1	219	1	220	.08
Iki	1	51	1	52	.02
Tsushima	5	263	3	266	.10
Riukiu (55 islands)	.....	941	.....	941	.36
Ogasawarajima or Bonin Islands (20 islands)	.....	27	.....	27	.01
Taiwan (Formosa)	14	13,911	33	13,944	5.35
Hokoto (Pescadores)	63	25	22	47	.02
Karafuto (Japanese Sakhalin)	.....	.....	.....	13,253	5.08

The truth of the matter is that Japan, as I have said, is merely a group of islands, and when you touch one of them you touch the body of Japan.

But, now, answering more at large the question of my friend from North Carolina, is this more than an agreement that is confined to the Pacific? In its terms it is confined to the Pacific, to the islands or insular possessions of those countries in the Pacific; but has anyone stopped to think that the Pacific Ocean washes about two-thirds of the earth's surface; that Japan's insular possessions are strung along Russia and along China, and that England, France, and Japan together own all of the islands or claim practically all of the islands in the Pacific Ocean?

Now, let us suppose that some of these islands are attacked by some power and that thereupon we consult together and we come to the rescue of the country whose islands are being attacked. Suppose we do that. Does the Senator from North Carolina think—I am sure he does not—that the fight would be confined to that island? Certainly, the fight would not be started until it would be spread to every vessel of the two nations upon the sea, to their entire commerce, and to attack upon their mainland, if necessary.

Let us be practical. War is war, and once war has been started it can not be confined to a particular spot of earth. Do we need any other illustration than the events of the last few years? An Austrian archduke went across the line into Serbia. A single individual shot him. That was the spark that lighted the conflagration that blazed around the world. Germany fired upon our ships upon the sea. We might have confined our business to laying in wait for German submarines and sinking them in the ocean and restricted our operations merely to a naval war. But, sir, the very sensible doctrine was advanced that such acts meant war between the United States and Germany, and if we were to make war with the German Empire the time to make it was then and the place to make it was on the soil of France or upon German territory, where already there were gathered the allied legions.

To talk of confining a war to the Pacific or to the islands of the Pacific would be childish, because a war once started is a war that involves both nations at least and all their members and all parties to the controversy wherever their trade and territory may lie. Was it not said by Macaulay that it was a

shot in the forests of America that was heard around the world and lighted the conflagration that consumed Europe for many years? This alliance for the control of the Pacific, if it is ever violated by any outside power, means that the war will be fought wherever the two antagonists can meet. We might as well understand that.

Mr. President, let me draw a line of distinction between ordinary treaties and alliances. The line is perfectly clear. In an ordinary treaty between two nations, each acting independently and for itself, stipulates that it will do a particular thing or follow a particular line of conduct with reference to that particular nation and its own rights. There are two or three or four parties to the conference, but each has made an agreement for itself which is complete within itself and which does not bind any of the nations to submit their affairs to the arbitrament or decision of the other parties to the treaty. If either party to the treaty violates it the other party has the right to withdraw.

That is the exercise of sovereignty by a country. It is not the surrender of sovereignty. When we agreed with Great Britain that we would not place fortifications along the Canadian line and Great Britain agreed with us that she would not place fortifications there we were each exercising our sovereignty. Each nation was in complete control of the situation for all time and was bound only to keep the faith of its promise.

How different it would be if we had agreed between England and half a dozen other countries that the question of fortifications in the future should be referred to a vote or decision of the other countries. In that case we would no longer be determining our own policy. It would be determined for us by the votes of outside powers. We would have surrendered to that extent our control over our own affairs. We would to that extent have forfeited our sovereignty, for we would have transferred to the decision of outside parties the right to control our course of conduct.

Let me give a very simple illustration involving two farmers. They have a dispute over a line fence. They may not be able to agree as to just where it should be put, so they make an arrangement that they will allow a certain line to be the line between them, having the right between them of either of them to withdraw, upon proper notice, from that agreement. In that event each is perfectly free to act, each does act for himself, and each can withdraw from the agreement whenever he may desire to do so. In that event each one of them still is master of his own destiny and his own fate.

But suppose those two farmers were to agree that they would leave the location of that line to every tramp who happened to come along and ask for dinner or to every wayfarer who came along. Then the control of the line would no longer be in their hands, but they would have surrendered the right to decide it.

So when we make a treaty with any nation, no matter what we agree to do, it rests upon the honor of that nation and upon our honor as to whether it shall be carried out. In the construing of that treaty we always act freely and independently, and if the other party to the treaty gives it a construction which we believe is inimical to our interests and which we believe is unjust we have the right always to denounce the treaty, we have the right always to demand arbitration or some means of settlement. However, if we enter into an arrangement to which there are several parties, and agree to leave the settlement to the vote or decision of the several parties, then we no longer control ourselves, but we are controlled by the votes of outside parties. Let us apply that to this case.

We are entering into an arrangement with three other powers. We agree to a certain line of conduct. We agree that in the event there is outside disturbance we will consult together as to the best means of repelling the enemy. When we consult together as to the best means, when the nations meet for that consultation, how is the question to be determined? If we have made this agreement in good faith, are not we compelled to abide by the majority decision of the body? Do Senators find anything in this instrument that says that no party shall be bound except with its consent? It is not there. Do Senators find any provision requiring a two-thirds vote in order to be binding? It is not there. In consequence we have entered into a copartnership with these nations, and the decision of a majority would be a decision binding upon us. Let no man deny that on the other side of the Chamber, for upon the other side of the Chamber it was urged in the inception of the debate upon the League of Nations that a majority vote could bind. It was so urged by the distinguished leader upon the other side, if my recollection serves me right; and the point was so well taken that the league covenant was amended, requiring a two-thirds vote in certain cases and certain other votes in other cases.

We therefore find ourselves agreeing to consult together and to determine what course of conduct shall be pursued to repel a force that disturbs the peace of the Orient. In what posture would the United States be if, having ratified the treaty, the four powers meet to determine what course of conduct shall be taken, and the United States were to say, "Though three of you have voted in favor of a particular course, we refuse to carry out that decision"? Would it not be taken before all the world as a repudiation of the treaty? Does the language mean that the four nations shall proceed only by unanimous consent? If so, then no country is bound, no nation is held; all are perfectly free to act, and the treaty results in a cipher.

Mr. CARAWAY. It is a scrap of paper.

Mr. REED. Yes. A treaty binding nations to consult and agree upon a course of conduct and at the same time providing that a majority, or some majority, shall not determine that course of conduct; an agreement to agree to nothing.

Will the proponents of this treaty accept an amendment or reservation providing that the United States shall never be bound unless the United States shall vote for the particular proposition under consideration? If they do, of course, every other country will claim the same right. Then the whole force of this instrument will vanish.

What, then, is this treaty? It is a quadruple alliance. It has every element of an alliance which can be found in the Anglo-Japanese alliance; it has every element of alliance which can be found in the triple alliance recently in operation between Germany, Austria, and Hungary; it has every element of alliance which can be found in the Holy Alliance; and it has every element of alliance which can be found in the quadruple alliance of other days. It is merely a new quadruple alliance. The man who will deny that will be put to more quibbling than any ignorant lawyer ever adopted in a justice's court.

What is the scope of the treaty? I have already said that it embraces all the islands of the Pacific, and it embraces Japan itself; but what is the meaning of that scope? A war can not be waged upon the mainland between two parties for any considerable length of time but an attack upon the insular possession of that country is inevitable.

In the World War there lay Germany; France stood facing her; only the red line on the map was between them. There were the armed battalions; there was to be the scene of conflict; there the bloody strife was to be; yet on almost the first day of that war England struck Germany in the Orient; Japan mustered her brown soldiers and proceeded to make war upon the possessions of Germany. The war began on the mainland, but spread to the insular possessions within, I think I may say, 48 hours after the first shot had been fired.

And so when men talk of confining a war to islands or a war on the mainland to the mainland, they talk in the prattle of children; it is not so.

Let us see why we are asked to enter into this treaty; let us inquire why it is that Japan and Great Britain are yielding up their Anglo-Japanese alliance; and let us inquire as we go along what the Anglo-Japanese alliance indicated as to the purposes of England and Japan with reference to the United States and the remainder of the world. That secret alliance called upon these countries to make war upon any other country interfering with what they designated their rights in the Orient. We had rights in China—the right to trade; the right to the open door. They were asserting a right to do something more—to control that country, to partition it. They had well-defined policies of invasion, which were afterwards wrought out by Japan when she overwhelmed Korea, in which in that very treaty she had solemnly said she intended to protect. They were wrought out in the insistent demand upon the part of Japan for the seizure of Shantung, which she told all the world when we were here discussing the League of Nations, she was ready to vacate and did not desire to hold and would vacate, but not one foot of which she has vacated. It was an alliance distinctly inimical to American interests. It was the agreement of Great Britain and of Japan, in the event we ever interfered in any way with the possessions or policies of either of those countries in the Orient, that Great Britain, with her mighty fleet, would join with Japan in war.

Now, let me ask you, sirs, to use a little common sense for just a moment in regard to that. Suppose that we had a controversy with Japan over the question of immigration, and suppose that Japan had violated her agreement with reference to immigration, as the Senator from Washington [Mr. POINDEXTER] alleged she had done by placing in the record a document on yesterday. Suppose that such action should have resulted in a conflict between this country and Japan, what then?

We would have been met by this situation: We would have gone to grips with Japan. The war would have been on the ocean. We would have undoubtedly moved to the attack, and the attack would have been on Japanese vessels in Japanese waters protected by Japanese guns, so far as could be. It would have involved us in a complete onslaught upon everything that was Japanese, just as, if the tables were turned and they were able to do so, they would have attacked us from every direction possible.

In the event we had gone to grips and gone to attack Japan, though she was the aggressor in the conflict originally, what would have happened?

Article 1 of the Anglo-Japanese treaty:

It is agreed that whenever, in the opinion of either Great Britain or Japan, any of the rights and interests referred to in the preamble of this agreement are in jeopardy—

Any of the rights—

the two Governments will communicate with one another fully and frankly, and will consider in common the measures which should be taken to safeguard those menaced rights or interests. * * *

Article 5:

The conditions under which armed assistance shall be afforded by either power to the other in the circumstances mentioned in the present agreement, and the means by which such assistance is to be made available, will be arranged by the naval and military authorities of the high contracting parties, who will from time to time consult one another fully and frankly upon all questions of mutual interest.

Mr. President, it would have been impossible for Great Britain to have observed the terms of that treaty in case of a war between the United States and Japan without immediately casting her lot with Japan. Suppose, in carrying on that war, we should have endeavored to secure an uprising in China. China would immediately begin to interfere with Japanese rights on the seas; and so, again, Great Britain would have been drawn into the struggle. Now, we are asked to put our name to a document having exactly the same purposes. The only difference is that we become a party to the treaty.

There is the most imminent reason to believe that it will not be long until Japan and Russia must come to a settlement. It may be 5 years; it may be 10 years. Certainly he who prophesies with reference to the future of nations is guilty of an act of great temerity; yet I have no doubt that the 180,000,000 Russian people will eventually protect their soil, and when they do they will strike at the insular possessions of Japan that lie at their door. When that time comes, if we ratify this treaty, it will be our duty to send our ships and our men to defend and support Japan. We are asked to enter this treaty to protect the holdings of Japan and England and France in the Orient.

Again, sir, imagine that China should some day find her muscles grown taut as steel, the old fires of the past blaze again in her heart, and her people awaken and say, "There shall be an open door; through that open door we will cast out our oppressors, and through it also we will receive the trade and commerce of a friendly world." Suppose they were to attack the Japanese, who are now standing there, as I have said, with their hands upon China's throat. How long would it be until insular Japan would be brought in question, and until the peace of the Pacific would be disturbed? When that time came, if we kept faith, we would be obliged to throw the legions of America into the conflict against a peaceful, inoffensive, and friendly people.

We have heard much in the previous debates of the rape of Shantung. This makes us a party to that rape. This makes us a guarantor that the rape shall be not only consummate but unpunished. Ratify this treaty, and you sign the death warrant of China. Ratify this treaty, and you guarantee Japan in the possession of the islands she recently acquired. Ratify this treaty, and you make yourselves a second-rate power in the Pacific; for the union of Japanese and British fleets, bound as they are by their past interests and by their present interests, will dominate the waters of the Pacific.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. REED. I do.

Mr. SHIELDS. I should like to ask the Senator what would become of the Philippine Islands, which practically constitute the insular possessions of the United States in the Pacific, in the event the United States carries out the assurances that it has in effect given the Filipinos to grant them their independence as soon as they are able to govern themselves? When that independence is granted, those islands will no longer be the insular possessions of the United States. Will they be open prey to the Japanese or any other aggressive nation in the Orient?

Mr. REED. I should think we would meet and consult together. There would be three votes against us, and Japan or Great Britain would take them.

Mr. SHIELDS. They would then no longer come within the protection of this treaty, when the United States had granted them their independence.

Mr. REED. Oh, certainly not.

Mr. SHIELDS. They would no longer be our dominions or possessions.

Mr. REED. Certainly not.

Mr. President, let me tell you what controls nations, outside of our Nation—interest. Nations act together from mutual interest. Where are the mutual interests in this case? England took, as the result of this war, all of the islands held by Germany south of the Equator. Japan claimed to take all of the islands north of the Equator. In a controversy in which the United States opposed the rights of either, each would of necessity stand by the other; for if the United States were to say to England, "We protest against your claiming dominion over these islands, taken as the result of the last war," and Japan were to vote with the United States, Japan would know that the next day, when we protested against Japan claiming the islands north of the Equator, England would immediately vote with the United States and against Japan. Each of them being in the possession, I will not say of stolen goods, but of the spoils of war, they must stand together, and they will stand together.

Again——

Mr. STANLEY. Mr. President——

Mr. REED. I yield to the Senator from Kentucky.

Mr. STANLEY. While the Senator is on that subject, and not to divert him, he speaks of every nation except the United States being governed by interest. Assuming that all the high contracting parties to this treaty were as altruistic as we are, has Japan or France or England the same opportunity that we have to determine whether they will remain at peace or go to war?

What I mean is this: Germany may, when she gets stronger, determine to even up the score. Japan has her quarrel with China. The Empire of Great Britain is threatened with revolts which it would prevent if it could. In the event that these countries are invaded and war is made upon them—as it probably will be—what, then, would be the effect of this treaty upon the conduct of the United States?

Mr. REED. The very moment of disturbance in the Pacific Ocean we would be in the war, if we kept the faith.

Mr. President, we may do all the quibbling possible, but the Senator from Massachusetts [Mr. LODGE] stated the matter rightly when we were discussing the Versailles treaty:

There is to me no distinction whatever in a treaty between what some persons are pleased to call legal and moral obligations. A treaty rests and must rest, except where it is imposed under duress and securities and hostages are taken for its fulfillment, upon moral obligations. No doubt a great power impossible of coercion can cast aside a moral obligation if it sees fit and escape from the performance of the duty which it promises. The pathway of dishonor is always open.

If we make this treaty we must observe it, and we must observe it in its spirit.

I can not refrain at this time from calling attention to a remarkable situation.

We entered this war by the side of France. We had many things in common with her in our history, in the attachment of our peoples, and finally in the common spending of the blood of both nations in the great struggle with Germany. The former President brought to us a treaty providing that in case France were in the future unjustly assailed by Germany we would go to the rescue of France. There were many arguments in favor of that proposition, but the alliance between France and the United States for the protection of France against the country which had been our common enemy was refused consideration in this body. Now we are asked to enter into an alliance with Japan, Great Britain, and France, to protect their interests in the Orient, and France and Great Britain have not one foot of interest in the Orient except the title to property which they wrested by force, and except, of course, the right of trade, which is common to all nations.

Mr. SHIELDS. I believe the French treaty was conditioned on the consent of the League of Nations. We had to get their permission.

Mr. REED. Yes; that is true.

We would not make a treaty with France to protect her from Germany, but we propose to make a treaty with Japan to protect her in her loot gathered in the Orient. I wonder how much sugar-coating it will take to make that pill acceptable to Senators on the other side who were against the Versailles treaty and who were against the French treaty.

It has been suggested by the Senator from Tennessee that I discuss the relations of this treaty and the Versailles treaty. I am too weary to do that to-day, but shall undertake it later. I do want to say, however, that I think I know of an illustration of the way we will be situated with reference to the Versailles treaty if we enter into this treaty. There were once two unfortunate creatures in the world known as the Siamese twins, Chang and Eng. It is recited that they were united "between the xiphoid cartilages by a thick fleshy ligament having the navel on its lower border." One of them died and the other poor fellow found that he could not have the link which united them severed, and so Chang died because Eng died.

It is also said that one of them—I think it was Eng—was very intemperate, and used to get drunk and cut up all sorts of capers when he was drunk, and the other partner was a prohibitionist, and he found himself tied constantly to a drunken associate by this indissoluble bond of flesh.

It serves to illustrate my point. The three powers with which we propose to make this treaty are members of a European-Asiatic league of nations, with governing bodies asserting the right to interfere in every controversy affecting the peace of the world. The express language of article 3 and article 4 asserts that jurisdiction. Article 3 provides:

The assembly may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

In article 4 it is recited that—

The council may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

Here, then, is asserted a world-wide jurisdiction in the league, with two governing bodies specifically authorized to interfere in any matter affecting the peace of the world.

Japan, France, and Great Britain are members of that league, and if the league were to determine to interfere in the Pacific Ocean in a way that was, in our opinion, offensive or detrimental to us, Japan, France, and Great Britain, under the command of the league, might be ordered to take the field against us, and they would be obliged to either break faith with us or to break faith with the league. I shall not discuss that further at present than to barely mention it.

Mr. President, I do not intend to end this discussion without inquiring somewhat as to the good faith we look for in the carrying out of campaign pledges and promises. Here is an agreement which it is proposed to enter into, under which we will consult with these nations—England, France, and Japan—as to the best means of repelling invasion in the Pacific. When that consultation is held there must be a decision, and, as I have said, the decision necessarily will be by a majority vote, because there is no other provision. To hold that the means are not to be decided by a majority vote is to hold that any one of the powers at any time can refuse its assent, and thus render the entire transaction nugatory. We therefore do agree to be bound by the actions of others, and to permit others to tell us what our course of conduct should be.

In that connection let me read to the Senate this statement:

I would not care to undertake to say to Great Britain what she must do, any more than I would permit her to tell us what to do with the Philippines.

But we are permitting her to tell us what we can do with the Philippines. This tribunal, which sets itself up to consult and determine with reference to the Pacific, can take up the questions of fortifications, and undoubtedly will take them up.

Who was it who said that he would not permit Great Britain to tell us what we could do in the Philippines? It was Senator Harding, at Des Moines, Iowa.

Again, there are those who say that this treaty binds us to nothing, and yet we find its language almost identical with the language contained in article 10 of the covenant of the League of Nations, which it was asserted did not bind us, because it was said in article 10 that—

In case of any such aggression, or in case of any threat or danger of such aggression, the council will advise upon the means by which this obligation shall be fulfilled.

It was argued on both sides of the Chamber by proponents of the league that the word "advise" did not bind us; that all we agreed to do was to sit down and consult, and we did not agree to do anything after we had consulted. That was the claim they made at that time.

The answer was that the language must be honestly construed. So the present President of the United States, then a candidate, said at Kansas City:

We would have to keep our promise or sneak out of it. Let no one be deceived. The choice would be war or American dishonor. America will never countenance the cynical doctrine that a treaty is a mere scrap of paper.

The language of article 10, "the council shall advise upon the means by which this obligation is to be fulfilled," does not parallel in its strength and its directness the provisions of this treaty, which declares that—

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

In speaking of this same article 10, Senator Harding, on board his train on September 29, 1920, gave out this interview:

We can not pin our faith to hazy visions of the future without putting out of mind the stern realities of the past. It would be the appointee and representative of the President, not of Congress, nor of the people, who would either acquiesce in or reject a proposition of the council of the league to uphold by force of arms the cause of one power against another.

Treating the language of article 10 as implying that we should go to war at the command of the council of the league, and treating it correctly in that way, as I believed then and as I believe now. Yet here we find the same kind of representation to which he then objected will be the kind of representation we will have on this body, and we find that the jurisdiction of this body to make war or demand war is undoubtedly much greater than could be evolved from the language of the league.

Again, we set up here a council of foreign powers with reference to all matters in the Pacific, do we not? Is there any man here who will deny that? If there is, then he would deny anything. But what did the candidate for President say then?

End one-man government and preserve national integrity from encroachment by a council of foreign powers.

That was in his inaugural address. He was already President and that was his first message to the people.

End one-man government and preserve national integrity from encroachment by a council of foreign powers.

And yet he proposes to turn over the Pacific Ocean, all our western coast being involved in it, all of the islands of the Philippines being involved in it. He proposes to turn them over to a council of four nations in which we will have one vote, a vote exactly equal to that of Japan, except that Japan will have the influence of Great Britain, which we do not possess, an influence because their interests in the Orient are in common, and France will have a somewhat similar interest, for she has been in the land-grabbing business for some years herself.

We have deliberately agreed to sit down at a table and work out policies of government and control which apply to all the islands of the Pacific, to all the waters of the Pacific, to all the nations of the earth, properly construed. We agree to sit down and consult with other nations and plan and agree upon plans concerning the future course of the conduct of ourselves and the other nations. We do that, do we not? What is that but an alliance? What is it but an entangling alliance? And yet we find this language:

Confident of our ability to work out our own destinies and jealously guarding our rights to do so, we seek no part in directing the destinies of the Old World. We do not mean to be entangled. We will accept no responsibility save as our own conscience and our judgment in each instance may determine.

That is the situation of the United States to-day. That is the situation I contended for in my weak way for many weeks and months, that we should remain free, to "accept no responsibility save as our own conscience and our own judgment in each instance might determine."

Now, it is proposed that as to half the waters of the world, as to all the questions which may spring up in the Orient, for they are all involved, possibly as to every war of any importance which may hereafter be waged, we no longer determine for ourselves, for we sign a treaty to sit down with a Britisher, with a Frenchman, and with a Japanese, and at that conference table to determine in concert with them. We are to-day free to act. This body of diplomats meeting here in Washington are each free; no one is compelled to sign any treaty; but once they put pen to paper and pledge the faith of their countries to a common course of action and to a governing body to determine that course, or a method by which it can be determined by the representatives of the various nations, they are no longer free to walk their own road and determine their own course of conduct.

How would you feel, Senators, if, when this conference met here to determine the size of the navies of the world, we had known in advance that they should meet in secret and have a secret vote on the number of ships the United States might have, and that they might by their vote make us a fourth-rate naval power? That would have been the case if we had agreed in advance by treaty to call this conference and to abide by the results of the conference. But when these gentlemen met, each representing his respective nation, each was free to come in or

stay out. Once we sign this treaty, in so far as questions coming within its purview are concerned, we are no longer free to determine the question as our conscience dictates, as the President said was his policy, but we are left to have it determined for us by others. I wish we could bring the President back to that sound, solid ground, the ground that Washington took:

We sense the call of the human heart for fellowship, fraternity, and cooperation. We crave friendship and harbor no hate.

Beautiful words and very true, although I could always get enough fellowship somewhere within the confines of the United States. I never found myself getting homesick for some foreign stepmother. We have been indulging in a good deal of verbal mush lately, talking about our hearts longing for fellowship with countries we never saw and with people whose language we can not understand. It would be more consistent with good sense if we said: We respect the peoples of other lands; we accord them their rights; we ask them to respect us and our rights. However, I do not make a point of that. We always allow for a little oratorical extravagance in a political campaign.

President Harding said:

We sense the call of the human heart for fellowship, fraternity, and cooperation. We crave friendship and harbor no hate. But America, our America, the America builded on a foundation laid by the inspired fathers, can be a part of no permanent military alliance.

That is what this treaty is.

It can enter into no political commitment nor assume any economic obligations nor subject our decision to any other than our own authority.

Yet what are we asked to do here? We are asked to enter into a quadruple alliance to control the Pacific Ocean and the Orient, and to make that alliance with the only nation that has shown an ugly set of teeth toward us in many a year. I, of course, except our war with Germany.

Again, Memorial Day, May 30, Arlington, amidst the holy graves where patriotic souls forever rest:

I counsel no selfishness, no little Americanism, no mere parochialism, when I urge that our first duty is to our own. Our maintained freedom is the source of our rights.

Now, get this sentence:

Only the American conscience may command this Republic.

This is an American sentence that ought to be chiseled in the granite, it ought to be preserved in imperishable bronze. That sentence ought to be written in the hearts and conscience and soul of the American people.

Only the American conscience may command this Republic.

But it is proposed here that we shall enter into an agreement which I say no honest man can deny binds us to submit great and vital questions to the arbitrament of three other powers associated with us. Not the American conscience in that case, but mayhap the Japanese conscience will command us.

It will be replied that we do not bind ourselves to do anything. Then I demand we shall write that in the face of this document.

It will be said that we are still free to come or go at will, to act or refuse to act, and under no obligation, direct or implied, moral or otherwise. If so, I demand that it be written in the face of this document. If I were to write it in the face of this document, I would defeat the very purpose of those who prepared the document.

What would have happened had we gone into the League of Nations? I opposed that instrument; many eminent Senators supported it. I thought I saw in the arrangement a situation where the United States might be outvoted, and our interests sadly crippled, but other Senators thought it safe to submit our interests to such a body. Of course it was at first asserted then, as it is now asserted, that there was no governing body, and that there was no power to bind; but this much could be said for the League of Nations—and I am speaking now as one of its opponents—that it did contemplate bringing in all the nations of the world. It therefore set up a body to compose, if possible, all difficulties, and there was always a chance, if we found ourselves menaced, that the conflicting interests of the various nations would be such that there would be nothing done that would injure us. That was an argument to which I did not want to trust my country, but others were willing to do so. I retract no word of what I then said, but that league did have a governing body; and if anything is to function outside of mere conference, where mutual good will may be worked out, there must be a governing body. Yet, speaking with reference to that body, Mr. Harding, on July 22, 1920, said:

The Republicans of the Senate halted the barter of independent American eminence and influence which it was proposed to exchange for an obscure and unequal place in the merged government of the world—

This is the "merged government" of the Pacific, in which we have perhaps numerically an equal place, but he who declares that the United States is entitled only to an equal place with Japan in matters which concern American interests, in my judgment, speaks a language which can not be understood by the American electorate.

Our party means to hold the heritage of American nationality unimpaired and unsurrendered. * * * Our sympathy for Europe only magnified our own good fortune in resisting involvement.

Now, it is proposed that we shall become involved.

It is better to be the free and disinterested agent of international justice and advancing civilization, with the covenant of conscience, than be shackled by a written compact which surrenders our freedom of action and gives to a military alliance the right to proclaim America's duty to the world.

This is the same proposition, except that it is limited to the Pacific; and, as I have already said, war can not be limited to the waters of the Pacific any more than smallpox may be limited by the red line on a map. Mr. Harding continued:

No surrender of rights to a world council or its military alliance, no assumed mandatory, however appealing, ever shall summon the sons of this Republic to war. Their supreme sacrifice shall only be asked for America and its call of honor. There is a sanctity in that right we will not delegate.

What do we agree to do in this treaty? It provides:

If the said rights are threatened by the aggressive action of any other power—

That is, if the rights of the high contracting parties, or any of them, in any of their insular possessions or dominions, are threatened by the aggressive action of any other power—

The high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

The nation that ratifies that agreement and does not make good stands dishonored; and the nation will not make good unless it employs the most efficient measures to meet the exigency.

The exigency is war, and there has nothing yet ever been efficient in war except men and metal and poison gas and aitplanes and bloody swords and battles to the death. Of course, a pettifogger can distinguish, but a man who looks this contract in the face will not try to pettifog.

Mr. President, just one or two more quotations from President Harding. I speak of him with great respect, and it is my respect that puts a bridle on my tongue to-day. What has been our habitual traditional policy? It has been read many times, but it ought to be read many times more. Here I propose to tie the cord so tight that there will be only one escape by the President, and that is by the same method employed by a certain gentleman named Alexander, who cut the knot which he could not untie. I quote from the immortal Farewell Address of George Washington:

Against the insidious wiles of foreign influence, (I conjure you to believe me, fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

There were engagements then made.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, of a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it—

Having reference, of course, to the old treaties then existing.

Mr. President, that was the traditional policy of America; that meant no treaties of alliance; that meant to stay at home and attend to our own business; that meant that we were strong enough, or would soon be strong enough, to maintain our rights and defend our neutrality; that meant no entanglements, no

alliances, no agreements in the nature of alliances. It was the fine doctrine under which we prospered. It was our traditional policy. Now, let me read another extract. On September 11, 1919, this language was used by Mr. Harding in the Senate in speaking of the proposed Versailles treaty:

It was an unspeakable thing to abandon our "habitual and traditional" policy and seek entanglements in Old World controversies then, when actual conflict was threatening our very safety, but only the selfishness or ignorance of a spirit of bolshevism is debating it now. Surely, the American people will not compare without understanding.

I repeat, "it was an unspeakable thing to abandon our habitual and traditional policy."

Involvement piles upon involvement and responsibility upon responsibility until independence of action fades into precious memory and nationality becomes a lost inheritance.

He was discussing the proposed alliances with other nations.

We do not need Europe or Asia to define our moral obligations; we do not need the Old World to quicken the American conscience.

Again:

To adopt any other policy, to call an international council to destroy the American spirit, would rend the life of the Republic.

But it is all right to get a Jap and a Britisher and a Frenchman off here to agree on what America shall do in half the world.

But suppose it makes for the promised peace, I still prefer, and the great majority of Americans still prefer, to be the keepers of our national conscience and let Europe pass upon its moral obligations while we righteously meet our own.

Again:

I have a confidence in our America that requires no council of foreign powers to point the way of American duty. We wish to counsel, cooperate, and contribute, but we arrogate to ourselves the keeping of the American conscience and every concept of our moral obligations.

Mr. SHIELDS. Mr. President, will the Senator state from whom he read the last quotation?

Mr. REED. All the quotations I have been reading were from Mr. Harding when he was a candidate, or from George Washington. There would be some difficulty in distinguishing some of his statements from those of George Washington, except as one is acquainted with Washington's exact words, because many of them were absolutely in consonance with Washington's statements. I am wondering just how they are to be squared to-day with Washington's statements or with Mr. Harding's statements.

For myself, I appeal from President Harding to Mr. Harding, from the holder of the office to the man who sought the office, from the gentleman surrounded by the intriguing diplomats of foreign powers to the man surrounded by a sea of American faces when he was standing for their suffrages. No matter what is done in this controversy, it will go to the American people again. It will go there already defeated in its principles, and it will go there with a full understanding on the part of the American people that it has all of the vices charged against the treaty of Versailles, and not one of its virtues.

Of course, it is ushered in with all the incense and the red lights. It was to be accepted at once in the Senate. I repeat the expression of yesterday: Everybody was in favor of peace. Everybody was in favor of reducing armaments if it could be done in such a way as to leave our country reasonably safe. That is what this conference was called for; and upon that course, which everybody favored, they have tied a quadruple alliance—an alliance with the only power that has been acting in an unfair way toward America; an alliance with a nation that has impudently asserted the right to land her people upon our soil and to interfere with the right of the sovereign States of the Pacific coast to pass laws regulating the landholdings of aliens, although that right has been exercised in America by the American States ever since we have had an American Government. The Senator from Washington [Mr. POINDEXTER] spoke here as the defender and sponsor of the contemplated alliance with Japan, but no sooner had he taken his seat on day before yesterday than he put into the RECORD an assertion that Japan had broken faith and was now breaking faith with the United States.

I wonder what the people of the Pacific coast think of their new protector. I wonder how much confidence springs to the hearts of the American people when they think: "If any of our possessions in the Pacific should be attacked, we have Japan to rely on." With what serene confidence we could go to bed at night and say, "Japan is looking after the Philippines"! Why not junk our Navy altogether, and just trust this whole thing to Japan and Great Britain?

What do we receive from this treaty? I am not referring to the matter of disarmament, as we sometimes call it, though it is a misnomer—the reduction of armament. Of course, we suffer most by that; but I am not discussing that question. What do we get out of the treaty of alliance? We have no oriental possessions except the Philippine Islands. We ought to give the Philippines their liberty, and I am in favor of doing it. We have two or three coaling stations. We have trade in China, as we have with every other country in the world; but is it seriously menaced; and if so, is it protected by this treaty? If it be menaced, then who is menacing it? Our new ally and Great Britain are the only countries that are pretending to assert any authority that could menace it. If we were entirely shut out of China to-morrow, it would mean some loss of trade; but the nation closing the door of China in our face could be brought to time very speedily, for it is much more important to that nation to have trade with the American Republic than it is to shut America out of the trade of China.

What, then, do we get? Substantially nothing.

What do the other parties to this compact get? All the islands of the Pacific Ocean, outside of the Philippines and the Hawaiian Islands, are owned by these other nations, or controlled by them, or claimed by them. They get our contract to defend these islands that are "scattered like lilies" over the ocean. They get our contract to defend the whole domain of Japan; for, as I have shown, Japan is all insular. They get our contract to preserve their peace, even though China might rise some day to demand back the loot. They get our contract to defend these islands, even though Russia should some day seek to drive the Japs from her soil, and in so doing to take possession of islands along her coast. They get our contract that we, with our men and our money, with our blood and our treasure, with our Army and our Navy, will respond to the "understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular occasion"—which is a war, as shown by the context.

Why, then, should we make this treaty? What good sense is there in making this treaty? Is it to get rid of the Anglo-Japanese alliance? If it be true that Great Britain, notwithstanding our ties of blood and our ties of language and of trade, notwithstanding all the professions of friendship and brotherly love we have heard in the last three or four years, has a treaty with Japan which menaces the American Republic, then let us know it, and I want no treaties with Great Britain after that. If that be the temper of their spirit, if that be the thought in their hearts, if that be their purpose toward us, then the more complete our divorcement and the sooner it comes the better for this Republic.

Mr. President, I have kept the Senate an unconscionable length of time, and there are other questions just as important as those I have discussed to come up. I thank the Senate for its attention. I know other Senators will give this matter very careful and patient attention.

Mr. CURTIS. Mr. President, I desire to state that so far as the friends of this treaty are concerned, they will not discuss its provisions until it is submitted to the Senate for consideration.

TRADE WITH CHINA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China.

Mr. CUMMINS. I ask that the pending question be stated.

The VICE PRESIDENT. The Secretary will state the pending question, which is the amendment in the nature of a substitute reported by the Committee on the Judiciary.

The amendment reported by the Committee on the Judiciary was to strike out all after the enacting clause and to insert:

That this act may be cited as the "China trade act," 1921.

SEC. 2. When used in this act, unless the context otherwise indicates—

(a) The term "person" includes individual, partnership, corporation, and association;

(b) The term "China" means (1) China, including Manchuria, Thibet, Mongolia, and any territory leased by China to any foreign Government; (2) the Crown Colony of Hongkong; and (3) the Province of Macao;

(c) The term "China trade corporation" and "corporation" means a corporation organized under this act;

(d) The term "Federal district court" means any Federal district court, United States Court for China, and the Supreme Court of the District of Columbia; and

(e) The term "Secretary" means the Secretary of Commerce.

SEC. 3. Five or more individuals (hereafter in this act referred to as "incorporators"), a majority of whom are citizens of the United States, may, as hereinafter in this act provided, form a corporation for the purpose of engaging in commerce between the people of the United States and the people of China. The incorporators may adopt articles of incorporation which shall be filed with the Secretary and may thereupon make application to the Secretary for a certificate of incorporation in such manner and form as he shall by regulation prescribe. The articles of incorporation shall state—

(a) The name of the proposed China trade corporation, which shall end with the legend, "Federal Inc. U. S. A.," and which shall not, in the opinion of the Secretary, be likely in any manner to mislead the public;

(b) The location of its principal office, which may be anywhere in China or the United States;
(c) The particular business in which the corporation is to engage;
(d) The amount of the authorized capital stock, the designation of each class of stock, and the terms upon which it is to be issued, and the number and par shares of each class of stock;
(e) The duration of the corporation, which may be for a period of not more than 25 years, but which may, in accordance with the provisions of this act, be successively renewed for like periods;
(f) The names and addresses of individuals, a majority of whom are citizens of the United States, to be designated by the incorporators, who shall serve as temporary directors; and
(g) The fact that an amount equal to 25 per cent of the amount of the capital stock has been in good faith subscribed and paid (1) in cash, or (2) in accordance with the provisions of section 7, in real or personal property which has been placed in the custody of the directors.

SEC. 4. The Secretary shall issue a certificate of incorporation to the corporation certifying that the provisions of this act have been complied with and declaring that the incorporators are a body corporate, if (a) a fee not to exceed $100 has been paid to the Secretary, and (b) the Secretary finds that the articles of incorporation and statements therein conform to the requirements of, and that the incorporation is authorized by, this act. A copy of the articles of incorporation shall be made a part of the certificate of incorporation and printed in full thereon. Any failure, previous to the issuance of the certificate of incorporation by the incorporators, or in respect to the application for the certificate of incorporation, to conform to any requirement of law which is a condition precedent to such issuance, may not subsequent thereto be held to invalidate the certificate of incorporation or alter the legal statuts of any act of a China trade corporation, except in proceedings instituted by the Secretary for the revocation of the certificate of incorporation of the corporation.

SEC. 5. In addition to the powers granted elsewhere in this act, a China trade corporation—
(a) Shall have the right of succession during the existence of the corporation;
(b) May have a corporate seal and alter it at pleasure;
(c) May sue and be sued;
(d) Shall have the right to transact the business authorized by its articles of incorporation and such further business as is properly connected therewith or necessary and incidental thereto;
(e) May make contracts and incur liabilities;
(f) May acquire and hold real or personal property, necessary to effect the purpose for which it is formed, and dispose of such property when no longer needed for such purposes;
(g) May borrow money and issue its notes, coupon or registered bonds, or other evidence of debt, and secure their payment by a mortgage of its property; and
(h) May establish such branch offices at such places as it deems advisable.

SEC. 6. Each share of the original or any subsequent issue of stock of a China trade corporation shall be issued at par value only and may be paid for (1) in cash, or (2) in accordance with the provisions of section 7, in real or personal property which has been placed in the custody of the directors. When issued, each share of stock shall have indorsed on its face the portion of the par value thereof that has been paid to the corporation for such share. Except as to creditors, any share of stock represented by a certificate incorrectly indorsed or by a certificate indorsed with the statement that an amount equal to the par value of the stock has been paid to the corporation, shall be held to be paid in the amount of the indorsement; and any share of stock represented by a certificate not indorsed shall be held full paid and nonassessable.

SEC. 7. No share of stock of a China trade corporation shall, for the purpose of section 6 or of subdivision (g) of section 3, be held paid in real or personal property unless (1) a certificate describing the property and stating the value at which it is to be received has been filed by the corporation with the Secretary in such manner as he shall by regulation prescribe, and a fee to be fixed by the Secretary to cover the cost of any necessary investigation shall have been paid to him, and (2) the Secretary finds and has certified to the corporation that such value is not more than the fair market value of the property.

SEC. 8. The stockholders of every corporation shall be severally and individually liable to the creditors of the corporation in which they are stockholders, to the amount of unpaid stock held by them, respectively, for all acts and contracts made by such corporation, until the whole amount of capital stock subscribed for shall have been paid in.

SEC. 9. The by-laws may provide—
(a) The time, place, manner of calling, giving notice, and conduct of and determination of a quorum for the meetings, annual or special, of the stockholders or directors;
(b) The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors; but the number of such directors shall be not less than three, of whom a majority shall be citizens of the United States;
(c) The manner of calling for and collecting payments upon stock subscribed for, the penalties and forfeitures for nonpayment, the preparation of certificates of stock, and the manner of recording the sale or transfer of stock and its representation at stockholders' meetings.
(d) The manner in which stock of the corporation may be made assessable and the procedure for the forfeiture and sale of stock for delinquent assessments, but no such by-law shall be valid except it provide that the resolution declaring the stock assessable be approved by a vote of not less than two-thirds of the stock outstanding, at a meeting at which three-fourths of such stock is represented.

SEC. 10. (a) Within six months after the issuance of the certificate of incorporation of a China trade corporation there shall be held a stockholders' meeting thereof. Such meeting shall be called by a majority of the directors named in the articles of incorporation and each stockholder shall be given at least 90 days' notice of the meeting either in person or by mail. The holders of two-thirds of the voting shares shall constitute a quorum at such meeting authorized to transact business. At this meeting or an adjourned meeting thereof a code of by-laws for the corporation shall be adopted by a majority of the voting shares represented at the meeting.
(b) The following questions shall be determined only by the stockholders at a stockholders' meeting:
(1) Adoption of the by-laws;
(2) Amendments to the articles of incorporation or by-laws;
(3) Authorization of the sale of the entire business of the corporation or of an independent branch of such business;
(4) Authorization of the voluntary dissolution of the corporation; and
(5) Authorization of application for the renewal of the period of duration of the corporation.
(c) The adoption of any such amendment or authorization shall require the approval of at least two-thirds of the voting shares. No amendment to the articles of incorporation or authorization for dissolution or renewal shall take effect until (1) the corporation files a certificate stating the action taken, in such manner and form as the Secretary shall by regulation prescribe, and (2) such amendment or authorization is found and certified by the Secretary to conform to the requirements of this act.

SEC. 11. The directors designated in the articles of incorporation shall, until their successors take office, direct the exercise of all powers of a China trade corporation, except such as are conferred upon the stockholder by law or by the articles of incorporation or by-laws of the corporation. Thereafter the directors elected in accordance with the by-laws of the corporation shall exercise such powers. In the exercise of such powers the directors may appoint and remove and fix the compensation of such officers and employees of the corporation as they deem advisable.

SEC. 12. For the purposes of this act the fiscal year of a China trade corporation shall correspond to the calendar year. The corporation shall make and file with the Secretary, in such manner and form and at such time as he shall by regulation prescribe, a report of its business for each such fiscal year and of its financial condition at the close of the year. The corporation shall furnish a true copy of the report to each of its stockholders.

SEC. 13. The Secretary may, in order to ascertain if the affairs of a China trade corporation are conducted contrary to any provision of this act, of any other law, or any treaty of the United States, or the articles of incorporation or by-laws of the corporation, investigate the affairs of the corporation. The Secretary, whenever he is satisfied that the affairs of any China trade corporation are or have been so conducted, may institute in the Supreme Court of the District of Columbia proceedings for the revocation of the certificate of incorporation of the corporation. The court may revoke such certificate if it finds that the affairs of such corporation have been so conducted. Pending final decision in the revocation proceedings, the court may at any time, upon application of the Secretary or upon its own motion, make such orders in respect to the conduct of the affairs of the corporation as it deems advisable.

SEC. 14. For the efficient administration of the functions vested in the Secretary by this act, he may require, by subpœna issued by him or under his direction, (a) the attendance of any witness and the production of any book, paper, document, or other evidence from any place in China at any designated place of hearing in China, or, if the witness is actually resident or temporarily sojourning outside of China, at any designated place of hearing within 50 miles of the actual residence or place of sojourn of such witness, and (b) the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction, and shall then be subscribed by the deponent. The Secretary or any officer, employee, or agent of the United States under the jurisdiction of the Secretary and authorized in writing by him may administer oaths and examine any witness. Any witness summoned before the Secretary and any witness whose deposition is taken shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.
(b) In the case of failure to comply with any subpœna or in the case of the contumacy of any witness before the Secretary, or any person so authorized by him, the Secretary or such person may invoke the aid of any Federal district court, or the United States Court for China. Such court may thereupon order the witness to comply with the requirements of such subpœna and to give evidence touching the matter in question. Any failure to obey such order may be punished by such court as a contempt thereof.
(c) No person shall be excused from so attending and testifying or deposing, nor from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify. But no person shall be exempt from prosecution and punishment for perjury committed in so testifying.
(d) For the efficient administration of the functions vested in the Secretary by this act, he, or any officer, employee, or agent of the United States under his jurisdiction and authorized in writing by him, shall at all reasonable times for the purpose of examination have access to and the right to copy any book, account, record, paper, or correspondence relating to the witness or affairs of a China trade corporation. Any person who upon demand refuses the Secretary or any duly authorized officer, employee, or agent such access or opportunity to copy, or hinders, obstructs, or resists him in the exercise of such right, shall be liable to a penalty of not more than $5,000 for each such offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States, and shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 15. In case of the voluntary dissolution of a China trade corporation or revocation of its certificate of incorporation the directors of the corporation shall be trustees for the creditors and stockholders of the corporation; except that upon application to the Supreme Court of the District of Columbia by any interested party, or upon the motion of any court of competent jurisdiction in any proceeding pending before it, the court may in its discretion appoint as the trustees such persons, other than the directors, as it may determine. The trustees are invested with the powers, and shall do all acts, necessary to wind up the affairs of the corporation and divide among the stockholders according to their respective interests the property of the corporation remaining after all obligations against it have been settled. For the purposes of this section the trustees may sue and be sued in the name of the corporation and shall be jointly and severally liable to the stockholders and creditors of the corporation to the extent of the property coming into their hands as trustees.

SEC. 16. That the law of the State of California, except where contrary to the Constitution or any treaty of the United States or to this act or any other law of the United States, shall be regarded as the rule of decision in civil trials in cases originating in the United States Court for China or consular courts in China, against a China trade corporation or any stockholder, director, or officer thereof in his capacity as such, or trustee under the provisions of section 15.

SEC. 17. No stockholder, director, officer, employee, or agent of a China trade corporation shall make, issue, or publish any statement, written or oral, or advertisement in any form, as to the value or as to the facts affecting the value of stocks, bonds, or other evidence of debt,

or as to the financial condition or transactions, or facts affecting such condition or transactions, of such corporation if it has issued or is to issue stocks, bonds, or other evidences of debt, whenever he knows or has reason to believe that any material representation in such statement or advertisement is false. No stockholder, director, officer, employee, or agent of a China trade corporation shall, if all the authorized capital stock thereof has not been paid in, make, issue, or publish any written statement or advertisement, in any form, stating the amount of the authorized capital stock without also stating the amount actually paid in, a sum not greater than the amount paid in. Any person violating any provision of this section shall, upon conviction thereof, be fined not more than $5,000 or imprisoned not more than 10 years, or both.

SEC. 18. No (a) individual, partnership, or association, (b) corporation not incorporated under this act or under a law of the United States, or (c) corporation of the District of Columbia, shall engage in commerce among the several States or with foreign nations under a name in connection with which the legend "Federal Inc. U. S. A." is used. Any person violating this section shall upon conviction thereof be fined not more than $1,000 for each violation.

SEC. 19. The Congress of the United States reserves the right to alter, amend, or repeal any provision of this act.

The VICE PRESIDENT. The question is on agreeing to the amendment, in the nature of a substitute.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to authorize the incorporation of companies to promote trade with China."

Mr. CUMMINS. I move that the Senate insist upon its amendments and request a conference with the House of Representatives on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. CUMMINS, Mr. BRANDEGEE, and Mr. WALSH of Montana conferees on the part of the Senate.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. SMITH and Mr. KENYON addressed the Chair.

The VICE PRESIDENT. The Senator from South Carolina.

Mr. SMITH. Mr. President, I rose for the purpose of calling up the bill which the Senator from Iowa gave notice on yesterday he would call up. I yield to him for that purpose now.

Mr. KENYON. I move that the Senate proceed to the consideration of Senate bill 2263, a bill to amend the Federal reserve act, approved December 23, 1913.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with an amendment in the nature of a substitute.

Mr. SMITH. I offer an amendment to the bill in the form of a substitute.

Mr. KENYON. I think it is generally understood that we will not go ahead with the bill to-night, but that it shall be made the unfinished business. That is the general understanding of Senators.

The VICE PRESIDENT. It is the unfinished business.

Mr. KENYON. I will ask unanimous consent that it be laid aside temporarily, and restored before adjournment.

Mr. SMITH. In touching the point the Senator from Iowa is now discussing, it is the rule of the Senate that where a bill such as the one which is now the unfinished business has been called up and is temporarily laid aside, it does not lose its status as unfinished business.

The VICE PRESIDENT. That is the rule.

Mr. KENYON. I ask unanimous consent that the unfinished business, Senate bill 2263, be temporarily laid aside, to be restored before the Senate adjourns.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ADJOURNMENT TO MONDAY.

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate adjourns to-day it stand adjourned until Monday at 12 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

SNAKE RIVER BRIDGE.

Mr. JONES of Washington. I report back favorably without amendment, from the Committee on Commerce, the bill (S. 2831) to authorize the State of Washington to construct a bridge across the Snake River at or near Central Ferry in or about section 9, township 13 north, range 40 east, Willamette meridian, and I submit a report (No. 365) thereon. I ask for the immediate consideration of the bill, which is in the usual form.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the State of Washington be, and it is hereby, authorized to construct and maintain a bridge and approaches thereto across Snake River, at a point suitable to the interests of navigation, at or near Central Ferry, in or about section 9, township 13 north, range 40 east, Willamette meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVENUES OF THE DISTRICT OF COLUMBIA.

Mr. JONES of Washington. I desire to submit a resolution asking for the return of a bill from the House. After we had passed the bill relating to the fiscal system of the District of Columbia, and after it was enrolled and sent to the Printing Office, some changes were made in it, so that the bill which was sent to the House was not the bill passed by the Senate. In addition to that there was one word left out of the amendment offered by the Senator from Arkansas [Mr. CARAWAY] which everyone really understood and thought was in the amendment, and I desire to have that correction made when the bill is returned, so I ask for the adoption of the resolution I send to the desk.

The resolution (S. Res. 196) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the House of Representatives be, and hereby is, requested to return to the Senate the bill (S. 205) entitled "An act relating to the fiscal system of the District of Columbia, and for other purposes."

SUGAR IMPORTED FROM ARGENTINE REPUBLIC.

Mr. FRELINGHUYSEN. Mr. President, yesterday the Senate passed a joint resolution providing for the reimbursement to a sugar corporation of a certain sum lost by reason of an importation for the Government directly through the Department of Justice. I ask unanimous consent that the Senate may take up Senate joint resolution 79, authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic, which is similar in character to the joint resolution passed yesterday.

Mr. WILLIS. Mr. President, I do not desire to interpose an objection to the consideration of the joint resolution, but if the Senator expects an adjournment in any reasonable time to-day he had better put it off, because my understanding of the joint resolution is quite different from that which he entertains. I think it rests upon an entirely different basis from that of the joint resolution passed yesterday. I believe it will lead to a good deal of discussion, and I do not believe the Senate wants to go into that at this time of day.

Mr. FRELINGHUYSEN. I was present during most of the debate on the joint resolution which was passed for the benefit of the American Trading Co. and have read the report of the debates which took place in my absence and I know the circumstances in both of these transactions. I wish to say to the Senator in all sincerity and truth that, in my opinion, there is no difference between the two claims. They are both good-faith obligations of the Government and nothing else. The only difference is that one was a sugar corporation which managed the trade and the other was a shipping corporation which did not. I should like to know what the Senator's objections are to this claim.

Mr. WILLIS. That is what I am prepared to state to the Senator.

Mr. FRELINGHUYSEN. In what particular do the claims differ?

Mr. WILLIS. I do not like to undertake to defeat legislation, as the Senator knows, particularly legislation in which he is interested, by interposing an objection; but I think this joint resolution rests upon an entirely different foundation. The element of profit enters into this claim which did not enter into the other. I think a very clear line of cleavage is distinguishable between the two, and if the joint resolution is taken up it will take considerable time.

Mr. FRELINGHUYSEN. The element of loss enters into this as well. I simply wish to say to the Senator that my only interest in this question is a desire to correct an injustice which I believe has been done to a constituent in my State. If the Government is obligated under the previous joint resolution, which passed, it is obligated under this one; and having established the precedent, I think it is the duty of the Government to pay this claim, as Congress has already passed legislation to pay the other claim.

I do not understand what the Senator means by the element of profit. I understand that this profit was exceedingly small. The transaction was entered into by reason of advances made by an agent of the Department of Justice at a later date than that of the agreement with the American Trading Co. They urged this concern to import the sugar; and they refused to allow them to resell it in Argentina when the market was falling, and had fallen far below the level to which it had fallen in the case of the American Trading Co. Therefore I think there is greater justice in this claim than in the other.

Mr. KING. Mr. President, I do not want to object, but I desire to say to the Senator from New Jersey that the joint resolution will provoke discussion. There are several Senators upon this side who desire to examine the matter and discuss it; and I ask the Senator, in the interest of good fellowship, to let the joint resolution go over until Monday, when I shall join with him in getting it up.

Mr. FRELINGHUYSEN. I think, in view of the action taken by the Senate yesterday, it ought to give consideration to this measure. If there are any points which can be debated in a short time, I think we ought to take it up. I must be away next week, and I should like to have action taken on it to-day. The measure is one which has been resting in the calendar for some time. I think the Senator from Ohio ought to point out wherein it differs from the other claim.

Mr. WILLIS. Mr. President, what has taken place here illustrates the truth of what I was saying, that the joint resolution will lead to debate. Since the Senator has requested it, I think I can point out a very material difference. I do not desire to discuss the case which the Senate passed upon yesterday. The Senate acted upon that, and no doubt had good reasons for its action; but there is a very important difference, as I see it, between these two cases; and I have read the reports rather carefully. In the case which was acted upon yesterday everything that was done was done at the suggestion of the Government; at any rate, at the request of those who represented themselves to be the authorized agents of the Government. I do not so read the history of this case.

No one in any way questions the propriety of the Senator's interest in the matter, nor his earnestness in undertaking to secure action upon it, but this claim proceeds not from a sugar company but from a steamship company which was undertaking to make a profit out of this transaction. There is nothing criminal about it, and I do not claim that there is, but I do claim that the two cases rest upon entirely different bases. If the Senate wants to remain in session to discuss the joint resolution, I have no objection. I objected to its consideration once, when the Senator from New Jersey was not here, and I do not desire to object to it now.

Mr. KING. I hope the Senator from New Jersey will not press it. If so, I shall be compelled to call for a quorum.

Mr. FRELINGHUYSEN. I will let it go over, but I simply say to the Senator from Ohio that I challenge his statement that every agency of the Government was not employed that was employed in the case of the American Trading Co. to urge and induce this concern to import the sugar. The Senator makes a general statement, but he does not point out the particular instances.

Mr. WILLIS. The Senator did not understand me. I said that so far as the case we passed upon yesterday was concerned——

Mr. FRELINGHUYSEN. I ask that the joint resolution may go to the calendar.

The VICE PRESIDENT. It is on the calendar.

Mr. FLETCHER. Mr. President, I only hope that when the Senator calls this matter up again he will be able to furnish us with the names of some of the people who made fortunes out of sugar who paid any of it back to the Government.

Mr. FRELINGHUYSEN. I do not understand the Senator's statement, and as it is quite important I should like to have it clear.

Mr. FLETCHER. When we take the matter up again, I hope the Senator can furnish the Senate with the names of some gentlemen who made fortunes out of sugar and paid some of it back to the Government.

Mr. FRELINGHUYSEN. I do not understand the Senator's statement at all.

DEATH OF REPRESENTATIVE JOHN ARTHUR ELSTON.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. JOHN ARTHUR ELSTON, late a Representative from the State of California, and transmitted the resolutions of the House thereon.

Mr. SHORTRIDGE. Mr. President, I ask the Chair to lay before the Senate the resolutions just received from the House of Representatives.

The VICE PRESIDENT. The Chair lays before the Senate the resolutions of the House, which will be read.

The Assistant Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
December 16, 1921.

Resolved, That the House has heard with profound sorrow of the death of the Hon. JOHN ARTHUR ELSTON, a Representative from the State of California.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. SHORTRIDGE. Mr. President, I submit the resolutions which I send to the desk and ask for their adoption.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 197) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JOHN ARTHUR ELSTON, late a Representative from the State of California.

Resolved, That a committee of eight Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives, and transmit a copy thereof to the family of the deceased.

The VICE PRESIDENT appointed as the committee under the second resolution, Mr. SHORTRIDGE, Mr. JOHNSON, Mr. LENROOT, Mr. NICHOLSON, Mr. STANFIELD, Mr. HARRISON, Mr. WALSH of Montana, and Mr. PITTMAN.

Mr. SHORTRIDGE. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 5 o'clock p. m.) the Senate adjourned, the adjournment being under the order previously made, until Monday, December 19, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 16, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, through mercy divine we are still treading our way through the wondering paths of Thy providence. Thy fatherhood is the overarching and the undergirding reality of all our hopes. O hear us as we renew our vows at Thy footstool. Come near us while we breathe our prayer. Have mercy upon us; pity us in our weakness; restrain us in our tendencies and hold us back when the way is unsafe. Another light has been extinguished; another star has died out and it is dark. O God, only Thy mercy can reach our estate. Be Thou the refuge of our souls and may we hide ourselves in Thee. Remove the veil and let Thy face shine through upon the loved ones so far away. May they hear Thy voice in the fate of their distance, in the solitude of their loneliness, in the agony of their tears, and in the darkness of the silent tomb. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE LATE REPRESENTATIVE ELSTON.

Mr. KAHN. Mr. Speaker, it is with profound regret and deep sorrow that I desire to announce to my colleagues the passing of the late JOHN ARTHUR ELSTON, of Berkeley, Alameda County, the sixth district of California. At some future time I shall ask that a day be set aside for memorial exercises on his life, character, and public service. In the meantime I desire to offer the following resolutions.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 250.

Resolved, That the House has heard with profound sorrow of the death of the Hon. JOHN ARTHUR ELSTON, a Representative from the State of California.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

ADJOURNMENT.

Accordingly at 12 o'clock and 11 minutes p. m. the House adjourned until Saturday, December 17, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

423. A letter from the Secretary of the Treasury, transmitting number of claims filed by contractors for post offices and other buildings and works under the supervision of the Treasury Department; to the Committee on Expenditures on Public Buildings.

424. A letter from the Secretary of the Navy, transmitting a list of disbursing officers of the Navy who have been relieved of losses under the provisions of the act approved July 11, 1919, to and including June 30, 1921; to the Committee on Expenditures in the Navy Department.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LARSON of Minnesota: A bill (H. R. 9596) to authorize suits or actions against collectors or their successors in office in certain cases; to the Committee on the Judiciary.

By Mr. GRAHAM of Illinois: A bill (H. R. 9597) to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918; to the Committee on Public Buildings and Grounds.

By Mr. CURRY: A bill (H. R. 9598) to provide for the consolidation or a redistribution of the powers and duties of certain executive departments of the Government of the United States relating to the Territory of Alaska, and for other purposes; to the Committee on the Territories.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3323. By Mr. BEEDY: Resolutions by conference of Methodist Preachers and Laymen, Portland (Me.) district, urging international disarmament to a degree sufficient only as a police force; to the Committee on Foreign Affairs.

3324. By Mr. CULLEN: Resolution of the employees of the New York Navy Yard, relative to employees of navy yards in case of limitation of armaments; to the Committee on Naval Affairs.

3325. By Mr. KISSEL: Petition of Kirkman & Son, of Brooklyn, N. Y.; to the Committee on Ways and Means.

3326. Also, petition of Flatbush Chamber of Commerce (Inc.), of Brooklyn, N. Y.; to the Committee on the Merchant Marine and Fisheries.

3327. By Mr. JAMES: Resolutions adopted by the Calumet Chamber of Commerce, in favor of the Great Lakes-St. Lawrence tidewater canal; to the Committee on Rivers and Harbors.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 17, 1921.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou in whose presence we find sweet repose, at the open door of this new day we turn again to Thee. We believe that Thou hast forgotten past failures and past sins. Then help us to forgive and forget the wrongs of yesterday. May every heart become the home of love and never the dwelling place of hate. Out of this day may there come new vision, greater outlook, broader understanding, and higher joys; but more than all things else, a deeper infolding of things divine, which are redemptive and final. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE TO ATTEND THE FUNERAL OF THE LATE REPRESENTATIVE ELSTON.

The SPEAKER. The Chair appoints the following committee to attend the funeral of Mr. ELSTON:

Mr. KAHN, Mr. RAKER, Mr. CURRY, Mr. NOLAN, Mr. LEA of California, Mr. OSBORNE, Mr. BARBOUR, Mr. FREE, Mr. LINEBERGER, Mr. SWING, Mr. MONTAGUE, Mr. WINGO, Mr. KINCHELOE, Mr. MCARTHUR, Mr. MCCLINTIC, Mr. SNYDER, Mr. MICHENER, and Mr. WEBSTER.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2831. An act to authorize the State of Washington to construct a bridge across the Snake River at or near Central Ferry in or about section 9, township 13 north, range 40 east, Willamette meridian.

The message also announced that the Senate had passed with amendments the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China, had insisted upon its amendments, and requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. CUMMINS, Mr. BRANDEGEE, and Mr. WALSH of Montana as conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1033) regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia, had requested a conference with the House of Representatives on the disagreeing votes of the two Houses, and had appointed Mr. BALL, Mr. JONES of Washington, and Mr. KING as conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

Senate resolution 197.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JOHN ARTHUR ELSTON, late a Representative from the State of California.

Resolved, That a committee of eight Senators be appointed by the Vice President, to join the committee appointed on the part of the House of Representatives, to attend the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives, and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now adjourn.

Also that the Vice President had appointed, under the second resolution, Mr. SHORTRIDGE, Mr. JOHNSON, Mr. LENROOT, Mr. NICHOLSON, Mr. STANFIELD, Mr. HARRISON, Mr. WALSH of Montana, and Mr. PITTMAN.

The message also announced that the Senate had passed bill and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2802. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; and

S. J. Res. 12. A joint resolution authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic.

S. J. Res. 142. A joint resolution to extend the time within which the special committee on the readjustment of the pay of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service may make its report to Congress.

The message also announced that the Senate had passed the following resolution:

Senate resolution 196.

Resolved, That the House of Representatives be, and hereby is, requested to return to the Senate the bill (S. 205) entitled "An act relating to the fiscal system of the District of Columbia, and for other purposes."

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2831. An act to authorize the State of Washington to construct a bridge across the Snake River at or near Central Ferry, in or about section 9, township 13 north, range 40 east, Willamette meridian; to the Committee on Interstate and Foreign Commerce.

S. 2802. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Reform in the Civil Service.

S. J. Res. 12. Joint resolution authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic; to the Committee on Agriculture.

ELECTION OF MEMBERS TO COMMITTEES.

Mr. MONDELL. Mr. Speaker, I present a resolution providing for elections to committees of the House and ask for its immediate consideration.

The SPEAKER. Before that, the Chair will lay before the House the following communication, which the Clerk will read.

The Clerk read as follows:

DECEMBER 15, 1921.

Hon. FREDERICK H. GILLETT,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committees on Territories, Reform in the Civil Service, and Elections No. 1, to take effect immediately.

Very respectfully, yours, GEO. P. CODD.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER. The gentleman from Wyoming presents a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 252.

Resolved, That A. PIATT ANDREW, Member of Congress from the sixth district of Massachusetts, be, and he is hereby, elected a member of standing committees of the House as follows: Coinage, Weights and Measures, Reform in the Civil Service, and Expenditures in the Department of Commerce; and

That CYRENUS COLE, Member of Congress from the fifth district of Iowa, be, and he is hereby, elected a member of the Committees on Flood Control, Claims, and Expenditures in the Agriculture Department; and

That THOMAS S. CRAGO, Member of Congress from Pennsylvania, be, and he is hereby, elected a member of the Committee on Military Affairs; and

That J. M. C. SMITH, Member of Congress from the third district of Michigan, be, and he is hereby, elected a member of the Committee on Foreign Affairs; and

That GEORGE P. CODD, Member of Congress from the first district of Michigan, be, and he is hereby, elected a member of the Committee on Naval Affairs.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PAYMENT OF DECEMBER SALARIES OF EMPLOYEES OF CONGRESS.

Mr. MADDEN. Mr. Speaker, I present a resolution and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Illinois presents the following resolution, which the Clerk will report.

The Clerk read as follows:

House joint resolution 234.

Joint resolution (H. J. Res. 234) authorizing the payment of salaries of officers and employees of Congress for December, 1921, and making an appropriation to supply a deficiency in the appropriation for the contingent fund of the House of Representatives.

Be it resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives are hereby authorized and instructed to pay to the officers and employees of the Senate and House of Representatives, including the Capitol police and the legislative drafting service and employees paid on vouchers under authority of resolutions, their respective salaries for the month of December, 1921, on the 20th day of said month.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 to supply a deficiency in the appropriation for the contingent expenses of the House of Representatives, fiscal year 1922, namely, for miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. MADDEN. Mr. Speaker, I would like to say in connection with this $15,000 for the contingent fund of the House that there is only $5,000 at present in the contingent fund, and the bills to be paid for this month amount to $4,500, and the ordinary expenses that have been called for for the two funerals, one which has just taken place and the other about to take place, make necessary the granting of this additional fund in order that the bills may be paid.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. TEMPLE. Mr. Speaker, I move that the House resolve itself——

NO QUORUM—CALL OF THE HOUSE.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Dupré	Kreider	Rainey, Ala.
Ansorge	Echols	Kunz	Ransley
Appleby	Edmonds	Langley	Rayburn
Arentz	Fenn	Larson, Minn.	Reavis
Atkeson	Fields	Lawrence	Reber
Bacharach	Fish	Leatherwood	Reed, W. Va.
Beedy	Fisher	Lee, N. Y.	Rhodes
Bixler	Focht	Lineberger	Riddick
Black	Free	Longworth	Riordan
Blakeney	French	Luhring	Roach
Bland, Ind.	Funk	McCormick	Robsion
Blanton	Gahn	McFadden	Rodenberg
Bond	Gallivan	McLaughlin, Pa.	Rosenbloom
Bowers	Garner	Maloney	Rossdale
Brand	Gilbert	Mann	Ryan
Brennan	Goldsborough	Mansfield	Sanders, Ind.
Brinson	Gould	Mead	Schall
Britten	Graham, Pa.	Michaelson	Sears
Brooks, Ill.	Griest	Montague	Shaw
Brooks, Pa.	Hardy, Tex.	Moore, Ill.	Shelton
Brown, Tenn.	Hawes	Morin	Sinclair
Burke	Hayden	Mott	Snyder
Burtness	Hays	Mudd	Stiness
Burton	Herrick	Nelson, J. M.	Strong, Pa.
Carew	Himes	Newton, Minn.	Sullivan
Chandler, Okla.	Hooker	Newton, Mo.	Swing
Christopherson	Hudspeth	Nolan	Taylor, Ark.
Clark, Fla.	Hull	Norton	Taylor, Colo.
Classon	Humphreys	O'Connor	Taylor, N. J.
Codd	Hutchinson	Olpp	Thomas
Cole, Iowa	James	Osborne	Tinkham
Collier	Jefferis, Nebr.	Paige	Underhill
Connell	Johnson, Miss.	Parker, N. J.	Upshaw
Connolly, Pa.	Johnson, S. Dak.	Patterson, Mo.	Vare
Coughlin	Jones, Pa.	Patterson, N. J.	Volk
Crago	Kearns	Perkins	Ward, N. Y.
Crowther	Kendall	Perlman	Webster
Cullen	Kennedy	Peters	Wilson
Dale	Kiess	Petersen	Wood, Ind.
Davis, Tenn.	Kinkaid	Porter	Woodyard
Denison	Kitchin	Pou	Wurzbach
Dominick	Kleczka	Pringey	
Drane	Knight	Quin	
Dunn	Knutson	Radcliffe	

The SPEAKER. Two hundred and fifty-eight Members, a quorum, have answered to their names.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wyoming moves to dispense with further proceedings under the call.

The motion was agreed to.

RUSSIAN RELIEF.

Mr. TEMPLE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9548) for the relief of the distressed and starving people of Russia.

Pending that motion, Mr. Speaker, the rule provides that the time shall be controlled, one-half by those in favor of the bill and one-half by those opposed to it. I ask unanimous consent that the time in opposition to the bill be controlled by the gentleman from Texas [Mr. CONNALLY] and the time in favor of the bill by myself.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that one-half of the time be controlled by himself and one-half by the gentleman from Texas [Mr. CONNALLY]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill referred to.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9548) for the relief of the distressed and starving people of Russia, with Mr. TOWNER in the chair.

Mr. TEMPLE. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. WALSH. Mr. Chairman, I think we ought to have the bill read. It is a short bill, only 12 lines.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the President is hereby authorized, through such agency or agencies as he may designate, to purchase, transport, and distribute corn, seed grain, and preserved milk for the relief of the distressed and starving people of Russia and for spring planting in areas where seed grains have been exhausted. The President is hereby authorized to expend or cause to be expended, out of the funds of the United States Grain Corporation, a sum not exceeding $20,000,000, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this act.

Mr. TEMPLE. Will the Chair kindly notify me when I have consumed 10 minutes?

Mr. Chairman and gentlemen of the committee, this bill is the result of the suggestion made by the President in his address to Congress on the 5th of December when we convened. He called attention particularly to the needs of the region in Russia in the district of the Volga, which is suffering from drought. There is a food shortage throughout Russia, and not only in that country but in many other parts of Europe and in Asia. In Russia the difficulty has come from several causes. The war disturbed Russia as it disturbed all the rest of the world.

In 1917 came the revolution, which brought peculiar disturbances upon that country, and in the fall of 1917 came the second revolution, overthrowing the Kerensky government and establishing the régime of the soviet system, with the long-continued and destructive civil war, which grew out of that revolution and attempts at counter-revolution.

Since that time matters have gone from bad to worse, and I may say it is well known that a considerable part of the difficulty, even in the farming regions of Russia, is the result of the system established by Lenin and Trotski. The farmer has no very great desire to raise crops that are taken from him without compensation. There was a falling off in 1918, in 1919, and in 1920; but in 1921 came an exceedingly severe drought, and in the richest agricultural region of Russia there has been practically a total failure of the crop.

Without attempting to spread attention over the whole of Russia or over the whole of the Volga district we might notice definite figures in regard to small areas.

In the commune of Schilling, to which our attention was called in the committee by Gov. Goodrich, of Indiana, who has just returned from a trip of investigation in that country, we find conditions that are appalling. The facts are interesting and the subject before the committee is important. I do not ask for a hearing for my own sake, but for the facts that I am going to present.

This small commune of Schilling has a population of 3,798 and an area that gives them about 3¾ acres per capita.

In 1919 the total grain crop of that commune or township—to compare it with a unit of approximately the same area in our own country—amounted to 37,950 poods, a pood being 36 pounds, more than a half bushel. Of these 37,950 poods the soviet government took 12,000 poods, or about one-third, without compensation.

The next year the farmers did not feel so much like sowing large crops. They would sow for their own needs, and the crops amounted to 30,533 poods as compared with 37,950 poods the year before.

The next year, 1921, there were sowed in that small commune 1,255 poods, or roughly 700 bushels, and the drought was such that the farmers did not get back even the amount of the seed that they had put into the ground.

Domestic animals in that commune decreased. In 1919 there were 1,223 horses. In 1920 there were 891. In 1921 there were 451.

The sheep in 1919 were 1,352; in 1920, 1,151; and in 1921, 424.

Of hogs in the same commune in 1919 there were 781; in 1920, 246; and in 1921, 58. The number of animals decreased because there is not food enough for the animals and for the population.

They are slaughtering draft horses, milch cows, and even their breeding stock in order that the owners may have food for immediate necessities. Even with these efforts the extraordinary deaths are numerous. Since July 1, 1921, to say nothing of the ordinary deaths in that commune, out of a total population of 3,800 people, there have been 25 deaths from cholera, 30 from typhus, and 45 from starvation.

That commune at the time of the visit of Gov. Goodrich had 1,146 children under 15 years of age. It is estimated that 800 of them will die of starvation before spring unless outside aid comes to their relief.

Dr. Vernon Kellogg told us the mode of dealing with these starving children. When the American Relief Administration went in there there were local committees which had been organized by the soviet authorities for such relief as they were attempting to give. The American Relief Administration would not use the soviet committees, but organized its own, so that everything would be under American control.

They have established kitchens, where some of the children are fed. They have not had sufficient supplies in any locality to feed all the starving children. They select to be fed those that are strong enough to give promise of possibility of living until spring. They do not waste food on those who are going to die anyway. If this bill passes, that sort of selection, which seems so heartless but which is a brutal necessity, will no longer be a necessity. If out of our comparative abundance we give what we can spare, we can save the lives not only of the people of this community but others—and I have given a microscopic view of one small area like this; everywhere it is the same.

The whole area of acute drought and famine is about 500 miles wide and 800 miles long, and the population is from 15,000,000 to 18,000,000. Nobody can foretell with accuracy the number who will die before another harvest, but as nearly as can be estimated the deaths will be from 7,000,000 to 9,000,000.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. CHANDLER of New York. I am anxious to know how large an area this applies to; what is meant by Russia.

Mr. TEMPLE. The estimates I have given are for the Volga Valley only where the drought has come. We are endeavoring to make a distinction between conditions brought on by misgovernment of Russia, by the errors and crimes of men, and those that arise from an "act of God."

Mr. CHANDLER of New York. Would not the condition of the people under the term "Russia" include the whole ancient empire?

Mr. TEMPLE. Aid could be given throughout Russia, so far as the bill is concerned, but I believe the purpose is to limit the work to the Volga district, as suggested by the President in his message. This district is already covered by the American Relief Administration or the Quakers' relief work, or it is being organized by these agencies as rapidly as possible.

Mr. CHANDLER of New York. I would like to ask the gentleman if that is the definite purpose?

Mr. TEMPLE. There is nothing in the bill that limits the relief work to the Volga district, as the gentleman will observe by reading it.

Mr. CHANDLER of New York. Will the administrators under the act follow that?

Mr. TEMPLE. If the gentleman will allow me to go on he will get the point of view.

The CHAIRMAN. The gentleman from Pennsylvania has occupied 10 minutes.

Mr. TEMPLE. I have only one hour and I have promised more time than I really have, and I do not wish to take the time away from any other man. However, I will take five minutes more.

There is a physical limit to the possibilities of relief. The transportation systems of Russia are so out of joint that there is a limit to the quantity of food that can be delivered. Russian authorities claim to have 440,000 freight cars, but authentic sources of information indicate that they have in good repair only about 20,000. There are two railroads that will reach the Volga district, one coming in from Riga and the other from Novorissisk, on the Black Sea, though it is a little uncertain whether the line from the Black Sea has been repaired since the Wrangel invasion. The testimony coming to our committee is that the total capacity of the two railroads at the present time would be about 100,000 tons a month, or about 22,000,000 bushels in the course of the winter before the new harvest comes in. There is that physical limitation to the possibilities of getting the grain to them. We can not control conditions in Russia, and if we attempt to go all over Russia we will do no good at all. But if we distinguish between that part of Russia that is in distress because of misgovernment and that part that is in distress because of the drought, which no government could prevent, and confine ourselves to the district where the work is all organized, where the American Relief Administration and the Friends Relief are organized and at work, we can actually do some good. But if we spread it out over Russia we will have to have more than $20,000,000 and still be hampered by limitation of transportation. [Applause.]

Mr. STAFFORD. Will the gentleman give the amount raised by private donations?

Mr. TEMPLE. My time is exhausted. That may be brought out later.

Mr. CONNALLY of Texas. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman, I am satisfied if this printed report were read by each and every Member this bill would pass unanimously. The evidence that has been presented to

the Committee on Foreign Affairs by former Gov. Goodrich, of Indiana; Dr. Vernon Kellogg, secretary of the National Research Council; and Secretary Hoover, of the Department of Commerce, concerning the present terrible conditions existing in the Volga Valley in Russia are of such character that I feel there is not a person within the United States who would refuse to cooperate in every way to help in securing the passage of this meritorious and deserving relief measure.

The conditions are really indescribable. There are millions of men, women, and children who are now starving. The situation is such that it can not be ignored by any man—it matters not how heartless he may be. Former Gov. Goodrich has explained that there are upward of 20,000,000 people in the Volga district who are actually starving, and unless immediate aid is given them they will perish. It is hoped by this relief some may be saved, and it is therefore imperative this legislation be passed without delay. Some Members are under the impression that perhaps this aid will be sent into the large districts or cities. I wish to correct that impression by saying that the proposed aid is contemplated to reach the agricultural districts, where it has been shown the suffering is greatest.

I feel that the American people will gladly approve our action, especially when it means, as has been stated by the gentleman from Kentucky, a gift that will amount to a tax of about 20 cents per person. I do not doubt that every man, woman, and child in our country would be ready and willing to contribute five times as much as that sum to save at least one child, not to say anything about giving salvation to a million children. There is no one so poor in this country who is not ready to make that contribution to save the life of a child, even if it is the child of a Russian peasant.

Mr. Chairman, the evidence given by former Gov. Goodrich and others is to the effect that every ounce of foodstuff that is being sent now, which is being distributed under the direction of the American relief organization, reaches the people it is intended to reach. Oh, there may be a question in the minds of some who are not conversant with the conditions there, who may feel that because of the bolshevik government we should not aid these unfortunate people by giving them food. However, the fact is borne out by every person who has appeared before the Foreign Affairs Committee that the present government, it matters not how bad it is, is aiding to its full extent in cooperating with the relief committee in expediting the shipments and in the distribution and care of the supplies.

Not only that, but they have also assured the committee, and I hope I am not violating any confidence when I state this, that the present government is ready and willing to turn over to our committee or to this committee every dollar or ounce of American gold it has in its treasury, amounting to five or six million dollars, which would be added to the sum proposed in the bill before us, in order that they may purchase enough corn, wheat, and condensed milk to save these unfortunate people.

Mr. WARD of North Carolina. Mr. Chairman, how many days before you can make this relief felt?

Mr. SABATH. Immediately, and I will state why. The moment the American Relief Committee knows that this measure has been agreed to they will cable over there and those who have a little on hand will gladly share with those that have nothing to eat now.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SABATH. Mr. Chairman, will the gentleman yield me two minutes more?

Mr. CONNALLY of Texas. Mr. Chairman, I yield the gentleman two minutes more.

Mr. SABATH. Mr. Chairman, I hope the Members of the House will have time to read the report. It has been stated that this relief will also afford relief to millions of our own people. Such statements I am sure have not been made with the intent to sway sentiment, but for the purpose of bringing home actual truth to the membership that, though it may appear we are asked to give a large sum of money, it will not only come back to us a thousandfold but will create a greater demand for our surplus products and grains that the farmer has found impossible to sell anywhere near the cost of production. The sending of 15,000,000 to 20,000,000 bushels of corn, of 2,000,000 to 3,000,000 bushels of wheat for seedling purposes, together with condensed or powdered milk, will materially help in saving the lives of thousands upon thousands of the unfortunates in Russia. It will also stimulate the export of these commodities and thus afford relief not only to the suffering farmer but to the entire Nation as well. When farmers are prosperous, when farmers have money, they buy and spend, and therefore a demand is created for manufactured articles, and such demand means stimulated business.

Mr. Chairman, I desire to call attention particularly to the report of the members of the relief committee who testified before the Foreign Affairs Committee. They are men who are holding, or who have held, high responsible positions in our Government. Despite the reports which have emanated from various sources in the past few months that the bolshevik government has taken away from the people supplies of grains and foodstuffs, this committee of representative Americans report to the contrary; in fact, they claim there was nothing to take away from the people.

The present famine, it is stated, is due to the drought in 1919, which reduced the harvest to 50 per cent of that of the former year; in 1920 the production was about 35 per cent and in 1921 there was practically no harvest, and in some localities the production was hardly enough for seeding for planting next spring.

Mr. Chairman, I again appeal to the membership of this House to consider the report of the special representatives of the committee which have investigated the situation. I hope, when they have read the report, that they will express their confidence in these unbiased and uninterested American representatives to the end that they will believe as I do—that it is the duty of the representatives of the greatest and richest country in the world to save from misery—yes, the starving of millions of these unfortunate people. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SABATH. Under leave to extend my remarks, I desire to insert extracts from the statements made by former Gov. Goodrich, of Indiana, before the Committee on Foreign Affairs. His comment and close observation as to actual conditions, I feel, will apprise the people of our Nation as to the dire need of relieving the sufferings of millions of unfortunate peoples.

[From the hearings before the Committee on Foreign Affairs, House of Representatives, December 13 and 14, 1921.]

STATEMENT OF HON. JAMES P. GOODRICH, FORMERLY GOVERNOR OF INDIANA.

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Mr. GOODRICH. Mr. Chairman and gentlemen of the committee, the chairman stated that I had just returned from Russia. I spent about two months there, going through the famine districts. I first went to Moscow, then out to Samara and down the Volga River to Saratov, then on down the river 30 miles below Saratov. I drove out in that lower Volga district to 16 different communes, going into the various communal houses, examining their records, going through their grain houses, collecting all the statistics that I could get, to ascertain the true situation. I afterwards went out to Kazan, and from Moscow to Petrograd, covering pretty much all of the so-called famine district except the extreme lower part, and, perhaps, a part of it at the north end extending out toward the Siberian frontier.

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In going into the German and Russian communes and the Russian communes in the lower Volga I found an appalling situation. On going into the cities and observing these great, strong, round-faced, red-cheeked men and women in the bazaars and on the streets, one would think there was no famine in that country, but when you go into the community houses where deserted children and orphans are assembled, go out into the communes and into the communal homes where they have gotten them together, you realize how terrific the situation is, especially when you get down to the brass-tack facts and see the small amount of food that they have there upon which they must depend to sustain life for the next six months.

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We visited the communal home, where orphans and abandoned children are collected from the near-by communes. We found 145 children in this home. They are first taken into one part of the home, deloused, and given a bath. These children when they come in are dirty, ragged, living skeletons, with a helpless, hungry look in their faces, and take little or no interest in their surroundings. They seem more like an animal that has been shot to death and crawled off in the brush to die. It was a terrific sight for an American to witness. After the children are cleaned up they are given rough cotton clothing, very scant and light, most of them without shoes and stockings, although the thermometer on the day we were there was 28° below zero and the home in which they were quartered not very well heated on account of the shortage of fuel.

I found in this commune 41 houses which had been abandoned. The owners had either died or left the commune. The roofs had been torn off these houses to get wood for fuel. Fuel is very scarce in that country, for the lower Volga is almost as devoid of timber as western Kansas. They burn manure, which is made up in small blocks, and some peat. On the outskirts of this commune, Houk, as we passed a small shed near one of the abandoned houses we found in it two little girls, 10 and 12 years of age. They came out of the shed holding their arms close about them, shivering and crying in the cold, bitter wind blowing the snow across the commune that day. I inquired as to their trouble. They said that their father and mother and two of their brothers had died of cholera and starvation the week before.

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I tell you these things in order that you might get some idea as to the things that are happening in Russia. I went into a peasant's home in the Province of Saratov, where a man and woman were lying at the point of death. They had had nothing to eat for over a week; no money to get anything with. They said, "There is no hope for us; we are too weak to get out; we shall die, but it does not matter." Many stories of this kind are being told you of the things we saw and heard throughout the famine district. It is difficult for Americans to understand this situation. In these same communes where the terrible conditions I relate occur, a great majority of the people have sufficient to eat and are at this time living in comparative comfort.

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The soviet government, whatever you may say or think about it, is cooperating to the fullest extent. It will not permit a pound of the food to be diverted, but is carrying it to its destination without loss. It is the death penalty for anyone to steal food from the American Relief Administration. I heard of a man tell the American Relief Administration officers at Saratov that if anyone stole anything not to fool with them but to report them, and that anyone found stealing American food would be stood up against a wall and shot. There has been a remarkably small amount of food lost. They have an organization down in all those places.

Mr. Chairman, I also insert extracts of statements of Dr. Vernon Kellogg, permanent secretary of the National Research Council, who returned to the United States October last after spending a month in observation of conditions in Russia:

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The situation is simply incredible to one who has not seen it; indescribable even by one who has seen it. I have seen nothing like it in my six years of experience in the food shortage regions of Europe. In a given spot in Poland, for example, 200 children might be found in as bad condition, but that condition is the rule all through the Volga region, a region of great extent, with a vast population. There are at least 15,000,000 people in the famine region of the Volga, while around that famine region is a food-shortage region including 15,000,000 more. Senator Burton, there is not food enough in the surrounding region to keep the people alive, let alone any to send into the famine regions.

As Gov. Goodrich has pointed out, there is an agricultural breakdown in Russia which has been becoming more and more serious for the last two or three years. And then on top of this has come a terrible drought, extending over one of the three chief grain-producing regions of Russia, a region which under normal conditions produces food for Moscow and the industrial regions and even for export to other parts of Europe. That food is gone. It is simply a catastrophe.

The soviet government has tried to bring in food. It has been able to bring in only a very small amount. It has tried to bring in seed. I was there when the Government seed trains came down into the Volga and the seeds were parceled out to the farmers. The farmers took the seed and planted it. I talked with many of them and with many of the officials, and there was no one more optimistic in his statement than to say that they had more than one-fifth of their normal needs for planting. Still they can seed more thinly and thus seed more than one-fifth of a crop.

But the individual situation is that millions of people are out of food. I am confident I am telling the truth when I say millions of people are doomed to die in the Volga region unless relief on a large scale comes from outside. The American Relief Administration has paid attention simply to children. We have but limited resources. We do not want to talk politics. But when it comes to the saving of children it is difficult for me to make a distinction between starving children of Belgium, Poland, Russia, or even of America, if that catastrophe should come to us. The children have had nothing to do with the causes of the famine or the present conditions of Russia.

The CHAIRMAN. How do you distinguish so far as the children are concerned there? Is there some age limit?

Dr. KELLOGG. It would carry us far afield if I attempted to describe the system of the American Relief Administration. But we limit the children to those from birth to 15 years. We set up in whatever region in which we are working local committees with some doctors as members. The committees are selected by us and not by the soviet government. Say that here are five candidates and we can feed but one; we pick out that one of the five that most needs the food. Not the one in the worst condition, necessarily, but the one that can be saved and kept alive and grow strong. We have to-day that system in Russia, as we have had it in Poland and other countries all the time. The officials of the Tartar Republic said, "We have a committee in each of the various towns and villages of the Province, because there is a certain amount of relief work going on all the time. We will just turn over these committees to you." We said, "No; we will set up our own committees. We Americans are responsible to the American people that this food goes only to the children we select, and we must know and must control that work absolutely." It is known in Russia to-day that it is American work.

The soviet government gives us transportation and guards, and so far there has not been a single thing in the work that would indicate danger to the food. We control that food absolutely, the use of every ton of it. There is an American placard on every car of food, on every warehouse, on every motor truck, on every kitchen and dining room.

Mr. Chairman, the Secretary of the Department of Commerce, Mr. Hoover, also appeared before the Committee on Foreign Affairs, and I desire to insert the following extract from his remarks:

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Secretary HOOVER. I feel that public charity will do everything that charity can do, but these are times when one can not rightly summon much public charity for use abroad from the American people. There are a great many committees working throughout the country under great difficulty, but with a great deal of energy. I do not believe, however, that the total collections since August of the entire group amount to $750,000. Public charity is to be not an avenue through which this problem can be solved.

Some question has been raised in here and elsewhere as to our own economic situation not warranting our extending relief abroad. I would like to discuss it from two points of view. The first is whether we can afford it. In a general way this country is spending something like $1,000,000,000 a year on tobacco, cosmetics, ice cream, and other nonessentials of that character. It does not look to be a very great strain on the population to take $20,000,000 for a purpose of this kind. If our own people suffer we surely possess also the resources to care for them. It has also another economic bearing. The food supplies that we wish to take to Russia are all in surplus in the United States, and are without a market in any quarter of the globe.

We are to-day feeding milk to our hogs; burning corn under our boilers. From an economic point of view there is no loss to America in exporting those foodstuffs for relief purposes. If it is undertaken by the Government it means, it is true, that we transfer the burden of the loss from the farmers to the taxpayer, but there is now economic loss to us as a Nation, and the farmer also bears part of the burden.

Mr. Chairman. I also desire to insert part of the remarks of Mr. Samuel Gompers, President of the American Federation of Labor, who appealed for the passage of this relief legislation:

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What I wanted to be sure about before I expressed a word in favor of this legislation now pending here before the committee is that I wanted to know whether if the American Congress shall out of the pockets of the people expend $10,000,000 or $20,000,000 for the relief of the famine-stricken people of Russia, whether it would give aid and comfort to the present Government of Russia, and I wanted to know whether they would be in absolute control of this fund and this relief by the American Relief Administration, that it would not be taken over to help the existing régime in Russia called the soviet government, and whether it would tranquillize the people to such an extent as that they would help the present régime as final.

Mr. CONNALLY. You heard the testimony of this gentleman that on the other hand, this government, instead of being a government of vultures, was aiding and helping to distribute this food, and it actually made contributions to other Provinces. Does that disabuse your mind of any impression that there would be any confiscation of that property by the government?

Mr. GOMPERS. I made the statement that I have just made to explain the position which I occupy and think my mind was disabused before I came here this afternoon. I came here to add my appeal to that which has already been made before this committee. I want that your committee shall know, and I want that those whom I had the honor in part to represent to know, that I am here expressing their views and having been satisfied with the appropriation by the Government of funds for the purpose of this relief, in as far as I can add anything I shall be very pleased to appeal to you to pass this legislation.

Mr. Chairman, to relieve the fear that may be in the minds of some that the relief may not reach the people of Russia, I insert the agreement entered into between the American Relief Administration and soviet authorities.

AGREEMENT BETWEEN AMERICAN RELIEF ADMINISTRATION AND SOVIET AUTHORITIES RE RUSSIAN RELIEF—PREAMBLE.

Whereas famine condition exists in Russia; and

Whereas Gorky with sanction soviets has applied through Hoover to American people for charitable assistance to the starving and sick people of Russia, more particularly the children; and

Whereas Hoover and American people have read with great sympathy this appeal on the part Russian people in their distress and are desirous solely for humanitarian reasons of coming to their assistance:

Therefore it is agreed between American Relief Administration, unofficial volunteer American charitable organization under chairmanship of Hoover, hereinafter called American Relief Administration, and Russian Socialist Federal Soviet Republic, called soviet authorities, that the American Relief Administration will extend such assistance to Russian people as within its power, subject acceptance and fulfillment following condition on part soviet authorities, who hereby declare that there is need of this assistance on part of American Relief Administration:

1. The soviets agree that the American Relief Administration may bring in such personnel as it thinks necessary for the efficient administration of relief, and that it be assured of full liberty and protection in Russia. Non-Americans and Americans detained in Soviet Russia since 1917 are to be subject to the approval of the soviet authorities.

2. The relief administration personnel shall have all facilities for entry to and exit from Russia and liberty of movement therein on official business.

3. The relief administration shall have complete freedom in the selection of local personnel.

4. It shall deliver supplies at a Russian port or the nearest practical adjacent point, and the soviet authorities are to bear all further charges for the same.

5. The soviet will supply storage base points and the transportation needed for supplies.

6. The soviets will give the relief administration the same priority in this as that accorded to their own relief and will furnish adequate guards for convoys, etc.

7. The soviets will allow the free import and reexport of all relief administration supplies whatever and will guarantee them against requisition.

8. Relief supplies are to be devoted to the sick and children only as designated by the relief administration, and are to remain the property of the administration until consumed. The distribution is to be in the name of the administration.

9. No individual receiving relief-administration rations is to be deprived of a share of such local supplies as are given to the rest of the population by soviet agencies.

10. The soviets guarantee to take steps to insure that supplies do not go to the general population, the army, navy, or Government employees, but only as designated by the relief administration.

11. The soviets undertake to reimburse in American dollars or replace in kind any supplies that are misused.

12. The relief administration may set up necessary organizations for relief free from Government or other interference. The central and local soviet authorities have the right of representation therein.

13. The soviet authorities are to provide necessary premises for kitchens, dispensaries, and, as far as possible, hospitals and necessary fuel for cooking in the same, and the distribution and feeding equipments. The soviets will bear the total cost of local relief administration, food preparation, distribution, etc., and of local medical personnel and assistance needed to administer relief. They will give free rail, motor, and water transportation for the movement of relief supplies, and such personnel as is necessary efficiently to control the relief operations. They will assign railroad cars to the relief personnel for moving, living, etc.

14. The relief administration is authorized to take such measures as are necessary to insure sanitary conditions, water supply, etc., in the area where epidemics are raging.

15. The soviets will supply offices, garages, and storerooms free of charge, with light, heat, and water for the same, and residential quarters for the personnel, all free from requisition. Examination of all or any of said premises can only be made with the knowledge of and in the presence of the chief of relief operations or his representative, and then in case of a so-called flagrant delit.

16. The soviets guarantee the freedom and priority of the relief administration communications, without cost, by means of the existing radio, telegraph, telephone, postal, and courier services, and, if avail-

able, the use of private telephones and telegraphs will be permitted for the relief administration's use (subject to consent of the authorities).

17. The American personnel, representatives, and couriers will receive the customary diplomatic privileges at the frontiers.

18. The soviets will supply, free of cost, gasoline oil for motor transport.

19. The soviets will give baggage and supplies free transportation.

20. The soviets will allow the importation and reexport, free of duty (requisition), of the necessary commissary (transport and office) supplies.

21. The soviets will acquaint the Russian people with the aims and methods of the American Relief Association work to facilitate rapid development of its efficiency and will assist and facilitate supplying the American people with reliable and nonpolitical information as to the existing conditions and the progress of the relief work as an aid in the development of financial support for the work in America.

22. The soviets will bear all the expenses of relief operations other than the cost of relief supplies and the direct expenses of the American control and payment of the American personnel, and in general will give the relief administration all the assistance in their power.

23. (NOTE.—Deals with questions of warehousing, which are to be settled later.)

24. The American Relief Administration agrees to organize as quickly as possible, within the limits of its resources, to supply food, clothing, and medical help, particularly to children and sick persons within age limits to be decided by American Relief Administration.

25. Relief is to be distributed without regard to race, religion, social, or political status.

26. The personnel in Russia will confine itself strictly to the administration of relief and will engage in no political or commercial activities whatever. Any person contravening this engagement shall be withdrawn or discharged on the request of the central soviet authorities. The central soviet authorities will submit to the chief office of the American Relief Administration the reasons for this request and the evidence in their possession.

27. The American Relief Administration will carry on relief operations where it finds relief can be administered most effectively and will secure the best results. Its principal object is to bring relief to the famine-stricken areas.

28. (Missing.)

29. The relief administration will import no alcohol in its relief supplies.

30. The American Relief Administration will agree to permit customs inspection of its imported relief supplies at mutually agreed upon points.

CANCELLATION CLAUSES.

The soviet authorities having agreed to release all Americans detained in Russia and facilitate the departure from Russia of all Americans so desiring, the relief administration reserves the right to suspend temporarily or terminate relief operations in Russia in the event of failure by the soviet authorities to comply with this primary condition or any other points of the contract. The soviet authorities equally reserve the right to cancel the agreement in the case of nonfulfillment by the American Relief Administration.

Mr. CONNALLY of Texas. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, everyone in this Chamber has sympathy for those who have met with such dire and distressing conditions as have been depicted here, not only in Russia, but in Armenia, in Poland, in Germany, in China, in India, wherever there may be distress; but in voting for this relief measure we are launching ourselves into unknown seas, and we can not tell where our course will take us. If we had responded to similar calls for relief in the last 20 years we would have appropriated a billion dollars. I remember that in 1916, after the German drive across Poland, which left death, desolation, and starvation in its train, there was a demand on Congress to appropriate $500,000,000 to relieve that distress—conditions equally distressful with those in this instance. Where are we to stop if we are to adopt a policy of this kind? Government appropriations will not invite private subscriptions as have been going on in this and many other appealing cases, and once you adopt this policy you immediately check private contributions, and the call will come always to the National Government to have Congress reach into the Treasury and vote the necessary funds. Propagandists will be at work and the House and the Senate will yield to their demands.

Further, I deny that we have any authority by reason of the mandate given to us to vote other people's money for the relief of people in distress abroad.

Mr. CHANDLER of New York. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Not now. Never before in the history of our Government have we voted money under such conditions where there has been relief first given by private subscription. There are isolated situations which might have arisen, like that at Messina, where there was no time to grant relief through private appeal. Even during the war period, when the farmers of North Dakota were suffering because of drought, we refused to give them money for seed. Every cent of money that we voted was loaned upon the express condition that it would be returned.

Mr. CHANDLER of New York. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Not now. Here we are attempting to adopt a policy of appropriating other people's money. If people are not inclined to give money by private donation, where is the authority in Congress to take their money and give it? I now yield to the gentleman.

Mr. CHANDLER of New York. During the war period at the request of President Wilson——

Mr. STAFFORD. Oh, that was under war conditions. It was to help distressed peoples as an aid in our war purposes.

Mr. CHANDLER of New York. Let me ask the question, at least.

Mr. STAFFORD. I decline to yield further. Under war conditions, when there was no opportunity for private relief. During hat same war period, before we got into the war, the Rockefeller Foundation asked us for a contribution of $500,000,000, to be matched by an equal amount by them, to relieve the distress and famine in Poland occasioned by the German drive. Yet the chairman of the Committee on Appropriations and the members of that committee declined to grant any governmental aid, as it was beyond proper governmental function. Can not Members here see that once we launch on a policy of rendering aid to those in foreign countries who are in distress there will be no stop whatsoever? You will not be able to discriminate. No one will be able to stop the demands and we will be obliged to vote money as called for. It is a dangerous precedent that we are setting, and the rule of precedent here is so strong that once it is established there will be no end to it.

Mr. CHANDLER of New York. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Will the gentleman explain how much will be necessary if we adopt a like course of relief for all of this famine in the world, to feed the famished people who have not necessary seed in other places in the world besides Russia?

Mr. CHANDLER of New York. Did not we send 5,000,000 barrels of flour through Julius Barnes to Europe——

Mr. STAFFORD. That was during the war.

Mr. CHANDLER of New York. And did not we send $2,000,000 to the earthquake suffers at Messina.

Mr. STAFFORD. I decline to yield further. That was at a time when there was no time to raise money by private subscriptions. This is entirely different, because nothing has been shown in the hearings to the effect that the people of America are not willing to grant still more if they are asked. Once you grant this appropriation, twice the amount originally asked, the drive for private funds will be unavailing. There is going to be suffering in this country during the coming winter. Are we to deny relief at home and vote the people's money to the relief of those who are suffering abroad because of the bad government of their own making?

Mr. TEMPLE. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, it might appear from the fact that a Member on our side of the House controls the time in opposition to this bill that we are opposed to it. Such, however, is not the case. When this bill came before the Committee on Foreign Affairs every member of that committee favored the passage of the bill with the exception of the gentleman from Texas [Mr. CONNALLY], who controls the time, so that the bill comes from the committee almost by a unanimous vote. We are appropriating this money, it is true, but this fund is payable, if you will notice, from the United States Grain Corporation fund. We voted $100,000,000 some year or two ago——

Mr. SABATH. One billion dollars.

Mr. LINTHICUM. True, $1,000,000,000 to the United States Grain Corporation.

Mr. MACGREGOR. Will the gentleman yield?

Mr. LINTHICUM. I will.

Mr. MACGREGOR. What is in my mind is the constitutionality of our action. Have we any right to appropriate the money of the people of the United States for foreign purposes?

Mr. LINTHICUM. Well, if the gentleman raises that question, he might raise it in respect to a great many matters which come before this House on many of the appropriations which we make. We have long since passed the point where we merely appropriate for the expenses of the Government. We have appropriated on many occasions for other than the expenses of the Government. It could well come under the general welfare clause and well be held constitutional.

Mr. MOORE of Virginia. Will the gentleman yield for a question?

Mr. LINTHICUM. I have only five minutes. Out of that investment in the United States Grain Corporation which was appropriated, $65,000,000 have remained as profits of the enterprise, and this $20,000,000 will be paid out of that $65,000,000. The people of Russia are starving. Sickness and pestilence invaded the lower Volga Valley. Shall we with our great abundance refuse them help? I do not look upon it from any mercenary standpoint, but the fact remains that the Russians held back the Germans when the war was at its height, and they

lost 4,000,000 in dead and 10,000,000 wounded. The mere fact that they are starving and we can help them ought to be sufficient to command every vote in the House of Representatives. I do not believe that Providence has given to this great country of ours all the wealth and prosperity which it has enjoyed in years past so as to enable us to pile up millions upon millions in wealth for nothing more than our own use and for war purposes and purposes of enjoyment. I believe that we are somewhat to act as trustees to help the balance of the world wherever starvation and pestilence prevail, wherever misery and want stalk the earth, and wherever we can do so without injury to ourselves. Twenty million dollars might seem a very large sum, but when you distribute it among those people of this section of Russia, when you buy them seed corn and seed wheat that they may help themselves, the $20,000,000 will soon be exhausted. I wish to say as a member of the Foreign Affairs Committee that I voice the sentiment and vote of every Democrat on that committee, and all helped in the favorable report of this bill by the committee with the one exception I have named.

Mr. LAYTON. Will the gentleman yield for a question?

Mr. LINTHICUM. I want to yield first to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. I simply wish to say that I have the greatest sympathy for people who are suffering everywhere, but I experience the same difficulty as indicated by the interrogatory of the gentleman awhile ago, and that is a misgiving as to whether we have any power to enact this legislation. If the power exists, it must be found in the Constitution, affirmatively expressed. Now, obviously the gentleman can not find the power anywhere unless in the common defense and general welfare clause, if it can be found at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY of Texas. I yield the gentleman three additional minutes.

Mr. LINTHICUM. I hope the gentleman will not make a constitutional speech in my time.

Mr. MOORE of Virginia. But the common defense and general welfare provision is confined to the defense and welfare of the United States and does not entitle us to appropriate money for the benefit of the people of foreign nations. That is the very point made by Storey in a quotation from Storey used by Judge Charles E. Hughes in a case argued by the latter not long ago in the Supreme Court. How is the gentleman going to justify this measure as a valid exercise of power?

Mr. LINTHICUM. I think if the gentleman will refer to the general welfare clause he will find it can very well come under that. It is for the general welfare of this country that we help the starving people of Russia. I think with the friendliness those people have always shown toward America we are acting right at this time and need not hesitate for constitutional conjectures or otherwise from acting.

Mr. LAYTON. Will the gentleman yield?

Mr. LINTHICUM. I will.

Mr. LAYTON. What I would like to understand, and there seems to be a great deal of discrepancy in the statements made, is if this $20,000,000 is largely going to be used for seed wheat and other seed purposes, what is to keep these people from starving to death before they could plant it and reap it?

Mr. COCKRAN. Only part is for immediate relief.

Mr. LINTHICUM. I want to say to the gentleman from Delaware that originally the bill was for ten million. That is for seed wheat and corn for the Russians, and that is in accordance with the President's suggestion, but the committee thought the amount insufficient and increased the sum to $20,000,000 to carry wheat and corn for food and seed purposes and condensed milk to help them at this time. This will enable the relief committee to relieve distress and starvation now and provide seed for next season so they may help themselves.

Mr. LAYTON. And immediate relief?

Mr. LINTHICUM. Immediate relief will thus be provided through the relief committee.

Mr. COOPER of Wisconsin. The gentleman from Virginia [Mr. MOORE] seemed to indicate by his question that under the general-welfare clause expenditures from the Public Treasury must be in the United States. Now, suppose——

The CHAIRMAN. The time of the gentleman from Maryland [Mr. LINTHICUM] has expired.

Mr. CONNALLY of Texas. I yield to the gentleman two minutes more.

Mr. LINTHICUM. I wish the gentleman from Wisconsin would make his question very short.

Mr. COOPER of Wisconsin. Does not the gentleman from Maryland think if there were cholera or smallpox or famine across our boundary line in Mexico, right next to our southern States, that it would be a legitimate expenditure of the public funds under the welfare clause of the Constitution to send to the Mexican Government money to assist in doing away with that pestilence just across that imaginary boundary?

Mr. LINTHICUM. I want to say to the gentleman from Wisconsin [Mr. COOPER] and also to the gentleman from Virginia [Mr. MOORE], that we have already appropriated money to be used in Mexico to stop the boll weevil in that country and prevent it from coming into the United States.

Mr. ROGERS. And we also contributed liberally at the time of the Messina earthquake in the island of Sicily.

Mr. LINTHICUM. There are many precedents. I do not want to take up much time, but I do hope you will pass this bill in the spirit in which it is intended. It ought to pass this House by unanimous vote. We ought to do it in the right way, so that the people over there may see that we, who have always enjoyed the friendship of the Russian people, are in favor of helping them and are unanimous and do it wholeheartedly. [Applause.]

The poet has truthfully said:

That which I had I lost.
That which I spent is gone.
That which I gave I have.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. CONNALLY of Texas. I yield to the gentleman from Colorado [Mr. VAILE] such time as he may require, even if it should exceed five minutes.

Mr. VAILE. Mr. Chairman, the President of the United States has very nobly expressed the sympathy of the whole American people with the unfortunate people of Russia, and it is a hard task, indeed, within 10 days of Christmas, to get up here and protest against the relief being given in the way in which the head of the American Nation has asked that it be given.

I want to say, in the first place, that my opposition to this measure is not founded upon my sincere conviction that the Russian misfortune is largely the fault of the most cruel, stupid, and execrable government the world has ever seen. That patriotic statesman and wise counselor of his fellow citizens, the Hon. Elihu Root, in his admirable lecture on "The task assumed or inherited by the governing body in a democracy," says, "If government be bad, ruin comes to all. If it be good, success comes according to capacity and courage. The fairest and most fertile parts of the earth have for centuries been wilderness and desolation because of bad government. Not only lands capable of supporting multitudes in comfort and prosperity, but lands which have actually done so in the past are to-day filled with vice and squalor, with ignorance and poverty, because of bad government, while under good government comfort and industry flourish on the most sterile soil and under the most rigorous climate." Russia has had famines before, but she has had a sufficiently stable and effective government, even under the Czar, to survive them. This famine is not primarily the act of God. It is primarily the act of His enemies in inflicting upon the unhappy people of Russia the very worst government in human history.

Nevertheless, if it is right for us to appropriate this money, I do not think these considerations should withhold it. A people with more of the innate qualities which make a self-governing nation would probably have found a way to rid their 150,000,000 of the tyranny of 600,000 communists, but I am not urging that as a ground for refusing this appropriation. Indeed, for such relief as we can properly extend, the weakness and inexperience of these people is a reason in its favor and not a reason against it.

Nor do I oppose this appropriation because I believe it will be additional ammunition for the cause of bolshevism, though that is my firm belief. The other day there appeared before our Committee on Immigration and Naturalization a gentleman who has just returned from a trip to Russia, where he interviewed many people, including a number of officials of the soviet government. He left Riga just at the time when a very distinguished legislative officer of this Government was leaving Russia after an extended visit there. He said that the people of Russia were convinced that this Member of the National Legislature of the United States was a communist; that the communist parties of America, while perhaps not a majority, were powerful enough to materially influence American public opinion and American governmental action; that this visit was a proof of such influence; and that if confirmation were needed it was amply furnished by the arrival of the Hoover American relief just about the time of the departure of this American legislator. No amount of argument, said our witness, would

convince these Russians that the communist parties in America were not behind this action. It was perfectly evident that they were influential enough to compel the United States to assist their bolshevist brethren in Russia, and evident also that the cause of communism was spreading throughout the world, and particularly in the United States. Of course, in the mouths of bolshevist propagandists, this appropriation will be further and conclusive proof to the same effect.

But while I want my colleagues to know this, it is not my reason for refusing to support this bill. I readily concede that we should not refuse to do an act which it is right for us to do merely because our motives will almost certainly be misconstrued, even if that misconstruction is done purposely and with the intent of injuring us.

My reason is an entirely different one and is directed solely against the form of this relief. I would be glad to see $20,000,000 or a much larger sum raised by private charity for this purpose, and I will contribute to such a fund to the full extent of my ability. But this bill proposes to appropriate public moneys for this purpose.

The public moneys of the United States are raised by taxation. Taxation is a compulsory process. Your property can be sold at forced sale without your consent if necessary to pay your taxes. In the last analysis it means simply this, that the property of a citizen of the United States could be sold to send assistance to people of another country. Whether this is constitutional or not—and personally I do not believe that it is—I do not think we ought to do it. I hope that the response of the American people will be overwhelmingly generous toward this most deserving charity, but I believe that response should be a voluntary and not a compulsory response.

The case appeals most piteously for voluntary relief, and that appeal is all the stronger because of the long-standing friendship between the two peoples, a friendship most effectively manifested by Russia at the time of our Civil War; but, as was most appropriately said on this floor a few minutes ago by the gentleman from Maryland [Mr. LINTHICUM], the United States is a trustee. Now, the obligations of a trustee are very strict. You can give away your own property, but a trustee can not give away the property of his beneficiary. I am very sure that no man in this House would object to paying his share of the amount carried in this bill, but the man who does object would be entirely within his rights. His property is subject to taxation and to sale for taxes on the theory that it is liable, to any extent that may be required, for the support of the United States, not on the theory that it is liable for the support of other peoples, no matter how strong the appeal which they make to our hearts. Foreign charity is the field for free money and not for tax money. The most deserving foreign charity is not the proper field for relief by taxation of American citizens. The Society of Friends and other splendid organizations which are doing so much for the assistance of those poor people in that unhappy land are entitled to the most generous response from the people of the United States.

Mr. CHANDLER of New York. Will the gentleman yield for a question?

Mr. VAILE. I will.

Mr. CHANDLER of New York. Does he not know that when Mr. Hoover raised $30,000,000 for charitable purposes, it took some four or five months, and if we depended on private charity for the purpose of sending aid to Russia it would not do any good?

Mr. VAILE. That may be true, and if you cut off every objection you can probably find a great many instances where it would seem we could not extend relief at all unless it were done by appropriation of public funds. It does not seem to me that this justifies such an appropriation. There may be cases where it would, but I certainly do not think that this is one of those cases. It is raised by taxes and involuntary process.

Mr. SIEGEL. Does not the gentleman remember that in 1907, at the request of President Roosevelt, we appropriated $500,000 for the earthquake sufferers in Italy, and later on we appropriated additional money for that purpose?

Mr. VAILE. There may have been special reasons in those cases, but the fact that there have been precedents for devoting public funds raised by taxation to the relief of foreign peoples is not, to my mind, an argument for doing it again.

Mr. SIEGEL. Is not that the history of the country from the time of its formation to the present time?

Mr. VAILE. I do not think it is. I think it has been occasionally refused.

Mr. SIEGEL. I do not know of any time when it has been asked by the President that it has been refused by Congress. A few years ago I looked up the precedents. I thought the report of the Committee on Foreign Affairs might have them, but I see that they have not.

Mr. VAILE. There may be those cases, and while I would willingly contribute my share, this is not a case for a compulsory levy against the people of the United States.

Mr. SIEGEL. Has the gentleman or anybody else received in opposition to this resolution a single letter or telegram, or has he noted a single editorial opposition?

Mr. VAILE. My dear sir, let me say this, that in a matter in which I feel that I am a trustee, I would not change my vote if my entire district opposed me.

Mr. SIEGEL. I want to say that I was not questioning the gentleman's views.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. VAILE. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. Mr. Chairman, I yield to the gentleman from Texas [Mr. BUCHANAN] such time as he may require.

Mr. BUCHANAN. Mr. Chairman and gentlemen of the committee, the Republican platform has recommended to Congress to enact legislation to stamp out the stain of the lynching evil upon our civilization. The President of the United States in his message recommended that Congress enact legislation to that effect. The Committee on the Judiciary of this House, by a majority vote, brought in a bill known as the Dyer bill, recommending its passage and claiming that it is constitutional. The Attorney General of the United States has given to the chairman of the Committee on the Judiciary an unofficial opinion, in which he held that all the bill was constitutional.

That involves a serious question, and one to which I have devoted a great deal of time in investigating the decisions of the Supreme Court of the United States; and in order to give the individual Members of this House, who took an oath to maintain and support the Constitution against all enemies, both foreign and domestic, a chance to determine the exercise of that duty in accord with the integrity of their oaths and the integrity of the Constitution, I have determined to make these remarks prior to the actual consideration of the bill, so that they, together with the compilation and extracts of the decisions of the Supreme Court on this question, may be put in the RECORD, that all who desire may have the opportunity to quickly inform themselves and determine whether or not they will maintain the integrity of their oaths, the integrity of the Constitution, the integrity of the relations that our Federal and State Governments under the Constitution bear to each other, and that both bear to the people, or whether they will depart from the path of duty, prostrate themselves upon the shrine of political expediency, and sacrifice the best interests of our country to a political god.

Mr. Chairman, the crimes of the rape fiend, followed by the lynching outrages, so shocking to the world and disgraceful to our civilization, stir us to the depths. They demand our most profound condemnation. No one questions their atrocious character. We are unanimous that they should be penalized in the most drastic way. No appropriate means should be overlooked or withheld to curb their insatiate spirit of rape and murder. Every conservative remedy should be applied to purge us from their black stain of dishonor and cruelty. If the American people are to enjoy the chivalrous and intrepid glory of the mightiest and best Government of history, these fiendish activities and harrowing ordeals must cease. Our seeming madness and savagery, incident to the wild cry of the victim of the rape devil, must be corrected for our own relief and for our own vindication. But, Mr. Chairman, we must proceed by conservative and orderly paths and in the constitutional way, for no calamity can befall us so destructive of our cherished ideals and so fraught with inhumanity and dreadful sacrifice as indifference to the truths embodied and enunciated by our great charter of American freedom.

The Negro race that should know the value of real education and should be conscious of its own deficiencies should also know that no other race has had thrust upon it such chances to redeem itself from the unfortunate fate of a savage and degraded origin. True it is that the overload of our incomparable civilization was suddenly imposed upon the abnormal and the inexperienced. Of course the burden was heavy, its light blinding, and its trials were bewildering. God's pity that the delusions of partisan power should have driven the poor untutored and helpless freedman into the shambles of a conscienceless and unscrupulous slaughterhouse of political pillage. His notions of the education he needed readily impressed the simple dreamer

with the visionary prospect of political power, and he irresistibly gravitated to a goal of equality, social and political, which was and is the frenzied passion of his life. Thus was his unsophisticated dream inflamed by the trickery of the partisan into the absurd policy of equality. If ever his benighted vision can realize that dependable usefulness and reliable character make the only irresistible force that forges to the front over every obstacle, one step to a better day may justify the possibility of a more promising future.

When sound becomes sense and his vocabulary means more than the pronunciation of high-sounding words and phrases, when love of the spectacular and the affectations of dignity give way to a sense of responsibility and abiding concern for substantial reality, when his appreciation of the relative values of life can calculate for permanence and high standards, his course will attract and command the confidence and trust of substantial men—that element of mankind which must cooperate and without which he is doomed to remain in darkness and perpetual inferiority.

LYNCHING CONDITIONS EXCITE THE LYNCHING.

But, Mr. Chairman, while emphatic denunciations are due the lyncher and the lynching, we must remember that the hellish outrage that fires the spirit of retaliation is the most damnable known to the imagination, and that not one spot of earth can be located where the infuriated multitude will not override every barrier to avenge the pitiless horror, and that while to a degree the racial prejudice may account for the diabolical motive, it must be conceded that the race most addicted to the tragic infamy has long enjoyed its distinction as the most favored race protégé ever coddled and petted by the sentimental sacrifice of an indulgent people.

INDEPENDENT WILL AND ACTION ESSENTIAL TO BETTERMENT.

The hope of an individual, or of a race, must rest for promotion on its own independent spirit and on its own intrepid effort. No man, nor set of men, has ever achieved success except by the independent resolution and activity of self-control and self-centered enterprise and determination.

NATURE LIMITS AND CONFIRMS THE CONSTITUTION.

And no sagacious attempt will try to efface the lines of demarcation or to tear down the standards set by the hand of God to indicate and maintain His limitations of racial integrity.

The most cursory glance can see that natural law is beyond the repeal of any human power. No one has ever beheld a vulture and an eagle in close companionship or in the mutual exchanges of a common feeding ground. The hooting owl has never blended its sepulchral call with the mounting song of the nightingale. The leopard's spots still bask in the depths of the jungle, and the skin of the Ethiopian is unchanged within the ages of man. The lion and the lamb have not yet realized the millennial prospectus. Then, why should anyone indulge the hope, much less the attempt, to countermand or controvert the eternal decrees by an effort to obliterate the racial distinction fixed by creation, or contradict by any human law the fixed antagonism established by God Himself.

THE CONSTITUTION NOT IN CONFLICT WITH NATURE.

The Constitution of the United States interdicts nor violates any of the plain mandates of nature and common sense. We must understand that these limitations are definite and inexorable.

The decrees of infinite wisdom from on high were chiseled into man by the Hand Divine and give to human nature its unerring instincts of self-direction, self-preservation, and self-control. These principles of natural endowment, so determined by God Himself constitute the everlasting foundation for the best constructive powers of man. Under such an inspiration and by such handiwork, the joint creation of God and man, the Constitution of the United States of America fully justifies the well-known eulogy of Gladstone—who declared that—

> the Constitution of the United States is the greatest piece of constructive work ever struck off by the hand of man in a given time.

Within this age of irrepressible conflict the remedy can only approximate relief; we can only mitigate the conditions by the graces of a better spirit, inculcated by conservative statesmanship and the reasonable exercise of responsible power.

That kind of conservative spirit is not in this Dyer bill nor in the entire record of peremptory measures thus far before us. All of them are dogmatic; and any one of them, if passed by Congress and enacted into law, is certain to intensify and aggravate the atrocious evils they attack. The stain of the lynch license can not be removed by what will give it a denser hue. The stench of political miasma can not be dissipated by the breath of the odors exhaled from the rottenness of party bias and sectional hate.

Mr. Chairman, let us not be deluded by the bluster of heroic words or the attitude of intemperate passion. They can never serve the master builders of the temple of human welfare. The infirmities of human nature have ever walked in the procession of human affairs; and whoever dreams of the day of deliverance from human frailty is doomed to disappointment and utter defeat.

But there is a "balm in Gilead" which, if it can be applied, will go as far as human agency can go to put our people and our country "in the ways of pleasantness and the paths of peace." If the criminal element of our country will cease committing the diabolical crimes for which they are lynched, the lynching will cease forever. * * *

But the world knows no saner, safer, nor more efficient treatment for our deep-rooted political woes than has been given by the Constitution and as interpreted by the Supreme Court. Its great judicial decisions are ample in number and character; and they determine beyond controversy the limitations of Federal power in dealing with what specifically belongs to the prerogatives of the State, as provided in the Constitution. The Constitution is supreme and universal in the scope of its pervading power. It is binding in its specified and inexorable reservations to the States and it is equally binding as to the delegated powers of the Federal Government. It is binding in what is granted and what is not granted. It is binding to destroy, to nullify, all that might be done or assumed by the General Government outside of its powers, as well as to invalidate any State action within this exclusive domain.

If we study our Government, we find that the entire system, Federal and State, was the voluntary act of the free and independent States. The Federal Government was established by the States, which cooperated for that purpose, each for itself and mutually for each other, that they might commit to a general agency, in trust for them, what could better be done for them than could be done by them, acting in a popular mass, or individually and separately. That was what the States intended to do and what they did. It was from the first a combination entered into for the express purposes of the revolutionary war. By their free and voluntary action they combined and won their independence. When that was done they, by their uncompromised and untrammeled original right, dissolved the confederated war union.

The Articles of Confederation by experience were found to be inadequate for the greater and more comprehensive cooperation required. A more important agency was needed in their domestic economics and in the natural relations to be maintained with each other and with foreign peoples. And, therefore, they exercised the right, never surrendered, and voluntarily disintegrated from their tentative, make-shift association. This was done to effect a more adequate economic arrangement for their mutual and reciprocal benefit. There were interests common to all that could better be prosecuted under the great general agency of a more perfect union. And so it was that the more perfect union was formed and under its Constitution adopted by each State separately. The United States entered its career for mutual and reciprocal advantange. But independence and self-control, never surrendered by word or act of the States, was a supreme and ideal principle, fostered and cherished; an immortal soul within the entity of each one of the cooperating State sovereignties. A premeditated, absolute sovereignty, begotten and conceived in the ideal spirit and experience of "give me liberty or give me death."

We find in the great decisions of the Supreme Court that the fundamentals of constitutional safeguard to the States are as explicitly stated as language can assert and as indisputable in interpretation as the greatest masters of law and logic can formulate.

These decisions of the great court constitute our governmental safeguard, and we must bow implicitly to them or be dashed to pieces on the rocks and reefs of an irresponsible socialism and the destructive ravages of a lawless anarchy.

Beginning with the Slaughterhouse case, in which Judge Washington most minutely elaborated that great judgment, we were treated to a deliverance which was then like a star of the first magnitude in the clouded skies of constitutional liberty.

Mr. Chairman, the creation of the Government of the United States was the most logical evolution in the history of constructive statesmanship. The thirteen original Colonies, existing by charter right from the King of England, were separate and independent Provinces, though subject to the Crown. Under the sting of intolerable oppression they rebelled against the mother country and combined to throw off its yoke, signing to that effect the great Declaration of Independence on July 4, 1776. Under definite Articles of Confederation they united in their tentative government to maintain their great declaration.

The struggle that ensued called for the leadership of Gen. George Washington, and after seven years of memorable conflict victory perched upon the banners of the heroic confederation, named even at that incipient stage "the United States of America." The grant by England of the independence they had won was the specific recognition that each one of the revolting Colonies was recognized an independent and sovereign nation.

Turning from war to peaceful avocations, the inefficient organization of the Confederated Union under the impetus and the necessity of a better and stronger government agreed and arranged among themselves for the consummation of "a more perfect union." For that purpose they met as a Constitutional Convention in Philadelphia in the month of May, 1787. And with the immortal Washington presiding, "the first in peace," as he had been "the first in war," the most significant body of statesmen that ever deliberated in the interest of human welfare proceeded to their task of constructing our organic law.

The remarkable personnel of that body justifies the exclamation, "There were giants in those days." No greater characters known in the administration of affairs have ever given such strength and ability to so righteous and beneficent a cause as were consecrated to the service of formulating the articles and principles of the peerless document which was to shape the destiny of this mighty Republic. It would be invidious to call the roll; but the strength of early manhood and the wisdom of advanced age were blended in the dependable prosecution of the unequaled responsibility.

The youngest of the delegates, John Francis Mercer, of Virginia, was 28. Alexander Hamilton, at 30, has been accredited with the most powerful direct argument of the convention. James Madison, at 36, was an engine of commanding energy, with singular faculties of detail. Gen. Washington was 55, and Franklin was 81. It is to be observed that the men who framed the Constitution were in the prime of manhood and the maturity of age.

Their conclusions were convincing then; and they have not molded with time. Long since consigned to honored graves, their fame is ever fresh; and if they were alive to-day we could not cite their superiors among the statesmen of the times. It will be to our credit to respect and venerate the legacy of constitutional law bequeathed to us by "the Fathers"; and we should be ready to resist by every appropriate means in our power any encroachment that invalidates these fundamental safeguards of civil and religious liberty, written for us by their consummate foresight and almost divine wisdom.

INDIVIDUAL LIBERTY AND RESPONSIBILITY OF DIVINE ORIGIN.

Mr. Chairman, in the deliberations of this constitution-making body of patriotic councilors it is safe to assume that the ideals of personal liberty, individual responsibility, and self-restraint were prime considerations. Hailing from Mount Sinai it was embodied in the decalogue. It was written on the tables of stone, and it was taught by the mosaic law.

The reiterated "thou" and "thee" of the God-given Ten Commandments were obviously not intended to be collective or in the plural number.

MORAL AND SOCIAL LAW.

"The moral law," the first four commandments are so designated, was meant to be, as addressed, to the individual. The first one, an explicit command, "Thou shalt have no other gods before me," is evidently intended for the person. The second one, "Thou shalt not make unto thee any graven image," and so forth, was also intended for one at a time. And the personal unit is legislated for by the last six of the commandments, which make by common acceptation "the social law." The first of the six, "Honor thy father and thy mother," and so forth, is clearly a personal admonition for the son or the daughter. It can have no exclusive personal import, nor does any of the ten refer collectively to the community.

PERSONAL ACCOUNTABILITY NOT THE SOLE IDEA.

It was not a thought, Mr. Chairman, of the convention to specialize for the person only, and thereby eliminate the general interest and authority; not a member who did not realize that individuals make society. And the individual citizen of to-day appreciates his relationship to his community and knows of his responsibility to his fellow man. He knows he can not escape a personal nor avoid a mutual and common relationship and accountability.

HARD TO RECONCILE THE INDIVIDUAL AND THE SOCIAL RIGHT.

It is and has been the difficult thing with statesmen to so adjust these individual and social rights and privileges that their inevitable differences will not become dangerous and destructive to each other.

Both personal and social interests exist and are contemplated in constitutions and laws, and each of them is a factor in the authority and operation of all law.

Analogous to heat and cold in nature, and to good and bad in ethics, as in all subjects of the continuity kind, it is a problem to define and locate the points of contrast and change. In human affairs human infirmity prevails, and the violence of conflict is inevitable, though conservative restraint has often been exercised to avoid the extremes of factional madness.

These contradictory elements in human kind were in mind by our Constitution makers to be arranged for the constructive instrument which was to guide a great and growing people through unprecedented trials, and were at times to strain every bolt and timber of our storm-driven ship of state.

In the preservation of the liberties which the Constitution was to guarantee, the most important was the fundamental of personal accountability. It would clearly be a departure from the governmental doctrine and practice of the past not to stress the individual as the sovereign. On the other hand, it was plain that the ideal of personal liberty was a factor of essential and primal importance, for personal responsibility is the main element in popular government. The day had come and the edict had been pronounced and the challenge had been proclaimed to the autocratic world, Thus far and no farther. Henceforth "we, the people," will assume our own direction and take charge of our own affairs.

But the task was a trying one, for the intricate legal questions to be settled, and the various ambitions to be considered, and the conflicting opinions and controversies to be satisfied, and many other incidental perplexities to be met, engaged the surpassing ability of the convention, and held it in the grip of patriotic passion. In the forefront was the problematic task of reconciling in government the apparently unavoidable conflict between the two opposing fundamentals of individual and social privilege and right. It was Anglo-Saxon in its origin and untried by any great people. No such effort had engaged the Republics of the Old World. They had exploited the State regardless of the personal subject. They considered no individual as clothed with any right independent of the State to oppose the State by military power.

AN ANGLO-SAXON IDEAL.

The Anglo-Saxon began at an early day to think out the ideas so forcefully expressed in our Declaration of Independence. More thoroughly than ever before the inalienable rights of the individual were unfolded and asserted in that consummate proclamation, which looks to the personal equation as the first and principal concern of government. The right to enjoy life, liberty, and the pursuit of happiness as an inherent right and not by governmental patronage was the dominant demand for the individual.

MAGNA CHARTA.

The barons of England demanded a limitation of the prerogatives and powers of the Crown, but not a grant of right for the person. They asserted inherent right and demanded their individual freedom, and that their personal rights should be respected. The charter was made to pledge:

No freeman shall be taken or imprisoned or be disseized of his freehold, or his liberties, or his free customs, or be outlawed or exiled, or otherwise destroyed except by the lawful judgment of his peers or by the law of the land.

The great charter was confirmed over and over by other broad concessions: By the Petition of Rights, by the habeas corpus act, by the Bill of Rights, by the Massachusetts body of Liberties, by the Virginia Bill of Rights, and finally by the immortal Declaration of 1776.

In all the developments of that liberty loving day the same dominant demand for the inalienable and inherent right of personal manhood was asserted under government, but, if necessary, in spite of government, and it was insisted upon in the name of life and liberty and property.

THE CONVENTION SETTING.

Mr. Chairman, the staging of the Constitutional Convention was extraordinary and impressive. Its personnel was exceptionally distinguished. The presiding officer, commanding in appearance and unexcelled in fame, was without a rival. He had been tested by all of the experiences of leadership, and his prestige invested him with the personality of a born ruler.

The 55 members, representing 12 States, were men of eminent ability and character.

CONSTITUENT CHARACTER.

Without exception the body was composed of clear-headed and substantial men; and many of them were noted for ability and high courage. Each State except Rhode Island was represented, making 12 States whose delegates constituted the great convention. Many immortal names graced the assembly, and no such array of character and strength had met together on an occasion so momentous to the devoted patriots of the New World. Many of them had passed through the baptismal fires

of revolutionary war and were primed to secure what they had risked everything to attain. But there were differences. Some hoped to signalize themselves and their respective States. Others who were inspired by the pioneer spirit were committed to the prospect of the more perfect union, which was the animating impulse of the assembly. But the purest and truest patriotism was the ruling passion, and the doubts and misgivings and adversities of centuries of failure gave the nerve and caution essential to the success which was the crown of rejoicing sure to adorn the brow of consecration and unfading immortality. But, dedicated and pledged as they were to the holiest aim that ever vocalized human thought and energy, the convention was not to sail before auspicious breezes and over unmuffled waters.

A NEW CONSTITUTION.

The convention at once proceeded to form a new Constitution instead of attempting to reconstruct the old one. This brought to the front immediately its most scholarly and capable leaders, and the original idea and mature thought of the profoundest statesmen of the times were intently and intensely centered in the construction of what was to prove to be the masterful instrument of organic law of all recorded time.

Sweeping aside all personal interests and irrelevant and impertinent and immaterial matters, the most important subjects soon engrossed the earnest and determined attention.

The small States' contention was taken up and finally resulted in the establishment of popular representation based on population in a House of Representatives. The statehood idea, contemplating the abstract principle of the State per se, was to be set forth by the Senate. Each of them were to have separate but reciprocal duties, and each to be recognized by its separate legislative organism, and technically known as the House of Representatives and the Senate. Together they constituted, with full and exclusive legislative power, the Congress of the United States of America.

GOVERNMENT ORGANIZATION.

Mr. Chairman, with the Government machinery thoroughly understood, these astute students and makers of the Constitution faced the question of the principles of government. They had builded well their threefold structure of executive, legislative, and judicial powers.

The executive, the President, administrative head and advisor and censor, and the legislative branches, the House and Senate, were exhaustively considered and duly ordered. They were to be creatures of the people, representative of their authority and amenable and directly responsible to their sovereign will. But the necessity and demand for an arbiter, invested with power to determine the constitutional integrity of any measure or act affecting the interests of the people, was provided by the plan and equipment of the Supreme Court. This great tribunal was to be made up of its judges and subsidiaries, was to be constructed by the mutual and cooperative work of the appointive executive power and confirmed by the Senate of the legislative branch, and it was to be charged with the exalted duties of guide and guardian for the Constitution. As thus organized the poise of the governmental machine has held its equilibrium for more than a century.

So far the three branches of our democratic Government have cooperated with admirable success, and popular government has so completely vindicated America from the taunt of predicted failure that the autocracies everywhere have deserted the palace, and the crown has become but the symbol of monarchy throughout the earth.

GOVERNMENT SPIRIT AND DOCTRINE.

Of course, Mr. Chairman, the splendid edifice must rest upon its foundation, ample and strong. The temple must stand or fall by the doctrines taught within its walls. Every residence has an occupant and every occupant a soul.

No government exists without its creed, and the principles by which it exists make its political plan of salvation. So that when the United States was to function, the pages of history, taught by the successes and failures of every governmental experiment of the past, were an open book.

These experiences were the guides, pro and con, for the most stupendous undertaking of history. The rise and fall of human effort in government, detailed and summed up, was law and gospel to the scholarly delegates. They knew that all the fantastic theories of the purely popular had gone to the wall, and that socialism, under many an adventurous title and reckless impulse, had proved the impracticable character of every purely popular government for a miscellaneous people.

They knew that socialism was worn out long ages ago and that wherever practically operated in a considerable way it had resulted in disorder and halted civilization and progress.

REPRESENTATIVE DEMOCRACY.

The representative principle, fostered by the English people in the "Mother of Parliaments" and now known everywhere, was the standard taught and incorporated in our Constitution. It was practically new and not appreciated as an element of substantial strength, a quality unknown in the history of preceding peoples, who had failed in all attempts to govern by the direct will of the citizens in mass.

Mr. Chairman, by organizing the executive, the legislative, and the judicial entirely apart but mutual and cooperative, and by establishing a representative system and making a Supreme Court, invested with extraordinary powers, the 55 makers of the Constitution made democracy powerful and safe and barred it from becoming autocratic and freed it from the impulses of destruction. To avoid the danger of sudden and momentary impulses they arranged for any change proposed, of a radical kind, to be subject to deliberate and mature reflection by a premeditated "laws delay." With time, passion cools and conservative thought will control the reckless and fiery spirit of men.

And time has proved these apostles of construction to have been endowed with rare powers of foresight and practical sense. For the Constitution has more than satisfied its friends and it has utterly dumbfounded its carping critics. Under it our mighty Republic has grown and prospered until it is the leading Nation of the world.

The Constitution with its provisions insisting on individual rights and local self-government, with manifestly necessary and appropriate limitations, led irresistibly to the question of how to apply the specifics of the great system to secure and perpetuate the benefits of the inspired prescription.

Logically and with wonderful prevision, the master minds had divined the essentials and had skillfully formulated the eternal doctrines and decrees for American liberty. Now, the ways and means of putting into successful practice the theories and principles enunciated was the all-absorbing problem confronting them. How the personal-liberty principle, how the local-interest principle, how the positive essentials and fundamental doctrines could be imbued into the spiritual thought of the people and made habitual in their daily lives was the Herculean proposition. And to the consummation of that statesman's holy dream, all the infinite intellectual capacity of that splendid council chamber was addressed and concentrated.

We of this exceptional day, peculiar in its strides of advancement, peculiar in its miraculous accomplishments in science and art, strange in its backward and downward impulses—we, I say, Mr. Chairman, must stand with uncompromising front and determination to stay the unhappy retrogression which so disturbs the prospect of our incomparable country.

After the insatiate principles of individual rights and representative democracy had been considered and satisfied, the Federal expedient—the organic association of the States—became the momentous topic of the convention. This federation ideal had also, with that of representative democracy, impressed the Anglo-Saxon thought, and had been experimentally and imperfectly advanced to negligible importance by the English people.

But the proposition as perfected in our Constitution was unknown and unique until incorporated in the immortal document of 1787 and 1789. All of the previous confederations were only "leagues of States," of temporary design and short lived. Ours was to be, in hope and design, the permanent instrument to create an unprecedented Republic, pregnant with indissoluble principles, and to expand into a nation of perpetual life, and vitalized with the everlasting energy of conservative power and with the enjoyment of every righteous liberty consistent with the cardinal principles of freedom and equality.

DUAL FORM OF UNITED STATES GOVERNMENT.

Mr. Chairman, it would entertain and instruct to trace step by step the construction of our Constitution and to review the plans and theories considered. But it is decidedly more important to understand the whys of its construction and to familiarize ourselves with the true import of its provisions.

The dual form of our Government was adopted and equipped with its checks and balances that it might surely provide and certainly secure equality in the administration of the rights demanded and guaranteed and in harmony with the ideals of unfettered life. It was planned in the interest of genuine liberty, that fundamental justice might be enthroned and administered in harmony with the self-evident truths and principles of their passionate hope and ideal doctrines.

UNITED STATES GOVERNMENT ESTABLISHED.

Therefore the 13 original States, proud of their independence and conscious of their untrammeled sovereign rights and

prerogatives, considered and debated and concluded how they could best secure for their own accommodation and service a safe and competent general agency. The chief concern was how to safely intrust the needed current business of the contemplated family of States and how to invest their fiduciary commission with adequate powers and limitations.

They knew the dangers of trust violation, and they knew the temptation and trend of ambitious power.

To this end and for this peculiar purpose the Federal Government was established, and its specific powers and duties were announced, enumerated, and defined. Within this limit of specific and circumscribed action the Federal duties and rights were delegated by the sovereign power of the States, and defined and limited to interests of Federal and national scope and concern. And its jurisdiction, so circumscribed and defined, is supreme within that limit, but is barred and prohibited outside of its constitutional barricade from every conflicting or interfering participation or assumption in the affairs of a sovereign State.

Within its delegated powers it is sovereign; it is sovereign and supreme; beyond its delegated limits the Federal power can exercise no constitutional function whatever, and if it assumes that right it transcends its limitations and opposes the only original pristine sovereignty known to the authority of the Constitution. Its rights and duties, assigned and imposed by the State authority, were specific and enumerated; all of them were of that character of general concern, not appropriately subject to the local State control and direction, and far more advantageously committed to an agency especially organized for the purposes of more efficient general service.

The rights delegated and the duties conferred and specified for their great constitutional trustee, and to be exclusively in its care a delegated but limited sovereignty were these:

POWERS OF THE UNITED STATES ARE DELEGATED.

[Quoting from the J. Z. George report.]

Looking to the whole scheme of Federal and State Governments, we find its primal fundamental principle, the key to its exposition, is that the powers possessed by the United States are delegated; that is given or granted to them by some political organism or organisms and are in no sense inherent or original. Before any of these powers were thus granted there were no powers in the United States—in fact, no United States existed. The United States as they now exist as a Government were created by the Constitution. That instrument, in the act of making, the States united under it, dissolved their union under the Articles of Confederation.

The ten amendments, adopted almost contemporaneously with the Constitution and designed to put into constitutional form a great truth then recognized by all, so as to prevent mistake or misconception in all after times, expressly declares that the powers possessed by the United States are "delegated"; and all the powers "not prohibited" to the States are "reserved," not granted, not given, but "reserved" to the States, "respectively"; not to the States in a mass, or aggregated or united, but to the States, "respectively," or to the people. The powers are not even said to be "vested" in the United States when reference is made to their origin. They are only "delegated" and then they are said to be "vested" in the Government, and in its various departments as a consequence of this delegation. The powers thus "delegated" are not the great mass of the powers of Government, with exceptions in favor of the States, but they are enumerated, specified, written in the Constitution itself, and defined and limited by it.

THE GENERAL SCHEME OF THE CONSTITUTION.

The general scheme of the Constitution was to make us one people with one country, for all the great purposes for which it was established. (See Chief Justice Taney in Passenger Cases Y. How. R. 283.)

The great purposes are expressed in the Constitution itself, in the powers delegated by it to the United States. These powers are plenary and exclusive as to all that concerns the people and States in their relations with foreign powers, both in peace and in war, including the making of treaties, the receiving and sending of ambassadors, ministers, and consuls; making war and concluding peace; intercourse and commerce with them; the protection of our people in foreign countries, and outside of the jurisdiction of any State and on the high seas.

Secondly, the Federal powers extend to the regulation of relation between the States themselves and the citizens of each with the citizens of the other, and between each of the States and the United States, covering commerce among the States, compacts between two or more of them, the duty of surrendering fugitives from justice and labor, the force and effect in other States of public record and judicial proceedings of each State; "the securing to the citizens of each State the privileges and immunities of the citizens of the several States," when in the jurisdiction of any State of which they are not citizens, leaving, however, to each State to determine and define the rights and privileges of its own citizens, and securing only these same privileges so defined by a State to citizens of other States when they are within its jurisdiction.

Thirdly, the power and duty to guarantee to each State a republican form of government and to protect it from invasion, or, on application of the State, from domestic or foreign violence. These were the great purposes for which the Constitution was formed and adequate powers to attain them were granted.

All other powers delegated to the United States are either merely auxiliary to these great ends and for the support and maintenance of the common government, or they are such as can conveniently and properly be exercised only by a government common to all the States. The auxiliary powers relate to the establishment of a uniform system of bankruptcy and naturalization laws; the power to coin money, to regulate its value and the value of foreign coins in circulation here; to fix the standard of weights and measures; to grant patents and copyrights, to establish post offices and post roads; the power of taxation; to punish counterfeiting of the current coin and securities of the United States; to punish piracies and felonies on the high seas and offenses against the law of nations; to raise and support armies, and support and maintain a navy, and certain powers over the militia.

These powers in general terms include all that were delegated to the United States. If we stop and consider them, we will see how few they are great indeed in importance, unlimited in degree, but very limited in number. If we abstract from these powers all that relate to our intercourse with foreign nations—all that concern the relations of the States with each other, in their character as States and their relation to the Union; all that relate only to the giving force, efficacy, and support to the United States in their exercise of their other powers—we will see how infinitely small in number are all the remaining powers, which concern only the rights, privileges, and conveniences of private persons—private citizens when in the jurisdiction of a State.

These powers are:

(1) The securing to the citizens of the several States the privileges and immunities granted by any State in whose jurisdiction they may be to its own citizens.
(2) Jurisdiction over bankruptcy.
(3) Jurisdiction over naturalization.
(4) Jurisdiction over the currency.
(5) The power to establish post offices and post roads.

We look in vain in any of these powers for the power to enact this bill. But along with these powers come provisions which show the soul and spirit of the Constitution, and without which the Constitution becomes either a lifeless corpse or, having energy and vitality, is an instrument only of oppression and wrong. These provisions recognized the absolute equality of the State and secure fairness and impartiality in the exercise of the powers granted by the Constitution. Thus direct taxes are required to be apportioned among the States according to their population, and all duties, imposts, and exercises are required to be uniform throughout the United States; no preference is allowed in any regulation of commerce or revenue to the ports of one State over the ports of another; the levying of a tax on any article exported from any State is also prohibited, whereby the dangerous power of taxing articles mainly produced in one State or section and not in others is denied to the Government.

And then there is a great provision in Article V, which secures absolutely and forever the equal suffrage in the Senate of each State against even an amendment to the Constitution. Under this guaranty of equality Delaware, Rhode Island, and Nevada each have the same voice in the Senate as the great State of New York.

Of course, Mr. Chairman, it could not have been an acceptable proposition with the States so recently freed from the yoke of tyranny and oppression to subject or risk their dearly bought rights and liberties to any kind of despotic control; and they well knew that any centralized power, whether in a monarch or in the people, was a condition to be feared. They had no idea of delegating *all* or *indiscriminately* the independence and freedom which was theirs by the verdict of war, and by the determination of native strength and power, and by the impulses and aspirations of a self-governing ability. Therefore the Constitution provided that:

The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people.

These especially reserved powers which relate to such consideration of personal and local interest as are essential to individual and community welfare and naturally and materially and exclusively in the State's care and any domestic or economic trouble is properly under the local authority of the State, and all violence and turbulence are remedial by the police regulations and powers of the State.

POWERS PROHIBITED TO THE STATE.

The scheme of the Constitution embraces not only a division of powers between the several States and the United States by delegation of certain ones specified to the latter, and a reservation of the others to the States, but it includes also the prohibition of certain powers to both. These powers, so far as they relate to persons, were deemed despotic in their nature, unjust in their operation, and contrary to the genius of free government; and hence, whilst prohibiting their exercise by the Federal Government, the States also surrendered them as a pledge of their fidelity to the great principles of republican liberty.

Three of these powers related to the lives and liberties of the persons, namely, bills of attainder, ex post facto laws, and the suspension of the great writ of habeas corpus; one of property, viz, laws impairing the obligation of contracts; and the others related only to the quality of persons in a free government, namely, the bestowing titles of nobility. These powers were refused to both. The power over contracts, however, was allowed to the Federal Government indirectly in its power over bankruptcy.

There were some other prohibitions to the State, but they were manifestly introduced for the purpose of preventing a conflict between State powers and Federal powers, which *might*, but for the prohibition, have been concurrent. In all these there is not a pretense for the claim of the Federal Government to intervene between a State and its citizens for the protection and security of the great fundamental rights of persons and property and the pursuit and acquisition of happiness, all these being left to the care and protection of the States, except only in the four cases of habeas corpus, bill of attainder, ex post facto laws, and laws impairing the obligation of contracts. Of all the civil rights of men and all the rights of person and property, only these above named, and no more, are entitled to Federal protection in favor of a citizen against his State, and this protection extends only to the prevention of State action in violation of them, as will be shown more fully hereafter. And not one of these rights is secured against State action, even in favor of citizens of another State, except to this extent, that citizens of other States should have from each State the like protection that it affords to its own citizens.

Mr. Chairman, this discussion and recital of the inherent and reserved powers of the States ought to satisfy the shallow thinker as well as the profoundest observer. In the view of the narrow and the morbid, when the disposition to stultify all political standards is rampant, it is exceedingly profitable to pause

and maturely reflect. We should not permit ourselves to degrade and befog the powers, duties, dignities, and importance of the States. We should not expect the United States Government to adjust all wrongs, to correct all evils, to create prosperity and arrest adversity, to hand out wealth and relieve poverty, and for such purposes to place its powers over interstate commerce and over all taxation, that one interest may prosper at the expense of another, to destroy one interest for the advancement of another, to take charge of industrial enterprises and the health affairs of the State. To command whatever relates to good order and morality in the people, to extend subsidies and bounties from the common treasury and property for private interest.

Because of such common recklessness in thought and temper, it may be well to name in detail some of the great powers which are constitutionally and exclusively reserved to the States. The following may serve to impress the significance and importance of the ideas and facts hereinbefore mentioned and referred to:

SOME OF THE GREAT POWERS RESERVED TO THE STATES.

In this grand jurisdiction thus reserved to or kept by the States is the entire power over all contracts; who may make contracts, and who are incapable of making them from want of mature age or of mental capacity or of freedom of will; the form in which they must be made; the evidence to establish or defeat them, their nature and obligations; the consequences of default in complying with them, and the sole remedies to enforce them amongst citizens of the same State. The sole power over marriage; who can contract it; the forms to be observed in celebrating it; the relative rights, powers, and duties of a husband and wife toward each other and in the community; the causes and manner of its dissolution, and all the relations and mutual duties and powers, and rights of parent and child; and superadded is the institution of the family (the unit and basis of our civilization) with the right to acquire and hold against adverse fortune the homestead for shelter and conservation. The titles and tenures to all property of every kind; the modes and forms of its acquisition and transfer; how the right to it may be lost by neglect or acquiescence in wrong; what are injuries to it and the nature and extent of redress for such injury; by what rule it shall be enjoyed in life, and on the death of the owner how it shall descend and be distributed, and on what failure of blood it shall escheat to the States; the right to dispose of it by will, and by whom and in what forms wills must be made; whether entails or primogeniture shall be allowed, and to what extent property may be held in mortmain by corporations, and by what rights, if any, corporations created in other States or in foreign nations shall enjoy in its jurisdiction; the civil status of its people as to legitimacy or the contrary as effected by their birth, their education in youth, their civil rights, their qualification to vote and hold office, and their conduct in life, and their protection and security in life, liberty, property, and reputation; crimes against property, larceny, robbery, burglary, arson, malicious injuries and trespass, cheats, embezzlement, forgeries, and the like; crimes against the person, assaults, batteries, mayhems, murder, seduction, false imprisonment, and all others; offenses against reputation and character, slander and libel; offenses against good order and good morals and the health of the community; the great right of the free exercise of religious worship and freedom of religious belief and freedom of speech and of the press; all of these and more of like character are solely within the jurisdiction and power of the States and depend on their laws and government for preservation and protection. In short, the State authority meets the child as at its birth, attends him through infancy, manhood, and old age, and at his death, and is sufficient, if wisely exerted, to secure to him all the blessings which make life desirable in this world and the opportunity of gaining for himself in his free exercise of his religious belief a blissful hereafter.

The Supreme Court of the United States not only confirms the above divisions of power between Federal and State Governments but holds that the Federal Government is supreme when acting within any of the powers specifically and expressly delegated to it under the Constitution, and that the States are equally supreme when exercising any of their reserved powers, as above defined. It needs but a few quotations from the well-considered opinions of the Supreme Court of the United States to settle beyond controversy the above statements.

THE SLAUGHTERHOUSE CASE (16 WALL., R. 76).

The court said in the above case:

It would be the vainest show of learning to prove by citation of authority that up to the adoption of the recent amendments (thirteenth, fourteenth, and fifteenth) no claim was set up that those rights depended on the Federal Government for their existence or protection beyond the very express limitations which the Federal Constitution imposed on the States, such, for instance, as the prohibition against ex post facto laws, bills of attainder, and laws impairing the obligation of contracts. But with the exception of these and a few other restrictions, the entire domain of privileges of citizens of the States, as above defined, lay within the constitutional and legislative powers of the State and without that of the Federal Government.

Again, in the case of the United States *v.* Cruickshank (92 U. S. Rep., 554), Chief Justice Waite, in delivering the opinion of the court, stated:

The rights of life and personal liberty are natural rights of man. To secure these rights, says the Declaration of Independence, "Governments were established among men, deriving their just powers from the consent of the governed." The very highest duty of the States when they entered into the Union under the Constitution was to protect all persons in their jurisdiction in the enjoyment of these "inalienable rights with which they are endowed by their Creator." Sovereignty for this purpose rests alone with the States.

And the same court in the same case, on page 550, uses the following language:

The Government (of the United States), thus established and defined, is to some extent a government of the States in their political capacity. It is also for certain purposes a government of the people. Its powers are limited in number, but not in degree. Within the scope of its powers as enumerated and defined it is supreme and above the States; but beyond it has no existence.

If we hope to preserve the priceless governmental legacy transmitted to us by our fathers, we must see to it that the Federal Government and the respective State governments confine their activities strictly within the rights and powers belonging to each respectively. The Federal Government must not encroach upon the rights, powers, and prerogatives of the State government, neither must the State government exercise or attempt to exercise any of the rights and powers expressly delegated to the Federal Government, as contained in the Constitution of the United States.

Some people see what they conceive to be a great evil in society, which outrages their moral nature and contravenes their conception of right and wrong, and they immediately conclude that the Federal Government must remedy this evil. They do not stop to examine the grand scheme of our dual form of government and what powers belong to the Federal Government and what powers belong to the State government. This was illustrated during the years prior to the War between the States, when a great number of honest, though misguided, fanatics concluded that Negro slavery was the quintessence of all villainies, and finding the Constitution of the United States recognized African slavery as a legal institution, they proceeded to denounce our Constitution as a "covenant with death and a league with hell." Some claimed there was a "higher law" than the Constitution.

It is unnecessary to detail what followed during the four years of discord, of conflict, of war, havoc, and destruction that occurred during the battle tide of the sixties, as a result of not obeying in letter and spirit, in word and act the Constitution of our common country. African slavery would have disappeared before the evolutionary progress of modern thought and civilization without war or bloodshed. We of the South know no higher law than our Constitution. We are for it in letter and spirit, and recognize it as binding upon us in its every word and sentence, but we do insist that all others must be likewise bound by it. The Federal Government owes no duty to correct any evil, to create or protect any right beyond the power expressly conferred upon it. Chief Justice Waite in the Cruickshank case declared that "the duty of a Government to afford protection is limited always by the power it possesses for that purpose." No intelligent man will contend that up to the War between the States that Congress possessed any constitutional right to enact this bill. So that if said right exists it must be by reason of the provision of the reconstruction amendments to the Constitution of the United States. There are three of them. The thirteenth, which abolishes involuntary servitude. It and the eighteenth amendment are directed against individuals throughout the Union, by reason whereof Congress is vested with the constitutional power to pass direct and primary legislation to punish individual citizens in any State; but the power can not possibly be conferred under these amendments which merely abolish slavery and prohibit the liquor traffic. The fifteenth amendment provides that—

The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Evidently the authority is not conferred under this amendment.

The fourteenth amendment provides:

No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law.

The Attorney General of the United States and the majority members of the Judiciary Committee contend that they find constitutional authority under this fourteenth amendment to enact this bill. Let us analyze the bill, determine the full import of all its provisions, and apply the provisions of the fourteenth amendment and the decisions of the Supreme Court to it, and it will demonstrate beyond all reasonable doubt that it is unconstitutional, and if enacted into law the Supreme Court will so declare. The bill provides, first, that a mob or riotous assembly is composed of five or more persons acting in concert for the purpose of unlawfully depriving a person of his life as a punishment for crime.

Second. That if any State or governmental subdivision fails, neglects, or refuses to provide and maintain protection to the life of any person within its jurisdiction against a mob or riotous assemblage such State shall, by reason thereof, be

deemed to have denied to such person "the equal protection of the laws" of the State.

Third. That any State or municipal officer charged with the duty and authority of such officer to protect the life of any person that may be put to death by the mob, or who has such person in his charge as a prisoner, who fails, neglects, or refuses to make all reasonable effort to prevent such person from being put to death, shall be guilty of a felony.

Fourth. Any State or municipal officer, charged with the duty of apprehending or prosecuting any person participating in such mob, who fails, neglects, or refuses to make all reasonable effort to apprehend and prosecute to final judgment under the laws of such State, shall be guilty of a felony, and so forth.

Fifth. Any person who participates in a mob, who takes from the possession of any State or municipal officer any prisoner held by such officer and puts such prisoner to death shall be sent to the penitentiary for life or not less than five years.

Sixth. Any person who participates in a mob, who obstructs, or in any way prevents, a State or municipal officer in discharging his duty to apprehend, prosecute, protect, or punish any person suspected of or charged with any public offense, and puts such person to death shall be guilty of a felony and punished as above stated.

Seventh. That any person who participates in any mob by which a person is put to death shall be guilty of a felony and punished as above stated.

Eighth. That any county in which a person is put to death by a mob or any county into which or through which the victim is carried before he is put to death shall forfeit $10,000 to the family, or if he has no family, to the Government.

Ninth. That the Federal judge in whose court such forfeiture is recovered shall not only have all the ordinary means provided by law to collect such forfeiture but that he shall have the power to issue a mandatory order commanding the tax-levying officer of such district or county to levy a tax on the property of all the taxpayers of the entire county for the payment of such forfeiture, and if such State officer refuses said Federal judge shall have the power to commit such officer to jail as for contempt of court.

The first provision of the bill is merely the definition of a mob or riotous assembly. The second provision is a legislative finding or declaration, which if uttered by an individual would be denounced as a willful fabrication. Section 3, providing for the punishment of State and municipal officers, charged with duty and authority as such officers, to protect the life of any prisoner they may have in their custody, when in their power so to do, who fail or refuse to discharge such duty, is unconstitutional, first, because the right of such prisoner to be protected from mob violence is not a right secured to such prisoner under the Constitution and laws of the United States. Every citizen of a sovereign State must depend and rely exclusively upon the State government to protect all such rights. Second, because taking into consideration every provision in the bill you can not deduce therefrom the constitutional and legal definition of the denial by the State or its agents of the "equal protection of the law." It ignores the element of discrimination, of unequal treatment, essential to constitute the offense.

But this portion of the bill is unnecessary, and if enacted would only add confusion to the well-defined and settled law now upon the Federal Statutes, which in every respect covers the offense attempted to be defined and punished by this portion of this act. Under this law, if a State or municipal officer willfully permitted a prisoner to be taken from his possession and mobbed, such official could be indicted, prosecuted, and convicted under the following act—section 5508, United States Statutes:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than $5,000 and imprisoned not more than 10 years, and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the United States.

Section 5509 provided in substance that if death should result or any other felony be committed in the act of violating any provisions of the foregoing section that the same punishment should be inflicted upon the offender as provided under the State law for that offense. This statute has repeatedly been held to be constitutional, and goes as far in punishing the citizens of a sovereign State as Congress has the constitutional authority to enact. Under it in the case of Logan *v.* United States (144 U. S. Court) it was held that a mob who took a prisoner from the custody of a United States deputy marshal and killed him was properly indicted and prosecuted. Its constitutionality was sustained upon the ground that the Constitution and laws of the United States secured to the prisoner the right of protection while legally in his custody as a deputy marshal of the United States. Justice Gray, in delivering the opinion of the court, stated:

The prisoners were in exclusive custody and control of the United States, under the protection of the United States, and in the peace of the United States there was a coextensive duty on the part of the United States to protect against lawless violence persons so within their custody, control, protection, and peace, and a corresponding right of those persons secured by the Constitution and laws of the United States to be protected by the United States. If the officers of the United States charged with the performance of the duty in behalf of the United States of affording that protection and securing that right neglected or violated their duty, the prisoners were not the less under the shield and panoply of the United States.

In Ex parte Virginia and Neill *v.* Delaware (100 U. S.) the Supreme Court held an act of Congress constitutional punishing a State officer for denying a citizen of that State the equal protection of the law in discriminating against such citizens on account of his race in selecting jurors for the State court. In rendering the opinion the court says:

Whoever by virtue of public position under a State government deprives another of life, liberty, or property without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibitions, and as he acts in the name of and for the State and is clothed with the State power, his act is that of the State.

On the other hand, Congress passed an act—section 5519, United States Statutes—as follows:

If two or more persons in any State or Territory conspire and go in disguise upon the highways or on the premises of another for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the law, of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving to all persons within such State or Territory the equal protection of the laws, each of such persons shall be punished.

And so forth.

In the Circuit Court of the United States for the Eastern District of Tennessee an indictment was returned by the grand jury against R. B. Harris and 19 others. The fourth count of the indictment charged—

That the defendants did conspire together for the purpose of depriving said P. M. Wells, who was then and there a citizen of the United States and of the State of Tennessee, of the equal protection of the laws, in this, to wit, said Wells having been charged with an offense against the law of said State was duly arrested by said Tucker, deputy sheriff, and so being under arrest was entitled to the due and equal protection of said laws and to have his person protected from violence while so under arrest, and the said defendants did then and there unlawfully conspire together for the purpose of depriving said Wells of his right to the equal protection of the laws and of his right to be protected in person from violence while so under arrest, and did then and there deprive of such rights and protection and of the due and equal protection of the laws of the State of Tennessee by then and there and while he, the said P. M. Wells, was so then and there under arrest as aforesaid, unlawfully beating, bruising, wounding, and killing him, the said P. M. Wells, contrary to the form of the statute in such case made and provided.

And so forth.

This indictment was excepted to by the defendants, as follows:

"Because the said section 5519 of the Revised Statutes of the United States, in so far as it creates offenses and imposes penalties, is in violation of the Constitution of the United States, and an infringement of the rights of the several States and the people thereof."

The case came up for hearing in the circuit court, with the circuit and district judges presiding. These judges were divided in their opinion as to the constitutional authority of Congress to enact this statute, and the question was certified to the Supreme Court for decision. The court, in delivering the opinion, stated:

Proper respect for coordinate branch of the Government requires the court of the United States to give effect to the presumption that Congress pass no act not within its constitutional authority. This presumption should prevail unless the lack of constituted authority to pass an act in question is clearly demonstrated. While conceding this, it must nevertheless be stated that the Government of the United States is one of delegated, limited, and enumerated powers. Therefore every valid act of Congress must find in the Constitution some warrant for its passage, etc. When, therefore, a question arises concerning the constitutionality of a particular power, the first question is whether the power be expressed in the Constitution. If it be the question is decided. If it be not expressed, the next inquiry must be whether it is properly an incident to an expressed power and necessary to its execution. If it be, then it may be exercised by Congress. If it be not, Congress can not exercise it. * * *

The demurrer filed to the indictment of this case questions the power of Congress to pass a law under which indictment was found. It is therefore necessary to search the Constitution to ascertain whether or not the power is conferred.

The learned justice quoted and discussed the thirteenth, fourteenth, and fifteenth amendments and section 2 of Article IV of the Constitution of the United States, and reviewed decisions of the Supreme Court rendered under these provisions of the Constitution, and held that there is no authority in any of the provisions of the Constitution or amendments which authorized Congress to enact the statute, that it was an invasion upon

the rights of the States, and therefore an attempt at usurpation of power. Among other things, the court said:

A private person can not make constitutions nor laws, nor he can with authority construe them, nor can he administer or execute them; the only way, therefore, in which one private person can deprive another of the equal protection of the law is by the commission of some offense against the law which protects the rights of persons, as by theft, burglary, arson, libel, assault, or murder. If, therefore, we hold that section 5519 is warranted by the thirteenth amendment, we should by virtue of that amendment accord to Congress the power to punish every crime by which the right of any person to life, property, or reputation is invaded. Thus under the provisions of the Constitution, which simply abolished slavery and involuntary servitude, we should with few exceptions invest Congress with power over the whole catalogue of crimes. A construction of the amendment which leads to such a result is clearly unsound.

The fourth, fifth, sixth, and seventh provisions of the bill are clearly an attempt by the Federal Government to unconstitutionally extend its iron hand between a State government and its citizens and prescribe a rule of action for the individual citizens of a sovereign State.

Commencing with the Slaughterhouse case and coming down to the present time, there is an unreversed, unlimited, and uncriticized line of decisions by our Supreme Court on the extent and limitations of the thirteenth, fourteenth, and fifteenth amendments. It is now firmly settled by these decisions that the fourteenth and fifteenth amendments are prohibitions against State action alone. The fourteenth amendment provides among other things:

No (State) shall deny any person within its jurisdiction the equal protection of the law.

This is a direct declaration against State action, and Congress can enforce it against the State or any officers of the State, because the officers act in behalf of the State, and their acts are the State's acts. It is possible that if the State persists in denying to persons within its jurisdiction the equal protection of the law, that the Federal Government might have the Federal authority under the fourth article of the fourth section of the Constitution to declare that such offending State in practice did not maintain a republican form of government, and declare that such State was no longer a member of the Union. After which Congress might have the authority to pass direct primary legislation for the Government of the people occupying the territory of such former State; but so long as the State remains a member of this Union she is entitled to exercise all of her reserved powers unhampered, independent of the Federal Government, and in spite of any action that Congress itself may take.

FOURTEENTH AMENDMENT, ITS MEANING AND LIMITATIONS AS CONSTRUED BY OUR SUPREME COURT.

In United States *v.* Cruickshank (92 U. S., p. 555), in construing the fourteenth amendment and that provision of it that the proponents of this bill claim give them the constitutional warrant to pass it, to wit, that "no State shall deny to any person within its jurisdiction the equal protection of the law," Chief Justice Waite uses the following language:

This provision does not any more than the one which precedes it, and which we have just considered, namely, the provision prohibiting a State from depriving any person of life, liberty, or property without due process of law, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism; every republican government is in duty bound to protect its citizens in the enjoyment of this principle, if within its power. This duty was originally assumed by the States and still remains there. The only obligation resting on the United States is to see that the States do not deny the right. The amendment (fourteenth) guarantees this, but not more. The power of the National Government is limited to the enforcement of the guaranty.

Again, in United States *v.* Harris (106 West) Justice Wood, in rendering the opinion of the court, says:

It, the fourteenth amendment, is a guaranty against the acts of the State government itself, it is a guaranty against the exercise of arbitrary and unconstitutional power on the part of the government and legislation of the State, not a guaranty against the commission of individual offenses; and the power of Congress, whether expressed or implied, to legislate for the enforcement of such a guaranty does not extend to the passage of laws for the suppressing of crime within the States. The enforcement of the guaranty does not require or authorize Congress to perform the duty that guaranty itself supposes it to be the duty of the State to perform.

Note the closing part of this quotation, that Congress is not authorized to perform the duty that the guaranty itself supposes it to be the duty of the State to perform. In other words, Congress is without constitutional authority to enact direct and primary legislation for the government of any people in any State under the fourteenth amendment to the Constitution. These matters lie entirely within the sovereign right and exclusively within the jurisdiction of each State. Judge Bradley in the Civil Rights Case, which came up under an enactment of Congress providing all persons within the United States shall have equal privileges in hotels, public conveyances, places of public amusement, regardless of race or color or previous condition of servitude, and in holding that statute unconstitutional, the learned justice stated:

It is State action of a peculiar character that is prohibited by the fourteenth amendment; individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation and State action of every kind which impairs the privileges and immunities of citizens of the United States, or which deprives them of life, liberty, or property without due process of law, or which denies to them the equal protection of the laws.

The fifth section of the fourteenth amendment provides—

Congress shall have power to enforce this article by appropriate legislation.

Meaning that Congress is vested with all necessary power to enforce the prohibition on State action, that "no State shall deny to any person in its jurisdiction the equal protection of the law."

Speaking of the power of Congress to enforce this guarantee against State action, Judge Bradley in the Civil Rights Case continues and says:

To enforce what? To adopt appropriate legislation for correcting the effect of such prohibited State laws and State action, and thus to render them effectually void and inoperative; this is the legislative power conferred on Congress, and this is the whole of it. It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation, but to provide against State legislation and State action of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulations of private rights, but to provide modes of redress against the operation of State laws.

From an exhaustive review of all the decisions of the United States Supreme Court on the subject under discussion, I state the following principles are firmly settled:

First. The people of the United States within any State are subject to two governments—one State, one National. The powers which one possesses the other does not. They were established for different purposes, and have separate jurisdiction. Together they make one whole and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad.

Second. That Congress has the constitutional authority to legislate for protection of any right secured to a citizen of a State by the Constitution and constitutional laws of the United States and that these rights are very few.

Third. That under the fourteenth amendment to the Constitution of the United States Congress has the constitutional authority to pass appropriate legislation to correct the effect of State laws and State action which deny to any of its citizens the equal protection of the laws of such State and for such purpose may punish State officials as such who are guilty of such denial of the equal protection of the law. This far and no farther can Congress go.

Fourth. That Congress has no constitutional warrant to legislate for the suppression of crime within a State as attempted in this bill. That the citizen of a State must depend entirely upon the laws of the State for protection of his life, liberty, and property and pursuit and acquisition of happiness. I quote again from one of the great opinions of the Supreme Court of the United States in the Civil Rights Case:

Civil rights, such as are guaranteed by the Constitution against State aggression, can not be impaired by the wrongful acts of individuals unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings; the wrongful acts of an individual, unsupported by any State authority, is simply a personal wrong, or a crime of that individual, an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by a resort to the laws of the State for redress. An individual can not deprive a man of his right to vote or hold property, to buy or sell, to sue in the courts, to be a witness or a juror; he may by force or fraud interfere with the right in a particular case; he may commit an assault against the person or commit murder, or use ruffian violence at the polls, or slander the good name of a fellow citizen; but unless protected in these wrongful acts by some shield of State law or State authority, he can not destroy or injure the right; he will only render himself amenable to satisfaction or punishment and amenable therefore to the laws of the State where the wrongful acts are committed.

When the Constitution seeks to protect rights against the discriminative and unjust laws of a State by prohibiting such laws, it is not individual offenses, but abrogation and denial of rights which it denounces and for which it clothes Congress with power to provide a remedy. The abrogation or denial of rights for which the States alone were or could be responsible was the great seminal and fundamental wrong which was intended to be remedied; and the remedy to be provided must be predicated upon that wrong. It must assume that in the cases provided for, the evil of the wrong actually committed rests upon State law or State authority for its exercise or perpetuation.

Reverting to the last eight lines in section 3 of the act—section 4 of my analysis of the bill—we find that the authors of this bill, the Republican members of the Judiciary Committee, the Attorney General of the United States and his assistant, assume that Congress has constitutional authority to prescribe the

mode, method, and diligence that a State, county, or municipal officer must use in discharging the duties imposed upon such officer by the laws of his State; and if such officer fails to comply with the royal decrees of Congress in discharging his duties in a manner to please some petty Federal official, then under this bill such State official may be indicted, prosecuted in the Federal Court, and sent to the Federal prison for five years.

Again I thank God for our great Constitution of the United States, and for the great patriots and intellectual giants who adorned the bench of our Supreme Court. To eternally damn this attempted usurpation of power, I will cite you to Kentucky against Dennison, in the Supreme Court of the United States. Chief Justice Taney, in delivering the opinion of the court, used the following language:

The demand being thus made, the act of Congress declares, as does the Constitution, that "it shall be the duty of the executive authority of the State" to cause the fugitive to be arrested and secured, and delivered to the agent of the demanding State. The words "it shall be the duty" in ordinary legislation imply the assertion of the power to command and to coerce obedience. But looking to the subject matter of this law and the relations which the United States and the several States bear to each other, the court is of opinion the words "it shall be the duty" were not used as mandatory and compulsory, but as declaratory of the moral duty which this compact created when Congress had provided the mode of carrying it into execution. The act does not provide any means to compel the execution of this duty, nor inflict any punishment for neglect or refusal on the part of the executive of the State; nor is there any clause or provision in the Constitution which arms the Government of the United States with this power. Indeed, such a power would place every State under the control and dominion of the General Government, even in the administration of its internal concerns and reserved rights. And we think it clear that the Federal Government under the Constitution has no power to impose on a State officer as such any duty whatever and compel him to perform it, for if it possessed this power it might overload the officer with duties which would fill up all his time and disable him from performing his obligations to the State, and might impose on him duties of a character incompatible with the rank and dignity to which he was elevated by the State.

Section 5 of the bill imposes a penalty of $10,000 on each county in which a man may be mobbed and on each county in which or through which the victim is carried, and confers upon the Federal judge in whose court judgment may be rendered for said penalty the power to compel the tax-levying State officers of such county or counties to levy a tax upon the property of all the citizens of that county for the payment of such judgment. This provision is so manifestly unjust that I can not believe any body of intelligent, fair-minded men would sanction it. To penalize all the resident citizens of a county because of the unlawful act of five or more persons, who may not even be residents of the county in which the victim was mobbed, outrages every sense of justice and fair dealing. It would be robbery committed under the forms of law.

The Constitution of the United States in expressed terms confers upon Congress the tax-levying and collecting power, and yet, notwithstanding this expressed delegation of power to Congress, the Supreme Court of the United States has held that Congress had no constitutional right to tax the salary of the officer of a sovereign State; that the power to tax necessarily included the power to destroy, and if this power to tax the salary of a State officer were conceded to Congress, then, by the extreme exercise of such power, Congress could destroy every State government in the Union; therefore this right was denied to Congress by the court as contravening the relations of the State and Federal Government to each other and of both of these Governments to the people. As to this forfeiture there is no expressed or implied power in the Constitution vesting in Congress the right to legislate on this subject, and if Congress can constitutionally impose a penalty or forfeiture upon a State or political subdivision of a State of $10,000, then it could do likewise to the extent of a hundred thousand, a hundred million, or a billion, and thus destroy every State government in the Union, and in the language of the Supreme Court "radically change the whole theory of the relations of the State and Federal Government to each other, and of both of these Governments to the people."

But, reverting, Mr. Chairman, to section 2 of the bill, which provides:

That if any State or governmental subdivision thereof fails, neglects, or refuses to provide and maintain protection to the life of any person within its jurisdiction against a mob or riotous assemblage, such State shall by reason of such failure, neglect, or refusal be deemed to have denied to such person the equal protection of the law of the State, and to the end that such protection as is guaranteed to the citizens of the United States by its Constitution may be secured, it is provided—

Then follows the penal provisions of this bill. I noticed in the press a few days ago that there is an organization in Chicago which covered in its operations the large cities of our country known as the "golden circle." Their business and their only business was to hold up people and rob them. They had regularly adopted rules and regulations and were to divide the spoils equally. They guard their tongue when in public places and never operate or hold up any person when they were under the influence of liquor.

If Congress possesses the constitutional authority to enact the foregoing section of this bill and if the enactment of that section confers upon Congress the constitutional warrant to pass direct and primary legislation, to punish individual citizens of a sovereign State for violating the laws of a State, then Congress would have the constitutional authority to declare that if any State or governmental subdivision thereof fails, neglects, or refuses to provide and maintain protection to the life, property, or the pursuit and acquisition of happiness of any person within its jurisdiction against the unlawful and criminal acts of any person or bands of persons contrary to the laws of such State, then such State, by reason of such failure, neglect, or refusal to provide this lawful protection, shall be deemed to have denied to the injured persons aforesaid the equal protection of the laws of said State, or said State shall be deemed to have deprived such injured person of "life, liberty, or property without due process of law," and to the end that such protection as is guaranteed to the citizens of the United States by its Constitution may be secured as it provided, then Congress would have as much right and constitutional warrant to provide an entire penal code for all offenses committed by any and all citizens of every State in the Union against the penal law of a State and the enacted penal code of Congress, and thus usurp all the reserved powers of the State over their strictly internal affairs, destroying our system of government and reducing the States to a condition of vassalage or provinces, the same status they occupied prior to the Revolutionary War, when they were dependent colonies of England.

It is useless for me to state that a revolution would follow if Congress thus followed the principles contained in this bill to their logical conclusion. This, gentlemen, is not a mere picture of my imagination. I quote from Justice Miller in the opinion of the Supreme Court, in Sixteenth Wallace, and leave it to you to draw your own conclusion:

Was it the purpose of the fourteenth amendment by the simple declaration that no State shall make or enforce any law which shall abridge the privileges and immunities of the citizens of the United States (I will add, "Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law") to transfer the security and protection of all the civil rights which we have mentioned from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

All this and more must follow, if the proposition of the plaintiff (the proponents of this bill) be sound.

For not only are these rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation, but that body may also pass laws in advance limiting and restricting the exercise of power by the States in their most ordinary and usual functions, as in its judgment it may think proper on all such subjects, and still further, such construction would constitute this court a perpetual censor upon all legislation of the States on the civil rights of their own citizens, with authority to nullify such as it did not approve, as consistent with those rights as existed at the time of the adoption of this amendment. The argument, we admit, is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions, when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character, when in fact it radically changes the whole theory of the relations of the State and Federal Governments to each other and of both these Governments to the people, the argument has a force that is irresistible in the absence of language which expresses such a purpose too clearly to admit of doubt.

To Members of Congress who earnestly and sincerely desire to comply with their oath to support and maintain the Constitution of the United States against all enemies, both foreign and domestic, further citation of authorities is unnecessary. The question in this case is whether you will support the Constitution of the United States, maintain its integrity, and preserve our Government, or whether you will depart from the path of duty, carry out the behest of the Republican platform, the instruction of a Republican President, and prostrate yourselves upon the shrine of political expediency.

Mr. Chairman, we seem to have forgotten that old historic truism, "Experience is the best teacher." Other great peoples flourished before we had verified our successful experiment of popular government by establishing the existence of the United States of America. And these experiences have exemplified for us and for our benefit many of the troubles incident to the ups and downs of national life.

The newer and improved conditions of the world's economies have blessed our people with untold opportunities; and many of the advanced steps to a better day have originated in the life work of our virile people. We have stimulated nobler im-

pulses and better living for mankind; and our splendid achievements in government have set the universal pace. Because of a peerless past and our unexampled career in material greatness, and because of our primitive conception of efficient government by and for the common people, and for our successful construction and operation as the matchless world leader of the organized powers, we may be fatally off our guard. That old political proverb still rings its self-evident call, "Eternal vigilance is the price of liberty." At the present time it is more true than it has ever been, and we the people are admonished by all the axioms of time to adjust and readjust ourselves to the related principles and forces of our political life and welfare.

It is comparatively unimportant to fortify against external foes. Outside enemies are not anxious to test the metal of our spirit or of our impregnable outer works. Our coast line and our rivers and mountains give us a powerful natural defense, and our inexhaustible resources guarantee the means of well-ordered and continued existence.

But, Mr. Chairman, prosperity has often proved a curse, and by that very sign the principalities and powers have gone down to destruction. The most splendid dynasties have fallen before the wiles and guiles of effeminacy, and the most powerful thrones have crumbled when luxury wielded the scepter; but more fatal than the enervating agencies of the flesh are the frailties and decay of the spirit, and the corrosion of the vitals which unconsciously sap the strength and power, and which means paralysis and inevitable death.

And more certainly fatal to the life of a people than the demoralization of sumptuous pleasures and more destructive than the insiduous virus of an incurable disease are the covert and tragic conclusions of political heresy and the dry rot of political indifference and the insinuating malice of sectional hate and partisan greed.

Under the spell of delusion and deception and partisan ambition great peoples and splendid civilizations are no more.

Egypt, the birthplace of letters, the most ancient, long-lived, and powerful nation of the primeval day, surrendered her scepter and her sword to Persia and became her vassal—a victim to her own involuntary reaction, yielding to the inevitable degeneracy of physical, moral, and intellectual degradation and spiritual death. In turn and in order Persia succumbed to the Babylonian Empire, whose wealth and magnificence and power were handed over to Assyria in the eighteenth century before Christ. The hardy Assyrians, following Egypt and Babylon in their splendors and imitating them in their degenerate decay, were overcome by the Chaldeans.

The Chaldeans did exactly as the others had done, and simply degenerated and died when the cancers of effeminate living and political depravity pronounced their doom. And so with Greece and Rome and more modern powers, who have erected their national temples and left their national cemeteries to perpetuate their memorials of glory and their confessions of inglorious defeat and suicidal death.

Mr. Chairman, do these familiar examples of ephemeral national life offer no warning to this mighty Republic of America? Is it not a plain deduction that might and power do not make immortality? Is it not a sane and sensible conclusion that the worms that infest the vitals are disastrous to life? Can we fail to see and understand that if the tried and substantial verities of our national life are undermined, the great fabric of our constitutional Government must follow the fated footsteps of the suicidal narcotic, and the self-inflicted fatalities of the mighty peoples who have perished. "What profit is it to a man if he shall gain the whole world and lose his own soul?" That is the warning that applies.

The dangers of the hour which threaten our Government and our people are not new; they are strikingly similar to those of other times, when the proud standards of the greatest nations have trailed to the dust in humiliation and in sorrow.

No more conspicuous example can be cited than that of the Roman Empire, whose eagles were borne by victorious legions to the supremest heights of national glory. Perhaps the greatest individual character in history was Julius Cæsar, whose heroic personality thrills the imagination of every schoolboy, and by whose leadership the proud mistress of the world has written the story of her eternal hills. Bulwer tells of the bold and brilliant and brittle populace in his surpassing story, "The Last of the Roman Tribunes," and Gibbons's "Rise and Fall of the Roman Empire" is standard history.

It is not difficult to divine the full scope and meaning of this antilynching legislation, so persistently sought by the party in power.

It belongs to that kind of political demagoguery, so dear to the malignant partisanship of the day, when the chance to wave the bloody shirt inspires the hope that some happening, good, bad, or indifferent, will serve to bolster the drooping spirits of the G. O. P., and continue without interruption the mercenary reign of foreign-relations hypocrisy and the dominating power of Newberry scandals.

Mr. Chairman, with the Republican Party platform declaring:

> We urge Congress to consider the most effective means to end lynching in this country, which continues to be a terrible blot on our American civilization—

and with the President's message, April 12, 1921, insisting that—

> Congress ought to wipe the stain of barbaric lynching from the banners of a free and orderly representative democracy—

we have no misgivings as to the principles fostered in this Republican antilynching movement. It is politics and nothing but partisan politics from start to finish of the most reckless and virulent kind.

Its political aim is partisan power.
Its political motive is partisan advantage.
Its political hope is partisan privilege.
Its political fear is partisan loss.
Its political prayer is partisan votes.
Its political spirit is partisan greed.
Its political principle is sectional hate.
Its political passion is partisan life everlasting, ad infinitum, and with all the political plunder and perquisites, "for me and my wife, my son John and his wife, us four and no more"—proof, the Newberry senatorship campaign in Michigan.

It is impossible to avoid the conclusion that desperate political fear has driven the Republican Party into their hateful temper of the "bloody-shirt" régime—that disgraceful and shameful reconstruction era of "spoils and persecution."

That they are devoid of respect for the Constitution, as they have often been, note their platform appeal to Congress, and the message of the President to Congress—plain intimations that Congress shall override the "State's rights and prerogatives," as they have consistently preached and practiced whenever their day of political control suggests that the political expedient must rescue the old party of expediency.

Coming down, Mr. Chairman, to the spiritual merit of this Dyer bill and its kindred and associated measures, which constitute the summum malum of the entire dastardly budget of unpatriotic wickedness, leveled so unscrupulously at the heart of the Nation, the astounding fact is that such a practically impossible proposition can even have a day in court.

Its projectors must be a new bunch, and not that old one of reconstruction notoriety, who would know better. Certainly the force bill conspirators are not trying to rally their routed and panic-stricken degenerates to again risk the gantlet of defeat and failure. Surely the remnant of that old tribe of apostate carpetbaggers are not plotting a new incursion to Dixie. The blackened and battered homes are repaired and rebuilt and the devastated fields are fruitful again with prosperity. We are not so helpless now. We have gotten on our feet again.

And the American citizen of "African descent" has learned a little—enough to remind him of the "40 acres and a mule" that once fooled him so miserably—and he can never forget the long-drawn out farce of the "Freedman's Bureau," and the outrage of the "Freedman's Bank" still haunts his bewildered memory.

He is not so cheap a victim now as he was then. He sees better, and he even dares at times to kick to pieces the ties that bind the fellowship of his "political brother."

But, Mr. Chairman, this latest device to catch and to hold the deluded Negro vote is just another but more desperate attempt to chain him to the chariot wheel of Republican supremacy. It will fail, for there is no more sincerity in it now than when citizenship responsibilities were imposed and burdened his dull and sightless political senses.

We of the land of Dixie, long the special breeding ground of Republican shams, have had the Negro problem with us ever since he became the Republican puppet and tool, and it is exclusively upon our hands.

We have no antipathy to our Negro population. For the material welfare of the Negro there are no better friends than his white neighbors of the South.

In our great Texas Commonwealth we do all we can for his education, and his school privileges are ample and indiscriminately enjoyed at State expense. The Prairie View Normal is a comfortable and commodious and sightly State institution. It was built and furnished at an approximate cost of $1,000,000. It is operated by the State, but managed exclusively by a Negro faculty for the benefit of Negro students, and all of it at the expense of the State. The school tax is equally prorated

for the public schools and for all Texas children without racial discrimination.

The Negro problem is the peculiar problem of the South. It would long ago have been solved in the best interest of both races but for the political partisan spirit of the Republican machine and the so-called white uplift organizations of the North and East who send their disturbing emissaries into the Southern States and in secret meetings of the Negro race preach the damnable doctrine of social equality which excites the criminal sensualities of the criminal element of the Negro race and directly incites the diabolical crime of rape upon white women. Lynching follows as swift as lightning, and all the statutes of State and Nation can not stop it.

But if the fair-minded element of the Republican Party and the above-mentioned uplift organizations would undertake to impress, as they can impress, upon the rank and file of the dominant agencies and the Negro race generally, the folly of fomenting discontent by awakening hopes that can not be realized in any American locality, the so-called Negro problem will be solved forever.

Mr. TEMPLE. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. ROGERS].

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. ROGERS. Mr. Chairman, the President in his message to the Congress of last week, and Mr. Hoover and his associates in their testimony before the Committee on Foreign Affairs, all dealt with the great emergency in one particular portion of Russia; that portion is a certain sector along the course of the Volga River. I do not know whether all members of the committee are entirely familiar with the location of that region; and if they are not, it occurred to me it might be of interest to them to know.

The Volga River flows from north to south pretty well over to the east of European Russia. The famine area extends on both sides of the river from the city of Kazan, one of the historical religious shrines of Russia, south past the city of Samara, and ends somewhere in the neighborhood of the city of Saratov. The distance from Kazan down to Saratov is some 300 or 400 miles, but the famine area in width is rather narrow.

The point I wish to make in indicating the location of this Volga famine region is that the region is several hundreds of miles to the east of Moscow and many more hundreds of miles southeast of Petrograd. On account of transportation conditions as they are in Russia to-day the travel time for the actual distance is, in fact, multiplied several times, so that whereas one might require 24 hours to get from Petrograd or Moscow to the famine region in normal times, the journey would now, with present transportation conditions, take a week.

Many Members of the House fear that this relief bill is going to aid the tottering bolshevik régime. Their fear is perhaps natural, but it is wholly unfounded. The fact is that if the pending bill has any political significance whatever it will tend to make the bolshevik régime totter still faster.

This region that I speak of is an agrarian region; that is, it is a farming and agricultural region, and that is why its people are so hard hit by the failure of the crops. As I have just indicated, it is a long, difficult, and prohibitively expensive journey to or from the bolshevik centers. There are few large cities in that region, and bolshevism has little or no foothold anywhere in the famine area.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I am sorry I can not.

If we can show to these stricken people that the bolshevik régime is not to be depended upon in the hour of their extreme trial; if we can convince them that their hope is elsewhere, in the great democracy across the sea, that very circumstance is going to aid them in realizing that their own well-being demands their return to a true democracy in government. The hope for a rebirth of Russia lies among the peasant and farming class, here in the Volga Basin and in similar parts of the country.

One other point is all that I have time for. The gentleman from Wisconsin [Mr. STAFFORD] suggested that this proposal would constitute a precedent for every kind of relief program whenever in the future there may be famine or distress anywhere in the world. I think this distinction should be made here: Where the government wherein famine or distress is present can raise money in the markets of the world on reasonable terms there is no call for the United States to step in. But in Russia there is no government which can raise money in the money markets of the world on any terms. You will go down to the restaurant to-day and spend a dollar for your lunch, perhaps; in Russia to buy that meal you would have to pay 100,000 roubles of normal value of $50,000; $50,000 worth of paper roubles for a two-course luncheon is the cost of a simple meal in Russia to-day! Of course, Russia has no international credit. We would not lend money under those conditions; no commercial nation would. And if we do not extend our aid to these starving people no one will, and they will die by the million in the coming months. I do not fear that this shall be used as a precedent in the future. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CONNALLY of Texas. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 35 minutes.

Mr. CONNALLY of Texas. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman and gentlemen, this is a bill which, of course, is an appeal to our hearts, but we are not sent here to legislate on the state of our hearts. We are sent here to legislate as trustees, as the gentleman from Maryland said, for our constituents and for our country, and not as trustees to divert funds committed to our care, to be dissipated to every need of all the world.

Yesterday morning when I reached my office I found a very respectable paper on my desk, the Wateree Messenger, from the county of Kershaw, in South Carolina, one of the great and prosperous counties of the State, and in my district, with this statement:

> It is said there is plenty of food in the country, yet we know of scores of persons who have scarcely anything to eat or to wear and no money to buy these necessities. Lots of people on the farms have no means to work a crop next year; in fact, a great many persons do not yet know where they will live the coming year.

In another column I found this statement:

> Up to December 1, 1921, there were 12,400 bales of cotton ginned in this county against 30,832 for the same period of last year, a difference of 18,432 bales.

In other words, that is merely one of the symptoms that there are in this country unemployed, thrown out of work with nothing on which to live, who are dependent on the charity of the country in which they are, and who will think that we are exceedingly generous with other people's money if we give it to people three or four thousand miles away and do not attend to those who are entitled to it. You say this will not tax them; that it only is a tax of 20 cents a head. It is 20 cents a head, but it is at least a dollar a head on the head of every family, and it is more than that on the head of every man that is able to take care of those people who are around him. The people of this country who have something must take care of people who have not. If you are going to tax them you are decreasing their power to take care of the 6,000,000 unemployed people in the country.

Only yesterday it was announced that the Erie Railroad had put upon half time 5,000 employees. The Baltimore & Ohio Railroad has closed its shops, and thousands of employees are going out at Christmas time with no pay check to come.

The gentleman from New York [Mr. CHANDLER] said a few minutes ago that we have violated the Constitution so many times that it has become a precedent. In so far as I am concerned I do not propose to vote to establish any more precedents of that kind. The gentleman from Kentucky [Mr. CANTRILL] said that this was Christmas time and we should vote it as a Christmas gift. Gentlemen, the spirit of Christmas is derived from Him for whom it is named, and He said sacrifice yourselves and not the other fellow. I never heard the doctrine that it was good to give Christmas gifts by making the other fellow pay. My wife goes downtown and gets a Christmas gift for me and charges it to me, but that is all in the family. [Laughter.] I do not propose that somebody else shall vote a Christmas gift at my expense. I do not propose to advocate the doctrine of giving Christmas gifts when there are thousands starving and crying out for bread in this country, as the gentleman from New York [Mr. CROWTHER] said the other day.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I yield to the gentleman two minutes more.

Mr. STEVENSON. Mr. Chairman, the gentleman from New York said a while ago that he has been all the way to Petrograd and he knew what he was talking about. The gentleman from Massachusetts [Mr. ROGERS] said that Petrograd was a thousand miles from these people, and they were not going to help the people around Petrograd, which the gentleman from New York said were starving. Hence I look for the gentleman from New York to have another bill to relieve the people of Petrograd. It is said the people are starving in Armenia and in India and other parts of Europe. If we take care of these people, we will have to take care of the people in Petrograd and people in Armenia and everywhere else, because there is

more agitation to-day to have the people of Armenia taken care of than any other country in Europe.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. CHANDLER of New York. Did I not state in answer to the gentleman from Ohio [Mr. FESS] that my idea of the bill was, as stated by Dr. TEMPLE, that it would apply to any distressed territory of the ancient Empire of Russia.

Mr. STEVENSON. But the gentleman from Pennsylvania said that it was to be limited to the people of the Volga, and so did the gentleman from Illinois [Mr. SABATH] and the gentleman from Maryland [Mr. LINTHICUM], and I say it is broad enough to reach from up on the Baltic to the extreme eastern part of Siberia. You can not limit it. [Applause.]

Mr. TEMPLE. I yield five minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE of Wisconsin. Mr. Chairman, there is undoubtedly great distress to-day in the United States, but no such distress but that each locality can take care of. If the distress becomes so great that its immediate locality can not take care of it and they appeal to the United States Government, the Government will help. To-day in the United States we have millions of bushels of wheat, more than we can consume. We have millions of bushels of corn in the United States in excess of what we can possibly use. We are even burning corn for fuel in certain sections of our country, there is such an overproduction. This bill provides that the President of the United States shall purchase some of our surplus corn and surplus wheat, and also preserved milk, of which we have a surplus, and send it over to Russia and give it to the famished people of a certain district in Russia known as the Volga district. The Volga district has been one of the most fertile agricultural districts of Russia. It has a population of from 18,000,000 to 20,000,000 people. Ordinarily it raises more than enough to feed its people and exports its products, wheat and other grains, but to-day, on account of three successive droughts, the people have not raised nearly enough grain to sustain the population. The rainfall in the last year was only 2½ inches, while it ordinarily has a rainfall of 14 inches. This unprecedented drought having continued for three years, the people there are starving by the tens of thousands. The reports show that in certain children's hospitals 90 per cent of the children already there have died. These are children under 5 years of age. In children's homes where they take children from 5 to 12 years of age, 75 per cent have already died. They make an appeal to this country which I do not believe this country can afford to deny. There is no question about the facts. The passing of this bill means the saving of the lives of several million splendid people. Men like Gov. Goodrich, of Indiana, have been there, and the governor has just returned, and he tells stories that would make a man cry. He told our committee about many cases of suffering that he had seen on his recent trip of investigation in this famine district. He said that in one field along the road he saw an old gray-haired man in feeble health, and his wife bending over picking the seeds from the weeds, and that that man's children and grandchildren, three generations, were doing the same thing, bending over on their hands and knees in that field, pulling every weed for food. They got these seeds from these weeds and ground them and made bread of them. The only bread that was used by the inhabitants was bread made from the bark of trees and the seeds of weeds. He told about the little children that were dying by the thousands for want of food.

The people in this famine-stricken district are a brave peasantry, and they are making a valiant fight for their lives. A dollar and five cents will buy in the market here 60 pounds of wheat. Sixty cents will buy a bushel of shelled corn. It can be sent over there, and it will not disturb conditions here. In fact, it will benefit the people here, it will provide a market for that grain, and it will give employment to men on our railroads, it will move our empty cars and give cargoes to idle ships, and every dollar will remain in the United States. I do not believe that America can send a message to Russia and to the world that will do more good, that will make them love America and American institutions more than for America to send over at this Christmas time enough corn and wheat, seed grain, and preserved milk to save the lives of millions of children, put those people on their feet so that they can live and have seed grain enough for another year, and raise crops that will make them self-supporting.

Mr. CLOUSE. Mr. Chairman, will the gentleman yield?

Mr. BROWNE of Wisconsin. Yes.

Mr. CLOUSE. I think a large number of us appreciate the distressed conditions of the people in Russia, but there are a great many of us here that are somewhat disturbed about the power of Congress to lay a tax upon the people of America for this purpose. I would like to have the gentleman's opinion about that.

Mr. BROWNE of Wisconsin. I think that has been answered several times to-day. Under the general-welfare clause we can go out and buy grain of our own people at any time and give it to whom we please, if it is for the general good. We have done it before, and as an example I cite the gentleman to the relief of the distressed in Messina at the time of the earthquake.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. BOX].

Mr. BOX. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOX. Mr. Chairman, the $100,000,000 advanced to Europe at the end of the war at the request of President Wilson was a loan. Mr. Hoover has advised the country that 65 to 80 per cent of it has been, or soon will be, repaid to us. The later act permitting the Grain Corporation to dispose of 5,000,000 barrels of its grain to European countries was in the shape of a loan. Neither of these acts were gifts as this is. I think my opposition to this bill grows out of no deafness to the appeal of distress. First and fundamentally, I do not feel authorized to use money collected for governmental purposes by the tax gatherer, backed up by fines and penalties and forfeitures, to make donations to people in other countries. We gather money from the people under our sovereign power, and we use that power in a summary way to make them pay for the support of their Government. I feel that I would be misusing that money if I use it for purposes of world charity. That is one and sufficient reason why I can not support this measure. Another is that I believe it will tend to perpetuate bolshevism in Russia. If that iniquitous system, inaugurated by a set of monsters, dies soon, it will die of its own weakness, but if the world feeds and sustains that country while it still lives under that system it will, in my judgment, be perpetuating it.

That there is much cruel selfishness among the rulers and considerable food in the very regions on which we are bestowing this bounty out of the funds of the people is shown by the following quotation from the hearings held by the committee on this very bill, Hon. James P. Goodrich, formerly governor of Indiana, being the witness:

> I heard these reports from different communes of people starving, and I knew they had food enough to prevent starving for the time being.
>
> I said to these folks, there were 20 or 30 in the communal hall, "I wish you would tell me why it is that where there is enough to preserve life for all of you for several months that you permit your neighbors to starve to death."
>
> One peasant answered the question rather slowly. He said, "You Americans do not understand. There is not enough to keep all of us until next harvest. If we divide up now and do not get help, we will all starve to death. It is better that some shall die in order that others might live."
>
> That was his philosophy. He told me that they had had a good bit of experience in 1891, when 300,000 died of starvation in the Volga Valley. But at any rate that was the answer, not easy for Americans to understand.

I believe it is unwise to embark upon this course. This road has no end; this hole has no bottom. Other parts of Russia outside the Volga Valley, for which this measure provides, are starving. Millions of people in China are said to be starving. Armenia we know to be starving. We had this morning a story to a committee that was most pathetic telling of Assyrian distress and starvation. Great numbers of the people there are dying. How much money are we going to take from our own people in order to feed a suffering world?

Again and again advice has come from traveling citizens, our consular agents, and from other observers in Europe that the hundreds of millions of dollars being given in public and private donations from America are being relied upon by great numbers of distressed people there, who are becoming chronic mendicants, relying upon charity, seeking to migrate to America from which so much wealth is coming, and failing to settle down to work.

I quote as a part of my remarks evidence that money is coming from Russia in many millions of dollars to the United States to help subvert the Government of the United States. The Attorney General of the United States recently published a statement as to organizations and activities of bolshevists in America. Testimony before one of the committees of the House is to the effect that there are some 1,200 such organizations in the United States, and tended strongly to show that gold is coming out of Russia to promote bolshevistic propaganda in the United States.

Mr. Carl Bruhm, head of the International Press Association, who traveled for many months in European countries during 1920 and 1921 and spent much time in northern, central, and eastern Europe, including Russia, testified before the House Committee on Immigration and Naturalization on the 16th day of December, 1921, as follows:

The office (in Reval, the capital of Esthonia) is located in the old Hotel Petrograd, which building was bought by the bolsheviks. From here the Russian gold finds its way into Sweden, where it is melted and stamped with the control stamp of the Royal Swedish assay office and forwarded to the United States. The so-called high commissioner of this bureau offered me at prevailing prices 12,000 pounds rubles and 1,300 pounds of bar gold deposited in a certain bank in Sweden, and this he said was only a small portion of the gold ready to be sold. I was also told by him that the soviet government had pooled all of the jewels found in Russia and that the value of same was estimated at about $2,000,000,000 * * *.

Since then I had a visit about a month ago at my office from a man who came there, who seems to represent the soviet government, at least he says so, saying that he has 75 tons of rubles for sale, and wants to know how he can get that into the United States.

Mr. VAILE. Seventy-five tons of gold rubles?

Mr. BRUHM. Seventy-five tons of gold rubles. That represents $45,000,000. I do not see why these people want credit over there for provisions when they have their own gold to pay for it.

* * * * * * *

Mr. BOX. And that representative of that Government appeared in your office in New York?

Mr. BRUHM. Yes.

Mr. SABATH. Of course, you don't know whether he was an accredited agent of that government, do you?

Mr. BRUHM. I met him in Reval. That is how he came to my office. I have seen him at the bolshevik bureau in Reval.

* * * * * * *

Mr. VAILE. Did he offer to exhibit his goods?

Mr. BRUHM. No; but after his dealings with the so-called high commissioner at the bolshevik agency in Reval—I went there because it was interesting to find out the connection of tkese people—I went there and I told him that I was in the market for gold. I said, "I know a whole lot of gold is coming into this country," and he opened up and asked me how much I would buy; how much I would pay for 1,300 pounds of bar gold and 12,000 pounds of rubles in Stockholm, deposited with the bank. * * *

Mr. RAKER. Is it your idea that they were exporting this gold from Russia?

Mr. BRUHM. Yes, sir.

Mr. RAKER. For what purpose?

Mr. BRUHM. Of course, when I have no evidence it is perhaps too broad to say that it is for propaganda, but that is my personal opinion. * * *

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I yield two minutes more.

Mr. BOX. All this suffering is pitiful; God knows I wish we could relieve the suffering everywhere; but if we were to do that we would utterly impoverish our own people. Let our people in their generosity and in proportion to their prosperity do that which their hearts prompt. It will not be stinted. We as the trustees of the people, charged with the duty of protecting them against wrong, ought not to permit this reckless use of money which they have put into our hands for use for the purposes of government. Especially when millions of our people are out of work and millions of all classes are in financial distress, I am unwilling to force money from them in taxes for charity in Europe. [Applause.]

Mr. TEMPLE. Mr. Chairman, I yield three minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, after a great deal of thought and considerable study I have come to the conclusion that this bill should be supported. After hearing what I heard in the Committee on Immigration and Naturalization, which gets the backwash from this appeal, and when we have heard both sides as to what may and may not happen, I am only sorry that the parliamentary situation is such that we are not able at this time to add another $2,000,000 to this bill for the relief of the people of all that is left of Armenia and of all that is left of Assyria.

In 1919 and again in 1920, in a former Congress, bills for the relief of starving peoples were brought in. The first, or $100,000,000, bill was for the relief of the starving people of certain of the Allies, or near allies. That bill was passed, 243 to 73. The second, or $50,000,000 flour exchange relief for Austria, was brought in in November, 1920, under a suspension of the rules, with 20 minutes of debate on a side. I took the 20 minutes in opposition to that bill. I did the best I could in opposition to it, for some of the reasons stated here now by many gentlemen and for additional reasons, including the exchange scheme, and because of the situation existing between the rural and urban populations in Austria. We know more about that situation now, and I am inclined to believe that I was right. But perhaps I was not particularly happy in what I said. It was a hard situation, and there were few votes against the measure. The vote was 285 for, 12 against. Since that time I have reflected. I have read a great deal about the situation in Russia, in the so-called Balkans, in Asia Minor, in Constantinople, and I have come to the conclusion the United States must continue to work, and work hard, to save what is left of the civilization of the world. Gentlemen, no dollar ever spent for relief by the United States as a Government and no dollar ever spent by our people as contributors to the relief of any suffering in any part of the world has ever been a mistake, or ever will be. [Applause.] For Ireland, for Cuba, for China, for earthquakes here, for famine there, it has all been noble and worthy of our great people.

As long as food is here we must help. If there is not time to organize great relief through private sources, we must do it through public sources. We will not lose. This Nation itself will gain, not only through doing good and doing right but materially.

We represent this Government and we represent districts. There is not time to have a referendum in our districts to know exactly the views of the people, and in this emergency we must act as the people would act, and I am very sure there is not one person in one thousand in the State of Washington who would deny this relief. They know of the pressure from bolsheviki government on one side, of the cruelty of the sword of Islam on the other, and of the great famine over all, which has created the situation. Constitutionally we can do it—morally we should do it. Besides, Mr. Chairman, as I stated in an interview the other day preparatory to bringing in legislation with reference to a distressing immigration situation, this Government had better try to help the people there than let them be forced out in great droves by famine, murder, and otherwise onto other countries, ultimately to be shoved onto us. We will do much better to help them just as far as we can—Government help, private help—and we must work rapidly. I thank you, gentlemen. [Applause.] I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back one minute.

Does the gentleman from Pennsylvania desire to use some time?

Mr. TEMPLE. Mr. Chairman, Mr. BURTON of Ohio, a member of the committee, expected to speak but was unexpectedly called away. He asked me to request leave to extend his remarks on this bill by including in such extension a list of the precedents for such action as this bill contemplates. This list will cover about a page of the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Ohio [Mr. BURTON] have permission to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. I make the same request, to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. I yield five minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Chairman, I do not think——

Mr. TEMPLE. One moment. What was done with the request of the gentleman from Ohio [Mr. BURTON]?

The CHAIRMAN. No objection was made.

Mr. COCKRAN. Mr. Chairman, this debate is not merely impressive; it is quite peculiar. I do not dissent from a single word that has been said on either side. Indeed, I feel the arguments offered in opposition to this bill constitute the very strongest reasons for its enactment. If I understand the course of the discussion, everybody here is anxious to see accomplished the purpose at which this bill aims. But while everyone professes the keenest anxiety to have the appalling conditions ended which this bill seeks to end, objections are made that we have no authority here to indulge in philanthrophy. Well, I agree to that. We have none whatever, if mere philanthrophy be the object. I find a cordial echo in my bosom of the remark by the gentleman from South Carolina [Mr. STEVENSON] that philanthrophy and beneficence were always admirable personal qualities but never legitimate political enterprises. I agree that no man has a right to indulge in them at the expense of another or at the expense of the Treasury. That contention is absolutely unanswerable. If this proposal were merely an appeal for generosity, I would say that it was addressed to the wrong body. But I believe it is a measure of sound policy, of high policy, and not merely of high policy but of absolute necessity to the security of our civilization, which is seriously imperiled—aye, rocking on its foundations—by reason of conditions which must be remedied if it is to survive. And no one here, I venture to say, will dispute the proposition that of the civilization which we call Christian, this country is at once the bulwark and the citadel, the latest fruit and the crowning glory. No one who heard

Mr. Hoover describe the appalling destitution actually scourging the people whom this bill is intended to relieve can doubt that its failure to pass will result in their extermination—a civilization under which a whole people are allowed to perish from the face of the earth has failed of its purpose. And no civilization has ever long survived failure to perform the function for which civilization is established. Now, gentlemen say that enactment of this measure will open the door to all manner of extravagances hereafter, and that from these extravagances all manner of disasters will befall our own country. If that were so, I would oppose this bill.

I do not believe that to end an injury in one part of the world we have any right to risk the security or prosperity of this particular part of the world, which is the United States.

Gentlemen are so alarmed lest this measure might establish a new and dangerous policy that they oppose it, even while professing the utmost sympathy with its objects. There is no question of policy here, and there can be none. There is no question of precedence, and there can be none, because we are faced here with an emergency which has no precedent or parallel in the history of the whole human race. You can not deal with an emergency by following precedents or considering them. An emergency in the very nature of things is without precedents. It can neither follow precedents nor establish them. And the frightful emergency we are now considering, being without parallel or precedent in the past, it is not likely to recur in the future. Being an emergency, it must be dealt with according to its features, its own peculiar features. But I want to say now that if these frightful conditions should be repeated in the valley of the Volga or anywhere else, this country should proceed to remedy them with all the means in its power. [Applause.] That is a duty it owes to civilization, and what it owes to civilization it owes chiefly and above all to itself, the flower and center of civilization.

What is the condition with which we are confronted, Mr. Chairman? The report which accompanies this bill states it, I hope, with some degree of clearness. It is not due to any act of man. If it were the consequence of vicious or extravagant procedures by government, I think it would be our duty to tell the victims of misgovernment that they must find a remedy for the destitution affecting them in the overthrowing of the system that caused it.

I think the providence of God is shown just as clearly in the disasters which follow misgovernment as in the blessings that crown good government. It is because the fruits of government always are determined by the quality of government that men are encouraged to defend the institutions which are beneficent and urged to resist and overthrow those that are pernicious. If, therefore, these conditions of famine were consequences of misgovernment, I might oppose this bill. But we have had evidence before us to the contrary which was overwhelming. There can be no question about the accuracy of the statements made by Secretary Hoover, Gov. Goodrich, and other gentlemen who appeared before this committee. And they were unanimous in declaring that these unfortunate human beings are plunged in starvation and on the brink of extinction through no fault of the Russian Government or of the Russian people, but solely and entirely through a visitation of God. The conditions afflicting them are the products of two causes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TEMPLE. Mr. Chairman, I yield five minutes additional to the gentleman.

Mr. COCKRAN. First, there was the natural diminution of production, caused by the contributions of the country in men and foodstuffs to the armies organized by their country to take part in the greatest war ever waged on the face of this earth. That was a waste in itself sufficient to reduce seriously the volume of commodities available for support of human life. It was supplemented and aggravated by a drought lasting for three years—a drought that never had been paralleled in the experience of that country before.

The drought of the first year necessarily reduced the natural value of argicultural productions and that naturally caused some distress. The second year's drought aggravated seriously the injury produced by the first. Not merely was it more prolonged, but the supply of foodstuffs having already been lessened by the first year's drought, the suffering was greatly increased. And then, for the first time, as I say, in the history of the country, a third year of drought followed, and this practically exhausted all the sources of supply. As a consequence that land is absolutely desolate; not desolated by war or through abandonment of cultivation by the inhabitants, as has frequently happened in human history, owing to taxation so oppressive that it deprived them of any chance to enjoy that which they might have produced, but desolated by the hand of Almighty God, desolated so completely that unless this country affords relief the land can not be planted and extinction of the people is inevitable. From no other source can relief come. When Mr. Hoover and the other witnesses who had visited this land of suffering came before us they asked only $10,000,000, but on examination by members of the committee they were compelled to admit that this sum would merely feed the people actually starving now; it would not suffice to afford means of planting the soil so that promise of a harvest next year sufficient to support the population would be afforded. But with $10,000,000 additional not merely would relief from actual starvation be made complete but planting implements and seeds could be supplied sufficient to afford the people a chance once more to live by the products of labor exercised on their own soil. And more than that, this relief would quicken the whole industrial life of the country.

Revival of that basic industry, agriculture, in a most important and productive area of the world would stimulate enormously the revival of trade and prosperity everywhere. Production begins at the soil. The fruits of industry exercised on the earth are the basis of all the manufactures which make active the processes of exchange. And so it is reasonable to assume that in banishing starvation from this sorely afflicted region we may afford its inhabitants an opportunity to render service of surpassing value to the whole world while at the same time effecting regeneration of their own country.

The report also shows clearly that there is no reason whatever to apprehend that any part of this relief, if it is afforded, may be diverted to support of the Russian Government or to benefit it in any way.

Mr. Chairman, I do not know what a bolshevist is. If I did I would perhaps be no less vehement than these gentlemen who denounce them. All I know is this, whatever the present government of Russia may be, it is there. Mr. Hoover and all the other witnesses who have been engaged in distributing relief afforded by American private charity concur in saying that the Government has aided them in every way and so effectively that not a pound of food has been lost or misapplied in transit. So whatever we may think of soviet officials, it is an undisputed fact that they have had nothing to do with these conditions. Mr. Chairman, the simple fact that confronts us is this: A people are starving before our eyes. Unless we give them relief they must disappear under conditions too awful to describe or even to conceive. What is our duty, not alone to these unfortunates but to ourselves? When famine starts pestilence follows always fast upon its heels. Soon it will be finishing the desolation of the country unless we intervene to stop it.

Do gentlemen think if pestilence starts in one part of the world that they can localize it, arrest it at our own frontiers, and keep it from desolating this land of ours which we are sworn to guard? I am not invoking philanthropy, though it is not necessary to argue it when considering the interests of our own country. Thank God, philanthropy is always included within the scope of duty to American patriotism. And let us not hesitate for a moment over constitutional objections. Our Constitution never yet has prevented this country from rendering any service to humanity that Providence enabled it to perform. Let us not allow it now to be invoked successfully to stay the hand of charity and relief when preservation of an important part of the human family may be at stake, or to prevent us from bringing relief to the uttermost ends of the earth wherever the hand of God rests heavily upon His creatures. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, such appeals as that of the eloquent gentleman from New York [Mr. COCKRAN] make it certainly very difficult to vote against this bill. If there were not strong considerations the other way, there are none of us who would decline to vote for it. But there are such considerations that make it not only difficult but impossible for some of us to support it.

Now, referring to the remarks of one of the gentlemen a while ago, I am not a very strict constructionist. I rather incline to liberal construction. I go to the point of justifying appropriations that have been made without specific authority except that contained in the common defense and general provisions of Article I. Thus I am assuming that we can use the money in the Treasury for the purpose of maintaining the common defense and the general welfare of the United States itself. That is a latitudinarian view. That is the view that was entertained and expressed by Story, who was confessedly one of the greatest commentators on the Constitution. He was

of the Federalist school. But Judge Story himself in effect condemned such action as is proposed to be taken here to-day. Having said that Congress can make appropriations of a domestic character with a view of maintaining the common defense or promoting the general welfare, he further said, in substance, that Congress can not go beyond that and make appropriations for purposes extraneous to this country. As I said a while ago, and it is quite significant, when the great lawyer who now presides over the State Department appeared in the Supreme Court to contend for the constitutionality of the farm loan act, he quoted Story as presenting the most helpful and authoritative view of the power of Congress to appropriate the public revenue that has been offered.

Now, there is reference to precedents——

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CONNALLY of Texas. I yield five minutes to the gentleman from Virginia.

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes more.

Mr. MOORE of Virginia. Gentlemen talk about precedents. Would it help us, sworn as we are to uphold the Constitution, if there were a great number of precedents that were in favor of this measure? It would not; but as a matter of fact the precedents are so meager that the maxim de minimis non curat lex almost applies to them. The donations of any consequence that have been given by this Government to the peoples of other nations were given during the World War, and everybody knows without any detail or any argument that the power that can be exerted by our Government during the period and stress of war is very different from the power that can be exerted in times of peace. The war power is, so to speak, the medicine of the Government. But who would say that the medicine of the Government can be made its daily food? And if now we are to act on the strength of precedents that are connected with transactions that took place during the war how far will we go? Where will we stop?

Mr. FAIRCHILD. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. FAIRCHILD. The Messina relief was not given during the war.

Mr. MOORE of Virginia. The Messina relief was prior to the war and it was comparatively small.

Mr. FAIRCHILD. It was $800,000.

Mr. MOORE of Virginia. It was not contested. It was $800,000 and not contested. I firmly believe that if a judicial test could be made, in the event this bill becomes a law, by an injunction being brought against the disbursing officers of the Government, it would result in the view being approved that I take the liberty of expressing, and place a check upon our inclination to forget the letter and the spirit of the Constitution. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CONNALLY of Texas. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Texas has 11 minutes left.

Mr. CONNALLY of Texas. I yield three minutes to the gentleman from Texas [Mr. GARRETT].

The CHAIRMAN. The gentleman from Texas is recognized for three minutes.

Mr. GARRETT of Texas. Mr. Chairman, I do not know that I shall consume the three minutes allotted to me, because no one would attempt to enter into a constitutional discussion of this or any other question in three or five minutes. That is not the question that is worrying me at this time.

The question that is worrying me is the suffering of humanity all over the earth, everywhere. The question that is disturbing me now is not only the suffering in Russia and Armenia and all Europe, but also in these United States of ours. [Applause.] I want to call the attention of the House at this time to one very solemn fact. That is, that the Committee on Military Affairs on yesterday reported a resolution to direct the Surgeon General of the Public Health Service to furnish ex-service men in the United States Public Health Service hospitals not now receiving compensation with necessary clothing for the coming winter. In the city of Houston, at Camp Logan, where ex-service men of the World War from three or four different States are assembled, the representative of the Red Cross at that hospital wrote me that there were 40 ex-service men in that camp who did not have sufficient clothing at this time to make them comfortable. An ex-service captain wrote me that many of the men at Camp Logan were not sufficiently clad that they could attend the Red Cross hut gathering where the people had assembled to give them entertainment; and I want to say here and now that I am going to call upon the chairman of the Committee on Rules, if necessary, to give me a rule on that resolution, in order that we may have relief now at least for the boys who offered their lives in defense of their country. [Applause.]

As to the question now before the House, if I must decide as to whether or not I shall vote yea or nay in the matter of saving starving mothers and children by the thousands and tens of thousands in stricken Russia and Armenia who are not in any way responsible either for their own sad condition or that of their government, I shall vote for the perishing women and children and take the consequences. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY of Texas. I yield three minutes to the gentleman from South Carolina [Mr. MCSWAIN].

Mr. MCSWAIN. Mr. Chairman, I am not insensible to the quality of the appeal made to the hearts of us as men, but I submit that that appeal is made to us as individuals and not as Representatives. As a citizen of this country I am willing not only to give out of my own pocket dollar for dollar in proportion to my ability with any other Member here but also with any other citizen to relieve the distressed anywhere on the face of the globe and to extend the cause of humanity and of Christianity anywhere. I am not only willing to give the price of a bushel of corn but I will go further, and am not speaking facetiously when I say I am willing to give the price of a gallon of corn.

But, Mr. Chairman, the question here is one of official duty, and I believe the gentleman from Virginia is right when he says that a taxpayer will have the right to go into the courts yonder and enjoin the expenditure of a single dollar of the appropriation contained in this bill. I believe some of them will do it, because, gentlemen, the time was a few years ago when it made no difference to the people back home how Congress spent the money, because the people back home did not know where the money came from. The revenues of the Government were then raised by indirect taxes. The more Congress spent the better people liked it. The more appropriations we got to be spent in our districts for any kind of a mudhole under the pretense of river and harbor appropriation the better the people liked it. But not so now in the days of direct taxes. Mr. A and Mr. B, who have now got to go down into their pockets for Uncle Sam's budget, are demanding to know how the money is spent and where it is spent, and I tell you gentlemen that some of the men who are having to borrow the money to pay their taxes this year will appear in the Supreme Court to enjoin the disbursement of this money on the ground that Congress has exceeded its constitutional power.

Further than that, gentlemen, in order to be consistent you must accept the amendment that will be proposed giving relief to Armenia in order that she, too, may share in this beneficence. This appeal is made to the brotherhood of man, and Armenia, the oldest Christian nation on the face of the globe, is entitled to our consideration. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TEMPLE. I yield five minutes to the gentleman from Massachusetts [Mr. WINSLOW].

Mr. WINSLOW. Mr. Chairman and gentlemen of the committee, this is a day when the country has the right to expect of us careful scrutiny of all expenditures. I think it is expected of us that we shall save every dollar we can and that we shall cut every appropriation as short as possible, and otherwise help the people of this country who are in sore business straits, to help them to keep going. But there are times, even when the pull is hard, when we ought to reach out. It is well enough to be thrifty and we want to be. It is a fine thing to pick up material wealth and add to our resources and husband our savings, but for what purpose in the last analysis? To do some good with what we get together, to be in a position whether as individuals or as a country to reach out and help the weaker brothers. If this discussion to-day is to fall on the constitutionality of this question, God forbid that I ever enter that field. If it is a question of placating some imaginary future government in Russia in order to get business from them or in order to establish pleasant diplomatic relations there, I say "Pooh, pooh to that!" but if it is a question of aiding a starving people through the generous hearts of the people of a country like ours, which is not on the verge of starvation, which is not going bankrupt to-morrow; if it is a question of giving a little of what we have to do the last thing which can be done for human beings, namely, to save their lives, then let us pull a

little harder and let the coat shine a little brighter in order that we may do that good. [Applause.]

I wish to add one more idea of what should be accomplished by this resolution. It is said that the money will be spent in a certain little district in Russia which is very deserving, but right alongside, within easy transportation, is a little republic, a little Christian country which has reached out to America from the first day until this minute. They have sent over here tens of thousands of the best European people who have come into our midst. They have assimilated well, they have not filled our jails, they have not been bomb throwers, they have not been the kind that is stirring up the country from the bottom and seeking to ruin it. They have tried to be of use, they have been starving, not by their own fault, not particularly by the drouth of this year, but by devilish treatment by their neighbors for many years. They are hungry now. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WINSLOW. I refer to Armenia, and I hope the legislation will include them.

By unanimous consent, Mr. WINSLOW had leave to extend his remarks in the RECORD.

Mr. TEMPLE. I yield to the gentleman from Oregon [Mr. SINNOTT].

THE 50 PER CENT SURTAX.

Mr. SINNOTT. Mr. Chairman, the press has indulged in a lot of captious and sarcastic generalization about the Senate 50 per cent surtax imposed on incomes over $200,000 in the new revenue act, known as the "revenue act of 1921." As a rule such editorial criticism gives little information, analysis, or comparison of the difference between the Senate rate of 50 per cent and the rejected proposed House rate of 32 per cent, which all applauded. The authors of much of this criticism are content to indulge their irony in such sarcastic references as "swat the rich," and to stigmatize the House supporters of the Senate rate as "demagogues."

The fact that 646,582 surtax payers with incomes between $5,000 and $68,000 per annum out of the total number of surtax payers of 657,659 got no reduction in their surtaxes in the House bill but got such reductions in the Senate bill, is seldom commented upon.

The fact that all surtax payers having incomes under $86,111.11 received greater reductions in taxes in the rates adopted than in the House bill is seldom mentioned.

Let us examine the difference between the rejected House bill rate of 32 per cent and the adopted Senate rate of 50 per cent.

It will be remembered that the House bill fixed the maximum surtax rate at 32 per cent on incomes over $66,000 and retained the surtax brackets of the revenue act of 1918 under $66,000.

The Senate bill fixed the maximum surtax rate at 50 per cent on incomes over $200,000 and lowered the bracket rates of the revenue act of 1918. The House on November 17 adopted the Senate rate.

In my remarks in the House on November 17 last I erroneously credited the proposed House rate of 32 per cent with some reductions in surtaxes on incomes between $5,000 and $68,000 per annum, but as a matter of fact corrected tables show that the House bill made no reduction in surtaxes on any income between $5,000 and $68,000, but, on the contrary, the House bill left such incomes to bear much of the load of the shift of surtaxes necessitated by the proposed reductions in the House bill for incomes of $100,000 and over.

This means that 646,582 surtax payers were wholly overlooked and absolutely ignored in the proposed reduction of surtax rates in the House bill, while at the same time out of the total number of surtax payers, to wit, 657,659, only 11,077 were given reductions in their surtaxes by the House bill; furthermore, in the House bill there was no appreciable reduction made in surtaxes until incomes of $100,000 and over were reached, the number of such incomes of $100,000 and over being about 5,526.

The latest figures available for the number of surtax payers are found in the "Statistics of income" for the year ending December 31, 1919, issued July 12, 1921, by D. H. Blair, Commissioner of Internal Revenue.

From this document it appears that there are 657,659 persons with incomes in excess of $5,000, and therefore subject to surtaxes. From the same document and from additional information furnished me by the Treasury Department it appears that there are approximately 646,582 persons paying surtaxes on incomes between $5,000 and $68,000.

These 646,582 payers of surtaxes were entirely overlooked and ignored in the proposed reduction of surtaxes in the House bill, because they got no reduction on surtaxes in the House bill.

These 646,582 surtax payers were left to bear the burden of war-time surtaxes so that incomes over $68,000, and particularly incomes over $100,000, might have greater relief.

The Senate bill gave all a reduction. It thus not only remedied this neglect of 646,582 surtax payers by giving them the reduction shown in the tables which I shall insert in the RECORD, but the Senate bill also made greater reductions than the House bill in surtax rates on all incomes between $68,000 and $86,111.11, on which last-mentioned income the surtax is the same in the House and the Senate bill.

The consummation of this reduction in the House on November 17 is characterized in some quarters as demagoguery.

The Senate bill also greatly reduced the surtaxes as compared with the old law on the larger incomes.

The table hereinafter printed, marked Exhibit A, shows the reduction to taxpayers having incomes between $6,000 and $68,000 by the adoption of the Senate surtax rate of 50 per cent:

EXHIBIT A.

Saving to taxpayers as the result of fight in the House for 50 per cent surtax on incomes over $200,000.

Taxpayers having incomes as listed below were saved the following amounts in the House as the result of the adoption of the 50 per cent surtax instead of the House provision of 32 per cent on incomes over $68,000. The figures are for a married man or woman without considering additional exemption for children or dependents.

Income.	Saving in taxes.
$6,000	$10
$7,000	20
$8,000	30
$10,000	70
$12,000	110
$14,000	150
$16,000	190
$18,000	230
$20,000	270
$22,000	290
$24,000	310
$26,000	330
$28,000	350
$30,000	370
$32,000	390
$34,000	390
$36,000	410
$38,000	430
$40,000	450
$42,000	470
$44,000	490
$46,000	510
$48,000	530
$50,000	550
$52,000	570
$54,000	590
$56,000	610
$58,000	630
$60,000	650
$62,000	670
$64,000	690
$66,000	710
$68,000	730

Had the House surtax rate of 32 per cent prevailed, the above incomes would have had to pay in additional taxes the amounts set opposite.

In addition to the reductions shown in the table marked "Exhibit A," the adoption of the Senate provision made the following additional reductions, as compared with the House bill for the 3,800 incomes between $70,000 and $86,000:

Income.	Saving in taxes.
$70,000	$730
$72,000	710
$74,000	670
$76,000	610
$78,000	530
$80,000	430
$82,000	310
$84,000	170
$86,000	10

The above reductions are manifest from the table which I shall print in the CONGRESSIONAL RECORD, marked "Exhibit B," prepared at my request by Joseph S. McCoy, Government actuary of the Treasury Department.

The extreme right-hand column, under the caption "Saving in taxes," shows the reduction in surtaxes by the Senate rate as compared with the House bill on incomes of $86,000 and under. The same column under the caption "Increase in taxes" shows increases in surtaxes in the Senate bill over the House bill.

GOVERNMENT ACTUARY, TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 9, 1921.

Hon. NICHOLAS J. SINNOTT,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: Inclosed herewith is statement showing the saving to taxpayers as the result of the adoption of the revenue act of 1921 with 50 per cent surtax on incomes over $200,000, as compared with H. R. 8245, as originally passed by the House of Representatives with the maximum surtax rate of 32 per cent.

Respectfully,

JOSEPH S. MCCOY,
Government Actuary.

EXHIBIT B.

Saving to taxpayers as the result of the adoption of the revenue act of 1921, with 50 per cent surtax on incomes over $200,000, as compared with H. R. 8245, as originally passed by the House of Representatives with the maximum surtax rate of 32 per cent.

[The figures are for a married man or woman without considering additional exemption for children or dependents.]

Income.	Normal tax (same in House bill and act of 1921).	Surtax according to bill as originally passed House of Representatives.	Surtax according to revenue act of 1921.	Saving in taxes.
$6,000	$160.00	$10.00	.....	$10.00
$7,000	240.00	30.00	$10.00	20.00
$8,000	320.00	50.00	20.00	30.00
$10,000	480.00	110.00	40.00	70.00
$12,000	640.00	190.00	80.00	110.00
$14,000	800.00	290.00	140.00	150.00
$16,000	960.00	410.00	220.00	190.00
$18,000	1,120.00	550.00	320.00	230.00
$20,000	1,280.00	710.00	440.00	270.00
$22,000	1,440.00	890.00	600.00	290.00
$24,000	1,600.00	1,090.00	780.00	310.00
$26,000	1,760.00	1,310.00	980.00	330.00
$28,000	1,920.00	1,550.00	1,200.00	350.00
$30,000	2,080.00	1,810.00	1,440.00	370.00
$32,000	2,240.00	2,090.00	1,700.00	390.00
$34,000	2,400.00	2,390.00	2,000.00	390.00
$36,000	2,560.00	2,710.00	2,300.00	410.00
$38,000	2,720.00	3,050.00	2,620.00	430.00
$40,000	2,880.00	3,410.00	2,960.00	450.00
$42,000	3,040.00	3,790.00	3,320.00	470.00
$44,000	3,200.00	4,190.00	3,700.00	490.00
$46,000	3,360.00	4,610.00	4,100.00	510.00
$48,000	3,520.00	5,050.00	4,520.00	530.00
$50,000	3,680.00	5,510.00	4,960.00	550.00
$52,000	3,840.00	5,990.00	5,420.00	570.00
$54,000	4,000.00	6,490.00	5,900.00	590.00
$56,000	4,160.00	7,010.00	6,400.00	610.00
$58,000	4,320.00	7,550.00	6,920.00	630.00
$60,000	4,480.00	8,110.00	7,460.00	650.00
$62,000	4,640.00	8,690.00	8,020.00	670.00
$64,000	4,800.00	9,290.00	8,600.00	690.00
$66,000	4,960.00	9,910.00	9,200.00	710.00
$68,000	5,120.00	10,550.00	9,820.00	730.00
$70,000	5,280.00	11,190.00	10,460.00	730.00
$72,000	5,440.00	11,830.00	11,120.00	710.00
$74,000	5,600.00	12,470.00	11,800.00	670.00
$76,000	5,760.00	13,110.00	12,500.00	610.00
$78,000	5,920.00	13,750.00	13,220.00	530.00
$80,000	6,080.00	14,390.00	13,960.00	430.00
$82,000	6,240.00	15,030.00	14,720.00	310.00
$84,000	6,400.00	15,670.00	15,500.00	170.00
$86,000	6,560.00	16,310.00	16,300.00	10.00
$86,111.11	6,568.89	16,345.55	16,345.55	.....
$88,000	6,720.00	16,950.00	17,120.00	[1]170.00
$90,000	6,880.00	17,590.00	17,960.00	[1]370.00
$92,000	7,040.00	18,230.00	18,820.00	[1]590.00
$94,000	7,200.00	18,870.00	19,700.00	830.00
$96,000	7,360.00	19,510.00	20,600.00	[1]1,090.00
$98,000	7,520.00	20,150.00	21,520.00	[1]1,370.00
$100,000	7,680.00	20,790.00	22,460.00	[1]1,670.00
$150,000	11,680.00	36,790.00	46,460.00	[1]9,670.00
$200,000	15,680.00	52,790.00	70,960.00	[1]18,170.00
$300,000	23,680.00	84,790.00	120,960.00	[1]36,170.00
$500,000	39,680.00	148,790.00	220,960.00	[1]72,170.00
$1,000,000	79,680.00	308,790.00	470,960.00	[1]162,170.00

[1] Increase in taxes as compared with House bill.

The following table made from the Government actuary's table, printed in the CONGRESSIONAL RECORD October 21, 1921, on page 7352, shows very substantial reduction in surtaxes on incomes of $90,000 and over by the Senate bill as compared with the old law, and also the reductions that would have been made had the House bill rates prevailed:

Income.	Reduction in Senate bill now the law.	Reduction if the House bill rate had prevailed.
$90,000	$800	$1,170
$100,000	1,050	2,720
$150,000	3,050	12,720
$200,000	6,550	24,720
$300,000	16,550	52,720
$500,000	42,550	114,720
$1,000,000	112,550	274,720
$2,000,000	262,550	604,720
$3,000,000	412,550	934,720
$5,000,000	712,550	1,594,720

Inasmuch as it has been repeatedly claimed that the 50 per cent surtax rate is a great obstacle to the sale of railroad trust certificates, the following statement, issued for the press December 2, 1921, by Eugene Meyer, jr., managing director of the War Finance Corporation, showing a recent sale of $12,842,300 of such trust certificates is of interest, together with the fact that the railroad refunding bill, designed to facilitate such sales, has been abandoned.

STATEMENT FOR THE PRESS.

WAR FINANCE CORPORATION,
December 2, 1921.

Eugene Meyer, jr., managing director of the War Finance Corporation, to-day made the following statement:

"The Director General of Railroads has, with the consent of the President, confirmed additional sales, at par plus accrued interest, of railroad equipment trust certificates now held by the Government, as follows:

To a syndicate consisting of the Guaranty Co. and Potter Bros. & Co., of New York; the Union Trust Co. of Pittsburgh; the First Trust & Savings Bank of Chicago; the Fifth-Third Bank of Cincinnati; and the Union Trust Co. of Cleveland:		
Cleveland, Cincinnati, Chicago & St. Louis, 1923 to 1935, inclusive		$4,507,100
To the Illinois Trust & Savings Bank, the Merchants' Loan & Trust Co., the First Trust & Savings Bank, and the Continental & Commercial Trust & Savings Bank, all of Chicago:		
Delaware & Hudson, 1922 to 1927, inclusive	$1,592,400	
New York Central, 1925 to 1927, inclusive	2,768,100	
Chicago & North Western, 1925 to 1927, inclusive	1,994,700	
Michigan Central, 1925 to 1927, inclusive	1,039,200	
Chicago, St. Paul, Minneapolis & Omaha, 1922 to 1927, inclusive	940,800	
		8,335,200
Total amount of these sales is		12,842,300

"The total amount of equipment trust certificates sold by the Government to date, at par plus accrued interest, is $132,910,600.

"With reference to the sale of railroad equipment trust certificates to the syndicate of Chicago banks, totaling $8,335,200, it is interesting to note that the investment demand for these securities, which at first was confined to the eastern territory, is gradually spreading westward. It appears to indicate that the general improvement in money market conditions is following precedent, and is gradually moving westward. It means that there will be a better market for farm mortgages in the not distant future, and that the agricultural sections will soon begin to feel the benefit of improving financial conditions."

The following reprint in the Washington Post of December 13, 1921, of an article from the New York Times shows that the country is not entirely going to the "bowwows" on account of the passage of the revenue bill with the Senate maximum surtax rate of 50 per cent on incomes over $200,000:

WHAT OTHER PAPERS SAY.

THE ACTIVE BOND MARKET.

[New York Times.]

The stock exchange bond sales last month were the largest ever known. They are perhaps doubled by the private sales "over the counter," which are in a larger proportion than usual, with no authoritative figures available. Beyond doubt the country has all the money or credit it needs, the latter being visible in unprecedented, monumental, even excessive amounts. There were just such bond booms in 1898, 1904, 1908, 1915. Even the shortest memories ought to recall such modern instances. It is no task at all to apply their significance to the interpretation of the present situation and outlook. Each of the four bond booms preceding the present followed a collapse in trade, recalled by the significant years 1897, 1903, 1907, and 1914. Also, each of the bond booms preceded revival of prosperity. Money discouraged in trade experiences sought safety, first of all, with such income as might be available while hopes of profit through enterprise were reviving. That is the present stage.

It is not to be expected that there will be forthwith a trade boom to match the bond boom. Trade and bond booms do not travel hand in hand. They move tandem, and each thrives on what is taken from the other. But nothing is lost in the process of the economic parade. There is no discouragement in the fact that money for enterprise is not in such demand as money for investment, and that loans are shrinking even while bank figures show excessive reserves and despite falling discounts. More billions await employment for profit than are now bidding for safety rather than profit. When the bond demand is sated, as some time it will be, there will be really cheaper commercial money, and scanners of the skies for income larger than now is obtainable consistent with safety will then bid for money to put into new industrial enterprises.

Mr. TEMPLE. Mr. Chairman, I yield to the gentleman from Missouri [Mr. MILLSPAUGH].

Mr. MILLSPAUGH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CHALMERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. FULMER].

Mr. FULMER. Mr. Chairman, if under the rule I were accorded the time I would be glad to follow the argument that has been made by the gentleman from Kansas [Mr. LITTLE]. I understand that he will offer an amendment to include Armenia, and if this bill is to pass by all means his amendment should be adopted.

Forced, then, by lack of time I ask unanimous consent to extend my remarks in the RECORD.

[By unanimous consent Mr. FULMER had leave to extend his remarks in the RECORD.]

Mr. FULMER. I agree with my colleague from South Carolina [Mr. MCSWAIN] and call your attention to my remarks along this line in my speech of August 20 on the floor of this House.

Our people are reading and thinking for themselves more than ever in the history of the country, and I believe I am voicing their thoughts and speaking their minds when I say that Congress is too prone to vote taxes upon an already heavily tax-burdened people and that the time is coming when the great masses will rise up and demand more constructive legislation for America and Americans.

Mr. TEMPLE, who introduced this bill, touches a very tender place in my heart when he makes such a forceful plea for starving Russians, and only the strong gripping that I throw about myself when I visualize the actual want that exists in my section, and the positive inability of many of my people to secure cash even for the payment of taxes and interest on loans, makes me withstand that plea. I know those poor people are suffering unto starvation and death and my heart bleeds for them. If my vote touched only myself, God knows I would not hesitate, but would joyfully agree.

At home I have been an active worker and a fairly liberal giver from my own pocket for such causes, and I feel that this should be a personal call; so I feel that I have no authority from my people to vote on South Carolina nearly one-third of a million dollars of additional taxes, when I know that in my district there are those who are not planting wheat and oats because they have not got the money wherewith to pay for the seed, and that the little seed that is allotted me as a Member of Congress for distribution will prove a boon to many families; and when I know that there are those whose property will be sold for taxes and that they can not stand a cent more of taxation; and that a great many do not know where they will get bread from for next year, on account of restricted credits by merchants and banks, caused by the bad financial conditions in the South.

And so, I say, if I were voting for myself only I would unhesitatingly vote for the bill; but, as it taxes additionally those who have no money with which to pay present taxes and buy necessities, be they ever so willing, I must regretfully vote against it. I am strengthened in that decision by the statement from the author of the bill [Mr. TEMPLE], who tells me that the committee will make a point of order against the amendment to include the Armenians, and by the further feeling, gained from the legal argument of the gentleman from Virginia [Mr. MOORE] that the bill is not constitutional.

I hold in my hand a resolution adopted by the South Carolina State Baptist Convention, in session at Greenville a few days ago, heartily approving of the purpose and program of the Near East relief in behalf of starving Armenian children and protesting to our Government against allowing such conditions to exist without protest. I place these resolutions in the RECORD and hope that Members of the House will read them and give them serious thought:

Resolutions of South Carolina Baptist Convention.

Whereas the truth of the reported massacres and other atrocities from which the Armenian people have suffered at the hands of the Moslems, and the great destitution resulting therefrom, has been clearly established; and

Whereas the people of South Carolina are deeply impressed by the deplorable conditions of insecurity, starvation, and misery in which Armenians still continue; and

Whereas it will be impossible for those people to raise any crops until late next summer, as the Turks have just been driven out; and

Whereas unless relief continues to come from America (the only civilized nation able to give it), thousands of Armenians will starve and freeze to death this winter; and

Whereas the Near East Relief is now caring for 110,000 Armenian orphan children and would care for that many more if they had the facilities and the money; and

Whereas the sole excuse given for the Turks for their barbarity is that for 1,000 years the Armenian Nation has steadfastly refused to renounce Christ and all that he stood for and become Mohammendans: Therefore be it

Resolved, That we, the members of the Baptist State Convention of South Carolina, go on record as heartily approving the purpose and program of the Near East Relief to save the lives of orphaned children and secure the release of imprisoned womanhood from Turkish harems and their restoration to their families, with a view to the rehabilitation of these nations; and

That we, the servants of Him who gave a large part of His time to physical ministry, approve and indorse the appeal of the Near East Relief as worthy of the sympathetic cooperation of every individual and organization in our churches; and

That we go on record as protesting to the United States Government against allowing such a condition to exist without protest to the Government of Turkey and making representations to have such outrages against the oldest Christian nation in the world stopped.

M. C. ALLEN, *Secretary*.

Mr. CONNALLY of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia [Mr. LARSEN].

Mr. LARSEN of Georgia. Mr. Chairman, I have not an opportunity to say all that I would like to, and hence ask permission to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LARSEN of Georgia. Mr. Chairman, for information of Members of the Congress and others concerned, I desire to state that I have to-day introduced a resolution proposing an amendment to the Constitution. If adopted, it will distribute representation among the several States on the basis of citizenship. It will also enable reduction of representation to such an extent that a House of 400 Members would afford approximately the same per capita representation as the present with 435. Such reduction would be made possible in that it would eliminate aliens from consideration in making a basis for representation.

The present method of apportioning representation contained in section 2, Article XIV of amendments to the Constitution, provides that it shall be on the basis of population excluding Indians not taxed.

The term "Indians not taxed" does not mean that Indians are not to be taxed, and are therefore not to be taken into consideration in making an apportionment, but it means that Indians who are not subject to tax, such as have tribal relation, and so forth, are not to be considered in making the apportionment.

It is difficult to ascertain the exact number of aliens residing in the United States at the date of adoption of our Constitution, but it is certain that the number was exceedingly small. The first definite information which I have been able to obtain is disclosed by the census of 1820, some 30 years after the adoption of the Constitution. At that time the population of the United States was 9,639,453, of which number 53,687 were aliens. Thus it will be seen that the percentage of our alien population in 1820 was a little more than one-half of 1 per cent; such a negligible number that framers of the Constitution evidently deemed it a matter of little or no consideration. But with the passing of years it has so increased that it must now be regarded as alarming.

The census of 1920 gives our foreign-born population as 13,920,692—nearly 14,000,000. Of this number only 46.6 per cent are shown to have been naturalized. Thus, it will be seen that according to census of that date 53.4 per cent of our foreign-born population may be regarded as alien. Since date of the last census, and up to June 30 of this year, there had been admitted into the United States 1,489,701 immigrants, making our total foreign-born population on that date 15,410,393, practically 15,500,000.

Between date of last census and September 30 of this year there had been naturalized 283,874, making our alien population on that date 8,633,431. From this it will be seen that while the percentage of our alien population in 1820 was about one-half of 1 per cent, it is to-day more than 8 per cent.

The seriousness of the situation becomes all the more appalling when we consider that to-day our adult population—that is, persons more than 21 years of age—is in round numbers 60,000,000, and of this number more than 10 per cent are alien. They are here among us, assisting in the shaping of our institutions and determining the destiny of this Nation. The vast majority of them are either deemed unfit for citizenship or do not desire it. I submit that the number is so large as to constitute a pending menace to our Government, and should not be considered in fixing our ratio of congressional representation. The present method results in giving undue representation to some States and withholding it from others.

The principle which I now advocate was well recognized in the formation of our Constitution. It is contained in Article I, section 2, paragraph 3, of the Constitution. It was under this provision of the Constitution that representation was made prior to the adoption of the fourteenth amendment in 1868. It reads as follows:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three-fifths of all other persons.

The term "three-fifths of all other persons" included the slave population of the Nation, who were not considered as citizens but were given 60 per cent representation as compared with citizens in fixing ratio for representation.

Under provisions of the fourteenth amendment former slaves were given a citizenship status, and hence were accorded equal consideration with other citizens.

Our slaves were in most cases American born. They owed allegiance to no other country. They knew little or nothing of the form of government in other countries, and as a rule cared less. I submit that their status was such that they were more worthy of consideration in fixing a basis for representation than are the great masses of aliens who are in our country to-day, not for purpose of becoming citizens, but to exploit our industries.

According to the census of 1870, which may be taken as the date of the fourteenth amendment to the Constitution, more than 14 per cent of our population were foreign born. The percentage at this time is about the same, but in 1870 82 per cent of our foreign-born population were citizens, while to-day only about 45 per cent are citizens. In 1870 only 18 per cent of our foreign-born population were aliens; to-day about 55 per cent are aliens. The immigrants of 1870 manifesting a love for our country and its institutions were naturalized and became good citizens. Many of them were pioneers of the great West.

I am entering no protest at this time against immigrants or our foreign-born population, but I do protest against foreigners coming into this country and refusing to become citizens. This country should be no asylum for aliens; it should be a home for American citizens.

So far as I am able to ascertain, similar conditions exist in no other country of the civilized world. Let us compare the alien population of a few countries:

1. United States, 8,633,421 (more than 8 per cent). Excluding those who have taken out first papers, it is more than 6⅔ per cent.
2. France, 1,415,128 (3.7 per cent—0.037).
3. Great Britain, 309,569 (a little more than seven-tenths of 1 per cent—0.0072).
4. Belgium, 28,242 (a little more than three-tenths of 1 per cent—0.0036).
5. Italy, 79,756 (a little more than two-tenths of 1 per cent—0.0021).
6. Japan, 20,793 (three-hundredths of 1 per cent—0.0003).

I have been unable to get the percentage in either Russia or Germany, but Russia is very small and Germany is about the same as that of France.

At my request the Census Bureau has prepared an apportionment of congressional representation on the basis of population, excluding aliens, persons whose citizenship is unknown, and Indians not taxed. The calculation is made upon an assumed House membership as follows: 400, 410, 435, 460, and 483. Incorporated in my remarks will be found the tabulation of figures submitted by the Census Bureau, from which it will be seen that a House with a membership of 400 will afford per capita representation of 245,524. This is about the same per capita representation that would be given under the present system with a House membership of 435. It will be seen that a membership of 435, apportioned in accordance with the method which my plan suggests, would decrease the representation of only eight States. Two of these would be reduced by the present method, assuming an apportionment upon the basis of 435.

I trust the Members will consider the suggested plan, and feel sure that, if adopted, it will prove both equitable and beneficial to the entire country.

Apportionment of 400, 410, 435, 460, and 483 Representatives on the basis of population after excluding aliens, persons whose citizenship is unknown, and Indians not taxed.

State.	Population, excluding aliens, etc.	Ratio: 245,524.			Ratio: 238,446.		
		400			410		
		Number of Representatives.	Gain. Compared with present House.	Loss. Compared with present House.	Number of Representatives.	Gain. Compared with present House.	Loss. Compared with present House.
United States	97,798,314	400	1	36	410	4	29
Alabama	2,339,206	10			10		
Arizona	241,148	1			1		
Arkansas	1,745,908	7			7		
California	2,972,634	12	1		12	1	
Colorado	884,761	4			4		
Connecticut	1,146,997	5			5		
Delaware	211,507	1			1		
Florida	932,571	4			4		
Georgia	2,888,180	12			12		
Idaho	414,677	2			2		
Illinois	5,941,752	24		3	25		2
Indiana	2,845,413	12		1	12		1
Iowa	2,334,620	10		1	10		1
Kansas	1,720,748	7		1	7		1
Kentucky	2,404,696	10		1	10		1
Louisiana	1,768,002	7		1	7		1
Maine	702,968	3		1	3		1
Maryland	1,398,498	6			6		
Massachusetts	3,223,129	13		3	13		3
Michigan	3,284,829	13			14	1	
Minnesota	2,227,282	9		1	9		1
Mississippi	1,786,070	7		1	7		1
Missouri	3,325,283	14		2	14		2
Montana	506,101	2			2		
Nebraska	1,237,950	5		1	5		1
Nevada	66,263	1			1		
New Hampshire	389,833	2			2		
New Jersey	2,734,319	11		1	11		1
New Mexico	329,972	1			1		
New York	8,771,797	36		7	37		6
North Carolina	2,555,304	10			11	1	
North Dakota	609,563	2		1	3		
Ohio	5,388,469	22			23	1	
Oklahoma	2,007,996	8			8		
Oregon	733,471	3			3		
Pennsylvania	7,924,687	32		4	33		3
Rhode Island	511,484	2		1	2		1
South Carolina	1,680,385	7			7		
South Dakota	605,695	2		1	3		
Tennessee	2,330,338	9		1	10		
Texas	4,376,931	18			18		
Utah	423,789	2			2		
Vermont	328,956	1		1	1		1
Virginia	2,292,663	9		1	10		
Washington	1,229,730	5			5		
West Virginia	1,416,718	6			6		
Wisconsin	2,427,417	10		1	10		1
Wyoming	179,574	1			1		

Apportionment of 400, 410, 435, 460, and 483 Representatives on the basis of population after excluding aliens, etc.—Continued.

State.	Ratio: 224,338.			Ratio: 212,023.			Ratio: 202,440.		
	435			460			483		
	Number of Representatives.	Gain. Compared with present House.	Loss. Compared with present House.	Number of Representatives.	Gain. Compared with present House.	Loss. Compared with present House.	Number of Representatives.	Gain. Compared with present House.	Loss. Compared with present House.
United States	435	12	12	460	30	5	483	49	1
Alabama	10			11	1		12	2	
Arizona	1			1			1		
Arkansas	8	1		8	1		9	2	
California	13	2		14	3		15	4	
Colorado	4			4			4		
Connecticut	5			5			6	1	
Delaware	1			1			1		
Florida	4			4			5	1	
Georgia	13	1		14	2		14	2	
Idaho	2			2			2		
Illinois	27			28	1		29	2	
Indiana	13			13			14	1	
Iowa	10		1	11			11		
Kansas	8			8			8		
Kentucky	11			11			12	1	
Louisiana	8			8			9	1	
Maine	3		1	3		1	3		1
Maryland	6			7	1		7	1	
Massachusetts	14		2	15		1	16		
Michigan	15	2		16	3		16	3	
Minnesota	10			11	1		11	1	
Mississippi	8			8			9	1	
Missouri	15		1	16			16		
Montana	2			2			2		
Nebraska	6			6			6		
Nevada	1			1			1		
New Hampshire	2			2			2		
New Jersey	12			13	1		13	1	
New Mexico	1			2	1		2	1	
New York	39		4	41		2	43		
North Carolina	11	1		12	2		13	3	
North Dakota	3			3			3		
Ohio	24	2		25	3		27	5	
Oklahoma	9	1		9	1		10	2	
Oregon	3			3			4	1	
Pennsylvania	35		1	37	1		39	3	
Rhode Island	2		1	2		1	3		
South Carolina	7			8	1		8	1	
South Dakota	3			3			3		
Tennessee	10			11	1		11	1	
Texas	20	2		21	3		22	4	
Utah	2			2			2		
Vermont	1		1	2			2		
Virginia	10			11	1		11	1	
Washington	5			6	1		6	1	
West Virginia	6			7	1		7	1	
Wisconsin	11			11			12	1	
Wyoming	1			1			1		

Mr. VESTAL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. SMITH of Michigan. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of these gentlemen?

There was no objection.

The CHAIRMAN. The gentleman from Ohio is recognized for nine minutes.

Mr. FESS. Mr. Chairman, I think that the debate has made very clear the fear that some Members have of setting a precedent here which might prove injurious to us or embarrassing. I have been making an effort to find out why the bill does not limit the appropriation or the application of the funds to that portion of Russia that suffers from what under the law would be called an act of God. I have talked with some who will be responsible for the administration of it, and have been told that the purpose of the measure is to limit it to that particular area. I can find no reason, and none has yet appeared, why it is not so limited in the terms of the bill. I shall offer an amendment to so limit its application.

There is no question about our right, if we follow precedent, to assist suffering people in our own country. That has been done over and over again, always with the plaudits of the people. There is no question either, if you measure it by what we have done, as to our authority to assist people outside of our own country where the injury occurred by some great holocaust for which nobody was responsible, such as in the case of the serious earthquake which took place in the memory of all of us. This was a catastrophe that could not be avoided. Not only did we at that time vote an appropriation for assistance, but we voted an appropriation to be used for the construction of houses in that stricken country. The question was raised at that time in respect to our right under the Constitution to do that; it went through with very little objection.

I do not think anybody would seriously question our right, although I admit that it is a close question, to succor a population in some particular section of the world that is suffering because of what under the law we would call an act of God. I limit the benefit to that category. When we have presented to us the actual facts that are taking place over in the Volga country, it would take a heart of stone to close up our sympathy, or even to reduce it to a point where we would feel free to vote against such a measure if we protect the country against all sorts of claims for such succor. I am told that thousands upon thousands of children in this Volga region have been abandoned to die by parents who could not feed them. The most gruesome, unspeakable, indescribably serious condition that anyone can imagine is taking place over there, and it seems to me that we are not straining even the constitutional point to grant relief to those people. I respect very greatly, as do all Members on the floor of the House, the opinion of our good friend from Virginia [Mr. MOORE]. Yet it seems to me that with the situation as it is and with the precedents that we have before us, situations similar in character but nothing like it in degree, that we should not hesitate very long about voting some succor to these people under the limitation I have presented. For I do think that it will be in order to seriously consider whether this assistance is to be indiscriminate in regard to all of the people or to the people who might be suffering in any section of either Russia or Europe. I think that is a serious situation.

Mr. CHANDLER of New York. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. CHANDLER of New York. The distinguished member of the committee from Illinois [Mr. SABATH] tells me that in the course of the hearings Mr. Hoover suggested it would be limited to the Volga Valley, but that that suggestion was rejected, and that in the framing of the bill it was so that the assistance should be extended to the whole of what was formerly the Empire of Russia, wherever the area shows a distress and that need is necessary.

Mr. FESS. If I knew that this relief is not to be limited, but to be administered without regard to the people or how they came to this situation, I would vote against it for that reason. If you open the door wide to the assistance of any portion of the population now suffering, from whatever source the suffering may come, there is absolutely no limit as to where we are going. If we here propose to salvage all Europe it is necessary to succor our own suffering first.

Mr. CHANDLER of New York. Suppose that in the Republic of Georgia, or a little Christian republic like the Republic of Armenia, children are being abandoned by their parents, also in the Republic of Lithuania, not any one of them parts of the Volga Valley and not now parts of the Russian Empire, would the gentleman deny assistance to them upon geographical grounds?

Mr. FESS. I would answer that when the bill was presented to take care of those specific places. I would want to go into it and see first the condition and why.

Mr. CHANDLER of New York. May I suggest that no such bill will ever be brought in.

Mr. FESS. Here is the difficulty. There is no time in the world when there is not suffering, and your plea would see no end to our calls from the Old World.

The CHAIRMAN. The time of the gentleman from Ohio has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized, through such agency or agencies as he may designate, to purchase, transport, and distribute corn, seed grain, and preserved milk for the relief of the distressed and starving people of Russia and for spring planting in areas where seed grains have been exhausted. The President is hereby authorized to expend or cause to be expended, out of the funds of the United States Grain Corporation, a sum not exceeding $20,000,000, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this act.

Several gentlemen rose.

Mr. CONNALLY of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. CONNALLY of Texas: At the end of the paragraph add the following amendment:

"*Provided*, That the President shall report to Congress on or before the first Monday in December, 1922, a report of the expenditures and operations of such agents or agencies as he may designate hereunder, and a report as to the disposition by the American Relief Administration in Russia of the food and grain and money which may be given under the control of said administration by reason of this act."

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to modify the amendment so that the word "report" will not appear twice and use the word "make" the first time.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment as will be reported by the Clerk.

Mr. CONNALLY of Texas. Mr. Chairman, I do not care to discuss this amendment at length——

Mr. McKENZIE. Will the gentleman yield for a question?

The CHAIRMAN. The gentleman from Texas has not been recognized yet. The Clerk will report the modified amendment.

The Clerk read as follows:

Provided, That the President shall make report to Congress on or before the first Monday in December, 1922, an account of the expenditures and operations of said agency or agencies as he may designate, etc.

The CHAIRMAN. Is there objection to the modification?

Mr. TEMPLE. I would like to hear the whole text instead of "et cetera."

The CHAIRMAN. The Clerk will report the entire amendment as modified.

The Clerk read as follows:

Provided, That the President shall make report to Congress on or before the first Monday in December, 1922, an account of the expenditures and operations of said agency or agencies as he may designate hereunder, and a report as to the disposition by the American Relief Administration in Russia of the food and grain and money which may come under the control of said administration by reason of this act.

The CHAIRMAN. Is there objection to the amendment suggested by the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. Mr. Chairman, I do not care to discuss the amendment except——

Mr. STAFFORD. Will the gentleman yield?

Mr. CONNALLY of Texas. In a moment—except to say that in an expenditure involving this large amount it seems to me that it is proper that Congress should have some report as to the expenditures of the fund which we appropriate. I yield to the gentleman.

Mr. STEENERSON. Mr. Chairman——

Mr. STAFFORD. Mr. Chairman, I make the point of order the gentleman has yielded to me.

Mr. CONNALLY of Texas. I understand I still have the floor.

The CHAIRMAN. The gentleman from Texas still has the floor.

Mr. STAFFORD. The bill authorizes the President to use any agency or agencies that he may designate. The President is not limited——

Mr. CONNALLY of Texas. My amendment covered that. I say, "such agency or agencies as he may designate and also the American Relief Commission."

Mr. STAFFORD. I thought the amendment only required an accounting from the American Relief Commission.

Mr. CONNALLY of Texas. I will yield the floor.

Mr. TEMPLE. I have no objection to the passage of that amendment.

Mr. McKENZIE. Mr. Chairman, I desire to offer an amendment as a substitute to the amendment of the gentleman from Texas.

The CHAIRMAN. The Clerk will report the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered as a substitute for the amendment offered by the gentleman from Texas [Mr. CONNALLY], as follows: Strike out the period at the end of the printed bill and insert "such designated agency or agencies shall report to the Congress not later than June 30, 1922, giving an itemized statement showing the character and quality of products purchased, from whom purchased, and the price paid therefor, and also the amount paid for administration of said fund and the name of the persons to whom paid."

The CHAIRMAN. Does the gentleman from Illinois desire to be heard?

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order upon the amendment that it is not germane to the amendment to which it is proposed as a substitute. Very briefly. The bill, of course, puts this fund absolutely under the control of the President. We know, of course, that the President will use some agency in carrying it out. Now, the amendment of the gentleman from Texas provides in accordance with the bill itself that the President shall report. The gentleman eliminates the President and requires that the agency or agencies shall report. It does not seem to me it is germane to the amendment of the gentleman from Texas.

The CHAIRMAN. The proposition, as the Chair understands it, is that the gentleman from Illinois [Mr. McKENZIE] suggests an amendment which will carry a report upon the transaction. Because a different method of making the report is suggested in the amendment to the amendment it does not occur to the Chair that that makes it not germane, and the point of order of the gentleman from Tennessee is overruled.

The question is on the amendment offered by the gentleman from Illinois by way of a substitute to the amendment offered by the gentleman from Texas.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas.

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. WALSH. Mr. Chairman, I do not think it is customary when provision is made for an expenditure of Federal funds for independent activities and by organizations which have no official connection with the Government to require them to submit reports to the Congress. It is ordinarily the custom that those agencies and organizations make report to some executive branch of the Government, and we require the executive branch, or the executive head of some department or independent establishment of the Government, to submit a report to the Congress, and it would seem to me that inasmuch as this act authorizes the President to make these expenditures and conduct these activities through such agencies as he may designate, that when he selects the agency he should require them to report to him what has been done, and that he or some executive official should have the duty of reporting to the Congress. But we have no knowledge as to what society or organization there may be in Russia. It may be some native association over there, and we would hardly expect them to submit a report to the Congress. We ought to look to the Chief Executive or some of the heads of executive establishments for a report. I think it would be wiser if we followed that practice in this case, as we have done it in nearly every case that I can recall.

Mr. McKENZIE. Mr. Chairman, may I have just a moment?

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen, I suppose there is no man living who does not sympathize with distress, and certainly nobody——

Mr. STEENERSON. Mr. Chairman, how is it that general debate is now in order? I have offered an amendment to the bill itself, and I make the point of order that the amendment of the gentleman from Texas [Mr. CONNALLY] and the substitute of the gentleman from Illinois [Mr. McKENZIE] will constitute, if adopted, an independent section to the bill, whereas my amendment is a change in the language of the bill itself, and therefore we should perfect a paragraph that is in the bill now before we add anything new to it.

The CHAIRMAN. The gentleman from Minnesota will be duly recognized.

Mr. MADDEN. Mr. Chairman, I was about to say that nobody in the world sympathizes with distress more than I do, but I think if we will look about us, all over the land in which we live, we will discover a vast amount of distress that ought to be relieved. It is unfortunate that the conditions which are sought to be relieved by this bill exist, but they exist everywhere throughout the world.

Mr. COCKRAN. Will the gentleman yield for a moment?

Mr. MADDEN. I have only a minute.

Mr. COCKRAN. Is there any such condition as this anywhere else in the world?

Mr. MADDEN. Well, I refuse to yield.

I do not believe it is within the constitutional province of the Congress of the United States to take the money of the American people and give it to any other people in the world. [Applause.] It is hard to come on the floor of the House and say that we are not willing to contribute to the well-being of people who are suffering in other nations. But part of the people are suffering at home, everywhere. It is easy for us by our votes to make a charge upon the backs of the American people by voting $20,000,000 one day and $50,000,000 another, to give to somebody else.

You charged the Appropriations Committee of the House, the members of which are your servants, with a program of economy. You said that economy should be the order of the day and that the taxpayers of America must be relieved to the extent that economy will relieve them. And while we are, as your servants, the members of the Appropriations Committee, sitting from 9 o'clock every morning until 9 o'clock at night trying to find ways to economize and reduce expenses and have these reductions in expense reflected in the tax rate that is now being levied upon the backs of the American people, you are coming into the House and spending millions where we are saving dollars. Do we hope by this method to be able to reduce the cost of government? I do not believe we can; and, for myself, I wish I could say what I know to be the facts. I would not dare say it, but I do know of conditions in America that would appall the Congress and the people if they dared to be told. Knowing them as I do——

Mr. COCKRAN. Why should we not know?

Mr. MADDEN (continuing). From confidential information given to me I can not see my way to vote a dollar out of the Treasury of the United States to be paid for any purpose that does not mean a relief to the conditions of the people in the Nation which we are sworn to serve.

Ah, many good people in America, kind-hearted, sympathetic, will pass resolutions——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. They will pass resolutions appealing to our sympathies. It is easy for us to extend that sympathy if it does not cost us personally any money. I would be willing to contribute my share personally to a fund to relieve the people of Russia, but I am not willing to vote out of the pockets of the American people a single dollar under the conditions that I know exist in America for expenditure in any place else in the world. And I hope this bill will not be passed. [Applause.]

Mr. STEENERSON. Mr. Chairman, I desire to oppose the amendment.

The CHAIRMAN. The Chair has recognized the gentleman from Minnesota and he will proceed.

Mr. STEENERSON. Mr. Chairman, it should be borne in mind that the people for whom this relief is intended are not to blame for their sad plight. The calamity that has overtaken the people of the Volga region is of such severity and magnitude as make a strong appeal to the sympathies of the people of the whole world. The American people have voluntarily contributed large sums for the relief of suffering people in distant parts of the world, and they are thankful that they have been able to do so. We are praying and striving for an era of peace and good will among the people of the world and this effort to relieve distress in Russia will be but an evidence of our faith in the future of civilization.

I am opposed to this bill in its present form because it does not appropriate the money out of the Treasury but out of the funds of the United States Grain Corporation, the net profits of that corporation for handling part of the wheat crop of the farmers in 1919. The Grain Corporation was simply a trustee for the wheat raisers to sell and handle that wheat and the profit arising from that operation is justly and equitably the property of the wheat raisers of the United States. And if you want to dispense charity to the people of Russia, at public expense, why not appropriate it out of the Treasury? Why not let all the people bear this burden?

Here is the situation: There are thousands of wheat growers in the Northwest who did not get back the seed they planted last year or the year before. Somebody has got to relieve them. Why should not the money derived from the net profits of the Grain Corporation, handling the wheat, primarily be devoted to that purpose and not be devoted to helping outside people? [Applause.] If you are going to be generous, why should you not be generous at the expense of all the people? [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CLARKE of New York. Mr. Chairman, I ask that the gentleman be given five minutes more.

Mr. STEVENSON. I ask unanimous consent, Mr. Chairman, that the gentleman from Minnesota may have five minutes more.

The CHAIRMAN. Is there objection to the request?

There was no objection.

Mr. STEENERSON. The government of Russia has spent millions for propaganda to overturn the Government of the United States. They are the enemies of our institutions. Here is a gentlemen representing the great State of New York; he is the only Socialist in this body and the only native of Russia, and therefore he ought to be considered as speaking for these people. [Applause.] In his speech on the rule to consider this bill, among other things, he said:

> Without the authority of Congress and without the consent and against the will of the American people our own Government conducted war upon the Russian people. The appropriation of $20,000,000 to aid the famine-stricken people of the Volga region will be a very poor atonement, indeed, for the sins we have committed and are committing against the Russian people.

In his view this relief is not something for which the people of Russia should be grateful; it is only an atonement for the sins we have committed against them, and a very poor atonement at that. If any reason can be urged against granting this relief, the gentleman from New York [Mr. LONDON] certainly has found it. The American people are not willing to acknowledge that they have wronged Russia or that they ought to give either an effective or a poor atonement for what they have done. [Applause.] I think the gentleman from New York [Mr. LONDON] has rendered the people of his native land a very poor service, for if any significance is attached to his words, this bill would be overwhelmingly defeated. In claiming that the United States of America waged war on the people of Russia the gentleman must refer to the American Expeditionary Force to northern Russia, and, second, to the American Expeditionary Force to Siberia in the year 1918. It should be remembered that before either of these expeditionary forces were launched Russia had deserted her allies in the war and made a treaty with Germany at Brest-Litovsk.

On page 23 of the report of the Secretary of War for the year 1919 the following reference is made to this expedition:

> The mission of this expedition, according to instructions prepared by the United States ambassador to Russia, was as follows:
>
> "As the Government of the United States sees the present circumstances, military action is possible in Russia now only to render such protection and help as is possible to steady any efforts at self-government or self-defense in which the Russians themselves may be willing to accept assistance, whether from Vladivostok or from Murmansk and Archangel. The only present object for which American troops will be employed will be to guard military stores which may subsequently be needed by the Russian forces, and to render such aid as may be acceptable to Russians in the organization of their own self-defense. With such objects in view, the Government of the United States will cooperate with the Governments of France and Great Britain in the neighborhood of Murmansk and Archangel."
>
> The forces under Col. Stewart remained in north Russia from September, 1918, to June, 1919. During this time they occupied various

positions along the Vologda Railroad and the Onega, Dvina, and Vaga Rivers, and engaged in many minor operations against enemy forces. The following is the list of casualties in this force:

Killed in action	109
Died of wounds	35
Died of disease	81
Died of accident and other causes	19
Total deaths	244
Wounded	305
Taken prisoner (all released)	4
Total casualties	553

After the armistice was signed it was impossible to remove this detachment owing to the climatic conditions which forbade the movement of large bodies of troops or large amounts of supplies. In April, 1919, Brig. Gen. W. P. Richardson arrived at Archangel and took command of all troops of the American Expeditionary Forces in north Russia. The One hundred and sixty-seventh Company, Transportation Corps, came at the same time, but was stopped at Murmansk in order to cooperate with the One hundred and sixty-eighth Company, Transportation Corps, which had arrived in March, 1919, and was then engaged in construction on the Murmansk Railroad. During the month of June, 1919, all the forces of the United States were withdrawn, except a small detachment of Engineers. In September the last personnel of the American forces in northern Russia were en route to the United States.

It will be noted that the object of the expedition was to help the Russian people and to guard military stores and render such aid as may be acceptable to Russians in the organization of their self-defense.

In regard to the Siberian Expeditionary Force, the report says:

During the summer of 1918 the Czechoslovak armies operating in Siberia were threatened with destruction by hostile forces, apparently organized by and often largely composed of enemy prisoners of war. It was of importance to the Government of the United States that these friendly Czechoslovak forces be rendered assistance and that the Russian people be aided in every way acceptable to themselves in any and all efforts to regain control of their own affairs and their own territory.

This force was to save the Czechoslovak armies from destruction by the forces organized and largely composed of enemy prisoners of war.

What justification has the gentleman from New York [Mr. LONDON] to describe this action on the part of the American Government as a war upon the Russian people? What right has he to say that it was without any authority of Congress and without the consent and against the will of the American people? If he had said that during the war, he would have been amenable for seditious and treasonable conduct, and it is an insult to the whole Nation and a reflection upon the 596 brave boys, some from my State and some from the State of Michigan and other States, that fell, many of them, who fought and were wounded and died on the battle fields of Russia for the sake of the Russian people.

We had millions, if not billions, of war supplies which, if it had not been for the protection given them by our soldiers and the soldiers of the Allies, would have fallen into the hands of the enemy. This is the reward that we get from him for having our soldiers bleed and die on the battle field in the interest of the Russian people.

I am opposed to this bill for the reason that if you want to appropriate money, you should appropriate it out of the Treasury, and not out of the profits derived from handling the farmers' wheat. That belongs to them. We propose to resort to it whenever it is necessary to furnish seed to the farmers themselves. [Applause.] It should be established as a revolving fund to aid farmers who either by rust, flood, drought, hail, or other unavoidable cause lose their crops in the future.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. McKENZIE. Mr. Chairman, in offering the substitute that I offered a few moments ago to the amendment offered by the gentleman from Texas [Mr. CONNALLY] I had only one thing in mind, and that is that I feel that this legislation is perhaps questionable, and it seems to me prudence requires that we ought to have a report to Congress. The criticism of the gentleman from Massachusetts of my amendment leads me to believe that perhaps it is not in just the proper form. Therefore I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I offer the following as a substitute for the amendment of the gentleman from Texas [Mr. CONNALLY].

The CHAIRMAN. The gentleman from Wyoming offers a substitute for the amendment proposed by the gentleman from Texas. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. MONDELL as a substitute for the amendment offered by Mr. CONNALLY of Texas:

"That the President shall, not later than December 31, 1922, submit to Congress an itemized and detailed report of the expenditures and activities made and conducted through the agencies selected by him under the authority of this act."

Mr. MONDELL. Mr. Chairman, I think that is in the usual form.

Mr. CONNALLY of Texas. Mr. Chairman, in view of the fact that the amendment offered by the gentleman from Wyoming is a little more particular and requires a little more exactness, I accept his amendment. I ask leave to withdraw my amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. MONDELL. I offer my amendment as an amendment to the bill, at the end.

The CHAIRMAN. As an original section?

Mr. MONDELL. Yes.

Mr. TEMPLE. Mr. Chairman, I will accept that amendment. We can vote upon it without further delay.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: On page 1, after the word "act," strike out the period and insert a comma and the language "that the President shall, not later than December 31, 1922, submit to Congress an itemized and detailed report of the expenditures and activities made and conducted through the agencies selected by him under the authority of this act."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SCOTT of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SCOTT of Michigan: Following the amendment just adopted, insert "*Provided*, That the commodities above enumerated and purchased shall be transported to their destination in vessels of the United States, either those privately owned or those owned by the United States Shipping Board."

Mr. TEMPLE. Mr. Chairman, I have no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. LITTLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LITTLE: Page 1, line 6, after the word "Russia" insert "and Armenia."

Mr. TEMPLE. Mr. Chairman, I make the point of order against that amendment that it is not germane to the bill.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that the amendment is not germane to the bill. Does the gentleman desire to be heard?

Mr. LITTLE. Will the gentleman in charge of the bill reserve his point of order and give me an opportunity to present my amendment?

Mr. TEMPLE. I ask for a decision on the point of order.

There is a very long line of decisions supporting the point of order I have made. If the gentleman will refer to Rule XVI, section 7, in the last sentence of that section, he will read that—

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Mr. LITTLE. Will the gentleman yield right there?

Mr. TEMPLE. No; not until I finish my statement. On the next page of the manual, page 340, it is stated that—

In determining whether or not an amendment be germane, certain principles are established.

(a) One individual proposition may not be amended by another individual proposition even though the two belong to the same class. Thus, the following are not germane:

To a bill proposing the admission of one Territory into the Union, an amendment for admission of another Territory.

Citing Hinds' Precedents, section 5529:

To a bill for the relief of one individual, an amendment proposing similar relief for another.

Hinds' Precedents, volume 5, sections 5826–5829:

To a resolution providing a special order for one bill, an amendment to include another bill.

Hinds' Precedents, volume 5, sections 5824–5836:

To a provision for extermination of the cotton-boll weevil, an amendment including the gypsy moth.

Hinds' Precedents, volume 5, section 5832:

The fact that there is a relationship or similarity between the two does not make germane an amendment bringing in another subject.

The CHAIRMAN. The Chair is ready to rule. The provision under which this objection is made is stated in the rule of the House as follows:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

It is sometimes difficult for the Chairman to decide what is the subject under consideration. In this particular case the Chair hardly thinks there can be any question about that matter. The question is the relief of the people in Russia. The proposition is not a proposition for the relief of starving people generally. If Armenia could be inserted, so could China or any other country. Under the decisions of previous Chairmen there has been no difference with regard to this class of propositions. Clearly it comes under the rule of all this class of precedents that one individual proposition may not be amended by another individual proposition, even though the two belong to the same class. The Chair will not take the time to read them; they are set out in extenso in the Manual. There is no doubt whatever in the mind of the Chair that it falls within both the rule and the line of precedents, and the point of order is sustained.

Mr. LITTLE. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Kansas appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the decision of the Chair was sustained as the judgment of the committee.

Mr. GRAHAM of Illinois. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 4, after the word "purchase," insert "in the United States and" and strike out the comma after the word "purchase."

Mr. TEMPLE. Mr. Chairman, we have no objection to the amendment.

Mr. GRAHAM of Illinois. Mr. Chairman, it is not necessary to say much in support of this amendment. It is apparent to everybody who has been in the House very long that it is a desirable amendment. It simply provides that the grain shall be purchased in the United States. I think we will all agree that it ought to be, and I have no doubt the authorities will do so, but it will do no harm and certainly do a good deal of good to express in the bill the idea of Congress that it ought to be done. By adopting this amendment there will be no question about it, and under the amendment offered by the gentleman from Michigan [Mr. SCOTT] the grain will be shipped in American ships. No doubt it will do Russia good and incidentally do us a great deal of good. [Applause.]

Mr. CLOUSE. Mr. Chairman and gentlemen of the committee, I rise in opposition to the amendment just offered and oppose its adoption for the same simple reason that I am opposed to the bill in its entirety. It is needless for me to say that the picture presented and the appeal that has been made in behalf of the starving men, women, and children of the valley of the Volga is such as touches the chords of sympathy in the bosom of every true American; but, sirs, while our hearts throb with compassion for them in this their hour of want and woe let us not forget that there is involved a constitutional question deserving the most careful consideration of this body, and one which when weighed in calmness and deliberation drives us irresistibly to the conclusion that duty requires, and fidelity demands, the denial of this relief in the manner proposed.

The Constitution of this glorious Republic, the bulwark of our civil and religious liberty, the foundation upon which we have builded the greatest nation known to civilization, forbids me as a Representative in the Halls of this sacred Chamber from imposing burdens of taxation upon American citizens except in such cases and in such manner as is expressly provided by the terms thereof. Adherence to the provisions of its mandates is regarded of such importance as that no man can enter upon the legislative duties of a Representative until he has first taken and subscribed to an oath to support and defend it against all enemies both foreign and domestic.

Mr. Chairman, when I came to this House as a Member I stood in the well of this Chamber and, with uncovered head and uplifted hand, declared in the presence of Almighty God and my fellow man that I would faithfully discharge the obligations of that oath to the best of my skill and ability, and that pledge, so help me God, I shall never—no, never—betray. [Applause.]

The agony and distress of this people may be in a large measure attributed to their own indolence, indifference, and socialistic tendencies, yet I should hesitate to say that this of itself is sufficient to withhold relief, but the thing that I do want to make myself emphatic and clear upon is that whatever relief the American people desire to extend them should be voluntary on their part. I challenge the right of any Member of this body to levy taxes upon the good people of my district to the amount, in the manner and for the purposes proposed, and claim for myself no such right under the Constitution.

The generosity of the American people is traditional, but it seems that some doubt their willingness at this time to part with $20,000,000 under the showing here made. In my candid judgment your doubts are well founded. "Be just before generous" prompts the American people to relieve the distress of the 4,000,000 brave, patriotic, heroic men and boys, who, under the flag of liberty, bared their breasts to save the civilization of the world, before turning our substance and wealth over to a people, who, of all the people of all the earth, are the most bitter and uncompromising enemies of our free institutions. Thousands, yea tens of thousands, of these brave defenders of Old Glory are slowly but surely dying for lack of gratitude and lack of attention on the part of a Government for the preservation of which they were willing to die. [Applause.]

Ah, but, Mr. Chairman, when these brave boys were carrying the Stars and Stripes in victory over the blood-soaked fields of Flanders; when they were offering themselves a sacrifice upon the altar of war that we might be free; when they were wading the mud and blood of foreign fields of carnage for our sake; when they were paying their last full measure of devotion to country and to flag, the bullet dodger, the grafter, and the profiteer with one acclaim pronounced him "King of hosts," deserving the richest rewards that a grateful nation could bestow, but when he returned to native land, broken in health and in spirit, unable to resume the ordinary vocation of his past life, in need, indeed, of encouragement and assistance, these same grafters and profiteers gazed once more upon their rich stores of gratfed wealth, and in avarice proclaimed the Nation too weak and poor to pay a paltry sum to the gallant heroes who saved us in the darkest hours of our national life. Oh, such ingrates may have had the right to graft in war contracts, and wax rich on the sweat and blood of our heroes' dependents, but, I say, with all the emphasis at my command, that God forbids graft on the heroes who went through hell for America. [Applause.]

Let us return now to the original proposition and discuss briefly the constitutional features of this measure. I have listened patiently to the arguments of the proponents of this bill in the vain hope that they might be able to present some ground upon which this appropriation might be justified. It was first intimated that such authority was derived from the general welfare clause of the Constitution. When driven from that contention they seek to justify on the ground that a former Congress, namely, the Sixth-sixth, appropriated from the Treasury of the United States, in 1919 and 1920, $100,000,000 of the people's money to save the starving hordes of Armenia. I refuse to stultify myself simply because some other Congress has sinned against the Constitution and laws of the United States.

There was never a time in the history of mankind when the commission of a sin became right in the sight of God simply because the transgressor committed the same sin twice. In other words, the commission of two wrongs never did nor never will make a right. We must, therefore, find our justification from some other source, and I prefer to take for my guidance the Constitution itself. The only power given Congress under the general-welfare clause is contained in the following language:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States * * *.

By these provisions it is plain to be seen that Congress has no power to levy taxes under this provision, except it be to pay "debts" or to provide for the "common defense" or "general welfare," not of the world but of the United States. No one pretends that we owe a debt to Russia, nor can any man truthfully say that this appropriation will promote our common defense or general welfare. Indeed, if it has any effect the one way or the other it is to weaken our defense in that we are placing at the disposal of the red armies of bolshevik Russia $20,000,000 worth of grain for food and seed purposes, with which they are enabled to continue to scatter the destructive seeds of socialism even in fair America.

Were it not for the constitutional limitations upon our power I should then have my very grave doubts as to the wisdom of the course which you are about to pursue. We can not overlook the fact that our national debt was increased from 1914 to 1920 by approximately $22,000,000,000, so that now we have a debt aggregating $24,000,000,000, which must be paid by ourselves and our posterity. We have multiplied thousands of ex-service men who are utterly unable to earn support for themselves and families. We are confronted with an economic condition due to the almost complete demoralization of the finance of the nations of Europe, which has resulted in the lowering of demands for American products to an extent that thousands of our factories were closed immediately after the war and millions of men were thrown out of employment. We have as a result of all this untold woe and want among our own people, which time alone and strict adherence to policies of economy can alleviate.

We have in this Congress made progress by cutting to the very bone the expenses of government, so that in the next fiscal year we will be able to save to the taxpayers of America more than $2,000,000,000, but while we have made such a magnificent record in the first nine months of this administration, let us not forget that our first duty is to our own people; that charity begins at home; and that he who fails to provide for his own household is worse than an infidel. I truly hope that you will join with me in defeating this legislation. [Applause.]

Mr. LARSON of Minnesota. Mr. Chairman, I have never been accused, so far as I am aware, of indulging in maudlin sentimentality. I have always tried to keep my emotions under control. It may be I am too stolid, but I am frank to say that this measure appeals to my sympathy. I am not ashamed that it makes such an appeal, for sympathy is that which differentiates the man from the mere animal. I can not hear the cry of agonizing distress that comes to my ears from the starving millions of men, women, and children of Russia without raising my voice in their behalf. [Applause.] My conscience is not supersensitive, but neither is it so callous as to permit me to sit here in silence while others are opposing this humanitarian measure.

I am loath to criticize any of my colleagues, but their opposition to the granting of this relief, which, as is generally conceded, will save from the horrible death of starvation—the most horrible of all deaths—millions of their fellow human beings, is beyond my understanding. As was said by Him in whose name this relief is asked, I say to them: "Father, forgive them; they know not what they do."

It is my sincere conviction that if they should be successful in their efforts to prevent this House from making the necessary appropriation to save these unfortunate people from starvation their action would place an everlasting stigma not only upon this House but upon the entire Nation.

I believe in national economy; I believe in bringing back our country to normalcy; I am opposed to squandering the people's money; but in their zeal for economy the opponents of this measure are going altogether too far. National wealth is good, but human life is sacred. I refuse to follow them. I prefer rather to follow our President and our Secretary of Commerce. Yes; and, I say with all reverence, I prefer to follow Christ.

I thank God that we have in the White House a man whose heart is big enough that it has room in it for sympathy for suffering human beings although they live without the bounds of this country—a man who believes that charity is a universal duty; that the place for charity, like the place of God, is everywhere.

In faith and hope the world will disagree,
But all mankind's concern is charity.

We were told that we entered the World War not only to defend our national existence, not only to make the world safe for democracy, but to save our Christian civilization. I believe those are the noble purposes that prompted us to spend our treasure and to shed our blood. But let me ask those of you who are opposing this relief measure for reasons of mere economy: Is a nation, the richest in all the world, whose granaries are bulging with grain, a nation in which corn is so plentiful that it is being used for fuel, really a civilized nation if it should refuse to give an infinitesimal portion of that food to prevent the starving of many millions of human beings?

That is not my conception of a civilized nation. A civilized nation, like a civilized man, will share its abundance with the hungry and the starving.

They say we are a Christian nation, that we are followers of Christ. Let me ask you, who are trying to kill this bill, by what token could the American Nation be called Christian if its Congress should refuse to save these unfortunate people from starvation?

Would that be Christianity? Is not charity the very livery of Christ?

Suppose you should succeed in defeating this measure and Christ should come on earth, see these millions of emaciated, hungry, starving people, with gaunt faces, whose children with the bloated "hunger bellies" are dying of starvation, and then come to this land of plenty, this wealthiest land in all the world, and see here our granaries filled with grain, see us burning corn for fuel, what, I ask you, would He say to us?

Would you like to have His scathing denunciation, the utterance of His righteous indignation printed in the RECORD, to go down in history for the contemplation of posterity?

Methinks I hear Him say: "You call yourselves Christians; you pretend to be My followers; you hypocrites, you worse than the heathen, you do not know what Christianity is, nor what the love of God means. How can you love God, the Father, and refuse to save His children—your brethren—from starvation?"

In my mind's eye I can see the distinguished opponents of this measure slinking away, one after another, from His divine presence, ashamed, mortified, and, I hope, also penitent and with contrite heart, because in their zeal for economy they shackled their hearts and permitted to emanate from their brilliant intellects arguments that brought defeat to this humanitarian and Christian relief measure.

The American people, while they want us to exercise economy in the expenditure of their public treasure, do not want us to be stingy, penurious, and miserly with it, for they are a generous, humane, Christian people. In this very hour they are urging us, their trustees, to respond to the agonizing cry of distress which is so great in its volume that we can hear it here in America, though it emanates from far-off Russia. [Applause.]

Mr. TEMPLE. Mr. Chairman, I ask unanimous consent that all debate upon the pending amendment and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman and gentlemen, there seems to be a misunderstanding, I think clearly a misunderstanding, in the mind of my distinguished friend [Mr. MADDEN] and in the mind also of the gentleman from Tennessee [Mr. CLOUSE]. They overlook the fact that this bill proposes that this money shall be taken from the funds of the United States Grain Corporation. The President of the United States is the only stockholder in that corporation, and this money is really, in effect, a part of the profits made by that corporation during the war.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. One moment. The money has never been turned into the Treasury, and it does not represent all of the profits made by that corporation, of which the President is the sole stockholder. The bill proposes simply that about $20,000,000 of what are, in effect, profits, now in the possession of the Grain Corporation, shall be to this extent diverted and not go into the Treasury.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. One moment. The Government of England would not ask us to contribute money from this Grain Corporation's funds for the starving poor of England, because England has an organized Government capable of borrowing money. If she can not raise the money by taxation, she can borrow the money to relieve distress in that Kingdom; but in Russia these starving mothers and fathers and children, dying by the hundreds of thousands, have no Government anywhere that can raise a penny to relieve them. Unless the world does something for them, eleven or twelve million will before next spring have starved to death.

Now, let me state the exact question that is before us. The United States Grain Corporation bought grain from American farmers at good prices and sold it at a good profit; and shall we now take a portion of those profits, which have never been turned into the Treasury, which were not extracted from the pocketbooks of the American taxpayer at all, and divert them to this magnificently noble use? There is not, in my judgment, a man in the House who, knowing all of the facts, will object to this bill.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. GRAHAM].

The amendment was agreed to.

Mr. GOODYKOONTZ. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GOODYKOONTZ: Page 1, after the section, add a further provision to be known as section 2, reading as follows:

"That the President be, and he is hereby, further authorized, through such agency or agencies as he may designate, to purchase and distribute to the distressed, needy, and starving people of the United States the necessary food, fuel, and medical supplies necessary to relieve such distressed, needy, and starving people in the United States.

"That the President be, and he is hereby, further authorized to expend out of the funds of the United States Grain Corporation a sum not exceeding $20,000,000, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this section of this act."

Mr. TEMPLE. Mr. Chairman, I make the same point of order against that that I did to the amendment offered by the gentleman from Kansas [Mr. LITTLE].

The CHAIRMAN. Does the gentleman from West Virginia desire to be heard?

Mr. GOODYKOONTZ. Mr. Chairman, I desire to be heard briefly only. I regret that the gentleman from Pennsylvania [Mr. TEMPLE] has seen fit to interpose this objection. I can say this, however, that while it may not come within the rules of the House, at least it has the merit of coming within the Constitution of the United States. [Laughter and applause.]

The CHAIRMAN. The point of order is sustained.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: Page 1, line 5, after the word "grain," insert the word "flour."

Mr. NEWTON of Minnesota. Mr. Chairman, a reading of the hearings before the committee reporting out this measure will convince anyone of the terrible situation in the Volga Valley of Russia. Not only thousands, but millions of people will starve to death before the winter is over if relief is not immediately extended. Time, therefore, is of the essence. It has been urged that this is not a matter for the concern of our Government but that it is a matter for private charity. There is not the time for the organizing of a private charity. By the time the necessary funds were collected the people to be benefited would in great measure have died. Let me quote from the President's message the other day:

A severe drought in the valley of the Volga has plunged 15,000,000 people into grievous famine. Our voluntary agencies are exerting themselves to the utmost to save the lives of children in this area, but it is now evident that unless relief is afforded the loss of life will extend into many millions. America can not be deaf to such a call as that.

I am, therefore, in thorough sympathy with this legislation. I do believe, however, that the bill should be amended in one particular; hence the amendment that I have offered.

The purpose of this bill is to relieve the famine-stricken people of Russia. If any benefit inures to the people of America it should be purely incidental. The primary purpose is to benefit these stricken people. The bill, however, is not so drawn. It will be observed that it provides only for the purchase of "corn, seed grain, and preserved milk." The President and his agencies by this bill are not authorized, no matter what situation confronts them, to purchase any other food or commodities. They are restricted to corn, seed grain, and preserved milk. Gentlemen, this is a mistake. There are 15,000,000 people to be cared for. Most of these people have not been used to eating corn. It is true that starving people who are now eating roots can eat corn and nothing but corn. It is true that at the present price of corn more food can be sent to Russia for a given sum if the shipments are restricted to corn. At least that is what the proponents of this measure claimed before the committee. Yet, regardless of what contingency may arise, why should they be denied aught but corn?

It must be borne in mind that corn may not remain at its present price. The purchase by the Government for this purpose of several million bushels of corn will certainly raise the price of corn. Furthermore, with at least portions of these people unused to corn, the way should be left open for the furnishing of wheat flour, at least. Yet, if the bill becomes a law as it is now written, no matter what the exigency, none of this money is available to purchase flour of any kind. This leads one to wonder whether this bill is primarily for the relief of Russia, and if it is not to a great extent for the relief of the owners and holders of large quantities of corn.

I want to read an extract from a letter from a man who has had great experience in European relief work, W. C. Edgar, editor of the Northwestern Miller at Minneapolis. He has been in Europe prominently identified with or in charge of at least three relief expeditions. He was in Russia on a similar mission 30 years ago, and has written me in reference to his experiences, in part, as follows:

In every relief movement of which I have any knowledge strong efforts have been made to ship corn or corn products instead of wheat products. In many instances sincere attempts have been made to use these products for this purpose, because our country has always had a large supply of corn and was anxious to introduce it abroad as a food product, but I do not know of a single case in which the attempt was successful.

As an instance in point, I recall that during the Russian famine of 1891–92, when I organized and directed a movement to have the millers of the country give a shipload of flour to the peasants, the State of Nebraska generously gave a trainload of corn for our cargo. We accepted the gift, had the corn ground into meal, and put it aboard our ship in New York, the steamer *Missouri*. Into the mouth of each sack we inserted a bill printed in the Russian language, in large type, giving instructions for the preparation of various forms of corn bread, etc. I went to Russia, met the relief ship at Libau, and personally superintended the unloading and distribution of its cargo, traveling through the famine district to investigate the situation.

Mr. Edgar then goes on to say that the Russian was unable to use the corn meal except by the mixing of flour with it.

Mr. Chairman, there is a quality of wheat flour known as second clear which can be purchased to-day at $28 per ton. This is but a trifle more than the price of corn unground at to-day's prices. It certainly seems to me that this Congress should not so restrict the terms of this bill as to preclude the President, or his agents, from buying such quantities of this low-grade wheat flour as in their judgment may be needed, or as in their judgment it may be found advisable if the price of corn should go up.

Mr. McSWAIN. Will the gentleman yield?

Mr. NEWTON of Minnesota. In just a moment. It seems to me that we ought at least to confer the power upon this agency to buy wheat flour if in their judgment it is needed in any community there for mixture with corn flour or for other purpose, and we ought not to restrict this authorization as to compel only the purchase of wheat and the distribution of wheat. I will yield to the gentleman.

Mr. McSWAIN. On the same argument, would the gentleman not think it would be proper, and I think it would be proper to send a little bacon along to sop the biscuit in also. [Laughter and applause.]

Mr. NEWTON of Minnesota. Bacon is hardly the staff of life and wheat flour is. It seems to me that this bill ought not to be restricted as it is. I hope that the amendment permitting the use of flour will prevail.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. CHINDBLOM. Is there any difficulty in transporting flour overseas?

Mr. NEWTON of Minnesota. Export flour is put in jute bags of 140 pounds, and second clear wheat flour can be transported overseas without any difficulty whatever, whereas corn meal—in fact, you can not ship it except as corn and not as meal.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I wish to ask the gentleman from Pennsylvania in charge of the bill—I obtained the impression that in the hearing before the Committee on Foreign Affairs it was brought out that the intention was, acting under this bill as reported from the committee, to purchase 5,000,000 bushels of seed wheat and 350,000 tins of milk, and that the remainder of the $20,000,000 would be invested in corn—am I correct in that impression?

Mr. TEMPLE. From three to five million bushels of wheat, 500,000 cases of preserved milk, and what may be possible within the limit of transportation of corn.

Mr. GARRETT of Tennessee. Well, now, may I ask the gentleman, is the wheat that is to be purchased under that to be used as seed wheat or food wheat?

Mr. TEMPLE. Seed grain is the language of the bill—to distribute corn, seed grain, and preserved milk.

Mr. GARRETT of Tennessee. Now, may I ask the gentleman further? The President in his message said this:

Unreservedly I recommend the appropriation necessary to supply the American Relief Administration with 10,000,000 bushels of corn and a million bushels of seed grain.

Now, of course, I assume that the President had specific data upon which he made those specific recommendations.

Now, may I ask the gentleman what testimony there is before the committee to indicate that those recommendations were too low or that they should be increased?

Mr. TEMPLE. Two witnesses particularly who had been sent over to make investigation and return with reports were Gov. Goodrich, of Indiana, and Dr. Kellogg, who went for the relief administration, but neither of whom is now connected with it. Mr. Goodrich has not been connected with it at any time. The conditions they found and described to the committee and the estimates they made of the amounts necessary were sufficient to convince the committee that the amount at first contemplated was insufficient.

Mr. GARRETT of Tennessee. Now, were those gentlemen able to state that they investigated as to the amount of seed grain that would be required?

Mr. TEMPLE. How careful, how minute the investigation was I do not know, but in commune after commune which they visited, after having first learned all it was possible from the general statistics gathered, not only from the central soviet government in Moscow but also from the heads of the so-called independent republics which are federated together and comprise the general soviet government—after securing all these records and statistics they made an investigation of their own in various communes sufficient to convince them that the general statistics were reasonably accurate so far as they could determine. In one commune there were 11 of the grain houses where the people of the commune stored their food for the winter. Nine of them were empty. In another there were eight of the communal grain houses; seven of them were empty and the other not full. Those people are not going to have enough to eat. They will be dead before planting time. It is one of the purposes of this bill to send them enough to keep them alive and send them grain to plant.

Mr. GARRETT of Tennessee. Now, let me ask the gentleman, Did the Secretary of Commerce, Mr. Hoover, have any information about the amount of seed grain required?

Mr. TEMPLE. Yes.

Mr. GARRETT of Tennessee. The Secretary of Commerce, of course, has been food administrator of the world, but did he have any knowledge about the amount of seed grain required? If so, what did he say about it?

Mr. TEMPLE. There will possibly be as the result of the efforts of the soviet government sufficient seed furnished for one-fifth——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I think we are reaching a discussion of the merits of this bill now, and I ask unanimous consent that my time be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TEMPLE. If they received the seed which the soviet authorities expect to send them they would have from that source about one-fifth of their normal planting. It is proposed that the American Relief Administration furnish another one-fifth. It will require from 3,000,000 to 5,000,000 bushels from the Relief Administration, the quantity varying according to the area they attempt to supply, to give the Russian farmer in those areas two-fifths of his normal planting.

Mr. GARRETT of Tennessee. Is the gentleman able to tell us what machinery will be built up to insure that this will be seed grain?

Mr. TEMPLE. The machinery is over there, already organized by the American Relief Administration and the Friends Relief—the Quakers.

Mr. GARRETT of Tennessee. Let me say this: One remark the gentleman made surprised me somewhat, to the effect that the soviet government might have something to do with this.

Mr. TEMPLE. Not with this.

Mr. GARRETT of Tennessee. In what connection in relation to the administration?

Mr. TEMPLE. The soviet government is attempting to afford some relief through its own machinery. The American Relief Administration will not use that machinery at all, because they want the work to be, frankly, under control that they can trust.

Mr. CONNALLY of Texas. If the gentleman will yield?

Mr. TEMPLE. Certainly.

Mr. CONNALLY of Texas. With the exception, however, that the soviet government transports this food.

Mr. TEMPLE. Yes; it is furnishing transportation and furnishing guards, so that after a shipment reaches Russia there will be no charge for transportation.

Mr. GARRETT of Tennessee. Mr. Chairman, I have this feeling about it—and I want to express it frankly—I had the idea that the President, when he made his recommendation as to amount, and being specific in amount, had information from sources that are available to the executive department, and that those recommendations ought to be relied on. Now, I confess, frankly, I was very much astounded when I saw what was an actual change as to amount. The President's recommendation was very specific—a million bushels of seed grain; I presume he meant wheat—and 10,000,000 bushels of corn. Now, that has been changed under the terms of this bill, or under the intendment of this bill, to where they purchase, I believe the gentleman from Pennsylvania stated, from 3,000,000 to 5,000,000 bushels of wheat or seed grain, and so many cases of milk, and then the rest of it to be put in corn. What I am wondering about is whether we really have all the information that we ought to have about it.

Mr. TEMPLE. As I said, the testimony of Gov. Goodrich and Mr. Kellogg and Secretary Hoover——

Mr. GARRETT of Tennessee. Gov. Goodrich and Mr. Kellogg, although they are honorable gentlemen, were simply visitors there and were not there in any official capacity.

Mr. TEMPLE. If the gentleman will allow me, they were sent there for the specific purpose of making that investigation and bringing back a report.

Mr. GARRETT of Tennessee. Sent by whom?

Mr. TEMPLE. By the American Relief Administration. None of the men engaged in the work there was going to come back, inasmuch as they were too busy doing the work. It was thought advisable by the American Relief Administration to send somebody over there, not engaged in that work, to make the investigation, and these were the two men—Gov. Goodrich and Dr. Kellogg.

Mr. GARRETT of Tennessee. I assume the President received the information upon which he predicated his recommendation to Congress from the State Department. Was any information from that department laid before the committee?

Mr. TEMPLE. Nothing direct; but my information is that the President has expressed himself as quite well pleased with the proposed appropriation of $20,000,000.

Mr. GARRETT of Tennessee. Well, we are all delighted that the President is pleased; but, after all, that is not conclusive.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. TEMPLE. Mr. Chairman, I ask unanimous consent that the debate on the pending amendment and all amendments thereto close in two minutes.

Mr. BARKLEY rose.

The CHAIRMAN. For what purpose does the gentleman from Kentucky rise?

Mr. BARKLEY. To offer an amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

Mr. TEMPLE. I was asking unanimous consent, Mr. Chairman, that the debate close in two minutes.

The CHAIRMAN. What was the unanimous-consent request?

Mr. TEMPLE. That the debate on the pending amendment and all amendments thereto close in two minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the debate on the pending amendment and all amendments thereto close in two minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, we are endeavoring to carry out the recommendations of the President, very specific in character, as the gentleman from Tennessee [Mr. GARRETT] has just suggested. The committee deemed it wise to practically double the amount or volume of the relief, but except for a slight departure from the original program in the matter of condensed milk adhered or intended to adhere to the plan proposed by the President as to seed grain and corn. None of those who appeared before the committee in behalf of this measure has asked for other classes or varieties of foodstuffs, and it would be in my opinion a very great mistake to depart from the original purpose of the measure as proposed by the President and as urged by the 10 men who appeared before the committee.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. NEWTON].

The question was taken, and the amendment was rejected.

Mr. BARKLEY. Mr. Chairman, I offer an amendment on line 5, to strike out the word "seed."

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. BARKLEY moves to amend page 1, line 5, by striking out the word "seed."

Mr. BARKLEY. Mr. Chairman, I desire to call the attention of the chairman of the committee to the reason why I offer this amendment. Under the language of the bill the President is authorized to use this money for the purpose of purchasing corn as food. He is only authorized to purchase grain for seed purposes. I understand that these people need food now, and the gentleman from Pennsylvania [Mr. TEMPLE] confirmed my understanding a moment ago by suggesting that they are starving now, and if they are compelled to wait until seed time and the crop is harvested in order to obtain wheat bread they will continue to starve.

Now, the striking out of the word "seed" does not deprive the President of authority to give them seed grain, but it also authorizes him to have purchased under his direction wheat for food purposes if he thinks it necessary to furnish wheat for food purposes. It strikes me that the word "seed" should not be there because under the terms of the act he could not

buy a bushel of wheat for the purpose of making bread. He will be absolutely limited to the purchase of seed wheat.

I do not know whether the people over there are in the habit of using corn for bread or not, but during the war it was stated that it was not used for food in Europe. Certainly we ought not to limit the President under his authority to have purchased wheat for food if they need wheat for food. I think as long as you spend the $20,000,000 the President ought to be given discretion to purchase anything that might be needed to prevent starvation. So far as I am concerned, I am perfectly willing to leave the appropriation in his hands to use as he sees fit for the purchase of any kind of food he deems wise to prevent the starvation of those people. If we are to limit it to the purchase of corn and milk as food and only allow him to purchase wheat for seed, I think we shall fail in giving the full measure of relief we contemplate in the passage of this bill.

I hope the gentleman will accept this amendment.

Mr. TEMPLE. Mr. Chairman, the fact is that the people of that afflicted district are using the corn that the American expedition has taken over there. They know how to grind it in their local communal mills, and they know how to prepare it for food; those who are using it are flourishing on it. The purpose is to purchase food, the greatest amount of food that can be purchased for a dollar, and more corn can be purchased for a dollar than wheat. We can save more lives with corn with a given expenditure of money. The seed grain is not limited to wheat.

Mr. BARKLEY. If the gentleman will yield, there is no question about that, but ought the commission or the President to be limited in their authority to purchase wheat if they find it necessary?

Mr. TEMPLE. If we do not furnish seed grain, and do not furnish enough to keep the adults alive during the winter to plant that grain next spring, we might as well do nothing.

Mr. BARKLEY. I am in favor of furnishing the seed grain, I will say to the gentleman, but I think in addition to furnishing it for seed, if it is necessary, we should also furnish it for food.

Mr. TEMPLE. It is not necessary to furnish wheat for food if we can send them enough corn.

I ask unanimous consent, Mr. Chairman, that all debate on the pending amendment and all amendments thereto close in two minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the debate on the pending amendment and all amendments thereto close in two minutes. Is there objection?

There was no objection.

Mr. WILLIAMSON. Mr. Chairman, it does not seem to me that there can be any question in the mind of anyone who has given any thought to the import of the pending amendment as to what should be done with it. It ought to be rejected. The money appropriated for those people ought to be used so as to render the largest possible service and furnish the largest possible amount of food. This can be done by buying American corn, which will go further in sustaining human life for the amount invested than any other grain. Seed grain is necessary in order to obtain a harvest next summer, and the word "seed" should remain in the bill and its use confined to the purpose indicated by the measure.

No one can read the pitiful accounts of the starving men, women, and children of the Volga region without going out in sympathy for this most unfortunate people. Had Russia had a decent government her credit would have been ample to have procured the necessary supplies, but that Government has been one of robbery, devastation, and death. It is a black chapter that has been written by Lenine and Trotski, but let us hope that out of the ashes will arise at last a new government, both stable and just, a government created by the people and responsive to their collective will.

But our concern to-day is not primarily with Russia's form or character of government. There are approximately 20,000,000 people in the Volga region that are in dire need. Men and women are dying by the thousands and children by the tens of thousands for lack of food. Famine is stalking through the land. The Society of Friends (Quakers) are feeding 25,000 and the American Relief Administration will feed 1,250,000 children, but there are millions more who are starving, tens of thousands of whom will perish from hunger unless relief is speedily granted. Private charity is no longer able to cope with the situation. Europe for the most part is bankrupt in resources and apparently unable or unwilling to help. If these people are to be saved, the American Government must step in. Out of our abundance and plenty it is meet that we should aid those in distress, and, above all, that we should bring relief to the unhappy and suffering children of Russia who are dying for want of food.

Throughout the Volga Valley, which for many years has been known as the granary of Europe, there was very little rain during the growing period last summer. The people living there both sowed and planted in ample areas and cared for the crops in their usual husbandlike manner, but there was no harvest. Shall we, because tyrants have gotten possession of their Government and helped spread devastation and death throughout the land, refuse such reasonable aid as our resources will permit? From $10,000,000 to $20,000,000 in addition to what private charity will continue to supply will tide these people over till next harvest and also supply the necessary seed grain to enable them to provide against another famine.

We have large quantities of corn and other grains and can feed these people out of our surplus. Arrangements should be made by our Government to purchase these supplies as directly as possible from the producers. Millers and middlemen are busy trying to get Congress to modify this relief bill in such a way as to enable them to dispose of their supplies of flour and other foods. We have no concern with these men in this bill, nor should our gifts be subject to the graft of the profiteers. The money appropriated should be expended in such a manner as to bring the greatest possible quantity of wholesome food supplies to the relief of these stricken people. Corn and milk will fulfill this requirement and can be furnished out of our surplus without raising the cost of living at home. In buying this surplus direct from the American farmer at a reasonable price and sending it to the starving Russians, we shall not only be the means of saving hundreds of thousands of the unfortunate and starving, but shall do much to relieve the hardships of our own farmers, who in many parts of our country have been compelled to burn their corn for lack of a market. [Applause.]

I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. BARKLEY].

The question was taken, and the amendment was rejected.

Mr. STEENERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. STEENERSON offers the following amendment: Strike out of lines 9 and 10, on page 1, the following words: "Out of the funds of the United States Grain Corporation."

Mr. STEENERSON. Mr. Chairman, you heard the gentleman from Wisconsin [Mr. COOPER] explain that this money that is proposed to be appropriated for the relief of the starving Russians is the result of the profits of the United States Grain Corporation in the handling of the wheat crop of the farmers of the United States.

When the United States Grain Corporation was created it was created for the purpose of aiding the farmers in disposing of this wheat crop, and as a result of that there is a net profit, some say of $25,000,000, some say of $20,000,000, some say of $19,000,000, that is now in its treasury. That, being the result of the operations of this instrumentality of the Government, is in the nature of a trust fund which belongs to the men who furnished the wheat which was handled by that Grain Corporation.

Mr. WALSH. Will the gentleman yield?

Mr. STEENERSON. Not yet. In a moment I will. Equitably and in good conscience this money belongs to the farmers who furnished that wheat, and it is unconscionable to take that profit and say, "Here, this does not cost the people of the United States anything; it is a profit made out of the farmers." It is unconscionable to take that and give it away and say to the hundred million people of the United States this generosity costs you nothing; we will take it out of the farmers' fund.

Mr. SABATH. Will the gentleman yield?

Mr. STEENERSON. No; not yet. I say that fund ought to remain where it is, to relieve those farmers who have raised wheat in the two years since 1919, when that profit was made. There are thousands of them who lost the seed that they put in for two years. There are thousands of them who will have to leave their homes. Congress should take that money, made at the expense of the farmers' wheat, and use it for their relief. If you want to be generous, do not take it out of that fund, but take it out of the taxpayers at large. Take it out of the United States Treasury.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. STEENERSON. No; I decline to yield. I know what the gentleman is after.

Mr. CHANDLER of New York. No; the gentleman does not know what I am after. I want a little information, if the gentleman will yield.

Mr. STEENERSON. The gentleman has a way of insisting on being recognized, but, with all due respect, I am going to show him that I am not going to yield. [Laughter.]

It is unconscionable to take this $20,000,000 of the money that belongs to the wheat raisers of the United States and give it away because you want to be charitable. Why do you not take it out of your own pockets? [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield to me?

Mr. STEENERSON. Certainly.

Mr. GARRETT of Tennessee. If the amendment prevails and it comes to the disposition of the assets of the Grain Corporation among the farmers who grew the wheat, has the gentleman a plan worked out for that distribution?

Mr. STEENERSON. Yes; I think we could keep that as a revolving fund to loan to those in North and South Dakota, Montana, Minnesota, and other States, who will either have to get their seed wheat from the Government this spring or have to let their farms stay idle. It is absolutely necessary, and it is a proper fund with which to aid our own farmers.

Mr. TEMPLE. Mr. Chairman, I ask unanimous consent that all debate on the bill and amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that all debate on the bill and amendments thereto close in 15 minutes. Is there objection?

Mr. FESS. Reserving the right to object, I have an amendment that I would like to present.

Mr. TEMPLE. This will not prevent the gentleman from presenting his amendment.

Mr. FESS. If I can get in. Somebody else may get in.

Mr. TEMPLE. I have not control of the time.

Mr. BARKLEY. Reserving the right to object, does the gentleman from Minnesota desire more time?

Mr. STEENERSON. I should like to have time to ask unanimous consent to extend my remarks in the RECORD if I can be recognized by the gentleman from Kentucky and also by the Chairman.

Mr. TEMPLE. Mr. Chairman, have I the floor?

The CHAIRMAN. The question is on the request of the gentleman from Pennsylvania [Mr. TEMPLE] for unanimous consent that debate on the bill and amendments thereto close in 15 minutes. Is there objection?

Mr. CONNALLY of Texas. I object on account of gentlemen on this side having amendments to offer.

Mr. TEMPLE. I move that all debate on this bill and amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Pennsylvania moves that all debate on this bill and amendments thereto close in 20 minutes.

The question was taken; and on a division (demanded by Mr. MCSWAIN) there were—ayes 93, noes 20.

Accordingly the motion was agreed to.

Mr. WALSH. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Minnesota [Mr. STEENERSON]. If I were opposed to this bill upon the ground offered by the gentleman from Minnesota, I think I should vote for the bill. [Laughter.] The gentleman speaks of $20,000,000 being now in the Treasury as a trust fund for the farmers of the United States or the wheat growers. Well, as a matter of fact, this money, as I understand it, is not yet in the Treasury. It is in the possession of the United States Grain Corporation, which is a private corporation organized under the laws of the State of Delaware, I think, in which corporation the President of the United States in his official capacity is the sole stockholder.

The gentleman from Minnesota [Mr. STEENERSON] would have this money held for the relief of the wheat growers and farmers of North Dakota, as one State he mentions. Of course, we all realize that after the régime which was sought to become established in that great Commonwealth there are a few farmers up there who need a little assistance. Undoubtedly, in view of the unfortunate experiments which they undertook, similar in some respects to that sought to be put into effect in this unhappy country and whom we are attempting to relieve by this bill, a large slice of the $20,000,000 would come in handy at this particular season of the year. [Laughter.]

But, Mr. Chairman, I disagree with the gentleman from Minnesota. That money was intended to be turned back into the Treasury of the United States. It was not made from the poor farmers who sold their crops; it was made from the people who bought them. It was sold to all sorts of people everywhere. It was sent abroad not only to countries involved in the war but to other countries not involved in the war which were unable to get normal supplies from their own sources.

Mr. STEVENSON. Will the gentleman yield?

Mr. WALSH. I will.

Mr. STEVENSON. This bill is not limited to the profits in the hands of the grain corporation. As I understand, the profits have been loaned out, and this is designed to be taken from the capital stock.

Mr. WALSH. I think the gentleman is in error. The funds in the hands of the grain corporation at the present time are the profits that that corporation has made on its various transactions. I may be in error.

Mr. STEVENSON. The gentleman is in error about that.

Mr. WALSH. The gentleman from Minnesota and the farmers of North Dakota would have an interesting time sitting down and trying to evolve a scheme for the distribution of this fund to the various farmers. You talk about the triple transportation system in Russia—if we had a distribution of this fund in Washington the rush of the farmers from those States to come in and get a part of that fund would soon cripple the transportation system of the United States. [Laughter.]

While we all appreciate the great help the American farmer is to our system—I am sure everyone realizes the kindly feeling I have toward him and his representatives here on the floor—I submit that, opposed to this measure as I am, I would prefer to see this fund, if they must divert it, taken out of the Treasury and put on its way to relieve these starving people rather than to hold out the hope to some farmer out yonder of the Nonpartisan League that if he would only quit work and let his farm go to seed that down yonder in Washington there is a profit made on sales of grain during the war and if he writes the right kind of a letter to the right kind of Representative he can share in it. [Laughter and applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. WINGO. Mr. Chairman——

The CHAIRMAN. Debate is exhausted on this amendment, and the question is on the amendment of the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

By unanimous consent, Mr. STEENERSON was given leave to extend his remarks in the RECORD.

Mr. FESS. Mr. Chairman, I offer the following amendment.

Mr. WINGO. Mr. Chairman, I understood that the committee closed debate in 20 minutes on the bill and not on the amendment.

The CHAIRMAN. It closed it on the whole bill.

Mr. WINGO. But the 20 minutes had not expired.

The CHAIRMAN. The Chair recognized the gentleman he thinks the Chair ought to recognize.

Mr. WINGO. But I was asking for recognition, and the Chair ruled that debate had been closed when it had not.

The CHAIRMAN. There had been one speech for and one speech against.

Mr. WINGO. But I had a perfect right to offer a pro forma amendment.

The CHAIRMAN. The Chair did not recognize the gentleman from Arkansas for that purpose and did recognize the gentleman from Ohio.

The Clerk will report the amendment of the gentleman from Ohio.

The Clerk read as follows:

Amendment by Mr. FESS: Page 1, line 6, after the word "people," strike out the words "of Russia" and insert in lieu thereof the words "in that portion of Russia known as the Volga Valley."

Mr. FESS. Mr. Chairman and members of the committee, I will not take the five minutes to discuss my amendment to limit this donation to the people within the famine-stricken district. I want to call attention to the fact that these charges that have been made by Members of the House that we are undertaking to salvage the suffering people in Europe without regard to the cause of suffering or the character of the people will largely lie if we leave this language as broad as it is, because it now extends to all portions of Russia, wherever suffering may exist, from whatever cause. In that case I think we ought to salvage the Armenian people and other populations outside as well as inside of Russia. We ought certainly to listen with considerable deference to the suggestion of the gentleman from West Virginia [Mr. GOODYKOONTZ] to take care of our own people. This should be done before we undertake to succor all the world. We establish a very serious precedent when we open the door so wide that there is no limit as to whom or what the people are, or the cause of their condition, that we are going to help in this

way. If we limit this to the suffering people of the Volga Valley, as provided in my amendment, and which was the purpose originally of those who asked it, then we have a precedent for our legislation and some justification for it. We then limit it to the suffering of the people under circumstances over which no one had control and no one could be responsible for, namely, famine, through failure of crops, which under the law we call the act of God. Such a situation invites our generous treatment and is justification for governmental action. In that case there is no charge that is justifiable that we are undertaking to salvage all Europe, no matter what it costs, by voting the people's money without their consent and in the face of much suffering here at home.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FESS. Yes.

Mr. GARRETT of Tennessee. Upon what authority does the gentleman state that the purpose of those asking for it was that it should be confined to the territory embraced in his amendment?

Mr. FESS. I base that upon the suggestion of those who appeared before the committee.

Mr. GARRETT of Tennessee. But that is not in the President's message, that is not in the statement made by the Committee on Foreign Affairs.

Mr. FESS. But will the gentleman permit me to answer his question? That is on the suggestion, as I was about to say, of the Secretary of Commerce, who presented the situation originally to the President and who has been identified with relief work in Europe for several years. It is with that in view that I should like to have the membership of the House understand the significance of the amendment, limiting this fund to the relief of the people who are suffering because of famine. Unless it is so limited I shall be compelled to vote against the measure and leave the relief to private contributions.

Mr. ROGERS. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. FESS. Yes.

Mr. ROGERS. I want to read a sentence from the President's message:

> A severe drought in the valley of the Volga has plunged 15,000,000 people in grievous famine.

Mr. FESS. In other words, the President suggested the cause for which he asked relief, and confined it to the people to whom I wish here to confine it.

Mr. FAIRCHILD. Does not the gentleman consider with the present limitation of the bill that it is sufficient, being limited to the starving people of Russia, when the authority is conferred upon the President of the United States?

Mr. FESS. No. There are people who are suffering and perhaps starving in sections of Russia, not because of famine but rather a wicked and marauding band of political bandits now in charge of that unhappy country. These people are starving not because of a famine no one could avoid, but because of the interruptions and dislocations arising out of a bolshevik régime of government which could have been avoided, and the fruits of which must not be overlooked by the Russian people.

Mr. FAIRCHILD. Can they not safely leave that to the President of the United States?

Mr. FESS. I think we ought to close this door because if you keep it open no human being can tell where it will ultimately lead. I can not willingly open such a door. That sort of aid must be left to donations where I give my own money and not vote the peoples' money without their consent.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. LAYTON. If we leave this bill as it is, so as to include all Russia, will we not be putting ourselves under the imputation in the minds of the American people that we are aiding the soviet government as well?

Mr. FESS. I think so.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. GARRETT of Tennessee. The gentleman from Massachusetts read a portion of the President's message, to the effect that a drought in the valley of the Volga had brought starvation to many people. Of course it would, but the message surely does not mean that the relief shall be extended only where the drought occurred. A drought in the valley of the Mississippi would bring starvation to unnumbered millions of people in this country.

Mr. FESS. I insist that the President and the Secretary of Commerce had in mind the starving people in the famine district, which is confined to the Volga region. Here the cause of suffering could not have been avoided, but there are sections where suffering might have been avoided.

Mr. CHANDLER of New York. Mr. Chairman, will the gentleman yield?

Mr. FESS. My friend from New York [Mr. CHANDLER] has been insisting all of the time that we should extend this to all the suffering people, and he has made a very strong argument. Ever since the war he has been one of the constant leaders for American governmental aid for certain European people who have his sympathy. If you are going to that extent, it must not be governmental. If so we are subject to the charge that we are salvaging Europe and not paying attention to our own suffering at home, and I do not propose to stand for that. While my sympathies are as deep as others for the suffering people of the Old World we must be both cautious with our power over the peoples' funds and generous to our own sufferers within our midst. If the funds are limited to the famine-stricken country I will vote for it. Otherwise I regret to be compelled to vote against it.

Mr. WINGO. Mr. Chairman, I rise in opposition to the amendment. I find myself somewhat confused by the argument of the gentleman from Ohio [Mr. FESS]. As I grasped the suggestion of the President of the United States, he placed his recommendation for relief upon the broad ground that the people of the United States would respond to the call of distress everywhere, and I noticed a good many gentlemen applauded that. I am unable to see why there would be a peculiar call upon the American people to go to the relief of the starving children in the valley of one river that would not be equally potent to go to the relief of the starving children in the valley of another river or on some mountain top.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. WINGO. I can not now. It but confirms the suspicion that I have, that underneath this bill possibly there is a question of international diplomacy, that you are trying to do things in an indirect way, diplomatically, in Europe. You are trying to do something with a gang of freebooters who have looted a fair country and have overridden a good, honest, simple people. I know something about the amount of gold that is coming from Russia. If I were President of the United States and had control of the customhouse at New York, I believe I could find some way to tell that gang of freebooters that is in charge in Russia that before they can bring in at one time $45,000,000 of gold which they have stolen and distribute it for propaganda purposes in the United States, they must at least take $20,000,000 of it to feed the starving children of their own country. [Applause.]

I am opposed to buying political peace with the bolshevist government. But that is not what you are going to do. If it is a call of distress to which you are going to respond, then the children in the valley of the other regions of Russia are God's children just the same as those in the valley of the Volga. And why should not this Government go to the relief of distress in another part of Europe if we go to relief of distress in the valley of the Volga River? What is the peculiar significance? Why do you want to limit it? You say that they have had a drought. Gentlemen, drought or no drought, the starving of children is not confined to the valley of the Volga in Russia. Distress is not the result simply of the drought over there. Why, gentlemen, you can go anywhere among the peasantry of Russia, with the exception possibly of one commune, and you will find starvation. Why? Because the processes of civilization have broken and fallen down. There is no stable economic structure. Loot and graft and pillage rule the land and the humble peasantry of Russia have their fields devastated; what grain they get is looted and taken from them, and they face starvation for their children from the lack of seed grain for their next year's crop. That is the only theory upon which you can seek to justify taking the people's money, and if you put it upon that ground, why limit it to the starving children of one valley of Russia and not go to the relief of the starving children of the rest of Russia. [Applause.]

Mr. BARKLEY. Is the gentleman able to give informatiton as to how many people of the entire areas depend upon grain in the Volga Valley for support?

Mr. WINGO. I do not know, but it is very considerable, the number outside being greater.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHANDLER of New York. Mr. Chairman, I desire to offer a substitute to the amendment offered by the gentleman from Ohio.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Substitute offered by Mr. CHANDLER of New York to the amendment offered by the gentleman from Ohio [Mr. FESS]: "The term 'Russia' as herein used shall be understood as being the limits of the Russian Empire existing at the outbreak of the World War."

Mr. CHANDLER of New York. Mr. Chairman, I desire to discuss——

Mr. FESS. Mr. Chairman, I make the point of order that is not a substitute. [Cries of "Vote!"] If it is a substitute, it has to go where the amendment of the gentleman from Ohio goes.

The CHAIRMAN. The Chair hardly thinks——

Mr. FESS. I make a point of order upon the amendment—will the Chair hear me—upon the basis that my amendment has limited the application of this fund to people of a district in Russia. I do not pretend to define the word "Russia." The gentleman from New York offers an amendment defining the word "Russia" that appears in the bill. That has no significance to what my amendment is.

The CHAIRMAN. The fact is, however, both have reference practically to defining the word "Russia" as it is in this bill, and the Chair overrules the point of order.

Mr. CHANDLER of New York. Mr. Chairman and gentlemen of the committee, I agree heartily with my friend from Arkansas [Mr. WINGO] that charity should have no geographic lines. Human suffering should be the only limit to its application.

In the few minutes allowed me in the matter of the substitute I have offered I wish to say that the amendment of my friend from Ohio [Mr. FESS] restricting the charity provided by this bill to the Volga Valley in Russia would be unjust, and, in a sense, barbarous and cruel. I am opposed to injecting bolshevism and the thought of punishing it into a work of national and international charity such as we contemplate by the passage of this measure. I believe that the blessings of charity, like the blessings of God, should fall upon all who deserve it, and should be dispensed everywhere in Russia without reference to bolshevik or nonbolshevik areas.

But if political subdivisions are to be observed, and if discriminations are to be made in the matter of the sufferers from starvation in the ancient lands of the Czars, those peoples of Russia that stood by our country and her allies in the great struggle to destroy militarism and to preserve liberty and civilization on the earth should not be forgotten. The people of the valley of the Volga are supposedly adherents of Lenin and Trotski, and their children should certainly not receive special treatment in the great work of charity over the children of the peoples of Esthonia, Latvia, Lithuania, Georgia, and Azerbaidjan, the brave little non-Russian Republics of the former empire of the Czar that fought with us first against the Germans and for the last three years have been bravely fighting bolshevism and the red armies of Russia, gun in hand, at the frontiers of their homelands.

Now, I did not intend to offer this substitute until my good friend from Ohio [Mr. FESS] attempted by his proposed amendment to limit the area of charity. In my judgment, the question of the areas of distress should be left to the discretion of the President and to the administrators of the money to be voted, as to what "Russia" means, and to give charity in those regions where the suffering is greatest.

I myself can personally testify that in the Baltic States and in the countries of the Caucasus, distant from the valley of the Volga, the suffering is appalling. Besides, Mr. Vickery, of the Near East Relief, who has just returned from Constantinople and from Tiflis in Georgia, recently said to me that the suffering of the Caucasus was heartrending, and that the need of charity was imperative.

Mr. WALSH. Will not the gentleman's amendment make those funds available over so large a territory and such an increased population that the average relief will be small?

Mr. CHANDLER of New York. I will say to the gentleman that both the Baltic and Caucasian States are more accessible, as far as transportation is concerned, than are the regions of the Volga, and as to the distribution of the fund it should be given to all alike where the suffering is equal.

But in any case, it would be ironically cruel to pass through Reval and Riga on the Baltic coast and through Batoun and Baku, ports of the Caucasus, carrying food past the doors of starving men, women, and children of the countries that have been our friends in the greatest crisis of the history of mankind, to be delivered to the inhabitants of the Volga in the very heart of the country of bolshevism, the great political scourge and curse of mankind.

If the area of charity be limited by the amendment of the gentleman from Ohio [Mr. FESS], after the defeat of the substitute that I am offering, to the Volga Valley, what will the starving people of certain afflicted areas in the Baltic States and in the lands of the Caucasus say of the heartless ingratitude of those for whom they fought and sacrificed and died? I ask the committee to support the substitute that I have offered, and thereby defeat the amendment of the gentleman from Ohio [Mr. FESS], to the end that the President and the administrators of the charity fund provided by this bill may dispense the money that we are giving to the greatest sufferers and the neediest among the starving people of all Russia.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHANDLER of New York. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. CHINDBLOM. Mr. Chairman——

The CHAIRMAN. The question is on the reporting of the substitute.

Mr. CHINDBLOM. Mr. Chairman, the substitute, of course, will take the place of the amendment. How will the text read with the substitute incorporated?

The CHAIRMAN. The gentleman from Illinois asks for the reading of the amendment offered by the gentleman from Ohio to the substitute offered by the gentleman from New York. Without objection, the Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. FESS: Page 1, line 6, before the word "people," strike out the words "of Russia" and insert "in that portion of Russia known as the Volga Valley."

Substitute offered by Mr. CHANDLER of New York for the amendment offered by Mr. FESS: The term "Russia," as herein used, shall be understood as being the limits of the Russian Empire existing at the outbreak of the World War.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHINDBLOM. If the substitute is adopted, where will it appear in the text?

The CHAIRMAN. The amendment was offered, as the Chair understood, by the gentleman from Ohio as a substitute to the text.

Mr. CHANDLER of New York. I offered to amend his amendment.

The CHAIRMAN. Is there objection?

Mr. WALSH. Reserving the right to object, I will suggest to the gentleman from New York that would not make good sense, as that follows the word "Russia."

The CHAIRMAN. The question is on the substitute offered by the gentleman from New York [Mr. CHANDLER].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Ohio [Mr. FESS].

The question was taken, and the amendment was rejected.

Mr. BANKHEAD. Mr. Chairman, I have an amendment I desire to offer.

The CHAIRMAN. The gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: In line 10, strike out the figures "20,000,000" and insert in lieu thereof the figures "10,000,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. BANKHEAD. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 60, noes 78.

So the amendment was rejected.

Mr. TEMPLE. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9548 and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. TEMPLE. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

Mr. GARRETT of Tennessee. Pending that, may I ask the gentleman from Wyoming a question? Will there be any further business attempted this afternoon?

Mr. MONDELL. No; I think not.

Mr. GARRETT of Tennessee. There will be none? We will adjourn after we finally dispose of this bill?

Mr. MONDELL. That is my expectation.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

There being no demand, the amendments were agreed to en gross.

The question then being on the engrossment and third reading of the bill, the bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. JOHNSON of Washington. Division, Mr. Speaker.

The House divided; and there were—ayes 140, noes 51.

Mr. CONNALLY of Texas. Mr. Speaker, I demand the yeas and nays.

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present, and I challenge the vote just had for that reason.

The SPEAKER. Clearly there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on the passage of the bill.

The question was taken; and there were—yeas 181, nays 71, answered "present" 4, not voting 175, as follows:

YEAS—181.

Ackerman	Dyer	Kinkaid	Schall
Andrew, Mass.	Elliott	Kirkpatrick	Scott, Mich.
Andrews, Nebr.	Ellis	Kissel	Scott, Tenn.
Ansorge	Evans	Kline, N. Y.	Shelton
Anthony	Fairchild	Kline, Pa.	Shreve
Arentz	Fairfield	Kopp	Siegel
Barkley	Faust	Lampert	Sinclair
Beck	Fields	Lankford	Sinnott
Begg	Fitzgerald	Larson, Minn.	Smith, Idaho
Benham	Fordney	Linthicum	Smith, Mich.
Bird	Foster	Little	Snell
Boies	Frear	London	Speaks
Britten	French	Luce	Stedman
Browne, Wis.	Frothingham	Luhring	Stephens
Bulwinkle	Fuller	McCormick	Strong, Kans.
Burroughs	Garrett, Tex.	McLaughlin, Nebr.	Summers, Wash.
Butler	Gernerd	McPherson	Sweet
Cable	Gorman	Magee	Tague
Campbell, Kans.	Graham, Ill.	Mapes	Temple
Campbell, Pa.	Green, Iowa	Martin	Thompson
Cantrill	Greene, Mass.	Merritt	Tilson
Chalmers	Griffin	Miller	Timberlake
Chandler, N. Y.	Hadley	Millspaugh	Tincher
Chandler, Okla.	Hardy, Colo.	Mondell	Towner
Chindblom	Haugen	Montoya	Upshaw
Clague	Hawley	Moore, Ohio	Vestal
Clarke, N. Y.	Herrick	Moores, Ind.	Voigt
Cockran	Hersey	Morgan	Volstead
Cole, Ohio	Hickey	Mott	Walters
Collins	Hicks	Mudd	Ward, N. C.
Colton	Hill	Murphy	Watson
Cooper, Ohio	Hoch	Nelson, A. P.	Weaver
Cooper, Wis.	Hogan	Nelson, J. M.	Wheeler
Copley	Houghton	Newton, Minn.	White, Kans.
Cramton	Huddleston	Padgett	White, Me.
Crowther	Hukriede	Parker, N. Y.	Williamson
Curry	Husted	Purnell	Winslow
Dallinger	Ireland	Ramseyer	Woodruff
Darrow	Johnson, Ky.	Reece	Woods, Va.
Davis, Minn.	Johnson, Wash.	Reed, N. Y.	Wyant
Dempsey	Keller	Reed, W. Va.	Yates
Dickinson	Kelley, Mich.	Ricketts	Young
Doughton	Kelly, Pa.	Rogers	Zihlman
Dowell	Ketcham	Rose	
Dunbar	Kindred	Sabath	
Dupré	King	Sanders, N. Y.	

NAYS—71.

Almon	Fess	Lowrey	Sproul
Aswell	Freeman	McDuffie	Stafford
Bankhead	Fulmer	Madden	Steagall
Black	Garrett, Tenn.	Moore, Va.	Steenerson
Bland, Va.	Gensman	Oldfield	Stevenson
Bowling	Goodykoontz	Oliver	Stoll
Box	Greene, Vt.	Overstreet	Swank
Buchanan	Hammer	Park, Ga.	Taylor, Tenn.
Burdick	Jacoway	Parks, Ark.	Tillman
Byrnes, S. C.	Jeffers, Ala.	Parrish	Tyson
Byrns, Tenn.	Jones, Tex.	Rankin	Vaile
Carter	Kraus	Rayburn	Vinson
Clouse	Lanham	Robertson	Walsh
Connally, Tex.	Larsen, Ga.	Robsion	Wason
Crisp	Layton	Rouse	Wingo
Deal	Lazaro	Sanders, Tex.	Wise
Drewry	Lee, Ga.	Sandlin	Wright
Driver	Logan	Smithwick	

ANSWERED "PRESENT"—4.

McSwain	Porter	Sumners, Tex.	Treadway

NOT VOTING—175.

Anderson	Blakeney	Brinson	Carew
Appleby	Bland, Ind.	Brooks, Ill.	Christopherson
Atkeson	Blanton	Brooks, Pa.	Clark, Fla.
Bacharach	Bond	Brown, Tenn.	Classon
Barbour	Bowers	Burke	Codd
Beedy	Brand	Burtness	Cole, Iowa
Bell	Brennan	Burton	Collier
Bixler	Briggs	Cannon	Connell
Connolly, Pa.	Hull	Maloney	Rhodes
Coughlin	Humphreys	Mann	Riddick
Crago	Hutchinson	Mansfield	Riordan
Cullen	James	Mead	Roach
Dale	Jefferis, Nebr.	Michaelson	Rodenberg
Davis, Tenn.	Johnson, Miss.	Michener	Rosenbloom
Denison	Johnson, S. Dak.	Mills	Rossdale
Dominick	Jones, Pa.	Montague	Rucker
Drane	Kahn	Moore, Ill.	Ryan
Dunn	Kearns	Morin	Sanders, Ind.
Echols	Kendall	Newton, Mo.	Sears
Edmonds	Kennedy	Nolan	Shaw
Favrot	Kiess	Norton	Sisson
Fenn	Kincheloe	O'Brien	Slemp
Fish	Kitchin	O'Connor	Snyder
Fisher	Kleczka	Ogden	Stiness
Focht	Knight	Olpp	Strong, Pa.
Free	Knutson	Osborne	Sullivan
Funk	Kreider	Paige	Swing
Gahn	Kunz	Parker, N. J.	Taylor, Ark.
Gallivan	Langley	Patterson, Mo.	Taylor, Colo.
Garner	Lawrence	Patterson, N. J.	Taylor, N. J.
Gilbert	Lea, Calif.	Perkins	Ten Eyck
Glynn	Leatherwood	Perlman	Thomas
Goldsborough	Lee, N. Y.	Peters	Tinkham
Gould	Lehlbach	Petersen	Underhill
Graham, Pa.	Lineberger	Pou	Vare
Griest	Longworth	Pringey	Volk
Hardy, Tex.	Lyon	Quin	Ward, N. Y.
Harrison	McArthur	Radcliffe	Webster
Hawes	McClintic	Rainey, Ala.	Williams
Hayden	McFadden	Rainey, Ill.	Wilson
Hays	McKenzie	Raker	Wood, Ind.
Himes	McLaughlin, Mich.	Ransley	Woodyard
Hooker	McLaughlin, Pa.	Reavis	Wurzbach
Hudspeth	MacGregor	Reber	

So the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. PORTER (for) with Mr. BELL (against).

Mr. MCLAUGHLIN of Michigan (for) with Mr. MCSWAIN (against).

Mr. KAHN (for) with Mr. MCCLINTIC (against).

Mr. CULLEN (for) with Mr. WOODYARD (against).

Mr. BACHARACH (for) with Mr. DAVIS of Tennessee (against).

Mr. HUTCHINSON (for) with Mr. FREE (against).

Mr. LAWRENCE (for) with Mr. QUIN (against).

Until further notice:

Mr. TREADWAY with Mr. COLLIER.

Mr. WURZBACH with Mr. SUMNERS of Texas.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. LINEBERGER with Mr. KITCHIN.

Mr. ROSENBLOOM with Mr. O'CONNOR.

Mr. APPLEBY with Mr. FISHER.

Mr. DENISON with Mr. DOMINICK.

Mr. BRENNAN with Mr. HUDSPETH.

Mr. BLAND of Indiana with Mr. THOMAS.

Mr. LEATHERWOOD with Mr. HAYDEN.

Mr. BARBER with Mr. KINCHELOE.

Mr. RODENBERG with Mr. RUCKER.

Mr. PATTERSON of Missouri with Mr. FAVROT.

Mr. REBER with Mr. CAREW.

Mr. GRIEST with Mr. MONTAGUE.

Mr. FISH with Mr. RIORDAN.

Mr. ATKESON with Mr. TAYLOR of Arkansas.

Mr. KNIGHT with Mr. HOOKER.

Mr. PATTERSON of New Jersey with Mr. BRIGGS.

Mr. RHODES with Mr. GOLDSBOROUGH.

Mr. KEARNS with Mr. MANSFIELD.

Mr. MORIN with Mr. LEA of California.

Mr. BURKE with Mr. O'BRIEN.

Mr. ROACH with Mr. POU.

Mr. SNYDER with Mr. GALLIVAN.

Mr. NORTON with Mr. HARRISON.

Mr. VOLK with Mr. SISSON.

Mr. WILLIAMS with Mr. TEN EYCK.

Mr. TAYLOR of New Jersey with Mr. RAKER.

Mr. FUNK with Mr. GARNER.

Mr. DUNN with Mr. BRAND.

Mr. BIXLER with Mr. DRANE.

Mr. HULL with Mr. MEAD.

Mr. JEFFERIS of Nebraska with Mr. RAINEY of Illinois.

Mr. MOORE of Illinois with Mr. SEARS.

Mr. KENNEDY with Mr. GILBERT.

Mr. VARE with Mr. SULLIVAN.

Mr. PERLMAN with Mr. WILSON.

Mr. CONNELLY of Pennsylvania with Mr. HUMPHREYS.

Mr. NEWTON of Missouri with Mr. HARDY of Texas.

Mr. ROSSDALE with Mr. LYON.

Mr. OSBORNE with Mr. KUNZ.

Mr. OLPP with Mr. BRINSON.

Mr. LEHLBACH with Mr. HAWES.

Mr. MCARTHUR with Mr. JOHNSON of Mississippi.

Mr. MILLS with Mr. BLANTON.

Mr. RADCLIFFE with Mr. TAYLOR of Colorado.
Mr. BLAKENEY with Mr. RAINEY of Alabama.
Mr. TREADWAY. Mr. Speaker, I voted "yea," but having a general pair with the gentleman from Mississippi, Mr. COLLIER, who, I think, has not voted, I desire to withdraw my vote and to answer "present."
Mr. PORTER. I voted "yea," but I am paired, and I would like to withdraw my vote and answer "present."
The result of the vote was announced as above recorded.
On motion of Mr. TEMPLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that on December 16 they had presented to the President of the United States, for his approval, the following bill:
H. R. 8744. An act granting the consent of Congress to the State of North Dakota, the county of Cass, and the city of Fargo, N. Dak., and the State of Minnesota, the county of Clay, and the city of Moorhead, Minn., or any of them, to construct a bridge across the Red River of the North between the cities of Fargo, N. Dak., and Moorhead, Minn., and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RAKER, for three weeks, on account of attending the funeral of his colleague [Mr. ELSTON].

LEAVE TO EXTEND REMARKS.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.
Mr. NEWTON of Minnesota. I make the same request.
Mr. ROSE. I make the same request.
The SPEAKER. The gentleman from Massachusetts [Mr. ROGERS], the gentleman from Minnesota [Mr. NEWTON], and the gentleman from Pennsylvania [Mr. ROSE] ask unanimous consent to extend their remarks on the bill just passed. Is there objection?
There was no objection.

ADJOURNMENT.

Mr. TEMPLE. I move that the House do now adjourn.
The motion was agreed to; accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned until Monday, December 19, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:
425. A letter from the Director of the United States Veterans' Bureau, transmitting statement of expenses incurred by officers and employees of the Federal Board for Vocational Education traveling on official business to points outside of Washington during the fiscal year ending June 30, 1921; to the Committee on Expenditures in the Treasury Department.
426. A letter from the Comptroller General of the General Accounting Office, transmitting statement of the number of employees of the General Accounting Office receiving additional compensation at the rate of $240 per annum for the first four months of the fiscal year 1922; to the Committee on Appropriations.
427. A letter from the Secretary of War, transmitting tentative draft of a bill authorizing the purchase of land for cemeteries for American military dead in Europe, and the improvement thereof (H. Doc. No. 141); to the Committees on Appropriations and Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:
Mr. LANGLEY, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 9240) for the erection of a vault building for the use of the Treasury Department, Washington, D. C., reported the same with an amendment, accompanied by a report (No. 519), which said bill and report were referred to the Committee of the Whole House on the state of the Union.
Mr. WINSLOW, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2780) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, reported the same without amendment, accompanied by a report (No. 520), which said bill and report were referred to the Committee of the Whole House on the state of the Union.
Mr. CONNALLY of Texas, from the Committee on Foreign Affairs, to which was referred the bill (S. 2133) ceding jurisdiction to the State of Texas over certain lands or bancos acquired by the United States of America from the United States of Mexico, reported the same with amendments, accompanied by a report (No. 521), which said bill and report were referred to the Committee of the Whole House on the state of the Union.
Mr. BROWNE of Wisconsin, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 233) providing for the postponement of the World's Dairy Congress, reported the same with an amendment, accompanied by a report (No. 522), which said joint resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8868) granting an increase of pension to Mary E. Newlin, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:
By Mr. TINCHER: A bill (H. R. 9599) to allocate the control, administration, and supervision of all functions of the Government principally affecting agriculture, forestry, and food to the Department of Agriculture; to the Committee on Agriculture.
By Mr. MURPHY: A bill (H. R. 9600) providing for the purchase of a site and the erection thereon of a public building at Cadiz, in the State of Ohio; to the Committee on Public Buildings and Grounds.
By Mr. FISH: A bill (H. R. 9601) providing ocean transportation to parents and wives of certain deceased persons who lost their lives during the World War and who are buried abroad; to the Committee on Military Affairs.
By Mr. ROGERS: A bill (H. R. 9602) authorizing appropriations and expenditures for foreign intercourse, and for other purposes; to the Committee on Foreign Affairs.
By Mr. GRAHAM of Illinois: A bill (H. R. 9603) to amend section 23 of the war risk insurance act, approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.
By Mr. J. M. NELSON: A bill (H. R. 9604) for the acquisition of a post-office site at Madison, Wis.; to the Committee on Public Buildings and Grounds.
By Mr. WATSON: A bill (H. R. 9605) to provide revenue, and for other purposes; to the Committee on Ways and Means.
By Mr. KINKAID: A bill (H. R. 9606) to authorize the Secretary of the Interior, in his discretion, to extend the time for payment of construction charges on reclamation projects, units of reclamation projects, or in individual cases, for not exceeding three years, and for other purposes; to the Committee on Irrigation of Arid Lands.
By Mr. ANSORGE: A bill (H. R. 9607) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching; to the Committee on the Judiciary.
By Mr. VAILE: A bill (H. R. 9608) granting pensionable status to surviving members of the Third Battalion of Ohio Militia who served during the Civil War, and to widows of certain members of said battalion; to the Committee on Pensions.
By Mr. LARSEN of Georgia: Joint resolution (H. J. Res. 235) proposing an amendment to the Constitution of the United States excluding aliens in the apportionment of Representatives among the several States; to the Committee on the Judiciary.
By Mr. McLAUGHLIN of Nebraska: Joint resolution (H. J. Res. 236) providing for the placing of items on an appropriation bill under certain conditions; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:
By Mr. BRITTEN: A bill (H. R. 9609) granting a pension to Sophia M. Deege; to the Committee on Invalid Pensions.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 9610) granting an increase of pension to Matilda W. Leightner; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 9611) granting a pension to Isabel Noe; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 9612) granting a pension to Amelia Fleshla; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 9613) granting a pension to Joanna Craig; to the Committee on Invalid Pensions.

By Mr. LOGAN: A bill (H. R. 9614) for the relief of H. L. Koester; to the Committee on Claims.

Also, a bill (H. R. 9615) for the relief of Sarah Green, Virginia Green, and Henry Green, next of kin of Lydia Rivers; to the Committee on Claims.

By Mr. LOWREY: A bill (H. R. 9616) for the relief of the heirs or legal representative of Samuel M. Mauney, captain, Medical Reserve Corps, United States Army, deceased; to the Committee on War Claims.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 9617) granting a pension to Alfred Skinner; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 9618) granting a pension to Julia Hill; to the Committee on Invalid Pensions.

By Mr MOTT: A bill (H R. 9619) granting a pension to Martha J. Curtis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9620) granting a pension to Sarah A. Leonard; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 9621) granting a pension to John W. Stubbs; to the Committee on Invalid Pensions.

By Mr. CHANDLER of Oklahoma: A bill (H. R. 9622) granting a pension to Mattie T. Watts; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 9623) granting a pension to Alice K. King; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 9624) granting a pension to J. E. Reese; to the Committee on Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 9625) granting an increase of pension to William Poole; to the Committee on Pensions.

By Mr. SMITHWICK: A bill (H. R. 9626) granting a deed of quitclaim and release to the Traders' Brokerage Co., a corporation, of certain land in the city of Pensacola, Fla.; to the Committee on the Public Lands.

By Mr. TILLMAN: A bill (H. R. 9627) granting a pension to James W. Officer; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 9628) to correct the military record of Robert E. A. Landauer; to the Committee on Military Affairs.

By Mr. VAILE: A bill (H. R. 9629) granting an increase of pension to Henry F. Tower; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 9630) granting a pension to Georgianna Peabody; to the Committee on Invalid Pensions.

By Mr. YATES: A bill (H. R. 9631) for the relief of Edward F. Dunne, jr.; to the Committee on Claims.

By Mr. KAHN: Resolution (H. Res. 251) to pay Helen M. Netherwood and Rowena Bond, clerks to the late Hon. John A. Elston, one month's salary; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3328. By the SPEAKER (by request): Petition of James Davis and 178 other citizens of the United States residing in the fifth congressional district of the State of Michigan, urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

3329. Also (by request), resolution of the Minneapolis Trades and Labor Assembly, opposing the establishment of courts to fix wages and working conditions; to the Committee on the Judiciary.

3330. Also (by request), resolution from the National Association of Post Office Laborers, urging the passage of the Rossdale bill (H. R. 5761); to the Committee on the Post Office and Post Roads.

3331. Also (by request), resolution of the Merchants and Manufacturers' Association of Baltimore, congratulating President Harding on the general tenor of his recent message to Congress and commending him particularly for his bold attempt to suggest solutions for several of the more important and far-reaching problems, and offering other resolutions relative to taxation; to the Committee on Ways and Means.

3332. By Mr. ANSORGE: Petition of the Harlem Board of Commerce, relative to pending railroad legislation; to the Committee on Interstate and Foreign Commerce.

3333. Also, petition of Richards & Geier, of 277 Broadway, New York, relative to the German peace treaty; to the Committee on Foreign Affairs.

3334. Also, petition of James Denike, of 488 St. Nicholas Avenue, New York, urging the passage of House bill 6433, providing an increase in pension for retired employees; to the Committee on Reform in the Civil Service.

3335. By Mr. BARBOUR: Petition of California State Board of Forestry, expressing disapproval of the transfer of the Forestry Service from the Department of Agriculture to another department; to the Committee on Agriculture.

3336. By Mr. BEGG: Resolutions of Wooster-Boalt Post, No. 34, Grand Army of the Republic, of Norwalk, Ohio, urging the enactment of the Morgan bill (H. R. 7213) allowing veterans of the Civil War a pension of $72 per month and widows of Civil War veterans a pension of $50 per month; to the Committee on Invalid Pensions.

3337. By Mr. BIXLER: Petition of the National Colored Women's Legislative Bureau, favoring the passage of the Dyer bill; to the Committee on the Judiciary.

3338. By Mr. BYRNS of Tennessee: Evidence in support of House bill 9611, granting a pension to Isabel Noe, widow of John T. Noe; to the Committee on Pensions.

3339. By Mr. DRIVER: Petition of D. J. Carter, of Blytheville, Ark., for the reduction of passenger rates; to the Committee on Interstate and Foreign Commerce.

3340. By Mr. FULMER: Resolutions of Group Seven of the South Carolina Bankers' Association, petitioning the enactment of Federal legislation to perpetuate the War Finance Corporation in the interest of agriculture; to the Committee on Banking and Currency.

3341. By Mr. KELLY of Pennsylvania: Resolution of National Federation of Business and Professional Women's Clubs, favoring the limitation of armament; to the Committee on Foreign Affairs.

3342. By Mr. KINDRED: Petition opposing the proposition for the meat packers to resume the distribution of other food products; to the Committee on Agriculture.

3343. By Mr. KISSEL: Petition of the American Velvet Co., Continental Paper & Bag Mills, and Salt's Textile Co. (Inc.), all of New York City; to the Committee on Ways and Means.

3344. Also, petition of the Magor Car Corporation, of New York City; to the Committee on Interstate and Foreign Commerce.

3345. By Mr. McDUFFIE: Telegram from the Alabama Hotel Men's Association, urging the Government of the United States to accept the offer of Henry Ford to complete and operate the project at Muscle Shoals, Ala.; to the Committee on Military Affairs.

3346. By Mr. OSBORNE: Memorial of Jack Kemp and 120 other students of the Hollywood High School, Hollywood, Calif., urging the support of the administration in its every attempt to bring about world peace; to the Committee on Foreign Affairs.

3347. By Mr. RAKER: Petition of Feather River Lodge, No. 1246, United Brotherhood of Maintenance of Way Employees and Railroad Shop Laborers, requesting support of Senate bill 2342 and support of the inheritance and transfer tax bill to be introduced by Senator LA FOLLETTE; to the Committee on Ways and Means.

3348. Also, petition of Martha F. Crawford, Della S. Kidder, Rebekah E. Hemsted, C. E. Walker, Mrs. M. J. Givan, Mrs. W. R. Prosser, Mrs. Ella Mae Flowers, Mrs. H. W. Knapp, Mrs. Mabel Falconer, Mrs. C. E. Walker, Mrs. A. H. Gronwoldt, Mrs. E. L. Story, Mrs. Ben Klickkert, Mrs. Rolla Arbuckle, Mrs. Kate E. Webb, and J. M. Rochford, all of Redding, Calif., protesting against the Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

3349. Also, petition of R. Ramsey and Mark L. Burns, of Sacramento, Calif., indorsing the Towner-Sterling bill (S. 1252 and H. R. 7); to the Committee on Education.

3350. Also, telegram from Federal Employees' Union No. 1, of San Francisco, Calif., requesting support of the Lehlbach reclassification measure; to the Committee on Reform in the Civil Service.

3351. Also, petition of the International One Hundred Per Cent Club, of San Francisco, Calif., urging the adoption of the metric system by the Congress of the United States; to the Committee on Coinage, Weights, and Measures.

SENATE.

MONDAY, *December 19, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, Thou hast been very gracious in Thy dealings. Thou hast helped us in critical situations and enabled us to understand the high principles of duty as interpreted for us by Thy providence and Thy word. We seek Thine aid to-day, looking only for the highest welfare of the Nation and of the world at large. Ever be our guide, ever lead us onward to greater heights of responsibility and the performance of duty. We ask in the name of Jesus Christ our Lord. Amen.

RALPH H. CAMERON, a Senator from the State of Arizona, and JOSEPH E. RANSDELL, a Senator from the State of Louisiana, appeared in their seats to-day.

The reading clerk proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 9548. An act for the relief of the distressed and starving people of Russia; and

H. J. Res. 234. Joint resolution authorizing the payment of salaries of officers and employees of Congress for December, 1921, and making an appropriation to supply a deficiency in the appropriation for the contingent fund of the House of Representatives.

Mr. CURTIS. These are measures of importance, and I ask that they be laid before the Senate and referred at once.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

The following bill and joint resolution were each read twice by title and referred to the Committee on Appropriations:

H. R. 9548. An act for the relief of the distressed and starving people of Russia; and

H. J. Res. 234. Joint resolution authorizing the payment of salaries of officers and employees of Congress for December, 1921, and making an appropriation to supply a deficiency in the appropriation for the contingent fund of the House of Representatives.

REINTERMENT OF SOLDIER DEAD.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Acting Quartermaster General of the Army, which the Secretary will read:

The Assistant Secretary read as follows:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, December 15, 1921.

The PRESIDENT OF THE SENATE,
Washington, D. C.

MY DEAR SIR: The inclosed copy of lists of American soldier dead returned from overseas, consisting of 2 officers and 63 enlisted men to be reinterred in the Arlington National Cemetery, Thursday, December 22, 1921, at 2.30 p. m., are furnished for consultation by Members of the Senate. It is requested that they be posted or displayed in a suitable place for the purpose desired.

Very truly, yours,

C. R. KRAUTHOFF,
Brigadier General, Quartermaster Corps,
Acting Quartermaster General.

The VICE PRESIDENT. The communication will lie on the desk for the information of Senators.

REPORT OF FEDERAL POWER COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, chairman of the Federal Power Commission, transmitting, pursuant to law, the first annual report of the Federal Power Commission, and inviting attention to pages 193 to 223, inclusive, thereof, the text of which incorporates data with respect to permits and licenses issued under the Federal water power act, which was referred to the Committee on Commerce.

CANDIDATES FOR THE NOBEL PEACE PRIZE.

The VICE PRESIDENT laid before the Senate a communication from the Undersecretary of State, transmitting, for the information of the Senate, a circular issued by the Nobel peace prize committee of the Norwegian Parliament respecting the proposal of candidates for the Nobel peace prize, to be distributed December 10, 1922, which was referred to the Committee on Foreign Relations.

ACTUARIES REPORT ON CIVIL SERVICE RETIREMENT LAW.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting a letter from the Commissioner of Pensions, together with the report of the Board of Actuaries, relative to the operation of the act for the retirement of employees in the classified service, which was referred to the Committee on Civil Service.

FEDERAL COUNCIL OF CHURCHES OF CHRIST.

The VICE PRESIDENT laid before the Senate a communication from the Federal Council of the Churches of Christ in America, transmitting a statement containing declaration, ideals, policy, and program adopted by the executive committee of said council at their meeting in Chicago, Ill., December 14–16, 1921, containing sundry recommendations dealing with questions of international relationships and commending the Conference on Limitation of Armament as a step looking toward a warless world, but especially favoring the establishment of the institutions of peace and a peace system through international Christian cooperation, etc., which was referred to the Committee on Foreign Relations.

PRODUCTION OF COTTON.

Mr. SMITH. Mr. President, I have received letters from different parts of the country protesting against what seems to be an injustice to those who have been interested in the acreage and production of cotton in the South.

In October, I believe, and in November there was a report from the Bureau of Crop Estimates, in the Department of Agriculture, that the cotton acreage had been reduced about 28 per cent as compared with the acreage of 1920, the previous year, and the report was that the condition was perhaps the lowest in the history of cotton production. They therefore estimated upon that basis that the yield of cotton for 1921 in the United States would be approximately 6,500,000 bales.

This is a matter of such tremendous importance to the trade of America, as well as to the different industries of America, that these things must be done in accordance with every rule that would tend toward accuracy.

On December 1 they revised their estimate and said there would be 8,340,000 bales. This was so startling to the trade that it demoralized the market temporarily.

Now, those who are not familiar with this should understand that the law requires that the Bureau of the Census shall obtain from ginners every two weeks through gin reporters the number of bales ginned and report the same to the Census Bureau, and that they shall give the actual number of bales ginned regardless of their weight.

On November 1 of the present year the Census Bureau reported that there had been ginned this year 6,646,000 bales against a ginning of even date, 1920, November 1, of 7,508,000 bales, a difference of 862,000 bales between the two ginnings, 1920 and 1921, there being 862,000 bales more ginned in 1920 than in 1921.

Now, mark you: On November 14 they reported 7,270,000 bales ginned against 8,914,000 bales in 1920, a difference of 1,644,000 bales between the two seasons. Just two weeks later, on December 1, 1921, they reported 7,640,000 bales ginned, against 10,141,000 for last year, a difference of 2,500,000 bales.

Therefore, to state it so the Senate may grasp the significance of it, we were only 600,000 bales, in round numbers, behind last year's ginning on November 1. We were more than 1,000,000 bales behind on November 14, and more than 2,000,000 bales behind on December 1. The estimate by those who had kept up with the conditions was that there were still to be ginned something less perhaps than 2 per cent. The Bureau of Crop Estimates had estimated only 6,500,000. The actual bales ginned up to December 1, according to the actual count, was 7,640,000, something over a million bales difference between what the estimating board of the Bureau of Crop Estimates was predicting in October and the actual number of bales ginned. Therefore, when they gave their final estimate on December 1, they made it 8,340,000 bales, in round numbers something like 2,000,000 bales discrepancy between the October estimate and the December estimate.

The point I wish to bring before the Senate is that the Bureau of Crop Estimates is charging that one reason why they were misled in their estimates of yield was on account of the farmers' propaganda as to the reduction of acreage. I wish to protest against them putting any such blame on the farmers who reported, because I believe that never before in the history of cotton planting in the South was there such a drastic reduction of acreage.

For the first time in the history of the country the weevil had covered the entire cotton belt, and no man can predict to

what extent the ravages of that insect will affect the yield of cotton.

On my own farm there would be a field that would make perhaps two-thirds of a crop and another field that would not make one-fifth of a crop. No man could estimate what would be the final result of the ravages of that insect until the final gin count was made.

In addition to that the tremendous drop in the price of cotton from 40 cents a pound to 8 cents a pound demoralized every planter and every merchant and every banker in the South so that when the spring of 1921 came on there was no money with which to buy fertilizer and really no disposition to buy it. In the southeastern States of the cotton belt, Georgia, North Carolina, South Carolina, and parts of Alabama, and in fact in parts of all the cotton States that were dependent upon fertilizer for production, they were in some instances absolutely unable to buy fertilizer, and in other instances were unwilling, in the presence of the weevil and in the face of the demoralized conditions otherwise, to buy fertilizer.

We have for the first time in the history of cotton the weevil covering the entire cotton belt. Again, we have the demoralization incident to the break in the price from 40 cents a pound to 8 cents a pound, and in addition to that we have had weather conditions that were unparalleled in the production of cotton. So I maintain that to charge the farmers of the South in their present desperate financial condition, their inability to buy fertilizer, with being guilty for their own benefit of misleading the Department of Agriculture and the Bureau of Crop Estimates as to the amount of cotton acreage is absolutely unjustified.

Again, it is said that the yield above their estimate is based upon that and that alone. Their estimate of acreage now, to give it in their own words, is approximately 31,427,000 acres, and an abandonment of 2.8 per cent, making something like about 8 per cent reduction in acreage. I am looking into the faces of Senators who are from the South and there is not one of them who, from his own experience, does not know that the cutting in acreage is far in excess of any 8 per cent.

The Bureau of Crop Estimates claim that they have had no money to pay their men after July 1 to go into the fields and estimate what the reduction was for 1921. I maintain that the reduction of acreage was approximately what the farmers reported.

If the statement in the December cotton report is permitted to go out unchallenged, the effect of it will be to show, as is stated here, that when the farmers united and agreed to reduce their acreage some of them carried out the agreement in good faith, while others increased their acreage to such an extent as to nullify the action of those who decreased their acreage; in other words, that 50 per cent of the farmers who entered into this alliance did not keep their word and disregarded their obligations. The cotton planters in my section did reduce their acreage. They reduced it because they thought it was good policy, that it was good business to reduce it, and they reduced it from necessity, because of the price of fertilizer and for other good reasons.

Taking into account the uncertain element of the ravages of the boll weevil, the uncertainty as to the amount of fertilizer that was used, and the uncertainty of the season, where does the blame lie?

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. SMITH. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. Mr. President, responding to what was virtually an inquiry of the Senator from South Carolina, I will state that I myself know it to be a fact that there was more cotton land uncultivated last year than I have known during the whole time that I have been observing the cotton situation. I will say that there was a more complete failure of the cotton crop in my section of the State than I ever have known. That failure was so great as to be a calamity which reduced thousands of people to ruin, unemployment, and want.

I will say further, Mr. President, that I know the situation to be such, in the State of Georgia, at least, that there will not be more than two-thirds of the cotton lands cultivated for another year, for the simple reason that we have not the finances with which to have them cultivated.

Mr. CARAWAY. Mr. President, may I interrupt the Senator from South Carolina?

Mr. SMITH. I yield to the Senator from Arkansas.

Mr. CARAWAY. Mr. President, I entered the Senate Chamber just as the Senator from South Carolina was discussing the question of the acreage devoted to the cotton crop in the South during the past year. I know as to that only as it applies to my own State of Arkansas; but I know that the cut in the cotton acreage there was greater than the farmers promised to make it and greater than they were asked to make it. The statement of the bureau to the contrary shows how little information the bureau has.

However, here is what I wish to say. For years and years that bureau has been overestimating the cotton crop. They have been enriching men who gambled in the products of the farm and have never uttered one word of complaint. So long as their estimates have aided those who did not produce, those who sell the product of the people who did produce, the bureau had no criticism to offer as to this means of information or of the information furnished them, but one time, having made a mistake by which the men who produce and not those who gamble might profit, they turn around and justify themselves in the eyes of the gambling fraternity by accusing the farmers of not keeping faith; in other words, when the bureau was not permitted to keep faith, as it seems, with the gamblers on the cotton exchanges, they apologize for not having done so and denounce the producer for having misled them, while ever since the bureau has been established it has been misleading everybody by overestimating the cotton crop and making those rich who did not produce and making those poor who did produce. That is the kind of a bureau with which we are dealing.

Mr. HEFLIN. Will my friend from South Carolina permit me to interrupt him at this point?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. SMITH. I yield.

Mr. HEFLIN. I wish to say in this connection that we have had the greatest reduction of cotton acreage in Alabama during the past year that we have had within my knowledge. Therefore, I do not believe the cotton estimating board is justified in making the statement to which the Senator from South Carolina has referred. I had rather think that there is something crooked in the estimating board than to believe that there is anything crooked among the cotton farmers. I recall that Hyde and Holmes in the Agricultural Department once sold our people out, and that they received several thousand dollars for making an estimate which helped the cotton gamblers and which injured the producers.

Mr. SMITH. Mr. President, the point which I desire to drive home is that this report which has been given out by the cotton estimating board is, whether they intend it or not, going to have the effect that hereafter when it is stated by the producers of cotton that they have cut their acreage to a certain extent their statement will be discounted, because it will be said, "In 1921 you claimed to have cut your acreage 28 per cent, but by a revision of the crop estimating board in December"—they did not ascertain that fact until December, although they have been considering the matter since July 1—"it was ascertained that you had cut production but 8 per cent."

Mr. President, if there were any means by which the Bureau of Crop Estimates could obtain accurate information as to the acreage of cotton and the truth of those estimates could be conclusively proven, it would be a different proposition; but I believe that the board have been depending upon their field reporters, who, in turn, depend upon the farmer in obtaining the estimates as to the reduction in acreage.

I stand here and protest against the crop estimating board stating that instead of a 28 per cent cut in acreage of the cotton crop there has only been an 8 per cent cut. Have they counted the reduction in acreage? Have they been able to go into the several counties and communities and accurately estimate whether they are correct or whether they are wrong? I wished to call this matter to the attention of the Senate and to enter my protest against the statement that the farmers of the South are venal and lying and that they have practiced this deception in order to put money into their pockets, and that this action is the result of propaganda of the farmers. Let me read the exact words, in order that Senators may draw their own inference. Here is the statement as to acreage:

1. Persistent and widespread propaganda at planting time for a reduction in cotton acreage of from 33 to 50 per cent as compared with 1920.

This board in their report is now setting forth the reasons why they made the estimate of the crop as being 6,500,000 bales at one time and then, in December, increased their estimate to 8,340,000 bales.

2. Propaganda supported by large carry over from previous season—

Listen to the insinuation—

low prices below cost of production in 1920, reduced foreign consumption and demand, with great financial loss to growers in 1920, and lack of credit at planting time.

3. Acreage reduction reported at planting time by growers affected by propaganda.

I emphasize the statement that the acreage reduction reported by the farmer was affected by propaganda.

Mr. CARAWAY. Whose propaganda?

Mr. SMITH. Propaganda that was sent out by the growers to reduce the cotton acreage.

Mr. CARAWAY. Is it so stated?

Mr. SMITH. It is so set forth in the statement.

Mr. CARAWAY. Who is the author?

Mr. SMITH. This is from the crop estimating board of the Department of Agriculture.

Mr. CARAWAY. If it was known to everybody that the statement made is an absolute lie we might let it pass.

Mr. SMITH. I do not propose to let pass an accusation against those, one of whom I am.

Mr. HEFLIN. Mr. President, if my friend from South Carolina will permit me just there, it is meant by the statement which he has read that the farmer was induced by propaganda to misrepresent the situation?

Mr. SMITH. To misrepresent the actual condition of affairs. But let me continue. The statement reads—

> Propaganda supported by large carry over from previous season, low prices below cost of production in 1920, reduced foreign consumption and demand, with great financial loss to growers in 1920, and lack of credit at planting time.

That is the second factor. The third is:

> Acreage reduction reported at planting time by growers affected by propaganda.

Mr. WATSON of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. SMITH. I yield.

Mr. WATSON of Georgia. Mr. President, so far as the State of Georgia is concerned, I feel warranted in making the statement that there was no such propaganda. I certainly would have known of it if there had been, and I feel safe in saying that there was no such propaganda, and that the charge that there was is unfounded.

I will add further that before W. P. G. Harding, governor of the Federal Reserve Board, made his speech in New Orleans I was offered 20 cents for my own cotton, but after he made that speech I was offered 18 cents—a telegram to that effect came in this morning—involving a loss to myself of $2,000 because of that speech, which I believe to have been made with the intent to bring just such disastrous results upon people who are not able to stand them, and who ought not to be required to endure them.

Mr. SMITH. Mr. President, I felt in sympathy with the crop estimating board because, as an experienced cotton man, I was sure that no man could predict within any reasonable degree of certainty what this year's crop would turn out, because the elements that entered into the growing of this crop were unlike any that had ever occurred in the history of cotton growing in the South. Among those elements were the total covering of the entire belt by the weevil for the first time in the history of the country, a winter so warm that the weevil hardly hibernated even in the northern districts of the Cotton Belt, an unprecedented break in the price of cotton from 40 cents to 8 cents within a year, a reduction in the use of fertilizer, the total demoralization of labor and capital, and the unknown result of the reduction in acreage. In view of the infestation of the fields by the weevil, bad season, and the demoralization of the money market, who could tell what the crop would be? Any estimate was a pure guess; the only way by which it could be arrived at at all would be by an actual count of the acreage devoted to the production of cotton. So I was in sympathy with them and thought that they ought to be excused this year if their estimate was out of line with the facts and either below or above the actual figures; but it was not proper to say that there was only an acreage reduction of 8 per cent when the farmers had stated there was a reduction of 28 per cent.

Mr. President, I wish to state that compared with the cut last year the cut this year will be a cut sure enough. The continued low price and the disastrous results following from the weevil will insure that result. Let me call the attention of the Senate to the fact that last year my State made, in round numbers, 1,600,000 bales of cotton, while this year, in round numbers, it made 700,000. So that approximately 1,000,000 bales have been wiped out in South Carolina, and, at 20 cents a pound, that means a loss of $100,000,000 to the producers of cotton of that State. If you count that in purchasing power and in the trading power, you can imagine the condition which exists.

Where are the farmers to get their supplies with which to run the farm, including the fertilizer for the crop? So during the coming spring, not only by concert of action but by grim necessity, there will be the greatest cut in the cotton acreage ever known in the South Atlantic States. Yet the report of the cotton estimating board, whether intentionally or not, will have the effect to discredit on the boards of trade and exchanges any statement that may go out from the South that her cotton acreage has been cut. Neither the crop estimating board nor any set of men can determine just what the cut in acreage is, except the man who owns the land and who knows what he planted last year and what per cent of reduction he makes this year. I protest against this bald, blatant reflection upon the integrity and the honesty of those who produce the largest percentage of the world's cotton crop.

Mr. JONES of Washington. Mr. President, I ask for the regular order.

The VICE PRESIDENT. The Senator from Washington demands the regular order. The regular order is the presentation of petitions and memorials.

PETITIONS AND MEMORIALS.

Mr. WILLIS presented a memorial of sundry citizens of Toledo, Ohio, remonstrating against the enactment of Senate bill 1948, providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Massillon Trades and Labor Assembly, of Massillon, Ohio, protesting against an increase in the number and salaries of Federal judges, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Mohawk Valley (N. Y.) manufacturers, favoring the retention of the American valuation plan in the pending tariff bill, which was referred to the Committee on Finance.

Mr. LADD presented a resolution adopted by the Fortnightly Club, of Grand Forks, N. Dak., favoring the passage of Senate bill 2267, to fix the metric system of weights and measures as the single standard of weights and measures for certain uses, which was referred to the Committee on Manufactures.

He also presented resolutions and petitions of sundry citizens of Fargo, Turtle Lake, Jessie, Marion, Bremen, Mountain, Montpelier, Sawyer, Webster, Aneta, Finley, Sheyenne, Galesburg, Wheelock, Derrick, and Bottineau, all in the State of North Dakota, favoring the passage of Senate resolution 133, directing the Federal Trade Commission to investigate the conditions affecting the demand for foreign disposition movement and use of American exported grain, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. STANFIELD, from the Committee on Claims, to which was referred the bill (S. 34) for the relief of the Pacific Commissary Co., reported it with an amendment, and submitted a report (No. 366) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 125) to continue the military status of persons deserting the military or naval service during the World War, and the amenability to trial of those persons who failed to comply with the terms of section 5 of the selective service law, reported it without amendment, and submitted a report (No. 367) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 2881) authorizing appropriations and contracts for the prosecution and maintenance of public works on canals, rivers, and harbors, and for other purposes; to the Committee on Commerce.

By Mr. KING (by request):

A bill (S. 2882) creating an immigration board and prescribing the powers and duties thereof, amending the immigration laws of the United States, establishing a system of alien registration, and for other purposes; to the Committee on Immigration.

By Mr. MOSES:

A bill (S. 2883) to provide for the discontinuance of certain Government publications and to establish branches of the Government Printing Office; to the Committee on Printing.

By Mr. SPENCER:

A bill (S. 2884) for the relief of Ollie Keeley (with accompanying papers); to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 2885) to authorize the acquisition of lands for military purposes in certain cases and making appropriations there-

for, and for other purposes; to the Committee on Military Affairs.

By Mr. SUTHERLAND:

A bill (S. 2886) to provide for the purchase of a site and the erection of a public building thereon at Weston, in the State of West Virginia; to the Committee on Public Buildings and Grounds.

By Mr. KING:

A bill (S. 2887) providing for investigations and surveys of the Weber-Provo reclamation project in Utah; to the Committee on Irrigation and Reclamation.

By Mr. CALDER:

A bill (S. 2888) for the relief of the Wales Island Packing Co.; to the Committee on Claims.

By Mr. PITTMAN:

A joint resolution (S. J. Res. 147) extending the time for the performance of certain acts under the act of Congress approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain"; to the Committee on Public Lands and Surveys.

By Mr. CALDER:

A joint resolution (S. J. Res. 148) declaring October 12 a legal public holiday, to be known as Columbus Day; to the Committee on the Judiciary.

A joint resolution (S. J. Res. 149) directing a survey of Gowanus Creek between Hamilton Avenue and Percival Street, Brooklyn, N. Y.; to the Committee on Commerce.

CONFERENCE ON LIMITATION OF ARMAMENT.

Mr. McKINLEY. Mr. President, I ask unanimous consent to have printed in the RECORD the telegram and letters which I send to the desk. As president of the American group of the Interparliamentary Union, I have had communciations from various members of foreign groups indorsing the Limitation of Armament Conference, and I ask that these communications be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

The Chair hears none, and it is so ordered.

The matter was referred to the Committee on Foreign Relations, as follows:

As president of the American group of the Interparliamentary Union, and after consultation with various members of our organization, I wrote under date of October 6, 1921, to a number of the more prominent members of foreign parliaments, including Asia as well as Europe, the following letter:

"We of the American group of the Interparliamentary Union do not doubt in the least your warmest sympathetic interest in the Conference on the Limitation of Armament called by the President of the United States under date of July 10 last, which conference is to convene in Washington on November 11; but we are so convinced of the significance of this conference that I am taking the liberty to urge upon you and your confrères the challenge to exert every proper influence to bring the public opinion of the interested peoples to the support of its labors and purposes.

"It is upon the earnest suggestion of a number of our American group that I am writing thus to you. Irrespective of party affiliations, all of us in America are deeply concerned that the coming conference may be of genuine service in this period of the world's profound need.

"Believe me to be, most sincerely, yours,

"WILLIAM B. McKINLEY."

In response to this communication I have already received a number of interesting replies, some of which will be of interest to every Member of the Congress. I submit the following self-explanatory communications:

[From the Right Hon. Lord Weardale, president of the Interparliamentary Union.]

WEARDALE MANOR, BRASTED CHART,
Kent, October 18, 1921.

MY DEAR SENATOR MCKINLEY: It was very agreeable to me to receive a letter from you and therefore to know you had not forgotten the pleasant meeting in Stockholm which afforded to me and my colleagues the opportunity of personal acquaintance with yourself and your distinguished colleagues.

As I hope you already know, we are all in the warmest sympathy with the action of your President in summoning a conference upon disarmament, and I am sure you will find ardent support of his initiative not only from the British and Dominion representatives but from the unanimous advocacy of our press and of public opinion here.

Our parliament meets to-day, and we are considering how we can best emphasize this universal sentiment, and we are seeking an opportunity of giving it public expression. We intend to hold a plenary meeting of the British interparliamentary group and to adopt a resolution couched in the most forcible terms in order to cable it to you, but I trust our efforts will not end there, but will be continuous in their support.

America and Great Britain must stand together in this and in every other wise and humanitarian movement if civilization is not to disappear altogether.

I shall look forward with infinite satisfaction to close relations between you and your friends and ourselves. My only regret was that time was too short, and our occupations too exacting, to allow us to see as much of one another in Stockholm as we should have desired. I am very glad to know you have made an agreeable return journey, and I would add that we profoundly appreciated the personal sacrifices made by our American colleagues in attending the Stockholm conference.

Believe me, very sincerely, yours,

WEARDALE.

[From Hon. Paul Löbe, President of the Reichstag, Germany.]

BERLIN, N. W.,
October 20, 1921.

Hon. WILLIAM B. MCKINLEY, Senator,
Washington, D. C.

MY DEAR MR. SENATOR: The conference on the limitation of armament, beginning in Washington on November 11, arouses in Germany a widespread interest, if for no other reason, because we and our allies, in a one-sided arrangement, were compelled by the treaty of Versailles to reduce our army and navy to a minimum. I, being an advocate of concord among the nations, do not complain about these conditions if they mean the beginning of a general disarmament of all the military powers of the earth. I hope that the conference in Washington, whose sessions I trust will be successful, will mean a propitious start in this direction. We, the German members of the interparliamentary union, shall do our best to direct the general interest of our country to your serious discussions.

Hoping that the League of Nations, at present still incomplete in old Europe, and your important attempts to reach an understanding between the New World, the Far East, and all other countries will some day be united in their efforts, I wish you great and lasting success in your deliberations. With the assurance of my highest esteem, I remain,

Very sincerely, yours,

LÖBE,
President of the Reichstag.

[From Hon. H. Branting, minister of foreign affairs, Sweden, member of the Council of the Interparliamentary Union.]

STOCKHOLM, *October 21, 1921.*

MY DEAR MR. MCKINLEY: I have received with great pleasure your letter of the 6th instant, in which you express your conviction of the great significance of the forthcoming conference in Washington. The people of Sweden all most certainly desire that your hopes in that respect may be amply fulfilled. As to the warm sympathy with any steps tending to further a speedy and effective reduction of armaments that I myself entertain, there can be no doubt whatever. As far as those of us are concerned who are working on behalf of the League of Nations for the same object we should welcome with the utmost satisfaction any parallel movement being the outcome of the conference that President Harding has initiated, the results of which the whole thinking humanity is awaiting with the most eager expectation. That is so, because it is indeed true that if the competition in armaments is to continue as hitherto, the restoration of the former standard of life of mankind will be rendered utterly impossible, not to speak of its very necessary improvement.

I beg you to be kind enough to inform those of the American group to whom you refer in your letter, how heartily I agree with them in their wishes. Believe me, my dear Mr. MCKINLEY,

Most sincerely, yours,

HJ. BRANTING.

[From Dr. V. H. Rutger, member of the Dutch Parliament and of the Council of the Interparliamentary Union.]

THE HAGUE, *October 25, 1921.*

MY DEAR MR. MCKINLEY: Your letter of 5th instant reached me but yesterday owing to my absence from The Hague for some days. I read it with much interest and complete accordance.

There is much interest here in the Washington conference in political circles, but not so much among the population in general. It is not so easy to arouse public interest in questions without controversial character, which at least do not affect party politics.

On the other hand, I have the pleasure to state that the general opinion in Holland practically without exception is pacific and that the foreign policy of our Government is directed by the very principles of good will and cooperation which are living in the Interparliamentary Union. It is, I am sure, in this spirit that the Dutch delegation will participate in the work of the conference.

You know, I suppose, that Holland has been invited to take part in the discussions on the Pacific question, not in the discussion on limitation of armaments. Believe me to be, dear Mr. MCKINLEY,

Yours, sincerely,

RUTGER.

[From Hon. H. H. van Kol, member of the Dutch Senate.]

THE HAGUE. *October 26, 1921.*

MY DEAR SENATOR MCKINLEY: I duly received your honored reply from 6th October, and with great satisfaction I saw once more a proof of your ardent desire to do all within your power in order to promote the cause of peace and freedom between the nations.

In possession of the letter from the American group of the Interparliamentary Union, I immediately entered in relation with the different political parties and organizations in Holland and Belgium, entreating them to do everything possible to promote the splendid action of President Harding and the American Government by supporting the conference at Washington in favor of a lasting peace and a gradual disarmament. You shall receive their answers, and the Social-Democratic Party in Holland will hold on the 11th November a mass meeting in favor of your proposal.

In whatsoever I might be able to assist you in your beautiful task I will reckon it an honor to put myself at your disposal, hoping and trusting that the united endeavors of all those who crave after a long, if not permanent, peace may be crowned with a brilliant success.

Believe me to be, most sincerely, yours,

H. VAN KOL.

[From Dr. Christian L. Langé, secretary general of the Interparliamentary Union. Copy of a letter sent to all the groups of the Interparliamentary Union and headed, "Support to be given to the Washington Conference for the Limitation of Armaments."]

2 CHEMIN DE LA TOUR DE CHAMPEL,
Geneva, November 2, 1921.

DEAR MR. PRESIDENT: The Conference for the Limitation of Armaments summoned at Washington by the President of the United States of America will meet in a few days' time. The groups of the Interparliamentary Union can not fail to take a deep interest in this important initiative.

The Interparliamentary Conference, which met at Stockholm last August, voted the following resolution in connection with the Washington conference:

"In view of the forthcoming conference to assemble in the city of Washington upon the invitation of the President of the United States to consider the question of limitation of armaments and related subjects, the members of the Interparliamentary Union are urgently requested to foster in all ways open to them in their respective countries a spirit of willingness to make all reasonable concessions necessary to a successful issue of such conference, and any plan it may propose for the limitation of national armaments being just and equitable, to labor for the acceptance of the same by the Governments of their various countries."

The president of our American group, Senator W. B. MCKINLEY, has sent the interparliamentary bureau a letter pointing out how important it is that the work of the conference should have behind it the weight of public opinion, and that warm support should be given to any serious attempt at a practical result.

The interparliamentary bureau is confident that all our groups will at once do everything within their power in this direction, thus carrying out in the most effective manner possible the wish expressed by the Stockholm conference. The bureau suggests that letters or telegrams of support should be sent to the conference, and, more especially, that public meetings and other demonstrations should be organized within the associations, political or other, to which the individual members belong; the resolutions voted should be transmitted to Washington.

Mr. MCKINLEY'S address is: 613 Colorado Building, Washington, D. C.

Asking you to inform the interparlimentary bureau of everything that is done in this connection on the initiative of your group,

I am, with great respect, yours, truly,

CHR. L. LANGÉ,
Secretary General of the Interparliamentary Union.

—

Some of the cablegrams received are as follows: British group, Interparliamentary Union, unanimously and warmly support President Harding's noble initiative for limitation of armaments.

WEARDALE.

—

Central Liberal League in Holland (Vryheidsbond) sends best wishes for good success Washington Disarmament Conference in its noble endeavor to promote peace.

—

Danish group of the Interparliamentary Union beg the American group to be convinced of its warmest sympathetic interest in the Conference of Washington for Limitation of Armaments and promotion of peace and international understanding.

MOLTESEN.

—

Polish group of Interparliamentary Union wishes great success to work of peace.

CHAIRMAN DEMBINSKI.

The VICE PRESIDENT. The morning business is closed. The calendar under Rule VIII is in order.

UNITED STATES COURT OF CLAIMS.

Mr. NELSON. I ask unanimous consent for the present consideration of Senate bill 2228, Order of Business 271. It is a bill relating to the Court of Claims. It was up the other day. The bill does not enlarge the jurisdiction of the court at all. It simply affords them a little more machinery. It changes the terms of court and provides for the appointment of examiners to take testimony, and so forth. It increases the salary of the clerk of the court from $3,500 to $4,500.

Mr. OVERMAN. Mr. President, if the Senator will yield, the Senator from Tennessee [Mr. SHIELDS] desires to offer an amendment to the bill, and as he is not present I suggest the absence of a quorum.

Mr. NELSON. I do not believe he will offer it. I have had a talk with him about it.

Mr. ROBINSON. Does the bill confer final jurisdiction on the Court of Claims?

The VICE PRESIDENT. The Chair understands that the Senator from North Carolina suggests the absence of a quorum.

Mr. OVERMAN. I do it for the purpose of getting the Senator from Tennessee here, as he has an amendment which he wishes to offer to the bill.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gooding	McLean	Spencer
Cameron	Heflin	Myers	Sterling
Capper	Jones, Wash.	Nelson	Townsend
Caraway	Kendrick	New	Trammell
Culberson	Kenyon	Norris	Underwood
Cummins	King	Overman	Wadsworth
Curtis	Ladd	Page	Watson, Ga.
Dial	La Follette	Pittman	Willis
Edge	Lodge	Robinson	
Ernst	McKellar	Sheppard	
Fernald	McKinley	Smith	

Mr. CURTIS. I desire to announce that the Senator from Pennsylvania [Mr. PENROSE], the Senator from Utah [Mr. SMOOT], the Senator from Indiana [Mr. WATSON], the Senator from North Dakota [Mr. MCCUMBER], and the Senator from West Virginia [Mr. SUTHERLAND] are detained at a meeting of the Committee on Finance.

I also desire to announce that the Senator from Nevada [Mr. ODDIE] is absent on business of the Senate.

Mr. UNDERWOOD. I desire to state that the Senator from Louisiana [Mr. BROUSSARD] is absent on official business of the Senate, and has asked that I make this announcement.

I also desire to state that the Senator from Rhode Island [Mr. GERRY] is necessarily detained by illness.

The VICE PRESIDENT. Forty-one Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and Mr. BORAH, Mr. FRANCE, Mr. GLASS, Mr. HALE, Mr. HARRIS, Mr. KEYES, Mr. MCNARY, Mr. MOSES, Mr. STANFIELD, Mr. SWANSON, Mr. WALSH of Massachusetts, Mr. STANLEY, Mr. HITCHCOCK, and Mr. FLETCHER answered to their names when called.

The VICE PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present. The Senator from Minnesota asks unanimous consent for the immediate consideration of Senate bill 2228.

Mr. NELSON. I withdraw the request.

The VICE PRESIDENT. The request is withdrawn. The calendar, under Rule VIII, is in order.

THE CALENDAR.

The first business on the calendar was the bill (S. 384) to require judges appointed under authority of the United States to devote their entire time to the duties of a judge.

Mr. ROBINSON. I ask that the bill may go over.

The VICE PRESIDENT. On request, the bill will be passed over.

The bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. ROBINSON. I ask to have the bill read.

The VICE PRESIDENT. The bill has been twice read. Does the Senator desire to have it read again?

Mr. ROBINSON. I do.

The VICE PRESIDENT. The Secretary will read the bill.

The Assistant Secretary read the bill.

Mr. KING. I object to the consideration of the bill.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 581) to repeal the act prohibiting increased pay under lump-sum appropriations to employees transferred within one year was announced as next in order.

Mr. STERLING. Mr. President, with reference to that bill, and Senate bill 582, the following bill on the calendar, I desire to say they have been for a long time on the calendar, and I would like very much to have them considered by the Senate. The senior Senator from Utah [Mr. SMOOT] has asked, each time this bill has been reached on the calendar, that it should go over. He is not present, and I shall not ask that it be taken up at this time. I give notice, however, that at the earliest opportunity I shall move for the consideration of this bill and Senate bill 582. They may go over for the present.

The VICE PRESIDENT. At the request of the Senator from South Dakota the bill will be passed over.

The bill (S. 582) to repeal section 5 of the act approved June 22, 1906, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," was announced as next in order.

The VICE PRESIDENT. At the request of the Senator from South Dakota [Mr. STERLING] this bill also will be passed over for the present.

The bill (S. 1439) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. KING. Let that go over. It will take too much time to have it considered now.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1807) to aid in stabilizing the coal industry was announced as next in order.

Mr. WADSWORTH. Let that go over.

Mr. KING. I notice that the Senator from New Jersey [Mr. FRELINGHUYSEN], who introduced the bill, is not here, and in his absence I think we ought not to take it up for consideration.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States" was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts was announced as next in order.

Mr. STERLING. I wish to say in regard to this bill that certain Senators who are interested in it are not here this morning. I ask that it may go over, with notice, however, that I expect to move for the consideration of the bill at the earliest opportunity.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 67) authorizing the Committee on Expenditures in the Executive Departments to hold hearings here or elsewhere and to employ a stenographer to report the same was announced as next in order.

Mr. JONES of Washington. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 63) for the relief of Lester A. Rockwell was announced as next in order.

Mr. KING. Let that go over.

The bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

DR. O. H. TITTMANN.

The bill (S. 136) for the relief of Dr. O. H. Tittmann, former superintendent of the United States Coast and Geodetic Survey, was announced as next in order.

Mr. KING. Let that go over.

Mr. SPENCER. Mr. President, when the calendar was last called, I understood the Senator from Utah to say that he would probably make up his mind in regard to this bill before it was reached again on the calendar. Something ought to be done one way or another in connection with it.

Mr. KING. I have made up my mind to object.

Mr. SPENCER. I move that the Senate take the bill up for consideration in order that it may be determined one way or another. The bill is entitled to consideration.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri that Senate bill 136 be considered, notwithstanding the objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and to insert:

That there is hereby authorized to be paid to Dr. O. H. Tittmann, former Superintendent of the United States Coast and Geodetic Survey, who resigned on April 14, 1915, after 47 years of service, from any funds in the United States Treasury not otherwise appropriated, the sum of $150 per month during the term of his natural life; the provisions of this act to be effective from the date of its passage.

Mr. SPENCER. Mr. President, I want to say a single word in regard to the bill. Dr. Tittmann, after 47 years of continuous Government service, went out of the service in 1915. If he had stayed another year or perhaps two years, under the existing law he would have been retired as a captain, and would receive $3,765 a year. He retired just before that law went into operation. I thought he should have had the full benefit of the retirement law, but the committee said they did not feel that they should recommend more than $150 a month. The need of the man is great, but that has no application to the merits of the case. If the Senate will allow me, I will read two sentences from the recommendation of the department in regard to it. They say:

Dr. Tittmann served the Government for almost 48 years and has probably the most unique record of any officer connected with the Coast and Geodetic Survey.

I may add that for years Dr. Tittmann also served the Government without compensation as a member of the International Boundary Commission, appointed by the United States and Canada, a service which normally would have cost the Government tens of thousands of dollars. The report concludes:

The fact that he acted as superintendent and also the international commissioner for Canada and the United States is a tribute to the confidence those in authority had in him.

He is now past 70 years of age and should benefit by the present retirement feature regarding the commissioned officers of this service.

Says the director:

In view of Dr. Tittmann's long and distinguished service, I feel that he merits the consideration of which the bill S. 136 would confer upon him.

Mr. WILLIS. Mr. President, I was a member of the committee which made this report, and I shall vote for the bill. I think the Senate ought to be fully advised of the circumstances involved in this legislation. I believe this is a worthy case. The only thing that made me hesitate about the matter was the fact that it may be looked upon as establishing a precedent which might be a very unwise one. If it were to be applied generally, in this department and others, it would of course entail considerable expense upon the Government, and the Senate should consider that feature. Personally, as a member of the committee, I considered it, and was willing to run the risk, and I am in favor of this bill. The Senate should not act upon the matter in the dark.

Mr. KING. Mr. President, imperialistic and military governments have always favored a pension system. Governments of this character furnish positions and sinecures to a large part of their population. The pension system has always been a concomitant of monarchial and imperialistic governments. History is replete with examples of highly centralized governments giving bounties and largesses and pensions to a great number of people. The monarchies in the past surrounded themselves with courtiers and lords and nobles and military followers, all of whom fattened upon the people. Labor paid the burden of the tawdry and tinsel shows of kings and monarchies, and bowed beneath the oppressive edicts and rescripts which wrung from the toiling masses enormous sums to meet the demands of pensioners who were the objects of kingly and imperial favor. Those who toiled carried upon their backs a considerable proportion of the population of the State, who, though they did not toil, neither did they spin, yet were arrayed in glory and lived in affluence and luxury.

The civil pensions and military pensions and bounties and gifts from the Government find their origin in highly centralized and imperialistic States. They are not consistent with democracy and are not the products of democratic governments. Monarchical governments seek to build up a privileged class, and the privileged class controls the government, fills positions of honor and trust and emolument, directs the military establishments, and determines the policies of the State.

The pension lists of Louis XIV and Charles I, of despots and monarchs of the past, called for heavy burdens of taxation and imposed conditions of servitude upon a large part of the population. We seem to be aping the imperialistic policies of the past. By legislation we are providing privileged classes and granting benefits, special in character, to a portion of our population. Fiscal and revenue legislation has been enacted in the interest of special classes. By legislation we have sought to divide the people into classes and to create a class conscience and to divide the people into sections and groups.

We denouce the maintenance of large standing armies, because it compels each taxpayer to carry a soldier upon his back, and yet we legislate in favor of pensions and in favor of various interests, as a result of which the farmer and the laborer—the ones who toil and dig and serve and build—are compelled to carry a pensioner, or one who profits by special legislation and by Government privilege.

Mr. OVERMAN. Does the bill provide a civil pension?

Mr. KING. It is a civil pension. It provides a pension of $150 per month for the beneficiary during life. Mr. President, I was observing that this Republic was following the paths of imperialistic nations. It is building up a bureaucracy which is increasing in numbers and in strength and in power, and which claims for its membership benefits and privileges denied to the toiling masses, who are the foundation and the strength and life of the Republic.

We refer to despotic and monarchial nations for precedents in dealing with employees of the Government, and as a basis for the establishment of military and civil pensions. We are seeking to establish a ruling class, not only in the Nation, but in States and in municipalities and in political subdivisions. The tendency is to keep in power and in place those who hold office and to provide for them benefits and pensions and gratuities and advantages which do not come to the agriculturist and to the producers of wealth in the land.

The legislation for a number of years has tended to entrench in authority and in power hundreds of thousands of persons and to give them positions for life with benefits and emoluments and privileges, of which the great mass of the people who make contribution to the wealth and progress of the State are denied. Laws have been passed to give pensions to those who have engaged in military and naval service; and we have recently enacted legislation giving retirement privileges and pensions to employees of the Government who have served for a specified length of time. If the policy of the Government is to retain individuals in office for years and until they are unable to longer perform valuable service, then there may be justification for the adoption of a pension system.

I recall that when legislation was before the Senate, providing for civil pensions, constant reference was made to European nations, as well as nations in other parts of the world, where civil pensions were granted. It was contended that because these monarchical Governments granted pensions the United States should do the same.

A pension system will follow a civil-service policy. The theory of our fathers of rotation in office has been abandoned. Our officeholders in the main are to be persons who have a life tenure. The spirit of the democratic theory of government is becoming obsolete. Offices are not for the masses, but for the favored few, who are to be protected by civil-service statutes. The operation of the civil-service law in the Federal Government, in my opinion, has not proven satisfactory. If time permitted I could call attention to its imperfections and to the inefficiency which it promotes. It standardizes and stereotypes and reduces service and activity to the dead level of monotonous and unprogressive uniformity. In many ways it is a fraud and a sham. Behind it incompetent and inefficient persons are buttressed and protected. Genius and skill and ambition are ignored, and promotions and advancements are made by reason of other elements and causes than efficiency, ability, and fidelity to duty. Hundreds of men who are under the civil service have complained to me of the injustices which it inflicts and the wrongs which it fosters and permits and the evils in the public service which it fastens upon the country.

Mr. WILLIS. Mr. President——

Mr. KING. I yield to the Senator from Ohio.

Mr. WILLIS. I know the Senator wants to be fair and accurate in this case, as he always does. He should bear in mind the fact that if this officer had stayed in the service a few months longer he would have been entitled under the general retirement act to $3,765 per year. The bill now before the Senate proposes to give him not that amount, to which he would have been entitled after his 40 years of meritorious service, but $150 per month, less than half the amount to which he would have been entitled.

In other words, I want the Senator to understand clearly that this is not an isolated case. There is a general retirement law. The difficulty about the case is that this officer, a very aged officer, retired a few months before that law went into effect. As I pointed out, the only danger is that this might be considered as a precedent. I think it is a meritorious case.

Mr. KING. Perhaps I did not make clear the fact that under existing law military and naval officers have retirement benefits and privileges, and that similar provisions are extended to officers in the Marine Corps and the Geodetic Survey.

But this officer, like many others, resigned before the law became effective which deals with the Geodetic Survey. Senators know that since the war, when wages mounted high, a number of officers of the Army and the Navy resigned to enter civil life. They thought the promises of employment and emoluments were so much greater in civil life than in the Army or the Navy that they preferred to resign rather than to continue in the Government service, though in the end they would obtain the pensions provided by law.

Mr. LODGE. Mr. President, Dr. Tittmann was not in the Army, the Navy, or the Marine Corps, but he was chief of the Coast and Geodetic Survey. He had come up through the various grades, and, I understand, his resignation was tendered just at the beginning of the war. I do not think his resignation had any immediate connection with the war at all.

Mr. WILLIS. None at all.

Mr. KING. He resigned in 1915.

Mr. WILLIS. He was a very old man. His resignation had nothing whatever to do with the war.

Mr. LODGE. He performed 40 years and more of service; he was a scientific man of very high standing, and for many years was at the head of the Coast and Geodetic Survey, which, as I said, is a very important position. I had not heard of the bill until just now, and I only know about it from what has been said here, but it is a bill with which I am in full sympathy, and I doubt if its enactment would establish an injurious precedent. The number of men who have served for 40 years or more, and served as Chief of the Coast and Geodetic Survey, could not be great.

Mr. FLETCHER. Mr. President, the feature mentioned by the Senator from Utah as to an officer resigning in order to get better pay in private engagement during or just immediately preceding the war would not apply to this case. Dr. Tittmann, at the time he resigned, was a member of the International Boundary Commission, and had been for some time, and he only retired in 1915, after 48 years of service, and his age is such as to preclude the idea that he retired in order that he might make more money in private life. He is 70 years of age now. By passing this bill we will simply give him the benefit of the retirement law, which otherwise he would not have, which applies to all officers in his position now. I think it is a very meritorious case, and, in view of his long-continued and distinguished service and the fact of his being 70 years of age, it seems to me he is entitled to the benefit proposed.

Mr. KING. Mr. President, the statements of the Senator from Massachusetts [Mr. LODGE] and the Senator from Florida [Mr. FLETCHER] indicate the prevailing view of the Senate that pensions are to be the policy of the Government. I appreciate that there is no chance of abolishing or weakening the pension system of the Government. In my opinion, the Government will pay out in pensions for soldiers and for the civil employees of the Government more than $20,000,000,000 in the next quarter of a century. Our annual appropriations for pensions will greatly exceed the annual cost of the great military establishment which was maintained by Germany.

However, I do not complain of pensions for those who incurred disabilities in the military and naval service of the Nation. The brave soldiers and sailors who faced risks and dangers and incurred disabilities as a result of their service should be compensated by the Government. The families of the killed and the wounded should receive generous treatment. Appropriations for such purposes meet with my hearty approval; but I am directing my criticisms against a pension system which will cost the Government millions and fastens an improper and an imperialistic policy upon the Government. However, we are following the pathway of imperialistic nations. We are concentrating authority and power in the Federal Government to such an extent that the States are being destroyed and the people made helpless dependents upon contributions of a powerful consolidated Government. I expect this bill will pass. No doubt it will receive the support of an overwhelming majority of the Members of this body.

Mr. President, when I was interrupted by the Senator from Massachusetts, I was directing attention to the fact that officers of the Army and the Navy had resigned to enter private employment because of the supposed advantages which they would derive therefrom, and many persons have resigned from various departments of the Government to enter private life because of the higher salaries promised them. It is a fact, however, that many of those who left the service of the Government are seeking their old positions, and I have no doubt that many more will endeavor to reenter the public service because they have discovered that the advantages found in the public service outweigh any inducements that have been offered them in private life. Doubtless some who have resigned would have been entitled within a short time after the date of their resignations to retirement pay or to pensions. If we are to inaugurate the policy of granting pensions to those who resigned before the time had arrived when a pensionable status would have been reached, we will undoubtedly have many bills before us similar to the one which we are now considering.

Mr. President, have Senators considered what an elaborate pension system in this country will mean? There are more than a million people in the service of the United States. With the great increase in the number of Federal agencies and instrumentalities, of departments and bureaus, there will be a tremendous increase in the number of employees in the public service; it will not be many years before there will be two millions or more in the service of the United States. If public utilities should be taken over, the number would be greatly augmented.

In addition to those in the service of the Federal Government, there are hundreds of thousands of persons filling positions in the various States, municipalities, and political subdivisions of the States. Pensions are being granted to many of them, and a general pension system, applicable to States and to all the political subdivisions of the States, is being advocated and in many instance adopted. The appetite for pensions is increasing. Much of the time of the National Legislature and of State legislatures is consumed in the consideration of bills dealing with pensions, retirement pay, bounties, gratuities, and so forth. Those persons holding public positions organize in order to secure pension legislation. An extensive propaganda is carried on nationally and in the States in favor of pensions, and when pensions are granted the propaganda persists for the purpose of increasing the amount to be paid as pensions and to add to the benefits received by those in the public service.

We are creating a class of officeholders, of persons who become segregated from the great mass of the people and occupy a different status, protected by laws which give them life positions and promises of large emoluments when they cease their active work. I repeat what I stated a moment ago, that the civil-service legislation and that which supplements it create a

distinct class and retain in positions many who fail to render efficient service for the Government. However, as I have indicated, if we establish a civil-service system pensions are inevitable.

In view of the policy which we have adopted there is much to commend the bill which is before us. Any protest against the perpetuation of the present civil-service and pension system will be unavailing. All efforts to secure reasonable modifications of the system will be futile. Indeed, as the years go by, with our present tendencies, with the bureaucratic influences which are dominating, and the paternalistic spirit which is asserting itself throughout the land, the office-holding class, not only in States, but in the Nation, will increase in power, and the cost of government will progressively increase and the burdens upon the producers of the country will be multiplied. Any pleas for the people, for the taxpayers, for the agriculturists, and the laborers, who produce wealth and who bear upon their backs the Nation, will be unheeded. The tide has set in for centralization of authority and power, and we will have in this Nation all of the evils and the vices that attend centralized authority and bureaucratic governments.

The PRESIDING OFFICER (Mr. FERNALD in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2051) to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States was announced as next in order.

Mr. WATSON of Georgia. Let the bill go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 62) for the relief of Charles K. Bond, alias Kimball W. Rollins, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. It will be passed over.

The resolution (S. Res. 73) amending Rules XXXII and XXXIII of the Standing Rules of the Senate so as to provide for the consideration of nominations and treaties in open executive session unless otherwise ordered was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 1829) for the relief of Walter Runke was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. On objection, the bill will go over.

MESCALERO INDIAN RESERVATION.

The bill (S. 2022) promoting civilization and self-support among the Indians on the Mescalero Reservation, in New Mexico, was announced as next in order.

Mr. KING. The Senator from Kansas [Mr. CURTIS] is apparently not present. The other day when the bill was up he asked that it should go over. I suggest that it be passed over until the senior Senator from Kansas returns to the Chamber.

The PRESIDING OFFICER. The bill will be passed over temporarily.

MONEY LOANING IN THE DISTRICT OF COLUMBIA.

The bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, was announced as next in order.

Mr. KING. Mr. President, when this bill was called up for consideration some time ago the Senator from Ohio [Mr. POMERENE] made objection to its consideration, and, as I understood, desired to offer some amendments to it. As we know, that Senator is absent upon official business and will not be back for several days yet. In his absense I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over.

BILLS PASSED OVER.

The bill (S. 496) for the relief of George A. Robertson was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 985) to amend the provisions of an act relating to certain railway corporations, owning or operating street railways in the District of Columbia, approved June 5, 1920, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 1771) to authorize the United States, through the United States Shipping Board, to acquire a site on Hazzell Island, St. Thomas, Virgin Islands, for a fuel and fuel-oil station and fresh-water reservoir for Shipping Board and other merchant vessels, as well as United States naval vessels, and for other purposes, was announced as next in order.

Mr. JONES of Washington. I ask that that may go over.

The PRESIDING OFFICER. On objection the bill will go over.

OWNERS OF SCHOONER "CHARLOTTE W. MILLER."

The bill (S. 1063) for the relief of the owners of the schooner *Charlotte W. Miller* was announced as next in order.

The ASSISTANT SECRETARY. This bill was read in the Senate on August 22.

The PRESIDING OFFICER. Is there objection to the further consideration of the bill?

Mr. KING. May I inquire whether it refers the subject in controversy to the Court of Claims for determination?

The PRESIDING OFFICER. It does.

Mr. SPENCER. A similar bill passed the Senate at the last session.

Mr. KING. Does it provide that Congress shall make appropriation?

Mr. SPENCER. No; it makes no appropriation.

Mr. LA FOLLETTE. Does it provide for judgment or for a report upon the facts?

The PRESIDING OFFICER. The Secretary will report the bill for the information of the Senate.

The reading clerk read the bill, as follows:

Be it enacted, etc., That the claim of the owners of the schooner *Charlotte W. Miller* for damages alleged to have been caused by collision between said schooner and the United States steamship *D-2* in the forenoon of Tuesday, July 31, 1917, about 2 miles east of Cornfield Shoal Lightship, in Long Island Sound, and subsequently, on the afternoon of the same day and thereafterwards, further injured so that she became a total loss, because the United States steamship *Ontario* took charge of the sunken schooner, relieving the salvors of the owners then in charge thereof, and herself attempted to tow said sunken schooner to New London, Conn., may be sued for by the owners of the said schooner *Charlotte W. Miller* in the district court of the United States for the District of Rhode Island, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the said schooner *Charlotte W. Miller*, or against the owners of said schooner *Charlotte W. Miller*, in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. LA FOLLETTE. Let the bill go over.

The PRESIDING OFFICER. On objection, the bill goes over.

HORACE A. CHOUMARD.

The bill (S. 1856) to reimburse Horace A. Choumard, chaplain in the Twenty-third Infantry, for loss of certain personal property was announced as next in order.

Mr. KING. Mr. President, reserving the right to object, I should like to hear an explanation of the bill from the Senator from Tennessee [Mr. MCKELLAR].

Mr. MCKELLAR. Mr. President, I take pleasure in giving it. I will read a letter which was written by Gen. Lord June 26, 1918, as follows:

Hon. KENNETH D. MCKELLAR,
United States Senate.

MY DEAR SIR: Reference is made to your communication of the 1st ultimo, addressed to The Adjutant General of the Army, which has been referred to this office for appropriate reply thereto.

I have the honor to inform you that the claim of Chaplain H. A. Choumard, Two hundred and thirtieth Infantry, for property lost in the Gulf storm at Texas City in August, 1915, was submitted, together with other similar claims, to the officials of the Treasury Department and rejected on account of the fact that the losses arose from an act of God, and therefore that there was no appropriation available for the payment of the same. The Secretary of War recommended legislation for relief, the correspondence and reports being published as House Document No. 582, Sixty-fourth Congress, first session. There have been instances of bills having been introduced for the relief of an indi-

vidual claimant who lost property in that hurricane, but it has been regarded that any relief measures should be in such form as to be applicable to all those connected with the Army who lost property in the hurricane.

Very respectfully, H. M. LORD,
Colonel, Quartermaster Corps,
Assistant to the Acting Quartermaster General.

The claim made was for about $2,000 and the amount allowed was about $1,500. It was recommended by the department and the bill passed the Senate at the last session of Congress, but it did not pass the House. I hope the Senator will not object. It is an amount that honestly ought to be paid to this chaplain of the Army.

Mr. KING. May I inquire of the Senator if he does not think there ought to be some limitation upon the moral liability of the Government, if there is any liability, either moral or legal, with respect to the amount of recovery for property that may be lost by officers of the Army and the Navy through storms or other catastrophe?

Mr. McKELLAR. Perhaps that might be so. It has always appealed to me that a general law would be a very much more expensive way of dealing with such matters. I think that the Congress usually allows such claims where they are honest and straight claims that appeal to the judgment of Congress. It would be better to leave it that way and let each individual claim be passed upon by the Congress rather than to have a general law which might lead to many claims being allowed that ought not to be allowed and that Congress would not allow if they came before it directly.

For this reason it seems to me that the plan which is here adopted is better than a general law such as the Senator suggests. I have known a number of cases presented under a general law and great injustice has been done to the Government through its operation.

Mr. KING. The Senator will recall that in a number of bills which we have passed we have authorized the Secretary of the Navy and the Secretary of War to pay certain claims up to the amount of $500. I am not clear now in my mind as to the character of those claims.

Mr. McKELLAR. There has been no such law passed recently and no such law has been in force recently.

Mr. KING. I think the Senator is in error. It may have been limited to certain claims, but I know we have enacted a statute—and I think the Senator from New York [Mr. WADSWORTH], chairman of the Committee on Military Affairs, is aware of that fact—under which the Secretary of War, and, I think, the Secretary of the Navy were authorized to settle certain claims up to the amount of $500. I am very sure of bills of that character having been passed.

I should like to ask the chairman of the Committee on Military Affairs if there is any limitation placed by the Government, by rule or otherwise, upon its moral obligations arising from the loss of property owned by officers of the Army resulting from fire or collision or theft or what not. It does seem to me, if officers of the Army can now take property unlimited in amount upon ships and in camps where there is possibility of collision or loss by fire or what not, and the Government be responsible, there ought to be some limitation upon its liability and upon the amount of property which they may take to those places which are presumed to be under the control of the Government.

Mr. WADSWORTH. Mr. President, I am not certain that I can give an accurate answer to the Senator from Utah. My recollection is that the War Department does not consider itself liable for damage to the property of officers except that kind of property which an officer is compelled by regulation to have and which he himself must purchase. If that is lost by accident or through negligence on the part of some other agency of the Army or some other agency of the Government, I think it has been the policy of the department to try to have him reimbursed, because certainly it is not his fault and he had to have the property under Army regulations. I am not familiar with the pending bill.

Mr. KING. Does the Senator from Tennessee think the pending bill would come within the category mentioned by the Senator from New York?

Mr. McKELLAR. No; it would not. Gen. Lord is the financial agent of the Army, and he stated in his letter that it did not come within that category.

Mr. CARAWAY. Mr. President, may I ask the Senator from Tennessee a question?

Mr. McKELLAR. Certainly.

Mr. CARAWAY. On what theory should the Government pay this loss?

Mr. McKELLAR. It is on the theory that Dr. Choumard, who was stationed at a point in Texas, had quarters near or right on the coast, and a tidal wave came and destroyed all his property while stationed at that post at which the Government had placed him.

Mr. CARAWAY rose.

Mr. McKELLAR. Now, if the Senator will permit me, I desire merely to say that it seems to me that the Government having placed him at that post of duty, and a tidal wave having destroyed his property while he was in the service of the Government, it would be as little as the Government could do to reimburse him for his actual loss. That is my view of the matter.

Mr. CARAWAY. It strikes be in that aspect of the case we are arriving at a point where we say that the Government shall insure people against tidal waves, or that if tidal waves shall come the Government will be responsible for their coming.

Mr. McKELLAR. No.

Mr. CARAWAY. I understand that there were many other people who lost property there who were just as good citizens as was this chaplain, and who were serving the country just as faithfully as was he.

Mr. McKELLAR. No; as I understand, the regular officers in the Army who lost their property were compensated under general statute; but Dr. Choumard, having lost his property, was not so compensated.

Mr. CARAWAY. What is the amount of the loss for which he wishes to be paid?

Mr. McKELLAR. There were various items of property amounting to a claim of $1,900, of which the committee allowed $1,500.

Mr. CARAWAY. What were those items?

Mr. McKELLAR. They were various kinds of household and personal property—clothing and things of that kind.

Mr. CARAWAY. Mr. President, I think the passage of this bill would establish a bad precedent. I further think that a man who makes a claim that the Government ought to reimburse him for a disaster which may overtake him, although the Government was not responsible, has a perverted view of the relation between the Government and himself. Simply because a man works for the Government does not give him more privilege as a citizen than a man in private life. I for one am growing weary of men who live off the public, who get more from the Government than they could get anywhere else, and even get more than they are worth to the Government, who, then, if anything happens to them, come back and want the Government to pay them for their losses. If a man is so fortunate as to become an employee of the Government and gets more than he could get anywhere else, he ought to be satisfied with that, and he ought to be ashamed to come back and insist that the Government shall take care of him and pay him for any kind of loss that may overtake him.

The Government is under no more moral obligation to do so than it is to reimburse any private citizen whom disaster overtakes. As trustees of the people, we should not undertake to build up an official class and to give them the privilege of being taken care of at the expense of the general public, of those people who actually work and produce something. To seek to saddle upon the citizenship of the Nation at large the obligation not only to care for the living expenses of the Government, to care for themselves and care for society, but to saddle on them every disaster that may overtake the office-holding class is not right but is absolutely wrong.

I have not much respect for the man who comes whining to the Government, like a pauper with his hat under his arm, begging to be taken care of if any kind of a disaster overtakes him; who wants to saddle his misfortune upon the backs of those people who have been compelled to support him all the years during which he has been connected with the public service. It ought not to be done.

I do not know who this chaplain is and I do not care. I think the Army would have been better off without him than with him if he has that kind of a perverted moral viewpoint, that the Government owes him something. I do not know what he lost. I take it for granted that his claim itself was recognized by the committee as being unjust and what we would call a "padded" claim, because I presume he swore that he lost $1,900 worth of property, while the committee found out that he was wrong about that and recommended that he be paid only $1,500. I do not think he ought to be paid a penny, and I do not think he ought to ask for it.

Mr. McKELLAR. May I ask the Senator, in view of the fact that this claim has been before the Senate for a long time and has come up only by unanimous consent on the calendar, to let the Senate vote on it and dispose of the matter one way or the other?

Mr. CARAWAY. If any objection of mine will prevent its consideration, I am going to make it, with all due deference to the Senator from Tennessee.

The PRESIDING OFFICER. There is objection to the consideration of the bill, and it will go over.

Mr. McKELLAR. I move that the Senate proceed to the consideration of the bill notwithstanding the objection.

The PRESIDING OFFICER. Notwithstanding the objection, the Senator from Tennessee moves that the Senate proceed to the consideration of the bill.

The question being put, on a division, Mr. McKELLAR's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Horace A. Choumard, chaplain in Twenty-third Infantry, or his duly authorized representative, $1,500, to be in full for and the receipt of the same to be taken and accepted as a full and final release and discharge of the claim of the said Horace A. Choumard for reimbursement for certain personal property lost in the flood and storm at Texas City, Tex., on the 16th and 17th days of August, 1915, without fault or neglect on his part and while in the military service of the United States.

Mr. KING. Mr. President, the Senator from Arkansas [Mr. CARAWAY] has suggested conclusive reasons why the pending bill should be rejected. His caustic criticisms, however, and his strong presentation will meet the same fate as attends all efforts to cut down appropriations. Congress, apparently, is constituted to appropriate money, not to save money; to burden the people with taxes, not to lighten the loads which rest upon the people of our land. This bill is in harmony with legislation which we frequently enact. The Public Treasury is free to all who knock at the doors of Congress. Whenever a catastrophe overtakes individual, State, or Nation, or for that matter other nations, the Federal Treasury becomes the fountain to which all resort for relief. Its golden treasures possess a healing balm, and ills—national, local, and individual—are alleviated, if not cured.

Mr. President, those who follow legislation and the general attitude of the people to-day must be struck with the remarkable growth of bureaucracy and the unmistakable evidence of the inertia and enervating spirit existing among many of the people. In the early days of this Republic, and indeed before its foundations were laid, the appeals of the leaders of the people were in behalf of individualism and local independence, and were directed toward the development of those vigorous qualities that have so often found expression in the Anglo-Saxon race and in virile and progressive peoples. Our fathers realized that the strength of a nation depended upon the strength of the people, upon their capacity for self-government, and upon the assertion by the individuals of those faculties which have ever been preeminent in States where liberty was enjoyed.

I have upon a number of occasions called the attention of the Senate to the subsidence of that spirit of independence and that love of local self-government so strongly manifested in the early days of the Republic. There seems to be a feeling throughout the land that whenever any evil exists or any trouble arises resort must be had to the Federal Government. We find everywhere a disposition to break down the lines separating the States from the Federal Government and to press upon the Federal Government the obligations which rest upon individuals and upon the States; and Congress encourages, by its appropriations and its legislation, this attitude of the people. I am reminded of the words of De Tocqueville, who said:

> The French Government having assumed the place of Providence, it was natural that everyone should invoke its aid in his individual necessities.

While the peoples of other lands are clamoring for local self-government and for the diffusion of authority and power rather than its centralization, we are pursuing the opposite course.

I was reading but a moment ago the remarkable development in the new Serbian State. Nothwithstanding the unparalleled disasters which came to the peoples of the new State as a result of the war, they are addressing themselves with fortitude and courage to the tremendous tasks placed upon them. They are not asking for contributions from the State; they are not seeking appropriations; but are asserting a spirit of independence which, in the end, will solve the economic and political problems with which they are confronted. They are learning the art of local self-government and are seeking to develop that morale and those qualities which are essential to freedom and to a progressive civilization.

But in the United States we have apostles who are giving their time to teaching the people how weak and pallid they are, and how unfortunate is their condition. These preachers of discontent offer as a panacea for the local ills and for the national ailments the assertion of greater authority by the Federal Government, and the weakening of the individual and of the strength and authority of local communities and of the States themselves. Organizations are effected to importune, if not coerce Congress, to grant appropriations and aid for relief with respect to matters which are not within the purview of the Federal Government. The demands made upon the Federal Treasury, if granted, would exhaust it, though it took from the people 10 times as much as is now exacted.

The majority party is seeking for revenue to meet the needs of the Government and the deficits which are arising because of the lavish appropriations made and the insufficient returns from existing revenue laws. The Federal Government is spending hundreds of millions with which it should not be charged, and though Senators know that the revenue which will be derived under existing law will be insufficient for proper expenditures they support measures which call for large sums, and which should not be a charge upon the Federal Treasury. The promises of economy are not being realized. The promised reduction of officeholders has not been accomplished. Indeed, in some departments additional employees have been added and we are threatened with new departments and new bureaus which will call for thousands, if not tens of thousands of Federal employees. Claims are presented which should be rejected and appropriations are constantly made that can not be defended.

The bill before us has some elements of merit, but yet, Mr. President, it is not one which should be met by a Federal appropriation. It will constitute a precedent which I submit will be a menace and a danger to the Nation. It will in effect declare that all employees of the Government may recoup losses for property where such losses resulted from fire or theft or flood or from some cause beyond the control of such employees. Indeed, it may be claimed under authority of this act that the Government is a sort of insurer of all property which the employees of the Government may lose while they are in its employ, or, at any rate, an insurer of that property, real or personal, which they use or with which they come into contact during their period of service.

If a chaplain is to be paid for the loss of his property because of a flood, why should not the private soldier who suffers losses from the same cause be compensated? And if an employee in one of the departments loses his property by reason of fire, flood, or theft, or from any other cause not contributed to by the owner of the property, why should not the Government compensate for the loss? Where is the line to be drawn?

I can see that there are some cases in which the Government should be called upon to meet the loss. If an employee of the Government or an officer in the Army is charged with a particular duty and in the discharge of that duty is required to have and employ a certain amount of property and without fault loss occurs, the Government might in all fairness be called upon to make recompense. Upon a number of occasions we have, as I recall, reimbursed officers for losses sustained by collision at sea where the ship went down and where the property lost consisted of clothing and other personal property which it was necessary for the officers to have in performing the work to which they were assigned.

I do not, Mr. President, take the position that there may not be circumstances under which the Government might not properly be called upon to compensate officers or employees of the Government for losses to property sustained by them when in the performance of their duties. But the bill before us goes further than what I conceive to be the application of a just and proper rule. The proof is lacking as to the character of the property lost, nor is there proof that such property was essential in the discharge of the duties of the beneficiary of this bill, or that he was required to have it at the place where the loss occurred at that particular time.

Senators will readily perceive that if all officers or employees of the Government may take to the stations where they are assigned to service any quantity of property which they desire, and that if loss occurs the Government is responsible, burdens will be placed upon the Treasury of the United States which would be enormous and which it should not assume.

This bill in my opinion should not pass. It should receive further consideration and we should have further facts. Moreover, if any compensation is to be paid, a suitable measure should be reported which will deal with the whole subject involved in a comprehensive and in a just way. This legislation opens the door to fraud and to the submission of unjust claims for Government payment. Legislation which deals with claims and appropriations ought to be carefully drawn, and Senators should consider whether or not a precedent may be set which

will be urged in support of legislation and claims which in morals and in justice can not be defended. Legislators must be guided by settled principles and by rules of reason. Mere sentiment is a dangerous guide for legislation. There are many matters calling for sympathy and for private charity which would not justify legislative appropriations.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I yield.

Mr. McKELLAR. The Senator will recall, of course, that the Government insures the life of every Senator and pays his widow $7,500 at his death. Why make a distinction?

Mr. KING. Mr. President, there is no comparison; and yet I will be entirely frank with the Senator and say that I am opposed to that practice.

Mr. McKELLAR. That makes the Senator consistent.

Mr. KING. Yes. There is no reason why, if death should overtake the Senator from Tennessee—and we should all regret that very much——

Mr. McKELLAR. I should, too.

Mr. KING. His estate, as he would leave no widow, for I regret to say the Senator is not married—there is no reason why his estate should receive $7,500 or any other sum from the Treasury of the United States.

I repeat, Mr. President, the Government of the United States ought not to be an insurer of the property of all persons in its employ. This bill is in line with that view. In my opinion, it should not pass.

Mr. McKELLAR. Mr. President, I am not going to answer the Senator from Utah, but merely wish to say in passing that I do not know that any votes are ever cast in the Senate against appropriations in payment of insurance of $7,500 to the widows of Senators. If the Senator from Utah thinks that is wrong, I differ with him, for I think it is a good practice; but, however that may be, it is a policy that is followed by the Government in other cases. It is followed notably in the case of Senators and Representatives, and it seems to me that this bill ought to pass.

Mr. WILLIS. Mr. President, I am not disposed to discuss the wisdom or the unwisdom of appropriations to the families of deceased Senators and Representatives, because that question is not now pending before the Senate; but this bill is pending before the Senate, and I should like some explanation from my friend the Senator from Tennessee, with whom I very much dislike to disagree. Can he tell me how many Army officers or soldiers suffered loss in the hurricane which occurred at the post where the chaplain was stationed?

Mr. McKELLAR. No; I can not. This bill has been before the Senate continuously during this session, and it has been objected to each time it has been reached on the calendar for consideration, although a similar bill passed the Senate once in a previous Congress. It was thought at the time that that disposed of it. I will say, however, to the Senator that if soldiers lost clothing or personal property their losses were replaced. The law, however, does not apply to chaplains. I differ with the Senator from Utah in regard to that. I do not think there ought to be a discrimination between chaplains and others.

Mr. WILLIS. Oh, there is no discrimination between chaplains and other officers of the Army.

Mr. McKELLAR. I think not.

Mr. WILLIS. Certainly not; this bill can not be determined upon that basis. Here are the facts as I gather them from the bill and the report. There was a storm and a flood at Texas City in August, 1915.

Mr. McKELLAR. That is right.

Mr. WILLIS. In that disaster a number of soldiers and officers sustained losses. Now, it is proposed in this bill that we shall pick out one of those officers and afford him relief, without saying anything at all about the others.

I invite the attention of the Senator, who is always fair, to what the War Department says about this matter. I am reading from their report, which says:

> The claim seems just.

And I do not take issue with that. It does seem just.

> The War Department believes that the relief, however, should be in such form as to be applicable to all those connected with the Army who suffered loss at the same time. Inasmuch as the committee has not the necessary information before it to report a general bill, it is deemed fair to afford the claimant relief.

They are not objecting to this particular bill, but they are calling attention to the fact that there were many others in the same situation. If the Government is to commit itself to this policy, there ought to be a general act. We ought not to start out here by picking out Smith or Jones or Jackson and passing a special bill for his relief.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WILLIS. I yield to the Senator from Tennessee.

Mr. McKELLAR. There is nothing in the report to show that there were others in the same situation.

Mr. WILLIS. That is the clear implication. Let me read it again, if the Senator will permit me.

Mr. McKELLAR. It is only an implication, and there is very much stronger implication in the fact that this is the only claimant who has complained. This is the only man who has brought the matter to the attention of Congress, and I assume that there are no other claimants. It happened a long time ago.

Mr. WILLIS. Mr. President, we can not establish the precedent of legislating in behalf only of those who complain. We must take into consideration the interests of the whole country.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio further yield to the Senator from Tennessee?

Mr. WILLIS. Since this particular point is now challenged, I want to clear up this one matter before the Senator proceeds. I read this before, but the Senator did not hear it:

> The War Department believes that the relief, however, should be in such form as to be applicable to all those connected with the Army who suffered loss at the same time.

That clearly implies that there were others. Now, why should we pick out this particular man and pass a bill in his behalf? It seems to me that is illogical. I want to call attention, however, to the letter that was written to the Senator himself by Col. Lord, of the Quartermaster Corps, wherein he goes on to say:

> I have the honor to inform you that the claim of Chaplain H. A. Choumard, Two hundred and thirtieth Infantry, for property lost in the Gulf storm at Texas City in August, 1915, was submitted, together with other similar claims, to the officials of the Treasury Department and rejected on account of the fact that the losses arose from an act of God, and therefore that there was no appropriation available for the payment of the same. The Secretary of War recommended legislation for relief, the correspondence and reports being published as House Document No. 582, Sixty-fourth Congress, first session. There have been instances of bills having been introduced for the relief of an individual claimant who lost property in that hurricane, but it has been regarded that any relief measures should be in such form as to be applicable to all those connected with the Army who lost property in the hurricane.

It seems to me that position can not be successfully challenged. If this is a case where there ought to be relief—and perhaps it is—why not afford it for all of those who suffered loss? There is absolutely no justification for picking out one particular case. That is what this bill does, and that is why it ought not to pass.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WILLIS. I yield.

Mr. McKELLAR. That is not the policy of the Government. It never has been the policy of the Government in dealing with such matters. The Senator and I served in the House together. We know that there was always a Private Calendar where individual matters of this kind were placed. There has always been such a calendar in this body. It is the policy of the Government not to pass general laws that might bring in a large number of unworthy claims to be passed on by some other commission or some other body or some other officer of the Government. It has been the policy all the time, where meritorious cases of this kind occurred, that they have had the right to bring them before the Congress, and if the Congress thought there was a moral right by reason of which they should be paid they have ordered them paid.

This is not an unusual case. It is directly in line with others of the same general nature that have been passed heretofore. So far as we know, so far as I know, so far as the Senator knows, and so far as anyone knows, there is no other claim like this. Why should we pass a general law inviting others to come in when it is not necessary?

Mr. WILLIS. Mr. President, I do not admit at all the truth of the contention that there are no other cases of this kind, because here are the two statements of the War Department, the clear implication of which is that there are other cases of this kind; and they are objecting to this bill because it singles out this one instance and lets the others go. It seems to me it is unwise legislation, and indefensible.

Mr. KING. Mr. President, will the Senator yield?

Mr. WILLIS. I yield.

Mr. KING. I understand that there are a large number of persons and a number of officers, also, who lost not only their property but their family's property at the same time.

Mr. WILLIS. That is the clear implication of the report. That is what the report says.

Mr. KING. And now this man is singled out. I understand that there is a case of an officer from Kansas who was stationed there who lost his property and the property of his family. He

has made no claim, because he recognizes that it was a catastrophe for which the Government was not responsible.

Mr. WILLIS. What shall be said for these other officers who have sustained losses if we pass this bill? What shall we say to them? We can not afford to legislate just because somebody asks for it. Our legislation ought to be founded on some basic principle. I think this is unwise legislation, Mr. President.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. MCKELLAR. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I am paired with the Senator from Colorado [Mr. PHIPPS]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. KENDRICK (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. MCCORMICK]. In his absence I withhold my vote.

The roll call was concluded.

Mr. DIAL. I transfer my pair with the Senator from Colorado [Mr. PHIPPS] to the Senator from Rhode Island [Mr. GERRY], and will vote. I vote "nay."

Mr. STANLEY. Has the junior Senator from Kentucky [Mr. ERNST] voted?

The PRESIDING OFFICER. He has not.

Mr. STANLEY. I have a general pair with that Senator, which I transfer to the Senator from Texas [Mr. CULBERSON], and will vote. I vote "yea."

Mr. BROUSSARD. I am paired with the junior Senator from Maryland [Mr. WELLER]. Not knowing how he would vote, I withhold my vote.

Mr. MYERS. I desire to announce that my colleague [Mr. WALSH of Montana] is necessarily absent on business of the Senate.

Mr. JONES of Washington (after having voted in the affirmative). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent. I have promised to take care of him with a pair. I find that I can transfer my pair to my colleague [Mr. POINDEXTER], and I do so, and will allow my vote to stand.

Mr. EDGE. I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I therefore withhold my vote.

Mr. UNDERWOOD (after having voted in the affirmative). I note from the recapitulation of the vote that my general pair, the senior Senator from Massachusetts [Mr. LODGE], did not vote. As I am unable to secure a transfer, I shall have to withdraw my vote.

Mr. OVERMAN. I am paired with the Senator from Wyoming [Mr. WARREN]. As he is not present, I withhold my vote.

Mr. UNDERWOOD. I desire to announce that the junior Senator from Rhode Island [Mr. GERRY] is detained on account of illness.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Delaware [Mr. DU PONT] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS]; and

The Senator from Nevada [Mr. ODDIE] with the Senator from Ohio [Mr. POMERENE].

The roll call resulted—yeas 27, nays 16, as follows:

YEAS—27.

Ashurst	Kenyon	Robinson	Sterling
Bursum	Ladd	Sheppard	Sutherland
Calder	McCumber	Shields	Trammell
France	McKellar	Smith	Wadsworth
Harris	McNary	Spencer	Walsh, Mass.
Heflin	Myers	Stanfield	Watson, Ind.
Jones, Wash.	New	Stanley	

NAYS—16.

Cameron	Dial	Keyes	Norris
Capper	Fernald	King	Page
Caraway	Gooding	McKinley	Townsend
Curtis	Hale	Nelson	Willis

NOT VOTING—53.

Ball	Frelinghuysen	McLean	Reed
Borah	Gerry	Moses	Shortridge
Brandegee	Glass	Newberry	Simmons
Broussard	Harreld	Nicholson	Smoot
Colt	Harrison	Norbeck	Swanson
Crow	Hitchcock	Oddie	Underwood
Culberson	Johnson	Overman	Walsh, Mont.
Cummins	Jones, N. Mex.	Owen	Warren
Dillingham	Kellogg	Penrose	Watson, Ga.
du Pont	Kendrick	Phipps	Weller
Edge	La Follette	Pittman	Williams
Elkins	Lenroot	Poindexter	
Ernst	Lodge	Pomerene	
Fletcher	McCormick	Ransdell	

The PRESIDING OFFICER. Twenty-seven Senators have voted in the affirmative and 16 in the negative. Senators OVERMAN, EDGE, KENDRICK, UNDERWOOD, MCLEAN, and BROUSSARD are present but not voting, which constitutes a quorum. So the bill is passed.

ESTATE OF CATHERINE LOCKE.

The bill (S. 1535) for the relief of the estate of Catherine Locke, deceased, was announced as next in order.

Mr. KING. Let that go over.

Mr. CALDER. If the Senator will withdraw his objection, I will explain the bill.

Mr. KING. I withdraw the objection to give the Senator from New York a chance to explain the bill.

Mr. CALDER. Catherine Locke, who resided in Brooklyn, was run over by an Army motor truck on Fourth Avenue while walking along peacefully, minding her business. The record of the case, a most exhaustive record, as it is set forth in the report accompanying the bill, shows that she was walking along peacefully; that the driver of the truck for some unknown reason ran clear across the street, a very wide street, up on the sidewalk, drove this woman up against the plate-glass show window of a store, and she was killed.

On page 2 of the report there is a letter signed by the then Secretary of War, Mr. Baker, which indicates clearly that it was the fault of the driver of the motor truck, and he suggests the propriety of Congress making an appropriation for this purpose. He states, however, that he thinks the amount named in the bill, $30,000, is excessive, and the committee has struck out $30,000 and substituted $5,000. As the Senator who introduced the bill, it is agreeable to me to accept the amendment making it $5,000 instead of $30,000. It seems to me there can be no doubt, as the record clearly demonstrates, that the driver of this truck, the chauffeur, was responsible for the accident.

There are in the record at least 25 or 30 letters—one from the inspector appointed by the Secretary of War to investigate the matter, others from numerous police officials, from bystanders, and from others—making it very plain that the accident was the result of the carelessness of the driver. In view of the facts as set forth in the record, and taking into consideration the fact that this woman's income was $25 a week, it is proposed by the committee that the amount be cut down to $5,000. I hope the Senator will withdraw his objection and permit the bill to be considered.

Mr. KING. Let me ask the Senator whether he thinks the Federal Government ought to be responsible for all the torts of every person who may be in any way connected with the Government, every soldier, every sailor, every employee, every individual who is working here in the departments, indeed, everyone who is remotely or directly connected with the Government. If so, it seems to me we will have to have an enormous fund to meet the judgments or the claims which may be obtained or presented under such a theory. At common law, and under the statutes of many of the States to-day, as the Senator knows, municipalities and counties are not to be held responsible for the torts of their employees. If there is a failure on the part of the road supervisor in some county in New York to repair a bridge, as a result of which some person is injured, the county is not held responsible. You are establishing by this the proposition that the Federal Government must respond in damages for every act of omission or commission which may be denominated negligence upon the part of any person and every person directly or indirectly connected with the Government. If a soldier, a sailor, or an employee in one of the departments negligently injured some one, the Government would have to respond in damages under that theory. Does the Senator think that the Government should meet all of the claims which arise from the torts and negligence of men and women who are remotely connected with the Government?

Mr. CALDER. Mr. President, there are some circumstances under which, I concede, the Government should not be responsible, but if the driver of this motor truck had been in the employ of a private individual or corporation in my own State,

that individual or corporation would be liable for the accident under the law.

Mr. KING. Absolutely; there is no question about that, and I approve of that law.

Mr. CALDER. In this case the driver of an Army truck going along the highway, without any cause, without any reason, ran his car up on the sidewalk. He was not compelled, according to the evidence submitted, to go upon the sidewalk to avert a collision. This woman passing along the street from her employment had a right to walk on the sidewalk; but this car was driven upon the sidewalk; she attempted to escape; it drove her right up against a show window of a store and killed her. If there ever was a bill before Congress in the 17 years of my service in Congress to compel the Government to pay damages for an accident which should have been passed this should be.

Mr. KING. The Senator will appreciate the fact that the negligent driver of the car would himself be liable in damages, and perhaps the circumstances were such as to warrant criminal proceedings against him. I express no opinion as to that, because I do not know the facts.

Mr. CALDER. Mr. President, I will say in response to the Senator that the War Department itself, after the most exhaustive examination, acknowledges its liability, and recommends the enactment of this measure. I know of many bills of like character which have been considered in both Houses of Congress, and I have never known of a bill in a case of this kind to be defeated.

Mr. KING. When the Senator says that the War Department acknowledges its liability, I think the Senator is in error. The War Department may have admitted that the driver was negligent, but as to the effect of that negligence, as to whether that created a liability upon the part of the Government or otherwise, the War Department had no right to make an admission that would bind the Government.

Mr. CALDER. In a letter addressed to the chairman of the Committee on Claims the Secretary of War said:

As to the merits of the case, I am of the opinion that the estate of Catherine Locke is entitled to relief.

Mr. KING. From the Senator's statement, I have no doubt but that the estate is entitled to relief. The only question is, Is the Government the one which must respond in damages or shall it be the man who committed the tort? The point I am making is, shall we establish the precedent that for every act of omission or commission constituting negligence upon the part of any person who is directly or indirectly connected with the Government the Federal Government must pay? If so, we had better have a very large fund and you had better increase the taxes.

Mr. CALDER. Mr. President, we passed a bill of this character at the last session. This does not establish a precedent; it has been established for years.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. I shall withdraw my objection and let the Senate vote upon the proposition. I think it is a very dangerous piece of legislation, and I think that Senators, appreciating that fact, will vote against it.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, to strike out "$30,000" and insert in lieu thereof "$5,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to George W. Locke, as executor of the estate of Catherine Locke, deceased, of the city of New York, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, as full compensation to the next of kin of said deceased for the death of their mother, Catherine Locke, on or about the 2d day of June, 1919, on the public street known as Fourth Avenue, near Dean Street, in the Borough of Brooklyn, city of New York, caused by her being struck down by an automobile truck belonging to the United States Motor Transport Corps while she was on the sidewalk of said street.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. DIAL. Mr. President, it looks to me as if the right thing to do in the bill would be to refer it to a court and authorize the court to make an investigation and report.

The PRESIDING OFFICER. The question is, Shall the bill be engrossed and read the third time?

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION AND BILLS PASSED OVER.

The joint resolution (S. J. Res. 48) authorizing retirement warrant officers of certain Army field clerks and field clerks artermaster Corps was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 1281) for the relief of Capt. Edward T. Hartmann, United States Army, and others, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2040) to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes, within the District of Columbia, was announced as next in order.

Mr. KING. That measure is one which perhaps with some amendment ought to pass. It is a very meritorious measure, but it will take some time, perhaps more than we can give at this point, as it is almost 2 o'clock now, and I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 32) for the relief of contractors, subcontractors, and material men who have suffered loss by reason of Government orders, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2170) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 150) to provide longevity pay for reserve officers and National Guard officers serving under orders of the War Department was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over. The hour of 2 o'clock having arrived it is the duty of the Chair to lay before the Senate the unfinished business, which is Senate bill 2263.

PAYMENT OF SALARIES AND APPROPRIATION FOR CONTINGENT FUND.

Mr. SMOOT. Mr. President, I report back from the Committee on Appropriations favorably, without amendment, the joint resolution (H. J. Res. 234) authorizing the payment of salaries of officers and employees of Congress for December, 1921, and making an appropriation to supply a deficiency in the appropriation for the contingent fund of the House of Representatives, and I ask for its immediate consideration. The House has all the arrangements made and we should like to get the joint resolution passed and back to the House so that it can be enrolled and signed. I may say also that it appropriates $15,000 for the House contingent fund. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives are hereby authorized and instructed to pay to the officers and employees of the Senate and House of Representatives, including the Capitol police and the Legislative Drafting Service and employees paid on vouchers under authority of resolutions, their respective salaries for the month of December, 1921, on the 20th day of said month.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 to supply a deficiency in the appropriation for the contingent expenses of the House of Representatives, fiscal year 1922, namely:

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor unless specifically ordered by the House of Representatives.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF DISTRESS IN RUSSIA.

Mr. SMOOT. From the Committee on Appropriations, I report back favorably without amendment House bill 9548, for the relief of the distressed and starving people of Russia. I desire to state that if the pending bill, which is the unfinished business, is passed this afternoon I hope to call up House bill 9548 this afternoon. If not, Mr. President, I give notice that I shall call it up to-morrow, because if anything is to be done it ought to be done speedily.

I hope that we may be able to get the bill up this afternoon but if not, I shall call it up to-morrow.

AMENDMENT OF FEDERAL RESERVE ACT.

The PRESIDING OFFICER. The unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2263) to amend the Federal reserve act, approved December 23, 1913.

Mr. MYERS. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside in order that we may finish the call of the calendar under Rule VIII.

Mr. SMITH. Mr. President, the matter now pending is a measure of such importance, and in view of the fact that the holidays are now impending, and immediately after the reconvening of Congress after the holidays that there will be matters of great national and international importance before us, and it is so doubtful what opportunity we may have for the further consideration of the now unfinished business that I shall have to object to the request of the Senator from Montana.

Mr. MYERS. We have three more days, I believe, before we adjourn for the holidays, and this is the last time the calendar can be called before the holiday recess. It seems to me in the next three days we ought to be able to finish the pending bill.

Mr. SMITH. I do not think we will have any difficulty in the succeeding days, after the unfinished business is disposed of, in having the calendar taken up, in that I know of no other important business that is pending. Just recently, too, we have gone through the calendar several times.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Montana.

Mr. SMITH. Mr. President, the amendment offered by me, in behalf not only of myself but of other Senators, is now pending. Before the amendment is read I wish to perfect it. I propose to perfect my amendment, or my substitute, in line 4, after the word "person," by inserting the words "experienced in and," so that it shall read "and one shall be a person experienced in and whose business and occupation is farming."

Mr. KENYON. The Senator is correcting his amendment?

Mr. SMITH. I am correcting or perfecting my own amendment. I offer the amendment as now perfected.

The PRESIDING OFFICER. The amendment as perfected will be stated.

The READING CLERK. On page 2, beginning with line 15, strike out down to and including line 13, on page 3, and insert in lieu thereof the following:

That the second paragraph of section 10 of the Federal reserve act, approved December 23, 1913, as amended, is amended to read as follows:

"The Secretary of the Treasury and the Comptroller of the Currency shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any member bank. The appointive members of the Federal Reserve Board shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any member bank, except that this restriction shall not apply to a member who has served the full term for which he was appointed. Of the five members thus appointed by the President at least two shall be persons experienced in banking or finance and one shall be a person experienced in and whose business and occupation is farming. One shall be designated by the President to serve for 2, one for 4, one for 6, one for 8, and one for 10 years, and thereafter each member so appointed shall serve for a term of 10 years unless sooner removed for cause by the President. Of the five persons thus appointed, one shall be designated by the President as governor and one as vice governor of the Federal Reserve Board. The governor of the Federal Reserve Board, subject to its supervision, shall be the active executive officer. The Secretary of the Treasury may assign offices in the Department of the Treasury for the use of the Federal Reserve Board. Each member of the Federal Reserve Board shall within 15 days after notice of appointment make and subscribe to the oath of office."

SEC. 2. That this act shall not affect the appointment or term of a member of the Federal Reserve Board appointed for a term commencing prior to the date upon which this act becomes law, but the first vacancy existing after such date resulting from the death, resignation, removal, or the expiration of the term of office of such a member shall be filled by the appointment, in the manner provided by law, of a person whose business and occupation is farming.

Mr. SMITH. Mr. President, I wish merely to explain that section 2 of the proposed substitute offered by the committee simply provides that at the expiration of the term or upon the resignation, removal, or death of any member the person therein designated shall be appointed by the President in accordance with the terms of the bill.

I am quite sure that it needs no speech on my part to impress Senators with the fact that this amendment to the Federal reserve act is very essential. I hope there will be no objection to incorporating my amendment, allowing a member of the great basic industry of the country to be appointed as a member of the Federal Reserve Board. Unless there should develop serious objection to it, I think it sufficient for me to say that even in the original bill, as it came from the House, the Secretary of Agriculture was proposed to be made a member of the board, but that provision was lost in its passage through the Senate. We are simply asking as a substitute for the committee amendment the amendment which is now pending.

Mr. OVERMAN. Mr. President, I think the greatest piece of constructive legislation passed in a hundred years was the Federal reserve act. It has probably avoided many panics. It helped us to carry on the war. That bill was passed in the interest of the people.

On account of certain charges made on the floor of the Senate and in the press throughout the country of an amazing waste of money and extravagance on the part of certain Federal reserve banks, I introduced a resolution asking the Federal Reserve Board whether those charges were true or not. Their report in reply to that resolution has come in, and I wish Senators would read it. There are some of the most amazing statements contained in it. One statement is that they have spent more than $17,000,000 for a bank building in New York—the finest, most extravagant bank building in the world, costing more than any public building in Washington; more than the Capitol in which we sit here, which cost $15,000,000. They paid the architect and engineer more than $1,000,000. They appropriated $800,000 for furniture.

In the last few years they have spent $36,000,000 for public buildings in various places in the country. Besides that they have increased salaries since 1919, when everybody else was reducing salaries. In an amazing manner they have increased the salaries in the several districts in an amount in excess of $7,000,000.

Therefore, for all these reasons, I think we ought to have a farmer on that board, in the hope that he may be able to bring about certain much-needed reforms.

Let me call particular attention to some of the salaries paid in the New York banks. Six received more than $20,000; 20 receive over $10,000. They have taken men from the various banks in New York, where they were getting three or four thousand dollars a year, and have quadrupled and quintupled their salaries. They have increased salaries in New York alone $509,800.

The law requires that 40 per cent of the net receipts of these banks should be paid into the Treasury as a franchise tax, but they came to Congress in the Sixty-sixth Congress and requested that the law be amended, permitting the Federal reserve banks to create a maximum surplus of more than 100 per cent. It was also stated, when the bill was before the Senate for consideration and before the House of Representatives for consideration, that the Federal reserve system was not intended to make a cent of profit, that it was to be run entirely in the interest of the people; but they have been making so much profit, after getting the law amended so they could retain 100 per cent surplus, that they did not know what to do with it, so they are wasting it by increasing salaries over $7,000,000 since 1919, and by erecting these extravagant, magnificent buildings, one of which cost more than any public building in Washington, more than the Capitol itself.

I ask permission to insert in the RECORD as a part of my remarks, without reading, a list of the salaries in the Federal Reserve Bank of New York and the Federal Reserve Bank of Richmond, as well as a statement showing the increase in salaries of the bank officers generally from 1919 to 1920. I offer the same thing as to every one of them. They have increased the salaries in New York $1,168,984 since 1919. In Chicago the salaries have been increased $1,408,000; in San Francisco $945,861; and in Kansas City $595,495. I have an analysis of this report made by John Skelton Williams, a very critical analysis. There are some remarks in his letter, which are of a very drastic character, which I do not exactly indorse, particularly his extreme strictures upon the Federal Reserve Board, but nevertheless I ask that it may be inserted in the RECORD as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. The matters referred to are as follows:

Increase in salaries of bank officers, 1919 to 1920.

District and location.	1920	1919	Increase.
Boston, district No. 1	$1,445,719.00	$1,220,964.00	$224,755.00
New York, district No. 2	5,782,204.00	4,613,220.00	1,168,984.00
Philadelphia, district No. 3	1,620,167.00	1,260,243.00	359,924.00
Cleveland, district No. 4	1,792,991.00	1,076,278.00	716,713.00
Richmond, district No. 5	1,144,494.00	682,110.00	462,384.00
Atlanta, district No. 6	1,046,609.48	723,082.69	323,526.79
Chicago, district No. 7	3,261,501.00	1,853,298.00	1,408,203.00
St. Louis, district No. 8	1,419,315.00	833,765.00	585,550.00
Minneapolis, district No. 9	799,003.00	434,378.00	364,625.00
Kansas City, district No. 10	1,514,115.57	918,619.65	595,495.92
Dallas, district No. 11	1,549,847.00	982,836.00	567,011.00
San Francisco, district No. 12	1,993,554.00	1,047,693.00	945,861.00
Total	23,369,520.05	15,646,487.34	7,723,032.71

Annual salaries paid officers of the Federal Reserve Bank of New York.

Governor	$50,000
Chairman and Federal reserve agent	30,000
Deputy governor	30,000
Do	30,000
Do	25,000
Do	22,000
Acting general auditor	20,000
Organization counsel	18,000
Controller at large	18,000
Do	15,000
Assistant Federal reserve agent	15,000
General counsel	15,000
Controller of administration	12,500
Controller of accounts	12,500
Controller of cash and custodies	12,000
Manager credit department	12,000
Controller of fiscal agency	10,000
Manager loan department	10,000
Manager at large	10,000
Manager certificate of indebtedness and securities departments	10,000
Manager statistics department	10,000
Manager bill department	8,400
Manager personnel development department	8,000
Secretary	7,500
Manager foreign department	7,500
Manager personnel service department	7,200
Manager check department	7,200
Manager cash department	7,000
Manager bank examinations department	6,600
Assistant general counsel	6,500
Manager auditing department	6,500
Manager methods and supplies department	6,000
Manager collection department	6,000
Manager Government securities sales department	6,000
Manager custody department	6,000
Manager Government bond department	5,500
Manager discount department	5,000
Manager Buffalo branch	7,500
Cashier Buffalo branch	4,800
Assistant cashier Buffalo branch	3,000
Total	509,800

Annual salaries paid officers of Federal Reserve Bank of Richmond.

Governor	$18,000
Chairman and Federal reserve agent	15,000
Deputy governor	15,000
Do	10,000
Assistant to governor	7,500
Do	7,500
Assistant Federal reserve agent	7,000
Do	7,000
Cashier	7,500
Counsel	5,000
Auditor	5,000
Assistant cashier	4,500
Do	4,500
Do	4,500
Do	4,500
Assistant auditor	3,600
Manager Baltimore branch	10,000
Cashier Baltimore branch	5,400
Assistant cashier Baltimore branch	4,500
Assistant Federal reserve agent Baltimore branch	4,200
Assistant cashier Baltimore branch	4,000
Do	3,600
Do	3,600
Assistant Federal reserve agent Baltimore branch	3,000
Auditor Baltimore branch	3,000
Total	167,400

Statement showing the increase in salaries of the bank officers generally from 1919 to 1920.

DISTRICT NO. 1—BOSTON.

Earnings and expenses.	1920	1919	Difference.
Bank officers	$116,600	$105,097	$11,503
Clerical staff	781,904	606,345	175,559
Special officers and watchmen	20,988	12,278	8,710
Total	919,492	723,720	195,772
Total expense of operation	1,445,719	1,220,964	224,755
PROFIT AND LOSS.			
Earnings	12,273,253	7,497,583	
Current expenses	2,038,290	1,671,825	
Current net earnings	10,234,963	5,825,758	

DISTRICT NO. 2—NEW YORK.

Bank officers	$383,760	$294,795	$88,965
Clerical staff	3,479,270	1,982,807	1,496,463
Special officers and watchmen	166,449	61,208	105,241
Total	4,029,479	2,338,810	1,690,669
Total expense of operation	5,782,204	4,613,220	1,168,984
PROFIT AND LOSS.			
Earnings	60,525,321	35,332,412	
Current expenses	6,999,255	5,734,345	
Current net earnings	53,526,066	29,598,067	

Statement showing the increase in salaries of the bank officers generally from 1919 to 1920—Continued.

DISTRICT NO. 3—PHILADELPHIA.

Earnings and expenses.	1920	1919	Difference.
Bank officers	$123,338	$96,929	$26,409
Clerical staff	799,385	577,104	222,281
Special officers and watchmen	70,921	44,688	26,233
All other expenses	80,412	59,228	21,184
Total	1,074,056	777,949	296,107
Total expenses of operation	1,620,167	1,260,243	359,924
PROFIT AND LOSS.			
Earnings	11,848,551	8,609,880	
Expenses	2,176,274	1,775,185	
Current net earnings	9,672,277	6,834,695	

DISTRICT NO. 4—CLEVELAND.

Bank officers	$143,171	$99,815	$43,356
Clerical staff	872,339	494,639	377,700
Special officers and watchmen	35,149	17,687	17,462
All other expenses	112,492	71,687	40,805
Total	1,163,151	683,828	479,323
Total expenses of operation	1,792,991	1,076,278	716,713
PROFIT AND LOSS.			
Earnings	14,458,619	7,800,829	
Current expenses	2,470,685	1,396,031	
Current net earnings	11,987,934	6,404,798	

DISTRICT NO. 5—RICHMOND.

Bank officers	$105,945	$74,796	$31,149
Clerical staff	617,525	326,746	290,779
Special officers and watchmen	15,066	7,497	7,569
All other expenses	34,749	16,283	18,466
Total	773,285	425,322	347,963
Total expenses of operation	1,144,494	682,110	462,384
PROFIT AND LOSS.			
Earnings	6,903,270	4,775,324	
Current expenses	1,516,075	911,927	
Current net earnings	5,387,195	3,863,397	

DISTRICT NO. 6—ATLANTA.

Bank officers	$156,996.13	$116,951.58	$40,044.55
Clerical staff	433,196.51	289,854.40	143,342.11
Special officers and watchmen	15,630.80	10,036.83	5,593.97
All other expenses	27,077.59	12,933.96	14,143.63
Total	632,901.03	429,776.77	203,124.26
Total expenses of operation	1,046,609.48	723,082.69	323,526.79
PROFIT AND LOSS.			
Earnings	7,476,431.46	4,416,001.27	
Current expenses	1,385,441.23	972,216.65	
Current net earnings	6,090,990.23	3,443,784.62	

DISTRICT NO. 7—CHICAGO.

Bank officers	$216,541	$158,083	$58,458
Clerical staff	1,672,550	881,142	791,408
Special officers and watchmen	94,494	64,752	29,742
All other expenses	123,324	80,785	42,539
Total	2,106,909	1,184,762	922,147
Total expenses of operation	3,261,501	1,853,298	1,408,203
PROFIT AND LOSS.			
Earnings	30,303,218	12,012,078	
Current expenses	4,453,240	2,548,324	
Current net earnings	25,849,978	9,463,754	

DISTRICT NO. 8—ST. LOUIS.

Bank officers	$126,916	$95,040	$31,876
Clerical staff	747,312	400,860	346,452
Special officers and watchmen	22,984	13,408	9,576
All other expenses	30,693	20,289	10,404
Total	927,905	529,597	398,308
Total expenses of operation	1,419,315	833,765	585,550
PROFIT AND LOSS.			
Earnings	7,180,117	3,881,478	
Current expenses	1,924,456	1,174,793	
Current net earnings	5,255,661	2,709,685	

Statement showing the increase in salaries of the bank officers generally from 1919 to 1920—Continued.

DISTRICT NO. 9—MINNEAPOLIS.

Earnings and expenses.	1920	1919	Difference.
Bank officers	$77,637	$61,014	$16,623
Clerical staff	363,724	208,171	155,553
All other expenses	23,686	3,530	20,156
Total	465,047	272,715	192,332
Total expenses of operation	799,003	434,378	364,625
PROFIT AND LOSS.			
Earnings	5,307,381	3,007,041	
Current expenses	1,015,198	556,491	
Current net earnings	4,292,183	2,450,550	

DISTRICT NO. 10—KANSAS CITY.

Bank officers	$116,273.96	$91,604.11	$24,669.85
Clerical staff	794,286.34	453,258.48	341,027.86
Special officers and watchmen	25,275.01	14,423.07	10,851.94
All other expenses	35,693.82	11,697.97	23,995.85
Total	971,529.13	570,983.63	400,545.50
Total expenses of operation	1,514,115.57	918,619.65	595,495.92
PROFIT AND LOSS.			
Earnings	7,409,987.31	4,961,481.91	
Current expenses	1,857,959.81	1,186,069.34	
Current net earnings	5,552,027.50	3,775,412.57	

DISTRICT NO. 11—DALLAS.

Bank officers	$117,768	$87,212	$30,556
Clerical staff	649,100	390,993	258,107
Special officers and watchmen	20,177	6,363	13,814
All other expenses	39,456	11,883	27,573
Total	826,501	496,451	330,050
Total operating expenses	1,549,847	982,836	567,011
PROFIT AND LOSS.			
Earnings	4,904,522	3,062,251	
Current expenses	1,549,847	982,836	
Current net earnings	3,354,675	2,079,415	

DISTRICT NO. 12—SAN FRANCISCO.

Bank officers	$188,017	$136,807	$51,210
Clerical staff	1,018,812	491,627	527,185
Special officers and watchmen	33,150	13,757	19,393
All other expenses	38,691	19,005	19,686
Total	1,278,670	661,196	617,474
Total operating expenses	1,993,554	1,047,693	945,861
PROFIT AND LOSS.			
Earnings	12,706,668	7,021,224	
Current expenses	2,502,586	1,431,755	
Current net earnings	10,204,082	5,589,069	

OUR FEDERAL RESERVE SYSTEM A NATIONAL BLESSING; ITS MISMANAGEMENT A PUBLIC CALAMITY.

Letter to Hon. LEE S. OVERMAN, United States Senator, dissecting the Federal Reserve Board's answer to Senate resolution No. 153, offered by Senator OVERMAN regarding alleged "amazing waste of public money" and extravagance by the reserve board, from John Skelton Williams, formerly First Assistant Secretary of the Treasury, Comptroller of the Currency, and ex-officio member of the Federal Reserve Board, and Director of the Divisions of Finance and Purchases of the United States Railroad Administration.

The Senate resolution above referred to, which was unanimously adopted October 14, 1921, was as follows:

"Whereas it is charged in the public press of the country and upon the floor of the Senate that the Federal Reserve Board has been guilty of an amazing waste of public money in increase of salaries to officers and employees of the New York Federal Reserve Bank; and

"Whereas since 1918 in the New York branch alone they have increased the number of officers and employees 279, or about 10 per cent, while they have increased the salaries about 50 per cent, paying its officers and employees all the way from $10,000, $12,000, $25,000, $30,000, and one as high as $50,000, and that prior to 1918, 60 per cent of these officers never received over $1,500 to $2,500, but are now drawing salaries as high as $10,000; and

"Whereas the official reports of the Federal Reserve Board show that in the calendar year of 1920 the Federal Reserve Bank of New York's pay roll amounted to $4,639,273, and for the calendar year 1918 the pay roll was $3,104,830, showing an actual increase in pay roll since the close of the war of $1,534,443; and

"Whereas it is charged that the governor of the Federal Reserve Board has stated that the employees of the Federal reserve banks are not paid by the Government nor paid out of revenue derived from taxation, but are private business men and in the banking business to make money; and

"Whereas under the provisions of section 7 of the Federal reserve act a large per cent of the net receipts made and saved by the Federal Board shall be paid into the Federal Treasury, and if the allegations herein made are true the Treasury of the United States has been deprived of a vast sum of money: Therefore be it

"*Resolved*, That the Federal Reserve Board, as early as practicable, be, and it is hereby, directed to furnish to the Senate the number of employees, together with their respective salaries, employed by the Federal Reserve Bank in New York, as well as in the other Federal reserve banks in the country, and the expenditures made by each branch bank in the erection of public buildings and the general expenses in the administration of each Federal reserve bank, and how much of the net earnings have been paid to the United States as a franchise tax."

—

"It was a true report that I heard in mine own land of thy acts. * * * Howbeit I believed not the words, until I came and mine eyes had seen it; and, behold, the half was not told me!" (The Queen of Sheba. 1 Kings, x, 6, 7.)

—

I ask attention to the important fact that not a single one of the many serious criticisms and charges which it has been my unpleasant duty, in behalf of our Federal reserve system and in the public interest, to make against the administration of the reserve system has ever been refuted. They stand to-day unshaken and unshakable.

JOHN SKELTON WILLIAMS.

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(A few of the principal points brought out in the letter to Senator OVERMAN.)

Actual contraction or reduction in all accommodations granted by all 12 reserve banks, including "bills discounted and purchased" from October 22, 1920 (when Members of Congress, farmers, and business men were beseeching the Reserve Board to relax the ruinous pressure), to November 16, 1921, $1,784,000,000, or about 60 per cent of all loans held by the reserve banks a year ago (p. 11).

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Reserve bank spending for banking palace in New York City, $25,646,409.

Average yearly Congressional appropriations for all United States public buildings for the past 20 years, including post-office buildings, customhouses, etc., $10,969,776 (pp. 4, 6).

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Contract let on "cost-plus" basis. Fees of $1,106,000 to "architects and engineers," exclusive of "contractors'" profits. Furniture, kitchen equipment, lighting fixtures, etc., to cost over $1,000,000. Comparison with extravagance of the "Tweed ring" in New York City (pp. 4–6).

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Salaries of 33 "officers" increased to 340 per cent of former pay; 12 increased to 546 per cent. Increase same period in salaries of Cabinet officers, Senators, Representatives, and other important Government officials, nothing (p. 10).

—

Ten "officials" in New York Reserve Bank each drawing more than Chief Justice of the United States Supreme Court. Nine drawing more than ambassadors to Great Britain or France; 12 more than Gen. Pershing; one of them more than six United States Senators (p. 8).

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Twelve millions dollars collected from United States Treasury by New York Reserve Bank for "expenses" claimed in placing United States loans and as fiscal agent.

United States Treasury deprived of $1,790,000 income by arbitrary "charge-off" for alleged depreciation in bank property still under construction (p. 4).

—

Loans by one reserve bank to two member banks in New York City in November, 1920, over $250,000,000.

Loans on "agricultural" and "live-stock" paper by six reserve banks in 18 States, to 4,000 member banks, November, 1920, $15,642,000 (p. 10).

—

The people of the country have, unfortunately, been kept in ignorance of scandalous conditions upon which the light of publicity has now been thrown. While Comptroller of the Currency and member ex-officio of the Reserve Board I tried earnestly and persistently, as the record clearly shows, to correct evils and to effect reforms as I learned of the necessity for them, but I have reason to believe that there was a studied effort at times to keep from me a knowledge of such things. Referring to certain errors, omissions, and operations in connection with which the New York Reserve Bank had been criticized, Gov. Strong, of that bank, in testifying before the Agricultural Commission in Washington on August 9, 1921, with ostrichlike assurance declared:

"Now, the comptroller (Mr. Williams) did not know anything about these things.

"He was not running the Federal Reserve Bank of New York. And I never discovered anything in his attitude that invited very frank discussion of these matters, and did not consider that it was very much of his business." (P. 709, Agricultural inquiry hearings.)

—

RICHMOND, VA., *December 2, 1921.*

Hon. LEE S. OVERMAN,
United States Senate, Washington, D. C.

DEAR SENATOR OVERMAN: My letter of September 12, 1921, to a Baltimore editor, printed by the Senate in the CONGRESSIONAL RECORD, directed attention to evidences of what impressed me as the indefensible extravagance displayed in the management of the Federal Reserve Bank of New York.

I cited instances where clerks receiving salaries, about the time of their employment, ranging from $1,000 to $3,600, had been rapidly increased, in some cases to $25,000 or $30,000 per annum.

I pointed out that the pay roll of the bank had increased from $3,104,830 in the year 1918 to $4,639,273 in 1920, an increase of about 50 per cent, although the number of employees in the same period had only increased about 10 per cent.

In illustrating its extravagance in management, I referred to my recent speech at Augusta, Ga., in which I criticized plans which had just been filed for the construction by the New York Reserve Bank of a huge and costly banking edifice, which I understood was estimated to cost $16,000,000, which expenditure I considered was wholly unjustifiable under existing conditions.

The conservative people of the country were distinctly shocked at those disclosures, and on October 14 you offered in the Senate a resolution in which, after referring to the charges of extravagance which had been made, you called upon the Federal Reserve Board to furnish definite figures as to the salaries which were being paid by the 12 Federal reserve banks, and the expenditures which had been made, and were being made, for the erection of bank buildings by those banks.

Please allow me at the outset to assert with all the earnestness that I can command, the tremendous value of our Federal reserve system. It is because I want this great system saved and preserved for the highest usefulness that I must decry and lament the inefficiency of its administrators and the wretched results of policies enforced during the critical period of deflation. With my special knowledge of this situation I consider it my duty to do what I can to aid in preventing a recurrence of the blunders of the past.

I have received from Washington a printed copy of the Federal Reserve Board's reply to your resolution calling for data.

The actual figures now furnished officially by the Federal Reserve Board not only confirm completely the serious charges and criticisms which I had made in this connection, but the board's reply shows that the extravagance of the Federal Reserve Bank of New York was far worse than had been charged.

I had said that "the salaries paid to about '30 officers' of the New York Reserve Bank, exclusive of the salaries of other employees, amount to about as much as the combined salaries of one-half of the Members of the United States Senate plus the salaries of the President and Vice President of the United States," which would have been exactly $447,000; but in their report to the Senate the board confesses that there are 40 "officers" in the New York Reserve Bank, and that their salaries as of October 1, 1921, amounted to "$509,800," so that their salaries were equal not only to the combined salaries of one-half of the Members of the Senate plus the salaries of the President and Vice President of the United States but were equal to that sum total with the salaries of the governors of 12 States thrown in for good measure, including, among others, the governors of Massachusetts, New York, Pennsylvania, Maryland, Virginia, Texas, and California.

The board's official report furthermore shows that the salaries or compensation of 33 "officers" of the New York Reserve Bank increased in the aggregate to 340 per cent, and that 12 of them were increased to 546 per cent, although on October 1, 1921, the Federal reserve system had been in operation less than seven years.

In those seven years the salaries of the United States Senators, Members of Congress, and members of the Cabinet and of nearly all of the other officers of the Government were not increased at all.

You are now in a position, my dear Senator, to apply to the extravagant management of the New York Reserve Bank the language of the Queen of Sheba, and to exclaim with her:

"It was a true report that I heard in mine own land of thy acts. * * * Howbeit I believed not the words until I came and mine eyes had seen it; and, behold, the half was not told me!"

In my Augusta speech in July last I referred to "plans filed in New York City by the reserve bank there last Thursday for a temple of banking in New York City to cost, including land, it is estimated, $16,000,000, probably more than the combined cost of the White House and Treasury Building at Washington and the State capitols of a dozen States of the Union. This building with its luxurious and lavish appointments of marble and brass, its auditorium, gymnasium, club quarters, restaurant de luxe, and objects of art will make Solomon's temple of old seem quite cheap in comparison."

The actual figures of the Reserve Board show that the latest estimated cost of the elaborate buildings of the New York Reserve Bank instead of being $16,000,000 is more than $25,000,000. From the board's reply to the Senate I draw (pp. 21 and 22) the following figures:

Cost of the New York Reserve Bank's "Temple of banking," in New York City.

	Land.	Structures.	Total.
Main building	$4,797,882	$18,638,071	$23,435,953
Annex	681,531	1,528,925	2,210,456
Total	5,479,413	20,166,996	25,646,409

The reserve bank authorities were perhaps ashamed to exhibit this reckless use of public funds, and in trying to reduce the "book value" they have already charged off, for alleged "depreciation," the sum of $1,989,505 to profit and loss as their report shows. Their excuse for doing this was their demolition of the old buildings formerly standing on the land on which the new edifice is being built, but the effect of that charge off is to deprive the United States Government of nearly $2,000,000 which would otherwise have come into the Federal Treasury from the New York Reserve Bank's net earnings—or, to be exact, 90 per cent of that $1,989,505 charge off—or, to say, $1,790,559, which was thus lost to the Government by that action of the New York Reserve Bank.

In addition to this heavy charge off on real estate it is worth while noting that in the years 1919 and 1920 the Federal Reserve Bank of New York charged against expense of operations on account of amounts "added to various reserve accounts" the rather substantial sum of $1,175,887.34 (p. 384 Annual Report of the Federal Reserve Board, 1920) by which it appears the Government was again deprived of revenue.

The officials of the Federal reserve bank are very profuse in their claims as to the valuable work of the bank in connection with the placing of the five Liberty loans, but it was not the Reserve Bank of New York alone which raised these huge sums. The bonds were taken as a result of the fine patriotism of the men, women, and children of the New York district who came forward with such splendid devotion and public spirit. We, of course, assume that the New York Reserve Bank handled its part of that work ably, but it is just as well for the Senate to know that the New York Reserve Bank was not backward in asking reimbursements of expenses incurred incident to that work in the New York district. By reference to page 393 of the annual report of the board for last year, at the foot of the page, we learn that the New York Reserve Bank has been reimbursed by the Federal Treasury some $12,000,000 on account of expenses claimed as "fiscal agent," etc., in connection with the Government loans.

The New York Reserve Bank took exception to my allusion to "Solomon's Temple" and "objects of art" and in their report to the Senate insists that in the $25,000,000 edifice there will be a "very moderate" amount of "marble" required "for floors, toilets, wainscots, and possibly marble with some kind of metal, to be used for the bank screen on the first floor," etc.

In confirmation of my criticisms they admit that they have set aside "4,600 square feet" for an "auditorium," with a seating capacity for 1,000 people; "4,400 square feet" for "two clubs," one for men and one for women, which will enable those who desire a brief period of rest after luncheon, or to pursue their studies and have a satisfactory place for the purpose." (What do the millions of unemployed, who have no lunch, think of contraction policies which shut down plants and apply money called in from use in legitimate business for the erection at this time of the most costly banking edifice in the world?)

The board also admits there will be "two restaurants," each one with an area of "8,000 square feet," also more exclusive and smaller rooms where "luncheon may be served to the officers of the bank or for officers of member banks when attending meetings at the bank," etc., also "3,600 square feet" for a gymnasium "where the medical department at their recommenadtion can conduct certain simple corrective exercises."

The report also informs us that the building is being erected on a cost-plus basis, both in the case of the general contractor and of the contractor who is doing the foundation work, and, as far as we are informed, both the "general contractor" and the concern doing the "foundation" work were handed their respective jobs wholly without competitive bids. I understand that the general contractor, Mr. Eidlitz, is president of some federated association or union of employers which figured somewhat conspicuously in the recent investigation of the building trades in New York City, so ably conducted by Mr. Untermeyer, and as a result of which certain flagrant offenders were sent to prison. There were also rumors of other indictments by the grand jury which may have an important bearing on this subject.

The fees to be paid to the "architects and engineers" are estimated at the rather important sum of (see S. Rept., p. 34) $1,106,000.

This money alone would be sufficient to provide 10 post-office buildings at $100,000 each in 10 cities and towns where they are greatly needed.

The Senate is solemnly informed in the report that the foundation for the new edifice has been "let to a leading contractor in the country for a fixed fee," but the report carefully refrains, as far as I can see, from giving any indication as to what that fee amounts to. We are told that the lowest estimate as to the cost of the "foundation" alone is $1,838,000.

We are also informed that the "general contractors" are undertaking the work for a "very moderate fixed fee," but the Senate is also left entirely in the dark as to the amount of that "very moderate fixed fee." Would it not be pertinent to ask what the "fixed fee" amounts to, which is to be paid to the foundation contractor, also the fee to be paid to the "general contractor" for the building—both of whom I understand were given their jobs, as stated, without competition, although we are told that the fees to be paid to the "architects and engineers" alone amount to $1,106,000.

I ask that you consider at this point the fact that the salary of the "Chief Supervising Architect" of the United States Government, having supervision over the erection of all Federal buildings, is only $5,000.

Although the report endeavors to impress on the Senate the simplicity of the building, a table on page 35 has estimated that the "furniture, etc.," will probably cost $800,000, the "kitchen equipment" $50,000, "toilet accessories" $33,500, a "refrigeration plant" $20,000, and "lighting fixtures and reflectors" and "low tension" $244,000. The sum of $87,619 is also thrown in for "acoustic treatment," fireplace, and mantels and shades, with $16,000 added for "hospital equipment." Miscellaneous equipment, $68,150. Total equipment, exclusive of vault and exclusive of equipment and vault fees, $258,823—$1,319,269.

The board's report to the Senate shows that the formal agreement with "General Contractor" Eidlitz for the erection of this mammoth and costly banking edifice was executed on January 25, 1921. The record thus shows that while the Federal Reserve Board was sanctioning these vast expenditures, which they now estimate will aggregate the huge sum of $25,646,409, exclusive, as I understand it, of interest and taxes during construction, that the reserve banks were insisting upon the contraction and repayment of loans in districts where funds were greatly needed for pressing requirements of farmers and merchants. For example, from January 21, 1921, to February 28, 1921, the contraction in the loans of the Federal reserve system amounted to $119,000,000, and the contraction has been kept up steadily from that time to this.

It is a sad commentary on the wisdom and humanity of the reserve board's policies to find at the very time that the New York reserve bank was being authorized to spend up to $25,646,409 for a luxurious bank building, with its clubs, gymnasium, baths, restaurants, etc., the total amount of money which 6 of the 12 reserve banks were lending in 18 States, including all of the New England States, the States of New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, Ohio, Kentucky, North Carolina, South Carolina, Arkansas, the greater part of Missouri, and parts of Illinois, Indiana, Tennessee, and Mississippi on "agricultural" and live-stock" paper amounted on January 31, 1921 (Reserve Bulletin, Mar., 1921, p. 354), to only $17,167,000, which is scarcely two-thirds as much as the sum appropriated for the palatial bank buildings in New York City, and while the money was being appropriated for those buildings, the pressure on farmers and merchants for the repayment of their loans was being exerted right and left. The actual contraction in bills discounted and paper purchased by all 12 of the reserve banks in the three months of great need, from November 19, 1920, to February 18, 1921, amounted, as the official figures show, to $417,000,000.

In my letter of October 24 last to Mr. George Foster Peabody, a director in the New York Reserve Bank, I called attention to the significant fact, not creditable to the reserve bank's management, that following my criticisms of extravagance the officers of the reserve bank, while reducing as of October 1, 1921, the salaries of practically all of their employees earning $2,000 or less, had not reduced their own salaries. The officers of the bank had gotten the biggest increase, in several instances more than 500 per cent, and they were still drawing their excessive pay.

I take the liberty of quoting the following extracts from my letter to Mr. Peabody:

"The New York papers of October 1 printed a circular letter signed 'Benj. Strong, governor,' addressed to the employees of the Federal Reserve Bank of New York, notifying them that:

"* * * it appears that a continuance of quarterly payments of extra compensation is no longer justified. You are advised, therefore, that such payments are now discontinued and that no payment for that purpose will be made for the quarter ending September 30, 1921. The

action announced above is the inevitable consequence of general economic developments during the past months with which all of the employees are familiar.'

"But as far as the public is informed the 'familiarity' of the officers and directors of the New York Reserve Bank with 'economic developments of the past months' has not yet induced the officers drawing $30,000, $40,000, or $50,000 to scale their own salaries. The curtailment of compensation, it appears, applied only to employees who were receiving an average of less than $2,000 a year salaries with which to support themselves, their wives, and children.

"As illustrative of the healthy effect of publicity in the matter of salaries, I will mention a case which came under my observation as Comptroller of the Currency. I discovered that a certain banking institution, a member of the New York Reserve Bank, was paying to its chief executive officer a salary of $75,000 per annum, and as I had reason to believe that this was without the knowledge of some of his fellow directors, as well as the other stockholders of the bank, I instructed the bank examiner to bring the subject to the attention of the full board of directors, with the result that the extravagant salary was promptly reduced to $37,500 and subsequently to zero, but the official still clung to the office. * * *

"This"—salary schedule, New York Reserve Bank—"seems to me to be a scandal and a shame which can not be cloaked even by the sanction of Mr. George Foster Peabody, justly respected as you are. It seems to me to be especially outrageous while we are demanding that working people, farmers, merchants, and manufacturers accept reductions in their wages or practically extinction of profits in their business, and while the evil forces of unrest and destruction are seeking pretexts on which to stir resentment against the Government and conflict between classes. These forces need no more powerful appeal to prejudice and hate than the fact that one department of the Government is reducing the wages of railway employees and another department jumping salaries up to $30,000, $40,000, or $50,000 a year, on the plea that the person favored is indispensable to the life of the Government or one of its institutions! * * *

"If we assume that conditions justify the Government in reducing the pay of railway men and giving them the choice between accepting the reduction or seeking other employment, the same conditions surely would justify the like course toward reserve bank employees paid far more than we allow a Cabinet officer, a justice of the Supreme Court, the lieutenant general of the Army, a Senator, a Representative, or the Vice President of the United States."

It should be stated that although I received from Mr. Peabody a note indicating his intention to reply to my letter quoted above, he has not done so up to this time, although six weeks have elapsed.

The official reports of Congress show that the total appropriations on account of public-building projects throughout the entire country under the control of the Treasury Department, including post-office buildings, customhouses, internal-revenue buildings, etc., have never for any year in the past 20 years amounted to as much as the Federal Reserve Bank of New York is now expending for these costly banking quarters in the Wall Street district.

In fact, the total appropriations by Congress for the construction of post offices, customhouses, etc., in all 48 States of the Union for the past 20 years, since 1901, inclusive, only averaged $10,969,776 per annum, or less than one-half of the proposed expenditure for its buildings de luxe by this one bank.

It is clear that the enormous outlay for these new and costly banking edifices is wholly unwarranted, and the expenditures now being made are nothing short of a public scandal. For the year 1920 the New York Reserve Bank, according to its report to the Senate (p. 55), paid out for—

"Rent, light, heat, and power," a total of $304,874, and for the same purpose in 1917 $62,141.

The bank is now investing in new bank quarters $25,646,409.

Let us now estimate the yearly cost to the bank of this investment:

The member banks in the agricultural districts would doubtless be glad to borrow this money to lend to their customers and pay for it, say, 5 per cent per annum, or $1,282,320; taxes on property, if taxed at cost value, estimated at $710,405; insurance and repairs, if estimated at only one-half of 1 per cent of cost of building and equipment, $100,000; total yearly cost on this basis, $2,092,725.

So that if we assume that the bank may be able to rent enough space not needed for its own purposes to pay all costs of operating the buildings, including light, heat, and power, we find that the cost for "rent, including light, heat, and power," will be increased to about 700 per cent of the cost for 1920, which was $304,874, or, say, more than $1,800,000 a year on this basis.

Probably the bank, however, will claim that the money which they are investing in these buildings would not otherwise be loaned for agricultural purposes, or for any other purpose, but would be kept in its vaults. That argument, however, does not, in my opinion, justify such an investment as this of the funds of the Federal reserve system.

Twenty-five million dollars of Federal reserve bank funds invested in land and buildings is subject to a heavy tax. When loaned to farmers and merchants it is not taxed.

Should this bank property—land and buildings—be taxed at what the Senate is officially informed is its estimated cost, of "$25,646,409," at the present tax rate, the bank's taxes, which last year were reported, including fire insurance, at only $3,328, will be raised over 21,000 per cent to the sum, exclusive of fire insurance, for this tax item alone of $710,405.

My information is that such property in New York is assessed on the basis of its actual value. If the officials of the reserve bank should persuade the tax authorities that this property, costing over $25,000,000 is really only worth, after completion, twenty or fifteen million dollars, in that event the tax bill would presumably be proportionately reduced.

Of this needless estimated loss of $1,800,000 a year, 90 per cent, or $1,620,000, would be at the cost of the Federal Government—a sum equal to much more than twice the aggregate of the salaries of 96 United States Senators.

Such a waste as this of public funds is rightly regarded as monstrous, and I have, in fact, heard it compared by well-balanced critics to the palmy days of the Tweed ring in New York City.

In my letter to the Manufacturers' Record, published in the CONGRESSIONAL RECORD, I gave a list showing salaries I had been advised were being paid to 24 of the "officers" of the New York Reserve Bank, and in doing so I said:

"It will be observed that these salaries have been increased in numerous cases from 100 per cent to 500 per cent. I have been told that 60 per cent of these 'officers' never received over $1,500 to $2,500 before they came to the reserve bank, but they are now drawing salaries as high as those paid to Cabinet officers."

The official statement now furnished by the board shows that my statement was ultraconservative despite Gov. Strong's childish quibbling and misleading attempt to misinterpret or distort it in his published letter to the reserve board governor of October 6, 1921. Instead of there being only "24" or "30" of these so-called "officers" and "publicity experts," the report just sent to the Senate admits a total of 40 "officers" employed by the New York Reserve Bank as of October 1, 1921, at salaries which aggregated not $447,000 as suggested in my statement but exactly $509,800, or 14 per cent more than I had charged.

An analysis of the Reserve Board's statement, pages 125, 126, and 127, shows that of the 40 "officers" of the New York Reserve Bank on the pay roll October 1 last, 24—which is exactly "60 per cent" of the 40 "officers"—were clerks whose initial salaries with the bank or whose salaries previous to entering employment of the New York Reserve Bank (taking the lower figures in each instance) ranged from $1,000 to $3,000 per annum, and that the average of those salaries was only $2,198 per annum—materially less than the "$2,500" figure mentioned by me. If we add to these 24 "officers" listed one other, whose initial salary as law clerk to the Reserve Board at Washington was $3,600 per annum, the average salary of these 25 "officers," at the time of their employment or just before their employment by the reserve bank, will be found to have been $2,252 per annum, a total for the 25 men of $56,300 per annum.

These same "officers" on October 1, 1921, were drawing from the Federal Reserve Bank of New York in salaries an amount aggregating $334,700 per annum, so that these 25 men are now drawing in the aggregate salaries which amount to 594 per cent of the salaries which they drew when they first came to the New York bank, or immediately prior to their employment by that bank, and the average of all was more than the salaries of Cabinet members.

The Reserve Board's report also shows that of the "24 officers" named by me in my published letter (out of the 40 employed by the bank) the salaries of exactly 50 per cent of them, about the time they came to the reserve bank, did average not exceeding "$2,500"—some of them much less than my figures—substantially confirming the figure originally given me and published by me, which Gov. Strong so unfairly attempts to criticize; and, furthermore, the present salaries of those same 24 "officers," the board admits, aggregate $3,400 more than listed by me; also 16 of the bank's "officers" are now drawing as much or more than Cabinet members, and 26 of them as much or more than United States Senators—"one of them as much as six Senators"—as stated by me.

The list of "officers" submitted to the Senate shows one instance where a bank clerk who was only getting $3,000 per annum after 26 years' employment by one of the New York banks had been advanced to $22,000 per annum in the New York Reserve Bank.

Another man who was receiving $6,500 from one of the New York banks with which he had been for 24 years has been advanced by the New York Reserve Bank to $30,000—more than the combined pay of Vice President COOLIDGE and Secretary of State Hughes.

In another case a young man employed by the Reserve Board in 1915 or 1916 as a law clerk at $3,600 has been made deputy governor of the New York Reserve Bank at $25,000—equal to the combined salaries of the Chief Justice and of the Solicitor General—good progress for a young attorney who was wholly without practical banking experience, but whose talents as a member of the "third house" have been frequently invoked by the board.

Another clerk, formerly private secretary to a member of the reserve board at $2,500 per annum, has been jumped to $15,000 by the New York Reserve Bank and is now getting as much as two United States district judges, or the aggregate salary of two bishops of two large dioceses.

"Mr. Lins," whose salary after nine years experience with his former employer was only $1,320, is now drawing as "manager at large" $10,000 per annum from the New York Reserve Bank, the same salary as the minister to Greece and twice the salary of the Director of the Mint.

While another "officer" employed at $2,400 by the New York Reserve Bank four years ago is now receiving $12,500, or $500 more than the Secretary of War.

A former "advertising manager" for a publishing concern has been given a $10,000 berth with the understanding that he is to aid in giving "literary finish" to the bank's press statements, and has been given the title of "manager statistics department." His salary is twice that of the United States Commissioner of Education and more than twice the salary paid to the chief statisticians of the United States Census Bureau.

The compensation of still another clerk to whom the Chemical Bank was paying $1,100 at the time of employment by the reserve bank is now about 500 per cent of his former pay, and he is receiving the same salary as Assistant Secretary of the Navy Roosevelt, while a $1,320 clerk taken from a newspaper office is now drawing from the reserve bank the salary of the Undersecretary of State of the United States.

The New York Reserve Bank's "comptroller of administration" has been favored with an increase from $2,400 to $12,500, and he is now drawing more than the combined salaries of the Treasurer of the United States and the Auditor for the War Department.

"The manager personal service department"—whatever that may be—was getting after 11 years previous service with local banks $1,800 a year. The reserve bank is now paying him 20 per cent more than the salary of a brigadier general in the Regular Army, or 400 per cent of what he formerly received, and the "manager personal development department," who after more than 10 years service with local banks was getting at the time of employment by the reserve bank $3,000 a year has been advanced to the salary of a major general or a rear admiral or the United States consul general at Buenos Aires.

These instances are all taken from the board's report to the Senate.

A clerk, whose salary with a neighboring bank after five years of service was $1,000, has been jumped to $6,000—more than the salary of the United States Commissioner of Patents—with the title of "manager methods and supplies department." In this connection I will take the liberty of quoting the following extract from my letter of November 2 to one of your colleagues in the Senate:

"In defending his administration Gov. Strong, of the New York Reserve Bank, cites in his defense the number of economies effected by the creation of the 'Methods and supplies' department of the bank:

"'Of the economies which he says "resulted" from the establishment of this department, he mentions "first" and foremost, and evidently with glowing satisfaction and undisguised pride, the "installa-

tion" in toilet and wash rooms, "of air-drying equipment, replacing the linen and paper towels formerly used."

"'And he mentions, "second," of obviously less importance, the "establishment of the post-office station and elimination of the express charges on shipments of currency and securities."

"'These quotations from Gov. Strong's official communication to the Reserve Board are suggestive of the operations of his intellect. He omits, however, to inform us whether his "air-drying" device is applied only to the hands and face or whether it has also been adopted in their elaborate bathing quarters. How far the faculties of the officials of the reserve bank have become air-dried or shrivelled is not discussed by the bank's governor, but it may be reasonably conjectured how far the "air" has been liberally supplied in inflating the salaries of such "officials" as Mr. Lins, whose salary Gov. Strong says has been increased since his employment 566 per cent. * * *'"

In the New York Reserve Bank's report to the board, transmitted to the Senate, its officers bestow upon themselves unstinted commendation, but their efforts to impress their importance is sometimes amusing. On page 26 we learn that when a plain man wants to reach the "officers' quarters," as they are described, he will be required not to pass through 10 ante rooms but to mount aloft to the tenth floor of the building. There, remote from the madding crowd, he is ushered into the presence of the man he seeks or of his secretary or assistant secretary. I do not mean to be disrespectful to the "officers" of the New York Reserve Bank, for some whom I have a sincere regard, and I trust they will not take offense if I quote at this point the following striking and not entirely irrelevant extract from the writing of a distinguished author which I ran across last evening in my library. The historian, whose work I was reading, said:

"It is, indeed, difficult to understand the qualities or objects that enlist the devotion and compel the worship of humanity. Travelers in the Orient tell of majestic fanes, whose mighty walls and countless columns are rich with elaborate carvings. Hall succeeds hall, each more beautifully wrought than the other, until the innermost, the holy or holies, is reached, and there is found enshrined—a shrivelled ape."

I do not wish to be understood for a moment as suggesting that the New York Reserve Bank "officers" are either "shrivelled" or that they bear a family resemblance in any respect to their anthropoid ancestors, according to the Darwinian theory, although Gov. Strong himself has testified (p. 119, Reserve Board's Report to Senate) that apparatus has been installed for "air-drying" them once or twice a day, and it has been observed that their propensities are more imitative than initiative.

But to return to the question of salaries: These swift increases seem ridiculous when we compare them with the salaries which were paid in the New York Subtreasury, 50 feet away, for highly capable men in responsible positions, such, for example, as Hamilton Fish, Robert Bacon, and Martin Vogel, and their assistants, or when we compare them with the salaries now being paid to men quite as able, and many of them more able and experienced, who are serving the Government in the Treasury at Washington.

For example, the Director of the Bureau of Engraving and Printing, who has immediate charge of the production of all the national bank notes, Federal reserve currency, postage stamps, internal revenue stamps, Liberty bonds, and Victory notes, and certificates of indebtedness of the United States, and employing at times three times as many men and women as the New York Reserve Bank, receives a salary less than that paid to any one of 30 minor officials of the reserve bank, and less than one-fourth of the salary of 5 of the "officials" of that bank. Sixteen of these New York Reserve Bank officials also receive far greater salaries than the salaries of the Commissioner of Internal Revenue with his huge and almost limitless responsibilities, and 10 of them are each drawing more than the Chief Justice of the Supreme Court of the United States, 1 of them as much as the Chief Justice, the Secretary of the Treasury, Secretary of State, the Solicitor General, all combined. Nine of those "officers" each draw greater salaries than are paid to the United States ambassadors to Great Britain or France or Italy or Japan.

The report to the Senate shows that the average salary received by those 40 "officers" of the Federal Reserve Bank of New York is more than the salary paid to the Secretary of the Treasury or to any other member of the Cabinet. Four of those "officers" draw in the aggregate more than the combined salaries of the 9 justices of the United States Supreme Court—36 of them draw salaries as great—some of them five to nine times as great—as the salary of a brigadier general, and 12 of them are drawing more than Gen. Pershing.

The money spent in unnecessary extravagance this past year was not in the final analysis the property of the New York Reserve Bank, but by act of Congress 90 per cent of those funds, if they had not been handed out with such lavish prodigality, would have gone into the Federal Treasury to aid in reducing taxation, and the other 10 per cent would have been added to the surplus of the bank.

It should also be well understood that the New York Reserve Bank's great earnings were largely made through the use of hundreds of millions of dollars of Federal reserve notes, which were furnished so freely by the Government, and upon which the bank paid no interest, while it was collecting 6 per cent and 7 per cent interest on loans which it was enabled to make as a result of its possession of those notes. In November, 1920, the New York Reserve Bank had outstanding $886,000,000 of Federal reserve notes, delivered to it by the Government without interest. Incidentally, and by way of parenthesis, the official record contains the seamy story of a case where the New York Reserve Bank, getting money from the Government without interest, loaned it at 6 per cent to a member bank, which thereupon loaned to an old customer several hundred thousand dollars at the equivalent of about 200 per cent per annum, on a loan secured by collateral, and repaid in six months. Other instances are mentioned in official records where member banks borrowing most heavily from that reserve bank were exacting interest rates ranging from 20 per cent to 100 per cent from customers at their mercy.

The Reserve Board's report to the Senate, in reply to your resolution, contains a mass of statistics intended to show the enormous activities of that bank. Of course, they are large and highly important, but I ask your attention to the fact that the "check collection" business of that bank seems rather small if compared with the huge operations of the New York Clearing House, whose clearances last year amounted to more than $250,000,000,000, and which some good judges consider is being much more efficiently and economically operated than the New York Reserve Bank.

The number of "pieces" of United States Government securities, etc., handled by the New York Reserve Bank is also small when compared with the operations of the Bureau of Engraving and Printing, at Washington, which prepares, makes, and engraves all these Government bonds and certificates, not only those sent to the reserve bank of New York, but to all the other 11 banks. This highly important bureau which has been employing some eight or ten thousand people pays its head manager, or director, only $6,000 a year. I speak advisedly, for that officer was one of those under my supervision when I was First Assistant Secretary of the Treasury in 1913–14.

The enormous figures given as to "gold" transfers are mainly mere bookkeeping entries; the Reserve Board and the Treasury handle the gold settlement fund, and there is no large general movement of "gold" between the banks.

The "loans and discounts" of the New York Reserve Bank are now considerably less than those of some of the large member banks.

As to the "discount operations" of the New York Reserve Bank in the past, these, in my opinion, have been entirely too "automatic." Gov. Harding, of the Reserve Board, in testifying before the Joint Commission on Agricultural Inquiry in August last, in response to questions by Senator LENROOT, virtually admitted that loans of "forty or fifty million dollars" at a time were made to New York banks "instanter," and I have no doubt the record of the bank will prove this. In referring to some of these large transactions, especially those secured on Government obligations (although the proceeds may be used for any kind of speculative loans), Gov. Harding said (p. 357, hearings before Joint Commission):

"There isn't anything in such a transaction that will enable the Federal reserve bank to form any idea of just what transactions the member bank is having. * * * There is nothing to base an inquiry on and the Federal reserve bank has to put the note through instanter or else the member bank which has made the application is deficient in its reserve and subject to penalties."

No reluctance to subjecting a bank to penalties was shown when the little member bank in Alabama, temporarily deficient in reserve, was on that account forced to pay "penalties" in excessive interest rates which ran in one instance up to as high as 87½ per cent per annum, and it was charged an average of 45 per cent for the use of $112,000 for two weeks, required to accommodate the urgent needs of farmers in crop-moving time.

Those blocks of "forty and fifty million dollars" in loans which, from Gov. Harding's testimony it appears, were made "instanter," were used sometimes, as the records will show, for all kinds of speculations and promotions.

My correspondence with Mr. George Foster Peabody and with the Federal Reserve Board and the official records will show, for example, that the banks borrowing the most heavily from the Federal reserve bank were sometimes loaning their funds largely for use—

(a) In speculative deals and operations, in sugar and sugar stocks, in oil and oil stocks, and other speculations in commodities and industrial stocks.

(b) In promoting the speculations of the executive officers of the borrowing banks who borrowed heavily, both directly and indirectly, from their own banks and from other member banks.

(c) In loans to directors of the Federal reserve bank of New York—to one director over $5,000,000 on highly speculative securities; to another for the purpose of relending on Wall Street loans at fancy rates of interest.

(d) Funds were also loaned most generously by banks borrowing heavily from the reserve bank for operations in "copra" and cocoanut oil in the Philippines or the Strait Settlements and other remote regions, when farmers at home and dealers in cotton and cottonseed oil and raisers of wheat and corn were being ruined for lack of funds.

(e) And the records show that a bank to which the Federal reserve bank of New York was loaning at one time about $100,000,000 was furnishing funds with which to engineer a notorious "corner" on the New York Stock Exchange, in which corner the president and two vice presidents of the bank which was enjoying these huge accommodations from the New York reserve bank were largely interested financially. Such evils as these can best be cured, or their recurrence prevented, by the sunlight of publicity, rather than by the Lethean ointment of secrecy and oblivion.

It is also unhappily true, as suggested in my letter to Mr. Peabody, that the institutions to which this reserve bank was lending most heavily were calling in loans made to legitimate business enterprises while continuing to carry loans made directly and indirectly to their own officers and syndicates in which those officers were interested on highly speculative securities.

If Gov. Harding and the Reserve Board do not remember my warnings to them in this connection while Comptroller of the Currency, I fortunately have memoranda which I think would refresh their memories.

It may be in order to quote here an extract from a letter which I wrote the Federal Reserve Board on January 28, 1920, in connection with what impressed me as the reckless prodigality with which Federal reserve funds were being handed out in New York. In discussing at that time a particular institution to which the Federal reserve bank was lending about $130,000,000, I said:

"The * * * not only borrowed back the entire amount of its reserve banks, but is also borrowing from the New York Reserve Bank a further sum equal to about four times the total capital of the Federal Reserve Bank of New York. Frankly, are you not surprised that the officers of the Reserve Bank of New York should approve these transactions?

"Governor, this is a concentration of the funds of the reserve system with one debtor bank conspicuous for its speculative operations and promotions which, in my judgment, is not only not justified but distinctly dangerous, and I feel it my duty to register my strong dissent from a continuance of such conditions as these by writing you as I am doing as an ex officio member of the board."

This warning was given 1 year and 10 months ago, January, 1920.

Please note the following figures as to how the funds of the system were being used in certain districts in November, 1920, 10 months after my warning.

Loans by New York Reserve Bank to two member banking institutions in that city, both conspicuous for their speculative activities, over $250,000,000.

Total loans on "agricultural" and "live-stock" paper by six Federal reserve banks (1st, 2d, 3d, 4th, 5th, and 8th districts) to about 4,000 member banks in 18 States and parts of 5 other States (1921 Reserve Bulletin, p. 112), $15,642,000.

The crumbs from Dives' table which the hungry Lazarus was permitted to pick up at that feast were not many.

It is no excuse for the bank to claim that the New York member banks borrowed in order to lend to correspondent banks, for the record shows that one of the biggest borrowers from the New York Reserve

Bank about that time was lending to its own chief executive officer and his immediate family, largely on speculative securities, more money than his bank at the same time was lending to all of its national bank correspondents in all the 48 States of the Union.

Conservative, experienced, and fair-minded men in New York City, as elsewhere, have been amazed at the facts which have been developed in connection with the management of the Federal reserve bank of New York. In the financial columns of the newspapers, October 19, 1921, a well-known financial writer (with whom I am not personally acquainted) said:

"Disinterested judges think there is ground for the charge made against the Federal reserve bank of New York for extravagance. John Skelton Williams, formerly a member of the Federal Reserve Board at Washington, makes the charge and published a list of the salary increases. * * * There are fair-minded people in Wall Street who are familiar with the responsibilities assumed and know the ability of the men named, and in such quarters the feeling is that the Federal reserve bank here will have a hard time proving that these men could go out in the open market and get such salaries. The Federal reserve bank is strictly a Government institution subject to a small degree of private management. The officers take no responsible action on their own initiative. Responsibility for passing on paper rediscounted should rest with the directors. In changing the rediscount rate orders are taken from Washington.

"Hence, there are fair-minded men here who believe that Williams is right in his charge of extravagance in increasing salaries, and also in his charge that the New York bank showed favoritism."

From the studies which I have made of the case and the knowledge of the situation which I acquired as Comptroller of the Currency and member of the Federal Reserve Board, and also from analogies and comparisons which I have made more recently, I have reached the following conclusions:

First, that the plan for the expenditure of $25,646,409 for banking quarters by the New York reserve bank is nothing less than a monumental scandal.

If it should be desirable for the New York reserve bank to erect a building for its own purposes, such a building, with adequate facilities for the present and for many years to come, could, I believe, be provided at a saving of at least $10,000,000 or $15,000,000 from the figures now planned.

It was unnecessary for the bank to tie up $5,000,000 or $6,000,000 in land in the heart of the Wall Street district. Property a few blocks away would have been equally convenient to 97 per cent of the membership of the New York reserve bank and would have cost several millions less.

Second, that the present salary scale of the New York reserve bank is utterly indefensible.

The report to the Senate shows that 33, or 80 per cent, of the "officers" have had their salaries increased in the aggregate 340 per cent, while the aggregate increase with 12 of them was 546 per cent. Would these 33 "officers" resign if their salaries now should, in the aggregate, be cut in half, leaving them still with an increase in their pay of 170 per cent? If so, the reserve bank, I am sure, will have no trouble in getting men equally, if not more, efficient for less. I believe that with efficient management 1,000 or more of the other employees could easily be dispensed with, as far as the bank is concerned, without impairing the service, and that with other obvious economies several million dollars a year could be saved in its operation.

As to the New York reserve bank officer whose salary exceeds that of four Cabinet ministers—let me say that it is, of course, entirely conceivable that a man may possess a combination of character, brains, and force which might make his services worth $50,000 a year or more; but I must say regretfully that I have not been able to discover any premonitory symptoms of such a combination in this case. And I do know that there are eminent men of unimpeachable character and standing conversant with this situation who think, and have said, that it would be better for the reserve system if Gov. Strong—the larger part of whose time during several years in the past has been spent traveling abroad or in Washington—should be dropped from the service.

Economy and efficiency in the operation of the Federal Reserve Bank of New York are, of course, highly important; but the question of salaries paid, however grossly excessive they may be, or the expenditure of $25,000,000 for a palatial bank building are small in comparison with other faults and evils to which I have directed public attention in connection with the management of the Federal Reserve Bank of New York and the administration of the whole Federal Reserve System by the reserve board.

The unequal, unfair, and unwise distribution of the funds of the reserve system can spread ruin and bring disaster. The fact that six of our reserve banks were lending only $17,000,000 on "agricultural" and "live-stock" paper in 18 States at the same time that the New York Reserve Bank was going ahead with the expenditure of over $25,000,000 in a banking edifice is painfully significant.

When we survey the country and realize the ruin which has come to our agricultural and other interests coincidently with the carrying out of the board policies, it is clear that is not a small matter. A business man declared the other day with terrible earnestness, "I had rather have 10 panics than one 'deflation.'"

The national banks in New York City were given in proportion to their total loans and discounts a year ago three times as great an amount of reserve bank funds as our 7,699 "country" banks were allowed to get in their hour of need.

It is not a small matter to discover that if our "country" banks had been given by the reserve banks a year ago the same proportion of accommodations that was furnished to New York banks, sometimes in blocks of "forty or fifty million dollars" at a time, as Gov. Harding expresses it, and to use his language again "instanter," that those "country" banks would have received for the use of the farmers, cattle raisers, industries, and business of the country a thousand million dollars more than was accorded them. What this meant to the country we now realize.

The official figures tell the tale. They show that the "deflation" in their holdings of "bills discounted and purchased" by the 12 Federal reserve banks between October 22, 1920, when farmers and business men were pleading piteously for help or consideration to November 16, 1921, was $1,784,000,000, an actual contraction from $3,050,000,000 in October, 1920, to $1,266,000,000, as shown in the official statement two weeks ago.

The peace of the world is of transcendent importance to our own country and to every other country. The value of disarmament, which it is believed will aid in securing universal peace, is of proportionate concern. But the amount of material wealth which this country would save by a reduction of 50 per cent, or even 75 per cent in the cost of its Army and Navy, is small in comparison with the colossal losses which our industrial, agricultural, and commercial interests—in fact, the people of every class, from one end of the country to the other—have sustained and the suffering they have endured in the past year or 18 months in the debacle of "deflation." These misfortunes and hardships, many of our wisest leaders and best thinkers claim, were accentuated, if not brought about, by the mismanagement or folly of men in charge of a banking and financial system which so long as it is ably, intelligently, and faithfully administered should ever be a blessing not only to this country but to the world.

Letters I have received from various parts of the country indicate the deep interest which is being taken by the public in this vital subject. In my mail this morning (December 2) I find a letter from a Northern man, with whom I am not personally acquainted, from which, in conclusion, I take the liberty of quoting the following:

"I do not want the occasion of your recent exposure of the abuses in the high and excessive salary system of the New York Federal reserve to go by without a word of warm approval of your action. You have performed a signal service. * * *

"Indirectly, but none the less effectively, the New York Federal reserve bank is being operated to aid and abet Wall Street speculative ventures and it will be utilized more and more to this end until some day, the advent of which is difficult to predict, we shall have an old-fashioned panic. Those responsible will, as usual, escape, and other scapegoats will be found. * * *

"There is great unrest among the people, over they know not what, but it is there, and while it is only an undercurrent as yet, it will not be long before bold spirits will join you and others in this fight. I hope you will keep up the agitation and take it to Congress or to the public, so that in the end these enemies of the public welfare may be driven out of the trust they have so signally abused."

I hope the analysis which I have endeavored to present in this letter of the Federal Reserve Board's report to the Senate on this subject may be of some service to you when the matter comes up for consideration on the floor of the Senate.

With high regard I remain, sincerely, yours,

JOHN SKELTON WILLIAMS.

The governor of the New York Reserve Bank in his testimony before the Agricultural Commission on August 9, 1921, admitted that as late as February 14, 1921, the New York Reserve Bank was lending to two banks in that district $250,000,000, the amount loaned to one of these institutions being $150,000,000 (p. 649, hearings at agricultural inquiry).

This means that the Federal Reserve System was lending to one bank in New York City in February, 1921, nearly three times as much money as eight Federal reserve banks were lending on "agricultural" and "live-stock" paper on February 28, 1921 (Reserve Bulletin 1921, p. 472), to all of their 5,307 member banks in 28 States and parts of five others, including all of the New England States, New York, New Jersey, Delaware, Pennsylvania, Ohio, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Arkansas, parts of Indiana, Illinois, Missouri, Louisiana, and Arizona, and also in the whole of the important agricultural and cattle-raising States of Oregon, Washington, and California, with Utah, Nevada, and Idaho added.

The total amount of "agricultural" and "live-stock" paper held as late as February 28, 1921, by these eight reserve banks covering about two-thirds of the area of the entire country, amounted to less than $59,000,000.

Mr. OVERMAN. Therefore, Mr. President, I am in favor of the bill. I ask the Committee on Banking and Currency to take into consideration those facts which I have had inserted in the RECORD, and to give us such legislation as may stop this great waste of money.

Mr. McLEAN. Mr. President, I should like to know what portion of the cost of the New York building is devoted to the construction of vaults?

Mr. OVERMAN. I think it is something over $1,000,000, though I have forgotten the exact figures. Perhaps it is $3,000,000.

Mr. McLEAN. My information is that that is the largest item in connection with the construction of the building.

Mr. OVERMAN. I think not. I have the report here, and will find the figures and answer the Senator more specifically.

Mr. McLEAN. The vaults are absolutely necessary to protect the vast quantities of currency and valuable securities which it is necessary to keep there.

Mr. OVERMAN. It was not necessary for them to have, in connection with the bank, an assembly room capable of holding 1,000 people.

Mr. McLEAN. I do not know about that.

Mr. OVERMAN. It was not necessary to appropriate $800,000 for furniture. It was not necessary to have a gymnasium in the building and two or three restaurants.

Mr. McLEAN. Does the Senator know just what control the Federal Reserve Board had over that expenditure?

Mr. OVERMAN. The law empowers the Federal Reserve Board to approve such matters.

Mr. McLEAN. I am told this expenditure was made under the authority of the board of directors of the Federal reserve bank.

Mr. OVERMAN. It was all under the control of the Federal Reserve Board, and if they did not disapprove it they ought to have done so.

A similar situation seems to exist in every district, as I judge from Mr. Williams's analysis of the whole thing. I hope Senators will read his analysis, in order that they may familiarize themselves with the amazing waste of money and the extrava-

gance which has been apparent on the part of the board. I can not understand it. I should like to ask the Senator from Connecticut [Mr. McLEAN], chairman of the Committee on Banking and Currency, why it was that in the Sixty-fifth Congress they came here and secured an amendment of the law which had required all over 40 per cent of the net receipts of the Federal reserve banks to be put in the Treasury as a franchise tax, so that thereafter they could have a surplus of 100 per cent of the capitalization? Why was that done? Can the Senator answer that question?

Mr. McLEAN. I will say to the Senator that I do not know. The statement of the Senator may be correct.

Mr. OVERMAN. I have their own statement for it.

Mr. McLEAN. I think the Senator will find that the profits have not been unlawfully appropriated.

Mr. OVERMAN. In the construction of these public buildings?

Mr. McLEAN. They have to have homes for the banks.

Mr. OVERMAN. Does the Senator think they have a right to give five men in one of those banks $30,000 each?

Mr. McLEAN. I do not think that has anything to do with the subject under discussion. I hold no brief for the Federal Reserve, but I wish that the members should have fair treatment.

Mr. OVERMAN. I know. I do not charge it.

Mr. McLEAN. They have been good Democrats in the past.

Mr. OVERMAN. There is no politics in this matter so far as I am aware.

Mr. McLEAN. I merely want to make certain that the question presented here is understood by the Senate. The question before the Senate is the one which has been raised by the Senator from South Carolina [Mr. SMITH], to wit, that we limit the discretion of the Executive in selecting the personnel of the Federal Reserve Board to a man who is engaged in the business of farming, and the question is whether or not that is wise.

Mr. OVERMAN. That is the question before the Senate, but I wanted to bring before the Senate the question as to the extravagant use of money. I asked for a report concerning the matter, and a report has been submitted admitting the facts. There should be some one on the Federal Reserve Board representing the farming interest. There has been just criticism of the board, and I hope some good may come from it. I believe the Federal reserve system is a great system; we could not do without it; but it is necessary that the board should have the confidence of the people. If, however, they go on and continue spending money in the way they have done in the past they will lose the confidence of the people.

Mr. McLEAN. I do not know whether the Senator from North Carolina is informed of the fact that two members of the board to-day are experienced in agriculture and themselves conduct farms, and are, therefore, qualified to serve under the amendment which has been presented by the Senator from South Carolina.

Mr. OVERMAN. I am not informed as to the facts in regard to that matter. The Senator stated that he did not know whether or not a law such as that indicated had been passed. In the report of the board it is stated:

> At the instance of the Federal Reserve Board a bill was introduced during the third session of the Sixty-fifth Congress to amend section 7 of the Federal reserve act by permitting Federal reserve banks to create a maximum surplus out of earnings equal to 100 per cent of their paid-in capital instead of 40 per cent as originally provided.

I should like to know why that should be done, "permitting Federal reserve banks to create a maximum surplus out of earnings equal to 100 per cent of their paid-up capital instead of 40 per cent as originally provided." Why should the maximum surplus be increased from 40 per cent to 100 per cent? It seems from their own report that it was done for the purpose of using these funds for the erection of buildings and increasing these extravagant salaries. They have taken men from the Chemical Bank and the National Park Bank who have been receiving salaries of $3,000 or $4,000, and they have quadrupled and quintupled their salaries, paying some of them as high as $35,000. It seems to me like extravagance all along the line. I wish the Committee on Banking and Currency, of which the Senator from Connecticut [Mr. McLEAN] is the able chairman, would examine this question and see if there ought not to be some legislation to stop this extravagance.

Mr. McLEAN. Mr. President, the Senator from North Carolina knows that there are one or two committees or commissions which have been constituted for the very purpose he indicates, and I think their reports are nearly prepared. The Senator from North Carolina will also remember that the ex-Comptroller of the Currency, Mr. Williams, brought these matters up, and that his charges have been investigated by a committee—a very good committee, as I understand—and that committee is now about to make its report. There is also an agricultural commission which is examining this question, and its report, as I understand, is nearly ready.

Mr. OVERMAN. I did not know that. I hope that they may make a report concerning the facts.

Mr. McLEAN. I hope that this matter may be postponed until such reports may be submitted to the Senate.

Mr. ROBINSON. Mr. President, will the Senator from Connecticut yield to me?

Mr. McLEAN. I yield.

Mr. ROBINSON. The Joint Commission on Agricultural Inquiry is not investigating the question which has been brought forward by the Senator from North Carolina [Mr. OVERMAN]. Its investigations, I think, have related to the subject which grew out of the instructions by Congress to the commission to investigate the adequacy or inadequacy of the banking and credit facilities. We have not gone into the question of the salaries which are paid by the Federal Reserve Board, because the commission has not seen that that is germane to the subject matter of our inquiry.

Mr. OVERMAN. I trust that this criticism may bring about some reform. I think it is a just criticism, and I think I have said all I care to say about the matter.

Mr. HEFLIN. Mr. President, if my friend from North Carolina will permit me just a moment, I desire to suggest that the Senator from Connecticut a little while ago reminded the Senator from North Carolina that the members of the Federal Reserve Board were Democrats—that is, that they were going under the name of Democrats at the time they were appointed—and I suppose they were Democrats at that time; but I read upon this floor an article from the Washington Times, which was printed, I believe, in April of this year, stating that Gov. Harding, who is holding his position at the head of that board, had supported the Republican ticket last fall and that it was understood that "the powers that be" were very friendly to him. I do not care whether he is a Democrat or a Republican; that does not enter into this matter. Those who have been intrusted with power over the currency and credit of this country ought to be made to perform their duties, whether they are Democrats or Republicans. If men change their politics in order to suit the incoming administration, that is a reason why they should be removed more quickly, because if they will do that for that purpose they will also change their policies to please some other powers in this country. I think the President would greatly please the American people if he were to remove every member of the board. This board is discredited and the day of its usefulness is over.

FOUR-POWER AND OTHER TREATIES.

Mr. McKELLAR. Mr. President, I desire to place in the RECORD this morning five treaties:

First. The proposed four-power treaty.

Second. The Anglo-Japanese alliance treaty.

Third. The treaty between the United States and Great Britain signed September 15, 1914.

Fourth. The treaty between the United States and France signed September 15, 1914.

Fifth. The treaty between the United States and Japan signed May 5, 1908, with the statement furnished me by the Executive Secretary of the Senate that this treaty was renewed on August 24, 1913, for five years, and again renewed by treaty ratified October 10, 1918, for five years.

The two treaties between Great Britain and France and the United States provide, as will be seen from reading them, that in the event of any difference between the parties that they will submit such difference for an investigation and report to a commission known as the international commission, to be composed of five members.

> Each country, by means of its Government, chooses two members, one from its own subjects, the other from among those of the third State. The two Governments, after agreement, will name the fifth member, on condition, however, that he be not a citizen of either of these two countries. Each commissioner shall hold his place during a term of four years.

The report of this commission is to be presented within a period of one year, and until the report is made the contracting nations bind themselves not to declare war nor open hostilities.

I want to call these treaties to the special attention of the Senate, with the view of ascertaining what will be the effect of the proposed four-power treaty upon these very effective treaties now in existence between three of the great nations for the purpose of settling by arbitration international disputes. No mention is made of these treaties in the four-power treaty, and the question arises, inasmuch as they are inconsistent with the four-power treaty, would not these arbitration treaties be repealed by the adoption of the four-power treaty?

The situation with respect to Japan is somewhat different. Japan did not sign a treaty like those which are signed by France and Great Britain, but the treaty above referred to, which she did sign, bound her to submit all differences of a legal nature to the Permanent Court of Arbitration established at The Hague, and the question that arises is, Is this treaty of arbitration between Japan and the United States repealed by the proposed four-power treaty? Without expressing any opinion as to the four-power treaty at this time, it seems to me that its effect upon the treaties of arbitration now existing between the four powers should be very carefully examined into by Senators. For this reason I am asking unanimous consent that the five treaties be printed in the RECORD, all together, for the convenience of Senators and the public.

The VICE PRESIDENT. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

The treaties referred to are as follows:

TEXT OF FOUR-POWER TREATY.

The United States of America, the British Empire, France, and Japan,

With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the regions of the Pacific Ocean,

(1) Have determined to conclude a treaty to this effect and have appointed as their plenipotentiaries:

The President of the United States of America,

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India,

And for the Dominion of Canada, ———,

For the Commonwealth of Australia,——,

For the Dominion of New Zealand, ———,

For India, ———,

The President of the French Republic,

His Majesty the Emperor of Japan,

Who, having communicated their full powers, found in good and due form, have agreed as follows:

ARTICLE I.

The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the regions of the Pacific Ocean.

If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the high contracting parties to a joint conference, to which the whole subject will be referred for consideration and adjustment.

ARTICLE II.

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly and separately, to meet the exigencies of the particular situation.

ARTICLE III.

This agreement shall remain in force for 10 years from the time it shall take effect, and after the expiration of said period it shall continue to be in force, subject to the right of any of the high contracting parties to terminate it upon 12 months' notice.

ARTICLE IV.

This agreement shall be ratified as soon as possible in accordance with the constitutional methods of the high contracting parties, and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate.

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TEXT OF ANGLO-JAPANESE TREATY.

PREAMBLE.

The Government of Great Britain and the Government of Japan, having in view the important changes which have taken place in the situation since the conclusion of the Anglo-Japanese agreement of the 12th August, 1905, and believing that a revision of that agreement responding to such changes would contribute to general stability and repose, have agreed upon the following stipulations to replace the agreement above mentioned, such stipulations having the same object as the said agreement, namely:

(a) The consolidation and maintenance of the general peace in the regions of eastern Asia and of India.

(b) The preservation of the common interests of all powers in China by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China.

(c) The maintenance of the territorial rights of the high contracting parties in the regions of eastern Asia and of India, and the defense of their special interests in the said regions.

ARTICLE I.

It is agreed that whenever, in the opinion of either Great Britain or Japan, any of the rights and interests referred to in the preamble of this agreement are in jeopardy, the two Governments will communicate with one another fully and frankly, and will consider in common the measures which should be taken to safeguard those menaced rights or interests.

ARTICLE II.

If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any power or powers, either high contracting party should be involved in war in defense of its territorial rights or special interests mentioned in the preamble of this agreement, the other high contracting party will at once come to the assistance of its ally, and will conduct the war in common, and make peace in mutual agreement with it.

ARTICLE III.

The high contracting parties agree that neither of them will, without consulting the other, enter into separate arrangements with another power to the prejudice of the objects described in the preamble of this agreement.

ARTICLE IV.

Should either high contracting party conclude a treaty of general arbitration with a third power, it is agreed that nothing in this agreement shall entail upon such contracting party an obligation to go to war with the power with whom such treaty of arbitration is in force.

ARTICLE V.

The conditions under which armed assistance shall be afforded by either power to the other in the circumstances mentioned in the present agreement and the means by which such assistance is to be made available will be arranged by the naval and military authorities of the high contracting parties, who will from time to time consult one another fully and freely upon all questions of mutual interest.

ARTICLE VI.

The present agreement shall come into effect immediately after the date of its signature, and remain in force for 10 years from that date.

In case neither of the high contracting parties should have notified 12 months before the expiration of the said 10 years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the high contracting parties shall have denounced it. But if, when the date fixed for its expiration arrives, either ally is actually engaged in war the alliance shall, ipso facto, continue until peace is concluded.

In faith whereof the undersigned, duly authorized by their respective Governments, have signed this agreement and have affixed thereto their seals.

Done in duplicate at London the 13th day of July, 1911.

E. GREY,
His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

TAKAAKI KATO,
Ambassador Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan at the Court of St. James.

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TREATY BETWEEN UNITED STATES AND GREAT BRITAIN.

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States, the Hon. William Jennings Bryan, Secretary of State of the United States; and

His Britannic Majesty, the Right Hon. Sir Cecil Arthur Spring-Rice, G. C. V. O., K. C. M. G., etc., his ambassador extraordinary and plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I.

The high contracting parties agree that all disputes between them, of every nature whatsoever, other than disputes the settlement of which is provided for and in fact achieved under existing agreements between the high contracting parties, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent international commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II.

The international commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the commission shall be paid by the two Governments in equal proportions.

The international commission shall be appointed within six months after the exchange of the ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III.

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the international commission for investigation and report. The international commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

In the event of its appearing to His Majesty's Government that the British interests affected by the dispute to be investigated are not mainly those of the United Kingdom, but are mainly those of some one or more of the self-governing dominions, namely, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland, His Majesty's Government shall be at liberty to substitute as the member chosen by them to serve on the International Commission for such investigation and report another person selected from a list of persons to be named one for each of the self-governing dominions, but only one shall act, namely, that one who represents the dominion immediately interested.

The high contracting parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the International Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the high contracting parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the commission for its files.

The high contracting parties reserve the right to act independently on the subject matter of the dispute after the report of the commission shall have been submitted.

ARTICLE IV.

This treaty shall not affect in any way the provisions of the treaty of the 11th January, 1909, relating to questions arising between the United States and Canada.

ARTICLE V.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington as soon as possible. It shall take effect immediately after the exchange of ratifications, and shall continue in force for a period of five years; and it shall thereafter remain in force until 12 months after one of the high contracting parties have given notice to the other of an intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done in duplicate at Washington on the 15th day of September, in the year of our Lord 1914.

WILLIAM JENNINGS BRYAN. [SEAL.]
CECIL SPRING-RICE. [SEAL.]

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TREATY BETWEEN THE UNITED STATES AND FRANCE.

The President of the United States of America and the President of the French Republic, desiring to strengthen the friendly relations which unite their two countries and to serve the cause of general peace, have decided to conclude a treaty for these purposes and have consequently appointed the plenipotentiaries designated hereinafter, to wit:

The President of the United States of America; the Hon. William Jennings Bryan, Secretary of State of the United States; and

The President of the French Republic; His Excellency J. J. Jusserand, ambassador of the French Republic to the United States;

Who, after exhibiting to each other their full powers, found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1.

Any disputes arising between the Government of the United States of America and the Government of the French Republic, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the high contracting parties do not have recourse to arbitration, be submitted for investigation and report to a permanent international commission constituted in the manner prescribed in the following article.

The high contracting parties agree not to resort, with respect to each other, to any act of force during the investigation to be made by the commission and before its report is handed in.

ARTICLE 2.

The international commission shall be composed of five members appointed as follows: Each Government shall designate two members, only one of whom shall be of its own nationality; the fifth member shall be designated by common consent and shall not belong to any of the nationalities already represented on the commission; he shall perform the duties of president.

In case the two Governments should be unable to agree on the choice of the fifth commissioner, the other four shall be called upon to designate him, and failing an understanding between them, the provisions of article 45 of The Hague convention of 1907 shall be applied.

The commission shall be organized within six months from the exchange of ratifications of the present convention.

The members shall be appointed for one year and their appointment may be renewed. They shall remain in office until superseded or reappointed, or until the work on which they are engaged at the time their office expires is completed.

Any vacancies which may arise (from death, resignation, or cases of physical or moral incapacity) shall be filled within the shortest possible period in the manner followed for the original appointment.

The high contracting parties shall, before designating the commissioners, reach an understanding in regard to their compensation. They shall bear by halves the expenses incident to the meeting of the commission.

ARTICLE 3.

In case a dispute should arise between the high contracting parties which is not settled by the ordinary methods, each party shall have a right to ask that the investigation thereof be intrusted to the international commission charged with making a report. Notice shall be given to the president of the international commission, who shall at once communicate with his colleagues.

In the same case the president may, after consulting his colleagues and upon receiving the consent of a majority of the members of the commission, offer the services of the latter to each of the contracting parties. Acceptance of that offer declared by one of the two Governments shall be sufficient to give jurisdiction of the case to the commission in accordance with the foregoing paragraph.

The place of meeting shall be determined by the commission itself.

ARTICLE 4.

The two high contracting parties shall have a right, each on its own part, to state to the president of the commission what is the subject matter of the controversy. No difference in these statements, which shall be furnished by way of suggestion, shall arrest the action of the commission.

In case the cause of the dispute should consist of certain acts already committed or about to be committed, the commission shall as soon as possible indicate what measures to preserve the rights of each party ought in its opinion to be taken provisionally and pending the delivery of its report.

ARTICLE 5.

As regards the procedure which it is to follow, the commission shall as far as possible be guided by the provisions contained in articles 9 to 36 of convention I of The Hague of 1907.

The high contracting parties agree to afford the commission all means and all necessary facilities for its investigation and report.

The work of the commission shall be completed within one year from the date on which it has taken jurisdiction of the case, unless the high contracting parties should agree to set a different period.

The conclusion of the commission and the terms of its report shall be adopted by a majority. The report, signed only by the President acting by virtue of his office, shall be transmitted by him to each of the contracting parties.

The high contracting parties reserve full liberty as to the action to be taken on the report of the commission.

ARTICLE 6.

The present treaty shall be ratified by the President of the United States of America, with the advice and consent of the Senate of the United States, and by the President of the French Republic, in accordance with the constitutional laws of France.

It shall go into force immediately after the exchange of ratifications, and shall last five years.

Unless denounced six months at least before the expiration of the said period of five years, it shall remain in force until the expiration of a period of 12 months after either party shall have notified the other of its intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done at Washington this 15th day of September, in the year 1914.

WILLIAM JENNINGS BRYAN. [SEAL.]
JUSSERAND. [SEAL.]

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TREATY BETWEEN THE UNITED STATES AND JAPAN.

The President of the United States of America and His Majesty the Emperor of Japan, taking into consideration the fact that the high contracting parties to the convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899, have reserved to themselves, by Article XIX of that convention, the right of concluding agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment, have resolved to conclude an arbitration convention between the two countries, and for the purpose have named as their plenipotentiaries, that is to say:

The President of the United States of America, Elihu Root, Secretary of State of the United States of America; and

His Majesty the Emperor of Japan, Baron Kogoro Takahira, Shosammi, Grand Cordon of the Imperial Order of the Rising Sun, his ambassador extraordinary and plenipotentiary to the United States of America:

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Difference which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration established at The Hague by the convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties.

ARTICLE II.

In each individual case the high contracting parties, before appealing to the permanent court of arbitration shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the period to be fixed for the formation of the arbitral tribunal and the several stages of the procedure. It is understood that such special agreements will be made on the part of the United States by the President of the United States by and with the advice and consent of the Senate thereof.

Such agreements shall be binding only when confirmed by the two Governments by an exchange of notes.

ARTICLE III.

The present convention shall remain in force for the period of five years from the date of the exchange of the ratifications.

ARTICLE IV.

The present convention shall be ratified by the high contracting parties, and the ratifications thereof shall be exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed the present convention and have thereunto affixed their seals.

Done at the city of Washington, in duplicate, this 5th day of May, 1908, corresponding to the 5th day of the fifth month of the forty-first year of Meiji.

ELIHU ROOT. [SEAL].
K. TAKAHIRA. [SEAL.]

[The above treaty with Japan was renewed on August 24, 1913, for five years, and again renewed by treaty ratified October 10, 1918, for five years.]

Mr. McKELLAR. Mr. President, I wish to express no opinion on the proposed treaty at this time, but will merely call the attention of the Senate to the fact that these are peace treaties which are now subsisting, and under which there is an agreement for arbitration of all differences between the powers negotiating the treaties as set forth by their terms. The question is, Do we wish to repeal in whole or in part these peace treaties providing for arbitration in the event of differences arising? Does the four-power pact, if ratified, repeal or annul these three treaties with Great Britain, France, and Japan? Do we wish to do away with the present agreements to arbitrate? We recall that we have a Court of International Justice, with an American on it—Mr. John Bassett Moore. However, I have reached no conclusion.

FEDERAL COUNCIL OF THE CHURCHES OF CHRIST.

Mr. McKELLAR. Mr. President, I also ask unanimous consent, in connection with this subject, to have inserted in the RECORD, following the treaties I have already asked to have printed, a declaration of principles by the Federal Council of the Churches of Christ of America, which has recently been issued. The Federal council represents the Protestant churches of America, numbering, in all, some 20,000,000 people.

The VICE PRESIDENT. Is the Senator aware that the declaration to which he has referred was laid before the Senate by the Chair this morning?

Mr. McKELLAR. I was not aware of that fact.

The VICE PRESIDENT. It was not, however, ordered to be printed in full in the RECORD.

Mr. McKELLAR. I did not know that it had been presented by the Chair, as I was not present in the Chamber when it was presented. Inasmuch, however, as it has not been ordered printed in the RECORD in full, I now make that request, and that it be printed in the regular RECORD type.

The VICE PRESIDENT. Without objection, it is so ordered.

The declaration referred to is as follows:

LOOKING TOWARD A WARLESS WORLD: A DECLARATION, IDEALS, A POLICY, AND A PROGRAM ADOPTED BY THE EXECUTIVE COMMITTEE, FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA, AT CHICAGO, ILL., DECEMBER 16, 1921.

The executive committee of the Federal Council of the Churches of Christ in America records on behalf of the churches their solemn and reverent thanksgiving to God for the Conference on Limitation of Armament. In it we recognize His answer to the fervent prayers of millions of Christians throughout this and many other lands. The prophecies of Micah and Isaiah at last begin to receive fulfillment.

We rejoice in the splendid achievements of the conference already assured. *They are, however, but the first step toward a warless world.* We need to encourage one another and to press forward toward the goal which the Prince of Peace Himself has set before us. With a view to that goal, it is fitting that we should at this time make the following

DECLARATION.

1. We realize that as churches it is not for us to define in detail the political methods and institutions by which the scourge of war shall be ended and the fear of war shall be banished forever from civilized and Christian nations. The determination of such details must be left to diplomats, jurists, and legislators.

2. But we maintain with firm conviction that it is the right and the duty of the church to declare in no doubtful terms the moral principles that are involved in international life, and to insist that our lawmakers, our diplomats, and all those who represent our Nation in its international relations shall observe these principles with utmost care. *We insist that the main issue shall not be either evaded or obscured by discussion of details.*

3. We hold that the moral principles of international life are the most important of all the so-called "vital interests" of every nation.

4. These "vital interests" are of such importance to the life of churches and nations that every congregation of every church in every land should cooperate for the achievement of a warless world. The World War was won only by international unity of purpose and action. A warless world can be achieved only by like unity of millions of peacemakers.

5. We recognize with deep satisfaction the new spirit of amity and mutual consideration that has sprung up between the nations represented at the conference. This spirit we regard as of greater importance and as giving more hope for the future than any of the specific agreements.

6. The Conference on Limitation of Armament has, indeed, made a good beginning. We deeply rejoice in the agreements for a radical reduction of navies, for the 10-year naval holiday, for the 10-year four-power agreement to maintain peace in the Pacific, and for the steps taken looking toward a real solution of China's pressing problems.

7. But as a Nation *we must press on to matters of still greater importance* and still more serious difficulty. Capital ships have largely lost their significance. Provision has not yet been made for the general reduction of land armaments. But that which now threatens the world is chemical and airplane and submarine warfare. These new weapons have created new problems for the entire world of the gravest character. How can they be abolished or even limited so long as competitive armaments and war are recognized and permitted as legitimate methods by which civilized peoples may seek to secure national objectives? War itself must be outlawed.

8. We believe that there is one way and only one way to outlaw war. *We must first establish a peace system. To take the place of competitive war preparations and recurring wars, we must create the institutions and the agencies of peace. Methods must be found by which to assure full security, equal justice, and fair economic opportunity for all nations and all peoples alike.*

9. Mere disarmament by itself alone will not stop war. *Only the firm establishment of the institutions of justice and of liberty under law, maintained by effective sanctions at the hands of law-abiding and peace-loving nations, can possibly banish war from this war-cursed world.* THE MOST URGENT NEED OF MANKIND TO-DAY IS THE SPEEDY ESTABLISHMENT OF THESE INTERNATIONAL INSTITUTIONS FOR JUSTICE, FOR SECURITY, AND FOR FAIR OPPORTUNITY. THESE ARE ESSENTIAL PREREQUISITES TO PERMANENT PEACE.

10. We believe that peculiar duties and responsibilities rest upon Christians in this and all other lands for the establishment of these institutions. It is for Christian pastors and preachers everywhere to teach these truths to the people, and through the grace of God to create that heart and that will in each nation without which disarmament is only a beautiful rainbow in the sky and a warless world is impossible.

11. We believe that the United States has moral obligations to the nations of Europe. Neither France nor any other nation should ever be exposed to the wrong and the tragedy of invasion. *We believe that adequate protection can be given to nations only by effective international guarantees.*

In the light of these considerations this Federal Council of the Churches of Christ in America adopts for itself and recommends to the churches the following statement of ideals of policy and of progress:

I. INTERNATIONAL IDEALS OF THE CHURCHES OF CHRIST.

1. *We believe* that nations no less than individuals are subject to God's immutable moral laws.

2. *We believe* that nations achieve true welfare, greatness, and honor only through just dealings and unselfish service.

3. *We believe* that nations that regard themselves as Christian have special international obligations.

4. *We believe* that the spirit of Christian brotherliness can remove every unjust barrier of trade, color, creed, and race.

5. *We believe* that Christian patriotism demands the practice of good will between nations.

6. *We believe* that international policies should secure equal justice for all races.

7. WE BELIEVE THAT ALL NATIONS SHOULD ASSOCIATE THEMSELVES PERMANENTLY FOR WORLD PEACE AND GOOD WILL.

8. *We believe* in international law and in the universal use of international courts of justice and boards of arbitration.

9. *We believe* in a sweeping reduction of armaments by all nations.

10. *We believe* in a warless world and dedicate ourselves to its achievement.

II. THE GENERAL OBLIGATION OF AMERICA TO COOPERATE IN THE ESTABLISHMENT OF A WORLD PEACE SYSTEM.

1. WE BELIEVE THAT THE GOVERNMENT OF THE UNITED STATES SHOULD ASSOCIATE ITSELF PROMPTLY WITH THE OTHER NATIONS OF THE WORLD TO ESTABLISH PERMANENT INSTITUTIONS FOR THE FORMULATION OF INTERNATIONAL LAW, FOR THE EFFECTIVE OPERATION OF THE INTERNATIONAL COURT OF JUSTICE AND OF BOARDS OF ARBITRATION AND CONCILIATION, FOR THE ASSURANCE TO LAW-ABIDING AND PEACE-LOVING NATIONS OF SECURITY FROM ATTACK AND SPOLIATION BY ANY LAWLESS AND AGGRESSIVE NATION, AND FOR THE PROVISION OF FAIR TREATMENT AND EQUAL ECONOMIC OPPORTUNITY TO ALL INDIVIDUAL CITIZENS OF LAW-ABIDING AND PEACE-LOVING NATIONS.

2. We believe that only by these institutions and agencies will it be possible and practicable to abolish the menace to the entire human race of submarines, of airplanes, and of poison gasses.

3. We believe, further, that the reconstruction of the shattered institutions of production, of exchange, of trade, and of credit, all so essential to the peace and prosperity of the nations, is possible only when the feverish fears and preparations for possible war are completely abandoned because of the successful functioning of the institutions of an effective world peace system.

4. We take the above stand remembering:

a. THAT PRACTICALLY EVERY IMPORTANT NATION IN THE WORLD HAS COMMITTED ITSELF TO THE IDEA OF A PERMANENT ORGANIZATION OF THE NATION FOR WORLD PEACE, AND MANY OF THEM HAVE ASSOCIATED THEMSELVES IN A LEAGUE OF NATIONS FOR THAT PURPOSE, AND

b. THAT PRESIDENT HARDING HAS REPEATEDLY COMMITTED HIMSELF AND HIS ADMINISTRATION TO A PERMANENT ASSOCIATION OF THE NATIONS FOR WORLD PEACE, RENEWED IN HIS RECENT ADDRESS AT THE OPENING OF THE WASHINGTON CONFERENCE IN THE MEMORABLE WORDS THAT THE UNITED STATES COOPERATING WITH OTHER NATIONS, DESIRES "TO DO THAT NOBLER THING WHICH NO NATION CAN DO ALONE."

5. We believe that the time has come for American public opinion to express unmistakably to Congress its emphatic support of President Harding and of the administration in making adequate pledges and in giving satisfactory guarantees that the United States will take its full share of responsibility in international tasks and obligations.

6. We advocate the foregoing policy, remembering the numerous actions of the Federal Council from its very first organization in 1905 and repeated at practically every annual meeting since, urging the creation of a permanent organization of the nations for world peace, which policy has also been repeatedly

expressed in numberless actions of our constituent bodies during the last decade.

7. WE REJECT WITH INDIGNATION A POLICY OF TAKING ALL POSSIBLE ECONOMIC ADVANTAGES IN ALL PARTS OF THE WORLD WHILE SHIRKING INTERNATIONAL RESPONSIBILITIES AND OBLIGATIONS.

III. AMERICA'S OBLIGATIONS TO SINGLE NATIONS.

1. To Armenian and Greek Christians:

In view of the tragic conditions of Armenian and Greek Christians under cruel and murderous rulers and of numerous appeals to America for political protection and philanthropic help; and

In view of the proposal in Congress that President Harding take up with Great Britain, France, and Italy the question of dealing effectively with the Turkish maltreatment of Christian subjects.

We urge the churches of America to exert every possible influence—

(1) To secure immediate active measures by our Government for the protection of Christians under Turkish rule;

(2) To provide contributions needful for the physical wants of those threatened with starvation in the Near East; and

(3) To promote a national service of prayer in all our churches until permanent protection is secured for Christians under Turkish rule.

2. To Russia:

Because of the fearful famine in Russia and in response to the appeal of Mr. Hoover, approved by President Harding, we urge the churches and Christians of America to make generous and early response to the pitiful calls from Russia for gifts of food, clothing, and medicine.

This, however, is a case in which private philanthropy is wholly inadequate. We therefore earnestly urge Congress to take the necessary action by which the United States as a Nation may become a good Samaritan.

3. To Austria:

Austria incurred a debt to the United States immediately after the armistice of $24,000,000 for the purchase of food in America. One step immediately pressing for saving Austria from complete dissolution appears to be at least an extension of time for the payment of her international debts. The nations of Europe, except Italy, have consented to a 20-year delay in her debt payments. Italy, also, consents to this delay provided America will do the same.

We therefore urge that our Government unite at once with the other nations for helping Austria by such methods as shall save this suffering nation.

IV. AMERICA'S OBLIGATION TO HER ASSOCIATES IN THE LATE WAR.

In view of the enormous losses of life and property incurred by the nations associated with the United States in the late war, during the period when the United States was preparing to do her part;

And in view of the fact that the sums loaned to them by the United States were expended in this country for food and ammunition by which they were enabled to continue the struggle until America was duly equipped;

We believe that under suitable conditions, each case being handled by itself, the dictates of justice and the principles of economic law require that the United States should consider and adopt some suitable adjustment of these debts of the nations to the United States in order that they shall be as far as possible relieved from their economic difficulties.

V. AMERICA'S OBLIGATIONS TO AID IN THE ECONOMIC RECOVERY OF THE WORLD.

Because of the World War the United States became in a moment of time the most powerful and the richest of all the nations. But power and wealth bring special opportunities and responsibilities. The recovery of economic stability by the nations of the world, and especially by Europe, depends, we are assured, largely on what America does or fails to do.

We therefore ask that the United States unite in an economic conference of the leading nations to do in the realm of industry and finance what has been so well done by the Washington conference in the realm of political understanding and in the reduction of armaments.

VI. AMERICA'S OBLIGATIONS TO GERMANY.

If American Christians are earnest in their desire to have a Christian world order, a peace system to take the place of the old war system, we must ourselves have a Christian spirit toward the peoples of every land.

The Christians and churches of America should enter into the fullest possible fraternal relations with our Christian brethren in Germany, as Christians determined to join in rebuilding our shattered world on new and better foundations.

We recommend, accordingly, that the administrative committee be authorized to prepare a suitable communication to the churches and Christians of Germany on behalf of the Federal Council of the Churches of Christ in America, expressing our desire for renewed friendship and cooperation in our common task.

VII. AMERICA'S TREATY OBLIGATIONS.

In international relations nothing is more important than scrupulous observance of treaty obligations.

We insist that the terms of our treaties should be faithfully and honorably observed. If the treaties are not satisfactory, new treaties should be adopted. We condemn all proposals to change or annul existing treaties by mere congressional legislation. These principles should be applied to proposals regarding the use of the Panama Canal, to our dealings with Chinese in the United States, and to all similar questions.

VIII. GREAT BRITAIN AND IRELAND.

In view of the splendid proposal of the British Government to solve the Irish question by the magnanimous establishment of a dominion form of government, we recommend that the administrative committee be requested to send as soon as the act has been ratified cablegrams of congratulation to prime minister, Mr. Lloyd-George, and to the official head of the new Irish government.

IX. THE DUTY OF THE CHURCHES.

To carry out effectively the practical international program, sketched in the foregoing sections, we urge:

1. That each constituent body of the Federal council establish its own official committee on international justice and good will for cooperation with this commission of the Federal Council;

2. That each city church federation establish its department of international justice and good will for similar cooperation;

3. That theological schools and seminaries be urged by their denominational authorities to provide adequate courses for their students in international problems and their solutions as essential parts of their theological instruction, and to open special short courses for laymen, equipping them for public work in the new realm of endeavor for establishing the kingdom of God on earth as it is in heaven;

4. That all specialized organizations within or affiliated with the churches be requested earnestly to promote the use of suitable study courses on the kingdom of God in international relations; and

5. That the administrative committee provide in due time for strong committees of American Christians to visit Christian leaders and groups in all lands to set forth the imperative need of international Christian cooperation in the establishment of adequate institutions of peace for the whole world.

Adopted by the executive committee December 16, 1921.

FREDERICK W. BURNHAM,
Chairman.

CHARLES S. MACFARLAND,
General Secretary.

AMENDMENT OF FEDERAL RESERVE ACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2263) to amend the Federal reserve act, approved December 23, 1913.

Mr. HEFLIN. Mr. President, I am heartily in favor of the amendment offered by the Senator from South Carolina [Mr. SMITH]. It ought to have the approval of every Member in the Senate. The law now requires that two bankers shall be members of the board. Then why should agriculture be denied one member of the Federal Reserve Board. During several months past we have felt the need of a farmer on that board. For months and months prior to 1920, before a change came over the spirit of the dreams of the Federal Reserve Board, the board functioned properly, and I wish to say a word of praise for it from the time it was appointed up to 1920. In 1920, however, it failed to function properly; it ceased to be of value to honest banking business in America, and, consciously or unconsciously, became the obedient servant of Wall Street.

Mr. President, in the book of Judges, sixteenth chapter, and seventeenth, eighteenth, and nineteenth verses, the Bible tells us that Samson told Delilah where his strength lay, and that having learned that Delilah sent for the lords of the Philistines, and they came to Delilah with money in their hands. After having betrayed Samson for the money of the Philistines as he slept with his head in her lap Delilah had his head shaved, and his strength went from him.

Samson was a man of marvelous strength—the greatest physical giant of his day. Until betrayed and shorn of his strength he was the pride of his own countrymen and a terror to the enemies of his people.

Prior to 1920 the Federal reserve banking system had exhibited such marvelous strength and had rendered such valuable service that it was generally recognized as the greatest banking institution ever established in the United States.

The business-disturbing and panic-breeding institutions of the country feared and hated it as the lords of the Philistines feared and hated Samson, and in season and out they have tried to deprive it of its power and usefulness. As Samson's strength resided in his hair the directing force and governing power of the Federal reserve banking system resided in the Federal Reserve Board located here in Washington. So long as that board had an eye single to the business needs of the whole country and demanded that those needs be served with the money and credits necessary to keep the body of business strong all was well in the banking and currency business of the United States, but in an evil hour in 1920 the Delilah of Wall Street took the Federal Reserve Board, the head of the Federal reserve banking system, in her lap, and she caused a spell to be thrown upon it while it slept, and when it awoke it did not see or feel as it did before. Just as the lords of the Philistines captured Samson and rendered him harmless to them and impotent to serve his own people the money lords of Wall Street captivated and hypnotized the Federal Reserve Board, and while rendering it useless to the business needs of the people they made it subservient to themselves.

The conduct of the Federal Reserve Board for several months past has been miserable, inexcusable, and indefensible. It has been criticized and condemned by farmers, merchants, and bankers, and others all over the country, and its conduct will go down in the history of this decade as a crime against agriculture, commerce, and honest banking in the United States.

Mr. President, if the bankers of the United States—I mean the country bankers in small towns, the bankers in large towns, and the bankers in many of the cities—knew that this tyrannical Federal Reserve Board would not know what they had said against its conduct, they would draw an indictment against the Federal Reserve Board that would bristle with the complaints, indignations, and grievances of the honest bankers of the country. To-day the Federal Reserve Board holds its foot upon the neck of the grain industry, the cattle industry, and the cotton industry and other industries of the United States, while Wall Street and Chicago look on and applaud. I am in favor of putting in the law this provision now before the Senate which requires the President to appoint a practical farmer as a member of the Federal Reserve Board as soon as another vacancy occurs. The business of agriculture is entitled to this recognition. We demand it. Justice and fair play justify us in demanding it.

When the cattle industry and the cotton industry and the grain industry are in distress and need financial aid and have to call on the Federal reserve banking system, we want a real farmer on the Federal Reserve Board to look after those interests.

Mr. President, in an article contributed to the Paradox—a paper published in the State of Texas, I believe—John Skelton Williams, formerly Comptroller of the Currency, and a man of great ability and of unimpeachable integrity, one who has rendered great service to his country by giving the inside workings of the Federal Reserve Board, says:

> Official reports show that the Federal Reserve Bank of New York was loaning to two banking institutions in New York City, both conspicuous for their speculative operations, more money than all 12 of the Federal reserve banks were ever loaning at any one time on agricultural and live-stock paper in all the 48 States of the Union.

Mr. President, I read that for the purpose of proving that I am correct in saying that this board has become the subservient tool of Wall Street, and that it does not function properly now. It does not meet the needs of the American people. There can be no sound defense of that board's deflation conduct, and I do not know why the President continues to hold it in power.

I have not criticized the President here. I wanted to give him an opportunity to make a good President if it were possible, and I wished him Godspeed, and I have not tried to hamper him. I have criticized this board. I have said that this board ought to be removed. I repeat that assertion to-day; and if the President will not remove it, if the President continues to hold it in power, he must bear the blame and the responsibility for its cruel and criminal conduct.

Mr. President, when a board institutes a policy that destroys the business of thirty-odd millions of people in my section and thirty-odd millions of people in another section of the country—the western section of the United States—it is certainly a criminal act. There is no excuse to-day for cotton selling below the cost of production, except for the deadly policy that this board is pursuing. It has intimidated bankers. Hundreds of bankers are as afraid of it as they are of death. They dare not complain and let the board know it. Why, these people have the whip hand, and the little bankers down the line are tied up to it in a way; and instead of its being the great agency for good that it was for a while, they live in dread and fear of it. That is the institution that you have to-day in control of the banking and currency business of the United States.

Mr. President, those who control the money supply of the people control the business of that people. If they permit money to flow freely and credits to be supplied, there is no reason for any factory being idle, no excuse for any man or woman being unemployed, no excuse for the products of farm or factory or mine selling below the cost of production. Senators, here is where one of the great evils lies, right with this Federal Reserve Board, which has accumulated billions of gold while people out yonder are starving and the business of others is going to ruin.

I was talking on yesterday to an ex-Member of Congress from Ohio, Mr. Crosser. He said: "HEFLIN, I saw a pitiful sight the other night in a theater in Cleveland. They had been advertising for old coats and old clothes for ex-service men"—yes, Mr. President, begging for old clothes for the ex-service men, soldiers who had worn the uniform of their country and offered their lives on the battle line in France, saved our Nation from the dangers that threatened it, saved the liberty and civilization of the world, back home with the richest Government on the globe, with more gold in its possession now than all the rest of the world combined. He said he saw them on the stage in this theater calling for the people to bring up these old coats and old clothes for our ex-service men, and he said they had a stack of them on the stage several feet high, and to see these boys go up and get them touched his heart and made the tears come into his eyes.

Yes, Mr. President, it is enough to make the tears come into your eyes. It is enough to give you a pang in your heart. What does this board care? They are sitting there, drawing big, fat salaries. They are appropriating money, without asking Congress, out of this Federal reserve fund to build a banking palace in Wall Street costing millions and millions of dollars. I am told that one big bronze door cost $25,000. They could have gotten along with a door that cost less than that. If we are going to squander money in that way, I submit that it ought to be appropriated to feed and clothe the men who saved the life of this Nation in the hour of its peril.

I am reminded by my friend from Georgia [Mr. WATSON] that this whole building in New York is to cost about $26,000,000, and that they gave $1,000,000 to the architect. Mr. President, look how easy it is for them just to write checks and dish out this money!

I recited here once before—I will call it to the attention of the Senate again, right in this connection—the case of a young man out in the West, desiring to start a ranch, who borrowed $2,000 from a bank and went out and bought some cattle. He started his ranch and worked with it for a year. He had a few more cattle when the end of the year came than he had when he started. They foreclosed his paper and forced him to pay. He sold the same cattle for $1,300, and it left him owing the bank $700, with his year's work gone and his business destroyed by the bank.

What caused the bank to do that? The Federal Reserve Board undertake to hide out and say: "We are not responsible; the member bank does it"; but that is not true. They are responsible for all of it, because, I tell you, the truth of the situation is this: The member bank, as a rule, will lend money and wants to lend money and will help the local banks in every way they can, but they get word through some mysterious channel, "You had better hold up on this kind of loan, or that, and if you do this or that we will not approve it"; so they live in dread and fear of the Federal Reserve Board, and that feeling has gone all down the line, and it has affected the banking business of the whole country, and our people are suffering from its evil consequences.

Mr. President, one other thing I want to read in this connection to back up my statement that Wall Street is the dominating influence with this Federal Reserve Board which President Harding persists in holding in power. This is also from John Skelton Williams:

> The official figures also show that at one time last year the Federal reserve system was lending to four banking institutions in New York City an aggregate of about $480,000,000. The loans made to four banks in New York amounted to approximately twice as much as the maximum amount loaned at any time during the year 1920 on agricultural and live-stock paper by all 12 Federal reserve banks.

Mr. President, every now and then the governor of the reserve board goes out and makes a speech, and undertakes to

explain the actions of the board to the people. He says we do not understand this system, that the board is not responsible, that it is the member bank, that it is the reserve bank, that it is somebody down the line. In response to a question of Congressman BYRNES, of South Carolina, Governor Harding admitted before the Joint Committee on Agriculture of the Senate and the House a year ago this December that no bulletin or order of the general policy of any reserve bank was printed and circulated unless and until it had the approval of the Federal Reserve Board. And that is true. They can not dodge responsibility for the conduct of this system. They control it.

We saw that the Federal reserve banking system was being maladministered, and southern Democrats and western Republicans got together with a few northern Democrats and one or two northern Republicans, and we passed a bill reviving the War Finance Corporation. It looked as if it would do some good, and it has done some good. It seems that the Federal Reserve Board got jealous of the War Finance Corporation, fearing that the cotton farmers would obtain money through it, and that the price of cotton would advance to where it would pay the cost of production and give the farmer a little profit. The other day the Federal Reserve Board gave out an estimate of the cotton crop and broke the price $5 a bale on the day it did it.

Mr. President, what right had the Federal Reserve Board to give out an estimate of the cotton crop? Have we not an Agricultural Department for that purpose? Have we not the Bureau of the Census to take statistics at the cotton gin? What authority has this board to give out an estimate of the crop? It did it and estimated it above what the Agriculture Department estimated it. Was it trying to affect the market injuriously? That is what it did. It broke the price of cotton about $5 a bale. It appears that the board was trying to break the price. Does President Harding indorse that sort of thing?

Mr. President, I mentioned here the other day what I desire to repeat, that out in the Northwest oats are selling for about 17 to 20 cents a bushel. I ordered a saucer of oatmeal this morning and it cost me 15 cents. I ate just a small saucerful.

A Senator sitting near me reminds me that in some places in this city they charge 30 cents for a saucer of oatmeal. Yet the farmer of the West, spending 65 to 67 cents a bushel in producing oats, is driven into the market place by the policy of the Federal Reserve Board, and made to dump all of his produce upon a dead market, where he sells it at less than it cost to produce it, for only 17 cents a bushel. It is some job to carry a bushel of oats on your shoulder, it is a pretty good load, and yet at my breakfast this morning a little saucer full of oatmeal cost me 15 cents. That is the proof of what we are getting under the Republican administration. "And by their fruit ye shall know them."

Think of that, Mr. President; 15 cents for a saucer full of oatmeal. Those men who are fortunate enough to have liquid assets can go to a bank and get all the money they want, but the farmer takes his stuff in and dumps it, and the local banker says, "I want to lend this man something on his crop. He has a thousand bushels of oats, and they are good oats." The Federal Reserve Board says, "Don't lend on agricultural products. He is holding them for speculative purposes."

Of course he is, so that he can get the cost of production plus a profit. Let him go. Drive him to the market. But when the other fellow has the oatmeal in his hand, he says, "I want to get some money."

"What do you want it for?" says the Federal Reserve Board.

"I want to carry on a certain business. What business is that of yours? Here is my paper."

"All right. Let him have it," says the board.

Mr. CARAWAY. Mr. President, in the interest of accuracy only, let me suggest that when the Senator from Alabama said that we should know the Republican Party by its fruits, he meant we should know them by their oats.

Mr. HEFLIN. That is right, by the price of oats now. I heard of a case where some fellow like Abe Martin said the other day that "Sam Lomax broke his back shouldering a dollar's worth of Harding oats."

Mr. President, it would take a yoke of steers to pull a dollar's worth of Harding oats or Harding corn now; that would apply to oats, potatoes, corn, and wheat in the great Northwest. Agriculture has died under the withering touch of this Federal Reserve Board's hand, and President Harding can not escape criticism for it and responsibility for it.

The cattle industry of the United States lies prone upon the ground by this policy. The cotton industry of the South is prostrate to-day, and cotton is selling below the cost of production; yet the Federal Reserve Board officers sit back and fan themselves in their comfort and put up a marble temple, a banking institution, in one city costing nearly $30,000,000. What right had they to raise the discount rate from 3 to 7 per cent and accumulate that money—take it away from the poor, struggling industries of the country and hold it, and then dish it out to build a marble banking temple in New York, with its bronze doors costing $25,000 each, and increasing the salaries of that bank's officials? My good friend the able Senator from North Carolina [Mr. OVERMAN] told you a little while ago of the enormous increase in those salaries. The poor cotton farmer comes up to the bank with 10 bales of cotton on his wagon and says, "I want to borrow some money."

"What do you want to do with it?" says the banker.

"I want to pay some debts I owe and hold this cotton until the price will cover the cost of production and yield me a profit."

The banker looks at him and says, "John, I would love to let you have the money, but the Federal Reserve Board has sent word down the line not to lend money for speculative purposes; and you are wanting to hold your cotton until it goes up, and they have held that that was for a speculative purpose."

A cattle-industry man comes up and says, "There are my cattle on the plain. I have to buy feed for them. Some of them are my breeding cattle, and I want to borrow some money to settle some debts I have and to hold my cattle and feed them and fatten them so that they will bring more money when the price advances."

"No," he is told, "you are doing that for speculative purposes, and the Federal Reserve Board has whispered the word down the line not to lend money for speculative purposes."

The wheat man and the oat man and the corn man all come up and ask to be relieved, but the Federal Reserve Board's decree has gone forth, and they can not have it. They can sell their oats for 17 cents a bushel, 2 cents more than they charged me for a saucer full of oatmeal on the breakfast table in Washington.

Mr. President, these are facts, and they show an awful condition amongst the farmers of the country. I will give you another result of this board's deadly deflation policy. The board sent out word to the banks not to lend money on cotton produced in 1919. What do you think of that? Suppose I had a Liberty bond that I bought in 1919, and wanted to borrow money on it. Could anybody tell me not to borrow money on it unless it was bought in 1920 or 1921? Suppose I had a note, well secured, given by a party responsible in every way, and I extended the note and carried it from 1919, and wanted to borrow money at the bank and put it up as collateral; if it was good, would anybody refuse to lend me the money because the note was originally made in 1919? He would not if he had any sense of decency and honesty about him. What right had this board to say to the farmers of the South, "You can not borrow money on cotton made in 1919"? There was not much, at best, of the 1919 cotton crop left in the South.

Mr. President, in order to show how ridiculous that position is, suppose a man had a hundred bales of strict middling cotton—white like the snow, whiter than the grades produced in 1920 or 1921, if you please—and he had it stored in a warehouse—nothing had harmed it, it was perfectly dry—and he could not sell it for a price that would cover the cost of production and give him a profit; he held it, and then he goes to a bank in 1921 and says, "I have a hundred bales of cotton, whiter than that cotton you are buying to-day and lending money on, whiter than that you loaned money on last year." They say, "When did you make that cotton?" He says, "I made it in 1919." They answer, "Then, under the policy of the Federal Reserve Board, you can not borrow on it."

Why was that policy inaugurated? To drive these farmers into the market place and make them sell their cotton and dump it on the market, regardless of the price. When they did it, they murdered the cotton industry in the South.

Mr. President, I have said all that I care to say at this time. This is such a serious question I do not intend to let any opportunity pass without bringing it to the attention of the Congress, the President, and the country. I hope that some time he will wake up to a full realization of just what is going on as a result of the destructive policy of the Federal Reserve Board. I do not know who is advising the President, but I know that the President must take the responsibility. He must bear it. We are entitled to lay it at his door. Speeches have been made in this body time and time again, and some in the other branch of Congress, in criticism of the board. Nobody has ever defended the conduct of this board; nobody can defend it. Of course, I suppose there will be some of the friends of the board who will

indorse its policy, and they will, of course, be conscientious in their views, but they do not know the situation. I am sure if they did they would join with us in criticising and condemning the conduct of the board.

Until the scales fell from his eyes, Paul persecuted Christ. Now, it may be that there are some Senators who have never had the scales to fall from their eyes, who will rise and defend the Federal Reserve Board, and will continue to persecute the masses of the American people who are crying out in their distress for deliverance from this body of death that the Federal Reserve Board has fastened upon them. The South cries out in protest against this policy, the West cries out in protest against it, but Wall Street approves and applauds it. I call upon the President of the people of these United States to give us deliverance from the curse of this egotistical and tyrannical Federal Reserve Board.

Mr. EDGE. Mr. President, the pending amendment in no way deals with the question of policy or control of policy of the Federal Reserve Board, and I have no intention of discussing that. The board has been under the control of representatives of the Democratic Party for some time, and I believe is still under the control of a majority of representatives of that party. But the particular bill before the Senate——

Mr. HEFLIN. Mr. President, will the Senator yield just at that point?

Mr. EDGE. Certainly.

Mr. HEFLIN. The Senator did not hear me state a moment ago that I had read on the floor of the Senate from the Washington Times an article printed in April last, saying that Gov. Harding would remain at the head of the board and had supported the Republican Party last fall.

Mr. EDGE. As I stated in the outset, I have no intention of discussing the policy of the board. The bill under consideration is a bill dealing with an entirely different subject, and I think we could make more headway in the Senate if we would confine our discussion—and I say this without any attempt to criticize the Senator from Alabama particularly—to the business actually before the Senate.

I am opposed to the suggested amendment because, in my judgment, it establishes a very dangerous policy, a policy of dictating by statute the type of business a man must be engaged in to make him eligible for executive appointment. I think the limitation of legislation, generally speaking, should be the establishment of general policies, the extent to which public bodies will be permitted to go in the jurisdiction of their activities, and then leave to the Executive, who is selected by the people, the responsibility of making appointments in his judgment fitting that particular activity.

I suppose it will be said by those who support the amendment that the existing law provides for two members of a particular profession, so therefore why is it inconsistent for the proponents of the amendment to provide for the inclusion of a representative of the agricultural industry? I do not think that position can be successfully defended or maintained, because the language of the existing act—and I believe the language of the amendment is a copy of the existing act—so far as it refers to representatives of the banking profession, reads as follows:

> Of the five members thus appointed by the President at least two shall be persons experienced in banking or finance.

Then it goes on as proposed by the pending amendment:

> And one shall be a person whose business and occupation is farming.

There is a distinct difference in my judgment between a description of eligibility which provides that they must be experienced in banking or finance, and a provision which reads that they shall be engaged in the actual business and occupation of farming.

Mr. KENYON. Mr. President, may I suggest to the Senator, for the purpose of his argument, that the amendment was changed, as I understand, so that it now reads "experienced in and whose business and occupation is farming." It goes a little further than the present act in its description of bankers, but it does add the words "experienced in." The Senator from South Carolina [Mr. SMITH] modified his amendment to that extent.

Mr. EDGE. I am reading from the amendment which I supposed had in no way been changed.

Mr. KENYON. It was changed just this afternoon.

Mr. EDGE. The language as now contained in the existing law, however, as I call it to the attention of the Senator from Iowa, so far as it refers to the eligibility of those experienced in banking and finance, is not changed by the pending amendment.

Mr. KENYON. No; it is not.

Mr. EDGE. To that I wish to address myself particularly. It would seem to me to be entirely consistent and businesslike to propose, as the present act does, that a minority of the board dealing with the finances of the country should at least be experienced in the particular responsibility with which the board is supposed to deal.

I can not see where any reasonable criticism could be directed to the provision that two of the five shall have knowledge and experience in finance and banking, when we realize, as we of course do, that in the jurisdiction of this board is the control, to a great extent, of the entire financial structure of the country.

However, so far as I am concerned and from my viewpoint I would just as soon see that semieligibility provision taken out of the existing law. I am entirely ready to leave to the Executive of the country and hold him responsible for the selection of men to assume any particular line of responsibility. So far as that being used as a reason for the insertion of this mandatory provision, I can not see where the cases are parallel, or why the insistence that a minority shall have experience in banking matters is any reason why we should suddenly say that there shall be one directly experienced and engaged in the occupation of farming. It is not a farming responsibility any more than it is an industrial responsibility, any more than it is a commercial responsibility, or any more than it is a responsibility which in finance naturally covers every activity of the country.

I am entirely satisfied that all five men shall be experienced in farming or any number of the five experienced in farming, but I see no more reason why we should insert in the bill that one shall be engaged in farming any more than we should say that one must be engaged in manufacturing, one must be engaged as a leader of organized labor, or one must be engaged in some other activity. That the law should contain a provision that two should be experienced in banking seems to me to be a rather sensible provision, but as I said I do not think even that is absolutely necessary, as I am sure the President can be trusted to make suitable appointments, and if not the Senate always has the power to refuse to confirm.

I am afraid, and I do not wish to be misunderstood, that this type of legislation is going to lead us into a position which will be very unfortunate in its final analysis. Any type of legislation which picks out any particular class of citizen and says that he must be in this or that position, without regard for the many other classes of citizens, it seems to me is unwise legislation.

So far as the policy of the board is concerned, at which most of the debate seems to have been directed, of course the passage of the bill, even if amended by the proposed amendment, would have no material effect. The bill provides, as I understand it, reading it hurriedly, for the appointment, on the occasion of the next vacancy, of this man who has had experience and is engaged in farming. That would mean one member particularly qualified, so far as the judgment of the Executive is concerned, in the business of farming. It would have no material effect, only so far as one member's responsibility and policy might be concerned, on the policy of the board.

If the policy of the board is incorrect, if they are spending too much money in building large banking houses in New York, if in any other way their policy of deflation or otherwise is against the interests of the country, agriculturally or otherwise, let us establish that and have legislation properly touching upon it. But the pending bill refers alone to the eligibility of a future appointee to the Federal Reserve Board and proposes to select one class as against every other class of citizenship in the country.

May I repeat that I thoroughly appreciate the great struggle which the agricultural interests of the country have had. I thoroughly appreciate the situation existing to-day in the Middle West and in the Northwest, as I have followed the discussion of Senators here and have followed the general information available to us. I sympathize with them in any practical way that the Senate or Congress can assist or help them, and believe it is our duty to do it. But I do not believe we are going to materially help them by suddenly departing from a broad policy and advising the Executive that a representative of a certain great industry—and it is a great industry—in this country shall be named to membership on the financial board of the country.

Mr. SPENCER. Mr. President, will the Senator yield to me?

Mr. EDGE. Certainly.

Mr. SPENCER. Is the Senator in sympathy with the present wording of the bill that in making these appointments the President shall have in mind the commercial, the industrial, and the geographical divisions of the country?

Mr. EDGE. Entirely so.

Mr. SPENCER. If the Senator is in sympathy with the present language of the bill that the commercial activities of the country and the industrial activities of the country should be held in mind in making the appointments, for what reason would the Senator eliminate the agricultural interests of the country?

Mr. EDGE. I think the Senator misunderstands the bill now before us. The bill reported by the subcommittee of the Committee on Banking and Currency provides, as I understand, for the inclusion of the word "agricultural" before the words "commercial, industrial, and geographical divisions," with which I am in entire sympathy and accord, and which bill I would vote for with great pleasure; but an amendment has been offered by the Senator from South Carolina [Mr. SMITH], which is now pending, which takes up and includes the mandatory provision I have been discussing.

Mr. SPENCER. In other words, I understand the Senator to be in entire sympathy with the inclusion of the agricultural activities of the Nation as well as the commercial and the industrial activities?

Mr. EDGE. Entirely so for consideration when making these appointments. I thank the Senator very much for calling my attention to the possible misunderstanding of my remarks if this had not been brought to the attention of the Senate. The bill as reported by the subcommittee of the Committee on Banking and Currency adding the word "agriculture" before the word "commercial" is one with which I am in entire sympathy and think that it would be an additional understanding to the Executive from Congress that the agricultural interests should be taken into consideration in making up his appointments to this board, but not that he must appoint a farmer regardless of other interests. We do not compel him to directly recognize any other activity.

Mr. HARRIS. Mr. President, I offer the following amendment and ask that it be read, printed, and lie on the table.

The VICE PRESIDENT. The proposed amendment will be reported.

The ASSISTANT SECRETARY. On page 3, after line 14, insert a new paragraph, as follows:

The Federal Reserve Board shall have no authority hereafter to enter into any contract or contracts for the erection of any building of any kind or character, or to authorize the erection of any building, without the consent of Congress having previously been given therefor in express terms.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. McLEAN. Mr. President, the bill now under discussion was referred to a subcommittee of the Committee on Banking and Currency, consisting of the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from California [Mr. SHORTRIDGE], and the Senator from Virginia [Mr. GLASS]. Hearings were had. The substitute bill recommended provides that in selecting the members of the Federal Reserve Board the President shall have due regard to a fair representation of the different agricultural, commercial, industrial, and geographical divisions of the country. The original bill was drawn by the Senator from Minnesota [Mr. KELLOGG]. That bill increased the number of members of the Reserve Board from seven to eight, and provided that the additional member should be a representative of the agricultural interests.

The bill as reported by the committee was, as I understood, satisfactory to the agricultural bloc or the Senators who claim to represent the agricultural interests of the country. I regret that no member of the subcommittee is present, as I could not attend the hearings, being occupied in the Committee on Finance. I should like to ask the Senator from Iowa, who apparently is now in charge of the bill, if he desires the bill as it was reported from the committee to pass, or whether he is in sympathy with the amendment offered by the Senator from South Carolina [Mr. SMITH]?

Mr. KENYON. I wish, first, to say that I am not in charge of the bill. I gave notice that I would move to take up the bill. I thought it ought to be considered. As the Senator from Connecticut remembers, I introduced a bill and the Senator from Minnesota [Mr. KELLOGG] also introduced a bill in reference to this matter. Both of those bills went to the Committee on Banking and Currency. We tried to get the committee to act—I am not criticizing the committee—and suggestions were made along the line of the bill which the Senator has reported from his committee. The bill was never satisfactory to me; but it was better than nothing, I will say. I prefer it to no change in the law at all; but I very much prefer the amendment of the Senator from South Carolina.

Mr. McLEAN. That being the case, Mr. President, the author of the bill being absent, and the Senator from Iowa being in favor of the amendment offered by the Senator from South Carolina, I regret that some member of the subcommittee which had the bill in charge is not present at this time, for I wish to say to the Senator from Iowa that the equivalent of the amendment offered by the Senator from South Carolina was considered by the committee and was rejected, as the pending bill indicates.

Mr. KENYON. I have no doubt that the committee would be against the proposition involved in the amendment of the Senator from South Carolina, but, of course, that does not prevent the Senate from having a chance to adopt it.

Mr. McLEAN. No; but I understand the Senator from Virginia [Mr. GLASS] is opposed to this amendment, as is the Senator from California [Mr. SHORTRIDGE]. In fact, Mr. President, I do not see any member of the Committee on Banking and Currency present in the Chamber to-day except myself, the Senator from New York [Mr. CALDER], and the Senator from Nebraska [Mr. HITCHCOCK]. I have no disposition to postpone action upon the bill.

Mr. NORRIS. Mr. President, if the Senator from Connecticut will permit me, I should like to understand the parliamentary situation. As I understand, the Committee on Banking and Currency have reported an amendment which proposes to strike out all after the enacting clause of the bill and to insert a new bill. I understand that the Senator from South Carolina has offered an amendment. Is the amendment of the Senator from South Carolina a substitute for the committee amendment? Does he propose to strike the bill out entirely and to insert new matter?

Mr. McLEAN. No; I understand his amendment is to the bill as reported by the committee.

Mr. NORRIS. Where does the amendment of the Senator from South Carolina come in the amendment of the committee?

Mr. HEFLIN. If the Senator will permit me, I desire to say I understood the Senator from South Carolina to say that his amendment was intended as a substitute, but the Senator from South Carolina was called from the Chamber just a moment ago.

Mr. NORRIS. If the amendment of the Senator from South Carolina is not a substitute for the amendment of the committee, I wish the Senator would tell me, or perhaps I might be informed by the Chair, just where the amendment comes in?

Mr. KENYON. The Senator from South Carolina offered his amendment as a substitute.

The VICE PRESIDENT. The amendment of the Senator from South Carolina is a substitute.

Mr. NORRIS. Now the Senator from Georgia offers an amendment?

Mr. KENYON. No.

Mr. NORRIS. The Senator offered an amendment. I did not understand the Chair to hold it not to be in order.

The VICE PRESIDENT. The amendment of the Senator from Georgia has precedence over the other amendment.

Mr. NORRIS. I should like to know—I could not understand from the reading of the Senator's amendment—where the amendment comes in. As the Secretary read the amendment, it read, as I heard it, "at the end of line 14, on page 3," and there is not any such line.

Mr. HARRIS. After line 13.

Mr. NORRIS. The amendment of the Senator from Georgia is simply an addition to the committee amendment.

Mr. HARRIS. That is true.

Mr. NORRIS. I have not the floor, but if the Senator from Connecticut [Mr. McLEAN] is through I wish to support the amendment of the Senator from Georgia.

Mr. McLEAN. I yield to the Senator.

Mr. NORRIS. But suppose the amendment of the Senator from South Carolina were adopted?

Mr. HARRIS. Then I shall ask that my amendment be added to his amendment.

The VICE PRESIDENT. Should the amendment of the Senator from South Carolina be adopted that would not prevent the Senator from Georgia from reoffering his amendment.

Mr. NORRIS. That makes the parliamentary situation clearer; and that is what I wanted to know.

While I did not intend to say anything on the bill, since the Senator from Connecticut has yielded, and I seem to have the floor without actually wanting it, I would like to say——

Mr. McLEAN. I am perfectly willing to surrender the floor at this time, although I had not finished what I desired to say.

Mr. HEFLIN. I see that the Senator from South Carolina [Mr. SMITH] has returned to the Chamber.

Mr. NORRIS. I do not want to interrupt the Senator from Connecticut.

Mr. McLEAN. I am perfectly willing to yield.

Mr. NORRIS. I rose for the purpose of getting the parliamentary situation clear. I will now withdraw and permit the Senator from Connecticut to conclude his remarks.

Mr. McLEAN. I was out of the Chamber when the Senator from Georgia offered his amendment. I should therefore like to have it again stated.

The VICE PRESIDENT. The amendment proposed by the Senator from Georgia will be stated.

The ASSISTANT SECRETARY. The Senator from Georgia [Mr. HARRIS] proposes to perfect the committee amendment by adding, on page 3 of the bill as reported, after line 13, the following language:

The Federal Reserve Board shall have no authority to enter into any contract or contracts for the erection of any building of any kind or character or to authorize the erection of any building without the consent of Congress having previously been given therefor in express terms.

Mr. McLEAN. Mr. President, it is my opinion that before the Senate acts on that amendment the existing conditions should be inquired into. Very serious consequences might result, if seems to me, if any other course were followed. I have no objection to the question being considered in connection with this bill; but if it is to be considered, I do not think that a vote ought to be asked on the amendment without further information, because my impression is that some of these buildings are under process of construction. For the Congress at this time to lay an inhibition upon work now being done might involve serious consequences, and it seems to me the Senate ought to know the facts before they vote either for or against the amendment offered by the Senator from Georgia.

Mr. ROBINSON. Mr. President, will the Senator from Connecticut yield, in order that I may ask the Senator from Georgia a question?

Mr. McLEAN. I yield.

Mr. ROBINSON. Can the Senator from Georgia give the Senate the information suggested by the Senator from Connecticut? Does the Senator from Georgia know how many buildings are already in process of construction? I am told, for instance, that there is one being constructed in Atlanta, another in Richmond, and perhaps there are other buildings already contracted for and now under process of construction. The amendment might interfere with the completion of those buildings. So I think we ought to have more information respecting the subject. I agree with the general principle of the amendment, that Congress ought to appropriate for public buildings; that it ought to have an opportunity to grant the sums necessary or to refuse to do so.

Mr. HARRIS. Mr. President, the amendment is not intended to apply to buildings now being constructed. The Senator from North Carolina [Mr. OVERMAN] read to-day a statement showing the waste and extravagance of the Federal Reserve Board in the erection of buildings. The amendment is simply designed to prevent that condition arising in the future.

Mr. ROBINSON. I am not sure that the last statement of the Senator from Georgia is correct. I do not mean, of course, to impugn his motive in making the statement; all I mean to say is that I think his amendment might go further than he intends that it shall go.

Mr. HARRIS. I can add the words "hereafter" to the amendment.

Mr. ROBINSON. I ask that the amendment be again stated.

The VICE PRESIDENT. The amendment will be again stated.

The ASSISTANT SECRETARY. At the end of the amendment of the committee, it is proposed to add the following:

The Federal Reserve Board shall have no authority to enter into any contract or contracts for the erection of any building of any kind or character or to authorize the erection of any building without the consent of Congress having previously been given therefor in express terms.

Mr. ROBINSON. Mr. President, I do not think that the amendment as drawn would necessarily be limited to contracts hereafter made. I recall that an act of Congress in which almost the identical, or, at least analogous, language was used respecting the jurisdiction of a certain court; it was stated that the court would have no jurisdiction to consider certain classes of cases; but upon construction of that act it was held that the court had no jurisdiction to determine the cases that were then pending before the court. The Senator from Tennessee [Mr. SHIELDS] is, I think, familiar with that subject, and will recall the construction placed upon the measure to which I have referred. So if that course were followed, under such an amendment as that proposed by the Senator from Georgia, it would apply to buildings heretofore authorized.

Mr. HARRIS. I will ask the Senator from Arkansas if adding the word "hereafter" would not meet the objection which he raises?

Mr. ROBINSON. I think so.

Mr. HARRIS. Then I ask that the word "hereafter" be inserted in the amendment. I modify the amendment in that way.

The VICE PRESIDENT. The modification will be stated.

The ASSISTANT SECRETARY. After the word "authority" it is proposed to insert the word "hereafter."

Mr. McLEAN. Mr. President, does the Senator from Georgia know just what authority the members of the Federal Reserve Board have over these contracts?

Mr. HARRIS. I do not know what authority they have, but I know what they have been doing, and I think they ought to have the consent of Congress before engaging in the construction of buildings costing millions of dollars.

Mr. McLEAN. Does the Senator not think we ought to know just what their jurisdiction over the matter is under the law before we proceed to regulate them?

Mr. HARRIS. I think the Members of the Senate understand what authority they have and how they have been abusing it. The amendment is designed to correct the abuse which has apparently crept in.

Mr. NORRIS. Mr. President, if I may interrupt the Senator from Connecticut, this idea suggested itself to me on the second reading of the amendment. It refers specifically to the Federal Reserve Board. I am inclined to think that what the Senator wants to reach—I know it is what I should like to reach—is not so much the Federal Reserve Board as perhaps the various regional banks. I presume, taking the Federal reserve bank at New York City, for instance, that the Federal Reserve Board has nothing to do with it.

Mr. OVERMAN. Oh, yes; they have to approve of whatever is done.

Mr. NORRIS. Then it is all right.

Mr. HARRIS. That is my understanding.

Mr. OVERMAN. The existing law says "with the approval of the Federal Reserve Board."

Mr. NORRIS. I should like to prevent the erection of any of these buildings without the consent of Congress if I could, and if the amendment is not worded properly it ought to be changed, so that it would carry out the intent which we have in mind.

Mr. McLEAN. Mr. President, it seems to me that this is an important matter, and that we ought to act intelligently upon it, notwithstanding it is claimed to be in the interest of the farmer; and I will ask the Senator from Iowa if there is any objection to postponing action upon it until to-morrow. I think the Senator from Virginia will very likely be here then, and the Senator from New Jersey was chairman of the subcommittee which had charge of this bill.

Mr. KENYON. Is it because of the amendment of the Senator from Georgia?

Mr. McLEAN. Yes; I think we ought to inquire into that.

Mr. KENYON. I think it should be inquired into, too. I had hoped that we could finish the bill this afternoon, because the bill of which the Senator from Utah [Mr. SMOOT] has charge, with reference to Russian relief, he wants to bring up to-morrow.

Mr. SMITH. Mr. President, if the Senator will allow me, suppose I make this suggestion:

The substitute offered by me, to place a farmer on this board, is extremely simple. Everyone knows that we are trying, in a way, to laymanize this board. I have here the list of those who now constitute the board, showing their vocations or professions, and I do not think any man could reasonably object to the appointment by the President of a man whose experience and whose business is farming, who can be gotten with the necessary qualifications to sit on this board on a question so vital to the whole industrial and commercial fabric of our Government. I do not think any serious objection could be raised, unless we hold to the old idea that the banking business must be turned over purely and simply to those whose investments are in banking and whose interest comes out of banking.

The amendment proposed by the Senator from Georgia deals with a matter that I have not studied in reference to the law. I do not recall now whether or not the statute gives the Federal Reserve Board the right to control the activities of a regional bank.

Mr. OVERMAN. Mr. President, let me read from this report which has been sent to the Senate.

Mr. SMITH. I shall be very glad to have that done.

Mr. OVERMAN [reading]:

It is also provided in section 4 that "any compensation that may be provided by boards of directors of Federal reserve banks for directors, officers, or employees shall be subject to the approval of the Federal Reserve Board."

That is as to compensation for officers and employees. It does not say anything about contracts.

Mr. SMITH. Under the general terms of the bill, these regional banks are not allowed to earn more than 6 per cent on the capital invested in the bank. Of course, if the volume of their business is so great that they have a surplus under the 6 per cent, it would be a fair inference that they have money of their own earning. The dividend is to be confined to 6 per cent on the capital invested. If they have increased their investment so greatly that the 6 per cent warranted them in spending $17,000,000 to build a home for the regional bank in New York, that would come out in the investigation; but I do not recall any specific authority given the Federal Reserve Board to determine the manner in which they should spend that 6 per cent. I am quite sure, however, that the officers of regional banks have no authority under this act to spend the money of the regional banks other than the 6 per cent that they are given under the law. The law provides what disposition they shall make of the balance of it.

Mr. McLEAN. I do not know whether they are using their profits improperly or not, and it seems to me we ought to ascertain that fact.

Mr. President, if the Senator from South Carolina will pardon me, I should like now very briefly to call attention to some of the objections that were raised to his amendment—that is, his proposal that we limit the discretion of the Executive in selecting the membership of this board to a particular class or interest.

The Senator will see that the amendment as reported by the committee gives ample discretion to the President to put on five farmers if he wishes to do so.

Mr. SMITH. But it also gives him discretion to leave them all off, if he wishes to do so.

Mr. McLEAN. Yes; he can leave them all off.

Mr. SMITH. I want to test whether or not it is the sense of the Senate that they will give any one man power to determine the financial policy of this country. That is exactly the point.

Mr. McLEAN. That is the question, and it seems to me to be a very serious question, the policy suggested by the Senator from South Carolina. I dislike very much to oppose his amendment, because I know that he is deeply interested in legislation that is beneficial to the agricultural interests of the country, and I think I am. I feel that we ought to do all that we can to really help the farmer. I think we have done a great deal.

Mr. SMITH. Let me ask the Senator a question. This is not captious: Does not the Senator think the farmer has done quite a good deal to help the country?

Mr. McLEAN. Does the Senator think it is necessary for me to answer that question?

Mr. SMITH. I do, from the nature of the Senator's tone.

Mr. McLEAN. I think I own as much poor land as any man in this Senate. I think I have had as much experience with the drudgery of farming as any man in the Senate. I want the Senator to know that I was born and brought up on a farm, and now cultivate the farm on which I was born. I think I know as much about the hardships of the farmer as the Senator does, and my sympathies are with him; but I do not believe in surrendering a vital principle, which is involved in the Senator's amendment, to a mere political maneuver that means nothing.

Mr. SMITH. Mr. President, if the Senator will allow me, I am not going to allow that statement to go unchallenged—"a political maneuver."

Mr. McLEAN. That means nothing.

Mr. SMITH. "That means nothing."

Mr. McLEAN. Yes.

Mr. SMITH. That shows the Senator's estimate as to whether this matter of governing the great credit of the country and the finances of this country shall be controlled by us or left to one individual.

Now, listen! In your original law, as it now stands, unamended, you provided, and perhaps correctly, that at least two of these men shall be men experienced in banking and finance. Nobody challenged that, because it was a banking proposition to start with; but it is not a proposition for the interest alone of the bankers of the country, and the Senator knows enough about human nature to know that a man is going to be biased by the business he is engaged in. Therefore, when you get a buyer and a seller——

Mr. McLEAN. Mr. President——

Mr. SMITH. If the Senator does not propose to have me answer——

Mr. McLEAN. I get the idea of the Senator's reply. It does not seem to me that it has any bearing on the real question.

Mr. SMITH. Oh, nothing has any bearing on this sacred thing that is dedicated to the bankers of this country, and anybody who puts his hands on it is violating the holy of holies.

Mr. McLEAN. No; there are thousands of farmers who are qualified for membership on the Federal Reserve Board. There is no question about that. By the same token—to use an expression frequently uttered by the distinguished Senator from Alabama [Mr. HEFLIN]—all that the worst pirate in Wall Street need do to qualify under the Senator's amendment is to buy a 10-acre farm and a cow and a few chickens.

Mr. SMITH. No; it is not. Under the amended amendment, as I amended it this morning, he must be a man who is experienced in and whose business and occupation is farming.

Mr. McLEAN. He would be experienced in farming, and rapidly so, if he had a 10-acre farm and tried to get anything in return. I do not want to do an absurd thing, a thing that is offensive to sound policy and means nothing.

Mr. SMITH. Measured by what?

Mr. McLEAN. Measured by experience and common sense. The bill as reported by the committee covers all the ground.

Mr. SMITH. Oh, to be sure. It is one of those glittering generalities that do not mean a thing.

Mr. McLEAN. The President can put five farmers on the board now if he wants to. Let me again call the attention of the Senator from South Carolina to the fact that Mr. Miller, of California, is an economist. He also has a very large farm, and is a scientific farmer.

Mr. SMITH. Yes; I guess he is a scientific farmer.

Mr. McLEAN. He is already a member of the board. Mr. Hamlin, of Massachusetts, I think is a lawyer by profession.

Mr. SMITH. Very likely.

Mr. McLEAN. He owns a farm, and, as I understand, is a very scientific farmer.

Mr. SMITH. Yes; I guess he is.

Mr. McLEAN. So you have two members on the board now who qualify under your proposed law; and it seems to me to be absurd to limit the President in his selection in the future to a farmer. Now, let us assume that we have no farmer on the board to-day.

Mr. SMITH. Which is a very wise assumption.

Mr. McLEAN. And the President appoints one, and he dies or resigns, or his term of office expires. That vacancy may occur at a time when the best-qualified man in the country, recognized as such, would be available for that position; and yet, under the law as the Senator proposes to amend it, the President can not appoint him.

Mr. SMITH. Precisely.

Mr. McLEAN. Under the Senator's amendment the President can not appoint him, because he has to appoint a farmer.

Mr. EDGE. Mr. President——

Mr. SMITH. Mr. President, I should like to ascertain who has the floor.

The VICE PRESIDENT. The Chair understood the Senator from Connecticut to have the floor.

Mr. SMITH. Very well. I supposed I had it. I will wait until I have the floor in my own right to answer.

Mr. EDGE. Mr. President, will the Senator from Connecticut yield just for a question?

Mr. McLEAN. Yes.

Mr. EDGE. The Senator from South Carolina, in questioning the Senator from Connecticut, drew attention to the fact that the present act already provides that two members of the board shall be experienced in banking or finance.

The Senator from South Carolina was not in the Chamber when I referred to that. However, his amendment is distinctly different, because it provides, in his own language as amended this morning, that the additional member or the member referred to in his amendment shall be a person experienced in and whose business and occupation is farming.

Mr. SMITH. Yes, sir.

Mr. EDGE. In other words, he must be actively engaged in the business of farming.

Mr. SMITH. Yes, sir.

Mr. EDGE. The existing act, to which reference was made by the Senator from South Carolina as already recognizing the banking business, only recognizes it from the standpoint of qualification, which I do not think the Senator for one moment would question.

Mr. SMITH. No.

Mr. EDGE. He does not contend for a moment that the member must be an active banker at the present time or at the time when appointed.

Mr. SMITH. No.

Mr. EDGE. So that the departure provided by the Senator from South Carolina is a distinct one——

Mr. SMITH. Yes.

Mr. EDGE. And for the first time its picks out a person belonging to this one class alone to be always a member of the Federal Reserve Board. Is not that correct?

Mr. SMITH. If the Senator from Connecticut will allow me to reply to the Senator from New Jersey, the Senator from New Jersey would not question for a moment that with that qualification there the President would appoint under that language a man who was in the banking business and who knew finance. As evidence of that fact, I am informed that Mr. Crissinger is a lawyer and a banker.

Mr. Mellon is known as a banker. I will call off the names here: Mr. Harding was a banker; Mr. Platt was a banker.

Mr. CALDER. Mr. President, I beg the Senator's pardon. Mr. Platt never was in the banking business in his life. He was chairman of the Committee on Banking and Currency of the House of Representatives. If that qualified him, then he was a banker.

Mr. SMITH. This list was furnished to me. What is his profession?

Mr. CALDER. He is a journalist.

Mr. SMITH. All right; he is a journalist. Mr. Miller is a professor of economics. Mr. Hamlin is an attorney, and, I have been informed, invests and has some banking interests. Mr. Mitchell is a banker. So that we have five out-and-out bankers, and the vocation or profession of the others is rather nondescript.

But, understand me, I am not trying to draw the comparison between what is there and what is not. I in concert with others think it the duty of this Government to put on the board who are to pass upon the credits and finances of this country a man from that class which bears the burden of producing the great essentials of life from the field, and we are to have a vote on the simple question of having on the board of governors of our great financial institution one who has been engaged in producing the necessaries of life, a farmer, who can sanely and wisely pass on measures affecting the entire country when they come before the board. That is what we propose to do, and you can appoint Mr. Hamlin or Mr. Somebody Else as much as you please, but as we have to confirm him, I take it that if the President appoints him the Senate, if this amendment passes, will scrutinize the man's record to discover whether or not he is a farmer or whether he farms the farmer.

Mr. McKELLAR. Will the Senator from Connecticut yield?

Mr. McLEAN. I want to reply briefly to the Senator from South Carolina. I understand what the Senator's purpose is—if the amendment which he has offered has any purpose—to oblige the Executive to put upon this board an agent, an advocate, a representative, of a special interest, to take care of that interest. Is not that right?

Mr. SMITH. Yes. The special interest known as the farming interest, if you call that a special interest, if you want to distort words and twist them around to make it appear that I am taking out some special little protected class, when this building and the prosperity of the people of this country rest upon that one class alone.

Mr. McLEAN. The purpose of this amendment, if it has any purpose, is to compel the Executive to put upon that board an agent of a special interest.

Mr. SMITH. A representative. You can denominate it with adjectives and with substantives as you please, but it is a representative of that class we want appointed.

Mr. McLEAN. The Senator expects that this appointee, whoever he may be, will act in the interests of the farmers, the agricultural interests.

Mr. SMITH. Yes.

Mr. McLEAN. As their agent in securing proper accommodations from the banking system of the country.

Mr. SMITH. Yes; that is my purpose.

Mr. McLEAN. To-morrow somebody may ask that the President be directed to put on the board an agent of the transportation interests or of the manufacturing interests. Organized labor may consider that they are vitally concerned in this matter and ask that they have an agent. Then what would you have? Instead of an unprejudiced board appointed by reason of its training and natural abilities to care for these great financial interests you would have agents of four or five different classes of interests, which are bound to clash and bring disaster to the whole credit structure of this country. If you follow that policy to its logical conclusion that is what will happen. I say to the Senator from South Carolina that there is no governmental function in the performance of which mistakes can be more easily made, and be more disastrous if made, than in the control of the credit merchants of this country.

Mr. SMITH. We are suffering from such mistakes now, and that is what I am trying to correct.

Mr. McLEAN. No; the Senator wants to turn this control over to agents of special interests. The Senator is complaining that we have not governmental interference enough.

Mr. SMITH. Oh, no.

Mr. McLEAN. And he wants Congress to enact still more and other varieties of restrictive legislation. I want the Senator from South Carolina to remember that a banker is dealing with other people's money and he is under a solemn and sacred obligation to be able to return that money to its owner on demand, and when you set up a Federal Reserve Board representing special interests with the idea that you can by law compel a banker to lend money at a lower rate of interest and under less safe security to one class than he will lend to another class you are facing disaster. That is my point.

Mr. SMITH. As soon as the Senator has concluded, I will have something to say. I just want to say now, so as to keep the connection on the record, that the Senator declares the banker is under a solemn obligation to take care of the money intrusted to him. If we appoint a farmer on this banking institution, would he not be under the very same obligation, and has he not the same capacity to meet it that the banker has?

Mr. McLEAN. He might have, not because he is a farmer but because of his training, his experience, and his learning in finance and the principles of economics. Unless he has such qualifications, he can not avoid crossing the dead line and making mistakes which may be disastrous to his own friends, even though he has the best of intentions.

Mr. SMITH. Does not the Senator think there are farmers in this country qualified to be members of the board?

Mr. McLEAN. Certainly I do, but they are not qualified because they are farmers.

Mr. SMITH. I want a farmer on the board because he is a farmer and understands the peculiar circumstances under which farming must be financed, and that can be done without robbing anybody and without bringing on a crisis when there is a boasted $3,000,000,000 gold reserve.

Mr. McLEAN. The Senator knows very well that under the bill reported by the committee the Executive can choose a man who is experienced in agriculture and who at the same time has had the education and training which he must have to perform his duties as a member of the Federal Reserve Board. We do not put farmers or doctors or merchants on the Supreme Court of the United States. It is constituted of lawyers, because we know that it is only from that profession that we can get men who are learned in the law, and we choose them because of their preeminent qualifications, both in integrity and in knowledge of the law. So the members of the Federal Reserve Board may be farmers, they may be doctors, they may be lawyers; but my point is, in addition to whatever else they may know, they should have the qualifications which I have mentioned, and under the bill as reported by the committee the President has ample discretion; but under the amendment offered by the Senator from South Carolina, as I have before suggested, if a man were in collusion with the Executive, all that he would need do to qualify would be to buy a little farm and put a cow and a few chickens on it and the law would be complied with.

Mr. McKELLAR. Mr. President, I desire, in connection with the questions which have been asked by the Senator from South Carolina, to ask the Senator from Connecticut another question along the same line.

Mr. McLEAN. The Senator from Tennessee will have to wait a few minutes.

Mr. McKELLAR. Very well.

Mr. McLEAN. As I have said, this matter was gone into before the subcommittee. I have not had an opportunity to examine the testimony taken, and I regret that some members of the subcommittee are not here; but I find on page 30 of the printed hearings Senator GLASS's views, which I will quote:

> I dislike so much to be seemingly classified as among those who are hostile to the farming interests. As a matter of fact, the Federal reserve law is altogether partial to the farmers. You and I happen to be a manufacturer or a merchant, and the duration of our credit is limited to 90 days. We can not get a rediscount on our paper of more than 90 days. The farmer can get a rediscount of six months. As it were, he is God's chosen people under the text and terms of the Federal reserve act.
>
> I must confess that it irritates me when gentlemen get up on the floor of either House of Congress and try to make it appear that the poor farmer has been discriminated against. Under the Federal reserve banking system it is not a fact.

On this same page I find the following statement made by Senator KELLOGG, the author of this bill:

> I took pains last fall to inquire on a certain day in October what the condition of the Federal reserve, the city banks and the country banks, in my State was, and I found that the loans to country banks in St. Paul and Minneapolis on that day, in last October, I don't re-

member the exact date, were forty millions more than the year previous. The deposits in the city banks from the country banks was $35,000,000 less. That is for two cities in my State.

There is a total preference of over $75,000,000. I happen to have in my hand a letter from Gov. Harding, of the Federal Reserve Board, dated December 19, in which he offers a suggestion or two with regard to this bill. I quote:

It may interest you to know that the board recently appointed as class "C" director of the Federal Reserve Bank of Kansas City Mr. Herer Hord, of Central City, Nebr., who is a grain merchant and in addition a large farmer and cattle raiser, owning lands both in western Nebraska and in Wyoming. The member banks of the Federal Reserve Bank of San Francisco, which constitute group 2, have just elected as class "B" director Mr. William T. Sesnon, who is a raisin vineyardist in Fresno County and who owns lands as described in the inclosed memorandum.

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If anyone would take the trouble to look at the statements which are made week by week by all Federal reserve banks they would see that the farmer has not been discriminated against, but, on the contrary, member banks which cater to farming interests have been granted very large lines of credit; more, in fact, in many cases than would seem to be warranted by good banking practice. If there are any who feel that the farmer has been discriminated against, however, their remedy would seem to me to lie in the election of directors of Federal reserve banks, for the Federal Reserve Board has nothing to do with passing on the paper which is offered Federal reserve banks for rediscount. This is done entirely by the directors of the Federal reserve banks and their authorized officers and employees.

I think no one will dispute that interpretation of the law, and if it be correct, it must be apparent to every candid man that the object of the Senator from South Carolina will not be attained, if he succeeds in securing the adoption of this amendment, as I have no doubt he will.

Mr. President, as I said a few minutes ago, I think this is an important matter, and it does not seem to me that the Senate ought to vote upon it without understanding the principle involved. There is no disposition on the part of anyone to curb the Executive in exercising a choice, if he wishes to, in favor of the agricultural interests. The amendment proposed by the committee covers all the ground that can be safely covered without involving the violation of a very vital principle, and I regret that the gentlemen who represent the agricultural interests should feel inclined to press this experiment in politics, because I am certain in the course of time it will return to plague them, and the immediate advantage will be nil.

Mr. President, most of our farmers cut their eyeteeth before they are 21, and they are not as easily fooled as some may imagine. When we do something for the farmer I think that we had better not try to deceive him, and he will receive no benefit whatever under the amendment proposed by the Senator from South Carolina.

I wish to quote again from Senator GLASS's remarks at the time of the hearing:

Senator GLASS. But does anybody here imagine that the Federal Reserve Board makes loans, that the Federal Reserve Board extends the farmer credit? These credits are extended by the individual banks in their individual communities, by men who know the requirements of the particular territory and the men who live in them. The Federal Reserve Board here at Washington just has observation and administration of the general policy of the system. They do not extend any credits.

The CHAIRMAN. But, Senator, this is what I mean: For instance, take a man who is prominent—we will say a man like Wallace, who is not only a farmer and who has a knowledge of farming but is a man of some position and some accumulation of wealth, we will say—can not he bring to the Federal Reserve Board a knowledge of conditions? For instance, you take the live-stock situation, would he not be informed of it, and could he not present it a great deal better than the average banker who came from either New England or some other section of the country where he was not familiar with it? That is the point.

Senator GLASS. He does not need to be a member of the Federal Reserve Board to present it as a practical view. That situation was presented to the Congress of the United States, and Congress did an unprecedented thing. What it did for the cattle people of this country has never been done since the foundation of the Government to any other interest. It authorized the Secretary of the Treasury to deposit the people's money in these farm banks for the particular advantage and benefit of the cattle feeders and growers of this country—on what? On security that would be required of you as a manufacturer or me as a merchant or somebody else in some other avocation? No. Upon their own I O U's, upon their own certificates of indebtedness, a thing never done for any other interest before in the United States.

I do not think anyone will dispute these views of the distinguished Senator from Virginia. It seems to me that the remarks of the Senator from Alabama are not deserved by this great banking system. It may have its faults, but I think it should be fairly treated by Congress, because of the most unfortunate consequences which may result if we undertake to enact restrictive legislation that will in any way circumscribe the full beneficial operation of the system. It can easily be done.

I received a letter only this morning from the chairman of the American Bankers' Association, in which he said that many of the member banks of the system are retiring and organizing under State laws because of their fear of governmental meddling.

I think there is foundation for that statement. I am not familiar with recent statistics with regard to the number of banks, whether they have increased or diminished, but Senators can easily see that unless we use good judgment in this matter we are seriously curtailing and crippling the beneficial operations of the system. As I have said, I hold no brief for the Federal Reserve Board. I am perfectly willing that any and all investigations that are wanted should be had. I sincerely wish that action on the bill could be postponed until reports from recent investigations could be laid before the Senate.

The Senator from Alabama quotes Mr. Williams. He made his charges before a committee of the House, as I understand. I should very much like to know what the finding of that committee is. It may be that Mr. Williams is mistaken in many of his assertions. I know that they are disputed by members of the Federal Reserve Board. I think in a matter of this kind Congress ought to have full information before we condemn a great institution like the reserve board and imperil its successful functioning in the future.

I wish to say with all the emphasis at my command that there are two courts—two juries—in this country which never ought to be stacked or subjected to political influence: One is the Supreme Court of the United States and the other is the Federal Reserve Board.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. McLEAN. I yield for a question.

Mr. HEFLIN. Does the Senator recall the fact that the Supreme Court has criticized the conduct of the Federal Reserve Board?

Mr. McLEAN. I do not know about that. They may have made mistakes, but if we undertake to correct those mistakes let us do it in an intelligent way and in an effective way, if it is possible, instead of passing a bill which is simply a political maneuver and will amount to nothing.

Mr. President, I happen to have here a recent work entitled "Credit and Its Uses," by William A. Prendergast. He sets the nail with very few blows, and I wish to quote a few lines, because he agrees with every authority that I have been able to find bearing upon this subject. I quote from page 38:

It has always been a favorite practice of a certain brand of politicians to decry the influence of banks in public affairs, and endeavor in every possible way to prejudice the popular mind against these institutions. People are likely at some time or other to become restive under the domination of an institution or set of men who are really beyond their control, as banks and bankers actually are. Nor are we losing sight of the fact that our national banking system, as well as that of England and other nations, is subject to legislative surveillance and action, which, however, are usually spent when the laws concerning the creation and system of the banks are adopted. No legislature can expect to control the progress of these institutions and the power that by natural processes becomes theirs.

Credit is a most delicate, sensitive quantity; and the banking business being credit in its highest sense, it must not only be treated with all the circumspection its very nature calls for, but it must also be protected from the attacks of those who, although animated by entirely sincere views, would do irreparable injury to the credit system in their desire to advance their political principles or ambitions. It is quite important that the public should be thoroughly educated as to the vast benefits that accrue to commerce and civilization from that species of credit dispensed by banks. Banks act as the depositories of the funds of the people and exercise safe-keeping over those funds.

Mr. President, I realize that the Senators who advocate the measure expect to pass it, and I have no doubt they will, but I feel it to be my duty to call the attention of the Senate to a few of the many reasons which I think actuated the committee in rejecting the proposal of the Senator from South Carolina. I have no special interest in the matter. I have no pride of opinion with regard to it. I want Congress to do everything it can do in a legitimate way to help the agricultural interests; but it does seem to me that in a matter of this kind it would be much better to accept the report of the committee, which covers all the ground that can be covered, rather than go into this unsound, dangerous field and compel the President, in constituting this supreme court of finance, to choose a man who, upon the admission of the Senator from South Carolina, will act as the agent of a special interest.

[Mr. McKELLAR addressed the Senate. See Appendix.]

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Tennessee yield to the Senator from Kansas?

Mr. McKELLAR. I yield to the Senator from Kansas.

Mr. CURTIS. I do not wish to ask a question, but I am very anxious to have an executive session, if the Senator from Tennessee will yield for that purpose.

Mr. McKELLAR. If the Senator from Kansas will permit me, I have said all I desire to say in reference to the particular amendment. I desire, however, now to offer an amendment to

the pending bill to come in as a new section and to have it printed in the RECORD and lie on the table until the bill shall again be considered.

The PRESIDING OFFICER. The amendment proposed by the Senator from Tennessee will be received, printed in the RECORD, and ordered to lie on the table.

The amendment is as follows:

Add as a new section the following:

"SEC. —. That section 13 of the Federal reserve act, approved December 23, 1913, be amended by adding after the words "being eligible for discount," and before the words "but such definition shall not include," the words: "And the notes, drafts, and bills of exchange of factors making advances exclusively to producers of staple agricultural products in their raw state shall be eligible for such discount."

Mr. EDGE. I submit two amendments intended to be proposed by me to the pending bill, which I ask may be read and lie on the table.

The amendments submitted by Mr. EDGE were read, ordered to be printed, and to lie on the table, as follows:

Page 2, line 5, after the word "farming," to strike out the period and add the words: "and one shall be a person experienced in and whose business and occupation is manufacturing."

Page 2, line 5, after the word "farming," to strike out the period and add the words: "and one shall be a person experienced in and whose business and occupation is that of an official of organized labor."

Mr. EDGE. Mr. President, needless for me to say, I do not favor the principle embodied in these amendments. This fact, I trust, I have already made clear. However, if any class is to be especially recognized, I think it only consistent to permit those who do approve of this policy to have the opportunity of going on record for or against the recognition of other important business or organized interests.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the joint resolution (H. J. Res. 234) authorizing the payment of salaries of officers and employees of Congress for December, 1921, and making an appropriation to supply a deficiency in the appropriation for the contingent fund of the House of Representatives, and it was thereupon signed by the Vice President.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 20, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 19, 1921.

ASSISTANT SECRETARY OF THE TREASURY.

Elmer Dover, of Tacoma, Wash., to be Assistant Secretary of the Treasury, to fill an existing vacancy.

ASSISTANT APPRAISERS OF MERCHANDISE.

Irving H. Blum, of Manhattan, N. Y., to be assistant appraiser of merchandise in customs collection district No. 10, with headquarters at New York, N. Y., in place of George W. Wolf, resigned.

John J. Reed, of Kings County, N. Y., to be assistant appraiser of merchandise in customs collection district No. 10, with headquarters at New York, N. Y., in place of Charles H. Victory, resigned.

William H. Sayers, of Kings County, N. Y., to be assistant appraiser of merchandise in customs collection district No. 10, with headquarters at New York, N. Y., in place of Nathaniel G. Schlamm.

Alfred B. Simonds, of Bronx County, N. Y., to be assistant appraiser of merchandise in customs collection district No. 10, with headquarters at New York, N. Y., in place of Thomas J. Burns.

MEMBERS OF THE INTERSTATE COMMERCE COMMISSION.

The following-named persons to be members of the Interstate Commerce Commission for terms of seven years:

Henry Clay Hall, of Colorado (a reappointment).

Clyde B. Aitchison, of Oregon (a reappointment).

UNITED STATES DISTRICT JUDGE.

Andrew Miller, of North Dakota, to be United States district judge, district of North Dakota. (An additional position created by the act approved June 25, 1921.)

UNITED STATES ATTORNEY.

Earl J. Davis, of Michigan, to be United States attorney, eastern district of Michigan, vice John E. Kinnane, resigned.

REGISTER OF THE LAND OFFICE.

William Davis Gregory, of Washington, to be register of the land office at Walla Walla, Wash., effective upon completion of the consolidation under act of October 28, 1921.

PROMOTIONS IN THE REGULAR ARMY.

To be colonels.

Lieut. Col. Frederick William Van Duyne, Quartermaster Corps, from December 16, 1921.

Lieut. Col. Charles Douglas Herron, Field Artillery, from December 16, 1921.

Lieut. Col. John Dudley Long, Cavalry, from December 16, 1921, subject to examination required by law.

To be majors.

Capt. George Sidney Andrew, Cavalry, from July 21, 1921.

Capt. Roland Paget Shugg, Field Artillery, from July 29, 1921.

To be captains.

First Lieut. Earle Trask Louck, Infantry, from February 22, 1921.

First Lieut. Paul Conover Gripper, Signal Corps, from April 29, 1921.

First Lieut. Dimetrio Peter Harkins, Cavalry, from July 21, 1921.

First Lieut. Bruce Magaw McDill, Cavalry, from July 22, 1921.

First Lieut. John Reigel Embich, Chemical Warfare Service, from July 23, 1921.

First Lieut. Fred William Koester, Cavalry, from July 29, 1921.

First Lieut. William Neely Todd, jr., Cavalry, from July 31, 1921.

To be first lieutenant.

Second Lieut. Vincent Joseph Tanzola, Infantry, with rank from August 4, 1921.

VETERINARY CORPS.

To be major.

Capt. James Reid Shand, Veterinary Corps, from December 11, 1921.

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY.

CHEMICAL WARFARE SERVICE.

Maj. Edward Caswell Wallington, Coast Artillery Corps, with rank from July 2, 1920.

COAST ARTILLERY CORPS.

First Lieut. Oscar Norvell Barney, Air Service, with rank from July 1, 1920.

PROMOTIONS IN THE NAVY.

Capt. Mark L. Bristol to be a rear admiral in the Navy from the 29th day of May, 1921.

The following-named commanders to be captains in the Navy from the 3d day of June, 1921:

Charles T. Owens.	Herbert G. Sparrow.
Claude C. Bloch.	William S. Miller.

Commander Cyrus W. Cole to be a captain in the Navy from the 25th day of June, 1921.

Lieut. Commander John J. Hannigan to be a commander in the Navy from the 1st day of July, 1919.

Lieut. Commander Lawrence P. Treadwell to be a commander in the Navy from the 1st day of January, 1921.

Lieut. Commander Aubrey K. Shoup to be a commander in the Navy from the 11th day of May, 1921.

The following-named lieutenant commanders to be commanders in the Navy from the 3d day of June, 1921:

Walter A. Smead.	Bruce L. Canaga.
Edgar G. Oberlin.	Jonathan S. Dowell, jr.
William O. Spears.	Harry E. Shoemaker.
John H. Newton.	Albert Norris.
John M. Poole, 3d.	Ross S. Culp.
Benjamin Dutton, jr.	Alexander S. Wadsworth, jr.
James S. Woods.	Lloyd W. Townsend.
John M. Smeallie.	William P. Gaddis.
Kenneth Whiting.	George B. Wright.
Henry M. Jensen.	George S. Bryan.
William L. Calhoun.	William A. Glassford, jr.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1921:

John H. Towers.	Julian H. Collins.
Milo F. Draemel.	Thomas Withers, jr.
Pierre L. Wilson.	Leo F. Welch.

The following-named lieutenants to be lieutenant commanders in the Navy from the 3d day of June, 1921:

Gerard Bradford.	Paul H. Rice.
Francis W. Scanland.	Eugene M. Woodson.
Ward W. Waddell.	Percy W. Northcroft.
Hugh V. McCabe.	James B. Rutter.
William C. Faus.	Charles M. Cooke, jr.
Warren L. Moore.	Franklin Van Valkenburgh.
Josiah O. Hoffman, jr.	Banjamin F. Tilley, jr.
James A. Logan.	David H. Stuart.
Howard B. Berry.	William N. Richardson, jr.
Lewis Hancock, jr.	Chester C. Jersey.
Mark L. Hersey, jr.	Hugh M. Branham.
John J. Saxer.	Bernard O. Wills.
Robert R. Paunack.	James T. Alexander.
Claude S. Gillette.	John H. Wellbrock.
Comfort B. Platt.	Murphy J. Foster.

Lieut. Stewart A. Manahan to be a lieutenant commander in the Navy from the 1st day of July, 1921.

Lieut. Herbert H. Bouson to be a lieutenant commander in the Navy from the 11th day of November, 1921.

Lieut. (Junior Grade) Clark Withers to be a lieutenant in the Navy from the 7th day of June, 1919.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1919:

John D. Jones.

Julian B. Timberlake, jr.

Lieut. (Junior Grade) Thomas C. Slingluff to be a lieutenant in the Navy from the 6th day of July, 1920.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1920:

Jonathan H. Sprague.	Harold S. Klein.
Anson A. Bigelow.	Robert B. Matthews.
Herbert W. Jackson.	Walter L. Taylor.

Lieut. (Junior Grade) William D. Thomas to be a lieutenant in the Navy, from the 1st day of January, 1921.

The following-named ensigns to be lieutenants (junior grade) in the Navy, from the 30th day of March, 1920:

Anson A. Bigelow.

Robert B. Matthews.

Ensign Walter L. Taylor to be a lieutenant (junior grade) in the Navy, from the 29th day of June, 1920.

Ensign Fred M. Byers to be a lieutenant (junior grade) in the Navy, from the 29th day of December, 1920.

Ensign Floyd S. Crosley to be a lieutenant (junior grade) in the Navy, from the 1st day of July, 1920.

Ensign Clement B. White to be a lieutenant (junior grade) in the Navy, from the 29th day of December, 1920.

The following-named ensigns to be lieutenants (junior grade) in the Navy, from the 1st day of July, 1920:

William H. Mays.

Thomas B. Fitzpatrick.

Lieut. (Junior Grade) Clement B. White to be a lieutenant in the Navy, from the 30th day of December, 1920.

The following-named passed assistant surgeons to be surgeons in the Navy, with the rank of lieutenant commander, from the 4th day of March, 1921:

Penlie B. Ledbetter.	George W. Calver.
Arthur E. Beddoe.	William B. Hetfield.
Thomas A. Fortescue.	

Asst. Surg. William W. Behlow to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 6th day of June, 1920.

Asst. Surg. Reuben A. Barker to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 6th day of December, 1920.

Asst. Surg. James E. Andrews to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 1st day of July, 1920.

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 1st day of January, 1921:

Hardy V. Hughens.

William H. O'Connor.

The following passed assistant dental surgeons to be dental surgeons in the Navy, with the rank of lieutenant commander, from the 4th day of March, 1921:

William N. Cogan.	John W. Crandall.
Joseph D. Halleck.	Ernest W. Lacy.
Marion E. Harrison.	Harry W. Blaisdell.
Lucian C. Williams.	Cornelius H. Mack.
Leon Martin.	

The following-named assistant dental surgeons to be passed assistant dental surgeons in the Navy, with the rank of lieutenant, from the 1st day of July, 1920:

Robert S. Maxwell.	Arthur H. Yando.
Adolphus R. Gleitsman.	

Pay Inspector Charles Conard to be a pay director in the Navy, with the rank of captain, from the 7th day of July, 1921.

Pay Inspector Charles Morris to be a pay director in the Navy, with the rank of captain, from the 1st day of November, 1921.

The following-named paymasters to be pay inspectors in the Navy, with the rank of commander, from the 7th day of July, 1921:

John Irwin, jr.	Edward E. Goodhue.
John F. Hatch.	Cecil S. Baker.
William R. Bowne.	Felix R. Holt.
Donald W. Nesbit.	Howard D. Lamar.
Stewart E. Barber.	Frank T. Watrous.
Eugene H. Tricou.	Edwards S. Stalnaker.
Thomas DeF. Harris.	

The following-named paymasters to be pay inspectors in the Navy, with the rank of commander, from the 1st day of November, 1921:

John R. Hornberger.

Ben D. McGee.

The following-named paymasters to be pay inspectors in the Navy, with the ranak of commander, from the 11th day of November, 1921:

William W. Lamar.	William L. F. Simonpietri.
Fred W. Holt.	George R. Crapo.

Passed Asst. Paymaster Harry W. Rusk, jr., to be a paymaster in the Navy, with the rank of lieutenant commander from the 3d day of June, 1921.

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant from the 1st day of July, 1920:

Robert L. Mabon.

Jacob M. Bregar.

Walter W. Gilmore.

Civil Engineer Homer R. Stanford to be a civil engineer in the Navy, with the rank of captain from the 1st day of October, 1921.

Civil Engineer Leonard M. Cox, an additional number in grade, to be a civil engineer in the Navy, with the rank of captain from the 1st day of October, 1921.

The following-named lieutenants to be lieutenant commanders in the Navy, from the 1st day of January, 1921, to correct the date from which they take rank as previously nominated and confirmed:

Raymond G. Thomas.

Aquilla G. Dibrell.

Lieut. Henry D. McGuire to be a lieutenant commander in the Navy, from the 7th day of February, 1921, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. William W. Smith to be a lieutenant commander in the Navy, from the 11th day of May, 1921, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. David I. Hedrick to be a lieutenant commander in the Navy, from the 27th day of May, 1921, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Olaf M. Hustvedt to be a lieutenant commander in the Navy, from the 29th day of May, 1921, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Earl A. McIntyre to be a lieutenant commander in the Navy, from the 4th day of June, 1921, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Robert T. Young to be a lieutenant commander in the Navy, from the 29th day of June, 1921, to correct the date from which he takes rank as previously nominated.

The following-named passed assistant surgeons to be surgeons in the Navy, with the rank of lieutenant commander from the 4th day of March, 1921, to correct the date from which they take rank as previously nominated and confirmed:

William E. Eaton.	James G. Omelvena.
Jasper V. Howard.	Lester L. Pratt.
Joseph J. O'Malley.	Clarence C. Kress.
Robert F. Sheehan.	Chester M. George.
Luther Sheldon, jr.	Edward E. Woodland.
Richard H. Laning.	John C. Parham.
Robert F. Jones.	Charles L. Beeching.
William E. Findeisen.	John T. Borden.
Carroll R. Baker.	Howard Priest.
Ovid C. Foote.	Arthur E. Younie.

Louis H. Roddis. Frank H. Raigler.
James D. Bobbitt. William H. Massey.
Harvey R. McAllister. Jesse B. Helm.

Passed Asst. Surg. Harry E. Jenkins to be a surgeon in the Navy, with the rank of lieutenant commander from the 4th day of March, 1921, to correct the date from which he takes rank as previously nominated.

The following-named passed assistant surgeons to be surgeons in the Navy, with the rank of lieutenant commander from the 4th day of March, 1921, to correct the date from which they take rank as previously nominated:

Stanley D. Hart.
Robert G. Davis.

The following-named passed assistant dental surgeons to be dental surgeons in the Navy, with the rank of lieutenant commander from the 4th day of March, 1921, to correct the date from which they take rank as previously nominated and confirmed:

Emory A. Bryant. Harry E. Harvey.
Eugene H. Tennent. Joseph A. Mahoney.

Passed Asst. Dental Surg. James L. Brown to be a dental surgeon in the Navy, with the rank of lieutenant commander from the 4th day of Mach, 1921, to correct the date from which he takes rank as previously nominated.

Robert E. Duncan, a citizen of Missouri, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade) from the 29th day of October, 1921.

Lieut. Leon W. Becker for temporary service, to be a lieutenant in the Navy, from the 3d day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

Lieut. Vincent Benedict for temporary service, to be a lieutenant (junior grade) in the Navy, from the 1st day of July, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

The following-named officers for temporary service, to be ensigns in the Navy, from the 6th day of June, 1919, in accordance with a provision contained in the act of Congress approved June 4, 1920:

John C. Parker. Frank Leghorn.
Glenn O. Twiss. Dennis B. Boykin.
Marvin G. Fox.

Lieut. David Rittenhouse, of the United States Naval Reserve Force, to be a lieutenant in the Navy from the 3d day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

The following-named officers of the United States Naval Reserve Force to be lieutenants (junior grade) in the Navy from the 1st day of July, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920:

Victor F. Marinelli.
Earle P. McKellar.
Braxton Rhodes.

The following-named officers of the United States Naval Reserve Force to be ensigns in the Navy from the 4th day of June, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920:

Nathan W. Bard. Robert E. Mason.
Albert M. Darby. Russell H. Quynn.
George C. Miller. Warren K. Sherman.
George L. Richard. Rhea S. Taylor.
Wellington E. Stickley. Webster M. Wright.
Arthur F. Blasiar.

The following-named passed assistant surgeons for temporary service to be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 3d day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920:

W. Ivan King. Frederick Ludwig.
Edward J. Cummings. Houston R. Farley.
Joseph J. Mundell.

The following-named passed assistant surgeons of the United States Naval Reserve Force to be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 3d day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920:

August Anderson. William A. Epstein.
Isaac B. Polak. Ray E. A. Pomeroy.

Passed Asst. Dental Surg. Carlton B. Morse, for temporary service, to be a passed assistant dental surgeon in the Navy, with the rank of lieutenant, from the 3d day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

Asst. Paymaster Charles D. Kirk, for temporary service, to be an assistant paymaster in the Navy, with the rank of ensign, from the 6th day of June, 1919, in accordance with a provision contained in the act of Congress approved June 4, 1920.

Ensign George R. Groh, for temporary service, to be a chief boatswain in the Navy, to rank with but after ensign, from the 5th day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

The following-named officers, for temporary service, to be chief gunners in the Navy, to rank with but after ensign, from the 5th day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920:

George Bradley. Roger J. Swint.
Russell K. Young. Carl W. J. Reinman.
Norris L. Wilcomb.

Lieut. Jesse J. Oettinger for temporary service to be a chief machinist in the Navy, to rank with but after ensign from the 5th day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920.

The following-named assistant surgeons for temporary service to be chief pharmacists in the Navy, to rank with but after ensign from the 5th day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920:

Thomas E. Kent. Charles P. Hines.
Edward G. Dennis. Stanley J. Kinkaid.

The following-named officers for temporary service to be chief pay clerks in the Navy, to rank with but after ensign from the 5th day of August, 1920, in accordance with a provision contained in the act of Congress approved June 4, 1920:

Jesse W. Hilts.
John J. S. Fahey.
Elmer S. Gilbert.

POSTMASTERS.

ALABAMA.

John M. Vance to be postmaster at Daphne, Ala. Office became presidential April 1, 1921.

Minnette Y. Fritts to be postmaster at Dothan, Ala., in place of George Cotton, resigned.

Flossie J. Weatherford to be postmaster at Vina, Ala., in place of F. J. Weatherford, resigned.

ARKANSAS.

Robert P. Jorden to be postmaster at Womble, Ark. Office became presidential January 1, 1921.

Burton C. Willard to be postmaster at Plainview, Ark., in place of O. L. Green. Incumbent's commission expired January 31, 1921.

George E. Owen to be postmaster at Conway, Ark., in place of E. A. Brennan, resigned.

Lester N. White to be postmaster at Emmet, Ark. Office became presidential April 1, 1921.

Edgar E. Hudspeth to be postmaster at Texarkana, Ark., in place of P. G. Henry. Incumbent's commission expired September 29, 1921.

Henry Bringman to be postmaster at Pine Bluff, Ark., in place of J. D. Wilbourne. Incumbent's commission expired August 6, 1921.

Cary Johnson to be postmaster at Hot Springs National Park (late Hot Springs), Ark., in place of R. H. Smiley, resigned.

George B. Cady to be postmaster at Rogers, Ark., in place of J. W. Puckett. Incumbent's commission expired July 7, 1918.

CALIFORNIA.

Henry W. Nash to be postmaster at Stirling City, Calif. Office became presidential April 1, 1921.

Mary L. Schellenger to be postmaster at Soquel, Calif. Office became presidential January 1, 1921.

Frank H. Vaughn to be postmaster at Earlimart, Calif. Office became presidential October 1, 1921.

Henry M. Hammond to be postmaster at Alameda, Calif., in place of T. C. Stoddard. Incumbent's commission expires January 24, 1922.

COLORADO.

Henry N. Chapman to be postmaster at Branson, Colo. Office became presidential April 1, 1920.

Alice M. Payne to be postmaster at Hudson, Colo. Office became presidential July 1, 1920.

William A. Hopkins to be postmaster at Nucla, Colo. Office became presidential April 1, 1920.

CONNECTICUT.

Alfred Pultz to be postmaster at Coscob, Conn., in place of W. R. Monroe, resigned.

FLORIDA.

John D. Gardner to be postmaster at Miami, Fla., in place of F. M. Brown, resigned.

John C. Beekman to be postmaster at Tarpon Springs, Fla., in place of J. S. Register, resigned.

GEORGIA.

Christine P. Hankinson to be postmaster at McDonough, Ga., in place of W. G. Ingram, deceased.

Lila H. Rambo to be postmaster at Blakely, Ga., in place of W. W. Beard, resigned.

Fred G. Brewton to be postmaster at Mount Vernon, Ga., in place of D. W. Folsom. Incumbent's commission expired July 25, 1920.

John D. Watterson to be postmaster at Eatonton, Ga., in place of J. D. Watterson. Incumbent's commission expired March 16, 1921.

James H. Foster to be postmaster at Cornelia, Ga., in place of H. B. Maxwell, removed.

Cecil A. Reed to be postmaster at Acworth, Ga., in place of G. L. Lemon. Incumbent's commission expired March 16, 1921.

IDAHO.

Iona Johnson to be postmaster at Fruitland, Idaho. Office became presidential April 1, 1921.

ILLINOIS.

Anna Byron to be postmaster at Bourbonnais, Ill. Office became presidential October 1, 1920.

Harry Langewisch to be postmaster at Centralia, Ill., in place of Drew Tufts. Incumbent's commission expired January 8, 1921.

Edwin E. Ellsworth to be postmaster at Libertyville, Ill., in place of J. R. Alleman. Incumbent's commission expired February 25, 1920.

Leslie S. Soldwell to be postmaster at Yates City, Ill., in place of J. B. Coykendall. Incumbent's commission expired March 16, 1921.

George P. Wilson to be postmaster at Orion, Ill., in place of H. V. Conover, resigned.

John E. Humbert to be postmaster at Chadwick, Ill., in place of C. C. Miller. Incumbent's commission expired March 16, 1921.

Allen W. Cantrall to be postmaster at Athens, Ill., in place of William Campbell, resigned.

Myrta J. Caldwell to be postmaster at Arrowsmith, Ill. Office became presidential April 1, 1921.

Iley Smith to be postmaster at Willow Hill, Ill. Office became presidential April 1, 1921.

James G. Baker to be postmaster at Waltonville, Ill. Office became presidential April 1, 1921.

Frank E. Learned to be postmaster at Benson, Ill. Office became presidential July 1, 1921.

Joseph H. Boos to be postmaster at Carbondale, Ill., in place of J. L. Parks, resigned.

Thomas V. Eiler to be postmaster at Tower Hill, Ill., in place of F. B. S. Morrison, resigned.

Ralph Proctor to be postmaster at McLeansboro, Ill., in place of M. E. Daniel. Incumbent's commission expired August 17, 1921.

INDIANA.

Harriet A. Shirk to be postmaster at Monroe, Ind. Office became presidential October 1, 1921.

Elva P. Loughlin to be postmaster at Odon, Ind., in place of Daniel Gantz. Incumbent's commission expired July 21, 1921.

John R. Kelley to be postmaster at National Military Home, Ind., in place of J. R. Kelley, resigned.

Bernice M. Beeks to be postmaster at Urbana, Ind. Office became presidential July 1, 1920.

Lawrence O'Connor to be postmaster at Troy, Ind. Office became presidential January 1, 1921.

Albert C. Heithecker to be postmaster at Plainville, Ind. Office became presidential January 1, 1921.

William Graham to be postmaster at Bloomington, Ind., in place of O. H. Cravens. Incumbent's commission expired July 21, 1921.

Irwin Knight to be postmaster at Morgantown, Ind., in place of I. M. Whitaker, resigned.

Daisy D. Warring to be postmaster at North Salem, Ind. Office became presidential April 1, 1920.

IOWA.

Mary B. Gibson to be postmaster at Emerson, Iowa, in place of G. H. McDowell, resigned.

Gladden A. Archer to be postmaster at Cumberland, Iowa, in place of T. A. Berry, deceased.

Merle H. Laycock to be postmaster at Zearing, Iowa, in place of A. D. Hix, resigned.

Iva McCreedy to be postmaster at Riverside, Iowa, in place of C. V. Dautremont. Incumbent's commission expired June 1, 1920.

Henry C. Haynes to be postmaster at Centerville, Iowa, in place of M. B. Maring, deceased.

Herschel H. Thornton to be postmaster at Adel, Iowa, in place of S. A. Douglas. Incumbent's commission expired August 7, 1921.

Marie C. Trott to be postmaster at Oakdale, Iowa. Office became presidential October 1, 1921.

KANSAS.

Dathula Days to be postmaster at Chase, Kans. Office became presidential April 1, 1921.

Harry O. Mellor to be postmaster at White Water, Kans., in place of J. A. Thompson. Incumbent's commission expired July 23, 1921.

William A. Blair to be postmaster at Oswego, Kans., in place of A. D. Carpenter. Incumbent's commission expired July 23, 1921.

Carl A. Reynolds to be postmaster at Humboldt, Kans., in place of I. J. Barrackman, resigned.

Dee F. Hahn to be postmaster at Phillipsburg, Kans., in place of F. W. Boyd, resigned.

David M. Meyers to be postmaster at Morrill, Kans., in place of C. C. McKenzie. Incumbent's commission expired July 23, 1921.

Sloan E. Cathcart to be postmaster at Mayetta, Kans., in place of Dudley Lunger. Incumbent's commission expired March 16, 1921.

Frank E. George to be postmaster at Altamont, Kans., in place of Viola Hamilton. Incumbent's commission expired July 23, 1921.

Vincent J. Kirvan to be postmaster at Severance, Kans. Office became presidential July 1, 1921.

Elizabeth Snider to be postmaster at Rantoul, Kans. Office became presidential October 1, 1921.

Len Roberts to be postmaster at Powhattan, Kans. Office became presidential July 1, 1921.

Carl Rork to be postmaster at Muscotah, Kans. Office became presidential April 1, 1920.

Daniel O. Edwards to be postmaster at Hazelton, Kans. Office became presidential January 1, 1921.

LOUISIANA.

Edwin R. Ford to be postmaster at Jonesville, La., in place of E. R. Ford. Incumbent's commission expired March 16, 1921.

Kiney S. Foster to be postmaster at Pharr, La. Office became presidential October 1, 1921.

Joseph A. Barthet to be postmaster at Labadieville, La. Office became presidential October 1, 1921.

Joseph H. Kurth, jr., to be postmaster at Kurthwood, La. Office became presidential October 1, 1921.

MAINE.

Malcolm B. Folsom to be postmaster at Greenville, Me., in place of E. W. Vaughan, appointee, declined.

Ernest C. Butterfield to be postmaster at Springfield, Me. Office became presidential July 1, 1921.

Frederick J. Murphy to be postmaster at Van Buren, Me., in place of L. P. Gagnon, removed.

Montrose E. Hill to be postmaster at Old Orchard, Me., in place of W. G. Harmon, resigned.

Harry P. Jameson to be postmaster at Cornish, Me., in place of J. M. Haley, deceased.

Mary S. Bartlett to be postmaster at Belgrade Lakes, Me., in place of M. S. Bartlett. Incumbent's commission expired December 20, 1920.

Charles N. Thompson to be postmaster at Kingman, Me. Office became presidential January 1, 1921.

MARYLAND.

William H. Condiff to be postmaster at Solomons, Md. Office became presidential January 1, 1921.

Walter H. Snyder to be postmaster at Sharpsburg, Md. Office became presidential January 1, 1921.

William C. Shearer to be postmaster at Manchester, Md., in place of R. M. Shower. Incumbent's commission expired March 16, 1921.

John M. Reed, jr., to be postmaster at Chesapeake City, Md., in place of Andrew Beaston, resigned.

MASSACHUSETTS.

William A. Temple to be postmaster at Westboro, Mass., in place of T. H. Hackett. Incumbent's commission expires January 24, 1922.

John H. Valentine to be postmaster at North Chelmsford, Mass., in place of J. F. McManomin, deceased.

Everett P. Sheridan to be postmaster at Warren, Mass., in place of E. P. Sheridan. Incumbent's commission expired September 7, 1920.

Charles E. Cook to be postmaster at Uxbridge, Mass., in place of C. E. Cook. Incumbent's commission expired August 30, 1920.

Lewis H. Bradford to be postmaster at Shirley, Mass., in place of E. L. Harkins. Incumbent's commission expired May 14, 1921.

William H. Winslow to be postmaster at Mattapoisett, Mass., in place of Abner Harlow. Incumbent's commission expired July 17, 1921.

Dennis M. Kelley to be postmaster at Hawthorne, Mass., in place of C. F. Skillings. Incumbent's commission expired January 30, 1921.

Harry B. Nichols to be postmaster at Duxbury, Mass., in place of J. W. Hastings, resigned.

MICHIGAN.

Ruth Hastings to be postmaster at Engadine, Mich. Office became presidential April 1, 1921.

Thomas L. Melvin to be postmaster at Detour, Mich. Office became presidential April 1, 1921.

Martin S. Markham to be postmaster at Alanson, Mich. Office became presidential January 1, 1921.

Ralph W. Clapp to be postmaster at Saugatuck, Mich., in place of Charles Powers, resigned.

Charles T. Bechstein to be postmaster at Mancelona, Mich., in place of E. T. Belding, deceased.

Ray S. Cox to be postmaster at Ravenna, Mich., in place of H. J. Tibbits, deceased.

Hiram R. Bouma to be postmaster at Grandville, Mich., in place of H. R. Bouma. Incumbent's commission expired July 21, 1921.

Henry S. Myers to be postmaster at Caro, Mich., in place of C. R. Howell. Incumbent's commission expired June 17, 1920.

Florence W. Voorhorst to be postmaster at Hamilton, Mich. Office became presidential October 1, 1921.

John J. Schmidt to be postmaster at Bravo, Mich. Office became presidential October 1, 1921.

Harmon L. Fox to be postmaster at Mayville, Mich., in place of H. J. Lynch, resigned.

Jesse R. Phillips to be postmaster at Auburn, Mich., in place of James Cotter, resigned.

T. Richard Crocker to be postmaster at South Boardman, Mich. Office became presidential April 1, 1921.

MINNESOTA.

Upham B. Harris to be postmaster at St. Charles, Minn., in place of T. L. Fay, resigned.

Clefton M. Krogh to be postmaster at Argyle, Minn., in place of R. M. Anderson, resigned.

John Jensen to be postmaster at Winger, Minn. Office became presidential October 1, 1921.

Charles J. Johnson to be postmaster at Garfield, Minn. Office became presidential April 1, 1921.

Lambert J. Dols to be postmaster at Cologne, Minn. Office became presidential January 1, 1921.

MISSISSIPPI.

Andrew McD. Patterson to be postmaster at Como, Miss., in place of S. H. Jones, removed.

Alfis F. Holcomb to be postmaster at Waynesboro, Miss., in place of Truman Gray, removed.

John Gewin to be postmaster at De Kalb, Miss., in place of A. W. Thompson, resigned.

MISSOURI.

Ruth E. McCormick to be postmaster at Reeds Spring, Mo. Office became presidential April 1, 1921.

John F. Hamby to be postmaster at Noel, Mo. Office became presidential April 1, 1921.

Emerson W. Robison to be postmaster at Midco, Mo. Office became presidential October 1, 1921.

Glen Kingen to be postmaster at Ellsinore, Mo. Office became presidential July 1, 1921.

Thomas F. Merrigan to be postmaster at Conception Junction, Mo. Office became presidential October 1, 1920.

Earnest R. Smith to be postmaster at Collins, Mo. Office became presidential January 1, 1921.

Hezekiah K. Harris to be postmaster at Blackwater, Mo. Office became presidential January 1, 1921.

George S. Brown to be postmaster at Hornersville, Mo., in place of H. P. Geaslin, removed.

Joseph J. Henke to be postmaster at Florissant, Mo., in place of L. P. Albers, resigned.

William F. Haywood to be postmaster at Ellington, Mo., in place of P. B. Smith. Incumbent's commission expired July 25, 1921.

Edwin S. Brown to be postmaster at Edina, Mo., in place of P. C. Gibbons. Incumbent's commission expired July 25, 1921.

William C. Christeon to be postmaster at Dixon, Mo., in place of H. J. von Gremp. Incumbent's commission expired July 25, 1921.

George T. Carr to be postmaster at Clark, Mo., in place of T. R. Morris. Incumbent's commission expired March 16, 1921.

Ralph D. Stonner to be postmaster at Chamois, Mo., in place of James Robinson, deceased.

Hulie J. Walker to be postmaster at Cardwell, Mo., in place of C. E. Holt, resigned.

James Z. Spearman to be postmaster at Tuscumbia, Mo. Office became presidential January 1, 1921.

Fred Mitchell to be postmaster at Purdy, Mo., in place of L. R. McNatt. Incumbent's commission expired January 19, 1920.

Charles C. Stobaugh to be postmaster at Triplett, Mo. Office became presidential July 1, 1921.

Nelle Whalen to be postmaster at Rushville, Mo. Office became presidential January 1, 1921.

Clara M. Smith to be postmaster at Overland, Mo. Office became presidential October 1, 1921.

John W. Sample to be postmaster at Marble Hill, Mo. Office became presidential July 1, 1920.

Rose C. Geyer to be postmaster at Graham, Mo. Office became presidential January 1, 1921.

James D. Reynolds to be postmaster at Clarksburg, Mo. Office became presidential July 1, 1921.

Elvin Lee to be postmaster at Mountain Grove, Mo., in place of J. W. Allen. Incumbent's commission expired July 25, 1921.

Roy B. Woods to be postmaster at Bernie, Mo., in place of W. M. Piatt. Incumbent's commission expired December 20, 1920.

MONTANA.

James F. Blankner to be postmaster at Broadus, Mont. Office became presidential April 1, 1921.

Elias O. Sorvick to be postmaster at Antelope, Mont. Office became presidential April 1, 1921.

John H. Dolin to be postmaster at Medicine Lake, Mont., in place of John Dailey. Incumbent's commission expired July 21, 1921.

Ralph E. Rorabeck to be postmaster at Lavina, Mont., in place of A. S. Gossink, resigned.

Kirby G. Hoon to be postmaster at Helena, Mont., in place of C. H. Fortman, removed.

Arthur T. Ruehrwein to be postmaster at Columbus, Mont., in place of J. P. Lavelle. Incumbent's commission expired July 21, 1921.

Leanore K. C. Roderick to be postmaster at Outlook, Mont., in place of Margaret Roach, resigned.

John R. Stewart to be postmaster at Jugomar, Mont., in place of L. L. Stewart. Incumbent's commission expired July 21, 1921.

Joel T. Smith to be postmaster at Chester, Mont., in place of J. A. Wright. Incumbent's commission expired July 21, 1921.

Marie R. Worth to be postmaster at Carter, Mont., in place of M. R. Worth. Incumbent's commission expired July 21, 1921.

Charles A. Worthing to be postmaster at Lambert, Mont., in place of D. W. Beeman. Incumbent's commission expired March 16, 1921.

Charlotte M. Wells to be postmaster at Stockett, Mont. Office became presidential April 1, 1921.

Jessie L. Heath to be postmaster at Ringling, Mont. Office became presidential April 1, 1921.

Francis B. Tanner to be postmaster at Darby, Mont. Office became presidential January 1, 1921.

Richard L. Alldrin to be postmaster at Malta, Mont., in place of G. H. Wood; appointee declined.

George W. Fenton to be postmaster at Laurel, Mont., in place of T. A. Rigney, resigned.

NEBRASKA.

Elizabeth Hempel to be postmaster at Kilgore, Nebr. Office became presidential April 1, 1921.

Kathrene Patrick to be postmaster at Ericson, Nebr. Office became presidential April 1, 1920.

Walter S. Tyler to be postmaster at Palisade, Nebr., in place of M. B. Graves. Incumbent's commission expired March 16, 1921.

George W. Harding to be postmaster at Ralston, Nebr., in place of A. J. Strahl, resigned.

Laura E. Smith to be postmaster at Doniphan, Nebr., in place of L. E. Smith. Incumbent's commission expired March 16, 1921.

Daniel W. Roderick to be postmaster at Hubbell, Nebr. Office became presidential July 1, 1921.

Loa Hubbard to be postmaster at Chambers, Nebr. Office became presidential April 1, 1921.

Mary M. Gleason to be postmaster at Platte Center, Nebr., in place of A. J. Glodowski, resigned.

John A. Schleef to be postmaster at Overton, Nebr., in place of L. A. Rengler, appointee declined.

Frank G. Frame to be postmaster at Fullerton, Nebr., in place of C. S. Anderson, resigned.

William S. Brown to be postmaster at Fairmont, Nebr., in place of R. G. Hall, deceased.

Lillian M. Casad to be postmaster at Bartley, Nebr., in place of L. E. Hart, resigned.

NEVADA.

Jane Davidson to be postmaster at Unionville, Nev. Office became presidential October 1, 1921.

NEW HAMPSHIRE.

Carrie B. Ware to be postmaster at Hancock, N. H. Office became presidential April 1, 1921.

Grace E. Emerson to be postmaster at East Rochester, N. H., in place of G. E. Emerson. Incumbent's commission expired July 21, 1921.

Lloyd S. Emerson to be postmaster at Contoocook, N. H., in place of I. H. Hicks. Incumbent's commission expired July 21, 1921.

Clarence H. George to be postmaster at Bartlett, N. H., in place of C. H. George. Incumbent's commission expired July 21, 1921.

NEW JERSEY.

Albert M. Wiggins to be postmaster at Succasunna, N. J. Office became presidential July 1, 1921.

Katherine E. Fraleigh to be postmaster at Seagirt, N. J. Office became presidential October 1, 1920.

William J. Karbonits to be postmaster at Nixon, N. J. Office became presidential October 1, 1920.

William H. Zelley to be postmaster at Marlton N. J. Office became presidential October 1, 1921.

Jesse W. English to be postmaster at Wenonah, N. J., in place of J. E. Charles, deceased.

William H. Grenelle to be postmaster at Haworth, N. J., in place of W. H. Le Compte, resigned.

Herbert C. Dodge to be postmaster at Sparta, N. J., in place of H. C. Dodge. Incumbent's commission expired January 31, 1921.

Annie L. Hammond to be postmaster at Mountain View, N. J. Office became presidential October 1, 1921.

William E. Hartman to be postmaster at Grasselli, N. J. Office became presidential April 1, 1921.

Louis A. Streit to be postmaster at East Orange, N. J., in place of E. T. Lanterman, resigned.

Frank Ridgway to be postmaster at Woodstown, N. J., in place of I. C. Shinn, resigned.

S. Matilda Mount to be postmaster at Jamesburg, N. J., in place of C. E. Paxton. Incumbent's commission expired January 11, 1920.

Charles H. Matthews to be postmaster at Hudson Heights, N. J., in place of John Matthews. Incumbent's commission expired January 31, 1921.

Ada B. Nafew to be postmaster at Eatontown, N. J., in place of A. B. Nafew. Incumbent's commission expires January 24, 1922.

NEW MEXICO.

Mary K. Jefferis to be postmaster at Tularosa, N. Mex., in place of R. M. McNatt. Incumbent's commission expired March 16, 1921.

Florence E. Knight to be postmaster at Dexter, N. Mex. Office became presidential January 1, 1921.

Ollie G. White to be postmaster at Vaughn, N. Mex. Office became presidential July 1, 1921.

Samuel G. Hanna to be postmaster at San Marcial, N. Mex., in place of S. G. Hanna. Incumbent's commission expired January 5, 1920.

Lydia C. Harris to be postmaster at Mesilla Park, N. Mex., in place of W. S. Gilliam, resigned.

NEW YORK.

Harry T. Weeks to be postmaster at Patchogue, N. Y., in place of F. M. Welsh. Incumbent's commission expired May 17, 1921.

Marian L. Woodford to be postmaster at Marcellus, N. Y., in place of James Hogan. Incumbent's commission expired July 21, 1921.

Louis P. Miller to be postmaster at Cairo, N. Y., in place of L. B. Miller. Incumbent's commission expired March 16, 1921.

Ella N. Taber to be postmaster at Richmondville, N. Y., in place of I. J. Harrington. Incumbent's commission expired March 22, 1920.

Floyd B. Webb to be postmaster at Mannsville, N. Y., in place of George Staplin, jr. Incumbent's commission expired January 18, 1920.

Edson J. Halbert to be postmaster at Hornell, N. Y., in place of W. S. Charles. Incumbent's commission expired August 8, 1920.

Selleck S. Cronk to be postmaster at Grand Gorge, N. Y., in place of Frank Cronk. Incumbent's commission expired July 21, 1921.

George D. Ackerson to be postmaster at Gasport, N. Y., in place of C. C. McNair. Incumbent's commission expired March 22, 1920.

Edmund A. Howes to be postmaster at Sidney Center, N. Y. Office became presidential January 1, 1921.

William C. Calkins to be postmaster at Houghton, N. Y. Office became presidential July 1, 1921.

Fred S. Tripp to be postmaster at Guilford, N. Y. Office became presidential July 1, 1921.

Eva C. Sager to be postmaster at Frewsburg, N. Y. Office became presidential October 1, 1920.

David A. Blair to be postmaster at East Worcester, N. Y. Office became presidential July 1, 1921.

Eugene W. Lothian to be postmaster at Cranberry Lake, N. Y. Office became presidential October 1, 1921.

William F. Raynor to be postmaster at West Hampton Beach, N. Y., in place of M. B. Williams, resigned.

Harry L. Carhart to be postmaster at Coeymans, N. Y. Office became presidential January 1, 1921.

Hubert F. Strickland to be postmaster at Chenango Forks, N. Y. Office became presidential April 1, 1921.

John E. Widger to be postmaster at Smyrna, N. Y. Office became presidential January 1, 1921.

Robert E. Van Valkinburg to be postmaster at Mount Upton, N. Y. Office became presidential January 1, 1921.

Milton C. Armstrong to be postmaster at Long Eddy, N. Y. Office became presidential January 1, 1921.

Orville C. Fox to be postmaster at Jefferson, N. Y. Office became presidential October 1, 1920.

Manley S. Mack to be postmaster at Springwater, N. Y., in place of C. B. Allen, resigned.

Charles H. Ackerley to be postmaster at Round Lake, N. Y., in place of C. H. Ackerley. Incumbent's commission expired July 21, 1921.

Frank P. Harrison to be postmaster at Roslyn, N. Y., in place of C. O. Craft. Incumbent's commission expired March 16, 1921.

George M. Atwell to be postmaster at Mountain Dale, N. Y., in place of R. J. Carden, resigned.

Solomon Feinberg to be postmaster at Lake Placid, N. Y., in place of R. S. Ames. Incumbent's commission expires January 24, 1922.

Louis H. Buck to be postmaster at Dannemora, N. Y., in place of R. J. Fitzpatrick. Incumbent's commission expired March 15, 1920.

Francis L. Worden to be postmaster at Coxsackie, N. Y., in place of G. M. Lamb. Incumbent's commission expired July 12, 1920.

Frederick M. Avery to be postmaster at Cold Water, N. Y., in place of F. M. Avery. Incumbent's commission expires January 24, 1922.

Rupert M. Gates to be postmaster at Bolton Landing, N. Y., in place of W. E. Norton. Incumbent's commission expired March 16, 1921.

William W. Hendryx to be postmaster at Avoca, N. Y., in place of H. J. Towner, resigned.

NORTH CAROLINA.

Hannah J. Pate to be postmaster at Hope Mills, N. C. Office became presidential July 1, 1920.

John H. Hobson to be postmaster at Cleveland, N. C. Office became presidential April 1, 1921.

James E. Kellis to be postmaster at Candor, N. C. Office became presidential April 1, 1921.

Carlie A. Guy to be postmaster at Angier, N. C. Office became presidential April 1, 1921.

Adrian K. Parker to be postmaster at Clinton, N. C., in place of A. W. Colwell, resigned.

Robert L. Burgin to be postmaster at Sunburst, N. C. Office became presidential July 1, 1920.

Fred Herrin to be postmaster at Mount Pleasant, N. C. Office became presidential July 1, 1920.

Claude C. Tillman to be postmaster at Dover, N. C. Office became presidential January 1, 1921.

Sallie F. Troy to be postmaster at Bolton, N. C. Office became presidential January 1, 1921.

Fannie Fields to be postmaster at Boardman, N. C. Office became presidential April 1, 1921.

Sion H. Rogers to be postmaster at Clarkton, N. C., in place of G. H. Currie, resigned.

William P. Lee to be postmaster at Benson, N. C., in place of L. E. Stevens, resigned.

David W. Alexander to be postmaster at Connellys Springs, N. C. Office became presidential January 1, 1921.

Henry B. Head to be postmaster at Caroleen, N. C. Office became presidential July 1, 1920.

NORTH DAKOTA.

Ada A. Hutchison to be postmaster at Tuttle, N. Dak., in place of A. J. Wise. Incumbent's commission expired March 16, 1921.

Carl E. Peterson to be postmaster at Binford, N. Dak., in place of J. A. Knapp. Incumbent's commission expired January 13, 1921.

Hattie M. Leach to be postmaster at Havannah, N. Dak., in place of H. M. Leach. Incumbent's commission expires January 24, 1922.

Emos E. Cowell to be postmaster at Dogden, N. Dak., in place of William Stewart. Incumbent's commission expired December 20, 1920.

OHIO.

Linden C. Weimer to be postmaster at Dayton, Ohio, in place of F. L. May. Incumbent's commission expired July 21, 1921.

Bertus H. Moore to be postmaster at Williamsport, Ohio, in place of V. J. Boots, removed.

Emory W. Henderson to be postmaster at Dunkirk, Ohio, in place of H. B. Mahon, resigned.

Clara V. Cope to be postmaster at Prospect, Ohio, in place of E. F. Lauer, resigned.

Mayme C. Reed to be postmaster at Metamora, Ohio, in place of E. L. Churchill. Incumbent's commission expired March 16, 1921.

William Harper to be postmaster at Burton, Ohio, in place of N. M. Osborn, resigned.

Edward Munster to be postmaster at Chauncey, Ohio. Office became presidential July 1, 1921.

OKLAHOMA.

Denver T. Spry to be postmaster at Kiefer, Okla., in place of B. I. Skinner, resigned.

John Johnstone to be postmaster at Bartlesville, Okla., in place of F. S. Neptune, removed.

Jasper A. Bartley to be postmaster at Choteau, Okla., in place of J. L. Baugh. Incumbent's commission expired March 16, 1921.

Clay Cross to be postmaster at Skiatook, Okla., in place of J. W. Van Devanter, appointee, declined.

Samuel A. Snyder to be postmaster at Hennessey, Okla., in place of G. A. Clark. Incumbent's commission expired April 19, 1921.

Alta G. Stockton to be postmaster at Sparks, Okla. Office became presidential January 1, 1921.

Richard Wynn to be postmaster at Ochelata, Okla. Office became presidential April 1, 1920.

Ada M. Thompson to be postmaster at Mannford, Okla. Office became presidential April 1, 1921.

Kelly V. Hoffer to be postmaster at Elgin, Okla. Office became presidential July 1, 1921.

Algie R. Morris to be postmaster at Earlsboro, Okla. Office became presidential July 1, 1920.

Fred M. Perkins to be postmaster at Asher, Okla. Office became presidential July 1, 1921.

Omer G. Bohannon to be postmaster at Wister, Okla. Office became presidential July 1, 1920.

Beulah H. Cureton to be postmaster at Muskogee, Okla., in place of O. H. P. Brewer. Incumbent's commission expired August 7, 1921.

William E. Kelley to be postmaster at Marshall, Okla., in place of H. D. O'Neill. Incumbent's commission expired January 6, 1920.

Ruby Hiatt to be postmaster at Hammon, Okla., in place of A. E. Williams. Incumbent's commission expired August 3, 1920.

Curtis Murphy to be postmaster at Foss, Okla., in place of C. H. Smith. Incumbent's commission expired April 19, 1921.

Roscoe F. Harshbarger to be postmaster at Sperry, Okla. Office became presidential April 1, 1919.

Lillie M. Sheel to be postmaster at Burbank, Okla. Office became presidential October 1, 1921.

OREGON.

Lawrence F. Clark to be postmaster at Rainier, Oreg., in place of Exel Vogel, resigned.

Major G. Miller to be postmaster at Dayton, Oreg., in place of C. B. Foster. Incumbent's commission expired March 16, 1921.

John M. Jones to be postmaster at Portland, Oreg., in place of F. S. Myers, removed.

Ruby O. Engelman to be postmaster at Ione, Oreg., in place of M. C. Jones; name changed by marriage.

PENNSYLVANIA.

Archibald E. Patterson to be postmaster at Orangeville, Pa. Office became presidential April 1, 1921.

Charles H. Welch to be postmaster at Mount Union, Pa., in place of J. K. Wiley. Incumbent's commission expired March 16, 1921.

Kay C. Fuller to be postmaster at Springboro, Pa., in place of O. S. Quinby. Incumbent's commission expired June 1, 1920.

Dexter W. Spaulding to be postmaster at Conneautville, Pa., in place of Frank Clancy. Incumbent's commission expired January 8, 1921.

Pearson H. Hinterleiter to be postmaster at Topton, Pa., in place of J. H. Gallmoyer. Incumbent's commission expired January 9, 1921.

Thomas H. Kelley to be postmaster at Moores, Pa., in place of C. M. Touchstone, resigned.

Harvey E. Brinley to be postmaster at Birdsboro, Pa., in place of J. A. Bradley. Incumbent's commission expired April 19, 1921.

William A. Pentz to be postmaster at Scotland, Pa. Office became presidential January 1, 1921.

Jessie R. Wilson to be postmaster at St. Benedict, Pa., in place of J. R. Wilson. Incumbent's commission expired January 12, 1921.

Frank B. Wythe to be postmaster at Philipsburg, Pa., in place of R. R. Rowles. Incumbent's commission expired August 7, 1921.

Myles D. Hippensteel to be postmaster at Nescopeck, Pa., in place of W. T. Hetler. Incumbent's commission expired March 16, 1921.

Franklin T. Dindinger to be postmaster at Monaca, Pa., in place of G. W. Weinman. Incumbent's commission expired August 30, 1920.

H. L. Levy to be postmaster at Daisytown, Pa., in place of C. L. Fox, deceased.

Charles S. Bentley to be postmaster at Corry, Pa., in place of A. D. Colegrove, deceased.

John A. Stevens to be postmaster at Three Springs, Pa. Office became presidential January 1, 1921.

Ellen M. Brown to be postmaster at Kelton, Pa. Office became presidential October 1, 1921.

Permelia H. Young to be postmaster at Jefferson, Pa. Office became presidential October 1, 1921.

Lloyd H. Bressler to be postmaster at Hegins, Pa. Office became presidential April 1, 1921.

Marion Rosbach to be postmaster at Forksville, Pa. Office became presidential October 1, 1921.

Bernhard Ostrolenk to be postmaster at Farm School, Pa. Office became presidential July 1, 1921.

Harvey B. Sinsley to be postmaster at Denbo, Pa. Office became presidential October 1, 1921.

Joseph E. Lohr to be postmaster at Central City, Pa. Office became presidential October 1, 1921.

Fred Ungard to be postmaster at Allenwood, Pa. Office became presidential July 1, 1921.

PORTO RICO.

Carmelo Oben to be postmaster at Central Aguirre, P. R. Office became presidential April 1, 1921.

SOUTH CAROLINA.

John W. Hanna to be postmaster at Cross Hill, S. C. Office became presidential January 1, 1921.

Thomas C. Shaw to be postmaster at Honea Path, S. C., in place of L. O. Harper. Incumbent's commission expired July 10, 1920.

Tolbert O. Lybrand to be postmaster at Swansea, S. C. Office became presidential April 1, 1920.

Mary J. Welch to be postmaster at Carlisle, S. C. Office became presidential January 1, 1921.

Milton A. Watson to be postmaster at Johnston, S. C., in place of G. L. Hardy, resigned.

Elizabeth D. Kirksey to be postmaster at Pickens, S. C., in place of J. C. Jennings, resigned.

Theron L. Gregory to be postmaster at Kershaw, S. C., in place of T. L. Gregory, resigned.

Chives Presser to be postmaster at Johnsonville, S. C. Office became presidential October 1, 1921.

SOUTH DAKOTA.

Adeline P. Shoun to be postmaster at New Underwood, S. Dak. Office became presidential January 1, 1921.

Ruth A. Keepers to be postmaster at Carter, S. Dak. Office became presidential January 1, 1921.

John V. Drips to be postmaster at Belvidere, S. Dak. Office became presidential April 1, 1921.

William A. Dalziel to be postmaster at Davis, S. Dak. Office became presidential April 1, 1921.

Nellie M. Sullivan to be postmaster at Athol, S. Dak. Office became presidential April 1, 1921.

Mabel M. Linker to be postmaster at Ardmore, S. Dak. Office became presidential April 1, 1921.

TENNESSEE.

Blanche Godsey to be postmaster at Bluff City, Tenn. Office became presidential October 1, 1920.

Albert C. Samsel to be postmaster at Tate, Tenn. Office became presidential January 1, 1921.

John L. Goin to be postmaster at New Tazewell, Tenn. Office became presidential January 1, 1921.

William N. Craft to be postmaster at Mosheim, Tenn. Office became presidential January 1, 1921.

Albert F. Adair to be postmaster at Decaturville, Tenn. Office became presidential July 1, 1920.

Prior T. Livesay to be postmaster at Sneedville, Tenn., in place of Charles Seal. Incumbent's commission expired June 12, 1921.

Granville W. Harp to be postmaster at Jellico, Tenn., in place of D. D. Scott, removed.

Robert C. Laws to be postmaster at Butler, Tenn., in place of F. G. Curtis, removed.

Augustus F. Shults to be postmaster at Caryville, Tenn. Office became presidential October 1, 1921.

TEXAS.

John B. White to be postmaster at Waller, Tex. Office became presidential July 1, 1920.

Annie L. Powell to be postmaster at Texline, Tex., in place of M. S. Daniel. Incumbent's commission expired May 19, 1921.

Asa McGregor to be postmaster at Milano, Tex., in place of Charles Howes. Incumbent's commission expired March 16, 1921.

John W. Philp to be postmaster at Dallas, Tex., in place of B. M. Burgher. Incumbent's commission expired July 21, 1921.

Charles F. Wilson to be postmaster at Celina, Tex., in place of Carrie L. Wilson. Incumbent's commission expired March 16, 1921.

VERMONT.

George F. Flint to be postmaster at Chelsea, Vt., in place of H. O. Bixby, deceased.

Carrie E. Sturtevant to be postmaster at East Fairfield, Vt. Office became presidential January 1, 1921.

VIRGINIA.

Alonzo L. Jones to be postmaster at Virgilina, Va., in place of W. W. Tuck. Incumbent's commission expired July 21, 1921.

Charles E. Welch to be postmaster at Phoebus, Va., in place of W. J. Kearney, resigned.

VIRGIN ISLANDS.

Bartholin R. Larsen to be postmaster at Christiansted, Virgin Islands, in place of B. R. Larsen. Incumbent's commission expires January 24, 1922.

WASHINGTON.

Lettie Shultz to be postmaster at Toledo, Wash. Office became presidential April 1, 1921.

Nora S. Okerberg to be postmaster at Soap Lake, Wash. Office became presidential July 1, 1920.

Guy McReynolds to be postmaster at Oakesdale, Wash., in place of E. J. Tramill. Incumbent's commission expired January 5, 1920.

David W. Packard to be postmaster at Oak Harbor, Wash., in place of H. J. Nunan. Incumbent's commission expired April 13, 1920.

Frank R. Jones to be postmaster at Lacrosse, Wash., in place of J. M. McGifford. Incumbent's commission expired January 5, 1920.

George M. Mathis to be postmaster at Granger, Wash., in place of E. B. Johnson. Incumbent's commission expired January 11, 1920.

Alfred U. Thompson to be postmaster at Everson, Wash., in place of L. M. Rouls. Incumbent's commission expired January 21, 1920.

Tyrah D. Logsdon to be postmaster at Endicott, Wash., in place of T. D. Logsdon. Incumbent's commission expired July 21, 1921.

Forest W. France to be postmaster at Buckley, Wash., in place of G. A. B. Dovell. Incumbent's commission expired January 5, 1920.

Myron W. Gross to be postmaster at Hanford, Wash. Office became presidential July 1, 1920.

James S. Atwood to be postmaster at Sultan, Wash., in place of E. P. Marsolais. Incumbent's commission expired May 25, 1920.

Nicholas M. Field to be postmaster at Camas, Wash., in place of H. A. Knapp. Incumbent's commission expires January 24, 1922.

Joseph E. McManamon to be postmaster at Othello, Wash., in place of J. E. McManamon. Incumbent's commission expired March 16, 1921.

Ed. H. Sanford to be postmaster at Bucoda, Wash. Office became presidential October 1, 1921.

WEST VIRGINIA.

Sylvester V. Riggs to be postmaster at St. Marys, W. Va., in place of O. C. Sweeney. Incumbent's commission expired July 21, 1921.

James H. Lambert to be postmaster at Hendricks, W. Va. Office became presidential April 1, 1920.

Perry C. Thomas to be postmaster at Helen, W. Va. Office became presidential October 1, 1921.

Carle C. Henson to be postmaster at Edwight, W. Va. Office became presidential October 1, 1921.

WISCONSIN.

John Lorfeld to be postmaster at Cleveland, Wis. Office became presidential January 1, 1921.

Oscar M. Waterbury to be postmaster at Williams Bay, Wis., in place of O. M. Waterbury. Incumbent's commission expired March 16, 1921.

Alphonse R. Eichman to be postmaster at Trempealeau, Wis., in place of A. R. Eichman. Incumbent's commission expired March 16, 1921.

Charles H. Meisner to be postmaster at Reedsville, Wis., in place of J. E. Nolan. Incumbent's commission expired March 16, 1921.

Lawrence Barrett to be postmaster at Peshtigo, Wis., in place of Lawrence Barrett. Incumbent's commission expired March 16, 1921.

John Lindow to be postmaster at Manawa, Wis., in place of John Lindow. Incumbent's commission expired March 16, 1921.

Matthew H. Schlosser to be postmaster at Knapp, Wis., in place of Samuel Tufts. Incumbent's commission expired March 16, 1921.

Charles G. Ballhorn to be postmaster at Bear Creek, Wis., in place of M. V. Murphy, resigned.

William White to be postmaster at Algoma, Wis., in place of William White. Incumbent's commission expired March 16, 1921.

Henry W. Lemmenes to be postmaster at Cedar Grove, Wis., in place of W. A. DeSmidt. Incumbent's commission expired March 16, 1921.

William H. Bender to be postmaster at West Salem, Wis., in place of C. F. A. Mau, resigned.

Charlotte E. Ware to be postmaster at Waupaca, Wis., in place of S. P. Godfrey, resigned.

Edward M. Walker to be postmaster at Plainfield, Wis., in place of H. P. Walker, resigned.

Albert L. Fontaine to be postmaster at Wisconsin Rapids (late Grand Rapids), Wis., in place of Robert Nash, deceased.

Floyd D. Bartels to be postmaster at Blue River, Wis., in place of E. M. Taylor. Incumbent's commission expired March 16, 1921.

James J. Stoveken to be postmaster at Pembine, Wis. Office became presidential October 1, 1921.

WYOMING.

Edwin M. Bean to be postmaster at Casper, Wyo., in place of W. W. Sproul, removed.

William C. De Loney to be postmaster at Jackson, Wyo., in place of T. H. Baxter, resigned.

Hattie Peterson to be postmaster at Fort Laramie, Wyo. Office became presidential October 1, 1921.

Bertha C. Welsh to be postmaster at Dixon, Wyo. Office became presidential July 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 19, 1921.

COLLECTOR OF INTERNAL REVENUE.

Carl F. Routzahn to be collector of internal revenue, eighteenth district of Ohio.

POSTMASTERS.

CALIFORNIA.

Ella S. Stroup, San Andreas.
Edward T. Ketcham, Santa Maria.

ILLINOIS.

Clarence H. Loveridge, Alexis.
Gordon Winks, Alma.
Henry C. Minton, Alto Pass.
Albert T. McLane, Arcola.
Emil Straka, Berwyn.
Christ H. Staats, Downers Grove.
Frank S. Vandersloot, Farmington.
Peter Thomsen, Fulton.
Hugh H. Bolton, Joliet.
Charles A. Pease, Malta.
Benjamin A. Kent, Morrisonville.
William C. Henley, Nashville.
Charles S. Russell, Neponset.
Elza F. Gorrell, Newton.
Everett L. Buck, Normal.
Mary E. Sullivan, Riverside.
Aquilla E. Miller, Salem.
Bertha M. Smith, Savanna.
John C. Harned, Secor.
Roy A. Gulley, Sesser.
August Koehne, jr., Sibley.
Edwin Temple, Tampico.
Walter G. Lambert, Valier.
Elmer E. Adams, Winnetka.
Gilbert R. Huffstodt, Wyanet.

MISSOURI.

Kinzie K. Gittings, Chilhowee.
Earle W. Phillips, Henrietta.
John W. Rissler, Houstonia.
Evelyn S. Culp, Rocky Comfort.
Leonard D. Fisher, Union Star.
Isaac M. Galbraith, Walker.
Edward O. Horton, Washburn.
Horace L. Johnson, Winston.

OHIO.

Estella Denney, Bidwell.
Alton D. Whiteman, Green Springs (late Greenspring).
Mae E. Douds, Hudson.

OKLAHOMA.

Albert L. Chestnut, Kingston.

OREGON.

Tony D. Smith, Union.

SOUTH CAROLINA.

Warley L. Parrott, Bishopville.

WEST VIRGINIA.

Herbert H. Smith, Amherstdale.
William A. Ramsdell, Ceredo.
Albert A. Drinkard, Elbert.
John M. Cress, Ethel.
Albert Kirk, Kermit.
E. S. Hatfield, Mullens.
John S. Walker, Sharples.
Leslie C. Halbritter, Tunnelton.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 19, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, from whom all blessings flow, great and marvelous are Thy works, righteous and true are all Thy ways. We thank Thee for life, which is the breath of our heavenly Father in the souls of His human children, and may it be a daily offering at Thy sacred altar. We treasure Thy goodness. We can not measure it, yet may we continue to find favor with Thee. Enable us to prove ourselves altogether worthy of the tasks that await us and at the close of the day let us forget the labor we have borne and carry away the sense of Thy approval. In the name of Jesus our Savior. Amen.

The Journal of the proceedings of Saturday, December 17, 1921, was read and approved.

PERSONAL EXPLANATION.

Mr. MAPES. Mr. Speaker, my colleague, Mr. MICHENER, was appointed on the committee to attend the funeral of the late Representative ELSTON, of California. Before he left he asked me to pair him in favor of the Russian relief bill. I failed to do so, and I wish to say that if he had been present, he would have voted for that bill.

CALL OF THE HOUSE.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Ellis	Kreider	Raker
Anderson	Fenn	Kunz	Ransley
Anthony	Fields	Lawrence	Reavis
Appleby	Fish	Lea, Calif.	Reber
Atkeson	Fisher	Leatherwood	Reed, W. Va.
Bacharach	Focht	Lee, Ga.	Rhodes
Barbour	Free	Lehlbach	Riddick
Beedy	Freeman	Lineberger	Riordan
Bixler	French	Linthicum	Roach
Bland, Ind.	Funk	Longworth	Rodenberg
Blanton	Gahn	Luhring	Rosenbloom
Bond	Gallivan	McArthur	Rossdale
Bowling	Garner	McClintic	Rucker
Brand	Gilbert	McDuffie	Ryan
Brennan	Goldsborough	McFadden	Sabath
Brinson	Gould	Maloney	Sanders, Ind.
Britten	Graham, Pa.	Mansfield	Sanders, Tex.
Brooks, Ill.	Hammer	Martin	Sears
Brooks, Pa.	Hardy, Tex.	Mead	Shaw
Brown, Tenn.	Haugen	Merritt	Shreve
Burke	Hawes	Michaelson	Slemp
Burtness	Hayden	Michener	Snell
Carew	Hays	Montague	Snyder
Chandler, N. Y.	Himes	Moore, Ill.	Stafford
Christopherson	Hogan	Moores, Ind.	Stiness
Clague	Hooker	Mudd	Strong, Kans.
Clark, Fla.	Houghton	Newton, Minn.	Sullivan
Classon	Hudspeth	Newton, Mo.	Swing
Codd	Hull	Nolan	Taylor, Ark.
Cole, Iowa	Humphreys	Norton	Taylor, Colo.
Collier	Hutchinson	O'Brien	Taylor, N. J.
Connell	James	O'Connor	Thomas
Connolly, Pa.	Jefferis, Nebr.	Olpp	Tinkham
Coughlin	Jeffers, Ala.	Osborne	Underhill
Crago	Johnson, Miss.	Paige	Upshaw
Crowther	Johnson, S. Dak.	Patterson, Mo.	Volk
Curry	Jones, Pa.	Perkins	Walters
Davis, Tenn.	Kahn	Perlman	Ward, N. Y.
Deal	Kearns	Peters	Ward, N. C.
Dempsey	Kennedy	Petersen	Webster
Denison	Kincheloe	Porter	Wilson
Dominick	Kindred	Pringey	Wood, Ind.
Drane	Kitchin	Purnell	Woodyard
Dunn	Kline, N. Y.	Radcliffe	Wurzbach
Echols	Knight	Rainey, Ala.	Zihlman
Edmonds	Knutson	Rainey, Ill.	

The SPEAKER. On this call 249 Members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The doors were opened.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will call the first bill on the Calendar for Unanimous Consent.

GOVERNMENT PUBLICATIONS.

The first business on the Calendar for Unanimous Consent was Senate joint resolution 132, to provide for the continuance of certain Government publications.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. Objection is heard, and the Clerk will call the next bill.

FORT PECK RESERVATION, MONT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8010) to authorize the leasing for mining purposes of unallotted lands on the Fort Peck Reservation, Mont.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Mr. Speaker, the gentleman from Wisconsin [Mr. STAFFORD] upon a former occasion interposed an objection to this bill, and he stated to me that he would be unavoidably absent to-day and desired a little more time to look into the matter. He requested me to ask unanimous consent that the bill be passed over without prejudice, which I do.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 234. Joint resolution authorizing the payment of salaries of officers and employees of Congress for December, 1921, and making an appropriation to supply a deficiency in the appropriation for the contingent fund of the House of Representatives.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 234. Joint resolution authorizing the payment of salaries of officers and employees of Congress for December, 1921, and making an appropriation to supply a deficiency in the appropriation for the contingent fund of the House of Representatives.

SPECIAL DELIVERY OF MAIL MATTER.

The next business on the Calendar for Unanimous Consent was the bill H. R. 8441, relating to special delivery of mail matter.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ROUSE. Mr. Speaker, I object.

The SPEAKER. Objection is heard, and the Clerk will call the next bill.

SURVEY OF PUYALLUP RIVER, WASH.

The next business on the Calendar for Unanimous Consent was the bill H. R. 1578, to provide a preliminary survey of the Puyallup River, Wash., with a view to the control of its floods.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause a preliminary survey to be made of the Puyallup River, Wash., with a view to the control of its floods, in accordance with the provisions of an act entitled "An act to provide for the control of the floods of the Mississippi River, and the Sacramento River, Calif., and for other purposes," approved March 1, 1917.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SURVEY OF COWLITZ RIVER, WASH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1577) to provide a preliminary survey of the Cowlitz River, Wash., with a view to the control of its floods.

The SPEAKER. Is there objection to the present consideration of the bill.

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause a preliminary survey to be made of Cowlitz River, Wash., with a view to the control of its floods, in accordance with the provisions of an act entitled "An act to provide for the control of the floods of the Mississippi River, and the Sacramento River, Calif., and for other purposes," approved March 1, 1917.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

AMENDMENT OF REVISED STATUTES REGARDING PUBLIC LANDS.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 1099) to amend section 2372 of the Revised Statutes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I think we ought to have a word of explanation about the necessity for this before taking it up by unanimous consent.

Mr. SINNOTT. Mr. Speaker, in reply to the gentleman from Massachusetts I will state that under section 7 of the act of March 3, 1891, it is provided that land shall pass to patent if within two years after the final proof and final certificate is issued and there is no contest or protest pending. It was the practice of the Department of the Interior to consider an adverse report made by a special agent against a homestead entryman a contest or a protest, and, acting upon some of these adverse reports, the Secretary of the Interior after the expiration of the two-year period has canceled the entry of the original entryman. In the case of Lane against Hoglund (244 U. S., p. 175) the Supreme Court of the United States held that such a report was not a protest or a contest, and held that the original entryman was entitled to patent. Now in some of these rulings of the Secretary of the Interior where he canceled the original entry he afterwards permitted other parties to make entry upon the same land, and the other parties now have patent to the land. Now the original entryman whose entry was canceled under that decision of the Supreme Court may come in and sue the patentee and have him declared a trustee for the original entryman. So this bill provides in those cases the Secretary of the Interior may permit the original entryman to change his entry and take other land. The Secretary informed me that there are some 40 or 50 cases of this kind in the Interior Department awaiting adjustment.

Mr. WALSH. Well, I do not think it ought to be taken care of in this way by changing the general law with reference to entrymen, and I object.

Mr. SINNOTT. If the gentleman will withhold for a moment.

Mr. WALSH. I will withhold.

Mr. SINNOTT. Unless this is done this original entryman may sue the patentee and take the land away from the second entryman, and the second entryman is without any remedy, although he may have lived upon the land for five years and spent several thousand dollars in improving it.

Mr. WALSH. Well, then, we perhaps can pass legislation for the relief of the second entryman, but I do not think we ought to change the general law in respect to these cases in anticipation of similar mistakes being made in the future, or the action of the department being upset by the decision of the Supreme Court.

Mr. SINNOTT. Well, this is for the advantage and benefit of the second entryman. The first entryman has his remedy at law as a vested right to pursue the patentee.

Mr. WALSH. Well, he may go ahead and sue him and see how he comes out. I object.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the bill may retain its place on the calendar.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

PLUMAS NATIONAL FOREST, CALIF.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 5003) to provide for the consolidation of forest lands in the Plumas National Forest, Calif., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, as the gentleman from California is absent upon official business, and I desire to make some inquiries in reference to his report of hearings held upon this general subject, I object and ask that it be passed without prejudice.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the bill retain its place upon the calendar. Is there objection? [After a pause.] The Chair hears none.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution:

H. J. Res. 234. Joint resolution authorizing the payment of salaries of officers and employees of Congress for December, 1921, and making an appropriation to supply a deficiency in the appropriation for the contingent fund of the House of Representatives.

EXTENSION OF TIME ON OIL AND GAS PERMITS.

The next business in order on the Unanimous Consent Calendar was the bill (H. R. 8344) to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, I ask that the bill be reported.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior may, if he shall find that any oil or gas permittee has been unable, with the exercise of diligence, to begin drilling operations or to drill wells of the depth and within the time prescribed by section 13 of the act of Congress approved February 25, 1920, extend the time for beginning such drilling or completing it, to the amount specified in the act for such time, not exceeding three years, and upon such conditions as he shall prescribe.

The committee amendment was read as follows:

In line 7, page 1, after the figures "1920" insert in parentheses "(41st Stat., p. 437)."

Mr. WALSH. Mr. Speaker, reserving the right to object, will the gentleman from Oregon state the necessity for this? What condition has arisen to make this extension desirable?

Mr. SINNOTT. Well, the general financial condition out in the oil regions is very bad. There are some 11,000 applicants. A great many permittees can not obtain drilling outfits to drill, and the Secretary of the Interior has no authority to extend the time to begin operations, or to extend the time which requires that within one year after granting the permits they must drill to the depth of 500 feet. They may have drilled 400 feet or 200 feet; this bill merely permits the Secretary of the Interior to grant an extension of the time.

Mr. WALSH. Will the gentleman yield?

Mr. SINNOTT. I will.

Mr. WALSH. Are there not men who are financially capable of securing leases who are ready to go ahead and do the required drilling within the time?

Mr. SINNOTT. Oh, yes; some are.

Mr. WALSH. Are not there men who are desirous of securing these leases which are now held by men who are not able to do it?

Mr. SINNOTT. Well, these men could not do all the drilling. There is a limit to the number of permits one person may obtain under the law.

Mr. WALSH. In their own name?

Mr. SINNOTT. Either directly or indirectly. It is merely granting the Secretary the authority to extend the time in which they are to commence drilling or to drill a hole 500 feet deep within one year.

Mr. MANN. Will the gentleman yield for a question?

Mr. SINNOTT. I yield.

Mr. MANN. Is it a fact, as stated by the Secretary, that it is impossible for the manufacturers to supply sufficient drilling rigs and machinery with which to drill where all of these permits have been granted?

Mr. SINNOTT. I assume that is true. I have had letters from parties telling me that, although they have expended $4,000 in drilling, they have been unable to accomplish the drilling within the required time.

Mr. MANN. The Secretary's report states that the Secretary has issued an order that no action will be taken toward securing the cancellation of a permit because the permittee has not complied with the law, where it has been impossible for the permittee, owing to climate or lack of facilities, to go ahead with the drilling. Is this designed to make that legal, where now, I take it, it is illegal?

Mr. SINNOTT. It would make it legal and permit the Secretary to grant the extension that they are really granting now.

Mr. MANN. Where under the existing law a permittee drills the well 500 feet deep, is he then allowed an extension if the Secretary is willing to allow it?

Mr. SINNOTT. No. He is not permitted an extension under the law until at the end of two years, at which time he is supposed to have drilled to a depth of at least 2,000 feet. Then if it is necessary for him to drill more to develop the land, to ascertain whether there is oil there or not, the Secretary may grant the extension at the end of the two-year period, but he can not grant it short of the two-year period.

Mr. MANN. Is the gentleman afraid if this should become the law, there will be many applications for permits where there is no design at all to really go ahead with the work, in order to sell out?

Mr. SINNOTT. No; I do not think so. I think the Secretary will examine into those cases and ascertain whether or not the man has a really meritorious case for an extension.

Mr. MANN. I take it that the examination into those cases is by affidavit?

Mr. SINNOTT. Well, the department has field agents who could examine the merits of the request in the field itself.

Mr. JONES of Texas. Will the gentleman from Oregon yield for a question?

Mr. SINNOTT. I will.

Mr. JONES of Texas. Just for information. Under the law, what do they pay for these leases? Do they make any payment at all in money?

Mr. SINNOTT. Under a lease in unknown territory a man has the right to drill 2,560 acres, and then he secures a lease, having discovered oil, to one-fourth of it, and he pays 5 per cent for the oil extracted on the 160 acres. Then he has a preference right for the balance at a price to be determined by the Secretary of the Interior by competitive bidding or in some other way which the Secretary may adopt, at a minimum price of 12½ per cent—one-eighth.

Mr. JONES of Texas. He pays no actual money except as it is taken out of the ground?

Mr. SINNOTT. No.

Mr. JONES of Texas. Does he have to pay renewal at any time where he does not drill within a certain specified time?

Mr. SINNOTT. He has to pay a dollar per acre a year on his lease.

Mr. JONES of Texas. Would this extension interfere with the necessity of paying that dollar a year where he is given this three-year extension?

Mr. SINNOTT. It does not impinge upon that at all. He is not required to pay the dollar an acre until oil is discovered and he then obtains a lease.

Mr. JONES of Texas. If they were private lands, however, and a man is given an extension, he is always required to pay a renewal of so much per acre per year.

Mr. SINNOTT. This merely relates to a prospecting permit on unknown territory.

Mr. JONES of Texas. I understand that is true, but you spoke a while ago of the inability to get machinery. Where a man has started drilling he would already have his machinery.

Mr. SINNOTT. He may lose his drill or have some other trouble. There are a great many contingencies that might arise.

Mr. JONES of Texas. There is no need of any trouble in getting repairs to machinery.

Mr. SINNOTT. Oh, yes; there frequently is. A man may lose his drill.

Mr. JONES of Texas. Nothing to justify a three-year extension.

Mr. SINNOTT. It is not a three-year extension. It does not extend beyond the two-year period.

Mr. JONES of Texas. It says three years in the latter part of the law.

Mr. SINNOTT. That would be a total.

Mr. JONES of Texas. He pays nothing whatever for this extension, then?

Mr. SINNOTT. No; he pays nothing for the extension.

Mr. WALSH. Mr. Speaker, I withdraw my reservation of the objection.

The SPEAKER. The question is on the committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 7, after the figures "1920," insert in parentheses "(41st Stat., p. 437)."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENTRYMEN ON RECLAMATION PROJECTS.

Mr. WALSH. Mr. Speaker, I ask that the next bill on the calendar be passed over without prejudice.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the next bill (H. R. 8815) to authorize certain homestead settlers or entrymen on United States reclamation projects who entered the military or naval service of the United States during the war with Germany to make final proof of their entries be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

APPLICATION OF RECLAMATION LAW TO IRRIGATION DISTRICTS.

The next business on the Calendar for Unanimous Consent, No. 147, was the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts.

Mr. LITTLE. Mr. Speaker, the next bill on the calendar is No. 146. As to No. 147 on the calendar, I shall have to object to it.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LITTLE. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

BRIDGE ACROSS THE NIAGARA RIVER.

The next business on the Calendar for Unanimous Consent was the bill (S. 2591) to provide for the construction of a public bridge across the Niagara River.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman in charge of the bill who is behind this movement?

Mr. MACGREGOR. The citizens of the city of Buffalo.

Mr. MANN. That is not a very good answer. Will the gentleman be a little more specific? I do not know whether they are or not, but of course I do not doubt the gentleman's word.

Mr. MACGREGOR. If the gentleman will remember, last year he aided me in the passage of a bill, which was public law 128, creating the Buffalo Public Bridge Commission. The gentleman mentioned in this bill are the members of that commission. They have provided the plans for the construction of a bridge, which we fondly hope will be built. This bill under consideration to-day is the authority to those gentlemen constituting that commission to proceed with the construction of the bridge.

Mr. MANN. This is the result of the law that was passed last year?

Mr. MACGREGOR. Yes.

Mr. MANN. Since I have been here there have been a great many laws passed for building a bridge across the Niagara River. Does the gentleman think there is any real intention—of course, he will not say there is not—of trying to build this bridge? Is it to be a bridge or a tunnel?

Mr. MACGREGOR. It is to be a bridge.

Mr. MANN. What is the tunnel end of it in here for?

Mr. MACGREGOR. It is simply the usual wording, as I understand it.

Mr. MANN. Not at all. It has never been in any other bill before the House.

Mr. MACGREGOR. The plans call for a bridge.

Mr. MANN. Not a tunnel?

Mr. MACGREGOR. Yes; a bridge.

Mr. MANN. This provides for a tunnel.

Mr. MACGREGOR. A permissive tunnel.

Mr. MANN. That looks like a wildcat scheme.

Mr. MACGREGOR. If the War Department will permit us to build the bridge we have in contemplation and not make too many restrictions upon the height above the river, I think we shall be able really to construct this bridge. It will cost under the present plan about $2,000,000, at a height of 55 feet, which will permit the passage of small boats. There is another plan which calls for a height above the water of 114 feet, which would cost probably from $6,000,000 to $7,000,000, which it probably would not be possible to build because of the great cost. But these gentlemen feel that they can finance the $2,000,000 proposition without any great difficulty.

Mr. MANN. Has anybody made an estimate of what the cost of the tunnel would be?

Mr. MACGREGOR. No. I do not know why they stuck in the word "tunnel."

Mr. MANN. They not only stuck in the word "tunnel," but the word "tunnels," in the plural.

Mr. MACGREGOR. There have been other bridge acts in reference to the Niagara River which I think included the word "tunnel."

Mr. MANN. I think at one time we did provide that a company might build a bridge or tunnel. I do not know what they used that franchise for, whether it was to sell stock or otherwise.

Mr. MACGREGOR. I have not found anybody willing to buy any stock issued for building a bridge across the river yet. We have been perfectly willing to have them build it if they could.

Mr. MANN. I sympathize with the people of Buffalo in their desire to have better communication with Canada, so I shall not object.

Mr. WALSH. Mr. Speaker, reserving the right to object, is this Buffalo Bridge Commission a body or commission under the jurisdiction of the city of Buffalo?

Mr. MACGREGOR. Not exactly. It is under the jurisdiction of Congress.

Mr. WALSH. Well, we created a commission.

Mr. MACGREGOR. It was approved by the council.

Mr. WALSH. Approved by the city council of Buffalo?

Mr. MACGREGOR. Yes.

Mr. WALSH. It is expected that the city of Buffalo is going to contribute toward the construction of this bridge?

Mr. MACGREGOR. It will contribute in the way of land.

Mr. WALSH. Only in the way of land?

Mr. MACGREGOR. Yes.

Mr. WALSH. Why was not the bill drawn so as to permit the Buffalo Bridge Commission to erect this structure?

Mr. MACGREGOR. I could not say technically why they did not say "the bridge commission" instead of enumerating the same men who are named in the bill that we passed last year.

Mr. WALSH. Now, the matter of tunnel was incorporated in the bill at the suggestion of the State Department, as I understand it?

Mr. MACGREGOR. Oh, no.

Mr. WALSH. It was not?

Mr. MACGREGOR. No. They asked to have included there a provision that we should procure permission from the Dominion of Canada before commencing the construction. That, of course, we would have to have anyway.

Mr. WALSH. Can the gentleman state whether the plans have been so far advanced that they will be able to begin work within two years?

Mr. MACGREGOR. If they can not commence within two years they can not commence at all.

Mr. WALSH. I understand that is what is in the bill; but does the gentleman know whether the commission has its plans already under way to such an extent that they will be able to begin work within two years?

Mr. MACGREGOR. They have the plans now.

Mr. WALSH. It is only a question of raising the $2,000,000?

Mr. MACGREGOR. That is all.

Mr. MANN. And then getting the permit?

Mr. MACGREGOR. Yes.

Mr. WALSH. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Frank B. Baird, Edward J. Barcalo, Marcus Barmon, Frederick G. Bagley, Emanuel Boasberg, Col. Charles Clifton, John W. Cowper, William A. Eckert, Louis A. Fischer, Carmelo Gugino, Charles M. Heald, Edward B. Holmes, Allan I. Holloway, Edgar E. Joralemon, Charles B. Kane, Edward Kener, John A. Kloepfer, Stanislaus Lipowicz, Edward P. Lupfer, James H. McNulty, Jacob J. Siegrist, John W. Van Allen, John G. Wickser, Floyd M. Wills, and Frank Winch, and their successors and assigns, to construct, maintain, and operate a public bridge and approaches thereto across the Niagara River at a point suitable to the interests of navigation, within or near the city limits of Buffalo, in the county of Erie, in the State of New York, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That subject to the provisions of this act the Secretary of War may permit the persons herein named to construct a tunnel or tunnels under said river in lieu of the bridge herein authorized, in accordance with the foregoing act approved March 23, 1906, so far as the same may be applicable.

SEC. 2. That this act shall be null and void unless the construction of said bridge or tunnels is commenced within two years and completed within five years from the date of approval hereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

with a committee amendment, as follows:

On page 2, line 15, after the word "applicable," insert a colon and the following: "*Provided further*, That before the construction of the said bridge shall be begun all proper and requisite authority therefor shall be obtained from the Government of the Dominion of Canada."

Mr. MANN. Mr. Speaker, I move to amend the committee amendment by inserting on page 2, line 14, after the word "bridge," the words "or tunnels."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN to the committee amendment: On page 2, line 14, after the word "bridge," insert "or tunnel."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. MACGREGOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS AGAINST THE ALIEN PROPERTY CUSTODIAN.

Mr. WINSLOW. Mr. Speaker, I move to suspend the rules and pass S. 2780.

The SPEAKER. The gentleman from Massachusetts moves to suspend the rules and pass a bill, which the Clerk will report.

The bill (S. 2780) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and

for other purposes," approved October 6, 1917, as amended, was read, as follows:

Be it enacted, etc., That section 9 of the act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, is hereby amended by striking out the words "six months" in such section and inserting in lieu thereof "18 months."

The SPEAKER. Is a second demanded?

Mr. BARKLEY. Mr. Speaker, I demand a second.

Mr. WINSLOW. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. WINSLOW. Mr. Speaker and gentlemen of the House, this bill (S. 2780) is a very short matter and ought not to take much time. In the trading with the enemy act approved October 6, 1917, there was a provision which allowed persons not enemies or enemy aliens to file suit in court in case their claims were disallowed by the Alien Property Custodian, and it provided further that a period of six months from the time of the declaration of peace be allowed for that purpose.

That time will expire on the 2d of January, 1922. It therefore becomes apparent that some action will have to be taken right away.

It appears from the statement of the Alien Property Custodian, as per the House committee report accompanying this bill and corroborated by a statement from the Attorney General's office, that the unconsidered claims are of such a number that the aforesaid departments have not been able to give attention to the claims on file. This means that those persons whose claims have not been considered by the 2d of January, 1922, would have to abandon their claims or the Alien Property Custodian would have to go through the list on file and in an arbitrary way, without consideration, disallow all the claims in order to make possible a day in court to these people, not enemies, chiefly Americans, who would wish to take exception to the disallowance.

The Senate passed this bill extending the time a year, and the bill has come to the House to-day as a result of an unanimous report made by the Committee on Interstate and Foreign Commerce of the House.

I know of nothing more to be added, but it will be a pleasure to answer any questions. The fact is simply this, that the Alien Property Custodian and the Attorney General have not been able to go over all the claims on file, 1,500 of which have not been adjudicated, and they will not be able to go over them in a proper way in the time provided by law, and they ask an extra 12 months in which to give consideration to these claims. Can I answer any question?

Mr. HICKS. How fast are they going through the mill?

Mr. WINSLOW. I can not answer that. I might say, generally, that they are going through as fast as possible, I presume. Beyond that it would not be possible for me to make an answer.

Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The gentleman reserves the remainder of his time.

Mr. BARKLEY. Mr. Speaker, I do not know that it is necessary to add anything to what the gentleman from Massachusetts has said in reference to the object of this bill. This is a unanimous report from the Committee on Interstate and Foreign Commerce on a bill recommended by the Alien Property Custodian's office and indorsed by the Department of Justice.

You will recall that in section 9 of the original Alien Property Custodian act a claimant whose property is taken, or who has claims for debts that might grow out of the taking of property, was authorized to file a claim before the Alien Property Custodian for the return of the property or for the return of the money realized out of the property, and that the President of the United States, after consideration, may order a return of the property or the proceeds thereof, whether in the hands of the Alien Property Custodian or of the Treasury of the United States.

Section 9 authorized the claimants to file suit in the district court of the United States in the district in which they reside, or, in the case of a corporation, in the district in which its principal office is located, for the return of the property, in a suit in equity, if the claim for the return for the property was rejected. They had six months after the declaration of peace to do that. I think that time expires on the 2d day of January, because the time began to run on the 2d of July last under the separate peace resolution enacted by Congress, so that the time in which they have to file these suits based upon the claims expires on the 2d day of next month.

As the gentleman from Massachusetts [Mr. WINSLOW] has stated, there are some 1,500 or more of these claims now pending before the Alien Property Custodian based upon claims which have been filed for the return of property, and I think all of these claims have been filed by American citizens. It was inevitable that in the taking of a large amount of property, some property would be taken over that ought not to be taken. These claims have to be rejected before suit can be filed, and this is to give one more year for these claimants to file these suits.

Mr. JONES of Texas. Will the gentleman yield?

Mr. BARKLEY. I yield to the gentleman from Texas.

Mr. JONES of Texas. Does the original act provide that the claimants may file suits for money damages in addition to having their property returned?

Mr. BARKLEY. No.

Mr. JONES of Texas. That is, in the event the property itself is returned, can they still file suits for damages?

Mr. BARKLEY. No; this does not contemplate suits for damages. It contemplates suits for the return of the property itself or, if the property has been converted into money, a suit to recover the money realized out of the sale; or it might involve suits by creditors who had claims upon property which were defeated by the taking of the property by the Government. It does not contemplate the filing of suits for claims for damages in addition t the value of the property by reason of its being taken by the Government.

Mr. JONES of Texas. If there should be a case of such a character that the owner of the property claimed it was damaged one-half unnecessarily in use, would this extension be construed as authorizing a claim for damages in addition to the return of the property?

Mr. BARKLEY. I do not think so; I do not think section 9 can be interpreted to extend to suits of that sort. It is based on claims for the return of the property or its value, or claims that might grow out of the possession of the property by the Government which a creditor might have a claim upon as against the original owner.

Mr. JONES of Texas. Of course, if it authorizes claims for damages or injury to property there would be no end of suits authorized.

Mr. BARKLEY. No. I do not think section 9 contemplates or authorizes suits of that sort.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. GARRETT of Tennessee. Is the measure emergent in character.

Mr. BARKLEY. It is emergent in this way: The six months provided for in the original law expires the 2d day of January, and unless the bill is passed before that time there would be a lapse of time in which these claimants would have no rights.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. WALSH. I was unable to hear the response of the chairman of the Committee on Interstate and Foreign Commerce in respect to how many suits had already been entered—if that is the information which he gave.

Mr. BARKLEY. I do not understand that the gentleman was asked that question.

Mr. WALSH. Then I shall ask the question now.

Mr. BARKLEY. He was asked the number of claims involved.

Mr. WALSH. If the gentleman will permit me, I shall ask that question now.

Mr. WINSLOW. I can not say how many suits have been started, but there are 1,500 claims now pending.

Mr. WALSH. They have had six months to enter them. Is it because of some delay in the office of the Alien Property Custodian that these suits have not been entered?

Mr. BARKLEY. No. In the first place, the claimant had 60 days in which to file his claim before the Alien Property Custodian.

Mr. WALSH. He did not have to wait for the proclamation of peace in order to do that.

Mr. BARKLEY. I understand; but the gentleman from Massachusetts will realize that in the matter of taking over several hundred million dollars' worth of property it would be impossible for the Alien Property Custodian to adjust all of these claims, even if they were all filed within the time limit.

Mr. WALSH. He has had plenty of help down there to do it, and has plenty of attorneys, very distinguished attorneys.

Mr. BARKLEY. But that need not necessarily contribute to haste in the decision of those matters.

Mr. WALSH. I rather think that the gentleman may be right about that.

Mr. MANN. If the gentleman will permit, the Alien Property Custodian says that he has not had time to dispose of these cases.

Mr. BARKLEY. This bill is in the nature of an emergency, because we have to take the word of the Alien Property Custodian in his statement that he has not had the time, and the Department of Justice is urging it because they agree with the statement of the Alien Property Custodian. Of course, the gentleman will realize that there has been a change in the personnel down there to some extent, which caused more or less of a slack in the operation of the department, which may have lost a little time.

Mr. WALSH. Not since the proclamation of peace.

Mr. BARKLEY. In that neighborhood somewhere.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. CHINDBLOM. Is it not a fact that this request is based partially on the circumstance that the proclamation of peace dated back the termination of the war to the passage by Congress of the resolution terminating the war?

Mr. BARKLEY. Yes.

Mr. CHINDBLOM. I am informed that up to the time when the proclamation of peace was made by the President a great many people were of the opinion, whether rightfully or wrongfully I am not going to say, that the termination of the war within the meaning of the trading with the enemy act would not occur until a proclamation by the President.

Mr. BARKLEY. That is correct.

Mr. CHINDBLOM. The proclamation by the President antedated the termination of the war in a way, so that instead of having six months from the time of the President's proclamation, these people had only six months from July 2, 1921.

Mr. BARKLEY. That is correct. It was natural to presume that the six months would be from the actual date of the proclamation, which was not the 2d day of July, but several months subsequent to that time; but when the President issued his proclamation, he antedated it to July 2, which absorbed about half of the six months they would have had if the proclamation had been dated to take effect upon the date of its issue.

Mr. JONES of Texas. Mr. Speaker, will the gentleman yield again?

Mr. BARKLEY. Yes.

Mr. JONES of Texas. Is it the purpose of the Alien Property Custodian to retain all of that big, fine building down there and pay the rent upon it during all of these 18 months?

Mr. BARKLEY. I do not know what the purpose of the Alien Property Custodian is with reference to retaining that big, fine apartment house on Sixteenth Street. As far as I am individually concerned, I would be glad to see his office moved out of that apartment house into one of the vacant Government buildings in the city of Washington, so that not only the Government would save the rent of the apartment house, but so that it would make it available for the occupation of men and their families here who desire places of residence.

As far as I am concerned, I do not know what the intention of the office is, and I do not know what contract they have with reference to this apartment house.

Mr. WINSLOW. If the gentleman will permit.

Mr. BARKLEY. I would be glad to yield.

Mr. WINSLOW. Information has come to us that the department has declined to make lease of the property and are now tenants from month to month, with a view that the coming year they can get out.

Mr. JONES of Texas. But, as a matter of fact, they still have the building which they occupied during the war when they had all the business of these different people to attend to.

Mr. WINSLOW. Well, the chances are that they have far more business now than they had before.

Mr. JONES of Texas. Does the gentleman know what rent they pay for that building?

Mr. WINSLOW. No, sir; I do not. This is a matter of helping out American citizens who want to get their money out of there if possible at the earliest possible moment.

Mr. JONES of Texas. I understand. Was anything developed before the committee with reference to their keeping the building through the entire period?

Mr. WINSLOW. No——

Mr. JONES of Texas. It becomes important when you extend the time a year for winding up the business.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. NEWTON of Minnesota. The extension of time is not going to slow up the work of the Alien Property Custodian. They have got these claims pending.

Mr. JONES of Texas. Has the gentleman any assurance of that?

Mr. NEWTON of Minnesota. They have got those claims pending. Up to the present time they have not been able to pass upon them. Now, the claimants can not commence suit until they pass upon them. Now, the moment suit is commenced then it is matter for the Department of Justice to handle.

Mr. JONES of Texas. When you extend it 12 months or so they can take a long Christmas vacation if they want to do so. I do not say they will do so, but they are authorized and provided with a building, and there is nothing to keep them from doing so.

Mr. NEWTON of Minnesota. The furnishing of the building has nothing to do with it at all.

Mr. JONES of Texas. It has nothing to do with it.

Mr. NEWTON of Minnesota. The commencing of suit against the Government is not going to affect the working capacity of the Alien Property Custodian.

Mr. JONES of Texas. It may affect the work.

Mr. BARKLEY. Since the gentleman from Texas has brought up the building, it might be suggested that while it is true any contract which the department may have had with the owners of the building could not have any effect upon this particular matter, as a matter of fact if the gentleman from Texas proposes to move this bureau out of the present quarters into some other place it might consume enough time, and it would be better to extend the life of the Alien Property Custodian longer than a year——

Mr. JONES of Texas. It might be if the work is as slow as on some other propositions.

Mr. CHINDBLOM. Will the gentleman yield? I merely want to make a further suggestion that you might reduce the work of the Alien Property Custodian by preventing the people from getting proper consideration of their claims in that office, and certainly we do not want to delay, but to pass, legislation which will facilitate the opportunities for American citizens to present their claims before the Alien Property Custodian.

Mr. BARKLEY. I will say in reply to the suggestion that a vast majority of these claimants are American citizens who claim their property was wrongfully taken, and that there was an erroneous construction placed upon its ownership, and those claims have been so voluminous that the Alien Property Custodian has not been able to pass upon them. I now yield to the gentleman from Texas [Mr. BRIGGS].

Mr. BRIGGS. What is the amount of those claims that have already been filed; does the gentleman know?

Mr. BARKLEY. I am not able to give the gentleman the amount in dollars and cents. Perhaps the chairman can give it.

Mr. WINSLOW. The aggregate amount?

Mr. BARKLEY. But it amounts to millions and millions.

Mr. BRIGGS. Will the gentleman yield for another question?

Mr. BARKLEY. Yes.

Mr. BRIGGS. Is the Alien Property Custodian continuing to make seizures under the act?

Mr. BARKLEY. No; I think not.

Mr. BRIGGS. I have understood recently they were continuing at least, if not to make seizures, to bring proceedings in reference to property which was claimed before the treaty of peace was signed and the proclamation of the President issued.

Mr. BARKLEY. They may have taken steps to appraise the property claimed prior to the end of the war, but no new claims, I understand, are now being filed against the property.

Mr. BRIGGS. Are suits being filed subsequently?

Mr. BARKLEY. I think not. It is barely possible that some claims were hanging there after work upon the case started, and they were ready to seize the property. But, generally speaking, the Alien Property Custodian has not taken steps to seize property ab initio or de novo.

Mr. BRIGGS. They regard that the treaty of peace has stopped and ended all that?

Mr. BARKLEY. Yes.

Mr. Speaker, reserving the balance of my time, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

The SPEAKER. The gentleman from Kentucky has only three and one-half minutes remaining. The gentleman from Virginia is recognized for that period of time.

Mr. MOORE of Virginia. Mr. Speaker, it seems that the plan of those in control of the House is to take a recess without considering many important measures which are on our calendars. One of those measures which is of great interest to the farmers is a joint resolution which has already passed the Senate and is on the Union Calendar of the House. For the

purpose of showing that it is a measure of very considerable importance, I ask to have read a communication from the Secretary of Agriculture which has been furnished me by a constituent to whom it had been sent.

Mr. WALSH. Mr. Speaker, I dislike very much to interpose an objection, but of course the rules require that under a motion to suspend the debate shall be confined to the motion.

Mr. MOORE of Virginia. If the gentleman will allow, it will take only two or three minutes, and then I will not ask to proceed further.

Mr. WALSH. Is it a brief communication?

Mr. MOORE of Virginia. Very brief.

The SPEAKER. Without objection the Clerk will read.

The Clerk read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, D. C.

PUBLICATION OF MARKET REPORTER SUSPENDED.

Under a provision of the sundry civil act of March 4, 1921, Government departments were required to suspend publication of all periodicals except those approved by Congress by December 1, 1921. A resolution empowering the congressional Joint Committee on Printing to authorize the continuance or discontinuance of these periodicals, among them the Market Reporter, passed the Senate but did not come to a vote in the House before the adjournment of the last session of Congress. The Market Reporter will, therefore, be suspended beginning with the issue of December 10 until its continuance is authorized by Congress.

HENRY C. WALLACE, *Secretary.*

Mr. MOORE of Virginia. Mr. Speaker, may I ask the gentleman from Massachusetts if he objects to my adding to that a few lines extracted from a letter which a constituent has written me concerning this subject?

Mr. WALSH. Mr. Speaker, I shall not insist on the objection.

Mr. MOORE of Virginia. The statement in the letter that comes from a very prominent and influential business man and farmer is as follows:

I believe as a farmer and banker the Market Reporter issued by the United States Department of Agriculture has been most helpful to the farmers in this county, and I can not see why it would not be equally as helpful to farmers in other counties and States, and it is the one market report that comes to our homes upon which we can absolutely rely.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken, and the Speaker announced that, in the opinion of the Chair, two-thirds had voted in favor thereof.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 69, noes none.

Mr. GARRETT of Tennessee. I make the point of order, Mr. Speaker, that there is no quorum present.

The SPEAKER. It is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 247, nays 0, answered "present" 1, not voting 184, as follows:

YEAS—247.

Ackerman	Colton	Gorman	Larsen, Ga.
Andrew, Mass.	Connally, Tex.	Graham, Ill.	Layton
Andrews, Nebr.	Cooper, Ohio	Green, Iowa	Lazaro
Ansorge	Cooper, Wis.	Greene, Mass.	Lee, Ga.
Anthony	Copley	Greene, Vt.	Little
Arentz	Cramton	Griest	Logan
Aswell	Crisp	Hadley	London
Bankhead	Curry	Hardy, Colo.	Lowrey
Barkley	Dale	Harrison	Luce
Beck	Dallinger	Herrick	Luhring
Begg	Darrow	Hersey	Lyon
Bell	Davis, Minn.	Hickey	McCormick
Bird	Dickinson	Hicks	McKenzie
Black	Dowell	Hill	McLaughlin, Mich.
Blakeney	Drewry	Hoch	McLaughlin, Nebr.
Bland, Va.	Driver	Hogan	McLaughlin, Pa.
Boies	Dunbar	Huddleston	McPherson
Bowers	Dupré	Hukriede	McSwain
Box	Dyer	Husted	MacGregor
Briggs	Echols	Ireland	Madden
Browne, Wis.	Elliott	Jacoway	Magee
Buchanan	Evans	Jeffers, Ala.	Mann
Bulwinkle	Fairchild	Johnson, Ky.	Mapes
Burdick	Fairfield	Johnson, S. Dak.	Miller
Burroughs	Faust	Johnson, Wash.	Mills
Burton	Favrot	Jones, Tex.	Millspaugh
Butler	Fess	Keller	Mondell
Byrnes, S. C.	Fitzgerald	Kelly, Pa.	Moore, Ohio
Byrns, Tenn.	Focht	Kendall	Moore, Va.
Cable	Fordney	Ketcham	Moores, Ind.
Campbell, Kans.	Foster	Kiess	Morgan
Campbell, Pa.	Frear	King	Mott
Cannon	Frothingham	Kirkpatrick	Murphy
Carter	Fuller	Kissel	Nelson, A. P.
Chalmers	Fulmer	Kleczka	Newton, Minn.
Chandler, Okla.	Garrett, Tenn.	Kline, N. Y.	Oldfield
Chindblom	Garrett, Tex.	Kline, Pa.	Oliver
Clarke, N. Y.	Gensman	Kopp	Overstreet
Clouse	Gernerd	Lampert	Padgett
Cole, Ohio	Glynn	Lanham	Park, Ga.
Collins	Goodykoontz	Lankford	Parker, N. J.
Parker, N. Y.	Shelton	Sweet	Wason
Parks, Ark.	Siegel	Tague	Watson
Parrish	Sinclair	Taylor, Tenn.	Weaver
Patterson, N. J.	Sinnott	Temple	Wheeler
Quin	Sisson	Thompson	White, Kans.
Ramseyer	Slemp	Tillman	White, Me.
Rankin	Smith, Idaho	Tilson	Williams
Rayburn	Smith, Mich.	Timberlake	Williamson
Reece	Smithwick	Tincher	Wilson
Reed, N. Y.	Speaks	Towner	Wingo
Reed, W. Va.	Sproul	Treadway	Winslow
Ricketts	Steagall	Tyson	Wood, Ind.
Robertson	Stedman	Upshaw	Woodruff
Rogers	Steenerson	Vaile	Woods, Va.
Rose	Stephens	Vare	Wright
Rouse	Stevenson	Vestal	Wyant
Sanders, N. Y.	Stoll	Vinson	Yates
Sandlin	Strong, Kans.	Voigt	Young
Schall	Strong, Pa.	Volstead	Zihlman
Scott, Mich.	Summers, Wash.	Walsh	
Scott, Tenn.	Swank	Ward, N. C.	

ANSWERED "PRESENT"—1.

Sumners, Tex.

NOT VOTING—184.

Almon	Dunn	Knutson	Pou
Anderson	Edmonds	Kraus	Pringey
Appleby	Ellis	Kreider	Purnell
Atkeson	Fenn	Kunz	Radcliffe
Bacharach	Fields	Langley	Rainey, Ala.
Barbour	Fish	Larson, Minn.	Rainey, Ill.
Beedy	Fisher	Lawrence	Raker
Benham	Free	Lea, Calif.	Ransley
Bixler	Freeman	Leatherwood	Reavis
Bland, Ind.	French	Lee, N. Y.	Reber
Blanton	Funk	Lehlbach	Rhodes
Bond	Gahn	Lineberger	Riddick
Bowling	Gallivan	Linthicum	Riordan
Brand	Garner	Longworth	Roach
Brennan	Gilbert	McArthur	Robsion
Brinson	Goldsborough	McClintic	Rodenburg
Britten	Gould	McDuffie	Rosenbloom
Brooks, Ill.	Graham, Pa.	McFadden	Rossdale
Brooks, Pa.	Griffin	Maloney	Rucker
Brown, Tenn.	Hammer	Mansfield	Ryan
Burke	Hardy, Tex.	Martin	Sabath
Burtness	Haugen	Mead	Sanders, Ind.
Cantrill	Hawes	Merritt	Sanders, Tex.
Carew	Hawley	Michaelson	Sears
Chandler, N. Y.	Hayden	Michener	Shaw
Christopherson	Hays	Montague	Shreve
Clague	Himes	Montoya	Snell
Clark, Fla.	Hooker	Moore, Ill.	Snyder
Classon	Houghton	Morin	Stafford
Cockran	Hudspeth	Mudd	Stiness
Codd	Hull	Nelson, J. M.	Sullivan
Cole, Iowa	Humphreys	Newton, Mo.	Swing
Collier	Hutchinson	Nolan	Taylor, Ark.
Connell	James	Norton	Taylor, Colo.
Connolly, Pa.	Jefferis, Nebr.	O'Brien	Taylor, N. J.
Coughlin	Johnson, Miss.	O'Connor	Ten Eyck
Crago	Jones, Pa.	Ogden	Thomas
Crowther	Kahn	Olpp	Tinkham
Cullen	Kearns	Osborne	Underhill
Davis, Tenn.	Kelley, Mich.	Paige	Volk
Deal	Kennedy	Patterson, Mo.	Walters
Dempsey	Kincheloe	Perkins	Ward, N. Y.
Denison	Kindred	Perlman	Webster
Dominick	Kinkaid	Peters	Wise
Doughton	Kitchin	Petersen	Woodyard
Drane	Knight	Porter	Wurzbach

So, two-thirds having voted in the affirmative, the motion to suspend the rules and pass the bill was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. TREADWAY with Mr. COLLIER.

Mr. WURZBACH with Mr. SUMNERS of Texas.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. BLAND of Indiana with Mr. THOMAS.

Mr. RODENBERG with Mr. RUCKER.

Mr. FREE with Mr. MONTAGUE.

Mr. OSBORNE with Mr. McDUFFIE.

Mr. BARBER with Mr. KINCHELOE.

Mr. APPLEBY with Mr. FISHER.

Mr. DENISON with Mr. DAVIS of Tennessee.

Mr. RHODES with Mr. SEARS.

Mr. BRENNAN with Mr. HUDSPETH.

Mr. ROACH with Mr. SANDERS of Texas.

Mr. LEATHERWOOD with Mr. HAYDEN.

Mr. HULL with Mr. LEA of California.

Mr. KEARNS with Mr. JOHNSON of Mississippi.

Mr. LINEBERGER with Mr. KITCHIN.

Mr. ROSENBLOOM with Mr. O'CONNOR.

Mr. MOORE of Illinois with Mr. ALMON.

Mr. TAYLOR of New Jersey with Mr. CULLEN.

Mr. SNELL with Mr. TEN EYCK.

Mr. ROSSDALE with Mr. O'BRIEN.

Mr. MORIN with Mr. BOLLING.

Mr. HUTCHINSON with Mr. McCLINTIC.

Mr. CHANDLER of New York with Mr. WISE.

Mr. KNIGHT with Mr. SULLIVAN.

Mr. NORTON with Mr. TAYLOR of Arkansas.

Mr. REBER with Mr. CANTRILL.
Mr. VOLK with Mr. POU.
Mr. RADCLIFF with Mr. RIORDAN.
Mr. GRAHAM of Pennsylvania with Mr. FIELDS.
Mr. WALTERS with Mr. DEAL.
Mr. SNYDER with Mr. BRINSON.
Mr. PATTERSON of Missouri with Mr. HUMPHREYS.
Mr. OLPP with Mr. COCKRAN.
Mr. SHREVE with Mr. RAINEY of Illinois.
Mr. REAVES with Mr. GILBERT.
Mr. NEWTON of Missouri with Mr. MEAD.
Mr. FUNK with Mr. SABATH.
Mr. ATKESON with Mr. GRIFFIN.
Mr. BURKE with Mr. DOMINICK.
Mr. HAYES with Mr. CAREW.
Mr. PURNELL with Mr. TAYLOR of Colorado.
Mr. SANDERS of Indiana with Mr. DOUGHTON.
Mr. KAHN with Mr. RAINEY of Alabama.
Mr. JEFFERIS of Nebraska with Mr. HOOKER.
Mr. BIXLER with Mr. BRAND.
Mr. DUNN with Mr. KUNZ.
Mr. BROOKS of Pennsylvania with Mr. GALLIVAN.
Mr. FREEMAN with Mr. HAMMER.
Mr. LAWRENCE with Mr. RAKER.
Mr. PORTER with Mr. MANSFIELD.
Mr. BACHARACH with Mr. KINDRED.
Mr. GAHN with Mr. BLANTON.
Mr. PERLMAN with Mr. DRANE.
Mr. MCARTHUR with Mr. GARNER.
Mr. FISH with Mr. HARDY of Texas.
Mr. MICHENER with Mr. GOLDSBOROUGH.
Mr. LEHLBACH with Mr. HAWES.
Mr. PAIGE with Mr. MARTIN.
Mr. BEEDY with Mr. LINTHICUM.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

DEPORTATION OF CERTAIN IMMIGRANTS.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to bring up under suspension of the rules a joint resolution from the Committee on Immigration and Naturalization.

The SPEAKER. The gentleman does not need to ask permission. The Clerk will report the House joint resolution.

The Clerk read as follows:

House joint resolution 237.

Resolved, etc., That in individual cases upon a satisfactory showing being made as to extreme hardship or danger of death the Secretary of Labor is hereby authorized to stay for not to exceed six months at a time the deportation of persons arriving in the United States in excess of quotas authorized by the act of May 19, 1921 (public No. 5), under such rules and regulations as he may prescribe: *Provided*, That such persons are proved to be of the following classes: (1) Fathers, (2) mothers, (3) husbands, (4) wives, (5) children, (6) dependent minor unmarried brothers under 18 years of age, (7) dependent unmarried sisters of citizens of the United States, or of persons domiciled in the United States for at least two years who shall give competent bond for the support of and for the return to the custody of the United States of all such temporarily admitted persons, or (8) minor dependent orphans under the age of 18 years.

The SPEAKER. Is a second demanded?

Mr. GARRETT of Tennessee. I demand a second.

Mr. JOHNSON of Washington. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Washington asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. GARRETT of Tennessee. I object.

Mr. JOHNSON of Washington. Mr. Speaker, I move that a second be considered as ordered.

The SPEAKER. The gentleman from Washington [Mr. JOHNSON] and the gentleman from Texas [Mr. Box] will take their places as tellers. As many as are in favor of ordering a second will pass between the tellers.

Pending the count of the vote by tellers—

Mr. JOHNSON of Washington. Mr. Speaker, I withdraw my motion for the present.

The SPEAKER. The gentleman from Washington withdraws his motion.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. Is the Speaker quite sure that at this stage of the proceedings the motion can be withdrawn?

The SPEAKER. Yes. I have had it looked up, and am so advised.

Mr. GARRETT of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Tennessee moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "noes" appeared to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Tennessee asks for a division.

The House divided; and there were—ayes 43, noes 151.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Tennessee demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Tennessee [Mr. GARRETT], that the House do now adjourn. Those in favor of the motion will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 69, nays 168, answered "present" 4; not voting 188, as follows:

YEAS—69.

Aswell	Driver	Moore, Va.	Stevenson
Bankhead	Fulmer	Oldfield	Stoll
Barkley	Garrett, Tenn.	Oliver	Sumners, Tex.
Bell	Hammer	Overstreet	Swank
Black	Huddleston	Padgett	Tillman
Bland, Va.	Jacaway	Park, Ga.	Tyson
Box	Jeffers, Ala.	Parks, Ark.	Upshaw
Briggs	Jones, Tex.	Parrish	Vinson
Buchanan	Lanham	Pou	Ward, N. C.
Bulwinkle	Lankford	Quin	Weaver
Byrnes, S. C.	Larsen, Ga.	Rankin	Wilson
Byrns, Tenn.	Lazaro	Rayburn	Wingo
Carter	Lee, Ga.	Rouse	Wise
Collins	Logan	Sandlin	Woods, Va.
Connally, Tex.	Lowrey	Sisson	Wright
Crisp	Lyon	Smithwick	
Doughton	McSwain	Steagall	
Drewry	Martin	Stedman	

NAYS—168.

Ackerman	Fess	Lampert	Scott, Mich.
Andrew, Mass.	Fitzgerald	Larson, Minn.	Scott, Tenn.
Andrews, Nebr.	Focht	Layton	Shelton
Ansorge	Fordney	Little	Siegel
Anthony	Foster	London	Sinclair
Arentz	Fuller	Luce	Sinnott
Beck	Gensman	McCormick	Smith, Idaho
Begg	Gernerd	McLaughlin, Nebr.	Smith, Mich.
Bird	Glynn	McLaughlin, Pa.	Speaks
Bowers	Goodykoontz	McPherson	Sproul
Browne, Wis.	Gorman	MacGregor	Steenerson
Burdick	Graham, Ill.	Madden	Stephens
Burroughs	Greene, Mass.	Magee	Strong, Kans.
Butler	Griest	Mann	Strong, Pa.
Cable	Griffin	Mapes	Summers, Wash.
Campbell, Kans.	Hadley	Miller	Sweet
Campbell, Pa.	Hardy, Colo.	Mills	Taylor, Tenn.
Chalmers	Herrick	Millspaugh	Temple
Chandler, Okla.	Hersey	Mondell	Thompson
Chindblom	Hickey	Montoya	Tilson
Clarke, N. Y.	Hicks	Moore, Ohio	Timberlake
Clouse	Hill	Moores, Ind.	Tincher
Cole, Ohio	Hoch	Morgan	Towner
Colton	Hogan	Morin	Valle
Cooper, Ohio	Hukriede	Mott	Vare
Cooper, Wis.	Husted	Murphy	Vestal
Copley	Ireland	Nelson, A. P.	Volstead
Cramton	Johnson, Ky.	Nelson, J. M.	Walsh
Curry	Johnson, S. Dak.	Newton, Minn.	Wason
Dale	Johnson, Wash.	Ogden	Watson
Dallinger	Keller	Parker, N. J.	Wheeler
Darrow	Kelly, Pa.	Patterson, N. J.	White, Kans.
Davis, Minn.	Kendall	Ramseyer	White, Me.
Dickinson	Ketcham	Reece	Williams
Dowell	Kiess	Reed, N. Y.	Winslow
Dunbar	King	Reed, W. Va.	Wood, Ind.
Dyer	Kinkaid	Ricketts	Woodruff
Echols	Kirkpatrick	Robertson	Wyant
Edmonds	Kissel	Robsion	Yates
Evans	Kleczka	Rogers	Young
Fairchild	Kline, N. Y.	Rose	Zihlman
Fairfield	Kline, Pa.	Sanders, N. Y.	
Faust	Kopp	Schall	

ANSWERED "PRESENT"—4.

Burton	Elliott	Langley	Treadway

NOT VOTING—188.

Almon	Blanton	Burke	Codd
Anderson	Boies	Burtness	Cole, Iowa
Appleby	Bond	Cannon	Collier
Atkeson	Bowling	Cantrill	Connell
Bacharach	Brand	Carew	Connolly, Pa.
Barbour	Brennan	Chandler, N. Y.	Coughlin
Beedy	Brinson	Christopherson	Crago
Benham	Britten	Clague	Crowther
Bixler	Brooks, Ill.	Clark, Fla.	Cullen
Blakeney	Brooks, Pa.	Classon	Davis, Tenn.
Bland, Ind.	Brown, Tenn.	Cockran	Deal

Dempsey	Hooker	McLaughlin, Mich.	Riordan
Denison	Houghton	Maloney	Roach
Dominick	Hudspeth	Mansfield	Rodenberg
Drane	Hull	Mead	Rosenbloom
Dunn	Humphreys	Merritt	Rossdale
Dupré	Hutchinson	Michaelson	Rucker
Ellis	James	Michener	Ryan
Favrot	Jefferis, Nebr.	Montague	Sabath
Fenn	Johnson, Miss.	Moore, Ill.	Sanders, Ind.
Fields	Jones, Pa.	Mudd	Sanders, Tex.
Fish	Kahn	Newton, Mo.	Sears
Fisher	Kearns	Nolan	Shaw
Frear	Kelley, Mich.	Norton	Shreve
Free	Kennedy	O'Brien	Slemp
Freeman	Kincheloe	O'Connor	Snell
French	Kindred	Olpp	Snyder
Frothingham	Kitchin	Osborne	Stafford
Funk	Knight	Paige	Stiness
Gahn	Knutson	Parker, N. Y.	Sullivan
Gallivan	Kraus	Patterson, Mo.	Swing
Garner	Kreider	Perkins	Tague
Garrett, Tex.	Kunz	Perlman	Taylor, Ark.
Gilbert	Lawrence	Peters	Taylor, Colo.
Goldsborough	Lea, Calif.	Petersen	Taylor, N. J.
Gould	Leatherwood	Porter	Ten Eyck
Graham, Pa.	Lee, N. Y.	Pringey	Thomas
Green, Iowa	Lehlbach	Purnell	Tinkham
Greene, Vt.	Lineberger	Radcliffe	Underhill
Hardy, Tex.	Linthicum	Rainey, Ala.	Voigt
Harrison	Longworth	Rainey, Ill.	Volk
Haugen	Luhring	Raker	Walters
Hawes	McArthur	Ransley	Ward, N. Y.
Hawley	McClintic	Reavis	Webster
Hayden	McDuffie	Reber	Williamson
Hays	McFadden	Rhodes	Woodyard
Himes	McKenzie	Riddick	Wurzbach

So the motion to adjourn was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ELLIOTT with Mr. BOWLING.

Mr. TREADWAY with Mr. COLLIER.

Mr. REBER with Mr. FAVROT.

Mr. LUHRING with Mr. HARRISON.

Mr. KENNEDY with Mr. TAGUE.

Mr. MCLAUGHLIN of Michigan with Mr. GARRETT of Texas.

Mr. CONNOLLY of Pennsylvania with Mr. DUPRÉ.

Mr. BURTON. Mr. Speaker, I desire to be recorded.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. BURTON. No; I was not. I record myself as present.

The result of the vote was announced as above recorded.

ANTILYNCHING.

Mr. CAMPBELL of Kansas. Mr. Speaker, I present a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged resolution from the Committee on Rules, which will be reported by the Clerk.

The Clerk read as follows:

House resolution 253.

Resolved, That upon the adoption of this resolution it shall be in order to consider H. R. 13 (House Calendar No. 98) in the Committee of the Whole House on the state of the Union as though the bill were on the Union Calendar. Thereupon it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 13, being a bill "to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching." That there shall be not to exceed 10 hours of general debate on said bill, one-half to be controlled by the gentleman from Minnesota (Mr. VOLSTEAD) and one-half by the gentleman from Texas (Mr. SUMNERS). At the conclusion of the general debate the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendments the committee shall rise and report the bill back to the House with the amendments, if any; the previous question shall be considered as ordered on the bill and on all amendments thereto to final passage, without intervening motion, except one motion to recommit.

Mr. POU. Mr. Speaker, will the gentleman yield for the purpose of having some agreement as to the time in the discussion of the rule?

Mr. CAMPBELL of Kansas. Mr. Speaker, I should like to have an agreement with the gentleman from North Carolina and with the House as to the time to be consumed on the rule if we can agree.

Mr. POU. Of course, this is a matter of very great importance, and I think that an hour on a side on the rule would not be more than would be reasonably consumed. I have quite a number of requests on this side, and I suggest an hour on a side. I think we can get along on this side with an hour, and I do not see how we can get along with less than an hour unless somebody is cut down to two or three minutes.

Mr. CAMPBELL of Kansas. Can the gentleman get on with 30 minutes?

Mr. POU. I could not. I know the gentleman is always agreeable in making these agreements, but I say to him very frankly that I have requests here for 50 minutes, outside of taking up any time myself, and I would like a few minutes to submit some observations on the bill. Of course, the discussion on the rule will almost of necessity be a discussion of the measure itself.

Mr. CAMPBELL of Kansas. What would the gentleman from North Carolina say to having an agreement to extend the time for general debate on the bill and come to a vote early on the rule?

Mr. POU. I would not object to any extension of the time for debate on the bill that the gentleman might see proper to suggest in addition to the time already provided; but in view of the fact that we have so many requests for time on the rule, I very much hope that the gentleman will see his way clear to give us an hour on a side.

Mr. CAMPBELL of Kansas. Of course, the debate on the rule will not be on the rule itself but upon the bill. I am willing to increase the time for general debate on the bill if that is agreeable to the gentleman and then to have 30 minutes on a side on the rule.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman permit me to make a suggestion?

Mr. CAMPBELL of Kansas. Certainly.

Mr. GARRETT of Tennessee. During the enforced absence of the gentleman from North Carolina the other day on account of illness the gentleman from Kansas [Mr. CAMPBELL] did me the courtesy to speak to me about the time on the rule, and I suggested to him then that we hoped for an hour. I do not mean that the gentleman promised me that there would be an hour, but I myself have said to gentlemen on this side that I thought we might reasonably hope to have an hour on this side on the rule.

Now, of course, as the gentleman from North Carolina [Mr. POU] has said, all men realize that this is an important matter, and the discussion of the rule is quite as important as the discussion of the bill itself.

Gentlemen understand the situation. It has been my understanding—although, of course, no agreement to that effect has been had—that this matter would not be voted on finally before the holidays. If that is to be the case, why is it that we can not have a little more time on the thing that we are going to vote on, namely, the adoption of the rule, rather than to cut short the debate on the rule?

Mr. CAMPBELL of Kansas. If we can come to an agreement for an extension of time on the rule, what would the gentleman from North Carolina say to having the previous question agreed to at the conclusion of the debate on the rule? That would save the 30 minutes that would be consumed by a roll call.

Mr. GARRETT of Tennessee. Whether the previous question will be contested at that time I can not say to the gentleman now, but on a measure of this importance I do not feel that he should ask us to cut ourselves off from any of our parliamentary rights.

Mr. CAMPBELL of Kansas. I realize that this bill and the rule providing for its consideration will be contested at every point, but I think I am not presuming too much when I presume that if the time for debate on the rule is extended we should avoid a roll call on the previous question.

Mr. GARRETT of Tennessee. I would suggest to the gentleman that he take the time which he has in mind to be added to the general debate upon the bill and add it to the time upon the rule. I understood that it was the desire of the gentleman from Wyoming [Mr. MONDELL], the gentleman from Kansas [Mr. CAMPBELL], and others, that the time for general debate on the bill itself be extended perhaps to 20 hours.

Mr. CAMPBELL of Kansas. Not so much as that, I think, but there is more demand for time for debate than is provided for in the rule. I have thought that we might now agree on extending that time. If that can not be done it will be necessary to extend the time later on in order to accommodate those who desire to discuss the bill in general debate.

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield.

Mr. WALSH. I did not catch the reading of the rule. Is debate under the rule in committee to be confined to the bill?

Mr. CAMPBELL of Kansas. Not by the terms of the resolution.

Mr. POU. Permit me to say very frankly to my friend from Kansas that there is a very serious controversy over the adoption of this rule.

It is not confined to party lines. The line that will divide the House with respect to this is not a party line at all. There are gentlemen on the Republican side as well as on the Democratic side who feel very deeply about the adoption of this rule and the bill that it makes in order. Under these circumstances it would seem to me that an hour on a side on the rule is not an unreasonable request to make.

Mr. CAMPBELL of Kansas. Mr. Speaker, it is now 2.30 o'clock. I ask unanimous consent that the vote upon the rule be taken at 4.30 o'clock, and that the time for debate upon the rule be controlled one-half by the gentleman from North Carolina [Mr. POU] and one-half by myself.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the time for debate upon the rule be controlled one-half by himself and one-half by the gentleman from North Carolina [Mr. POU], and that the vote be taken upon the rule at 4.30 o'clock p. m. Is there objection?

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Would that agreement operate in respect to the previous question being ordered?

The SPEAKER. The Chair would think that it would, if it is agreed that the vote upon the rule itself shall be taken at 4.30 o'clock.

Mr. GARRETT of Tennessee. Mr. Speaker, I have already stated that the gentleman from Kansas should not ask us to waive any of our parliamentary rights. Gentlemen know how much time they are going to have for debate upon the bill itself. If they are going to ask for 20 hours, cut off some of that and let it be applied upon the discussion of the rule itself. That will be satisfactory. We can not waive any of our parliamentary rights in respect to this matter.

Mr. CAMPBELL of Kansas. Then, Mr. Speaker, in order to expedite the matter so that we may get started, I ask unanimous consent that debate upon the rule close at 4.30 o'clock and on all amendments thereto.

The SPEAKER. The gentleman from Kansas asks unanimous consent that debate upon the rule and upon all amendments thereto close at 4.30 o'clock p. m.

Mr. POU. I think the time ought to be fixed definitely. I mean that there should be so much general debate—an hour upon a side.

Mr. MONDELL. That gives an hour on a side.

Mr. GARRETT of Tennessee. It may, and again it may not.

Mr. CAMPBELL of Kansas. If the gentleman contemplates quorum calls between now and 4.30 o'clock, the time taken up in the calling of the roll will be deducted from the time for debate upon the rule. We may just as well understand each other.

Mr. GARRETT of Tennessee. Suppose there was a call of the House in progress at 10 minutes before half past 4 o'clock, what would be the situation?

Mr. MANN. Under the precedents, the quorum call would be completed before the vote would be taken.

Mr. MONDELL. Certainly; and none will be made on this side, I feel I may assure the gentleman from Tennessee.

Mr. CAMPBELL of Kansas. We will not take up the time in the calling of the roll.

The SPEAKER. Is there objection to the request of the gentleman from Kansas. [After a pause.] The Chair hears none, and it is so ordered.

Mr. CAMPBELL of Kansas. Mr. Speaker, I now ask unanimous consent that the time for general debate upon the bill be fixed at 14 hours instead of 10.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I hope the gentleman will not take up any of the time for debate upon the rule by making that request now. That can be done at a later time. We have a definite hour fixed for debate upon the rule.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. GARRETT of Tennessee. Mr. Speaker, for the present, I object.

Mr. CAMPBELL of Kansas. Mr. Speaker, this rule deals with a bill on the House Calendar which provides for extending the equal guaranties of the Constitution to all citizens. It is known as the antilynching bill. The resolution takes the bill from the House Calendar and places it on the Union Calendar, and provides that it shall be in order on the adoption of the resolution to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill. The rule provides for 10 hours of general debate on the bill. It is conceded on both sides that that does not provide all of the time that is required and that at some time during the discussion this time will be extended, if the demand continues. Then the bill is to be considered under the five-minute rule and reported back to the House with such amendments as may be agreed to.

Mr. MOORE of Virginia. Mr. Speaker, may I ask the gentleman a question which is in the nature of a parliamentary inquiry?

Mr. CAMPBELL of Kansas. I yield.

Mr. MOORE of Virginia. If the resolution should be adopted in the form in which it is offered providing for general debate, will debate be permissible upon other than the questions involved in the bill?

Mr. CAMPBELL of Kansas. The rule does not confine debate to the bill.

Mr. MOORE of Virginia. Could any irrelevant debate be prevented by the point of order being made that it is not in order?

Mr. CAMPBELL of Kansas. I think not.

Mr. MOORE of Virginia. Then the situation would be open for debate upon any and all questions?

Mr. CAMPBELL of Kansas. We will be in Committee of the Whole House on the state of the Union, and the debate, not being limited to the bill by the rule, could follow the inclination of the Member having the floor.

Mr. MOORE of Virginia. I only asked that question, if my friend will permit me to say a word further, because it seems to me a most extraordinary thing to take this important measure up in the way now proposed, have a debate upon it ranging over the face of the earth, and then, perhaps, after two or three weeks, vote on the measure itself.

Mr. CAMPBELL of Kansas. That is a matter that must address itself to the judgment of the Member having the floor.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. BANKHEAD. I presume it is the purpose of the gentleman and those in charge of the bill not to undertake to have a vote upon the bill itself prior to the Christmas recess?

Mr. CAMPBELL of Kansas. I am not advising the gentleman from Alabama nor the Members of the House in respect to that question. I am not saying when the vote will occur on the bill. It is a bill of very great importance and is to be considered for amendment after the general debate is concluded. I have no doubt that it will require some time to consider the bill for amendment. The rule gives ample time and the widest latitude for the consideration of the bill.

I yield 10 minutes to the gentleman from Ohio [Mr. FESS] and reserve the remainder of my time.

Mr. FESS. Mr. Speaker, the rule which makes in order this legislation I do not think is controverted in any point, and therefore I do not care to confine my remarks to the rule itself. I did not hesitate to vote for the rule making this in order, because the interest involved in the legislation is so paramount, it strikes me, that the House of Representatives should not hesitate to take a position. The report that has been made upon the bill by the committee reporting it gives some very startling facts about the subject of lynching. It is a sad comment upon the high standard of our civilization, when compared with other countries. The report states that in the 30 years from 1889 to 1918, 3,224 persons were lynched, of whom 2,522 were Negroes, and of these 50 were women. The North had 219, the West 156, Alaska and unknown localities 15, and the South had 2,834, with Georgia leading with 386, Mississippi following with 372. The report goes on to state that in the State of Georgia, where 386 lynchings occurred, the Negroes paid taxes on 1,664,368 acres of property assessed at $47,000,000. These startling figures demand the attention of this Congress. The report which will be of interest to all Members who are concerned with the good name of the Nation specifies the number of lynchings in the various States. I recognize that there is a feeling in the minds of some that the bill is especially designed for the protection of a certain people with little concern for others and is to be applied to a certain section of the country. That really is not entirely true; it may be largely so, since in certain sections are found the great number and affects one race more than another. The truth about the matter is that the law is just as applicable to Ohio as to the South. If it affects the latter more it is because its crimes are greater. However, one of the most indescribable lynchings of all the country, indescribable because of its lawlessness and brutality, took place in my own State of Ohio. It was the lynching of a representative citizen who had been very active in the agitation of the promotion of temperance sentiment for the prohibition of the liquor traffic. He had become very active, and had so wrought up a portion of the population that he was pursued by a mob which took the law into their own hands in defiance of the authority of the town. He was taken by an angry mob, made up it was said by residents of one of the most respectable cities of Ohio, and inhumanly treated beyond description. It was so amazing and so shocked the better sense of the people, not only of the city but it involved the interest of the entire country, that one of the best writers in America was sent to the city to make a study of the general morale of the town

which had permitted such an outrage, especially in vie- of the fact that such an inhuman performance could take place in what was looked upon as one of the best cities of the State. The upshot of this sort of lawlessness which besmirches the good name of any State was a legislative act in the State of Ohio on the basis of this bill, which we now propose for the Nation.

Mr. LARSEN of Georgia. Will the gentleman yield for a question? Is it not a fact that under the terms of the present bill the party committing that offense the gentleman has just described in the State of Ohio could not be punished? Is it not a fact the bill itself provides that the party who was lynched must have been lynched for some crime that he had committed, and according to the gentleman's statement the man had committed no crime but was enforcing the law?

Mr. FESS. I do not want to get into a controversy with the gentleman. The gentleman fully understands that if we have a law in Ohio punishing lynching and a law in the Federal Government for the same purpose there is concurrent jurisdiction both by State and Nation over the cases to be dealt with by the State, if it will do its duty, and by the Nation if the State refuses to do its duty. This bill is no interference whatever in the enforcement of the law in Ohio. In addition, it supplements the law of Ohio, and better still, it supplies authority for protection in the States which do not afford protection. I meant to state that the law put upon the statute books by my own State was similar to this law. I think that every man who is acquainted with the situation in my own State recognizes the salutary effect of that law. No one desires it repealed. It is written upon the principle that if an outlawry of any city, such as I have in mind, would permit such an inhuman thing as this, then the city itself ought to suffer the penalty of the outlawry. That is in substance what this bill proposes to do for all the country. I am very much concerned about the ease with which many of us excuse unlawful acts. It is not in the interest of any particular race that legislation to protect citizens in their lives should be placed upon the statute books. We boast of a country of law and order extended to all citizens alike. This bill is primarily in the interest of respect for law and order; and one of the things that in my judgment is our greatest danger in America, as well as in other parts of the world, is that we are looking with too much levity upon brutality that respects no law, by defiantly taking the law into their own hands and stamping upon all regulated authority. Whenever anyone excuses an act that is not lawful, no matter what the provocation may be, he invites the collapse of all authorized government. He is opening a door to lawlessness, the extent of which no man can now see. [Applause on the Republican side.] And it is in that respect that I say that our own country can not afford to allow such lawlessness as herein revealed in any spot or section of the land. To permit the practice of such an unfortunate record as is here recounted in the report of this committee is simply incredible. While it is unfortunate that many of our membership here charge that the legislation is designed to be sectional, it is not so, except as the occurrences seem sectional. But so far as I am concerned, I want to prevent this crime of lawlessness wherever it occurs.

I say that no one can study the movement recently out at Omaha, where all Government authority gave way to the mob spirit, without being impressed with the danger confronting us. Some people have been quoted more or less in defense of that crime. That is the real danger—the attitude of so many people on such occurrences. Such a movement as that becomes not only a matter of enormity because of what was done but of still greater enormity because some people are willing to excuse the doing of the very things that the civilization of this day condemns and ought to make impossible for all time. [Applause.] I am not going to put the matter upon the basis of any obligation that has been made in the terms of any political platform, nor by the candidate for President by any party, nor upon the suggestion of distinguished authorities in history.

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. I yield five additional minutes to the gentleman.

Mr. FESS. Nor do I put it upon the suggestion of President Wilson in his message to the country on the subject, nor upon the suggestion of Col. Roosevelt, who took an outstanding position for law and order; I am not putting it upon the basis of authority, quoting leading figures in behalf of such protective legislation. I put it squarely upon the basis of the dangerous tendency of an excuse for any act that is unlawful. [Applause.] That, I repeat, is the farthest-reaching influence for danger that we have before the country to-day; and so I regret that any Member of the House would intimate that this legislation is specifically to be attached to or to attack any particular section or people. If the section which resists this legislation would protect its citizens against the unlawful act of lynching there would be no occasion for this proposal.

To apply the law where the crime occurs is not sectional. If it occurs in only one place the crime is sectional—not the law. This Nation can not continue to close its eyes and excuse the crime because its remedy would be charged as sectional. Law is never sectional when applicable to crime.

We simply say to all States in simple and brief language that if you do not protect within your own borders the citizens against the crime of lynching, by giving them due process of law, the Federal Government will supply that protection.

Some Members raise the constitutional question.

This much I am satisfied with, that while the constitutional question will be involved, and while I am sensitive as to taking anything for granted that is extremely in doubt, I do not believe there is any serious doubt upon the constitutionality of this particular legislation. I think the authority is specific by the the force of the fourteenth amendment to the Constitution. So far as the argument on authority is concerned, we can build up a body of authority of the highest judgment in the world sustaining the basis of this legislation as being constitutional. Consequently that is not disturbing me very much. I think there is no doubt about our freedom to do it in view of the specific delegation of the power therein specified and also because of the authority that has been announced by men who know the significance of the legislation. But far and away and above any particular protection for any particular people, I want to do my part in the protection of the future of our American system, because we are a government of law and not a country of anarchy. If law is ignored, if its force is broken, we have nothing left. It is simply incredible that any man in this day will defend lynching by denying authority to stop it. [Applause.]

Mr. Speaker, I yield back whatever time I did not use.

Mr. POU. Mr. Speaker, I yield 10 minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Speaker and gentlemen of the House, lynching is murder. The fact that the crime is committed by five persons instead of by one does not lessen the offense, but, on the contrary, aggravates it. It is true that lynching is often inspired by the desire on the part of the lynchers to do justice and by their fear that if resort is had to the courts the technicalities and the delays of the law will prevent the speedy punishment they believe the criminal deserves. But regardless of the motive, it is murder, and for it I have no defense to make nor apology to offer. And neither have I any defense to make for the lawlessness of a legislative body. You can not cure lawlessness by indulging in it yourselves. This you do when you pass a bill so clearly in violation of the Constitution as it has been construed to this date by the United States Supreme Court.

The only explanation of the statement of the gentleman from Ohio [Mr. FESS], who has preceded me, that he regards it as constitutional, is that he has not had the opportunity to investigate the decisions of the Supreme Court.

This legislation furnishes an excellent exhibition of the spirit of the mob. To mete out to the rapist the punishment they think he deserves the mob is willing to violate the law. To mete out to the lyncher of the rapist the punishment you think he deserves you are willing to violate the Constitution. Their act is in heat and passion, yours in calm deliberation.

It is urged that the Republican Members of the House should vote for this bill because it is indorsed by the Republican platform of 1920. But the fact is that the platform contains no such declaration. The National Association for the Advancement of Colored People who are responsible for the presentation of this bill to the House pleaded with the Republican convention for such a declaration in the platform. But notwithstanding the political necessities of the occasion be it said to the credit of the Republican convention that it refused to indorse this legislation and contented itself with the mere request that the Congress "consider the most effective means to prevent lynching."

If this bill is the answer to that request, I think it unfortunate, because I am satisfied that even if the unthinkable should happen, and it be held constitutional, it would prove ineffective in preventing lynching, and, on the contrary, would tend to increase lynching.

No justification for belief in its effectiveness can be secured from the experience of the States which have enacted similar legislation. The Constitution of the State of South Carolina adopted December 4, 1895, contains the following provision:

In the case of any prisoner lawfully in the charge, custody, or control of any officer. State, county, or municipal, being seized and taken from said officer through his negligence, permission, or connivance, by

a mob or other unlawful assemblage of persons, and at their hands suffering bodily violence or death, the said officer shall be deemed guilty of a misdemeanor, and upon true bill found shall be deposed from his office pending his trial, and upon conviction shall forfeit his office, and shall, unless pardoned by the governor, not be eligible to hold any office of trust or profit within the State. It shall be the duty of the prosecuting attorney within whose circuit or county the offense may be committed to forthwith institute a prosecution against said officer, who shall be tried in such county, in the same circuit, other than the one in which the offense was committed, as the Attorney General may elect. The fees and mileage of all material witnesses, both for the State and for the defense, shall be paid by the State treasurer in such manner as may be provided by law: *Provided*, In all cases of lynching when death ensues the county where such lynching takes place shall, without regard to the conduct of the officers, be liable in exemplary damages of not less than $2,000 to the legal representatives of the person lynched: *Provided further*, That any county against which a judgment has been obtained for damages in case of lynching shall have the right to recover the amount of said judgment from the parties engaged in said lynching in any court of competent jurisdiction.

The clause penalizing the county in which a lynching takes place, as finally adopted, was offered by Senator Tillman, a member of the convention, who stated that it might not prove effective, but should serve as a "scarecrow." The adoption of this provision was an expression of the sentiment of the law-abiding people of South Carolina against the lawlessness of the mob. The same sentiment has resulted in a gratifying decrease in the number of lynchings in South Carolina during recent years. But that this reduction is not due to the constitutional provision or the statute which followed it is evident from the statistics as to lynchings in that State. Because no two authorities agree as to the exact number of lynchings, I quote from the Negro Yearbook, published by the director of the department of research of Tuskegee Institute, the leading institution of learning for Negroes in this country. Their figures run as far back as 1885. For the 11-year period from 1885 to 1895, inclusive, there were 1,897 lynchings in the United States and 45 in South Carolina. The constitution of South Carolina, as I have stated, was adopted December 4, 1895. For the 11-year period succeeding the adoption of this constitution with its antilynching provision, to wit, from 1896 to 1906, inclusive, there were 1,206 lynchings in the United States and 43 in South Carolina. The figures given by the World's Almanac show for the 11-year period preceding the adoption of the South Carolina constitution 44 lynchings in that State, and for the 11-year period succeeding the adoption of the constitution 38. Whichever is correct the fact remains that while in the Nation there was a considerable reduction in the number of lynchings from 1896 to 1906 there was a comparatively small reduction in the number of lynchings in South Carolina, and the legislation now relied upon as a precedent did not prove very effective in suppressing lynching.

Now, it is true, and I rejoice that it is true, that during the next period of 11 years, from 1906 to 1916, inclusive, there were only 26 lynchings, and this gratifying improvement continued from 1916 to 1920. But this reduction in the number of lynchings was due not to the constitutional provisions referred to, but to the ceaseless and intelligent campaign conducted by the press, the pulpit, and the judiciary of South Carolina to suppress this crime. Fearlessly and effectively the press has denounced lynching and lynchers and labored for the creation of a sentiment in favor of upholding the law regardless of the provocation, and their efforts have contributed in great measure to the progressive decrease in the number of lynchings in the State during the last 15 years.

I know that attention will be called to the fact that this committee report shows that five lynchings have occurred in South Carolina this year. Unfortunately that is true, and this is more than the combined total of the three preceding years. But the crimes committed and the lynchings that followed were simply part of the inexplicable wave of crime that swept over the country this year, and which happily seems now to have receded.

Lest gentlemen argue that in South Carolina the antilynching law has not been enforced, let me say that an earnest effort has been made to enforce it. In many cases brought to recover the $2,000 penalty from the county the circuit judges have directed verdicts for the plaintiff without even submitting the facts to the jury, and their action has been sustained by the supreme court of the State.

An examination of the records of Illinois and Ohio, the only other States I know of having similar laws, would indicate that in those States they have not been successful in suppressing lynching.

It may be argued that while ineffective when enforced by the States, it will be effective when enforced by United States officials and in the United States courts. I disagree with this view. This legislation is certain to arouse the deepest resentment on the part of the people of the States, who will regard it as an unwarranted invasion of the rights of the States; and it must not be forgotten that jurors in the United States courts come from the States and are affected by the same influences that govern the conduct of jurors in the State courts.

To enforce this law you will soon require an army of Federal police, who must invade the State to secure evidence against the participants in a lynching, the officials of the county, and the county itself. One can easily imagine the resentment that will be aroused by such efforts to enforce the law against murder, which has heretofore been regarded as exclusively within the jurisdiction of the State.

In the enforcement of the Volstead Act we have noted the disposition on the part of the people and the officers of a State to relax their efforts in enforcing State statutes and leave entirely to the agents of the United States Government the enforcement of the law, a disposition which is resulting in an increased number of violations. How much less cooperation will the antilynching police receive when their presence will be resented by the people of the State?

And this feeling will not be confined to the Southern States. Experience in recent years has shown that the lynching spirit is not restricted by geographical boundaries. As the Negroes have migrated from the South to the North there has been a decrease in the number of lynchings in the South and an increase in the number occurring in the Northern States.

But this law does not apply solely to the lynching of Negroes. It applies wherever five or more persons kill a human being. Industrial conflicts seem unavoidable in the North, and when strikes occur homicides often occur. If either striker or strike breaker is killed by five or more persons the case comes within the provisions of this bill, the laborers will be tried in the United States court, the county officers will be tried in the United States courts if there is any evidence of negligence, and the court will forfeit $10,000 no matter how powerless its officers may have been to prevent the homicide or how efficient they thereafter were in arresting the criminals.

I appeal to the thoughtful Republicans of the House who can be induced to vote for this measure only if they are convinced that it is constitutional and will suppress mob law. I submit that while it may please a few misguided Negro leaders it will defeat the very purpose they seek to accomplish and will encourage instead of discourage lynching. It will undo the efforts of years of leaders of thought in the various States, efforts which have resulted in the progressive decrease of lynchings as shown by the figures submitted to the Judiciary Committee by the National Association for the Advancement of Colored People for each five-year period from 1889 to 1918, which are as follows:

Years.	Total number.	Per cent decrease.
1889–1893	839	
1894–1898	774	7.8
1899–1903	543	35.2
1904–1908	381	54.6
1909–1913	362	57.2
1914–1918	325	61.3

This is a record of improvement of which the law-abiding people of the country may justly be proud. It has not been accomplished through fear of prosecution by the United States Government or fear of incurring penalties. You can not prevent a lynching by advising a mob of frenzied men in possession of a miserable rapist or murderer that their action will cost the county $2,000 or $10,000. The only successful appeal to a mob is the assurance of those in authority that the criminal will receive a speedy trial if the law is allowed to take its course.

If you would comply with the request of your platform to seek the most effective means of ending lynching, let the enforcement of the law against murder remain with the States. Urge upon the States the revision of laws to insure a speedy trial to those charged with heinous offenses. Encourage the law-abiding white people of the country who are daily denouncing lynching to continue their efforts to suppress it. And then have the courage to tell the Negro leaders who are urging the passage of this bill that a duty devolves upon them. Notwithstanding their protestations, it is a fact that rape is responsible directly and indirectly for most of the lynchings in America. I know that law-abiding Negroes deplore the commission of this crime, but I have read much of their literature, and while I have found much denunciation of the mob and expressions of sympathy for its victim, I have yet to find in Negro publications one word in denunciation of Negro rapists. Let them know that it is their duty to create a sentiment among their own people against the crime of rape which dethrones the reason

of men and destroys the efforts of those who are laboring for the preservation of law and order in America.

I appeal to you not to vote for this rule. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman from North Carolina [Mr. POU] use some more of his time?

Mr. POU. Mr. Speaker, I yield 10 minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Speaker, lynching is a relic of barbarism. It is horrible to contemplate. It is degrading to civilized people. Anything humanly possible should be done that would really prevent it. This bill would fail utterly to accomplish the purpose. It would do nothing to remove the cause, check the criminal, or prevent mob action. It would usurp local authority and humiliate the local officers of the law; it would arouse local antagonism, encourage the criminal, which would stimulate the mob spirit, and increase the number of lynchings. Who would want to be local judge or sheriff under the operations of this bill? The positions would be perilous.

Civilization is as yet imperfect, so let us consider conditions frankly. No good citizen approves lynching or mob violence in any form. Every Member of the Congress is opposed to mob law. You calmly discuss it here impersonally, but should your wife or your daughter be criminally assaulted by an African brute would you be restrained by the fear of a tax on the county? Are you yourself certain of your course in such an emergency? When the horror of criminal assault comes home to us let us not be too boastful or too certain of ourselves. Let us seek first to remove the cause that provokes lynching.

A mob is not a conspiracy. It is the result of hysteria. This bill defines a mob as a riotous assemblage of five or more persons, and proposes to prevent lynching (1) by giving the Federal courts jurisdiction in all cases of lynching, (2) by punishing State and municipal officers for not protecting criminals from mobs, (3) by punishing those who participate in lynching, and (4) by compelling the county in which the lynching occurs or counties through which the criminal may be transported to pay $10,000 for the benefit of the criminal's family. It is proposed not only to deprive the local authorities of the right to prosecute the members of a mob, but to fine and imprison the local officers at the whim of the Federal authorities.

This bill is copied from the Ohio and South Carolina laws, which are, of course, State statutes, and local in their operation. Ohio still has her lynchings, as shown by the records. The futility of this proposed legislation is revealed by the interesting fact of record that the South Carolina antilynching law was enacted in 1895, 26 years ago, and South Carolina had five lynchings that year. Your committee report shows that South Carolina has had exactly five lynchings in this year—1921—revealing that not even a State law of this character, authorized by a State constitution, is or can be effective.

It is noted that in the hearings on this bill before the Judiciary Committee the discussions centered about the race question. It is fair to state that thinking men recognize that rape or attempted rape is the primary cause of the mob spirit. Remove this cause and other lynchings will cease also.

Analyzed and stripped of redundancy, this is a bill put forward by the Republican leaders for political purposes to satisfy the Negro agitator. It may have other purposes, but it is specifically intended to pretend to protect from mobs the assaulters of women. Excepting the cases listed as murder, one-half of which are really cases of rape and murder, assaults or attempted assaults upon women have been the cause of 56 per cent of all the lynchings in the United States in the past 30 years. What do you propose to do in this bill to remove the cause that provokes lynching which is fundamental in solving this question? You offer nothing.

Even if a Federal statute would prevent lynching, what is the occasion for this bill at this particular time? The outlaw, the thief, the bandit, the murderer, is unusually active, but is there a plethora of lynchings now that threatens the country and seems to create a necessity for this bill? Not at all. The report of your committee on page 4 shows that lynching is steadily decreasing. The report shows that the average number of lynchings in the country for the past 30 years is 108 per year. The report also states that there were 65 lynchings in the United States in 1920, which means a reduction in 1920 below the average for 30 years of 43 lynchings, or a reduction in lynchings of 40 per cent. The Literary Digest, January 22, 1921, states that in 1920 61 lynchings occurred in the United States, as follows:

Texas, 10; Georgia, 9; Alabama, Florida, Mississippi, each 7; California, Minnesota, North Carolina, Oklahoma, each 3; Arkansas, Illinois, Kansas, Kentucky, Missouri, Ohio, South Carolina, Virginia, West Virginia, each 1, covering 18 States.

This shows a decrease in lynchings of 25 per cent as compared with the preceding year. The reduction was accomplished under State control without the intermeddling of the Federal Government. Then, why your eagerness now to interfere with the local police authorities? Is it because the elections are less than a year away and you sorely need the Negro vote to stem the rising tide against the Republican Party? You are mistaken, however. You will not gain any Negro votes. They are for you already, but by this bill you will lose the support of many thousand very decent white men and white women.

The criminal who would assault a woman is not easily deterred. He is deterred, if at all, only by knowing in advance that when captured he will meet certain and immediate death. By this bill, without protecting the criminal in fact, you would greatly increase the number of criminal assaults and resulting cases of mob violence. You would give courage to the criminal by leading him to believe that his chances to escape speedy death would be better. In some sections it would not be safe for a white woman to live.

Those of you residing in communities removed from the probability of criminal assaults upon white women can not understand the psychology of these conditions, and you are not competent to legislate upon the question. Your legislation at best, to say nothing of its obvious motive, must of necessity be narrow, political, partisan, and ineffective. The fair-minded men of your party know this is true and admit it.

This bill provides that if you want to lynch a Negro, send four men—not five, because five is a mob. [Laughter.] You reserve to East St. Louis, Chicago, Springfield, and other northern cities the right to have all the race riots they wish. Race riots do not occur in the South. It is most interesting that the author of this bill, the gentleman from St. Louis, is silent on race riots. The bill does not mention the subject. Why not have the bill apply to race riots?

Mr. VAILE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Louisiana yield to the gentleman from Colorado?

Mr. ASWELL. I can not; I have not the time.

You practically say by this bill, let race riots flourish at the will of the local community. If you want to kill Negroes, you must kill them in droves, but if five men kill one Negro, even for the most heinous of all crimes, the five men must go to prison for life, the local law officers, denied their constitutional rights in the local courts, must go to the penitentiary, and the innocent citizens of the county must be taxed to benefit the criminals' family, while the helpless white woman who has suffered agonies ten thousand times worse than death receives from this bill not a suggestion of help or sympathy. [Applause.]

Why not do a far nobler thing now and be enabled to think better of yourselves in the years to come by bringing in a substitute providing that the county shall be taxed whenever the local community permits a criminal assault upon a woman? It would be more to your credit, would be as easily enforced, and would have as much constitutional warrant as this bill has.

If five men punish a criminal you would imprison the five men for life, put the local officers in the penitentiary, and tax the citizens of the county, but you overlook the bomb thrower who strikes at the very foundations of government. Why not tax New York, Chicago, or Washington every time an anarchist throws a bomb in one of these cities to destroy life and property? You would probably require that there be five bomb throwers so it would be a mob. But you say existing law is ample to cover such cases. Well may you also say that existing law and local authorities are steadily reducing lynchings and that this bill would have the contrary effect.

Five bandits killed a merchant in Washington in an effort to rob his store. Would you put all the District policemen in the penitentiary? Such a course would be in harmony with the provisions of this bill.

In Cleveland five bandits robbed a bank. The population of the city turned out en masse and in the struggle one of the bandits was killed by the citizens. Would you put these citizens in the penitentiary, imprison the policemen, and tax the county because this bandit's life was taken without due process of law? Under the operations of this bill, such a course would be necessary.

Why not put the officers of the law in the penitentiary, fine them heavily, and tax the citizens wherever five bandits rob a bank, a mail car, or a post office? The principle is identical with that presented by this bill. But where is your constitutional warrant for the Federal Government to penalize a State or its agency for an act of an individual? The Federal Government finds no constitutional authority even to levy an income tax on the salaries of the officers of any State or its

political subdivisions. The proposals in this bill are therefore preposterous.

The newspapers report that the other day in the town of Blanchard, La., Wiley Clarke, with other farmer boys, went to the depot on Sunday morning to see the train come in. Wiley, unarmed and innocent of evil thought, was standing on the station platform near the mail car. A marine under direct control of Federal authorities ordered him to move back, and when he was slow to move, the marine shot him to death. This country boy was deprived of his life without cause and without due process of law. Would you imprison the Federal authorities and tax the citizens of the United States for this unlawful act which was in violation of the fourteenth amendment, or would you first require that there be at least five marines in order to make it a mob?

Gentlemen on the Republican side of the Chamber know the purpose of this bill. Brought in by your leaders, ignoring the delicate race questions involving the western States and those now before the disarmament conference, its purpose is to corral the Negro vote in the next election. You need not admit it. The motive is too patent to require admission. You are trying to satisfy promises your leaders have made the Negro voter, but for which independent Republicans are in no way responsible. The monstrous philosophy proclaimed by your leader that the Negro must have political equality—if he, of course, votes the Republican ticket—while he is rightly denied social equality is an example of your promises.

Every schoolboy knows that full political equality carries with it social equality.

How could a Negro be a member of the President's Cabinet without enjoying social equality? You are eager to jam this bill through the House to please your colored constituencies, but you know it will die in the Senate. You know that if enacted into law it would do harm rather than good, but your business now is to try to fool the Negro voter. Thus to trifle with so important a question and with the constitutional rights of the States is little less than criminal.

But, gentlemen, you fail to recognize that the real black man, the trustworthy, dependable Negro of the South, whose relations with the white man are most sincerely cordial and friendly, has no interest in such legislation as you now present. He is not afraid of mob action or of being lynched. He is in no danger of either, and no one knows this better than he. He knows his white neighbor and friend is ever ready to protect and defend him. He knows that he enjoys equal protection of the laws. It is the criminal Negro and the agitator of the North and East, both black and white, Negroes and white negroettes, that mislead you into grievous error on this sort of ignoble legislation. [Applause.]

Through vicious magazines such as The Defender and The Crisis, actually the worst enemies the Negro race has, these agitators are preaching utterly false and impossible theories which unfortunately are deluding some of our Negro leaders, firing the brain of the ignorant and thus arousing suspicion and unrest. This situation, created by agitators, can be corrected only through kindly relations between the two races. It is out of these kindly relations that the whole racial problem will be solved. It is imperatively important that these ties be actively strengthened by the *enlistment of Negroes themselves in preventing crimes that provoke mob violence.* To enforce this bill would array the two races against each other, which would mean the extermination of the Negro. Then, gentlemen, for the sake of the Negro race this legislation should be defeated. No informed friend of the Negro will vote for this bill.

The Federal Government tried to force its will on the South, 1865–1875, when she was impoverished, crushed—when the flower of her manhood lay in newly made graves. It was a monstrous failure then. Can it be done now when it attempts to go counter to that age-old instinct that stirs men everywhere to save their womanhood?

Lynching starts as a conflict between primal instincts, one the basest—that of the beast that does not hesitate to sacrifice the fairest of God's creatures to its lust—the other, the noblest instinct of man to protect the female and the weak.

Instinct to protect the female is animal in its origin. It is through the "law of battle" for the female that animals have developed horns, tusks, claws, and other weapons for fighting, and that the males have become larger, stronger, and bolder.

Out of this instinct have grown the finer elements of civilization, all that chivalry means.

Then, when a black brute assaults a neighborhood girl, one we well know, a bright fascinating girl with infinite promise in which we all rejoice, when the brute assaults her, crushes out every spark of her hope into the unspeakable hell, men and boys will rush to the rescue to protect their own women from the peril of the monster at large among them. Swift action by the State court and confidence in the local authorities are the only powers that will restrain men and prevent mob action.

Within the past year in my own district there have occurred two cases of criminal assault upon women. In each case the suffering family and community had confidence in the local court. Within 24 hours after the criminal was apprehended in each case he was indicted and the case called for trial. Within three days he was legaly convicted and sentenced. [Applause.]

If you persist in wishing to interfere with local police control, bring in a bill providing that a *woman who has been assaulted shall not be required to appear in court to testify publicly* and that upon the apprehension of the criminal the local court shall within 24 hours proceed against him to final judgment. In the event of its failure so to act, severely fine and imprison those responsible for delay. Such a measure could be more easily defended than this bill. Where the people know that the local court will give prompt and exact justice there is no mob action. This end, however, can never be reached from Washington. It must originate in the conscience of the community. The remedy lies in the efficiency of the local court and not in dictation or interference from Washington. The less you meddle the better the government in each community. If you really and sincerely wish to help reduce and not increase the causes that provoke lynchings, strike out the enacting clause of this bill and leave the full responsibility where it properly belongs—upon the local community and the State court.

Since Republican leaders have made pledges to the Negro voter, by all means let them keep their promises faithfully, but let the sincere, independent Republicans and Democrats repeat their manly performance of a few weeks ago, which was heartily approved by the country, when they stood together on the tax bill and defeated the efforts of certain leaders to protect big business at the expense of the average citizen. Let the independent on both sides of the Chamber vote down this vicious proposed legislation.

For the sake of our duty and oath to defend and support the Constitution, for the sake of the dignity of the law and the courts of the States, for the proper information of the criminal, for the sake of law and order in the community, for the protection of society, and, above all, for the sacred protection of the white women of the country, I appeal to you, gentlemen of the House, not to pass this bill and thrust the Federal courts into the local affairs of the States, which would inevitably result in confusion, discontent, turmoil, disaster, and more lynchings. [Great applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield 20 minutes to the gentleman from New York [Mr. ANSORGE].

The SPEAKER. The gentleman from New York is recognized for 20 minutes.

Mr. ANSORGE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. ASWELL. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Louisiana makes the same request. Is there objection?

There was no objection.

Mr. FESS. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ANSORGE. Mr. Speaker, 12,000,000 patriotic, law-abiding, colored Americans and more millions of whites are fervently hoping and praying to-day that the Congress of the United States will enact legislation that will forevermore wipe the stain of lynching from the pages of American history. [Applause on the Republican side.]

The fourteenth amendment to the Constitution, section 1 thereof, provides in part that—

> No State * * * shall deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5 of the fourteenth amendment gives Congress the power to enforce by appropriate legislation the provisions of the amendment.

I respectfully submit the time arrived a long while ago, it has certainly arrived now, for Congress to enforce by appropriate legislation that protection to a large and substantial portion of our citizenship which is guaranteed to it by the fourteenth amendment.

The uncontroverted statistics of known lynchings in the United States for the past 33 years stagger the imagination and shock the senses. The available figures show that in that period 3,432 persons have been lynched, usually by shooting, hanging, or being burned to death, and that of these 2,713 were Negroes and 52 were women. The year 1921 has already claimed 60

victims, of whom 55 were Negroes and 1 a woman. Although lynchings have not been confined to any particular locality, the South has by far the largest percentage. From 1889 to 1918, as stated by the gentleman from Ohio, 2,834 persons were lynched in the South, and of these 386 lynchings took place in Georgia and 375 in Mississippi. All of the 60 lynchings recorded this year occurred in the South. Wherever they take place lynchings are the work of lawless groups and are contrary to the instincts and wishes of the good people of the communities where they occur. Ninety-nine lynchings out of every one hundred are dastardly, cowardly murders where a helpless, defenseless creature is the victim of an infuriated, armed mob with no opportunity to defend himself.

The fact that a large percentage of the victims are Negroes, and that most of the lynchings take place in the South, leads to the conclusion that there exists there an intense prejudice against Negro offenders and a failure to grant or provide them with adequate protection of the laws. The claim will be made here or in the Supreme Court that the colored prisoner in the South gets the same protection as the white prisoner, and that therefore he gets the equal protection of the law as guaranteed by the fourteenth amendment to the Constitution. Suppose a farmer has two sons, one six feet tall, who requires five yards of overcoating, and one five feet tall, who requires four yards of overcoating, to protect them from the winter cold. Would the farmer be giving equal protection to the two sons if he gave each of them four yards of overcoating? If Uncle Sam has two harbors, one requiring three forts and the other two to protect them, it is clear that to give each two forts would not be giving equal protection. I maintain that the equal protection of the law means adequate protection, and where by the nature of the crime or the nature of the prisoner, reasonably adequate protection is not given, then the equal protection guaranteed by the Constitution has failed. [Applause.]

In another and more important respect the Negro offender has been denied the equal protection of the laws. In many States lynchings have consistently gone unpunished. They have been tolerated, if not actually encouraged. The purpose of punishment under our system of law and jurisprudence is not revenge, but that it shall act as a deterrent. To have punished the offenders would have prevented many subsequent lynchings. That is the very purpose of this bill—to grant protection by punishing offenders. And that is the principal respect in which many of our States have failed. And by failing to bring to justice the perpetrators of lynchings, clearly have they denied the protection guaranteed by the Constitution. [Applause.]

Lynchings have passed beyond the pale of local significance. A lynching in Georgia has its effect in New York, Boston, Chicago, and St. Louis, and instills in citizens all over the country disregard and contempt for law and order. It has just the opposite effect to that which may have been intended. Lynchings have become national in their influence, and even international, when citizens of foreign countries have been the victims. Congress has appropriated nearly $800,000 for payment to foreign Governments for the murder of their citizens by American mobs.

It is gratifying to note that the South is beginning to realize the broad national aspect of the lynching question.

The Daily Times of Chattanooga, Tenn., commenting upon the lynching of Henry Lowry, on January 26, 1921, at Nodena, Ark., said editorially under the caption, "Barbarism a national crime":

> In such circumstances a great impulse will be given to the movement for a Federal law against this crime. There will be those who, while objecting to Federal interference in purely State affairs will not be long in concluding that there may be a Federal issue in the preservation of the civilization of the Republic. The most ardent State righter will hardly dispute the statement that burning human beings at the stake is barbarous, inhuman, savage, and un-American. The Federal Government may, without offense, declare that such practices are repugnant to the spirit and the soul of the Republic, and that those who indulge them are outlaws and enemies of their country and its institutions. Treason is a national offense, and so may burning human creatures at the stake come to be a crime such as treason. Lynch law run mad, as carried out by this insensate and inhuman mob, is a direct and flagitious assault upon the civilization of the American people and a wanton and unpardonable crime against the moral and spiritual sense of the Nation. The Nation may, therefore, decide that it may, without violating the rights of any State, take cognizance of this pagan savagery and provide a penalty for it so drastic and severe as to render it exceedingly dangerous for future mobs to indulge it.

The burning at the stake of Henry Lowry for the murder of O. T. Craig and his daughter at Nodena, Ark., on December 25, 1920, was one of the most deliberate and gruesome lynchings that has ever been perpetrated. Lowry had the reputation for being a peaceful Negro. It was his second season on the Craig plantation. Newspaper reports state that he was angered because low prices of farm commodities had wiped away his profits. He pursued a Negro woman to the Craig home threatening to shoot her. When Craig stepped to the door to remonstrate with him, Lowry shot him and also killed Mrs. Williamson, his daughter, when she rushed to Craig's side. It was not a rape case, which is often offered as an excuse for lynching, nor was it a lynching in the heat of passion. Lowry was arrested several weeks afterwards at El Paso, Tex. While in the custody of two sheriff's deputies on an interstate train en route to Arkansas for trial, he was seized by a mob in the State of Mississippi and carried by motor through the State of Tennessee to the State of Arkansas. For an actual description of the lynching which took place four weeks and one day after the murders, I read from a signed article in the Memphis (Tenn.) Press of Thursday, January 27, 1921:

> More than 500 persons stood by and looked on while the Negro was slowly burned to a crisp. A few women were scattered among the crowd of Arkansas planters, who directed the gruesome work of avenging the death of O. T. Craig and his daughter, Mrs. C. O. Williamson.
>
> Not once did the slayer beg for mercy despite the fact that he suffered one of the most horrible deaths imaginable. With the Negro chained to a log, members of the mob placed a small pile of leaves around his feet. Gasoline was then poured on the leaves and the carrying of the death sentence was under way.
>
> Inch by inch the Negro was fairly cooked to death. Every few minutes fresh leaves were tossed on the funeral pyre until the blaze had passed the Negro's waist. As the flames were eating away his abdomen, a member of the mob stepped forward and saturated the body with gasoline. It was then only a few minutes until the Negro had been reduced to ashes.

The governor of Arkansas branded the lynching of Lowry as "most disgraceful and inexcusable."

He added:

> Inasmuch as the Negro was taken from an interstate train and brought from Mississippi into Arkansas, where he was killed, the matter may come within the purview of Federal authorities, and it is possible that this occurrence may result in the enactment of Federal statutes for the prevention of crimes which should be prevented by our county officers.

The Atlanta Constitution on July 25, 1919, in an extended editorial denouncing a horrible lynching in Telfair County, Ga., concluded:

> This monstrous affair does not concern Telfair County alone but the American Republic as a whole, and we might as well look the future squarely in the face and be prepared to accept Federal jurisdiction in crimes of this kind if our own State has not the courage to meet the situation and apply the remedy.

On the question of the constitutionality of an antilynching law, the Supreme Court of the United States in Ex parte Virginia, One hundredth United States, 339, has held that where a State by its laws or by the acts of its officials does not give to its citizens the equal protection of the laws Congress has the right to pass legislation giving to such citizens the protection guaranteed by the fourteenth amendment. Eminent authorities have been and will be advanced upholding the constitutionality of an antilynching law on this ground, and also upon the broad, general theory of the police power of the Federal Government.

Opinions will undoubtedly be brought forward by the opposition asserting that a Federal antilynching law is unconstitutional. Assuming what I do not concede, that the legal question is a close one, let the Supreme Court of the United States pass upon it as a legal question. If a Federal antilynching law is unconstitutional, the emergency is great enough to warrant an amendment to the Constitution making such law constitutional. But until the Supreme Court says such a law is unconstitutional we would not be justified in attempting the long-drawn-out process of a constitutional amendment.

When President Harding on April 12, 1921, in an address to the extraordinary session of Congress, referred to "national problems far too pressing to be long neglected," he included the statement that Congress should wipe the stain of barbaric lynching from the banners of a free and orderly representative democracy. He stated that one proposal which had merit was the creation of a commission embracing representatives of both races to study and report on the entire subject. But, gentlemen, this matter has passed beyond the state of investigation. The facts are matters of general knowledge. Just as the courts take judicial notice that night follows day and that there are seven days in a week, Congress may take congressional notice of matters of common knowledge without the necessity of an investigating commission. What the President evidently intended was a commission to report on the entire subject, including appropriate legislation to punish and prevent lynching. This I incorporated in a bill (H. R. 4378) which I introduced in the House on April 19, 1921, but which I subordinated and now subordinate to the Dyer bill. It was a second line of attack, ready should the first line fail. The committee, after thorough investigation of the facts and the law, has favorably reported the Dyer bill, and I shall vote for its passage.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. ANSORGE. I will yield later, if my time has not expired.

Mr. CONNALLY of Texas. All right.

Mr. ANSORGE. Irrespective of any constitutional question which will eventually be passed upon by the courts, the good people of every community, North and South alike, will welcome Federal intervention to prevent and punish the crime of lynching. The long arm of the Federal Government will reach out and punish the guilty persons without fear and without favor, and many a State official will breathe a sigh of satisfaction that he has been relieved of a nigh impossible duty.

Of the first soldiers of the American Army decorated for bravery in the World War there were two Negroes, Henry Johnson and Needham Roberts, of the Three hundred and sixty-ninth Infantry, formerly the "Fifteenth" of the New York Guard. Four whole Negro regiments, the Three hundred and sixty-ninth, Three hundred and seventieth, Three hundred and seventy-first, and Three hundred and seventy-second, and the first battalion of another Negro regiment, the Three hundred and sixty-seventh, were awarded the croix de guerre for heroism. There were more than 400 individual medals of honor granted to Negroes for bravery in action. Negroes subscribed for $225,000,000 of Liberty bonds.

The Negro is preeminently a God-loving and a God-fearing race. It will be readily seen that the Negro has become inseparably entwined in the life of America.

The opportunity is ours to put an end to the habit of lynching in this country. So long as lynchings are tolerated all the teachings from all the pulpits in all the churches are rank hypocrisy. The colored man shared equally the burdens and responsibilities of citizenship in the World War just won, and he should be guaranteed in practice as well as in print the equal protection of the laws. [Applause.]

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. ANSORGE. Yes; certainly.

Mr. CONNALLY of Texas. Do I understand the gentleman to contend that this bill was approved by the President?

Mr. ANSORGE. No; I have not said that. The President stated that among the important problems requiring immediate attention this question should be taken up, and he said that a proposal which had merit was the appointment of a joint commission.

Mr. CONNALLY of Texas. Then, do I understand the gentleman to say that his party refused to follow the President when it refused to submit this proposition to a joint commission?

Mr. ANSORGE. No. The President merely said another proposition that had merit was the appointment of a joint commission, and the joint commission, as I understand it, if constituted, was to report on legislation to punish lynching, and we have that legislation here. [Applause.]

Mr. CONNALLY of Texas. Do I understand the gentleman to admit that the Judiciary Committee turned down the President's recommendation with reference to this matter?

Mr. ANSORGE. The President's recommendation was incorporated in a bill which I introduced, and I subordinated that to the Dyer bill.

Mr. CONNALLY of Texas. So the Republican Party have overruled both you and the President?

Mr. ANSORGE. It has not done so. The Dyer bill was introduced the first day of the special session, and had been reported favorably in the last Congress. The President merely stated that a joint commission had merit; but I do not doubt that the President favors the Dyer bill. He said Congress ought to wipe the stain of lynching from the banners of our Republic. The only way Congress can do it is by legislation.

Mr. CONNALLY of Texas. So, although you and the President were together on the question of a joint commission, you think he would favor your switching over to this?

Mr. ANSORGE. I did not ask him. I favored the Dyer bill, and introduced my bill merely as a second line of defense.

Mr. CONNALLY of Texas. I think it is perfectly clear that you introduced the bill.

Mr. ANSORGE. It is perfectly clear that I introduced the bill, and it is also perfectly clear that the gentleman from Texas has not been listening to the argument. [Laughter and applause.]

Mr. POU. I yield 20 minutes to the gentleman from Tennessee [Mr. GARRETT].

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] is recognized for 20 minutes. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker and gentlemen of the House, the measure the passage of which it is proposed to expedite by this rule is so repugnant in its policy and repulsive in its real effect, whatever its intendment may be, as to render it almost impossible to discuss it in terms of dignity, to say nothing of moderation, and the great difficulty under which the minority are laboring is that we realize in presenting our views upon it that we are presenting them to gentlemen who, however good their intentions may be, are yet lacking in that profound knowledge which can only grow out of personal experience that will enable them properly to deal with the question. We know, of course, that this bill, while general in terms, is leveled for the time being, at least, at a particular section and for a particular cause; but at the same time, my fellow Members, let me warn you with all solemnity that while momentarily we are fighting our own battle, we are fighting a battle which is eventually to be as much for your advantage as for our own. [Applause.] Because, gentlemen, the Constitution of the United States was builded for the ages. You can not destroy that Constitution for a particular purpose and to apply to a particular section without its coming home to every nook and cranny of the Republic in the course of the years upon other questions and other things. [Applause.]

Some months ago, so I have been informed, the majority party in this Congress held a caucus in which you passed upon the question of the reduction of representation of the Southern States. You determined not to make it a party question. You acted with wisdom and with justice. But, Mr. Speaker, in dealing with that question you gentlemen of the majority, after all, were dealing then only with the question of political power. That which was proposed was in its final analysis simply to reduce the political power of certain sections of the country; and whatever may be said of its justice, you might have seemed to have for that some specific and clearly stated constitutional authority. But upon this matter you are not striking at political power, you are striking at the very basis and elements not only of southern but eventually of American civilization and law. [Applause.]

Oh, as I intimated a moment ago, many of you gentlemen do not know what it is to live in a section in which your wife dare not travel alone for a distance of a mile through wood or field. You do not know what it is to raise a daughter amid an environment where from the very time of her reaching the age of 10, so long as she lives, the sword of Damocles hangs over her head. Mr. Speaker, this bill ought to be amended in its title so as to read: "A bill to encourage rape." [Applause.] Whenever you place the idea in the minds of the few beasts who commit these crimes that there is less certainty of their punishment you encourage an attack upon civilized institutions. [Applause.] These inhuman creatures are few as compared with the vast number of the race of their people, 10,000,000 of them. Comparatively few of them are beasts, but there are a few. They do not understand the intricacies and the refinements of the jurisdiction of the respective Governments, State and Federal. They have only a certain hazy idea growing out of the experiences of the last half century that somehow, in some way, the Federal entity may have a more kindly feeling for them than do the States. Whenever you place in the minds of those few the idea that somehow, some way, there will be less risk of punishment to them when they commit these crimes you are but inviting an increase in the commission of these crimes. Now, you may reason about it however much you please. You may go into the intricacies of the refinements of constitutional law. You may seek to strain the timbers of the Constitution, but in the end you will have arrived exactly at that point and no further.

Mr. Speaker, as this discussion shall progress, the constitutional phases of it will be placed before this body, and I beg, as I have never begged before, not alone for our sakes but for the sake of all of the institutions of the country, that you pause and give thought. Upon this and a great many other matters it has seemed to me that we are straining the very timbers of the Constitution—but in none of those acts that have gone before, so much as it is purposed to do now—because this, in my opinion, is a proposition absolutely to destroy the Constitution. In those things in which you have strained the timbers of the Constitution heretofore there has at least always been something good said to be seen ahead. I felt that the maternity bill, so called, was a straining of the Constitution, but there was at least something good attempted to be held up before us. The same may be said of the white slave act. Many of those things were advances and enhancements of the Federal power, but back of them lay at least an alleged motive of preserving health or purity and decency.

Back of this bill the effect, whatever the motive of the authors may be—and they are honorable gentlemen and I shall not question them—is not the production of purity, the enhancement of civilization, the preservation of good feeling between the races, the maintenance of the dignity of law and order, but it is inevitably to be an encouragement to that vilest offense which can be committed against the individual,

against the race, anywhere in all the world. No political exigency of course can justify it. Surely you must realize that if you can do this thing, if you can pick out this particular offense and place it within the purview of the Federal Government, denuding the States of their police power to that extent, you can do it for simple murder, you can do it for assault and battery, you can do it for theft, you can do it for every crime or offense, misdemeanor, or felony known to the law. In the development of the processes of the Government, in the social evolvements that are to come out of our mixed races throughout the length and breadth of the land, do you doubt for a single moment that the time is far distant when the demands will come for you to take up the other offenses that I have named, if you by your action extend the Federal power to encompass that of lynching within the States? If you, for the sake of what you conceive to be an immediate and temporary expediency, cut the anchor and set the Constitution adrift, be sure, my fellow Members, it will not stop with the exigency that causes the act, but it will float on and on, a wreck upon an uncharted ocean, until we shall see, and if we do not, our children shall see, the whole fine fabric of this Republic, the greatest Government, said Gladstone, I believe, ever struck off by the hand of man sink into the depths of oblivion and be gone forever from extending its blessings upon the children of men. [Applause.]

Mr. POU. Mr. Speaker, it is with very great reluctance that I attempt to follow such a speech as has just been made by the eloquent gentleman from Tennessee [Mr. GARRETT], and yet there are a few observations which I think should be made before the debate on the rule is brought to a close. Why is it that this rule is brought in at this time? I have served in this House for quite a number of years. At the end of this term it will be 22. Why is it that some time during that period I have never had the privilege of voting upon a measure of this kind? Why is it that at this particular time this particular measure is brought before the House for its consideration? Nobody contends that the bill is going to lessen the crime of lynching even if it becomes a law. I heard several eminent gentlemen discuss the matter before the Committee on Rules, and so far as I recollect not one of them insisted seriously that the Dyer bill would have any material effect in lessening the crime of lynching. Then why bring it in here?

One distinguished gentleman answered the question—a gentleman with whom I served in former Congresses, a gentleman whom I had always placed upon a high pedestal of statesmanship and whom I place there now. He was frank enough to say that this measure was brought before the House in response to a demand of the Republican platform.

Now, it serves no good purpose to beat about the bush. The purpose of this measure is to pretend to pay a political debt, and when you are doing it what is the effect going to be? As my friend from Tennessee [Mr. GARRETT] has so eloquently told the House, we who have been raised in the South know how hard a problem we have to deal with. I speak what every southern man knows to be the simple truth when I make this statement. There is not a mile of highway in the South out of the shadow of somebody's home where a little girl or woman would dare walk unprotected, and no father would any more think of permitting his daughter to walk unprotected than he would permit her to walk into the jaws of death. Now, gentlemen, that is the problem that we have to deal with. We have been doing our best to blot out lynching. God knows we are as much opposed to it as you are. There is just one way to blot out forever the crime of lynching. At least there is one way to make the crime one of very rare occurrence. That way is for the colored race to blot out forever the crime of the raping of white women by Negro men. I say this deliberately. The colored race has it within its power to stop lynching, if it will. Instead of concealing the brute who has committed this crime let them aid the officers of the law in apprehending him. I do not mean that the race as a whole conceals the criminal, but I do say there are too many good men of the race who refrain from helping the officers of the law. There is one other thing that you men from the North can not comprehend, that ineffable, indescribable, unspeakable love that every southern man feels for the old black nurse who took care of him in childhood. [Applause.] I was three years old while my father was at the front in the Civil War. My brother was five. The sweetest memories of my life go back to my old "mammy" who faithfully and tenderly took care of my brother and myself during those days when my mother and her two small sons were at the mercy of the colored race. You gentlemen can not comprehend the love and the tenderness that we feel for those black people who cared for us. I would to God that I had it in my power to change the attitude of the high-class Negro men and women toward the beasts who commit the crime of rape. In the course of time I have no doubt that attitude will be changed. Whenever the kindly, honest Negro man decrees that rape must cease, you will not need any antilynching bills.

How is this law going to be construed? How do you think the black beast who commits an atrocious crime, or the white beast who commits such a crime, is going to construe the law? They are going to construe it not as a punishment for some unspeakable offense, but as an excuse or apology for it. Gentlemen, you could not do a greater hurt, in my humble judgment, to this Republic than to pass this law. I speak not as a southern man. I speak not as a North Carolinian. No man loves that flag more than I do. There is a halo around it which quickens every sentiment of love in my heart. I speak as one who loves his country, every inch of it; I speak as an American; and I tell you, in my humble judgment, the worst thing you can do is to report this rule and pass this bill. The best thing that you could do is to consign this legislation to oblivion, and leave the southern people, in the fear of God, and with the best intentions, to work out this problem as best they can, to the interest of the black man and the white man alike. [Applause.]

Mr. CAMPBELL of Kansas rose.

Mr. POU. Mr. Speaker, will the gentleman yield to me for one minute?

Mr. CAMPBELL of Kansas. Certainly.

Mr. POU. Mr. Speaker, I yield one minute to the gentleman from South Carolina [Mr. MCSWAIN].

Mr. MCSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD for the purpose of putting in an argument on the legal aspects of the question which was written some 60 days ago in the calm of my study, in the belief that it may be of some assistance to those who shall be pursuing this inquiry in the next few days.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MCSWAIN. Mr. Speaker, this effort to pass this antilynching bill is an assault upon the last defensive ditch around the citadel of State's rights. Though the Supreme Court has often told us that ours is "an indestructible Union of indestructible States," yet we see the process of consolidation and centralization go on step by step till destruction of State sovereignty in any respect is well-nigh complete.

Men forget ours is a Federal system, and that the Federal Government has limited powers. This Federal system has made us great as a Nation, because it made possible the free play of local self-government and made it easy to respect the rights and protect the interests of minorities.

Of course, we recognize that the extent of State powers is being constantly reduced by constitutional amendments enlarging Federal powers. But within the sphere of powers left to the States they are as independent and sovereign as ever. Both State and Federal Governments are sovereign within their respective spheres.

Is lawlessness, miscarriage of justice, and neglect of official duty any reason to destroy the autonomy and independence of a people? If so, judging by the figures produced to induce Congress to create 23 new Federal judgeships, then the Federal Government stands convicted by its neglect, inaction, and passivity by reason of crowded dockets and untried cases of self-surrender of sovereign power.

The attempt to penalize a county in which a lynching occurs is clearly destructive of our Federal system. It has been held from the great decision in McCullough *v.* Maryland (4 Wheat., 316), decided 1819, that neither State nor Federal Government can impose any duty or obligation upon each other, because the power to burden or control involves the power to destroy.

Now, the county is the creature and agency of the State and is itself immune from suit or liability, just as the State is, except as the State by statute has made the county liable and sueable. Therefore if the Federal Government can impose a penalty upon a county, then it could also penalize a State. If it could make a county liable to a $10,000 penalty it could impose a $10,000,000 penalty upon a State. Thus a State could be destroyed and all her agencies paralyzed.

And by the same logic the proposition to impose a Federal penalty upon a State officer, such as sheriff, would be making that officer answerable to a government other than that under which he holds his commission. To control its officer is to control the State; to place an officer in a Federal prison for life would destroy an essential agency of a State.

All lawlessness originates from disregard for law. The lawmaking body of the American Congress should set all private citizens the example of sincere respect for the highest law in

the land, the Federal Constitution. If we contemptuously ignore it as a worn-out scrap of paper, then we sow the dragon's teeth of disorder. If we violate the Constitution and thereby violate our oaths in order to punish citizens for lynching each other, then we become a mob determined to lynch the supreme law of the land itself.

It is admitted by all that the fourteenth amendment inhibits a State to deny to any person due process of law and equal protection of the laws. But it is urged that acts by its judicial, legislative, or executive officer. It is said that the act of such officer is the act of the State. Then it could just as logically be urged that Congress may pass a law subjecting to severe penalties all members of a State legislature that may pass a law held by a Federal court to deny due process of law and equal protection of the law. So the judge of a State court who rendered a decision held by a Federal court to deny due process of law and equal protection of the law would be liable to prosecution and imprisonment.

The result is obvious. The State would die. Then, you may ask, are these parts of the fourteenth amendment futile? Surely not. The Supreme Court plainly says the remedy is corrective, prospective. To set at naught all acts and deeds and decisions is violation of due process and equal protection.

Each star in the blue field of Old Glory has ever represented a sovereign State. Enact this antilynching bill and with one full blow we dash every star to the dust. The sovereign States are gone. True, there will remain the same soil and the same sky above, but all else is changed. We will have broken from a glorious past. Local self-government will cease to be a fact. The rights of vast minorities will not and can not be respected. A vast horde of appointive officers, not elected by the people over whom they exercise power but holding office as a reward for party and partisan zeal, will swarm over the land annoying and oppressing the people.

WOULD SUCH A LAW BE CONSTITUTIONAL?

It is urged that Congress has power under the fourteenth amendment to pass this so-called antilynching bill. I propose to discuss this constitutional question. That question meets us at the beginning, and before we can consider the wisdom or unwisdom, the expediency or suitability of the proposed legislation. Every Member of Congress takes an oath to "support and defend the Constitution of the United States," and there rests as great if not greater obligation on the legislator in Congress to understand and conform his action to the Constitution than rests upon any court. Why? Because when the court comes to consider the question of the constitutionality of an act of Congress it begins by assuming its constitutionality, assuming the Members of Congress have done their duties under their oaths, and resolving every reasonable doubt in favor of constitutionality.

The rule of construction is simple. The Constitution itself by the tenth amendment prescribes the rule for its own interpretation. It is that all powers not expressly conferred and not necessarily implied in aid of express powers, are reserved to the States. The Supreme Court and all subordinate courts still respect and enforce this rule of interpretation. In the very recent case of Newberry against the United States, decided May 2, 1921, the Supreme Court denied that Congress has any power to regulate the conduct of candidates in primary elections in the States for United States Senator. That decision was logically inevitable. The court in that decision uses this language:

> It should not be forgotten that, exercising inherent police power, the State may suppress whatever evils may be incident to primary or convention.

So the States must suppress the evils of lawlessness and lynchings. The evils are manifest and terrible. There are thousands of evils of immorality and violence which the States alone have jurisdiction over. The obligations of the eighteenth amendment alone are overcrowding the Federal courts.

In the case of Keller *v.* United States (213 U. S., 138), the Supreme Court held that the Federal Government has no police power, and that the police power is reserved to the States, which alone could punish a person keeping a house of ill fame in a State, even when the female inmates are aliens and in this country less than three years. The court approved again of Judge Cooley's statement that "the power to establish the ordinary police regulations (i. e., suppressing crime and violence—insert mine), has been left with the individual States and can not be assumed by the National Government." The court approves of the language in Barbier *v.* Connolly (113 U. S., 27), as follows:

> But neither the amendment—broad and comprehensive as it is—nor any other amendment was designed to interfere with the power of the State, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, education, and good order of the people, and to legislate so as to increase the industries of the State, develop its resources, and add to its wealth and prosperity.

Further, it approved of Chief Justice Marshall's fundamental proposition in McCullough *v.* Maryland (4 Wheat., 316):

> This Government (National Government) is acknowledged by all to be one of enumerated powers.

Then, at page 148 (213 U. S.), the court concludes:

> And the legislation must stand or fall according to the determination of the question of the power of Congress to control generally dealings of citizens with aliens.

In other words, an immense body of legislation which heretofore has been recognized as peculiarly within the jurisdiction of the States may be taken by Congress away from them. Although Congress has not largely entered into this field of legislation, it may do so if it has the power. Then we should be brought face to face with such a change in the internal conditions of this country as was never dreamed of by the framers of the Constitution. While the acts of Congress are to be liberally construed in order to enable it to carry into effect the powers conferred, it is equally true that prohibitions and limitations upon those powers should also be fairly and reasonably enforced. (Fairbank *v.* United States, 181 U. S., 283.) To exaggerate in the one direction and restrict in the other will tend to substitute one consolidated government for the present Federal system. We should never forget the declaration in Texas *v.* White, 7 Wallace, pages 700, 725, that—

> the Constitution, in all its provisions, looks to an indestructible Union composed of indestructible States.

If a State denies equal protection of the law, Congress may by law correct and render nugatory such attempted inequality.

When does a State deny equality?

First. By unequal, unfair, discriminatory legislation. None such is charged to exist in any State.

Second. By unequal, unfair, discriminatory judicial decisions, whereby a different and distinct rule of law is applied to certain groups or classes of citizens. None such is charged to exist in any State.

Third. By unequal, unfair, discriminatory administration of executive power. Here it is charged that certain executive officers of the State, such as some sheriffs and their deputies, have culpably failed to protect their prisoners from lawless mobs and have failed culpably to apprehend and bring to trial the members of such lawless mobs. It has not been charged that all the sheriffs in the State have habitually failed in these respects. At most it is an occasional and very exceptional fact. Compared with the whole number of crimes and lawful convictions and executions, the number of lynchings is small.

It must be admitted that the laws of all States require arresting officers to protect their prisoners. In like manner under the laws of all States every participant in a lynching is a murderer. Can it be fairly said that because an officer occasionally fails in his duty to protect his prisoner from lawless mobs that such exceptional act amounts to the action of the State as a subdivision of organized society in denying due process of law and in denying equal protection of law?

Legislatures of States frequently pass acts so discriminatory and unfair that the Supreme Court of the United States in due season declares the same to be unconstitutional, null, and void. Can we imagine that any sane man would propose an act of Congress to penalize and punish members of a State legislature enacting statutes in violation of the due process and equal protection clauses of the fourteenth amendment? Can we believe that any Member of Congress will suggest legislation to punish in a Federal court such judges of State courts as render decisions subsequently held by a higher court to deny due process of law or equal protection of the law?

And yet, the thought of Federal laws to punish State legislators and State judges for denying due process of law and equal protection of the law is just as logical, just as reasonable, and just as competent constitutionally as the idea of a Federal law to punish State executives, whether governor, sheriff, or policeman, for failure to protect a prisoner from a lawless mob. There is no escape from the logic.

If Congress can by law provide punishment in a Federal court for a State sheriff for his acts or neglect of action as sheriff, then Congress could provide punishment for the governor of a State for his acts or failure to act as the State's chief executive. And if the State's executive officers may be punished by fine or imprisonment under congressional laws, so may the chief justice and all judges of the State. And by the same token the members of the State legislatures may be punished for enacting laws found to be violative of the fourteenth amendment. There is no escape from these logical deductions, and they are the reductio ad absurdum of the proposed legislation.

THE FUNDAMENTAL FALLACY.

Then where is the fallacy in the argument of the proponents of the antilynching bill? The fallacy is found in the paraphrase of Chief Justice Marshall's language in Gibbons *v.* Ogden (9 Wheat., 202), found on page 9 of the committee report. It is there assumed that Congress has affirmative power to provide equal protection of the laws to all citizens merely because the States are prohibited from denying equal protection of the law to any person. It is argued that Congress is given power to do a thing merely because the power to do that thing is denied to the States. A denial of power to the States is surely not a donation of the same power to the Congress. A power to enforce by appropriate legislation a denial of equal protection of law by the States is not exercised by forestalling all State action by comprehensive regulatory action by Congress.

THE ONLY CASE EXPLAINED.

There is only one case that seems to afford any basis for the argument of proponents of the bill (the case of Ex parte Virginia, 100 U. S., 339), while there are many cases clearly construing the fourteenth amendment so as to deny the constitutionality of the bill, among such contrary cases being United States *v.* Cruikshank (92 U. S., 542); United States *v.* Harris (106 U. S., 629); Civil Rights cases (109 U. S., 3); Hodges *v.* U. S. (203 U. S., 1); Keller *v.* United States (213 U. S., 138); In re Rahrer (140 U. S., 554).

The one case (Ex parte Virginia, supra) relied on by the proponents of the bill, when properly understood, is not out of harmony with the great current of decisions. The case was decided upon the mere averments of an indictment which alleged that J. D. Coles, as county judge, was legally charged with the duty of selecting grand and petit jurors, and that he excluded from the jury list certain citizens possessing all qualifications as jurors prescribed by law and such exclusion was because of the race, color, and previous condition of servitude of the persons so excluded. Here it was admitted, for the argument, that the State's officer excluded all of a certain class, to wit, all Negroes, from the jury lists upon the sole ground that they were Negroes. Such action was class discrimination. All Negroes were purposely excluded because of race and color, and not an occasional Negro excluded for real or fanciful reasons of personal unfitness. Such consistent exclusion of Negroes amounted to a rule of action. Since law is but a rule of action, the result was that the law of Virginia denied to Negroes the right of sitting on juries, and such class discrimination was a manifest denial of the equal protection of the law.

So, to make direct application of the true doctrine of the case, if it could be fairly charged that in any State all Negro prisoners charged with murder, arson, or rape are lynched, then the case might be authority for certain legislation. But, in fact, persons both black and white are lynched in all parts of the country; but wherever done the lynching is not against a class or race or sect. It is because of the particular crime by the particular person. Lex talionis is invoked against individuals because of personal offenses, and not against classes and groups as a fixed rule of action in all such cases.

In a certain sense, when one person assaults or kills another, he deprives that other person of his rights "without due process of law" and denies to him the "equal protection of the law." But not in the sense of the fourteenth amendment. Such acts by individuals are mere crimes. Crimes may be committed by one person or many persons. In the latter case all are guilty as principals. A State is not denying "due process of law" and "equal protection of the law," because, unfortunately, crimes are committed. Crimes are committed in all the States and in all States some criminals go unwhipped of justice. Do all the States thereby deny "equal protection of the laws" to their citizens? Some crimes occur more frequently in some States than in others and at some periods of time than at others.

We can not be assured that if the Federal Government were to take over lawmaking and law enforcement in all the States thereby crimes would cease or even all criminals be detected and punished. The solemn facts are to the contrary. The Federal Government wields no magic, talismanic wan to deter or punish all criminals. Our Federal courts are overcrowded with criminal cases, and Congress has been urged to create 23 additional Federal judgeships to relieve the congestion of Federal criminal cases. Does anyone argue that merely because Federal laws are violated then the Federal Government has failed in its duty to protect its citizens and as such is denying its citizens "the equal protection of the law"?

POWERS AND PROHIBITIONS DISTINGUISHED.

There is a very clear and obvious distinction between an affirmative constitutional power conferring authority upon Congress to exercise certain governmental functions, as to regulate interstate commerce or coin money or raise an army and navy; and, on the contrary, a mere denial of power to a State, such as no State shall pass any law impairing the obligation of contracts.

CIVIL RIGHTS CASES DECISIONS.

The complete and final interpretation was placed on that part of the fourteenth amendment now under consideration—due process of law and equal protection of the law clauses—by the United States Supreme Court after most mature consideration in five cases decided together in United States *v.* Stanley et al (109 U. S., 3). I extract from that decision the following language, so broad and comprehensible as to be unmistakable:

> The first section of the fourteenth amendment (which is the one relied on), after declaring who shall be citizens of the United States and of the several States, is prohibitory in its character and prohibitory upon the States. It declares that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation and State action of every kind, which impairs the privileges and immunities of citizens of the United States or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws. It not only does this, but, in order that the national will thus declared may not be a mere brutum fulmen the last section of the amendment invests Congress with power to enforce it with appropriate legislation. To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts and thus to render them effectually null, void, and innocuous.

This is the legislative power conferred upon Congress, and this is the whole of it. It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation, but to provide modes of relief against State legislation or State action of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private right, but to provide modes of redress against the operation of State laws and the action of State officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the fourteenth amendment, but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges and by power given to Congress to legislate for the purpose of carrying such prohibition into effect, and such legislation must necessarily be predicated upon such supposed State laws or State proceedings and be directed to the correction of their operation and effect. A quite full discussion of this aspect of the amendment may be found in United States *v.* Cruikshank (92 U. S., 542), Virginia *v.* Rives (100 U. S., 313), and Ex parte Virginia (100 U. S., 339).

An apt illustration of this distinction may be found in some of the provisions of the original Constitution. Take the subject of contracts, for example: The Constitution prohibited the States from passing any laws impairing the obligation of contracts. This did not give Congress power to provide laws for the general enforcement of contracts, nor power to invest the courts of the United States with jurisdiction over contracts, so as to enable parties to sue on them in those courts. It did, however, give the power to provide remedies by which the impairment of contracts by State legislation might be counteracted and corrected, and this power was exercised. The remedy which Congress actually provided was that contained in the twenty-fifth section of the judiciary act of 1789, First Statutes, page 85, giving to the Supreme Court of the United States jurisdiction by writ of error to review the final decisions of State courts whenever they should sustain the validity of a State statute or authority alleged to be repugnant to the Constitution or the laws of the United States. By this means, if a State law was passed impairing the obligation of a contract and the State tribunals sustained the validity of the law, the mischief could be corrected in this court. The legislation of Congress and the proceedings provided for under it were corrective in their character. No attempt was made to draw into the United States courts the litigation of contracts generally, and no such attempt would have been sustained. We do not say that the remedy provided for was the only one that might have been provided for in that case. Probably Congress had the power to pass a law giving to the courts of the United States direct jurisdiction over contracts alleged to be impaired by a State law; and under the broad provisions of the act of March 3, 1875, chapter 137, Eighteenth Statutes, page 470, giving to the circuit courts

jurisdiction of all cases arising under the Constitution and the laws of the United States, it is possible that such jurisdiction now exists. But under that or any other law it must appear as well by allegation as proof at the trial that the Constitution had been violated by the action of the State legislature. Some obnoxious State law passed, or that might be passed, is necessary to be assumed in order to lay the foundation of any Federal remedy in the case, and for the very sufficient reason that the constitutional prohibition is against State laws impairing the obligation of contracts.

And so in the present case, until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the fourteenth amendment no legislation of the United States under said amendment, nor any proceedings under such legislation, can be called into activity, for the prohibitions of the amendment are against State laws and acts done under State authority.

Of course, legislation may, and should be, provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws or State action of some kind, adverse to the rights of the citizen secured by the amendment. Such legislation can not properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty, and property—which include all civil rights that men have—are by the amendment sought to be protected against invasion by the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons, of the equal protection of the laws, is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation; that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment they are prohibited from making or enforcing, or such acts and proceedings as the State *may* commit or take, and which, by the amendment they are prohibited from committing or taking. It is not necessary for us to state, if we could, what legislation would be proper for Congress to adopt. It is sufficient for us to examine whether the law in question is of that character.

An inspection of the law shows that it makes no reference whatever to any supposed or apprehended violation of the fourteenth amendment on the part of the States. It is not predicated on any such view. It proceeds ex directo to declare that certain acts committed by individuals shall be deemed offences, and shall be prosecuted and punished by proceedings in the courts of the United States. It does not profess to be corrective of any constitutional wrong committed by the States; it does not make its operation to depend upon any such wrong committed. It applies equally to States which have the justest laws respecting the personal rights of citizens, and whose authorities are ever ready to enforce such laws, as to those which arise in States that may have violated the prohibition of the amendment. In other words, it steps into the domain of local jurisprudence, and lays down rules for the conduct of individuals in society toward each other, and imposes sanctions for the enforcement of those rules, without referring in any manner to any supposed action of the State or its authorities.

If this legislation is appropriate for enforcing the prohibitions of the amendment, it is difficult to see where it is to stop. Why may not Congress with equal show of authority enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property? If it is supposable that the States will deprive persons of life, liberty, and property without due process of law—and the amendment itself does suppose this—why should not Congress proceed at once to precribe due process of law for the protection of every one of these fundamental rights, in every possible case, as well as to prescribe equal privileges in inns, public conveyances, and theaters? The truth is, that the implication of a power to legislate in this manner is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, and power is conferred upon Congress to enforce the prohibition, this gives Congress power to legislate generally upon that subject, and not merely power to provide modes of redress against such State legislation or action. The assumption is certainly unsound. It is repugnant to the tenth amendment of the Constitution, which declares that powers not delegated to the United States by the Constitution, not prohibited by it to the States, are reserved to the States respectively or to the people.

ACTS OF INDIVIDUALS ARE NOT ACTS OF THE STATE.

In this connection it is proper to state that civil rights, such as are guaranteed by the Constitution against State aggression, can not be impaired by the wrongful acts of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong or a crime of that individual; an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by resort to the laws of the State for redress. An individual can not deprive a man of his right to vote, to hold property, to buy and sell, to sue in the courts, or to be a witness or a juror; he may, by force or fraud, interfere with the enjoyment of the right in a particular case; he may commit an assault against the person, or commit murder, or use ruffian violence at the polls, or slander the good name of a fellow citizen; but, unless protected in these wrongful acts by some shield of State law or State authority, he can not destroy or injure the right; he will only render himself amenable to satisfaction of punishment, and amenable therefor to the laws of the State where the wrongful acts are committed. Hence, in all those cases where the Constitution seeks to protect the rights of the citizen against discriminative and unjust laws of the State by prohibiting such laws, it is not individual offenses but abrogation and denial of rights which it denounces, and for which it clothes the Congress with power to provide a remedy. This abrogation and denial of rights for which the States alone were or could be responsible was the great seminal and fundamental wrong which was intended to be remedied. And the remedy to be provided must necessarily be predicated upon that wrong. It must assume that in the cases provided for the evil or wrong actually committed rests upon some State law or State authority for its excuse and perpetration.

Of course these remarks do not apply to those cases in which Congress is clothed with direct and plenary powers of legislation over the whole subject, accompanied with an express or implied denial of such power to the States as in the regulation of commerce with foreign nations, among the several States, and with the Indian tribes, the coining of money, the establishment of post offices and post roads, the declaring of war, and so forth. In these cases Congress has power to pass laws for regulating the subject specified in every detail, and the conduct and transactions of individuals in respect thereof. But where a subject is not submitted to the general legislative power of Congress, but it is only submitted thereto for the purpose of rendering effective some prohibition against particular State legislation or State action in reference to that subject, the power given is limited by its object and any legislation by Congress in the matter must necessarily be corrective in its character, adapted to counteract and redress the operation of such prohibited State laws or proceedings of State officers.

If the principles of interpretation which we have laid down are correct, as we deem them to be—and they are in accord with the principles laid down in the cases before referred to, as well as in the recent case of United States *v.* Harris (106 U. S., 629)—it is clear that the law in question can not be sustained by any grant of legislative power made to Congress by the fourteenth amendment. That amendment prohibits the States from denying to any person the equal protection of the laws and declares that Congress shall have power to enforce by appropriate legislation the provisions of the amendment.

The law in question, without any reference to adverse State legislation on the subject, declares that all persons shall be entitled to equal accommodations and privileges in inns, public conveyances, and places of public amusement, and imposes a penalty upon any individual who shall deny to any citizen such equal accommodations and privileges. This is not corrective legislation; it is primary and direct; it takes immediate and absolute possession of the subject of the right to admission to inns, public conveyances, and places of amusement. It supercedes and displaces State legislation on the same subject, or only allows it permissive force. It ignores such legislation, and assumes that the matter is one that belongs to the domain of national regulation. Whether it would not have been a more effective protection of the rights of citizens to have clothed Congress with plenary power over the whole subject is not now the question. What we have to decide is, whether such

plenary power has been conferred upon Congress by the fourteenth amendment; and our judgment is, it has not.

PURPOSE OF FOURTEENTH AMENDMENT.

In United States *v.* Harris (106 U. S., 638) we find this exposition of the purpose and effect of the "due process of law" and "equal protection of law" clauses of the fourteenth amendment:

The purpose and effect of the two sections of the fourteenth amendment above quoted were clearly defined by Mr. Justice Bradley, in the case of United States *v.* Cruikshank (1 Woods, 308), as follows: "It is a guaranty against the acts of the State government itself. It is a guaranty against the exertion of arbitrary and tyrannical power on the part of the government and legislature of the State, not a guaranty against the commission of individual offenses; and the power of Congress, whether express or implied, to legislate for the enforcement of such a guaranty does not extend to the passage of laws for the suppression of crime within the States. The enforcement of the guaranty does not require or authorize Congress to perform the duty that the guaranty itself supposes it to be the duty of the State to perform, and which it requires the State to perform."

When the case of United States *v.* Cruikshank came to this court, the same view was taken here. The Chief Justice delivering the opinion of the court in that case said:

The fourteenth amendment prohibits a State from depriving any person of life, liberty, or property without due process of law, or from denying to any person the equal protection of the law; but this provision does not add anything to the rights of one citizen as against another. It simply furnishes an additional guarantee against any encroachment by the State upon the fundamental rights which belong to every citizen as a member of society. The duty of protecting all its citizens in the enjoyment of an equality of rights was originally assumed by the States, and it remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, and no more. The power of the National Government is limited to this guarantee (92 U. S., 542).

So in Virginia *v.* Rives (100 U. S., 313) it was declared by this court, speaking by Mr. Justice Strong, that—

these provisions of the fourteenth amendment have reference to State action exclusively, and not to any action of private individuals.

These authorities show conclusively that the legislation under consideration finds no warrant for its enactment in the fourteenth amendment.

The language of the amendment does not leave this subject in doubt:

When the State has been guilty of no violation of its provisions; when it has not made or enforced any law abridging the privileges or immunities of citizens of the United States; when no one of its departments has deprived any person of life, liberty, or property without due process of law, or denied any person within its jurisdiction the equal protection of the laws; when, on the contrary, the laws of the State, as enacted by its legislature, and construed by its judicial and administered by its executive departments, recognize and protect the rights of all persons, the amendment imposes no duty and confers no power upon Congress.

Again at page 643:

A private person can not make constitutions or laws, nor can he with authority construe them, nor can he administer or execute them. The only way, therefore, in which one private person can deprive another of the equal protection of the laws is by the commission of some offense against the laws which protect the rights of persons, as by theft, burglary, arson, libel, assault, or murder. If, therefore, we hold that section 5519 is warranted by the thirteenth amendment, we should by virtue of that amendment accord to Congress the power to punish every crime by which the right of any person to life, property, or reputation is invaded. Thus under a provision of the Constitution which simply abolished slavery and involuntary servitude, we should, with few exceptions, invest Congress with power over the whole catalogue of crimes. A construction of the amendment which leads to such a result is clearly unsound.

So from United States *v.* Cruikshank (92 U. S., 554–555) we extract the following exposition of the fourteenth amendment:

The fourteenth amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it, and which we have just considered, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle if within its power. That duty was originally assumed by the States and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guaranty.

HOW CAN PASSIVITY BE ACTIVITY?

The argument for the bill is based on "negativity," "negative action," "negative affirmation." By this strange logic inaction becomes action, failure becomes accomplishment, absence becomes presence, innocence becomes guilt. Admittedly the power of Congress is confined to correcting action of the State—legislative action, judicial action, or executive action—in denying to any person the "equal protection of the law."

The fourteenth amendment did not change the Federal character of our General Government nor give Congress power to legislate about the details of "due process of law" and "equal protection of law." In McPherson *v.* Blacker (146 U. S., 39) the court announced these propositions:

The object of the fourteenth amendment in respect of citizenship was to preserve equality of rights and to prevent discriminations as between citizens, but not to radically change the whole theory of the relations of the State and Federal Governments to each other, and of both governments to the people. (In re Kemmler, 136 U. S., 436.)

The inhibition that no State shall deprive any person within its jurisdiction of the equal protection of the laws was designed to prevent any person or class of persons from being singled out as a special subject for discriminating and hostile legislation. (Pembina Co. *v.* Pennsylvania, 125 U. S., 181, 188.)

In Hayes *v.* Missouri (120 U. S., 68, 71) Mr. Justice Field, speaking for the court, said:

The fourteenth amendment to the Constitution of the United States does not prohibit legislation which is limited either in the objects to which it is directed or by the territory within which it is to operate. It merely requires that all persons subjected to such legislation shall be treated alike, under like circumstances and conditions, both in the privileges conferred and in the liabilities imposed. As we said in Barbier *v.* Connolly, speaking of the fourteenth amendment: "Class legislation, discriminating against some and favoring others, is prohibited; but legislation which in carrying out a public purpose is limited in its application, if within the sphere of its operation it affects alike all persons similarly situated, is not within the amendment." (113 U. S., 237.)

Mr. CAMPBELL of Kansas. Mr. Speaker, we are dealing with a very important question here this afternoon. None of greater importance has engaged the attention of the Congress. It has been stated during the discussion that 3,500 lynchings have occurred in the United States in the last 30 years. Mob law, or the mob to that extent, has taken the place of the law. If our Government means anything, or if it is to mean anything, it is a government of law in which all citizens are entitled to the equal protection of the law. No guaranty of the Constitution of the United States is more sacred than that which extends the equal protection of the law to every citizen. We are this afternoon launching a discussion of a bill that has for its object extending equal protection of the law to all of our people. There are grave questions involved in the bill. That is the reason that much time has been provided by the rule for its consideration. I sincerely hope that in the time allowed for the discussion of this bill it shall receive the calm, dispassionate discussion to which its importance entitles it. This matter should not be disposed of on appeals to passion, on half-stated truths. Much has been said here to the effect that this bill is brought out at this time because of political exigencies that it is alleged confront the administration and the Republican Party in connection with it. Gentlemen, the discussion in opposition to this bill discloses the political advantage that would be taken of a bill that would extend the guaranties of the Constitution to every citizen of the Republic. It has not been my practice, and it is not now my purpose, to discuss sectional matters in our country, but it can not be overlooked at this moment, in the light of the discussion that has taken place in opposition to this bill this afternoon, that there is a section of this country in which a political party has been held together because of the existence of the Negro in the South.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Appeals to the passion of the white people of the South to deny them the right to think upon political questions aside from the relations of the Negro as a citizen——

I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Does the gentleman anticipate that the passage of this bill is likely to remove that political solidarity?

Mr. CAMPBELL of Kansas. Not at all. On the other hand, I concede that the speeches made here this afternoon are but a sample of those that will be delivered from every rostrum in the South in the next and ensuing campaign. Now, I approach the unfair assumption indulged in by the opposition in connection with the necessity for the enactment of this bill into law. It has been assumed in opposition to it that all the lynchings that have occurred have been to avenge the crime of rape.

Let me for a moment, in this connection call attention to what has been unfairly presented in this argument to-day. The governor of Georgia, on the 22d of April of this year presented a report in which he calls attention to the fact that in the past two years in that State 135 cases of violence to the persons of Negroes had taken place. Now, you gentlemen who have made up your mind to discuss this matter upon every stump in the next campaign will say these unlawful mobs that attack the Negroes were protecting the white women of the South. The governor of Georgia says that but two of the 135 cases were cases either of assault or attempted assault upon white women.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from South Carolina.

Mr. BYRNES of South Carolina. Does the gentleman know that after the governor of Georgia made that statement and investigations were made of the alleged cases, that the governor was kept busy apologizing and correcting the errors made in that statement?

Mr. CAMPBELL of Kansas. The apologies are not in his report.

Mr. BYRNES of South Carolina. I will state to the gentleman in fairness that that is the fact; that the governor afterwards apologized for several inaccuracies in his satement enumerating the cases in that report. He issued a public statement.

Mr. CAMPBELL of Kansas. I do not know what the governor of Georgia afterwards stated, but I think it is strange, unusually strange, that gentlemen should assume in this debate before the House of Representatives and the country that rape has been the cause of all the lynchings that have occurred. The governor of Georgia has not apologized for saying, because he enumerated cases giving the date and the circumstances which resulted in the lynching of Negroes over some dispute as to wages between them and their employers, over disputes as to the length of time that they were to work out an account, or as to whether the amount had been worked out. More than half the unlawful attacks upon Negroes reported by the governor of Georgia referred rather to disputes affecting the commercial relations of the Negro with his white neighbor or white employer rather than cases of attempted assault or even of speaking to a white woman. Mr. Speaker, there can be no greater crime than that of rape. It is so abhorrent and so revolting to think of that it is not easy to discuss it at all. Under the law, I can think of no punishment that is equal to it, but it should be punished as other heinous crimes are punished, by due process of the law. The punishment should be swift under the law. It should be as nearly equal to the crime as it is possible to make it, under the law.

There has been growth in the South in stopping lynching. The gentleman from North Carolina [Mr. POU] gave a picture of the horrors that shadow every path in the South that would be trodden by a white woman. Lynchings in 30 years have not apparently wiped out this awful crime. I wish something could wipe it out. The Negroes owe it to themselves to raise the moral growth of all their people above the commission of that crime. Everything should be done to encourage them to respect the moralities of life and the solemnity of the law. I submit to you that the crime of rape, which is the most awful crime that can be committed, can not be atoned for and can not be adequately punished and can not be wiped out by lynching. It has been tried for 30 years. Let us try something else. Let us stop lynching and attempt to wipe out rape by some other methods. Let the white people of the United States set an example of obedience to law and observance of the law and observance of the rights of men everywhere, rich and poor, black and white, wherever they exist. Let them have the equal protection of the law. Then let the colored race and the white race appeal to all to rise above this awful crime that has been committed, though not committed to the extent that the arguments against this bill have assumed.

You place your opposition to the bill upon the idea that lynching is justified in order to avenge the crime of rape, when only 19 per cent of the 3,500 lynchings that have occurred in the United States in the last 30 years have been for the crime of rape.

Mr. BANKHEAD. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield.

Mr. BANKHEAD. I would like to have the benefit of the gentleman's opinion as to why lynchings would be minimized or decreased by the mere conferring on the Federal court the jurisdiction to try men who are charged with them, in view of the fact that the judges are local judges and the men who try these criminals are actuated possibly by the same sentiment on this question that a State jury would be.

Mr. CAMPBELL of Kansas. I am not sure that it would, but we extended under the eighteenth amendment the jurisdiction of the Federal court and the laws of the United States into every State, county, village, and hamlet of the country to prevent the crime of selling liquor, and the gentleman from Alabama was one of the hearty proponents of that constitutional amendment and the law in its support. And I assume it was because he thought, as I thought, that the Federal authority would have a greater deterrent effect in the communities than would the local authorities.

Mr. BANKHEAD. If I thought that, I made a mighty bad guess.

Mr. CAMPBELL of Kansas. In any event, we were together on that thing all the way through. We may have made a mistake.

Mr. UPSHAW. Will the gentleman yield?

Mr. CAMPBELL of Kansas. For a question.

Mr. UPSHAW. I would ask the gentleman——

Mr. CAMPBELL of Kansas. Just for a question.

Mr. UPSHAW. Does not the gentleman recognize, to put it in the form of a question, that this extension of the Federal law into the States followed the adoption of a constitutional amendment? There has not been a constitutional amendment on this question.

Mr. CAMPBELL of Kansas. The fourteenth amendment to the Constitution guarantees to every citizen of this Republic the equal protection of the law.

Mr. COCKRAN. I just want to ask the gentleman this question: If he is entirely accurate in stating that anybody on this side delivered an address, or made a suggestion, defending lynching on any ground or for any reason?

Mr. CAMPBELL of Kansas. No.

Mr. COCKRAN. I thought you said that. I wanted you to have a chance to correct it.

Mr. CAMPBELL of Kansas. No; I said that it was the implication of the argument that the crime of rape was the sole cause of the crime of lynching.

Mr. CONNALLY of Texas. The gentleman was just saying that the fourteenth amendment guaranteed every citizen the equal protection of the law. Does he think he is carrying out that protection when he allows a man to be lynched by four men and does not take jurisdiction of the case, but he does when five men do the lynching?

Mr. CAMPBELL of Kansas. That is a matter that will be discussed under the five-minute rule. [Laughter.]

Mr. KELLEY of Michigan. The gentleman has undoubtedly given the constitutional phase of this question a good deal of attention. I should like to ask directly for his opinion in reference to section 2. It provides that when any State or governmental subdivision fails to protect life that that State or subdivision shall be guilty of a violation of the provision of the Constitution which says that equal protection of the law shall be afforded. Does the gentleman think that a State, acting in perfect good faith and doing everything in its power to enforce the laws when it fails to protect life, transfers its jurisdiction over those crimes to the Federal Government?

Mr. CAMPBELL of Kansas. That is the large question in this case. This is not to be quibbled over, and I am not quibbling over it. And, as I stated in the beginning, the length of time allowed for the discussion of this bill is because of the vastly important questions that are involved in it. We have extended the provisions of the Constitution of the United States with reference to interstate commerce into every section of our country. We can with equal propriety, I think, inquire into not only the right but the duty of extending that provision that guarantees the equal protection of the law into every section of the country.

Mr. LAYTON. Mr. Speaker, will the gentleman answer this question?

Mr. CAMPBELL of Kansas. In one moment. The commerce clause of the Constitution is no more sacred nor binding than the constitutional provision guaranteeing the equal protection of the law.

Now, I yield to the gentleman from Delaware.

Mr. LAYTON. The constitutional provision as to prohibition is admitted. Would you admit that under that constitutional amendment you could penalize a county or two counties in a State because of a bootlegger breaking the law?

Mr. CAMPBELL of Kansas. Oh, no. That is not provided for, and it is not analogous to the pending question.

Mr. BEGG. Mr. Speaker, will the gentleman yield for a question? I am sincere in this.

Mr. CAMPBELL of Kansas. Yes.

Mr. BEGG. I am not sure that I understand the provisions of the bill exactly, but as I understand it, at Cleveland, Ohio, six or eight months ago there was a bank robbed, and the whole citizenship turned out, several hundred, and they killed one of these robbers. If this bill were a law, would it make that county liable to the victim's family for damages to the extent of $10,000?

Mr. CAMPBELL of Kansas. That is a matter that I am not prepared to discuss.

Mr. BEGG. But it is pertinent.

Mr. CAMPBELL of Kansas. It is pertinent, but I say I am not prepared to discuss it at this time. The debate will bring that out, I hope.

Mr. TILLMAN. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I should like to conclude.

Mr. TILLMAN. The fourteenth amendment says no State "shall deprive any person of life, liberty, or property without due process of law."

Mr. CAMPBELL of Kansas. Semicolon; "nor deny"——

Mr. TILLMAN. Yes; "nor deny." Now, the State does the denying.

Mr. CAMPBELL of Kansas. Oh, no.

Mr. TILLMAN. "Nor deny to any person within its jurisdiction equal protection of the laws." Does the gentleman see any distinction between five individuals doing a thing and a State doing or not doing a thing?

Mr. CAMPBELL of Kansas. There is a separation of the clauses there. The sense changes and the purpose changes.

Mr. TILLMAN. Do you assert that the last clause here does not refer to the State but does refer to individuals?

Mr. CAMPBELL of Kansas. The last clause refers to negative rather than to affirmative action of the State.

Mr. TILLMAN. It says, "Nor"——

Mr. CAMPBELL of Kansas. And semicolon.

Mr. TILLMAN. Now, is the gentleman familiar——

Mr. CAMPBELL of Kansas. No; I must proceed and close.

Mr. TILLMAN. Has the gentleman read the opinion of Judge Brewer in One hundred and nineteenth Supreme Court Reports, in the case of James against Bowman, coming up from Kentucky?

Mr. CAMPBELL of Kansas. I do not now recall the decision.

Now, Mr. Speaker, this bill is of serious importance, sufficient to engage the attention of this House. Its discussion should be helpful in arriving at some method of stopping what lynching has not stopped. It should also be helpful in arriving at some method of stopping lynching. The House should at least have the wisdom and judgment to adopt this rule and discuss the question. It should not be side-stepped. And that is the question now before the House. That is the question that you are now called upon to vote upon. Are you willing to put in five or six days in discussing a question that is vital to the whole country? Are you willing to discuss its constitutionality? Are you willing to discuss the wisdom of enacting it into law if it is constitutional?

These are the questions that address themselves to you at this moment. If so, if you are willing to give this measure the discussion, the deliberation, and the consideration that its importance entitles it to, you will vote for the adoption of the rule that provides for its consideration.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from Kansas moves the previous question on the resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. It is quite clear that there is no quorum present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Codd	Harrison	Lee, Ga.
Appleby	Cole, Iowa	Haugen	Lee, N. Y.
Aswell	Collier	Hawes	Lehlbach
Atkeson	Collins	Hawley	Lineberger
Bacharach	Connell	Hayden	Linthicum
Barbour	Connolly, Pa.	Hays	Longworth
Beedy	Coughlin	Himes	McArthur
Benham	Crago	Hooker	McClintic
Bixler	Crisp	Houghton	McDuffie
Blakeney	Cullen	Huddleston	McFadden
Bland, Ind.	Davis, Tenn.	Hudspeth	McLaughlin, Mich.
Blanton	Deal	Hull	McLaughlin, Pa.
Bond	Dempsey	Humphreys	Maloney
Bowling	Denison	Hutchinson	Mansfield
Brand	Dominick	Jacoway	Mead
Brennan	Drane	James	Michaelson
Brinson	Dunn	Jefferis, Nebr.	Michener
Britten	Edmonds	Jeffers, Ala.	Montague
Brooks, Ill.	Fenn	Johnson, Miss.	Moore, Ill.
Brooks, Pa.	Fields	Jones, Tex.	Mudd
Brown, Tenn.	Fish	Kahn	Newton, Mo.
Browne, Wis.	Fisher	Kearns	Nolan
Burke	Free	Kennedy	Norton
Burtness	Freeman	Kincheloe	O'Brien
Campbell, Pa.	Funk	Kindred	O'Connor
Cannon	Gahn	Kitchin	Oldfield
Cantrill	Gallivan	Kline, Pa.	Oliver
Carew	Garner	Knight	Olpp
Carter	Gilbert	Knutson	Osborne
Chandler, N. Y.	Glynn	Kreider	Overstreet
Christopherson	Goldsborough	Kunz	Paige
Clague	Gorman	Langley	Park, Ga.
Clark, Fla.	Gould	Lawrence	Parker, N. Y.
Clarke, N. Y.	Graham, Pa.	Lea, Calif.	Parks, Ark.
Classon	Hardy, Tex.	Leatherwood	Patterson, Mo.
Perkins	Riordan	Smithwick	Tinkham
Perlman	Roach	Snell	Tyson
Peters	Robertson	Snyder	Underhill
Petersen	Rodenberg	Stafford	Voight
Porter	Rosenbloom	Steagall	Walters
Pringey	Rossdale	Stedman	Ward, N. Y.
Purnell	Rouse	Steenerson	Weaver
Radcliffe	Rucker	Stevenson	Webster
Rainey, Ala.	Ryan	Stiness	White, Me.
Rainey, Ill.	Sabath	Sullivan	Williamson
Raker	Sanders, Ind.	Swing	Wingo
Ransley	Sanders, Tex.	Tague	Wise
Rayburn	Sears	Taylor, Ark.	Woods, Va.
Reavis	Shaw	Taylor, Colo.	Woodyard
Reed, W. Va.	Shreve	Taylor, N. J.	Wurzbach
Rhodes	Sisson	Ten Eyck	
Riddick	Slemp	Thomas	

The SPEAKER. Two hundred and twenty-six Members have answered to their names. A quorum is present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. GARRETT of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Tennessee moves that the House do now adjourn.

The question was taken, and on a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 48, noes 153.

Mr. GARRETT of Tennessee. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 68, nays 171, answered "present" 2, not voting 190, as follows:

YEAS—68.

Aswell	Driver	Lyon	Sandlin
Bankhead	Dupré	McSwain	Sisson
Barkley	Favrot	Martin	Smithwick
Black	Fulmer	Moore, Va.	Steagall
Bland, Va.	Garrett, Tenn.	Oldfield	Stoll
Box	Griffin	Oliver	Sumners, Tex.
Briggs	Hammer	Overstreet	Swank
Buchanan	Huddleston	Padgett	Tillman
Bulwinkle	Jacoway	Parks, Ark.	Tyson
Byrnes, S. C.	Jones, Tex.	Parrish	Upshaw
Byrns, Tenn.	Lanham	Pou	Vinson
Carter	Lankford	Quin	Ward, N. C.
Cockran	Larsen, Ga.	Rankin	Weaver
Collins	Lazaro	Rayburn	Wilson
Connally, Tex.	Lee, Ga.	Rouse	Wise
Doughton	Logan	Rucker	Woods, Va.
Drewry	Lowrey	Sanders, Tex.	Wright

NAYS—171.

Ackerman	Fairfield	Kleczka	Rogers
Anderson	Faust	Kline, N. Y.	Rose
Andrew, Mass.	Fess	Kopp	Sanders, N. Y.
Andrews, Nebr.	Fitzgerald	Kraus	Schall
Ansorge	Focht	Lampert	Scott, Mich.
Anthony	Fordney	Larson, Minn.	Scott, Tenn.
Arentz	Foster	Layton	Shelton
Beck	Frear	Little	Siegel
Begg	French	London	Sinclair
Bird	Frothingham	Luce	Sinnott
Boies	Fuller	Luhring	Smith, Idaho
Bowers	Gensman	McCormick	Smith, Mich.
Burdick	Gernerd	McLaughlin, Nebr.	Speaks
Burroughs	Goodykoontz	McPherson	Sproul
Burton	Graham, Ill.	MacGregor	Stephens
Butler	Green, Iowa	Madden	Strong, Kans.
Cable	Greene, Mass.	Magee	Strong, Pa.
Campbell, Kans.	Greene, Vt.	Mann	Summers, Wash.
Campbell, Pa.	Griest	Mapes	Sweet
Chalmers	Hadley	Merritt	Taylor, Tenn.
Chandler, Okla.	Hardy, Colo.	Miller	Temple
Chindblom	Hersey	Mills	Thompson
Clarke, N. Y.	Hickey	Millspaugh	Tilson
Clouse	Hicks	Mondell	Timberlake
Cole, Ohio	Hill	Montoya	Tincher
Colton	Hoch	Moore, Ohio	Towner
Cooper, Ohio	Hogan	Moores, Ind.	Valle
Cooper, Wis.	Hukriede	Morgan	Vare
Copley	Husted	Morin	Vestal
Cramton	Ireland	Mott	Volgt
Crowther	Johnson, Ky.	Mudd	Volstead
Curry	Johnson, S. Dak.	Murphy	Walsh
Dale	Johnson, Wash.	Nelson, A. P.	Wason
Dallinger	Keller	Nelson, J. M.	Watson
Darrow	Kelley, Mich.	Newton, Minn.	White, Kans.
Davis, Minn.	Kelly, Pa.	Ogden	Williams
Dowell	Kendall	Parker, N. J.	Winslow
Dunbar	Ketcham	Patterson, N. J.	Woodruff
Dyer	Kiess	Ramseyer	Wyant
Echols	King	Reece	Yates
Ellis	Kinkaid	Reed, N. Y.	Young
Evans	Kirkpatrick	Ricketts	Zihlman
Fairchild	Kissel	Robsion	

ANSWERED "PRESENT"—2.

Elliott	Treadway

NOT VOTING—190.

Almon	Bixler	Brinson	Cannon
Appleby	Blakeney	Britten	Cantrill
Atkeson	Bland, Ind.	Brooks, Ill.	Carew
Bacharach	Blanton	Brooks, Pa.	Chandler, N. Y.
Barbour	Bond	Brown, Tenn.	Christopherson
Beedy	Bowling	Browne, Wis.	Clague
Bell	Brand	Burke	Clark, Fla.
Benham	Brennan	Burtness	Classon

Codd	Hayden	McLaughlin, Mich.	Rodenberg
Cole, Iowa	Hays	McLaughlin, Pa.	Rosenbloom
Collier	Herrick	Maloney	Rossdale
Connell	Himes	Mansfield	Ryan
Connolly, Pa.	Hooker	Mead	Sabath
Coughlin	Houghton	Michaelson	Sanders, Ind.
Crago	Hudspeth	Michener	Sears
Crisp	Hull	Montague	Shaw
Cullen	Humphreys	Moore, Ill.	Shreve
Davis, Tenn.	Hutchinson	Newton, Mo.	Slemp
Deal	James	Nolan	Snell
Dempsey	Jefferis, Nebr.	Norton	Snyder
Denison	Jeffers, Ala.	O'Brien	Stafford
Dickinson	Johnson, Miss.	O'Connor	Stedman
Dominick	Jones, Pa.	Olpp	Steenerson
Drane	Kahn	Osborne	Stevenson
Dunn	Kearns	Paige	Stiness
Edmonds	Kennedy	Park, Ga.	Sullivan
Fenn	Kincheloe	Parker, N. Y.	Swing
Fields	Kindred	Patterson, Mo.	Tague
Fish	Kitchin	Perkins	Taylor, Ark.
Fisher	Kline, Pa.	Perlman	Taylor, Colo.
Free	Knight	Peters	Taylor, N. J.
Freeman	Knutson	Petersen	Ten Eyck
Funk	Kreider	Porter	Thomas
Gahn	Kunz	Pringey	Tinkham
Gallivan	Langley	Purnell	Underhill
Garner	Lawrence	Radcliffe	Volk
Garrett, Tex.	Lea, Calif.	Rainey, Ala.	Walters
Gilbert	Leatherwood	Rainey, Ill.	Ward, N. Y.
Glynn	Lee, N. Y.	Raker	Webster
Goldsborough	Lehlbach	Ransley	Wheeler
Gorman	Lineberger	Reavis	White, Me.
Gould	Linthicum	Reber	Williamson
Graham, Pa.	Longworth	Reed, W. Va.	Wingo
Hardy, Tex.	McArthur	Rhodes	Wood, Ind.
Harrison	McClintic	Riddick	Woodyard
Haugen	McDuffie	Riordan	Wurzbach
Hawes	McFadden	Roach	
Hawley	McKenzie	Robertson	

So the motion to adjourn was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. TREADWAY with Mr. COLLIER.

Mr. ELLIOTT with Mr. BOLLING.

Mr. KENNEDY with Mr. TAGUE.

Mr. CANNON with Mr. BELL.

Mr. GORMAN with Mr. CRISP.

Mr. REBER with Mr. JEFFERS of Alabama.

Miss ROBERTSON with Mr. GARRETT of Texas.

Mr. WHEELER with Mr. PARK of Georgia.

Mr. WHITE of Maine with Mr. STEDMAN.

Mr. WOOD of Indiana with Mr. STEVENSON.

Mr. EDMONDS with Mr. WINGO.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion of the gentleman from Kansas [Mr. CAMPBELL] for the previous question.

The question being taken, on a division (demanded by Mr. GARRETT of Tennessee), there were—ayes 157, noes 75.

Mr. GARRETT of Tennessee. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. CAMPBELL of Kansas and Mr. GARRETT of Tennessee were appointed to act as tellers.

The House again divided and the tellers reported—ayes 127, noes 50.

Mr. GARRETT of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 169, nays 37, answered "present" 5, not voting 221, as follows:

YEAS—169.

Anderson	Davis, Minn.	Hill	McLaughlin, Pa.
Andrew, Mass.	Dowell	Hoch	McPherson
Andrews, Nebr.	Dunbar	Hogan	MacGregor
Ansorge	Dyer	Hukriede	Madden
Anthony	Echols	Husted	Magee
Arentz	Ellis	Ireland	Mann
Beck	Evans	Johnson, Ky.	Mapes
Begg	Fairchild	Johnson, S. Dak.	Merritt
Benham	Fairfield	Johnson, Wash.	Miller
Bird	Faust	Keller	Mills
Boles	Fess	Kelley, Mich.	Millspaugh
Bowers	Fitzgerald	Kelly, Pa.	Montoya
Burdick	Focht	Kendall	Moore, Ohio
Burroughs	Fordney	Ketcham	Moores, Ind.
Burton	Foster	Kiess	Morgan
Butler	French	King	Morin
Cable	Frothingham	Kinkaid	Mott
Campbell, Kans.	Fuller	Kirkpatrick	Mudd
Campbell, Pa.	Gensman	Kissel	Murphy
Chalmers	Gernerd	Kleczka	Nelson, A. P.
Chandler, Okla.	Goodykoontz	Kline, N. Y.	Newton, Minn.
Chindblom	Graham, Ill.	Kline, Pa.	Ogden
Clouse	Green, Iowa	Kopp	Parker, N. J.
Cole, Ohio	Greene, Mass.	Kraus	Patterson, N. J.
Cooper, Ohio	Greene, Vt.	Larson, Minn.	Ramseyer
Cramton	Griest	Little	Reece
Crowther	Hadley	London	Reed, N. Y.
Curry	Hardy, Colo.	Luce	Reed, W. Va.
Dale	Hersey	Luhring	Ricketts
Dallinger	Hickey	McCormick	Robsion
Darrow	Hicks	McLaughlin, Nebr.	Rogers
Rose	Sproul	Tincher	Williams
Sanders, N. Y.	Steenerson	Towner	Winslow
Schall	Stephens	Vaile	Wood, Ind.
Scott, Mich.	Strong, Kans.	Vare	Woodruff
Scott, Tenn.	Strong, Pa.	Vestal	Wyant
Shelton	Summers, Wash.	Voigt	Yates
Siegel	Sweet	Volstead	Young
Sinclair	Taylor, Tenn.	Walsh	Zihlman
Sinnott	Temple	Wason	The Speaker
Smith, Idaho	Thompson	Watson	
Smith, Mich.	Tilson	Wheeler	
Speaks	Timberlake	White, Kans.	

NAYS—37.

Black	Garrett, Tex.	Overstreet	Swank
Bland, Va.	Huddleston	Parks, Ark.	Tillman
Box	Jacoway	Parrish	Vinson
Briggs	Jones, Tex.	Pou	Weaver
Bulwinkle	Lanham	Quin	Wilson
Byrns, Tenn.	Lankford	Rouse	Wise
Carter	Lee, Ga.	Sanders, Tex.	Woods, Va.
Doughton	Logan	Sandlin	
Driver	Lowrey	Smithwick	
Garrett, Tenn.	Lyon	Sumners, Tex.	

ANSWERED "PRESENT"—5.

Elliott	Mondell	Park, Ga.	Treadway
Herrick			

NOT VOTING—221.

Ackerman	Denison	Kreider	Rankin
Almon	Dickinson	Kunz	Ransley
Appleby	Dominick	Lampert	Rayburn
Aswell	Drane	Langley	Reavis
Atkeson	Drewry	Larsen, Ga.	Reber
Bacharach	Dunn	Lawrence	Rhodes
Bankhead	Dupré	Layton	Riddick
Barbour	Edmonds	Lazaro	Riordan
Barkley	Favrot	Lea, Calif.	Roach
Beedy	Fenn	Leatherwood	Robertson
Bell	Fields	Lee, N. Y.	Rodenberg
Bixler	Fish	Lehlbach	Rosenbloom
Blakeney	Fisher	Lineberger	Rossdale
Bland, Ind.	Frear	Linthicum	Rucker
Blanton	Free	Longworth	Ryan
Bond	Freeman	McArthur	Sabath
Bowling	Fulmer	McClintic	Sanders, Ind.
Brand	Funk	McDuffie	Sears
Brennan	Gahn	McFadden	Shaw
Brinson	Gallivan	McKenzie	Shreve
Britten	Garner	McLaughlin, Mich.	Sisson
Brooks, Ill.	Gilbert	McSwain	Slemp
Brooks, Pa.	Glynn	Maloney	Snell
Brown, Tenn.	Goldsborough	Mansfield	Snyder
Browne, Wis.	Gorman	Martin	Stafford
Buchanan	Gould	Mead	Steagall
Burke	Graham, Pa.	Michaelson	Stedman
Burtness	Griffin	Michener	Stevenson
Byrnes, S. C.	Hammer	Montague	Stiness
Cannon	Hardy, Tex.	Moore, Ill.	Stoll
Cantrill	Harrison	Moore, Va.	Sullivan
Carew	Haugen	Nelson, J. M.	Swing
Chandler, N. Y.	Hawes	Newton, Mo.	Tague
Christopherson	Hawley	Nolan	Taylor, Ark.
Clague	Hayden	Norton	Taylor, Colo.
Clark, Fla.	Hays	O'Brien	Taylor, N. J.
Clarke, N. Y.	Himes	O'Connor	Ten Eyck
Classon	Hooker	Oldfield	Thomas
Cockran	Houghton	Oliver	Tinkham
Codd	Hudspeth	Olpp	Tyson
Cole, Iowa	Hull	Osborne	Underhill
Collier	Humphreys	Padgett	Upshaw
Collins	Hutchinson	Paige	Volk
Colton	James	Parker, N. Y.	Walters
Connally, Tex.	Jefferis, Nebr.	Patterson, Mo.	Ward, N. Y.
Connell	Jeffers, Ala.	Perkins	Ward, N. C.
Connolly, Pa.	Johnson, Miss.	Perlman	Webster
Cooper, Wis.	Jones, Pa.	Peters	White, Me.
Copley	Kahn	Petersen	Williamson
Coughlin	Kearns	Porter	Wingo
Crago	Kennedy	Pringey	Woodyard
Crisp	Kincheloe	Purnell	Wright
Cullen	Kindred	Radcliffe	Wurzbach
Davis, Tenn.	Kitchin	Rainey, Ala.	
Deal	Knight	Rainey, Ill.	
Dempsey	Knutson	Raker	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of the Speaker and he answered "Yea."

The SPEAKER. On this vote the yeas 169, the nays 37, and present 5—211 Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Chair will issue his warrant to the Sergeant at Arms to bring in the absent Members. The Clerk will call the roll.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. Is the vote now to be taken again upon ordering the previous question?

The SPEAKER. It is. The question is on ordering the previous question.

The question was taken; and there were—yeas 171, nays 42, answered "present" 4, not voting 215, as follows:

YEAS—171.

Anderson	Ansorge	Beck	Boles
Andrew, Mass.	Anthony	Begg	Bowers
Andrews, Nebr.	Arentz	Bird	Burdick

Burroughs	Graham, Ill.	McLaughlin, Pa.	Siegel
Burton	Green, Iowa	McPherson	Sinclair
Butler	Greene, Mass.	MacGregor	Sinnott
Cable	Greene, Vt.	Madden	Smith, Idaho
Campbell, Kans.	Griest	Magee	Smith, Mich.
Campbell, Pa.	Hadley	Mann	Speaks
Chalmers	Hardy, Colo.	Mapes	Sproul
Chandler, Okla.	Hawley	Merritt	Steenerson
Chindblom	Hersey	Miller	Stephens
Clouse	Hickey	Mills	Strong, Kans.
Cole, Ohio	Hicks	Millspaugh	Strong, Pa.
Cooper, Ohio	Hill	Mondell	Summers, Wash.
Cramton	Hoch	Montoya	Sweet
Crowther	Hogan	Moore, Ohio	Taylor, Tenn.
Curry	Hukriede	Moores, Ind.	Temple
Dale	Husted	Morgan	Thompson
Dallinger	Ireland	Morin	Tilson
Darrow	Johnson, Ky.	Mott	Timberlake
Davis, Minn.	Johnson, S. Dak.	Mudd	Tincher
Dempsey	Johnson, Wash.	Murphy	Towner
Dowell	Keller	Nelson, A. P.	Vaile
Dunbar	Kelly, Pa.	Newton, Minn.	Vare
Dyer	Kendall	Ogden	Vestal
Echols	Ketcham	Parker, N. J.	Voigt
Ellis	Kiess	Patterson, N. J.	Volstead
Evans	King	Porter	Walsh
Fairchild	Kinkaid	Ramseyer	Wason
Fairfield	Kirkpatrick	Reece	Watson
Faust	Kissel	Reed, N. Y.	Wheeler
Fess	Kleczka	Reed, W. Va.	White, Kans.
Fitzgerald	Kline, N. Y.	Ricketts	Williams
Focht	Kopp	Robertson	Winslow
Fordney	Kraus	Robsion	Wood, Ind.
Foster	Larson, Minn.	Rogers	Woodruff
French	Little	Rose	Wyant
Frothingham	London	Sanders, N. Y.	Yates
Fuller	Luce	Schall	Young
Gensman	Lubring	Scott, Mich.	Zihlman
Gernerd	McCormick	Scott, Tenn.	The Speaker
Goodykoontz	McLaughlin, Nebr.	Shelton	

NAYS—42.

Bankhead	Garrett, Tex.	Lowrey	Sumners, Tex.
Barkley	Griffin	McSwain	Swank
Black	Huddleston	Oldfield	Ten Eyck
Box	Jacoway	Overstreet	Upshaw
Briggs	Jeffers, Ala.	Park, Ga.	Vinson
Bulwinkle	Jones, Tex.	Parrish	Weaver
Byrns, Tenn.	Lanham	Pou	Wilson
Carter	Lankford	Quin	Wise
Doughton	Larsen, Ga.	Rouse	Woods, Va.
Driver	Lee, Ga.	Sandlin	
Garrett, Tenn.	Logan	Smithwick	

ANSWERED "PRESENT"—4.

Elliott	Herrick	Langley	Treadway

NOT VOTING—215.

Ackerman	Deal	Knight	Raker
Almon	Denison	Knutson	Rankin
Appleby	Dickinson	Kreider	Ransley
Aswell	Dominick	Kunz	Rayburn
Atkeson	Drane	Lampert	Reavis
Bacharach	Drewry	Lawrence	Reber
Barbour	Dunn	Layton	Rhodes
Beedy	Dupré	Lazaro	Riddick
Bell	Edmonds	Lea, Calif.	Riordan
Benham	Favrot	Leatherwood	Roach
Bixler	Fenn	Lee, N. Y.	Rodenberg
Blakeney	Fields	Lehlbach	Rosenbloom
Bland, Ind.	Fish	Lineberger	Rossdale
Bland, Va.	Fisher	Linthicum	Rucker
Blanton	Frear	Longworth	Ryan
Bond	Free	Lyon	Sabath
Bowling	Freeman	McArthur	Sanders, Ind.
Brand	Fulmer	McClintic	Sanders, Tex.
Brennan	Funk	McDuffie	Sears
Brinson	Gahn	McFadden	Shaw
Britten	Gallivan	McKenzie	Shreve
Brooks, Ill.	Garner	McLaughlin, Mich.	Sisson
Brooks, Pa.	Gilbert	Maloney	Slemp
Brown, Tenn.	Glynn	Mansfield	Snell
Browne, Wis.	Goldsborough	Martin	Snyder
Buchanan	Gorman	Mead	Stafford
Burke	Gould	Michaelson	Steagall
Burtness	Graham, Pa.	Michener	Stedman
Byrnes, S. C.	Hammer	Montague	Stevenson
Cannon	Hardy, Tex.	Moore, Ill.	Stiness
Cantrill	Harrison	Moore, Va.	Stoll
Carew	Haugen	Nelson, J. M.	Sullivan
Chandler, N. Y.	Hawes	Newton, Mo.	Swing
Christopherson	Hayden	Nolan	Tague
Clague	Hays	Norton	Taylor, Ark.
Clark, Fla.	Himes	O'Brien	Taylor, Colo.
Clarke, N. Y.	Hooker	O'Connor	Taylor, N. J.
Classon	Houghton	Oliver	Thomas
Cockran	Hudspeth	Olpp	Tillman
Codd	Hull	Osborne	Tinkham
Cole, Iowa	Humphreys	Padgett	Tyson
Collier	Hutchinson	Paige	Underhill
Collins	James	Parker, N. Y.	Volk
Colton	Jefferis, Nebr.	Parks, Ark.	Walters
Connally, Tex.	Johnson, Miss.	Patterson, Mo.	Ward, N. Y.
Connell	Jones, Pa.	Perkins	Ward, N. C.
Connolly, Pa.	Kahn	Perlman	Webster
Cooper, Wis.	Kearns	Peters	White, Me.
Copley	Kelley, Mich.	Petersen	Williamson
Coughlin	Kennedy	Pringey	Wingo
Crago	Kincheloe	Purnell	Woodyard
Crisp	Kindred	Radcliffe	Wright
Cullen	Kitchin	Rainey, Ala.	Wurzbach
Davis, Tenn.	Kline, Pa.	Rainey, Ill.	

The Clerk announced the following additional pairs:

On the vote:

Mr. CANNON (for) with Mr. DEAL (against).

Mr. CHANDLER of New York (for) with Mr. FIELDS (against).

Mr. LANGLEY (for) with Mr. CLARK of Florida (against).

Mr. ELLIOTT (for) with Mr. BOWLING (against).

Mr. BARBOUR (for) with Mr. KINCHELOE (against).

Mr. OSBORNE (for) with Mr. MCDUFFIE (against).

Mr. FREE (for) with Mr. MONTAGUE (against).

Mr. MOORE of Illinois (for) with Mr. ALMON (against).

Mr. EDMONDS (for) with Mr. HARDY of Texas (against).

Mr. RODENBERG (for) with Mr. RUCKER (against).

Mr. KAHN (for) with Mr. GOLDSBOROUGH (against).

Mr. NEWTON of Missouri (for) with Mr. DRANE (against).

Mr. PATTERSON of Missouri (for) with Mr. TAYLOR of Arkansas (against).

Mr. JEFFERIS of Nebraska (for) with Mr. BROWN of Tennessee (against).

Mr. CULLEN (for) with Mr. RAINEY of Illinois (against).

Mr. LEATHERWOOD (for) with Mr. BRINSON (against).

Mr. HUTCHINSON (for) with Mr. HAMMER (against).

Mr. ROSENBLOOM (for) with Mr. MANSFIELD (against).

Mr. MALONEY (for) with Mr. MARTIN (against).

Mr. KEARNS (for) with Mr. JOHNSON of Mississippi (against).

Mr. TAYLOR of New Jersey (for) with Mr. BRAND (against).

Mr. KUNZ (for) with Mr. FAVROT (against).

Mr. NORTON (for) with Mr. WRIGHT (against).

Mr. BLAND of Indiana (for) with Mr. THOMAS (against).

Mr. FISH (for) with Mr. DOMINICK (against).

Mr. FUNK (for) with Mr. HAYDEN (against).

Mr. ROACH (for) with Mr. SANDERS of Texas (against).

Mr. BRENNAN (for) with Mr. HUDSPETH (against).

Mr. TREADWAY (for) with Mr. COLLIER (against).

Mr. RHODES (for) with Mr. SEARS (against).

Mr. DENISON (for) with Mr. DAVIS of Tennessee (against).

Mr. APPLEBY (for) with Mr. FISHER (against).

Mr. LINEBERGER (for) with Mr. KITCHIN (against).

Mr. WOODYARD (for) with Mr. ASWELL (against).

Mr. COLE of Iowa (for) with Mr. RAYBURN (against).

Mr. PERLMAN (for) with Mr. LAZARO (against).

Mr. KNIGHT (for) with Mr. BANKHEAD (against).

Mr. SHREVE (for) with Mr. HARRISON (against).

Mr. GAHN (for) with Mr. SISSON (against).

Mr. DUNN (for) with Mr. GARNER (against).

Mr. CLARKE of New York (for) with Mr. BELL (against).

Mr. KENNEDY (for) with Mr. TILLMAN (against).

Mr. MCARTHUR (for) with Mr. WINGO (against).

Mr. TAGUE (for) with Mr. STEAGALL (against).

Mr. ACKERMAN (for) with Mr. HOOKER (against).

Mr. MICHENER (for) with Mr. BYRNES of South Carolina (against).

Mr. HULL (for) with Mr. STOLL (against).

Mr. PAIGE (for) with Mr. CANTRILL (against).

Mr. MCFADDEN (for) with Mr. MCCLINTIC (against).

Mr. GRAHAM of Pennsylvania (for) with Mr. STEVENSON (against).

Mr. BURKE (for) with Mr. DUPRÉ (against).

Mr. BACHARACH (for) with Mr. DREWRY (against).

Mr. LAWRENCE (for) with Mr. STEDMAN (against).

Mr. RADCLIFFE (for) with Mr. RANKIN (against).

Mr. FREAR (for) with Mr. TYSON (against).

Mr. CHRISTOPHERSON (for) with Mr. SMITHWICK (against).

Mr. BRITTEN (for) with Mr. CRISP (against).

Mr. JONES of Pennsylvania (for) with Mr. BUCHANAN (against).

Mr. PARKER of New York (for) with Mr. PADGETT (against).

Mr. DICKINSON (for) with Mr. MOORE of Virginia (against).

Mr. CONNELL (for) with Mr. BLAND of Virginia (against).

Mr. BENHAM (for) with Mr. CONNALLY of Texas (against).

Mr. LEHLBACH (for) with Mr. LINTHICUM (against).

Mr. SANDERS of Indiana (for) with Mr. PARKS of Arkansas (against).

Mr. SNELL (for) with Mr. OLIVER (against).

Mr. WHITE of Maine (for) with Mr. HUMPHREYS (against).

Mr. TINKHAM (for) with Mr. LYON (against).

Mr. SNYDER (for) with Mr. COLLINS (against).

Mr. MCLAUGHLIN of Michigan (for) with Mr. FULMER (against).

Mr. HOGAN (for) with Mr. GILBERT (against).

Mr. BROOKS of Pennsylvania (for) with Mr. RAINEY of Alabama (against).

Mr. KNUTSON (for) with Mr. WARD of North Carolina (against).

General pairs:

Mr. KELLEY of Michigan with Mr. CAREW.

Mr. BROWNE of Wisconsin with Mr. RAKER.
Mr. PURNELL with Mr. SULLIVAN.
Mr. VOLK with Mr. O'BRIEN.
Mr. BROOKS of Illinois with Mr. MEAD.
Mr. REBER with Mr. COCKRAN.
Mr. NOLAN with Mr. KINDRED.
Mr. CONNOLLY of Pennsylvania with Mr. HAWES.
Mr. FENN with Mr. GALLIVAN.
Mr. GORMAN with Mr. RIORDAN.
Mr. BURTNESS with Mr. BLANTON.
Mr. ATKESON with Mr. LEA of California.
Mr. OLPP with Mr. SABATH.
Mr. REAVIS with Mr. TAYLOR of Colorado.

Mr. GARRETT of Tennessee. Mr. Speaker, I wish to make an inquiry. Is this a de novo vote?

The SPEAKER. It is an automatic vote on no quorum.

Mr. GARRETT of Tennessee. That is to say, the number now voting will not be added to the number voting on the former roll call?

The SPEAKER. Oh, no; it is a new vote.

Mr. REED of New York. Mr. Speaker, I notice I am paired with somebody. I was not supposed to be paired until to-morrow, and I desire to do whatever is necessary to correct the situation. It is not only true on this roll call but apparently on several others, and I desire to vote.

The SPEAKER. The pair can be recalled.

Mr. REED of New York. I would like to have the pair recalled until to-morrow and vote "aye."

The name of Mr. REED of New York was called, and he voted "aye."

The SPEAKER. Call my name.

The name of the Speaker was called, and he voted "aye."

Mr. LANGLEY. Mr. Speaker, I have a general pair with the gentleman from Florida, Mr. CLARK, who is unavoidably absent, and I desire to withdraw my vote of "aye" and answer "present."

The name of Mr. LANGLEY was called, and he answered "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. GARRETT of Tennessee. Division, Mr. Speaker.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask for the yeas and nays. I withdraw the demand for the yeas and nays.

Mr. GARRETT of Tennessee. Mr. Speaker, I renew the demand.

Mr. TILSON. Mr. Speaker, I make the point of no quorum. I withdraw the point.

The SPEAKER. Twenty-eight gentlemen have risen to demand the yeas and nays, not a sufficient number.

Mr. GARRETT of Tennessee. Mr. Speaker, has the Chair announced the vote on the resolution?

The SPEAKER. The Chair has not.

Mr. GARRETT of Tennessee. There was a division?

The SPEAKER. No; the division was demanded and the yeas and nays were demanded. The Chair announced the yeas had it, and then a division was demanded and the yeas and nays were demanded. Now, the yeas and nays have been refused.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

The House divided: and there were—ayes 143, noes 29.

Mr. GARRETT of Tennessee. Mr. Speaker, I challenge the vote because no quorum is present or voted, and I make the point of order there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and seventy-seven Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 170, nays 42, answered "present" 5, not voting 215, as follows:

YEAS—170.

Anderson	Cable	Davis, Minn.	Fordney
Andrew, Mass.	Campbell, Kans.	Dempsey	Foster
Andrews, Nebr.	Campbell, Pa.	Dowell	French
Ansorge	Chalmers	Dunbar	Frothingham
Arentz	Chandler, Okla.	Dyer	Fuller
Beck	Chindblom	Echols	Gensman
Begg	Clouse	Ellis	Gernerd
Bird	Cole, Ohio	Evans	Goodykoontz
Boies	Cooper, Ohio	Fairchild	Graham, Ill.
Bowers	Cramton	Fairfield	Green, Iowa
Burdick	Crowther	Faust	Greene, Mass.
Burroughs	Curry	Fess	Griest
Burton	Dallinger	Fitzgerald	Griffin
Butler	Darrow	Focht	Had'cy
Hardy, Colo.	London	Parker, N. J.	Sweet
Hawley	Luce	Patterson, N. J.	Taylor, Tenn.
Herrick	Luhring	Porter	Temple
Hickey	McCormick	Ramseyer	Thompson
Hicks	McLaughlin, Mich.	Reece	Tilson
Hill	McLaughlin, Nebr.	Reed, N. Y.	Timberlake
Hoch	McLaughlin, Pa.	Reed, W. Va.	Tincher
Hogan	McPherson	Ricketts	Towner
Hukriede	MacGregor	Robertson	Vaile
Husted	Madden	Robsion	Vare
Ireland	Magee	Rogers	Vestal
Johnson, Ky.	Mann	Rose	Voigt
Johnson, S. Dak.	Mapes	Sanders, N. Y.	Volstead
Johnson, Wash.	Merritt	Schall	Walsh
Keller	Miller	Scott, Mich.	Wason
Kelly, Pa.	Mills	Scott, Tenn.	Watson
Kendall	Millspaugh	Shelton	Wheeler
Ketcham	Mondell	Siegel	White, Kans.
Kiess	Montoya	Sinclair	Williams
King	Moore, Ohio	Sinnott	Winslow
Kinkaid	Moores, Ind.	Smith, Idaho	Wood, Ind.
Kirkpatrick	Morgan	Smith, Mich.	Woodruff
Kissel	Morin	Speaks	Wyant
Kleczka	Mott	Sproul	Yates
Kline, N. Y.	Mudd	Steenerson	Young
Kopp	Murphy	Stephens	Zihlman
Kraus	Nelson, A. P.	Strong, Kans.	The Speaker
Larson, Minn.	Newton, Minn.	Strong, Pa.	
Little	Ogden	Summers, Wash.	

NAYS—42.

Bankhead	Garrett, Tenn.	Oldfield	Swank
Barkley	Garrett, Tex.	Park, Ga.	Tillman
Black	Huddleston	Parks, Ark.	Upshaw
Box	Jacoway	Parrish	Vinson
Briggs	Jones, Tex.	Quin	Weaver
Bulwinkle	Lanham	Rayburn	Wilson
Byrns, Tenn.	Lankford	Rouse	Wingo
Collins	Larsen, Ga.	Sandlin	Wise
Connally, Tex.	Lazaro	Sisson	Wright
Doughton	Lowrey	Smithwick	
Driver	McSwain	Sumners, Tex.	

ANSWERED "PRESENT"—5.

Dale	Greene, Vt.	Langley	Treadway
Elliott			

NOT VOTING—215.

Ackerman	Deal	Kitchin	Radcliffe
Almon	Denison	Kline, Pa.	Rainey, Ala.
Anthony	Dickinson	Knight	Rainey, Ill.
Appleby	Dominick	Knutson	Raker
Aswell	Drane	Kreider	Rankin
Atkeson	Drewry	Kunz	Ransley
Bacharach	Dunn	Lampert	Reavis
Barbour	Dupré	Lawrence	Reber
Beedy	Edmonds	Layton	Rhodes
Bell	Favrot	Lea, Calif.	Riddick
Benham	Fenn	Leatherwood	Riordan
Bixler	Fields	Lee, Ga.	Roach
Blakeney	Fish	Lee, N. Y.	Rodenberg
Bland, Ind.	Fisher	Lehlbach	Rosenbloom
Bland, Va.	Frear	Lineberger	Rossdale
Blanton	Free	Linthicum	Rucker
Bond	Freeman	Logan	Ryan
Bowling	Fulmer	Longworth	Sabath
Brand	Funk	Lyon	Sanders, Ind.
Brennan	Gahn	McArthur	Sanders, Tex.
Brinson	Gallivan	McClintic	Sears
Britten	Garner	McDuffie	Shaw
Brooks, Ill.	Gilbert	McFadden	Shreve
Brooks, Pa.	Glynn	McKenzie	Slemp
Brown, Tenn.	Goldsborough	Maloney	Snell
Browne, Wis.	Gorman	Mansfield	Snyder
Buchanan	Gould	Martin	Stafford
Burke	Graham, Pa.	Mead	Steagall
Burtness	Hammer	Michaelson	Stedman
Byrnes, S. C.	Hardy, Tex.	Michener	Stevenson
Cannon	Harrison	Montague	Stiness
Cantrill	Haugen	Moore, Ill.	Stoll
Carew	Hawes	Moore, Va.	Sullivan
Carter	Hayden	Nelson, J. M.	Swing
Chandler, N. Y.	Hays	Newton, Mo.	Tague
Christopherson	Hersey	Nolan	Taylor, Ark.
Clague	Himes	Norton	Taylor, Colo.
Clark, Fla.	Hooker	O'Brien	Taylor, N. J.
Clarke, N. Y.	Houghton	O'Connor	Ten Eyck
Classon	Hudspeth	Oliver	Thomas
Cockran	Hull	Olpp	Tinkham
Codd	Humphreys	Osborne	Tyson
Cole, Iowa	Hutchinson	Overstreet	Underhill
Collier	James	Padgett	Volk
Colton	Jefferis, Nebr.	Paige	Walters
Connell	Jeffers, Ala.	Parker, N. Y.	Ward, N. Y.
Connolly, Pa.	Johnson, Miss.	Patterson, Mo.	Ward, N. C.
Cooper, Wis.	Jones, Pa.	Perkins	Webster
Copley	Kahn	Perlman	White, Me.
Coughlin	Kearns	Peters	Williamson
Crago	Kelley, Mich.	Petersen	Woods, Va.
Crisp	Kennedy	Pou	Woodyard
Cullen	Kincheloe	Pringey	Wurzbach
Davis, Tenn.	Kindred	Purnell	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of the Speaker, and he answered "yea."

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. CANNON (for) with Mr. DEAL (against).

Mr. CHANDLER of New York (for) with Mr. FIELDS (against).

Mr. LANGLEY (for) with Mr. CLARK of Florida (against).

Mr. ELLIOTT (for) with Mr. BOWLING (against).
Mr. BARBOUR (for) with Mr. KINCHELOE (against).
Mr. OSBORNE (for) with Mr. MCDUFFIE (against).
Mr. FREE (for) with Mr. MONTAGUE (against).
Mr. MOORE of Illinois (for) with Mr. ALMON (against).
Mr. EDMONDS (for) with Mr. HARDY of Texas (against).
Mr. RODENBERG (for) with Mr. RUCKER (against).
Mr. KAHN (for) with Mr. GOLDSBOROUGH (against).
Mr. NEWTON of Missouri (for) with Mr. DRANE (against).
Mr. PATTERSON of Missouri (for) with Mr. TAYLOR of Arkansas (against).
Mr. JEFFERIS of Nebraska (for) with Mr. BROWN of Tennessee (against).
Mr. CULLEN (for) with Mr. RAINEY of Illinois (against).
Mr. LEATHERWOOD (for) with Mr. BRINSON (against).
Mr. HUTCHINSON (for) with Mr. HAMMER (against).
Mr. ROSENBLOOM (for) with Mr. MANSFIELD (against).
Mr. MALONEY (for) with Mr. MARTIN (against).
Mr. KEARNS (for) with Mr. JOHNSON of Mississippi (against).
Mr. TAYLOR of New Jersey (for) with Mr. BRAND (against).
Mr. KUNZ (for) with Mr. FAVROT (against).
Mr. BLAND of Indiana (for) with Mr. THOMAS (against).
Mr. FISH (for) with Mr. DOMINICK (against).
Mr. FUNK (for) with Mr. HAYDEN (against).
Mr. ROACH (for) with Mr. SANDERS of Texas (against).
Mr. BRENNAN (for) with Mr. HUDSPETH (against).
Mr. TREADWAY (for) with Mr. COLLIER (against).
Mr. RHODES (for) with Mr. SEARS (against).
Mr. DENISON (for) with Mr. DAVIS of Tennessee (against).
Mr. APPLEBY (for) with Mr. FISHER (against).
Mr. LINEBERGER (for) with Mr. KITCHIN (against).
Mr. WOODYARD (for) with Mr. ASWELL (against).
Mr. COLE of Iowa (for) with Mr. RAYBURN (against).
Mr. PERLMAN (for) with Mr. OVERSTREET (against).
Mr. KNIGHT (for) with Mr. JEFFERS of Alabama (against).
Mr. SHREVE (for) with Mr. HARRISON (against).
Mr. GAHN (for) with Mr. POU (against).
Mr. DUNN (for) with Mr. GARNER (against).
Mr. CLARKE of New York (for) with Mr. BELL (against).
Mr. KENNEDY (for) with Mr. TILLMAN (against).
Mr. MCARTHUR (for) with Mr. WOODS of Virginia (against).
Mr. TAGUE (for) with Mr. STEAGALL (against).
Mr. ACKERMAN (for) with Mr. HOOKER (against).
Mr. MICHENER (for) with Mr. BYRNES of South Carolina (against).
Mr. HULL (for) with Mr. STOLL (against).
Mr. PAIGE (for) with Mr. CANTRILL (against).
Mr. MCFADDEN (for) with Mr. MCCLINTIC (against).
Mr. GRAHAM of Pennsylvania (for) with Mr. STEVENSON (against).
Mr. BURKE of Pennsylvania (for) with Mr. DUPRÉ (against).
Mr. BACHARACH (for) with Mr. DREWRY (against)
Mr. LAWRENCE (for) with Mr. STEDMAN (against).
Mr. RADCLIFFE (for) with Mr. RANKIN (against).
Mr. FREAR (for) with Mr. TYSON (against).
Mr. CHRISTOPHERSON (for) with Mr. SMITHWICK (against).
Mr. RYAN (for) with Mr. CRISP (against).
Mr. JONES of Pennsylvania (for) with Mr. BUCHANAN (against).
Mr. PARKER of New York (for) with Mr. PADGETT (against).
Mr. DICKINSON (for) with Mr. MOORE of Virginia (against).
Mr. CONNELL (for) with Mr. BLAND of Virginia (against).
Mr. BENHAM (for) with Mr. LOGAN (against).
Mr. LEHLBACH (for) with Mr. LINTHICUM (against).
Mr. SANDERS of Indiana (for) with Mr. PARKS of Arkansas (against).
Mr. SNELL (for) with Mr. OLIVER (against).
Mr. WHITE of Maine (for) with Mr. HUMPHREYS (against).
Mr. TINKHAM (for) with Mr. LYON (against).
Mr. SNYDER (for) with Mr. LEE of Georgia (against).
Mr. NORTON (for) with Mr. FULMER (against).
Mr. HOGAN (for) with Mr. GILBERT (against).
Mr. BROOKS of Pennsylvania (for) with Mr. RAINEY of Alabama (against).

Until further notice:
Mr. KELLEY of Michigan with Mr. CAREW.
Mr. BROWNE of Wisconsin with Mr. RAKER.
Mr. PURNELL with Mr. SULLIVAN.
Mr. VOLK with Mr. O'BRIEN.
Mr. BROOKS of Illinois with Mr. MEAD.
Mr. REBER with Mr. COCKRAN.
Mr. NOLAN with Mr. KINDRED.
Mr. CONNOLLY of Pennsylvania with Mr. HAWES.
Mr. FENN with Mr. GALLIVAN.
Mr. GORMAN with Mr. RIORDAN.
Mr. BURTNESS with Mr. BLANTON.
Mr. ATKESON with Mr. TEN EYCK.
Mr. HULL with Mr. LEA of California.
Mr. OLPP with Mr. SABATH.
Mr. WALTERS with Mr. TAYLOR of Colorado.

Mr. LANGLEY. Mr. Speaker, I voted "yea" on this last roll call, and I also voted "yea" on the previous roll call. I have a pair with the gentleman from Florida, Mr. CLARK. I want to change my vote to "present" on this roll call, and I desire to ask the Speaker whether I can do the same on the previous roll call?

The SPEAKER. The gentleman can not.

Mr. LANGLEY. I ask unanimous consent that I may change my vote to "present" on the last roll call.

Mr. WALSH. The gentleman can not do that by unanimous consent.

Mr. LANGLEY. I am informed that I did get consent and did change it.

The SPEAKER. If the gentleman did, the RECORD will show it.

Mr. LANGLEY. Very well.

The result of the vote was announced as above recorded.

The SPEAKER. The Doorkeeper will open the doors.

LEAVE TO EXTEND REMARKS.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to place in the RECORD a very brief statement regarding what I consider an emergency of immigration, the condition having arisen by which certain people are sent back to Armenia from the United States, and where the report is that the minute the hands of the Government are off of them they are murdered.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, is this another measure to relax the restrictions upon foreign immigration?

Mr. JOHNSON of Washington. It is not. This is to give authority to the Secretary of Labor, by means of bonds, to keep his hands on all persons for whom there is no protection. I want to state also that the germ of this measure has the indorsement of the American Legion, the American Federation of Labor, the several railroad brotherhoods, the Young Men's Christian Association and the Young Women's Christian Association, and all the churches, regardless of their creed.

The SPEAKER. Is there objection to the request of the gentleman?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, under leave granted I present herewith the text of a resolution which I have presented on the floor, and which I am now introducing through the basket. This resolution I shall press for passage, believing that the same will in large measure solve a most distressing situation, and one which some of us foresaw many weeks ago. I do not believe that this resolution, if enacted, will enlarge, break down, or weaken the 3 per cent law. We admitted by special resolution about 11,000, who came in excess in June, owing to the shortness of time for the determination of the quotas. We now have in the United States about 1,300 in excess of quotas, and may have 3,000 more, a small number in comparison with the 700,000 or 800,000 the law has kept out in six months. The text of the resolution follows:

Joint resolution (H. J. Res. 237) to authorize the Secretary of Labor to stay the deportation of certain aliens in cases of extreme hardship.

Resolved, etc., That the Secretary of Labor, upon a satisfactory showing being made in individual cases of the imposition of extreme hardship or the likelihood of death if deported, is hereby authorized to stay for not to exceed six months at a time the deportation of persons arriving in the United States in excess of quotas authorized by the act of Congress entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921, under such rules and regulations as he may prescribe: *Provided*, That such persons are proved to be (a) relatives of citizens of the United States or (b) relatives of persons who have been domiciled in the United States for at least two years; and bearing such relationship as (1) fathers, (2) mothers, (3) husbands, (4) wives, (5) minor children, (6) dependent unmarried brothers under 18 years of age, and (7) dependent unmarried sisters; or (c) dependent orphans under the age of 15 years: *And provided further*, That in all cases there shall be given competent bond for the support of all such temporarily admitted persons and for their return to the custody of the United States.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the address delivered by Hon. Albert D. Lasker, chairman of the United States Shipping Board, before the Association of Commerce, Milwaukee, Wis., on Tuesday, December 13, 1921.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Speaker, under the leave granted to me to extend my remarks in the RECORD I include an address of Hon. Albert D. Lasker, chairman of the United States Shipping Board, before the Association of Commerce, Milwaukee, Wis., on Tuesday, December 13, 1921.

The address is as follows:

ADDRESS OF ALBERT D. LASKER, CHAIRMAN UNITED STATES SHIPPING BOARD, BEFORE THE ASSOCIATION OF COMMERCE, MILWAUKEE, WIS., TUESDAY, DECEMBER 13, 1921.

Because vital legislation concerning our merchant marine must soon come before Congress, discussion of America's future on the seas is a matter of particular moment at this time.

It was my honored privilege to submit the manuscript of this address to President Harding, whose passion to see America successful on the ocean is second to none.

In the prairie towns, cities, villages, and farms of our inland States the future of America on the seas will be decided. The points farthest from the ocean will decide the fate of American shipping on salt water.

The dwellers of our coastal cities by and large are naturally for a permanently established American merchant marine. They may differ as to the means and methods to accomplish this; some, through selfish interests, may wish a limited American merchant marine, because peculiarly they are the beneficiaries of the present system. But, taken as a whole, the dwellers on our coast look forward to the day when ships and shipping in America will once more occupy the great place of importance in our national life which it did during its flourishing days from the establishment of the Republic until approximately the Civil War.

It is the inland dweller, removed from direct contact with ships, who has felt a disinterestedness in American shipping that has almost amounted to an adverse prejudice if American shipping required national aid to insure its life.

The inland dweller has felt that the profits of shipping inured entirely to the wealthy coast cities; that it was a local issue for local profit and one that should be supported locally.

The great World War, with the upheavals that followed, has brought no question that more presses for instant attention with the American people than the question of what is to be the immediate future of our merchant marine. This, not only because as a result of the war the Government became possessed of the largest single fleet the world ever knew—some 1,500 steel ships of over 10,000,000 tons—but because in the war we learned that both from the standpoint of national defense and to insure our overseas commerce we are not safe in relying on foreign bottoms to carry our trade.

VITAL QUESTIONS PROPOUNDED.

A few days before I prepared this address Nation's Business sent me the following questions from the Traffic World, of Chicago, and asked that I discuss same. These questions seem to cover the very essence of the opposition that springs from the superficial or the sinister or the ignorant to the great enterprise of a reestablished American merchant marine. The queries propounded are:

"Is there anything sacred in the doctrine of an American merchant marine, or any lack of patriotism in being opposed to such an institution as an economic extravagance?

"Can an American merchant marine be maintained without what amounts to subsidy and taxation of the public?

"Is John Smith, who knows and cares nothing about the shipping business, willing to be taxed, and ought he to be taxed, in order that Bill Jones's goods may be carried in American rather than foreign bottoms?

"Does Bill Jones care, or ought he to care, whether his goods are carried in American or foreign bottoms?

"If he ought to care, why ought he?

"Should John Smith pay taxes so that Bill's care may be gratified?

"If an American merchant marine can not be maintained without taxation of the public—in other words, if it can only be maintained and operated at a loss—why not let the foreign ships have the business?"

I shall not attempt here to answer these questions in categorical order, but shall endeavor to discuss the American merchant marine and its future with these questions as a basis, because they seem to so thoroughly cover the ground of inland indifference.

THE CORNER STONE OF ECONOMIC SAFETY.

No thinking man can feel that there is anything sacred in the doctrine of an American merchant marine, any more than there is anything sacred in the doctrine of a large Navy, or anything sacred in the doctrine of a large Army, or anything sacred in a Federal reserve bank as against the loose banking system we formerly had, or anything sacred in a direct system of taxation as against an indirect system of taxation, or anything sacred in any one of a thousand and one questions that relate to our national life. It is not a question of what is sacred in doctrines discussed; it is a question of what is sound; and the proponents of an American merchant marine feel that it is a very unsound doctrine that fails to teach that one of the corner stones of economic and national safety is a merchant marine built, owned, manned, and operated by Americans.

There certainly is no lack of patriotism in being opposed to the American merchant marine as an economic extravagance, provided it is an economic extravagance. But if it be not an economic extravagance, then indeed mere ignorance of the question is a poor excuse for being opposed unintelligently to something so vital.

ARMS CONFERENCE AND MERCHANT MARINE.

With this premise it would seem meet to discuss why a merchant marine is one of the corner stones of America's economic life and safety.

The great Limitations Conference which is now proceeding so auspiciously at Washington represents one of the high-water marks in American statesmanship and world vision. It is an achievement that long will stand as one of the glorious jewels in the crown of American accomplishments.

Granting that the 5-5-3 naval program, or some equivalent, be adopted and that we have a naval holiday for a term of years, the question of naval equality is not solved: because, if in addition to the equalized navies, any one nation possesses a merchant marine of convertible strength vastly beyond that of another nation, the nation possessing that added convertible merchant tonnage has the preponderance of naval power.

PRESENT FLEET RESULT OF WAR NECESSITY.

The Government's vast fleet, built as a war necessity, will ever remain a tribute to America's miraculous ingenuity and energy. During the war it was a question of building a bridge of ships across the ocean, regardless of type, regardless of balance, regardless of cost, but with the sole purpose in mind of the maximum tonnage in the minimum time, facilities considered. There is no man in the allied countries but will admit that in large measure the building of the United States Government's merchant fleet hastened the end of the war, through the potential strength it showed the Imperial German Government that America possessed to quickly put unlimited armies of men and supplies on the battle field.

But there is no man who is conversant with the subject but who will admit that for peace purposes the Government-owned fleet is not well balanced and is not in its entirety economically available.

BRITISH AND AMERICAN MERCHANT MARINE STRENGTH.

Without boring you with figures, taking into consideration passenger ships and combined passenger and cargo ships of 8,000 tons and over, which represent the very cream of the merchant marine convertible for naval purposes, Great Britain possesses 234 ships of this type already completed, and the United States possesses 54 ships, a ratio of 4.3 to 1 in favor of Great Britain. Taking into consideration vessels now actually building in both countries of this type, the ratio in favor of Great Britain will be increased 5 to 1.

When speed is considered, and speed is essential for naval purposes, the ratio is even more startlingly in favor of Great Britain, as of vessels of 22 knots and over she possesses 5, the United States possesses only 1, a ratio of 5 to 1; in all vessels of 12 knots and over, which is the minimum speed useful for naval operations, she possesses 234 and the United States possesses only 53, a ratio of 4.4 to 1 in favor of Great Britain.

There is no man who presumes that in our lifetime there will be war between ourselves and our British friends. It is for this happy reason that, without thought of war, the relative superiority of the British merchant marine overseas for convertible purposes may be used to illustrate the increased importance of a merchant marine to the national defense under the gloriously changed naval conditions into which we are entering.

We should remember that if we enter a 10-year naval holiday, which means practically little naval work for our shipyards, and if we fail to establish a merchant marine, with its constant need of renewals and repairs, American shipyards will be largely closed and the art of shipbuilding will practically be lost to us. Should again the day come when, in the national defense, we must make use of our Navy, we would be lacking the yards and the trained workers to renew its strength; and the nations which during the holiday period had kept their yards alive with merchant-marine work would have an unmatchable advantage over us.

When President Roosevelt sent our fleet around the world it had to be bunkered and provisioned by the British merchant marine. The navy giant which we sent for the admiration of the peoples of the earth displayed that its feet were made of clay. This must never be again.

But the proponents of an American merchant marine must rest their case far beyond the grounds of national defense, which to the layman at best is academic and far off, though to those who, with statesmanship vision, realize all the potential possibilities of the future it is a matter of deepest concern.

The claims for an American merchant marine must rest on its economic necessity to the American people as a whole. The claims for an American merchant marine can rest on the proof that John Smith, who knows and cares nothing about the shipping business, but who ought to know and care a lot about it, should be willing, if necessary, to be taxed, and ought, if necessary, be taxed, in order that Bill Jones's goods may be carried in American rather than foreign bottoms. In our Republic our common good fortune is reliant on the agencies essential to that good fortune. That, gentlemen, is the very crux of the whole question. Let us proceed to explore it.

CHANGING CONDITIONS IN AMERICAN TRADE.

So long as America had its own great empire to conquer—an empire of fabulous natural wealth, an empire of almost seemingly inexhaustible and balanced raw materials—America could trade within its own confines, independent of the commerce of the world. It was during this period of our history, when the lure of unconquered golden opportunities called forth the adventuresome spirit of our young manhood, that America's merchant marine, fostered to proud proportions by our original thirteen seacoast States, began to decline and finally came to small proportions.

Even before the World War vast changes in the domains of current life made us a largely increased importing nation. For instance, the automobile has completely changed our national life. It has, by common acceptance, passed the luxury stage and become an essential necessity in large measure, compared to its output. The automobile, to be potent, require tires, and tires mean rubber. There is no rubber produced in the United States.

Because of the very prosperity of America from within, through the development of its natural wealth, the American people as a whole demand luxuries as do no other people of the world, until these very luxuries become necessities in America's life. Some of these luxuries, such as coffee and sugar, are largely imported. And so, in the cycle of events, our very self-sufficiency from within gave rise to luxuries which finally became necessities, until we perforce changed from a nation almost entirely an exporter of raw material to one, in large measure, an importer of raw material.

A POINT OF VIEW.

Even before the World War our manufacturing capacity was increasing by leaps and bounds. I well remember about 10 years ago on a train between Milwaukee and Chicago two foreigners, who evidently were traveling on a business tour in America and who had been visiting in Milwaukee, were seated behind me. One of them made a remark to the other that indelibly impressed itself on my memory. He said:

"The very genius and danger of America is that it is never satisfied. In America if a man has a plant capacity that at any time does not

equal his demand he is jealous of the thought that a competitor should have the trade, and he immediately starts building without regard to the fact that, similarly possessed with a desire for volume, his collective competitors build, so that the American potential output is constantly based on the peak of demand without regard to the average, which, when it does prevail, makes unprofitable many of the expanded plants."

The very germ of philosophy of our economic strength and weakness was embodied in this statement. The Great War merely inflamed that spirit in America and gave opportunity to it for fullest play beyond the imagination of man. With the war ended and the world sobering up from its madness, manufacturing America finds itself with a surplus of plant account which must find permanent markets in the world as well as at home if overhead expenses are to be met and profitable operation insured. With the enlarged American plant capacity in many lines, unless world markets are conquered, profitable operation is endangered, and unemployment for periods longer than would exist otherwise will come into being.

The farmer's direct and overwhelming interest in the overseas trade was proved not a great while ago in his pressure on Congress which resulted in the passage of a bill over President Wilson's veto directing the resumption of the War Finance Corporation with authority to issue a billion dollars in credit for the purpose of aiding him in exporting agricultural and other products. Surely, with such a proved interest in export for his surplus in order that prices might be maintained, the farmer must become conscious that it is essential that America control the vehicles of export delivery that his needs may be surely met in times when other nations might not be able or would not be willing to furnish us the necessary bottoms.

EFFECT OF RAW-MATERIAL IMPORTS.

America at one time was practically self-contained. The world demanded our raw materials in great volume, and we largely consumed at home what we manufactured. But now that we are such great importers of raw materials (which come largely from nonmanufacturing countries) we must perforce send manufactured goods to these countries to balance our trade, and with the added plant capacities that we have we must find still further foreign markets for our manufactured goods to bring our overhead down.

Beyond all this our greatest present customers owe us vast sums of money, which they can only pay if we take merchandise from them, and if we permit them to sell us merchandise we in turn must find new world markets for the surplus products which we shall thus have.

FOREIGN TRADE MUST BE DEVELOPED.

Therefore it is true—and no blindness nor unwillingness to recognize the fact can change the fact—that stability in America and restored normal prosperity must be based on development of foreign trade and foreign markets in a measure never before realized by Americans. A new era in world trade has come to America, whether America wills it or not.

Here is where the absolute necessity of an established American merchant marine enters as one of the very cornerstones of our prosperity, for two reasons: First, because we can not rely on others for the tonnage needed, when and where, to carry our goods to markets we would conquer, and, second, because we can not afford, in the interest of national prosperity, to pay the freights to foreigners which should remain at home. No ambitious American industry would be content to rely on its competitor for the delivery of its product.

When Great Britain was engaged in the Boer War she could not, as many will remember, divert her merchant tonnage to American usage. Had we at that time had world commerce to protect, as we have now and will have in increasing measure, we would have been in a sorry plight, and should Great Britain, still mistress of the seas in merchant marine, ever get into war with another power, America being no party to the controversy, our chief carrying agent would once again have to divert her merchant marine from our purposes and needs.

IDLE FLEETS AND FUTURE TRADE.

The history of shipping is one of shortages and surpluses. To-day there is a surplus of shipping in the world, so that one-half of America's fleet is tied to the docks and all nations have ships of their flags idly swinging at anchor. But it is a poor imagination that can not realize that world conditions repeat themselves, and sometime again in the years to come, within the life of practically every man in this audience, there will be a shortage of shipping. In such period of shortage ships will first be available to the manufacturer whose country has the largest tonnage, for he can afford to bid as much as any manufacturer, and the preference will be his.

REGULAR SCHEDULES PARAMOUNT.

The very life of foreign commerce is that the exporting nation should have regular, constant, and uninterrupted communication to the importing nation. America, with its vastly increased need for export business, must insure that export business by insuring that it owns and controls the ships to carry its trade. Moreover, shipping lines are the best agents of our foreign trade. America can not afford to take the risks that, for any reason, relying on ships of another flag, these ships may be withdrawn from its needs. For if the foreign purchaser finds that he can not get his goods when he wants them and as he wants them he will find other sources of supply, and once lost to us his custom will be hard to win back.

OF VITAL IMPORTANCE TO ALL.

The dweller on the farm, the worker in the mine, the laborer in the factory, whether he lives in Wisconsin or Kansas or New Mexico, has as much interest in an established American merchant marine as has the man who lives and toils on the docks of our great ocean port cities, because, unless America meets changed conditions from within, which I have attempted to sketch, and changed world conditions which have been brought about by the war, its export business will fail, factories will close, and there will not be profitable demand for raw materials or finished products. When export business fails and factories close, the industrial worker can not buy the product of the farm.

Through the agency of vast railroad and train transportation, with telegraph, telephone, and postal services, we are all one in modern civilization. When the fabric breaks for one, it breaks for all. A coal strike, and we all suffer. Supposing the ports of New York, Boston, Norfolk, New Orleans, Galveston, San Francisco, Portland, and Seattle for some reason—let us say, an unbreakable strike—were closed for six months. Everyone must visualize that factories would practically close down, because one could get in neither needed raw materials nor get out of the country manufactured materials that would enable one to keep factories going. Surely every inland dweller on farm or in the city would suffer.

Having visualized this, then picture what would happen to us if for any reason in world competition, because of circumstances beyond or within our power, the ocean-carrying of America's trade was in the hands of its competitors when the time of market competition was with us. Is it not to be supposed that these competing nations would find, even at a seeming loss of profit to themselves, good reason why we did not get the ships when and as we needed them?

In the course of a decade America pays out some billions in freights. These freights include only incidentally profit; the main thing, though, which freights cover is cost of operation. This cost of operation includes, again in turn, the cost of the ship, the cost of subsistence, the cost of fuel and supplies, and the wages. If John Smith, as an individual, pays out $50 in Europe for something, John Smith is not $50 poorer as against if he had bought that same thing at home. But if 110,000,000 John Smiths pay out in freights billions to foreign nations the Nation is those billions poorer as against if it had retained the money at home, because the national wealth that is traded in around the circle domestically remains the property of the Nation as a whole, but once it is traded abroad it passes from the national wealth, particularly in such matters as freights.

OTHER NATIONS WELL ESTABLISHED.

The other maritime nations of the world, having centuries of established foreign trade relations behind them, have benefits that we in America must pay a price and suffer time to bring to us. They have all the good will and profit that come from the volume of established trade. They have that experience which comes from constant operation. But, beyond all, the other maritime nations of the world have the benefit of lower cost in production of ships and lower cost in operation of ships, in many instances because of their lower standards of living. No man should ask an American on the sea to live at lower standards than the American on land.

ADVOCATES NATIONAL AID TO SHIPPING.

For these several reasons we can have no American merchant marine save that we pay a price of time and money to get the volume and to learn the business.

If it is proved that every American, be he inland or coastal dweller, is directly interested, in the insurance of his daily wage, in an American merchant marine, then, if it is necessary to pay a price to insure the establishment of an American merchant marine, it becomes the duty and inures to the profit of the Nation to pay that price, for it can not be paid by any group of individuals engaged in the particular enterprise if that enterprise must for any length of time be carried on, because of national reasons, at a national loss, when in the ultimate the establishment of the enterprise is one of the very corner stones of insured national weal.

That strategic trade routes shall be insured to America, the Shipping Board, under mandate of the Jones Act, through which it exists, operates its fleet at great cost to the Government and, under certain conditions, to the great injury of private capital, which can not compete with the Government. In due course national aid to private shipping should result in the Government's retirement from operation, so that ultimately no increased drain on the Treasury would be involved, and through profitable private operation permanency would be insured to our merchant marine, private initiative and enterprise would be inspired, and the Government would find customers for its large fleet of ships.

INCREASED SALE PRICE FOR OUR FLEET.

Only through national aid to private shipping can I see a market created for the Government's fleet—and Government aid should come back to the Treasury many times over in increased sales prices we will get for our nationally owned ships. In some form or other all the successful maritime nations have won their power on the sea through Government aid to private operation. What is here and now proposed for America is merely in line with accepted practice, at some stage of shipping in each country the world throughout.

No mere miracle of American genius can establish a merchant marine, for efficiency on the seas naturally belongs and is held by those nations who have the most practice on the seas. Given the same experience, Americans will have it in fullest measure—in man for man, given opportunity for experience, in greater measure than others.

RAILROADS AIDED; WHY NOT SHIPS?

No mere miracle of American ingenuity can win in short time the volume of business and assured trade routes necessary for profitable operation. This requires years of continued and uninterrupted operation. The great empire of the United States never could have been conquered unless aid had been given American railroads in such measure as man never dreamed of aid being given enterprise. The States and the Nation showered upon the railroads inestimable natural wealth to make their building possible and their operation possible while trade was being built up.

As important as the railroads were in the wresting of the empire, so now, in the cycle of events, transportation on the sea becomes a paramount issue of the day, unless American statesmanship is bankrupt and American vision blind. Shall we, standing in our own light, surrender to others the wealth of opportunity which is ours, stupidly and blindly holding to fetishes of past conditions? Or, recognizing changes from within and without, shall we do that which is necessary to give to our children the same opportunity that our fathers had and that came to us?

ONE FOR ALL AND ALL FOR ONE.

Our John Smiths, our blind John Smiths, our ignorant John Smiths, our narrow John Smiths, our insular John Smiths, who know nothing and care nothing about the shipping business, should at least tax their brains to learn and see the obvious—that Bill Jones's goods are their goods, that Bill Jones's prosperity is their prosperity, that Bill Jones's adversity is their adversity, and that unless Bill Jones has an assured foreign trade, which can only be insured through American bottoms, Bill Jones will fail to prosper, and in his failure John Smith fails.

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD concerning the same subject as that referred to by the chairman of the Committee on Immigration and Naturalization [Mr. JOHNSON of Washington].

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD on the same subject as that referred to by the gentleman from Washington [Mr. JOHNSON]. Is there objection?

There was no objection.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter written by Gen. Pershing explaining that the so-called Lost Battalion was never lost.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

ANTILYNCHING.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the general debate under the resolution which has just been adopted on the antilynching bill may continue not to exceed 14 hours in all.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that debate on the antilynching bill be continued not to exceed 14 hours in all. Is there objection?

There was no objection.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAYS, on account of public business (at the request of Mr. DYER).

To Mr. ALMON, for four days, on account of official business.

To Mr. ACKERMAN, for one day, on account of important business.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 55 minutes p. m.) the House adjourned until Tuesday, December 20, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

428. A letter from the Acting Secretary of the Interior, transmitting a copy of a letter from the Commissioner of Pensions, together with a copy of the report of the board of actuaries; to the Committee on Reform in the Civil Service.

429. A letter from the chairman of the Federal Power Commission, transmitting copy of the first annual report of the Federal Power Commission; to the Committee on Interstate and Foreign Commerce.

430. A letter from the Acting Secretary of the Navy, transmitting draft of a bill making appropriation for payment of claims of W. B. Moses & Sons, Willis-Smith-Crall Co., American Home Furnishers' Corporation, Western Electric Co., and S. A. Curtis; to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 9632) to authorize the acquisition of lands for military purposes in certain cases and authorizing appropriations therefor, and for other purposes; to the Committee on Military Affairs.

By Mr. SINNOTT: A bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty; to the Committee on the Public Lands.

By Mr. HUSTED: A bill (H. R. 9634) for the creation of an American memorial highway commission for France and Belgium to designate roads over which Americans marched to victory and to secure the erection of historical rosters of American divisions engaged and other appropriate memorials thereon; to the Committee on Foreign Affairs.

By Mr. PARRISH: A bill (H. R. 9635) to provide for flying pay for officers and enlisted men of the Regular Army who are incapacitated by reason of injuries incurred in or by aircraft accidents; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota: A bill (H. R. 9636) to provide for flying pay for officers and enlisted men of the Regular Army who are incapacitated by reason of injuries incurred in or by aircraft accidents; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 237) to authorize the Secretary of Labor to stay the deportation of certain aliens in cases of extreme hardship; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIRD: A bill (H. R. 9637) granting a pension to Willard D. Brittell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9638) granting a pension to Elvira F. Jarrett; to the Committee on Invalid Pensions.

By Mr. BURROUGHS: A bill (H. R. 9639) granting an increase of pension to Walter E. Ellis; to the Committee on Invalid Pensions.

By Mr. DREWRY: A bill (H. R. 9640) to authorize a survey of that portion of the Appomattox River, in Virginia, from Petersburg to the James River; to the Committee on Rivers and Harbors.

By Mr. ELLIOTT: A bill (H. R. 9641) granting a pension to John A. Gallagher; to the Committee on Pensions.

By Mr. FAVROT: A bill (H. R. 9642) authorizing the Secretary of War to donate to the city of Hammond, State of Louisiana, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 9643) granting an increase of pension to Elizabeth Wiggin; to the Committee on Invalid Pensions.

By Mr. HUTCHINSON: A bill (H. R. 9644) for the relief of Burton Tettemer; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 9645) granting an increase of pension to Charles W. Shrope; to the Committee on Pensions.

Also, a bill (H. R. 9646) granting a pension to Elizabeth Davis; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 9647) granting a pension to Alma W. Yewell; to the Committee on Pensions.

By Mr. PARKER of New York: A bill (H. R. 9648) granting an increase of pension to John D. Donovan; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 9649) granting a pension to Miles S. Sisk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9650) providing for the retirement of Jacob C. Jones; to the Committee on Reform in the Civil Service.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9651) granting an increase of pension to Lou Bettis; to the Committee on Pensions.

Also, a bill (H. R. 9652) granting a pension to Elijah Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9653) granting a pension to Creed F. Casteel; to the Committee on Pensions.

Also, a bill (H. R. 9654) granting a pension to Green W. Blakely; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 9655) granting a pension to Stephen Shirley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3352. By the SPEAKER (by request): Letter from the Rev. Charles S. Macfarland, general secretary of the Federal Council of the Churches of Christ in America, presenting a copy of actions taken by the executive committee at their annual meeting in Chicago, December 14 to 16, 1921; to the Committee on Foreign Affairs.

3353. By Mr. ANSORGE: Letter from Marshall Field & Co., of Chicago, opposing the proposed American valuation plan in the tariff bill; to the Committee on Ways and Means.

3354. By Mr. DRIVER: Petition of the Phillips County Game Protective Association, in support of Senate bill 1452; to the Committee on the Public Lands.

3355. By Mr. FULLER: Petition of the Knitted Outerwear Manufacturers' Association, favoring passage of tariff bill at earliest possible date, for adequate protection, and American valuation; to the Committee on Ways and Means.

3356. Also, petition of the J. C. Penney Co., of La Salle, Ill., opposing the American valuation plan of the Fordney tariff bill; to the Committee on Ways and Means.

3357. By Mr. KISSEL: Petitions of J. M. Richardson, Munn, Anderson & Munn, William Bohleber, and Erwin, Fried & Czaki, all of New York City; to the Committee on Patents.

3358. Also, petition of John Simmons Co., of New York City; to the Committee on Ways and Means.

SENATE.

TUESDAY, *December 20, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, Thou art the author and giver of every good and perfect gift, and at this season of the year we especially think of Thine unspeakable gift in the person and ministry of Thy Son, our Savior. In His name we humbly beseech Thy blessing upon our daily tasks. Help us so to walk in the ways of Thine own appointment that we shall fulfill our duty in Thy fear and to Thy glory. In Christ's name we ask it. Amen.

FRANK B. BRANDEGEE, a Senator from the State of Connecticut, appeared in his seat to-day.

NAMING A PRESIDING OFFICER.

The Secretary, George A. Sanderson, read the following communication:

UNITED STATES SENATE,
Washington, D. C., December 20, 1921.

To the SENATE:

Being temporarily absent from the Senate, I appoint Hon. SELDEN P. SPENCER, a Senator from the State of Missouri, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,
President pro tempore.

Mr. SPENCER thereupon took the chair as Presiding Officer.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the bill (S. 2780) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended.

The message also announced that the House had passed the bill (S. 2591) to provide for the construction of a public bridge across the Niagara River, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 1577. An act to provide a preliminary survey of Cowlitz River, Wash., with a view to the control of its floods;

H. R. 1578. An act to provide a preliminary survey of the Puyallup River, Wash., with a view to the control of its floods; and

H. R. 8344. An act to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. ROBINSON presented a telegram in the nature of a petition from the Arkadelphia Milling Co., of Little Rock, Ark., praying that corn flour, grits, and cream meal, rather than corn, be exported to relieve distress in Russia, which was referred to the Committee on Appropriations.

He also presented a letter in the nature of a petition from R. E. Lee Wilson, of Wilson, Ark., praying that adequate appropriation be made for the continuance of experiment work in animal husbandry in Arkansas, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Cleveland (Ohio) convention of the National Federation of Business and Professional Women's Clubs, commending the President of the United States for calling the Conference on Limitation of Armament, which was referred to the Committee on Foreign Relations.

Mr. PAGE presented resolutions adopted by the annual meeting of the Orange County (Vt.) District of the New England Milk Producers' Association, favoring the enactment of the so-called Voigt bill prohibiting interstate commerce in the product known as "filled milk," the enactment of the so-called Capper-Volstead bill giving farmers the right to pool their products for marketing purposes, etc., and inclusion in the permanent tariff bill of rates requested by the New England Dairy Tariff Committee, which were referred to the Committee on Agriculture and Forestry.

Mr. LADD presented petitions of sundry citizens of Corinth, Cooperstown, Hope, Larimore, Willow City, Rolette, Benedict, Bisbee, Hatton, Foxholm, Van Hook, Hettinger, Thompson, Lansford, Nortonville, Adrian, Ruso, and Buxton, all in the State of North Dakota, praying for the passage of Senate resolution 133, directing the Federal Trade Commission to investigate the conditions affecting the demand for foreign disposition, movement, and use of American exported grain, which were referred to the Committee on Agriculture and Forestry.

Mr. CALDER presented six petitions of 6,224 citizens of the State of New York, praying for the recognition of the Irish republic by the Government of the United States, which were referred to the Committee on Foreign Relations.

Mr. McLEAN presented resolutions adopted by the board of directors of the Waterbury Chamber of Commerce, of Waterbury, and the Derby Business Men's Association, of Derby, both in the State of Connecticut, favoring the retention of the American valuation plan in the pending tariff bill, which were referred to the Committee on Finance.

He also presented resolutions adopted by members of Mary Clapp Wooster Chapter, Daughters of the American Revolution, of New Haven, and of Roger Sherman Chapter, Daughters of the American Revolution, of New Milford, both in the State of Connecticut, favoring the passage of Senate bill 1967, declaring the battle field of Yorktown a national military park upon the acquisition of the site at a cost not exceeding $100,000, which were referred to the Committee on Appropriations.

He also presented a petition of the Woman's Christian Temperance Union of Stafford Springs, Conn., praying for the passage of the so-called Lehlbach-Sterling civil-service reclassification bill, which was referred to the Committee on Civil Service.

He also presented a resolution adopted by a meeting at Waterbury, Conn., November 27, 1921, of about 2,000 citizens of Lithuanian birth or descent, protesting against alleged inhuman and barbaric acts of Poles in Vilna, and the support afforded Poland by the French Republic, and requesting that restitution be made for damages to Lithuania caused by the Poles; that the guilty Polish leaders be punished; that the French withdraw from Memel and vicinity, etc., which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. KENYON, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 146) authorizing the President to extend invitations to foreign Governments to send delegates to a world's dairy congress in 1923, reported it without amendment.

Mr. LADD, from the Committee on Agriculture and Forestry, to which was referred the resolution (S. Res. 133) directing the Federal Trade Commission to investigate the conditions affecting the demand for foreign disposition, movement, and use of American exported grain, reported it without amendment.

Mr. NEW, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 6557) to authorize the Secretary of the Treasury to repair and rebuild customs buildings in Porto Rico, and to pay for same out of duties collected in Porto Rico, reported it without amendment and submitted a report (No. 368) thereon.

Mr. CAPPER, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2023) defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes, reported it without amendment and submitted a report (No. 369) thereon.

Mr. PAGE, from the Committee on Naval Affairs, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were indefinitely postponed:

H. R. 2558. An act for the relief of Richard P. McCullough (Rept. No. 370); and

H. R. 7870. An act for the relief of I. C. Johnson, jr. (Rept. No. 371).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TRAMMELL:

A bill (S. 2889) to provide additional funds for loans to farmers through the Federal land banks; to the Committee on Banking and Currency.

A bill (S. 2890) authorizing the War Finance Corporation to make advances and to purchase securities to provide relief for producers of and dealers in agricultural products until July 1, 1923, under the provisions of sections 21, 22, 23, and 24 of the War Finance Corporation act, approved April 5, 1918, as amended by an act approved August 24, 1921.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance.

Mr. TRAMMELL. I suggest that the bill be referred to the Committee on Agriculture and Forestry. I think that committee handled the measure when it was up before.

Mr. SMOOT. The legislation creating the War Finance Corporation was considered by the Finance Committee.

Mr. TRAMMELL. I am not particular about the reference.

Mr. SMOOT. Reference to the Finance Committee would be in regular order.

Mr. TRAMMELL. I was under the impression that the amended act providing for the extension of the activities of the War Finance Corporation was referred to the Committee on Agriculture and Forestry. I may be mistaken about it, however.

Mr. SMOOT. The provision for its creation was incorporated in the revenue bill of 1917 or 1918, I forget which.

Mr. TRAMMELL. The reference made by the Chair will be satisfactory to me.

By Mr. KENYON:

A bill (S. 2891) to amend section 1 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, as amended; to the Committee on Post Offices and Post Roads.

By Mr. McNARY:

A bill (S. 2892) granting an increase of pension to Adaline M. Underwood; to the Committee on Pensions.

UNITED STATES JUDGES.

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, which was referred to the Committee on the Judiciary and ordered to be printed.

PRINTING OF HEARINGS ON TARIFF BILL.

Mr. SMOOT. I send to the desk a concurrent resolution for which I ask immediate consideration.

The VICE PRESIDENT. The Secretary will report the concurrent resolution.

The reading clerk read the concurrent resolution (S. Con. Res. 17), as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,500 copies of the hearings before the Committee on Finance of the Senate on the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, revised and indexed, of which 2,000 copies shall be printed as separates, by schedules (including not to exceed three supplemental volumes), 1,000 copies for the use of the Committee on Finance of the Senate and 1,000 copies for the use of the Committee on Ways and Means of the House of Representatives, and the remaining 1,500 copies shall be held for compilation by volume, of which 500 copies shall be for the use of the Senate document room and 1,000 copies for the use of the House document room: *Provided*, That the compiled edition only shall be printed as a Senate document.

Mr. SMOOT. Mr. President, the object of the concurrent resolution is to save a great deal of expense and time. The hearings before the Finance Committee on the tariff bill have proceeded up to this point to such an extent that they will result in four volumes. There is an order now that a certain number of copies of the hearings shall be printed. While we are printing those we might as well print also the number that will be required for the folding rooms of the two Houses. The object is to save the expense of doing the work again after the bill is completed, and also in order that Members of the Senate may have, if they wish them, the separate volumes upon any one schedule of the tariff. For instance, schedule 1 will be the American valuation; schedule 2 will be the embargo on dyestuffs; schedule 3 will be the chemicals, perhaps with one other schedule included. It certainly means a saving of a great deal of money.

The concurrent resolution was considered by unanimous consent and agreed to.

CONDITION OF DOCKET IN SUPREME COURT.

Mr. TRAMMELL. I send to the desk a resolution, which I ask may be read.

The VICE PRESIDENT. The Secretary will report the resolution.

The reading clerk read the resolution (S. Res. 198), as follows:

Whereas all causes brought to the Supreme Court of the United States for final decision should be acted upon by said court without undue delay; and

Whereas if the docket of the said court is so congested that litigants are unable to obtain a prompt decision in the court of last resort the Congress should afford the relief necessary to correct such conditions; and

Whereas the Senate desires information upon the question of whether or not there is such number of cases constantly pending in said court as to make it impossible for the court to dispose of cases without long delay and hardship upon litigants because of their inability to get prompt action in this the highest court in the land: Therefore be it

Resolved, That the Chief Justice of the Supreme Court of the United States is requested to direct the clerk of said court to furnish to the Senate such data and information as may be necessary to indicate the condition of the docket of the said court; to advise the number of cases on the docket awaiting final disposition by the court; to give the average length of time required for a decision after cases are ready for action by the court; and to furnish such further information as the Chief Justice may order the clerk to transmit to the Senate in response to this request regarding the status of the litigation in the said court.

Mr. TRAMMELL. I understand that the resolution goes over under the rule.

The VICE PRESIDENT. It will go over under the rule.

INVESTIGATION OF CIVIL-SERVICE EXAMINATIONS.

Mr. ROBINSON. I submit a resolution, which I ask may be read, printed, and lie on the table.

The resolution (S. Res. 199) was read, as follows:

Resolved, That a committee of five Senators, who shall be members of the Committee on Civil Service, be appointed by the President of the Senate, and the said committee is hereby authorized and instructed to investigate the proceedings of the Examining Division of the Civil Service Commission, and particularly to ascertain whether political influence has been used in said examinations and in the making and alteration of grades relating to the same, and whether the act of Congress giving preference to ex-service men in appointment to office under civil-service regulation has been observed and executed.

Said committee is empowered to sit during the recess and sessions of the Senate, at such times and places as by it may be deemed advisable, to require by subpœna or otherwise the attendance of witnesses and the production of books, papers, and documents, to administer oaths and to employ stenographers at a cost not exceeding $1.25 per printed page, and such clerical assistance as may be necessary. All expenses of the committee incurred under this resolution shall be paid out of the contingent fund of the Senate on vouchers authorized by the committee and signed by the chairman thereof.

Said committee shall report its proceedings and findings to the Senate within 90 days.

The VICE PRESIDENT. The resolution will be printed and lie on the table.

Mr. ROBINSON subsequently said: I introduced to-day a resolution providing for an investigation of the Examining Division of the Civil Service Commission and asked that the resolution might lie over under the rule. I had expected to submit to the Senate a statement on to-morrow in justification of the resolution. After consultation, however, with some of my colleagues I have concluded that the consideration and passage of the resolution would be facilitated by a prompt and immediate reference to the Committee to Audit and Control the Contingent Expenses of the Senate, which reference is necessary under the rules of the Senate. I therefore ask unanimous consent that the resolution be referred to that committee.

The VICE PRESIDENT. Without objection, it is so referred.

ACTUARIES' REPORT ON CIVIL-SERVICE RETIREMENT LAW (S. DOC. NO. 107).

Mr. STERLING. Mr. President, on yesterday there was transmitted to the Senate by the Acting Secretary of the Interior the report of the Board of Actuaries relative to the operation of the act for the retirement of employees in the classified service, which was referred to the Committee on Civil Service. The report is important and should be printed. I therefore ask unanimous consent that it may be printed to the extent of 2,000 copies.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is made.

HOUSE BILLS REFERRED.

The following bills were severally read twice by title and referred, as indicated below:

H. R. 1577. An act to provide a preliminary survey of Cowlitz River, Wash., with a view to the control of its floods; and

H. R. 1578. An act to provide a preliminary survey of the Puyallup River, Wash., with a view to the control of its floods; to the Committee on Commerce.

H. R. 8344. An act to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes; to the Committee on Public Lands and Surveys.

NIAGARA RIVER BRIDGE.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2591) to provide for the construction of a public bridge across the Niagara River, which was, on page 2, line 9, after the word "applicable," to insert: "*Provided further*, That before the construction of the said bridge or tunnel shall be begun, all proper and requisite authority therefor shall be obtained from the Government of the Dominion of Canada."

Mr. CALDER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on December 20, 1921, the President approved and signed the bill (S. 2108) prohibiting the interment of the body of any person in the cemetery of White's Tabernacle No. 39 of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia.

REPORT OF JUVENILE COURT OF THE DISTRICT OF COLUMBIA (S. DOC. NO. 106).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and referred to the Committee on the District of Columbia:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the report of the Juvenile Court of the District of Columbia for the period from July 1, 1917, to June 30, 1921.

WARREN G. HARDING.

THE WHITE HOUSE, *December 20, 1921.*

NOTE.—Report accompanied similar message to the House of Representatives.

THE "FARM BLOC" IN CONGRESS.

Mr. KENYON. Mr. President, I ask to have printed in the RECORD one or two short statements. In view of the attack of the Secretary of War at a dinner or banquet somewhere a few weeks ago on men who are trying to do something in Congress for agriculture I wish to place in the RECORD a reply from Capper's Weekly, a paper edited by the junior Senator from Kansas [Mr. CAPPER]; and also an article appearing in the Philadelphia North American of this date with reference to the speech of Secretary Wallace last night in Boston, showing that the entire Cabinet at least is not indorsing the attack of the Secretary of War.

Mr. KING. Mr. President, may I say that I have not read the speech of the Secretary of War, but from some newspaper accounts it seemed to me there was no attack upon agriculture or the proponents of agriculture, but that it was rather an appeal for the maintenance of parties and the contention that our Government was founded upon parties or at least that the administration of the law and all the best interests of our Government and the people would be subserved by the maintenance of party government in the United States.

Not being a Republican, of course I have no right to participate in the controversies of our Republican friends, but I think that much could be said in behalf of the Secretary of War.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From Capper's Weekly.]

(By ARTHUR CAPPER.)

NOW WEEKS GOES FOR THE "BLOC."

Secretary Weeks, a new assailant of the farm bloc, is and long has been a Wall Street broker. He deplores the good old days of "Cannonism," and naturally the days of the agricultural bloc can not appeal to him. To the West, if not to Wall Street, from CANNON to the agricultural program championed at Washington by western representatives spells progress. Then the farm bloc supported a successful effort to reduce the size of the Regular Army.

—

[From the Philadelphia North American of Dec. 20, 1921.]

WALLACE DEFENDS ORGANIZED STAND FOR FARM BLOC—SPEECH IN BOSTON REVEALS CONFLICT IN HARDING'S CABINET—URGES FEDERAL AID.

BOSTON, *December 19.*

A sharp conflict within President Harding's Cabinet over the agricultural bloc in Congress was revealed here to-day in a speech by Secretary of Agriculture Wallace before the Boston Chamber of Commerce.

Speaking in the stronghold of Secretary of War Weeks, who opened the administration campaign to wipe out the farm bloc in a recent address in New York, Secretary Wallace vigorously upheld the bloc members for their organized stand on recent legislation.

Reciting instances of the farm bloc's influence in the Senate and House, Mr. Wallace declared "that anyone should be disposed to regard such legislation as class legislation intended to or having the effect of benefiting one group at the expense of other groups, is surprising."

"Should those who have been charged with promoting class legislation for the benefit of agriculture desire to retort," Mr. Wallace said, "they could find many examples of unquestionable class legislation enacted on behalf of relatively smaller groups."

"Forty per cent of the whole country is somewhat more than a 'group.'"

"It is time," Mr. Wallace said, "for the eastern industrial section to realize that it is the farmers who feed the entire Nation and supply the largest market for manufactured products."

Declaring that the United States is passing through the most severe agricultural depression in its history, Mr. Wallace said, "The first duty of the Nation is to bring agriculture through this period with the least possible damage."

Mr. Wallace advocated Federal supervision of stockyards, market agencies, and grain exchanges; more credit for the farmer; improvement of marketing methods and transportation of farm products at "lowest possible cost" consistent with the cost of maintaining the railroads.

RELIEF OF DISTRESS IN RUSSIA.

The VICE PRESIDENT. Morning business is closed.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of Order of Business 369, the bill (H. R. 9548) for the relief of the distressed and starving people of Russia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the President is hereby authorized, through such agency or agencies as he may designate, to purchase in the United States and transport and distribute corn, seed grain, and preserved milk for the relief of the distressed and starving people of Russia and for spring planting in areas where seed grains have been exhausted. The President is hereby authorized to expend or cause to be expended, out of the funds of the United States Grain Corporation, a sum not exceeding $20,000,000, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this act: *Provided*, That the President shall, not later than December 31, 1922, submit to the Congress an itemized and detailed report of the expenditures and activities made and conducted through the agencies selected by him, under the authority of this act: *Provided further*, That the commodities above enumerated so purchased shall be transported to their destination in vessels of the United States, either those privately owned or owned by the United States Shipping Board.

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Ladd	Ransdell
Ball	Fletcher	Lodge	Robinson
Bursum	France	McCumber	Sheppard
Calder	Glass	McKellar	Smith
Cameron	Gooding	McKinley	Smoot
Capper	Hale	McLean	Spencer
Caraway	Harris	McNary	Stanfield
Colt	Heflin	Moses	Sterling
Culberson	Jones, Wash.	Nelson	Swanson
Curtis	Kendrick	New	Townsend
Dial	Kenyon	Norbeck	Trammell
Dillingham	Keyes	Page	Wadsworth
du Pont	King	Pittman	Walsh, Mass.

Mr. TRAMMELL. I desire to announce the absence of the junior Senator from Louisiana [Mr. BROUSSARD] on official business.

Mr. CURTIS. I desire to announce that the Senator from Connecticut [Mr. BRANDEGEE], the Senator from Kentucky [Mr. ERNST], the Senator from Ohio [Mr. WILLIS], the Senator from Tennessee [Mr. SHIELDS], and the Senator from North Carolina [Mr. OVERMAN] are detained from the Chamber on official business of the Senate.

I also desire to announce that the junior Senator from Nevada [Mr. ODDIE] is absent on the business of the Senate, and that the Senator from Nebraska [Mr. NORRIS] is absent on account of illness in his family.

Mr. WALSH of Massachusetts. I desire to announce the absence of the Senator from Rhode Island [Mr. GERRY] on account of illness.

The VICE PRESIDENT. Fifty-two Senators having answered to their names, a quorum of the Senate is present.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. McLEAN. Mr. President, I submit a proposed unanimous-consent agreement in relation to the unfinished business which I send to the desk.

The VICE PRESIDENT. The Senator from Connecticut presents a request for unanimous consent, which will be read.

The ASSISTANT SECRETARY. The Senator from Connecticut [Mr. McLEAN] asks unanimous consent that at not later than 2 o'clock p. m., on the calendar day of Tuesday, January 17, 1922, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 2263) to amend the Federal reserve act approved December 23, 1913, through the regular parliamentary stages to its final disposition; and that after the hour of 1 o'clock p. m., on said calendar day, no Senator shall speak more than once or longer than five minutes upon the bill, or more than once or longer than five minutes upon any amendment offered thereto.

Mr. McLEAN. Mr. President, I should like to reserve the right to move to recommit the bill, and I assume that if I so desire I may have that privilege. If necessary, I desire to add such a proviso to the proposed agreement.

The ASSISTANT SECRETARY. It is proposed to add the following proviso to the request for unanimous consent:

Provided, That nothing in this agreement shall prevent the entertainment by the Chair of a motion to recommit the bill.

Mr. HEFLIN. Mr. President, my understanding on yesterday was that the Senator from Connecticut was willing to have a vote tak n upon this measure to-day, provided we did not insist on going on with it yesterday. I know that I consented, so far as I was concerned, as others did on this side of the Chamber, to go into executive session under the impression we were going to have a vote on the measure to-day. I was anxious to obtain a vote on it yesterday. There seems to be some misunderstanding about this matter. Now, the Senator from Connecticut wants to postpone action on it for three weeks or more.

Mr. SMITH. Mr. President, if the Senator from Alabama will allow me, after a careful review of the situation during the time intervening between yesterday and this morning, I think it would be but justice to all interested parties, perhaps, if the proposed unanimous-consent agreement were entered into. The bill is familiar to all Senators, and I do not think anything would be gained at all by attempting to force its passage now. It will stand or fall by its own merits, and delay will not jeopardize it one way or another. I hope that the Senator from Alabama, who has so earnestly cooperated in advocating the passage of the bill, will unite with us and let us have the consideration of this question set for a time when we may discuss it in all of its phases. After conference with the chairman of the Committee on Banking and Currency, I have agreed to the request for unanimous consent, and I think that we should all accede to it.

Mr. HEFLIN. Well, Mr. President, I shall not object. I was very anxious to have a vote on the bill before the holidays, but I realize that the Senator from Connecticut and others who oppose the proposed substitute for the measure could keep us from having a vote upon it; and in order that we may have a date certain fixed for the determination of the question I shall not object.

The VICE PRESIDENT. Is there objection to the request for unanimous consent? The Chair hears none, and the unanimous-consent agreement is entered into.

RELIEF OF DISTRESS IN RUSSIA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9548) for the relief of the distressed and starving people of Russia.

Mr. SMOOT. Mr. President, I take it for granted that every Senator is aware of the conditions now existing in starving Russia. They may not know the details, nor the extent of the catastrophe which has befallen that people, but I am sure there is not a man in public life who does not realize the horrible conditions which confront the unfortunate population in certain parts of Russia. So acute has the situation become and so broad is its scope that the President of the United States took occasion in his last message to call the attention of the Congress to it and to plead with Congress to provide an appropriation to save the lives of hundreds of thousands of Russian children, and also of men and women in certain sections of Russia, from horrible death by starvation. I agree with every word that the President said in his message touching this matter.

At once action was taken by the House of Representatives; a bill was prepared appropriating $20,000,000 out of the funds of the United States Grain Corporation, not only for the purpose of feeding the starving people of Russia to the extent of $10,000,000, as recommended by the President in his message to Congress, but there was added a $10,000,000 appropriation for the purpose of buying seed grain in order to provide the distressed people in Russia with at least sufficient seed grain to enable them to produce the next harvest, in the hope that, perchance, the elements will be more propitious in the coming year than they have been during the last three years, for during that time there has been a drought in Russia the like of which has never before been known in all the history of that country.

Mr. President, I have heard stories told of conditions existing in Russia by men coming from that unhappy land that would melt a heart of stone and would appeal to the charity of any living soul. The President, in appealing to the people of the United States and to the Congress for this relief, was answered quickly; and, as I have stated, the bill carries an amount even larger than the original request, in order that those people may have at least a chance to produce in the land of Russia enough foodstuffs to keep body and soul together for the coming year.

Mr. President, $10,000,000 is required to feed them, to take care of the dying children, who are to-day living upon grass and roots, and nothing else; and, remember, this relief is not to be distributed by any Russian agency. Every pound of grain that will be shipped under this bill will be distributed by American agencies, and every pound of it will go to some suffering, starving individual of that unhappy country.

I noticed that there was some little opposition to the measure in the House; but I believe that when Senators follow the discussion in the House they must conclude that there is only one thing to do under the circumstances, and that is to do what is right, and to do what you would ask the people of the world to do for you if you were in the same condition.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. I do.

Mr. FLETCHER. May I ask the Senator if he has considered the constitutional question as to whether or not Congress has the power and authority to make an appropriation of this kind for this purpose out of the money of the taxpayers of the country? The principal objection that was raised in the other body, I think, was based on constitutional grounds; at least one of the main objections urged there was on that ground. I did not know whether the Senator had considered it or not.

Mr. SMOOT. I think the Senator will find that that was pretty well answered in the discussions on the floor of the House. I have not any doubt at all but that Congress has a right to make this appropriation by way of gift to the Russian people. The Congress of the United States has given to China $20,000,000 to relieve the Chinese people of an obligation owing the United States. That action meant just so many dollars to the taxpayers in the United States. No question ever arose then, and I can not believe that there is anything in the question of the constitutionality of a bill of this sort.

Mr. DIAL. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. SMOOT. I yield to the Senator.

Mr. DIAL. Under what provision of the Constitution have we the right to pass such a bill?

Mr. KENYON. Mr. President, may I offer a suggestion?

Mr. SMOOT. I yield.

Mr. KENYON. When the bill was here carrying an appropriation of $100,000,000, as Senators will remember, for relief across the sea, some of us made arguments to the effect that the bill was not constitutional; that it was a pure gift. Speaking only for myself, I do not believe that we have any right to vote away public funds as a mere gift, if that is all there is to it. I desire, however, to call the attention of the Senator from Florida and the attention of the Senator from South Carolina to this fact in that connection:

This is not merely a gift. It is sound economic policy. We are helping the situation in our own country; and that takes it out of the category of a mere gratuity and brings it under the Constitution under the general-welfare clause. I think there can be no doubt about it.

Mr. DIAL and Mr. FLETCHER addressed the Chair.

Mr. SMOOT. I will go further than the Senator goes.

Mr. KENYON. I am speaking merely from a constitutional standpoint.

Mr. SMOOT. I will say that, as far as I am concerned, if a majority of the House of Representatives and a majority of the Senate of the United States will vote for and the President of the United States will sign a measure to relieve a suffering people, to keep millions from death, I as a citizen am willing it shall be done, even though its constitutionality is questioned.

Mr. FLETCHER. Mr. President, I can not follow the Senator as far as that.

Mr. SMOOT. I will go that far, just the same as if I saw a dying man starving to death, and if I had control of funds as a trustee, I would see that he did not starve to death, and I would take my chances of getting the money back in some other way, or take my chances of being condemned for the act. I think life itself enters into this proposition to such a degree that I believe the American people from one end of the land to the other will say that Congress did the proper and right thing.

Mr. FLETCHER. I do not think the illustration is apt at all; but, in the first place, in those circumstances I would find some way of giving relief without being obliged to violate a trust. It seems to me that no matter what the merit of the cause may be, no matter how far our sympathies may extend, we have no right to do anything here which violates our oaths to sustain and uphold the Constitution of the United States. That is of prime and supreme importance.

I am not saying that this measure is unconstitutional. I am only suggesting that if the Senator had thought about that phase of the matter he might give us some light upon it. I

think that when the matter was under consideration in the other body it was disposed of somewhat on the theory which the Senator announces—that, Constitution or no Constitution, here is a case where we ought to save human life, and we are going to do it.

With reference to the suggestion of the Senator from Iowa, of course, in war times and under war conditions the powers of Congress are quite different from what they are under ordinary circumstances and in peace times. The appropriation to which the Senator refers was made under war conditions and in war times. I have not any question but that it was justified and warranted and legal and valid and constitutional in every way at that time. The precedent to which the Senator refers with regard to China is more in point; but, of course, it may be a dangerous thing, and may lead us very far afield, if we keep piling on one precedent after another. We have granted aid in the case of earthquake sufferers and tidal-wave distresses and that sort of thing; but, as I say, we had better be careful not to make one precedent lay the foundation for another course of action which rather extends and enlarges and gets us further and further away from the fundamental law of the land.

Some of this fund also, as I understand, will not go to buy grain and supplies and milk from this country, but some of it will go in other directions. In other words, not all of it is to be expended in the United States and thereby be justified upon the ground suggested by the Senator from Iowa.

Mr. KENYON. Mr. President, may I ask the Senator a question? The constitutional question is important, and I agree with him that we should have constitutional authority for everything we do.

Suppose the farm prices, we will say, of crops had gone to such a point in this country that there was a great surplus and the farmers were actually bankrupt, does not the Senator think that under the Constitution Congress could pass an act to buy those crops?

Mr. FLETCHER. I think so. I think that could be done.

Mr. KENYON. Then we could do anything we pleased with those crops after we had bought them, could we not?

Mr. FLETCHER. That perhaps would apply under the general-welfare clause, which is confined to operations in this country.

Mr. KENYON. We could take those crops and give them to anybody on the face of the earth. Now we have a situation in this country to-day where some of the things that are to be purchased here are almost in that condition; so that while philanthropy is the thing, of course—I do not want to consider it from any other standpoint—yet, to get under the Constitution, we can well take the ground that it will be of economic value in this country through buying these things and in that way helping to dispose of the crops and adding to the general prosperity. That is what fixes my mind on the constitutional question.

I did not vote for the other bill because it seemed to me that there was absolutely no constitutional power to take the money of the people and give it away; but this is different.

Mr. SMOOT. Mr. President, it seems to me, looking at it from a selfish standpoint as a nation, that the granting of this $20,000,000 for the purposes named in the bill will bring results tenfold, aye, perhaps a hundredfold, in the near future. Russia is not going to be governed for many years longer in the way and by the powers that are directing her affairs to-day. Russia is going to be one of the great powers of the world. Russia has within her borders more undeveloped territory and more undeveloped natural resources than any other country in all the world. The day will come when the farmers of America will want the trade with Russia, the manufacturers of America will want to resume trade with Russia, and indirectly it will benefit every citizen of the United States and benefit the Treasury of the United States, too.

Why, Mr. President, at one time we appropriated $800,000 for the relief of the earthquake sufferers at Martinique, and at another time we appropriated $200,000 for the relief of the earthquake sufferers in Italy.

I am quite sure, Mr. President, that all will admit that it is far better to die by earthquake, and have the sufferings over at once, than to have death come slowly by starvation or from underfeeding. That is what is going on in Russia to-day. No one abhors the conditions existing in Russia to-day more than I, but it seems to me that if I had a bitter enemy, even though he were my bitterest enemy, I could not see him or his children dying by inches, day by day, and knowing that it would be only a short time before not only he, my enemy, but all of his children as well, would starve to death. Rather would I take him and his children and feed them than to see such a condition as that exist.

Mr. President, I think the $10,000,000 for seed grain is quite as important as the $10,000,000 appropriated to feed those people.

Mr. NELSON. Mr. President, may I ask the Senator if the committee has amended the bill as it passed the House?

Mr. SMOOT. No; not in any respect. The bill is reported just as it passed the House. The Senator from Florida [Mr. FLETCHER] made reference to the fact that part of this money would be expended outside of the United States.

Mr. NELSON. Mr. President, if I may interrupt the Senator again, I desire to ask him if the committee has taken into consideration the fact that this would fortify the soviet government of Russia?

Mr. SMOOT. That has been taken into consideration; but it can not possibly assist that government at all. My opinion is that it will be the means of weakening the soviet government in Russia. Those starving people, whose lives may be saved by American charity, will wonder why their own government did not aid them, and they will offer up thanks that there was such a Government as the United States, whose people were so liberal as to come to their relief in a time of dire trouble and distress. I think it will be the entering wedge to drive from power the men who are to-day directing the affairs of Russia.

Mr. NELSON. Mr. President, has the Senator considered the fact that our farmers throughout the country are in a most distressed condition? They are to-day in a worse condition than any I can recall in my long life.

Mr. SMOOT. I agree with the Senator.

Mr. NELSON. Does not the Senator think that if this $20,000,000 were given to the farmers of this country, it would be a great blessing to them, and that we had better confine our efforts to the people at home who need the help rather than to go abroad?

Mr. SMOOT. Mr. President, the greater part of the $20,000,000 will go to the farmers of this country. That is one of the advantages of this bill. It will mean that the products which are an absolute drug upon the market to-day will be taken from the farmer, and I look to see the price of corn, which has been so low of late that it has not paid the farmer for raising it, advance.

I hope and believe it will stabilize the market price of that commodity, and not only benefit the farmer to the extent of the $20,000,000 that will be given to him for his product, which lies to-day unused in this country, but it will tend to raise the price of that which he may sell hereafter in his own local market.

Mr. WADSWORTH. Mr. President, I have not had an opportunity as yet to examine the hearings, but can the Senator tell us whether anything was brought out at the hearings to the effect that the Russian agricultural population is at all familiar with the use of corn?

Mr. KENYON. I can answer that question, Mr. President. It is shown in the hearings that each little commune has its own grinding establishment, and they grind it in the commune.

Mr. WADSWORTH. Then they are familiar with the use of corn meal?

Mr. SMOOT. Certainly; and not only that, but it will cost nothing to do so. I know there is an endeavor being made by some of the millers of this country to have this corn ground in the United States and shipped as corn meal instead of whole corn. While I would like to see that work done in the United States, it would be very unwise to do so. I think it would be a grave mistake.

Mr. FLETCHER. Would it be safe to ship the meal, or the corn, for that matter? Is there not danger that even corn itself may heat and spoil?

Mr. SMOOT. No; there is no danger in shipping the corn, but there is danger of the meal heating, and I think the proper thing to do is to get the greatest quantity that will feed, and the children there and the other people in those little communities, after they get the corn, will prepare it. I want every child and every man and every woman who has a kernel of it to get all the sustenance possible out of it, but if we grind the corn into meal here there will be fewer kernels of corn and less substance in them for the Russian people than if we send it over there as the whole corn, and give them all that there is in it.

Mr. KENYON. Mr. President, if the Senator will turn to page 12 of the hearings, he will find the answer to the question asked by the Senator from New York, which he might desire to put in his remarks.

Mr. SMOOT. The Senator from Iowa can read it if he desires.

Mr. KENYON. The very question asked by the Senator from New York was asked of Gov. Goodrich. The question was:

Mr. BURTON. What do you say as to the adaptability of Indian corn for food for them? Could they readily use it?

Mr. GOODRICH. Yes, sir. They are well equipped to use corn for food. Every commune in Russia has its communal windmill, with the old-fashion stone burrs, at which they grind all their food. In this manner, instead of extracting the oil as we do in this country, it will be kept in the meal and furnish them the fat which they so much need.

Mr. SMOOT. I thank the Senator for reading that. I suppose that every Senator has read the short report made by Mr. TEMPLE from the House committee, and I shall not take the time to read it to the Senate now. I trust there will be no opposition to the bill. If we are going to pass it at all, let us pass it to-day. Let us get the corn on the way. The stories that are told of the suffering among the people in certain sections of Russia make me, at least, feel as if I would not want a minute's time to elapse, if it were possible, before we say to those starving people of Russia, "Have courage. Relief is on the way. It will come to you just as quickly as American ships can carry it." We can all imagine what would take place in many little communities when the message arrives. Therefore I ask that we pass this bill to-day, if it is to be passed at all. Let us get the corn and the other relief on the way to those suffering people.

Mr. DIAL. Mr. President, I sympathize with the Russian people, and particularly with the Russian children, and I realize that it is absolutely unavailing to oppose this bill. I do not want to put myself in the attitude of being hard-hearted, according to the standard set up by the Senator from Utah [Mr. SMOOT] and of not aiding the suffering people of the world in every way consistent with my duty. It seems to me, however, that this is a very dangerous precedent we are following. I do not think the relief extended to China, referred to by the Senator, is analogous to this.

It is true that we donated to the earthquake sufferers in Italy some time ago a large sum of money. If we were more prosperous in this country, possibly no notice would have been taken of this, but when we realize the condition of our own people, I feel that we should be very careful about giving away the money of the taxpayers of this country.

I have not the least doubt but what this bill is unconstitutional. I do not think it has a semblance of law to back it up. In fact, Mr. President, we have stretched the Constitution so far that the framers of it would not recognize it if they should see it now.

I desire to help suffering people everywhere. I desire to give employment to everybody out of employment; but I must say, though it may sound a little harsh, that I never was much in favor of making donations. I think we have carried the idea of making gifts too far. It does but little good to give a man anything. He will spend it perhaps in riotous living and come back and want you to give him more. The greatest good anyone in this world can do to mankind is to help people to help themselves, aid them to get on their feet, let them find that they can use their strength and their ability and their brains to make a living for themselves.

It is a wrong principle to expect the United States to act as the Santa Claus of the world. I venture to say that the people of many sections of the world are not any worse off than the people are in some sections of this country where we have had a total crop failure. Now, when our own people can not pay their taxes, when there are tax executions by the hundreds of thousands all over the country in the hands of the sheriffs, for us to donate this large sum of money is, I insist, beyond our power and in bad taste.

Mr. President, what I think ought to be done is that we should put this fund or some other fund in the hands of some organization that could help the Russian people to plant and get on their feet and make a living. That would perhaps be justifiable, but even then it would be going a very long ways. Make it a loan. I do not know that it is our business to look into the domestic affairs of the people of the world. I do not know that the Russian people are in a much worse fix than the people of Armenia and perhaps other sections of the earth. If we allow this to go by it will not be long until there will be some other appeal here, and there is no telling where the thing will end. "Hard cases make bad law."

Some time ago I talked to a Russian about buying cotton in the South. He told me that they had plenty to pay for goods that they could buy in the United States. He brought up the question of his Government, but I told him I did not care to discuss that. He said that the Russian people do not ask the United States Government to recognize the Russian Government; that all they want us to do is to establish trade relations with them; that they are prepared to pay for what they need; and that they want to a very great extent the trade of the United States.

I do not care to discuss the Russian Government, but it seems to me if it is wrong, and I believe it is wrong, that the people there ought to rise up and overthrow their Government. It does seem to me that there would be enough societies in Russia, enough cities in Russia, enough of some kind of organizations, who could get together and see that the people do not perish. Then if they want to borrow in the United States, it might be a good policy for us to lend to them with a view of getting that money back some time perhaps. If not, it could be done with a view of letting them have some seed and then let them get some farm implements, and tell them to go to work, and that after a certain time they need not expect more help from us.

I do not believe it will be many years until the people of many parts of the world are going to come to Congress and be forever knocking at our doors asking alms. We are drifting rapidly in the direction where England has gone, to the giving of unemployment compensation to people who do not work. A short time ago I was talking to one of the largest merchants in the world. He told me that he had a plant in England and that one of the workmen quit and he asked the foreman why the man had quit. The foreman investigated and reported back that the laborer said he preferred to quit and get the unemployment compensation rather than work and get the wages he was getting in the factory.

We ought to realize that we are not here to donate the people's money. We are here to run the Government according to law and according to the Constitution, and I hope we will get back to that principle. I deeply sympathize with everyone who is suffering. I do not know whether the statements which we get are exaggerated or not, but there ought to be some way to have this aid administered in a businesslike way. Let every individual contribute according to his means to every worthy cause. We all do that.

Perhaps it is useless to offer it, but I move to amend the bill in line 11, page 1, by striking out "$20,000,000" and inserting in lieu thereof "$10,000,000."

Mr. CARAWAY. Mr. President, I do not wish to quibble with people whose views do not coincide with mine. Since I have been a Member of Congress I have stood for many measures that gave me serious concern, some of them with reference to constitutional questions, and some of them as to policy. I can not find it in my heart to quibble about matters of this kind when children are dying for lack of bread. I would not, if the child were mine, let the Constitution or anything else stand between me and giving it something that would sustain life. If I feel that way with reference to my own child, I do not think I am a good man if I am perfectly willing to see my own fed and my neighbor's child die of want.

I shall vote for this measure with pleasure, and I shall vote for the amount of $20,000,000, and I am willing to vote for more. If those little children and their mothers come back here with empty hands at some other time, I can say now that so long as I am here they will have one vote to relieve their wants, and let the constitutional question be left to those who want to quibble about it.

If any man who lives in my State sees fit to complain of the small contribution that he may be required to make to pay this $20,000,000, I think I would be perfectly willing to pay it for him. I do not believe, however, there is a man, woman, or child in my State who would not go into their pockets for this relief, and I know they are willing to have it come from the Treasury of the United States in that good cause.

Mr. HITCHCOCK. Mr. President, I see so many reasons for supporting the bill that I can hardly discern how anyone can find any for voting against it. The Government of the United States has pretty thoroughly established the precedent that in the face of a great world calamity involving a vast number of people it will join others in going to their relief. Congress has done that on many occasions, and I think it is too late now to raise the technical question of the constitutional power of Congress to vote a trifling amount of money for so great a cause.

I am very sure that anyone who has had a first-hand description of the awful tragedy now being enacted in the Volga Basin, involving the starvation of whole communities, involving some 15,000,000 or 18,000,000 people over an area of country as great as several of our States, would, like the Senator from Arkansas [Mr. CARAWAY], be unwilling to delay even for a day the sending of relief and the doing of our part to bring relief.

This does not involve the voting of $20,000,000 or any other sum to Russia. It involves the sending of about 10,000,000 bushels of corn that is otherwise likely to be burned for fuel in

this country. That is what it involves. It involves the doing of a thing which costs us little or nothing, the doing of our share toward meeting a great world calamity.

I think, moreover, that we are not entirely doing a disinterested act when we do this thing. There is a great possible future value not only to the United States but to civilization at this time in impressing the Russian people with the fact that they have brothers in other lands. There is a great sentimental value in making that impression upon those millions of people who have been taught that the rest of the world is their enemy. There can not be any doubt in the world of the value of establishing such a sentiment in the Russian heart. Already the work of relief is in progress in Russia, and I am told that it has already made a profound impression not only among the masses of the Russian people but upon the governors of Russia.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Nebraska yield to the Senator from Florida?

Mr. HITCHCOCK. I yield.

Mr. FLETCHER. It is not that I am antagonizing the Senator's belief, but in connection with the possible credit that this country would get among the people of Russia for this donation, it has been suggested and I think the hearings will disclose, at any rate the debate in the House will disclose, that the bolsheviks in Russia, the Reds, if you please, are telling the people there, and there is a very considerable propaganda on that subject spread throughout this country by their representatives here, that it is because of the bolshevik work in the United States that this donation is being forced through Congress and that the whole credit is due to the bolshevik representatives in Russia and in this country for the donation.

Mr. HITCHCOCK. Mr. President, I believe I know enough of the facts to say that there is not any such real impression in Russia and that the Senator is misinformed in the matter. There may be men in this country who spread such an idea. The Russian Government rather reluctantly consented to have the American agents go in there. They rather reluctantly gave them the right to go in, because they were afraid that they would use their influence with the Russian masses against the Russian Government. But they have been disillusioned. They have thrown everything open to the American agents who are already at work there, and those agents are reasonably secure in their statements when they say that they will probably be able to save the lives of 1,200,000 children with what they already have.

The result of their work has been already felt with the Government, which has placed all the facilities in the hands of the American agents. The Russian Government has turned those facilities over to them, and, as the testimony before the House committee shows, has imposed the most severe penalties on anyone interfering with them in any way or plundering any of their goods. They all look upon the United States in a different light from what they formerly did.

Mr. President, I have spoken of the possible sentimental value, not only to the United States but to civilization generally, in letting the Russian people know that the world is not their enemy. The Russian people have been deluded, no doubt, but here is going to be an act of the United States, probably followed by the acts of other nations of the world, which will make a profound impression not only on the 15,000,000 or 18,000,000 in the Volga Basin but on all Russia as a disinterested act of Christian charity and generosity. It is bound to make a deep impression on the Russian people.

People are impressionable. When Russia, during the Civil War, sent her fleet into New York Harbor as a sort of warning to Great Britain at the time, as a sort of indication that Russia might be the friend of the United States, it made a deep impression upon the people of the United States, which has never been forgotten here and which has influenced even our policies in the past. Senators can imagine what will be the effect in Russia of this act on the part of the United States in saving not only thousands but millions of people from starvation.

I have had the opportunity to meet several men who have been in Russia and who have been in the Volga Basin, and one can not listen to their description of the actual events there without feeling that the tragedy is of such an enormous and horrible character that it is our duty to come to their relief.

Mr. NELSON. Mr. President, I am heartily in favor of the pending measure. It is seldom that we have legislation which confers, as one might say, a double blessing. It is a blessing to the poor, destitute farmers in the Volga district in Russia to get this help. It is a great blessing to the farmers of this country who are in a depressed condition. This appropriation opens the door for a market for American farm products that our farmers would not have without it.

The innate justice of it, too, arises out of the fact that this appropriation is to be taken from money which was made in the operations of the Grain Corporation. It is not to be taken directly out of the Treasury of the United States, but is to be taken out of money which was accumulated by that corporation. We all know that there were times during the World War when the farmers could have received a great deal more than $2.25 a bushel for their wheat; that if it had not been for the regulatory and restraining legislation enacted by Congress they would have made a great deal more money; but they were held down to a price of $2.25 a bushel for their wheat. The result was that the Grain Corporation accumulated what may be called an excess profit. It is, therefore, nothing more than just and right that the money which was made from the sale of the farmers' wheat should be now devoted to the purchase of the grain crops of the farmer.

If there is any class of farmers in the country who are to-day suffering more than another class, it is the corn-raising farmers. As the Senator from Nebraska [Mr. HITCHCOCK] has well said, much of the corn which it is proposed under the appropriation contained in this bill to send to Russia would otherwise go to waste or would be burned as fuel. How much better it will be to send it over to Europe in order to help the starving people of Russia.

More than that, Mr. President, as I have reflected upon the situation, I have appreciated the moral and ethical value of this proposed action on our part. The people in Russia have by bolshevistic propaganda been taught to believe that our country and other countries are what the bolsheviki call capitalistic countries; that we have no friendship for the poor and downtrodden, but that we are merely a money-making country. By sending this relief to the unfortunate people of Russia we shall demonstrate to them that we are not open to the charge which the bolsheviki have made against us, but that we are a generous, kind-hearted, warm-hearted people, and are as ready to give relief to the poor people of Russia as we are to the poor people of any other country.

As the Senator from Nebraska has also well said, Mr. President, there have been many precedents for granting such relief. I can remember not so many years ago when there was a famine in Russia—and famines occur frequently in that country because a great many sections are within the arid or the semi-arid belt, as are some portions of our own country—the millers of Minneapolis raised amongst themselves a whole shipload of flour and sent it to the starving people of Russia. I recall how delighted and how glad the people of Russia were to receive that gift. I felt and the millers and the people in Minnesota felt that it was one of the best investments which we had ever made. So, Mr. President, in this case we shall not only confer a great blessing on the starving people of Russia but we shall confer a great blessing on our farmers, who are to-day, for the want of a market for their grain, in some respects in almost as distressing a condition as are the people of Russia. This measure will help them to a limited extent, but I wish the proposed appropriation for the purchase of American grain products were $50,000,000 instead of being only $20,000,000.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from South Carolina?

Mr. NELSON. I yield.

Mr. DIAL. I should like to ask the Senator from Minnesota, does he understand that the purchase of grain proposed by the pending bill is limited to corn? Is it not to buy wheat?

Mr. NELSON. It covers corn and seed wheat.

Mr. DIAL. Then, flour could not be purchased with the appropriation?

Mr. NELSON. No; but seed wheat could be purchased, and the Russians need seed wheat.

Mr. DIAL. The bill reads "seed grain"; it does not say "seed wheat." Therefore I did not know whether or not it included corn.

Mr. NELSON. It includes corn, wheat, oats, and rye. We have such seed grain here to furnish to the Russians. There is, however, no agricultural product in this country of which there is so great a surplus as there is of corn. It is, therefore, highly appropriate that provision be made for the purchase of corn. The people in Russia will be glad to make use of corn, and they will make good use of it. We need not be apprehensive as to that.

So, Mr. President, without taking up more time of the Senate, I wish merely to say in conclusion that I am heartily in favor of the pending measure, and under the circumstances, if the

money shall be devoted to the purchase of the grain products of the American farmer, I should be very glad if the appropriation were $50,000,000 instead of being $20,000,000 as is now proposed.

Mr. WADSWORTH. Mr. President, there is no doubt whatever that we stand in the shadow of a great tragedy. Millions of people in Russia are suffering, and many of them are threatened with destruction. Of course, our hearts are deeply touched by this situation, and I think it is but fair to say that our people are of a kind that rejoices in responding to a call for help. It is difficult, Mr. President, under circumstances of this character to discuss a proposal such as this without giving way entirely to the sentimental side, the side which I say appeals to us very deeply; but observations have been made upon the floor this morning which have called to my mind certain thoughts.

I may be charged before I finish with giving undue importance to certain hard, cold facts. I am speaking not so much in opposition to this bill, but I am speaking rather in a frame of mind which may be characterized as one of doubt, and my intention is to endeavor to bring before Senators certain considerations which we should not forget.

In the first place, certain emphasis has been placed on the fact that the proposed appropriation is to be taken from the funds of the United States Grain Corporation, and an attempt has been made to make it appear that because the money is taken from the funds of that corporation it is the more easily appropriated. Whether the money is taken from the Grain Corporation funds or from the Treasury of the United States it is just the same—money belonging to the people of the United States. If the money of the Grain Corporation is needed for any purpose by the people of the United States and a portion of it shall have been taken away by this act, that sum will have to be made up somewhere else. It will not do, Mr. President, to becloud or confuse the public mind in any way as to what we are doing here. We are, indeed, appropriating the money of the people of the United States.

Mr. NELSON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Minnesota?

Mr. WADSWORTH. I do.

Mr. NELSON. Was not the money in the hands of the Grain Corporation money derived as a profit from the wheat of the farmers?

Mr. WADSWORTH. It was, as I understand.

Mr. NELSON. The farmers were compelled under the law to sell their wheat for $2.25 a bushel, and the Grain Corporation was enabled to make a profit on the wheat of the farmers sold by them at that figure. The Grain Corporation earned a profit out of the people that no other agency of the Government was able to earn. Now, it is proposed to devote the money which came indirectly from the farmers to help the farmers.

Mr. WADSWORTH. I am not prepared to discuss the operations of the Grain Corporation, and I am not certain that my reply to the first part of the question of the Senator from Minnesota, as to whether or not this fund was collected in the form of profits, was accurate. I am not at present informed about that; my recollection of the operations of that corporation is untrustworthy; but, nevertheless, that money belongs to the people of the United States; that is my only contention in this connection; that this is, indeed, an appropriation of money belonging to the people of the United States, and just as surely an appropriation and just as direct an appropriation as if it were taken from the Treasury of the United States in the usual way. I think we ought to face things just as they are and not disseminate any confused idea as to what we are doing.

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Maryland?

Mr. WADSWORTH. I do.

Mr. FRANCE. I hope the Senator from New York will face the fact that this money was made out of the funds of the United States.

Mr. WADSWORTH. That is another question, but I do not care how it was made; that is not the point that I am driving at; it is the property of the people of the United States that it is proposed to appropriate.

Mr. BORAH. I think Senators are likely to accentuate the proposition of the agricultural bloc here, which I hope they will not do.

Mr. WADSWORTH. Mr. President, observations have been made concerning the benefit which the expenditure of this money for the purchase of grain will bring to the farmers of this country. I hope that idea is not going to be disseminated in all seriousness far and wide over this country, for, in my humble judgment, it is doomed eventually to cause grave disappointment. As I read the hearings, something like 20,000,000 bushels of grain are to be purchased. It is true we have a tremendous surplus of corn, some of which in certain portions of the country is being burned as fuel, and much of which can not fetch, as I understand, much more than 10 cents a bushel, a price far below the cost of producing it. But what is the corn crop of the United States? What does it amount to? I think there have been occasions where it has exceeded 2,000,000,000 bushels. I am not familiar with the figures of the last crop of corn, but I think I am fairly safe in saying that it reached at least 2,000,000,000 bushels. Can anyone persuade me or any other person that 20,000,000 bushels out of a crop of 2,000,000,000 bushels is going to have any marked effect upon the price of corn to the farmer in the United States? I am a little weary of some of the attempts that are so frequently made to fool the farmer. The result which is predicted is not going to happen. I venture to say that the purchase of corn under this bill will not raise the price 2 cents a bushel. It would not count very much if it raised it 5 cents a bushel; it would not count very much if it raised it 10 cents a bushel. The benefit to the farmer is so infinitesimal that he will not know the transaction has taken place; and yet some of the arguments made in support of this proposal is that it is going to confer an economic benefit upon the people of the United States. I have spoken only of the farmer's side of it. I do not want him to be misled.

Now let us look at another fallacy in connection with this thing, as to the economic benefit to the people of the United States as a whole.

Mr. President, some people have advanced the theory in days gone by that one way to increase employment and prosperity is to smash window glass in order that there shall be a demand for new windowpanes and more people put to work and more money spent. Of course that is a fallacy, and everybody knows it. You can not make prosperity by destroying anything; and I think, by the same token, you can not make economic prosperity by purchasing something in this country and giving it away elsewhere—I mean, the economic prosperity of the whole people; economic prosperity that shall have some definite tenure, some element of permanency. Let us not spread the idea and the news that the expenditure of $20,000,000 in the grain markets of the United States, and the giving away in Russia of the grain that is purchased by it, is going to do anything to enchance the economic prosperity of this country, because it is not. It is not an economic transaction, and it should not be heralded as such. It is purely a charitable undertaking. It is giving away property.

I am not opposed to the giving away of property in time of great stress. I am not opposed to charitable undertakings. They make a strong appeal to all of us; but let us not fool ourselves or anybody else with the idea that the expenditure of this money is going to do something to restore business prosperity in the United States, because it is not. The supporters of this bill ought to find, and I am sure do find, much stronger grounds for their support than these statements which have been made here this morning.

There is one aspect of this situation which rather disturbs me. As is well known, a great and very worthily organized association has existed in the United States for about a year, known as the American Relief in Russia. That association, very ably led, I believe very ably managed, economically managed, has been making an appeal to the American people for many months, asking them to subscribe to this great and worthy work. Comparatively speaking—I say "comparatively speaking," and I mean by that when one measures the undertakings and achievements of a charity organization such as this—a considerable sum has been raised. I notice that Mr. Hoover discusses it on page 39 of the hearings. He says:

> I feel that public charity will do everything that charity can do.

He means, apparently, by "public charity," the kind of charitable efforts that I have just described.

> But these are times when one can not rightly summon much public charity for use abroad from the American people.

That is a rather disturbing suggestion, that our people either can no longer afford to subscribe substantial sums to a great charitable undertaking such as this in Russia, or else that they do not want to. I believe that they want to. I believe firmly that the disposition of every decent man and woman in the United States is to subscribe to funds of this kind, to a great charitable undertaking of this kind. I am led inevitably to the belief that they can not afford it.

Mr. Hoover says:

> There are a great many committees working throughout the country under great difficulty, but with a great deal of energy. I do not believe, however, that the total collections since August of the entire group amount to $750,000.

Then he says:

Public charity is not an avenue through which this problem can be solved.

The alternative is Government charity, which is the proposal contained in this bill, and so many people seem to forget that there is no essential difference between Government charity and private charity in the matter of raising the money. If private charity is unable to raise the money on account of the hard times through which the American people are passing, it is not an alternative unaccompanied by handicaps and distressing circumstances to tax those people and distribute the same charity through the hands of the Government. Whichever way you look at it, the people must pay.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. WADSWORTH. I do.

Mr. HITCHCOCK. I think the Senator loses sight of the fact that for a number of years now Americans have contributed large sums of money for various foreign charities.

Mr. WADSWORTH. That is true; with wonderful generosity.

Mr. HITCHCOCK. But these contributions have come from a comparatively few people, taking the people in the mass, and the same ones have given and given and given. This is an attempt to spread it over a larger number of people.

Mr. WADSWORTH. Whether they will or not.

Mr. HITCHCOCK. The fact is that the same people have given year after year to the Armenian relief and to the various reliefs, and the same ones will have to give again. This will call for some very small contributions from a number of people who have given nothing at all.

Mr. WADSWORTH. Mr. President, I am discussing what might be termed the academic side of this question, the substitution of Government charity for private charity. We have apparently reached that point. I think I am not far wrong in saying that the wells of private charity in this country have nearly gone dry; and I do not think I am wrong in characterizing this proposed act as a substitution for private charity of Government charity supported by taxation.

Mr. HITCHCOCK. The Senator is entirely wrong there. This money was not raised by taxation.

Mr. WADSWORTH. Mr. President, if we spend this money belonging to the people of the United States it must be supplanted by other money raised by taxation.

Mr. HITCHCOCK. I just want to correct the Senator. He was quibbling on words a while ago. I want to correct him when he says that this money was raised by taxation. It was raised through the energies of the very man who now seeks to use a part of it to bring relief.

Mr. BORAH. Whose money is it?

Mr. WADSWORTH. Why, it is the money of the people of the United States.

Mr. HITCHCOCK. That was not what the Senator said. He alleged that this money was raised by taxation. That is what he said.

Mr. WADSWORTH. No; the Senator from New York did not allege that this money was raised by taxation.

Mr. HITCHCOCK. Yes; that is exactly what the Senator said.

Mr. WADSWORTH. Just a moment.

Mr. HITCHCOCK. He said that we were being asked to spend this money raised by taxation.

Mr. WADSWORTH. I made the observation that I was discussing this subject from the academic standpoint; that apparently the wells of private charity, for the time being at least, have gone dry, and that measures of this sort represented, to my mind, a substitution for private charity of Government charity based upon taxation in the last analysis, and that is what it is. I see no escape from that conclusion.

Mr. President, I do not begrudge especially the appropriation of $20,000,000 for the suffering people of Russia, but I want Senators to cast their vision forward, and indeed bring up some of their recollections of the past, and let it be thoroughly understood what shall be the policy of the United States Government, what shall be its policy with respect to the expenditure of the money of the people, taken from those who work for a living in the sweat of their brows, in the form of taxes collected. Occasions will arise in the future, undoubtedly, where great areas of the earth will be subject to fearful suffering. It is but a few months ago that there was a tremendously extensive famine in China. The Chinese, too, are worthy of our charity. There have been other corners of the earth terribly distressed, and there will be in the future. The one aspect of this situation which rather disturbs me is the fact that, as I said a moment ago, we are going to supplant with Government charity that spontaneous private charity the display of which is one of the glories of the human race, and that from now on, apparently, we are going to adopt the policy that the Government will manage the outside charities of the people of the United States and will assess the citizens the amounts which the Government thinks the citizens should contribute.

I suggest that for the consideration of Senators. I think it is a step backward. I think it holds some danger in the future to a sound fiscal policy for this Government and for any government that embarks widely upon such a policy.

There is no doubt in my mind that this bill will pass. I did not want it to pass without making these observations. They may be, and probably are, worth next to nothing; but, such as they are, I have submitted them. Whether they are worth next to nothing at this time or not the occasion is bound to arise in the future when we shall once again be called upon to spend the people's money for like purposes. Are we to go on indefinitely?

Something has been said this morning about the beneficial political effect of this donation. Something has been said to the effect that the sending of this relief to Russia will do much toward putting the American people right with the Russian people, and the contention is made that from that standpoint there is some advantage to the people of the United States through the giving of this grain. Quite possible that is true. I can very well understand how millions of people in Russia will feel a great sense of gratitude to the people of the United States. Undoubtedly they feel it already for what private charity has done. But if we are going to have an intelligently selfish purpose in expending the money of the people of the United States I have a suggestion to offer, which may seem radical, which perhaps has not been offered before, but which I think combines intelligent charity with intelligent self-interest. I have discussed this matter with people who are familiar with the present-day conditions of the Russian people, and have received some encouragement concerning it.

Of course, there are many sad things in the conditions in Russia to-day, but if there is one thing that is sad it is the utter breakdown of education; that is, of the kind of education which we Americans believe is sound and wise and civilizing. The terrible political upheaval has in a large measure wiped out all that comparatively small percentage of the Russian people who had enjoyed educational advantages. A very large percentage of that people is illiterate. If we want to help the Russian people, and do something which will help them permanently, make them grateful to us, and increase our prestige and our legitimate influence with them, we might well consider seriously extending educational facilities to Russia.

I believe that money spent in that way would come back to the United States multiplied four or five times in its benefit and value, and that such action would do much toward stabilizing political conditions which in large part have contributed to the bringing about of the famine conditions of the Volga Basin.

Mr. President, I would welcome the reduction of this $20,000,000 proposed to be appropriated for the purpose of distributing grain, and the use of a portion of that money for the purpose of educating young Russian men and women who can not get an education, and to have it done by making the colleges and technical schools and universities of the United States available for them.

That may seem somewhat like an extreme suggestion. I offer it for the purpose of suggesting to Senators that if there is to be intelligent self-interest on our part when we make these appropriations, perhaps one of the most valuable things we can do toward increasing our own prestige and our legitimate influence is to help in the reeducation of a people who have been through such a stormy period during the last five or six years that nearly all opportunity for higher education, at least, has gone glimmering.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Utah?

Mr. WADSWORTH. I yield.

Mr. KING. Mr. President, the suggestion of the Senator is very interesting, but I invite his attention to the fact that if any attempts were made along the lines suggested by the Senator they would have to relate to the émigré population. I would not favor that, because most of those are intelligent. If we attempted to extend education to young men and women within Russia, under the political régime which is there dominant, interdictions would be interposed to their coming to this country. I venture to suggest to the Senator that it would be far better, and would do more for the development of the country, if we could send to Russia a number of technical men,

men versed in agriculture, in electricity, and in those matters which relate to the development of the country. It seems to me that if we could send commissions of that character of technical men and help them rehabilitate the railroads, inaugurate proper systems of irrigation, and proper methods of agriculture, we might make some very valuable contributions to the welfare and the prosperity, material and moral, of the Russian people; but I fancy the Senator would have great difficulty in bringing young men and women out of Russia for educational purposes at the present time while the powerful bolshevik régime is in power.

Mr. WADSWORTH. I am inclined to believe the Senator is correct. I am not suggesting the ways and means or the details of helping the people in this way. My thought was aroused to this point by the observations which have been made upon the floor of the Senate to the effect that we should exercise or show an intelligent self-interest in this matter. It is a phase of it which has been thrust into the discussion, and having been thrust in I offer the suggestion that perhaps the most effective way of serving ourselves, while at the same time serving the Russian people, is to assist them toward a better and higher degree of education, according to the American conception of education, and create in the Russian mind a friendly feeling for America for not only a year or two or ten years but for generations to come; help the Russians to understand American institutions and business organizations, and America's resources and her commerce, and in more ways than one help economically and commercially the people of the United States, while at the same time conferring a great boon upon the people of Russia.

Mr. President, I do not want to give the appearance of harshness or lack of feeling. We are going to appropriate this $20,000,000. We are going to appropriate it from the Federal Treasury, and it is a gift. We are proud of our ability to make the gift. We fondly hope that it will bring a great blessing to the Russian people. But while we are doing it, we must understand exactly what it means, and not attempt to deceive anybody by the suggestion that it is going to increase the economic prosperity of the people of the United States, or extend considerably the political influence of the people of the United States, or raise the price of corn in our domestic markets, or avoid imposing some burden of taxation upon the people of this country. We ought to learn to look things straight in the face, and it has been my humble effort this morning, Mr. President, to contribute to that end.

Mr. BORAH. Mr. President, the best friends this Republic has had in Europe in the last hundred years has been the Russian people. They are the only great people in Europe who have not at some time or other disclosed a great enmity toward the people of the United States and toward our Government.

At one time during the late Great War Russia mobilized 21,000,000 men upon the side of the Allies. In February, 1917, she had 14,000,000 men in her army, fighting over a front of 3,500 miles. During the time that she was fighting upon the side of the Allies, she lost two and a half million men killed upon the field of battle. She lost in injured or wounded three and a half million more. She had 2,000,000 men taken prisoners, 1,000,000 of whom died in prison. At one time she had a third of the German Army, two-thirds of the Austrian Army, all of the Hungarian Army, and a large portion of the Turkish Army arrayed against her. She captured during the war 400,000 German prisoners, 300,000 Hungarians, 300,000 Austrians, and a million Turks.

The fighting which the Russians did in this war has no parallel in the war when you take into consideration the adverse circumstances under which they fought. The adverse circumstances and the suffering of the Russian soldiers were only paralleled by the adversity and the suffering of the American soldier during the great American Revolution.

They fought under such circumstances that those in the advancing lines were compelled to wait until their comrades fell to grasp the weapons with which to continue the fight. They literally fought at times with their naked fists. They were practically barefooted as they waded through the snow. This is but an intimation of the great suffering and sacrifice made by the Russian soldiery upon the side of the Allies during the war, a thing which we have wholly forgotten. I say wholly forgotten; wholly forgotten so far as Government or official action is concerned. Since the armistice we have treated the Russians as if they had been our enemies all their lives, as if they had been upon the side of the enemy, as if they had wounded and killed our own during the war. Ingratitude is written upon every page of the history of the Allies toward Russia.

The time came when the Russians, under the inspiration which came out of the preaching of democracy during the Great War, determined to be rid of the old régime, which had brought disaster and suffering to them for 300 years, the old régime which had been more cruel and bloody and longer continued than any régime in Europe. They threw off the rule of the Czar, and then there happened that which always happens when a great people undertake to be rid of old-established customs and systems; chaos, turmoil, suffering, bloodshed, and cruelty followed. There were those who came into power at that time with whose political beliefs we do not agree. They set up a form of government, or proposed form of government, which we believe to be impracticable, which we believe to be in many respects intolerable. But, Mr. President, it was their form of government; it was one of the steps, unfortunate and in many respects indefensible, which people have always taken in these great revolutions, which lead to a different and a better condition of affairs.

Immediately after the armistice the Allies, by reason of the fact, so assigned, of this peculiar form of government, began a policy toward the Russians which I characterize as indefensible, intolerable, inhuman, cruel, and brutal. We are greatly moved to-day by recounting the fact that in Russia there are hundreds of thousands of children dying for want of food; and properly are we moved. I recall the fact, however, when the inhuman and intolerable blockade, after the armistice, was established against Russia, at which we connived; when hospital ships carrying medicine and sustenance and relief to the citizens of Russia were kept out of the ports of Russia. We paid no attention to the dying children of Russia at that time, and raised no voice in their behalf.

The Allies established a system of cruelty and of inhumanity the like of which has not characterized this war or any other war. I venture to call this system by its right name. It was treatment based upon the narrow, intolerant, bigoted policies which have wrought havoc to all Europe during the last three years.

Mr. President, we can not escape a part responsibility for the condition which exists to-day in Russia; we owe it not only to humanity but to charity to change our policy with reference to Russia and the Russian people. They have a government in Russia which has existed for four years, the only government set up after and as the result of the war which has been able to maintain itself single and alone and even against the connivance and conspiracy of the other Governments of Europe.

France upon two separate occasions has assisted in sending military expeditions into Russia for the purpose of further harassing, disturbing, and demoralizing the situation in Russia. The English Government has connived at the policy which has been pursued, and the Government of the United States has either connived at it or has refused to raise a voice in condemnation of it. They have received treatment, harsh and punitive, from the hands of the Allies, which many of the Governments upon the side of the enemy have not received. We owe something, in my opinion, as I said, to humanity to change that policy.

If I had my way about it, I would recognize the government that now exists in Russia. I do not care whether you call it a bolshevik government or what you call it, it is the government de facto, and as such I would recognize it. It may be a government which no people would desire to pattern after under any circumstances or conditions, but no one is compelled to do so. We did business with the old Czar government for 150 years, and a more cruel, inhuman, and bloody government never existed upon the face of the earth.

We do not in the recognition of a government undertake to set up a standard as to what that government shall be. The question is whether it is the de facto government, doing business, transacting business, and governing the affairs of the particular country which it assumes to govern. If we should have done our part two and a half years ago toward Russia, in my humble opinion the condition in Russia would be infinitely better to-day than it is. In my opinion, we could have pursued a policy which would have enabled Russia to buy instead of forcing her to beg.

Who are we feeding with this $20,000,000 of money? We are feeding the bolsheviks, so called. We are feeding people whom we would not recognize. We are taking care of the children of the bolsheviks, the children of those whom two years ago we were willing to see starve and denied even medicine to aid them in their illness.

If, Mr. President, we can tax the taxpayer of this country and take money out of the pockets of the people of this country to feed the people of Russia, their families, and their children,

upon what possible theory can we say to the taxpayer that we can not afford to recognize the de facto government of Russia?

Aye, but they say Russia is an economic vacuum. When will it be better under the treatment which it is receiving from the Allies? They say further that Russia has nothing to give us, nothing to trade, nothing to exchange. Very well; perhaps she has not. I do not know. My opinion is to the contrary, but I do not know. However, I do know that the recognition of the government which is striving to establish itself in Russia and which has maintained itself for four years would help to stabilize conditions in Russia, would help to establish a system in Russia under which the people could live and do business. Our course has helped to spread bolshevism.

Why, Mr. President, if we go back to the time of the French Revolution and reread the history of those days and the speeches of Pitt and Fox, we find precisely the same policy pursued toward the French and the French Revolution that we have pursued toward Russia. Mr. Pitt said, in effect, we can not recognize the French Revolution or the leaders of that revolution. It is an armed system. It is a system at war with all established government. It is a system at war with law and order. To recognize it is to put a premium upon it; to recognize it and encourage it is to put a premium upon it, and therefore we can not do so.

But it was over the bloody paths which the French people trod that they finally arrived at the place where they have a stable and a successful free and modern republic. Pitt was answered by the succession of events. Washington, however, wiser, more just, and with broader vision, recognized the new Government, the Revolutionary Government, of France. It illustrates the difference between narrow politicians, time servers, and statesmen able to comprehend the future.

Mr. President, about every 30 days for the last four years we have been advised by certain parts of the press of this country that the bolshevik government, so called, was going to fall. There has come out of Russia, or from closer home, in my judgment, certain propaganda every so often to the effect that the government established in Russia under Lenin and Trotski would disappear within the next few days. It has not disappeared. It has wonderfully changed. It has been greatly modified, in my judgment, all for the better. It has been changed without any assistance from us. It has been modified without any aid from the Allies. It has been changed and modified by reason of conditions which prevail in Russia and by reason of the fact that many of the things which they promulgated were found to be impossible and intolerable and impracticable from every standpoint, just as any revolutionary government starts out as this one did, working itself into more orderly condition and into a more orderly system and ultimately to be established as a reasonable form of government.

I venture the opinion to-day, Mr. President, that whatever government comes finally to be the permanent form of government in Russia will have developed step by step from the bolshevik government, as we term it, and will be the outgrowth of the movement which was begun by the revolution. I do not agree with much that Mr. Lenin advocates, but I regard him as one of the two or three great intellects uncovered by the Great War, and I venture the belief that he will finally lead the Russian people to a form of government which will be a stable government and which, while it may not be as completely a free government and a democratic government as we would like to see, will be infinitely better than the government under which they have lived for the last 150 or 200 years. Indeed, the bolshevik government in its worst hour and under conditions and circumstances where it was most denounced was always a better government than the Czar government. Indeed, Mr. President, it was better for the reason that it had the possibilities within it of becoming ultimately a freer and a more modern government.

During the delivery of Mr. BORAH's speech,

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 2263) to amend the Federal reserve act approved December 23, 1913.

Mr. SMOOT. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. FLETCHER. Mr. President, I will not object to the request, with the understanding that after this matter is disposed of the consideration of the unfinished business will be resumed, because I want to make some remarks on it to-day.

Mr. SMOOT. Perhaps it has no reference to what the Senator desires to say, but there is an agreement to vote on a certain day on the bill which is the unfinished business. However, if the Senator wishes to speak upon it, notwithstanding the unanimous-consent agreement, that is all right.

Mr. FLETCHER. The time has been fixed for voting upon it, but I want to have the unfinished business laid before the Senate when this matter is disposed of. I am perfectly willing to go on with the unfinished business when we have finished with the Russian relief measure, which I think can be concluded in a comparatively short time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah? The Chair hears none and the unfinished business is temporarily laid aside.

After the conclusion of Mr. BORAH's speech,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 142) to extend the time within which the special committee on the readjustment of the pay of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service may make its report to Congress.

The message also announced that the House returned to the Senate, in compliance with its request, the bill (S. 205) relating to the fiscal system of the District of Columbia, and for other purposes.

The message further announced that the House insisted upon its amendments to the bill (S. 1033) regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FOCHT, Mr. ZIHLMAN, and Mr. WOODS of Virginia were appointed managers of the conference on the part of the House.

The message also announced that the House disagreed to the amendment of the Senate to the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. VOLSTEAD, Mr. DYER, and Mr. SUMNERS of Texas were appointed managers of the conference on the part of the House.

The message also announced that the House had passed a joint resolution (H. J. Res. 238) to amend an act entitled "An act to amend section 955 of the Revised Statutes by extending the jurisdiction of courts in cases of revivor," in which it requested the concurrence of the Senate.

CASES OF REVIVOR.

Mr. STERLING. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 238) to amend an act entitled "An act to amend section 955 of the Revised Statutes by extending the jurisdiction of courts in cases of revivor." There is no occasion for referring it to the Committee on the Judiciary, before which the measure was formerly pending. It is in fact a reenactment by the House now of a measure that has been enacted before and sent over to the Senate. The Senate made certain amendments. The House then concurred in the amendments, but the enrolling clerk of the House inserted three or four words that should not have gone in and that had been stricken out by the Senate amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

Mr. SMOOT. I shall not object unless it leads to discussion. If it does, I shall have to ask the Senator to withdraw it.

There being no objection, the joint resolution (H. J. Res. 238) to amend an act entitled "An act to amend section 955 of the Revised Statutes by extending the jurisdiction of courts in cases of revivor" was read the first time by its title and the second time at length and considered as in Committee of the Whole, as follows:

Resolved, etc., That an act entitled "An act to amend section 955 of the Revised Statutes by extending the jurisdiction of courts in cases of revivor," approved November 23, 1921 (Public No. 104), be amended so as to read as follows:

"SEC. 955. When either of the parties, whether plaintiff or petitioner or defendant, in any suit in any court of the United States dies before final judgment the executor or administrator of such deceased party may, in case the cause of action survives by law, prosecute or defend any such suit to final judgment. The defendant shall answer accordingly, and the court shall hear and determine the cause and render judgment for or against the executor or administrator, as the case may require. And if such executor or administrator, having been duly served with a scire facias from the office of the clerk of the court where the suit is depending 20 days beforehand, neglects or refuses to become party to the suit, the court may render judgment against the estate of the deceased party in the same manner as if the executor or administrator had voluntarily made himself a party. The executor or administrator who becomes a party as aforesaid shall, upon motion to the court, be entitled to a continuance of the suit until the next term of said court.

"The provisions of this section shall apply to suits in equity and in admiralty as well as to suits at law, and the jurisdiction of all courts

of the United States shall extend to and over executors and administrators of any party who dies before final judgment or decree, appointed under the laws of any State or Territory of the United States, and such courts shall have jurisdiction within two years from the date of the death of the party to the suit to issue its scire facias to executors and administrators appointed in any State or Territory of the United States, which may be served in any judicial district by the marshal thereof: *Provided, however*, That no executor or administrator shall be made a party unless such service is made before final settlement and distribution of the estate of said deceased party to the suit."

"SEC. 2. That the provisions of section 955 of the Revised Statutes of the United States as amended by this act shall apply to suits in which any party has deceased prior to the passage of this amendatory act as well as to suits in which any party may die hereafter."

Mr. STERLING. Mr. President, one Senate amendment struck out these words from House bill 6053:

To and over foreign executors and administrators of any party who dies before final judgment or decree equal with their jurisdiction over executors and administrators appointed under the laws of the State within which the judicial district of the court in which the action is pending.

Mr. KING. This is for the purpose of reviving actions?

Mr. STERLING. It is a revivor bill.

Mr. KING. Unquestionably, if it passed the Senate, it was a meritorious measure and should have been accepted by the House without any interlineation or amendment.

Mr. STERLING. It was accepted by the House, but by mistake the enrolling clerk of the House, after the amendments of the Senate had been concurred in, inserted words that had been stricken out. These are the words that were inserted by the enrolling clerk of the House by mistake:

In which the action is pending.

Those words should have been omitted.

Mr. WATSON of Georgia. Mr. President, if the joint resolution is going to take up some time, I shall have to object.

Mr. KING. I think that we should adopt the suggestion of the Senator from South Dakota by passing the joint resolution of the House.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF DISTRESS IN RUSSIA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9548) for the relief of the distressed and starving people of Russia.

Mr. WATSON of Georgia. Mr. President, it is not a question of what we would like to do. It is a question of what we are sworn to do and ought to do. It is not a question of feeding a starving child at my door with my bread. It is a question of taking what belongs to somebody else without the consent of the person who owns the bread and giving it to some one else's starving child leaving your own to starve.

Mr. President, the purposes for which we can levy taxes upon the American people are well understood.

We can, of course, tax the American people to support the Government, to pay its debts, to provide for its defense, and to promote the general welfare of our people. That is our oath. Not a line in the Constitution can be cited in support of charity work for foreign countries.

The time was when the city of Savannah, Ga., was swept away by fire. A petition came here to Congress for Federal aid. That was during the first years of the Republic. Congress said: "No; we are sorry for you; you are standing in the ashes of your homes; many of you are starving; our hearts go out to you; if we could, we would relieve your distress; but Congress is bound to make a certain disposition of the trust funds which are committed to it by the American taxpayer, and we can not extend the helping hand to the city of Savannah."

So late as the administration of Mr. Cleveland a bill was passed through both Houses of Congress appropriating a few thousand dollars with which to buy cotton seed to replant the wasted fields of Texas. A drought had destroyed the growing plants, and the people had no seed with which to replant in the largest cotton-growing State of this Union. President Cleveland interposed his veto and killed the bill; and in the histories of this country he is praised for having done so.

Mr. GLASS. Mr. President, the Senator from Georgia of course knows, however, that since then Congress has enacted legislation, which has been approved by the President, for buying seed for other sections of the country.

Mr. WATSON of Georgia. Mr. President, the Senator from Virginia possibly did not understand the drift of what I was saying, or perhaps I did not make it sufficiently clear. It is this: That up to a certain period, so recent as the Presidency of Mr. Cleveland, Congress refused, or the President vetoed and then Congress refused, to supply one of the States of this Union with seed with which to replant the staple crop which that State produced in greater amount than any other State in the Union, my own State of Georgia being next, as the Senator from Virginia will remember.

During the Presidency of Mr. Roosevelt, of course—and I think that was the first time—when there was an earthquake in the English and French West Indian islands, Mr. Roosevelt, as I remember, recommended an appropriation of $800,000 for the purchase of food to be sent down there.

Mr. FLETCHER. The Senator from Georgia refers to the earthquake in Martinique?

Mr. WATSON of Georgia. Yes; I did not mention the name of the islands, but they were both French and English; Jamaica and Martinique were both involved in the earthquake. Mr. Roosevelt recommended an appropriation to send food down there; and the very first native who came up the gangplank after the ships anchored in Martinique offered to sell American sailors some food. Jamaica and Martinique both are islands where nature feeds men, women, and children.

The appropriation, which was made on the recommendation of Mr. Roosevelt, was the beginning. Afterwards we had our marines to build and to set up in Sicily 2,200 houses for the Italians. The Italians would not even help put the houses up, but the marines had to take them from New York and put them up in Sicily.

Mr. President, coming now to the Russian situation, I should like to know upon what principle we select two American products and say we will invest $20,000,000 in those products and give them away to Russia because the Russian Government and the Russian people have been badly treated by our Government and by the other Governments of Europe. What sort of an argument is that? Are we to become the great international almshouse? Are we to feed the suffering and the famine stricken throughout the earth? If so, why not send foodstuffs to India? Where would the matter end? How could we ever put a stop to it? One precedent after another would soon have the force of law.

In this country we read every day of ex-service men falling on the streets exhausted, having sought work and found none; we read of increasing numbers of suicides because of despair and unemployment and poverty; we read of cruel evictions, landlords putting tenants out; we read of desolation throughout the South, and I know exactly what that condition is. It is a desperate condition. What our people are to do next year, I do not know.

The Federal Government owes my people, right now, $58,000,000 for the illegal cotton tax levied in 1867. That tax was just as illegal as the law would be if the Federal Government should now lay a tax on wheat or corn. Every session of Congress finds us knocking at the door, asking the Federal Government to be just to us and return that money, and now would be a good time to do it, when we have got $20,000,000 to give away in charity work in Russia.

It is said that children in Russia are eating mud; that they are starving. If the children there are eating mud to-day, our help comes too late. If this is a thing that should have been done at all, it ought to have been done long ago. The food will come too late. How long, I pray you, will $20,000,000 worth of wheat and corn feed the Russian people, or feed even the sufferers? It can not be anything but a temporary relief; there is nothing permanent about it.

Mr. President, feeling that this bill is totally unwarranted by the Constitution, I would not have any right as a custodian of trust funds, the people's money, to vote it away in this manner in a foreign charity.

Mr. ASHURST. Mr. President, as I listened to the speeches to-day, and they have all been excellent, varying emotions surged within me. Some Senators say this measure, if enacted into law, would not be constitutional, but the bill is institutional.

I sometimes believe that chloroform or some other anesthetic falls upon us in this Capitol, else what could make us so oblivious to what is going on in our own country as well as in other countries. Mr. President, during the past 10 years we have seen some strange mutations. In that decade changes more remarkable and radical took place on this earth than took place in the 200 years preceding. Even the processes of thought, the customs and views of the peoples, have changed, and whether we would or would not prefer the old days that we knew before far fourteen (1914) we could not return to such standards if we tried.

We are living in a new earth and must adjust ourselves to the conditions.

We are told that thousands of people are starving in Russia. Doubtless that is true. We are told that we are inhibited by the Constitution from appropriating money for the purpose proposed. Doubtless that would be true according to the way the

Constitution was interpreted, and correctly interpreted, 45 or 50 years ago; but the Constitution, sir, is not a dead hand; it is flexible. It has been stretched to protect every dollar in our land, and I insist that it shall be stretched to protect every person in our land.

Mr. President, we will find refuge to-day from the upbraidings of our national conscience by voting $20,000,000 to relieve Russia; but I fear when we examine closely we may find in that act but a scant refuge for our conscience.

The United States is a fountain, not a cistern; her open hand is a horn of plenty. The United States must and will take her place as the leader of the nations. Destiny compels her, requires her, to take that wondrous place. It is right and proper to listen to Russia's cry of anguish and despair, but before America can be generous, Mr. President, she must be just.

A Chinese philosopher once sent for his students to gather about him and tell him which in their opinion was the greatest of the virtues; he found them divided as to whether generosity or justice was the greater. The other virtues had comparatively no votes when the students were delivering their opinions. There was a tie vote between generosity and justice, and, breaking the tie, he said to them, "You must be just before you are generous. You can not be generous without first being just."

I shall vote for this appropriation, and I believe that America as the leader of all the nations has come at last to know that there is an ethnic unity of the human race and that the distress of one nation must be a concern of all the others.

Now, let us examine and see if we have been just toward those whose sacrifices have made our country so powerful for good in the affairs of men.

How cynical, how tragic it would be to appropriate $20,000,000 for starving Russians and then refuse to appropriate the modest and much needed sum of $100,000 to aid the Department of Labor in securing employment for our unemployed men. Workingmen in America are not asking a largess or a gift from the Treasury; they are pleading for an opportunity to get a job and earn their bread. So I shall offer to this bill an amendment which passed the Senate on the 12th instant, and which amendment Senate conferees manfully struggled to save, same being an amendment appropriating $100,000 to be used by the Secretary of Labor in securing employment for the unemployed here in the United States.

Moreover, Mr. President, how may we lay the flattering unction to our soul, how can we say on Christmas Day, "We have done a glorious thing by sending $20,000,000 to Russia," when we remember that ex-service men are suffering from tuberculosis, and in many, too many, cases are without help or mercy.

The Senate on the 12th instant agreed to my amendment appropriating $1,000,000 for the further hospitalization of ex-service men afflicted with tuberculosis, yet that amendment, which was added to the deficiency bill, was abandoned in conference. The blame, however, does not rest upon the Senate, for this body did all within its power to save the amendment.

If we desire to serve America, if we want to keep her in the paths of progress, let us not neglect those who made possible our peace and our progress.

The Senator from Utah [Mr. SMOOT], who is not known as an orator, who makes no pretensions to oratory, really established himself to-day as an orator by his speech. In clear, convincing language he pointed out what destiny has cast upon us as to our duty to aid Russia; but are we going to say when the Christmas bells are ringing that we have $20,000,000 for Russia, but not a penny to aid the American workingman in securing a position; that we have money for Russia, but that the American soldier who carried our stainless banner to new glory may die a death of neglect because, forsooth, bureaucracy says the soldier is already taken care of, and that a bureaucracy must never be questioned?

Mr. President, German gas and German bullets slew their thousands of our boys and American red tape is slaying its thousands more.

Mr. WATSON of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Georgia?

Mr. ASHURST. I gladly yield to my friend from Georgia.

Mr. WATSON of Georgia. I suggest to the Senator from Arizona that these wheat ships and corn ships could not get to Russia for several weeks, even if this bill passes; but if our Government would recognize that of Russia, she has available wealth in the Baku oil fields sufficient to feed every man, woman, and child in Russia practically forever, and that relief could be given by cablegram within 48 hours.

Mr. ASHURST. Mr. President, I thank the Senator for his interruption.

I am not going to delay this bill. On the 2d day of November I laid before the Senate the facts as to the necessity of further hospitalization of soldiers afflicted with tuberculosis, who are pouring into the Southwest by the score. The local authorities have gone to their limit in trying to aid. The humanitarian and the generous people of the Southwest have given from their private purses until they are practically no longer able to give; and yet, inert, somnolent, bound by red tape, we serenely sit here while these poor boys are shamefully neglected. We are told by bureaucracy, which worships red tape, that "we are taking care of them." Ask the dying boys if they are being taken care of. Do not ask some bureaucrat. I ask that my amendment may be stated.

The VICE PRESIDENT. There is already an amendment pending. The question is on the amendment of the Senator from South Carolina [Mr. DIAL].

Mr. JONES of Washington. What is the amendment?

The VICE PRESIDENT. The amendment of the Senator from South Carolina will be stated.

The ASSISTANT SECRETARY. On line 11, page 1, it is proposed to strike out "$20,000,000," and in lieu thereof to insert "$10,000,000."

Mr. KENYON. Mr. President, I want to say just a word. Has the Senator from Arizona given up the floor?

Mr. ASHURST. No; I have not, Mr. President, but I will yield, of course.

Mr. KENYON. I did not know just how the Senator could hold the floor and still have us vote on the amendment.

Mr. ASHURST. I will yield the floor.

The VICE PRESIDENT. The Senator from Iowa is recognized.

Mr. KENYON. Mr. President, I want to say just a word on the general proposition involved in this bill. I would not do so, I think, had it not been that so many Senators have challenged the constitutionality of this measure; and it seems to be assumed by a good many Senators that the bill is entirely unconstitutional, but they say that they will vote for it anyhow.

I am rather sorry to hear Senators make the statement on the floor of this body that they will vote for a bill even though they think in their own minds that it is unconstitutional. Realizing the obligation that a man takes here when he becomes a Senator, I have tried to follow a course of action of abiding by the Constitution, and never voting for anything that I believed was unconstitutional. I do not believe that this bill is unconstitutional. In my judgment, no Senator is driven to take that position; and if he does think so, it is amazing to me how he can vote for the bill.

The constitutionality of this measure can be sustained on two grounds, at least. One I have referred to before, when the Senator from Florida [Mr. FLETCHER] was asking the Senator from Utah [Mr. SMOOT] some questions. It can be sustained under the general welfare clause of the Constitution. I know that is a clause of the Constitution that is abused a great deal but in this case it is plain. This is a gift; it is a philanthropy, but, at the same time, it serves a double purpose. Like mercy, "It blesseth him that gives and him that takes." But in this giving there is, as suggested by the Senator from Nebraska and others, a clear benefit to the entire country.

The Senator from New York rather makes fun of the idea that it will increase the price of corn, contending that it will not increase it more than perhaps a cent or two a bushel, or 3 or 4 cents a bushel. If it did that, Mr. President, it would be a tremendous benefit to the farmers of this country. Even an increase in the price of corn of 2 or 3 cents a bushel would start things on the road to prosperity or normalcy, whatever that may be.

Not only that, but we have an illustration in the case of Liberty bonds. The Government was buying only a small proportion, almost an infinitesimal part, of the issue of Liberty bonds, but that helped to stimulate the market for Liberty bonds and helped to raise the price of Liberty bonds. It is merely helpful; but the farmers of this country are looking for anything, grasping at anything which may be helpful to them in the most demoralized and paralyzed condition they have been in since the Civil War.

So that we have the argument, for this appropriation, of its being for the general welfare. That satisfies my mind on the constitutional question.

Secondly, not as clear, I think, and perhaps a little chimerical and perhaps a little dreamy, is this argument—the civilization of the whole world may be involved in a proposition of this kind. I agree with many of the things the Senator from New York has said about precedent, but there is no precedent for

this situation. I think since the days of the Pharaohs, at least, there has never been anything to equal this condition in Russia, and in setting a precedent, and determining what Congress shall do, we will have to be governed by the circumstances of each particular case. Pestilence follows famine. No one knows what pestilence may come out of this famine. No one knows how it may affect world civilization. No one knows how that may spread to this country. If a fire is coming through a town, we do not wait until the fire gets to the buildings; we go down and stop it before it gets very far. That may follow in this case. We are a part of the world civilization. It affects us as a part of that civilization, and really its fairest flower, if the civilization of the world is going down.

I grant that is not a very appealing argument, even in my own mind, on the constitutional question, but the other argument I have made is—and I would be willing to stretch our power a *good deal*—not violating our oaths, not going against the Constitution, to find something of a constitutional argument on which to hang the proposition of saving people from starvation.

I noted what the Senator said about public charity, whether we are going to turn over the handling of private charity to the Government. I have talked with Mr. Hoover, who has probably done greater work than any man in the whole world for suffering humanity, about this very thing. I know his viewpoint is that you could not go out in this country and raise $2,000,000 to help those starving Russians, millions of whom will die this winter. The Senator from New York said that either we do not care or we can not afford it. We can afford it. With all the talk of hard times, certain classes of the people of this country are rolling in wealth. I do not believe we do not care, but the people are indifferent. They have had so many of these things presented to them that they have grown tired of them, and they do not believe the stories. You could not raise this money by private donation. Just how far Congress can go to compel people to be charitable is a hard thing to say. We are getting into a very hard realm of conjecture on that question.

I wish the Senator had followed along a little further on that very point, Mr. Hoover's testimony, part of which I want to place in the RECORD. He said:

> Some question has been raised in here and elsewhere as to our own economic situation not warranting our extending relief abroad. I would like to discuss it from two points of view. The first is whether we can afford it. In a general way this country is spending something like $1,000,000,000 a year on tobacco, cosmetics, ice cream, and other nonessentials of that character.

What are we spending on theater tickets in this country? The people are flocking to the theaters of this country every night. Tickets are sold for as high as $4 apiece in some of the New York theaters. If we were willing to give up half of what is spent on theaters in this country, it would save these ten or fifteen million people in Russia from starvation. If we were willing to give up what is spent on tobacco, it would help; we can not force people to do it, but if a little spirit of self-sacrifice were shown, if the people would give up half of what is spent on tobacco in this country, if men were willing to give up half of the cigars they smoke a day, and the women half of the cigarettes, it would afford enough money to keep the Russians from starvation for some period of time.

Mr. DIAL. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. KENYON. I hesitate to do so, Mr. President, when I observe the smile on the Senator's face, but I yield.

Mr. DIAL. I would be glad to have the Senator start a fund of that kind. I would contribute to it.

Mr. KENYON. I am sure that if the Senator would give up half of the cigars that he smokes a day, it would help out a great deal; but I have not observed any concerted movement around the country in that direction.

Mr. Hoover said further:

> It does not look to be a very great strain on the population to take $20,000,000 for a purpose of this kind. If our own people suffer, we surely possess also the resources to care for them. It has also another economic bearing. The food supplies that we wish to take to Russia are all in surplus in the United States, and are without a market in any quarter of the globe.

I have referred to that, that it will not accomplish a great deal in an economic way.

I suppose it is true that we are all swayed somewhat by some emotion in this matter and by a desire to help these people. We have gone through a Thanksgiving season, and among certain classes of the people there have been well-supplied tables and among other classes there was little food on the tables. We are coming to a Christmas time. There will be enormous sums of money spent on Christmas presents, some useful and some foolish. There will be food upon the tables of those who could afford to give for charity, people stuffing themselves until the only result is a beneficial one for the doctors. Of course it is a personal matter with everyone, but if we could forego some of these pleasures and spend the money for this purpose, we could solve this thing by private charity. That can not be done, so that we must come, as the Senator from New York has said, to public charity.

I do not know how the people can read the evidence offered by Gov. Goodrich, who has given such splendid work to this cause, and Mr. Hoover, and others, of the suffering in Russia in the Volga Valley and enjoy their Thanksgiving or their Christmas dinners if they have not done something to help.

On Christmas day there will be a little stranger at the table of everybody who reads this evidence. The stranger will be in the minds of all, and they can not get away from it; it will be a poor, little, helpless, starving child of Russia. It is all right to talk about educating them; that is a good plan when it can be accomplished, but you can not present a little algebra or geometry in place of something to eat to a poor, little, struggling, hardly able to sit up in school child.

That is the situation. The Senator from Arizona [Mr. ASHURST] is exactly right about a lot of the things he has said. We are going to have trouble in this country, but we are going to take care of it, and people are not going to be permitted to starve in this country while others are rolling in wealth. I am sorry that provision for $100,000 for the unemployment agency went out in conference. If it had not been that the payment to the soldiers the next day was involved in the matter, I would have been glad to have stood with the Senator from Arizona and defeated the conference report. The Senate will have to take such a stand some time, instead of always yielding to what the House conferees demand.

Mr. CURTIS. Mr. President, as one of the conferees, I assure the Senator that if it had not been for the necessity of the appropriation being available on the 15th, the Senate conferees would not have agreed to the report.

Mr. KENYON. I am sure they would not have agreed to it, and I hope the day will soon come when the conferees on the part of the Senate will stand up and fight that proposition out.

Every Senator sympathizes with what the Senator from Arizona says about the soldiers, and we will give the last dollar of appropriation necessary to help the soldiers. But that really is not the issue here. We have a distinct, concrete proposition here, which we ought to dispose of, and, Mr. President, I will take my chances with the people of the State of Iowa, as their representative, in part, in this body, in voting for this sum of money to help the people of Russia.

Some people say it will bolster up the bolshevik government. These poor little children have nothing to do with the bolshevik government. However much we may condemn it, I am inclined to agree with what has been said here to the effect that it is going to prove a destructive force to the bolshevik government, because they have been told that the great United States is merely a capitalistic Nation, has no humanity and no heart. Now we are showing them what we can do in humanitarian ways, that the great Republic of the West has a heart.

Mr. President, we are a great Christian Nation. We pride ourselves on it. There is a chance for nations as well as individuals to practice Christianity. We can do it here in a perfectly constitutional way. We can carry out the thought and the command of the Master, "Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me." So we serve these people, we serve our own people, we serve the glory of America, and we serve the civilization of the world.

Mr. COLT. Mr. President, with regard to the question of the constitutionality of this proposed measure, I think we ought always to remember that the Supreme Court never holds a statute to be unconstitutional unless it is clearly so; that is, every doubt is resolved in favor of the constitutionality of a statute. In other words, it must plainly appear that a statute is unconstitutional before it is held to be void, and that should be so under our system of government.

A statute is a legislative act of Congress when signed by the Executive, and its constitutionality can not be questioned unless it is clearly a violation of the organic law of the land. Now, can it be said that this appropriation is clearly unconstitutional? I am aware that the general welfare clause of the Constitution should not be pushed too far. Like all other abstract terms, it may be abused. But it is in the Constitution and it should be applied in appropriate cases.

Economically speaking, Mr. President, the world is interdependent. Our prosperity is dependent upon the prosperity of the great Empire of Russia. Our general welfare economically is directly connected with the welfare of the Russian people.

Mr. WATSON of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Georgia?

Mr. COLT. For a question, if the Senator please. I have only a word or two more to say.

Mr. WATSON of Georgia. It is a question. If our national prosperity or welfare is dependent upon Russia, why does not our Government recognize the government of Russia?

Mr. COLT. I am dealing with the specific question before us, and not with the form of the present government of Russia.

It may be said further that the present situation in Russia is the direct outgrowth of the Great War in which we took a part. The present condition of that country is one of the results of that war, and I am inclined to think that we have a certain responsibility in trying to bring about peace conditions after war has ceased, the same kind of responsibility that we had in carrying on the war. I admit the connection is not very close, but in a war in which we took part to save civilization, great governments were overthrown and the people are suffering and can not recover economically without our assistance. As a great world power, is there anything written in the Constitution of the United States that we should refuse aid?

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Tennessee?

Mr. COLT. I yield.

Mr. SHIELDS. Does the Senator as a lawyer say that the Congress of the United States has the power to do a thing because it is not forbidden by the Constitution?

Mr. COLT. I did not intend to make such a statement.

Mr. SHIELDS. I misunderstood the statement just made, then. Is not this really the situation? Let me put it to the Senator in this way—that in order for it to be constitutional for Congress to do anything, the legislator must put his finger upon the clause of the Constitution authorizing it. The contrary rule prevails in the States. If one says the act of a general assembly of a State is void because unconstitutional, then he has to put his finger upon the clause in the State constitution that prohibits it or in the Federal Constitution whereby that power has been taken away from the State. But in the Federal Government if we say an act is constitutional, we have to put our finger directly upon the clause of the Constitution that authorizes it.

Mr. COLT. I concede that the Senator from Tennessee is correct. The Government of the United States is a Government of limited powers, and any power exercised by Congress must find its authority in the express or implied language of the Constitution. If I made any statement which seemed broader, I withdraw it.

I did not rise to argue the question at length. I simply desired to say that it seems to me there are several grounds upon which we might relieve the doubts of those who think that the bill is possibly unconstitutional, as being a mere gift of money to a foreign people. In the first place, there is the ground suggested by the Senator from Iowa [Mr. KENYON] and others that this money is not to be a gift but is to be invested in products of this country, to the great benefit of our farmers and hence to the public benefit of our people; secondly, as I have already urged, there is an economic interdependence between the nations of the earth, and hence the general welfare of the United States is dependent upon the economic conditions prevailing in other countries, and this is especially true in the case of Russia, owing to her vast territory and immense population.

I might imagine, for instance, that Canada were in the situation of Russia and called for an appropriation of this kind. Would we deny it to the Canadian people? Again, as bearing upon the subject, I do think that the present condition of Russia is an outgrowth of a war in which we took part, and that we ourselves have helped to overthrow that great Empire, and in so doing have led to its present condition. In other words, the problems of peace are greater than the problems of war and the problems of peace clothe us also with responsibilities equal to those of war.

Mr. DIAL. Mr. President, I should like to ask the Senator if, when the framers of our Constitution wrote it, they were speaking of the general welfare of the people of the United States or of the people of Russia? Then I should like to ask him if it is not true——

Mr. COLT. Mr. President, they were speaking of whatever concerned the general welfare of the people of the United States. Foreign matters may concern and have an intimate connection with our general welfare. It is very fortunate that the Constitution uses these abstract terms because they are elastic and, as said by the Senator from Arizona [Mr. ASHURST], as the country moves and as the world moves these abstract phrases in the Constitution must be interpreted in the light of fundamental conditions of society, for if the Constitution is not elastic enough to supply the great fundamental wants of society the Constitution will break or we will have a revolution. I do not mean that as an extreme statement. I mean that the framers of the Constitution used general phrases and abstract expressions for the very purpose that the statutes that we passed might conform to the march of the United States and its people in its upward movement to a higher civilization.

Mr. DIAL. Mr. President, I should also like to ask the Senator if it is not true that when the Supreme Court of the United States assumes an act to be constitutional, they also assume that this branch of the Government did its duty and remained within the Constitution?

Mr. COLT. They do.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from South Carolina [Mr. DIAL] to reduce the appropriation from $20,000,000 to $10,000,000.

The amendment was rejected.

Mr. ASHURST. Mr. President, some Senators have come into the Chamber who were not here during my short speech a few moments ago. I again say that the two amendments which I am going to propose were adopted by the Senate without a dissenting voice on the 12th of this month. One is to appropriate $100,000 to be used by the Department of Labor in the procuring of positions and jobs for men. The President's conference on unemployment recommended an appropriation of $400,000 which Gen. Dawes reduced to $200,000, and the Senate appropriated $100,000. Our Senate conferees I have reason to believe manfully stood by the amendment and tried to secure its adoption, but were unable to do so.

My second amendment is practically a rescript of the one adopted by the Senate on the 12th day of this month. That amendment appropriates $1,000,000 for the further hospitalization of former soldiers. I propose to reduce that to $500,000 and lodge the authority to acquire and build new hospitals with the Secretary of the Treasury and not with the Veterans' Bureau.

I have explained as briefly as I can the two amendments, and I now offer the one with reference to augmenting the facilities in the Department of Labor.

Mr. SMOOT. Let the amendment be read.

The VICE PRESIDENT. The Secretary will report the amendment.

The READING CLERK. Add to the bill a new section as follows:

SEC. 2. To enable the Secretary of Labor, during the present unemployment emergency, to augment the existing facilities of the United States Employment Service in facilitating the transportation of labor from one State to another, inform States in which there is scarcity of labor of the situation in States where there is surplus of labor of the kind desired, and securing, compiling, and publishing information on unemployment throughout the country, including personal services in the District of Columbia and elsewhere, and for their actual necessary traveling expenses while absent from their official station, together with their per diem in lieu of subsistence, allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; rent of quarters outside of the District of Columbia; supplies and equipment, telegraph and telephone service, and printing and binding, $100,000.

Mr. SMOOT. Mr. President, I was not, as the Senator from Arizona knows, one of the conferees on the recent deficiency appropriation bill. I am going to make a frank statement to the Senator when I say that so far as I am concerned I am perfectly willing to accept the amendment upon the pending bill, but with the distinct understanding that I shall yield rather than let the Russian relief matter go over until after the holidays. If we can come to an agreement before Thursday night and get the bill ready for the signature of the President, with the amendment included, well and good, but I shall yield, as one of the conferees on the part of the Senate, before I will let the bill go over beyond Thursday. I think it is due the Senator from Arizona that I should make this statement now; and it also applies to the other amendment which I understand he will offer.

Mr. WADSWORTH. I understand that the conferees on the part of the House on a prior occasion refused to accept this amendment?

Mr. SMOOT. They may not be the same conferees, I will say to the Senator.

Mr. WADSWORTH. In view of the Senator's announcement made a moment ago, I can not see that this amendment has the slightest chance of becoming a part of the bill. All that will be necessary, in view of his announcement, will be for the House conferees to say, "We object," and the Senate conferees will yield.

Mr. SMOOT. No; I will say to the Senator that if the House conferees will accept it, well and good, but I do not want to have it understood that we are going to carry this emergency relief measure over beyond the holidays in that event. I do not think the Senator from Arizona [Mr. ASHURST] would ask that that should be done, because he knows that Russian children to-day are living upon grass and roots. We do not meet after the holidays until January 3, and every day in the meantime means a loss of lives. Therefore I want to have it understood that we shall do what we can, but that we will yield before we will allow the bill to fail.

Mr. ASHURST. Mr. President, whatever faults one may find in the Senator from Utah—and he has his faults, as we all have—a lack of frankness is not one of them. He says—and he is correct if this bill does not become a law—children in Russia will perish. That is true, and I say if my amendment does not become a law, American citizens will perish here. The despondent, the disconsolate, who are out of money and out of work, looking not for charity, gifts, or a largess, but looking for work, will perish in spirit if not in body. No appropriation that could be made, nothing that could be done, would be more welcome to the people of this country than an appropriation to enable the Department of Labor to secure, if possible, positions and jobs for the unemployed.

I have said before, and I repeat, that if this amendment is defeated, if the hand of the Department of Labor shall be paralyzed in its laudable endeavor to secure work for men in order that they may earn their daily bread, the blame will not be on the Senate.

Mark you closely to what I now say. This Government does not owe anyone a living; he who being able to work says that the Government owes him a living is the idler, the malingerer, and the grafter; but the Government does owe every person a chance to earn a decent living, and the government that does not secure to each citizen a fair chance to earn a living will soon drift into troubled waters.

I shall at the appropriate time offer another amendment—somewhat similar to the amendment I offered to the deficiency bill, which amendment was adopted by the Senate but lost in the conference on the disagreeing votes of the two Houses—appropriating a reasonable sum of money to be placed at the disposal of the Secretary of the Treasury to enable him to extend full hospitalization to ex-service men; then when these two amendments shall have been adopted and the bill passed we shall feel the glowing and expanding of soul that comes to those who have done their full duty.

Mr. JONES of Washington. Mr. President, I agree with practically everything that the Senator from Arizona [Mr. ASHURST] has said. I was heartily in favor of this amendment in committee and was glad that it passed the Senate. The amendment ought to become a law. I do not, however, believe that we ought to complicate the pending proposition by the amendment. If we are in favor of providing relief for the starving children in Russia, we ought to do so without trying to couple with it a proposition concerning any situation existing in this country or delaying it for one moment. For that reason I shall vote against the amendment.

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). The question is on the amendment of the Senator from Arizona [Mr. ASHURST].

The amendment was agreed to.

Mr. TRAMMELL. Mr. President, I should like to ask the Senator in charge of the pending bill why it is that the proposed relief is restricted to corn, to seed grain, and to milk? If the object and purpose of the bill is to afford some prompt relief for starving people in Russia, why restrict it to corn, to seed grain, and to milk?

Mr. SMOOT. Mr. President, so far as I am concerned, I had no hand in drafting the bill, but I really think the reason for using the language to which the Senator from Florida [Mr. TRAMMELL] refers, although I have not asked anyone in reference to it, was that there can be obtained from corn and rye more real sustenance than from any other products of the farm. As to milk, which is, of course, of the preserved variety, that is to be for the children, and it is a very necessary article of diet, as the Senator from Florida knows. I think the bill as reported will cover the situation.

I will be frank with the Senator, however, and say I not only think that, but there is more of an overproduction of corn in the United States than there is of any other grain. I think corn needs a market, more than does any other grain or food which is produced. I also think corn can be more easily and safely transported than can any other grain. Therefore, I think whoever prepared the bill prepared it in the proper way.

Mr. TRAMMELL. Does not the Senator think that if the people of Russia are starving and suffering and the poor children are crying for a morsel of bread we should give them some food and some clothing which they could utilize, and that we should do so immediately instead of sending over the crude product of corn? After they get the corn it will have to go through the milling process and have to be prepared for distribution. Corn alone does not constitute a practical diet even for starving people. Why restrict the proposal to one article of food besides milk?

Mr. SMOOT. Mr. President, I will assure the Senator from Florida that corn when it arrives will prevent starvation. So far as clothing is concerned, I suppose the Senator from Florida is aware of the fact that there have been, I will not say shiploads, but carloads of old clothing gathered from different parts of the United States and sent to Russia. It is not clothing so much as food that the Russian people want right now. The people who live in the Volga Basin to-day must receive food or else they will starve to death. There is no other alternative. It seems to me that if the corn and rye shall be delivered there there will be no question that the people in that region will live upon it, and will live much better, perhaps, than they have lived for the last three or four years.

Mr. TRAMMELL. This bill, as I understand, does not provide for anything for food except corn and milk. It does not provide for grain to be used as food according to the provisions of the bill, but provides for seed grain for planting purposes and not for food purposes. Therefore, it restricts the diet to be given to the starving people in Russia to corn and a little milk. If we want to help them, why is it proposed to restrict the relief to be afforded in that way?

Mr. SMOOT. I think if the Senator from Florida were in the same condition as are the Russian people who live in the Volga Basin he would be mighty thankful for corn.

Mr. TRAMMELL. I would be mighty thankful, Mr. President, of course, for anything.

Mr. SMOOT. That is exactly the situation in which the Russian people are.

Mr. TRAMMELL. But when the Government in its charity and in its beneficence, with a heart that is touched to the utmost, goes out to try to help a starving people, why not give them something that will afford them quick relief? Why not give them a little more palatable diet, and not restrict the relief afforded to corn?

Mr. SMOOT. Would the Senator want us to send over there turkeys and plum puddings and grapefruit and articles of that kind?

Mr. TRAMMELL. Nobody has suggested that that should be done.

Mr. HITCHCOCK. Mr. President, if the Senator will read the testimony before the House committee he will find an explanation there why it is deemed best to send corn. Gov. Goodrich, of Indiana, who came directly from the afflicted regions, stated that corn would do. When the question was put to him whether there would be time enough to have it ground after it got there, he said that as soon as the people of the valley of the Volga know that the food is on the way those who have plenty will help take care of those who would otherwise starve, knowing that more is coming. They have ample facilities for grinding the corn.

Mr. McKELLAR. If the Senator from Florida will permit me, what facilities have they?

Mr. HITCHCOCK. They have their local mills.

Mr. McKELLAR. I do not know whether they have mills, but why should they have mills that will grind corn when they raise no corn, as I understand. Mills to grind corn must be wholly different from those which grind wheat.

Mr. HITCHCOCK. The Senator realizes that there is already in operation over there a certain organized effort in charge of Americans, and those Americans on the spot bear undisputed testimony to the fact that corn, which is the cheapest food, will be sufficient if sent over there in ample quantities and that it can be ground after it arrives there. We have got to take their testimony as being sufficient. A bushel of corn, I presume, weighs something like 60 pounds, and a bushel may be purchased for 50 cents, so that the price is less than a cent a pound in its present form. The children and grown people in the affected regions, who are being fed, are only fed perhaps one or at most two meals a day, but that is enough to carry them through, and added to what is available there will be sufficient. The Senator from Florida certainly would not favor any extravagant use of money. It is a question of getting the most food possible to the most people. I think we ought to take the testimony of those who are already on the ground and who have sent a representative to America who has testified before the committee.

Mr. TRAMMELL. Mr. President, of course, I would not favor any extravagance.

Mr. SHIELDS. Mr. President, will the Senator indulge me in order that I may ask the Senator from Nebraska a question?

Mr. TRAMMELL. Yes.

Mr. SHIELDS. The Senator has read all the testimony and is familiar with the facts. I will ask him where is this suffering? Is it in all of Russia or just in the Volga region?

Mr. HITCHCOCK. It is in what is known as the Volga Basin, a territory as large, perhaps, as two of our average States, inhabited by 18,000,000 people. The starvation that is prevailing there first affects the poorer people. Those who have means are able to buy from neighboring territory. Last year the crop in that region was only about one-seventh of normal and the year before I think it was one-ninth of normal. They have now, however, a good prospect for a crop next year, as they have had rains. The failure of the crop this year was due largely to drought; in fact, to three successive droughts.

Mr. SHIELDS. So they have suffered from the loss of their grain crops?

Mr. HITCHCOCK. Yes.

Mr. SHIELDS. In a territory equal to about two of the ordinary States of the Union, or, say, 100,000 square miles?

Mr. HITCHCOCK. My impression is that the area is something like that of two ordinary States of the Union, or in the neighborhood of 100,000 square miles. I can not speak accurately as to the extent of the stricken area.

Mr. SHIELDS. Russia in Europe has now an area of about a million square miles, has it not?

Mr. HITCHCOCK. I do not know the exact figures.

Mr. SHIELDS. Are the remaining portions of Russia unable to contribute? There is in European Russia probably a territory equivalent to 25 or 30 States of the United States. Has all that territory been affected by the drought, so that no part of it is able to contribute to the suffering sections?

Mr. HITCHCOCK. The testimony shows that there are large portions of Russia where there is a shortage of crops; but I am only speaking of the Volga Basin, where the crop is almost a total failure and where it was a total failure last year.

Mr. SMOOT. And the year before.

Mr. HITCHCOCK. Possibly for three years in succession there has been drought. That has devastated an enormous region. It is a greater region than Russia, even with a high-grade government, would possibly be able to rescue, and I suppose we ourselves in this country, with an abundance, would hardly be able to provide adequate relief in such a vast area. However, the organization which has already gone in there has transported food by the trainload; everything has been placed at their disposal; no charge is made upon the Russian railroads, and the complete control of the matter has been placed in American hands. So converted has the Russian Government become to this altruistic effort on the part of American agents that Gov. Goodrich stated that it imposed the death penalty on any Russian caught pilfering the supplies or interfering with the distribution. So the organization is already established, relief is already in progress, and what they already have on hand will be sufficient to save the lives of 1,200,000 children until next September, when the next harvest will come in.

Mr. SHIELDS. What I have been trying to get at is that the region which is affected by this terrible condition is a very restricted area compared to the whole of Russia, which in area is about three times greater than the United States. It is considered one of the greatest of countries in its resources. It is a great wheat country. It is right there at the doors of Rumania. It was at one time said to be the granary of Europe, and especially is the Volga country, not far from Rumania. With that immense territory, why is it that they have come across the Atlantic Ocean to get sustenance for an infinitesimal part of the Empire? It does not look to me as though their brothers over there are doing very much for them, or are animated very much by charitable motives.

Mr. KENYON. Mr. President, may I answer that from the testimony?

Mr. HITCHCOCK. Certainly.

Mr. KENYON. Former Senator BURTON, who was on the committee in the House, asked the same question that the Senator is asking. Here was the answer of Dr. Kellogg, who was over there on the commission. He says:

> The situation is simply incredible to one who has not seen it; indescribable even by one who has seen it. I have seen nothing like it in my six years of experience in the food-shortage regions of Europe.

He speaks of Poland then:

> There are at least 15,000,000 people in the famine region of the Volga—

That is the one we are reaching—

> while around that famine region is a food-shortage region including 15,000,000 more.

The witness continues:

> Senator BURTON, there is not food enough in the surrounding region to keep the people alive, let alone any to send into the famine regions.
>
> As Gov. Goodrich has pointed out, there is an agricultural breakdown in Russia which has been becoming more and more serious for the last two or three years. And then on top of this has come a terrible drought, extending over one of the three chief grain-producing regions of Russia; a region which under normal conditions produces food for Moscow and the industrial regions and even for export to other parts of Europe. That food is gone. It is simply a catastrophe.
>
> The soviet government has tried to bring in food. It has been able to bring in only a very small amount. It has tried to bring in seed. I was there when the Government seed trains came down into the Volga and the seeds were parceled out to the farmers. The farmers took the seed and planted it. I talked with many of them and with many of the officials, and there was no one more optimistic in his statement than to say that they had more than one-fifth of their normal needs for planting. Still they can seed more thinly and thus seed more than one-fifth of a crop.

So that the neighboring territory that would ordinarily send in a food supply is not merely in a bad condition, but is in a condition of agricultural breakdown.

Mr. SHIELDS. Mr. President, if the Senator will excuse me there, here is this country with, my recollection is, about eight and a half million square miles, compared to about three and a half million square miles in the United States. It has been a country of great resources, and it has especially been a great wheat country. It has some of the most productive wheat lands in the world. We have all heard of the wheat coming out of the Black Sea, down the Volga and other great rivers that flow into the Black Sea, and that would supply the world if it could get by Turkey's embargo on the Bosphorus. We have been wanting that opened all the time, and, as I have said, Rumania is here at the door; and here is not exceeding a hundred thousand square miles that it is claimed is in trouble because of the drought. It has been three years since the war. If Russia is in trouble, with all of its resources and its fertility, and its 180,000,000 people to cultivate its land, it grows out of the people's own fault, and out of their own idleness. How long are we to say that that country was dislocated in its industry and its agriculture and the habits of the people by the war and send food from America to support it?

Mr. KENYON. The drought certainly was not their own fault. There have been three years of drought.

Mr. SHIELDS. That, I understand, was in the Volga.

As to these exaggerated reports that we have heard from time to time, I am not impeaching the veracity of anyone, but we are familiar with such things. Only a few months ago a report was circulated throughout the United States by the public press that the entire South was starving, that we were dying with pellagra, and that people were starving there for want of sustenance because of the failure of crops. When the report was investigated it was found that there was no truth in it. Those things are exaggerated. That is always done; but I am going to vote against this joint resolution, and I am led to do it by these things:

In the first place, there is absolutely no warrant in the Constitution for it, and I do not understand that anyone here pretends that there is. The fact that we violate the Constitution here nearly every day is no excuse for our keeping it up. I think it is time that we should have some respect for our oaths to support and defend the Constitution. I am not going to make any constitutional argument, however. I do not know of any greater waste of time than that in the United States Congress, though it happens every day.

There is no warrant for the passage of this bill. If we want to spend $20,000,000 in charity, it ought to be spent here with our own people. We need it in some sections, though we are not starving here or anywhere. It has been said that there were 5,000,000 unemployed men in the United States.

I read in yesterday morning's paper that one ex-soldier fell exhausted and fainting on the streets in this city because he could not get employment, and for want of sustenance he was no longer able to stand up. Those things may occur; and if we are going to send $20,000,000 over there we ought to add $20,000,000 for the people of the United States. We ought to be just before we are generous.

Here is this great country of Russia, with 180,000,000 people, with an area three times as great as that of the United States, with just as fertile land, with as great resources of every possible kind in forest, field, and mine. It has been three years since they passed through the terrible trials of the war. If they can ever get on their feet, if they can ever act, if they are ever going to work, if they are ever going to be frugal and going to support themselves it is time that they should do it. If we are to continue to deal in this gush and hysteria about feeding

Europe they never will do it. They will continue to allow us to feed them.

Why, Mr. President, it has gotten to be a disease in the United States to send something to Europe, to conjure up some reason to go around and beg for some things to send to Europe. During the war, from the beginning of the war over there, before we ever entered into it and ever since, if one wealthy society woman in New York made a subscription and it was published in the papers almost every other woman in the town fell over herself in trying to go there and make a subscription so as to get her name in the society papers along with it. It is a fad. It is a fashion. Here is one man who ran for the nomination for President of the United States very largely on the money that he raised and sent over to Europe. We have got to get away from it. We have got to take care of our own people and save our own resources for our own country and let these people go to work.

If I knew the facts, I have as much sympathy for starving children as any man in the world, or starving grown people, as far as that is concerned; but I do believe that every nation ought to take care of its own poor as long as it is able to do so. I can not believe that so rich a country as Russia is, so great and so large a country in area and in every possible way, is not able to take care of this small part of its territory, not one-tenth of its whole territory, and this small part of its people, without sending clear across the continent of Europe and the Atlantic Ocean to do so.

Mr. WADSWORTH. Mr. President, I will ask the Senators in charge of the bill to turn to pages 24 and 25 of the hearings in order that I may get an explanation, if they will be good enough to give it, of some of the statements made in a letter addressed to Mr. Hoover by Gov. Goodrich, the letter having been written to him from Russia under date of November 1, 1921.

I notice that in the second paragraph of the letter he states:

> After getting all the facts I can from the official reports and talking with millers, grain merchants, and men who, by reason of their past connection with the business of the famine district and of Russia in general, are able to give much valuable information, I find that European Russia produced this year from 328 to 350 pounds of grain per capita, a larger amount than the per capita consumption in America.

Now, turning over to the middle of the next page, after reciting in tables certain figures of requirements and production, taken from the soviet government, as I understand, Gov. Goodrich makes this statement:

> If these figures as given out by the soviet government on the 28th of September—

That is, this year—

> are correct, then European Russia has a net surplus of foodstuff. I do not believe there will ever be a day, unless transport utterly breaks down, when food can not be had in Russia, even in the famine districts, if one has the money to buy.

Mr. SHIELDS. I should like to ask the Senator what he is reading from?

Mr. WADSWORTH. I am reading from the hearings.

Mr. SMOOT. This is a letter.

Mr. WADSWORTH. A letter written by Gov. Goodrich on November 1. He was then traveling in Russia.

Mr. SHIELDS. Gov. Goodrich was the same witness from whom the Senator from Iowa [Mr. KENYON] quoted while I was making some observations, was he not?

Mr. WADSWORTH. Yes.

Mr. SHIELDS. That also appears in the same testimony?

Mr. WADSWORTH. Yes. Just let me go on for another sentence, and read a few figures.

Gov. Goodrich proceeds:

> The following are food prices I got in the bazaars of Kazan, Samara, Saratov, Markstadt, and Balser, in the very heart of the worst of the famine district, and it was all of excellent quality:

	Cents per pound.
Butter	22

It is twice that in the United States.

Bread	9
Sausage	8
Beans	3½
Flour	8
Rice	12–15
Good mutton and beef	3½–4

Mr. McKELLAR. What is the date of that?

Mr. WADSWORTH. November 1.

Mr. McKELLAR. This past November?

Mr. WADSWORTH. Yes.

Mr. McKELLAR. Some of those items are twice as cheap as they are in this country.

Mr. SMOOT. What would a cent buy in Russian money? Does the Senator know?

Mr. WADSWORTH. I do not know what it would buy, but this is the price per pound in cents.

Mr. SMOOT. In United States cents?

Mr. WADSWORTH. Yes; which are at a tremendous premium in Russia.

Mr. KING. I think a dollar is worth perhaps 50,000 or 100,000 rubles.

Mr. WADSWORTH. Perhaps I do not understand the context of this testimony, but I was struck with these figures.

Mr. SMOOT. If the Senator will read the second paragraph of the letter on page 24 he will find that that explains why there is a shortage. It says:

> After getting all the facts I can from the official reports and talking with millers, grain merchants——

Mr. WADSWORTH. I have read that.

Mr. SMOOT. That is the paragraph that the Senator read. The next paragraph is as follows:

> The Russian eats but little meat; bread is his staff of life, and he consumes in normal years about 450 to 480 pounds, while the American consumes, as I remember it, from 290 to 330 pounds per capita.

In the preceding paragraph he states that he finds that European Russia produced this year from 328 to 350 pounds of grain per capita; so that every man, woman, and child would fall short under that about 130 pounds; and that is in every district in Russia, taking Russia as a whole and taking every man, woman, and child in it. I want to say to the Senator, however, that the Volga Basin and the surrounding Provinces in Russia are where the great drought occurred, and I do not care what advice we give to those people to go to work; they did go to work, and they did put seed in the ground, but no rain came. There has been a drought for three years, and I would not care if they had worked and hoed and plowed and harvested and done everything they were capable of doing; they could not have raised a crop. The Lord Almighty was the only one who could arrange that, and He arranged otherwise.

Mr. SHIELDS. Mr. President, where did all this food come from which Gov. Goodrich says is in Russia, enough to support them? Did I understand the Senator to say that there was food enough in Russia to support all their people?

Mr. SMOOT. He said:

> After getting all the facts I can from the official reports and talking with millers, grain merchants, and men who, by reason of their past connection with the business of the famine district and of Russia in general, are able to give much valuable information, I find that European Russia produced this year from 328 to 350 pounds of grain per capita, a larger amount than the per capita consumption in America.

But in the next paragraph he said:

> The Russian eats but little meat; bread is his staff of life, and he consumes in normal years about 450 to 480 pounds, while the American consumes, as I remember it, from 290 to 330 pounds per capita.

Mr. WADSWORTH. Assuming, then, that the Russian eats nothing but bread, these figures would indicate that his allowance or supply of bread has been decreased 25 per cent, covering all of Russia.

Mr. SMITH. May I ask the Senator from New York a question? He read some figures as to the selling price of food products. Did I understand him to say that those were in the market places in the heart of the famine-stricken district?

Mr. WADSWORTH. According to Gov. Goodrich. I will read it again:

> The following are food prices I got in the bazzars of Kazan, Samara, Saratov, Markstadt, and Balser, in the very heart of the worst of the famine district, and it was all of excellent quality.

Then follow the prices of eight commodities, butter 22 cents a pound, and so on. Of course, there must be some explanation for it, or it destroys the whole case.

Mr. HITCHCOCK. There is an explanation.

Mr. WADSWORTH. What is it? That is what I want to get.

Mr. HITCHCOCK. That food is obtainable, but only those who have the money can buy it. Most of the peasants there have worked three years without raising a crop, and they have not the money with which to buy it, and they are starving. There can not be a crop failure three years in succession without a large portion of the agricultural population being impoverished, and there is no use in saying to those people who have not any money that food is reasonably cheap.

Mr. WADSWORTH. Then why should we not send them money?

Mr. HITCHCOCK. I think possibly it would be wise to take the recommendation of the men over there. The Senator from New York stands here arguing that there should not be a famine in Russia; yet the fact is that there is a famine there.

Mr. WADSWORTH. In a portion of Russia.

Mr. HITCHCOCK. The Senator argues that you ought to educate the people over there instead of giving them food; but you can not educate people when they are dying. The statistics in the hearings which the Senator has in his hand

show the number of people dying of starvation in each community of the various districts. All the Senator has to do is to read the statement of the facts.

Mr. WADSWORTH. I have been endeavoring to read the testimony.

Mr. HITCHCOCK. The Senator is arguing that there is not any starvation there; yet men come back here and, with tears streaming down their faces, tell the committee of the most pathetic scenes that they witnessed, and they named one community after another where starvation stalks, and hundreds of people are dying; yet the Senator stands there and argues that they ought not to die and ought not to starve.

Mr. WADSWORTH. Mr. President, I have not stood here and argued about anything. I am reading from the testimony before the committee, and I said a moment ago, before the Senator from Nebraska became excited about it, that possibly I made a mistake in judging of the context in connection with which this letter of Gov. Goodrich should be considered. But my eye lit upon this sentence, which I think is worthy of explanation. There is probably an explanation for it. This is what Gov. Goodrich says:

I do not believe there will ever be a day, unless transport utterly breaks down, when food can not be had in Russia, even in the famine districts, if one has the money to buy.

Mr. HITCHCOCK. Does the Senator expect peasants who work three years without raising any crops, practically, to have any money to buy anything with? If the Senator lived out in the farming region where I live, he would know what condition they are in after they have failed to raise even one crop.

Mr. WADSWORTH. I understand that.

Mr. HITCHCOCK. Let the Senator pile two more years of failure on the top of that, and he probably may appreciate that they have not any money with which to buy anything.

Mr. WADSWORTH. I concede that.

Mr. HITCHCOCK. Yet the Senator thinks we ought to educate them; that we ought to put them in schools and teach them algebra and mathematics in various forms.

Mr. WADSWORTH. The Senator can not divert me in that way.

Mr. HITCHCOCK. That is what the Senator has repeated here, that he believes in taking this money and using it to educate people, instead of saving them from starvation.

Mr. WADSWORTH. The Senator is endeavoring to divert my attention and that of the Senate from this testimony. This is all I want to know: If it is true that there never will be a day in Russia when food can not be obtained, even in the famine districts, provided the people in the famine districts have the money with which to buy it, why not send them the money instead of food? That is all there is to it.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Iowa?

Mr. WADSWORTH. I yield.

Mr. KENYON. When the Senator from New York read those statements of Gov. Goodrich, I went out into the anteroom and asked Gov. Goodrich about them. I wish he could be on the floor and explain them, but, of course, he can not.

Mr. WADSWORTH. There may be some explanation for it.

Mr. KENYON. You can not take one or two statements out of an article, and form your judgment on those statements; you must take the whole article. Following down on page 26 of the same letter, I ask the Senator to note this language:

While all this is true and while the ridiculous so-called human-interest stories sent out by sensational newspaper correspondents grossly exaggerate the situation, yet going into the situation as carefully as I could in the limited time at my disposal, I am certain that the situation is such that if immediate relief is not given, with the assurance of continued aid until July 1, hundreds of thousands of people, men, women, and children, will perish in the famine district who otherwise might live.

The governor tells me that there was food in Russia, not in the famine district but that it had been hoarded. If you had the money, you could buy it, provided transportation had not broken down; but he states that the transportation has broken down. They can not get it. If you have the money, you can buy food in Russia; 50,000 rubles, I think, for a luncheon; just as if a man were starving out in front of the Willard Hotel, if he had the money he could go in and pay $8 for a dinner and get the food. These people are in this dictrict where they can not get it. If we wanted to appropriate enough money to enable them to buy, that could be done.

Mr. SMOOT. I doubt very much whether it could be done——

Mr. KENYON. It could not be transported.

Mr. SMOOT. Because of the fact that they can not get transportation, for the transportation system, according to the testimony, has broken down completely, and no matter how much money they had, while those children are starving to death, it is impossible to get food.

Mr. McKELLAR. How could they get it all the way over there from the United States, then?

Mr. KENYON. Because it can be transported by water.

Mr. McKELLAR. Does the Senator mean to say that they can transport the food more easily from the United States than it can be transported in Russia?

Mr. SMOOT. There is water transportation, and it is much easier.

Mr. KENYON. Yes; it can be transported easier from the United States than from one place to another in Russia. That is the statement of Gov. Goodrich. His statements may seem at first blush to be somewhat contradictory, but, of course, you can take parts of a statement like that, just as you can pick up particles of evidence in a lawsuit, and prove anything; but you have to take the whole story. This man has been there; he has been the governor of a great State, he has had able assistants, who have not been there for the purpose of making money, and they are telling us of the situation. Some people seem to think, as some Senators do, that it is funny, and they laugh at it, and try to pick flaws in the arguments. Those people are starving, or Gov. Goodrich, Mr. Hoover, and all the others who have told us about the conditions there are liars.

Mr. DIAL. Mr. President, I merely desire to say, then, that Gov. Goodrich has not as good an opinion of the Russian people as I have.

Mr. SMOOT. It does seem strange that a pound of butter would be worth only 25 cents; but do Senators realize what 25 cents means there? Do they know that in order to buy any kind of a breakfast almost anywhere in Russia it takes about 50,000 rubles? A cent of American money will buy about all the paper money in Russia you could pack.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. ASHURST. Mr. President, I have already consumed more time on this bill, probably, than I should have done, but I want to offer an amendment. I have reduced the amount from a million dollars to $500,000 and lodged the authority with the Treasury Department instead of with Col. Forbes. I ask that it be read.

Mr. SMOOT. As far as I can do so, I accept the amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. The Senator from Arizona proposes to add a new section, as follows:

SEC. 3. That the Secretary of the Treasury is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau, by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, and accessories, and also to provide accommodations for officers, nurses, and attending personnel, and the Secretary of the Treasury is authorized to accept gifts or donations for any of the purposes named therein. The location and nature of such hospitals, whether for the treatment of tuberculous, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Secretary of the Treasury.

That for carrying into effect this provision relating to additional hospital facilities there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read:

A bill for the relief of the distressed and starving people of Russia, and for other purposes.

Mr. SMOOT. I move that the Senate insist upon its amendments, that it request a conference with the House on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. SMOOT, Mr. JONES of Washington, and Mr. OVERMAN conferees on the part of the Senate.

REVENUES OF THE DISTRICT OF COLUMBIA.

Mr. JONES of Washington. Mr. President, Senate bill 205, relating to the fiscal system of the District of Columbia, has been returned to the Senate by the House at the request of the Senate, and I would like to have it disposed of. I think there will be no debate.

I will state what I desire to have done. I shall ask for a reconsideration of the vote by which the bill was read the third time and passed, and then ask for a reconsideration of the vote by which the amendment of the Senator from Arkansas [Mr. CARAWAY] was agreed to, in order that I may propose an

amendment inserting the word "tangible" before the word "personal" and the word "property" after the word "personal," so that it will read "tangible personal property," making the amendment provide what everybody thought it did provide and what it was intended to provide.

I ask unanimous consent that the unfinished business be temporarily laid aside, and that the vote by which this bill was read the third time and passed be reconsidered.

The VICE PRESIDENT. There being no objection, the unfinished business will be temporarily laid aside, and the Chair lays before the Senate the bill (S. 205) relating to the fiscal system of the District of Columbia.

The Senator from Washington asks unanimous consent that the Senate reconsider the votes by which the bill was ordered to a third reading, read the third time, and passed. Is there objection?

Mr. KING. Mr. President, I was called from the Chamber and I did not hear the request of the Senator from Washington.

Mr. JONES of Washington. The purpose is to have reconsidered the vote by which the amendment offered by the Senator from Arkansas [Mr. CARAWAY] was agreed to, so as to insert the word "tangible" before the word "personal" and the word "property" after the word "personal."

I ask unanimous consent that the vote by which the amendment offered by the Senator from Arkansas was agreed to be reconsidered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES of Washington. I now offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. In section 3 of the amendment offered by the Senator from Arkansas, before the word "personal," insert the word "tangible," and after the word "personal" insert the word "property," so that it will read:

Until otherwise provided by law the rate of taxation in the District of Columbia on tangible personal property and real estate shall be $1.75 per hundred.

And so forth.

Mr. NELSON. Mr. President, I move to amend that amendment by inserting after the word "tangible" the words "and intangible," so as to include not only tangible property but also credits. There is no use of limiting the tax to real estate and tangible property. Credits ought to be included as well. Instead of "intangible" it might read "tangible property and credits."

Mr. JONES of Washington. Mr. President, I shall have to make a point of order against the amendment offered by the Senator from Minnesota. It is an amendment in the third degree.

The VICE PRESIDENT. The point of order is well taken. The question is on the amendment offered by the Senator from Washington to the amendment offered by the Senator from Arkansas.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FLETCHER. Mr. President, I merely wish to say before the bill is passed that I think it is a mistake. I think it will be found that it is a temporary, makeshift arrangement which will not be satisfactory, but I am not disposed to raise any serious objection to it since the friends of the measure and the committee believe it should be adopted. However, I think it is a mistake.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MARINE INSURANCE IN THE DISTRICT OF COLUMBIA.

Mr. FLETCHER. Mr. President, I ask that the unfinished business be laid before the Senate.

Mr. JONES of Washington. I had hoped to bring up Calendar No. 239, the bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes, but as the unfinished business is still before the Senate and one or two Senators desire to speak upon it, I shall not undertake to bring it up to-day. However, I give notice that after the routine morning business to-morrow I shall ask the Senate to proceed to the consideration of that measure.

AMENDMENT OF FEDERAL RESERVE ACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2263) to amend the Federal reserve act approved December 23, 1913.

Mr. FLETCHER. Mr. President, the hour is quite late, and I had hoped that we would proceed with the unfinished business earlier, and I expected to go somewhat into detail in giving the reasons which prompt me to favor the amendment offered by the Senator from South Carolina [Mr. SMITH]. Now I feel that I must content myself with rather a brief presentation of some of the views I have upon the subject and offer some of the reasons which prompt me to favor that amendment, not as thoroughly, however, as I would otherwise desire to do.

There is no question that the farmers of the country are in a more or less distressed condition, worse in some regions than in others, and there are some very plain reasons why, at least to some extent, that condition exists. I favor the amendment offered by the Senator from South Carolina, but if that amendment is not agreed to in the Senate, I should prefer the bill as reported by the committee to no legislation at all on the subject.

Some of the reasons which have brought about the present very unsatisfactory condition in agriculture have to do with the financial affairs and operations of the farmers, and those are related, of course, to the Treasury Department of the Government. Some factors which have operated to discourage agriculture and to bear heavily upon the farmers of the country at present are such things as exorbitant and excessive freight rates. The Senator from Wyoming [Mr. KENDRICK] a few days ago made a very able speech in which he set forth very clearly and forcefully the way in which these excessive freight rates affect producers, particularly in the West. To a very great extent all he had to say upon the subject applies equally to producers in the South. Not only are these excessive freight rates operating so as to deprive producers of any profit upon the results of their labor and efforts but they are causing people to leave the farms and move to towns and cities and seek other occupations.

That, however, is not the only factor which is now operating seriously and adversely to affect agricultural interests. The Secretary of the Treasury and the Comptroller of the Currency are members of the Federal Reserve Board. The Secretary of the Treasury is ex officio chairman of the Farm Loan Board. Some years ago, in order that the farmers of the country might be relieved of the burdens in the shape of interest which they had borne for years and the difficulty of obtaining long-term credit in order to supply their capital needs, Congress established a special system for the benefit of agriculture. The farm loan act was passed in July, 1916. As I said, the Secretary of the Treasury is ex officio chairman of the Farm Loan Board. That board is the official authority to carry into effect and execution the provisions of that act.

Under that system 12 district banks were created and established throughout the country. Each of the banks, known as the Federal land banks, was organized temporarily by the appointment of a board of directors by the Farm Loan Board. A considerable time was required to acquaint the farmers of the country with the provisions of the law and to induce them to resort to it for their capital needs and to avail themselves of the facilities which the law offered.

The farmer is a conservative citizen. He does not take very readily to new things. Very properly he demands that there shall be proved to him the merits of a proposition which is submitted to him before he will accept or agree to it. Considerable effort was made to acquaint the farmers of the country with the benefits to be derived through the operation of this law and to get them interested in the system. Finally, however, they began to see, largely from actual experience, the advantages it offered and to appreciate them and to avail themselves of the facilities afforded by that law.

By observation and experience they became impressed with the fact that under the system they were able to get accommodations at a rate of interest hitherto unheard of in this country, to wit, at 5½ per cent per annum, with the privilege of paying off the principal at the rate of 1 per cent per annum, with the right to pay off any part of the principal or all of it at any time after five years, and with other terms practically of their own choosing. The result has been that over $400,000,000 have been made available for the farmers of the country at 5½ per cent per annum on these favorable terms, and they are now more than ever anxious to take advantage of these facilities.

The law had been in operation only a comparatively short time—about three years—when suit was instituted by interests which had always opposed the legislation, by people who had been accustomed to make enormous earnings in the way of commissions upon loans and in negotiating loans upon farms at a higher rate of interest. They attacked the law as being unconstitutional. Suit was brought in the United States district court. The case was carried to the Supreme Court, and finally,

last February, the Supreme Court sustained in every detail the constitutionality and validity of the law.

For nearly 15 months the system was paralyzed by reason of that litigation. Nothing was done of consequence except that the organization was kept together. No loans, however, were made. After the decision was handed down sustaining the constitutionality of the act the farmers of the country began to make applications for loans. Piles of applications had already accumulated, but they were discarded; it was ordered that new applications had to be filed. A new bond issue was ordered, and in May last an issue of $60,000,000 of bonds was put upon the market and they were readily taken up by the public. So this fund was available to loan to the farmers.

Recently another issue of bonds of $40,000,000 has been put out by the Farm Loan Board, for the $60,000,000 was wholly inadequate to meet the demands then made. The system is workable; it is sound; it is of unquestioned, demonstrated, and enormous benefit to the agricultural interests of the country.

However, what is happening under it? The Farm Loan Board says they can not find money for making loans beyond $150,000,000 or $200,000,000 per annum for two reasons: First, a physical inability to handle the business; that they lack the physical capacity under the organization to handle more than $150,000,000 or $200,000,000 in loans per annum; second, because they very much question if the public will absorb a greater amount than from $150,000,000 to $200,000,000 of these bonds per annum.

Mr. President, the Farm Loan Board ought to be arranging to loan to the farmers of this country at this time $1,000,000 every day of the year. The loan of $150,000,000 or $200,000,000 to all the farmers of the country is wholly inadequate and insufficient; the board ought to loan three times that amount; and I contend that the reasons the board offers for not extending the operation of the system and meeting the calls and urgent demands of the farmers all over the land are unsound. If, for instance, the board needs a larger force in each of the land banks of the country, there being 12 of them, let them employ more experts, more abstracters, more lawyers to examine and pass upon papers, and more clerks to transact the business.

Under the law they have a margin of one-half of 1 per cent on all loans to cover the expenses of administering the system. That is far more than they need. A margin of one-fourth of 1 per cent would afford an adequate sum for all the force that they can require in order to transact the business. Let them increase their forces in all the banks where needed; let them increase their office force here or elsewhere as may be necessary in order to accommodate the needs of the agricultural interests.

In the second place, their assumption that the public will not absorb more than from $150,000,000 to $200,000,000 per year of farm loan bonds is, in my judgment, without foundation. I need only refer Senators to the letter of Farm Loan Commissioner Lobdell to the Senator from Iowa [Mr. KENYON] of October 15, 1921, which has been printed in the RECORD, in order to show that fact. He says:

> Leaving out, then, the question of direct loans from the Treasury, the question arises as to the rapidity with which the investing public will absorb farm loan bonds. That question has never been fairly tested out, because until the present time we have never been permitted to make two successive sales in a single year—the Treasury heretofore preferring to take the bonds rather than have us make repeated offerings.

Mr. President, who has any authority or right to deny permission to the Farm Loan Board to make as many offerings of farm loan bonds each year as may be needed? Judge Lobdell says:

> Until the present time we have never been permitted—

By whom? Not by the President, for he had nothing to do with it. By the Secretary of the Treasury? Undoubtedly he must be the authority, for he is chairman of the board; or by the Treasury Department—I will put it in that way in order not to make it personal. Where does the Treasury Department get the authority to deny to the Farm Loan Board the right to order the issuance of these bonds as they may be needed? There is no such authority. Congress never intended that the question when farm loan bonds should be offered to the public and in what amounts should be determined by the Secretary of the Treasury or by the Treasury Department. The Federal land bank, when funds are needed, must make application to the Farm Loan Board for its approval of such issue, and upon such approval, under sections 18 and 19 of the farm loan act, the bonds are issued.

The duty of the Federal land banks, on approval of the Farm Loan Board, is to issue as many bonds as will be necessary to meet the needs of the farmers of this country, when they comply with the law as to furnishing security, showing themselves eligible for the loans, and in all other respects complying with the provisions of the act; yet the Treasury Department has assumed, according to the statement of Judge Lobdell, to direct when these bonds shall be issued and when they shall not be issued.

So I argue it will be a very excellent thing if some farmer, some one whom Gov. Cox would probably call a "dirt" farmer, a farmer experienced in actual farming operations, and engaged in that industry, shall be connected directly with the Treasury Department, with both the Federal Reserve Board, the Farm Loan Board, and the boards of directors of the Federal land banks, also.

I am perfectly willing, Mr. President, that men experienced in financial affairs and in business, experts, if you please, in commercial matters, may hold these positions, provided they do not discriminate against and neglect the interests of agriculture; provided they do not demonstrate on every occasion that they have a special slant toward commerce and industry, business, and trade, rather than toward agriculture. They seem to forget agriculture.

Mr. President, as we know, the farmers must obtain their loans from the proceeds of bonds which are offered to the public. Unless the bonds are offered, there can be no sale, and unless there is a sale of bonds there are no proceeds, and the loans can not be made. The Treasury Department determined that they did not want these bonds put on the market. Why? The Treasury Department is not interested in agriculture apparently; they are more concerned about business and commercial affairs, and the Treasury Department did not want these bonds to come into competition with Liberty bonds and Victory bonds and Treasury certificates. They wanted the whole market for their securities, and the farmers' securities may be laid aside and wait. That is the attitude. Consequently the bonds were not offered, consequently there were no sales, and consequently there were no funds to loan to the farmers.

Mr. SMITH. Mr. President, who is the authority to determine when and how these bonds shall be issued?

Mr. FLETCHER. The Farm Loan Board. The Federal land bank reports through the registrar up to the Farm Loan Board: "We have so many applications for loans. We have passed upon and approved so many of these applications. We recommend the issue of bonds to a certain amount and ask your approval." Here are men out yonder in the country, toiling day and night, owning their farms, cultivating them, producing the food for the people of this country. They want some capital accommodation. They offer their property as security on the basis of 50 per cent of the value of that property as determined by your appraiser, not theirs. The Farm Loan Board name the appraisers in every district. Their appraisers pass upon the value of the property offered as security. They can not loan beyond 50 per cent of that value. These applications have been approved. They amount to so much—say, $500,000. The Federal land bank says, "We apply to you, the Farm Loan Board, to authorize us to issue bonds against these collective mortgages of $500,000." It is for the Farm Loan Board to authorize that issue; otherwise no bonds can be put upon the market, as I have said, no sales made, and no funds raised with which to make the loans that are applied for by these farmers.

Mr. SMITH. Mr. President, if the Senator will allow me, who constitute the Farm Loan Board now? I am acquainted with one or two of the members. How many members have they?

Mr. FLETCHER. There are five members. The Secretary of the Treasury is ex officio chairman, and there are four other members appointed by the President and confirmed by the Senate.

Mr. SMITH. The Secretary of the Treasury constitutes one of the five?

Mr. FLETCHER. Yes.

Mr. SMITH. Judging from the letter that the Senator read, it seems as though he has assumed the authority to say when and how these bonds shall be issued, if any at all. Is the Senator advised as to whether he has done this with or without the consent of his Farm Loan Board?

Mr. FLETCHER. I have read what Judge Lobdell said in his letter to the Senator from Iowa [Mr. KENYON]. He says:

> That question has never been fairly tested out—

That is, the question as to how many bonds the public will absorb per annum—

> Because, until the present time, we have never been permitted to make two successive sales in a single year.

How permitted, and by whom? I can only infer that it must have been done by the Treasury Department.

Mr. SMITH. Is not Judge Lobdell a member of the board?

Mr. FLETCHER. He is. He is the farm loan commissioner.

Mr. SMITH. And the law clothes the board with authority?

Mr. FLETCHER. He gives the reason:

The Treasury heretofore preferring to take the bonds rather than have us make repeated offerings.

I will get to that. It is proper to explain and relate certain circumstances at this point. The Senator will remember that in January, 1918, the Congress passed an amendment to the farm loan act; and this was done, mind you, at the insistence of the Farm Loan Board, because in their report they say this:

A year's experience of the numerous and complicated problems arising in the management and operation of these banks makes us doubt the wisdom of intrusting their control to borrowing members whose familiarity with the system has been limited to a few months' study or observation from the outside. It is doubtful if the direct management and control of any bank which is dependent upon borrowed capital for its control and operation can be safely delegated to the borrowers from such bank.

An amendment to the act, providing for a lengthened period of governmental control, has therefore been prepared and is respectfully submitted for the consideration of the Congress.

Now, what was done? The amendment to the act was passed authorizing the Secretary of the Treasury to buy $200,000,000 of the bonds of farm loan banks, and that amendment provides that so long as the bonds of any bank shall be held by the Treasury the temporary organization of such bank shall continue in power. What does that mean?

Every director of every bank is selected and named by the Farm Loan Board. That was the temporary organization; but in the farm loan act Congress specifically provided that whenever the stock to the amount of $100,000 was paid up in any of these banks, that moment the stockholders themselves would have the right to select six of the directors, and the Farm Loan Board would have the right to name three of the directors of that bank. That was done for a distinct purpose, with the idea of promoting cooperation among the farmers, with the idea of connecting them up directly with the system which was instituted for their special benefit, created in their interest, and designed to serve agriculture throughout the country. Every time a man borrows money he must pay 5 per cent of the amount of his loan for stock in the farm loan association of which he is a member, and the farm loan association must subscribe to 5 per cent of the stock of the Federal land bank in that district, so that by that system the farmers themselves become stockholders in the Federal land banks; and whenever that stock amounted to $100,000 in any of these banks that moment the farmers themselves would have the right to select six of the directors in those banks, always retaining three to be selected by the Farm Loan Board, giving them that authority at any and all times and as to every bank.

When this amendment was passed by Congress, in January, 1918, eight of these banks had more than $100,000 each of their capital stock owned by the farmers who had borrowed money through those banks. Congress passed this amendment at the instance of the Farm Loan Board, saying: "The Secretary of the Treasury is authorized to purchase $200,000,000 of these farm loan bonds."

The fact was the Treasury did not want those bonds put on the market, and the farmers of the country had a right to be up in arms because here was a system instituted for their benefit which would cease to function, cease to provide any money, although they offered the security and complied with the law, because the Treasury would not let the bonds go upon the market.

When that situation became acute something had to be done. The Treasury had to devise a substitute for a sale of these bonds. Then they said we will have to take some of these bonds and pay for them out of the Treasury funds, but when we do that we must provide in the law that so long as the Government owns any of these bonds the Farm Loan Board shall name every director in every district bank—that is, the temporary organization of each and every district Federal land bank shall continue in effect. These bonds run for 20 years. That gives the Farm Loan Board absolute control over all the affairs of every land bank throughout the land for the next 20 years.

Mr. President, some people talk about agricultural blocs. We hear, now and then, some criticism of those gentlemen who seek to confer together for the purpose of cooperating and bringing about some definite, constructive action which shall mean that the agricultural interests of this country shall not be sacrificed. Is there not need for something of that kind? Here are 139,000 stockholders in the district land banks in this country—men who have subscribed for that stock and paid for it, and who have a double liability resting upon them, the same liability that the stockholder in a national bank has, and yet not one of them has a voice in the selection of a single director to take part in conducting the affairs of those banks.

That is the situation—not a farmer on the Farm Loan Board; not a farmer on the board of directors of a single Federal land bank, chosen by farmers. Think of it. The farmer has no voice in the choosing of the directors of the banks which he himself owns. Did you ever hear of such a situation as that? Is it not time that some people came here and put their heads together, representing the people of this country, and made an honest effort to see that the farmers of this country shall not be neglected and discriminated against in this humiliating and shameful way? Call it "agricultural bloc" if you like; I would rather be a member of an agricultural bloc than of an aggregation of blockheads. The farmers of this country are not going to stand for that sort of treatment. They do not know what is going on until it is pointed out to them, but when they do know it you may look for something to happen.

As far as I am concerned, I feel like taking full responsibility for any share I may have in seeing that this fundamental industry of the country, upon which all prosperity must rest—because if the farmers are not prosperous nobody else can be in this land—has just and fair treatment in the legislative and in the executive branches of this Government.

Mr. SMITH. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from South Carolina?

Mr. FLETCHER. I yield.

Mr. SMITH. If the Senator will allow me, I must confess my ignorance as to the passage of the amendment to which he calls attention—that is, the one providing that so long as the Treasury Department holds these bonds against the several land banks the Treasury shall name the directors. It seems to me that the purpose of that amendment is too apparent—that thereafter, they naming the directors, they will, of course, control the whole workings of the system from the Treasury Department.

Mr. FLETCHER. Absolutely.

Mr. SMITH. Why is it not competent for us, this matter having been brought to the attention of the Senate, to have that part of the law repealed?

Mr. FLETCHER. I think it is, and I think it should be done, and done promptly.

Mr. KENYON. Is it not too late to do much practical good? They have the whole thing sewed up for 20 years.

Mr. FLETCHER. Of course I think Congress can repeal the act that ties it up for 20 years. I think we can repeal that act at once, and I will say that a bill has been introduced to do that. It is, I think, before the Committee on Banking and Currency. It was introduced by the Senator from Montana [Mr. WALSH].

Mr. KENYON. It will probably be there for 20 years.

Mr. FLETCHER. It is resting there very quietly, and the committee is not likely to act unless strongly urged.

I am simply saying this, Mr. President, by way of showing that the farmers of this country are not receiving proper consideration. They are in position to offer absolute security for every dollar that is furnished them under this system. As evidence of that, let me read you further from what Judge Lobdell says as to the safety of this security, because, first, if there is any limitation on the physical ability of these people to handle this business that can be removed by increasing their force. If it is claimed that there is a limitation of the other kind—namely, that the public will not take more than one hundred and fifty to two hundred million dollars of their bonds per annum—I deny that there has been any proof of that, because Judge Lobdell himself says that has not yet been fairly tested out.

The last issue of these bonds are to-day quoted at $103. I believe the public will take $360,000,000 of these bonds every year. But in order to meet that objection I have proposed an amendment to this act making short-term paper with farm-loan bonds to the amount of the face of the paper as collateral attached eligible for rediscount in the Federal reserve banks. That would create an almost unlimited demand for these bonds, and there is no question but what the banks generally themselves would want the bonds, if we would make short-term paper with them attached eligible for rediscount in the Federal reserve banks.

But the Farm Loan Board is not helping us in that effort and the Federal Reserve Board is opposing it. They say that means inflation. In one breath they say it means inflation and in the next breath they say the banks will not take the bonds, that it will not broaden the market for these bonds, and, therefore, there is no use to pass this legislation. One argument they offer answers the other.

So that every point the Farm Loan Board makes with regard to the reasons why they do not furnish more money, and more

speedily, to the farmers of this country in response to their applications is utterly inconclusive. At least, there is not a question but what every one of them can be overcome.

Mr. WATSON of Georgia. Mr. President, I will state for the information of the Senator and of the Senate that the branch bank at Columbia, S. C., is supposed to furnish money in Georgia, and I have yet to learn of a single loan being made in the State of Georgia. On the contrary, the applications are turned down and treated with contempt, and the claim that they have not sufficient clerical force is in part disproved by the fact that the replies to these applicants for loans take up two or three typewritten pages, and the loan could have been passed on, or put in process of being passed on, while the man was dictating the letter.

Mr. FLETCHER. Mr. President, I can produce letters from all over this country showing that farmers have made applications to form associations and for loans and they get no satisfaction; that they are discouraged against organizing the farm-loan associations, because evidently it is feared that the applications will come in greater number than the board wants. The farmers are notified by direction of the officers who act under the Farm Loan Board that there are numerous restrictions which they are imposing. One condition lately imposed is that a farmer who cultivates his farm by the tenant system—that is, requires a certain part of the crop to go to pay the rent—is not eligible to accommodation, although he owns the land, and is responsible for its cultivation, and actually directs it.

Another condition is that the district bank sends out notices to advise the farmers that it may be six or eight months before they will hear from their applications, and they do not know whether they will get any money then or not. All efforts are being made, reasonable and unreasonable, to limit the call on the Federal land banks by the farmers of this country for the loans which they so urgently need, which they never needed so badly as now. The effect is to limit the operation of the system, whereas Congress intended that it should not only be operated with diligence and with real energy and with encouragement to the farmers of the country to utilize it, but that it should be extended as required to meet their needs.

It is estimated that there are at least $4,000,000,000 loaned already on farms in this country; in other words, the farmers owe $4,000,000,000, secured by mortgages upon their farms. One of the purposes of this act is to enable them to pay off existing liens.

It will take 30 years, at the rate they are now operating this system, to take care of even the existing mortgages on the farms of this country, to say nothing of supplying any funds for development and constructive purposes and for acquiring homes.

That is the situation, and, as I was proceeding to mention, there is no question about the safety of these loans. As evidence that the security is good and can not be better, let me read you from this letter further:

> In practically three years of active operation the 12 Federal land banks, which, because they are mutually underwritten, may be treated as a unit, have been built up from $9,000,000 of capital and no assets until on September 30 they had—
>
> | | |
> |---|---|
> | Capital of | $26,441,852.50 |
> | Reserve of | 1,514,500.00 |
> | Undivided profits | 2,460,766.52 |
> | Total assets | 419,224,766.08 |

The Federal land banks have up to this time made loans to the amount of $415,173,159.81, and in addition to these the joint-stock banks, provided for in the farm loan act, have loaned about a hundred million dollars to farmers. The letter of October 15 last continues:

> It has made loans to the amount of $413,506,190, and has collected interest and amortization payments to the amount of $53,067,882.27, and has to date taken just one bad debt loan in the sum of $200.

That shows whether these securities are good or not, whether these loans are safe or not. After all the operations, from the beginning to October 15, 1921, the only bad debt amounts to $200.

I say, Mr. President, that to my mind there can be no excuse, no sort of justification, on the part of those having in charge the administration of this act for not going on and arranging to furnish farmers the money, which they are able to make secure, and which they are entitled to receive under this act.

I am mentioning these subjects to lead up to this conclusion, that the farmers of this country have no voice whatever, directly, in the institution created to meet their needs and for their special benefit; are not even allowed to vote for any director in any of the banks which are operating under this system, although they own the stock in those banks; are not allowed any direct contact with the board itself; are not allowed any direct contact with the Federal Reserve Board; and the Federal Reserve Board and the Federal Farm Loan Board are all under the dominating influence of the Treasury.

For one, seeing how the agricultural interests of this country are not being properly regarded and fairly treated, seeing how the farmers themselves are being ignored and imposed upon by the administration of these systems at present, I can see no other way to remedy the situation just now but to endeavor to provide by law that farmers shall be directly connected with these agencies of the Government. I would instantly repeal the law which deprives them of the right to select six directors of each of these district land banks. It is all right to have the Government name the other three, but farmer borrowers are the stockholders, and they ought to name six of these directors, just as the act originally provided. I have introduced a bill, which is before the Committee on Banking and Currency, to make the Secretary of Agriculture a member of the Farm Loan Board; and I am perfectly willing to amend that so as to provide that the member shall be selected because he is a farmer and a man experienced in farming.

I want them directly connected; and, next to that, because that system was organized as much for the benefit of agriculture, I take it, as for any other interest, I would have him directly related as a member of the Federal Reserve Board. My observation, and the experience which the farmers of this country are going through to-day, convince me that that is the only way these interests will be properly looked after.

Now the farmer comes, hat in hand, before the Federal land bank and knocks, but is not admitted. He comes to the Farm Loan Board and knocks, but is not admitted. He comes to the Federal Reserve Board, and he is told to go home and attend to his business. They say to him: "Go home. Go to your fields. Go to work. Toil and sweat and fight the enemies of plant and animal life and the seasons, but you can not have any representation on any of these agencies which are created to administer these financial systems, one of them especially designed for the purpose of serving your needs."

He is told, "You are a farmer. You know nothing about business. You have no financial experience. You have no knowledge of economics. You are a dirt grubber, a clod knocker. All you need is muscle and a mule." That is what the farmers are told, in effect, by these different agencies of the Government. So far as I am concerned, the agricultural bloc may be denounced to the limit by politicians, by partisans, by office holders, and by others, as inimical to party government, as ruinous to party control, as unsound and unwise; but I am going to stand by any sort of cooperative effort which will fairly and justly protect these 30,000,000 people who live nearest the fountain of life in the divine economy; these people who produce the Nation's food, and without whose toil and struggle the world would have to go hungry and unclothed.

I take the responsibility for any legitimate effort to protect them, because under present conditions, my friends, the farmer is being sidetracked, he is being hoodwinked, he is being imposed upon and humiliated, he is being neglected and discriminated against. He has been now and then fooled and deceived by such assertions as that spending $20,000,000 for grain for Russia is going to help the price of his corn and his wheat, and by such pretense as the passage of the emergency tariff bill, alleged to have been for his benefit, when he knows that every article he produces has gone down in price since that bill was passed. That is the sort of thing that is furnished to the farmer by his alleged friends.

Why, Mr. President, somebody has to stand by this interest; somebody has to have the courage to speak out. I do not like to antagonize the officers who are administering the affairs of the Government, the executive officers and others, but it looks like we have come to a time when, unless we are harsh, unless we are ugly, unless we speak out frankly, we get no attention and accomplish nothing by being nice, conciliatory, and trustful. If it is necessary to be insistent and sultry, it will have to come to that.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. NEW in the chair). Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. Certainly.

Mr. KENYON. Does not the Senator realize that if anyone tries to do anything in Congress for the farmer, he is a demagogue and is simply looking for votes? That is the generally accepted notion—that if he tries to do anything he is trying to fool the farmer.

Mr. FLETCHER. That, of course, is one of the penalties attaching to those who speak for the farmer, as I have attempted to speak to-day. We will be accused of being demagogues and throwing out a line for the farmers' favor or advocating class

legislation and drawing class distinction, and all that sort of thing. But I can not help it.

Agriculture is the greatest industry in the country. It is the industry upon which every other industry must ultimately depend. It lies at the base and foundation of all strength and wealth and power and prosperity. If it goes down, the whole structure goes. I am going to begin at the foundation and stand for that industry, as I have tried to do in the past.

There is a wide gulf between a form of government such as ours was designed to be and an aristocracy or a plutocracy. It is proposed by these critics that the leader or leaders of the party in power shall have control, which shall not even be shared.

That means government by a select few.

Equal opportunity and a share in control would be denied.

Liberty, a synonym for opportunity, would be destroyed.

Institutions which we cherish and which set every man free to be his best and do his best would be demolished. The foundations of the Republic would be undermined.

The glories of a free, representative democracy would disappear.

If those who are his sincere friends are not vigilant and aggressive, the farmer will not receive that practical, helpful consideration to which he is entitled here.

This criticism of the agriculture bloc proceeds, not so much from the desire for effective party government as it does from ambition to control in a way that means personal government.

When society is organized so that opportunity is not equalized, although shared, and control is lodged with a privileged class, you have an aristocracy, not a democracy.

If that class happens to be a capitalist class, you have a plutocracy.

Mr. President, if Senators are concerned about how these Federal land banks are organized, I would refer them to the Federal loan act, section 4, which shows how each land bank was organized, to begin with, by the naming of five temporary directors. Then, in 1918, we enacted a law that continued that temporary organization until the last minute when the Treasury of the United States shall hold any of these bonds. They now have $183,000,000 of them. They are going to hold some of them for 20 years. The bonds do not mature until 20 years from now, and that organization will be continued so that the farmers who have taken stock and are liable to the extent of double the par value of their stock have not a single vote on the board of directors or in the control or management of the institution.

There is a provision in the law that after the acquisition of stock authorized in the bill shall have reached the sum of $100,000 the officers and directors of the land banks shall be chosen as thereinafter provided; that is, by six of them being elected by the stockholders, the farm loan associations, and three appointed by the Farm Loan Board. Now, they have no voice anywhere. The farmer is not heard. He ought to be heard in thundering tones all along the line, from his farm loan association to his Federal land bank, through the Federal land bank to the Farm Loan Board and on to the Federal Reserve Board. I am in favor of putting him on directly by law, because that is the only way we will ever get him there.

Mr. President, there were some other matters which I desired to discuss, but the hour is growing so late that I shall not attempt it now. I leave the subject at this point.

Mr. CAPPER. Mr. President, I listened with great interest yesterday and to-day to the discussion of the bill which proposes to place a farmer on the Federal Reserve Board. I am heartily in favor of the measure. I favor it not only because I know it will be helpful to the agricultural interests of the country but because it would be for the best interests of the whole country. I think if we had had on the board a big, broad, fair-minded farmer, a man who had an intimate knowledge of conditions as they actually existed in the West, the farmers and stockmen of the Middle West would not have been compelled to dump their grain and live stock on the market a year ago at the most critical time and compelled to take ruinous prices.

The farmers of the country, and more especially the agricultural organizations of the country, are deeply interested in this measure and anxious to see it passed. In resolutions adopted only a couple of weeks ago by the annual convention of the National Farmers' Union, held at Topeka, an organization which has a membership of almost a million, I find this declaration:

> We demand an equitable pro rata representation of agriculture on the governing boards of the Federal reserve banking system as a means of converting a great necessary agency that has become a banker's bank into a financial institution to serve all the interests of all the people.

Among other interesting declarations in this report from this important convention held in my home city I find this:

> We desire to express our appreciation of the interest shown by those Members of the House and Senate who have formed an agricultural bloc in Congress for the many things they have thus been able to do for the farmers of the United States, especially the revival of the War Finance Board.

Mr. President, doubtless it has been observed that eastern newspapers and eastern business men are viewing the so-called agricultural bloc in the Senate and House with some disfavor. Frequently the "bloc" is referred to by them as a "menace to good government," as "setting the interests of the few against the welfare of the many," as "demanding special privileges in legislation for the class it represents," and so forth.

Also, it may have been noted, Mr. President, the letter from Mr. Otto Kahn, Wall Street banker, summoning "business men" to rally round the American business men's committee and save the country from the machinations of the farm bloc. In it Mr. Kahn disclaims any intent to form a business bloc where, I assume, it has long been popularly supposed that business sat on the right hand of government.

Bache's Review, published by a Wall Street banking house, prints a long blast against the "bloc" because this group of men gave their support to the Republican majority which enacted the tax bill.

Mr. President, I doubt if one can imagine how strangely all this reads to many people in the West who have long ago accepted the idea that big business and finance is an established, highly powerful, highly efficient political factor at Washington.

However, the critic who has astonished the country with his criticism is the chief of the War Department, Mr. Secretary Weeks, in his recent speech to New York business men. In a general attack upon a Congress whose achievements are considered somewhat epochal, not only did the Secretary of War find nothing good to say of any of the constructive measures enacted at the extra session in behalf of the farming industry and approved by signature of the President, but he condemned much of it as unsound economically, one must infer, because it was introduced by the so-called farm bloc.

It may be said, and I think it should be said, that the country, as a whole, as well as the President, the Secretary of Agriculture, and many other persons fully competent to pass on such matters and speak with authority, hold quite the contrary opinion to that of Mr. Weeks. Many of them have said that the best thing the last Congress did was to pass these desperately needed measures.

Some of this adverse comment against the bloc might be considered not without its tinge of humor were it not so beside the point, within the shadow of a very real national calamity—the collapse of this country's most vital industry, a collapse from which an unusually well-informed Secretary of Agriculture says it will take at least five years to rally. Agriculture is sick, and when agriculture is sick business invariably will be found ailing.

In the shadow of such a national calamity, are differing opinions in regard to the merits of a tax bill which probably will be superseded within the coming year so vastly important?

At least in the case of the larger issue, Mr. President, it would seem that East and West are vitally and equally concerned; that here at least we have interests in common, and stand, or should stand, on common ground.

The Nation should rejoice that at this time it has a President so wide awake to the needs of agriculture as is President Harding. His recent message to Congress was an impressive statement of the requirements and an indorsement of the farm bloc's relief program.

Mr. President, I think it can be shown that the so-called farm bloc is not attempting bulldozing methods to obtain legislation, but rather that it is doing its manful best to get needed things done, and as speedily and as well done as possible.

Speaking as one of this group interested, I can say that it has no desire to hold up Congress, nor anybody else; that its program is, first of all, directed toward bettering the general welfare; that it has worked in the open and has not attempted to interfere in any way with other programs. In the circumstances, then, it should not be so very difficult to convince eastern business men that the so-called bloc really is rendering the country a greater service at this time than any other group of men.

Business has lost billions by permitting speculators to prey on American farmers. It is losing other billions to-day because it will not demand that farmers be given a square deal. Would it not be better to have the "bloc" than to have everything blocked? The most frequent criticism of Congress that we hear is about its inaction or failure to get things done. As I understand it, what the people want is results from Congress. It is this compelling need of getting results that has brought the

so-called agricultural bloc together and has inspired all its activities.

I feel certain if these critics knew the actual conditions in rural America as the members of this group know them, and if they were in touch with what these men are trying to do, all opposition to its efforts would cease. Notwithstanding what these critics may say, the agricultural group has never asked for class legislation. It has never attempted to dictate to the majority. We who are of it have simply united our efforts for measures that we knew were for the good of the country as a whole.

When an $80,000,000,000 industry capable of supplying the Nation annually with $22,000,000,000 of new wealth and 50 per cent of its bank deposits is well-nigh prostrate, it would seem that rescue parties might better be hailed with joy than viewed with alarm; also that whatever will promote the primary industry of food production might well be thought as of the common good rather than as class legislation and a menace.

Statistics running back half a century show that business failures generally vary in number in inverse ratio with the money value of crops per acre in the preceding year. When crop values are high, business failures the following year are few, and vice versa. This year, following an equally disastrous year in 1920, farmers are getting from 80 to 90 cents in their local market for wheat which cost them $1.37 to produce, and from 20 to 25 cents for corn which cost them 60 cents a bushel to grow. The live-stock farmer is a still heavier loser.

Within the last five years in one Kansas county hogs have decreased from 33,000 to little more than 15,000, while the corn acreage is 70 per cent less than six years ago. I have these figures from the county farm agent of the State.

The president of the Oklahoma State Board of Agriculture says Oklahoma has 48,000 farms without a steer on them, and that Oklahoma has 800,000 fewer stock cattle than in 1909.

Stocks of cured beef on October 1 were the lowest ever reported to the Bureau of Markets, being 4,000,000 pounds less than a year ago; 17,000,000 pounds less than the five-year average. These are Government figures. It looks as if very shortly beefsteak will, indeed, be beefsteak.

But what I fear most, Mr. President, is that as a Nation we are regarding the present condition of agriculture merely as a passing effect of the World War, not as the culmination of long-standing conditions adverse to the economic health of this industry which the war has only intensified and hastened.

One of the most successful and respected farmers in the United States, J. R. Howard, president of the American Farm Bureau Federation, has declared that one and a half millions of the six million farmers of the country would to-day be insolvent if compelled to meet their obligations.

A farmer who has really farmed writes me:

> Every colt, hog, and steer I raise costs me more than I get for it; most of my wheat cost me more than I was paid for it; the taxes on some of my land are more than I can get off the land.

Mr. President, this decline of our agricultural industry has been going on in every agricultural State, and yet this Nation to-day would be flat on its back if it were not for agriculture and this year's crops. Sold at a loss, as these crops have been, when marketable at all under the excessive freight rates, they have been the cause of an enormous amount of newly created wealth changing hands. What money the farmer gets flows to the cities for his supplies, and so the Nation's business is kept alive. How much better business can be, or will be, depends on agriculture and the opportunities it has to prosper and make progress.

Here, Mr. President, is the true reason why we have a group of men in Congress sometimes called the "farm bloc." Our entire business structure rests upon the land. The farmer not only feeds us and clothes us, but is as a class our best customer. Without him the railroads would languish, the steel industry perish. Unless the farmer and the farm industry prosper, no other industry can. This is the task these Representatives and Senators from the agricultural States feel they have cut out for them. They will welcome help and support from any direction. This is a manifest duty they owe to the entire country, not merely to their constituency, for no one is going to escape the consequences of this collapse of agriculture. It now is only a question of ending it as soon as possible and, if possible, for all time. I know that this is possible, just as I know that it is imperative if we are again to know the meaning of good times.

The measures supported by the "agricultural bloc" are not proposals to give the farmer something for nothing, nor are they class legislation. They are the remedies urged by economists and students of agriculture, and, above all, by the farmers themselves to uplift this fundamental industry to a place where it will be a blessing to the country because it is self-sustaining and prosperous.

Mr. President, I would not have you believe that the agricultural situation is hopeless. I see many indications of improvement, and the helpful legislation passed at the special session of the Sixty-seventh Congress undoubtedly has aided in bringing about the change for the better. The revival of the War Finance Corporation has helped wonderfully to put the farmer in a more confident and optimistic frame of mind. President Harding's sympathetic attitude toward agriculture has been another encouraging factor. The producers of the West have undoubtedly reached the lowest ebb of their economic status and there is an evident tendency toward an upward trend.

But the farmer is still in need of the Government's best attention. He must have relief from the unequal price level which has been the source of his greatest discouragement. He must have still further reduction in freight rates, for agriculture as well as commerce and industry has felt keenly the paralyzing effect of excessive transportation charges. Then, too, we must give the farmer more flexible personal credit accommodations and a banking system adequate to rural needs.

Mr. President, nobody can impartially study the history of agriculture and conclude that it has not been sorely neglected. It has "just growed." For a century and a half nearly everything we have done, every system we have contrived in marketing, transportation, and banking, has been built to fit the development, happiness, and profit of city life. A Department of Agriculture and a few agricultural colleges have been considered adequate to meet our obligations to agriculture. And so they would if all that agriculture needed was advice; but it needs to grow and prosper in organized efficiency like the rest of the modern, highly organized world.

For more than a generation the American farmer has been awake to his isolated situation and has been struggling to mend it. When the after-war collapse occurred, it was the farmer who was without the organization and machinery to protect himself, and saw his products made the football of speculation and gambling.

Mr. President, farming is the only business left that buys at retail and sells at wholesale; that pays what is asked when it buys and accepts what is offered when it sells. The farmer remains merely a producer of the necessaries of human life. After he has produced them other organizations take them over at their own price for distribution. This is true of no other important industry. The producer gets but one-third of every dollar paid by the consumer for the products of the farm. Our expensive and antiquated marketing system takes the other two-thirds.

The commercial marketing and distributing agencies, well supplied with credit and closely linked with a highly organized industrial system, do not, like the farmer, dump their products after they have passed into their hands in a heap upon a congested market. With their facilities for nicely adjusting supply to demand, the middlemen, by means of the warehouse, the elevator, and cold-storage plant, and the grain and cotton exchanges, feed out the world's food supplies as demand calls for them. During the entire year they obtain what the products are fairly worth. The farmer gets only a third as much, and sometimes less.

Farming being too hazardous a business to be longer maintained at the mercy of glutted markets during every crop season and of organized buyers, in self-preservation the farmers of the United States are turning to self-organization, to dispose of their products; and to the control of elevators and of warehouses to market their own products and be represented on exchanges.

In his recent message to Congress, President Harding gave his unqualified approval to cooperative marketing legislation. Convinced that farm cooperation is desirable, a former Congress, by an amendment of the Federal trade act, undertook to release farm cooperative societies from any suspicion of attempted monopoly by exempting combinations "not for profit" from the scope of the antitrust act, which are intended to control wholly different forms of organization. Because this amendment proved ineffective, the Volstead-Capper bill, now being pressed by the agricultural group, authorizes and validates farm cooperation.

Mr. President, in farmer cooperation the amount of stock to any one stockholder is limited, the cooperative project is limited, and the stock dividends are limited to a fixed rate having no relation to the earnings, as in a corporation, but having regard to the ruling rate of interest for money or capital. It is by these limitations that the farm-marketing enterprise is protected against control by a few, and the vital cooperative

spirit maintained. In farmer cooperation capital and labor are one. The dividends are rated on the product contributed, not on the capital invested.

We have discovered that middlemen organizations to prevent the rise of farm cooperative marketing are attacking local cooperative organizations of farmers in the courts for violation of the antitrust acts. The cooperative movement has long been obstructed and discouraged by these interests.

Danger of an agricultural monopoly through cooperation is not seriously urged, except for political purposes by special interests. Europe has proved that under farmer-cooperative enterprises an agricultural trust is impracticable and is contrary to all cooperative experience. Farm cooperation has not been successful in Europe nor in the United States, where the members are widely scattered, or where they are engaged in producing different products. Least of all is the American farmer likely to lose his individualism. Unless modern agriculture is to be taken over bodily by big business and great trusts, what it needs and must have to survive is farmer cooperation. There is not an economist nor an authority on agriculture who believes the methods of the corporation will do for agriculture. Every farm is a unit, and these widely separated units producing a variety of products can not be welded into a corporate aggregation.

While the American farmer leads the world in production per man, this Nation stands alone in the world in its inhibitions against farm marketing cooperation. In asking for the removal of legal obstructions to farm cooperation and to placing of the American farmer on the same footing as his competitor in every other country on the globe, the "agricultural bloc" is not asking special class legislation. The American farmer can never be an efficient salesman of his own products without the clear legal right to market them collectively, as given him in the Volstead-Capper bill.

It is not a belief but a conviction from which I can not escape that the farmer must be put on an equal footing with the man who buys his products or he will invariably get the worst of it. In clearing the way for agricultural cooperation, the agricultural bloc is not seeking to give the farmer special advantages over others but to open the way for him to adopt a plan of industrial organization suited to the conditions of his industry, as corporation is suited to other industries.

Other measures to which the so-called "farm bloc" has given its sanction include the Capper-Tincher antigrain gambling bill, already enacted into law. That measure is not class legislation but to correct the abuses of the grain exchanges, correcting evils condemned by the exchanges themselves and many years ago prohibited in their own rulings.

The same thing may be said of the bills regulating cold storage and providing for control of the packing industry, the Capper-French truth in fabrics bill, which applies to fabrics provisions similar to those of the pure food act, the bill that places a representative of agriculture on the Federal Reserve Board, and the bills creating more liberal banking credit, particularly personal credit, on crops and farm machinery, and making such paper more easily discountable.

The credit measure is the only one susceptible to the accusation of class legislation, for the reason that it does attempt to enlarge the banking credit of agriculture. As commerce and business have had to have a form of banking credit adapted to their needs, so it is with the farmer. We probably have the finest commercial banking system in the world, with its 30-day, 60-day, and 90-day note, perfectly suited to the turnover in commercial business. The farmer's turnover is mainly once in 12 months, or in the case of stockmen from 1 to 3 years. Our commercial system of credit does not fit his needs.

The purpose of the credit bills advocated by the "agricultural bloc" is to create banking facilities for farmers which shall be adjusted to the times and seasons of their needs; not to give credit where credit is not warranted. It is a belated effort to meet a profound need of agriculture. Its intent is not to supply the farmer with a more generous line of credit than other industries, but to fill the wide gap that has existed between his industry and the credit that every other industry enjoys. These bills provide for ample security for every credit the farmer asks and take notice of the longer period of his business turnover both as to crops and as to live stock.

National welfare and the Nation's prosperity in business are dependent on what is produced from the soil—not 5 nor 10 years from now, but this year and next year and every year. Business should be aiding instead of fighting its best friend; should be aiding instead of opposing the efforts of "farm blocs" in Congress.

Mr. President, agriculture must obey the great law of the universe; it must adapt itself to modern conditions or cease to exist. I believe that for the next quarter century the outstanding policy of this Nation should be the carrying out of a great constructive program for the encouragement and upbuilding of its farm and live-stock industry. If the measures proposed for the relief of agriculture are enacted, they will lay a broad foundation on which may be erected the world's best and most enduring system of agriculture. That also would mean the upbuilding of what would be the world's most enduring and most widespread and genuine national prosperity.

It seems to me, the fact that our prosperity as a people so largely depends on American agriculture should lead us inescapably to the conclusion that national welfare can best be subserved by making farming a safe and fairly profitable industry in this country, and as progressively modern and efficient as is any other industry.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution and they were thereupon signed by the Vice President:

S. 2780. An act to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; and

H. J. Res. 238. Joint resolution to amend an act entitled "An act to amend section 955 of the Revised Statutes by extending the jurisdiction of courts in cases of revivor."

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 21, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 20, 1921.

REGISTER OF THE LAND OFFICE.

Henry H. Errett, of Clayton, N. Mex., to be register of the land office at Clayton, N. Mex., vice Paz Valverde, term expired.

PROMOTIONS IN THE NAVY.

MARINE CORPS.

Capt. Robert E. Messersmith to be a major in the Marine Corps from the 22d day of September, 1920.

Capt. Arthur J. White to be a major in the Marine Corps from the 21st day of February, 1921.

Capt. James T. Reid to be a major in the Marine Corps from the 28th day of August, 1921.

First Lieut. Walter S. Gaspar to be a captain in the Marine Corps from the 14th day of July, 1921.

First Lieut. Elton C. Hersman to be a captain in the Marine Corps from the 28th day of August, 1921.

First Lieut. William K. MacNulty to be a captain in the Marine Corps from the 24th day of September, 1921.

First Lieut. Alfred Dickerson to be a captain in the Marine Corps from the 18th day of October, 1921.

First Lieut. Jacob M. Pearce to be a captain in the Marine Corps from the 30th day of November, 1921.

Second Lieut. Kenneth B. Collings to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Frank H. Fleer to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Francis Kane to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Clinton W. McLeod to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. John T. Thornton to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Edward Selby to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Cyril W. Martyr to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

POSTMASTERS.

ARKANSAS.

Herbert D. Edwards to be postmaster at Benton, Ark., in place of L. B. White, resigned.

FLORIDA.

Mary E. Edwards to be postmaster at Lloyd, Fla. Office became presidential July 1, 1921.

IDAHO.

Ellen O. McCready to be postmaster at Driggs, Idaho, in place of J. D. Edlefsen, removed.

ILLINOIS.

Frank W. Squire to be postmaster at Godfrey, Ill., in place of F. W. Squire. Incumbent's commission expired March 16, 1921.

IOWA.

Wallace R. Ramsay to be postmaster at Belmond, Iowa, in place of R. C. Morse. Incumbent's commission expired July 21, 1920.

Ella K. Holt to be postmaster at Blanchard, Iowa, in place of G. A. Pruitt, resigned.

KANSAS.

Ralph W. Martin to be postmaster at Moran, Kans., in place of J. J. Wilson. Incumbent's commission expired July 23, 1921.

James M. Kendall to be postmaster at Summerfield, Kans., in place of A. H. Gallagher. Incumbent's commission expired July 23, 1921.

MAINE.

Charles R. Folsom to be postmaster at Kents Hill, Me. Office became presidential January 1, 1921.

MISSOURI.

Mollie Sparks to be postmaster at Bellflower, Mo. Office became presidential July 1, 1921.

Paul P. Bradley to be postmaster at Leeton, Mo., in place of A. B. Harris. Incumbent's commission expired December 20, 1920.

NEVADA.

Jeanann M. Fay to be postmaster at East Ely, Nev., in place of J. M. Fay. Incumbent's commission expired January 13, 1921.

Eva A. Smith to be postmaster at Minden, Nev., in place of Catherine Marsh, resigned.

NEW HAMPSHIRE.

Fred W. Colton to be postmaster at Hinsdale, N. H., in place of A. M. Barrows. Incumbent's commission expired July 21, 1921.

NEW YORK.

William R. Ryan to be postmaster at Shushan, N. Y. Office became presidential January 1, 1921.

Samuel Locker to be postmaster at Parlin, N. Y., in place of Samuel Locker. Incumbent's commission expires January 24, 1922.

NORTH CAROLINA.

Wesley L. Norman to be postmaster at Banners Elk, N. C. Office became presidential April 1, 1921.

Thomas E. Harwell to be postmaster at Catawba, N. C. Office became presidential January 1, 1921.

Walter Hogan to be postmaster at Ellerbe, N. C. Office became presidential January 1, 1921.

Grover L. Harbinson to be postmaster at Maiden, N. C. Office became presidential January 1, 1921.

Eli D. Byrd to be postmaster at Ronda, N. C. Office became presidential October 1, 1921.

Amelia B. Stepp to be postmaster at Black Mountain, N. C., in place of W. C. Hall, deceased.

George T. Whitaker to be postmaster at Franklinton, N. C., in place of G. L. Whitfield. Incumbent's commission expired July 21, 1921.

Joshua P. Jessup to be postmaster at Hertford, N. C., in place of Watson Winslow, deceased.

NORTH DAKOTA.

Clara E. Moe to be postmaster at Rutland, N. Dak. Office became presidential April 1, 1921.

OHIO.

Robert J. Simpson to be postmaster at Piney Fork, Ohio. Office became presidential April 1, 1921.

William C. Ferver, to be postmaster at New Waterford, Ohio. Office became presidential April 1, 1921.

Roy G. Sutherin to be postmaster at East Palestine, Ohio, in place of G. G. Wilkinson, deceased.

John P. Locke to be postmaster at Tiffin, Ohio, in place of G. N. Young. Incumbent's commission expired January 18, 1920.

OKLAHOMA.

Wesley Z. Dilbeck to be postmaster at Rocky, Okla., in place of S. A. Walker, removed.

PENNSYLVANIA.

Ulysses Breisch to be postmaster at Ringtown, Pa. Office became presidential January 1, 1921.

Dorsey L. Barnett to be postmaster at Robertsdale, Pa. Office became presidential April 1, 1921.

Edwin L. Moses to be postmaster at Cambridge Springs, Pa., in place of A. S. Faber. Incumbent's commission expired May 2, 1921.

SOUTH CAROLINA.

Charles C. Withington to be postmaster at Greenville, S. C., in place of T. H. Pope. Incumbent's commission expired March 16, 1921.

TENNESSEE.

James M. Yokley to be postmaster at Baileyton, Tenn. Office became presidential July 1, 1921.

Helen M. Ruef to be postmaster at Sewanee, Tenn., in place of B. J. Myers, resigned.

Charles E. Pennington to be postmaster at Sweetwater, Tenn., in place of H. L. Browder, deceased.

WASHINGTON.

James B. Morford to be postmaster at Poulsbo, Wash., in place of J. B. Morford. Incumbent's commission expired April 19, 1921.

WEST VIRGINIA.

Mable W. McCoy to be postmaster at Glen Jean, W. Va. Office became presidential January 1, 1921.

William H. Nicholson to be postmaster at Manayka, W. Va. Office became presidential July 1, 1920.

WYOMING.

Albert C. Schain to be postmaster at Deaver, Wyo. Office became presidential January 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 20, 1921.

JUDGES CIRCUIT COURT OF HAWAII.

Frank Andrade to be first judge of the circuit court, first circuit of Hawaii.

John R. Desha to be fourth judge of the circuit court, first circuit of Hawaii.

UNITED STATES ATTORNEY.

E. E. Hindman to be United States attorney for the southern district of Mississippi.

UNITED STATES MARSHAL.

James H. Mulheron to be United States marshal, district of New Jersey.

COLLECTOR OF CUSTOMS.

John C. McBride to be collector of customs for collection district No. 31, headquarters at Juneau, Alaska.

REGISTER OF THE LAND OFFICE.

Miss Martha J. Spears to be register of the land office at Denver, Colo.

PROMOTIONS IN THE COAST GUARD.

Norman B. Hall to be lieutenant (engineering).

Philip B. Eaton to be lieutenant (engineering).

William J. Kossler to be lieutenant, junior grade (engineering).

PROMOTIONS IN THE ARMY.

To be major generals.

Harry Foote Hodges.

Omar Bundy.

To be brigadier generals.

Benjamin Andrew Poore.

George Van Horn Moseley.

To be colonel.

Laurence Halstead, Infantry.

To be licutenant colonels.

Robert John Binford, Infantry.

John Augustus Brockman, Infantry.

Charles Conaway Burt, Coast Artillery Corps.

George Steele Gillis, Quartermaster Corps.

John Joshua Fulmer, Infantry.

Joseph Irving McMullen, Judge Advocate General's Department.

Matt Combes Bristol, Finance Department.

Francis Cassius Endicott, Infantry.

Thomas Pitcher Bernard, Cavalry.

Daniel D. Tompkins, Cavalry.

Clarence Anderson Dougherty, Cavalry.

John Hastings Howard, Air Service.

Sheldon Webb Anding, Infantry.

William Gaither Murchison, Infantry.

Joseph Howard Barnard, Quartermaster Corps.
Rodman Butler, Quartermaster Corps.
Howard Stanley Miller, Coast Artillery Corps.
Clarence Lininger, Cavalry.
Edward Murray Offley, Cavalry.
John Cocke, Cavalry.
William Henry Menges, Finance Department.
Ronald Earle Fisher, Cavalry.
Thomas Watson Brown, Infantry.
Otis Robert Cole, Infantry.
Charles Emery Hathaway, Cavalry.
Joseph Victor Kuznik, Cavalry.
Edward Raymond Coppock, Cavalry.
Shelby Carl Leasure, Infantry.
Peter John Hennessey, Cavalry.
Kenyon Ashe Joyce, Cavalry.
Francis Joseph Behr, Coast Artillery Corps.
Fred Hays Turner, Infantry.
Howard Carlyle Tatum, Cavalry.
Arthur George Fisher, Cavalry.
John Pope McAdams, Infantry.
Thomas Hood Cunningham, Cavalry.
John Robert Musgrave, Coast Artillery Corps.
Ralph Middleton Parker, Cavalry.
Pat M. Stevens, Infantry.
Henry Hossfeld, Infantry.
Isaac Samuel Martin, Cavalry.
Channing Edmonds Delaplane, Infantry.
Laurance Oldham Mathews, Quartermaster Corps.
George R. Somerville, Cavalry.
Seth William Cook, Air Service.
Milton Garfield Holliday, Quartermaster Corps.
Robert Rogers Love, Cavalry.
Thorne Strayer, Infantry.
Francis Buck Eastman, Infantry.
Robert Gaither Caldwell, Infantry.
Hugh Almer Parker, Infantry.
Charles Wesley Tillotson, Infantry.
Will Dunbar Wills, Infantry.
Ira Austin Smith, Infantry.
William James Davis, Infantry.
John Fleming Clapham, Infantry.

To be majors.

Eugene Owen Hopkins, Finance Department.
Elmer Ellsworth Lockard, Finance Department.
Dana Woods Morey, Finance Department.
Selden Brooke Armat, Finance Department.
George Zinn Eckels, Finance Department.
Jerome Clark, Finance Department.
Louis Maloney Thibadeau, Finance Department.
Frank B. Shelly, Finance Department.
Clarence Maynard Exley, Finance Department.
Otto Wilhelm Gralund, Finance Department.
Horace Grattan Foster, Finance Department.
James MacKay, Finance Department.
Thomas Scott Pugh, Finance Department.
Stephen Roscoe Beard, Finance Department.
George Nicoll Watson, Finance Department.
Guy Russell Doane, Finance Department.
Emmet Crawford Morton, Finance Department.
Harold George Salmon, Finance Department.
Ed Norment Enders, Finance Department.
Archie Henry Willis, Finance Department.
Edward Tiffin Comegys, Finance Department.
Harrison Willard Smith, Quartermaster Corps.
Horace Grant Rice, Finance Department.
Charles Russell Insley, Quartermaster Corps.
Ernest Palmer Hoff, Finance Department.
Wilhelm P. A. T. von Hartung, Finance Department.
Montgomery Taft Legg, Finance Department.
James Asa Marmon, Finance Department.
Walter Davis Dabney, Finance Department.
Percy Gabriel Hoyt, Finance Department.
William James Lisle, Finance Department.
William Alexander MacNicholl, Finance Department.
Carl Halla, Finance Department.
Charles Franklin Eddy, Finance Department.
William Maynard Dixon, Finance Department.
Richard LeRoy Cave, Finance Department.
Alfred James Maxwell, Finance Department.
Orva Earl Beezley, Finance Department.
Frank Elmer Parker, Finance Department.
Edwin Fairbrother Ely, Finance Department.
Raymond George Moses, Corps of Engineers.
Wilhelm Delp Styer, Corps of Engineers.
Charles Holmes Cunningham, Corps of Engineers.
Dwight Frederick Johns, Corps of Engineers.
William Arthur Snow, Corps of Engineers.
Thomas Dewees Finley, Infantry.
Elroy Sandy Jackson Irvine, Corps of Engineers.
Stanley Eric Reinhart, Field Artillery.
Notley Young DuHamel, Corps of Engineers.
Wilburn Henry Henderson, Corps of Engineers.
Robert George Guyer, Corps of Engineers.
Dean Hudnutt, Field Artillery.
Louis Emerson Hibbs, Field Artillery.
Robert Allen Sharrer, Corps of Engineers.
Ludson Dixon Worsham, Corps of Engineers.
Edward Goring Bliss, Corps of Engineers.
Horace Logan McBride, Field Artillery.
Ralph Gillett Barrows, Corps of Engineers.
Holland Luley Robb, Corps of Engineers.
Hamilton Ewing Maguire, Field Artillery.
Ray Corrigan Rutherford, Field Artillery.
Frederick Walker Bonfils, Corps of Engineers.
Robert Reese Neyland, jr., Corps of Engineers.
William Morris Hoge, jr., Corps of Engineers.
William Roscoe Woodward, Field Artillery.
Stanley Lonzo Scott, Corps of Engineers.
Tattnall Daniell Simkins, Corps of Engineers.
Henry Crampton Jones, Field Artillery.
Leslie Thomas Sauf, Infantry.
Carl Lee Marriott, Coast Artillery Corps.
James Arthur Pickering, Field Artillery.
James Knox Cockrell, Cavalry.
Hugh Allen Ramsey, Coast Artillery Corps.
William Spence, Field Artillery.
John White Rafferty, Field Artillery.
Willis McDonald Chapin, Coast Artillery Corps.
Fred Beeler Inglis, Field Artillery.
Robert Bruce McBride, jr., Field Artillery.
Paul Vincent Kane, Field Artillery.
De Rosey Cabell, jr., Ordnance Department.
Ralph Irvine Sasse, Cavalry.
William Ewen Shipp, Cavalry.
Carl Smith Doney, Coast Artillery Corps.
William Hieatt Cureton, Field Artillery.
Fay Brink Prickett, Field Artillery.
Calvin DeWitt, jr., Cavalry.
James Mitchell Crane, Field Artillery.
Lucien Samuel Spicer Berry, Cavalry.
Victor William Beck Wales, Cavalry.
William Earl Chambers, Infantry.
Joseph Merit Tully, Cavalry.
James de Barth Walbach, Coast Artillery Corps.
Warner William Carr, Infantry.
Hugh Mitchell, Signal Corps.
Robert LeGrow Walsh, Air Service.
Richard Mar Levy, Coast Artillery Corps.
Thomas Lyle Martin, Infantry.
Geoffrey Prescott Baldwin, Infantry.
John Bennington Bennet, Infantry.
Clarence Scott Maulsby, Cavalry.
Kenneth Macomb Halpine, Infantry.
George Sidney Andrew, Cavalry.
Roland Paget Shugg, Field Artillery.

To be captains.

Hugh Whitt, Quartermaster Corps.
Edward Hayward Raymond, Corps of Engineers.
Charles Frederick Wilson, Quartermaster Corps.
Fred William Crisp, Coast Artillery Corps.
Ray Aloysious Dunn, Air Service.
Irwin Wilson Guth, Quartermaster Corps.
Crawford McMann Kellogg, Chemical Warfare Service.
William Frank Johnson, Infantry.
Frank Dennison Wheeler, Quartermaster Corps.
Herbert Allen Gardner, Quartermaster Corps.
Fred Place, Air Service.
Albert Lobitz, Quartermaster Corps.
Birnie Lee Brunson, Finance Department.
Simon Jacobson, Quartermaster Corps.
Edward William Lachmiller, Quartermaster Corps.
Talmage Phillips, Quartermaster Corps.
John Paul Tillman, Quartermaster Corps.
George Wilbur McEntire, Air Service.
John Newport Greene, Cavalry.
Frank Arthur Mertz, Quartermaster Corps.
William McKee Dunn, Field Artillery.
Asa Jeremiah Etheridge, Air Service.

Earl Spiker Schofield, Air Service.
Henry James Conner, Quartermaster Corps.
Arthur Emel Simonin, Air Service.
Frank O'Driscoll Hunter, Air Service.
Royal Barton Libby, Ordnance Department.
Harold Huston George, Air Service.
Alden Harry Waitt, Chemical Warfare Service.
Sterling Clifton Robertson, Infantry.
Charles Walton Cameron, Quartermaster Corps.
Arthur Edwin Danielson, Quartermaster Corps.
George Beatty Patterson, Air Service.
Paul Lindsay Beard, Quartermaster Corps.
Joseph Lawrence Aman, Ordnance Department.
Walter Jay Reed, Air Service.
St. Clair Streett, Air Service.
Ranald Trevor Adams, Infantry.
Andrew Jackson Nichols, Infantry.
Archie Donald Cameron, Infantry.
John Conrad Christophel, Quartermaster Corps.
Malcolm Douglas Grimes, Quartermaster Corps.
Roger Shaw McCullough, Air Service.
Franklin Overheiser, Quartermaster Corps.
Frank Morell, Quartermaster Corps.
Peter Shemonsky, Quartermaster Corps.
William Hunt Roach, Quartermaster Corps.
Carl Bierwirth Searing, Infantry.
Robert Lake Miller, Quartermaster Corps.
Ralph Eli Fleischer, Quartermaster Corps.
Robert Oliver White, Quartermaster Corps.
William Foelsing, Quartermaster Corps.
Charles William Dietz, Quartermaster Corps.
Walter Lane Shearman, Quartermaster Corps.
Samuel Howes Baker, Quartermaster Corps.
Elisha Kenneth Henson, Quartermaster Corps.
John Isham Moore, Air Service.
Lloyd Milton Garner, Quartermaster Corps.
John Parr Temple, Air Service.
Vance Lawton Richmond, Infantry.
Earl Trask Loucks, Infantry.
Harris Markham Findlay, Field Artillery.
Alfred Dorrance Cameron, Infantry.
Russell Crayden Winchester, Cavalry.
George Hunter Passmore, Infantry.
James Stevenson Rodwell, Cavalry.
George Orenthus Allen Daughtry, jr., Infantry.
Kirk Broaddus, Cavalry.
Newton Gale Bush, Infantry.
Paolo Hoffoss Sperati, Infantry.
Charles James Schaefer, jr., Coast Artillery Corps.
LeRoy Welling Nichols, Infantry.
Harvey Julius Silvestone, Infantry.
Charles Martin Chamberlain, jr., Infantry.
LeRoy Allen Whittaker, Coast Artillery Corps.
Harry Barnes Sepulveda, Infantry.
Sherman Lawrence Hougen, Infantry.
William Fenton Newton, Infantry.
John Robert Hubbard, Quartermaster Corps.
Robert Gale Greene, Cavalry.
George Abe Woody, Ordnance Department.
Thomas Kenneth Vincent, Ordnance Department.
Talbert Bass Fowler, Infantry.
Samuel Littler Metcalfe, Infantry.
Geoffrey Maurice O'Connell, Coast Artillery Corps.
Frank Wilbur Halsey, Infantry.
Kirby Green, Infantry.
Myron Joseph Conway, Infantry.
Hollis Benjamin Hoyt, Infantry.
George Calvin Tinsley, Air Service.
Arthur Foster Gilmore, Coast Artillery Corps.
Lawrence Walter Marshall, Infantry.
John August Otto, Infantry.
Joseph Burton Sweet, Infantry.
William Quinntullus Jeffords, jr., Coast Artillery Corps.
Robert Chandler Knowlton, Cavalry.
Garland Cuzorte Black, Cavalry.
George Anthony Patrick, Coast Artillery Corps.
Joseph Andral Nichols, Infantry.
Leon Lightner Kotzebue, Infantry.
Walter Christian Thee, Coast Artillery Corps.
Thomas Reed Holmes, Infantry.
Roscoe Irwin McMillan, Infantry.
Nicholas Dodge Woodward, Infantry.
Edgar William King, Coast Artillery Corps.
Riley Edward McGarraugh, Coast Artillery Corps.
Allan Preston Bruner, Coast Artillery Corps.
Egbert Frank Bullene, Cavalry.
Mark Gerald Brislawn, Infantry.
Carleton Burgess, Cavalry.
Arthur Eugene Fox, Field Artillery.
Robert Francis Kelley, Infantry.
Carleton Smith, Infantry.
Hall Conover Gripper, Signal Corps.
LeCount Haynes Slocum, Field Artillery.
Edwin Fry Barry, Ordnance Department.
Hinton Fort Longino, Field Artillery.
Frederick Harry Black, Field Artillery.
Josef Robert Sheetz, Field Artillery.
Warren Slaughter Robinson, Field Artillery.
Charles Paul Cullen, Infantry.
Frederic Arthur Metcalf, Field Artillery.
Harry Emerson Storms, Infantry.
David Dean Barrett, Infantry.
Lawrence James Meyns, Ordnance Department.
Thomas Harry Ramsey, Infantry.
Robert Taft Staples, Field Artillery.
James Cutler Vickery, Ordnance Department.
Leon Dessez, Field Artillery.
Lawrence Iverson, Coast Artillery Corps.
Robert Bruce Jackson, Cavalry.
Archibald Luther Parmelee, Coast Artillery Corps.
Walter Byron Fariss, Infantry.
John Patrick Crehan, Field Artillery.
Clive Andrew Wray, Infantry.
Donald Sutter McConnaughy, Field Artillery.
John Theodore Sunstone, Infantry.
Richard Brownley Gayle, Infantry.
Frederick Webster Deck, Corps of Engineers.
Joseph Houston Payne, Infantry.
Jesse Benjamin Smith, Infantry.
Guy Edward Dillard, Cavalry.
Robert Tappan Chaplin, Coast Artillery Corps.
Raymond Edwin Vermette, Infantry.
Abraham Robert Ginsburgh, Field Artillery.
Elijah Garrett Arnold, Infantry.
Benjamin Witwer Pelton, Infantry.
Henry Carrington Jordan, Infantry.
Robert Elting Woodward, Infantry.
Farlow Burt, Infantry.
Warren Joseph Clear, Infantry.
Arthur Arnold Baker, Infantry.
Joseph Nathan Arthur, Infantry.
Dean Ambrose Jones, Cavalry.
James Henry Howe, Infantry.
Robert Artel Case, Infantry.
John Russell Deane, Infantry.
Richard Zeigler Crane, Ordnance Department.
Paul Carson Febiger, Cavalry.
Hilliard Vincent MacGowan, Infantry.
Norman Bemis Chandler, Infantry.
Richard Ogle Welch, Infantry.
Leslie Walter Jefferson, Coast Artillery Corps.
Dimetrio Peter Harkins, Cavalry.
Bruce Magaw McDill, Cavalry.
James Fairbank Smith, Infantry.
Joseph Aaron Mendelson, Medical Corps.
Henry Allen Winslow, Dental Corps.
Ernest Frank Sharp, Dental Corps.
Clarence Roy Benney, Dental Corps.
Samuel Charles Skemp, Air Service.
Thomas Joseph Johnston, Chemical Warfare Service.
Arthur Castle Hawkins, Ordnance Department.
Albert Adkins Hedge, Ordnance Department.
John Reigel Embich, Chemical Warfare Service.
Fred William Koester, Cavalry.
William Neely Todd, jr., Cavalry.
Ellis DeVern Willis, Infantry.
Thomas Reed Taber, Ordnance Department.
Harry William Lins, Coast Artillery Corps.
Edward Brooke Harry, Cavalry.
Harry Lee Franklin, Infantry.
Harold Paul Stewart, Cavalry.
Howard Forrest Long, Field Artillery.
Julian Conrad Tips, jr., Chemical Warfare Service.

To be first lieutenants.

William James Horrigan, Chemical Warfare Service.
LeRoy Moore Wightman, Cavalry.
James Raymond Goodall, Coast Artillery Corps.
John Kenneth Sells, Cavalry.
Douglas Cameron, Cavalry.

Hobert Hayden James, Field Artillery.
Eleuterio Susi Yanga, Philippine Scouts.
Donald Raymond West, Quartermaster Corps.
Edward Lowry Traylor, Infantry.
Robert Thomas Randel, Infantry.
John Barry Peirce, Infantry.
Arthur Jennings Grimes, Infantry.
Walter Duval Webb, jr., Field Artillery.
Ernest Starkey Moon, Air Service.
Charles Emmett Cheever, Quartermaster Corps.
Paul Gustav Wehle, Air Service.
Vesper Anderson Schlenker, Field Artillery.
Harry Meyer, Corps of Engineers.
Peter Anthony Feringa, Corps of Engineers.
John Russell Perkins, jr., Field Artillery.
Warren Catlin Hamill, Infantry.
Edward Barber, Coast Artillery Corps.
Edward Hall Walter, Corps of Engineers.
David Albert Morris, Corps of Engineers.
Percy Earle Le Stourgeon, Infantry.
Juan Segundo Moran, Philippine Scouts.
Paul Cone Parshley, Corps of Engineers.
Lewis Wellington Call, jr., Coast Artillery Corps.
Richardson Selee, Corps of Engineers.
Luis Mobo Alba, Philippine Scouts.
Don Waters Mayhue, Field Artillery.
Charles Harold Crim, Coast Artillery Corps.
John Harry, Field Artillery.
Harold Oakes Bixby, Coast Artillery Corps.
John Bruce Medaris, Infantry.
Ambrose Lawrence Kerrigan, Coast Artillery Corps.
Charles Ernest McKelvey, Chemical Warfare Service.
Irvin Albert Robinson, Infantry.
George Randall Scithers, Field Artillery.
John Henry Featherston, Coast Artillery Corps.
Paul Massillion McConi, Infantry.
Ralph Roth Wentz, Ordnance Department.
Daniel Webster Kent, Infantry.
Michael Henry Zwicker, Coast Artillery Corps.
Frederic deLannoy Comfort, Cavalry.
Charles Andrews Jones, jr., Chemical Warfare Service.
Cecil Austin Bryan, Infantry.
William Conrad Jones, Infantry.
George Marion Davis, Infantry.
Hubert Stauffer Miller, Infantry.
Edward Harold Coe, Infantry.
Allan Eugene Smith, Field Artillery.
Daniel Burnett Knight, Infantry.
Paul MacKeen Martin, Cavalry.
Creswell Garrettson Blakeney, Field Artillery.
Alfred Griffin Ashcroft, Ordnance Department.
Louis Jeter Tatom, Signal Corps.
George Wythe Bott, jr., Ordnance Department.
Louis Watkins Prentiss, Field Artillery.
William Edmund Waters, Field Artillery.
Joseph Kennard Bush, Infantry.
Orlando Clarendon Mood, Infantry.
John Oliver Kelly, Coast Artillery Corps.
Bert Nathan Bryan, Infantry.
Harvie Rogers Matthews, Infantry.
Louis Beman Rapp, Cavalry.
Caryl Rawson Hazeltine, Infantry.
James Thorburn Cumberpatch, Air Service.
Edwards Matthews Quigley, Field Artillery.
Kent Roberts Mullikin, Chemical Warfare Service.
James Breakenridge Clearwater, Field Artillery.
Henry Laurance Ingham, Field Artillery.
Joseph Warren Huntress, Quartermaster Corps.
Luther Daniel Wallis, Infantry.
William Daniel Bradshaw, Field Artillery.
Wesley Tate Guest, Signal Corps.
Edward Charles Engelhardt, Field Artillery.
Duncan Philip Frissell, Infantry.
James Baker Dickson, Air Service.
Henry Hammond Duval, Coast Artillery Corps.
Charles Edward Neagle, Coast Artillery Corps.
Leon Valentine Chaplin, Field Artillery.
John William Dwyer, Coast Artillery Corps.
Alfred Vepsala, Field Artillery.
Samuel Howard Davis, Air Service.
Joseph Myles Williams, Cavalry.
Edmund C. Langmead, Air Service.
Carroll Heiney Deitrick, Ordnance Department.
Burton Larrabee Pearce, Field Artillery.
Alan Dean Whittaker, jr., Coast Artillery Corps.
Lee W. Haney, Infantry.
Leon Crescencio Reyna, Ordnance Department.
David William Goodrich, Air Service.
Franklin Mitchell, Infantry.
George William White, Infantry.
Arnold Hoyer Rich, Infantry.
Philip Fisher Robb, Field Artillery.
William Hypes Obenour, Field Artillery.
Wallace Ellsworth Niles, Infantry.
Lewis Edward Weston Lepper, Field Artillery.
Edward Harris Barr, Field Artillery.
Melecio Manuel Santos, Philippine Scouts.
James Augustus Whelen, jr., Cavalry.
James Roscoe Hamilton, Infantry.
Joe Robert Sherr, Signal Corps.
Harold Goodspeede Laub, Coast Artillery Corps.
Charles Dawson McAllister, Field Artillery.
Henry Chester Jones, Infantry.
Louis Simelson, Infantry.
Frank Weddall Simpson, Coast Artillery Corps.
Christopher William Duffy, Infantry.
Charles Irish Preston, Field Artillery.
Edward Albert Banning, Infantry.
Keff Dobbs Barnett, Coast Artillery Corps.
Louis Leopold Lesser, Field Artillery.
Walter Francis Jennings, Cavalry.
Edward Cuyler Applegate, Infantry.
Henry Louis Love, Field Artillery.
Fay Warren Lee, Field Artillery.
Stanley Lane Engle, Infantry.
Asa Vern Wilder, Coast Artillery Corps.
Clinton Velony Stevens, Field Artillery.
Lewis Eugene Snell, Field Artillery.
Harold Arthur Doherty, Infantry.
Cranford Coleman Bryan Warden, Infantry.
William Dawes Williams, Field Artillery.
William Thomas Semmes Roberts, Infantry.
McDonald Donegan Weinert, Infantry.
John Walker Childs, Signal Corps.
Vincent Joseph Tanzalo, Infantry.
Carl Emil Hansen, Coast Artillery Corps.
Charles Donald Clay, Infantry.
Wilmar Weston Dewitt, Infantry.
Carl Philip Dowell, Field Artillery.
Gerald Handley Fitzpatrick, Air Service.
James Milliken Bevens, Field Artillery.
Floyd Raymond Brisack, Field Artillery.
Clarence Everett Jackson, Infantry.
Edward Joseph Walsh, Infantry.
Chester Arthur Carlsten, Infantry.
James Thomas Dismuke, Infantry.
Russell Harold Swartzwelder, Infantry.
Hayden Purcell Roberts, Field Artillery.
Aaron Grayson Dawson, Infantry.
Alan Sydney Rush, Infantry.
Thomas Brown Manuel, Infantry.
Clifford Cleophas Duell, Field Artillery.
Harry Lynch, Signal Corps.
Thomas Whitfield Ross, Infantry.
Lauren Blakely Hitchcock, Field Artillery.
Thomas Archer Bottomley, Infantry.
Thomas Williams Williamson, Infantry.
William Orville Collins, Infantry.
Frank Thomas Honsinger, Air Service.
Harry Craven Dayton, Field Artillery.
William Larwill Carr, Field Artillery.
Russell George Duff, Field Artillery.
Raphael Fred Rabold, Air Service.
Ross Clyde Brackney, Infantry.
Alfred Clement, jr., Air Service.
John Randolph Reilly, Infantry.
Roy Prewett Huff, Field Artillery.
Herbert John Affleck, Infantry.
Nicolas Boadilla Dalao, Philippine Scouts.
Lawrence August Dietz, Infantry.
Narcisco Lopez Manzano, Philippine Scouts.
Paul Hanes Kemmer, Air Service.
Elmo Shingle, Infantry.
Richard Sears, Field Artillery.
William McKinley Tonkay, Field Artillery.
William Windom Dixon, Field Artillery.
Thomas Simons Garrett, Infantry.
Raynor Garey, Field Artillery.
Nathan Menzo Neate, Veterinary Corps.

To be second lieutenant.

George Work Marvin, Infantry.

To be chaplain.

Ora Jason Cohee, with rank of captain.

PROMOTIONS IN THE NAVY.

Capt. Mark L. Bristol to be a rear admiral.

Civil Engineer Luther E. Gregory to be Chief of the Bureau of Yards and Docks.

To be captains.

Charles T. Owens.
Herbert G. Sparrow.
Cyrus W. Cole.
Edward T. Constien.
Claude C. Bloch.
William S. Miller.

To be commanders.

David Lyons.
Byron McCandless.
George C. Pegram.
William E. Eberle.
Theodore G. Ellyson.
Frank J. Fletcher.
Walter F. Jacobs.
John J. Hannigan.
Lawrence P. Treadwell.
Aubrey K. Shoup.
Walter A. Smead.
Bruce L. Canaga.
Edgar G. Oberlin.
Jonathan S. Dowell, jr.
William O. Spears.
Harry E. Shoemaker.
John H. Newton.
Albert Norris.
John M. Poole, 3d.
Ross S. Culp.
Benjamin Dutton, jr.
Julian H. Collins.
John H. Towers.
Milo F. Draemel.
John W. Wilcox, jr.
Russell Willson.
Leigh Noyes.
Arthur L. Bristol, jr.
Alexander S. Wadsworth, jr.
James S. Woods.
Lloyd W. Townsend.
John M. Smeallie.
William P. Gaddis.
Kenneth Whiting.
George B. Wright.
Henry M. Jensen.
George S. Bryan.
William L. Calhoun.
William A. Glassford, jr.
Thomas Withers, jr.
Pierre L. Wilson.
Leo F. Welch.

To be lieutenant commanders.

Gerard Bradford.
Mark L. Hersey, jr.
Francis W. Scanland.
John J. Saxer.
Ward W. Waddell.
Robert R. Paunack.
Hugh V. McCabe.
Claude S. Gillette.
William C. Faus.
Comfort B. Platt.
Paul H. Rice.
Franklin Van Valkenburgh.
Eugene M. Woodson.
Banjamin F. Tilley, jr.
Percy W. Northcroft.
David H. Stuart.
James B. Rutter.
William N. Richardson, jr.
Charles M. Cooke, jr.
Chester C. Jersey.
Warren L. Moore.
Hugh M. Branham.
Josiah O. Hoffman, jr.
Bernard O. Wills.
James A. Logan.
James T. Alexander.
Howard B. Berry.
John H. Wellbrock.
Lewis Hancock, jr.
Murphy J. Foster.
Harold T. Smith.
Benjamin V. McCandlish.
Arthur S. Dysart.
Edmund S. R. Brandt.
Wallace L. Lind.
Freeland A. Daubin.
Charles E. Reordan.
Virgil J. Dixon.
Mark C. Bowman.
Clifford E. Van Hook.
Charles M. Elder.
Walter E. Brown.
Harry W. Hosford.
Millington B. McComb.
Melville S. Brown.
Stanley R. Canine.
Henry B. Cecil.
Raymond G. Thomas.
Aquilla G. Dibrell.
Henry D. McGuire.
William W. Smith.
David I. Hedrick.
Olaf M. Hustvedt.
Earl A. McIntyre.
Robert T. Young.
Stewart A. Manahan.
Herbert H. Bouson.

To be lieutenants.

David Rittenhouse.
George E. Maynard.
Leon W. Becker.
Clark Withers.
John D. Jones.
Julian B. Timberlake, jr..
Thomas C. Slingluff.
Jonathan H. Sprague.
Harold S. Klein.
Anson A. Bigelow.
Robert B. Matthews.
Herbert W. Jackson.
Walter L. Taylor.
Clement B. White.
William D. Thomas.

To be lieutenants (junior grade).

Leonard Doughty, jr.
George E. Maynard.
Anson A. Bigelow.
Robert B. Matthews.
Walter L. Taylor.
Fred M. Byers.
Floyd S. Crosley.
Clement B. White.
William H. Mays.
Thomas B. Fitzpatrick.
Vincent Benedict.
Victor F. Marinelli.
Earle P. McKellar.
Braxton Rhodes.

To be surgeons.

William E. Eaton.
Jasper V. Howard.
Joseph J. O'Malley.
Robert F. Sheehan.
Luther Sheldon, jr.
Richard H. Laning.
Robert F. Jones.
William E. Findeisen.
Carroll R. Baker.
Ovid C. Foote.
Louis H. Roddis.
James D. Bobbitt.
Harvey R. McAllister.
Harry E. Jenkins.
Stanley D. Hart.
Robert G. Davis.
Penlie B. Ledbetter.
Arthur E. Beddoe.
Thomas A. Fortescue.
James G. Omelvena.
Lester L. Pratt.
Clarence C. Kress.
Chester M. George.
Edward E. Woodland.
John C. Parham.
Charles L. Beeching.
John T. Borden.
Howard Priest.
Arthur E. Younie.
Frank H. Haigler.
William H. Massey.
Jesse B. Helm.
George W. Calver.
William B. Hetfield.

To be an assistant surgeon.

Robert E. Duncan.

To be passed assistant surgeons.

Joseph H. Durrett.
William C. Darwin.
William W. Behlow.
Reuben A. Barker.
James E. Andrews.
August Anderson.
William A. Epstein.
Isaac B. Polak.
Ray E. A. Pomeroy.
W. Ivan King.
Joseph J. Mundell.
Edward J. Cummings.
Frederick Ludwig.
Houston R. Farley.
Hardy V. Hughens.
William H. O'Connor.
Paul V. Greedy.

To be ensigns.

Nathan W. Bard.
Arthur F. Blasiar.
Albert M. Darby.
Robert E. Mason.
George C. Miller.
Russell H. Quynn.
George L. Richard.
Warren K. Sherman.
Wellington E. Stickley.
Rhea S. Taylor.
Webster M. Wright.
John C. Parker.
Marvin G. Fox.
Glenn O. Twiss.
Frank Leghorn.
Dennis B. Boykin.

To be dental surgeons.

William N. Cogan.
Joseph D. Halleck.
Leon Martin.
John W. Crandall.
Marion E. Harrison.
Harry W. Blaisdell.
Ernest W. Lacy.
Cornelius H. Mack.
Lucian C. Williams.
James L. Brown.
Emory A. Bryant.
Eugene H. Tennent.
Harry E. Harvey.
Joseph A. Mahoney.
James L. Brown.

To be passed assistant dental surgeons.

Robert S. Maxwell.
Arthur H. Yando.
Adolphus R. Gleitsman.
Carlton B. Morse.

To be pay directors.

Charles Conrad.
Charles Morris.

To be pay inspectors.

John Irwin, jr.
Thomas DeF. Harris.
John F. Hatch.
Edward E. Goodhue.
William R. Bowne.
Cecil S. Baker.
Donald W. Nesbit.
John R. Hornberger.
Ben D. McGee.
William W. Lamar.
William L. F. Simonpietri.
Felix R. Holt.
Stewart E. Barber.
Howard D. Lamar.
Eugene H. Tricou.
Frank T. Watrous.
Edwards S. Stalnaker.
Fred W. Holt.
George R. Crapo.

To be paymaster.

Harry W. Rusk, jr.

To be passed assistant paymasters.

Robert L. Mabon.
Jacob M. Bregar.
Walter W. Gilmore.
Charles D. Kirk.

To be civil engineers with the rank of captain.

Reuben E. Bakenhus.
Homer R. Stanford.
Leonard M. Cox.

To be chief boatswain.

George R. Groh.

To be chief gunners.

George Bradley.
Norris L. Wilcomb.
Russell K. Young.
Roger J. Swint.
Carl W. J. Reinman.

To be chief machinist.

Jesse J. Oettinger.

To be chief pharmacists.

Thomas E. Kent.
Charles P. Hines.
Edward G. Dennis.
Stanley J. Kinkaid.

To be chief pay clerks.

Jesse W. Hilts.
John J. S. Fahey.
Elmer S. Gilbert.

POSTMASTERS.

ALABAMA.

Peter L. Kirsch, Cherokee.
John G. Sanderson, Courtland.
James W. Curtis, Double Springs.
Robert O. Spiegel, Falkville.
Ella M. Sullins, Hackleburg.
Cullie O. Porter, Hillsboro.
Josiah F. Irby, Lower Peach Tree.
Benjamin F. Beesley, McKenzie.
William A. Dodd, Nauvoo.
William F. Crownover, jr., Oakman.
Thomas L. Jackson, Phil Campbell.
Alexander G. Taylor, Silas.
Alida J. Cox, Spring Hill.
George W. Buck, Thomaston.
Alice E. Welch, Whistler.

INDIANA.

Leo Yount, Brookston.
Joe B. Mayfield, Bruceville.
Anton R. Gustafson, Chesterton.
George W. Overmyer, Culver.
Martha A. Barr, Edwardsport.
James Quilliam, Elnora.
Walter L. Oster, Georgetown.
Hal. T. Kitchin, Greensburg.
Charles E. Jones, Hazelton.
John J. Wood, Hobart.
Frank M. Harwood, Lyons.
Willis D. Handley, Monon.
Mary A. Dooley, Montezuma.
Lillie Robbins, Oolitic.
Winbern H. Dillon, Pittsboro.
Luella W. Geier, Reynolds.
William A. Williams, Rome City.
Robin H. Heath, Shelburn.
Ernest G. Meyer, Vincennes.

IOWA.

Arty T. Parke, Keswick.
Arthur F. Pitman, Lamont.
Ruth E. Corr, Salix.

KANSAS.

Charles A. Connelly, Independence.

KENTUCKY.

John P. Balee, Guthrie.

LOUISIANA.

Joseph D. Hebert, Cottonport.
Leslie M. Hill, Cravens.
Alice I. Redmond, Delhi.
Otto S. Osterberg, Ferriday.
Bernard Isaacs, Gueydan.
George A. Rau, Gretna.
Mable B. Leland, Kinder.
Joseph R. Domengeaux, La Fayette.
Bernese S. Marquart, Lake Arthur.
Johnnie D. Stagg, Longville.
Albert R. Smith, Mangham.
John H. Allen, Plain Dealing.

MICHIGAN.

Glenn W. Davis, Reading.

MINNESOTA.

George T. Sands, Alvarado.
William H. Sturgeon, Canton.
Lewis F. Hodgson, Donnelly.
Charles H. Huntsberry, Forest Lake.
Axel P. Lofgren, Karlstad.
Walter Peltoniemi, New York Mills.
John A. Fridgen, Parkers Prairie.
Laura E. Cronan, Rose Creek.
Albert H. Sugg, Zumbro Falls.

MISSISSIPPI.

George D. Myers, Byhalia.
Joseph E. Lane, Flora.
Woodard M. Herring, Inverness.
Asa A. Edwards, Laurel.
John N. Truitt, Minter City.
Alexander Yates, Utica.

NEW JERSEY.

Elizabeth Packer, Sea Bright.

NEW YORK.

Thomas M. Keegan, Ferndale.
John F. Lord, Loon Lake.
Harland N. Brown, Mayfield.
Royal W. Northup, Morrisville.
Alice Huested, Nassau.
Frank G. Sherman, Oneonta.
Elmer G. Miller, Phelps.
Frank P. Daley, Port Henry.
Howard Spurr, Red Creek.
Carolyn E. Perkins, South Otselic.

OKLAHOMA.

Sandy H. Singleton, Loco.
James M. Johnson, Terral.
Charles W. Straughan, Wakita.

PENNSYLVANIA.

William Z. Clay, Emlenton.
Paul A. Hepner, Herndon.
John W. Eshleman, Mount Joy.
John M. Hayes, Montoursville.
Edward F. Poist, McSherrystown.
Alden M. Schnell, Youngsville.

SOUTH CAROLINA.

Allie J. Milling, Clinton.
Mack C. Holmes, Conway.
Lewis E. Stephenson, Dillon.
S. T. Waldrop, Greer.
David N. Baker, Olanta.

TENNESSEE.

Charles S. Harrison, Benton.
Charles L. Bitner, Chuckey.
John Herd, Harrogate.

TEXAS.

Hugh T. Chastain, Alvarado.
Mamie E. Bonar, Aubrey.
Delmont Greenstreet, Ennis.
Cora E. Antram, Nocona.
Rufus L. Hybarger, Pineland.
Abel J. Durham, jr., Sabinal.
Tina East, Sanderson.
Charles F. Wilson, Celina.
John W. Philp, Dallas.
Asa McGregor, Milano.
Annie L. Powell, Texline.
John B. White, Waller.

WEST VIRGINIA.

Alice M. Pittinger, Newell.

WITHDRAWALS.

Executive nominations withdrawn from the Senate December 20, 1921.

POSTMASTERS.

ARKANSAS.

Cary Johnson to be postmaster at Hot Springs, in the State of Arkansas.

WASHINGTON.

Thomas J. Atwood to be postmaster at Sultan, in the State of Washington.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 20, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, Thou dost come to us in so many ways that are beyond our understanding. We make no challenge, but we accept them, and in all our work we would be true and unafraid. Thou art the Lord of all and the strength of our lives, infinitely gracious, unutterably near, and wonderfully divine. O do Thou ripen love and gratitude in us that we shall be worthier of all Thy bounties. Continue to inspire all nations with an invincible desire for peace. Cast down and consume the spirit that wrecks and destroys and lift the whole earth to the high plane of intelligence, law, and righteousness. Then indeed shall we see the beginning of the new heaven and the new earth. In the name of the world's Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

ISSUANCE OF CHECKS AND DRAFTS IN DISTRICT OF COLUMBIA.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 1033, insist on the amendments of the House, and agree to the conference asked for.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill which the Clerk will report.

The Clerk read as follows:

S. 1033. An act regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, has the gentleman consulted with the minority member of the committee, and does he concur in the desirability of this motion?

Mr. ZIHLMAN. Yes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. FOCHT, Mr. ZIHLMAN, and Mr. WOODS of Virginia.

The SPEAKER laid before the House the following Senate resolution.

The Clerk read as follows:

Senate resolution 196.

Resolved, That the House of Representatives be, and hereby is, requested to return to the Senate the bill (S. 205) entitled "An act relating to the fiscal system of the District of Columbia, and for other purposes."

The SPEAKER. Without objection, the Committee on the District of Columbia will be discharged from further consideration of the bill, and the request of the Senate granted.

There was no objection.

Mr. McKENZIE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 142 and consider it.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the resolution which the Clerk will report.

The Clerk read as follows:

S. J. Res. 142. An act to extend the time within which the special committee on the readjustment of the pay of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service may make its report to Congress.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the special committee of the Senate and House of Representatives, appointed in accordance with the last proviso of section 13 of the act entitled "An act to increase the efficiency of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920, be, and it is hereby authorized to make the report required in said section not later than the first Monday in March, 1922, notwithstanding that the said act requires the report to be made on or before the first Monday in January, 1922.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Let me ask the gentleman is this a concurrent or a joint resolution?

Mr. McKENZIE. A joint resolution.

The SPEAKER. Is there objection?

There was no objection.

The resolution was ordered to a third reading, was read the third time, and passed.

PROMOTION OF TRADE WITH CHINA.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 4810, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the bill 4810, disagree to the Senate amendment, and ask for a conference. The Clerk will report the title.

The Clerk read as follows:

H. R. 4810. To authorize the incorporation of companies to promote trade with China.

The SPEAKER. Is there objection?

There was no objection.

The Speaker appointed as conferees on the part of the House Mr. VOLSTEAD, Mr. DYER, and Mr. SUMNERS of Texas.

REVIVOR OF SUITS AT LAW.

Mr. WALSH. Mr. Speaker, I ask unanimous consent to proceed for one minute in reference to the enrolling of a bill passed by the last Congress.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. WALSH. Mr. Speaker, last session we passed an act amending one of the sections of the Revised Statutes with reference to the revivor of causes of action in cases on the death of one of the parties. The bill was amended by the Senate and the House concurred in the Senate amendment. In the enrollment of the bill, however, all of the language which the Senate amendment struck out was not omitted from the enrolled copy of the bill. The bill as signed by the President and which is now the law is, by reason of the inclusion of some language which the Senate struck out, contradictory in its terms. I ask to have this bill repassed in order that it may conform to what was done by both branches of Congress, but which was vitiated by the error in the enrollment. I ask unanimous consent for the present consideration of the following joint resolution, which I send to the desk.

The Clerk read as follows:

Joint resolution (H. J. Res. 238) to amend an act entitled "An act to amend section 955 of the Revised Statutes by extending the jurisdiction of courts in cases of revivor."

Resolved, etc., That an act entitled "An act to amend section 955 of the Revised Statutes by extending the jurisdiction of courts in cases of revivor," approved November 23, 1921 (public No. 104), be amended so as to read as follows:

"SEC. 955. When either of the parties, whether plaintiff or petitioner or defendant, in any suit in any court of the United States dies before final judgment, the executor or administrator of such deceased party may, in case the cause of action survives by law, prosecute or defend any such suit to final judgment. The defendant shall answer accordingly, and the court shall hear and determine the cause and render judgment for or against the executor or administrator, as the case may require. And if such executor or administrator, having been duly served with a scire facias from the office of the clerk of the court where the suit is depending 20 days beforehand, neglects or refuses to become party to the suit, the court may render judgment against the estate of the deceased party in the same manner as if the executor or administrator had voluntarily made himself a party. The executor or administrator who becomes a party as aforesaid shall, upon motion to the court, be entitled to a continuance of the suit until the next term of said court.

"The provisions of this section shall apply to suits in equity and in admiralty as well as to suits at law, and the jurisdiction of all courts of the United States shall extend to and over executors and administrators of any party, who dies before final judgment or decree, appointed under the laws of any State or Territory of the United States, and such courts shall have jurisdiction within two years from the date of the death of the party to the suit to issue its scire facias to executors and administrators appointed in any State or Territory of the United States which may be served in any judicial district by the marshal thereof: *Provided, however*, That no executor or administrator shall be made a party unless such service is made before final settlement and distribution of the estate of said deceased party to the suit.

"SEC. 2. That the provisions of section 955 of the Revised Statutes of the United States as amended by this act shall apply to suits in which any party has deceased prior to the passage of this amendatory act as well as to suits in which any party may die hereafter."

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I understand that the act in which the error was made was passed just before the recess in the last session of the Congress.

Mr. WALSH. It was approved on the day the recess was taken. It was one of the last acts which the President signed.

Mr. GARRETT of Tennessee. Can the gentleman state to us how it passed the House? Was it on the Unanimous Consent Calendar or did it pass on Calendar Wednesday? How did it come up for consideration?

Mr. WALSH. As I recall, it came up on the Unanimous Consent Calendar. There was quite a little discussion upon the matter. The gentleman from Oregon participated and I think the gentleman from Texas [Mr. JONES] and one or two others. The bill passed as it was reported by the Committee on the Judiciary. It went to the Senate and was amended by the Senate striking out some language which was included in the

bill as it passed the House and by inserting a few words in lieu thereof. When it came back to the House the Senate amendment was concurred in.

Mr. GARRETT of Tennessee. And the enrolling clerk included in the enrollment some of the words that were in fact stricken out by the Senate?

Mr. WALSH. Yes; that is the only difference.

Mr. WINGO. Mr. Speaker, reserving the right to object, will the gentleman state just what the error was?

Mr. WALSH. In the first paragraph which the Clerk read is the present law. The second paragraph, which begins with "The provisions of the section shall apply to suits in equity and causes in admiralty as well as actions in law," is the amendatory section, and the language left in was the words "in which the action is pending," which referred to the courts of the United States or the Territory of the United States—suits at law in courts in which the action is pending. It makes the first part of that paragraph contradictory when compared with the latter part of the second paragraph.

Mr. WINGO. I do not quite catch that. The gentleman has given one phrase. Will he kindly give the phrase that was left in which contradicts it?

Mr. WALSH. The words left in, as I recall it, were "in which the action is pending." Then it goes on to say "and such courts shall have jurisdiction within two years from the date of the death of the party to the suit to issue its scire facias to executors and administrators appointed in any State or Territory of the United States," and so forth, whereas the first part refers to a court of any State or Territory in which the action is pending.

Mr. KING. Mr. Speaker, reserving the right to object, I am wondering by what authority we could pass an act by which a court might render judgment against an executor.

Mr. WALSH. It does not render its judgment until the executor is really a party to the action by the service of this writ.

Mr. KING. Is it not universally understood that you can not render a judgment against an executor?

Mr. WALSH. You can not unless he is made a party.

Mr. KING. Even when he is made a party?

Mr. WALSH. Oh, no. A suit is brought against the estate and of course the executor is the representative of the estate.

The SPEAKER. Is there objection to the present consideration of the joint resolution.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WALSH, a motion to reconsider the vote by which the joint resolution was passed was ordered to lie on the table.

EXTENSION OF REMARKS.

Mr. ROUSE. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 8441 relating to special delivery of mail matter.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

NORMAN E. IVES.

Mr. IRELAND. Mr. Speaker, I present the following privileged report from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 230.

Resolved, That there be paid out of the contingent fund of the House $700 to Norman E. Ives for extra and expert services to the Committee on Invalid Pensions from May 6, 1921, to the end of the first session of the Sixty-seventh Congress, as assistant clerk to said committee by detail from the Bureau of Pensions, pursuant to law.

Mr. IRELAND. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

H. M. VANDERVORT.

Mr. IRELAND. Mr. Speaker, I also present the following resolution which I send to the desk.

The Clerk read as follows:

House resolution 231.

Resolved, That there be paid out of the contingent fund of the House $200 to H. M. Vandervort for extra and expert services to the Committee on Invalid Pensions from March 5, 1921, to May 5, 1921, as assistant clerk to said committee by detail from the Bureau of Pensions, pursuant to law.

Mr. IRELAND. Mr. Vandervort served for two months prior to the time he was appointed Assistant Pension Commissioner, and this is to cover that period on a pro rata basis.

The question was taken, and the resolution was agreed to.

SUBSTITUTE TELEPHONE OPERATORS.

Mr. IRELAND. Mr. Speaker, I offer another privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 240.

Resolved, That there shall be paid, out of the contingent fund of the House, compensation at the rate of $3 per diem each for the services of two substitute telephone operators during the present session.

Mr. IRELAND. Mr. Speaker, I move the adoption of the resolution.

The question was taken, and the resolution was agreed to.

MARY H. YORKS.

Mr. IRELAND. I offer the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 239.

Resolved, That the Clerk of the House of Representatives be directed to pay, out of the contingent fund of the House, to Mary H. Yorks, widow of B. C. Yorks, late employee in the House post office, a sum equal to six months' salary as employee in the House post office, and that the Clerk be further directed to pay, out of the contingent fund, the expenses of the last illness and funeral of said B. C. Yorks, such expenses not to exceed $250.

Mr. HICKS. Will the gentleman yield?

Mr. IRELAND. I will.

Mr. HICKS. Is that the customary payment?

Mr. IRELAND. Yes, sir.

The question was taken, and the resolution was agreed to.

L. D. ARNOLD AND LENORE HUGHES.

Mr. IRELAND. Mr. Speaker, I offer the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 243.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to L. D. Arnold the sum of $186.67, and to Lenore Hughes the sum of $120, being the amount received by them per month as clerks to the late Hon. HENRY D. FLOOD at the time of his death, December 8, 1921.

Mr. IRELAND. I move the adoption of the resolution.

The question was taken, and the resolution was agreed to.

ARTHUR LUCAS.

Mr. IRELAND. Mr. Speaker, I offer the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 220.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, $80 to Arthur Lucas for special janitor services rendered during the first session of the Sixty-seventh Congress.

Mr. IRELAND. I move the adoption of the resolution.

The question was taken, and the resolution was agreed to.

ADDITIONAL ROOMS.

Mr. IRELAND. Mr. Speaker, I offer the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 247.

Resolved, That the Committee on Appropriations is hereby assigned as an additional room the room on the basement floor, House wing of the Capitol, now occupied by the chief bill clerk and assistants; that the journal clerk, tally clerk, chief bill clerk, and their respective assistants, and such other employees of the Clerk's office as may therein be accommodated are hereby assigned to the rooms occupied by the House Library on the gallery floor, House wing of the Capitol; that the contents of the House Library be removed to such available space in the House Office Building as may be selected by the House Office Building Commission; and that the Architect of the Capitol and the Clerk of the House, under the direction and with the approval of the Committee on Accounts, are hereby directed to make ready such rooms for occupancy for the several purposes indicated, the expense thereof to be paid out of the contingent fund of the House.

Mr. IRELAND. Mr. Speaker and gentlemen of the House, this offers the happiest solution we have been able to find after a rather extended consideration of the subject of the present congested condition of the Capitol as to rooms for committees and Members. This removes the present library under authority in the resolution to the House Office Building, where it will probably serve the convenience of Members to better advantage than where it is at present located. It contemplates the removal of the clerks to committees and employees specified

therein, after some slight remodeling, to the space now occupied by the library; it gives the present room occupied on the main floor by those clerks to the Committee on Appropriations, and it is the only room available that will seat them and have sufficient space for the committee, as it has been enlarged. This question has been gone over very carefully, and it has been the endeavor not to disturb any more than was absolutely necessary the present assignment of committees in the Capitol. We can find less objection to do this than any other possible way to accommodate the Appropriations Committee in their work——

Mr. CARTER. Will the gentleman yield?

Mr. IRELAND. I will.

Mr. CARTER. Is the room which is to be given to the Committee on Appropriations the old room of the Committee on Indian Affairs?

Mr. IRELAND. Yes, sir.

Mr. ASWELL. What is the approximate cost of the repairs?

Mr. IRELAND. That is rather difficult to determine. It might run in the neighborhood of $20,000 for the removal of the library. It is quite a large job, the preparation of that room, but there will be no other expense we can contemplate now. I regret that seems a necessity, but that is the only way to get out of the congestion we are in.

Mr. RAYBURN. Will the gentleman yield?

Mr. IRELAND. I will.

Mr. RAYBURN. Does not the gentleman think he ought to bring in a resolution first in reference to where he is going to place this library? It is inconvenient, of course, where it is, to some extent, but it is much more convenient where it is than to stick it in some hole over in the House Office Building, where it will probably be more inaccessible to Members than where it now is. I do not know where in the House Office Building the gentleman is going to put this library.

Mr. IRELAND. I have not a very definite idea of it myself, but we have the assurance of the Architect of the Capitol and the Clerk of the House that available space, as convenient as possible for the Members, will be found, and I have the assurance, further, that it will be much more convenient than at present. But, of course, that will come under the House Office Building Committee.

Mr. RAYBURN. I doubt very much whether it will be more convenient to the Members.

Mr. IRELAND. That is a question, that is true.

Mr. RAYBURN. Certainly there ought to be some arrangement made as to where it is going to be placed before the resolution is passed.

Mr. IRELAND. There will be no delay in the matter. They will work it out as best they can, and I think we can safely rely on their judgment in the matter, but the Committee on Appropriations is in suffering need of available space, where they can meet as a committee altogether, and that is not provided for at present. There is no room available large enough for them to meet in at present.

Mr. PARKS of Arkansas. Will the gentleman yield?

Mr. IRELAND. I will.

Mr. PARKS of Arkansas. Under this resolution while the gentleman says it will cost approximately $20,000, they can under that resolution spend $100,000, can they not?

Mr. IRELAND. Not while the Committee on Accounts is as at present constituted.

Mr. PARKS of Arkansas. How are you going to accomplish it? We merely authorize them to spend money to do the things the gentleman suggests there, but it does not limit them in the amount.

Mr. IRELAND. For years the House has apparently and with good reason had a great deal of confidence in the Architect of the Capitol, and he does things about as economically as they possibly can be done. We must have some trust in each other, and I think we will continue that in the man most competent to handle the matter. He has never so far disappointed us in the least.

Mr. PARKS of Arkansas. He missed the restaurant by $25,000 in a $50,000 appropriation.

Mr. IRELAND. No; he did not miss it. If anyone missed it, I did. Difficulties unable to be foreseen were encountered.

Mr. PARKS of Arkansas. I am not speaking of the man's integrity, but ought there not to be some limitation to this expenditure as a matter of business?

Mr. IRELAND. I would deem it unnecessary under the present circumstances.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. BARKLEY. Is the Committee on Appropriations to retain its present quarters and have this additional room besides?

Mr. IRELAND. Yes. The Committee on Appropriations has been in need of additional rooms for subcommittees. The Committee on the Post Office and Post Roads, which could be removed to other quarters without action of the House, has been removed to the House Office Building and has been provided with adequate quarters there. The Committee on Appropriations has those two rooms for additional subcommittee rooms, in addition to what they already had, and I think this will suffice for the present.

Mr. BARKLEY. As to this library, it strikes me that the resources of the library are apt to be more useful to the Members of the House when the House is in session than during the morning hours when the Members are in their offices. If we remove the library over there, would it not be practically impossible to get books back and forth to the floor of the House on the spur of the moment?

Mr. IRELAND. Investigation and inquiry have shown that the House library is very little used nowadays by the Members. There are days when no one enters it at all, as I understand. It is thought that we can provide needed facilities in the little library off the floor of the House, where needed reference books and other volumes can be secured as quickly as they may be needed and called for.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Gladly.

Mr. MOORE of Virginia. The most valuable sets of books in this library now are the records of the proceedings of Congress, including the CONGRESSIONAL RECORD, running back to the beginning of the history of the Government. If they are removed to the House Office Building, they would not be available during the proceedings of the House, and the time when they are most valuable is during the discussions that take place in the House. I fear if we were to transfer those volumes to the House Office Building they will cease to be of any value whatever.

Mr. IRELAND. Do not the precedents and digest serve that purpose for immediate reference? Occasionally, when one has need to refer to them specifically he would have ample opportunity for preparation for that and can prepare for it in advance. I will say to the gentleman that we have canvassed this matter from every angle, and this is the best arrangement that we can figure out.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. BANKHEAD. Did the committee consider any available space in the House Office Building for the Committee on Appropriations?

Mr. IRELAND. The Committee on Appropriations has probably greater call to have its quarters adjacent and contiguous to the House than any other committee, and for that reason they are perhaps given a preference in the matter of their location.

Mr. BANKHEAD. You did not give any consideration to that aspect of the question except that they would have to be taken care of in the Capitol Building?

Mr. IRELAND. We proceeded on that assumption.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. SMITH of Idaho. If it was not necessary to get the consent of the House to transfer the Committee on the Post Office and Post Roads, why was it necessary to get the consent of the House in the present instance?

Mr. IRELAND. On account of the removal of the library.

Mr. LARSEN of Georgia. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. LARSEN of Georgia. Assuming that Members do not use the House library to any great extent, what objection would there be to transferring it to the Congressional Library? Then we could send pages over there to get books.

Mr. IRELAND. That has been thought of, but it was thought it would be a little more convenient to locate it in the House Office Building. But personally I was of the gentleman's opinion.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. IRELAND. Gladly.

Mr. MANN. Just what room on the floor below is it intended now by this resolution to give to the Committee on Appropriations?

Mr. IRELAND. The one formerly occupied by the Committee on Indian Affairs, across the corridor from the room that the gentleman from Illinois occupies.

Mr. MANN. The old Journal clerk's room, down below, which has no outside communication at all?

Mr. IRELAND. No; it has no outside light or ventilation.

Mr. MANN. Does this also include the room recently assigned to the Journal clerk?

Mr. IRELAND. No; it does not. They will be removed from there, such members of the force as are there at present.

Mr. MANN. Has it been indicated to my colleague that the Committee on Appropriations will be satisfied to occupy that large room down there?

Mr. IRELAND. Yes. That is the preference of the chairman. It has been my thought that the Committee on Appropriations, meeting as a whole not so very often, did not need the ventilation and light and healthful conditions, because they would not remain in session very long, whereas the bill clerks and the Journal clerks that are there all the time did need it.

Mr. MANN. Well, the Speaker some time ago very considerately and very properly assigned the room that Gen. Sherwood used to have, down below, to the Journal clerks and tally clerks, because that room was killing off the boys down there. Of course, I do not know what the Committee on Appropriations are going to do with it, but I have no doubt they will be able to take care of themselves. I am not worrying about that.

Mr. IRELAND. Very probably.

Mr. MANN. Now, has anybody any idea at all where the library is to go in the House Office Building?

Mr. IRELAND. Not definitely; no. But there is available space there that can be accommodated to the use of the library.

Mr. MANN. I agree with the gentleman that there is no use in maintaining this library upstairs where it is. If anybody wants to use it he has got to get the information himself, as a rule, because the employees in the main do not seem to have any use for it. We reserved at one time a room in the House Office Building for that library, the large room below the room of the Committee on Ways and Means. That is what it ought to have been used for. But it was decided otherwise by the House Office Commission and some committee.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. WALSH. Has the Committee on the Post Office and Post Roads, which formerly had a room downstairs, been moved to the House Office Building?

Mr. IRELAND. Yes, sir.

Mr. WALSH. If that can be done without a resolution, why can not these changes be made without a resolution?

Mr. IRELAND. Because it was thought that you could not remove the library without the action of the House. The rooms are under the charge of the Speaker, but in our judgment the library could not be moved without the action of the House.

Mr. STEENERSON. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. STEENERSON. The gentleman said a moment ago that the Committee on the Post Office and Post Roads had been provided with quarters in the House Office Building.

Mr. IRELAND. Yes.

Mr. STEENERSON. In that regard I desire to say that a little over a year ago I was asked by the Clerk something about my quarters, and I said I would like to have three rooms.

I told him a year or two ago that the correspondence with the post-office officials all over the United States was so great that I had to have two or three clerks, and that when the committee was in session there was no place except the desk that I occupied where these clerks could work, and so I suggested that I should like to have another room. Then they said a while ago that they had quarters that were ample over in the House Office Building if I was willing to move. I sent my clerks over there, and they said they thought it was a large room and a nice room; but when I came to move in there I found that it was too small to divide into three rooms; there is not space enough for the table; so it was decided to move the partition that is now there and make the room occupied by the chairman smaller in order to give room for the committee. Instead of getting three rooms, I got two rooms. They are, however, nice, airy light rooms. If I had three rooms so that the clerks could work while the committee is in session, that would be what I expected.

Mr. RAYBURN. Mr. Speaker, I object to the gentleman speaking in so low a tone of voice that nobody can hear what he says. He has been talking quite a while about some room over in the House Office Building, but nobody here has heard a word that he said.

Mr. STEENERSON. I can not hear what the gentleman from Texas says. I am simply calling attention to the fact that I can not let the remark go unchallenged that the gentleman from Illinois [Mr. IRELAND] has made, when he said that they have provided ample quarters for the Post Office Committee; because I understood I would have space for three rooms, and I find that the space is only sufficient for two.

Mr. IRELAND. The gentleman inspected his quarters, and I understood he was satisfied with them.

Mr. STEENERSON. It was all in one room.

Mr. IRELAND. The gentleman knew the size of it.

Mr. STEENERSON. I sent the boys over there to see it.

Mr. IRELAND. Did not the gentleman see it himself?

Mr. STEENERSON. I did not measure the table, and now I find the table would not fit if it was divided into three rooms.

Mr. IRELAND. Well, we will provide the gentleman with a tape measure. [Laughter.]

Mr. ASWELL. Has the gentleman's committee considered the proposition of turning over this Hall of the House to the Post Office Committee and finding some other place for the House to assemble? [Laughter.]

Mr. IRELAND. In good weather we might go out on the Plaza.

Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question being taken, on a division (demanded by Mr. WINGO) there were—ayes 79, noes 39.

Mr. WINGO. I object to the vote on the ground that there is no quorum present.

The SPEAKER. The gentleman from Arkansas makes the point that there is no quorum present. The Chair will count.

Mr. WINGO. Mr. Speaker, I withdraw the point for the present.

The SPEAKER. The ayes have it, and the resolution is agreed to.

HELEN M. NETHERWOOD.

Mr. IRELAND. Mr. Speaker, I have one more resolution.

The SPEAKER. The gentleman from Illinois offers a resolution, that the Clerk will report.

The Clerk read as follows:

House resolution 251.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Helen M. Netherwood the sum of $186.67, and to Rowena Bond the sum of $120, being the amount received by them per month as clerks to the late Hon. John A. Elston at the time of his death.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 136. An act for the relief of Dr. O. H. Tittmann, former Superintendent of the United States Coast and Geodetic Survey;

S. 1535. An act for the relief of the estate of Catherine Locke, deceased; and

S. 1856. An act to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property.

The message also announced that the Senate had passed the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,500 copies of the hearings before the Committee on Finance of the Senate on the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, revised and indexed, of which 2,000 copies shall be printed as separates, by schedules (including not to exceed three supplemental volumes), 1,000 copies for the use of the Committee on Ways and Means of the House of Representatives, and the remaining 1,500 copies shall be held for compilation by volume, of which 500 copies shall be for the use of the Senate document room and 1,000 copies for the use of the House document room: *Provided*, That the compiled edition only shall be printed as a Senate document.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following Senate concurrent resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution 17.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,500 copies of the hearings before the Committee on Finance of the Senate on the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, revised and indexed, of which 2,000 copies shall be printed as separates, by schedules (including not to exceed three supplemental volumes), 1,000 copies for the use of the Committee on Finance of the Senate and 1,000 copies for the use of the Committee on Ways and Means of the House of Representatives, and the remaining 1,500 copies shall be held for compilation by volume of which 500 copies shall be for the use of the Senate document room and 1,000 copies for the use of the House document room: *Provided*, That the compiled edition only shall be printed as a Senate document—

to the Committee on Printing.

PRINTING OF SENATE TARIFF HEARINGS.

Mr. KIESS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate concurrent resolution No. 17.

The SPEAKER. The gentleman from Pennsylvania asks to take from the Speaker's table a Senate concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,500 copies of the hearings before the Committee on Finance of the Senate on the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, revised and indexed, of which 2,000 copies shall be printed as separate volumes by schedules, including not to exceed three supplemental volumes, 1,000 copies for the use of the Committee on Finance of the Senate and 1,000 copies for the use of the Committee on Ways and Means of the House of Representatives, and the remaining 1,500 copies shall be held for compilation by volume, of which 500 copies shall be for the use of the Senate document room and 1,000 copies for the use of the House document room: *Provided*, That the compiled edition shall only be printed as a Senate document.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, it seems to me that the number to be printed will be rather small for Members who will have requests for these hearings upon this important piece of legislation.

Mr. KIESS. Mr. Speaker, the number does not seem large, but it was thought that we could get through with this number, and I have been advised that this is the minimum number that should be printed. The cost of the printing of these hearings will be considerable. I can not give you the figures, because this resolution was passed in the Senate to-day and messaged over here with the idea of having the House pass it promptly so that the hearings could be printed and be used by the members of the Finance Committee and the members of the Ways and Means Committee during the recess.

You will note that the resolution provides that 1,000 copies are to be printed for the use of the Ways and Means Committee and 1,000 copies for the Finance Committee of the Senate, 1,000 copies to be sent to the House document room and 500 copies to the Senate document room. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I do not think we ought to print an edition which there is no question will be insufficient. I think the Committee on Printing ought to give it further consideration. It only came over from the Senate to-day. I think rather than to have to come in again with another resolution for additional printing the Committee on Printing might well give it further consideration and see whether we can not get a larger number.

Mr. MANN. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. MANN. Would not it be quite practicable, if these hearings are printed in plate form, and if it is found that they are valuable for people outside of Congress, to order a reprint without any additional expense. Only a small number of these are to be bound—1,500 out of the 3,500.

Mr. KIESS. That is true, and it will be possible to order a reprint, as the plates will not be destroyed.

Mr. MANN. The plates will be there if there is a demand for a greater number.

Mr. KIESS. The purpose of the resolution was to get the 1,000 copies for the Finance Committee of the Senate and the Committee on Ways and Means of the House quickly.

Mr. MANN. I think the Ways and Means Committee ought to have them, but I want to expedite in any possible way that I can the action of the Senate.

Mr. WALSH. Nobody expects that the printing of these documents in this way is going to expedite any action at the point where the gentleman from Illinois expresses a wish for action. Mr. Speaker, at present, I object.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1856. An act to reimburse Horace A. Choumard, chaplain in the Twenty-third Infantry, for loss of certain personal property; to the Committee on Claims.

S. 1535. An act for the relief of the estate of Catherine Locke, deceased; to the Committee on Claims.

S. 136. An act for the relief of Dr. O. H. Tittmann, former superintendent of the United States Coast and Geodetic Survey; to the Committee on Reform in the Civil Service.

WORLD'S DAIRY CONGRESS.

Mr. BROWNE of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of H. J. Res. 233.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of House joint resolution, which the Clerk will report.

The Clerk read as follows:

House joint resolution 233 providing for the postponement of the World's Dairy Congress.

Whereas the Secretary of State in his letter of November 22, 1921, to the President indicates the inability of the World's Dairy Congress Association to make necessary preparations for the holding of the World's Dairy Congress in the year 1922, as authorized by the act approved March 3, 1921, making appropriations for the Department of Agriculture, and suggests that the said World's Dairy Congress be postponed until 1923; and

Whereas the President in his letter, dated November 23, 1921, to the Senate and House of Representatives, recommends the postponement of said World's Dairy Congress in accordance with the suggestions of the Secretary of State: Therefore be it

Resolved, etc., That the World's Dairy Congress authorized by the act approved March 3, 1921, making appropriations for the Department of Agriculture be postponed from 1922 to 1923.

With the following committee amendment:

Strike out the preamble and all after the enacting clause and insert the following:

"That the authority granted by the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922, approved March 3, 1921, to the President to extend invitations to foreign Governments to be presented by delegates in a World's Dairy Congress to be held in the United States in 1922 is hereby modified so as to authorize the extending of such invitations for such congress to be held in 1923."

Mr. BROWNE of Wisconsin. Mr. Speaker, as an explanation of this resolution I will say that in the last agricultural appropriation bill of November 21, 1921, provision was made for a world's dairy congress. This was done at the request of the dairy associations all over the United States, and it was to be of no expense to the United States Government. They have found, on account of the reconstruction in different countries, that they can not prepare for the congress in 1922, and this is simply to extend the time until 1923.

The SPEAKER. Is there objection?

Mr. WINGO. Reserving the right to object, where are they going to hold it?

Mr. BROWNE of Wisconsin. In Washington.

Mr. WINGO. It has no connection with the League of Nations? [Laughter.]

Mr. BROWNE of Wisconsin. No; it is nothing except a dairy congress.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend the committee amendment by striking out, page 2, line 10, the word "presented" and insert in lieu thereof the word "represented."

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BROWNE of Wisconsin, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CHANGE OF REFERENCE.

The SPEAKER. The Chair yesterday referred to the Committee on Military Affairs a bill for the creation of an American memorial highway commission. The Chair thinks that he was mistaken, that it should go to the Committee on Foreign Affairs, and without objection the Chair will make that reference.

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Tennessee makes the point of order that no quorum is present, and it is evident that there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll and the following Members failed to answer to their names:

Ackerman	Brooks, Ill.	Connell	Freeman
Almon	Brooks, Pa.	Connolly, Pa.	French
Anthony	Brown, Tenn.	Coughlin	Funk
Appleby	Bulwinkle	Crago	Gahn
Atkeson	Burke	Cullen	Gallivan
Bacharach	Burtness	Davis, Tenn.	Garner
Barbour	Byrnes, S. C.	Deal	Gilbert
Beedy	Campbell, Pa.	Denison	Goldsborough
Bell	Carew	Dominick	Gorman
Benham	Chandler, N. Y.	Drane	Gould
Bixler	Christopherson	Dunn	Griest
Bland, Ind.	Clague	Edmonds	Griffin
Blanton	Clark, Fla.	Favrot	Hardy, Tex.
Bond	Clarke, N. Y.	Fenn	Harrison
Bowers	Classon	Fess	Haugen
Bowling	Codd	Fields	Hawes
Brand	Cole, Iowa	Fish	Hayden
Brennan	Collier	Fisher	Hays
Brinson	Collins	Focht	Hooker
Britten	Connally, Tex.	Free	Houghton

Hudspeth	McDuffie	Petersen	Stafford
Hull	McFadden	Pou	Stedman
Humphreys	McLaughlin, Nebr.	Pringey	Stevenson
Jefferis, Nebr.	Maloney	Purnell	Stiness
Jeffers, Ala.	Mansfield	Rainey, Ala.	Sullivan
Johnson, Miss.	Mead	Rainey, Ill.	Summers, Wash.
Johnson, S. Dak.	Merritt	Raker	Swing
Kahn	Michaelson	Ransley	Tague
Kearns	Michener	Reavis	Taylor, Ark.
Kennedy	Mills	Reber	Taylor, Colo.
Kincheloe	Montague	Rhodes	Taylor, N. J.
Kindred	Moore, Ill.	Riddick	Thomas
Kitchin	Moores, Ind.	Riordan	Tinkham
Knight	Mudd	Roach	Tyson
Knutson	Newton, Mo.	Rodenberg	Underhill
Kreider	Nolan	Rosenbloom	Vestal
Kunz	Norton	Rossdale	Walters
Langley	O'Brien	Rouse	Ward, N. Y.
Lawrence	O'Connor	Rucker	Ward, N. C.
Layton	Oldfield	Ryan	Webster
Lea, Calif.	Olpp	Sabath	Williams
Leatherwood	Osborne	Sanders, Ind.	Wood, Ind.
Lee, N. Y.	Padgett	Sanders, Tex.	Woodruff
Lehlbach	Paige	Sears	Woods, Va.
Lineberger	Park, Ga.	Shaw	Woodyard
Linthicum	Parker, N. Y.	Shreve	Wurzbach
Longworth	Patterson, Mo.	Sisson	Zihlman
Luhring	Perkins	Smithwick	
McArthur	Perlman	Snell	
McClintic	Peters	Snyder	

The SPEAKER. Two hundred and thirty-four Members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. Without objection, it will be so ordered.

Mr. GARRETT of Tennessee. Mr. Speaker, I object.

The SPEAKER. The question is on the motion of the gentleman from Wyoming to dispense with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 119, noes 42.

Mr. GARRETT of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 196, nays 11, answered "present" 9, not voting 216, as follows:

YEAS—196.

Anderson	Fordney	Kopp	Rogers
Andrew, Mass.	Foster	Kraus	Rose
Andrews, Nebr.	Frear	Lampert	Sanders, N. Y.
Ansorge	Frothingham	Lanham	Sandlin
Arentz	Fuller	Lankford	Schall
Barkley	Fulmer	Larsen, Ga.	Scott, Mich.
Beck	Garrett, Tenn.	Larson, Minn.	Scott, Tenn.
Begg	Garrett, Tex.	Lazaro	Shelton
Bird	Gensman	Lee, Ga.	Siegel
Black	Gernerd	Little	Sinclair
Blakeney	Glynn	London	Sinnott
Bland, Va.	Goodykoontz	Lowrey	Smith, Idaho
Boies	Graham, Ill.	Luce	Smith, Mich.
Box	Graham, Pa.	Lyon	Speaks
Browne, Wis.	Greene, Iowa	McCormick	Sproul
Bulwinkle	Greene, Mass.	McKenzie	Stephens
Burdick	Griffin	McLaughlin, Mich.	Stoll
Burton	Hadley	McLaughlin, Nebr.	Strong, Kans.
Butler	Hardy, Colo.	McLaughlin, Pa.	Strong, Pa.
Byrns, Tenn.	Harrison	McPherson	Sweet
Campbell, Kans.	Hawley	MacGregor	Taylor, Tenn.
Cannon	Herrick	Magee	Temple
Chalmers	Hersey	Mann	Thompson
Chandler, Okla.	Hickey	Mapes	Tillman
Chindblom	Hicks	Martin	Tilson
Clouse	Hill	Miller	Timberlake
Colton	Himes	Millspaugh	Tincher
Cooper, Ohio	Hoch	Mondell	Vaile
Cooper, Wis.	Hogan	Montoya	Ware
Copley	Huddleston	Moore, Ohio	Vinson
Cramton	Hukriede	Moores, Ind.	Voigt
Crisp	Husted	Morgan	Volk
Crowther	Hutchinson	Mott	Volstead
Curry	Ireland	Murphy	Walsh
Dale	Jacoway	Nelson, A. P.	Wason
Dallinger	James	Nelson, J. M.	Watson
Darrow	Johnson, Ky.	Ogden	Wheeler
Dempsey	Johnson, Wash.	Oliver	White, Kans.
Dickinson	Keller	Overstreet	White, Me.
Doughton	Kelley, Mich.	Parker, N. J.	Williamson
Dowell	Kelly, Pa.	Patterson, N. J.	Wilson
Dunbar	Kendall	Radcliffe	Winslow
Dyer	Ketcham	Rankin	Wise
Echols	Kiess	Reece	Wright
Evans	Kirkpatrick	Reed, N. Y.	Wyant
Fairchild	Kissel	Reed, W. Va.	Yates
Fairfield	Kleczka	Ricketts	Young
Faust	Kline, N. Y.	Robertson	Zihlman
Fitzgerald	Kline, Pa.	Robsion	The Speaker

NAYS—11.

Bell	Carter	Parks, Ark.	Stevenson
Briggs	Driver	Parrish	Swank
Cantrill	Dupré	Quin	

ANSWERED "PRESENT"—9.

Anthony	Burroughs	Cockran	Elliott
Aswell	Cable	Cole, Ohio	Griest
Bankhead			

NOT VOTING—216.

Ackerman	Fenn	Lineberger	Riddick
Almon	Fess	Linthicum	Riordan
Appleby	Fields	Logan	Roach
Atkeson	Fish	Longworth	Rodenberg
Bacharach	Fisher	Luhring	Rosenbloom
Barbour	Focht	McArthur	Rossdale
Beedy	Free	McClintic	Rouse
Benham	Freeman	McDuffie	Rucker
Bixler	French	McFadden	Ryan
Bland, Ind.	Funk	McSwain	Sabath
Blanton	Gahn	Madden	Sanders, Ind.
Bond	Gallivan	Maloney	Sanders, Tex.
Bowers	Garner	Mansfield	Sears
Bowling	Gilbert	Mead	Shaw
Brand	Goldsborough	Merritt	Shreve
Brennan	Gorman	Michaelson	Sisson
Brinson	Gould	Michener	Slemp
Britten	Greene, Vt.	Mills	Smithwick
Brooks, Ill.	Hammer	Montague	Snell
Brooks, Pa.	Hardy, Tex.	Moore, Ill.	Snyder
Brown, Tenn.	Haugen	Moore, Va.	Stafford
Buchanan	Hawes	Morin	Steagall
Burke	Hayden	Mudd	Stedman
Burtness	Hays	Newton, Minn.	Steenerson
Byrnes, S. C.	Hooker	Newton, Mo.	Stiness
Campbell, Pa.	Houghton	Nolan	Sullivan
Carew	Hudspeth	Norton	Summers, Wash.
Chandler, N. Y.	Hull	O'Brien	Sumners, Tex.
Christopherson	Humphreys	O'Connor	Swing
Clague	Jefferis, Nebr.	Oldfield	Tague
Clark, Fla.	Jeffers, Ala.	Olpp	Taylor, Ark.
Clarke, N. Y.	Johnson, Miss.	Osborne	Taylor, Colo.
Classon	Johnson, S. Dak.	Padgett	Taylor, N. J.
Codd	Jones, Pa.	Paige	Ten Eyck
Cole, Iowa	Jones, Tex.	Park, Ga.	Thomas
Collier	Kahn	Parker, N. Y.	Tinkham
Collins	Kearns	Patterson, Mo.	Towner
Connally, Tex.	Kennedy	Perkins	Treadway
Connell	Kincheloe	Perlman	Tyson
Connolly, Pa.	Kindred	Peters	Underhill
Coughlin	King	Petersen	Upshaw
Crago	Kinkaid	Porter	Vestal
Cullen	Kitchin	Pou	Walters
Davis, Minn.	Knight	Pringey	Ward, N. Y.
Davis, Tenn.	Knutson	Purnell	Ward, N. C.
Deal	Kreider	Rainey, Ala.	Weaver
Denison	Kunz	Rainey, Ill.	Webster
Dominick	Langley	Raker	Williams
Drane	Lawrence	Ramseyer	Wingo
Drewry	Layton	Ransley	Wood, Ind.
Dunn	Lea, Calif.	Rayburn	Woodruff
Edmonds	Leatherwood	Reavis	Woods, Va.
Ellis	Lee, N. Y.	Reber	Woodyard
Favrot	Lehlbach	Rhodes	Wurzbach

So further proceedings under the call were dispensed with.

The SPEAKER. The Clerk will call my name.

The name of the Speaker was called, and he voted "aye."

Mr. ANTHONY. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore (Mr. WALSH). Was the gentleman in the Hall and listening when his name was called?

Mr. ANTHONY. I was not, and I desire to vote "present."

The SPEAKER pro tempore. The gentleman will be recorded as present.

Mr. GARRETT of Tennessee. No, Mr. Speaker; I do not think so at this time.

The SPEAKER pro tempore. On a motion to dispense with further proceedings under the call gentlemen may be recorded as present, but can not vote as "present."

Mr. GARRETT of Tennessee. The last call developed a quorum.

The SPEAKER pro tempore. The Chair would state on this question, which is to dispense with further proceedings under the call, a quorum is not necessary.

Mr. BURROUGHS. Mr. Speaker, I desire to vote "present."

The SPEAKER pro tempore. The gentleman will be noted as "present."

Mr. ASWELL. Mr. Speaker, I desire to answer "present."

The SPEAKER pro tempore. The gentleman can be recorded as present.

Mr. COLE of Ohio. Mr. Speaker, I desire to vote "present."

The SPEAKER pro tempore. Was the gentleman present and listening?

Mr. COLE of Ohio. No.

The SPEAKER pro tempore. The gentleman will be noted as being present.

Mr. BANKHEAD. Mr. Speaker, I am in the same state.

The SPEAKER pro tempore. The gentleman can be noted as being present.

The result of the vote was announced as above recorded.

Mr. VOLSTEAD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13.

Mr. GARRETT of Tennessee. Mr. Speaker, pending that I move that the House do now adjourn.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division. Well, to save time, Mr. Speaker, I will ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Tennessee demands the yeas and nays; 43 gentlemen have arisen, a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 50, nays 168, answered "present" 6, not voting 207, as follows:

YEAS—50.

Aswell	Garrett, Tenn.	Lowrey	Sumners, Tex.
Bankhead	Garrett, Tex.	Lyon	Swank
Bell	Hammer	Moore, Va.	Ten Eyck
Black	Harrison	Oldfield	Tillman
Briggs	Huddleston	Overstreet	Upshaw
Bulwinkle	Jacoway	Parks, Ark.	Vinson
Byrns, Tenn.	Jones, Tex.	Parrish	Weaver
Carter	Lanham	Quin	Wilson
Crisp	Lankford	Rankin	Wingo
Doughton	Larsen, Ga.	Rayburn	Wise
Drewry	Lazaro	Rouse	Wright
Dupré	Lee, Ga.	Sandlin	
Fulmer	Logan	Stoll	

NAYS—168.

Anderson	Fitzgerald	Kissel	Rogers
Andrew, Mass.	Fordney	Kleczka	Rose
Andrews, Nebr.	Foster	Kline, N. Y.	Sanders, N. Y.
Ansorge	Frear	Kline, Pa.	Schall
Anthony	French	Kraus	Scott, Mich.
Arentz	Frothingham	Lampert	Scott, Tenn.
Begg	Fuller	Larson, Minn.	Shelton
Bird	Gensman	Little	Siegel
Blakeney	Gernerd	London	Sinclair
Boies	Glynn	Luce	Sinnott
Bowers	Goodykoontz	McCormick	Smith, Idaho
Burdick	Graham, Ill.	McKenzie	Smith, Mich.
Burroughs	Graham, Pa.	McLaughlin, Mich	Speaks
Burton	Greene, Mass.	McLaughlin, Nebr	Sproul
Butler	Greene, Vt.	McLaughlin, Pa.	Steenerson
Cable	Griest	McPherson	Stephens
Campbell, Kans.	Hadley	Madden	Strong, Kans.
Chalmers	Hardy, Colo.	Magee	Strong, Pa.
Chandler, Okla.	Hawley	Mann	Sweet
Chindblom	Hersey	Mapes	Taylor, Tenn.
Clouse	Hickey	Miller	Temple
Cole, Ohio	Hicks	Millspaugh	Thompson
Colton	Hill	Mondell	Timberlake
Cooper, Ohio	Himes	Montoya	Tincher
Cooper, Wis.	Hoch	Moore, Ohio	Towner
Copley	Hogan	Moores, Ind.	Vaile
Cramton	Hukriede	Morgan	Vare
Curry	Husted	Murphy	Voigt
Dale	Hutchinson	Nelson, A. P.	Volk
Dallinger	Ireland	Newton, Minn.	Volstead
Darrow	Johnson, Ky.	Ogden	Walsh
Davis, Minn.	Johnson, Wash.	Parker, N. J.	Wason
Dickinson	Kahn	Patterson, N. J.	Watson
Dowell	Keller	Porter	Wheeler
Dunbar	Kelley, Mich.	Radcliffe	White, Kans.
Dyer	Kelly, Pa.	Ramseyer	White, Me.
Echols	Kendall	Reece	Williamson
Ellis	Ketcham	Reed, N. Y.	Winslow
Evans	Kiess	Reed, W. Va.	Wyant
Fairchild	King	Ricketts	Yates
Fairfield	Kinkaid	Robertson	Young
Faust	Kirkpatrick	Robsion	Zihlman

ANSWERED "PRESENT"—6.

Box	Driver	Focht	Herrick
Crowther	Elliott		

NOT VOTING—207.

Ackerman	Codd	Hayden	MacGregor
Almon	Cole, Iowa	Hays	Maloney
Appleby	Collier	Hooker	Mansfield
Atkeson	Collins	Houghton	Martin
Bacharach	Connally, Tex.	Hudspeth	Mead
Barbour	Connell	Hull	Merritt
Barkley	Connolly, Pa.	Humphreys	Michaelson
Beck	Coughlin	James	Michener
Beedy	Crago	Jefferis, Nebr.	Mills
Benham	Cullen	Jeffers, Ala.	Montague
Bixler	Davis, Tenn.	Johnson, Miss.	Moore, Ill.
Bland, Ind.	Deal	Johnson, S. Dak.	Morin
Bland, Va.	Dempsey	Jones, Pa.	Mott
Blanton	Denison	Kearns	Mudd
Bond	Dominick	Kennedy	Nelson, J. M.
Bowling	Drane	Kincheloe	Newton, Mo.
Brand	Dunn	Kindred	Nolan
Brennan	Edmonds	Kitchin	Norton
Brinson	Favrot	Knight	O'Brien
Britten	Fenn	Knutson	O'Connor
Brooks, Ill.	Fess	Kopp	Oliver
Brooks, Pa.	Fields	Kreider	Olpp
Brown, Tenn.	Fish	Kunz	Osborne
Browne, Wis.	Fisher	Langley	Padgett
Buchanan	Free	Lawrence	Paige
Burke	Freeman	Layton	Park, Ga.
Burtness	Funk	Lea, Calif.	Parker, N. Y.
Byrnes, S. C.	Gahn	Leatherwood	Patterson, Mo.
Campbell, Pa.	Gallivan	Lee, N. Y.	Perkins
Cannon	Garner	Lehlbach	Perlman
Cantrill	Gilbert	Lineberger	Peters
Carew	Goldsborough	Linthicum	Petersen
Chandler, N. Y.	Gorman	Longworth	Pou
Christopherson	Gould	Luhring	Pringey
Clague	Green, Iowa	McArthur	Purnell
Clark, Fla.	Griffin	McClintic	Rainey, Ala.
Clarke, N. Y.	Hardy, Tex.	McDuffie	Rainey, Ill.
Classon	Haugen	McFadden	Raker
Cockran	Hawes	McSwain	Ransley
Reavis	Sanders, Tex.	Stiness	Underhill
Reber	Sears	Sullivan	Vestal
Rhodes	Shaw	Summers, Wash.	Walters
Riddick	Shreve	Swing	Ward, N. Y.
Riordan	Sisson	Tague	Ward, N. C.
Roach	Slemp	Taylor, Ark.	Webster
Rodenberg	Smithwick	Taylor, Colo.	Williams
Rosenbloom	Snell	Taylor, N. J.	Wood, Ind.
Rossdale	Snyder	Thomas	Woodruff
Rucker	Stafford	Tilson	Woods, Va.
Ryan	Steagall	Tinkham	Woodyard
Sabath	Stedman	Treadway	Wurzbach
Sanders, Ind.	Stevenson	Tyson	

So the motion to adjourn was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ELLIOTT with Mr. BOWLING.

Mr. BARBOUR with Mr. KINCHELOE.

Mr. APPLEBY with Mr. FISHER.

Mr. DENISON with Mr. DAVIS of Tennessee.

Mr. RHODES with Mr. SEARS.

Mr. TREADWAY with Mr. COLLIER.

Mr. BRENNAN with Mr. HUDSPETH.

Mr. ROACH with Mr. SANDERS of Texas.

Mr. FUNK with Mr. HAYDEN.

Mr. FISH with Mr. DOMINICK.

Mr. BLAND of Indiana with Mr. THOMAS.

Mr. NORTON with Mr. WOODS of Virginia.

Mr. TAYLOR of New Jersey with Mr. BRAND.

Mr. KEARNS with Mr. JOHNSON of Mississippi.

Mr. LINEBERGER with Mr. KITCHIN.

Mr. ROSENBLOOM with Mr. MANSFIELD.

Mr. PATTERSON of Missouri with Mr. TAYLOR of Arkansas.

Mr. RODENBERG with Mr. RUCKER.

Mr. EDMONDS with Mr. HARDY of Texas.

Mr. FREE with Mr. MONTAGUE.

Mr. MOORE of Illinois with Mr. ALMON.

Mr. OSBORNE with Mr. MCDUFFIE.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. WOODYARD with Mr. SABATH.

Mr. MORIN with Mr. SISSON.

Mr. PURNELL with Mr. STEDMAN.

Mr. LEE of New York with Mr. HUMPHREYS.

Mr. COLE of Iowa with Mr. WARD of North Carolina.

Mr. DUNN with Mr. BYRNES of South Carolina.

Mr. CRAGO with Mr. BANKHEAD.

Mr. ELLIS with Mr. RAKER.

Mr. LAYTON with Mr. WINGO.

Mr. FESS with Mr. KINDRED.

Mr. KING with Mr. RAYBURN.

Mr. HULL with Mr. GOLDSBOROUGH.

Mr. KNUTSON with Mr. POU.

Mr. KENNEDY with Mr. OLDFIELD.

Mr. MUDD with Mr. RAINEY of Alabama.

Mr. BEEDY with Mr. ASWELL.

Mr. NOLAN with Mr. SMITHWICK.

Mr. BRITTEN with Mr. CAREW.

Mr. BOWERS with Mr. STEAGALL.

Mr. LAWRENCE with Mr. RAINEY of Illinois.

Mr. PETERS with Mr. PADGETT.

Mr. NEWTON of Missouri with Mr. O'CONNOR.

Mr. MILLS with Mr. GILBERT.

Mr. OLPP with Mr. WEAVER.

Mr. PARKER of New York with Mr. RIORDAN.

Mr. LONGWORTH with Mr. HAWES.

Mr. MCARTHUR with Mr. SUMNERS of Texas.

Mr. BURKE with Mr. TEN EYCK.

Mr. GORMAN with Mr. MEAD.

Mr. PETERSON with Mr. KUNZ.

Mr. FRENCH with Mr. SULLIVAN.

Mr. PAIGE with Mr. TAGUE.

Mr. MCFADDEN with Mr. LINTHICUM.

Mr. RAMSEYER with Mr. BRINSON.

Mr. LEATHERWOOD with Mr. CAMPBELL of Pennsylvania.

Mr. GRIEST with Mr. JONES of Texas.

Mr. MADDEN with Mr. CULLEN.

Mr. RANSLEY with Mr. MCSWAIN.

Mr. KREIDER with Mr. MOORE of Virginia.

Mr. BROOKS of Pennsylvania with Mr. LOGAN.

Mr. MALONEY with Mr. O'BRIEN.

Mr. PERKINS with Mr. HAMMER.

Mr. REBER with Mr. MCCLINTIC.

Mr. CABLE with Mr. FAVROT.

Mr. GOULD with Mr. TYSON.

Mr. MERRITT with Mr. LEA of California.

Mr. FREEMAN with Mr. TAYLOR of Colorado.

Mr. FOCHT with Mr. UPSHAW.

Mr. BOND with Mr. COCKRAN.
Mr. BIXLER with Mr. JEFFERS of Alabama.
Mr. CONNELL with Mr. HOOKER.
Mr. KINKAID with Mr. DRANE.
Mr. ATKESON with Mr. DREWRY.
Mr. SANDERS of Indiana with Mr. CONNALLY of Texas.
Mr. STAFFORD with Mr. COLLINS.
Mr. ROSSDALE with Mr. BLANTON.
Mr. WOOD of Indiana with Mr. BUCHANAN.
Mr. WARD of New York with Mr. DEAL.
Mr. SNELL with Mr. GARNER.
Mr. SHREVE with Mr. FIELDS.
Mr. TOWNER with Mr. GALLIVAN.
Mr. FOCHT. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore [Mr. WALSH]. Was the gentleman present, listening, when his name was called?

Mr. FOCHT. I was not.

The SPEAKER pro tempore. The gentleman can be recorded as present.

Mr. DRIVER. Mr. Speaker, I may not have been here in the last vote. I wish to vote "present."

The SPEAKER pro tempore. The gentleman can be recorded as present.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The House refuses to adjourn. The gentleman from Minnesota [Mr. VOLSTEAD] is recognized.

ANTILYNCHING.

Mr. VOLSTEAD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13.

The SPEAKER pro tempore. The gentleman from Minnesota moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 13) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Minnesota.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, a division.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 113, noes 52.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Tennessee demands the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Fifty-two gentlemen have risen, a sufficient number.

The yeas and nays were ordered.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Minnesota [Mr. VOLSTEAD] that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13. Those in favor of the motion will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 175, nays 7, answered "present" 1, not voting 248, as follows:

YEAS—175.

Anderson	Cramton	Goodykoontz	Ketcham
Andrew, Mass.	Crowther	Graham, Ill.	Kiess
Andrews, Nebr.	Curry	Graham, Pa.	King
Ansorge	Dale	Green, Iowa	Kinkaid
Anthony	Dallinger	Greene, Mass.	Kirkpatrick
Arentz	Darrow	Greene, Vt.	Kissel
Begg	Davis, Minn.	Griest	Kleczka
Benham	Dempsey	Griffin	Kline, N. Y.
Bird	Dickinson	Hadley	Kline, Pa.
Blakeney	Dowell	Hardy, Colo.	Kopp
Boies	Dunbar	Hawley	Kraus
Bowers	Dyer	Herrick	Lampert
Bowling	Echols	Hersey	Larson, Minn.
Burdick	Ellis	Hickey	Little
Burroughs	Evans	Hicks	London
Burton	Fairchild	Himes	Luce
Butler	Fairfield	Hoch	McKenzie
Cable	Faust	Hogan	McLaughlin, Mich.
Campbell, Kans.	Fitzgerald	Hukriede	McLaughlin, Nebr.
Carter	Focht	Husted	McLaughlin, Pa.
Chalmers	Fordney	Hutchinson	McPherson
Chandler, Okla.	Foster	Ireland	MacGregor
Chindblom	Frear	James	Madden
Clouse	French	Johnson, Ky.	Magee
Cole, Ohio	Frothingham	Kahn	Mann
Colton	Fuller	Keller	Mapes
Cooper, Ohio	Gensman	Kelley, Mich.	Miller
Cooper, Wis.	Gernerd	Kelly, Pa.	Millspaugh
Copley	Glynn	Kendall	Mondell
Montoya	Reed, W. Va.	Speaks	Voigt
Moore, Ohio	Ricketts	Sproul	Volk
Moores, Ind.	Robertson	Steenerson	Volstead
Morgan	Robsion	Stephens	Walsh
Mott	Rogers	Strong, Kans.	Wason
Murphy	Rose	Strong, Pa.	Watson
Nelson, A. P.	Sanders, N. Y.	Sweet	Wheeler
Newton, Minn.	Schall	Taylor, Tenn.	White, Me.
Ogden	Scott, Mich.	Temple	Williamson
Parker, N. J.	Scott, Tenn.	Thompson	Winslow
Patterson, N. J.	Shelton	Timberlake	Wyant
Radcliffe	Sinclair	Tincher	Yates
Ramseyer	Sinnott	Towner	Young
Reece	Smith, Idaho	Vaile	Zihlman
Reed, N. Y.	Smith, Mich.	Vare	

NAYS—7.

Briggs	Garrett, Tenn.	Lowrey	Tillman
Byrns, Tenn.	Harrison	Sumners, Tex.	

ANSWERED PRESENT—1.

Elliott

NOT VOTING—248.

Ackerman	Dunn	Lehlbach	Riddick
Almon	Dupré	Lineberger	Riordan
Appleby	Edmonds	Linthicum	Roach
Aswell	Favrot	Logan	Rodenberg
Atkeson	Fenn	Longworth	Rosenbloom
Bacharach	Fess	Luhring	Rossdale
Bankhead	Fields	Lyon	Rouse
Barbour	Fish	McArthur	Rucker
Barkley	Fisher	McClintic	Ryan
Beck	Free	McCormick	Sabath
Beedy	Freeman	McDuffie	Sanders, Ind.
Bell	Fulmer	McFadden	Sanders, Tex.
Bixler	Funk	McSwain	Sandlin
Black	Gahn	Maloney	Sears
Bland, Ind.	Gallivan	Mansfield	Shaw
Bland, Va.	Garner	Martin	Shreve
Blanton	Garrett, Tex.	Mead	Siegel
Bond	Gilbert	Merritt	Sisson
Box	Goldsborough	Michaelson	Slemp
Brand	Gorman	Michener	Smithwick
Brennan	Gould	Mills	Snell
Brinson	Hammer	Montague	Snyder
Britten	Hardy, Tex.	Moore, Ill.	Stafford
Brooks, Ill.	Haugen	Moore, Va.	Steagall
Brooks, Pa.	Hawes	Morin	Stedman
Brown, Tenn.	Hayden	Mudd	Stevenson
Browne, Wis.	Hays	Nelson, J. M.	Stiness
Buchanan	Hill	Newton, Mo.	Stoll
Bulwinkle	Hooker	Nolan	Sullivan
Burke	Houghton	Norton	Summers, Wash.
Burtness	Huddleston	O'Brien	Swank
Byrnes, S. C.	Hudspeth	O'Connor	Swing
Campbell, Pa.	Hull	Oldfield	Tague
Cannon	Humphreys	Oliver	Taylor, Ark.
Cantrill	Jacoway	Olpp	Taylor, Colo.
Carew	Jefferis, Nebr.	Osborne	Taylor, N. J.
Chandler, N. Y.	Jeffers, Ala.	Overstreet	Ten Eyck
Christopherson	Johnson, Miss.	Padgett	Thomas
Clague	Johnson, S. Dak.	Paige	Tilson
Clark, Fla.	Johnson, Wash.	Park, Ga.	Tinkham
Clarke, N. Y.	Jones, Pa.	Parker, N. Y.	Treadway
Classon	Jones, Tex.	Parks, Ark.	Tyson
Cockran	Kearns	Parrish	Underhill
Codd	Kennedy	Patterson, Mo.	Upshaw
Cole, Iowa	Kincheloe	Perkins	Vestal
Collier	Kindred	Perlman	Vinson
Collins	Kitchin	Peters	Walters
Connally, Tex.	Knight	Petersen	Ward, N. Y.
Connell	Knutson	Porter	Ward, N. C.
Connolly, Pa.	Kreider	Pou	Weaver
Coughlin	Kunz	Pringey	Webster
Crago	Langley	Purnell	White, Kans.
Crisp	Lanham	Quin	Williams
Cullen	Lankford	Rainey, Ala.	Wilson
Davis, Tenn.	Larsen, Ga.	Rainey, Ill.	Wingo
Deal	Lawrence	Raker	Wise
Denison	Layton	Rankin	Wood, Ind.
Dominick	Lazaro	Ransley	Woodruff
Doughton	Lea, Calif.	Rayburn	Woods, Va.
Drane	Leatherwood	Reavis	Woodyard
Drewry	Lee, Ga.	Reber	Wright
Driver	Lee, N. Y.	Rhodes	Wurzbach

During the foregoing roll call—

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MONDELL. Where are the 50 Democrats that were here just a moment ago?

Mr. GARRETT of Tennessee. Mr. Speaker, I object to the gentleman interrupting the roll call.

The SPEAKER pro tempore. The gentleman can not interrupt the roll call.

Mr. WINGO. Where are the 303 Republicans that you have got?

The Clerk resumed and completed the calling of the roll.

The SPEAKER. On this vote the yeas are 175, the nays 7, present 1, a total of 183, not a quorum. The Chair takes note of the fact that a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

Mr. GARRETT of Tennessee. I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. I make the point of order that the Speaker has not the authority, under the rules of the

House, of his own motion, under circumstances of this sort, to direct the closing of the doors and the calling of the roll, and to direct the Sergeant at Arms to issue his warrant until action of the House has directed it.

The SPEAKER. The Chair will hear the gentleman briefly.

Mr. GARRETT of Tennessee. Of course, less than a quorum can direct the issuing of a warrant. My recollection is that the rule provides that 15 Members upon motion may order it. The point I am making is that the Speaker may not, of his own motion, direct the issuance of a warrant without an order from the House.

The SPEAKER. The Chair has not said anything about issuing a warrant.

Mr. GARRETT of Tennessee. I make the point of order that the Speaker may not, under circumstances such as now exist, direct a call of the House.

The SPEAKER. The Chair overrules the point of order. Section 4 of the rule says:

> Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn there shall be a call of the House, and the Sergeant at Arms shall forthwith proceed to bring in absent Members—

And so forth. A quorum has failed to vote, and it is clear that a quorum is not present. It is the duty of the Chair on a roll call to take note of the fact that a quorum does not respond, and the Chair thinks he has the right immediately to order another roll call.

Of course this whole rule was adopted for the purpose of preventing obstruction. A glance at the Democratic side will show whether there is now an attempt at obstruction or not. It is clear that there is, as there are less than half a dozen Democrats present, and the Chair has the right, following the purpose of the rule, to take note of the fact that a quorum is not present and for that cause to order a call of the House, and that the doors shall be closed, and that the Sergeant at Arms shall bring in absent Members.

Mr. GARRETT of Tennessee. Another inquiry, Mr. Speaker. Is the Sergeant at Arms present?

The SPEAKER. The Chair knows that the Sergeant at Arms is at present attending the funeral of a Member of the House, but the Chair does not suppose that that necessarily means that the office of the Sergeant at Arms here is vacant or defunct. The Chair thinks that the going away of one individual officer on the duty of the House does not necessarily mean that that whole office is ineffective.

Mr. GARRETT of Tennessee. I understand also, Mr. Speaker, that there is no sworn Deputy Sergeant at Arms now in the city.

The SPEAKER. The Chair is informed that there is.

Mr. GARRETT of Tennessee. I think the House would have to proceed with the selection of a Sergeant at Arms. I do not think the office is defunct at all.

The SPEAKER. The Chair is informed that there is a sworn Deputy Sergeant at Arms here. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members. As many as are in favor of going into the Committee of the Whole House on the state of the Union will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll. [Applause.]

The question was taken, and there were—yeas 190, nays 23, answered "present" 4, not voting 215, as follows:

YEAS—190.

Anderson	Cramton	Graham, Ill.	King
Andrew, Mass.	Crowther	Graham, Pa.	Kinkaid
Andrews, Nebr.	Curry	Green, Iowa	Kirkpatrick
Ansorge	Dale	Greene, Mass.	Kissel
Arentz	Dallinger	Greene, Vt.	Kleczka
Beck	Darrow	Griest	Kline, N. Y.
Begg	Davis, Minn.	Griffin	Kline, Pa.
Benham	Dempsey	Hadley	Kopp
Bird	Dickinson	Hardy, Colo.	Kraus
Blakeney	Dowell	Hawley	Lampert
Boies	Dunbar	Herrick	Larson, Minn.
Bowers	Dyer	Hersey	Little
Browne, Wis.	Echols	Hickey	London
Burdick	Ellis	Hicks	Luce
Burroughs	Evans	Himes	Luhring
Burton	Fairchild	Hoch	McCormick
Butler	Fairfield	Hogan	McKenzie
Cable	Faust	Hukriede	McLaughlin, Mich.
Campbell, Kans.	Fitzgerald	Husted	McLaughlin, Nebr.
Campbell, Pa.	Focht	Hutchinson	McLaughlin, Pa.
Cannon	Fordney	Ireland	McPherson
Chalmers	Foster	James	MacGregor
Chandler, Okla.	Frear	Johnson, Ky.	Madden
Chindblom	French	Johnson, Wash.	Magee
Clouse	Frothingham	Keller	Mann
Cole, Ohio	Fuller	Kelley, Mich.	Mapes
Colton	Gensman	Kelly, Pa.	Miller
Cooper, Ohio	Gernerd	Kendall	Millspaugh
Cooper, Wis.	Glynn	Ketcham	Mondell
Copley	Goodykoontz	Kiess	Montoya
Moore, Ohio	Robertson	Stephens	Walsh
Moores, Ind.	Robsion	Stiness	Wason
Morgan	Rogers	Strong, Kans.	Watson
Mott	Rose	Strong, Pa.	Wheeler
Murphy	Sanders, Ind.	Summers, Wash.	White, Kans.
Nelson, A. P.	Sanders, N. Y.	Sweet	White, Me.
Nelson, J. M.	Schall	Taylor, Tenn.	Williams
Newton, Minn.	Scott, Mich.	Temple	Williamson
Ogden	Scott, Tenn.	Thompson	Winslow
Parker, N. J.	Shelton	Timberlake	Wood, Ind.
Patterson, N. J.	Siegel	Tincher	Woodruff
Porter	Sinclair	Towner	Wyant
Radcliffe	Sinnott	Vaile	Yates
Ramseyer	Smith, Idaho	Vare	Young
Reece	Smith, Mich.	Vestal	Zihlman
Reed, N. Y.	Speaks	Voigt	The Speaker
Reed, W. Va.	Sproul	Volk	
Ricketts	Steenerson	Volstead	

NAYS—23.

Barkley	Fulmer	McSwain	Swank
Briggs	Garrett, Tenn.	Oldfield	Tillman
Byrns, Tenn.	Harrison	Sandlin	Tyson
Doughton	Huddleston	Smithwick	Ward, N. C.
Driver	Larsen, Ga.	Stevenson	Woods, Va.
Dupré	Logan	Sumners, Tex.	

ANSWERED "PRESENT"—4.

Cantrill	Carter	Cockran	Elliott

NOT VOTING—215.

Ackerman	Drewry	Lazaro	Raker
Almon	Dunn	Lea, Calif.	Rankin
Anthony	Edmonds	Leatherwood	Ransley
Appleby	Favrot	Lee, Ga.	Rayburn
Aswell	Fenn	Lee, N. Y.	Reavis
Atkeson	Fess	Lehlbach	Reber
Bacharach	Fields	Lineberger	Rhodes
Bankhead	Fish	Linthicum	Riddick
Barbour	Fisher	Longworth	Riordan
Beedy	Free	Lowrey	Roach
Bell	Freeman	Lyon	Rodenberg
Bixler	Funk	McArthur	Rosenbloom
Black	Gahn	McClintic	Rossdale
Bland, Ind.	Gallivan	McDuffie	Rouse
Bland, Va.	Garner	McFadden	Rucker
Blanton	Garrett, Tex.	Maloney	Ryan
Bond	Gilbert	Mansfield	Sabath
Bowling	Goldsborough	Martin	Sanders, Tex.
Box	Gorman	Mead	Sears
Brand	Gould	Merritt	Shaw
Brennan	Hammer	Michaelson	Shreve
Brinson	Hardy, Tex.	Michener	Sisson
Britten	Haugen	Mills	Slemp
Brooks, Ill.	Hawes	Montague	Snell
Brooks, Pa.	Hayden	Moore, Ill.	Snyder
Brown, Tenn.	Hays	Moore, Va.	Stafford
Buchanan	Hill	Morin	Steagall
Bulwinkle	Hooker	Mudd	Stedman
Burke	Houghton	Newton, Mo.	Stoll
Burtness	Hudspeth	Nolan	Sullivan
Byrnes, S. C.	Hull	Norton	Swing
Carew	Humphreys	O'Brien	Tague
Chandler, N. Y.	Jacoway	O'Connor	Taylor, Ark.
Christopherson	Jefferis, Nebr.	Oliver	Taylor, Colo.
Clague	Jeffers, Ala.	Olpp	Taylor, N. J.
Clark, Fla.	Johnson, Miss.	Osborne	Ten Eyck
Clarke, N. Y.	Johnson, S. Dak.	Overstreet	Thomas
Classon	Jones, Pa.	Padgett	Tilson
Codd	Jones, Tex.	Paige	Tinkham
Cole, Iowa	Kahn	Park, Ga.	Treadway
Collier	Kearns	Parker, N. Y.	Underhill
Collins	Kennedy	Parks, Ark.	Upshaw
Connally, Tex.	Kincheloe	Parrish	Vinson
Connell	Kindred	Patterson, Mo.	Walters
Connolly, Pa.	Kitchin	Perkins	Ward, N. Y.
Coughlin	Knight	Perlman	Weaver
Crago	Knutson	Peters	Webster
Crisp	Kreider	Petersen	Wilson
Cullen	Kunz	Pou	Wingo
Davis, Tenn.	Langley	Pringey	Wise
Deal	Lanham	Purnell	Woodyard
Denison	Lankford	Quin	Wright
Dominick	Lawrence	Rainey, Ala.	Wurzbach
Drane	Layton	Rainey, Ill.	

So the motion of Mr. VOLSTEAD was agreed to.

During the roll call the following occurred:

Mr. GARRETT of Tennessee. Mr. Speaker, I understand information is being telephoned——

Mr. CAMPBELL of Kansas. Mr. Speaker, I make the point of order the gentleman from Tennessee can not interrupt the roll call.

Mr. GARRETT of Tennessee. This relates to the roll call. I understand that information is being telephoned that warrants have been issued. Now, I do not understand that any warrants have been issued, and I object to that information being telephoned unless it is a fact.

The SPEAKER. The Chair has not ordered any information telephoned. The gentleman can prevent it if he wishes—if he can. [Laughter.]

The roll call was completed.

The result was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. CAMPBELL of Kansas in the chair.

The Clerk read the bill, as follows:

A bill (H. R. 13) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Be it enacted, etc., That whenever any criminal prosecution shall have been instituted or any warrant of arrest shall have been issued, or any arrest shall have been made, or attempted, with the purpose and intent of criminal prosecution, in any State court, against any person within the jurisdiction of the State, whether he be a citizen of the United States or not, and such person shall appeal, as hereinafter provided, for the protection of the Government of the United States upon the ground that he has reasonable cause to apprehend that he will be denied the equal protection of the laws by the State within whose jurisdiction he is, or by any officer or inhabitant of such State, such person shall be entitled to the protection of the courts and officers of the United States to the end that the protection guaranteed by the Constitution of the United States may be given.

SEC. 2. That any person within the jurisdiction of any State charged with a felony or other crime who shall file with the clerk of the district court of the United States within whose jurisdiction he is a duly verified petition showing (1) that he is charged with, or has been arrested for, the alleged commission of, or participation in, some felonious or criminal act, the nature of which shall be set out in his petition; (2) that he has reason to apprehend that, because of his race, nationality, or religion, which shall be specifically stated in his petition, the petitioner is likely to be denied the equal protection of the laws, either by the courts, the officers of the law, or other inhabitants of the State within whose jurisdiction he is; and (3) that some other person or persons of his race, color, nationality, or religion, within the jurisdiction of such State, charged with an offense similar to that with which the petitioner is charged, have been put to death without trial or brutally assaulted or otherwise maltreated, or have been denied trial by due course of law in the courts of such State upon similar charges, because of the race, color, nationality, or religion of such person or persons, he shall be entitled to and shall receive the protection of all officers of the United States. The duly verified petition above described may be verified and filed either by the person in jeopardy as above described or by another person in his behalf. Upon the filing of such petition with the clerk of such court it shall be the duty of such clerk to issue forthwith to the marshal a warrant commanding him to bring the body of such petitioner into court for hearing upon such petition.

SEC. 3. That it shall be the duty of the marshal upon receipt of such warrant to arrest and detain the petitioner and to protect him from assault or injury; and in case such petitioner is in the custody of any State or municipal officer, sheriff, marshal, constable, bailiff, jailer, warden, policemen, or other officer or person, upon a warrant to hold petitioner for prosecution in any State court for felony or other crime, such marshal shall take such petitioner from such State official, receipting to him for the body of the petitioner.

SEC. 4. That when said petitioner shall have been brought into court he shall be entitled to a summary hearing upon his petition, and, in case he has been taken from the custody of any State officer he shall, in event his petition is not sustained, be surrendered by the marshal to the State officer from whom he had been taken; and if he has not been taken from the custody of any State or municipal or other officer, he shall, in the event his petition is not sustained, be set at liberty, and the costs of the proceedings shall be taxed against him. In case the petition is sustained by the court, the petitioner shall be remanded to the custody of the marshal for protection until petitioner may be tried in the proper district court of the United States upon such indictment, information, or other charge as may have been or may be made or returned against him, and for the purpose of such trial such district court shall have and possess jurisdiction to try and determine any and all proceedings upon indictment or information which may be removed from any State court under this act.

SEC. 5. That the removal of criminal prosecutions provided in this act shall conform in all respects to removals in other cases provided for by sections 31 and 32 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

SEC. 6. That section 140 of an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, is hereby amended so as to read as follows:

"SEC. 140. Whoever shall knowingly and willfully obstruct, resist, or oppose any officer of the United States, or other person duly authorized, in serving or attempting to serve or execute any mesne process or warrant or any rule or order, or any other legal or judicial writ or process of any court of the United States or United States commissioner, or shall assault, beat, or wound any officer or other person duly authorized, knowing or having reason to believe him to be such officer or other person duly authorized, or any person lawfully in the custody of such officer or other person so duly authorized in serving or executiny any such writ, rule, order, process, warrant, or other legal or judicial writ or process, shall be fined not more than $10,000 and imprisoned not more than 10 years."

SEC. 7. That section 141 of the act of 1901 last referred to is hereby amended to read as follows:

"SEC. 141. Whoever shall rescue, or attempt to rescue, take, or abduct from the custody of any officer or person lawfully assisting him any person arrested upon a warrant or other process issued under the provisions of any law of the United States, or shall, directly or indirectly, aid, abet, or assist any person so arrested to escape or to be taken or abducted from the custody of such officer or other person, or shall harbor or conceal any person for whose arrest a warrant or process has been so issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant or process has been issued for the apprehension of such person, shall be fined not more than $1,000 or imprisoned not more than six months, or both; and in case the taking or rescue of any such person in custody as aforesaid shall be followed by the killing of the person so taken from custody, all persons engaged in such taking or abduction or killing or in any way contributing thereto shall be guilty of murder and shall be punished as provided in section 275 of the act to which this act is amendatory. Any person charged with the murder of a person taken from the lawful custody of any officer of the United States or that of any other person duly authorized may be indicted for murder and tried in the district court of the United States for the district in which the offense charged was committed."

SEC. 8. That the putting to death within any State of any person within the jurisdiction of the State by a mob or riotous assemblage of three or more persons openly acting in concert, in violation of law and in default of protection of such person by such State or the officers thereof, shall be deemed a denial to such person by such State of the equal protection of the laws and a violation of the peace of the United States and an offense against the same.

SEC. 9. That every person participating in such mob or riotous assemblage by which such person is put to death, as described in the section immediately preceding, shall be guilty of murder and shall be liable to prosecution, and, upon conviction, to punishment therefor, according to law, in any district court of the United States having jurisdiction in the place where such putting to death occurs.

SEC. 10. That every county in which such unlawful putting to death occurs shall be subject to a forfeiture of $10,000, which may be recovered by action therefor in the name of the United States against such county for the use of the dependent family, if any, of the person so put to death; and if none, for the use of the United States, which action shall be brought and prosecuted by the attorney of the United States for the district in which such county is situated in any district court of the United States having jurisdiction therein. If such forfeiture is not paid upon recovery of judgment therefor, such court shall have jurisdiction to enforce payment thereof by extent of levy of execution upon any property of the county, or may compel the levy and collection of a tax therefor, or otherwise compel payment thereof by mandatory or other appropriate process; and every officer of such county and every other person who disobeys or fails to comply with any lawful order of the court in the premises shall be liable to punishment according to law as for contempt and to any other penalty provided by law therefor. For the purposes of this section and the one immediately following the District of Columbia shall be deemed a county, as shall also each of the parishes of Louisiana.

SEC. 11. That in the event any person so put to death who shall have been taken from a State or municipal officer in one county by a mob, or riotous assemblage of three or more persons, shall have been taken in one county and transported to another before such killing shall have taken place, each and every county through which such murdered person shall have been transported during the time intervening between his capture by such mob or riotous assemblage shall be jointly and severally liable to the forfeiture hereinabove provided; and in the event such person shall have been taken from one State to another between his taking and killing, the forfeiture above provided shall be enforced in both State jurisdictions by separate and distinct actions in the several Federal jurisdictions.

SEC. 12. That every State or municipal officer having the duty or power of preservation or conservation of the peace at the time and place of any such putting to death as described in section 8 hereof, who, having reasonable cause to believe that the same is being or is to be attempted, neglects or omits to make all reasonable efforts to prevent the same, and every State or municipal officer having the duty or power of prosecuting criminal offenses at such time and place, who neglects or omits to make all reasonable effort to prosecute to judgment under the laws of such State all persons participating in such mob or assemblage as hereinabove described, except such, if any, as have been or are held to answer therefor in a district court of the United States as hereinabove provided, shall be deemed guilty of an offense against the United States and shall be liable to prosecution therefor in any district court of the United States having jurisdiction in such place, and upon conviction thereof shall be punished by imprisonment not exceeding five years, or by fine not exceeding $5,000, or by both such fine and imprisonment.

SEC. 13. That every State or municipal officer having the custody within a State of any person charged with or held to answer for any crime or offense, who suffers such person to be taken from his custody by a mob or riotous assemblage of three or more persons openly acting in concert, in violation of law, with the purpose of putting such person to death or inflicting bodily violence upon him in default of protection of such person by such State or the officers thereof, shall be deemed guilty of an offense against the United States and shall be liable to prosecution therefor in any district court of the United States having jurisdiction in the place where the same occurs, and upon conviction thereof shall be punished by imprisonment not exceeding five years, or by fine not exceeding $5,000, or by both such fine and imprisonment.

SEC. 14. That in any prosecution for any of the offenses defined herein, and in any action for the forfeiture imposed as herein provided, every person who has participated in lynching or in the putting to death of or of the infliction of great bodily violence upon any person without authority of law, and every person who entertains or has expressed any opinion in favor of lynching or in justification or excuse thereof, or whose character, conduct, or opinions have been or are such as, in the judgment of the court, may tend to disqualify him for the impartial and unprejudicial trial of the cause, shall be disqualified to serve as a juror; and the attorney of the United States in such action or prosecution shall be entitled to make full inquiry thereof and to produce evidence thereon; and every person who refuses to answer any inquiry touching his qualifications on the ground that he may thereby criminate himself shall be disqualified as aforesaid.

SEC. 15. That any act committed in any State or Territory of the United States in violation of the rights of a citizen or subject of a foreign country secured to such citizen or subject by treaty between the United States and such foreign country, which act constitutes a crime under the laws of such State or Territory, shall constitute a like crime against the peace and dignity of the United States, punishable in like manner as in the courts of said State or Territory, and within the period limited by the laws of such State or Territory, and may be prosecuted in the courts of the United States, and, upon conviction, the sentence executed in like manner as sentences upon convictions for crimes under the laws of the United States.

The following committee amendment was read:

Strike out all after the enacting clause and insert the following:

"That the phrase 'mob or riotous assemblage,' when used in this act, shall mean an assemblage composed of five or more persons acting in concert for the purpose of depriving any person of his life without authority of law as a punishment for or to prevent the commission of some actual or supposed public offense.

"SEC. 2. That if any State or governmental subdivision thereof fails, neglects, or refuses to provide and maintain protection to the life of any person within its jurisdiction against a mob or riotous assemblage, such State shall by reason of such failure, neglect, or refusal be deemed to have denied to such person the equal protection of the laws of the State, and to the end that such protection as is guaranteed to the

citizens of the United States by its Constitution may be secured it is provided:

"SEC. 3. That any State or municipal officer charged with the duty or who possesses the power or authority as such officer to protect the life of any person that may be put to death by any mob or riotous assemblage, or who has any such person in his charge as a prisoner, who fails, neglects, or refuses to make all reasonable efforts to prevent such person from being so put to death, or any State or municipal officer charged with the duty of apprehending or prosecuting any person participating in such mob or riotous assemblage who fails, neglects, or refuses to make all reasonable efforts to perform his duty in apprehending or prosecuting to final judgment under the laws of such State all persons so participating except such, if any, as are or have been held to answer for such participation in any district court of the United States, as herein provided, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment not exceeding five years or by a fine of not exceeding $5,000, or by both such fine and imprisonment.

"Any person who participates in a mob or riotous assemblage that takes from the custody or possession of any State or municipal officer any person held by such officer to answer for some actual or supposed public offense and puts such person to death as a punishment for such offense, or any person who participates in any mob or riotous assemblage that obstructs or prevents any State or municipal officer in discharging his duty to apprehend, prosecute, protect, or punish any person suspected of or charged with any public offense and puts such person to death as a punishment for such offense, shall be guilty of a felony, and on conviction thereof shall be imprisoned for life or for not less than five years.

"SEC. 4. That any person who participates in any mob or riotous assemblage by which a person is put to death shall be guilty of a felony, and on conviction thereof shall be imprisoned for life or for not less than five years.

"SEC. 5. That any county in which a person is put to death by a mob or riotous assemblage shall forfeit $10,000, which sum may be recovered by an action therefor in the name of the United States against such county for the use of the family, if any, of the person so put to death; if he had no family, then to his dependent parents, if any; otherwise for the use of the United States. Such action should be brought and prosecuted by the district attorney of the United States of the district in which such county is situated in any court of the United States having jurisdiction therein. If such forfeiture is not paid upon recovery of a judgment therefor, such court shall have jurisdiction to enforce payment thereof by levy of execution upon any property of the county, or may compel the levy and collection of a tax therefor, or may otherwise compel payment thereof by mandamus or other appropriate process; and any officer of such county or other person who disobeys or fails to comply with any lawful order of the court in the premises shall be liable to punishment as for contempt and to any other penalty provided by law therefor.

"SEC. 6. That in the event that any person so put to death shall have been transported by such mob or riotous assemblage from one county to another county during the time intervening between his capture and putting to death, each county in or through which he was so transported shall be jointly and severally liable to pay the forfeiture herein provided.

"In construing and applying this act the District of Columbia shall be deemed a county, as shall also each of the parishes of the State of Louisiana.

"SEC. 7. That if any section or provision of this act shall be held by any court to be invalid, the balance of the act shall not for that reason be held invalid."

Mr. VOLSTEAD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13, the antilynching bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2591) to provide for the construction of a public bridge across the Niagara River.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 238. Joint resolution to amend an act entitled "An act to amend section 955 of the Revised Statutes by extending the jurisdiction of courts in cases of revivor."

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. J. Res. 238. Joint resolution to amend an act entitled "An act to amend section 955 of the Revised Statutes by extending the jurisdiction of courts in cases of revivor."

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2780. An act to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended.

LEAVE OF ABSENCE.

Mr. OGDEN was given leave of absence by unanimous consent until January 4, 1922, on account of illness in his family.

CALENDAR WEDNESDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House dispense with the business of calendar Wednesday to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the business of calendar Wednesday to-morrow be dispensed with. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Wednesday, December 21, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

431. A letter from the Acting Secretary of the Navy, transmitting list of claims for damages caused by naval aircraft and paid out of the appropriation "Aviation, Navy," during the fiscal year ending June 30, 1921; to the Committee on Expenditures in the Navy Department.

432. A letter from the Secretary of the Navy, transmitting statement showing for the first three months of the fiscal year 1922 the average number of employees in the Navy Department receiving $240 per annum as increased compensation; to the Committee on Appropriations.

433. A letter from the Undersecretary of State, transmitting a copy of the circular issued by the Nobel Committee of the Norwegian Parliament respecting the proposal of candidates for the Nobel peace prize to be distributed December 10, 1922; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII:

Mr. GLYNN, from the Committee on Claims, to which was referred the bill (H. R. 2722) for the relief of W. W. McGrath, reported the same with an amendment, accompanied by a report (No. 532), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9438) granting an increase of pension to Elizabeth C. Grady; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9634) for the creation of an American memorial highway commission for France and Belgium, to designate roads over which Americans marched to victory, and to secure the erection of historical rosters of American divisions engaged and other appropriate memorials thereon; Committee on Military Affairs discharged, and referred to the Committee on Foreign Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 9656) fixing a penalty for the violation of the provision of the act of Congress entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921; to the Committee on Immigration and Naturalization.

By Mr. HICKS: A bill (H. R. 9657) to authorize the Secretary of Commerce to establish a bureau of civil aviation in the Department of Commerce, to encourage and regulate the operation of civil aircraft in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VOLK: A bill (H. R. 9658) to provide adjusted compensation for veterans of the World War, to provide revenue for payment by a sales tax upon manufacturers, wholesalers, jobbers, and others, and for other purposes; to the Committee on Ways and Means.

By Mr. FROTHINGHAM: A bill (H. R. 9659) to continue in effect paragraph 8 of the section relating to medals of honor, distinguished service crosses, and distinguished service medals of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1919, as approved July 9, 1918 (40 Stat., 871); to the Committee on Military Affairs.

By Mr. HOGAN: Joint resolution (H. J. Res. 244) declaring October 12 a legal public holiday, to be known as Columbus Day; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 9660) granting an increase of pension to Margaret Kuhn; to the Committee on Pensions.

By Mr. CABLE: A bill (H. R. 9661) granting a pension to Addie Pierce; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 9662) granting a pension to Lorenzo A. Talcott; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 9663) for the relief of Frank Suggs; to the Committee on Military Affairs.

By Mr. MACGREGOR: A bill (H. R. 9664) granting a pension to Eliza J. Spencer; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 9665) granting a pension to Edward Dupler; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: Joint resolution (H. J. Res. 239) authorizing a preliminary examination or survey of Oliver Inlet, Alaska; to the Committee on Rivers and Harbors.

Also, joint resolution (H. J. Res. 240) authorizing a preliminary examination or survey of Gastineau Channel, Alaska; to the Committee on Rivers and Harbors.

Also, joint resolution (H. J. Res. 241) authorizing a preliminary examination or survey of Yukon-Kuskokwim Portage, Alaska; to the Committee on Rivers and Harbors.

Also, joint resolution (H. J. Res. 242) authorizing a preliminary examination or survey of Tolovana River, Alaska; to the Committee on Rivers and Harbors.

Also, joint resolution (H. J. Res. 243) authorizing a preliminary examination or survey of Hawk Inlet, Alaska; to the Committee on Rivers and Harbors.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3359. By Mr. APPLEBY: Petition of Hon. William N. Runyon, of Newark, N. J., urging favorable legislative action on the President's recommendation for corn and grain seed for Russia; to the Committee on Foreign Affairs.

3360. Also, petition of citizens of Newark, N. J., requesting the President to take up with Great Britain, France, and Italy the question of calling a conference for the purpose of considering methods by which the Armenians may be given an opportunity to establish themselves as a nation; to the Committee on Foreign Affairs.

3361. By Mr. CRAMTON: Petition of Mayor J. M. Marx and other residents of Brown City, Mich., protesting against any reduction in the tariff on Cuban or foreign sugar; to the Committee on Ways and Means.

3362. By Mr. FENN: Resolution of the Rotary Club of New Britain, Conn., favoring the American-valuation plan; to the Committee on Ways and Means.

3363. By Mr. GRAHAM of Pennsylvania: Petition of the League of American Citizens of Ukrainian Extraction, on the case of so-called East Galicia; to the Committee on Foreign Affairs.

3364. By Mr. KISSEL: Petition of the Elliott-Fisher Co., of New York City; to the Committee on Interstate and Foreign Commerce.

3365. Also, petition of the Sperry Gyroscope Co., William J. Baldwin, and Edward J. Drolin, all of Brooklyn, N. Y.; to the Committee on Patents.

3366. By Mr. NEWTON of Minnesota: Resolution adopted by the Minneapolis Trades and Labor Assembly, opposing establishment of industrial courts; to the Committee on the Judiciary.

3367. By Mr. REED of New York: Petition of William O. Stevens Post, Grand Army of the Republic, praying for the passage of the Morgan bill for increase of pensions; to the Committee on Invalid Pensions.

3368. By Mr. SINCLAIR: Petition of the Fortnightly Club, of Grand Forks, N. Dak., favoring the adoption of the metric system; to the Committee on Coinage, Weights, and Measures.

SENATE.

WEDNESDAY, *December 21, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee for the privileges of living and the opportunities of service. Grant that our hearts may be always inspired by the example of Him who went about doing good. In these days may there be gladness in evidence, hope and cheer constantly presented, and may we be willing to serve Thee with the largest consecration and devotion. We ask in Christ Jesus' name. Amen.

ATLEE POMERENE, a Senator from the State of Ohio, appeared in his seat to-day.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MOVING-PICTURE INDUSTRY IN FOREIGN COUNTRIES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, in response to Senate resolution 121 of August 5, 1921, a report on the development of the moving-picture industry in foreign countries and the extent of the importation of films of foreign manufacture, which was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the concurrent resolution (S. Con. Res. 17) to print 3,500 copies of the hearings before the Committee on Finance of the Senate on the bill (H. R. 7456) to provide revenue, etc., the tariff bill.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H. R. 9548) for the relief of the distressed and starving people of Russia, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ROGERS, Mr. TEMPLE, and Mr. CONNALLY of Texas were appointed managers of the conference on the part of the House.

The message further announced that the House had passed a joint resolution (H. J. Res. 233) providing for the postponement of the World's Dairy Congress, in which it requested the concurrence of the Senate.

PETITIONS.

Mr. McLEAN presented a petition of sundry employees of the Thomaston Knife Co., of Thomaston, Conn., praying for the inclusion of the American valuation plan in the pending tariff bill, which was referred to the Committee on Finance.

Mr. WILLIS presented the petition of Genova Griffeth and 214 other citizens of Minerva, Ohio, praying for the inclusion of the American valuation plan in the pending tariff bill, which was referred to the Committee on Finance.

Mr. COLT presented sundry petitions numerously signed by citizens of the State of Rhode Island, praying for the recognition of the Irish republic by the Government of the United States, which was referred to the Committee on Foreign Relations.

Mr. LADD presented petitions of sundry citizens of Cayuga, Rutland, Buford, Williston, New Rockford, Petrel, Lisbon, Sheldon, Milnor, Beulah, Wolford, Sutton, Ryder, Christine, Hannaford, Clyde, Driscoll, Kintyre, Napoleon, Fort Ransom, Cooperstown, Woodworth, Marion, Petersburg, Fordville, Dahlia, Hillsboro, Mayville, Underwood, Kenmare, Kenaston, Crosby, Carpio, Lansford, Havelock, and Tolley, all in the State of North Dakota, praying for the passage of Senate resolution 133, directing the Federal Trade Commission to investigate the conditions affecting the demand for foreign disposition, movement, and use of American exported grain, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 9021) to permit the city of Chicago to acquire real estate of the United States of America, reported it without amendment.

Mr. PAGE, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 2718. An act to provide for leasing of the floating dry dock at the naval station, New Orleans, La. (Rept. No. 372); and

S. 2719. An act to reimburse certain persons for loss of private funds while they were patients at the United States Naval

Hospital, Naval Operating Base, Hampton Roads, Va. (Rept. No. 373).

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (S. 548) to place Albert Hamilton on the retired list of the United States Navy, reported it with an amendment and submitted a report (No. 374) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KING:

A bill (S. 2893) to authorize the exchange of certain lands within the Wasatch National Forest, Utah; to the Committee on Public Lands and Surveys.

By Mr. CALDER:

A bill (S. 2894) to confer jurisdiction on the Court of Claims to try and adjudicate the claim of James Matthews, as receiver of the partnership of Thorpe & Bond, on a contract for construction work; to the Committee on Claims.

OFFICERS OF NAVAL AIR SERVICE.

Mr. WALSH of Massachusetts. I submit a resolution and ask that it be read, printed, and lie over until to-morrow.

The resolution (S. Res. 200) was read, as follows:

Whereas extensive publicity has been given to examinations recently required of officers of the Naval Air Service holding temporary commissions and members of the Naval Reserve Flying Corps desiring to transfer to permanent ranks in the Navy;

Whereas it has been publicly charged that such examinations were unfair and unreasonable, that an insufficient opportunity for preparation was afforded, that the greater portion of such examinations was devoted to navigation, steam engineering, seamanship, and other subjects wholly unrelated to aviation, and that the individual ability of the officer or member was not given proper consideration;

Whereas it has been stated that as a result of such examinations many of the successful candidates were reduced in rank and a very large per cent of the candidates were declared unqualified for permanent commissions; and

Whereas unless some action is taken the United States will lose the services of approximately 200 trained and experienced aviators, including the most experienced and skilled pilots in the country: Therefore be it

Resolved, That the Committee on Naval Affairs of the Senate, by subcommittee or otherwise, is authorized and directed to investigate the transfer and the examinations held in connection with the transfer of such officers and members, under the provisions of section 3 of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes," approved June 4, 1920, and to hold public hearings, during the recesses or sessions of the Sixty-seventh Congress, at such times and places as it may deem advisable, in order to determine the correctness of such charges and statements, to make recommendations to the Secretary of the Navy, and to report to the Senate the findings and recommendations.

The VICE PRESIDENT. The resolution will lie over under the rule.

APPOINTMENTS TO OFFICE IN PORTO RICO.

Mr. KING. Mr. President, on the 7th instant I offered a resolution based upon newspaper reports to the effect that a great number of persons were being taken from the United States to Porto Rico and inducted into office to the exclusion of Porto Ricans. I felt that it was a great injustice to the residents of Porto Rico if their beautiful island was to be filled with carpetbaggers drawn from continental America. Since the resolution was introduced I received a letter from President Harding, which I ask may now be read.

The VICE PRESIDENT. The Secretary will read as requested.

The reading clerk read as follows:

THE WHITE HOUSE,
Washington, December 19, 1921.

MY DEAR SENATOR KING: My attention has been called to a resolution which you presented to the Senate, which, if adopted, will call for the number of continental and native citizens in the employ of the insular government of Porto Rico.

Having learned of the matter, I felt so ready to have you have the information that I asked Gov. Reily to advise me concerning his appointments, so that I might give you the desired information without awaiting the sanction of the Senate by the passage of your resolutions.

Gov. Reily became the chief executive of the islands on last July 1, and at that time found 49 continentals and 5,911 natives employed in the insular government. The only changes of any consequence since that time have resulted in reducing the number of continentals from 49 to 45. You will probably be interested in having the details of these particular changes. My appointments to the island service are four in number: First, E. Mont. Reily, governor, succeeding Gov. Yager, a continental appointed by President Wilson; second, W. L. Kessinger, auditor, succeeding a continental appointed by President Wilson; third, J. B. Huyke, commissioner of education, a Porto Rican, succeeding Paul G. Miller, a continental appointed by President Wilson; fourth Robert H. Todd, commissioner of immigration, a Porto Rican, succeeding L. C. Evans, a continental appointed by President Wilson; fifth, M. R. Pesquera, prohibition director, a Porto Rican, succeeding Dr. Donaldson, a continental appointed by President Wilson; sixth, H. S. Besosa, United States agent for collector of internal revenue, a Porto Rican, succeeding George S. Matthews, a continental appointed by President Wilson.

You will note, therefore, that in the major appointments there have been six changes, and in four instances officeholders who were appointed from the continent have been succeeded by citizens of Porto Rico, Other than Gov. Reily, only one appointee comes from Kansas City, Mo., namely, the auditor, Mr. Kessinger.

Since Gov. Reily has been in executive authority he has made 25 appointments to the island government, and of this number 2 are former continentals who have resided in the island for a quarter of a century, who are representative citizens, and both of whom formerly held the positions to which Gov. Reily appointed them. One of these appointees was first named by President Taft and the other by President Wilson. All others are native Porto Ricans.

Gov. Reily informs me that there are 174 continental American teachers employed in the schools of Porto Rico, this number including those connected with the insular university. These governmental employees from the continent are not included in the list of employees above quoted. I understand that the commissioner of education is seeking now to secure 200 more continental American teachers. There seems to be a very general demand for this service in order to promote the instruction of Porto Rican children in the English language.

This information, I have assumed, is what you are seeking by your resolution, and I am more than happy to transmit it for the information of the Senate without awaiting the passage of the resolution.

If there is any other information desired concerning the administration of the government in Porto Rico, it will be a pleasure to make it available at any time.

Very sincerely,

WARREN G. HARDING.

HON. WILLIAM H. KING,
United States Senate, Washington, D. C.

Mr. KING. Mr. President, I was gratified to receive this letter from the President. It will prove reassuring and silence criticisms which have been leveled directly against Gov. Reily and indirectly against the administration. The letter would seem to indicate that it was the purpose of the President to select, so far as possible, bona fide residents of Porto Rico for official positions within that Territory.

The conduct of both political parties in dealing with Territories has long been the cause of serious criticism and has provoked resentments upon the part of those living within such Territories. The policy of political parties for many years has been to send to Territories, whether insular or continental—to hold positions of trust and responsibility, as well as subordinate and inferior positions—persons who resided beyond the borders of such possessions and Territories. Carpetbaggers—those who had no interest whatever within the Territories, who were not acquainted with the people, and who were ignorant of their needs, aspirations, and surroundings—have been forced upon the inhabitants of our Territories, and they were, of course, compelled to accept their ministrations. Too often discredited politicians—those who were obnoxious to party leaders within some of the States—have been commissioned to control and exercise authority within the Territories of the United States. The result has been that the people of the Territories were restive and discontented under the form of government imposed by the United States, and demanded with vehemence that they be admitted into the Union in order that they might enjoy the benefits of Statehood and be permitted to select their own governors and representatives and officials.

It is highly important that in dealing with our insular possessions the wishes of the people residing therein should, so far as possible, be respected. The people of Porto Rico came to the United States as the result of war. They spoke a different language, possessed different traditions, and in many ways their culture and civil and political institutions were at variance with our own. The Federal Government, in dealing with Porto Rico, should manifest the greatest consideration and, indeed, sympathy for the people of that Territory. Due regard should be had for their past history and every legitimate effort made to bring them into accord with the political institutions and with the spirit and genius of our Government. They should be treated with respect and courtesy and with consideration. They should be made to feel that they are not political exiles or beyond the pale of constitutional government. I believe the people of Porto Rico will respond in a most generous and hearty manner to every step taken to promote their prosperity and welfare and to bring them within the same influence and spirit that controls and binds the States and people of this Republic.

I know that the people of continental United States are profoundly interested in the welfare and happiness and freedom of the inhabitants of Porto Rico, who now wear the proud title of "Americans." As I interpret the President's letter, the bona fide residents of Porto Rico will be accorded full consideration in the matter of political appointments. The President, I feel sure, knowing his broad sympathies and his liberal and enlightened views, will strive to promote the welfare and happiness of the people of this beautiful island who now with us rejoice in the liberty that the Constitution of this Republic guarantees to all.

CLAIMS REFERRED TO THE COURT OF CLAIMS.

Mr. CALDER. I ask unanimous consent for the present consideration of Senate resolution No. 170, which refers to the Court of Claims certain bills introduced by me in connection with claims against the Government for damages sustained during the war. I doubt if it will take a moment's discussion. If it does, I shall not ask for its consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved, That the bills making an appropriation to pay the R. S. Howard Co., of New York City, N. Y., its loss and damage incurred and suffered by it in complying with United States Navy commandeer order No. N-3255, dated June 18, 1918 (S. 1529); the Acme Die Casting Corporation, of New York City, N. Y. (S. 1534); the Sirio Match Co., of New York City, N. Y. (S. 1527); Fairbanks, Morse & Co., of New York City, N. Y. (S. 1533); the Thermal Syndicate (Ltd.), of New York City, N. Y. (S. 1526); the Drapery Hardware Co., of New York City, N. Y. (S. 1525); Charles B. Chrystal (S. 1532); the William Wrigley, jr., Co. (Inc.), of New York City, N. Y. (S. 1524); and the P. L. Andrews Corporation (S. 1521), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

Mr. FLETCHER. Has this matter been considered by the Committee on Claims?

Mr. CALDER. Yes; it has.

Mr. FLETCHER. And the committee favors this action?

Mr. CALDER. Yes. The resolution simply refers to the Court of Claims, for a finding of facts, certain bills introduced by me.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

WORLD'S DAIRY CONGRESS.

Mr. NORRIS. Mr. President, I ask the Chair to lay before the Senate the House joint resolution in regard to the invitation to be extended to foreign countries to send delegates to a dairy congress. The Committee on Agriculture and Forestry of the Senate yesterday reported a similar joint resolution, worded differently, but having exactly the same object in view.

I ask unanimous consent for the present consideration of the House joint resolution.

Mr. FLETCHER. Mr. President, I do not object, but the question of procedure, in my mind, is whether the rules would require the joint resolution to go to the Committee on Agriculture and Forestry and then be reported back.

Mr. NORRIS. The Committee on Agriculture and Forestry have had before them a similar joint resolution and have reported it, and it is on the calendar.

Mr. FLETCHER. I understand that. That would be the regular way; but I presume it can be done legally in this way, and I have no objection.

The joint resolution (H. J. Res. 233) providing for the postponement of the world's dairy congress was read the first time by its title and the second time at length and considered as in Committee of the Whole, as follows:

Resolved, etc., That the authority granted by the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922, approved March 3, 1921, to the President to extend invitations to foreign Governments to be represented by delegates in a world's dairy congress to be held in the United States in 1922 is hereby modified so as to authorize the extending of such invitations for such congress to be held in 1923.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NORRIS. I ask unanimous consent that the similar joint resolution now on the calendar, reported from the Committee on Agriculture and Forestry, be indefinitely postponed.

The VICE PRESIDENT. Without objection, Senate joint resolution 146, authorizing the President to extend invitations to foreign Governments to send delegates to a world's dairy congress in 1923, will be taken from the calendar and indefinitely postponed.

CONDITION OF SUPREME COURT DOCKET.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The resolution (S. Res. 198), submitted yesterday by Mr. TRAMMELL, was read as follows:

Whereas all causes brought to the Supreme Court of the United States for final decision should be acted upon by said court without undue delay; and

Whereas if the docket of the said court is so congested that litigants are unable to obtain a prompt decision in the court of last resort the Congress should afford the relief necessary to correct such conditions; and

Whereas, the Senate desires information upon the question of whether or not there is such number of cases constantly pending in said court as to make it impossible for the court to dispose of cases without long delay and hardship upon litigants because of their inability to get prompt action in this the highest court in the land: Therefore be it

Resolved, That the Chief Justice of the Supreme Court of the United States is requested to direct the clerk of said court to furnish to the Senate such data and information as may be necessary to indicate the condition of the docket of the said court; to advise the number of cases on the docket awaiting final disposition by the court; to give the average length of time required for a decision after cases are ready for action by the court; and to furnish such further information as the Chief Justice may order the clerk to transmit to the Senate in response to this request regarding the status of the litigation in the said court.

Mr. FLETCHER. My colleague [Mr. TRAMMELL] is not in the Chamber at this moment.

Mr. KENYON. I suggest that the resolution go over.

The VICE PRESIDENT. It will go over without prejudice.

RELIEF OF DISTRESS IN RUSSIA.

Mr. WATSON of Georgia. Mr. President, on yesterday, without a roll call and very much to my surprise, the Senate passed a bill appropriating $20,000,000 for the purchase of grain for Russia. Already a storm of protest is beating upon the Capitol. Senators are receiving telegrams and letters. One of those letters I will, with the permission of the Senate, read. It does not come from my State; it comes from North Carolina, and is as follows:

DEAR SIR: I want to call your attention to the inclosed clipping with which you no doubt are familiar.

It is a clipping the head line of which reads as follows:

Bill providing $20,000,000 for starving Russians passed by the House by large majority.

I proceed with the letter:

This is hard for me to understand, as I am personally interested in trying to get a rating from the Bureau of War Risk Insurance. I was gassed twice and also wounded once while a member of Company D, of One hundred and nineteenth Infantry, Thirtieth Division. I enlisted April 27, 1917, and was in all the major offensives that the Thirtieth Division took part in; and as a result of this gas I am not able to work and have no clothes or money. Don't you think I should receive consideration before these foreigners do? I want to protest against the passage of this bill by the Senate, for there is enough hunger and privation among the ex-soldiers of the United States. I feel sure that you will do all in your power to defeat this bill. If the United States Government has money to give to Russia in unlimited quantities, why should they not give me what I justly deserve? If you care to substantiate the above assertions, my complete military record is on file at the Bureau of War Risk Insurance.

It is with deep regret that I call on the honorable Senators at such a busy time, but this matter demands immediate attention, and assistance that you will render me will be very much appreciated.

He evidently meant "any assistance you will render me."

Thanking you in advance, I beg to remain,

Very truly, yours,

THOMAS W. STEVENS,
Ward 12, U. S. P. H. No. 50, Oteen, N. C.

Then he gives his claim number.

Mr. President, many years ago the potato blight struck Ireland. Within a day or so the teeming population of that storm-tossed country were reduced to the brink of starvation. Public meetings were held all over the Union. One of them was held in the city of New Orleans, where Sargeant S. Prentiss made a speech which has become a classic—it may be found in all the books on oratory—in which he spoke of the Irish soldier who had successfully fought the battles of every nation except his own. At that time, when the millions of Ireland near to us, the island whose blood has mixed with ours from the very beginning of our national existence, whose soldiers fought in the Revolutionary War, whose soldiers fought in every war we have had since—even then there was no attempt to secure from Congress an appropriation like this. People were appealed to in just such meetings as that held in New Orleans, which was addressed by Prentiss.

Again, Mr. President, there have been famines in China, and harrowing stories would come to this country about them. Charitable contributions would pour in and private relief would be extended. No attempt was made upon the Treasury, upon the trust funds committed to our care.

There have been famines in India. Those famines lasted for months and months; and pictures, hideous to behold, were printed in the newspapers and magazines throughout the United States. Again, there were societies and individuals who took up collections for the relief of stricken India; but no effort was made to violate the Constitution, to take the people's money, to leave our own distressed people in distress and go through this Hooverizing process of relieving Russia.

Some years ago, Mr. President, there was a famine in Russia. What did we do about it? Charitable associations and sympathetic individuals bought vesselfuls of grain and sent it to the relief of the starving Russians. No attempt was made upon this trust fund committed to us by the people. We are placed by our oath of office in front of the Treasury door and we are sworn to protect that trust fund. I repeat, no effort was made in that case to invade the Treasury.

Yesterday I called attention to the fact that it is only in recent years, Mr. President, that Congress has granted domestic relief—relief to afflicted people in the United States. Only a few years ago, historically speaking, President Cleveland vetoed such a bill when offered in behalf of Texas—that vast area, an

empire in itself, in whose history I glory and to whose interests I am deeply committed. A drought had struck that imperial State; the young cotton plants had been destroyed; there were no seed left with which to replant the fields. Congress passed an appropriation to buy seed, but President Cleveland vetoed the bill, thus killing it.

When I was a Member of the House of Representatives the Mississippi Valley was overflowed. Tens of thousands of people in the great valley of the Mississippi had their homes swept away; had their live stock swept away; had their means of support destroyed. In that great valley they stood, without a change of clothing, with no houses to shelter their heads, with no food, and no work possible for them. In that situation, "Private" John Allen, of Mississippi, introduced a bill for the relief of those people from that providential calamity. I was present when the leaders of the House went to him and urged him not to press it, and, because the Democratic leaders urged Mr. Allen not to press his bill, he did not press it, and the bill failed.

Mr. President, this bill can not pass the Senate before the holidays. Mr. Hoover will have to wait. Mr. Hoover is not an American, except barely, if at all, by the accident of birth. His entire life has been a foreign adventure; his entire sympathies are continental—European, not American. When he was nominated to the Cabinet President Harding put a millstone around his neck, and that millstone will drag President Harding down if such measures as this continue to be brought forward and passed.

The enormous vote which was given to the Republican ticket last year was not so much a Harding vote as it was an anti-Wilson anti-Hoover vote. If I wanted to see the Republican Party commit suicide I would support this measure as a matter of strategy; but above the interests of my party or yours, Senators on the other side, I place the interests of my people, and my people are those of the East and the North, the West and the South.

Knowing as I do of the suffering throughout the country, of the squalor that exists within a mile of where I stand, and of the squalor that exists in the capital city of my own State; knowing of the crowded tenement with its inevitable filth, disease, vice, suffering, and starvation, I would be recreant to my sense of duty if I did not assume the full responsibility of demanding a yea-and-nay vote on this bill. The headline says it passed the Senate by a large majority, but I do not think it will be finally passed by so large a majority.

Why should Mr. Hoover be organizing an international benevolent society? The newspapers yesterday said he was doing it. How much of this money will be left for the Russians by the time the Hoover agencies get through working on it, and salaries, expense accounts, and commissions are deducted? How much of this grain will ever get into the shape of a loaf of bread, and how many loaves will it carry to starving Russia? Are we forever to play the Don Quixote of the universe? Have we no regard for our own suffering poor? Where are the men who spoke and voted against the soldiers' bonus bill? Do they think that, with that vote and those speeches in their records, they can go before their people and defend their vote for this Russian relief?

Senators, if you put this $20,000,000 of Russian relief before the soldiers' bonus bill you will have a hard case to plead in your defense when your constituents justly blame you.

Mr. HEFLIN. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. WATSON of Georgia. I yield.

Mr. HEFLIN. The Senator will recall that a few months ago there was brought to the attention of Senators on the other side the fact that the Government had expended nearly $100,000,000 on the Muscle Shoals project on the Tennessee River, in Alabama, and we asked for $10,000,000 more to proceed with that work to completion, stating that if the $10,000,000 were not provided thousands of people would be thrown out of employment and the money already invested would be lost, but they denied us the $10,000,000.

Mr. WATSON of Georgia. That is true, Mr. President. You single out the products of the West. Why so? Does anybody believe that western sentiment is going to be changed by this $20,000,000? How much of that grain remains in the hands of the men who grew it, in the hands of the men who reaped it, in the hands of the men who thrashed it? How much of that grain is in the hands of the original producer? Trust companies control flour. Trust companies control the available supply of wheat and corn. This is a donation to trust companies, not to individual farmers; and, as a Senator remarked here a few days ago, the farmer is not so stupid as he is sometimes considered. He reads for himself; he thinks for himself; he acts for himself. The most independent man on earth is the ordinary farmer. The time may have been when he could have been properly caricatured as a rustic with his long beard and his unkempt clothing. That time is past. The ordinary farmer knows more about questions of finance and of economics than the ordinary merchant or banker.

The Senator who addressed the Senate yesterday on the constitutional argument, the Senator from Rhode Island [Mr. COLT], virtually declared that Congress could do anything not forbidden by the Constitution. Just the reverse of that is the law, Mr. President. If he wanted to state, with considerable clearness and force, exactly what the Constitution is not and what the law is not, he achieved a brilliant triumph.

Another Senator, the Senator from Idaho [Mr. BORAH], argued that because various Governments, including our own, had wronged the Russian government, we ought to extend this relief. He likened it to the case of a starving child at his door to whom he would give a loaf of bread. In the first place, we are not giving our own loaf of bread; we are giving somebody else's loaf of bread; and we are preventing the American child here at home, starving, from eating that loaf of bread.

Mr. FLETCHER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Florida?

Mr. WATSON of Georgia. Certainly.

Mr. FLETCHER. Just in this connection, I thought at the time that the Senator from Idaho was scarcely just to the United States in his reference to what we had failed to do for Russia and the things that we had done which we ought not to have done, and he ought to be reminded of the fact that there appears on our books now due from Russia to the United States $192,601,297. Not only that, but the very day the President was delivering this message to the House the Senate passed a joint resolution giving to the Russian people now about $4,000,000 worth of hospital supplies from our Army surplus, so that we have been doing something.

Mr. DIAL. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. WATSON of Georgia. Yes.

Mr. DIAL. I should also like to ask the Senator from Georgia whether he recalls the size of the army that Russia is maintaining at the present time? The number is something like a million and a half, according to the last statement I saw, as I remember.

Mr. WATSON of Georgia. Mr. President, it is well known, I think, that the present government of Russia has had large armies on at least three fronts.

Mr. DIAL. No; I mean what she is maintaining now.

Mr. WATSON of Georgia. I was coming to that. There was the army which drove the British out of Persia and out of the oil regions of Baku. There was the army which met the Poles, whom the French were financing, when they were attacking Russia. There was the army which met Gen. Wrangel, Gen. Denikin, and Admiral Kolchak. They have vast armies, Mr. President, much in excess of a million and a half of men. The general idea I get of the Russian situation is that they have not less than 4,000,000 men under arms.

The statement appeared yesterday in the remarks of the Senator from New York [Mr. WADSWORTH] that Russia, even in the famine field, has an ample supply of food; but the Senator from Nebraska [Mr. HITCHCOCK] thought it was an ample reply to say that only those who had the money could buy it. If the Russians have the food and will not feed one another, why in the name of God and common sense should we do it? Nobody denies that they have the food. The Senator from Nebraska did not deny it. He said they did not have the money to buy it. He did not deny that the food was there.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. WATSON of Georgia. With pleasure.

Mr. OVERMAN. The food of Russia, as was shown here yesterday, is flour. This bill does not pretend to send them any wheat; it is corn. They do not know how to grind corn; they do not know anything about corn, and I am told that they will not eat it.

Mr. WATSON of Georgia. Mr. President, the statement of the Senator from North Carolina is very illuminating. It offers food for thought; but the statement remains undenied that Russia has the food. Well, if Russia has the corn, why come to America for it? The Jews did not go down into Egypt until famine struck Palestine. Then they went down into the

Valley of the Nile, where Joseph had the corn. Russia has the corn, the wheat. Is she so unnatural as to allow her own children to die at her gate from starvation, when she herself has the corn? Let some Senator disprove the statement made here yesterday. Let some Senator challenge it. As yet, no challenge has been heard; no denial has been made. Then Russia has the corn; and if she can not provide for her own household, she is worse than an infidel.

Are we to understand that the richer class of Russians, the middle class, the well-to-do, the people who have the food, harden their hearts against starving Russians in their own country? If so, less and less is her claim upon our sympathy, and her demand less forceful in her plea for relief.

As a matter of fact, Russia has made no appeal for relief. When and where did Russia present her petition for relief? It is the charity broker who has made Russia's business his own. It is Hoover who wants to reestablish that international charity work. Saddle it on us now, and you will find it harder to throw it off next time. You will be setting up here a precedent that will soon become a law which you can not resist.

Senators, I feel deeply on this subject. I was astounded yesterday when the leaders who were opposing this measure failed to call for a yea-and-nay vote. A junior in service to those who are leading that fight, I felt a delicacy in making the point then. I have thought the matter over. You will ask for unanimous consent for the adoption of the conference report. If I agreed to that, I would become a party to what you are doing. As an honest Senator——

Mr. KENYON. Mr. President, there is no conference report here, the Senator understands, so that is a matter which will come up later. The conferees have not met as yet.

Mr. WATSON of Georgia. Mr. President, it is well known to Senators that information gets into these corridors that sometimes does not get onto the floor, much less into the record. Note my prediction, Mr. President and Senators: The House conferees will throw out the amendments which were put on here, and which were accepted with great reluctance by the Senator who had charge of the bill, the Senator from Utah [Mr. SMOOT].

Those amendments are going to be cast aside and we will be confronted with the proposition in its original form. Then you can not pass it without unanimous consent. Can I not be allowed to see a few feet in front of where I am walking? I know what is going to happen; I feel sure I do, at least, and I know that you can not pass that appropriation without unanimous consent, because you have not a quorum here in the city, and you can not get a quorum here. This is not going to be any Christmas gift to Mr. Hoover and the other charity brokers connected with his vast international benevolence.

The charity broker belongs to a profession. He never gives anything himself; he never does any work himself. His idea of charity is to go to Smith for aid when he sees Jones in distress. He never gives anything himself, and when the money comes in, the very first thing he does is to fix an enormous salary for himself. He takes it out of the charity fund as his commission. It is a brokerage business, and the charity broker is just as much a business man as the man who sells stocks and bonds.

Mr. KENYON. Mr. President, my attention was diverted, and I want to get clear what the Senator said about Mr. Hoover. Did the Senator refer to Mr. Hoover as getting a salary out of charitable funds?

Mr. WATSON of Georgia. No; I did not say that.

Mr. KENYON. Then I misunderstood the Senator.

Mr. WATSON of Georgia. I referred to charity brokers in general. I did say, at least by inference, that those who have been working in this international charity business have received salaries. I am sure that will not be denied.

Mr. KENYON. Does the Senator say that Mr. Hoover ever received any salary for his charitable work?

Mr. WATSON of Georgia. I have never said so, but I will say this, I think if he would make an accounting, accompanied by vouchers, of the enormous sums he did spend, he would add very much to the satisfaction of the American people.

Mr. CARAWAY. Mr. President, if the Senator felt, when the bill was pending, that somebody was going to filch a large part of it for salaries, why did he not offer an amendment that none of it should be paid for salaries, and thus prevent that?

Mr. WATSON of Georgia. There were two reasons why no amendments were offered by me. One was that official business required my absence from the Chamber at the time the bill was pending. Another was that I did not wish by the presentation of any amendment to impliedly commit myself to the proposition. I very seriously considered that very thing, and I came to the conclusion that if I offered an amendment, I would be morally bound to support the bill if that amendment got into it.

Mr. President, there have been times when I was in grave doubt as to what to do. There have been times, as Senators remember, when I stood alone on this side of the Chamber. There may be times when I will again stand alone; but in this case I have no doubt whatever that this is a vicious precedent, and it will never be set with my consent. I will oppose it to the very end. I believe it wrong.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. WATSON of Georgia. With pleasure.

Mr. TOWNSEND. The Senator has made some statements which were so contrary to my understanding that I wish to call his attention to the facts, and be sure that he is right about them. The Senator stated, as I understood him, that Mr. Hoover has never contributed anything to this charitable work.

Mr. WATSON of Georgia. Mr. President, the Senator misunderstood me; I did not state that. What I did state, in the brief sketch I was making of the professional charity broker, was that this professional broker, who got charity funds from other people, would fix his own salary out of those funds, and that it was always an enormous salary.

Mr. TOWNSEND. Without discussing the merits of this measure at all, I wish to state that it has been my understanding that Mr. Hoover has not only contributed his time without any compensation, but that he has contributed many thousands of dollars of his own money toward charity.

Mr. WATSON of Georgia. Mr. President, the Senator's understanding may or may not be in accord with the facts. I have not made any statement upon this subject. This is not a personal attack upon Mr. Hoover; it is an attack upon Hooverism. It is an attack upon this international relief business. There seems to be a kind of mania—engendered by the war, of course—to take American money and send it away, when every dollar of it is needed here at home.

I will refer the Senator from Michigan [Mr. TOWNSEND] to the notorious fact that during the early period of the war there were vast sums taken up in New York for charity work; and the New York papers published the facts as to the salaries which had been allotted to themselves by these charity brokers. They were stupendous; and, of course, those men acted for themselves, put their own estimate on the value of their own services, and took their salaries out of the charity funds. Those facts were published in detail by the New York papers.

Here we are dealing with a country which admittedly has food supplies sufficient—if you could put up the price—and the price is about half of what we are paying here. Then it comes to this: Will Russia allow her own people to perish when Russia has the food with which to save them?

Speaking about Russia's assets, I mentioned yesterday the almost incalculable value of the oil fields in the Baku region. Those wells were spouting, some of them burning, when Alexander the Great passed through that region on his way to India. How long they have been burning and gushing there will never be known, but one of the most interesting books I ever examined is that which bears the title "Baku," published in London. It is a fascinating story of a natural asset of inestimable value.

Then there is the timber, and there are the minerals, some of which were mentioned by the Senator from Maryland [Mr. FRANCE] in the course of his argument the other day. There is not a country on earth more splendidly endowed by nature with undeveloped resources than Russia.

The distressed situation could be relieved by a cablegram, which would in 48 hours open the markets of Russia to the world, and open the markets of the world to Russia. That is the sensible course, it seems to me—with all respect to those who differ—which ought to be pursued. Lift that nation into the family of nations, recognize it as a self-governing nation. We are committed to the principle that all government rests upon the consent of the governed. The Russian people like this form of government. They sustain it with their blood, as well as their treasure and their service. We have no right to dictate to Russia. We have no right to dictate to any foreign land its form of government.

As a Christmas gift from the White House here in Washington City, let a cablegram go to St. Petersburg or to Moscow carrying the Christmas tidings of the recognition of their government. Then it would be like the angel song the shepherds heard on the plains of Judea on the night that Christ was born in the manger.

MARINE INSURANCE IN THE DISTRICT OF COLUMBIA.

Mr. JONES of Washington. Mr. President, there are a number of Senators who desire to speak to-day, but I gave notice that I expected to call up a bill which I do not think will meet with any objection, and in order that there may be a measure before the Senate to which Senators may speak, I ask that the Senate proceed to the consideration of the bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

APPOINTMENT OF POSTMASTERS IN SOUTH CAROLINA.

Mr. DIAL. Mr. President, I presume that patronage has been a bone of contention and a source of trouble since the organization of our Government. I realize that in this country we have government by party, and I have no criticism to make of that; but I enter my vigorous protest, Mr. President, against the method of appointing postmasters in my section of the country.

If I were in power and had the distribution of offices, I would endeavor to be consistent and would not mislead the people. I would either have manhood enough to say that I would appoint the best men to office—and it would take a good deal of proof to convince me that my friends were not the best men—or I would leave the appointment of these officers to a vote of the community. If I undertook to have a civil-service examination, I would be honest and let the man making the highest mark, in the absence of anything against his character or his ability, receive the appointment.

I desire to have inserted as a part of my remarks the Executive orders of March 31, 1917, May 10, 1921, and July 27, 1921, on this point.

There being no objection, the orders referred to were ordered to be printed in the RECORD, as follows:

The Executive order of March 31, 1917, relating to post offices of the first, second, and third classes is hereby amended to read as follows:

"Hereafter when a vacancy occurs in the position of postmasters of any office of the first, second, or third class as the result of death, resignation, removal, or, on the recommendation of the First Assistant Postmaster General, approved by the Postmaster General, to the effect that the efficiency or need of the service requires that a change shall be made, if such vacancy is not filled by nomination of some person within the competitive classified civil service who has the required qualifications, then the Postmaster General shall certify the fact to the Civil Service Commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy, and when such examination has been held and the papers in connection therewith have been rated, the said commission shall certify the result thereof to the Postmaster General, who shall submit to the President the name of the highest qualified eligible for appointment to fill such vacancy, unless it is established that the character or residence of such applicant disqualifies him for appointment. No person who has passed his sixty-fifth birthday or who has not actually resided within the delivery of such office for two years next preceding such vacancy shall be given the examination herein provided for."

Executive order requiring examinations: Under the civil-service law, positions which are filled through nomination by the President for confirmation by the Senate are not included in the competitive classified service. Positions of postmaster at first, second, and third class post offices are filled in this manner. For such positions, however, examinations are held by the Civil Service Commission, at the request of the Postmaster General, under an Executive order issued May 10, 1921, revised July 27, 1921, which provides as follows:

"When a vacancy exists or hereafter occurs in the position of postmaster at an office of the first, second, or third class, if such vacancy is not filled by nomination of some person within the competitive classified civil service who has the required qualifications, then the Postmaster General shall certify the fact to the Civil Service Commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy, and when such examination has been held and the papers in connection therewith have been rated, the said commission shall certify the results thereof to the Postmaster General, who shall submit to the President the name of one of the highest three qualified eligibles for appointment to fill such vacancy unless it is established that the character or residence of any such applicant disqualifies him for appointment: *Provided*, That at the expiration of the term of any person appointed to such position through examination before the Civil Service Commission, the Postmaster General may, in his discretion, submit the name of such person to the President for renomination without further examination.

"No person who has passed his sixty-fifth birthday, or who has not actually resided within the delivery of such office for two years next preceding the date of examination, shall be given the examination herein provided for.

"If, under this order, it is desired to make nomination for any office of a person in the competitive classified service, such person must first be found by the Civil Service Commission to meet the minimum requirements for the office."

Mr. DIAL. The order under the former administration required that an examination be held, and that the person making the highest mark receive the appointment. That order was changed on May 10 and July 27 of the present year. Under the present system the Civil Service Commission holds an examination and certifies the names of the three parties making the highest marks, and one of that number is selected postmaster.

I consider that method hypocrisy, camouflage, misleading, a subterfuge, and anything else wrong you might denominate it. In my section of the country it is merely aiding the Republicans to debauch weak men. I have no complaint to make of a man who is a Republican from principle. He has just as much right to his opinions as I have to mine and they are entitled to just as much respect as mine are, notwithstanding I think he shows poor judgment. In my State we have only a few men who are entitled to be called Republicans. There are not enough to fill the offices under the administration. Hence after the election we hear of some birds of pilgrimage, I believe they call them, or birds of flight, coming down there, turning up with the claim of being Republicans. I am going to list a few of those to show the operations under the Republican administration.

I hold in my hand a circular from the American Legion, dated December 13, 1921, praising the honorable Postmaster General for his very liberal treatment of the soldier. Certainly the Legion was not posted as to the decisions and acts of the Post Office Department. I would be glad to have them look further into the subject and to get more light. No doubt the Legion intends well, and they are entitled to the praise of the country for trying to take care of that most magnificent and deserving body of men, the soldiers.

I also have in my hand a letter from the Post Office Department dated December 17 of this year, in which, among other things, it is said:

In accordance with the Executive order of May 10, 1921, a candidate for appointment at a presidential office must have resided within the actual delivery of the office to which he seeks appointment for at least two years next preceding the date of the examination.

They lay down that proposition; in fact, they make it necessary that an applicant shall be a citizen of the State and shall have resided in the precincts of the post office for two years next preceding appointment. The general requirements are:

To be eligible for examination for a position as postmaster at an office of the first, second, or third class, a candidate must be a citizen of the United States; must actually reside within the delivery of the office for which the application is made; must have so resided for at least two years next preceding the date of the examination.

The President made two orders on the subject. One was that the applicant must have so resided for two years next before the vacancy. I do not know that this order was changed because of the condition in South Carolina, but perhaps it was; at least it looks a little bit suspicious. The order was changed to read that the applicant must be a resident two years before the examination. I desire to cite a case in point.

I wish to state first, however, that we down South are glad to welcome all good people to our section who come down there and want to cast their lot among us, but we would like to get acquainted with them and would like for them to have time enough to unpack their baggage and become somewhat acclimated before they set themselves up to ask for the best office in the gift of the people in that community.

The fourth office, I believe, in importance in South Carolina is Spartanburg. Last August the incumbent's time expired. The Post Office Department asked the Civil Service Commission to order an examination. The examination was ordered, and in the meantime the Post Office Department appointed a gentleman as acting postmaster. Then the order for the examination was canceled at the request of the Post Office Department. No examination has yet been held, and this gentleman is still holding the office. This is in the adjoining county to where I live.

I do not know the young man who is holding the office, and I have not heard a word against his character and I am saying nothing against his character. He has family connections in my State of the highest. They are among the best people of the South. But this young man hails from the North, and it does seem to me that he connected himself up with an office pretty quickly after he got into South Carolina. I think he claims to be from both New Jersey and Massachusetts and perhaps New York, backed up by the mighty influence of the Grand Old Party. But let us trace the case around a little bit and see what he has done in South Carolina.

The records in the office of the judge of probate of Spartanburg County, S. C., show that on August 29, 1919, H. T. E. Newberger obtained a license to wed—I do not care to name the lady—at Spartanburg, S. C., and gave his residence as Elmira, N. Y. The marriage ceremony was performed by the Rev. Mr. So-and-so at Spartanburg. The books of the supervisors of registration for that county show that on August 12, 1921, H. T. E. Newberger obtained a registration certificate entitling him to vote.

Mr. WATSON of Georgia. Mr. President——

Mr. DIAL. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. With the permission of the Senator from South Carolina I wish to corroborate and support his position by stating this fact: The patronage in the State of Georgia is now being dispensed by a citizen of Pennsylvania,

who lives in Philadelphia. He is not now and never has been a citizen of my State. He has run sawmills down there, but his home is in Philadelphia. He has never paid any taxes in the town or county in Georgia in which he claims residence. He never was a registered voter in the town of Thomasville, where he now claims to live, until January of this year. Yet that man from Philadelphia is naming the appointees to all the offices in my State and there is a strong current opinion that he is making money out of it.

Mr. KING. Mr. President, if the Senator from South Carolina will permit me——

Mr. DIAL. Certainly.

Mr. KING. The South ought by this time to be used to carpet baggers, because they have had so many under the Republican régime. Why should not they expect now a revival, a recrudescence, of the policy that obtained under Republican misrule?

Mr. WATSON of Georgia. It came upon us with such suddenness that we had no time to prepare ourselves for it. However, I am going to try to get rid of it.

Mr. DIAL. Mr. President, this shows that at the time Mr. Newberger got his license to marry he was a resident of the State of New York. The books of the supervisor of registration for that county show that on August 12, 1921, he obtained a registration certificate entitling him to vote—not two years. Was appointed acting postmaster August 15, 1921.

Section 4 of article 2 of the constitution of 1895 of the State of South Carolina provides:

> The qualifications for suffrage shall be as follows: (a) Residence in the State for two years, in the county one year, in the polling precinct in which the elector is entitled to vote for four months, and the payment six months before any election of any poll tax then due and payable—

And so forth.

Section 378 of the Criminal Code of 1912 makes receiving a fraudulent registration certificate a misdemeanor, punishable by a fine not exceeding $200 or by imprisonment at hard labor for not more than three months, in the discretion of the court.

The books show that Newberger made no tax return and paid no taxes in 1920.

Now, Mr. President, I look on that procedure as unjust and injurious to the people of the country and as a reflection upon the people of South Carolina. As I said, I have nothing to say against the character of Mr. Newberger because I do not know him and have not heard anything against him, but in behalf of the people who always try to do their duty I am entering my protest against such procedure.

Mr. TRAMMELL. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Florida?

Mr. DIAL. Certainly.

Mr. TRAMMELL. I am heartily in sympathy with the views entertained by the Senator from South Carolina and think that it is really very unjust treatment which is being extended to certain sections of the country on the part of the Republican administration.

I know in my State of a case where recently a newcomer to the State has been appointed to one of the best post offices in Florida, a gentleman from Pennsylvania who never paid any taxes in Florida and never had anything to do with the civic development and affairs of the community in which he now lives. He came there working for some company that is operating a mercantile establishment there, but has nothing in common with the interests of the locality and the community; yet he has been recommended and appointed to one of the best post offices in Florida. That happened very shortly after he came there from Pennsylvania.

Mr. DIAL. He probably never was known to be a Republican until after the election.

Mr. TRAMMELL. There are plenty of good Republicans in that community and that locality. There was another Republican who was an applicant, who to my certain knowledge has lived there for some 10 or 12 years, one of the most excellent gentlemen I ever knew. I have no comment on the man who was appointed except that he was not entitled to that office. Yet the Republican organization turned down a good Republican, a fine citizen, thoroughly capable and on the list of eligibles, and appointed this newcomer from Pennsylvania to one of the most important post offices in Florida.

Mr. DIAL. That is all true. The evidence is accumulating. Now, Mr. President, let us see about the soldier. The Republican Party claim the soldier is their great pet, that they are the guardians of the soldier. They have camouflaged the American Legion into praising the Postmaster General. Let us see now what they did at Greenville, S. C., which I believe is the third most important office in the State of South Carolina. Out of the list of those who took the examination Maj. W. F. Robertson made 79, and under the order of the President which gives him 5 per cent preferential because of being a soldier, his mark was 84. Robert T. Thorn made 72.80. Charles C. Withington made 67.40, plus the soldier preferential of 5 per cent, making his mark equal to 72.40.

Mr. President, Maj. Robertson is a native, I believe, of North Carolina, but was raised in South Carolina, and has held many important positions in that State. He is a man of the highest character and of great ability. I might say that he helped to organize companies in the recent World War, went to France, did his duty, and is held in the highest esteem by the people from the mountains to the seaboard of South Carolina. He stood the examination and made the highest mark.

The next man is Mr. Thorn, who I understand—I merely met him once or twice—is a very clever Republican. I do not know very much about him. Mr. Withington made 67.40, plus 5 on account of soldier preference, a total of 72.40, against Maj. Robertson's 84. Mr. Withington is a Massachusetts gentleman. I think he even claims to be called Coolidge Withington. He is well connected. He has been in South Carolina a few years only, possibly a little longer than the man from New Jersey, in the neighboring town of Spartanburg; but Mr. Withington, too, was so well pleased with the South that he married one of the most charming girls in that beautiful land. He also is well connected. I understand he is a splendid young man. I have received, perhaps, 50 telegrams in his behalf.

But, Mr. President, I have a duty to perform to the people of this country. I want to see that justice is parceled out to every man. I am told—although I do not know and do not vouch for the statement—that Mr. Withington's name is not on the tax books; that he has never even voted; that he has taken no part in the upbuilding and the activities of the splendid city of Greenville and the county in which it is located; that he is a bookkeeper, a man of good character and good standing, and competent, perhaps. The Republican Party, however, say that they have to give that office to a soldier. When they give it to a soldier, why give it to the soldier who made only 72.40 instead of giving it to a home soldier who made 84? I should like to know, Mr. President, if over in France when Maj. Robertson was charging the Germans and striving to break the Hindenburg line, the Republican Party inquired whether he was a Democrat or a Republican? That is the condition we are up against.

Mr. FLETCHER. Mr. President, may I interrupt the Senator from South Carolina?

Mr. DIAL. I yield.

Mr. FLETCHER. The Senator from South Carolina has not yet stated whether the nomination to which he refers was made?

Mr. DIAL. Withington's name was sent in, though he was the man who made the lowest mark.

Mr. FLETCHER. Withington has received the nomination?

Mr. DIAL. He has received the nomination.

Mr. FLETCHER. The Senator from South Carolina can very readily see the purpose and intent back of this order which requires that civil-service examinations shall be held and that three names must be certified as eligible for appointment.

Mr. DIAL. The purpose of that order is to give the Republicans a loophole to appoint a Republican.

Mr. FLETCHER. It gives the nominating authority the right to select any one of the three, without regard to which one receives the highest mark.

Mr. DIAL. Absolutely. Spending the people's money holding examinations to deceive them. The order of President Harding giving soldiers a preferential of five points can be of no possible service to the soldier except where he does not make a passing mark of 70. To increase his rating and then not to select him, even when he has made the highest mark, is merely adding insult to disappointment.

Mr. FLETCHER. There is a purpose behind it, of course. The old rule was that the one receiving the highest mark in the examination would get the nomination.

Mr. DIAL. Exactly.

Mr. FLETCHER. But that has been done away with now under the new régime, and the President will select, on the recommendation of the Post Office Department, of course, any one of the three, so that the appointing power is given the opportunity to select a good Republican.

In addition to that, where examinations have been called and held and only one has passed the examination and others examined have failed to make the required mark to become eligible, the department holds that they will not appoint that one, where he does not suit, where he is not a good Republican, for instance, but that they will call another examination and

keep on calling other examinations until they get the names of three eligibles.

Mr. DIAL. Yes.

Mr. FLETCHER. The purpose of that is, of course, not to obey the civil service law; they are not controlled by the civil service law at all. The purpose is to continue this process until they can get, possibly, a Republican who is qualified, and then they will appoint that Republican, whether he has the highest mark or not. Is not that the way it operates?

Mr. DIAL. They did that at Atlanta, Ga., the other day.

Mr. FLETCHER. Precisely. Now, in addition to that, where the examination has been held in pursuance of the rules and only one applicant has qualified—and such an instance recently occurred in Florida—and that one happens to be a good Republican, he is the right man; he is the one they want and he is at once nominated; but in another instance, in another community, where there was an examination held and only one passed and he happened to be a Democrat, they immediately called another examination and would not appoint the one who qualified under the previous examination. That is the way it operates.

Mr. DIAL. And in another case, where they all failed, the name of the Republican was sent in.

Mr. FLETCHER. Yes.

Mr. KING. Mr. President, may I inquire of the Senator whether he considers that legal? Does he not think that that is a palpable violation of the law; and does he not think that we ought to refuse to confirm any person who is subsequently nominated where it has been demonstrated, and the evidence is before us, that some other person who took the examination, secured the highest mark, but was refused the appointment because he did not happen to be indorsed by Republican politicians?

Mr. FLETCHER. I think unquestionably it is an evasion of the law.

Mr. KING. In such a case, I think, we ought to refuse to confirm the nominee; and, so far as I am concerned, if I know of any case like that, I shall oppose confirmation.

Mr. FLETCHER. I think the Senator from Utah is right about that.

With reference to ex-soldiers, section 6 of the act of Congress approved March 3, 1919, provides:

> That hereafter in making appointments to clerical and other positions in the executive and in independent governmental establishments preference shall be given to honorably discharged soldiers, sailors, and marine, and widows of such, if they are qualified to hold such positions.

Mr. DIAL. But it is said that law will not apply.

Mr. FLETCHER. I am coming to that. Under the act approved June 11, 1919, there is a similar provision which reads:

> * * * *Provided*, That the act entitled "An act to provide for the fourteenth and subsequent decennial censuses," approved March 3, 1919, so far as it relates to preference in employment of honorably discharged soldiers, sailors, and marines, be amended to read as follows: "That hereafter in making appointments to clerical and other positions in the executive branch of the Government in the District of Columbia or elsewhere preference shall be given to honorably discharged soldiers, sailors, and marines, and widows of such, and to the wives of injured soldiers, sailors, and marines who themselves are not qualified but whose wives are qualified to hold such positions.

The department claims that that law is unconstitutional; at any rate, that it conflicts with the President's authority under the Constitution to appoint without any sort of limitation, and they do not observe it; but they say, "We are going to do this: We will give the ex-soldiers a preference mark of five points," just as was done in the case at Spartanburg to which the Senator has referred.

Mr. KENYON. Mr. President, it appears that the Senator from South Carolina has the floor and is farming it out to Senators to make speeches. I am going to raise that point of order unless the Senator from South Carolina will give me about an hour to ask him a question.

Mr. DIAL. If it is going to take that long, I will have to decline to yield to the Senator.

Mr. FLETCHER. I think there is no time being lost in this matter, because it is directly in point.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Florida?

Mr. DIAL. I shall be glad to yield for a question, but I desire to hurry along.

Mr. FLETCHER. Mr. President, I do not want to take the Senator off his feet.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from South Carolina to the fact that, under the rules, he can not yield for more than a question if the point of order is raised.

Mr. DIAL. Very well; I decline to be interrupted further, Mr. President.

Mr. FLETCHER. I will not interrupt the Senator. I can address the Senate when I please and have all the time I desire. I am not going to take the Senator from South Carolina off the floor.

Mr. DIAL. Mr. President, I want to say in behalf of Maj. Robertson, the gentleman from Greenville, to whom I have referred, and who is one of the best business men in our State, that he makes no contention whatever for this office; in fact, he immediately wired me that, so far as he was concerned, he would say no more about it and would let the matter drop. We therefore said to the committee that Mr. Withington would not be opposed, but we want to be dignified about the matter; we want to put our rights clearly before the Senate and let them understand our position, and also at the same time let the public understand it.

Mr. President, our Republican friends say they love the soldier. Let us see about that. At Clinton, S. C., a splendid town in my county, and very near my home, three names were sent in by the Civil Service Commission—Mr. A. J. Milling, who made 83; Mr. William M. McMillan, who made 78.20; and Mr. R. H. Blakely, who made 75.80. Mr. Milling is a near Republican, I believe it is claimed, but I do not believe it, and is connected with the distributor of patronage in South Carolina. I have no charge against him. He made, as I have said, the highest mark, and under the former administration he would have received the appointment. I think myself he should receive the appointment, unless it is going to be given to a soldier. Mr. McMillan, who is the present postmaster, made a mark of 78.20. He is a most excellent man. Mr. Blakely is a fine young man, an ex-soldier, and made 75.80. The department says to Mr. Blakely, however, "We can not give the appointment to you as a soldier; we are bound by the highest mark, and we are going to give it to Mr. Milling." Thus they blow hot and blow cold, giving it to a soldier when it suits them, and when it does not giving it to some one else. What we want is consistency and good service for the people.

Let us take the situation at Orangeburg, another magnificent city in South Carolina. Dr. Albert C. Ligon, the present postmaster, a Democrat, made 83.60. Dr. Ligon has filled that office most acceptably for certainly eight years and perhaps longer.

The next man on the list has connections in the North, one A. D. Webster, an old-line Republican, who was postmaster there, I think, for some 12 or 18 years under former Republican administrations. I am told that he made a very good postmaster. Mr. President, both of those men having been postmasters and having served the people most acceptably, must be well qualified to discharge the duties of the office, but here comes along one B. J. Mixson, who has never been postmaster, who has never been a post-office clerk, and who has had no experience, so far as I know or can find out. He made a mark of 76.60. He received the appointment, and the department was in such a big hurry about it that they appointed him acting postmaster.

So I want to inquire whether or not the Post Office Department is trying to give good service to the people, the best service to the people—whether they are trying to reward merit or whether they are just farming the offices out.

The Senator from Georgia has said that there is some talk in Georgia that there is a quid pro quo for these offices. The same report has spread all over our State. I heard before certain names were sent here that certain names would be sent in and that there was a consideration; but when it comes to proof people do not want their names to be used, and if they do not care to volunteer the evidence I do not care to try to go around and hunt up dirt, but the people of the country believe it, Mr. President.

In my State it is not a Republican Party, but it is a family party. The distributor of the offices has put about all of his kinspeople in office.

Mr. President, another objection to this so-called examination is this: By that method we tend to dissatisfy the citizens of the United States. When a man has been invited into a competitive examination, and when he stands that examination and makes the highest mark, and when his character is all right, then when he is turned down for a less efficient man he becomes dissatisfied with his Government. He says he has not been treated honestly and fairly, and he has a right to be dissatisfied with his Government. That is not the kind of principle we should bestow upon the people of this country. We want the people to support their Government. We want them to feel that they have been treated right by the people who are in power.

The Republicans can build up no party in my State. I would not care if they did. They have nothing there to lose or to win.

Therefore it does seem to me that that party ought to stand for the best interests of everybody, and that it should leave these offices to the ones receiving the highest mark, instead of parceling them out to some disgruntled people down there. There are a few native Democrats around there that claim they are kind of Republicans now, but they are not really Republicans. There are just a few of them who are pouting a little bit at the Democratic Party. They are not, and they are never going to be, Republicans.

Mr. President, another office I might speak of is Georgetown, down on the coast, a most pleasant place to live. To-day I was notified that the postmaster selected down there was from the great State of Indiana, down in South Carolina a little while; and he is following the laudable, the high, and the dignified position of running a Negro theater! That is the kind of man you give the good people of Georgetown. So it seems, Mr. President, that we are used as a colony, to send there men from the different parts of this country to rule over us. They try to put us almost in serfdom, as it were.

Something has been said here about the carpetbagger. I was not old enough to remember much about the days of reconstruction. It is said that Gen. Sherman said that war was hell, and from what I can remember of reconstruction that could well be denominated in the same way. These carpetbaggers came in by streams from the North. They issued bonds on our State and sold them and stole the money, and we got no benefit whatever from it; and the people of that country, after being impoverished by the war, were compelled to repudiate those bonds, and that has been a stigma upon our character ever since. I believe we have been made to pay in interest more than the amount of those bonds since that time. I am sorry that our country ever had to perform that act, but there was nothing else to do. My Republican friends can well see that we have not a very sweet taste in our mouths nor a deep place in our hearts for the so-called carpetbagger. While I believe that perhaps some of those who are coming down there now have improved in their strain a little bit, and while I hope they are a great improvement over their forbears, as I say, we are still a little bit doubtful and suspicious of them.

The postmasters of this country performed a great service to this country during the war. They worked in season and out of season to aid the Government in selling bonds, in the Red Cross, and in every other good activity within their power, and they are entitled to receive fair, just, liberal, and honest treatment at the hands of the administration.

Mr. President, I feel that it is my duty to expose the way in which these offices are being parceled out. I do not believe that fair Republicans approve of any such methods, and I am glad that our home people are dignified and acting like Maj. Robertson acts; but I am going to leave it now to the Republicans to say what they are going to do. So far as I am concerned, if a man is of good character and is competent, and if they want to select him in that method, they can have the office; but if they send in here the name of anyone who is not of good character, I expect to ask the Senate to reject him.

MICHIGAN SENATORIAL ELECTION.

Mr. KENYON addressed the Senate in opposition to Senate resolution 172, declaring Truman H. Newberry to be a duly elected Senator from the State of Michigan. After having spoken for some time,

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 2263) to amend the Federal reserve act approved December 23, 1913.

Mr. TOWNSEND. I ask unanimous consent that the unfinished business may be temporarily laid aside. I understand that we have already agreed to take a vote on a certain day on the unfinished business, so that no one will be embarrassed by its postponement at this time.

The VICE PRESIDENT. Without objection, it is so ordered. The Senator from Iowa will proceed.

Mr. KENYON. Mr. President, I desire to take this opportunity to make a few observations with reference to a matter that is not now before the Senate, but that will be when we reconvene, namely, the increasing cost of senatorial seats.

I shall be compelled to be away, I think, the first two or three days of the session following the holiday recess, and after that time, under the unanimous-consent agreement, I believe there is some provision for limiting the time that a Senator may have to discuss the case. So I think now will be a fairly good time to say what I have to say, as I could not say it within the limitations that I understand the unanimous-consent agreement embodies. Besides that, however, there is no particular business now for the Senate to consider. I appreciate full well that nothing that is said in the Newberry case will affect any votes in the Senate of the United States, although what is said may go to the people of the country, and Senators may hear from them.

Mr. President, no more unpleasant duty ever devolved upon a Member of this body than to cast a vote that a colleague is not entitled to his seat. My aversion to the corruption of elections and the large expenditure of money in securing seats in this body is so strong that I have sometimes feared that it swayed my judgment. Therefore I have endeavored to be particularly careful in examining the evidence in this matter, and I want to argue it as if it were a case in court. I dislike to disagree with a good many of my colleagues on this side of the Chamber. I have the highest respect for them all; and it seems to me that we, as Senators here, can disagree with each other without affecting the cordial personal regard that we have for one another.

Twice before during my service here the Senate has been presented with the question of the alleged corrupt election of Members of this body. In the Lorimer case the testimony was so conclusive that he was denied a seat. The Stephenson case, with an expenditure of around $107,000 in the primary and the election, so shocked the conscience of the American people, as reflected in this body, that, as I now remember it, 34 votes were cast against Mr. Stephenson having a right to a seat here and 40 in his favor. The third case is now presented to us. I have divorced entirely the personal element therefrom, because I have great respect and affection for Mr. Newberry, and I believe he has been a patriotic American citizen, earnestly devoted to his country and interested in its welfare; that he and his family were intensely patriotic during the war and rendered splendid service to the Government. These are matters that undoubtedly will sway many Senators in their votes. I confess there is a great persuasive force in them, but for my part I can not close my eyes to what seems to me a shameful and deliberate use of money to influence the electorate of the great State of Michigan, a use that can not be continued if representative government is to be maintained. It has seemed to be assumed by some in the Chamber that this is merely a question between Mr. Newberry and the Senate. There is a great third party in all this, and that third party is the public interest. The public interest is supreme to the Senate's desires or to Mr. Newberry's election.

As to the law of the case, I want to make the following propositions:

Regardless of any statutes, Federal or State, such a large sum of money may be expended in the election of a Senator or Congressman as to taint the entire matter and justify refusal of a seat. The line of demarcation would be difficult to draw, but if the sum expended were such as to shock public conscience so that it was in effect a breach of public policy, it would vitiate the election, even though there were no violation of the statutes. There might be such a wholesale corruption of voters by the purchase of influence that under their constitutional right to determine the election the Senate could well say that the election was tainted at its source. It is against the fundamentals of our Government. It is violative of those ethics that should be maintained in a free Republic.

It was contended in the Stephenson case by the distinguished Senator from Ohio [Mr. POMERENE] that in order to hold the election invalid there must be a violation of law; that acts which show moral turpitude on the part of a Senator are not involved in an investigation of his election, but properly come under a question of expulsion; but the Senator from Ohio and I differed very greatly on that proposition.

If a person is elected, it makes no difference in determining the validity of the election whether he is a gambler, a thief, a bank robber, or anything else; he might still be elected, and the question of his fitness for the office would be determined on a motion to expel him, but the question of corrupting the primary electorate is a question that goes to the election, and even though the statutes of a State may not forbid certain things, the Senate has a right to consider them as corrupting and fraudulent, and to vitiate the entire election.

I call attention to the case of Cameron, petitioner, *v.* MacDougall (Hodgins Cases, 376). It was held that treating—

> was not per se a corrupt act except when made so by statute, but the intent of the party treating may make it so, and the intent must be judged by all the circumstances by which it is attended. When it is done by a candidate in order to make for himself a reputation for good fellowship and hospitality, and thereby to influence electors to vote for him, it is a species of bribery which would void his election at the common law.

Some of the things that would amount to corruption, though not prohibited by statute, may occur to our minds—for instance, excessive treating to influence voters. Suppose it could be conceived in these times that enough money could be spent in a

State to get 51 per cent of the voters so drunk they could not get to the polls on election day, a situation that could not arise, of course, under prohibition, but you could imagine it. It would violate no statute, but if it could be shown to the Senate, it certainly would be sufficient ground to hold that the election was corrupt. In other words, acts that prevent the free exercise of the right of suffrage may be held to be corrupting acts. Excessive payments for advertising to secure newspaper support and treating are things that would come under this category, even though not prohibited by statute.

Cushing, in his work on the Law of Legislative Assemblies, says:

The great principle which lies at the foundation of all elective governments and an essential, indeed, to the very idea of election is that the electors shall be free in the giving of their suffrages. The principle was declared by the English Parliament in the Declaration of Rights. The same principle is asserted or implied in the constitutions of all the States of the Union.

Freedom of election is violated by external violence, by which the electors are constrained, or by bribery, by which their will is corrupted; and in all cases where the electors are prevented in either of these ways from the free exercise of their rights the election will be void, without reference to the number of votes thereby affected.

I ask to have printed in the RECORD an extract from Shepard on Elections, page 97.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Besides the practice of purchasing individual votes, there sprang up a corruption far more extensive, in which the commanding influence in a borough was transferred, either by a sum of money paid down at once or, with a more accurate calculation of traffic, for an annual payment during the continuance of Parliament, the sitting member thus purchasing the return of him who had previously purchased the power of returning. To repress this practice the 49 George III, chapter 118, was passed, by which it was made highly penal to enter into any pecuniary engagement for procuring the return of a member of Parliament.

Mr. KENYON. The Caldwell case, before this body many years ago, was a case where a man was paid a sum of money not to be a candidate in the caucus. In discussing that case Senator Morton said:

The principles of the common law are applicable in all civil matters touching the validity of elections or the tenure of office, and it is a well-established principle of the common law that whatever impairs the "freedom of elections" is illegal and against public policy and will make the election void.

In the Stephenson case the distinguished Senator from Utah, Mr. Sutherland, who took the same position as that taken by the Senator from Ohio [Mr. POMERENE], that there must be statutes violated, said this, which I would like to have in the RECORD:

As I understand the rule of law, it is that a presumption arises in all cases, in criminal law or civil law, in favor of the regularity and honesty of the doings, either of individuals or of officials. That is a general presumption of law. When anybody challenges that presumption, it devolves upon that person to overcome that presumption by proof. In this particular case the expenditure of money in the election may or may not have been honest.

This is the point I want to make:

The presumption is that it was honest; but in putting in the proof it may appear that the amount of the expenditure was so extravagant as in itself to overcome the presumption in favor of the honesty of the transaction and shift the burden of proof to show that it was an honest expenditure or it may be accompanied by other badges of suspicion that will overcome the general presumption and shift the burden of proof.

I do not want to be extravagant either way, but in this case, in which it can be fairly gathered from the record that $263,000 at least was spent in this election, the burden of proof would shift, so as to call for an explanation of that expenditure.

Mr. REED. Mr. President, I do not want to interrupt the Senator, but can he tell us the population of Michigan?

Mr. KENYON. I will ask the senior Senator from Michigan the population of the State; is it three and a half million?

Mr. TOWNSEND. About three and a half million.

Mr. REED. I thank the Senator.

Mr. KENYON. I do not know the population of Wisconsin, but $107,000 was spent in the Stephenson case.

In the Caldwell case, to which I have referred, the venerable Senator from Vermont, Mr. Morrill, expressed surprise that the sum of $15,000 had been spent, and he expressed the opinion that it was the largest amount of money spent for corruption in the history of senatorial elections.

I want to have printed in the RECORD an extract from the minority report in the Payne case, signed by Senators Teller, Evarts, and Logan, page 711 of the Senate Election Cases, and I ask to have that go in without taking the time to read it.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

We have in our conclusions made no distinction between the use of fraud, corruption, or bribery in a caucus vote or in a legislative vote for a Senator. Although a caucus or what proceeds in it has no constitutional or legal relation to the election of a Senator, yet by the habit of political parties, the stage of determination as to who is to be elected Senator, and the influences, proper or improper, that produce that determination is that which precedes and is concluded in the caucus. So far as the question of personal delinquency or turpitude is concerned, no moral distinction should be taken between corrupt proceedings in caucus and those in the legislature. How far any such distinction would need to be insisted upon in any case on the question of unseating a Senator where he himself was not affected with any personal misconduct or complicity with the misconduct of others, we have no occasion in the immediate case or attitude of the subject to consider or suggest.

Mr. KENYON. Also, from the same election case, I ask to have printed a portion of a report signed by Senator Hoar and Senator Frye.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

What is the effect upon an election of Senator of bribery of voters in a caucus of the legislators who are to make the choice is a question upon which we prefer not to form an opinion until the evidence is before us. The members of a caucus ordinarily deem themselves bound in honor to vote in the election for the person whom it nominates by the vote of a majority on condition that such person belonged to their party and is fit for the office in point of character and ability. Bribery, therefore, which changes the result in the caucus, would ordinarily determine the election.

If B, C, and D have promised to vote as A shall vote, if A be corrupted 4 votes are gained by the process, although B, C, and D be innocent. In looking, therefore, to see whether an election by the legislature was procured or effected by bribery, it may be very important to discover whether that bribery procured the nomination of a caucus whose action a majority of the legislature were bound in honor to support.

Mr. KENYON. I have already referred to the remarks of Senator Morton in the Caldwell case, so they are in the RECORD. I make that as the first proposition of law applicable to this case, that the amount of money expended is so tremendous as to be a badge of fraud and corruption, at least to the extent of placing the burden of proof on the parties to explain it.

Second, the law enacted by Congress was violated. That law provided that the candidate could not expend over $10,000 by himself in a senatorial election or have the same expended with his knowledge and consent, of course with the exceptions which are properly included within the law.

Mr. Newberry knew of that law at the start of his campaign. The law had not then been declared unconstitutional. In his conversation with Mr. King he was advised that the campaign would cost over $50,000, so he knew that much money, at least, must be expended, and in the opening statement to the jury in the trial in Michigan, Mr. Murfin, counsel for Senator Newberry, stated the matter very completely. Speaking of the meeting in New York, he said:

The commander said: "How much did it cost Senator TOWNSEND'S friends to nominate and elect Senator TOWNSEND?" Mr. King said it cost a little over $20,000, but, "Commander, it will cost your men more than that, because Senator TOWNSEND has been a Congressman, has been on the stump, and you are not as well known as your prospective opponents, and I judge it would cost two or three times as much money from your friends as it cost Senator TOWNSEND'S friends."

So that unless the money was to be used for the exceptions given in the law, Mr. Newberry had notice that the amount to be expended would be in excess of the amount provided by the national act.

It is true that the law has been declared unconstitutional, on the theory that Congress could not regulate primaries, and apparently because primaries were unknown at the time of the adoption of the Constitution. As a lawyer, I am compelled, as all other lawyers are, to accept the decision of the court, and accept it unmurmuringly, but of course it might be suggested that railroads were not known, either, at the time of the adoption of the Constitution, nor telegraphs nor telephones.

The Supreme Court, however, did not clear Mr. Newberry. Some of the language on that subject is important. I realize that as a question of law this is where lawyers might differ. Has the Supreme Court taken away from the Congress the right to inquire into primary elections? Have we nothing to do with them under the Constitution? I say no; they have not so held. They have decided in this case that we can not regulate primaries. Primaries are not a part of the term "election" as used in the Constitution. The court said:

The ultimate question for solution here is whether under the grant of power to regulate "the manner of holding elections" Congress may fix the maximum sum which a candidate therein may spend, or advise or cause to be contributed and spent by others to procure his nomination.

Section 4, Article I, of the Constitution provides that—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Quoting further from the court, they say:

Primaries were then unknown. Moreover, they are in no sense elections for an office, but merely methods by which party adherents agree upon candidates whom they intend to offer and support for ultimate choice by all qualified electors. General provisions touching elections in constitutions or statutes are not necessarily applicable to primaries—the two things are radically different.

But Justice McReynolds, who wrote the opinion, said in the close of it:

It should not be forgotten that, exercising inherent police power, the State may suppress whatever evils may be incident to primary or convention. As "each House shall be the judge of the elections, qualifications, and returns of its own Members," and as Congress may by law regulate the times, places, and manner of holding elections, the National Government is not without power to protect itself against corruption, fraud, or other malign influences.

He does not say in the primary, but that the general powers still remain.

[At this point, the hour of 2 o'clock having arrived, the unfinished business was laid before the Senate, and was temporarily laid aside.]

Mr. KENYON. Mr. President, if as a legal proposition anybody can do anything in the primary, spend a million dollars, for instance, and the Senate can not inquire into it, of course that is the end of this case. If the Supreme Court settles that as the proposition there is no use of discussing it further.

Mr. KING. Mr. President, will the Senator yield?

Mr. KENYON. Certainly.

Mr. KING. If the Senate could inquire into expenditures made by Senator Stephenson, regardless of the fact that they were made in a primary, or even if they were not, why may we not inquire into expenditures made in a primary or anterior to a primary, with a view to determining whether or not the conduct of the Senator is such as to justify his retention in the Senate of the United States?

Mr. KENYON. I say we can.

Mr. KING. Undoubtedly.

Mr. KENYON. But I know the argument is made that we can not. The Senator will remember that when the Stephenson case was before the Senate we had not had this opinion of the Supreme Court, that the primary was unknown at the time of the adoption of the Constitution, and consequently the fathers could not have had it in mind.

Chief Justice White, gone to his great reward, a State rights man, a soldier in the Confederate Army, dissented from that kind of a doctrine, and I submit that his language, while it can not be controlling, can be instructive to the Senate. He said:

In the last analysis the contention—

That is, the contention about which I have been talking—

must rest upon the proposition that there is such absolute want of relation between the power of Government to regulate the right of the citizen to seek a nomination for a public office and its authority to regulate the election after nomination that a paramount Government authority having the right to regulate the latter is without any power as to the former. The influence of who is nominated for elective office upon the result of the election to fill that office is so known of all men that the proposition may be left to destroy itself by its own statement.

He said further:

Moreover, the proposition, impliedly at least, excludes from view the fact that the powers conferred upon Congress by the Constitution carry with them the right "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers" (Art. I, sec. 8, cl. 18), and in doing so virtually disregards the previous legislative history and the decisions of this court sanctioning the same, to which we have referred, since that practice and those decisions unmistakably recognize that the power under the clause in question extends to all the prerequisites and appropriate incidents necessary to the discharge of the authority given.

So that each House, being the judge of the qualifications and election returns of its own Members, has the right to go into the primary, possibly not on the theory that the primary is a part of the election, but on the theory that the primary is an agency leading up to the election, and if that agency is corrupted the election may be corrupted.

Mr. REED rose.

Mr. KENYON. I will yield in just a moment. We may define the word "stream." The stream does not include a creek, but the water that flows down from the creek may pollute the stream, and in order to clean the stream we may have to go up the creek, even though the creek had not been known when the Constitution was adopted.

I now yield to the Senator from Missouri.

Mr. REED. Suppose it be true that there is no power in the Congress to pass a law making it a crime for a candidate for office to corrupt the electorate in the primary election; does it at all follow that Congress, because it can not make it a felony to interfere with a primary election, can not expel a man for corrupt practices in a primary election?

Mr. KENYON. Exactly. The Senator has drawn the distinction which other Senators draw, that we can expel a man, which requires a two-thirds vote, but we can not declare the election tainted.

Mr. REED. Suppose, and it is true, that Congress has no power to pass a law to penalize murder except the murder be committed on governmental territory; but suppose a man were to cut his wife's throat in cold blood and with the stain still on his hands come here and ask admission, or having been admitted, should be guilty of so heinous an offense, clearly our right would exist to protect this body by refusing admission.

Mr. KENYON. There is no question about that. Now, the Senator is raising a question right there. If a man came here a murderer, but had his certificate of election and had been duly elected by his State, could we refuse him admittance or would we have to expel him?

Mr. REED. I think we can do either. But I am speaking now of the thing that occurs particularly after election. Suppose in getting elected—let us say in one of the Southern States where a nomination upon the Democratic ticket is equivalent to the election—the governor of the State in the primary is a candidate for the nomination and he should turn out the militia to drive the voters away from the polls, and allow only his friends to vote and in that way secure the nomination. Would the Senate be powerless to refuse him a seat or to expel him, even though in a case like that the Senate might have no power to punish him for the crime committed in his own State?

Mr. KENYON. I say no. I am trying to put this as strongly against my own position, to see if I can argue it down. I say under this decision of the Supreme Court, which a great many Senators are going to follow, their theory is that though we have nothing whatever to do with the primary on the question of a man's right to his seat ab initio, we may expel him for acts in the primary.

Mr. BORAH rose.

Mr. KENYON. I yield to the Senator from Idaho.

Mr. BORAH. I do not wish to interrupt the Senator. I was about to say what the Senator has already said in answer to the Senator from Missouri. The Senator's question implies that he would answer it in the affirmative, and I quite agree with him. I think we would have undoubtedly the power to expel a man, although we might not have the power to punish him for the offense upon which the basis for expulsion rested.

Mr. KENYON. Since the Senator from Missouri has mentioned the question of force, it is exactly the same if you kept people away from the polls by force as if you corrupted them to stay away. I would have the Senator from Missouri some time read the very interesting speech of the Senator from Washington [Mr. POINDEXTER] in the Stephenson case. I will read a little of it on that very point. The Senator from Washington at that time said:

An undoubted fact in this case is that at the primary election in Wisconsin the nomination of the Senator who now sits from that State was brought about by the use of money. The only parallel that could be exercised would be the use of force—

Possibly the Senator from Missouri has read this speech?

Mr. REED. No; I have not.

Mr. KENYON. The Senator from Washington continued—

and I submit, Mr. President, that the case under consideration is just as dangerous to our institutions, just as injurious to the respect which it is necessary to preserve among the people for the laws which are made in these bodies by the men who are chosen. These men who vote and cast frequently the determining vote, making laws affecting the property, the well-being of the entire Nation, menace our institutions just as much from the use of money in polluting and corrupting the ballot box as though a military force should stand at the polls herding the voters and directing them for whom to cast their votes.

That speech will be found in the CONGRESSIONAL RECORD of March 27, 1912.

Mr. STANLEY. Mr. President, if the Senator will permit me to interrupt him——

Mr. KENYON. Certainly.

Mr. STANLEY. The parallel drawn by the Senator from Iowa is apt, but it does not sufficiently express it. Physical violence, even to the point of physical subjection, can only end in inconvenience. The man who is made a physical slave is simply deprived of certain privileges. The use of corrupt influences does more than to enslave the body; it debauches the soul of a people, and a country, as I see it, is infinitely worse if it is corrupted than the country that is physically enslaved.

Mr. KENYON. I thank the Senator.

Even if the law is unconstitutional, the $10,000 limit fixes the policy of Congress as to the limit of what should be spent outside of the exceptions properly contained in the act. Furthermore, at the time this was spent it was not known by Mr. Newberry or by the committee that the act was unconstitutional. They went ahead with brazen affrontery, in complete disregard of the statutes passed by the American Congress.

How can it be said that the primary does not enter into the election; that it does not affect the election; that the election was perfectly legal; and that the means of arriving at this should be by means of expulsion? Did the workers who were employed stop at the end of the primary and not carry on their work to the conclusion? Did the newspapers cease in their efforts? Unquestionably, as far as the work was concerned, it

went through into the election and in that way, at least, the primary is involved in the election.

Section 45 of the primary act of Michigan prohibiting the employment of workers on primary day and prior thereto has been beyond the question of doubt violated.

The third proposition of law to which I wish to refer is this: It is rather generally conceded that the Michigan law was violated.

Under section 3831, set out in minority report, at page 5, Mr. Newberry was compelled to file within 10 days after the primary election and within 20 days after the general election a statement in the office of the county clerk where he resided setting forth a detailed account, sworn to by him, of all moneys received or disbursed. That was not done, but no attention seems to have been paid to that.

Under section 3832 (minority report, p. 5) the certificate issued to him was an unlawful act, because he had not filed the statement required by section 3831.

The treasurer's report likewise does not conform to law. These matters are not enough to vitiate the election.

What the State may provide shall be done by a candidate after the election can not deprive him of his seat if he may fail to carry out these provisions, and I merely mention these as breaches of that law, not perhaps of very serious importance.

More important, however, are other phases of the statute. He was prohibited from spending over 50 per cent of his salary for any year, to wit, $3,750. This has been violated, as I shall show by the record, violated by his agents, who had full authority to act from him and for him time and again.

It may be well possibly at this point to insert in the RECORD the sections of the Michigan statutes, and I ask permission to insert in my remarks at this point sections 3831, 3832, and section 45 of the primary act.

The VICE PRESIDENT. Without objection, it is so ordered.

The sections referred to are as follows:

SEC. 3831. Every candidate and every treasurer of a political committee shall, within 10 days after any primary election, caucus, or convention, and again within 20 days after any general election, * * * in or concerning which he shall have received or disbursed any money, prepare and file in the office of the county clerk of the county in which such candidate or treasurer resides a full, true, and detailed account and statement, subscribed and sworn to by him before an officer authorized to administer oaths, setting forth each and every sum of money received or disbursed by him for nomination or election expenses, the date of each receipt, the name of the person from whom received, or to whom paid, and the person to whom and object or purpose for which disbursed. Such statements shall also set forth the unpaid debts and obligations, if any, of such candidate or committee incurred for the purposes set forth in section 3 of this act, with the nature and amount of each, and to whom owing, in detail, and if there are no such unpaid debts or obligations of such candidate or committee, such statement shall state such fact.

SEC. 3832. It shall be unlawful to administer the oath of office or to issue a commission or certificate of nomination or election to any person nominated or elected to any public office until he has filed an account as required by this act, which account shall upon its face be complete and show a lawful compliance with this act, etc.

SEC. 45. Every person who, directly or indirectly, by himself or by any other person in his behalf, gives, lends, or agrees to give or lend, or offers or promises any money or valuable consideration, or promises or endeavors to procure any money or valuable consideration or office, place, or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce or have such person induce any voter to vote for or refrain from voting for, or support or oppose any candidate, or on account of such voter having voted or refrained from voting at any primary election in this State; every person who by any means receives, agrees, or contracts for any money, gift, * * * or for inducing, or undertaking to induce any other person to vote in a particular manner, or to do or perform any of the acts or things forbidden by this act, or on account of agreeing to do, or having done any campaign work, electioneering, soliciting votes for such candidate on primary day or prior thereto, or who after any primary election in this State, directly or indirectly, by himself or by any other person in his behalf, gives or receives any money or valuable consideration or place, position, or employment on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any such primary election; or having induced or undertaken to induce any other person to vote in a particular manner or for any particular candidate at any such primary election, or on account of any person having done or been a party to doing anything forbidden by this act, it being the intent of this clause to prohibit the prevailing practice of candidates hiring with money and promises of positions, etc., workers on primary day and prior thereto, * * * shall be deemed guilty of a misdemeanor, etc.

Mr. KENYON. Mr. President, we have heard a good deal of discussion under the law about section 45. That is, perhaps, the most important section with which we have to deal. It provides in its closing language—and that is all I shall now refer to—

or having induced any other person to vote or refrain from voting at any such primary election; or having induced or undertaken to induce any other person to vote in a particular manner or for any particular candidate at any such primary election, or on account of any person having done or been a party to doing anything forbidden by this act, it being the intent of this clause to prohibit the prevailing practice of candidates hiring with money and promises of positions, etc., workers on primary day and prior thereto.

There has been considerable controversy about that. I have so much respect for my good friend from Missouri [Mr. SPENCER] and for his legal opinion that I do not like to differ from him. He took the position, as I understood him, that that meant bribery; that some one had to go out and bribe somebody else. Either Mr. Newberry's committee violated that law or they did not. It seems to me perfectly plain that it related to workers at the primary or before the primary. Now, let us see. I quote from section 45:

It being the intent of this clause to prohibit the prevailing practice of candidates hiring with money and promises of positions.

Was it the "prevailing practice" of candidates in Michigan to bribe? No. The prevailing practice, of course, was to send out workers to cultivate influence; that is what the statute struck at. I do not think the Senator from Missouri would claim that in the great and splendid State of Michigan it was the "prevailing practice" to bribe men at elections. That is the section which has been violated over and over again in this case, as the evidence shows.

Now, granting for the sake of the argument that the so-called voluntary committee was a voluntary committee and that Mr. Newberry had nothing to do with their actions, yet if it is shown that they have violated the laws of Michigan in hiring workers and that such violation brought about his election, he would not be entitled to his seat, even though he knew absolutely nothing about it. In other words, friends or relatives could not step in and buy a senatorial seat for a man and give it to him as a present. If so, the Standard Oil Co., the Steel Corporation, or other great financial institutions could say to a man, "We will take care of you; you can go to Europe; you will know nothing about it; we will buy the seat and present it to you." He could hold up his hands in holy horror when he hears about it after the election and still retain his seat. That can not be done.

In the Clark case in this body there were a number of citations and considerable discussion relating to this point, but I think I will not take the time of the Senate to go into that now.

That is about all I wish to say concerning the law. I have tried to elucidate these three points: That there could be such tremendous sums of money spent as to shock public conscience and to vitiate an election, even though the expenditure did not violate any statute at all; second, that the Federal statute was violated in this case, although there can be no criminal conviction because the statute has been declared unconstitutional; and, third, that the statutes of Michigan have been violated.

Mr. SPENCER. Mr. President, will the Senator yield for a question?

Mr. KENYON. Yes.

Mr. SPENCER. Will the Senator be good enough to tell me, under his interpretation of section 3845 of the statute which he has just quoted, if I were a resident of Michigan and on the day before the primary I were to say to some boy, "Will you take these cards and distribute them in your neighborhood, and here is a dollar for doing it," and those cards had to do with the advocacy of the election of a friend of mine, whether he would consider that law as making me a criminal for that act?

Mr. KENYON. No.

Mr. SPENCER. Then, the Senator agrees with me?

Mr. KENYON. No; I do not agree with the Senator. I do not think we will ever agree on that probably, although I wish we could, for we can agree on almost everything else. We will say the Senator goes into a building in Detroit and asks his friends to vote for somebody; that is not a crime; but if the Senator is employed as a worker to go out and do that, then, I say, it is a crime. If the Senator makes one of his splendid speeches, and he is not hired or employed to do it, it is not a crime; but if he were employed to go out and make speeches for pay, under the Michigan statute it would be a crime. Does not the Senator get my position? I think I get his.

Mr. SPENCER. I think I do; but I think the Senator from Iowa is mistaken, because the making of speeches, as a matter of fact, even for hire, as I recall, is one of the 11 excepted things which may be done.

Mr. KENYON. Suppose it was not one of the 11 exceptions—and this gets us down to the point—then, to make a speech for hire would be a crime, while to make it without hire would not be a crime, under the Michigan law. I think it is one of the exceptions, so my comparison may not be entirely apt.

Mr. SPENCER. The illustration I submitted to the distinguished Senator from Iowa had to do with hiring, and not to a voluntary act. The question was if I should go to a boy, offering him a pecuniary consideration, and say to him, "I want to hire you this afternoon to distribute these cards up and down your block advocating the election of my friend," would I be a criminal under the Senator's interpretation of the Michigan law for doing that?

Mr. KENYON. If the boy were employed as a worker, it would be a crime.

Mr. SPENCER. He would be a worker when he distributed the cards.

Mr. KENYON. If he were a worker for Newberry, it would be a crime, but if he were merely to go and give out advertisements I do not think it would be.

Mr. SPENCER. Does the Senator mean that if he were a worker for Ford it would not be a crime?

Mr. KENYON. No.

Mr. SPENCER. Of course, I am sure the Senator did not mean that.

Mr. KENYON. The Senator can not bring up the Ford smoke screen in this connection, so far as I am concerned, but I will have something to say about Ford before I get through.

Mr. SPENCER. I do not want to interrupt the Senator.

Mr. KENYON. It is all right; but I fear the Senator and I are never going to agree, because I have stated the proposition and the Senator does not agree with me as to the law, although I am firm in the belief that my contention is right. If I cited a thousand cases, I do not think that I could make it any plainer.

Mr. SPENCER. I understand the Senator to say if I hire a boy or a man to distribute cards for a certain candidate in the State of Michigan that, in his judgment, I am violating the statute of Michigan and am a criminal under the law.

Mr. KENYON. I say that if the boy is merely distributing cards it is not a violation of the law.

Mr. SPENCER. But suppose I hire him—suppose he is being employed for hire.

Mr. KENYON. If the boy is going out for the purpose of influencing others through his actions, then I think it is in violation of the statute.

Mr. SPENCER. He is going out to influence people so far as the distribution of cards will influence them. In that case am I a criminal under the laws of Michigan in hiring that boy?

Mr. KENYON. Under the statute of Michigan if the Senator employed some one to go out to influence people, he would violate the law. My answer to that is found in the case from Missouri, which, whenever the Senator makes that argument, we like to refer to. The Missouri statute reads in part:

> If any person * * * shall, by himself or any other, procure, or endeavor to procure, the election of any person to any office.

What does the court in the Senator's State say about that? They draw a distinction, a clear distinction, between the character of the service which is purchased. The court says—and I am reading from the case of Keating against Hyde, in Twenty-third Missouri Appeal Reports—

> There is a clear distinction between the purchase of services to be devoted only to an advertising of the fact that one is, or desires to be, a candidate, and the purchase of service to be employed in advocating his peculiar merits and eligibility, so as to influence the choice of the voter.

That is the point, and the Missouri case makes it clear.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I yield.

Mr. BORAH. I wish to ask the Senator from Missouri a question. Inasmuch as the question of hiring has taken so prominent a place in this discussion, does the Senator from Missouri contend that if Mr. Newberry or his responsible agents had employed a worker to be at each voting place in the State on the day of the primary, paying him, we will say, $50 a day to go there and to get in touch with the voters and to advocate the election of Mr. Newberry, that would not come within the statute?

Mr. SPENCER. I do not. It would come within the statute probably in a double sense. It would come within the statute, first, because it would exceed the amount which Mr. Newberry as a candidate is allowed to expend, namely, $3,750, in the entire State. Therefore, if he had one worker at $50 a day, which, of course, is probably a fanciful assumption——

Mr. BORAH. I referred to it because that is the amount which was paid in some instances.

Mr. SPENCER. The Senator will not find in the testimony that $50 a day was paid.

Mr. KENYON. Fifty dollars was left under a book.

Mr. SPENCER. He can find it only in his imagination. There was not a single worker who received anything like that amount or even a substantial fraction of it.

Mr. BORAH. I remember differently, but we will leave that to the record.

Mr. SPENCER. The amount would far exceed what he was allowed personally to expend under the law of Michigan. More than that, there is also a statute which prohibits soliciting or influencing voters near the polling places. If, however, the Senator by his question means to inquire whether under the law of Michigan if the friends of the candidate, independent of himself, want to have men employed for the purpose of disseminating information or cards, or bringing voters to the polls on election day, such activities would be criminal, I answer that they would not constitute crimes under the laws of Michigan any more than they would in Missouri or, I assume, in Idaho.

Mr. BORAH. The Senator from Idaho will put the question again, because the Senator from Missouri discusses a question which the Senator from Idaho did not intend to submit, and it is because, perhaps, he did not make himself plain. Suppose, however, I say that Mr. Newberry or an agent for whom he was responsible actually employs a man at so much per day to be at the voting places upon the day of the election to work for him, to advocate his cause. Is that within the statute of the State of Michigan as it has been read by the Senator from Iowa?

Mr. SPENCER. I should say advocating his cause at the polls, at least in Missouri, would be objectionable. In that State one can not advocate the election of a candidate at the polls, and I assume that the law of Michigan is the same; but that does not come under the section quoted by the Senator from Iowa.

Mr. KENYON. The statute relates to the employment of workers. Suppose they employed half the voters of the State of Michigan to go out and work, would that be a violation of the law?

Mr. SPENCER. Of course. Any perfectly legal and proper thing carried to an undue extent may become illegal by the very extent to which it is carried. One may make any kind of assumption, such as the one the Senator has made; but if it were possible to get 51 per cent of the voters to act as workers on election day, that, of course, would be a violation of some law or against good policy.

Mr. BORAH. Suppose the statute of Michigan was designed to prohibit the employment of men for compensation, for money, to work on the day of election.

Mr. SPENCER. Or before.

Mr. BORAH. I am now confining it to the day of the election in order that we may have a concrete, simple proposition. There has grown up in the country, throughout all the States, the custom that a man who has the ability to do so can employ men to work for him for money's sake, not because they may necessarily believe in him as a candidate or because they may think he would make a good candidate, but because he is willing to pay them so much that they will go out and work for him. The statute was designed, as I understand it, to prohibit that kind of employment.

Mr. KENYON. It was designed to prohibit the prevailing practices. Every Senator knows just what the Senator from Idaho has said, that in elections they will employ a dozen or 20 men to go out and work for somebody in every ward. You have bought those men. That is all there is to it. That is the influence. That is the prevailing practice that they are trying to get away from, so that men of great wealth can not employ men to go out and work for them. The very fact that they get them in their employ is by the use of money. Otherwise this statute does not mean much of anything.

Now we pass to the evidence.

The evidence has been so thoroughly reviewed by the Senators from Ohio, Montana, and Missouri that I think probably I ought not to take very much time on it; but I shall take some.

Most of the time there have been but few Senators in the Chamber. I realize that there is no use in discussing the evidence; that if the record showed the expenditure of a million dollars for Mr. Newberry, Senators would still refuse to listen. I venture the assertion that very few Senators on this side of the Chamber have read even the briefs, to say nothing of the record, nor will they do so. They are determined that Mr. Newberry shall retain his seat. I apprehend that some Senators in this body who voted against Mr. Stephenson—where there was an expenditure of only $107,000, which at that time shocked the public conscience—will be found here voting to retain Mr. Newberry. I think the American people will watch that record with some interest; but I give my own conviction that no one with open mind who will divorce himself from friendship for Mr. Newberry and forget for the time that he is a member of any political party can calmly and judicially review this evidence and not arrive at the conclusion that the statutes of Michigan were flagrantly violated; that such sums of money were spent in hiring workers and in the publicity campaign as to shock the public conscience; and that the election is absolutely tainted at its source—and when I say "elec-

tion," I of course include the primary as part of the election or as an agency of election, as it necessarily is.

I know, however, that this will not be done. Senators are going to rely on the majority report. They are going to rely on the oft-repeated statements of the Senator from Missouri that Mr. Newberry knew nothing about it. They are going to do so because they have great affection for Mr. Newberry, because he is a good fellow, was a patriotic citizen during the war, and was a member of the Roosevelt Cabinet, which is in itself a great distinction and honor.

The social lobby has been active in this case, more active than in most matters; and the social lobby is becoming very effective in Washington. No argument is going to change any votes. The matter is pushed at a time when the country can know but little about it; but the time will come when the country will know about it. If Mr. Newberry were a Democrat I have no doubt he would be voted out of this body promptly under this record. At the same time we would find some of our Democratic friends stoutly defending him. In other words, there is politics in this. It is unfortunate that any question of public morality, public conscience, or purity of elections should find a dividing line of politics in this Chamber. But apparently you can not divorce these matters from politics, and some men now are seeking to make this a test of Republicanism.

I deny that the Newberry case is any test of Republicanism. I deny that the 7,000,000 majority of the Republican Party last fall was a vindication of any such methods. While there will be few Republican votes against Mr. Newberry, I believe these votes will better represent the sentiment of the Republicans of the Nation than the votes here cast for him. The Republican Party can not carry a burden of this kind. I deny the right of a few men in this body to determine what are tests of Republicanism. I hope the day will never come when "Lorimerism" and "Stephensonism" and "Newberryism" will be a test of Republicanism, and I do not think the day has arrived when a few gentlemen in the Senate of the United States can determine what Republicanism is. If so, God save the Republican Party!

In some respects this case is worse than the Lorimer case. There was some courage there. They went out and bought the election. It is infinitely worse than the Stephenson case, where a poor old man with a large fortune, in old age, almost in his dotage, was flattered into expending his money to become a Member of this body. In this case Mr. Newberry, a man of the highest intelligence and culture, had been a member of a great Cabinet. The personnel is different.

I assert that, under the record, the following conclusions can reasonably, safely, and legitimately be drawn:

That the committee expended approximately $263,000.

That the committee violated the Federal statute and the statutes of Michigan, and that such action entered into the election through the primary.

That the committee was not a voluntary committee. It was picked by Mr. Newberry.

That Mr. Newberry was responsible for the acts of the committee, and that the agency of Cody and King is established beyond question, and he would be responsible in a civil action for debts contracted by them in the campaign.

That Mr. Newberry knew about the campaign, financially and otherwise, and knew of most of the expenditures of the campaign.

That a part of the money spent in the campaign was actually the money of Mr. Newberry.

I appeal to this record to sustain every one of those propositions.

Mr. President, in different parts of the material which I have prepared I have made references to different parts of the testimony; and I want to say here now that where the letters "B. E." are used they refer to the bill of exceptions, made part of the record in this case, and where the letter "R." is used it refers to the record outside of the bill of exceptions.

The committee was not a voluntary committee. This has been discussed by others to such an extent that I hesitate to spend any time on it. Mr. Templeton, general chairman, was associated with Mr. Newberry in business. He had seen him in New York. He had talked over his being a candidate. He was solicited by Mr. Newberry to become a member of the citizens' committee or a business men's committee. He agreed. He was in no sense a volunteer. He claims he was a mere figurehead. Paul King, executive chairman, controlling spirit, was solicited by Mr. Templeton and Mr. Cody to take the position. Templeton telegraphed to Newberry urging him to appoint King and fixing the time of meeting for King and Newberry in New York. (B. E., 556.) The telegram is as follows:

GOVERNMENT'S EXHIBIT 123.

(Western Union telegram.)

DETROIT, MICH., 13.

TRUMAN H. NEWBERRY,
Hotel Gotham, New York, N. Y.:

Have spent past two days in conference with Cody men from out in the State and city. Everyone thinks, including Frank Blair, that Paul King quite necessary. King will be in New York Saturday and Sunday this week; Mr. Blair next week. Report satisfactory progress.

A. A. TEMPLETON.

This telegram refers to Cody men out in the State thinking that King was necessary. Who were the Cody men out in the State? How did there happen to be Cody men around the State? King went to New York, talked over the campaign with Newberry, and talked about what it would cost. He accepted the job, which had previously been tendered to Mr. Hayden. Was King a volunteer? Cody, who is referred to as the messenger boy in the brief of counsel for Mr. Newberry, went to Washington to see Hayden. He is the same Cody concerning whom Newberry wrote to Miller that he was down to see him on confidential matters. Here is the letter (B. E., p. 640):

DEFENDANT'S EXHIBIT 48.

OFFICE OF THE COMMANDANT,
THIRD NAVAL DISTRICT,
280 Broadway, New York City, December 18, 1917.

[Personal.]

MY DEAR GEORGE: I am sure you will realize that my duty here absolutely prevents my getting to Washington, and as I can not see you in person I am asking Mr. Fred Cody, who is going down to Washington, to have a talk with you on some confidential matters, and I am hoping that you have not as yet gone home on your Christmas vacation, so that you will arrange to meet him.

With kind regards, and wishing you all the compliments of the season,

Sincerely, yours, TRUMAN H. NEWBERRY.

Cody was present at nearly everything that went on except the hearings of the Senate committee. Cody goes to Michigan, and seems to have organized Cody men out in the State. It is the same Cody who tells about the "lid being off," and that "the boys would have a big time" in Michigan. No one can claim that Cody was a volunteer. Cody was an agent; and the letter of Newberry to Miller down here at Washington, when he sent Cody here, shows that he was not only an agent but he was a confidential agent. Blair, the treasurer of the committee, was president of the trust company in Detroit of which Mr. Newberry was a large stockholder. Templeton requested him to become treasurer of the committee, which he did. What kind of a volunteer was he? Mr. Floyd afterwards, as the record shows, was given a fine position. There was no volunteering there. These, with Emery, were the men who were carrying on this campaign.

What a farce to talk about this being a voluntary committee! Patriotic citizens, feeling that the welfare of the Nation and its perpetuity demanded the defeat of Henry Ford, we are told, formed this voluntary committee! That is what we are told, when the fact is that there was not a volunteer on that committee.

It is argued here that this is a voluntary committee to get rid of the question of agency. It is a subterfuge so to claim. I assert as a matter of law under this record that if King and Cody had contracted bills in this campaign a recovery could be had at the hands of Mr. Newberry. A person can not turn an agent loose with absolute authority to do certain things and not be responsible for his actions within the scope of the agency; and what they did in this campaign under the law of agency Newberry did.

Mr. HEFLIN. Mr. President, will the Senator yield just there?

Mr. KENYON. Yes.

Mr. HEFLIN. The Senator will recall that when the campaign was ended Mr. Newberry indorsed what King had done, because he thanked him and said he was under obligations to him for it.

Mr. KENYON. Yes.

Mr. President, it would take hours to go over this great mass of evidence of workers violating the statutes, and I am not going to do it. I am going to refer to just a few of them, showing knowledge upon the part of Mr. Newberry of this whole thing.

Why try to jam down the throats of intelligent people the oft-repeated assertions that Newberry knew nothing about this? It is an insult to Newberry. If a man can have a campaign going on like that campaign in Michigan and not know anything about the financial end of it, he ought not to come to Washington and be a Senator. Something will be put over on him. Michigan needs a man here, as it has in Senator TOWNSEND, who will look after things and know what is going on; but a man who does not know anything about a campaign like

this, managed and financed as this one was, one of the most bitterly contested campaigns in the history of the country, ought to be protected from being around Washington.

In the King letter of May 30, 1918, he said:

Of course, we could find people in these counties to take up the work, but in many cases they would be lesser lights and we want to get the principal workers, if possible.

Not boys to pass around cards, but workers. King was an adept at this matter.

Mr. Angus McEachron testified that he was employed to talk with the traveling men, not at their meetings but in their anteroom, and wherever else he could find them. He said:

My work consisted of just talking to the traveling men; nothing else.

He was talking to them, influencing them, about Newberry. Was that a violation of the Michigan statute?

Another witness was Mr. Allan K. Moore. Whenever he paid out sums of money, he reported to Mr. Charles Floyd. He testified:

My object in going there was to call on the men of more or less prominence that I knew particularly, and advertise Mr. Newberry's campaign.

If that was all he did, simply advertising the campaign, I do not think that was a violation of the law, but if he was around working, using his influence, to influence men, that was a violation of the law.

Mr. William M. Connelly was a State senator. Floyd asked him to take on the Newberry campaign. He was running for senator. He received $1,200 from Floyd, hired men to distribute literature, and he made speeches and was paid for making speeches. That is certainly a violation of the law of Michigan. It is bad enough to have to listen to some of these speeches, without having to pay the man to make them. Floyd told him to make up an expense account of something less than $200. He had received $1,200. Floyd, one of the agents, told him to make up an expense account showing less than $200.

We have the testimony of the prosecuting attorney of Wexford County, who got a check for $100, went to Cadillac, caused petitions to be circulated for the nomination of Mr. Newberry, "and enlisted the support of my friends for Mr. Newberry." If that was all he did, if he merely passed around petitions, it would not be a violation of the law.

We are asked here with great rhetorical flourish why there have not been some prosecutions in Michigan for violating this Michigan law. Some of these checks to prosecuting attorneys may explain it.

Mr. CARAWAY. Would it interrupt the Senator if I asked him a question?

Mr. KENYON. Not at all.

Mr. CARAWAY. Did the Senator read the statement of the man who was formerly mayor of Flint, under indictment and conviction for assault to commit a robbery, sentenced to from 2 to 15 years, that King and others came and told him that he could either go to jail or support Newberry? Fletcher said, "You know, I am powerful at Lansing, and I shall be even after the primary, whether Newberry wins or loses."

Mr. KENYON. I thought I had read all the evidence, but I do not remember that.

Mr. CARAWAY. In the beginning of the conversation, he said, he told them positively that he would not support Newberry, and King wanted to know how much it would cost, and he said, "I am not for him at all," and Fletcher said, "I told you before we came in here that you need not talk money to this man. Let me talk to him. I have done business with him before, and I can again." He said, "I don't want you to tell me"—this is Fletcher talking to the man who has been convicted—"I don't want you to tell me what you are going to do. I know you can control this district. If it goes for Mr. Newberry, we will know where you stood. If it goes against him, we will know where you stand, and you can do one of the two things, you can go to jail or support Mr. Newberry." The man then said that he went on the outside and talked to the boys and said, "You don't know how they put it up to me. I don't care whether Newberry is elected or not, but I expect he had better get some good votes here," and he adds, "The district went for Newberry, and my case was reversed."

King denied that, but Fletcher and two other men supporting Newberry, who went there with him, have never from that day to this opened their mouths to say that that conversation did not occur, and that that bargain was not struck.

Mr. KENYON. Mr. Field, manager of the Hotel Chippewa at Manistee, testified that Floyd asked him to give a hundred dollars to Richard Hoffman, county road commissioner, "for to work in the interest of Newberry." He further testified:

With regard to Mr. Hoffman, we agreed that we thought that, being county road commissioner, he could do a lot of good work for Newberry's campaign, on account of being around the county so much.

Was he simply employed to put out cards, or was it buying the Hoffman influence?

There is in the record the testimony of a Polish lawyer, sent out among the Polish citizens to organize them. He organized the Polish voters in Michigan for Mr. Newberry.

Charles Tufts, of Scottsville, Mich., testified:

He told me he (Paul King) was anxious to see Mr. Newberry win out and requested that I work for him, and I discussed with him plans for my work in behalf of Mr. Newberry, and suggested that I travel over a part of the State.

Was that a hiring under the statute?

I do not intend to put many of these in the RECORD. If Senators would read them they would find them interesting. But here is the testimony of Mr. Bohn, who made the Newberry campaign in Luce County, who received $150. Listen to what he said:

I expended, further, $125 for workers distributing literature and getting the vote out. Also had a list of voters in the townships made, which I used. I employed about 15 men to work primary day and paid them $5 apiece, two of them $10, who worked before primary day.

Does anyone doubt that this was going on all over the State? Was that a violation of the law of Michigan? Mr. Maddigan seemed to be a very interesting gentleman. He was chief inspector of plant 35, Buick Motor Co., Flint. That gentleman was told he would not be expected to devote his time for nothing, and the gentleman coming from the campaign committee asked him what he would accept. This is his testimony:

He asked me what I would expect if I would swing my support to Newberry. I told him I thought it was worth $150. * * * So then he told me he would expect I would devote all my spare time from that time on until after the primaries, and I told him if I had to do that, I wouldn't do it for $150—I would have to get more than it. While he said he would not let that stop it, that if I went out and devoted my time, I would get twice that amount; he didn't just use them words, but it was taken for granted that I was to get twice $150, that is the way I took it. He gave me $15 that evening. * * * He told me that there would be some petitions out and wanted to know how many signers I could get. I told him between 700 and 1,000 throughout the factories.

Of course, if he just passed around petitions in the factories, that would not be a violation of the law; but his support was purchased. Can there be any more corrupting influence than that? Can there be any clearer violation of the statute?

So it goes with many others, to whom I am not going to take the time to refer.

No man could stand in any court of law under this evidence and contend that the Newberry committee had not violated the statute. They could spend money for advertising, and for ten other purposes, but hiring workers is not one of the purposes for which an exception was made. It is the very thing the statute seeks to avoid. They would be driven to contend, as the majority here contend, that Mr. Newberry knew nothing about it, and it does seem to me, in making that statement, the majority insult the intelligence of the Senate; they insult the intelligence of Mr. Newberry himself, and rely on the fact that the Senate will not read the record, but will simply take their statements. It is the only position that can be taken, and they are driven at every turn of the road to take that position, and when the Senator from Missouri is unable to answer the questions propounded to him on the floor, he announces with great oratorical effect and beautiful rhetoric that Mr. Newberry was in New York and knew nothing about it. It is amazing that a man who had been Secretary of the Navy and active in business affairs could have a great campaign going on like this, one that everyone else knew about, and that he knew nothing about it, even though his attention was called in letters from Vandenberg and others to the enormous expenditures.

Mr. Vandenburg, in his letter to Mr. Newberry of August 15, said, in part:

The time to meet trouble is when and where it breeds. Michigan Republicanism has headed for the rocks more than once during the past 20 years as a result of the overgenerosity of candidates and their "friends" and "committees" who have deemed it proper to write political checks abundantly. Such a menace must not recur; and since an unchallenged reputation for such practices is almost as fatal as the practices themselves, I urge a reply from you immediately.

He got a reply to that, which I may as well read now, because I think this reply of Mr. Templeton and Mr. King discloses the real, honest purpose of this campaign, and if this case had been brought in here on the theory they disclosed in their letter I should have had a very different view of the situation. They say:

The attention of the Nation is fixed upon Michigan at this time, and what is done here will have a marked effect upon the country as a whole. With the well-known developments in the campaign, our mission has lost its personal characteristics. We are no longer standing for an individual, but contending for the principles which he represents. Any amount of effort to maintain these principles is not only commendable but imperatively necessary, and any group of citizens who will give of their time, effort, and money to sustain them are performing a patriotic duty.

Mr. Templeton was bold. He evidently believed that the expenditure of any amount of money was justifiable to defeat Henry Ford for the Senate, and he is perfectly honest in saying so. I am going to refer to that in a moment.

The majority say in their report that—

Truman H. Newberry was absent from the State of Michigan continuously during the entire campaign and until long after the election had been held. He took no part whatever either in the financial or other features of the primary campaign or its direction or control.

I can not understand how the majority of the committee could arrive at any such conclusion when the entire record is full of evidence to show that while Mr. Newberry was absent from the State in person, he was present in spirit, and that he absolutely directed the campaign. His managers went to New York to see him. Every day, or practically every day, he had a report from Mr. King. They were in communication by telephone and by telegraph.

The attorney for Mr. Newberry before the committee stated practically that Mr. Newberry knew all about the campaign. He directed even to the extent of how postage stamps should be placed upon envelopes. He speaks in one letter to King of scaring Mr. Warner out and keeping up "our publicity work at full pressure."

The publicity cost, according to the record, $140,000. I quote from his letter to Mr. King dated April 13, 1918:

I am glad Mr. Warner is scared out for the present, and as long as we keep up our publicity work at full pressure it will be harder and harder for any new man to get any kind of a start that will make it seem worth while for him to be a serious candidate.

Yet it is contended he did not know all about the campaign. That was dated April 13, before Henry Ford had gone into the race as a candidate at all.

Thousands upon thousands of letters were signed by him to go out in the campaign. They were sent to New York and signed by him. Every man who signed the petition for his nomination received a personal letter from him. Movie-picture shows were devised and exhibited over the State, certainly with the knowledge and full understanding of Mr. Newberry.

I do not join in the fun that has been poked at Mr. Newberry's posing on that battleship. Candidates in a campaign are often forced by friends to do things which may appear very foolish afterwards.

The members of this committee were the agents of Mr. Newberry, and he is responsible for whatever they did along the line of their duty.

The Davidson incident in the northern peninsula is indicative of how the campaign was conducted. I read from the report of the minority:

Mr. King and Mr. Newberry planned together to win Davidson from Gov. Osborn or to neutralize his influence, and finally Mr. Newberry wrote to Mr. King under date of May 2, 1918:

"* * * I think it necessary that I should have more detailed information concerning Mr. Davidson and his exact connection with the United States Steel Co. before I undertake to talk to any of my friends here who are in intimate touch with that organization. You may be sure that I shall leave nothing undone to accomplish the desired result in this matter." (B. E., 709.)

No accurate knowledge of what was going on! Taking up the effect of Davidson in the northern peninsula through friends with the officers of the United States Steel Co.! As the minority report states (p. 13):

Mr. Newberry was dealing with influential elements in New York. He was interesting Mr. John Mitchell, the great labor leader, in his campaign. (B. E., 689.) He conferred with the Steel Trust officers. (B. E., 709, 774.) He was dealing with the big mining company bosses (B. E., 698), and he was reporting all of his activities to the Newberry senatorial campaign committee, of which Mr. Templeton was the general chairman and Mr. King was the executive chairman. Strange, was it not, that all of their activities should so dovetail together?

Now, I wish to refer briefly to some of the mountain peaks of evidence on the question of knowledge. On March 8, 1918, the following letter was written by Newberry to King:

Regardless of what Mr. Warren's decision in the matter is I shall hope and expect my friends to continue their work in my behalf until after the primary polls have closed. Under no circumstances that I can foresee would I retire in Mr. Warren's favor, so please strongly express to any inquiring friends what I have said above.

He had a right, of course, to go into the campaign. Every man has the right to aspire to a senatorship. Why now try to convince people that he did not know anything about it?

Again, in his letter to King of April 14:

I will continue in the race to the finish.

In the letter of April 13 to King he said:

I am glad Mr. Warner is scared off for the present, and as long as we keep up our publicity work at full pressure—

To which I have referred before, and the publicity work cost $140,000.

In his letter of July 4, 1918, to King he said:

I feel sure that William Alden—

I suppose that is our old friend William Alden Smith—

will declare himself in his oration to-day, but I can not get very excited about it as his main strength will come from that part of the community which is swayed by oratory.

Some of the strength in the Newberry campaign was not swayed by oratory. They could not touch that part, because William Alden had a monopoly on oratory.

Again, on August 9, in another letter to Paul King, he said:

There is much more information about Osborn's present plight I will tell you when I see you. The statement that he is short of ammunition is an absolute fact. * * * I am inclosing a copy of my noncommittal reply to the Grand Rapids people, which covers the situation in a rather flimsy manner.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. KENYON. If the Senator from Arizona does not wish to propose an amendment to anything, I will yield.

Mr. ASHURST. I am just going to comment on the fact that the sitting Member says, and his associates say, that he knew nothing about his own candidacy and his own financial situation, but apparently he was well advised as to the financial situation of his opponent.

Mr. CARAWAY. May I interrupt the Senator just a moment?

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. KENYON. I yield.

Mr. CARAWAY. On August 11 the sitting Member, Mr. Newberry, wrote a letter to Vandenberg, who had written him about the character of campaign that was being conducted in his behalf in Michigan and told him how scandalous and corrupt it was. Newberry wrote him a letter, in which he said, "I am informed that the committee"—that is, the Newberry senatorial committee—"can file its account and justify its expenditures." Three days later, on the 14th of August, he swore there was nothing spent in his behalf with his knowledge or consent.

On the 11th he wrote that he was informed that these expenditures were legal and could be justified. If he did not have that information, of course, he was joking. If he did have it when he swore three days later that he knew nothing about it, I leave it to the Senator to decide for himself what he swore. But on the 11th he did solemnly assure these men who were inquiring from him that these expenditures could be justified. If he did not know, he ought to have said so; and if he did know, he ought not to have sworn that he did not know.

Mr. KENYON. The majority stated in their opinion that the evidence shows conclusively that the financial cost of the campaign was voluntarily borne by relatives and friends of Truman H. Newberry and was entirely without solicitation or knowledge upon his part.

I have referred before to the fact that when King visited Newberry they talked about the cost, and that it would cost at least $50,000. Now, does anybody believe, knowing Mr. Newberry as we know him—generous, kindhearted man—that he would have sat back in a campaign and contributed absolutely nothing, where he had been advised it was going to cost $50,000; that he would let his friends do the whole thing? He is a man of means, and his family have means. That is a rather amazing proposition, that we would permit his friends to do the entire financing of the campaign.

We have the amazing testimony of John S. Newberry that he wanted to finance the campaign. Smith had his power of attorney. John S. Newberry had no conversation with his brother. Think of it. A man running for the Senate and his brother never talking it over with him, but financing him; never had any conversation with Templeton, King, or Cody, or Blair; never inquired what was being done with the money; did not care how much was expended; never talked to anybody but Mr. Smith—and that was merely that he wanted to finance it; only knew by the papers that his brother was going to run.

Bear in mind this was after Cody had been sent to Washington to see Hayden and after King had agreed to act as manager. Amazing testimony! We are asked to assume that all the statements of John S. Newberry are correct. If John S. Newberry had said the moon was made of green cheese my good friend from Missouri [Mr. SPENCER] would have insisted we must accept it in our heart and conscience because Truman Newberry was in New York and knew nothing about the construction of the moon. This is all very strange, especially when coupled with the testimony of Smith and the power of attorney.

I can excuse the testimony of John S. Newberry. I would lie to save my brother or my family. Almost anyone else with any red blood would, too. I would not believe the testimony. It is a good deal like that little incident in Les Miserables where that poor convict Jean Valjean pursued by Javert year in and year out finally rushed into the room of Sister Simplice

in an attempt to escape. Javert appeared at the door. Out went the light. Jean Valjean hid in the room and the sister knelt in prayer. Even that bully had some respect for prayer. He asked the sister if she was alone in the room, and looking up from her prayer she said, "Yes." He asked her if Jean Valjean had passed through the room, and looking up from her prayer she said, "No." Two lies, but Hugo goes on to picture how the recording angel, looking down on that scene, would blot out those lies with his tears.

That is the way I look at the John S. Newberry testimony. The brother was in trouble, deep trouble. A man will lie for his brother when he is in trouble. I respect him for doing it. A lie may be sometimes justifiable in this world.

Here was a man, Smith, the agent of the Newberrys, managing several funds, with a power of attorney. Here was the man told by John S. Newberry to use any amount of money. Here was the man in close association with King, who had stated that he could do anything he pleased, that anything he saw that needed to be done he did it. He knew there were unlimited funds behind him. So the truth is that Smith could take any amount of money—if this is not so I would like to know it under the record—from the account of Truman H. Newberry and put it into the account of John S. Newberry and vice versa. Who was it complained about the balances? Not John S. Newberry. He did not care. He did not care how much money they spent. He was not going to lose.

But little is said here about the telegram from Smith to Newberry of July 28, 1918. That is the most important testimony in the whole case to connect Newberry with knowledge of the expenditure of money, and here it is:

Detroit, Mich., July 28, 1918.

Addressed to Lieut. Truman H. Newberry, third naval district, New York, as follows:

I misinformed you this morning the date of closing of regular expenses.

Why were they talking about it over the phone beforehand?

Should have said August 27. Circular work, advertising, clerical help, postage, and all regular overhead expenses will naturally continue until primary. Have written. Fred P. Smith.

Read that and then tell anybody that he did not know about the expenses of this campaign.

King, manager, on cross-examination, pressed as to the knowledge of Mr. Newberry of expenditures, said:

Of course he knew. Every sane man would know that large sums of money were being expended.

In this connection I desire to refer to a letter from Newberry to Miller, of the Detroit News, of April 6, as follows—a part only is necessary:

Neither Mr. Templeton, Mr. King, nor Mr. Oakman have ever or expect ever to receive one cent (except actual travel and publicity costs) from me. They have not suggested such a thing.

Mr. Cody and Mr. Templeton were the ones present at the meeting at the Statler Hotel with King in February, and King was then told the money would be furnished by friends and business associates of Mr. Newberry. King thought Templeton said that. Templeton said he did not, though he does say that if King says he did he must have done so; but in the record, at page 415, he said he did not say it. Cody was the only remaining man to tell King that this would be financed by friends and business associates of Mr. Newberry. Who told Cody the campaign would be financed by those friends and business associates? Not John S. Newberry, for his conversations as to money were around April 1, and the meeting at the Statler Hotel was in February. Further, he said he never talked to anyone except Smith, not even his brother, so Cody did not get the information from John S. Newberry.

This messenger boy, Cody, was a close friend of Newberry, the one who was sent confidentially to see Miller at Washington, the one who announced they would spend a barrel of money, the one who announced to Swinehart in New York that he had been out to Michigan and the lid was off and that the sky was the limit.

Where did Cody get his information? Who was it talked about money at the first meeting in New York when Newberry, Cody, and King were present?

The majority say further in their report that "the amount spent at the primary was large—too large—but there was no concealment whatever with regard to it, and it was spent entirely for legal and proper purposes"—page 7, majority report.

It is amazing that the committee can make this statement. The brief for Mr. Newberry says the amount spent was not unreasonable. Was it a proper or legal purpose to spend money to employ workers at and before the primary? Was it done? Nearly 100 of these political workers testified at the Grand Rapids trial under oath as to the payment of money. The record is full of evidence, as I have called attention, of the amounts of money paid to secure the influence of workers in all parts of the State in absolute defiance of the Michigan statute.

Of course, as I said before, if the evidence is to be eliminated from men's minds merely because Mr. Newberry is a Republican, and that no Republican has the right to question his election and still remain a good Republican, then I can understand how the committee's report can be sustained. It is an insult to the Republican Party to claim that a vote on this question is a test of Republicanism. It is an insult to the millions of Republicans throughout the country to maintain that the majority in this body must be maintained through corrupt elections. It is false, fallacious, and detrimental to the party. The people of the country have a right to inquire as to the proposition of fixing a price on seats in this body.

The question is not alone a question of Mr. Newberry. If the doctrine is to be established that any amount of money can be spent to secure a seat here, what is going to be the result? I am wondering what will happen to the Senator from Wyoming [Mr. KENDRICK] next year when the packer pocketbook is opened for unlimited use against him.

I hope there are some statutes in his State to save the situation. I am wondering what will happen to the splendid Senator from South Dakota [Mr. STERLING] when the liquor interests of the country open up their limitless funds in an insidious campaign against him; when men travel around his State, working in lodges and unions, securing labor papers, brotherhoods and secret societies, influencing everybody and everything except Sunday school picnics. I am wondering what will happen to the Senator from South Dakota—and he will never know just how it happened.

There is enough disrespect for law in this country without having the Senate help it on. If there is any danger in this Nation to-day, it is the growing disrespect for law, and here the highest legislative body in the world is asked to put its sanction upon the violation of law and the expenditure of $263,000 to secure a seat in this body.

In the national campaign last year the friends of certain gentlemen started out to secure the Republican presidential nomination for them—I will not say to buy the nomination, because there were some Senators who helped to manage certain campaigns, but to use money for influence it could secure.

The friends of one candidate expended over a million dollars; another expended one-half of that amount; and before our committee investigating campaign expenditures we had two precious scoundrels of the Missouri delegation who were for Lowden for President and who had $2,500 apiece of Lowden money in their pockets or in the bank. They did not seem to see anything unusual or strange about that. They sat there with brazen effrontery and bland countenances; they had violated no statute.

The Republicans did not dare to nominate either Gen. Wood or Gov. Lowden, because of the enormous expenditures in their campaigns. Senator Harding was nominated, and one of the great contributing causes was the clean account sheet that he had in his campaign. Everything he spent was put before the committee by Mr. Daugherty, and the country was impressed with the fact that the Harding campaign was clean; that there was no attempt to buy his nomination, and he sits in the White House to-day partially because of the cleanness of his campaign. If it had not been for that investigation, if it had not been for the light of publicity shining into the money chest of the Wood and Lowden committees, it is probable that one of them would have been nominated for President. No one can tell me that the Republican Party stands for corruption in elections.

In connection with the Michigan senatorial election the majority of the Committee on Privileges and Elections say the money was spent for "proper and legal purposes." Everything was "open and aboveboard," we are told; and there was "no concealment." These statements can not be sustained by the record. Senators could spend hours here reading the evidence of workers employed, from the beginning of the campaign to the end, setting forth conversations, statements, lists of names showing the enormous number of people employed to buy influence. Members of traveling men's associations, lodges, and labor organizations—the big workers—were to be secured, as King wrote to Newberry. Prosecuting attorneys in some counties received funds, which may account for the fact that there have been no prosecutions for violation of these Michigan laws. County road commissioners were corralled, because they travel around the counties. Luncheons and banquets were given and cigars distributed here and there and everywhere. Bankers were secured for their influence; different nationalities were

worked through lawyers of the nationality being employed; men were employed to line up the marines, fishermen, the lifesavers. Other sickening and disgusting practices were followed. Sealed envelopes were laid on tables to be opened up by gentlemen with whom the conversations were held; fifty-dollar bills were left under books on tables. The president of the Railroad Men's Relief Association, with his monthly magazine, was brought around by advertisements; fraternal lodges were worked by various agents for stated stipends. One lecturer in a Masonic lodge was employed to talk with people in hotels and on trains. A member of the United Commercial Travelers was paid $850 salary and expenses to go around and talk with traveling men, and yet we are told that there was no violation of the statute; that only the usual and proper and legal methods of carrying on campaigns were employed. I deny that statement. The methods employed in conducting the campaign were corrupting and damning and were calculated to undermine the very structure of Government. Such methods can not continue under this Government, and they will not continue much longer.

It may be well to note the subsidizing of the press. A large part of the press of the State was subsidized. The most dangerous thing in this Government to-day is the power of great interests to subsidize portions of the American press. That is not a popular statement, but it is the truth, and it was shown in this case. It is conceded that at least $140,000 was spent for publicity purposes. It is claimed that Mr. Newberry was unknown in Michigan—which is hardly probable, for he had been Secretary of the Navy—that Mr. Ford was well known, and hence great publicity was necessary. So this unheard-of amount of money was expended for publicity.

Mr. King writes on July 6 to Mr. Newberry that "they have 201 papers openly supporting him," a man who had not been known, and "that this is quite remarkable." It is amazing how this large number of papers could be supporting a man that the majority report states "was practically unknown in the State."

Other methods are shown in the letter of King to Newberry of the 15th of August, in which he says:

> Our one weakness is with the labor vote. The Flint Labor News, which has been strongly Osborn, is weakening, and I am sending a man there to-day with a page advertisement for insertion just before the primaries. (B. E., 888.)

That is the skillful "within the law" way of doing things. That is the way some of the press is subsidized.

Mr. King testified that these 201 papers had some of their ammunition in the way of advertising and money payments. Ammunition was important. Osborn became short of ammunition. In a letter to King on the 9th of August, Mr. Newberry stated:

> There is much more information about Osborn's present plight I will tell you when I see you. The statement that he is short of ammunition is an absolute fact. (B. E., 881.)

What was the ammunition? Newberry's campaign committee was not short of ammunition. Money was the ammunition. Money is the ammunition that some gentlemen think can win any battle of ballots—and it can if the people do not know what is going on—and $263,000 is a lot of ammunition.

If Henry Ford had spent that much money and had presented himself here as a candidate, I should have voted against him just as quickly as I shall vote against Newberry. It is not a question, in my mind, at least, as between Ford and Newberry. Can anyone stand up here, in view of the letter of Mr. Newberry to Mr. King of the 9th of August, and say that Newberry had no knowledge of the ammunition that was being used in his campaign? Why was Osborn in a plight? He had no ammunition for the newspapers. And yet the statement was filed with the Senate under the law by Mr. Newberry that no moneys were received or expended with his knowledge or consent. I am not going to refer to that statement, because I have a real respect and affection for Mr. Newberry, and I think there is some mistake about it. There must be. He has been the victim of bad advice.

What more insidious and corrupting campaign can be carried on than by advertisements in newspapers for the purpose of affecting editorial opinion? Of course, it does not do so in every case, but when newspapers which have received large sums for advertisements become active in the support of the man who furnishes the money for the advertisements the ordinary individual has a right to be suspicious. There is no use in folding one's hands in holy prayer about it, for everyone knows that the majority of those newspapers were bought. You can not fool all of the people all the time about what is going on in this country under the influence of the big interests with the newspapers. We have seen it at work in the enormous advertisements of the packers throughout the country. We have seen it operate in presidential campaigns. It is apparently innocent, but in its effects it is powerful. No one can read the record in this case and not be satisfied that a large portion of the press of Michigan was subsidized in manner well known to the professional politicians.

The majority of the committee, in their report, say that none of the money spent in the primary election, large as was the amount, was spent for corrupt, illegal, or improper purposes. It was spent—

> without the knowledge or consent of Truman H. Newberry, for publicity and for ordinary campaign purposes and expenditures which are perfectly familiar to every man who has ever been a candidate for office, and which are generally regarded as both necessary and proper.

I hope it is not regarded as necessary and proper for candidates for office to violate the laws of their State. I hope it is not regarded as necessary and proper to subsidize the public press; to expend $263,000 to secure a seat in the Senate of the United States. I think the committee will discover that while the majority of the committee may regard these things as necessary and proper the great mass of American citizens takes a contrary view.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. CAPPER in the chair). Does the Senator from Iowa yield to the Senator from Missouri?

Mr. KENYON. I yield.

Mr. REED. I wish to know—for I have not had time to read the report—does the majority report say, in so many words, that the expenditure of $263,000 was necessary and proper?

Mr. KENYON. No; but it says the expenditures were necessary and proper.

Mr. REED. All expenditures?

Mr. KENYON. Yes; all expenditures.

Mr. REED. That is the same thing.

Mr. KENYON. And I am taking the $263,000 as my deduction.

Mr. REED. Very well.

Mr. KENYON. The report filed here in the Secretary's office, I think, showed an expenditure of $176,000 or $178,000, and the Newberry brief concedes, as I remember it, an expenditure of $198,000 or $199,000. Then there are expenditures that were not counted at all but which appear in the record that run the expenditures up to $263,000. Undoubtedly twice that amount was spent.

Mr. REED. But the majority report undertakes to justify as necessary and proper the expenditure of this large sum of money?

Mr. KENYON. Oh, yes. The report says that the expenditure was too large, but was for entirely legal and proper purposes. Let me see if I can find that language in the report; but if the Senator wants to make any observations on it, I will tell him that is practically what the majority report says. Here it is:

> Your committee condemns the use of such a large sum of money in any primary campaign, but in the instant case there is not the slightest foundation upon which to connect Truman H. Newberry with its solicitation, its acquisition, or its use, nor to condemn him because of the amount. While the aggregate was large, it was not spent for any purposes that were in themselves illegal or improper.

Mr. REED. The committee condemns the use of the money, however. I will ask the Senator to read that again.

Mr. KENYON. Very well. It is interesting. I will read it the second time:

> Your committee condemns the use of such a large sum of money in any primary campaign, but in the instant case there is not the slightest foundation upon which to connect Truman H. Newberry with its solicitation, its acquisition, or its use, nor to condemn him because of the amount. While the aggregate was large, it was not spent for any purposes that were in themselves illegal or improper.

Now, I want to read the statement in the report that the Newberry campaign committee merely carried on the usual practices.

Mr. REED. The committee, then, does condemn the use of such a sum of money?

Mr. KENYON. Yes; they do.

Mr. REED. But the committee say that Newberry was not shown to be connected with it?

Mr. KENYON. They say he was not connected with it, but they concede that approximately $195,000 were spent.

Mr. REED. Has the Senator discussed the question of the mental competency of a man to sit here for whom $195,000 may be expended and he not know anything about it?

Mr. KENYON. I have referred to that in a mild way, but I am sure the Senator from Missouri could have placed it before the Senate much more effectively than I have.

On page 10 the committee themselves in their report concede that the Michigan statute prohibits the hiring of workers on primary day and prior thereto to induce persons to support or oppose any candidate, but they express horror at the charge that hundreds of workers were hired over the State in violation

of the law, both the written statutes of Michigan and the common law. They find that the evidence entirely fails to sustain this charge, and that the clerks, stenographers, field men, and publicity men are not within the prohibition of the Michigan statutes. In view of the record and the hundreds of men who were employed to go out around the State to organize in lodges and every other conceivable place, who were paid fees to secure support for Mr. Newberry in open, flagrant violation of the Michigan statute, how can any committee, unless it be controlled entirely by personal or partisan bias, make any such finding? It could not stand in any court of justice for one moment.

Mr. President, I listened with great interest to the speech of the junior Senator from Georgia [Mr. WATSON] on this case. I have a very great affection for him, but that was an amazing speech. Before he came here I always thought of the Senator from Georgia—and that idea is not going to be destroyed now—as a man who stood for the truest things as he believed them and for the purity of elections. While I did not agree with him about many other things, and do not now agree with him, I felt that he stood for that, and his speech was a considerable shock. I respect his opinion; I am not quarreling with him. I can understand how a man can vote for Truman Newberry and say, "I do so because I admire him personally; I am sorry for him; I regret the unfortunate condition that he is in; I am going to stretch my conscience to help him on the ground of friendship." I can see how men can vote for him and say, "I hate Henry Ford, and I shall vote for Newberry because Ford should be kept out of the Senate, for he did not know whether Benedict Arnold or someone else wrote Arnold's Essays and the Light of Asia," as the Senator from Georgia so graphically pictured in his powerful argument, or whether the troops from Michigan fought with Andrew Jackson in the War of 1812; so have a care, people of the South. I can understand how a man might even do that. I can understand how he can vote for him and say, "I do so because the social bloc has worked so hard for Newberry." I can understand how he can do so and say, "I do so because he is a Republican and the Democrats are trying to make political capital of it"; but I can not understand how men can vote to seat him here on the theory that he had no part in the conduct of this campaign.

There are other things that could be discussed—sickening exhibitions of attempts to suppress evidence. The original books, records, and nearly all the checks which would have shown these transactions, were destroyed, lost, or stolen soon after the primary. Valuable records were kept in a barn; and, of course, stolen at the opportune time. There is the amazing story of Mr. Frederick P. Smith, financial secretary, that in the first week in September a paper sack had been delivered to him containing $21,000 in currency. No one knew where it came from. It was a complete shock to him. This interesting witness was unable to give a statement of moneys advanced and returned, because the books of the Newberrys had been stolen. It seems that the books in which contribution statistics were kept were stored in a barn for safekeeping; and, to the amazement of the witness, when he went to get the books and papers they had been stolen, and the barn doors were open. Sad, sad story! He was under the impression that the mysterious $21,000 in the paper sack had been deposited to the credit of John S. Newberry in one of the banks of Detroit. The committee apparently did not go into this question, and the bank officers were not brought.

At the end of the campaign certain books seem to have been prepared, the books of original entry having been destroyed. These new books showed no entries of thousands of dollars paid to hundreds of workers throughout the State; and I want to call attention to an amazing statement in the brief of Mr. Newberry's counsel in relation to this matter. On page 74 he says:

> To hire workers contrary to law or to do the things prohibited by the sections to which reference has been made—

That is, section 45—

> would subject the campaign to criticism; but the fact that no trace of such expenditures appears in the report or has yet been found shows quite conclusively there were no such expenditures.

How could they be found when there were new books prepared? Mr. Emery was the gentleman who would know about all of this, and Mr. Emery had disappeared.

The Senator from Missouri [Mr. SPENCER] has made a plea for him. I do not want to be unkind or harsh about it. I have a sympathy for any man who was run over by a Ford car, as he says Mr. Emery was.

Payments of the office pay rolls were shown only to the extent of $1,500 per week, while the pay rolls every week amounted to $35,000. When it was sought from witnesses to discover where the money came from to meet the pay rolls, the responsibility was again placed upon the disappearing shoulders of the witness Emery. Emery was the gentleman who knew all about it, and Emery was the gentleman who left for Canada.

The check register pay roll and the Blair report were so fixed as to eliminate any showing of the hiring of paid workers for the primary. These records were destroyed after charges had been made throughout the State of unlawful expenditures of money, such charges being made by the lieutenant governor of the State and by leading newspapers. There is an unexplained mystery surrounding the destruction of these records. The whole case reeks with fraud and mystery. False returns were made to county agents. There was a doctored treasurer's report. Witnesses have disappeared. Newberry himself did not come before the committee and explain these charges and especially the report which he filed, under the law, with the Secretary of the Senate.

It is a shameful record of an attempt to secure the election by the use of tremendous sums of money and in a shrewd, careful way to avoid the statutes of Michigan. A lawyer was employed to keep those managing the campaign out of trouble, and King kept the statutes before him. Newberry himself could not expend more than $3,500; so, to avoid the statute, the "voluntary committee" was formed—a "voluntary committee" on which there was not a single volunteer. This committee spent the money, so that the argument can be drawn that Mr. Newberry did not violate the statute. If the committee had been voluntary, and he knew nothing about it, this might be true; but the committee was not voluntary, and he knew all about it. They were his agents. They spent his money. He is responsible for what they did, and in spending this sum they violated the law and he violated the law. If they bought the seat, the election is tainted.

There is no use of beating around the bush in this case. The cold fact is that this seat in the Senate was purchased, and the price paid was at least $263,000—not so outright as in the Lorimer case, where gentlemen seemed to desire to be purchased, but in a more insidious and genteel manner.

When the Payne case was in the United States Senate, some very pertinent things were said by the great Senators of that day. It was charged there that the views of the minority contained a startling proposition, never before announced in the Senate, and one which had never received a moment's consideration, where the minority said:

> As the Senate is the only court that can properly try this question, so the charge is made, if not in the only way it can be made yet certainly in the way beyond all others in which it can be made with most authority. * * * For the Senate to refuse to listen to this complaint so made would, it seems to us, be, and be everywhere taken to be, a declaration that it is indifferent to the question whether its seats are to be in the future the subject of bargain and sale, or may be presented by a few millionaires as a compliment to a friend.

Senator Frye, that great Senator from Maine who presided over this body so many years, said:

> I know, and so do they (referring to the people), that a man of great wealth who loves money easily grows into the idea that money is God—omnipotent, omniscient—can do whatever it pleases, and go whithersoever it may. I know that he proceeds upon the hypothesis that it can purchase anything he seeks or anything his heart may want. I know that he names his price for every man and declares that he can find a price that will fit.

That was not some wild, progressive Senator from the West. That was the great Senator from the conservative State of Maine speaking on an election case.

He further said:

> Sir, if popular government is still an experiment and shall become a failure, the failure will be the legitimate result of unfaithful citizenship. If this Republic shall be wrecked upon the shoals, the rock upon which it breaks shall be named corruption of the ballot. The ballot box is the fountain head of government of the people. Whosoever defiles that destroys the whole.
>
> The Senate can engage in no holier or more responsible duty than to devote itself to a work, however painful and disagreeable, that may result in a warning—a terrible warning—which shall sound from the East to the West, from the North to the South, declaring, with no uncertain voice, that corruption by money power of the citizen at the polls or of a legislature shall cease now.

In the Payne case, Senator Frye further said:

> It is the solemn duty of the United States Senate to see to it that Oliver H. Payne and Messrs. McLean and Thompson and Huntington and Page, and every other agent, if there are others, of the Standard Oil Co., shall come before a committee of the United States Senate, and, under oath, state whether or not they purchased a seat of a United States Senator.

He took the position that they all should be brought in. I do not know that you can bring a Senator in and compel him to testify. I should think, in view of the charges that have been made in this case, that Senator Newberry would have been quick to testify and explain them, and clear up this miserable mess, if it can be cleared.

Judge Thurman, that great Ohio Democrat, said with reference to the Payne case:

> The Democratic clock is put back four years, and corruption is given a new leasehold in our land; syndicates purchase the people's votes and honest men stand aghast.

In the inaugural address of the lieutenant governor of Michigan, a Republican, delivered in the Michigan Senate January 1, 1919, he said, referring to the Newberry candidacy:

> More communications on this line, asking for legislative action, have come to me by far than all others combined. * * * This, you know, is the outgrowth of the candidacy that doubtless cost more money than ever before was paid for a nomination for office in all the world's history.

That is a Republican lieutenant governor. It is apparent that the Republicans of Michigan do not regard this as a strictly party question.

Mr. President, what is the defense to this case? First, of course, that Mr. Newberry knew nothing about it. We might as well have had a phonographic record in this room and every time any question was asked let it grind out, "Mr. Newberry knew nothing about it." That is the one answer that has been given to almost all of the pertinent inquiries.

Go out and tell that to the American people.

The second defense is that Mr. Ford should have been defeated; that it was proper to spend any amount of money to keep a man out of this Chamber if he is a dangerous man in the view of Senators. I had supposed that was a question for the voters of a particular State. I hold no brief for Mr. Ford. I do not know him, and do not remember that I have ever seen him, and I have not been in accord with many things that he has done. I do not like the constant attacks of his paper upon the Jewish race. I could not agree with his extreme pacifist views before the war. I can not reach the conclusion that his occupying a seat in this body, if he had succeeded in the Michigan election, is so fraught with danger to the Republic that men were justified in breaking the laws on the theory that the end justified the means. He has been a fairly successful man in business. He has at least shown, on the one railroad that he owns, that railroad rates could be reduced. He has had no controversies with labor and has maintained high standards for labor. It has been said here that he is a dangerous man to be in the Senate, and possibly he is, and if Senators feel that way, they could, of course, justify themselves. There is some egotism in the United States Senate in contending or believing that he would lower the standards of this body, for, great as we concede we are, it is very probable, it is quite probable, that he is as great as some of us, though not so great as all.

If the statement is true that is referred to in the letter of Mr. Joy—which was evidently written as a campaign document, he being related to Mr. Newberry—that Ford had said American soldiers should have the word "murderer" branded on their uniform, then Mr. Ford would not be a fit man to sit in this body. I doubt if he ever said such a thing, as I want more evidence than a letter from a relative, intensely interested in this campaign. I want to know the truth of that statement. I believe the matter was thrashed out in the suit of Mr. Ford against the Chicago Tribune some time ago, but I have not been able to get the records. If Mr. Ford should present himself here—as I assume he may in some of the years to come—and present a certificate of election to this body, and the evidence to establish that he had ever used such language concerning the soldiers was as strong as the evidence is here to show that Mr. Newberry managed and conducted this campaign through his agents, I would vote unhesitatingly against the seating of Mr. Ford in this body.

It is easy to make attacks like this on men who are not here to defend themselves. The President of the United States evidently did not share in this belief of many Republicans that Mr. Ford was such a dangerous citizen, for he spent a very pleasant few days in camping with him and others some months ago. Thomas Edison, who is a fairly good American citizen, does not seem to share the same opinion as some Senators, for he was a member of the presidential camping party.

Secretary Weeks, who has suddenly leaped into fame as the destroyer of the agricultural bloc, did not share this opinion, because he had Mr. Ford come to see him about Muscle Shoals. If these gentlemen had believed that Mr. Ford has used this language as to the American soldiers, they would have scorned to be in his company on any occasion. Let us have some more proof of that before we really believe it.

Ford is not in this matter, except in one way. If a man takes the position that Ford was the kind of a man who should be defeated by the expenditure of any amount of money, then he is in here. If a man honestly believes that he was justified in doing it, how much squarer it would have been for Mr. Newberry to have come in and said: "Yes; I knew about this campaign—of course I did. Patriotic men came to me and wanted me to make the campaign. I did it. I did everything I could to win. I spent all the money I could, because I believed that Henry Ford was a dangerous man to his country."

If he had done that, and said, "Now, do as you will with me," we would have respected and honored Mr. Newberry. Instead of that we have this camouflage of pretending that he did not know anything about the campaign. No charges have been presented against him, at least none supported by evidence. If any were made, they have been abandoned by the committee. He was not in the campaign until long after Mr. Newberry. His contention for the seat has been abandoned. If Mr. Newberry is not seated, the governor of Michigan will appoint a Senator. The real point at issue is not Ford's candidacy; it is, Was the seat secured by corrupt methods? Can $263,000 be spent to secure an election to this body? That is the question you are going to answer on the stump. That is the question you are going to answer to the American people. They will understand the issue.

This election, as Lord Coke said in the Long case, "is tainted at its fountain." Mr. Justice Miller, of the Supreme Court of the United States, once said:

> The two great natural and historical enemies of all republics are open violence and insidious corruption.

If the Senate of the United States is to justify the expenditure of hundreds of thousands of dollars to secure a seat here, the rule of the people is gone; no man of moderate means can attain a place in this body and no poor man or woman can ever dream of it. Put seats in the Senate up for sale; the price is going up. Auction them off. This country of ours has difficult enough problems to face. The good of the whole Nation is above and beyond the friendship of any man or the welfare of any man. The good of the Nation demands that seats in this body shall not be purchased; that they shall be secured through the free and fair and frank expression of the voters of the various States. I realize that the stage is completely set for this performance; that there will be very few votes from this side of the Chamber against Mr. Newberry retaining his seat.

I know the effective pleas that have been made. I know the activities of the social bloc and how effective it is. Do not talk so much about the agricultural bloc; talk a little about the social bloc.

It would please me personally, because of my liking for Mr. Newberry, to vote that he is entitled to his seat, but I can not in conscience do so. I realize men will vote on this case who have given absolutely no study to the record. It was thought it could be shoved through speedily at a time when the country's attention was diverted by the Disarmament Conference, but that did not succeed. There are those who will rush in at the last moment who have been out of the Chamber during the discussion, who can not explain this record to their constituents, and who will vote to seat Mr. Newberry simply for party reasons. There are others who will not vote; others who will be paired. Some, of course, for perfectly legitimate reasons, will vote for Mr. Newberry's right to his seat. There are some who will have official business elsewhere, but the people are going to understand the whole proceeding.

The Senate does not to-day stand any too well with the people of the United States. That is unfortunate, because it is a body of splendid men, earnestly devoted to the best welfare of the country. When the brand of approval was put upon the Stephenson campaign in Wisconsin, the Senate suffered in the opinion of the country; when the brand of approval of the Newberry campaign is now placed by the Senate upon his seat, it will suffer still more. The price of seats in the Senate has been going up. Senator Morrill, of Vermont, expressed horror at the expenditure of $15,000 in the Caldwell case. The Stephenson case raised the mark to $107,000. The Newberry case raises it to $263,000, though it should be considered in a perfectly fair discussion of the price of seats in the Senate that the purchasing power of the dollar has diminished since the Stephenson case.

This will not be the last of the Newberry case. You can not brush aside a thing of this kind, even though great and mighty international questions are before the people. It goes to the very fundamentals of the Government. The people of this country, who love their Government, are jealous of its integrity and hate the corrupting influences that purchase seats in the Congress. It is even worse to do it in insidious ways than to go out and buy it outright, as was done in the Lorimer case. It requires much more courage to buy elections in that way than it does to buy them in this way. If the price of seats goes up from $107,000 in 1912 to $263,000 in 1921, it certainly ought to reach the $500,000 mark in the next 10 years. What opportunity is there for the average everyday citizen, be it man or woman, to aspire to a seat in this body? You are undermining by the vote in this case the foundations of this Government, and the Republicans are not helping the Republican Party. I doubt if you really are performing a real act of

friendship for Mr. Newberry, much as we like him and sorry as we are for his situation. The day is coming when this case will be heard in another court, the only court, save the Supreme Court, with higher jurisdiction, and that is the court of the great American people. There the question of pure elections and the purchase of seats in this body will be tried out. That means out in the places of business, workshops, on farms, on the rostrum and at the firesides of the American people. It will be tried out where men and women are now struggling over the hard vicissitudes of life, with the difficult problem of getting along on meager salaries and small incomes, and are watching the matter of the purchase of seats in the Senate. It will be a trial that will be worth while because the American people when they understand the question will decide it right. They will know the record even though many Senators do not, and there is as little question of the judgment there as there is of the verdict here; but be assured if Mr. Newberry is seated the judgment there will reverse the verdict here.

Mr. REED. Mr. President, I had not intended to say anything on this case, but I want to occupy the time of the Senate for just a few minutes in order to outline my views.

For Senator Newberry I entertain the kindliest of personal feelings. In any question of doubt I would give to him the benefit of that doubt; but the evidence in this case, taken in the light of what every man acquainted with politics knows, can leave no possible question in the mind of any man who approaches its consideration with an open mind, that Senator Newberry was privy, if not party, to the expenditure of a sum of money so vast that money was made the determining thing in the election.

The expenditure of money in reasonable amounts for the purpose of exploiting a candidate's virtues is permissible, but if it is to be admitted as proper that money may become the chief element in the equation, then there is no limit to the amount that can be used, and we will soon find the Republic for sale, for when the offices of the Republic are for sale the Republic itself is upon the auction block.

Truth to tell, this bad state of affairs in Michigan arises largely from the fact that two men were nominated for the high office of Senator who never would have been dreamed of by any mortal man had they not each been the possessor of great wealth. I say that with all respect to Mr. Newberry, who is an intelligent man and an educated man; but he is not possessed of those qualities which would throw him to the forefront of a State, and cause him to be selected as the champion of some great principle or of some great party, certainly not unless he had worked his way to that position by having held other popular commissions.

If it had been a question of seeking men possessing forensic ability, ability as lawyers, ability of leadership, ability of organization, then there were thousands of men in the State of Michigan who would have been first thought of.

It was with the political managers undoubtedly this sort of case, first or last, that Henry Ford had a vast fortune and they wanted somebody who, in an appreciable degree, at least, could match dollars with him. It happens that it is not claimed that Ford expended large sums of money, but it is true that he had an enormous number of people directly in his employ; he had made a machine, an automobile, which had more ability to haul dollars to the Ford factory than to haul passengers over the highways, and he had accumulated a great fortune; and through his employees, scattered all over the State, it was figured he could exercise a commanding influence. If he had been merely running on his mental equipment, his nomination would not have been thought of by any second-rate idiot.

But he had money, vast sums of money, which I am glad the record failed to show he expended in this manner. In order to match dollars with a man who could command large sums of money, Mr. Newberry was nominated, and it is the only reason why he was nominated. Having been nominated, he and his friends made good the financial expectations. If the expenditure of a quarter of a million dollars can be proved, it is entirely likely that twice that sum was used.

So that the question which we have presented here is whether by our votes we propose to sanction the admission to this body of a man who comes here with a taint upon his title.

We are not deciding this case alone. If I were to decide it upon personal feelings alone, I would vote in favor of Mr. Newberry. But we are establishing a precedent. We have had one very bad precedent before this, the case of the former Senator from Wisconsin, Mr. Stephenson. There, again, was a man, a splendid, rugged old character.

If the Senate of the United States was a body organized for the business of running a sawmill, there is no one in the world who would have been better qualified than Isaac Stephenson; but if the Senate was engaged in the business of making laws for 110,000,000 people there was hardly anybody possessing less qualification for the office. He was selected because he had money. He was picked by the grafters because he could be grafted, and was nominated because the grafters spent some of the money for the purposes for which it had been paid.

Our friends upon the other side of the Chamber are establishing some dangerous precedents for the country. Never, I think, but once before has it been charged that on this side of the Chamber vast sums of money were expended. In that instance the corruption was exposed by a Democrat in the general assembly of the State, the Senator was expelled from this body, and the member of the legislature who exposed the grafting in the first instance was promoted to this body. So the Democratic record is not very bad in that respect.

We had another very bad case on the other side—the Lorimer case. There was an expulsion, and it was to the credit of a part of the Republican Party that he was expelled. But in the Lorimer case, as I recall, the corruption was limited to the members of the legislature, while the leprosy in the pending case spreads to an entire State.

Is a United States senatorship to become like a string of pearls hung in the window of a jewelry store, that can be purchased for money, whether the money is that of a bawd or of a virtuous woman? Men competent and qualified to fill an office do not need to buy it.

The insidious march of corruption among a people is not to be overlooked. At first it is always scorned and treated with contempt, but if it be permitted and is persisted in people become accustomed to it, too much accustomed to it.

If you ask me why it is that China lies yonder like a vast jellyfish, that the shark nations can take a huge bite out of at will and thus destroy, I would answer that probably the chief reason is that for many years bribery has been a common thing among Chinese officials. Even now certain delegates from that land are charging that some other delegates are in the pay of Japan. If you were to ask the real cause for Russia's failure in the Great War and in the Japanese War you probably would find the answer in the truth of the charges that Russian officials pocketed the people's money and sent the soldiers to the front without the guns they should have purchased with that money. If you were to ask what is the source of two-thirds of the trouble in Mexico you would find it in the fact that it has been known for many years that to obtain justice in Mexico you must pave the way to justice with gold.

So that we to-day who vote upon that question must vote for the future of our country. I know how strongly partisan feeling may appeal to men, how tightly party lines may be drawn, but party lines and party reasons must give way in a case involving the integrity of the country itself.

I wonder if we were trying an ordinary prisoner at the bar, and if that ordinary man were charged with having stolen $263,000, and if his connection with the theft were proven as closely as the connection of Senator Newberry is proven with the financial transactions here involved, how long it would take a jury of 12 men to find the prisoner a particeps criminis in the transaction? I wonder if, instead of this being $263,000, it had been $263 and the prisoner at the bar was a man of humble means, how long it would take a court or jury to find that individual guilty?

So, Mr. President, without arguing further, it seems to me this case is complete, indisputable. If there were one thing needed to make it a certainty it is the failure of Senator Newberry to take the witness stand. I am perfectly aware that in criminal cases the citizen is permitted to remain from the stand and to refuse to give testimony against himself. I am perfectly aware of the rule that in criminal cases no inference is to be drawn against a prisoner at the bar for having failed to testify in his own behalf. It is a wise and a sound rule based upon considerations which I shall not take the time to mention.

But in a civil suit where the circumstances point toward and connect the plaintiff or the defendant with a transaction which requires and demands explanations, and the plaintiff or the defendant in the civil suit fails to take the stand, there is a presumption which follows from his failure to testify, a presumption that can be argued to the court, a presumption that is considered as exceedingly weighty, dependent, of course, upon the peculiar circumstances of each case.

If Senator Newberry did not know of the expenditure of this money, why did he not take the witness stand and say he did not know of it? If there was any circumstance requiring explanation and exculpation, why did he not take the stand to make that explanation? Here was a tribunal the members of which, regardless of politics, would have been glad to have heard him vindicate himself. But he did not take the stand.

He remained silent. I will not vote for a man who can not testify in his own behalf. I will not vote to seat a man who dare not open his lips regarding transactions which unexplained are condemnatory.

MARINE INSURANCE IN THE DISTRICT OF COLUMBIA.

Mr. JONES of Washington. Mr. President, when the hour of 2 o'clock came the unfinished business came up, and the bill for the consideration of which I had received consent went to the calendar. I think it will take but a few moments to pass it. I ask unanimous consent to resume the consideration of Senate bill 2265.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes.

Mr. JONES of Washington. I desire to offer an amendment, to come in on page 26. Under the title of Chapter VII, I move to strike out all of the title except the words "Merger of companies." That title went in the bill as originally framed, and as finally modified and reported here the title should be changed to "Merger of companies."

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 26, lines 1, 2, and 3, in the title, it is proposed to strike out the words "and membership in underwriters' associations and insurance syndicates," so that, if amended, it will read:

Chapter VII. Merger of companies.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES of Washington. I ask to have printed in the RECORD the report of the committee, which gives pretty fully and concisely the terms of the bill and the necessity for the legislation.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Mr. JONES of Washington, from the Committee on Commerce, submitted the following report to accompany S. 2265:

The Committee on Commerce, to whom was referred the bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes, having considered the same, report favorably thereon, and recommend that the bill do pass without amendment.

No reasonable effort should be spared to build up an American merchant marine. We will probably have to use "heroic" measures to do it. One of the most important factors in the maintenance of a merchant marine and the development of foreign commerce is marine insurance. The nation whose citizens control marine insurance largely controls the world's marine and trade. The men and companies who do marine insurance learn the business methods and trade secrets of marine and commercial competitors, and they do this without disclosing anything of the practices or secrets of their own allied marine and commercial interests. It needs no argument to show the tremendous advantage this gives.

More than two-thirds of the insurance on American ships and cargoes is done by foreigners. More than three-fourths of American hull insurance is done by foreigners. This should not be, especially now, when we have such a large tonnage which we hope to have profitably operating in the foreign trade.

One of the great handicaps to the growth of American marine insurance is the diversity of our laws affecting it. Legislative jurisdiction over this subject rests with the various States. There is no uniformity in their legislation. Little account seems to have been taken by them of the broad interests of the Nation. No efforts have been made to aid in building up marine insurance. In fact, many States have provisions of law that are actual handicaps to it.

This bill is an attempt to show the Nation's interest in this subject and to suggest model legislation which it is hoped will be followed by the various States. It takes a nation's view of the problem, having due regard for local interests. It is an expression by the General Government of what is needed to serve a national purpose, in the hope that the various States will follow it as nearly as may be. Congress has jurisdiction over the subject for the District of Columbia. The hope and prospect of the formation of companies in the District of Columbia to act under this law is sufficient justification for its enactment, but it is frankly avowed that the chief benefit hoped to come from it will be the enactment of similar legislation in the various States of the Union.

The subject of marine insurance has been given much consideration by the Merchant Marine and Fisheries Committee of the House of Representatives during the last two years. Special investigations have been made and experts have been employed to study the question in all its aspects. This bill is largely the result of these studies and investigations. It has the approval of the insurance people of the country and of the representatives of the shipowners.

Prof. S. S. Huebner, the insurance expert, clearly states the situation as shown by the investigations, where, in his testimony before the Commerce Committee, he says:

"Now, it occurs to me that I might just briefly indicate the absence of our marine-insurance facilities, and then present the leading features of this bill.

"The investigation showed that about two-thirds of all the marine insurance originating in the United States, cargo and hull insurance combined, was written, either directly or by way of reinsurance, by foreign insurance companies. If our thought is centered on hull insurance only, it is correct to say that about 75 per cent of the marine insurance originating in this country is under foreign control.

"About one-half of all the reinsurance placed by American companies was placed with foreign underwriters, and a great majority of the American underwriters informed us that this was not due to choice but to necessity. Our facilities were so limited that an American company which could only accept a reasonable amount of insurance on a particular risk was obliged to resort to the foreign markets in order to place the insurance that was offered to it.

"The investigation also developed the fact that a very large proportion of the marine insurance originating in the United States was exported directly to the foreign markets; that is to say, it was placed with alien underwriters who did not even have a branch office in this country; that is to say, were not admitted companies. It is hard to say just how much insurance is exported in this way, but through correspondence I developed the fact that as regards 67 nonadmitted alien underwriters, we sent out $12,000,000 in premiums for the year 1918. This, however, excludes all the insurance that was placed with Lloyd's and many other sources that we no doubt did not discover. This exported insurance, you will understand, pays no taxes whatever to this country. All told, two-thirds of all American marine insurance originating in this country was under foreign control in the year 1918."

A similar bill has been reported to the House of Representatives, and the report on that bill is so clear, convincing, and comprehensive that it is not thought we can do better than to incorporate that report herein as follows:

"For many years marine insurance originating in the United States has been essentially under foreign domination. Probably no other strategic branch of American commerce has been handed over so completely to the control of foreign interests. An investigation conducted by the Committee on the Merchant Marine and Fisheries of this House and the United States Shipping Board, during 1919, revealed the fact that foreign underwriters control fully two-thirds of all American marine insurance, cargo and hull insurance combined. If hull insurance alone is considered, fully three-fourths of American marine insurance is under foreign control. The bulk of the business transacted by American companies was written by just a few, 2 companies receiving nearly one-fourth of the total net marine premium income and 10 nearly two-thirds. American companies placed, mainly through necessity and not choice, approximately one-half of all their reinsurance with foreign underwriters, admitted and nonadmitted, while the reinsurance placed by foreign underwriters with American companies was only about one-half the reinsurance placed by American companies with foreign underwriters. Moreover, American companies have never been able thus far to enter the foreign field to any appreciable extent, and in many important commercial countries not a single branch of an American marine insurance company may be found.

"The committee takes it for granted that no American citizen wishes to see such a deplorable state of affairs continue. Every witness appearing before the committee during its consideration of this bill expressed an ardent desire for a radical change, and that as soon as possible. There is pressing need for an ample and independent American marine insurance institution. Such an institution is absolutely essential to the maintenance of our merchant marine and the realization of our foreign trade opportunities. Our leading competitors have for years used marine insurance to preempt leading lines of trade. Nations that are strong in marine-insurance facilities may deny the service altogether or give it only under unfavorable conditions to the citizens of other nations which do not possess adequate facilities of their own. Possession of sufficient underwriting capacity, free from foreign control, is also essential to the proper protection of commercial secrets from our trade competitors. Foreign underwriters when insuring American cargoes necessarily learn the facts concerning the carriers used, the consignees, methods of packing and handling, financial affiliations of the consignors, costs of production, and the conditions and price of sales. But even in the absence of these important considerations, the committee is convinced that every legitimate endeavor should be made to prevent the needless flow of millions upon millions of dollars of premiums abroad. It may be necessary to send some abroad, but it is not necessary to send as much as we have been sending in the past.

"Judging from the testimony presented to the committee, it seems hopeless to effect any worth-while and permanent change unless the causes of the present situation are eliminated. These causes are two in number, namely, (1) the past failure of American companies to cooperate in the interest of economy and efficiency, as have their foreign competitors, and (2) the existence of legislative obstacles in the several States which unnecessarily restrict the underwriting activities of American companies as compared with their competitors, and which also impose financial burdens of such magnitude upon our companies as to make it impossible for them to meet foreign rates.

"The first of these causes the Committee on the Merchant Marine and Fisheries of this House and the United States Shipping Board have sought to remove through the creation of the American Marine Insurance Syndicates, know as Syndicates A, B, and C. Syndicate A is a purely service syndicate, and represents a salvage association which will work hand in hand with the development of the market through the medium of the two underwriting syndicates (Syndicates B and C), and will be to the American shipping trade and to the American marine insurance market what the London Salvage Association is to the British shipping trade and the British marine insurance market. All the syndicates are now fully organized and functioning, and are enlarging the scope of their usefulness. Through these syndicates a total of $2,500,000 may be found promptly through a central office on a single vessel, each of the 50 member companies taking its allotted share of the total risk. Instead of the broker having to interview some 50 underwriting offices, as in the past, his work is now concentrated at one office, at a big saving of time and expense. One policy will take the place of 50 or 100 policies on a single risk. In the same way losses are settled through a central office by one check instead of the previous method of applying to each company for its share of the claim. Adjustment of losses will also be handled jointly at a great saving in time and expense, instead of having numerous companies represented by their individual adjusters. The new method simply represents the application to American marine insurance what our foreign competitors have been doing advantageously for many years. Cooperation in the field of marine insurance has been fostered abroad. By this means British companies have not only enlarged their underwriting capacity and strengthened their financial standing but have greatly reduced their overhead charges. They have been enabled to give adequate service, to eliminate irritating jealousies, and to act, whenever an international competitive situation presented itself, as one united force capable of pursuing an intelligent policy. Syndicate arrangements also assure

greater convenience and speed in the handling of large lines of insurance, and facilitate the spread of large risks, thus fulfilling the function of automatic reinsurance.

"The second cause of our difficulties—the existence of legislative restrictions in the several States—it is sought to eliminate through the bill under consideration. Cooperative effort through syndicate arrangements is only half the problem. It remains to free our marine insurance companies from existing legislative obstructions, and thus place them on a parity with their foreign competitors, who are not obliged to operate under such restrictions. Present State statutes governing marine insurance are provincial in character and in nearly all instances were designed with special reference to fire insurance, without recognizing the vital differences between these two forms of insurance. They are not adapted to the regulation of a business which vitally affects our national commerce and which, unlike fire insurance, is essentially international in character and subject at all times to the keenest foreign competition.

"The bill under consideration reflects the conclusions of the Committee on the Merchant Marine and Fisheries of this House and the United States Shipping Board after a most exhaustive investigation of the whole subject. While regulating marine insurance, this bill is essentially a national commerce measure. Although drawn with special reference to the District of Columbia, and although benefiting the District in some very important respects to be referred to shortly, the real object of the measure is to serve as a model for marine insurance legislation in the several States. Owing to decisions of the United States Supreme Court, the several States possess complete supervisory control over insurance, and no other method of legislative procedure is therefore available. The bill has already received the earnest consideration of the National Convention of Insurance Commissioners. Moreover, several States have already enacted some of its leading features. Testimony before this committee was to the effect that what is needed is a congressional expression on what is really a national commerce measure. Such a national expression, it was confidently believed, would be met with whole-hearted support by the several States. It may also be added that in its present form the bill received the support of all witnesses appearing before this committee.

"While necessarily detailed in character, in order to apply the desired changes in a practical way, the bill under consideration aims to bring about four fundamental changes. These are—

"(1) Substitution of a system of net profits taxation for marine insurance in place of the present system of taxing gross premiums. American companies are generally taxed on their gross premiums, whereas British companies, our leading competitors, are taxed on net profits. All witnesses appearing before the committee agreed that the proposed change is right in principle. Premium taxation fails to take cognizance of the fact that a premium collected may nevertheless result in a loss. Profits taxation, on the contrary, recognizes the just principle of ability to pay. American underwriters insisted that taxation should, as in Great Britain, bear a proper relation to profits made. American marine insurance companies must compete with foreign underwriters, and in this competition success or failure is dependent largely upon the method of taxation used. Quoting the conclusion reached by the Committee on the Merchant Marine and Fisheries and the United States Shipping Board in their study of this question:

"'A small difference in rates, adverse to American companies, must necessarily direct the flow of business to the foreign market. Marine insurance differs vitally from other forms of insurance in respect to the incidence of taxation. It is essentially international in character and highly competitive, and unreasonable tax burdens imposed without reference to profits made, as is the case to-day, can not be shifted to policyholders through higher rates. Our underwriters have in the past labored under an adverse cost differential as compared with their foreign competitors. Heavy taxation, irrespective of profits, increases this cost differential. Reduction of excessive taxes reduces the cost differential—the key to the whole problem—and thus strengthens our companies in meeting foreign competition. The encouragement of American marine insurance—the enlargement of the volume of business written within the United States—by a policy of taxing profits instead of premiums does not mean a reduction in State revenue. A lower rate of taxation on a larger volume of business may yield a much larger revenue than is obtainable from a higher rate applied to the limited volume of business now transacted in this country.'

"(2) Establishment of the multiple insurance principle, so that American fire, marine, and fire-marine companies may be permitted to transact all kinds of insurance other than life insurance and fidelity and surety bonding. Nearly all our States require fire and marine companies to limit their underwriting to these two forms of insurance. British companies, on the contrary, have the privilege of writing numerous kinds of insurance, thus materially reducing overhead charges, enabling the companies to secure the support of business concerns by meeting their full insurance requirements, and increasing the financial stability of the companies, since various forms of insurance complement one another in that bad results in one branch are counterbalanced by good results in some other branch. To give American underwriters the advantages associated with the practice of multiple insurance, the bill gives marine, fire-marine, and fire companies the privilege of writing any lines other than life insurance and fidelity and surety bonding. But the bill is entirely fair to other kinds of companies in that it expressly provides that they also are privileged to write fire or marine insurance if they so desire. Section 3 of the bill expressly guards against any unsound practices by providing substantial increases in capital and surplus for each additional class of insurance written, and by regulating the declaration of dividends or the allocation of profits to general surplus. The provisions of the bill follow very closely the practice that has prevailed in England for many years, and with eminent success. The multiple principle has already been adopted by several of our States, and the plan is bound to become general in the near future. It would seem advisable to adopt the plan promptly at this strategic period in our commercial development.

"(3) Enlargement of reinsurance facilities. The absence of sufficient reinsurance facilities has proved one of the greatest handicaps to American companies, and has been responsible for the fact that a large proportion of our marine insurance has passed under the control of foreign interests by way of reinsurance, with comparatively little reciprocity in this respect from foreign underwriters. A summary of American legislation with respect to reinsurance shows that it is narrow and restrictive. To best serve the business community, reinsurance facilities should be sufficient. To accomplish this purpose the bill under consideration enables direct-writing companies to exchange business with other companies, if meeting proper standards of solvency, so freely as to make the reinsurance automatic and practically national in scope.

"(4) Removal of existing limitations on the financial powers of companies which hamper operations in foreign fields. It is vital that American marine insurance companies extend their operations to foreign fields, although as yet they have scarcely made a beginning in this respect. By establishing themselves in all parts of the world, British companies succeed in obtaining an enormous volume of business and an unequaled diversity of hazard. Through the use of foreign markets they share in the premium income of almost every trade and thus obtain the benefits of a fairly constant and diversified premium income. Furthermore, loss in any market during a particular period is apt to be counterbalanced by a profit in some other market. English merchants are afforded everywhere the convenience of adequate underwriting facilities near at hand so that they may feel free to extend their activities because of the certainty of a continuous insurance market. Moreover, facilities exist for the prompt adjustment of losses at distant points. In view of so many advantages, it is regrettable that when an American company is required by the foreign nation within which it transacts business to make a deposit in securities of the foreign Government, or otherwise, a considerable number of our States refuse to allow the excess of such deposit, over the legal reserve liability, as an asset in the company's home statement. Again, numerous States are very illiberal with respect to the allowance, as admitted assets, of agents' balances in foreign countries, which are collectible, but which are overdue, owing to necessary delays in transmitting reports and funds from distant points or to the necessary extension of longer credits to meet foreign competition. In both of these respects the bill under consideration provides for liberal but proper treatment, so that American companies may find it possible to start branch offices in foreign markets.

"Although H. R. 6775 is essentially a national commerce measure and is intended to serve as a model for enactment in the several States, one should not lose sight of the fact that various sections of the bill are designed to benefit the District of Columbia in very important particulars. Section 3 provides for the creation of corporations for the sole purpose of transacting a reinsurance business, and there seems to be no reasons why purely reinsurance companies can not advantageously organize in the District of Columbia. Section 21 provides for the organization within the District of corporations engaged exclusively in the writing of insurance in foreign countries, the capital stock of which corporations may be owned by American companies engaged in the same kind of insurance. The other sections of the bill will serve very materially in fostering the success of these two types of companies, as well as other companies which may decide to organize within the District. Moreover, the American Marine Insurance Syndicates, to which reference has alreay been made, have their legal domicile in the District, and one of the essential purposes of the entire bill is to bring about a legislative situation under which these syndicates may develop and thrive.

"The Committee on the District of Columbia recommends the passage of this bill because it believes its provisions will foster the development of an American marine insurance business, thus, in turn, greatly benefiting our merchant marine and our foreign trade. The purpose of the bill is to place American underwriters on a parity with their foreign competitors by removing legislative obstacles which now stand in the way of the progress of American companies and with which their foreign competitors are not obliged to contend. There is nothing radical about this measure.

"The practices and principles which it aims to bring about have been used by our leading competitors for many years with eminent success and with great benefit to their own companies and much harm to our own. The bill proposes to modernize our legislation as it relates to marine insurance, and thus give our companies the opportunity now enjoyed by their competitors under the more modern legislation of their own countries. As one witness explained, 'The sole purpose of the bill is to bring about conditions of fair play in our own country for our own people.'

"The present seems an opportune time to legislate specifically with reference to marine insurance and to recognize in such legislation the fundamental problems of a legislative character now confronting the business, owing to its competitive and international character. As stated, present State statutes governing marine insurance are provincial and archaic. All parties appearing before the committee expressed themselves in favor of a change and all supported the provisions of this bill. The belief of those appearing before the committee was general that Congress should give a national expression on what is really a national problem, and that the several States would then be much more apt to legislate in the interest of the national welfare. The necessity for changing from a provincial to a world policy in respect to marine insurance is urgent, and the prospect of intense international rivalry for commercial position should double our efforts."

In addition to the hearings before the House committee the Senate Commerce Committee had extensive hearings which have been printed and are available.

THE FOUR-POWER TREATY.

Mr. REED. Mr. President, I want to preserve in the archives of our Government some statements that should not perish for want of appropriate embalming. Nearly everything that has been said by the President of the United States up to date, whether he was on a fishing expedition, sailing the turbid waters of the southern seas in a senatorial scow, or golfing on the green, has been put into the RECORD, but somehow or other his admirers have not put his last two recent statements in the RECORD. They ought to be put there, both in the interest of history and in the interest of humor.

I read in the Washington Post to-day an article by Albert W. Fox. I think I might say, in passing, that Mr. Fox seems to be one of the official spokesmen of the White House. He is a widely read author and quite often carries a censer that emits very sweet perfumes as he travels. I say that because the article has more force from such a source.

Mr. Fox states:

The following statement was issued last evening from the White House:

"When the President was responding to press inquiries at the afternoon interview to-day *he expressed the opinion that the homeland of Japan did not come within the words 'insular possessions and insular*

dominions' under the four-party agreement, *except as territory proper of any other nation which is a party to the agreement."*

I wonder why the President said that? The treaty had been attacked upon the floor of the Senate. A statement had been made upon the floor of the Senate that Mr. Hughes had said to the newspaper correspondents that the mainland of Japan—I presume by the "mainland" the chief islands are meant—did come within the treaty. It, of course, provoked considerable opposition; whereupon the President makes haste to say that it does not come within the treaty. The inevitable inference is that the President thought it ought not to come within the treaty. He was defending the treaty against unjust and iniquitous assaults by asserting that the mainland was not included at all and therefore that objection was removed. But Mr. Fox, after stating that the President made that statement in the forenoon, continues:

This expression has been emphasized as a division between the President and the delegates to the conference in construing the four-party agreement.

The President announced to-night that *the difference in view in no wise will be permitted to embarrass the conference or the ratification of the agreement.* He had assumed all along that the spirit of the conference contemplates a confidence which pledges respect of territory in every way which tends to promote lasting peace.

He has learned from the United States delegates to the conference that they have agreed to the construction which includes the homeland of Japan in the term "insular possessions and insular dominions," *and has no objection to that construction.*

It rather appalled the country when it was suspected that this treaty was so drawn that the United States would be obliged to protect the mainland of Japan against assault, for plainly there is no corresponding agreement by Japan to protect the mainland of the United States. Certainly if we have agreed to protect the mainland of Japan against assault and the Japanese have not made any corresponding agreement to protect us against assault, for us this is a jug-handled arrangement, and Japan has hold of the handle.

When a newspaper man of repute stated to me that he knew that Secretary Hughes had made that statement, I questioned him very critically to be sure that he was not mistaken, and finally ventured to make the charge upon the floor. Immediately the President comes forward and says that that is not the case; he defends the treaty against that aspersion. Of course, the virtue then, which he ascribed to the treaty, was that it did not possess the vice of being one-sided and of binding the United States to defend the entire Japanese Empire; that was a reason why it could be accepted; that was the virtue it had, namely, it did not bind us in that regard. As soon, however, as he finds out what has in fact and solemnly been agreed upon, when Mr. Hughes and perhaps Mr. UNDERWOOD and Mr. LODGE call upon him and tell him of the official construction, he says, in paraphrase, "That does not make a bit of difference then. It is all right, anyway. It is just as good one way as another to protect the whole Japanese Empire or to guarantee the security only of some islands that Japan has. Whatever is is right; and you have acted for the best. If this thing guarantees the entire Japanese Empire, it is right and beautiful, and if it does not guarantee the entire Japanese Empire, so much the better, it is more virtuous and comely, but in either event whatever has been agreed upon is a good thing."

I asked the Senator from Arkansas if he did not know of some illustration of that sort of reasoning, and he said he did. He said that down in his State there were a blacksmith and a wheelwright who were going to form a partnership, but did not know how to word their sign in order to represent both trades, and so they finally evolved this: "All kinds of twisting and turning done here." [Laughter.]

Mr. President, the New York Times contains an exceedingly interesting article in which these opposite views are set forth. I do not want to take the time of the Senate to read the article except in part, but I ask to insert the entire article in the RECORD in connection with my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. REED. It will be noted that the article states:

Following the publication by the New York Times last week of the fact that during the negotiations, held in secret, it had been agreed by all of the delegations that the measures of protection for "insular possessions and insular dominions" provided in the compact applied to the islands of Japan proper, it had been admitted by spokesmen for all four delegations that this was the case. The announcement from the White House caused surprise because it looked as if the President were weakening the position of the American delegation.

But this evening the White House issued another statement saying that, although the President had expressed earlier in the day the opinion that the islands of Japan proper were not included in the provisions of the treaty, he had learned from American delegates that they had accepted the construction that Japan was thus included and that he had "no objection to that construction."

Is he not easy going? Whatever construction you want to put on it it is all right with Warren.

It is apparent that the President and Secretary Hughes, the chairman of the America delegation, had a conference between the times of the two statements.

Is it not astounding and is it not appalling that these conferences are so secret that the President of the United States does not know whether an agreement we are asked to sign and which is to last for 10 years is to bind us to send our sons to defend the mainland of Japan—its main islands—or whether it is a treaty that merely binds us to keep the enemy off little islands that Japan may have scattered through the ocean?

Is entering upon an agreement that might involve this country in war and bloodshed so trivial a thing as that? Would it not be worth while for the President of the United States to know what was going on?

This agreement had been published for days. Six or seven days had gone by, and I venture to say that the President would not have known of such a construction to this hour if enterprising newspaper men had not brought to light these facts, hidden until then behind the locked doors where this agreement was written, nor then if it had not been exposed in the papers and on the floor of the Senate.

Before the meeting of the conference there was some advocacy here of entirely open sessions. The answer was that the negotiations would be as open as they could be. We who supported open sessions did so then with the idea that the American public, the masses living at a distance, might know what was going on. Now, I am in favor of open sessions so that the President may know what is going on. I insist that he shall have some sort of a direct line of communication. If he can not get communication in any other way, let us have the wireless telegraph instruments flash the news to him by the way of Yap.

How is the Government functioning when the head of the Nation, who calls the conference, does not know whether we are guaranteeing an entire empire or just a few islands scattered in the Pacific? There is not a Japanese statesman who is not smart enough never to ask his country to guarantee the United States or England as long as he can make a trade with them by which the United States and England will guarantee his mainland, and in return he only guarantees the islands of Great Britain and of America.

Now, mark you, there can be no escape on the ground that we are dealing only with the question of agreeing not to attack, not to interfere with the rights of Japan in its mainland, for of course this treaty embraces the thought that none of these countries will interfere with the rights of the others upon the mainland or upon their islands. We are dealing here entirely with the proposition of guaranteeing against attack the islands of the contracting countries; and when we guarantee against attack the islands, that is a very different thing from guaranteeing the mainland against attack, although it is difficult to say how soon a war would spread from the one to the other.

I wonder how long the British representatives would be permitted by their Government to remain here if they were to admit that they had guaranteed the mainland of Japan against attack, and did not know it.

I wonder how long the Japanese statesman would stay here if he were to admit that he had guaranteed the mainland of America, and did not find it out until some newspaper man chanced to enlighten him. I wonder if the people of the United States and the Senate are ready to follow blindly now the lead of men who make treaties and do not know whether they are guaranteeing empires or are guaranteeing little islands in the Pacific Ocean—islands that, like lilies, "o'erlace the sea"; little atolls that come up to breathe. [Laughter.]

Mr. President, it is a serious hour for this Republic. To begin with, the men who drafted that treaty deliberately drafted it to deceive the American people. If they meant to include all of Japan, and meant that the Senate and the people of the United States should know the fact, they would have written in it the words "the Empire of Japan." They wrote "insular possessions and insular dominions." It is the equivalent of the action of the tricky lawyer who writes an insurance policy and slips in a joker that entirely changes the force of the instrument.

The people of this country will do well to watch with both eyes, and listen with both ears, and examine with microscopes what is done by any set of men who write ambiguous language of this kind into instruments—language so ambiguous that the President of the United States himself misconstrues it and is deceived thereby; language that is to be explained and construed according to some secret arrangements that have been secretly made behind locked doors. If this thing keeps on, article 10 of the League of Nations will become respectable, and the drafters of the Versailles treaty will be regarded as the most candid of men.

The article referred to is as follows:

HARDING FIRST DISPUTES, THEN ACCEPTS, FOUR-POWER TREATY SCOPE TO COVER JAPAN; FINDS OUR DELEGATES HAD AGREED TO IT—PRESIDENT SOON REASSURES—WILL NOT PERMIT DIFFERENCE OF VIEW TO EMBARRASS CONFERENCE—CONSULTS WITH DELEGATES—OPINION THAT TREATY DOES NOT COVER ALL JAPAN WAS EXPRESSED TO NEWSPAPER GROUP—CAUSED GREAT SURPRISE—KATO SAYS THE POINT IN QUESTION IS BEING INTERPRETED BY TOKYO OFFICIALS.

(By Edwin L. James.)

[Special to the New York Times.]

WASHINGTON, *December 20.*

No little consternation was caused to-day by the announcement from the White House in the early afternoon that President Harding construed the terms of the four-power treaty among Great Britain, America, France, and Japan as not including in its terms the islands which form Japan proper.

Following the publication by the New York Times last week of the fact that during the negotiations, held in secret, it had been agreed by all of the delegations that the measures of protection for "insular possessions and insular dominions" provided in the compact applied to the islands of Japan proper, it had been admitted by spokesmen for all four delegations that this was the case. The announcement from the White House caused surprise, because it looked as if the President were weakening the position of the American delegation.

But this evening the White House issued another statement, saying that although the President had expressed earlier in the day the opinion that the islands of Japan proper were not included in the provisions of the treaty, he had learned from the American delegates that they had accepted the construction that Japan was thus included and that he had "no objection to that construction." It is apparent that the President and Secretary Hughes, the chairman of the American delegation, had a conference between the times of the two statements.

It is difficult to exaggerate the impression caused by the White House announcement made about 1 o'clock. It was at the regular biweekly conference with the newspaper men that the President, in response to a written question as to whether or not the treaty provisions applied to the main islands of Japan, made it known that he did not take that view, holding that the provisions of the treaty no more applied to the islands constituting Japan proper than they applied to the mainland of the United States.

It was his opinion that the treaty applied to the dependent islands of the four powers, and that the islands which formed Japan proper were the domain of one of the parties to the treaty and not dependent islands.

BECAME OVERSHADOWING QUESTION.

All other subjects of discussion about the conference immediately fell into the shade. The question was asked. Had the President, following the Senate opposition to the treaty on the ground that it looked like a guarantee to Japan caused a shift of the American Government's attitude, or, as seemed more probable, had there been a reconsideration of the terms of the treaty and had it been agreed by the four powers that it did not include Japan proper?

A canvass was made of the delegations, but no substantiation could be found for the theory that there had been a reconsideration. In fact, it was flatly denied. A direct question to the British delegation as to whether there had been a change on the part of the diplomats brought a negative answer. A question as to whether or not the treaty applied to Japan proper brought an affirmative answer.

An effort was made to learn from Secretary Hughes what had happened, but the Secretary of State would not discuss what had come from the White House.

It was recalled that during the negotiations there had been considerable discussion as to whether the terms included Japan proper. After the British had presented the view that Japan was included, it was also recalled there had been a general agreement that this was true, although the Japanese had not pressed for that construction themselves. An official of the American delegation had so often repeated that Japan proper was included that some peevishness had been shown at a repetition of the question. All of the delegations in the last week had stated in the most direct manner that the treaty provisions did apply to Japan.

The White House had let it be known last Friday that President Harding did not believe that the treaty bound any power to go to war in defense of another power signatory to the treaty if it did not wish to do so. That seemed to indicate an acceptance of the construction that the treaty applied to Japan proper, since it was in reply to a question to that effect that the White House satement had been made.

At his 5.30 o'clock conference to-day Baron Kato, head of the Japanese delegation, definitely avoided questions relating to the incident. He said he would have to consult Tokyo before stating just what the treaty meant.

It is to be doubted that the White House statement to-night ends the incident. Certainly it would appear to give ammunition to the critics of the treaty that a week after it had been signed the President and the American delegation differed over what it meant.

It is true that the inclusion of Japan is not to be gathered directly from the terms of the treaty, which has been for more than a week in the hands of President Harding. It is true that in his speech of presentation Senator LODGE, of the American delegation, did not mention Japan proper, although he reviewed most of the islands in the Pacific. Yet it seemed to observers almost impossible that President Harding did not know of the controversy which has been in progress over the meaning of the treaty.

In the White House statement to-night it is not made entirely clear that the President has retreated from his view that Japan proper is not included. The statement says that "the difference in view" shall not be permitted to embarrass the conference. That leaves the impression that the difference in view still exists, although the statement says that the President has no objection to the construction of the treaty which makes its terms include Japan.

It was mentioned to-night in connection with to-day's incident that the American delegation was reported not to have been entirely in accord with the time chosen by the President three weeks ago to emphasize the American desire for the establishment of a definite system of international conferences to grow out of the present meeting. The soft pedal was immediately put upon discussion of the plan, and little has been heard of it officially since. It was taken at the time as an expression of the President's personal ideas.

That is the construction which will probably be given to the White House statement of early this afternoon. In so far as he caused embarrassment to the American delegation, the President has evidently done his best to repair the damage.

CONSULTED LODGE AND UNDERWOOD.

[Associated Press.]

WASHINGTON, *December 20.*

A difference in view as to the application of the new four-power Pacific treaty has arisen between President Harding and the American arms delegates, but the President announced in a public statement to-night that it would not be permitted to embarrass the work of the Washington conference.

In the President's personal opinion, as outlined during the day to newspaper correspondents, the principal islands of the Japanese Empire are not to be regarded as included among the insular territories to which the treaty applies.

The American delegation, on the other hand, agreed with the representatives of the other powers before the treaty was signed that the principal Japanese group was to be covered under the agreement along with all the other Pacific islands under the sovereignty of the United States, Great Britain, France, and Japan.

In his formal statement, issued after a two-hour conference with Senators LODGE and UNDERWOOD, of the American delegation, the President said he had "no objection" to the interpretation agreed to by this Government's plenipotentiaries, but assumed that the spirit of the conference contemplated respect for territory in every way that would promote peace.

The President's original announcement of his views created a stir among the delegates of all the powers, and although none of them was willing openly to take issue with him, there were intimations that such an interpretation of the treaty was certain to be challenged eventually from several quarters. His later statement generally was accepted by the foreign representatives as having determined definitely the attitude of the American Government.

The language of the treaty thus brought in question has been the subject of Senate discussion, and in response to inquiries based on the assertions of the opponents of ratification spokesmen for the American delegation have said repeatedly that the major Japanese group must be regarded as included within the provisions of the agreement.

SPOKE WITHOUT CONSULTATION.

When he set forth an opposite view to-day, Mr. Harding was said by officials close to him to have acted without consultation with his State Department advisers and without any definite purpose of announcing the attitude of the administration. It was declared that he was merely voicing a personal opinion and had no thought of precipitating a clash in conference circles.

The effect on the delegates, however, was immediately apparent. None of them would comment, but among the Americans, British, French, and Japanese alike there was evident a desire to have the attitude of the American Government clarified at once.

The American delegation held a meeting, and as Senators LODGE and UNDERWOOD were hastening to the White House a British spokesman not directly connected with the British delegation was telling newspaper correspondents that a view directly opposite to that of the President had been communicated to the other powers by the American plenipotentiaries during the negotiations.

Baron Kato, head of the Japanese delegation, was one of those who showed the greatest interest in the President's attitude. A pledge of secrecy, said the Japanese statesman, prevented him from divulging whether there had been an agreement as to the application of the treaty to the principal Japanese islands, and he added that "the meaning adopted at the time of signing might be changed in the future, so I can say nothing at this time."

EXPLAINS EXTENT OF SECRECY.

Baron Kato's statement in declining to discuss the President's views revealed for the first time the precaution taken to prevent details of the negotiations from becoming public.

"I am morally bound," said Baron Kato when asked whether an agreement on the application of the treaty had been reached, "to say nothing about it. I can not even say whether there was an agreement among all the plenipotentiaries as to what the treaty meant, because that would be a violation of our understanding that nothing is to be said about such conversations."

In the cross-examination by newspaper men, a Japanese correspondent asked:

"Are we to understand that the Japanese delegates signed this treaty without a definite understanding of the treaty itself?"

"The meaning adopted at the time of signing," replied Baron Kato, "might be changed in the future, so I can say nothing at this time."

TOKYO EXAMINING PLEDGE.

Later he supplemented this answer by explaining that when treaties are signed questions often arise as to the exact meaning of terms in the text. He said he had cabled the text to Tokyo, where the various branches of the Government were examining not only the point raised by his interrogators, but other features and until the study was concluded and communicated to him he could not speak.

He declined to answer another question as to whether, when the treaty was signed, Japan had recorded any reservations concerning the interpretation of the agreement.

Unofficial Japanese to-night seemed considerably disturbed over the possibility of a misunderstanding over the exact interpretation of the treaty. They said that if Japan had any desire to have her rights respected, it would not be so much in the islands comprising the mainland of Japan as in the peninsula of Korea, which was annexed by Japan some years ago, after a period of protectorate. It would be in Korea, he said, that Japan would especially require some guarantee as to the maintenance of her rights, because it is across the northern frontier of that country that Japan has most to fear an attack directed from China or Russia upon her "mainland," the three large islands of Hokkaido, Hongo, and Kyushu.

SAY JAPANESE WERE RELUCTANT.

In British quarters it was said that it was the British and Americans who took the lead in framing the treaty so as to apply to all the Japanese group and that the Japanese for a time opposed the arrangement. Arthur J. Balfour, head of the British, was declared to have been insistent on including the major Japanese islands if the British Dominions of Australia and New Zealand were to be taken in.

Definition of the geographical scope of the treaty, as finally agreed to, is included in article 1 of the agreement, which reads:

"The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean."

As interpreted by Mr. Harding in his conference with the correspondents, this language would not apply to the mainland or so-called "mainland islands" of any of the contracting powers. He was said to feel that Japan proper would no more be included among the Pacific islands, for the purposes of the treaty, than would the mainland of the United States. The islands of the chief Japanese group were considered by him as constituting a party to the treaty rather than a possession or dominion to be dealt with by it.

APPEAL OF KOREA.

Mr. SPENCER. Mr. President, some days ago the junior Senator from Utah [Mr. KING] had printed in the RECORD the petition of Korea to the present disarmament conference in Washington. I ask unanimous consent that the appeal of Korea may be printed as a Senate document. It is a subject of intense interest to many people.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 22, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 21, 1921.

COLLECTOR OF INTERNAL REVENUE.

John S. Leahy, of St. Louis, Mo., to be collector of internal revenue for the first district of Missouri, in place of George H. Moore, resigned.

UNITED STATES ATTORNEYS.

Joseph C. Burke, of Santa Ana, Calif., to be United States attorney southern district of California, vice John Robert O'Connor, resigned.

Edward J. Bowman, of Michigan, to be United States attorney western district of Michigan, vice Myron H. Walker, resigned.

POSTMASTERS.

ARKANSAS.

William H. Houston to be postmaster at Widener, Ark. Office became presidential January 1, 1921.

CALIFORNIA.

Fred R. Howe to be postmaster at Santa Cruz, Calif., in place of C. E. Lilly, deceased.

FLORIDA.

Henry G. Nelson to be postmaster at Williston, Fla., in place of J. N. Willis. Incumbent's commission expired August 1, 1921.

Elmer J. Yonally to be postmaster at Winterhaven, Fla., in place of Lester Windsor, resigned.

INDIANA.

Fred G. Kennedy to be postmaster at Whiting, Ind., in place of C. R. Carrette, postmaster, declined.

Chester F. Morris to be postmaster at Parker, Ind. Office became presidential October 1, 1920.

KANSAS.

Frank S. Shukers to be postmaster at Sedan, Kans., in place of C. W. Spencer, resigned.

Bessie J. Childs to be postmaster at Elmdale, Kans. Office became presidential January 1, 1921.

KENTUCKY.

Robert Campbell to be postmaster at Taylorsville, Ky., in place of L. T. Cain, resigned.

Henry H. Hargan to be postmaster at Vine Grove, Ky., in place of T. B. Nall. Incumbent's commission expired December 20, 1920.

MASSACHUSETTS.

George L. Minott to be postmaster at Gardner, Mass., in place of F. H. Mulcahy. Incumbent's commission expired July 17, 1921.

MICHIGAN.

Nathaniel Lobb to be postmaster at Munising, Mich., in place of D. D. Stewart, resigned.

MINNESOTA.

William J. Kritta to be postmaster at New Prague, Minn., in place of A. J. Rynda, resigned.

Charles Canfield to be postmaster at Winnebago, Minn., in place of E. J. McGuiggan. Incumbent's commission expired July 21, 1920.

MONTANA.

George C. Russell to be postmaster at Bowdoin, Mont. Office became presidential July 1, 1920.

NEBRASKA.

Edward L. Curtiss to be postmaster at Bassett, Nebr., in place of C. R. Tweed, deceased.

Loren C. Sturges to be postmaster at North Platte, Nebr., in place of P. H. McEvoy, deceased.

NEW HAMPSHIRE.

Charles S. Hutchins to be postmaster at Charlestown, N. H., in place of D. V. Cahalane. Incumbent's commission expired July 21, 1921.

NEW YORK.

George A. Hardy to be postmaster at Philadelphia, N. Y., in place of R. E. Purcell, jr. Incumbent's commission expired March 28, 1920.

William R. Crawford to be postmaster at Warsaw, N. Y., in place of W. H. Campbell. Incumbent's commission expired July 12, 1920.

Harold E. Sargent to be postmaster at Liverpool, N. Y., in place of F. H. Alvord. Incumbent's commission expired March 28, 1920.

NORTH CAROLINA.

Alexander R. Duncan to be postmaster at Clayton, N. C., in place of N. R. Pool, resigned.

Joseph E. Taylor to be postmaster at Lucama, N. C. Office became presidential April 1, 1921.

William E. Rutledge to be postmaster at Yadkinville, N. C. Office became presidential July 1, 1920.

NORTH DAKOTA.

William W. Lehman to be postmaster at Rocklake, N. Dak., in place of O. W. Moore, removed.

OKLAHOMA.

James S. Shanks to be postmaster at Wynona, Okla. Office became presidential April 1, 1920.

PENNSYLVANIA.

William J. Patton to be postmaster at Greencastle, Pa., in place of H. E. Petrie. Incumbent's commission expired August 7, 1921.

Hugh A. Feeley to be postmaster at Silver Creek, Pa. Office became presidential October 1, 1920.

PORTO RICO.

Jose Carrera to be postmaster at Humacao, P. R., in place of Jose Carrera. Incumbent's commission expires January 24, 1922.

George Finlay to be postmaster at Carolina, P. R. Office became presidential October 1, 1921.

Jose T. Nieves to be postmaster at Jayuya, P. R. Office became presidential October 1, 1921.

WASHINGTON.

Rollie K. Waggoner to be postmaster at Bickleton, Wash. Office became presidential July 1, 1921.

WEST VIRGINIA.

Joshua E. Buckley to be postmaster at Marlinton, W. Va., in place of Andrew Price. Incumbent's commission expired July 21, 1921.

Clifton M. Spangler to be postmaster at Peterstown, W. Va. Office became presidential April 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 21, 1921.

COLLECTOR OF INTERNAL REVENUE.

Charles A. Rasmusson to be collector of internal revenue, district of Montana.

ASSISTANT APPRAISERS OF MERCHANDISE.

Irving H. Blum to be assistant appraiser of merchandise, customs collection district No. 10, with headquarters at New York, N. Y.

John J. Reed to be assistant appraiser of merchandise, customs collection district No. 10, with headquarters at New York, N. Y.

William H. Sayers to be assistant appraiser of merchandise, customs collection district No. 10, with headquarters at New York, N. Y.

Alfred B. Simonds to be assistant appraiser of merchandise, customs collection district No. 10, with headquarters at New York, N. Y.

POSTMASTERS.

ALABAMA.

John M. Vance, Daphne.
Stephen E. Rowe, Elba.
Jay K. Siddall, Girard.
John H. Nixon, Goshen.
Robert M. Mahler, Loxley.
Pauline Balkcom, Newton.
Moses B. Rushton, Ramer.
Daisy White, River Falls.

COLORADO.

William A. Hopkins, Nucla.

CONNECTICUT.

Alfred Pultz, Coscob.

DELAWARE.

John W. Godwin, Felton.
Ralph W. Emerson, Wyoming.

FLORIDA.

James H. Boyd, Clermont.
William T. Graves, Cottondale.
Mattie D. Perry, Floral City.
Francis C. Leavins, Ponce De Leon.
Leon E. Mizell, Punta Gorda.

GEORGIA.

Robert H. Ridgway, Canon.

IOWA.

Herschel H. Thornton, Adel.
Henry C. Haynes, Centerville.
Gladden A. Archer, Cumberland.
Mary B. Gibson, Emerson.
Marie C. Trott, Oakdale.
Iva McCreedy, Riverside.
Merle H. Laycock, Zearing.

KANSAS.

Frank E. George, Altamont.
Otto E. Becker, Bazine.
Clarence R. Haymond, Burdett.
Dathula Days, Chase.
John R. Shoup, Cimarron.
Henry A. Lacerte, Collyer.
Daniel O. Edwards, Hazelton.
Carl A. Reynolds, Humboldt.
Albert F. Adeshold, Kinsley.
D. Dee Davis, Larned.
Sloan E. Cathcart, Mayetta.
David M. Meyers, Morrill.
Carl Rork, Muscotah.
William A. Blair, Oswego.
Dee F. Hahn, Phillipsburg.
Len Roberts, Powhattan.
Elizabeth Snider, Rantoul.
Eunice A. Stout, Rolla.
Vincent J. Kirvan, Severance.
Harry O. Mellor, White Water.

MAINE.

Anatole L'Heureux, Chisholm.
Eugene S. Thurston, South West Harbor.

MASSACHUSETTS.

Fred B. Roach, Dover.
James E. Williams, North Dighton.
Charles F. Slate, Northfield.
John T. Toomey, Oxford.
Henry B. Sampson, South Lancaster.
Warren C. Hastings, Southwick.
Robert M. Mudgett, Woronoco.

MICHIGAN.

Martin S. Markham, Alanson.
Jesse R. Phillips, Auburn.
John J. Schmidt, Bravo.
Henry S. Myers, Caro.
Thomas L. Melvin, Detour.
Ruth Hastings, Engadine.
Hiram R. Bouma, Grandville.
Florence W. Voorhorst, Hamilton.
Charles T. Bechstein, Mancelona.
Harmon L. Fox, Mayville.
Ray S. Cox, Ravenna.
Ralph W. Clapp, Saugatuck.
T. Richard Crocker, South Boardman.

MISSISSIPPI.

John Gewin, De Kalb.
Alfis F. Holcomb, Waynesboro.

MISSOURI.

Everett L. Griffin, Alrich.
Marie Amyx, Amsterdam.
William O. Tout, Archie.
Roy B. Woods, Bernie.
Hezekiah K. Harris, Blackwater.
Joseph J. Henke, Florisant.
Ralph D. Stonner, Chamois.
George T. Carr, Clark.
James D. Reynolds, Clarksburg.
Earnest R. Smith, Collins.
Thomas F. Merrigan, Conception Junction.
William C. Christeson, Dixon.
Edwin S. Brown, Edina.
William F. Haywood, Ellington.
Hulie J. Walker, Cardwell.
Karma K. Black, Fordland.
Isaac H. Arnold, Forsyth.
Rose C. Geyer, Graham.
William E. Fuson, Hartville.
George S. Brown, Hornersville.
Ruby M. Woods, Laredo.
Kate Farmer, Linn Creek.
Emerson W. Robison, Midco.
Elvin Lee, Mountain Grove.
Arthur B. Calame, Niangua.
John F. Hamby, Noel.
Thomas O. Spillers, Otterville.
Clara M. Smith, Overland.
Ruth E. McCormick, Reeds Spring.
Nellie Whalen, Rushville.
Junius M. Bryant, Strafford.
Charles C. Stobaugh, Triplett.
James Z. Spearman, Tuscumbia.
Edwin McKinley, Wheaton.

NEBRASKA.

Clarence L. McEntaffer, Emerson.
Luther A. Howard, Hyannis.
J. Miles Robinson, North Bend.
Charles C. Wake, St. Edward.
Charles A. Smiley, Shubert.
Julius C. Moore, Waterloo.

NEW HAMPSHIRE.

Clarence H. George, Bartlett.
Lloyd S. Emerson, Contoocook.
Grace E. Emerson, East Rochester.
Carrie B. Ware, Hancock.
Charles Myers, Jaffrey.

NEW JERSEY.

Louis A. Streit, East Orange.
Ada B. Nafew, Eatontown.
William H. Grenelle, Haworth.
S. Matilda Mount, Jamesburg.
Annie L. Hammond, Mountain View.
William J. Karbonits, Nixon.
Katherine E. Fraleigh, Seagirt.
Herbert C. Dodge, Sparta.
Jesse W. English, Wenonah.
Frank Ridgway, Woodstown.

NEW MEXICO.

Florence E. Knight, Dexter.
Lydia C. Harris, Mesilla Park.
Florence Shelpman, Nara Visa.
Menhard L. Albers, Old Albuquerque.
Samuel G. Hanna, San Marcial.
Ollie G. White, Vaughn.
Jose C. Garza, Willard.

PENNSYLVANIA.

Ralph E. Kelder, Matamoras.

SOUTH CAROLINA.

John W. Hanna, Cross Hill.
Adam C. Dayson, Johns Island.
Chives Presser, Johnsonville.
Elizabeth D. Kirksey, Pickens.
Tolbert O. Lybrand, Swansea.

VIRGIN ISLANDS.

Bartholin R. Larsen, Christiansted.

WYOMING.

Edwin M. Bean, Casper.
Bertha C. Welsh, Dixon.
Hattie Peterson, Fort Laramie.
William C. De Loney, Jackson.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 21, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, hallowed be Thy name. Thou hast done great things for us, whereof we are glad. May we worthily praise and laud Thy holy name. Surely Thou hast not forgotten us. Read our innermost hearts and see what we require. Then lay Thy hand upon us and bless us with a gentle, unmurmuring patience. Help us to magnify Thee in our common duty and triumph in conquest over all temptation. Be our anchor in the restless sea of life; be our lamp when the cloud lowers above our pathway, and when the storm is highest may we find rest at Thy side. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MEMORIAL HIGHWAY IN FRANCE AND BELGIUM.

Mr. HUSTED. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a short report by the secretary of the American Scenic and Historic Preservation Society relating to the subject matter of a bill recently introduced by me.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The report referred to is as follows:

The principal object of the creation of the proposed memorial highway commission is the establishment of a memorial highway to facilitate access to the fields of operation of the World War in France and Belgium, and to secure the erection of suitable memorials along such highway indicating the history of their respective localities or neighborhoods and perpetuating the memory of the American troops which took part in the operations in the various sectors along the route.

For this purpose it is proposed that existing highways be linked together and improved, where necessary and possible, after the manner of the Lincoln Highway in the United States.

The Lincoln Highway consists of a chain of State, county, and municipal highways, starting from the Lincoln Memorial in Washington, D. C., with a branch to the Arlington (Va.) National Cemetery, runs through Maryland into Pennsylvania, where it passes the Gettysburg Battle Field and National Cemetery, and thence runs westward to the Pacific Ocean. Along this route tablets have been erected commemorating historical events that have occurred all the way across the continent. The route is further indicated by red, white, and blue bands painted on the telegraph and telephone poles and guideposts. The roads are usually the ones most frequented in the regions through which they pass, and their development and improvement, under the stimulus of the historical and civic interest aroused, have greatly facilitated travel and benefited the communities through which they run.

The great number of Americans who now go to France and Belgium, some to revisit the scenes of their military service overseas, others to visit the places where relatives served, and still others to study the fields of operation in the World War from the historical standpoint, will increase rather than decrease as time goes on. Not only will the financial means for travel increase with the return of normal times but in the order of nature future generations will multiply the number of descendants or relatives of the 2,000,000 Americans who went to France in 1917–18—descendants and relatives who will take pride in the achievements of their predecessors and wish to visit the scenes of their service. It is desirable that such travel be encouraged in order that the patriotic memories of the World War may be cherished, and also that the bonds of friendship between the United States and the allied nations may be strengthened by continued mutual intercourse. It is needless to say that Americans are welcome guests in France and Belgium, and that any measures which would promote their visiting would have cordial sympathy and encouragement.

The routes tentatively suggested for the memorial highway in France and Belgium are as follows:

1. Paris to Coblenz: This route starts from Paris, near which, at Suresnes, is one of the six permanent American cemeteries in France. Thence it runs northeastward through Meaux to Chateau-Thierry, near which, at Belleau, is another of the permanent American cemeteries. Thence it runs along the Marne River to Epernay, where it turns northward to Rheims; thence goes eastward to Montfaucon. A short distance north of Montfaucon is the Meuse-Argonne permanent cemetery for Americans at Romagne. From Montfaucon the route runs northward to Stenay, thence in a generally northeastward direction along the route taken by the American army of occupation through Montmedy, Longuyon, Longwy, Luxembourg, and Treves to the Coblenz bridgehead on the Rhine.

2. Verdun-St. Mihiel-Toul-Metz route: This route leaves the Paris-Coblenz route at Montfaucon and runs southeastward to Verdun, thence southward and southeastward through St. Mihiel to Toul. There it turns sharply to the northward and runs through Flirey, passes another of the permanent American cemeteries called the St. Mihiel Cemetery at Thiaucourt, continues northward to Mars-la-Tour, eastward to Metz, and northward through Thionville to Luxembourg, where it rejoins the Paris-Coblenz route.

3. Chateau-Thierry to Brussels: This route leaves the Paris-Coblenz route at Chateau-Thierry and runs in a generally northward and northwestward direction through Soissons, passing near the Oise-Aisne permanent cemetery for Americans, and thence paralleling the Hindenburg line to Peronne, passing near the Somme Cemetery for Americans at Bony. From Peronne the route may run directly northward to Arras, or make a detour westward to Amiens, thence northeastward to Arras. From the latter point the tentative route continues northward to Oostroosebeke in Belgium where the Ninety-first American Division was located when the war ended, thence eastward to Brussels. This route would pass a proposed American cemetery in Belgium.

It will be observed that these suggested routes lead through or near the scenes of most of the major operations in which the American troops and the Allies took part; also near the seven principal permanent American cemeteries in France and Belgium. The routes above described are only tentative, but are suggested to show the possibilities of the plan. The permanent routes would be selected in cooperation with the French and Belgian authorities if the plan meets with their approval.

It is suggested that the Memorial Highway be indicated by suitable markers or by the national colors, somewhat after the manner of the Lincoln Highway in the United States.

Along this Memorial Highway it is proposed that simple historical tablets be erected giving designations of the American divisions engaged at or near the points passed by the highways, the names of the commanders, and the dates of the engagements, with other appropriate data showing the relation of their movements to those of allied divisions. It is hoped that the French and Belgians will cooperate in erecting similar tablets, so that the series will tell the chief historical events of the entire route. It is not proposed to erect elaborate monuments along the Memorial Highway, but it is suggested that the tablets might be elevated on battle mounds, on or near which there might be small parks of military trophies, heaps of war relics, specimens of barbed-wire entanglements, "tanks," and other devices illustrative of the military operations in the neighborhood.

It is recommended that at Coblenz there be erected two bronze tablets, one containing the roster of troops of the American Army of Occupation and the other the roster of the present American forces in Germany, after the style of the bronze tablets to commemorate the campaign of Santiago de Cuba and of the China relief expedition.

It is suggested that the American Memorial Commission, to be appointed by the President of the United States, include the Hon. Myron T. Herrick, ambassador to France, the Hon. Brand Whitlock, ambassador to Belgium, Maj. Gen. Henry T. Allen, commanding the first American Army of Occupation, President Lowell, of Harvard University, representing the New England States, President Butler, of Columbia University, representing New York, and other distinguished Americans of similar character.

It is proposed that the Quartermaster General of the Army have charge of the wording, making, and care of the memorial tablets, in order to insure their historical accuracy, and that their design be approved by the National Fine Arts Commission at Washington.

It is also recommended that the National Fine Arts Commission act in an advisory capacity with the Quartermaster General of the Army in the laying out and care of the American cemeteries in France and Belgium.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed with amendments the bill (H. R. 9548) for the relief of the distressed and starving people of Russia, had insisted upon its amendments, had requested a conference with the House on the bill and amendments, and had appointed Mr. SMOOT, Mr. JONES of Washington, and Mr. OVERMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed the bill (S. 205) relating to the fiscal system of the District of Columbia, in which the concurrence of the House of Representatives was requested.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speakers' table and referred to its appropriate committee as indicated below:

S. 205. An act relating to the fiscal system of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

RUSSIAN RELIEF.

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9548) for the relief of distressed and starving people of Russia, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 9548, the Russian relief bill, with Senate amendments

thereto, disagree to the Senate amendments and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. ROGERS, Mr. TEMPLE, and Mr. CONNALLY of Texas.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 238. Joint resolution to amend an act entitled "An act to amend section 955 of the Revised Statutes by extending the jurisdiction of courts in cases of revivor."

PRINTING OF SENATE TARIFF HEARINGS.

Mr. JOHNSON of Washington. Mr. Speaker, I call up from the Committee on Printing Senate concurrent resolution No. 17, which I send to the desk and ask to have read.

The Clerk read as follows:

Senate concurrent resolution 17.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,500 copies of the hearings before the Committee on Finance of the Senate on the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, revised and indexed, of which 2,000 copies shall be printed as separates, by schedules (including not to exceed three supplemental volumes), 1,000 copies for the use of the Committee on Finance of the Senate and 1,000 copies for the use of the Committee on Ways and Means of the House of Representatives, and the remaining 1,500 copies shall be held for compilation by volume, of which 500 copies shall be for the use of the Senate document room and 1,000 copies for the use of the House document room: *Provided*, That the compiled edition only shall be printed as a Senate document.

Mr. JOHNSON of Washington. Mr. Speaker, the committee having this referred to it has considered the same and has reported it back with the recommendation that it do pass. It is largely technical, and it is for the use of the committees. I ask for a vote.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE PRESIDENT'S MESSAGE.

Mr. MONDELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the President's message.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. MONDELL. Yes.

Mr. GARRETT of Tennessee. I think there are one or two gentlemen on this side who possibly would like to have a little time in general debate upon this subject.

Mr. MONDELL. The gentleman from Michigan [Mr. FORDNEY] desires to address the House upon the question of the American valuation plan. The gentleman from Minnesota [Mr. ANDERSON] and his committee, including the minority members, would like to occupy some time in the discussion of their preliminary report upon the agricultural situation.

Mr. GARRETT of Tennessee. The only thing I had in mind is whether or not it might facilitate matters to have control of the time placed somewhere for the day.

Mr. MONDELL. I think it would. Mr. Speaker, I ask unanimous consent that the time may be controlled equally by the gentleman from Tennessee and by myself.

Mr. MOORE of Virginia. Mr. Speaker, before the question is put, may I ask the gentleman as to when probably the bill that provides for assistance to the Patent Office by an increase of salaries and force will be considered? That bill has been on the calendar for a long time. My information is that the condition in the Patent Office is inconceivably bad.

Mr. MONDELL. It could not be considered, of course, until after the holidays, in any event.

Mr. MOORE of Virginia. Is it expected to be considered soon after the holidays?

Mr. MONDELL. I think there are a number of matters in that connection that will have to be taken into consideration. The Committee on Appropriations will be able to do something for the Patent Office, I hope.

Mr. MOORE of Virginia. It is being stated in the press constantly—and it is stated to Members otherwise—that not only are applications for patents unduly postponed but that the industries of the country are being interfered with by the failure to issue patents. That is due to the fact that there is an insufficient force.

Mr. MONDELL. I think there have been some rather exaggerated statements made in regard to that, although the condition is not satisfactory.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the time for debate be controlled, one-half by himself and one-half by the gentleman from Tennessee [Mr. GARRETT]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Wyoming that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the President's message.

The motion was agreed to. Accordingly the House resolved itsely into the Committee of the Whole House on the state of the Union for the consideration of the President's message, with Mr. BURTON in the chair.

Mr. MONDELL. Mr. Chairman, I yield one hour to the gentleman from Michigan [Mr. FORDNEY]. [Applause.]

Mr. FORDNEY. Mr. Chairman and gentlemen of the committee, I have here several articles purchased in a department store in one of our large cities, all imported articles. I shall give to the House the price paid for each article abroad, the amount of duty paid on every article, and, except in some instances, the amount of freight on each of those articles.

Mr. DUNBAR. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. DUNBAR. Is the amount of duty paid based upon the price paid in the European markets?

Mr. FORDNEY. Yes, sir. They are all articles which paid an ad valorem duty, and those duties are all based upon the foreign value.

Mr. DUNBAR. Not upon the proposed American valuation?

Mr. FORDNEY. No, sir; not upon the proposed American valuation.

Mr. CHINDBLOM. Will the gentleman yield for a short question?

Mr. FORDNEY. I will.

Mr. CHINDBLOM. How recently have the duties been paid upon those articles?

Mr. FORDNEY. I shall give the date of the import, invoice, and date of entry.

Mr. MILLER. Will the gentleman yield for a short question?

Mr. FORDNEY. I would like to get along, but I will yield.

Mr. MILLER. I was just going to ask if the gentleman from Michigan would have any objection to stating the place where those articles were purchased?

Mr. FORDNEY. No; I will state that they were all purchased, with the exception of a very few, in the city of Chicago, but I would rather not mention the name of the firm. I have the sales slips with the firm's name on them.

Mr. CHINDBLOM. It is sure to be a reliable firm?

Mr. FORDNEY. Oh, yes; a reliable firm; wealthy at least; I do not know how reliable otherwise.

Opposition to the pending tariff measure is readily traced not to the American producer, not to the man who deals chiefly in American-made products, but to the man who produces or purchases abroad and the man whose chief interest is in bringing the product of cheap foreign labor to the American market.

Those interested in importing enterprises are well organized and spending large sums of money in an effort to make you and me believe that what they seek is for the country's general welfare. The importer is working to delay or defeat tariff legislation, and to accomplish his end he is centering his criticism on the American valuation plan, without which, on account of present chaotic world-wide conditions, it will be most difficult to write a tariff measure at this time that will afford the slightest degree of protection against countries where protection is most needed.

In opposing the American valuation plan the importer tells us that under its operation he will be obliged to materially increase prices. Boil down his propaganda and you will find he presents no argument to show the principle is wrong. His complaint is that the rates are too high. Neither of his contentions are true.

If we are to have stable tariff rates, ad valorem duties must be predicated on a stable basis. Foreign values are the very personification of instability, and it is on the foreign value that ad valorem rates are now assessed. The manufacturer in the United States wants reasonable, stable, and consistent protection upon which he can depend. He wants protection against the country of low production costs rather than the country of high production costs. He wants the American valuation plan to prevail. The importer welcomes the extreme fluctuations and the instability of the present system. He welcomes the present conditions which so harass his competitor, the domestic producer, and the man who deals in the product of American labor. Where protection is most needed by the domestic producer, the importer is most anxious to have the rate abnormally low, for it affords him the opportunity to dis-

place the American-made product with a foreign article. With a wide margin to work on he can close the American factory. He wants foreign valuation to be the basis for levying ad valorem duties. He wants it with all its inequalities, its fluctuations, and its instability. In it he sees the opportunity for excess profits, and the more unscrupulous importer welcomes the opportunity it affords for fraudulent undervaluations.

Now, in a population, gentlemen, of 107,000,000 of people there are, in round numbers, 2,000 importers. There are 317 corporations in the United States, and a very large percentage of those corporations are manufacturers. There are many individuals and copartnerships that are manufacturing, and the 2,000 importers whom I mention to-day are spending a large sum of money in advertising, as I shall show you before I conclude, in opposition to American valuation.

Too little is known regarding the importer and his margin of profits; his invoice, generally speaking, is not open to public inspection. However, I have some information here to-day from the invoices from an importer. It should be of keen interest to the House and to the country. It squarely discloses the abnormal profits an importer can exact.

The range of prices in various countries on comparable articles is glaringly great, and under the present system of assessing duties on foreign values the amount of duty collected on an article from one country differs widely from the amount of duty on a comparable article imported from some other country.

At this point permit me to say that last year we received imports from 111 countries or governments or subdivisions of governments. Nearly every one of the 111 governments had a different cost of production and each and every country on a comparable article paid a different amount of duty on that article when landed in the United States. Such a law is inequitable.

There would be some justification in the present system if the larger duty were assessed against a country where production costs are the lowest and protection is most needed. Unfortunately, however, the present system operates in a converse manner. Where the foreign value is abnormally low and protection is most essential, the amount of duty is abnormally low, but where the foreign value is high and protection is needed the least, the duty is correspondingly high.

Aside from correcting the troublesome question of undervaluation, the one big purpose for assessing ad valorem duties on values in the American market is to make the amount of duty on a given commodity uniform, regardless of the country of origin or fluctuations in the foreign value. How obviously unfair it would be if your local taxes were assessed on cost rather than actual value. Let us suppose two men had adjoining lots, that the one acquired his through a forced sale at one-half its value, and that the other man paid as much for his lot as the lot was worth. For the purpose of taxation would it not be glaringly unfair to value one lot at $5,000 and the other at $10,000? Would not the system be especially objectionable if the assessor through lack of means of verification was obliged to rely almost wholly on the statement of the property holder as to the purchase price, and thus an unscrupulous taxpayer could incorrectly state the purchase price and avoid a portion of the tax which the honest taxpayer would be assessed? That, however, is about the way the assessing of ad valorem duties on foreign values operates.

When the foreign value is low the duty is low, and when the foreign value is high, the duty is correspondingly high, and in addition the temptation for undervaluation is ever present to the unscrupulous importer.

I recently received a copy of a letter sent by a manufacturer to an importer. The manufacturer begins the letter by acknowledging the receipt of literature in opposition to American valuation, and states that in all of it he can not find one argument against the principle involved, that all the figures set forth purport to show that the rates are too high. That, the manufacturer contends, was a matter for discussion and involved no principle upon which they differed. Continuing, the manufacturer's letter is in part as follows:

> There are misstatements galore—at least, implied misstatements—when such items as 33 per cent profits are introduced as typical. The large majority of foreign textiles, raw materials, furs, crockery, and fancy goods, to say nothing of chemicals, metals, etc., are sold through agents of foreign houses and delivered to wholesale buyers by commission houses, on commissions amounting to from 2½ to 10 per cent. These sales would constitute the basis of prices at which commodities could be bought in wholesale quantities in this market—not the prices with a retail profit of from 25 per cent to 50 per cent added. On such articles where, because of their fancy nature and speculative character, a high rate of profit is customary at wholesale, the high duty is justified—being a quasi luxury tax—just as is the high profit which the importer imposes on the consumer to cover the risks he takes for speculating in his behalf.
>
> In any event, these items could receive the benefit of lower rates if a presentation of proper reasons justified such procedure.
>
> There is no reason why a different amount of duty should be collected on products from France, Japan, or Russia, simply because they cost less in one country than in another.
>
> There is no reason why you, an honest importer, should run the risk of the vast opportunities for undervaluation due to changes abroad in currency values and economic upsets, which are available to less scrupulous merchants during the next two or three years.

I have examined much of the propaganda in opposition to American valuation, and the manufacturer whose letter I have quoted in part has summed up this situation accurately. A valid argument against the principle involved is lacking. The whole opposition is founded on the question of rates and on alleged increases in prices to the consumer they predict will result from the new rates.

In my estimation an importer condemns himself when he endeavors to show that a rate of say 25 per cent on the American wholesale price is equivalent to 100 or 150 per cent based on the foreign price; for to prove his contention he must show a very alarming discrepancy in domestic and foreign production costs. He must show the necessity for protection, and last but not least he must show his own excessive and exorbitant profits.

At this point I want to call attention to this: A man whose name I will not mention saw an article by a large importing firm in Chicago opposing American valuation and later saw my reply thereto. He informed me that a friend of his had recently returned from Germany, where he had purchased a knife. That knife was purchased for 18 or 19 marks at retail in Germany. The exchange value of those marks that day was 9.6 cents in gold. That knife was made by the firm of J. A. Henckle, a manufacturer of high-grade cutlery in Germany. His name is stamped on the blade of the knife in Germany, where his factory is located, and this gentleman said when that knife was given to him, knowing that a certain importing house in Chicago handled this manufacturer's goods, he went to the store the next morning, and while he could not find an exact duplicate he did obtain from them this knife made by J. A. Henckle, with the same trade-mark and the mark of "made in Germany," because under the law goods sold in this country made in a foreign country must have the country of origin stamped on the article. He paid $5 for that knife, containing two blades with a file, a knife of less value than the one purchased in Germany a few weeks before for 9.6 cents at retail. He did not send me the sales slip of this knife. I went to the Secretary of the Treasury and asked him to give me a man whom I could send to Chicago to purchase some articles. That man purchased this knife and furnished me a sales slip at that same department store week before last, the same knife, and I have the sales slip—$5—sold by the same firm, the same knife, less valuable than the one sold in Germany a short time ago for 9.6 cents. I went further, and I have here, my friends, a copy of several invoices. I have the prices abroad in foreign currency of several articles. I have the wholesale prices in gold and the rates of duty; I have every obtainable item of cost to lay these several articles on the counter in Chicago, and show the increases in selling prices.

Mr. BANKHEAD. Will the gentleman yield in connection with that knife? Under the pending tariff bill on the American valuation what would be——

Mr. FORDNEY. Under existing law that knife pays 55 per cent ad valorem duty.

Mr. BANKHEAD. Under the American valuation in the new bill what would be the amount of duty on that knife?

Mr. FORDNEY. About a month ago I received two knives from a man in Chicago. The knives in question were made in Germany by the firm of J. A. Henckle. One was purchased in Germany by a traveler at a retail store, and the price paid was the equivalent of 9.6 cents. The second knife was comparable in value. It was purchased in a large department store in Chicago, and the price paid was $5. The department store in question imports foreign merchandise on a tremendously large scale and claims to have a foreign organization well known in every country in the world. They are assiduously distributing propaganda and sending their men about the country addressing Rotary Clubs and similar organizations in an effort to mold sentiment against the new bill.

I should say that the wholesale selling value of that knife would have been in round numbers $4 per dozen, perhaps $6 per dozen, in the United States. Forty per cent duty was added, making it $2.40 a dozen, and that knife costs in round numbers $1.25 a dozen now; so the duty would be 40 per cent, or $2.40, as against 55 per cent, or $1.25 or $1.50, whatever it may be.

Mr. BANKHEAD. It seems to me the gentleman's whole argument in reference to this is that this Chicago firm is an unconscionable profiteer.

Mr. FORDNEY. There is no question in my mind about that, and I want to prove it to you before I conclude.

Mr. BANKHEAD. I do not see how that relates to the American valuation.

Mr. FORDNEY. I thank you, my friend. I realize that your question was a friendly one and brought out the necessary information which I wish to present to the House.

The discovery of the low-priced German cutlery of J. A. Henckle offered for sale at high prices by the department store that is leading the fight against the American valuation plan induced me to cause some investigations to be made. I withhold the name of the department store, because my object is not to center criticism on them when so many others preeminently merit a share of it. My purpose to-day is to center attention on the selfish motives prompting the importer's propaganda. *To do this* I have had a number of invoices examined covering importations by the particular department store selling the J. A. Henckle 9-cent knife for the modest price of $5, and is spending large sums of money to lead you and me to believe they have the country's general welfare at heart, while making all manner of misstatements in order to defeat American valuation. I have secured indisputable evidence shedding light on costs and selling prices of the department store to which I have referred, which, so it happens, is one of America's largest importing establishments.

I sent a man to Chicago to purchase these articles, and all of them were purchased in the one store in Chicago. These items here [indicating] came from another place.

I have given you the substance of the matter on the knife.

Mr. NEWTON of Minnesota. Will the gentleman yield there?

Mr. FORDNEY. Let me finish this and I will yield to you.

After securing information from invoices covering importations by this store of a number of articles of everyday usage, the articles were traced into the retail department and purchases were made over the counter in the usual manner. As evidence I have official statements in regard to foreign costs, including all dutiable charges and the amount of duty paid, together with all other items of cost that the invoice discloses. I have with me the articles purchased, together with original purchase slips. I have not sought or secured extreme cases. I have called for and obtained representative cases. I will not pick out the most glaring disclosures but will present information to the House in regard to every sample furnished me.

But this, let me say to you, that one hour ago a man stepped into my office. He is connected with the Home Market Club of Boston. I know him very well, and he is an estimable gentleman. He gave me some interesting information which I jotted down. He said that he recently made a request to one of the Boston papers to publish an article in answer to an attack made by the National Retail Dry Goods Association on American valuation. The editor replied that while he was heartily in favor of American valuation he could not print the article opposing American valuation, because every member of the press had been notified direct from Chicago, through a group of Chicago importers, that any paper printing any article in favor of American valuation would immediately lose the advertising of the importers.

Mr. CAMPBELL of Kansas. They are not running newspapers; they are running advertising sheets.

Mr. FORDNEY. Surely. Wait a minute. The gentleman made a most earnest request that the editor print the article offered by him. The editor finally agreed to call up members of the retail board of the Boston Chamber of Commerce and ask for permission to print the article. The editor notified my friend later that the association emphatically protested, and that he could not print the article; that if he did he would lose the trade.

Mr. FREAR. Will the gentleman yield?

Mr. FORDNEY. Yes, sir.

Mr. FREAR. I can give the gentleman names of witnesses and a case of substantially the same kind where a firm in Chicago intervened with advertisers in another city and threatened to withdraw patronage from a paper publishing criticisms of like nature.

Mr. FORDNEY. Yes. Those instructions came from Chicago.

Mr. FREAR. Where the threats were made against a newspaper?

Mr. FORDNEY. And came from the store where those goods were purchased.

Mr. IRELAND. I notice that the Chicago importers are getting a good deal of attention. Are all the other importers in the United States perfectly innocent?

Mr. FORDNEY. I have nothing more against the Chicago importers than importers elsewhere in the United States. Chicago, however, seems to be leading the fight against American valuation.

Mr. IRELAND. I hope the gentleman will have other examples to offer.

Mr. FORDNEY. Oh, I will; but the seat of war is in Chicago, brother.

Mr. STEVENSON. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. STEVENSON. There are several very large firms in Chicago. I am inclined to think we should like to know who the firm is that is guilty of these practices. Is it Marshall Field & Co., or Sears, Roebuck & Co., or who is it?

Mr. FORDNEY. If necessary, I will state it to the House. I would rather not make an attack upon any one particular firm. But it is Marshall Field & Co. And I have the sales slips for those articles.

Mr. KING. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. KING. Has the gentleman found any opposition to the American valuation plan from men who have money invested in foreign factories and who desire to ship their produce into this country?

Mr. FORDNEY. I understand that all the importers of the country are in this movement to oppose American valuation. But I do not know of any particular instance. But I assume their interests are with other men who import. Their natural interests would be where the dollars and cents are.

Mr. NEWTON of Minnesota. When the gentleman was interrupted by the gentleman from Kentucky he was about to say something about having seen the duty on the invoices, but he did not follow up the statement because of the interruption.

Mr. FORDNEY. I am going to print it in the RECORD.

Mr. NEWTON of Minnesota. I think it would be very helpful and interesting.

Mr. FORDNEY. This comes from the collector of customs, who identifies almost all of the articles as having been passed upon by him.

Mr. OLDFIELD. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes; I yield.

Mr. OLDFIELD. Referring to this fight that these importers, Marshall Field and others, are making on this American valuation plan, and also in regard to the newspapers in Boston, I want to say a word to the gentleman from Michigan first, and then I want to ask him a question. That has been one of the complaints of the Democrats throughout the country for many years, that the Republicans control the press of the country largely, and we could not get our recommendations and rates of tariff duties before the American people. It seems now that you have a fight among yourselves, so far as big business and big interests are concerned; a fight as between big importers and the American manufacturers. Now, I want to ask you this question: Have you any requests from the American people generally, outside of a portion of the manufacturers of this country, who want the American valuation?

Mr. FORDNEY. Well, I have more than a Jew peddler undoing a pack. [Laughter.] I have more literature on the question asking for American valuation than you could lift.

Mr. OLDFIELD. They do not come from the people of America, but only from a part of the manufacturers of America?

Mr. FORDNEY. Oh, no. A manufacturer is not necessarily a foreigner. Every one of them comes from the people of America, whereas the requests against the American valuation come from the man whose interest is in peddling the product of foreign labor in the domestic markets, or a profiteer, or a man robbing the Treasury of the United States, or a foreigner. [Applause on the Republican side.] I say a man steals when he undervalues the goods he is bringing in to escape duties. He is no less a thief than the man who robs you during the night by breaking into your house while you are asleep. [Applause on the Republican side.]

Mr. OLDFIELD. Is it not a fact that the hearings before the Committee on Ways and Means have shown that the undervaluations were less than one-half of 1 per cent in this country?

Mr. FORDNEY. Yes; but there was never a bigger lie uttered by anyone on earth. [Applause on the Republican side.]

Mr. OLDFIELD. The officials of your own Department of the Treasury said it.

Mr. FORDNEY. I am not contradicting the gentleman. But in the New York office last year there were 5,987 cases of undervaluation or incorrect classification discovered. How many passed without discovery no one knows, and in four months of this year, my friend, there were 3,200 cases of undervaluation or reclassification. [Applause on the Republican side.]

Mr. OLDFIELD. The information that we got at the public hearings does not bear out that statement.

Mr. FORDNEY. I do not care about the public hearings. That is the record.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. CROWTHER. A gentleman asked you a moment ago whether this desire for the American valuation has been expressed by any other than American manufacturers. Has not the desire for the American valuation been voiced also by the labor organizations throughout the country, those who toil, in the last few weeks? [Applause on the Republican side.]

Mr. FORDNEY. Yes.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. MANN. I understand the gentleman from Michigan to say that one firm in Chicago, Marshall Field & Co., determines what can be and what can not be printed in the Boston papers?

Mr. FORDNEY. I did not say that, brother.

Mr. MANN. I understood the gentleman to say it, and that is why I am asking the question.

Mr. FORDNEY. No. Let me repeat what I said. I said it came from the importers in Chicago. The gentleman I referred to did not tell me the name of the firm. That was his language. I gave it to you as the gentleman dictated it an hour ago in my office.

Mr. MANN. I understand that the gentleman said that the importers in Chicago control what can be and what can not be printed in the Boston papers.

Mr. FORDNEY. A gentleman has taken away my memorandum for a moment, but I will get it and have the gentleman read exactly what I said. I said it came from the importers in Chicago.

Mr. MANN. That is what I am asking. I understood the gentleman to say that the importers in Chicago determined what could be and what could not be printed in the Chicago daily papers.

Mr. FORDNEY. As I remember the language, that is it identically.

Mr. MANN. Well, then, that only shows what power we have in Chicago. [Applause.]

Mr. FORDNEY. Well, you are all right, and Chicago is all right; but there are some fellows in every large city who have but little principle. [Laughter and applause.]

Now, gentlemen, listen to this, if you please. Chicago is not alone in this propaganda. I am not making an attack upon Chicago. But the bulk of the information came from Chicago. In connection with one of my exhibits I have the following information pertaining to an identical or comparable article: First, the entry number; second, the date of entry; third, the consular invoice number; fourth, the date and place of consultation; fifth, invoice description; sixth, foreign value or purchase price set forth in invoice in foreign currency; seventh, foreign value or purchase price converted into United States gold; eighth, the dutiable value in United States gold; ninth, the rate of duty; tenth, the amount of duty; eleventh, all nondutiable elements of cost that appear in the invoice; twelfth, the total net laid-down price, less in some instances the transportation cost, not appearing in the invoices and not obtainable; thirteenth, the retail selling price; fourteenth, the difference between cost and selling price, the percentage of increase.

For the purpose of clearness and brevity I shall omit some of the details in price in foreign currency, the rate of exchange, and so forth, and shall give prices only in United States gold. I have it all here, and if gentlemen wish me to exhibit those details I will do so. Take the article of lip sticks. I prefer the lip without any stick. Date of entry, November 16, 1921; the French selling price; the duty is 60 per cent ad valorem. Now, for the purpose of hurrying along I will give you the total, and I will put in all these elements that I have named. The total net laid-down cost, excluding transportation, is 82.69 cents.

Mr. COPLEY. For what unit?

Mr. FORDNEY. Lip sticks.

Mr. COPLEY. How many?

Mr. BANKHEAD. Not how many lips, but sticks.

Mr. FORDNEY. There are two in number. I think it is per stick. I will look that up. The total net laid-down cost of the item given is 82.69 cents, and it is sold at $1.50. The difference between the landed price, duty paid, all costs paid except transportation, 82.69 cents, and the price at which it is sold, $1.50, is a difference of 81 per cent.

I have a bottle of perfumery here. It is item No. 12. The total net laid-down cost, less transportation, was $2.22 for that bottle contained in that package. It sold at $4.50, or an increase of 102 per cent.

Mr. CRISP. Mr. Chairman, will the gentleman yield for one question?

Mr. FORDNEY. Yes, sir.

Mr. CRISP. I should like to know, when the gentleman gives the cost of these articles abroad, whether he is giving the price in their money or the price in their money reduced to its value in our money?

Mr. FORDNEY. The totals I give are reduced to our money in gold, but I give it in the invoice in their money, transferred to our money.

The next article is a cake of sandalwood bath soap, imported at 26 cents total net laid-down cost, less transportation, and sold at 50 cents, or an increase of 86 per cent.

The next article is pongee silk, an article of common use, laid down here November 9, 1921, at 59.49 cents per yard, sold at 95 cents per yard, a difference of 59.6 per cent. And let we call your attention to this important fact, that on everyone of the items that I describe here where the rate of duty is low the margin of profit—the difference between import value and selling value—is exceedingly high, and where the rate of duty is high the average margin between import price and selling price is less.

Mr. BEGG. Will the gentleman permit a question for information?

Mr. FORDNEY. Yes.

Mr. BEGG. Is the selling price which the gentleman is giving here the wholesale or the retail selling price?

Mr. FORDNEY. The retail selling price. These were all purchased at retail.

The next item is a dozen embroidered, hemstitched linen handkerchiefs, imported at $4.34 a dozen, sold at $6 a dozen. The duty is 60 per cent and the percentage of increase is 38.2 per cent, not extreme.

The next item is a dress fabric known as dotted Swiss, an article of cotton goods, made in Switzerland, in common use in this country, imported on October 18, 1921, at 72 cents, sold for $2, percentage of increase 177 per cent.

Next is a piece of dress goods, known as Japanese crêpe, imported at 18.77 cents per yard and sold at 50 cents, an increase of 166 per cent, all items of cost included.

The next item is a dress fabric, known as embroidered organdie, costing $1.24 per yard, all items of cost included, sold at $4 a yard, an increase of 220 per cent.

A case of needles, an article of very common necessity, imported from England May 13, 1921, for 50 cents, sold at $1.35, a difference of 169 per cent.

Another article of needles, imported at 44.49 cents per case, sold at $1, an increase of 125 per cent.

Another article, glass-headed pins, imported from Germany. By the way, your wife can not go out to a store in this country and buy an American-made pin. My wife said she tried it in many stores, and they told her there were none. These pins were imported at 1.8 cents per package and sold at 5 and 10 cents a package. When sold at 5 cents the increase is 175 per cent, and when sold to my wife down town here at 10 cents the difference is 725 per cent.

Another article is hairpins. Some of you bachelors know little about them, but married men understand them; imported at 1.18 cents per package, sold at 5 cents, an increase of 332 per cent. That is not all profit. Out of that must come the overhead cost of selling, which in some instances averages 25 to 30 per cent when it is extremely high.

Another of the same kind of hairpin, imported at 1.9 cents, sold at 5 cents, an increase of 157 per cent.

I have in this package here some china plates, imported on October 17, 1921, brought in from England, chinaware, all items of cost laid down in this country on the counter in the store for 18 cents, sold for 54 cents, an increase of 198 per cent.

Here I have another plate imported March 20, 1921, at a cost of 25.7 cents, sold for 79 cents, a difference of 207 per cent. Out of that must come the selling cost.

Another china plate was imported November 7, 1921, from France at a cost of 17.6 cents, sold at 75 cents, an increase of 324 per cent.

Human-hair nets, such as are known as ladies' invisible hair nets, imported from China, laid down all costs paid, transportation and everything else except the selling cost, at 6.6 cents, sold at 50 cents, an increase of 652 per cent.

Another hair net of the same kind, but of a little different cost, imported at 4.6 cents, sold at 50 cents, an increase of 976 per cent.

Another hair net, imported November 12, 1921, at 2.9 cents, sold at 35 cents, an increase of 1,104 per cent.

Another hair net, total laid down cost 2.8 cents, sold at 35 cents, a difference of 1,126 per cent.

Mr. FREAR. All bought from the same firm?
Mr. FORDNEY. All bought from the same firm.
Mr. OLDFIELD. Will the gentleman yield for a question?
Mr. FORDNEY. I yield to the gentleman from Arkansas.
Mr. OLDFIELD. How many of these articles are produced in this country? Has the gentleman information on that?
Mr. FORDNEY. No; I have not. I do not know.
Mr. OLDFIELD. Of course, it seems to me the gentleman has made out a strong case against profiteering in these particular articles.
Mr. FORDNEY. Yes.
Mr. OLDFIELD. I was wondering how many of them are made in this country and whether manufacturers in this country are charging as high prices as these importers are charging?
Mr. FORDNEY. I do not know; but I can say this to my good friend, that the gentleman from Connecticut [Mr. TILSON], whom you all know, a gentleman whose word I would take anywhere, any hour of the day or night, has just returned three days ago from Kansas City, and he says that while there he visited a large department store in Kansas City which he said would do credit to the city of New York or Chicago.
Mr. ELLIS. He is entirely right about that.
Mr. FORDNEY. Yes; I believe it. He said the proprietor, when introduced to him, finding him a Congressman from Connecticut, said, "TILSON, here are goods on my shelves purchased from New England States, but I can no longer purchase goods from New England States." "Why?" asked Mr. TILSON. He said, "Because my competitor is purchasing foreign-made goods at such a low price and sells them below the price I can purchase American-made goods for, and so I must stop and deal in foreign goods."
Mr. GOODYKOONTZ. Will the gentleman yield?
Mr. FORDNEY. Yes.
Mr. GOODYKOONTZ. I want to say that I am in thorough sympathy with the American valuation proposition. I have in mind a suggestion that the gentleman did not mention the matter of musical instruments. I read in a trade journal that musical instruments made in Germany were being put down in England and America at 33⅓ per cent of the price for which they could be produced in England and America.

To confirm that statement I can say that a manufacturing concern in Baltimore whose common stock was selling at 65 last year, the preferred stock bearing 7 per cent interest, is now down to 12 per cent, and if the American valuation proposition is not adhered to you are going to put out of business American manufacturers in the United States.

Mr. FORDNEY. I thank my friend for the statement. Now, I received a letter from a firm in Cleveland, Ohio—the Cleveland Woolen Goods Co. The gentleman states in his letter that there was an article published in a Cleveland paper by a Chicago house in which they stated that English-made overcoating which was selling at $12.30 a yard they would be obliged to sell at $17.60 a yard, if the American valuation plan was adopted, or adding $5.30 per yard because of the American valuation.

There is only one reason for that; that is, if they are undervaluing, we will catch them at it on the American plan. We can not do it on the foreign valuation. This firm sent me a sample of the overcoat cloth, a Scotch plaid which they are making and which they say is a better grade than the English goods about which they write, and state that the Chicago firm advertised this in a Cleveland paper, and they are selling their goods at less than $3 a yard.

Now, I must be a little mite personal. I have been personally attacked by these people. They say that less than 10 per cent of their business is done on imported articles. I have their letterhead right here showing that they have a wholesale and retail department in Chicago and a retail and wholesale house in New York. They have 3 houses in the United States. They have 4 foreign houses in the Orient—2 in Japan, 1 in China, 1 in Manila, and 8 in Europe—12 foreign houses and 3 in the United States, and yet only 10 per cent of their business is in foreign-made goods.
Mr. NEWTON of Minnesota. Will the gentleman yield?
Mr. FORDNEY. Yes.
Mr. NEWTON of Minnesota. Do the profits that the gentleman has given here represent the profits of the retailer, or has the retailer purchased them through some other agency?
Mr. FORDNEY. In nearly every instance their own invoices covering the importation of identical or comparable articles were found, and I have information taken from those invoices.
Mr. CRISP. Will the gentleman yield?
Mr. FORDNEY. I will.
Mr. CRISP. I know my friend is always fair. The gentleman's last statement that Marshall Field Co. had these different places in foreign countries and had only three in this country, and says it is absurd that only 10 per cent of the business was imported goods—I am sure the gentleman will agree that that only refers to the amount of business done in the United States.
Mr. FORDNEY. Yes; but I pointed out that they have 3 houses in the United States and 12 abroad, undoubtedly for the purchase of foreign-made goods to bring here and sell in the United States.
Mr. MANN. Will the gentleman yield?
Mr. FORDNEY. Yes.
Mr. MANN. The gentleman from Michigan did not state in the same connection, as a fair man ordinarily would——
Mr. FORDNEY. I have tried to be fair.
Mr. MANN. I doubt that. I have great regard for the gentleman from Michigan, but I do not think he is trying to be fair. The gentleman from Michigan did not state that Marshall Field & Co. have almost 30 manufacturing establishments in the United States which they own.
Mr. FORDNEY. I am giving you what they have on their letterhead. I referred to that and made no further statement. I do not know how many factories they have in the United States. When they sell their goods to American citizens they should purchase these goods here and give employment to people that they expect to do business with here. How much do they sell abroad? In selling imported goods to American citizens they deprive American labor of employment.
Mr. MANN. They employ more American citizens than any firm in the United States outside of corporations, like the great Steel Corporation.
Mr. FORDNEY. I would not have mentioned the name if I had not been requested to. There is no backwardness on their part in mentioning my name and criticizing me severely. They say that I have a very convenient mind for not remembering the truth. That comes pretty close to calling a man a liar. [Laughter.] Here is the letterhead with their houses advertised upon it, and that is what I call attention to.
Let us leave Marshall Field & Co. for a moment now until I refer to this piece of chinaware, which I have in my hand, imported from Japan. The wholesale selling value per dozen in Japan for this cup and saucer is 48 sen. A sen is a half cent, so that makes this 24 cents a dozen, being a cent for each cup and saucer. I did not buy this cup and saucer from Marshall Field & Co.; they were purchased down town yesterday. They are recognized as comparable articles. They were imported through the port of Philadelphia a short time ago at the price I give you, and were sold at $4.20 a dozen.
Mr. KING. Mr. Chairman, will the gentleman yield?
Mr. FORDNEY. Yes.
Mr. KING. Has the gentleman any information as to whether the factory that made that cup and saucer is financed by American money or not?
Mr. FORDNEY. I do not know.
Mr. KING. Or is it Japanese?
Mr. FORDNEY. It does not make any difference whether it is American or foreign capital. If those goods were entered in the port of Philadelphia at that price, one of two things is true: When they were sold for $4.20 a dozen the merchant who did that is either a profiteer or a perjurer, because if he entered the articles at less than he paid for them, then he is a perjurer, and if he enters them at the correct value, he is more than a profiteer when he sells them at $4.20 a dozen. [Applause.]
Mr. KING. I agree with the gentleman.
Mr. OLDFIELD. Mr. Chairman, will the gentleman yield?
Mr. FORDNEY. Yes.
Mr. OLDFIELD. It seems that about the only way to catch that fellow would be by an excess-profits tax.
Mr. FORDNEY. Oh, no; by an American valuation tax, and then we would catch him on the taxes. Here is another article which I hold in my hand—a rule. The Lufkin Rule Co. is an organization in my home town, Saginaw, Mich. They make all kinds of measuring sticks, tapes, instruments of every description for measuring. Before the war they had established a house in Germany to take care of the foreign trade. They lost that house when the war broke out. The Germans are operating that plant to-day. The cost in my home town one week ago on Monday, given me in that factory, which I visited, was $2.10 a dozen for this article, and the Germans are laying the same article down to-day here for $1 a dozen. We must have at least 50 per cent ad valorem on an American valuation or that firm in my town, with $3,000,000 invested in the plant, must close its doors.

Mr. COPLEY. How many workmen would it put out of business?

Mr. FORDNEY. From two to three thousand are employed in that factory; 600 were employed when I was there a week ago.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. BANKHEAD. The gentleman stated these extravagant profits apparently made by this firm in Chicago upon the basis of the Underwood tariff law, the existing law, as I understand it?

Mr. FORDNEY. It is the foreign valuation. I am not attacking the existing law. I am talking about the foreign valuation, and I am attacking it.

Mr. BANKHEAD. The figures the gentleman stated are necessarily based upon existing law?

Mr. FORDNEY. Yes.

Mr. BANKHEAD. Is it the gentleman's contention that if the American valuation were put into effect the cost of these commodities to the consumers who patronize that firm would be still increased or lowered?

Mr. FORDNEY. My God, man, where on this pocketknife they have made a profit of 3,900 per cent, what sense would there be in increasing it? [Laughter.]

Mr. BANKHEAD. That is what I want to find out.

Mr. FORDNEY. No; they will not let the consumer have the benefit of it. That is what I am showing by my argument, that, no matter what they purchase those goods abroad for, the consumer pays the bill, and pays a profit beyond all reason.

Mr. COPLEY. Then, too, increasing the price to the importer would give an opportunity for American manufacturers to compete, and that would bring in competition which would tend to reduce the cost to the ultimate consumer.

Mr. FORDNEY. Yes. Let me give an illustration of the difference in assessing ad valorem duties on the foreign valuation and on the American valuation. I will take, for illustration, an article that pays 25 per cent ad valorem duty. The correct rate of duty on American valuation for that article, not considering transportation and profit, would be 20 per cent. The ad valorem duties in existing law operate against the country of the highest cost of production. Let me show you why and how. Suppose we were to purchase an article in Canada that cost $1,000 on which the duty is 25 per cent. The duty to be paid then would be $250, so that the price of the article laid down in the United States, duty paid, would be $1,250. You and I know that we can purchase that article in Europe for much less money than we pay in Canada, because the cost of production in Canada is higher. Canada is the best customer the United States has, based on population, and her cost of production is nearer our cost of production than that of any other country in the world. Suppose we purchase the article in Europe for $800 with a duty of 25 per cent, or $200. The European will lay that article down in the United States, duty paid, for $1,000. The Canadian article of the same kind costs $1,250 laid down here, duty paid. We all know that we can purchase that article in the Orient, if it is made there, for not more than $400, which, with 25 per cent duty, would add $100.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FORDNEY. Mr. Chairman, will the gentleman from Wyoming yield me 15 minutes more?

Mr. MONDELL. Will 15 minutes be sufficient?

Mr. FORDNEY. I think so.

Mr. MONDELL. I yield 20 minutes to the gentleman.

Mr. FORDNEY. I thank you.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. FORDNEY. Let me finish this statement. This article laid down from Canada costs $1,250, from Europe $1,000, from the Orient $500. Under American valuation the assumption is that the landed value is $1,250, because that is what is put on to offset the difference in cost in the highest cost production country. Canada would still pay $250 at 20 per cent on $1,250, Europe would have to pay $250, or 20 per cent on $1,250; the Orient would pay $250, or 20 per cent, on $1,250 American valuation. They would all pay the same amount of duty on the same article. That is the difference, gentlemen, between them. [Applause.]

Among the many false and misleading statements made by the opponents to the American valuation plan is that the American manufacturer will have it in his power to advance his selling price and consequently the amount of duty to be collected upon similar imported merchandise so as to prohibit the importation of such goods.

Exactly the contrary is true. The American valuation plan acts as an automatic check against this very supposed danger. Let me illustrate: If an American-made article is at the present time selling for $1 and the landed cost of the foreign article is 80 cents, the duty required to offset the difference would be 20 per cent upon the American value, so that the foreign value of the foreign article 80 cents, plus 20 cents, equals the American selling price of $1, and brings the foreign article on a competitive basis with the domestic article.

Now, suppose an American manufacturer or group of manufacturers would get together and agree to make their new selling price $2, so as to compel the foreigner to pay more duty and reap a greater profit himself, we can at a glance see how futile this would be. The rate of duty remaining the same, namely 20 per cent, based on the new price of $2 would compel the importer to pay 40 cents duty instead of 20 cents is true. The foreign value still remains 80 cents. Added to this, the duty of 40 cents brings the landed cost of the foreign article to $1.20 as against the American price of $2, giving the foreign article an advantage of 80 cents in the market.

It is such a simple proposition that it would seem impossible that any reasonable mind could be deceived by such argument; should the American manufacturer be so inclined it would be suicidal for him to attempt it.

It discriminates against no country in the world. Now, wait a minute. I have here an article from "The Manufacturer" for December, a well-known magazine of Philadelphia, and they claim that the figures were based on figures given out by the National Retail Dry Goods Association. They have here the wholesale selling value and the retail selling value of articles of common use, and it is most astounding. Now, let me call your attention to it.

The article referred to is as follows:

There have been some very interesting figures put out during this campaign of the Importers and Traders Association which, when analyzed, show some extremely interesting facts. The following table, worked out from data published by this organization, is interesting and speaks for itself:

	Foreign purchase price.	Foreign price plus duty.	Wholesale selling price as given.	Retail selling price as given.
Val lace, 10-yard piece	$0.057	$0.091	$0.29	$0.44
Cutlery, case of 4 scissors	.87	1.13	2.58	3.87
Hair brushes	.708	.936	2.45	3.67
Pins, a paper	.022	.027	.05	.07
Colored printed linen handkerchiefs	.18	.288	.44	.66
Woolen dress goods, tweed, yard	.72	.97	2.69	4.04
Flowers and feathers, each	.053	.084	.27	.40
Feather-trimmed hats	3.01	4.82	15.27	22.91
Hand-embroidered nightgowns	1.99	3.18	5.80	8.70
Jointed dolls	.376	.507	1.30	1.95
Children's cotton hose	.47	.705	1.13	1.70
Men's cotton hose	.33	.50	.80	1.20
Short kid gloves, women's	.59	.84	1.69	2.54
Women's cotton gloves	.143	.214	.44	.66
Linen tablecloths	2.24	3.02	4.64	6.96
Damask napkins, dozen	3.48	4.70	5.44	8.16
Linen towels	.249	.336	.38	.57
Linen for dresses, yard	.59	.796	1.16	1.74

The Woman's Consumers' Committee of New York, made up of importers' wives and others, following the same list of items, gave the present retail prices corresponding with the fourth column above, and in parallel columns give what they claim will be the increased retail price caused by the Fordney bill based upon American valuation, as follows:

	Reported present retail price.	Arbitrarily fixed advance retail price.
Val lace, 10-yard piece	$0.44	$0.85
Cutlery, case of 4 scissors	3.87	5.31
Hair brushes	3.67	5.85
Pins, a paper	.07	.10
Colored printed linen handkerchiefs	.66	.90
Woolen dress goods, tweed, yard	4.04	4.92
Flowers and feathers, each	.40	.81
Feather-trimmed hats	22.91	45.54
Hand-embroidered nightgowns	8.70	11.19
Jointed dolls	1.95	3.26
Children's cotton hose	1.70	2.06
Men's cotton hose	1.20	1.46
Short kid gloves, women's	2.54	4.41
Women's cotton gloves	.66	1.07
Linen tablecloths	6.96	8.07
Damask napkins, dozen	8.16	9.31
Linen towels	.57	.67
Linen for dresses, yard	1.74	2.05

The actual facts, however, are indicated in the following table, using the rates of the Fordney bill, but basing those rates upon the wholesale selling price as given by the importers, which wholesale rate, however, can hardly be considered a fair base, because in some cases a profit of more than 200 per cent over the landed cost is indicated, but even basing this calculation upon their own figures reveals a bad enough condition.

	Actual additional amount of duty based on propagandists' wholesale price.	Actual arbitrary additions made to retail selling price.	Percentage of profit from additional assumed price.
			Per cent.
Val lace, 10-yard piece	$0.10	$0.42	320
Cutlery, case of 4 scissors	.51	1.44	180
Hair brushes	.61	2.18	257
Pins, a paper	.01	.03	200
Colored printed linen handkerchiefs	.05	.24	380
Woolen dress goods, tweed, yard	.55	.88	60
Flowers and feathers, each	.09	.41	355
Feather trimmed hats	5.07	22.63	546
Hand-embroidered nightgowns	.98	2.49	154
Jointed dolls	.26	1.31	404
Children's cotton hose	.16	.36	125
Men's cotton hose	.12	.26	117
Short kid gloves, women's	.38	1.93	407
Women's cotton gloves	.05	.41	720
Linen tablecloths	.52	1.11	113
Damask napkins, dozen	.31	1.35	335
Linen towels	.02	.10	400
Linen for dresses, yard	.12	.31	158

On the item of laces, linen, per piece, foreign value, 5.7 cents; duty paid, 9.1; wholesale price, 29; retail price, 44 cents. Cutlery, 4 scissors. I will not name the first. The price, duty paid, was 1.13; retail price, 3.87. Hair brushes, 95.6; retail price, 3.67. Pins, per paper, 2.7 cents; average retail price, 7 cents. Colored print, linen handkerchiefs, 28, duty paid, all costs, all items of cost, sold 66 cents. Woolen dress goods, per yard, 97 cents; retail, $4.04 per yard.

Mr. SUMMERS of Washington. In order we may know who is the bigger profiteer, will not the gentleman give the wholesale and the retail price and the cost?

Mr. FORDNEY. Yes. This particular article, imported, duty paid, 97 cents; wholesale, $2.69; retail, $4.04.

Mr. SUMMERS of Washington. They divided it 50–50?

Mr. FORDNEY. Flowers and artificial feathers for ladies' hats. Eight, wholesale, 27; retail, 40. Now listen, please, you married men: Feather-trimmed ladies' hats, foreign value, $3.03; duty paid, $4.82; wholesale value, $15.27; retail, $22.91. The importers say that if the American valuation is put into effect they must receive for those hats $45.54. [Laughter.]

Mr. SMITH of Michigan. Do they give any reason why they should receive that amount?

Mr. FORDNEY. Because it will increase the duty, and they say it is price fixing. If there is anything in the world it does not do it is not price fixing.

Mr. SMITH of Michigan. How much would that increase the duty? They claim it increases it such a fabulous amount.

Mr. FORDNEY. The rates in the bill as it passed the House are practically identical with the rates in the Payne law on the foreign value, and the difference that the importer would pay would be this: He would be obliged to pay the duty on its correct landed value, whereas under the foreign value, if he undervalued, he is robbing Uncle Sam just that much.

Mr. SMITH of Michigan. And the customer gets it no cheaper?

Mr. FORDNEY. No.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. FORDNEY. I do.

Mr. COOPER of Wisconsin. I heard some of the extraordinary figures given by the gentleman just now as to the import price and retail price of ladies' hats. Will the gentleman please tell us where he got those figures?

Mr. FORDNEY. I stated it. I said I got them from The Manufacturer, a publication of the Manufacturers' Club of Philadelphia. I do not believe they would publish the data unless it is correct. I believe if they are correct in one statement they are correct in all.

Mr. WINGO. Will the gentleman yield for a question?

Mr. FORDNEY. Just one moment, and then I will yield. Here is another article. Hand-embroidered nightgowns, foreign price, $1,99; wholesale selling value, $5.80; $3.18 duty paid; $5.80 wholesale, $8.70 retail on article costing $1.99 abroad. Now, one other article. I have several of them here. Here is an article, foreign value $0.59, retail price $1.74. The article sold abroad for $3.48, retail $8.16 here.

Mr. STEPHENS. Will the gentleman tell how much duty was paid on that article?

Mr. FORDNEY. Brother, I can not give it on that. I do give it on all the samples I have here, but I did not look it up on this that I have just mentioned.

Now, gentlemen, permit me to say that these big department houses are making more noise about the American valuation than any others. And I am prompted to give you an illustration, one given by the great evangelist, Sam Jones. Once upon a time he was lecturing in Chicago and criticized the ministers of that city for not paying more attention to the poor devil on the outside than they did to just their little congregations. On the following Sunday a bishop of one of the churches answered Sam Jones and severely criticized him. The following Monday evening Jones replied briefly to the bishop and said, in conclusion, "When I see a pack of dogs in the street and shy a stone at them I assume the dog that does the yelping is the one that I hit." [Laughter.] Now, let these department houses come on. I say to them that there is only one valid reason they can have in opposing American valuation.

Let me say it will not change the rate of duty on the article at all nor the amount of duty that those goods should and would pay if that importer paid his honest dues to Uncle Sam. Their only valid reason can be, my friends, that the American valuation is a sure bar to undervaluation, the thing of greatest benefit to the importer.

I have given you the cases in one office alone in New York, not of undervaluation but of revaluation. We have an antidumping bill which Congress passed in May last, and, as I have shown you, 3,200 cases were discovered in the customhouse in New York alone, and not in one single instance has the antidumping bill been applied. Somebody is to blame. If I were President of the United States or Secretary of the Treasury I would get a new broom and I would begin sweeping. [Applause.] I would fill these offices with men who would enforce the law. There is where our trouble lies right now.

My friends, our imports are very heavy. For the 11 months of 1921 our imports, in round numbers, are $2,200,000,000 and our exports $4,100,000,000. Those imports were based upon foreign valuation, and if the actual truth were known, in my candid opinion, as to the value of those imported goods, the imports for the 11 months of this year in quantity would have far exceeded our exports, because of the undervaluation and low cost of production abroad, of which I have given you examples. Those things, my friends, are worthy of consideration.

As my time is limited, let me read you an extract from an English newspaper dated October 3, 1921, as follows:

The present position of the tariff is that it is held up for revision and will not come up again until January or February, 1922.

How correct they were!

And then, if at all, in a very modified form.

I think in that they are mistaken.

In the meantime public opinion in America is steadily growing against the tariff. It is very important, the delegates say, that all industries in this country should examine the new tariff closely and get in touch with the consumers of their goods in America, and should see that the propaganda that has been so successfully launched should not be allowed to die out.

Mr. Chairman, I have a whole lot more that I want to say and which I think is important, but as my time is limited I will print it.

Mr. CHALMERS. Will the gentleman yield a moment?

Mr. FORDNEY. I will.

Mr. CHALMERS. The gentleman is very wise, and, I understand, very close to the administration. How soon, in the gentleman's opinion, may we expect a new broom in the Treasury Department?

Mr. FORDNEY. I understand that the Senate is quite likely to confirm to-day the appointment of Mr. Dover, of Takoma, Wash., a former resident of Ohio, as Assistant Secretary of the Treasury, who will have charge of the customs. That is a step in the right direction and at the right time. [Applause.]

In conclusion, let me say that the controversy between the foreign and American system of valuation is not so much one between the merits of the method as it is between honest and dishonest valuation. It is a fight between American industries and foreign industries, unquestionably, as to which shall occupy the markets of the United States. Between American labor and foreign labor which, in days of stress, shall be employed or who shall walk the streets, gentlemen? Between, in these days, the American home and the foreign home, which shall and which shall not be prosperous and contented? There-

fore let all who are for foreign industry, foreign labor, foreign homes stand for the foreign plan. Let all who are for America and who are for American industry, American labor, and American homes stand for the American plan and America. [Applause].

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, because I have not had time to complete my statement on this subject.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. In connection with each exhibit to which I have referred I have the following information pertaining to an identical or comparable article:

1. The entry number.
2. The date of entry.
3. The consular invoice number.
4. Date and place of consulation.
5. Invoice description.
6. Foreign value or purchase price set forth in invoice in foreign currency.
7. Foreign value or purchase price converted into United States gold.
8. Dutiable value in United States gold.
9. Rate of duty.
10. Amount of duty.
11. All nondutiable elements of cost that appear on the invoice.
12. Total net laid-down price, less in some instances transportation costs not appearing on invoice.
13. The retail selling price.
14. The difference between cost and selling price.
15. The percentage of increase.

For the purpose of clearness and brevity I shall omit some of the details regarding price in foreign currency, the rate of exchange, and so forth, and shall give prices only in United States gold.

The first exhibit is a lip stick imported from France:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, November 16, 1921.
French selling price, $0.51683.
Duty 60 per cent ad valorem, $0.31001.
Nondutiable elements of cost appearing on invoice, $0.30001.
Total net laid-down cost, excluding transportation, $0.82694.
Retail selling price, less war tax, $1.50.
Difference, $0.67306.
Percentage of increase, 81 per cent.

This exhibit was purchased by an examiner who passes on this class of merchandise, which arrives in Chicago in substantial quantities from France. The examiner positively identified this exhibit as being identical with certain other lip sticks imported by the firm in question.

The second exhibit is a bottle of perfumery imported from France:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, November 24, 1920.
French selling price, $1.3727 per bottle.
Rate of duty, 40 cents a pound and 60 per cent ad valorem on contents and 45 per cent ad valorem on bottles; amount of duty, $0.8325 per bottle.
All nondutiable elements of cost appearing on invoice, $0.017245.
Total net laid-down cost, less transportation, $2.222445.
Retail selling price, less war tax, $4.50.
Difference, $2.277555.
Percentage of increase, 102 per cent.

This exhibit was purchased by a customs examiner who passes on this class of merchandise, arriving in substantial quantities from France, and which is representative of the less expensive grades of French perfumes. The examiner positively identified this exhibit as being identical with certain other perfumes imported by the firm in question.

The third exhibit is a cake of sandalwood bath soap imported from England:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, April 5, 1921.
English selling price, $0.20498 per cake.
Duty, 30 per cent ad valorem, $0.061494.
All nondutiable elements of cost appearing on invoice, $0.000931.
Total net laid-down cost, less transportation, $0.2674.
Retail selling price, $0.50.
Difference, $0.2326.
Percentage of increase, 86 per cent.

This sample was purchased by a customs examiner who passes on this class of merchandise, which arrives in substantial quantities from England. He positively identifies the exhibit as being identical with certain other sandalwood bath soap imported by the firm in question. This is the same article sold in a store in this city, December 14, at 50 cents.

The fourth exhibit is pongee silk imported from Japan:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, November 9, 1921.
Price in Japan, $0.385854.
Entered value, $0.461396.
Duty, 45 per cent, $0.2076282.
All nondutiable elements of cost appearing on invoice, $0.00144.
Total net laid-down cost, excluding transportation, $0.59492.
Selling price per yard, $0.95.
Difference per yard, $0.35508.
Percentage of increase, 59.6 per cent.

This exhibit was purchased by a customs examiner who passes on this class of merchandise arriving at Chicago in large quantities. The examiner positively identified the sample as being identical and comparable in all respects with certain other pongee silk imported by the firm in question.

The fifth exhibit is an embroidered, hemstitched linen handkerchief imported from Switzerland:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, February 15, 1921.
Swiss selling price, $2.587 per dozen.
Duty, 60 per cent ad valorem, $1.55226.
Nondutiable elements of cost appearing on invoice, $0.2032.
Total net laid-down cost, $4.34246.
Selling price per dozen, $6.
Difference, $1.65754.
Percentage of increase, 38.2 per cent.

The purchase of this sample was made by the customs examiner who passes on this class of merchandise, which arrives in Chicago in large quantities. The sample is positively identified by the examiner as being in all respects comparable with other embroidered, hemstitched linen handkerchiefs covered by the invoice above mentioned.

An explanatory statement accompanied this sample. The date and place of consultation were January 18, 1921, St. Gall, Switzerland. Since that time the foreign market value of this particular handkerchief has depreciated from approximately 16 Swiss francs per dozen to 9 francs per dozen. The present-day replacement cost of this handkerchief would be very materially less than the amount shown.

The sixth exhibit is a dress fabric known as dotted Swiss, and was imported from Switzerland:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, October 18, 1921.
Swiss selling price, $0.559912.
Dutiable value, $0.59453.
Duty 25 per cent ad valorem, plus 7 cents a pound, $0.15447.
Nondutiable elements of cost appearing on invoice, $0.00644.
Total net laid-down cost, excluding transportation, $0.720822.
Retail selling price, $2.
Difference, $1.279178.
Percentage of increase, 177 per cent.

The seventh exhibit is a piece of dress fabric known as Japanese crêpe, imported from Japan:

INFORMATION FROM INVOICE ACCOMPANYING INDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, October 17, 1921.
Japanese selling price, $0.16129 per yard.
Dutiable value, $0.17238.
Duty 15 per cent, $0.025857.
Nondutiable elements of cost appearing on invoice, $0.000739.
Total net laid-down cost, excluding transportation, $0.18788 per yard.
Retail selling price, $0.50 per yard.
Difference, $0.31212.
Percentage of increase, 166 per cent.

Exhibit 8 is a sample of dress fabric known as embroidered organdie, imported from Switzerland:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, October 18, 1921.
Swiss selling price, $0.77446.
Duty 60 per cent, $0.464676.
Nondutiable elements of cost appearing on invoice, $0.007841.
Total net laid-down cost, excluding transportation, $1.246977.
Retail selling price, $4 a yard.
Difference, $2.753023.
Percentage of increase, 220 per cent.

The exhibits of dress fabrics, which I have given as 6, 7, and 8, namely, dotted Swiss, Japanese crêpe, and embroidered organdie, were purchased by the customs examiner who passes on classes of merchandise indicated by the samples which arrive in Chicago in large quantities. The examiner positively identifies the samples as being comparable in all respects and identical in quality with other dress fabrics imported by the department store in question, and covered in the entries of October 17, 1921, and October 18, 1921, above mentioned.

Exhibit 9 is a case of needles imported from England:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, May 13, 1921.
English selling price, $0.417825 per case.
Duty, 20 per cent, $0.08356.
Nondutiable elements of cost appearing on invoice, $0.000305.
Total net laid-down cost, excluding transportation, $0.50169.
Retail selling price, $1.35.
Difference, $0.84831.
Percentage of increase, 169 per cent.

Exhibit 10 is a case of needles imported from England:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, May 13, 1921.
English selling price, $0.370525.
Duty 20 per cent, $0.074105.
Nondutiable elements of cost appearing on invoice, $0.000271.
Total net laid-down cost, excluding transportation, $0.4449 per case.
Retail selling price, $1.
Difference, $0.551.
Percentage of increase, 125 per cent.

Exhibits 9 and 10 were purchased by the customs examiner who passes on this class of merchandise which arrives in substantial quantities from England. He positively identifies the samples as being identical with other needle cases imported by the firm in question and covered by the entry of May 13, 1921, above mentioned.

Exhibit 11 is a cube of steel, glass-headed pins, imported from Germany:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, October 18, 1921.
German selling price, $0.015768 per cube.
Duty 15 per cent, $0.0023652.
Total net laid-down price, excluding transportation, $0.01813.
Retail selling price, $0.05.
Difference, $0.03187.
Percentage of increase, 175 per cent.

This article is sold in some stores at 10 cents, an increase of 350 per cent.

Exhibit 12 is a cube of steel, glass-headed pins of smaller size than exhibit 11, imported from Germany:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, October 18, 1921.
German selling price, $0.010356 per cube.
Duty, 15 per cent, $0.001553.
Total net laid-down cost, excluding transportation, $0.0119.
Retail selling price, $0.025.
Difference, $0.0131.
Percentage of increase, 110 per cent.

Exhibits 11 and 12 were purchased by the customs examiner who passes on this class of merchandise. He positively identifies the samples as being identical with certain other pins imported by the firm in question and covered by the entry of October 18, 1921, above mentioned.

Exhibit 13 is a package of Corona hairpins imported from England:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, May 16, 1921.
English selling price, per package, $0.009867.
Duty, 20 per cent, $0.001973.
Nondutiable elements of cost appearing on invoice, $0.0000023.
Total net laid-down cost, excluding transportation, $0.0118435.
Retail selling price, $0.05.
Difference, $0.03816.
Percentage of increase, 322 per cent.

Exhibit 14 is another package of Corona hairpins imported from England:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, May 16, 1921.
English selling price, per package, $0.0161637.
Duty, 20 per cent, $0.0032327.
Nondutiable elements of cost appearing on invoice, $0.00003771.
Total net laid-down cost, excluding transportation, $0.0194002.
Retail selling price, $0.05.
Difference, $0.0306.
Percentage of increase, 157 per cent.

Exhibits 13 and 14 were purchased by the customs examiner who passes on this class of merchandise, which arrives in substantial quantities from England. The samples are positively identified by the examiner as being identical with certain other hairpins imported by the firm in question and covered by the entry of May 16, 1921, mentioned above.

Exhibit 15 is a china plate imported from England:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, October 17, 1921.
English selling price, per plate, $0.112485.
Duty, 40 per cent, $0.04994.
Nondutiable elements of cost appearing on invoice, $0.006263.
Total net laid-down cost, excluding transportation, $0.181053.
Retail selling price, $0.54.
Difference, $0.35894.
Percentage of increase, 198 per cent.

Exhibit 16 is another china plate imported from England:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, March 20, 1921.
English selling price, $0.18181 per plate.
Duty, 40 per cent, $0.07272.
Nondutiable elements of cost appearing on invoice, $0.002476.
Total net laid-down cost, excluding transportation, $0.257.
Retail selling price, $0.79.
Difference, $0.533.
Percentage of increase, 207 per cent.

Exhibit 17 is a china plate imported from France:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, November 7, 1921.
French selling price, $0.10675 per plate.
Duty, 55 per cent, $0.06936.
Nondutiable elements of cost appearing on invoice, $0.000632.
Total net laid-down cost, excluding transportation, $0.176742.
Retail selling price, $0.75.
Difference, $0.573258.
Percentage of increase, 324 per cent.

Exhibits 15, 16, and 17 were purchased by the examiner who passes on this class of merchandise, which arrives in substantial quantities from England and France. The examiner positively identifies the samples as being identical with certain other plates imported by the department store in question and covered in entries of March 20, October 17, and November 7, 1921, above mentioned.

Exhibit 18 is a woman's human-hair net imported from China, size 12 by 28, double mesh:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, November 12, 1921.
Chinese selling price, $0.04768 per net.
Duty, 35 per cent, $0.016688.
Nondutiable elements of cost appearing on invoice, $0.00209.
Total net laid-down cost, $0.06645.
Retail selling price, $0.50.
Difference per net, $0.443355.
Percentage of increase, 652 per cent.

Exhibit 19 is also a hair net imported from China:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, November 12, 1921.
Chinese selling price, $0.032854.
Duty, 35 per cent, $0.0119989.
Nondutiable elements of cost appearing on invoice, $0.00158.
Total net laid-down cost, $0.046433.
Retail selling price, $0.50.
Difference, $0.453567.
Percentage of increase, 976 per cent.

Exhibit 20 is another hair net imported from China:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, November 12, 1921.
Chinese selling price, $0.020321.
Duty, 35 per cent, $0.0071135.
Nondutiable elements of cost appearing on invoice, $0.001634.
Total net laid-down cost, $0.029068.
Retail selling price, $0.35.
Difference, $0.320932.
Percentage of increase, 1,104 per cent.

Exhibit 21 is another hair net imported from China:

INFORMATION FROM INVOICE ACCOMPANYING IDENTICAL OR COMPARABLE MERCHANDISE.

Date of entry, November 12, 1921.
Chinese selling price, $0.0205723.
Duty, 35 per cent, $0.007003.
Nondutiable elements of cost appearing on invoice, $0.000958.
Total net laid-down cost, $0.028533.
Retail selling price, $0.35 per net.
Difference, $0.321467.
Percentage of increase, 1,126 per cent.

These hair nets, Exhibits 18, 19, 20, and 21, were purchased by the customs examiner who passes on this class of merchandise, arriving in enormous quantities by registered parcel post from China. The four exhibits are positively identified by this examiner as being comparable in all respects with certain other similar woman's human-hair nets imported by the firm in question and covered by the entry of November 12, 1921. The entry mentioned consisted entirely of woman's human-hair nets and covered 212,256 hair nets.

The cost of postage and of the tissue liner is included in the entered value, but the cost of an American envelope plus labor cost of inserting the net in the envelope is not included in the tabulation.

Exhibit No.	Description of article.	Country of origin.	Duty.	Percentage of increase of selling price over cost.
				Per cent.
1	Lip stick	France	60 per cent	81
2	Perfumery	do	60 per cent and 40 cents a pound.	102
3	Sandalwood soap	England	30 per cent	86
4	Pongee silk	Japan	45 per cent	59.6
5	Hemstitched linen handkerchief.	Switzerland	60 per cent	38.2
6	Dress fabric, dotted Swiss.	do	25 per cent and 7 cents a pound.	177
7	Dress fabric, Japanese crêpe.	Japan	15 per cent	166
8	Dress fabric, embroidered organdie.	Switzerland	60 per cent	220
9	Needles	England	20 per cent	169
10	do	do	do	125
11	Glass-headed pins	Germany	15 per cent	175
12	do	do	do	110
13	Corona hairpins	England	20 per cent	322
14	do	do	do	157
15	China plate	do	40 per cent	198
16	do	do	do	207
17	do	France	55 per cent	324
18	Human-hair nets	China	35 per cent	652
19	do	do	do	976
20	do	do	do	1104
21	do	do	do	1126

The opponents to increased import duties contend that they will result in increased prices. On the exhibits I have been able to secure, the percentage of increase of selling price over cost ranges from 38.2 per cent to 1,126 per cent. It is my contention the importer desires first to displace the American-made article, and, second, to exact as high a profit as the market will permit. The importers' inference is that the consumer gets the benefit of a low duty.

It is interesting to note that on the hemstitched linen handkerchief imported from Switzerland—this is a luxury—the duty is 60 per cent and the percentage of increase is 38.2 per cent.

On the pongee silk there is a duty of 45 per cent, and the margin of increase is 59.6 per cent.

On the perfumery, distinctly a luxury, the duty is 60 per cent, plus 40 cents per pound, and the margin of increase is 102 per cent.

On the Japanese crêpe, a dress fabric of common usage, the duty is 15 per cent and the percentage of increase 166 per cent.

On the dotted Swiss, also a dress fabric of common usage, the duty is 25 per cent and 7 cents per pound, and the increase of selling price over cost is 177 per cent.

There is a 20 per cent duty on needles, and the margin of increase on one exhibit is 125 per cent and on the other 169 per cent.

On the glass-headed pins, with a duty of but 15 per cent, the margin of increase on one exhibit is 110 per cent and on the second exhibit 175 per cent.

On hairpins the duty is 20 per cent, and on one exhibit the margin of increase is 157 per cent and on the other 322 per cent.

On the Chinese hair net, an article of common usage, the duty is 35 per cent, and the margin of profit on the four exhibits ranges from 652 per cent to 1,126 per cent.

I submit this as evidence that the importer is not free from mercenary instincts, and that his motive is devoid of concern for the consumer. With low duties his profits increase. He has figured it out time and time again.

Information contained in the importer's invoice is seldom open to the public. There may be some question regarding the propriety of my giving out this information here to-day. To my mind, however, information of this kind is of tremendous public interest.

Competitive products are coming upon the American market at far less than the American cost of production, with the result that many American manufacturing institutions are idle and many American citizens are out of employment. Congress is endeavoring to write a tariff law and the declared object is to protect American industries, and our efforts are being opposed chiefly by importers, whose interest is not in the furnishing of employment to labor in American manufacturing establishments but in unloading upon the American market at tremendous profits the product of the poorly paid labor of foreign countries.

The department store in which all the exhibits I have were purchased contends that with American valuation they will be obliged to advance their prices. They are appealing in every conceivable manner to the consumer. Their whole argument seems to be that the American manufacturer can be ignored and that the price in the American market will be the importer's price plus the import duty, plus transportation and other charges, and plus a very abnormal margin of profit.

Shall we continue to permit the importer to pull the wool over our eyes and deceive us into protecting him in his methods of profiteering? No doubt there has come to the attention of every Member of the House propaganda by importers claiming that a duty based on American valuation of, say, 25 per cent will be equivalent to an ad valorem rate of 150 or 200 per cent based on the foreign value. How can they arrive at such a conclusion? There is but one way. They must show a tremendous discrepancy between the foreign and the American wholesale selling price. They condemn themselves.

Under the operation of an adequate tariff measure the foreigner and importer will have less to say in regard to prices in the American market. He will have less opportunity to exact abnormal profits, for domestic industry will be encouraged and healthy domestic competition will influence prices in the United States. It is fair to the man who has something to sell and fair to the man who has something to buy. It means increased domestic production with labor well employed. It opens the gate to prosperity.

American valuation is the logical solution of the present-day economic conditions. Where a wide margin exists between the domestic and foreign production costs a nominal duty based on American valuation will be equivalent to a much higher rate based on the foreign value; but it is in cases of this kind that the importer is now exacting abnormal profits. It is in cases of this kind that a larger measure of protection is needed. It is in cases of this kind that a duty based on the foreign value is so small that it is of no benefit to the American industry and of little benefit to the United States Treasury.

Where an increased duty is required American valuation tends to supply it, and where an increased duty is not required American valuation does not give it. If the foreign wholesale selling price should be as high as the American selling price, a duty on American valuation would be no higher than the duty on foreign valuation, and as rates based on American valuation in all cases would be lower than if based on the foreign value, it is seen that under the American valuation proposal, where protection is not needed and where the foreign price is high, the actual amount of duty levied will be decreased.

The average American retailer who has no foreign connection or facility for importing is placed at a tremendous disadvantage on account of the unfair competition. His interests are not at all identical with the interests of the department store engaged chiefly in the selling of imported merchandise.

The average retailer should favor American valuation—he should want wholesale prices to be regulated by competition within the United States, so that he would be able to purchase his stock at as low a price as his competitor, the large department store and the large mail-order house. The average retailer should favor American valuation because it is in the interest of the American manufacturer who furnishes employment to American labor, for upon the purchasing power of American labor his market depends.

Reliable information came to me regarding the importation of many thousand dozen pairs of a fine quality of washable gloves at a laid-down cost of less than 20 cents per pair. An effort was made to trace these gloves into the retail trade, but without success. A comparable glove of American make was found retailing at $3 a pair, and a reasonable conclusion is that the supply of domestic gloves will be disposed of before the foreign article is offered. It seems evident that large quantities of these imported gloves are going into storage. Whether the consumer will have any benefit from the low foreign price is problematical. The importer can and will exact an abnormal profit. One thing is certain, the large distributor of gloves, now importing from abroad, will make no purchases of American gloves as long as prices abroad and import duties here remain at their present low level.

A healthy export trade can not be built up if industry in the United States is idle. This has been demonstrated over and over again, and the American consumer is not benefited, because his power to purchase is dependent directly or indirectly upon domestic production.

Exports for the month of November, 1921, are less than for any month during the past seven years. In value there still appears an excess of exports over imports, but it must be remembered

that the import values reported are the values in a foreign country. If there were any way of comparing quantities of imports and exports, the displacement of American goods at this time by imported articles would be astounding.

Importers talk of the necessity of furnishing a foreign market for America's surplus. Under the present tariff policy, however, the surplus of goods in the American market is increased rather than diminished as a result of our foreign trade. More American goods would be sold and there would be more employment for American labor if a tariff policy is adopted that will preserve the domestic market for the product of American labor.

It is my very confident prediction that our total foreign commerce will show a marked gain if an adequate tariff policy is adopted. It is also my confident prediction that if the present tariff policy continues our total foreign trade will continue to diminish. It has been proven in the past and it will be proven again that a healthty foreign trade can not be built up on industrial idleness in the United States.

On the other hand, if an adequate tariff law is enacted, it will be proven again, as it has been proven in the past, that industrial activity in the United States will inevitably result in increased foreign commerce.

The argument that we must surrender American markets to benefit other countries is fallacious. Surrendering our markets means the surrendering of wages and employment of American labor. It means the diminishing of the purchasing power of the American people. It means business stagnation in the United States; and I say very firmly that now, as in the past, any policy that occasions business depression in the United States will not place the United States in a position to aid foreign countries.

Other countries of the world recognize as the result of the present abnormal conditions the urgent necessity for increased import duties. The importer, prejudiced as he is, is endeavoring to lead the American people to arrive at a converse conclusion. In the face of increased import duties by the principal nations of the world, they seek to tell us that, due to unsettled conditions abroad, a tariff law at this time can not successfully be written. I wish to assert very vigorously at this time that the unsettled condition of the world to-day is not a reason for delaying tariff action, but is a very urgent reason for hastening the passage of a tariff law that will afford a reasonable degree of protection to American industries.

Monetary conditions abroad are chaotic, and a continuation of the present tariff law will bring the chaos of Europe to America's shores, for we can not meet the importations from central Europe unless our production costs are reduced to approach the European level. Our production costs can not be reduced to the European level unless wages are correspondingly reduced. An effort to bring about so tremendous a readjustment means chaos and industrial disaster such as this country has never witnessed.

Gentlemen of the House, we must not be led astray by the importers' propaganda. It is true that the importer is exerting a tremendous influence on the retailer through misrepresentations and otherwise, and the retailer is exerting a tremendous influence on the press of the country.

There has come to my attention an instance where a large department store, spending tremendous sums for advertising in the daily papers, has brought influence to bear to prevent the press from publishing information favorable to the tariff program we are here endeavoring to formulate.

The needs of the country at this time demand that we discard the practice of assessing ad valorem duties on foreign values. An equitable tariff law can not now be written if we follow the old method. There is a dire lack of information throughout the country in regard to the acuteness of competition from abroad. If the whole truth were known, the mystery in regard to unemployment would vanish. To my mind there is no doubt as to what we should do. We must study the facts and provide a solution.

The tariff bill as passed by the House provided for the assessment of ad valorem duties on American values. That is a reasonable and logical remedy for the present-day abnormal conditions and customs abuses.

On account of changed conditions Switzerland has found it necessary to increase import duties in order to protect her industries. In a speech delivered September 11, 1921, in defense of that country's new tariff, the President of Switzerland said:

> Do not forget that it is a great economic mistake to divide the people into producers and consumers. Everyone is a consumer, but he can only spend the income which he obtains directly or indirectly from the result of production or some secondary activity dependent on it. If you annihilate production, you will strike the income and the consumer who cooperates with it, destroying the sources which give him living, and he will have nothing more to spend. The maintenance of production is of vital interest to everybody, and therefore the measures which favor it ought also to be understood and indorsed by everybody. * * *
>
> The customs tariff is not a work of arbitrariness which owes its origin to personal ideas and fancies. It is the logical consequence of the present-day economic situation. Other men than those who brought it forth would have reached the same result after weighing all circumstances.

I commend the views expressed so ably by the President of Switzerland to the thoughtful consideration of the Members of the House.

Mr. Chairman and gentlemen, I thank you. [Applause.]

Mr. OLDFIELD. Mr. Chairman, I yield myself 10 minutes. [Applause.]

Mr. Chairman and gentlemen of the committee, I did not intend to discuss the question of American valuation at this particular time. However, there are some features that my friend from Michigan discussed that I think ought to be answered now. Of course, the gentleman from Michigan [Mr. FORDNEY] never at any time during his address told the House or the country the real object of American valuation, and that is one objection that I have to his speech. It seems to me the Members of Congress, and especially those of the prominence of the gentleman from Michigan, the chairman of the great Committee on Ways and Means, having these questions in charge, ought to tell the people exactly why a piece of legislation is being placed on the statute books.

Let me tell you why, gentlemen. Of course, if you have an American valuation with very low rates in the bill, then you could still have a very high tariff law in this country. For example, the Underwood tariff law, you say in your campaigns, is a free-trade tariff law, although, of course, nobody takes that statement seriously, but you place it before the American people as a free-trade law.

Now, gentlemen, mark this prediction. I had not thought until recently that the Republicans would be so foolish as to place the American valuation plan in our tariff law, but I have come to the conclusion that you are determined to place that sort of law on our statute books. You can take the Underwood tariff law under the American valuation and it would make the tariff law in this country in many instances a great deal higher than the Payne-Aldrich tariff law, the one that split the Republican Party and defeated you in the Nation. But if you place the American valuation plan in your law, gentlemen, in addition to the rates that you have provided in the Fordney tariff bill, the one that is pending in the Senate to-day, you will make the rates on a great many articles absolutely prohibitive.

Now the American people do not want a prohibitive tariff law. No one in America wants that except those who are especially benefited. A day or two ago, it is true, a gentleman did appear before the Senate Finance Committee and asked for a certain rate on flour, and a Senator asked him if that would not be a prohibitive rate on flour, and he said frankly, "Yes; that is what we want. We want to place such a rate on flour so that every barrel of flour consumed in this country will be an American barrel of flour." Of course, he meant that it should be sold at the price fixed by the manufacturer of flour in this country. I do not believe the Members of this House want that, and I do not believe the people want it, and I do not believe that the Republicans in the Senate want it. What I fear is that if you are going to place the American valuation on the books as well as the rates under the Fordney bill, you will increase prices to consumers of America, and they will have to pay the freight.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. TINCHER. Do I understand the gentleman to concede that the only principle involved in the American valuation is the rate?

Mr. OLDFIELD. No; I do not concede that, in the first place, and I would like to tell you why. I will tell you why right now. I do not think the principle is sound, for this reason: Take the case of Marshall Field & Co. I do not know a man connected with their business. I have never bought a dollar's worth of goods from them in my life. But I understand that while they are great manufacturers in this country and employ a great many laborers at wages such as other American manufacturers pay, yet they import a large amount of goods not produced into this country. They also import goods this year to sell to their customers next year. Is not that true? I will ask the gentleman from Illinois [Mr. MANN].

Mr. MANN. Yes. Every importing house does that.

Mr. OLDFIELD. They must do it. Now, if they must pay duties this year on goods to be sold next year, and do not know what the rate of duty is going to be next year, it is abso-

lutely impossible for them to do that sort of international business.

Mr. FORDNEY. Does he know it now, under existing law, brother? I do not like to interrupt the gentleman. But if he purchases goods this year to be imported next year, if the price goes down his duty is less, but if the price goes up it is more under existing law, except as they may indulge in undervaluations. There would be no change there at all.

Mr. OLDFIELD. There are cases where the manufacturers of certain articles in this country will get together and fix the price of the article on which a duty is to be paid. This sort of thing would put the fixing of the rate of duty in the hands of the manufacturers of this country, who at least are as selfish as any other citizens of the country.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. MURPHY. Accepting the statement that the gentleman made, that that is barely possible for American manufacturers to do it, it is equally possible for importers to do it, is it not?

Mr. OLDFIELD. Yes. That is possible. I hold no brief for the importers. But I say that the 107,000,000 people of America ought to have something to say about tariff rates, because they pay the bill in the end. There is no question about that.

This seems to be a fight between big importers, and the gentleman from Michigan [Mr. FORDNEY] proved beyond question, if he proved anything, that the big importers were profiteers. So far as the domestic manufacturers are concerned, no proof is necessary. Everybody knows it. They admitted it before the Committee on Ways and Means, many of them, that they charged during the war and at all times "all that the traffic would bear."

Therefore, gentlemen, you are trying to saddle a burden on the backs of the American people, you are trying to place the American people in the hands of selfish interests, to be robbed and profiteered on by them.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. FORDNEY. I think the gentleman is in error. I am not criticizing him. He is expressing his candid opinion. Suppose under the American valuation you and I are producing an article that is costing us a dollar, and the duty would be 40 per cent on that article. The duty would be 40 cents on that one article. Suppose we got together and raised the price to $2. The duty would still be 40 per cent, but the foreign article could not have changed in value. We have changed the market profit for the other fellow from 60 cents to $1.20. It would absolutely work right the other way. It would be impossible for the American manufacturers to get together and raise prices and be benefited thereby. It would be to their direct disadvantage, brother.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. GARRETT of Tennessee. Would not this be true, that if the American manufacturers did get together and raise the price, then that would be the American valuation?

Mr. FORDNEY. Yes; that is just what I said, brother. I said it would be $2 instead of $1, and I gave the illustration that it would work directly against the home manufacturer. He would be working directly against his own interest.

Mr. MANN. He would be raising the amount of duty to be paid by the importer.

Mr. OLDFIELD. And also the price to the domestic consumer.

Mr. MANN. He would be raising the price to his competitor.

Mr. FORDNEY. He would widen the margin between his profit and the foreigner's.

Mr. OLDFIELD. And all the time be getting a greater profit for himself.

Mr. FORDNEY. No; just the reverse.

Mr. MANN. That is the trouble about the American valuation. I have never been able to understand it, and I never heard anybody on the floor who did understand it, including the gentleman from Michigan. [Laughter.]

Mr. FORDNEY. Oh, there is no man so blind as the man who will not see.

Mr. MANN. That is the case with the gentleman from Michigan. I would like to see. I do not think he does. I would like to understand this from the start.

Mr. FORDNEY. I could expect no other statement from a gentleman coming from Chicago. [Laughter.]

Mr. MANN. I do not know that it is any special reflection on anyone to come from Chicago. It was a Chicagoan who saved the life of the gentleman from Michigan.

Mr. OLDFIELD. I want to call the attention of the gentleman from Chicago to this, that the gentleman from Michigan did admit that you had churches in Chicago in Sam Jones's day.

Mr. MANN. No; I think he spoke of a bishop who mentioned a church. He had never been in one himself. [Laughter.]

Mr. OLDFIELD. He told about one that Sam Jones had been in.

Mr. FORDNEY. The gentleman from Illinois is as enlightened upon the subject of my going to church as he is upon the subject of the American valuation. He knows nothing about it.

Mr. MANN. I admit it.

Mr. WINGO. I think the gentleman from Illinois misunderstood the intention of the gentleman from Michigan when he repeated the old proverb that none are so blind as those who will not see. That was intended as an admission on his part, not a criticism of the gentleman from Illinois.

Mr. FORDNEY. You could not expect anything else from a free trader.

Mr. MANN. I knew that was the fact, but I did not think he admitted it.

Mr. TINCHER. On the subject of the American valuation, to take a specific instance, the chairman of the Committee on Ways and Means [Mr. FORDNEY] stated that a knife manufactured in Germany and sold there for 9.6 cents, was imported to this country and sold by Marshall Field & Co., of Chicago, at retail for $5. I wondered on what valuation Marshall Field & Co. ought to pay an import duty on that knife, and I wanted to ask if it is not true that we could probably put a duty of $1 on that knife and protect the American manufacturer in manufacturing a knife of that kind and force the knife onto the market to the American consumer for something like $2 and still get a duty of $1 on every German knife that came into this country. [Applause.]

Mr. OLDFIELD. Of course the man who would pay the increase duty would be the American consumer.

Mr. MANN. Would the gentleman from Kansas be in favor of imposing a duty of 1,000 per cent?

Mr. TINCHER. I am just wondering if we could not reduce the price to the American consumer in that way.

Mr. MANN. The gentleman has suggested it. I am asking him the question, Is he in favor of a duty of 1,000 per cent?

Mr. TINCHER. If it is necessary to protect American labor and the American manufacturer and the American producer and consumer from the profiteers of this country, such as have been disclosed by the speech of the gentleman from Michigan, I will say it is not a question of per cent. In the knife illustration it would seem that based on the price the consumer pays for the German knife, 1,000 per cent would not affect the selling.

Mr. MANN. Then the gentleman makes the statement that he is in favor of a duty of 1,000 per cent on knives, does he?

Mr. TINCHER. I am frank to say to you that I, as well as every other Member of this House, am amazed at the statement made here and at the facts presented here concerning this knife, and I am wondering if Marshall Field & Co. are justified in their propaganda to keep the duty as it is at present on a knife that costs 9.6 cents. Of course the duty even at 1,000 per cent on a knife which costs that much in Germany would not be very much.

Mr. MANN. Let there be a few more statements on this side of the House that the Republicans are in favor of a tariff duty of 1,000 per cent, and there will not be enough Republicans here to gather together in one aisle. [Laughter.] I have been here long enough to know that.

Mr. FORDNEY. If the Republicans favor destroying American institutions, they ought to be put out of this House. [Applause.]

Mr. TINCHER. As I understand it, under the Underwood law there is a tariff duty on this knife of 15 per cent ad valorem.

Mr. OLDFIELD. I think it is 40 per cent.

Mr. FORDNEY. Fifty-five per cent on knives valued at more than $1 per dozen.

Mr. TINCHER. As I understand, it would be something like a duty of 6 cents on that knife, which they buy in Germany for a little over 9 cents, pay the 6 cents duty, and then sell the knife in this country for $5. Now, I am new on the tariff and am not afraid to take hold of it, as some people seem to be. The question in my mind is whether we had better protect the American consumer by protecting the American manufacturer, and permitting him to manufacture the knife, and actually reduce the price of the knife, as we undoubtedly would by permitting it to be manufactured in this country, or whether we ought to go ahead and permit the importation of that knife under a duty of 6 cents, which is so small that it does not allow the American manufacturer to make that knife in this country. Of course, we are only using the knife as an illustration.

Mr. OLDFIELD. In just a few minutes more I will conclude.

Mr. WINGO. Can the gentleman in those few minutes explain to us what kind of a knife it is that the farmers of Michigan and Kansas pay $5 apiece for? Down in our country we do not buy that kind of a knife.

Mr. OLDFIELD. The gentleman from Michigan [Mr. FORDNEY] is a farmer and the gentleman from Kansas [Mr. TINCHER] is a farmer, and both of them have these knives, as I understand. A United States Senator from my State was in Europe in August, and the other night he showed me a knife that cost him, I think, 200 marks. That was in August that he bought it. I do not know how much the mark was worth then, probably three-quarters of a cent or a cent.

Mr. FORDNEY. Forty-six one-hundredths of a cent in August.

Mr. OLDFIELD. But here is the trouble about this: My friend from Kansas [Mr. TINCHER] and my friend from Michigan [Mr. FORDNEY] are protectionists to the limit. The gentleman from Michigan would not permit anything that can be produced in this country to be shipped into this country from abroad. That is the position he takes; I do not think that all the Republicans take that position; I am sure that the majority of the American people do not, and I am sure the gentleman from Kansas would go almost as far, but the trouble is you do not tell the facts to the people of America why you want the American valuation. Why do not you talk turkey and say that you wanted to boost tariff rates?

Mr. FORDNEY. Oh, the gentleman does me an injustice; he never heard me make that statement.

Mr. OLDFIELD. Well, I will take it back. I was under that impression.

Mr. ROSE. Will the gentleman yield?

Mr. OLDFIELD. I will.

Mr. ROSE. Let me say that all my life I have been what is known as a protectionist. I am in favor of protection to American labor and American institutions. I never favored a tariff that would give a special privilege to American manufacturers. I have always favored a tariff that will put our industries on a competitive basis with foreign manufacturers. The gentleman has made a statement that the American valuation will put goods manufactured in foreign countries on a prohibitive basis. For myself I am not in favor nor will I help to pass any such law, and I would like to have the gentleman give the House the benefit of his examination and his experience, showing us what kind of manufactures or articles would be made prohibitive by the American valuation and under the rates as given by what is known as the Fordney Tariff Act?

Mr. OLDFIELD. I can give the gentleman only one example, because I do not want to give hearsay, but one appeared before the committee. I think it was an affidavit of some manufacturer or importer. The fact is the importers are rather frightened when they come before the Committee on Ways and Means, for the chairman goes at them red-eyed and abuses them as though they were not human beings. But one man said that if you put the American valuation on a certain chair—I think it was a reed or a bamboo chair—it would increase the duty to 1,590 per cent, and such a duty would put him out of business so far as these chairs were concerned. That is one instance.

Mr. FORDNEY. Will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. FORDNEY. Let me give you the facts. The evidence before the committee was that the chair presented there, imported from China, the landing value of which was $2 in San Francisco, would cost to make in a factory in the State of Michigan $5. Therefore, the foreign valuation would have to be 150 per cent to bring up the difference between the foreign and the landing valuation and the cost of production in this country.

Mr. OLDFIELD. There is no doubt on the face of the earth that on hundreds of articles imported into this country the duty on the American valuation would be prohibitive. But it is not the imports that is hurting the country to-day. Take the commerce reports, take Mr. Hoover's reports, and you will see that from last October a year ago every month the imports have fallen off, and also our exports have fallen off. The imports have fallen off every month for more than a year.

Now, gentlemen, I do not believe that the Republicans want a prohibitory tariff. The trouble is, if you vote for the American valuation plan, you do not know whether you are going to get it or not. I do not think there is the slightest doubt about it. There will be hundreds of articles that can not be imported into this country under this sort of a law. That is the meanest part of this agitation. I am glad to see the Marshall Field Co. go after this American valuation proposition and controlling part of the press. I think a good many will be with us in the next campaign and that they will not support your party. We would like to have the Marshall Field Co. with us.

Mr. FORDNEY. Take them and all that goes with them.

Mr. OLDFIELD. All right; I trust my friend from Illinois will tell Marshall Field Co. what the chairman of the Ways and Means Committee says.

Mr. MANN. The influence of the chairman in Chicago is nil. [Laughter.]

Mr. OLDFIELD. I am sorry. Now, as I said a while ago, it is not the imports that is the trouble in this country. Of course, we can not export unless we import. We can not sell our surplus products throughout the world as we used to. The people have not got the money with which to buy. The purpose of all protective tariffs is to enable the manufacturers and producers to make a profit, and, of course, the people who buy the goods must pay the tariff tax. You are going to boost the price of products if the protective tariff means anything and turn over the American market in many cases to a few corporations, and they will charge monopoly prices at all times. Therefore, Mr. Chairman, I hope that when the time comes the House will vote against the American valuation. [Applause.]

Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, I want to discuss briefly the unemployment situation which has been brought to my attention at this time by reason of the amendment which was placed on the Russian relief bill yesterday in the Senate, adding $100,000 appropriation to the bill, such sum to be expended through the Department of Labor in endeavoring to find employment for the unemployed in the United States.

It must be admitted, regretfully admitted, that there is widespread unemployment throughout the country, and it may be wise and proper to carry an appropriation of $100,000 to be expended by the Department of Labor as the amendment contemplates. I shall not oppose it, but I think it is well that Congress and the country understand that we will never correct the unemployment situation by temporary expedients of this sort. There are some fundamental causes which must be corrected before the situation is ever remedied. Certainly one of the most substantial of these causes is the unbalanced condition that exists between the prices of farm products, the wages of labor in certain groups of organized employees, and the wholesale and retail prices which prevail on certain manufactured goods. It might have been better for all concerned if the high prices of May, 1920, could have been maintained all around. I will not stop to discuss that feature of the matter now. The fact remains that 1920 prices have not been maintained and probably could not have been maintained. Since May, 1920, farm products have declined on an average, as I recall it, of about 52 per cent, and other things in general, not at all in proportion.

Certain groups of highly organized labor, such as those employed by the railroads, the coal mines, and in the buildings trades, have resisted efforts to lower wages to any appreciable degree, upon the contention that labor is not a commodity, and therefore should not respond in any sense to conditions which affect commodity prices. It is one of the favorite expressions of some gentlemen who assume to speak for labor that "labor is not a commodity." I have no quarrel to make with that statement, but there are certain understandings which it is necessary for us to have when we make that statement, and these understandings are not usually accepted nor given any consideration by the announced spokesmen of organized labor. One of these necessary understandings is that most of the wages of labor and most of the profits of industry are inextricably interwoven with the prices of commodities. The relative prices of the two can not remain separated very long without serious disturbance to the national prosperity. Some strongly intrenched industries, some highly organized labor, may for a time resist successfully the economic pressure, but in the end the relation between commodity prices and the wages of labor and the profits of industry must be brought into some sort of an equitable arrangement.

Labor not a commodity? Of course not, but it should be remembered the wheat farmer has the price of his labor determined by the price which he receives for his commodity, and, therefore, he is vitally concerned whether wheat sells for $2 a bushel or for 95 cents a bushel. Likewise the corn farmer has the price of his labor determined by the price which he receives for his commodity. Therefore he is vitally concerned whether his corn is selling for $1.75 a bushel, as it was 18 months ago, or for 45 cents a bushel and less, as it is at the present time. So is the cotton farmer and the hog grower and the cattle raiser vitally concerned as to the price which he receives for

his commodities, for not only are the earnings on his capital but the wages of his labor dependent upon these prices. When the wheat farmer was receiving $2 a bushel for his wheat he could exchange it for twice as much transportation as he can buy now with a bushel of wheat. Why? Because wheat has declined to 95 cents a bushel and transportation has declined but little.

When corn was selling for $1.75 a bushel, as it was 18 months ago, the corn farmer could exchange the product of his labor for three times as much transportation as he can buy with a bushel of corn to-day. Why? Because the price of transportation remains at a high level, whereas his corn has declined to the figure that I have named. The same illustration might be given as to the cotton farmer, the hog raiser, and the cattle raiser, and all of the rest of that large part of our population who produce commodities and have seen them decline to these low-price levels. I use transportation as an illustration for convenience and not because it is the only thing which has not declined in proportion to commodity prices, because many of those manufactured articles about which the gentleman from Michigan [Mr. FORDNEY] was so solicitous this afternoon in his tariff debate, are still on very high-price levels. He seems to think that these high production costs can still be maintained by the aid of his so-called "American valuation plan." In such calculations he is due for a real disillusionment. What is the result of this unbalanced condition of prices between agriculture and other industries? The net result is this: The purchasing power of nearly half the population of the country has been reduced from one-third to one-half of what it was at the peak of high prices.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. BLACK. Therefore the demand for transportation and the many other things which have not declined in proportion has been reduced in proportion to the reduction in purchasing power of this large section of our population, and it is this slackened demand which is throwing thousands of men out of employment, and I stop long enough to say that Congress can adopt all of the artificial expedients that a fertile brain can imagine for the relief of this unemployment, but it will not be relieved until the exchange values of products of the farm and labor and services and manufactured commodities are brought into something like a just and equitable basis with each other.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. KING. I know that the gentleman from Texas is a friend of the farmer, and a friend of the people in general. I agree in all that the gentleman has stated.

But I want to ask him this question: The farmers' prices he was receiving have been reduced. The gentleman has not explained fully, I believe, the reason why these prices have been reduced. Were his credits not deflated and was it not done by the connivance of the Federal Reserve Board, the Federal reserve banks, and the banks of the country by calling the farmers' loans at a time they were attempting to hold their corn and wheat, and did not this action make them throw their products upon the market, and the deplorable condition of the farmer resulting therefrom is the reason why we are all suffering? I ask the gentleman from Texas if it is not a fact that if we could change the authority of the Federal Reserve Board in such a way that the board could not control the commodity prices of this country by the allocation of credits, that such change would tend to remedy the situation?

Mr. BLACK. Well, in brief reply, because I must be brief, let me say: I would not undertake at this time to discuss the Federal reserve act or the authority of the Federal Reserve Board, except to say that it is not my understanding that the board has any authority now, or ever has had, to control commodity prices, nor has it attempted to exercise any such authority, so far as I know. I think a great mistake has been made on the part of many people in assuming that the decline in commodity prices has been due primarily to some arbitrary action of the Federal Reserve Board. Now, it may be true that by a wiser administration of the Federal reserve act that the rigors of the situation through which we are passing might have been ameliorated. The Federal Reserve Board is not perfect, and I have no doubt it has made some errors, but I am quite clear in my own mind that the only way by which the high prices and inflated profits and abnormal wages of the war period could have been temporarily maintained would have been to flood the country with issues of paper money, such as certain European countries have done, but if that policy were pursued long enough we would soon get to where, like Russia, it would take a handful of paper money to buy a loaf of bread or a pound of meat. And that would not be the worst of it; production would decrease to such an extent that there would not be many loaves of bread or pounds of meat to be had at any price. Yes; start the paper mills to grinding until, like in Germany and Austria and Russia, down goes the unit of monetary value to where it becomes a thing of contempt and nobody will have it. No. The American workman when he works is entitled to receive in payment dollars which are worth 100 cents, and on his part rests the obligation to give an honest day's work in return for a fair day's pay. And if the dollars which he receives in pay continue to be worth 100 cents, they must at all times be redeemable in gold, and, though these dollars may change somewhat in purchasing power with the rise and fall in prices, they will always be worth 100 cents in the standard coin of the realm.

Fiat money is a dangerous expedient for any country to embrace.

In Germany on November 23 last there were outstanding something over 96,000,000,000 marks in paper money, against which there was held a gold reserve of only 993,000,000 marks, or less than 1 per cent.

Of course, with a ratio of that kind there can be no such thing as gold redemption either now or hereafter, and therefore the issuance of new paper money goes merrily on, meanwhile Germany approaches nearer and nearer to the verge of bankruptcy. Perhaps the plight of her finances was unavoidable in view of the heavy reparations which she has to pay to the Allies. But her example, at least, should serve to forcibly remind us of the dangers of an overinflation of the currency.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GARRETT of Tennessee. I yield the gentleman 10 additional minutes.

Mr. BLACK. I thank the gentleman. My father was a soldier in the Confederate Army, and he used to show me when I was a boy some Confederate currency that he had kept as relics of the days which were gone; and he told me how in the latter days of the Confederacy, when so much of the currency had been issued and with no gold to redeem it with and with the failing prospects of the Confederacy, it got down to where it was not worth anything scarcely, and he was fond of telling me a story of a soldier who was granted a furlough to go home. He was riding his only horse, when he came across a stranger, who accosted him to buy his horse and pay him in Confederate money. The soldier said to him, "How much will you give me for him?" "Well," the stranger said, "I will give you $75,000." [Laughter.] The soldier replied, "I can not do that, I gave $100,000 to have him shod a short time ago." [Laughter.] Well, I have no doubt in Russia to-day it costs 100,000 rubles to have a blacksmith shoe a horse, and then the blacksmith would not get the cost of his services.

Mr. KING. Does the gentleman think the Federal Reserve Board banking system would have saved the Confederacy?

Mr. BLACK. Of course, the gentleman is not serious in asking the latter question. Now, let me say this one thing further to the gentleman from Illinois [Mr. KING]. At the time that the Federal Reserve Board in 1920 advanced the discount rate to check inflation we were right at the margin of the required gold reserve of 40 per cent, right at it. That reserve requirement had been fixed by congressional enactment, and the Federal Reserve Board had no right to disobey the law of Congress and disregard the situation that faced it at the time. Of course, if Congress had wanted to change the reserve requirement it could have done so. It did not do so. Therefore it was the duty of the Federal Reserve Board to carry out the law as written. The gold reserve in the Federal reserve banks is now ample to support all reasonable credit requirements of the country. Therefore I hope the Federal Reserve Board will pursue a policy of liberality during the present period of contraction.

Mr. Chairman, there has never been a time in American history when the spirit of cooperation between industry and labor and agriculture were more important than they are now. All of these elements of our national life need to bear in mind that the very test of the civilization of any people is their ability to cooperate.

The mine worker, for instance, who thinks that he owes none of his success and prosperity as a worker to cooperation with capital does not stop to think that the ore which he brings to the mouth of the mine would have no value but for the ability to transport it to the great furnaces erected by the combined forces of capital and labor and there melt it into pig iron, and this pig iron would have no value but for the ability to trans-

port it to the great steel mills and there press it into plates and mold it into bars of steel, and these plates and bars of steel would be utterly worthless but for the ability to transport them to the factories and there manufacture them into axes and saws and hammers and rakes and plows and thrashing machines and a thousand and one other implements of husbandry and toil, and all of these implements of husbandry and toil would be of no value except for the ability to sell them to the farmer and the mechanic and the business man and the laborer to be used by them in the production of the real worth of the country, and all of the surplus production of these workers would amount only to a rotting heap except for the ability of one worker to exchange the surplus of his production for the surplus production of another, and it is because this very system of exchange has largely broken down that there is such widespread unemployment throughout the United States and the world.

And yet some shortsighted spokesman of labor says that labor is not effected by the law of supply and demand and can fix an arbitrary standard of wages and maintain it regardless of what ratio it may bear to commodity prices and business conditions in general. No more false and hurtful economic theory was ever held by anyone than this, and nothing is damaging labor so much and bringing to it such widespread and disastrous unemployment as the present unbalanced condition between farm prices and prices in the industries. The situation is very much the same as when one day Uncle Cy started to town and promised his wife that he would buy her a present. After he got there he imbibed rather freely, and when he went to select the present he concluded that he would buy her a bolt of cheesecloth, and after making his purchase and getting back home he turned the package over to his wife. With high hopes and fond expectations she unrolled the bundle and found the bolt of cheesecloth. Holding it up to the sunlight and seeing how easy it was to see through, she remarked to Cy in disgust, "Look how thin it is." "Yes," replied Cy, "That is true, but my God, look at the length of it."

That is the way with some labor leaders. They say to their men, "We are bound to admit that your work is spread out mighty thin, but look at the length of the wages you get when you do work." What good, may I inquire, does it do a laboring man to point to the length of his salary and the high sounding wage which he theoretically gets when it is spread out so thin that he don't average but one or two days a week at work? It is a false economic theory, gentlemen, and can only be maintained at great cost and suffering to labor itself. The longer an attempt is made to sustain this false doctrine, the longer it will be before we reach a full period of employment and full resumption of our industries.

What I have said with reference to labor applies with equal force to efforts of many capitalists to keep up their profit earning on the inflated war basis. There is less excuse for this effort on their part than there is for labor to keep up its high wages.

It can not be done. The business man and the manufacturer and the labor organization which face conditions as they are and make the necessary readjustments will find in the long run that they have acted the part of wisdom and have done much to lift industry out of the slough of despond and to give full employment to labor.

Mr. Chairman, I want to say a few words in conclusion about a subject which is entirely foreign to the one which I have just been discussing. It is about the collateral requirements of the War Finance Corporation for loans made by the corporation. Gentlemen will remember that some three or four months ago Congress passed a law extending and enlarging the activities of the War Finance Corporation. I have gathered from statements of bankers made in certain parts of Texas that some of them are under the impression that loans are only made upon live-stock and warehouse commodity collateral. Recently I took the matter up with the corporation, and one of the directors, Mr. McLean, has furnished me with a statement in a letter which he wrote me which I think possibly might afford some information to the House. He states:

> The understanding of the bank cashier whose letter you quote, to the effect that the corporation may make agricultural and live-stock loans only upon the pledge of cotton or live-stock security, is incorrect.
>
> These agricultural and live-stock loans, as you doubtless know, can not be made directly to farmers or cattlemen, but loans made by banks or live-stock loan companies for agricultural or live-stock purposes may be made the basis of an application by such banks or live-stock companies to the corporation for advances up to the amount of the agricultural or live-stock loans made by them to their customers.
>
> As collateral security for such advances the board will accept not only live-stock chattel mortgage security and warehouse receipts for cotton and other staple agricultural products, but also any good currently quoted bonds, farmers' notes, or other receivables or liquid assets of the applying bank. A number of advances have been approved by the board, the principal collateral security for which consisted of farmers' notes of the character described in your correspondent's letter.
>
> Of course, you understand that the law requires that the corporation take full and adequate security for every advance made and that the margin of collateral which the applying bank would be asked in any given case to furnish would, therefore, depend upon the resources and financial standing of the applying bank, whose direct obligation for the amount of the advance applied for would constitute the primary security.

I will only say further with reference to this that it is my information that the corporation has already loaned since Congress passed the law which I have just mentioned something more than $100,000,000 for agricultural and live-stock purposes, which, in my judgment, has been of great and substantial benefit to the agricultural and live-stock interests.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. SMITH of Michigan. Did I understand that the resources of the bank are taken as the basis of the loan from the gentleman's letter?

Mr. BLACK. That is one of the determining factors.

Mr. SMITH of Michigan. It would seem to me that the individual ability to pay would be the basis of the loan.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, sundry messages from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On December 15, 1921:

H. R. 3116. An act validating homestead entry of Mike Campbell for certain public land in Alaska;

H. R. 5511. An act for the relief of John Cestnik, jr.;

H. R. 6961. An act granting certain lands to the State of Alabama for the use of the Searcy Hospital for the Colored Insane;

H. R. 7161. An act to authorize certain desert-land claimants who entered the military or naval service of the United States during the war with Germany to make final proof of their entries;

H. R. 7780. An act for the relief of G. Fred Roach and others; and

H. R. 9237. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, supplemental appropriations for the fiscal year ending June 30, 1922, and subsequent fiscal years, and for other purposes.

On December 16, 1921:

H. J. Res. 81. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to the dead of the First Division, American Expeditionary Forces, in the World War.

On December 19, 1921:

H. J. Res. 234. Joint resolution authorizing the payment of salaries of officers and employees of Congress for December, 1921, and making an appropriation to supply a deficiency in the appropriation for the contingent fund of the House of Representatives.

On December 20, 1921:

H. R. 2205. An act to add certain lands on the North Fork of the Shoshone River to the Shoshone National Forest;

H. R. 6864. An act authorizing exchanges of lands within the Rainier National Forest, in the State of Washington; and

H. R. 3250. An act to authorize the Secretary of Commerce to convey to Augustus S. Peabody certain land in Galveston County, Tex.

GENERAL DEBATE.

The committee resumed its session.

Mr. WALSH. Mr. Chairman, on behalf of the gentleman from Wyoming I yield one hour to the gentleman from Minnesota [Mr. ANDERSON]. [Applause.]

Mr. ANDERSON. Mr. Chairman and gentlemen of the House, I desire to discuss the work of the Joint Commission of Agricultural Inquiry and the methods which it has pursued and the conclusions it has reached, so far as it has reached conclusions as the result of the investigations so far made. The joint resolution creating the commission was passed on June 7, 1921, and it required the commission to investigate and report upon the following subjects:

(1) The causes of the present condition of agriculture.

(2) The cause of the difference between the price of agricultural products paid to the producer and the ultimate cost to the consumer.

(3) The comparative condition of industries other than agriculture.

(4) The relation of prices of commodities other than agricultural products to such products.
(5) The banking and financial resources, especially as affecting agricultural products.
(6) The marketing and transportation facilities of the country.

Gentlemen will observe this resolution was very broad. It imposed upon the commission a task which seemed to me impossible. In order to bring it into some relation with what it seemed to me might be possible to do we divided the commission's investigation into four general subdivisions. First, the agricultural crisis and its causes; second, credit, particularly agricultural credit; third, transportation; and fourth, marketing and distribution. The commission on Thursday last made a report covering the first of these subdivisions—the agricultural crisis and its causes. The second subdivision is now in galley proof, and we expect will be ready for issue immediately following the recess, while the reports upon transportation and upon marketing are now in the process of writing.

Mr. SMITH of Michigan. Is the first report available?

Mr. ANDERSON. The first report is printed. No resolution, however, has been adopted for its printing in such numbers as will permit the Members to supply their constituents. I have introduced such a resolution, and I am in hopes that the Committee on Printing will report it at an early date.

Mr. SMITH of Michigan. I thank the gentleman.

Mr. ANDERSON. Now, in determining the causes for the present condition of agriculture, it is obviously necessary to determine what that condition actually was. The condition of an industry is not static and, consequently, the condition at any given time must be determined with reference to the condition at some other time. In general the commission assumed 1913 as representing a normal year and as representing the normal price relation between the prices of agricultural products and the prices of other commodities. In determining the condition of agriculture upon this comparative basis, we sought to apply four tests. The first of these tests was the purchasing power of the farmer's dollar; the second, the relation of the absolute prices of agricultural products to the prices of other groups of commodities; third, the quantity production in agriculture as compared with the quantity production in other industries; and fourth, wages and incomes in agriculture as compared with the wages and incomes in other industries. In other words, and perhaps more accurately, the reward for capital invested and to labor employed in agriculture as compared with the rewards for capital invested and labor employed in other industries. Very briefly, in May of this year, as compared with 1913, the farmer's dollar was worth 63 cents. In other words, it would purchase 63 per cent as much of other commodities in May, 1921, as it would have purchased in 1913. That represents a reduction in the purchasing power of the farmers of the country of something more than 37 per cent. This represents a lower purchasing power than has existed at any time in the last 30 years. So it is fair to say that in purchasing power, or as indicated by the purchasing power, the farmer was worse off in 1921 than he was in 1920, or than he has been any time in the last 30 years. Now, the relative position of an industry as indicated by prices may be affected by the fact that the price of one group of commodities rises or falls more quickly or at a more rapid rate than the prices of another group of commodities.

The prices of agricultural commodities began to decline in the fall of 1919, and they were the first to feel the effect of the coming depression, and because they fell earlier and more rapidly than the prices of other commodities the farmer's situation in 1920 and 1921 was relatively worse than it would have been had these commodities all fallen at the same rate and to the same degree.

Now, I come to the farmer's condition as determined by quantity production. It seems sound to assume that the progress of an industry may be measured, in part at least, by the quantity production of that industry as compared with the quantity production of other industries and as compared with the growth of population. We sought to set up an index which would indicate the increase in quantity production of agriculture as compared with the increase in quantity production, for instance, from mines and from manufacturing establishments. These indexes show that, on the whole, quantity production of agricultural products has just about kept pace with population. In grains it has slightly exceeded the growth in population, while in live stock as a whole, with the exception of pork, it has not quite kept pace with population. Comparing quantity production in agriculture with quantity production in other industries we find the quantity production in agriculture has lagged far behind the quantity production both of manufactures and of mines. This seems to me to indicate that the prices received by the farmers during the last 30 years for agricultural products have not been such as to induce an increase in quantity production in agriculture comparable with the increases in quantity production in other industries.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. GREEN of Iowa. The gentleman has, of course, in his study and observation of this subject, observed the amount and quantity of our chief agricultural products that have been raised in the last few years, and it seems to me it might not be out of place at this point to call attention to a matter with which the gentleman, of course, is quite familiar, but with which all of his hearers may not be, that we have had three great crops of corn in succession, the last two being each over 3,000,000,000 bushels.

Mr. SMITH of Michigan. Considerably over.

Mr. GREEN of Iowa. Considerably over, as the gentleman from Michigan suggests. The average of all three of them is over 3,000,000,000 bushels, something that in the history of the country has never occurred before, and which I think has had considerable to do with the depression in the price of corn. What is the gentleman's opinion in regard to that?

Mr. ANDERSON. I think the gentleman is entirely correct about that, particularly, of course, as exports of corn do not represent anything like the same proportion of the total crop as is the case in wheat. As a matter of fact, probably the greatest influence in the present situation as regards prices of agricultural products is the lack of domestic consumption.

For instance, in 1920 the apparent domestic consumption of wheat declined, as compared with 1919, from 6.9 bushels to 4.6 bushels per capita, or approximately 230,000,000 bushels less were consumed in America, apparently, in 1920, than in 1919. Had it not been for the very large export that took place in 1920 the price of wheat would have been very much lower than it was.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Certainly.

Mr. GREEN of Iowa. Can the gentleman give any reason for that decline in consumption?

Mr. ANDERSON. I think it was due to the general conditions of unemployment and industrial depression. If you go back for a period of 30 years you will find that the consumption of wheat and beef are peculiarly susceptible to periods of industrial depression, and that a decline in consumption of beef and wheat has occurred in practically every period of industrial depression in the country's history.

That is a peculiar fact, but it is a fact which I think accounts in large measure, or in some measure at least, for the greater impulse against prices which occur in the case of agricultural products.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Certainly.

Mr. GRAHAM of Illinois. That is not strange. Is it not because of the economies practiced by the people as the result of depressed conditions?

Mr. ANDERSON. I think the variation in the consumption of wheat, for instance, in periods of prosperity and in periods of depression is so large as to be rather surprising.

Mr. MOORE of Virginia. May I ask the gentleman a question with reference to the statement he made a moment ago?

Mr. ANDERSON. Certainly.

Mr. MOORE of Virginia. I understood the gentleman to say—I may have misunderstood—that the per capita production of the staple crops has not declined.

Mr. ANDERSON. That is a general statement which is subject, of course, to certain individual exceptions.

Mr. MOORE of Virginia. Take wheat and corn, for instance.

Mr. ANDERSON. Wheat and corn have just about kept pace as a whole. Cotton has declined. Beef has declined. Pork has a little more than kept pace with population.

I come now to the discussion of the rewards for capital invested and labor employed in agriculture as compared with the rewards for capital invested and labor employed in other industries.

Mr. KING. Before the gentleman goes into that, will he answer a short question?

Mr. ANDERSON. Yes.

Mr. KING. Which began first, the industrial depression or the deflation of the farmer's prices, if he has any information on that?

Mr. ANDERSON. The gentleman will find in the report to which I have referred a table which shows just which groups of commodities declined first. The decline occurred first in July, 1919, in hogs. Live stock declined in the same month;

bacon in the same month; and mutton in the same month. The cattle prices began to decline in October; butter in November, 1919; cloths and clothing did not begin to decline until March; and you get finally over to February and April, 1921, when there were slight declines in crude petroleum, coal, and commodities of that sort.

Mr. KING. I was wondering whether it was before the industrial depression began; whether the farmer's prices were not deflated before the workingmen began to get out of work and farmers found themselves in the position where they have not been able to purchase as they did before.

Mr. ANDERSON. The declines occurred first in agricultural products, and with that decline in prices the farmer's purchasing power declined and his ability to buy the products of manufacturers. As that decline continued and the purchasing power continued to be reduced more and more unemployment occurred in the industrial centers of the country; and, of course, as industrial unemployment continued, that had a reflex in the consumption of agricultural products.

It is an interrelated situation. After all, gentlemen, you can not have a condition of depression in any considerable part of the population without affecting the prosperity of all the rest of the country. That, I think, is abundantly clear.

To proceed now with wages and incomes in agriculture as compared with wages and incomes in other industries, the commission used in determining the facts on this matter a study made by the National Bureau of Economic Research, of New York.

This study shows that the average income of the farmers of the United States for labor, risk, and management, after allowing 5 per cent on the investment, in years prior to 1919, and 5½ per cent in 1919 and 6½ in 1920, was as follows:

In 1913	$444
In 1919	1,456
In 1920	465

In other words, in actual money in 1920 the return to the farmer for labor, risk, and management was substantially back to the figure for 1913, but in purchasing power the situation was very different. Measured in terms of purchasing power, the reward of the farmer for risk, labor, and management, after allowing the return for capital to which I referred, was, in 1913, $444; in 1919, $833; and in 1920, $219.

In other words, measured in purchasing power the return to the farmer in 1920 was about one-half what it was in 1913. I do not have the 1921 figures, but I think it is safe to say that they would be considerably below the figures of 1920 in purchasing power.

Now we have some comparisons of the rewards for labor, risk, and management on the farm and the rewards in the way of wages in mines, factories, railways, and banks. These figures come down only to 1918.

In 1913 the average reward of the farmer was $444; of the employee in the mining industry, $755; in factories, $705; on railways, $782; and in banks, $930.

In 1918 the reward of the farmer was $1,278; mining employee, $1,280; factory employee, $1,147; railway employee, $1,394; and in banks, $1,461. So it is evident that in actual money return the farmers' condition greatly improved as compared with those engaged in other industries from 1913 to 1918. That improvement, however, has been more than offset by the depression which has occurred since 1919.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. MAPES. In arriving at the figures which the gentleman has given, was the fact taken into consideration that the farmer raises a great deal that he consumes?

Mr. ANDERSON. That is fully taken into consideration in these figures, as is also the fact that a good deal of the crop is raised on the farm in duplication; in other words, that corn serves as food for hogs, and that a certain amount of the produce raised on the farm is used in producing milk, and so forth; and allowance was made for the fact that the farmer gets a certain amount of his living off the farm.

Mr. MAPES. In making these comparative figures allowance was made for the fact that the farmer raises his own potatoes and a great deal of what he eats?

Mr. ANDERSON. Those things were all considered in arriving at this determination.

Mr. MAPES. He is charged with them as a part of his income?

Mr. ANDERSON. Yes. Then certain allowances are made for the payment of interest and things of that sort.

Mr. BANKHEAD. Will the gentleman yield for a brief question?

Mr. ANDERSON. Yes.

Mr. BANKHEAD. Do these figures apply to the male farmer, the head of the family, or do they take into consideration the members of his family?

Mr. ANDERSON. This is the average reward for the farmer. That would be, practically speaking, the average reward per farm.

In terms of purchasing power the farmer received in 1913, $444; the mining employee, $775; the factory employee, $705; the railway employee, $782; the bank employee, $930.

In 1918, measured in purchasing power, the farmer received $826; the mining employee, $808; the factory employee, $725; the railway employee, $882; and the bank employee, $925.

Mr. Chairman, the commission endeavored as far as possible, in arriving at its conclusions, to bring together all of the factors which have a definite influence in an economic sense upon farm prices, assuming that prices in one aspect or the other were the real measure of the farmer's prosperity.

With the exhaustion of the credit which European Governments had in the United States following the close of the war, which at the close of the war amounted to about $2,500,000,000, there occurred a very marked decline in the export of farm products. This decline began first in meat products, including both beef and pork. The declines were very marked, indeed. I will not take the time to cite the figures. Coincidentally with the decline in exports there occurred a decline in prices, which followed very closely in degree the decline in exports.

Mr. FREAR. Will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from Wisconsin.

Mr. FREAR. My question is whether the comparison was with the prices before the war or during the war, when, of course, we were making large exports?

Mr. ANDERSON. Of course, the prices of only a few of the agricultural products are below the level of 1913, and the decline, of course, occurred from the peak prices, most of which were reached along in March, April, and May, 1920, but in agricultural products as far back as June, 1919.

There is in this connection one thing which I think ought to be mentioned, and that is that in the case of other than agricultural products the decline in price was immediately followed or immediately preceded by a decline in production. In other words, the manufacturing industries of the country, so far as they could, reduced their losses by reducing production to correspond with the lessened demands.

Whereas in the case of the farmer, he was not able to reduce his production in accordance with the lessened demand; consequently there were poured on the market in the midst of declining prices quantities of agricultural products for which there was no market or a market so low that the prices received were wholly insufficient to liquidate the cost of making the crop.

Now, I was referring to the fact that we tried to marshal the factors that had to do with making prices. Those are, as we saw it, production, including imports, and demand, including exports. That, of course, excludes the factors which have an influence in this domain more or less psychological in character. As I have indicated, in practically all the foreign products with the exception of wheat and rye there began in 1919 a marked falling off of exports, and, in my judgment, this was the first cause of the falling of agricultural prices. There occurred shortly after and beginning in 1920 a very marked falling off in the consumption of agricultural products. This falling off of consumption with the falling off of exports were, in my judgment, the largest factors in bringing about the marked decline in the prices of agricultural products which the farmer experienced in the latter part of 1920 and the early part of 1921.

I should say the crises such as that through which we have been passing during the past three years are not new. Cycles of this kind have occurred to all civilized countries of the world at more or less regular intervals as long as we have any history of economic movements. These cycles begin usually at periods such as we are approaching now when wages are down, when interest rates are low, when shelf stocks of merchants have been largely worked off, and even the small demand that exists in periods of depression is equal to the supply. With this situation business begins to revive, more and more people become employed, more and more goods are consumed, business expands at a constantly increasing rate, and unemployment disappears and wages increase. As prices rise—and I am describing what I think occurred in 1919—there developed a profitable market for goods. This is usually indicated first on the stock exchange, and it usually follows from the stock exchange into commodities, and finally into real estate and property of that character. Paper profits during the period of expansion are large.

Orders pile up in great number and duplication. Industrial plants are extended to meet this large demand. People buy

first moderately, then extravagantly, and finally beyond their current income. All the economic factors apparently in periods of great business activity and prosperity combine to produce an era of high prices, expansion, and speculation. In these periods of great expansion and prosperity large volumes of debts are made. The debts are made for production, consumption, and for expansion of plants, and at last they begin to accumulate faster than savings from current production can pay them.

But when this exhaustion of credit appears it results in a reversal of the psychologic and economic features which combined to produce the period of expansion. Bankers who have exhausted their own credit and resources through their correspondents and with the Federal reserve banks find it necessary to stop loaning and then to call loans. This has the effect of forcing goods on the market, and as the goods are forced on the market prices decline. As prices decline, more goods come on the market and the buyers' strike develops. People who previously bought for a profit now sell as fast as they can to avoid loss. This situation continues with consequent stopping of production and unemployment until at last shelf stocks are again worked off, interest rates come down, wages are low, and we are ready again for another period of prosperity.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. ANDERSON. I will.

Mr. SMITH of Michigan. I have heard it expressed very emphatically that the price of the farmers' commodities was materially affected by transportation, and that in one part of the country they are burning corn, which sells for 15 cents a bushel, and in another part of the country it is $1 a bushel. Did the committee take that into consideration?

Mr. ANDERSON. That particular question was not discussed in the report, but I am glad to discuss it here. The transportation situation probably more than any other really emphasizes the effect of this out-of-relation condition between the prices of farm products and the prices of other commodities, including transportation.

In order to get at just what happened in the matter of transportation and its relation to farm prices, the commission made a study, the purpose of which was to ascertain just how much freight was involved in the purchase of certain typical farm implements with either corn or wheat. We took four typical farm implements—a wagon, a corn harvester, a grain binder, and a gang plow—and determined the amount of freight actually represented by those implements in the cost of transportation on raw materials and also in the cost of transportation on the finished product from the point of manufacture to certain typical farm centers. In addition, we assumed that these implements would be paid for at these given points in wheat or corn, which was shipped to Chicago in order to obtain the cash. In other words, we assumed that the farmer would ship the corn or wheat to Chicago, and that his price would be the Chicago price, less the freight, and therefore that a part of the freight involved in the transaction was the freight on the corn or the wheat shipped to Chicago to obtain the cash with which to buy the implements.

These figures are worked out for a number of points, but for the purpose of this illustration I use Springfield, Ill., which is the least sensational, and Oklahoma City, Okla., which is perhaps the most. In 1913 these four farm implements at Springfield, including the freight, cost $441; in 1920, $874; in 1921, $700. At Oklahoma City they cost in 1913, $484.50; in 1920, $934; in 1921, $751. At Springfield, Ill., to buy these implements required in 1913 716 bushels of corn; in 1920, 583 bushels of corn; in 1921, 2,027 bushels of corn. At Oklahoma City, in 1913, to buy these implements required 932 bushels of corn; in 1920, 702 bushels of corn; and in 1921, 4,191 bushels of corn.

The freight on the corn required to buy these implements from Springfield, Ill., to Chicago in 1913 was $32; in 1920, $53; in 1921, $187. The freight on the corn from Oklahoma City in 1913 was $130; in 1920, $182; in 1921, $1,112.06. The total freight involved in the transaction—that is, the freight on the raw material in the implements, the freight on the implements from the point of manufacture to the point where the farmer bought them, and the freight on the corn from that point to Chicago—was, for Springfield, Ill., in 1913, $71.60; in 1920, $132.26; in 1921, $265.50. From Oklahoma City the total freight involved in the transaction in 1913 was $197.97; in 1920, $308.87; in 1921, $1,238.06. In other words, the total freight in the transaction, making the assumptions which I have made, at Oklahoma City was about $500 more than the actual cost of the implements themselves delivered there. Of course, not much corn is shipped to terminals as corn. For the most part it is shipped as live stock, but this illustration shows how freight costs pyramid when commodity prices get out of line with freight rates.

I think it is apparent that agriculture can not survive under such conditions, and in making that statement I do not make the statement that freight rates as they now stand on the agricultural products are necessarily too high. In my judgment, they are too high, but they are not as much too high as these figures would indicate; and the remedy for this situation is, primarily, in my judgment, not so much to bring the price of transportation down as it is in bringing the price of agricultural products up. I do not wish to be misunderstood there. I think the price of transportation on agricultural products is too high, as perhaps it is on many other basic commodities, but it would be misleading to say that it is as much too high as these illustrations which I have given would seem to indicate.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. BLACK. As I understand, the reason for that was that in the last instance the transportation company would be transporting so many more bushels of corn than in the other instance, and the price in the last instance is not on a comparable basis with the price in the others.

Mr. ANDERSON. Of course, the tremendous increase involved in the freight costs in this transaction is due, as the gentleman says, to the fact that with agricultural implements still remaining on a price basis considerably above 1913, and the agricultural products on a price basis at about 1913 or below, the number of bushels required to purchase the implements is so much larger that, of course, the freight on that number of bushels is increased several times.

Mr. BLACK. And, of course, the railroad company would put an additional cost of its own in transporting that number of bushels even though the cost of transportation had remained the same as in 1913.

Mr. ANDERSON. The gentleman is right about that.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. STEVENSON. Suppose the purchase price of the implements in Oklahoma City had been the same in bushels of corn in 1921 that it was in 1913, what would be the comparative cost of freight?

Mr. ANDERSON. I am unable to give those figures. I have them, but not here.

Mr. STEVENSON. It would be very much higher still, however.

Mr. ANDERSON. Quite a lot, I should say; about 70 per cent, I imagine.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. SANDERS of Indiana. Recurring again to what the gentleman said was the value of the farmer's dollar in 1920, as compared with 1913, what was it?

Mr. ANDERSON. Sixty-three per cent in May, 1921.

Mr. SANDERS of Indiana. The farmer's dollar would buy about 63 per cent as much transportation as it would before?

Mr. ANDERSON. Not necessarily, if consideration is given to the larger number of bushels which have to be transported to purchase the given article.

Mr. SANDERS of Indiana. Including the cost of transportation, the purchase of transportation by the farmer's dollar is about what the purchase of these other commodities was?

Mr. ANDERSON. Providing the transportation is on the same level as the other commodities. In determining the all-commodity level, which was the basis of determining the value of the farmer's dollar, transportation was not included.

Mr. SMITH of Michigan. Will the gentleman permit another interruption?

Mr. ANDERSON. Yes.

Mr. SMITH of Michigan. I understand that in 1919 the imports of farm products greatly exceeded the imports of 1913. It was stated that there were 40,000,000 carcasses of frozen lambs imported into the country in 1919, a very large supply of wool, and a very large supply of hides. Would these imports affect the price of the farmers' products?

Mr. ANDERSON. Unquestionably. Of course, the general statement that there was a large increase in imports of agricultural products would be subject to a great many exceptions and quite a number of modifications. The gentleman refers to the case of mutton. There was a very large import of mutton, amounting to about 100,000,000 pounds in 1920. It was about one-fifth of the total production, and unquestionably the importation of so large a part of the normal production of the

country had a very marked effect upon the price of mutton in 1920. That statement, however, does not hold good as to commodities like wheat and corn.

After all, the farmers' interest in what happens to commodities does not end with disposing of them at the local market. It is quite clear that the price which the farmer receives for a commodity is in considerable measure dependent upon the costs which intervene between the price which he receives at the local market and the price which the ultimate consumer pays. In other words, there is a limit to what the ultimate consumer can be made to pay, and while all of the advantage which might result in higher prices to the consumer does not always go to the farmer, nor does all the advantage which might result from lowering the cost of distribution go to the farmer, still the price which he receives is, to a certain extent, dependent upon the cost of distribution which intervenes between him and the ultimate consumer. I do not want to go into the general question of distribution costs. That will be dealt with in another part of the report; but this I do want to say, and I am not expressing the conclusions of the commission but my own personal conclusions with respect to this matter. What I desire to say is this: That in my judgment the reforms in the distributive machinery and the lowering of the cost of distribution must begin with the farmer himself, and that it is largely a matter of better farm organization, both of production and of marketing. The whole tendency of present distributive methods is to concentrate the product in large quantities in a few centers of the country at long distances from the center of production. This means a large amount of unnecessary transportation haul, a large amount of unnecessary storage, insurance, and other charges, as well as a good deal of unnecessary handling. These farmer organizations should be cooperative, and, it seems to me, should be as far as possible along commodity lines. In other words, if it were possible so to organize the cotton farmers of a given district that they could produce or would produce a cotton of a given marketable quality, that cotton could be concentrated at a point close to the point of production and could go directly to the point of consumption without the intermediate concentrations which now occur. Also there intervene between producer and consumer many factors and elements which are largely the result of the complexities of modern civilization.

A number of gentlemen whom I think are best termed specialists do certain things in connection with distributive processes. They may grade a product or may sort it or may pack it or may bulk it for transportation to distant points. They may have to do with the matter of insurance or storage. All of them perform some character of service along the line. There is a good deal of this service which, in my judgment, the farmer can very well perform himself if he can organize himself for that purpose. The farmer loses a great deal in the price of his product by reason of the fact he puts it upon the market in such shape that it has to be handled by other people before it is sold for manufacturing purposes. If the farmer could so organize himself as to do his own sorting, grading, and bulking the product with reference to a definite fixed standard; in other words, if he can do what the industrial manufacturer does or which the owner of industrial products does, deliver his product to the buyer at the time and in the quantities and of the grade that the buyer requires, he can have just as much to say about the price that he receives as the industrial manufacturer does. In my judgment, until he is able to approximate that situation when he can deliver his product with the same efficiency as to delivery, quantity, and quality of the product, he will never have the same control over the prices or the same influence upon the prices that manufacturing industry has.

Mr. FREAR. Will the gentleman permit an interruption?

Mr. ANDERSON. I will.

Mr. FREAR. In reference to the last statement where the gentleman states that the farmer himself might be able to grade his grain by organization and association, how would that effect, for instance, the grading which is undertaken to-day in the State of Minnesota—for illustration, where there is complaint that undergrading is effected to the disadvantage of the farmer? Could that meet that situation as to this grading?

Mr. ANDERSON. I think he would be much better able to meet it. The farmer sells his product now as an individual in small lots just as it comes from the farm for the most part. Something has to be done with it to make it marketable.

Now, either some one else will do that sorting and grading and bulking, and take the profit for doing it, or else the farmer will organize and take the profit to himself for doing it. It seems to me that boils it down to this in the last analysis: If the farmer sells his stuff just as he gets it off the ground, and it is necessary that certain services be performed in connection with it before it is of a marketable character, and some one has to perform those services, the cost of those services will come out of the prices which the farmer receives. He not only loses that but he loses the added price which he would receive if the commodity was in a marketable condition before he sold. For instance, I have in mind the case of a man who shipped a carload of potatoes down to Atlanta, Ga. About one-half of those potatoes were unfit for sale. The result of it was that the farmer got, in the first place, the price of an inferior article. In the second place, he paid the freight upon one-half of a carload of potatoes for which he got nothing, and finally he paid for doing the sorting, which he ought to have done himself.

Mr. FREAR. I believe the gentleman has made very clear the duty of the farmer. The question arises whether or not, if the undergrading occurs to-day from those people who are engaged in it in Minneapolis or elsewhere, the farmer could meet that or not, and whether he could meet the tests that are provided there.

Mr. ANDERSON. I think he would be in much better condition to meet that situation if he were organized than he could possibly be as an individual. I think gentlemen who have had experience in Washington are quite well aware of the fact that those industries and those classes of people who are well organized have greater influence here than those who are unorganized. And I suspect that the same thing would be true in an economic sense. If farmers were organized, they would unquestionably have a larger influence, not only economically but politically.

Mr. TOWNER. The products of the farm, of course, are largely grain and meat products, and in that case it would be impossible, would it not, for the farmer to prepare his product for final purchase?

Mr. ANDERSON. I do not think it is impossible, but I think it is difficult. It is especially difficult in this country, where the farmer is intensely an individualist, where he thinks he ought not to be required or require himself to surrender any part of that individualism in order that the class of farmers the country over or in his particular locality might be benefited.

Mr. TOWNER. The gentleman's idea is that in some of these things that I have mentioned, by cooperative association some of the difficulties could be overcome?

Mr. ANDERSON. I think it reaches inevitably to the conclusion that whatever restriction exists in Federal laws as against cooperative organizations ought to be removed and State legislation ought to be passed giving cooperative organizations a legal status. I would not want to give the impression that this whole distributive problem can be solved by cooperative organization of farmers. I do not think it can be. I do think the initial step in reform of distributive processes ought to begin with better organization, both of production and of marketing, at the farmer end.

Mr. TOWNER. I entirely agree with what the gentleman has said, and I think we are all under great obligations to the gentleman for the wisdom and care with which evidently this examination has been made and the manner in which it has been presented. Can the gentleman make any suggestions, as the result of his investigation, along the line of selling agencies? For instance, for products such as can be prepared for the farmer's consumer?

Let me suggest this, that in a dairy country, where they are producing butter, and perhaps eggs as well as butter, as is generally the case in agricultural communities, if the product of the farmer's purchaser is put in shape so that it can be taken directly or sent directly to the consumer there must be, must there not, a selling agency which must be a cooperative selling agency, or some other kind? Has the gentleman any suggestions to make along that line? It occurs to me that that is quite an important matter, at least in the consideraion of a great many people now.

Mr. ANDERSON. Any conclusion I would express in connection with that matter would necessarily have to anticipate a full investigation, because it has primarily to do with marketing and transportation, upon which the commission has not completed its investigation and report. My own feeling in regard to farm organization is that there must be, first, a basic local organization. The basis of farm organization has to be the local cooperative association; these associations can be built up into larger units very much as has been done in the case of dairy products. I think the success of cooperation in dairy products is due to the fact that it began in the organization of the local creamery, and that it has been built into larger organizations with the local organization as the unit, and the larger association acting as a selling agency of the local cooperative associations. It is a singular thing in this connection that dairy products have declined less proportionately than

almost any other. I think there is but one other exception. And, in my judgment, that is due primarily to the better organization of the dairy industry; first, because they are able to transfer the production of the raw material from milk to butter or from milk to cheese, as the demand requires; and, second, because their organization made possible a greater resistance to price reduction. And if you consider the course of price reduction throughout the United States you will find, speaking now generally, and admitting a large number of exceptions, that price reductions were least in those industries which were the best organized and which were, consequently, through control of production or otherwise, able to put up the largest resistance against price reduction.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes; I yield.

Mr. SUMMERS of Washington. Does the investigation reveal that much might be done in protecting the farmer and securing a better price for him, and also helping to solve the transportation problem, by a cooperative marketing organization that would find a market for the product within the territory or the zone in which it is produced?

If I may illustrate, I have a specific instance of where a farm product was produced at a given point and was handled 10 different times and then was consumed, without manufacture, without change, in the raw state, on the tables within half a mile of where it was first produced. In the meantime it had passed into another State, another city, another market, and then was returned again. That thing has taken place over and over again. We are shipping our stuff from one part of the country to another, for manufacture or otherwise, and then it comes back to the same point with all the transportation charges added both ways and the price to the consumer greatly increased and the price to the producer greatly decreased.

Mr. ANDERSON. I have not any doubt that a very considerable part of the cost of distribution is due to an uneconomic relation between production and market; in other words, I think there is a very strong tendency in the country to-day to market products, whether agricultural or otherwise, upon a nation-wide scale, and in many instances you find industries shipping their products thousands of miles to market, where a market vastly in excess of their ability to supply it exists within a radius of three or four hundred miles.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. WALSH. Mr. Chairman, does the gentleman desire more time?

Mr. ANDERSON. I am about ready to quit.

Mr. WALSH. I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes more.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. MORGAN. I would like to inquire of the gentleman whether his investigation of the distribution of profits comprises all profits from the farmer to the purchaser of live stock or grain or other farm products, and from the local receiver or purchaser to the distributing wholesaler, for any considerable period?

Mr. ANDERSON. I will say that an investigation of that character is under way now, and perhaps the Members of the House will be interested in knowing how that has been done. In the first place, we undertook that investigation in reference to farm products in connection with the study of transportation. In other words, we wanted to ascertain the relation between the cost of freight and the price which the producer received, and also its relation to the margin between what the farmer received at the local elevator and what was paid for the product at the terminal elevator.

In order to arrive at a conclusion upon that matter we appointed a committee composed of railroad men, representatives of industry, shippers' associations, and farmers, through whom a plan was adopted which was worked out substantially in this way: We secured, first, data showing the centers of production of the principal agricultural crops, some 28 of them in all, including grain, live stock, celery, cantaloupes, most of the perishables, and most of the staples. Then we determined the railroads carrying the major portion of this tonnage from the points of production to the point of consumption. With this information we worked out a series of questionnaires designed to go to the railroads, intended to develop this sort of information: The price of a given commodity at the local market; the price received for the same commodity at the terminal market; the freight on the product per unit, and the proportion that the freight rates bore to the price which the farmer received at the local market; the price paid at the terminal market, and the total spread between the local and the terminal markets.

That information is now in the process of compilation, and I have here a small chart which indicates the form in which this information is tabulated. This shows [indicating] in black the amount which the farmer received; in this grey color down here is shown the amount of freight, and this lighter margin above shows the margin between the price received by the farmer at the local elevator and the price received at the terminal elevator. Then, in addition to that, we are endeavoring to get the spread all the way through.

In this connection there have been a large number of studies made with a view to following through, for instance, a bushel of wheat from the producer to the ultimate consumer of the bread made out of it. All of these investigations have fallen down at some point or other. They fall down because the particular load of wheat which the farmer sells is immediately and necessarily, no doubt, mixed with other loads of wheat in the local elevator.

It is further mixed when it reaches the terminal; it is mixed with other grades of wheat, for which a different price was paid, in the mill. From that point on, as it goes through the wholesaler and retailer, it is absolutely impossible to allocate to the particular loaf of bread that you or I eat the amount of the overhead of the wholesaler and the grocer and the transportation that ought to be charged to that particular loaf of bread, and impossible to tell just how much the wheat in that loaf of bread cost in the original primary market.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. ANDERSON. May I have another minute?

Mr. WALSH. I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from Minnesota is recognized for 10 minutes more.

Mr. WHITE of Kansas. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. WHITE of Kansas. I would like to ask the gentleman if it is necessary at all, for the purposes of his investigation, to preserve the identity of the individual bushel of wheat or load of wheat? If he has a carload of the same quality and grade of wheat from the same station, can not the purposes of this investigation be ascertained as satisfactorily as if they had preserved the identity of the single load or bushel of wheat?

Mr. ANDERSON. I do not think it can be, and everybody who has tried it comes to the same conclusion. I do not mean by that that I do not think it is possible to obtain the information that the gentleman is seeking.

Mr. WHITE of Kansas. Could he not get it with very approximate accuracy?

Mr. ANDERSON. I doubt it very much. If the gentleman will allow me to proceed I will tell you what we did do. In this effort to allocate the costs of distribution the commission did not feel that it was justified in following methods which had failed when tried by others, so we started at the other end. In other words, we took the loaf of bread, or the pound of beefsteak, or the package of breakfast food, or the can of tomatoes in the local grocery store and undertook to work back from that to the original producer. In making that effort we appointed, for instance, in the case of the retail grocer, a committee representing the various retail grocers' associations, and in cooperation with them we worked out a questionnaire which went to something like a thousand representative retail grocers in the United States. That questionnaire shows the price paid by the grocer for some twenty-odd staple grocery products and the price which he received from the consumer for those products from 1913 down to date. In addition, it gives some other information in regard to the cost of doing business, the total volume, the wage cost, and other items which would be indicative of the reason for the higher spreads which might occur at one period than another.

Then we took the same commodities and worked out a questionnaire which we sent to the wholesaler. Having gotten the information from the wholesaler as to the spread that occurred between the price which he paid and the price which he received from the retail grocer we went back to the canner, and from the canner we got the figures showing the amount paid for cans, the amount of labor cost, and the amount paid the original producer.

In that way we expect to be able to come very close to showing exactly how much toll is taken by each factor along the line of distribution between the producer and the consumer. I should say that most of that information is now in, with the exception of some which has to be obtained from manufacturers of cotton goods and manufacturers of woolen goods.

Mr. JONES of Texas. Will the gentleman yield for a question?

Mr. ANDERSON. Yes.

Mr. JONES of Texas. There has been a great deal of complaint, especially among the wheat growers, and it seems more especially those in the Northwest, about the grain-grading system. It seems that they have had a custom of grading down wheat that had an excess of moisture or that had an excess of foreign matter, whether separable or inseparable, and if it had either of those, of grading it down to the basis of the wheat that had all of those things. In other words, they would take perfectly good wheat, weighing say 60 or 61 pounds to the bushel, that had no foreign matter in it but had simply a little excess of moisture, and grade it on the same basis as wheat that was of a low grade, on account of excessive moisture and on account of foreign matter, and that grading would determine the amount received by the farmer. Has the gentleman's committee investigated the basis that thus enables the local buyers to buy fine wheat at a low price, and then by mixing it run it up to a higher price?

Mr. ANDERSON. If there is any abuse in the matter to which the gentleman refers, it is due to the character of the grades and not to the application of the grades.

Mr. JONES of Texas. Perhaps that is true in a measure, and yet the Bureau of Standards claim that the grading system is perfect, and that its abuses occur in the application of the grading system.

Mr. ANDERSON. If they make that claim I do not agree with them. However, I will say that the commission did not make any particular investigation of the question of grain grading.

Mr. JONES of Texas. I will state to the gentleman that the evidence that was taken before one of the committees showed that they paid 30 or 40 cents a bushel less to the farmer for wheat of the identical grade as wheat ultimately sold on the basis of wheat that had been purchased for 30 or 40 cents a bushel higher.

Mr. ANDERSON. I have no doubt of that.

Mr. JONES of Texas. And that the middleman between would mix that wheat with other wheat or dry it out and so get the higher price.

Mr. ANDERSON. I think we have facts and figures even more startling than those which the gentleman has given.

Mr. KING. Will the gentleman yield for a question?

Mr. ANDERSON. Certainly.

Mr. KING. Is there not another factor along the route from the producer to the consumer, and that is the man who succeeds in getting hold of a lot of a commodity and storing it for a length of time for the purpose of obtaining a higher price, for instance as wool is stored in the city of New York? Has the gentleman's committee investigated or does his committee expect to investigate that particular factor that enters into the cost?

Mr. ANDERSON. We have some data upon that question. It is very difficult, however, to obtain sound data going to show the extent of storage in the country and the extent to which storage is used for the purpose of manipulating prices either up or down.

Mr. KING. I know that.

Mr. GOODYKOONTZ. Will the gentleman allow me to interrupt him?

Mr. ANDERSON. Yes.

Mr. GOODYKOONTZ. I want to say that I am gratified to know of the interest the gentleman has taken in the agricultural people, agriculture being the fundamental business of this country upon which all its prosperity depends. I have tried to vote as best I could with the agricultural people, the farming interests, but have had some difficulty because they have a number of organizations and we can not always tell just when a particular organization is really interested in the farmer. I should like to inquire of the gentleman if he believes that the measures for which we have voted here to help the farmers have been of any material benefit to them? I hope they have.

Mr. ANDERSON. I think they have been of material benefit. They have been of greater benefit in some sections of the country than in others. That is due to the fact that bankers in some sections of the country have, perhaps, understood their responsibility to the public better than they have in other sections of the country. But take it on the whole, I think it can be said unhesitatingly that the measures so far adopted have had very marked influence upon the situation.

Mr. BEGG. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. BEGG. Has the gentleman's commission made any investigation to ascertain whether or not the desire of the public for convenience has had any effect in decreasing the price which could be paid to the producer? For instance, half a dozen people live on one block, and each family will telephone to a different butcher shop in the forenoon for meat, and there will be half a dozen different deliveries and half a dozen different distributing agencies. Does not that tend to cut down the price that can be paid ultimately to the original producer, because there is a maximum price at which the consumer will quit buying? Has the gentleman's commission investigated that or is there any way to do so?

Mr. ANDERSON. That is being investigated, and it is unquestionably a factor, but the extent to which it is a factor we can not say at this time. I think we will be able to indicate with some degree of correctness to what extent the complexity of service is a factor in the cost to the ultimate consumer and the price to the producer.

Mr. BEGG. Am I right in the statement that the more overhead you add on to meet the public desire naturally forces a lower price to the producer?

Mr. ANDERSON. I can not state it in any other way except to say that undoubtedly the price which the farmer receives is in some degree affected by all the costs that intervene between him and the consumer. On the whole, however, I think it will be found that the cost of the service, and particularly the cost of the service connected with retail sales, is passed on to the consumer rather than to the producer.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. WALSH. On behalf of the gentleman from Wyoming I yield the gentleman five minutes more.

Mr. ANDERSON. For instance, I venture to say you will find a wide variation in prices for the same article between certain stores in the city of Washington who give no service—the self-service stores—and those in the Northwest where they will deliver anything from a spool of thread to a thrashing machine; where people expect to get and do get a high degree of service, delivery, convenience, dependability, environment, credit, and all other things which go to make up the ultimate price which the people who demand service have to pay. You will find there is a wide variation between the prices of the same thing in any city, depending very largely on the character of the service that goes with it.

Mr. ARENTZ. Will the gentleman yield?

Mr. ANDERSON. I will.

Mr. ARENTZ. In the short discussion by the gentleman on cotton, does the gentleman have in mind the local organization such as they have in the sugar factory? For instance, the sugar-factory management will make a survey of the soil, buy seed in the open market in large quantities, the same kind of seed in every respect as the locality requires, and will lay out certain acreage for individuals, depending on whether they can fulfill the contract or not, and then in the last analysis pay on the percentage of sugar in the beet, and have the beets delivered at a certain point over a certain period of time.

Mr. ANDERSON. I have no doubt that that sort of an organization is advantageous, and if developed would reduce the ultimate cost.

Now, there is one matter that I have not discussed and which I would like to discuss for a few minutes. That is a thing very apparent, namely, that there is a hiatus or gap between short-time credit, which is furnished by the deposit banks, and long-time credit, which is furnished by the banks and by mortgage loan companies and institutions of that kind to farmers. It is quite clear that the present banking machinery of the country is not adapted to the farmers' requirements.

The fundamental requirement of agricultural credit is that the note or obligation must be of such maturity that when it becomes due it can be paid not by making another note but out of the proceeds of the farm. That requires a longer period of maturity than the six months which is now allowed in the case of paper discounted with the Federal reserve bank. That is to say, we must find some means to make it possible for the farmer to get a production credit of a sufficient length of maturity that he can pay the note when it becomes due out of the proceeds of the farm. That means paper running from six months to perhaps three years. The principal reason which prevents bankers from taking paper of such maturity now is that there is no way by which the banker can get the money on the paper if it becomes necessary for him to get it before the paper becomes due. In other words, so long as the banker finds

it impossible to get money on the paper before maturity, if he needs it, he is going to be unwilling to make loans of that length of maturity.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. WALSH. I will yield the gentleman, on behalf of the gentleman from Wyoming, five minutes more.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. GARRETT of Tennessee. May I ask the Chair how the time has been occupied so far?

The CHAIRMAN. The gentleman from Wyoming has used 160 minutes and the gentleman from Tennessee 47 minutes.

Mr. ANDERSON. If the gentleman from Tennessee has some one whom he desires to yield to, I am content to stop at this time.

Mr. GARRETT of Tennessee. Here is the situation: The gentleman proposed to yield the gentleman five minutes more. I merely wanted to even up the time if I could. I do not object to the gentleman having five minutes more.

The CHAIRMAN. The gentleman from Minnesota will proceed.

Mr. ANDERSON. In order to meet this situation it is necessary to provide a facility through which this paper of longer maturity can be discounted so that the banker can raise the necessary cash if he needs it. There are three ways by which that can be done. One is to create in the Federal land banks a farm credit department for that purpose. Another is to create an entirely new agency for the purpose, and another way is to modify the War Finance Corporation in such a way as to enable it to do that sort of business. My own judgment about it is that the fairest plan is to create in the Federal land banks a farm credits department having authority to discount for banks—State and national, incorporated live-stock associations, all banking institutions—paper of this character. This paper would be made the basis of an issue of short-time debentures, just as farm mortgages are now made the basis of farm loan bonds under the present farm loan system.

Mr. YOUNG. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. YOUNG. In considering methods by which the situation could be reached, which has been described, has the gentleman thought of in some way permitting farmers themselves by deposits to create a fund which may from year to year be enlarged and which would in a way enable them to finance themselves rather than to simply sell their credit?

Mr. ANDERSON. I know what the gentleman has in mind, and I think that is properly a matter for State legislation. What I think we need, so far as this longer-time credit is concerned, is nothing more nor less than a reserve bank through which this paper can be discounted and through which the farmer can reach the investment pool of the country. In other words, it is not going to help a great deal, it seems to me, to get into the deposit pool with this sort of a scheme, because the farmer can get into that now. What he needs to have is a new source of credit, and the only way that he can develop a new source of credit is to get into a field to which he does not now have access for purposes of loans of this maturity.

Mr. McFADDEN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. McFADDEN. Did the gentleman's investigation disclose whether there is an actual shortage of investment money for farmers in the agricultural sections of our country?

Mr. ANDERSON. Mr. Chairman, I do not know just what the gentleman means by a shortage. This is what has happened in the agricultural sections of the country so far as we are able to ascertain. The reductions in loans and discounts—that is, in agricultural communities—is about 1.2 per cent from May 4, 1920, to April 28, 1921. In the same time deposits have decreased in those same communities by 20 per cent. If the gentleman can conceive a condition of that kind without a real demand for additional farm credits, he can do more than I can.

Mr. McFADDEN. Did the gentleman's investigation disclose what percentage of assets of the financial institutions in rural communities was loaned to the farmers?

Mr. ANDERSON. Not in that form. So far as we are able to ascertain, the proportion of total loans and discounts of all banks which go to farmers either in long-time mortgage loans or in short-time loans, either with or without collateral, is approximately 18 per cent; that is, about 18 per cent of the total loans and mortgages are farm loans. Singularly enough that corresponds with the percentage of the national income which the farmer gets.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment joint resolution (H. J. Res. 233) providing for the postponement of the World's Dairy Congress.

GENERAL DEBATE.

The committee resumed its session.

Mr. GARRETT of Tennessee. Mr. Chairman, I yield such time as he desires to the gentleman from New York [Mr. TEN EYCK].

Mr. TEN EYCK. Mr. Chairman, I have listened with a great deal of interest to the explanation which the chairman of our commission, the gentleman from Minnesota [Mr. ANDERSON], has given in regard to how we conducted our hearing and inquiries, and the deductions which were made therefrom. I am going to deal with it from an entirely different standpoint. I have jotted down some recommendations that I intend to make, which I feel, if carried into execution, will not only be beneficial to the farming industry of the country, but will be beneficial to the entire country and the consuming public. It is my idea that the big cause of the trouble with the agricultural communities to-day is the great cost of spread. I mean by that the difference between the price that the producer sells his products for and the price that the consumer pays for that same article. There are a number of things that enter into that. Waste is one of them. That, of course, can be taken care of to a great extent by the farmer himself, as well as the middlemen who handle his products.

The agricultural industry of the United States produces no less than one-fifth of the total annual income of the Nation when reckoned in dollars. If the farmer received a just compensation for money invested and labor performed it would materially exceed this percentage of the total national income.

The farming industry bears the same relation to the Nation as the heart bears to the human body. The railways, the highways, and the waterways bear the same relation to the Nation as the veins and arteries bear to the body. It is the farm that fills the veins and arteries with commerce and makes the world's business life throb with success, the same as the heart fills the veins and arteries of the human body with life's blood. Therefore, we must not let our agricultural life deteriorate, nor permit the transportation system of the country to become inoperative or too costly for use for any purpose whatsoever. If we do, the very life of the Nation will suffer and the people will be made to bear untold hardships and burdens.

There are three great forces which are accountable for the health, prosperity, and progress of the human races; one of which is finance, the second is labor, and the third is the farming industry. I can best demonstrate to you the relativity between these three great forces by comparing the United States to a large beehive resting upon a tripod, one leg of which represents capital, the second labor, and the third the farmers of this country.

Capital by organizing has made its leg a superleg, labor by organizing has made its leg a superleg, and the farmers by not organizing have permitted their leg to remain weak, and as a tripod is no stronger or more stable than its weakest leg, the beehive or the Nation has become unsteady and the business of the country shaky.

Before this condition can be corrected the farming industry of the country will have to organize so that it will take its rightful place among the other enterprises and thus assume its share of the weight of the responsibilities of the Nation's problems and help to stabilize the commercial interests of the country.

There are many things that have been denied the farmer in the past which have prevented him from assuming his share of the responsibilities of government. All of these will be corrected when the farmers' organizations become big enough and strong enough to be on a parity and deal with capital and labor on equal terms, not for selfish interests but to cooperate with the other two to accomplish that which is for the best interest and for the benefit of all the people.

The farmers in not having been thoroughly organized in the past have been placed at a disadvantage in practically every one of their various vocations. Their lack of organization is due to the fact that their business is composed of small units which are scattered over the entire country. On that account they have been obliged to compete separately, or in small units, with well-organized capital and well-organized labor. Furthermore, the farmers sell nearly all of their products through innumerable middlemen, who absorb practically all of their profits, while the other captains of the other industries of the Nation,

such as manufacturers, merchants, and transportation interests, conduct their business on a larger scale and in a more scientific and more economical manner; nearly all of these have organized efficient selling agencies so that they sell as directly to the consumer as possible.

The farmer to insure his property has been forced to establish mutual insurance companies, which are not able in all localities to render full protection to the assured. Stock companies in many instances refused to insure the farmer, and when they do insure him they charge exorbitant rates. From personal experience on my own farm I am able to insure only one-fifth of the insured valuation in mutual companies. In order to secure adequate protection I have had to coax the stock companies to accept the other four-fifths at a much higher insurance rate.

When the farmer requires a short-term loan or mortgage he is often forced to apply to individuals and local institutions who charge high rates of interest because the banks in that particular locality are reluctant to take farmer paper as they can not discount it as readily in the larger institutions in the great money centers of the world.

I do not intend to go into the matter of farm credits in detail at this time as the Joint Commission of Agricultural Inquiry will deal more fully on farm credits and banking in a subsequent report.

The farmer has been the greatest sufferer from increased freight rates. This is principally due to his location, long hauls, low price on bulky commodities, perishable products, and small marginal profit. I do not intend to go deeper into this side of the question at this time, as the Joint Commission of Agricultural Inquiry will make a special report on transportation.

The marketing of the farmer's products is costly, unsatisfactory, and uneconomical, because the farmer is generally at the mercy of the buyer, as it is his practice to sell his goods at the point of delivery rather than at the point of shipment. The cost of spread in some instances amounts to 1,000 per cent increase between the price the producer receives for his commodity and the price that the consumer pays for it. This is the real cause of the present high cost of living and the deplorable financial condition of the farmer to-day. I will not attempt at this time to give all the causes of the high cost of spread in detail, as this matter will be covered more fully by a subsequent report of the Joint Commission of Agricultural Inquiry on marketing.

The same thing is also true of the farmer in practically all of his purchases, as he not only pays the cost of the production, together with the profit, on all the things he consumes, but pays the freight in addition, as well as the cost of marketing the other man's goods.

There are four fundamental changes or revisions which will have to be made in the agricultural industry to insure permanent improvement:

First. Authorization for cooperative bargaining.

Second. The establishment of a proper and adequate farm-credit and banking system.

Third. The creation of an efficient marketing system.

Fourth. The establishment of reasonable transportation rates, sufficient and efficient transportation service, and a proper system of highway construction leading from the farms to the markets and railroad terminals.

After the big four have been taken care of the other smaller improvements to agricultural conditions will follow in their order of importance and corrected in their turn through the force of cooperation, first with themselves and later with finance and labor.

It has been asserted by various individuals at different times that the farmer ought not to organize to influence legislation. I take exception to this statement by able public men. Financial interests have used their experts to present their views on the different problems of the day at various times. For the sake of argument, I will admit that it has been for what they believed to be for the best interest of the business industry of this country. Labor has sent to the legislative halls of the various States of the Union, as well as to the House of Congress, their representatives to educate the legislators as regards the needs of labor in this country, which they both had a right to do. Therefore, why should there now be objection to the various agricultural organizations, representing such a vast taxable property, the basic industry of the country, and millions of our best citizens, in sending their representatives to the Halls of Congress to present their opinions and recommendations as regards what they think is for their best interest, as well as for the best interest of the people of the entire country?

Mr. Chairman, the greatest argument that I can present to you to-day in favor of the farmers organizing and teaching the legislators of this country the farmer's problems, the farmer's interests, the farmer's needs, is the report which the Joint Commission of Agricultural Inquiry, of which I have the honor and pleasure of being a member, have presented to you to-day; for this commission would never have been created, nor the report made, nor the numerous other problems of the farmers considered, if they had not knocked at the doors of Congress through their national Representatives and demanded an equal and square deal at the hands of Congress.

I, for one, am always willing and glad to welcome in my office and give hearing to the financier's representative, labor's representative, and the farmer's representative at any time on any bill in which they are interested, as I am desirous of learning the various viewpoints of the different interests on all legislation, so that I may act intelligently for the best interests of the entire country.

Before closing I wish to insert in the RECORD additional suggested changes for improvements in the agricultural situation as it exists to-day for the consideration of Congress, the legislatures of the various States, the people of the country, as well as the farmers themselves, and to recommend that each do that which comes within their respective power or jurisdiction for the relief of the farmers of the country.

I have come to the conclusion that the country, as a whole, must assist the farmer in reducing the great cost of spread which is the crux of his unfortunate position, as well as the high cost of living to-day, both of which have been brought about by a great many different causes. What the farmer is entitled to is a fair return on money invested and labor performed, and at the same time be enabled to sell his products to the consumer at a reasonable price; but due to the great cost of spread neither of these things are true to-day.

Mr. GOODYKOONTZ. Will the gentleman yield for a question?

Mr. TEN EYCK. I yield.

Mr. GOODYKOONTZ. As one who was born and raised on a farm, who has heard all of the woes of the farmers from beginning up until now, of the remedies suggested for his relief and the necessity for some relief, I have listened with interest to what the gentleman has said about the cost of spread. Now, how is the gentleman going to do away with the spread? How can the farmer sell his stuff direct to the consumer and get the price that his labor warrants? What can he do to get results without reference to preachments?

Mr. TEN EYCK. I will answer the gentleman. The farmer can best get closer to the consumer by cooperative bargaining, by cooperation in selling. He can cut down the cost of production and make a larger profit by cooperative buying.

Under the heading "Cooperative bargaining," I wish to recommend that proper permissive laws be passed both by the Federal Government and the various States and the farmers organize thoroughly to take advantage to the fullest extent possible of cooperative buying, cooperative selling, cooperative manufacturing and canning plants, cooperative cheese and butter factories, cooperative storage plants, cooperative grain elevators and warehouses, cooperative packing houses.

Under the heading "The establishment of a proper and adequate farm credit and banking system" I wish to recommend that a suitable banking system be inaugurated to give to the agricultural industry of the country the same banking facilities, in accordance with the turnover of its various products, that all other industries of the country receive to-day.

There is a great need for the extension of time on discount loans to the farmer from six months to three years. The farmer should be assured at all times of a reasonably low rate of interest on farm mortgages through the Federal land bank, as well as a reasonable interest rate on all his short-time loans through all the banking institutions, farm loan associations, and cattle loan corporations throughout the country. This will encourage the farmer to own his own farm and thus cut down the increased tendency toward tenantry.

That so-called short-time loans be furnished to the farmer from six months to three years to meet their requirements, extending the time of loan to meet the time of the turnover on their various products.

That the banking system of the country be so organized that all the banks that loan to the farmers will obtain discount facilities to the fullest extent possible commensurate with the security which they present.

Mr. GOODYKOONTZ. Will the gentleman yield again?

Mr. TEN EYCK. I will yield.

Mr. GOODYKOONTZ. I had a farmer come to me not long ago and he said, "GOODYKOONTZ, the worst thing in the world you can do for the farmer is to loan him money." Well, I take that cum grano salis. I know the farmer has to have a little

money once in a while, but what I can not understand is this: We have got banks all over the country, banks in every county in the country. I am president of a little national bank, and have been for nearly 20 years, and the best paper we get is farmers' paper, and we never charge them more than 6 per cent interest. We have notes that have been going on for years and years which we have never called, because we know they are secure and amply secure, the best paper we have got in the bank. Now, what does the farmer need in the way of banking facilities that he already has not? Please state that so that we can legislate here in the interest of the farmer on the financial proposition. [Applause.]

Mr. TEN EYCK. My suggestion to that would be that the gentleman's bank have a model made of it and send it to all the other banks of the country. [Applause.]

Mr. GOODYKOONTZ. Mr. Chairman, I have reason to believe the farmers' paper in every county in every State of the Union is regarded as good, the best that can be had.

Mr. TEN EYCK. That a medium of discount be established for all the banks which loan to the farmers, so that farm paper will have discount rights in the Federal reserve bank.

That suitable provision be made for discounting farm paper on warehouse receipts and loans of cattle-loan corporations, as well as farm paper in all banks of the country, member banks, nonmember banks, and State banks.

That the reserve bank be authorized to rediscount farm paper for the full time of the turnover of the farmer's products which has been accepted as collateral on his loan at the local banks other than what is known as the three-year turnover of the cattle-raising industry.

That a suitable and adequate financial bureau be established in the farm loan bank for three-year credit for the cattle-raising industry.

That all the banks rediscounting farm or other paper be restricted as to the amount of additional interest they charge to their farmer and other customers, over that which they pay to the revenue or rediscount bank.

That banking facilities be provided for the farmer so that his products can be utilized for basic credit to the fullest extent possible, and the banks accept loans with proper warehouse certificates as collateral.

That suitable and adequate facilities be furnished to discount agricultural paper for the full length of the time of the turnover of the product on which the original loans are made.

That Federal assistance be rendered through established institutions to help the cattle loan corporations and cooperative loan associations.

When this has been accomplished the farmer will have the necessary domestic credits.

Under the heading "The creation of an efficient and adequate marketing system," I wish to suggest that we consider under domestic marketing, first, local, intrastate, and interstate distribution of agricultural products; secondly, the export of our surplus products.

That public markets be established in each of our cities for the mutual use of the farmer and the consumer.

That suitable accommodations for interstate marketing be established with the view to reducing the cost of distribution, so as to lower the cost of spread between the producer and the consumer.

That suitable and adequate joint terminal facilities be established, connecting the railways, waterways, and highways, and at the various terminals suitable machinery be installed to handle the farmer's products. Proper warehouse and grain elevators be built and located at big terminal centers and at export harbors so as to accommodate the farmer's products while en route for export.

That a branch of our merchant marine be properly equipped and organized to carry farm products, and transatlantic and Pacific waterway routes be established to properly take care of the export of our surplus agricultural products.

That attachés or Government agents be located in each of the American consular agencies abroad, whose duty it will be to obtain information as regards the farming industry of that particular locality or country and obtain authentic information as regards the amounts of crops raised, the amount of produce stored, the amount of food consumed, the amount imported by the Government where he is located, and from whom imported, and the amount imported from the United States, together with such other information as regards the method of growing the various crops, the kinds of seeds used, and the kind of food consumed in his particular locality; what pests are prevalent, and the nature of the eradication of same.

That the farmers cooperate in establishing and building cooperative warehouses to carry their produce from the season of production over the entire season of consumption.

That the farmer standardize his produce by proper grading of his products as well as the standardization of the containers therefor, which will permit him to extend his operation of selling more direct to the consumer throughout the entire country as well as through local agents.

That the farmers organize for cooperative bargaining.

That an improved system of highways be inaugurated and the necessary assistance rendered by the Federal Government, the State, county, and town for the purpose of building roads to connect up the farms with transportation terminals and local markets.

Under the heading of "Transportation" the establishment of reasonable transportation rates, sufficient and efficient transportation service, and a proper system of highway construction leading from the farms to the markets and railroad terminals to accommodate the farmers' needs at all seasons of the year.

That railroad rates be reduced on farm products systematically and scientifically, giving due regard to the localities of production and the localities of consumption.

That proper and efficient service be rendered to the farming and rural communities at all seasons of the year.

That adequate and efficient merchant marine and trans-Atlantic and Pacific water routes be established for the use of agricultural interests.

That inland waterways, harbors, and waterway routes within the territory of the United States connecting the Great Lakes and the interior with the Atlantic Ocean be given the proper attention and improvements.

That joint terminal facilities of all four warehouses and grain elevators be built in convenient places.

That proper machinery for loading and unloading of agricultural products be installed at way stations, freight houses, terminals, and harbors for the use of the farmer.

That suitable and adequate joint terminal facilities be installed connecting the waterway, railway, and highway, and sufficient and efficient terminals and proper warehouses and elevators be located at export ports to accommodate farm products en route.

In addition to the big four, I believe it necessary that labor supply bureaus be established both by the Federal Government and the various States where a record may be kept of unemployed farm labor and where a farmer may apply for efficient and competent help.

That a national endeavor be made for improvement in production by the use of the best seeds, blooded cattle, poultry, and so forth, and that a system of diversified crops be inaugurated.

That information as regards soil treatment in the various localities, improved crop treatment, and the utilization of the latest type of machinery.

Under the heading "Living conditions," I wish to recommend that the farmer should be permitted to make a fair return on money invested and labor performed so that he may improve the rural school system of his locality.

That his children will receive the proper academic training for a higher agricultural college education. He should have his living conditions raised to the level of his city brethren by having modern heating, sanitary plumbing, improved modern lighting, rural mail delivery, rural telephone service, improved highways, community attractions, convenient churches, all of which will tend to give him a better social intercourse with his neighbors, and lessen the work of the women folks on the farm.

That the farmers inaugurate a system of cost accounting so that he may ascertain what crops are most profitable in his locality with the purpose of growing that which is best adapted to their particular sections. The simpler the system of cost accounting the better. This should be accomplished with as little expenditure of time as possible.

I am pleased to set forth the various items which should be considered in cost accounting:

Production by farm labor: Planting and sowing, harvesting, and storing.

Purchases: Seeds; implements and machinery; food supplies; marketing; financing; fuel for heat, light, and power—coal, oil, and electricity.

Total investment: Interest on capital, taxes, insurance and repairs, management and supervision.

[Applause.]

Mr. TEN EYCK. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN (Mr. BURROUGHS). Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. The gentleman from Minnesota [Mr. ANDERSON], chairman of the Joint Commission of Agricultural Inquiry, who has addressed the House, and my associates on the commission are entitled to the thanks of the Congress and of the country for the effort which has been made to discover what the ills of agriculture are and the causes which are responsible for them.

In this connection, gentlemen, as this is the first opportunity I have had, I want to thank the House for having designated me as one of the two Democrats from the House to serve on that commission.

It ought to be very evident, gentlemen, that we have reached that condition under which generalities with reference to agriculture must be abandoned for a specific and definite constructive program with regard thereto. Henceforth agriculture must be recognized as a business in the economic and governmental policy of this country just as other productive activities are recognized as businesses out of which men have the right to make money, and be dealt with as such. The character of the business of agriculture is such, its hazards and the periods of its turnover are such that an economic and financial policy which meets the requirements of commerce and industry, we find, are not adjusted to meet the needs of agriculture. During the past three-quarters of a century we have been so absorbed in city building and have so trained our minds to think in the terms of a city-dominated commerce that many of us, when we find that the provisions which have been made to carry forward the businesses of the city do not suffice for agriculture, are disposed to conclude that there is something abnormal about the business of agriculture.

There is nothing strange or abnormal about it except in the sense that it is different.

In order that I may myself not be guilty of dealing in generalities I desire to submit for your consideration the specific things which to my mind are required in order to make possible the organization of agriculture upon a business basis.

We hear a great deal of talk about there being too much spread between what the farmer receives and what the consumer pays; that there is a long line of physical movement in agricultural distribution; and that the commodities moving into great concentration centers to be distributed therefrom are frequently hauled back over the same route over which they moved into those concentration centers. We hear a great deal about the violation of business principles in what are known as "crop movement" periods, the multiplicity of profits, and of the big physical waste after production. All this is deplored. I submit that it will not be possible to have an orderly and economical distribution of agricultural commodities until those commodities capable of standardization are standardized with reference to the requirements for use; that is to say, that each considerable quantity of each commodity, which quantity possesses distinctive characteristics determinative of the use to which it is best adapted, shall be given a specific grade term so that that particular sort of commodity may be bought and sold by its descriptive grade term. Commodities so standardized would have a general trade status while still at the points of first concentration.

No substantial progress can be made toward an economical distribution until agricultural commodities can move under prior sale from the points of first concentration to the points of use, but such movement is not possible unless they can be sold by grade.

Second. There must be warehouse facilities where these commodities can not only be concentrated but protected from storm damage and under proper regulation, have warehouse receipts issued therefor which shall carry a guaranty both as to physical protection and integrity of grade classification.

Third. There must be provided an agricultural produce-exchange system through which these commodities, properly standardized and warehoused, may be sold by grade. In other words, to establish a marketing machinery through which they can be put in trade contact with the general market while still at the points of first concentration.

Fourth. There is also required a chattel credit system in addition to the present credit facilities provided by commercial banks, which additional credit system will draw its capital from the general investing energy of the country as distinguished from money received on deposit, so as to avoid, for the commodities carried for orderly sale, having the loans called by reason of the necessity of the loaning agency to collect at such a time as to force these commodities on the market in quantities in excess of the ability of the market to absorb; and

Fifth. That these four be so related as to function as a unit.

Fail to provide either of these or fail to coordinate them so that they may function as a unit would be like leaving a span out of a bridge, or of building all the spans but having them located at different points along the stream.

I appreciate fully the difficulty of providing that which is suggested, but I have investigated the matter as thoroughly as it is possible for me to investigate it, and I am fully convinced that no insurmountable difficulties will be met. The fact is that the utility and workability of everything that is suggested has already been demonstrated. We have made considerable progress in standardization. We would have made more rapid progress in standardization, especially with reference to commodities dealt in on "future board" exchanges if we had not been limited in the number and character of grades established by the fact that with reference to "future board" transactions delivery is entirely at the option of the seller, whereas in purchases for use the character of the commodity delivered must be determined absolutely by the buyer, for the very evident reason that the buyer for use has in contemplation, if it be raw material which he is purchasing, a specific character of commodity which he expects to produce, and necessarily must determine the character of raw material to be delivered to him on his purchases.

When the commission shall have proceeded further with its report I hope to have the opportunity of discussing in detail these specific suggestions made. At this time I want to say that I do not have in contemplation that Government shall provide all of these facilities. In so far as the National Government is concerned, I have in mind the rendition of a service with regard to sale and distribution similar to the service rendered through the Department of Agriculture with regard to production and the preservation of soil fertility. I have in mind the utilization of the departments of agriculture of the several States and a general extension and coordination of national and State laws with reference to warehouses and the regulations governing such warehouses.

It is agreed that cooperative agricultural organizations must have a large share in the constructive work which is required to be done, and that the duty of government should extend only to the provision of those public facilities necessary to give the farmers themselves an opportunity to apply business methods to their business.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield to myself three minutes more.

Mr. GENSMAN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. GENSMAN. I would like to ask the gentleman what his commission has done in regard to relieving the cotton situation of Oklahoma and the South?

Mr. SUMNERS of Texas. The commission, strictly speaking, as the gentleman understands, has only the power of investigation and report. But it did take cognizance of the cotton situation last fall in a more or less informal way, and at my suggestion. Prior to my selection as a member of the commission I had been engaged, as had many others, in an effort to bring to cotton a new financial support and the support of a national purpose not to permit the cotton crop of this year to be sacrificed; if possible, to avoid the sacrifice. As you gentlemen know, we had already procured the renewal of the War Finance Corporation and provided it with authority to use a billion dollars. I had "peddled" the idea around among the Members of Congress, those who represented the sections which sold mules in the South, the representatives of manufacturing sections, and so forth, that if the debt-paying and the purchasing power of the South could be renewed, we could help business in their sections, and that cotton held the key to the situation. Everybody seemed willing to help. When the suggestion was made to the commission on the first day of its session that every effort should be made to avoid the crisis which seemed imminent, the commission appointed a subcommittee to see what could be done; in fact, the subcommittee was given full authority to proceed. I was designated as chairman of that subcommittee and immediately left for the cotton section to get first-hand information as to conditions, and particularly as to how much financial support the institutions of the South could be expected to give, to what degree and in what way they would cooperate in a general effort to save the cotton situation, and so forth. I got in touch with bankers, merchants, manufacturers, and farmers, and brought back to Washington unmistakable evidence supporting the position that unless a new financial sup-

port was provided the entire crop, however small, would come on the market at one time, bringing practically the entire carry over of American cotton with it.

The definite information procured was laid before the War Finance Corporation, Mr. Hoover, the Federal reserve bank officials, and others. Many conferences were had. Finally a conference was held in Washington, attended by officials of the Federal Reserve Board, the governors of the five Federal reserve banks serving southern territory, the governor of the New York Federal Reserve Bank, the Director of the War Finance Corporation, a group of New York bankers, and myself as chairman of the subcommittee on cotton of the joint commission.

At this conference it was agreed that the Federal reserve banks would rediscount, up to 80 per cent of the value of the cotton, paper secured by cotton; the War Finance Corporation agreed to support the market with as much of the billion dollars at its disposal as was necessary to make possible the orderly marketing of the current crop and the carry over. The New York bankers agreed to raise a cotton "pool" if necessary. A statement was issued to that effect.

After this was done the chairman of the subcommittee on cotton made another trip through the South, holding conferences in Atlanta, Memphis, and other points with representative bankers, merchants, and farmers, seeking to develop a united local support for cotton. While this was done, as I say, more or less informally by the commission, and at no expense to the commission or to the Government, as a southern man I feel deeply grateful to my colleagues on the commission that the first subcommittee created to deal with any commodity was created to deal with cotton. And however large or small may have been the service which my associates and myself on this subcommittee may have been able to render, a large part of it was due to the prestige given to us by the commission as the ones selected to represent the commission in this matter.

It would perhaps be interesting to outline the condition which confronted the cotton farmers last year. Everyone will recall that the crop condition continued to decline from the time of the first report, but the market also continued to decline in the face of constant reduction of estimated yield. As we neared the beginning of the harvest in the face of this decline, a conference was held in Washington with a number of the larger eastern cotton manufacturers to see if they could not be induced to make sufficient quantity purchases to stop the decline before the new crop came on the market. They said they could not afford to make such purchases and expressed the opinion that cotton would go to 8 cents per pound.

It was a fact that at that time we had a very large carry over of American cotton. European buyers who had been accustomed to financing two-thirds of our crop, by reason of the effect of the war, could no longer make quantity purchases even. That threw that much additional load back on us. Our southern banks were loaded to the limit, our merchants were in debt, and our farmers exhausted. Everybody told me when I was in the South that not only would they be unable to market the current crop gradually but that they could not hold the carry over off the market longer than fall. The mills were either closed or running on short time. Under that condition the fact of a short crop would have no chance to operate on prices.

Nothing could give the fact of a short crop the possibility of operating on prices, except a general attitude of support so definite and an available sum of money so large that everybody in the world would know that the crop did not have to be sacrificed. That condition is what the subcommittee on cotton of the joint commission tried by every means at its command to help create. I know that I gave about two months of my time to the neglect of everything else except the most important official matters.

In this connection I also want to express my very great appreciation for the support in this crisis given by the Federal reserve banks serving southern territory, the War Finance Corporation, the officials of the Federal reserve bank system, and by my colleagues in Congress from every section of the Nation. The condition among my people is not good in any section and is distressing in the extreme in many sections, but it is nothing as compared to what it would have been if the cotton crop had gone on the market under general enforced liquidation and cotton had brought around 10 cents per pound. I have discussed this at some length to show that there is something that the Government can do and something the people must do. If the people had not raised a small crop of cotton, nothing could have held prices up. But if they had not had support the small crop could not have had its effect in full degree upon prices.

Mr. A. P. NELSON. On behalf of the gentleman from Wyoming, I yield to myself 43 minutes, out of which I yield to the gentleman from Ohio [Mr. FESS] 1 minute.

Mr. WALSH. Mr. Chairman, if we are going to have as late a session as that, 43 minutes yet, we had better have a quorum.

Mr. MONDELL. Mr. Chairman, I hope we may receive a conference report in about half an hour. I think we should remain in session until we receive that conference report, at any rate.

Mr. A. P. NELSON. Very well. Then I yield 30 minutes to myself, and out of that yield to the gentleman from Ohio [Mr. FESS] 1 minute.

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by myself before the Young Men's Christian Association at Lancaster, Pa., December 11, 1921, on the problems before the country.

The CHAIRMAN. The gentleman from Ohio asks leave to extend his remarks by inserting an address on the problems now before the country. Is there objection?

Mr. GARRETT of Tennessee. How many problems does it deal with?

Mr. FESS. Quite a number.

Mr. GARRETT of Tennessee. Very numerous?

Mr. FESS. Quite a number.

Mr. GARRETT of Tennessee. So that it will take up many pages of the RECORD?

Mr. FESS. Not many.

Mr. GARRETT of Tennessee. It will be interesting.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GOODYKOONTZ. I ask unanimous consent to extend my remarks in the RECORD on the subject of the Russian relief bill.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD on the subject of the Russian relief bill. Is there objection?

There was no objection.

Mr. A. P. NELSON. Out of my 30 minutes I yield 2 minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Chairman, I have asked for two minutes in order to read a short statement which appears in one of the papers to-day. It is as follows:

Youngstown's brightest gold-star mother will come to Washington Thursday to attend the burial in Arlington National Cemetery of the two sons she gave to her country in the World War.

She is Mrs. John Erickson, 27 Judson, Youngstown, and will be accompanied by her daughter, Miss Ethel Erickson.

When the United States entered the war the two Erickson boys, Carl and Gustave, were among the first to enlist.

The mother gave them gladly to the great cause, although they were all the boys she had, and to give them up meant nights of tearless agony and mighty tugging at her heartstrings.

Both went overseas to France with their mother's hopes and prayers, but neither came back alive. Carl was killed in action. Gustave, a motor cycle courier, escaped the terrible hazards of carrying messages to the front only to become the victim of a fatal accident.

Now their bodies, after three years in a French cemetery, have been shipped back in leaden caskets, and at 2.30 p. m. Thursday will be interred in Arlington along with those of 60 or more other heroes.

It was my good fortune to know these boys. They were next-door neighbors of mine, fine specimens of manhood, who gave their lives, as thousands of other boys did, in defense of their country.

This morning, as I met that mother at the Union Station, I looked into her eyes, realizing the sorrow and suffering she was passing through, I was moved to offer up a silent prayer to Almighty God requesting His help and assistance that something might be done which would inspire the hearts and minds of the great men who are now met in Washington at the Conference for the Limitation of Armament, in a way that there will come out of the conference an agreement among the nations of the earth which will make impossible in the future to come such inhuman wars as destroyed the lives of these young men. [Applause.]

THE PROHIBITION AMENDMENT AND LAW ENFORCEMENT.

Mr. A. P. NELSON. Mr. Chairman, the history of the prohibition law in the United States offers a most remarkable paradox. In this law we have a reform which has beyond doubt enormously decreased the consumption of liquor, decreased the prevalence of those crimes which are traceable to the use of liquor, decreased poverty and financial distress, improved child welfare, greatly benefited business, and added to the health, wealth, and happiness of the people.

The prohibition law was not the result of precipitate action, but was the product of more than 100 years of agitation. Be-

fore the Federal law was enacted 32 of the 48 States had passed prohibition laws of their own.

It is generally conceded by thoughtful students of the subject that the eighteenth amendment and the national prohibition act to enforce that amendment are based on two fundamental principles of Government.

The first principle is that a legally constituted majority of the people have an inherent right to better their conditions in the form and manner prescribed by law. The right to protect oneself from harm or danger was the right of the individual before we had society. Judge McLean, of the Supreme Court, expressed this fundamental law as follows:

> It is a power essential to self-preservation and exists in every organized community. It is, indeed, the law of nature and is possessed by man in his individual capacity.

Courts have uniformly recognized the right of the Nation to protect the public health, morals, and safety. Indeed, the inherent right of the people under our Constitution to advance its moral and physical well-being and safety is fundamental. That right has never been denied.

The second fundamental principle follows logically from the first, namely, that any well-recognized evil like the liquor traffic, which menaces the health, morals, and safety of the people, has no right to exist. The United States Supreme Court delivered itself in no uncertain manner concerning the liquor traffic when it stated:

> Statistics of every State show a greater amount of misery and crime attributed to these retail liquor shops than to any other source.

And then concluded its memorable decision by saying:

> There is no inherent right of a citizen of a State or United States to sell intoxicating liquor.

It was therefore legally established by the United States Supreme Court that the beverage liquor traffic was a prolific source of crime and misery and a danger to the welfare and safety of society even before the eighteenth amendment was written into our Constitution, and it can not now be successfully contradicted that the people of the United States were well within their legal rights and acted absolutely on good reasoning, backed by the deliverance of the United States Supreme Court just cited, when they proceeded by the constitutional method to prohibit the manufacture, importation, and sale of liquor for beverage purposes.

The attempt to create prejudice against the prohibition law by saying the people were never allowed to vote upon it is very misleading. The constitutional amendment was submitted and adopted according to the prescribed method under the form of government of the United States. Prohibition had been a major issue in nearly every congressional and legislative election for years before its adoption, and the Congressmen who voted to submit it and the legislators who voted to ratify it had, in all cases, been elected with a distinct mandate from their constituents on the prohibition issue.

The vote in favor of submitting the national prohibition amendment was, in the House of Representatives, 281 for and 128 against. And in the United States Senate it was 65 for and 20 against. In the State legislatures the total vote of the State senates was 1,288 for ratification and 213 against, or 86 per cent dry. And the total vote in the houses of the State legislatures was 3,739 for ratification and 934 against, or 80 per cent dry; 45 of the 48 State legislatures voted to ratify, although only 36 legislatures were required for ratification.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. A. P. NELSON. Yes.

Mr. SUMMERS of Washington. I would like to call the gentleman's attention to the fact that that was the largest number of States that ever ratified a constitutional amendment, and the largest proportion of States that ever ratified an amendment to the Constitution.

Mr. A. P. NELSON. Yet this law, one of the most beneficial of all our laws, is being subjected to betrayal and attack at the hands of men who are evidently animated by both strong motives and intense emotions.

AN INSIDIOUS PROPAGANDA.

An insidious propaganda, backed without question by the liquor interests of the country, is at the present time being carried on through the press, through magazine articles, through movie films, and through other available propaganda agencies, in order to break down public opinion in support of the prohibition amendment. Statements that are not true are given the widest circulation possible in order that the law and its enforcement may be discredited and public opinion in its support broken down. It can not be claimed that the enforcement of the prohibition law has been perfect, and its enforcement has been gravely affected in many parts of the country by the character of the population and local government and by the deliberate intention on the part of a large number of men and women to break down all sentiment favorable to its enforcement.

As an example of this unjust and lawless propaganda we find metropolitan papers carried recently the headlines that Chief Justice Taft in his testimony before the Senate Judiciary Committee, having under consideration a bill for additional Federal judges, is alleged to have said that the major portion of the congested court calendars was due to the enforcement of the Volstead Act and the prohibition amendment, while, as a matter of fact, in the hearings before that committee Chief Justice Taft said that the Volstead Act, in his opinion, had only added about 8 per cent to the total business of the courts, for on page 13 of the hearings we find the following:

> Senator BRANDEGEE. You say, Mr. Justice, that these liquor violation cases amount to about 8 per cent of the total cases?
> Chief Justice TAFT. Yes.

Another case of this insidious propaganda is the statement that the United States Attorney General had indicated in the hearings before the committee that the congestion of the Federal court calendars would continue to increase indefinitely and would ultimately break down all judicial restrictions, and yet, on page 21 of the hearings we find that in direct reply to Senator STERLING to the question—

> Mr. Attorney General, do you not think that there will be an increase of business arising from the enforcement of the prohibition law, for a time, yet?

Attorney General Daugherty said:

> I do not think there will be an increase. I may be mistaken about it, Senator, but my judgment is that it is at its peak, and it wants the exhibition of determination on the part of people who believe that laws ought to be enforced, to start it down from the peak.
> The prohibition law increases this business not to the percentage that the general public is led to believe or that an effort is made to lead the general public to believe that it has increased. You must understand that there are these new tax laws and other laws. There are seven or eight thousand cases in New York growing out of the selective draft, and other things make this necessary, as well as prohibition. That is a contributing part.

Nevertheless, the prohibition law has produced and is producing enormous benefits. Even where worst enforced it is proving much to be preferred to the old system of license under which not only was the appetite of the people served but tempted by every device of advertising, display, and trade promotion.

TELLING TESTIMONY.

Commander Evangeline Booth of the Salvation Army, an organization that probably gets closer to the poor and the down and outs of the country than any other organization in our land, and therefore knows the effect of the liquor traffic as well as any organization can possibly know it, makes the most telling statement concerning the wonderful benefits of prohibition since the enactment of the eighteenth amendment. She says that the population in penal institutions is reduced; that many jails are converted into dwelling apartments, and prisons turned into schools and social centers. She states that prohibition has improved health and reduced mortality in the country. In the city of Boston during the year deaths by accident dropped one-third, deaths from suicide one-fifth, and deaths from alcoholism 79 per cent. The Metropolitan Life Insurance Co. reports about the same percentage of decrease in fatalities among those previously addicted to drink.

She says that the homes in the slums are immensely improved, and in place of the bread lines the men now support their families and increase their bank accounts. The one outstanding and commanding result of the prohibition amendment, according to Commander Booth, is the increase of the privileges and opportunities of life for the boys and girls of the poorer classes of our country. Indeed, as Evangeline Booth so beautifully puts it:

> It means that in the future we shall have less to do with the grave and more to do with the cradle; less binding up of life's broken plants and more training of life's untrammeled vines; that more of our energy, our ingenious methods, will be thrown into the work of prevention, which in the final analysis must be so much more valuable to the home, the Nation, and the kingdom of God than even the most worthy work of cure.

That is rare testimony from so authentic a source, and one that should set every good and patriotic citizen of our land to thinking and to unite in a vigorous and ceaseless campaign for law enforcement not only of the prohibition amendment, which is now a part of the Constitution, placed there by the sovereign will of a free people, but of every other law of our beloved country. The winking at the infraction of our prohibition law by high and low, rich and poor, learned and ignorant, and too often by men and women of high vantage ground in political and social life, is to-day becoming a real menace to the foundation of our Government and of the life, security, perpetuity, and happiness of our Nation. The violation of the prohibition

law, as well as of all other laws, must and will cease at the command of an awakened and aroused conscience of a united citizenship standing for justice, law, and order. [Applause.]

PROHIBITION PROHIBITS.

For the year ended June 30, 1916, the American people consumed the enormous quantity of 2,005,802,325 gallons of alcoholic liquors at an approximate cost to the consumer of $2,438,037,985. For the year ended June 30, 1920, there was withdrawn for consumption, presumably for nonbeverage use, 28,220,909 gallons. In September of this year, 1921, there was a reduction of more than 8,000 withdrawal permits.

Mr. GOODYKOONTZ. Will the gentleman yield?

Mr. A. P. NELSON. I will.

Mr. GOODYKOONTZ. I sympathize with the gentleman's purpose, and I want to aid him in what he is saying. There is not now being consumed in this country 5 per cent of the alcohol liquors that were consumed prior to the passage of the prohibition amendment. Except for this law, in this period of reconstruction which we are going through, this country might be in a very bad fix, but by virtue of the adoption of the constitutional amendment we are free from the enormous expense that attends the consumption of liquor in the country, and as a result the people have enough to live on notwithstanding the hard times. [Applause.]

Mr. A. P. NELSON. I thank the gentleman.

These figures can mean only one thing—that the consumption of alcoholic liquors in the United States has been tremendously decreased by prohibition.

Home brewing of liquors and the manufacture of moonshine whisky, while troublesome in certain communities, has been almost a negligible factor when the amount of this illicit manufacture is considered.

Mr. Henry A. Larson, the man most experienced in enforcing prohibition laws in the United States, says that there is not a home-brew manufacturing outfit in more than 1 out of each 1,000 families in the country. Only a comparatively few families in America know how to make palatable beer, and the moonshine whisky produced is so pungent in its odor and vile in its taste that few can consume it.

The decrease in the consumption of liquor is clearly indicated by the enormous increase in the price. The vilest concoctions of wood alcohol and other poisons sell at from $12 to $20 a quart, whereas in the old days of license whisky could be bought for $1 a quart.

COMPENSATION OF SOLDIERS AND THE BEER TAX.

Mr. Chairman, the press recently announced that an effort would be made to provide for a bonus for soldiers from the funds raised from a tax on beer. It has been estimated that $500,000,000 might be secured in this way the first year, and possibly $1,000,000,000 the second year. I do not believe that the ex-service men will look with favor on any plan to raise revenue on an outlawed traffic in order to meet their just demands for adjusted compensation. [Applause.] The declaration of principles of the American Legion is as follows:

For God and country we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a 100 per cent Americanism; to preserve the memories and incidents of our associates in the Great War; to inculcate a sense of individual obligation to the community, State, and Nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom, and democracy; consecrate and sanctify our comradeship by a devotion of mutual helpfulness.

The Constitution of the United States prohibits the importation, manufacture, and sale of intoxicating liquors for beverage purposes. The kind of beer that is proposed to be legalized is intoxicating liquor, and it is in violation of the Constitution of the United States. There would be no chance to raise a large amount of revenue from beer unless there was a real kick in it. The friends of prohibition enforcement are fully apprised of the whole plan, and they will present a united front against this scheme for nullifying prohibition. The so-called "near" beer and light wine amendment has been defeated in every State which has a workable enforcement code. It has been defeated in Congress every time it has come up. Every State which has taken a referendum vote on it has defeated it by a larger majority than when it first adopted prohibition. Even if the Federal law attempted to permit the manufacture and sale of beer and wine, approximately 40 State prohibition laws would prevent its sale. The courts have sustained the definition of intoxicating liquor in the Volstead Act, because experience in the States has proven that it was necessary in order to have effective law enforcement. [Applause.]

To try to load the odium of this nullification scheme into a plan for raising money for adjusted compensation of the soldiers would be futile. There are plenty of sources of revenue open for actual needs without trying to legalize what the Constitution prohibits. I was glad to note the resentment which this suggestion caused among ex-service men when it was made. The people of this country will treat the soldier squarely and provide a compensation which will in a small measure express their appreciation of the heroic sacrifices which the soldiers made for their country. I sincerely hope, however, that the money to do this will not be tainted by coming from an illegal traffic or any scheme to defeat the enforcement of the eighteenth amendment or the national prohibition act. [Applause.] To attempt to tie the veterans of our country's battles to the dead body of the liquor traffic is an outrage. No soldier wants money coined from blood and tears. [Applause.] Beer was responsible for most of the drunkenness in the United States and for still more of the chronic alcoholism, upon which was wasted vast sums, which, since prohibition, have been going into the channels of legitimate trade. But, worst of all, the return of beer would mean the return of the beer saloon, and the men who fought for freedom from autocracy will never countenance the return of that discredited institution. [Applause.]

TESTIMONY OF HIGH AUTHORITIES.

Hon. William Jennings Bryan, one of the greatest advocates for temperance in America and one of the keenest observers of the enforcement of the prohibition laws, recently made the following statement concerning the enforcement of prohibition laws:

They say as much liquor is sold as ever, but the statistics show a tremendous decrease, and this decrease is apparent to any who want to see it. They used to bring liquor in by the carload, deliver it in drays at the principal corners, and bottles were arranged on shelves to lure men to drink. No carload lots are now shipped, they do not deliver it by the dray load at the street-corner saloon, nor is it sold on the principal streets nor exhibited on the shelves. It is brought largely in valises and carried at night through the alleys. This is progress toward the elimination of the evil.

Complaint is made because there are still violations of the law. The law against murder has been on the statute books for over a hundred years, and still some murders are committed and not all murderers are caught. The same is true as to the law against stealing. Last year about 2,500 automobiles were stolen in Philadelphia, and 20 per cent of them were never found. Yet no one suggests the repealing of the law against the stealing of automobiles.

This is the greatest moral reform ever attempted by law. Its success is wonderful. The change already wrought is not only very great but it enables us to understand the benefits that will come to the country when enforcement is perfected. The chief cause of nonenforcement is the appointment of wet officials to enforce a dry law and the smuggling of liquors into our country from the outside. This will be corrected, first, by the appointment of officials to enforce the law who are in sympathy with the law and its enforcement; and, second, by serving notice on our neighboring countries that their flags are being used to protect smugglers.

President D. M. Hainisch, of the Republic of Austria, in a signed message, said:

My message to America is this: Stand by prohibition, enforce the law, because in proportion as you enforce it, there will be a decrease in criminality, pauperism, insanity, and the other things that make for ill in human society.

I regard the eighteenth amendment to the Federal Constitution of the United States of America as one of the greatest and most far-reaching pieces of legislation ever enacted by any nation of the civilized world.

Having been taught by a good mother from my earliest youth to abstain from intoxicants of all kinds and from tobacco, a rule of life which I have followed to this day, I have ever been the unrelenting foe of alcohol in all its forms as a beverage, and trust that at no distant day Austria will follow the United States in the unloading of an incubus so destructive of human life and property.

PRESIDENT HARDING'S VIEWS.

In every community men and women have had an opportunity now to know what prohibition means. They know that debts are more promptly paid, that men take home the wages that once were wasted in saloons, that families are better clothed and fed, and more money finds its way into the savings banks. The liquor traffic was destructive of much that was most precious in American life. In the face of so much evidence on that point what conscientious man would want to let his own selfish desires influence him to vote to bring it back? In another generation I believe that liquor will have disappeared not merely from our politics but from our memories.

Mr. Chairman, the foregoing tribute to prohibition was attributed to President Harding, and his secretary, George B. Christian, jr., writes that the expression is a very fair representation of the President's views on the subject. [Applause.]

WHAT PROHIBITION HAS DONE IN THREE WET CITIES.

The two greatest whisky-producing cities in the United States before prohibition were Louisville, Ky., and Peoria, Ill., and one of the greatest consuming cities was Cincinnati, Ohio. An investigation of the effects of prohibition in those cities is, consequently, of the greatest value.

Louisville, Ky., was headquarters for so-called "fine" whisky. In Peoria most of the cheap whiskies were made. The grip of the whisky industry upon these cities was undeniable. The

whisky influence permeated the industrial and financial institutions and was very strong in all civic affairs. In Louisville, where the distillers were mostly men of native American birth and some of them of long American lineage, the industry also had a social influence.

During the fiscal year from June 30, 1918, to June 30, 1919 [wet], the police of Louisville arrested 3,624 people on the charge of drunkenness. In the next succeeding year [dry] only 412 were arrested on the same charge. Arrests for disorderly conduct fell from 5,177 to 2,855.

The Kentuckians have the reputation of being a little quick on the trigger and hot in the head. Nevertheless, when a large majority of them quit drinking booze, the arrests in Louisville on the charge of assault and battery fell from 55 in the last wet year to 38 in the first dry year; with only 88 arrests for carrying concealed weapons when the city was dry as compared with 228 such arrests when the city was wet. Perhaps as a direct result the charges of murder declined from 32 to 21, of malicious assault from 350 to 222, of rape from 11 to 9.

Also, the Louisville people suddenly became very much more honest. In the last wet year 256 of them were arrested on the charge of robbery and in the first dry year only 72; 496 were pulled in out of the wet on charges of grand larceny as compared with only 328 the next year; and the charges of petit larceny declined from 355 in the last wet year to 192 in the first dry year.

A somewhat pathetic tinge is given to these remarkable statistics by the fact that the charges of cruelty and neglect of children declined from 43 to 21.

These figures were not taken from the newspapers or taken from somebody's say so. The signed statement of Mr. Ludlow F. Petty, the chief of police of the city of Louisville, is on file to substantiate them.

Argument against prohibition, it will be noticed, is almost always wet with generalities. It is asserted by the few who oppose prohibition that "more liquor is being consumed now than ever before"; that "this here crime wave, don't you know, is just because of prohibition, nothing else"; that "bootleggers are thicker than insects on a hound dog," and so forth. If, however, such fake generalities are dismissed as unworthy of consideration and the speaker is pinned down to actual facts, the matter changes its aspect considerably. These facts as to Louisville crime are submitted with the belief that they alone establish the success of prohibition in that city, even if not one other fact to the advantage of prohibition could be brought forward. Notice that they are facts. They are not general statements of opinions. They can not be ignored. They must be accounted for in some way.

No wonder that the keeper of the jail in Louisville advertised in the papers:

If you want a room for the Kentucky derby, stop at the jail.

The number of prisoners had been cut down by prohibition so that the jail no longer paid its running expenses, and as rooms were scarce in Louisville, Jailer Barr saw a way to pick up a few honest pennies for the county. He quoted a rate of $1 a day and the guests were assured of "ample protection."

But these police figures are not the only facts that can be brought forward to the advantage of prohibition in Louisville. The mayor of Louisville was asked his candid opinion as to the effect of the closing of saloons, and he replied as follows:

I have received your communication of April 12, 1921. Police records in Louisville show the following facts:

"War-time prohibition went into effect July 1, 1919. From July 1, 1918, to June 30, 1919, inclusive, when there was no prohibition in Louisville, the total number of arrests for drunks and drunk and disorderly conduct were 6,809. From July 1, 1919, to June 30, 1920, inclusive, covered by war-time prohibition and national prohibition, the total number of drunks and cases of drunk and disorderly conduct was 1,061. In other words, during prohibition liquor offenses fell off 84.5 per cent in one year."

Another comparison is as follows:

"From July 1, 1919, to January 15, 1920, which was war-time prohibition, the total number of liquor offenses amounted to 734. On July 1, 1920, the State-wide prohibition law of Kentucky went into effect. From that date, to wit, July 1, 1920, to January 15, 1921, inclusive, the total number of offenses was 791, a slight increase over war-time prohibition, or approximately 84.5 per cent decrease over the same period of time when there was no kind of prohibition.

"This slight reaction is negligible, but is probably accounted for through the fading of the glamor of war patriotism, partly because the population had increased, and largely because through trickery, fraud, and theft much unlawful liquor had been filched from Government warehouses.

"As an economic measure, there can be no question of the beneficial results. I am not a prohibitionist.

"Yours, truly,

"GEO. WEISSINGER SMITH, *Mayor.*"

A friend was in Louisville recently and asked an acquaintance, "What do the business men of this town think of prohibition?" He replied, "At least nine out of ten of them are for it. It has not stopped the sale of liquor. If a man tries hard enough and is willing to spend enough money, he can get what may perhaps be whisky, but the fact remains that very few people in this city are doing it, and the incidental effects of prohibition, such as its reduction of crime and poverty, its favorable effect upon the purchasing power of the average man, and its tremendous influence in steadying the general business situation are too obvious to be ignored by intelligent business men. They would not under any circumstances think of giving up the advantages of prohibition now that they have seen what it means."

"Does this apply to business men who opposed prohibition before it came," he was asked.

"Absolutely," he replied. "Nearly all of the men who opposed it, honestly believing it would be a shock to our banks and would paralyze general business in this city because of the strength of the whisky industry here, now see that they formed their opinions without sufficient study of the matter. Practically every opponent has been won over."

"I am glad to hear that," was the reply. "But I know that you are a prohibitionist. Unconsciously you may have allowed yourself to be influenced by your own particular prejudices in the matter. Can you tell me of some prominent business man who you think would probably have opposed prohibition in the first place, but who is a man of open mind and honest convictions, and would give his real opinion after experience with the law? If such a man were in the banking, wholesale grocery, or real estate business, his opinion would be of practical value."

"Yes," said the citizen of Louisville, "I can name such a man. Mr. James L. Brown, of the James L. Brown Co., real estate brokers, was, I understand, opposed to prohibition before it came, but I was talking to him the other day and he made some remarkable statements. Suppose you approach him for his present opinion."

He was approached, with the result that the following truly astonishing statement was obtained:

It is with pleasure that I give you some facts in regard to what has happened in our city of Louisville since prohibition has been in force.

I am satisfied these facts will greatly encourage you in your good work.

In the first place, all of our low-dive saloons and rum joints are closed up, and are a thing of the past. The proprietors of these dives have moved away or died; anyway, their faces are seen no more. We have soft-drink places that were formerly respectable saloons that are bootlegging and selling whisky at from 50 cents to $1 per drink. They seem to have plenty of moonshine; but the men are afraid to go up against that white-looking whisky, because it will either make them crazy or make them blind. It is a combination of something that is certainly deadly to man.

The property that was formerly occupied by these saloons is now grocery stores, dry goods stores, shoe shops, etc. There is not a vacant corner in Louisville to-day. When a soft-drink shop drops out of business to-day, the property is soon rented, and this is happening right along. There is always some kind of a business ready to start. In fact, I myself am surprised at such a complete change. We formerly had some of the most notorious rum shops in the country, and I have been to quite a number of our large cities and have seen some pretty low dives, and Louisville certainly had its share of such places as well as the rest of the large cities.

The workingman, the mechanic, instead of spending his money for whisky is living as he never lived before. His children have shoes on their feet, clothes on their backs, and food in their homes. Before prohibition went into effect our different charity organizations were taxed to their limit. They were clothing the children as well as feeding them. The workingman is saving his money, he is putting it in savings banks, and looking forward to the day when he can buy a little home. The men tell me that they do not want to see whisky any more, they do not want it back; they are enjoying their little homes and their families and are living as they never lived before.

I know men, and meet them on the street, who a few years ago were absolutely worse than worthless. These men spent practically half of their time in the workhouse or around barrooms. Now, since prohibition, these same men are working every day, providing for their families, and having changed so physically, mentally, and morally, since they have left whisky alone that I can hardly recognize them now. The improvement has been 100 per cent.

In regard to the collection of rents and the effect on installment collections, I wish to state that they are paying up promptly, meeting all obligations, taking a pride in their homes. It is hard to believe that such conditions for the better could take place in such a short time. Our building and loan associations have all they can do to take care of the workingman who is buying his home. I have sold quite a number of homes to men who have saved from $800 to $1,000 in the short time that prohibition has been in force, and while these men have saved this money their families have had the necessities and comforts of life. In closing up real estate transactions these men tell me that the money they are buying their homes with is whisky money that they have saved instead of throwing away.

I am giving you these facts and they are facts from one who has had over 30 years of experience in collecting rents, renting houses, and selling houses on the installment plan, from one who has seen these conditions change, from one who has been in these homes. As the old saying is, "Whisky, filth, and misery are partners."

Louisville to-day is a paradise compared to what it was before prohibition went into effect.

There are practically no empty houses in Louisville to-day; there is work for everybody who will go out and get it; prohibition is working wonders. Men are paying their bills, paying their rent, and are looking out for a rainy day.

I used to spend half of my time in the magistrate courts garnisheeing these men for not paying their rent. I have not garnisheed a man for over 14 months. It is hard to realize the improvement that has taken place. The people who had dirty homes are now living in clean homes and are comfortable. Instead of their money going for whisky it is going for food and clothing and the necessities of life.

I could write you a dozen pages and tell you the different circumstances and conditions of the people, such great changes have taken place. Our workhouses and jails are practically empty.

I am giving you these facts as I know them and, as I said before, from my own observation.

Wishing you success, I am,

Respectfully, JAMES L. BROWN.

The city of Louisville is the connecting link between Kentucky and Indiana and its people have many of the virtues of both States. Socially, it is southern; industrially, it is middle western. Main Street in Louisville, before constitutional prohibition, might better have been named "Whisky Street." It was the distributing center of world-famous distilleries. Many of these distillers were substantial, patriotic citizens, not conscious of any moral guilt. One of them was known as quite an authority on the Bible. Many of them were directors of financial institutions and leaders in community affairs. They dominated the financial, industrial, and social life of the city.

Fourth Avenue is the promenade street of the city. On this street are the principal shops and close to it are the leading theaters and hotels. On Saturday night it is thronged with the usual crowd of young people out to see and be seen. Bisecting Fourth Avenue is Green Street. In the old days within two blocks of Fourth Avenue there were on Green Street solid blocks of filthy houses of ill-fame which were an indescribable curse to the city. Just six blocks from Fourth Avenue, at Tenth and Green Streets, was the center of the Negro slums, with crap dens and disreputable houses and saloons at every turn. On Saturday and Sunday nights this place was a bedlam, with whisky and blood flowing freely. The newspapers reported that during one period of 24 hours, over Saturday and Sunday nights, there were more than 100 arrests within one block of Tenth and Green Streets on charges ranging from serious cutting to murder. This district "slopped over" on better streets, and the slum denizens, protected by the city government, became annoyingly bold.

To-day the city is so thoroughly changed that it bears no more similarity to the old city of Louisville than heaven bears to hell. Green Street has been redeemed. The houses that were formerly used for disreputable purposes are now occupied by perfectly respectable colored people; the saloons are closed; the crap dens are closed; the students from the military schools that come to the city on Saturdays are no longer sources of keen anxiety to parents and instructors, and the business life of the town is utterly changed. The banks have been freed from distillery influence and are able to encourage other enterprises, with a result that the city is more prosperous than it had ever been before and growing steadily and surely into a city which will be a mighty influence for righteousness in the very heart of America's life. So much for Louisville.

THE WORLD'S BANNER WHISKY CITY.

Now, let us step a little farther north to Peoria, Ill. Peoria was the greatest whisky city in the world before Uncle Sam reformed. It was to the cheap whisky trade what Louisville was to the fine whisky trade. Located in the center of the corn belt, its immense distilleries had a capacity for grinding approximately 42,000 bushels of grain a day. Much is said of the illicit manufacture of whisky in the United States, but there will be few to dispute the statement that not all of the illicit stills in the United States grind 42,000 bushels of grain in a year, not to mention a day. Peoria's immense whisky trade formerly gripped the imaginations of the surrounding territory. Many of the farmers believed that this market for their grain was absolutely required. The business men of Peoria were horrified at the mere suggestion that prohibition might some day be the law of the land. They were unable to see how the city could survive such a shock to its principal industry.

After prohibition, however, the Chicago Tribune headed a story as to prohibition in Peoria as follows: "Bacchus is dead! Long live Midas!" As soon as prohibition stopped the distilling of whisky, Peoria immediately stepped into a prosperity of which it had never before dreamed. We have the word of the Peoria Clearing House Association that bank clearings for the year 1918 were $249,507,480.74; for the year 1919, $260,439,834.78; and for the year 1920, $281,528,228.93.

Mr. Willis Evans, executive secretary of the Peoria Association of Commerce, addressed a letter to Mr. Dan R. Sheen, of Peoria, which brings out not only in an authoritative but in a striking way the value of prohibition to that town:

I know that you rejoice with us that the Peoria distilleries, 13 in number, located in Peoria and Pekin, are now used for other purposes than the grinding of corn for alcohol or whisky and similar beverages, which you fought to the death for so many years, and finally saw the crowning of your fight in the eighteenth amendment.

Some of your friends may inquire some day what these distilleries are now used for. One of the big Pekin distilleries is now the big Liberty Yeast Factory, the other distillery at Pekin is used for the manufacture of food products.

In Peoria the distilleries were taken over by the United States Food Products Co., and they spent about $5,000,000 in rejuvenating the plants and now produce all kinds of food for man and beast. This includes sugar and corn sirup and corn oils, preserves of all kinds, yeast, white vinegar, wheat flour, etc. When the distilleries were taken over and these notable improvements made, it was announced that they had $30,000,000 to spend and would continue until the plants were in the finest condition. Recently the United States Food Products Co. has suffered a relapse, perhaps due to the general industrial condition, and they are now operating at the minimum.

The breweries—three in number—are utilized for general manufacturing. For example, the Leisy Brewing Co. is now a malt extracting plant and an ice factory. The Gipps Brewing plant makes sirups for soda fountains, yeast, and other food products. The Union Brewing Co. is occupied by the Automatic Carbonic Machine Co., which manufactures ice plants for homes and hotels. Other buildings formerly occupied by the Union Brewing Co. are used for similar purposes.

It is also notable that Peoria has not suffered since this marvelous change in industry. The concerns occupying the old distilling and brewing plants employ more men and more money is involved than in the old days. Our bank clearings have increased at the rate of $15,000,000 each year since that July 1 enactment.

All of the saloon property in Peoria is used for drink parlors, residences, offices, etc.

Oftentimes we receive letters from those who think that Peoria received an awful jolt and that our business is stagnant. The opposite is true. I don't think there is an empty building in Peoria, and we need 500 to 1,000 residences.

I am glad to send these facts to you, and they are just as I have found them.

Very truly, yours,

WILLIS EVANS,
Executive Secretary Peoria Association of Commerce.

Mr. Chairman, it is hard to get around such a letter as this, is it not?

Here we have conclusive testimony that prohibition has resulted in more business and better business, more employees, and better use of capital. If any city in the country could have been "ruined" by prohibition, Peoria would have been that city, and yet we find that, so far from ruining Peoria, it has proven an inestimable blessing. Morally and financially the town is better off. We have not only the word of Mr. Evans to this effect, but the word of scores of Peoria business men, who testify in detail to these same facts. Real estate men explain that rent collections are very much better, that installment payments are very much more easily collected, and that property is in greater demand. Dealers in merchandise, player pianos, phonographs, and similar goods find the credit of the poorer class of people very much better, and their volume of business is largely increased. Employers of labor testify to more regular appearance on Mondays and after holidays, to more efficient and contented workmen, and to a better home life as a basis for the prosperity and contentment of their labor. Laundries report hundreds of poor women freed from the washtubs, and dairies report thousands of poor children now properly fed with life-giving milk who formerly got the scraps and leavings from the father's pay envelope.

CRIME IN PEORIA.

Peoria records the usual result upon crime statistics. The following letter from the superintendent of police of Peoria is authoritative and illuminating:

Replying to your inquiry of the 2d instant relative to records of arrests preceding prohibition and year thereafter, I herewith submit the following record of this department:

Total arrests for drunkenness July 1, 1918, to July 1, 1919, 1,780.
Total arrests for drunkenness July 1, 1919, to July 1, 1920, 295.
Total arrests for all causes July 1, 1918, to July 1, 1919, 5,966.
Total arrests for all causes July 1, 1919, to July 1, 1920, 2,937.

Very respectfully,

W. W. RHODES, *Superintendent.*

Mr. Chairman, there is no pretense that prohibition has settled all of life's problems in Louisville and Peoria. It is perfectly true that some of the people are making "home brew." It is also perfectly true that no family continues to make this "home brew" very long. It is usually attempted as a lark, and if it is consumed for some days the consumer usually has to go in for quite a course of eliminating medicine. The stuff plays hob with the liver, and in due time replaces the alcohol appetite of the consumer with a shuddering distaste for anything that even smells like beer. It is also probably true that a few, a very few, people have tried to make whisky. The result of these efforts is a pungent, explosive liquid, even the odor of which is so disgusting that an open bottle drives an average person out of the room. As a beverage it is just about as palatable and practicable as spirits of ammonia. When a man takes one sample swallow of it he usually concludes that that

will just about do him for the remainder of his life. Only a person with an ulcerated stomach and an entire lack of respect for his interior fools with "moonshine" very long.

The greatest asset which has come to Peoria and Louisville because of prohibition has been the fact that the young people are not drinking or learning to drink. In the old days they would start to drink on beer and proceed from that to stronger liquors. But in these days they absolutely refuse to try to cultivate a liquor appetite on hair tonic, shoe polish, varnish, moonshine, or home brew. The reward is not worth the trouble. A generation from now Peoria and Louisville will have a population which not only does not know the taste of liquor but is not at all interested in the subject. In that day the people will read in unbelieving wonder of the time when these cities had saloons, bawdyhouses, and crap dens.

CINCINNATI.

When the remainder of the State of Ohio, convinced by its observation of the workings of prohibition elsewhere, wanted to go dry, Cincinnati would step in and veto the proposition with a tremendous local majority sufficient to offset the dry majority elsewhere. Not until the war was fought and won and the boys came home to vote dry was Ohio able to pile up its 290,000 plus majority in support of the dry laws already in operation.

The men who want to make money out of the return of the saloon and the men who want to use it as an instrument to corrupt politics are busy in Cincinnati, as elsewhere, fighting the law and using every influence of suggestion to incite the people to law violation. But these people are not nearly so numerous, nor are they so vociferous in Cincinnati as in New York, Philadelphia, and other eastern cities. The satisfaction of Cincinnati with prohibition is very apparent, and, in spite of the fact that the local newspapers are wet, its benefits are not obscured by a flood of false propaganda and those violations of the law which are the direct result of incitement.

The Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church has a complete police record for a number of years before and after prohibition. The usual startling decrease in all crimes directly, or even remotely, affected by drink consumption is found. The number of arrests for intoxication in 1918 was 1,470 and in 1920, 335.

Cincinnati has felt the so-called "crime wave" as much as any other part of the country, and as a result there is an increase in the number of cases of "assault to murder" from 18 to 26 and of housebreaking from 21 to 31. But, on the contrary, there is a decrease in the number of cases of assault and battery from 772 to 656, of murder from 38 to 7, and of disorderly conduct from 3,320 to 1,727.

It is possible that there has been a tendency toward increase in crime in Cincinnati as all over the world, which has been sharply checked by prohibition. A careful study of the following table showing arrests for 1918 and 1920 is quite worth while:

	1918	1920
Abuse to family	276	221
Begging	253	75
Common prostitute	278	283
Disorderly conduct	3,320	1,727
Intoxication (city and State cases)	1,470	335
Loitering	2,244	765
Assault and battery	772	656
Cruelty to animals	32	3
Failing to provide for child	312	165
Failing to provide for parent	17	10
Housebreaking	21	31
Assault to kill	18	26
Assault to rape	4	4
Assault to rob	11	5
Burglary	78	73
Cutting to kill	70	46
Embezzlement	61	47
Grand larceny	176	242
Murder	38	7
Rape	8	14
Robbery	98	107
Total of stated cases	9,457	4,837

These charges include every crime concerning which drink was thought to have any significance. The table clearly indicates that prohibition has caused a vast decrease in minor crimes, a great increase of prosperity and responsibility among the poor, as indicated by the decrease in arrests on charges of failure to provide; fluctuating results in more serious cases with a considerable decrease in the number of arrests on most of the serious charges stated.

The year of 1918 instead of 1919 is compared with 1920 because part of the year 1919 was wet and part dry. In consideration of the table it should also be remembered that in 1919 a large number of men were out of the city while in 1920 the troops had returned from the war and the city's full population entered into the statistics.

During November and December of 1920 fully one-half of all the misdemeanors on the municipal court docket were traffic offenses.

A letter from Judge W. H. Lueders, of the probate court, gives figures for commitments from the city to insane asylums for 1919, which was six months dry, and 1920, which was all dry. These figures are:

1919.

Male	245
Female	180

1920.

Male	208
Female	188

There has been, also, a most notable effect on the city's health record. Cirrhosis of the liver, which is almost always the result of alcohol, caused 57 deaths in 1919, which was only half dry, and only 47 in 1920. There were 7 cases of deaths from alcoholism in 1919 and only 4 in 1920. The total of deaths in Cincinnati during 1918 was 730; in 1919, 886; in 1920, 611; and in the fiscal year ending June 30, 1921, 530. The death rate per annum fell from 20.90 in 1918 to 15.85 in 1921. There has been a notable decrease in deaths of children due to neglect of childish ailments by parents. A sharp decrease in deaths from pneumonia is found and a notable decrease in deaths from tuberculosis.

The decrease in the number of deaths is especially interesting because it is largely found among children from 1 to 10 years of age, and among men from 30 to 60 years and over. Seemingly the statistics have not been greatly influenced by influenza, as this disease almost confined itself to young people from 10 to 30 years of age, and it is in that age group that we find the least decrease in the death rate.

The hospital statistics support the conclusions indicated by the improved death rate. The Christ Hospital says:

> Since the prohibition law has gone into effect we notice a great decrease in the number of patients who come in suffering from after effects of alcoholism.

The effect of prohibition upon business in Cincinnati is similar to its effect in a hundred other cities.

Nineteen hundred and twenty was, as is well known, a period of after-war depression. Nevertheless the State banks of Ohio showed total resources of $1,343,976,585 on June 30, 1920, as compared with $1,161,115,125 on June 30, 1919.

There has been a consequent increase in buying power and industrial efficiency. This is the testimony of practically all Cincinnati business men approached.

Mr. S. A. Fisher, of S. A. Fisher & Sons, puts the matter clearly when he says:

> Working conditions have improved very much in factories generally. There is more prompt appearance and better production.

Men have been buying more and better furniture and indulging in the little luxuries which benefit the entire family. In response to a query, one of the largest furniture houses in the city gave definite figures of their business for the years June, 1919, and June, 1920, as follows: Net business for year ending June 30, 1919, $144,189.46. Total net business for year ending June 30, 1920, $224,836.71. The increase in collections and down payments in the dry year amounted to $70,458.45, or 62 per cent over 1919.

This concern is very enthusiastic over prohibition, points to the empty workhouse, states that injuries due to alcohol have practically disappeared, and that Salvation Army relief to the destitute has been reduced to the smallest volume ever known.

There has been a normal, or better than normal, increase in the business of the dairies, laundries, and motion-picture houses.

Particular inquiry was made as to the effect of prohibition on the real estate business—whether or not the property formerly used for retailing liquors was promptly rented for other purposes and what has been the result on the matter of collecting rents and installment payments on property.

William V. Ebersole & Co. writes that the saloon property in the central district was quickly taken at "largely increased rentals, and collections have been and are good." They continue:

> Practically all saloon properties have been rented for other purposes and usually at an advanced price; collections are much better and forfeitures about one-fifth the number under liquor rule.

Practically every real estate man testifies to the immediate rental of saloon properties.

Mr. Arthur W. Davis says:

> While prohibition closed many places, they were at once reoccupied by restaurants and shops of all kinds at greatly increased rentals. In central Cincinnati there are few or no vacancies in residences, flats, stores, or warehouses. On the outskirts a few saloon properties may be idle, but auto accessory stores and stations have filled many of these.

Warren Richards & Co. write:

Prohibition has had a splendid effect.

Bofinger & Hopkins say:

Properties formerly rented for purposes of retailing liquors are now renting for figures 25 to 50 per cent higher.

Mr. Nathaniel H. Maxwell writes:

Every director and stockholder in this company are unanimous in thinking prohibition the greatest benefit that has ever come to this or any other country, and they would consider a return to former days an unparalleled calamity.

Even the churches have benefited. Rev. John F. Knapp, of McKendree Methodist Episcopal Church, says:

I am the pastor of a church in the poorer section of the city, coming to its pulpit just before prohibition went into effect. The year previous to my coming the church had only paid for all purposes about $1,500. Last year we raised in the neighborhood of $4,500. The attendance at the Sunday school is more than doubled and the number of contributing members has more than doubled. I am inclined to place a considerable amount of the credit for this good result to prohibition.

Rev. Robert Kennedy says:

I just received 20 men into the church last Sunday, and I am quite confident they would not have taken that stand if the saloons had still been with us.

There is violation of the law in Cincinnati, of course. But the mayor and chief of police seem to be disposed to suppress the traffic, and Federal enforcement has been fairly good, though somewhat spotted. The moonshiners and bootleggers are practically all foreigners, and when prohibition first went into effect they passed stills around among themselves as in the old days washing machines were passed around for use on certain days in the week. But one by one, like the leaves, the moonshiners have fallen by the wayside, and to-day moonshining is generally recognized as a very hazardous business.

The large fine workhouse is closed, its cells are empty, and it stands a monument to prohibition.

The former "Mecca" saloon, known as the "finest west of New York City," is now occupied by the American Legion boys.

The former Palace Hotel bar is now a "palace of sweets."

The saloon of Joseph D. Hamilton, which formerly did a low-class business, is now selling shoes.

Chop suey and clothes are being retailed at the location of Schule's café and billiard hall.

The saloon of William I. Eimer is now dealing in magazines and cigars.

The saloon at Canal and Main Streets, formerly run by Giacomo Sturla, now has its shop windows filled with ladies' wearing apparel.

The oldest barrel house in Cincinnati, formerly the "Galt House," is now a bakery.

The former wet headquarters of the Brewers' Exchange is now headquarters of the American Red Cross.

A cafeteria has replaced Weber's saloon and a clothing shop the saloon of William G. Brown.

You can buy straw hats and handkerchiefs where Harry Blackman formerly sold booze.

It is only when the man who was familiar with Cincinnati in the old days allows his mind to wander back to the time when all of these places were selling beer and whisky that the present state of affairs makes an impression never to be forgotten.

Mr. Chairman, prohibitionists have often been accused of saying that prohibition would bring in the millennium. Nothing could be further from the truth. They realize that many of our troubles have their root in the weaknesses of human nature, and that there are other evils abroad, some of which are even more serious than the appetite for alcohol. But they have contended that alcohol is in league with every other evil; that it contributes to the death rate by creating soil favorable to tuberculosis, venereal disease, pneumonia, and other sicknesses. They have never thought that prohibition would entirely do away with the danger of business depression or abolish that class of society which is improvident and delinquent.

What they have contended is this: That under prohibition there would be a distinct increase in legitimate business turnover, which would add greatly to the community prosperity and largely mitigate periodic depressions. They have contended that the death rate would be lowered; that the jails, workhouses, and hospitals would be relieved of the necessity of dealing with many men who met their misfortune because of alcohol. They have said that labor would be more efficient, more prosperous, and more happy; that prohibition would year by year add to its own efficiency because of the fact that self-respecting young men would not learn to drink.

These things have been proven true in Cincinnati. The world has witnessed a universal depression of business in the reaction from war conditions. Cincinnati has felt this depression very slightly, whereas in the old days when the saloons were open there would have been the greatest distress, with actual hunger and suffering and restless disaffection among laboring classes. To-day every honest workingman in Cincinnati is getting plenty to eat, not only for himself but for his family. His only complaint to-day is due to the fact that since prohibition his standard of living has risen to the point where he is demanding the luxuries that were common only to the middle-class families five years ago, and he is not always able under present business conditions to keep his family life up to this standard.

In the light of the facts as we have them to-day it is amazing that there was a time when otherwise sensible people actually believed that a dry city meant a dead city; that to banish the saloons would be a serious blow to "business." If the old arguments against the dry law, published widespread during the campaigns, are now gone over one by one, they appear grotesque in their absurdity.

Since the saloons closed, immorality and crime have taken to cover, real estate values have been enhanced, and respectable shops and residences have taken the place of the barrooms. If the public is not buying with the mad extravagance of 1920 it is at least spending its money with a freedom unknown in 1914. Bank deposits have increased, savings accounts are larger, small capitalists are much more numerous, the slums, known formerly as "Over the Rhine," have practically disappeared. That portion of Longworth Street formerly occupied by saloons, brothels, and other deviltry has reformed. The saloons of Vine Street, some of which formerly had red lights in the upper windows, others known to be really gambling dens, are now perfectly respectable places. The gamblers, the shameless women, the derelicts, have gone somewhere—no one knows where.

No use to go "slumming," for there are no slums to find. About the only orgies possible to a slumming party are reckless dissipation in the buying of silk shirts and soda water where formerly the painted women and nose-painted men held forth.

Mr. O. B. Carlisle, of the old City Mission, at 1106 Vine Street, was quoted as saying:

Prohibition has worked a miracle "Over the Rhine"; we have not had a half dozen drunken men come in in four months, while we used to have 25 a night. It was common for 6 or 8 men and women drunk and in their delirium to be on their feet at once trying to testify and promising to lead better lives, but now we have only a small attendance. Prohibition has brought it all about.

The Stanley Mission, the largest in Cincinnati, had a nation-wide fame for its effective work among the people of the underworld. It was conducted by the Stanley brothers for 12 years or more, when it was sadly needed. After a few months of prohibition, Mr. Stanley said:

We have not had a half dozen drunken men in the mission since prohibition cleaned up the city. We used to have 20 or more come in every night. Sometimes six or eight men crazy with drink would come into our mission meetings and become so noisy we would have to put them out. Drunken Negroes and white bums would at times gather around the front doors and threaten to smash the windows and burn the building if we did not get out of the neighborhood.

But prohibition has surely transformed things in this section. Men used to come into the mission who had never had a suit of clothes. They wore blue overalls, but with the saloon gone they have been spending their money for something to wear for themselves and families. Until prohibition came scores of men who hung around the saloons near the mission never owned a white collar or a clean shirt. Now some of them are wearing $15 pairs of shoes. They have gone to work. They have found their self-respect. They know that drinking booze is a habit they can get along without. It is impossible to tell all that prohibition has done for Cincinnati.

The movies have particularly prospered because of the removal of the saloon. Probably in the down-town section 15,000 people can be seated in the principal picture shows, and seats are usually hard to find during the rush hours.

It is of the greatest importance to understand that the popular drink in Cincinnati was beer, not whisky. So nearly universal was its use that on hot summer days it was not at all uncommon to see beer running in thin streams out of the saloon doors, across the sidewalks, and into the gutter. Hundreds, if not thousands, of Cincinnati citizens were accustomed to take their noonday meals in the saloons, with beer to wash it down.

This beer custom showed up strongly in the character of criminals and delinquents with which the city had to deal. The Scientific American well said:

The most dangerous classes of ruffians in our large cities are beer drinkers. Intellectually, a stupor amounting almost to paralysis arrests the reason, changing the higher faculties into a mere animalism, sensual, selfish, sluggish, varied only with paroxysms of anger, senseless, and brutal.

The senseless, brutal, and unprovoked crime, the stupid ill temper which is the product of beer, added greatly to the problems of the Cincinnati police force. Particularly did this deterioration in temperament of a great many of Cincinnati youths cause trouble on the steamers, at the amusement resorts, and on the streets in the twilight.

One baseball "fan" expressed the opinion that prohibition had a great deal to do with the improvement in play of the Cincinnati professional ball team. He said:

The Cincinnati beer drinkers used to go out to the park, and whenever a man made an error, no matter how excusable, they would start in to abuse him at the top of their voices. The result was that no good player wanted to stay in Cincinnati, and while there he was not very enthusiastic about the success of the team with which he was playing.

Cincinnati, therefore, would not be satisfied with any adjustment of the liquor problem that would return the beer saloon. In fact, a great many of the people who were formerly beer drinkers and beer enthusiasts to-day denounce whisky and beer, with their degrading, brutalizing influence on community life.

A Kentuckian residing just across the line from Cincinnati summed up the effect of prohibition upon that city as follows:

1. It has increased bank clearings.
2. It has largely increased bank deposits.
3. Savings accounts have been particularly benefited.
4. Building activity has been limited only by high prices and abnormal conditions.
5. The scarcity of business failures in spite of the reaction of the war is remarkable.
6. Retail business has gained in almost all lines, especially in necessities and small luxuries.
7. Saloon properties have been rented without difficulty.
8. Rent collections among the poor have been very much better.
9. There has been an increase in the family washing business of laundries.
10. There has been an increase in the use of water.
11. Electric light is much more generally used among the poor.
12. Real estate men have waiting lists and there are no vacant houses.
13. Arrests for drunkenness have enormously decreased.
14. The number of murders is lower than for many years.
15. Five thousand saloon bums are either at work or have left the city.
16. Contrary to prophecies the hotels are doing a banner business.

But prohibition has not had a square deal, especially from the newspapers, by which it has been persistently misrepresented.

In spite of that fact at least two-thirds of all the people of Cincinnati are for it.

Prohibition is not ideal in its operation in Cincinnati, but it is on the job and everybody knows it.

"Is there much booze being sold around town?" a barber at the Sinton Hotel was asked. Trust a barber to know.

"You bet there ain't," he replied. "There is mighty little of it around now. It used to be that half the men who came in here smelled like whisky, and on Monday morning the men who had been stewed the night before came around here for face massages to wake them up. Now I don't smell whisky on a man in a month."

Ohio, gradually but slowly convinced of the value of prohibition, in 1920, with the boys home from the war and voting, rolled up a dry majority in support of the law of 290,141. The dry majority in 1919, with the soldiers away, and before the Ohioans had had time to test the law adequately, was only 41,853.

Prohibition in Cincinnati is 50 per cent more efficient than the old system of license and regulation, which was violated far more frequently and more successfully than the prohibition law has been.

THE EFFECT ON PUBLIC HEALTH.

One of the most startling effects of the prohibition law has been the decrease in mortality and the improved public health because of it.

In New York the infant mortality rate in 1915 was 99, and for the years 1916 to 1918 it was 93. The infant mortality rate for 1921 was 85. In 18 months after national prohibition became effective there were 21 weeks with no reported deaths from alcoholism. The total number of such deaths in New York dropped from 680 in 1916 to 69 in 1920, a decrease of nearly 90 per cent. The average number of deaths from cirrhosis of the liver for the seven years, 1912 to 1918, was 722. The average for the two years 1919 and 1920 was 370, a decrease of nearly 49 per cent. Bright's disease and nephritis decreased by 17 per cent.

THERE HAS BEEN NO INCREASE IN DRUG ADDICTION.

A questionnaire recently sent out by the Scientific Temperance Federation to the secretary of the State board of health of each State in the United States and to boards of health of all cities of over 80,000 inhabitants brought overwhelming testimony to the fact that drug addiction is decreasing as alcohol consumption decreases.

NATURE OF THE OPPOSITION TO THE LAW.

There is no disposition to conceal the fact that a great deal of liquor is being smuggled across the border from Canada and Mexico; that rum runners are bringing in a great deal of liquor from the Bahama Islands; that bootlegging constitutes a serious danger to the public welfare; and that people with more money than brains or character are doing their best to bring the law into contempt.

There is no reason for surprise that the enforcement of the law is encountering difficulties when there are 30 paid organizations striving night and day, not only to accomplish the impossible feat of causing the repeal of the eighteenth amendment but to accomplish its nullification, to stabilize a condition of nullification, and cause the American people to surrender to its public enemies and permit a return of beer and whisky and the American beer saloon.

Some judges by the infliction of insufficient sentences or by dismissal of the criminals have stabbed and undermined the law and aided in its nullification. Hundreds of newspapers have forgotten their high standards and have loaned their columns to vicious and misleading propaganda against the law. But most serious of all have been the efforts of those men and organizations who are moved by a political motive. Nothing is more certain than that corrupt politics as such must perish in our great cities unless the beer saloon returns. The saloon was the agency through which these organizations reached their following, and now that the saloon keepers have been scattered abroad corrupt politics is robbed of its greatest instrumentality and medium of approach. In due time the looting and profiteering of our great cities must stop, because the saloon is no longer able to supply the votes.

It should always be remembered that the saloon was a beer saloon as well as a whisky saloon. Ninety-two per cent of all the liquors passing over the bar was beer. The brewers controlled from 75 to 85 per cent of all the saloons, either by ownership or mortgages. If the liquor interests can bring back beer, they can bring back the saloon, and that is all they want, because they know that the return of the saloon means the return of every kind of liquor.

OUR NATIONAL TASK.

Mr. Chairman, our supreme task to-day is to arouse the indifferent and apathetic citizen to a sense of our great national danger of law violations; to bring speedily to the bar of justice the law-breaking brewer, distiller, manufacturer, wholesaler, and retailer of liquors; to apprehend and convict the smuggler, the rum runner, the moonshiner, and his numerous confederates; to rebuke by righteous indignation the shameless propaganda for the nullification of our prohibition laws and the undermining of respect for all law. [Applause.]

LAW THE BASIS OF OUR PROSPERITY AND PERPETUITY.

Law, including the prohibition law, is the very basis of the stability and prosperity of our country.

The men who are striking at the prohibition law do not realize that they are striking at their own property interests; that if they should accomplish what they wish and bring the prohibition law crashing to the ground, they would bring down also the fabric of which it is a part. The Constitution would become meaningless. Popular elections, so long held sacred in their results, would become contemptible. The spirit of anarchy would be let loose and no man would know whether or not he might call his property his own, or whether the safety of his wife and children could be assured by the law and the instruments of the law which had been flaunted and condemned.

Prohibition was adopted by the greatest majority any constitutional provision ever received. It was adopted by the method prescribed by the makers of the Constitution. It is an integral part of the Constitution itself. It can be repealed by orderly processes without danger to the Constitution, but it can not be nullified without tearing the very heart out of our system of government.

BURNING WORDS FROM AUTHORITIES.

Attorney General Daugherty on August 31, 1921, speaking in Cincinnati, Ohio, said:

Respect for law is the one essential fact of our civilization. Without it life, liberty, and property are insecure. Without it civilization falls back to chaos. If there is one fact history teaches above any other it is that the rights incident to wealth and the rights furnishing the opportunity to enjoy spiritual, intellectual, moral, and social things are conditioned upon the supremacy of law. The Government will endure on the rock of law enforcement or it will perish in the quicksands of lawlessness.

In similar burning words the American Bar Association, through its judicial section, on the same day made this remarkable statement:

The judicial section of the American Bar Association venturing to speak for all the judges, wishes to express this warning to the American people: Reverence for law and enforcement of law depend mainly upon the ideals and customs of those who occupy the vantage ground of life in business and society. The people of the United States, by solemn constitutional and statutory enactment, have undertaken to suppress the age-long evil of the liquor traffic. When, for the gratification of their appetites, or the promotion of their interests, lawyers, bankers, great merchants and manufacturers, and social leaders, both men and women, disobey and scoff at this law, or any other law, they are aiding the cause of anarchy and promoting mob violence, robbery, and homicide; they are sowing dragon's teeth, and they need not be surprised when they find that no judicial or police authority can save our country or humanity from reaping the harvest.

At the national law enforcement convention held in Washington December 6 to 8 another patriotic appeal for law and order was made by Assistant Attorney General Guy D. Goff, as follows:

We may bite our chains as we will, but we shall be made to know that man is born to be governed by law, and he that will substitute will in the place of it is an enemy of God.

To have good government we must have good citizens, and always, continuously, a warfare without truce or quarter against those who violate the law. It is strange but true that bad men are combined and good citizens are divided and that therein lies the cause of lawbreaking. If the good would join hands, the lawless could do nothing.

We must legislate and prosecute and drastically punish, but principally we must educate, and practice what we preach.

It is not for an executive, State or Federal, to say whether a law is good or bad. He should enforce it, or confess failure and resign.

Prohibition is not the only law which is difficult to enforce.

Any new law which interferes with the so-called personal liberty of the community must pass through the stages of open violation, secret violation, passive enforcement, and then universal observance throughout the land.

The man who can not obey the law, the man who can not fearlessly enforce the law, and with the courage of his convictions bring before our judicial tribunals every dastardly and contemptible crook, no matter how high his rank, has no place in our system.

The law stands, proclaiming, "Thou shalt not break," and when that commandment is broken the Nation should bend its efforts to see that atonement is made. The quickest and surest way of setting any law at naught is to relax its enforcement, while the quickest and surest way of instilling respect for the law in the hearts of a people is to vigorously press its enforcement.

Our Government and our Constitution are not to be overthrown by the whims or the depravity of those who speculate in public justice and view it as an article of personal favor. The parasites that fatten on crime and live on human sin shall not be permitted to traffic in our liberties and, vulturelike, sink their gorging beaks into our laws.

To-day all mankind is suspicious, doing nothing, playing safe. America must not and will not yield to this condition. Instead, she must be the positive Nation. She will. And she will, I am sure, be positively good.

We have no room for those who would have us exchange our liberty and freedom for isms and licentious license. Such people, as the Attorney General well says, "should go to a country which gives them their peculiar liberty."

The law must be, and it should be, enforced as it is conceived and written, and always without fear or favor. And I bring the pledge that in so far as it lies within the power of the Department of Justice to execute and enforce the law of the land there will be no backward step, no retreat, in preserving the Constitution and carrying out the mandate of the people.

THE PROHIBITION AMENDMENT WILL NEVER BE REPEALED.

The eighteenth amendment will never be repealed. That is admitted even by the strongest opponents of the prohibition law. It will always remain a fundamental part of our Constitution. The only issue is, Shall it be enforced or shall it be nullified?

The American people are determined that it shall be enforced. A concerted movement of gigantic proportions, supported by every liquor agency and utilizing all antiprohibition propaganda in our country, is to-day attempting to break down public opinion favorable to prohibition and create a condition of nullification. The agitation for the return of light wines and beer is but another plea for the return of the saloon and the resurrection of King Bacchus from his chilly grave. But the American people will not be deceived. The return of beer and wines means the return of the old saloon. The old American saloon was essentially a beer saloon. We are told that 75 to 85 per cent of the saloons of the Nation were either owned or controlled by the breweries.

The American people and the American Congress will stand by the edict of the majority and meet the issue. Nullification of our laws will never be tolerated, for it would ultimately spell anarchy, tyranny, and chaos. Only selfish greed, corrupt politics, and misguided thought will ever plead for the return of the American saloon or the nullification of our prohibition laws. Our Government will forever endure in the adherence to our Constitution and laws, but will weaken with their disregard and perish with their nullification. [Applause.]

LINCOLN'S MESSAGE.

To-day the spirit of Abraham Lincoln sends this message to the American people:

Let every American, every lover of liberty, every well-wisher to his posterity, swear by the blood of the Revolution never to violate in the least particular the laws of the country and never to tolerate their violation by others. As the patriots of '76 did to the support of the Declaration of Independence, so to the support of the Constitution and laws let every American pledge his life, his property, and his sacred honor. Let every man remember that to violate the laws is to trample on the blood of his father, and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and almanacs; let it be preached from the pulpit, proclaimed in the legislative halls, and enforced in courts of justice. In short, let it become the political religion of the Nation.

Reverence for law and insistence upon the enforcement of law are the only states of the public mind that will fulfill the promises of the immortal Declaration of Independence and will verify the vision of its immortal founders. These are the ideas, truly American, that to-day must elevate the intellectual spirit of our Nation and ennoble the achievements of our spiritual, moral, social, mental, and economic life. King Alcohol is outlawed by our Constitution. He can never legally come back to our fair land and be protected under our stainless flag. An awakened Christian conscience of mankind will soon banish him from the earth. A saloonless world will some day be an accomplished fact. [Applause.]

Mr. MONDELL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. BURTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the President's message and had come to no resolution thereon.

RUSSIAN RELIEF—CONFERENCE REPORT.

Mr. ROGERS. Mr. Speaker, I present a conference report upon the bill (H. R. 9548) for the relief of the distressed and starving people of Russia, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of the conference report, which the Clerk will report.

The Clerk read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9548) for the relief of the distressed and starving people of Russia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2, and from the amendment of the Senate amending the title of the bill.

JOHN JACOB ROGERS,
H. W. TEMPLE,
TOM CONNALLY,
Managers on the part of the House.
REED SMOOT,
W. L. JONES,
Managers on the part of the Senate.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, quite a number of Members of the House opposed the bill as it passed the House and voted against it. However, that question was settled at that time. I understand that the conference report preserves the bill as it passed the House.

Mr. ROGERS. There is absolutely no change from it in title or text as it passed the House.

Mr. GARRETT of Tennessee. Mr. Speaker, I personally do not see what good or advantage might accrue by insisting upon further opposition. I make no objection to the present consideration of the conference report.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. ROGERS, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

ADJOURNMENT OVER THE CHRISTMAS HOLIDAYS.

Mr. MONDELL. Mr. Speaker, I call up the adjournment resolution.

The SPEAKER. The gentleman from Wyoming calls up a resolution which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 16.

Resolved by the Senate (the House of Representatives concurring), That when the two Houses complete the business of the calendar day of Thursday, December 22, 1921, they shall stand adjourned until 12 o'clock meridian, Tuesday, January 3, 1922.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. MONDELL, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

JUVENILE COURT OF THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on the District of Columbia:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report of the Juvenile Court of the District of Columbia for the period from July 1, 1917, to June 30, 1921.

WARREN G. HARDING.

THE WHITE HOUSE,
December 20, 1921.

THE JUDICIARY.

The SPEAKER also laid before the House the following message from the President of the United States, which was read, as follows:

To the House of Representatives:

I am returning herewith H. R. 6679, entitled: "An act to amend section 108 of an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911," without my approval.

It appears that through an oversight, consideration has not been given to the act approved February 5, 1913 (37 Stat., 663), creating a new division of the western judicial district of Texas, and providing for terms of court at Pecos, Tex.; also an act approved February 26, 1917 (28 Stat., 939), providing for the creation of an additional division in the northern district of Texas and for the holding of terms of court at Wichita Falls; or of the act approved March 1, 1919 (40 Stat., 1270), amending section 108 of the code in reference to the time of holding court in the Amarilla division of the northern district.

H. R. 6679, as enacted by the Congress, is in conflict with the provisions of the law above cited, and it would doubtless be held that the later act repealed, by implication, the prior inconsistent statutes. Manifestly it was not the intention to give that effect to this amendment. I am, therefore, returning the bill for your further consideration in order that the inconsistencies mentioned above may be rectified before the act is given approval.

WARREN G. HARDING.

THE WHITE HOUSE, *December 20, 1921.*

Mr. WALSH. Mr. Speaker, I move that the message be printed and referred to the Committee on the Judiciary.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. GARRETT of Tennessee. I was about to ask that the message lie on the Speaker's table. However, if the gentleman thinks his is the better course, I shall not interpose objection.

Mr. WALSH. It would seem, in view of the objection raised, that possibly the matter might be given further consideration by the committee, and, if necessary, the proper measure reported out of that committee.

The SPEAKER. The gentleman from Massachusetts moves that the message be referred to the Committee on the Judiciary and ordered printed.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. GREENE of Massachusetts, on account of illness in his family.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 2591. An act to provide for the construction of a public bridge across the Niagara River; and

S. J. Res. 142. Joint resolution to extend the time within which the special committee on the readjustment of the pay of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service may make its report to Congress.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, for the information of the Members I desire to state that after the reading of the Journal to-morrow I shall move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the President's message. I do not anticipate at this time that there will be any further business than that before the House to-morrow. The debate will be interesting and I feel that all Members would profit by being here.

Mr. LONDON. Mr. Speaker, there is a possibility of a bill amending the bankruptcy act coming over from the Senate to-morrow. The gentleman's statement would not prevent consideration of that?

Mr. MONDELL. I do not know what the bill is which the gentleman has in mind.

Mr. LONDON. It passed the House by unanimous consent.

Mr. MONDELL. In that event, if there is clearly no objection to it, we might consider it.

Mr. LONDON. I do not think there will be objection to it.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Thursday, December 22, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

434. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Interior, transmitting receipts from rentals, extension Capitol Grounds, for the period December 2, 1920, to and including November 30, 1921; to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 9495) for the protection of timber owned by the United States from fire, disease, or the ravages of beetles or other insects, reported the same without amendment, accompanied by a report (No. 533), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOIES, from the Committee on the Judiciary, to which was referred the bill (S. 1831) to amend section 237 of the Judicial Code, reported the same without amendment, accompanied by a report (No. 534), which said bill and report were referred to the House Calendar.

Mr. HUDDLESTON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2790) to authorize the boards of county commissioners of Escambia and Santa Rosa Counties, Fla., to construct a bridge across Escambia River at or near Century, Fla., reported the same without amendment, accompanied by a report (No. 535), which said bill and report were referred to the House Calendar.

Mr. SUMMERS of Washington, from the Committee on the Public Lands, to which was referred the bill (H. R. 8999) to authorize exchanges of lands within the Snoqualmie National Forest, in the State of Washington, reported the same with an amendment, accompanied by a report (No. 536), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FROTHINGHAM, from the Committee on Military Affairs, to which was referred the bill (H. R. 9659) to continue in effect paragraph 8 of the section relating to medals of honor, distinguished service crosses, and distinguished service medals of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1919, as approved July 9, 1918 (40 Stat., 871), reported the same without amendment, accompanied by a report (No. 537), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9464) authorizing the construction of a bridge across the Snake River at Central Ferry, Wash., reported the same with amendments, accompanied by a report (No. 538), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANSORGE: A bill (H. R. 9666) against unlawful restraint of legislation; to the Committee on the Judiciary.

By Mr. WASON: A bill (H. R. 9667) to authorize appropriations for expenditures under the act of March 1, 1911 (36 Stat. L., 961); to the Committee on Agriculture.

By Mr. STEENERSON: A bill (H. R. 9668) prescribing standards and grades for spring wheat; to the Committee on Agriculture.

By Mr. KINKAID: A bill (H. R. 9669) to provide for the payment by the United States of the proportionate cost of the paving of streets upon which property of the United States abuts; to the Committee on Public Buildings and Grounds.

By Mr. JONES of Texas: A bill (H. R. 9670) to repeal section 406 of the act entitled "An act to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921; to the Committee on Agriculture.

By Mr. WALSH: A bill (H. R. 9671) to amend section 87 of the Judicial Code; to the Committee on the Judiciary.

By Mr. ROGERS: A bill (H. R. 9672) authorizing the conveyance upon Government transports of certain relatives of deceased World War veterans who are buried in Europe; to the Committee on Military Affairs.

By Mr. WOODRUFF: Joint resolution (H. J. Res. 245) transferring 1,500 5-ton Holt caterpillar tractors from the War Department to the highway departments of the several States, and for other purposes; to the Committee on Military Affairs.

By Mr. IRELAND: Resolution (H. Res. 254) placing the management of the House restaurant and all matters connected therewith under the control of the Committee on Accounts; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANSORGE: A bill (H. R. 9673) for the relief of Lenora Simons; to the Committee on Claims.

By Mr. BEGG: A bill (H. R. 9674) granting a pension to Ora Cornelius Stombaugh; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 9675) granting an increase of pension to Elvina Louisa Kanady; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 9676) granting a pension to Sallie W. Kennamer; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 9677) granting a pension to Clarence H. Phipps; to the Committee on Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 9678) granting a pension to Mary A. Holt; to the Committee on Invalid Pensions.

By Mr. KLINE of New York: A bill (H. R. 9679) for the relief of Marco Rea; to the Committee on Claims.

By Mr. McKENZIE: A bill (H. R. 9680) granting an increase of pension to James C. Goldthorp; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 9681) granting a pension to Martha A. Denison; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 9682) granting an increase of pension to Margaret Hunter; to the Committee on Pensions.

By Miss ROBERTSON: A bill (H. R. 9683) for the relief of the American Alliance Insurance Co.; to the Committee on Claims.

By Mr. TINKHAM: A bill (H. R. 9684) granting an increase of pension to Edward F. Connors; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3369. By Mr. FULLER: Petition of the Chamber of Commerce of La Salle, Ill., favoring House bill 10 and Senate bill 2267 for the metric system of weights and measures; to the Committee on Coinage, Weights, and Measures.

3370. By Mr. KISSEL: Petition of Messrs. Pavey and Wells, of New York City; to the Committee on Ways and Means.

3371. Also, petition of the Griscom-Russel Co., of New York City; to the Committee on Patents.

3372. By Mr. YOUNG: Petition of sundry citizens of Kathryn, N. Dak., praying for the adoption of Senate resolution 133, with regard to grain prices; to the Committee on Interstate and Foreign Commerce.

3373. Also, resolution of the Larimore Commercial Club, of Larimore, N. Dak., praying for the enactment of legislation to reduce freight rates, etc.; to the Committee on Interstate and Foreign Commerce.

3374. Also, letter in the nature of a petition of Bismarck Council, No. 325, United Commercial Travelers of America, of Bismarck, N. Dak., praying for the passage of House bill 2894, providing for the issuance of interchangeable scrip mileage books, etc.; to the Committee on Interstate and Foreign Commerce.

3375. Also, resolution of the Fortnightly Club, of Grand Forks, N. Dak., praying for the enactment of legislation making the metric system the official system of weights and measures for the United States; to the Committee on Coinage, Weights, and Measures.

3376. Also, resolution of the Larimore Commercial Club, of Larimore, N. Dak., remonstrating against the enactment of legislation to permit vessels engaged in domestic commerce in the United States to pass through the Panama Canal free from toll, etc.; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *December 22, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we look again unto Thee for Thy favor. We thank Thee for past favors, but we are hungry for present good and ask from Thee the guidance of Thy grace through the day and its duties; and then when the separations come and the home gatherings are had, may such good cheer prevail in each home that it may be the brightest and best of all the experiences in the family situation. Where there may be any sorrow or sickness, and where there is a vacancy in the home, magnify the riches of Thy love in dealing patiently and tenderly, and with the upliftings of Thine own infinite regard quiet the soul at such a time. May great mercy and peace be abundant in each home, in each life. Through Jesus Christ, our Lord. Amen.

ANDRIEUS A. JONES, a Senator from the State of New Mexico; MEDILL MCCORMICK, a Senator from the State of Illinois; and TASKER L. ODDIE, a Senator from the State of Nevada, appeared in their seats to-day.

NAMING A PRESIDING OFFICER.

The Secretary, George A. Sanderson, read the following communication:

UNITED STATES SENATE,
Washington, D. C., December 22, 1921.

To the SENATE:

Being temporarily absent from the Senate, I appoint Hon. SELDEN P. SPENCER, a Senator from the State of Missouri, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,
President pro tempore.

Mr. SPENCER thereupon took the chair as Presiding Officer.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the concurrent resolution (S. Con. Res. 16) providing that when the two Houses complete the business of the calendar day of Thursday, December 22, 1921, they shall stand adjourned until 12 o'clock meridian, Tuesday, January 3, 1922.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9548) for the relief of the distressed and starving people of Russia.

INTERCHANGEABLE MILEAGE TICKETS.

Mr. ROBINSON. Mr. President, I ask unanimous consent for the following agreement.

The PRESIDING OFFICER. The Secretary will read the proposed unanimous-consent agreement.

The reading clerk read as follows:

It is agreed by unanimous consent that the Committee on Interstate Commerce be, and it is hereby, discharged from the further consideration of the bill (S. 848) to amend section 22 of the interstate commerce act by permitting the issuance of interchangeable mileage tickets on railroads, and for other purposes, and that on Wednesday, January 11, 1922, immediately following the conclusion of the morning business, the Senate will proceed to the consideration of said bill.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Mr. President, reserving the right to object, I ask the Senator from Arkansas for a brief explanation and

whether the proposed agreement will interfere with other unanimous-consent agreements which are pending.

Mr. ROBINSON. It will not. The unanimous-consent agreement which I have presented is so expressed that it will not interfere with any business of the Senate which has been arranged for.

A number of Senators and Representatives have introduced bills affecting the subject. A subcommittee of the Committee on Interstate Commerce in May or June considered it, and, according to my information, agreed to report it; but for some reason or other, probably due to the fact that the committee has been busy almost continuously with the consideration of other matters, some of which are deemed more important than this measure, no action has been taken respecting it.

The unanimous-consent agreement does not limit debate or provide expressly for a vote on the bill. It merely provides for the consideration of the bill, but it is, of course, expected that the bill will then be finally disposed of.

I wish to publish in the RECORD the fact that the Senator from Tennessee [Mr. MCKELLAR], the Senator from Wisconsin [Mr. LENROOT], the Senator from Missouri [Mr. SPENCER], the Senator from Georgia [Mr. HARRIS], the Senator from Arkansas [Mr. ROBINSON], and a number of Representatives, including Mr. KAHN, of California; Mr. BARCLAY, of Kentucky; Mr. Flood, now deceased, of Virginia; and Mr. JACOWAY, of Arkansas, have introduced bills upon the same subject.

I also wish to print in the RECORD in connection with my remarks a statement explaining the provisions and purposes of the bill.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

The statement referred to is as follows:

MILEAGE BOOKS.

There is no one thing that contributes more to the high cost of living than the high cost of railroad travel and railroad freight and express rates, particularly in so far as the commercial life of the Nation is concerned. The railroad rates, both freight and passenger, and the Pullman rates, are to-day prohibitive, and they have practically throttled the business life and commercial development of the Nation and are more to blame than any one thing for the great number of unemployed throughout the country.

During the first six months of this year the passenger fares paid to 168 railroads amounted to $573,254,211, against $564,586,242 for the first six months of 1920 before the increase went into effect, and these fares were paid by 522,195,000 persons, compared with 595,771,000 for the same period of 1920, while the average journey for the 1921 period was 35.04 against 36.41 miles for the 1920 period. Each traveler paid an average of 3.13 cents a mile for his railroad transportation as against 2.60 for the first six months of 1920.

Freight revenues for the first six months of 1921 totaled $1,863,836,308 as against $1,860,948,323 for the 1920 period. The tonnage, however, like the passenger travel, dropped from 1,020,118 in the 1920 period to 779,360 for the 1921 period.

These figures speak for themselves most eloquently, and every week continues to show a decrease in both passenger, freight, and Pullman traffic. It is the old story of killing the goose that lays the golden egg, and unless some measure of relief is found there is nothing ahead but disaster, not only for the railroads but for the commercial existence of our country.

There are now pending before the Congress legislation providing for the issuance of a mileage book, interchangeable, nontransferable, good on all interstate roads, at 2½ cents per mile. * * *

The passage of this legislation would be of great immediate benefit to both the railroads and the country and would do more to relieve the unemployment situation and bring about activity in the agriculture, industrial, and commercial world than any legislation that has been suggested or could be suggested to the Congress at the present time, and it has the unequivocal indorsement of the great traveling public, who represent the lifeblood of the Nation.

The traveling salesmen's association of the United States, having a membership of nearly 1,000,000; the manufacturers and jobbers associations; the theatrical producers associations; the moving-picture industry, and the farming organizations, and the press of the entire country commend and indorse this legislation, which is based upon the simple fact of selling a commodity at wholesale at a cheaper rate, in the same manner as special carload lots are transported at lesser rates, and it is not class legislation or discrimination, for the reason that anyone may have the privilege of purchasing such a book, and therefore is not confined to a commercial traveler, or to a theatrical troupe, and there is no question as to the right of Congress to enact such legislation.

A great benefit to the railroads would lie in the fact that at least 400,000 such books would be immediately purchased which would mean a cash return to them, if the books were for 5,000 miles, of $50,000,000 immediately available; and it is possible that this amount might be doubled which would mean $100,000,000 immediately available. Books would also be purchased by the employers who would buy them for the use of their salesmen in cases where the expenses are advanced and paid by the employer.

A further advantage to the railroads would lie in the fact that clerical help would be saved because the book would be good on all roads, and could be used for checking and paying excess baggage, thereby saving the expense entailed in the issuance of the numerous books, tickets, and checks necessitated at the present time. Also, in the books lost and unredeemed, which the railroad records show amount to several million dollars. This, of course, would be added income to the roads.

To illustrate the wisdom and advantage to the railroads of lower rates, a simple illustration of fact will suffice. It costs to run a train from New York to Washington, New York to Buffalo, or any other distance, a specific sum per train mile, say, $1.60, whether the train contains a locomotive and two cars or a locomotive and 12 cars, and would it not be better for the railroads to haul a 12-car load at capacity, at say, 2½ cents per train mile per passenger, than to haul three cars at 3½ cents per train mile, and these cars not half filled, as they are running to-day? It should not be forgotten that one of the greatest fortunes ever accumulated honestly in this country was accomplished by figuring the costs and the profits in not dollars, not cents, but mills, and the greatest building in the world now stands as a monument to the one who had the wisdom and the foresight to realize that it was better to do a great business with small profit than a small business with big profit.

At present there are very few commercial travelers on the road because of this high cost of travel, and many of the men who are now out are using automobiles to far better advantage than railroad trains, particularly as it saves them baggage trouble and costs of transfer to and from the depots and the hotels, while large shippers have also discovered that they can use automobiles with better results than the railroads, to secure quicker and cheaper freight shipments. Several theatrical troupes are now traveling entirely by automobile, carrying their scenery and baggage with them in large trucks at a much less cost than though they traveled and shipped by rail, and many of the managers report that this method of travel is becoming so popular that it will develop rapidly until used by all "short jump" companies.

Due to this prohibitive cost of travel a depression exists in practically all lines of business, not only the railroads, the Pullman cars, and the hotels, but also the theaters, moving-picture houses, restaurants, department stores, drug stores, news stands, public conveyances, and even newsboys and bootblacks are feeling the decrease in business, and quite naturally it follows that our Government will also feel it in reduced income from its various sources of taxation, that would not have resulted under normal transportation conditions. The President in his wisdom has already suggested in his message to the Congress the necessity for a reduction in transportation rates.

As an evidence of the relief that the traveling public are finding in the automobile, reports show that the use of gasoline has increased over 700,000 gallons daily, compared with the same period last year, a further proof that smaller prices and bigger sales are worth while.

It may be recalled that less than a century ago it cost one shilling—about 25 cents—to pay postage on a letter in Great Britain, and under that system the Post Office Department was run at a loss. When a preacher named Roland Hill proposed to reduce this postage to 1 penny, about 2 cents, the idea was ridiculed, and no less a person than Lord Wellington opposed it as being absolutely absurd and nonsensical. The British Parliament, however, adopted it, and the result was a department that had been running at a loss became immediately successful in accomplishing a profit. History can repeat itself as experience has proven.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement proposed by the Senator from Arkansas? The Chair hears none, and it is so ordered.

REINTERMENT OF SOLDIER DEAD.

The PRESIDING OFFICER laid before the Senate a communication from the Acting Quartermaster General of the Army, transmitting a list of American soldier dead returned from overseas, to be reinterred in Arlington Cemetery Thursday, January 5, 1922, at 2.30 p. m., which was ordered to lie on the table for inspection by Senators.

REPORT OF WAR FINANCE CORPORATION (H. DOC. NO. 143).

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, chairman of the War Finance Corporation, transmitting, pursuant to law, the annual report of that corporation covering its activities for the year ended November 30, 1921, which was referred to the Committee on Finance.

RENTAL OF BUILDINGS, ETC., CAPITOL GROUNDS (S. DOC. NO. 110).

The PRESIDING OFFICER laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report of receipts from rentals of buildings, etc., situated upon the extension of the Capitol grounds, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. WILLIS presented resolutions adopted by the Central Labor Union of Piqua, Ohio, protesting against the elimination of the Secretary of Labor from the Cabinet, the reorganization of the Department of Labor, and the compulsory investigation of labor disputes for public information, which were referred to the Committee on Education and Labor.

Mr. CAPPER presented a resolution adopted by the fiftieth annual convention of the Kansas State Grange, at Chanute, Kans., commending the efforts of the American delegation to the Conference on the Limitation of Armament to make "peace on earth to men of good will" a reality, which was referred to the Committee on Foreign Relations.

Mr. ROBINSON presented a resolution adopted by the American Legion and citizens of Shirley, Ark., protesting against suspension of train operation over the Missouri & North Arkansas Railroad, which was referred to the Committee on Interstate Commerce.

Mr. CALDER presented a petition of sundry members of Huguenot Lodge, No. 46, Free and Accepted Masons, of New Rochelle, Westchester County, N. Y., praying for the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

Mr. LADD presented three letters in the nature of petitions from Charles B. Hall, E. R. Nobler, and Henry J. Brown, all of

Mount Pleasant, Iowa, praying for the passage of Senate bill 2342, to establish an honest money system where the medium of exchange will give equal benefits to every American citizen and wherein the credit of the Government shall be used for the benefit of all the people instead of banking corporations; to reduce the rate of interest of loans, encourage agriculture, the ownership of homes, and for other purposes, which were referred to the Committee on Banking and Currency.

He also presented petitions of sundry citizens of Flora, Mayville, McHenry, Glenfield, Courtenay, Kensal, Zap, Gardner, Raub, Turtle Lake, Minot, Mohall, Stanley, Burlington, Berg, Deslacs, Donnybrook, Willow City, Ryder, Coal Harbor, Emmet, and Garrison, all in the State of North Dakota, praying for the passage of Senate resolution 133, directing the Federal Trade Commission to investigate the conditions affecting the demand for foreign disposition, movement, and use of American exported grain, which were ordered to lie on the table.

He also presented resolutions adopted by a mass meeting of citizens held at Kuna, Idaho, December 10, 1921, and Local Union, No. 635, United Brotherhood of Carpenters and Joiners, of Boise, Idaho, favoring the passage of Senate bill 2604, to establish an honest money system where the medium of exchange will give equal benefits to every American citizen and wherein the credit of the Government shall be used for the benefit of all the people instead of banking corporations; to reduce the rate of interest of loans, encourage agriculture, the ownership of homes, and for other purposes, which were referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (H. R. 6380) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended, reported it without amendment and submitted a report (No. 375) thereon.

Mr. KENYON, from the Committee on Education and Labor, to which was referred the bill (S. 2749) to prepare for future cyclical periods of depression and unemployment by systems of public works, reported it without amendment.

ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on December 21, 1921, they presented to the President of the United States the enrolled bill (S. 2780) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LA FOLLETTE:

A bill (S. 2895) for the relief of Lieut. George H. Hauge, United States Army (with accompanying papers); to the Committee on Claims.

By Mr. McCUMBER:

A bill (S. 2896) for the relief of farmers in crop-failure areas of the United States who had borrowed money to repay to the Government of the United States money advanced to such farmers for the purchase of seed grain; and

A bill (S. 2897) to appropriate $5,000,000 for the purchase of seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture; to the Committee on Agriculture and Forestry.

By Mr. STERLING:

A bill (S. 2898) for the relief of Levi L. Conright; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 2899) for the relief of Capt. Charles A. Bell; and

A bill (S. 2900) for the relief of Bryan J. Roberts; to the Committee on Military Affairs.

By Mr. LA FOLLETTE:

A bill (S. 2901) to amend an act entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes," approved November 23, 1921; to the Committee on Finance.

By Mr. FRANCE:

A joint resolution (S. J. Res. 150) authorizing the President to call an international economic conference for the discussion of the economic problems and questions of international finance, particularly the problem created by the outstanding obligations between certain of the nations as the result of the World War; to the Committee on Foreign Relations.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on December 21, 1921, the President approved and signed the bill (S. 2780) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended.

RAILROAD AND FOREIGN STEAMSHIP CONTRACTS.

Mr. JONES of Washington. Mr. President, a short time ago, in response to a resolution of the Senate, copies of contracts between our railroads and foreign steamship lines were sent to the Senate and referred to the Committee on Commerce. At the same time the Interstate Commerce Commission sent down a summary of those contracts, which, I think, will be very useful to Senators who may not desire to take the time to read all of the contracts. I ask that the summary may be printed in the RECORD.

The PRESIDING OFFICER. If there be no objection, it is so ordered.

The summary was referred to the Committee on Commerce, and is as follows:

Agreement between Atlanta, Birmingham & Atlantic Railway Co. and the Strachan Shipping Co., entered into on January 18, 1917, to continue for five years, and thereafter indefinitely, with the right of either party to terminate the agreement on six months' notice, provides:

"As the railroad owns a line extending to Brunswick, Ga., and owns and operates certain deep-water terminal facilities at Brunswick, the purpose of the agreement is stated to be the building up of the export (and, if possible, import) traffic through that port. To this end the railroad company was, at all times, to lend its best efforts toward solicitation and development of that traffic. The agreement provided that the shipping company was to maintain neutrality in the routing of traffic as between all rail lines entering Brunswick. It was further provided that on account of the impracticability at all times of loading individual railway traffic from respective railway company's piers, steamers for all destinations would be loaded at the various Brunswick terminals to the best advantage of the steamers to be determined by the shipping company, with the distinct understanding, however, that sufficient steamers were to be loaded at Atlanta, Birmingham & Atlantic terminals, either wholly or in part, at the discretion of the shipping company, to lift an amount of cargo from said terminals equal to the total quantity of cargo brought to the port of Brunswick by the Atlanta, Birmingham & Atlantic for foreign movement by said steamers."

Agreement between Pennsylvania Railroad Co., Baltimore & Ohio Railroad Co., and the International Mercantile Marine Co., entered into on May 17, 1910, to continue for five years, provides:

"The International Mercantile Marine Co. was to have the exclusive support of the railroads, east and west bound, so far as can legally be done, in the trades to and from Baltimore and Antwerp, Baltimore and Havre, and Baltimore and London, London to be considered as a Pennsylvania Railroad port and Havre to be considered as a Baltimore & Ohio port, and when a full cargo is loaded to either port it is to be loaded at the respective terminals mentioned above. It was further understood that when conditions do not justify loading full cargoes to any one port, the steamers arriving from or going to more than one port are to be alternated between the Pennsylvania and the Baltimore & Ohio, so that the division of tonnage shall be equal, as nearly as may be. The steamers were to have free wharfage as in effect at time agreement was made."

Agreement between North German Lloyd (Ltd.) and the Baltimore & Ohio Railroad Co., entered into January 31, 1867, to continue for an indefinite period, but subject to termination on six months' notice by either party, provides:

"The party of the second part, the Baltimore & Ohio Railroad Co., bound itself to build and finish at its own expense, before the commencement of the regular trips of the line, the following accommodations and to keep these always in good condition, without charging the party of the first part, the Steamship Co., any rent, taxes, or expenses for repairs whatever, to wit:

"'(a) At a suitable place within the harbor of Baltimore a suitable pier, covered sheds, and necessary offices, and gates to shut the whole; (b) an adjoining coal yard; (c) a warehouse for goods.'

"The railroad company was to keep the wharf accessible for the vessels and the other premises always ready for use and was to try and procure for the warehouse the privilege of a bonded warehouse and to secure exemption for the vessels from city harbor and county taxes, also agreeing to use its influence in obtaining the English mails for the steamers. The agreement also provided that the Baltimore & Ohio was to deliver coal at a price always 50 cents per ton less than the market value at Baltimore, and never to exceed $5 per long ton, such coal to be for the use of the vessels. The lowest rates charged to other parties were to be charged for goods and passengers of and for the ships of the North German Lloyd Line over the roads of the Baltimore & Ohio."

Agreement between the Baltimore & Ohio Railroad Co. and the Scandinavian-American Line, entered into December 24, 1917, to continue for a period of five years, with an option to renew for a like term, provides:

"The steamship company was to maintain regular sailings between Baltimore and Copenhagen and/or Christiania, primarily for the carriage and accommodation of freight transported by or over the lines of said Baltimore & Ohio and its connections. The steamers were to receive and discharge their cargoes at the Locust Point terminals of the Baltimore & Ohio, and the steamship company agreed to cooperate with the railroad in promoting through traffic over the lines of the Baltimore & Ohio by the port of Baltimore.

"The railroad company agreed to furnish free wharfage accommodations for the steamers, and to perform any necessary dredging adjacent to the wharves so that the vessels could dock freely. The Baltimore & Ohio was at all times to use its best endeavors in promotion of the steamship business and maintenance of service.

Agreement between the Baltimore & Ohio Railroad Co. and the Donaldson Line (Ltd.), entered into January 27, 1917, for a period of 10 years, provides:

"The steamship company was to maintain regular sailings between Baltimore and Glasgow, primarily for the carriage and accommodation of freight transported by or over the lines of said Baltimore & Ohio Railroad and its connections. The steamers were to receive and discharge their cargoes at the Locust Point terminals of the Baltimore & Ohio, and the steamship company agreed to cooperate with the railroad in promoting through traffic over the lines of the Baltimore & Ohio by the port of Baltimore.

"The railroad company agreed to furnish free wharfage accommodations for the steamers and to perform any necessary dredging adjacent to the wharves so that the vessels could dock freely. The Baltimore & Ohio was at all times to use its best endeavors in promotion of the steamship business and maintenance of service."

Agreement between the Baltimore & Ohio Railroad Co. and the Johnston Steamship Lines (Ltd.), Furness, Withy & Co. (Ltd.), proprietors, to take effect as of November 1, 1916, and to continue for a period of 10 years, provides:

"The steamship company was to maintain regular sailings between Baltimore and Liverpool, primarily for the carriage and accommodation of freight transported by or over the lines of the Baltimore & Ohio and its connections. The steamers were to receive and discharge their cargoes at the Locust Point terminals of the Baltimore & Ohio and the steamship company agreed to cooperate with the railroad in promoting through traffic over the lines of the Baltimore & Ohio by the port of Baltimore.

"The railroad company agreed to furnish free wharfage accommodations for the steamers and to perform any necessary dredging adjacent to the wharves so that the vessels could dock freely. The Baltimore & Ohio was at all times to use its best endeavors in promotion of the steamship business and maintenance of service."

Agreement between the Cunard Ssteamship Co. and the Boston & Albany Railroad Co. (New York Central & Hudson River Railroad Co., lessee), entered into July 3, 1901, and to continue for a period of 10 years, and thereafter indefinitely, but subject to termination on 1 year's notice by either party, provides:

"The steamship company agreed to dock its vessels exclusively at docks of railroad company in Boston and there discharge and receive cargoes, if it could safely do so, and to give preference to the railroad company, provided its rates were as low as its competing lines. The steamship company was to collect all wharfage charges and to account to the railroad company for same, less 25 per cent as commission.

"The railroad company agreed to reserve a large portion of its piers for the exclusive use of the vessels of the steamship company and to keep the approaches dredged properly at all times so the vessels may keep afloat. The railroad company agreed to provide at all times for delivering, free of charge, grain from its elevators into the holds of the company's vessels, and to maintain and keep in good working condition all piers and erections thereon, not damaged by the steamship company. The railroad company was to make all reasonable efforts to secure the amount of export freight required by the steamship company, and to make as low rates as those of its competitors. The railroad company was to give the steamship company as advantageous terms and facilities as it allowed any other steamship company using its wharves."

Agreement between Leyland Steamship Line and the Boston & Albany Railroad Company, entered into September 28, 1899, and to continue for an indefinite period, subject to termination on one year's notice from either party, provides:

"The steamship company agreed to dock its vessels exclusively at the docks or wharves of the railroad company, and there discharge and receive its cargoes, so far as it could safely do so, and to give preference and to use its influence in favor of said railroad company, provided its rates were as low as its competing lines.

"The railroad company agreed to reserve a portion of its piers for the exclusive use of the steamship company and to make all reasonable efforts to secure the amount of export freight required by the steamship company, and to make as low rates as those of its competitors. The railroad company, to enable the steamship company to secure freight on reasonable terms in territory not accessible to the railroad company or its connections, further agreed to establish reduced rates with the several divisions of the Boston & Maine, which rates were to include wharfage, labor, and switching charges."

Memorandum of understanding governing the interchange of traffic at the port of Boston, Mass., between the France & Canada Steamship Co. and the Boston & Maine Railroad, entered into on October 27, 1920, but which could be terminated by the railroad at any time, provides:

"The railroad, in so far as possible, was to handle the vessels of the steamship company at Pier 48, provided due notice of their arrival was received. It further agreed to provide necessary wharfage room and cars for cargo and to render the usual facilities for the proper conduct of the traffic, any additional facilities required by the steamship company, including extra lighting, water for vessels, etc., to be paid monthly by the steamship company. No exclusive right to Pier 48 was contemplated, and the steamship company was to pay all storage and tariff charges as named in tariffs filed. The steamship company was to collect wharfage charges as per regulations in effect at the port of Boston and pay 75 per cent over to the railroad. Free use of office space was given the steamship company."

The next nine documents should be considered together, as their provisions are the same, except for necessary changes in names, ports, etc.

The first is entitled "Memorandum of Understanding Covering Interchange of Traffic Between Boston & Maine Railroad and the Fowey Line at the Port of Boston, Mass.," and was executed on June 8, 1917.

The second is entitled "Memorandum of Understanding Covering Interchange of Traffic Between Boston & Maine Railroad and the Sweden-Norway Line at the Port of Boston, Mass.," and was executed on June 8, 1917.

The third is entitled "Memorandum of Understanding Covering Interchange of Traffic Between Boston & Maine Railroad and the Leyland Line at the Port of Boston, Mass.," and was executed on June 8, 1917.

The fourth is entitled "Memorandum of Understanding Covering Interchange of Traffic at the Port of Boston, Mass., Between the Boston & Maine Railroad and Furness, Withy & Co. (Ltd.), in Connection with Steamship Services of the Latter Company Between the Port of Boston and Various Ports in the United Kingdom of Great Britain and Ireland."

The fifth is entitled "Memorandum of Understanding Covering Interchange of Traffic Between Boston & Maine Railroad and the American & Indian Line at the Port of Boston, Mass.," and was executed on June 8, 1917.

The sixth is entitled "Memorandum of Understanding Covering Interchange of Traffic Between Boston & Maine Railroad and the China & Japan Steamship Line at the Port of Boston, Mass.," and was executed on June 8, 1917.

The seventh is entitled "Memorandum of Understanding Covering Interchange of Traffic Between Boston & Maine Railroad and the Scandinavian-American Line at the Port of Boston, Mass.," and was executed on June 8, 1917.

The eighth is entitled "Memorandum of Understanding Covering Interchange of Traffic Between Boston & Maine Railroad and the Red Star Line at the Port of Boston, Mass.," and was executed on June 8, 1917.

The ninth is entitled "Memorandum of Understanding Covering Interchange of Traffic Between Boston & Maine Railroad and the Wilson Line at the Port of Boston, Mass.," and was executed on June 8, 1917.

"The agreements between the Boston & Maine Railroad and the different steamship companies are the same, and provide: No exclusive facilities were to be furnished by the Boston & Maine to the steamship lines, but the former undertook to handle the steamers at particular wharves specified; otherwise at such space as may be available at Boston & Maine Railroad terminals on arrival of vessel. Traffic exchanged between the railroad company and the steamship companies was to be subject to the regular wharfage charges of the port. Traffic on which wharfage or half wharfage is assessed does not come into the possession of the Boston & Maine Railroad as a common carrier; wharfage charges are collected by the steamship companies, 75 per cent being remitted to the railroad and 25 per cent retained by the steamship companies, for this service."

Agreement entered into December 30, 1905, to continue for five years, but subject to termination on 12 months' notice from the steamship company to the railroad companies, between the Virginia Line and the Chesapeake & Ohio Railway Co., the Norfolk & Western Railway Co., and the Southern Railway Co., provides:

"The steamship company was to maintain regular sailings between Norfolk or Newport News, Va., and London and Liverpool for the accommodation of freight transported over the lines of the railroad companies. So far as the railroad companies could control the same, all goods, etc., intended for export to ports mentioned, were to be shipped over the steamship line. The rates of freight to be paid the steamship company were not to be less than the Baltimore ocean freights for the same articles. All freight engagements made by the railways were subject to confirmation by the steamship company. When goods were imported into the country under through rates, the inland rates were to be the same as the Baltimore inland all-rail rates on similar goods.

"The railroad companies were to extend their best efforts to promote traffic over the lines of the steamship company, and the steamship company was to use its best efforts to promote the traffic over the railway companies' lines. The railway companies were to afford the steamship company every reasonable facility for the reception and delivery of traffic, and were to act as agents of the steamship company in the solicitation of freight traffic, free of charge. The railway at whose port the vessel called was to make no charge for wharfage."

A supplemental agreement, dated July 22, 1910, shows that the Furness Withy Co. had acquired the interest of the Virginia Line, and its name was substituted in the above agreement. The supplemental agreement also provided for the extension of the principal agreement for a period of five years from October 1, 1910, upon the same terms.

Agreement between Osaka Mercantile Steamship Co. (Ltd.) and the Chicago, Milwaukee & St. Paul Railway Co., dated ——— day of ———, 1908 (to take effect from date of signing), and to continue until March 1, 1919, provides:

"The railroad company was to establish and maintain the necessary train and terminal service to promptly and properly handle the traffic to be delivered to and received from the steamship company. Each party agreed not to become interested in any other steamship or railroad company that might be in competition with the other. The railroad company was to get the preference in shipments of freight, and freight tendered to the steamship company by the railroad company was to be given the preference. The earnings upon the joint through freight business were to be divided between the parties in certain proportions named in the agreement.

"The steamship company was to represent the railroad company in Japan and China, and in the United States and Canada the railroad company was to represent the steamship company, without commission on either side, and both parties could issue through bills of lading covering transportation over the other. The railroad company was to construct and maintain the necessary safe berths for the docking of the vessels of the steamship company, together with a warehouse for the interchange of freight, at its own expense. Neither party was to do or to permit its agents to do anything in violation of the interstate commerce law."

Agreement entered into May 6, 1915, to continue to May 1, 1925, with privilege of renewal, between the Delaware, Lackawanna & Western Railroad Co. and the Atlantic Fruit Co.

As the railroad company owned certain wharf and dock premises in the East River, and as the fruit company, operating a line of steamers between New York and Central and South America, desired to secure wharf facilities in New York City, the agreement provided:

"The steamship company could use so much of the pier of the railroad company as it required for the proper handling and storage of its cargoes, space to be provided for the receipt of cargo in advance of sailing. The fruit company, at its own expense, agreed to comply with all regulations of the city, State, and Nation governing the port.

"The railroad company was to keep the premises in good condition, and each party was to endeavor to promote the business of the other. For damages to the piers, etc., caused by fire or the elements deduction in the rent charged the fruit company should be made. The fruit company was to pay $10,000 per annum for the use of the premises, and also to pay its fair proportion in keeping the slip dredged."

Agreement entered into between Grand Trunk Railway System and White-Star-Dominion Line, to take effect August 12, 1913, and continue indefinitely, provides:

"Steamship service shall be maintained between Portland, Me., and Liverpool by the steamship company. Railroad company was to give active support in connection with traffic and provide full cargoes as far as practicable at rates named by the steamship company, which, it was understood, were to be based on rates prevailing from Boston. The steamship company was to cooperate in the solicitation of such traffic. All bonding charges on import and export traffic were to be absorbed by the railroad company. Elevating of grain was to be done by the railroad company at its own expense, and free wharfage was to be given the vessels of the steamship company. Rates the same as to and from Boston were to be charged, both on import traffic and traffic

intended for export. Steamship company was to be responsible to the railroad company for collection of all inland charges on eastbound freight."

Supplemental agreement entered into April 20, 1912, between Great Northern Railway Co. and the Nippon Steamship Co. provides "that as the steamship company had a previous agreement with the railroad company for the use of certain of its wharves at Seattle and it now desired to secure from the railway company clerical assistance in manifesting cargoes to its boats at said wharves, the railway company agreed to furnish such clerical assistance for such purposes, and the steamship company was to pay $10 for such assistance for the sailing of each of its vessels."

Agreement entered into between Great Northern Railway Co. and Great Northern Express Co. and the Nippon Steamship Co., dated November 1, 1911 (canceling agreement of Nov. 1, 1908), to continue for 10 years, with right of termination by either party on 12 months' notice, provides:

"Steamship company was to maintain service between Seattle and Japan and return. Railroad company was to designate wharves at which vessels should dock, and were to exercise its best endeavors to secure exemption from or reduction in port, pilotage, lighthouse, dues, etc. Each party was to use its best endeavors to secure through cargoes, and could issue through bills of lading. All expenses in connection with clearances of cargoes were to be borne by the railroad company. The railroad company could determine and name railway lines and express companies over which through cargoes should be carried. Railroad company was to forward through cargoes on lines of steamship company only, save under exceptional circumstances. Each company was to act as the agent of the other in their respective home lands."

Agreement between the Mobile & Ohio Railroad Co. and Munson Steamship Line, effective November 15, 1905, to continue in effect for 20 years, provides:

"Steamship company operated a line between Mobile, Ala., and points in Cuba and other West Indian ports. Railroad company was to give steamship company adequate and safe facilities for docking its vessels free of charge, which were also to be maintained by the railroad company in a safe condition. The railroad's labor force on the pier was to be under the control of the steamship company.

"The steamship company was to unload all its inbound and outbound traffic at said pier, but there was to be no discrimination against the Mobile & Ohio. The parties mutually agreed to promote each other's traffic, but nothing in the agreement was to conflict with the interstate commerce act."

An agreement was entered into on December 28, 1917, to continue indefinitely between various steamship agents and various railway companies, all reaching and serving the port of New Orleans, by which the steamship agents agreed to pay all demurrage charges of the railroad companies accruing at New Orleans under the same terms and conditions as the demurrage rules filed by the companies with the Interstate Commerce Commission.

An agreement of the New York, Ontario & Western Railway Co. provided that through export bills of lading will be issued only when founded on written ocean contract, and then only when shipper gives written guaranty that any demurrage or storage charges accruing at the seaboard will be paid.

EXCEPTION NO. 1.

"Under an agreement between the Railroad Administration and the Shipping Board on behalf of steamship lines serving North Atlantic ports it was provided:

"Through export bills of lading will be issued only when founded on written ocean contract and on traffic moving under railroad transportation permit.

"Carload freight covered by through export bills of lading will be held in warehouse for 15 days free of charge; after that regular tariff and storage charges as on file with Interstate Commerce Commission shall apply.

EXCEPTION NO. 2.

"On export carload freight moving in connection with steamship lines not named in exception No. 1, the same rules as contained in exception No. 1, except it provides for only 10 days' free time."

An agreement dated December 30, 1905, between Virginia Line and the Chesapeake & Ohio Railway Co. and the Norfolk & Western Railway Co., to continue for five years from October 1, 1905, but subject to termination on 12 months' notice, provides:

"The steamship company shall maintain regular sailings between Norfolk, Newport News, and Liverpool or London. All goods passing over railway companies for export shall be forwarded over vessels of company at rates not less than the Baltimore rates. The inland rates on through shipments shall be the same as the Baltimore rates on same shipments. Freight engagements made by the steamship company were to be reported to and confirmed by the railroad companies. There were mutual agreements to promote and improve the service of each other. The railroad companies were to offer every reasonable facility for the reception and delivery of all traffic from the steamship company to the railroad companies and to act as agents of the steamship company free.

"By a supplemental agreement the Furness Withy Co. was substituted for the Virginia Line, and the agreement was extended to October 1, 1910."

Memorandum of understanding between the Northern Central Railway Co. and the International Mercantile Marine Co. on import traffic handled over the International Mercantile Marine Pier in Baltimore Harbor, formerly known as the Atlantic Transport Pier.

This arrangement was to take effect January 1, 1904, was subject to cancellation on three months' notice, and was subject to revision January 1, 1905. It provides:

"As the steamship lines maintain and operate their own piers for the handling of all import traffic, the Northern Central Railway Co. agrees to pay the International Mercantile Marine Co. 40 cents a ton on all import traffic forwarded in cars over the railroad to any point reached by said line or connections where the freight rate is $1 or more per ton, but in no case is this allowance to exceed more than $8,000 per annum. When a charge for the storage of freight on piers is collected from the owners such revenue shall be retained by the steamship company, but the steamship company is to make no charge for storage when requested not to by the railroad company."

Memorandum of agreement made on October 5, 1909, between the Northern Central Railway Co. and Furness, Withy & Co. (Ltd.), to continue in effect for an indefinite term, provides:

"The purpose of the agreement was to establish and develop the trade between Baltimore, Md., and Leith, Scotland, and vice versa.

"The railroad company agreed that it would provide, without expense to the steamship company, the necessary dock accommodations at its terminals at Canton for the loading and discharging of steamers, with suitable offices on the dock for the use of the steamship company. The railroad company was to use its best endeavors to promote the interests of the steamship company.

"The steamship company agreed to provide two steamers a month, both eastbound and westbound, and that it would, whenever possible, deliver to the railroad company all freight imported over their line from or through Leith and bound to points on the railroad company and its connections. Each party was to exercise its best efforts to promote the interchange of business tributary to both companies as against their competitors."

Memorandum of agreement for the handling of import and export freight via the port of Philadelphia between the International Mercantile Marine Co. and the Pennsylvania Railroad Co., effective November 1, 1913, continuing indefinitely, but subject to cancellation on three months' notice. The agreement provides:

"As the steamship company desires to use certain piers belonging to the railroad company, the railroad company agreed to allow the steamship company the free use of said piers under the conditions: The piers are not to be used for storage, save with permission of the railroad company. The railroad company was to have the use of the piers at any time for docking steamers, provided it did not interfere with the steamship company. The railroad company was to do the necessary dredging, to make repairs, and to insure the piers, bulkhead sheds, etc.

"The steamship company assumed the cost of heating, lighting, and policing the docks, sheds, etc. The steamship company was to perform the labor in loading and unloading cars, but the railroad company was to pay 20 cents a ton to the steamship company as its share of such expense, except that this arrangement was to apply only to traffic exchanged with the railroad company and handled over the piers, and was not to apply to traffic such as grain and lightered freight which was not so handled."

Agreement entered into so as to become effective on January 1, 1910, and to remain in effect for three years, between F. D. M. Strachan and the Southern Railway Co. provides:

"For the purpose of mutual benefit and to build up commerce between Brunswick, Ga., and foreign ports:

"The steamship company agreed to have such regular sailings as the traffic justified, and the railway company agreed to use its best efforts to obtain such cargoes at ocean rates, having a fair relation to rates from South Atlantic ports, as would insure the successful operation of the vessels. The steamship company was to land and take cargoes at the docks of the railway company free of expense. The railway company agreed, if lawful, not to issue through bills of lading by steamers sailing from Brunswick other than those of the steamship company. The steamship company was not to enter into any agreement to supply ocean service to others without consent of the railroad company. If there was any import business developed at this port, the railway company was to have the preference in handling it."

"By letter dated February 3, 1916, the railway company agreed to pay Mr. Strachan, of the steamship company, $4,000 per year, together with pay roll, etc., expenses, for handling export arrangements at Brunswick."

Agreement entered into August 15, 1906, to continue in effect for one year, and thereafter indefinitely, subject to termination on 60 days' notice, between the Southern Railway Co. and the Munson Steamship Line, provides:

"Steamship company was to operate a service between Mobile and Habana and other Cuban ports, together with sailings for Mexican and West Indian ports, as the traffic warranted. Each company mutually agreed to stimulate and increase the traffic over the other's line. The railroad company agreed not to discriminate against the traffic of the steamship company, and the steamship company agreed not to discriminate against the traffic of the railroad company. The agreement was not to conflict with the interstate commerce act."

Agreement entered into July 8, 1910, to continue in effect until August 31, 1911, and thereafter for an indefinite period, subject to termination on 6 months' notice, between the Mobile Liners (Inc.) and the Southern Railway Co. and Mobile & Ohio Railway Co., provides:

"For the purpose of mutual benefit and to build up commerce between Mobile, Ala., and foreign ports:

"The steamship company agreed to have such regular sailings as the traffic justifies, and to provide at least 50 per cent of regular line tonnage for the cotton trade.

"The railroad companies agreed to provide the steamship company with properly equipped berths for discharge and receipt of cargoes. The steamship company agreed to give preference as regards storage space and handling cargo to the railroad companies. No dockage, wharfage, or other charges were to be assessed against the steamship company's vessels, and the railroad companies were to do whatever dredging was necessary. Prompt and efficient switching was to be performed of all cargo in cars ordered to vessels of the steamship company. If for any reason the vessels were obliged to dock at other wharves, the railroad companies would be responsible for such cost, provided their rails reached such dock. The steamship company agreed to insure to the railroad companies ocean rates not higher than those prevailing on competitive export traffic from New Orleans. The steamship company was not to enter into any agreement to supply ocean service from Mobile with other transportation companies save by permission or consent of the railroad companies. The steamship company further agreed not to accept lower rates from any other railroads, etc., than are accepted from these railroad companies, and agreed to work preferentially with the railroad companies on competitive business. The railroad companies were to have the preference in transporting any import traffic. The railroad companies were to give the steamship company first offer of any cargo controlled by them."

Agreement entered into May 13, 1912, to continue from September 15, 1912, for 10 years, and thereafter subject to termination on six months' notice, between the Munson Steamship Line and the Mobile & Ohio and Southern Railway Cos., provides:

"The purpose of the agreement was to upbuild commerce between Mobile, Ala., and South American ports. For such purpose the steamship company was to furnish regular sailings as the volume of traffic warranted. The railroad companies were to work exclusively with the steamship line on all matters of water transportation on business through the port of Mobile. The steamship company agreed to do all in its power to stimulate traffic over the line of the railroad com-

panies. The steamship company agreed not to operate any vessel service between Gulf ports and South American ports, except on yellow-pine lumber, except with the consent of the railroad companies. The railroad companies agreed to do all in their power to expand the traffic from the territory served by them over the steamship line.

"The railroad companies agreed to furnish piers for the steamers of the steamship line, and the steamship line could erect thereon any labor-saving device it wished, to be the property of the steamship company. The railroad companies could agree to purchase such devices or machinery. The railroad companies were to furnish inspectors to supervise the loading of freight on cars when done by the steamship company. The railroad companies agreed to keep the pier in good condition and repair and do any necessary dredging, while the steamship company agreed to load and discharge all traffic at said pier.

"The steamship company, in the interchange of traffic, was not to discriminate in any way against the railroad companies, and was not to enter into any traffic contract with other rail lines at Mobile without the approval and consent of the railroad companies.

"Nothing in the agreement was to be permitted to conflict with the interstate commerce act."

Memorandum concerning intention of United States Railroad Administration of issuing through bills of lading on shipments of overland exports and imports through Puget Sound and Columbia River ports in connection with only such water carriers, and of doing business with only such dock operators at said ports as will assent to the following:

"A charge of 30 cents a ton on outgoing cargo and of 25 cents a ton on incoming cargo, to be made by dock as wharfage on all cargo passing over same. On outgoing cargoes this charge was to appear on bill of lading of rail carrier, and on incoming cargoes it was to appear in bill of lading of water carrier and be by it collected. The rail carrier was to unload the cargo from cars and put same at proper place on dock, from which place it was to be taken by the water carrier. The prices to be agreed upon between the parties were to be fair and just, covering actual expense of handling, supervision, charge, etc. The manner of assessing demurrage charges is then stated."

Memorandum of agreement entered into September 1, 1920, for an indefinite period, but which may be terminated on 60 days' notice, by and between the General Steamship Corporation and the Union Pacific Railroad Co., Oregon Short Line Railroad Co., Oregon-Washington Railroad & Navigation Co., and the St. Joseph & Grand Island Railway Co. provides:

"The Steamship Corporation intends to establish monthly sailings between Seattle, Wash., and principal New Zealand and Australian ports, in addition to sailings between Seattle and Central and South American and Mexican ports, and it is desired that the parties to the agreement enter into preferential relations with respect to the routing of traffic.

"Wherever possible the Steamship Corporation agrees to route inbound and outbound traffic via the lines of the railroads, and the railroad companies agreed to prefer the vessels of the steamship line. The Steamship Corporation was to furnish railroad companies any information it might have as to movements of traffic, so as to give the railroad companies a chance to compete for same."

RUSSIAN TRADE.

Mr. CALDER. I ask unanimous consent to have printed in the RECORD an editorial from the News Scimitar, of Memphis, Tenn., in relation to the recent address by the Senator from Maryland [Mr. FRANCE] in regard to Russian trade.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[Editorial from the Memphis News Scimitar of Dec. 20, 1921.]

RUSSIAN TRADE.

Senator FRANCE, who recently returned from Russia, denies the charge that has been so frequently made that he favors the recognition of the Russian Government.

On the other hand, the Senator declares that he has urged upon the Secretary of State the importance of sending a commission to Russia to investigate conditions and to discuss with the de facto government questions of possible difference between the two countries.

In his opinion the time is opportune to begin negotiations with Russia with the view to helping her people solve the problems concerning them, and to open up the markets of Russia to American goods.

Senator FRANCE spent some months in Russia, during which time he made careful study of conditions, and like most other men who have been there in recent months, recognizes the possibility for the utilization of commodities for which there is no market at present in this country.

In the course of his statement setting forth his interest and his reason for advocating the appointment of a commission to visit Russia, he says:

"My interest in the rehabilitation of Europe has been prompted by my interest in the welfare of the farmers, of the workers, and of the business men of America. We are suffering here an agricultural, industrial, and financial depression which is wholly unnecessary and which is due to the fact that we are not able to sell our surplus foodstuffs and manufactured articles to Europe. During the first 10 months of 1920 our exports were in round numbers $6,800,000,000, while in the same period of 1921 they were approximately $3,800,000,000.

"I called attention to the fact that this sum of $3,000,000,000 would have been more than sufficent to pay 4,000,000 men $70 a month for 10 months. Our exports have fallen off while Europe requires our goods in quantities perhaps as great as those required during the period of the war. Our farmers have on hand great supplies of wheat, corn, cotton, and wool, while millions of people in Europe face starvation and disease or death from exposure to the cruel blasts of winter unprotected by the proper clothing. Our shoe factories are marking time while millions in Europe must walk the winter snows unshod. Many of our machinists, our steel workers, are idle. Our railroad equipment, factories, all lines of industry are running but a portion of the time, while Russia needs machinery, steel products, railroad equipment, tools, and almost every conceivable manufactured article. America should have an opportunity of supplying this need for her own interest and for the sake of humanity.

"The policy of sending a commission to Russia is not a radical policy. It is one conceived for the very purpose of looking after our trade interests, as the British, as the Italians, as the Germans, as the Chinese, and as other countries are looking after theirs in Russia. We have been relying entirely upon the information furnished us by other countries concerning Russia, whereas undoubtedly those countries have been and are interested in keeping us alienated from the Russian people and separated from the great Russian markets."

It is true that so long as this country relies upon information furnished it by other nations for the determination of its trade policy it will remain in the dark.

The United States is as capable as any other nation of investigating conditions in Russia, and unless it sends its own representatives to that country it is not likely to learn very much about it. The other nations will tell us just what they want us to know, which is nothing.

RELIEF OF DISTRESS IN RUSSIA—CONFERENCE REPORT.

Mr. SMOOT. I submit the conference report on the bill (H. R. 9548) for the relief of the distressed and starving people of Russia and ask for its present consideration.

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9548) for the relief of the distressed and starving people of Russia.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9548) for the relief of the distressed and starving people of Russia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2, and from the amendment of the Senate amending the title of the bill.

REED SMOOT,
W. L. JONES,
Managers on the part of the Senate.
JOHN JACOB ROGERS,
H. W. TEMPLE,
TOM CONNALLY,
Managers on the part of the House.

Mr. ASHURST. Mr. President, what I am required to do this morning is apparently ungracious, as the Congress desires to adjourn for the holidays, but my task must be performed. I shall restrain the oratorical impetuosity and tumultuous emotion which I feel as I reflect upon the foul injustice that is being perpetrated upon many of our ex-service men suffering from tuberculosis. I now thank not only the conferees on the part of the Senate but also the conferees on the part of the House on the Russian relief bill. They accorded to me a privilege not usually extended to Members of either House. I made it known to the conferees that I desired to be heard on my two amendments, which the Senate adopted, to the Russian relief bill, and the chairman of the conference committee [Mr. SMOOT] was so kind as to come to me and advise me that they were in session. I was accorded, not only by the Senate conferees but also by the House conferees, a patient hearing, and I have reason to believe both of my amendments would have been agreed to had it not been for the reactionary and archaic rules of another branch of Congress which prevented the House conferees from agreeing to the amendments. I have, therefore, no quarrel with the conferees on this bill, but I quarrel with the rules of another body of the Congress.

I direct attention to the somnolence that has come upon the American Congress, a sleepiness which neither "poppy nor mandragora nor all the drowsy sirups of the world could produce." I am at eternal war with this Congress or any Congress that will be silent, inert, and asleep when it should be lit by the passion of justice. Meanwhile what are the facts?

On the 17th of last October I received the following telegram from the governor of Arizona, a gentleman of good judgment and of accurate expression:

PHOENIX, ARIZ., *October 17, 1921.*

Senator HENRY F. ASHURST,
Washington, D. C.:

Director Forbes of Veterans' Bureau has submitted report to President strongly urging immediate action to meet present emergency arising from needs of hundreds of disabled former service men who, with approach of winter, are pouring into Arizona, where facilities for their care are very inadequate. He recommends immediate completion of Whipple building program through letting of contracts, it being obvious that under system now in effect winter will be well over before any of the buildings now under construction will be ready for occupancy. Maj. Louis T. Grant, manager Veterans' Bureau, twelfth district, is now in Washington, and I therefore urge that Arizona congressional delegation take prompt action, conferring with Maj. Grant and Director Forbes and calling on the President, bringing strongly to his attention the desperate situation in which these men find themselves and pointing out necessity for immediate action along following lines: Speeding up of construction program at Whipple, establishment of vocational-training center at Prescott, acquirement of additional hospital facilities at Phoenix, and construction of cottages at Tucson to accommodate approximately 300 more patients. The need is very real, and I urgently bespeak your hearty cooperation.

THOMAS E. CAMPBELL,
Governor.

Immediately upon the receipt of that telegram I called upon Mr. C. R. Forbes, Director of the United States Veterans' Bureau, and he said to me, "Senator, the governor has not overstated nor misstated the situation. We are trying to save the lives of the tubercular ex-service men who are pouring into the Southwest. We must have action, and we must have the nerve to sever the damnable red tape that is hindering efficient work."

Now, Mr. President, whether the common opinion of our countrymen to the effect that the Southwest with its balmy air and salubrious climate is a specific for tuberculosis is erroneous or not, nevertheless it is the common opinion not only of the laity but of many members of the medical profession that the Southwest is a specific for tuberculosis. I do not argue that question at this time. I leave the question to the physicians to answer; but I do assert, and no Senator would deny, that it is a common belief throughout our country that those persons suffering from tuberculosis who go to the Southwest find relief from the great white plague and that there the progress of their disease is arrested.

Therefore many ex-service men suffering from tuberculosis which they contracted while in the honorable service of their country drift into the Southwest, largely at their own expense, not by the dozens but by the scores. The local physicians there have measured up splendidly to their high and arduous profession; the charitable organizations, the State authorities, and the county authorities have done their full duty in attempting to care for these men, and yet with all the superb work that the people have done, that the State has done, and that the Public Health Service has done, there still remains much more to be done. I could litter these desks with letters from ex-soldiers in Arizona who have gone there in search of health and are now suffering from the lack of proper hospitalization.

On December 12 when the deficiency appropriation bill was before the Senate I offered the following amendment thereto, and the same was agreed to by the Senate:

That the Director of the United States Veterans' Bureau is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto, vehicles, live stock, furniture, equipment, and accessories, and also to provide accommodations for officers, nurses, and attending personnel, and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named therein. Such hospital plants and the location and nature thereof, whether for the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau.

That for carrying into effect the preceding paragraph relating to additional hospital facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000 to be immediately available and to remain available until expended.

In support of that amendment I spoke, in part, as follows:

Mr. ASHURST. Mr. President, the time has arrived in the progress of hospitalizing the ex-service men when no further explanations or excuses may be offered. The situation is one which calls for immediate action. There is in this pending bill a provision to appropriate $1,000,000 to enable the Government of the United States to take part in the International Exposition at Rio de Janeiro. Naturally the opulent Government of the United States, which courts and deserves the esteem of other powers and other peoples, can not be oblivious to the fact that we should in due time take our proper part in the International Exposition at Rio de Janeiro, which will require the expenditure of $1,000,000; but are we prepared to vote $1,000,000 to take part in the International Exposition at Brazil when in one town in the United States 950 tubercular soldiers are suffering from neglect? Are Senators ready on their conscience to say that they prefer that this $1,000,000 shall be spent for an international exposition rather than for the hospitalization of tubercular soldiers? * * * On Armistice Day we had services in honor of the unknown dead; and the private soldier was permitted to stand on the sidewalk and see the procession go by. Fifty thousand dollars were appropriated by Congress for the purpose of making arrangements for the exercises, and this sum was spent in giving admirals and generals and high foreign dignitaries seats; but the "gold star" mother received scant attention; no gold-star mother was brought here to participate in those exercises. All the soft seats and all the carriages and the equipages were preempted by generals and admirals and high foreign dignitaries. Now, with ex-service men suffering from neglect on the streets of Phoenix, Ariz., we are going to "shell out" $1,000,000 to participate in an exposition in Brazil, but refuse to hospitalize those who stood in the iron storm of war and breathed poison gases in order that our civilization might be saved.

* * * * * * *

On the same bill to which my amendment was attached appropriating $1,000,000 for further hospitalization of ex-soldiers there was also attached by the Senate an amendment appropriating $100,000 to be expended by the Department of Labor in bringing the man to the job and the job to the man. I had the honor to be present at a meeting of the unemployment conference called by President Harding. I there met workingmen whose speeches showed that they possessed fully as firm a grasp upon fundamentals in government as any Senator here.

The unemployment conference recommended that $400,000 be spent by the Department of Labor in finding employment for those who desire to work; not to be spent in bounties, gifts, and largesses out of the Treasury, but to assist honest, upstanding workingmen to find a chance and an opportunity to earn their daily bread.

The time has come in Congress and out to stop this soft talk; this ballyho and this twiddling of melting notes on the harp of sociability and acquiescence; the time has come to act. When this $400,000 item for finding employment for idle men reached Gen. Dawes his knife and scalpel carved the amount to the bone, but even Gen. Dawes found that $200,000 was absolutely necessary, so he recommended that sum.

The emotionless, self-contained, and detached Senate felt, however, that Gen. Dawes had been extravagant, so the Senate adopted an amendment appropriating only $100,000, or one-half the amount Gen. Dawes said was necessary.

When this deficiency bill reached the conference committee on the disagreeing votes of the two Houses, my amendment appropriating $1,000,000 for further hospitalization of ex-service men and the amendment providing $100,000 to relieve unemployment lasted about as long as would a waxen taper in a blazing temple and both were rejected by the conferees.

On December 14, when the conference report on the deficiency bill was considered by the Senate, I spoke in part as follows:

Mr. ASHURST. I shall not take time now to go over the ground I traversed on last Monday. The Senate will remember that I presented a status of affairs which I believe convinced every Senator of the necessity for immediate action regarding the hospitalization of tubercular soldiers. The Senate adopted my amendment which appropriated $1,000,000 to be spent by the director of the United States Veterans' Bureau or in such other manner as the executive branch might see fit, for the hospitalization of tubercular soldiers who were gathering in large numbers throughout the Southwest, attracted there, as I said, by the widespread opinion, shared not only in the West but throughout all portions of our country, that in the Southwest a specific, the healing air, could be found for their great plague, tuberculosis.

The Senate was convinced that a real necessity existed.

I did not happen to have in my pocket or amongst my papers on Monday, when I made my speech on this subject, a telegram which I shall now read. This is the telegram from Dr. Sweek, of Arizona, of the Public Health Service:

"Exact figures impossible. Lowest estimates 950 active cases vicinity of Phoenix. Four hundred should be hospitalized but not willing to enter present contract hospital. Number of cases in Arizona that would enter properly conducted hospital, lowest estimate, 1,500. Present number hospitalized here, 104. Any size institution up to 1,500 would be full nine months of year. Hospital for 400 could be kept full year round for 25 years. Attending specialists available. Expensive resident staff of full time men unnecessary. Would like opportunity to make this model hospital. Great need for hospital here, as men come from all States. Proper care here would prevent widespread criticism. As disease advances the number here increases as Southwest is used as last resort."

* * * * * * *

Now, Mr. President, I submit that in time of war it is right for the superior officer to say where a soldier shall go, whether it costs the soldier's life or not, but after he has gone faithfully through the war, after he has had practically every segment of his lungs burned and torn away by the enemy's gas, it is not humane, it is not just to him to say, "You shall go where we say or you shall die." A humanitarian government, a just government, will say to him, "If you share the common belief that your plague will be lifted and your disease arrested in some particular climate and you have gone there in large numbers, in good faith, at your own expense, in that belief, then a rich and opulent government will set up a hospital there for you."

I repeate the Senate conferees are entitled to the thanks of the Senate for the manly way in which they struggled to save this amendment appropriating the $1,000,000, and if a thousand ex-soldiers die from neglect, abandoned by the most powerful and opulent Government, the blame will not rest upon the Senate, but will rest upon those who are so bound by red tape that they are no longer free men.

* * * * * * *

In company with Gov. Campbell, of Arizona, Representative HAYDEN, and Mr. D. B. Heard, editor of the Arizona Republican, I called upon the President and read to him the telegram from Dr. Sweek.

The President manifested every attention and proved himself to be what he is believed to be, a man of heart and brain, willing to give civil consideration to any important matter that a citizen sees fit to present. I do not feel at liberty to quote him.

Many times when ex-service men in Phoenix, Tucson, or Prescott suffering from tuberculosis are offered transportation and offered hospitalization elsewhere, they will not go away because they believe the progress of their disease will be arrested in those genial climes, and shall the Government be so rigid and so hardhearted as to say to the soldier, "You shall be hospitalized where we want you hospitalized, or you may go to your grave"? That is the issue before us.

German bullets and German gas cost the lives of scores of thousands of Americans during the World War, but if American red tape now in existence is to continue it will cost the lives of thousands more.

As a sample of the methods pursued by the Government, I will read from a letter of Dr. Redewill, of Phoenix:

PHOENIX, *December 13.*

There are hundreds of boys in Phoenix that need hospital care and a large number of them want to come to Desert Inn, but on account of the opposition to our place we are unable to take care of any of these men. On the other hand, two years ago we had some 20 soldiers paying their own way here at Desert Inn and were perfectly contented, but when the Public Health Service told them that they could not stay here if they wanted to receive compensation, but that if they went to the Phoenix Sanitarium it would not cost them anything for their board and they would also receive their compensation they all left here, thus not only taking away our contract but also a certain amount of income from our place by taking these soldiers away from us when they were contented to pay their own way rather than receive free board at the Phoenix Sanitarium.

For a reasonable sum of money the Public Health Service could acquire the Deaconess Hospital at Phoenix and could, at comparatively small expense, soon complete the same and thus care for scores of men now requiring treatment, but the Treasury Department has closed its ears and eyes to all arguments in favor of purchasing and completing this hospital.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. ASHURST. Yes; I yield.

Mr. SMOOT. I think the Senator will agree with me that one of the curses that has directly affected some of our soldier boys throughout the United States has been the treatment they have received through some of the private hospitals.

Mr. ASHURST. Why, then, do some of the soldiers want to go to private hospitals?

Mr. SMOOT. I do not know.

Mr. ASHURST. If they are so terribly abused, why do they want to go there?

Mr. SMOOT. I do not say that they all are, and this may not be one of those places. I do not say that. I do not know anything about it; but I do know that in some of the private hospitals of this country our soldiers have been outrageously treated.

Mr. ASHURST. Of course, I am not speaking of any private hospitals except those in the Southwest.

Mr. SMOOT. The Senator knows more about this case than I do, because this may be a perfectly first-class hospital, and perhaps even better than the one the Public Health Service has designated; but power had to be given to the Public Health Service, or, now, the Veterans' Bureau, to select the places where the boys should be sent so that they could control them, so that they could have an investigation made, and so that if complaints were made they could go at once and see that they were rectified, if any wrong was done the soldier.

The Senator is not any more anxious to see those boys taken care of than I am. I have tried to further the legislation in their behalf in this body right along; and the Senator knows that I never would submit to any kind of legislation that would in any way be a detriment to the soldier boys.

Mr. ASHURST. I know that to be true. Men differ in views and temperaments; some ex-service men prefer the large United States Public Health Service hospitals, whilst some desire treatment in the smaller or private hospitals and some prefer the so-called home treatment.

I desire to allow the ex-service man to make his own choice in cases where at all practicable.

Mr. President, the Senate has not been entirely inactive in this matter. A resolution was introduced (S. Res. 59) by the junior Senator from Massachusetts [Mr. WALSH], demanding an investigation. The committee was appointed, and on August 24 it made a partial report signed by Senators SUTHERLAND, CALDER, WELLER, WALSH of Massachusetts, and POMERENE. Twelve recommendations were made. The first recommendation was:

(1) That the Director of Veterans' Bureau be authorized to provide additional hospitals according to the recommendations of the board of consultants at a cost of $16,400,000, and that an appropriation of that amount be made available without delay.

Mr. CALDER. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. CALDER. I will say, in reference to the statement the Senator has just made, that that recommendation was made by the special committee of the Senate after months of inquiry and investigation. We made that as our first recommendation, and the most important one.

Mr. ASHURST. So I am reinforced by the statement of the industrious junior Senator from New York, who says that after months of patient investigation his committee unanimously reached the conclusion that $16,400,000 should be placed in the hands of Director Forbes.

At this juncture I must state that when my amendment appropriating $1,000,000 was agreed to by the Senate on the 12th instant it was said—and I am not going to give names—"Senator, you ought not to lodge that authority in Col. Forbes. You should have lodged the authority with the Treasury Department." When my second amendment, adopted by the Senate on the 20th instant, lodged the authority with the Treasury Department, it was said to me, "You should have lodged the authority with Col. Forbes."

I say in reply, "You can not ping-pong me. You may play ping-pong in the parlors of the dilettante, but not with me."

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. ASHURST. Yes; I yield.

Mr. WALSH of Massachusetts. Has not Col. Forbes, the Director of the Veterans' Bureau, authority to make contracts with individual hospitals for the care of soldiers?

Mr. ASHURST. Not as will enable him to acquire new hospitals.

Mr. WALSH of Massachusetts. He has no such authority?

Mr. ASHURST. He has no such authority, and he has no money with which to do it if he wished to.

Mr. WALSH of Massachusetts. I am afraid the Senator is misinformed about that.

Mr. SMOOT. Yes; I think the Senator is.

Mr. WALSH of Massachusetts. The Sweet bill gives him ample authority.

Mr. ASHURST. Then, I will withdraw that statement. He has authority to administer existing facilities, but he has no funds and no authority to cope with the situation as it expands and enlarges.

Mr. TOWNSEND. Mr. President, may I interrupt the Senator?

Mr. ASHURST. Certainly.

Mr. TOWNSEND. If I correctly understood the question of the Senator from Massachusetts [Mr. WALSH], I can answer it by an actual example, where the veterans of the American Legion established and equipped a hospital at Battle Creek, Mich. They have entered into a contract with Mr. Forbes for the care of tuberculosis patients, who have been sent there to the number of about 300.

Mr. ASHURST. I am glad to hear it; I assert again that Col. Forbes has no authority to make contracts for the purchase of additional hospitals.

Mr. WALSH of Massachusetts. I think the Senator is correct in the statement that Col. Forbes can not build any new hospitals.

Mr. ASHURST. That is it.

Mr. WALSH of Massachusetts. But he has authority, and has the money also, to make temporary arrangements for the care of patients while hospitals are being built.

Mr. ASHURST. That is true.

So this report of the Senate investigating committee was submitted to the Senate. Their first recommendation was that $16,400,000 be expended for further hospitalization.

Now, I have been severe upon that committee. I said, publicly and privately, that I thought they were guilty of a flagrant disregard of their duties when they omitted to go to Arizona and investigate conditions there, but I am beginning to believe that they knew to whom they were reporting. Of what avail would it be to go to Arizona and investigate, when the recommendations they have made as to conditions here are ignored? Their recommendations have been disregarded and forgotten, so I probably owe that committee—composed of Senators SUTHERLAND CALDER, WELLER, POMERENE, and WALSH—an apology for the criticisms I directed against them because of their failure to go to Arizona and investigate.

Mr. President, a cry of anguish and despair came to us from starving Russia—Russia that mysterious land; that spinner of webs; that people of mysticism and orientalism which will some day contribute not a little to the material wealth of the world.

A bill appropriating $20,000,000 to aid Russia passed the House of Representatives and came to the Senate, and when the bill was pending in the Senate on the 20th of this month I spoke as follows:

Mr. ASHURST. Mr. President, as I listened to the speeches to-day, and they have all been excellent, varying emotions surged within me. Some Senators say this measure, if enacted into law, would not be constitutional, but the bill is institutional.

I sometimes believe that chloroform or some other anesthetic falls upon us in this Capitol, else what could make us so oblivious to what is going on in our own country as well as in other countries. Mr. President, during the past 10 years we have seen some strange mutations. In that decade changes more remarkable and radical took place on this earth than took place in the 200 years preceding. Even the processes of thought, the customs and views of the peoples, have changed, and whether we would or would not prefer the old days that we knew before 1914, we could not return to such standards if we tried.

We are living in a new earth and must adjust ourselves to the conditions.

We are told that thousands of people are starving in Russia. Doubtless that is true. We are told that we are inhibited by the Constitution from appropriating money for the purpose proposed. Doubtless that would be true according to the way the Constitution was interpreted, and correctly interpreted, 45 or 50 years ago; but the Constitution, sir, is not a dead hand; it is flexible. It has been stretched to protect every dollar in our land, and I insist that it shall be stretched to protect every person in our land.

Mr. President, we will find refuge to-day from the upbraidings of our national conscience by voting $20,000,000 to relieve Russia; but I fear when we examine closely we may find in that act but a scant refuge for our conscience.

The United States is a fountain, not a cistern; her open hand is a horn of plenty. The United States must and will take her place as the leader of the nations. Destiny compels her, requires her, to take that wondrous place. It is right and proper to listen to Russia's cry of anguish and despair, but before America can be generous, Mr. President, she must be just.

A Chinese philosopher once sent for his students to gather about him and tell him which, in their opinion, was the greatest of the virtues; he found them divided as to whether generosity or justice was the greater. The other virtues had comparatively no votes when the students were delivering their opinion. There was a tie vote between generosity and justice, and, breaking the tie, he said to them, "You must be just before you are generous. You can not be generous without first being just."

I believe that America as the leader of all the nations has come at last to know that there is an ethnic unity of the human race and that the distress of one nation must be a concern of all the others.

Now, let us examine and see if we have been just toward those whose sacrifices have made our country so powerful for good in the affairs of men.

How cynical, how tragic it would be to appropriate $20,000,000 for starving Russians and then refuse to appropriate the modest and much needed sum of $100,000 to aid the Department of Labor in securing employment for our unemployed men. Workingmen in America are not asking a largess or a gift from the Treasury; they are pleading for an opportunity to get a job and earn their bread. So I shall offer to this bill an amendment which passed the Senate on the 12th instant, and which amendment Senate conferees manfully struggled to save, same being an amendment appropriating $100,000 to be used by the Secretary of Labor in securing employment for the unemployed here in the United States.

Moreover, Mr. President, how may we lay the flattering unction to our souls, how can we say on Christmas Day, "We have done a glorious thing by sending $20,000,000 to Russia," when we remember that ex-service men are suffering from tuberculosis, and in many, too many, cases are without help or mercy.

The Senate on the 12th instant agreed to my amendment appropriating $1,000,000 for the further hospitalization of ex-service men afflicted with tuberculosis, yet that amendment, which was added to the deficiency bill, was abandoned in conference. The blame, however, does not rest upon the Senate, for this body did all within its power to save the amendment.

If we desire to serve America, if we want to keep her in the paths of progress, let us not neglect those who made possible our peace and our progress.

The Senator from Utah [Mr. SMOOT], who is not known as an orator, who makes no pretensions to oratory, really established himself to-day as an orator by his speech. In clear, convincing language he pointed out what destiny has cast upon us as to our duty to aid Russia; but are we going to say when the Christmas bells are ringing that we have $20,000,000 for Russia, but not a penny to aid the America workingman in securing a position; that we have money for Russia, but that the American soldier who carried our stainless banner to new glory may die a death of neglect because, forsooth, bureaucracy says the soldier is already taken care of, and that a bureaucracy must never be questioned?

Mr. President, German gas and German bullets slew their thousands of our boys and American red tape is slaying its thousands more. On the 2d day of November I laid before the Senate the facts as to the necessity of further hospitalization of soldiers afflicted with tuberculosis, who are pouring into the Southwest by the score. The local authorities have gone to their limit in trying to aid. The humanitarian and the generous people of the Southwest have given from their private purses until they are practically no longer able to give; and yet, inert, somnolent, bound by red tape, we serenely sit here while these poor boys are shamefully neglected. We are told by bureaucracy, which worships red tape, that "we are taking care of them." Ask the dying boys if they are being taken care of. Do not ask some bureaucrat. * * *

It has been stated here that if this bill does not become a law, children in Russia will perish. That is true, and I say if my amendment does not become a law, American citizens will perish here. The despondent, the disconsolate, who are out of money and out of work, looking not for charity, gifts, or a largess, but looking for work, will perish in spirit if not in body. No appropriation that could be made, nothing that could be done, would be more welcome to the people of this country than an appropriation to enable the Department of Labor to secure, if possible, positions and jobs for the unemployed.

I have said before, and I repeat, that if this amendment is defeated, if the hand of the Department of Labor shall be paralyzed in its laudable endeavor to secure work for men in order that they may earn their daily bread, the blame will not be on the Senate.

Mark you closely to what I now say. This Government does not owe anyone a living; he who being able to work says that the Government owes him a living is the idler, the malingerer, and the grafter; but the Government does owe every person a chance to earn a decent living, and the Government that does not secure to each citizen a fair chance to earn a living will soon drift into troubled waters.

I shall at the appropriate time offer another amendment—somewhat similar to the amendment I offered to the deficiency bill, which amendment was adopted by the Senate but lost in the conference on the disagreeing votes of the two Houses—appropriating a reasonable sum of money to be placed at the disposal of the Secretary of the Treasury to enable him to extend full hospitalization to ex-service men; then when these two amendments shall have been adopted and the bill passed we shall feel the glowing and expanding of soul that comes to those who have done their full duty.

I then proposed the following amendments to the bill, and both were agreed to by the Senate, viz:

That the Secretary of the Treasury is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau, by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, and accessories, and also to provide accommodations for officers, nurses, and attending personnel, and the Secretary of the Treasury is authorized to accept gifts or donations for any of the purposes named therein. The location and nature of such hospitals, whether for the treatment of tuberculous, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Secretary of the Treasury.

That for carrying into effect this provision relating to additional hospital facilities there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, to be immediately available and to remain available until expended.

* * * * * * *

To enable the Secretary of Labor, during the present unemployment emergency, to augment the existing facilities of the United States Employment Service in facilitating the transportation of labor from one State to another, inform States in which there is scarcity of labor of the situation in States where there is surplus of labor of the kind desired, and securing, compiling, and publishing information on unemployment throughout the country, including personal services in the District of Columbia and elsewhere, and for their actual necessary traveling expenses while absent from their official station, together with their per diem in lieu of subsistence, allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; rent of quarters outside of the District of Columbia; supplies and equipment, telegraph and telephone service, and printing and binding, $100,000.

Both of these amendments went to conference, and when the conference report was laid before us, we found that the Senate conferees had yielded to the House conferees and had receded, which action, of course, kills the two Senate amendments and leaves the bill precisely as it passed the House, to wit, $20,000,000 for relief of distressed Russians; not a penny for relief of distressed Americans. I believe, however, that the House conferees would have yielded had it been possible for them to do so without killing the Russian relief bill.

Now whilst Congress was appropriating $20,000,000 to aid sufferers in Russia what was going on at home?

I will read some of the melancholy happenings, and will call upon the Senators from the State mentioned in the dispatch I am now about to read to deny it if it be untrue. This is from the Washington Times of December 21, 1921. The article reads:

STARVATION IS FACING 2,000 IN WEST VIRGINIA TOWNSHIP—MINDEN PAINTED "HELL ON EARTH" AS RESULT OF MINE SHUTDOWN.

HUNTINGTON, W. VA., *December 21.*

Two thousand men, women, and children, comprising the populace of a West Virginia town—Minden, in Fayette County—are literally starving to death.

The mines closed down several months ago. The miners and their families remained, hoping for a resumption of work. None came. To-day at Minden and other towns in the stricken area babies are dying for want of sufficient nourishment, children are half clothed, and the entire town is slowly starving.

To add to the misery, an influenza epidemic is sweeping the territory. The death rate has been alarming. Schools have closed; out of 500 pupils only 104 were able to attend classes last week.

Conditions in Minden and surrounding mining communities are deplorable. The babies cling to gaunt parents, weakened by weeks of literal starvation. An eyewitness arriving here last night said that a loaf of bread would be hailed as a gift from Heaven.

Where only one pair of wearable shoes are left in a family the children take turns in wearing them. The majority are walking about barefooted and shivering in the biting cold.

The mines shut down in early fall. Lack of orders was the cause. Five hundred miners were thrown out of employment. During the warmer weather of autumn there was no serious suffering, but when cold came, lack of food, clothing, and medical attention brought about pitiful conditions. One man from the stricken area, who managed to secure money enough to reach here, said that Minden was "a hell on earth" and had been for several weeks.

Mr. STERLING. Mr. President, is the Senator from Arizona able to state in what county Minden is?

Mr. ASHURST. Fayette County. That is a little more definite than "Volga Basin," in Russia.

There is no Senator here who could truthfully say that I have been more partisan than the exigencies of politics required me to be, and surely I do not desire to be offensively partisan on this occasion, but I can not forego the observation that it is the Republican and not the Democratic Party that needs sympathy now.

Your predicament is worse than ours. Politically, you are more nearly bankrupt of vision than we are, and your political situation, instead of improving, is rapidly growing worse.

When Republican Senators go to the cloakroom they will say, "That man is telling the truth." You may, and doubtless do, at times desire to solve these questions of large import, but you do not know how to go about it. Frequently, when your hands grasp the handle of the keen and glittering blade of truth and justice, you are inept and in your struggles to cut some Gordian knot you but slash and mutilate yourselves.

Never again let me see the word "efficiency" in a Republican editorial in praise of your present majority or hear it from the lips of a Republican orator. Do not use that word again. You

have demonstrated your gross inefficiency and debility at a time when you had full power. I do not mean anything personal; I simply say that your own newspapers, your own orators, know that you are not meeting the duties of the hour.

True, you have passed some good legislation, but its volume is so small when compared to what you ought to have done that it is practically nothing. So, if you will pardon this political reference, you have now an opportunity golden in its preciousness, if you can only measure up to it, and I appeal to you to look into this need of the ex-soldier for hospitalization and see to it that the ex-soldiers who are suffering and who are unable to work by reason of disease shall be hospitalized.

So, to recapitulate, the Senate on the 20th instant adopted my amendment appropriating $100,000 to enable the Department of Labor to find work for unemployed men; on the same day it adopted my amendment appropriating $500,000 for the further hospitalization of soldiers wherever and whenever the Secretary of the Treasury desired to hospitalize them.

These amendments have been defeated, and the Russian relief bill will become a law. I again thank the Senate conferees for the time they gave me. Moreover, I would be playing a small part if I should criticize the House conferees, for I am sure they would have adhered to my amendments were it not almost a certainty that to so adhere would have killed the Russian relief bill.

I am not permitted to criticize the House of Representatives. I am not going to do so. Any criticism of the rules of that branch of Congress would be unparliamentary, howsoever true it might be. But I will say that when the gathering tide of public opinion is informed as to the archaic rules in another branch of the Congress, which make it practically impossible to secure needful legislation, there will come a demand that such rules shall be altered.

We have seen some strange mutations in politics in the past decade and we will see more unless we learn to do the people's will. In 1912 we thought the day of the Republican Party was done. We thought its blood was water. In 1920 there were men who thought the Democratic Party was dead. Neither party is dead. Unless adequate hospitalization for the tubercular ex-service men shall be provided I am going to leave here for a time and make some speeches in the States and in the districts of men who may solicit the votes of the people, and when I read the CONGRESSIONAL RECORD which tells the tale of the inattention to and the disregard of amendments looking toward soldier relief somebody is going to "sit up and take notice."

It is a foul injustice which this Congress has perpetrated upon the Nation in defeating my amendments to the Russian relief bill.

When the conference report on the deficiency bill was before the Senate my learned friend from Maryland [Mr. FRANCE] arose and castigated his party associates for their remissness. He said, "Why is it that bad measures always pass and good ones are defeated?" His phrase was, "Why is it that on all good amendments conferees always recede and on all bad amendments conferees agree?"

When he uttered these words little did we think that such a thing would happen again within a week, but it has happened. But, Mr. President, I am comforted by the reflection that—

Truth crushed to earth shall rise again; the eternal years of God are hers.

Congress may learn a valuable lesson from one of Joseph Addison's Essays entitled "The Political Upholsterer." There lived in London some years ago, within my neighborhood, says Addison, an upholsterer of more than ordinary diligence and application to business, and he became a man of independent means because of his close attention to his own affairs. He arose early; his family was decently provided for and his house was comfortable. Later he developed a peculiar habit of knitting his brows and his countenance grew grave; he arose at a still earlier hour, not, however, to open his shop, but to inquire if the mail from Holland had yet arrived.

He became more inquisitive to know what went on in Poland than what took place in his own household, and he was in greater anxiety for King Augustus's welfare than for the welfare of his own family.

This man and his affairs had long been out of my mind, continues Addison, until about three days ago, when I met him walking in St. James Park. He was shabbily dressed, and I intended to ask him as to his present circumstances when he prevented me from doing so by asking me what I sincerely thought of the King of Sweden? When he had fully discussed Turkey in Europe and had deposed princes, settled the bounds of kingdoms, and balanced the power of Europe, he asked me to lend him half a crown, for in his upholstering of foreign countries he had ruined his business, reduced his family to poverty and himself to beggary. Addison says he loaned the half crown to the worthy but needy "statesmen," to be repaid when the Turk was driven out of Constantinople.

Mr. President, we are neglecting our own household whilst upholstering foreign countries; the course of conduct which ruined the London upholsterer will, if practiced much further, ruin the United States. Let us first be just to those at home who have claims upon us; then our generosity toward strangers will be a virtue. As it is now our generosity to strangers whilst our own are in need is our reproach.

Mr. HEFLIN. Mr. President, in the Washington Post of today there is an article containing the information that a bill was introduced on yesterday in the House of Representatives which imposes a penalty of $5,000 upon any Member of either branch of Congress for joining what is called a "bloc" to procure or defeat legislation. The bill was introduced by Mr. ANSORGE, a Republican, from the city of New York.

A great deal has been said recently about an agricultural bloc in the Senate. I was one of the first men to suggest this cooperation between the Democrats of the South and the Republicans of the West. I suggested it for the purpose of securing much-needed legislation. The South and the West were afflicted alike. Agriculture was stricken down in both sections by the deadly deflation policy of the Federal Reserve Board. We could not obtain money to carry on our business.

The merchants and bankers of the agricultural South and the agricultural West were in identically the same condition. The Federal Reserve Board had closed the door in their faces and the farmer was stricken down, prone upon the ground, utterly helpless in his great distress. We desired to do something to give relief to him.

We complained that this board's policy was injuriously affecting these two sections, but the President did not seem to understand or to be moved by our pleas, and we could not get relief through the Federal reserve system because of a tyrannical Federal Reserve Board, which controlled the money supply and credit of the country. Agriculture, I repeat, under the withering, blighting, deadly touch of the Federal Reserve Board, was stricken down and almost destroyed.

We sought to revive the War Finance Corporation. Eastern Senators were against us. Wall Street's power and influence were felt in opposition to that legislation.

Mr. CALDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New York?

Mr. HEFLIN. I gladly yield to the Senator.

Mr. CALDER. The Senator may recall that, as chairman of a subcommittee of the Senate, I made a tour of the West and South at a time when the subject of the revival of the War Finance Corporation was under consideration. I met the Senator in his own State in the city of Birmingham. I made a trip through the South and the West with the junior Senator from Iowa [Mr. KENYON]. After I had gone a little way from New York I discovered the need of the revival of the War Finance Corporation. I venture the statement that no man in this body did more to bring about the resumption of that organization than did I, and I am a Senator from New York and reside in the great metropolis.

Mr. HEFLIN. I am glad the Senator called my attention to that. I did see him at Birmingham, and I traveled on the train with him, and he was interested in the revival of the War Finance Corporation, and did aid. But, Mr. President, he was just one. We had to have votes enough here to put the measure through. I praise and commend the Senator for the part that he played.

But should we southern Democrats and western Republicans be condemned for uniting our forces to relieve a distressing condition? That is what we were seeking to do. We held conferences and we said at those meetings that there was no politics in them and should not be. I said, "Our section is suffering as your section is," and others said the same thing. "Why not come together and extend the hand of help to these sections—the South and the West?" We did that, and but for that combination of power in this body the War Finance Corporation would never have been revived.

Now, Mr. President, Wall Street is interested in killing any legislation that will make money matters easy in any section of the country, because Wall Street wants to return to the time, and it is just about here, when it can control the money supply and credits of 100,000,000 people.

Mr. President, since we revived the War Finance Corporation and since we amended the act, I believe in August, we have made loans to the extent of $118,000,000. Now, that has helped

some; it has helped a great deal. Translated up through the system, probably it will amount to $400,000,000 or $500,000,000. Good has been accomplished by it.

Not long ago the New York Journal of Commerce leveled a very bitter criticism against the president of the American Cotton Association, Hon. J. S. Wannamaker, an honored citizen of South Carolina, a great American patriot, and a man of unimpeachable integrity. The New York Journal of Commerce charges that he carried on a propaganda for the purpose of deceiving the public and deceiving the Agricultural Department as to the statistical position of cotton and as to the acreage to be planted for the year 1921. I denounce the attack as unwarranted and the article as untrue.

Now, Mr. President, I do not know how far-reaching its influence has been, but I know that the Department of Agriculture or somebody in it, I think the Bureau of Crop Estimates, recently intimated very strongly that misleading information had been given out by the cotton farmers of the United States. Has the time come in this administration when the South and the West are not to be consulted as to the correct agricultural situation in them, and is the New York Journal of Commerce to dictate the policy of the Department of Agriculture?

The New York Journal of Commerce assails the president of the American Cotton Association, and the Agricultural Department repeats, in substance, through its Crop Estimating Board, the very line of argument made by that journal. Let me call the attention of Senators to an article appearing in the New York Journal of Commerce. It reads:

The Journal of Commerce formerly received frequent press dispatches from him—

Referring to Mr. Wannamaker—

usually filed as press matter and offered prepaid. So long as they seemed rational and trustworthy they were used, generally with some condensation, but long ago their tone became so abusive of reputable textile leaders who disagreed with him, and his assertions were so palpably biased and absurd, that further dispatches were refused and he was forced to turn to other papers less discriminating in their columns.

Mr. President, I wonder if the day has come when we shall be unable to get legitimate information before the American people? I wonder if the big journals of our country will reach the point where they will refuse to take statements for publication which are sent out by men who represent organizations that affect from twenty-five to thirty millions of the American people, statements in which the public is interested? This newspaper admits that these items were sent in and were prepaid—they did not cost the newspaper one cent—giving information about the great American cotton crop, not a sectional crop, for it is the United States cotton crop and vitally affects the whole American people. It brings gold into our country when all other products fail, and in normal times gives us the balance of trade.

The President of the American Cotton Association sends out information about the acreage and about cotton generally, but the New York Journal of Commerce, because the president of the association criticized some textile man, some cotton manufacturer, ceased to publish any of these articles, threw them into the wastebasket, and says that he was compelled to turn to other sources to get his publications before the people. That is what we have come to, Mr. President. The New York Journal of Commerce criticizes the president of the American Cotton Association severely, mistreats him, says things about him that are unwarranted, and shows in its article that it is representing the gambling interests in cotton and certain spinners who want to hold the price of cotton down so low that they can buy it for almost nothing and after they get it into their hands permit the price to go to 25 or 30 cents, and then base the price of the finished product upon the high price reached in the spot-cotton market. That is what they will do. So the consumer will not be benefited and the producer will be impoverished. That is what will happen.

The New York Journal of Commerce makes this criticism, the Crop Estimating Board of the Agriculture Department reechoes it, and a Republican Member of Congress from New York City introduces a bill to impose a fine on a Senator from the South and a Senator from the West for meeting together and trying to secure legislation for the benefit of 60,000,000 of American people.

Oh, Mr. President, thank God the reckoning day is coming next year. The Senator from Arizona [Mr. ASHURST] spoke truly when he said the Republican majority is so large in both bodies that it seems to have gone to sleep. Some of these men have become so arrogant, so puffed up on a little brief authority, that they dare to demand legislation which proposes to put a fine upon a United States Senator for supporting legislation that will aid agriculture. My good friend from Iowa [Mr. KENYON], one of the leading spirits, one of the ablest and best of the "agricultural bloc," whose heart beats loyal to the man who toils, whether he lives in the South or the West, the North or the East, is to be fined $5,000 for trying to help a farmer in Iowa get a price for his corn, his oats, and his wheat that will cover the cost of production and yield him a living profit.

Mr. KENYON. Mr. President——

Mr. HEFLIN. I shall be glad to yield to my friend.

Mr. KENYON. I have not had an opportunity to examine the remarkable bill to which the Senator from Alabama refers, but I ask is there any provision in it that a Member of Congress introducing any bill for the relief of agriculture shall be considered a criminal and fined?

Mr. HEFLIN. I have not read the bill, but I shall look for the introduction of a bill like that.

Mr. KENYON. A bill of that character could not be quite complete unless it contained such a provision.

Mr. HEFLIN. I thank the Senator from Iowa for his suggestion. I shall not be surprised any morning now to wake up and find that a bill has been introduced to impose a penalty upon a Senator from the South or the West who introduces a bill to give relief to agriculture in any form. Oh, Mr. President, little by little and bit by bit under Republican rule they are crowding out the small man, the man of moderate means, the common mass of the people.

There is now in existence a Joint Committee on Agricultural Inquiry, composed of Senators and Members of the House, to inquire into the relations of banking to agriculture, and so forth. A majority of that committee are composed of Republicans. Mr. OGDEN L. MILLS, of New York City, a brilliant young lawyer, and, as I understand, is the son of a brilliant lawyer who is the attorney for the J. Pierpont Morgan banking interests, is a member of that joint committee. I have not objected because he is a member of it. I should like to have the banking interests represented by somebody; I think all interests ought to be represented by men who are competent and honest. No man from the agricultural sections went to the Speaker of the House or to anybody else to ask that this man be taken off; but he is on that joint committee.

Now, where is this man ANSORGE who introduced a bill to fine us for cooperating in the interests of agriculture? We did not hear any complaint from him about putting a man like that on that joint committee, a man who is going to have a vote as to whether or not the Federal Reserve Board shall be whitewashed or whether its conduct shall be condemned.

Mr. President, the agricultural organizations of the South have denounced the deflation policy of the Federal Reserve Board; the agricultural and cattle interests of the West have denounced it; the farmer organizations of these sections who constitute nearly 60,000,000 of the American population have denounced it. Now, we will see in a few days when the report comes in whether Wall Street is going to triumph or whether the expressions of the American people regarding the maladministration of this system shall be made known in that report.

Mr. President, I am supporting now a measure pending before the Senate designed to place a practical farmer on the Federal Reserve Board. I made a short speech the other day in favor of that measure. I heard a speech made on the other side by the Senator from Connecticut [Mr. MCLEAN], a banker, a distinguished Republican, and chairman of the Committee on Banking and Currency, protesting against such a step and warning us of the danger of such a precedent.

Oh, Mr. President, I never hear the question of constitutionality raised until some measure is offered here for the benefit of the masses; I never hear the point made that a measure is unconstitutional when special interests are to be benefited; but if it comes to a measure that will benefit the common mass, or the great agricultural class, which is now down and out in America, it is unconstitutional; it is wrong; it will establish a bad precedent. While the Senator from Connecticut was speaking I thought of the provision in the law as it now stands that out of the seven members of the Federal Reserve Board two shall be bankers. Nobody ever made the point that that was unconstitutional; that that was class legislation; but that is in the law. The fact is nearly all of the members of the board are bankers, I do not care what they call themselves.

I am willing for the banking interest to be represented on that board. I am going to repeat here what I said the other day, that the best thing President Harding could do would be to clean out the Federal Reserve Board. If he wants to make the American people a Christmas gift that will be appreciated and applauded, there is no Christmas gift that the President could make to the people that would be more highly appreciated and more warmly applauded than the announcement on Christmas morning that he had cleaned out the Federal Reserve Board.

Mr. President, when a board like that will sit and do the bidding of Wall Street and strike down the great agricultural industry of America and contribute to the hard times through which we are now passing and which are proving so embarrassing all over the Nation, it ought to be cleaned out, for to continue it in power is wrong.

Mr. President, I want to call attention now to an article on that matter of putting a farmer on this board. I am going to insist upon putting a practical farmer on that board, and my judgment is that that bill will pass. I should like to see the Senator who will vote against it. I should like to see the Senator who has farmers in his State who will stand up before them when they ask him:

"Do you represent the people of this State?"

"Yes, sir."

"How many members of the Federal Reserve Board are there?"

"Seven."

"The agricultural interest of the United States is pretty large, is it not?"

"Yes."

"Agriculture is said to be the corner stone of all other industries, is it not?"

"Yes, sir."

"Without it, all the others would fall, would it not?"

"Yes, sir."

"Then the men who toil to produce that which feeds and clothes the world are entitled to a fair chance in the struggle for existence, are they not?"

"Yes, sir."

"Then when they are driven by distress to call upon the Federal Reserve banking system for money or credit ought they not to have a friend at court to present their case, and if they are turned down to go to the President and acquaint him with the truth of the situation?"

And imagine the Senator saying:

"No, sir; I do not think so."

What do you suppose the farmers of that State would do to him? They would do to him what they ought to do—vote against him.

So I dare say, now, that that bill will pass this body, providing that when the next vacancy occurs on the Federal Reserve Board the President shall appoint a practical farmer to that position—one out of seven. Who can deny that these millions of American farmers are entitled to one man upon that board? Mr. President, we want a man on that board, when these applications are made for money or credit, who will let us know the reason why they are turned down. We are entitled to demand that.

I hold in my hand an article sent out from Washington on December 19. It is about this proposal for a farmer member on the Federal Reserve Board, and it closes by saying:

That it will not pass Congress is the general prediction.

I do not know where this newspaper man got his information, but I do not think he is speaking for the Members of this body. I believe we will get two-thirds of the Members of this body for that measure. I hate to have it postponed even temporarily, because I believed that a propaganda would be carried on, and I think it is being carried on now. I expect to see Wall Street use every influence it has to beat this proposition, but I do not believe it will succeed. If it does succeed, then a woeful and calamitous time has come upon us, and God speed the day when there can be a reckoning at the judgment bar of the American people!

We ask only what is right and just and fair. We have not hidden our light under a bushel. We have come out in the open. We have met together in council. When did it become a violation of the law for the representatives of the American people to come together and talk over their troubles and suggest ways and means to relieve this section and that, and then agree to get behind a measure because it is right and just and pass it through the Senate? When did that become a crime?

Some people have cried out against it. Even a Cabinet officer assailed it. The New York Journal of Commerce attacks it, and a Republican Member of Congress has introduced a bill to make it a misdemeanor to unite our forces to bring about just remedial legislation for the great agricultural interests of America. Mr. President, verily we have fallen upon strange times!

Mr. JONES of Washington. Mr. President, I want to say just a word.

I opposed putting the amendments of the Senator from Arizona [Mr. ASHURST] on this bill, not because I was opposed to the amendments, but because I did not think this measure ought to be delayed in any way by putting on matters that really were not connected with it, or, at least, not directly so.

I was one of the members of the conference committee. I did not agree to the recession from these amendments until I became absolutely convinced that if we did not recede from them the bill would not pass, or, at least, would not pass before the recess. I was not willing to see the bill fail on that account, much as I regretted the elimination of the amendments of the Senator from Arizona.

It was only because of that situation that I joined in the conference report receding from these amendments.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference on H. R. 9548.

The report was agreed to.

ORDER OF BUSINESS.

Mr. KENYON. Mr. President——

Mr. CURTIS. Mr. President, I hope if there is any more morning business that it may be concluded. I should like to state that after the morning business is over several Senators want to take up bills by unanimous consent, and several Senators desire to speak. I think all will be given plenty of opportunity if we can proceed in the regular order.

CONDITION OF SUPREME COURT DOCKET.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day.

The reading clerk read Senate resolution 198, submitted by Mr. TRAMMELL on the 20th instant, requesting the Chief Justice of the Supreme Court of the United States to direct the clerk of the Supreme Court to furnish to the Senate certain information.

Mr. OVERMAN. I think the resolution had better go over, as the Senator from Florida is not here.

Mr. NELSON. I move that it be referred to the Judiciary Committee.

Mr. OVERMAN. I think the Senator had better wait until the Senator from Florida comes in.

Mr. NELSON. Let it go over until his return, then.

Mr. TRAMMELL subsequently said: Mr. President, the resolution that I have offered, calling for certain information relative to the status of the docket of the Supreme Court, has, I believe, been reached in regular order; but at the request of a number of Senators, feeling that the delay would not be of any detriment, it is agreeable to me for the resolution to go over until we reconvene after the holidays.

The PRESIDING OFFICER. The resolution will go over without prejudice.

OFFICERS OF NAVAL AIR SERVICE.

The PRESIDING OFFICER. The Chair lays before the Senate another resolution coming over from a previous day.

The reading clerk read Senate resolution 200, submitted by Mr. WALSH of Massachusetts on the 20th instant, as follows:

Whereas extensive publicity has been given to examinations recently required of officers of the Naval Air Service holding temporary commissions and members of the Naval Reserve Flying Corps desiring to transfer to permanent ranks in the Navy;

Whereas it has been publicly charged that such examinations were unfair and unreasonable, that an insufficient opportunity for preparation was afforded, that the greater portion of such examinations was devoted to navigation, steam engineering, seamanship, and other subjects wholly unrelated to aviation, and that the individual ability of the officer or member was not given proper consideration;

Whereas it has been stated that as a result of such examinations many of the successful candidates were reduced in rank and a very large per cent of the candidates were declared unqualified for permanent commissions; and

Whereas unless some action is taken the United States will lose the services of approximately 200 trained and experienced aviators, including the most experienced and skilled pilots in the country: Therefore be it

Resolved, That the Committee on Naval Affairs of the Senate, by subcommittee or otherwise, is authorized and directed to investigate the transfer and the examinations held in connection with the transfer of such officers and members, under the provisions of section 3 of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes," approved June 4, 1920, and to hold public hearings during the recesses or sessions of the Sixty-seventh Congress, at such times and places as it may deem advisable, in order to determine the correctness of such charges and statements, to make recommendations to the Secretary of the Navy, and to report to the Senate the findings and recommendations.

Mr. CURTIS. Let the resolution go over.

The PRESIDING OFFICER. Without objection, the resolution will go over without prejudice.

Mr. KING. May I inquire if the Senator from Massachusetts desires it to go over?

Mr. CURTIS. He is not here.

Mr. KING. I ask that it lie on the table until his return.

Mr. WALSH of Massachusetts subsequently said: Mr. President, I ask unanimous consent to take up Senate resolution 200,

which was introduced by me yesterday and reached a short time ago during my absence from the Chamber.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. Mr. President, may I ask the Senator a question? Has the Senator from Massachusetts talked with the members of the Naval Affairs Committee about this resolution?

Mr. WALSH of Massachusetts. I have consulted with the Senator from Washington [Mr. POINDEXTER], who is very sympathetic with the resolution and who stated that if he was present he would support it. I also talked with the chairman of the Naval Affairs Committee, who is not opposed to it.

Mr. CURTIS. I have no objection, then.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. WALSH of Massachusetts. Mr. President, I shall not take the time of the Senate to discuss at length this resolution. Briefly, it seeks to submit to the Naval Affairs Committee or a subcommittee of the Naval Affairs Committee the question of the fairness of certain examinations given to reserve officers of the Naval Flying Corps.

Last May 244 reserve officers in the Naval Air Service took an examination for permanent commissions. These young men left the colleges of the country to enlist in the service during the early days of the war, and took all the risks and encountered all the dangers of aviation service. They were led to believe and expected that if they made a good record they would, after the war, be given permanent rank. The examinations to which they submitted were largely of subjects relating to navigation, though they had no experience at sea. The result was that an exceedingly large number of them failed, and a large number of those who succeeded in the examinations were reduced in rank. These young men claim that the examination was unfair and unreasonable under all the circumstances. They feel that the Government that they tried to serve faithfully and without consideration of personal comforts or danger to limb and life has not shown proper appreciation.

When the reserve officers in the flying corps of the Army were being selected for permanent posts an examination in aviation subjects was given them. When the reserve officers in the flying corps of the Marine Service were given examinations they also were given examinations chiefly in aviation subjects. The reserve officers in the flying corps of the Navy alone had to submit to an examination chiefly in general navigation, rather than in aviation. The result has led to a great deal of dissatisfaction; and it seems to me that an impartial inquiry by the committee or a subcommittee of the Committee on Naval Affairs will perhaps lead to a recommendation being made that will lead to the holding of another examination, the rerating of those who had been reduced in rank, or at least in removing in part the dissatisfaction that now exists.

The result of the examination, unless some change of policy is adopted, means the loss to the service of many excellent aviators who have been trained at great expense to the Government. It is estimated that during the war it cost $40,000 to train a naval aviator. This loss to the Navy can not be duplicated in time of peace.

I am further informed that little, if any, consideration was given to the skill, experience, or special training in aviation of the individuals by the examination held.

Among those who failed in the examination were many of the best pilots in the service, nearly all of the instructors at the various air stations, commanding officers of large air stations, and pilots who made splendid records under enemy fire during the war.

It is to find out whether an injustice has been done these men that I ask for this inquiry. Surely after four or five years of faithful service of a most hazardous character we ought to hesitate about rejecting these men, compelling them to take up new careers after giving their best years to their country. I urge the passage of the resolution, and will not further discuss this matter to-day, as I know the Senate is anxious to adjourn early.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

AMENDMENT OF NATIONAL BANKRUPTCY LAW.

The PRESIDING OFFICER. The morning business is closed.

Mr. ROBINSON. Mr. President, I ask unanimous consent for the present consideration of House bill 6998, being Order of Business 355, which modifies the national bankruptcy act by adding to the debts not affected by a discharge the following subdivisions:

(Fifth) Are for wages due to workmen, clerks, traveling or city salesmen, or servants, which have been earned within three months before the date of commencement of the proceedings in bankruptcy; or (sixth) are due for moneys of an employee received or retained by his employer to secure the faithful performance by such employee of the terms of a contract of employment.

This is a House bill, having passed the House some time ago, and having been reported by the Senate Committee on the Judiciary. The language which I have read so plainly states the purpose of the bill that unless some Senator desires to discuss it, I am ready to submit it to the consideration of the Senate.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent for the immediate consideration of H. R. 6998. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6998) to amend section 17 of an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, as amended by the acts of February 5, 1903, and March 2, 1917, which had been reported from the Committee on the Judiciary with amendments.

Mr. NELSON. There is one amendment in the bill to correct an omission that was made in the House.

The PRESIDING OFFICER. The amendments will be stated.

The amendments were, on page 1, line 6, before the word "further," to insert "and hereby is"; on line 7, after the word "amended," to insert "so as"; and on page 2, line 4, after the word "representations," to insert "or for willful and malicious injuries to the person or property of another," so as to make the bill read:

Be it enacted, etc., That section 17 of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by the acts of February 5, 1903, and March 2, 1917, be, and hereby is, further amended so as to read as follows:

"SEC. 17. Debts not affected by a discharge: A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (1) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (2) are liabilities for obtaining property by false pretenses or false representations, or for willful and malicious injuries to the person or property of another, or for alimony due or to become due, or for maintenance or support of wife or child, or for seduction of an unmarried female, or for breach of promise of marriage accompanied by seduction, or for criminal conversation; (3) have not been duly scheduled in time for proof and allowance, with the name of the creditor, if known to the bankrupt, unless such creditor had notice or actual knowledge of the proceedings in bankruptcy; or (4) were created by his fraud, embezzlement, misappropriation, or defalcation while acting as an officer or in any fiduciary capacity; or (5) are for wages due to workmen, clerks, traveling or city salesmen, or servants, which have been earned within three months before the date of commencement of the proceedings in bankruptcy; or (6) are due for moneys of an employee received or retained by his employer to secure the faithful performance by such employee of the terms of a contract of employment."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CUSTOMS BUILDINGS IN PORTO RICO.

Mr. NEW. Mr. President, I ask unanimous consent for the present consideration of House bill 6557, being Order of Business 372. It is a bill which authorizes the Secretary of the Treasury to rebuild and repair, as may be necessary, the public buildings at San Juan, Porto Rico, they having lapsed into a state of collapse or partial collapse, so that their rebuilding is really necessary at this time.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent for the immediate consideration of House bill 6557. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6557) to authorize the Secretary of the Treasury to repair and rebuild customs buildings in Porto Rico, and to pay for same out of duties collected in Porto Rico, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to repair and rebuild, as may be necessary, the buildings in Porto Rico acquired by the United States under article 8 of the treaty of April 11, 1899, between the United States and Spain (30 Stats., p. 1758), and reserved for customs purposes by the proclamation of the President of June 30, 1903, and to pay for the cost of such repairs and rebuilding, not to exceed $200,000, out of the duties collected in Porto Rico as an expense of collection.

Mr. KING. Mr. President, let me inquire of the Senator how it is, in view of the fact that no other public-buildings bills have been reported, either for the purpose of purchasing ground or constructing new buildings or repairing old ones, that this measure has been reported.

Mr. NEW. Simply for the reason, Mr. President, that these buildings were very seriously impaired and partially destroyed by the earthquake of 1918. They were patched up as well as they could be at the time, but the temporary repairs have served their usefulness and the buildings are untenantable unless they can be repaired now. The Secretary of the Treasury has asked for authority to make the repairs out of the Porto Rican funds at an expense not to exceed $200,000.

Mr. KING. Would that course be approved by the people of Porto Rico?

Mr. NEW. I understand that it would be. They have asked it.

Mr. KING. As far as I am concerned, Mr. President, when we deal with our insular possessions or with territories, the wishes of the people there ought to be considered rather than our wishes.

Mr. NEW. This is in entire consonance with their wishes.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP A. HERTZ.

Mr. CALDER. Mr. President, I ask unanimous consent for the present consideration of Senate bill 1542, for the relief of Philip A. Hertz. This is a bill to correct the military record of this soldier, who enlisted in the Army of the United States during the Civil War, in 1861, as a drummer boy, when he was 14 years of age. He served for three years, and at the end of that three years he reenlisted as a private soldier. In 1864 he was very badly wounded, after having served over three years and a half. He was sent to the hospital, where he remained for two months, then was furloughed home, where, the record shows, he continued ill and he failed to report again before the end of the war. He is now a man 75 years of age. As I said a moment ago, he served actively three years and a half, was badly wounded, and this bill is simply designed to correct his record as of the date of its passage.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent for the immediate consideration of Senate bill 1542. Is there objection?

Mr. KING. I object.

Mr. CALDER. Mr. President, I move that the Senate proceed to the consideration of the bill.

The motion was rejected.

ACQUISITION OF REAL ESTATE BY THE WAR DEPARTMENT.

Mr. WADSWORTH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 7158, to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor.

Mr. SMOOT. Mr. President, I should like to have the Senator from New York briefly explain the bill. I have not had time to read the report on it.

Mr. WADSWORTH. I realize that this bill is not without importance. It is a House measure, passed several months ago by the House after very extensive hearings before the House Committee on Military Affairs.

Senators will, of course, recall that during the war the War Department acquired a large number of valuable tracts of land, either by lease or by purchase outright, or, in many cases, by condemnation proceedings, and upon those lands were built large numbers of buildings, some of them at great cost.

As soon as the war was over, shortly after the armistice, Congress, in the Army appropriation bill of 1919, forbade the War Department purchasing another acre of land or putting up another building. The action of the Congress at that time, in my judgment, was entirely warranted, for there was certainly a disposition on the part of the War Department to go ahead in purchasing more land and in some cases doing it in a rather reckless manner. The Congress interposed with an objection and said, "You shall not buy another acre or put up another building until we give you specific permission to do so." I think that action was warranted, and, under the circumstances, was in the interest of the Treasury and the taxpayers.

The Military Affairs Committee of the Senate reported that provision in the Army appropriation bill. At the time we did so and at the time the House Military Affairs Committee did so we knew full well that in many instances grave hardships would be imposed upon citizens of the United States whose property had been condemned, but who had not been paid; upon other citizens whose property had been leased by the Government with the agreement to purchase at a later date pending negotiations. We also knew that upon much of this land great buildings had been erected, the property of the Government.

It turns out that in some of these war-time installations, especially the ones recited in this bill, the Government owns outright the great majority of the land in the project, but has failed to acquire title, for one reason or another, and especially by reason of the enactment of 1919, to small parcels of land within the project, and in all of these instances the Government has put up immensely expensive buildings on land which it does not own.

In some instances the Government wants to sell the entire project, get the money, put it back into the Federal Treasury, and get out of the project. It can not do so, because it has not the title to some of these small parcels upon which Government buildings have been built. The value of the buildings is vastly more than the value of the land.

The House committee, after extended hearings, went over these different projects and reported this bill, and the House passed it, and I think I may say with entire accuracy that the House has been exceedingly careful, in matters of this kind, in preventing the War Department from indulging in any extravagance.

While this bill does carry appropriations amounting to four millions and a few hundred thousand dollars, if it passes it will enable the War Department to get rid of a lot of this property, and put back into the Federal Treasury much more than $4,000,000. As it is to-day, the department is helpless in the matter. It can not move. In several instances it has these buildings on land which it does not own. In the projects named this bill permits the War Department to complete title, as it were, to the remaining parcels, and in that way enable it to do business with people who will come forward, and have already come forward, in some instances, with proposals to purchase.

Mr. SMOOT. May I ask the Senator a question?

Mr. WADSWORTH. Certainly.

Mr. SMOOT. I notice in the report the item of the Savanna proving ground, Savanna, Ill. The investment in the land is given as $900,000, and the improvements on that land $4,986,503. Is that the price of the land agreed upon during war time, a war price?

Mr. WADSWORTH. No, Mr. President, that refers to land which has already been paid for. That is a typical example.

Mr. SMOOT. Take, for instance, the Army base at Charleston, S. C. An appropriation is asked in that case of $159,020.

Mr. WADSWORTH. Yes.

Mr. SMOOT. That is for the land, while the improvements on that land are estimated at $16,500,000. I desire to know, is the $159,020 the price of the land at a time when lands were higher than they are to-day, a war price? Was there any agreement as to that amount, or is that the agreement as to the value of the land to-day?

Mr. WADSWORTH. That is the estimate of the amount which the department will need to acquire the land. I think if the Senator will look up the records he will find that so long did the War Department postpone, or so long was it compelled to postpone, settlement with the owners that the owners sued in the Federal courts in South Carolina and recovered a big judgment against the Government.

This land was requisitioned in April, 1918, but was not paid for, and under the act of Congress of 1919 it could not be paid for. The land amounts to 1,533 acres. The amount asked is $159,000, about $100 an acre. The Government has spent in permanent improvements $16,500,000. It is a big Army base, up the river from Charleston, S. C., with docks and warehouses. The Government can not get rid of it. Personally I think the Government should sell it, or lease it and get some revenue from it, for it can not be used by the Army to-day for any active purpose, but the Government can not do anything with it until it gets title to that land.

Mr. SMOOT. The only object of my inquiry was to find out whether the price the Government is to pay, as stated in this report, is the price that was agreed upon before the Government put any improvements on that land.

Mr. WADSWORTH. I think there was no agreement; it was simply taken.

Mr. SMOOT. They did not try to agree about any price?

Mr. WADSWORTH. They may have done so; I do not know as to that; but a judgment was rendered against the Government in Charleston.

Mr. SMOOT. I think, with the Senator from New York, that this is the only way we will ever get our money out of many of these improvements. In other words, the value of the land in all of these improvements taken together is $4,140,105.72, and the Government of the United States has put improvements

on that very land to the extent of $131,000,000. The total value of the land involved is $4,140,105.72. That is what this bill would appropriate.

Mr. WADSWORTH. That is true.

Mr. SMOOT. Upon that land the Government has already expended, by way of improvement, $131,589,131.

Mr. WADSWORTH. Of course, it is fair to say that those improvements were put on at war-time prices, but even making allowance for the reduction in their value, it is easy to see that the improvements are worth infinitely more than the land. The improvements are useless to the Government, in the matter of getting rid of them or using them actively on a permanent basis until the Government owns the land under them. I think the War Department is not entirely out of sympathy with my view and that of the Military Affairs Committee of the Senate, and if I had my way about it, as soon as I got title to the entire tracts of land which underlie these great installations I would sell most of them and stop maintaining them and adding to the overhead cost of the Army.

The junior Senator from Utah [Mr. KING] will bear me out in the statement that I have been somewhat of a crank in inveighing against the terrific cost of the Army, not the cost of officers and soldiers but the cost of maintaining and guarding against fire, thievery, and damage to these huge war-time installations, the size of which surpasses my powers of description. Some of them are so large it is difficult to conceive how they were built in such a short time, but they are there.

Mr. KING. Or why they were built.

Mr. WADSWORTH. They were built for a three years' war.

Mr. OVERMAN. Mr. President, there is a camp in North Carolina where the land was seized by the Government and the people driven out from their homes. Schoolhouses were taken, churches were taken, and the people have gone. They refused to sell the land, so the Government took it, and many suits have been filed in the courts to ascertain what those lands are worth. Judgment has been rendered for the value of the land. I do not see that the bill mentions any of those people. They ought to be included, because the Government will have to pay the amount if judgment is rendered against the Government.

Mr. SMOOT. This is a direct appropriation for specific amounts and specific purposes.

Mr. OVERMAN. They are in exactly the same situation. Does the Senator object to having Camp Bragg included?

Mr. WADSWORTH. I would hesitate on behalf of the committee to do that.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 2263) to amend the Federal reserve act approved December 23, 1913.

Mr. WADSWORTH. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. OVERMAN. Mr. President, I would like to have the bill go over so that we may confer with the Secretary of War, who has visited Camp Bragg, and I understand is going to maintain it. It is one of the main camps of the United States. I have no doubt he will make some recommendation, because judgment has just been rendered for the lands that were taken from these people, when the people were driven out from their homes and had to buy other lands, and they now want the money with which to pay for them.

Mr. WADSWORTH. I hope the Senator will not delay passage of the bill. We can get just as quick action on the matter in which the Senator is interested if the bill is passed.

Mr. KING. If the Senator will pardon me, I do not think the matter to which the Senator from North Carolina refers is quite cognate with this. This seeks an appropriation to pay for land which the Government has condemned or sought to condemn, and which it has kept. It desires to complete the purchase in order that it may acquire particular buildings.

The case referred to by the Senator from North Carolina is where the Government has taken over the land, already owns it, but has not paid the judgment of condemnation which has been awarded. That can be brought in as a separate measure; indeed, it ought to come upon a deficiency appropriation bill.

Mr. SMOOT. It will naturally go upon such a bill.

Mr. OVERMAN. I do not wish to delay the pending bill, but I desire to know from the Senator just what the situation is. These people did not want to sell their lands. They are Scotch and they love their old homes, but they were driven off the lands by the Government. Recently judgments have been rendered in favor of the people for their lands which were taken by the Government, and they want their money.

Mr. SMOOT. They ought to have it and no doubt will get it.

Mr. OVERMAN. I know the Secretary of War wants to pay them, but I do not know whether he has any authority under this bill.

Mr. WADSWORTH. No; he has no authority under this bill. The bill was very carefully drawn by the House committee and is specific in its provisions.

Mr. OVERMAN. Was it recommended by the Secretary of War?

Mr. WADSWORTH. Yes.

Mr. OVERMAN. I know he is in favor of paying the judgment to which I have referred.

Mr. WADSWORTH. Perhaps the judgment to which the Senator refers was rendered since the preparation of the bill. There will be other matters of the kind presented.

Mr. OVERMAN. I think the judgment was rendered about a month ago.

Mr. FLETCHER. It is simply a question of presenting the judgment to the proper committee.

Mr. OVERMAN. I know that such matters are handled usually by the Appropriations Committee. However, I am not going to delay the consideration of the bill. I merely wanted information.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears none. The Secretary will read the bill.

Mr. KING. Mr. President, I should like to inquire of the Senator from New York whether it would not be possible in some of these instances to sell the property which the Government owns, in part at least, subject to the defect in the title?

Mr. WADSWORTH. I do not believe the Government could get a very good price in any such deal as that. If the Government does not own the property, it is not in a position to do business with anybody who wants to buy it.

Mr. KING. The point I am trying to get at is this: Might not the individual who purchased from the Government make a better deal with the owners of the property than the Government itself? I observe as to many of the prices named in the bill that they are apparently extravagant. They seem to me to be enormous prices for wild, vacant, and unoccupied land—that is, unoccupied and vacant until the Government obtained possession of it for the purpose of erecting buildings upon a portion of it. A thousand dollars an acre for some of that wild land upon some of those streams in some of those districts is an extravagant price.

Mr. WADSWORTH. I do not know of any thousand-dollar-an-acre land involved here that is in a wild country. There is some in the heart of business districts; for instance, there is one in the city of Brooklyn.

Mr. KING. I was referring to one in South Carolina, as I recall, which is a thousand dollars an acre.

Mr. WADSWORTH. No; it is $100 an acre.

Mr. KING. Then I was in error in my figures. The Senator, then, thinks it would be impossible for the Government to sell unless it acquires additional property?

Mr. WADSWORTH. Yes; to sell at any advantage to the Government.

Mr. KING. Can the Senator assure us that the Government sympathizes with his view and will make such disposition?

Mr. WADSWORTH. I think it does in several of these instances, not at all. Some will be permanent. For example, there is one in Brooklyn which is an immense thing, the largest of its kind in the world, involving immense concrete and steel warehouses that have been put up on the water front. It is in the heart of the water-front district of Brooklyn.

Mr. KING. In the particular instance some of the land upon which the buildings have been constructed has not yet been acquired?

Mr. WADSWORTH. It has not.

Mr. KING. The buildings were erected without acquiring title to the land?

Mr. WADSWORTH. Yes. In that case the Government is leasing to private parties, I think, two of the piers and is getting a good revenue. As the great concrete storehouses are emptied out by the sale of surplus supplies they will be able to lease more facilities, and the Government has to settle with the owners of the land underneath the building some day. The quicker we get title to it the more free are we to do with it as we please.

Mr. KING. The Senator will recall that I had occasion to criticize the former Secretary of War and Chief of Staff and

those in control of this branch of the War Department service because of their tenacity in holding on to a large number of these plants and warehouses and storehouses. Instead of selling them, as ought to have been done, they were holding on to them.

Mr. WADSWORTH. They could not sell them while they did not own the land underneath.

Mr. NELSON. Mr. President, there is one question I should like to ask: Are the prices fixed in the bill the result of an agreement or the result of condemnation proceedings? For instance, let us take the case of the Army supply base, Brooklyn, N. Y., $1,590,000. Is that a price that has been agreed upon?

Mr. WADSWORTH. That is the price which the War Department recommends as necessary to complete the purchase. May I call the Senator's attention to the figures in that connection?

Mr. NELSON. What I mean is whether the figures that are given here are the result of condemnation proceedings, or are they the result of agreements with the owners?

Mr. WADSWORTH. Both.

Mr. NELSON. Are there any of them as to which no agreements have been made and no condemnation proceedings had?

Mr. WADSWORTH. Yes; there is one, and I was going to ask that that be stricken from the bill.

Mr. NELSON. Which one is that?

Mr. WADSWORTH. It is the one relating to the quartermaster's warehouse at Baltimore, Md., that provision which authorizes the Secretary to sell to the Canton Co., of Baltimore, for $300,000 the improvements erected upon the site. I am going to ask that that be stricken from the bill. The Secretary informs me that he is now in negotiation with the owners of the land to get them to purchase the Government buildings, and he will be in position to get a better deal than that provided for by the House provision, and he wants that stricken from the bill. The Military Committee authorized me to offer that amendment.

Mr. DIAL. Mr. President, I desire to say to the Senator from New York that the storehouse at Charleston is still being used by the Government.

Mr. WADSWORTH. Yes; for storage.

Mr. DIAL. They have a large quantity of material on hand there yet. Just a month or two ago I received a telegram in which I was informed that they had 160,000 bales of cotton in this house, and in addition to that they are using it for shipping purposes. It is being used largely, of course, for storage.

Mr. WADSWORTH. They are using that for storage, as I happen to know.

Mr. JONES of Washington. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Washington.

Mr. JONES of Washington. I find in section 2 of the bill this provision:

That the Secretary of War is empowered to carry out agreements for the purchase of said real estate—

Referring to the items for which appropriation is made. Then in line 20 it is said:

and he is hereby authorized and directed to dismiss all actions pending in court for the condemnation of the following-described tracts of real estate.

Then follows a description of the tracts of land referred to. Then in section 3 it is provided:

That the Secretary of War be, and he is hereby, authorized and directed, at the time of the expiration of the leases now held by the War Department, covering the several tracts of land heretofore described—

I take it that refers to those described in the preceding section?

Mr. WADSWORTH. Yes.

Mr. JONES of Washington. I continue the reading—

to enter into new contracts for the lease of such portions of said land as he deems necessary, and for such length of time as he deems advisable, to enable the War Department to remove all Government buildings and other property now located on said premises: *Provided*, That the Secretary of War be, and he is hereby, authorized to purchase from the owner or owners of such number of acres as in his judgment is necessary for the operation of the water plant now located thereon, or to lease the same for a term of years, as his judgment may direct.

Why should the Secretary of War desire to purchase land for a water plant if he is going to abandon those lands and remove the Government buildings from them?

Mr. WADSWORTH. I am glad the Senator called attention to those provisions. I intend to move to strike them all out. They all refer to Camp Grant, in Illinois. The House put them in. The Military Affairs Committee of the Senate is not quite aware of the reasons for putting them in. The provision authorizes the Secretary of War to dismiss all the actions pending in court for the condemnation of certain tracts inside of the Camp Grant reservation. They comprise but a comparatively small fraction of the entire tract, but on them stand the very center of the camp, the buildings themselves.

The Secretary of War has informed the committee that if he is compelled to dismiss all the actions pending in court he will have to move those buildings. He will have to move them to some other part of the camp, and that will cost a large sum of money. He desires an opportunity to acquire the title to the remaining parcels in the center of Camp Grant, and then to be free to deal as he pleases, with such authority as the Congress gives him, for the sale of the entire property or its retention in whole or in part. He points out in the letter, which has been made a part of the record, the disadvantage which will accrue to the Government if the action suggested by the House, in the language to which the Senator calls attention, is adopted. At the proper time it is my intention to offer as an amendment the striking out of all the provisions to which the Senator has alluded.

I ask permission to insert in the RECORD, as a part of my remarks, a letter from the Secretary of War relating to this matter. It is rather lengthy, but to my mind it puts up a perfectly good case for the striking out of the provisions, so the Government will be free to go ahead with that business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, July 5, 1921.

Hon. JULIUS KAHN,
Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. KAHN: I desire to call attention to certain amendments which have been added to H. R. 204, Union Calendar, No. 54, Sixty-seventh Congress, first session. This bill was originally introduced April 11, 1921, and was reported May 26, 1921, with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed. It is now H. R. 7158, Report No. 185, reported June 16, 1921.

The amendments to which attention is called are as follows:

(a) Lines 20 to 25, page 2, and lines 1 and 2, page 3, of H. R. 204, Report No. 102, which read as follows: "or the Secretary of War is authorized to sell to the Canton Co., of Baltimore, the improvements erected upon the site within 90 days from the enactment of this law for the sum of $300,000, plus interest at the rate of 6 per cent per annum on all deferred payments."

By this amendment the Secretary of War is authorized to sell to the Canton Co., of Baltimore, certain improvements which, however, are necessary for the proper functioning of the supply depot in Baltimore, and which should by all means be retained by the War Department. In the bill as originally presented by the War Department an appropriation of $100,000 was asked in order to complete the acquisition of the real estate necessary for this depot. It will be further noted that the cost to the Government in improvements pertaining to the Baltimore depot was $1,900,000, and it is therefore apparent that if the sale of these improvements for the sum of $300,000 is effected at this time and in the manner proposed, it will result in a very material loss to the Government.

(b) Lines 20 to 25, page 3; pages 4 and 5; lines 1 to 18, page 6; of H. R. 204, which provide:

"and he is hereby authorized and directed to dismiss all actions pending in court for the condemnation of the following-described tracts of real estate: The west half of the northwest quarter of section 13, township 43 north, range 1 east of the third principal meridian; also the southwest quarter of the southwest quarter of section 12 in the same township and range; also the east half of the northeast quarter of section 14, in the township and range aforesaid, excepting therefrom the rights of way of the Chicago, Burlington & Quincy and the Chicago, Memphis & Gulf Railroads, the total number of acres to be included within this description being 193.9 acres, situated in the county of Winnebago and State of Illinois. The south 253.44 feet of the southwest quarter lying east of the east bank of the Rock River of section 2, township 43 north, range 1 east of the third principal meridian; also the northwest quarter lying east of the east bank of the Rock River of section 11, township 43 north, range 1 east of the third principal meridian; also the south half of the northeast quarter (except railroad rights of way) of section 11, township 43 north, range 1 east of the third principal meridian, but including the right or possibility of reverter of the part or portion of said premises conveyed to the Rockford & Interurban Railway Co. by deed dated August 20, 1917, and recorded on September 5, 1917, in book of deeds 256, on page 491, in the office of the recorder of Winnebago County, Ill., in the event the premises so conveyed shall cease to be used for railway purposes; also the north 14 acres of the southwest quarter lying east of the east bank of the Rock River of section 11, township 43 north, range 1 east of the third principal meridian; all in Winnebago County, Ill., and containing in all 229.55 acres, more or less. The north half of the southwest quarter lying east of the east bank of Rock River (except the north 14 acres thereof), and the north half of the southeast quarter of section 11, township 43 north, range 1 east of the third principal meridian, except that portion thereof conveyed to Illinois, Iowa & Minnesota Railway Co. by deed dated April 25, 1905, and recorded May 6, 1905, in book of deeds 187, page 302; also the northwest quarter of the southwest quarter of section 12, township 43 north, range 1 east of the third principal meridian, comprising 162.94 acres, more or less, situated in the county of Winnebago, in the State of Illinois.

"SEC. 3. That the Secretary of War be, and he is hereby, authorized and directed, at the time of the expiration of the leases now held by the War Department covering the several tracts of land hereinbefore described, to enter into new contracts for the lease of such portions of said land as he deems necessary, and for such length of time as he deems advisable, to enable the War Department to remove all Government buildings and other property now located on said premises: *Provided*, That the Secretary of War be, and he is hereby, authorized to purchase from the owner or owners such number of acres as in his judgment is necessary for the operation of the water plant now located

thereon, or to lease the same for a term of years as his judgment may direct; and in the event of his inability either to lease or purchase the land necessary for the water plant, from the owner or owners thereof, that he is authorized to acquire the same through condemnation proceedings: *Provided further*, That the owners of said tracts of land, prior to the dismissal of all legal proceedings now pending, shall enter into contract and agreement with the War Department covering all rights of removal of Government property after the expiration of the lease, if not removed before the expiration of the lease; and also for the protection of the Government in relation to any water mains or sewer pipes which may cross any portion of said land."

The above-described tracts of real estate are located on the reservation at Camp Grant, Ill. Acquisition of the fee simple title to these lands has not been completed, but they are the subject of condemnation proceedings which were filed by the Government on June 30, 1919, in the District Court of the United States for the Northern District of Illinois, western division. The land described constitutes the three parcels of land owned as follows:

"(1) 230.36 acres, owned by John August Johnson.

"(2) 162.94 acres, owned by Sarah J. Baldwin.

"(3) 193.9 acres, owned by Charles A. Samuelson.

"No one of the three tracts listed above can be given up without interfering with the proper administration of Camp Grant and injuring the interests of the United States.

"The Johnson tract includes all the important buildings and heating plants connected with the station hospital, a large number of officers' quarters, and several important warehouses filled with property, in addition to other less essential camp features.

"The Baldwin tract includes within its limits the pumping station which is the base of the water supply, a large number of officers' quarters, and several important warehouses full of property, in addition to other less essential features. This tract lies between the Johnson tract and the main part of the camp.

"The Samuelson tract lies almost in the center of the Camp Grant reservation and includes within its limits ground absolutely necessary for the regular military and athletic activities of the camp—drill, inspections, ceremonies, and athletics."

The amendment noted under (b) above provides that the Secretary of War is authorized and directed to dismiss all actions pending in court for the condemnation of these tracts of real estate. The result of this would be that those three tracts of land, constituting a vital portion of the reservation at Camp Grant, would be taken from the United States and returned to the original owners, with the result that the reservation would be practically useless for the purpose intended unless great expense were incurred for the erection of buildings to take the place of those on the ground in question. It is true that the amendment provides that the Secretary of War is authorized and directed, at the time of the expiration of the leases now held by the War Department covering the several tracts of land in question, to enter into new contracts for leasing of such portions of said land as he deems necessary and for such length of time as he deems advisable to enable the War Department to remove all Government buildings and other property now located on said premises. It will be noted here, however, that this amendment provides only for the removal of such property as has been erected at great expense on these premises and which is absolutely indispensable for the proper administration of the camp. The removal of these buildings and utilities, in addition to rendering the camp useless for all practical purposes, would necessarily involve a very large expenditure of funds on the part of the War Department.

In view of the above, it is urgently recommended that the amendments noted under (a) and (b) above be stricken from the bill and that the bill be passed as originally presented by the War Department.

Sincerely, yours,

JOHN W. WEEKS,
Secretary of War.

Mr. JONES of Washington. I would like to ask the Senator another question. As I understand, the expenditure of the moneys appropriated in the bill is for the purpose of acquiring certain lands in order that the entire tract may then be sold?

Mr. WADSWORTH. It will leave the Government free to sell it. May I say that I can not now pledge the War Department to the sale of all these properties. I do not know whether they will recommend the sale of all of them or only part of them, but at least the Congress itself will have the authority to direct their sale if in its judgment they should be sold in spite of the objection of the War Department.

Mr. SMOOT. As soon as title is acquired.

Mr. WADSWORTH. When title is acquired we can do with these things what we please and that is the condition of affairs which I think we should reach mighty soon.

Mr. JONES of Washington. What I have in mind is this: I understand that the tracts which are to be acquired have valuable buildings on them.

Mr. WADSWORTH. Yes.

Mr. JONES of Washington. Of course, if we do not acquire title we lose the buildings. The question I have in mind is for what private purposes the buildings may be suitable?

Mr. WADSWORTH. Hardly any in many instances, and various purposes in some instances. The Brooklyn storage base is, of course, of immense value, and that is a base which I take it the Government should hold and lease to private individuals or to the city of New York if the city made a good offer; but some of these great storehouses I doubt that any individual could use; at least they could be salvaged and sold along with the land at a better figure than the Government could reach now when it does not own the land under them.

Mr. JONES of Washington. Does the Senator really think we would make money by investing more money, in order to get title to the land which has the buildings on it if the buildings are not suitable for use by the private parties?

Mr. WADSWORTH. Oh, decidedly; yes.

Mr. JONES of Washington. That has been very carefully looked into by the committee?

Mr. WADSWORTH. Yes; it has been very carefully looked into by the committee.

The PRESIDING OFFICER. The Secretary will read the bill.

Mr. LA FOLLETTE. Mr. President, reserving the right to object, I desire to say that I understand unanimous consent for the present consideration of the bill has not as yet been given.

The PRESIDING OFFICER. Unanimous consent for the consideration of the bill has been given.

Mr. LA FOLLETTE. I understand that it has not been given.

The PRESIDING OFFICER. Unanimous consent has been given.

Mr. LA FOLLETTE. Well, Mr. President, according to the practice of the Senate, if objection is interposed at any time pending the consideration of a bill, it arrests its consideration. I believe that is the practice of the Senate.

Mr. President, I want a little information about this proposed legislation before it is further considered. As I have been informed since coming on to the floor, the Government has erected upon certain lands, to which the Government had no title, certain buildings, and it is proposed by this legislation to acquire title to all the land upon which those structures have been erected. Is that true?

Mr. WADSWORTH. Yes. The Government, may I say, owns the major portion of the lands in each case, but in some cases there are small parcels of land which remain to be acquired.

Mr. LA FOLLETTE. The major purpose of this bill is to acquire title to the remaining portions of such land? Is that correct?

Mr. WADSWORTH. Yes; and, incidentally, to pay the owners, for they have never yet been paid.

Mr. LA FOLLETTE. I understand; and after title to these lands is acquired it is left discretionary with the Secretary of War as to whether the real estate so acquired shall be retained by the Government for the purposes of the War Department or shall be thereafter sold. Is that true?

Mr. WADSWORTH. It is left discretionary with the Secretary of War, lacking any action of Congress.

Mr. LA FOLLETTE. That is always true. I suppose that Congress could pass a law requiring the Secretary of War to dispose of any property belonging to the United States Government which the War Department is using.

Mr. WADSWORTH. Yes; and Congress has done so, too.

Mr. LA FOLLETTE. Yes, I understand that; but, after the title to this property is secured, it will be in the discretion of the Secretary of War as to whether any of it shall be alienated by the Government?

Mr. WADSWORTH. It will be.

Mr. LA FOLLETTE. I have been considerably interested, Mr. President, in reading and comprehending, in so far as I am able to do so, the report of the Secretary of War with respect to the military plans which the War Department of the Government has in hand, and I have been very much impressed with the fact, if the plans of the Secretary of War are consummated—and I am led to believe that the Military Committees of both branches of Congress must be advised of the proposed plans of the War Department—that we are inaugurating a policy which is to lay a very substantial foundation for a military system in this Government of ours upon which there may be constructed, in very short order, an Army of at least 2,000,000 men.

In view of the fact, Mr. President, that we have here now assembled in Washington a conference brought about by the adoption of a resolution here in the Senate looking to disarmament, as we supposed when we passed it; in view of the fact that we have here gathered a body representing great powers, presumably engaged in the business of cutting down military operations, of so reducing the expenditures for naval and land armament as to relieve the people of not only our own country but, as it reacts upon the other nations, of the whole world of this intolerable burden—in view of that fact, Mr. President, I was somewhat astounded to read in the report of the Secretary of War the plans which the War Department has for the upbuilding of an Army of 2,000,000 men in this country; for preserving and developing at a considerable expense an organization that will at once enable the United States, employing the conscription legislation which has been written into the law of our country, to build up here on very short order an Army of 2,000,000 men. That does not seem to me to jibe very well with the deliberations which are proceeding at the other end of the Avenue, news of which is carried not only to the re-

motest parts of our own country but to all over the world, inspiring the hope that there is to be inaugurated some system of reducing all preparations for war for all the peoples of the world.

Mr. President, with the Secretary of War that we now have, who has put forth this ambitious program, concerning which I purpose to have something to say in a more analytical and extended way when Congress shall reassemble again, I do not know whether I, for one, want to see him invested with the discretion of acquiring title to property and holding it to fit into not only the monumental but the monstrous military program which he has outlined in his report. So, Mr. President, in the closing hours of this session, when the Congress is about to take a recess, and when the measure can not be fully debated, I am constrained to interpose an objection to the further consideration of the bill.

The PRESIDING OFFICER. The Chair is of opinion that the objection of the Senator from Wisconsin comes too late. The bill was taken up after 2 o'clock——

Mr. LA FOLLETTE. Mr. President, from that decision I appeal.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. LA FOLLETTE. On that I demand the yeas and nays.

Mr. CURTIS. Mr. President, will the Senator withhold his demand if the Senator from New York will allow the bill to go over?

Mr. LA FOLLETTE. I want the bill to go over—that is what I stated—so that it may be considered by a full Senate and may be debated. It can not be passed to-day, and we might as well understand that now.

Mr. WADSWORTH. Mr. President, under the circumstances, and in view of the announcement of the Senator from Wisconsin, I will not press the bill any further to-day.

The PRESIDING OFFICER. The Senator from New York withdraws the bill.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. FRELINGHUYSEN obtained the floor.

Mr. LADD. Mr. President——

Mr. FRELINGHUYSEN. Mr. President, I do not want to delay the business of the Senate, and if any Senator desires to obtain the passage of a bill I shall be glad to yield for that purpose, but I wish to address the Senate for a few moments on an important subject. I will, however, defer to the Senator from North Dakota [Mr. LADD] if he desires the floor.

Mr. KING. Mr. President, I ask that the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. The unfinished business was laid before the Senate at 2 o'clock, and by unanimous consent was temporarily laid aside.

Mr. KING. May I ask the Chair whether it is now before the Senate?

The PRESIDING OFFICER. It is not now before the Senate, having been temporarily laid aside, and it will continue to be laid aside until it is brought before the Senate again.

Mr. KING. I move that it be brought before the Senate.

Mr. FRELINGHUYSEN. Mr. President, have I the floor?

The PRESIDING OFFICER. The Senator from New Jersey has been recognized and is entitled to the floor.

Mr. FRELINGHUYSEN. I yield to the Senator from Utah.

Mr. KING. The Senator from New Jersey has just announced that he intends to submit some remarks, and I suggested that the Chair lay before the Senate the unfinished business.

Mr. FRELINGHUYSEN. I understand that I am addressing the unfinished business.

Mr. LADD. Mr. President——

Mr. FRELINGHUYSEN. I yield to the Senator from North Dakota, who I understand desires to introduce a bill. I wish to be courteous to Senators, and before I begin my remarks I desire to allow Senators who have business to transact to have an opportunity to do so.

Mr. KING. I wanted some measure to be pending before the Senate so that the Senator could not be taken from the floor.

Mr. FRELINGHUYSEN. I appreciate the courtesy of the Senator from Utah.

The PRESIDING OFFICER. In compliance with the suggestion which has been made, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2263) to amend the Federal reserve act, approved December 23, 1919.

CLEARWATER, ST. JOE, AND SELWAY NATIONAL FORESTS.

Mr. BORAH. Mr. President, I ask unanimous consent for the immediate consideration of House bill 77, being Order of Business No. 332. I do not think it will lead to any discussion at all.

Mr. KING. I ask that the bill be read.

Mr. JONES of Washington. Let us have the title of the bill read, Mr. President.

The PRESIDING OFFICER. The Secretary will read the bill.

The reading clerk read the bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands and Surveys, with amendments.

The amendments were, on page 1, line 5, after the word "within," to insert "or within 6 miles of the exterior boundaries of"; and on page 2, line 7, after the word "coal," to insert "oil," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within or within 6 miles of the exterior boundaries of the Clearwater, St. Joe, or Selway National Forests, if in the opinion of the Secretary of Agriculture the public interests will be benefited thereby and the lands are chiefly valuable for national forest purposes, and in exchange therefor may give not to exceed an equal value of such national forest land or timber, or other unreserved Government land, nonirrigable and not suitable for the raising of agricultural crops except grass, in Idaho, as may be determined by the Secretary of Agriculture or the Secretary of the Interior and acceptable to the owner as fair compensation: *Provided*, That all selections made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal, oil, and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same, as is provided for under section 9 of the act of December 29, 1916 (39 Stats., p. 862), for lands patented thereunder to entrymen.

Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall become parts of the national forest within or near to which they are situated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MOUNT M'KINLEY NATIONAL PARK, ALASKA.

Mr. SMOOT. Mr. President, the Senator from South Dakota [Mr. NORBECK] desired me to call up House bill 6262, being Order of Business 331, and ask for its immediate consideration, I having reported the bill to the Senate.

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The ASSISTANT SECRETARY. A bill (H. R. 6262) to add certain lands to Mount McKinley National Park, Alaska.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. WADSWORTH. Mr. President, does it carry an appropriation?

Mr. SMOOT. No; it simply adds to Mount McKinley National Park some 445,000 square miles of mountainous lands in Alaska. Those are the lands in which the caribou and wild sheep, food for the Alaskan people, range and are bred and raised. There is not a foot of agricultural land in the area to be added to the national park.

Mr. KING. May I ask my colleague whether the bill restricts mineral exploration and location?

Mr. SMOOT. All of it.

Mr. KING. If it does, I think it ought not to.

Mr. SMOOT. I will say that it does not restrict the lands any further than the lands that now fall within the forest reserves in the United States are restricted. As far as mining is concerned, a man can go into that reserve now and mine for minerals of any kind or character. This simply adds to that reservation, and does not interfere with the mining industry in any way whatever.

Mr. KING. The point I had in mind was that so many reserves are now being created and national parks established, and restrictions are imposed, either by law or by regulations of the Interior Department, which practically prohibit any mining or mineral development. As far as I am concerned, if this bill

prohibits mineral development and mineral exploration I shall object to it. Let it be read.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. Reserving the right to object, I ask that it be read.

Mr. JONES of Washington. Mr. President, before the bill is read I should like to ask the Senator a question. I understood the Senator from Utah to say that the bill adds 445,000 square miles to the park. That takes in pretty nearly all of Alaska.

Mr. SMOOT. Oh, no.

Mr. JONES of Washington. There are a little over 500,000 square miles in Alaska, and this is four hundred and odd thousand. The Senator must be mistaken about the area.

Mr. NORBECK. It takes in an area about 22 miles square.

Mr. JONES of Washington. I asked the Senator from Utah, and he said the area was 475,000 square miles.

Mr. SMOOT. I will read the report.

Mr. JONES of Washington. If this bill adds 475,000 square miles to the park, I object.

Mr. SMOOT. This is the report, Mr. President, and this is what the department says:

The purpose of this act is to extend the boundaries of Mount McKinley National Park, in Alaska, to take in an additional 445 square miles of mountainous country, which is the home of large herds of mountain sheep and caribou, and does not embrace any lands that are desirable for agriculture.

Mr. JONES of Washington. Four hundred and forty-five square miles?

Mr. SMOOT. Did I not say that?

Mr. JONES of Washington. No; I understood the Senator to say 445,000.

Mr. SMOOT. Oh! If I said "445,000," Mr. President, I was wrong.

Mr. JONES of Washington. Then I withdraw my objection.

Mr. NORRIS. The mistake is a very small one. It is not material. [Laughter.]

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. I regret very much to object, but if the proponents of the measure will consent to an amendment which will permit mineral development I shall not object.

Mr. LA FOLLETTE. I shall.

Mr. SMOOT. There is no necessity of the amendment, because this park will fall under the law existing to-day. Whatever law exists there to-day is not changed by this bill in any way, shape, or form. It just adds that amount of land to the park in Alaska. The Department of Agriculture says that there is where the caribou and wild sheep are located, and the food of the Alaska people comes largely from this district.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. I object.

The PRESIDING OFFICER. Objection is made by the Senator from Utah.

RELIEF OF DISTRESS IN RUSSIA—COTTON PRODUCTION.

Mr. DIAL. Mr. President, I merely desire to say, in reply to the speech of the Senator from Arizona [Mr. ASHURST] to-day, that I have so much confidence in the governments of our 48 States and our various organizations and societies in those States that I do not believe that any man, woman, or child will perish in the United States if they or their friends make their condition known.

While I am on my feet, I desire to insert in the RECORD a short statement of the world's production of cotton.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

WORLD'S COTTON CROP SMALLEST SINCE 1900—15,593,000 BALES IS ESTIMATE—UNITED STATES AND EGYPT FALL OFF 61.4 PER CENT.

World production of commercial cotton for 1921–22 was placed at 15,593,000 bales by the Department of Agriculture in a report made public last night. This is the smallest crop since 1900, the report stated, and compares with 20,650,000 bales produced in 1920.

Two of the most important cotton-producing countries, the United States and Egypt, suffered crop "disasters" during the year, the report asserted, producing only 61.4 per cent of their total production of last year, or 5,667,000 bales less than was produced in 1920. The cotton crop in China, South America, Mexico, and other countries, while said to be not so important commercially, was reported smaller than usual. Russia, which immediately before the war produced around 1,500,000 bales annually, has practically ceased to grow cotton, the report stated.

Mr. DIAL. Mr. President, my attention has been called to-day to a couple of editorials in the New York Journal of Commerce very unjustly attacking Mr. J. S. Wannamaker, president of the American Cotton Association. I feel that these editorials are entirely unjust, out of place, not true, and uncalled for.

I have known Mr. Wannamaker practically all of his life. He is a much younger man than I, and no man in my State or in the South stands any higher than Mr. Wannamaker. He is a banker, a large farmer, and interested in the upbuilding of our people. These editorials go to the very extreme in denouncing him as having informed the people the first of this year, perhaps last year, of the quantity of cotton on hand and of the acreage that was proposed to be planted. They attacked him unjustly. The only criticism in the world that can be made of Mr. Wannamaker is that he is an enthusiast and perhaps overzealous in trying to serve people who have but little remedy.

I want to say again that I repudiate the editorials. I deplore the making of any such unjust attack, and I commend Mr. Wannamaker highly to anybody and everybody in the United States. He is the one man in the South who has organized our people and aroused them to their duty and to the way of at least trying to make the raising of cotton more profitable. If our people would follow the advice of Mr. Wannamaker in diversifying their crops and making a living at home we would soon be in a much better condition.

As I said before, these editorials are out of place, uncalled for, and absolutely unjust.

EXPORTATION OF WHEAT.

Mr. LADD. Mr. President, I ask unanimous consent for immediate action on Senate resolution 133, being Order of Business 371. The resolution requests the Federal Trade Commission to make an investigation of the exports of wheat. It is unanimously recommended by the Agricultural Committee. There is a general demand throughout the western country for immediate action, and I understand that the Federal Trade Commission, if authorized, is ready to take up the investigation.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent for the immediate consideration of Senate resolution 133. Is there objection?

Mr. KING. Mr. President, may I inquire of the Senator if the shipping reports and the information which the Agricultural Department has do not furnish all the information sought by the Senator from North Dakota?

Mr. LADD. No; they do not. The resolution seeks to have an investigation made as to the charges, the shipping, the freight rates, the subsidiary companies in this country and abroad, and all connections that there are in the handling of grain, beginning with the crop of 1919.

Mr. KING. Does the Senator say that the committee which was appointed some time ago to inquire into agricultural depression and the causes thereof, a joint committee of the House and Senate, would not have full authority to make the investigation contemplated by the resolution to which the Senator refers?

Mr. LADD. It is not referred to in the resolution that was passed in that connection. This resolution authorizes the Federal Trade Commission to make the investigation, to utilize the material and data in the various governmental departments; to determine the margins between farm and export prices; the freight and other costs of handling; the profits or losses of the principal exporting firms and corporations and their subsidiary or allied companies and firms; all the facts concerning market manipulations, if any, in connection with large export transactions, or otherwise; the organization, ownership, control, interrelationship, foreign subsidiaries, agencies, or connections of the concerns engaged in the export of grain, including the extent of their control of the facilities used by them; the organization, methods of operation, and so forth, so as to make the investigation complete.

Mr. KING. I can see that at least much of this information will be very valuable, and if the Senator states that there are no other instrumentalities now available for the purpose of obtaining the information I have no objection.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution? The Chair hears none, and the Secretary will read the resolution.

The resolution was read and agreed to, as follows:

Whereas the condition of the export market has been alleged as one of the reasons for the decline in the domestic prices of grain since the summer of 1920; and

Whereas there nevertheless has been during the past year a record volume of exports of grain from the United States and at prices showing a wide margin over the price at the farm; and

Whereas a wide spread of 15 to 20 cents between cash wheat and futures throughout the marketing season of 1920–21 existed and was caused either by the unprecedented export demand or heavy pressure on futures, or both; and

Whereas the organization of the export trade and all the conditions connected with the export of grain by American exporters and the purchase thereof by foreign buyers are of vital interest to American farmers and consumers: Therefore be it

Resolved, That the Federal Trade Commission be, and hereby is, authorized and directed to immediately investigate, beginning with the harvest of the 1919 grain crop, the margins between farm and export prices; the freight and other costs of handling; the profits or losses of the principal exporting firms and corporations and their subsidiary or allied companies and firms; all the facts concerning market manipulations, if any, in connection with large export transactions, or otherwise; the organization, ownership, control, interrelationship, foreign subsidiaries, agencies, or connections of the concerns engaged in the export of grain, including the extent of their control of the facilities used by them; the organization, methods of operation, and agencies used by foreign buyers of grain in this country; and other data affecting the demand for and foreign disposition, movement, and use of American exported grain; and report its findings and recommendations thereon as promptly as the various phases of the work are concluded. For the purpose of this investigation it is requested that the United States Grain Corporation, the Department of Agriculture, and other Government departments, and the United States Food Administration make available all the pertinent records from these several departments and organizations for the use of the commission.

STABILIZING THE COAL INDUSTRY.

Mr. FRELINGHUYSEN. Mr. President, there is on the calendar a bill known as Senate bill 1807, entitled "A bill to aid in stabilizing the coal industry." I have made several attempts to get that bill before the Senate and failed. I now want to make a brief statement regarding the bill, as I intend to call it up and ask for a vote upon it before the present session of Congress ends.

Section 4 of that bill provides:

That the Secretary shall from time to time investigate—

(1) The tonnage of coal produced and tonnage of coal sold in commerce, including railway fuel.

(2) The stocks of coal on hand in any section of the country or in such consuming territories or districts as may be outlined or designated by the Secretary and the consumption requirements in such sections or consuming territories or districts.

(3) The distribution of shipments of coal in commerce to any such section, territory, or district, including the distribution of coal cars.

(4) The contract and prevailing market prices received or paid for coal by persons engaged or interested in the mining, sale, storage, or distribution of coal.

Mr. President, when I last addressed the Senate, on the day the seasonal coal rate bill was sent back to committee, I said the coal question would not down. It has not downed. I was convinced then that the situation was critical. Nothing has since occurred to weaken my conviction. The coal question is right here to-day, staring us in the face. We can not dispose of it by ignoring it. The longer we delay, the more urgent and the more difficult will the decision be.

I said of Senate bill 1807 that it was meant simply to turn on the light. To call it regulation is to pervert the English language. Its only purpose is to throw the light of publicity and understanding on an industry which I and my associates on the Interstate Commerce Committee had come to realize did not know itself. The bill was opposed by an organized lobby of the coal interests who were afraid of the light and who wanted the people to continue to walk in darkness.

As a nation we are astonishingly ignorant about some of the elementary facts concerning our coal supply. Imagine a corporation that did not know how much coal it was burning, how much it was likely to need, what was a reasonable price to pay for coal, and never measured its stock pile except when there were signs of a shortage. Yet that is exactly the position of the people of the United States at this moment. They not only do not know these simple things but their Government can not find out.

To say that the Government of the United States is in the dark about these day-to-day facts of the coal supply is to charge that Government with negligence, but I can prove the charge on four counts.

There is only one thing that we know regularly about the coal supply, and that is the production. But production alone will not tell the story. We must know also what the relation of production is to requirements. For example, the latest figures show that up to November 26, the year 1921 was 83,000,000 tons behind normal. On that date the account stood as follows:

Produced in the year 1921, 372,000,000 tons, which is—

One hundred and twenty-eight million tons behind 1917.
One hundred and sixty million tons behind 1918.
Forty-five million tons behind 1919.
One hundred and twenty-three million tons behind 1920.

But of what value was it to know that production was anywhere from 45,000,000 to 160,000,000 tons behind, unless we knew also whether consumption was behind? Out of those figures the optimist could draw cheer and the pessimist predict the most terrible shortage in history. To understand the production figures we must know also the requirements and the stocks on hand. As to these indispensable facts we are in the dark.

I say we are in the dark about stocks. About once a year, when the situation looks desperate, some department does make a hurried, inadequate investigation of the amount of coal in shortage. In fact, such a hasty stock taking has just been made by the Department of Commerce. But the issuance of these sporadic reports may do as much harm as good. They come unannounced and unexpected, and sometimes have an unfortunate effect upon the market. Indeed, we must have adequate reports at regular intervals, conducted by some one agency which can develop the knowledge and the personnel to make them accurate. In three years we have had only four canvasses of stocks, conducted by four different departments. What we need is regular quarterly reports handled by one responsible department.

I say we are in the dark about requirements. Forecasting requirements is simply a matter of patient keeping of records, but the records are not being kept. We do not know what the current rate of consumption is. We do not know how much the steel industry has been using, and therefore we can not say how much it will use in the next quarter. We do not know at the time when it is needed what additions to stock are necessary in order to bring the reserves above ground up to the margin of safety. We are not looking ahead to ascertain the demands of our foreign customers. On all these facts, which could be ascertained so easily, we are in the dark, because it is no one's business to turn on the light.

I say we are in the dark about prices. Except for the retail prices quoted by the Department of Labor, we have no official records of what prices are being asked. The only thing we know is what the operators are willing to have known through the channels of their trade papers.

And lastly we are in the dark concerning the reasonableness of the price. One reason why production has fallen off so tremendously is that buyers are puzzled and uninformed. They are waiting for the price to come down. They will not trust the siren song of the coal man. When the coal operator advises them to "Buy now, the price is down to rock bottom," they put his statement down to propaganda. The whole matter turns on a question of fact, on what is the present cost of producing coal. But the buyer can not find out. I can not find out. You can not find out. The Government can not find out. The whole subject is shrouded in a smoke screen of inky darkness and has been ever since the National Coal Association in the Maynard Coal case obtained an injunction blocking the Federal Trade Commission's investigation of costs.

Now, it would be a simple matter to find out about these things as provided in the publicity bill. All that is needed is to turn on the light. All that is needed is to designate some Government agency to do the work. Why, the total cost of administering the bill would be less than what the National Coal Association pays its lawyers to fight legislation in this Congress. I say again that for a Government of 110,000,000 people not to ascertain these simple facts at a time when there are signs of a coal famine is criminally negligent.

Mr. President, there are the elements in the situation that arouse my apprehension. I am not predicting a shortage. I do not know. I, too, am blindfolded. But I am not muzzled. And I would be derelict in my duty to fail to call the possibilities to your attention.

The present situation is strangely like that which led up to the great miners' strike in 1919. Then, as now, there was a so-called "buyers' strike," a period of subnormal production and widespread unemployment among the coal miners. The discontent caused by that condition of unemployment was the direct cause of the miners' strike.

The present season differs from 1919 only in being much worse. As shown by the production, we are already 46,000,000 tons behind 1919. The unemployment has been much more acute, widespread, and prolonged. For many months the mines have been running less than half time. In the districts hardest hit by the depression there are hundreds of mines running only one or two days a week. Hundreds of other mines have closed entirely. Imagine yourself a day laborer in a mining camp in the mountains, dependent for support of yourself, your wife and children, on the mines, and being offered in the last month about 17 hours work a week, or barely 2 days. Do you think you would be in a mood to listen to a proposition to cut your daily wage of $7 under such conditions?

Mr. President, the present wage contracts in the union fields expire on March 31, 1922. On that day the wages to be paid over half a million men come up for settlement. It is clear that we are approaching a big labor readjustment, an adjustment fraught with possibilities of prolonged industrial upheaval. Yet we are doing practically nothing to forestall a break. We have not taken one step to alleviate the condition

of the miners. Instead we have let the situation drift until the mine workers have endured the longest siege of unemployment since the panic of 1893. It is this situation, among others, that the subcommittee of which I was chairman had in mind in reporting the seasonable coal-rate bill. The seasonable slump in 1921 was worse than usual, and added to it was the industrial depression. To break the jam and start the coal moving, to provide employment for coal miners and alleviate their discontent, it was proposed to encourage summer buying by empowering the Interstate Commerce Commission to order seasonal reduction in freight rates. But the organized coal lobby succeeded in recommitting the bill. This Chamber having before it a practical plan to ameliorate the lot of coal miners has listened to the coal lobby and put the plan by.

England liquidated her war-time miners' wage scale only after a three months' strike, which paralyzed all her industries and dealt her export trade a staggering blow. Our liquidation remains ahead of us. I am not predicting a strike. I hope and trust that some honorable settlement may be worked out which will safeguard the interests of the workers, the operators, and the public. But I submit that with no real information about the issues at stake, about wages, about costs, about profits, about prices, about supply and demand, we, the public, are in the worst possible state to meet the issue. We are in the dark. No, more than that, we are being led around in a game of blindman's buff by some merry gentlemen who have picked our pockets before, but who now, through their Washington lobby, ask us to trust ourselves to them.

ANTHRACITE.

So much for what the public does not know about bituminous coal. Turn now to anthracite. So far as hard coal is concerned, the figures show plenty of coal produced and transported. They show that up to the end of October 74,400,000 short tons of anthracite coal had been produced. This compared favorably with the record for preceding years.

Moreover, the movement to far-away destinations—New England and the Northwest, which are the regions most likely to suffer in time of winter shortage—is fully up to normal. New England had received during the first nine months of the year 8,750,000 short tons of anthracite, a half million tons more than in the same period in 1920 and a million more than in 1919. Receipts at Duluth-Superior, which is the gateway to the Northwest, up to the end of October were ahead of 1918, ahead of 1919, and ahead of 1920.

That much we know about the hard-coal supply. But we are in the dark about other things of the simplest and most elementary sort. Will anyone explain why with a supply ahead of last year the retail price of anthracite is higher to-day than it was a year ago? Here are the official Government figures from the Monthly Review of the Bureau of Labor Statistics:

Average retail price of anthracite coal for household use.

(Chestnut, per short ton.)

City	July 15, 1920.	July 15, 1921.	Increase.
Average, United States	$14.33	$14.95	$0.62
Boston	14.50	15.00	.50
Cleveland	14.03	14.20	.17
Milwaukee	14.90	15.94	1.04
Minneapolis	16.56	17.73	1.17
New York	13.07	13.30	.23
Philadelphia	12.00	12.61	.61
Washington, D. C	12.38	12.88	.50

Remember, these increases in coal prices are for a period when other prices have been falling.

Mr. President, we have grown accustomed to high prices and somewhat indifferent to them. I dare say there is no Member of this body who knows what it is to be cold, no one, however quick his sympathies, to whom the high price is more than an inconvenience. But there are people to whom $15 anthracite means going without. There are people to whom it means hardship and suffering and disease, to whom it means choosing between food and warmth, because they can not pay for both. You think that is exaggeration, perhaps. Listen to what the president of the board of child welfare of New York, which handles thousands of cases of widowed mothers and children, says:

> During the influenza epidemic * * * one of the greatest elements that aided the spread of the disease was the high price of coal, which the poor families could ill afford to purchase.
>
> Old people were found in a pitiable state, many of them unable to secure warmth to give strength to their bodies, and children were the greatest sufferers.
>
> The high prices hit them the hardest because, having no storage facilities, they can only purchase a few pounds at a time, and the small delivery is the highest in price.
>
> This matter became of such vital concern * * * that a fund was raised by the board of child welfare to meet this question of coal in the homes of the poor.

The fund was used last winter. It will be needed again this winter.

Mr. President, this is the condition that exists in New York City to-day, and its counterpart can be found in every other great city. The millions of unemployed face a winter of cold and hunger. Many of them will want for bread, and we are going to offer them coal at $15 a ton.

In New York, according to the president of the board of child welfare, the people are facing a most difficult winter:

> On account of the deplorable industrial condition, the burden falls heaviest on those families where the bread-winning possibilities are at lowest ebb. We mine 43 per cent of all the world's coal; we hold more than half of the world's unmined reserve, yet thousands of families must become charitable charges in order to secure a sufficient amount of warmth for the commonest creature comforts.

I do not wish to be unjust to the coal men. I know what the explanations are that they offer for these advances in the price of anthracite. The high cost of materials, a dull market for steam sizes, an increase in wages last summer, the increase in freight rates, these oft-repeated explanations are familiar to every Member of this body. The point I am making is that the public has no means of testing the truth of the explanations. Perhaps it is the truth. Perhaps it is not. All that the public and the Government know is only what the eight railroad coal companies want them to know.

We do not know because we are not permitted to know. We can not find out what the costs are because the National Coal Association has put out the eyes of the Government by the injunction in the Maynard Coal case.

We may recall that if increased freight rates are an element in the increased price, that increase has gone largely into the pockets of the anthracite coal-carrying roads which own the mines, and that these roads were already among the most prosperous in the country.

We do know, according to the Baltimore Sun of June 7, that the Philadelphia & Reading Coal & Iron Co. made profits of $6,672,000 in 1920 as against $2,464,000 in 1916, an increase of 170 per cent. We know that the Lehigh & Wilkes-Barre Coal Co., having for the last 10 years or more paid 13 per cent regularly, on March 5, 1921, paid a cash dividend of 150 per cent.

Two weeks ago the same company paid another dividend of $35 on its $50 shares, or at the rate of 70 per cent. In other words, this anthracite producer has in one year paid dividends amounting to 220 per cent.

The authority for this statement is the December 1, 1921, issue of Coal Age, page 893, wherein it is stated:

> The Lehigh & Wilkes-Barre Coal Co. announced November 21, a special dividend of $35 a share. It is payable November 29 to stock of record November 21.

That the par value of the shares of the Lehigh & Wilkes-Barre Coal Co. is $50 is verified by records of Poor's Manual of Industrials, 1918, page 2407.

Further, we are told that the Lehigh Valley Coal Sales Co. paid 10 per cent each year from 1913 to 1916. In addition it—the Lehigh Valley Coal Sales Co.—issued a stock allotment of 25 per cent in 1914. In 1917 it paid a dividend of 13 per cent and issued a stock allotment of 30 per cent. In 1918 it paid 16 per cent and an extra dividend of 10 per cent in Liberty bonds. In 1920 it paid 16 per cent.

The Delaware, Lackawanna & Western Coal Co. paid 10 per cent annually from its inauguration in 1909 until 1912. In 1913 it paid 30 per cent and in 1914 20 per cent. In 1915 it paid 60 per cent. In 1916 it paid 20 per cent. In 1917 it paid 100 per cent, 60 per cent in cash and 40 per cent in Liberty bonds and notes of Great Britain. In 1918 it paid 40 per cent, the 30 per cent extra being in Liberty bonds. In 1919 it paid 10 per cent, and in 1920 10 per cent cash and a stock dividend of 75 per cent.

Now, these fabulous dividends paid by the Delaware, Lackawanna & Western Coal Co. represented profits on only one branch of the business, the selling of the coal. During the same years the Delaware, Lackawanna & Western Railroad Co. was making another enormous profit out of the mining and transportation of the coal. These figures are taken from Poor's Manual of Railroads for 1921, page 426. Now listen. This anthracite carrier paid 20 per cent in 1908. In 1909 it paid 85 per cent. In 1910 it paid 20 per cent. In 1911 it paid 55 per cent. From 1912 to 1916 it paid each year 20 per cent. In 1917 it paid 22½ per cent. In 1918 it paid 20 per cent, and the same in 1919 and 1920. In 1921 it has already paid 15 per cent, and

on August 20, 1921, two months ago, the shareholders received a stock dividend of 100 per cent.

The mails of the Government departments contain hundreds of letters inquiring why the price of anthracite is so high. My own mail is flooded with them. Some of the letters are abusive, some of them are querulous. Many of them are honestly written by people who are seeking light. They want to know if the high price is reasonable. If it is, they will pay it. But if they are being gouged by the eight corporations that have a natural monopoly of the anthracite reserves that produce 75 per cent of the tonnage and that hold the so-called independents in the hollow of their hands, they want to know that, too. Surely that is a reasonable question. Surely to answer it is a reasonable function of government. But no man in the Government is able to answer it. The coal lobby has tied the Government's hands and poked out its eyes. But they have not stopped the questioning of the people. Neither can the Senate stop it by ignoring the subject at this time.

I say to you that the question of whether a gigantic combine is demanding extortionate prices for a necessity of life is one that no democratic Government can ignore and live. Will you turn on the light? Or will you go back to your people, and when they ask you why, refer them once more to the coal operator?

HANS P. GUTTORMSEN.

Mr. NELSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 423, for the relief of Hans P. Guttormsen.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Hans P. Guttormsen, a former employee at the Rock Island Arsenal, Rock Island, Ill., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TURKISH ATROCITIES IN ASIA MINOR.

Mr. KING. Mr. President, I ask the attention of the Senate while I direct their thoughts to a subject which should excite the interest of all Christian peoples. For years the world has been appalled at the authenticated reports of Turkish atrocities in Armenia and in various parts of the Turkish Empire. The barbarous treatment of the Christian peoples of the Balkan States provoked wars and finally led to the emancipation of those States from Ottoman oppression. The reports of the barbarous treatment inflicted by the Turkish authorities upon Christian peoples living under the Turkish Government were not exaggerated. Indeed, perhaps history will never know all the bloody and savage deeds that were perpetrated by the Turks upon the helpless minorities who were under Turkish rule. The record of the persecution of the Armenians has been verified so often that no one attempts to controvert the hideous facts which have been published to the world.

Prior to the accession to power of what is called the Young Turks' régime, organized expeditions were set on foot for the massacre of the Armenian people. Those familiar with the history of the Armenian race are filled with admiration because of their heroism and sublime courage and devotion to religious ideals. At the same time sorrow and indignation are experienced at the sad fate which has overtaken that unhappy people. Under the administration of the Turkish Government, after it had passed into the control of the Young Turks, the persecution of the Armenians was renewed and hundreds of thousands were massacred and the most barbarous treatment accorded to those who survived. The remonstrances of the Christian nations availed but little, and it became evident that it was the design of the Turkish Government to exterminate the Armenian race.

At the outbreak of the World War the remnants of the Armenian race within the limits of the Turkish territory were widely scattered throughout Asia Minor. During the war they were placed in a most precarious situation. The Turkish nation gave support to the Central Empires and waged fierce and relentless war against the Allies. A portion of the territory occupied by the Armenians was the theater of conflicts between the Russian troops and Turkish forces.

Many were drafted into the Turkish Army and gave their lives upon battle fields and in the deserts and plains of Anatolia. And when the war was in progress the most merciless warfare was waged against them. German military authorities not only connived at but encouraged the ruthless persecution of all Armenian people in Asiatic Turkey. Perhaps it will never be known how many were butchered by the Turks and by the roving bands of Kurds who invaded Turkish territory occupied by the Armenians. Tens of thousands of men, women, and children were driven from their homes into the deserts, where they were subjected to the most brutal treatment, and where they miserably perished at the hands of cruel guards and fanatical Turks and roving bands of Kurds, and as a result of the privations to which they were subjected. No more tragic page can be found in history than that which records the cruel and inhuman persecution of the Armenians during the period of the World War.

Following the war the survivors of this unhappy race who were still in Asia Minor attempted to bring together the scattered remnants and organize a government. The work which they performed was magnificent, and if they had been accorded proper support from this and other nations their government would have survived. It is the earnest prayer of all who love liberty and religious freedom that there may yet appear a vigorous and enduring Armenian State. Notwithstanding that recognition was accorded the Republic which the Armenians established following the war, but little support was given to it, and the bolshevists upon the north and the barbarous Turks in Asia Minor have crushed, if not destroyed, it. Moreover, the remnants of this unhappy race have further been persecuted and their numbers by cruel massacres still further reduced.

We often speak of war being justified in the interest of humanity. The United States, it is alleged by many, declared war against Spain because of the brutal and inhuman treatment accorded the people of Cuba, and so waged war in the interest of humanity. There are causes which justify war. I respectfully submit that the Christian peoples of the world ought to have interposed to prevent the recurring massacres of the Armenian people and the execution of the diabolical purpose of the Ottoman Turks to exterminate the Armenian race. When the new Armenian Republic was established, and when it was accorded recognition by this and other nations of the earth, they should have, in the interest of humanity, exerted their powerful influence to prevent the Turks from continuing their merciless war of extermination, which even to the present moment continues.

Armenia was the outpost of Christianity for centuries. The invading Mongolians and other Asiatic tribes that inundated Europe were stoutly and stubbornly resisted for centuries by the brave and heroic Armenians. Though repeated tides of barbarous orientals overwhelmed them, their resiliency, their courage, and their faith enabled them to survive, though their numbers were constantly reduced. They did not forsake their religious faith or their ideals, but constantly held aloft the banner of Christianity, and sought to maintain the culture, the traditions, and the civilization of which they were such glorious exponents.

The world seems to have become so indurated by cruelty and bloodshed and oppression that a recital of the barbarities now being committed by the Turks arouse but slight interest. If resentment is awakened it seems to be only for the moment, and we lapse into a condition of apathy and regard with but transient interest conditions which, though tragic and awful, we affect to believe are inevitable.

With these monstrous crimes against humanity and civilization, it were time that the nations of the world should unite in some bond of union against the barbarities and horrors which have destroyed peoples and drenched the earth with blood and tears, and formulate international laws and regulations under which peace and justice shall be the inheritance of all.

But the Turks have not confined their persecutions in Asia Minor to the Armenians. They have inflicted the greatest cruelties upon the Greeks who reside within Turkish territory. The persecutions of the Pontian Greeks have been indescribably barbarous and deadly. Hundreds of thousands of the Greeks of Pontus have been compelled to flee to Russia and hundreds of thousands had been massacred or driven from their homes into the deserts and waste places where death was to them a release from the horrors and tortures to which they had been subjected. Even now the persecutions continue, and the Kemalist government in Anatolia is carrying on in a most bloodthirsty manner a policy which if unrestrained will culminate in the extermination of the hundreds of thousands of Greeks who have built hundreds of cities and towns and villages along the lit-

toral of the Black Sea and who have added to the wealth and the prosperity of the Turkish Empire.

Most of the American people are unaware of the extent of this exterminating crusade which has been waged and is now being waged against the Greeks of Pontus. At a mass meeting of American citizens of Greek descent, recently held in New York City, the following resolutions were adopted:

Whereas positive information from the Ecumenical Patriarchate and various prominent societies of Pontus Greeks in Constantinople and elsewhere, including eyewitnesses, proves definitely that the Nationalist Turks, under Mustapha Kemal Pasha, are carrying out a systematic extermination, coolly planned years ago, against the unarmed and loyal civil Greek population of the entire territory within their control, particularly in the Black Sea littoral;

Whereas the Nationalists, in carrying out their persecution and extermination, have been arresting for months thousands of innocent, leading Greeks under various false accusations, and have thrown them into unhygienic jails, subjecting them to indescribable horrors of torture and torment, as a result of which many have died, then bringing the survivors to mock trial before the so-called "courts of independence," condemned to death 168 Greeks in Amasia early in September, and have actually hanged 151 of them; similarly 190 others were hanged in Ordou and others elsewhere;

Whereas the Nationalists have already deported all the male Greeks from their homes, killing most of them on the way and forcing the survivors into inhospitable regions in the interior, such as Harpot and Malatia and Erzerum, thus condemning them to die of starvation, exposure, and disease;

Whereas after the deportation of men the Turks, under the protection of the law, have looted the Greek stores and houses, thus depriving the women and children of all means of livelihood and protection, and thereafter have doomed those women and children to destruction, sending them into the interior in the company of ferocious Turkish guards, who had absolute control and authority over them, thus subjecting them to every form of cruelty;

Whereas millions of Americans, including many thousands of Greek descent from the territories under the Kemalist terror, fought in the Great War, many making the last sacrifice for the ends our Government had in view, one of which was to secure protection, peace, and liberty for the Christians and other oppressed races in the Near East;

Whereas the Kemalists are at present carrying on a wild propaganda alleging that all these reports of atrocities, massacres, and deportations are fabrications or exaggerations;

Whereas the ruling Turk, by his continuous misrule, has forfeited, in the eyes of the civilized world, all right to self-government, and much less can he be trusted any more with the keeping and protection of other races: Therefore be it

Resolved, That in the name of common humanity and Christian compassion we earnestly and urgently request our Government in Washington to use its great influence and power that steps may be taken by the representatives of the great powers—

First. For the immediate cessation of all persecution and deportation of Greeks, Armenians, and other oppressed races by the Nationalist Turks.

Second. For the immediate return of the surviving deportees to their homes before the winter sets in and for the restoration of their means of livelihood.

Third. For the restriction and control by the forces of civilization of the political power of the Turk, so that permanent protection and rights of life, honor, and property be secured to the oppressed Greeks, Armenians, and other non-Turkish races, yea, even to the Turkish people themselves.

Fourth. For the appointment of an international committee to visit the afflicted regions and investigate the truth of our complaint and statement of facts, which are but a fraction of the horrible truth that such investigation will bring to light; and be it further

Resolved, That copies of this resolution be sent to the representatives of the powers assembled at the Disarmament Conference in Washington.

Prior to the adoption of these resolutions I had received authentic information concerning the persecutions to which the Pontian Greeks had been subjected, particularly during and since the World War, and also the ruthless exterminating policy which had been inaugurated and was being carried into execution by the Kemalist régime of Anatolia.

Mr. President, the evidence is overwhelming, and to my mind conclusive, that the statements contained in the resolutions do not overdraw the picture. Indeed, the situation is far more tragic than that depicted in the resolutions. Unless some steps shall be taken by forces outside of Turkey to restrain the bloody hands of Mustapha Kemal, there would seem to be no hope of salvation for these unfortunate people, whose only offense is that they are Christians and have sought to give to Turkey a civilization and a culture that would lift the Ottoman Turks to a higher plane, where they might be fit to associate with the civilized and progressive nations of the world.

On the 14th of December I presented to the Senate the following resolution:

Whereas the treaty between Great Britain, France, Italy, and Japan on the one part and Turkey on the other part, signed at Sevres on the 10th day of August, 1920, makes complete and particular provision for the protection of racial and religious minorities within the territory committed to the sovereignty of Turkey, including Pontus on the southern littoral of the Black Sea; and

Whereas by article 141 of said treaty Turkey undertook specifically to assure full and complete protection of life and liberty to all inhabitants of Turkey, without distinction of birth, nationality, language, race, or religion, and in article 144 further undertook to facilitate the return to their homes and the restoration to their properties and business of all persons who had become exiles by reason of the terrorist régime in Turkey during the late war; and

Whereas, in violation of the stipulation of said treaty and in violation of the laws and customs of nations and of the principles of national morality and of justice recognized by all civilized States, the so-called Kemalist régime in Anatolia has continued the massacre of the Christian population of Anatolia, and particularly of the inhabitants of Pontus, who are of the Greek race and religion, by which such inhabitants have been deprived not only of their properties and business but have been subjected to a system of ruthless decimation and extermination; and

Whereas the Government of France has recognized the Kemalist régime as the de facto and as the lawful Government of Turkey; and

Whereas the inhabitants of Pontus have no redress or recourse for protection and vindication except by appeal to the powers which are parties to the treaty of Sevres; and

Whereas by article 151 of said treaty said powers agreed to consult with the council of the League of Nations upon measures necessary to guarantee the execution of part 4 of said treaty, including the articles aforesaid, and the Turkish Government agreed to accept all decisions taken in that behalf: Now, therefore, be it

Resolved, That the Senate of the United States expresses abhorrence and condemnation of the brutal and ruthless persecution of the Greeks of Pontus by the Government of Kemal Pasha and by Ottoman Turks in Anatolia, and deplores the failure of the European powers to take effective measures to restore and maintain order in Anatolia in conformity to the treaty of Sevres, and to exercise the authority reserved by said powers in that behalf; and the Senate respectfully requests that the President of the United States bring the atrocities in Pontus to the attention of the European powers and the council of the League of Nations, to the end that adequate and expeditious measures be taken in accordance with said treaty, to arrest the persecution and extermination of the inhabitants of Pontus who are of the Greek race and religion, and generally to enforce and vindicate the rights accorded racial and religious minorities in Anatolia by the said treaty.

Mr. President, the recitations contained in this resolution are entirely justified by the records which are available to all who are desirous of learning the facts. At this point I desire to place in the RECORD a statement made by the Ecumenical Patriarchate under date of October 7, 1921, and addressed to the high commissioners at Constantinople. Senators will recall that Constantinople is now under the control of the allied Governments. As I remember, three commissioners represent the allied nations and have practically the political control of Constantinople.

The Ecumenical Patriarchate, which is the Constantinople synod of the Greek Orthodox Church, has been brought into contact with the Kemalist régime and its cruel and merciless persecutions of the Greeks in Asia Minor, and has from time to time given out facts with reference thereto.

The Turkish gazettes Ehali and Hihal, appearing in Samsoun, published in their last issues of 18th, 19th, and 25th of September the names of 3 Armenians and 163 Greeks, and among them those of two Greek Protestants, one missionary and the other a professor in the American college at Merzifoun, condemned to death, after a summary and derisory judgment of the so-called tribunals that are established by the sovereign authority which has substituted that of the Sultan. With the exception of 17 absent persons, among whom the Metropolitan of Amasia, actually a member of the holy synod, the others were executed. Many notables and also prelates and other ecclesiastics are included in the list of victims.

This testimony out of a Turkish source confirms the atrocities which the Ecumenical Patriarchate denounced from time to time since the armistice, and we do not hesitate now to make known to Your Excellency that, following the news emanating from all parts of the Black Sea littoral, the deportations and the wholesale executions of our Christian people continue and extend to a vast zone and that the women and the children are threatened in their turn by a wholesale massacre if no one comes to their assistance in time.

It is beyond doubt a system of extermination of Greeks and Armenians to the last through the whole territory of Asia Minor. We may add that no military necessity, no political precaution of any kind, can justify or explain the barbarous treatment to which our unhappy deportees are submitted; we have no knowledge that the Mussulmans in the territories annexed to Greece or merely under Greek administration have gone through any suffering simply because their sympathies are with the Turks.

We dare hope that the great powers will decide to take, even before it is too late, the necessary steps to put an end to these things so contrary to the general interest of Europe, no less than to the sentiments animating the Governments of the great liberal nations, in whose name the loftiest principles were announced, but for the application of which the Christians of the East are still waiting.

Under date of October 19, 1921, the Ecumenical Patriarchate issued the following supplementary statement:

It is impossible to expose the real situation brought about to the Christian communities of Asia Minor by the Kemalist régime since the time of the armistice, especially during the present year, 1921, because it is impossible to communicate with these communities, for the reason that their spiritual heads have been dispersed and also because they are strictly isolated from any outside intercourse.

However, the general lines of the terrible vision of woe that betook the entire Hellenism of Asia Minor, owing to Mustapha Kemal, are well known. This tyrant of Asia Minor, a worthy successor in that land of the Turkish dictators Talahat and Enver, made so conspicuous during the war, continues the application of the program of these two notorious young Turks, by trying to solve the Hellenic question in Asia Minor through the wholesale extermination of its Greek inhabitants in the same way they once endeavored to solve the Armenian question by the total annihilation of the Armenian nation. Taking advantage of the opportunity that was open to him after the armistice, being that there are no longer in Anatolia any Europeans or Americans to witness with their own eyes the terrible atrocities, he hastens to complete the program of extermination of the Hellenism of Asia Minor as soon as possible before peace is concluded and his task left unfinished.

From information obtained by the Ecumenical Patriarchate from reliable sources, it is a confirmed fact that all the adult Greek male inhabitants of the provinces of Cesarea, Amasia, Neocesarea, Iconium, Trebizond, Angora, Chaldia, Kolonia, Heliopolis, and Rhodopolis, as

well as of parts of the Provinces of Cyzicus, Nicomedia, Nice, Chalcedon, Broussa, Pisidia, and Philadelphia, that are or had been under the Kemalist yoke, all the male inhabitants from 15 to 60, 65, and 70 years have been deported to inhospitable lands in the interior of Asia Minor to the vilayets of Van, Bitlis, Diarbekir, Erzerum, and Mamuretul-Aziz, and so they lost all track of their families. During this transportation Mustapha Kemal exceeded in savagery the Young Turks, who undertook a similar one during the World War, for, while they were pursuing the annihilation of the deported rather by means of hunger and thirst and long, forced marches, by means of privations and sickness, Mustapha Kemal decimates the deported by shells of guns and machine guns and by wholesale slaughter. We shall mention what has happened in Samsoun. Three contingents of Greek deportees were sent from this city to the interior, each consisting of about 1,000 persons. It has been confirmed that at Kavak, a distance of eight hours from Samsoun, 216 out of the first contingent were killed by the gendarmes accompanying these escorts, and 250 from the third. The second contingent was also decimated, but the number of killed is unknown. Those who are spared either fell in the middle of the road exhausted from hunger and privations, or died from sufferings in the locations where they are confined, because, purposely, they are deprived of any monetary or other relief on the part of their relatives, or rot in prisons accused of imaginary crimes which they have never committed. By far more painful is the condition of women and children left in their homes. From various informations that come from the provinces, especially from Pontus, and the central sections of Asia Minor, it has been ascertained that the gendarmes and the thieves constituting the Turkish bands are reveling in atrocious orgies against the Christian women, many of whom were by force abducted to Turkish harems. On the other hand, by the method of requisition, compulsory taxation, etc., the last penny has been taken away from these families, and as the Turks are forbidden to buy from them any real or personal property, these families are deprived of any means to make their living.

But that is not all. At many points, and especially in the vast extents of the Pontus littoral (Provinces of Amasia, Neocesarea, Chaldia, Kolonia, and part of Kerasund), even the women and children were deported. How many of them have been saved from the claws of death is not known. But it is more than certain that on account of the coming winter no one among them will survive, and so the humane decision taken by the League of Nations for the salvation of these deported women and children will be of no avail. It is rumored that in this section more than 180,000 souls perished already, but this number includes the deceased males as well.

But what is more surprising still is the total destruction of Christian towns and villages, especially in the districts of Pontus and those of Nicomedia and Nice, Pisidia and Heliopolis. It is really amazing that the Turks, not satisfied with the extermination of the Christian population, destroy everything standing erect, that the surviving Christians, if any, may never find trace of their homes. Thus, we learn that out of the towns and villages of the Provinces of Pontus, which amount to 338 in the Province of Amasia, to 145 in the Province of Chaldia, and to 195 in the Province of Neocesarea, all those situated in a few hours' distance from the shore, and those in the interior have been destroyed by fires. Out of the said number of 338 villages in the Province of Amasia, only Samsoun, Bafra, Alacham, Amasia, and two, or at the most three, other maritime settlements are left. Even in the Province of Nicomedia, in the very gates of the capital city of Constantinople, many towns and villages belonging to historic Bithynia are in ruins.

Yet to these trials a new one is added by the ferocious Mustapha Kemal. The so-called independent courts, founded by him, namely for trying suspected persons, but in reality for committing official crimes, since two months now condemn to capital punishment the best Greek element of Pontus and of the central provinces. In one day alone they hanged in the square of Samsoun 172 Greeks, doctors, druggists, lawyers, editors, managers, large estate owners, merchants, clerks, and among others the over 80-years-old Protosyngellos of the Holy Metropolis of Amasia, the Archimamdrite Platon Aivazides. They also condemned to death and hanged the deputy from Trezibond, Mr. Matthew Cofides, Prof. George Papamarkou, of Samsoun, and Mr. Pantazides, professor in the American College of Merzefoun, and the Protestant preacher, Paul, of the same college. Aside from this there died in the prison of Amasia Bishop Zelon Euthymios, and rots in exile in Erzeroum the Metropolitan of Iconium Prokopios, together with the Armenian Metropolitan of Iconium, and the fate of Bishop Gervasios, Metropolitan Vicar of the Province of Kolonia, is unknown.

Such is, in general lines, the picture of Hellenism in Asia Minor; no worse exists in the long history of calamities and sufferings of the Greek nation.

Pontus, as I have indicated, is a part of Asiatic Turkey, and the treaty of Sevres did not attempt to detach it from Turkey or to award it to the Kingdom of Greece. Notwithstanding the district of Pontus is under Turkish control, those belonging to the Hellenic nation could not be otherwise than profoundly interested in the Pontian Greeks, though they were subjects of Turkey and perhaps for an indefinite period might continue under Turkish rule.

It may be interesting to present some historical facts concerning Pontus and its inhabitants. We must go into the dim past to get the first historical glimpse of Pontus. The district of Pontus covers an area of, perhaps, 450 miles easterly and westerly and from 75 to 150 or 200 miles northerly and southerly, bordering upon the southern coast of the Black Sea. The easterly limits of Pontus begin but a short distance from Batum, an important seacoast city upon the Black Sea; and the westerly limits extend some little distance beyond the town of Mezet, which is likewise upon the Black Sea. Hundreds of important seacoast towns are found within this vast territory, and there are likewise hundreds of towns and villages scattered over the entire territory of Pontus. Even in ancient times the natural resources and riches of Pontus were known, and its importance as a State was recognized. Its maritime business was extensive; and its trade and commerce enriched its inhabitants and gave it influence and power among the peoples of Asia Minor and southeastern Europe.

Pontus was colonized by the Greeks nearly a thousand years before Christ; and we are told by some historians that the Argonautic expedition of Jason founded the State of Pontus. The Greeks, even in those early days, were a brave and adventuresome people. They loved the sea and established important cities and towns, not only in the region of the Ægean Sea and along Mediterranean coasts, but they planted colonies along the southern borders of the Black Sea. As early as 756 B. C. the city of Trapezus—Trebizond—was founded by a colony of Sinopians; and we are furnished much information regarding it by Xenophon in his "Anabasis." Senators will recall the memorable march of Xenophon and his 10,000 soldiers. They were hospitably received by the Greeks of Trapezus. And from Xenophon we learn that even at that early date considerable progress had been made in the establishment of Greek colonies upon the shores of the Black Sea. For hundreds of miles along the southern coast of the Black Sea and extending some distance into the interior many colonies of Greeks were established, beginning nearly a thousand years before Christian era and extending to a period perhaps later than the birth of Christ.

The inhabitants of this vast region were enterprising and industrious, and developed a high state of civilization. There is something remarkable about the Greeks of those early periods. Their numbers were not great, and they were scattered along the shores of the Mediterranean Sea and the coasts of the Ægean Sea, and occupied the southern shores of the Black Sea. But wherever they were, though separated by lands and seas, with no organization which bound them into a political union, they still preserved the ideals and the culture that were developed in Athens and in the city States of Greece. What we call Greece, together with the Ægean Isles and a portion of Asia Minor, comprising what are known as the vilayets of Smyrna and Brusa—that is to say, Greece proper and her great colonies—was an inexhaustible treasure house which gave its riches for the enlightenment and civilization of the world. Poetry and art and literature and science, these were the products of ancient Greece; and the influence of the Hellenic race has been felt in all lands, and it has made powerful contribution to the development and progress of the world.

The Pontian Greeks responded to the best that was produced in the region of the Ægean Sea, and Pontus became a center of Greek culture. Nearly 3,000 years have passed since the first Greek colony was established there, and many of the ancient settlements exist to this day under the same names and upon the same sites where they were first established. It is remarkable that during all the centuries that have intervened, notwithstanding the long period of Turkish rule, the Pontian Greeks have preserved their individuality, their language, and, indeed, the ideals and aspirations of the people of the Greek Nation. Neither persecution nor tides of invasion of other races have absorbed or destroyed them. They are still Greeks possessing a national spirit and imbued with the ideals of those within the Greek State.

A people with an historic record of such interest and with achievements and victories, moral and otherwise, so memorable are entitled to the admiration and, indeed, the gratitude of the world, and their destruction would not only be an international calamity but it would constitute a crime so frightful, so colossal, as to call down the wrath of an offended Deity upon the perpetrators and compel the condemnation of all civilized nations.

When the Roman Empire, seeking world conquest, directed its legions against Greece and all Hellenic Provinces, Pontus in this Roman invasion fell under Roman control. However, the Roman emperors accepted as autonomous many of the cities of the Pontus region. When the Hellenization of the eastern Roman Empire occurred Pontus constituted a part of the Byzantine Empire, and for a considerable period it formed a separate State under illustrious rulers. Even after the fall of Constantinople, as a result of the assaults of the Turks, the capital of Pontus withstood their military operations until 1461. With the fall of Trebizond, the Pontian capital, the Turks inundated the land. The inhabitants were subjected to persecution and at times to an oppressive servitude; but notwithstanding the situation, they maintained their courage, and by their devotion to Hellenic ideals and by reason of their intellectual superiority they were often able to blunt the keen edge of persecution and to secure immunity from destructive Ottoman policies. Their noble example and integrity and ability impressed and at times influenced their Turkish oppressors and resulted in periods during which, free from persecution, they were able to repair in part the disasters resulting from Turkish oppression and mis-

rule. Now and then a Turkish Sultan, more liberal than his predecessors, would permit freedom of thought and religion and opportunity for commercial and material development and progress. But regardless of conditions resulting from Turkish authority, the robust and gallant people maintained their religious faith, their ideals, and their national spirit, and those qualities which have preserved them as a people in all the dark days through which they have passed. They have maintained to this day their language, their culture, and their traditions, and it is significant that the Greek language spoken in Pontus today abounds in archaic expressions—a fact which is characteristic of the perseverance by which they have clung to their national language and faith.

But the periods during which they were free from cruel persecutions were of short duration. The Turkish governors and military authorities were from time to time engaged in massacres and the most horrible and cruel persecutions. Thousands of young men would be seized and forced into the military service and into the Janissaries. Young girls would be forcibly seized and become the victims of a cruel and beastly soldiery, while others were carried away and placed in the harems of Turkish lords and rulers. Efforts would be made to force an abandonment of the Greek language, and to accomplish this end the tongues of the children would be cut out. It was thought that if they could not speak their language would be forgotten and the next generation would accept the Turkish language.

These persecutions prevented that increase in the population of Pontus which otherwise would have resulted. However, about the middle of the nineteenth century the population was approximately 1,000,000. With the waning power of the Turkish Empire, the persecutions of the Greeks and the Armenians increased, and in some sections and cities the populations were practically destroyed. So cruel and bitter had become the persecutions that many thousands were compelled to leave Pontus during the middle of the nineteeth century and they sought an asylum in southern Russia. Perhaps the number who have fled from Pontus and have taken refuge in Russia during this period and up to the present time would approximate 300,000.

Many of the Pontian Greeks who were unable to flee were butchered, and in some sections, in order to save themselves from extermination, there were wholesale professed conversions to Mohammedanism. It is recorded that in the seventeenth century in the region south and east of Trapezus nearly 200,000 of the inhabitants professed Mohammedanism when it became certain that their destruction was inevitable unless this course was pursued. However, though the people accepted Mohammedanism in name, they preserved their Bibles and relics of Christian worship, and their faith in Christianity was not extinguished; and in their homes they also maintained Greek customs and spoke the Greek dialect of Pontus. There are examples of persons who were forced to profess Mohammedanism and who during the remainder of their lives continued the worship of God in underground retreats and taught their children the Christian faith.

The Christian powers of Europe from time to time remonstrated with the Turkish Government because of its persecution of its Christian subjects. Reforms were promised but seldom instituted. In 1836 the demands of the Christian nations of Europe were heeded by the Turkish Government and liberty of conscience was proclaimed. Even then persecutions continued and thousands of Christians were murdered and tens of thousands driven from their homes and subjected to the most barbarous treatment.

In 1865 European ambassadors at Constantinople intervened and the Turkish Government promised religious liberty. Following this thousands of Greeks who had been forced to profess Mohammedanism joyously affirmed their faith in the religion of their fathers and openly gave adherence to the Greek Orthodox Church. The Turks, perceiving that they had been unable to destroy the faith of the Pontian Greeks, as well as the Hellenic peoples in other parts of Asia Minor, renewed their persecutions notwithstanding their promises of political and religious liberty.

In 1908 massacres were begun in various parts of Asia Minor. As a result of the oppression and atrocities of the Turkish Government, the Greek population of Pontus had been reduced at the outbreak of the World War to but slightly more than one-half million. It was shown at the peace conference that the compact Greek population in the Province of Trapezus amounted to but 350,000. Among these people there were 754 Greek schools, with an attendance of more than 37,000 pupils. There were also within this district a large number of Armenians. The latter have been practically exterminated, and the work of exterminating the Greeks of this district is now being continued.

When the Young Turks obtained control of the Government in 1908 there was a change in the policy of dealing with the Christian subjects of the Sultan. They began boycotting the Greeks and Armenians and excited Mussulman mobs to attack and kill the people and destroy their homes. Whatever privileges had been accorded under the pressure of Christian nations were revoked. Thousands of Greeks were forced into "labor battalions," so called, where they speedily lost their lives. Gen. von Sanders Pasha, a German officer, aided in the execution of a plan by which the collective annihilation of the inhabitants could be effectuated. This plan was known as "deportation for strategic reasons." It was applied during the Balkan Wars, but when the World War began it was extensively employed in all parts of Asia Minor where there were Greek populations. Under this plan the Christian population were driven from their homes into the waste and desert lands of Asia Minor, where they were left to perish for want of food and from the inclemencies of the weather, or to fall victims to the murderous assaults of irregular troops and bandits and savage Kurds who infested the mountains and the plains. Under this plan more than 1,500,000 Christian Greeks and Armenians were destroyed. Their bleached bones lie in the mountain passes and on the deserts and plains of Anatolia. Their blood which drenched the soil cries aloud for vengeance.

In addition to the hundreds of thousands thus destroyed, tens of thousands of the males were forced into the army or into the "labor battalions," and it is known that most of them came to untimely ends.

When Turkey signed an armistice the persecutions which had continued up until that time ceased. The military and political authorities undoubtedly believed that if they continued this exterminating policy the dictated terms of the peace conference would be more severe. They hoped by an abandonment of their cruel policy to find some little favor in the eyes of the conquering nations. But after the treaty of Sevres was signed, and it appeared that some of the European powers were indifferent to the execution of its terms, and when Mustapha Kemal became powerful enough to attack the treaty, to violate its terms, and to wage war upon Greece, there was a revival of the cruelties and persecutions not only of the Pontian Greeks but of all the Christian peoples within the Turkish territory.

These renewed persecutions by Kemal Pasha led the Ecumenical Patriarchate to appeal to the English and American churches and also invoke the intervention of the League of Nations, urging that steps be taken to prevent the entire destruction of the Christian populations of Turkey. In addition, the address which I have heretofore called attention to and placed in the RECORD, was issued to the high commissioners of Constantinople.

If time permitted, I could place before the Senate testimony which could not be contradicted, in corroboration of the statements herein made and referred to concerning the past atrocities of the Turks and the present barbarities of the Kemalist régime.

I have here the names of a large number of cities, towns, and villages within the districts of Amissos and Kavzas, together with the number of families that resided therein, all of which have recently been destroyed and the population either massacred or driven into the wilds of Anatolia, where those who have not yet been destroyed must perish during the present winter. The information relative to the destruction of these places was furnished by refugees of Pontus and submitted to the Pontian League of Athens as well as to the Pontian League of New York. The number of places destroyed in the district of Amissos was 59 and the number of families either killed or banished amounted to 2,360. In the district of Kavzas the number of places destroyed was 26 and the number of families either butchered or driven into the mountains and deserts amounted to 1,866. The affidavits state that the number of persons exterminated in these villages amounts to 6,401. Let it be remembered that these barbarities have been recently committed—probably most of them within the past four months—and the work of destruction is still carried on by the Kemalist forces in all parts of Pontus, as well as in all parts of Anatolia where Christian populations are to be found and the Turks are in control. If the French troops and the Greek armies were to be withdrawn the entire Christian population of Asiatic Turkey would doubtless be exterminated.

Mr. J. Zervos, head of the Hellenic mission of relief to the Greeks in Pontus, Caucasus, and Southern Russia, made a report to the Philological Society "Parnassos" at Athens on the 18th of October, 1919, showing the work of destruction then being

wrought in Pontus by the Turks. In his report he directs attention to a subject to which I have briefly referred in this language:

It is a well-known fact that this large Greek population having a common origin and an unbroken historical continuity from the oldest times to this day, speaks a highly interesting archaic Greek idiom and preserves admirable folk songs, folklore, pure Greek traditions which go as far back as the Byzantine Hellenism and the hoariest antiquity. The local customs are purely Greek; the people are characterized by a strong national consciousness and an earnest patriotism.

He refers to the régime of terror and the sinister activities for the purpose of destroying all traces of Hellenism in the Pontus region. Attention is called to the report of the Metropolitan of Trebizond to the Patriarchate, in which that eminent prelate stated:

While the Greek ecclesiastical authorities of this diocese were doing everything in their power to protect the Mussulman element of the Vilayet of Trebizond and after authority of the Russian Government were reinstalling the same in their homes with great difficulties and underhand opposition, the Turkish Government, at the same time, was wresting my flock from their homes, driving them cattle-like across impassable mountains in the heart of a severe winter—

This ecclesiast also refers to the persecutions following the retreat of the Russians and declares that they were—

carried out with increased fury by the very Turks who had received protection and all sorts of benefits at the hands of the Greeks during the Russian occupation.

The Rev. Panaretos, formerly abbot of the Monastery of St. John of Vazelon, who traveled extensively through the whole of Pontus early in 1919, at the request of the committee of the Pontus Greeks, in order to obtain information concerning conditions, states that the diocese of Amassia before the war had a population of 136,768, with 393 schools and 12,360 pupils and 493 teachers, 498 churches, two bishops, 19 suffragans, and 518 priests, and that at the time of his visit 72,395 of this number had been deported or exiled, 70 per cent of whom died in exile or during their deportation. He further says that less than 30 per cent of the deported ones had returned to their devastated homes after the armistice. He also states that 140 villages had been completely destroyed in the same section, that the Greek village of Cadikeuy, numbering 3,640 souls before deportation had been enforced, at the time of his visit had only 810 inhabitants, and there remained but 100 houses out of 450, and of the former number many were partly destroyed.

He further states in his report that he visited Ordou, in the diocese of Neokaisarea, which numbered before the war 14 towns, 166 villages, 1 secondary school, 18 grammar schools, 173 primary schools, and a Greek population of 87,457. At the time of his visit 25,000 of this number had been deported, mainly from the communities along the coast, into the interior, and 2,700 had been taken to Russia. This prelate declares that the persecution was still raging and that the "loss of life and property was appalling." In those places where deportation had not been ordered the loss of life was great, and 50 per cent of the Greek population had died as a result of the hardships, beatings, and imprisonment to which they had been subjected by the Turkish gendarmerie and officials who terrorized the country.

Referring to that part of the coast visited by him he states that "all trace of the once flourishing villagers has disappeared. Out of the 25,000 deported only 6 per cent of the villagers and 35 per cent of the townspeople have been saved, mere shadows in rags and living witnesses of Turkish barbarism. Throughout the diocese 20 priests were shot or hanged or burnt or buried alive." This reverend man declares that "in the midst of this desolation the Greek race shows its vitality; a community has again been started, schools have been opened, orphanages founded where the orphans—victims of the persecution—find shelter. The orphanage of the community cares for 106 orphans, and their number is steadily increasing. The central committee for relief to the Greek deportees had sent from Constantinople up to the time of our arrival at Ordou Ltqs. 1,500, and the American Committee for Relief in the Near East had given Ltqs. 3,300. The Greek Red Cross has also helped in the way of medicines and clothing."

Senators will remember that these conditions existed early in 1919. The persecutions have continued since that period, and, as I have stated, under the Kemalist régime they have been more violent and deadly than before. Rev. Panaretos further states in his report that on the 17th of April, 1919, he called at Poulandjak, a Greek town which before the war numbered 3,600 inhabitants, with numerous villages in close proximity. The inhabitants of this small section had been compelled to go into exile in 1917, and that after the armistice only 1,500 were alive to return. Those who did return found their houses destroyed and all of the Greek villages in ruins. However, with courage the survivors began the work of reconstruction, opened an orphanage, formed a community, elected their elders and school board, and founded a charitable society which at the time the reverend father was there was organizing various forms of entertainment for the benefit of the orphanage and the suffering people.

From this scene of desolation he went to Kerassound, an extensive diocese, which before the war contained 2 towns, 14 small towns, 266 villages, with a total Greek population of 167,450. He states that of this number 45,000 were compelled during the armistice to seek refuge in Russia and more than 90,000 were deported by the Turks into the interior of Asia Minor. He declares that 80 per cent of the deportees died of hunger, hardship, and cruel treatment, and that only 7,500 at the time of his visit had returned. Many were hanged without cause, large numbers butchered in cold blood by the Turkish gendarmes and soldiers, and hundreds murdered by Turkish refugees. Every Greek village in the district had been destroyed, many of them being razed to the ground.

Mr. Zervos in his report refers to the fiendish methods employed to exterminate Hellenism in Asia Minor. He states that the Turks deported and exiled the Greeks during the winter, denying them any food or clothing, and the soldiers and officials convoying the deportees and the exiles refused to permit their victims to camp near inhabited places, their object being to expose them to cold and hunger in order that their death might more quickly be brought about. He calls attention to the fact that little children and the old, infirm, and sick were abandoned in the ravines and the woods, where they died either of hunger and exposure or from the bayonets of the Turks. "At every step the traveler now finds the skeletons of Greeks who thus suffered martyrdom."

Those who read these reports will be filled with horror and indignation. It seems as though every device of refined cruelty was employed by the heartless and bloodthirsty Turks to inflict suffering upon the unhappy people who were their victims. Mr. Zervos states that of the 600,000 Pontian Greeks who were living in their homes at the beginning of the European war, at least 235,000 were butchered or came to their death through famine and hardship following deportations and that 80,000 succeeded in escaping to the Caucasus, where they are refugees and suffering a wretched existence. Senators will remember that Mr. Zervos speaks of conditions prior to his report in October, 1918; Turkish atrocities have destroyed thousands of starving and exiled victims. It is certain that most of the Greek population of Pontus who were still living when Mr. Zervos made his report have been destroyed by the Turks and the Kemalist forces.

In 1919 the Greek Patriarchate published to the world a report of 147 pages, which I have before me, in which there is much detailed information concerning the persecutions of the Greek population of Turkey between 1914 and 1918. The American people and all Christian nations should become familiar with this report, as well as with the unimpeachable testimony which establishes the cruelties and atrocities which have been inflicted upon the unhappy Christian people of Asia Minor. The unspeakable acts of cruelty are so revolting that one can not read these pages except with horror. The savagery, the beastly and horrible cruelty upon the part of the Turks scarcely find parallel in the darkest and foulest days that have come to man. My eye rests upon these lines, which refer to a small district near the monastry of Vazelon:

The metropolitan of Rodopolis, Monseigneur Cyril, wrote on the 12th of November, 1918, the following:

"One shudders at the accounts given of the atrocities committeed and the number of victims. No less than 487 persons, who had hidden in the mountains, grottos, and subterraneous caves, were savagely massacred. Among these victims were 14 young girls who had sought refuge in the monastery of Vazelon, where the Turks, after first violating these unfortunate creatures, mutilated them in a horrible way."

Churches and monasteries where women and children sought refuge were invaded and after pillaging and plundering everything portable the women and children were butchered or burned in the flaming buildings. The Turkish commander of the Kayoler-Han post ordered the monastery of Vazelon to be surrounded, and all who were therein—the monks, 780 Greek refugees, and 29 Armenians—to abandon it, refusing the pleas of the inviolability of the monastry, which was protected by imperial decree. The commander then ordered troops to enter, all furniture and other treasures, including the archives, Bibles, and manuscripts, were either carried away or burned, and the church desecrated and destroyed. The nuns of a convent situated a short distance from the monastery were carried away and met with a most horrible end.

Out of 1,250 inhabitants of Elevi only 150 survived. From the district of Tripoli, numbering 30,000 people, only 1,500 to 2,000 escaped destruction. Let me read from page 126 of this report:

Speaking of the community of Ounia, it is stated that after deportations began in 1917 the gendarmes beat and plundered the inhabitants and scattered them between Castmbol, Zile, and other parts. Many Christians, in order to escape from the tyranny of the Turks, took shelter in the woods, where they dwelt for several months. Three hundred of them, in a most piteous state, went to Trebizond and thence to Russia.

A letter written from Ounia states:

Shortly before our expulsion a detachment of troops arrived. Ismail Bey, a Circassian, was at the head of these savage hordes of Kurds. After having brought as many men as he could together, he shut them up in a house and dispatched them by groups of two or three at a time to the slaughterhouse he had prepared beforehand.

What happened to the women and children after that is also beyond description. All the nice-looking women and girls belonging to these unfortunate peasants were raped and dishonored. Some managed to flee to the mountains, part were saved; others died of hunger; and others returned again, only to be murdered. But even the men, women, and children who survived did not fare much better. At first they were dispersed to the surrounding Turkish villages, where they were treated as slaves. A few months later on they were exiled to the interior of Asia Minor.

In the prosperous community of Rize the Turks destroyed all Greek property and massacred and deported all Greeks except four.

In concluding this report, the Patriarchate states that when it submitted complaints to the sovereign nothing resulted. Continuing, the Patriarchate appeals to the great powers—

demanding protection and intervention in the name of humanity, in that of civilization and justice, in the name of the many treaties whereby the existence of the Christians in the world has been guaranteed, beseeching them to prevent the accomplishment of that which 11 centuries of tyranny never dared to dream of.

In the issue of the New York Times, bearing date of December 11, 1921, there appears a dispatch from Paris referring to the Turkish nationalist plans and activities in Cilicia. The dispatch is based upon a statement appearing in the Eclair, a paper whose editor is said to be a close personal friend of Premier Briand. The Paris dispatch proceeds:

The story is more surprising because it seems to support the British contention that the accord signed last October between the Angora Government and M. Franklin Bouillon for France would imperil the safety not only of Christians but of proally Mussulmans in the territories evacuated by France.

It will be recalled by Senators that there was criticism in the United States and doubtless in certain parts of Europe because of the apparent purpose of France to repudiate the Sevres treaty and to enter into a separate agreement with the Kemalist Government. Great Britain, as indicated, did not look with favor upon this course. I am not able to state that Great Britain desired to adhere to the Sevres treaty, although my impression is that the British Government would have been entirely satisfied to join with the allied nations who participated in the treaty of Sevres in compelling the Turks to execute its provisions. The Eclair's account of what is now occurring is as follows:

Already the Kemalists are sending numerous convoys of Christians through Sivas toward we know not what place of exile or death. All the privileges accorded by the Sultans to the Christians have been taken away and those promised by the Kemalists have not been accorded. At Adana, in Cilicia, and even on the frontiers of Syria an organization called the Club of National Vengeance, which is an offshoot of the Club of Union and Progress, is showing the greatest hostility not only against Christians but also against those Mussulmans who made the mistake of believing in French protection. Large numbers of these Mussulmans are taking refuge in Syria and are protesting that they should have been placed under the protection of the Sultan when the French withdrew from the district and not given over to the Kemalist brigands.

The article further continues and quotes from Kemalist newspapers, all of which are printed in red ink, and which indicate that Kemal Pasha is counting on recruiting 50,000 fresh soldiers from Cilicia to aid in an offensive against the Greeks. Reference is also made to another advantage which the Kemalists expect to derive from the agreement with France, namely, that they will be able to utilize the railway systems of southern Asia Minor for military operations and make Adana a base from which they can conduct an aggressive war. This article condemns the French agreement with the Kemalists and points to the dangers which it lays upon the French protectorate of Syria.

I call particular attention to the statement that not only is there the greatest hostility toward Christians but also such Mussulmans as believed that the French would afford protection to them against their coreligionists. It would appear from the situation here indicated that the Kemalists, relieved from further military operations, offensive or defensive, against the French, consider themselves free to strengthen their military forces for the purpose of driving the Greek forces from Asia Minor.

This account also, it seems to me, supports the view that the Kemalist régime intends to exterminate all Christian peoples in Asia Minor. They have practically destroyed the Armenians in Asiatic Turkey and have either murdered or driven from their homes nearly a million Pontian Greeks. In other parts of Asia Minor there were hundreds of thousands of Greeks residing at the outbreak of the World War, and large numbers of them have been deported and murdered and tens of thousands have been compelled to take refuge in the regions of Smyrna and in Greece proper. If the allied nations had enforced the treaty of Sevres, the atrocities now being committed would never have occurred. I fear that the alied nations, parties to this treaty, have failed to perform the high and responsible duty resting upon them in dealing with the defeated Turkish Empire and its nationals.

The civilized world insisted that there should no longer be Turkish rule in any part of Europe, that the Turkish State should be limited to certain portions of Asia Minor, generally described as Anatolia, and that it should give guaranties for the protection of the Christian peoples living within its borders. It would appear that jealousies entered into the counsels of the allied nations participating in the treaty of Sevres, as a result of which, if they did not abandon the treaty, they failed to enforce its terms.

This situation was taken advantage of by the reactionary forces in Turkey, who gave support to Kemal Pasha and boldly announced their repudiation of the treaty of Sevres and their purpose to regain territory which had been awarded to Greece and to establish Turkish authority throughout Asia Minor as well as Thrace and constitute Turkey a strong military power. As I have indicated, the program of these reactionary elements contemplated the destruction of the Armenian Republic, which, as I have stated, is a fait accompli, and also the extermination of the Pontian Greeks and the destruction of Hellenic peoples in various parts of Anatolia. The Kemalists, or the Nationalists, as they are called, avowed their purpose to drive the Greek Army from Asia Minor, where it is seeking to protect the Greek interests in the vilayets of Aidin and Brussa and to subject the more than 1,100,000 Greeks residing within such territory to the degrading, oppressive, and brutal tyranny of Turkish rule.

The treaty of Sevres, as stated in the resolution which I offered and to which I have called the attention of the Senate, provides for full and complete protection of life and liberty to all inhabitants of Turkey, without regard to birth, race, nationality, or religion. The allied nations who wrote this treaty knew that within Asiatic Turkey, as its lines had existed for many years, there were a large number of Armenian Christians and Nestorians—who, as Senators know, are Christians—and also 1,700,000 Greeks.

At the peace conference at Paris in 1919 the undisputed evidence showed that the Hellenic nation was distributed substantially as follows:

Four million three hundred thousand inhabitants within the kingdom of Greece, as its boundaries were then prescribed; 151,000 in northern Epirus and Albania; 731,000 in Thrace, including those within the city of Constantinople; 43,000 in Bulgaria, not including the many thousands who were annexed to Bulgaria by the treaty of Bucharest; 2,000,000—approximately—in Asia Minor; 102,000 in the Dodecanesus; 235,000 in the island of Cyprus. In addition there were more than 1,000,000 distributed in various lands. In Egypt and in the rest of Africa, 150,000; North and South America, 450,000; and in southern Russia, 400,000. Of the 731,000 Greeks residing in Thrace and in the region of Constantinople, more than 364,000 were residents of Constantinople.

At that time the entire population of Constantinople numbered but 1,173,670, of whom only 449,114 were Turks. The Armenians, Greeks, and other Christian peoples therefore greatly outnumbered the Turks, so that it can not be said that Constantinople is a Turkish city. More than 230 schools were conducted in Constantinople by the Greeks, with more than 30,000 pupils; moreover, as Senators know, this famous and important city was and is the seat of the Greek Ecumenical Patriarchate.

If Senators will examine the map of Greece and the Ægean Sea and Asia Minor, they will discover numerous islands separating Greece from the Asiatic shore. These islands are inhabited by Greeks and in every way are a part of Greece. Geographically and ethnically they constitute a part of the Greek State, and the same may be said of a section of the western part of Asia Minor. The vilayet of Adin and a portion of the vilayet of Brussa have a population of more than 1,200,000 Greeks. They support by their own resources more than 565 churches, 652 schools, and approximately 100,000 pupils. The neighboring islands, which geographically and economically constitute a part of Greece, contain more than 100,000 inhabitants and constitute a chain binding the mainland of Greece and the Hellenic territory of Asia Minor. The German geog-

rapher Philippson, in his work entitled "Reisen und Forschungen im westlichen Kleinasien," states that—

> Asia Minor is separated right in the middle by a great natural frontier; on the one side an inclosed plateau of an almost Asiatic nature, on the other an Ægean land exactly like the Greek regions and closely connected by nature and history with the sea and with Greece just beyond the sea. The result is that now, as in the past, Asiatic civilization reigns in the interior while Greek culture prevails in western Asia Minor.

He further states that in western Asia Minor there is a configuration which is quite distinctive, that there has been a "sinking away of the terrain in a recent geological epoch," and that this peculiarity is recognized in Greece, so that the two may be considered as constituting but one geographical entity—that of the Ægean.

Permit me to add that notwithstanding the 500 years of Turkish oppression, the Greeks of Asia Minor, and particularly of the two Provinces just referred to, have maintained their language, religion, culture, national consciousness, and high ideals. Within these vilayets illustrious men of ancient Greece were born. Homer was born in what we call Asia Minor, and many of the heroic figures of Greece who added to the glory and fame of Hellas prior to the Christian era were natives of the western part of Asia Minor, which then constituted a part of the Greek city States. Let me add that there are fewer Turks within this section of Asia Minor than there are Greeks. It is inconceivable that this part of Asia Minor should again be brought under Turkish rule. It was a part of Hellas nearly 3,000 years ago. It is essentially Greek and should constitute a part of the Greek State.

If it be contended that there are a large number of Mohammedans within this territory, it may be answered that within the Turkish State, as delimited by the Sevres treaty, there were approximately as many Greeks. Because of their scattered condition and the fact that, aside from those who lived in Pontus, the great majority of them reside in parts of Anatolia in which the Turkish population greatly preponderates, it is obvious that they could not be attached to the Greek State. It was these unfortunate people the commissioners had in mind when the Sevres treaty was drawn; and the provisions of the treaty, calling for the protection of all inhabitants of Turkey, "regardless of birth, nationality, language, race, or religion," were designed to protect them from further Turkish oppression.

The apparent repudiation by the allied nations of the treaty of Sevres is, in my judgment, a most unfortunate thing. The allied nations, as well as Christian peoples everywhere, should be interested in the protection of Hellenism. A powerful, progressive Greek State is in the interest of the peace of Europe as well as in the interest of civilization. The Orient is in a condition of ferment. The Mohammedan population of Asia Minor, India, and Western Asia is in liquid form and subject to irresponsible and revolutionary movements. The more than 8,000,000 Ottoman Turks constitute a menace to Greece and to the Balkan States. Greece should be fortified and strengthened. Her important interests in the Levant should be recognized. She should be made a citadel of strength against which any revolutionary or barbarous force from the East might beat in vain.

And a strong and powerful Greece will hold in check any military movement that might be fomented in Bulgaria. I submit that the allied nations, as well as this Nation, should be more interested in Greece and its welfare than in Turkey, who was our bitter and relentless foe, or Bulgaria, whose legions strengthened the Central Empires when they sought the control of Europe and the defeat of this Republic.

I protest against a policy which weakens Greece and strengthens Turkey. I express my profound regret at the action of France in entering into the Angora agreement with the Kemalist régime, which inevitably will result in strengthening the nationalistic movement in Turkey and weakening Greece. It will be regarded by the Kemalists as a retreating movement upon the part of the allied nations and a confession that the Turks may continue their atrocities and foul and hideous crimes and wage relentless war upon the Greek forces engaged in protecting those parts of Asia Minor which geographically and ethnically are a part of Greece and which should constitute a part of the Greek State.

It would appear as though Turkey was to emerge from the war victorious. If she may force her authority over Smyrna and contiguous territory, why may she not demand that Turkish sovereignty shall not be extinguished in Constantinople or any part of Thrace? Indeed, there are signs which portend a purpose upon the part of the Turks to wrest Thrace from Greece, and there are many symptoms of a movement with which Bulgaria is sympathetic to extinguish the authority of Greece over every portion of Thrace. The situation in Asia Minor and in the region of the Ægean Sea is not reassuring, and the allied nations should take immediate steps to enforce the Sevres treaty and support Greece in her efforts to defend her rights and protect the Christian people in Asia Minor.

The recognition by France of the Kemalist régime even as the de facto Government of Turkey was, in my opinion, most unfortunate and may prove the contributing cause of a most deplorable development. Article 151 of the treaty of Sevres provides "that the powers shall consult with the council of the League of Nations upon measures necessary to guarantee the provisions of the treaty," which provides for the protection of Christian minorities within the Turkish State. The guaranties provided have been disregarded, and the Christian nations with apparent unconcern witness the destruction of cities and towns inhabited by Greeks and Armenians and the execution of an infamous plan to work their complete extermination.

I appreciate that our Nation was not a party to the treaty of Sevres. If our Government had declared war, as it should have done against the Turkish Empire and the Kingdom of Bulgaria, we would have had a voice in the treaty which dealt with these belligerent powers. The United States could then have insisted as a matter of right upon the enforcement of the treaty and demanded of Turkey that it protect the Christian peoples within its borders and afford to them the guaranties of the treaty.

Senators will perceive that in the resolution which I have offered and which I shall ask the Committee on Foreign Relations to consider there is no proposed interference with other nations. But I submit that though we did not declare war upon Turkey, the interests of Turkey and the Central Empires were so inseparably intertwined that in dealing with Austria and Germany we are not to be precluded from at least calling the attention of the allied nations to a pitiful, inhuman, and tragic situation occasioned by Turkey and to consequences which might eventuate in a recrudescence of hostilities which indirectly, if not directly, would affect the United States and the peace of the world.

But I submit that there would be no transgression of the most punctilious regard for international proprieties if the Chief Executive of the United States should direct the attention of the European powers, and particularly the allied nations, to the conditions in Turkey and to the inhuman and brutal treatment to which the Christian peoples of Turkey are subjected. Nor can there be any impropriety in our Government appealing to the League of Nations, which is linked with the Sevres treaty, with a view to securing its interposition to prevent further bloodshed and massacre.

This Nation has often lifted its voice against cruelty and oppression and for the protection of helpless minorities. Resolutions have been adopted by one or both branches of Congress protesting against the wrongs to which political and religious minorities in governments have been subjected. But even if there should be no Executive appeal, Congress should declare its abhorrence of the ruthless exterminating policy which is being pursued by the Turks against unoffending Christians and should by appropriate resolution call the attention of the civilized world to the atrocities committed by the Turks upon helpless peoples.

Turkey should be made aware of the fact that this Republic looks with horror upon her merciless and bloody acts and will refuse to sustain any relations with a people or a government stained with innocent blood and covered with infamous crimes.

It has been stated that the Kemalist régime contemplates sending representatives to America, either to secure recognition at the hands of this Republic or to float loans to enable Kemal Pasha's government to meet its obligations and to maintain it in authority and power. Even the suggestion that America should receive such representatives or that anywhere in this broad land a single penny could be obtained by the Turkish Government or by the Kemalist régime should be an insult to the American people.

If the European nations will not interpose to save from destruction the Christian populations of Asia Minor, then this Nation and the churches and the public-spirited and philanthropic people throughout our land should lift their voices in solemn protest against the consummation of this wicked purpose; they should arouse civilized nations from their lethargy and put in operation such influences and moral forces as will bring fear to the hearts of the Kemalist forces and compel the renunciation of their purpose to destroy the Christian inhabitants of Asiatic Turkey and to regain authority over territory to which they are not entitled and which under every principle of right and justice should not constitute a part of any Turkish State.

Mr. President, there is another matter relevant to the present discussion which I shall briefly refer to. The bolshevik government of Moscow has been rendering material aid to the

Kemalist régime and now has its representatives in various parts of Anatolia. The evidence is conclusive that the bolsheviks have been aiding in various ways the Nationalist government in its efforts to destroy the Sevres treaty and to regain possession of Asia Minor, if not all territory within the Turkish Empire as it existed at the outbreak of the war.

At a conference of communists, at which representatives from Turkey and other Near East countries and also bolshevik Russia were present, held at Batum some months ago, the revolutionary doctrines of the third internationale were emphasized and encouragement given to the Ottoman Turks to wage war against the allied nations. The bolsheviks joined in the persecution of the Armenians and materially contributed to the destruction of the Armenian Republic. They sent representatives among the Mohammedans in various parts of Asia Minor and as far as India for the purpose of provoking the masses to revolt against constituted authorities and to wage war against what they denominated "capitalistic governments."

If it had not been for the help given by the bolsheviks and the direct, if not the indirect, aid received by the Kemalist forces from a number of the European nations, in my opinion the Kemalist movement would not have assumed its present proportions, and the terms of the Sevres treaty, perhaps with some modifications, would have been accepted by all parties to it, and the Christian populations of Asia Minor would not have suffered the persecutions, the horrible and decimating effects of which I have so imperfectly described.

Undoubtedly, if the Sevres treaty is wholly repudiated and the Kemalist movement triumphs and the allied nations offer no restraints to the licentious and blood-thirsty purposes of the Turks, they will, after destroying the Christian populations of Asia Minor, demand the return of Thrace, the possession and control of Constantinople, and the recognition of that ancient city as the capital of the Turkish Empire. Bulgaria will be encouraged to make war upon Greece and will be promised a division of Thrace in the event of an allied triumph between Turkey and Bulgaria.

Mr. President, Constantinople must never be returned to Turkish control; and the crescent flag which has represented lust and rapine and murder and crimes unspeakable must not be permitted to float upon European soil.

I shall not further speak of Constantinople and the disposition which should be made of it, as I have heretofore expressed, on the floor of the Senate and by resolutions which I have offered, my views with respect to this subject. But I do protest against any course which will deprive Greece of western Thrace—that portion of Thrace which she is now in possession of and which is subject to her political control.

I have, upon a number of occasions, been asked to state some of the many reasons which call for the award to Greece of what is known as western Thrace; that is to say, all of Thrace except that portion of ancient Thrace lying to the east of the west boundary of Chatalja. A suitable reply calls for some historical consideration. Modern Thrace comprises the region extending along the Ægean Sea and Sea of Marmora, from the eastern boundary of Macedonia to Constantinople on the Bosporus. Thrace touches on the east the Black Sea, and extends northward to the Balkan plateau. Western Thrace is sometimes called Bulgarian Thrace merely because Bulgaria obtained possession of the same at the close of the late Balkan wars. The treaty between the allied and associated powers, not including the United States and Bulgaria, which was prepared in Paris in September, 1919, provides for the cession of Western Thrace to the allied and associated powers. Greece became possessed of western Thrace because ethnically, geographically, culturally, and by every standard of justice she was entitled to an award constituting it a portion of her territory.

Let me briefly direct attention to the historical relations of Thrace, as well as its present ethnographical status.

The original inhabitants of the Greek peninsula, as well as of the country lying between the Adriatic and Ægean and Black Seas, were allied to the Hellenic tribes and spoke a language which was related to the Hellenic dialects. The same is true of the indigenous inhabitants of western Asia, or Asia Minor. The Greek peninsula proper included the Pelopenesus and the upper Provinces of Thessaly and Epirus. Macedonia, which bordered these on the north, was in the earlier days of Greek history regarded as a sort of frontier kingdom which was not a part of Greece proper. The country lying to the north of Macedonia and Epirus, stretching from the Adriatic to the Bosporus and skirting the Ægean Sea, was known as Thrace and Illyricum, Illyricum being situated upon the Adriatic and comprising what is now Albania and Serbia, and Thrace occupying the country to the east lying generally between the Danube River and the Ægean Sea and extending to the Bosporus and Black Seas. The oldest dialect of these countries which has survived is presently spoken in Albania. It is clearly related to the Greek tongue and bears evidences of being of greater antiquity than the Greek. It is also known that the ancient Illyrians were related in speech and blood to the original tribes of Italy. The original language and culture of Thrace therefore was Hellenic, and the fundamental Hellenic character has persisted until this day.

Philip the Second, King of Macedonia, reigned in the fourth century, B. C., from 359 to 336. He was an Hellene by birth and tongue, although as King of Macedonia he was regarded as an outsider by the other Greeks. Philip brought Greece into his domain. One of his early accomplishments was to annex Chalcidice, the country on the Ægean lying to the east of what is now Salonica, to the Macedonian kingdom. Philip also brought the towns in Thrace under his dominion and thus accomplished the political unity of the Hellenic cities and peoples. Philip's son and successor reigned from 336 to 325 B. C. Upon the death of Alexander his kingdom was divided among four of his generals. To Seleucus Nicator was assigned Thrace, together with territories in Asia Minor. Lysimachus obtained possession of Greece proper. The Roman conquest of the East was even then imminent. Some of the Greek cities had assisted Carthage in her wars with Rome, and the Romans were determined to put an end to the Greek power. In 146 B. C. Macedonia became a Roman province, and the Roman dominion was within a short time extended over the whole of Greece and Thrace and also over Asia Minor. The Romans, however, were satisfied with exercising political control in Thrace. All they demanded was allegiance to the Roman authority. There was liberty of speech and religion and a free field for the development and extension of Greek culture. At the beginning of the Christian era the Greek language was spoken in Thrace and in western Asia Minor. The Epistles of the Apostle Paul were written in Greek and addressed to the Greek communities in both Asia Minor and Macedonia.

In 395 A. D., the Roman Empire was divided by the Emperor Theodocius between his two sons, Arcadius and Honorious. The seat of the eastern empire which was assigned to Honorious was the Greek city of Byzantium at the eastern end of Thrace on the Bosporus. The Emperor Constantine had already established Byzantium as the new capital of the Roman Empire, which was named Constantinople in his honor. Indeed, Byzantium was to be the capital of a new Christian empire, having its seat in the center of Greek culture and of the Greek Christian communities, which were in fact the beginning and foundation of the Christian Church. The Byzantine Empire flourished for a thousand years until the incursion of the Turks into Constantinople in 1453 and their subjugation of the whole Balkan and Illyrian region, including Greece itself and the Ægean islands. The seat of the Turkish power was then established in Constantinople, and for more than five centuries the Turks have maintained here the capital of their constantly diminishing empire.

Greece itself was the first of the Turkish Provinces in Europe to regain its independence. The independent Greece, however, did not even include Macedonia. In the years since she gained her independence, however, one of the principal aims of the Greeks has been to liberate and redeem the ancient Hellenic lands and peoples from the tyrannies of the Turks. The liberation of the unredeemed Greeks has been the national passion of the free Greeks not only in the mother country but in all the world.

The Turkish Provinces of Bosnia, Herzegovina, Montenegro, Serbia, Bulgaria, and Rumania attained under the arrangements of the powers at the congress at Vienna either an independent status or paid only a nominal tribute to the Sultan. Until the recent Balkan wars, however, Turkey retained control of the Vardar Valley, extending from Saloniki to the Danube, including at its northern extremity the sanjak of Novibazzar, which intervened between Montenegro and Serbia, and gave the Sultan control of the communications between the Danubian frontier and Saloniki and Constantinople. Macedonia, Albania, and Thrace remained under the Turkish thraldom. Bulgaria declared her independence of Turkey under her own Czar and thus severed the bond which nominally connected her with the Sultan. The Balkan wars were fought for the liberation of Macedonia, Bosnia, Herzegovina, Epirus, and Thrace from the Turkish power. The final result was that Turkey in Europe was restricted to the residue of the Province of Adrianople, lying east of the Maritza River, together with the city of Constantinople. Greece obtained a large part of Macedonia, including the Ægean coast at Saloniki and Kavalla; Serbia was extended to include the sanjak of Novibazzar, and extended southward through the Vardar Valley to the Greek frontier behind

Saloniki; Albania was removed from the sovereignty of Turkey and given an independent status; and Bulgaria obtained, besides a very large part of Macedonia, its northern part, that part of Thrace which extends along the Ægean Sea from the Mesta to the Maritza River. In the recent war both Turkey and Bulgaria joined the enemies of the allied and associated powers and shared defeat with Germany and her allies. Bulgaria was required to renounce western Thrace to the allied and associated powers, and the Turkish domains in Europe, including eastern Thrace and Constantinople, were placed in the hands of the victorious nations. These events brought modern Thrace in its entirety into the hands of the allied and associated powers, to be disposed of according to the interests and rights of the inhabitants and upon such principles as would promote peace and a permanent settlement.

The principal elements of the population in Thrace are Turkish and Greek. These terms have, however, a religious as well as an ethnological signification. In the five centuries of Turkish domination thousands of persons of Hellenic blood have been converted by force or fraud to the Moslem religion. Thus the Albanians, though nominally of the Mohammedan creed, are by blood related to the indigenous inhabitants of the country, and are not Turks by blood or race. The same is true of thousands of the inhabitants of Asia Minor, and is doubtless true of many of the inhabitants of Thrace. In the Turkish vilayet of Adrianople, which includes the whole of modern Thrace, exclusive of Constantinople, less than one-half of the inhabitants are Turks, and this word must be understood as denoting those who are of the Moslem faith rather than of the Turkish race. The Greeks constitute a full one-third of the population and the Bulgarians but one-tenth. In Constantinople, including the suburb of Chatalja, and excluding Scutaria, which lies across the Bosphorus in Asia, the Turks constitute but one-third of the population, and of the non-Turkish elements the Greeks have over one-half. Although the Bulgarians have endeavored to increase the number of their people in western Thrace by persistent colonization, the number of Bulgarians is relatively inconsequential. There are a large number of Turks in Thrace and Constantinople, but these, as stated above, constitute less than one-half of the population of Thrace and only one-third of the population of Constantinople. In recent years the tendency has been for the Turkish population formerly in the Balkans to concentrate in that part of Thrace which remained under Turkish sovereignty.

There has been a constant migration into Thrace from the various countries of the Balkans. There has, therefore, been an artificial concentration of Moslems in Thrace, and yet the Moslems are in the minority. Generally speaking, the non-Turkish elements are Christian and Jewish in religion, and have common understandings and interests which bind them together. The Turks have demonstrated by their administration of non-Turkish countries that they are clearly unfit and incompetent to govern non-Turkish nations. The Turkish law, moreover, is not suitable or fit to be applied in civilized or Christian communities. There are many thousands of Jews settled at Saloniki or at other ports of Greece. The Greeks, moreover, have been in communication with the Jews and Turks for centuries. I think the fact is that there is but little, if any, antipathy on the part of either Turks or Jews against the Greeks in Thrace, and it can be asserted with confidence that both Turks and Jews can enjoy and exercise their rights and liberties under Greek law and government. Indeed, the Turks at Adrianople, which was captured by Bulgaria in the last Balkan war and was afterwards reconquered by the Turks, declared an utter abhorrence of being placed under Bulgarian rule, but expressed a willingness to be placed under Greek rule. The Greeks have the same system of law which spread from imperial Rome over the whole of continental Europe and under which all persons, without regard to creed, race, or condition, are protected and vindicated in their personal liberties and rights. And personal liberty, after all, consists essentially in the establishment and administration of law which protects every man in his personal rights and property, all of which constitutes what we call justice. There are, therefore, no proper impediments to the establishment of Greek rule over Thrace.

The Bulgarians have no such interests in Thrace as would warrant, in any view of the case, the extension of Bulgarian political control over any part of Thrace. The Bulgarians do, however, assert that they have need for a commercial outlet upon the Ægean Sea. The port of Dedeagach, in western Thrace, does serve in a very minor way for Bulgarian commerce, but the quantity of Bulgarian commerce passing through this port is relatively unimportant. Bulgaria has two well-developed ports—Burgas and Varna—on the Black Sea. Constantinople itself is an important port for Bulgarian commerce, and Saloniki could serve Bulgarian trade better than any other port on the Ægean. The outlet for Serbian commerce at Saloniki is absolutely essential. Indeed, the principal part of the commerce of Saloniki has its origin or destination in Serbia. Serbia was the ally and friend of Greece and of the allied and associated powers in the late war. Arrangements for the accommodation of Serbian commerce at Saloniki have been concluded, which are altogether adequate and satisfactory to Serbia and which do not interfere in anyway with the political control and authority of Greece at Saloniki. Similar arrangements could be made for the accommodation of Bulgarian commerce at Dedeagach or Saloniki. Bulgaria is certainly not entitled to demand better or more favorable accommodations at the Greek ports on the Ægean than have been accorded to Serbia. Greece should not be required to treat her enemy better than her friend.

I submit that in the interest of justice as well as for the peace of Europe, Thrace, as I have defined it, should constitute an inseparable part of the Greek State, and all conspiracies to return any portion of this territory to Bulgaria or to Turkey should meet with world-wide condemnation. Islamism must not be crowned, and the bloody chariot wheels of the Sultan's authority must never again be permitted to be driven over the prostrate form of this redeemed land with its brave and heroic inhabitants.

Mr. President, I can not forbear making a brief allusion to the recent action of a number of the European powers who desire to deprive Greece of Northern Epirus, which by the law of self-determination as well as all just standards to be applied in marking the boundaries of nations, should constitute a part of the Kingdom of Greece. Northern Epirus, geographically and ethnically, belongs to Greece. With a population of 200,000, 120,000 are Christians and approximately 80,000 Moslems. The Christians demand union with Greece, while the Moslems—or the great majority of them—undoubtedly desire to be united with the Moslem State of Albania. In 1913 the Turks were driven from Northern Epirus by the Grecian armies; and the people, liberated from the oppressive rule to which they had so long been subjected, received with the greatest joy their deliverers.

Austria threatened war against Greece, and the government of that State, desiring to avoid further bloodshed, and yielding to the representations of Sir Edward Grey—speaking for Great Britain—evacuated this territory. The Greeks residing in Northern Epirus refused to submit to Albania or Moslem domination, and established a provisional government of their own; and in 1915 Northern Epirus was recognized as Greek territory by the powers, and delegates to the Greek Parliament were elected by its inhabitants. However, since that time the political life of Northern Epirus has been varied and turbulent, and the vicissitudes, political and otherwise, of its people have been painful and, indeed, tragic.

In December, 1919, not all of Northern Epirus, but a substantial portion of it, was awarded to Greece by some of the European powers in a joint note to Italy. As I recall, the United States was a party to this note. The district of Korytsa within Northern Epirus was not adjudicated, but was left for further negotiations between France, Great Britain, and Italy, as well as Greece, and, as I recall, the United States. In January, 1920, an allied note to Jugoslavia recognized Korytsa as Greek territory, and made an award accordingly. Notwithstanding this determination, which was subsequently ratified and approved by the nations referred to, the Albanian Government has, by force and violence, sought to retake possession of the same and subject it to Moslem rule.

Unfortunately, some of the allied nations are not giving sympathetic consideration to the claims of Greece to Northern Epirus, and, indeed, as I am advised, are conniving at a course which will permanently attach this district to Albania.

It is to be regretted that internal controversies are weakening the Greek State. Greece has Moslem foes and, perhaps, other enemies. This fact should promote and establish Greek solidarity and bring into happy accord all elements of this great race.

The Hellenic peoples have a great future before them. A puissant Greek State should be their aim. They have a glorious past; they should seek a more glorious future. All nations pay tribute to what Greece has done for culture, for civilization, and for freedom.

Pericles, to commemorate his brilliant reign, invoked the genius of the immortal Phidias, who, upon the Acropolis, erected a statue of the Jove-born goddess Minerva. In her outstretched hand was placed a beacon light. In the darkness and in the storm that light guided the mariner upon the storm-tossed Ægean Sea and guided his bark to safety. Greece must again lift high the

standard of liberty and civilization. Her light must point the way to the nations and peoples in that far-off land. The Greeks everywhere should be dedicated to the cause of freedom; and those within the Greek State, with patriotic devotion, should seek their country's welfare.

And Christian nations everywhere should rejoice in the progress which the Greek State has made since its emancipation from Turkish oppression and give moral and generous support to the aspirations of the Greek people. They should lift up their voices in execration of the hideous crimes of the Ottoman Turks and aid in every movement that will preserve from destruction the small remnants of the Armenian Christians and the Pontian Greeks, as well as other Hellenic peoples scattered throughout Asia Minor.

We are soon to commemorate the birth of the Nazarene. The joy of this holiday season should not close our eyes nor seal our ears to the tragic scenes and the piteous cries beyond the seas. Millions are dying of want and hunger in Russia. Wandering and outcast and persecuted Christians are dying in the mountain fastnesses and in the waste places of Asia Minor. While we are bathed in the sunshine, others are lost in the shadows.

Mr. President, I ask that the resolution which I offered some days ago with respect to the atrocities in Pontus, which is now lying upon the table, be referred to the Committee on Foreign Relations, and I ask permission to insert in my remarks a copy of the resolution and some excerpts which I have here showing various acts of barbarism, together with some statements from some of the witnesses respecting the same.

The PRESIDING OFFICER. Without objection, the resolution (S. Res. 193) condemning the persecution of the Greeks of Pontus by Ottoman Turks, and requesting the President to bring the matter to the attention of European powers, will be referred to the Committee on Foreign Relations, and permission is granted to the Senator to print in the RECORD in connection with his remarks the matter referred to by him.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the bill (S. 2790) to authorize the boards of county commissioners of Escambia and Santa Rosa Counties, Fla., to construct a bridge across the Escambia River at or near Century, Fla.

The message also announced that the House had passed a bill (H. R. 9464) authorizing the construction of a bridge across the Snake River at or near Central Ferry, Wash., in which it requested the concurrence of the Senate.

SNAKE RIVER BRIDGE, WASH.

Mr. JONES of Washington. I ask the Chair to lay before the Senate House bill 9464.

The bill (H. R. 9464) authorizing the construction of a bridge across the Snake River at or near Central Ferry, Wash., was read twice by its title.

Mr. JONES of Washington. Mr. President, as will be seen from the title, the House bill just sent over to the Senate is a bridge bill. A few days ago the Senate passed a similar Senate bill which had been reported from the Committee on Commerce. I, therefore, ask unanimous consent for immediate consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREIGHT AND EXPRESS RATES ON FARM PRODUCE, ETC.

Mr. TRAMMELL. Mr. President, during the past year I have from time to time entered my protest against the excessive freight rates being charged throughout the country, and more particularly the rates that have been imposed upon the people of the State of Florida for their citrus-fruit products and their truck-farm products.

I am not going to make a speech upon this question to-day, but I desire to read into the record a letter that I received this morning from a farmer in my State. In this letter he states:

> I am inclosing to you account sales of a shipment of cabbage I have just shipped to Richmond, Va. Please note what a farmer gets out of this shipment, and then see what the express company gets. Now, I ask you to take up this matter with the Interstate Commerce Commission, and show them how a truck grower can do anything with such express charges. We need some relief. We can not stand such rates.

The account of sales which was sent to me by Mr. A. B. Prevatt, of Seville, Fla., who signs this letter, shows that at Richmond, Va., the commission merchant sold seven crates of cabbage for $34, approximately $5 a crate, which was a reasonably good price for those cabbage to have sold for in the market at Richmond. Charged against that $34 was $22.23 for express; or, in other words, it cost him $3.17 per crate upon his cabbage to ship it from Seville, Fla., which is only about 80 miles below Jacksonville, to Richmond. The commission being deducted, $3.40, left the farmer $8.37 for his seven crates of cabbage. Out of that $8.37 he had to pay the expense of production, he had to pay for the gathering of the cabbage, for crating it, packing it, and hauling it to the station; the consequence being that the farmer, on account of the excessively high express rates, did not receive the cost of production on the seven crates of cabbage which sold in Richmond at a fairly good price, namely, about $5 per crate. It would have been far better for Mr. Prevatt to have let his land stand idle.

Mr. President, unquestionably the farming interests of this country need relief. The Interstate Commerce Commission should enter into a serious investigation of the rates that are being imposed upon the agricultural products of the country.

Certainly some relief should be afforded, not only in the interest of the producer, but in the interest of the consumer. Think of a charge of $3.17 per crate upon cabbage for a haul of not exceeding 750 miles, probably 700 miles.

I merely desired to bring these deplorable conditions to the attention of the Senate. I hope that they may also be considered by the Interstate Commerce Committee of the Senate in its investigation of the existing railroad and express rates.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Nebraska?

Mr. TRAMMELL. Certainly.

Mr. NORRIS. I think the Senator's farmer should feel good about that shipment. He ought to thank God that he got anything out of it, after it had been shipped on the railroad in these times. I have just heard of a man in Nebraska who shipped a carload of corn—a whole carload of corn—from Verona, Nebr., to Billings, Mont., where they had no corn, and he did not get enough for his carload of corn to pay the freight. He was in debt to the railroad company 51 cents when he got through with the operation. So the Florida man ought to feel glad to think he got out without owing the express company something when he got through with the shipment.

Mr. TRAMMELL. Mr. President, he doubtless was more fortunate than the farmer to whom the Senator makes reference. In the Nebraska case, however, I do not know that the corn sold at a fairly good price in the market. In the case referred to by me the product of the farm sold at a fairly good price in the market, and the producer would have had a reasonable return if it had not been for the excessive and unreasonable express rate of $3.17 per crate.

Mr. NORRIS. The corn sold at the market price, for just as much as anybody's corn would bring in that market, and it was in a better market than if the farmer had shipped it east, because he shipped it to a country which had a failure this year and needed corn very badly. He probably got a little above the market price.

Mr. TRAMMELL. There are a great many cases, of course, which illustrate the necessity and the justice of a rearrangement and a lowering of rates, both express and freight. Many shippers in my State have not received enough money for their products to pay the freight. A good many instances of that kind have been brought to my attention. I had an experience of that kind myself last year.

Mr. NORRIS. Not long ago I read a statement issued by one of the New York banks—I think the Irving National Bank—which issues statements every little while showing the conditions of business, which are very interesting and very instructive. They gave in one of their statements the names of quite a number of producers of different kinds of fruit in Florida, stating that they had shipped to the New York market and sold their fruit on that market, and that when they had paid the freight and the commission they were in debt to some extent on their operations. So some of the Senator's constituents do not come out as well as the cabbage man does. He ought to feel good.

Mr. TRAMMELL. The Senator is no more aware of those conditions than I am. I have received a great many communications from grove people and farmers telling me of actual losses, where the returns were not sufficient to pay the freight; but this particular instance of Mr. Prevatt's is the one last to come to my attention, and this illustrates very plainly that the industry will not stand the rates which are imposed. It illustrates that even when the product brings a reasonable and fair price in the market the producer receives little or nothing, on account of the excessive and exorbitant express charges.

Of course, it might be said by some that the carload rate by freight is cheaper. That is true, although it is excessive; but a large part of the farm products can not be marketed in carload

lots, and if you attempt to market them in carload lots, even if the producer has a sufficient crop to market in that way, you do not have a proper diversity of marketing. The matter of proper, intelligent, diversified marketing of our products is one of the great problems of the country. Therefore, there are a great many shipments which have to go in less than carload lots for that reason.

I contend that the rates, generally speaking, are too high, and the producers in my State have suffered very sorely from these excessive rates.

Take, for instance, a carload of oranges. It sells in the market at what is considered a reasonable and fair price, as far as the producer is concerned, if he can get his proper part of the proceeds, and as far as the consumer is concerned; yet after you pay your freight rate of about $400 to $475 a car, your packing charges, and so forth, the producer has very little, if anything, left.

Mr. NORRIS. I think what the Senator says is correct; but he is not an expert, and I am not an expert, and these farmers are not experts; so it does not become us to say that railroad rates are too high. If you ask the railroad people, who are experts, they will say the rates are not high enough, and as bearing that out I have a letter which I received just a few days ago from one of the employees of the Nebraska State railway commission, who is supposed to be an expert. He said in his letter to me that an injunction had just been granted by the United States court enjoining the State commission from decreasing any intrastate rates, and that the Interstate Commerce Commission about the same time issued an order permitting the State commission to increase rates; so that they were in this situation, that the State commission had authority from the Interstate Commerce Commission to increase rates, and they were prohibited by the injunction of the United States court from decreasing rates. While that does not look quite right to us, we can take the word of experts that it is right, and we ought to keep on toiling and keep on working, and get our reward in the next world, if we do not get any profit in this.

Mr. TRAMMELL. Mr. President, of course, that is the trouble; we have too many experts. A very forcible illustration was given me by an automobile dealer down at Cocoa, Fla., who is also an orange grower. We were talking about the excessive transportation charges on grove and farm products, and he said, by way of illustration, that he could not understand how it was that he could ship a carload of automobiles, which cost him over $10,000, from Detroit, Mich., to Cocoa, Fla., for about $400, but when he got ready to ship a carload of oranges, which he would sell probably for $1,200 gross, from Cocoa, Fla., to New York, his freight bill was around $500.

I have just little enough expert sense myself to not understand the discrepancy, and why it was they imposed a rate of $400 on that carload of automobiles worth $10,000, but the farmer's products are assessed $500, or a rate of $100 more per car. If that is the result of the work of experts, I think we need to eliminate some experts. If experts, without reason or justice, discriminate against growers and farmers who are the very backbone of the country, then we need a little common sense put into our rate making and less expert injustice and foolishness. In the name of justice and fairness I appeal on behalf of the State of Florida for a reduction of express and freight rates so the people of my State can enjoy the prosperity they deserve and in justice are entitled to.

AGRICULTURAL AND TRANSPORTATION INTERESTS.

Mr. LA FOLLETTE. Mr. President, I think it may interest the Senator from Nebraska [Mr. NORRIS] and the Senator from Florida [Mr. TRAMMELL] especially, and probably all Senators who are in attendance, to know that some of the representatives of some of the agricultural organizations are entering into a very close relationship with the transportation companies of the country for the "adjustment" of all the ills and complaints which agriculture has suffered at the hands of the railroads.

I do not know whether Senators observed in the newspaper reports of Sunday morning the disclosure of a secret meeting which had been held on December 9, between representatives of the railroads and other great interests and the representatives of some of the agricultural organizations who are accredited as the spokesmen for agriculture in Washington.

I want to bring to the attention of Senators and of the country the information which I gathered from the reports in the press and from other sources pertaining to this important meeting.

My attention was directed to an article in the Washington Post of Sunday, December 18, entitled "Rail Foes End Feuds. Officers of Systems and Shippers to Work in Harmony. Organize Committee Here. Farmers Unite with Steel, Lumber, Coal, and Other Interests." This article was printed in the Post, copyrighted, under the name of Harden Colfax. It begins with this statement:

While the Interstate Commerce Commission is trying to find out whether railroad rates should be reduced or not, and is conducting a general inquiry into the transportation situation on its own account, the railroads and the shippers, which have fought each other for a generation, have quietly and without publicity gotten together and agreed to bury the hatchet. Hereafter, instead of antagonizing each other they will work in harmony and as a team.

Evidently, Mr. President, the attack upon the agricultural bloc, which was inaugurated by a member of the Cabinet of the present administration in a public speech a few days ago, has proven pretty effective.

Some representatives of the agricultural organization appear to have been captured by those who were unduly apprehensive of the activities of the bloc. Their efforts are to be enlisted from this time on for the destruction of that organization known as the agricultural bloc, it appears, by "boring from within."

Listen further to the story recited in the Post of December 18:

A solemn agreement to that effect—

That is, to the effect that there is to be harmony between the farmers and the steel, coal, lumber, and other interests hereafter—

was entered into at a meeting here on December 9, news of which was withheld by both sides alike, between a special committee of the Association of Railway Executives, representing the carriers of the entire country, and a selected delegation of the biggest of America's big industries.

Important in its novelty, the meeting was still more important from another standpoint. The farmer, through his delegates, sat down and worked with the manufacturer, the coal operator, the lumber man, and other big business interests which he had for many years considered his oppressors.

In other words the farmer, it appears, is converted, made to see, through some magic or other, that these interests, which he had supposed were hostile to him, are instead his best friends.

Now, that very important announcement in the Post records the further fact that an executive committee was appointed to carry out these agreements. This executive committee, the article states, consists of J. R. Howard, of Chicago, President of the American Farm Bureau Federation; S. J. Lowell, of Fredonia, N. Y., master of the National Grange; J. A. Campbell, of Youngstown, Ohio, president of the Youngstown Sheet & Tube Co.—just think of that gentleman being yoked up with the head of the farm bureau federation!—Ernest T. Trigg, of Philadelphia, president of the National Federation of Construction Industry; Charles Hill, of New York, Southern Pine Sales Corporation; J. D. A. Morrow, of Washington, vice president of the National Coal Association.

The Senator from Oregon [Mr. MCNARY] will remember that in the coal investigation conducted by the Committee on Manufactures we became somewhat acquainted with Mr. Morrow. I think in the course of the testimony taken before that committee it appeared that the association which he represented, under a large salary, had been indicted in Indianapolis for violation of the anti-trust law. He is one of the associates of the president of the Farm Bureau Federation. Another is F. R. Todd, of Moline, vice president of the Deere Co.

The article continues:

The executive committee appointed as its counsel James A. Emery, of this city, who is also—

Note that "who is also"—

counsel for the National Association of Manufacturers.

Many of the Members of the Senate who recall the investigation conducted by a Senate committee of a corrupt lobby that operated here for many years, will remember that that association in particular was involved in the disreputable business of influencing the election of Members of the Senate and Members of the House who would be useful in serving the National Association of Manufacturers.

Now, Mr. President, that very interesting news article was followed the next day by an editorial in the Washington Post. That editorial was entitled "Railroad-Shipper Protocol." It began as follows:

The announcement that the railroads and the big shippers of the country, the latter including farmers, manufacturers, lumber and coal producers, and others, have come together in a plan for cooperation for the common objective of getting the transportation systems upon a better and more stable basis is most encouraging. * * * *The understanding reached promises that the railroads will share with the shippers the financial benefits of all further reduction in the cost of operation which may come to them from lower wages or cheaper materials, and that the shippers on their part will be reasonable in their demands* and not attempt to force conditions upon the roads which will be unduly burdensome.

There is to be, it seems, cooperation between these representatives and the railroads in securing reductions of rates, espe-

cially through further reductions in the wages of the railway employees.

Mr. President, when we assemble again after the recess which is to occur for the holidays, I shall set myself the task of presenting to the Senate and to the country some data, the result of a very serious study upon my part, bearing upon the subject of the pay of railway employees. I may broaden the discussion somewhat to make it cover the wages of all labor.

I say now that I believe I shall be able to demonstrate that it is economically impossible, without destroying the productiveness of industry, and the home market for American merchants, to lower further the wages of labor. I set myself the task of proving to the Senate and the country that the wages of labor to-day are less than they were at the beginning of this century; that the purchasing power of labor at this moment of time will not command, by a considerable amount, as much of the necessaries of life as was the case 10 years before the beginning of this century. I undertake to say, sir, that no answer can be made to the facts and the arguments which it will be possible to put before the Senate of the United States.

I speak at this moment, sir, for the purpose of issuing a word of admonition to the farmers of the country to beware of that leadership in any of the organizations which are represented here that would shackle them in combination with railroad executives and with the great combinations and trusts of the country, leaving it to that group to determine what is to be the policy of this Government with respect to transportation.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I yield.

Mr. NORRIS. Is the Senator able to give us now any information as to what, if any, agreement was made at the meeting which the Senator has mentioned, participated in by the representatives of agriculture and other business and the railroads?

Mr. LA FOLLETTE. Mr. President, I have been informed, I believe reliably informed, that an agreement was reached between the representatives of certain agricultural organizations, the representatives of the railroad executives, and the representatives of other great business and shipping organizations—lumber, steel, coal, and others such as I have indicated from the excerpts which I have read here—that the organizations representing agriculture should withdraw their support of legislation pending before the Senate or Senate committees for the restoration to the State commissions of the power to regulate State rates; and, moreover, that they should withdraw their support of legislation pending before both House and Senate committees proposing the amendment of the transportation act by striking out that portion of the act which is known as section 15a of the Esch-Cummins law.

Senators who have studied that transportation act will know that by its main provision it imposes upon the Interstate Commerce Commission the obligation to ascertain the aggregate value of the railroad property of the country and to impose upon transportation rates sufficiently high "as near as may be" to make a fair return upon the "aggregate value" of the railway property, and that provision of the Esch-Cummins law required the Interstate Commerce Commission to make a determination of "aggregate value" just as soon as the Esch-Cummins law became a statute.

For days, running through a month's debate, I stood on this floor and protested against that provision of that proposed legislation. I said that there were no facts within the knowledge of the Interstate Commerce Commission which would enable them to comply with the terms of that proposed law, to ascertain as soon as that law was passed the aggregate value of the railway property of the country.

Under a law passed by Congress in 1913 the Interstate Commerce Commission is charged with the duty of ascertaining the true and fair value of the railway property. They have made progress. It is one of the greatest economic undertakings in the history of the country. The commission has received tentative findings with respect to certain railroads. Anybody familiar with the work imposed upon the Interstate Commerce Commission by that law knows that, even after they have recorded tentative values upon all of the railroads—and it will be some time in the future before that can be accomplished—the railroads will contest every one of those valuations and that it will be years before, under that law, the legal value of the railway property of the country shall have been ascertained. In the meantime the law passed in 1920 imposes upon the Interstate Commerce Commission the obligation to find out at once the aggregate value of the railway property.

I argued and plead then with the Senate not to adopt that provision, because I said that it would compel the Interstate Commerce Commission to accept the investment accounts or "book value" of the railroads as the standard upon which transportation charges should be based; and that value the Interstate Commerce Commission year after year had discredited and impeached as absolutely unreliable. Everyone who is acquainted with the railroad history of this country knows that from the beginning every railroad that has ever been organized in America has been organized on a basis of tremendous overcapitalization; and that overcapitalization stays to-day in the railroad book valuation just as it was placed there and has accumulated since the beginning. The Interstate Commerce Commission has pointed that out hundreds of times; and yet that was the only tangible basis upon which the commission could act under the Esch-Cummins law.

Oh, it will be said that there is available the result of the work of the Interstate Commerce Commission under the valuation act. That work, however, had not progressed to the point where it was available as a means of ascertaining the true value. On some of the small roads of the country a tentative valuation has been ascertained under the valuation act, and that valuation, Mr. President, is estimated to be 50 per cent of the capitalization of the roads. This is, of course, a rough estimate, and yet the Interstate Commerce Commission, driven by the Esch-Cummins law which we passed, which required them to find the aggregate value of the railroads, fixed what as the total value of the railroads? They fixed the value of the railroads as being $18,900,000,000 or, in round numbers, $19,000,000,000. Every independent expert who has ever spoken upon that subject, every engineer of authority, every competent man who is not biased, has said for years that there was at least from 40 to 50 per cent of overvaluation in that book value; and yet the valuation of the Interstate Commerce Commission came within about a billion dollars of the total book value of the railroads as fixed by them. So the commission was compelled ultimately to take that enormous valuation as the only basis upon which to fix rates, and those rates have been exacted from the American people since August 26, 1920.

I undertake to say just this on the subject of valuation and its relation to rates at this time: There is in the railroad property of this country an excess capitalization charge of something like six or seven billion dollars.

Mr. President, the trouble with the transportation of this country, in just a word, may be stated as follows: The railroads have an overhead charge for capitalization of from 40 to 45 per cent greater than ever was put into the property, and greater than the property ever can carry. If it be attempted to make the products of the country pay the transportation charges on a valuation of $19,000,000,000, then we have fixed the rate so high as to stall traffic. It is essential to lessen the overhead, or traffic can not move in such a way as to make any adequate return to the producers of this country. Even if we strike out the little proviso which was agreed to be stricken out in the conference to which I have referred—the 5½ to 6 per cent income provision, which expires in any event in March—if we strike that out we have remaining in section 15 the provision that it is the duty of the Interstate Commerce Commission to fix rates "as near as may be" so as to insure a fair return upon the "aggregate value" of the property.

This valuation, as I have indicated, has been ascertained by the commission in the only manner which the Esch-Cummins law permitted, namely, by accepting the book value or investment accounts of the railroads. So if section 15a be retained in the law the commission must keep the rates as near as may be to the present rates. The attempt to make the present rates pay 5½ to 6 per cent was a failure, because the traffic could not make the return. The commission will have to lower the rates somewhat, but they will still struggle with that provision left in the Transportation Act, as has evidently been agreed to by this combination that has been set up here without consulting the farmers who are paying the expenses of the heads of these organizations. So there will continue to be imposed upon the Interstate Commerce Commission the obligation to fix rates which will pay a return on this overcapitalization, and they will be compelled to accept the valuation fixed by the railroads themselves largely in their investment accounts, in round numbers, $19,000,000,000.

Mr. President, I merely wanted this evening, before we concluded the session prior to the Christmas recess, to let the farmers who are putting up the money to pay the expenses of the Grange and the Farm Bureau know what is going on here, and to warn them that their representatives here are making secret deals with the heads of these great combinations.

I think that perhaps it is fair to put into the RECORD a statement of those who were present. I have already named Mr. J. R. Howard. This conference was participated in by the special committee representing the railway executives, of which Mr. Atterbury, of the Pennsylvania Railroad, was chairman. It was held at the Racquet Club in Washington on December 9, 1921. There had been a previous conference in New York on September 21, of which Mr. J. R. Howard was made chairman. Those present at the Racquet Club meeting were Mr. W. W. Atterbury, of the Pennsylvania Railroad; Howard Elliott, of the Northern Pacific; W. J. Hanrahan, of the C. & O.; W. B. Storey, of the Atchison; R. S. Binkert, who is assistant to the chairman of the Association of Railway Executives, New York.

The iron and steel industries were represented by J. A. Campbell, of the Youngstown Sheet and Tube Company, of Youngstown, Ohio, and C. E. Bement, of Lansing, Mich., representing the Novo Engine Co.

Railway supply organizations were represented by A. B. Johnson, president of the Railway Business Association, of Philadelphia, Pa., and Frank W. Noxon, secretary of the same association.

Lumber interests were represented by Charles Hill, of the Southern Pine and Sales Corporation, of New York; A. B. Hammond, of the Hammond Lumber Co., of San Francisco, Calif.; J. H. Browne, of the Pacific Lumber Co., New York City.

Construction companies were represented by R. C. Marshall, Munsey Building Washington, D. C., and E. T. Trigg, of Philadelphia, Pa.

The National Industrial Traffic League was represented by W. H. Chandler, Boston, Mass., and J. H. Beek, Chicago, Ill.

The National Association of Manufacturers was represented by J. A. Emery, of Washington, D. C.

The agricultural interests were represented by J. R. Howard, Gray Silver, H. C. McKenzie, of New York, Ralph Snyder, of Kansas, and O. E. Bradfute, of Chicago. I think he is president of the Farm Bureau of Ohio. They were all of the American Farm Bureau Federation, the last three named being members of its legislative committee. The agricultural interests were also represented by W. I. Drummond, president of the International Farm Congress, and by T. C. Atkeson, of the National Grange.

Mr. Atterbury stated that they desired the help of the interests represented in securing further wage reductions, and in opposing the Capper bill. After a considerable discussion, the agricultural representatives not being disposed to oppose the bill absolutely, adjournment was taken for lunch, with the understanding that representatives of the carriers and of the agricultural interests would talk the matter out. After lunch, Mr. Howard reported that the agricultural representatives were prepared to agree that section 15a should not be amended, except for the removal of the proviso in paragraph (3) relating to the percentage of return for two years following March 1, 1920, which expires by statutory limitation in March next.

So far as State control over intrastate rates was concerned, it was agreed that they would not undertake to deprive the Interstate Commerce Commission of power to set aside rates discriminating against intrastate commerce, but that they did desire to have the bill protect the powers of State commissions to function locally. They desired that.

It was left with a committee composed of Mr. Emery, Mr. Atkeson, and Mr. Silver to rewrite the Capper bill. I congratulate the Senator from Kansas. He is to have his bill "fixed" for him. It is also said that it was agreed that the interests represented in the conference would support the bill as redrafted when agreed to by counsel for the railway executives; but, on the other hand, at least one of the men representing another interest denies such agreement for himself, but said the agricultural interests did assent.

Mr. KENYON. Who composed the committee?

Mr. LA FOLLETTE. The committee to redraft the bill? It was left to a committee composed of Mr. Emery, Mr. Atkeson, and Mr. Silver.

Mr. OVERMAN. Mr. President, is Mr. Emery the man who was before the lobby committee?

Mr. LA FOLLETTE. I think he is the gentleman.

Mr. OVERMAN. A lobbyist here?

Mr. LA FOLLETTE. Yes. He represents the National Manufacturers' Association, which the Senator will remember as an organization that left a very bad odor in its wake as a result of that investigation.

Nothing definite about the Labor Board was decided upon, but the conference agreed to support the carriers in their efforts to obtain a revision of wages. The following committee was appointed to represent the conference in future negotiations with the railway executives: Mr. J. R. Howard and S. J. Lowell, representing the agricultural interests; J. A. Campbell, the steel interests; J. D. Morrow, representing the fuel interests; Mr. T. R. Todd, representing the manufacturing interests; Mr. Charles Hill, the lumber interests; and Mr. Trigg, the construction interests. Mr. Emery was made counsel for the committee.

Mr. KENYON. At what salary?

Mr. LA FOLLETTE. The salary he is to receive does not appear. I fancy, however, that his salary is amply taken care of by the National Manufacturers' Association.

Mr. CAPPER. Mr. President——

Mr. LA FOLLETTE. I yield.

Mr. CAPPER. I should like to say to the Senator from Wisconsin that the bill to which he refers as the Capper bill, introduced by me, was prepared by the chairman of the Public Utilities Commission of the State of Kansas, with the assistance of the general counsel of the State Railway Associations of the United States, and has the support——

Mr. LA FOLLETTE. The general counsel of the State Railway Associations is Mr. Benton?

Mr. CAPPER. Mr. Benton; and it has the approval, as it ought to, of the farm organizations of Kansas and of other Western States. If any committee undertake to rewrite that bill and make any very material changes in the measure, I think they will hear from the farmers of the West.

Mr. LA FOLLETTE. I think so myself, Mr. President, particularly after the farmers come to be informed concerning the secret agreements which their representatives are making with the great special interests. It is for that reason that I have taken the liberty of detaining the Senate this afternoon, for the purpose of putting this information before the Senate and, in a way, before the country.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Presiding Officer [Mr. SPENCER] as Acting President pro tempore:

S. 2591. An act to provide for the construction of a public bridge across the Niagara River;

S. 2790. An act to authorize the boards of county commissioners of Escambia and Santa Rosa Counties, Fla., to construct a bridge across Escambia River at or near Century, Fla.;

H. R. 9464. An act authorizing the construction of a bridge across the Snake River at or near Central Ferry, Wash.;

H. R. 9548. An act for the relief of the distressed and starving people of Russia;

S. J. Res. 142. Joint resolution to extend the time within which the special committee on the readjustment of the pay of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service may make its report to Congress; and

H. J. Res. 233. Joint resolution providing for the postponement of the world's dairy congress.

MOVING-PICTURE INDUSTRY IN FOREIGN COUNTRIES.

On motion of Mr. Wadsworth, the communication from the Secretary of Commerce laid before the Senate on yesterday transmitting, in response to Senate resolution 121 of August 5, 1921, a report on the development of the moving-picture industry in foreign countries and the extent of the importation of films of foreign manufacture, was taken from the table and referred to the Committee on Finance.

EXECUTIVE SESSION.

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

ADJOURNMENT.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned, the adjournment being, under the concurrent resolution of the two Houses, until Tuesday, January 3, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 22, 1921.

VICE GOVERNOR OF THE PHILIPPINE ISLANDS.

Eugene A. Gilmore, of Wisconsin, to be vice governor of the Philippine Islands, vice Charles Emmett Yeater, resigned.

CHIEF JUSTICE OF THE SUPREME COURT OF PORTO RICO.

Emilio Del Toro, of Porto Rico, to be chief justice of the Supreme Court of Porto Rico, vice Jose C. Hernandez, resigned.

UNITED STATES ATTORNEY.

Edward G. Davis, of Idaho, to be United States attorney, district of Idaho, vice James L. McClear. Position will be vacant on or before January 8, 1922.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

FIELD ARTILLERY.

Capt. James Brown Golden, Infantry, with rank from July 1, 1920.

POSTMASTERS.

ALABAMA.

Jennie S. Foster to be postmaster at Camden, Ala., in place of R. C. Jones, resigned.

Judson Strock to be postmaster at Verbena, Ala. Office became presidential January 1, 1921.

CALIFORNIA.

Claude R. Keagle to be postmaster at Lodi, Calif., in place of J. M. McMahon, removed.

COLORADO.

Frank L. Barton to be postmaster at Haxtun (late Haxtum), Colo., in place of F. L. Barton. Name of office changed.

Myrtle Loback to be postmaster at Naturita, Colo. Office became presidential April 1, 1921.

Cora E. Taggart to be postmaster at Wheat Ridge, Colo. Office became presidential January 1, 1921.

FLORIDA.

Milton E. Skipper to be postmaster at Bartow, Fla., in place of S. M. Wilson, resigned.

IDAHO.

Albert M. Reynolds to be postmaster at White Bird, Idaho, in place of M. A. Roos, resigned.

ILLINOIS.

Charles H. Spilman to be postmaster at Edwardsville, Ill., in place of J. F. Stillwell, deceased.

George H. Borkmeier to be postmaster at San Jose, Ill., in place of J. L. Eyrse. Incumbent's commission expired March 16, 1921.

Lawrence E. Whitford to be postmaster at Waterman, Ill., in place of G. B. Howison. Incumbent's commission expired September 11, 1921.

INDIANA.

Elmer E. McCarter to be postmaster at Pierceton, Ind., in place of W. L. Dick. Incumbent's commission expired July 21, 1921.

Albert L. Fouts to be postmaster at Denver, Ind. Office became presidential April 1, 1921.

IOWA.

James H. Post to be postmaster at Carroll, Iowa, in place of J. M. Drees, resigned.

Fred A. Robinson to be postmaster at Estherville, Iowa, in place of Frank Carpenter. Incumbent's commission expired August 1, 1921.

James W. Fowler to be postmaster at Jefferson, Iowa, in place of D. W. Mugan. Incumbent's commission expired December 16, 1919.

Marion L. Voshell to be postmaster at Volga, Iowa. Office became presidential July 1, 1920.

KANSAS.

Harry B. Price to be postmaster at Cherokee, Kans., in place of Eugene Skinner. Incumbent's commission expired July 23, 1921.

Ruth Satterthwaite to be postmaster at Douglass, Kans., in place of Leonard Shamlaffer. Incumbent's commission expired July 23, 1921.

Frederick N. Coulson to be postmaster at Harper, Kans., in place of Beatrice Hoffman. Incumbent's commission expired March 16, 1921.

George P. Plotner to be postmaster at Scandia, Kans., in place of A. Ellingson. Incumbent's commission expired July 23, 1921.

Ethel D. Robb to be postmaster at Treece, Kans. Office became presidential January 1, 1921.

MARYLAND.

Martin M. Wright to be postmaster at Easton, Md., in place of J. W. D. Jump. Incumbent's commission expired August 25, 1920.

Granville S. Cropper to be postmaster at Ocean City, Md., in place of J. D. Showell, resigned.

Raymond L. Westerfield to be postmaster at Port Deposit, Md., in place of R. L. Westerfield. Incumbent's commission expired June 30, 1920.

MASSACHUSETTS.

Benjamin S. Whittier to be postmaster at East Walpole, Mass., in place of T. F. Maguire. Incumbent's commission expired July 25, 1920.

MISSOURI.

Marion B. Gardner to be postmaster at Aurora, Mo., in place of George Hutchinson. Incumbent's commission expired July 10, 1920.

Ruby W. Benecke to be postmaster at Brunswick, Mo., in place of J. B. Robertson, resigned.

Mae P. Bowen to be postmaster at Sheridan, Mo. Office became presidential July 1, 1920.

MONTANA.

Alfred S. Opheim to be postmaster at Opheim, Mont., in place of A. S. Opheim. Incumbent's commission expired July 21, 1921.

NEW YORK.

Fallah L. Quinlan to be postmaster at East Northport, N. Y. Office became presidential April 1, 1921.

NORTH CAROLINA.

Reuben H. Staton to be postmaster at Hendersonville, N. C., in place of S. Y. Bryson, resigned.

Nancy E. Bullard to be postmaster at Haw River, N. C. Office became presidential July 1, 1920.

Lula G. Harris to be postmaster at Macon, N. C. Office became presidential January 1, 1921.

Sallie K. Wilkins to be postmaster at Magnolia, N. C. Office became presidential January 1, 1921.

J. F. Stawles to be postmaster at Pinetops, N. C. Office became presidential April 1, 1921.

OHIO.

Ethel H. Somerville to be postmaster at Adena, Ohio, in place of W. P. Moore, resigned.

OKLAHOMA.

Walter Waller to be postmaster at Carter, Okla., in place of K. T. Henson. Incumbent's commission expired March 16, 1921.

PENNSYLVANIA.

Horace L. Saylor to be postmaster at Collegeville, Pa., in place of G. W. Yost, deceased.

Samuel B. Sheller to be postmaster at Duncannon, Pa., in place of B. Stiles Duncan, resigned.

SOUTH CAROLINA.

John R. Cochran, jr., to be postmaster at Anderson, S. C., in place of William Laughlin. Incumbent's commission expired January 5, 1920.

John M. Pagan to be postmaster at Great Falls, S. C., in place of J. M. Pagan. Incumbent's commission expired August 10, 1921.

Fred H. Clement to be postmaster at Inman, S. C., in place of J. H. Rothrock. Incumbent's commission expired August 10, 1921.

Julian P. Lowry to be postmaster at Eastover, S. C. Office became presidential January 1, 1920.

David E. Sauls to be postmaster at Smoaks, S. C. Office became presidential April 1, 1921.

SOUTH DAKOTA.

Otto C. Sharon to be postmaster at Kadoka, S. Dak., in place of A. A. Dithmer. Incumbent's commission expired March 16, 1921.

Reno T. Peterson to be postmaster at Chester, S. Dak. Office became presidential July 1, 1921.

Frank B. Sherwood to be postmaster at Cottonwood, S. Dak. Office became presidential July 1, 1921.

Leon W. Kreidler to be postmaster at Fulton, S. Dak. Office became presidential July 1, 1920.

Tillie M. Cowman to be postmaster at Gayville, S. Dak. Office became presidential October 1, 1920.

Ira S. Myron to be postmaster at Volin, S. Dak. Office became presidential January 1, 1920.

TENNESSEE.

Tim F. Stephens to be postmaster at Livingston, Tenn., in place of M. B. Capps, resigned.

Ocie C. Hawkins to be postmaster at Stanton, Tenn., in place of W. H. Claxton, resigned.

Joseph M. Patterson to be postmaster at Watertown, Tenn., in place of J. F. Johnson. Incumbent's commission expired July 25, 1921.

Faulkner M. Orr to be postmaster at Wildersville, Tenn. Office became presidential July 1, 1921.

WASHINGTON.

Adam L. Livingston to be postmaster at Mabton, Wash., in place of A. J. Hare, resigned.

Theo Hall to be postmaster at Medical Lake, Wash., in place of Theo Hall. Incumbent's commission expires January 24, 1922.

Thomas J. Smith to be postmaster at Spokane, Wash., in place of Dana Child. Incumbent's commission expires January 24, 1922.

WEST VIRGINIA.

Lora K. Fowler to be postmaster at Gormania, W. Va., in place of J. R. Schaeffer, removed.

James W. White to be postmaster at Webster Springs, W. Va., in place of G. W. Jackson, resigned.

WISCONSIN.

Hartvig J. Elstad to be postmaster at Whitehall, Wis., in place of F. A. Van Tassel, resigned.

Lewis T. Larsen to be postmaster at Danbury, Wis. Office became presidential January 1, 1921.

Michael C. Keasling to be postmaster at Exeland, Wis. Office became presidential October 1, 1920.

George B. Archenbrener to be postmaster at Fifield, Wis. Office became presidential January 1, 1921.

Alexander C. Magnus to be postmaster at Glen Flora, Wis. Office became presidential January 1, 1921.

Susan D. Olson to be postmaster at Siren, Wis. Office became presidential January 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 22, 1921.

ASSISTANT SECRETARY OF THE TREASURY.

Elmer Dover to be Assistant Secretary of the Treasury.

COLLECTOR OF INTERNAL REVENUE.

John S. Leahy to be collector of internal revenue for the first district of Missouri.

UNITED STATES ATTORNEYS.

Joseph C. Burke to be United States attorney, southern district of California.

Earl J. Davis to be United States attorney, eastern district of Michigan.

REGISTER OF THE LAND OFFICE.

Henry H. Errett to be register of the land office, Clayton, N. Mex.

PROMOTIONS IN THE ARMY.

To be colonels.

Frederick William Van Duyne, Quartermaster Corps.
Charles Douglas Herron, Field Artillery.
John Dudley Long, Cavalry.

To be majors.

James Reid Shand, Veterinary Corps.
Edward Caswell Wallington, Chemical Warfare Service.

To be first lieutenant.

Oscar Norvell Barney, Coast Artillery Corps.

POSTMASTERS.

ARKANSAS.

James A. Ginocchio, Little Rock.

CALIFORNIA.

Henry M. Hammond, Alameda.
Frank H. Vaughn, Earlimart.
Henry W. Nash, Stirling City.
Mary L. Schellenger, Soquel.
Columbus W. Bouldin, Strathmore.

FLORIDA.

Mary E. Edwards, Lloyd.

GEORGIA.

John D. Watterson, Eatonton.

IDAHO.

Ellen O. McCready, Driggs.
Iona Johnson, Fruitland.

ILLINOIS.

Frank W. Squire, Godfrey.
Myrta J. Caldwell, Arrowsmith.
Allen W. Cantrall, Athens.
Frank E. Learned, Benson.
Anna Byron, Bourbonnais.
Joseph H. Boos, Carbondale.
Harry Langewisch, Centralia.
John E. Humbert, Chadwick.
Edwin E. Ellsworth, Libertyville.
Ralph Proctor, McLeansboro.
George P. Wilson, Orion.
Thomas V. Eiler, Tower Hill.
James G. Baker, Waltonville.
Iley Smith, Willow Hill.
Leslie S. Soldwell, Yates City.

INDIANA.

William Graham, Bloomington.
Harriet A. Shink, Monroe.
Irwin Knight, Morgantown.
John R. Kelley, National Military Home.
Daisy D. Warring, North Salem.
Elva P. Loughlin, Odon.
Albert C. Heithecker, Plainville.
Lawrence O'Connor, Troy.
Bernice M. Beeks, Urbana.
Fred G. Kennedy, Whiting.

IOWA.

Wallace R. Ramsay, Belmond.
Ella K. Holt, Blanchard.

KANSAS.

Bessie J. Childs, Elmdale.
Ralph W. Martin, Moran.
James M. Kendall, Summerfield.
Frank S. Shukers, Sedan.

KENTUCKY.

Louis E. Rue, Danville.
King Prewitt, Elkton.
Robert Campbell, Taylorsville.
Hebron Lawrence, Tompkinsville.
Henry H. Hargan, Vine Grove.

MAINE.

Mary S. Bartlett, Belgrade Lakes.
Harry P. Jameson, Cornish.
Malcolm B. Folsom, Greenville.
Charles R. Folsom, Kents Hill.
Charles N. Thompson, Kingman.
Montrose E. Hill, Old Orchard.
Ernest C. Butterfield, Springfield.
Frederick J. Murphy, Van Buren.

MASSACHUSETTS.

Harry B. Nichols, Duxbury.
Dennis M. Kelley, Hawthorne.
William H. Winslow, Mattapoisett.
John H. Valentine, North Chelmsford.
Lewis H. Bradford, Shirley.
Charles E. Cook, Uxbridge.
Everett P. Sheridan, Warren.
William A. Temple, Westboro.

MICHIGAN.

Nathaniel Lobb, Munising.

MINNESOTA.

William J. Kritta, New Prague.
Clefton M. Krogh, Argyle.
Lambert J. Dols, Cologne.
Charles J. Johnson, Garfield.
Upham B. Harris, St. Charles.
John Jensen, Winger.
Charles Canfield, Winnebago.

MISSOURI.

Mollie Sparks, Bellflower.
Paul P. Bradley, Leeton.
Fred Mitchell, Purdy.

NEW HAMPSHIRE.

Charles S. Hutchins, Charlestown.
Fred W. Colton, Hinsdale.

NEW JERSEY.

William H. Zelley, Marlton.
William E. Hartman, Grasselli.

Samuel Locker, Parlin.
Albert M. Wiggins, Succasunna.

NEW YORK.

Louis P. Miller, Cairo.
Harry L. Carhart, Coeymans.
Hubert F. Strickland, Chenango Forks.
Francis L. Worden, Coxsackie.
David A. Blair, East Worcester.
Selleck S. Cronk, Grand Gorge.
Fred S. Tripp, Guilford.
Orville C. Fox, Jefferson.
Milton C. Armstrong, Long Eddy.
Floyd B. Webb, Mannsville.
Marian L. Woodford, Marcellus.
George M. Atwell, Mountain Dale.
Robert E. Van Valkinburg, Mount Upton.
Harry T. Weeks, Patchogue.
Ella N. Taber, Richmondville.
Frank P. Harrison, Roslyn.
Edmund A. Howes, Sidney Center.
John E. Widger, Smyrna.
William F. Raynor, West Hampton Beach.

NORTH DAKOTA.

William W. Lehman, Rocklake.
Carl E. Peterson, Binford.
Frank K. Shearer, Dazey.
Emos E. Cowell, Dogden.
Theodore S. Overby, Finley.
Reinhart Gilbertsen, Glenburn.
Harry M. Pippin, Halliday.
Hattie M. Leach, Havannah.
Ralph E. Itskin, Hazen.
Myron T. Davis, Lisbon.
Bertus H. Moore, Williamsport.
Clara E. Moe, Rutland.
James N. Campbell, Stanley.
Ada A. Hutchison, Tuttle.

OHIO.

William Harper, Burton.
Edward Munster, Chauncey.
Emory W. Henderson, Dunkirk.
Mayme C. Reed, Metamora.
William C. Ferver, New Waterford.
Robert J. Simpson, Piney Fork.
Clara V. Cope, Prospect.
Randle B. Hickman, Wilberforce.

OKLAHOMA.

Fred M. Perkins, Asher.
John Johnstone, Bartlesville.
Lillie M. Sheel, Burbank.
Jasper A. Bartley, Choteau.
Algie R. Morris, Earlsboro.
Kelly V. Hoffer, Elgin.
Curtis Murphy, Foss.
Ruby Hiatt, Hammon.
Samuel A. Snyder, Hennessey.
Denver T. Spry, Kiefer.
Ada M. Thompson, Mannford.
William E. Kelley, Marshall.
Beulah H. Cureton, Muskogee.
Richard Wynn, Ochelata.
Wesley Z. Dilbeck, Rocky.
Clay Cross, Skiatook.
Alta G. Stockton, Sparks.
Roscoe F. Harshbarger, Sperry.
Omer G. Bohannon, Wister.

OREGON.

Major G. Miller, Dayton.
Ruby O. Engelman, Ione.
John M. Jones, Portland.
Lawrence F. Clark, Rainier.

PENNSYLVANIA.

Edwin L. Moses, Cambridge Springs.
Dexter W. Spaulding, Conneautville.
Charles S. Bentley, Corry.
Kay C. Fuller, Springboro.
Lloyd H. Bressler, Hegins.
Archibald E. Patterson, Orangeville.

PORTO RICO.

Jose T. Nieves, Jayuya.
Carmelo Oben, Central Aguirre.

SOUTH CAROLINA.

Mary J. Welch, Carlisle.

SOUTH DAKOTA.

Mabel M. Linker, Ardmore.
Nellie M. Sullivan, Athol.
John V. Drips, Belvidere.
Ruth A. Keepers, Carter.
William A. Dalziel, Davis.
Adeline P. Shoun, New Underwood.

VIRGINIA.

Charles W. Wickes, New Market.

WASHINGTON.

Forest W. France, Buckley.
Ed. H. Sanford, Bucoda.
Nicholas M. Field, Camas.
Tyrah D. Logsdon, Endicott.
Alfred U. Thompson, Everson.
George M. Mathis, Granger.
Myron W. Gross, Hanford.
Guy McReynolds, Oakesdale.
David W. Packard, Oak Harbor.
Joseph E. McManamon, Othello.
Nora S. Okerberg, Soap Lake.
James S. Atwood, Sultan.
Lettie Shultz, Toledo.
Zophar Howell, Edmonds.
Oscar W. Behrmann, Fairfield.
Calvin K. Cooper, Long Beach.
Edwin L. Hughes, Napavine.
John L. Field, Quincy.
Fred Arrowsmith, Sunnyside.
Arthur B. Foley, Wilbur.

WEST VIRGINIA.

Carl C. Henson, Edwight.
Perry C. Thomas, Helen.
James H. Lambert, Hendricks.
Sylvester V. Riggs, St. Marys.

WISCONSIN.

Guy E. Brigham, Darien.
Mike E. Gensman, Slinger.
John L. Hefferman, Wilton.
William White, Algoma.
Charles G. Ballhorn, Bear Creek.
Henry W. Lemmenes, Cedar Grove.
John Lorfeld, Cleveland.
Matthew H. Schlosser, Knapp.
John Lindow, Manawa.
James J. Stoveken, Pembine.
Lawrence Barrett, Peshtigo.
Edward M. Walker, Plainfield.
Charles H. Meisner, Reedsville.
Alphonse R. Eichman, Trempealeau.
Charlotte E. Ware, Waupaca.
Oscar M. Waterbury, Williams Bay.

WYOMING.

Albert C. Schain, Deaver.

WITHDRAWALS.

Executive nominations withdrawn from the Senate December 22, 1921.

PROMOTIONS IN THE REGULAR ARMY.

To be majors.

Capt. George Sidney Andrew, Cavalry, from July 29, 1921.

Capt. Roland Paget Shugg, Field Artillery, from August 2, 1921.

To be captains.

First Lieut. Earl Trask Loucks, Infantry, from February 22, 1921.

First Lieut. Hall Conover Gripper, Signal Corps, from April 29, 1921.

First Lieut. Dimetrio Peter Harkins, Cavalry, from July 22, 1921.

First Lieut. Bruce Nagaw McDill, Cavalry, from July 23, 1921.

First Lieut. John Reigel Embich, Chemical Warfare Service, from July 29, 1921.

First Lieut. Fred William Koester, Cavalry, from July 31, 1921.

First Lieut. William Neely Todd, jr., Cavalry, from August 2, 1921.

First Lieut. Ellis De Vern Willis, Infantry, from August 2, 1921.

First Lieut. Thomas Reed Taber, Ordnance Department, from August 2, 1921.

First Lieut. Harry William Lins, Coast Artillery Corps, from August 2, 1921.

First Lieut. Edward Brooke Harry, Cavalry, from August 6, 1921.

First Lieut. Harry Lee Franklin, Infantry, from August 9, 1921.

First Lieut. Harold Paul Stewart, Cavalry, from August 10, 1921.

To be first lieutenant.

Second Lieut. Vincent Joseph Tanzalo, Infantry, with rank from August 4, 1921.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 22, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, as we approach the foreglow of our Savior's birth, may the memories of the day lead us to reverent reflection and to ministries of love. May the days be replete with happy greetings, joyous firesides, and glad reunions. Bless the hearts that we expect, the friends we look for, and the sweet souls that light up every room in the dear home. But, O touch all sad hearts and give them release; look upon all burdened ones and put the Christmas star of cheer and hope into their night skies. Inspire us with a new birth of courage to take up the angels' song, and may the glad tidings of the chorus break and resound throughout our land until the universal heart exclaims peace on earth, good will toward men, and unto Mary's Child be glory and honor through heaven and earth. Blessed Lord, give all of us a vibrant sense of the higher life, the manifested life of the everlasting Father, and may our souls magnify the Lord, for holy, holy is His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE ACROSS SNAKE RIVER, WASH.

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 9464, a bridge bill, for immediate consideration.

The SPEAKER. The gentleman from Washington asks unanimous consent to call up the bridge bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9464) authorizing the construction of a bridge across the Snake River at Central Ferry, Wash.

Be it enacted, etc., That the State of Washington be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Snake River at Central Ferry, in section 9, township 13 north, range 40 east of the Willamette meridian, between Colfax, in Whitman County, Wash., and Dayton, in Columbia County, Wash., such a point being along the route of and continuous with the Inland Empire Highway as officially designated by the State highway commissioner of the State of Washington, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

Page 1, line 5, after the word "at," insert the words "a point suitable to the interests of navigation at or near."

Page 1, line 10, strike out "such a point being along the route of and continuous with the inland Empire Highway as officially designated by the State highway commissioner of the State of Washington."

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I could not catch the entire reading. Does this bill carry the right to alter, amend, or repeal the act?

Mr. SUMMERS of Washington. It does.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the construction of a bridge across the Snake River at or near Central Ferry, Wash."

On motion of Mr. SUMMERS of Washington a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2265. An act to regulate marine insurance in the District of Columbia, and for other purposes.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2265. An act to regulate marine insurance in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

HOUSE RESTAURANT.

Mr. IRELAND. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. IRELAND. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for 30 minutes. Is there objection?

Mr. MONDELL. Mr. Speaker, I did not catch the gentleman's request. I am not so sure I can accede to that in good faith. I promised gentlemen on the other side to give them an opportunity this morning, or endeavor to give them the opportunity, for some discussion. Unless the gentleman has something very important several gentlemen on this side have been promised three minutes and five minutes, and then we had agreed that the debate should pass to the other side. Will it be agreeable to the gentleman from Illinois if he speaks a little later?

Mr. IRELAND. I would like to speak to as many Members as I can.

Mr. MONDELL. Well, I want to keep faith——

Mr. IRELAND. I want to take as little time as possible.

Mr. MONDELL. I want to keep faith with gentlemen on the other side.

Mr. IRELAND. I will withdraw my request if in any way it interferes——

Mr. GARRETT of Tennessee. Mr. Speaker, I assume the gentleman from Illinois probably wants to speak of a matter that is of direct interest to the House?

Mr. IRELAND. Quite so.

Mr. GARRETT of Tennessee. I think it is agreeable to gentlemen on this side to whom I promised time if the gentleman is permitted to proceed.

Mr. MONDELL. I have no objection.

Mr. IRELAND. I made the request to address the House rather than introduce a privileged resolution, and if it meets with the approval of the House I shall later do so. I want to talk to you just a moment on the subject of the House restaurant, which I approach with considerable hesitation, because [applause] the restaurant is by no means satisfactory to myself at present, and I imagine not to all the Members, though with the usual modesty of the Committee on Accounts I believe we admit there has been some improvement. It is a very difficult job——

Mr. ASWELL. Will the gentleman recite the improvement, in what way has it improved?

Mr. IRELAND. Well, perhaps my opinion would not be so good as the gentleman's, but if the gentleman disagrees with that I will agree that they are worse. Is that satisfactory? It has been quite an undertaking and of greater magnitude than we imagined, and the magnitude of the undertaking perhaps would have staggered us had we known of it prior to the time we undertook it. The rearrangement of the restaurant, and so forth, cost much more than they should. The difficulties which were impossible to foresee were encountered.

Mr. GENSMAN. Will the gentleman yield?

Mr. IRELAND. In just a moment. They had to be met and so a greater expense was entailed.

I now yield to the gentleman.

Mr. GENSMAN. Mr. Speaker, I am pleased to announce to the membership of the House that Dick Banks, the former secretary of Quanah Parker, late chief of the Comanche, called upon me and offered to exhibit to the membership to-night at the caucus room, 305 House Office Building, a picture taken of real Indians in the fastnesses of the Wichita Mountains in my district in Oklahoma. In this picture may be seen some of my

best friends, even though their skins are red and some of them can not speak our language. I have known these Indians for 20 years. They have always been my friends. Old Quanah Parker in his lifetime occasionally came to my office when I was beginning the practice of law at Lawton, Okla., in what was known as the Kiowa and Comanche country. Tenequah, Quassyah, Mumskewit, and other old-time Indians accompanied him. I have met these men out on the rolling prairies of southwestern Oklahoma. I have visited them in their camps and homes. They have always been my friends. Geronimo, the noted chief of the Apaches, lived at Fort Sill, near Lawton, as a prisoner of war for a number of years before his death. I met him on frequent occasions. His likeness can now be seen over in the Congressional Library. Regardless of his reputation as a warrior, he was a man of pleasing personality and loyal and true to his friends, and I am proud to be the possessor of a bow and quiver of arrows made by him, which he gave me shortly before his death.

I do not know whether Lone Wolf, or Ahpeatone, are in the picture, but I rather believe that some of their people are. In any event, Mr. Banks has some pictures of these particular Indians, which any Member may see.

In this picture will be seen members of most of the tribes of the Southwest—the Comanches, the Kiowas, the Apaches, the Wichitas, the Caddoes, and other smaller tribes.

The old-time Indian is rapidly passing away. One by one they fold their tepees and cross to the great "Happy Hunting Ground." Soon he will only be of the dim and hazy past, a theme for romantic stories of days long since faded and gone; his tent will no longer be seen in his accustomed camp grounds on the Wichita, Beaver, and Cache; his children will have learned the customs and ways of his white brother, but, seeing that time in the near future as I do, I can not but interpose a word of sorrow and regret at the passing of the real Indian, faithful and generous to a fault to a friend. This is probably the last picture that will ever be taken of the real Indian in his native haunts and in action. It is fortunate indeed from an educational standpoint that it has been possible to obtain a picture of this kind. I have introduced a number of bills in Congress for the relief of and betterment of my Indian friends in Oklahoma. I am indeed anxious that every Member of the House have an opportunity to see a true portrayal of Indian life. I have invited the Hon. Charles H. Burke, Commissioner of Indian Affairs, and his assistants to attend the exhibiting of this picture to-night, and I feel sure they will be there. I am sure with this opportunity of becoming more conversant with the real Indian his interest will be better preserved. For the benefit of the Indian and from an educational standpoint, and with a view of being of better and further service to the Indians in my district, who are all my friends, I invite you to the caucus room in the House Office Building to-night at 8 o'clock to witness a picture portraying the Indian as he is. [Applause.]

Mr. IRELAND. To resume a subject much more sordid, though more materially necessary, the expenditures that have been made have all been warranted and the matter has been placed in the most competent hands obtainable, because no member of the Committee on Accounts any more than any Member of the House probably knows anything whatsoever about a restaurant or its conduct or building. The entire matter has been intrusted to the Architect of the Capitol, who has done a magnificent job. It was necessary to rebuild entirely the kitchen in the basement, and I think anyone who had wandered through there prior to the time when the changes were made probably never would have felt tremendously anxious to eat in the restaurant thereafter.

The kitchen had to be rebuilt throughout, and that included the building of a new sewer, a matter which could not be foreseen, which cost us about $3,000 additional. Another item, which cost us about $5,000, was for overtime work, made necessary by the short adjournment of Congress, requiring that a lot of work had to be done at nights and on Sundays.

Mr. HICKS. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. HICKS. I understand the restaurant is now operated by the Committee on Accounts, and is no longer a patronage proposition?

Mr. IRELAND. Yes. I will come to that in a moment.

I think a detailed report may be made to the House, but just at present we are confronted with a situation upon which I would like to ascertain the temper of the House, and if the committee desires so to do we will follow the present plan of management of the restaurant in the House, or in the future we must resort to the former plan of subletting the restaurant; either that or continue to operate it by the House under the authority of the House and meet such deficits as may occur by paying them out of the contingent fund.

I am happy to say that we have reached an agreement with the Senate management whereby we hope to have a common purchasing agency, exactly similar menus, and prices in common. To-day the Senate restaurant is very often filled with Members of the House, and the Members of the House, as most of you know, are personæ non grata in the Senate restaurant. The effort in the House restaurant is to provide substantial, clean, and wholesome food. The Senate effort is to be relieved of any uninvited visitors from the House. We have been able to reach that working agreement, which we shall work out if the temper of the House so indicates.

Mr. FROTHINGHAM. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. FROTHINGHAM. Do any of the Senators ever come over to the House restaurant?

Mr. IRELAND. Very seldom. There is no reason for that, because the Senate restaurant has always been superior to that of the House. The House restaurant, as I said, is not wholly satisfactory at present, but we hope to improve it. It is a difficult matter, and it has taken more patience that I am ordinarily in the habit of showing.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. CHINDBLOM. The Senate restaurant has for a long time been run on the latter of the two plans, so that they have paid deficits as they have arisen?

Mr. IRELAND. Yes. I will come to that point. The employees of the Senate restaurant are all on the pay roll, and thereby they are able to show a profit, though a fictitious one, because they take no account of that item of overhead expense. That has not been the custom of the House, even for the last month or two, and, eliminating that item, though the House restaurant operated in an unfair month, because of the adjournment and the work that was being done, the House restaurant showed a greater proportion of profit, eliminating that item of employees in the overhead, than did the Senate. We may safely assume it, and the estimates of the present management assure me that we can operate at a less deficit than the Senate, if that is the wish of the House. Now, your only alternative is to go back to the old system, and I am endeavoring to gain your temper in that regard.

The same food-control company, or system, is in operation in both the House and the Senate, and it is a splendid system, and they give the most comprehensive report that I have ever seen on anything approaching the subject. The same firm that directs and lays down their cost system handles the House restaurant as well, and has done so for the last three months during the installation of the system.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. MANN. Have they anything to do with the menu?

Mr. IRELAND. Indirectly, because we have had no management other than this. They have to do with the House menu in this case, yes. But they lay down a cost system.

Mr. MANN. Is that more expensive than a manager would be?

Mr. IRELAND. Much less so.

Mr. MANN. I never knew that to be the case.

Mr. IRELAND. The Senate pays $225 a month for this control system. We have paid the same amount, and the president of the company has acted as our manager without compensation.

Mr. MANN. Except for the $225?

Mr. IRELAND. That goes to his company; yes, sir. Not only is every different department of the restaurant shown as to cost, gain, or loss, but even each commodity purchased. It is the most comprehensive system that I have ever seen, and very accurate.

Mr. MANN. When the gentleman gets at that point where he wants any Members to express their opinion, I am ready to express mine.

Mr. IRELAND. All right. We will wait on the gentleman from Illinois at once.

Mr. MANN. Mr. Speaker, I have been here a good many years, and I have long since quit eating lunch. I got so that it was out of the question for me to eat luncheon in the House restaurant. When I came out of the hospital my physician ordered me to eat three meals a day, and for quite a while I went to the House restaurant to eat luncheon. But it was too much for me; it threw me out. I could not do it with any degree of satisfaction. Of course other Members get along pretty well about eating luncheon. I have always believed,

and I believe now, that the House restaurant ought to be run for the accommodation of the House, to give them a good luncheon or meal, clean and wholesome, and quickly, and that it could not be done by hiring or subletting or leasing the restaurant to somebody else. It never has been done and can not be done. No restaurant keeper knows how many men are coming from the House to the restaurant, or how much business he will have in one day, and generally only at one time in the day. The only way for the House to do is to run the restaurant. If they do and keep it decent, I may go back to obey the orders of my physician.

Mr. IRELAND. I may say that the committee has come to entertain exactly the same opinion as the gentleman from Illinois, having hashed this matter over as a whole and having tried to study it from every angle. Now, we will assume that it is one of the main functions of the Committee on Accounts to provide for the comfort of the Members of this House in so far as it is able to do so, and to see that the contingent fund of the House is judiciously expended and not wasted.

Mr. HICKS. Will the gentleman yield right there?

Mr. IRELAND. Certainly.

Mr. HICKS. The gentleman made the statement that in the Senate the waiters are on the pay rolls of the Government and that therefore they do not figure the wages of the waiters as one of the costs of the restaurant.

Mr. IRELAND. That is true.

Mr. HICKS. But assuming that they did put in the wages, what would be the loss of the Senate restaurant each year?

Mr. IRELAND. For the month of November their loss would have been $4,014.64 if they had charged up their overhead properly, that is simply the salaries of waiters and employees. I have a comparative statement here of the House and Senate restaurants for the month of November, which statement is very unfair to the House because of our several adjournments and of the work that was being done in the restaurant, and unusually favorable to the Senate because of their large volume of business in that month due to their night sessions.

Mr. HICKS. So the Senate is losing $45,000 or $50,000 a year on its restaurant?

Mr. IRELAND. I hope not that much. I would hardly think so. I was about to say that we show a better profit, excluding that item, than the Senate does, even with its increased volume of business last month. They have 88 employees on the restaurant pay roll and we have 60 employees in the restaurant and we are able to get along with that number. At present they pay their waiters $60 a month.

Mr. HICKS. I agree with my friend from Illinois that the House restaurant should be run for the benefit of the Members and paid for by Congress if necessary, and not leased to some private concern.

Mr. PARRISH. Will the gentleman yield?

Mr. IRELAND. In just a moment I will. The Senate by this method of not including the pay roll as a part of the overhead has amassed a slight surplus, say $10,000 or $14,000, and they will further reduce their prices of food. Unless we coordinate with them you will find more of our Members going over to the Senate and getting themselves much more disliked for so doing, and we will be unable to compete with them on an equitable basis. Of course it takes time to win the confidence of the Members of the House, but our restaurant was in such bad odor that Members could not be expected to patronize it, and it will take time to win back their confidence so that they will patronize the House restaurant.

Mr. MANN. Will the gentleman yield for just one suggestion?

Mr. IRELAND. Certainly.

Mr. MANN. Of course, I suppose we all know that the barber-shop employees are paid by the House, that the barbers are on the House pay roll?

Mr. IRELAND. Yes.

Mr. MANN. I do not know why there should be a distinction between them and the employees of the restaurant.

Mr. IRELAND. Let me say further that we do not propose to suggest to the House to put these waiters upon the pay roll of the House, but we do propose to hold the expense within the operation of the restaurant. It will be apparent to all that that will be much easier and that the vouchers can go through, audited, checked, and approved in the same manner as any other expenses paid from the contingent fund. It will avoid the necessity of putting the waiters upon the pay roll and will enable us to cut down or enlarge our force within certain prescribed limits, as may be required, much better than any other system.

Now I yield to the gentleman from Texas.

Mr. PARRISH. How many employees did the gentleman say are on the pay roll of the Senate restaurant?

Mr. IRELAND. Eighty-eight, I believe. I am trusting to my memory when I state that.

Mr. PARRISH. How many would there be in the House?

Mr. IRELAND. Sixty. There are 59 at present.

Mr. PARRISH. They have more employees on their pay roll than we would have?

Mr. IRELAND. Yes.

Mr. PARRISH. Even with their smaller membership?

Mr. IRELAND. Yes; and the conditions in that regard should be reversed. Unfortunately they are not.

Mr. PARRISH. Just another question, which is suggested by the statement of the gentleman from Illinois [Mr. MANN] that the barbers are on the pay roll. Why is it that we always pay for our shaves and hair cuts in the barber shop if the barbers are on the pay roll?

Mr. IRELAND. I suppose the theory of it is that their pay is inadequate and that they have short hours and they do not have an opportunity to pursue their trade in the way that they do in a commercial barber shop.

Mr. PARRISH. I just wanted to know the reason.

Mr. CRISP. Is it not also true that the barbers clean up the Hall of the House after the day's session?

Mr. IRELAND. Yes; they are supposed to do that, and they do it.

Mr. SUMMERS of Washington. They are not employed by the House as barbers?

Mr. IRELAND. No; they are on the pay roll as laborers.

Mr. SUMMERS of Washington. And they perform duties as laborers?

Mr. IRELAND. Yes. Now I would like to hear some expression from the Members on the question.

Mr. FESS. Will the gentleman yield for one question?

Mr. IRELAND. Gladly.

Mr. FESS. Has the gentleman noticed how the Press Club luncheons and dinners are served, and the quality of them?

Mr. IRELAND. I have not been at the Press Club for some time. I know they have a very good system.

Mr. FESS. Probably it can be better done there than it could be done here, on account of the Press Club membership being smaller and the presence of the members more regular from day to day, that there is likely to be about the same number every day; but it seems to me that the Press Club has set a very fine example of what can be done in serving a well-cooked and at the same time inexpensive meal, and at a handsome profit to the club. I do not know whether it could be done here in the House or not.

Mr. IRELAND. They operate on a very small scale, and they are easily satisfied, though the food there is splendid, wholesome, and properly prepared.

Mr. FESS. I can say to my friend that they are not easily satisfied. I think the luncheon and dinner there, especially the dinner, is about the best thing I have seen anywhere of its kind.

Mr. IRELAND. Perhaps they are not easily satisfied. The same thing may be said of Members of the House. I suppose newspaper men and Members of the House are very much alike in that they believe they should kick, whether within reason or not.

Mr. FESS. Why can not our restaurant be operated upon that plan?

Mr. IRELAND. Because you have to operate on a larger scale; you have shorter hours, and owing to adjournments you have a waste in the preparation of food, and there are any number of reasons that enter into it.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. IRELAND. Gladly.

Mr. SMITH of Michigan. I am glad to note improvement in the House restaurant.

Mr. IRELAND. I am pleased to note that the gentleman sees an improvement.

Mr. SMITH of Michigan. I think there is quite an improvement over what it was formerly. However, I am interested in the fact which the gentleman says that our presence in the Senate restaurant is undesirable. They have three rooms over there and I would like to know if our presence is undesirable in all of the three rooms.

Mr. IRELAND. Oh, I am not authorized to speak for the Senate. That is simply my impression.

Mr. SMITH of Michigan. The gentleman said that our presence there was persona non grata.

Mr. MONDELL. The gentleman does not mean "undesirable."

Mr. SMITH of Michigan. They have a nice service there, and I like to go over there once in a while.

Mr. IRELAND. If we maintain a good restaurant here, Members would not care to invade the Senate restaurant.

Mr. McFADDEN. Will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. McFADDEN. The gentleman says the employees of the Senate restaurant are paid $60 a month?

Mr. IRELAND. Yes.

Mr. McFADDEN. Does the gentleman consider that a living wage?

Mr. IRELAND. No; but a living wage is made up from gratuities.

Mr. McFADDEN. Why not eliminate the gratuities and pay them a living wage?

Mr. IRELAND. Because it would not be lived up to if you made such a rule.

Mr. WINGO. Will the gentleman yield?

Mr. IRELAND. I will.

Mr. WINGO. I agree with the gentleman from Illinois [Mr. MANN]. The restaurant should be for Members of the House and their constituents who want to see them while the House is in session, and it is as much of a necessity as the elevator or ice water or any other necessity. I think the only proper and businesslike way to run it is to put it on the basis that the Senate restaurant is run upon, not as a profit-making institution or a concession but at cost for the service of the Members, and I think it can be handled in that way. I agree with the gentleman that it is going to take time to retrieve the reputation of the House restaurant. I do not go there; I have had ptomaine poison twice from eating there and do not propose to risk it again. The last session I got into trouble. The service is not only unclean but it is abominable. I do not know how it is within the last two months.

Mr. OLDFIELD. It has improved greatly.

Mr. WINGO. I go over to the Senate restaurant and I think the food and service there the best in the city.

Mr. IRELAND. I agree to that.

Mr. WINGO. I think if we put the restaurant on a first-class basis, give it the reputation that the Senate restaurant has, it may be made self-sustaining.

Mr. IRELAND. I am assured by the management, the same company, that presides over the Senate, that with this item eliminated we may show a profit of $600 or $1,000 a month, which will be returned to the contingent fund or returned to the Members in additional service.

Mr. WINGO. I know nothing about managing that kind of a business——

Mr. IRELAND. And I will say that I do not believe any Member does.

Mr. WINGO. But I was talking with a gentleman who has had a great deal of experience in handling a club in the city. His criticism was that both the Senate and the House menus are too wide. He says the service can be rendered to Members without the loss that they now have by having the reserve food made up of standard foods. He said if a session is continued unexpectedly the restaurant keeper has no way of knowing it, but there are standard foods that they could fall back upon like eggs, cured meats, and a number of other things which can always be procured at a moment's notice, and that these standard foods are sufficient for Members. He says the waste has come in trying to maintain a supply of too wide a menu which takes in many varieties. He said he could take that restaurant and with the patronage which it has make money and furnish food at a less price. In view of the fact that he has had charge over one of the finest clubs in town, that he has furnished far better meals, with the exception of the Senate, than I have been able to get anywhere else, I have great faith in what he says. As far as I am concerned, I hope that gentlemen will put it on a basis where we can get something like we now have in the Senate restaurant, and it can be done at cost with no expense to the public.

Mr. IRELAND. Then, Mr. Speaker, I offer the following privileged resolution, which I hope will take care of the situation, if I have correctly interpreted the temper of the House.

The SPEAKER. The Chair thinks the gentleman ought not to bring this up with only 40 or 50 Members present—in the absence of a quorum.

Mr. IRELAND. Then I will say that the responsibility of further handling the matter will have to rest elsewhere.

ADJUSTED COMPENSATION.

Mr. FROTHINGHAM. Mr. Speaker, I ask unanimous consent to print a letter in the RECORD from the commander of the American Legion which was written some time ago and is a very excellent presentation of an important matter that is coming before the House. It is one of the most comprehensive and appealing statements upon this subject that I know of. It was written by him as a banker to another banker, and I should like to have it go into the RECORD, somewhat deleted, as it appears.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts to extend his remarks in the RECORD for the purpose indicated?

There was no objection.

The statement referred to is as follows:

COMPENSATION AND A FINANCIER.

MASON CITY, IOWA.

DEAR ———: I was very much disturbed to note that the good house of ——— and ——— had been one of the heaviest subscribers to an antibonus and lobbying campaign. I hope the information was incorrect, because, as a prominent member of your firm and as an ex-service and, I hope, a Legion man, I know that your advice and thought in such matters would naturally be followed.

I don't want to pull a lot of sob stuff on you nor do I want to accuse you of lack of appreciation of what these lads did and what they went through for those good people who now holler the loudest, and who—even as you and I—are best qualified to stand the burden if it is one of extra taxation. No one has the right to say these men should not have what they want, to begin with, and certainly no one has the right to take the stand that they should not be at least partially compensated for the months or years they put in the service.

OUR FOREFATHERS.

I know the arguments that are propounded against adjusted compensation—of the danger of our promulgating another gigantic pension drain upon the country, of selling our patriotism, of the uselessness of giving these men this money only to have them squander it, and all the rest. I could not help but be grimly amused to read the pitiful appeal of ——— to look back at our forefathers and to follow their noble principles—not mine, for mine came over in the steerage not so long ago, but his and, I presume, most of New England's. His own little college taught me that these Revolutionary gentlemen, and brave and good they were—don't misunderstand me—not only demanded a bonus but demanded it before they would enlist, and a very alarming percentage deserted to reenlist and catch this gratuity all over again. On top of that they pulled down about an Ohio county as a reward afterwards, which makes our fourfold-compensation scheme look exceedingly mild and very insignificant in comparison.

But here is the point: No man who did not see these lads of ours in the line—and if I am not mistaken, we ended up with nearly 2,000,000 of them there, or perhaps patrolling the North Sea or doing convoy duty in one of those bouncing iron boxes—has any conception of what wonderful stuff young America is. I could give you a hundred examples of unbelievable heroism—men wounded and shattered sent back from the line to the rear would come staggering up again with food or water or ammunition for their buddies; men would run into the face of terrific machine-gun fire to rescue a wounded comrade; a wounded man would give his gas mask to another blessé unable to help himself, and die cheerfully, himself choking with gas.

THE LONG NIGHT MARCH.

Perhaps the most vivid instance that typifies it all to me was the night march before the jump off on the 18th of July, 1918, southwest of Soissons, an operation now accredited, I think, with turning the tide. We had some three hundred and odd replacements, five weeks old in uniform, join us that night—Lord knows how they found us—and they were slapped under the end of the column. All night they plunged along the side of those roads, which were jammed with artillery and transport moving up for the surprise attack. It was rainy, of course, and packs were soaked and heavier than lead. Falling into shell holes, tearing themselves on the barb wire, floundering along single file, but every one of them hanging on like grim death to the man in front of him, every man knowing down in his heart that it was over the top in the dark of the morning with the chances not over 50–50 that he would ever see the sun shine again or his home or the trees or the flowers, but hanging on for fear he would get lost and would not be able to do his part. Why? Because they were Americans.

What has all this got to do with adjusted compensation? Just this, that these bucks, these plain enlisted men—and let me add right here that it was the fine, high, and wonderful spirit of the buck private which won this war for America, not general headquarters nor the General Staff nor the officers of the line, though they all did their part; these bucks, these lads you pass now every day on the street, your neighbor's boy, the lad who works for you, and, believe me, every one of them has the makings of the finest heroes the world has even produced—have everything coming from their country, and they at least should have an even chance with the birds who cheered them off and won the war here at home.

"IT IS ONLY JUSTICE."

Damn it, ———, if it wasn't simple justice they should have it anyway, but it is only justice. Those who don't need it need not take it. Let them give it to those who do, or to their Legion post for relief work. There is no way to pick out just which ones should have it. The only way to reach the deserving is to give it to them all. I could tell you of a dozen men I know and any case would convince you.

A lad from my old outfit wandered in here the other day, looking rather worse for wear, but cheerful enough at that. He wanted to know what I thought the prospects for a Government loan were. He had a chance to buy a cow and he wanted it. This is his story:

On the day war was declared he was working as a farm hand just outside of town. He had saved up a couple of hundred dollars, had the prospects of renting a farm for the coming year, and intended to be married. But his country had declared war, and the next day he enlisted in the Infantry, unable to see any other course clear. He had a furlough a month or so afterwards and he married the girl he was going to leave behind. This kid went through the whole show, over the top a dozen times, and with all the hell bursting around him for months, that these good Americans here at home when the news rolled back from the western front might stick out their chests and say, "Thank God we're Americans."

Out of his $30 a month this lad sent all he had, after his insurance was paid, back to his wife, and true enough the Government doubled it,

but she couldn't make the grade on that alone and she worked every week that he was gone, with the exception of one in which their baby was born. He got back in August last year, too late to take a farm, with his uniform still on and the $60 which proud America so generously gave him. He has had a hard time making a go of it, because the profession of farm hand does not pay heavily and no one wants a farm hand with a family.

Through the kindness of a former employer, he has 40 acres to make his living on this year, but, as you know, the produce of the farm does not come in until fall. He wanted to borrow money enough to get this cow and see if he couldn't at least pay up something on the grocery and other bills which had been accumulating against him while he was eking out his living on the soil. That $60 did not even pay for a suit of civilian clothes for him, and yet this grateful Nation, who, as I said, stuck out its chest and hollered while this kid fought for them, is willing to actually combat the chances for this lad to get an even break.

But in the last analysis the question is this: "Do you owe this man anything or don't you?" If you feel that you do, the heads of the Legion, their accredited representatives, should not only have your good will but your active support, and those of us whose income is going to be dug into hardest should be the happiest to have it so, and you know it.

HANFORD MACNIDER.

BRIDGE ACROSS ESCAMBIA RIVER AT OR NEAR CENTURY, FLA.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2790) to authorize the boards of county commissioners of Escambia and Santa Rosa Counties, Fla., to construct a bridge across the Escambia River at or near Century, Fla., which I send to the desk. Before the bill is read I would state that the reason that I ask this action now is because it is an emergency matter. The two counties are waiting for the passage of this bill to begin the construction of the bridge.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the boards of county commissioners of Escambia and Santa Rosa Counties, Fla., their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Escambia River, at a point suitable to the interests of navigation, between said counties, and at or near Century, Fla., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, when was the bill reported from the committee?

Mr. BARKLEY. This bill was reported from the House committee just a few days ago. It passed the Senate. A similar bill is pending in the House. The two counties involved are waiting now to get authority to construct the bridge. They want to begin it before the 1st of January.

Mr. MANN. I suppose the report shows the date of it.

Mr. BARKLEY. Yes; it was reported on the 21st. The report was authorized by the committee five days ago. It was reported only yesterday.

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, as I listened to the reading of the bill I notice that these two counties, "their successors and assigns," are to be granted this privilege. That would permit the counties to turn that bridge over to private individuals.

Mr. BARKLEY. It is not intended to do that.

Mr. COOPER of Wisconsin. It is not intended, certainly, but it would be permitted.

Mr. BARKLEY. The committee took the matter up, and it seems that under the law of Florida instead of using the word "successors" they used the word "assigns."

Mr. COOPER of Wisconsin. "Assigns" is entirely different from the word "successors."

Mr. MANN. Sometimes they have to borrow money and issue bonds on a thing of this sort, and in that case it is absolutely essential, in order to get the money, that the word "assigns" be used. Theoretically at least the mortgagee may get possession of the bridge, though I have never known that practically to happen.

Mr. BARKLEY. I would say to the gentleman from Wisconsin that it is very important that this be left just as it is, on account of the fact that the two counties have had difficulties in raising the money to build the bridge. They have the arrangements all made now, and they want to begin the construction of the bridge before the 1st of January. There will be no difficulty about the use of the word "assigns."

Mr. COOPER of Wisconsin. I appreciate that it is important, but it is important also that bridges over navigable streams be not turned over to private individuals.

Mr. BARKLEY. There has never been a boat up that river as far as where this bridge is to be constructed.

Mr. COOPER of Wisconsin. Nevertheless it is a navigable stream, or else the bill would not be here.

Mr. BARKLEY. It is theoretically a navigable stream, but practically it is not. It is a fiction of law.

Mr. COOPER of Wisconsin. Does the gentleman say that these two counties can not borrow money unless the word "assigns" is used?

Mr. BARKLEY. I am not sure they could not; no.

Mr. COOPER of Wisconsin. Have they tried?

Mr. BARKLEY. The bill is entirely satisfactory to them in that respect. They have for quite a long time been attempting to get the funds with which to construct the bridge.

Mr. COOPER of Wisconsin. Have they been trying?

Mr. BARKLEY. They have, and have now just reached the point where they have succeeded.

Mr. COOPER of Wisconsin. Then, if the counties can not raise the money, I suppose they will turn this over to the assigns.

Mr. BARKLEY. No; I do not think they intend to do that; but they want the authority.

Mr. COOPER of Wisconsin. That is the way it looks to me. If they are anxious to have it that way, however, I shall let it go.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BARKLEY, a motion to reconsider the vote by which the bill was passed was ordered to lie on the table.

THE PRESIDENT'S MESSAGE.

Mr. MONDELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the President's message, and, pending that, I ask unanimous consent that the gentleman from Tennessee [Mr. GARRETT] control one half of the time and that I control the other half of the time.

The SPEAKER. The gentleman from Wyoming moves that the House resolve itself into the Committee of the Whole House on the state of the Union, and, pending that, asks unanimous consent that the time for general debate be controlled one-half by himself and one-half by the gentleman from Tennessee [Mr. GARRETT]. Is there objection?

There was no objection.

The motion was agreed to. Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the President's message, with Mr. HICKS in the chair.

Mr. MONDELL. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. FREAR].

REVENUE LEGISLATION.

Mr. FREAR. Mr. Chairman, at this session of Congress it is proposed to pass a consumption or sales tax that will lay a new tax burden and increased prices on necessaries of life consumed by 4,000,000 to 5,000,000 idle laborers and their families, on millions of farmers and other laborers and their families who are now fighting for bare existence, and on over 3,000,000 ex-soldiers and their families, who are told the price of any compensation bill is a consumption tax.

A bill recently introduced provides for a consumption tax to finance a soldiers' compensation bill. Practically the same compensation bill overwhelmingly passed the House last session, but a similar consumption tax was then stricken from the bill. Powerful influences now urging a consumption or sales tax include several great influential newspapers and equally great financial interests, so that any attempt to stem the propaganda favoring a consumption tax may appear to be futile.

This is especially true when the tax is put forth to help finance a soldiers' compensation bill, who may prefer a half loaf to no bread at all, but in view of the announced purpose eventually to substitute a large consumption tax for the existing income tax, so stated by several witnesses before the Ways and Means Committee, reasons are here offered why a consumption tax should not be saddled on the backs of the American people through a soldiers' bonus bill or by any other bill. A published statement, credited to Secretary Mellon, that a compensation bill can be financed by a tax on wines and beer is not likely to receive serious consideration from the House, but sources of revenue will be suggested that can amply finance any soldiers' compensation bill which may be passed by Congress and justly should be made to do so.

Over a half billion dollars in annual revenues have been taken from Treasury receipts during the present session by repeal of the excess-profits tax, luxury taxes, and reduction of surtaxes, some of which were used to finance the prior compensation bill. These sources of revenue can well afford to pay reasonable tribute to the soldiers who by winning the war made such profits possible. In addition to these sources of revenue, an annual income of over $1,000,000,000 may be collected through an increased inheritance tax, gift tax, undistributed income tax,

and last but not least, by interest on foreign debts. Other sources of revenue will be mentioned, from all of which several times the estimated required amount of $350,000,000 annually can be raised to finance a soldiers' compensation bill.

If need be, the entire amount to be raised for the five-year payments, estimated at $1,500,000,000, can be paid out of sources of revenue hereinafter offered from one year's collections under normal conditions.

These suggestions are made incidental to a discussion of the objectionable sales tax, which is expected to find a vehicle for its passage in the compensation bill. Once adopted the tremendous influence and power behind a sales tax will be employed to prevent its repeal. A camel's nose under the tent will soon overturn the tent, according to the purposes of those who hope ultimately to shift the existing graduated income tax over to a general consumption tax. That is the proposition I desire to discuss, but in order to present the situation now confronting Congress it is proper to set forth what Congress has done recently in tax matters, so that the effect of the present sales-tax proposal may be carefully weighed before action is taken.

I have no quarrel with those who advocate any tax nor have I disposition to discuss scores of editorials favoring a sales tax that have deluged Members. Manifest errors could be pointed out, but I am content to place before you facts and opinions of recognized taxation authorities that must be faced by Representatives when called upon to enact a consumption tax.

THE TAX PROGRAM—WHY AND HOW PASSED.

When powerful news agencies and big business men who control the press combine to push legislation through Congress it seems a hopeless task for individual Members to voice a passing protest before such legislation is adopted. Constant dropping of suggestions through the press has become a recognized influence felt in practically every important matter of legislation that comes before Congress. The plan to put a sales tax through Congress is being pressed so strongly that I feel it proper to call attention, so far as able, to the legislative situation, so we may not forget the viewpoint of the man back home or the man on the street who is not heard from in matters of legislation excepting when his ballot expresses approval or rejection of the record made here.

From recent legislation we may reasonably anticipate what will occur during the coming session. Let us recall, lest we forget.

Immediately following the 1920 election an unparalleled legislative propaganda was started by the press of New York and elsewhere, aided by Otto Kahn, Jules Bache, and many other financiers representing big business interests of New York City to carry out the following program:

First. To repeal the tax on surplus profits of corporations.

Second. To repeal or reduce higher surtaxes on incomes.

Third. To repeal taxes on luxuries.

Fourth. To enact a sales tax that eventually will supplant all income taxes.

A catching slogan adopted by the propagandists was, "Stop soaking the rich."

War developed new methods of propaganda that are now employed to control Federal legislation, and the power is never more dangerous than when inspired and pressed by self-interest. Demands from the big business bloc that taxes should be repealed before enactment of a new tariff law soon overwhelmed Congress, and Congress complied with that mandate by sidetracking the tariff and passing a vulnerable tax law.

This propaganda for the repeal of taxes on wealth was made in the face of a national debt of $24,000,000,000 and $5,000,000,000 of indebtedness maturing in 1923.

Before discussing the proposed sales tax law and propaganda which will again confront Congress on that subject we may well study the recent legislative record responsive to propaganda and know what real "blocs" have done during 1921 in Congress.

AGRICULTURAL AND OTHER "BLOCS."

A word as to the "agricultural bloc" that has stirred the complacency of aged existing blocs. I hold no brief for any "bloc," but Members so designated represent more than agriculture and agricultural interests, vitally important as these interests are to mankind. It may be said that Members included in the so-called agricultural bloc represent farmers and other laborers, organized and unorganized, and shopkeepers, clerks, and, in fact, practically ninety-nine people out of every hundred who do not draw down excess profits or incomes of $10,000 or more annually which invite proportionate surtax collections.

Representing the ninety and nine of their constituents, in addition to the remaining 1 per cent, this so-called "bloc" does not always respond to the cry "be regular" when regularity consists only in relieving the exclusive 1 per cent of taxes from out their abundance and thereupon shifting the burden over to the ninety and nine through a consumption tax.

Long before the days when corporation blocs controlled the earth and its fullness thereof through consolidation and monopoly; before great financial blocs through credit control determined the life or death of individual industry; before great business blocs stifled and influenced the press through threats to withdraw advertising; before the days of 100 per cent to 500 per cent profiteering blocs that have aroused the Attorney General to prosecutions; before existing propaganda became a fine art—long, long before these days of modern blocs, there existed other blocs popularly known as "big business." Though unfinished in organization and possessing crude methods they were even then all powerful in the political, legislative, and financial world.

Long prior to Winston Churchill's Conniston days their power was exercised in almost every large city, in nearly every State legislature from Massachusetts and New York to California, and in both branches of Congress.

Whether known as the "railway group," "manufacturers' group," or "bankers' group" their influence was felt even as other more powerful blocs are potent now, but the crudeness of early days has given way to modern skillful legislative manipulation which refused to permit 435 duly elected Representatives to offer a single amendment in the House on a 150-page revenue bill and allowed only two or three days of political "general debate" on the greatest bill of all history. Many other illustrations can be offered of that same bloc power. The old groups influenced legislation by antiquated methods, the modern financial bloc, by right of inheritance and habit, controls with an iron hand and directs us what to do.

INDIGNANT PROTESTANTS AGAINST "BLOCS."

Secretary Weeks, Otto Kahn, and other large banking and brokerage critics can open a Pandora's box of blocs, ancient and modern, and invite many rather direct inquiries by chiding and threatening Representatives in Congress who conscientiously act under their oaths of office.

I do not question the right of any of my colleagues to vote or act as they choose nor impugn their judgment as to legislation, but assumed indignation of vulnerable critics will deceive no one in this day and age regarding venerable blocs grown grizzled through long and constant service.

That the right to vote independently is not acceptable to those who assume to be guardians of our consciences and actions is evident from a statement given to the press on December 1 last by Mr. Otto Kahn, a representative of Kuhn, Loeb & Co., bankers and brokers of New York City, a copy of which was sent by Mr. Kahn to every Member of Congress.

He says:

> Business must organize to overcome the baneful effects of the agricultural bloc in Congress. * * * Business stands in need of a spokesman and organizer. * * * I mean an intelligent and effective representative of the aims and ideas of business in public affairs and corresponding attitude in primary and electoral campaigns * * * to prevent the ascendency of selfish and narrow class and sectional interests and crude notions or demagogic appeal and thus aid in furthering the welfare and progress of the Nation.

Mr. Kahn not only seeks to be guardian of our legislative liberties but was a leading champion of the consumption tax before the Ways and Means Committee. He is constantly quoted in the press on that subject, and in fact on practically every other subject, which he generally discusses with self-confidence.

UNIQUE TRAINING OF SALES TAX EXPERTS AND CONGRESSIONAL GUARDIANS.

First and foremost is Mr. Otto Kahn, banker and broker. Mr. Jules Semon Bache, same business, and Messrs Kline, Rothschild, and Goldsmith, all from New York City, who speak in general harmony and all work to the same end—to urge upon Congress the necessity of protecting New York brokers and bankers through a consumption sales tax law—consumption, because if enacted into law it will consume a large part of the scanty means of the 100,000,000 people who have no excess profits but whom Congress also represents.

Mr. Kahn writes his own biography in Who's Who, 1916–17, page 1336, as follows:

> Banker. Born, Mannheim, Germany, 1867. Served one year in German Army. Learned banking in Germany and afterwards was in London branch Deutsche Bank. * * * Member banking firm Kuhn, Loeb & Co. since 1897. Director Royal Opera, Covent Garden, London. Chairman Metropolitan Opera Co. Chairman Century Opera Co. Vice president Chicago Grand Opera Co. Director Boston Opera Co.

And so forth. All of which tends to show that Mr. Kahn holds the center of the stage when not engaged with his other duties of banker and broker in New York. Mr. Kahn has been in the public eye so frequently when instructing the people of America as to their duties on many subjects that in order to set at rest

reports stating he is now a subject of Germany or a citizen of Great Britain, an authentic statement given in 1920—November 6—to the press by his attorney, P. H. Cravath, is quoted as follows:

The naturalization proceedings taken by Mr. Kahn (who was a naturalized British subject in 1893) were in charge of a New Jersey lawyer. Mr. Kahn received his final papers in March, 1917, from the court of common pleas at Morristown.

The statement at length sets forth why Mr. Kahn, once a German soldier and German citizen and afterwards a British subject, has now renounced all allegiance to those Governments. He now seeks to direct the American Congress and tax legislation for America.

Singularly enough, Germany has a tax system comparable to Mr. Kahn's consumption-tax plan, although Great Britain, which he says has "a wise financial system," rejects a turnover sales tax, which Mr. Kahn would saddle onto America, the country of his adoption in 1917, or less than five years ago.

Speaking of grand operas, why is it not more just to reenact a luxury tax of even 20 per cent on $5 opera seats occupied by those permitted to enjoy the luxuries of life instead of levying a secret consumption tax with increased prices on the cradle and coffin with which we come in and go out?

With this passing reference to big business and sales-tax propagandists, let us briefly review a part of the program put through Congress during last session.

A HALF BILLION DOLLARS TAX REPEALED.

First. The excess-profits tax has been repealed, as demanded by these interests, or "blocs," with a loss to the Treasury, even during poor business conditions of 1920, of $450,000,000 annually.

Second. Surtaxes on great incomes have been reduced from 65 per cent to 50 per cent, with an estimated loss of about $61,500,000 annually, although the propaganda demanded greater reduction than that allowed by the Senate, to which rate of 50 per cent the House agreed.

Third. All luxury taxes have been repealed, with a further loss to the Treasury of about $60,000,000 annually.

A total estimated reduction in revenue receipts of approximately $570,000,000 results from these three sources alone, or an amount equal to 25 per cent of all estimated income contained in the 1921 revenue bill passed during the present session, notwithstanding no reduction occurred in the $24,000,000,000 national debt nor has any provision been made to that end.

Some efforts to increase the inheritance and gift taxes occurred in the Senate, but notwithstanding we could have increased inheritance taxes over $200,000,000 annually, which would have still remained below English rates of to-day, the attempt was blocked—not by any agricultural bloc, however—and was killed in conference under a plea that any inheritance tax increase was another attempt to "soak the rich." Practically as much more could have been received from gift taxes, but that, too, was prevented by the same interests.

Attempts to increase the corporation normal tax from 10 per cent to 16 per cent, as proposed by Secretary Houston in his 1920 report, were defeated and also blocked, but not by the agricultural bloc, and only 2½ per cent normal taxes were added to meet the promised Treasury deficit. This is only one-half the increase recommended by the Senate, and a 12½ per cent rate is only 40 per cent of the 30 per cent normal corporation tax of Great Britain to-day. Secretary Houston's 16 per cent rate would have raised $150,000,000 more annually and would have helped meet the loss of $450,000,000 caused by the excess-profits tax repeal; but the Senate amendment was rejected under the cry that it would "soak the rich."

A proposal to tax undistributed profits of corporations estimated by Secretary Houston in his 1920 report to bring $690,000,000 annually was also blocked, but not by the agricultural bloc, and was rejected with slight consideration. This tax under ordinary conditions would bring to the Treasury over $500,000,000 annually, based on estimates submitted by Secretary Houston, but the proposal was rejected because it was again distorted to mean "soaking the rich." In other words, the following is offered as a conservative estimate of what the 1921 tax bill might reasonably have brought to the Treasury but for the constant blocking of legislation by the cry it "soaked the rich and oppressed business." Here are the items:

First. Excess-profits tax repealed	$450,000,000
Second. Reduced surtaxes on income	61,500,000
Third. Luxury taxes repealed	60,000,000
Fourth. Inheritance taxes	200,000,000
Fifth. Gift taxes	200,000,000
Sixth. Undistributed profits proposals rejected	500,000,000
	1,471,500,000
Corporation normal tax credit added of 2½ per cent	111,000,000
	1,360,500,000

To these items may be added over $250,000,000 annually in interest payments on foreign loans that should be collected.

[From hearings before Committee on Finance, United States Senate, Sixty-seventh Congress, first session, on S. 2135, July 18–21, pt. 4, p. 108.]

(Wadsworth Loan Exhibit, No. 1, July, 1921.)

Statement showing obligations of foreign Governments and so-called Governments held by the United States, interest accrued and unpaid thereon, up to and including the last interest period, and interest heretofore paid on such obligations:

Country.	Total obligations.	Interest accrued and unpaid up to and including last interest payment.	Total debt to United States.	Interest heretofore paid.
Armenia	$11,959,917.49	$1,009,868.67	$12,969,786.16	.....
Austria	24,055,708.92	721,671.27	24,777,380.19	.....
Belgium	375,280,147.37	34,007,409.62	409,287,557.99	$13,014,918.42
Cuba	9,025,500.00	.....	9,025,500.00	1,282,369.54
Czechoslovakia	91,179,528.72	8,125,165.24	99,304,693.96	304,178.09
Esthonia	13,999,145.60	1,389,668.37	15,388,813.97	.....
Finland	8,281,926.17	598,339.79	8,880,265.96	.....
France	3,350,762,938.19	284,148,863.64	3,634,911,801.83	139,570,376.13
Great Britain	4,166,318,358.44	407,303,283.93	4,573,621,642.37	245,557,185.50
Greece	15,000,000.00	.....	15,000,000.00	784,153.34
Hungary	1,685,835.61	50,575.07	1,736,410.68	.....
Italy	1,648,034,050.90	161,078,880.80	1,809,112,931.70	57,598,852.62
Latvia	5,132,287.14	386,962.52	5,519,249.66	126,266.19
Liberia	26,000.00	1,568.85	27,568.85	861.10
Lithuania	4,981,628.03	498,162.80	5,479,790.83	.....
Poland	135,661,660.58	9,837,443.36	145,499,103.94	1,290,620.78
Rumania	36,128,494.94	3,477,534.09	39,606,029.03	263,313.74
Russia	192,601,297.37	26,120,560.18	218,721,857.55	4,842,534.33
Serbia	51,153,160.21	4,778,797.79	55,931,958.00	638,059.14
Total	10,141,267,585.68	943,534,755.99	11,084,802,341.67	465,271,688.92

From the foregoing statement it appears that up to and including the last interest period foreign obligations reached $10,141,267,585, and accrued interest $943,534,755, or a total indebtedness from foreign Governments to ours of $11,084,802,341.67.

AVAILABLE REVENUES PREFERABLE TO A SALES TAX.

These sources of revenue, with reenactment of repealed tax laws, will bring to the Treasury over $1,500,000,000 annually with which to finance a $350,000,000 estimated annual charge through a soldiers' compensation bill. Further sources of revenue are covered in the so-called "Victory taxes" carried in the soldiers' compensation bill which passed the House last session. They include increased surtaxes, a stock and bond tax, produce exchange tax, real estate sales tax, and tobacco tax, all of which are specially set forth in H. R. 14089, May 15, 1920, which passed the House overwhelmingly.

Again other sources of revenue were pointed out by me on April 27, 1920, based on reliable data furnished by Treasury officials to include increased taxes on automobiles, admissions, and so forth. These sources of revenue are here mentioned to forestall any assumed necessity for new "Victory consumption taxes" or "security sales taxes" that may now be urged under the plea they are required to finance a soldiers' compensation bill.

I shall not discuss the refusal to permit the House to vote on any amendment to the greatest revenue bill of all history or the gag rule adopted in the popular branch of Congress when compared with open public discussion and a record of 835 amendments adopted by the Senate after two months' debate on that same bill.

Nor will I discuss the failure of Congress thus far to pass a tariff bill, thereby leaving the 1913 Underwood tariff rates still in force on all products not included in the emergency bill. Great pressure was brought by those who desired their taxes removed, and Congress was assured by the big business bloc that capital would quickly engage in business when tax revisions were assured. Capital was not waiting on tax revision nor so far as known has a single wheel from Maine to California been turned due to the revenue bill just passed.

WHY TAX GREAT WEALTH?

A few favored rich men have been relieved, but why should not millions of dollars of the Rockefellers, the Vanderbilts, the Astors and Marshall Fields, the Armours, and a few hundred other fortunate men be required to pay liberally for the support of Government? Rockefeller, with hundreds of millions, was a poor boy, but due to liberal laws of this country, railway rebates, crushing of business rivals, and to his own brains and opportunity he has accumulated more than any king ever possessed. Webster, Lincoln, McKinley, and thousands of others failed when measured by such standards of wealth, yet their brains and industry will never suffer by comparison. Vanderbilt the elder with his ferryboat and Astor with his furs and real estate and Marshall Field with his business ability were

types of early captains of industry who began as poor boys but under our liberal laws they grew too rich to count their wealth, and posterity is counting that same wealth by right of our easy inheritance laws.

Captains of industry must stand on their own methods and records. If reputable, no man need question the amount of their wealth or its rapidity of accumulation, but we owe it to the people of this day and generation to enact laws affecting powerful concentration and retention of wealth in a few hands, thereby controlling incentive, avenues of industry, and agencies of information through the press, which they so frequently own. Taxation according to ability to pay is just and is a principle as old as the hills, never more needed than now. Inheritance taxes as high as those of Great Britain are not unjust here, where fabulous fortunes are made in a day and left almost intact to legal heirs.

A different chapter can be written of the hundred millions of people in this country who are not so fortunate or so smart in a business way, but they include preachers and scholars and thinkers who generally have made the world better and wiser by reason of their own unselfish labors. We do not envy or begrudge those who have large wealth with the responsibilities and worries such fortunes entail, but we do say "tote fair."

Tax burdens should be placed on those best able to pay, so that the poor and unfortunate may be relieved so far as possible from burdens of government. Sickness, doctors' bills, food, rent, heat, children's shoes and stockings, these are sources of worry to thousands and hundreds of thousands of families to-day, and yet in this enlightened age, with a continued record of profiteering and hoarded wealth never dreamed of a half century ago, we are chided with "soaking" the rich, and now after repealing the tax laws named we are asked to enact a sales tax that will secretly but directly increase the burdens and costs of living of every man, woman, and child in the country in proportion to the necessaries of life the average family consumes.

Congress reduced the surtax that has lost to the Treasury $60,000,000 annually from incomes of $200,000 and over, and is now asked to place a porous-plaster secret tax, increasing the prices of all necessaries of life included in the tax that will be paid by the 98 per cent to cover that loss. Why is Congress called upon to levy a secret tax upon the consuming poor of the country when it has just repealed a tax of a half billion dollars annually from excess profits after first allowing 8 per cent profits for exemptions?

PARTY PLATFORM—THE 98 PER CENT AND THE 2 PER CENT.

In 1920 the Republican platform, then drafted to meet exigencies, declared as follows on taxation:

> The whole fiscal policy of the Government must be deeply influenced by the necessity of meeting obligations in excess of $5,000,000,000 which matures in 1923, but sound policy equally demands the early accomplishment of the real reduction of the tax burden * * * tax laws which do not excessively mulct the consumer or needlessly repress enterprise and thrift. * * *

The platform was written in generalities, like all platforms, to obtain the confidence of the 26,000,000 people who voted at the election and to assure them that their taxes would be relieved. The platform did not refer to excess profits, luxury taxes, or surtaxes, nor to Pullman nor parlor car taxes. It just talked to the multitude. Every man and every woman who read that platform promise, every "consumer" who read it believed it was addressed to him and to her.

The 98 per cent of the 26,000,000 voters who do not pull down excess profits nor high surtaxes did not know that this platform utterance on taxes meant a remittance of over a half billion dollars in excess profits and high surtaxes paid by the 2 per cent, nor did the 98 per cent know that in addition to that interpretation of the party platform it was proposed that the half billion dollars so paid by the 2 per cent in annual taxes would be shifted over to the 98 per cent through a consumption tax on necessaries of life, so as to "mulct the consumer."

In other words, the platform was read intelligently and understandingly only by the 2 per cent, who immediately began a campaign for tax shifting, which the Executive has said was against his understanding of the aforesaid platform prohibiting "shifting."

The last political campaign was not waged. It moved automatically like a tidal wave, without extraneous force, and it offered an invitation to every disgruntled faction against a common political foe. Waste, extravagance, political dictation, taxation, the League of Nations, and innumerable banners led the victorious hosts and swung the political pendulum to the farthest extreme, and in this swinging operation the 98 per cent furnished a very conspicuous part to the momentum compared with the 2 per cent.

In fact, the 98 per cent had much to do with the result in 1920. Last fall witnessed a remarkable swing back not accounted for by normal records, but in New York, Pennsylvania, and elsewhere it seemed possible that the 98 per cent had heard of the new interpretation to be given to the platform plank on taxation.

Next fall the 98 per cent will again listen to what has been given to them by law and what the 2 per cent has received out of the campaign promise grab bag. Last year the 2 per cent tried to fasten a consumption tax on the compensation bill for soldiers, so that the soldiers and their families would only get a half loaf in remembrance, among other things, for protecting from German indemnity the profits and property of the 2 per cent. That fastening broke loose before it then passed the House, but grown bolder by successes the 2 per cent proposes to make the consumption tax stick this time. Many leading newspapers have large financial interests at stake and are on the job, and the 2 per cent is working overtime to secure a sales tax and to finance any soldiers' compensation bill with a consumption tax. The 98 per cent have little voice at this time. They did not correctly understand the last platform. Next fall it will be necessary to hold the pendulum steady and to show that the 98 per cent has not been victimized by a confidence game.

So much for the platform and the 2 per cent and the 98 per cent and for sublime confidence and proposed confidence games.

ALL TAXES TO BE COLLECTED FROM A CONSUMPTION TAX.

Different witnesses, with astonishing frankness, have stated to the Ways and Means Committee that they want a consumption tax enacted so that it will become a substitute for the income tax and the graduated surtaxes provided under existing law.

They ignore the principle that taxes should be levied according to ability to pay, and substitute for this well-known principle a contention repeatedly exploded that all taxes are borne by the ultimate consumer. The testimony of able tax experts is to the contrary.

I quote briefly from the testimony before our committee of Jules Bache, a broker and banker of New York, one of the foremost advocates of a consumption tax, as to its purpose:

> Mr. HULL. Your idea, then, is to base all taxes as nearly as possible on consumption?
> Mr. BACHE. Yes, sir.

Throughout Mr. Bache's testimony he repeatedly offered the sales tax as a method of taxation and substitute for all other taxes.

Dwight Braman, of New York, another representative of big business, testified before our committee on the following day, December. 18, 1920:

> Mr. COLLIER. You do not believe in revenue taxes in normal times?
> Mr. BRAMAN. No, sir. I can quote you authorities.
> Mr. COLLIER. You believe taxes should be raised through consumption tax and licenses?
> Mr. BRAMAN. Yes, sir.
> Mr. COLLIER. You want to do away with the income tax altogether?
> Mr. BRAMAN. Yes; ultimately, I do. * * *

Mr. Rothschild, of New York, who with Mr. Bache has been a rival in leadership for the imposition of a consumption tax, stated to our committee in a 31-page pamphlet, as follows:

> My own personal view is that business through the medium of a small turnover tax could well pay the entire cost of economically running the Government, take care of the great national debt, and permit the dropping of other kinds of Federal taxation. Such an exclusive tax would naturally eliminate a personal-income tax, relieve business from the burden of providing additional interest dividends or profits, which it must now furnish to pay the income tax.

Many other witnesses who claim to be tax experts representing the 2 per cent could be quoted on this same subject. Mr. Rothschild in answer to a question by Mr. Garner as to whether or not he would repeal the income tax stated frankly:

> In my heart I believe nearly every dollar of income tax is somehow or other paid through business operations.

Mr. Rothschild added a significant statement in his pamphlet:

> It is safe to assume that in the past for every dollar the Government has collected either as a duty on imports or excise tax on liquor and tobacco, the consumer paid at least $2 or 100 per cent profit on the duty and excise tax, which additional dollar the Government did not get.

To the same effect Senator Hardwick testified that upward of 5 cents extra was collected from the consumer on soft drinks and only one-half cent returned to the Government in taxes, or ten times the tax was paid by the consumer.

To the same effect, also Canadian authorities claim prices there have increased several times over the actual tax that is collected by the Government revenue agent. We are thus facing an acknowledged situation that the same tax which costs the consumer several times the amount of tax turned into the Treasury is to become a general consumption tax that will eventually be substituted for all income taxes now paid under existing law.

WEIGHING THE TESTIMONY OF WITNESSES.

In important trials at law where the conscious or unconscious bias of witnesses may influence the jury, the lawyers at the outset seek to ascertain what interest financial or otherwise may affect the witnesses' judgment. Witnesses are extremely human and like the counsel in the case are frequently prejudiced or strongly influenced by circumstances. In fact, few of us can escape that estimate, however free we may be from financial or conscious prejudice in legislation.

What of the witnesses whose opinions are offered for or against a sales tax? If, as is confidently predicted, a sales tax on consumption is to be substituted for the present graduated income tax, then everybody paying a large income tax has a direct financial interest in the enactment of a sales tax. Even Representatives in Congress are confronted with its personal effect on their own fortunes. Under existing law incomes now pay the following annual taxes to the Government:

Income.	Normal tax.	Surtax, 1921 act.	Total tax.
$6,000	$160		$160
$10,000	480	$40	520
$20,000	1,280	440	1,720
$25,000	1,600	780	2,380
$30,000	2,080	1,440	3,520
$50,000	3,680	4,960	8,640
$75,000	5,600	11,800	17,400
$100,000	7,680	22,460	30,140
$200,000	15,680	70,960	86,640
$500,000	30,680	220,960	260,640
$1,000,000	79,680	470,960	550,640

The foregoing statement furnished by the Treasury actuary and given by Representative SINNOTT, of Oregon, December 17, is here offered to show that the financial interest of a witness receiving $25,000 income annually is $2,380 annually, and of $50,000 income is $8,640. At $75,000 income the witness has a $17,400 annual interest in a sales tax, which is almost doubled at $100,000, and reaches $86,640 annual tax on a $200,000 income. At $1,000,000 income, indicating a fortune of about $20,000,000, the personal interest of the taxpayer in a sales tax reaches $550,640 annually. That enormous personal interest may be a measure for testing the judgment of some witnesses who advocate the substitution of a consumption tax for the personal income tax.

I am not discussing the merits of the income-tax rate, although the act of 1921 under the Senate amendment reduced all incomes below $86,000 through the 50 per cent Senate rate. The table cited affords evidence of the comparative interest of every person paying an income tax in shifting his personal income tax to a general consumption tax. The income tax reaches every avenue of business, and we are reminded it affects bankers, brokers, financiers, great publishers, and even brilliant writers, who are fortunate to possess large incomes. That the personal side of the matter affects the opinions and judgment of those who feel that wealth is penalized may be reasonably certain.

How far it consciously affects the judgment or policy of those urging the sales tax is a matter to consider when we are asked to shift these taxes onto the many millions of men whose average income on which to support a family of five or more reaches less than $1,000 annually, or to the millions of farmers whose average wage return in 1920 reached $465, apart from investment, with a comparative purchasing power in farm products of only $219 compared to prices in 1913. These figures, given by Representative ANDERSON, of Minnesota, on December 21, offer a tragic picture of existing conditions, and yet we are asked to shift the income tax now paid by those in affluent circumstances over to the shoulders of the American farmer who, out of his meager income, will be asked to pay a consumption tax for himself and every member of his family.

OTHER CONSUMPTION TAX WITNESSES.

I started out to discuss the personal interest affecting testimony of financiers, publishers, writers, and others who appeal to Congress to pass a consumption tax and likewise of those who oppose the tax. It may be safely assumed that among those who oppose a consumption tax will be found 5,000,000 jobless, many of whom have wives, children, or other dependents, all of whom under a consumption tax will immediately contribute through what they eat, drink, wear, and use in higher prices. Many other millions composing the 98 per cent who receive annually less than $1,000, and the 1,500,000 wage earners who receive between $1,000 and $2,000 income also have a vital interest in protesting against a consumption tax. Even the 1,500,000 other wage earners who receive between $2,000 and $3,000 annually, and the 600,000 other wage earners who receive between $3,000 and $4,000 are undoubtedly opposed to a consumption tax. Possibly a large majority of the remaining 700,000 tax returns of $4,000 or over for 1918 may be affected by the personal equation against a consumption tax, but of the 252,000 persons receiving over $6,000 per annum, who composed 1 per cent of the 26,000,000 voters in 1920, and the 60,000 persons receiving $10,000 or over annual income a larger portion are probably influenced by personal considerations in favor of a consumption tax, notwithstanding it violates the principle of taxing according to ability to pay.

For the sake of illustration, let us assume that the entire 60,000 people receiving over $10,000 annually favor a consumption tax because if the income tax is repealed it will relieve them of that tax burden, still 60,000 is a small proportion of the 106,000,000 people or of the 26,000,000 electors in 1920 who will directly contribute through any consumption tax.

This does not assume that taxation should be levied on the few because they are an insignificant minority compared with the many, nor does it contend that present income rates are equitably adjusted. Those are separate questions. I do contend that a consumption tax levied on the necessities of life in time of peace violates every fundamental principle of taxation and should not become law even though the 60,000 taxpayers receiving over $10,000 annual income are estimated to possess nearly one-half of all tangible property of the country, because the rights of the remainder are emphasized through that fact.

Let it be conceded that the 60,000, if that number be accepted or double that number, are among the most powerful financially and otherwise in the country. That they exercise a controlling influence on many of the leading journals of the country that mold public sentiment, and that they have a voice in legislation through propaganda which can not be counteracted by the 106,000,000, a great majority of whom are helpless to give public expression to their views excepting at the polls.

SILENCE DOES NOT MEAN CONSENT.

The silence of the many now, excepting as voiced by resolutions of which many have been received in opposition to a sales tax, does not mean they are willing to have us enact such law. They are not here as witnesses. They can not come here. The worker receiving $1,000 or under for his yearly wage has no private car and, in fact, has no means of coming in person. Neither has the farmer, whose $465 annual income was spent long before the Christmas days were reached.

These people are not here and have no means of propaganda to offset the tremendous flood for a sales tax that will be poured in on Congress. They leave us to act, responsible for our action to them. Who then can we call as unbiased witnesses?

I have a number of such witnesses who have testified on the subject. Not great financiers, publishers, or others who may have personal reasons for preferring a consumption tax to an income tax. Not the farmer back home or wage earner in the mill or in the mines, railway service, or elsewhere who is opposed to it for personal reasons, but I will call witnesses who are, generally speaking, disinterested financially. Who are not in the employ of sales tax proponents. Witnesses whose study of economic questions make them experts in their lines—disinterested experts and witnesses who have appeared and laid their case publicly before the American Congress without concealment or subterfuge but subject to questioning from some of the ablest students of taxation.

WHY HAVE A CONSUMPTION TAX ON NECESSITIES AFTER HAVING JUST REPEALED A SALES TAX ON LUXURIES?

A sales tax, with all the sugar coating of sales tax doctors, will not make the pills more palatable when the plan is fully understood and results are known. A turnover sales tax was an ultimatum first lodged with Congress by the metropolitan press last session. New York financiers like Kahn, Bache, and Rothschild kept the rails hot with private cars traveling to far off Florida to interview the President elect or else before committees, where they painted black is white against opinions of acknowledged and disinterested experts and tax authorities. They then tried by sheer force of propaganda and a whirlwind campaign to put through a turnover sales tax. When the attempt was found futile these propagandists urged a retailers' sales tax, and finally, before adjournment, they stood for a manufacturers' sales tax. This tax failed in the Senate after hard pressing by the big business bloc.

That is the tax which is to be put through Congress during the coming session if it can be forced, and a campaign of persuasion and sales-tax propaganda, which includes many metropolitan papers, is enlisted in a united effort to put over the tax. On a soldiers' compensation bill as a price for its passage such

tax may be offered, with a certainty that the soldiers and their families will thus be made to pay in taxes a large part of the bonus they are to receive, or else the consumption tax may be pressed as a direct proposal, without strings.

To this proposition it is asked, Why not openly again tax luxuries and add a 20 per cent tax to a $500 fur coat rather than collect a 3 per cent to 4 per cent sales tax through a 10 per cent increased price on every pair of shoes? Why not openly add a 20 per cent tax to a $200 music box rather than secretly collect a 3 per cent to 4 per cent consumption tax through a 10 per cent or more increase in price on a $20 suit of clothes? Why not openly add a 20 per cent luxury tax to a $5,000 limousine rather than secretly collect a 4 per cent tax by a 10 per cent increased price on foodstuffs? In fact, why not deal openly and frankly, placing a large tax on luxuries bought by those best able to pay rather than secretly taxing those least able to pay on the necessities they consume? The tax will be started at 2 per cent or 3 per cent and then increased in rate when once fastened on the country, as in Canada, until the principle is repudiated, as it is certain to be when understood by the consuming public.

"Make an experiment" is the oft-repeated cry of the sales tax propagandist in the persuasive tones that a fisherman employs when trolling with his silver spoon hook for the unwary fish. Once hooked hard for a time the fight is over. It was such bait that propagandists pressed on Congress to secure a repeal of the excess-profits tax, in order to stimulate business, but, now that the tax is off, we are informed manufactures and exports are at a lower figure than ever before. The hook with its attractive bait was swallowed whole.

It was such bait that propagandists pressed on Congress to secure a reduction in surtaxes on wealth, in order to release vast amounts that would immediately enter the channels of trade. No tax student, however amateurish, swallowed the bait, because all economic laws and the amount of money involved made such promise ridiculous, but surtaxes were reduced, as we well know, and yet not one business wheel has been turned in consequence. Again, the propagandist asks us to try an experiment by laying taxes on the necessaries of life to "help business." Without a single logical argument to support the new gold-brick proposal, will Congress enact a consumption tax?

We have untaxed wealth far beyond the most sanguine hopes of those who are benefited, and now to complete the unprecedented program we are asked to put a consumption tax on the people of the country, a great majority of whom find existence a hard problem to solve during the 365 days of every year. I hold no brief for the poor or rich, but any plan that places the poor and the rich on the same level in meeting the expenses of the Federal Government is abhorrent to every sense of justice and opposed to every sound principle of taxation, while those who insist the consumer pays the tax in every case are both illogical and inaccurate in such statements.

THE CANADIAN SALES TAX.

In Canada they are experimenting with the sales tax system. Canada has a debt burden double our own per capita after deducting foreign loans due the Government and is without hundreds of great mushroom fortunes on which to draw pursuant to modern and ancient tax principles. Canada, with an experimental attempt hardly begun, is trying out a sales tax after allowing hundreds of exemptions in order to make it more palatable to her people. All Canadian tax officials, strange to say, speak well of their job, and the tax, and I offer a naïve, innocent statement of Maj. Hobart, of Montreal, who is a sales-tax official, according to the press, and has the same pride in his system that the official executioner has in his electric chair. Hobart says, "The Canadian law provides, roughly, for a 3 per cent tax on sales by manufacturers, wholesalers, and jobbers. Of course, the consumer pays the tax eventually, but he does not know it." A sort of tax electrocution to Hobart that is both painless and effective. Hobart describes the Government tax of 15 cents on a $5 pair of shoes as small. But no one believes that manufacturers, wholesalers, and jobbers who pay license fees and incur extra expense under the Canadian system and who can load on to the cost 15 cents or 50 cents, or far more, at their pleasure, where the "consumer does not know it," will limit extra charges to the legal tax. Across the border in this country illustrations have been afforded of modern profiteering ingenuity that loaded the original cost of the article several times before it reached the consumer.

Placed on chairs, cuffs, collars, churns, and on everything from chocolate and cinnamon to cement, and on shirts, shoes, socks, soap, sugar, and from sofas to both cream and steam separators, think of the war profits, and denunciation, deserved and undeserved, that would be heaped on a sales tax and on any Congress that loaded this new unprecedented burden on the people when profiteering highwaymen have established unprecedented records in the recent past.

In order to prevent a stampede from this obnoxious tax we are advised certain exemptions are granted on foodstuffs in Canada, but the camel's nose once poked under the tent will be there to stay and to be pressed further as opportunity develops in order to supplant the income tax as urged by Bache and others. If exemptions on foodstuffs are to be had at the outset, why not exemptions from a tax on boots, shoes, socks, and caps for the children? With one hand we have just taken the tax off candy and chewing gum and removed the tax burden from the garments of the rich and all taxes on luxuries, while with the other we are now asked to place an adhesive plaster of unparalleled proportion on everything the people eat, drink, wear, and use, with a few sugar-coated exemptions to be later determined. With one hand we have removed a 3 per cent tax on transportation specific and fixed, while with the other we are asked to add 3 per cent to 4 per cent secret tax with unlimited opportunities to pyramid profits.

"PAYING A TAX WITHOUT KNOWING IT."

From sales-tax propaganda there are three major reasons why a sales tax should be adopted:

First. Many financiers could thereby shift taxes to the 98 per cent.

Second. Many publishers could thereby shift taxes to the 98 per cent.

Third. Big business could thereby shift taxes to the 98 per cent.

Three minor reasons are also advanced:

First. The consumer pays all taxes.

Second. He loves country more by knowing he is taxed.

Third. Under a sales tax he does not know he pays the tax.

Ergo, the three major interests that now pay no taxes would have the consumer still pay taxes "without knowing it."

The first chapter of a consumption-tax campaign is now on. This "painless" tax "will be paid without knowing it." It will make it "a pleasure to give" and will swell our treasury vaults to bursting without anyone knowing when or how they paid the tax. This campaign of colored ribbons, banquets, and lollipops is now furnished intelligent legislators by papers and propagandists that daily, weekly, and monthly picture the beauties of a sales tax on everything we eat, drink, wear, and use. Only a little added cost to the article is an apologetic explanation to the legislator and taxpayer.

In other words, "you do not really pay the tax"; you just blissfully drift along, and first thing you know a billion dollars has been added to the Treasury from some unknown source, taken right out of the air or from under the magician's hat with a now you see it and now you don't movement that pleases, mystifies, and sometimes deludes.

We have just passed through a period of high prices and profiteering where retailers and department stores in many cases have soaked consumers and continue to soak them irrespective of costs through combinations, gentleman's agreements, exchange of prices, and other means which have contributed to the new method of doing business. Whatever the cost, we realize we are still paying from 50 per cent to 100 per cent over prewar prices on many of the necessaries of life while wages have steadily dropped or have stopped, due to unemployment, with tragic results. Only a comparatively few men with concealed income returns to which the public has no access are hauling in their profits with war-time regularity. Testimony regarding a few profiteers coming from high source is quoted:

WASHINGTON.

Protesting against the Fordney tariff bill rates on plate glass, Charles R. Sligh, a furniture manufacturer of Grand Rapids, Mich., told the Senate Finance Committee to-day that "during the carnival of high prices in 1921 the glass manufacturers, jobbers, and the manufacturers who polish and silver mirrors advanced prices to a point 540 per cent above the prices prevailing in 1915. The colossal profits acquired from these enormous advances have come from the pockets of the consumer," said the witness. Senator LA FOLLETTE asked the witness for a statement of his own profits, and Mr. Sligh promised to furnish it, but added that furniture now was being sold by his company practically at cost.

In the CONGRESSIONAL RECORD of December 21 Chairman FORDNEY named scores of articles purchased last month wherein the profits added by the seller and paid by the consumer frequently reached over 500 per cent. No limit through taxation or by law exists whereby the consumer can be protected from this shameless robbery, and to these unconscionable evidences of profiteering we are now asked to annex a consumption tax.

A SALES TAX IS COLLECTED THROUGH INCREASED PRICES.

A consumption tax means higher prices because it is the only way the tax can be collected by the manufacturer, who thereafter passes it on down to the jobber and wholesaler until

it reaches the consumer. All the traffic will bear is added today for profits irrespective of cost, a heritage of the war, and when a sales tax is also placed on the shoulders of the consumer from the manufacturer down to the final consumer it will then add new profits where possible like the old familiar method of rolling the snowball. Profiteering prices have not disappeared, and yet we are asked by law to continue their existence by an added tax placed through those prices on every consumer in the land.

Practically every department store and many retailers may be depended upon to favor this tax because it affords a good excuse for added profits that can not be scrutinized or known by the consumer. If the article costs the consumer more than he or she expected, it will then be due to the tax levied by our Government through Congress on those who are permitted to enjoy the blessed privileges of having a bare living.

In other words, Congress has repealed the ice cream, face powder, jewelry, and other taxes heretofore openly collected by the retailer and is now asked to levy a secret tax collected all along the line through increased prices levied on the necessities of life.

I have quoted heretofore in a discussion of the sales tax authorities or testimony submitted before other organizations that have studied the effect of a sales tax from every conceivable angle, including a turnover sales tax, a wholesalers' and retailers' sales tax, and everything that comprehends a consumption tax.

Men appointed by the National Industrial Conference Board represented 25 affiliated businesses or organizations having represented assets of several billion dollars and hundreds of thousands of employees. They are tax experts and financially disinterested. They had no personal tax motives to influence their judgment. They were not employed by great wealth to speak for them as any attorney might speak for a client. These witnesses were unprejudiced. Starting out in their deliberations in favor of a sales tax, by a surprising agreement in judgment they reached a unanimous verdict against a sales tax. I submit extracts from their statements submitted to the national conference board in open session.

TESTIMONY OF TAX EXPERTS AGAINST A SALES TAX.

Arthur A. Ballantine, attorney at large, New York City, formerly Solicitor of Internal Revenue, says, page 32, hearings national industrial tax committee:

I believe that this idea of a sales tax, a tax collected everywhere, falling on no one, is a will-o'-the-wisp which has floated over this field of taxation and which is in danger of luring business men who approach Congress in an effort to get really beneficial changes into futile action instead of constructive action.

I believe that this committee, by the very careful and exhaustive consideration which it has given to the advocates of this plan and its careful thought as to conclusions, has done much to dissipate this myth and to direct the efforts of business men into practical channels instead of down a pathway which leads to futility.

For the second witness I quote from Charles A. Andrews, whose frank, clear analysis of the sales tax is illuminating. He says (p. 38):

There was on the committee no vociferous objector to the sales tax. There was on the committee nobody who was loaded to kill it. We started in upon the assumption that we were going to work out something in the form of a sales tax. We invited various well-informed people to come before us. We reached out and got printed matter and manuscripts; we made investigations; and slowly but steadily the committee was driven to the inevitable conclusion that it, representing a large body of business men, could not bring before this conference a recommendation for any form of sales tax, except as the same related to a few specific articles, suggestions as to which we have made, and which have been referred to by Mr. Armitage.

We haven't the nerve, as good citizens of the country—which we believe we are, and are trying to be—to say to a body of business men in this country, who are suggesting that business be relieved from a billion dollars of excess-profits tax, that we propose a tax which will cause the billion to be paid by the ultimate consumer. That is such a violent divergence from the principle of payment upon the basis of ability to pay that we can not ask this body of business men to get behind that sort of a tax.

We do not believe, in this day and generation—and following the World War, instead of following the Napoleonic wars—that we have any business to propose seriously to the Congress of the United States a tax of a billion dollars, or two, or three (I don't know how much it would produce—all those figures are given), to be paid by the ultimate consumer, and organized business excused from its billion dollars of excess-profits tax.

We don't think that is good citizenship; and we don't think that is good economics. That is the real reason that we disposed of or rejected the sales tax, upon the assumption that the tax is paid by the ultimate consumer.

* * * * * * *

A SALES TAX IS AN UNJUSTIFIABLE TAX ON GROSS RECEIPTS.

Well, let us assume that the tax all remained with the original payer of it, and that it is not passed on to the consumer. Does it then become a tax which we can justify ourselves in recommending to Congress? Your committee says "No." * * * Why? If the tax remains with the individual or concern which originally pays it and he is not able to pass it on, it becomes a tax measured in terms, although not so stated, of his gross receipts; and as such, in the opinion of your committee, it is open to such serious objections that we can not ask Congress to pass it. * * * A tax on gross receipts which leaves out of the equation all the difference in cost of the conduct of your business as compared to mine—perhaps it takes 90 per cent of my gross receipts to conduct my business and pay my expenses; perhaps it takes 50 per cent or 70 per cent or 95 per cent of yours—is an unjustifiable tax. * * * The establishment of a tax like that would, in the opinion of your committee, produce such inequalities that our dissatisfaction with the excess-profits tax would be as nothing, and we would find ourselves in the face of inequalities vastly greater than heretofore. * * * It is uneconomic in its nature; it is indefensible, in our opinion, in the twentieth century, if it is a general tax on all consumptions; and for other reasons it is equally indefensible if it becomes a tax in terms of gross receipts, which term means nothing so far as it relates to the ability to pay taxes.

BACHE SHOWS HOW TO AVOID A CONSUMPTION TAX.

Mr. Jules Bache, called as a hostile witness before that committee, gives his own concept of human nature and a cold-blooded alternative for the ultimate consumer who can not pay the tax. He says, "Quit consuming." I quote from his statement before the industrial committee (p. 58):

Prof. Adams this morning showed the greatest optimism that I have ever heard voiced from the tribune. He states that he believed the taxpayer was a cheerful, voluntary honest man. That is not my opinion. The taxpayer—and I am not attacking his honesty when I say so—spends 11 months a year devising schemes by which, during the 1 month that he tries to make up his tax statement he can avoid as many of the taxes as is legally possible, and he generally succeeds in avoiding many of them.

The idea of putting a thrift tax into our taxes, which the 20 per cent limitation would be, is an excellent one, but the greatest thrift tax would be the turnover tax, since if anybody didn't want to pay any taxes he could merely refrain from consuming.

THE CANADIAN TAX IS NOT A SALES TAX.

W. C. Cornwell, an employee of Mr. Bache, read a statement of the Canadian sales tax at that same meeting—page 60—to which Robert G. Wilson, chief of the tax division, American Mining Congress, immediately replied, as follows:

I don't know how many gentlemen present are familiar with the Canadian law, but it has been my fortune within the last three or four years to spend some time in Canada, and, for business reasons, make some intensive study of the Canadian law. To my mind the Canadian law is not a sales tax.

In the first place, the law of July 1, known in the United States as a sales tax, is an amendment to the special war revenue act of 1915, which is an excise tax law.

What Mr. Cornwell has had to say regarding the premier's statement is true. The statement, however, is misleading in that it refers to a sales tax which, in its effect, exempts all the prime essentials of life from such taxes; it is only an addition at the rate of 1 per cent and 2 per cent, to excise taxes—luxury taxes, if you please—which rise sometimes 50 per cent upon many commodities—luxuries, essentials, and nonessentials. It is not, as the business men's tax committee has termed the proposition, a sales tax.

The next witness, Mr. J. F. Zoller, tax attorney of the General Electric Co., says at the same committee hearings, page 62:

I want to talk just a minute on the sales tax. Now, we have reached the parting of the ways here in regard to the sales tax. Personally, I am opposed to it for the reasons stated by Mr. Andrews. I can't state those objections any better or as well as he did. But the situation as I see it is this: The people who are favoring the sales tax are those who are already required to pay a sales tax under section 900 of the present law, and their position is that if the Government can select this industry and impose a sales tax upon us, why not spread it to other taxpayers?

WHY ENGLAND REJECTS A SALES TAX.

The next witness is James J. Forstall, of Chicago, attorney at law and member of the tax committee, who speaks of efforts to pass a sales tax in Great Britain. He says (p. 67):

Comment has been made on Canada and Mexico. I would like to say that two weeks ago yesterday, through the courtesy of Prof. Haig, I had an opportunity to discuss with one of the members of the British income-tax commission and with one of the high tax officials of the British Government the question of the British taxation situation. As you probably all know, they have about as little love for the excess-profits duty as the Americans have for the excess-profits tax, and have been spending two years in trying to find a substitute, but they haven't yet found it. I asked each of those gentlemen whether the general sales tax has been considered as a substitute, and they both said the same thing: That it had been taken up and considered very seriously, but that now they were no longer considering it, because they were convinced that it was neither an equitable tax nor feasible from an administrative standpoint, nor one which could possibly be passed through Parliament.

THE CUMBERSOME MEXICAN SALES TAX LAW.

For the next witness I quote from A. E. Holcombe, New York, secretary and treasurer of the National Tax Association. He says:

I happen to have with me a copy of a bulletin which is just about to come out, and in view of the references to other countries I thought I might read a couple of sentences from the report on the Mexican situation. It seems that early in the Carranza régime he established a committee to look into the entire financial system in Mexico. That committee made an elaborate report, and it has been reviewed by Prof. Chandler, of Columbia, who spent some time himself as adviser.

It is perhaps not too much to say that the most important proposal to be found in the entire model plan (and that was the name given to this report) is that recommending the suppression of the sales tax throughout the States of Mexico. * * * It has always been a costly tax to collect, and according to the opinion of Mexican officials, who are in a position to know, it has constituted one of the most cumbersome impediments to industry and commerce.

HOW FARMERS REGARD A SALES TAX.

The next witness, J. R. Howard, of Chicago, speaks for a million and a half farmers in the American Farm Bureau Federation. He speaks the sentiments of several million other farmers not connected with the organization of which he is president. He says (p. 68):

The farmer is interested in paying his just and fair proportion of taxation. He believes every man, every citizen, should pay some tax, because it makes him a better citizen, but he believes that that taxation should be so distributed as to be fair and equitable, and in proportion to each man's ability to pay.

With regard to the sales tax, let me say that the farmer occupies a unique position. I think it has generally been conceded in this discussion that the tax is passed down to the ultimate consumer. The farmer can pass nothing to the ultimate consumer, because he buys at the other man's price and sells at the other man's price, and being at that disadvantage and not able to pass it on, he bears an unjust burden and is in a place where I am sure he, as a farmer, will object to the broad extension of the sales-tax principle.

Mr. H. C. McKenzie, of Walton, N. Y., a member of the tax committee, seconded Mr. Howard's testimony in vigorous language, as follows:

I want to take the opportunity to emphasize the farmer's objections to a general sales tax, which have been voiced by our president, Mr. Howard, and to call your attention to just two or three things briefly. * * * The chief proponent of the sales tax has told you that the excess-profits tax is not only paid by the ultimate consumer but that the ultimate consumer pays the tax two or three times in amount. Now, if that is right, the corporations and people who are doing this business are receiving a benefit from the excess-profits tax, and the corporations and business people are the people who are asking for its repeal; they are asking for something that is diametrically opposed to their own interests. According to the chief proponents of the sales tax, the sales tax is paid by the ultimate consumer in its entirety; that is his proposition, as I understand it.

Now, your proposition, as developed by the advocates of the sales tax, is this: To take an approximate $1,000,000,000 off the excess-profits tax, which is now paid, as I contend, largely by the corporations, and put it over, according to the proponents of the sales tax, on the ultimate consumer. It seems to me that nothing could be more short-sighted, and tend in the end to be a boomerang, and to be a disadvantage not only to business but to capital than to strive to shift the burden of a billion dollars from the business people who now pay it to the living wage—which is what it amounts to—the ultimate consumer. Ninety per cent or 95 per cent of that tax will be paid out of the living wage, if the contention of the proponents of the sales tax is correct; and I want to say that the farmers who are represented in the American Farm Bureau Federation will never in the world stand for that proposition.

"FARMERS WILL FIGHT TO THE END."

Let me interject a witness at this point whose tenderness for wealth and capital has no conspicuous place in his published statement, from which I quote. I offer an extract from an article given to the press by George P. Hampton, managing director of the Farmers' National Council, an organization representing an enormous constituency. No one will doubt that equally forceful demands are voiced by the millions of organized and unorganized labor who are to be placed in the new class of turnover sales taxpayers. Mr. Hampton says:

A direct tax could be levied upon capital values, and should be promptly levied by Congress instead of seeking some method of placing additional burdens of taxation through a retail sales tax, a general sales tax, and other consumption taxes upon the hundreds of thousands of families who to-day are receiving several hundreds of dollars less than they need to maintain the American standard of living. * * * A retail sales tax and other sales taxes and all similar taxes on food, clothing, and shelter, called consumption taxes, must be paid chiefly by the workers on the farms, in factories, mines, and transportation, millions of whom are getting less than the minimum wage necessary to maintain a family on a decent American standard.

Mr. Hampton concludes:

The full money cost of the war must be paid by taxes on incomes, corporation profits, estates, and privileges. Such taxes will yield $7,000,000,000 to $8,000,000,000 a year for many years without imposing any hardship upon anyone. American farmers, who this year have lost billions through the slump in farm prices, will fight to the end the plan for the selfish privileged interests to saddle the huge war debt upon our people for years, and insist upon prompt payment of that debt by those who profited so hugely by the war and by the monopolies built up in this country before and during the war.

A RECOGNIZED GREAT TAX AUTHORITY ON THE SALES TAX.

I could quote from many other witnesses before the board, who have not "wabbled and wavered" for months, but the witnesses I have cited against the sales tax are tax students and authorities, men who have given the question thorough consideration in most cases, are apparently unprejudiced, and whose views are of great value in determining matters of taxation. One of the greatest international tax authorities, whose textbooks are known to every student of taxation, has expressed himself on the subject of a sales tax. His contribution on the sales tax here and abroad is concise, fair, and positive. I quote from the statement of Dr. E. R. A. Seligman, of Columbia University (national industrial tax committee hearings, p. 72):

The sales tax is not a novel tax, as the Premier of Canada said. If he had followed an academic course in taxation he could have learned of many examples, dating back as far as thousands of years ago. The Romans had it, not to speak of the Egyptians and the Babylonians. I do not want to give a lecture on taxation; I am simply trying to call attention to the fact that the sales tax has existed in one form or another for a great many years. With only two exceptions, it has been abolished everywhere and has not been reintroduced in any first-class country, and those two exceptions are Germany, which reintroduced it in 1919, and France, which, as has been said, introduced it in 1920. Now, before we consider the experiences with this tax, it must be remembered that we can learn little one way or another, either for or against it, from Mexico, or Cuba, or the Philippines, or Canada, all of which are countries of insignificant economic proportions, where we do not find the real kind of sales tax that we have been discussing to-day.

DEMOCRACIES OPPOSE SALES TAX LAWS.

Again (p. 74):

The proposition now is to take off one of those three chief categories—the tax on excess profits—and remove the burden from profits on wealth or income, and put it on the other or consumption side. This would, in my opinion, unduly shift the balance and bring us too near the position formerly occupied by all the aristocracies of old, and still reflected in some of the European countries. * * * (P. 75:) Why is it that England and America show their democracy, their real democracy, so much more than countries in the difficult position of Italy, or France, or Germany? There you will find throughout the war, and even now, the great mass of taxes imposed upon the consumption of the common man; whereas in England and in the United States during the Great War, as over against our experiences in the Civil War, the great majority of taxes are raised from wealth; that is, from those who can afford to pay, rather than from the consumption of the necessaries and comforts of life. * * * After the United States, the two countries of the world which are making the most progress in fiscal reform are England and Italy—for Italy is doing better than France. When these two countries came to consider this problem they went into the question of a sales tax thoroughly and finally rejected it. On the other hand, the two big countries of the world that have adopted the sales tax, Germany and France, did so only as a last resort, after exhausting every other available source of taxation. * * * Germany was forced to this sales tax in the last extremity, and in France the same is true. * * * I have been in California for eight months, and had the pleasure some time ago of addressing a large body of business men in San Francisco assembled to discuss this question. I found that the situation was precisely that which was presented by our committee. Everyone was anxious to get rid of the profits tax, everyone had heard that here was a way out, and it captivated them all; every man in that room was in favor of a general sales tax. But after I had talked with them, not so much in opposition as trying to show that there was another side of the question which they must begin to study, it was marvelous to see what a change came over them; not because I spoke—because everyone would have done just as well—but simply because attention was now called to some of the less obvious aspects of the case.

A sales tax on the sales of capital would ruin New York City as the financial center of the country. A sales tax on the necessaries of life would evoke a political struggle the like of which we have never seen in this country (p. 77).

The sales tax represents an attempt to put an undue, an extravagant burden upon the consumer, instead of on the producer or the possessor of wealth (p. 79).

Dr. Seligman discloses why Messrs. Kahn, Bache, Rothschild, and others of like antecedents from the "aristocracies of old" favor a sales tax.

I will willingly leave my colleagues in Congress to say whose advice is to be considered. Shall it be that of a man whose judgment is not warped by personal or pecuniary interests, who handles the subject with the mind of a master; Seligman, whose opinion is supported by two great tax-investigating committees, by the experts of the Treasury, who have spoken through Secretary Houston, and by a dozen reputable witnesses quoted?

UNITED STATES CHAMBER OF COMMERCE.

The United States Chamber of Commerce is a large organization including separate chambers in every large city of the country. Ordinarily nine out of ten of the hundred thousand or more individual members pay an income tax. It is a great organization for modern propaganda. No matter what proposal may be before Congress the United States Chamber of Commerce, with its conceded powerful organization, carries weight.

It conducts "referendums" that are supposed to reflect the views of individual units, but frequently they no more reflect the careful judgment of individual members than the average petition which men are reputed to have signed to hang themselves.

The United States Chamber of Commerce in 1920 appointed a committee of nine exceptionally able men, including tax experts, to advise the chamber, and incidentally Congress, on the most satisfactory tax proposal that could be offered.

While the attention of the committee was largely devoted to a turnover sales tax, it considered every variety of tax that could be presented, and finally that committee, like the committee appointed by the National Industrial Conference Board, came to a unanimous vote against a sales tax.

Its members had every reason from personal interest doubtless to favor a consumption tax, but after many weeks' consideration they, too, unanimously agreed that a sales tax was unjust and vicious, because it violated the tax principle of taxing according to ability to pay. From that report unanimously agreed to, I quote:

REPUDIATES PRINCIPLE OF TAXING ACCORDING TO ABILITY TO PAY.

Perhaps the greatest inequity, however, would appear in the proportionate results of any of the taxes here under consideration upon the person with small income as compared with the person of large income. At the bottom of the economic scale are persons whose income barely

suffices to provide them with necessities of the poorest quality and in the smallest amount, and at the other end of the scale are persons whose expenditures for necessities, no matter how large, represent but a fraction of their income. Any tax falling upon general expenditures is consequently disproportionately heavier for persons of smaller incomes as compared with persons of larger incomes. To the extent sales taxes of the sorts that have been suggested were used as a general source of revenue there would be a departure from the principle that taxes should be levied in accordance with ability to pay.

OF DOUBTFUL LEGALITY.

Finally, there would seem to be legal difficulties in the way of a general sales tax. Opinions handed down by the Supreme Court in March and June of this year make it clear that such a tax is not authorized by the income-tax amendment to the Constitution. Whether or not it would be held by the courts to be an indirect tax is uncertain; if it were held to be a direct tax, it would, under the Constitution, have to be apportioned among the States in accordance with their population, an obviously impracticable procedure. Reliance for revenues in large amount should not in any event be placed upon a tax regarding the legality of which there is doubt.

After the two committees appointed by these great aggregations of capital and financial influence had made report against any sales tax a strong movement occurred among individual members of the chamber of commerce to set aside the findings of its committee. Self-interest again became a striking factor and propaganda among the various member units in favor of a sales tax was showered on them from interested agencies. When the referendum was taken the members, who had heard little against the sales tax, voted as follows:

On the referendum, Should a sales tax be substituted for an excess-profits tax? 702½ for and 857½ against.

Should a sales tax be levied in addition to an excess-profits tax? 767½ for and 894 against.

The United States Chamber of Commerce voted against a sales tax when the question was first presented to its membership by a referendum, notwithstanding it represents the wealth of the country and had been persistently hammered for a contrary verdict.

Again the same interests showered sales-tax propaganda on individual members of the chamber and demanded another referendum. Again tremendous pressure, now being exercised on Congress, came from the same self-interested agencies in favor of the tax, and finally a second referendum was returned against the unanimous report of the chamber's committee of tax experts that has rejected a sales tax.

All of which proves that the chamber of commerce will respond to propaganda, and if sufficiently sustained, irrespective of its merits, a decision may be had that will utterly repudiate the value of its experts or of its judgment first rendered. Will Congress be equally subservient?

THAT 23 PER CENT EXCESS-PROFITS TAX "JUDICIALLY DETERMINED."

It has been a frequent argument offered by sales-tax advocates that all taxes, whether certain or indefinite in amount, are eventually paid by the consumer irrespective of comparative business ability, efficiency, or competition between sellers, and that an average increase in price of 23 per cent, according to the Department of Justice, occurred through the excess-profits tax. Increased prices frequently reached 230 per cent and over, but had no relation to the tax, according to experts.

I do not intend to discuss any statement regarding a 23 per cent addition to cover the excess-profits tax, because a moment's consideration will evidence the absurdity of this argument advanced by sales-tax advocates. Ten thousand experts could not ascertain any average tax added to profits by hundreds of thousands of excess-profits taxpayers on many millions of sales where costs and selling prices fluctuate and profits reach from several hundred per cent, as quoted by Mr. FORDNEY to the House, to 540 per cent, quoted by Mr. Sligh, as herein set forth. Treasury experts laugh at the 23 per cent proposition still seriously quoted by sales-tax advocates, but I offer the best evidence of its unreliability in a letter from the Department of Justice, from which I quote:

DEPARTMENT OF JUSTICE,
Washington, D. C., May 14, 1921.

Hon. JAMES A. FREAR,
House of Representatives, Washington, D. C.

MY DEAR MR. CONGRESSMAN: Replying to your letter of May 30, 1921, in which you request a copy of any statement made by this department in regard to the effect of the excess-profits tax upon the cost of living, I have to advise you that after a thorough search of the files and records of the department, I have been unable to trace the report in question. I am, however, having a further search made, and have written to former officials of the department requesting that they furnish me with information which you require. I shall be very glad to give you any data that is available upon this subject if any such shall come to light in the near future.

I may say that I have been in touch with the statistical bureaus of the various departments of the Government in this city, but have not succeeded in securing any data whatsoever upon the subject of the effect of this tax on the cost of living.

Very truly, yours,

GUY D. GOFF,
Assistant to the Attorney General.

No further word on the subject has been received, although the same response was offered to others in search of the same information. In other words, profiteering uses tax laws only as an excuse to charge consumers all that the traffic will bear.

SALES TAX WITNESSES AT CONGRESSIONAL HEARINGS.

Quotations from disinterested witnesses opposed to a sales tax have been offered, as evidenced by public hearings of the national industrial tax conference.

Many of these same witnesses and others appeared before the Senate Finance Committee last May, and the hearings afford a reasonably complete legislative textbook on the subject of a sales tax. Men of unimpeached standing and ability repudiated any sales-tax proposal, although the hearings frequently related to a turnover sales tax, which is an exaggerated manufacturers' jobbers tax. It is, however, subject to the same fundamental objections of pyramiding, profiteering, secrecy, inflation of prices, and burden on consumption.

Printed hearings covering over 200 pages are devoted to arguments by many witnesses opposed to a sales tax. From these I quote briefly from several witnesses on different phases of the same subject to indicate the many objections that exist to this consumption tax:

PRESIDENT PLUMB, OF THE NATIONAL INDUSTRIAL CONFERENCE BOARD.

(Page 277.)

J. C. Peacock, Albee Building, Washington, D. C., representing Mr. Fayette R. Plumb, president of Fayette R. Plumb (Inc.), Philadelphia: "I might explain just why Mr. Plumb intended to appear here himself. He is unable to come to-day and has asked me to take his place. Mr. Plumb, a prominent manufacturer of Philadelphia, is interested in this subject, not so much on his own account but because he served as chairman of the tax committee of the National Industrial Conference Board, of which committee I happened to serve as secretary, and copies of the final report were sent some time ago to all Members of Congress, including, of course, members of this committee." * * *

(Page 278.)

I can say, from my own knowledge, that Mr. Plumb was personally a very strong advocate of the sales tax, * * * but as that committee went into the subject more and more * * * it realized that in making its report it could not properly make a report favoring a sales tax or any form of the sales tax unless it could satisfy itself in its mind that the objections which were raised were not insuperable, * * * and Mr. Plumb personally, and most of the members of the committee, finally came to the conclusion that a sales tax was unwise and impracticable.

I make that explanation in order that you might realize that what I say and what I present for Mr. Plumb * * * is from a man who started not from the position of an opponent of the sales tax but from the position of a very ardent advocate of the sales tax, * * * reached the conclusion that his first idea was wrong and that he had to change it.

Senator SMOOT. Have you got any of Mr. Plumb's arguments in favor of the sales tax?

Mr. PEACOCK. Yes; I have them here—in favor of or against?

Senator SMOOT. Oh, I wanted some in favor, and then I could judge what changed his mind. He was an awfully strong advocate of it for years, and he must during that time have written some very strong articles for it. * * *

Mr. PEACOCK. I think I have made the statement—and if I did not make it clear I will state that Mr. Plumb, like most business men, a year ago favored the sales tax. * * * I might say of my own personal knowledge for about two months when I first became associated with the committee Mr. Plumb was a very ardent advocate before that committee of the sales tax, and during that time I will also say that several meetings of the committee were devoted to conferences across the table with some of the leading advocates of the sales tax at that time. Mr. Rothschild and Mr. Lord attended the meetings of the committee, and not merely attended but took active part in the discussions of the committee. * * *

As some of you may perhaps remember, about four or five years ago it was my privilege to assist this committee in the capacity of legislative draftsman, and also the House Committee on Ways and Means, and during that time I had the privilege of assisting in drafting both the revenue act of 1916 and 1917.

* * * * * * *

(Page 286.)

Mr. PEACOCK. Mr. Plumb points out that the most unfair thing about this tax and the thing which makes it fundamentally unsound is that it conforms neither to the principle of ability to pay or to the principle of benefits received. * * *

(Page 287.)

Mr. Plumb refers to a matter which may have been brought to your attention; if not, you will probably want to look further into it. [Reading:]

"It is interesting to know that not only American business men, when they see both sides of this question, see the unfairness of the sales tax, but also that the greatest organization of manufacturers in Great Britain—that is, the Federation of British Industries—came to the same conclusion." * * *

Mr. PEACOCK. That is an experience almost identical with the experience of our own national industrial tax committee; and I can say this because I know from my own knowledge that they, not having seen a copy of this report, used that very same word "reluctant" in their report. They started out and wanted to report favorably to the sales tax, and they were forced in the report I have mentioned to use the word "reluctant." They could not do it.

THE CREDIT MEN OPPOSE A SALES TAX.

R. G. ELLIOTT, REPRESENTING 33,000 "BUSINESS UNITS."

(Page 299.)

Mr. ELLIOTT. Mr. Chairman, the National Association of Credit Men is an organization of 33,000 business units—manufacturers, mining companies, wholesalers, and financial institutions. Our membership is made up of the business units and is not an organization of individuals.

The committee on Federal taxation, of which I happen to be chairman, was organized just a little more than three years ago, and has been very active ever since in the study and discussion with our various members at their various meetings on the subject of Federal revenue. * * *

It is true that while at the outset of our study of taxation we were more or less impressed with the seeming simplicity of a tax on business transactions; nevertheless, after we had given the subject very careful thought, we came to the conclusion, which seems to us inevitable and which is concurred in by many of the other organizations, that it would not be a practical method of raising a large amount of Government revenue; that it would not be equitable; that it would not be sound; that it would be bad for business in general. * * *

(Page 300.)

The committee, which was spoken of here this morning, of the National Industrial Conference Board, with whom I had the pleasure of sitting throughout their meetings last year, also, as you know, came to that conclusion. The wholesale grocers of the State of New York passed a resolution condemning the sales and turnover tax. Also I believe the wholesale grocers of Pennsylvania, New Jersey, and Delaware, if I am correct in that, passed a similar resolution a short time ago. The bulletin of the Retail Grocers' Association states that the retail grocers are opposed to it.

It might be interesting to note that I have just last evening received a telegram from the Cotton Yarn Merchants' Association of Philadelphia, in which they state:

"Understand you are representing Credit Men's Association as opposed to sales tax. Cotton Yarn Merchants' Association also opposed. Would like to cooperate with you. If can be of assistance, please advise us by wire."

I simply mention those things as indicative of the widespread feeling on the part of a great many business men that the sales tax is not the savior of the situation.

H. R. M'KENZIE, REPRESENTING AMERICAN FARM BUREAU FEDERATION, OPPOSES A SALES TAX.

(Page 307.)

Mr. McKENZIE. I speak for the American Farm Bureau Federation, which has between one and two million members and represents, roughly, about 5,000,000 people in this country. We think that any changes made in our present tax system should be made in view of four general principles: (1) That a man's net income is the true measure of his ability to pay taxes in support of the National Government; (2) that the rates should be progressive; that is, that the larger the man's income the higher the rate; (3) that as this is the country of all the people everybody should have some part in supporting the Government, and that a certain portion of the taxes can therefore justly be raised through the tariff and other consumption taxes; and (4) while recognizing that the raising of the revenue is the first consideration in any tax scheme, the taxes should be so laid as to tend, as far as practicable, to the distribution of wealth in the hands of the many and not to its concentration in the hands of the few.

We want to draw clearly the difference between income and consumption taxes, because we think there is a vital difference which should be kept in mind. If my memory serves me correctly, in 1919 seventy-three and a fraction per cent of the taxes were raised through income and excess-profits taxes and about twenty-six and a fraction per cent through consumption taxes. We think that that proportion is approximately correct as far as principle (3) that I have enunciated is concerned.

(Page 308.)

Senator McCUMBER. You do not think that 73 per cent of the income and excess-profits taxes were not finally paid by the ultimate consumer and is not finally a consumption tax?

Mr. McKENZIE. I would like to answer that by asking you a question. You are asking that on the theory that all taxes are ultimately passed on to the consumer?

Senator McCUMBER. I am asking that because I want to find out if there is any tax that is levied against either an industry or an article.

Mr. McKENZIE. Yes; there are such taxes; I believe that if you change the taxing basis from net income to a sales tax you have done what President Harding in his message referred to when he said, "The country does not expect and will not approve a shifting of burdens," that you will be shifting very largely the burden from those who are able to pay to the pockets of those who are not able to pay. You will be relieving the banker, the broker, the great newspapers of part of their taxes and shifting them to other shoulders. These are the people who are urging the sales tax. * * *

(Page 310.)

Mr. McKENZIE. We believe that this general sales tax is unsound in principle; that it is unsound economically; that it is unsound from a social standpoint; and it is governmentally inexpedient. * * *

Senator McLEAN. Then you think the excess-profits tax has resulted in raising prices to the ultimate consumer?

Mr. McKENZIE. Not to the extent claimed for it. You are familiar with the statement attributed to the Department of Justice that the excess-profits tax added 23.2 per cent to the cost of living. I sent an investigator to the department to see what basis there was for these figures and he reports that he saw Mr. Reid, and that they have made a thorough investigation of their files and have not been able to run down any reference whatever to this percentage. I would like to suggest that the committee thoroughly looked into this.

(Page 311.)

Senator McLEAN. The excess-profits tax can not legitimately be charged back to prices. * * * Nevertheless, I think the going was good and it was used as an excuse for raising prices.

Mr. McKENZIE. Most of them did not need any excuse. They took all the traffic would stand.

Senator McLEAN. Very likely you are correct about that, but as long as we maintain excess-profits taxes they will continue to use it as an excuse.

Mr. McKENZIE. And they will continue to get all the traffic will bear if it is repealed. * * *

(Page 315.)

Mr. McKENZIE. As a matter of fact, you gentlemen who are familiar with the French taxation system know that they have a sales tax over there, and that since it went into effect last July it has not produced half of the money that it was estimated to produce. * * * I think the French are just as good tax collectors as we are, and I think we would get about the same general proportion of taxes from the general sales tax as from the soda-water tax.

Senator JONES. Where do you get those figures from with regard to the collection in France?

Mr. McKENZIE. Here are the figures that you asked for. That tax went into effect in July. For the months of July and August the estimated receipts were 700,000,000 francs. The actual receipts were 292,791,500 francs. For the month of September the estimates were 460,000,000 francs. The actual returns were 234,000,434 francs. For the month of October the estimates were 460,000,000 francs and the actual returns were 205,492,000 francs. For the month of February the estimates were 413,000,000 francs and the actual yield 151,571,000 francs. That shows how the sales tax is being enforced in France. That information is issued by Dow, Jones & Co., of the Wall Street Journal, and, as I understand it, the figures were gotten by one of the very large bankers in New York. * * *

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Senator CALDER. I would like to get the people back to you if I could.

Mr. McKENZIE. You can if you make farming profitable.

Senator SMOOT. You referred to the Canadian taxation, and thought it was very much better than our taxation or proposed taxation.

Mr. McKENZIE. You say I thought it was better?

Senator SMOOT. Better than the proposed sales tax.

Mr. McKENZIE. No; you misunderstood me. What I said was that they had no retail sales taxes. They had abolished them all.

* * * * * * *

Senator SIMMONS. If it should be decided to eliminate the excess-profits tax and to greatly reduce the surtax and the income tax, have you made any calculation as to what the wealthy in this country will pay? * * * (Continuing, p. 329): Have you made any calculation as to what amount would be left for the wealthy to pay? To my mind very little would be left. The bulk of the taxes raised in this country would then be paid as consumption taxes and there would be very little left. If you eliminate these two things, it would be raised through impositions that will have to be paid by the wealthy class.

Mr. McKENZIE. If I get your question rightly, what I anticipate would happen if those things should be done, instead of having 75 per cent of our taxes come from incomes and excess-profits taxes and 25 per cent come from consumption taxes, you would have about 75 per cent of the tax put on the common people and 25 per cent or less on the wealthy.

NATIONAL GRANGE ALSO OPPOSED TO A SALES TAX—T. C. ATKESON, WASHINGTON REPRESENTATIVE OF THE NATIONAL GRANGE.

(Page 242.)

The National Grange is opposed to a general sales tax in any form, and I am authorized to present its opposition by two resolutions which were adopted at its last annual meeting at Boston, Mass., in November, 1920, which resolutions were presented to the session, referred to the appropriate committee, thoroughly considered by such committee, reported back to the general body, and, after full consideration, adopted by unanimous vote.

The first resolution reads as follows:

"The grange opposes the repeal of the excess-profits tax and the substitution therefor of a tax on sales or any similar tax law."

You will note that this resolution also opposes the repeal of the excess-profits tax, a subject which is also before this committee.

The second resolution was this:

"The grange opposes a general sales tax because in effect it is a consumption tax and adds an unfair burden to all purchasers without reference to their ability to pay."

These resolutions were not the only action of the National Grange on the subject of taxation at its last session. Its position upon the ever present question of taxation is not a matter of recent consideration or sudden determination. The tax program of the National Grange has been before the annual sessions of that body and before the various annual sessions will show the development of a sane and constructive tax program based upon equity and fair distribution of the tax burdens, having in mind that the first principle of taxation should be justice between individuals and the second principle, distribution according to ability to pay. * * *

(Page 243.)

Against this general sales tax in any and every form some of the largest and most representative organizations in the country are aligned. Among them will be found farmers generally. The National Grange declaration is typical of the general farmer opposition. Every other farmers' organization of which we have a record which has taken any action at all has adopted resolutions opposing this tax. All the agricultural newspapers are opposed to this tax. All of the labor organizations are on record in opposition to it. Every organization of consumers of which I have any information is in opposition to it. One of the most representative, if not the most representative, research organization representing the great national industries—I refer to the National Industrial Conference Board—after a thorough investigation, went on record in opposition to this tax. The Chamber of Commerce of the United States has conducted one referendum which resulted in a considerable majority against the sales tax, then took up the matter at its recent convention in Atlantic City, where its tax committee could not justify a resolution in favor of the sales tax but ordered another referendum.

If, in a democracy, legislation is supposed to be determined by the wishes of a majority of the individuals and not by a majority of the wealth, the above showing answers the question as to whether or not this Congress will pass general sales tax legislation.

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FARMERS' NATIONAL COUNCIL OPPOSED TO A SALES TAX—BENJAMIN C. MARSH, REPRESENTING THE PEOPLE'S RECONSTRUCTION LEAGUE AND FARMERS' NATIONAL COUNCIL.

The CHAIRMAN. Whom do you represent, Mr. Marsh?

Mr. MARSH. I represent the People's Reconstruction League and the Farmers' National Council.

* * * * * * *

The CHAIRMAN. How many members have you?

Mr. MARSH. I can not tell you exactly. I know this, that there are upward of 3,000,000 members of the organizations whose officers or chief executives are members of the executive committee of the People's Reconstruction League.

The CHAIRMAN. Have you got a list of your membership?

Mr. MARSH. We have a list of the organizations, and they know what membership they have in each organization. * * *

The CHAIRMAN. I would be very glad to know how many you represent, and whether they are carried on the roll of membership, and just where your credentials are. Anyone can come in here with a fancy name of some league and claim they represent the earth.

Mr. MARSH. We make no such claims and no such pretensions. The officers and executive committee of the People's Reconstruction League are: President, Hon. Herbert F. Baker, president Farmers' National Council; vice presidents, Wm. H. Johnston, president International Association of Machinists; C. C. Connolly, president United Farmers of America; Mrs. Florence Kelley; general manager, George P. Hampton, managing director Farmers' National Council; treasurer, Jackson H. Ralston; executive secretary, Benjamin C. Marsh, secretary Farmers' National Council. Executive committee: The officers and Warren S. Stone, grand chief Brotherhood of Locomotive Engineers; William Bouck, master Washington State Grange; E. H. Fitzgerald, grand president Brotherhood Railway and Steamship Clerks; E. F. Grable, grand president United Brotherhood Maintenance of Way Employees; Timothy Healy, president International Brotherhood Stationary Firemen and Oilers; J. W. Kline, president International Brotherhood Blacksmiths, Drop Forgers, and Helpers of America; E. C. Lasater; Arthur Le Sueur; J. H. McGill; James P. Noonan, international president Brotherhood Electrical Workers; R. W. H. Stone, president North Carolina Farmers' Union; L. E. Sheppard, president Order Railway Conductors; Frank P. Walsh; T. C. Cashen, international president Switchmen's Union of North America; J. A. Franklin, international president International Brotherhood of Boiler Makers, Iron Shipbuilders, and Helpers of America; John McParland, president International Typographical Union; John A. Voll, president Glass Bottle Blowers' Association of United States and Canada; Charles B. Stillman, president American Federation of Teachers.

We assert that there is no need for a sales tax or for any other tax upon consumption, and I shall quote the figures to show it.

In 1918, the last year for which official figures are available, the net income of those subject to the personal income tax was $15,924,639,399, of which, in round figures, $4,848,000,000 was income from property. Just over two-thirds of the total income from profit, or $3,259,000,000, was received by the 478,952 persons, each of whom had a net income of over $5,000.

Now, gentlemen, while you are considering any additional taxes upon the workers of the country—and mind you, there are several millions with dependents and certainly 10 per cent of the population of America is either out of employment to-day or on part time—you are going to make them pay taxes by levying on their meager savings or upon what they borrow.

Now, what about the wealthy? Each of the 245 individuals who received an income during 1918 of $500,000 or more had, on the average, an income of $399,359 left after paying his income tax in 1919, while the 3,013,816 families having an income of $1,000 to $3,000 had an average of only $1,926 left. In other words, the 245 persons who had an income of $500,000 and up to $50,000,000 or more therefore had left on the average two hundred and seven times as much income apiece after paying their income tax last year as the 3,000,000 individuals and families who had incomes of $1,000 to $3,000.

The 245 persons, each of whom had an income in excess of $500,000 in 1918, received on the average an income from property of $1,038,816 plus on the average an income from "personal service and business" of $285,637, a total average, without deductions, of $1,323,453.

WHAT AN INHERITANCE TAX WILL REACH.

I am going to quote from a representative Wall Street journal an article in the September 11, 1908, issue of Commerce and Finance, published then at 15 Wall Street by the Theodore H. Price Publishing Corporation. I read from an article on "A national inheritance tax law," by Mr. Richard Spillane. Mr. Spillane says that there are 10 American millionaires possessors of fortunes of $125,000,000 or more, with an estimated total wealth for these 10 of $2,500,000,000. He gives a total classification of 22,696 millionaires having, in 1918, an estimated wealth of $68,056,250,000. He estimates at that time, and his paper did, the total wealth of America as $250,000,000,000. We now place it, and the Commerce and Finance does, at $500,000,000,000 instead of $250,000,000,000. Mr. Spillane asked this question: "Would a 40 per cent tax be excessive in the case of a $500,000,000 or $1,000,000,000 fortune? Not much. Money accumulates rapidly. A tax of 40 per cent would take $400,000,000 for the State and leave $600,000,000 for distribution among the heirs. It is reasonable to suppose that within five years the $600,000,000 would grow to $700,000,000 or $800,000,000."

Commenting on his statement that that wealth would increase from $600,000,000 to $800,000,000 in five years, he says of this tax, "there is nothing confiscatory in that."

On the same basis which justified Commerce and Finance, which is a very careful publication, in estimating the wealth of these 23,000 millionaires in 1918 at $68,000,000,000, we estimate their wealth to-day at, approximately, $156,000,000,000, or nearly ten times our net national debt and over 27 per cent of the national wealth. A heavy Federal estate or personal tax would easily yield at least $20,000,000,000 within the next 10 years and from two and a half to three billion dollars a year for the next few years, and Congress should promptly enact an estate tax that would yield this amount.

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RAILWAY TRAINMEN OPPOSED TO A SALES TAX—W. M. CLARK, REPRESENTING THE FOUR TRAIN-SERVICE ORGANIZATIONS.

Mr. CLARK. Mr. Chairman, I am Mr. W. M. Clark and I represent the four train-service organizations. I have a very brief statement that I would like to submit to the committee and have it appear as a matter of record. It is very brief and perhaps it might be all right if I should make my statement first.

The CHAIRMAN. You reside here in Washington, do you, Mr. Clark?

Mr. CLARK. I do not reside here, but I am stationed here and have been for the last eight years.

The CHAIRMAN. What do you mean by being stationed here?

Mr. CLARK. We have our offices here; that is, the representatives of the four train-service organizations, in connection with legislative work. We have had our offices here for nearly nine years.

The CHAIRMAN. What is your position?

Mr. CLARK. I am vice president of the Order of Railway Conductors of America and national legislative representative.

The CHAIRMAN. What about the Brotherhood of Locomotive Firemen and Engineers?

Mr. CLARK. I am speaking for the four train-service organizations.

The CHAIRMAN. You may proceed now.

Mr. CLARK (reading):

"Mr. Chairman and gentlemen of the committee, in appearing before you to-day we do so as the representatives of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen, whose membership consists of, approximately, 600,000 citizens of the United States. These members and their families are vitally interested in the question of taxation or any other question which may have a tendency to increase their existing cost of living.

"The question of the repeal of the excess-profits tax and the substitution therefor of a sales or turnover tax has been called to the attention of the membership of the organizations we represent and an expression from them asked for, with the result that we find unanimous response from this membership being opposed to the repeal of the excess-profits tax and likewise unalterably opposed to the enactment of a sales or turnover tax law.

"The working people or those dependent upon wages and small salaries, or, in fact, those with small incomes, are being put to a severe test to make ends meet, and, in fact, many of them are running behind and going in debt every day, and this, coupled with the serious unemployment situation, materially affects the general welfare of the great masses of our citizenship. Therefore, this class of our people can not stand increased burdens brought about by increased taxation, which we believe will be the result of the enactment of a sales or turnover tax law."

Senator SMOOT. Have you given this any special attention yourself?

Mr. CLARK. I am somewhat familiar with it, Senator.

Senator SMOOT. Can you tell me how it is going to increase the burdens?

Mr. CLARK. Well, because it places additional taxes and burdens on the people who are the least able to pay.

Senator SMOOT. You say that just as a matter of fact?

Mr. CLARK. As a matter of conviction.

The CHAIRMAN. It is a very smooth phrase.

Senator SMOOT. It is very nice, indeed; but where the sales tax will impose a 1 per cent tax upon you people, the existing laws will impose 3 or 4, and, of course, you do not want that relief.

Mr. CLARK. Well, Senator, I find that there is a vast difference of opinion on that subject.

The CHAIRMAN. How much do you estimate the sales tax will bring into the Treasury?

Mr. CLARK. I have not figured that out to a definite conclusion. You gentlemen who have figured it out are better able to speak on that point.

Senator CURTIS. Those who have figured it out do not agree.

Mr. CLARK. I have heard it said that lawyers do not agree at all times. However, that is not germane to the subject.

"We are satisfied that the very least that could be hoped to be accomplished by a 1 per cent sales or turnover tax would be about $8 per capita, and that, based on the average American family of five, would be a minimum of $40 per year; and we are inclined to believe that this would be increased to probably the sum of $200 per year to each family, the whole burden being borne by the consumers or the great masses of the people who are least able to pay these costs.

"With the constant agitation for a reduction in wages, cheap labor, the relief from taxation of 'big business' and large estates that is now permeating our country, to add to this the further agitation for a sales or turnover tax, it seems that the great masses of American workingmen and their families are facing a most serious and far-reaching economic problem. This makes the masses of the people, which are the working men and women in industry and agriculture, believe that there is a constant, well-defined, and well-organized effort on the part of the special interests or classes to escape the burdens of taxation and shift them to the masses of the people in order that they may add to and continue to enjoy their already amassed wealth and fortunes."

The CHAIRMAN. That is a pure demagogic statement, in my opinion.

Mr. CLARK. I have only a few more lines.

"This sows the seeds of discontent and leads the people to believe that this Government is drifting rapidly to class legislation and class domination.

"The membership of these organizations is not seeking to evade its duties or responsibilities and is willing to meet its just obligations to its country and its institutions, but we are most earnestly opposed to further burdens being placed on the people for the benefit of the few and in order that the few or the privileged class may be permitted to live in luxury and escape their responsibilities.

"In conclusion we desire to place the membership of these four engine, train, and yard service organizations squarely on record as being opposed to the repeal of the excess-profits tax and unalterably opposed to the enactment of any form of sales or turnover tax. We trust that your honorable committee will not recommend any such plan nor that the Congress will enact any such legislation.

"Respectfully,

"W. M. CLARK,
"Vice President and National Legislative Representative,
"Order of Railway Conductors.

"H. E. WILLS,
"Assistant Grand Chief Engineer and
"National Legislative Representative,
"Brotherhood of Locomotive Engineers.

"P. J. MCNAMARA,
"Vice President and National Legislative Representative,
"Brotherhood of Locomotive Firemen and Engineers.

"W. N. DOAK,
"Vice President and National Legislative Representative,
"Brotherhood of Railway Trainmen."

The CHAIRMAN. Have these orders ever had a meeting and passed resolutions expressing the sentiments that you have embodied in this statement?

Mr. CLARK. They have met and come to the conclusions submitted herein, and have come to the executives of these organizations outlining their position and attitude.

(Page 360.)

COMMITTEE OF MANUFACTURERS AND MERCHANTS OPPOSED TO A SALES TAX—WALTER W. LIGGETT, CHICAGO, ILL., REPRESENTING THE COMMITTEE OF MANUFACTURERS AND MERCHANTS OF CHICAGO.

Mr. LIGGETT. Mr. Chairman and gentlemen of the committee, I want to make it particularly plain to you that in appearing here against the sales tax I do not appear as an individual. I am the authorized spokesman of the Committee of Manufacturers and Merchants of Chicago on Federal Taxation, and also of the Farmers' Federal Tax League of America.

The Committee of Manufacturers and Merchants on Federal Taxation, which has headquarters in Chicago, has a membership of more than 30,000 business men, representing some of the most solid and reputable firms in the United States.

The Farmers' Federal Tax League of America, of which Lieut. Gov. George F. Cummings, of Wisconsin, is president, also has a very representative membership of practically all the agricultural States in the Union. * * *

The National Association of Credit Men, which is an organization which is fairly representative of American business and industry, has also taken strong ground against a sales tax. I submit as representative of the views of this organization the following statement by Mr. J. H. Trego, its executive secretary:

"Why should spending rather than saving be taxed?" That is the question puzzling J. H. Trego, executive secretary of the National Association of Credit Men. Writing to the 33,000 manufacturers, wholesalers, and bankers composing the membership of the organization, Mr. Trego has the following to say regarding the proposed sales tax:

"We have heard advocates of the sales tax say that spending and not saving should be taxed. Let us look a while and see whether this is a real common-sense and fair statement. Inordinate spending and inordinate saving are equally bad. One is prodigal and the other is miserly. If spending is necessary, if common-sense spending is important to the commerce and industries of a people, why should spending rather than saving be taxed? It is not a fair proposition, in our opinion, and when you consider a man with a large family who must spend more than a man with a smaller family to impose a tax on sales is inequitable and unfair. It seems strange to us that so many good men have been gripped by the idea of a sales tax, especially a turnover tax, when on a careful analysis such a tax would be very unequal in its application and prove in years just as burdensome and uneconomic as the excess-profits tax."

It is perhaps significant that neither Mr. Houston, Secretary of the Treasury under the Wilson administration, nor Mr. Mellon, Secretary of the Treasury of the Harding administration, are willing to recommend a sales tax. Dr. Thomas Sewall Adams, adviser of the Treasury Department of both administrations, has the following to say on the sales tax:

Our organization, the Committee of Manufacturers and Merchants on Federal Taxation (Inc.), with headquarters at 1346 Altgeld Street, Chicago, which speaks for 30,000 manufacturers, jobbers, and merchants and nearly 150 commercial organizations, have gone on record against the sales tax in the following language:

"What business men might seemingly gain in lower taxes under this plan they would much more than lose, not only in increased strikes and labor disturbances but in smaller profits due to the decreased trade that would follow. This is not mere theory; it is a historic fact. Any tax that will raise the price to the consumer is bound to cut down sales. Any tax that will increase the cost of living and reduce the purchasing power of the buyer is certain to restrict demand, curtail commercial activity, and slow down production generally. As this is written, word comes from Canada that the Government has now lifted the tax on numerous luxuries because the higher prices, resulting from the imposition of the tax, has practically cut off all demand and forced many luxury-making industries to the wall. Such has been the experience in all countries and in all times. It was the stagnation of business caused by a sales tax rigidly enforced that brought Spain in the Middle Ages from the pinnacle of prosperity to the depths of poverty, just as it was the stagnation of business, due to the heavy sales tax imposed in the Netherlands by the Duke of Alva that reduced that sturdy little nation to a howling wilderness.

"No matter how or when or where a tax on industry be levied, the effect is always to injure industry. Tax sales and you cut down the number of sales; tax imports and you shut out imports; tax manufactures and you check manufacturing; tax improvements and you lessen improvement; tax commerce and you prevent exchange; tax business and you drive it away."

* * * * * * *

So far as known every farmers' organization, including the Farm Bureau Federation, has gone on record against a sales tax. Organized labor is taking the same position, as it might naturally be expected it would. With fully 80 per cent of the population of the country as represented by labor and by farmers opposed to the sales tax, and with business men sharply divided as to their attitude, it is not to be expected that Congressmen will be sympathetically inclined toward a sales tax.

Senator SMOOT. If Mr. Samuel Gompers come out for a sales tax you would favor it, would you not?

Mr. LIGGETT. I beg your pardon?

Senator SMOOT. If Mr. Samuel Gompers announced his approval of a sales tax, you would be for it?

Mr. LIGGETT. No, sir; certainly not. We have nothing to do with the opinion of Mr. Samuel Gompers.

Senator SMOOT. If the Grangers were in favor of it, would you be in favor of it?

Mr. LIGGETT. Senator, I personally do not change my views upon such flimsy pretexts. I am now speaking for the association of merchants and manufacturers——

Senator SMOOT. You are calling attention to these parties being opposed to it; but if they should change their opinion, that would not change your mind at all?

Mr. LIGGETT. Not at all, Senator. You are stating a hypothetical case, and I am stating facts.

Senator SMOOT. We will see about that before a month is over.

Mr. LIGGETT. All right. Thank you.

(Page 404.)

ORGANIZED LABOR OPPOSED TO A SALES TAX—EDWARD F. M'GRADY, WASHINGTON, D. C., REPRESENTING AMERICAN FEDERATION OF LABOR.

Senator WATSON. Mr. McGrady, will you kindly state your full name, your residence, and whom you represent?

Mr. MCGRADY. My name is Edward F. McGrady; my residence, Washington, D. C.; I am representing the American Federation of Labor. Mr. Chairman and members of the committee, Mr. Gompers was extremely anxious to appear before your committee to-day, but at the last minute he was called into a conference of national scope which will mean a great deal to labor in this country, and he felt that he had to be there. * * *

The executive council of the American Federation of Labor, which has just concluded a conference at Cincinnati, adopted a strong protest against the sales tax. This will be submitted to the American Federation of Labor convention which meets in Denver in June.

In addition to this protest of the executive council, we have received in our office thousands of letters of protest from labor unions from every section of the country. The American Federation of Labor, therefore, is appealing to you in behalf of the American worker.

Five millions of the now idle workers and many other millions whose wages have been reduced from 25 to 60 per cent are now going to be called upon to assume that burden in the form of a sales tax. Big business, not satisfied in reducing the standards of living of the wage earners, is now attempting to shift the burden of war and the cost of government from its own shoulders to the backs of the working men and women of the country.

The American worker to-day is toiling for a living wage. A living wage is nothing more than a horse gets—enough to eat and a place to sleep. This proposal would be a tax upon his entire inadequate income, whereas the wealthy would pay out of their excess profits.

Again, there are many of the well-to-do who have very small or no families to support, while the poor people with large families, of three to six or more children, would be taxed for each and every mouth in their household. The more children in a family the larger the tax.

To be sure, the automobile dealer, the fur dealer, the diamond dealer, and other dealers in the luxuries of life want their taxes reduced, and in doing so they are willing to place extra taxes upon the necessities of life, such as food, fuel, clothing, etc.

Mr. Otto H. Kahn, in a report to the National Industrial Tax Conference, declared:

"Taxing a poor man's breakfast table is a formidable slogan to run up against."

But the sales tax is not only taxing the breakfast table, but his supper table and his dinner pail. The "full dinner pail" has elected many men to public office, but what will happen to the men or party who place a tax extraordinary upon a "half-filled dinner pail"?

Senator SIMMONS. You are satisfied that that paper you read reflects the sentiments of Mr. Gompers?

Mr. MCGRADY. I state that positively; that that paper reflects Mr. Gompers's sentiments and those of the executive council of the American Federation of Labor.

Senator DILLINGHAM. Does it also represent their understanding of the provisions of the bill that is under consideration?

Mr. MCGRADY. I should say so.

Senator SIMMONS. It has been said here that if we do not impose a sales tax under the system of taxation that will probably have to be adopted, the consumer would have to pay a heavier tax than if we impose the sales tax. What is your view about that?

Mr. MCGRADY. I do not believe that is so, Senator. It seems rather peculiar to me that if the big business men of this country are trying to get rid of the excess-profits tax, and, as has been said, if this sales tax is put into effect, the consumer will only be taxed one-third of what he is paying now, we would like to know who is going to pay the rest. If a sales tax is adopted and it is only going to cost the consumer one-third of what he is paying now and the big business men are going to get rid of a lot of taxes that they want to get rid of, where is this money going to come from? Somebody has to pay it.

The extracts from Senate hearings have been offered in order that a general understanding may be had of the character of protest against a sales tax which is voiced emphatically by the farmers and organized laborers of the country through their national organizations. Opinions of experts heretofore quoted have not been repeated, and arguments where cumulative have not been referred to, but one more witness whose testimony takes 30 printed pages of the hearings is too important to omit. Probably no authority on taxation in this country or any other is more highly respected than Dr. Edwin R. A. Seligman, professor of political economy, Columbia University. His writings are accepted as unprejudiced and thorough expositions of tax problems, and his time was unlimited before the committee. His statement of experiments and failure of various forms of sales tax was so comprehensive that without reference to other authorities already quoted Dr. Seligman's statement is a well rounded and complete answer to arguments favoring a consumption tax. I quote briefly as follows (p. 457):

SALES TAX OPPOSED BY HIGHEST AUTHORITY.

Prof. SELIGMAN. I am here, Mr. Chairman, at the invitation of several of the Senators, including Mr. LA FOLLETTE and Mr. MCLEAN, who have asked me to say something about the sales tax and kindred matters. I am especially sorry that Senator MCLEAN is not here to-day. He wanted to hear something about the incidence of the sales tax as compared to that of the excess-profits tax.

Senator LA FOLLETTE. Will you take up first, Prof. Seligman, the sales tax and go to the other matters in order?

The CHAIRMAN. You may proceed in your own way, Professor, to state your views on the sales tax, and after that on any other phases of the revenue revision that you desire to discuss.

Prof. SELIGMAN. Thank you, sir. So far as the history of the sales tax is concerned, there is a great misconception about that in this country. There have been many examples of taxes on the sale of particular commodities; but, with few exceptions, there have been only sporadic efforts made in any country or at any time to levy a tax on all sales in general; and whenever a general tax on sales has been attempted it has met with resistance and consequently with little success. * * *

I said that the objections to the sales tax, in my opinion, were in part administrative and in part fiscal. I now want to add that the tax also sins against the cardinal principle of equality of taxation.

I do not object to all taxes on consumption, for I believe that every well-balanced system of taxation should include indirect as well as direct taxes. But there is consumption and consumption. There are articles of luxurious consumption; there are articles of convenient consumption; there are articles of necessary consumption. Most of the sales taxes, with a few exceptions, that we have in this country to-day and which are found in other Anglo-Saxon countries as well, are taxes on the sale—and sometimes the production—of articles of luxurious consumption or of the widespread consumption of what can not be called really necessaries. Take, as examples, tobacco and whisky before the present dispensation, because they partake partly of wide use, and

yet partly of a system of consumption which perhaps it is desirable to diminish. But when you come to a general sales tax you are dealing with a tax on necessaries, inasmuch as the great mass of sales are sales of necessaries. Naturally so, since the great majority of the people are in modest circumstances; the great mass of commodities sold consists of articles used by the people in modest circumstances. Therefore, as the French writers in the Middle Ages pointed out, general sales tax is a sort of upside-down income tax. Instead of taxing the man with a higher income a little more, or much more, as we do, you tax the man with the smaller income not only relatively as much, but relatively more. It is this instinctive reaction of the common man to the proposal of a sales tax which is responsible for the opposition to it manifested from the time of the Romans under Tiberius all the way through the Middle Ages, when the riots took place, down to modern times, as in this very country, where the laboring classes are now up in arms against it.

* * * * * * *

Senator SIMMONS. Prof. Seligman, nearly all the witnesses in advocacy of the repeal of the excess-profits tax who have been examined here have declared that that part of the income which would have to be paid as taxes was carried to overhead and passed on to the consumer, and in that way became indirect and a consumption tax.

Prof. SELIGMAN. I do not agree with that, Senator.

Senator SIMMONS. You have not classified it as a consumption tax?

Prof. SELIGMAN. No, sir.

But while a tax on particular profits can be shifted to the consumer, a general tax on all profits can not be shifted under normal conditions. Profits are a result of price and not a condition of price. What I mean is that at any given time in an ordinary industry there are all sorts of costs. Some producers make immense profits; some less fortunate individuals make less profits, and some do not make any at all.

* * * * * * *

I should say that I do not think we ought to go any further than stamps, tobacco, and gasoline, because as soon as you do go further you are in danger of trenching upon necessities.

There is a question in my mind, sir, as to sugar. In England they tax sugar, even with their desire not to burden the poor man. So far as sugar may be considered a convenience rather than a necessity, it partakes of the characteristics of these concentrated commodities: a very small tax on sugar would bring in a revenue of a hundred and fifty or two hundred millions. I am a little doubtful about it, however, because in this country the average man has become so accustomed to use sugar that it may almost be considered a necessary.

ON INHERITANCE TAXES.

In England they get far more revenue from their "death duties" with half as much wealth as we possess. If we were to have the rates that are applied in England, not to speak of those that are found in Italy or France or Germany, we could easily get another $100,000,000 or $200,000,000. We could then divide and apportion the yield, say, fifty or more millions among the States, and could thus avoid this intolerable double taxation.

Senator WATSON. You mean by that that the States are to refrain from taxing inheritances altogether, the whole tax to be a Federal tax and a portion of it distributed among the States?

Prof. SELIGMAN. Yes, sir. We can take a leaf out of the book of German experience. I think we can learn something there—although of late it has been a popular belief that nothing good can come from Germany. The fiscal strain has been so great there that they have devised all sorts of new methods. One of the interesting things they have done very recently has been to nationalize the inheritance tax and to provide that a part should go to the separate States in accordance with definite provisions to avoid double taxation.

* * * * * * *

Senator LA FOLLETTE. How would you apportion it among the States?

Prof. SELIGMAN. That brings up a very interesting problem, Senator. I should apportion it as nearly as possible in accordance with what I should call relative economic interests—that is to say, if a man dies and a portion of his estate tax is distributed by the Federal Government, the tax ought to go in part to the State where the real property is situated. Furthermore, if the estate consists of railway bonds or stocks, I should say that a part of it ought to go to the State where the railway is situated on which those bonds and stocks are issued——

Dr. Seligman submitted with his testimony a brief, from which is briefly quoted:

FRENCH SALES TAX HAS A DISASTROUS BUSINESS EFFECT—DISAPPOINTING IN ITS RESULTS AND REPEAL CONSIDERED ALMOST CERTAIN—PASSED ON TO CONSUMER—BUYERS STRUCK AND RECEIPTS FELL TO THIRD OF GOVERNMENT ESTIMATES.

[Special cable to the New York Herald. Copyright, 1921, by the New York Herald.]

NEW YORK HERALD BUREAU,
Paris, May 28.

France being one of the two countries which has experimented with a sales tax such as has been under discussion in the United States, the American people might be interested to know the result of the French experience in this connection. The tax has worked badly here, according to both the Government and the man who pays the tax, but how much this is due to the inefficiency of the French tax machinery, which is notorious, is a question.

"The French sales tax has shown itself as exerting a disastrous and paralyzing effect on business generally, and it is only a question of time until it will have to be superseded by a more rational method of raising money, such as an increased levy on salaries and other income."

This statement was made to a correspondent of the New York Herald to-day by Guillaume de Tarde, State counsellor and adviser to Lucian Dior, minister of commerce. M. de Tarde is considered one of the best tax experts in France.

* * * * * * *

We have therefore only two alternatives—to raise the needed half billion by a tax on wealth or by a tax on consumption. A tax on wealth would mean some modification of the corporation tax; a tax on consumption implies the sales tax. The important point to be remembered here is that we are not comparing the sales tax with the tax on excess profits. The problem is to find a substitute for the excess-profits tax; the comparison must be between the suggested substitutes; not between the original and a particular substitute. For everyone will concede that either substitute is preferable to the original. It is accordingly not a question as between the sales tax and the excess-profits tax, but between the sales tax and the additional tax on corporate profits.

THE SALES TAX.

When this comparison is made, it is clear that both the administrative and the equitable considerations tell against the sales tax. Without repeating here the arguments that have been frequently advanced as to what is precisely meant by a sales tax (for the term covers a multitude of sins), there can be little question but that on purely administrative grounds the extension of the present corporate income tax from 10 to about 15 per cent is a far simpler proposition than to create the entirely new administrative machinery which would be needed to deal with all the complexities of the proposed sales tax. But on the second count, that of equality, the conclusion must be similar. Without entering upon the disputed question of what actually occurred in the excess-profits tax, it is scarcely open to doubt that a flat tax on corporate profits is not susceptible of being shifted in the same sense that a tax on sales can be shifted. The incidence of the profits tax is on wealth, that of the sales tax is on consumption.

THE PRESENT BALANCE.

Under our present system, as we have seen, well-nigh three-quarters of the Federal tax revenue comes from wealth and a little more than one-quarter from consumption. Under the new proposed dispensation of the sales tax, the only taxes on wealth will be the income tax, yielding about one thousand nine hundred millions, and the estate tax of about one hundred thirty millions, or a total of about two billions. That is to say, even if the expenditures can be held down to the contemplated figures, about one-half of the entire Federal tax burden will fall upon consumption; and in the not improbable event that the expenditures will go above the estimated figures, the burden on consumption will be still greater.

THE TAX ON CONSUMPTION.

It is unnecessary here to repeat the arguments why in democratic countries like Great Britain and the United States it has always been the endeavor to burden wealth rather than consumption except when, as in the case of our tariff, the tax on consumption is supposed to react favorably on the national dividend by increasing production, for not only is it undesirable in times of peace to check consumption, which is the very cornerstone of all economic progress, but it is also true that in a community where the mass of the people must consume all their income, whereas the wealthier classes consume a continually diminishing proportion of theirs, a tax on consumption is an inverted or upside-down graduated tax on wealth. The sales tax is for this reason an anti-democratic measure. It has always been an outstanding feature of the less democratic Latin-American civilizations as over against the Anglo-Saxon Commonwealths. It is characteristic to-day of France, of Mexico, and of some of the South American Republics, as it was characteristic in the Middle Ages of entirely undemocratic countries.

POLITICAL COWARDICE AND PUBLIC CONSCIENCE.

Prosperous financiers, heavy editorial writers, and big business generally charge Congress with political cowardice because of its refusal to pass a consumption tax. These interests assume lack of courage exists with Congress because, under present tax laws and other legislation, we have permitted the number of millionaires to become doubled in five years and fabulous fortunes to spring up like mushrooms under law and lax enforcement of restrictions against profiteering and monopolies. Failure or cowardice in refusing to curb such private power and profits, however interpreted, may seem to warrant like conclusions as to a consumption tax. The rapidity with which Congress repealed taxes upon wealth may also afford basis for a belief that Congress is not always moved by motives of universal public good.

The advocates of a consumption tax substitute abuse for reason and transparently false reasoning for logic. For illustration, without confessing they are openly seeking to shift their tax burdens they declare magnificently that every man, woman, and child must contribute toward the Government's support by paying taxes in order to properly love their Government and appreciate its manifold blessings. Assuming that city, school, county, State, and national taxes are not paid in some degree by practically every man and woman in the country, we are assured by those who advocate a consumption tax and have patriotism and love of country instilled into their beings in proportion to the surtaxes they pay that they do not seek to shift their surplus patriotism by shifting their present tax burdens onto the under fellow now asking only for a living wage in order to exist. His rights to an education for his children and to legal protection in constitutional rights guaranteed him and his family are not denied but in some unaccountable way he is expected to enjoy his country more if he pays a sales tax.

In what manner this man's respect for his country, its laws, or its institutions is to be promoted by a consumption tax placed on every member of his family in violation of long-established principles of taxation, no man assumes to explain. Again, these shrewd financiers, brilliant high-salaried writers, and other congressional critics in advocating a consumption tax excuse its imposition by claiming an average excess profit of 23 per cent has been collected by the profiteers in the past as a protection from the excess-profits tax, whereas not even omnipotence could ascertain any average in the carnival of profiteering that exists in some lines of business, even of this new year.

Again, these critics who assail Congress from their elevated perch justify a consumption tax because "the consumer always pays the tax anyway," but he ought to be taxed more "in order that he may feel he is supporting his country and may love it proportionately" through "the consumption tax which he does not know he is paying."

AN HONEST HEAD TAX.

Leaving for the moment a method of reasoning that supplies in propaganda and violence what it lacks in logic, let us in like manner test the courage and honesty of consumption tax advocates by their own measure.

A consumption tax is levied on the necessaries of life consumed by every man, woman, and child without ability to pay. All pay alike for the same articles consumed, from the wealthiest to the blind beggar, all meet on a common level, depending on the number of mouths to feed and bodies to clothe. A consumption tax is paid through increased prices, ordinarily far beyond the actual tax, due to pyramiding of profits depending in amount upon the shrinking conscience of the different salesmen. These additional profits are placed by Canadian witnesses quoted at sometimes ten times the actual tax paid.

Conceding that a consumption tax places a burden on the consumer because of increased profits in addition to the tax charged all along the line by the manufacturer, wholesaler, jobber, and, above all, the retailer, why not eliminate all these middlemen's added profits borne by the consumer under a consumption tax? Let us be frank and honest with ourselves and remove any charge of cowardice which may be lodged against Congress by those whom we represent.

A consumption tax like that of Canada is estimated to raise $500,000,000 annually here, although such estimates are rarely realized. On that tax the consumers will probably pay from one billion to two billion dollars increased profits represented by higher prices tacked onto existing prices which will be paid by the consumer because "he does not know it."

Let us squarely tax him only a half billion dollars and collect it openly, thus saving to him all the additional billion dollars or more in added wasted profits that otherwise would go to the manufacturer, middlemen, and retailers. In Canada the average consumption tax paid by a man with a wife and three children based on tax collections is found to be $31.10 annually under prior tax laws, which I believe have since been increased in rate. On the same basis a man and wife with six children pays $49.76 annually; and a constituent of mine with 17 living children at the same rate would pay $118.18 annually to the Government through the Canadian consumption tax rate on the average.

A CONSUMPTION TAX IS SECRETIVE AND DECEIVES THE TAXPAYER.

If through additional profits and pyramiding double the amount is charged and paid by the consumer, the added cost of living to the man with three children is $62.20 annually and to the man with a wife and six children $99.52 annually. Advices from Canada that the increased price is sometimes ten times the tax is also borne out by the testimony of Senator Hardwick before our committee that ten times the soft-drink tax had been added and collected in this country, but I am adding only a modest increase of twice the amount of tax which can be estimated at the higher rates, with a certainty that the tax will be paid always with increased profits by the consumer "who does not know he is paying it."

It appears that any consumption tax tends to increase prices far beyond the actual tax before it reaches the consumer, so let us meet the issue squarely, and have the exact tax paid by the consumer without concealment or subterfuge. Congress could compel him to pay a poll tax of $5 for himself and for every member of his family, which tax will be ascertained, and can be paid with more certainty of collection than any consumption tax and that would realize about the same amount of tax.

Under this arrangement Mr. Otto Kahn, Julius Bache, Rothschild, and Goldsmith, tax advocates whom I discussed in a prior speech—January 21, 1921—would each pay $5 in lieu of their present income taxes, and the same rate of taxes would be paid by Mr. Rockefeller, Mr. Morgan, and others of large wealth. True, the average farmer with a wife and three children now working 14 hours a day and receiving $465 annual income for his labor, according to the Anderson commission, would feel the injustice of such tax reaching $25 annually, or $5 per head for every member of his family, but that would be far preferable than to pay $50 or possibly $100 in higher prices through a consumption tax in order to raise the $25 paid to the Government by the manufacturer, jobber, and wholesaler.

It is doubtful if many Members would be returned as Representatives after the enactment of such tax, and the tax would probably be repealed at the first session following the first election thereafter, because the consumers of the country "would know they were then paying the tax." As one who believes in the principle of taxing according to ability to pay, I am opposed to either the head tax or consumption tax, but we should honestly face the issue that is clothed in false colors through a consumption tax, and be free from any charge of cowardice or in palming off on the people a gold-brick tax.

The protest against a consumption tax caused Congress to repeal the nuisance and luxury taxes, which were limited sales taxes collected from those best able to pay, not on necessaries of life. Knowledge of the tax levied and collected was assigned to be a cause for repeal. If that action by Congress was just to the 98 per cent, what will be our excuse for levying a secret tax that is pyramided on the cost of the necessities of life?

THE CANADIAN SALES TAX.

I have heretofore quoted Maj. Hobart, of Montreal, a sales tax official who takes pride in the Canadian sales tax irrespective of the injustice of its imposition, because it raises revenue and as he frankly puts it—

Of course, the consumer pays the tax eventually, but he does not know it.

Of course, the consumer does know that he pays high prices for goods bought, and I am informed that whereas prior to the war Canadian prices were uniformly below those in this country, frequently far below, that now under the consumption tax which is added, pyramided and profits without limit charged, that prices are higher than in this country. I do not state this comparison as a fact, although my authority is a Member of the House who made a recent trip of several days to Canada in order to get the opinion of officials who generally seemed satisfied with the law and its workings.

If I remember correctly, this was before the recent election in Canada when a considerable revolution in politics in the neighboring country was attributed to high prices. Be that as it may, I have reason to believe all are not satisfied with the Canadian sales tax, although they pay the tax and "do not know it."

The proponents of a sales tax point to this sales tax which conceals from the consumer the additional profits, and they say that no opposition is offered to such tax in Canada. Tax officials who are anxious to collect in all they can raise find the tax satisfactory because people have to consume in order to live, and so they are sure to pay taxes because they can not avoid consuming. But the consumer, even though secretly taxed to an unknown degree by added prices, is the one who bears the burden.

From a number of letters, I submit the following that indicates what the consumer thinks of the Canadian tax:

ST. JOHNS TRADE AND LABOR COUNCIL,
St. Johns, N. B., December 12, 1921.

* * * Yours of the 3d received inquiring about the sales tax in force in Canada. * * * Briefly, the way the tax works is that each time an article is turned over or sold this tax is collected, and in these days of manufacturers, jobbers, wholesalers, retailers, and other middlemen it is easily seen where the tax lands us by the time the article reaches the consumer, for each time the article is sold the tax is collected and, of course, added to the next selling price, and a small tax of 1 or 1½ per cent easily amounts up to possibly 10 per cent or more in some cases.

Fraternally, yours,

GEO. R. MELVIN, *Secretary.*

A SEVERE TAX ON THE WAGE EARNER.

HAMILTON DISTRICT TRADES AND LABOR COUNCIL,
Hamilton, Ontario, December 26, 1921.

* * * Re sales tax in Canada and its effects upon the wage earners; can only say that this tax falls with peculiar severity upon the wage earner. It is very much like a tariff, minus the protective benefits. It is passed on to the consumer in every instance. And as the working classes on a whole are the greatest consumers, they of necessity pay the greater share of the tax.

This, however, is in strict accord with true capitalistic economics and administration. They are sternly opposed to all forms of direct taxation, which would mean that those who own approximately 85 per cent of the wealth of the country would pay their just share of the taxes. This, of course, would never do. Hence the sales tax. Trusting that this information is answering your query,

I am,

Yours, fraternally,

[SEAL.] H. G. FOSTER, *General Secretary.*

Again I quote from another letter:

TORONTO DISTRICT LABOR COUNCIL,
Toronto, December 13, 1921.

This tax was imposed to supersede the surplus profits tax which was in operation during the later stages of the war.

While organized wage earners have not given any official expression regarding the sales tax, the general discussions on the political situation during the last few weeks leave no doubt as to their opinion. This system of taxation was soundly condemned by every speaker in any way connected with the labor movement, officially or otherwise.

My information leads me to believe that the tax is imposed on the manufacturers' output, the increased cost being passed on to the dealers and eventually the consumers pay the tax in increased prices. Unlike the income tax and business tax which recognize more or less the prin-

ciple of "ability to pay," the sales tax applies to consumers in the purchase of commodities, and if the consumer can not pay the increased price by reason of the tax, he goes without the goods. This sales tax largely applies to the necessaries of life, hence you will readily understand why organized workers oppose such methods of taxation when surplus profits are untouched. I am further of the opinion that the great majority of our people are unaware of what this sales tax really means. They pay the increased price without knowledge of the amount, no mention being made concerning the tax. To put the whole matter shortly—legally flim-flammed.

Yours, truly,

TORONTO DISTRICT LABOR COUNCIL,
JAMES WATT, *Secretary*.

"Legal flimflamming" is a name with which to entitle the proposed sales tax here. If its passage results in a political turnover like that experienced by Canada a few weeks ago, it will evidence a well-grounded, universal prejudice against flim-flam games.

LEGAL FLIMFLAMMING.

One other brief statement I quote from a communication dated Ottawa, December 2, that is more of a résumé of the tax than is covered by other correspondence. It says:

OTTAWA, ONTARIO, *December 2*.

Ottawa this week received, entertained, and introduced to the intricacies of its sales tax act a party comprising 47 Members of Congress, representing 30 different States, railway men, newspaper men, and others. They came as the guest of Mr. William Randolph Hearst, with Hon. LESTER D. VOLK, of New York, as head. * * * But while the members of the party studied the sales tax act from a variety of angles, your correspondent ventures the assertion that they did not receive nor consider facts with reference to its application to the consumer.

I do not believe that in their examination of Government statistics they found that a man with a wife and one child in Canada pays $18.66 every year as a result of this form of taxation; that a man with a wife and two children pays $24.88; that families of varying sizes pay on the following basis:

Man, wife, and three children	$31.10
Man, wife, and four children	37.32
Man, wife, and five children	43.54
Man, wife, and six children	49.76
Man, wife, and seven children	55.98
Man, wife, and eight children	62.20

In other words, the sales tax in Canada adds to the living expenses of a family of 10 $5 a month. Families of this size may be "unfashionable," but those who are not particularly stylish feel it to the extent as it applies, as illustrated above. Bachelors are lucky!

These figures are based upon official statements. Sales-tax collections for the 12 months ended October last amounted to $52,870,000, while our population is approximately 8,500,000. This means a per capita tax of $6.22 for every man, woman, and child in Canada yearly.

The following table strikingly illustrates what income and sales tax combined mean to a Canadian, as compared with a citizen of the United States:

Canada.	
Income—man, wife, and two children	$2,500.00
Income tax	4.00
Sales tax	24.88
Total	28.88
United States.	
Income—man, wife, and two children	2,500.00
Income tax	8.00
Total	8.00

The sales tax in Canada is, above all else, a tax on consumers. The more you buy the more you pay. It is paid, in the majority of cases, not on one able to pay but in proportion as one must buy things. With a person of means it is entirely optional whether he buy expensive furniture, limousine, etc., but in buying articles of ordinary consumption the average person has no choice. We must buy to live, to exist, and as we buy we pay.

The sales tax increases the cost of living. There can be no doubt about it. In Canada it is not a tax on luxuries, it is a tax on everything; and we must have necessities before we have luxuries.

CANADIAN TAX AND THE FARMER.

In this country it can be safely said that organized labor and organized agricultural societies are overwhelmingly opposed to a sales tax, as I have shown by reputable witnesses. In Canada the organizations are not so closely formed, but from the foregoing it may well be deduced that labor in Canada is against a sales tax. It could not be otherwise. Agricultural interests in Canada are not for a sales tax.

The Winnipeg Grain Growers' Guide put it that a sales tax—

is immensely pleasing to those who had to pay the excess-profits and income tax and who care little where the burden of taxation falls as long as it doesn't fall on them.

It says:

The people want justice in taxation before convenience, and there is precious little justice in this proposed tax on sales.

Admitting that the sales tax is finding great favor with financial interests across the border, it adds:

To those who are not unacquainted with the ways of financial interests, the mere fact that the proposition emanates from their councils is enough to provoke suspicion, and when it is affirmed that the tax is "passed along in small fractions and is finally paid by the consumer, practically without his knowledge, and the additions are so trifling as not materially to affect prices," that such a tax would raise more revenue than the country actually needs, and that its adoption would lead to repeal of the excess-profits tax and the income tax, one begins to detect the "nigger in the woodpile." It takes a wizard of finance to maintain that some $500,000,000 a year can be painlessly extracted from the people of Canada.

The railways tried to work such a proposition, the Grain Growers' Guide continues, in connection with the increase in freight rates, but "nobody believed them," nor will anybody "accept this idea of a painless system of taxation," and we read:

The tax, it is said, will be passed on to the consumer. A farmer takes a load of wheat to an elevator and sells it. He must pay a tax of 1 per cent on the sale. Every time the wheat changes hands it pays a tax of 1 per cent, so that when it reaches the ultimate consumer the tax is really about 6 per cent. The bulk of the wheat raised in this country is exported; that is, the ultimate consumer resides in a foreign country. Do the advocates of this tax really and seriously contend that we can make the foreigner pay the tax? They know quite well that such a tax could not be passed on, and that when the farmer paid the first 1 per cent he paid it by deducting it from the price he received for the wheat. He could not pass on the tax; it would be paid by him and by no one else.

THE CANADIAN TAX SHIFTS WAR TAXES FROM "WELL-TO-DO TO THE MASS OF THE PEOPLE."

In a news article dated June 27, 1921, a writer has the following to say under the caption "Canadian farmers fight the sales tax":

The agrarian group in the Canadian Parliament, which represents both the organized farmers and labor, and which has a very large following throughout the country, is opposed to the sales tax as it is now being levied in Canada. Owing to the fact that the very heavy war expenditure had rendered it necessary to impose heavy taxation, there was a strong disposition on the part of all classes to give this method of taxation a fair trial, for it was felt that all should bear a fair share of the burden. But in its latest application, the tax, instead of spreading taxation over all classes in proportion to their ability to pay, is now being made the means whereby the war taxes are being shifted from the backs of the well-to-do to the backs of the mass of the people.

Being, for the most part, strong supporters of the principle of direct, as opposed to indirect, taxation, there was also a disposition on the part of the leaders of the farmer group to give the sales tax a fair trial on the ground that the collections would go directly to the Government; but last year's tax of 1 per cent has this year been increased so that in the aggregate it undoubtedly amounts to more like a straight tax of 2 per cent. For in addition to a 50 per cent increase on general sales, there has been introduced a tax of 1 per cent additional on imports, so that the sales tax has really been used as a lever to raise the tariff.

To some of the best informed of the agricultural leaders the sales tax never did look good, for it was manifestly a consumption tax, and this tax always weighs most heavily upon the great mass of the people. They contended that it would place an additional obstacle in the way of trade at a time when every effort should be made to remove such obstacles. Besides, it looked too much like an attempt to place taxation on the wrong spot. The very quarter from which the sales tax proposals came made them suspicious.

PUTS BURDEN ON LEAST ABLE TO PAY.

These views have been more than confirmed by the experience of the past year. To-day the Canadian sales tax stands clearly revealed as an attempt to lift the burden from the backs of the wealthy and to place it on those who are not nearly as able to pay. Besides, not satisfied with a 1 per cent measure, which advocates of the tax generally have insisted would be more than sufficient to raise the large revenues required, an almost double dose has now been administered.

Canada's experience with this tax has shown beyond all shadow of a doubt that even as a revenue producer it is a much overrated measure. During the 11 months up to April 30 that it has been in operation, it produced $40,000,000 in revenue, but during the last six months of this time the collections fell from a little over $5,000,000 a month to less than $2,900,000. Indeed, at the time that the changes were made in the tax it was only bringing in about $2,500,000 a month. One can just imagine how far that would go toward meeting an expenditure of nearly $600,000,000 a year in Canada.

The failure of this tax as a revenue producer is a feature that concerns the financier, the business man, the farmer, and laborer. It is absolutely necessary that any measure of taxation adopted should bring in the money. If it does not do this, then, even if it has other features that would recommend it, it should be ruled out.

Calling attention to what are claimed to be erroneous statements of Jules Bache, of New York, a sales tax exponent, this writer, W. G. Cates, says:

It would be well for the American public to understand that nothing like this has happened in Canada. When the sales tax was introduced last year not only was the income tax not reduced but the exemptions on it were not extended. On the contrary, the tax on incomes of $5,000 was somewhat increased. This year, when the tax was very considerably increased, there was not the slightest change made in the income tax. If the claims made respecting this tax were valid, then what has been promised by its advocates in the United States should have taken place in Canada. It has worked out that the average Canadian not only pays all the income taxes he ever did but a new tax, that on sales.

On the subject of higher prices and other objectionable features of the Canadian tax this writer says:

It is being found out in Canada that the sales tax is open to grave objection on the ground that it increases the cost of living in that it retards the downward movement of the prices of manufactured articles, which have not fallen as much as have those of other products. It is true that in Canada the products that the farmer sells himself are not taxed, but the articles he has to buy are, and in some cases this is becoming a very serious matter. The consumer may well beware of the carefully worked out examples showing that the sales tax will never increase the cost of an article by more than 3½ per cent. This may be true in so far as the wholesale trade is concerned, but it is far from being true of the retail trade. What ordinary storekeeper figures out to

the tenth part of a cent a 1 or a 2 per cent tax on an article, or what his profit on it should be? It invariably follows that the consumer not only pays the tax but a little more.

As a general observation, let the consumer beware of the sales tax. It will not do him any good, nor is it intended by those who advocate it that it should. If the consumer did not pay, there would be little heard of it in quarters where it is most strongly advocated. This is well known in Canada.

The one thing to be most feared about the sales tax is that it will not stop at 1 per cent. Canada has demonstrated this beyond a shadow of doubt. Last year it was a tax of 1 per cent on the sales of manufacturers and producers to the wholesalers and jobbers, or 2 per cent if the sale was made direct to the retailer. This year the tax in the first case has been increased to 1½ per cent, and to 3 per cent in the other. But this is not all. On top of this is another tax of 1 per cent on imports, so that in the case of sales of domestic goods the consumer pays at least 3 per cent, which is increased by 1½ per cent every time the article changes hands, while the consumer pays at least 4 per cent on imported goods. In the matter of automobile tires, the materials for which are imported, it is quite probable that the purchaser will pay at least 8 per cent more.

The imposition of a 1 per cent tax on imports will also increase the price of most home-produced articles to this extent. That is to say, those who produce or sell them will take advantage of the increase in the tariff to raise their own prices. This means another charge on the consumer.

Last year in Canada there was quite a long list of articles on which the sales tax was not collected. There is still an exemption list, but it is not nearly as long as it was. Last year tea and coffee were not taxed; this year they are, and being imported the tax is at least 4 per cent to the consumer. Canned goods were not taxed last year; this year they are, and so one might go on down the list. All this makes the cost of living higher. Take lumber. It was originally proposed to collect the same tax on it that other products bear, but when it was pointed out that a 3 per cent tax on domestic lumber would mean quite an extra increase in the cost of building, and that a 4 per cent tax would mean a great deal more, it was decided to fix the tax at 2 and 3 per cent, respectively.

SALES TAX RECEIPTS DECREASED TO 43 PER CENT OF ESTIMATES.

From another source an unbiased opinion is offered as to the returns from the Canadian sales tax:

[Special correspondence of the Annalist.]

OTTAWA, *June 4, 1921.*

A study of Canadian war-taxation methods is of interest to Americans chiefly because of Canada's one year of experience with the sales tax. Like the United States, Canada has had her business profits tax, her heavy personal and corporation income taxes with their surtaxes, also heavy excise taxes on liquors and tobacco, as well as a tax on certain features of transportation. She has a tax on checks and bills of exchange and promissory notes which is still retained and seems likely to be for some time. As the receipts from the latter are lumped with the postal revenue, it is impossible to say what they total in a year, but the amount is evidently worth while, and has the additional advantage in that it involves no hardship. As in the United Kingdom, the business profits tax has been abolished, though collections will continue during the current fiscal year. The last of the luxury taxes have also been withdrawn.

Until the last fiscal year the income tax was somewhat of a disappointment, the total receipts during the three years to the end of March, 1921, not having been more than $75,000,000, of which $46,000,000 is credited to 1920–21. The business profits tax up to March 31 brought in $150,000,000. Canada's experience with the luxury taxes is not considered very fortunate, their collection having been attended with strenuous and very general protests. As a revenue producer, however, they were more fruitful than any other of the new taxes, for during the six months they were in operation the collections totaled $42,000,000, which, at the rate of $7,000,000 a month, made them second only to customs as a source of revenue.

The sales tax, which was introduced during the early part of June, 1920, produced $40,898,383 up to April 30, or at the rate of $3,718,034 a month, the April collections having been $2,875,219. At the old rate the May collections would probably be approximately $2,500,000.

The question naturally arises, Has the sales tax been a success? The answer will depend much on one's point of view. Obviously it produced $40,000,000 within 11 months, and probably by as easy a method as the Government could have devised, so in this respect it may be considered a success. But as a major source of revenue it has not been a success, the best evidence of this being that the Government this year found it necessary to reduce considerably the number of exemptions; to increase by 50 per cent the rate on domestic sales; while in addition to this has been added another 1 per cent on imports.

The tax when introduced, having been entirely new to Canada, it was difficult to estimate the revenue it would bring in during the year, but it was hoped that $60,000,000 might be secured. Naturally it took time to erect and get into smooth running order the collecting machinery, but by August this had been done. The early returns seemed to justify estimates of revenue, for in September the collections were $4,918,576, and in October they went up to $5,020,476. From this high point there was a decline in April of 43 per cent.

EFFECT OF SALES TAX.

The decrease in collections was due chiefly to the decline in prices and to the marked falling off in the purchasing power of the public. In April, as compared with October, there was a decrease of 55 per cent in domestic collections and of 39 per cent in collections on imports. The indications at the beginning of May were that the bottom had not been reached, for in April the collections were $314,000 less than in March, this having been the greatest drop since the beginning of the year. That the collections from imports under the old rate were also far from being at the minimum is further evident from the marked decline in the value of imports during May, which is still going on. These considerations very largely influenced the Government in coming to the decision both to increase the rate and to broaden the basis of the tax.

What effect the sales tax had in reducing sales it is difficult to say. Some months ago one heard much of a buyers' strike, but one is warranted in saying that this was due rather to the prevailing high prices, resulting from general causes, rather than to the effect of the tax in keeping them up. As the fairly heavy luxury taxes imposed last spring were in force until December, it may be taken for granted that these had much more to do with the maintaining of prices than had the sales tax. Only since the 1st of December last has the sales tax been an appreciable factor in determining prices, if at all.

In Canada there has been very little attempt to determine the exact effect of the sales tax in increasing the cost of commodities to the consumer. There is nothing more than estimates to base calculations on, which may not be nearly as exact as one could desire. In this respect those who seek to draw conclusions from the Canadian sales tax as a determinant of prices are badly handicapped.

A DANGEROUS POLITICAL ISSUE.

While ease in collecting is important, it is not the chief consideration in a tax. Except it be considered as a secondary or subsidiary source of revenue, it must produce the money. When collections fall away so rapidly as those from the sales tax have done during the last six months, the results must be considered disappointing. Canada's experience to date would not justify expectations that the sales tax warrants the abandonment of other fruitful and definitely ascertained sources of revenue. What it will produce can not be definitely known until business conditions become normal. Against ease in collecting is to be taken into account the fact that the extent to which the tax is now being collected in Canada is bound to make it an important political issue, and that of an especially dangerous kind just now, when appeals to class consciousness are so effective.

On the whole, Canada's taxation experience generally for the last five years would seem to teach that if national budgets are to be balanced, then assured sources of revenue should be retained rather than abandoned for those that merely look promising. It may be true that public opinion would not have stood for the retention of the luxury taxes, but considered solely from the revenue standpoint, had they been retained it is more than probable that they would have raised 50 to 75 per cent more than the sales tax has. Naturally, a finance minister prefers the eastiest way, but the way becomes harder in proportion as the rate is raised. For Americans possibly the chief lesson of the Canadian sales-tax experiment is that the revenue expected can not be secured from a 1 per cent rate collected solely on commodities with anything like a reasonable exemption list.

Speaking of a turnover sales tax, under consideration in Canada, the Calgary Farm and Ranch Review says:

While fully recognizing the deplorable psychological effect upon industrial production and management caused by the imposition of a drastic measure of direct taxation on such earnings, which must be painfully apparent to every close observer, and while not disposed to discount the estimates quoted above to any serious extent, we can not escape the dismal conclusion that the new proposals, if forthwith translated into legislation, would split on the rock of practical politics, inasmuch as they will certainly fail to appeal to a majority of the voters in Canada at the forthcoming general elections.

The Montreal Witness and Canadian Homesteader says on the same subject:

The tax is unfair, in this that it falls unduly on the poor.

Many business journals and public officials, I am informed, favor the tax, but in view of its failure as a revenue producer, its unjust burden "on the poor," and its political liability, as demonstrated, any party or legislative body adopting such tax, which is repudiated by practically all the authorities quoted, will have due notice of its effect.

CANADA "KNOWS IT PAYS THE TAX"—THE TAX SHIFTERS SHIFTED.

No one thing alone turned the tide of elections in Canada where the Conservatives were swept into the scrap heap a few days ago. No one thing decides any election ordinarily. A culmination of things for which the Conservatives stood caused their overwhelming defeat. A high protective tariff, repeal of an excess-profits tax, just in principle, and enactment of an unjust sales tax were among recent Conservative "accomplishments."

Letters of denunciation and Canadian press items quoted from widely different points in Canada afford their own explanation of causes. Protestants across the border or in this country against a sales tax presumably are as intelligent and of far broader vision and wisdom than any legislative Moses now guided by the Otto Kahns, Baches, Rothschilds, and Goldsmiths who in the first exodus may find a parallel for the extended pilgrimage into an economic and political wilderness that lies before us.

The Canadian election of December 6, 1921, resulted in Liberals, 117; Progressives, 65; Conservatives, 51. Prior to the election the Parliament stood—Conservatives, 120; Liberals, 84; Progressives, 14. A reversal of power from 120 to 98 held by Conservatives to 177 to 65 under the new Liberal-Progressive government should not be lost on the American Congress which has repealed the excess-profits tax and now faces a high protection act and obnoxious sales tax that must all, if passed, be indorsed or repudiated at the 1922 elections.

CANADIAN "MANUFACTURERS' TAX" THE SAME OLD VAMPIRE TAX.

Opinions, briefly quoted, regarding the Canadian sales tax are offered because of recent propaganda for that particular tax, which, like all other consumption taxes, is sought by tax officials whenever the tax can be laid on the consumer and collected from him while "he does not know it."

Every consumption tax is open to the objection that it places the burden on the consumer, least able to pay, and is generally secretive for that reason.

I can not make this any plainer than by quoting a short letter recently received from representatives of the American Farm Bureau Federation. In these letters they assume to speak for an agricultural organization numbering between 1,000,000 and 2,000,000 active members. They denounce all consumption taxes that in like manner are denounced by Canadian labor and agricultural interests, speaking from the standpoint of the consumer.

I quote:

AMERICAN FARM BUREAU FEDERATION,
Chicago, Ill., December 27, 1921.

Hon. JAMES A. FREAR,
House Office Building, Washington, D. C.:

Replying to your letter of December 23. The American Farm Bureau Federation is unalterably opposed to any general sales or turnover tax, a manufacturer's tax, or any means of shifting the bulk of the taxes from income to consumption taxes.

The more the matter is agitated and the better the people come to understand what is involved the more determined they become in their opposition, and this policy, if persisted in, will surely bring calamity to its advocates.

It takes from the farmer, the laborer, and all those below the income-tax level a part of their living, and the bulk of the tax would necessarily come out of the necessaries of life—food, fuel, shelter, and clothing.

It is an effort to shift to the 90,000,000 people below the income-tax level the burden of the war taxes; it would absorb a considerable part of what buying power they now have, and thus sink us still deeper in the slough from which we are trying to extricate ourselves.

It would stir up such a social ferment as we have never had in this country, and is both socially unjust and economically unsound.

It is opposed by all the agricultural interests of the country as well as by organized labor. Political madness lies that way.

Yours, truly,

H. C. MCKENZIE,
Tax Representative.

The following letter from President Howard is equally positive in statement:

AMERICAN FARM BUREAU FEDERATION,
Chicago, Ill., December 28, 1921.

Hon. JAMES A. FREAR,
Committee on Ways and Means, House of Representatives, Washington, D. C.

DEAR MR. FREAR: * * * We believe that taxes should be levied according to the measure of ability of the individual to meet them, and are particularly opposed to the so-called sales tax or turnover tax. Its enactment would place an undue burden upon the farmers of the country, due to the fact that their income both on labor and invested capital is, and always has been, below that of any other class of our people, while at the same time we are of necessity very large consumers not only of food and clothing but of steel and iron products, building materials, etc. The sales tax would add to the costs of all these things, which burden would be strenuously opposed by all farmers. Not only that, such a tax would react on industry by further curtailing the farmers' purchases, and industry is already suffering from that very cause. * * *

Very truly, yours,

AMERICAN FARM BUREAU FEDERATION,
J. R. HOWARD, *President.*

WHY A SECRET TAX?

Mr. Chairman, the sales tax is not first added by the retailer but by the manufacturer, wholesaler, and jobber and carried on to the ultimate consumer, who does not know it.

Is it not significant that this method of concealing the sales tax, with possible unlimited profits, is urged by great business interests that struck from the conference report on the revenue bill a Senate amendment making public income returns of large taxpayers? Secrecy and concealment are weapons equally dangerous with which to open the gates to gross injustices, whether in the exaction of a sales tax or enactment of legislation. Those who urge this sales-tax secrecy offer a quack remedy to satisfy the taxpayer. Are they right in their estimate of his intelligence?

History recalls a wonderful campaign made by the boy orator from the Platte, who nearly captured the steering gear of the ship of state over a score of years ago by his cry that a tariff is a tax levied on everything we use from the cradle to the coffin. In a measure he stated an economic truth, but justification for a protective tariff was urged because of employment given labor that would produce at home and would keep out foreign producers; that would bring increased wages and comfort to the laborers and their families, with a full dinner pail, better living conditions, home market, and independence for our people; that, through increased competition, would lower prices.

A sales tax makes no pretense of being levied to furnish employment to labor or to aid home production in order to reduce prices to the consumer through competition, but this tax is to supply need for Federal finances heretofore met by the corporation excess-profits tax and income surtax. A consumption tax on the poor is to supplant a luxury tax on the rich or well-to-do consumer, which is a tax we have just repealed. It taxes all alike on the necessaries consumed.

SMITH, JONES, AND BROWN.

For illustration, a sales tax will give Bill Smith, the farmer, and Tom Jones, the iron molder, or Nancy Holmes, the seamstress, and Joe Brown, who sweeps the streets, the God given privilege of paying the same tax on all they consume that is now paid by Carnegie, Morgan, Kahn, and Rockefeller, with this difference, that Rockefeller may buy shoes and food for himself alone from out his many millions of annual income, whereas Smith, Jones, and Brown will pay a sales tax on everything their wives and all their children consume, in addition to the tax on their homes, while the pay check that has recently been deflated will be smashed again and again with the new tax.

Another view is afforded when Smith, the farmer, carries his produce to town and finds farm products have fallen below 1913 prices, whereas prices charged him by department stores or retailers average from 50 to 100 per cent more than pre-war prices. During the war he carried 5 bushels of corn or a hide to town in exchange for the shoes bought for himself or wife, but now he takes 25 bushels of corn or several hides to town for the same shoes on which the Canadian tax collector says a new additional sales tax will be so levied; the consumer will pay it, but not know it, because in addition to more profits it is added to the present price of the shoes.

Jones and Brown, whose pay checks slumped 10 per cent last month, and who are confronted with another pay cut or a prolonged vacation without pay, are likely to engage in the same process of reasoning that affects Smith when he remembers that his legislative Representative in Washington not only unsoaked the rich, who are best able to pay, but soaked with a sales tax the fellow who is fighting hard to exist.

It makes no difference to them that Otto Kahn in his private car is touring the country in efforts to instruct Congress through his four years' experience of American citizenship, nor are they impressed with the news that the Sun, Comet, Star, or World are in favor of the simplicity catch-em and skin-em tax, or that publishers who enjoy an annual income of six or seven figures are now relieved from the nightmare of an excess-profits tax. Smith, Jones, Holmes, and Brown, of whom many millions under different surnames are to pay new taxes, will know that an additional mortgage has been placed on mere existence and their love for the sales tax and its legislative supporters will be as warm as the Canadian blizzard that proposes to spread its sales tax mantle over our own people.

I have endeavored to address these few remarks to that phase of the tax burden which affects the human side and it should not be forgotten that the Government's interest is primarily concerned in the happiness and comfort of that human. This view of the question presents a responsibility which concerns Congress when we are asked to spread a sales tax on the people of the country.

ALL SALES TAXES ARE CONSUMPTION TAXES.

In an effort to place the scope of a turnover sales tax before the House I made some observations on that proposal in January of this year, and while the two methods of taxation differ in some particulars the manufacturers' tax possesses many of the objectionable elements of a turnover sales tax, and is equally objectionable in its application to all that the consumers eat, drink, wear, and use, irrespective of their ability to pay.

This Congress has repealed many taxes based on ability to pay, and to that extent we have violated a recognized principle of taxation. It now remains for us to put a final stamp on the power of wealth if a sales tax is enacted.

We are Representatives free to act, but it is well to bear in mind that seductive arguments favoring a sales tax come from big business of bipartisan affiliations that wants to be permanently relieved from any fear of future excess-profits tax and escape from income taxes; from department and retail stores that ask to be relieved from any limitation of present profits so as more easily to cover up profits, huge profits, on the plea that the tax is responsible. All these powerful agencies will be engaged in pressing this sales tax on Congress.

Do not let us forget that although powerful Republican and Democratic journals indorse the tax that practically every Democratic Member on this floor is recorded against such tax time after time, and it will be the most potent and persuasive argument in the hands of every opponent throughout the next campaign that Republican Members were found supporting such an indefensible proposition. In the average constituency, a great majority of the people are comparatively poor, and while it is a popular belief that God loves the poor because He made so many of them, they can not depend on that love while Congress is representing them, and it will be for you to answer if, after having voted to repeal over a half billion dollars in annual taxes on wealth as shown by the record of the American Congress, you join in laying an obnoxious consumption tax on the country.

I will close this discussion, which I have offered from the standpoint of a layman, with a brief word of advice from a woman who appeared before the Senate Finance Committee. Remembering the protests from many millions of farmers, railroad men, and organized labor, whose representatives appeared before the Senate committee, it is well to remember that millions of women throughout the country are equally interested and opposed to the passage of any consumption tax. In other words, the 98 per cent of the 26,000,000 voters at the polls last election speak in large degree through those I have quoted, and last but not least forcible is the argument of Mrs. Walter I. Swanton, president of the Woman's Single Tax Club, whose statement appears on page 358 of the hearings:

MRS. WALTER I. SWANTON, PRESIDENT OF THE WOMEN'S SINGLE TAX CLUB.

The CHAIRMAN. What do you desire to speak on, Mrs. Swanton?
Mrs. SWANTON. Opposition to the sales tax, sir.
The CHAIRMAN. Whom do you represent?
Mrs. SWANTON. I am president of the Women's Single Tax Club.
The CHAIRMAN. You may proceed.
Mrs. SWANTON. I would like the committee to let me just make these statements before they begin to ask questions.
The CHAIRMAN. Very well.
Mrs. SWANTON. The proposed sales tax is another consumption tax. We know that all consume about the same amount, the poorer the quality the dearer in the end. Also those living from hand to mouth pay more for what they buy. This means that the poor man pays a heavier tax than the rich man. A family whose cost of living used up the full amount of its income pays a tax upon every cent of the income, while the rich pay a consumption tax upon the portion spent, and the portion saved is exempt. The richer the person, the greater is the exemption. This is true of all consumption taxes; they are unjust and increase poverty.

* * * * * * *

THE PENALTY OF UNDERCONSUMPTION.

The urgency of protecting production at the expense of consumption is putting the cart before the horse. Production does not create prosperity, but consumption does. The present situation is not one of over or under production. I beg permission to cite my own personal experiences. My hat, made over at trifling expense, has done service for five years. I could go through the whole of my household expenses in the same way. This is not an exception; every woman I know can tell a similar story. Women are the purchasers of the country. They are saturated with thrift. High prices have made it necessary. You no doubt think that by such frugal means vast savings have been piled up. That should be the reward of thrift, but it is not so. I have three growing children that must have nourishing food, and what I have saved from the dry-goods merchants has gone into the pockets of the packers. Many less fortunate, having hit bottom long ago, can not save on dry goods, so must save on food to the injury of the family and the sacrifice of the future generation.

Figures showing the underfed people of this country are alarming; five children fainted in school recently from lack of nourishment. This is underconsumption; it is the reason why our warehouses are filled with cotton and wool and our cold-storage plants filled with food. It is a disgrace to the voters of this country. I say voters, because I believe in the truth of the story of the man who came to Washington to find the power of the Government. He came up here on the hill; it was not here. He went to the Executive; it was not there. Some one said Wall Street. He went there, but did not find it. Seriously minded, he went home and looked in the looking glass; there he saw the power of the Government.

Mr. GARRETT of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Chairman, while we were on the discussion of the Russian relief bill, I wanted at least to put myself on record, or into the RECORD, as to my position on that bill, but the opportunity went by. We are, as an old friend of mine who was entirely illiterate used to say, "just talking at randledom" to-day, and while we are talking that way I seize the opportunity to make a few remarks on that matter, and one other on which I want to speak a little later. A colleague of mine spoke perhaps just a little reproachfully of our voting against any appropriation to save the lives of starving children. Now, I have been chairman of the Near East Relief Committee in my home county and have put a good deal of time and a good deal of energy and some money into the Near East relief. I have gone before my fellow citizens in a number of addresses and appealed to them to donate money for the purpose of saving the starving children and starving peoples generally of Europe and the East. I am heartily in favor of the move to save those people. I am glad to give a reasonable amount myself, and appeal to my fellow citizens everywhere to do the same. But we may differ as to the plan on which a thing of that kind will be done, and yet all be equally conscientious and all be equally sympathetic and equally anxious to relieve suffering. I think I told this House once the story of a little boy who said, "A fellow said my sister was red-headed and I licked him." A gentleman said, "Well, what color is your sister's hair?" He said, "I ain't got no sister, but I was just fighting on the principle." [Laughter.] Well, on the principle I do not feel we have the right to donate and appropriate money raised by taxation to the relief of suffering or to a charity matter and I could not conscientiously vote that way. Now, in any matter of that kind, as I say, we may differ. But I believe in building churches, and I believe every community ought to have good churches. I believe in sustaining good conditions of every kind—social, intellectual, and moral—in every community, but the question of appropriating tax money, for instance, for a board of supervisors of a county to build a church in a community would be a question not to be considered. And as we are on that idea of the method by which these things are to be done and the principles on which we may agree and disagree, though I understand that we are not to discuss at all to-day the antilynching bill and I am not going to discuss that bill, I want to extend my expression of appreciation to some of the gentlemen who spoke in favor of that bill the other day, especially my friend from Ohio [Mr. FESS] and the Member from Kansas [Mr. CAMPBELL]. I approve generally the ideas they expressed, and I approve the spirit in which they expressed them. They and I may differ as to methods by which that unspeakable, horrible evil may be suppressed, but we agree thoroughly on the principle that it ought to be suppressed. And so we may agree on principles and disagree on methods in many matters of legislation.

Now, some of us Democrats got lost the other evening, you know [laughter], and some of my good friends on the other side of the House have been impertinent enough to inquire where I was that afternoon. [Laughter.] I do not know that I am required to answer that question as to just where I was, but I do want to say this: I was out in an effort to do something for the Republican Party, something to help the Republican Party. [Laughter.] Part of the afternoon I was down at the Post Office Department trying to get two Democrats into postal positions down in my district, and by so doing trying to save the Republican Party [laughter], and in a very scriptural way or by a very scriptural method. Of course, we are not supposed to talk Scripture here very much; we are not supposed to know much Scripture. And we are not supposed to talk very much about religion, because we are not supposed to know very much about religion. Yet this House is organized on a scriptural basis entirely. That is to say, we have the sheep on the right side and the goats on the left side. [Laughter.]

Mr. KING. On the right or on the left? [Laughter.]

Mr. LOWREY. On the right and on the left. And, furthermore, the Scripture says, "Enter ye in at the strait gate: for wide is the gate and broad is the way that leadeth to destruction, and many there be which go in thereat." And, again, "Strait is the gate and narrow is the way which leadeth unto life, and few there be that find it." [Laughter.] It is not entirely out of order to talk about things from the scriptural standpoint. I was out to help you that evening, and some of you reproached me for it. I was trying to put in a little salt. [Laughter.] Salt, you know, is a saving element. Some one has said that Jesus Christ was a great democrat. Of course, that may have been a Republican preacher who said that, and he was not speaking of democracy as we speak of it, in the popular meaning, but in the original meaning of the word. I realize that He was talking good democracy when He said, "Ye are the salt of the earth," and perhaps talking to democratic people when he used that language. The object of salt is to save things, to purify them, and to keep them from putrefaction.

Mr. KING. The gentleman is not talking about Epsom salts, is he?

Mr. LOWREY. No. I am talking about salt, not Epsom salts. If the gentleman is especially in need of Epsom salts he can go down to a drug store and talk about that. I am talking about salt. Salt is to save something from putrefaction. I was trying to put a little salt in the management of the post offices down in Mississippi by putting in two Democrats on that day. [Laughter.] I was doing that on the saving principle. We have a House divided. Salt is the saving power, and some of you gentlemen accuse me of dodging my duty in trying to do something for you. [Laughter.]

Mr. WILLIAMS. What success did the gentleman have?

Mr. LOWREY. I think my prospects are very good, from the fact that the Republicans who were applying against my friends were not sufficiently respectable to stand much chance, and I think the Republican referees are going to recommend the friends I have suggested. [Laughter.]

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. LOWREY. Yes.

Mr. ROSE. I was wondering whether or not the gentleman was present yesterday when the subject of churches was mentioned. Some gentlemen were charged with not being church members, and later we found that they were all church members. Did the gentleman find the exemplification of that scriptural text, "Behold, how good and how pleasant it is for brethren to dwell together in unity"? [Laughter.]

Mr. LOWREY. Oh, yes; I found "how good and pleasant it is for brethren to dwell together in unity"; but I am speaking now of the reproach that some of you gentlemen cast upon us that evening for absenting ourselves and trying to help the Republican Party.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. LOWREY. Yes.

Mr. GARRETT of Tennessee. I was listening to the gentleman carefully, but I did not catch the time that the gentleman referred to when he spoke of "how good and pleasant it is for brethren to dwell together in unity." Was that when we had the tax bill up? [Laughter.]

Mr. LOWREY. The time I was referring to was when we were discussing the subject yesterday afternoon.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield for a moment?

Mr. LOWREY. Yes.

Mr. McSWAIN. Knowing how very conscientious my friend is and how desirous he is to put in a full day's work for a full day's pay, even when the Government is the paymaster, I was curious to know why my friend sought that afternoon to go to departmental work when we usually find him in his chair here? [Laughter.]

Mr. LOWREY. I would be glad to answer the question if I had the time.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LOWREY. May I have two minutes additional?

Mr. GARRETT of Tennessee. I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from Mississippi is recognized for two minutes additional.

Mr. LOWREY. It was because Christmas was coming, and I had more departmental work than I could well attend to. My Democratic friends generally seemed to be engaged in the same important line of missionary work that evening, and I thought it would be a good thing to join them. [Laughter.]

The CHAIRMAN. The gentleman yields back half a minute.

Mr. GARRETT of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON].

The CHAIRMAN. The gentleman from South Carolina is recognized for 10 minutes.

Mr. STEVENSON. Mr. Chairman, I desire to call attention for a minute to the condition that exists up in the district of the Chevalier della Corona d'Italia, otherwise known as Mr. GEORGE HOLDEN TINKHAM, of Massachusetts. I am sorry he is not here. He classifies himself as having the right to use that distinguished title, he being the handyman, I believe, of the King of Italy. He also has been exceedingly diligent in endeavoring to disfranchise a good many of the Southern States, including mine, because we have enforced proper legislation and proper constitutional regulations as to the ballot down there and have honestly enforced them. In a Boston paper published by colored people, called the Chronicle, I find the following:

> In ward 13 two colored men won the election to the legislature, but they were counted out. It is even said with some shadow of truth that this same Republican leader used his Negro puppets for this direful purpose. They took their cause to a Republican legislature, but to no purpose, because they had been framed by this same Republican boss before the election. George P. Taylor, an estimable, trained, and clean man, secured the nomination to the senate from the sixth Suffolk district, but he too was opposed and defeated by these same subtle influences.
>
> Are such things possible in Massachusetts? We have been hearing from Massachusetts and other Northern States the last 50 years that the "counting out" of Negro candidates for office was an offense confined to the "States lately in rebellion," but here we have the direct accusation from Negro sources in the city of Boston that it is a Bostonian crime.
>
> At least a third of a century has passed since a charge was brought that a Negro candidate for the legislature in South Carolina was "counted out."

Now, by referring to the CONGRESSIONAL RECORD, where we find what is the title of this distinguished gentleman who desires to disfranchise the South because they properly enforce constitutional regulations as to the ballot, we find that the thirteenth ward is in his district in the city of Boston. We find that Suffolk County is also in his district, and I want to know what the chevalier is doing at home when he is becoming so enthusiastic about the suppression of the colored vote in South Carolina. You will note that this is not a gang of Democrats that is doing this. The colored man who edits this paper says it is a Republican boss who had it done. He can not lay that on any combination between Mr. GALLIVAN and Mr. TAGUE and the Republicans, because it was a Republican boss backed up by a Repulican legislature that defeated the rights of those people. I have sometimes heard it charged that there might be an illicit combination between the Republican and Democratic machines in the city of Boston, but this is not a child of that unholy alliance and that unholy combination.

Now, Mr. Chairman, there is a charge laid at the door of the gentleman from Massachusetts [Mr. TINKHAM], and it is laid at his door by the people whom he claims to befriend each day that he comes here. He never appears here except when he wants to say something about that. Now, since the 1st day of January, 1896, there has been a regulation in my State by a contitutional enactment whereby a man must be able to read the Constitution, or he must have $300 worth of property on the tax books, or he can not register and he can not vote. That provision has been enforced to the letter, and no colored man's vote has been thrown out because he was a colored man, or for any other reason, whenever he was able to qualify under that provision, but he has been allowed to vote and his vote has been counted honestly. In one of the counties of that State after that went into effect there were as many colored people qualified to vote as there were white people, and what did we do? We did not count them out. They were allowed to vote and their votes were counted, and they sent to the legislature one of the two representatives from that country. They came up and asked for that division. When I used to be speaker of the house of representatives in South Carolina there was a little colored man there representing Georgetown County. He had half of the representation from that county because we allowed them to have what they were entitled to under our constitution and under our enactment, in so far as that was concerned. There were also colored men in the convention that made the constitution. A good many people used to come down from Massachusetts and stop in Columbia. They were often brought into the house of representatives. They were frequently rather prominent, and they would be brought up and introduced to me as the speaker of the house. The first question they always asked was, "Which is the Democratic side and which is the Republican side of the house?" I used to take a good deal of pleasure in pointing out to Mr. TINKHAM'S constituents this little colored man, as black as any you ever saw, and tell them, "There is the Republican side of the house." But he was there, as an evidence of our good faith, and an evidence of the fact that we do better by them than they do in the district represented by Mr. GEORGE HOLDEN TINKHAM, the Chevalier de la Corona d'Italia, or, in other words, the handy man to the King of Italy. [Laughter.]

The CHAIRMAN. The gentleman from South Carolina yields back three minutes.

Mr. GARRETT of Tennessee. I yield to the gentleman from Texas [Mr. BOX] 20 minutes.

Mr. BOX. Mr. Chairman, I appreciate the attitude of the House. I know how hard it is in a big country like ours and in a great body like this to get any cause properly considered. So many causes are clamoring for consideration that only those things have our attention which are pressed upon us. I shall impose upon the House now. My only apology is the command of duty. I call your attention again to the enforcement of your immigration laws.

First I read you a statement by Secretary of Labor Davis contained in the Washington Evening Star of December 19, 1921:

> SECRETARY DAVIS ALSO ASKS DIPLOMATIC ACTION OVER IMMIGRANT QUESTION.
>
> The maximum fine under the immigration laws has been ordered assessed against the British Cunard Steamship Line by Secretary of Labor Davis, who has also asked the State Department to make diplomatic representations to the British Government against what he classes "as a bold and, I believe, a knowing attempt on the part of the company to violate the immigration laws, either because of the paltry profits to be gained thereby or to discredit our immigration policy."
>
> Secretary Davis will recommend imposition of fines on steamship companies totaling $1,050,000, he said to-day. The fine will be imposed, if the Secretary's wish is carried out, for alleged violation of the immigration laws, in which the steamship companies have brought to this country immigrants in excess of the quotas of the countries from which the immigrants came.
>
> "It is the crime of the age," Mr. Davis said, following a conference this morning with Assistant Secretary Henning; Theodore Risley, Solicitor for the Department of Labor; and W. W. Husband, Commissioner General of Immigration. Mr. Davis pointed out that in thousands of cases immigrants sell their homes and spend all the money on passage to this country. When they are turned back, he said, they are frequently landed at ports many hundreds of miles from their former homes and have no funds to reach their former place of residence. Thousands of immigrants have had their lives ruined and their life savings wiped out by the avarice of the steamship companies, he added.
>
> The circumstance complained of arises out of the arrival on December 10 at New York of the liner *Aquitania* with 300 Hungarian immigrants, notwithstanding that on December 1 the Immigration Bureau had announced to all steamship lines that the quota of immigrants from Hungary legally entitled to enter the United States up to July, 1922, was exhausted. Mr. Davis likewise addressed a letter to Attorney General Daugherty asking for a legal opinion as to what action can be taken in "an appalling situation which has arisen by the reckless disregard of the law by steamship companies."

CONSTANT CONTROVERSY WITH LINES.

Since the enforcement of the new immigration act, which limits the number of aliens entitled to enter the United States in any one year to a definite percentage of the number of that nationality already resident in the United States, the immigration authorities have been in practically constant controversy with steamship lines, which they have charged with deliberate intent to make the law futile. The situation has been enlivened by midnight races to the port of entry between vessels carrying immigrant cargoes from countries whose dwindling quotas made it probable that arrivals on the last vessels would be excluded and deported.

"The chief offender in this instance was the Cunard liner *Aquitania*," Mr. Davis said, in his letter of protest to Secretary of State Hughes, "which arrived at New York on or about December 10 with somewhat more than 300 of this nationality (Hungarian) on board."

This vessel is said to have sailed from Cherbourg on or about December 4, it being understood that the Hungarians were embarked at this port. Some of these aliens were admissible under exemptions found in the law, but at the last count 204 of them had been found to be mandatorily excluded from admission.

FINES AS PREVENTION.

Writing to the Attorney General, Mr. Davis said that, in his opinion, "the awful wrong being perpetrated on these poor aliens can not be prevented except by the imposition of these fines. The heart of Americans is shocked at this mercenary practice, and demands that some one be punished for the great wrong that is being done them."

"I am giving instructions that fines be imposed," Mr. Davis continued. "Unquestionably opposition to this course will be made at the very threshold. Will you be good enough to give me your opinion as to whether, under the law, fines may properly be imposed on these steamship companies?"

Secretary Davis says that this is the crime of the age. It is an age long crime as well. He tells of the inhumanities to which the poor victims are subjected. The facts appear to justify that statement. This is not a temporary attitude of theirs. It has been maintained for a hundred years or longer. If the people of the United States want enforcement of this law in which they are so much interested, they must deal with this as a deep-seated, stubborn trouble.

One cause of the difficulty is the fact that many of these lines are under foreign flags and come only partially under our jurisdiction and that many of their activities are beyond our borders. The prime motive, of course, is money making.

You will find the history of American immigration full of trouble much akin to this and arising from similar causes. The slave trade was but a phase of it. The profit of that business was in the difference between the price paid for the poor victim and the price obtained for him when he was sold here. They were a kind of emigrants, unwilling, it is true; but men captured them in the wilds of the dark continent and sold them, apparently controlled by about the same moral conception, brought them over here and sold them. And when our fathers gathered together to write the Constitution they found the evil in existence and could not agree on the manner in which it should be eradicated. They patched up a compromise and made it effective some 25 years after the constitutional convention, about 1808. There arose out of that the most serious troubles that the Government and people of the United States have had.

The remnants of that trouble divide us yet and distract our attention from problems that should have our consideration. We are suffering now from the consequences that come upon us 100 years after these wrongs were committed.

That attitude on the part of steamship lines, mainly foreign, has come down through our entire history. When we undertook first to establish an immigration policy they resisted it. The State of Massachusetts, the State of New York, the State of Louisiana, the State of California, and perhaps other States, tried to deal with the question and were resisted at every step by foreign steamship lines. Then, after it was determined that the Congress of the United States had exclusive jurisdiction of the matter and it was dealt with by Congress, still the story of their dealing with this subject has been a story of crime. It is a story of greed, defiance of law, and inhumanity. The trouble is deep-seated and stubborn and requires our thoughtful attention. We will not obtain results by doing this to-day and that to-morrow, by resolving this now and changing our policy to-morrow, by making a law now and destroying or refusing to enforce it to-morrow.

I call your attention to a few bits of history in connection with the subject.

I read from volume 2 of the report of the United States Immigration Commission, page 589, which I cite as "I. C. R.":

> Prior to the year 1819 there were no United States laws governing or regulating ocean passenger traffic. * * * As a result abuses were permitted and practiced on transporting vessels that caused distress, disease, and death, especially among immigrants bound for America. (2 I. C. R., 589.)

Further, the fact that the protection given by the law—

> * * * was inadequate is shown by the gruesome records of the steerage experiences in those days. (2 I. C. R., 591.)
>
> From the beginning of the movement of population from Europe to the New World suffering and death were common on immigrant ships. Among the earlier instances recorded was that of 3,000 Palatines forwarded * * * by England to New York, 470 of whom died on the voyage and 250 soon after their arrival of ship fever. There is also a gruesome account * * * of experiences on a ship which sailed in 1731 for America from Rotterdam with 156 immigrants. She was bound for Philadelphia via Falmouth. When she had been at sea eight weeks the passengers were put on short allowances, and during the last five weeks of their journey were unable to obtain bread. Finally they were paying 18 pence for a rat and 6 pence for a mouse. (2 I. C. R., 589.)
>
> Upon the increased demand for transportation to the United States following the close of the second war with England many vessels which had originally been constructed solely for the purpose of transporting freight were hurriedly transposed into immigrant ships that they might enjoy some of the profits of a business that had become lucrative. This, with the fact that excessive overcrowding had been practiced on all vessels, rendered the condition of emigrants at sea almost unbearable. (2 I. C. R., 590.)
>
> The potato famine in Ireland occurred in 1847, and in consequence there was a great increase in emigration from that country. (2 I. C. R., 591.)
>
> Famine-stricken Ireland was also fever-ridden; * * * the disease was carried aboard ship, where in the overcrowded and poorly ventilated steerage quarters thousands died of ship fever and thousands more survived the voyage only to die after landing.
>
> Thousands of Irish and other British emigrants died during the voyage to Canada, and at Grasse Island, near Quebec, where the Canadian quarantine station was located, as many as 7,000 emigrants perished from ship fever and cholera in 1847 alone. (2 I. C. R., 592.)

In 1819, 1847, and 1855 laws were passed by Congress to limit crowding and prevent the starving of immigrants, but these were opposed, avoided, and disregarded by the shipping concerns. The Immigration Commission says:

> It may well be questioned whether the condition surrounding the transportation of emigrant passengers had been improved by any of these laws. (2 I. C. R., 593.)

I am reading from the report of the Immigration Commission composed of men like Hon. John Burnett, Senator DILLINGHAM, Senator LODGE, and Prof. Jenks, appointed 14 or 15 years ago, whose report was filed some 12 years ago.

What are we going to do about it? The chairman of the Immigration Committee presented a resolution here the other day purporting to deal with it, but it was resisted by some of us and was withdrawn by the gentleman, probably not for lack of votes but for some purpose satisfactory to him. He had it inserted in the RECORD, and I presume it will come up in the future for consideration.

On the same day that it was before the House the Commissioner General of Immigration was before the House Committee on Immigration and Naturalization. I have his testimony before me and will read a part of it. After the reading of that resolution admitting these people excluded by the law, a copy of which is in the RECORD of December 19, he was asked:

> Do you think a resolution of that kind running for a period of time coincident with the emergency act would break the act down?
>
> Mr. HUSBAND. Very largely.
>
> The CHAIRMAN. In what way?
>
> Mr. HUSBAND. That it would continue to admit a very considerable number of people—that is, it would permit considerable additions to the quotas of certain countries which are already exhausted. (Hearings Dec. 19, 1921, testimony Mr. Husband, p. 24, typewritten report.)

Again—

> Mr. BOX. Now, Mr. Husband, you stated in answer to the chairman's question that the resolution would very largely break down the quota law. I will ask you if it is not a fact that in an effort to enforce this law faithfully you are having very great difficulty now with the law standing right square at your back as a brace? Isn't that a difficult task, in your position?
>
> Mr. HUSBAND. It is an impossible task.
>
> Mr. BOX. Now, if we modify it and put a lot of things like that in it and leave it to regulations to be provided by you and by your superiors in office, and make it dependent on the regulations fixed by you in the goodness of your heart, will it not be more difficult to enforce a fixed rule when the regulation is resting within your breast instead of in the will of Congress? Won't that make it more difficult?
>
> Mr. HUSBAND. That is it, Mr. Box, that when it was difficult under a law it would be even more difficult under a regulation. (Hearings, Dec. 19, 1921, testimony Mr. Husband, p. 30, typewritten report.)

Those are the exact words of the Commissioner General of Immigration. Gentlemen will understand that it is proposed that we set aside the law and say that it shall be done according to the regulations of the Commissioner General of Immigration. He has been having considerable difficulty in enforcing the law. The difficulties will be increased if regulations are substituted for law. I must say of him and his associates that there is much evidence of earnest effort to enforce this law under the very greatest difficulty.

Mr. Chairman, a large number of immigrants, the number being unascertainable at this time, are awaiting admission, standing at the door, though the quotas are exhausted—nobody knows how many are or will be waiting. The Commissioner of Immigration was asked how many people there are. He could give the number now at Ellis Island and some at other ports. Then he said there were some at quarantine, and there were some down in the bay in other ships. He could not state how many there are in all.

When asked if he had any knowledge of the number now afloat moving toward America he said that he did not have.

When asked if he had any assurance that if people in excess of the quota from various countries were now admitted large numbers of others would not continue to come during the remaining six months of the year during which the quota law is yet to run, he answered that he had no such assurance. The language is:

Mr. BOX. Mr. Husband, what assurance have you that they are not going to continue to bring them?

Mr. HUSBAND. None at all.

Mr. BOX. How long have these quotas been exhausted in some of these countries?

* * * * * * *

Mr. HUSBAND. Syria, Palestine, other Asia, Greece, other Europe, have been exhausted for weeks and weeks.

* * * * * * *

Mr. BOX. If I may continue, Mr. Chairman—have any of these who have arrived recently come from those countries whose quotas have been exhausted for weeks?

Mr. HUSBAND. Oh, yes.

Mr. BOX. They continue to come after this quota has been exhausted, for weeks?

Mr. HUSBAND. Yes. I just learned to-day—I did not know it before—that 57 or 67 so-called Assyrians were at Boston. They are from Persia and therefore from "other Asia," and that quota was exhausted during the early days of July, the first of the fiscal year. I think within the year it has been exhausted two or three times over.

Mr. BOX. Who brought those people from Assyria?

Mr. HUSBAND. The recent lot at Boston, the Favre Line steamship *Canada*. (Hearings Dec. 19, 1921, testimony Mr. Husband, pp. 7, 8, typewritten report.)

Mr. LAZARO. Mr. Chairman, will the gentleman yield for a question?

Mr. BOX. Yes.

Mr. LAZARO. What would be the difficulty of putting up the bars on the other side and seeing to it that nobody is brought across who is not qualified to enter?

Mr. BOX. The gentleman asks a question on a point toward which the thinking of every one nearly who is dealing with the question has been directed. We have found it exceedingly difficult. In the first place, the United States can not exercise its sovereign power across the seas. We can not establish bureaus and agencies in foreign countries to do that which is not acceptable to the people there. We can not control by our will the embarkation of emigrants from Europe. It is to be hoped that sooner or later we will get the consent of the foreign countries and put in effect a system of visé that will enable us to regulate the business much better than it is now regulated, but the difficulty is much greater than appears upon the mere statement of the problem.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CRISP. Mr. Chairman, the gentleman from Tennessee [Mr. GARRETT] asked me to take charge of the time in his absence. I yield the gentleman from Texas 10 minutes' additional time.

Mr. LAZARO. Mr. Chairman, will the gentleman yield further?

Mr. BOX. Yes.

Mr. LAZARO. Are any efforts being made to have an understanding with foreign countries so that this can be remedied?

Mr. BOX. I think efforts have been made. I do not know whether this question has been taken up with the definite detail we would like to see characterize it, but my information is that some countries, especially those anxious to get rid of their surplus population, do not cooperate with our authorities in this.

Many foreign Governments derive a revenue from this emigration carrying sea traffic. They are interested in it in that way, and possibly in the profits of steamship lines. It is certain that they are anxious to have a lot of their people come here. Up to this time we have not been able to get such cooperation from them as will enable us to control its embarkation, where it should be controlled.

Mr. LAZARO. Does the gentleman believe that these things about which we complain can be remedied unless we have an understanding with the foreign countries so that those people who wish to come to America can be examined and qualified on the other side?

Mr. BOX. I would not admit that it can not be otherwise dealt with. I must confess that great difficulty attends it. I think that if we had a method of enforcing penalties against carriers who knowingly violate the law, that would tend to remedy the situation. The testimony shows the steamship companies know those quotas. They are shown to have figured them out. They know when the quotas are exhausted. They know as much about it as our department, but they continue to unload them. They have the money of the poor victims, as stated by the Secretary, and then is raised the cry of distress among these orphans, hungry people, divided families, and other unfortunates that appeals to the American heart, and we get weak, and refuse to enforce the law. We make a big move in this direction one day and turn in another direction to-morrow. These owners of foreign steamship lines simply smile in contempt at our pretense of enforcing the law, and carry on the traffic. We admit them again and say "Just this once."

Mr. LAZARO. Mr. Chairman, will the gentleman from Texas permit me to make a very short statement in this connection?

Mr. BOX. Yes.

Mr. LAZARO. I have read a good many very interesting articles on this question of immigration, and the consensus of opinion is, I believe, that these difficulties of which the gentleman complains will never be remedied until we can put up the bars on the other side. It seems to me some effort ought to be made by the department here to have an understanding with the foreign countries so that that difficulty will be remedied, because it is surely in the interest of the poor immigrants who come here, and it is undoubtedly the cause of our weakening very much and putting the bars down to let them in.

Mr. BOX. The magazine writers can fix it easily to their own satisfaction, because they do not know much about the practical and administrative details of it. I stated to the gentleman that perhaps some effort has been made. I am not willing to admit that the only control we have of it is subject to the will of foreign powers.

If they will not consent to handle this important traffic as we think it should be handled, we must not get weak about it. We must find a way to enforce our laws without the consent of foreign countries. The very moment we undertake to deal with Japan or any foreign power wanting to unload its surplus population on us on a strictly treaty basis, as if this were a matter for international agreement, as if it were not a matter entirely within our control, we make a very dangerous surrender. When we do that we are getting on dangerous ground. We must never, never admit that we have not the right, the absolute right, to control it. Our understanding and fixedness of purpose ought to be such that we will be able to control it ourselves.

Mr. LAZARO. I hope the gentleman will understand that I did not mean to say that we ought to compromise with foreign countries on that point. I fully agree with the gentleman that it is the question of peoples of every country to say who shall come in and who shall stay out. My idea was that it would never be remedied until we put up the bars on the other side. I think we have the right to do it.

Mr. BOX. That is not our field to inclose. We can not exercise regulation over there. We have no assurance that they will consent to our doing that. We have no power to do it without their consent. What they have done in the past indicates that they will not consent. We do not want to admit that we can control it in no other way. I think that the bills introduced by the chairman of the committee and by my colleague on the committee [Mr. CABLE] and perhaps by other gentlemen tend in the right direction. We should impose penalties, with such definitions of the crime as will advise the steamship companies in advance clearly and definitely what is a violation of the law, and then stand by our guns. Then when some one comes here and cries because the law pinches we must not surrender. We must demand that the laws be enforced. We must maintain the policy we have adopted. When the law is written let us stand by it. Let us not change our course with every wind. Let us not be playing at it. [Applause.] I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back three minutes.

Mr. WALSH. I yield five minutes to the gentleman from Colorado [Mr. VAILE].

Mr. VAILE. Mr. Chairman and gentlemen of the committee, allow me briefly to call the attention of the committee to a little legislative history. This body a few months ago passed by a very large majority an act intended to restrict immigration. The restriction was thorough, but it had certain exceptions in the interest of humanity excepting certain blood relations. On the floor of the House those exceptions were somewhat enlarged, enlarged considerably beyond the idea of the committee, enlarged so far that the committee thought that the act would largely fail of its original purpose, but at all events it was an attempt to restrict immigration, the first time, I might say, that had been attempted since 1907, except for the further restriction of anarchists and some other classes which we passed in the last Congress. Well, that bill went over to the Senate. The Senate passed an idea of their own of a 3 per cent restriction law. We knew very well——

Mr. STEVENSON. Was not the first restriction about five years ago—known as the literacy test?

Mr. VAILE. More than five years ago, and it was a restriction passed under the leadership of that distinguished, patriotic

American, the Hon. John L. Burnett, chairman of the Committee on Immigration for many years, one of the most patriotic and farseeing Americans who ever sat in this House, if I may say so. But let me remind you of how the question came up in the last Congress. The Senate voted for the percentage limitation of 3 per cent of those who were here under the census of 1910. That act has been a beneficial act. It had the effect of restricting the flow to this country of the hordes from the war-ridden and distressed countries of Europe, of multitudes of people whom, however much we might sympathize with them, we could not possibly hope to assimilate en masse. But it has produced the very troubles which we of this House, the gentleman from Texas among the rest, anticipated it would produce, and the reason that it has produced those troubles is because any immigration act, as was said very properly by a witness before our committee the other day, deals not with sacks of flour, deals not with money, deals not with indebtedness owed by foreign countries, but deals with human beings, deals with flesh and blood, and any merely mathematical restriction act will not remedy that.

I prefer our own act which was passed by the House to that one passed by the Senate and which we accepted as being at all events a restriction, even with its faults; but any mathematical restrictive act has the limitations which I have mentioned.

Now, before I proceed further I want to pay my most sincere compliments, my heartfelt compliments, to the gentleman from Texas [Mr. Box], who has just spoken. I know his heart is thoroughly American. I know that he is an American to his heart's core. I have seen him, at a great personal sacrifice, and, I might add, at a great personal risk to his return to this Congress, adopt a policy that was entirely American, a policy that was thoroughly patriotic and thoroughly consistent with his duty on this great subject, which goes to the heart's blood of the American people. But the gentleman comes from a district where they do not have quite the same problem as those of us who come from the North have. He comes from a district where they do not have much of an immigration problem. He sees clearly with the eye of patriotism, but he sees from a distance, and consequently he does not see all the details. I think he will concede that those on the Republican side are equally desirous of protecting the blood of the American race, and I think he will also concede that we have a somewhat peculiar difficulty confronting us, and the difficulty comes from the fact that we are dealing with human beings and not with sacks of flour.

Very well. We passed this 3 per cent immigration law to put restrictions on immigration to the United States. I believe in the law, but I think we could have something better, and we are going to propose something better. But what has happened under the 3 per cent immigration law? The total immigration permissible to the United States during the current fiscal year is about 355,000. In the time that has elapsed since the 1st of last June—there is one extra month, or part of a month, in there—in that time we have admitted about 190,000 under the quota law. If we had not had the quota law our immigration in this period would surely have exceeded three-quarters of a million.

The quota law has amply justified itself as a restrictive measure for the protection of the United States, especially at a time when our citizens, including many who fought for us overseas, are walking the streets in search of work. But it is not exactly the right kind of a restrictive law, and that is shown by the fact that in these seven months we have had to admit a total of some thirteen hundred in excess of the quotas for the different months, and in some cases in excess of the entire quotas of countries whose quotas have been exhausted. The principle of restriction has been established. We have served notice on the world that the United States has forever ceased to be a dumping ground. But on account of the dictates of simple humanity we have found that there are a few—thirteen hundred is an insignificant number; it is only one-tenth of 1 per cent of our total immigration in 1908—who have had to be admitted, because to exclude them would violate every principle of humanity. What, for example, are you going to do with 10 Armenian orphans, whose parents were killed and whose homes were destroyed by the Turks. Where are you going to put them if you put them out of the United States? These few exceptions show both the benefits of the law and the necessity for some slight leeway.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. VAILE. Mr. Chairman, may I have a little more time?

Mr. WALSH. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five additional minutes.

Mr. VAILE. Why have we admitted those? We have admitted those because they are not sacks of flour.

Let me give you some idea of a few of this class, and I beg the House to understand that I am as much in favor of restricting this country to the blood of the people who made it as any other man in this House. When I say "the blood of the people who made it" I mean those that have helped in the process all along and not merely at the start.

Here comes a Jewish rabbi to my State. He is admitted as one of the professional classes exempted under the law. He came here six months ago. He is educated, healthy, clean, reputable in every way. All right. Six months after he is admitted as one of the exempted class along comes his family, a large family. They believe, as our ancestors believed, in large families.

He has seven children. One of them was born on the ship coming over. They come from Poland. Here is a mother with seven children, all under the age of 14, one of them a babe suckling at her breast. Where are you going to send them? Back to Poland? Have they any place to go? Have they anyone to take care of them? They have not a soul in the whole world except the husband and father, who is here.

The criticism which is leveled here on this floor to-day, with all due respect to my friend from Texas [Mr. Box], is not leveled at a Commissioner General of Immigration who was unlike his predecessor, who admitted radicals and anarchists. Perhaps that gentleman was glad to have them. This criticism is leveled at a Commissioner General of Immigration who——

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Yes.

Mr. BOX. I submit to the gentleman that I did not criticize the Commissioner General of Immigration. I am trying to sustain him. I am trying to get support for the Commissioner General of Immigration in his efforts to enforce the law.

Mr. VAILE. I am glad to hear that the gentleman was not criticizing the Commissioner of Immigration.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Yes.

Mr. LAZARO. Until those cases are disposed of, will it not be absolutely impossible to enforce the law?

Mr. VAILE. Yes. The committee is in favor of such a plan, and of a plan to have inspections on the other side.

Let me give you another case. Here comes an old lady. She has five sons here. Four of them are citizens of the United States and fought in our Army. The other one has declared his intention to become a citizen of the United States. All five are in reasonably prosperous circumstances. It is reasonable for them to want to take care of their mother and have her with them. Can the old lady come in? Not under our present 3 per cent law, because the quota from that country is exhausted. Now, I am in favor of enforcing that 3 per cent law in such a way as will restrict immigration, but I think we ought to have modifications. Here comes a man's wife. The man has been a soldier of the United States and has declared his intention to become a citizen of the United States. Our 3 per cent law admits a nurse, as one of the professional classes, but it does not admit a man's wife.

Gentlemen of the committee, stand behind us. Let us give you a reasonably restrictive law. I beg you to believe that your committee is, almost to a man, in favor of preserving the American blood which has made this Nation. But while we must remember this we must not forget that this American Nation stands for humanity. While we believe sincerely in our own kind of humanity, I do not think we should absolutely close the door of hope against the wives and the children and the aged parents of those who have established their rightful claim to residence here under our laws, a claim equal to that of men who, like myself, come from a long line of citizens born on this continent. Tracing it back as far as I know, I do not believe that since the beginning of the Republic I have had an ancestor who was not born in the United States of America. But we all realize that a boy coming over here from Poland or some other country may have it in him to be just as good an American as some boys who were born here.

Mr. HARDY of Colorado. Mr. Chairman, will the gentleman yield?

Mr. VAILE. Yes.

Mr. HARDY of Colorado. What tribe does the gentleman come from? [Laughter.]

Mr. VAILE. I will not carry my ancestry back too far, but I will say that as far back as the Declaration of Independence I belong to the tribe of Americans. I will limit it to that. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. WALSH. Mr. Chairman, I yield two minutes to the gentleman from Colorado [Mr. HARDY].

The CHAIRMAN. The gentleman from Colorado is recognized for two minutes.

Mr. HARDY of Colorado. Mr. Chairman, when a newspaper man gets a sincere letter of commendation complimentary to his paper he sometimes runs the letter in the paper so that the world may know what some folks think of it.

I have just received a very fine letter from a friend of mine in Pueblo, Colo., expressing his appreciation of the CONGRESSIONAL RECORD, which I think others should see. Coming from a man of high attainments, well posted on the history and literature of the country, and well informed as to current events, I feel that his opinion is worth something.

The letter referred to is as follows:

2323 GREENWOOD,
PUEBLO, COLO., *December 6, 1921.*

Hon. GUY U. HARDY,
Washington, D. C.

MY DEAR MR. HARDY: I have your letter of 3d, about the CONGRESSIONAL RECORD. I thank you for remembering me in this connection.

I have never been able to understand the jokes some people make about the RECORD. To me it is a living, vital thing. I never get a number without going through it from beginning to end. I know the characteristics of nearly every Senator and of most of the prominent Members of the House. They are to me just as characters in the books of Dickens or Thackeray. The RECORD is simply a "continued story" with me and the characters are real. I have found more brilliant oratory, more profound reasoning and facts in the RECORD than in any other place. It has contributed more to my education since I have been getting it than any other agency. In my scheme of things it is indispensable to me; I do not know how I could get along without it, and every time I pick up a copy I think of you and your kindness.

I truly hope you can continue to get it to me.

With warm regards, I am, sincerely,

J. L. WOODBRIDGE.

Mr. VAILE. Which tribe does Mr. Woodbridge belong to?

Mr. HARDY of Colorado. One hundred per cent American. [Applause.]

Mr. GARRETT of Tennessee. I yield to the gentleman from South Carolina [Mr. MCSWAIN] such time as he desires.

Mr. MCSWAIN. I will not take advantage of the privilege accorded to me to consume much of the time of the House, Mr. Chairman, but I desire to say that the discussion of immigration matters has been very enlightening and helpful, I am sure, not only to those present but will be to those who will read the RECORD, both Members of the House and others like the broad-minded gentleman from Pueblo, whose letter has just been read.

I desire, Mr. Chairman, to suggest to the members of the Immigration Committee an idea as to how the restrictive measures might be extended even without the previous negotiation and ratification of treaties. It is in this way: While we do not control the gates on the other side from which the immigrants come to this country, it is equally true that we do control the ports of entry on this side, and after a consideration of the matter on both sides of the pond, studying it on Ellis Island, hearing numbers of cases tried in the courts there, and considering international law generally with reference to it, I believe this Congress could pass a statute which, in addition to the literacy test, inspection for disease, and so on, would make it necessary before an immigrant could be landed that his passport should be viséed by an American officer and should be accompanied by a certificate and a questionnaire signed by the nearest American consul in the country from which the immigrant comes to the effect that this man's character and his purpose in coming to this country have undergone and passed investigation. It is not only necessary that a man be able to read and write. In fact, some—not all, but some—of the best citizens this country has had from its foundation were men of very limited education, and some of them, perhaps, could not even read or write at all. But the character of a man and his purpose in coming here are more important than anything else; and while the present law prohibits the making of contracts before admission, I believe that law could be amended so as to provide that if a farmer in this country could get in touch through the Immigration Bureau with men on the other side who were willing to come to this country to be farm laborers, in that way we could bring to this country a more desirable class of immigrants, not men who were wanting to sell bananas and peddle fruit and do the chores around our enormous cities and swell the urban population, but to become producers of the things that the men of this country and of the world must eat and wear.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MCSWAIN. Yes.

Mr. JOHNSON of Washington. Has the gentleman considered the fact that it is a little peculiar that our laws with regard to immigration provide that if a man comes in under contract, or even if he comes on the strength of a letter from his brother saying that a job is ready for him, he is debarred because of that, and at the same time if a man comes with no likelihood of employment he is deported because of his likelihood to become a public charge? Is not that an incongruity in the law?

Mr. MCSWAIN. That is the very proposition to which I was going to call the attention of the House and of the country. I want to say that I have discussed this matter in person in lodges of the Junior Order of American Mechanics, of which I am a member, and which is so deeply interested in this matter, as you all know, and I find that the minds of the members are very receptive to the suggestion that while the original law restricting the bringing in of immigrants under contract was perhaps instigated by that order, yet I believe that the order is now willing to see an amendment to the effect that if the character of the man is certified and viséed as O. K., and the purpose of his coming appears affirmatively to be a good one, the man should come in, and that, if necessary, a good American citizen might be allowed to pay the way of that man to this country in order that he might come here and be a producer. Three of the best citizens that ever lived in my section of the country, in the very neighborhood where I was born, were German boys, two of whom had served in the German Army in the Franco-Prussian War, and who came to this country under contract, and two of them worked for my grandfather on his farm. All of them became landowners. Every one of them raised a large family. They were law-abiding people and were among our very best citizens. All three of these Germans were members of the same church into whose membership I was inducted as a boy.

Mr. BOX. Will the gentleman yield?

Mr. MCSWAIN. Certainly.

Mr. BOX. May I suggest that cases like those mentioned by the gentleman must not be permitted to enlarge the opportunity for the continuance, much less the enlargement, of the greater evil at which this provision is aimed. For instance, there is abundant testimony before our committee that a large number of Spaniards have been brought to the United States during this year, and when industrial conditions became bad they were left in the midst of various communities in great numbers. One community in Connecticut, New Brighton, I believe, had a large number of them, believed to have been imported for specific labor, who had to be deported at the expense of that community and of the State of Connecticut. We have information that a large number of undesirable laborers have been brought to this country from Spain to work in certain great industries. If this safeguard is removed there will be great danger of a repetition of that transaction on a very large scale.

Mr. MCSWAIN. Mr. Chairman, I would not suggest a general repeal of such restrictions. I only suggest for consideration certain exceptions after all the investigations have been made that I have mentioned, and after wise discretion is vested in the Bureau of Immigration for the purpose of passing upon the merits of each particular application.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment the bill of the following title:

H. R. 6557. An act to authorize the Secretary of the Treasury to repair and rebuild customs buildings in Porto Rico and to pay for same out of the duties collected in Porto Rico.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9548) for the relief of the distressed and starving people of Russia.

GENERAL DEBATE.

The committee resumed its session.

Mr. GARRETT of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Chairman, I desire to make a few observations with reference to a bill introduced in the House yesterday by the gentleman from New York [Mr. ANSORGE], which undertakes to penalize the formation of what he is pleased to call "blocs" in either the House or the Senate of the United States.

Every time there is a temporary agitation over something, or every time there are scare headlines in the newspapers about some imaginary danger that is about to beset or overtake the Government, some peripatetic patriot rushes into the House of Representatives or the Senate and introduces a bill which is intended to save and preserve the Government from the danger of destruction about to overwhelm it. We have prided our-

selves during the entire history of the Nation upon the fact that our Government was divided into three separate parts—one the legislative, another the executive, and the other the judiciary. That was a very wise division of the powers of the Government. It was so framed that neither has any authority over the other. Congress in the first place enacts legislation, the executive department is supposed to enforce it, but the executive department has no power over Congress to frame legislation, except the power of the President to approve or veto a bill, but certainly the Executive has no power over legislation or to punish either House for the performance of its duties or neglect of its duties.

The judicial authority, separate and apart from both the legislative and executive, was designed to interpret the law which is enacted by the Congress of the United States. But the judiciary division of our Government has no authority over the executive power except to interpret the laws that Congress may enact that may affect the executive branch of our Government. Certainly the judicial authority has never had the power to punish Members of Congress either for the performance of their duties or for even the willful neglect in the performance of their duties.

The only power I know of to punish Members of Congress with respect to the performance of their duties is that the Constitution confers upon Congress itself, and that authority only extends to the power of impeachment and the power of expulsion. Now, it is a wise provision, as I believe all men admit, that the legislative branch of our Government, representing the people, solving their problems as best it may, is free from fear of domination of the Executive, free from fear of punishment by the courts either by implication or by enactment of statutes giving a right to punish Members of Congress for what they may deem to be an unwise performance of their duty or the total neglect of the performance of their duty. If the Federal courts can control and punish individual Members of Congress in matters of legislation, then our system of government is at an end.

Mr. CABLE. Will the gentleman yield?

Mr. BARKLEY. Certainly.

Mr. CABLE. Does the gentleman say that Congress could not yield authority to the judiciary to punish?

Mr. BARKLEY. Yes; I think under the Constitution Congress has no power to delegate to the courts of the country the right to punish Members of Congress for what they may do on the floor of this House. And if they did have any such power to yield to the Supreme Court or the circuit court or the district court or to any court the power to hold the sword of Damocles over Members in the performance of their duty, it would be a merging of the judicial and the legislative functions which was never contemplated by the founders of the Government and would be extremely unwise if we undertook to bring it about.

Mr. CABLE. Without discussing the question of wisdom, does not the gentleman think that Congress by legislation could give the judiciary the power to punish for a violation of any law that it passed?

Mr. BARKLEY. I doubt that very seriously. In the first place, the Constitution exempts Members of Congress from arrest except for treason, felony, or breach of the peace. The law intended to be enacted by this bill to which I refer is not covered by treason, felony, or breach of the peace because the author makes it a misdemeanor. It is not a breach of the peace, it is not a felony, and it could not be treason, and therefore he is conferring on the judiciary the power to determine whether a Member of Congress has joined a bloc of some kind, and if he has, to give the court the power to punish him, and that, of course, carries with it the power to imprison if the fine is not paid.

Mr. WALSH. Will the gentleman yield?

Mr. BARKLEY. Certainly.

Mr. WALSH. Is the gentleman referring to a bill introduced providing for some kind of a punishment for men to vote in a bloc?

Mr. BARKLEY. Yes.

Mr. WALSH. Whoever introduced that bill has his mail mixed up. It was intended to be sent to some funny paper and never intended to be considered on the floor of the House. Anybody of ordinary intelligence would not ask the House of Representatives to consider such a proposition.

Mr. GARRETT of Tennessee. If the gentleman from Kentucky will yield, the bill is already before the Judiciary Committee, and in view of some things I wonder whether the mail was not mixed up.

Mr. WALSH. Perhaps the gentleman had that in mind. I do not know who introduced it, nor do I care.

Mr. BARKLEY. It may be true that the gentleman got his mail mixed.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. JOHNSON of Washington. Will the gentleman be good enough to say just how many blocs a Member of Congress could belong to and be consistent?

Mr. BARKLEY. That depends entirely upon the divisions of his mental spectrum.

Mr. JOHNSON of Washington. I suggest that it depends also on the pressure of the propaganda.

Mr. BARKLEY. I would say that if the gentleman from Washington belonged to as many blocs as he would be capable of with his wide experience, he would belong to all of them.

Mr. JOHNSON of Washington. And then, after belonging to all of them, he might be a fair representative of the people.

Mr. BARKLEY. Absolutely.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. STEVENSON. Does the gentleman think it will be possible in conformity with the suggestion of the gentleman from Ohio [Mr. CABLE] for Congress to waive any right that an individual Member of Congress has? For instance, could Congress as a body by passing an act of this kind commit to the judiciary the determination of the right which a Member who might be brought before that judiciary would have the power to assert under the Constitution?

Mr. BARKLEY. Of course not.

Mr. STEVENSON. In other words, if the Congress should pass the law it could not waive anyone's rights.

Mr. BARKLEY. Not without first having a constitutional amendment adopted taking away from the individual Member of Congress whatever rights he may now have under the Constitution.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. TINCHER. Just as a diversion, I desire to state that for once I am proud to agree with the gentleman from Massachusetts [Mr. WALSH] in respect to the demerits of this bill which has been introduced.

Mr. BARKLEY. I am glad that under this new practice which has been inaugurated here of having an old-fashioned experience meeting Members upon the Republican side are able to get together. I agree with the gentleman from Massachusetts [Mr. WALSH]. I feel that I ought to apologize to the House for taking up time to discuss seriously a bill of this kind. It but illustrates the anxiety and the willingness of some Members of this House to take advantage of every whimsical occasion to bring in some bill in an effort to regulate the membership of the House and thereby gain some temporary notoriety through proposing to curb the individual Members of the House in the exercise of their duties. If you can give the courts power to control the Members of Congress as to how they shall vote on one kind of legislation, you can do it as to all legislation.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. GARRETT of Tennessee. I have heard it intimated—and, of course, I hear so many things intimated that I pay little attention to some of them—that some of the forces at least that were back of the maternity bill are back of this bill. Has the gentleman heard anything about that?

Mr. BARKLEY. Not knowing all of the forces that are back of this bill, and being intimately acquainted with only my own force, whatever it may have been in connection with the maternity bill, I am perfectly willing to declare now that there has been no connection, marital or otherwise, between the two propositions.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman yield?

Mr. BARKLEY. I yield to the gentleman.

Mr. LONDON. I share the opinion of the gentleman upon the subject matter of the bill, but it seems to me that it has been inspired by a suggestion contained in the President's message regarding agricultural blocs or groups.

Mr. BARKLEY. I shall immediately, of course, acquit the President of any intention to inspire a fool thing like this.

Mr. LONDON. And so shall I.

Mr. BARKLEY. But I have no doubt that the suggestion of the President, contained in his message, perhaps ignited a spark of what the gentleman thought was intelligence in his own mind when he framed the bill and dropped it into the basket as a serious legislative proposal.

Mr. Chairman, the introduction of bills of this sort is simply an evidence of the tendency of a certain type of mind which now and then finds its way within these sacred precincts, to endeavor to take away from the individual Member of Congress, be he a Senator or a Representative, the freest exercise of his intelligence, in whatever degree he may possess it, in representing those who have honored him with membership in this or in the other body. If it were constitutional or even wise to pass a bill providing that no Member of Congress should belong of a bloc, it might be just as wise and just as sensible to pass a bill that no Member of Congress should belong to a political party. It would be just as wise to say that no Member of Congress should belong to a certain denomination of religion because indirectly or remotely his training and environment in that respect might have some bearing upon his vote upon a particular legislative proposition. It might be just as wise to say that no Member of Congress should belong to a secret organization, because some of the tenets of the particular organization to which he belongs, or some of the things brought to bear upon his mental capacity as a member of the organization, or some information brought to him accidentally perhaps because of his membership, might have some bearing on the way in which he would cast his vote on a particular legislative proposition. Merely to mention the result of such legislation is to condemn it.

Mr. OLDFIELD. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. OLDFIELD. It seems to me, if this bill is introduced in seriousness, that it comes about 60 years too late, because the proof shows beyond any question, and no man disputes it, for it has been demonstrated time and again, that certain interests, to wit, the woolgrowers and the American woolen manufacturers got together in combination, or in bloc, and put over legislation in respect to wool and woolens.

So it seems to me this bill should have come many many years ago.

Mr. BARKLEY. Yes.

Mr. GARRETT of Tennessee. Was that the combination of the shepherds and weavers to which Senator Dolliver referred?

Mr. OLDFIELD. I think that is the same combination.

Mr. TINCHER. If this bill was to be seriously considered and brought on the floor and considered in Committee of the Whole, I suppose an amendment would be in order to compel Members to join a bloc?

Mr. BARKLEY. Certainly. If you can prohibit a man from doing a thing, you might compel him to do it.

Mr. WILLIAMS. Why——

Mr. BARKLEY. I am willing to take that side of the question if the gentleman seriously propounds the injuiry. The difference between the bloc which my friend from Arkansas referred to which existed 60 years ago and those that are now being denounced from high places and in the press is that 60 years ago, or more recent than that, the bloc to which reference was made is that then it was in secret.

They manipulated legislation not upon the floor, not in the open, not ostensibly or openly admitting that they were intending to control legislation, but now that we have some other kind of a bloc, that is formed either in the House or Senate, or some more or less imaginary organization, where men's minds come together and they vote for the interests of the people whom they represent, they are denounced. It is a high misdemeanor to belong to an agricultural "bloc" trying to get legislation for the farmers of the United States, which they have never been able to get before, but other classes of blocs have always been able to get legislation through because of the power they enjoyed, but there was no great commotion over it.

Mr. JOHNSON of Washington. How far is the bloc from the extreme left wing?

Mr. BARKLEY. Well, that depends on the viewpoint. Whether small "blocs" in either House are for the best interests of the country is a question which may cause us all serious concern. But it is a little strange that the condemnation comes now so vehemently since a little legislation has been passed to give the farmers a modicum of fair treatment.

Mr. WALSH. Mr. Chairman, I rise to a point of order. If we are going to discuss legislation that subjects Members to $5,000 fine for going into a bloc or put their heads upon the block it seems to me Members ought to know something about it, particularly before the Christmas holidays, when they might want to say some farewells. I think we ought to have more Members here. Does the gentleman object to calling in a few other Members?

Mr. BARKLEY. Certainly I would not object to having a few more Members, but I hope the gentleman from Massachusetts is not going to organize a filibuster and make the point of no quorum. [Laughter.]

Mr. WALSH. The gentleman is talking about a bill, and I thought possibly he might find who the author of the bill was, and we might have the benefit of his observations.

Mr. BARKLEY. He may be in session somewhere in a bloc, for all I know, but if the gentleman from Massachusetts desires to interrupt my speech I am willing to yield the floor.

Mr. WALSH. No. I want to say to the gentleman I have no such desire. I am enjoying the remarks of the gentleman. They show good wisdom and great profundity. I have made no point of order.

Mr. BARKLEY. Then I will yield the floor while my reputation is at its height. [Laughter.]

Mr. WALSH. I withdraw the point of order.

Mr. GARRETT of Tennessee. Mr. Chairman, I think we should improve this movement by hearing a speech from the gentleman from New York [Mr. LONDON], and I will yield such time as the gentleman from New York may desire.

Mr. WILLIAMS. Is not that rather dangerous?

Mr. LONDON. I understand the gentleman from Washington wants to speak for a few moments.

Mr. MONDELL. I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, before reverting to the remarks of the gentleman from Texas [Mr. Box] and the gentleman from Colorado [Mr. VAILE], associated with me on the Committee on Immigration, I desire to say my attention has just been called to a dispatch telling of the death this morning of Henry Watterson, for years the dean of newspaper editors and, I believe, about the last of the old school of personal journalism. I knew Mr. Watterson—"Marse Henry." I worked for him and under his personal instructions for some time. To know him was to love and admire him. While we have great editors these days, we see the passing with Watterson of that great school of free spoken editors, which began, perhaps, with Ben Franklin; and which when the daily newspapers became popular developed Raymond of the New York Times, Horace Greeley of the Tribune, Henry Watterson, George W. Childs of the Philadelphia Ledger, Joseph B. McCullagh of the St. Louis Globe-Democrat, Joseph Medill of the Chicago Tribune, Harvey Scott of the Portland Oregonian, Alden J. Blethen of the Seattle Times—all gone now from this earth—and others of that old school of editors of the days when the editor was not beholden to the business office; when editors and their newspapers undertook to lead and not to follow the public. Horace Greeley, perhaps, was foremost; Henry Watterson is, I think, the last—the last certainly, although others may be in the making. O, my colleagues, as long as we shall have a Republic we shall have need of men of the Watterson type—men who dare to speak their minds on all public subjects, who are not afraid, who see clearly, and who can give ground now and then for the ultimate success of a great principle. Watterson was a Member of Congress years ago, and may we not all strive to work with that earnestness which characterized him. This leads me directly, Mr. Chairman, to what I have to say concerning the present immigration situation. In the words of another a condition, not a theory, confronts us. Can we meet it? I have here a telegram, a personal telegram, coming from a man whom I have not met, addressed to me as chairman of the committee. In these brief words it says:

> You are charged with the performance of a most trying and poignant duty, one that is rich in its moral reward.

It is signed by James W. Gerard, the former ambassador to Germany, who served the United States in most trying prewar times with dignity and honor. He has sent that telegram to me voluntarily. But, gentlemen, although I am chairman of the Immigration Committee, it does not apply to me alone. It applies to every Member of the House, for as chairman I am only one agent of this legislative body. It applies with especial force to every member of the Immigration Committee, which committee has the welfare of the United States, now and in the future, at heart as much as any committee; which committee sits long and weary hours, which hears the heart problems of the world, of distress at home, of horror abroad, and which, Mr. Chairman, finds a thousand problems tied up in the great questions of immigration, naturalization, and Americanization. What other problems mean so much for the United States now, or 10 years from now, or 50 or 100 years from now?

In passing, Mr. Chairman, let me pay a personal compliment to all of the members of the committee and to my very good friend, the gentleman from Texas [Mr. Box]. Always sincere, always earnest, always for the United States, I would not offend, I do not now pretend to answer his statements. We

seek the same ends. He is in a sense my right-hand man. We have had no politics in our committee—I hope we may never have—for our divisions do not fall that way.

I must say, however, that in our effort to secure restriction of immigration, we who know the United States is 20 years or 25 years too late for the true settlement of this problem, depend on the votes of Senators and Members of the House from the Southern States, who see the thing clearly, without blurred spectacles, because the problem does not have its personal side in those States, which as yet have not received a great many immigrants. The South knows, the South has long seen what we now see—some of us for the first time—that the melting pot is overloaded.

My friends, for more than 20 years before I came to Congress I have been a working restrictionist. I learned the lesson—I saw the danger—out on the Pacific coast when the little brown men first began to pour in from Japan. I saw that problem beginning. I recognized it then, and I see it now as one, my friends of the South, which will make the Negro problem look like a battered penny.

I said that I am an immigration restrictionist. I take some pride in the fact that it was the action of this House, on a report from the committee of which I have the honor to be chairman, that led to the passage of a bill which, even if it was substituted for the House bill, has kept out 700,000 or 800,000 aliens in six months' time. We had to take that bill or nothing. It is well that we accepted it.

But, Mr. Chairman, I can not defend or propose to keep in existence all phases of a percentage law which says that a nurse, because she is a nurse, can come in from any country, regardless of any per cent, and still keeps out your mother, or my mother, because she is alien born, if either of us is able to support her. [Applause.]

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. WALSH. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Washington is recognized for five additional minutes.

Mr. JOHNSON of Washington. I said at the outset that a condition confronted us. It is this: The determination of quotas did not quite fit new boundaries of countries in Europe, perhaps. Passport visé regulations did not quite fit quota regulations, perhaps. Other situations arose. I have not time to detail them. At any rate, we have been obliged to accept in the United States 1,300 or 1,400 persons in excess of quotas from countries where, in nearly every case, the quota was very small.

That excess is distributed over five months. And now under the 20 per cent maximum per month class of the law several quotas have just been exhausted, all at once, from a dozen countries with limited quotas. The result is that we have on hand at Ellis Island and at Boston about 1,100 recently arrived immigrants in excess of quotas from "Other Asia," from Assyria, from Armenia, from Syria, and from other places. Practically all are dependents—wives, mothers, children, or orphans—coming to relatives who are amply able and who will give bond for them.

Mr. Chairman, I have worked might and main the last 10 days to prevent the deportation under our 3 per cent law of minor orphan children, of mothers—worked to prevent the deportation of people who have come to the United States, some of them starting as long as a year ago, whereas our 3 per cent act was not passed until last May; people who have fallen sick on their way out of Assyria or some country like that and have been lying in hospitals in India, ill with fever or other disease for six or eight months, with the necessary visé on their passports—for which Uncle Sam has $10 in each case—that brought them a year late into the United States, at Ellis Island; only to be told that they are too late. All told, 1,100 such souls are lying at congested Ellis Island at this Christmas time waiting for the mercy of the United States.

Some of those people who are to be returned, under a strict reading of the law, must be returned to the stricken regions in Asia Minor where constant war rages between the bolshevik on the north and the followers of Mohammed on the south, who preach death on the edge of the sword of Islam; and who kill Christian and Jew alike; and so help me God, I will not stand idly by and let the United States send back these people if we can save them. [Applause.]

We are here to-day in the Committee of the Whole House on the state of the Union, and I am glad we can have these close-in, heart-to-heart talks. Congress would be better, in my opinion, with more such days of free debate. I contend that we are right as a nation, a Christian nation, a great humanitarian nation, in letting in 3,000 or 4,000 or 5,000 who come to our gates under misunderstandings, for which we are in part to blame; a few for each ship, under long stress of travel, to let them in under bond until we can find a way to take care of them.

There is a provision in the Burnett immigration law which gives the Secretary of Labor the power to exercise that right in individual cases. And that great, big hearted humanitarian, Secretary Davis, will exercise that right, if I am not mistaken, and will be applauded by the people for so doing. [Applause.]

The human heart acts about the same in every man. I have advocated a law for the admission of close blood relations of citizens and certain others. The reason I urge that is that we are about 25 years too late to do to-day that which we see now we should have done. What do I mean, you ask? Ah, gentlemen, if it were your mother or my mother lying there on Christmas night at Ellis Island, due to be deported, hopeless and crying for you, her son, who has made good, what would we do? What would any man do?

Oh, we can not admit all, but we can limit immigration to the immediate blood relatives. We can not do otherwise, in my opinion. The United States can not take care of all the world. All the people who would come can not come here. Would to God that we might still be the asylum for all the distressed and oppressed of the world. We must have restrictions. But where is the official who will send back the little orphaned children to Armenia, to Turkey, or to Assyria?

My colleagues, can not you see that our committee, the Committee on Immigration, has the problem of the human heart of the world on its hands? We are trying to find what is best for the United States. I think we know that permanent restriction is best. But people want haste. People cry out, "Suspend all immigration; stop it all!" Ah, they forget about travelers, they forget about visitors, and they forget about students. People see undesirable aliens here and cry out, "Deport them!" As if the United States had millions and millions of money to spend in sending shiploads of deportees and was able to send out all undesirable, and as if we had no treaties. You can not send some anarchist alien who came from some country away off in the east of Europe, but who came here from England, back to England and do it without the protest of England.

I ask you, Members of Congress and all members of the great Committee of the Whole, to look at all the phases of the complex problem.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. BOX. Is it not a fact that the United States is now spending large amounts to deport people who have come from abroad?

Mr. JOHNSON of Washington. Yes; and we have thousands of people coming in surreptitiously over the northern border and across the Texas border. We must tighten up those walls; we must provide penalties for steamship violations of the law, but to-day will we let dependent people whose relatives here send money—thousands of dollars monthly—over there across the water; will we send them back without trial when through no fault of ours they have been landed here, and when the same relatives stand ready to give bond for their support here and their good behavior, and who will spend the money here that they are now sending away? We speak of the admissions as temporary, but I presume they will be permanent. But what does 1,500 now under bond, and 1,100 at Ellis Island, amount to in numbers compared to the several hundred thousand that our 3 per cent law has not let even start?

Mr. TOWNER. Will the gentleman yield?

Mr. JOHNSON of Washington. Certainly.

Mr. TOWNER. I presume that the same difficulties with regard to violation of the immigration law would have occurred even if we did not have the 3 per cent restriction.

Mr. JOHNSON of Washington. To a considerable extent.

Mr. TOWNER. So that it is not particularly because of the 3 per cent law as such that these undesirables or these people who are not entitled to come in under any circumstances are here?

Mr. JOHNSON of Washington. No; the gentleman is quite right. But remember we are trying a brand-new law, the 3 per cent law, a brand-new plan, and in the mishaps and confusions of that law we have let in to date for humanity sake only a few thousand. What is that number compared to the thousands that the Government let in over the Mexican border after the war under bond to work at labor in the fields, a state of peonage, if you please? Is not the human heart big enough to see the difference? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. I ask unanimous consent that the gentleman from Washington have one more minute.

The CHAIRMAN. The time is under the control of the gentleman from Massachusetts and the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Mr. Chairman, I do not wish to be ungracious at all. I think we have used about one-fifth of the time.

Mr. JOHNSON of Washington. I can finish in one minute.

Mr. GARRETT of Tennessee. I yield to the gentleman one minute.

Mr. TOWNER. I just want to ask one question. In the law that is suggested by the gentleman is it intended to make complete exclusion except as to relatives?

Mr. JOHNSON of Washington. We are trying to make it so; yes. Now, one thing more, and I am through. The way to punish the steamship companies is not to fine them $100 for this or that violation, but to give the Secretary of Labor the right to refuse to land any immigrants from any country that willfully violates the law in any degree. That will cure that excess-quota problem.

Mr. BARKLEY. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. BARKLEY. Is there any practical way by which the embarkation of these unfortunate people on the other side can be prevented?

Mr. JOHNSON of Washington. Yes; if their countries will let us embody it in a treaty and if we are willing to have our people examined if they are going abroad.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. GARRETT of Tennessee. I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman and gentlemen, for nearly half a century some of the best people of the United States have endeavored with all their might and main to free this Government from the liquor traffic. They have freed it from the liquor traffic by the fundamental law of the land. Even though we now have bootleggers in the various States of the Union, even though we have illicit stills in various counties and States, yet the fact remains that there is a ban upon the manufacture and sale of intoxicating liquors throughout this land, and it is a ban that is going to stay, because it is in the Constitution. Yet I am sorry to say that the press of the country reports—whether truly or not I do not know—that the chairman of our great Ways and Means Committee has given out to the public the statement that shortly after the Christmas recess he and his committee are to consider seriously the advisability of attempting to disregard the constitutional law of our land and to recognize as a legitimate business of the country the manufacture and sale of certain kinds of liquors containing a certain per cent of alcohol, and that their excuse for so doing is that they will thereby raise a tax to pay a debt that this Government owes to the ex-service men of our country. I want to say that such an excuse is an insult to the soldiery of our land. It is an insult to the American soldier and the American sailor, who through great sacrifice were able to bring a world victory back from France. I want to say that they stand for the very highest that there is in morality in this Nation. I want to say that they do not want a bonus as badly as that; that they are not put to that great extreme where they would want this Congress to attempt to disregard the fundamental law of the land in order to pay its debts. Surely there can be found a legitimate means whereby this Nation can pay what is due to the ex-service men of our country without recognizing an unlawful traffic, a traffic that has been made unlawful by the fundamental law of our land. I want to say that this promise which the chairman of the Committee on Ways and Means has made that he will take up this matter shortly after the new year presents a serious question. It is a proposition that the people of this country are not going to stand for, if the chairman of that committee or his committee attempt to override the Constitution. It is a question concerning which this Congress is going to hear from the people of this Nation from Seattle to Florida and from the Pacific Ocean to the Atlantic. The voice of the people on this question is going to be overwhelming. There is a proper way whereby the Constitution can be changed, and only that is the way that those who would seek to change it should go about to bring that procedure into effect.

If a majority of the people of this country want to exempt light wines and beer from the provision of the Constitution there is a constitutional way whereby they can do it. They can let Congress submit the question to the people of the United States, and they can let the legislatures of the country pass upon it. I want to say that whenever the Congress attempts to pursue the legal method there will be no change in the Constitution. The thinking people of this land, the men and women of America who have the best interests of our homes and firesides at heart, know that there has been a great achievement made by Congress and the legislatures of the States when they enacted the eighteenth amendment to the Constitution. They are not going to stand for its being set aside by any such attempt or subterfuge, or any such excuse. I felt impelled by the recent press reports to say these few words on this subject.

Mr. MONDELL. Mr. Chairman, we have had a more or less interesting discussion this afternoon of matters grave and gay and serious and fanciful. The more recent discussion has from my viewpoint been largely of matters in the realm of fancy and imagination. The gentleman from Kentucky [Mr. BARKLEY] discussed earnestly or facetiously—I am not sure just what his thought was about the matter—a curious suggestion of legislation which blew into the legislative hopper yesterday touching blocs. Not being a French scholar I never quite understood what a bloc was. A distinguished engineer, who constructed one of the greatest engineering works in the world, once referred to a board as something that was very long, very narrow, very wooden. Of course, one could not apply that description to a block, except the latter part of it—a block is also wooden.

Passing from the manner of blocs, a thing wholly nonexistent in this House, although it is said by some to exist elsewhere, there was some little discussion of a suggestion that we raise the cash for a soldiers' bonus by toleration of and a tax on beer and wine. This is the holiday season, in which some men's minds naturally turn to beverages that are said to cheer, and far be it from me to deprive any gentleman of any imagining that may be pleasing or comforting to him. Of course, we all understand that so far as any legislation, early or remote, by this Congress along the line suggested is as improbable as the passage of the bloc bill. [Laughter and applause.] My own opinion is that it is not only impossible as a matter of legislation, but it is altogether improbable as a matter of serious consideration in any body belonging to or appertaining to this House.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GARRETT of Tennessee. I was about to suggest that it seemed to me that remarks of that character ought to be made when the gentleman from Maryland [Mr. HILL] is present, and I do not see him. I wondered if the gentleman would not defer those remarks until a later time. [Laughter.]

Mr. MONDELL. The gentleman suggests deferring further remarks and not withdrawing those already made. That is entirely agreeable to me.

Mr. GARRETT of Tennessee. The gentleman will have his right to speak later, when the gentleman from Maryland is present.

Mr. MONDELL. Does the gentleman from Tennessee desire to yield to some Member?

Mr. GARRETT of Tennessee. I would be glad to.

Mr. BLANTON. Will the gentleman yield to me for a question?

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. I want to call the attention of the gentleman from Tennessee to the fact that it is not the gentleman from Maryland who gives out the report; it is the chairman of the great Ways and Means Committee of the House of Representatives of the United States of America, the gentleman from Michigan, who gives out the report that he is going to give due consideration to such a matter after the Christmas holidays.

Mr. GARRETT of Tennessee. I think the gentleman from Michigan is also absent.

Mr. MANN. Has not the gentleman from Texas already given due consideration to it?

Mr. BLANTON. Yes; long ago.

Mr. MANN. Then why does the gentleman object to somebody else considering it?

Mr. BLANTON. Because the conclusions are not so definite.

Mr. MANN. They will be.

Mr. GARRETT of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LONDON]. The gentleman from New York does not seem to be present, and I yield 10 minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, I do not desire to address the House as a whole, but I want to say a few words confidentially to my Democratic colleagues. The Republican Members need not listen unless they wish to. I regret that there is not a larger Democratic membership present, but there are as many Democrats as Republicans. I do not say that critically, but I say it regretfully. I suggest to my Democratic colleagues that when they come back from the Christmas holidays they should realize that they have a responsibility and that it must be met. It is

true that one of the great leaders on the Republican side a few weeks ago announced to us here on the floor that they did not need our help and did not want it. Of course he said that in a moment of anger at the Democratic side. He did not mean it. He recognized then what the country has since realized, that without the help of the Democrats in the House of Representatives the orderly processes of government will completely bog down. The Speaker realized it the other day and so did the gentleman from Wyoming [Mr. MONDELL]. You Democratic Members know that while I am a partisan I have always insisted that there are certain things which should not divide us in this House. One is that whenever a foreign question arises politics should cease at the water's edge. Another is that when partisan controversy is apt to prevent the necessary and proper legislation we ought to take the position that the party in power is responsible. I am a great believer in party responsibility.

I am very fond of the Speaker of the House and also of the gentleman from Wyoming [Mr. MONDELL], and their cry of distress the other day touched my heart, and I made up my mind at that time that I was going to respond to it; I was not going to let their appeal be made in vain. Gentlemen will remember that the other day, in the midst of an effort by the gentleman from Wyoming [Mr. MONDELL] to get a quorum here to do business, he cried out in the anguish of his soul, "Where are the 50 Democrats?" That was a confession that if just 50 Democrats were here public business could and would be attended to.

Then the Speaker of the House at one time in making a ruling on that same day said he thought the Democrats were trying to obstruct public business, because he saw only 10 Democrats on the floor. He failed to mention the fact that there were only the same number of Republicans. That was an admission upon his part that if we did not have more than 10 Democrats here the Government would just bog down under this so-called proficient, constructive Republican administration. The Republicans have a 2 to 1 majority, 303 Republicans, and yet even the Speaker and the Republican floor leader want as many as 50 Democrats to stay here absolutely so that the business of the Government will not come to a standstill because of the inefficiency of the Republican majority. I think there is something in their appeal, and I want to appeal to my fellow Democrats to come back after the holidays and assume the responsibilities that are ours, because the complete breakdown of this Republican administration has not only been realized by the country but is realized with distress by the gentleman to whom I have referred, the distinguished Speaker of the House, and the distinguished Republican floor leader. [Applause on the Democratic side.]

Something has been said here about a "bloc." The gentleman from Wyoming [Mr. MONDELL] says that he does not know what a "bloc" is. He said that he was not enough of a French scholar. That is surprising to me, because he and his party under his leadership have engaged in so many "French gestures" by way of what is vulgarly called "bull-con" legislation that I thought he really was acquainted with French. If he really wants to know what a "bloc" is, he might ask Secretary Weeks. He told him. It will be remembered that our Republican friends were very much elated when they took charge under this administration. The real leader, the gentleman from Illinois [Mr. MADDEN]—because the man who holds the purse strings is really the leader, and gentlemen here will live to see the day when the man who is chairman of the Committee on Appropriations will give orders to the President and to the Speaker under your present system of appropriations—the real leader, the gentleman from Illinois [Mr. MADDEN], in his elation announced, before these gentlemen succeeded in forming an agricultural bloc in an effort to insist not upon special legislation for agriculture but for equality of treatment and for proper consideration of the problems that disturb the great agricultural sections of the West—the real leader [Mr. MADDEN] announced with a good deal of dictum and with that vehemence that he can assume at times that for the first time since the Civil War, I believe he said, the people who paid the taxes, who lived north of the Ohio and east of the Mississippi, were in control of the Government and that they were going to run it. Right then and there the "agricultural bloc" was formed, because that was notice that if men who believed in nonpartisan legislation for the benefit of the agricultural interests of this country did not get together the only legislation that would be enacted under this administration would be typical Republican legislation, which is class legislation for the benefit of the great financial and manufacturing interests of the country.

If there be a bona fide desire upon the part of men who represent agriculture in the South and West, regardless of party lines, to see to it that the farmers of the country are given not class legislation but equality of treatment, for that is all we ask, and they are getting together, prompted by the same common interest in the same common patriotism, and their getting together constitutes the forming of an "agricultural bloc," then the gentleman from Wyoming has one under his wing, just as they have at the other end of the Capitol.

I am a little bit alarmed, I would say to my Democratic friends, as to whether or not there will be legislation purely along that line, because I know the call of party. I know our friends on the Republican side of the aisle are facing a very serious proposition. They must make up their minds just whether they will follow Secretary of Agriculture Wallace, or Secretary of War Weeks. They have to make up their minds whether they will come in with their party in following a program that has marked every step that the Republican Party ever took and confine their legislation to class legislation and the benefit of one class and of one section, that is the manufacturing interests of the North and East, or whether they will oppose that class, now in control of legislation, and insist that the great Republican States and constituencies representing the agricultural people who sent them here shall be considered and have their problems solved as far as possible by legislation by this Congress.

That is a difficult situation, because a congressional election is coming on. My prediction is that a great majority will be whipped into line.

Mr. BARKLEY. On which side?

Mr. WINGO. Oh, I am talking about the Republican side. That is the only side that is in trouble.

Mr. BARKLEY. The gentleman does not understand me. On which side of the agricultural question will they be whipped into line?

Mr. WINGO. Oh, they will be whipped into line on the side of the Republican organization, which is controlled by the northern and eastern interests named, the same group which put our genial, good-natured, handsome President in the White House. Our friend from Wyoming [Mr. MONDELL] is just imitating the President when he says he is not "very clear." That was a candid confession on his part. Gentlemen will have noticed that his favorite expression of late has been, "I do not know just exactly what the gentleman is driving at; that is not very clear." In other words, he tries to keep himself in the state of mind that evidently the distinguished President is in, when he confessed to the whole country, in spite of propaganda being put out that he is the guiding intellect of the disarmament conference, that he is consulted each morning on the day's doings, that, as a matter of fact, he did not really know what was going on, and did not know the real agreement nor the real consideration that moved the delegates in forming the quadruple alliance between the United States, England, Japan, and France.

And I am not going to discuss who is right or wrong, because I said, and I stand by it, in all seriousness, when in the efforts of President Harding and this administration they try to reach any kind of an agreement that will insure peace and stabilize the economic conditions of the world, I was ready to stand behind them, and I regret that the President of the United States did not wait and see what the conference had done, and not come out in the press and contradict the great Secretary of State, Mr. Hughes, for whom I have a great admiration. My friend from Wyoming is getting in the same state of mind. I suggest that before he states the Republican program he consult the gentleman from Michigan [Mr. FORDNEY] and the gentleman from Baltimore [Mr. HILL]. Both of them are very prominent members of the Republican organization. I have understood they are very influential members. I have always been under the impression that those two men had more influence, outside the gentleman from Illinois [Mr. MADDEN], than anybody else on the Republican side, except, of course, our genial monitor, Mr. MANN, who has come out of his garden and has seen fit again to meet with us and aid the deliberations of this body.

Mr. PARRISH. Is the gentleman aware also that Secretary of the Treasury Mellon seriously considered the proposition of resigning?

Mr. WINGO. Yes; I feel sorry for Mr. Mellon. He formerly lived so excluded that you had to take an elevator and ascend about 50 yards and go through several "flunkies" to make an engagement to see him some time next session. So he was exasperated when he was called down to the Capitol. He thinks there are a lot of pestiferous Members of the House, who

send for him to make him tell about the public business, and feels that his privacy is being violated. So we had to give him an Undersecretary of the Treasury to attend to the duties, because the pestiferous representatives of the people wanted him to tell what was going on. He does not know whether to retire or not. He does not have to retire, because he heads the financial group that elected this administration, but he may retire and put one of his underlings in his place. By the way, I am wondering what is to become of the gentleman from Illinois [Mr. GRAHAM]. We all remember he brought in a report here from one of those war smelling committees. I was wondering what became of that. It condemned a company of Mr. Mellon's.

Mr. WALSH. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. Will the gentleman yield me more time, because the gentleman from Massachusetts is sending up distress signals, and I want to find out what the trouble is? He seems to be trying to remind the Chairman my time has expired. Will the gentleman yield me five minutes additional?

I see the gentleman from Massachusetts [Mr. WALSH] is spreading his angelic wings. May I inquire if he wants to interrupt me?

Mr. WALSH. I would like to ask the gentleman a question.

Mr. WINGO. I will be glad to yield.

Mr. WALSH. I notice the gentleman turns to the majority side of the Chamber. Is he now about to devote the same proportion of his remarks to the majority side as he has devoted to the minority side of the Chamber?

Mr. WINGO. I am not going to address my remarks to the Republican majority. I am a practical man, one who has been educated in the hard school of experience, and have a wholesome respect for the scriptural injunction, "Give not the holy things unto the dogs, nor cast thy pearls before swine, lest they turn again and rend thee." For that reason I shall not presume to offer any suggestions to the 303 Republicans, who are absolutely unable not only to attend to public business but even to maintain a quorum. As a group, I give them up as utterly hopeless. [Laughter.]

Now, Mr. Chairman, I was discussing, I believe, Brother Mellon, of the Treasury. [Laughter.] I really ought to give some advice to the gentleman from Massachusetts about Barnstable. Is Barnstable, Mass., in the gentleman's district?

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. WINGO. I am asking the gentleman a question. I have yielded to him.

Mr. WALSH. Yes; it is on Cape Cod, in the midst of the cranberry section.

Mr. WINGO. Nobody ever accused the gentleman from Massachusetts of being a cranberry statesman simply because he is small. [Laughter.] He is really a very able statesman, and I am very fond of him, because most of the faults I have he has and a few of my virtues, and thus there is a bond of sympathy between us. He is about as sweet tempered as I am.

Mr. WALSH. I am sorry the gentleman would seek to condemn me in terms so severe as that. I do not know but what I might be justified in demanding that the gentleman's words be taken down, considering all the faults that the gentleman has. [Laughter.] I doubt if I ought to allow that statement of his to go out to the country unchallenged at this joyous season of the year. [Laughter.]

Mr. WINGO. I will state for the benefit of Members who were not here a few years ago that the gentleman from Massachusetts is a real Indian and never forgets. The gentleman got very angry with me once because facetiously I threatened to have certain words of his taken down. He had said that I did not have any more sense than he had. [Laughter.] Upon reflection, I concluded that he had intended it as a compliment to me, because he has great sense. [Laughter.]

Mr. JOHNSON of Washington. And where does the gentleman from Washington get off?

Mr. WINGO. I am glad to say that the gentleman from Washington is trying as hard as he can to solve the problem of immigration. If he can get a change of policy in an administration that will permit one who was a spy in the last war to come back to the United States and engage in business and then deny the right of admission to the alien members of the family of an alien-born ex-service man who showed his loyalty to the country of his adoption by offering to sacrifice his life in its defense on the battle line, he will be doing a good work. Those relatives of the alien-born service man are barred out, although they came in on the same boat on the same day as the former spy. If he can show the gentlemen responsible for that just where they get off, he will earn further the gratitude of this House and of the country in his efforts to solve the immigration problem.

Mr. JOHNSON of Washington. The gentleman ought to know that most of us would not only favor sending that spy back but all others under like circumstances.

Mr. WINGO. I am sure of that. I am sure the gentleman from Washington would favor the release of ex-service men who happened to commit petty offenses during the war who are now in prison, and I am sure, if the gentleman had his way about it, those boys would be permitted to go back home, now that the war is over, instead of still being confined, especially when the man at the other end of the Avenue, acting under the counsel of the Attorney General, proposes to pardon the so-called political prisoners like Debs.

Mr. JOHNSON of Washington. I think the gentleman will find that if any alien prisoners are released, they will be sent to the country from whence they came.

Mr. WINGO. I believe that when you go out for political purposes and pander to the lawless element of this country and turn out of prisons men who were disloyal in their utterances and in their influence and still keep imprisoned men of simple minds who were affected by those disloyal utterances and who may not have known what was technically meant, when judged by legal standards, you are doing an unjust and inequitable thing. Those boys are in prison and I think somebody ought to get them out.

I know of one such boy whose sole offense was that he wanted to go and see his sick mother; the exasperated Army officer would not give him a furlough and he just went home. Everybody knew where he was going. He told his friends and his comrades that he was going home to see his sick mother. He was apprehended and sent to prison, and he and some older men broke out, and they tried him for escaping, and he is now lying in prison.

I say, send home the boys like that. They are the men who really have to pay the penalty for the disloyal utterances of other men who, though their utterances may not have been disloyal technically, were yet the cause of thoughtless boys getting into trouble on account of the construction given to their words. My heart goes out to those boys, and not to these so-called political offenders. My heart goes out to those boys who are incarcerated now, and whose families can not understand why those boys are still held, simply because they committed some petty offense in the Army. Some officer got a little brutal with them, and they, full of that great initiative and pride which constitutes the real strength of the American soldier, committed some breach of rule or regulation and in consequence were court-martialed and imprisoned. They are languishing now in prison. I would turn those boys out on Christmas Day, and if that were done it would do far more to revive the spirit of loyalty to this Government than would the letting out of any of the so-called political leaders and political prisoners.

Mr. JOHNSON of Washington. Why did not the gentleman go down to the recent meeting of the proponents of personal liberty in the United States, addressed by the Deputy Commissioner of Labor, Louis F. Post, and make an appeal?

Mr. WINGO. Those men I hope are not running the administration. I hope that no President, whether he be a Democrat or Republican, will ever let that bunch control his action. [Applause.] If you are going to release Debs and the other leaders, you have no right to longer hold in prison the soldier boys who are still confined in prison. For them I plead. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. GARRETT of Tennessee. Mr. Chairman, we feel that all the arguments that have been made on that side have been answered by gentlemen on this side. [Laughter.] We have more time remaining to our credit. Does the gentleman from Wyoming [Mr. MONDELL] care to recess?

Mr. MONDELL. I think we would like to use about five minutes more on this side if the gentleman from Massachusetts [Mr. WALSH] desires.

Mr. GARRETT of Tennessee. Of course, we may have to answer the arguments of the gentleman from Massachusetts.

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. WALSH. Mr. Chairman, in order to lift the load of gloom and disappointment that has been cast upon the Republican Party by the eloquent gentleman from Arkansas [Mr. WINGO] and in order to stifle the sighs now swelling in our bosoms, I call upon Brother YOUNG of North Dakota for his experience. [Laughter.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment the bill of the following title:

H. R. 9464. An act authorizing the construction of a bridge across the Snake River at or near Central Ferry, Wash.

GENERAL DEBATE.

The committee resumed its session.

Mr. WALSH. I yield to the gentleman from Ohio [Mr. FESS] two minutes.

Mr. FESS. Mr. Chairman, I am rather astonished at the two minutes yielded to me by the gentleman from Massachusetts. He is a member of the Judiciary Committee, and I asked him to allow me to call the attention of the membership of the committee to a question that was brought up in the House in the last Congress on the matter of providing for the contingency that might arise over the disability of the President to perform the duties of his office. Of course, that can not be discussed in two minutes. I took an hour before the Committee on the Judiciary in which to present it, and have had the compliment of letters from a great number of editors throughout the country asking me why I do not push some legislation upon that subject at the present moment, in which they state their opinion that I had made a good case before the committee.

I will not attempt to state before this committee or any other body of legislators in two minutes why I think this particular omission in the Constitution ought to be supplied by an amendment or, if it should appear that we already have the constitutional authority, then by legislation. Some of our greatest constitutional lawyers, including the gentleman from Massachusetts [Mr. WALSH], hold that we can do this without an amendment to the Constitution. Other members of the Judiciary Committee, including its chairman, Mr. VOLSTEAD, hold the same opinion. Whether it can be done without constitutional amendment or whether it requires such an amendment, I think the whole country agrees that this omission ought to be supplied. Believing, as I do, that it requires an amendment, I offered in the last Congress the following proposal:

Said disability to be determined by the Supreme Court when authorized by concurrent resolution of Congress. The Vice President is authorized to call Congress into special session for this purpose upon recommendation of the Cabinet.

This is not the only omission touching the Executive office. I wonder whether Members of the House are aware that there is the possibility of an interregnum in the Presidency of the United States that needs no change in the Constitution, but looks simply to legislation, but which thus far has been omitted. For example, if both the President and Vice President elect should die after the Electoral College had voted and the count was made here in the House, the best authority in America says there is no provision either in the Constitution or under the law to fill that interregnum. We need only a law authorizing the reconvening of the Electoral College for the purpose of making a selection, the college having ceased when the vote is once counted. Why we allow an omission of such necessary legislation to remedy it seems to me difficult to understand. However, that is not the question I rose to discuss. I merely mention it as an example of our willingness to trust to luck in such important matters.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MONDELL. I yield to the gentleman five minutes more.

Mr. FESS. I am very much obliged to the floor leader. The force of the Constitution touching the question of vacancies in the Executive Office is as follows:

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President.

That has occurred in our history five times. It first occurred in the time of Tyler, then of Fillmore, then of Johnson, then of Arthur, and lastly of Roosevelt. I am mentioning the Vice Presidents who succeeded to office instead of the Presidents who died. There is no dispute here, except whether the Vice President becomes Acting President or the President. It was decided President instead of Acting President.

The Constitution further provides:

And the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

You will note by a plain wording of the Constitution that it covers only the cases where both President and Vice President are incapacitated, and gives authority to the Congress to fill the vacancy. We had the law of 1792 to cover this situation, and which provided that if the President and Vice President both died or a vacancy occurred because of removal or otherwise, the President pro tempore of the Senate would act as President. If he should die or be removed or resign, then the Speaker of the House should take the office. This stood as the law until 1886, but was never employed. Then, in 1886 that was changed, omitting the President pro tempore of the Senate, also the Speaker of the House, and substituting the members of the Cabinet successively, beginning with the Secretary of State. But this does not apply in the case of the disability of the President to perform his duties. There is no provision in the Constitution giving power to Congress to provide for filling the office if the inability of the President to perform his duties should occur. Neither is there, as I see it, any authority anywhere to define the disability. There is no provision in the Constitution that I see for either defining disability or providing for it when defined and established. When President Garfield was lying at the point of death for months, although it was known his condition incapacitated him to function as the head of the Nation, under the law as it stands he was the President. I think it is generally conceded, and this can be said with no discredit to his greatness, that he was not in mental or physical condition to execute the law, but nevertheless he was still the President and no one could act for him. The situation at the time was so delicate that for explanation of the terms, I might say, there was no public discussion of his disability.

"Inability" is the term used in the Constitution which refers to the matter to be established by proof, and "disability" is the term used in the same paragraph to refer to the matter when once it is established by proof. Before his death, and during the weeks of suspense, there was no discussion of President Garfield's disability to perform the duties of his office; but as soon as the end came general discussion of the subject was taken up in the House. Among the number were five of the greatest thinkers of our country. One was Senator Trumbull of Illinois, who discussed the constitutional question from the standpoint of a legislator and constitutional lawyer. Another was Benjamin Butler, of Massachusetts, once chairman of the Judiciary Committee of the House, but later Governor of Massachusetts. He discussed it as the governor, from the executive point of view. Another was Senator Morgan of Alabama, who also viewed it from the angle of the legislator. Still another was Thomas M. Cooley, a noted professor of law in the University of Michigan, who discussed it from the broad, general point of constitutional law and the science of politics. The other was President Timothy Dwight of Yale, a distinguished scholar, highly versed in international law. All of these people raised the question whether there is any sanction in the Constitution for making provision for this disability. These trained minds did not agree on the constitutional status. Some claimed that the Congress can do it. Cooley took this view. Others held that the Congress has no power to do it and it would require the Constitution amended.

The great scholar and political scientist, George Ticknor Curtis, than whom there is no greater authority, held there is no provision in the Constitution.

Since I presented these views in the last Congress articles frequently occur in the press discussing the subject. Only two weeks ago such an article appeared in one of the papers in the city, claiming that there is no need of a constitutional amendment, that Congress is free to act. Most of the argument is adduced from practices in foreign countries. Of course, this does not offer any light whatever on the subject at hand. Foreign countries are not limited by written instructions of an organic law. Their unwritten constitution has the force of law, and when an exigency arises they meet it. It is claimed that we would do likewise. I have no doubt we would, but it would not be a normal process, since our acts are limited within the written instructions of the Constitution.

This writer refers to the custom of regencies. True, but in the United States we have no regencies and no constitutional authority to create such. The author fails to note the force of a written instrument which governs the lawmaker in the extent of his authority. "Inclusio unius exclusio alterius" is the principle of constitutional interpretation as well as legal construction. We must look to the Constitution for any authority we contemplate using or exercising. It must either be expressed or clearly implied. No one will assert that the authority to define or fix the "disability" of the President is expressed in terms of the Constitution. I have not been able to find where it clearly implies the power. If the power exists it will be implied, but thus far no one has pointed out where the power is lodged to authorize Congress to act if the exigency arises. The undisputed fact that the exigency has arisen in our history, and no action was taken, and even no one yet has even indi-

cated what and how any action could be taken, is sufficient at least to compel consideration of definite steps to meet such emergencies.

It has recently been stated in the press that Congress could pass a law creating a commission to consist of the Vice President, Speaker of the House, Chief Justice, and chairmen of the Senate and House Committees on the Judiciary with authority to define disability. I doubt that seriously. I wish simply to raise this question: In view of the wide divergence of opinion of the best minds of the country, I insist the matter must be made clear. It is so primarily important, in my mind, that when there can be no delicacy whatever in discussing it we should take it up and find a way to provide for the case of the disability of the President to perform the duties of the position and not run into the embarrassment that would come upon us in an interregnum at any time.

Mr. LONDON. Will the gentleman yield?

Mr. FESS. Yes.

Mr. LONDON. Has the gentleman inquired into the method or practice of Great Britain, so far as this matter is concerned?

Mr. FESS. They have the regency, so that this situation never can embarrass them.

Mr. LONDON. But how do they determine the disability of the ruler or sovereign?

Mr. FESS. I do not know the procedure.

Mr. MANN. Does the gentleman think that there is any way of determining the disability of the President unless he is wildly insane without almost stirring up the Government so that no business could be transacted?

Mr. FESS. Well, I presume it would be an occasion for stirring up the country, because there would be a dispute as to whether it is a disability, since no Executive would likely admit that his situation creates a disability.

Mr. MANN. If some method is provided by law, as suggested by the gentleman, is not the danger that it will be resorted to on many occasions when it ought not to be and which would be much graver than the danger from letting it alone?

Mr. FESS. I should not think that would occur. I do think, however, that it ought not to be left to the judgment of the Vice President as to whether it is a disability or not, because he is an interested party.

Mr. MANN. Andrew Johnson had articles of impeachment preferred against him when he was President. It was plain that he was frequently disabled, and it might have been a much simpler process to have gotten rid of him as President by that method than it was by the method which the Constitution provided for, namely, impeachment, which was not successful. With the partisan feeling then prevailing, is it not quite likely that if the method suggested by the gentleman had been provided an effort would have been made to use it and thereby cause civil war in the country again?

Mr. FESS. I think in the case of Johnson it was an extreme case. He was impeached because the articles of impeachment passed the House and only lacked one vote in the Senate. But that was an extreme case because of the bitterness that grew out of the Civil War. However, I am of opinion that had a provision of the sort I am advocating been in the law, the country would have been spared that spectacle. Now, I would say to my friend, whose judgment goes further with me than that of any other Member of the House on a question of this kind, that it seems to me we are leaving open a serious omission. I do not think it true that the remedy proposed is worse than the error we wish to correct.

Mr. MANN. Take the recent case of President Wilson. Everybody knew that President Wilson was not able to perform the duties as President for a time. We all knew it; the country knew it, and I presume that he knew it. There was a great deal of talk about Vice President Marshall assuming the duties of President. It seems to me, and did at the time, that it would have been extremely unfortunate for the country to have any declaration made that President Wilson was disabled and for Vice President Marshall to act as President or become President. I think it would have raised a row in the country that would have lasted for a long time.

Mr. FESS. Suppose there was a provision by which the Supreme Court, when directed by concurrent resolution of Congress, should declare the disability, or that a justice of the Supreme Court was to head a commission of which there would be a member from the Senate, one from the House, and one from the President's Cabinet, or a commission composed of the Vice President, Speaker of the House, Chief Justice, and chairmen of the Judiciary Committees could there be any possibility of an outbreak over a decision of that group?

Mr. MANN. If everybody was agreed on the proposition there would not be any trouble, but if it was a matter where there was a serious controversy involved, then there would be trouble. Who is the President? Who is the authority? He is at the head of the Army and the Navy. Who gives the directions? Then you ask an Army officer to determine whether he will obey an order from this man or that man, and you will get a double-headed effort at government.

Mr. FESS. In view of the importance of these questions you ask who would command the Army and who would be the President? Should there be any doubt permitted as to what constitutes disability to issue Executive orders? Is is not incredible that our Government has left open such an omission as that? I do not know of any other Government that has not provided for it.

Mr. MANN. We have provided that if the President is unable to discharge his duties the Vice President shall act.

Mr. FESS. The Constitution provides who shall act when a vacancy occurs by death, removal, or resignation, and when both of them are unable to perform the duties for some reason, Congress has the power to provide succession, which it has already done, but no provision for "disability."

Mr. MANN. We have provided for a succession as far as that is concerned. The difficulty is in determining the fact of disability.

Mr. FESS. That is correct, and is the point in issue. We provide that if the office of President is vacated either by removal or resignation or death of the President, it is filled by the Vice President, but we do not provide for anything else. The Constitution limits it to these three causes of vacancies. What if he is disabled? Who is to say that he is disabled? There is no vacancy until some power declares the disability. Where is that power? That is what I want to know.

Mr. MANN. I say that is it. It is a question of fact. If he does not admit it, and you determine, then you are in a row.

Mr. FESS. Then it is a fact that we confess that we are impotent to remove. In other words, we have a situation that we know to be serious but are impotent to correct, since the correction would be more dangerous that the fact.

Mr. MANN. Oh, we do not confess that. If the case ever arises where the Government would cease to function for lack of a President the gentleman will find that it will be determined very quickly by the Congress.

Mr. FESS. I agree that would be done, but that would be revolution.

Mr. MANN. Oh, no; it would not.

Mr. FESS. It would be peaceful revolution.

Mr. MANN. Oh, no. Congress would declare that the President was disabled and provide for a successor. It would be done with unanimity.

Mr. FESS. Assuming Congress would, as I do not doubt it would, I ask where is the authority for Congress to do it? Is not that revolution?

Mr. MANN. I do not think it is revolution.

Mr. FESS. I do not mean an overturn of the Government, but I mean using authority that we do not have.

Mr. MANN. I think Congress would have just as much authority to determine that the President was disabled as it would to appoint a commission to determine that he was disabled.

Mr. FESS. I agree with the gentleman on that point. But I deny that Congress has the power to appoint the commission. That is why I contend that an amendment to the Constitution is necessary.

Mr. Chairman, I believe that the discussion has brought out what I wanted to bring out. I am really serious in my contention in this matter. It has created a very wide interest throughout the country, as shown by the editorial comment and opinion of scholarly men interested in the subject. I believe we ought to take some action and not leave this thing in its present state. If it can be done without an amendment, let it be done. If not, then the Constitution should be so amended. This would be, in my judgment, the time to do it. Then there could be no reflection upon anybody. If we delay until occasion enforces the attention of the country upon the wisdom of such action, it will be embarrassing. The action if taken now would not be centered toward anybody, and no one would be criticized for attempting to correct an obvious omission, either of constitutional sanction which must be corrected by amendment or legal enactment, which could be supplied by Congress.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. GREEN of Iowa. As I understand the gentleman, after some lengthy examination, the view that he takes is that if the President should become violently or permanently insane, there is no authority in the Constitution for taking any action?

Mr. FESS. That is precisely my contention. There is no authority in law, and so far as I can see there is absolutely no authority in the Constitution to provide for it. I think I am right about it. At any rate, whatever be the proper procedure, it ought not to be longer delayed.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MONDELL. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. WHITE] to discuss a nonpartisan matter. [Applause.]

Mr. WHITE of Kansas. Mr. Chairman, I welcome this hilarious, almost boisterous, but somewhat tardy recognition. If I had not been reelected to Congress, I might never have known of the high appreciation which this vociferous applause indicates. I take it, however, that it is not altogether on account of my personal appearance. I have at least a very deep suspicion that that is not the cause. For going back in history as far as the American Revolution, I find that my great-grandfather was a soldier having the rank of captain. I take some credit incidentally for achieving the liberties of the people in having furnished them with my great-grandfather. [Applause and laughter.] Mr. Chairman, it is a tradition in our family that Capt. Tom White was the homeliest man in the Continental Army. It is even said that whenever Washington would look at him he would become so angry that he would want to go out and lick the British. I do not know that that is true. I can not tell, for I never saw my great-grandfather. However, my own father, who was his oldest grandson, saw him many times, and once, with what I thought was a look of sadness on his face, he said to me, "HAYS, you look just exactly like your great-grandfather." [Laughter.]

Mr. Chairman, I was interested in the speech of the gentleman from Texas [Mr. BLANTON] upon the subject of prohibition. I allow no man to be a stronger prohibitionist than myself. I was also somewhat interested in the references to the bloc, and I thought when the gentleman from Kentucky [Mr. BARKLEY] had delivered his able utterance on that subject he had produced something tangible—a block and tackle. As I say, I am interested in prohibition and I am a prohibitionist. I come from a State which was among the first to adopt prohibition. I voted for it. Subsequently I became a member of the legislature in the lower branch, when bills were introduced to amend and strengthen the law, and in the senate of the State of Kansas I had the same experience and gave to those measures my best support.

I was a tax commissioner for the State of Kansas when one of its present distinguished Senators from Kansas was governor of that State, and when he recommended and there was introduced and passed a bill known generally as the William D. Bone or Bone dry bill.

At that time there was in that State a man of great genius and skill in locating blind tigers. He had the most stupendous nose that I ever saw attached to a human physiognomy, and also the most highly illuminated. [Laughter.] His hair swayed in the breezes of Kansas like the top layer of a hayrick in a cyclone. I saw this man first at the State fair, and he gave a free exhibition. I was stopping in Topeka temporarily, although my home was not there, but my duties kept me almost constantly in the capital of the State. Some of my neighbors came down from that great county of Jewel to see the fine cattle, the fine swine, the sheep, and all those things which we exhibited in such superlative quality. One of those neighbors was a man of Herculanean frame, but with a voice as gentle as that of a school child. After we had looked at all of those things on exhibition he saw this man with the stupendous proboscis. As I say, he was giving a free exhibition, and his nose was one of the great attractions at the fair. My friend looked at him a moment and then turned to me and said, "HAYS, is that natural or artificial?" Mr. Chairman, the nose was natural but the illumination was artificial. [Laughter.] I never saw that man but once after that time. I never saw his nose but once after that time. Then I could see only a part of it, because he had his back to me, and I could see only about 3 inches of the nose, although the illumination was brilliantly in evidence. [Laughter.]

I was going from my home to my office in the State House. I said this would be a nonpartisan speech, but I know my Democratic friends will pardon me when I say that in conformity with our law we have to have a Democrat on the State tax commission, and it was a stormy night, and as I left the car I saw my friend of the highly illuminated nose leaving the car and I went up to my office and saw there my Democratic colleague.

Mr. PARRISH. Will the gentleman yield?

Mr. WHITE of Kansas. I can not yield to the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I will yield three additional minutes to the gentleman from Kansas.

Mr. PARRISH. Will the gentleman yield?

Mr. WHITE of Kansas. I will yield.

Mr. PARRISH. Does the gentleman mind telling us whether his friend was a Democrat or a Republican and then we will know whether the speech is nonpartisan.

Mr. WHITE of Kansas. Well, I think the gentleman will understand as I proceed. I was going to say, and I may explain to you for the satisfaction of my friend and colleague from Texas—in conformity with the law, as I said, it was necessary to have one Democrat on the State tax commission. The night was stormy. I went in and there sat the so-called Democrat. After sitting there an hour or two I submit that anybody would feel desperate who had to sit in a room with a Democrat for several hours in solitary confinement, and so thinking of this nose, having been dubbed the "short-haired poet" of this House or the "poet lariat," being a stockman, I perpetrated this villainy which I now submit to you:

Why should a man of common size
Disport a nose of monstrous mien,
Containing all the various dyes
That formulate the aniline?

This man's a menace to the night
When he walks down the city streets;
His nose shines like a beacon light,
Confusing everyone he meets.

Sometimes a dim and murky fog
Doth dim the common traveler's way,
But offers to this man no clog—
His nose shines like the orb of day.

I will not tell you this man's name;
To do so would provoke his wrath;
I have no heart to quench the flame
That kindles up his mortal path.

No other nose that I have seen,
No other man I ever knew,
Could thus dispense with gasoline
And safely plow the darkness through.

The man who wears this gorgeous nose
In my rude barn should he aspire
In weariness to seek repose,
His nose would set the hay on fire.

[Applause.]

Good-by, Old Top, go wend thy way;
No goblins shall thy soul affright—
Thou art wasting light by day;
Thy glim is shining every night.

[Laughter and applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, the program has now progressed far enough so that we know precisely what ought to be done, and I suggest to the gentleman from Wyoming that we stand in recess for five minutes. I think we can stand in recess in committee.

The CHAIRMAN. The Chair does not feel he would be justified in recognizing such a request under the rule.

Mr. MONDELL. I move that the committee do now rise.

The question was taken, and the committee rose.

The Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the President's message, had come to no resolution thereon.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House stand in recess for five minutes. Mr. Speaker, we are waiting for a bill from the Senate and I think that bill will be here in five minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. BARKLEY] may speak for five minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BARKLEY. Mr. Speaker, I appreciate the courtesy of the gentleman from Tennessee and the Members of the House in allowing me this time. I wish to use it in paying a humble though sincere tribute to the life and memory of a distinguished Kentuckian and a great American, of whose death we have all just learned. I refer to Col. Henry Watterson, whose name is a household word in every Kentucky home, and is almost a household word in every American home.

I dare say there is no journalist now living—and few, if any, who are dead—who have exercised a greater influence upon the intellectual and political life of this Nation than Col. Henry Watterson. He was the last of what we know as the old school of journalists.

His activities in the field of journalism date back for more than half a century. But he was more than a journalist. He was a philosopher, a historian, a statesman. In the power of

vision and prophecy, in the power to express his convictions in picturesque and romantic language, in the courage to espouse every cause in which he believed, regardless of consequences to himself, he had few equals and no superiors.

He was a man of the broadest and deepest education. He possessed a profound knowledge of mankind, and knew how to point to it for the guidance of his fellow man. He was a patriot of the purest type and devoted his life to the service of his country. He enjoyed a popularity in the South, where he spent most of his life, and in the North, where he was almost equally well known, that no other journalist of recent history ever enjoyed. He exercised a profound influence upon the history of the United States during the past half century.

Personally, I did not always agree with his position on public matters. But even when I disagreed, I enjoyed the mental exercise which was always stimulated by the reading of his editorials and speeches. A great southerner, he was a sincere admirer of Lincoln and wrote speeches and books concerning his life. His imagination, his patriotism, his love of country, was limited by no sectional or geographical lines or boundaries.

When the life of this typical American, this great American, shall be written by the historian of the future it will glow upon the page like letters of gold, filling with pride all who knew him and all who followed him and all who have known of his career.

If I had the time I should like to review his interesting, romantic life, with its emotions, its enthusiasms, its grasp upon the problems of the human race and of our Republic. I can not do that now. I may attempt it at some future time.

But I could not let this opportunity pass to pay a feeble tribute to one who has added luster to the name of Kentucky and whose name will be long remembered by the people of that great Commonwealth, regardless of political or religious creed. He belongs with the Greeleys, the Danas, the Prentices, the Medills. He enriched the language which he spoke, the literature which he read, the history which he helped to make, and the Nation which he loved and served. Let us hope and believe, as we do, that he has passed over the river and rests in the shade of the trees. [Applause.]

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for a few minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I just learned of the death of Henry Watterson. I think I never met him personally. When I was a young man—I am still one of "the boys"—there were a number of very distinguished newspaper editors. It seems to me at times now that perhaps we do not have the same character of editors that we used to have, but I suppose that is because they are younger, and as they grow older and their fame becomes greater their reputation will extend. Of course I can remember back to the day when Horace Greeley was an editor. Henry Watterson was of a class, I think, perhaps of the same class that Joseph Medill, of Chicago, editor of the Chicago Tribune, belonged to. I knew him better. There was a very small number of editors in the United States who had the influence of men like Horace Greeley or Joseph Medill or Henry Watterson, an influence far beyond their own papers. They were brainy men, who, I think, never allowed the counting room of the newspaper to determine in any way whatever the editorial or news policy of the paper.

I can call to mind to-day no one who stands quite in the same position that these held in the public estimation. But perhaps there are a number—I am very sure there are some—of exceedingly bright men connected with the newspapers to-day. Of course we are prone in this body to think that the great men are all dead. The public very often gets the impression that the great men were in the past. Yet I think I can recognize in this House, even among some of the very younger Members of the House, great statesmen if they are permitted to come long enough to show their ability.

Men like Henry Watterson had nerve. He was never a coward. He was never afraid to express his belief, which did not always coincide with the wishes of his readers. He was often criticized by his readers, who threatened to withdraw their support from the paper. We are often criticized by constituents, who threaten to withdraw their support from us. It always amuses me when I get such criticism, which is not infrequent. It never made any difference to Henry Watterson, and I think if we could all learn that people who thus criticize us usually do it in a moment of passion and think less of us if we pay any attention to it we would do well.

Meanwhile, remembering Henry Watterson, I hope you will all have a very pleasant time during the holidays. [Applause.]

REFERENCE OF THE PRESIDENT'S MESSAGE.

Mr. STEENERSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEENERSON. Mr. Speaker, I judged from the remarks of the gentleman from Wyoming [Mr. MONDELL] that the House would take a recess without taking action with reference to the President's annual message. I notice from the rule that the President's message is usually referred to the Union Calendar, and it is distributed by resolution reported from the Committee on Ways and Means. It seems to me that this action of referring the different subjects in the message should be taken now, because the standing committees are at work. I inquire whether this action of distributing the message by resolution from the Committee on Ways and Means will be taken now, or at the beginning of the session after the holiday recess?

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. GARRETT of Tennessee. Will not the gentleman permit us to remain in ignorance about that subject a little longer? [Laughter.]

Mr. STEENERSON. No. I think there are several committees that desire to have action taken.

The SPEAKER. The Chair is of opinion that that used to be the practice, but the Chair is not aware that it has been done for some years.

Mr. STEENERSON. I know it was not done during the last administration—for eight years—but prior to that it was done.

The SPEAKER. Apparently there is no one present representing the Committee on Ways and Means who could do it now.

Mr. STEENERSON. Would it not be in order when the House convenes again?

The SPEAKER. The Chair thinks it would.

Mr. STEENERSON. So that the standing committees can get jurisdiction then.

Mr. MONDELL. Mr. Speaker, I believe there is no further business.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, in behalf of the minority, which has not the power to be constructive, and which sometimes is charged with being obstructive but which has never yet been charged with being destructive, I desire to express the best of good wishes to the highest authority of this House, the Speaker of the House. [Applause, the Members rising.]

The SPEAKER. The Chair appreciates deeply the kind wish expressed by the gentleman. It is but a continuance of the kindness which he, as leader of the minority, has displayed toward the Chair throughout the session. In fact, the Chair feels under obligation to all Members on both sides of the House for their consideration and forbearance, and wishes you all a merry Christmas and a happy New Year. [Applause.]

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Commitee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 9548. An act for the relief of the distressed and starving people of Russia;

H. R. 9464. An act authorizing the construction of a bridge across the Snake River at or near Central Ferry, Wash.; and

H. J. Res. 233. Joint resolution providing for the postponement of the World's Dairy Congress.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2790. An act to authorize the boards of county commissioners of Escambia and Santa Rosa Counties, Fla., to construct a bridge across the Escambia River at or near Century, Fla.

ADJOURNMENT FOR THE HOLIDAYS.

Mr. MONDELL. Mr. Speaker, the business immediately before the House having been disposed of, the time has come under the resolution recently adopted to move adjournment. I desire to express my appreciation of the good and faithful work of the Members on both sides, and to join with the Speaker in wishing all the Members of the House a very happy holiday season, and a prompt return to a very busy session, in what we hope will be a very prosperous New Year. [Applause.]

Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock p. m) the House, under the resolution previously adopted, adjourned until Tuesday, January 3, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

435. A letter from the Acting Director of United States Veterans' Bureau, transmitting a request for certain changes on page 115 of the appropriation bill, regarding the allotments to the United States Public Health Service; to the Committee on Appropriations.

436. A letter from the Director of the United States Veterans' Bureau, transmitting a tentative draft of legislation for inclusion in the appropriation bill for the fiscal year ending June 30, 1923, under the appropriation for "Medical and hospital expenses of the United States Veterans' Bureau"; to the Committee on Interstate and Foreign Commerce.

437. A letter from the chairman of the War Finance Corporation, transmitting the fourth annual report (H. Doc. No. 143) of the War Finance Corporation for the year ending November 30, 1921; to the Committee on Banking and Currency and ordered to be printed.

438. A letter from the Secretary of War, transmitting a report of the annual inspection of the several branches of the National Home for Disabled Volunteer Soldiers, made by Lieut. Col. R. C. Humber, inspector general, and Majs. E. S. Miller, R. G. Peck, and A. D. Cummings, inspectors general; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HUDDLESTON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9386) to grant the consent of Congress to the Whiteville Lumber Co., Goldsboro, N. C., to construct a bridge across the Waccamaw River at or near Pireway Ferry, Columbus County, N. C., reported the same with amendments, accompanied by a report (No. 541), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was dicharged from the consideration of the bill (H. R. 9436) granting a pension to Joseph E. Quinn, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 9685) to prohibit the desecration or improper use of the flag, standard, colors, or ensign of the United States of America within the Territory of Porto Rico; to the Committee on Insular Affairs.

Also, a bill (H. R. 9686) to investigate the claims of and to enroll certain persons, if entitled, with the Omaha Tribe of Indians; to the Committee on Indian Affairs.

By Mr. CURRY: A bill (H. R. 9687) to provide for the consolidation or a redistribution of the powers and duties of certain executive departments of the Government of the United States relating to the Territory of Alaska, and for other purposes; to the Committee on the Territories.

By Mr. HOGAN: A bill (H. R. 9688) to provide adjusted compensation for veterans of the World War, to provide revenue therefor by a tax upon nonintoxicating beer, and for other purposes; to the Committee on Ways and Means.

By Mr. WASON: A bill (H. R. 9689) for the establishment and maintenance of a forest experiment station on the White Mountain National Forest, in the State of New Hampshire; to the Committee on Agriculture.

By Mr. LANGLEY: A bill (H. R. 9690) to abrogate all Executive orders placing fourth-class postmasters in the classified service, and all Executive orders requiring competitive examination of applicants for first, second, and third class post offices; to the Committee on Reform in the Civil Service.

By Mr. HILL: A bill (H. R. 9691) to create Federal local option districts, to provide money to pay adjusted compensation to veterans of the World War, to amend the revenue act of 1921, and for other purposes; to the Committee on Ways and Means.

By Mr. CABLE: A bill (H. R. 9692) to provide additional hospital facilities for persons who served in the World War, and making appropriations therefor; to the Committee on Public Buildings and Grounds.

By Mr. MUDD: A bill (H. R. 9693) making an appropriation for the improvement and repair of Central Avenue, in the District of Columbia; to the Committee on Appropriations.

Also, a bill (H. R. 9694) making an appropriation for the improvement and repair of Wahlers Hill and the lighting of Wheeler Road, in the District of Columbia; to the Committee on Appropriations.

By Mr. COLTON: A bill (H. R. 9695) to provide for the purchase of a site and the erection of a public building at Ogden, in the State of Utah, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BECK: A bill (H. R. 9696) granting a pension to Amanda A. Lewis; to the Committee on Invalid Pensions.

By Mr. BIRD: A bill (H. R. 9697) granting a pension to Daniel Dye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9698) granting a pension to Walter Hughes; to the Committee on Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 9699) granting a pension to Albert I. Young; to the Committee on Pensions.

By Mr. BLAND of Virginia: A bill (H. R. 9700) for the improvement of Locklies Creek, Va.; to the Committee on Rivers and Harbors.

By Mr. KEARNS: A bill (H. R. 9701) granting a pension to Bert L. Ketchum; to the Committee on Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 9702) for the relief of Mrs. George Keyser; to the Committee on Claims.

By Mr. McPHERSON: A bill (H. R. 9703) granting an increase of pension to Wilhelmine Worm; to the Committee on Invalid Pensions.

By Mr. ROBSION: A bill (H. R. 9704) granting a pension to Lee T. Philpot; to the Committee on Pensions.

By Mr. UPSHAW: A bill (H. R. 9705) to relieve the Georgia School of Technology, Atlanta, Ga., of financial responsibility and accountability for certain articles of Government property issued to that institution by the War Department for the conduct of the Reserve Officers' Training Corps and which have been lost through theft; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3377. By Mr. FROTHINGHAM: Resolutions of James J. Ollive Post, No. 722, Veterans of Foreign Wars, Hyde Park, Mass., urging passage of adjusted compensation bill; to the Committee on Ways and Means.

3378. By Mr. KELLY of Pennsylvania: Resolutions of Pennsylvania Forestry Association, favoring the transfer of the Forestry Service to the Department of the Interior; to the Committee on Agriculture.

3379. By Mr. KISSEL: Petition of the American Exporters' and Importers' Association, New York City; to the Committee on Ways and Means.

3380. Also, petition of Bommer Bros., New York City; to the Committee on Patents.

3381. Also, petition of Holophane Glass Co. (Inc.) and Duplan Silk Corporation, of New York City; to the Committee on Ways and Means.

3382. Also, petition of Mrs. W. D. Ryder, Casa Grande, Ariz.; to the Committee on Ways and Means.

3383. By Mr. McCORMICK: Petition of sundry citizens of Great Falls, Mont., protesting against the passage of House bill 4388, relating to Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

3384. By Mr. SMITH of Idaho: Resolution adopted by the realty board, Pocatello, Idaho, urging a change in the Constitution so as to permit of the enactment of legislation prohibiting the issuance of tax-exempt securities; to the Committee on Banking and Currency.

3385. By Mr. YOUNG: Petition of sundry citizens of Glenfield, N. Dak., praying for the adoption of Senate resolution 133, providing for an investigation of the present grain market; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *January 3, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father and our God, Thou art not only teaching us by the passage of the years the necessity of numbering our days that we may apply our hearts unto wisdom, but Thou art teaching us amid the sadness of separation. In the grief of this hour we come to Thee, asking that Thine own wisdom may be realized, that with confidence in Thine own direction of affairs this mourning company may understand that God reigns even in the councils of the Nation.

We thank Thee for all that has been committed unto this Chamber of large intelligence and great responsibility. We ask that the memories that have been now created, in view of what has been accomplished in the days gone by, may come with a sweetness and a tenderness, telling us of duties to be done, of responsibilities to be assumed.

May the God of all comfort be in the shadows of a broken family circle and also minister to the State afflicted, to the Nation sorrowing, and to all directly or indirectly affected by this bereavement. We ask in Christ Jesus' name. Amen.

The Vice President being absent, the President pro tempore took the chair.

ROBERT L. OWEN and J. W. HARRELD, the Senators from the State of Oklahoma, appeared in their seats to-day.

On request of Mr. LODGE, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, December 22, 1921, was dispensed with and the Journal was approved.

DEATH OF SENATOR PENROSE.

Mr. LODGE. Mr. President, it is with a deep sense of personal sorrow that I announce to the Senate the death of the senior Senator from Pennsylvania. I have been long in service with him. He is a friend of many years to me, and I am sure that the grief I feel for his death is shared by all who have known him during his distinguished service in the Senate.

In the absence of his colleague from Pennsylvania, I offer the following resolutions and ask for their adoption.

The PRESIDENT pro tempore. The Secretary will read the resolutions.

The resolutions (S. Res. 201) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. BOIES PENROSE, late a Senator from the State of Pennsylvania.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

Mr. LODGE. Mr. President, I offer the following resolution:

Resolved, That as a further mark of respect to the memory of the deceased Senator, the Senate do now adjourn.

The resolution was unanimously agreed to; and the Senate (at 12 o'clock and 5 minutes p. m.) adjourned until to-morrow, Wednesday, January 4, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 3, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, our times are in Thy hand, and in Thee we live and move and have our being. We approach Thee with a psalm of thanksgiving in our hearts. We look back with gratitude and forward with hope. We unite in blessing Thee for the year just closed and commend one another to Thee for the year just opened. Be Thou the spring of our country's happiness and the source of all its hope. Oh, dwell with us that we may face the future with reliance and courage. Guide us into all truth and establish us in that faith that can not be shaken. Encourage us day by day with the tokens of Thy providence. Touch the sick with a healing hand; support us in our losses; comfort all who mourn and bestow upon us the mercy of an understanding heart. In the name of Jesus. Amen.

The Journal for Thursday, December 22, 1921, was read and approved.

CALENDAR WEDNESDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House dispense with the business of Calendar Wednesday to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the House dispense with business under the Calendar Wednesday rule to-morrow. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, may I ask the gentleman what it is proposed to take up to-morrow if the unanimous consent is granted?

Mr. MONDELL. I hope we can take up general debate on the antilynching bill to-morrow.

Mr. GARRETT of Tennessee. I understand that an appropriation bill will be ready to be taken up Thursday?

Mr. MONDELL. Yes.

Mr. GARRETT of Tennessee. I object.

Mr. DYER. Mr. Speaker, I make the point of no quorum. Before the holidays we were compelled to dispense with business on account of the absence of a quorum. I want to know whether the majority is going to operate this House or the minority. At the request of several Members I will withdraw the point, Mr. Speaker.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that on December 22, 1921, that committee presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 9548. An act for the relief of the distressed and starving people of Russia;

H. R. 9464. An act authorizing the construction of a bridge across the Snake River at or near Central Ferry, Wash.; and

H. J. Res. 233. Joint resolution providing for the postponement of the World's Dairy Congress.

DEATH OF SENATOR PENROSE, OF PENNSYLVANIA.

Mr. BUTLER. Mr. Speaker, BOIES PENROSE, late a Senator of the United States from the State of Pennsylvania, is dead. Just as the New Year appeared to living men he disappeared from amongst them. This short and simple announcement made to the House is in keeping with the simplicity of his life, because he cared not for display or fulsome speech.

At a future date, not remote, an opportunity will be given those who may desire to comment upon the character and public services of this commanding American figure, whose work for nearly 25 years was closely and prominently associated with all the affairs touching the welfare of the Nation. I will say no more here than move the adoption of the resolutions customary upon such occasions.

The Clerk read as follows:

House resolution 255.

Resolved, That the House has heard with profound sorrow of the death of the Hon. BOIES PENROSE, a Senator of the United States from the State of Pennsylvania.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That as a further mark of respect the House now adjourn.

The resolution was agreed to.

ADJOURNMENT.

Accordingly (at 12 o'clock and 8 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 4, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

439. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting report of the company for the year 1921; to the Committee on the District of Columbia.

440. A letter from the Comptroller General of the General Accounting Office, transmitting report of officers of the War Department who were delinquent in rendering or transmitting accounts to the proper office in Washington or in payment of balances found due from them during the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Treasury Department.

441. A letter from the president of the United States Civil Service Commission, transmitting statement showing the typewriters, adding machines, and other similar labor-saving devices purchased during the fiscal year 1921; to the Committee on Appropriations.

442. A letter from the Assistant Secretary of the Navy, transmitting report showing relief granted to Maj. H. B. Pratt, United States Marine Corps, during the fiscal year 1921; to the Committee on Expenditures in the Navy Department.

443. A letter from the Acting Secretary of the Navy, transmitting a tentative draft of a bill for the purchase of the naval aviation station at Galveston, Tex., and appropriating $18,000 for same; to the Committee on Naval Affairs.

444. A letter from the Acting Secretary of Commerce, transmitting a statement of the action of the department in respect to accidents sustained or caused by barges while in tow through the open sea during the fiscal year 1921; to the Committee on the Merchant Marine and Fisheries.

445. A letter from the Acting Secretary of Commerce, transmitting a statement of the expenditures in the Coast and Geodetic Survey for the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Department of Commerce.

446. A letter from the Assistant Secretary of War, transmitting copies of some recent correspondence relating to the disposition of Fort Griswold; to the Committee on Military Affairs.

447. A letter from the Secretary of War, transmitting report of expenditures on account of appropriation "Contingent expenses, War Department," during the fiscal year ended June 30, 1921; to the Committee on Expenditures in the War Department.

448. A letter from the national commander of the American Legion, transmitting report of the proceedings of the American Legion for the year 1921; to the Committee on the Judiciary.

449. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Oakland, Berkeley, and Albany Harbors, Calif. (H. Doc. No. 144); to the Committee on Rivers and Harbors and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BLANTON: A bill (H. R. 9706) to separate the Government from the restaurant business; to the Committee on Accounts.

Also, a bill (H. R. 9707) to drop from the Government pay roll all barbers in the House Office Building and to discontinue furnishing to the House barber shop at Government expense the rent of shop, furniture, and fixtures, lights, water, heat, electrical power, and towels; to the Committee on Accounts.

Also, a bill (H. R. 9708) to drop from the Government pay roll the body rubbers in the bathrooms of the House Office Building and to discontinue furnishing free baths at Government expense; to the Committee on Accounts.

By Mr. HUSTED: A bill (H. R. 9709) to provide for the disposition of any funds received in payment of principal or interest of foreign loans held by the United States in the care and maintenance of soldiers and sailors of the World War and their dependent families; to the Committee on Ways and Means.

By Mr. WILLIAMSON: A bill (H. R. 9710) authorizing extensions of time for the payment of purchase money due under certain homestead entries and town-lot purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.; to the Committee on the Public Lands.

Also, a bill (H. R. 9711) to require all dealers in alfalfa and red clover seed to keep stock records and label parcels of such seed so as to show lot number, place of origin, and for other purposes; to the Committee on Agriculture.

By Mr. STEENERSON: Joint resolution (H. J. Res. 246) authorizing the Postmaster General to enlarge the building used by the Post Office Department equipment shops in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. HICKS: Joint resolution (H. J. Res. 247) authorizing and requesting the President of the United States to call an international conference of maritime nations to consider the advisability of entering into an agreement to control the pollution of the navigable waters of the world on the part of oil-burning and oil-carrying vessels through the dumping into said waters of oil waste, fuel oil, oil sludge, oil slop, tar residue, and water ballast impregnated with oil; to the Committee on Foreign Affairs.

By Mr. REAVIS: Concurrent resolution (H. Con. Res. 40) requesting settlement of debts owed this country by foreign nations; to the Committee on Ways and Means.

By Mr. SINNOTT: Resolution (H. Res. 256) for the relief of the widow of Charles F. Roberts, an employee of the House of Representatives; to the Committee on Accounts.

By the SPEAKER: Memorial of the Legislature of the State of Oregon, urging relief for ex-soldiers of the Spanish-American War; to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 9712) granting a pension to Mary E. Boroff; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 9713) granting a pension to Benjamin McNinch; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 9714) granting an increase of pension to John P. Prowse; to the Committee on Pensions.

By Mr. RIORDAN: A bill (H. R. 9715) for the relief of Helen Pennoyer Young; to the Committee on Claims.

By Mr. RODENBERG: A bill (H. R. 9716) granting an increase of pension to Nancy J. Page; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3386. By the SPEAKER (by request): Petition of the city of Watertown, Wis., favoring an amendment to the Volstead Act to permit the manufacture of beer and light wines; to the Committee on the Judiciary.

3387. Also (by request), petition of the Kanawha Valley Central Labor Union, of Charleston, W. Va., deploring the present state of affairs at the coal fields around West Virginia; to the Committee on Mines and Mining.

3388. Also (by request), petition of the City Council of the city of Milwaukee, Wis., favoring an amendment to the Volstead Act, etc.; to the Committee on the Judiciary.

3389. Also (by request), petition of the William (Bob) Kennedy Post, No. 416, Veterans of Foreign Wars, denouncing the stand taken by the United States Chamber of Commerce relative to the adjusted compensation bill for the veterans of the World War; to the Committee on Interstate and Foreign Commerce.

3390. Also (by request), petition of the International Reform Bureau (Inc.), of Washington, D. C., urging the enactment of a uniform marriage law, etc.; to the Committee on the Judiciary.

3391. Also (by request), petition of Ferdinand W. Haasis, of Asheville, N. C., suggesting an amendment to the eighteenth amendment, etc.; to the Committee on the Judiciary.

3392. By Mr. CURRY: Petition of the Henry McNamara Post, No. 29, American Legion, of Martinez, Calif., opposing the reduction in salary or allowance for officers, warrant officers, and enlisted men of the Army, Navy, and Marine Corps; to the Committee on Appropriations.

3393. By Mr. FULLER: Petition of the employees of the Belvidere (Ill.) Screw & Machine Co., favoring prompt enactment of a protective tariff bill based on American valuation; to the Committee on Ways and Means.

3394. Also, petition of the Matthiessen & Hegeler Zinc Co., of La Salle, Ill., favoring tariff bill based on American valuation; to the Committee on Ways and Means.

3395. By Mr. RIORDAN: Petition of Charles Carrol Council, urging the recognition of the republic of Ireland by the United States Government; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *January 4, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father! By that endearing name Thou dost come very close to us, and we would be very close to Thee, so that in the duties which may claim attention to-day and the problems that are presented there may be given to us constantly the assurance that we do not stand alone or depend only upon our own wisdom. Help us, our Father, to understand Thee as the interpreter to us of all lines of duty and responsibility. We ask in Jesus Christ's name. Amen.

The Vice President resumed the chair.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CLERICAL SERVICE IN PORTO RICO.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to Senate resolution 183, certain information in regard to persons who are not natives appointed to clerical and other positions in the Territorial and local governments of Porto Rico, which was referred to the Committee on Territories and Insular Possessions.

OPERATIONS OF THE FIRST PROVISIONAL AIR BRIGADE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War acknowledging the receipt of a letter from the Secretary of the Senate, dated December 13,

1921, transmitting Senate resolution 188, directing the Secretary of War to send to the Senate the report of Gen. Mitchell relative to the sinking of battleships at Langley Field filed in September, 1921, and stating that he was directed by the President to say that he considered the transmission of the report in question incompatible with the public interest, which was referred to the Committee on Naval Affairs.

PROPERTY REPORT OF THE SERGEANT AT ARMS OF THE SENATE (S. DOC. NO. 111).

The VICE PRESIDENT laid before the Senate a communication from the Sergeant at Arms of the Senate, transmitting, pursuant to law, a full and complete account of all the property in his possession and in the Senate Office Building belonging to the United States Senate, which was ordered to lie on the table and to be printed.

TYPEWRITERS, ETC., EXCHANGED BY CIVIL SERVICE COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the president of the United States Civil Service Commission, transmitting, pursuant to law, a statement showing typewriters, adding machines, and other similar labor-saving devices exchanged in part payment for new machines during the fiscal year 1921, which was referred to the Committee on Appropriations.

REPORT OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

The VICE PRESIDENT laid before the Senate a communication from the president of the Chesapeake & Potomac Telephone Co., transmitting, pursuant to law, a report of that company for the year 1921, which was referred to the Committee on the District of Columbia.

INVESTIGATION OF CIVIL-SERVICE EXAMINATIONS.

Mr. ROBINSON. Mr. President, I present an editorial respecting a resolution providing for an investigation of the activities of the Civil Service Commission, and ask that it be printed in the RECORD. It is brief.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the Washington Daily News.]

DEBASING THE CIVIL SERVICE.

The story is told that on one occasion Joseph P. Tumulty, then secretary to President Wilson, had an informal but earnest conversation with Martin A. Morrison, head of the United States Civil Service.

Why, so Tumulty is said to have inquired of Morrison, were more than half of the postmasterships under a Democratic President being given to Republicans?

It was a perfectly natural thing, so Morrison told him. The Republicans had been in control of the Government for 16 years. During that time quite a large number of men had learned all about the business of being postmaster. They were able to obtain high grades in any kind of an examination. And since under the Wilson administration the choice went to the applicant with the highest rating, unless there were a war veteran with a high rating also seeking the office, the experienced Republican postmasters just had to be chosen in many instances.

Republicans were named postmasters in several of the big cities.

Now that there has been a change of administration, however, it is declared that there also has been a change in policy. It is asserted that all three of the Civil Service Commissioners are Republicans, whereas the law provides that not more than two shall be members of the President's party.

Further, it is asserted that under the present plan, whereby three names are certified to the President instead of one, political influence easily makes up for the difference in their examination papers.

So far from taking advantage of the experience in postal affairs gained by those Democrats who held post offices during the preceding eight years, the administration, it is alleged, is throwing them out as rapidly as possible, regardless of the manner in which they pass the examinations.

A specific instance alleged is that of the Dayton (Ohio) post office, where three Democrats are said to have passed the three highest examinations only to have one of their names stricken off and a Republican dentist's name substituted therefor. The dentist, incidentally, was Republican county chairman. He is now postmaster.

A congressional investigation of this seeming new attempt to debase the civil service is being demanded by Senator ROBINSON. It should be made and should be thorough.

THE FOUR-POWER TREATY.

Mr. KING. Mr. President, I have here a brief article written by Hon. Charles S. Thomas, formerly a member of this body, relative to the treaty and cognate questions. I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

By the express letter of the Constitution treaties made and to be made under the authority of the United States become parts "of the supreme law of the land." As such they are obligatory both upon our Government and upon all signatory powers. Obviously, therefore, the agreements which they embody should be expressed in words of precision, molded into clear and crisp sentences free from ambiguities and requiring no interpretation. This task is, nevertheless, most difficult of accomplishment since poverty of language coupled with the confusion attendant upon word definitions frequently lead to serious differences of meaning which may ripen into misunderstanding. A careful study of the phraseology of the four-power treaty justifies the apprehension that some of its covenants are not as happily phrased as they should be, as they have within a fortnight after its signature developed a serious conflict of construction between the President and his representatives.

The construction given to article 1 by the President and that expressed by many if not all the members of the conference differ as widely as the poles. Both may be consistent with the phraseology of the article, but both can not be right, and the consequences flowing or which may flow from that construction which ultimately prevails are so tremendous that full concord should be reached as to one or the other of them before the treaty is finally ratified and exchanged.

The President's construction is, I think, in full accord with public understanding of the subject. He excludes the islands constituting the Japanese Empire from the circumstances of the treaty albeit they are "in the region of the Pacific Ocean," and doubtless upon the theory that the high contracting parties, committed in principle to the limitation of naval armaments, covenated as a condition to its acceptance to respect their several island possessions, including the British "dominions" of Australia and New Zealand, thus dispensing with the substantial basis or object requiring the maintenance and increase of their huge naval establishments. If the terminology of the treaty accomplishes this object without going beyond it, ratification coupled with a reservation limiting it to island possessions acquired and held by the high contracting parties through an unchallenged tenure at the time of such ratification would seem to be desirable.

Popular interpretation of the scope of the treaty unquestionably confined its application to islands of the Pacific other than the Japanese "homeland," as the President has expressed it. No hint of its broader purpose was given by Senator LODGE in presenting it to the Plenary Conference. His avoidance of that subject, whether premeditated or fortuituous, not only justified but necessitated the assumption that the treaty affected each of the signatory powers alike. Nothing said at the time by any of those in authority indicated any other construction. We may well imagine the consequences had Senator LODGE even remotely hinted that the fateful words "insular dominions" had been deliberately inserted into the treaty for the purpose of including the Japanese homelands within the four corners of the instrument. It would have met with immediate and universal objection, as it will be hereafter vigorously if not successfully contested. America was never enamored of secret diplomacy, and she will hardly overlook this act of her own representatives, however lofty their motive or sincere their purpose. The President's announcement was no surprise, since it must be inferred that even he was not fully informed of the action of his representatives in purposely framing the treaty to include Japan. He merely voiced the common understanding of the effect of its provisions. If his construction of the treaty is erroneous and its terms are susceptible both of his own and the larger interpretation intended by the members of the conference, it is difficult to escape the conclusion that the United States, Great Britain, and France may be held to have jointly undertaken "to respect and preserve as against external aggression the existing political Government and territorial integrity" of Japan. Article 2 then becomes article 10 of the Versailles treaty, but shorn of its reciprocal obligations and limited in its application to Japan alone.

The delegates representing the United States and Great Britain now tell us what they should have said at the outset, that the treaty does and was deliberately designed to accomplish this identical thing, albeit the text of article 1 is so phrased as to have misled both the popular and the executive judgment in construing it. Such duplicity of expression was doubtless not intentional; nevertheless the episode is most unfortunate. The President and the public did not know because they did not for a moment conceive that the term "insular dominions" had been adopted by the draftsmen of the treaty as the equivalent of "Japan." Its use for that purpose, however well intentioned, will prove to be unfortunate. It would have been much more to the credit of American diplomacy and in keeping with American standards of negotiation had the island Empire been specifically named as the principal beneficiary of the covenant. It was only natural that the average man or indeed the average statesman should identify Australia and New Zealand as the insular dominions referred to in view of their size, their importance, and the character of their governmental structure.

A glance at the text of the treaty may in this connection prove beneficial. I quote the first sentence of article 1:

"The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean."

The article then provides a method for considering and adjusting any controversy arising out of any Pacific question which might develop between themselves involving such rights, while article 2 convenants that if "such rights" shall be threatened by the aggressive action of any other power, "the high contracting parties will communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken jointly or separately to meet the exigencies of the particular occasion."

Japan is an island Empire "within the region of the Pacific Ocean." The Monroe doctrine which applies to the Western Hemisphere was defined by the Versailles treaty as a "regional understanding." The word "region" in a broad sense is defined as "a place without special reference to location or extent." The islands comprising Japan proper would therefore seem to be quite as well within the purview of the treaty's geographical boundaries as Australia or New Zealand and may be said to be comprised within the covenant of article 1 of the treaty as an insular dominion. It should therefore be excluded either by amendment or by antecedent construction if the treaty is to be reciprocal in its operation. The ratification of a treaty whose text breeds fundamental differences of construction before it is even submitted to the Senate for consideration is unthinkable.

If the Japanese homeland falls within the provisions of article 1, it is obvious that she may invoke the processes of article 2 whenever threatened by the aggressive action of any other power. Article 1 as framed contains no words of exclusion or of limitation beyond the restriction of its operation to the region of the Pacific Ocean. The word "dominions," chosen as we are now told for the express purpose of bringing Japan within the treaty, is sufficiently broad to accomplish the purpose, notwithstanding it could be narrowed so as to refer to Australia and New Zealand alone without doing injustice to the thing it symbolizes. Lexicographers differ scarcely at all in defining it as meaning lordship, sovereign, or supreme authority and the right of uncontrolled possession and disposal. If applied to the political organizations of Australia and New Zealand, which the public naturally

and properly did, the word is technically restricted and yet appropriate. On the other hand, there is nothing in the context of the treaty to indicate the restriction, and as we are now informed that the word was deliberately employed in its broadest sense and with the intention of including Japan, that result will of course follow the ratification of the treaty.

This will invest Japan with a one-sided alliance potent for the preservation of her existing Government and territorial integrity from all external aggressions, whatever their object or their origin. This being true, it must follow that any question or controversy arising between Japan and the United States, irrespective of its genesis or its object, will involve Japan's "rights" as defined by article 1, and thus bring our Government under the operation of the last clause of that article, whereas a similar controversy between the United States and France or France and Great Britain must, to invoke the precautionary procedure of that article, concern our or their insular possessions in the region of the Pacific Ocean.

Japan thus becomes the most favored nation. The advantage derived from such a treaty is immeasurable. She may therefore well consent to the abrogation of the Anglo-Japanese treaty in exchange for it. Per contra, America may find herself so involved with Japan by the course of events that France and Great Britain may range themselves against her or so involve France or Great Britain with Japan that America may be required to act with Japan against one or both of them. Such a situation may develop whether the controversy concerns China, Korea, Russia, or other problems of continental character and origin. The issue might be unrelated to any islands of the Pacific, yet it must inevitably affect the insular dominions of Japan, for it will be noted that the treaty expressly includes controversies arising out of any Pacific question, and these are as likely to be continental as insular. The treaty should not be ratified until this covenant is expressly limited to the territory and the problems it was ostensibly and originally designed to cover.

For it seems too clear for argument that Japan's "said rights" in relation to her insular dominions will be "threatened by aggressive action," as contemplated by article 2, whatever its character or purpose. Her insular dominions constitute her empire, and no one can say where her "dominions" end and her "island possessions" begin, unless the distinction be arbitrarily drawn between mandates and ownership. She secures more benefit from and incurs less obligation under the treaty than any of the cocontracting powers. It is a one-sided alliance, with little compensatory advantages. The President must have been keenly sensible of this situation and therefore impelled to express the opinion that "the homeland of Japan" did not come within the phrase "insular possessions and insular dominions under the four-power agreement except as territory proper of any other nation which is a party to the agreement." It is to be regretted that he yielded his view to that of his delegation to the conference.

The potentialities of the conference construction of the treaty are many-sided. The existing status of the island of Sakhalien, with an area of 24,560 square miles, furnishes an illustration. The south half of this island was ceded to Japan by Russia in the treaty of Portsmouth of 1895 and thereby incorporated into the dominions of the former country. Because of an attack upon one of her garrisons by Russian residents north of the boundary line, Japan in 1920 took forcible possession of the Russian part of the island. Within the past year she has substituted her own for the preexisting government, and, notwithstanding the protest of the Russian authorities and the inhabitants, she has forcibly annexed it to her domains. I am aware of the announcement of her purpose to occupy only until reparation is made for the slaughter of her subjects and the injury to their property; but the western world has long become familiar with the divergence between Japanese declarations and Japanese policy, the one being the voice of the civil administration, the other the enforcement of the mandates of the elder statesmen translated into action by the military authorities. Japan's title to the north half of Sakhalien can not legally or morally withstand the protest of Russia nor be retained unless guaranteed by the four-power treaty as it now stands. It is inevitable that Russia's demand for its restoration, whether the island be one of possession or one of dominion, may constitute "aggressive action threatening the rights of Japan."

This will set the treaty in motion when the United States will be called upon to recognize its duties under the agreement. Declining to do so, the treaty will be denounced by Japan and every problem of the Far East will again appear to vex the peace of nations. Competition in naval construction which the conference was called to foreclose will revive, and our relations with Japan become more sinister than before. The treaty must be limited to insular possessions, including New Zealand and Australia, if it is to accomplish the objects of its negotiation. As sure as Russia recovers from the nightmare of bolshevism and resumes the habiliments of an orderly and capable government, the right of Japan to Russian Sakhalien will be challenged, when we must either stand with Japan under the treaty or incur the reproach of treating it as a scrap of paper. It must before ratification be purged of any covenant which commits America to the political fortunes of any nation. Such a price is too much to pay for limitation of armament, a policy which in its last analysis can and will be arranged by ourselves and in conformity with the enlightened opinion of the Nation.

If, however, the treaty is to stand as negotiated, it is proper to suggest the need for a change in Japan's continental policy. She has annexed Korea, unmindful alike of her treaty obligations and the bitter and continuing protest of the Korean people. She clings to Port Arthur and Manchuria and will voluntarily surrender them neither now nor hereafter. She defends this action by stoutly maintaining that it is essential to her national defense and safety, that an independent Korea or Manchuria, or a Korea or Manchuria in the possession or under the control of another, menaces not only her integrity but her political existence. She either ignores or challenges the course of history which teaches that possession of an alien country and the oppression of an alien race proves to be a sword instead of a shield when the hour of crisis comes. Korea's plea for independence is unanswerable. It may be denied, but it can not be controverted. It is a far eastern problem of the first magnitude which will remain when the conference shall have adjourned. That ghost will walk amid the congratulations crowning its achievements and will persist until the time shall come when it will be heard and heeded.

If the four-power treaty embracing and enveloping all Japan, a treaty which panoplies the empire with the triple armor of her three great associates, is to be ratified as drawn it is due to China and to Korea as affecting the peace of the world to remind Japan that being thus assured against the possibility of danger from any source she may well compensate her allies by considering the expediency, to say nothing of the justice, of withdrawing from Korea and absolving China from the burden of all treaties and agreements negotiated or executed between the two powers since 1904, of which China so justly complains.

Japan will no longer need Korea or any outlying domains either for her defense or her protection. With the treaty she can afford to be generous and prove to the world the sincerity of her oft-repeated assurances of rectitude of purpose and sincerity of intention in her dealings with weak and defenseless peoples inhabiting the adjacent mainland. This would be an easy and graceful solution of nearly all far eastern problems by removing them.

Senator LODGE'S assurance to the conference that no element of force lurks behind the provisions of the treaty is not consistent with his oft-repeated charge in the Senate that force constituted the indispensable sanction of Article X of the Versailles treaty. He was right then and is wrong now. "The most efficient measures" whatever they may be are to be ascertained in the communication under Article II of the treaty when rights are threatened by aggressive action. These must include a resort to force should that be considered more efficient than less drastic measures; and force has thus far proven not only the most but the only effective weapon for the enforcement of national demands and resistance to national aggressions. The day may have arrived when it can be dispensed with, but the portents of the coming of that blessed time are too somber to be encouraging. If when it becomes necessary the four powers may not resort to force to compel the observance of their covenants, the treaty is worthless beyond the limitation of armaments it is designed to accomplish.

C. S. THOMAS.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, communicated to the Senate the resolutions of the House unanimously adopted as a tribute to the memory of Hon. BOIES PENROSE, late a Senator from the State of Pennsylvania.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6557) to authorize the Secretary of the Treasury to repair and rebuild customs buildings in Porto Rico, and to pay for same out of duties collected in Porto Rico, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. ROBINSON presented two telegrams in the nature of memorials from Dr. J. R. Brown, of St. Louis, Mo., and James E. Edward, George L. Johnson, R. L. Raiborne, Albert E. Russell, Guy L. Robinson, C. R. Miller, Edw. L. Thompson, Franklin A. Tyler, Grover Daniel, James W. Thornton, William G. Carhart, George C. Jones, E. H. Hamilton, E. J. Shea, J. J. Heithans, A. M. Rothrock, M. W. Watters, J. W. Fennell, and A. V. Derby, of Greenville, S. C., remonstrating against the proposed transfer of the medical personnel of Reserve Corps, United States Public Health Service, to civilian status, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by the National Game Conference of the American Game Protective Association, at New York December 12, 1921, favoring the enactment of legislation providing for establishing shooting grounds for the public, game refuges and breeding grounds for migratory birds, etc., which was referred to the Committee on Public Lands and Surveys.

Mr. LADD presented a petition of sundry members of Walhalla Lodge, No. 34, Order of the Eastern Star, of Walhalla, N. Dak., praying for the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

Mr. TOWNSEND presented resolutions adopted by the Iron Mountain Commercial Club, of Iron Mountain, and Ontonagon Exchange Club, of Ontonagon, both in the State of Michigan, favoring improvement of the present water routes via the St. Lawrence River and the Welland Canal, so as to make them navigable for ocean-going vessels, which were referred to the Committee on Commerce.

Mr. NELSON presented a resolution adopted by the National Game Conference of the American Game Protective Association, at New York December 12, 1921, favoring the enactment of legislation providing for establishing shooting grounds for the public, game refuges and breeding grounds for migratory birds, etc., which was referred to the Committee on Public Lands and Surveys.

Mr. McCUMBER presented a petition of sundry citizens of Glenfield, Courtenay, and Kensal, all in the State of North Dakota, praying for the passage of Senate resolution 133, directing the Federal Trade Commission to investigate the conditions affecting the demand for foreign disposition, movement, and use of American exported grain (which was considered and agreed to on Dec. 22, 1921), which was ordered to lie on the table.

He also presented a resolution adopted by the Larimore (N. Dak.) Commercial Club, protesting against the enactment of legislation permitting vessels in domestic commerce of the United States to pass through the Panama Canal free of toll, which was referred to the Committee on Interoceanic Canals.

He also presented a resolution adopted by the Fortnightly Club, of Grand Forks, N. Dak., favoring the enactment of legislation adopting a metric system of weights and measures, which was referred to the Committee on Manufactures.

He also presented the petition of John Garchk and sundry other citizens of Wishek, N. Dak., praying for the adoption of the so-called Smoot manufacturers' tax system, which was referred to the Committee on Finance.

He also presented resolutions adopted by the Larimore (N. Dak.) Commercial Club, favoring the enactment of legislation to reduce freight rates, which were referred to the Committee on Interstate Commerce.

Mr. McLEAN presented a resolution adopted by the board of management of Eve Lear Chapter, Daughters of the American Revolution, of New Haven, Conn., favoring the passage of House bill 6774, setting apart the battle field of Yorktown for a national military park, which was referred to the Committee on Appropriations.

He also presented a telegram in the nature of a petition from La Croix Murdock Post 585, Veterans of Foreign Wars of the United States, of Meriden, Conn., favoring the immediate passage of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented resolutions adopted by the Norwich (Conn.) Central Labor Union at a meeting held December 6, 1921, protesting against the appointment of additional Federal judges or increase of salaries for such judges, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens and ladies of the Home Club, of Cromwell, Conn., praying for the limitation of armament by international agreement, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry employees of the Empire Knife Co., Ralph W. Moulthrop, C. R. Holland, and William Newett, all of Winsted; of the Sessions Clock Co., of Forestville; and of the Challenge Cutlery Corporation, of Bridgeport, all in the State of Connecticut, favoring inclusion of the American valuation plan in the pending tariff bill, which were referred to the Committee on Finance.

He also presented a resolution adopted by the Derby and Shelton Board of Trade, of Derby, Conn., favoring the inclusion of the American valuation plan in the pending tariff bill, which was referred to the Committee on Finance.

Mr. JONES of Washington presented a petition of sundry citizens of Waterville, Wash., praying for the enactment of legislation fixing the price on turkey red wheat at $1.10 per bushel and proportionately on blue stem and marquis, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Emergency Housing Association of the District of Columbia, praying for the appointment of a joint commission of both Houses to begin at once a survey and investigation of the alley and slum problems in the District of Columbia so as to recommend a solution for the alley housing problem, etc., which was referred to the Committee on the District of Columbia.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on December 22, 1921, they presented to the President of the United States an enrolled joint resolution and bills of the following titles:

S. J. Res. 142. Joint resolution to extend the time within which the special committee on the readjustment of the pay of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service may make its report to Congress;

S. 2591. An act to provide for the construction of a public bridge across the Niagara River; and

S. 2790. An act to authorize the boards of county commissioners of Escambia and Santa Rosa Counties, Fla., to construct a bridge across Escambia River at or near Century, Fla.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 2902) to amend section 8 of the Indian appropriation act of March 3, 1921, relative to turning Chippewa Indian hospitals over to the State of Minnesota; to the Committee on Indian Affairs.

By Mr. WADSWORTH:

A bill (S. 2903) to amend section 5219 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. ODDIE:

A bill (S. 2904) to extend the time of payment of construction charges on Government reclamation projects and authorizing the transfer of money to the reclamation fund; to the Committee on Irrigation and Reclamation.

By Mr. KING:

A bill (S. 2905) to authorize the Secretary of the Interior to permit prospecting, development, and utilization of mineral resources in national parks under certain conditions; to the Committee on Public Lands and Surveys.

By Mr. McCUMBER:

A bill (S. 2906) granting an increase of pension to John T. Rudy;

A bill (S. 2907) granting a pension to Katherine Urell;

A bill (S. 2908) granting a pension to S. W. Callahan; and

A bill (S. 2909) granting an increase of pension to Herman Bindewald; to the Committee on Pensions.

A bill (S. 2910) to provide for the establishment of a dairying and live-stock experiment station at Mandan, N. Dak.; to the Committee on Agriculture and Forestry.

A bill (S. 2911) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims; to the Committee on Claims.

By Mr. KELLOGG:

A bill (S. 2912) granting a pension to Elizabeth Shufelt; and

A bill (S. 2913) granting a pension to Mathew Galvin; to the Committee on Pensions.

By Mr. BALL:

A bill (S. 2914) to authorize the opening of a minor street from Georgia Avenue to Ninth Street NW., through squares 2875 and 2877, and for other purposes; to the Committee on the District of Columbia.

By Mr. OWEN:

A bill (S. 2915) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914; August 15, 1914; March 3, 1915; September 7, 1916; and June 21, 1917; to the Committee on Banking and Currency.

By Mr. NEW:

A bill (S. 2917) to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916; to the Committee on Territories and Insular Possessions.

A bill (S. 2918) granting a pension to Lydia A. Vickory (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 2919) to extend for the period of two years the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended; to the Committee on the District of Columbia.

By Mr. CURTIS:

A bill (S. 2920) granting a pension to Margaret R. Hull (with accompanying papers); to the Committee on Pensions.

Mr. SPENCER. Mr. President, the committee on commerce, trade, and commercial law of the American Bar Association have prepared a bill to amend the national bankruptcy act. The bill has been approved by the American Bar Association, and I introduce it and ask for its appropriate reference.

By Mr. SPENCER:

A bill (S. 2921) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. OWEN:

A bill (S. 2922) granting a pension to Clint T. Littlefield; to the Committee on Pensions.

WISCONSIN BAND OF POTTAWATOMIE INDIANS.

Mr. OWEN (by request) introduced a bill (S. 2916) for the payment to certain members of the Wisconsin Band of Pottawatomie Indians of their share of proceeds of sale of tribal lands, which was read twice by its title.

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on Claims.

Mr. CURTIS. From the title of the bill I think it should be referred to the Committee on Indian Affairs.

Mr. OWEN. I have introduced the bill by request of the attorney of the Pottawatomie Indians of Canada, and they desire that the bill should be referred to the Committee on Claims.

Mr. CURTIS. I am perfectly willing that the bill should be referred to that committee if that is desired, but it appears to me that such reference is hardly appropriate.

Mr. OWEN. I myself think the bill should be referred to the Committee on Indian Affairs, and possibly after a report shall have been made by the Committee on Indian Affairs the bill might with propriety then be referred to the Committee on

Claims, but, in my judgment, in the first instance it should be referred to the Committee on Indian Affairs.

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on Indian Affairs.

ELECTION OF PRESIDENT AND VICE PRESIDENT BY DIRECT VOTE.

Mr. NORRIS. Mr. President, I introduce a joint resolution proposing an amendment to the Constitution of the United States. I ask the indulgence of the Senate for about two minutes while I make a brief explanation of the proposed amendment.

The amendment which I have proposed to the Constitution abolishes the Electoral College and provides for the election of President and Vice President by direct vote of the people.

When our forefathers adopted the Constitution they were afraid to put too much power directly in the hands of the people, and so they provided for the election of the Chief Magistrate by an Electoral College. The members of this Electoral College, the Constitution provides, shall be chosen in such manner as the legislatures of the several States shall provide. Thus the election of the Chief Executive of the Nation was placed two steps beyond the reach of the voter. It was intended that these presidential electors should exercise a discretion in the selection of a President and Vice President, but as time went on and the people became anxious for a greater voice in their own Government, they provided for a method of instructing the presidential electors through the instrumentality of party conventions. This has taken away from the presidential elector the discretion which the law in fact gives him, but it has not by any means placed the selection of President and Vice President in the hands of the people themselves.

In order to be elected President of the United States it is necessary to be nominated by some political party. There is no other practical way of electing a President so long as our antiquated Electoral College system remains a part of the Constitution. The practical result is that any man or set of men who are able, through any means whatever, to control presidential conventions, do in fact, through such means, select the President and Vice President of our country. The only voice that the voter has in the entire transaction is to register a choice between the nominees of the different political conventions.

It is common knowledge that the people have very little, if anything, to say in regard to the nomination of presidential candidates by political parties. Nominations for President are in fact made, as everybody knows, by a few so-called leaders, who through various and devious ways known only to the politician control and handle the misled and worn-out party convention delegate in accordance with the wishes and the decrees of political bosses. On election day the people find that the voter has nothing left to decide except to choose between two evils, and there is no way by which he can properly protest against such arbitrary control of nominations. He is as helpless on election day as though he were entirely disfranchised.

In every State some provision is made by which an independent candidate for office can have his name placed on the official ballot. Such provisions of law are not accidental, they are fundamental. They are a necessary part of every plan of election machinery where the citizen is given the freedom of voting as he pleases. No such provisions, however, can apply to the election of President and Vice President so long as the Electoral College plan remains as part of our Constitution. If the Electoral College were abolished, then independent candidates for President could have their names placed upon the official ballots of the various States by complying with the method provided by State statutes. The abolishment of the Electoral College would make it not only possible but practical for the people to disregard party entirely and elect independent candidates to the offices of President and Vice President. In addition to this, such change would have the beneficial effect of restraining political leaders and machines from imposing upon the party and the people unworthy candidates for office. If the Electoral College were abolished, an independent candidate for President would be not only a possibility but a probability whenever the conventions of the great political parties were manipulated and controlled by unfair and dishonorable means.

Under present conditions it is an impossibility for any voter to vote for a candidate for President on one ticket and a candidate for Vice President on another ticket. Neither can he vote for President without at the same time voting for Vice President. If the voter is in favor of the candidate for President on one ticket and the candidate for Vice President on a different ticket, it is a physical impossibility under existing conditions for him to register his choice, and yet it must be admitted that in a free country, if we are in reality permitting the people to rule and to select by their votes their President and Vice President, it is necessary that such choice should be free and untrammeled and the voter should be allowed to vote for any person for either one of the offices and have such vote counted as cast. Such right is in fact fundamental in a free country.

The effect of eliminating from the Constitution of the United States the ancient and useless Electoral College would be to give the citizen a free and untrammeled right to vote for President and Vice President. It would place the office of President of the United States within the hands of the people themselves where it is now supposed to be, though, as a matter of fact, on account of the Electoral College, it is beyond the control of the people and is under the control of manipulated conventions.

The joint resolution (S. J. Res. 151) proposing an amendment to the Constitution of the United States for the election of the President and Vice President by a direct vote was read twice by its title and referred to the Committee on the Judiciary.

REDUCTION OF PERSONNEL IN ARMY AND NAVY.

Mr. KING. Mr. President, I desire to introduce a joint resolution for the reduction of the personnel in the Army and the Navy. Technically there should be two joint resolutions—one to be referred to the Committee on Naval Affairs and the other to the Committee on Military Affairs. I offer it, however, as one joint resolution, and ask its reference to the Committee on Military Affairs. Later I may offer another joint resolution and have it referred to the Committee on Naval Affairs.

May I say that it seems to me, if we are earnest in our desire to promote world peace, we ought to begin reducing our Army and Navy below present limits? Moreover, the costs of maintaining the Army and the Navy are so enormous, even with the rather small Army we now have, that the American people, in my judgment, will not and ought not to submit thereto. We are expending now for our Army of less than 200,000 men more than or nearly as much as Germany paid to maintain her army when it approximated seven or eight hundred thousand or a million men, and some steps should be taken either to reduce the number far below the present limit or to reduce the expenses. The overhead of both the Army and the Navy is entirely too great. We have not learned the art of economy in handling the Army and in handling the Navy. When we appropriate, as we did for the current fiscal year, in the neighborhood of $800,000,000 for the Army and the Navy, it is entirely too much. It is time there should be a halt, and I hope that the Committee on Military Affairs and the Committee on Naval Affairs will address themselves to a reduction of the personnel involved in the Army and in the Navy.

The joint resolution (S. J. Res. 152) providing for the immediate reduction of the Army and the Navy was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENTS OF FEDERAL RESERVE ACT.

Mr. HARRIS submitted two amendments intended to be proposed by him to the bill (S. 2263) to amend the Federal reserve act, approved December 23, 1913, which were ordered to lie on the table and to be printed.

UNITED STATES NAUTICAL ALMANAC.

Mr. JONES of Washington. I submit the resolution which I send to the desk. It simply calls for information from the Navy Department, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 202) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to send to the Senate a copy of the statement made by Prof. Eichelberger regarding conditions in the Nautical Almanac office, referred to in the report of the Superintendent of the Naval Observatory under date of July 28, 1921; also a copy of the statement of Prof. Campbell relating to Prof. Hink's article, referring to the error in the eclipse map of May 28 and 29, 1919, and referred to in the same report.

MARY ROBERTS.

Mr. STANFIELD submitted the following resolution (S. Res. 203), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Mary Roberts, widow of Charles F. Roberts, late a private of the Capitol police, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had

approved and signed a joint resolution and bills of the following titles:

On December 22, 1921:

S. J. Res. 142. Joint resolution to extend the time within which the special committee on the readjustment of the pay of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service may make its report to Congress.

On December 28, 1921:

S. 2591. An act to provide for the construction of a public bridge across the Niagara River; and

S. 2790. An act to authorize the boards of county commissioners of Escambia and Santa Rosa Counties, Fla., to construct a bridge across the Escambia River at or near Century, Fla.

CONDITION OF SUPREME COURT DOCKET.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The reading clerk read the resolution (S. Res. 198) submitted by Mr. TRAMMELL December 20, 1921, as follows:

Whereas all causes brought to the Supreme Court of the United States for final decision should be acted upon by said court without undue delay; and

Whereas if the docket of the said court is so congested that litigants are unable to obtain a prompt decision in the court of last resort the Congress should afford the relief necessary to correct such conditions; and

Whereas the Senate desires information upon the question of whether or not there is such number of cases constantly pending in said court as to make it impossible for the court to dispose of cases without long delay and hardship upon litigants because of their inability to get prompt action in this the highest court in the land: Therefore be it

Resolved, That the Chief Justice of the Supreme Court of the United States is requested to direct the clerk of said court to furnish to the Senate such data and information as may be necessary to indicate the condition of the docket of the said court; to advise the number of cases on the docket awaiting final disposition by the court; to give the average length of time required for a decision after cases are ready for action by the court; and to furnish such further information as the Chief Justice may order the clerk to transmit to the Senate in response to this request regarding the status of the litigation in the said court.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. NORRIS. Mr. President, purely for information I wish to inquire of the Senator from Florida [Mr. TRAMMELL], who is the author of the resolution, why it is that the request contained in the resolution is not addressed directly to the clerk of the Supreme Court? Why is the request made of the Chief Justice of the Supreme Court?

Mr. TRAMMELL. That is merely a matter of procedure. The request was addressed to the Chief Justice, and he was requested to direct the clerk to furnish the information as a matter of courtesy to the court and to the Chief Justice. I thought that was the more proper way of proceeding than to ask for the information directly from the clerk of the court. Frankly, that is my reason for so phrasing the resolution.

Mr. NORRIS. Mr. President, I am not familiar with the procedure, if there is a procedure, in such cases, but it seems to me that it would be better to make the request directly of the clerk of the Supreme Court. There probably would not be any objection on the part of the court to having a legislative body make such a request, but if we could conceive of an objection, we should probably have to go before the court and make application in the regular way and select some one to appear before the court in order to get the action of the court.

I may be entirely wrong, for, as I have said, this resolution is something new to me, but it does seem to me that it proposes a wrong procedure.

Mr. SHIELDS. Mr. President, in view of the inquiry of the Senator from Nebraska, and irrespective of whether or not the suggestion of the Senator from Nebraska is advisable, I should like to know what is the object of the resolution. Is there anything stated in the resolution as to what is expected to be done, or does it indicate that any legislation is contemplated?

Mr. TRAMMELL. Mr. President, there is no legislation contemplated by the resolution. The whole object and purpose of the resolution are to secure information as to the status of the business before the Supreme Court, it being particularly in mind to investigate, according to the information furnished by the court, as to whether or not business is expeditiously dispatched by the court and as to whether or not when a litigant gets into the United States Supreme Court he can obtain a decision within a reasonable time after the case reaches the court and is ready for action by the court. That is the object and purpose of the resolution. Of course there is no use to attempt to discuss here at this time, upon what we might call hearsay statements, the condition of the docket of the court. What I desire is to get accurate and definite information from the court, and then we might discuss the condition of the docket of the court.

Mr. NORRIS. Mr. President, I am not trying to interfere with the Senator's intention to secure information. I am not familiar with that phase of the matter; but if any Senator wants any information and this is the proper way to get it, I certainly should not object. It seems to me, however, that by the resolution as drawn we are putting in operation the court itself. If we want to do that, we ought to select some one to appear in a regular way before the court, and perhaps also the clerk would want to appear by attorney and contest our request. I may be wrong; there may be a precedent for the proceeding which is proposed, and it may be that this will be considered the right course to follow, but it seems to me that it is not. I wish to ask the Senator from Florida if he is not willing that the resolution be referred to the Committee on the Judiciary?

Mr. TRAMMELL. Mr. President, of course, I would have no serious objection to that; but I think the resolution is very plain; it shows upon its face its object and its purpose. It does not state that the court is behind with its business or that it is acting in a dilatory manner in disposing of litigation; it makes no affirmatve assertion whatever. It is purely in the nature of an inquiry.

Mr. NORRIS. I have no objection to that, but I think we ought to go about it in the proper way.

Mr. TRAMMELL. I do not think the Judiciary Committee, so far as that is concerned, could throw any light upon it at all. It is a matter of procedure, and I think as to the matter of procedure the method proposed by the resolution is more courteous, being addressed to the Chief Justice, and asking him to request the clerk of the court, who works under the direction of the court, to furnish the information.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I will yield in a moment. It may be that the course suggested by the Senator from Florida is the proper one to pursue; I am not saying that it is not; but it does not seem to me that it is. However, the Judiciary Committee could easily ascertain as to that; at any rate, some committee, it seems to me, ought to do so; and the Judiciary Committee, in my opinion, is the proper one to consider the matter. I do not wish to delay action; I have no objection to passing the resolution when it is once ascertained what the proper course is, but it seems to me under all the circumstances that the Judiciary Committee ought to consider the question before we act upon it. I therefore move that the resolution be referred to the Committee on the Judiciary.

The VICE PRESIDENT. The question is on the motion of the Senator from Nebraska to refer the resolution to the Committee on the Judiciary.

Mr. SHIELDS. Mr. President, before the vote is had on the motion I desire to say that if the resolution is designed for the purpose of obtaining information with a view of remedial legislation to relieve any congestion that may exist in the court, of course there could be no objection to it; but, as I understand the Senator from Florida, that is not the object of the resolution.

Mr. TRAMMELL. Mr. President, will the Senator from Tennessee yield?

Mr. SHIELDS. I yield.

Mr. TRAMMELL. I do not understand upon what basis the Senator makes that statement. The resolution indicates that its purpose and object are to afford relief if there is congestion in the docket. That is the plain wording of the resolution; that is the idea—to furnish relief if the docket is in such condition that relief should be afforded. That is the object and purpose of the resolution.

Mr. SHIELDS. The basis of my statement was what the Senator said in response to an inquiry that I made a few moments ago. I asked him if there was any remedial legislation intended to be predicated upon the information asked for, and I understood him to say no; that he had none in mind, or words to that effect.

Mr. TRAMMELL. Mr. President, I said that I had in mind no specific legislation, because I had not as yet obtained the information. That is what my reply meant. Of course we can not have in mind specific legislation as to a condition of facts with which we have not yet become acquainted and concerning which we are seeking information. The whole object and purpose of the resolution are to afford relief if relief is necessary.

Mr. SHIELDS. Mr. President, if no remedial legislation is contemplated, I certainly think the resolution is improper. I do

not think it is proper for the Senate of the United States or the Congress or any other authority to be lecturing the Supreme Court of the United States as to the manner in which it shall dispose of its business, and I should object to any action that could be so construed.

There is a provision in the resolution that certainly is rather remarkable; I refer to the provision that the Chief Justice shall direct the clerk of the court to report as to the average length of time required by the court to dispose of the cases which may be heard by it. Mr. President, all cases are not alike. They can not be disposed of according to a mathematical rule. The records are different. Sometimes they consist of a few pages and sometimes of thousands of pages. Sometimes the cases involve questions of fact, sometimes questions of general law, and sometimes great constitutional questions. No rule as to the time within which the case on the docket shall or can be disposed of, no regulation as to the number of hours or days they can be held before being disposed of, is possible or ought to be made; for the court ought to give every case it has such consideration as that particular record and the questions involved in it demand and require. The members of every court must be the sole judges of the time they should devote to the hearing and consideration of cases heard.

Mr. FLETCHER. Mr. President, I simply wish to suggest that according to the press the Chief Justice himself has recently delivered an address in which he pointed out some matters which ought to have consideration. As I recall, one of the things he mentioned was that there ought to be a limitation on the obligatory jurisdiction of the Supreme Court and a wider discretion given to the Supreme Court in the matter of the disposition of cases. So I am inclined to think this resolution is entirely in order, as enabling Congress to have that information which the court already has, and which might lead to some remedial legislation along that line, as indicated already by expressions of the Chief Justice.

Mr. KELLOGG. Mr. President, I hope the Senator from Florida [Mr. TRAMMELL] will permit this resolution to go to the Judiciary Committee. I think the senior Senator from Florida [Mr. FLETCHER] is in the main right. I think the Chief Justice has indicated that some restriction of the jurisdiction is necessary. I am very firmly of the opinion that there are lots of cases going to the Supreme Court that never ought to go there, and that certain restrictions upon the jurisdiction can be made; but I suggest that this resolution go to the Judiciary Committee. Undoubtedly the chairman of the Judiciary Committee can get from the Chief Justice any information that he desires, and after the chairman and the Judiciary Committee have considered the matter they may wish to ask the Chief Justice if he has any suggestions as to legislation. Therefore, I think it would be orderly for the resolution to go to the Judiciary Committee.

Mr. TRAMMELL. Mr. President, I shall not oppose the motion that the resolution be referred to the Judiciary Committee. Of course, all that I desire is to get the information, and if the rather common hearsay statements are true that the Supreme Court is a year and a half or two years behind with its work some relief in some way should be afforded. We know that it works a great hardship on litigants to have their cases lodged in a court and have them held in that court for a year and a half or two years before they can obtain a decision. I shall not make any statements as to information that has been given me by litigants in which they have claimed that there were long delays in the court, and that they can not get justice without undue delay in the highest court of the land; but this resolution will bring forth that information.

I did not ask to have the court attempt to give the exact number of days and hours that it takes to decide a case. This resolution does not ask for any such information; but it does ask that they give about the average length of time that a case is pending in the court before a decision is reached. I do not think that is an unreasonable request, and I think that information will have an important bearing upon the question of whether or not Congress should take some action to afford relief, if relief is desirable or necessary, to clean up and catch up with the docket in the United States Supreme Court.

I shall not, however, oppose the resolution going to the committee.

Mr. JONES of Washington. Mr. President, I think the resolution should go to the committee. It occurs to me that all this information could be secured by writing a letter to the clerk of the court, who undoubtedly has it in his possession. I have not any doubt that the letter would give the information.

It seems to me quite unusual for the Senate to pass a resolution making a request of the Chief Justice of the United States, and I doubt the wisdom of it, unless this information can not be secured officially in some other way. One of the Senators suggested a moment ago that the clerk could furnish the chairman of the Judiciary Committee this information. I have not any doubt at all about it. I think he would furnish it to any Senator who would submit a written request for it; so I think it would be well to send the resolution to the committee and let the committee consider the proper way to get the information that everybody would like to have.

The VICE PRESIDENT. The question is on the motion of the Senator from Nebraska [Mr. NORRIS] that the resolution be referred to the Committee on the Judiciary.

The motion was agreed to.

REPORT OF BRIG. GEN. WILLIAM MITCHELL.

Mr. BORAH. Mr. President, some time ago the Senate passed a resolution directing the Secretary of War to send to the Senate the report, or a copy of the report, of Brig. Gen. Mitchell relative to the operations of the First Provisional Air Brigade with relation to the sinking of battleships near Langley Field, filed in or about September, 1921. We have a reply to that resolution, in which it is stated by the Secretary of War:

> In reply thereto you are informed that I have been directed by the President to say that he considers the transmission of this report incompatible with the public interest.

Mr. President, after these experiments were had near Langley Field a report was filed and published to the world, giving out certain information as to what these experiments disclosed. That report, as I understood, was altogether favorable to one theory of the experiments.

Another report, which was quite in conflict with that theory, was filed by Brig. Gen. Mitchell. If it should be found to be true that Gen. Mitchell's report is the correct one—that is to say, if his theory is the correct theory, and the facts which he gives support his theory—the first report which was put out was wholly misleading. While, of course, I must be content to accept the judgment of the President, because he has the last say about it, as to whether or not the transmission of this report is compatible with the public interest, it does seem to me that if the first report was in the interest of the public, certainly the report which was in contravention of it is entitled to be weighed by the public at the same time.

I know that the report of Brig. Gen. Mitchell would be very interesting. It might materially affect the reputations of some of those who have been passing upon the efficiency of modern battleships; but it would be also interesting to the taxpayers, and I do not see how it would be incompatible with the public interest for it to be known.

I rise only to say that I think I know practically what is in that report; and when the naval appropriation bill reaches the Senate I shall take the responsibility of stating my understanding of what is in the report, and if I should be incorrect in my statements I shall rely upon the Secretary of War to make correct statements in regard to it.

MICHIGAN SENATORIAL ELECTION.

Mr. TOWNSEND. Mr. President, I desire to give notice that I expect to submit to the Senate some remarks on the Newberry case on Saturday morning at the opening of the session of the Senate, or, if we should have morning business, at the close of the morning business.

THE FEDERAL RESERVE BOARD.

Mr. KING. Mr. President, I desire to call attention to a matter which has been briefly discussed by several Senators.

The Federal Reserve Board has been the subject of criticism because of the high salaries which have been paid in some of the districts, and because of the enormous costs which have been incurred in the construction of bank buildings. As a friend of the Federal Reserve Board, and desiring that its activities and its usefulness shall not be in any manner impaired by reason of a lack of public confidence, I feel that steps should be taken by the central authority in Washington to correct the evils which I believe exist in some of the districts.

As illustrative of one of the points which I have in mind, permit me to call attention to a letter which I have just received from the mayor of Salt Lake City. A sentence in that letter reads as follows:

> It appears that the governors of the 12th reserve district have or are about to let the contract for the erection of the Salt Lake building to a San Francisco concern, and, so far as I can ascertain, have given our local contractors no consideration.

In connection with that, I wish to read a sentence from a letter from Mr. H. W. Baum, a distinguished citizen of my State, one for whose integrity I vouch:

> When the Federal reserve bank building now under construction in San Francisco was decided upon they selected the P. J. Walker Co., of San Francisco, as the contractors, and awarded them the work without competition on a cost-and-fee basis.

Mr. President, I desire to protest against the misconduct, I was about to say—and I do not think it is too strong a word—of some of these Federal reserve officials in the manner in which they have proceeded in the construction of buildings. I protest against the policy of constructing bank buildings costing tens of millions of dollars, and I object to the method adopted in letting contracts. There should be no contracts let except upon a competitive basis, and if the board does not take the necessary steps to enforce this policy Congress will, in my opinion, compel them to adopt such course. I have some correspondence relative to the actions of the officials of other districts, and their refusal to follow a competitive policy in the erection of buildings or portions of buildings. I think it is unfair and unjust to the Government if the principle of competition is denied. I sincerely hope that the Federal Reserve Board will take immediate steps to correct a manifest evil.

Mr. OWEN. Mr. President, in connection with what has been said with regard to the Federal Reserve Board's activities, I want to call attention to the constriction of credits during the last year.

The national banks have lost in deposits $2,191,000,000. Their loans and discounts have decreased $1,446,000,000. The State banks have lost in deposits $1,042,000,000. The loans and discounts of the Federal reserve banks have decreased $1,621,000,000. The Federal reserve notes have decreased $957,000,000. The Federal reserve bank notes have decreased approximately $150,000,000.

It is worth while to note these figures because they explain in a very clear way what the effect is on the contraction of credits in this country, and in my judgment they account for a large part of the industrial depression.

MEAT-PACKING INDUSTRY.

Mr. HARRIS. Mr. President, for more than 20 years legislation has been before Congress to regulate the five big meat packers. About a year and a half ago the Department of Justice agreed to the entering of a consent decree against the packers by the Supreme Court of the District of Columbia. Legislation afterwards was passed by Congress based on this consent decree and known as the Kendrick-Kenyon bill. A few months ago the Attorney General appointed a representative from his department, one from the Department of Commerce, and one from the Department of Agriculture to hear the five big packers about modifying that decree. I was very sorry, indeed, to hear that, because it will bring the whole matter before Congress again in the event the decree shall be modified. The Federal Trade Commission protested against it through Mr. Durand, one of the able economists in that commission, and later through the chairman of the Federal Trade Commission, who filed a written protest against any modification of the decree. The Federal Trade Commission has done more than any other governmental agency to expose the profiteers and reduce the high cost of living.

I ask to have inserted in the RECORD the remarks of Senator LODGE in regard to the meat packers' fight against the legislation proposed by President Roosevelt for the inspection of meat, to protect the public against poisoned meat, more than 15 years ago.

The Senator from Massachusetts said on June 30, 1906—I quote from the CONGRESSIONAL RECORD:

> What has been the history of that group of men who run those packing establishments? It has been a history of utter defiance of law and of public opinion.

In the same speech the Senator from Massachusetts said:

> But I say, Mr. President, and I say it in all seriousness, that those packers in Chicago * * * have done more to advance socialism and anarchism and unrest and agitation than all of the socialistic agitators who stand to-day between the oceans.

It shows that the meat packers, who have kept a lobby here all these years opposing any regulation of their business, are not satisfied with anything that will do justice to the consuming public of this country, and as soon as legislation is passed and a decree is entered they immediately take steps to have it changed. I ask also to have inserted in the RECORD a protest of the chairman of the Federal Trade Commission.

Mr. SHIELDS. I wish to ask the Senator from Georgia a question in regard to this, if he is familiar with the matter. As I understand, this is an application to change the decree?

Mr. HARRIS. Yes; to modify a decree entered into in April a year ago.

Mr. SHIELDS. Of course, long after the session of the court in which it was entered had adjourned?

Mr. HARRIS. Yes.

Mr. SHIELDS. What is the basis of this attempt to modify a final decree of the court long after the adjournment of the court? Is there a reservation in the decree?

Mr. HARRIS. Not that I know of. I do not think there is.

Mr. SHIELDS. I understood, at the time that decree was entered, that there was a reservation, not as to the principles enunciated or the rights adjudicated, but as to the execution of the decree; that there was a reservation to the effect that the Government could apply for such orders as were necessary to enforce and carry out the adjudication made. I also understood that it was a decree by consent from which there could be no appeal or other proceedings for review prosecuted. Of course, I am not attempting to quote the language of the decree, but if I am correct about it, and it was a mere reservation providing for the execution of the decree, that court has no more power to modify that decree than it would have to enact a law. When a court once enters a decree and adjourns, it is a finality. If there was any other rule, if a court could go back and overturn or modify decrees settling the principles of a controversy, and the rights of parties, then the courts ought to be abolished; there would be nothing final in their action. There would be no end to litigation, and no man would be safe in his adjudicated rights.

Mr. HARRIS. Mr. President, I am not a lawyer, and I am not familiar with the court decrees of this kind, but if this decree is modified as the five big packers are trying to have it done by the Attorney General, for whom I have the highest regard, it will cause great dissatisfaction on the part of the consuming public and will be resented. I hope he will do nothing that will again bring about such trouble in this country as we have had with the five big packers in protecting the hundred million consumers and help reduce the high cost of living for them.

Mr. President, I renew my request to have inserted in the RECORD the protest of the chairman of the Federal Trade Commission.

The VICE PRESIDENT. Is there objection to the request of the Senator from Georgia?

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DECEMBER 14, 1921.

GENTLEMEN: I appear as chairman of the Federal Trade Commission to state to you the attitude of that agency of the Government toward the proposed modification of the decree in question.

It is not my purpose to do more than state the commission's position, the support for which is to be found in the published reports of the commission upon the meat-packing industry which are before you, supplemented in the present instance by the particularized statements of Mr. Durand.

The Federal Trade Commission felt at the time of its entry that the consent decree failed to secure to the public the complete remedy for and protection against the practices charged in the bill of complaint, for which the commission believed sufficient evidence was then available. It was no party to framing the terms of this decree and it was not consulted with reference to its provisions.

The commission feels that the proposed modification would still further lessen the remedial effect of the decree. It would be a surrender of one of the protective measures taken for the public which at the time of the compromise settlement was regarded as essential to the public right and which the respondents were willing to concede in exchange for concessions to them. If the provisions now sought to be eliminated from the decree were then essential to the protection of the public, they are essential now.

The Federal Trade Commission, in the light of its experience with the subject matter and with due regard only to the public right in the maintenance of the principles of free and fair competition, presents its opposition to the proposed course of action with reference to this decree.

By authority of the commission.

NELSON B. GASKILL, *Chairman.*

EMPLOYMENT OF ATTORNEYS BY ALIEN PROPERTY CUSTODIAN.

Mr. KING. Mr. President, some days ago I offered a resolution, Senate resolution 191, asking for certain information from the Alien Property Custodian, which resolution is now lying upon the table. I call the attention of the Senator from Kansas [Mr. CURTIS] to that resolution, and state that unless the information therein asked for is furnished very soon by the Alien Property Custodian to the President, or to Congress, or to some appropriate agency of the Government, I shall press for the passage of the resolution. Indeed, unless I am assured that the information which is promised is full and complete, I shall ask for a vote upon the resolution within the next day or two.

I call attention to a statement appearing in the New York World under date of December 30, 1921, the opening paragraph of which is as follows:

> President Harding has stepped into the affairs of the Alien Property Custodian's office for the purpose of cutting off some of the large fees allowed by Custodian Thomas W. Miller. Mr. Miller has been called to the White House to discuss circumstances connected with his administration of the enemy property seized during the war.

Mr. President, my resolution calls for information which I think the Senate should possess. We should know what has been done with trust funds, with property seized under the authority of law. It is important to know what is being paid out by way of salaries and compensation and for attorney fees.

The United States is a trustee and can not afford to permit any dissipation of trust funds or any payments that are extravagant or improper. I am not asserting that such is the case, but in view of criticisms as to payments made by the Alien Property Custodian for attorney fees and other costs of administration I have felt that we should have the information called for by the resolution.

Mr. President, my information is that not only under the present Alien Property Custodian, but under his predecessor, enormous fees have been allowed to attorneys and agents, chargeable against the property of the cestui que trust. I do not wish to indulge in unjust or unfair criticism, but I believe that all the facts connected with the Alien Property Custodian's administration should be made known. His task has been a responsible one, and I believe that in the main the task has been well performed.

That there would be criticisms attending the administration of this great trust was to be expected, and I believe that a complete and detailed report will prove reassuring.

As indicated, there will doubtless be matters calling for criticism, and perhaps payments made which can not fairly be defended.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. KING. I yield.

Mr. NORRIS. I would like to inquire of the Senator the purport of his resolution, what particular information it calls for, and from what source.

Mr. KING. I will read it to the Senator, and that will perhaps give him a better idea of it than if I attempted to state the substance of the resolution. It reads as follows:

Resolved, That the Alien Property Custodian is directed to report to the Senate the names of all attorneys who have been appointed or employed by the Alien Property Custodian and the compensation which has been allowed to each, and the character of services performed by each; the names of all attorneys, directors, supervisors, managers, auditors, or other agents appointed by the Alien Property Custodian to take care of or to have the administration of property under the control of the Alien Property Custodian, with the compensation paid to each, or to be paid to each, by the Alien Property Custodian, or out of the trusts or trust funds in his custody; the names of all attorneys appointed or employed by corporations, agents, or individuals who have been or are acting as administrators or caretakers of property for the Alien Property Custodian, and the compensation paid to or to be paid to each; the names of all attorneys who have represented or who now represent claimants to property under the control of the Alien Property Custodian; the names of all attorneys who have represented claimants to whom property has been returned under section 9 of the trading with the enemy act, and the compensation allowed each of such attorneys out of the trust or trust funds subject to such claims; a statement and description of all property sold by the Alien Property Custodian, with the names of the corporations or persons to whom sold, and the amount received therefor; and a statement and description of all property seized or demanded by the Alien Property Custodian since the passage of the resolution declaring a state of peace to exist with Germany, Austria, and Hungary.

Mr. NORRIS. May I ask the Senator where the resolution is now?

Mr. KING. The resolution is lying upon the table.

Mr. NORRIS. Why does not the Senator ask permission to have it taken up and passed? There is certainly no objection to it?

Mr. KING. I do not see how there can be any objection to it; but let me say that at the request of a distinguished Senator I withheld a demand for consideration, expecting that within a short time at least a part of this information called for would be submitted to the President by the Alien Property Custodian.

Mr. NORRIS. If the Senator will allow me, it seems to me there can be no possible objection to the information being given. In fact, it seems to be only fair that it should be given to the Senate and the country.

Mr. KING. I think it ought to be given; but I shall not ask for the adoption of the resolution this morning. I wish to consult with the Senator to whom I have just referred.

Mr. FRELINGHUYSEN. Mr. President, will the Senator suffer an interruption?

Mr. KING. I yield.

Mr. FRELINGHUYSEN. I understand that the Alien Property Custodian is making a report. Under the Alien Property Custodian act the custodian is compelled to make a report to Congress every year. I understand that such a report is in process of preparation, and that it is to be submitted to the President. I do not think the former custodian made a report every year; he made one report, and then failed to make any other report; but I have been informed that the information called for by this resolution is now being prepared, and if the Senator will withhold pressing the resolution I will ascertain whether that is the fact or not. I have no objection to the resolution. I believe Congress should have full information regarding all the acts of the Alien Property Custodian.

Mr. KING. Mr. President, in my opinion the report which will be submitted will not contain all the information which is sought to be elicited by my resolution.

Mr. NORRIS. Mr. President, even if it is true that all of the information is contained in a report to the President, it would not take very much effort to send that report to the Senate in response to the resolution offered by the Senator from Utah.

Mr. KING. Let me say to the Senator that in view of my statement to a distinguished Senator who spoke to me about the matter, I should not feel like asking for the adoption of the resolution until I confer with him further. However, I feel that the Senate should have the data called for. We should know what disposition is being made of the hundreds of millions seized by the Government. Attorneys have been appointed at enormous salaries and agents in charge of trust property have been paid very large fees, deducted from the property which has been sequestrated. I have been trying for some time to secure the passage of a bill by which the property which was sequestrated should be returned to the owners. I do not believe in a policy of international dishonor, which would result from a confiscation of the property seized by the United States. I do not believe in the confiscation of property which we seized for the purpose of holding during the progress of the war. When peace was declared we should have restored to the owners the property which was sequestrated.

Mr. FRELINGHUYSEN. Does the Senator contemplate investigating the acts of the previous Alien Property Custodian? Is that the purport of the resolution?

Mr. KING. The resolution, let me say to the Senator, applies to all Alien Property Custodians. There is no purpose to shield Democrats or to deal with Republican officials any differently than Democratic officials are to be dealt with. I would probe the official acts of Democrats as quickly as I would those of Republicans. Indeed, Democrats are supposed to be judged by a higher standard than Republicans. It has been said that because of their professions in behalf of good government they should be more honest and held to a higher standard of efficiency and integrity.

Mr. FRELINGHUYSEN. I do not think this is a partisan question. I think it is a business question entirely.

Mr. KING. I observed a statement in a New York paper, I think the New York World, as follows:

LIMITS ALIEN PROPERTY FEES—PRESIDENT HARDING ACTS ON ALLEGATION OF EXCESSIVE CHARGES.

President Harding has directed Thomas W. Miller, Alien Property Custodian, to refuse payment of fees demanded by attorneys whenever, in the judgment of the custodian, such fees are excessive, it was stated yesterday at the White House.

The statement also was made that an Executive order had been issued directing disallowance of certain fees, the President acting after investigation of a report that charges made in one or two cases of attorneys employed under the previous administration were excessive. The names of the attorneys involved were not made public.

Mr. President, it may be that these trust funds are being charged with attorney fees and costs for custodians, agents, supervisors, and administration in excess of what would be fair and just. In some cases my information is that these charges have been excessive and exorbitant.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. KING. I yield.

Mr. NORRIS. I am one of a good many Senators who have not any definite information on the subject covered by this resolution.

I have heard and read of a great many charges which have been made in reference to such property and in reference to the various items that are included in the resolution which the Senator has introduced. I have known that the Senator was behind a resolution of this kind, and I have assumed, and still assume, that he is going to push it, and secure the information he is asking for. I want him to know that other Senators have remained silent and quiet who would otherwise probably have gone into this investigation themselves had they not known that the Senator from Utah was asking for an investigation, and, busy as we all are, we did not want to have duplication of effort. So the Senator has a responsibility resting on him greater than he thinks. I do not want him to have the resolution laid aside indefinitely.

Mr. KING. I can assure the Senator it will not be laid aside indefinitely, and I can further assure the Senator that if I can have his cooperation and the cooperation of other Senators the Senate will be put in possession of all the information called for in the resolution.

Mr. NORRIS. We ought to have the information called for by the resolution. We are entitled to it and the country is entitled to it.

ORDER OF BUSINESS.

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Mr. OWEN obtained the floor.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. Certainly.

Mr. CURTIS. Is it the intention of the Senator to address the Senate?

Mr. OWEN. Yes; for 15 or 20 minutes.

Mr. CURTIS. I was going to ask unanimous consent to begin with the calendar where we left off the last time, but as the Senator from Oklahoma wishes to address the Senate I shall withhold the request until after he concludes.

GOLD AND COMMODITY SECURED CURRENCY.

Mr. OWEN. Mr. President and gentlemen of the Senate, I introduced this morning a bill proposing to establish a gold and commodity secured currency for use with a view to stabilizing the industrial activities of Europe and with a view to protecting the foreign commerce of the United States. I particularly desire to have the serious attention of the Senate, because while I do not intend to press the bill, I do offer it to the majority party as a means of helping to overcome the present industrial depression in the United States, with a view to rehabilitating our foreign commerce, and with a view, as a means to that end, of restoring industrial activities in Europe.

I believe the suggestions I am about to submit will be of great value to the United States and to the world if it shall meet your approval and support.

I am encouraged to hope that Senators will be disposed to give attention to the proposals which I submit, because I have had unusual opportunity to study the principles of banking. Thirty-two years ago I established the first national bank organized in Indian Territory, now Oklahoma, and was president of it for 10 years. On the 20th of February, 1908, immediately after I entered the Senate, I outlined and advocated before the Senate every principle of importance that afterwards was written into the Federal reserve act, and had the honor of representing the Senate as its chairman of the Committee on Banking and Currency at the time the Federal reserve act was written.

Our foreign export trade has been ruined and has fallen off during this past year to the extent of over three billions of dollars, for the very simple reason that Europe can not adequately buy and has so little to sell. I do not consent that any part of the money due us shall be remitted to Europe. Our charities to Europe I gladly commend, but their covenanted debts to the people of the United States must be paid. They are not bankrupt.

The hills of Europe are still covered with vineyards and orchards and the fertile fields are as productive as ever. The natural resources of Europe, the mines, the woodlands, the water powers, the transportation facilities, remain, and the facilities for manufacturing have been greatly increased since 1914 through the gigantic energies of five years of war which created more machinery than it destroyed. The man power and the woman power of Europe are capable of as great an output now as before the war. Before the war the people of Europe had loaned to us many billions of dollars, a large part of which we have repaid with interest, and we have extended credits to Europe during this World War through our Government ten billions of dollars, and since the war through our citizens more than five billions in addition. The European people as people are not bankrupt and they are not dishonorable. They are able to pay the United States and they will pay the United States in due time, principal and interest, but they can not at the present time pay either principal or interest because their industrial life has been disorganized through the demoralization following the war. They have neither gold nor sufficient commodities with which to make payment to the United States.

The one great outstanding factor breaking down confidence and destroying the validity and desirability of contracts in Europe is the violent inflation of currency through the printing press. In some of the countries of Europe people have been compelled to abandon the making of contracts in terms of currency and have resorted to the hopelessly clumsy system of barter—so many bushels of potatoes for so many bushels of corn or coal.

Neither the buyer nor the seller can afford to make a contract in a currency which, like the German mark, may shrink or expand 33 per cent within a month.

In Russia the ruble which sold two for a dollar before the war is now selling 50,000 rubles for a dollar. In Poland and Austria it is almost as bad, and in Germany the mark, formerly worth 23.8 cents, is now worth one-half a cent and a few weeks ago was worth one-third of a cent. The Italian lire, worth 19.3 cents before the war, is now worth less than 5 cents, and the French franc is now worth only 8 cents, and even the pound sterling, worth before the war $4.86, is now worth only $4.20, for the simple reason that even the pound sterling is not redeemable in gold and its exchange value is worth almost precisely what the pound sterling will buy in terms of gold bullion in the London market. The same thing is true, of course, as to the French franc, the German mark, and the Italian lire. If you buy bullion gold with these currencies in their own country you will find that what we call the exchange value of the franc, lire, or mark is measured by the purchasing power in gold of these currencies in their own country. And this, of course, is a necessary truism for the reason that the shipping of gold from these countries would immediately balance any exchange transaction and establish exchange at gold par. But they have little gold to spare and can not ship gold. They must sell their paper currency for gold or its equivalent in dollar exchange when paying us.

England in putting out the John Bradbury notes, which are English treasury notes used as currency, did so with a small gold reserve of between 12 and 13 per cent to maintain the credit of the Bradbury notes; but neither the Bradbury notes nor the Bank of England notes are subject to actual redemption in gold, and therefore they are at a discount measured in terms of gold.

In the same way the French franc under an issue of 38,000,000,000 francs, issued by the Bank of France (a private corporation but under Government control), has been diluted to a point where the Bank of France dared not redeem it in gold, and therefore the French franc has undergone a depreciation of 60 per cent. It is still worse with the Italian lira, and in the case of the German mark the mark went down to about 2 per cent of its original value.

How can manufacturers contract goods for future delivery in terms of marks when the mark at the time of future payment threatens a very high percentage of loss? How can merchants buy and sell with safety in terms of marks when the mark stretches from one value to another without notice?

In spite of this handicap the German people under the stimulation of their Government are nevertheless busily engaged in manufacturing, but under this very great disadvantage.

The one gigantic outstanding fact which retards rapid restoration of European industry and commerce is the lack of a stable gold-secured currency measurable in terms of gold. Even gold fluctuates in value, but at last it has been found by the nations of the world to be the most stable and acceptable measure of value ever established for monetary purposes.

The United States is able to provide a means for furnishing currency secured by gold and redeemable in gold and secured at the same time by staple merchantable commodities and underwritten by sound bankers' credits. I have submitted this bill which contains these fundamental principles, and which, if adopted, would establish a Federal reserve foreign bank owned by the Federal reserve banks of America, to function as their servant. Such a bank, with a primary capital of five hundred millions of gold taken from the Federal reserve banks, would not weaken the banking system of the United States for the reason that we have far in excess of the amount of gold required to keep our Federal reserve notes at par.

We have set apart 35 per cent of the reserve deposits in gold and legal tender. That 35 per cent is idle gold, unproductive and of no practical value, for the reason that the deposits are not capable of being withdrawn under the law. During the last 12 months, in spite of a withdrawal of deposits from national banks of over $2,000,000,000 and from State banks of over $1,000,000,000 the deposits in reserve banks have increased $13,000,000. Thirty-five per cent of $1,784,000,000, the present deposits in reserve banks, would make nearly $600,000,000 of idle gold and legal tender, and 25 per cent (the amount to which reserve against deposits is diminished) would make $446,000,000.

One billion seven hundred and eighty-four million dollars is the present deposit of reserves in the reserve banks. Thirty-five per cent of that is nearly $600,000,000 of gold and legal tender that is lying there, serving no useful purpose. That gold can be employed, though still owned by the reserve banks, through the Federal reserve foreign bank, and used as a basis of 20 per cent reserve would provide reserve notes amounting to $2,500,000,000, or five times the amount of such reserve gold. Under the bill I propose there would be 100 per cent of com-

modities behind each reserve bank note and 100 per cent of short-time bankers' bills. If the emission of these notes should go up to $2,500,000,000, there would be behind the bank notes 100 per cent of bankers' credits ($2,500,000,000), 100 per cent of commodity credits ($2,500,000,000), and 20 per cent of gold ($500,000,000), and we would in that way manufacture, if I may use such a term, a sound gold and commodity secured currency abundant to restore the European countries to a sound currency foundation.

At present they do not know what the value is of a mark, lire, kroner, lei, or a ruble. The mark has fluctuated 33 per cent in the last 30 days. It went down to one-third of a cent and back to half a cent.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. Certainly.

Mr. SMOOT. Does the Senator expect in his statement to show how it is possible to make the German mark worth 24 cents?

Mr. OWEN. I am not concerned in making the German mark worth 24 cents. It is impossible to make it worth 24 cents.

Mr. SMOOT. There are over 100,000,000,000 marks now outstanding.

Mr. OWEN. Yes; there are 103,000,000,000 marks outstanding at this time.

Mr. SMOOT. And more are being issued every day.

Mr. OWEN. Yes; they are pouring them out at the rate of a billion a week. So it is impossible for the German people to know how to make their contracts in terms of marks.

Mr. SMOOT. The reason why I interrupted the Senator was that I am compelled at this time to go to an important committee meeting. I wish I did not have to leave the Chamber, because I am anxious to hear what the Senator has to say. I desired to ask the question whether he had worked out any plan or whether there had been evolved in his mind a plan to set aside the present German paper mark and begin anew upon a gold basis. I thank the Senator.

Mr. OWEN. I am not concerned with that. It is impossible for the American Government or the American people to interfere with the fiscal or currency affairs of the European countries. They have their own difficulties. It is not a question even for them of putting the German mark back to par. It is a far more important question. If they do put the German mark back to par, they must pay bonds in gold par at 23.8 cents that have been issued against the mark worth a half cent apiece, and then paying the bondholder, who bought those bonds measured in marks worth half a cent apiece, in marks worth 24 cents apiece; in other words, the bondholder receiving forty-eight times what he loaned to the Government of Germany. It is a very perplexing problem, and one that may take some years to work out, and will result eventually in a necessary compromise between the debtor and creditor classes affecting gigantic sums.

So I am not concerned with that difficult problem. What I am concerned with is that there shall be furnished to Europe a currency measured in grains of gold, a currency sufficient in volume to meet their industrial requirements. Under my plan the bank would earn 15 per cent on the $500,000,000 invested; assuming that $2,500,000,000 of notes would be loaned, it would bring a net income of approximately 3 per cent. It would earn about $75,000,000 a year, and setting apart 5 per cent on the capital for the benefit of the reserve banks they would take from that $75,000,000 the $25,000,000 of earnings per annum where they now get nothing at all. They complain that they put their deposits in the reserve banks and get no interest on the deposits, but under my proposal they would get $25,000,000 of earnings out of the idle gold which is tied up as a useless reserve behind the deposits.

But there is a far greater and more important reason for furnishing Europe with this gold-secured currency, and that is that Europe owes us $15,000,000,000 and she has neither gold nor commodities with which to pay us. However, she has the man power, she has the natural resources, she has the ingenuity and the brain and the brawn, and we are in a position, and we are the only nation in the world in a position, to furnish Europe with a gold-secured currency that will be adequate for them to base their contracts on and give stability to credits in their industrial and commercial life.

I am presenting this matter to the majority party and to the country. I do not expect to press the bill, because it is impossible for a minority Member successfully to press a bill of this magnitude and character. I know that. I concede that to start with. I offer this bill to the majority party because our common country could be served magnificently by this plan.

In connection with that we must also, I think, take into account the conditions in Europe with regard to the payment of principal interest on the sum they owe us and our nationals. I do not at all approve of the proposal made by various of our good citizens that we should remit this debt to Europe. It is not true that Europe is bankrupt. Europe is no more bankrupt than the United States is bankrupt. It has got the same fertile fields, the same vineyards, the same orchards; it has the same productive power; it has a greater productive power in machinery and in invention than it had before the war. It is true that the foreign indebtedness of Europe has grown to a gigantic sum, as in Germany, for instance; but it is also true that those Government liabilities are individual, personal assets of their own nationals who own the bonds, and they are neither better nor worse off as a people than they were before they issued those obligations.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. OWEN. I yield.

Mr. HITCHCOCK. I am very sympathetically interested in what the Senator is saying, because, as he knows, I have introduced a bill which is along lines in some respects similar to those of his bill and has similar purposes. I do not fully understand, however, the details of the Senator's proposal. As I caught it, it is that the Federal reserve banks of the United States shall establish another bank?

Mr. OWEN. That they shall own the stock of a Federal reserve foreign bank.

Mr. HITCHCOCK. And that the stock issue should amount to $500,000,000?

Mr. OWEN. Yes; payable in gold.

Mr. HITCHCOCK. Payable in gold, and that that bank should issue its currency against a gold reserve?

Mr. OWEN. That it should issue its bank notes as currency against bankers' bills, with short-time maturities, not exceeding 90 days, and against commodities that are staple, merchantable, insured, and covered by documents.

Mr. HITCHCOCK. Not against a gold reserve?

Mr. OWEN. The 20 per cent gold reserve would be included.

Mr. HITCHCOCK. Does the Senator propose to limit the issue of currency to a percentage of the gold reserve?

Mr. OWEN. To 20 per cent.

Mr. HITCHCOCK. What amount of currency does the Senator figure that would enable the bank to issue?

Mr. OWEN. It would enable the bank to issue twenty-five hundred million dollars.

Mr. HITCHCOCK. That would require, then, a gold reserve of $500,000,000 on a 20 per cent basis?

Mr. OWEN. Yes.

Mr. HITCHCOCK. The Senator, in that respect, is making the gold reserve very much less than the gold reserve required of the Federal reserve banks against the issue of currency?

Mr. OWEN. For the reason that when we deal with commodities that are worth the gold value of the notes and we have, in addition to that, 100 per cent of bankers' bills behind the notes, we need not fear about a 20 per cent reserve or getting the gold for redemption, because the commodities themselves are worth the gold, and in addition we have the bankers' short-time promise to pay.

Mr. HITCHCOCK. Of course, that is also true in the case of the Federal reserve banks.

Mr. OWEN. I am only justifying this proposal now; I am not criticizing the Federal reserve banks, although in their case I think we made the ratio of reserve much higher than was or is necessary.

Mr. HITCHCOCK. I agree with the Senator in that respect.

Mr. OWEN. The Bank of England, I will say to the Senator, had a reserve as low as 8 per cent, without disturbing public opinion in England.

Mr. HITCHCOCK. Now, will the Senator trace briefly the methods by which this gold and commodity-secured currency issued by the proposed bank would get into the financial channels of Europe?

Mr. OWEN. Yes. Here is a German potash manufacturer who wants to send $100,000 worth of potash to the United States for sale; he has a market for it, but he needs the accommodation of immediate credit when he handles the matter. He takes his potash and draws against it a bill which is indorsed by some member bank, we will say, the Reichsbank. It is a short-time obligation; he draws it payable in 60 days or 90 days. Then he gets $100,000 worth of Federal reserve for-

eign bank notes against that shipment of potash. The title to the potash passes into the hands of the Federal reserve bank or its agents.

If the obligation is not paid when it is due to be paid, first, the potash would pay for it, if sold by the agents of the bank; if it did not produce enough, then the banker who indorsed the bills would meet the difference; and if that did not meet it, still there would be the credit of the potash manufacturer and the shipper behind it. Those bank notes then would pass from hand to hand among the people and the banks. They would afford a form of currency that would enable people to deal with each other through this currency as a medium of exchange. They would not then have to exchange a bushel of potatoes for a bushel of corn or a bushel of coal nor deal in fluctuating marks or rubles. In eastern Europe the people are now using the principle of barter. What I am proposing is that we shall furnish them with bank notes that are the equivalent of gold, so many grains fine.

Mr. HITCHCOCK. Now, let me ask the Senator another question. In that process, the potash producer in Germany has to get possession of $100,000 worth of the notes of the proposed bank?

Mr. OWEN. Yes.

Mr. HITCHCOCK. The potash comes to the United States, and with it a draft for payment within 60 days.

Mr. OWEN. Yes.

Mr. HITCHCOCK. The potash importer in the United States, at the end of 60 days, pays that draft?

Mr. OWEN. Yes.

Mr. HITCHCOCK. What becomes of the $100,000 of currency which has been advanced to the German shipper?

Mr. OWEN. It circulates in Berlin.

Mr. HITCHCOCK. And the bank in this country has received $100,000 in payment for the potash?

Mr. OWEN. Yes.

Mr. HITCHCOCK. Has the Senator considered the fact that the United States exports annually approximately $3,000,000,000 worth of products more than it imports?

Mr. OWEN. Yes.

Mr. HITCHCOCK. How is it going to continue paying currency to Europe under those circumstances when upwards of $3,000,000,000 must be paid here in order to make up the excess of exports over imports?

Mr. OWEN. The Senator will agree with me that as a mathematical principle the whole true balance of trade is equal to the sum of its several parts; and we may deal, therefore, with one transaction and inferentially determine what will be the result of a number of such transactions. Every single shipment, whatever it is, is balanced at the time it is made. There are certain invisible factors that enter into what we call the "balance of exchange." The "balance of exchange" really is a term which is often misleading, because the balance of exchange means a balance produced by adding up the figures of the imports and exports on the manifests of vessels arriving at and departing from the ports of a given country. We add those figures up, but we do not take into account the shipment of currency, the shipment of bonds, the shipment of stocks, the rendering of services through marine insurance, the rendering of services through trade on the ocean, the rendering of services by foreign countries to Americans who go into foreign countries and live there at the hotels and carry with them letters of credit, thus transmitting from this country abroad various credits.

Mr. HITCHCOCK. I appreciate what the Senator says, but I think the present experience is that we are not only buying much less of Europe than we are selling to Europe, but the tide of investment is from this country into Europe at the present time rather than into the United States.

Mr. OWEN. I think that is true, and ought to be so to correct the differences in commodity exports.

Mr. HITCHCOCK. So that the factors of which the Senator speaks are comparatively negligible. The fact is, after we have summed the whole thing up we find that Europe must pay us about $3,000,000,000 every year more than we pay Europe for what is bought.

Mr. OWEN. I will say to the Senator again that that is a fiction; it is not really true, and the reason it is not true is found in the factors entering the so-called "balance of trade," which are invisible and do not appear on the face of the record. When Europe buys $3,000,000,000 in excess of our commodities they pay in stocks, bonds, services, real estate, hotel bills, and so forth.

Mr. HITCHCOCK. My judgment is that those factors are more greatly in favor of the United States than against the United States. Our bankers are lending great sums of money practically to all foreign countries—to Brazil, to France, to Great Britain, to Norway, and to Sweden; to the cities and towns—and foreign nations are not lending anything over here at all.

Mr. OWEN. That temporarily offsets the "balance of trade" in our favor.

Mr. HITCHCOCK. The tide has now reversed, and we are actually lending a great deal more money to the remainder of the world than we are borrowing from other countries of the world. Therefore, the factors the Senator speaks of do not exist. The ultimate result is that there is a balance of $3,000,000,000 a year that we should receive from Europe above what we are paying to Europe. How can the Senator make that up? That is a difficulty that I have encountered in connection with my bill providing for a bank of nations. How can that great balance be overcome?

Mr. OWEN. I do not think the Senator followed clearly the observations made by me in regard to the balance of trade. The "balance of trade" relates to certain commodities only on the manifests of ships and is not a true balance of the financial and commercial exchanges; it never was and never will be at any time to come, for the reason that the balance of trade merely registers certain commodities on the ships' manifest and nothing more. It is only a commodity balance and nothing more.

Mr. HITCHCOCK. I agree with the Senator that formerly it was not a true register—that is to say, that we were buying in Europe two or three thousand million dollars a year less than we were selling in Europe, and yet we were also paying to Europe great sums of interest—but we are not paying such interest now; that tide has been reversed; so that the conclusion the Senator reaches, while it would have been accurate before the war, it seems to me, does not apply now. Those factors of which he speaks have changed their course.

Mr. OWEN. Mr. President, the "balance of trade," according to the figures of our statisticians, always has been and always will be the balance as shown on the ship manifests. It does not take into account the $10,000,000,000 that we loaned to Europe during the World War. Since the war we have loaned them $5,000,000,000 more, and that $5,000,000,000 is partly an offset to the so-called balance of trade.

Mr. HITCHCOCK. No; I think the Senator is in error there; it makes the matter worse. Not only are we selling to Europe a great deal more than we buy from Europe, but we are lending to Europe, on top of that, a great amount of money, and they are not only obliged to pay us three thousand million dollars a year as the balance of trade, but they have got to pay us a thousand million dollars a year in interest.

Mr. OWEN. The amount that we lend to Europe does not appear in the "balance of trade," and we lend them part of the money required to balance the commodity "balance of trade"; that is a complete answer to the Senator. Every transaction balances itself at the time it is made. Of course, if I send 100 bales of cotton to Europe I get its equivalent in some form; I get it either in cash or in credit or in property on the other side of the water, but each transaction balances itself as of the day when made, and a million such transactions balance themselves.

The so-called "balance of trade" is never a balance but indicates the lack of balance of imports and exports and always represents an excess of exports or imports of goods.

Mr. NORRIS. Mr. President, may I interrupt the Senator there?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. OWEN. I yield.

Mr. NORRIS. Every transaction must balance itself or eventually difficulty would ensue, of course; but I want to ask the Senator now whether he proposes in his bill to redeem the notes that are to be issued by the proposed bank?

Mr. OWEN. Those notes will be taken up when the obligation is liquidated.

Mr. NORRIS. In the transaction to which the Senator referred in connection with potash——

Mr. OWEN. When the loan is paid back to the bank, the bank would get its notes or the equivalent in gold.

Mr. NORRIS. When the potash is sold here the bank, of course, gets the money in this country for it; but what process is gone through in order to redeem the notes that were originally issued in Europe for the potash?

Mr. OWEN. It would probably result in a credit where the transaction resulted in shipping over; but when you reverse that and an American ships into Berlin cotton of an equivalent

amount, the cotton has to be paid for with these very notes, and the notes will come in to pay the bank the amount due to the bank for a New York credit extended the cotton shipper.

Mr. NORRIS. The foreign reserve bank, when it got the money for the potash on this side of the water, would not dare pay out that money. It would have to retain that money until it got possession of the original issue, and retired that; otherwise there would be inflation.

Mr. OWEN. That would be a credit in New York, and that credit would be used as a means of financing cotton shipped back to Germany. In other words, one hand would wash the other, and we would be furnishing a medium by which these transactions could be cleared; and that is the very purpose of this proposal. It is to furnish a convenient means of giving a stable medium of exchange to the European manufacturer and merchant, in order that they may create the commodities with which to pay America the amount that is due to America. They can not otherwise rapidly discharge their obligations; and I think in no event can we expect an immediate payment of the principal and interest of those amounts due to our Government, because of the demoralized condition of European industries.

I do not at all approve the idea of remitting to these European Governments their indebtedness to this country. It is not necessary to do it. They are not bankrupt. They are just as well able to pay their debts as we are able to pay our debts; and if we remit the indebtedness it would be exactly the same thing as taxing the wealth of America and presenting it as a gift to the wealth of Europe.

In order to adjust ourselves to the conditions in Europe, I think we ought to agree that the interest charges on the ten billions due to this Government should be postponed and merged into the principal for a period of time, say, 5 or 10 years. I think, moreover, that instead of charging Europe a very high rate of interest, we ought to agree that the rate of interest shall be what it was before the great World War—that is, 3 per cent. I say "3 per cent" because 3 per cent was the normal rate of interest in France and throughout western Europe before the war. The Bank of Netherlands, for instance, which is a great State bank, had a 3 per cent rate on loans for 50 years without a single break in that rate. The Bank of France would lend as small a sum as 5 francs for one year at a 3 per cent rate, and the rate of interest in the United States on a well-secured loan, such as a Government bond, was 3 per cent. Our 3 per cent bonds were at a premium before the war. The bankers do not average a rate of interest to their depositors exceeding 3 per cent. They have some running at 2 per cent and some at 4 per cent, but they do not average as high as 3 per cent interest on the deposits made with them; and, on the other hand, when a bank lends out its deposits it is content with less than 3 per cent as a margin of profit on its loans.

Mr. EDGE. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. EDGE. Unfortunately, I did not hear the early part of the Senator's explanation of his bill. When we realize and appreciate, as the Senator has stated, that the balance of trade, because of the $10,000,000,000 of loans and the $5,000,000,000 represented mainly by export commodities, operates to bring about a most unfavorable exchange condition so far as it relates to purchases from America, which condition we well understand to-day is interfering tremendously with our export business, I am interested to know, if the Senator can state briefly, how the operation of such a bank would to any considerable extent affect what I think is fundamental and what must be corrected before we can greatly increase our exports, namely, the condition of exchange to-day as it relates to purchases from America.

Mr. OWEN. I will say to the Senator that what we now speak of as the rate of exchange really measures the selling price of a mark, franc, lira, kroner, or ruble in terms of gold. It all comes down at last to the gold value of those currencies. When you talk about exchange, commodity balances have ceased to cut any important figure in it, for the reason that if they could command gold and ship gold the rate of exchange would balance itself within two or three points, or what is called in normal times "the gold shipping point"; but they can not get gold with this depreciated currency, and they have not the commodities now to take the place of gold or to command gold.

Mr. EDGE. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. EDGE. Is it not a matter of ordinary business realization that when you bid for anything—in other words, when there is a scarcity of any commodity or of money—the price is naturally higher? The existing condition of the balance of trade makes it necessary for the Frenchman or the Englishman or the representative of any other country, when he is compelled to pay for a bill of goods exported from this side, to bid all the higher simply because of that condition. It seems to me that that has its effect on exchange as much as any other possible thing.

Mr. OWEN. If you will take the present exchange rate of $4.20 on the pound sterling, which normally is $4.86, and take the present market value of gold in London, you will find that the exchange is fixed precisely by the purchasing power of gold by the paper money of England—the Bradbury notes. Gold is at a premium in London, and that premium measures the difference in the cost of the pound sterling.

Mr. EDGE. How does the Senator account for the very sudden fluctuations in British exchange and, in fact, in all other currency, ranging in the last six weeks from in the neighborhood of $3.75 or $3.80, as I recollect now, to $4.20, as the Senator states, on the pound sterling? I do not think there is any business condition to warrant it. I am wondering myself if the Senator has any answer beyond that of speculation.

Mr. OWEN. I think speculation does cut quite an important figure in it; and I think one of the important reasons for the passage of the bill I have introduced here is that by having a Federal reserve foreign bank you would have a natural stabilization of exchange on the basis of a reasonable commission and percentage for the services rendered; and in that way you would have a greater stability of exchange than if you had men who were buying and selling the pound sterling for profit.

Mr. EDGE. I am inclined to agree with the Senator that some type of an international bank—perhaps a combination of his ideas and the ideas expressed by the Senator from Nebraska—is absolutely essential and necessary to-day to have its influence on foreign trade and currency and exchange. I am free to admit, however, that I have not yet, as far as my little study of the situation permitted, found a way that I thought would greatly influence it. I think it will help, but not as much as an effort on the part of importers and exporters to equalize the balance of trade in a natural manner.

I agree that I do not like the idea of wiping out the $15,000,000,000 indebtedness. I never have. I hope it will not be necessary to bring about that condition. I do not believe it will be.

Mr. OWEN. The Senator may rest assured that five billions of it, at least, held by our private citizens will never be wiped out, and the statesman insane enough to try to tax America ten billions as a gift to the wealth of Europe will himself be wiped out.

Mr. EDGE. I have not a moment's hesitation in saying, however, that I believe that if the $15,000,000,000 of indebtedness were wiped out to-day there would be practically no difference in the rate of exchange between the countries.

Mr. OWEN. It would make no difference whatever at this time. It is the depreciated mark that measures the balance of exchange in Germany, the depreciated lira in Italy, and so forth.

Mr. EDGE. I am not prepared, however, to indorse that plan for one moment.

Mr. OWEN. It would not greatly serve the exchange at this time——

Mr. EDGE. I am not so sure of that.

Mr. OWEN. Because in reality, when you take the German mark, which before the war had an issue of two billions and now has an issue of one hundred and three billions, it is a question of the quantity of those marks, the facility of getting them, the fact that it is known now that they can not be redeemed in gold. It is just the quantitative theory over again. They have gone down from par to 2 per cent because the output has been multiplied fifty times.

Mr. EDGE. There is the answer, or one of the answers. If the Senator can evolve a plan, in connection with the organization of an international bank, whereby the directors of that bank will have a certain influence or control of the spread of currency, you might say, the issues of various countries that are to-day practically bankrupt, then I can see how such a bank would very rapidly and permanently rectify present conditions; but I am afraid that is almost impossible. That is practically the Ter Meulen plan, which we hear something about, and which has merit in it.

Mr. OWEN. The Ter Meulen plan is a different thing. It is a means by which to put a fixed income of a State expressed in bonds behind certain particular credits for the nationals of any particular country. It has its merits and the Ter Meulen bonds could be used as a basis of credit in any banks anywhere engaged in international banking.

Mr. EDGE. Such a bank, in my judgment, must have some control of the budgets of nations in order that their income and their outgo shall balance. It is necessary to balance the budget, as the term is usually used, and such a bank must also be able

to control the printing press in the issue of currency, or no international bank, in my judgment, can ever have a great influence on exchange conditions, which in themselves influence trade.

Mr. OWEN. Of course the European Governments will have to balance their budgets. They will have also to quit using the printing press for the purpose of manufacturing unlimited paper currency. If they do not, their currency will become more and more depreciated, until it will not be worth more than the paper upon which it is printed. That, of course, is true; but in order to strengthen the revenues of the European countries it is of supreme importance that the people of those countries shall be employed in profitable industry. I am proposing a plan that will enable them to make contracts that have a stable value under them. At present they have a fluctuating currency. I am proposing a currency which will not fluctuate more than the value of gold fluctuates, and therefore if my plan is adopted these European countries will be in a position to increase their revenues and to balance their budgets. They will be in a position to employ their people profitably in peaceful industry. That is the very purpose of the proposal that I am making. It will help them to balance their budgets. It will teach them the folly of using the printing press to turn out paper money, because this currency I propose will be sufficient for the people. It will be sound and clean and based on gold and commodities worth gold. Therefore it will give them a sound currency. If I may say so, the currency blood of their commerce will be clean, will be worth gold; and America is the only country in the world that can furnish it.

I think we ought to fix a 3 per cent rate on these European loans. I think we ought to allow the interest to merge into the principal for 5 or 10 years; and I think at the same time in the United States we ought to determine upon the policy of postponing the payment of our own war debt for a longer period of time. That at the same time we are relieving Europe of paying the present interest on these debts we ought to relieve the American people of the sinking fund against the war debt for a like period, because it can all be made up when Europe is back again on its feet and in a productive position.

As I said in the beginning, I am presenting this plan for the consideration of Senators, especially of the majority party. It is a very important suggestion. It is based on the principles of the Federal reserve act. The principles are absolutely sound; they have been demonstrated to be sound.

Senators, you have it in your power to adopt a plan that will restore the industrial life of the world, and I am presenting it, with such earnestness as I may, in the hope that patriotism and public spirit will induce Senators to study this proposal I have made, and I trust you will take so much of merit as you may find in it and make it available for the service of mankind.

Mr. FLETCHER. Mr. President, as I understood, the limit of the issuance of circulating notes under that system would be about two billion five hundred million?

Mr. OWEN. It would.

Mr. FLETCHER. Does the Senator think that would be sufficient to accomplish what he aims at?

Mr. OWEN. It is abundant. The total issue of currency now in Germany, with 80,000,000 people, is only worth $500,000,000 gold, and that is an amount five times as great.

Mr. KING. A hundred billion marks then would be worth only about $500,000,000 in gold?

Mr. OWEN. That is true at half cent a mark.

Mr. FLETCHER. What the Senator suggests might do for Germany, but how about the whole of Europe?

Mr. OWEN. Germany has 80,000,000 people, in round numbers, and five times 80,000,000 is 400,000,000, and there are only 300,000,000 in Europe. If $500,000,000 is enough for the German people, $2,500,000,000 is enough for Europe. I have covered that sufficiently. It will furnish an abundance. I think there ought to be authority for the European nations to take over this bank or its branches at the proper time, when they are in position to do it. The United States reserve banks need not want to carry on these banks if the other countries will take them over.

Mr. FLETCHER. I was wondering also what had been accomplished under what is known as the Edge Act, which authorized national banks to get together and establish banks in foreign countries.

Mr. OWEN. The trouble is that commerce is languishing. Commodities are not being manufactured in sufficient quantity. Commerce is impaired by the demoralization caused by the World War, and I am proposing a plan now by which to restore the industrial activity of Europe.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Ohio?

Mr. OWEN. I yield.

Mr. POMERENE. I was called from the Chamber, and possibly the question I have in mind has been explained; but if so, I did not hear what the Senator said about it. Does the Senator's plan contemplate some action by the several European Governments whereby they would aid in availing themselves of this system?

Mr. OWEN. It contemplates no action on the part of any European Government at all.

Mr. POMERENE. I believe that under what is known as the Gresham law cheaper money always drives dearer money out of circulation.

Mr. OWEN. I thank the Senator for making that suggestion, because it is in point. That would be true if you had gold circulating side by side with paper money, where the people might pay their debts in either one or the other. They would pay their debts in the cheaper money, and the gold would go into hiding; but in this case there would be no competition between the Federal reserve foreign bank notes and the mark, for instance, for the reason that these bank notes would be the equivalent of gold, and they could not go into hiding for the reason that behind every note is a hundred per cent of commodities worth the gold face value of the notes, and bankers' credits of 100 per cent more behind these notes worth the face value of the notes. Therefore they could not go into hoarding.

Mr. POMERENE. I am not questioning the security of the bank planned.

Mr. OWEN. That would be the point of the suggestion of the Gresham law.

Mr. POMERENE. My thought was that perhaps the principle of the Gresham law might apply, and, if so, there would be a temptation to hoard the Federal reserve bank notes, and if that were done, then a given amount of bank notes would not give the same assistance to the commerce of these foreign countries. That was the thought I had in mind. In other words, if they should be retired, you could not get the same service from that kind of a circulation that you would get if they were kept in circulation.

Mr. OWEN. That is true, and if the Gresham law did apply, what the Senator says is absolutely true, that it would render nugatory the service proposed to be rendered by these notes; it would nullify the proposal; but they can not be withdrawn, because they are actually covered by 100 per cent of commodities, and they are covered by 100 per cent of bankers' credits besides, and it is a short-time note that is behind these reserve bank notes.

Mr. POMERENE. It may be true that it is a short-time note that is back of the reserve notes, but I am trying to trace these reserve notes themselves to see what is going to happen to them.

Mr. OWEN. The reserve notes would be called for to liquidate the indebtedness incurred.

Mr. POMERENE. These reserve notes might not be in the hands of the debtor.

Mr. OWEN. The banker gets these reserve bank notes. He owes the exact amount of the reserve bank notes. He has to pay it in 60 days, we will say.

Mr. POMERENE. Yes; but if a manufacturer over there gets his reserve notes, and in the conduct of his commercial affairs turns part of them over to me and part to some one else, it being a better class of currency, I might be disposed to hoard them.

Mr. OWEN. The bank would have to pay them in gold if they should be hoarded.

Mr. HITCHCOCK. I rather agree with what the Senator from Ohio has said, and I want to call the attention of the Senator from Oklahoma to an answer which he made to me. He instanced a case in which a potash producer in Germany received for his shipment of potash $100,000 in the notes of this bank, and he said that when the potash was shipped to this country the potash user in this country would, after 60 days, say, pay in American money for the potash which he purchased.

Mr. OWEN. You may say gold.

Mr. HITCHCOCK. Whatever you please. Meanwhile the $100,000 of the notes of the bank are in Germany; they are currency.

Mr. OWEN. Yes; the corresponding gold would be in New York.

Mr. HITCHCOCK. It seems to me there would be some likelihood, as the Senator from Ohio has suggested, that one of the difficulties of the situation would be that the holders of those notes would be apt to hang on to them and hoard them, just as at the present time they are hoarding American money. It is notorious, as has been said by German writers, that while cer-

tain people in the United States have been buying German currency and German credits with the idea that they will advance, many Germans have been buying American currency in order to make themselves secure, and it seems to me that there would be a likelihood of a good deal of that currency going out of circulation.

Mr. OWEN. It would go into circulation. It would be in the pockets of people and passing around for their common use. Take the potash example, for instance. One hundred thousand dollars of those notes would go right into the hands of the people.

Mr. HITCHCOCK. Let us assume that the potash manufacturer in Germany has deposited his full $100,000 of currency of this bank in his own bank in Germany. In his own domestic transactions he can use the German money just as well as he can use that money, and there is no reason why that German bank, if it wants to keep a reserve, should send it over here for redemption. It can keep the notes there just as well. It is just as much of a reserve for that bank to keep. It seems to me it would be the tendency of that superior class of currency to go into hiding.

Mr. OWEN. It would not be in hiding; it would be in actual use, and that is exactly what I wanted to say, because under those circumstances the banker or the potash manufacturer could say, "I want to make a contract with you to buy $100,000 worth of additional potash, and I have the gold or its equivalent available in my bank. I have it here ready to use now. I have shipped $100,000 worth of potash, and I have $100,000 of gold or the equivalent of gold, and I want to use that to buy some more potash, or buy some more labor, or whatever goes into the production of it."

Mr. HITCHCOCK. He would naturally use German money.

Mr. OWEN. He might use some of these notes to buy German money if he wanted to.

Mr. HITCHCOCK. If he did, the people who received those would naturally save them, because they would know they would be as good as gold, and they would float the German marks in their place. I believe that is a possibility.

Mr. OWEN. At the last, the banker who got the accommodation owes this money, and he has to pay it in gold or in the equivalent of gold, and these notes are the equivalent of gold, and it would make certain a demand on his part to get the gold. But, of course, I am assuming that this bank would expand and that there would be twenty-five hundred million of these dollars in circulation in a great variety of ways, infinitely various, so that no human mind can trace them, but that at last this bank always has the bank credits of 100 per cent behind these notes, and it always has commodities of gold value to the extent of 100 per cent, and it has always 20 per cent in actual gold in its own vaults. That security is enough. It is 220 per cent against every note at the bank, and it would be only a bank note at last.

Mr. HITCHCOCK. I am not disposed to dispute the Senator's statement that the security is ample. I want to call his attention to another matter. He has instanced the case of a European exporter being paid through this bank for the products which he exports to the United States. There is no difficulty about that at the present time. The man in Germany has no difficulty in getting credit for what he exports to the United States; there is no difficulty about that at the present time. The man in Germany has no difficulty in getting paid for what he exports to the United States, the man in France has no difficulty, and the man in Great Britain has no difficulty. The real difficulty is when the American undertakes to export to Europe; then there is a difficulty in getting payment. Will the Senator reverse his process and illustrate how the bank which he proposes would pay the American for the shipments which he makes to Europe when the European is in no position to make payments?

Mr. OWEN. Yes; take this hundred thousand dollars which the Federal reserve foreign bank has in New York against the shipment of a hundred thousand dollars' worth of potash. A man comes up and says, "I want to ship a hundred thousand dollars' worth of cotton to Berlin." The banker or the Federal reserve foreign bank says: "All right; put your cotton on board. Draw your bill against Berlin. Have it underwritten by the Equitable Trust Co. of New York, and I have a hundred thousand dollars against the shipment of this potash which I will turn over to you." In due course of time it will come over to Berlin and be paid by the German people, and the German people will then have this hundred thousand dollars of currency now available to pay it with.

Mr. HITCHCOCK. Let me stop the Senator right there. How are the banks in Germany to make the payment for this shipment?

Mr. OWEN. By using these very bank notes.

Mr. HITCHCOCK. They have gone into circulation; you do not know that the banks have them. They may be hoarded.

Mr. OWEN. I never heard of anything in the shape of money in circulation the banks did not get their hands on eventually.

Mr. HITCHCOCK. Assuming that the theory is correct that the identical hundred thousand dollars in notes which have been sent to Germany will pay for this shipment of cotton, that will be all right, providing our shipments to Germany are no greater than Germany's shipments to the United States. But assume the case where shipments from Germany to the United States are much less than the shipments from the United States to Germany. Then what would be done?

Mr. OWEN. The Senator is asking me to finance an impossible case. If the German people can not ship enough commodities to the United States to pay for the commodities shipped from the United States to Germany and have no other means of paying, they must stop shipping from the United States, and that is precisely what has happened to our foreign commerce. They have quit buying in such quantities.

But, as I said to the Senator before, each individual case will adjust itself. When I ship to Germany I say to them that they are going to be paid, and I have good security. When a German ships to the United States he does the same thing, and these balances of trade you speak of need not worry us, because each transaction will take care of itself; but it is true at last that you will have trade languish unless the people of one country are able to manufacture and export commodities of equal value to their imports. They must have their exports and their imports at last practically balance. I think that is undoubtedly true, and I think that is the idea the Senator is desiring to impress. I do not think there is any question about that.

Mr. HITCHCOCK. I agree with the Senator. I have run up against exactly the same difficulty with my bill that I think he encounters with his bill, the difficulty of making payment where the country which makes the payment has not been able and is not able to export sufficient manufactured goods or products of one sort or another for that purpose.

Mr. OWEN. I am proposing to extend them a financial accommodation in a gold-secured currency to the extent that they require in order to enable them to restore their industries and manufactories and increase their commodities for export.

They can only pay their debts in the products of their labor, in commodities. I am proposing to help them pay their debts to us by helping them restore their industries through the use of a stable and gold-secured currency.

Mr. HITCHCOCK. That is exactly what I am trying to do in my bill, but I find considerable difficulty, and I am anxious to hear the Senator explain it as fully as possible.

Mr. OWEN. To recapitulate, or, perhaps, to repeat in some degree, I may say that by the last report the Federal reserve banks had two million nine hundred and ninety-three millions of gold and legal tender, making approximately two billions nine hundred and fifty millions net gold.

Taking away five hundred million of this gold and putting it subject to the redemption of the bank notes of the Federal reserve foreign bank would give, with a 20 per cent gold reserve against such rates, a gold-secured currency available for Europe of twenty-five hundred millions, which would be enough to serve their commerce and industry, and make a profit to the banks of the United States until Europe should be restored to a normal condition. Germany, for example, measuring its present mark currency of one hundred and three billions at a half a cent per mark would have a gross currency value of about five hundred million dollars, which would be enough if it had a stable value. The bank I propose could supply this amount of gold-secured currency which would suffice to supply the manufacturers and merchants with an amount adequate for their needs, and twenty-five hundred million dollars would be an abundance to provide Europe with all the gold-secured currency imperatively necessary for the restoration of its industries.

Withdrawing five hundred millions from the present American gold reserve would still leave twenty-four hundred millions of gold and legal tender behind Federal reserve notes of two billion four hundred and forty-seven million in actual circulation which at present happens to be about 100 per cent.

The Federal reserve system provided for a 35 per cent reserve in gold or lawful money against the reserve deposits of the member banks, and these deposits, amounting to seventeen hundred millions, require a gold deposit of over five hundred millions in gold, notwithstanding these deposits are fixed by statute law, can not be withdrawn, and do not fluctuate substantially. A year ago the deposits of the twelve reserve banks, December 23, 1920, amounted to $1,771,000,000. On December 21, 1921, these deposits amounted to $1,784,000,000, an increase of

$13,000,000, although the loans and discounts, including open-market purchases and acceptances, had decreased $1,621,630,000.

It is an absolute waste of five hundred millions of gold to keep it tied up as a reserve against the reserve deposits. The principle of keeping a reserve against a deposit which is subject to withdrawal from a member bank is totally different from a reserve held against reserve bank deposits, because a member bank may have all of its deposits withdrawn and a member bank has no means of making payment with Federal reserve notes obtained from the Government as with the Federal reserve banks. But even a member bank which is carefully managed should be able to go through a complete liquidation within a reasonably short time under our reserve system, and it would be impossible to embarrass the reserve banks by the failure of one or more member banks.

So that without diminishing the amount of gold behind the Federal reserve notes, the United States could establish the Federal reserve foreign bank with five hundred millions of free gold, and, therefore, furnish Europe with twenty-five hundred millions of gold secured currency.

The Federal reserve foreign bank under the plan proposed would not issue Federal reserve notes, but would issue Federal reserve bank notes, based on a minimum of 20 per cent actual gold and 100 per cent of short-time qualified commercial bills based on actual staple merchantable commodities, such bills being secured by documents and underwritten by member banks. Any bank authorized to do business with the Federal reserve foreign bank would be designated for this purpose a member bank.

In Europe the people are accustomed to bank notes. The Bank of England note is a bank note and, although the note of a private corporation, is made legal tender by law. The notes of the Bank of France and of the Reichbank of Germany are legal-tender notes, although bank notes, and comprise the volume of the currency of France and Germany, respectively.

The franc and the mark being legal tender, the people who transact business with each other promise to pay in francs and marks, and when the franc and mark go down from par those who belong to the creditor class suffer and those who belong to the debtor class gain. A man who at the beginning of the war owed 100,000 marks worth at that time gold par could liquidate the debt now for one-fiftieth part of the same value in gold.

This is ruinous to the bond-holding class whose bonds are payable in marks. It accounts for the tremendous fluctuation in the price of stocks which represent part ownership in certain properties, because the properties having actual gold value increase in terms of marks as the marks go down in gold value.

Mr. President, I do not think it desirable that I should comment upon the wisdom or unwisdom of the German Government in expanding the marks to such a gigantic volume. It is sufficient to point out the fact of this inflation, its interruption to the stability of credits, and its eventual depressing influence on industrial life. While on a rising market there may be for a while a feverish activity to manufacture and sell goods against a rising market, eventually the discovery is made that it is an illusion and the collapse must come. We have already experienced our depression, have reached the bottom in nearly all lines of commodities, and are now reacting from it.

It is obviously impossible that the German people, the Poles, the Austrians, or Russians will ever pay in gold the debts contracted in paper money. Some compromise must be effected between the debtor and creditor class at which the mark, the kronen, the lei, and the ruble shall have a fixed gold value for purposes of adjustment, unless, indeed, with the ruble the whole bad business is repudiated. But with a depreciated and fluctuating currency business men are almost paralyzed. The distress and disorganization of business will not end until a sound currency is made available.

Mr. President, it is not enough to provide a means by which Europe can get a gold currency for the use of their manufacturers and merchants. Under the present disorganized condition of Europe they can not at this time pay back to the United States the principal or interest of the debts due our Government and our nationals in gold or in commodities. They have not the gold, and their manufacture of commodities is greatly hampered by the conditions which I have described.

Quite a few of our citizens in distinguished positions have so keenly realized the disorganization of Europe and the extreme poverty of the poorer classes that they have been led to the belief and have advocated that the people of the United States should forgive the debt due by the people of Europe. It is a generous impulse. I sympathize with the high motive that actuates those who make the suggestion. They believe it would attach the people of Europe to the people of the United States and that it would have a future moral and financial consequence that would fully justify the cancellation of the debt.

I do not agree to this for the very simple reason that while it is true that the poverty of the poorer classes in Europe is very great, it is also true that the wealth of the wealthy classes of Europe is very great and I am not willing to tax the wealth of the United States and of our people with the effect of conveying that amount of property to the wealthy classes of Europe.

As I have heretofore stated, the material resources of Europe remain; the productive power of the people of Europe is greater now than it was in 1913, provided only their industries were properly organized and in full motion.

The very great bond issues put out by the European Governments are held by their own people, and these Government debts are private assets and neither add to nor take from the power of the European people, as such, to pay the amount which they borrowed from us. Their Governments borrowed from us ten billions and our country expended in the war over forty billions. The war cost us thirty billions net outside of what we advanced to Europe, and this war was brought on through the acts, through the sins of omission and the sins of commission of the European statesmen. We were finally besought to come to the protection of the more democratic European people who were about to be overthrown and subjugated by the evil forces which they had permitted to grow up in their midst.

While I do not agree that we should remit this debt or the interest upon it, I do think that we ought to make the most important concessions. We ought to agree to withhold for 5 or 10 years a demand for the present payment of interest on the amount due the United States by the foreign Governments and let it be added to the principal. We ought to lower the rate of interest on this indebtedness to 3 per cent because 3 per cent is a fair rate of interest on a secured debt. I say it is a fair rate because 3 per cent was the unbroken rule of interest charged by the Bank of Netherlands for 50 years without an exception previous to the World War; because France had a 3 per cent rate of interest with very few exceptions for decades before the war, and because our 3 per cent bonds before the war were at a premium, and because the American bankers pay their depositors less than an average of 3 per cent, and the American bankers are content to make less than 3 per cent on the average of their deposits in lending the deposits out and taking the responsibility of the loans.

Even during the World War London merchants got money on acceptances at 3½ per cent, and call money now in London is under 3 per cent, and because call money in normal times, as in February, 1908, to December, 1908, averaged between 1½ per cent and 3 per cent, as it did in 1909. It averaged under 3 per cent during 1910 and 1911, and before the World War, in 1914, from January to July it averaged under 2 per cent, and even during 1915 and 1916 it was very low, until we got into the war.

The European people are not bankrupt either financially or morally. They will pay their debts honorably and in due time, but America ought to go as far as reason and justice requires in lowering the rate of interest, in giving time, and in extending financial cooperation and credit to enable Europe to make effective its man power and material resources.

I have said that the European people were not bankrupt for the simple reason that their material resources and man power, their brain and brawn, remain unimpaired, and while it is true that the Governments of Europe have permitted the currency to be impaired in purchasing power by emission of paper currency in excess of what could be redeemed in gold, nevertheless whatever this currency is and whatever the bonded indebtedness may be already issued by the European Governments, the European people hold as individual assets almost every dollar of these Government liabilities, and in appraising the wealth and the wealth-producing power of Europe it must be remembered that these national liabilities are individual assets.

I am not willing, Mr. President, to have the wealth of America taxed in the interest of contributing to the wealth of Europe, and Europe must recognize its obligation to tax its own wealth just as we have taxed our wealth in this country to meet its national obligations.

All Europe must acknowledge the rights of private property and provide the means of giving private property prompt, sure protection.

The European nations must balance their budgets, and will undoubtedly do so as soon as the world reaches an understanding with regard to the limitation of armaments on sea and land, and as soon as the nations have an understanding, whether express or implied, that they will use their combined energies

to protect the territorial integrity of unoffending nations against the invasion or aggression of outlaw nations.

With the destruction of the military dynasties the world has but little reason to anticipate in future wicked wars of aggression.

The European nations must stop the unlimited issue of paper money and bring their currency back to gold par. This is a problem of gigantic importance and of the most serious difficulties dealing with the bonded indebtedness of these nations measured in terms of a depreciated currency. It can only be done by the most resolute and clear-cut purpose and will involve compromises between the debtor and creditor classes involving amounts that are gigantic. We need not wait for this compromise to be effected, for other remedies are available.

Mr. President, in the event that the United States does postpone the payment of the interest on the European debt for the next 5 or 10 years, and if we extend the time of the payment of the principal of the European debt for 50 years, we ought at the same time to postpone the payment of the bonded indebtedness of the United States for at least a like period and waive the collection of a sinking fund for the next 5 or 10 years in order to relieve the American people of some part of the gigantic burden of taxes imposed by this World War.

In conclusion, Mr. President, the suggestions which I wish to make are as follows:

First. That we should postpone the final payment of the World War debt in the United States by extending the payment over 50 years; that we should not for 10 years collect any amount for a sinking fund.

Second. That in arranging the payment of Europe's debt to the United States we should extend time to Europe necessary to enable them to readjust their affairs and regain their productive power, and that we should not for 10 years demand of them the payment of the interest due, but allow it to merge into the principal.

Third. That we should put the interest rate at 3 per cent on the European debt to the United States.

Fourth. That we should establish a Federal reserve foreign bank through which might be emitted twenty-five hundred million dollars of gold-secured Federal reserve foreign bank notes having 100 per cent commodity bills and banking credits behind such notes; such notes subject to redemption in gold at New York, London, and Paris only, and then only to member banks.

The Gresham law could not apply to these reserve bank notes, for the very sound reason that every one of these notes would have behind it 100 per cent of commodity bills worth the gold on the market, and moreover would have sound bankers' credit worth the amount of such notes in the market, and moreover would have 20 per cent of actual gold, so that anybody able to buy gold at all could buy it with these commodities and bankers' credits and need not cash the reserve bank notes as a means of getting gold. It would not be the same as putting gold in circulation side by side with depreciated paper money, because to get these notes you have got to pay the full value in gold in terms of commodities and bankers' credit, and it would be just as easy to buy gold under these circumstances as to buy and redeem the bank notes.

The value of the proposed note is that it furnishes in the most convenient possible form a currency redeemable in gold and worth gold, and, therefore, becomes a medium of exchange with which the European people, the manufacturers and merchants and business men, can measure their contracts and know what they are doing when they enter into a contract.

I have drawn this bill in the hope that some of the Senators of the party in power would approve its principles and take it and perfect it by putting it under the microscope and use its sound principles in order that the people of Europe who owe us fifteen thousand millions of dollars may be put in a position where they can repay what they owe us. Our industrial and commercial prosperity is most intimately bound up with the happiness and prosperity of the European people. If they can not buy our goods we suffer; if we can not buy their goods they suffer. If their industrial life is disorganized so that they can not buy from us our foreign commerce languishes.

We have already seen our foreign commerce fall off over three thousand million dollars this year. We find goods piling up in excess, and men burning corn in the West, while the Russian people die for the lack of corn.

The world is entering into a new era. The great military dynasties have been overthrown. The Hohenzollerns, the Hapsburgs, the Romanoffs have followed the Bourbons. The world enters a new democratic era. The Conference at Washington on the Limitation of Armaments has already had a profound effect on the world. It will not only cut down the gigantic taxes which would have ensued from the rivalry among the nations in building warships, but it will lead to a limitation of land armaments. The increasing intelligence of the people of the world will no longer permit statesmen to be led by vanity and ambition into the slaughter of the peoples of the earth.

A new era has been born, an era of peace, of industrial life, of new industrial activity, of new powers of production, and the great war debts in 25 years from now will be liquidated far more easily than they are now, not only because of the increasing power of man to harness the forces of nature and create values, but because men have learned how to create credits and to make money available to those who are entitled to it. We have demonstrated this in the Federal reserve act; in the farm loan act; in the War Finance Corporation; in the Liberty loan drives, where we turned over to Uncle Sam forty billions of dollars of credits in a few short months.

Under the Federal reserve act since 1913 there has been a very large expansion of credits, notwithstanding the contraction which has taken place under the pressure of the last year and a half.

The payment of the war debt will be much easier on the people by postponing it a few years, because their productive power is increasing year by year. I therefore pray, Mr. President, that the members of the majority party who are charged with the administration of government shall consider the suggestions which I have had the honor to make, and if there be credit arising from the principles and plan I propose, let the party in power take the full credit. I shall be more than content if what I have proposed may be of service to the country and the world and assist the party in power to meet the reasonable hopes and expectations of the American people.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 2263) to amend the Federal reserve act, approved December 23, 1913.

Mr. EDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from New Jersey?

Mr. OWEN. I yield the floor, unless the Senator wishes to ask me a question.

The VICE PRESIDENT. The Senator from New Jersey is recognized.

Mr. EDGE. I simply rose to answer the Senator from Florida [Mr. FLETCHER], who, in addressing a question to the Senator from Oklahoma, asked what had been accomplished under the act which provided for the incorporation of banks doing an international business, sometimes called the Edge Act.

Mr. FLETCHER. Mr. President——

Mr. NELSON. Mr. President, I ask that the unfinished business be temporarily laid aside.

Mr. FLETCHER. I was just going to suggest that that ought to be done.

Mr. CURTIS. Mr. President, I think the better plan would be to let the Senator from New Jersey discuss the unfinished business, and then we could lay it aside when he completes his statement and at that time take up the calendar. If we do not do that, there will be nothing before the Senate to discuss.

Mr. NELSON. Very well.

Mr. EDGE. I will say that I shall occupy the floor not more than two minutes.

Mr. NELSON. I withdraw the request in order that the bill which is the unfinished business may be pending before the Senate.

Mr. EDGE. I may direct the attention of the Senator from Florida to this fact: The bank organized under that act in New Orleans with a capital, as I recall, of $6,000,000 or $7,000,000, with a turnover, as provided under the act, of ten times the capital, which would be $60,000,000 or $70,000,000, has been used to a very large extent by the War Finance Corporation in connection with the exportation of cotton. I think that several hundred thousand bales—I can not tell the exact amount involved, running in value into hundreds of thousands of dollars—have been exported and the matter has been entirely financed by that institution.

I might state, however, a fact which I think we will all realize if we stop for a moment to consider it, that the period since the act referred to became a law has not been very propitious for the organization of financial institutions. It is rather a difficult matter, no matter how favorable the work or the possibilities of such an institution would be in normal times, to sell stock to-day in a new institution where we can not promise in an ordinary way a return of perhaps more than 5 or 6 or 7 per cent, when any investor can go into the open market and buy the best of securities with a return sometimes of 8 or 9 or even 10 per cent.

So it is, of course, natural that we must wait until conditions become more normal, speaking generally, in the business world before we can organize new institutions. However, this one in New Orleans was organized very largely through the combination of the small banks of the State, and my information is that they have been enjoying a very prosperous business.

My belief is that when we can reach a solution such as that which has been discussed this morning by the Senator from Oklahoma [Mr. OWEN], whereby exchange can be brought back to somewhere near its normal condition, where foreign Governments or buyers can be induced to buy our products without being compelled to pay such a tremendous premium in meeting their bills for the same, we will find the number of banks organized under the so-called Edge Act will be very adequate, because it is a natural enlargement of the American banking system, as we now realize the country depends upon it. It is a natural enlargement to an international broadening viewpoint whereby we can take advantage of the markets of the world.

So the mere fact that during the last three years, in the attempt to get back to normal conditions, these banks have not materialized throughout the country, should not in any way discourage us. Just as the Federal reserve system and our National and State banks have taken care of the upbuilding of America and of the various requirements in local communities, building factories, and developing local industries, so these banks should ultimately take care of the international situation. I think Congress may be entirely satisfied with the passage of the act which made it possible.

Mr. FLETCHER. Mr. President, I will say to the Senator that what I had in mind was that the present proposal by the Senator from Oklahoma is, of course, very much more far-reaching than the law which we call the Edge Act. I understood the Senator from Oklahoma to be very friendly to that act and that he had some considerable part in its enactment. I think there ought to be, and would be, a very considerable chance of accomplishing the financing and settling of exchange rates, and so forth, in foreign countries if the bankers would take advantage of the provisions of the act. My recollection is it would permit the establishment of branches. May I ask the Senator if that is not true?

Mr. EDGE. That is entirely correct.

Mr. FLETCHER. If under that system branch banks were established in Germany and elsewhere and the whole system put into operation, it seems to me the banks themselves could accomplish a very great deal in the direction that is aimed at by the new proposal of creating an international currency. I do not think they could go as far as that, of course. We would not have the power to issue and circulate notes, I take it. I am not sure about that, but I think not. However, if they followed out the provisions of that law and organized and created these branches, unquestionably they could take care to a very large extent, it seems to me, of our financial demands, and it would go far toward stabilizing exchange.

Mr. EDGE. I did not hear the explanation of the Senator from Oklahoma as to how the capital stock would be disposed of in order to incorporate the banking institution which he proposes. If through the medium of private purchase or private investment, of course, it would face the same difficulty that the bank organized under the act we are now discussing naturally faces. If, however, his plan proposes a certain Government aid or assistance in furnishing the capital stock for the bank, of course, that is quite different.

The difficulty to-day with the bank proposed under the international banking act is the fact that the stock must be sold entirely to private people or corporations, and the Government in no way, shape, manner, or form assists. As I understand the plan of the Senator from Oklahoma, he proposes more or less Government aid, which, of course, is quite a different matter.

THE CALENDAR.

Mr. CURTIS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the calendar under Rule VIII, beginning with the order of business where we left off when the calendar was last under consideration.

Mr. ROBINSON. Will the Senator advise the Senate as to the number at which he proposes to begin?

Mr. CURTIS. Calendar No. 210.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kansas? The Chair hears none, and it is so ordered. The Secretary will state the first bill to be considered under the unanimous consent.

The bill (S. 943) for the relief of John Lyons was announced as first in order on the calendar.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7158) to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor, was announced as next in order.

Mr. NELSON. Let that go over.

The VICE PRESIDENT. It will go over.

The bill (S. 1565) making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty was announced as next in order.

Mr. KING. Let that go over.

Mr. BURSUM. Mr. President, are we proceeding under unanimous consent?

The VICE PRESIDENT. We are. On objection the bill will go over.

The bill (S. 1976) to amend the first paragraph of section 2 of an act entitled "An act to regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1790) to place national guardsmen who entered the World War otherwise than through the draft on equal basis as to longevity and continuous-service pay with national guardsmen who were drafted was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1075) giving permanent rank to district superintendents of the Coast Guard on the retired list was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

INVESTIGATION OF FEDERAL RESERVE SYSTEM.

The resolution (S. Res. 115) directing an investigation of the administration of the Federal reserve system and the office of the Comptroller of the Currency was announced as next in order.

Mr. KING. Let the resolution be reported.

The VICE PRESIDENT. The resolution will be read.

The reading clerk read the resolution, which was submitted by Mr. MCLEAN July 22, 1921, and reported by Mr. MCCORMICK July 22, 1921, from the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Committee on Banking and Currency of the Senate, or any subcommittee thereof, is authorized and directed to investigate the administration of the Federal reserve system and of the office of the Comptroller of the Currency and to report its findings to the Senate with such recommendations as it deems proper. For the purposes of this resolution the committee or any subcommittee thereof is authorized to employ such stenographic and clerical assistance, to meet at such times and places and to sit during the session and recesses of the present Congress, to have such printing and binding done, to make such expenditures for traveling, and to make such other expenditures as it deems necessary. The committee or any subcommittee thereof is further authorized to send for persons and papers, to administer oaths and affirmations, and to take testimony. The President of the Senate is authorized, upon the request of the committee or any subcommittee thereof, to issue subpœnas for such purposes, and the Sergeant at Arms of the Senate is directed to serve such subpœnas. Any person who willfully refuses to obey any such subpœna and any witness guilty of contumacy shall be liable to penalties provided in section 102 of the Revised Statutes of the United States. All expenses of the committee or any subcommittee thereof incurred under this resolution shall be paid out of the contingent fund of the Senate on vouchers authorized by the committee, signed by the chairman thereof.

Mr. KING. May I inquire if there is a member of the Committee on Banking and Currency present?

Mr. FLETCHER. I happen to be a member of that committee. I am not the chairman of the committee, however. I do not know very much about this particular resolution, but it was reported from the committee, and I can see no objection to its passage. At the same time I am not acquainted with the facts sufficiently to urge the reasons or the necessity for its passage.

Mr. KING. Let it go over, then.

The VICE PRESIDENT. The resolution will be passed over.

JOHN LYONS.

Mr. KING. Mr. President, when the bill (S. 943) for the relief of John Lyons, being the first bill called on the calendar, came up, I made objection to its consideration, not being advised then, as I have been since, of the nature of the measure. I ask now that we may recur to that bill and that it may be taken up for consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of any laws conferring rights, privileges, and

benefits upon honorably discharged soldiers, their widows, and dependent relatives, John Lyons, who was a private in Company E, Forty-eighth Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that company and regiment, but that no back pay, bounty, or other emoluments shall accrue by reason of the passage of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUSINESS PASSED OVER.

The bill (S. 2263) to amend the Federal reserve act, approved December 23, 1913, was announced as next in order.

The VICE PRESIDENT. That measure is the unfinished business and has already been temporarily laid aside.

The bill (H. R. 2373) to authorize associations of producers of agricultural products was announced as next in order.

Mr. NELSON. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The joint resolution (S. J. Res. 79) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic was announced as next in order.

Mr. KING. I had understood that that measure had been considered and disposed of some time ago.

Mr. WADSWORTH. This is another measure similar to the one which the Senator from Utah has in mind.

Mr. KING. Let the joint resolution go over.

The VICE PRESIDENT. The joint resolution will go over.

CLARENCE L. REAMES.

The bill (S. 2356) for the relief of Clarence L. Reames was announced as next in order.

Mr. KING. Let that bill go over, Mr. President.

The VICE PRESIDENT. Being objected to, the bill will go over.

Mr. McNARY. Mr. President, I think the Senator from Utah has had sufficient time to look into the merits of this claim since it was last before the Senate. My former colleague, Senator Chamberlain, introduced the bill here a year ago or more. It has been reported favorably. It has every merit to warrant quick and favorable action upon it; but it has been passed over again and again when reached on the calendar.

Mr. KING. May I say to the Senator from Oregon that I have not the facts directly in mind, but, perhaps a year ago, I recall giving some little attention to the bill. As I recall from my investigation at that time the bill proposed to provide extra compensation in behalf of a district attorney. I objected to the bill then because I thought its passage would establish a bad precedent. I think that where a man accepts a position under the Government for a stipulated salary he ought not to receive additional compensation unless there are some remarkable or extraordinary circumstances attending the work which he is called upon to perform. The Senator from Oregon can see that if we establish a policy of allowing extra compensation thousands of employees will find that they have performed work perhaps outside of the general line of their employment and they will find excuses to present claims to Congress for additional compensation. I think the passage of such a measure would afford a dangerous precedent.

If there is anything which differentiates this case from the general rule that employees of the Government without extra compensation should perform all the work which was reasonably contemplated as being within their employment, I shall be very glad to obtain the information. Otherwise I shall feel constrained to object to the consideration of the bill.

Mr. McNARY. Mr. President——

Mr. SPENCER. If the Senator from Oregon will permit me, I desire to say that this case was considered by the Committee on Claims when I was the chairman of that committee, and I am glad to say to the Senator from Utah [Mr. KING] that the facts in the case are substantially these: The beneficiary of the bill was a district attorney in Oregon, but the Government having some cases of great importance to try in California, quite beyond the jurisdiction of the district attorney in question, sent him from eastern Oregon down to California to try those cases. There was a certain per diem allowance for expenses, but not anywhere near enough to meet his actual expenses.

The district attorney from Oregon saved the Government the expense of employing additional counsel, but he was himself out of pocket because of these cases which he then tried. The Department of Justice looked into the matter and recommended to the committee that the claimant was entitled to approximately $2,000 because of the length of time, running through many weeks, during which he was engaged in these extra official duties so far as his district was concerned. That is the amount for which this compensation is asked.

Mr. KING. May I inquire of the Senator from Missouri whether the $2,000 is for the purpose of allowing him additional compensation or merely to cover the expenses to which he was put in the discharge of the duties devolving upon him in California?

Mr. SPENCER. It is for both purposes. The amount covers the expense to which he was put, and which he paid out of his own pocket; but the testimony before the committee, as I recall, is also to the effect that some of it was for extra compensation. The Senator from Utah, being a lawyer of wide practice, knows that the amount of compensation for trying cases of such importance was probably negligible, as the whole amount involved is but $2,000. The attorney was engaged in cases of tremendous importance and for a great length of time, yet my recollection is that all of the claim is not merely for expenses.

Mr. KING. Mr. President, I shall feel constrained to object to the consideration of this bill unless there shall be eliminated from it the part which relates to extra compensation. I think that the attorney ought to be paid the additional expenses to which he was put, but I think it would be a bad precedent for Congress to allow extra compensation to a district attorney when he may go outside of his district for the purpose of performing a service which the Government asks him to perform. I do not understand that a district attorney is compelled to remain in his district; I think he may be sent by the Government outside of his district, and I think that in such a case the Government ought to pay him for all of the expenses which he incurs——

Mr. McNARY. I will say to the Senator from Utah——

Mr. KING. Let me complete the sentence—but if we establish the precedent of paying an employee of the Government extra compensation when he may go outside of the territorial boundaries of the field to which he was appointed, we shall be swamped with claims from all parts of the United States.

Mr. McNARY. Mr. President——

Mr. KING. If the Senator will pardon me a moment, men who are employed in the Agricultural Department are sent to a given State to aid in field work. They may, when they are employed, anticipate, as the Government may have anticipated, that that would be their field, but they are called to some other State. Shall they, therefore, get extra compensation? I might give many instances which will suggest themselves readily to the minds of Senators.

Mr. SPENCER. If the Senator will yield, I wish to correct a false impression which I probably created, for I find now that this claim only covers the extra expense which Mr. Reames incurred. His statement, as printed in the report, is:

> The amount of my claim of $2,000 does not represent the actual expense account to which I have been put in the matter of these special assignments over and above the expense account paid to me.

As it is now submitted, the sum is not enough to reimburse him for his actual additional expense.

Mr. KING. Then, I have no objection to the bill; but if it covered extra compensation I would object to it, because I think it would be a most dangerous and unfortunate precedent.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $2,000 for extra and special services performed by Clarence L. Reames while United States district attorney at Portland, Oreg., in the prosecution of certain cases in the northern district of California and in the western district of Washington, pursuant to the request of the Attorney General, during the years 1916 and 1917.

Mr. McNARY. I ask that the report of the Committee on Claims be printed in the RECORD. It fully explains the whole matter, and I hope the bill will be passed.

There being no objection, the report of the committee was ordered to be printed in the RECORD, as follows:

> Mr. STANFIELD, from the Committee on Claims, submitted the following report to accompany S. 2356:
>
> The Committee on Claims, to whom was referred the bill (S. 2356) for the relief of Clarence L. Reames, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.
>
> The facts in the case are fully set forth in Senate Report No. 765, Sixty-sixth Congress, third session, which is appended hereto and made a part of this report.
>
> [Senate Report No. 765, Sixty-sixth Congress, third session.]
>
> The Committee on Claims, to whom was referred the bill (S. 3487) for the relief of Clarence L. Reames, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.
>
> This bill provides for the payment of $2,000 to Clarence L. Reames for extra and special services performed by him while United States district attorney at Portland, Oreg., in the prosecution of certain cases in the northern district of California and in the western district of

Washington pursuant to the request of the Attorney General during the years 1916 and 1917.

An affidavit of the claimant and a letter from the Acting Attorney General are appended hereto and made a part of this report.

—

SEATTLE, WASH., *October 1, 1919.*

I herewith present my claim against the United States of America in the sum of $2,000 growing out of the following circumstances.

In April, 1916, while serving as United States attorney for Oregon, I was at Medford, Oreg., on official business, where I received telegraphic orders from the Attorney General to proceed to San Francisco, Calif., and there take charge of for the United States the case of the United States *v.* Norman D. Cook et al., then pending in the United States District Court for the Northern District of California. I proceeded to San Francisco immediately and spent approximately two weeks in the preparation of the case for trial. The indictment was directed against Norman D. Cook, Franklin Bull, and some 16 other defendants, charging a conspiracy to violate section 215 of the Penal Code, in procuring a large number of persons to file claims for the forfeited lands of the Oregon & California Railroad Co., and to collect from said applicants location fees therefor. The trial itself lasted approximately two months, during all of which time I was busy night and day in the preparation and presentation of the case. A number of the defendants pleaded guilty, and as to the others upon the first trial the jury disagreed, standing 11 for conviction and 1 for acquittal. I returned to my home in Portland for a short time, and was again by the Attorney General directed to proceed to San Francisco to retry the case. The second trial occupied the same length of time as the first, resulting in the conviction of another of the defendants, the acquittal of two others, and as to the rest the jury disagreed, standing 10 for the conviction of the principal defendants and 2 for their acquittal. I returned to Portland again, and was for the third time directed to proceed to San Francisco to present to the grand jury at San Francisco the case of the United States *v.* S. A. D. Puter et al., involving a similar state of facts as was involved in the so-called Cook fraud cases. The defendants in the Puter cases have recently all pleaded guilty.

Thus from approximately May 1, 1916, until approximately December 6, 1916, with the exception only of a short time between the trials, I was at San Francisco engaged in this work outside of my district.

During all the time I was in San Francisco I was required to and did, at my own expense, maintain my home in Portland, Oreg., and the only amount received by me was my salary of $375 per month as United States attorney for Oregon and the additional sum of $4 per day to defray the expenses of myself and wife at San Francisco.

The trials themselves were strenuous. There had been approximately 21,000 applications filed with the Oregon & California Railroad Co. to purchase the lands in question, and it was necessary for me to study each one of these, so that I could know the relation of that claim with other claims conflicting therewith.

In January, 1917, while at Portland serving as United States attorney, I received a peremptory order from the Attorney General to proceed at once to Seattle, Wash., and take charge of the Billingsley graft cases and the prosecution of the cases against the mayor, the chief of police, the police and detective departments of Seattle, and the sheriff's office of King County, Wash. This I did, necessarily remaining away from my home and in Seattle, Wash., for a period of approximately two months, in the trial of an important criminal case which attracted nation-wide attention.

During all the time I was in Seattle I had to maintain my home in Portland, Oreg., as my wife was sick and in a hospital in Portland. Upon receiving the assignment to proceed to Seattle, I protested to the Attorney General that I was financially unable to make the sacrifice; and the Attorney General assured me that at the conclusion of the services at Seattle the matter would be taken up to ascertain whether or not additional compensation could be paid.

During all the time that I was in Seattle I received but $4 a day as an expense account and my salary of $375 per month as United States attorney for Oregon.

During all the time that I was absent in San Francisco and Seattle I maintained at Portland, Oreg., and there conducted, without any extra expense to the United States, the office of the United States attorney at Portland, Oreg. During none of that time was the Government required to employ any additional assistance in the Portland office, and I virtually did the work in the several offices to which I was sent, in addition to my own work as United States attorney for Oregon.

The amount of my claim of $2,000 does not represent the actual expense account to which I have been put in the matter of these special assignments over and above the expense account paid to me.

Respectfully submitted.

CLARENCE L. REAMES.

—

STATE OF WASHINGTON, *county of Kings, ss:*

I, Clarence L. Reames, being first duly sworn, depose and say: That I am the claimant named in the within claim and to whom the same is due; that no part of said sum of $2,000 has ever been paid to me, and that I have never received, either directly or indirectly, any part or portion thereof; that the said claim, and the whole thereof, constitutes and is a just and bona fide claim in my favor against the United States of America.

CLARENCE L. REAMES.

Subscribed and sworn to before me this the 1st day of October, 1919.

[SEAL.] IVAN L. HYLAND,
Notary Public in and for the State of Washington.

—

DEPARTMENT OF JUSTICE,
Washington, D. C., September 6, 1919.

CLARENCE L. REAMES, Esq.,
Attorney at Law, Seattle, Wash.

SIR: The department is in receipt of your letter of the 26th ultimo with respect to your claim for additional compensation in the cases of United States *v.* Norman B. Cook et al., and United States *v.* Peter et al., in the northern district of California, and United States *v.* McGill et al., in the western district of Washington.

In reply you are advised that the correspondence with respect to this matter has been carefully reviewed, and the department has reached the conclusion that you are entitled to additional compensation, particularly in view of the fact that you were undoubtedly put to much additional expense because of these special assignments.

Therefore, if requested by Congress for advice and recommendation, I shall state that, in my opinion, you should be allowed $2,000, the approximate amount claimed by you, as additional compensation for all services rendered in special cases and matters which did not pertain to your regular employment during the period you were United States attorney for the district of Oregon.

Respectfully,

C. B. AMES,
Acting Attorney General.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2391) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. FLETCHER. That bill will take some little discussion, and there is no use taking it up now. Though I think it is a good bill, perhaps, it should go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 2228) to amend certain sections of the Judicial Code relating to the Court of Claims was announced as next in order.

Mr. NELSON. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

The bill (S. 2337) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

Mr. KING. That bill could not be considered under the rule now prevailing and I ask that it go over.

The VICE PRESIDENT. The bill will go over.

ST. FRANCIS BARRACKS, ST. AUGUSTINE, FLA.

The bill (S. 2138) providing that the Government property known as the St. Francis Barracks, at St. Augustine, Fla., be donated to the State of Florida, for military purposes, was announced as next in order.

Mr. KING. Let that bill go over.

Mr. TRAMMELL. Mr. President, before the bill goes over, I should like to ask the Senator from Utah to allow me to make a statement in regard to the bill and also to submit an amendment to it.

Mr. KING. I withdraw my objection temporarily for that purpose.

Mr. TRAMMELL. I thank the Senator.

When this bill was previously under consideration some two weeks ago the question arose, on the part of some Senators, at least, who made objection to the bill, as to the property involved reverting to the Government in the event it was not used for military purposes. My colleague, the senior Senator from Florida [Mr. FLETCHER], took the question up with the War Department, and the War Department had no objection to the enactment of the bill and the transfer of the property to the State to be used for military purposes, but proposed an amendment which provides that the property shall revert to the Government of the United States in the event that the President of the United States shall in writing call upon the governor of the State of Florida to return the property for the uses of the Federal Government. I am going to propose an amendment which is copied verbatim from the amendment suggested by the Secretary of War in the letter which he wrote my colleague upon this subject. I hope that the amendment will be satisfactory, and that the bill, with this amendment added, may be considered and passed without objection.

The VICE PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

The READING CLERK. At the end of line 7, it is proposed to strike out the period and to add—

subject to the following express conditions: That upon notice in writing by the President of the United States to the governor of the State of Florida that the United States has need for said property, this grant shall cease and determine, and title to said lands and all improvements thereon shall immediately revert to the United States.

Mr. WADSWORTH. Mr. President, of course, I would not attempt to interfere with an amendment offered by a Senator from Florida to a bill which especially interests the Senators from Florida, but if I had my way about the matter I would give this property to the State of Florida without any strings to it at all.

I do not see any necessity for tying a string of this kind to property of that particular nature. The property never is going to be of military value to the United States Government. It is so situated, as I recollect, in the city of St. Augustine that it never can be used for anything but a storehouse or a meeting room. It is not large enough to contain any large body of troops. The plat of land is not big enough to warrant its ever being used for military purposes on any extensive scale. St. Augustine itself is not enough of a strategic point,

either on railroads or on navigable waters, to warrant any great military development there.

This property, as I recollect, is a relic of bygone days. We have several of them around the United States; and, according to my way of thinking, the quicker the Government gets rid of them, even if it gives them to the States, the better.

Mr. TRAMMELL. I thank the Senator for his comment; and what he says is very true. This is a small quantity of land right in St. Augustine. It could not be used for any military purpose of any consequence, but it has for years been used as a headquarters of the National Guard. That is what the military authorities want it for at the present time. The State has appropriated $40,000 to be expended upon this little plat of land for the purpose of having its storehouses and its National Guard headquarters there, and for carrying out such plans as may be necessary in connection with directing the National Guard.

Of course, I dislike very much to have this amendment placed upon the bill. It is not at all in accord with my ideas, but the State authorities are very anxious to get the grant made so that they can proceed with the building. While the State will be in considerable jeopardy in expending $40,000 for a building upon this land, the authorities connected with the National Guard of Florida have indicated that rather than not have the grant made at all they would be agreeable to accepting the grant with this amendment.

It is only under those circumstances that I have proposed this amendment, in order to have the grant made.

Mr. WADSWORTH. I think the Senator will agree with me that the amendment is a violation of that comity which should exist between the Federal Government and the government of a sovereign State.

Mr. TRAMMELL. I fully agree with the Senator on that.

Mr. JONES of Washington. Mr. President, I desire to ask the Senator from Florida a question, and also to have the matter referred to the Senator from New York [Mr. WADSWORTH].

The Senator from New York stated that this tract would never be used, that it was not suitable for use, by the Government for military purposes, and that there are a great many other tracts throughout the country in the same category. What I want to ask is, Why not have the Government sell this property outright? If the State of Florida wants to buy it, well and good; but why not sell all these various tracts and let the National Government get rid of them, but get what they are worth?

Mr. TRAMMELL. Of course that is a question of policy. This is a very small amount of land, but it has been used for a great many years by the State under a one-dollar-a-year lease from the Federal Government. In view of the cooperation of the State and the Federal Government in carrying on the operations of the National Guard, and the fact that it is a cooperative and a mutual affair, we feel that the Federal Government certainly should not object to allowing the State to take over this land so as to spend, if it obtains it, $40,000 for a building for the purpose of carrying on a business which is primarily that of the Federal Government, namely, directing the administration of the National Guard law.

Mr. JONES of Washington. Let me make a suggestion to the Senator. Take the situation, for instance, in my State. In Seattle and in Spokane and in Yakima, and I think in several other places, the State has armories for its National Guard. The National Government has not donated any land to any of these cities or to the State for these purposes. The State or the cities or the localities have had to acquire the sites, and then they have had to appropriate the money to put up the buildings.

I do not want to prevent the passage of the Senator's bill, but it does seem to me that the wise thing to do would be for the National Government to sell this land. If it is close to the heart of the city of St. Augustine, even though it is a small tract, it is worth something, and probably it is pretty valuable. The National Government ought to get what it can out of it. If the State of Florida wants it for military purposes, let it pay what it thinks it is worth and then use it for those purposes. Let it do as the other States of the Union have to do with reference to these matters.

Mr. TRAMMELL. We have done as other States have done in regard to the National Guard armories. We have them scattered all over Florida. The State has many hundreds of thousands of dollars invested in armories, and in some instances that is true even of the counties. I remember that the county of Monroe expended $10,000 of county funds for an armory; so Florida has certainly met the same requirements that have been imposed on other States with regard to armories and furnishing facilities of that character.

Mr. JONES of Washington. Mr. President, will the Senator tell me how many acres of land are involved?

Mr. FLETCHER. About 2¼ or 2½ acres.

Mr. JONES of Washington. And how much is it worth? How much is the land adjoining it worth?

Mr. FLETCHER. May I answer the question?

Mr. TRAMMELL. Certainly.

Mr. FLETCHER. I have a plat of the land here. I will say to the Senator further, regarding his inquiry, that Florida, as my colleague has said, has these armories all over the State. The old St. Francis Barracks were a sort of a fort, established there a great many years ago. They have been handed down from Spanish times, really. They are down on the bay, and at a portion of the town where there is not very much settlement. A cemetery adjoins the barracks on one side and the bay on the other. I think altogether there are about 2½ acres in the whole tract. It is bounded on the north by St. Francis Street, on the west by Charlotte Street—there is a small street running between the two pieces—and on the east it is bounded by the Matanzas River.

Mr. JONES of Washington. Will the Senator merely give me his opinion, if he knows, or what somebody else says, as to the value of the adjoining lands? What could you ordinarily buy lands adjoining this tract for?

Mr. FLETCHER. As I have indicated, the land is surrounded by streets. I do not know what the lands across the streets might be worth, in some instances——

Mr. JONES of Washington. That is what I should like to know.

Mr. FLETCHER. But my information is that the entire property is worth perhaps $15,000 or $20,000.

Mr. JONES of Washington. Why should not the National Government sell that land and get rid of it entirely? If the State wants to buy it, I should be perfectly willing to sell it to the State, probably at a little bit lower price than to others; but let us sell it and get rid of it.

Mr. FLETCHER. For some time the War Department has recommended abandoning this old place.

Mr. JONES of Washington. Yes; I know that.

Mr. FLETCHER. And I think perhaps for 14 years the State has been in possession of it under this one-year lease, subject to termination at any time that the War Department might give notice. The legislature which met in 1921, last year, appropriated $40,000 for the purpose of putting up a building on this tract so as better to accommodate the needs of the National Guard. It is used as a sort of arsenal and headquarters. The adjutant general of the State, for instance, occupies one of these buildings, and it is a kind of arsenal for the storage of National Guard supplies. They wanted this additional building, and the last legislature made the necessary appropriation.

Of course, the people would not care to spend $40,000 there in putting up a new building when they have nothing more than a lease which may be terminated at any day upon notice, and therefore my colleague introduced a bill to grant these premises to the State for military purposes. That is specified in the bill as he introduced it. Of course, the National Guard is a part of the Military Establishment of the Federal Government as well as of the States. The National Guard is one of our lines of defense, and the War Department is perfectly willing to deed the land to the State. I have a letter from the Secretary of War upon that subject, and the report shows that the War Department has not the slightest objection to granting the land outright to the State for use for military purposes. The bill that my colleague introduced was referred to the War Department and sent back with a favorable report from the Secretary of War; so that that matter has all been passed upon.

The War Department is perfectly willing to have this bill passed as it was introduced and as it is reported; but when the question came up a few days ago the senior Senator from Utah [Mr. SMOOT] raised some objection to it. His objection was based upon the idea that if the land ceased to be used for military purposes it ought to revert to the Federal Government, and he wanted a provision to that effect put into the measure. Upon objection, the bill went over, and I think the junior Senator from Utah [Mr. KING] also raised the same question, and other Senators suggested that there ought to be some provision whereby the grant should cease if the premises ceased to be used for military purposes.

I then communicated with the Secretary of War and stated these objections that were made to the bill, and suggested that he submit the form of an amendment which he would recommend to take care of and meet those objections. Hence it is that this matter has now come up, and my colleague proposes

the amendment which the Secretary of War suggests in pursuance of my request that he frame an amendment so as to meet the objections which had been urged to the bill.

As my colleague has said, our people want the matter settled. We want to know whether we are going to spend this $40,000 on the premises or not, and whether the Government is to turn over the tract so that the National Guard may have the use of this property as they have had in the past on this dollar-a-year lease, but which is subject to be terminated at any time.

I am perfectly confident that the President is not going to call on the State authorities for these old St. Francis Barracks, as they are known, because he never will have any use for them. I am perfectly confident that with this amendment the State will get what they can safely count on, really what will amount in effect to a grant of the premises, because I am sure the Federal Government is never going to want the premises; but in order to meet the objections which have been made I asked the Secretary of War to frame an amendment, and he has done so. This is his letter:

Receipt is acknowledged of your letter dated December 7, 1921, inclosing a copy of S. 2138, * * * in which letter you state there is senatorial objection because the bill contains no reversion of title clause and suggest that the War Department submit the form of an amendment to provide for reversion of title when the property ceases to be used by the State for military purposes.

I asked that because I wanted to be able to offer here, when the bill came up again, the recommendation of the War Department to cover that objection.

You are advised that if it is the desire of Congress to provide for reversion of title—

The War Department does not voluntarily insist upon this at all, or urge it, but the Secretary of War says:

You are advised that if it is the desire of Congress to provide for reversion of title to the United States in the event of cessation of use of the property for military purposes, the following amendment is suggested:

In line 7 strike out the period and add:

"Only, subject to the express condition that whenever the buildings and lands hereby donated cease to be used by the State of Florida for military purposes, this grant shall cease and determine and title to said lands and all improvements thereon shall revert to the United States."

I prefer that amendment, really, to the one offered by my colleague; but he has seen fit to go the whole limit in the matter and offers the amendment which the department itself says would be its preference. The letter continues:

The following alternative amendment, believed by the War Department to be preferable to the foregoing, is also submitted for consideration.

That is the amendment which my colleague has offered, namely, on line 7 to strike out the period and add the following:

subject to the following express condition that upon notice in writing by the President of the United States to the governor of the State of Florida that the United States has need for said property, this grant shall cease and determine and title to said lands and all improvements thereon shall immediately revert to the United States.

That is the amendment my colleague has offered, and it is offered because he and I agree that we would like to have the matter disposed of one way or the other. This amendment is offered to meet any possible objection which could be raised to the bill. It is plain, and means exactly what it says, that this grant is made now, with this proviso, "subject to the following express condition"; that is, when the President wants it for the Government he simply is to give notice to the governor of Florida that the Government wants it, and the Government will take it over. That is all there is to it. It seems to me that is all that could be asked in the matter.

Mr. KING. Mr. President, with the explanation which has been made, and in view of the fact that the land is being used now by the State for the National Guard, I shall withdraw my objection to the consideration of the bill. But I want to state, before resuming my seat, that I am not in accord with the view expressed by the chairman of the Committee on Military Affairs. Whenever the Government of the United States wants a little piece of land for military or for other purposes it has to go into the market, and usually it is mulcted a very large amount for the tract of land which it desires. The Government does not get anything for nothing, and I feel that when the Government does not need lands which it has acquired by condemnation, or in any other manner, it ought to dispose of the land—and in that respect I agree with the Senator from New York—as quickly as possible; but I do not think that the Government ought to give it away. I agree with the Senator from Washington [Mr. JONES] that the Government ought to sell all these parcels of land which it does not require, sell them to the highest bidder, and get the very best price possible; and if this were not used now by the State for military purposes I should object to this measure.

Mr. TRAMMELL. I will state also, Mr. President, that it is not only used, but a considerable part of the improvements on it at the present time have been put there by State expenditures. The State has already expended more or less money on the improvement of this land.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. TRAMMELL].

The amendment was agreed to.

The bill was reported to the Senate, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. Mr. President, the report on this bill is very brief, and I ask that the report, together with the letter from the Secretary of War to which I have referred, be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

ST. FRANCIS BARRACKS.

Mr. FLETCHER, from the Committee on Military Affairs, submitted the following report [to accompany S. 2138]:

The Committee on Military Affairs, to whom was referred the bill (S. 2138) providing that the Government property known as the St. Francis Barracks, at St. Augustine, Fla., be donated to the State of Florida for military purposes, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

This measure has the approval of the War Department. In a letter addressed to the chairman by the Secretary of War on July 27, 1921, the following statement is made:

"I desire to acknowledge receipt of bill S. 2138, which you referred to me July 20, 1921, for the views of the War Department. In reply I desire to inform you that the War Department has no objection to the transfer of St. Francis Barracks to the State of Florida under the provisions of the bill presented. St. Francis Barracks is one of the reservations included in a list of real estate submitted to the Military Affairs Committee of the House of Representatives as being no longer needed by the War Department and for such disposition as Congress may deem proper."

—

WAR DEPARTMENT,
Washington, December 17, 1921.

Hon. DUNCAN U. FLETCHER,
United States Senate.

MY DEAR SENATOR: Receipt is acknowledged of your letter dated December 7, 1921, inclosing a copy of S. 2138, "A bill providing that the Government property known as the St. Francis Barracks, at St. Augustine, Fla., be donated to the State of Florida for military purposes," in which letter you state there is senatorial objection because the bill contains no reversion of title clause and suggest that the War Department submit the form of an amendment to provide for reversion of title when the property ceases to be used by the State for military purposes.

You are advised that if it is the desire of Congress to provide for reversion of title to the United States in the event of cessation of use of the property for military purposes, the following amendment is suggested:

In line 7, strike out the period and add—

"only, subject to the express condition that whenever the buildings and lands hereby donated cease to be used by the State of Florida for military purposes, this grant shall cease and determine and title to said lands and all improvements thereon shall revert to the United States."

The following alternative amendment believed by the War Department to be preferable to the foregoing is also submitted for consideration:

In line 7, strike out the period and add—

"subject to the following express condition that upon notice in writing by the President of the United States to the governor of the State of Florida that the United States has need for said property, this grant shall cease and determine and title to said lands and all improvements thereon shall immediately revert to the United States."

Sincerely, yours,

JOHN W. WEEKS,
Secretary of War.

HIGH PRICES OF HOUSE-FURNISHING GOODS.

The resolution (S. Res. 127) to investigate the causes of factory, wholesale, and retail price conditions in the principal branches of house-furnishing goods industry and trade, was announced as next in order.

Mr. JONES of Washington. Let that go over.

Mr. ROBINSON. Mr. President, I hope this resolution may be disposed of. It has been pending a long time, and it seems to me to relate to a very important subject. It provides for an investigation which will be of general interest to the country. The resoluion provides for an investigation of "the causes of factory, wholesale, and retail price conditions in the principal branches of house-furnishing goods industry and trade, beginning with January, 1920, and particularly to ascertain the organization and interrelations of corporations and firms engaged therein," and so forth.

There are some circumstances, it seems to me, which justify prompt action on this resolution. It is well known that in the industry referred to prices have been maintained at very exorbitant standards, established during the latter part of the war period. I would like to have some reason given for not disposing of this resolution at the present time. I do not think

it would require a very great length of time or would provoke much discussion.

Mr. JONES of Washington. Mr. President, there was nothing in the title of the resolution to indicate that the Federal Trade Commission was to make this investigation. I supposed it was to be an investigation by some committee of Congress, and personally I have never seen very much come out of such investigations. But I see the Federal Trade Commission is directed by the resolution to make the investigation, and, as far as I am concerned, I withdraw my objection to its present consideration. From what I hear, the Attorney General is inaugurating an investigation now that will very likely cover this situation fully, and I do not see the necessity for duplicating the expense. We shall probably get better and quicker results from the work of the Attorney General just now than in this way. But I shall withdraw my objection to the present consideration of the resolution, as far as I am concerned.

Mr. WADSWORTH. Mr. President, as I read it, it is mandatory upon the Federal Trade Commission to make this investigation. As I understand the project of the Department of Justice, this would certainly duplicate, in part at least, the work which the Department of Justice has already started.

Mr. ROBINSON. During the last few days the press has contained announcements that the Department of Justice expects to institute an investigation into certain lines of industry for the reason that it is believed those industries are controlled by combinations or trusts. This resolution relates to one particular branch of industry, and it is particularly within the province of the Federal Trade Commission to investigate the question as to whether unfair practices or methods of competition, or restraints of trade, combinations, or monopolies are occurring in industry.

This investigation will not in anywise interfere with any action the Department of Justice finds it necessary or desirable to take for the prosecution or punishment of persons who have violated the antitrust law or any other law of the United States relating to their business. It is desirable and, in my judgment, it is necessary that the particular questions comprehended in this resolution be considered and determined, and I still think that the resolution ought to be considered and passed.

Mr. NORRIS. Mr. President, I would not want to interfere in any way with the work the Attorney General is doing; I would not intentionally do anything that would have that effect.

Mr. ROBINSON. I am in accord with the statement just made by the Senator from Nebraska.

Mr. NORRIS. I am in favor of this resolution, however, because it seems to me the work of the Federal Trade Commission and whatever the Attorney General intends to do in the way of investigating the subject would be perfectly harmonious. I think they could help each other. The Federal Trade Commission is equipped for this kind of work. They have experts, if there is such a thing, for doing this kind of work. They can do it more quickly and as effectively, I believe, as any other branch of the Government. More than that, it is a part of their duty, if they find the laws violated, to turn the evidence which they discover over to the Attorney General.

Therefore it seems the fact that the Attorney General was making an investigation a part of which was covered by the investigation to be made by the Federal Trade Commission would only help; it would not increase the expense. They would coordinate their work and work in perfect harmony. Certainly the fact that this particular line mentioned in the resolution is to be investigated will have a good effect upon the prices the people have to pay, and will have a tendency to lower the cost of living in that particular line.

While ordinarily there may be a great deal in what the Senator from Washington has said, that investigations made by committees do not amount to very much, I think they often do amount to a great deal; but whether they do or not does not apply to this question. I would be glad to know that the Attorney General was looking into it with a view of prosecuting offenders, if there are such, and I would be glad to have the Federal Trade Commission assist in making that investigation. I think there will be no duplication of work whatever, but perfect coordination.

Mr. JONES of Washington. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield.

Mr. JONES of Washington. The Senator is probably more familiar with the terms of the Federal Trade Commission act than I am, and I would like to know if the Senate has power to direct the Federal Trade Commission to make an investigation?

Mr. NORRIS. I think so. It has done that in a great many cases, and it always results in the investigation being made. I think it has that power.

Mr. JONES of Washington. I wondered if we could do it by a simple Senate resolution.

Mr. NORRIS. I think we can, but I say that without having looked up the law. Very often, however, we have taken this course.

Mr. JONES of Washington. I am inclined to think that there is a provision of the law under which this resolution would be proper.

Mr. NORRIS. I think there is.

Mr. ROBINSON. Upon that point, I think it is true that the Senate can not by simple resolution fix the duties of the Federal Trade Commission. Those are defined by law. Under the existing law, however, the Federal Trade Commission has the power to make such investigations as are comprehended in the resolution.

Mr. JONES of Washington. I was led to ask the question by the wording of the resolution, that the Federal Trade Commission is "directed" to make the investigation.

Mr. ROBINSON. It would at least advise the Federal Trade Commission that the Senate of the United States regards this investigation as necessary, and will undoubtedly result in an investigation.

Mr. JONES of Washington. Of course, I did not have that in mind; it was only a question as to whether it was really proper, whether we have the authority to direct or request them to do it. I am inclined to think, however, that there is a provision in the law creating the Federal Trade Commission requiring it to act upon a resolution of either branch of Congress. If that is true, we can direct them to do it.

Mr. ROBINSON. There is a provision in the law to that effect.

Mr. KING. Mr. President, I shall not object to the consideration of this resolution, although I am not convinced that its passage will prove of any benefit to the country. What is needed is a thorough investigation by the Department of Justice of the activities of trusts and combinations in restraint of trade and conspiracies to maintain prices and destroy competition.

I have never been convinced that the Federal Trade Commission has justified its creation. I know that my party has pointed to this organization as one of the achievements of the Democratic Party. Perhaps it has accomplished some good. Perhaps it may prove efficacious in meeting some of the economic and trade problems with which we are confronted. I sincerely hope that so long as the Federal Trade Commission exists it will function in the interest of the people. I have no prejudice whatever against the organization, but from an examination of its activities—not an examination, however, as complete as I have desired to make—I have not been persuaded that it would accomplish the results which were prophesied when it was brought into existence. Nor have I been satisfied that it would mitigate the evils to which its attention has been drawn.

Mr. President, that there are combinations denounced by the Sherman antitrust law no one can deny. During the war there was a remarkable tendency toward consolidation and combination. A price-fixing policy was adopted by the Government, and substantially all industries either combined to fix prices or adopted a course which prevented the law of supply and demand from operating and effectually destroyed competition. Prices of commodities reached unheard of heights, and the people were compelled to pay extortionate prices. Great fortunes were made by hundreds and thousands of corporations as well as individuals in the manufacture and sale of commodities required by the Government as well as by the people. The prices of raw materials as well as finished products went to unreasonable heights, and as these prices advanced labor was compelled to demand higher wages, and as wages advanced the prices of commodities were raised, and so the vicious circle was continued. The Sherman antitrust law, as well as State statutes, aimed against combinations and trusts were practically ignored, and profiteering was rampant in all parts of the land.

This situation has not been materially changed since the war was over. The benefits of combinations to the producers and to the manufacturers and to the sellers were so apparent that they have attempted to continue the practices and to perpetuate the combinations formed, so that now in all parts of the land we have conditions which impose upon the people unjust burdens. Prices are too high in most of the commodities which the people are compelled to buy. Competition is still a stranger in our midst. Price fixing is still continued not only upon the part of many wholesalers and middlemen but also upon the part of retailers. The trusts which reached such powerful pro-

portions during the war still exist—or, at least, some of them—and they are pursuing policies which burden the people and tend to prevent a return to legitimate and proper conditions. So long as there are conspiracies and combinations and trusts for the purpose of maintaining high prices and of destroying competition, there will be industrial unrest. The great body of working people will demand, if these conditions continue, the enactment of laws that will either nationalize some industries or subject business to restraints that will hamper and deaden and perhaps destroy the same. If the American business men were wise, they would contend for the operation of the law of supply and demand. They would oppose trusts and combinations in restraint of trade. They would be satisfied with reasonable profits and would join in every movement that makes for a reduction in the prices, particularly of those commodities entering into the lives of the great mass of the people. When the people see that the returns upon capital are reasonable, they will be satisfied with reduced wages; but so long as prices are inordinately high for food and fuel and clothing and the necessities of life the wage earners will demand, and rightfully demand, a high standard of wage. There must be some relation between wages and the products which the wage earners are compelled to buy. Employers can not insist upon a lowering of wages and at the same time pursue a course which tends to maintain a high level of prices for the products and commodities which the laboring people are compelled to purchase.

During the closing months of the last administration Attorney General Palmer inaugurated an active campaign against monopolies and combinations which were interfering with the laws of supply and demand. He gave instructions to the various district attorneys to enforce the Sherman antitrust law. Indictments were found and prosecutions instituted. I am glad to say that the present Attorney General is zealously seeking to enforce the provisions of the Sherman antitrust law. I am sure that he will receive the hearty support of the Democrats in the Senate, and they will gladly join in appropriating such sums as may be deemed necessary in the enforcement of the Federal statutes against trusts and monopolies and conspiracies in restraint of trade.

The State of New York has recently been doing excellent work in enforcing State laws against conspiracies which are seeking to rob the people. A committee of the State legislature, with which Mr. Untermeyer is associated, has conducted very important investigations, and as a result of the same have brought many violators of the law before the bar of justice. Unfortunately, many of the States seem to be quiescent in regard to this important matter. Most of the States have strong if not drastic laws for the punishment of intrastate combinations and conspiracies to hamper and interfere with trade and commerce. Unfortunately, many of the State officials seem to ignore their own statutes, or, at least, they fail to enforce them against the enormous infractions which must come to the notice of all inquiring persons within such States. If the State officials would vigorously enforce their statutes I am sure there would be marked improvement in our economic situation. If these combinations and conspiracies which maintain high prices for commodities and impose unjust burdens upon the people were destroyed, the economic and industrial and commercial tide would move forward with greater celerity for the welfare and benefit of the people. Of course, the States can not deal with interstate commerce, and undoubtedly most of the evils resulting from combinations, trusts, and monopolies are found in interstate commerce. The building exposé in New York shows what a vigorous enforcement of State laws can do. Contractors and builders and those who furnish building materials and supplies as well as certain labor leaders violated State laws. Some have been prosecuted. Some have been sent to the penitentiary and more should find their way behind the bars of the State penitentiary.

The investigations in Chicago showed that State laws were violated and that the conspiracies and combinations were so effective that the people had been robbed of hundreds of millions of dollars. The shortage of houses has resulted largely from the combinations and conspiracies among the building trades and those who supply materials and corrupt labor leaders. If these combinations could be destroyed, there would be a remarkable increase in building activity and the housing situation would very quickly be relieved.

Investigations show that in this city building materials and the cost of building are more than 100 per cent in advance of what they were in 1911, 1912, 1913, and 1914. There is no justification for the high cost of building materials in Washington. The grand jury of the District could with propriety investigate the causes of the extortionate prices for building material, building construction, and so forth. A strong public sentiment should be developed in favor of the enforcement of the Sherman antitrust law, and it should be enforced. If properly enforced and rightly interpreted, it will correct many of the evils which now afflict the public. If it is defective, it should be strengthened. But this, however, must be patent to every person who is familiar with our industrial and economic condition: The laws of supply and demand and the laws or principles of competition must be preserved. Combinations, monopolies, and trusts must not be permitted to rear their ugly heads and to control the economic life of the people. The progress of our country has resulted from the operation of natural laws and natural forces. Those who are opposed to governmental ownership of public utilities and the great basic industries and enterprises of our country must support the policy which insures competition and the operation of the law of supply and demand. If trusts and monopolies and combinations get control of industry and rob and plunder the people, a sentiment will be developed, which will be irresistible, either in favor of Government ownership or of Government control.

Government ownership is deadening and deadly and destructive. Governmental supervision of business means a moribund decadent condition in our industrial and business life. Penal statutes vigorously enforced will produce a condition that will permit business to develop and genius and enterprise to win well-deserved victories, and at the same time restrain the growth of corporations and trusts and combinations which will nullify the natural laws of trade and produce a condition of industrial servitude.

Corporations and manufacturing concerns have recently been engaged in price fixing and in adopting policies which were inimical to the welfare of the people. The Supreme Court in a recent decision, in which the activities of certain lumber interests were involved, has denounced these price-fixing agreements and arrangements. This is a very wholesome decision and should be an admonition to those who are constrained to persist in unlawful practices to conform to the laws of the land as well as to the principles of morality and justice.

Mr. President, this resolution, as I have stated at the outset, will not in my opinion accomplish any particular good. If it is a proper resolution its scope should be broadened. We are told that the Standard Oil Co. and other huge combinations have obtained control of the oil industry of the United States and are robbing the people of hundreds of millions annually. The oil companies should be investigated and other industries should receive the attention of the Federal Trade Commission if it is to accomplish any good and bring about relief from some of the intolerable burdens which combinations and trusts and monopolies are now inflicting upon the people. If, however, Senators think that this resolution will be of some benefit I shall not interpose objection to its passage.

Mr. ROBINSON. Mr. President, the Senator has, perhaps somewhat unconsciously, made a wholesale attack on prosecuting officers, both State and national. It is undoubtedly true that there has been a failure to protect the public against violations of the antitrust law, but in my opinion that failure has been due in large part to lack of information available to the officer whose duty it is to institute prosecutions.

In the case of the ordinary prosecuting attorney, he usually has one assistant, though in the large centers of course he has more. He has no fund available for making investigations of the character toward which the pending resolution is directed. He would be pitiably impotent to ascertain the true facts affecting this or any other industry which is governed or largely influenced by combinations in restraint of trade.

The Government, in order to facilitate the enforcement of its antitrust law and to protect the public against unfair competition in trade, created the Federal Trade Commission. Its responsibilities are very great. Its tasks are very difficult. When it entered upon the investigation of some of the great trusts of the country it drew against itself and its activities all the concentrated fire that their agencies and their resources could command and control. It made mistakes. It probably made failures. But in my judgment it has justified itself and has rendered service of great value to the country and to the people of the Nation. It never will be popular if it does its duty. It never will be efficient if it is hampered by lack of the necessary instrumentalities and funds.

It is true that the provisions of the resolution, as stated by the Senator from Utah, are limited and that the investigation called for by the particular resolution is restricted, but therein lies its chief value. While I have no objection whatever, but on the contrary would facilitate and promote in every way within my power the investigation of any combination which has for its purpose the creation or the perpetuation of unfair competition in trade within the meaning of the laws of the

United States, I realize that if the resolution be so broadened as to involve an investigation of the Oil Trust and of the various other trusts which we regard as detrimental to the public interest, it would defeat the accomplishment of any substantial purpose under the resolution. I am heartily in favor of its passage even though the investigation will not be so comprehensive as the Senator from Utah would desire and as other Senators would desire.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. ROBINSON. I yield to the Senator from Utah.

Mr. KING. The Senator adverted to that part of my remarks in which, apparently, I criticized the State officials for their inactivity or failure to enforce the State laws. Does not the Senator think that there has been too much of a disposition upon the part of State officials, where there are Federal statutes which seem to comprehend subject matters, to devolve upon the Federal Government responsibilities which rest upon them?

Take, for instance, the enforcement of the law against the manufacture and use of liquor, commonly known as the prohibition law. Many of the States have more strict laws than the Volstead Act, and yet the States are shirking their responsibility in some instances and devolving the duty upon the Federal Government to enforce the law. There are trusts and combinations within States, and the Senator, I think, will bear me out that it is very seldom that a State statute is invoked against a trust or combination intrastate in character.

Mr. ROBINSON. Mr. President, I think it is undoubtedly true that during the last quarter of a century there has been a constantly growing tendency upon the part of the people of the country, and it may have been concurred in by State officers, to let responsibility rest upon the Federal Government. It is not limited to the antitrust laws, but in almost every sphere of activity they are now saying, "Let George or Uncle Sam do it." There are obvious reasons for that, but I shall not take the time of the Senate now to go into them in detail.

Mr. WALSH of Montana. Mr. President——

Mr. ROBINSON. I will yield to the Senator in just a moment. I pointed out to my friend the Senator from Utah that the Federal Government very naturally may be relied upon more effectively to enforce antitrust laws than can the instrumentalities of the State. The difficulties inhere in the ramifications of the trusts in the fact that for the most part they are involved or engaged in interstate commerce and in the further fact that the spheres of their activities are beyond the jurisdiction of the authorities of any one State, if indeed they are within the control of authorities or of any power which human government has established.

I now yield to the Senator from Montana.

Mr. WALSH of Montana. The Senator has rather covered the matter to which I desire to direct attention. While it may be true that there is a disposition generally to introduce the Federal Government into lines which ought to be within the exclusive jurisdiction of the States, when it comes to those matters, I take it that the Senator from Utah must recognize that the State is for all practical purposes impotent because these are practically all interstate transactions and interstate combinations. Ordinarily the offending corporation has its domicile beyond the State in which it operates, or many of the States in which it operates; the witnesses whose testimony would demonstrate the existence of the combination or the charging of exorbitant prices are beyond the jurisdiction of the State and could not be reached at all.

But, Mr. President, I notice, if the Senator from Arkansas will pardon me, that the inquiry here contemplated is directed only at the price conditions with respect to the principal branches of the house-furnishing goods industry and trade. It seems to me that is a very limited scope. I should take it that that would include nothing more than furniture, possibly pictures and carpets.

Mr. KING. Would it include hardware?

Mr. WALSH of Montana. I should say not. I doubt whether it would even include such things as stoves or kitchen utensils. But even though those should be embraced, my understanding about it is that the thing that bears most heavily upon the householder nowadays is the price of food, the retail prices of food and prices of clothing, particularly shoes. The burden of providing shoes for a family of three or four or five children is becoming something oppressive. I do not see why the investigation should be so restricted as is proposed in the pending resolution.

Mr. ROBINSON. Mr. President, I had discussed——

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. ROBINSON. Yes; I yield to the Senator from Minnesota.

Mr. NELSON. I am not opposed to the pending resolution, but I wish to call the attention of the Senate to the exceedingly limited scope of the activities of the Federal Trade Commission. So far as remedial purposes are concerned, practically the Federal Trade Commission has jurisdiction only over what may be called unfair methods of trade or unfair competition. For violations of the antitrust law they are incapable of affording any remedy, and when we come to the matter of investigation I have found that commission to be an exceedingly slow, ponderous, and dilatory body. If I remember correctly, several years ago we directed the Federal Trade Commission to investigate the Lumber Trust, and it was two years before we obtained any report from them on that subject.

The Department of Justice moves more expeditiously. When the attention of the Department of Justice is called to a particular case in which it thinks there is involved a violation of the antitrust law, it at once sends out its examiners, its special men, to investigate the subject matter and obtain the evidence in the case, so that it may be presented to the court. In that manner relief is afforded expeditiously.

On yesterday the Supreme Court announced a decision which is one of the very few that have been rendered under the law creating the Federal Trade Commission. I have not seen the decision printed in full, but I have seen an abstract of it in the newspapers. From what I there read I gather that the court holds that the Federal Trade Commission are limited so far as remedial purposes are concerned to cases involving unfair methods of competition; that in other respects they are simply what may be called an investigating body, a body with power merely to investigate and report.

I wish to call attention to the fact that the Department of Justice has not been idle. Within the last few years a great combination was formed, with headquarters at Memphis, Tenn., I think, or in that section of the country, of the hard wood lumber manufacturers. Very shrewdly they formed a combination with a view of evading the antitrust law. I never saw a more cunning scheme evolved than that. Lately, within two weeks past, I think, that case was passed upon by the Supreme Court, and by a majority of 5 to 4 the court held that the Hard Wood Lumber Trust in the Southwest was in violation of the law, and they broke it up. So from what I have seen under this administration I have great faith that the Department of Justice will prosecute the trusts and do so more rapidly than can be done under action by the Federal Trade Commission. If we are desirous of securing relief through the Federal Trade Commission, if we are to await information from them, according to the experience in the old Pine Wood Lumber Trust, I think we shall be much older than we now are before we get any affirmative results. Still I am willing that this homeopathic dose of paregoric shall be applied, but I have not much, if any, faith in it.

Mr. ROBINSON. Mr. President, first, with respect to the statement of my friend from Montana [Mr. WALSH], I desire to say that before he came into the Chamber the Senator from Utah [Mr. KING] had discussed the very point which he raised in criticism of the resolution, namely, that its scope is limited to a very narrow sphere and that the investigation which would result, if the resolution be agreed to, would be correspondingly limited. I had stated that I had no objection whatever to broadening the scope of the resolution, provided that it be so limited that the duties of the Federal Trade Commission under the resolution would not be made so burdensome as to delay unduly a conclusion by the commission. I have said that if the resolution be broadened, as was impliedly suggested by the Senator from Utah, so as to comprehend all trusts and industries which may be regarded as engaged in unfair competition, by reason of the very great work that would be entailed, little substantial benefit might be expected, and that that benefit would be too long delayed. I repeat that statement. I have, however, no objection whatever to broadening the scope of the resolution so as to comprehend other industries which the Senate may believe ought to be investigated.

With respect to the statement of the Senator from Minnesota [Mr. NELSON] that the Department of Justice acts more expeditiously and effectively than the Federal Trade Commission can act, I point out the fact that there is nothing in this resolution which raises the slightest conflict of jurisdiction or responsibility or of action between the Department of Justice and the Federal Trade Commission. The Department of Justice has a very limited number of agents and their training and experience does not relate in detail to the investigation of subjects pertaining to unfair competition. The Federal Trade Commission is

created for the purpose of making investigations of this character, and it is intended in the act defining the powers and the duties of the Federal Trade Commission that the fruits of its labors shall be available for the use of the Department of Justice in instituting or carrying on prosecutions.

The difficulty with the matter is that, wherever responsibility for action may be, little has been done; substantially nothing has been accomplished. Three years have come and gone since the armistice was signed, and yet the people of the United States have been plundered and are still being plundered by combinations in restraint of trade. Then, why should the Senate say, why should anyone in hearty and earnest sympathy with action declare, that this work shall be confined to any one officer or any one department of the Government when the Government has seen fit to create two departments and empowered them to deal with the subject?

I have already referred to the fact that the Federal Trade Commission, in the discharge of its very grave duties and responsibilities, has necessarily invited and drawn the opposition and the attacks of the great combinations that are throttling and controlling the industries of the country to the detriment of the people of the United States.

I can understand why those combinations, their agents, and their representatives should resent an effort to put the well-organized and highly trained machinery of the Federal Trade Commission upon the trail which they have shamelessly taken in secrecy and in disregard of the laws of the country, but I can not understand how anybody who wants to protect the people of the United States against the extortions which have resulted to them from combinations in restraint of trade should stay any hand or silence any voice or oppose any effort that is clearly designed and calculated to accomplish the wholesome and beneficial public purpose of exposing and bringing to the knowledge of the public the means and the instrumentalities and the methods by which they have been and are being exploited. I should like to have some Senator who takes the contrary view of the matter explain such a viewpoint.

Mr. NORRIS. Mr. President, I wish to say first to the Senator from Washington that paragraph (d), section 6, of the Federal Trade Commission act gives authority for this kind of a resolution. Section 6 outlines many of the powers of the Federal Trade Commission, and among other things it provides in subdivision d:

> Upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violation of the antitrust laws by any corporation.

So there is no question that the resolution is proper under the law.

I did not intend, Mr. President, to discuss this matter further. It may be that I am unwise in trying to add anything more to what has been said; but it seems to me that I can not let the occasion pass without saying a word or two in my weak way in defense of the Federal Trade Commission. I am one of those Senators who believe that it has justified its existence. I know there are Senators who do not agree with me, and I have a great deal of respect for their judgment and for their opinions; but, in my humble judgment, the Federal Trade Commission is one of the most fearless and courageous investigating bodies to be found under the Government. I think it has made investigations that have required much ability and a high order of courage. From the very nature of their work they will of course be subject to great criticism. I realize that the members composing the commission are human and therefore liable to err. I am not even suggesting that they are above criticism, and I am not asking that they should be held to be above criticism. They ought to be judged as we judge other men, according to their work; but judging them by what they have done, Mr. President, I think they will stand out as a shining light amongst the agencies of civilization.

They are beset with all kinds of difficulties. They are necessarily, in their work, hunting for things that are wrong under complaints that are made; and, like any investigating body, they are always surrounded by charges, at least, of fraud and illegal acts. When they begin an investigation, or, having investigated, take a position as to the facts in any particular case applying to the great corporations and trusts of the country, of course they will be criticized, of course they will be condemned, and from sources that are the most powerful that can possibly exist in this or any other Government.

As the Senator from Utah [Mr. KING] has said, we are confronted now with a condition that is startling and remarkable. While we might overlook some things of an illegal and profiteering character that occurred during the war, notwithstanding more than three years have passed since the armistice was signed, we still are suffering from such illegal practices and from such unconscionable profiteering on the part of a great many institutions, corporations, and individuals; and, as the Senator from Utah has said, there seem to have been no prosecutions that were successful in punishing these great combinations that are violating the law, as everybody must know, every day of the year.

Mr. President, I regret to say that I believe all that is true. I am sorry that more profiteering rascals have not been brought to justice and confined in the penitentiaries; but it seems to me that that is no reason why we should give up making investigations. That is no reason why we should not put the investigating body of this country to work getting the facts and exposing them to the public. If courts will not convict and prosecuting officers will not act, the public sentiment of the country will bring about relief if you will give publicity to the illegal acts of profiteers; and at least this investigation will bring publicity if made by the Federal Trade Commission.

I am not detracting in any respect from the work that is being done by the Attorney General. I would not weaken his hand in any way; and I would not support this resolution if I did not believe that it can go along in assistance and coordination with the action of the Attorney General, rather than having any bad effect upon his efforts. It will expedite them; and even if no prosecution ever results, an investigation by the Federal Trade Commission that places the facts before the people is bound to have a good effect. If we are to go on and if there are to be no prosecutions, if nobody is to be punished for profiteering and robbing the people of our country, then we are brought back to the fact that we have only one remedy, and that is public sentiment; that is publicity. That, at least, is what this investigation will bring forth, if nothing else comes from it.

Mr. HEFLIN. Mr. President, I think this is a very good resolution, and I think the Federal Trade Commission has done a great deal of very good work. I am sure, as has been said by other Senators, that there are some concerns in the country that have been investigated by the Federal Trade Commission that would like to see it put out of commission.

Mr. President, I should like to amend the resolution by adding to it a new section in the following words:

> SEC. 2. *Resolved further*, That the Federal Trade Commission be, and it is hereby, authorized and directed to investigate the conduct of the cotton and grain exchanges of the United States with the view of making such recommendations to Congress as in its judgment the facts obtained warrant.

Mr. President, on yesterday cotton went off a cent a pound on the New York Cotton Exchange. It lost in one day a cent a pound. That amounts to $5 a bale. On yesterday on the Chicago Grain Exchange wheat lost 7½ cents a bushel. There seems to be in the interest of the farmers no restraining power anywhere just now. The Government sits with folded arms and closed eyes and sealed lips while the farmers of the South and West are pillaged and plundered in this fashion. The New York Cotton Exchange, as conducted to-day, is a gambling institution. The Chicago Grain Exchange, as run to-day, is a gambling institution.

We passed a law to regulate the New York Cotton Exchange, known as the cotton futures act, but it seems that they have learned how to get around that law; that they have learned how to evade its provisions and carry on their gambling schemes as they did formerly. We passed not long ago an act regulating the grain exchanges, and it seems that they have already learned in the brief time of a few weeks how to evade its provisions. Wheat breaking 7½ cents a bushel in a day! There is no justification for that; and we are told that the reason of that was the failure of one banking institution out of thousands and thousands of banks in the United States.

Why should the farmers of the West be gagged and tied in this fashion by the grain gamblers of Chicago? Why should they be permitted to be pillaged and plundered in this fashion? In this country of ours—this great, rich, resourceful Republic of ours—the failure of one bank or half a dozen banks ought not to cause a break of 7½ cents a bushel in the price of grain on an exchange in a day. It was a gambling transaction, pure and simple, and ought not to be tolerated.

Are the farmers of the West to be forced to submit to this sort of thing? Congress is in session. Our Republican friends have a majority in the House of over 160 and a majority in this body of 24 and a President of their faith in the White House. You control all of the instrumentalities of the Government, and in spite of that this gambling revelry goes on.

A bank broke in Chicago yesterday, I believe, or the day before. Banks fail in the South and in the West, in the two great agricultural sections of the country, but they are not breaking on Wall Street. Why? Because your Federal Re-

serve Board, which is under the control of the Republican Party, is permitting Wall Street to have all the money it wants at 4½ per cent, and is charging the West and the South 5½ per cent. If the collateral offered by the West is good, if the collateral offered by the South is good, it is just as good as the collateral of Wall Street; and if it is fair and just to lend money in Wall Street to speculate in cotton and grain for 4½ per cent, it is fair to lend it to the farmer in the South and the farmer in the West to hold his grain for a fair and reasonable price. That is not being done, however, and yet we do not hear any protests being made by Republican leaders, either by the President or by his leaders in this branch or in the other branch of Congress. How long must our farmers submit to this character of robbery? How long must they be outraged and robbed by the gamblers on the grain exchanges and the gamblers on the cotton exchanges?

Mr. President, we have time for everything else. I see that the newspapers of yesterday say that it is very necessary to hurry up the appointment of a Senator from Pennsylvania; that he must be here in time to vote to seat Mr. Newberry. Two New Yorkers contributed $25,000 each to the campaign fund of Mr. Newberry. Mr. Newberry has cast several votes in this body looking right along to the protection of the interests of the profiteers, against the soldiers' adjusted compensation for the men who saved our flag on a foreign battle field; and while the grain gamblers of Chicago are beating down the price of the farmer who toiled to produce the wheat to feed the world these Republican leaders are not crying out through the newspapers against that. Those in authority are not giving out statements against that sort of thing. No protest comes against the beating down of the price of cotton and grain, but they are giving out statements to the effect that a Senator will be appointed in Pennsylvania within the next few hours to be here in time to vote to seat Mr. Newberry in this body!

Mr. President, now is a good time for the governor of Pennsylvania to say that he will not appoint any man as Senator unless he says he will vote against seating Mr. Newberry. If the American people could vote upon the question as to whether or not Mr. Newberry should have a seat in this body, I do not believe a million of them out of thirty million would vote to give him a seat in this body, bought like a seat on the stock, grain, and cotton exchanges.

Ah, Mr. President, cotton to-day is selling below the cost of production. The grain producers of the West are gloomy, sad, and despondent. They are not getting the cost of production for their products. The great grain-producing West and the great cotton-producing South can see no hope of relief. Nothing is being done by the party in power to relieve them from the evils of gambling in farm products. The grain-gambling exchange in Chicago is fleecing the farmers of the West. The cotton exchanges of New Orleans and New York are fleecing the people of the South, and Wall Street and other special interests are insisting that Newberry be seated in this body.

Mr. President, they are carrying on quite a propaganda now against the putting of one farmer, out of all the millions of farmers in the United States, upon the Federal Reserve Board. The law now provides that two bankers at least shall be on that board, and they are there; but when we ask that the interests of agriculture have one they criticize the agricultural bloc; they denounce us as attempting to pass class legislation. They did not say anything about that when we put two bankers on. I do not object to having two bankers on the board. They said, "If you put one farmer on, industry will want one." All right; I would not object to that. They said the manufacturers of the country would want one, and commerce would want one. I would have every big legitimate interest represented on that board, because if the industrial enterprises are in a critical condition and need money or credits and six members of the board did not understand the situation and were to vote against giving them aid this member who knows industry might be able to convince the other six. If not, he might be able to go to the President and ask the President to interfere and see that industry had a fair deal. It will be the same way with commerce. The banking business would be in the same situation. They have two. Why not let agriculture have one member on that board? But a bitter fight is being made against it.

I am anxious to see how Senators in this Chamber are going to vote on that question, and they are going to have an opportunity to vote very soon on it, as to whether or not the great agricultural interests of this country will have one man, just one man, who is a practical farmer upon that board, or whether they propose to keep the agricultural interest shut out, as they seem now to want to shut it out of everything else where there is any profit making going on.

Mr. President, the International News Service has a statement to-day from Detroit from Mr. Newberry, as follows:

DETROIT, *January 4.*

Senator Truman H. Newberry has no intention of appearing before the United States Senate to answer the Henry Ford slush charges, and will not do so unless asked to by his friends. He said to-day, "I am very willing to talk if asked."

Mr. CARAWAY. Mr. President, is that the Newberry whose seat is being questioned here?

Mr. HEFLIN. It is.

Mr. CARAWAY. Has he actually found out that there was an investigation?

Mr. HEFLIN. This article I am reading from indicates that they told him.

Mr. CARAWAY. That is a good deal more than he ever knew about his campaign. He did not know the primary date within a month.

Mr. HEFLIN. No; he appeared to be very innocent of all that was going on up there. He had no information about it; but I do not think he deceived anybody but himself. I do not think he deceived any of our friends on the other side, who think they are going to vote for him, and they have not read the record and do not know the case. I suppose a few will do that, but I invite them to read the speech delivered by the able and fearless Senator from Iowa [Mr. KENYON]. If any Republican on the other side has any doubt about the guilt of Mr. Newberry in connection with the barter and sale of a seat in this body, I invite him to read that speech. Not a man in this body can answer that speech.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Alabama yield to the Senator from Utah?

Mr. HEFLIN. I gladly yield to my friend from Utah.

Mr. KING. I think the Senator is expecting too much if he anticipates there will be any general familiarity on the part of many of the majority with the record in this case. The Senator doubtless has observed in the newspapers that frantic efforts are being made to secure the appointment of a Senator at the earliest possible moment to succeed our lamented friend, Senator BOIES-PENROSE.

How could it be expected, when we are to vote early next week upon this question, that a man could come here to the Senate, familiarize himself with this record, and vote intelligently and honestly? A judge who comes into a case which has been argued would never dare to sit or to join in any opinion. He would want to read the record and would have to have the case reargued before he would render a judgment or join in any opinion in the case. We are sitting as judges, and yet, if the newspapers are to be believed, a Senator is to be rushed here from Pennsylvania for the purpose of sitting upon the bench as a judge to decide this case, without any possibility of familiarizing himself with the record or ascertaining what the facts are.

Mr. HEFLIN. That is the situation.

Mr. KING. That fact illustrates the purpose, the conduct, the attitude of some with respect to this case. It will be decided not upon its merits, it would seem, not upon the evidence, not upon the facts as they were disclosed in the trial of the case in Michigan and before the committee, but along a mathematical line which may be drawn, which is presumed to divide Democrats from Republicans. Such a performance would not be creditable.

Mr. HEFLIN. I thank my friend from Utah.

Mr. CARAWAY. It seems to me, if the newspapers may be relied upon, that one of the qualifications for this new Senator who is to come from Pennsylvania is that he shall commit himself in advance of coming here to vote to enable Senator Newberry to keep his seat. It seems that the administration is making a demand upon the governor of Pennsylvania that he furnish this body with a Senator who will supply one more vote for Senator Newberry, not that he will investigate and know what the facts are but that he will come here bound by a preappointment pledge to vote to seat Senator Newberry. I venture the assertion that there is not a man who is going to vote to seat Senator Newberry who has ever read 300 pages of the 2,000 pages of the record. There is no man living, with the character which enabled him to be elected a Member of the Senate, who will acquaint himself with the record and then vote to keep Senator Newberry in his seat.

Mr. HEFLIN. I thank my friend from Arkansas for his interruption and suggestion in this matter. I agree with him, Mr. President. I do not believe there is a man on the other side, not one, who will read the testimony in this case, and then vote to seat Mr. Newberry.

This is a serious question, Senators. This is the most important issue that will come before this body during this session of the Senate, because I remind the Senate and the country again, if the day has come when seats in this body have become a matter of barter, then the people will not be represented in this body until the situation is changed.

Senators, there is a lot of unrest in this country. I do not know whether a very great many of you Senators over there know that or not, but there is more unrest amongst the masses of this country to-day than there has been since I can remember, and I want to tell you that this opinion prevails amongst them, that the money interests of Wall Street are in control, and they are not by themselves in that opinion, either. I share it with them.

The Federal Reserve Board, which controls the volume of currency and the credit of the country, can deflate or inflate at will, and I prove my case when I say one bank in Wall Street can borrow more money than all the banks of the South and all the banks of the West at one time. What more proof do you want that Wall Street is in the saddle? If Wall Street can get a rediscount rate of 4½ per cent and the West must pay 5½ and the South 5½, what more proof do you want than that that Wall Street is in control? Now they come with a Senator, with a man whose seat was bought. Senators, that is an ugly charge, that a seat in this body has been bought. The Senator from Ohio [Mr. POMERENE], in a speech to which I referred in the long speech I made about six weeks ago, told us of how the people of each sovereign State would go up to the great civic wardrobe of its sovereign household and open the door and take out the senatorial toga and put it, with its love and blessing, upon the shoulders of a worthy son as a gift from the heart and brain of the people of the State. Then he drew a picture of a man building a stairway with gold dollars leading up into that wardrobe and taking the toga down and putting it on his shoulders as something bought at a bargain counter, and that it then became a dirty and filthy rag, and he is right about it.

I would not have the temerity, I would not have the gall, I would not have the unmitigated nerve to occupy a seat on this floor after such testimony had come out against me as has come out against this man Mr. Newberry.

I commented upon the fact that the minority members of the committee investigating his case asked the majority to send for him and bring him before the committee, and that the majority refused. Think of that, Senators! I also said that was the first time I ever heard of a Senator asking for a witness to be produced and having his request denied by the majority of the party in power. Why not bring this man before the committee? Why not invite him to come and tell whether or not there was any taint or cloud upon his title? But they said, "No; we will not invite him," and they did not. He did not appear in court to testify; he did not appear before the committee and testify. The committee did not invite him to testify. He has not opened his mouth in this body, and yet those in power of the majority party, we are told, are waiting for the burial of a dead Senator to name a man to come here who will promise in advance that he will vote to give Newberry a seat in this body. My God, what are we coming to?

Mr. POMERENE. Mr. President, the Senator has just stated that the committee did not invite Mr. Newberry to appear. It would be entirely accurate to say that a majority of the committee would not invite him to appear. The minority wanted him to appear, and asked that he be invited.

Mr. HEFLIN. I thank my friend for that correction. The majority members of the committee refused outright to invite him to come before the committee after being requested to do so by the minority.

Mr. KING. Mr. President, if the Senator will permit, I should like to suggest that the record shows that notwithstanding the damning testimony which was introduced, which conclusively established that Mr. Newberry knew of the expenditures made, was a party to them, organized the committee, put up very much of the money that was expended—that is, it was drawn from his account—notwithstanding all that evidence before the committee, his attorneys, doubtless associating with him and conferring with him, announced to the committee that they would not call Mr. Newberry and Mr. Newberry would not testify. It shows conclusively that Mr. Newberry and his counsel either determined that the Senate was so partisan that no evidence in the world would unseat him or deny him his seat or that if he took the stand and submitted to a fair and legitimate cross-examination the evidence against him would be stronger than that which was already submitted.

Mr. HEFLIN. Mr. President, the Senator from Utah is correct in his conclusion. A majority of the committee must have known, as his lawyers knew and he knew, that it would not do to subject him to cross-examination. It is suggested to me by my friend the Senator from Florida [Mr. TRAMMELL] that if Newberry had testified, then other witnesses might have been summoned to dispute or refute the statements made by him before the committee.

So this mysterious man of millions is hedged about by the Republican Senate of the United States. Shame upon the party in power! I do not care whether it is a Democrat or a Republican, no man has any right to a seat in the Senate whose title is covered all over with dollar marks.

Mr. POMERENE. Mr. President, will the Senator yield for a suggestion right in that line?

Mr. HEFLIN. I am glad to yield to my friend from Ohio.

Mr. POMERENE. When the criminal case was tried in Grand Rapids, he had the assistance of the ablest, shrewdest attorneys in the country, and presumably they did what they thought was for the best interests of their client. Some of the codefendants who were jointly indicted with Mr. Newberry were put on the stand to testify in behalf of Mr. Newberry. I assume that counsel put them on the stand because they thought it would be for Newberry's best interests that they go on the stand. It likewise follows that they must have thought it would be for Mr. Newberry's best interests for them to keep him off the stand.

Mr. HEFLIN. I thank my friend from Ohio for that very valuable suggestion. He is entirely right about it. Of course, after conferring with Mr. Newberry they doubtless said that to him, after he had made a full and free statement to his counsel, as I presume he did, though he has been as silent as a tomb since that and we can not get anything out of him. I presume he told his counsel just what he knew about it, and I think that his counsel told him, "You must not go upon the witness stand," and he did not go. He did not come before the committee and he has not been before the Senate.

Senators, there are some strange things going on in the campaign to have this man seated in this body. I regret to see it. I regret it for the good of my country and in the interest of honest and clean politics. I indorsed the Senate's act in unseating a few years ago a Democrat from Montana, and I indorsed the unseating of a Republican from Illinois. There ought not to be any politics in this body when a man comes in here with bought credentials. We ought to stop him at the threshold. Every Member of the Senate ought to stand with drawn sword and let such a man see them glisten with their determination and indignation as he undertakes to come in here with a certificate obtained by the lavish expenditure of money.

Mr. CARAWAY. Mr. President, merely as one of the strange things that have happened, the attorneys for Newberry decided that he ought not to testify and the majority of the committee happened to have reached the same conclusion. Whether there was a consultation between them is merely a matter of speculation and conjecture.

Mr. HEFLIN. I know that he did not appear, as I said a moment ago, before the court in Michigan, and I know that he did not appear before the committee down here. I know that the minority members of the committee asked that he be produced, and I know that the majority members of the committee declined to produce him. I know that he did not produce himself, and I know that he has never appeared on the floor of the Senate to open his mouth in this case. Yet the party machinery of the Republican Party is at work, not to give relief to the agricultural interests of the West and the South, but to seat Newberry.

Oh, Senators, before a deceased Senator is laid away for his final rest, they get a promise out of some one that he will come here and vote to approve the bartering of seats in this body, because that is what it is.

Let me remind you of a piece of testimony. I had overlooked it in reading the nearly 2,000 pages of testimony. The Senator from Arkansas [Mr. CARAWAY] reminded me of it. An ex-mayor in the State of Michigan was approached by Mr. Newberry's manager or a man working for him and asked to support Mr. Newberry. He said that he was against Newberry. I believe that is what he first said.

Mr. CARAWAY. And that he would not be for him.

Mr. HEFLIN. Yes. One of them remarked: "You can not get this man with money," or words to that effect. "Let me talk to him." He talked to him. He said to the ex-mayor, "You have been convicted of crime, haven't you?" "Yes." "Your case has been appealed to the higher court, hasn't it?" "Yes." "Well, we stand in with the powers that be." That is the substance of what he said. Listen to this, Senators: "If you support Newberry we will have your case reversed and

you will keep out of the penitentiary. If you do not, you go to the penitentiary."

My God, what a shame, what a shame! A man whose rights are involved in the courts of the land is approached by the campaign managers of a man running for the United States Senate, and the poor unfortunate fellow is told, "We will keep you out of the penitentiary, or put you in the penitentiary, according to your conduct in the Newberry campaign."

What did they say to him? They said: "We will know whether you support Newberry or not, because we know what influence you have in this town. When the vote is cast, if Newberry carries it, we will know you were for him. If he loses it we will know you were against him."

In substance they meant, of course, "If he carries it, you stay out of the penitentiary, but if he loses it you go into the penitentiary." In other words, they said "Unless you become a party to making barter of a seat in the United States Senate, we will send you to the penitentiary, but if you do become a party to bartering this seat, like a commodity in the market place, we will keep you out of the penitentiary."

Now, what happened? This man walked out and called up some of his lieutenants, warm friends of his, and said, "Boys, it is to my interest for Newberry to carry this town. I guess we had better support him. My case is involved, and here is what they have told me." They got the vote of that town just through that sort of performance. Are Senators going to vote to seat a man with such acts as that along in his trail?

The papers tell us that a new Senator will come from Pennsylvania and will be appointed in time to come here and vote to seat Newberry. What a thrill of joy it would send throughout the Nation if the governor of Pennsylvania were to say, "I will not appoint any man who will vote to seat Newberry. I am not going to become a party to making barter of seats in the United States Senate. I know what it means. If they can buy 49 seats in that body, which is a majority, why they can pass bills by unanimous vote in the House if they choose, but they will never get through that rendezvous of privilege, that place which belongs to the money interests." That is what could be said then.

Senators, this is a very serious question. If this crime is perpetrated against the American people, they may well tremble for the safety of their country. Selling seats in the United States Senate! A man himself charged with the crime of buying seats! Two hundred thousand dollars they have admitted were spent in the campaign for his seat in this body. They spent a quarter of a million and perhaps more. Now, what happens? We asked to see the bank books. We asked to see the stubs of the checks. We asked to see the checks themselves. They have destroyed them, every one of them. That is a circumstance itself which stamps them all over with guilt and crime. They had them. We want them. Where are they? They say they have been destroyed. Yet we find enough to trace more than $200,000. I believe if we could have gotten all those books and documents, checks and stubs, we would have found that they spent over $500,000.

What did the Republican lieutenant governor of Michigan write to Mr. Newberry? He said:

> They are spending anywhere from $250,000 to $500,000 in your campaign.

Newberry never denied that. But the checks are gone, the stubs are gone, the documents are all gone, the books were burned, and Mr. Newberry has never opened his mouth to explain.

Senators, could a poor man do that? Would the Senate, or any majority of it, permit a poor man to come here and sit with sealed lips and folded arms and refuse to testify before a committee or to testify before the Senate, and then have his partisan friends rise up and vote him in anyhow? Oh, no. Why, they would have had such pressure brought to bear on him that they would have made him testify or he would have been kicked out long ago. Now, why is this? Is it because this man's financial connection is so great? Has he contributed so much to the campaign funds of the Republican Party that you dare not vote against him? What is it? I say again, what sort of times have we fallen upon?

Mr. CARAWAY. Before the Senator leaves that phase of the matter I wish, if he knows, that he would tell us why the administration, why the President of these United States, should want to make the governor of Pennsylvania promise to appoint a man only who would vote for Mr. Newberry? They have a majority of 22 on the other side of the Chamber. Michigan is said to be safely Republican. They could elect another Republican, no doubt. What is there about this that the administration should try to tie the hands of the sovereign State of Pennsylvania, not asking for a man of intelligence, not asking for a man of character, but asking for a man who will foreswear before he comes here that he will cast his vote for a certain man to retain his seat in the Senate? What is the reason?

Mr. HEFLIN. My friend, it is too deep for me. I have my opinion as to the reason. I have hinted at it mildly. I will ask the question again.

Mr. WADSWORTH. Mr. President, will the Senator yield to permit me to ask a question?

Mr. HEFLIN. Certainly.

Mr. WADSWORTH. Is the Senator convinced that the newspaper article to which he referred is true?

Mr. HEFLIN. I have not heard anybody deny it.

Mr. WADSWORTH. I asked the Senator the question. Is he convinced that it is true?

Mr. HEFLIN. I believe that the article is true; that the Republican machinery is working to seat Mr. Newberry, and I am not surprised that they are asking that a Senator be appointed to vote for him.

Mr. WADSWORTH. And the Senator believes and asserts that the administration—that is the phrase he used—is seeking to impose that condition upon the governor of Pennsylvania?

Mr. HEFLIN. I will ask the Senator from New York if he does not believe that is true?

Mr. WADSWORTH. I do not.

Mr. HEFLIN. Does not the Senator from New York believe that they want a Senator appointed who will vote for Mr. Newberry?

Mr. WADSWORTH. I do not think that any such condition is placed upon the appointment of a Senator.

Mr. HEFLIN. Then, the Senator denounces this article in the newspapers as being untrue?

Mr. WADSWORTH. I do.

Mr. TRAMMELL. Will the Senator from Alabama yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Florida?

Mr. HEFLIN. I am glad to yield to my friend from Florida.

Mr. TRAMMELL. I should like to inquire of the Senator from New York why all this haste on the part of the administration, so alleged by the press——

Mr. WADSWORTH. "So alleged."

Mr. CURTIS and Mr. SMOOT. "So alleged."

Mr. TRAMMELL. Before the lamented Senator PENROSE has even been buried——

Mr. WADSWORTH. I am not aware of any such haste.

Mr. TRAMMELL. To have a new Senator here within 24 or 48 hours.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kansas?

Mr. HEFLIN. I yield.

Mr. CURTIS. I venture the statement that the administration has taken no action in this matter in any way, shape, or form.

Mr. SMOOT. Nor has anybody else outside of the State of Pennsylvania.

Mr. CURTIS. Nor has anyone else outside of the State of Pennsylvania. There has been no effort made to have a Senator appointed and take his seat to vote for Mr. Newberry or for any other purpose. Senators have no evidence upon which to base their statements that the administration, or anyone for the administration, has taken any part whatever in this matter.

Mr. CARAWAY. I wish to say to the Senator from Kansas that the governor of Pennsylvania came out in an interview stating that he had refused to be coerced into making the appointment inside of 48 hours. May we not believe anything at all that we read in the newspapers?

Mr. CURTIS. There are many things which we can not believe, for there is a great deal of guesswork going on.

Mr. CARAWAY. This was not guesswork. The newspapers quoted an influential Member of this body as having gone to the White House to see the President and to urge upon him the necessity of doing this thing. Newspapers report the governor of Pennsylvania as saying that he was not willing to do it, that he was not going to be coerced to act within 48 hours.

Mr. CURTIS. Mr. President——

Mr. CARAWAY. Wait just a moment. Neither the Senator from Kansas nor the Senator from New York was quoted as being a party to the proceeding; yet they rise at this late hour to deny it; but, like Senator Newberry, all of the parties whose names were mentioned are silent.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kansas?

Mr. HEFLIN. I yield to the Senator.

Mr. CURTIS. I state again—and I think from the position I occupy in the Senate I know about what is going on—that the administration has never turned its hand one way or the other in this matter.

Mr. CARAWAY. I want to ask the Senator a question. The Senator knows that these conferences have been held touching the vote on the Newberry case?

Mr. CURTIS. No; I do not.

Mr. CARAWAY. The Senator said he knew what was going on in this body.

Mr. CURTIS. I said I knew what was going on on our side of the body.

Mr. CARAWAY. Does the Senator know what conferences have been held on his side with reference to the Newberry case?

Mr. CURTIS. I know nothing about conferences between individual Senators; but I know there has been no effort made on the part of the majority organization in the matter to which reference has been made.

Mr. CARAWAY. Oh, then, if the Senator does not know what happens with reference to the consultations in his own membership on his side of the Chamber, how can he speak for the governor of the State of Pennsylvania?

Mr. CURTIS. I know this much——

Mr. CARAWAY. But the Senator is not telling it.

Mr. CURTIS. That all that has been said about the administration taking part in this matter is without foundation.

Mr. CARAWAY. Oh, I reckon when the President gave out his interview and said the mainland of Japan was not included in the four-power treaty the Senator knew that he was just joking about it, but the President did not find it out until the next day.

Mr. CURTIS. I do not know anything of the kind. There are some other people who hold the same opinion.

Mr. CARAWAY. Who believed the President was merely joking?

Mr. CURTIS. No; that the mainland of Japan was not included.

Mr. CARAWAY. The commissioners who negotiated the treaty said it does include the mainland; but that is foreign to this case. I want to say this: I do not know whether the newspapers tell the truth or not, but they have told in this instance a very circumstantial story, and have repeated it over and over again. They have given the names of Senators who called on the President and demanded that this be done, and they have given the interview with the governor of Pennsylvania relative to the matter. As suggested by the Senator from South Carolina, now and then one may rely upon a newspaper. I know that I am as willing to accept the statement of a newspaper in the Newberry case as I am the statement of a member of the committee of the Senate who would not let Newberry himself tell whether or not he bought his seat.

Mr. HEFLIN. Mr. President, as I said at the outset, this is a very important case. Senators on the other side are now beginning to realize that. I wish to ask Senators on the other side this question: If the President has not taken any hand in this matter, why has he been to the theater and had Mr. Newberry in box parties with him? Why has he had Mr. Newberry in the White House to dine with him while this indictment against him is pending in the Senate? I ask my colleagues on the other side of the Chamber if they do not think the best interests of the country demand that the President shall call on his partisans in this body and ask them to vote to turn this man out; to meet the issue squarely? What is the attitude of the President? He is within a little more than a mile of this Capitol. A seat in this body has been bought; this seat from Michigan has been purchased for a price. The expenditure of $200,000 has been admitted; the lieutenant governor of the State told Newberry in a letter, "You are spending from a quarter of a million to a half million in your campaign"; and Newberry has not denied it. The ex-governor of Michigan, Mr. Osborn, said to Newberry in a letter, "If you deny you know about this expenditure you are a liar and an ass." In the face of these two statements from high Republican officials, what attitude has the President assumed in this case? I propound that interrogatory to my friends on the other side.

When the soldiers' adjusted compensation act was pending in this body and was on the calendar ready for passage, the President took a stand; he came up here and read a message from the Vice President's desk and put that bill to sleep; it was killed, although 500,000 soldiers, who had saved the life of the Nation, were walking the streets without employment, half-clad and hungry.

The President could have a hand in that. The big interests in Wall Street said, "Away with the bonus; we will not have it;" and they killed the adjusted compensation act. I call on the President to take a stand now, and unless he does take a stand against Mr. Newberry, he is bound to acquiesce in the action of the Senate if Mr. Newberry is seated, because the President knows what is going on here.

He came here and told us what to do in connection with the soldiers' adjusted compensation act. Why can he not get in touch with us now and denounce the sale of seats in this body? "I call upon you, in the name of clean and honest politics and against the baneful influence of money in senatorial campaigns, to ask that this man be turned out." Why does he not do that? The best interest of the whole country demands it.

Mr. CARAWAY. Mr. President——

Mr. HEFLIN. I yield to my friend from Arkansas.

Mr. CARAWAY. I recall the President having taken part in the debate in the other House in connection with the question of whether the surtax on large incomes should be 50 per cent or 32 per cent or a compromise of 40 per cent.

Mr. HEFLIN. That is another instance of the intervention, Mr. President, of the President in a matter pending in Congress; and my good friends on the other side are excited just now. I do not blame them, for this is the livest wire they have had hold of in a long time. The American people will not stand for the selling of seats in this important body, and it is the duty of every Senator here to fight to the death to protect this body from the corrupt use of money.

Our boys did not falter in the Argonne Forest; they did not falter at Chateau-Thierry, or on other battle fields. Thousands of them died riddled with bullets, standing by the honor of the flag and their own honor. Are we going to falter here? Are we going to permit this dastardly thing to be done in this body? There was not enough gold in Germany to buy these boys to betray their comrades or prove false to their country. Against every invitation offered by corruption and against everything that suggested cowardice and dishonor they stood true to their convictions, true to the honor and the integrity of the Republic for which they were fighting and for which they were willing to give their lives.

What is it that causes Senators on the other side to rally to the support of this man who has bought his seat in this body? I ask that question. Suppose a soldier had said that a man over there representing us had sold out to the Germans, had betrayed his country, had done a contemptible and cowardly thing, do Senators think they could have bought the judgment of our officers who had to try that case? Do they think they could have brought any influence to bear that would have made those in authority acquiesce in the betrayal of their country, in doing a criminal act? Not for one moment. Then, what is it that is going to influence the other side to seat this man? I ask that question again. There were expended $200,000; such a tremendous expenditure has been admitted, although it is twenty times the amount the Federal statute said could be expended in a senatorial campaign. The State of Michigan provided that $3,750 might be expended in a senatorial campaign. This man entered upon his campaign with the understanding from Paul King that it would cost him at least $50,000. When he did that, right then he became a criminal in his heart. Why?

Because he was going into something which meant the violation of a State statute in Michigan; he was going into something which meant the violation of a Federal statute. Then they spent $50,000 more, and then $50,000 more, and then $50,000 more, and how many more thousand dollars we are unable to tell, because they rubbed out their tracks and quit counting after $200,000 was admitted. When we said, "Bring in the books," they said, "They are lost." Then, when we said, "Bring in the checks and the stubs and the documents," they said, "They have been destroyed."

Where is Mr. Newberry? He will not testify. "Bring him in," but the answer is made known, "We are not going to bring him in." "What are you going to do?" "We are going to recommend that he be seated." That is what the majority in the committee have done. Senators, again I say that if this crime is perpetrated here we have certainly fallen upon strange times. We can not put through an adjusted compensation act for the soldiers, 500,000 of whom are homeless, foodless, and half clad. In Cleveland, Ohio, at a theater there was taken up a collection of old coats which were stacked on the stage. The announcement was made that they were ready to be distributed, and soldiers who had been mid shot and shell on the firing line in France walked down the aisle in a theater in their own country and each one took an old coat and walked away. Such a spectacle is enough to touch the heart of a man of stone; it is enough to bring tears to the eyes of the most hardened in all the land.

The farmers of the West are crying out every day that the price of their products are below the cost of production. You do not hear of anything being done for them. The cotton producers are selling their cotton below the cost of production, but nothing is being done for them. Wall Street gets money at a rediscount rate of 4½ per cent; the South and West must pay 5½ per cent. There is no demand from you for fair treatment for agriculture, but Newberry must be seated. The decree has gone forth. The money interests, the corrupt money interests of America, demand it. Special privilege cries out for it. It must be done, we are told.

Why not let him testify? "No; we might hurt his feelings." Well, if his hide is as thick as it appears to be from all the things that have been said in public and in the testimony published in these hearings, I do not think it would hurt his feelings much. I think he is afraid of the facts that would be brought out.

Mr. President, in the statement issued this morning he said:

I am very willing to talk if asked.

That indicates something wrong again. The majority of the committee would not ask him to come before them. Now he intimates that he would have been willing if they had asked him. Why are they throwing that screen around this man? Why is it that this mysterious man of millions is being thus shielded and protected?

I think, as was suggested by my friend from Ohio [Mr. POMERENE], that his lawyers in Michigan told him: "The best thing for you to do is not to testify. Keep your lips sealed." Now, after the case is closed, and the majority, without his ever testifying, has recommended that he be seated, away off up in Detroit he gives out a statement that he "would be willing to talk if asked"! Does not that make the majority members feel mighty good? He says, "What is that? They want me to testify? Why, I should be delighted to testify if they asked me." Is that what he means?

Mr. President, I said in my speech six weeks ago that I wanted him to testify. I said it was rumored that they would bring him in here at the last moment and think that he could make a prepared statement and get away with it, but that if he came I intended to ask him questions, and other Senators would ask him questions. They will not all be on this side, either. Senators on the other side from Wisconsin, from Idaho, from Iowa, and maybe from Kansas, and maybe from Ohio, and maybe from other States that I could mention, will ask him some questions. Now I learn that later in the day he issued another statement in which he said that if his friends wanted him to, he might make a statement, and it would be a prepared statement.

Mr. President, he is not going to get away from here with any prepared statement. I want to say that to Senators now. He has a right to decline to be questioned, but he can not deny another Senator the right to propound those questions in a speech after he is through, while he sits in his seat and listens to it. A thing like that might be worked in a ward-heeler's court, where "the powers that be" are controlled by the corrupt interests of the locality; but it can not be worked in the United States Senate. Thank God, there are some on both sides of this Chamber to condemn this crime and call it by its right name! You have the majority of votes here, what are you going to do in this case?

In another place he says:

I know nothing of this matter except what I have read in the newspapers, and I doubt that their version of the situation in the Senate is correct, for if it was my friends would have informed me.

Can it be possible that the other side is afraid to talk to this money king? Can it be that Senators in this body, representing the sovereign States of this Union, are afraid to approach this man and say: "Look here, I have taken an oath to support the Constitution and to defend it from enemies, both foreign and domestic. If you are guilty of buying this seat, you come under the head of a domestic enemy, and I can not vote to seat you unless you convince me that this seat was not bought by you or for you. Now, what do you say?" He says: "I decline to talk."

How long would it take a Senator to make up his mind how he was going to vote if that were to happen? Are you going to ask him that? Are you going to permit him to be seated without ever having him say anything? What is the attitude of Senators? What is going to be the judgment of this body when the final vote comes?

I am quite prepared at all times to do whatever my friends in the Senate advise.

That was this morning. I understand that later on in the day he gave out another statement that if advised or invited he would come, but he would read a prepared statement. Are you going to invite him to come? We are told that he says here that if you invite him to come he is ready.

Senators, it is up to you. They can take him in a box in a theater with the President; they can dine him at the White House and undertake to give him standing in the eyes of the Nation, but in the light of this evidence it can not be done. You are not going to get away from this issue. No more vital question will ever come before this body than that of protecting the honor and integrity of the Senate and safeguarding the rights and liberties of the American people by keeping out men who buy their seats.

Mr. KING. Mr. President——

Mr. HEFLIN. I am glad to yield to my friend from Utah.

Mr. KING. I have received within the past four days several letters from Michigan which call attention to what is alleged to be a fact, that four or five men who were indicted with Newberry have already been rewarded with appointments at the hands of the President of the United States. They have not yet been confirmed, I am told. If that information is true, I think we may have something to say when their names come before the Senate for confirmation.

Mr. HEFLIN. Mr. President, my friend always makes a valuable contribution to any discussion in this body. If the President of the United States did not have anything to do with this case, as asserted by my good friend from Kansas [Mr. CURTIS], of whom I am personally very fond, why is the President himself appointing to office men who were jointly indicted with Mr. Newberry for corrupting the voters of Michigan and doing an unlawful act in obtaining a seat in this body? If that is not rewarding them, if that is not helping the cause along and countenancing Newberry's purchase of a seat, pray tell me what it is?

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New York?

Mr. HEFLIN. Yes; I yield to the Senator.

Mr. WADSWORTH. Does the Senator state that anybody who has been convicted of a crime in this connection has been appointed by the President?

Mr. HEFLIN. The Senator heard the interruption made by the Senator from Utah. I accept his statement.

Mr. KING. Mr. President, if the Senator will yield to me——

Mr. HEFLIN. I am glad to yield.

Mr. KING. The Senator from Utah used the word "indicted." He did not say "convicted."

Mr. WADSWORTH. There is a vast difference; is there not?

Mr. KING. Yes; there is a difference.

Mr. WADSWORTH. What is the significance of the Senator's remark, then—that because a man who has once been indicted and was not convicted later received a public office there is anything wrong about it?

Mr. KING. Mr. President, is the Senator addressing himself to me? I am trespassing upon the time of the Senator from Alabama.

Mr. WADSWORTH. I merely wanted to have the thing accurately stated.

Mr. HEFLIN. I am glad to yield for that purpose.

Mr. WADSWORTH. Some might gather the impression that men who have been indicted on a charge of crime can not be appointed to office. I think that is not the case. There were something like a hundred men, I think, indicted, but very few were convicted.

Mr. KING. I am not sure as to the number who were convicted. The information which I attempted to impart—and I think I did—was that within the past three or four days letters had been received by me from Michigan to the effect that four or five persons—and I do not carry the number in my mind—who had been indicted in connection with the Newberry case had been recently appointed by the President. They were jointly indicted with Mr. Newberry.

One of them, let me say, has been named as district attorney. Another, as the letter advises me, was named for the position of postmaster in some important city in Michigan. Whether or not either of the persons referred to in the letter was convicted, I do not know.

Mr. WADSWORTH. Does not the Senator know that the person nominated as district attorney was not convicted?

Mr. KING. I am so advised; yes.

Mr. WADSWORTH. Does not the Senator know it?

Mr. KING. No; I do not know it, but I am advised that that is true.

Mr. WADSWORTH. Does the Senator know the names of those who were convicted?

Mr. KING. No; I do not.

Mr. WADSWORTH. It would be most interesting to ascertain whether or not the nominee for United States district attorney was convicted.

Mr. KING. I can assure the Senator that it has interested the Senator from Utah, and the Senator from Utah objected to the confirmation, and I shall continue that objection until I discover whether he was convicted and whether he ought to receive the approval of the Senate of the United States. The Senator from New York need not be worried about what the Senator from Utah should do.

Mr. WADSWORTH. I am surprised that it takes the Senator so long to find out.

Mr. KING. The Senator from Utah, of course, not having the adroit and alert mind that the Senator from New York possesses, he must pardon his poverty of intellect, and forgive him if he can not learn all those facts immediately.

Mr. SPENCER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. HEFLIN. I shall be glad to yield to the Senator for a question.

Mr. SPENCER. Only for a moment. I will not intrude upon the Senator's time.

It might be interesting to know that one of the men who were indicted and convicted in the so-called Newberry trial was a man who ran before the people of Michigan at the last election as secretary of state, and it might be interesting to know how the people of Michigan feel in regard to him; and it may be remembered that in that election that man ran more than 100,000 ahead of the candidate for governor.

Mr. HEFLIN. Mr. President, that is not hard to explain. In a State that is almost solidly Democratic or Republican, after a man gets on the ticket the people vote for him, and he goes along and is elected. Why, Mr. Newberry pulled through after he had bought the primary nomination. Osborn got out of the way, and every other loyal Republican from a party standpoint retired, because the machine declared Newberry to be the nominee, and they put him over. I am charging here that when they bought the primary nomination they bought the first step of the way to this body, and that but for the corrupt use of money in the primary he would never have been nominated, and, of course, would not have been elected.

Mr. SPENCER. Mr. President, does it not occur to the Senator that if there is any point in what he is now saying, so far as the people of Michigan are concerned, it is very strange that the Republican candidate for secretary of state who, the Senator believes, was tainted and corrupt, because he was indicted and convicted, should have run 100,000 ahead of the Republican candidate for governor of the State in the same election? Certainly if the people of Michigan, where this thing happened, looked at it in any such way as the Senator from Alabama seems to have looked at it, there would have been something like criticism rather than what would seem to be entire vindication.

Mr. HEFLIN. Mr. President, I should like to see the people of Michigan have an opportunity to vote on Mr. Newberry since the facts in this case have come out. They covered them up. The people did not know about them. They did not let them know all that we have brought out in this investigation. If they had, the secretary of state, to whom the Senator refers, might have been defeated, and Newberry might have been defeated. We brought out here facts that were startling—absolutely startling.

Coming back to the suggestion of the Senator from New York [Mr. WADSWORTH], I admit that there is a difference between indicting a man and convicting him; but I submit that if I were President, and a man should apply to me for appointment as district attorney, to enforce the law against lawbreakers, against criminals, when he himself had been indicted as a criminal for bribery, for corrupting the voter, for making barter of the ballot, to buy a seat in this body, he would have to convince me beyond a reasonable doubt of his innocence before I would ever appoint him. He has to do something before he gets through this body, unless they have already put him through without anybody knowing who he was.

If the President will appoint these men who have been indicted, if you please, parties to this crime against Michigan and against the Government and against this body and against good morals and common decency and common honesty, is he having nothing whatever to do with it? If I were indicted for a crime and convicted of it, if you please, and you should see me walking around with the governor and eating dinner with him in his home and going with him to the theater, some people would think that the governor was going to pardon me. I think that is a fair inference.

If the President will go to the theater and sit in a box with this man when he is accused of buying a seat in this body, and we have traced to his door $200,000, and the lieutenant governor of his State, belonging to his party, said they expended from $250,000 to $500,000, it looks as if he is trying to lift Mr. Newberry in the estimation of the people.

I invite the President to take a stand on it, one way or the other. If this man is seated, the President must bear his part of the responsibility for his being seated, because he can not defeat an adjusted compensation act for the boys of my country who saved its life, and fight the raising of taxes on the profiteers, without fighting to keep down the sale of seats in the Senate, because this is the most vital question of them all. If we can keep this body clean and free from the baneful influence of money in politics, we can repeal any act that places a burden upon the people, or we can enact a law that has been defeated in a previous session; but if they buy the seats in this body, we can not pass anything through the Senate unless the money changers place upon it the stamp of their approval.

It is really disheartening to see the lack of interest of some Senators on the other side in this, the most important question that will come before this body during the present session. A majority of the committee itself condemn the amount of money Mr. Newberry spent. It denounces it as excessive. Do you think I would vote to seat a man in this body, of my party or any other party, when I had said that he spent an amount that was excessive? What does that mean? That means he has spent an amount he was not justified in spending. Yet the majority of the committee said that in its report, and the minority in substance said he was guilty of buying the seat and that he should not have the seat at all. But the other side recommended that he be seated.

Senators, is this thing to be put through? I ask in the name of the people of America, in the name of the honor and integrity of this body, in the name of fair and square politics in the selection of Senators, that the President of the United States come out and take a stand one way or another in this case. The President can not shirk responsibility. He must be on one side or the other. He can not occupy a neutral attitude. "He that is not for me is against me," and "a man can not serve two masters." He will love the one and hate the other, certainly. If a man were to take me to a theater and seat me in a box I would be under the impression that he did not hate me. If he were to invite me to the White House and have me sit down and break bread with him in that domicile of the Nation, where the Chief Executive ought to stand with drawn sword against the corrupt use of money in politics, I would take that as a sign that he thought well of me. "He that is not for me is against me." He that is not against me is for me, and if he takes me with him and hugs me to his heart, I think he is for me, and the country will, as my friend from Arkansas suggests.

I did not intend to speak upon this subject as long as I have; but, Mr. President, I repeat, before sitting down, it is the most vital question that will come up at this session. I pray God that the time will never come when those who have accumulated their millions can go out and buy seats in this body.

Mr. President, the American people will not stand for that. They think now that the money changers are intrenched, and if you vote to turn this man out you will do more toward disabusing their minds of that impression than anything you can do; but will the interests that bought this seat permit you to do it?

I confess again that I do not understand why you did not have him testify.

> Upon what meat doth this our Cæsar feed,
> That he is grown so great—

That the United States Senate can not question him about making barter of a seat in this body? Is it his millions? Is it because he had contributed large sums to your campaign funds? Is it because of the great financial interests back of him? Is it because of a sinister program to control this Government and its instrumentalities by the avaricious money changers of the Republic? Do they demand that Newberry be seated?

Senators, can you under your oaths and in the face of the testimony in this case vote to permit him to have a voice and a vote in this body?

I submit that question to you.

Mr. KING. Mr. President, I interrupted the Senator from Alabama a moment ago. I have on my desk two of the letters to which I referred. One of them states that Mr. Henry S. Myers, of Caro, Mich., who was indicted at Grand Rapids, has

been nominated for postmaster at Caro, one of the best paying offices in the county. The letter says:

Is this a reward for distributing money to gain a nomination for office?

Myers's name will soon be sent to the Senate for confirmation.

Another letter which I have states:

I understand that five major Federal appointments have been made in Michigan under the present administration, and with one exception, i. e., the collector of internal revenue at Detroit, all of such appointments have been from the Newberry organization, and by that I mean men who were indicted with Newberry by a grand jury composed of 16 Republicans and 7 Democrats. Such appointees are as follows:

Earl Davis, recently appointed United States attorney for the eastern district of Michigan; James R. Davis, appointed prohibition officer for this State; Fred. Cronenwett, division prohibition officer, with offices in this city; and Edward J. Bowman, district attorney for the western district of Michigan.

It seems as though the President of the United States, in making his appointments, is more interested in rewarding the friends of Mr. Newberry than the supporters and friends of the senior Senator from Michigan [Mr. TOWNSEND].

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. HEFLIN. Mr. President, I offer the amendment which I suggested a while ago.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. Add at the end of the resolution:

Resolved further, That the Federal Trade Commission be, and it is hereby, authorized and directed to investigate the conduct of the cotton and grain exchanges of the United States, with a view of making recommendations to Congress as in its judgment the facts obtained will justify.

Mr. WADSWORTH. Mr. President, this is but the opening wedge for loading down this resolution with a burden that the Federal Trade Commission can scarcely carry. We have just legislated on the question of the grain exchanges, meeting the desires and wishes of all who patronize them directly or indirectly. The law has just been put into effect, and they are now under the jurisdiction and regulation of the Secretary of Agriculture. In view of that situation, it seems to me to be somewhat superfluous for us to instruct the Federal Trade Commission to expend a large sum of money—for it will take a very large sum of money—to investigate these exchanges, which have just been reformed, which have just been put under regulation. If the amendment is pressed, I shall object to the consideration of the resolution.

Mr. SMOOT. The legislation that was passed, referred to by the Senator from New York, was based upon an investigation made by the Federal Trade Commission of this very subject.

Mr. WADSWORTH. The Federal Trade Commission has investigated these things within two years.

Mr. SMOOT. I do not know how much it cost the Government to make that investigation, but it seems to me it is simply out of the question to think of starting another investigation, when the ink is hardly dry on the report of the investigation already made. Therefore I do not think the Senator will want to press his amendment.

Mr. HEFLIN. I would not endanger the passage of the resolution of my friend from Iowa [Mr. KENYON], and as the Senator from New York says he will object to the consideration of it if I press my amendment at this time, I shall withdraw the amendment for the present, though the investigation authorized in the amendment would not cost very much. I shall offer a separate resolution on the subject later on.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

BUSINESS OF THE SENATE.

Mr. WADSWORTH. Mr. President, I desire to express my great disappointment over the fact that the Senate has not accomplished more to-day. We started to work upon the calendar, in which a large number of Senators have a legitimate interest. There are several bills upon it which deserve serious and immediate consideration, many of which could be passed without the slightest objection. But it seems that whenever the Senate does set aside a day, or perhaps two days, to accomplish some business, it proves impossible, or next to impossible, to do it.

Generally, along about the middle of the afternoon some Senator takes the floor and speaks until about 5 o'clock. By that time most of the Senators have left. It then is impossible to secure a quorum to continue to transact the business of the people, and, as has been illustrated this afternoon, the Senator from Kansas [Mr. CURTIS] feels compelled to move an executive session to try to get something done behind closed doors, where there is no gallery to listen to the speeches, or else to move to adjourn; and another day has thus gone by.

I think I notice that there is a plan being followed here, or being attempted. This has been going on for many, many days. During all that portion of this session of Congress which took place before the Christmas holidays the same thing happened about three or four days out of five. The result is that the Senate does little business. I am not attaching any blame to any individual or any small group of Senators. I would not be so impertinent as to do that, but the time must come when the Senate as a whole will have to make up its mind to stay here until 5 o'clock, until 6 o'clock, until 7 o'clock, or 8 o'clock, until it is permitted to do business, else it will not do any business.

There has been two hours and a half discussion this afternoon upon a measure reached upon the calendar to which there was no objection by anybody. I think it is just passed. It could have passed at half past 2. Apparently it has become exceedingly easy, a very easy thing to accomplish, this preventing of the Senate doing any business. An address between the hours of 3 and 5, no matter by whom made, empties the Chamber. When the address is concluded there is no quorum.

Mr. SMOOT. Particularly when the address has been made a dozen times before.

Mr. WADSWORTH. Of course, the address has been made more than a dozen times before, but I am not casting any insinuation upon any particular Senator. I am merely calling attention to the ridiculous situation where this great body apparently can not or will not do business. I have never been taught that the working day for a legislative body is over at 5 o'clock. Yet here we are at 5 o'clock with no quorum present, and in all probability we could not get a quorum.

I can not help noticing that most of the speeches of the type which I have just described come from the other side of the aisle. I can not help suspecting that it is a very clever and effective way of preventing the Republican majority in the Senate from accomplishing anything. I do not feel like scolding my colleagues upon this side of the aisle or scolding anybody in the Senate, but I do desire to utter this word of protest against such a situation.

We are now commencing the winter session. This is the first working day. We have sat here since 12 o'clock to-day, from 12 o'clock until 5 o'clock, five hours. We might have accomplished a great deal in that time. We could accomplish a great deal between now and dinner time were a quorum present. But the Senators who make their speeches in the latter part of the afternoon have a remarkable talent for dispersing a quorum.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. WADSWORTH. I have yielded the floor. I do not desire to take any more of the time of the Senate.

Mr. CURTIS obtained the floor.

Mr. HEFLIN. Will the Senator from Kansas yield to me?

Mr. CURTIS. I yield.

Mr. HEFLIN. The unfinished business before the Senate is the Newberry case. It was understood at the time the unanimous-consent agreement was entered into that any Senator could speak upon it at any time before we commenced to discuss it under the one-hour limitation for debate. I was speaking upon that subject and upon the subject of the condition of the farmers of the West and the farmers of the South and the conditions of the ex-soldiers who have nothing to eat and very little to wear. I think that is of considerable importance. I was speaking on the question of protecting this body against the sale of seats, and there is nothing more important than that.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 5, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 4, 1922.

APPOINTMENTS IN THE DIPLOMATIC SERVICE.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Henry P. Fletcher, of Pennsylvania, now Undersecretary of State, to be ambassador extraordinary and plenipotentiary to Belgium.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

William J. O'Toole, of West Virginia, to be envoy extraordinary and minister plenipotentiary to Paraguay.

PROMOTIONS IN THE DIPLOMATIC SERVICE.

SECRETARY OF EMBASSY OR LEGATION OF CLASS 1.

William Walker Smith, of Ohio, from secretary of embassy or legation of class 2 to secretary of embassy or legation of class 1.

SECRETARIES OF EMBASSYS OR LEGATIONS OF CLASS 3.

Walter H. Schoellkopf, of New York, from secretary of embassy or legation of class 4 to secretary of embassy or legation of class 3.

Barton Hall, of Missouri, from secretary of embassy or legation of class 4 to secretary of embassy or legation of class 3.

UNITED STATES ATTORNEY.

Homer Elliott, of Indiana, to be United States attorney, district of Indiana, vice Frederick Van Nuys, resigned.

UNITED STATES MARSHAL.

John H. Cook, of Mississippi, to be United States marshal, northern district of Mississippi, vice Bruce Alexander, resigned, effective February 25, 1922.

APPOINTMENTS IN THE OFFICERS' RESERVE CORPS TO DATE FROM DECEMBER 23, 1921.

To be brigadier generals.

Col. Henry Joseph Reilly, Infantry.
Walter Crosby Babcock.
Milton Fennimore Davis.
Harold Palmer Howard.
James Robert Lindsay.
Palmer Eddy Pierce.

PROMOTIONS IN THE OFFICERS' RESERVE CORPS TO DATE FROM DECEMBER 23, 1921.

To be brigadier generals.

Col. Carey Fletcher Spence, Infantry.
Col. Thornwell, Mullally, Field Artillery.
Col. George Washington Ball, Infantry.

MEDICAL CORPS.

Col. William Henry Welch.
Col. Frank Billings.
Col. William James Mayo.

SIGNAL CORPS.

Col. John Joseph Carty.

PROMOTION IN THE NAVY.

MARINE CORPS.

Col. John H. Russell to be a brigadier general in the Marine Corps from the 1st day of January, 1922.

POSTMASTERS.

ARIZONA.

Joseph P. Downey to be postmaster at Miami, Ariz., in place of T. A. Feeney, resigned.

CALIFORNIA.

James J. Heckman to be postmaster at Selma, Calif., in place of A. E. Christensen, resigned.

CONNECTICUT.

John E. Casey to be postmaster at Kent, Conn., in place of N. M. Waston, resigned.

John H. Delaney to be postmaster at Middleburg, Conn., in place of L. E. Smith, resigned.

DELAWARE.

Annie C. Fleetwood to be postmaster at Cannon, Del. Office became presidential January 1, 1921.

FLORIDA.

Lynn Kilbourn to be postmaster at Carrabelle, Fla., in place of S. J. Giles. Incumbent's commission expired August 1, 1921.

GEORGIA.

William H. Astin to be postmaster at Palmetto, Ga., in place of Charles Jackson. Incumbent's commission expired August 7, 1921.

John F. Curran to be postmaster at Savannah, Ga., in place of Marion Lucas, resigned.

ILLINOIS.

George M. Clark to be postmaster at Galesburg, Ill., in place of William Twohig. Incumbent's commission expired August 1, 1921.

KANSAS.

Debbie A. Strobel to be postmaster at Bunkerhill, Kans. Office became presidential January 1, 1921.

Bertram W. Wernette to be postmaster at Dresden, Kans. Office became presidential April 1, 1921.

Estelle M. Johnston to be postmaster at Edmond, Kans. Office became presidential April 1, 1921.

James M. Rhine to be postmaster at Gove, Kans. Office became presidential April 1, 1921.

Earl W. Davis to be postmaster at Grinnell, Kans. Office became presidential April 1, 1920.

Ellen Farrell to be postmaster at Prairie View, Kans. Office became presidential April 1, 1921.

Ruth N. Nickerson to be postmaster at Rexford, Kans. Office became presidential April 1, 1920.

Abram Troup to be postmaster at Logan, Kans., in place of E. A. Dye. Incumbent's commission expired July 23, 1921.

George W. Connelly to be postmaster at Plainville, Kans., in place of P. D. Spellman. Incumbent's commission expired July 23, 1921.

LOUISIANA.

Auburtin H. Barre to be postmaster at Mooringsport, La., in place of E. H. Hall, resigned.

Lawrence J. Bonin to be postmaster at St. Martinville, La., in place of G. S. Eastin. Incumbent's commission expired August 25, 1920.

MAINE.

Lemuel Rich to be postmaster at Sebago Lake, Me., in place of Lemuel Rich. Incumbent's commission expires January 24, 1922.

MASSACHUSETTS.

Horace D. Prentiss to be postmaster at Holyoke, Mass., in place of J. J. O'Donnell, resigned.

Samuel F. Brown to be postmaster at Indian Orchard, Mass., in place of M. H. Lyons. Incumbent's commission expired September 1, 1920.

James H. Walsh to be postmaster at Leominster, Mass., in place of J. H. Walsh. Incumbent's commission expired August 3, 1920.

William H. Pierce to be postmaster at Winchendon, Mass., in place of J. J. Hunt. Incumbent's commission expired August 8, 1920.

MISSISSIPPI.

Mabel C. Brashears to be postmaster at Gunnison, Miss., in place of W. W. Brashears, resigned.

Harry Howe to be postmaster at Shelby, Miss., in place of N. B. Rose. Incumbent's commission expired March 16, 1921.

William J. Stephens to be postmaster at Webb, Miss., in place of W. J. Stephens. Incumbent's commission expired March 16, 1921.

MISSOURI.

William T. Ross to be postmaster at Guilford, Mo. Office became presidential April 1, 1921.

George P. Megaffin to be postmaster at Hunnewell, Mo. Office became presidential October 1, 1920.

Ora E. Shelman to be postmaster at Weatherby, Mo. Office became presidential July 1, 1921.

MONTANA.

Peter Myre to be postmaster at Somers, Mont., in place of L. H. Adams, resigned.

NEW YORK.

Frank G. Heim to be postmaster at Lancaster, N. Y., in place of John Soemann. Incumbent's commission expired July 21, 1921.

Clarence Bryant to be postmaster at Le Roy, N. Y., in place of P. M. Giles. Incumbent's commission expired July 21, 1921.

Horace J. Howk to be postmaster at Mount McGregor, N. Y., in place of H. J. Howk. Incumbent's commission expired July 21, 1921.

John H. Stoddard to be postmaster at Stevensville, N. Y., in place of J. H. Stoddard. Incumbent's commission expires January 24, 1922.

NORTH CAROLINA.

Jason W. Hyatt to be postmaster at Culberson, N. C. Office became presidential April 1, 1921.

John D. Matheson to be postmaster at Lenoir, N. C., in place of V. D. Guire. Incumbent's commission expired July 21, 1921.

OKLAHOMA.

Minta J. Spraggins to be postmaster at Davidson, Okla. Office became presidential April 1, 1920.

Georgia H. Ethridge to be postmaster at Tipton, Okla., in place of C. L. Hussey, resigned.

PENNSYLVANIA.

Eva E. Sechler to be postmaster at Cherry Tree, Pa., in place of Arthur J. Sechler, resigned.

Otto W. Petry to be postmaster at Elk Lick, Pa., in place of Christian S. Lichleiter. Incumbent's commission expired August 7, 1921.

George E. Kemp to be postmaster at Philadelphia, Pa., in place of J. A. Thornton, removed.

SOUTH CAROLINA.

Harry E. Dawson to be postmaster at Mount Pleasant, S. C., in place of W. T. Reynolds, jr., resigned.

SOUTH DAKOTA.

Geneva M. Small to be postmaster at Lane, S Dak. Office became presidential January 1, 1921.

TENNESSEE.

Thomas W. Williams to be postmaster at Lucy, Tenn. Office became presidential April 1, 1921.

Daniel C. Ripley to be postmaster at Rogersville, Tenn., in place of W. B. Hale, deceased.

TEXAS.

Anderson J. Hixson to be postmaster at Abbott, Tex., in place of J. W. King, resigned.

WYOMING.

Elizabeth W. Kieffer to be postmaster at Fort Russell, Wyo., in place of E. W. Kieffer. Incumbent's commission expires January 24, 1922.

CONFIRMATION.

Executive nomination confirmed by the Senate January 4, 1922.

REGISTER OF THE LAND OFFICE.

William Davis Gregory to be register of the land office at Walla Walla, Wash.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 4, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, all that we can give Thee in return for Thy mercy and goodness toward us are a grateful heart and a broken service. Do Thou accept these as our humble offerings. The call of the day is with us. Let us answer it with a broad understanding, with wide-awake vision, and even with eagerness of soul. Ever give us that sweet sense of Thy presence that abolishes fear and drives away anxious care. Teach us that many of the experiences of life are to be accepted rather than analyzed. Help us in all things to rest in the Lord and wait patiently for Him. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION OF A MEMBER.

The SPEAKER laid before the House the following communication, which was read:

WASHINGTON, D. C., *December 30, 1921.*

Hon. FREDERICK H. GILLETT,
Speaker of the House of Representatives,
Washington, D. C.

SIR: I beg to inform you that I have this day transmitted to the governor of Maine my resignation as a Representative in the Congress of the United States from the third district of Maine, to take effect January 2, 1922.

Yours, very respectfully,

JOHN A. PETERS.

CALENDAR WEDNESDAY PROCEEDINGS.

The SPEAKER. To-day is calendar Wednesday.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to dispense with business under the Calendar Wednesday rule, with a view to taking up for consideration the antilynching bill.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to dispense with business under the Calendar Wednesday rule. Is there objection?

Mr. KELLER. Mr. Speaker, reserving the right to object, as I understand it, the Committee on Patents would have the call to-day, under suspension of the rules.

Mr. MONDELL. Oh, no.

Mr. HICKS. Not under suspension of the rules.

Mr. KELLER. That committee has a very important bill, which, everybody knows about. The majority of the House is in favor of it. The bill has been held off for a number of weeks, and it seems to me that we ought not to dispense with proceedings to-day.

The SPEAKER. Is there objection?

Mr. KELLER. Mr. Speaker, I object.

Mr. MONDELL. Mr. Speaker, I move to dispense with business in order under the Calendar Wednesday rule.

The SPEAKER. The question is on the motion of the gentleman from Wyoming to dispense with business in order under the Calendar Wednesday rule.

The question was taken, and the Speaker announced that in the opinion of the Chair two-thirds had voted in the affirmative.

Mr. GARRETT of Tennessee. Mr. Speaker, on that I demand a division.

The House divided; and there were—ayes 81, noes 52.

Mr. MONDELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wyoming makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from Wyoming to dispense with business in order under the Calendar Wednesday rule.

The question was taken; and there were—yeas 184, nays 86, answered "present" 2, not voting 158, as follows:

YEAS—184.

Ackerman	Elliott	Lampert	Rose
Andrews, Nebr.	Ellis	Langley	Rossdale
Ansorge	Evans	Larson, Minn.	Sanders, Ind.
Anthony	Fairchild	Lehlbach	Scott, Mich.
Arentz	Fairfield	Little	Shelton
Bacharach	Faust	London	Shreve
Barbour	Fenn	Luce	Siegel
Beck	Foster	Luhring	Sinclair
Begg	French	McCormick	Sinnott
Benham	Frothingham	McFadden	Slemp
Bird	Fuller	McKenzie	Smith, Idaho
Bixler	Gensman	McLaughlin, Nebr.	Smith, Mich.
Blakeney	Gernerd	MacGregor	Speaks
Boles	Goodykoontz	Madden	Sproul
Bowers	Graham, Ill.	Magee	Steenerson
Britten	Greene, Mass.	Maloney	Stephens
Brooks, Pa.	Griest	Mann	Strong, Kans.
Browne, Wis.	Hadley	Mapes	Summers, Wash.
Burdick	Hardy, Colo.	Merritt	Sweet
Burroughs	Hawley	Michener	Swing
Butler	Herrick	Miller	Taylor, Tenn.
Cable	Hickey	Mills	Temple
Campbell, Kans.	Hicks	Millspaugh	Thompson
Campbell, Pa.	Hill	Mondell	Tilson
Chandler, Okla.	Himes	Montoya	Timberlake
Chindblom	Hoch	Moore, Ohio	Tincher
Clouse	Houghton	Moores, Ind.	Towner
Cole, Iowa	Hukriede	Morgan	Vaile
Cole, Ohio	Hutchinson	Nelson, J. M.	Vare
Colton	Ireland	Newton, Minn.	Voigt
Cooper, Ohio	James	Olpp	Volk
Cooper, Wis.	Johnson, Ky.	Paige	Volstead
Coughlin	Johnson, Wash.	Perkins	Walsh
Crago	Jones, Pa.	Perlman	Walters
Crowther	Kelley, Mich.	Porter	Wason
Curry	Kelly, Pa.	Purnell	Watson
Dale	Kendall	Radcliffe	Wheeler
Dallinger	Ketcham	Ramseyer	White, Kans.
Darrow	Kiess	Ransley	White, Me.
Davis, Minn.	King	Reavis	Williamson
Dempsey	Kinkaid	Reece	Winslow
Dickinson	Kissel	Reed, W. Va.	Wood, Ind.
Dowell	Kline, Pa.	Ricketts	Woodruff
Dunbar	Knutson	Roach	Wyant
Dyer	Kopp	Robsion	Yates
Echols	Kraus	Rogers	Young

NAYS—86.

Almon	Dupré	Layton	Sanders, Tex.
Aswell	Favrot	Lea, Calif.	Sandlin
Bankhead	Fields	Linthicum	Sisson
Bell	Garner	Logan	Smithwick
Bland, Va.	Garrett, Tenn.	Lowrey	Steagall
Blanton	Garrett, Tex.	Lyon	Stedman
Bowling	Gilbert	McSwain	Stevenson
Box	Goldsborough	Martin	Stoll
Briggs	Griffin	Montague	Sumners, Tex.
Buchanan	Hammer	Moore, Va.	Swank
Bulwinkle	Harrison	Oldfield	Tillman
Byrnes, S. C.	Hersey	Oliver	Tyson
Byrns, Tenn.	Hooker	Overstreet	Upshaw
Cannon	Huddleston	Padgett	Vinson
Cantrill	Jeffers, Ala.	Park, Ga.	Ward, N. C.
Clark, Fla.	Johnson, Miss.	Parks, Ark.	Weaver
Collins	Jones, Tex.	Parrish	Wilson
Crisp	Keller	Pou	Wingo
Cullen	Kincheloe	Quin	Wise
Doughton	Lanham	Rankin	Woods, Va.
Drane	Lankford	Robertson	
Driver	Larsen, Ga.	Rouse	

ANSWERED "PRESENT"—2.

Rucker	Treadway

NOT VOTING—158.

Anderson	Black	Brooks, Ill.	Carter
Andrew, Mass.	Bland, Ind.	Brown, Tenn.	Chalmers
Appleby	Bond	Burke	Chandler, N. Y.
Atkeson	Brand	Burtness	Christopherson
Barkley	Brennan	Burton	Clague
Beedy	Brinson	Carew	Clarke, N. Y.

Classon	Greene, Vt.	McDuffie	Riordan
Cockran	Hardy, Tex.	McLaughlin, Mich.	Rodenberg
Codd	Haugen	McLaughlin, Pa.	Rosenbloom
Collier	Hawes	McPherson	Ryan
Connolly, Pa.	Hayden	Mansfield	Sabath
Connell	Hays	Mead	Sanders, N. Y.
Connolly, Tex.	Hogan	Michaelson	Schall
Copley	Hudspeth	Moore, Ill.	Scott, Tenn.
Cramton	Hull	Morin	Sears
Davis, Tenn.	Humphreys	Mott	Shaw
Deal	Husted	Mudd	Snell
Denison	Jacoway	Murphy	Snyder
Dominick	Jefferis, Nebr.	Nelson, A. P.	Stafford
Drewry	Johnson, S. Dak.	Newton, Mo.	Stiness
Dunn	Kahn	Nolan	Strong, Pa.
Edmonds	Kearns	Norton	Sullivan
Fess	Kennedy	O'Brien	Tague
Fish	Kindred	O'Connor	Taylor, Ark.
Fisher	Kirkpatrick	Ogden	Taylor, Colo.
Fitzgerald	Kitchin	Osborne	Taylor, N. J.
Focht	Kleczka	Parker, N. J.	Ten Eyck
Fordney	Kline, N. Y.	Parker, N. Y.	Thomas
Frear	Knight	Patterson, Mo.	Tinkham
Free	Kreider	Patterson, N. J.	Underhill
Freeman	Kunz	Petersen	Vestal
Fulmer	Lawrence	Pringey	Ward, N. Y.
Funk	Lazaro	Rainey, Ala.	Webster
Gahn	Leatherwood	Rainey, Ill.	Williams
Gallivan	Lee, Ga.	Raker	Woodyard
Glynn	Lee, N. Y.	Rayburn	Wright
Gorman	Lineberger	Reber	Wurzbach
Gould	Longworth	Reed, N. Y.	Zihlman
Graham, Pa.	McArthur	Rhodes	
Green, Iowa	McClintic	Riddick	

So two-thirds having voted in favor thereof, the business in order on Calendar Wednesday was dispensed with.

The Clerk announced the following pairs:

Mr. TREADWAY and Mr. NORTON (for) with Mr. COLLIER (against).

Mr. RODENBERG and Mr. LONGWORTH (for) with Mr. RUCKER (against).

Mr. BLAND of Indiana and Mr. FREE (for) with Mr. THOMAS (against).

Mr. DENISON and Mr. CHANDLER of New York (for) with Mr. DAVIS of Tennessee (against).

Mr. HULL and Mr. MORIN (for) with Mr. DOMINICK (against).

Mr. BRENNAN and Mr. RHODES (for) with Mr. HUDSPETH (against).

Mr. APPLEBY and Mr. OGDEN (for) with Mr. FISHER (against).

Mr. MOORE of Illinois and Mr. WOODYARD (for) with Mr. HUMPHREYS (against).

Mr. DUNN and Mr. KAHN (for) with Mr. JACOWAY (against).

Mr. MCPHERSON and Mr. KNIGHT (for) with Mr. TAYLOR of Arkansas (against).

Mr. EDMONDS and Mr. KENNEDY (for) with Mr. MCCLINTIC (against).

Mr. NEWTON of Missouri and Mr. OSBORNE (for) with Mr. MCDUFFY (against).

Mr. JEFFERIS of Nebraska and Mr. KEARNS (for) with Mr. DREWRY (against).

Mr. MCARTHUR and Mr. GAHN (for) with Mr. LEE of Georgia (against).

Mr. PATTERSON of New Jersey and Mr. FISH (for) with Mr. BRAND (against).

Mr. ATKESON and Mr. LINEBERGER (for) with Mr. RAYBURN (against).

Mr. TAYLOR of New Jersey and Mr. FUNK (for) with Mr. HAYDEN (against).

Mr. PATTERSON of Missouri and Mr. KIRKPATRICK (for) with Mr. WRIGHT (against).

Mr. LEATHERWOOD and Mr. REED of New York (for) with Mr. KITCHIN (against).

Mr. ROSENBLOOM and Mr. REBER (for) with Mr. LAZARO (against).

Mr. HAYES and Mr. LEE of New York (for) with Mr. BARKLEY (against).

Mr. SNELL and Mr. SNYDER (for) with Mr. CARTER (against).

Mr. STRONG of Pennsylvania and Mr. UNDERHILL (for) with Mr. DEAL (against).

Mr. PARKER of New Jersey and Mr. HOGAN (for) with Mr. HARDY of Texas (against).

Mr. CONNOLLY of Pennsylvania and Mr. GORMAN (for) with Mr. BRINSON (against).

Mr. FORDNEY and Mr. LAWRENCE (for) with Mr. FULMER (against).

Mr. MUDD and Mr. FREEMAN (for) with Mr. SEARS (against).

Mr. WILLIAMS and Mr. FOCHT (for) with Mr. MANSFIELD (against).

Mr. A. P. NELSON and Mr. GRAHAM of Pennsylvania (for) with Mr. BLACK (against).

Mr. CODD and Mr. GREENE of Vermont (for) with Mr. CONNALLY of Texas (against).

General pairs:

Mr. WURZBACH with Mr. TAGUE.

Mr. BURTON with Mr. COCKRAN.

Mr. NOLAN with Mr. RAINEY of Illinois.

Mr. BURKE with Mr. RIORDAN.

Mr. BEEDY with Mr. GALLIVAN.

Mr. JOHNSON of South Dakota with Mr. TEN EYCK.

Mr. FESS with Mr. O'BRIEN.

Mr. KREIDER with Mr. CAREW.

Mr. MCLAUGHLIN of Michigan with Mr. HAWES.

Mr. RIDDICK with Mr. KINDRED.

Mr. STINESS with Mr. RAKER.

Mr. MURPHY with Mr. KUNZ.

Mr. FITZGERALD with Mr. TAYLOR of Colorado.

Mr. ANDERSON with Mr. SABATH.

Mr. BROOKS of Illinois with Mr. RAINEY of Alabama.

Mr. CLARKE of New York with Mr. SULLIVAN.

Mr. CONNELL with Mr. MEAD.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

APPOINTMENTS AS REGENTS OF THE SMITHSONIAN INSTITUTION.

The SPEAKER. The Chair lays before the House the following appointments:

The Clerk read as follows:

The Speaker appoints, according to the provisions of law, as members of the Board of Regents of the Smithsonian Institution for the year commencing December 28, 1921, LEMUEL P. PADGETT, FRANK L. GREENE, ALBERT JOHNSON.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed the following resolution:

Senate resolution 201.

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. BOIES PENROSE, late a Senator from the State of Pennsylvania.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

Resolved, That as a further mark of respect to the memory of the deceased Senator, the Senate do now adjourn.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 423. An act for the relief of Hans P. Guttormsen.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 6998. An act to amend section 17 of an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, as amended by the acts of February 5, 1903, and March 2, 1917; and

H. R. 77. An act for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 6557. An act to authorize the Secretary of the Treasury to repair and rebuild customs buildings in Porto Rico, and to pay for same out of duties collected in Porto Rico.

HOUSE RESTAURANT.

Mr. IRELAND. Mr. Speaker, I ask consideration for the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 254.

Resolved, That, pursuant to the authority of the resolution adopted by the House June 2, 1921 (H. Res. 99), placing the management of the House restaurant and all matters connected therewith under the direction of the Committee on Accounts, there shall be paid out of the contingent fund of the House, under regulations prescribed by said committee, such expenses as may be incurred in excess of those defrayed from the proceeds of sales, for the employment of absolutely necessary assistance for the conduct of said restaurant by such business methods as may produce the best results consistent with economical and modern management.

Mr. IRELAND. Mr. Speaker and gentlemen of the House, this is the same resolution——

Mr. WALSH. Mr. Speaker, is this before the House for consideration?

The SPEAKER. Yes.

Mr. WALSH. Is it a privileged resolution?

The SPEAKER. It is.

Mr. IRELAND. This same resolution was introduced on the last day of the session prior to the recess and withdrawn at the suggestion of the Speaker.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. After making a preliminary statement.

Mr. BLANTON. Will the gentleman give me a little time on this resolution to oppose it?

Mr. IRELAND. If the gentleman desires it, but I would like to get through as early as possible, and I would rather not yield the floor. I thought the resolution was so thoroughly discussed on the last day prior to the recess that discussion to-day would be unnecessary, and I should not like to take up the time of the House any more than is absolutely required. In substance this resolution permits us to follow the example of the Senate in measure and is the inevitable course we must pursue in policy if we continue or hope to secure in the future adequate service in our restaurant. [Applause.] The resolution provides for the employment of the necessary attendants and waiters in the restaurants, not exactly putting them on the roll, as the Senate does, but to handle them under such management as will permit us to compete both in price, quality, and quantity with the food in the Senate restaurant. It is hoped with the understanding and agreement we have with a similar committee in the other body that a common menu will be devised with prices——

Mr. YOUNG. Will the gentleman yield?

Mr. IRELAND. I will.

Mr. YOUNG. I want to ask the gentleman if this is to be a new trust?

Mr. IRELAND. Hardly; and prices will be materially reduced, perhaps a common purchasing department. At least it is the thought of the committee, after giving this a great deal of consideration and under trying circumstances, that this is the inevitable course we must pursue, and have so recommended to the House.

Mr. KING. Will the gentleman permit a question?

Mr. IRELAND. Yes.

Mr. KING. Will there be a common kitchen?

Mr. IRELAND. No.

Mr. KING. Common cooks between the two Houses?

Mr. IRELAND. No.

Mr. KING. I suggest to the gentleman to look into the question of the common cooking——

Mr. IRELAND. That has all been done.

Mr. KING. With the new tables, tablecloths, and all those things it is a beautiful place. Now, if they will just cook something down there which the Members would like it would be a wonderful improvement.

Mr. IRELAND. I will say to the gentleman we are coming as near that as possible in that the two chefs are brothers.

Mr. PADGETT. If the gentleman will yield, we furnish the restaurant rent free, heat free, and light free, and why is it, keeping out the question of profits, they do not pay expenses?

Mr. IRELAND. Well——

Mr. PADGETT. Other restaurants in this city attempt to make a profit. Now, leaving off the profit, leaving off rent, light, and heat, why is it that this will not pay expenses?

Mr. IRELAND. Well, it would seem it should, but the irregular habits, the irregularities of the House and large quantities of food have to be provided and then the House unexpectedly adjourns, and perishable stuff is lost, is——

Mr. PADGETT. Can not they keep it in cold storage, in refrigerators?

Mr. IRELAND. Well, it never has been accomplished thus far.

Mr. PADGETT. It seems there is bad management, some how, if it will not pay expenses.

Mr. IRELAND. Well, it never has. I believe the gentleman could convince himself of the impossibility of it by his own investigation.

Mr. KINCHELOE. Will the gentleman yield?

Mr. IRELAND. I will.

Mr. KINCHELOE. Does the gentleman know whether the proportion of loss in the management of the House restaurant is greater than that in the Senate?

Mr. IRELAND. No; it is not.

Mr. KINCHELOE. Is it less?

Mr. IRELAND. I have a comparative statement here for the month of November slightly in favor of the House in proportion to the patronage enjoyed, save for the single item of the employment of waiters and cooks, which is absorbed in the Senate and not here.

Mr. KINCHELOE. Everybody who has patronized both of them knows that there is no comparison in the service in the Senate and the House restaurants.

Mr. IRELAND. We hope to bring ours up to the standard of the Senate.

Mr. Speaker, I move the previous question on the adoption of the resolution.

Mr. BLANTON. Mr. Speaker, the gentleman said he would give me a little time on the resolution. I should like to oppose it.

Mr. IRELAND. Then the gentleman was in a somnolent condition and did not realize it.

Mr. BLANTON. I would like to have a little time.

Mr. KNUTSON. Mr. Speaker, I make the point of order that the previous question has been moved.

Mr. BLANTON. Mr. Speaker, I would like for the gentleman from Illinois to yield me five minutes if he will.

Mr. IRELAND. All right. I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, this resolution means just one thing, and that is that the Government of the United States is going to engage permanently in the restaurant business at a great loss in order to furnish us Members of Congress with something to eat. The people of this Nation are not concerned about what we eat, or where we eat it, or how we eat it, or what we pay for it, so long as the expense is not placed upon them. That is a matter we ought to arrange out of our own pocketbooks, and it ought to be in the regular course of business in the competitive commercial restaurants of the country.

For one I am against this resolution. It means that the Government of the United States, besides furnishing us rent free the restaurant rooms, furnishes the light free; it furnishes all the fixtures free; it furnishes the furniture free; it furnishes free the fine mirrors in the restaurant room; the silver, glass, china, linen, and utensils; it furnishes the electric fans in the summer; it furnishes everything in the way of overhead expenses free for 435 Congressmen to get the benefit of on meals they eat. And I say the time has come when there should be called a halt to this kind of business, to this kind of resolution. I say that the people of the Nation are going to hold us responsible if we continue passing this kind of legislation for our own private benefit. The people of the United States are not concerned, in no way benefited, by this. It is not a public measure. It is not a law that in any way benefits the people of the United States. We are in the period of reconstruction, when the people want to know that they are getting 100 per cent value for every dollar we appropriate out of the Treasury. Under this resolution there would be a loss of an immense amount of money annually in order to furnish food for 435 Congressmen, with no limitation on expenditures or salaries.

The gentleman in charge of the resolution says that it is necessary on account of our irregular habits, because sometimes we will not eat the food that is prepared, and therefore there would be a loss to a commercial restaurant. I call upon the membership of this House, in behalf of the people of this Nation, to vote down this resolution. And when we want food in restaurants let us go to commercial restaurants and pay what it is worth. Let us pay what they charge in open competition in the markets of Washington and not seek to take advantage of the people of America by passing this kind of resolution.

Mr. IRELAND. Mr. Speaker, I yield such time as she may desire to the lady from Oklahoma [Miss ROBERTSON].

Miss ROBERTSON. Mr. Speaker, a good many years ago, when I was a girl and sat up in the gallery yonder watching men on the floor here, and wondered at the things that were said and done, there was a man—I think he was from Indiana; he was not from the South—who made himself a great reputation for a certain brand of so-called economy by attacking the barber shop and baths, and especially the extravagance of towels used by the House of Representatives. He said that one roller towel did his family of eight a whole week. [Laughter.] Possibly in one part of Texas one towel a week for a family may be the rule to this good day. [Laughter and applause.] In Oklahoma we have sent the roller towel into limbo with various other insanitary things that our young State of Oklahoma is at least progressive in discarding, no matter what her politics may continue to be.

But the first thing that impressed me on going into the House restaurant—and there are those who derisively say that I was a "hash-joint" keeper before I came here—was that if I were running it in the State of Oklahoma I would have the officers of the law after me immediately, that three-quarters of the crockery would go into the discard, and I would probably go to prison for maintaining such insanitary conditions.

There has been a change downstairs. I do not feel now that I take my life in my hands when I eat in the restaurant. I am no longer afraid of ptomaine poison. I do not smell cock-

roaches any more, and I do not breathe those indescribable odors of bad plumbing, of bad sewers, and foul refrigerators.

They say that what we eat does not concern the people of the country. Does it not? Do not your wives quietly look after your food when you are at home? Have I not heard many and many a woman, wives of Congressmen and Senators, speak of the terror they have hitherto had of these noonday lunches?

How much does the country pay for our time here? How much does the country lose when a well-trained Congressman, upon whose leadership important legislation depends, has an attack of acute indigestion or perhaps worse from improper food? Can you estimate the saving of time by the possibility of securing proper and necessary food without interruption of the business of the House? There are a lot of ways in which we save time, and nowhere in the world—little as the gentleman from Texas [Mr. BLANTON], who perniciously and persistently squanders the time of this body may admit by his actions—is time of more value. Will you send us out somewhere to hunt around for food? Where, surrounded by parks as the Capitol is, should we go? You know how irregular our hours are. If a caterer has a good meal ready and nobody comes to eat it, it has got to be paid for. The House restaurant is not run 12 months in the year, three meals in the day, seven days in the week, as is the case with the ordinary restaurant, balancing profit and loss with the fluctuations of business. When I started out with the Business Woman's Club, which grew into my famous cafeteria, I served one meal a day for six days in the week, and I lost money right straight along; but I paid the bill, because I went into the business of managing that club that I might pay the bills. So I know all about these matters, about overhead, food cost, service, and so forth, and I am frank to confess that careful study of the situation has convinced me that the only way to obtain safe, wholesome food for Members of the House and for their constituents and for guests and sightseers, for whose comfort the House should not be wholly unmindful is that this action be taken. Therefore I am in perfect sympathy with this effort that is being made to improve conditions, and anyone who tries to make capital of this matter, either here or in the Senate, is talking for imaginary economy and to voters at home, as in the present case for effect in Texas, and not for the real good of the country and for practical economy. [Great applause.]

Mr. IRELAND. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, the only trouble with the restaurant is that Members of Congress demand too much for their money; it is losing money, and if you make Members pay what they ought to pay this would not be true. So you want to pass this resolution to pay the loss out of the people's pockets—that is, the Treasury. This is a little thing, you say, but the real way to determine the character of a man is found more frequently by considering the little things that he does than the big ones. O gentlemen, this is petty graft. If I were going to be a grafter, I would start out with a bigger thing than grafting on the difference between the loss we suffer downstairs and what we pay. O gentlemen, I beg of you do not do this little thing. Let us pay for our own meals. This is such a little thing. It is too cheap a thing for this House to be guilty of.

Now, honest Indian, there is no justification on the face of the earth for having the Government pay the loss incurred in that restaurant. You can not find in your own heart any reason for it. The body at the other end of the Capitol had, some years ago, an expense account that was so bad that they did not dare print it. In the items embraced within the statement of expenses they had "a masseur" at one time, but he is now put on the roll as "a helper," and so on. Why? Because they knew that the people would not stand for it.

Now, I do not think this is going to influence any votes anywhere in the country. The people will never know of it. I do not think anyone is going to make any votes by voting for or against it. I do not believe that. But when you consult your own hearts and your own pocketbook you know that the Government of the United States ought not to pay one single cent out of its Treasury to feed you. [Applause.] If a man runs against you and finds out that you voted for this little graft he will beat you, because it is so little that the people will have a contempt for you.

Now, I realize that when you talk in the interest of people, even about a little thing like this, you do not get anywhere. The fellow in this case does the voting and enjoys the graft. If you do not think that your salary is big enough to feed you, vote to increase it and quit. You know there is a passage of scripture that is absolutely and everlastingly true, and if there were but one such, and only one in the Bible, I would be convinced that the scripture is of divine origin; I would be convinced by that one statement that it was the message of God. It does not say that money is the root of evil, or that money is the root of all evil, but it says that "*the love of money is the root of all evil.*" And it is.

Now, you may talk about the health of Congressmen. The Federal Government itself ought not to take care of the health of Congressmen any more than of the health of their constituents.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. SISSON. I do.

Mr. MANN. Did the gentleman favor the appropriation annually reported from the Committee on Appropriations and regularly voted for by Congress providing for the purchase of spring water, to be drunk freely by the Members of Congress and the employees?

Mr. SISSON. I did not.

Mr. MANN. The gentleman has not opposed it, has he?

Mr. SISSON. Oh, there are so many wicked things that I would have to oppose if I were to undertake to oppose them all that if I did so I would not have any time left for anything else. I do oppose them as they come up. The fact is I have opposed about as many wicked things as has the gentleman from Illinois. He is known as the constitutional objector. I have frequently thought——

Mr. MANN. Has the gentleman refused to drink the water? [Laughter.]

Mr. SISSON. I am not yielding now, Mr. Speaker. I have frequently thought, and I say it to the gentleman now as I have said it privately, that JIM MANN is a near great man. If he had devoted his time to the big things in this Government instead of the little ones, and if he had devoted himself to great big criticisms instead of little, nagging, carping criticisms on the floor of the House, Members of his side of the House would have elected him Speaker.

Mr. KNUTSON. Oh, no; the gentleman——

Mr. SISSON. I do not yield. The gentleman there is the whip of the House, and he seems to have become thoroughly outraged. No one has even been called upon to defend the gentleman from Illinois on the floor of this House, and the gentleman from Illinois himself has not asked the gentleman from Minnesota to do it. He can defend himself. I know that I do not get anywhere myself in opposition to little things. If there is one thing that I am wrong in it is in occasionally imitating my friend JIM MANN in opposing little grafts. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. IRELAND. Mr. Speaker, I move the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 129, noes 21.

Mr. BLANTON. Mr. Speaker, I object to the vote because manifestly there is no quorum present. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-six gentleman are present, not a quorum. The Doorkeeper will close the doors; the Sergeant at Arms will notify the absent Members. As many as favor the resolution will, when their names are called, answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 179, nays 75, not voting 178, as follows:

[Roll No. 28.]

YEAS—179.

Ackerman	Burroughs	Dallinger	French
Andrews, Nebr.	Butler	Darrow	Fothingham
Ansorge	Campbell, Kans.	Davis, Minn.	Fuller
Anthony	Campbell, Pa.	Dempsey	Gensman
Arentz	Cannon	Dickinson	Gernerd
Bacharach	Chandler, Okla.	Dupré	Goodykoontz
Barbour	Chindblom	Dyer	Green, Iowa
Beck	Clouse	Echols	Greene, Mass.
Begg	Cockran	Elliott	Griest
Benham	Cole, Iowa	Evans	Griffin
Bird	Cole, Ohio	Fairchild	Hadley
Bixler	Connell	Fairfield	Hardy, Colo.
Blakeney	Cooper, Wis.	Faust	Hawley
Boies	Coughlin	Favrot	Hersey
Bowers	Crago	Fenn	Hickey
Britten	Crowther	Fitzgerald	Hicks
Brooks, Pa.	Cullen	Foster	Hill
Browne, Wis.	Dale	Frear	Himes

Hoch	McCormick	Ramseyer	Sweet
Houghton	McFadden	Ransley	Swing
Hutchinson	McLaughlin, Nebr.	Reavis	Taylor, Tenn.
Ireland	MacGregor	Reece	Temple
James	Madden	Reed, W. Va.	Thompson
Johnson, Wash.	Magee	Ricketts	Tilson
Jones, Pa.	Maloney	Robertson	Timberlake
Keller	Mann	Robsion	Tincher
Kelly, Pa.	Mapes	Rogers	Towner
Kendall	Michener	Rose	Treadway
Kiess	Mills	Rossdale	Vaile
King	Millspaugh	Sanders, Ind.	Vare
Kissel	Mondell	Schall	Volk
Kline, Pa.	Montoya	Scott, Mich.	Volstead
Knutson	Moore, Ohio	Shelton	Walsh
Kopp	Moores, Ind.	Shreve	Walters
Kraus	Morgan	Siegel	Wason
Lampert	Nelson, J. M.	Sinnott	Watson
Langley	Newton, Minn.	Smith, Idaho	Wheeler
Larson, Minn.	Olpp	Smith, Mich.	White, Kans.
Layton	Paige	Smithwick	Wingo
Lazaro	Park, Ga.	Speaks	Winslow
Lehlbach	Perkins	Sproul	Wood, Ind.
Little	Perlman	Steenerson	Woodruff
London	Porter	Stephens	Wyant
Luce	Purnell	Strong, Kans.	Yates
Luhring	Radcliffe	Summers, Wash.	

NAYS—75.

Almon	Doughton	Lanham	Rucker
Aswell	Drane	Lankford	Sanders, Tex.
Bankhead	Driver	Larsen, Ga.	Sandlin
Bell	Dunbar	Linthicum	Sisson
Bland, Va.	Fields	Logan	Steagall
Blanton	Garner	Lowrey	Stevenson
Bowling	Garrett, Tenn.	Lyon	Sumners, Tex.
Box	Garrett, Tex.	McSwain	Swank
Briggs	Gilbert	Montague	Tillman
Buchanan	Goldsborough	Moore, Va.	Tyson
Bulwinkle	Hammer	Oldfield	Upshaw
Byrnes, S. C.	Harrison	Oliver	Vinson
Byrnes, Tenn.	Herrick	Overstreet	Ward, N. C.
Cable	Hooker	Padgett	Weaver
Cantrill	Huddleston	Parks, Ark.	Williamson
Collier	Hukriede	Parrish	Wilson
Collins	Jeffers, Ala.	Quin	Wise
Cooper, Ohio	Johnson, Ky.	Rankin	Woods, Va.
Crisp	Kincheloe	Rouse	

NOT VOTING—176.

Anderson	Fish	Kunz	Rayburn
Andrews, Mass.	Fisher	Lawrence	Reber
Appleby	Focht	Lea, Calif.	Reed, N. Y.
Atkeson	Fordney	Leatherwood	Rhodes
Barkley	Free	Lee, Ga.	Riddick
Beedy	Freeman	Lee, N. Y.	Riordan
Black	Fulmer	Lineberger	Roach
Bland, Ind.	Funk	Longworth	Rodenberg
Bond	Gahn	McArthur	Rosenbloom
Brand	Gallivan	McClintic	Ryan
Brennan	Glynn	McDuffie	Sabath
Brinson	Gorman	McKenzie	Sanders, N. Y.
Brooks, Ill.	Gould	McLaughlin, Mich.	Scott, Tenn.
Brown, Tenn.	Graham, Ill.	McLaughlin, Pa.	Sears
Burdick	Graham, Pa.	McPherson	Shaw
Burke	Greene, Vt.	Mansfield	Sinclair
Burtness	Hardy, Tex.	Martin	Slemp
Burton	Haugen	Mead	Snell
Carew	Hawes	Merritt	Snyder
Carter	Hayden	Michaelson	Stafford
Chalmers	Hays	Miller	Stedman
Chandler, N. Y.	Hogan	Moore, Ill.	Stiness
Christopherson	Hudspeth	Morin	Stoll
Clague	Hull	Mott	Strong, Pa.
Clark, Fla.	Humphreys	Mudd	Sullivan
Clarke, N. Y.	Husted	Murphy	Tague
Classon	Jacoway	Nelson, A. P.	Taylor, Ark.
Codd	Jefferis, Nebr.	Newton, Mo.	Taylor, Colo.
Colton	Johnson, Miss.	Nolan	Taylor, N. J.
Connally, Tex.	Johnson, S. Dak.	Norton	Ten Eyck
Connolly, Pa.	Jones, Tex.	O'Brien	Thomas
Copley	Kahn	O'Connor	Tinkham
Cramton	Kearns	Ogden	Underhill
Curry	Kelley, Mich.	Osborne	Vestal
Davis, Tenn.	Kennedy	Parker, N. J.	Volgt
Deal	Ketcham	Parker, N. Y.	Ward, N. Y.
Denison	Kindred	Patterson, Mo.	Webster
Dominick	Kinkaid	Patterson, N. J.	White, Me.
Dowell	Kirkpatrick	Petersen	Williams
Drewry	Kitchin	Pou	Woodyard
Dunn	Kleczka	Pringey	Wright
Edmonds	Kline, N. Y.	Rainey, Ala.	Wurzbach
Ellis	Knight	Rainey, Ill.	Young
Fess	Kreider	Raker	Zihlman

So the resolution was agreed to.

The following additional pairs were announced:

Mr. MOORE of Illinois with Mr. MCCLINTIC.
Mr. LONGWORTH with Mr. CAREW.
Mr. BURKE with Mr. RAYBURN.
Mr. APPLEBY with Mr. FISHER.
Mr. OSBORNE with Mr. JACOWAY.
Mr. KENNEDY with Mr. TAGUE.
Mr. MCLAUGHLIN of Michigan with Mr. RAINEY of Illinois.
Mr. NORTON with Mr. DEAL.
Mr. WURZBACH with Mr. MARTIN.
Mr. FUNK with Mr. HARDY of Texas.
Mr. LINEBERGER with Mr. KITCHIN.
Mr. BLAND of Indiana with Mr. THOMAS.
Mr. LAWRENCE with Mr. KINDRED.
Mr. PARKER of New Jersey with Mr. RIORDAN.
Mr. KNIGHT with Mr. GALLIVAN.
Mr. SNELL with Mr. DOMINICK.
Mr. MORIN with Mr. POU.
Mr. CODD with Mr. CLARK of Florida.
Mr. SNYDER with Mr. BRAND.
Mr. A. P. NELSON with Mr. MCDUFFIE.
Mr. PATTERSON of Missouri with Mr. STOLL.
Mr. DUNN with Mr. HAWES.
Mr. EDMONDS with Mr. SULLIVAN.
Mr. ATKESON with Mr. KUNZ.
Mr. BURTON with Mr. FULMER.
Mr. MCARTHUR with Mr. HUMPHREYS.
Mr. OGDEN with Mr. TAYLOR of Arkansas.
Mr. MCPHERSON with Mr. O'BRIEN.
Mr. REBER with Mr. CARTER.
Mr. PATTERSON of New Jersey with Mr. LEE of Georgia.
Mr. FESS with Mr. BARKLEY.
Mr. NEWTON of Missouri with Mr. CONNALLY of Texas.
Mr. DOWELL with Mr. DREWRY.
Mr. RODENBERG with Mr. RAKER.
Mr. WILLIAMS with Mr. STEDMAN.
Mr. BRENNAN with Mr. HUDSPETH.
Mr. FREE with Mr. JONES of Texas.
Mr. CONNOLLY of Pennsylvania with Mr. LEA of California.
Mr. RHODES with Mr. SEARS.
Mr. DENISON with Mr. DAVIS of Tennessee.
Mr. KAHN with Mr. BLACK.
Mr. TAYLOR of New Jersey with Mr. RAINEY of Alabama.
Mr. ROSENBLOOM with Mr. BRINSON.
Mr. JEFFERIS of Nebraska with Mr. SABATH.
Mr. LEATHERWOOD with Mr. HAYDEN.
Mr. GORMAN with Mr. TEN EYCK.
Mr. GRAHAM of Pennsylvania with Mr. JOHNSON of Mississippi.
Mr. ROACH with Mr. O'CONNOR.
Mr. HAYS with Mr. MEAD.
Mr. KEARNS with Mr. MANSFIELD.
Mr. CHANDLER of New York with Mr. WRIGHT.
Mr. FORDNEY with Mr. TAYLOR of Colorado.

The result of the vote was announced as above recorded.

On motion of Mr. IRELAND, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

APPROPRIATION BILL FOR THE TREASURY DEPARTMENT.

Mr. MADDEN, chairman of the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes, which was read a first and second time, and, with accompanying papers, referred to the Committee of the Whole House on the state of the Union.

Mr. BYRNS of Tennessee reserved all points of order.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 423. An act for the relief of Hans P. Guttormsen; to the Committee on Claims.

PROGRAM FOR THE SESSION.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes on the matter of the program of the session.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I am only stating a truism when I suggest that no important business, public or private, can be successfully carried on, and no important project, enterprise, or undertaking can hope for a successful issue, unless there shall be, so far as the character of the undertaking permits, a reasonably definite plan and purpose of accomplishment. With these facts in mind, it has occurred to me that it would not be amiss at the convening of the session to call attention to and outline, so far as we may at this time, the purpose and expectation of the session upon which we are now entering, following the important preliminary work of the session prior to the Christmas holidays.

For the first time in our history we shall be working in the matter of appropriations under a completely functioning Federal budget system. Our consolidated Appropriations Committee has for the first time considered estimates submitted

by the Bureau of the Budget and will present appropriation bills grouped according to the activities of Federal departments.

I shall leave with the chairman of the Committee on Appropriations the duty of presenting to the House in detail the plans and purposes of the Appropriations Committee under the new system and of pointing out the remarkably efficient work that has been performed in starting our first appropriation program under the budget.

I think that all will agree that the importance of this appropriation program is such as to warrant its regular and systematic consideration as the bills may be presented by the Appropriations Committee, and while there shall be no neglect of the legislative program, the program of appropriations should, in the main, have the right of way at all times.

There are a number of measures now well along on their legislative way which we expect to see completed during the session. The more important of these is the tariff bill, the reasonably early enactment of which is highly important and earnestly hoped for. Other measures of importance which we hope to see enacted during the session are the bill providing for a commission for the refunding of the foreign debt, the bill providing for additional Federal judges, and the bill for the reclassification of Federal employees. I think it is now generally understood that we shall proceed to the early consideration of, and in due time in this session enact, an adjusted compensation act for veterans of the World War. [Applause.] It is highly important that we shall before the close of the session outline a program of national participation in highway construction covering a period of two or perhaps three years. It is, in my opinion, important and desirable that the Congress shall at this session enact proper legislation for the apportionment of Congress under the Fourteenth Decennial Census.

Other legislation that will be scheduled for consideration during the session includes legislation necessary for the establishment of a permanent policy touching our merchant marine, a measure providing needed amendments to our immigration and naturalization laws, and legislation making further provision for the establishment of more favorable conditions in agriculture. The antilynching bill, which will be taken up for consideration promptly, is expected to pass the House in the very near future.

The enumeration of the measures to which I have referred does not, of course, exclude the consideration of other matters; I have mentioned those the passage of which is essential, highly desirable, or quite generally considered important.

All these things can be done and accomplished, at least so far as this House is concerned, by the 1st of June, and if the two bodies shall reasonably cooperate in the legislative plan, as I feel confident they will, it seems to be altogether possible that we may complete the necessary program and adjourn sine die five months from the first of this week, or June 1 next. [Applause.]

Mr. ASWELL. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. ASWELL. Will there be any consideration of a public building bill at this session of Congress?

Mr. MONDELL. Not for the present.

Mr. ASWELL. What about unemployment?

Mr. MONDELL. We are providing for and remedying that situation all the time. Every act that we pass tends to set more and more completely the wheels of industry in motion, thus affording employment. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point that no quorum is present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms was directed to notify the absentees, the Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Burton	Denison	Glynn
Andrew, Mass.	Carew	Dominick	Goldsborough
Appleby	Carter	Drewry	Gorman
Atkeson	Chalmers	Dunbar	Gould
Barkley	Chandler, N. Y.	Dunn	Graham, Pa.
Beedy	Christopherson	Edmonds	Greene, Vt.
Benham	Clague	Elliott	Griffin
Black	Clarke, N. Y.	Fess	Hardy, Tex.
Bland, Ind.	Classon	Fish	Haugen
Bond	Codd	Fisher	Hawes
Brand	Colton	Focht	Hayden
Brennan	Connolly, Pa.	Fordney	Hays
Brinson	Copley	Free	Hogan
Brooks, Ill.	Cramton	Freeman	Hudspeth
Brown, Tenn.	Curry	Fulmer	Hull
Burdick	Davis, Tenn.	Funk	Humphreys
Burke	Deal	Gahn	Jacoway
Burtness	Dempsey	Gallivan	Jefferis, Nebr.
Johnson, S. Dak.	McFadden	Petersen	Stevenson
Jones, Tex.	McLaughlin, Mich.	Pringey	Stiness
Kahn	McLaughlin, Pa.	Rainey, Ala.	Strong, Pa.
Kearns	McPherson	Rainey, Ill.	Sullivan
Kelley, Mich.	Mansfield	Raker	Tague
Kendall	Mead	Rayburn	Taylor, Ark.
Kennedy	Merritt	Reber	Taylor, Colo.
Kindred	Michaelson	Reed, N. Y.	Taylor, N. J.
Kirkpatrick	Moore, Ill.	Rhodes	Ten Eyck
Kitchin	Morin	Riddick	Thomas
Kleczka	Mott	Riordan	Tinkham
Kline, N. Y.	Mudd	Roach	Underhill
Knight	Murphy	Rodenberg	Volgt
Kreider	Nelson, A. P.	Rosenbloom	Ward, N. Y.
Kunz	Newton, Mo.	Ryan	Webster
Langley	Nolan	Sabath	Williams
Lawrence	Norton	Sanders, N. Y.	Wilson
Leatherwood	O'Brien	Scott, Mich.	Winslow
Lee, Ga.	O'Connor	Scott, Tenn.	Woodyard
Lee, N. Y.	Ogden	Sears	Wright
Lineberger	Osborne	Shaw	Wurzbach
Longworth	Park, Ga.	Sinnott	Yates
Lowrey	Parker, N. J.	Slemp	Zihlman
McArthur	Parker, N. Y.	Snell	
McClintic	Patterson, Mo.	Snyder	
McDuffie	Patterson, N. J.	Stafford	

The SPEAKER pro tempore (Mr. WALSH). On this vote 272 Members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER pro tempore. The gentleman moves to dispense with further proceedings under the call.

Mr. GARRETT of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Tennessee that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 46, noes 133.

Mr. GARRETT of Tennessee. Mr. Speaker, that is pretty close, and I ask for tellers.

Tellers were ordered, and Mr. GARRETT of Tennessee and Mr. VOLSTEAD were appointed to act as tellers.

The House again divided; and the tellers reported—ayes 52, noes 115.

Mr. GARRETT of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from Tennessee that the House do now adjourn.

The question was taken, and there were—yeas 75, nays 179, answered "present" 3, not voting 173, as follows:

YEAS—75.

Almon	Doughton	Larsen, Ga.	Sanders, Tex.
Aswell	Drane	Lazaro	Sandlin
Bankhead	Driver	Linthicum	Sisson
Bell	Dupré	Logan	Smithwick
Bland, Va.	Favrot	Lowrey	Steagall
Blanton	Fields	Lyon	Stevenson
Bowling	Garner	McSwain	Stoll
Box	Garrett, Tenn.	Martin	Sumners, Tex.
Briggs	Garrett, Tex.	Montague	Swank
Buchanan	Gilbert	Moore, Va.	Tillman
Bulwinkle	Goldsborough	Oldfield	Tyson
Byrnes, S. C.	Hammer	Overstreet	Upshaw
Byrns, Tenn.	Hooker	Padgett	Vinson
Cantrill	Huddleston	Parks, Ark.	Ward, N. C.
Cockran	Jeffers, Ala.	Parrish	Weaver
Collier	Johnson, Miss.	Pou	Wingo
Collins	Kincheloe	Quin	Wise
Connally, Tex.	Lanham	Rankin	Woods, Va.
Crisp	Lankford	Rouse	

NAYS—180.

Ackerman	Crowther	Herrick	Lea, Calif.
Andrews, Nebr.	Cullen	Hersey	Lehlbach
Ansorge	Curry	Hickey	Little
Anthony	Dale	Hicks	London
Arentz	Dallinger	Hill	Luce
Bacharach	Darrow	Himes	McCormick
Barbour	Dickinson	Houghton	McFadden
Beck	Dowell	Hukriede	McKenzie
Begg	Dunbar	Husted	McLaughlin, Nebr.
Bird	Dyer	Hutchinson	MacGregor
Bixler	Elliott	Ireland	Madden
Blakeney	Ellis	James	Magee
Boies	Fairchild	Johnson, Ky.	Maloney
Bowers	Faust	Johnson, S. Dak.	Mann
Britten	Fenn	Johnson, Wash.	Mapes
Brooks, Pa.	Focht	Jones, Pa.	Michener
Browne, Wis.	Foster	Keller	Miller
Burroughs	Frear	Kelly, Pa.	Mills
Butler	French	Kendall	Millspaugh
Cable	Frothingham	Ketcham	Mondell
Campbell, Kans.	Fuller	Kiess	Montoya
Campbell, Pa.	Gensman	King	Moore, Ohio
Chindblom	Gernerd	Kinkaid	Moores, Ind.
Clouse	Goodykoontz	Kissel	Morgan
Cole, Iowa	Graham, Ill.	Kline, Pa.	Nelson, J. M.
Cole, Ohio	Green, Iowa	Knutson	Newton, Minn.
Connell	Greene, Mass.	Kopp	Olpp
Cooper, Ohio	Griest	Kraus	Paige
Cooper, Wis.	Hadley	Lampert	Perkins
Coughlin	Hardy, Colo.	Larson, Minn.	Perlman
Crago	Hawley	Layton	Porter

Purnell	Scott, Mich.	Swing	Volstead
Radcliffe	Shelton	Taylor, Tenn.	Walsh
Ramseyer	Shreve	Temple	Walters
Ransley	Siegel	Thompson	Wason
Reavis	Sinclair	Tilson	Watson
Reece	Sinnott	Timberlake	Wheeler
Reed, W. Va.	Smith, Mich.	Tincher	White, Kans.
Ricketts	Speaks	Towner	White, Me.
Robsion	Sproul	Treadway	Williamson
Rogers	Steenerson	Vaile	Winslow
Rose	Stephens	Vare	Wood, Ind.
Rossdale	Stiness	Vestal	Woodruff
Sanders, Ind.	Strong, Kans.	Voigt	Wyant
Schall	Summers, Wash.	Volk	Young

ANSWERED "PRESENT"—3.

Chandler, Okla.	Clark, Fla.	Rucker

NOT VOTING—172.

Anderson	Evans	Kreider	Raker
Andrew, Mass.	Fairfield	Kunz	Rayburn
Appleby	Fess	Langley	Reber
Atkeson	Fish	Lawrence	Reed, N. Y.
Barkley	Fisher	Leatherwood	Rhodes
Beedy	Fitzgerald	Lee, Ga.	Riddick
Benham	Fordney	Lee, N. Y.	Riordan
Black	Free	Lineberger	Roach
Bland, Ind.	Freeman	Longworth	Robertson
Bond	Fulmer	Luhring	Rodenberg
Brand	Funk	McArthur	Rosenbloom
Brennan	Gahn	McClintic	Ryan
Brinson	Gallivan	McDuffie	Sabath
Brooks, Ill.	Glynn	McLaughlin, Mich.	Sanders, N. Y.
Brown, Tenn.	Gorman	McLaughlin, Pa.	Scott, Tenn.
Burdick	Gould	McPherson	Sears
Burke	Graham, Pa.	Mansfield	Shaw
Burtness	Greene, Vt.	Mead	Slemp
Burton	Griffin	Merritt	Smith, Idaho
Cannon	Hardy, Tex.	Michaelson	Snell
Carew	Harrison	Moore, Ill.	Snyder
Carter	Haugen	Morin	Stafford
Chalmers	Hawes	Mott	Stedman
Chandler, N. Y.	Hayden	Mudd	Strong, Pa.
Christopherson	Hays	Murphy	Sullivan
Clague	Hoch	Nelson, A. P.	Sweet
Clarke, N. Y.	Hogan	Newton, Mo.	Tague
Classon	Hudspeth	Nolan	Taylor, Ark.
Codd	Hull	Norton	Taylor, Colo.
Colton	Humphreys	O'Brien	Taylor, N. J.
Connolly, Pa.	Jacoway	O'Connor	Ten Eyck
Copley	Jefferis, Nebr.	Ogden	Thomas
Cramton	Jones, Tex.	Oliver	Tinkham
Davis, Minn.	Kahn	Osborne	Underhill
Davis, Tenn.	Kearns	Park, Ga.	Ward, N. Y.
Deal	Kelley, Mich.	Parker, N. J.	Webster
Dempsey	Kennedy	Parker, N. Y.	Williams
Denison	Kindred	Patterson, Mo.	Wilson
Dominick	Kirkpatrick	Patterson, N. J.	Woodyard
Drewry	Kitchin	Petersen	Wright
Dunn	Kleczka	Pringey	Wurzbach
Echols	Kline, N. Y.	Rainey, Ala.	Yates
Edmonds	Knight	Rainey, Ill.	Zihlman

So the House refused to adjourn.

The Clerk announced the following additional pairs:

Additional general pairs:

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. LUHRING with Mr. WILSON.

Mr. RODENBERG with Mr. RUCKER.

Mr. CANNON with Mr. DREWRY.

Mr. DAVIS of Minnesota with Mr. OLIVER.

Mr. NEWTON of Missouri with Mr. RAKER.

Mr. REED of New York with Mr. GRIFFIN.

Mr. PATTERSON of Missouri with Mr. PARK of Georgia.

Mr. CONNOLLY of Pennsylvania with Mr. HARRISON.

Mr. CLARK of Florida. Mr. Speaker, I desire to ask if the gentleman from Kentucky [Mr. LANGLEY] is recorded?

The SPEAKER. He is not recorded.

Mr. CLARK of Florida. Then I desire to withdraw my vote of "aye" and answer "present."

The name of Mr. CLARK of Florida was called and he answered "present."

The result of the vote was announced as above recorded.

Mr. VOLSTEAD. Mr. Speaker——

The SPEAKER. The Chair desires to state there has not been any motion to dispense with further proceedings under the call.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. Without objection, it is so ordered——

Mr. GARRETT of Tennessee. Mr. Speaker, I object.

The SPEAKER. The question is on dispensing with further proceedings under the call.

The question was taken, and the Chair announced that the ayes seemed to have it.

On a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 125, noes 63.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for tellers.

The SPEAKER. The Chair thinks that is dilatory.

Mr. GARRETT of Tennessee. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 179, nays 69, answered "present" 1, not voting 181, as follows:

Yeas—179.

Ackerman	Ellis	Lampert	Sanders, Ind.
Andrews, Nebr.	Evans	Larson, Minn.	Schall
Ansorge	Fairchild	Layton	Scott, Mich.
Anthony	Faust	Lea, Calif.	Shelton
Arentz	Fenn	Lehlbach	Shreve
Bacharach	Foster	Little	Siegel
Barbour	Frothingham	London	Sinclair
Beck	Fuller	Luce	Sinnott
Begg	Gensman	McCormick	Smith, Idaho
Benham	Gernerd	McFadden	Smith, Mich.
Bird	Goodykoontz	McKenzie	Speaks
Bixler	Graham, Ill.	McLaughlin, Nebr.	Sproul
Blakeney	Greene, Mass.	MacGregor	Steenerson
Boies	Griest	Madden	Stephens
Bowers	Hadley	Magee	Stiness
Britten	Hardy, Colo.	Maloney	Strong, Kans.
Brooks, Pa.	Hawley	Mann	Summers, Wash.
Browne, Wis.	Herrick	Mapes	Sweet
Burroughs	Hersey	Michener	Swing
Butler	Hickey	Miller	Taylor, Tenn.
Cable	Hicks	Mills	Temple
Campbell, Kans.	Hill	Millspaugh	Thompson
Campbell, Pa.	Himes	Mondell	Tilson
Chandler, Okla.	Hoch	Montoya	Timberlake
Chindblom	Houghton	Moore, Ohio	Tincher
Clouse	Hukriede	Moores, Ind.	Towner
Cole, Iowa	Husted	Morgan	Treadway
Cole, Ohio	Hutchinson	Mudd	Vaile
Connell	Ireland	Olpp	Vare
Cooper, Ohio	James	Paige	Vestal
Cooper, Wis.	Johnson, Ky.	Perkins	Voigt
Coughlin	Johnson, S. Dak.	Perlman	Volk
Crago	Johnson, Wash.	Purnell	Volstead
Crowther	Jones, Pa.	Radcliffe	Walsh
Cullen	Kelley	Ramseyer	Walters
Curry	Kelly, Pa.	Ransley	Wason
Dale	Kendall	Reavis	Wheeler
Dallinger	Ketcham	Reece	White, Me.
Darrow	Kiess	Reed, W. Va.	Williamson
Dempsey	King	Ricketts	Winslow
Dowell	Kinkaid	Robertson	Wood, Ind.
Dunbar	Kissel	Robsion	Woodruff
Dyer	Kline, Pa.	Rogers	Wyant
Echols	Knutson	Rose	Young
Elliott	Kopp	Rossdale	

NAYS—69.

Almon	Drane	Lazaro	Sisson
Aswell	Driver	Linthicum	Smithwick
Bankhead	Dupré	Logan	Steagall
Bell	Favrot	Lowrey	Stevenson
Bland, Va.	Fields	Lyon	Stoll
Blanton	Garner	Montague	Sumners, Tex.
Bowling	Garrett, Tenn.	Moore, Va.	Swank
Box	Garrett, Tex.	Oldfield	Tillman
Briggs	Gilbert	Oliver	Tyson
Buchanan	Goldsborough	Padgett	Upshaw
Bulwinkle	Hammer	Parks, Ark.	Vinson
Byrnes, S. C.	Huddleston	Parrish	Ward, N. C.
Byrns, Tenn.	Jeffers, Ala.	Pou	Weaver
Cantrill	Johnson, Miss.	Quin	Wise
Collier	Kincheloe	Rankin	Woods, Va.
Collins	Lanham	Rouse	
Connally, Tex.	Lankford	Sanders, Tex.	
Crisp	Larsen, Ga.	Sandlin	

ANSWERED "PRESENT"—1.

Clark, Fla.

NOT VOTING—181.

Anderson	Doughton	Jones, Tex.	Nelson, J. M.
Andrew, Mass.	Drewry	Kahn	Newton, Minn.
Appleby	Dunn	Kearns	Newton, Mo.
Atkeson	Edmonds	Kelley, Mich.	Nolan
Barkley	Fairfield	Kennedy	Norton
Beedy	Fess	Kindred	O'Brien
Black	Fish	Kirkpatrick	O'Connor
Bland, Ind.	Fisher	Kitchin	Ogden
Bond	Fitzgerald	Kleczka	Osborne
Brand	Focht	Kline, N. Y.	Overstreet
Brennan	Fordney	Knight	Park, Ga.
Brinson	Frear	Kraus	Parker, N. J.
Brooks, Ill.	Free	Kreider	Parker, N. Y.
Brown, Tenn.	Freeman	Kunz	Patterson, Mo.
Burdick	French	Langley	Patterson, N. J.
Burke	Fulmer	Lawrence	Petersen
Burtness	Funk	Leatherwood	Porter
Burton	Gahn	Lee, Ga.	Pringey
Cannon	Gallivan	Lee, N. Y.	Rainey, Ala.
Carew	Glynn	Lineberger	Rainey, Ill.
Carter	Gorman	Longworth	Raker
Chalmers	Gould	Luhring	Rayburn
Chandler, N. Y.	Graham, Pa.	McArthur	Reber
Christopherson	Green, Iowa	McClintic	Reed, N. Y.
Clague	Greene, Vt.	McDuffie	Rhodes
Clarke, N. Y.	Griffin	McLaughlin, Mich.	Riddick
Classon	Hardy, Tex.	McLaughlin, Pa.	Riordan
Cockran	Harrison	McPherson	Roach
Codd	Haugen	McSwain	Rodenberg
Colton	Hawes	Mansfield	Rosenbloom
Connolly, Pa.	Hayden	Martin	Rucker
Copley	Hays	Mead	Ryan
Cramton	Hogan	Merritt	Sabath
Davis, Minn.	Hooker	Michaelson	Sanders, N. Y.
Davis, Tenn.	Hudspeth	Moore, Ill.	Scott, Tenn.
Deal	Hull	Morin	Sears
Denison	Humphreys	Mott	Shaw
Dickinson	Jacoway	Murphy	Slemp
Dominick	Jefferis, Nebr.	Nelson, A. P.	Snell

Snyder	Taylor, Colo.	Watson	Wright
Stafford	Taylor, N. J.	Webster	Wurzbach
Stedman	Ten Eyck	White, Kans.	Yates
Strong, Pa.	Thomas	Williams	Zihlman
Sullivan	Tinkham	Wilson	
Tague	Underhill	Wingo	
Taylor, Ark.	Ward, N. Y.	Woodyard	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. PORTER with Mr. COCKRAN.

Mr. MORIN with Mr. WINGO.

Mr. DALLINGER with Mr. MARTIN.

Mr. MICHAELSON with Mr. HOOKER.

Mr. WURZBACH with Mr. OVERSTREET.

Mr. STRONG of Pennsylvania with Mr. MCSWAIN.

Mr. ANDERSON with Mr. DOUGHTON.

The result of the vote was announced as above recorded.

ANTILYNCHING BILL.

Mr. VOLSTEAD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, and on that I ask the yeas and nays.

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13, and on that the Chair understands that the gentleman demands the yeas and nays.

Mr. VOLSTEAD. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 180, nays 70, answered "present" 2, not voting 178, as follows:

YEAS—180.

Ackerman	Fairchild	Larson, Minn.	Schall
Andrews, Nebr.	Faust	Layton	Scott, Mich.
Ansorge	Fenn	Lehlbach	Shelton
Arentz	Focht	Little	Shreve
Bacharach	Foster	London	Siegel
Barbour	Frear	Luce	Sinclair
Beck	French	McCormick	Sinnott
Begg	Frothingham	McFadden	Smith, Idaho
Benham	Fuller	McKenzie	Smith, Mich.
Bird	Gensman	McLaughlin, Nebr	Speaks
Bixler	Gernerd	MacGregor	Sproul
Blakeney	Goodykoontz	Madden	Stephens
Boies	Graham, Ill.	Magee	Stiness
Bowers	Green, Iowa	Maloney	Strong, Kans.
Britten	Greene, Mass.	Mann	Summers, Wash.
Brooks, Pa.	Griest	Mapes	Sweet
Browne, Wis.	Hadley	Michener	Swing
Burroughs	Hardy, Colo.	Miller	Taylor, Tenn.
Butler	Hawley	Mills	Temple
Cable	Herrick	Millspaugh	Thompson
Campbell, Kans.	Hersey	Mondell	Tilson
Campbell, Pa.	Hickey	Montoya	Timberlake
Chandler, Okla.	Hicks	Moore, Ohio	Tincher
Chindblom	Hill	Moores, Ind.	Towner
Clouse	Himes	Morgan	Treadway
Cole, Iowa	Hoch	Mudd	Vaile
Cole, Ohio	Houghton	Nelson, J. M.	Vare
Connell	Hukriede	Newton, Minn.	Vestal
Cooper, Ohio	Hutchinson	Olpp	Voigt
Cooper, Wis.	Ireland	Paige	Volk
Coughlin	Johnson, Ky.	Perkins	Volstead
Crago	Johnson, S. Dak.	Perlman	Walsh
Crowther	Johnson, Wash.	Porter	Walters
Cullen	Keller	Purnell	Wason
Curry	Kelly, Pa.	Radcliffe	Watson
Dale	Kendall	Ramseyer	Wheeler
Dallinger	Ketcham	Ransley	White, Kans.
Darrow	Kiess	Reed, W. Va.	White, Me.
Dowell	King	Ricketts	Williamson
Dunbar	Kinkaid	Robertson	Winslow
Dyer	Kissel	Robsion	Wood, Ind.
Echols	Kline, Pa.	Rogers	Woodruff
Elliott	Knutson	Rose	Wyant
Ellis	Kopp	Rossdale	Yates
Evans	Lampert	Sanders, Ind.	Young

NAYS—70.

Almon	Crisp	Lazaro	Sisson
Aswell	Doughton	Lea, Calif.	Smithwick
Bankhead	Drane	Linthicum	Steagall
Bell	Driver	Logan	Stevenson
Bland, Va.	Dupré	Lowrey	Stoll
Blanton	Favrot	Lyon	Sumners, Tex.
Bowling	Garner	Moore, Va.	Swank
Box	Garrett, Tenn.	Oldfield	Tillman
Briggs	Garrett, Tex.	Oliver	Tyson
Buchanan	Gilbert	Padgett	Upshaw
Bulwinkle	Hammer	Parks, Ark.	Vinson
Byrnes, S. C.	Hooker	Parrish	Ward, N. C.
Byrns, Tenn.	Huddleston	Pou	Wilson
Cantrill	Jeffers, Ala.	Quin	Wingo
Cockran	Johnson, Miss.	Rankin	Wise
Collier	Kincheloe	Rouse	Woods, Va.
Collins	Lanham	Sanders, Tex.	
Connally, Tex.	Lankford	Sandlin	

ANSWERED "PRESENT"—2.

Clark, Fla.	Reece

NOT VOTING—172.

Anderson	Fields	Kreider	Rainey, Ill.
Andrew, Mass.	Fish	Kunz	Raker
Anthony	Fisher	Langley	Rayburn
Appleby	Fitzgerald	Larsen, Ga.	Reavis
Atkeson	Fordney	Lawrence	Reber
Barkley	Free	Leatherwood	Reed, N. Y.
Beedy	Freeman	Lee, Ga.	Rhodes
Black	Fulmer	Lee, N. Y.	Riddick
Bland, Ind.	Funk	Lineberger	Riordan
Bond	Gahn	Longworth	Roach
Brand	Gallivan	Luhring	Rodenberg
Brennan	Glynn	McArthur	Rosenbloom
Brinson	Goldsborough	McClintic	Rucker
Brooks, Ill.	Gorman	McDuffie	Ryan
Brown, Tenn.	Gould	McLaughlin, Mich.	Sabath
Burdick	Graham, Pa.	McLaughlin, Pa.	Sanders, N. Y.
Burke	Greene, Vt.	McPherson	Scott, Tenn.
Burtness	Griffin	McSwain	Sears
Burton	Hardy, Tex.	Mansfield	Shaw
Cannon	Harrison	Martin	Slemp
Carew	Haugen	Mead	Snell
Carter	Hawes	Merritt	Snyder
Chalmers	Hayden	Michaelson	Stafford
Chandler, N. Y.	Hays	Montague	Stedman
Christopherson	Hogan	Moore, Ill.	Steenerson
Clague	Hudspeth	Morin	Strong, Pa.
Clarke, N. Y.	Hull	Mott	Sullivan
Classon	Humphreys	Murphy	Tague
Codd	Husted	Nelson, A. P.	Taylor, Ark.
Colton	Jacoway	Newton, Mo.	Taylor, Colo.
Connolly, Pa.	James	Nolan	Taylor, N. J.
Copley	Jefferis, Nebr.	Norton	Ten Eyck
Cramton	Jones, Pa.	O'Brien	Thomas
Davis, Minn.	Jones, Tex.	O'Connor	Tinkham
Davis, Tenn.	Kahn	Ogden	Underhill
Deal	Kearns	Osborne	Ward, N. Y.
Dempsey	Kelley, Mich.	Overstreet	Weaver
Denison	Kennedy	Park, Ga.	Webster
Dickinson	Kindred	Parker, N. J.	Williams
Dominick	Kirkpatrick	Parker, N. Y.	Woodyard
Drewry	Kitchin	Patterson, Mo.	Wright
Dunn	Kleczka	Patterson, N. J.	Wurzbach
Edmonds	Kline, N. Y.	Petersen	Zihlman
Fairfield	Knight	Pringey	
Fess	Kraus	Rainey, Ala.	

So the motion of Mr. VOLSTEAD was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. ANTHONY with Mr. FIELDS.

Mr. LUHRING with Mr. GOLDSBOROUGH.

Mr. REAVIS with Mr. LARSEN of Georgia.

Mr. DAVIS of Minnesota with Mr. MONTAGUE.

Mr. FISH with Mr. WEAVER.

Mr. ANDERSON with Mr. MARTIN.

The result of the vote was announced as above recorded.

The SPEAKER. The House resolves itself into Committee of the Whole House on the state of the Union. The gentleman from Kansas [Mr. CAMPBELL] will resume the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13, the antilynching bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 13) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Mr. VOLSTEAD. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. GARRETT of Tennessee. Mr. Chairman, I regret very much to have to object, but I shall have to object to the extension of remarks on this bill.

The CHAIRMAN. The gentleman from Tennessee objects. The gentleman from Missouri is recognized.

Mr. DYER. Mr. Chairman and gentlemen, my interest in the legislation——

Mr. GARRETT of Tennessee. Mr. Chairman, if the gentleman will permit, I will withdraw my objection to the gentleman extending his remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri to extend his remarks in the RECORD?

There was no objection.

Mr. DYER. Mr. Chairman and gentlemen of the committee, my interest in this legislation comes from lynchings that have occurred in my own State. My special attention to this matter came five years ago when at the very doors of my home occurred one of the most disgraceful lynchings and riots known to civilization. That occurred in the city of East St. Louis, Ill. I introduced a resolution at that time asking that the House of Representatives investigate that lynching and ascertain the cause and see if there was something we might do to make such disgraceful events scarce and impossible for the future. In that lynching and in that mob riot there were 100 and more people injured and killed—innocent men and innocent women.

Some of the most outrageous murders known to humanity took place at this time. Little children were taken away from their mother's arms and thrown into the fire.

This affair grew out of a killing that occurred in East St. Louis. There had been race feeling in that city, and there was an automobile containing police officers driven through sections of East St. Louis that were populated largely by colored people, and while they were doing this they were fired upon—fired upon by somebody, presumably, although I do not think it was ever ascertained as a fact, by some Negroes. A man was killed; another was wounded, and this lynching, this murder of more than 100 people, innocent as you and I of any connection with that affair, took place. Some people started out to find the people who had killed this man for the purpose of lynching them.

This legislation, if enacted into law, will cover cases of that kind, notwithstanding the statement made by some gentleman previous to the holiday recess that this legislation is aimed only at the Southern States, where lynchings have been promiscuous. Mr. Chairman, I may say in this connection that that thought never entered my mind in what I have done to secure this legislation. I want to make it so that lynchings of the kind that happened in East St. Louis, Ill., will not go unpunished to the fullest extent possible. [Applause.]

When that committee was appointed to go to East St. Louis, Ill., and investigate those race riots and those murders, distinguished Members of this House were appointed as members of the committee. Among them was the gentleman from Kentucky [Mr. JOHNSON], and I am glad to say that in all the filibustering that has been carried on here to prevent, if possible, the consideration of this legislation, you have not had the assistance of that distinguished Representative from Kentucky. [Applause.] He knows something about the terrible things that happen in these lynchings and race riots, and how innocent people are murdered and killed by the mob quest for the supposed guilty ones.

I have here the report made by that committee. Among the other signers is the distinguished gentleman from Wisconsin [Mr. COOPER]. This report was published as a House document and I have it here. It tells of the horrible things that happened at that time.

Not only that, Mr. Chairman, but lynchings have been going on in this country for these many years without any special effort apparently being made to prosecute or to punish the guilty. It is true that some few of those who participated in that East St. Louis lynching were convicted; some whites and some blacks were convicted and sent to the penitentiary. But that is one of the few instances to my knowledge where there has ever been any conviction.

The charge has been made here, Mr. Chairman, that these lynchings are caused by attacks upon women, that they are the result of rape. That is as far from the truth as many of the other extravagant statements that have been made.

I have taken pains to obtain the best possible information regarding lynchings in the last 35 years or more, and I have here a statement prepared by the president of the Tuskegee Institute of Alabama, under date of December 31, 1921. In a word, it says that in this 36-year period, from 1885 to 1921, there had been 4,096 lynchings. Of this number 810 were charged with rape or attempted rape. In other words, of the total number of 4,096, only 810 were even charged with this horrible crime or its attempt. I have taken pains to have other statements compiled. I have one here prepared by the National Association for the Advancement and Protection of Colored People stating that during the period from 1889 up until December, 1919, there were 3,434 known lynchings in the United States. Of that number 570 have been charged with rape or attempted rape—570 out of 3,434.

It is especially emphasized in this connection that there have been many lynchings where the victim was not even accused of rape but in which cases the lynchers gave rape as the cause in order to justify their action. They did this, of course, because they felt that a great majority of the American public would not censure them for lynching under those circumstances; and that is, I take it, why some of the gentlemen rise in their seats and say that this bill should be labeled a bill to legalize rape.

Mr. Chairman, the crimes and misdemeanors with which men have been charged or of which they were guilty and for which they have been lynched have been so greatly outnumbered by the other class that it is hardly worth while to spend a great deal of time on that. In the five-year period, from 1914 to 1918, 264 Negroes were lynched in the United States. That does not take in the great number who were killed at East St. Louis, to which I have made reference. Of the 264 cases, rape was the alleged cause in only 28.

Taking the States in this Union where men are prosecuted for this crime and where the courts are left to decide the question, I have taken figures from the State of New York. I find that in New York County in 1917 there were 230 persons indicted for rape, of whom 37 were indicted for rape in the first degree. This shows that in New York County alone in one year there were nine more persons indicted for rape than there were lynchings of Negroes during the five years where the victims were only accused of rape.

It may be well to state here, gentlemen, that lynching mobs require no proof, but in the courts of justice proof is required. It might be stated further that out of the 37 persons indicted for rape in the first degree during 1907 in New York County not a single one of those cases was that of a colored man.

I have the figures here of many years. I have the places, the dates, and the names of the people who were lynched. Let me call your attention here to the year 1918. Five of those lynched in that year were women. Two Negro men were burned at the stake before death, and four were burned after death. Aside from those burned at the stake three were tortured before death. In one case the victim's dead body was carried into town on the running board of an automobile and thrown into a public park, where it could be viewed by thousands of men, women, and children. One Negro victim was captured and handed over to the officers of the law by the Negroes themselves in that year, yet after that had been done he was taken from the officers of the law and lynched.

A mother and her five children were lynched by a Texas mob in 1918, the mother having been shot as she was attempting to drag the bodies of her four dead sons from their burning home. The crime in this case was not rape. It was alleged conspiracy to avenge the killing of another son by officers who had come to arrest him for evading the draft law. Those are some of the facts.

I have here another year, 1919, in which there were 83 people lynched. Some were shot, some were hanged, some were beaten to death, some were cut into pieces, some were drowned, and in many cases the means of death is unknown. The charges for which these people were killed in that year were murder, assault on white women, attempted assault, insulting a white woman, attempt to pull a woman from a horse, shooting a white man, assaulting a white man, altercation with white man, beating and robbing a white man, being found under a bed in a white man's house, not turning out of the road for a white boy in an auto, misleading a mob, insulting a white man, boastful remark in regard to the killing of a sheriff, and the result of race riots.

I have a statement here for another year, 1920, the alleged offenses being murder, assault on women, attacking white boy, stabbing a white man, assaulting a white man, threatening to kill a white man, aiding the escape of a murderer, jumping labor contracts, Negro labor troubles, riots, election-day disturbances, attempting arrest in connection with a moonshine still, and other offenses.

I have a case here, among others, which shows that two colored men, one 20 and one 17 years of age, were lynched along with two Negro girls, one 20 and one 16. One of these Negro men had killed a white man in Mississippi. For that offense he and another colored man and these two girls—by the way it is alleged that these two girls had been repeatedly assaulted by this white man, and out of this grew the fight and the killing of a white man—all four of these Negroes were lynched from the same tree, two men and two girls, one 20 and one 16.

Mr. Chairman, this charge that this is aimed at any section of the country or that any particular section of the country is in favor of this lynching is an absolute untruth. I have taken pains to gather extracts from papers all over the country, and have gathered them from Southern States as I have from the Northern States. I find that the press and the good people of the Southland is as much against this crime as is the press and

the good people of the Northland. It is only the criminal element, the mob spirit, that is in favor of this damnable outrage against human life and human justice.

The Tennessee conference of charity and correction which met in Memphis, Tenn., passed resolutions calling on the President to appeal to the people of the South against lynching, and its resolution concluded not only in appealing to the President but also says that whereas such acts do in fact amount to a crime against the Nation we do further petition Congress to pass an act so declaring and give the Federal grand juries and the courts the right to indict and try these charges thereunder.

That is from the Tennessee conference of charity and correction which met in Memphis, Tenn., in 1918, report of which is published in the Outlook.

Not only that, but I have other petitions to the President and Congress begging that action be taken so that the United States courts may have jurisdiction to investigate and try men charged with this crime. You gentlemen know, all of you know, that it is impossible to find a jury in the county where a lynching takes place that will indict in the first instance or convict in the second instance; but if it is brought into a Federal court you may bring your jury from other sections of the State far away from where the crime was committed.

I have here statements published in papers in those States where lynching has taken place in such great numbers, in which it is admitted that the Negroes are not given as equal protection of the law as provided in the fourteenth amendment to the Constitution of the United States. It is upon that that we appeal to the Congress for legislation.

I have here a statement from the Atlanta Constitution, which says:

> We must be fair to the Negro. There is no use beating about the bush. We have not shown this fairness in the past nor are we showing it to-day, either in justice before the law or in facilities afforded for the education or in other directions

There is an admission by one of the great papers of the Southland that this amendment to the Constitution is and has been violated, and continually so. Down in Mississippi a lawyer was addressing the Bar Association, and he said:

> The Negro accused of crime during the days of slavery was dealt with more justly than he is to-day. It is next to impossible to convict, even upon the strongest evidence, any white man for violence upon the person of the Negro and, conversely, it is equally true that it is next to impossible to acquit a Negro of any criminal violence where a white man is concerned.

Not only that but here is a statement from the Vicksburg Herald which says that the Herald looks with no favor upon the drafting of the southern Negro, believing that they should be exempt in toto because they do not equally share in the benefits of government. To say that they do is to take issue on a palpable truth. "Taxation without representation," the war cry of the Revolution against Great Britain, was not half so plain a wrong as requiring military service from a class that is denied suffrage and which lives under such discriminations of inferiority as the "Jim Crow" law and inferior school equipment and service.

I have here an editorial from the Chattanooga Times condemning lynching and calling upon Congress to enact a law that will punish those who are guilty of it, dated January 28, 1921. I have here the Dallas Morning News, containing the same thing, and the Independent, of Elizabeth City, N. C., in which it says, "Write me down as strong for this bill," and says that "I would not draw a single one of its ferocious teeth."

The Greensboro (N. C.) Daily News of December 10, 1921, is equally strong in condemnation of lynching and for the enactment of a law by the Congress of the United States. And so with the Dallas (Tex.) Journal, the New York Times, the New York Tribune, and the San Antonio Express, which quotes some remarks by my distinguished colleague on the Judiciary Committee, Mr. SUMNERS of Texas, in which Mr. SUMNERS is alleged to have made a statement—

> That there is not a lawyer on earth who can defend it—
>
> The bill—
>
> on constitutional grounds. It gives Washington the right to dictate to the States how they shall exercise police powers. There never was a proposition like it, even in the reconstruction days, which permits the Federal Government to lay hands on the States and establishes the precedent on State rights.

This paper in the issue of December 12, 1921, answering the statement of the gentleman from Texas [Mr. SUMNERS] editorially, suggests that he worry about the following things: "That in all criminal prosecutions in that State the accused shall have a speedy public trial by an impartial jury; that he shall have the right to demand the nature and the cause of action against him; that he shall have the right of being heard by himself or by his counsel, or by both; that he shall be confronted with witnesses; and that the right of trial by jury shall remain inviolate; and that no citizen of the State shall be deprived of life, liberty, property, privileges, or immunities except by due course of the law of the land; that no power of suspending the laws in that State shall be exercised except by the legislature.

The editorial further refers to the fact that there is an anti-lynching bill now before the Congress and that it deeply hopes the National Government at last is to take a hand in wiping the stain of barbaric lynching from the banners of a free and orderly representative democracy.

In 1921 the statistics of lynching were published to the world, and in a few days, says this paper, they showed how terrific it had been. The paper says that the National Congress has the power, has the right, to legislate for the genuine, effective operation of every mandate of the National Constitution, and it publishes the editorial in advocacy of that law. The paper also states that Texas has had more lynchings lately than any State in the Union.

A distinguished member of the Georgia bar, Mr. Robert C. Austin, of Atlanta, in June, 1916, in making an argument in favor of the authority of Congress to legislate in the matter, called attention to the fourteenth amendment to the Constitution and gave it as his judgment that that amendment gave Congress the power to legislate. He said among other things:

> What reason is there for withholding the enactment of laws which will make the sheriff and his deputies amenable to a jurisdiction which is composed of persons other than the offenders and their sympathizers? No one believes that any lyncher will be punished, and experience shows that no real effort will be made to find who the lynchers are. It can no longer be said that lynching is committed for one crime. It is but a few months ago that two Negroes were lynched for killing a mule.

I have statements to that effect, not only from the newspapers in States where lynching has been so prevalent but from the newspapers of every State in the Union, and on top of that it is the duty of this Congress to see to it that those who have been given the right to be tried by the courts and by juries shall be given an opportunity to show their innocence. Even though the law says that the State must prove the man guilty beyond a reasonable doubt, the accused is not even given an opportunity to come into court and have the facts tried out. Gentlemen say that the feeling is so high and so tense where a rape has been committed that it is impossible; but how about the 4,000 cases of lynching that have taken place where no rape has been involved as against the 800 where rape was charged?

Not only that, but the Negro in this country has shown himself to be loyal and true. Every time that we have called upon them to help, they have come bravely forward. I have statements here from North Carolina papers and from other papers showing how splendidly the Negro soldiers from that State and other States went willingly to war, waiving their exemptions, and how anxious they were to do something to help this Nation during that ordeal. I have statements here from the War Department showing what these Negro soldiers did in France individually and in regiments, giving citations, the names of the places where the heroic deeds took place for which they were cited and given the distinguished medal for bravery and for being good, true soldiers for this country. Many of these are taken directly from the War Department records. Take the great war that occurred between the States, and I do not believe there is a single man here from any of the States who will rise and say that the Negroes did not conduct themselves properly when the white men were at the front. Since the colored people have been made citizens of the United States, can we not at least give to them equal justice through the courts of the land? [Applause.]

During the Civil War never was there a criticism of the conduct of any Negro man or woman who was in slavery.

I have here the record of an incident taken from the Congregationalist and Advance of Atlanta, Ga., published August 8, in which is detailed the story of two men coming from a certain section of one of the Southern States, a Negro and a white soldier. They were upon the same ship, the *Lincoln*, I think it was, one of the transports which, I think, went down. When the ship was going down the Negro was rushing to save himself. He had secured a life belt. A young white soldier from his own section was there and he did not have any life belt. The Negro soldier took off his life belt and gave it to the white soldier. He then rushed back to find another, but before he could do so the ship went down. This paper publishes the statement that about the same time that that event was taking place on the high seas, when this Negro soldier was saving the life of the white man, a lynching took place right down in that county, when the uncle of the Negro soldier was one of three who were lynched by white men.

These are facts, Mr. Chairman, which ought to influence our hearts so that we will do what we can to protect and see that justice is done. That is all we ask. This legislation which is

presented is not as strong as I would have it. This bill as amended which is here to-day is one that was written in the committee as a substitute for my bill, and prepared largely by the distinguished chairman of the committee [Mr. VOLSTEAD]. I appeal for justice; I appeal to you because it is right; I appeal to you because we believe that if this bill is enacted into law it will help to save the lives of human beings and to protect communities from mobs and these lynchings that have come to disgrace our Republic.

The Constitution of the United States gives to us the authority to legislate. We brought before our committee distinguished lawyers to argue and consider the constitutionality of it. The Attorney General of the United States says the bill is constitutional.

In strong and ringing words President Wilson said that lynchings were a national disgrace and we ought to put an end to them. There have been appeals from men from every section of the country asking that lynchings be stopped. Among those was one from the Attorney General of the United States, A. Mitchell Palmer; another from Gov. O'Neil, of Alabama; William H. Fleming, former president of the Georgia Bar Association; and from men distinguished in every State and all over this country. Those things went for naught. There is no way to keep people from continuing to commit this crime except to bring in a law that will give the courts of the United States jurisdiction and thereby bring the juries from other sections to consider the offense who will not be afraid to indict. Mr. Chairman, the provisions of this bill are simple. One is to punish officials who fail to do their duty. Another is to punish those who participate in these mobs and kill people, and the third is to punish communities in which this takes place. We have precedents for every one of these provisions in State laws already, not only in Southern States but in Northern States. Every provision of this bill is a law now and we are not going into something that is new and untried. You gentlemen are here representing your country and the Nation, and I trust and I believe that legislation properly enacted along the lines of this bill will bring relief to the people, it will help the sections in which lynchings take place, it will help to remove the disgrace from States. My State has been disgraced as well as others. Missouri is not clean. Lynchings have occurred in that State. One occurred last year. They are occurring in all sections of the country. This legislation is to punish those who participate, punish the communities which permit them. President Wilson in his statement said that lynchings would not occur unless the people of those sections tolerated it. We have precedents for this from the States. We have recommendations from leading men all over the country. We have former Attorney General Gregory, of Texas. Mr. Chairman, in the name of justice, in the name of God and right, I trust we will do the thing that we ought to do and make lynching a crime against the United States of America. [Applause.]

It might be well at this point to read in full President Wilson's condemnation of lynchings. He said:

My fellow countrymen: I take the liberty of addressing you upon a subject which so vitally affects the honor of the Nation and the very character and integrity of our institutions that I trust you will think me justified in speaking very plainly about it.

I allude to the mob spirit which has recently here and there very frequently shown its head amongst us, not in any single region but in many and widely separated parts of the country.

There have been lynchings, and every one of them has been a blow at the heart of ordered law and humane justice. No man who loves America, no man who really cares for her fame and honor and character, or who is truly loyal to her institutions, can justify mob action while the courts of justice are open and the governments of the States and the Nation are ready and able to do their duty.

We are at this very moment fighting lawless passion. Germany has outlawed herself among the nations because she has disregarded the sacred obligations of law and has made lynchers of her armies. Lynchers emulate her disgraceful example. I, for my part, am anxious to see every community in America rise above that level, with pride and a fixed resolution which no man or set of men can afford to despise.

We proudly claim to be the champions of democracy. If we really are in deed and in truth, let us see to it that we do not discredit our own. I say plainly that every American who takes part in the action of a mob or gives any sort of countenance is no true son of this great democracy, but its betrayer, and does more to discredit her by that single disloyalty to her standards of law and right than the words of her statesmen or sacrifices of her heroic soldiers in the trenches can do to make a suffering people believe in her, their savior.

How can we preach democracy to other peoples if we disgrace our own by proving that it is after all no protection to the weak? Every mob contributes to German lies about the United States what her most gifted liars can not improve upon by the way of calumny. They can at least say that such things can not happen in Germany except in times of revolutions, when law is swept away.

I therefore very earnestly and solemnly beg that the governors of all the States, the law officers of every community, and above all the men and women of every community in the United States, all who revere America and wish to keep her name without stain or reproach, will cooperate, not passively merely, but actively and watchfully to make an end of this disgraceful evil. It can not live where the community does not countenance it.

I have called upon the Nation to put its great energy into this war, and it has responded with a spirit and a genius for action that has thrilled the world. I now call upon it, upon its men and women everywhere, to see to it that its laws are kept inviolate, its fame untarnished. Let us show our utter contempt for the things that have made this war hideous among the wars of history by showing how those who love liberty and right and justice and are willing to lay down their lives for them upon foreign fields stand ready also to illustrate to all mankind their loyalty to all things at home where they wish to see established everywhere as a blessing and protection to the peoples who have never known the privileges of liberty and self-government.

I can never accept any man as a champion of liberty, either for ourselves or for the world, who does not reverence and obey the laws of our own beloved land, whose laws we ourselves have made. He has adopted the standards of the enemies of his country, whom he affects to despise.

WOODROW WILSON.

JULY 26, 1918.

Attorney General Gregory on May 6, 1918, in an address to the American Bar Association, urged its members "to assist in putting an end to this lawlessness." He said, in part:

Lynch law is the most cowardly of crimes. Invariably the victim is unarmed, while the men who lynch are armed and large in numbers.

In May, 1919, representatives from 29 States and the District of Columbia met in a national conference in New York City and adopted and issued the following:

ADDRESS TO THE NATION.

The people of the United States suffer justly under the grievous charge that they continue to tolerate mob murder. In the year 1918 no less than 67 persons were done to death without trial or any process of law, having been denied the right to a day in court accorded by the Federal and State constitutions to all citizens. It is well known that the innocent, equally with the guilty, suffer the cruel inflictions of mob violence. Mobs have even invaded courtrooms and prisons to seize and murder prisoners whose punishment had already been fixed. Early in 1919 a hospital was invaded by a mob and the attack resulted in death from shock of a patient that day operated upon. Local and State authorities frequently offer only the feeblest objection to the actions of the mob, which is permitted to do its will unchecked. Rarely are the members of a mob sought out and prosecuted even when, undisguised and in full daylight, they have participated in murder, and only in a few isolated cases has any lyncher ever been punished. It has become obvious that officers of States and counties are powerless to enforce the rules laid down for the guidance of civilized society unless their efforts are reenforced by the expression of an enlightened and effective public opinion. Patriotic citizens throughout the country feel the shame which lynchings cast upon the Nation, but they have assumed partial responsibility for this shame by their silence and their acquiescence. The time has now come when citizens of the United States can no longer contemplate without protest the setting at naught of the fundamental principles upon which their citizenship is based. They can no longer permit open contempt of the courts and lawful procedure. They can no longer endure the burning of human beings in public in the presence of women and children; they can no longer tolerate the menace to civilization itself which is contained in the spread of the mob spirit.

The undersigned, therefore, as citizens of the United States, without sectional or party bias, with the interest only of the Republic at heart, urge all public-spirited men and women to oppose with all their power the recurrence of the crime and the shame of mob murder; they urge the governors of the several States to do all that is possible to prevent and punish lynchings; they pledge their support to the officers of the law, who in the face of mob excitement discharge their duties; and they urge upon the Congress of the United States nation-wide investigation of lynching and mob murder, to the end that means may be found to end this scourge.

This appeal was signed by leading citizens from all sections of the country. Among them were:

A. Mitchell Palmer, Attorney General of the United States.
Emmet O'Neal, Birmingham, Ala., former governor of Alabama.
William H. Fleming, Augusta, Ga., former president Geogia Bar Association.
Robert W. Bingham, Louisville, Ky., publisher the Courier-Journal.
Rev. Quincy Ewing, Napoleonville, La., rector Christ Episcopal Church.
Charles J. Bonaparte, Baltimore, Md., former Attorney General of the United States.
A. T. Stovall, Okolona, Miss., former president of the Mississippi Bar Association.
William D. Weatherford, Blue Ridge, N. C., field executive secretary, Robert E. Lee Hall of Blue Ridge Association.
Judson Harmon, Cincinnati, Ohio, former Attorney General of the United States.
James H. Kirkland, Nashville, Tenn., chancellor Vanderbilt University.
Fayette A. McKenzie, Nashville, Tenn., president Fisk University.
A. H. Roberts, Nashville, Tenn., governor of Tennessee.
George M. Bailey, Houston, Tex., editor Houston Post.
William S. Sutton, Austin, Tex., dean of department of education, the University of Texas.
James H. Dillard, Charlottesville, Va., president Jeanes Foundation; president John F. Slater Fund.

I give in detail an account of some lynchings:

LYNCHING RECORD FOR 1918.

January 17: Hazelhurst, Miss., Sam Edwards, burned to death; charged with murder of Bera Willes, 17-year-old white girl.

January 26: Benton, La., Jim Hudson, hanged; living with a white woman.

February 7: Fayetteville, Ga., "Bud" Cosby, hanged; intent to rob and kidnapping.

February 12: Estill Springs, Tenn., Jim McIllheron, burned; accused of shooting to death two white men. G. W. Lych, who hid McIllheron, was shot to death.

February 23: Fairfax, S. C., Walter Best, hanged; accused of murder.

February 26: Rayville, La., Jim Lewis, Jim Jones, and Will Powell, two hanged and one shot to death; accused of stealing hogs. In the fray one white man and one Negro were killed.
February 26: Willacoochee, Ga., Ed. Dansy, shot; he had killed two white officers and wounded three others.
March 16: Monroe, La., George McNeel and John Richards, hanged; alleged attack upon a white woman.
March 22: Crawfordsville, Ga., Spencer Evans, hanged; convicted of criminal assault upon a colored woman at the February term of court and sentenced to be hanged, but a mob took him from jail and lynched him.
March 26: Lewiston, N. C., Peter Bazemore; alleged attack upon a white woman.
April 4: Collinsville, Ill., Robert P. Praeger, hanged (white); accused of making disloyal remarks.
April 20: Poplarville, Miss., Claud Singleton, hanged; accused of murdering a white man. He had been sentenced to life imprisonment.
April 22: Lexington, Tenn., Berry Noyes, hanged; murder of Sheriff W. E. McBride.
April 22: Monroe, La., Clyde Williams, hanged; shooting C. L. Thomas, Missouri-Pacific station agent at Fawndale.
May 17: Valdosta, Ga., Will Head, Will Thompson, Hayes Turner, Mary Turner, Sydney Johnson, Eugene Rice, Chime Riley, Simon Schuman, and three unidentified Negroes, hanged; alleged complicity in the murder of Hampton Smith.
May 20: Erwin, Tenn., Thomas Devert, shot and burned; alleged murder of a white girl.
May 22: Miami, Fla., Henry Jackson, hanged; throwing a white man underneath a train.
May 22: Red Level, Ala., John Womack, shot; alleged assault on a white woman.
May 23: Cordele, Ga., James Cobb, hanged; alleged murder of Mrs. Roy Simmons.
May 25: Barnesville, Ga., John Calhoun, shot; alleged murder of John A. Willis.
June 4: Huntsville, Tex., Sarah Cabiness and her five children, Peter, Cute, Tenola, Thomas, and Bessie, shot; alleged threat to avenge killing of George Cabiness.
June 4: Beaumont, Tex., Kirby Goolsie, hanged; alleged attack on a white girl.
June 4: Sanderson, Tex., Edward Valentine (white); murder.
June 18: Mangham, La., George Clayton, hanged; murder of his employer, Ben Brooks. In a battle with the possee he wounded six men, probably fatally.
June 18: Earle, Ark., Allen Mitchell, hanged; wounding Mrs. W. M. Langston.
June 29: Madill, Okla., L. McGill, hanged; alleged attack upon a white woman.
July 27: Ben Hur, Tex., Gene Brown, hanged; alleged assault on a white woman.
August 7: Bastrop, La., "Bubber" Hall, hanged; alleged attack on a white woman.
August 11: Colquit, Ga., Ike Radney; reason unknown.
August 15: Natchez, Miss., Bill Dukes, shot to death. "He was guilty of a crime too revolting for publication."
August 15: Quincy, Fla., unidentified Negro; reason unknown.
August 15: Macon, Ga., John Gilham, hanged; alleged attack on two white women.
August 28: Hot Springs, Ark., Frederick Wagner (white); disloyal utterances.
September 3: San Pedro, Calif., Warren Czerich (white); murder.
September 18: Buff Lake, Tex., Abe O'Neal; shot and wounded white man.
September 24: Waycross, Ga., Sandy Reeves, hanged; alleged assault on a white girl.
November 5: Rolesville, N. C., George Taylor, hanged; rape.
November 11: Sheffield, Ala., William Bird, hanged; "for creating disturbance."
November 12: Sheffield, Ala., George Whiteside, hanged; charged with the murder of a policeman.
November 14: Fort Bend County, Tex., Charles Shipman; disagreement with landowner.
November 24: Culpeper, Va., Allie Thompson; charged with asasulting a white woman.
December 10: Green River, Wyo., Edward Woodson; charged with killing a railroad switchman.
December 16: Hickman, Ky., Charles Lewis, hanged; alleged to have beaten Deputy Sheriff Thomas.
December 18: Newport, Ark., Willis Robinson, hanged; murder of Patrolman Charles Williams.
December 21: Shubuta, Miss., Major and Andrew Clarke and Maggie and Alma House, hanged; accused of murder of Dr. E. L. Johnston.

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Lynching record for 1919.

Name.	Date.	Place.	Manner of lynching.
Henry Thomas	Jan. 18	Grand Bayou, La.	
Bragg Williams	Jan. 20	Hillsboro, Tex.	Burned.
Sampson Smith	Jan. 30	Monroe, La.	Hanged.
John Daniels	Feb. 6	New Bern, N. C.	Do.
Will Fortner	Feb. 14	Bossier, La.	Hanged and shot.
Eugene Green	Mar. 2	Belzoni, Miss.	Hanged.
Cicero Cage	Mar. 13	Tuscaloosa, Ala.	Cut to pieces.
Joe Walker	do	Greenville, Fla.	Shot.
Bud Johnson (soldier)	Mar. 14	Pace, Fla.	Burned.
	Apr. 14	Millen, Ga.	
Sam McIntyre	Apr. 23	Forrest City, Ark.	Hanged.
George Holden	Apr. 29	Monroe, La.	Shot.
Tom Gwyn	do	Hickory, N. C.	
Benny Richards	May 2	Warrentown, Ga.	Hanged; burned after death.
Discharged soldier	May 9	Pickens, Miss.	
Woman	do	do	
Lloyd Clay	May 14	Vicksburg, Miss.	Burned.
Jim Waters	May 15	Scott, Ga.	
Will Moore	May 20	Ten Mile, Miss.	Hanged and shot.
Frank Livingston (soldier)	May 21	Eldorado, Ark.	Burned.

Lynching record for 1919—Continued.

Name.	Date.	Place.	Manner of lynching.
Jay Lynch (white)	May 28	Lamar, Mo.	Hanged.
	do	Mineral Wells, Miss.	Do.
Berry Washington	May 30	Milan, Ga.	Do.
James E. Lewis	June 6	Prichard, Ala.	Shot.
Max Smith	June 7	Abbeville, S. C.	
Clyde Ellison	June 15	Star City, Ark.	Hanged.
Jin McMillan	June 18	Woodstock, Ala.	Shot.
Frank Foukal (white)	June 22	Bay Minette, Ala.	Do.
John Hartfield	June 26	Ellisville, Miss.	Burned.
Lije Blake	do	Tillman, S. C.	Shot.
	June 28	Richton, Miss.	Hanged.
Lemuel Walters	June 17	Longview, Tex.	Do.
Robert Truett (soldier)	July 15	Louise, Miss.	
Chilton Jennings	July 24	Gilmer, Tex.	Do.
Argie M. Robinson	Aug. 1	Clarke County, Ala.	
Charles Kelly (soldier)	Aug. —	Fayette County, Ga.	Shot.
	Aug. 5	Cochran, Ga.	Hanged.
Jim Grant (soldier)	Aug. 14	Pope City, Ga.	
Walter Eliot	Aug. 20	Louisburg, N. C.	Shot.
Eli Cooper	Aug. 28	Ocmulgee, Ga.	Shot; burned after death.
Lucius McCarty	Aug. 31	Bogalusa, La.	Burned after death.
Flinton Briggs (soldier)	Sept. 3	Star City, Ark.	Shot.
	Sept. 6	Monroe, La.	Do.
Bowman Cook	Sept. 8	Jacksonville, Fla.	Hanged and shot.
John Morine	do	do	Do.
L. B. Reed (soldier)	Sept. 10	Clarksdale, Miss.	Hanged.
Obe Cox	do	Oglethorpe Co., Ga.	Do.
Salvadore Ortez (Mex.)	Sept. 13	Pueblo, Col.	Do.
Jose Gonzales (Mex.)	do	do	Do.
	do	Jonesville, La.	Shot.
Robert Croskey (soldier)	Sept. 29	Montgomery, Ala.	Do.
Miles Phifer	do	do	Do.
John Temple	do	do	Do.
Will Brown	do	Omaha, Nebr.	Burned.
Elihu Johnson, Louis Johnson, Gibson Johnson, Leroy Johnson.	Oct. 2	Elaine, Ark.	Shot (4).
Ernest Glenwood	do	Americus, Ga.	Drowned.
Mose Martin	Oct. 5	Washington, Ga.	Shot.
Mose Freeman	Oct. 6	Lincolnton, Ga.	Do.
Jack Gordon	Oct. 7	do	Burned.
Will Brown	do	do	Do.
Eugene Hamilton	do	Macon, Ga.	Shot.
	Oct. 16	Buena Vista, Ga.	
	do	do	
Alex. Wilson	Oct. 21	Skidmore, Ark.	Do.
Gus Jackson	Oct. 23	Shreveport, La.	Beaten to death.
Henry Booth	Oct. 26	Humboldt, Tenn.	Shot.
Paul Jones	Nov. 3	Macon, Ga.	Burned.
(white)	Nov. 6	Stafford, Kans.	
Robert Motley	Nov. 8	Lambert, Miss.	Hanged.
Ernest Everett (white)	Nov. 11	Centralia, Wash.	Do.
Jordan Jameson	do	Magnolia, Ark.	Burned.
	Nov. 15	Moberly	Shot.
Wallace Hayes	Nov. 19	Madison, Ga.	Do.
Neville Foxworth	Nov. 28	Foxworth, Miss.	Do.
Sam Mosely	do	Lake City, Fla.	Hanged.
Jack Ridicer	Nov. 30	Wilkinson County, Ga.	Do.
E. D. Whitfield	Dec. 15	Chapmanville, W. Va.	Shot.
Earl Whitney	do	do	Do.
Charles West (soldier)	Dec. 21	Smithville, Ga.	Do.
Powell Green	Dec. 27	Franklinton, N. C.	Do.

Summary tables, by States.

Alabama	(1 white)	8
Arkansas		10
Colorado	(Mexicans)	2
Florida		5
Georgia		21
Kansas	(white)	1
Louisiana		8
Mississippi		12
Missouri	(1 white)	2
Nebraska		1
North Carolina		4
South Carolina		2
Tennessee		1
Texas		3
Washington	(white)	1
West Virginia		2
Total		83

Manner of lynching.

Burned (11 before death, 3 after death)	14
Shot	31
Hanged	24
Beaten to death	2
Cut to pieces	1
Drowned	1
Manner unknown	10
Total	83

Alleged offenses.

Murder	27
Assaults on white women	14
Attempted assaults on white women	5
Insulting white women	5
Intimacy with white women	2
Attempting to pull white woman from horse	1
Shooting white men	7
Assault on white man	1

Altercation with white man	1
Beating and robbing white man	1
Found under bed in white man's house	1
Not turning out of road for white boy in auto	1
Misleading mob	1
Insulting white man	1
Boastful remarks re killing of sheriff	1
Result of race riot	1
Talking of Chicago riot	1
Expressing himself too freely re lynching of Negro	1
Leader among Negroes	1
Circulating incendiary literature	1
Member of Nonpartisan League	1
Trouble between white and colored cotton-mill workers	1
Abetting riot	4
Causes unknown	3
Total	83

LYNCHING—1920.

The number of lynchings of the year 1920 is 65. However, this figure does not include the victims of the election-day trouble at Ocoee, Fla. Though the press reported only 6 Negroes killed, white residents of the vicinity say that from 30 to 50 were killed.

Of the 65 victims mentioned above, 8 were white men and 1 was a woman.

Were it not for the Ocoee, Fla., incident on election day, it could be said that lynchings had decreased in number. But not only have they not decreased in number, but the brutality of the lynchings is still marked. Eight of the victims, besides those burned at Ocoee, Fla., met death by burning. One of these was a white man, at Billings, Mont., who resisted arrest. Another, because he threatened to kill a white man, was flogged to death by a mob of 40 men.

Lynching record for 1920.

Name.	Date.	Place.	Manner of lynching.
Jack Waters	Jan. 15	Florala, Ala.	Hanged.
Cornelius Alexander	Mar. 4	Pike City, Ga.	
Wilbur Smith	Mar. 11	Le Grande, Ala.	Shot.
Grant Smith	Mar. 29	Millersburg, Ky.	Hanged.
George Robertson	Apr. 1	Laurens, S. C.	Do.
Albert Evans	Apr. 19	Mulberry, Kans.	Do.
Charles Arline	May 8	Woodville, Tex.	Flogged to death.
M. Scott	May 9	Lakeland, Fla.	Shot.
Elias Clayton	June 15	Duluth, Minn.	Hanged.
Isaac Magee	...do...	...do...	Do.
Elmer Jackson	...do...	...do...	Do.
Philip Gaithers	June 21	Rinco, Ga.	Shot.
Washington Giles	June 30	Damon Mound, Tex.	Do.
Ezra Giles	...do...	...do...	Do.
Jodie Gordon	...do...	...do...	Hanged.
Elijah Anderson	...do...	...do...	Do.
James Spencer	July 5	Enterprise, Miss.	Do.
Herman Arthur	July 6	Paris, Tex.	Burned.
Irving Arthur	...do...	...do...	Do.
Ed Roach	July 7	Roxboro, N. C.	Hanged.
Fred Canafex	July 7	Centerville, Mo.	Shot.
Milton Harris	July 13	Steamer Duluth-Toledo.	Drowned.
William Bennett (white)	July 25	Fayetteville, W. Va.	Hanged.
Sills Spinks	July 29	Dothan, Ala.	Shot.
J. Jennings	...do...	...do...	Do.
Lije Daniels	Aug. 2	Center, Tex.	Hanged.
John Jeffress	Aug. 26	Graham, N. C.	Shot.
Leslie Allen	Aug. 27	Virgiliana, Va.	Do.
Tom Owens (white)	Aug. 28	Tulsa, Okla.	Hanged.
Claude Chandler	Aug. 29	Oklahoma City	Do.
Blutcher Higgins	Aug. 28	Corinth, Miss.	Do.
Dan Callicut	...do...	...do...	Do.
Alto Windham (white)	Sept. 13	Hartford, Ala.	Do.
Will Echols	...do...	Quitman, Miss.	Shot.
Oscar Beasley	Sept. 16	Angleton, Tex.	Hanged.
Ray Field	Oct. 4	McClenny, Fla.	
Ben Givens	...do...	...do...	
Sam Duncan	...do...	...do...	
Milton Smith	...do...	...do...	
Select Reid	Oct. 14	Greenville, Ala.	Shot.
July Perry [1]	Nov. 2	Ocoee, Fla.	Hanged.
	Nov. 6	Leon County, Fla.	Drowned.
Ben Jacobs	Nov. 10	Tylertown, Miss.	
Dave Hunt	Nov. 14	Kent Junction, Tenn.	Hanged.
Alex Byrd	Nov. 18	Douglas, Ga.	Shot.
Willie Ivory	...do...	...do...	Do.
Minnie Ivory	...do...	...do...	Do.
Harry Jacobs	Nov. 23	Tylertown, Miss.	Hanged.
Curley McKelvey	Nov. 24	DeWitt, Ga.	Do.
J. B. Harris	Nov. 29	Princeton, Fla.	Do.
	Nov. 30	Thomasville, Ga.	
	Dec. 5	Holdenville, Okla.	Do.
E. F. Lampson (white)	Dec. 8	Billings, Mont.	Burned.
George Boyd (white)	Dec. 10	Santa Rosa, Calif.	Hanged.
Terence Fitts (white)	...do...	...do...	Do.
Charles Valento (white)	...do...	...do...	Do.
	Dec. —	Doerun, Ga.	
Thomas W. Vickery (white)	Dec. 23	Fort Worth, Tex.	Do.
Coleman Brown	...do...	Purvis, Miss.	Do.
Wade Thomas	Dec. 26	Jonesboro, Ark.	Do.

[1] Five Negroes, according to press reports—30 to 50 according to statements of local white citizens—were burned as a result of a fight which started at the polls with July Perry, the houses in which they had congregated having been fired.

Summary by States.

Alabama	(1 white)	6
Arkansas		1
California	(white)	3
Florida		13
Georgia		8
Kansas		1
Kentucky		1
Minnesota		3
Mississippi		7
Missouri		1
Montana	(white)	1
North Carolina		2
Ohio (on steamer plying between Duluth, Minn., and Toledo, Ohio)		1
Oklahoma	(1 white)	3
South Carolina		1
Tennessee		1
Texas	(1 white)	10
Virginia		1
West Virginia	(white)	1
Total		65

Manner of lynching.

Hanged	31
Shot	15
Burned	8
Drowned	2
Flogged to death	1
Manner unknown	8
Total	65

Alleged offenses.

Murder	24
Assault on white woman (murderous)	2
Attack on white woman	15
Insulting white woman	3
Attempted attack on white woman	1
Attack on white boy	1
Stabbing white man	2
Assaulting white man	3
Threatening to kill white man	1
Aiding escape of murderers	2
Jumping labor contract	1
Negro labor troubles (in riot)	1
Election day disturbance	6
Insanity (in attempt at arrest)	1
Connection with moonshine still	1
Offense unknown	1
Total	65

In the last general election the people expressed their wishes in this regard also. They indorsed the action of the Republican Party at its last national convention, when in its platform it said:

We urge Congress to consider the most effective means to end lynching in this country, which continues to be a terrible blot on our American civilization.

I include other evidence of the same desire of the people that Congress take action upon this subject. They are as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., July 7, 1919.

Hon. LEONIDAS C. DYER,
House Office Building, Washington, D. C.

SIR: Permit me to bring to your attention the following resolution adopted by the thirty-ninth annual convention of the American Federation of Labor, expressive of the sentiments of the organized-labor movement of America in opposition to mob rule and lynching:

"Whereas President Woodrow Wilson issued from the capital city of our Nation on July 26, 1918, a personal statement addressed to his fellow countrymen, defining mob-spirit action, called upon the Nation to show the world that while it fights for democracy on foreign fields it is not destroying democracy at home; and

"Whereas, while the President referred not alone to mob action against those suspected of being enemy aliens or enemy sympathizers, he denounced most emphatically mob action of all sorts, especially lynchings; and

"Whereas in all wars where our country and its interests were at stake the colored race, with their white brothers, fought, shed their blood, and died in defense of Old Glory, and over there gave their all that others may live in peace and happiness ever after; and

"Whereas lynching, cowardly and unjust, is also a blow at the heart of ordered law and human justice; and

"Whereas the colored people, their workers, their bread winners, throughout the Nation look with hope and anxiety in their hearts to those in the struggle for better conditions, for better homes, and for the good things of life, as well as protection from mob rule and for a surging popular opinion behind them that will not tolerate a laxity in upholding the laws of our land; and

"Whereas the hope of civilization is in democracy; the hope of democracy is in justice; the only hope of justice is in the tribunals, through which justice can be secured; and the only hope of the functioning of these tribunals is in the sentiment which demands that they within their departments shall be supreme and that any effort to incite mob violence shall be regarded as an attack upon the very foundations of society itself; and

"Whereas the American labor movement, American Federation of Labor, knows no race, color, or creed in its stand for the toiling masses to get justice; and

"Whereas through its representatives in convention assembled, at Perth Amboy, N. J., week of August 19, 1918, the New Jersey State Federation of Labor, with a membership of over 90,000, indorsed this resolution; and

"Whereas the great American labor movement through its conventions, city, State, and national, is the very medium through which popular and public sentiment can best be expressed against mob rule and for proper enforcement of the laws of our land: Therefore be it

"*Resolved*, That we, the representatives of the thirty-ninth annual convention of the American Federation of Labor, go on record as indorsing the above as our sentiments in opposition to mob rule and lynchings: And be it further

"*Resolved*, That copies of the same be sent to our Representatives in Congress and the United States Senate and Speakers of both Houses, and to the press and to the President of our Nation, Hon. Woodrow Wilson."

I have the honor to remain,
Respectfully, yours,

SAM GOMPERS,
President American Federation of Labor.

THE BOARD OF HOME MISSIONS AND CHURCH EXTENSION
OF THE METHODIST EPISCOPAL CHURCH,
Philadelphia, Pa., November 5, 1921.

Representative DYER,
House of Representatives, Washington, D. C.

DEAR SIR: I have been very much interested in reading your action on the antilynching bill. We are all very much encouraged by what you are doing on this important matter. You may be interested in a letter which came recently to our board from a representative of our denomination in a small town in Texas. I am inclosing a copy for you. I shall be very glad to help your committee in any way in the furtherance of this bill.

Very cordially, yours,

RALPH A. FELTON,
Educational Director.

HUBBARD, TEX., *September 7, 1921.*

To the Board of Home Missions of the Methodist Episcopal Church.

DEAR SIR: We have a membership of more than 500 who live in the Mexia oil field, who own large tracts of land, and are surrounded with oil wells and gas wells, and the white people have promised to run us out and treat us like they did those Negroes in Tulsa, Okla. We want to know, can we get the church to handle our property for us? Can we grant the church the power of an attorney to act for us in time of such great danger. These are awful days for we poor helpless Negroes in the South. The other day a member of my race was burned in Coledge, Tex., about 10 miles from me—burned by unmasked men, children, and women— and men jabbed sticks in his mouth, nose, and eyes. This act was done in the day; so if we are mobbed and run out we want some one to see after our property.

A memorial to the Congress of the United States:

The board of managers of the Freedmen's Aid Society of the Methodist Episcopal Church hereby earnestly memorializes the Senate and the House of Representatives of the United States to pass a Federal law for the suppression of lynching, we being thoroughly convinced that this brutality can not be hindered by State legislation, and as thoroughly convinced that it can be stopped by Federal legislation and the holding of each locality in which lynching occurs to a community responsibility for the doings of its anonymous citizens. We further believe that to-day is the day of days for such legislation, inasmuch as the Negro race, which has been the most frequent object of lynching, has made a record for bravery and efficiency and patriotism on the battle field and at home, so as to make their conduct a righteous demand that the rights belonging to an American citizen shall be accorded them in full measure.

This memorial was unanimously adopted by the board of managers of the Freedmen's Aid Society at its annual meeting January 14, 1919.

FREDERICK D. LEETE,
First Vice President.

The Freedmen's Aid Society of the Methodist Episcopal Church was organized in 1866. Its purpose is the Christian education of the Negro. It has a theological seminary at Atlanta, Ga., for the training of colored ministers; a medical college at Nashville, Tenn., where 500 young men and a few young women are being trained as physicians, pharmacists, dentists, and nurses; and in addition it has 18 other institutions for the training of teachers, industrial and other Christian leaders for service among the Negro people. These centers of Christian education are open to the people of all denominations or no denomination.

In the 52 years of its work it has sent from these schools ministers, physicians, teachers, and industrial leaders numbering over 200,000. This service has cost more than $10,000,000. To-day it has 20 schools, 334 teachers, and 5,702 students. The annual budget amounts to over half a million dollars.

The Chattanooga (Tenn.) Times, January 28, 1921, says:

There will be those who, while objecting to Federal interference in purely State affairs, will not be long in concluding that there may be a Federal issue in the preservation of the civilization of the Republic. The most ardent State righter will hardly dispute the statement that burning human beings at the stake is barbarous, inhuman, savage, and un-American. The Federal Government may without offense declare that such practices are repugnant to the spirit and soul of the Republic, and that those who indulge in them are outlaws and enemies of their country and its institutions. Treason is a national offense, and so may burning human creatures at the stake come to be a crime such as treason. Lynch law run mad, as carried out by this insensate and inhuman mob, is a direct and flagitious assault upon the civilization of the American people and a wanton and unpardonable crime against the moral and spiritual sense of the Nation. The Nation, therefore, may decide that it may, without violating the rights of any State, take cognizance of this pagan savagery and provide a penalty for it so drastic and severe as to render it exceedingly dangerous for future mobs to indulge in it.

The Times, St. Louis, Mo., October 22, 1921, says:

THE DYER ANTILYNCHING BILL.

The approval by the House Judiciary Committee of the Dyer antilynching bill promises early report of the measure. It can scarcely be doubted that the bill will become a law. Its defeat, supposedly, could only result from congestion of legislative work—not because a majority of House and Senate could fail to favor any sober and proper effort at reducing mob violence throughout the country.

It is certain, of course, that public opinion must be the means by which lynching will be finally eradicated. Laws, however stringent, can not be counted upon to curb passions flaming to white heat. It is not expected that the Dyer measure will accomplish the plainly impossible. What it seeks to do and should achieve is the quickening of individual and public sense of responsibility under such circumstances as threaten the setting aside of law by mob uprisings.

Of the various phases of the proposed law that which penalizes cowardly officials and the provision that the county in which a lynching occurs shall pay an indemnity to the heirs of the victim seem calculated to prove most effective in good results. Lynchings successfully carried out could be prevented in a majority of cases by prompt and firm action of the officers of the law. Where all efforts at stopping the mob fail, however, there may well be reparation insured. Knowledge that the community must pay for the wrong perpetrated within its borders will stir many careless minds to sober interest in putting a stop to a rising spirit for seizure of law's powers by a passion-inflamed populace.

The Dallas Morning News, Thursday, November 3, 1921, says:

STATE RIGHTS AND STATE DUTY.

The ultimate form of the Dyer antilynching bill is, of course, not at hand now, so that the objections to it, which, apparently, are largely legalistic, can not be properly weighed at this time. But assuming that constitutional objections can be obviated by the proper drafting of the bill, the purpose of the bill itself can scarcely be considered as anything but highly commendable. Furthermore, reasonable consideration of the history of lynchings in this country, whether in the North or in the South, indicates the genuine need of Federal interference for the enforcement in such cases of order against disorder, jury trial against vengeful murder, and government against anarchy.

The sentimental cry of State rights, in so far as it is a sentimental cry, merits little concession in the matter. States do have rights, rights which are guaranteed under the Constitution of the United States, but States also have duties which are imposed by the same fundamental authority. When those duties are also founded upon the sacred precepts of elemental justice and righteousness, they assume a character not to be borne down by sentiment or technicalities. Such a duty is the duty violated by any State whose agents negligently permit mob murder.

The moral right of the State to enforce its own criminal laws is coextensive with its moral duty to enforce them. The legal right is in much the same position. And there is no doubt about it that by proper and vigilant fidelity to the moral and legal duty of the State to enforce its criminal laws equally and justly lynching would be largely held in check. In almost every case in a community where a lynching takes place there has been gross neglect either of official caution or of official courage in the enforcement of law. The State duty has been neglected to the point where the Federal duty is invoked.

Translated into terms of legislation in accord with our form of government under the Constitution, this principle is unassailable. The necessity of its application is increasingly evident. Segregation and intelligent handling of race questions are palliatives not to be dispensed with, but the strong arm of an inexorable and detached justice quickly and vigorously brought into action is the only means of eradicating this disgrace to American institutions. State rights can be ever so attractive a theme for loyalty or discourse, but it can not be a cloak for barbarism. If we must choose between State rights and mob violence as against Federal action and order, we can not as patriotic citizens hesitate for an instant. The law must and will prevail. As long as State law is competent and effective, then let us have it. But when Federal law is the logical and only resort, then we must call on that, for without law there can be no freedom, no Government, no America.

The Independent, Elizabeth City, N. C., says:

A BILL THAT SHOULD BE LAW.

Elsewhere in the Independent this week I am publishing the Dyer antilynching bill recently introduced in the Congress of the United States. Our own Congressman, H. S. WARD, says that readers of this newspaper "will no doubt regard it as the most astounding news that ever came out of Washington that this thing has been favorably reported by the committee of the House."

I have read the Dyer bill through and through and, like Mr. WARD, I am astounded that such a bill has been favorably reported. I am astounded because it is such a good bill. Mr. WARD, instead of showing indignation over this antilynching bill, would play the better part by getting squarely behind it. If the Dyer bill is a slap at the South, it is because the South deserves to be slapped. We might as well be honest about it and confess that the South has failed utterly in dealing with the lynching problem, and it is squarely up to the Federal Government to step in and put an end to infamies which our own officials generally haven't the moral fiber and courage to effectually oppose. The Dyer bill has teeth in it. It will put an end to lynching, if it is possible to put an end to lynching, and mob rule by law. It will put an end to lynching, because it will make every county pay a fixed price for every lynching within its borders, and make every officer of the law who fails to do his duty a felon subject to not less than five years imprisonment in a Federal prison. It puts the Federal Government at the elbow of every sheriff, constable, and policeman in the land in dealing with a mob. As it is now, the sheriff confronted by a mob is persuaded that he is accountable only to the mob. The mob is to him the State. The mob put him in office, and the mob will not punish him if he delivers up the prisoner. The mob will punish him if he doesn't. The sheriff feels himself accountable only to the mob. Write me down as strong for the Dyer bill. I wouldn't draw a single one of its ferocious teeth.

The Greensboro (N. C.) Daily News, December 10, 1921, says:

The Congress is preparing to discuss a bill designed to prevent lynching by punishing the lynchers. Plainly, it is another invasion of State's rights by the Federal Government; but the Federal Government is justified in this instance, because none of the States has made an honest effort to prevent lynchings by making examples of those who indulge in them.

In the South lynchings are numerous and frequent. Georgia, South Carolina, and Mississippi combined furnish more than one lynching a week. We doubt if there is any records to show that a lyncher has ever felt the firm hand of the law.

Under the circumstances, with lynchings increasing instead of decreasing, the Federal Government was bound to take a hand and use disciplinary measures. Whether the Dyer bill will prove effective as a damper on the lynching spirit remains to be seen, but it certainly can do no harm.

Of course, the proper thing to do would be allow the States to control their mobs. But the States have shown no inclination in that direction. At the present time a crime is committed; a mob forms and captures the man who may or may not have committed the crime. He is, without further ceremony, strung up to a tree and shot full of holes or tied to a stump and burned to death. That is the way the law is crucified. The solicitor always announces an investigation will be undertaken. Perhaps it is undertaken, but did you ever see these investigations produce anything?

The New York Times, Friday, December 16, 1921, says:

A BILL AGAINST LYNCHING.

The House of Representatives was to have begun considering yesterday a bill to "assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching." It is drawn on a simple theory. If a State or a governmental subdivision of it fails or refuses to protect the life of persons "against a mob or riotous assemblage," it may be deemed to have denied the equal protection of the laws guaranteed by the Federal Constitution, and Congress may therefore provide penalties. These are, as proposed by the bill, to make it a felony for a local official to refuse to "make all reasonable efforts" to perform his duty in preventing a lynching; to make it a felony to participate in "any mob or riotous assemblage by which a person is put to death"; and to make each county in which anyone is lynched liable in the amount of $10,000, to be paid to that person's family, or, if he has none, "for the use of the United States." This last provision is already in force in one or more States. It was recommended for Georgia by Gov. Dorsey at the Atlanta conference of last April.

It is high time that by this bill or some other, and by State legislation as well, a strong effort were made to strike at a crying evil which has been too long a national reproach. President Roosevelt made a powerful protest against lynching, and President Wilson vividly set forth the harm which the barbaric practice was doing to the reputation of the United States. There is no doubt of the sentiments of President Harding on this subject. Foreign observers have again been expressing wonder that a Nation so ready to cry out upon lawless cruelties in other lands should be so apparently lethargic about those within its own borders. Congress is at least trying to find and apply a remedy.

The New York Tribune, Wednesday, December 21, 1921, says:

THE LYNCHING STIGMA.

The House has decided to vote on the Dyer antilynching bill immediately after the Christmas recess. The roll call on the rule limiting debate showed an inconsiderable opposition, most of it from Representatives who look on the bill as a challenge to State rights.

On the constitutional side the power of the Federal Government to intervene is pretty clearly established. The opposition will dwell more on the expediency of intervening and thus tilting the balance further against local self-rule. Yet on the practical side the argument for the measure is strongest.

Our system leaves an awkward gap between the Government's power to make treaties and to enforce them. We are thus often put in a false position before the world. The Federal authority by treaty promises alien residents the equal protection of our laws. But when an alien is lynched and the State fails to bring the lynchers to justice the Federal Government can not step in. All it can do is to apologize for its own powerlessness and to offer money reparation.

For many years a way has been sought to relieve the Government of this embarrassment. It asks of other countries more than it is able to give in return. Any pressure which it may be able to put on the States to stop mob violence will help it to regain its own self-respect. Congress, a part of the Federal power, is bound to take Federal interests into consideration in the matter of penalizing communities within a State which tolerates lynchings.

Even apart from the international aspect lynching is a disgrace too long endured. It is the negation of law and civilized methods of justice. It influences savage passions. It lowers the morale of a community. Since State authority has failed to suppress this evil, and Federal intervention is perfectly legitimate, it is only common sense for Congress to take a hand in making lynching more hazardous and expensive for those who countenance it or take part in it.

The Saturday evening St. Louis Star of December 24, 1921, said:

THE ANTILYNCHING BILL.

It is difficult to follow the reasoning of Representative GARRETT of Tennesse in his strictures on the Dyer antilynching bill, which provides for trials in mob cases before Federal courts and for penalties on communities where the outrages take place. When you place the idea in the heads of a few Negroes, says Mr. GARRETT, that somehow, some way, they will be less subjected to punishment for crimes against women if the Government takes a hand you are but inviting an increase of such crimes.

Mr. GARRETT would obviously like to make it appear that all Negroes lynched in the South are murdered by mobs for crimes against women. That is not true. The records show that Negroes have been swung from trees and shot full of lead or burned at the stake for shooting at officers, killing white men in drunken rows, for crimes, in short, for which a white man gets a few years in the penitentiary at the most.

Just how does it increase crime to have mob trials conducted in the Federal courts rather than in the circuit courts? We wish to be fair to Mr. GARRETT but he, unconsciously no doubt, seems to be seeking immunity for lynching mobs, for immunity is what a trial in a southern circuit court means in these cases. How many convictions have resulted from the hundreds of lynchings in the cotton belt in the past few years, even in cases where innocent Negroes were involved?

Circuit judges are elected every two or four or six years and a mob conviction would be political suicide in most sections of the South. A Federal judge's job is for life and the possibility is good that he will render justice without fear of reprisal.

Does Mr. GARRETT feel that Negroes will be more impelled to crime by a consideration of the fact that a mob that lynches them will be punished while a jury which hangs them will not? That is strange reasoning, but it is the most charitable interpretation that can be placed on Mr. GARRETT'S remarks. The Star believes in keeping the police powers of a State inviolate except where the State has failed to uphold the law and in the matter of lynchings many of the Southern States have failed hideously. It is time for the Government to step in and put an end to a situation which menaces the white race as much as it does the colored.

The New York Tribune, Friday, December 16, 1921, says:

A CURE FOR LYNCHING.

Federal action to stop lynchings may be undertaken under the provisions of the fourteenth amendment to the Constitution. In a letter addressed to Chairman VOLSTEAD, of the House Judiciary Committee, Attorney General Daugherty quotes the following from the Supreme Court's opinion in the famous Civil Rights cases:

"Many wrongs may be obnoxious to the prohibitions of the fourteenth amendment which are not, in any just sense, incidents or elements of slavery. Such, for example, would be the taking of private property without due process of law or allowing persons who have committed certain crimes (horse stealing, for example) to be seized and hanged by the posse comitatus without regular trial."

The Attorney General was giving his views on the Dyer antilynching bill. Since the fourteenth amendment forbids any State to deny to any person within its jurisdiction the equal protection of the laws, Mr. Daugherty also holds that it is competent for Congress to pass legislation penalizing failure to give such protection.

No State can well complain if Congress takes a hand in ending the lynching evil. Our foreign relations have been troubled many times by the lawless hanging of other nationals. The Federal Government is bound under treaties to give equal protection to citizens and aliens. Yet it has no hold on the States through whose negligence aliens are lynched, and punishment for such crime is not exacted. It is likewise an affront to the Constitution that citizens of the United States are not protected by the States in their personal rights. Since 1889 there have been 3,432 known lynchings in this country. Since January 1, 1921, there have been 60 known lynchings. It is a record of shame for a civilized nation.

The Dyer bill, as amended by the House Judiciary Committee, imposes penalties for participation in any riotous assemblage "for the purpose of depriving any person of his life without authority of law." It provides penalties for neglect or failure on the part of State officials to protect persons, prisoners, or others from mob violence. It also assesses fines of $10,000 against counties in which lynchings occur. If communities are made to pay for tolerating lynchings, lynchings will stop. If officials can be imprisoned for not doing their best to discourage mob violence, local sentiment will turn against such outbreaks of hysteria. The Dyer bill is drastic. But a drastic remedy is needed for the loathsome lynching disease.

The San Antonio Express of Monday, December 12, 1921, says:

THE RIGHT LINE OF WORRY ABOUT THE CONSTITUTION.

It is too much to hope that the Republicans of the House Rules Committee spent Sunday in solemn contemplation of the Dyer antilynching bill's "menace" to the United States Constitution. They have, so to speak, already burned the Constitution's bridges behind it and left it quite open, quite vulnerable, to attack and destruction by this measure of the gentleman from Missouri! Indeed, the committee majority in effect has refused to look upon the bill through the spectacles of Representative Sumners of the fifth Texas district; has refused to regard it as such a menace; and has voted to give it privileged status on the House calendar. This, over Mr. Sumners's spoken protest, as follows:

"There is not a lawyer on earth who can defend it (the bill) on constitutional grounds. It gives Washington the right to dictate to States how they shall exercise police powers. There never was a proposition like it, even in reconstruction days. It permits the Federal Government to lay coercive hands on States, and establishes a precedent of sweeping encroachment on State's rights."

So, per the committee's vote, this measure which provides sharp-toothed prison penalties and fines for lynchers, and fines for officers who negligently fail or wilfully refuse to prevent lynchings and other mob violence, will be taken up earnestly in a few days—at last.

A Federal antilynching law has been talked about for years. There have been almost as many notable distinct sessions of talk and public resolutions about it as there have been lynchings since men began to keep records of the latter 36 years ago. National conferences embracing some of the most famous men and women in the Union repeatedly have memorialized Congress to enact such a statute. These were conferences of both Southern and Northern leaders in education, religion, business, and government. Great Southern newspapers have been publishing their approval of the Dyer bill ever since it was introduced first in the Sixty-fifth Congress.

Not one—and the latest—but several Republican national platforms have called for congressional action against lynch-murder.

President Harding, by word of mouth on April 12, told Congress that it "ought to wipe the stain of barbaric lynching from the banners of a free and orderly representative democracy."

On July 26, 1918, President Wilson put forth the most remarkable, ringing denunciation of and appeal against lynching, that history records.

In the lynching States, all these arrays of spoken and written appeals to the spirit of civilization and Americanism, to lawful government and order—and to that constitutionalism which worries the Congressman from the Dallas district—have encountered but eyes closed against them, minds fast shut against them, ears deaf to them.

Pass the Dyer bill—and enforce it to the limit, with all the power of the United States Department of Justice!

It will need no less an enforcement. Press and public comment; conventional resolutions, however distinguished; congressional debate on the Dyer bill; even the fact that the measure is on the statute books—all these will not suffice.

Take note: Since the latest introduction of the Dyer bill—April 11, last—38 lynchings, including two burnings at the stake and four burnings of bodies after lynching, have been perpetrated in the United States, as follows: Georgia 10, Mississippi 7, South Carolina 5, Louisiana 4, Arkansas and Texas 3 each.

Representative SUMNERS neither worries enough about constitutionality, in this business, nor worries along the right line.

Let him worry about these:

"In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the action against him. * * * He shall have the right of being heard by himself or counsel or both; shall be confronted with the witnesses against him. * * *

"* * * cruel or unusual punishment (shall not) be inflicted.

"The right of trial by jury shall remain inviolate.

"No citizen of this State shall be deprived of life, liberty, property, privileges or immunities * * * except by the due course of the law of the land.

"No power of suspending laws in this State shall be exercised except by the legislature.

Mr. SUMNERS is worrying about the Federal Constitution and denouncing a Federal antilynching measure.

The Express is worrying about the Texas constitution—the other is in no danger from the Dyer bill—and has just quoted the outstanding mandates of its bill of rights.

In the great charters of Texas and the other lynching States, these mandates track the guaranties of essential rights in the National Constitution.

There is no "State rights"—no State, nor the mob in any State, is vested with the right—to drag these National or State constitutional guaranties in the dirt.

And because mobs in the lynching States thus have outraged the Constitutions of Nation and States for many years; because they continue to outrage them; because State authorities either will not or can not defend their own and the Nation's Constitutions against such outrage, and their own and the Nation's citizens against it—a Federal antilynching measure, nearly a generation overdue, is before Congress to-day.

Like charity, such worry should begin at home. Murderous mobsmen in the lynching States—in Mr. SUMNERS's own district—will listen neither to President in Washington nor governor—urging the "State's right" of upholding the State's constitution—in State capital.

However sincere and courageous the southern governors' efforts to stamp out lynching, they come to naught.

Morrow of Kentucky puts through an automatic removal law against officers derelict in the face of mobs, and employs State soldiery to prevent lynching—but lynching goes on in Kentucky.

McRae, of Arkansas, demands most stringent laws and their enforcement against lynchers—and has his labor for his pains.

Cooper, of South Carolina, made a Nation-wide reputation by his use of National Guard against would-be lynchers—but lynching goes on in his State.

Under the fearless administration of Bickett, that great defense of the Goldsboro courthouse against the mob became practically possible—but lynching goes on in North Carolina.

Dorsey, of Georgia, organized a State-wide movement against continuance of the foulest and longest of all lynching records—and the country didn't know whether to expect his impeachment or his lynching.

In 1919 Hobby, as governor, and Cureton, as attorney general of Texas, proceeded against a lynch mob in Hill County—but, so far as the Express knows, the information filed thereon never has been called up from the court docket.

Two years later a couple of lynchers in East Texas were tried on reduced charges, convicted—and granted suspended sentence!

And now Gov. Neff goes up and down the State appealing for law enforcement, for order, and the cure of an anticonstitutional condition infinitely graver than that which concerns Congressman SUMNERS.

And so there is an antilynching law before Congress and, the Express deeply hopes, the National Government at last is to take a hand in wiping "the stain of barbaric lynching from the banners of a free and orderly representative democracy."

The 1921 statistics of lynching will be published to the world in a few days, and they will be, as usual, terrific.

Meanwhile, the 1920 record stands as the basis of indictment and comparison—and Texas heads that record. Last year its mobs out lynched Georgia's by one murder.

If Representative SUMNERS is looking for something to worry about on the score of "constitutional guaranties," there is his chance.

The National Congress has both the right and the power to legislate for the genuine, effective operation of every mandate of the National Constitution.

Pass the Dyer antilynching bill.

The San Antonio Express of December 22 says:

"STATE RIGHTS?"

"When less than 200 Members answered to their names on one roll call Speaker GILLETT declared that Democrats opposed to the (antilynching) bill were obstructing its consideration by leaving the Chamber and thus preventing a quorum. An agreement to postpone consideration of the bill until after the Christmas recess was reached after several hours of ineffectual efforts to maintain a quorum." (Washington news of December 21.)

What matter a few hours wasted on filibustering roll calls or a few more days' delay in getting action on the Dyer bill, comparatively?

Here is a "roll call" extending over 36½ years—from January 1, 1885, to June 30, 1921—and 10 days hence there will be a roll call covering 37 years:

Alabama, 261; Arizona, 12; Arkansas, 223; California, 33; Colorado, 25; Connecticut, 1; Delaware, 1; Florida, 184; Georgia, 437; Idaho, 8; Illinois, 26; Indiana, 31; Iowa, 10; Kansas, 37; Kentucky, 168; Louisiana, 291; Maryland, 23; Michigan, 5; Minnesota, 6; Mississippi, 410; Missouri, 86; Montana, 21; Nebraska, 30; Nevada, 6; New Jersey, 1; New Mexico, 16; New York, 2; North Carolina, 73; North Dakota, 3; Ohio, 20; Oklahoma, 84; Oregon, 10; Pennsylvania, 6; South Carolina, 122; South Dakota, 15; Tennessee, 199; Texas, 304; Virginia, 76; Washington, 14; West Virginia, 37; Wisconsin, 5; Wyoming, 17.

That roll call, those figures, are the roll call and figures of lynchings—of "hangings without trial," as Senator WATSON of Georgia unwillingly would have to concede, even while cutting up about what happened to soldiers in France.

Do the southern Democratic Senators who are fighting the Dyer bill desire to characterize the foregoing as a record of "State rights," under either the Federal or the State constitutions?

And, again, in the face of that record, do they desire to make the world believe that Representative DYER and the Republican congressional majority are picking on the erstwhile "solid" Democratic South per this antilynching measure?

It was only last year that six States more or less remote from the South were messed up in the lynching record—California, Illinois, Kansas, Minnesota, Missouri, and Ohio. It is probable—barely so—that their people would like to see their Nation's Constitution, and incidentally their respective State constitutions, upheld thereabouts by national law at the hands of national officers.

The New York Evening Post of December 27, 1921, says:

THE ANTILYNCHING LAW.

It will be for the Supreme Court to decide whether the proposed Federal antilynching law, of the enactment of which the congressional leaders are confident, is valid under the Constitution. Chairman MONDELL admits that on this point there is room for a difference of opinion. So there is a difference of opinion about many laws that break with precedent under the compulsion of necessity. That is what the Supreme Court is for. There are those who felt just as strongly about the unconstitutionality of prohibition as they do about the lynching law, but the court has made its decision.

Even if the antilynching law should be declared invalid by the Supreme Court, its mere enactment will have gone far to serve its purpose. Notice will have been served on States which have been derelict in their duty that the conscience of the Nation will not tolerate the perpetuation of an abuse and a crime that make us a byword in the public opinion of mankind. It is argued by the World this morning that no proof exists that the States as such have legalized or tolerated lynching. Yet we have the fact that in 1920 the mobs took 61 lives and in the present year 63 lives. There is no escape from the alternative that the States are either unable or unwilling to suppress mob murder. In either case the intervention of the Federal Government would be justified.

We come back in this instance to the solemn warning served upon the States by Elihu Root several years ago. The States can not fail in their elementary duties of civilized government without seeing the Federal Government step in to supply the necessary guaranties. Suppression of the practice of burning human beings at the stake would seem to fall within the purview of a Constitution enacted for the purpose of establishing justice and insuring domestic tranquillity.

While the Negro soldiers in large numbers were fighting and dying in France, their relatives at home were being lynched. Numerous instances of this have come to my attention. Some of the bravest men in the late war were black men, as the following facts indicate.

Distinguished service crosses were awarded by the commanding general American Expeditionary Forces for extraordinary heroism in action in France to the following-named colored officers and enlisted men:

Charles G. Young, first lieutenant, Three hundred and sixty-eighth Infantry. For extraordinary heroism in action near Binarville, France, September 27 and 28, 1918. While in command of a scout platoon he was twice severely wounded from shell fire, but refused medical attention and remained with his men, helping to dress their wounds and to evacuate his own wounded during the entire night, and holding firmly his exposed position covering the right flank of his battalion.

Harvey W. Wilson, second lieutenant, Three hundred and seventy-second Infantry. For extraordinary heroism in action near Bussy Farm, France, September 28 and 29, 1918. After being hit by a shell splinter he continued to lead his platoon against the enemy position until he was again hit by another shell fragment and had to be carried from the field. His example of devotion to duty and his courage inspired the men of the platoon to continue the attack successfully.

Ira M. Payne, sergeant, Company A, Three hundred and seventy-second Infantry. For extraordinary heroism in action near Sechault, France, September 29, 1918. Having found a machine gun hidden in a brush which was causing serious casualties to his company, he crept up, killed the gunners with his rifle, and captured the gun.

Roy A. Brown, sergeant, Company E, Three hundred and sixty-sixth Infantry. For extraordinary heroism in action near Lesseau, France, September 4, 1918. He was a member of a combat group which was attacked by 20 of an enemy raiding party, advancing under a heavy barrage, and using liquid fire. The sergeant in charge of the group was killed and several others, including Sergt. Brown, were wounded. Nevertheless this soldier, with three others, fearlessly resisted the enemy until they were driven off.

Clifton Merrimon, corporal, Company L, Three hundred and seventy-second Infantry. For extraordinary heroism in action near Bussy Farm, France, September 27, 1918. He attacked with hand grenades an enemy machine gun which was causing heavy losses to his platoon, and succeeded in killing the gunner and putting the gun out of action. He then organized the remainer of the platoon and led them to their positions in the trenches south of Bussy Farm.

Van Horton, corporal, Company E, Three hundred and sixty-sixth Infantry. For extraordinary heroism in action near Lesseux, France, September 4, 1918. During a hostile attack, preceded by a heavy minnenwerfer barrage, involving the entire front of the battalion, the combat group to which this courageous soldier belonged was attacked by about 20 of the enemy, using liquid fire. The sergeant in charge of the group and four other men having been killed, he fearlessly rushed to receive the attack and the persistency with which he fought resulted in stopping the attack and driving back the enemy.

Lewis Watkins, private, first class, Company A, Three hundred and fiftieth Machine Gun Battalion. For extraordinary heroism in action near Eply, France, November 4, 1918. He accompanied an infantry patrol, acting as gunner with a heavy machine gun. When a large party of the enemy had worked around the flank of the patrol and was advancing across a road along which the patrol was withdrawing he went into action with his gun at a range of less than 100 yards, although the order to withdraw had been given. Displaying exceptional coolness and bravery under heavy rifle and machine-gun fire, he succeeded in dispersing the enemy. He was the last of the patrol to retire.

George Bell, private, Company E, Three hundred and sixty-sixth Infantry. For extraordinary heroism in action near Lesseau, France, September 4, 1918. Although he was severely wounded, he remained at his post and continued to fight a superior enemy force which had attempted to enter our lines, thereby preventing the success of an enemy raid in force.

Alex Hammond, private, Company E, Three hundred and sixty-sixth Infantry. For extraordinary heroism in action near Lesseau, France, September 4, 1918. Although he was severely wounded, he remained at his post and continued to fight a superior force which had attempted to enter our lines, thereby preventing the success of any enemy raid in force.

Bernard Lewis, private, Company A, Three hundred and sixty-eighth Infantry. For extraordinary heroism in action near Binarville, France,

September 30, 1918. During an attack on Binarville he volunteered to go down the road that leads into the village to rescue a wounded soldier of his company. To accomplish his mission he was compelled to go under heavy machine-gun and shell fire. In total disregard of personal danger he brought the wounded man safely to our lines.

Clifford Crawford, private, Headquarters Company, Three hundred and seventy-second Infantry. For extraordinary heroism in action near Bussy Farm, France, September 28–29, 1918. He was acting as liaison agent between regimental headquarters and the battalion. Having carried a message through a heavy bombardment to the commander of a battalion which was about to make an attack, he joined the first wave of the attack and dashed into the enemy's trenches. Seeing two of the enemy rush to a dugout, he followed them and brought 10 prisoners from the dugout, killing 2 who tried to escape.

George Gross, private, Company D, Three hundred and seventy-second Infantry. For extraordinary heroism in action near Sechault, France, September 29, 1918. Although he had been badly gassed, he kept his machine gun in action until he fell beside his gun.

Samuel H. Johns, private, Company L, Three hundred and seventy-second Infantry. For extraordinary heroism in action near Bussy Farm, France, September 28, 1918. After several other runners had been killed or wounded he volunteered to carry a message over fields swept by heavy machine-gun fire and artillery bombardment. He succeeded in delivering the message, but was severely wounded while on the return trip.

Clarence R. Van Allen, private, Company L, Three hundred and seventy-second Infantry. For extraordinary heroism in action near Bussy Farm, France, September 28, 1918. This soldier, unassisted, rushed an enemy machine gun, putting it out of action and capturing three prisoners.

Colored soldiers fought with especial distinction in France in the Forest of Argonne, at Chateau-Thierry, in Belleau Wood, St. Mihiel district, Champagne sector, Metz, Vosges, and so forth, winning praise from French and American commanders. Colored troops were nearest the Rhine when the armistice was signed.

Entire regiments of colored troops cited for exceptional valor and decorated with the French croix de guerre—Three hundred and sixty-ninth, Three hundred and seventy-first, and Three hundred and seventy-second; groups of officers and men of the Three hundred and sixty-fifth, Three hundred and sixty-sixth, Three hundred and sixty-eighth, and Three hundred and seventieth were likewise decorated; First Battalion of the Three hundred and sixty-seventh also decorated with croix de guerre.

Many individuals, like Harry Johnson, Needham Roberts, and William Butler awarded croix de guerre and distinguished service cross, and scores of officers earned promotions in their military units.

The Charlotte (N. C.) News says:

It is the marvel of the South, as it ought to be the admiration of the whole United States, that when the colored man in the hard stages of the war, through which we are beginning to pass, is being put to the test, he is measuring up to the full valuation of a citizen and a patriot. There has been nothing wanting about him. In every activity to which the mind of the country has been directed since it was committed by its great President to war, the Negro has fulfilled his obligation. There has not only been a total absence of resistance, but there has been rather a hearty response to every appeal of the Government, a thorough fitting in with every enterprise that had of necessity to be founded, first of all, upon a spirit of patriotism. These multiplied diversities need not be enumerated. What the colored man has done is made all the more glittering by what he has refused to do. His efforts and activities speak in terms of eloquence that become the despair of those who seek to portray them.

And to these words I add from the Charleston News and Courier the following:

The Negroes have met the first test admirably. Both the drafted men and the Negro leaders of South Carolina have earned the commendation of them which is being freely voiced by white citizens everywhere. The leaders have realized, as it was hoped they would, that in a way their race is on trial. Evidently they are determined that it shall acquit itself well.

Sections 5 and 6, penalizing communities, does nothing more than adopt the South Carolina and Ohio laws, imposing a penalty on the county in which the laws against lynching have failed of enforcement; and such laws have been held constitutional in both States by their respective supreme courts, the law of South Carolina in Brown *v.* Orangeburg County (55 S. C., 45; 32 S. E., 764); and the Ohio law in Commissioners *v.* Church (62 Ohio St., 318).

As to the constitutionality of statutes imposing a penalty upon counties or municipalities for lynching or mob violence, the following additional authorities are submitted: Dale County *v.* Gunter (46 Ala., 111); De Kalb *v.* Smith (47 Ala., 407); Cantey *v.* Clarendon County (101 S. C., 141); Atchison *v.* Twine (9 Kans., 350); Cherryvale *v.* Hawman (80 Kans., 170; 23 L. R. A. (N. S.), 645); P., C., C. & L. Ry. Co. *v.* Chicago (242 Ill., 178; 44 L. R. A. (N. S.), 358; 11 Cyc., 500, 501).

A strong argument for this remedy for an admitted evil is in the following words from the opinion of the Supreme Court of South Carolina:

It has been held that statutes making a community liable for damages in cases of lynchings, and giving a right of recovery to the legal representatives of the person lynched, are valid on the ground that the main purpose is to impose a penalty on the community, which is given to the legal representatives not because they have been damaged, but because the legislature sees fit thus to dispose of the penalty. Such statutes are salutary, as their effect is to render protection to human life and make communities law-abiding.

(West Virginia, Laws 1921, c. 96.)

Five or more persons "assembled for the unlawful purpose of offering violence to the person or property of anyone supposed to have been guilty of a violation of law, or for the purpose of exercising correctional powers or regulative powers over any person or persons by violence, and without lawful authority, shall be regarded and designated as a 'mob' or 'riotous assemblage.'" Every person participating in a riotous assemblage which puts another person to death is guilty of murder. Persons participating in mobs intending to inflict damage to person or property of persons charged with crime are subject to fine of from $100 to $1,000 and imprisonment from 30 days to 12 months. Members of mobs actually inflicting such damage are liable to penitentiary sentence of from 1 to 10 years. The injured person has a right of action against the city or county for damages to the amount of $5,000. Where a person has been killed, his personal representative may recover $5,000 from the county, action to be brought in a State court, and if the amount is not paid a tax may be levied against the county for its collection. The county may recover on the official bond of any officer responsible for protection of the injured person, if guilty of negligence.

Now, specially as to our authority to legislate as provided in this bill, the fourteenth amendment to the Constitution imposes this duty upon Congress: That amendment provides that no State "shall deny to any person within its jurisdiction the equal protection of the laws," and further provides that "the Congress shall have power to enforce, by appropriate legislation, the provisions of this article." It is well settled by decisions of the Supreme Court of the United States that the denial forbidden is not alone a denial by positive legislation, but that "no agency of the State, or of the officers or agents by whom its powers are exerted, shall deny to any person within its jurisdiction the equal protection of the laws."

It is thus made the duty of the Congress under the Constitution to enact such laws as may be needful to assure that no State shall deny to any person within its jurisdiction the equal protection of the laws. Within the limits of the jurisdiction thus conferred, the Congress has the right to exercise its discretion as to what laws or what means can best accomplish the desired end.

In many cases of lynching the person put to death is taken by a mob from the sheriff, marshal, or other police officer of the State, whose failure to defend and protect him denies to him the equal protection of the laws.

In Ex parte Virginia (100 U. S., 339, 346) the Supreme Court in a unanimous opinion by Mr. Justice Strong, speaking of the prohibitions of the fourteenth amendment, says:

They have reference to actions of the political body denominated a State, by whatever instruments or in whatever modes that action may be taken. A State acts by its legislative, its executive, or its judicial authorities. It can act in no other way. The constitutional provision therefore must mean that no agency of the State, or of the officers or agents by whom its powers are exerted, shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a State government, deprives another of property, life, or liberty without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibition; and as he acts in the name and for the State, and is clothed with the State's power, his act is that of the State. This must be so or the constitutional prohibition has no meaning. Then the State has clothed one of its agents with power to annul or to evade it.

But the constitutional amendment was ordained for a purpose. It was to secure equal rights to all persons; and to insure to all persons the enjoyment of such rights power was given to Congress to enforce its provisions by appropriate legislation. Such legislation must act upon persons, not upon the abstract thing denominated a State but upon the persons who are the agents of the State in the denial of the rights which were intended to be secured. (See also the very recent cases of Home Telephone Co. *v.* Los Angeles, 227 U. S., 278, 290; Buchanan *v.* Worley, 245 U. S., 60, 77.)

A distinguished southern judge has given this definition:

By "equal protection of the laws" is meant equal security under them to everyone in his life, his liberty, his property, and in the pursuit of happiness. It not only implies the right of each to resort on the same terms with others to the courts of the country for the security of his person and property, the prevention and redress of wrongs, and the enforcement of contracts, but also his exemption from any greater burdens and charges than such as are equally imposed on all others under like circumstances.

The Supreme Court of the United States says of this provision:

When the facts shown establish an administration directed so exclusively against a particular class of persons as to warrant and require the conclusion that, whatever may have been the intent of the laws as adopted, they are applied by the public authorities charged with their administration, and thus representing the State itself, with a mind so unequal and oppressive as to amount to a practical denial by the State of that equal protection of the laws which is secured to the petitioners as to all other persons by the broad and benign provisions of the fourteenth amendment to the Constitution of the United States. Though the law itself be fair on its face and impartial in appearance, yet if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances material to their rights, the denial of equal justice is still within the prohibition of the Constitution.

In another case the same court said:

An actual discrimination against a Negro, on account of his race, by officers intrusted with the duty of carrying out the law is as potential in creating a denial of equality of rights as a discrimination made by law.

Hon. Morefield Storey, a distinguished lawyer of Boston, Mass., writing concerning this bill, says:

I think that it should be supported under the fifth amendment to the Constitution of the United States as well as under the fourteenth. The fifth amendment provides that no person shall be deprived of life, liberty, or property without due process of law, and this applies to everyone within the jurisdiction of the United States. It is a shield which the Constitution throws over every person, citizen or not, within our jurisdiction, and I can not doubt that Congress has the power to enforce this provision like every other provision of the Constitution. Nothing can be more fundamental than the rights thus protected which are declared by the Declaration of Independence to be inalienable, and which in great part our Government was formed to maintain.

Under the fourteenth amendment and the decisions there is unquestionably a citizenship of the United States. That amendment provides that the persons therein described shall be citizens of the United States and of the State in which they reside, but their citizenship of the United States is placed first. The United States demands of them military service, and taxes them directly in both cases without requiring the interposition of the State government. In so doing it treats them as directly responsible to the Federal Government, and the rule is general that the Government owes its protection to its citizens and those who owe it allegiance.

Assistant Attorney General Goff gave it as his opinion in a lengthy argument before the Committee on the Judiciary, that this bill was constitutional in all particulars. He cited many decisions of the courts and gave many good reasons for his opinion. I have called attention to this in the report which I filed with the bill. Among other things, he said:

Must the Congress of this country sit supinely by when it knows that a State, either affirmatively or negatively, is denying that right? If the State omits to give or withholds protection through motives of indifference or inability, is the guaranty performed and the duty of the Federal Government discharged? In a word, is the fourteenth amendment meaningless because of State negativity? I hope not, and I think not. The Congress of the United States clearly is charged under the Constitution, as interpreted by the Supreme Court, with the duty of seeing that the States do not neglect this right. Then, if the Congress of the United States decides that the States have, by omission, neglect, incapacity, or local prejudice, if you please, failed to insure and secure to every citizen within those States the full protection of the laws and the right to life, liberty, and property, then does not the obligation arise to protect these rights?

The Attorney General of the United States indorses the bill and the opinion of Col. Goff.

I also submit the following opinion by the Hon. Albert E. Pillsbury, formerly attorney general of the State of Massachusetts:

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Has the United States power to protect the lives of its citizens, or the lives of resident aliens to whom it owes protection, against mob violence within the States, if the States fail to protect them?

Probably a majority of public men and constitutional lawyers, "under prepossession of some abstract theory of the relations between the State and National Governments," as Mr. Justice Bradley once said in the Supreme Court (ex parte Siebold, 100 U. S. 371, 383), will incline to answer this question off hand in the negative.

An off-hand answer is not enough. The progress of mob law in many of the States invites, if it does not compel, a serious inquiry into the constitutional question of Federal power to put an end to it. This is not a sectional question, nor is it to be approached in a narrow or sectional spirit. The fact that the victims of lynching are usually of the colored race does not limit the importance or the object of the inquiry. It is not a race question, but one which affects the integrity of the Government. Lynch law is actual and concrete anarchy; the one complete form in which anarchism appears in our midst. The United States can not afford to tolerate it within the national domain if the power of prevention exists. It is idle to denounce anarchism in the abstract, or to punish by special laws the killing of Presidents or other officers of Government by anarchists, in a community where there is no system of laws adequate to protect the life of any and every person against mob violence.

The demoralizing effect of lynching upon the public moral sense is enough to compel attention to the subject, if there were no other reason for it. The practice is steadily increasing, by methods of progressive barbarity. When Hose was burned at the stake in Newman some 10 years ago a cry of indignation went up from press and people in all parts of the country. Burning alive was comparatively a novelty, even in Judge Lynch's code of punishments. Since that occurrence many lynchings have been perpetrated by burning, and they have excited hardly a word of public comment. Such statistics as have been collected, probably not full nor entirely accurate, indicate that there were more murders by mob violence within the States during the last year than in any year before, and that in but about one-tenth of these cases was there even a charge of the peculiar crime to which lynching is sometimes considered especially appropriate.

As a legal or political question the character or degree of guilt on the part of the victim of the mob can not enter into it. If the guiltier man is lynched to-day, the less guilty man may be to-morrow, and the innocent man the next day. In fact, a substantial proportion of the victims are innocent of any offense. A mob can not be trusted to determine this question, and often makes no attempt to determine it. It is less revolting if the mob kills the perpetrator of a heinous crime than if it kills for a trivial offense or no offense at all. But one case involves as much danger to the political system as the other. No civilized community can suffer vengeance to be wreaked or penalties to be visited upon any person by lawless violence. The possible consequences of tolerating such a practice do not need even to be suggested.

It is not agreeable to reflect that lynching, as the Chinese minister has pointedly reminded us, is peculiarly an American custom. It does not, and could not, exist under any other Government in the world having any pretensions to be called civilized. Not in Spain, Russia, or even Turkey, are men and women burned at the stake by mobs, with or without charges of crime. The American States enjoy a complete monopoly of this distinction. The weight of public sentiment in every State undoubtedly is against it. The better element of the people in every State would prevent it. But for one reason or another the States do not prevent it, and it has generally been supposed that the Federal Government has no power to interfere.

A bill some time ago was introduced in each House of Congress designed to afford to citizens Federal protection against lynching in default of protection by the States (57th Cong., 1st sess., S. 1117; H. R. 4572). In substance it provides, in section 1, that the putting to death of a citizen of the United States by a mob in default of protection of such citizen by the State or its officers shall be deemed a denial to the citizen by the State of the equal protection of the laws and a violation of the peace of, and offense against, the United States; in section 2, that every person participating in such mob shall be deemed guilty of murder and subject to prosecution therefor in the Federal courts; in section 3, that the county in which a lynching occurs shall be subject to a pecuniary forfeiture, to be recovered by action prosecuted by and in the name of the United States; in section 4, that State peace officers who omit all reasonable efforts to prevent a lynching, and prosecuting officers who omit all reasonable efforts to bring the offenders to justice under the laws of the State, shall be deemed guilty of an offense against the United States and be liable to prosecution and punishment therefor in the Federal courts; and in section 5, that State officers having the custody of citizens of the United States charged with crime, who suffer them to be taken from their custody by mobs for the purpose of lynching, shall be deemed guilty of an offense against the United States and be liable to Federal prosecution and punishment. Section 6 provides for the exclusion from juries in such cases of all persons whose character, conduct, or opinions are such as to disqualify them, in the judgment of the court, for the impartial trial of the issue.

Inquiry into the constitutional grounds for the exercise of such a power by the United States may begin by taking an analogous case. The United States, by international law and by treaty obligations, owes to foreign governments a duty of protecting their subjects resident within the States. So highly is this duty regarded by the law of nations that breach of it may be casus belli. Within 15 years, to go back no further, the United States has several times been called to account for the killing of foreign subjects by mobs within the States, although the practice of the State Department has been, for prudential reasons, to disclaim any direct responsibility for these outrages.

Can it be doubted that the United States, having this duty of protection, and being answerable to the world for its performance, has power to perform it? There can be but one answer to this question (see Baldwin *v.* Franks, 120 U. S., 678, 683). Whatever preconceived notions may have been, whatever the practice of the Government may be, the powers of the United States are necessarily coextensive with its lawful obligations. Where there is a recognized duty there must be governmental power adequate to its discharge. Any other rule would make the Government a name of reproach.

The early theory that the United States has no police power, so called, or power to protect life or punish crimes of violence within the States is already superseded by judicial decision. It is now determined by the highest authority that the United States has such power, when a Federal right or duty is invaded or involved. This principle is neither new nor startling, though modern applications of it have attracted attention. For example, it is now held that the United States, by the hand of its marshal, may lawfully kill one who assaults a Federal judge traveling through a State in the course of his duty, and that the State can not hold the marshal to account for such killing (in re Neagle, 135 U. S., 1); and that the United States may punish, as for murder, one who kills a prisoner in the custody of a Federal officer within a State (Logan *v.* United States, 144 U. S., 263). The principle is that the persons so assailed are within the peace of the United States; that the United States owes them the duty of protection; and that the power of protection follows upon the duty.

The equality clause of the fourteenth amendment forbids the States to deny to any person within their jurisdiction the equal protection of the laws. This clause is judicially held to confer immunity from any discrimination, as a Federal right. The protection which the State extends to one person must be extended to all. It does not forbid discrimination merely in the making of laws, but in the equal protection which the laws are designed to afford. Forbidding the State to deny equal protection is equivalent to requiring the State to provide it. Equal protection is withheld if a State fails to provide it, and the guaranteed immunity is infringed. The constitutional requirement may be violated by acts of omission no less than by acts of commission. The omission of the proper officers of the State to furnish equal protection, in any case, is the omission of the State itself, since the State can act only by its officers. (Tenn. *v.* Davis, 100 U. S., 257, 266; Strauder *v.* W. Va., 100 U. S., 303, 306, 310; Va. *v.* Rives, 100 U. S., 313, 318; Ex parte Va., 100 U. S., 339, 345; United States *v.* Harris, 106 U. S., 629, 639; Civil Rights Cases, 109 U. S., 3, 13, 23. Ex parte Yarbrough, 110 U. S., 651, 660 et seq.; Yick Wo *v.* Hopkins, 118 U. S., 356, 373; Baldwin *v.* Franks, 120 U. S., 683 and (Harlan, J.) 700; In re Coy, 127 U. S., 731; Carter *v.* Texas, 117 U. S., 442, 447.) It would seem to follow that when a citizen or other person is put to death by a lawless mob, in default of the protection which the State is bound to provide for all alike, there is a denial of equal protection by the State, in the sense of the equality clause, which Congress may prevent or punish by legislation applying to any individuals who participate in or contribute to it, directly or indirectly.

The citizenship clause of the fourteenth amendment, by express declaration, creates and confers citizenship of the United States, as a Federal right, upon all who are born or naturalized within and are subject to its jurisdiction. Formerly, citizenship of the United States within the States was understood to follow only from the State citizenship. The fourteenth amendment directly reversed the conditions. Citizenship of the United States is now the primary right and status, proceeding directly from the Federal Government, while the State citizenship is secondary and derivative from it. This effected a change in the relations between the United States and its citizens which has received little direct judicial consideration. The power to protect the lives of its citizens or subjects is an inherent power of every Government. It was never doubted that the United States has this power, as a power necessarily implied, and may exercise it throughout the world outside the States. It is now judicially established, as above noted, that it may

exercise such power within the States, for the vindication of Federal rights or duties. The duty of a Government to protect the lives of its citizens is correlative with the power. The citizen is entitled, as of right, to claim such protection. If the United States can not exercise this power to its full extent within the States, it can be for no other reason than that it is reserved to the States, or to the people. In creating citizenship of the United States by the fourteenth amendment, there is no express reservation of this power. The established rule of constitutional construction now is that the United States has the powers commonly incidental to sovereignty, except the powers expressly denied or reserved to the States or people, and all implied powers properly incidental to the powers granted. The fourteenth amendment expressly authorizes Congress to enforce its provisions by appropriate legislation. Such legislation can not, indeed, extend to establishing a complete code of laws. It must be limited to correction of the particular mischief resulting from violation of the amendment. Legislation to protect citizens in their lives against mob violence, in default of such protection by the States, apparently goes no further than to correct the mischief resulting from the default.

It is now held that there is in legal contemplation a peace of the United States existing within and throughout the States. It seems to be judicially regarded as comprehending at least the existence, exercise, and undisturbed enjoyment of the rights derived from or under the United States. (Ex parte Siebold, 100 U. S., 371, 394; in re Neagle, supra; Logan *v.* U. S., supra.) If this can be taken as established, it would seem to follow that citizens of the United States, whatever may be said of other persons, are entitled to live in its peace and to have it preserved for the protection of their lives. If the United States can legislate directly for the preservation of its peace within the States, the pending bill appears to be within its powers. If the power and duty to preserve the peace of the United States within the States belong solely to the States, which it may not be wholly safe to concede, and which seems to be inconsistent with principles already established, the failure of the States to preserve it is a breach of duty toward the United States. In this view it may be contended that the United States has power to deal with such a breach as an offense against itself on the part of all individuals who contribute to it, directly or indirectly.

The United States has, as all governments have, a political and legal interest in the lives of its citizens. If it has not full power to protect them in their lives within the States as it has elsewhere, it can be, as already observed, only because that duty rests solely upon the States. If so, it is a duty owed to the United States as well as to individual citizens. It would seem that open and notorious neglect or omission of this duty on the part of a State, by suffering lawless mobs to murder citizens for want of legal protection, may be declared an offense against the United States, and, if so, that the United States may punish all persons who contribute to it.

It may be said that if the United States has power to protect the lives of its citizens within the States it must have power to protect their other personal and property rights, and so to supersede State laws by a system of Federal legislation, which is impossible. This does not follow. There is no doubt that so far as the express provisions of the fourteenth amendment extend Federal legislation for its enforcement may extend, whatever the consequences. For example, if a State should omit to enact any legislation for the protection of a certain class of citizens against crimes of violence, forbidding and punishing such crimes only when committed against the other class or classes, it can hardly be doubted that Congress, under the enforcement clause, may supply the omission by direct legislation, or may perhaps annul the whole system of discriminating laws, leaving the State to provide others which will conform to the requirement of equality. The consequences of the failure of a State to enforce laws made for protection against violence are no less disastrous to the unprotected class than the failure of the State to make any such laws. It is difficult to perceive why the power and the duty of Congress to interfere, under the enforcement clause, are not as clear in the one case as in the other.

Apart from the fourteenth amendment, it may well be that the United States owes its citizens protection in their lives while not owing them a complete system of laws for the protection of all personal and property rights, and that its power is coextensive with its duty, but extends no further.

Without attempting an exhaustive inquiry into this delicate and difficult subject, it can safely be assumed that preconceived opinions are not conclusive of the question. In view of express constitutional provisions, and in the present state of judicial decision, the existence or nonexistence of this power in the Federal Government can be determined only by submitting a statute to the test of judicial examination.

Mr. SUMNERS of Texas. Mr. Chairman——

The CHAIRMAN. The gentleman from Texas is recognized for one hour. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen of the committee, I assume that there is no difference of opinion among men representing the different sections of the country in reference to the fact that the crime of lynching is a crime which nobody can defend, a crime which must be suppressed. The question is how best to proceed to do the thing that ought to be done. Before beginning a discussion of this bill I want to challenge the slanders which have been heaped upon the South by a lot of these hired Negro agitators and white negroettes that have been going over the country falsely representing my people. I received the other day a statement from the Tuskegee Institute. The gentleman who has just taken his seat quoted practically all of his statistics and gave practically all his information from that source. Under the date of December 31, 1921, they sent out broadcast, with release for publication dated January 1, "The lynch record for 1921," from which I quote, "there were 63 persons lynched in 1921. Of those 62 were in the South and one in the North." I do not know how I happened to clip this out, but the Washington Post of July 16, 1921, carried a statement under these headlines, which I quote: "Three Negroes hanged by mob in Duluth; 5,000 seize prisoners at police headquarters; troops ordered out. Attack on young white girl rouses crowd's fury." These Negroes were connected with a circus. They took a white girl into the circus grounds and ravished her. This Duluth, Minn., mob hung them all to a telephone pole in the middle of the city. Three at once in one place. And yet we are told that only one person was lynched in the entire North during all of the year 1921. The gentleman who has just taken his seat told you of a killing in East St. Louis of 100 people at one time.

That is the sort of thing we are afraid of. We people who believe we understand the situation are convinced that you men are fixing to cut the cord that holds in leash the passion of race conflict in the South and bring to the South such tragedies as that of East St. Louis, in which almost as many people were killed in that one city in one riot as are killed in the entire South by mobs in two years.

Mr. MONDELL. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. MONDELL. Do I understand it to be the gentleman's position that in order to keep down——

Mr. SUMNERS of Texas. Just for a question.

Mr. MONDELL (continuing). The passions of race prejudice it is necessary to give them an occasional outlet of burnings and lynchings?

Mr. SUMNERS of Texas. I do not.

Mr. MONDELL. Then, I do not quite understand the gentleman's statement.

Mr. SUMNERS of Texas. Sit down and I will make you understand it. It is a hard job, but I can do it. Here is what I mean. Listen to me. Look at me and let me talk to you. I mean this: I mean that nobody on this earth can protect the black man who is in danger of mob violence except the people in the community at the very time of the danger. I mean that if the Federal Government interposes its power, assumes responsibility now borne entirely by the people, so that the man on the ground will feel it is not his duty to protect, but that the Federal Government has stepped in and will take care of the situation, then you are likely to turn loose the passions of race conflict in that community.

Let me tell you something. Suppose this other thing happens—and you can do it under this bill—suppose that a black man takes a little white child and drags her off into seclusion where no voice can hear and no hand can help, and rapes that child, and the father of that child and the brothers of the child come up on him and kill him, and the Federal Government takes them away in the face of public sentiment and places them in the Federal penitentiary, and then has a tax of $10,000 levied against the county for the benefit of the rapist's family, a part of which sum might go to buy that family an automobile to ride by the home of the innocent victim, do you think, as a matter of common sense, with such a policy you could long prevent a condition in that country like those which developed in East St. Louis, Omaha, and Chicago?

Mr. MONDELL. What about——

Mr. SUMNERS of Texas. I regret I can not yield further. Gentlemen, I want to discuss this bill somewhat in order, and I would like not to be interrupted. In order to save as much time as possible I had transcribed the quotations which I expected to refer to in the volumes which I have on the table.

Mr. Chairman, I am opposed to mob violence, to the crimes which provoke mob violence, and to the conditions which permit those crimes to result in mob violence. I am opposed to this bill because it would increase mob violence by encouraging the crimes which are the most provocative of mob violence and which more than all things else combined create the condition out of which mob violence as a punishment for other offenses arises. I am opposed to this bill because the interposition of Federal power would lessen the sense of local responsibility and retard the growth of local purpose to suppress mob violence. I am opposed to this bill because it is unconstitutional and appeals for its support to the very spirit which it denounces—the spirit of disregard for law and for the sacredness of the official oath. This bill can not pass this House unless it is put through by that same spirit which inspires the mob when, backed by the courage of numbers, excused in conscience by the law's delays and alleged miscarriage of justice, they crush through by the sheer weight of numbers the legal barriers which deny the right to proceed in the manner undertaken and do an unlawful thing.

You are asked to do a thing contrary to the supreme law of the land in order to make certain and quick a punishment alleged to be deserved. Gentlemen, that is the identical appeal of the leader of the mob. This bill has incorporated therein provisions which no lawyer in this House or elsewhere can defend and but few, if any, have reputations so poor or so well established that they will hazard them in the attempt. Yet you will be asked to pass the bill. They whisper in your ears

"political expediency" and ask you to yield to it. That is the same whisper which comes to the ear of the sheriff when the mob is battering at the jail door. Wonderful example they ask you to set to the constabulary of this country.

I am opposed to lynching. If I were at home and I heard that an effort was being made to arouse the mob spirit, I would oppose it.

If I had been in Omaha when they were about to mob the mayor because he had stood between the mob and its intended victim, I would have opposed that. To-day the Constitution of the United States stands at the door, guarding the governmental integrity of the States, the plan and the philosophy of our system of government, and the gentleman from Missouri, rope in hand, is appealing to you to help him lynch the Constitution. I am opposed to that. If it were not for the tragic possibilities which are involved and the duty imposed, if I were actuated by political considerations, I would merely register a general protest and hope for favorable action. But, gentlemen, this is not a matter with regard to which either side can afford to play politics.

Mr. Chairman, whatever may be the conflict of individual judgments as to whether this bill is constitutional or unconstitutional, whether it embodies a wise or unwise governmental policy, all who have examined its provisions and have contemplated its direct effect upon the governmental units under our system and the scope of the Federal powers which it as a precedent would establish, if constitutional, must agree that not since the formation of the Federal Government has a more important legislative proposition addressed itself to the consideration of the Congress.

Gentlemen of the House, the importance of this proposed legislation from the standpoint of the consideration which it merits at this time, however controlling that ought to be, is not dependent entirely upon the naked question as to its constitutionality. The effect of this bill, if adopted, even if declared unconstitutional, would be to mark, in so far as the expression of legislative judgment and will is concerned, and in so far as that expression would reflect the public attitude and direct public inclination, incomparably the greatest advance toward the obliteration of the States as independent governmental agencies of the people which has yet been registered by any expression of legislative or public attitude. The Congress has not only the responsibility for legislation, but in the very nature of things, the responsibility, in a large measure, of leadership of public opinion with regard to governmental policy. Whether to be condoned or not, party policy and political expediency are permitted in all Governments controlled by parties to influence much of the mass of current legislation. But when the matter under consideration goes to the fundamentals of government as distinguished from the policy of government, it carries a challenge to the conscience of the legislator, an appeal to his fidelity, to the larger duty to his country, which will not tolerate regard for political expediency.

Mr. Chairman, such a measure is now under consideration. I challenge it because it is without constitutional warrant. I challenge it because it is definitely and directly antagonistic to the philosophy of our system of government, and within the limit of its effectiveness, if it should be held constitutional, would be destructive of that system.

I challenge it because it is contrary to its own declared purpose. If enacted and operative it would not add to the protection of person or the general efficiency of government, or strengthen the relationship between the Federal Government and the States. But, on the contrary, this proposed intervention of the Federal Government directed against local power, supplanting and superseding the sovereignty of the States, would tend to destroy that sense of local responsibility for the protection of person and property and the administration of justice, from which sense of local responsibility alone protection and governmental efficiency can be secured among free peoples.

There is no other way under heaven, known among men, by which it can be done. This bill, as I say, challenges the efficiency of the governments of the States, and here is the difference between this bill and the other bills that we have been enacting here expanding the Federal power: This bill, challenging as it does the relative governmental efficiency of the States and the integrity of purpose of their governmental agencies, placing the Federal Government, as it does, in the attitude of an arbitrary dictator assuming coercive powers over the States, their officers, and their citizens in matters of local police control, would do incomparable injury to the spirit of mutual respect and trustful cooperation between the Federal Government and the States essential to the efficiency of government. As a precedent, this bill, establishing the principles which it embodies and the congressional powers which it assumes to obtain, would strip the States of every element of sovereign power, control, and final responsibility for the personal and property protection of its citizens, and would all but complete the reduction of the States to a condition of governmental vassalage awaiting only the full exercise of the congressional power.

Gentlemen, I do not excuse the sixty-odd lynchings that occurred in the South in a year, but when you consider the millions of black people who live in that country, and when you consider the fact that we do have white men there who are not law-abiding, just as we do have black men there who are not law-abiding, and you measure what occurs there by what occurred in East St. Louis, Chicago, and Omaha, it shows that the people in that great section of the country are doing the best they can. [Applause.] I realize that it is a bad situation down there for the black people. No black man or white man who lives in the South now is responsible for that condition. Away back yonder our ancestors, the men from New England, many of them, brought their shiploads of slaves from the jungles of Africa and sold them to my people. It was a tragedy, in so far as the white people were concerned. I do not know how you think about it, but it was not a tragedy in so far as the black man was concerned. Sometimes I think God Almighty had a hand in that, because slavery was the only door that swung open to give the black man a chance to get away from savagery of the jungle. There is not a black man in the gallery up there who does not owe to the institution of slavery his contact with civilization. It was a curse to the white man, but it so happened that under that institution of slavery these poor black people had a chance to come to America, and through the institution of slavery they got a species of coercion that enabled them in a few generations to break away from the habits of indolence that had grown upon them by reason of their centuries and centuries of tropical residence, and eventually it enabled their children to be sent to school under conditions of civilization. But during its continuance the institution of slavery was sapping the vitality of southern civilization. I have repeatedly said that while the Civil War was a terrible price to pay, yet it was not too big a price to pay if that alone could have served to relieve the white people from that terrible institution of slavery which was destroying the civilization of the South.

Now, we had the Negro population left on our hands. They were brought there. They did not come of their own accord, and when they were freed the people of the North, not understanding the situation, just as they do not understand this situation now, under the passions engendered by the war, did that thing which had never been done before since the men of our blood first left northern Europe and started out to build up the civilization of the world. It was the first time in all the centuries when one branch of the white family tried to put the heel of another race upon the neck of men of their own blood. I do not hold any prejudice against you. I realize this was the aftermath of a great war, and what happens in such times must be judged in the light of the passions which war always engenders. And these millions of black people were turned loose as they were—with a responsibility they were not fitted to meet. I do not say this to their discredit, everything considered, or in criticism of them—of course they are more inclined to commit crimes than white men are. It would be the most unreasonable thing not to expect it. Only a short time ago their ancestors roamed the jungles of Africa in absolute savagery. Now we have them here. I do not know what we are going to do about it, gentlemen. You can pass this bill if you want to, but I am giving you the judgment of a man who believes he knows. I am going to put the responsibility on your own consciences. My people get along the best they can with the situation. We are all sick and tired of this lynching and these outrages and with the propaganda of misrepresentation. There are many, many people in the South who are willing to say to the Federal Government, "If you can do it, for God's sake come and do it."

These people say that. We are tired of it. We know it is not right. The conscience of the country is revolting against these conditions, and if we could get a little more help from you people, exerted with the black people, to encourage them to run out the criminal element from among them while we work on the criminal element of the white people, instead of sending these Negro agitators down there to preach social equality among my people, you would aid more than you are aiding now. [Applause.] We might just as well understand ourselves, gentlemen. That day never will come—there is no necessity for anybody mistaking it—that day never will come when the black man and the white man will stand upon a plane of social equality in this country, and that day never will come in any section of the United States when you will put a black man in office above the white man. [Applause.] That never

will happen. It never can happen on the face of God Almighty's earth. It has not happened in 4,000 years and never will. Oh, you can elect one here and there in communities where you have them in control. You can give him a little recognition to keep the boys lined up, but he is under white control, and you never will surrender the control of your government in any community to the black race. It can not happen.

Now, I will be very candid with you gentlemen about the situation in the South. The big difficulty is when the crime of rape is committed against a white woman. Millions of these people live there among us. We all live together. We understand one another. We have established a basis on which we can get along pretty well. We have our difficulties, of course. It is an unnatural situation. The big thing we dread, the thing we are working against, law-abiding white people and law-abiding black people, is what happened in East St. Louis. These isolated cases of mob violence are bad. But if we can keep them isolated we can hope to bring them under control. In the district of the gentleman from Massachusetts a few weeks ago, up there at Barnstable I believe it was, three West Indian Negroes took a white girl from her escort and raped her. A mob was formed, bent on lynching them. It took the governor of the State three days to dispel the mob spirit. Just one thing prevented that from being a lynching and that is that they did not have a great sea of these people about them. That is what prevented it.

It is pretty easy to talk about it, gentlemen. Of course, the number of black men who commit these crimes is very small, but you do not know where the beast is among them. Somewhere in that black mass of people is the man who would outrage your wife or your child, and every man who lives out in the country knows it.

They say that lynching is an American institution. Well, it is, in a degree. Except in a narrow strip of country along the eastern seaboard home-made law preceded legislature-made law all the way to the Pacific coast. In the western part of my State it was the rugged pioneer who established home-made law. There never was much trouble or danger from that source. It is the lawless element who are giving us so much trouble, sometimes killing these black people when they do not commit these terrible crimes. That very fact, however, more than all else is developing in the South the purpose to suppress mob violence. The purpose is there, and we will do it if you will give us a chance. We do not need any guardianship by the Federal Government. In the western part of my State it was the rugged old pioneer, who could ride as hard and shoot as straight as the bad man could, who drove the desperado beyond the Rio Grande and established respect for law and made human life possible and safe in that country.

And it is a rather interesting thing, too, that as society has established legislatures and courts men in my part of the country have never yielded to the courts established by legislatures or to laws established by legislatures the protection of their women. There is just one thing they will not litigate. Nowhere under God Almighty's sky will they yet litigate the issue of a foul wrong committed against their women. [Applause.] They have not yielded that yet. You see, they had that jurisdiction first. They delegated authority to the courts after the courts got there, but they were there first. That will change as pioneer influences and ideals give way. It is changing now. There is another thing that makes the situation more difficult in the South. I do not know why, but somewhere in the great purpose of God Almighty He has determined to preserve, for a while yet, at least, these lines of racial cleavage that He has drawn among the races of men.

I do not know why, and you do not, either, but there is nobody up there in Yankeedom or down in my country that can obliterate those lines of racial distinction. God Almighty drew them in the councils of His infinite wisdom, and put the instinct of racial preservation there to protect them. You ask me what we will do to protect it. We will do whatever is necessary, that is all. Men who do not live in the presence of the danger do not hear the call. [Applause.] Nature does not waste her energies. When men respond to that call, they respond to a law that is higher than the law of self-preservation. It is the call to the preservation of the race. When men answer to that call, you can not reason with them. That law knows no reason. You can not appeal to their sense of justice. It knows no sense of justice. It is a blind, unyielding, uncompromising, all-sacrificing purpose of the dominant race to control the situation. When that call comes every man who is not a racial degenerate has to answer it. [Applause.] It is the call of the blood. Men do not count the cost under those circumstances when once the race passion is aroused. We will have to work at this thing from every angle. The face of society of his own race must be set against the black criminal, and the white hoodlum must be suppressed. But, above all, while we are working out these problems we must hold in leash the brutal passion of race conflict which inspires the mobs in the North. When a white woman is raped by a black man the call to the man is from his two strongest, most primitive instincts. No doubt when men lived in caves the strongest instinct of the man was to protect his woman. The next strongest instinct is to protect the blood. When the call comes from the woman, crying out from the depths of her outraged chastity, there comes to the man a call which reaches back to the days when he was a savage in the cave, and he goes. When that call comes from the woman who has been raped by a man of alien blood, woman, who in every age of the world has been the faithful guardian of the purity of the race—when that call comes it is the call of his woman and the call of his blood, and he goes. It is not an easy situation to deal with. [Applause.] He goes not alone. His neighbors, whose women live under the same danger, go with him. The impulse is to kill, to kill as a wild beast would be killed.

Gentlemen, do not misunderstand me or misquote me. I understand we have to deal with this situation. One must yield to the law. But no attempt at Federal coercion can help. Let nobody misunderstand what it means to say in the presence of the victim, "Let the law take its course," when there comes down from the mountain tops of civilization and up from the deepest caverns of man's nature the mightiest force that ever beats against the battlement of self-restraint. [Applause.]

Gentlemen, this bill is a remarkable piece of legislation. I see gentlemen before me who are going to say that they have defended the constitutionality of this bill, but they will be joking, because it can not be done. Certainly, Mr. Chairman, to put upon the statute book a measure of this sort which could serve no other purpose than to give encouragement to the ignorant and vicious, and to stimulate crimes which arouse prejudice against a minority race, which this legislation, if constitutional, could not protect, would be a crime against those people that can not be excused. Nobody can protect them against the mob except the white people with whom they live. What will the criminal read in this bill? Take the hearings on this bill and from one end to the other there is not one word of condemnation. What will they read in this bill as they gather in their dives? Do not misunderstand me. I say that there are relatively only a few such among the great body of black people of my country. Where you are making the mistake and where you continue to make the mistake is in creating the impression that you propose to defend them. I know that we have got to stop it, but I am not losing so much sleep over the bunch that commits the crime as over the ones that have done nothing, but you gentlemen propose in this bill to lose no sleep over the innocent ones and try to protect the ones that have committed the crime.

Let me read you the definition. Let me show you what they are after. Are they after the East St. Louis bunch? Let us see. Section 1 reads:

> That the phrase "mob or riotous assemblage," when used in this act, shall mean an assemblage composed of five or more persons acting in concert for the purpose of depriving any person of his life without authority of law as a punishment for or to prevent the commission of some actual or supposed public offense.

What will the criminal read in that bill? Will he read in it a condemnation from the great Federal Government? No. But what will he read? He will read, and it is a fair conclusion, that Uncle Sam says that if I do this thing and anybody in this community gets after me and strings me up, Uncle Sam will send them to the penitentiary and make the folks pay a $10,000 fine.

Gentlemen, I should apologize to the House for not having proceeded at once to the discussion of the constitutional questions involved, but we desire it to be clearly understood in the beginning that while this bill is challenged because it is without constitutional warrant, it is further challenged because in its violation it extends beyond the letter of the Constitution and attacks the fundamental principles and philosophy of government from which our Constitution draws its vitality. Not only that, but it is in disregard of the lesson taught by the actual experience of men in the realm of government.

I lay down this proposition: If this bill is sound in the governmental policy which it undertakes to embody, then our whole plan of government, which the judgment of men everywhere accords first place among the masterpieces of the world's constructive statesmanship, is fundamentally unsound. I challenge anybody to refute that statement.

The more you study this bill and contemplate the consequences of congressional indorsement upon the Nation's governmental policy, regardless of the question of constitutionality,

the more importance will your judgment attach to the matter. Let no man imagine that in the present state of public opinion, the present direction in which it is pressing, we will be able to turn back upon the course along which this bill gives us direction, if we add to the pressure of public attitude the weight of congressional approval to this sort of measure. There is no use in fooling ourselves about it, either. In the very nature of things Congress is not only charged with the responsibility of legislation but it is charged with the responsibility of leading public opinion with regard to sound governmental policy.

It is not proposed by this bill to negative discriminatory State action; it is not proposed merely to oust the States from final police control and responsibility within their respective borders, but that the Federal Government shall lay its hands in coercive power upon the governmental machinery of the States themselves, as such, and upon their officers as officers of the States, and upon their citizens as citizens of the States, and in matters clearly within the realm of police control undertake to compel them by force of the Federal Government to carry out the edict of the Congress with regard to local police control. I say that when you pass this sort of bill you take from the States such inherent elements of sovereignty, of dignity of final governmental responsibility, as to make it absurd to talk about the State being a sovereign unit of the Government. How can a State be a sovereign unit of government when you hold over it the uplifted lash of the Federal Congress, telling its officers and people what they must do, and, if they fail, sending them to the penitentiary? What would be left? Put this on the statute books, if you please. You are welcome to all of the political benefits you will get out of it. You will find that there is somebody else to whom you have to answer in this country besides this little handful of agitators, who have scared you to death. If the Federal Government can punish each of five individuals who constitute a mob or riotous assemblage, as is provided in this bill, it can inflict punishment if the offense were committed by one individual acting alone. If the Federal Government can punish for murder committed within a State, as is proposed by this bill, it can punish for all offenses committed against a person, from murder to simple assault. Is not that a sound proposition? If the Federal Government can punish for murder, for a physical offense, it can punish for every offense committed against property within a State. That is the power that they are claiming for the Federal Government, these gentlemen who are supporting this bill. When they say that the Federal Government has not that power they admit that the Federal Government has not the power to enact this bill.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. REAVIS. If the gentleman is familiar with the hearings before the Committee on the Judiciary at the time that the bill was before that committee, he will recall that the question was asked Col. Goff, the Assistant Attorney General, whether if this bill were constitutional and the Federal Government had control of individual action, which heretofore had always been in the forum of the States, it would be possible for the Federal Government to punish embezzlement and larceny and assault and battery, and that Col. Goff replied that it would.

Mr. SUMNERS of Texas. I am very much obliged to the gentleman for calling my attention to it. That is absolutely the fact. If this bill is sound as a legislative premise, that conclusion is sound. You can not escape it; but his conclusion does not support the premise; it destroys it. Yet you are asked to pass this bill. I do not want to be offensive, but I say to you that you can not pass this bill unless you pass it under the influence of the same spirit which this bill denounces, viz, the mob spirit. You say that the folks down in the South are not doing this thing fast enough and quick enough, and the folks in the South say the officers are not doing this thing fast enough and quick enough, and you both get ropes and they go after a nigger and you go after the Constitution. [Laughter and applause.]

If it is lawful for the Federal Government to levy a penalty against a county as provided in this bill, merely because mob violence may have occurred in that county resulting in death, or that the person afterwards killed may have been transported across the county, it can levy a penalty against each county for every offense committed within it by any individual citizen against the person or the property of any other individual citizen whether the county officer knew a thing about it or not. Here is what these modern solons are claiming was written into the Constitution by the fourteenth amendment: That the fourteenth amendment of the Constitution gave to the Federal Government the power to levy a penalty against every county for every offense. They must do that or they can not support that clause of this bill. Now, you mark it, when they get up here——

Mr. CHINDBLOM. Will the gentleman yield?

Mr. SUMNERS of Texas. I will.

Mr. CHINDBLOM. Of course the gentleman would limit that to matters relating to extending the denial of the equal protection laws if——

Mr. SUMNERS of Texas. Oh, if Congress can do what is tried to be done in the second section of this bill, trying to expand the fourteenth amendment of the Constitution by legislative enactment so that they will have a basis upon which to rest the legislative enactment——

Mr. CHINDBLOM. That is by definition.

Mr. SUMNERS of Texas. Yes; by definition. The States ceded to the Congress a definite power over them. Now, the Congress comes in, the recipient of the power, and tries by definition to spread out its power so as to do what the Constitution will not let it. If that is the best that they can do, then it is pretty poor. There is not a thing in the fourteenth amendment about prohibiting mob violence, nothing about five persons, nothing about physical violence, nothing about property. The provisions are general.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. CHINDBLOM. Does the gentleman concede that there is power in the Congress to pass affirmative legislation for the enforcement of the fourteenth amendment?

Mr. SUMNERS of Texas. Yes.

Mr. CHINDBLOM. Or is it merely a negative passive assertion of right?

Mr. SUMNERS of Texas. No; Congress has the power——

Mr. CHINDBLOM. I am speaking now specifically in reference to the equal protection laws.

Mr. SUMNERS of Texas. If the gentleman will excuse me, I will discuss that in a few minutes.

Mr. REAVIS. Will the gentleman yield at that point?

Mr. SUMNERS of Texas. Yes.

Mr. REAVIS. The fourteenth amendment was a prohibition against a State's denial, while this bill is predicated not upon the denial by the State but upon the action of five individuals. [Applause.]

Mr. SUMNERS of Texas. Not only is that true, but Congress in this particular instance is undertaking to enact a municipal code to define offenses and provide for their punishment, which the Supreme Court has said Congress can not do.

Mr. McSWAIN. Will the gentleman yield?

Mr. SUMNERS of Texas. I prefer not to yield because I have in mind to discuss these matters in some order.

If this bill is constitutional Congress can provide the conditions under which the governors of the several States will be required to call out the militia of the State to defend the person or the property of the citizens of the State, and could provide for the trial and punishment of the governor, through criminal proceedings in the Federal court, and could send the governor of a State to the Federal penitentiary for a violation of the legislative will and edict of Congress with regard to the protection of the persons or property of his own people.

Mr. STEVENSON. Will the gentleman yield?

Mr. SUMNERS of Texas. I should prefer very much not to do so.

Mr. STEVENSON. I just wanted to interpose—

Mr. SUMNERS of Texas. I will yield.

Mr. STEVENSON. In relation to the fact this bill itself as written provides for that.

Mr. SUMNERS of Texas. I was just going to call the attention of the House to that. I am much obliged to the gentleman.

This is the important thing about this bill. It does not propose in terms or principle merely an extension of Federal activity through Federal machinery acting in harmony with, in respectful attitude toward, and in governmental cooperation with the States. It is a new sort of thing. This bill proposes a direct and humiliating governmental vassalage of the States, and you can not make anything else out of it. Do you tell me any good will come? Never before in the history of this Government, in so far as I know, has any group of lawyers in Congress or out of it claimed any such power or favored its exercise. What sort of a governmental mess will we have in this country if we embark upon this sort of a legislative policy?

If we did not have a decision from the Supreme Court, and, by the way, you are the judges of your constitutional powers; the Supreme Court decisions, when clear and established, mark out the boundary line of congressional action, but it does not relieve the conscience of the Congressman. You must pass upon your constitutional power, and I challenge you to-day under

your official oaths. You sit here as the highest court in the land and determine the issues of your constitutional powers. I challenge the right of any man to vote for this bill if he believes it to be unconstitutional. If there was not a single decision from the Supreme Court, there is not a man sitting here—let us be honest about it, man to man—who will assert that in any time of this country's history there ever was a moment when one single State would have yielded to the Federal Government such power as they assert in this bill rests in the Federal Government. There is not one single thing in the political history of this country, nothing in its philosophy of government, and not one word in the contemporaneous discussion of the fourteenth amendment, to justify such a conclusion.

I make this statement, too, gentlemen: I have as much respect for the Supreme Court as anybody, but if the Supreme Court had decided that, your own conscience and common sense would not permit you to indorse the decision. You are guardians of the Constitution and of the integrity of the States. The Supreme Court is not the keeper of the congressional conscience.

You sit to-day under your high privileges as Members of the House of Representatives of the United States. No man or tribunal can coerce you. You face your God and your conscience, the States and the Nation, and render your judgment as honest men. That is your business. You know, men, that never was there a minute in the history of this country when any such power would have been conferred upon the Federal Government as is claimed here.

The first of the great decisions construing the fourteenth amendment was the decision rendered in the famous Slaughterhouse case, reported in Sixteenth Wallace, and decided in 1872. I quote:

* * * When the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character, when in fact it radically changes the whole theory of the relations of the State and Federal Governments to each other and of both of these Governments to the people; the argument—illustrating what could be done under such a power, as I have undertaken to illustrate what could be done under this bill—has a force that is irresistible, in the absence of language which expresses such a purpose too clearly to admit of doubt. We are convinced that no such results were intended by the Congress which proposed these amendments, nor by the legislatures of the States which ratified them.

Mr. Chairman, there can be no question as to the soundness of that conclusion. The people never would have ratified a constitutional amendment conferring any such power as this bill seeks to have the Federal Government exercise. Gentlemen, I submit to your judgment, what sort of a legislative proposition could go forth more completely—

to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character?

That is persuasive? No. The court said it had a force that was irresistible—

in the absence of language which expresses such a purpose too clearly to admit of doubt. We are convinced that no such results were intended by the Congress which proposed these amendments, nor by the legislatures of the States which ratified them.

This judge wrote this opinion within three years after Mr. Thad. Stevens put the fourteenth amendment through this House. He said he was convinced no such result was intended by Congress nor by the legislatures of the States which ratified them. This court sustains what I said a while ago, and he was speaking at that time——

The CHAIRMAN. The gentleman from Texas has used one hour.

Mr. SUMNERS of Texas. I yield myself 30 minutes more.

The CHAIRMAN. The gentleman from Texas is recognized for 30 minutes more.

Mr. SUMNERS of Texas. Mr. Chairman, there can be no question as to the soundness of the conclusion. The people would never have ratified a constitutional amendment conferring such power as this bill seeks to confer upon the Federal Congress.

Gentlemen, I shall not be able to follow in the order I had intended the discussion of the constitutional questions involved, but I shall be able to cover it sufficiently to show what the judgments of the courts are. Here is what this judge said in concluding his opinion:

But, however pervading this sentiment and however it may have contributed to the adoption of the amendments we have been considering, we do not see in those amendments any purpose to destroy the main features of the general system.

He says, "We do not see in the fourteenth amendment any purpose to destroy the main features of the general system." What would he have said if he had read this bill? What feature of the general system will be left if you enact this bill, if you establish as a principle of government in this country that the Federal Government shall stand with the uplifted lash of congressional enactment over every officer of the State? What have you left under your system? You are welcome, gentlemen, to all the glory that you will get out of putting this sort of thing on the statute books of the conntry. It will be a fine thing for your children to read in the days that are to come that "My daddy on this bill answered 'aye' on the vote when it came." But this is not merely the enactment of a law. This is dynamiting the governmental structure. [Applause.] That is what it is, and if you folks show the people that this is the thing to do they will bring in some more dynamite. [Applause.]

No, sir; you can not turn back on this course when you add to the public inclination this sanction of the Congress, sitting in solemn judgment under its congressional powers. You are welcome to do it, but I am going to put the responsibility where it belongs. In the early seventies the carpetbagger was in his glory; but still he had some sense left. I do not say you folks were alone to blame. We were all to blame for the situation that existed. But they had some excuse in that day for going crazy. You have not got any now. [Applause.] I read further from the slaughterhouse case:

Under the pressure of all the excited feeling growing out of the war, our statesmen have still believed that the existence of the States with powers for domestic and local government, including the regulation of civil rights—the rights of person and of property—was essential to the perfect working of our complex form of government, though they have thought proper to impose additional limitations on the State, and to confer additional power on that of the Nation.

You will notice he said, "our statesmen." I do not say "our Congressmen," but there is no reflection meant. I hope you will all be statesmen this time. You can be Congressmen next time. And remember that this is the Supreme Court that is speaking about this thing, not some fellow reading a lot of stuff from Tuskegee. [Laughter.]

But no power—

Says the court—

to fetter and degrade the State government by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character.

Among all the powers exercised by the States, none is more general—ordinary—or fundamental than the police power. This bill undertakes to do the identical thing which the Supreme Court, in its first pronouncement, said can not be done, and was not intended to be done, by those who proposed and by those who ratified the fourteenth amendment.

They thought it was essential to the perfect working of our complex form of government, though they have thought proper to impose additional limitations upon our States, and to confer additional power on that of the Nation. Gentlemen, draw the picture in your mind of a United States marshal putting shackles on the arms of the governor and pulling him out of the mansion of the people of the State and dragging him off to a Federal tribunal, to answer for something that he failed to do with reference to the protection of people who elected him to office! You can not do it. You can not get any Supreme Court, you can not get a district court, to hold this thing constitutional. "But no power," says the court, "to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character."

I am quoting from the court, remember. I am quoting from the court, although it is making my argument for me. The police power is the most ordinary power that a State exercises. This bill undertakes to do the identical thing which the Supreme Court says can not be done, a thing which was not intended to be done by those who proposed and ratified the amendment. Now, here is the best authority on earth as to what was intended. And he was a man who did not love my people. I am not fond of him. It is Mr. Thad. Stevens, of Pennsylvania. There is no better authority on this earth as to what they were trying to do than Thad. Stevens, of Pennsylvania.

He was the acknowledged leader in the passage of the resolution through the House submitting the fourteenth amendment to the Constitution. In his discussion of the first section of that amendment he disclosed the object had in mind, namely, the conference of power upon the Federal Government to negative discriminatory legislation on the part of the State against people of color. A number of States had enacted such legislation as a part of the governmental feud growing out of the period of reconstruction. Such legislation was not confined, however, to the South. I am advised that even the State of Ohio had a "black code." I shall quote from Mr. Stevens,

the best authority, as to the cause which prompted the submission of and the object sought to be attained by the adoption of the first section of the fourteenth amendment. Mr. Stevens, in his discussion, had this to say with reference to the first section, the one containing the "equal protection" clause:

* * * the Constitution limits only the action of Congress, and is not a limitation on the States. This amendment supplies that defect, and allows Congress to correct the unjust legislation of the States, so far that the law which operates upon one man shall operate equally upon all. Whatever law punishes a white man for a crime shall punish the black man precisely in the same way and to the same degree.

Mr. SINNOTT. Will the gentleman yield there?

Mr. SUMNERS of Texas. Yes.

Mr. SINNOTT. Will the gentleman put in the RECORD the place from which he takes that quotation, the page of the Congressional Globe, or whatever it is?

Mr. SUMNERS of Texas. Yes; I believe I can. If I can not, I will furnish it to the gentleman later.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. CHINDBLOM. The gentleman said that he would not find it possible in his statement before the House to cite all his authorities.

Mr. SUMNERS of Texas. Yes.

Mr. CHINDBLOM. Will the gentleman put his citations in the RECORD as a part of his speech?

Mr. SUMNERS of Texas. Yes.

Mr. REAVIS. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. REAVIS. In the quotation from Mr. Stevens did I understand the gentleman to read his statement to the effect that Congress could correct State legislation that denied equal protection of the law?

Mr. SUMNERS of Texas. No; he stated that Congress had the power to deny the States the power to legislate in discrimination.

Mr. REAVIS. Of course, legislation denying the equal protection of the law would be held unconstitutional without congressional action?

Mr. SUMNERS of Texas. Yes.

Mr. CHINDBLOM. The courts would take care of that.

Mr. SUMNERS of Texas. But gentleman are proposing under that section of the fourteenth amendment not the exercise of the power to negative discriminatory acts on the part of the State, but to enact a part of a municipal code, for Congress to do it, to punish one citizen of a State, under a law enacted by the Congress, for a crime committed against another citizen of the same State. That is the vice of this proposed legislation. Such a thing as is proposed by this bill clearly was not had in contemplation when the amendment was submitted or when it was ratified, even in those times when the shadows of a great conflict still hung over the land and prejudice and passion too often wrought confusion in the judgment of our statesmen.

The fourteenth amendment did not undertake to create any additional guaranties as among the citizens of the State.

THE CRUIKSHANK CASE.

The next of the leading cases bearing upon the power of the Federal Government to punish individuals for wrongs committed against other individuals, as is proposed in this bill, is United States *v.* Cruikshank et al., decided in 1875.

Mr. GRAHAM of Illinois. Will the gentleman insert his citations in his printed speech?

Mr. SUMNERS of Texas. Yes. The Cruikshank case, decided in 1875, is found in Ninety-second United States, 542.

This case arose under the sixth section of the act of May 31, 1870, known as the enforcement act, which, in part, is as follows:

If two or more persons shall band or conspire together, * * * with intent to violate any of the provisions of this act * * * or intimidate any citizen with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States * * * shall be held guilty of felony, and, on conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court. * * *

This, in effect, is the law to-day.

Cruikshank and associates were charged in the District Court of Louisiana with engaging in a conspiracy to violate and for violating this section, and were convicted. Upon review by the Supreme Court it was held that the fourteenth amendment does not undertake to create any additional guaranty as among the citizens of the States.

From this judgment of conviction the Supreme Court ordered the defendants discharged, the court holding—I quote briefly:

The fourteenth amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it, * * * add anything to the rights which one citizen has under the Constitution against another. * * * Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle if within its power. That duty was originally assumed by the States, and it still remains there—

The gentleman from Missouri [Mr. DYER] to the contrary notwithstanding.

I am afraid I am tiring the House, but this is a tremendously important matter. The next decision to which I desire to direct your attention is the case of the United States *v.* Harris (106 U. S., p. 629), and I call special attention to this case because it was a lynching case. In this particular case a mob took the prisoner away from the deputy sheriff. It is on all fours, as we would say if we were discussing this matter before a court.

Harris and 19 others were indicted for taking from the custody of a deputy sheriff a number of persons. It was charged that the prisoners had—

"been duly arrested * * * were then and there in the custody of a deputy sheriff of said county * * * were entitled to due and equal protection of the laws thereof * * * that the said R. G. Harris and 19 others, naming them, with certain other persons * * * did then and there * * * unlawfully conspire together" and take these prisoners from the custody of the officers, "beating, bruising, wounding, and otherwise ill treating them, * * * contrary to the form of the statute,"—

And so forth, and charging conspiracy to hinder the deputy sheriff from safely keeping the prisoners. The same sort of indictment as would be drawn for an offense committed under this bill. This indictment was drawn under section 5519 of the Revised Statutes, of the act of 1871, which is very similar to the section under which the Cruikshank indictment was had, and is identical in legislative import with provisions in the bill under consideration.

It will be observed upon an examination of this indictment that in effect it charged the same offense as is defined in the last clause of section 3 of the bill under consideration, which undertakes to subject to Federal jurisdiction any citizen of a State guilty of taking a defendant from the custody of a State or municipal officer and inflicting death upon such person as a punishment for his crime.

Section 4 of the bill under consideration is identical in principle with the section under which this indictment was had. The opinion was rendered by Mr. Justice Woods, who, after disposing of the contentions of the Government with reference to the constitutionality of the action under other provisions of the Constitution, said:

It is, however, strenuously insisted that the legislation under consideration finds its warrant in the first and fifth sections of the fourteenth amendment. The first section declares * * * nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

After quoting the authorities in the Slaughterhouse cases, the Cruikshank case, Virginia *v.* Rives, 100 U. S. 313, the court says:

These authorities show conclusively that the legislation under consideration finds no warrant for its enactment in the fourteenth amendment. * * * In the indictment in this case, for instance, which would be a good indictment under the law if the law itself were valid, there is no intimation that the State of Tennessee has passed any law or done any act forbidden by the fourteenth amendment. On the contrary, the gravamen of the charge against the accused is that they conspired to deprive certain citizens of the United States and of the State of Tennessee of the equal protection accorded them by the laws of Tennessee.

A remarkable thing about this bill is that it comes in here with the condemnation of the Supreme Court, in the clearest language, resting upon every provision, except possibly a part of one section. I say this contains as remarkable a legislative proposition as the history of Congress will show.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. SUMNERS of Texas. I will.

Mr. SANDERS of Indiana. I want to get clearly the gentleman's view of the constitutional provision. I have hesitated to interrupt him because he is making an interesting discussion. Is it the gentleman's view that the provisions of the Constitution which he is discussing and on which he says this is to be based—that these provisions are self-executing and can only be invoked for the purpose of holding the law of the State unconstitutional?

Mr. SUMNERS of Texas. I do not say that they are entirely self-executing, because section 5 gives Congress the power to enact legislation, but only a certain sort of legislation.

I want to confine myself to the section of the bill under consideration, but the Supreme Court says that Congress can not enact such legislation as Harris was prosecuted under and which provided that if citizens acting in conspiracy attempted to deprive a person of any right under the Constitution they should be subject to punishment by the Federal Government.

Mr. SANDERS of Indiana. What I want to know—is the gentleman of the opinion that Congress does have the right

by legislative action to deal with any State governmental agency when that agency does deprive an officer——

Mr. SUMNERS of Texas. I think so; but if the gentleman will excuse me, I do not want to go into that now. I concede that, but the point I am trying to make is that Congress does not have the power to do what the committee has asked the Congress to do. That is the point I am trying to make.

Mr. REAVIS. Will the gentleman yield?

Mr. SUMNERS of Texas. I will.

Mr. REAVIS. The only thing Congress has the power to legislate on is not the individual but where the individual acts as the representative of the State and therefore binds the State. His act is the act of the State.

Mr. SUMNERS of Texas. Yes; when his act is the act of the State. I am going to contest the constitutionality of the entire provision in this bill undertaking to punish the officer.

Concluding, the court says:

It was never supposed that the section under consideration conferred on Congress the power to enact a law which would punish a private citizen for an invasion of the rights of his fellow citizen conferred by the State of which they were both residents on all its citizens alike. We have, therefore, been unable to find any constitutional authority for the enactment of section 5519 of the Revised Statutes. The decisions of this court above referred to leave no constitutional ground for the act to stand on.

That decision has never been overruled. In the light of that decision the main provisions of this bill stand forth not only in contempt of our plan of government, but in contempt of the clearest enunciation by the Supreme Court, where law and facts conspired to make the situation identical with that which would arise under prosecution under this bill if enacted.

THE CIVIL RIGHTS CASES.

Among the leading cases construing congressional power under the fourteenth amendment are the Civil Rights Cases (109 U. S., 3). Speaking of the prohibitions contained in the first section of the fourteenth amendment, the court says (p. 11):

It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation and State action of every kind which impairs the privileges and immunities of citizens of the United States or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the law. * * * To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts and thus to render them effectually null, void, and innocuous. This is the legislative power conferred upon Congress, and this is the whole of it.

That is what the Supreme Court says about it.

And again the court says (p. 13):

* * * It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have) are by the amendment sought to be protected against invasion on the part of the State without due process of law—

There is a vice in what is attempted here. The Supreme Court says that it is absurd to hold that because the States are prohibited from denying due process of law that Congress can enact statutes under which the Congress would undertake to provide due process of law. Does the gentleman get that distinction?

Mr. DEMPSEY. I understand perfectly when the gentleman is talking about the individual, but——

Mr. SUMNERS of Texas. Let me get through with talking about the individual.

Mr. DEMPSEY. But the gentleman has not quoted any case yet which deals with an officer.

Mr. SUMNERS of Texas. Of course I have not, but the gentleman must give me a little time in which to do that. Let me repeat again what the court says:

It is absurd to affirm that because the rights of life, liberty, and property (which include all civil rights that men have) are by the amendment sought to be protected against invasion on the part of the States without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that because the denial by a State to any persons of equal protection of the laws is prohibited by the amendment, therefore Congress may establish laws for their equal protection.

The court says that sort of thing is absurd—the thing now attempted to be done by this bill. I do not say that it is absurd, because I have too much respect for you gentlemen, but the Supreme Court evidently did not feel that way. Then the court, as though in criticism of this pending proposition, says with reference to the matter then before it, which was the constitutionality of an act granting all citizens equal rights in hotels, inns, and so forth, without regard to color—

This is not corrective legislation; it is primary and direct; it takes immediate and absolute possession of the subject of the right of admission to inns, public conveyances, and places of amusement. It supersedes and displaces State legislation on the same subject or only allows it permissive force. It ignores such legislation and assumes that the matter is one that belongs to the domain of national legislation.

That is what they assume here. Why, if it belongs to the domain of national legislation to protect against mob violence, then it is within the domain of national legislation to protect against every sort of physical violence. You can not find one single word in the fourteenth amendment that draws the distinction. If it is within the domain of national legislation to protect persons, then it is within the domain of national legislation to protect property. What have you left then in the States? Nothing. This bill strikes at the very heart of State sovereignty and the sense of local responsibility. When you destroy these, what sort of protection have the people who live in a community?

Mr. Chairman, I am just as much interested in the protection of the black men of my country against mob violence as any man in this House, I do not care where he lives. I know that the best thing for them and for the white people down there is for them to have laid on their conscience the sense of responsibility for local conditions. Let the newspapers work and the people work until they build a sentiment there that will defend all the people.

I know that nobody can defend them in the presence of a mob, except the people upon whose conscience there rests responsibility of enforcing the law. You must have a strong and vigorous State, and the people must depend upon the State and depend upon themselves if you are going to get anybody there quick enough to get the man loose who has a rope around his neck. The other fellows will get down there the day after tomorrow, and that will be just two days too late. I know you gentlemen think you know a lot more about this than we who live in this country; I know that you believe that you have a superior conscience—no; I shall not say that, because I know you do not think that. I know that you know that you do not know much about this question. You had better let us alone who live there. We have a pretty hard time of it now. You captured these black people in Africa and sold them to us. We violated God's great law announced at the gate of the Garden of Eden and we are paying the penalty, and you are going to pay a penalty also before we are through. You will have to pay your part of this yet. You got the money for them and then set them free. They are drifting in your direction and you are going to understand this question better some day. Then you will say, "Well, I swear, I voted for that Dyer bill," or perhaps your little child will ask, "Papa, did you vote for the Dyer bill?" and you will answer, "No; I do not reckon I did. I did not look at the RECORD the next day, and the Clerk is always making mistakes." [Laughter.]

But, continuing with an examination of the authorities.

THE CASE OF JAMES V. BOWMAN.

In the case of James *v.* Bowman, 190 U. S., 127, opinion by Mr. Justice Brewer, the authorities which I have quoted from were reviewed, approved, and it was again declared that Congress possesses no power under either the thirteenth, the fourteenth, or fifteenth amendments to enact such legislation as is here proposed for the protection of one citizen of a State against wrongs committed against his person or property by another.

Time will not permit an analytical discussion of the decisions in point. They are so definite and clear, however, that would seem unnecessary. Nor will Members of the House have an opportunity to examine them all before the vote shall have been reached, but if you will examine only this one decision, James against Bowman, there will be made manifest a lack of constitutional warrant for this bill, considered as a whole, pitiable in the extreme, and the lack of any basis upon which the belief that it exists, in good faith, can be claimed. I do not mean to be discourteous or offensive by that statement; but, gentlemen, this is a most remarkable procedure. A bill is brought into this House and you are asked to enact it into law, with the condemnation of the Supreme Court resting in the clearest language upon practically every one of its provisions.

THE RIGGINS CASE.

Mr. Chairman, I desire to direct the attention of the House to one more determination arising under a state of facts most favorable to the theory of the proponents of this legislation. In 1904 Riggins was indicted with a number of coconspirators, including one Powell, under sections 5508 and 5509 of the Revised Statutes, for taking one Maples from the custody of the sheriff and a detachment of National Guard troops at Huntsville, Ala., and hanging him.

The six counts of the indictment covered every possible phase of the Government's case, charging the act to have been done because Maples was a Negro; that it was done in order to deprive him of his rights to protection, to an orderly trial, and so forth. The circuit court—opinion by Jones, district judge—held

to the theory advanced by those who are supporting this bill and denied the application of the defendant for discharge on habeas corpus, made on the ground that the charge under which he was held constituted no offense against the laws of the United States. The opinion of the circuit court is very elaborate, covering 18 pages of the Federal Reporter. In view of the fact that the reasoning of the expounders of the Constitution who appeared before the Judiciary Committee to throw the light of their illuminating judgment upon that ancient document followed every turn and twist of the reasoning of the circuit court in this—the Riggins—case, and that this same circuit court, the same Judge Jones presiding, later in the Powell case, One hundred and fifty-first Federal Reporter, page 648, Powell having been jointly indicted with Riggins and procured a severance, reversed its holding heretofore made in the Riggins case, I shall quote from the Riggins opinion. Those of you who have examined the constitutional arguments—I mean the arguments with reference to the constitutionality of the proposed legislation—will be struck with the remarkable similarity. The court says:

> When a private individual takes a person charged with crime from the custody of the State authorities to prevent the State from affording him due process of law and puts him to death to punish the crime and to prevent the enjoyment of such right, it is violent usurpation and exercise, in the particular case, of the very function which the Constitution of the United States itself, under this clause, directs the State to perform in the interest of the citizen. (Page 409, 134 Fed. Rep.)
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> A State officer in attempting to afford due process in a particular case is discharging a duty imposed upon him as the representative of the State by the Constitution of the United States for the benefit of its citizens. The prisoner also, while confined and being protected against lawless violence, that he may have a trial according to the law of the land, is in the exercise or enjoyment of a right given him by the Constitution. Congress may protect the right by protecting the performance of the duty, and the rights which flow from it, by declaring the violations of State laws on the subject constitute offenses against the United States. (Page 411.)
>
> The constitutional right of the citizen can not bear fruit or ripen into the enjoyment of due process at the hands of the State if lawless outsiders prevent State officers from performing their duty concerning it. The right, privilege, or immunity of a citizen of the United States under this clause, which is to have his State give him the benefit of due process of law, therefore necessarily carries with it and includes in it the right, privilege, or immunity to enjoy freedom, exemption from lawless assault, which supervenes between the State and the performance of its duty, and by such violent interference prevents the citizen having, when the State is endeavoring to afford it, due process at the hands of the State. (Page 413.)

Continuing the court says:

> The court does not doubt that Congress has power to punish the acts charged in the indictment—that is, the act of taking a person from the custody of an officer and lynching him—and that sections 5508 and 5509 of the Revised Statutes apply to them and are "appropriate" legislation to that end. The result is that the writ must be discharged and the prisoner remanded to the custody of the marshal. (Page 423.)

Not only did the argument before the Judiciary Committee follow the reasoning in this case, but this bill clearly rests upon that reasoning. There is just one difficulty. The court which rendered this opinion later in a companion case, the opinion by the same judge, reversed itself and in that reversal was sustained by the Supreme Court of the United States. From this decision of the circuit court, the Riggins case went to the Supreme Court. While application for discharge on habeas corpus was pending in the Supreme Court, the Hodges case, 203 U. S. 1, which came up from the State of Arkansas, was decided by that court. In that opinion the Supreme Court adhered to the former holdings in the Hodges and other cases and against the conclusions reached by the circuit court in the Riggins case. In the most comprehensive language it redeclared that no power resides in the Federal Government to punish one citizen of a State for acts of violence committed against another. Shortly after the Hodges case was decided by the Supreme Court the case of Powell, who had been indicted jointly with Riggins, came before the circuit court, which had decided the Riggins case, by the same process and under identically the same circumstances of fact and of law as the Riggins case had come. Judge Jones in this case also rendered the opinion for the court, accepting the decision by the Supreme Court in the Hodges case as a mandate to him not to follow his former decision in the companion Riggins case, and reversed his position taken in the Riggins case and ordered the indictment against Powell quashed and the defendant discharged.

But the matter did not stop there. From this decision in the Powell case, the Government appealed to the Supreme Court. The Supreme Court, with the issue squarely before it, upon the authority of the Hodges case, affirmed the decision of the circuit court, quashing the indictment and discharging the defendant Powell. (212 U. S., 564.)

Thus the Supreme Court of the United States again, with only the one issue pending, refused to accept the theory here advanced that the taking of a prisoner from the custody of the State and putting him to death gives to the Federal Government jurisdiction under the Constitution.

Mr. Chairman, I desire next to direct attention to Section V of this act, under which it is sought to impose penalties upon counties in which lynchings occur, and also upon those counties through which the intended victim may be transported prior to execution, and so forth.

Of course, the Federal Government has no power to levy a tax upon a State or upon any of its subdivisions. The power to tax is the power to destroy. The nonexistence of such a Federal power is apparent from an examination of the Constitution, but in view of the remarkable position taken here with regard to the Federal powers over the States, we are fortunate that the matter has been too often decided to be open to question now.

But aside from the matter of taxation, that section, in short, is an arrogant, impudent assumption of a nonexistent police power over the States. It is true that a few of the State governments where general police power resides, of course, in the extreme exercise of that power have enacted such legislation, but it is doubtful if a group of American lawyers, in Congress or out of it, ever before claimed such a power for the Federal Government or indicated a willingness to have it exercise such a power even if it possessed it. This identical point has often been decided by the highest courts of the land. I quote only from Cooley on constitutional limitations:

> In the American constitutional system the power to establish the ordinary regulations of police has been left with the individual States, and it can not be taken from them, either wholly or in part, and exercised under legislation of Congress. Neither can the National Government, through any of its departments or officers, assume any supervision of the police regulations of the States. All that the Federal authority can do is to see that the States do not, under cover of this power, invade the sphere of national sovereignty, obstruct or impede the exercise of any authority which the Constitution has confided to the Nation, or deprive any citizen of rights guaranteed by the Federal Constitution (p. 831).

But Congress can not enact a code or "assume any supervision of the police regulations of the States" as is attempted in this bill.

Mr. Chairman, if gentlemen of the House desire to pursue the inquiry further, I beg to suggest an examination of City of Chicago against Cement Co., reported in One hundred and seventy-eighth Illinois, 372. In that case the nature of the power, which, of course, is a police power, and the origin of its exercise is discussed. It comes to us from the English system under which each member of the "hundred" was held responsible for the peace, good order, and security within the community.

DUTIES OF OFFICERS OF THE STATES AS PRESCRIBED FOR IN THE BILL.

There remains to be considered the provisions of the bill—section 3—prescribing the duties of the officers of the State. Its directions to State officers with reference to the detection and punishment of those who have been engaged in mob or riotous acts and the penalties provided for noncompliance with the congressional mandate are not even made dependent upon whether there has, in fact, been a failure of "equal protection." It seeks to prescribe by a Federal code and compel by Federal prosecution observance by policemen, sheriffs, prosecuting attorneys, judges, and governors of a policy and a standard of official efficiency in a given circumstance which is a proper standard, but one which only the State can prescribe. It is not the Federal Government's business to give direction to State officers with reference to detection and punishment for crimes which have already been committed by one citizen of a State against other citizens of the State. There is nothing in the Constitution which brings this character of offenses—mob violence—committed within a State against the person within the direct or indirect jurisdiction of the Federal Government as distinguished from the whole body of crimes denounced by State laws. If the Federal Government has this power when one man has been killed by five, it has a power which covers the whole field of police control and extends to the control of the State and municipal police personnel in the discharge of all their police duties. Not only does this section carry the assumption that Congress has jurisdiction over the subject matter, the legislative power to enact a criminal code governing the general discharge of police duties by State officers, but that it has the power of general administrative control over the law-enforcing machinery of the States as such. The authorities already quoted show the nonexistence of such a Federal power.

These matters have been passed upon and settled. There has not been delegated to the Federal Government the power to do any such thing. Besides, what brand of statesmanship would involve us in such a governmental mess as would result from its attempted exercise?

Gentlemen, you are welcome to all the credit reflected by these propositions.

The first part of section 3 is as follows:

That any State or municipal officer charged with the duty or who possesses the power or authority as such officer to protect the life of any person that may be put to death by any mob or riotous assemblage, or who has any such person in his charge as a prisoner, who fails, neglects, or refuses to make all reasonable effort to prevent such person from being so put to death * * * shall be punished—

And so forth.

There are two decisions by the Supreme Court upon which proponents largely rely for support of this provision, Ex parte Virginia (100 U. S.) and Home Telephone Co. against Los Angeles (227 U. S.). Between these decisions lie Barney against New York (193 U. S., 437), to which I will later direct your attention.

The case of Ex parte Virginia (100 U. S.) decided that a county judge acting in administrative capacity who at the beginning of the year selected those who were to serve on the juries of the several courts during the following 12 months excluded Negroes because of race violated a constitutional Federal statute enforcing the "nondiscrimination on account of race" provision and the "equal protection" clause of the Constitution.

In Ex parte Virginia, Judge Cales had done a necessary act to put in motion, and had put in motion, in so far as supplying jury material was concerned, the judicial machinery of the State of Virginia, in the county of Pittsylvania, which, under the impetus given by him, was to run for 12 months. He did not act against any individual. As an agent of the State, he made the State dispense to litigants during the 12 months' jury panels, selected with such bias against the blacks as to deny to all of them, as contrasted with their white neighbors, the equal protection of the law. He put out of balance the scales of justice in his county, so that the judicial machinery could not afford "equal protection." At least so runs the Government's theory in such cases.

In the Telephone case, the city of Los Angeles held from the State of California the general power to fix the rates of service charge. The city fixed a confiscatory rate in violation of both the State and the Federal Constitution. The jurisdiction of the Federal court was challenged on the ground that if the rate was confiscatory, which would give the supreme court jurisdiction, it was also in violation of the State constitution, which fact would deny such jurisdiction to that court, because the act done in violation of the constitution of the State could not be the act of the State. The court held that since the city of Los Angeles had the general power to fix telephone rates, was acting under color of that authority, the rates being actually in operation, its act was the act of the State within the meaning of the fourteenth amendment. It was a procedure against an act of a unit of the State government, actually governing within certain territorial and governmental limits, and in this particular instance was presuming to act as a unit of the State government under its general and specific powers delegated to it by the State.

The act denounced by the provision of this bill under consideration has no reference to anything done under color of State authority under the claim of a right granted by the State to do it. The effect of the charge in the Federal indictment under this clause would be to charge that the defendant owed a duty under State law as an agent of the State to act for the State and do a certain thing and that he failed to so act for the State. In the Burney case, One hundred and ninety-third United States, the Supreme Court held that the act of a subordinate officer done in violation of law was not the act of the State within the meaning of the fourteenth amendment. That is the position which we take with reference to this part of section 3 of the bill.

Gentlemen, I do not want to presume upon your interest and attention by proceeding further into the refinements of judicial construction. I realize that in practice the House is not turned aside by any silken threads spun across the pathway of its inclination. While the decisions of the Supreme Court, when they shall have become fixed in construction, mark the boundary line beyond which the Congress can not go, after all, the Congress in every instance must exercise an independent judgment as to its own constitutional powers; and if in its independent judgment the Constitution fixes for it a more restricted limitation than the judgments of the Supreme Court impose it must hold itself, of course, within the confines which in its own judgment the Constitution establishes. When the decisions of the Supreme Court do not mark the outer boundary line, or move the line here and there by changing and conflicting opinion, the Congress, in a more absolute and comprehensive sense, must rely upon its independent judgment.

Fortunately for us from the standpoint of the necessity of an independent judgment as to questions of constitutionality, this is the only provision of this bill with regard to which such judgment is necessary. The others were destroyed by direct judicial determinations prior to the introduction of the bill. This provision is dead also, but the others had been pronounced dead, enshrouded by the Supreme Court, given an orderly funeral interment, and their names and dates of death carved on their respective tombstones. It was a ghoulish thing to rob the graveyard and bring in here these poor remains which have been in process of decay, some of them since 1872. Supporters of this bill here and throughout the country talk as though there is no Federal law now to protect the citizen in his constitutional rights. There is now a Federal statute in effect which is as broad in its application and in its protections against wrongs inflicted by mobs and other conspirators as are the rights and privileges conferred by the entire Constitution. It is section 5508, which contains this language:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured by him by the Constitution or laws of the United States * * * they shall be fined not more than $5,000 and imprisoned not more than 10 years, and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States.

You can not make a constitutional law against mobs or any other conspiracies broader than that, and you can not stretch the Constitution to fit the law, as is attempted by section 2 of this bill.

No right of the individual arising under the Constitution can be transgressed against by conspirators which is not protected by the act referred to, and, conversely, no right of the citizen which this act does not protect as against conspirators is a right which he holds under the Constitution, and therefore can be protected by congressional enactment. I submit that as a sound proposition of law and of logic and as of controlling force in any candid attempt at ascertainment of constitutional power and of legislative policy with reference to this matter.

The present law is as broad as the total of the protections conferred by the Constitution. It is not law but constitutional warrant, from your position, which is needed, and that can not be had by the enactment of another unconstitutional statute.

The advocates of this bill can not even hide behind the pleas of uncertainty.

THE SECOND CIVIL RIGHTS ACT.

In 1871 the Congress enacted the second civil rights act. Section 5407 thereof contained this provision:

If two or more persons in any State or Territory conspire for the purpose of impeding, hindering, obstructing, or defeating in any manner the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, * * * each of such persons shall be punished by a fine of not less than $500 nor more than $5,000, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

In a footnote, McKinney's Federal Statutes Annotated, it is explained that this section was repealed by section 341 and not embodied in the Penal Code, possibly because section 5519, which contained similar provisions, was held unconstitutional in United States *v.* Harris (106 U. S., 629).

Section 5519, also a part of the second civil rights act, provided:

If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws, each of such persons shall be punished by a fine of not less than $500 nor more than $5,000, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

The author appends the following note:

It was repealed by section 341, this title, but its provisions were not embodied in the code, possibly because it was held unconstitutional in United States *v.* Harris (106 U. S., 629).

This bill is met at the threshold of procedure here, Mr. Chairman, with the definite denial by the Supreme Court that Congress possesses the constitutional power to enact its provisions. There is not the slightest question about that.

The Harris case referred to was a lynching case. There was no question as to the existence of a Federal law under which indictment and prosecution could be had. The law provided that—

If two or more persons in any State or Territory conspire * * * for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws, each of said persons shall be punished by a fine of not less than $500 nor more than $5,000, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

No question was raised as to the sufficiency of the indictment or the regularity of procedure thereunder. The sole question was as to the constitutional power to enact such a law, and the court held, as clearly as language can declare, that no such power existed. Congress agreed with the holding of the court and failed to reenact the statute in the subsequent codification.

The Riggins and the Powell cases were lynching cases. The law under which they were prosecuted is still on the statute books. No question was raised as to the law per se. The procedure had admitted its sufficiency, and the fact that in its scope, aside from the question of constitutional limitations, it comprehended the offense charge. The sole question was as to whether the crime of lynching is one which under the Constitution Congress can legislate to prevent. With the issue squarely before it, the court held it was not. The law stands there now on the statute books of the Nation to protect the individual against every transgression of every sort committed by conspirators against the constitutional rights and privileges which the citizen may have under the fourteenth amendment, and under every other provision of the Constitution from its first section to the end of its last amendment.

If the circumstances which attend this bill were of the normal sort, I would leave the consideration of constitutional power here, but under the present circumstances I feel that the independent judgment as to that of the House should invoke part of section 3, which constitutes the proponents' first and last line of defense.

In seeking to determine the constitutionality of any given proposition, it is not the measure proposed but the constitutional power required as a basis for the measure which comes under consideration. It is not merely what is proposed to be done but what can be done, if that which is proposed may be done, which brings the constitutional question into clear development for examination.

There is no difference between the Federal power, whatever it may be, to prosecute a State officer in a Federal court for failure to protect against murder, and the power to prosecute and punish him under a penal code enacted by Congress for failure to protect against simple assault, and no difference between the Federal power required to punish for failure to protect the person and to punish for the failure to protect property. I assume nobody will deny that. The powers conferred by the fourteenth amendment are in general terms and cover, to whatever extent it goes, both property and person. If the constitutional power is held by the Federal Government to do what is proposed in this provision referred to, it can provide for the punishment in a Federal court of police officers who fail to carry out the congressional edict to them with reference to the protection of the property on their "beats," the prevention of all violence to persons, and so forth.

It can go up the line and establish congressional supervision over the governor of the State with reference to his official acts touching the protection of the person and property of his people. I assume nobody will challenge that statement. Under this identical provision as it stands, if constitutional, it would be possible to prosecute the governor of a State and send him to a Federal penitentiary for the violation of this congressional edict and direction with regard to his duty in the protection of the citizens of his own State. I realize this is not controlling if in fact the power were granted, but it is highly persuasive in resolving doubt in construction as to whether the States granted such power.

This is not a provision to negative discriminatory State action. It does not tend to preserve the harmony of the general plan of government. It tends to destroy it. That fact is also persuasive as against presumption that any such thing was intended. It seeks to invoke, and must depend for its constitutionality upon the existence of a Federal power to supervise and overlord the agents of the State while acting as such, holding them constantly under the controlling influence of a superior Federal authority, clothed with the power over every State officer to remove him from the discharge of the duties for which the people of the State had chosen him, and arraign him before a Federal court and possibly send him to the Federal penitentiary for something which he had failed to do touching the protection of person or property wholly within the State. I submit to your judgment, gentlemen, that the weight of probability, the weight of reason, the weight of constitutional construction, yea, the plain language of the court establishes that no such power has been delegated to the Federal Government. That would be a power to destroy, second only, if in fact not equal, to the power to destroy by taxation. It is the power to strip the State of its executive personnel, and by a less certain inclusion, its legislative and judicial personnel also. No less a constitutional power than that can support section 3, the provision of this bill under consideration. The Supreme Court has not established any such power as existing in the Federal Government. It can not declare it without being guilty of judicial brigandage. But, gentlemen, I am not discussing this matter before the Supreme Court.

I am discussing it before the greatest legislative body on earth, the sworn defenders of the Constitution and the keepers of their own consciences. It is to their independent judgment which no tribunal on earth can coerce, though the Supreme Court can limit the scope of its exercise, that of appeal.

There is nothing in the political history of our country, nothing in its tradition, nothing in its plan of government, nothing in the contemporaneous discussion of the fourteenth amendment to indicate that one single State of this Union would have voted ratification of that amendment if there had been the slightest probability that it was capable of a construction which would make the officials of a State answerable in criminal prosecution to the Federal Government for the breach of duty owed to the State touching police administration within the State as is provided by this bill.

The language of the fourteenth amendment is plain. Its meaning is not obscure. To say that a State officer who violates a State law and a duty to his people, by reason of that fact, comes under the superior jurisdiction of the Federal Government as against the State whose officer he is, on the theory that his act done against his public duty as an officer of the State was the act of the State, is the height of absurdity in construction and conclusion. When a State provides in its legislative, executive, and judicial branches for the equal protection of all its people, prescribes pains and penalities for the failure of its officer personnel to afford equal protection, in the event of a breach of duty by any of its officers, there does not arise the fact of Federal jurisdiction or any assumption that its exercise is necessary or would be helpful.

If the Federal Government must supervise the official personnel of a State, it ought to create that personnel. There ought to be no State governments. That is the direction in which this legislation leads. Let nobody misunderstand that. If you convince public opinion that this sort of legislation is necessary and that it is sound in governmental principle, you can not stem the tide that is now in motion in that direction with ever-increasing momentum. This is not the responsibility of the Supreme Court; this is your responsibility now.

The opponents of this measure have a right to assume, and do assume, that unless the proponents of the measure establish constitutional authority for its enactment, the Members of the House will not stultify themselves by its enactment. The Members of the Congress of the United States, guided by the decisions of the Supreme Court, are in the first instance the judges of their own constitutional powers and limitations, and by their oaths are compelled to observe those limitations, at least in the presence of their clear ascertainment. As a matter of fact, during the progress of legislation there is no presumption in favor of legislative authority on the part of the legislative body operating under delegated, limited powers. Certainly when the authority has come under serious question, the burden rests upon the proponents to establish the power to legislate, and we respectfully challenge them to do it.

They can not do it. Oh, you may say you have the votes. I hope you will not take that position. I do not believe you will. A court could say the same thing with no greater right. I challenge not the power, but I challenge the right of any man to stand in his place here and with his hand uplifted take the oath administered by the Speaker of the House, and then return to his seat and vote for a measure which he knows is unconstitutional. I do not mean to be offensive, gentlemen, but that is a sacrifice which no man owes to his party. But not to make that sacrifice he owes to himself, to those who bear his name, to his country, and to his God. It will be a sad day in this country, if it ever should come, when the party lash can drive an individual legislator to the breach of the highest obligation which can rest upon the conscience of a man. I think somebody has misjudged this House. We hear it on every hand, that you have the votes and you are going to put this measure through. I trust you will not.

Looking beyond the mere question of constitutional limitations, I desire to make it clear that the objection to this bill which has been urged upon the ground that it is destructive of the power, the prestige, and the independent governmental responsibility and efficiency of the States is not based upon any abstract political doctrine or theory with regard to State rights. There is a demonstrated wisdom in our general plan of government. The reservation by the States of the general

police power was not merely that the States might preserve their dignity and the pride of governmental importance. There was and is a more substantial reason.

It is a fact, not a theory merely, that since the formative period of government all progress in government has held to that general direction which places not the right to govern, but the necessity to govern, as close to the individual citizen as under all the circumstances it is practicable to place that responsibility. It is not merely the right of the people of the States to govern in matters of police control against which this bill offends. That is not important. It is against the necessity to govern that this bill offends and grievously offends. That necessity is the one thing of paramount importance which must be preserved if governmental progress is to be maintained, and the grapple with governmental difficulties held close to the people as a mighty contributing agency toward human progress. It offends against the development of the sense of justice among the people, which always results from the consciousness of responsibility. It offends against the growth of the ability to govern which comes with the exercise of that ability.

These difficulties of government in matters like that against which this bill is directed, the things which are wrong, the things which must be accomplished, constitute a large part of nature's great gymnasium of difficulties. This bill violates not only the Constitution, but it violates the philosophy of government. It is contrary to the lessons drawn from governmental experience and it violates the comprehensive schemes of life by shifting the responsibility of dealing with an important governmental duty which is within the governmental capacity of the States, from the States, in which the citizen has a larger share of power and responsibility, to the great Federal Government, where his influence is incomparably less and his sense of responsibility correspondingly less.

Mr. VOLSTEAD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 13 had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent—

Mr. CODD was granted leave of absence, for one week, on account of illness.

Mr. HUMPHREYS was granted leave of absence, for 10 days, on account of illness of wife.

Mr. KINDRED was granted leave of absence, for two weeks, on account of personal illness.

Mr. CLASSON was granted leave of absence for 10 days.

Mr. J. M. C. SMITH was granted leave of absence, for one week, on account of important business.

Mr. LEE of New York was granted leave of absence, for 10 days, on account of death in the family.

Mr. LONDON. Mr. Speaker, may I ask to take a bill from the Speaker's table——

The SPEAKER. The Chair can not recognize the gentleman for that purpose.

Mr. LONDON. It is with the consent of the chairman of the Committee on the Judiciary, in charge of the bill.

The SPEAKER. That is not in order at this time, and the Chair can not recognize the gentleman for a unanimous-consent request.

Mr. LONDON. Mr. Speaker, I ask to take from the Speaker's desk the bill H. R. 6998 and move to concur in the Senate amendments. The bill passed the House by unanimous consent and passed the Senate by unanimous consent, but there are some technical errors which ought to be corrected.

The SPEAKER. The Chair will state that it is more convenient for the conduct of orderly business for gentlemen desiring to call up a bill to consult the Speaker in advance. The Chair lays before the House H. R. 6998 with Senate amendments.

The Clerk read as follows:

An act (H. R. 6998) to amend section 17 of an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, as amended by the act of February 5, 1903, and March 2, 1917.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The question was taken, and the Senate amendments were agreed to.

ADJOURNMENT.

Mr. WALSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned to meet to-morrow, Thursday, January 5, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MADDEN, from the Committee on Appropriations, to which was referred the bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes, reported the same without amendment, accompanied by a report (No. 543), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9108) granting an increase of pension to Edward Henderson, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STOLL: A bill (H. R. 9717) to amend an act (public, No. 219) approved July 1, 1902, authorizing the Secretary of War to furnish discharge certificates; to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 9718) to provide for the purchase of a site and the erection of a public building thereon at Whitewater, Walworth County, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9719) to provide for the erection of an addition to and the remodeling of the Federal building in the city of Kenosha, State of Wisconsin, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. CABLE: A bill (H. R. 9720) to consolidate, codify, revise, reenact, and establish a uniform law to prevent corrupt practice in the election of Senators, Representatives, and Delegates in Congress, and providing a penalty for the violation of the same; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. PORTER: A bill (H. R. 9721) for the promotion of certain officers of the United States Army now on the retired list; to the Committee on Military Affairs.

By Mr. MacGREGOR: A bill (H. R. 9722) to provide for the payment by advertisers of postage on replies to advertising matter; to the Committee on the Post Office and Post Roads.

By Mr. LARSON of Minnesota: A bill (H. R. 9723) to authorize suits or actions against collectors or their successors in office in certain cases; to the Committee on the Judiciary.

By Mr. MADDEN: A bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes; committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Also, a bill (H. R. 9725) to prescribe the method of printing Government securities and other printed paper executed by the Bureau of Engraving and Printing; to the Committee on Printing.

By Mr. JOHNSON of Washington: A bill (H. R. 9726) to authorize the printing of certain publications of the executive departments and independent establishments of the Government, and for other purposes; to the Committee on Printing.

By Mr. PARRISH: A bill (H. R. 9727) to provide for the acquisition of a site and the erection of a public building thereon at Bowie, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. MADDEN: A bill (H. R. 9728) to provide that the expenses of the Federal Farm Loan Board shall be assessed semiannually upon the Federal land banks and joint-stock land banks; to the Committee on Banking and Currency.

By Mr. KISSEL: Joint resolution (H. J. Res. 248) declaring October 12 a legal public holiday to be known as Columbus day; to the Committee on the Judiciary.

By Mr. SUTHERLAND: Joint resolution (H. J. Res. 249) authorizing the Secretary of the Interior to donate and grant certain buildings in Alaska to the Woman's Home Missionary

Society of the Methodist Episcopal Church; to the Committee on the Territories.

By Mr. BRITTEN: Resolution (H. Res. 257) substituting $125,000,000 in reparations for 134,112 unnecessary troops; to the Committee on Foreign Affairs.

By Mr. VOLK: Resolution (H. Res. 258) to appoint a select committee to inquire into the subject of narcotic addiction in the United States, and for other purposes; to the Committee on Rules.

Also, resolution (H. Res. 259) directing the Secretary of the Treasury to transmit certain facts in his possession concerning treatment of narcotic drug addiction; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 9729) granting an increase of pension to Margaret C. Miller; to the Committee on Pensions.

Also, a bill (H. R. 9730) granting a pension to Andrew McLaughlin; to the Committee on Pensions.

By Mr. BENHAM: A bill (H. R. 9731) granting a pension to Eldoris Y. Green; to the Committee on Pensions.

By Mr. BRITTEN: A bill (H. R. 9732) for the relief of Larry D. Gardner; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 9733) granting a pension to William R. Arant; to the Committee on Pensions.

By Mr. GENSMAN: A bill (H. R. 9734) granting a pension to Ella Ellsworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9735) granting a pension to Wiley N. McClure; to the Committee on Invalid Pensions.

By Mr. GERNERD: A bill (H. R. 9736) granting an increase of pension to Mary R. Pendleton; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 9737) granting a pension to Mary K. Wise; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 9738) granting a pension to Margaret Bentley; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 9739) granting an increase of pension to Mary D. Bilbay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9740) granting a pension to Walter L. Hartman; to the Committee on Pensions.

By Mr. LARSON of Minnesota: A bill (H. R. 9741) for the relief of Marshall Wells Co., of Duluth, Minn.; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 9742) granting an increase of pension to Mary Jane Dillard; to the Committee on Invalid Pensions.

By Mr. ROBSION: A bill (H. R. 9743) granting an increase of pension to Alice F. Parrigin; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 9744) granting a pension to Helen Wade McLean; to the Committee on Invalid Pensions.

By Mr. SIEGEL: A bill (H. R. 9745) for the relief of the city of New York; to the Committee on War Claims.

By Mr. SINNOTT: A bill (H. R. 9746) for the relief of Emmett Otto Cooney; to the Committee on the Public Lands.

By Mr. SNELL: A bill (H. R. 9747) granting an increase of pension to Katie Currier; to the Committee on Invalid Pensions.

By Mr. WINSLOW: A bill (H. R. 9748) granting an increase of pension to Alberto Murray; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 9749) for the relief of Harold Holst; to the Committee on Naval Affairs.

By Mr. YATES: A bill (H. R. 9750) granting an increase of pension to John Purkapile; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3396. By Mr. ANSORGE: Petition of the Ford Instrument Co. (Inc.), of New York City, urging the passage of House bill 7077; to the Committee on Patents. Also, petition of the Knitted Outerwear Manufacturers' Association, Eastern District Brooklyn Sweater Manufacturers' Association, and the Wool Yarn Jobbers' Creditors' Association, urging the principles of the American valuation in the tariff indorsed by the President; to the Committee on Ways and Means. Also, petition of J. Leslie Kincaid, adjutant general of the State of New York, urging the passage of House bill 7943; to the Committee on Military Affairs.

3397. By Mr. BROWNE of Wisconsin: Petition of the congregation of the Perseverance Presbyterian Church, of the city of Milwaukee, Wis., urging the President and Congress not to consider amending the Volstead Act; also, petition of residents of Wood County, Wis., urging the passage of House bill 4388; to the Committee on the Judiciary.

3398. By Mr. CULLEN: Petition of the One hundred and sixth Infantry Post, No. 106, American Legion, opposed to the proposed change in the American military cemetery at Bony, France; to the Committee on Military Affairs.

3399. By Mr. KISSEL: Petition of Edmonds & Peck, of New York City, urging the early passage of House bill 7077; to the Committee on Patents.

3400. By Mr. OSBORNE: Memorial of State Board of Forestry of California, disapproving the transfer of the Forest Service to another than the Department of Agriculture; to the Committee on Agriculture.

3401. By Mr. SNELL: Resolution passed by the Board of Supervisors of St. Lawrence County, N. Y., urging that the Ogdensburg-Massena scenic route portion of said highway be constructed either by the Federal Government or at the joint expense of the State of New York and the Nation; to the Committee on Roads.

3402. By Mr. VARE: Petition of the Three hundred and fifteenth Infantry Association, relative to compensation of veterans of the World War; to the Committee on Interstate and Foreign Commerce.

3403. Also, protest of the Philadelphia Board of Trade against the transfer of the United States Forest Service and the national forests from the Department of Agriculture to the Deparment of the Interior; to the Committee on Agriculture.

3404. Also, petition of the Pennsylvania division of the Association Against Prohibition Amendment, in favor of the repeal of the prohibition amendment; to the Committee on the Judiciary.

3405. Also, petition of citizens of Philadelphia, Pa., urging the recognition of the Irish republic by the United States; to the Committee on Foreign Affairs.

3406. Also, petition of the committee on domestic productions of the Philadelphia Board of Trade, relative to duty on Cuban sugar; to the Committee on Ways and Means.

SENATE.

THURSDAY, *January 5, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we would reverently approach Thy throne of grace this morning, confident that the same love that has been vouchsafed, the same tender regard amidst our difficulties and anxieties, will still be continued unto us. We beseech Thee for Thine own help all along the pathway of duty, and finally, when the day ends with us, may we be able to look into Thy face and say we have tried to fulfill the trust committed to us. We ask in Christ's name. Amen.

JOHN SHARP WILLIAMS, a Senator from the State of Mississippi, appeared in his seat to-day.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORT OF ARMY HORSE-BREEDING OPERATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a report of expenditures under the appropriation of $250,000 for encouraging the breeding of riding horses suitable for the Army, etc., contained in the Army appropriation act approved June 5, 1920, together with a statement of the means adopted for carrying the provision of law into effect, which was referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the amendments of the Senate to the bill (H. R. 6998) to amend section 17 of an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, as amended by the acts of February 5, 1903, and March 2, 1917.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6998) to amend section 17 of an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, as amended by the acts of February 5, 1903, and March 2, 1917, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. ROBINSON presented two telegrams in the nature of memorials from Charles M. Griffith and Fred Bearden, chairman executive committee, Camp Stafford Post, No. 50, American Legion, and William Griffin, William B. Hays, and Eddie Dunham, committee for Patient Body Hospital, No. 27, all of Alexandria, La., remonstrating against the proposed transfer of the medical personnel of Reserve Corps, United States Public Health Service, to civilian status, which were referred to the Committee on Education and Labor.

Mr. ELKINS presented memorials of Federation No. 27, employees of the Baltimore & Ohio Railroad system, of Fairmont, and Local Union No. 4193, United Mine Workers of America, of Hildebrand, both in the State of West Virginia, protesting against the alleged deplorable conditions of families of working people in the coal fields of West Virginia and conditions approaching industrial and economic anarchy in that region, etc., which were referred to the Committee on Education and Labor.

Mr. WILLIS presented resolutions adopted by the Central Labor Union of Dayton and Local Union No. 292, Amalgamated Sheet Metal Workers' International Alliance, of Massillon, both in the State of Ohio, protesting against the appointment of additional Federal judges or increase of salaries for such judges, which were referred to the Committee on the Judiciary.

Mr. McNARY presented two joint memorials of the Legislature of Oregon, which were ordered to lie on the table, as follows:

Senate joint memorial 1.

To the honorable Senate and House of Representatives of the United States of America:

Whereas there are in the United States to-day approximately 20,000,000 acres of agricultural land which may be reclaimed through irrigation, and a large area subject to reclamation by drainage or diking, representing one of the great undeveloped resources of the Nation; and

Whereas the State of Oregon is deeply and vitally interested in the question of irrigation, drainage, and diking, as there are to-day in the State of Oregon 1,250,000 acres in projects completed or partially completed, and it is estimated that there are an additional 1,000,000 acres of land which are capable of being irrigated, in addition to large areas of land which may be reclaimed through drainage and diking; and

Whereas in the annual report of the Department of the Interior it is estimated that the Federal Government should receive through royalties, rentals, and leases of public lands a total of $12,387,500,000, of which 45 per cent is to be used for reclamation purposes; and

Whereas there is now before the Congress of the United States a bill known as the McNary-Smith reclamation bill, introduced by Senator McNARY of Oregon and a companion bill by Representative SMITH of Idaho, which calls for a total appropriation of $350,000,000 for reclamation purposes, to be made available over a period of years, beginning in 1922; and

Whereas the necessary advances for reclamation purposes under the McNary-Smith bill can undoubtedly be made without placing an excessive burden upon the taxpayers, due to the fact that large revenues will be accruing to the Federal Government, as shown by the annual report of the Department of the Interior and due also to the fact that the advances made under the McNary-Smith bill constitute a revolving fund, which is finally repaid to the Federal Government in full; and

Whereas the McNary-Smith reclamation bill provides that preference be given, both in employment and priority of filing on reclaimed lands, to honorably discharged soldiers and sailors who served during the World War: Now, therefore, be it

Resolved by the joint assembly of the senate and house of representatives, That the Congress of the United States be, and is hereby, memorialized to pass the McNary-Smith reclamation bill at the present session; and be it further

Resolved, That a copy of this memorial be forwarded to the Committee on Irrigation and Reclamation and a copy to each Senator and Representative in Congress from Oregon.

Adopted by the senate, December 10, 1921.

ROY W. RITNER,
President of the Senate.

Adopted by the house, December 20, 1921.

LOUIS E. BEAN,
Speaker of the House.

Indorsed: Senate joint memorial No. 1. Introduced by Senators Hall and Upton. John P. Hunt, chief clerk. Filed: December 21, 1921. Sam A. Kozer, secretary of state.

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of Senate joint memorial No. 1, adopted by the Thirty-first Legislative Assembly of the State of Oregon, special session, 1921, with the original thereof, filed in the office of the secretary of state of the State of Oregon December 21, 1921, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 22d day of December, A. D. 1921.

[SEAL.] SAM A. KOZER, *Secretary of State.*

Senate joint memorial 5.

To the honorable Senate and the House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas 23 years have elapsed since our soldiers were called upon to go into an alien country, to wit, Cuba, Porto Rico, and the Philippine Islands; and

Whereas because of the lack of supplies, the change of climate, the daily exactions required by the soldiery, the exposure to the weather, as well as the guerilla warfare carried on with the Spaniards and later with the natives, has left many of the soldiers in a helpless, dependent, and destitute condition; and

Whereas said volunteer soldiers have not been dealt with by their Government with respect to their general welfare to relieve suffering and want as should have been by a Government of such bountiful resources: Therefore be it

Resolved by the Senate of the State of Oregon (the House of Representatives concurring), That the Congress of the United States be, and it is hereby, memorialized to take such action and give such consideration and relief to the needs and welfare of the soldiers of the Spanish-American War as is just and right in that any of such soldiers might be relieved from dependent, destitute, or helpless condition in which they now exist; and be it further

Resolved, That the secretary of state of Oregon be directed to transmit by mail a copy of this memorial to the President of the United States Senate, Speaker of the House of Representatives of the United States, and to each of the Senators and Congressmen from the State of Oregon.

Adopted by the senate December 22, 1921.

ROY W. RITNER,
President of the Senate.

Concurred in by the house December 22, 1921.

LOUIS E. BEAN,
Speaker of the House.

Indorsed: Senate joint memorial No. 5. Introduced by Senator Dennis. John P. Hunt, chief clerk. Filed December 23, 1921. Sam A. Kozer, secretary of state.

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 5, adopted by the Thirty-first Legislative Assembly of the State of Oregon, special session, 1921, with the original thereof, filed in the office of the secretary of state of the State of Oregon December 23, 1921, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitol, at Salem, Oreg., this 23d day of December, A. D. 1921.

[SEAL.] SAM A. KOZER,
Secretary of State.

EXTENSION OF OIL OR GAS PERMITS.

Mr. SMOOT. Mr. President, from the Committee on Public Lands and Surveys I report back favorably without amendment the bill (H. R. 8344) to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes, and I submit a report (No. 376) thereon. This is an emergency matter, and I am asked by the committee to request unanimous consent for the immediate consideration of the bill.

Mr. PITTMAN. Mr. President, I merely wish to say that I am familiar with the bill to extend the time for performance of work which has been reported from the committee and know that it is an emergency matter of the gravest character. There are now all over the West leasers and prospectors without protection under the general oil leasing bill by reason of a defect in the law which this measure will cure. I trust that it may be passed without opposition or delay.

Mr. MYERS. Mr. President, I will say that I introduced an identical bill in the Senate, but the House took action upon the matter first, and passed this bill. I am very anxious to have the Senate pass the bill so as to give the required relief.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The reading clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior may, if he shall find that any oil or gas permittee has been unable, with the exercise of diligence, to begin drilling operations or to drill wells of the depth and within the time prescribed by section 13 of the act of Congress approved February 25, 1920 (41 Stats., p. 437), extend the time for beginning such drilling or completing it, to the amount specified in the act for such time, not exceeding three years, and upon such conditions as he shall prescribe.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SMOOT. I ask that the report be printed in the RECORD in connection with the bill.

The report was ordered to be printed in the RECORD, as follows:

The Committee on Public Lands and Surveys, to whom was referred the bill (H. R. 8344) to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The purpose of this legislation is set forth in House report No. 499, which reads as follows:

[House Report No. 499, Sixty-seventh Congress, second session.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 8344) to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes, having considered the same, report it to the House with the recommendation that it do pass with the following minor amendment:

On page 1, line 7, strike out the comma after the figures "1920" and insert in lieu thereof the following: "(Forty-first Statutes, p. 437)" and a comma.

The purpose of the bill is to give the Secretary of the Interior discretion to grant extension of time to oil and gas permittees to begin drilling operations or to drill wells to the required depth under the mineral land leasing act, approved February 25, 1920 (41 Stat., 437), in meritorious cases, such as climatic conditions, inability to secure machinery, and other reasons beyond the control of the permittee.

The bill was introduced by the chairman of the Committee on the Public Lands at the request of E. C. Finney, Acting Secretary of the Interior. The reasons why the legislation is deemed desirable and necessary in the opinion of the department is set out in a letter to the chairman of this committee dated August 18, 1921, which letter is set out in full for the information of the House, as well as a communication from John Barton Payne, Secretary of the Interior, to the Commissioner of the General Land Office, dated January 12, 1921, relative to extension of time for complying with conditions of oil and gas permit.

DEPARTMENT OF THE INTERIOR,
Washington, August 18, 1921.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SINNOTT: Section 13 of the oil leasing act approved February 25, 1920, provides that permittees shall begin drilling within six months from date of permit; shall drill one or more wells to a depth of 500 feet within one year and to a depth of not less than 2,000 feet within two years. The statute further provides that the Secretary of the Interior may, if permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend same for not exceeding two years. You will observe that there is no authority for granting extension of time within which to begin drilling or within which to sink wells to a depth of 500 feet the first year or 2,000 feet within two years.

Approximately 11,000 applications for permits have been filed. A very large number have been approved. By reason of climatic conditions, inability to secure drilling rigs and machinery, or other reasons beyond the control of the permittee, many of them have been unable to begin drilling within the six months' period and will be unable to get wells down 500 feet in depth within one year.

Recognizing the condition confronting the department, and as a result of numerous petitions filed, the Secretary, on January 12, 1921, while holding as I have already indicated, stated that this department would not proceed against any such permit because of failure to begin drilling within six months if such failure was due to causes beyond the applicant's control, provided he did begin as soon thereafter as possible and furnished proof of work performed at the expiration of the year.

Some of the permittees, while proceeding in the utmost good faith, will be unable to furnish proof of drilling 500 feet within the first year. You will readily see that it will be physically impossible for all of them to secure enough drilling rigs, casing, etc., to comply with the law. Under these circumstances, it seems to me that we should have legislative authority, by act or resolution, which would give the Secretary discretion to grant extensions of time in meritorious cases. I therefore submit for your consideration and introduction, if it meets your approval, a draft of a bill conferring such authority.

Sincerely,

E. C. FINNEY, *Acting Secretary.*

RELATIVE TO EXTENSION OF TIME FOR COMPLYING WITH CONDITIONS OF OIL AND GAS PERMIT.

DEPARTMENT OF THE INTERIOR,
Washington, January 12, 1921.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

DEAR MR. COMMISSIONER: With your memorandum of January 8, 1921, you submitted applications for extensions of time within which to commence drilling under oil-prospecting permits issued pursuant to section 13 of the act of Congress approved February 25, 1920 (41 Stat., 437).

The statute requires that the permittee shall begin drilling operations within six months from the date of the permit and shall within one year from and after the date of the permit drill one or more wells for oil or gas to a depth of not less than 500 feet each, unless valuable deposits of oil or gas shall be sooner discovered, and shall within two years from date of the permit drill for oil or gas to an aggregate depth of not less than 2,000 feet, unless valuable deposits of oil or gas shall be sooner discovered. The Secretary of the Interior may, if he shall find that the permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend any such permit for such time not exceeding two years and upon such conditions as he shall prescribe.

The language of the statute clearly implies, and paragraph 7 of the regulations so construes, that the extension of time authorized may be granted to cover a period of not exceeding two years from and after the date of the expiration of the two years fixed in the permit "to test the land." Consequently, an extension at the end of six months would not be premature and not specifically authorized by statute.

However, the department is aware that under many of the permits issued the principal part or all of the six months' period within which to begin drilling will fall in the winter season when drilling may be impracticable in many sections of the country. There may be other cases where, for good and sufficient reasons, permittees are unable to begin drilling within the six months' period.

Therefore, no action will be taken looking to the cancellation of a permit issued under section 13 of the oil and gas leasing act for failure to begin drilling operations within six months from date of the permit if the permittee or his assignee exercises due diligence, and because of climatic conditions or other reasons beyond his control has been unable to begin actual drilling within six months.

Every permittee or his assignee claiming under a permit issued under section 13 of the oil and gas leasing act shall, within 12 months and 10 days from the date of his permit, file in the local land office of the district in which the land is situated a corroborated affidavit specifically describing the work done upon the land embraced therein, together with such other information as may be pertinent as to his operations thereon.

Very truly, yours,

JOHN BARTON PAYNE,
Secretary.

REPORTS OF COMMITTEE ON PUBLIC LANDS AND SURVEYS.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

S. 2091. An act for the relief of George E. Yeadon (Rept. No. 377);

S. 2471. An act to amend the act entitled "An act authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof," approved July 28, 1914 (38th Stats. L., p. 558) (Rept. No. 378);

H. R. 1459. An act for the relief of Charles R. Powell (Rept. No. 379);

H. R. 2865. An act authorizing the Secretary of the Interior to sell and patent to J. D. Calhoun, of Lincoln Parish, La., certain lands (Rept. No. 380);

H. R. 7290. An act to confirm private land claim of the widow and heirs of Joseph Etier (Rept. No. 381);

H. R. 7600. An act authorizing the adjustment of the boundaries of the Deschutes National Forest, in the State of Oregon, and for other purposes (Rept. No. 382); and

H. J. Res. 30. Joint resolution to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920 (Rept. No. 383).

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2147) to patent to the Ed. E. Richardson Co. (Inc.) certain lands, reported it with amendments and submitted a report (No. 384) thereon.

RELIEF OF DISTRESS IN RUSSIA.

Mr. BORAH. Mr. President, if I can have the attention of the Senator from Utah [Mr. SMOOT], I wish to make an inquiry, as the Senator was in charge of the bill when it passed the Senate, as to what progress is being made in carrying out the provisions of the appropriation of $20,000,000 to feed the Russians.

Mr. SMOOT. I will say that the first shipload of corn has already left for Russia. I think Mr. Hoover is doing everything possible, with his assistants, to get the grain to the seacoast and ship it just as fast as it is possible for human energy to do it.

Mr. BORAH. Is the corn or other material being carried in private ships or in Government-owned ships?

Mr. SMOOT. Most of it will be carried in Government ships, as I understand it. I do not know whether the first ship load was carried in a Government ship or not, but I do know that it is the program that the corn is to be carried in Government ships.

Mr. BORAH. I will state to the Senator that the reason why I asked the question is because I have understood they have declined to permit Mr. Hoover to use the Government ships and that he is being compelled to carry the grain in private ships.

Mr. SMOOT. That is the first I have heard of it, and I will say to the Senator from Idaho that within 30 minutes I will ascertain whether there is any truth in the report.

Mr. NELSON. Mr. President, I noticed in the newspapers day before yesterday that one ship load was going over and that it was a Government ship.

Mr. SMOOT. But the Senator from Idaho has said there is a report now that the Shipping Board has refused to allow Government ships to carry the corn. I do not know whether that is true or not. I have just heard the report for the first time. I will know within 30 minutes whether there is any truth in it.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

Mr. JONES of Washington. On behalf of the senior Senator from Massachusetts [Mr. LODGE], who is necessarily absent, I introduce a bill for reference to the Foreign Relations Committee.

By Mr. JONES of Washington (for Mr. LODGE):

A bill (S. 2923) to establish the United States section of the Inter-American High Commission, and for other purposes; to the Committee on Foreign Relations.

By Mr. KEYES:

A bill (S. 2924) making appropriations for the further investigation and control of the white pine blister rust; to the Committee on Agriculture and Forestry.

By Mr. TOWNSEND (by request):

A bill (S. 2926) providing that proposed legislation dealing with Indian affairs be submitted to Indian councils; to the Committee on Indian Affairs.

By Mr. SWANSON:

A bill (S. 2927) authorizing the Secretary of War to donate to the city of Bristol, Va., one cannon; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 2928) donating a 155-millimeter Schneider howitzer gun to the city of Girard, Kans.; to the Committee on Military Affairs.

By Mr. ELKINS:

A bill (S. 2929) granting a pension to Ernest F. Grimm; and

A bill (S. 2930) granting a pension to Noah C. Reynolds; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 2931) to authorize appropriations for the survey, construction, and maintenance of highways on or adjacent to untaxed Indian lands; to the Committee on Indian Affairs.

By Mr. CALDER:

A bill (S. 2932) authorizing the Secretary of the Treasury to increase the compensation of laborers in the customs service as he may think advisable; to the Committee on Commerce.

By Mr. SWANSON:

A joint resolution (S. J. Res. 153) to authorize the loan by the Secretary of War to the Virginia Polytechnic Institute of tents, cots, blankets, and pillows to be used during celebration of fiftieth anniversary of founding of institute from May 10 to June 10, 1922; to the Committee on Military Affairs.

AMENDMENT TO ACT PROTECTING MIGRATORY BIRDS.

Mr. BURSUM submitted an amendment intended to be proposed by him to the bill (S. 1452) providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them, which was ordered to lie on the table and to be printed.

AMENDMENT OF THE RULES—LIMITATION OF DEBATE.

Mr. JONES of Washington. Mr. President, on the 13th day of December I gave notice of my intention to present an amendment to Rule XIX of the Senate. Pursuant to that notice I now present the amendment.

Mr. KING. Does the Senator ask for its consideration now?

Mr. JONES of Washington. I ask that it be read.

The VICE PRESIDENT. The Secretary will read the proposed amendment.

The reading clerk read the resolution (S. Res. 204) submitted by Mr. JONES of Washington, as follows:

Resolved, That Rule XIX of the Standing Rules of the Senate be, and the same is hereby, amended by adding at the end thereof a new paragraph, to be numbered 7, as follows:

7. Debate shall be confined to the question under consideration, unless otherwise provided by unanimous consent.

Mr. JONES of Washington. I understand the Committee on Rules are considering a proposition that would involve this question. While I do not think it is really necessary that it should be referred to that committee, yet under the circumstances I ask that the proposed amendment be referred to the Committee on Rules.

The VICE PRESIDENT. It will be so referred.

Mr. BORAH. Mr. President, as I understand the amendment which has been proposed to the rule, it is designed to confine discussion to the measure pending before the Senate, which I think is a very wise rule, and the only kind of cloture, if it can be termed cloture, that I would ever support. The only question which troubles me is how to enforce the rule. It seems to me that there will be very little difficulty in adopting the rule if we can devise a practical method by which to enforce it. In the House of Commons they seem to have no difficulty in doing so, but the situation is a little different here. I sincerely hope that the committee will work out some practical method of enforcing the rule.

Mr. JONES of Washington. May I suggest to the Senator that in another body—and I do not think it would be improper to refer to it in this connection, the House of Representatives—they have a similar rule, and they have no difficulty in enforcing it. If a point of order is made, the Chair passes upon it. Of course, there is the right of appeal, and so on. I think under that procedure the rule could be very well enforced here.

The Senator will note also that I have made special provision in the proposed amendment so that if a Senator is so disposed, he may make a point of order, or if anyone desires to ask unanimous consent that he may proceed without discussing the matter under consideration and unanimous consent is given, of course he can then proceed. I take it that the rule would be enforced just as the rule is enforced in the House of Representatives, by a point of order being made and the Chair passing upon it, without debate, under the other rules which we have.

Mr. KING. Mr. President, may I say to the Senator from Idaho, and also to the Senator from Washington, that in my opinion the criticism leveled against the Senate on yesterday—and the same criticism has been made heretofore—is scarcely warranted. I think a comparison of the business transacted by the Senate with that transacted by the House of Representatives will show that the Senate passes as many, if not more, bills than are passed by the House of Representatives; indeed, I think the curse of the age is that we have too much legislation.

If I may make one observation in reply to the Senator from Idaho, I desire to say that I think a cloture rule would be a very great disadvantage; indeed, would be a great wrong. The sovereign States are represented here in the Senate of the United States. I do not think that the representatives of the sovereign States should be denied the free opportunity to discuss public questions.

Mr. BORAH. I did not say that I was in favor of cloture, and I do not know that the proposed amendment to the rules, if adopted, could be construed as being a form of cloture, though it is sometimes referred to in that way. I said that it is the only form of cloture which I would support, if it be considered cloture.

Mr. ROBINSON obtained the floor.

Mr. BORAH. If the Senator will pardon me for just a moment——

Mr. ROBINSON. Certainly.

Mr. BORAH. I desire to say that I am thoroughly in favor, however, of some modus operandi or some rule by which we may confine the discussion in this Chamber to the subject before the body; but I think the difficulty of enforcing the rule will be found greater than the Senator from Washington contemplates.

I have given a good deal of consideration to the matter during the last year, and the more I have considered it the more difficult I have found it to devise a plan which would make the rule effective. The House of Representatives has not been very successful, as the debates in the House will show. In the reports of the debates in the House of Commons it will be found that as the discussion runs along there is no subject discussed except the subject which is before that House; but they have a different situation there, which I need not go into at this time, by which they can control the matter. However, I have great confidence in the Committee on Rules of the Senate.

Mr. ROBINSON. Mr. President, the proposal of the Senator from Washington [Mr. JONES], in my opinion, will not materially change the rules of the Senate as they now exist. The rules of this body contemplate that when a Senator addresses the Senate he shall address his remarks to the subject or issue pending before the Senate. The difficulty growing out of the situation is due to the fact that under the precedents of the Senate the Senator having the floor is himself the judge as to whether he is discussing the question before the Senate, and sometimes, as we know, his decision seems to be very poorly supported by the facts.

The practice of the House of Representatives is certainly not to be preferred to the practice of the Senate. The rules of the Senate, as I have just said, contemplate that a Senator when he addresses this body shall confine himself to the question at issue, but the Chair has never held a Senator out of order when that Senator has stated that he is speaking to the subject under consideration.

In the House of Representatives there is what is known as general debate. When the House resolves itself into the Committee of the Whole for the consideration of an appropriation bill time is allotted for general debate, and during general debate on that appropriation bill any Member who can get the floor may speak on any subject that he chooses. In addition to that there exists what is known as the privilege of extension of remarks. Any Member of the House who can get consent to do so may print a discussion of any question at any length that he pleases.

If the Senator from Washington wants to change the rules of the Senate, and prevent the latitude of debate which now

exists, in my opinion he will have explicitly and expressly to vest in the Presiding Officer of the Senate the power to determine when a Senator is transgressing the rule that requires him to speak to the subject at issue. Any Senator may now raise the point of order that the Senator speaking is not addressing himself to the subject at issue. The Chair has often addressed to a Senator occupying the floor the inquiry whether he was speaking to the subject at issue; and if he replied that he was, under the precedents of the Senate the Chair has not restrained or directed him.

Therefore, if the Senator from Washington wants to change the rules and compel a Senator to submit to the discretion of the Chair in the decision of the question as to whether or not he is directing his remarks to the subject at issue, he will have to modify the rule which he proposes so as to provide that the Chair shall be empowered to determine the question.

Mr. JONES of Washington. Mr. President——

Mr. ROBINSON. I yield to the Senator from Washington.

Mr. JONES of Washington. I do not think the Senator can find in the rules of the Senate any rule which bears out his contention. Furthermore, I remember that heretofore in the proceedings of the Senate in several instances where a Senator made the point of order that the Senator speaking was not confining himself to the question at issue, the Presiding Officer held that the Senator addressing the Senate could talk about anything he desired to talk about, nor did the Presiding Officer refer the decision of the matter to the Senator who was himself speaking.

I will say frankly to the Senator that the purpose of my amendment, of course, is to do what the Senator would have it do under the express provision which he suggests; and if such an express provision is necessary I should be glad to have it inserted in the proposed addition to the rule. I think, however, under the Rules of the Senate, with this proposed paragraph as a part of Rule XIX, the Chair could pass upon the question and would be authorized to do so; but if he would not be, such authorization could be made perfectly plain in the proposed rule so that there might not be any question about his authority.

Mr. ROBINSON. Mr. President, notwithstanding the suggestions of the Senator from Washington, which are undoubtedly based upon actual instances, the fact remains that under general parliamentary law anyone who addresses a body in session anywhere is required to discuss the subject at issue. That is the rule of the Senate; it is just as much the rule of the Senate as is any written rule that we have; but the difficulty in its enforcement, as I have already stated, grows out of the fact that under the practice of the Senate the speaker is made the judge as to whether or not he is complying with the rule rather than the Presiding Officer of this body. As I have heretofore said, I do not think that the rule proposed by the Senator from Washington will materially change the existing rules of the Senate.

Mr. President, we have had a great deal of discussion in the Senate on the subject of cloture, but nothing has ever come of it. Senators are constantly comparing the method of procedure of this body with that of the body at the other end of the Capitol, and frequently reference is made to the limitations upon debate there imposed. I think, however, that experience has shown that the practice of this body is preferable to that of the House of Representatives.

Mr. JONES of Washington. Mr. President, will the Senator permit me to interrupt him there?

Mr. ROBINSON. I yield to the Senator from Washington.

Mr. JONES of Washington. I want to say to the Senator that I agree with him absolutely as to that, having reference, of course, to the procedure of the two bodies generally. If the Senator will permit me further, I wish to say that I agree fully with the Senator from Idaho that I would not support any other form of cloture or any form of cloture that went further than the one proposed by the resolution. I believe that we should have the utmost freedom of debate here, and I think our procedure is much better than that of the other body.

Mr. ROBINSON. Of course the difficulty growing out of the rule which gives the Presiding Officer the arbitrary power to say when a Senator is confining his remarks to the subject at issue must suggest itself to every Senator. It is regarded as having had the effect of destroying the freedom of debate in almost every body where it has ever been applied. It has been my practice to limit my observations to the question at issue. Even while a Member of the House of Representatives I rarely indulged in the privilege of extension of remarks or the privilege of general debate to discuss questions that were not pending before the body, and I have never undertaken in the Senate to discuss questions not pending here.

I very much doubt whether we will be able to write a rule that will improve the procedure of the Senate. The principle of confining discussion to the subject at issue is meritorious, and I think in all ordinary cases the Chair probably could be relied upon to decide the question with fairness and accuracy, but I can conceive of conditions in which the public interest might be made to suffer by imposing upon the Presiding Officer the obligation to determine the question as to whether or not a Senator was confining himself to the subject at issue.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Nebraska?

Mr. ROBINSON. I yield.

Mr. NORRIS. I am going to ask the Senator from Arkansas a question because of his long experience in the House of Representatives, where there prevails to-day a rule, which is enforced, except in the case of general debate to which the Senator has already referred, that the Member must direct his remarks to the question at issue. While it is true, as the Senator from Arkansas has suggested, that there is a possibility of an abuse by the Presiding Officer in connection with the enforcement of such a rule, I wish to ask the Senator from Arkansas if in all his experience in the House of Representatives, regardless of which party happened to be in power, he has ever known of a Speaker of that body even to be charged with any attempt to abuse the discretion that was placed in him in passing on the question whether a Member was speaking to the question?

Mr. ROBINSON. Yes; I recall instances in which very violent and aggressive charges have been made that the Speaker was acting in a tyrannical, overbearing, and outrageous manner, in connection with which language was used that would hardly be regarded as "becoming an officer and a gentleman." I do not say that I know of instances where, in my opinion, the Speaker acted arbitrarily upon such a point of order.

Mr. NORRIS. If I may make a further suggestion to the Senator, I am not trying by my question to bring out the Senator's judgment as to whether the Speaker acted in an arbitrary manner or anything of that kind; I am confining my question solely to the one proposition——

Mr. ROBINSON. Yes; I understood the Senator.

Mr. NORRIS. That is, does the Senator know of instances where it was alleged that the Speaker was unfair in deciding that a Member was talking to or not talking to the question at issue?

Mr. ROBINSON. Yes; there were frequent controversies of that character during my service in the House of Representatives, when Members who were called to order insisted that they were complying with the rules and that the Speaker was acting in an arbitrary manner in seeking to interrupt their remarks on the point of order being made.

Mr. NORRIS. Then let me ask the Senator whether he recalls any instance where, in his judgment, the Speaker wrongfully exercised an arbitrary power to deprive a Member of the right to talk?

Mr. ROBINSON. I anticipated the Senator's question, and stated in answer to his former question that I do not now recall any incident where, in my opinion, the Speaker acted unfairly and arbitrarily. I made that statement in answer to the Senator's former question, because I realized that the second question was the logical result of the answer to the first question.

Mr. NORRIS. I did not catch the Senator's first statement.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Nevada?

Mr. ROBINSON. I yield to the Senator from Nevada.

Mr. PITTMAN. I did not hear the resolution read, and so far I have been unable to gather just exactly what the issue is; but from what I have heard it seems to me that as long as we have in this body the rule of unlimited debate, which encourages Senators to speak for three or four hours, it would be unreasonable to expect them to discuss the subject at issue all the time. Under this resolution, if there should be a lapse for 30 minutes, we will say, from attention to the subject, at that particular time the Member would be subject to a point of order and taken off his feet, I presume.

Mr. ROBINSON. In response to the suggestion of the Senator from Nevada, I confess that it has been very difficult for me many times to follow the arguments of my colleagues, as no doubt at times it has been equally difficult for them to follow the arguments submitted by myself; but I am in sympathy with the principle that when a Senator speaks he should talk about what is before the Senate. I think the practice that prevails in another body, that permits general discussion of every conceivable subject while an appropriation bill is pending, is

very bad, and almost useless. It certainly ought not to be applied here.

Mr. JONES of Washington. Mr. President, I simply want to make a suggestion. Several of the practices referred to as being followed in another body are followed by reason of other specific rules. My recollection is that in the other body they have a specific rule permitting and providing for this general debate, thereby taking it out from under the rule that is submitted here; and so with various other propositions that have been referred to here.

EMPLOYMENT OF ATTORNEYS BY ALIEN PROPERTY CUSTODIAN.

Mr. KING. Mr. President, a few days ago I offered Senate resolution 191, asking for certain information from the Alien Property Custodian. Reference was made to that resolution yesterday. I now move that it be taken from the table, and I ask for its immediate consideration.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah to take from the table the resolution referred to by him.

The motion was agreed to.

The VICE PRESIDENT. The resolution will be read.

The resolution was read, considered by the Senate, and agreed to, as follows:

Resolved, That the Alien Property Custodian is directed to report to the Senate the names of all attorneys who have been appointed or employed by the Alien Property Custodian and the compensation which has been allowed to each, and the character of services performed by each; the names of all attorneys, directors, supervisors, managers, auditors, or other agents appointed by the Alien Property Custodian to take care of or to have the administration of property under the control of the Alien Property Custodian, with the compensation paid to each or to be paid to each by the Alien Property Custodian or out of the trusts or trust funds in his custody; the names of all attorneys appointed or employed by corporations, agents, or individuals who have been or are acting as administrators or caretakers of property for the Alien Property Custodian and the compensation paid to or to be paid to each; the names of all attorneys who have represented or who now represent claimants to property under the control of the Alien Property Custodian; the names of all attorneys who have represented claimants to whom property has been returned under section 8 of the trading with the enemy act and the compensation allowed each of such attorneys out of the trust or trust funds subject to such claims; a statement and description of all property sold by the Alien Property Custodian, with the names of the corporations or persons to whom sold, and the amount received therefor; and a statement and description of all property seized or demanded by the Alien Property Custodian since the passage of the resolution declaring a state of peace to exist with Germany, Austria, and Hungary.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed. The calendar, under Rule VIII, is in order.

Mr. CURTIS. I ask unanimous consent that the Senate proceed to the consideration of bills on the calendar under Rule VIII, beginning where we left off yesterday, No. 279.

The VICE PRESIDENT. Is there objection?

Mr. KING. Mr. President, as I understand the Senator, that means that if objection is made the bill will not be taken up?

Mr. CURTIS. I think, under Rule VIII, Senators have a right to move to take up a bill after 2 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none.

APPOINTMENT OF INTERSTATE COMMERCE COMMISSIONERS.

Mr. TRAMMELL. Mr. President, out of order I ask leave to introduce a bill.

The bill (S. 2925) providing that the members of the Interstate Commerce Commission shall be appointed from different sections of the United States, and that not more than one member shall be appointed from any one State, was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. TRAMMELL. Mr. President, I desire to make a few remarks in reference to the bill which I have just introduced.

For a long time I have hoped that the Chief Executive of the Nation would distribute the appointments of the members of the Interstate Commerce Commission so as to have, as nearly as possible, the different geographical sections of the country represented on the commission; but in view of the fact that it does not seem to be the policy of the President to appoint the membership of this commission from different sections, and in some instances, or at least in one instance, there are two members from one State, I have deemed it proper and my duty to introduce a bill requiring that the commissioners shall be appointed from different sections of the United States.

Take the great southern part of our country. It has no representation upon the commission. It seems that from environment and from close contact with the transportation problems of different sections, members apparently are more or less influenced at times by their more familiar knowledge of the interests, as far as they are involved in transportation, of the sections from which they are appointed. Not that they mean to discriminate, but that they are better posted upon and unconsciously more in sympathy probably with the industries of the territory from which they come. Take the personnel of the present commission, and let us see where they are from.

We find that Mr. Hall is from Colorado, Mr. Aitchison is from Oregon, Mr. Eastman is from Massachusetts, Mr. Potter is from New York, Mr. Daniels is from New Jersey, Mr. McChord is from Kentucky, Mr. Campbell is from Washington, Mr. Meyer is from Wisconsin, Mr. Lewis is from Indiana, Mr. Cox is from New Jersey, and Mr. Esch is from Wisconsin. We have upon this commission two members from the State of New Jersey. There are only 11 members, with our 48 States, and yet New Jersey has 2 members upon that commission. Also two members are from Wisconsin.

I do not mean that the members of the commission would not feel disposed to represent the United States in general; but unquestionably the commissioners, in dealing with problems with which they are more familiar, are in a better position to pass upon them and make equitable adjustments than if they have only the information that is brought to them when the particular rate question is pending.

We find that the entire membership is very largely centered in two sections. Take the West: There is a member from Oregon, a member from Colorado, a member from Washington, and in the Middle Northwest two members from Wisconsin.

Mr. RANSDELL. Two members from Wisconsin.

Mr. TRAMMELL. Yes; two members from Wisconsin.

Mr. SIMMONS. Mr. President, may I ask the Senator from Florida whether or not it is true that the three Western States that he has mentioned, each of which, he says, has a member upon this commission—Oregon, Colorado, and Washington—are in the same classification territory?

Mr. TRAMMELL. I think they are.

Mr. SIMMONS. The country is divided up into districts, and rates are classified according to those districts. I am not sure, but I am rather inclined to believe that these three States are in the same classified territory.

Mr. TRAMMELL. I have not any accurate information upon that subject, but I think the Senator from North Carolina is correct in his suggestion.

Mr. JONES of New Mexico. Mr. President, will the Senator yield?

Mr. TRAMMELL. Certainly.

Mr. JONES of New Mexico. I should like to say, in reply to the inquiry of the Senator from North Carolina, that there is a vast difference as between the intermountain section of the country and the Pacific coast section of the country. The member of the commission from Colorado would have an entirely different viewpoint, or, rather, if these people can be considered as representing local interests at all, he would represent an entirely different situation from that of the members from Oregon or Washington. As between the States of Oregon and Washington, I know of no distinction; but the intermountain section of the country has an entirely different situation from the Pacific coast.

Mr. SIMMONS. I do not know that that is very material. Nearly all the States of the South are within one classification area. Of course, the Southern States differ in their production—the things they produce and the things they market—just as the States of the West differ in the things that they produce and the things they market, but they are all within one freight classification territory, and I have been under the impression that these three States were all within one freight classification territory. I may be in error about that, but the point is that they fix these freight rates differently for these different territories, and there has been a complaint in recent years—a very loud complaint, and a thoroughly justified complaint—coming up from the South, to the effect that the freight rates established by the Interstate Commerce Commission for the southern territory have been higher than in any other territory in the United States, and that the South has been very greatly discriminated against by the Interstate Commerce Commission in the fixing of rates.

Mr. TRAMMELL. Mr. President, I think that is true.

Mr. SIMMONS. For that reason the South has been insistent for a long time in asking for a member upon this commission, and has not succeeded, as the Senator from Florida has stated.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Iowa?

Mr. TRAMMELL. I yield.

Mr. CUMMINS. The Senator from New Mexico [Mr. JONES] stated the situation correctly, so far as the West is concerned.

The railroad problems of the United States are not centered around or confined by classification territory. They arise by reason of the peculiarity of the commerce in a particular part of the country. For instance, the problems of the Pacific coast, which are said to be represented by Mr. Aitchison, who at least is familiar with them, are entirely different from the problems of the intermountain country, from which Mr. Campbell, of Spokane, a member of the commission, comes. Mr. Hall, who is from Colorado, may very well be said to be familiar with the problems arising in the territory east of the Rocky Mountains; that is, that broad country extending from the Rocky Mountains to the Missouri River.

The commission already has a member in the classification territory to which the Senator from North Carolina referred. Mr. McChord, of Kentucky, is in the southern classification territory; but I quite agree that that does not meet the suggestion which the Senator from North Carolina and the Senator from Florida make. This country, extending southeast along the Atlantic Ocean, in which land transportation must meet the competition of ocean transportation, has its peculiar problems as well, and I think it would not be amiss if there were some member of the commission from that country, which includes North Carolina, South Carolina, Georgia, Alabama, and Florida. There are problems peculiar to that territory, possibly extending to Louisiana.

Mr. RANSDELL. I was going to ask the Senator if he would not extend it to the Gulf, and take in Louisiana, Mississippi, and Texas.

Mr. CUMMINS. I think the same suggestion can be made about that territory. I am simply trying to put the matter straight, as I understand it, and not get it confused with what may be called classification territory. The situation is difficult enough to deal with at best.

Mr. SIMMONS. The Senator from Iowa stated that one of these commissioners now resides in the State of Washington, and that he was supposed to be familiar with the peculiar conditions there, and did the Senator say that Mr. Aitchison resided in Colorado?

Mr. CUMMINS. Mr. Aitchison lives in Oregon.

Mr. SIMMONS. He is familiar with the conditions there.

Mr. WADSWORTH. Mr. President, the conversation going on between Senators no doubt is very interesting, but we over here can not hear a word of it.

Mr. SIMMONS. I was stating that the Senator from Iowa had said that one of these commissioners understood the peculiar conditions in his State—the State of Washington—and that another one of the commissioners understood the peculiar conditions in another State, although the States are very near together.

Mr. TRAMMELL. Mr. President, if the Senator from North Carolina desires to speak further, of course I will yield; but I had hoped to conclude in a few moments.

Mr. SIMMONS. I was only trying to help the Senator.

Mr. DIAL. Mr. President, I would like to have permission to ask the Senator from North Carolina a question.

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from South Carolina?

Mr. TRAMMELL. I decline to yield.

Mr. SIMMONS. I will not interrupt the Senator further.

Mr. TRAMMELL. I dislike to be discourteous, but I want to get through, and then I will be glad to hear the Senator.

I thank the Senator from Iowa and also the Senator from North Carolina for their contributions to the debate upon this subject. The statements made by the Senator from Iowa clearly justify my bill and support the purpose of the measure. He illustrated by speaking of different members of the commission having the viewpoints of different sections of the country.

That is just exactly the point I have in mind. That is the reason I introduced the bill, because I consider that they have the viewpoint, whether consciously or unconsciously, of particular sections of the country, and I desire to mention a specific instance.

The Senator referred to Mr. Aitchison. Recently there has come before the Interstate Commerce Commission, formally or informally, the question of lumber rates. Mr. Aitchison, who is from Oregon, as I understand upon reliable authority, was heartily in sympathy with the idea of the railroads making a voluntary reduction of about 16 per cent in the rates on lumber from the West to the Central West and the East; but when the question of a reduction of freight rates upon lumber from the Southern States was raised, Mr. Aitchison, instead of trying to assist in bringing about a voluntary reduction or a forced reduction, if you please, if necessary, in freight rates, balked in every way possible, I am informed, the plan to secure a reduction in the rates upon lumber shipped from the South.

Whether Mr. Aitchison was actuated consciously or unconsciously in this matter I do not know, but coming from the great lumber section of the West he has at least contributed his good offices, I am informed, to obtain a reduction of 16 per cent for the lumber men of the West, and on the other hand has used his good offices to defeat, or at least delay, a reduction of rates on lumber shipped from the South.

What is the result? The extensive lumber industry of my State, and of other Southern States, is threatened with paralysis, because the great reduction given to the lumber people of the West will enable them to bring their lumber into the markets of the central West and the East and sell it at lower prices than the lumber men of the South, practically only one-third of the distance away, will be able to obtain for their lumber, for instance, in New York and territory in that vicinity. This is a concrete case illustrating the fact that the membership of the Interstate Commerce Commission should not be centralized in any one particular section of the country.

All we want is a fair deal. All we want is for all sections of the country to be properly represented upon the commission, and that is what I am contending for. The great southern part of the Nation has only one Member who is designated even as coming from the South, Mr. McChord. Mr. McChord comes from Louisville, Ky., on the Ohio River. If the local viewpoint, if the local knowledge gained by a man's residence and his citizenship and his connection with the enterprises of any particular locality has any influence whatever, then the South is without representation upon the Interstate Commerce Commission.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Iowa?

Mr. TRAMMELL. Certainly.

Mr. CUMMINS. Has the Senator before him the record of the case to which he refers?

Mr. TRAMMELL. I have not the record, but it was a voluntary reduction made.

Mr. CUMMINS. I know nothing about the case to which the Senator refers.

Mr. TRAMMELL. It was a voluntary reduction on the part of the roads touching the West. Mr. Aitchison, so I am informed, was heartily in sympathy with the voluntary reduction in rates on lumber shipped from the West. They had pending what was called the hardwood case. Mr. Aitchison opposed a reduction in that case. It was understood, and the railroad executives, so I am informed, had stated, that if the hardwood case resulted in a reduction they would make a similar reduction in rates on lumber from the southern territory. Mr. Aitchison opposed that, and I am told opposed even the idea of their making a voluntary reduction in the rates on yellow pine shipped from the South.

Mr. CUMMINS. Mr. President, I shall look into the situation, because the Senator has made a very grave charge against Mr. Aitchison. I know Mr. Aitchison very well, and have known him for many years. I look upon him as one of the most intelligent as well as honorable men in public life, and unless the Senator has some record before him, or some evidence, that he has been influenced in his action by the locality from which he comes, I hardly credit the information upon which the Senator is acting, because there is no higher-minded man in this country than Mr. Aitchison.

Mr. TRAMMELL. I do not know Mr. Aitchison, but I had these circumstances and facts related to me by a gentleman connected with the lumber industry of the South, and until Mr. Aitchison displays some interest in getting a reduction in freight rates upon lumber shipped from southern territory, so that the business of that section of the country will not be paralyzed by the existing high rates and the reduction granted the lumbermen of the West, which makes the southern men unable to compete or even meet the prices of the western lumbermen in the eastern market, I will share the view of my informant that Mr. Aitchison's viewpoint is entirely a western viewpoint, that he is willing to discriminate in favor of the West against the lumbermen of the South. What I demand on the part of my section of the country at the hands of Mr. Aitchison or any other member of the commission is that they do justice by the industries of the southern part of this Republic, even though they may not hail from that part of the country.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Ohio?

Mr. TRAMMELL. Certainly.

Mr. POMERENE. It may be that the Senator has answered what is in my mind, but I did not so understand it. He has

stated what Mr. Aitchison's position was when this controversy, or case, was before the commission. Of course, every fair-minded man realizes that all these rates should be equitable as among the several sections of the country, but what I desired to ask the Senator was what the final action of the commission was with regard to these lumber rates; or has the case not yet been disposed of?

Mr. TRAMMELL. They have not disposed of what they call the hardwood case. The other matters were handled in an informal way, as a good many matters have been handled by that commission. During the last three or four months we have seen the railroads of the country facing a threatening cloud—the possibility of a forced reduction in freight rates. We have witnessed them coming in and voluntarily proposing some reduction of rates. That was the policy pursued in this instance.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Oregon?

Mr. TRAMMELL. Certainly.

Mr. McNARY. I feel certain that the Senator from Florida has done Commissioner Aitchison an injustice. For many years he was chairman of the Oregon State Railway Commission. In that capacity he always showed a broadness of vision and a spirit of justice that did not permit of discrimination toward any part of the State. Since he has been a member of the Interstate Commerce Commission I am sure no one can say justly, however strong a desire they may have to have a commissioner from their own section of the country, that Mr. Aitchison ever has done any single thing in his career as commissioner that would invite the suggestion or justify the suggestoin that he has been discriminatory, unfair, or unjust.

The Senator from Florida speaks of the white-pine rates to the coast. He must know that western pine, the Douglas fir, is raised along the coast mountains. The railroads there come into competition with water carriers, and therefore there has always been a lowering of the rates to those sections of the country from which all this timber moves. Naturally the commission has taken that into consideration and has given rates to the coast which were lower than the rates given to towns and cities in either mountain district of the country, which involves the question of the long-and-short haul.

I do not wish to take the time of the Senator from Florida further, but I know Mr. Aitchison, his career and his ability, so well that I wish to say that I believe it is unfair for anyone to charge that he has not acted fairly and justly toward all sections of the country.

Mr. TRAMMELL. Mr. President, the Senator from Oregon has stated that the rates from the West are low because of water competition. I am sure the Senator is sufficiently familiar with his geography to know that Florida, Georgia, South Carolina, Louisiana, Alabama, Mississippi, and a number of the lumber-producing States in the South are also coast States and that they should participate in whatever competition we may have on account of water rates. They are not doing so, however. They are not doing so because the Interstate Commerce Commission has not shown that zealousy toward them and in behalf of getting a reduction of lumber rates from the South that has been true as to the fixing of railroad rates from the West.

Mr. McNARY. Mr. President, may I ask the Senator a question?

Mr. TRAMMELL. Certainly.

Mr. McNARY. The Senator says he is informed. Is there a record of that character showing that Mr. Aitchison has attempted to decide the policy of the Interstate Commerce Commission as against the South and in favor of the West?

Mr. TRAMMELL. My informant is a man connected with the industry and has more or less business before the Interstate Commerce Commission and is pretty well in touch with what is going on and the position of Mr. Aitchison with regard to this matter.

The best way for Mr. Aitchison to reestablish himself in my confidence is to see that justice is done to the lumber industry in the southern part of the country. If he will do that he will reestablish himself in my confidence; otherwise he will not.

Mr. OVERMAN. Mr. President——

Mr. TRAMMELL. I yield to the Senator from North Carolina.

Mr. OVERMAN. I held up these appointments before the holidays as a protest that the great southern territory had been absolutely ignored not only by President Harding but by President Wilson. When President Wilson sent two names down here for confirmation for appointment on the Interstate Commerce Commission and did not recognize the South I held them up and made two vacancies, which President Harding filled after Wilson went out. I did the same thing with these appointments simply as a matter of protest.

I know of no reason why Mr. Aitchison should not be confirmed, but if what the Senator from Florida says is true he ought not to be confirmed, and I think it ought to be known. I have the highest regard for Mr. Aitchison and have nothing against him at all. I am surprised to hear these revelations here to-day. I do not think such charges ought to be made unless there is some truth behind them, because this is an outrageous thing against the South.

But here is New Jersey with two men on the Interstate Commerce Commission, and while this great territory in the South always had a representative upon the commission up to the time Woodrow Wilson became President, a representative in the person of Judge Clements, who was one of the ablest men on the commission, we have no such representative now. Judge Clements represented the southern territory for a long time. All we want is some one on the commission who represents the South.

I heard the other day, though I do not know whether it is true or not, that the question of freight rates on cotton came up before the commission, and the question of lint cotton was being discussed, and it developed that there was not a member of the Interstate Commerce Commission who knew what lint cotton meant. That would seem to demonstrate why somebody ought to be on the commission from this great classification territory, somebody who understands our conditions, who understands what we raise, and who would, for instance, know what lint cotton is.

It was for reasons of that character that I held up the appointments simply as a protest. The Senator from Florida [Mr. TRAMMELL] is rendering a great service. If what he has said is true, it ought to be known. I do not know anything about it, but if the charges are true, Mr. Aitchison ought not to be confirmed.

Mr. FLETCHER. Mr. President——

Mr. WADSWORTH. Mr. President, a parliamentary inquiry.

Mr. TRAMMELL. I yield to my colleague, who rose first.

The VICE PRESIDENT. The Senator from New York desires to state a parliamentary inquiry.

Mr. TRAMMELL. Very well.

Mr. WADSWORTH. Is it within the power or discretion of a Senator holding the floor to yield for speeches to be made by other Senators?

The VICE PRESIDENT. It is not.

Mr. TRAMMELL. I will yield to my colleague only for an inquiry, because I do not wish to lose the floor.

Mr. FLETCHER. I will ask my colleague this question, whether or not it is true that what is known as the hardwood case—that is, a complaint filed in a case made up with respect to freight rates on hardwood from southern territory to the North and the East—has been pending for some time, some months, and whether or not that case is still undecided and undetermined, and whether or not the railroads have signified that if that case be decided in favor of the shipper—that is, in favor of a reduction of the rates on hardwood—they would then voluntarily make similar reductions as to yellow pine and all other timber from the South to those markets, and therefore, whether it is not true that the whole question of adjusting the rates and putting them upon a fair basis from the South to northern and eastern markets, on both hardwood and yellow pine and all other lumber, is dependent on the decision of the hardwood case, and whether the Senator's information as to that case is that the position of Mr. Aitchison is one of opposition to any reduction being made?

Mr. TRAMMELL. That is my information, that he is opposed to any reduction being made in that particular case. It is commonly known in railroad circles and by people who are interested in the lumber industry and by the railroad traffic departments, that if that case is determined in favor of the shippers a similar reduction will be made upon yellow pine from southern territory. I understand Mr. Aitchison is opposed to any reduction being made. A few days ago, so I am informed, with nine members of the commission present, with five members probably against reducing the rates on hardwood from southern territory, Mr. Aitchison, who was against the rate reduction, attempted to force a decision in this case. Had he done so, it would have meant the defeat, for the present at least, of the yellow-pine lumbermen from the southern territory in their effort to get a reduction which would enable them to compete with the Northwest in the eastern markets.

Mr. CUMMINS. Upon what, yellow pine or hardwood?

Mr. TRAMMELL. Hardwood from southern territory.

Mr. CUMMINS. The senior Senator from Florida [Mr. FLETCHER] indicates that the case pending relates to freight rates upon hardwood. Of course, there is no competition between the West and the South on hardwood. For years now there has been a certain relation between freight rates from the western part of the country to the markets in the East on soft woods, pine of various kinds, and the freight rates from southern territory to the markets in the Middle West and the East. For years the southern country has had altogether the advantage, as it ought to have an advantage, in freight rates to the country in which I live.

I would like to know whether there is any charge that the relation between the competing lumbers from the West and from the South has been changed? I have not heard that the relation has been changed at all, although it may have been. I am not familiar at all with the case.

Mr. TRAMMELL. I am not familiar with the details.

Mr. CUMMINS. It seems to me it is very far-fetched to charge that because Mr. Aitchison may be—I do not know that he is—opposed to a reduction in the rates on hardwood from the South, that therefore he is doing the South an injustice. I do not know. I think one ought to be pretty careful with respect to his facts before he makes a charge that an officer holding the position Mr. Aitchison does is consciously influenced because of the interest he may have in the locality from which he comes.

Mr. TRAMMELL. I am not familiar with the details of that case, but on account of the assurance of the railroads that they would reduce the yellow-pine rates in an amount equal to any reduction that might be made upon hardwood from southern territory, and the two questions being so interwoven one with the other, it seems to me that opposition to reduction of the hardwood rates of course would involve the question of the rates upon yellow pine.

I do not wish to do Mr. Aitchison an injustice, but I understand that he is also opposed to a reduction in the yellow-pine rates from the South. Whether that inference has been drawn entirely from his position on the hardwood case I will not state. It might be that is true. However, I got the contrary impression that he had probably expressly made known that he was opposed to the reduction in the rates on yellow pine from southern territory. That is what I am objecting to.

Mr. McNARY. Mr President, will the Senator yield to me?

Mr. TRAMMELL. I yield to the Senator from Oregon.

Mr. McNARY. I only wish to remark that the Senator from Iowa [Mr. CUMMINS] has well covered the points involved in that case.

Mr. WADSWORTH. Mr. President, I shall have to make the point of order that the Senator from Florida loses the floor if he permits another Senator to make a speech while he has the floor.

Mr. TRAMMELL. I do not wish to yield the floor.

The VICE PRESIDENT. The Senator from Florida has the floor.

Mr. TRAMMELL. I desire to conclude briefly. In framing the bill designating the territory from which members respectively should be appointed to the Interstate Commerce Commission, I do not contend that I have properly apportioned the territory just as it should be apportioned. My object and purpose is to emphasize the fact that there should be a diversity of residence in the membership of the commission and that it should not be centralized in any one particular section or in any one or two or three particular sections of the United States.

As was well stated by the chairman of the Committee on Interstate Commerce [Mr. CUMMINS], in speaking of certain members of the commission, their viewpoint probably is fixed very largely by their knowledge and their familiarity with the problems in the particular localities from which they come. I think the commission itself recognizes that that is true, because the commission, as I understand, designates certain members of the commission to have more direct supervision, I might say, over the questions coming from particular sections of the country, and in the selection of those members to supervise more particularly certain problems they do not select members from a section of the country entirely removed from that in which the particular problems arise, but they assign to those problems more generally members from that particular locality or that section.

If that is true it emphasizes the necessity of the great southern part of the country having representation upon the commission. I care nothing particularly about the personnel of the commission. I care nothing about who may be appointed from the southern part of the country. Had the great southern territory been properly considered, had it received the same treatment in the question of rates at the hands of the Interstate Commerce Commission that other sections of the country have, then there would be no necessity and no reason for having introduced the bill or for the position that I am advocating at the present time.

We have some precedents for the policy of requiring the appointment of members of boards from different geographical sections of the country so as to make a proper distribution of such appointments. In the present law governing the appointment of members of the Shipping Board what do we find? We find the following provision in section 3 of the present law:

> The commissioners shall be appointed with due regard to their fitness for the efficient discharge of the duties imposed on them by this act, and two shall be appointed from the States touching on the Pacific Ocean—

I fancy that somebody representing the western part of the country at the time that this law was being prepared felt that the great Pacific coast should have representation upon this important board; and I think they were right about it. The act further provides—

> two from the States touching the Atlantic Ocean, one from the States touching the Gulf of Mexico, one from the States touching the Great Lakes, and one from the interior, but not more than one shall be appointed from the same State.

That is the policy precisely which I seek to have enacted into the law governing the Interstate Commerce Commission, so as to provide for the distribution of these important offices among the different sections of the country.

Of course, I do not know what reason the Interstate Commerce Commission may give for having prior to the present railroad control act fixed rates that permitted, as an illustration, the citrus-fruit producers of California to ship their fruit from the West, a distance of approximately 3,000 miles, to the eastern market for a rate of not more than 12 or 15 cents per box than was charged for the transportation of the citrus fruits of Florida to the eastern markets, a distance ranging from 800 to 1,000 or 1,200 miles.

Take the rates which the commission authorized—for they had their approval—following the authority granted by Congress in the Esch-Cummins Act of 1920 to increase rates, and it will be found that they prescribed rates of only about 16 cents per box more for citrous fruits coming from California to New York than they did from the Florida territory for the transportation of a box of oranges to the eastern market. They prescribed rates to Chicago and other points in the Middle West, a distance of practically twice what it was from Florida to New York, for the transportation of citrous fruit approximating the same as the rate prescribed from Florida for only about one-half the haul.

Untrained in the mysteries of transportation rates and not claiming to be an expert on freight schedules, I am unable to understand this discrepancy; yet I know that it is a condition with which the people in my State who are engaged in the citrus-fruit industry have had to contend for years. We can do no worse by getting a change and having the Interstate Commerce Commissioners appointed from different sections of the country.

I have introduced this bill. As I have stated, if a majority of the Senate agrees with me as to the general policy, the bill will probably have to be changed so far as the designation of territory is concerned. What I am interested in, and interested in primarily, is the matter of having the different geographical sections of the country represented on the commission, having justice done by every part of this great Nation of ours in dealing with the transportation problem, and I am seriously interested in having the great southern part of America, which today has no representation upon the commission, represented in its membership.

RELIEF OF DISTRESS IN RUSSIA.

Mr. SMOOT. Mr. President, a few moments ago the Senator from Idaho [Mr. BORAH] asked me if it were true that all of the grain which has been purchased for Russian relief was to be shipped in foreign vessels, he having heard that such an order had been issued by the Shipping Board. I at once got in touch with Mr. Lasker, the head of the board, and asked him what were the facts in the case. What I shall now say is substantially a repetition of the statement which he made to me in reference to that matter.

Under the so-called Jones Act it is the duty of the Shipping Board to encourage private shipping as much as it is possible to do so. The object of the law is that the Government of the United States shall not come in direct competition with ships which are operated under the American flag and which are owned by private parties. Mr. Lasker has tried to follow out that policy.

The Shipping Board to-day are operating vessels only on established routes and running upon schedule time; the remainder of the ships which are under the control of the Shipping Board or of the Government are tied up. The question of the manner of shipping grain to Russia for the relief of that unhappy people came up immediately after the passage of the joint resolution appropriating $20,000,000 for the purchase of supplies in aid of the Russian people. It was impossible to utilize the vessels which are in operation on regular routes. The only alternative the Shipping Board had was to employ some of the ships which are now tied up and repair them, as, indeed, all of them would have to be repaired, and secure crews to operate them, or else allow American tramp vessels, not running on any particular course but flying the American flag, to transport the grain to Russia. The rates which were offered Mr. Hoover for the shipment of the first cargo were such that there would have been a heavy loss of money if the Government of the United States had taken one of the Government-owned vessels now tied up, repaired it, placed it in operation, and shipped the grain by such vessel. Therefore, Mr. President, Mr. Lasker, the head of the Shipping Board, is following out the law as it is.

He also stated to me that he had notified Mr. Hoover that if vessels operated by American citizens and flying the American flag could not be secured rapidly enough to transport the grain to Russia, then the board would take some of the Government-owned vessels which are tied up, repair them, and transport the grain in that way.

That is the exact situation as it exists to-day. I thought that, after the inquiry had been made, it was my duty to state to the Senate just exactly the situation. I think Mr. Lasker has done all that could be done, acting in conformity with the provisions of the law which has already been passed.

Mr. CURTIS. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state his question of order.

Mr. CURTIS. Is not the Senate now proceeding under the five-minute rule?

The VICE PRESIDENT. It is.

Mr. SMOOT. I have not spoken for five minutes.

Mr. CURTIS. I do not know how long the Senator has spoken; I merely ask the question, because I am anxious to hurry these matters along, if it is possible to do so.

Mr. FLETCHER. Mr. President, I should like to ask the Senator from Utah a question in connection with the matter which he has just been discussing. I do not quite understand whether the matter has been determined one way or the other.

Mr. SMOOT. Not as yet; nor can it be until the occasion arises to determine just exactly what they are going to do, except that, if the rates on privately owned vessels are sufficiently low to make it inadvisable to repair and utilize the Government ships that are now tied up, privately owned vessels will be employed for the purpose of transporting the grain.

Mr. FLETCHER. I think the Shipping Board will find that there is not any very great need of extensive repairs; that many of the Shipping Board vessels which are now tied up are in perfect repair and condition. They may need to be cleaned up a little or something of that sort, but that is a matter of very little consequence and involves very little expense. Then, so far as manning the vessels is concerned, I think there are some 30,000 sailors now out of employment who would like to get on board some of these ships. Furthermore, out of some 1,100 cargo carriers belonging to or under the control of the Shipping Board, only about 380 are in operation, as I recall. We certainly have enough ships of first class and in good condition ready to perform this service.

Mr. SMOOT. The Senator knows very well the conditions under which the board must operate, for, I think, he supported the bill by the terms of which privately owned ships, flying the American flag, were to be encouraged as much as possible, and the Government was not to enter into direct competition in the regular carrying trade. I have no doubt that the grain for Russia can be carried——

Mr. WADSWORTH. Mr. President, I will have to insist upon the rule. I do so because we have been in session for an hour and a half and have done nothing as yet except to discuss matters that are not before the Senate.

Mr. SMOOT. I will conclude in a moment. I will say to the Senator from Florida that I have not any doubt that if privately owned vessels can not be secured at such rates that the expense involved will be less than that incident to organizing new crews to man vessels which are now tied under the control of the Shipping Board and repairing and conditioning such vessels, Mr. Lasker will use the Government-owned vessels in order to make sure that the grain is transported.

BILLS, ETC., PASSED OVER.

The bill (S. 2135) to enable the refunding of obligations of foreign Governments owing to the United States of America, and for other purposes, was announced as next in order.

Mr. CURTIS. I ask that that bill may be passed over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (H. J. Res. 183) imposing a duty of 90 per cent on all goods exported from the United States for the use of the American Expeditionary Forces and its allied forces and which have been sold to any foreign Government or person when reimported into the United States was announced as next in order.

Mr. CURTIS. I ask that the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2515) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, was announced as next in order.

Mr. JONES of Washington. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 268) for the relief of William O. Mallahan was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

MILITARY SERVICE OUTSIDE OF CONTINENTAL UNITED STATES.

The bill (S. 2363) to abolish the limitation on military service without the continental limits of the United States imposed by the act of Congress approved March 4, 1915, was considered as in Committee of the Whole.

Mr. KING. I should like to inquire of the Senator from New York what the effect of the bill will be?

Mr. WADSWORTH. If enacted, it will save the Government $300,000 a year.

Mr. President, I desire to offer an amendment to the bill. The amendment will not change the intent of the measure in the least, but will better express its meaning, I think.

On line 4, page 1, I move to strike out the words "is hereby repealed," and to insert the same words on line 12 after the words "Philippine Scouts."

Mr. SMOOT. Mr. President, I desire to call the attention of the Senator from Virginia [Mr. SWANSON] to this bill, because he asked me, if it came up, to request that it be passed over. It is Order of Business No. 295.

Mr. SWANSON. Mr. President, I recall the bill. I told the Senator from New York that if it came up again, as it has come up two or three times, I would not object to its consideration. I am constrained not to object.

The VICE PRESIDENT. The amendments offered by the Senator from New York will be stated.

The READING CLERK. On page 1, line 4, it is proposed to strike out the comma and the words "is hereby repealed."

The amendment was agreed to.

The READING CLERK. On page 1, line 12, after the word "Scouts," it is proposed to insert a comma and the words "is hereby repealed."

The amendment was agreed to.

Mr. KING. Mr. President, may I inquire of the Senator whether this bill extends the period of service, or limits the period of service, or imposes any restriction upon the officials of the War Department in determining the place where the enlisted men shall serve or the length of time that they shall serve in any particular locality?

Mr. WADSWORTH. It does away with all restrictions.

Mr. KING. It does not extend the period of service?

Mr. WADSWORTH. Oh, no. It leaves it in the discretion of the department.

Mr. SMOOT. Mr. President, I want to see what those amendments mean. I should like to have the bill read now with the amendments.

The VICE PRESIDENT. The Secretary will read the bill as amended.

The READING CLERK. As amended, the bill reads as follows:

Be it enacted, etc., That the proviso of the act of March 4, 1915, which reads as follows: "*Provided further*, That on and after October 1, 1915, no officer or enlisted man of the Army shall, except upon his own request, be required to serve in a single tour of duty more than two years in the Philippine Islands, nor more than three years in the Panama Canal Zone, except in case of insurrection or of actual or threatened hostilities: *Provided further*, That the foregoing provision shall not apply to the organization known as the Philippine Scouts," is hereby repealed.

Mr. SMOOT. Is the object of that simply to repeal the provision applying to the Philippine Scouts?

Mr. WADSWORTH. To repeal the whole thing. Those two provisions which are in quotation marks are part of the act of March 4, 1915. As the bill was introduced and reported from the committee the words "is hereby repealed" occur on line 4, before the quotation from the act which is to be repealed; and it was a rather awkward way of expressing it. I thought the conclusion of the bill should be the repealing clause.

Mr. SMOOT. I think that is right. All I wanted to know was whether the repealing clause applied only to the organization known as the Philippine Scouts?

Mr. WADSWORTH. It applies to everything within the quotation marks. It says:

That the proviso of the act of March 4, 1915, which reads as follows—

Then there are certain words in quotation marks—

is hereby repealed.

Mr. SMOOT. But the words "is hereby repealed" are to follow the proviso which reads:

Provided further, That the foregoing provision shall not apply to the organization known as the Philippine Scouts.

Mr. WADSWORTH. Yes; but that is immaterial. The whole thing is repealed—the whole limitation upon the officers.

Mr. SMOOT. I doubt very much whether it is.

Mr. WADSWORTH. May I say to the Senator that the bill as at present amended reads as follows:

That the proviso of the act of March 4, 1915, which reads as follows—

Then follow the two provisos and then the words "is hereby repealed."

That repeals them both. We might say, "The provisos are hereby repealed." It is the same thing.

Mr. SMOOT. As long as you keep it in quotation marks, perhaps it will do.

Mr. WADSWORTH. The provisos are in quotation marks, qualified and described by the words "which reads as follows."

Mr. KING. Mr. President, the purpose, as I understand, is to repeal a proviso of an existing law, or rather, two provisos—a proviso within a proviso.

Mr. WADSWORTH. Yes.

Mr. KING. It would seem that perhaps if you repeal that which is in quotations, and the quotation consists of the proviso which you seek to repeal, you effectuate the object. I think it is all right, though it is a little awkward.

Mr. SMOOT. I think if you keep it within the quotation marks, perhaps it will be all right. The way it is, it is really awkward, in my opinion, but it is very much better than the bill as reported to the Senate.

The VICE PRESIDENT. If there be no further amendments to be reported, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. WADSWORTH. Mr. President, I merely desire to say, for the RECORD, that the War Department estimates that the passage of this bill will result in a saving to the Treasury of $305,000 annually.

Mr. SMOOT. Mr. President, let me ask the Senator another question. There is a period after the word "Scouts"——

Mr. WADSWORTH. No; we have inserted a comma there.

Mr. SMOOT. That has been done?

Mr. WADSWORTH. Yes.

Mr. SMOOT. I did not hear that.

Mr. WADSWORTH. A comma is inserted after "Scouts," and the period is advanced and put after the word "repealed."

Mr. SMOOT. Then, there is a colon after "hostilities." Does the Senator think the words "is hereby repealed" can go back of the last proviso? What I am afraid of is that that repeals only the last proviso of the law.

Mr. WADSWORTH. Mr. President, to settle the matter, I will offer two more amendments. I am perfectly positive that the bill is all right as it is, but there can be no doubt about what I shall suggest.

The VICE PRESIDENT. The bill is in the Senate and open to amendment.

Mr. WADSWORTH. On line 3, I move to change the word "proviso" to "provisos."

The amendment was agreed to.

Mr. WADSWORTH. On line 12, I move to strike out the word "is" and substitute the word "are."

The amendment was agreed to.

Mr. SMOOT. Now, there is no doubt about it.

Mr. WADSWORTH. On line 3, I move to strike out the "s" of the word "reads."

The amendment was agreed to.

Mr. WADSWORTH. So that the bill now will read:

That the provisos of the act of March 4, 1915, which read as follows—

Then the provisos are quoted—

are hereby repealed.

Mr. SMOOT. That is all right.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 2035) for the relief of William M. Carroll was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 150) directing the Secretary of the Senate to employ a special officer for the office of the Secretary of the Senate was announced as next in order.

Mr. JONES of Washington. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

PUNISHMENT OF ASSAULTS ON MAIL CARRIERS.

The bill (S. 2573) to amend section 198 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," as amended, was announced as next in order.

Mr. KING. Mr. President, reserving the right to object, I should like to direct the attention of the Senator from Minnesota [Mr. NELSON] to one point. I think Congress is going wild in legislating——

Mr. NELSON. Mr. President, will the Senator hear me for just a minute? I think he misapprehends the bill.

Mr. KING. I ask that this may not be taken out of my five minutes.

Mr. NELSON. Most of the bill is existing law. If the Senator will turn to the bill he will find that everything down to and including the word "receptacle," on line 5 of the second page, is existing law. The existing law provides for the punishment of anyone who—

Shall willfully or maliciously injure, tear down, or destroy any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route, or shall break open the same, or shall willfully or maliciously injure, deface, or destroy any mail deposited therein, or shall willfully take or steal such mail from or out of such letter box or other receptacle.

The only amendment that is proposed here is to provide that anyone who makes an assault upon a mail carrier while he is engaged in the performance of his duty shall be punished.

Mr. KING. I appreciate that, Mr. President. As an original proposition, I am opposed to the whole thing. I think this is a scheme to project the Federal Government into the States. It is following the Neagle decision, with which the Senator is familiar, where a deputy marshal, under habeas corpus proceedings, was released from custody for having killed an individual. It was alleged that he was guarding Mr. Justice Field, and that because he was acting for the Federal Government and committed a homicide the State law was not applicable, and the strong arm of the Federal Government was interposed to arrest the prosecution by the State. The States have laws to punish assaults and batteries, as well as malicious mischief; and I think it is a wrong thing for the Federal Government to be enacting these penal codes to deal with matters which are covered by the laws of the States. I think it is improper.

Mr. NELSON. I want to call the Senator's attention to some other statutes. I have not got them here.

Mr. KING. Oh, we have a multitude of them. We are having the Federal Government projected into the States and enacting penal statutes duplicating the statutes enacted by the States.

Mr. NELSON. No; these are old statutes to which I refer. They are statutes under which, if an assault or an attack is made upon a Federal officer in the performance of his duty, and he is prosecuted in the State courts, his case can be taken to the Federal courts. Statutes of that kind have long been in existence. They existed long before the war and before the spirit of socialism was invoked.

I recall a case in Virginia, to which I referred in my remarks on the prohibition bill. That was a case where a prohibition officer was engaged in enforcing the law. He arrested men, caught them with liquor, and there was shooting. He was indicted in the State courts, and the case was transferred, under an old statute, to the Federal courts, and I have no doubt that under that statute a case of this kind could be transferred to the Federal courts, independent of this proposed statute.

Mr. KING. Then it is not needed.

Mr. NELSON. I want to call the attention of the Senator to this remarkable thing. Under a Federal statute we punish a man who breaks open a mail box, who steals mail, who takes it on a mail-carrier route, and yet if the man who does that

goes a step further and assaults and disables the rural carrier while he is engaged in the performance of his duty we do not provide any punishment for his assault. We punish for the act of breaking open or destroying the box which farmers place on the line; we punish a man for stealing the mail, yet when the man is engaged in the performance of his duty and is assaulted on his route in the midst of his duties we refuse to punish his assailant. We are now proceeding under Rule VIII, and if the Senator insists on his objection, I shall not attempt to discuss it further now.

Mr. KING. I should like to discuss it at greater length.

Mr. NELSON. I think human life is entitled to as much protection as a mere letter box.

Mr. KING. Let me say to the Senator that human life is protected under the laws of the States. I object.

Mr. NELSON. As the Senator objects, there is no use carrying on the debate any longer.

The VICE PRESIDENT. There is objection, and the bill goes over.

AMENDMENT OF TRANSPORTATION ACT OF 1920.

The bill (H. R. 8331) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

INITIATION OF PENSION AND CLAIMS LEGISLATION.

The concurrent resolution (S. Con. Res. 1) providing that legislation dealing with pensions, private claims, distribution of war trophies, etc., be initiated by petition on suitable furnished forms, was announced as next in order.

The concurrent resolution had been reported from the Committee on Rules, with amendments, on page 1, line 2, before the word "pensions," to insert the word "private"; in line 3 after the word "claims" and the comma, to insert the word "and"; and in line 5, to strike out the words "and with matters not of a public nature," so as to read:

Resolved by the Senate (the House of Representatives concurring), That legislation dealing with private pensions, either original or increases, with private claims, and with the distribution of war trophies to municipalities or organizations, shall hereafter be initiated by petition upon suitable forms provided for that purpose, which petition shall be referred to its appropriate committee without printing other than by title in the CONGRESSIONAL RECORD; and that any bill resulting therefrom shall be printed only when reported favorably by the committee.

The amendments were agreed to.

Mr. ROBINSON. Mr. President, the purpose of this concurrent resolution seems to be to materially change the procedure of Congress respecting the classes of legislation defined in the resolution. I think I am in sympathy with the purpose, if I understand just what it is. The feature of the resolution which raises a doubt in my mind is the clause "shall hereafter be initiated by petition upon special forms provided for that purpose." I would like to have some Senator who has studied the resolution define just what the procedure will be if it is passed and if the changes it proposes are effected.

Mr. SMOOT. The only change will be that instead of introducing a private pension bill a Senator will present a petition, with all the papers, which will go to the committee; the committee will act upon it, and when it is reported favorably it will be printed. Some five years ago I had collected the private bills which had been introduced in every Congress for 30 years, all of which had been printed, and upon which no action had ever been taken. They were printed not with the hope of ever having them acted upon but simply to send copies home or to distribute them to those who were really interested in the proposed legislation.

Mr. ROBINSON. As I understand it, Mr. President, if this resolution is passed Senators and Representatives will no longer be authorized to introduce bills relating to private claims or pensions. They will merely present petitions, which will be referred to the committees having jurisdiction of the subject matter, and if the committee to which a petition is referred sees fit to act a bill will be reported, and if not there will be no way of bringing the matter before the Senate or the House of Representatives for action. We all know that a great many bills are presented, relating both to private claims and private pensions, on which no action is ever taken. We also know that unless some Senator presses for action upon a bill of this character there is not the slightest possibility of a claim or a pension ever being determined. I very much fear this procedure, and I shall ask that the resolution may go over in order that fuller discussion of it may be had.

Mr. SMOOT. I want to say to the Senator, before it goes over, that I am quite sure it will save the Government at least $50,000. I do not think it covers any bills at all which really are of any moment, because wherever there was a chance to act upon a pension bill I think in the past it has been acted upon.

Mr. ROBINSON. The Senator is proposing to change that procedure. That is an argument for a continuance of the existing process and not an argument for the changed procedure the resolution contemplates.

Mr. SMOOT. A bill would be introduced just the same, with whatever petitions there may be, and it would be referred to the committee exactly the same as it is to-day; but it would not be printed in the quantities the law requires. It would not be printed so that every one of those bills would be sent to every depository library in the United States. It would not be printed so that it would be sent to the head of every department of the Government.

Mr. ROBINSON. If I understand the Senator correctly, that is very different from his first statement. His first statement was that no longer would private claim bills or private pension bills be introduced; that the claim would be initiated by petition, the petition would be referred, and unless the committee saw fit to report a bill there would be no bill.

Mr. SMOOT. There would be no bill printed.

Mr. FLETCHER. I understand; the object is to avoid the printing of these private bills.

Mr. SMOOT. That is all there is to it.

Mr. ROBINSON. I do not think that would be the effect of the resolution. The last clause reads:

And that any bill resulting therefrom shall be printed only when reported favorably by the committee.

That is a provision that unless the committee reports the bill it shall not be printed.

Mr. SMOOT. Yes.

Mr. ROBINSON. But the first provision is that it must be initiated by petition. Just what does that mean? Does it mean that a Senator can not introduce a private claim bill unless at the same time he presents a petition for its introduction; or does it mean that he does not present a bill at all, but presents a petition, which is referred to the committee? I think the latter construction is the correct one, and it had better go over.

Mr. SMOOT. Very well.

The VICE PRESIDENT. The concurrent resolution will go over.

BUSINESS PASSED OVER.

The resolution (S. Res. 172) declaring Truman H. Newberry to be a duly elected Senator from the State of Michigan, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 748) to remove the charge of desertion from the military record of Charles F. Getchell, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

ORIN THORNTON.

The bill (S. 1655) for the relief of Orin Thornton, was announced as next in order.

Mr. KING. Let that go over.

Mr. CARAWAY. I am sure the Senator from Utah has forgotten. This bill went over, and he and I discussed it and he told me he had no further objection to it.

Mr. KING. I am glad the Senator reminded me. He made an explanation. It had escaped my mind.

Mr. CARAWAY. Of course, if it has escaped the Senator's memory, I do not care to press it. Let it go over this time.

Mr. KING. I shall be obliged if the Senator will allow it to go over.

The VICE PRESIDENT. Objection being made, the bill will be passed over.

COAL LANDS IN ALASKA.

The bill (S. 486) to provide for agricultural entries on coal lands in Alaska, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments, to strike out on page 3, lines 24 and 25, and on page 4 down to and including the word "law" on line 5, as follows:

That nothing herein contained shall be held or construed to authorize the entry or disposition of withdrawn or classified coal lands or lands valuable for coal, oil, or gas under section 2306, United States Revised Statutes, or acts amendatory thereof or supplemental thereto, commonly known as soldiers' homestead law.

And to insert in lieu thereof the following:

That nothing herein contained shall be held or construed to authorize the entry or disposition, under section 2306, United States Revised Statutes, or under acts amendatory thereof or supplemental thereto, of withdrawn or classified coal, oil, or gas lands or of lands valuable for coal, oil, or gas.

So as to make the bill read:

Be it enacted, etc., That from and after the passage of this act homestead claims may be initiated by actual settlers for public lands of the United States in Alaska known to contain workable coal, oil, or gas deposits, or that may be valuable for the coal, oil, or gas contained therein, and which are not otherwise reserved or withdrawn, whenever such claim shall be initiated with a view of obtaining or passing title with a reservation to the United States of the coal, oil, or gas in such lands, and of the right to prospect for, mine, and remove the same; and any settler who has initiated a homestead claim in good faith on lands containing workable deposits of coal, oil, or gas, or that may be valuable for the coal, oil, or gas contained therein, may perfect the same under the provisions of the laws under which the claim was initiated, but shall receive the limited patent provided for in this act: *Provided, however,* That should it be discovered at any time prior to the issuance of a final certificate on any claim initiated for unreserved lands in Alaska that the lands are coal, oil, or gas in character, the patent issued on such entry shall contain the reservation required by this act.

SEC. 2. That upon satisfactory proof of full compliance with the provisions of the laws under which the entry is made and of this act the entryman shall be entitled to a patent to the lands entered by him, which patent shall contain a reservation to the United States of all the coal, oil, or gas in the land so patented, together with the right to prospect for, mine, and remove the same. The coal, oil, or gas deposits so reserved shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits on coal, oil, or gas lands in Alaska in force at the time of such disposal. Any person qualified to acquire coal, oil, or gas deposits, or the right to mine and remove the coal or to drill for and remove the oil or gas under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by the provisions of this act, for the purpose of prospecting for coal, oil, or gas therein, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal, oil, or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove the oil or gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: *Provided further*, That nothing in this act shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase: *And provided further*, That nothing herein contained shall be held or construed to authorize the entry or disposition, under section 2306, United States Revised Statutes, or under acts amendatory thereof or supplemental thereto, of withdrawn or classified coal, oil, or gas lands or of lands valuable for coal, oil, or gas.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MOUNT M'KINLEY NATIONAL PARK, ALASKA.

The bill (H. R. 6262) to add certain lands to Mount McKinley National Park, Alaska, was announced as next in order.

Mr. KING. Mr. President, I am in sympathy with the general purpose of this bill, but I desire to prepare an amendment so that under certain conditions and restrictions mineral exploration may be permitted. As the law now reads, lands that are withdrawn and attached to national parks may not be prospected under any condition for minerals, and this land, according to the information which I have, might be prospected without any interference with the scenic beauties or the legitimate purposes for which the national park was organized. If my colleague will let the bill go over, I shall be obliged to him.

Mr. SMOOT. I express the hope that the Senator will prepare his amendment so that when we reach the bill on the calendar when it is next called we can act upon it.

Mr. KING. I will prepare it and submit it to the Secretary of the Interior, to see if we can not work out something that will be satisfactory.

Mr. SMOOT. The General Land Office is now engaged in marking out the boundaries of the park. The Senator knows the conditions in Alaska. The men are there already to do the work, and if this is not accomplished and the whole survey made by the latter part of June it will have to go over again.

Mr. KING. I know my colleague and I entertain the same views as to the right to mine, if it can be done without interfering with the legitimate purposes of the park, and I am sure that the officials of the Interior Department, with such little aid as I may give, can work out a plan that will be satisfactory.

Mr. SMOOT. This is a department bill. It was sent to me to be introduced, and, of course, the department makes a favorable report upon it. There was a favorable report made upon it once before. It is a House bill, and passed the House without any opposition whatever.

Mr. KING. I shall call the attention of the department to it immediately.

The VICE PRESIDENT. Objection being made, the bill will be passed over.

AMENDMENT OF FEDERAL RESERVE ACT.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 2263) to amend the Federal reserve act, approved December 23, 1913.

Mr. CURTIS. I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of the calendar.

Mr. KING. Until it is completed?

Mr. CURTIS. Yes.

Mr. HARRISON. Mr. President, I desire to make a request for unanimous consent, and I think I would rather have a better attendance before I do so. So I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Elkins	King	Smoot
Borah	Fernald	McCumber	Spencer
Brandegee	Fletcher	McNary	Stanfield
Broussard	France	Nelson	Sterling
Bursum	Glass	New	Sutherland
Calder	Gooding	Norbeck	Swanson
Cameron	Harris	Norris	Townsend
Capper	Harrison	Oddie	Trammell
Caraway	Heflin	Page	Wadsworth
Culberson	Hitchcock	Pomerene	Walsh, Mass.
Cummins	Jones, N. Mex.	Ransdell	Walsh, Mont.
Curtis	Jones, Wash.	Robinson	Watson, Ind.
Dial	Kenyon	Sheppard	Williams
Edge	Keyes	Simmons	Willis

Mr. HARRIS. I wish to announce that my colleague [Mr. WATSON of Georgia] is absent on official business.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is necessarily detained.

Mr. WALSH of Massachusetts. I wish to announce that the Senator from Rhode Island [Mr. GERRY] is detained on account of illness.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Fifty-six Senators having answered to their names, a quorum is present. The Senator from Mississippi is recognized.

MICHIGAN SENATORIAL ELECTION.

Mr. HARRISON. Mr. President, one of the most important questions to the American public that this body will be called upon to decide is the one now before us affecting the purity of elections and the integrity of the Senate. There was a unanimous-consent agreement entered into limiting the debate to one hour in the Newberry case, beginning, I believe, to-morrow.

Mr. CURTIS. Mr. President, I think the Senator is mistaken about that.

Mr. HARRISON. One hour on the proposition or of any amendment pending or motion that might be offered.

Mr. CURTIS. No; I think the Senator is mistaken. If he will read the unanimous-consent agreement, he will see that he is mistaken.

Mr. KING. The one-hour limitation begins on Monday next.

Mr. HARRISON. Starting on Monday?

Mr. KING. Yes.

Mr. HARRISON. I understood that it was to be the fourth calendar day after we reconvened after the Christmas holidays.

Mr. CURTIS. There are to be two days of general debate, commencing to-morrow.

Mr. HARRISON. Very well. It is rumored, and very reliably so, that Senator NEWBERRY contemplates speaking in this contested case and that in all probability he will speak Monday. In view of the unanimous-consent agreement and the limit imposed on that discussion, I wish to ask a modification of the agreement.

I am quite sure that no Senator would desire to limit another Senator in the defense of a question so important to him and to the Senate. If he explains all the matters and things that have been charged against him and clarifies the record, it would take considerable time, much more than an hour. I could not conceive of a Senator who might discuss this case in his own behalf who would even attempt to speak to the Senate without giving full opportunity to be questioned by his colleagues.

I make that suggestion, because I have not the slightest idea that the Senator from Michigan might take his place in the Senate and, under the limitation of one hour of debate, deliver his speech without giving his colleagues, especially the members of the committee which made this investigation, an oppor-

tunity to question him touching matters about which they might have some doubt. If he desires time to discuss it fully, it should be given to him. I can not imagine that a Republican Senator would object to that, and certainly none on this side of the Chamber would object to it. The limitation should be removed, then, so far as Senator NEWBERRY is concerned and no limitation of time should apply to his speech. If he wants a day or two days or a week to discuss it and subject himself to questions by his colleagues, he should have it.

Therefore I ask unanimous consent that the unanimous-consent agreement be modified so that it will not apply to Senator NEWBERRY should he take his place and speak on this matter.

Mr. SPENCER. Mr. President, I object to any modification of the unanimous-consent agreement for the reason principally that the Senator from Mississippi is mistaken as to what the present unanimous-consent agreement contemplates. The present unanimous-consent agreement provides that commencing upon the fourth calendar day upon which the Senate is in session after the Christmas holidays, which the Senator could easily compute, means 1 o'clock to-morrow, Friday, the so-called Ford-Newberry contest shall be taken up by the Senate to the exclusion of all other business except the morning business and any other business that the Senate may unanimously desire to consider, and for the next two calendar days upon which the Senate shall be in session it shall proceed without any limitation upon the debate. So in case the junior Senator from Michigan should speak and desires to speak longer than an hour, he would be given ample opportunity. Therefore, there is no necessity for any change in the present unanimous-consent agreement.

Mr. HARRISON. But that applies to Friday and Saturday, and the rumor is, and I inquire of the Senator from Missouri whether he has not heard it, that Senator NEWBERRY expects to be here Monday and speak.

Mr. SPENCER. I had not heard that he expected to be here Monday and speak in his own defense, but I have heard, as the Senator from Mississippi has indicated, that there is quite a probability that the junior Senator from Michigan may appear before the Senate and make his statement. If that should occur on Monday, there would still be ample time without limitation until 12 o'clock on Monday, provided that we have a session on Saturday. But it is usual in the first week after the Christmas holidays, and I am assuming the practice will be followed, for the Senate on Friday afternoon to adjourn over until Monday, which would make the unlimited time for debate run until 12 o'clock on Tuesday. The Senator will see, therefore, that there is no reason why we should now change the unanimous-consent agreement.

Mr. HARRISON. There is reason if he does not speak until the 1-hour limitation begins to apply, and it is to remove that limitation, when the rule applies limiting debate to one hour, that I have asked for a modification of the unanimous-consent agreement.

Mr. SPENCER. I know with what excellent motive the Senator from Mississppi is moved and how anxious he is that there should be full discussion. It might perhaps occur to some that the suggestion should come from the friends of Senator NEWBERRY, but doubtless that had not occurred to the Senator from Mississippi.

Mr. HARRISON. We are more generous than the Senator supposed. We were afraid perhaps that it would not come from the friends of Senator NEWBERRY.

Mr. SPENCER. Perhaps that is true. Coming, therefore, from those who are not the friends of Senator NEWBERRY, let the Senator from Mississippi draw his own inference, but certainly there is no need of any change in the present agreement.

Mr. WALSH of Montana. Mr. President, I wish to remind the Senator from Missouri that the senior Senator from Michigan [Mr. TOWNSEND] gave notice that he would address the Senate on Saturday. So in deference to the senior Senator from Michigan it will be necessary to hold a session on Saturday.

Mr. SPENCER. I remember the notice which the senior Senator from Michigan gave.

Mr. POMERENE. Mr. President——

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. HARRISON. I yield to the Senator from Ohio.

The PRESIDING OFFICER. The Chair understands that the Senator from Missouri has the floor, he having risen to object to the request of the Senator from Mississippi.

Mr. SPENCER. Have I the floor?

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. SPENCER. Then I yield to the Senator from Ohio, who first addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Missouri withdraw his objection?

Mr. SPENCER. I do not.

Mr. POMERENE. I thank the Senator from Missouri for yielding to me, but as the Senator questions the propriety of the suggestion coming from the Senator from Mississippi [Mr. HARRISON], intimating that a request for unanimous consent to give more time to the junior Senator from Michigan [Mr. NEWBERRY] would come with greater propriety from the other side of the Chamber, it occurred to me that as the friends of the sitting Member, including his very good friend, the Senator from Missouri, refused to permit him to speak before the committee, naturally the Senator from Mississippi might come to the conclusion that they would forget to ask him to come before the Senate to speak.

Mr. SPENCER. Perhaps that is the reason which influenced the Senator from Mississippi.

Mr. President, I have just been told by the Senator from Nebraska [Mr. NORRIS] that when I thought I did not have the floor I was quite willing to yield to him, but when the Chair decided that I did have the floor I yielded to the Senator from Ohio [Mr. POMERENE] instead. Now, if the Chair permits, I yield to the Senator from Nebraska.

Mr. NORRIS. Will the Chair permit that to be done? The Senator from Missouri has a string to his yielding even yet, as I understand.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NORRIS. Mr. President, I wish to make a suggestion to the Senator from Mississippi and to the Senator from Missouri. Certainly there will be no objection to this proposition. Personally I should not like to see this question again opened up to unlimited debate; I think the unanimous-consent agreement is very liberal, but I would not desire the limitation to apply to the Senator from Michigan [Mr. NEWBERRY] if he shall wish to speak. Therefore I submit the request that the unanimous-consent agreement heretofore agreed to be modified as follows:

That such limitation on debate shall not apply to the junior Senator from Michigan [Mr. NEWBERRY] if he desires to address the Senate.

Mr. HARRISON. That was exactly the request that I made. That is perfectly agreeable to me. I do not want to open up this subject to unlimited debate to all Senators, but only desire that the limitation shall be waived as against the junior Senator from Michigan.

Mr. NORRIS. I do not see how anyone could object to that.

The PRESIDING OFFICER. Is there objection?

Mr. SPENCER. I object to the request for precisely the same reason which I have previously indicated.

The PRESIDING OFFICER. The Senator from Missouri objects.

Mr. WILLIS and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. WILLIS. As I understand, the Senator from Missouri has objected to the request of the Senator from Nebraska?

Mr. SPENCER. I have objected.

Mr. WILLIS. I wish to say to the Senator from Missouri that there are some Senators on this side of the Chamber who are very much interested in the junior Senator from Michigan [Mr. NEWBERRY] having full opportunity to state his case; but, so far as I am concerned, I shall not be in favor of an arrangement which will permit that Senator to stand here and read a speech and not respond to inquiries. I therefore think the Senator from Missouri ought not to object to the perfectly reasonable request of the Senator from Mississippi [Mr. HARRISON].

Mr. BORAH. Mr. President, as objection has been made, I wish to make an inquiry concerning another feature of the matter. As I understand, the time at which the debate is to begin is to-morrow at 1 o'clock?

The PRESIDING OFFICER. The Chair understands that to be the case.

Mr. BORAH. I had understood—and I am sure it was intimated about the Senate Chamber that there was such an understanding, although I do not know that it was authentic—that, owing to the fact that we adjourned almost immediately on the first day of the session on account of the death of the late Senator Penrose, it was understood that the unanimous-consent agreement should begin to operate on Saturday, and that it was for that reason the senior Senator from Michigan [Mr. TOWNSEND] gave notice that he would open the debate on that day. I should like to know if it is now definitely determined that debate shall open to-morrow at 1 o'clock under the agreement?

The PRESIDING OFFICER. The Chair will say to the Senator from Ohio that that is the unanimous-consent agreement, and there has been no modification of it in the Senate.

Mr. ROBINSON. That is, provided the Senate is in session to-morrow.

The PRESIDING OFFICER. Yes.

Mr. ROBINSON. If the Senate should not be in session to-morrow, the debate would begin on the following day when the Senate convenes.

The PRESIDING OFFICER. The unanimous-consent agreement reads as follows:

It is agreed, by unanimous consent, that at 1 o'clock p. m. on the fourth calendar day upon which the Senate shall be in session after January 1, 1922, the Senate will proceed to the consideration of Senate resolution 172, declaring Truman H. Newberry to be a duly elected Senator from the State of Michigan, etc.

That agreement has not been modified by the Senate, and if the Senate should be in session to-morrow it would take effect——

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. KING. I had the same impression as that which has just been expressed by the Senator from Idaho, that, owing to the death of the late Senator Penrose, the Senate having merely met and immediately adjourned after the announcement of that event, that day would not be included as one of the calendar days.

Mr. KENYON. Why is it not a calendar day?

Mr. KING. I supposed that day would not be included.

Mr. BORAH. Technically, of course, it is a calendar day, and if that is the construction which is placed upon the agreement no one can really object, because it was undoubtedly technically a calendar day, notwithstanding the fact that we almost immediately adjourned; but I know there was an understanding of some kind that the debate would not begin until 1 o'clock on Saturday; and I think I can accommodate myself to that situation.

Mr. WALSH of Montana. Mr. President, before this matter is finally concluded I desire to present a parliamentary inquiry. A question has arisen concerning the construction of the last part of the unanimous-consent agreement which reads:

And, further, unless thus disposed of prior to the hour of 12 o'clock m. on the sixth calendar day on which the Senate is in session after January 1, 1922, that from and after such day and hour no Senator shall speak for a longer period than one hour on said Senate resolution 172 or upon any amendment or substitute offered thereto or any motion that may be made in connection therewith.

I desire to inquire whether that is to be interpreted as meaning that a Senator may speak one hour upon the resolution offered by the Senator from Missouri [Mr. SPENCER], one hour upon the substitute therefor offered by myself, and one hour upon any motion that may be addressed to either of them, or whether the aggregate time allotted each Senator is to be one hour upon whatever matter is before the Senate? The subject had very cursory attention at the time the unanimous-consent agreement was entered into. As will appear from page 8166 of the CONGRESSIONAL RECORD of November 23, 1921, the proposal as first drafted contemplated that each Senator should be limited to 30 minutes. Referring to that draft the Senator from Alabama [Mr. HEFLIN] said:

I wish to know if the Senate understands that a Senator may speak 30 minutes upon the resolution itself and then 30 minutes upon the resolution of the Senator from Montana [Mr. WALSH] or any amendment that may be offered.

Mr. SPENCER. That is the understanding of those who drew the proposed unanimous-consent agreement.

Mr. SIMMONS. That 30 minutes should be allowed upon any amendment.

I presume that would be the proper construction of the agreement, but I should like to have the matter definitely determined, if it can be, at this time.

The PRESIDING OFFICER. The present occupant of the chair will say to the Senator from Montana that it was his impression that the intention of the Senate was that no Senator should speak more than an hour in the aggregate; but the Chair is of the opinion that construing the language of the agreement as it has been read it gives a Senator an hour on the resolution, an hour on the substitute, and an hour on any amendment that may be offered.

Mr. WALSH of Montana. I think that is correct.

Mr. ROBINSON. Mr. President, I think the interpretation of the Chair is the correct one. Of course only the language of the unanimous-consent agreement can be taken into consideration, technically speaking, in construing it.

MINIDOKA NATIONAL FOREST.

The PRESIDING OFFICER. The Secretary will state the next bill on the calendar.

The bill (H. R. 2914) to add certain lands to Minidoka National Forest was considered as in Committee of the Whole.

The bill was read as follows:

Be it enacted, etc., That any lands within the following-described areas, found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow, may, with the approval of the Secretary of the Interior, be included within and and made a part of the Minidoka National Forest by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: East half of section 1, east half of section 12, northeast quarter and south half of section 13, sections 24, 25, and 36, township 13 south, range 23 east; section 17, east half of section 18, northeast quarter and south half of section 19, sections 20, 21, south half of section 24, northeast quarter and south half of section 26, south half of section 27, sections 28, 29, 30, and 31, township 12 south, range 24 east, sections 6, 7, 18, 19, 30, and 31, township 13 south, range 24 east; south half of section 19, township 12 south, range 25 east, and west half of section 20, township 13 south, range 25 east, Boise meridian, Idaho: *Provided*, That the inclusion of any of the aforesaid lands in the Minidoka Forest shall not affect adversely any valid application or entry pending at the date of the approval of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE EMERSON.

The bill (S. 726) for the relief of George Emerson was announced as next in order.

Mr. KING. Mr. President, reserving the right to object, I should like to have an explanation of the bill from some Senator who is familiar with it.

The PRESIDING OFFICER. The Chair understands the Senator from New Mexico [Mr. BURSUM] reported the bill. The Secretary will read the bill.

The Assistant Secretary read the bill.

Mr. KING. Mr. President, I notice that the letter of the Secretary of War, printed in connection with the report on the bill, indicates liability and negligence, and shall therefore feel constrained to object to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Utah objects, and the bill will go over.

RELIEF OF DISTRESS IN RUSSIA.

Mr. DIAL. Mr. President, as a member of the Committee on Commerce, I should not want it understood that I agree with the policy of the Shipping Board as expressed awhile ago by the senior Senator from Utah [Mr. SMOOT].

My recollection is that there are some 1,400 steel ships belonging to the Government under the control of the Shipping Board and that there are now in operation about 382 of those ships, leaving in the neighborhood of a thousand or more tied up and idle. It seems to me when the Government appropriates $20,000,000 to send food to Russia that Government-owned vessels could be used. However, from what the senior Senator from Utah has stated, as coming from the chairman of the Shipping Board, it appears that the ships under the control of that board are not in condition to be used. It occurs to me, Mr. President, that it is a very great indictment against the efficiency of the Shipping Board that with hundreds of ships tied up there are not enough which can be put into condition for operation to carry to Russia the grain authorized to be carried by the Congress. It is a very poor advertisement to the world of the condition of those ships.

Furthermore, Mr. President, I am not in sympathy at all with the policy of that board. It is true that under the Jones Act they were to encourage private shipping, but I do not think Congress understood that they were to go so far that the Government ships were to be tied up and remain idle, and allow the cargoes to go to privately owned ships altogether. That, however, seems to be the policy adopted by the present board.

We are losing money; we are losing large sums of money every month; and it does seem to me that the board should become active, and go after cargoes, and try to have those ships kept busy. Instead of that, while it is true that there is not much demand for them, the Government is paying the cost of maintenance and upkeep, and then standing aside and saying to any shipowner who has a cargo in view: "Go ahead and get it, and we will not compete with you." Now, when it comes down to the Government appropriating $20,000,000, we are told that the Shipping Board's vessels can not even carry that corn and those provisions to Russia! Of course, if private ships will carry those provisions over there cheaper than the Government can operate its own ships, it might be good business to let them do so; but to my mind it is an anomalous condition.

Mr. SHEPPARD. Mr. President, may I call the Senator's attention to a certain rumor that is going the rounds to-day with reference to the rates on these shipments?

Mr. DIAL. I shall be glad to hear the Senator.

Mr. SHEPPARD. I understand that the rate to Baltic ports was 22 cents for 100 pounds before Congress specified that the shipments must be made in American bottoms, and that since Congress took that action the owners advanced the rate to 42½ cents. If that is true, it certainly ought to be looked into.

Mr. DIAL. I am not surprised. Here we have something like a thousand steel ships tied up, not operating, not competing for freight, standing back and letting other ships get it. Now, of course, the owners of these other ships are preparing the way to come to Congress and ask for a subsidy. They do not have to ask for it. They have a subsidy already given in letting the Government ships remain idle, and giving them a subsidy, as the Senator states, in advanced freight rates.

Mr. President, the time will soon come, no doubt, when this whole matter will be up before the Senate, and then we shall have a good deal of information that perhaps the Senate does not have and of which the public is also ignorant; but, for one Member, I think that the expenses of the Shipping Board should be cut and the ships should be operated in every practical way.

SHOOTING GROUNDS AND GAME REFUGES.

The bill (S. 1452) providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them, was announced as next in order.

The PRESIDING OFFICER. The Chair will ask that this bill go over. He will say to the Senator from Indiana [Mr. NEW] that he is in favor of the bill, but has prepared some slight amendments to it. He left the bill, with those amendments, over on the desk at his office and has not them here. When the bill comes up again the present occupant of the chair will be prepared to permit it to go through.

Mr. NEW. Mr. President, I have no objection to allowing this bill to go over temporarily. I ask unanimous consent that it be passed over on the calendar now, with permission to revert to it at a later hour, or with the understanding, at least, that that will be done. The Chair has some amendments he wants to offer, and the Senator from Utah [Mr. KING] wants to make some inquiries about the bill. I think the bill is pretty well understood by most Senators, but I have no disposition to force its immediate consideration; and if that can be the understanding, I shall not at all object.

The PRESIDING OFFICER. The Chair will make no objection to its consideration at any time when he has the bill with his amendments here.

Mr. KING. Mr. President, I hope the Senator from Indiana will not ask for the consideration of the bill to-day. It is a very long bill. It is quite important. It changes certain policies that have heretofore prevailed. I shall not object to its consideration to-morrow or at some later day, but I should like a full opportunity to investigate it.

The PRESIDING OFFICER. The bill will be passed over.

Mr. BURSUM. Mr. President, I should like to offer an amendment to the bill so that it may be printed.

The PRESIDING OFFICER. The Senator from New Mexico offers an amendment to the bill which will be printed and lie on the table, and will be considered as pending.

FORT MONROE MILITARY RESERVATION.

The bill (H. R. 7204) to provide a Government-owned water-service system for the Fort Monroe Military Reservation was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAMP HENRY KNOX, KY.

The bill (S. 2072) to authorize the Secretary of War to make and receive conveyances affecting an exchange of title to the railroad rights of way at Camp Henry Knox, Ky., and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized to execute and deliver a conveyance of title to the Chicago, St. Louis & New Orleans Railroad Co. to that certain strip of land in the military reservation at Camp Henry Knox, Ky., belonging to the United States of America upon which the line of said railroad was relocated and the new depots and transportation structures were erected at Camp Henry Knox, between the junction points of the old and new locations a distance of approximately 1½ miles, which conveyance when executed and delivered shall convey to the said railroad company all the title to the land so conveyed now vested in the United States of America.

SEC. 2. That the Secretary of War is hereby authorized to receive on behalf of the United States deed or deeds of conveyance and releases from the mortgage obligations of said railroad company to the old right of way of said company between the points of junction mentioned in the preceding section.

SEC. 3. That the detail description of said conveyances effecting a change of title made necessary by the relocation of said railroad at said point be set forth in said conveyances in accordance with the descriptions contained in a certain contract and agreement between the said Chicago, St. Louis & New Orleans Railroad Co., the Illinois Central Railroad Co., and the Director General of Railroads, dated May 23, 1921, which agreement has been formally assented to by the Secretary of War, in which the land to be conveyed to the railroad company is shown in yellow tint on the blue print attached to the said contract, and extending from "C" to "D" thereon, while the land to be conveyed by the railroad company is shown in carmine tint on said blue print and extending from "A" to "B."

SEC. 4. That all laws in conflict herewith be, and they are hereby, repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 4598) to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii was announced as next in order.

Mr. KING. Mr. President, I should like to inquire ——

Mr. McNARY. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2774) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, was announced as next in order.

Mr. KING. Let the bill be read, Mr. President.

The PRESIDING OFFICER. The Secretary will read the bill.

The Assistant Secretary read the bill.

Mr. KING. Mr. President, the chairman of the Military Affairs Committee is absent from the Chamber. I should like some explanation concerning this bill. I ask that it be temporarily passed over until he returns to the Chamber.

The PRESIDING OFFICER. The Senator from Utah asks that the bill be temporarily passed over. Is there objection? The Chair hears none.

ARMS AND AMMUNITION SEIZED ALONG MEXICAN BORDER.

The bill (S. 2621) authorizing the President to dispose of certain arms and ammunition seized in pursuance of the act approved June 15, 1917, along the Mexican border, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the President be, and he hereby is, authorized, through the Secretary of War, to sell, upon such terms as the Secretary of War shall deem expedient, such arms and ammunition now in the hands of the War Department and its bureaus as were seized under the provisions of or in pursuance of the act approved June 15, 1917 (40 Stats., pp. 223–225), and commonly called the "espionage act": *Provided*, That no such arms and ammunition shall be sold or offered for sale unless the owner thereof is unknown or that such arms and ammunition have remained unclaimed by the owner for a period of one year prior to such offer for sale. The proceeds of such sale, less the expense thereof, if any, shall be paid into the Treasury of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The joint resolution (S. J. Res. 138) authorizing the payment of the cost of transportation for certain supplies purchased by the Military Establishment was announced as next in order.

Mr. KING. Reserving the right to object, let the joint resolution be read.

The PRESIDING OFFICER. The joint resolution will be read.

The Assistant Secretary read the joint resolution.

Mr. SMOOT. Let it go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 1542) for the relief of Philip A. Hertz was announced as next in order.

Mr. KING. Mr. President, may that bill be temporarily laid aside until I have a chance to examine the report?

The PRESIDING OFFICER. Without objection, the bill will be temporarily laid aside.

The joint resolution (S. J. Res. 41) authorizing transportation for dependents of Army field clerks and field clerks Quartermaster Corps was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 2328) for the relief of Margaret I. Varnum was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ACCOUNTS OF UNITED STATES COMMISSIONERS.

The bill (S. 2801) to amend section 21 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 21 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other

purposes," approved May 28, 1896 (29 Stats., pp. 146–185), is hereby amended by adding at the end of said section the following provisos, to wit: "*Provided further*, That the accounts of the United States commissioners shall be rendered quarterly under such regulations as the Attorney General may prescribe: *And provided further*, That no payment shall be made from the Treasury in settlement of any account of a United States commissioner for fees earned by any such commissioner subsequent to the date of the approval of this act which is not rendered by him within one year from the expiration of the quarter covered thereby."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY RECORDS FOR PERSONS REPORTING FOR MILITARY DUTY.

The joint resolution (S. J. Res. 28) to provide for appropriate military records for persons who, pursuant to orders, reported for military duty but whose induction or commission into the service was not, through no fault of their own, formally completed on or prior to November 11, 1918, and for other purposes, was announced as next in order, and was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to carry upon the records of the War Department as though he had been duly inducted into the service of the United States any registrant under the selective service law and regulations who applied for voluntary induction into the service and was accepted, and who, pursuant to competent orders, reported for active duty as a soldier, but whose induction into the service, through no fault of his own, was not formally completed on or prior to November 11, 1918; and the name of any such person shall, under this act and regulations to be prescribed by the Secretary of War, be so carried upon the records of the War Department, and any such person shall be deemed to have been a soldier and shall be regarded as such from and after the date on which, pursuant to competent orders, he reported for active duty as a soldier, to such extent as to entitle him to receive the regular pay and allowances of an enlisted man for the period of his actual military service and to a discharge from the service as of the date of the termination of such service: *Provided*, That such persons shall not be entitled to any bonus, gratuity, or clothing or travel allowance authorized by law for enlisted men upon discharge from the service.

SEC. 2. That the President be, and he is hereby, authorized to issue an appropriate commission in the name of any person who, while in the military service of the United States during the war between the United States and Germany and Austria-Hungary, had been duly appointed to a commissioned grade, and, through no fault of his own, was unable to accept such commission by reason of his death in line of duty; and any such commission shall issue as of the date of such appointment, and after such appointment any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service to which he would have been promoted by such commission.

SEC. 3. That the President be, and he is hereby, authorized to issue an appropriate commission in the name of any person who, while in the military service of the United States during the war between the United States and Germany and Austria-Hungary, may have been officially recommended for promotion to a commissioned grade, which recommendation shall have been duly approved by the Secertary of War, or by the commanding general American Expeditionary Forces, as the case may be, and who shall have been unable to receive and accept such commission by reason of his death in line of duty; and any such commission shall issue as of the date of such approval, and thereafter any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service to which he would have been promoted by such commission.

SEC. 4. That the President be, and he is hereby, authorized to issue an appropriate commission to any person who, on or prior to November 11, 1918, performed the service of a commissioned officer of the United States Army under the promise of or agreement in good faith with proper authority that a commission would in due time be issued to him, and by reason of unavoidable delay, the signing of the armistice, the cessation of hostilities, and orders issued in consequence thereof, no commission was ever issued to him in accordance with such promise or agreement; and any such commission shall issue as of the date of the commencement of such service and in such grade and branch of the service as promised or agreed upon; and any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service shown in such commission.

SEC. 5. That no person shall be entitled to receive any bonus, gratuity, pay, or allowances by virtue of any commission issued under sections 2, 3, or 4 of this act.

Mr. KING. Mr. President, this is a very important measure. I do not want to object, but before consenting to its consideration I should like to have a very brief explanation made. It seems to me that there are too few limitations in the joint resolution. If it is merely for the purpose of reaching the four or five hundred, or possibly thousand, young men who reported just prior to the armistice, and who had, to all intents and purposes, entered into the military service, but whose entrance had not been officially recognized here in Washington, and the measure is one to validate their services, I can see no objection; but it seems to go further. It provides for the giving of commissions to persons to whom promises of commissions were made.

Mr. SMOOT. Mr. President——

Mr. KING. We are advised, if my colleague will just permit me a moment, that a great many officers in France were promised promotions, and the termination of hostilities contributed to the delay in action, and the promotions never were made. I am advised that some officers claimed that promises of promotion were made by their superior officers, and there may be a controversy as to whether they had the authority, and, as the Senator will see, many controversies might arise in respect to that matter. How far does the joint resolution go?

Mr. SMOOT. It provides that in such cases as the Senator has cited it shall not apply, unless they were unavoidably delayed; in other words, if a man was in France and Gen. Pershing had passed upon his promotion, and it had to come here to Washington, and on account of the armistice, the cessation of hostilities, and orders issued in pursuance thereof, the commissions were withheld, then the commissions shall be issued to such persons, but in no other case. It is limited to cases like that, as the Senator will see by reading the bill.

Mr. KING. How many will be affected by the joint resolution?

Mr. SMOOT. I can not state just the number, but there will not be very many under that paragraph of the joint resolution. The Senator has asked as to those who were inducted into the service through the draft. He will notice also that in section 3 it provides that the commission shall issue if the recommendation has been "duly approved by the Secretary of War or by the commanding general American Expeditionary Forces, as the case may be, and who shall have been unable to receive and accept such commission by reason of his death in line of duty." I think there are not more than a dozen cases where the commission had been agreed upon and actually issued by the War Department here, and was on its way, but the officer was killed before the arrival of the commission and never received it. It takes in about a dozen such cases, and I thought it was pretty well guarded; but if the Senator desires to have it go over, that will be agreeable to me.

Mr. KING. Let me inquire as to section 4, which reads:

> That the President be, and he is hereby, authorized to issue an appropriate commission to any person who, on or before November 11, 1918, performed the service of a commissioned officer of the United States Army under the promise of or agreement in good faith with proper authority that a commission would in due time be issued to him.

And so forth.

Who would be the proper authority to make such a promise? Under what circumstances could a promise be made which ought to bind the Government?

Mr. SMOOT. The Secretary of War, or Gen. Pershing in case it was in Europe. I do not think there is any doubt as to that. Then, if the Senator will read on, he will find that it provides:

> By reason of unavoidable delay, the signing of the armistice, the cessation of hostilities, and orders issued in consequence thereof.

That is the only case covered. I can not state how many there are, but I can not believe there are very many of them.

Mr. KING. It seems to me that there ought to be a general statute which would reach cases of this character. Certainly during the Civil War, when we had so many hundreds of thousands of men in the service, conditions arose similar to the conditions indicated here. Does the Senator know whether there was then any general or special statute to permit commissions to be granted under conditions analogous to those indicated in this joint resolution?

Mr. SMOOT. I have not looked that up, nor would I be able to say offhand, because the question was never brought to my attention before.

Mr. KING. I am very much in sympathy with the general purpose of the joint resolution. I will ask my colleague to let it go over until the next calendar day so that we may examine it further.

Mr. SMOOT. I have no objection to its going over.

The PRESIDING OFFICER. The joint resolution will be passed over.

BILLS PASSED OVER.

The bill (H. R. 2556) to advance Capt. Benjamin S. Berry to the permanent rank of major was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1460) for the relief of the William Gordon Corporation was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1298) to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co. was announced as next in order.

Mr. KING. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 37) granting pensions to certain members of the former Life Saving Service was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MARKING OF ANCHORAGE GROUNDS.

The bill (S. 2199) to provide for the marking of anchorage grounds in waters of the United States was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That hereafter the Commissioner of Lighthouses shall provide, establish, and maintain, out of the annual appropriations for the Lighthouse Service, buoys or other suitable marks for marking anchorage grounds for vessels in waters of the United States, when such anchorage grounds have been defined and established by proper authority in accordance with law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 7589) for the relief of Maj. Ellis B. Miller was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1690) to correct the military record of John Sullivan was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

SUBTREASURY PROPERTY AT SAN FRANCISCO, CALIF.

The bill (H. R. 5700) authorizing the Secretary of the Treasury to sell the old Subtreasury property at San Francisco, Calif., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell to the highest bidder, at public or private sale, the old Subtreasury property, located on the north side of Commercial Street about 60 feet west of Montgomery Street, and known as 608 Commercial Street, San Francisco, Calif., in such manner and upon such terms as he may deem to be to the best interests of the United States; to convey such property to the purchaser thereof by the usual quitclaim deed, and to deposit the proceeds of such sale in the Treasury of the United States as a miscellaneous receipt.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUSTOMHOUSE WHARF AT CHARLESTON, S. C.

The bill (H. R. 8401) to transfer the custody and control of the United States customhouse wharf at Charleston, S. C., from the Treasury Department to the War Department was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the United States customhouse wharf at Charleston, S. C., be, and the same is hereby, transferred from the custody and control of the Treasury Department to that of the War Department, and that all branches of the public service now using said wharf shall be permitted to continue their use of the same.

Mr. DIAL. Will not the Senator from Maine state the object of the bill?

Mr. FERNALD. The report I get on it is that the object is to transfer the custody and control of the customhouse wharf at Charleston from the Treasury to the War Department. The wharf was constructed in the beginning for the use of the Customs Service. Now its use for that purpose has practically ceased. The Customs Service and the Navy Department make a limited use of it only; it is used chiefly by the War Department.

The expense of the dredging will be lessened by the transfer, as the War Department has a dredge in the harbor now. The Secretary of the Treasury and the Secretary of War both are agreeable to the transfer, and both recommend it. The bill passed the House unanimously.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PACIFIC COMMISSARY CO.

The bill (S. 34) for the relief of the Pacific Commissary Co. was announced as next in order.

Mr. KING. Reserving the right to object, I shall be glad to hear any explanation the junior Senator from Oregon [Mr. STANFIELD] may have to offer. It looks to me, from a reading of the bill, as if a contract was entered into, and that the contractor is not now satisfied with what was paid, and wants the Government to pay an additional thirty or forty thousand dollars.

Mr. STANFIELD. Mr. President, I would like to explain to the Senator from Utah that there was not a particular or valid contract which was entered into between the claimants and the Government, but there was an understanding with the commandant at Camp Lewis, which at the time this loss occurred was in process of construction. They were also training soldiers there. It was just in the beginning of the war. Officers were brought in from California, from the Presidio and other officers' training camps, and left there temporarily. There was no place to feed them nearer than Tacoma, 16 miles away from Camp Lewis, so the commandant asked the people who were running this commissary if they would provide to take care of the officers. They agreed to do that, and the price fixed was about $1 per day, or about 33 cents per meal.

These officers were often ordered from the camp secretly and they did not have an opportunity to pay their bills, and there was a loss occasioned by officers leaving without paying their bills. The matter extended over a period of some four months before the question of settlement came up. The Commissary Department did not know what the Government was charging them for supplies, either, but they presumed that a settlement would be made. Gen. Stone recommended that such a settlement be made, but in the absence of a contract there was nothing for them to do but to come to Congress and ask for relief.

There were some 450,000 meals served. The statement shows a loss of about 7 cents on each meal.

Mr. KING. Mr. President, if the Senator will pardon me, my recollection is, though it is very hazy, that the cost at some of these camps to the Government was less than $1 a day for meals. They fed officers, as I recall, in San Francisco for approximately $1 a day; indeed, less. I may be in error respecting that matter, however. As I understand the Senator, the Government actually paid the claimants $1 a day for these officers, and now they claim that there was a deficit and that they lost money on the contract and they want further compensation.

Mr. SMOOT. Mr. President, I notice in making up the claim that there is included uncollected accounts of officers amounting to $10,753.41. Is it possible that officers of the United States did not pay their board bills?

Mr. STANFIELD. That actually occurred by reason of the fact that they were ordered away secretly very often. They were transported across the seas in that way during the war. An effort was made on the part of the Commissary Department to make collections from those officers, but many of the letters were returned with a notation that the officers could not be found.

Mr. SMOOT. I would like to have a list of the officers who have jumped their board bills and do not intend to pay them, thus causing a company to come to Congress and ask that the Congress of the United States pay their unpaid board bills. I would like to know the names of those officers.

Mr. STANFIELD. The Senator understands that these claims are very small as to each individual officer.

Mr. SMOOT. They could not be very small, because the amount is $10,753.41. I ask that the bill may go over and I will talk to the Senate about it. There are a number of things in the items enumerated in the claims that I think need explanation, and particularly the one to which I have referred.

Mr. STANFIELD. There were more than 450,000 meals served.

The PRESIDING OFFICER. On the request of the Senator from Utah, the bill will go over.

CONTINUED MILITARY STATUS OF DESERTERS AND OTHERS.

The joint resolution (S. J. Res. 125) to continue the military status of persons deserting the military or naval service during the World War, and the amenability to trial of those persons who failed to comply with the terms of section 5 of the selective-service law, was announced as next in order.

Mr. SMOOT. Mr. President, I should like to have some explanation made of the measure. The chairman of the Committee on Military Affairs is not here, and therefore I shall ask that the joint resolution go over unless the Senator from Indiana [Mr. NEW] can explain it.

Mr. NEW. Mr. President, I can only say that there are a number of bills reported from the Committee on Military Affairs and the chairman of that committee asked me, as he went out of the Chamber to attend a committee meeting, to request that they be permitted to go over until he could be personally present.

Mr. KING. I think the measure is meritorious. I ask that the Secretary read the report which accompanies the joint resolution. I think that will give a full explanation. I am in sympathy with the measure. I think it is to prevent—to use a common expression—the outlawing of offenses which have been committed and to extend the time within which those who deserted or who are amenable to some military statute may be tried.

Mr. SMOOT. If that is the object of the joint resolution I do not think anybody will object to its passage, but I have not had time to read the report.

Mr. KING. I think that is the purpose, but let the report be read.

The PRESIDING OFFICER. Does the senior Senator from Utah withdraw his objection to the present consideration of the joint resolution?

Mr. SMOOT. Yes; until the report is read.

The Assistant Secretary proceeded to read the report (No. 367).

Mr. SMOOT. I have just glanced hurriedly over the report, and I will say that it shows the object of the joint resolution is as stated by my colleague. So far as I am concerned I have no objection to its present consideration and passage.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

Resolved, etc., That none of the provisions contained in section 2 of the act of May 18, 1917 (40 Stat., 77), or in section 4 of the act of June 15, 1917 (40 Stat., 217), or in any other act or joint resolution of Congress, or in any proclamation heretofore issued by the President, or in any proclamation of peace that may hereafter be issued by the President, shall be construed as terminating the military or naval status of any person who, having been drafted or having voluntarily enlisted for the period of the emergency due to the World War in the military or naval service of the United States, or having been commissioned as an officer for the period of said emergency in the military or naval forces of the United States, thereafter deserted such military or naval service; or as terminating before the expiration of three years after the date of the President's proclamation of peace as required by section 4 of the act of June 15, 1917 (40 Stat., 217), exclusive of all periods of absence from the jurisdiction of the United States, the amenability to prosecution and trial of any person who willfully failed or refused to comply with any of the requirements of the act of May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," or of said act as amended, or with regulations promulgated by the President pursuant thereto.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CROP-FAILURE LOANS.

The bill (S. 2023) defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That a yield of 5 bushels or less per acre of wheat, rye, or oats on lands owned by those in the drought-stricken regions who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed be, and the same is hereby, declared to be a failure, and the borrower whose yield was 5 bushels or less per acre be, and he is hereby, released from repayment of the amount borrowed by him from the Government: *Provided*, That nothing herein shall release the borrower who signed a guaranty-fund agreement and whose crop was not a failure from making the contribution provided for in such agreement, but said guaranty fund shall be used as stipulated in the agreement to the settlement of the loans to those whose crop was a failure: *Provided further*, That any such borrower whose crop was a failure, as herein defined, and who made payment on his loan prior to May 31, 1920, shall be fully reimbursed from such guaranty fund.

Mr. CURTIS. Mr. President, I think I can make a statement that will probably prevent any objection to the passage of the bill.

The only new feature of the bill is comprised in the last three or four lines. In the Agricultural appropriation act of 1920 the first part of the pending bill was included. Under the agreement to loan money to farmers there were two provisions. One was that those who had a crop of less than 5 bushels to the acre should be considered as having crop failures, and they were not to be required to repay the loan. Those who raised over 6 bushels to the acre were to contribute to a guaranty fund to make up the amount of money that might have to be paid out under the other provision.

I offered an amendment to that appropriation bill, thinking it would cover all the losses; but it happened that the department had demanded payment from a number of people, and that some of them had paid, in some instances even mortgaging their little personal property to raise the money.

The bill passed as amended, and those who had not paid were thus relieved from payment. However, there was paid by those who had crop failures $68,000. There is in that guaranty fund to-day $246,000, so that this $68,000 can be refunded to those who paid and who should not have been required to pay, leaving in the guaranty fund approximately $170,000 to be returned or covered into the Treasury of the United States.

Mr. SMOOT. What was the original amount appropriated?

Mr. CURTIS. There was no legislation respecting that. In 1919 the President of the United States set aside, out of his war fund, a certain amount of money to loan to farmers who had had two crop failures in wheat, oats, and rye. This money was loaned to the farmers of Kansas and other States who had had crop failures of wheat, oats, and rye.

Mr. KING. How large was the fund?

Mr. CURTIS. I could not tell the Senator that. There was about $1,000,000 loaned to our State, or something less than that perhaps. There was nearly $5,000,000 loaned all told. Many of the loans were paid back by the farmers to whom the loans were made. The $246,000 was paid into the guaranty fund; that is, those who raised more than 6 bushels to the acre had to pay back their loans and then contribute a certain amount per bushel on every bushel they produced over 6 bushels to create a guaranty fund to make good for those who lost by reason of crop failure or who had less than 5 bushels per acre, which was considered a crop failure under the act. I have a report now from the Farm Loan Board that there is in that fund some $246,000 and these claims amount to about $68,000.

Mr. SMOOT. That would leave $178,000 in the fund?

Mr. CURTIS. Yes.

Mr. KING. What would become of the residue?

Mr. CURTIS. That goes back into the Treasury. These are all the claims and they have not been settled because the department had asked for the legislation. It is not right to compel these people to pay when there was a positive provision or agreement in the legislation that less than 5 bushels per acre should be considered a failure of the crop.

Mr. KING. The Government will be out nothing except the interest on the advances which it made?

Mr. CURTIS. That is all.

Mr. KING. And this $170,000 will compensate the Government for losses which it sustained because of being deprived of its money for so long a period?

Mr. CURTIS. I do not think the Government lost anything.

Mr. KING. It lost the interest on the money loaned.

Mr. SMOOT. I do not think all of those who had failures have paid.

Mr. CURTIS. Not all of them. Many were relieved, but counting out those who were relieved there is still in the fund $246,000, paid in as I have explained.

Mr. SMOOT. That is, paid into the guaranty fund?

Mr. CURTIS. Yes.

Mr. SMOOT. I think those payments have not been made as yet, but those who did pay back and thus made up the guaranty fund of $246,000 should have been relieved. Many of them have not paid and of course still owe the Government. However, that cuts no figure in this case because, as I understand it, in every case their crops were so small that they constituted a failure.

Mr. CURTIS. Yes; and they should not have been required to pay.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND FOR STREET PURPOSES IN CHICAGO.

The bill (H. R. 9021) to permit the city of Chicago to acquire real estate of the United States of America, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That in consideration of the payment by the city of Chicago to the United States of America of the just compensation and damages for the real estate hereinafter described, as ascertained by a jury in proceedings to condemn real estate of the United States of America, the city of Chicago is hereby authorized to acquire for street purposes by two separate condemnation proceedings all interests of the United States of America in and to the following-described parcels of real estate, viz:

(a) The east 17 feet of south 100 feet of north 133 feet of west 125 feet of east 158 feet of south quarter of east half of northeast quarter of section 30, township 38 north, range 14 east, of third principal meridian, in the city of Chicago, county of Cook, and State of Illinois; and

(b) The east 17 feet of (except south 149 feet of south 100 feet of north 133 feet of west 125 feet of east 158 feet) south quarter of east half of northeast quarter of section 30, township 38 north, range 14 east, of third principal meridian, in the city of Chicago, county of Cook, and State of Illinois.

SEC. 2. That the Secretary of War is hereby authorized to expend such portion of said award as in his judgment may be necessary to restore or repair Government buildings or improvements taken or damaged by reason of the taking of said parcels of real estate; and the Attorney General is hereby authorized and directed to accept service and to appear on behalf of the United States to the extent necessary to protect the interest of the United States in said proceedings: *Provided*, That in the event the amount estimated and included in the jury's award for the restoration and repair of said buildings and improvements made necessary by the taking of said parcels of real estate shall prove insufficient for said purposes the city of Chicago shall pay any difference or balance not covered by said award therefor.

SEC. 3. That this act shall be in force from and after its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 548) to place Albert Hamilton on the retired list of the United States Navy was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2718) to provide for leasing of the floating dry dock at the naval station, New Orleans, La., was announced as next in order.

Mr. CALDER. I would like to have the bill go over, as I wish to examine it carefully.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2719) to reimburse certain persons for loss of private funds while they were patients at the United States naval hospital, naval operating base, Hampton Roads, Va., was announced as next in order.

Mr. SMOOT. Let the bill be read.

The Assistant Secretary read the bill.

Mr. SMOOT. Mr. President, I should like to have the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

MASONIC MUTUAL RELIEF ASSOCIATION.

The bill (H. R. 6380) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That sections 2, 3, and 5 of an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended, be amended to read as follows:

"SEC. 2. That membership in this association shall be limited to master Masons, and that the business and objects of the society or corporation shall be to provide, maintain, and disburse a fund for the benefit of the members, their wives, widows, children, orphans, dependents, heirs, assignees, legatees, or beneficiaries, and for this purpose it shall and may be lawful for the said society or corporation to make all and every insurance appertaining to or connected with life or disability risks of whatever kind and nature; and, in addition thereto, to provide, maintain, and disburse a fund for owning, establishing, maintaining, and operating homes, hospitals, sanitariums, and any other aid or service for its members, master Masons, their wives, widows, children, orphans, dependents, or beneficiaries; and because of its fraternal organization and benevolent purposes it shall be defined and classed as a fraternal beneficial society: *Provided, however*, That upon all contracts of insurance it shall maintain a reserve fund adequate to meet all liabilities thereon, and which in case of life risks shall be not less than that computed upon the American experience table of mortality at 4 per cent interest.

"SEC. 3. That the number of directors of said association shall be at least 21, a number of whom, less than a majority, shall be elected annually by the members of the association from among themselves and shall serve for three years. In all cases of a tie vote the choice to be determined by lot, and in all other cases a plurality vote shall decide. That the annual meeting of said association shall be held on the third Tuesday in February of each year, and said directors shall, at their first meeting succeeding the annual meeting of the association, elect one of their number to be president of the board of directors, who shall also be president of the association, and shall elect one of their number as vice president, and one of their number or a member of the association as secretary of the association, and the said secretary of the association shall give bond with surety to said association in such sum as the board of directors may require for the faithful discharge of his duties; and one of their number as treasurer, who shall also give bond with surety to said association in such sum as the said board of directors may require for the faithful discharge of his trust. At all meetings of the board of directors 12 members of the board shall form a quorum. In case of any vacancy in the board of directors by death, resignation, or otherwise, such vacancy shall be filled by the remaining directors from among the members of said association for the remainder of the unexpired term.

"SEC. 5. That the said board of directors may be increased from time to time to a number not exceeding the number of grand lodges of Masons in the United States, and the said board shall be capable of taking and holding the funds, property, and effects of said corporations, which funds, property, or effects shall forever be devoted to the purpose mentioned in section 2 hereof."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDUSTRIAL DEPRESSION AND UNEMPLOYMENT.

The bill (S. 2749) to prepare for future cyclical periods of depression and unemployment by systems of public works, was announced as next in order.

Mr. KING. That bill will take some time for discussion. Its object is meritorious, but I suggest that it go over, so that we may have a little further time to consider it.

The PRESIDING OFFICER. The bill will go over.

PHILIP A. HERTZ.

Mr. CALDER. Mr. President, when the calendar was being called, the junior Senator from Utah [Mr. KING] suggested that the bill (S. 1542) for the relief of Philip A. Hertz be temporarily laid aside. I now ask unanimous consent that that bill may be considered.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that the bill named by him, which was temporarily passed over, may be now considered. Is there objection?

Mr. KING. Let the report on the bill be read.

Mr. CALDER. Mr. President, I can explain the bill. The soldier who is to be the beneficiary of this bill at 14 years of age, in 1861, enlisted as a drummer boy in a New York regiment and served two years and a half. He then reenlisted as a veteran volunteer and served for about 15 months in the ranks as a private soldier, carrying a musket. He was very badly wounded in the battle of Petersburg, and was sent to the hospital, where he remained about two months. He was then given a furlough to go home to his place of residence in New York City. There, according to the affidavit of his sister, broken in health, at 17 years of age, being a veteran of three years' service, he was confined to his home for over a year. When he recovered, the war was over and therefore he did not return to his regiment. He is now a man 78 years of age, broken in health. His family and children are exceedingly anxious that before he dies his record in the service of his country may be cleared.

It seems to me that a man who, beginning as a boy of 14 years, served three years and a half with combat troops in the Civil War, who was wounded in battle, should certainly now at 78 years of age, in the last days of his life, be accorded this consideration at the hands of the Government.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Philip A. Hertz, late of Company H, Sixty-first Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 18th day of July, 1864, but that no bounty, pay, or allowance shall be held to have accrued prior to the enactment of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RURAL HOMES.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the Secretary of the Interior, through the Reclamation Service, is authorized to investigate and determine the feasibility of developing tracts of land in private ownership, by reclamation and otherwise, for the purpose of subdividing the land and disposing of the same in farms and parcels at reasonable prices.

SEC. 2. That after the Secretary of the Interior has determined the feasibility of a project, he is authorized, through the Reclamation Service, to develop the land to such extent and dispose of the same in farms and parcels in such manner and upon such terms as to him shall be deemed most feasible and practicable.

SEC. 3. That no moneys of the United States shall be expended for any of the purposes of this act, nor shall either the investigation or development of any project be commenced or any obligation incurred therefor until a contract shall have first been made by the Secretary of the Interior with the owner or owners of the land, or a district or other organization representing such owners, providing for the payment in advance to the United States of sufficient moneys to meet the estimated cost, and thereafter of sufficient moneys to meet the actual cost of such investigation or development, and no expense shall be incurred by the Government in excess of moneys already advanced. All time given by any officer or employee of the United States on account of any such contract shall be charged against such contract. The moneys provided by every such contract shall be deposited in the Treasury of the United States as a trust fund, and shall be disbursed by a duly authorized fiscal officer of the Government under the direction of the Secretary of the Interior and in accordance with the terms of such contract.

SEC. 4. That every contract for development of a project shall provide, among other things, that the developed farms and parcels shall be sold to persons who desire to occupy the same as homes at the actual cost of the land and the development thereof plus a definite reasonable profit to the owner or owners stated in advance therein. If any landowner shall, in any such contract, reserve from disposal hereunder a farm or parcel of his lands for his own home, the same shall be subject to the payment of such construction charge as may be equitably apportioned against it on account of the development of the project. All contracts for the purchase of farms and parcels, and the proceeds therefrom, shall belong to the owner or owners of the land or their assigns.

Mr. SMOOT. Mr. President, the provisions of this bill have been discussed a number of times in the Senate. I am sure that if the bill passes the Senate and House of Representatives and shall be signed by the President, it will be of great benefit to every section of the country. I do not desire to take up any more of the time of the Senate in a discussion of the bill, for I do not think it is necessary that I shall do so.

Mr. McNARY. Mr. President, the bill as I understand is in the form of a reclamation measure without requiring the use of any governmental funds?

Mr. SMOOT. That is the object of the bill.

Mr. McNARY. It permits those who are interested in the irrigation or reclamation of lands to employ the services of the engineering department of the Government?

Mr. SMOOT. Yes; on privately owned lands.

Mr. McNARY. I have no objection to the bill; I think it is a very meritorious measure; but I wish to ask if the department has reported on the bill?

Mr. SMOOT. Former Secretaries of the Interior Lane and John Barton Payne reported in favor of the bill, as has the present Secretary, Mr. Fall.

Mr. KING. Mr. President, I shall not object to the consideration of the bill. I am not able, however, to share the views that are entertained by my esteemed friend, the senior Senator from Utah [Mr. SMOOT] relative to the measure. I believe that the bill will not operate as my friend thinks it will. In my opinion it will impose great burdens upon the Government and will result in heavy drafts being made upon the personnel of the Reclamation Service. They will be called upon to engage in activities in behalf of private corporations and private land-owning enterprises, and to that extent they will be drawn away from the work which they should perform for the Government. That will necessitate an enlargement of the personnel and add to the expenditures of the Government of the United States.

Mr. SMOOT. The cost will be paid by the parties who receive such services.

Mr. KING. Of course they will pay for the services which are rendered to them, but, as I suggested a moment ago, it is bound to increase the personnel of the service. It is obvious that if the bill is to amount to anything and private persons shall avail themselves of its provisions drafts will be made upon the personnel of the department, and as they go out to give their technical and expert services to private individuals the Government will lose their services during that period, and if the reclamation work is to go on the Government will be compelled to employ other engineers. But that is not the feature which to me is the most obnoxious. I believe that in the end it will put the Government morally behind all sorts of irrigation projects conducted by private individuals.

Mr. McNARY. Mr. President, may I interrupt the Senator at that point?

Mr. KING. I yield.

Mr. McNARY. What limitation does the Senator put upon the expression "by reclamation and otherwise"? He is speaking now of irrigation. The bill by its terms, however, seems to include the drainage of swamp lands and the reclamation of cut-over lands——

Mr. SMOOT. It does.

Mr. KING. That is true.

Mr. McNARY. Which is a very large undertaking. In the South it is estimated that there are 200,000,000 acres of swamp land, and there are 20,000,000 acres of irrigable land in the West. I will ask the senior Senator from Utah if the bill would include the improvement of the soil by fertilization—the renovation and restoration of worn-out soils?

Mr. SMOOT. The bill includes all of the swamp lands and cut-over lands of the United States held in private ownership; but if the reclamation is to take place under the terms of the bill the parties owning the land will have to pay every dollar of the expense.

I wish to say to my colleague that to-day I think there are very few reclamation projects being investigated by the Irrigation Service, and it would be a godsend to that service and to the men who are employed there if more work could be placed upon them.

I know there are about three propositions ready to be taken up under this bill just as soon as it passes, two of the projects being in California and one in the Eastern States. I think also that there are two to be taken up in the Southern States. I am sure that there are $15,000,000 at least ready to go into such projects; but the land is under the control of individual owners, and under existing law they can not very well proceed with the work of development.

I will assure the Senate that so far as any expense to the Government of the United States is concerned that is the farthest thought in my mind or in the minds of those who prepared the bill. I have talked to Mr. Davis, of the Reclamation Service, time and time again. He is heartily in favor of the measure and he sees no trouble whatever in its administration. The late Secretary of the Interior, Mr. Lane, was so enthusiastic about it that he referred to it in his annual report and called attention to what it meant to the Government and people of the United States. I think it has also been referred to by the two Secretaries of the Interior who have succeeded Mr. Lane. The only object in the world I have in pressing the legislation is that I think it will reclaim lands that can not be reclaimed in any other way.

Mr. McNARY. The thought I have in that connection is that there is a heavy burden already placed upon the Reclamation Service to care even for the feasible projects in the West which are known as irrigation projects. Has the Senator given thought to the probable enlargement of the work to be done by the Reclamation Service under bills now pending in Congress?

Mr. SMOOT. Certainly; and so has Mr. Davis.

Mr. McNARY. If some of the pending measures which would increase the work of the service should be passed by Congress, would the engineers in the service at this time be able to take care of this additional work plus all the private requests and demands that may be made upon them?

Mr. SMOOT. To my mind they would. At any rate, the only result will be that wherever there is an individual application, if the Reclamation Service have not the help to take care of it under the organization they have to-day, they will hire an additional engineer, and he will investigate in behalf of the Government and make a report.

I wish to say, Mr. President, that there are to-day pending with the Director of the Reclamation Service applications for employment by the Government from some of the best engineers in the United States. Mr. Davis not more than two months ago told me that his bureau had a list of such engineers, and that frequently when applications came in from private concerns in different parts of the country for experienced engineers the Reclamation Service took great pleasure in recommending the name of some engineer who had made application to the Government and whose name was on the list.

Mr. McNARY. Mr. President, will the Senator yield for another question?

Mr. SMOOT. Certainly.

Mr. McNARY. I assume the reason the Senator has for asking the Government to furnish such engineers is on account of their peculiar skill, but the money to pay for their services is to be paid by private parties. Is it not usual when it is desired to investigate concerning private lands for the purpose of ascertaining the feasibility of their reclamation by drainage or by the removal of stumps or what not to hire or employ private engineers?

Mr. SMOOT. Yes, Mr. President; that is one reason why private individuals can not finance such projects to-day. Some time ago I held a conference with Secretary Lane and a number of bankers of Chicago and New York interested in advancing money upon reclamation projects.

The Senator knows just as well as I know what has been the history of these projects in the past. Generally the man who has started the project and raised the first money on it never gets anything out of it. In fact, he generally loses all that he puts in; and the record shows that the project is usually transferred to other parties two or three times before it is finally a success. What the men want who in the past have put their money into these projects and are perfectly willing to do so in the future is the stamp of approval of the Government upon the project. They want to have it passed upon by a Government engineer and have that stamp of approval placed upon it.

Mr. McNARY. The Senator is speaking now, I assume, of private projects?

Mr. SMOOT. Private projects.

Mr. McNARY. Very slight losses have been sustained by the Government projects.

Mr. SMOOT. I was speaking of private projects, and I understood that the Senator referred to them.

Mr. McNARY. The Senator did not make that clear to me.

Mr. JONES of Washington. Mr. President, I should like to ask the Senator a question. The Senator says that these companies, banks, and so on, want the stamp of approval of the Government engineers. Suppose that a Government engineer approves one of these projects and says it will cost $100,000, and when they go to put it in they find that it costs $500,000. Will not these companies be likely to come to the Government and say, "Here; the Government engineer was either incompetent or his judgment was not good, and by reason of our relying upon it we have lost a lot of money. Now, then, you must make good"?

Mr. SMOOT. That question was discussed here before; and I will simply say that there is not a thing in the bill that obligates the Government in any way, shape, or form. Anybody who reads the bill can see that under its terms there can be no moral obligation whatever on the part of the Government of the United States.

Mr. JONES of Washington. I do not think there would be any moral obligation; and yet the statement of the Senator was that these people want the stamp of the Government's approval, the approval of the Government's engineers. They have not confidence in private engineers. They want the approval of the Government engineers.

Mr. SMOOT. Perhaps I went too far when I said "the approval of the Government's engineer," and yet it would be an approval in the sense that it would express his opinion that the project was likely to be a successful one. There is nothing in the bill, however, to bind the Government of the United States in any way, shape, or form. On the contrary, it specifically states that it shall not bind the Government of the United

States, and that all of the expenses shall be paid by the parties interested.

Mr. JONES of Washington. Is there a specific statement in the bill that the Government does not guarantee and will not make good any representations made by its engineers?

Mr. SMOOT. No; there is no such statement.

Mr. JONES of Washington. Does not the Senator think that there really ought to be a positive statement of that kind? We know—I think the Senator's experience in his State has been the same that we have had in ours—that the Government engineers, in estimating the cost of reclamation projects, have fallen far short of reaching a correct estimate. As a matter of fact, while I do not criticize them for it—I think it was almost impossible to reach an exact estimate—yet I know of projects in my State where the estimated cost was $40 an acre, and it has cost over $100 an acre to reclaim the land. The settlers have to pay it. Suppose that had been a private project, and the Government engineer had estimated for these bankers that it would cost $40 an acre, and they had put in their money, and after it was put in it turned out that the cost was $100 or $110 an acre. While I do not think they would have a moral claim upon the Government in a way, yet I can see their attorneys around here, and all sort of pleas made to the Claims Committee and to the different committees of Congress showing the great hardship that had been brought upon them by the poor judgment and incapacity of the Government's engineer.

Mr. SMOOT. If the Senator will read section 3 of the bill, he will find that it answers what he says.

Mr. JONES of Washington. I have not had time. The bill has just come up.

Mr. SMOOT. Section 3 reads as follows:

That no moneys of the United States shall be expended for any of the purposes of this act, nor shall either the investigation or development of any project be commenced or any obligation incurred therefor until a contract shall have first been made by the Secretary of the Interior with the owner or owners of the land, or a district or other organization representing such owners, providing for the payment in advance to the United States of sufficient moneys to meet the estimated cost—

There is the estimated cost—

and thereafter of sufficient moneys to meet the actual cost of such investigation or development, and no expense shall be incurred by the Government in excess of moneys already advanced.

Mr. JONES of Washington. Yes; that is for the investigation. With the purposes of the bill I am in hearty accord, as everyone would be, of course, and I have a great deal of confidence in the judgment of the Senator from Utah.

I am not going to object to the consideration of the bill, but I can see all sorts of possible complications for the Government, and claims for losses and damages against the Government, growing out of this measure, in addition to what seems to me to be the creation of a sort of a real estate agency out of the Secretary of the Interior.

Mr. SMOOT. I want to say further, in reference to the real object of the bill, that every Senator in the West knows that where these private reclamation projects have been put into operation the lands sold under them have been sold at such a price that it was almost impossible, and in many cases impossible, for the purchaser of the land to meet the payments and the obligations. Under this provision that can not be done; and if we are going to have any kind of reclamation in the West of privately owned lands, this is the only plan I see by which it can be done. With the conditions now existing in the South, as far as swamp lands are concerned, and in the Northwest, as far as cut-over lands are concerned, and in the arid States, where arid lands are in the hands of private individuals, it seems to me that the result of passing the bill will be greater than I can possibly think of now.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. I do.

Mr. McNARY. Following up the thought of the Senator from Washington as to the liability of the Government, moral or otherwise, in section 1 the Secretary is authorized to investigate and determine the feasibility of developing the land. In section 2, after he has determined the feasibility of the project, he is authorized to develop the land. That is going a very great way on private land—first, to determine the feasibility of the project, and second, to develop it through the agencies of the Government.

As the Senator from Washington so well knows, the judgment of engineers differs very widely. Here you are dealing with private land. Reclamation heretofore has usually been applied to public lands. I think I might as well say to the Senator from Utah that while the general purpose of the bill may be all right, I should not want to see him press the bill to-day, as I want to discuss some of its features with the Reclamation Service, with a view to formulating an enlarged plan to be offered for the consideration of Congress.

Mr. SMOOT. Of course, I shall respect the wishes of the Senator; but I am perfectly willing that he shall go down to the department and discuss the bill with the Secretary of the Interior, or Judge Finney, or Mr. Davis, of the Reclamation Service, or anyone else.

Mr. McNARY. I appreciate that. I think there are two or three matters here that might be changed, and suggestions offered in the way of amendments. If we can just pass over the bill for the present, I will see these officials in a few days.

Mr. SMOOT. I withdraw my request, Mr. President, for the consideration of the bill.

The VICE PRESIDENT. The calendar is finished.

RETIREMENT OF WOUNDED ARMY OFFICERS.

Mr. BURSUM. Mr. President, I move that the Senate take up for consideration Senate bill 1565, Order of Business 228. It is a bill with reference to relief for emergency officers.

Mr. SMOOT. Mr. President, I want to say to the Senator that that bill can not be passed to-night.

Mr. BURSUM. Why not?

Mr. SMOOT. Because I shall have a great deal to say about it if we are to take it up.

Mr. BURSUM. The bill has been on the calendar for four months.

Mr. SMOOT. It has been here longer than that.

Mr. KING. It will be here a good deal longer before the Senator gets it through the Senate.

Mr. BURSUM. Well, let us have a vote on it.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The ASSISTANT SECRETARY. A bill (S. 1565) making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty.

Mr. SMOOT. Mr. President, I want to say to the Senator that that bill can not pass to-night.

The VICE PRESIDENT. The Senator from New Mexico has moved that the Senate proceed to its consideration.

Mr. KING. That motion is open to debate, is it not?

Mr. SMOOT. Yes; it is debatable.

Mr. BURSUM. Mr. President, it seems to me that the Senate has been taking up entirely too much time in making objections to bills instead of considering them. The country is expecting some action. This is one of many bills that have been on the calendar for many months. It is a very important bill. It will require the consideration of the House if it should pass the Senate. It affects our disabled soldiers. Nearly all of us have publicly said that we are in favor of doing anything we can to help the disabled soldiers. Here is an opportunity.

Mr. SMOOT. I think we are doing it. We have appropriated over $500,000,000 for that purpose, and if any disabled soldier wants any more help, I am perfectly willing to vote to give him the help; but I am not going, if I can help it, to load up the retired list with men who will be taken care of as long they live outside of what we appropriate for them.

Mr. BURSUM. Why not? If a man has served his country on the field of battle and has met the same hazards as those of the Regular Army, why should he not be entitled to the same privileges, the same rights, and the same pensions?

Mr. SMOOT. I have not heard the Senator utter one word about the same class of men who were in the Civil War, and we can not even get pensions for them here. If we are going now to begin to treat the officers of the World War——

Mr. BURSUM. We might include all of the officers of the Civil War, and it would not very seriously affect this country.

Mr. CURTIS. Mr. President, in view of the lateness of the hour, and the fact that we want an executive session and an early adjournment to-night, may I ask the Senator if he will not withdraw his motion and bring up the bill at some other time?

Mr. BURSUM. I withdraw the motion with the understanding that I will renew it to-morrow morning.

Mr. CURTIS. The Senator can do that, if he wants to, of course.

The VICE PRESIDENT. The motion is withdrawn.

Mr. CURTIS obtained the floor.

Mr. HEFLIN. Mr. President, I should like to address the Senate briefly.

Mr. CURTIS. The Senator from Alabama has told me that he wants 5 or 10 minutes. I yield to him for that purpose.

MICHIGAN SENATORIAL ELECTION.

Mr. HEFLIN. Mr. President, some time ago I called the attention of the Senate to the fact that in 1904 Truman H. Newberry was a candidate against the present Secretary of the Navy for the Republican nomination for the lower House of Congress. The New York World, editorially in speaking of that campaign, said:

Once before Truman H. Newberry sought political office at the hands of the Republican voters. He was a candidate in the primaries for the Republican nomination for Congress in 1904 against Edwin Denby, the present Secretary of the Navy, and at the time the Detroit newspapers abounded in charges against him of making a boodle campaign. In 1904 and 1918 there was shown the same Newberry theory of politics. The only difference is that in 1904 he was beaten in the primaries, while in 1918 he had a majority in a campaign where the weight of money won.

The Senate as a body has still to give its answer, not in the name merely of a Republican majority interested in shielding a fellow Republican but as the United States Senate sitting in judgment on Truman H. Newberry, of Michigan, whose promotion to the Senate cost $250,000 and who escaped imprisonment for corrupt practices only because of a decision of the United States Supreme Court turning on a technical point.

Mr. President, some of the Senators on the other side, defending Mr. Newberry's course, and who expect to vote to give him voice and vote in this body, said that he was compelled to expend this large sum of money; that Henry Ford was the candidate against him, and because Ford was expending a great deal of money, he was compelled to expend a great deal.

That charge will not hold water. A Republican Senate committee itself acknowledges that those in charge of the Newberry case have withdrawn all charges against Henry Ford of using money lavishly in his campaign, so the charges are wiped out, and there is not a scintilla of testimony to the effect that Ford used any money unlawfully in his campaign.

Senators urge that Mr. Newberry was forced to expend money because of the situation I have described. I read this editorial in the New York World of January 1 to show that Truman H. Newberry has been a boodle campaigner since he first entered politics in 1904. He was defeated by Mr. Denby, the present Secretary of the Navy, with whom I had the honor to serve in the House, and as far back as 1904 he made a boodle campaign against Mr. Denby, the present Secretary of the Navy. According to the newspapers of Michigan he sought to buy the congressional nomination in 1904, and I want Senators on the other side, when they come to discuss this case, to bear in mind the facts I am now reciting, and I am speaking to-day for that purpose. I want them to explain, if they can, just why they are defending the title to a seat in this body of a man who undertook when he first entered politics to buy a seat in the other branch of Congress.

Mr. JONES of New Mexico. In referring to the expenditures by Mr. Ford, the Senator said there was no allegation here that he had spent money lavishly. I should like to ask the Senator if there is any evidence in this record that he spent any money at all?

Mr. HEFLIN. None at all.

Mr. JONES of New Mexico. My information is that it is the fact that he not only did not spend money lavishly but he did not spend any.

Mr. HEFLIN. He did not spend any at all.

Mr. JONES of New Mexico. I thought that ought to be made clear, because the Senator used the word "lavishly," which would rather infer that he had spent some. The word "lavishly" being a relative term, I thought it ought to be brought out that so far as this record shows, and so far as the information obtainable goes, he not only did not spend it lavishly but he did not spend any.

Mr. HEFLIN. I thank my friend for his suggestion. That is the fact in the case.

The New York World produced, in its issue of January 1, headlines from Michigan papers of 1904, and I read them for the purpose of placing them in the RECORD before Senators who are going to dare defend this man's title to a seat in this body. Here is a big headline:

[Evening News, Saturday, Oct. 15, 1904.]

The barrel is now wide open.
Who wins, Denby without money or Newberry with it?
Reported that some well-known political workers have changed hearts recently. Coin plenty.

I wish Senators would remember that.

[Detroit Evening News, Oct. 14, 1904.]

Barrel opened.
It is said Newberry's campaign is to boom by it.
It is being freely talked in political circles that some one has opened a big barrel at both ends in the interest of Truman H. Newberry's candidacy for Congress, and many are beginning to wonder how to get close to it.
It is said that Newberry's friends expect to get many in line between now and Monday, and that things will loosen up generally.

Now I read from the Detroit Times:

It was on the east side of the city, especially, that the Denby-Newberry congressional fight waged the warmest. Blue and white Newberry badges were much in evidence, while the old-time political workers were seen to be mostly lined up and doing active work for him. Newberry himself was out in a big automobile loaded with cigars, boxes of which were left for the benefit of the many of the primary election boards. It is estimated that the workers stationed at the booths will cost him $3,000 in payment for their time spent in his behalf.

Mr. CARAWAY. May I ask if all of those are Republican papers?

Mr. HEFLIN. I think they are.

Mr. CARAWAY. So that is not Democratic propaganda against Senator Newberry.

Mr. HEFLIN. No, Mr. President. I read these headlines from the Michigan papers to show that this man's idea of politics is very low and immoral. I read them into this record for the purpose of having the Senate and the country know just what kind of a man the Republican administration is trying to keep in this body, and just what kind of a man the Republican Senators are going to vote for when they do vote to seat Truman H. Newberry.

Senators can not come in with the charge that Newberry was justified in spending large sums of money because Ford spent money. They have withdrawn those charges. The committee has not a scintilla of testimony to sustain such a charge. Not only have we shown by the testimony that this man had expended over $200,000 to buy a seat in this body, but that he undertook to buy a seat in the other branch of Congress in 1904, 17 years ago.

So, Mr. President, the slimy trail of the boodle serpent is over this man's pathway from the time he entered politics down to the day he bought a senatorial nomination in Michigan.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. HEFLIN. I gladly yield to my friend.

Mr. KING. Apropos of the suggestion that Mr. Newberry was compelled to pay large sums because Mr. Ford was a candidate, I call the attention of the Senator to the fact that Mr. Newberry became a candidate long before the name of Mr. Ford was suggested; that the great organization which was perfected by Mr. Newberry was perfected long before the name of Mr. Ford was suggested as a candidate for Senator; that Mr. John S. Newberry's contribution, aggregating thousands of dollars, went into the Newberry campaign long before Mr. Ford's name was suggested as a candidate for the Senate; that, finally, when Mr. Ford's name was suggested as a possible candidate for the Senate, the record shows that neither Mr. King, the manager of Mr. Newberry, nor Mr. Newberry himself, regarded Mr. Ford's candidacy with any apprehension.

Their efforts were directed against Gov. Osborn, Mr. Streeter, and one other candidate whose name just escapes me, all of whom were Republicans, because it was anticipated that those men, or at least one of them, would possibly get the nomination. Mr. Osborn was a man well known. He had been governor. Mr. Warner had been a governor upon two occasions, and he was a candidate.

Mr. HEFLIN. He was three times elected governor, I think.

Mr. KING. These Republican candidates for the nomination were the ones against whom the efforts of Mr. Newberry were primarily directed. Mr. Ford never excited the slightest fear in the minds of Mr. Newberry and his managers.

Mr. HEFLIN. I thank my friend for his suggestion. He is entirely right.

Mr. SPENCER. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Missouri?

Mr. HEFLIN. I yield just for a brief interruption, because I do not want to speak at length.

Mr. SPENCER. I do not know that the Senator cares to know, but the paper from which he has read as a Republican paper is a Democratic paper, in whose estimation no epithet is too low if it is applied to a Republican. That is on a par with many of the other statements which have been made, but so far as the accuracy of that one is concerned, the Senator is entirely mistaken.

Mr. HEFLIN. Does the Senator say the Detroit Times is not a Republican paper?

Mr. SPENCER. The Senator was reading from the Detroit News, was he not?

Mr. HEFLIN. I was reading from both. Which one is the Republican paper?

Mr. SPENCER. The Democratic paper is the Detroit News.

Mr. HEFLIN. Which one is the Republican paper?

Mr. SPENCER. The Detroit News is the one I heard the Senator read from.

Mr. HEFLIN. I read from the Detroit Times also.

Mr. SPENCER. Is the Detroit Times a Republican paper?

Mr. HEFLIN. I think so. I do not know about either one of them.

Mr. SMOOT. It is an independent paper.

Mr. SPENCER. I understood the Senator to say they were Republican.

Mr. HEFLIN. I said I thought they were.

Mr. SMOOT. They are not.

Mr. HEFLIN. Whether they were Democratic papers or Republican papers, I am making the point that in 1904 this man's conduct was such in a Republican primary that the papers in his State cried out against it and denounced it as a boodle campaign. I do not care whether they were Democratic papers or Republican papers, it shows just what this man's idea of politics was, and how he was willing to achieve office, how he was willing to promote and satisfy his ambition by undertaking to buy the Republican nomination, and these papers say that he opened the barrel at both ends and that his friends expected to have many changes over to him in a very short time. That meant changes from Denby to Newberry because of Newberry's money.

Now, a moment in regard to ex-Gov. Osborn. Mr. Newberry's letters to Paul King for weeks never referred to Ford. They were leveled entirely at ex-Gov. Osborn. Ex-Gov. Osborn was the man he was afraid of in the primary, a Republican ex-governor of his own State, and Henry Ford was not thought of. He even wrote Paul King that he knew that Osborn's financial condition was bad, and that his funds were about exhausted, or words to that effect. It was Osborn, not Ford, he was afraid of, and all this stuff which Senators are undertaking to inject into this fight in favor of the man who bought this seat in this body is all poppycock. It is utterly ridiculous.

Instead of my good friend, the Senator from Missouri, saying that this is a Republican paper or that a Democratic paper, I want him to deny whether these statements are true or not. Did Truman H. Newberry undertake to buy the nomination for Congress against Mr. Denby in 1904? I have referred to this matter before. I ask the Senator, did Newberry in 1904 undertake to secure his nomination by the lavish use of money in a primary against Mr. Denby, the present Secretary of the Navy?

Mr. SPENCER. I am absolutely safe in denying it in toto, and the Senator from Alabama is also mistaken in saying that the Times is a Republican paper. Every statement the Senator has made that I have heard is based upon a mistake.

Mr. HEFLIN. Mr. President, my good friend impresses me that he does not know anything about what he said to me. How did he get this information? He has not talked to anybody from Michigan. He has talked only to the Senator from Utah [Mr. SMOOT] and one or two others over there.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. HEFLIN. I yield.

Mr. SMOOT. The Senator from Utah has talked to somebody from Michigan. The Senator from Utah did not say anything to the Senator from Missouri [Mr. SPENCER] at all that he did not know to be correct. I am surprised that a Senator of the United States should stand upon the floor of the Senate day after day and condemn a man on account of what appears in newspapers. What would the Senator from Alabama do if the American people were to judge him by what the newspapers said of him?

Mr. HEFLIN. I would get up here and denounce them if they said untruthful things about me. I would denounce them as I have done once or twice. Why do you not denounce these things, those of you who are going to support Mr. Newberry?

Mr. SMOOT. There would not be anything else done in this body if we all spoke as often as the Senator from Alabama. So far as I am concerned, I have not given any time or attention to this matter, and I do not know exactly what the Senator has said in relation to it. I have been attending important committee meetings; I have been compelled to attend them; but I have dropped into the Senate Chamber often enough to hear the Senator repeat and repeat the same old story based upon newspaper reports. Does the Senator think I would ever have had a seat in this body if Senators had acted upon newspaper reports?

Mr. HEFLIN. Oh, Mr. President, the Senator from Utah can not get away from the things that I am reading from Michigan newspapers, for they tell us precisely just what Truman H. Newberry was and is in the congressional politics of the United States.

Mr. SMOOT. The Senator can get away from the statement that the Senator from Alabama made that the Detroit News is a Republican paper.

Mr. HEFLIN. I said I thought it was.

Mr. SMOOT. Oh, the Senator thinks almost everything that will in any way, shape, or form cast a reflection upon Mr. Newberry.

Mr. HEFLIN. Not at all.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. HEFLIN. In just a moment. I would be this way against a Democrat under similar circumstances. A Democrat was turned out of this Chamber a few years ago, and I indorsed it. A Republican was turned out a little later, and I indorsed that. I try to be an American patriot above any and every thing else, and I am going to din this into Senators' ears until the final vote is cast. I know they do not like to hear it; I am sure of that.

They just get up and undertake to brush aside the proposition that Newberry sought to buy a seat in Congress in 1904. The newspapers of Michigan started it, and nobody has ever denied it that I know anything about. Yet the Senator from Utah gets up and says, "Does the Senator from Alabama believe everything he reads in the newspapers?" I am making a specific charge from newspapers published in Michigan, whether they be Democratic or Republican. Does anybody think they would have come out and taken sides with Denby, a Republican, against Newberry, another Republican, unless they had something to base the story upon? If they were Democratic papers, why should they be against Newberry and in favor of Denby, both Republicans, unless they were trying to help nominate an honest man and one who did not believe in the buying of seats in Congress? They are to be commended for the stand they took.

I yield now to my friend from Mississippi.

Mr. HARRISON. If I understood the Senator from Utah, he said the Detroit News is a Democratic newspaper.

Mr. SMOOT. I did.

Mr. HARRISON. The Detroit News is a great progressive, independent newspaper, the largest in the State of Michigan. The editor is a Mr. Pipp, who is a Republican or Progressive leader, and was succeeded by a Mr. Miller, who has supported the Republican ticket and was a great follower of Theodore Roosevelt.

Mr. SMOOT. A good many Democratic newspapers supported Theodore Roosevelt, and the Senator knows very well that the Detroit News has fought the Republican Party in the State of Michigan for years and years.

Mr. HARRISON. It ought to have fought it for years and years, because it is a progressive, independent newspaper.

Mr. SMOOT. No; it is not a progressive, independent newspaper. It is a Democratic paper. The Times is supposed to be a progressive, independent newspaper.

Mr. HARRISON. The Democratic Party will welcome it into its fold all right, like a great many others that once supported the Republican ticket. They are coming over all the time.

Mr. SMOOT. I will say to the Senator from Mississippi that I never expected to say a word with reference to this matter until the Senator from Alabama referred to the Senator from Utah.

Mr. HEFLIN. The Senator from Alabama did not refer to the Senator from Utah until he heard the Senator from Utah whispering loudly to the Senator from Missouri.

Mr. SMOOT. I was telling the Senator from Missouri just exactly what is the fact.

Mr. SPENCER. Mr. President, by courtesy of the Senator from Alabama, may I ask the Senator from Mississippi whether he does not know at least, whatever he may think the politics of the Detroit News is, that from the beginning of the campaign of 1918 until its close it was bitter and vindictive and vicious in its opposition to Truman H. Newberry?

Mr. HARRISON. Of course, and the fair-minded and honest and just Republicans throughout the State were against Truman H. Newberry, and a jury of Republicans impaneled in the State of Michigan were against him.

Mr. SPENCER. How then, if that be true, does the Senator from Mississippi account for the fact that in the election, the fairness of which is not even questioned in this body, the junior Senator from Michigan, Mr. Newberry, received such a large majority in that State?

Mr. HARRISON. That is what we are trying him here for; we are trying him for corrupting the electorate of that State.

Mr. SPENCER. There is not a charge that there was any corruption or fraud of any kind in the general election.

Mr. HEFLIN. Mr. President, I can not yield for speeches by Senators, because I wish to conclude.

There were curious doings in some places in the general election and he bought the nomination to a seat in the Senate. There is a charge, and a proven charge, that he obtained the nomination for the Senate in the primaries by the lavish and unlawful use of money, and the Senate, in its resolution instructing the committee to investigate this case, ordered an investigation of the primaries in connection with the general election. No honest man can deny that if he corruptly obtained the nomination which was necessary to get him elected, his title to a seat in this body ought not to be granted. That is what I am talking about.

Before I sit down I wish to read Mr. Truman H. Newberry's statement. This is what he signed just after the primary:

I have taken no part in it whatever, and no contributions or expenditures have been made with my knowledge and consent. I have read a general published statement of Paul King—

That was his manager—

concerning expenditures made by a voluntary committee of my friends, but these were made without my knowledge or consent.

Mr. President, I wish to ask Mr. Newberry some questions. "You say you had no part in this whatever?" "Yes." "Did you talk to Paul King when you employed him to be your manager?" "Yes." "Did not he tell you it would cost you $50,000 to get that nomination?" "Yes." "Did not you employ him as your manager?" "Yes." "Well, did not they spend over $200,000, and did not your friends admit that they expended that much in your behalf?" "Yes." "You say you had nothing to do with it whatever?" "Nothing." "Did not you write Paul King to keep the publicity going at full pressure?" "Yes." "Did not you write that Osborn's finances were about exhausted?" "Yes." "Did not you ask him how he liked your evasive answer on a certain proposition?" "Yes." "Did not you thank him for what he had done in your behalf?" "Yes." "And yet you swear before God and the country that you had nothing whatever to do with it?" "Well?" "Did you read Fred Smith's testimony?" "Yes." "Is not he your confidential agent?" "Yes." "Did not he swear he checked on your money and your brother's money, which was in a joint fund, and that that money went into Michigan and worked in the primaries?" "Yes." "Then, who told the truth, Fred Smith, your confidential agent, or yourself?"

Mr. President, in conclusion let me say that the papers state that Mr. Newberry talks about coming here and reading a prepared statement. I want the opportunity to ask him some questions. I know of others on both sides of the Chamber who want to ask him some questions. If he will not permit the questions to be asked him, I want him to sit down in this body and hear those questions read and discussed in his presence.

I know the Senator from Utah [Mr. SMOOT] and others are tired of hearing me din these facts into their ears. I know the program was fixed up over there long ago to seat Newberry——

Mr. SMOOT. I have no program.

Mr. HEFLIN. I do not know whether you are going to seat him or not. There are several Republican Senators who have been looking into the testimony, and I make bold to say that if any Republican Senator will read the testimony in this case he will vote against Newberry. So, now, Senators, let us keep in mind that he expended money lavishly against Mr. Denby, the Secretary of the Navy, 17 years ago, and that he expended money lavishly against a Republican ex-governor of Michigan who, when he was defeated, wrote Mr. Newberry, "If you deny that you knew of this vast expenditure, you are a liar and an ass."

Senators, remember that when you come to vote to seat this man—yes; I know I am annoying you, but I owe something to my oath of office. I owe something to the masses, the millions in this country of men and women who believe that this sacred legislative institution belongs to the people. I owe something to that vast multitude of people who believe that those who make the laws of the country should be elected by the free and untrammeled vote of the American people. I owe something to those who believe that senatorial campaigns should be kept free from the corrupt use of money and that the honor and integrity of the Senate should be preserved inviolate.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 32 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 6, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 5, 1922.

COMMISSIONER OF IMMIGRATION.

John P. Johnson, of Massachusetts, to be commissioner of immigration at the port of Boston, Mass..

POSTMASTERS.

ALABAMA.

Louis D. Hicks to be postmaster at Autaugaville, Ala. Office became presidential April 1, 1921.

Harry L. Jones to be postmaster at Bay Minette, Ala., in place of J. C. Burns, removed.

George H. Reilly to be postmaster at Muscle Shoals, Ala., in place of H. R. Cohen, removed.

William B. Sasser to be postmaster at Opp, Ala., in place of Clarence Byrd, resigned.

Alice Booth to be postmaster at Prattville, Ala., in place of J. W. Barnes. Incumbent's commission expired July 23, 1921.

George W. Graves to be postmaster at Russellville, Ala., in place of A. G. Wilson, resigned.

James B. Washington to be postmaster at Tuskegee Institute, Ala., in place of J. B. Washington. Incumbent's commission expired January 11, 1914.

ALASKA.

D. W. Stoddard to be postmaster at Anchorage, Alaska, in place of Everett McPhee. Incumbent's commission expires January 24, 1922.

ARKANSAS.

Joe Mitchell to be postmaster at Danville, Ark., in place of T. L. Pound. Incumbent's commission expired August 6, 1921.

Charley V. B. Harley to be postmaster at Paris, Ark., in place of G. G. Dandridge. Incumbent's commission expired October 4, 1921.

CALIFORNIA.

Ethel R. Costello to be postmaster at Acampo, Calif. Office became presidential January 1, 1921.

Joseph N. Hollis to be postmaster at Gridley, Calif., in place of D. B. Robb. Incumbent's commission expired December 20, 1920.

Carey W. Mathews to be postmaster at Reedley, Calif., in place of F. S. Knauer, resigned.

CONNECTICUT.

William E. Gates to be postmaster at Glastonbury, Conn., in place of H. W. Potter. Incumbent's commission expired July 21, 1921.

FLORIDA.

Newell B. Hull to be postmaster at Starke, Fla., in place of J. W. Alvariz. Incumbent's commission expired August 1, 1921.

GEORGIA.

Rem B. Edwards to be postmaster at Crawfordville, Ga., in place of M. E. Gorham, resigned.

Kate Harris to be postmaster at Leesburg, Ga., in place of Kate Harris. Incumbent's commission expired January 31, 1921.

Hillyer Rudisill to be postmaster at Macon, Ga., in place of Custis Nottingham, resigned.

IDAHO.

Christian Schwendiman to be postmaster at Sugar, Idaho, in place of D. R. Harris. Incumbent's commission expired October 3, 1921.

ILLINOIS.

May B. Ellis to be postmaster at Melvin, Ill., in place of W. J. McKenna. Incumbent's commission expired August 7, 1921.

Joseph B. Frisbie to be postmaster at Mendon, Ill., in place of C. A. Fletcher. Incumbent's commission expired August 7, 1921.

INDIANA.

Lee R. Roberts to be postmaster at Dillsboro, Ind., in place of Orris Hooper, sr., resigned.

Elmer L. McKnight to be postmaster at Fowler, Ind., in place of Theodore Hoss, resigned.

Joseph T. Nighbert to be postmaster at Hanover, Ind., in place of R. P. Sutherland, resigned.

IOWA.

Edward F. Glau to be postmaster at Charter Oak, Iowa, in place of E. F. Glau. Incumbent's commission expired August 7, 1921.

Ralph H. Halloway to be postmaster at Churdan, Iowa, in place of Julia Connelly. Incumbent's commission expired April 24, 1921.

Alfred Wright to be postmaster at Denison, Iowa, in place of J. T. Carey. Incumbent's commission expired January 30, 1921.

Carrie H. Randall to be postmaster at Epworth, Iowa, in place of C. H. Randall, removed.

Eva Keith to be postmaster at Goldfield, Iowa, in place of Eva Keith. Incumbent's commission expired August 7, 1921.

Charles H. Howe to be postmaster at Janesville, Iowa, in place of C. H. Howe, resigned.

Carl G. Austin to be postmaster at Lineville, Iowa, in place of C. K. Coontz. Incumbent's commission expired August 7, 1921.

Emily L. Gibson to be postmaster at Reinbeck, Iowa, in place of A. M. Robinson, resigned.

Ross G. Hauser to be postmaster at Union, Iowa, in place of H. L. Cartwright. Incumbent's commission expired August 7, 1920.

Edna J. Sturdivant to be postmaster at Wesley, Iowa, in place of W. W. Finn. Incumbent's commission expired August 7, 1921.

KANSAS.

Mamie B. Stanard to be postmaster at Sublette, Kans. Office became presidential July 1, 1921.

Mary C. Carroll to be postmaster at Conway Springs, Kans., in place of E. L. Pepper, resigned.

Clarence E. Sells to be postmaster at Effingham, Kans., in place of Edward Corrigan. Incumbent's commission expired July 23, 1921.

Albert B. Ewing to be postmaster at Eldorado, Kans., in place of T. P. Mannion, removed.

Daisy T. Tilzey to be postmaster at Lucas, Kans., in place of E. L. Hoopman. Incumbent's commission expired July 23, 1921.

John A. Coffman to be postmaster at Sedgwick, Kans., in place of A. L. Tear. Incumbent's commission expired June 27, 1920.

Eva M. Baird to be postmaster at Spearville, Kans., in place of E. C. McDermott. Incumbent's commission expired July 23, 1921.

LOUISIANA.

Jay T. Boone to be postmaster at Boyce, La., in place of F. A. Stuckey, resigned.

Angus O. Ott to be postmaster at Kentwood, La., in place of J. H. Womack, resigned.

MAINE.

Fremont A. Hunton to be postmaster at Readfield, Me. Office became presidential October 1, 1920.

Clifford J. Sharp to be postmaster at Monticello, Me. Office became presidential July 1, 1920.

Charles H. Bussell to be postmaster at Pittsfield, Me., in place of S. H. Frost. Incumbent's commission expired July 23, 1921.

MARYLAND.

Herbert C. Leighton to be postmaster at Mountain Lake Park, Md., in place of C. J. Rathbun. Incumbent's commission expired August 7, 1921.

MASSACHUSETTS.

John H. Pratt to be postmaster at Natick, Mass., in place of J. A. Mahan. Incumbent's commission expired January 3, 1921.

MICHIGAN.

Frank T. Jackson to be postmaster at Marysville, Mich. Office became presidential October 1, 1920.

J. Harry Wright to be postmaster at Sherwood, Mich. Office became presidential January 1, 1921.

Victor L. Hardes to be postmaster at Trout Creek, Mich. Office became presidential July 1, 1921.

Charles T. Lockwood to be postmaster at Portland, Mich., in place of A. L. Francis, resigned.

Augustus D. Thorp to be postmaster at Sand Lake, Mich., in place of G. E. Goul. Incumbent's commission expired March 16, 1921.

MINNESOTA.

Margaret M. Briggs to be postmaster at Princeton, Minn., in place of M. M. Briggs. Incumbent's commission expired July 11, 1920.

MISSOURI.

Milton Wilhelm to be postmaster at Seligman, Mo., in place of B. P. Northcutt. Incumbent's commission expired March 16, 1921.

John S. Dickey to be postmaster at Sugar Creek, Mo., in place of J. B. Todd. Incumbent's commission expired January 18, 1921.

MONTANA.

Pearl E. Winfield to be postmaster at Jordan, Mont., in place of D. C. Ayer, resigned.

NEBRASKA.

William J. Stilgebouer to be postmaster at Danbury, Nebr. Office became presidential July 1, 1921.

Gertrude M. Best to be postmaster at Dakota City, Nebr., in place of M. A. Schmied. Incumbent's commission expired August 6, 1921.

Joseph B. Hines to be postmaster at Wahoo, Nebr., in place of N. J. Ludi. Incumbent's commission expired January 5, 1920.

NEVADA.

Lucy A. Gates to be postmaster at Eureka, Nev., in place of Laura Hoegh, resigned.

NEW JERSEY.

LeRoy Sofield to be postmaster at Avon by the Sea, N. J., in place of W. C. Snyder. Incumbent's commission expired March 16, 1921.

NEW MEXICO.

Mary C. DuBois to be postmaster at Corona, N. Mex. Office became presidential July 1, 1920.

NEW YORK.

William M. Pinney to be postmaster at Arcade, N. Y., in place of E. D. Parker. Incumbent's commission expired March 22, 1920.

Fred M. Sealey to be postmaster at Hempstead, N. Y., in place of F. J. Mulgannon, resigned.

Fred F. Hawley to be postmaster at Lake George, N. Y., in place of F. G. Worden. Incumbent's commission expired April 27, 1920.

NORTH CAROLINA.

James L. Davenport to be postmaster at Jamesville, N. C. Office became presidential January 1, 1921.

Lindsay H. Michael to be postmaster at Weaverville, N. C., in place of Kate Reagan. Incumbent's commission expired July 21, 1921.

NORTH DAKOTA.

Thaddeus C. Michael to be postmaster at Willow City, N. Dak., in place of John Robertson. Incumbent's commission expired July 21, 1921.

OHIO.

Harold C. Rogers to be postmaster at Caledonia, Ohio. Office became presidential October 1, 1920.

PENNSYLVANIA.

Harry L. Koons to be postmaster at East Pittsburgh, Pa., in place of W. C. Harvey, resigned.

Jefferson B. Hershey to be postmaster at McKeesport, Pa., in place of F. W. McFadden. Incumbent's commission expired January 18, 1920.

Fred W. Nelson to be postmaster at Clifton, Tex., in place of W. H. Cooper. Incumbent's commission expired January 19, 1920.

TENNESSEE.

Emmett V. Foster to be postmaster at Culleoka, Tenn. Office became presidential January 1, 1921.

TEXAS.

Fred W. Nelson to be postmaster at Clifton, Tex., in place of J. N. Fallis, resigned.

Ova L. McCown to be postmaster at Grand View, Tex., in place of T. H. Haynie, resigned.

WASHINGTON.

Hugh Eldridge to be postmaster at Bellingham, Wash., in place of G. H. Watrous, deceased.

WISCONSIN.

Laura K. Reingruber to be postmaster at South Germantown, Wis. Office became presidential April 1, 1921.

Felix A. Roeseler to be postmaster at Hustisford, Wis., in place of F. A. Roeseler. Incumbent's commission expired March 16, 1921.

Charles A. Smart to be postmaster at Wild Rose, Wis., in place of F. M. Patterson, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 5, 1922.

POSTMASTERS.

CALIFORNIA.

Fred R. Howe, Santa Cruz.

IDAHO.

Albert M. Reynolds, White Bird.

INDIANA.

Albert L. Fouts, Denver.
Elmer E. McCarter, Pierceton.

KANSAS.

Harry B. Price, Cherokee.
Ruth Satterthwaite, Douglass.
Frederick N. Coulson, Harper.
George P. Plotner, Scandia.
Ethel D. Robb, Treece.

MICHIGAN.

Platt A. Mumaw, Marshall.

NEW JERSEY.

Charles H. Matthews, Hudson Heights.

NEW YORK.

William W. Hendryx, Avoca.
Rupert M. Gates, Bolton Landing.
Frederick M. Avery, Cold Water.
Eugene W. Lothian, Cranberry Lake.
Louis H. Buck, Dannemora.
Eva C. Sager, Frewsburg.
George D. Ackerson, Gasport.
Edson J. Halbert, Hornell.
William C. Calkins, Houghton.
Solomon Feinberg, Lake Placid.
Harold E. Sargent, Liverpool.
George A. Hardy, Philadelphia.
Charles H. Ackerley, Round Lake.
William R. Ryan, Shushan.
Manley S. Mack, Springwater.
William R. Crawford, Warsaw.

NORTH CAROLINA.

Carlie A. Guy, Angier.
Wesley L. Norman, Banners Elk.
Amelia B. Stepp, Black Mountain.
Fannie Fields, Boardman.
Sallie F. Troy, Bolton.
James E. Kellis, Candor.
Henry B. Head, Caroleen.
Thomas E. Harwell, Catawba.
Sion H. Rogers, Clarkton.
Alexander R. Duncan, Clayton.
John H. Hobson, Cleveland.
Adrian K. Parker, Clinton.
David W. Alexander, Connellys Springs.
Claude C. Tillman, Dover.
Thad G. Tucker, Elk Park.
Walter Hogan, Ellerbe.
Chester A. Hughes, Elon College.
Roscoe C. Chandley, Greensboro.
Nancy E. Bullard, Haw River.
Reuben H. Staton, Hendersonville.
Joshua P. Jessup, Hertford.
Hannah J. Pate, Hope Mills.
Abram W. Titman, Lowell.
Joseph E. Taylor, Lucama.
Lula G. Harris, Macon.
Sallie K. Wilkins, Magnolia.
Fred Herrin, Mount Pleasant.
Elijah F. Pearce, Princeton.
George H. Hodgin, Ramseur.
Albert Z. Jarman, Richlands.
Eli D. Byrd, Ronda.
Robert L. Burgin, Sunburst.
William E. Linney, Wilkesboro.
John T. Benbow, Winston-Salem.
William E. Rutledge, Yadkinville.

OKLAHOMA.

James S. Shanks, Wynona.

PENNSYLVANIA.

Fred Ungard, Allenwood.
Harvey E. Brinley, Birdsboro.
Joseph E. Lohr, Central City.
H. L. Levy, Daisytown.
Harvey B. Sinsley, Denbo.
Bernhard Ostrolenk, Farm School.
Marion Rosbach, Forksville.
William J. Patton, Greencastle.
Permelia H. Young, Jefferson.
Ellen M. Brown, Kelton.
Franklin T. Dindinger, Monaca.
Thomas H. Kelley, Moores.
Charles H. Welch, Mount Union.
Myles D. Hippensteel, Nescopeck.
Frank B. Wythe, Philipsburg.
Ulysses Breisch, Ringtown.
Dorsey L. Barnett, Robertsdale.
Jessie R. Wilson, St. Benedict.
William A. Pentz, Scotland.
Hugh A. Feeley, Silver Creek.
Ira L. Humes, Tarentum.
John A. Stevens, Three Springs.
Pearson H. Hinterleiter, Topton.

WASHINGTON.

Rollie K. Waggoner, Bickleton.
James B. Morford, Poulsbo.

WEST VIRGINIA.

Mabel W. McCoy, Glen Jean.
William H. Nicholson, Manayka.
Joshua E. Buckley, Marlinton.
Clifton M. Spangler, Peterstown.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 5, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our God and our Father, we can not struggle up to Thee, but Thou dost reach down to us and will lift us back to the place from which we came. For the ocean depths of Thy love we thank Thee. Continue the blessing of Thy fatherly benediction upon us. O Spirit of God, flow through our deeds and make them pure. Give us a fuller measure of self-control, that we may guard wisely our thoughts, our words, and our actions. Persuade us that what we give is more blessed than what we receive. Herein is an achievement for the soul which is big with destiny and abounding in immortal hope. O hear our prayer and encourage us to keep the zest of life and a passion for all good things. Be with us until our last tear falls into the river of heavenly joy. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask unanimous consent on behalf of my colleague, Mr. SHAW, of Illinois, who is detained at home on account of the illness of his wife, to extend and revise his remarks on the antilynching bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

The SPEAKER. The Chair asks unanimous consent to change the reference of the bill (H. R. 9446) to incorporate the American Institute of Accountants, from the Committee on the District of Columbia to the Committee on the Judiciary. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2356. An act for the relief of Clarence L. Reames;

S. 943. An act for the relief of John Lyons; and

S. 2138. An act providing that the Government property known as the St. Francis Barracks at St. Augustine, Fla., be donated to the State of Florida for military purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2138. An act providing that the Government property known as the St. Francis Barracks at St. Augustine, Fla., be

donated to the State of Florida for military purposes; to the Committee on Military Affairs.

S. 2356. An act for the relief of Clarence L. Reames; to the Committee on Claims.

S. 943. An act for the relief of John Lyons; to the Committee on Military Affairs.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 6998. An act to amend section 17 of an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, as amended by the acts of February 5, 1903, and March 2, 1917.

APPROPRIATIONS FOR TREASURY DEPARTMENT, FISCAL YEAR 1923.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9724) making appropriations for the Treasury Department.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9724.

Mr. MADDEN. Mr. Speaker, pending that, I would like to ask the gentleman from Tennessee [Mr. BYRNS] how much general debate he thinks we ought to have?

Mr. BYRNS of Tennessee. Since I talked to the gentleman I have had additional requests. I am wondering if the gentleman is willing to get along with two hours and a half on a side?

Mr. MADDEN. I think we ought to get along with about four hours.

Mr. BYRNS of Tennessee. I think there is a possibility of getting along with that amount of time.

Mr. MADDEN. I hope the gentleman will be able to agree on four hours.

Mr. BYRNS of Tennessee. I think, in view of the requests I have, I will not object.

Mr. MADDEN. I ask unanimous consent, Mr. Speaker, that the general debate continue for four hours, half of the time to be controlled by the gentleman from Tennessee [Mr. BYRNS] and half by myself.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the general debate continue for four hours, half of the time to be controlled by himself and half by the gentleman from Tennessee [Mr. BYRNS]. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, is it the thought of the gentleman to have the bill read to any great extent under the five-minute rule to-day?

Mr. MADDEN. Only to start it; that is all.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on the motion of the gentleman from Illinois that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9724, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Illinois [Mr. MADDEN] is recognized. [Applause.]

Mr. MADDEN. Mr. Chairman, I wish first to express my very cordial thanks to every member of the Committee on Appropriations for the very able assistance they have rendered in connection with the reorganization work devolving upon the committee under the new budget act. I want also to express my cordial thanks to the ablest clerk that ever presided over any work anywhere, Mr. Sheild, the clerk of the committee [applause], and to the assistant clerks of the committee. They have not known hours; no day has been too long; no work too hard. They have done their work cheerfully and done it well. They have devoted all their time during the Christmas holidays, nights, week days, and Sundays, and have had no time off. The members of the committee have labored during this recess. There has been no politics in the committee. Democrats and Republicans alike have joined in every particle of work that has had to be done to make this proposition a success.

Mr. Chairman, this bill comes as the first bill under the new budget act. The act requires the President of the United States to submit what is known as an alternative budget. That created the necessity for the reorganization of all the subcommittees of the Appropriations Committee, and it brought about the elimination of a great many bills through which appropriations were reported to the House in days gone by. The bills that are now to be brought before the Congress for consideration deal with departmental activities direct. The purpose of the reorganization was to simplify and to clarify, so that every Member of Congress and every citizen of the United States who cared to study the question could tell at once upon the completion of an act just what the appropriations are for a given department. We have taken the liberty of preparing an analysis showing in summary just what each department receives, and have carried that analysis into detail as to every department. The analysis has been placed in the hands of every Member of the House and I commend its study to the Members. I believe it will enable you to know more about the Government, about what it costs to conduct it, than you have ever been able to ascertain before. There never was a time before when any person, no matter how expert he might be, could readily tell just what the cost of a given department was, because the appropriations were carried in five or six different bills. Now, all the appropriations for a given department are carried in one bill, so that when you see the total footings under a bill you will see the total cost. I will insert at this point a statement showing how the appropriation bills are arranged:

FORMER BILLS.	PROPOSED BILLS.
1. Agricultural.	1. Agricultural Department.
2. Army.	2. Commerce and Labor Departments.
3. Diplomatic and Consular.	
4. District of Columbia.	3. District of Columbia.
5. Fortification.	4. Executive Office and independent offices, commissions, etc.
6. Indian.	
7. Legislative, executive, and judicial.	5. Interior Department.
	6. Legislative branch.
8. Navy.	7. Navy Department.
9. Pension.	8. Post Office Department.
10. Post Office.	9. State and Justice Departments.
11. River and harbor.	
12. Sundry civil.	10. Treasury Department.
13. Deficiency.	11. War Department.
	12. Deficiency.

The proposed bills will be composed of items for each department or establishment heretofore distributed in several acts as follows:

1. Agricultural: Items for that department formerly in the Agricultural and sundry civil acts.

2. Commerce and Labor: Items for those departments formerly in the sundry civil and legislative, executive, and judicial acts.

3. District of Columbia: Items formerly carried in the District of Columbia act and all other items in the sundry civil and legislative, executive, and judicial acts chargeable in part against the revenues of the District of Columbia.

4. Executive Office and independent offices: Items formerly carried for these purposes in the sundry civil and legislative, executive, and judicial acts.

5. Interior Department: Items for this department formerly carried in the sundry civil, legislative, executive, and judicial, pension, and Indian acts.

6. Legislative branch: Items for the Senate, House, joint congressional committees and commissions, Capitol police, legislative drafting service, Architect of the Capitol, Library of Congress, Botanic Garden, and Government Printing Office (exclusive of printing and binding for the executive departments), formerly in sundry civil and legislative, executive, and judicial acts.

7. Navy: Items for the Navy formerly carried in the Navy act and for the Navy Department proper, formerly in the legislative, executive, and judicial act.

8. Post Office: Items formerly carried in the Post Office act and for the Post Office Department proper formerly in the legislative, executive, and judicial act.

9. State and Justice: Items for those departments and the courts formerly carried in the sundry civil, legislative, executive, and judicial, and diplomatic and consular acts.

10. Treasury: Items for the Treasury Department formerly in the sundry civil and legislative, executive, and judicial acts.

11. War: Items for the War Department formerly in the Army, fortification, legislative, executive, and judicial, river and harbor, and sundry civil acts; the bill to be divided into two titles, namely, one title for the military activities and expenses directly related thereto and the other for the nonmilitary activities.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. GARNER. Does this information include the appropriations that are permanent and which do not have to be appropriated for each year?

Mr. MADDEN. The analysis does.

Mr. GARNER. But the total appropriations themselves would not reflect just what the expense was?

Mr. MADDEN. No.

Mr. GARNER. Is there any effort on the part of your committee to report legislation repealing these permament appropriations, so that they will have to come up hereafter each year?

Mr. MADDEN. Yes; I am going to deal with that.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes; but after that I would prefer not to yield further until I have made this statement.

Mr. BLANTON. The type of the summary is set up and is in existence, and it is a mere matter of the cost of a few pages of paper to print copies of it. Would the gentleman mind inserting these figures in his remarks, so that the people of the country could get the benefit of them?

Mr. MADDEN. I would not mind placing it there if the House cares to have it done.

Mr. BLANTON. And one question further: No matter how efficient Mr. Dawes is, or how efficient the Budget Committee is, is it not a fact that, after all, they can only recommend to the Congress, and the saving, if there is a saving, must be accomplished by Congress? Is not that the fact?

Mr. MADDEN. Yes. Of course, this summary was made by the Committee on Appropriations, not by the budget officer.

Now, I will ask the indulgence of the House to be allowed to proceed without interruption until I can outline what is contained in the pending bill.

The budget act presupposes that the Government is a great business institution. It places the responsibility upon the President to state to the Congress what his plans for a given year may be. It also places the responsibility upon the President of stating what the cost of his plans shall be. The President heretofore has never exercised any active influence, I may say, on the preparation of estimates to be submitted to Congress. The President could not ascertain the facts himself; it would be an impossibility; and so the Congress, through the budget act, gave him an instrumentality through which he might be able to ascertain the facts. That instrumentality is the Bureau of the Budget. It is charged with the responsibility of ascertaining the needs of the various departments and bureaus of the Government and estimating the cost. It is charged with the responsibility of sending for all those who are responsible for expenditures in the various departments of the Government and ascertaining from them what their needs may be. It is charged, further, with the responsibility of original research into the wisdom of the expenditure, and after investigation, to make recommendations to the President so that he may recommend to Congress what he believes to be necessary.

Up to the time of the organization of the Budget Bureau there was no such systematic effort to ascertain the needs of the Government or the cost of supplying the need. Every department head or Cabinet officer heretofore took his estimates from his bureau chiefs. The bureau chiefs prepared the original estimates. There was no revision of these estimates. They submitted them to the Cabinet officer. He seldom made changes in what the bureau chief submitted. To-day that is not the case. The bureau chiefs now submit to the Cabinet heads, and the Cabinet heads, through the departmental budget officer, revise those estimates. Then the Cabinet heads submit them to the Director of the Bureau of the Budget, who in turn makes his own personal investigation through his force to ascertain whether or not these estimates are what they ought to be. He has the power to review and reduce or increase. He has exercised it. I do not say that he has done all that may possibly be done in the future. He did not have the time or the organization. The work of the Bureau of the Budget is not as complete as it will be. It is not as complete as we expect it to be in the future. But with the organization that the director is now proposing I may say that in the future we are going to have a much more comprehensive examination of the annual estimates than we have ever had before. I can see the influence of the Budget Bureau upon the expenditures of the Government already. Many things have been kept out of the estimates that heretofore have been submitted; many things have been eliminated. As the work of the organization goes on and becomes more complete, I can see that we are going to have a very much better consideration of the financial affairs of the Government than we ever had before.

One of the plans that the Bureau of the Budget has inaugurated which is commendable and which will have a very large influence on the economy of expenditures in the various departments is the requirement of monthly statements of expenditures by the various departments showing whether or not they have exceeded their monthly allotments or the appropriations made by the Congress. When this is continued and each of the bureau chiefs and department heads realizes that he must give a monthly accounting of the state of his appropriation, they will all be much more careful not to incur deficiencies than they have ever been before.

The final responsibility, however, is on Congress. We can not and we ought not to surrender our constitutional duty. After all that the budget officer does, it remains with the Congress, through its Committees on Appropriations, to investigate every recommendation made by the budget officers.

This committee has done that to the best of its ability. We have not supposed that any recommendation made by the budget officer should be final. We can compel information which the budget officer can not get. We can put a man on the other side of the table and make him tell the story when he might not be willing to tell that story to some administrative officer whom he thinks is not much more important than he is; and to the extent that we have been able to do that we have done it religiously.

The Committee on Appropriations decided to do one thing which I think will meet with the commendation of the House. We decided in advance that we would not hear any argument from any chief of any department or any bureau in the Government for the restoration of any item that had been eliminated by the Director of the Budget, so that when the Director of the Budget makes a cut in the proposals submitted to him by the department chiefs, we take that cut as final, and we allow no man to come and argue for its restoration. We have, however, retained the right that we possess, as your spokesmen in the preparation of these bills, to go downward, not upward. In no case will you find that we have recommended in any bill that we propose for your consideration an item in excess of that recommended by the budget officer. You will find a great many items of reduction, but none of increase, and we have religiously refrained from making reductions where in the making of the reduction we know in advance that it would create a deficiency. We have adopted the policy that when we reach an item where we think a reduction ought to be made, if we have any doubt about the wisdom of making the reduction, we send for the man who has charge of the expenditure before we make the final figures, set him on the other side of the table, and take him into our confidence, calling his attention to the fact that he and we are the only people in the world who are looking after the man who is cleaning the street, laying the brick, digging the sewer, operating the plow, milking the cow, and we call his attention to the importance and necessity of visualizing the conditions that prevail throughout the country, and ask him to cooperate with us in a determination of the problem before us that will be just not only to the departments but to the people of the United States. In every case except one, I am proud to say, we have had the cooperation of these men who have come before us, and many hundreds of thousands of dollars have been eliminated from the recommendations of the budget officer because of the confidential relations that we have established in this way, by these men sitting across the table from us. We have endeavored and will continue to endeavor to establish a feeling of cooperation between the Committee on Appropriations and the departments of the Government. We want them to realize that we have but one object, and that object is proper economy in the conduct of the Government service, with the kind of efficiency that the people of the United States expect from their public servants. We have no ax to grind, no enemies to punish, no friends to reward. We have only one client, and that is the Nation. [Applause.]

We have made a thorough request for information on the permanent appropriations. I started in last August, shortly after I was selected by the House as chairman of the committee, to communicate with all the departments of the Government to ascertain just how the repealing of the permanent appropriations would affect the working of the various departments. I asked every department head, and as many of the bureau chiefs as I thought we ought to communicate with, just what effect the repeal of any permanent appropriation would have on the conduct of the Government in so far as it related to their activities, and we have accumulated a vast fund of very important information on this subject. We will compile that information in almost as concise form as this analysis of the appropriation bills. It has not been furnished to the Members of the House, because we have not come to a conclusion as to what we are going to do with it. It has been submitted to the chairman of each subcommittee for consideration by the subcommittee over which he presides. After we complete the work of reporting the appropriations for the fiscal year 1923 it is the purpose of the committee to take up the permanent appropriation question for final and definite consideration, taking the recommendations of the various subcommittees into the full committee, and putting into a single bill whatever we decide to do. We may not be able to repeal all the permanent appropriations, because the conditions may be such that we ought not to do so, but to the extent that it can be done to the advantage of the Government we propose to do it. There are a great many complications connected with it, a good many more than I myself thought there were. But with all the complications, we

have for the first time tabulated a history and statement of the conditions surrounding each permanent appropriation. We have not decided what disposition we will make of them. We did not think it would be wise for us to undertake the task of repealing these permanent appropriations in fragments. We thought that if they were to be repealed it ought to be done in a single bill, which should be given careful consideration, and that no action should be taken on any bill affecting the permanent appropriations unless we were certain that our action would not in any wise embarrass the branch of the service affected by it. We promise you that when we get through with our appropriations work we will take up that question definitely and in the minutest detail, and will report back to you at a later date just what our conclusions are.

The appropriations for a single fiscal year are intended to cover the obligations of the Government entered into during that year under those appropriations. It must not be understood that the appropriations for a given fiscal year represent the expendtiures for that year, for sometimes contract and other obligations are created under appropriations during the fiscal year but not carried out and the balances are not expended.

Many times these balances are required to be expended in the succeeding fiscal year to satisfy those obligations; so that if you expect the appropriations always to measure the amount of the expenditures and to have one balance the other, you will be very much disappointed, because that can not be brought about under any circumstances unless you alter our entire accounting and fiscal system.

In my judgment, the appropriations should never exceed the revenues for any given year. Contract obligations under legislation should be constantly under review by Congress, and only such amounts appropriated as will meet the annual needs under those contracts.

It has frequently been the practice to make appropriations to cover contract obligations to continue over a series of years. The result is that Congress loses its right of review during all the contract period of that expenditure. The result is that frequently extravagance exists. If the man who has charge of the expenditures under the contract was compelled to come back to Congress for an additional appropriation every year, he would be compelled to disclose all the conditions connected with the expenditures in the previous year and justify his request for an additional appropriation. We hope that the House will sustain us in any effort that we may make to bring about this reform. Continuing appropriations to carry on contracts breed carelessness, extravagance, and waste and should not be continued. [Applause.] We hope that you will agree that they shall be discontinued.

Reduction of expenditures should be reflected in reduction of taxes. Not in the reduction of taxes five years from now, but immediately following a substantial reduction of expenditures from year to year. If we are to get reductions in any substantial sum, we ought to reduce them for the man who pays the bill and not make him wait. There is a further reason: If we reflect the reduction in expenditure in the reduction of taxes immediately following the reduction of expenditures we do two things—we lighten the burden of the taxpayer and we make the taxpayer a little happier and make him understand that he is being considered in connection with our work, and then in addition to that we have served notice on ourselves that we have no surplus funds out of which to pay for extravagant legislation. If we keep ourselves hard up by reflecting the savings in expenditures in the reduction of taxes, there will be many pieces of legislation which cost a lot of money that will not be enacted. [Applause.] My hope is that you gentlemen of the House will agree with me that you will be economical, that you will help us to save what we can, and that you will not feel it necessary to enact some other legislation to absorb the amount of savings because you know the money is there.

I would be glad if you could keep us so hard up all the time that when you have an extravagant notion in the form of legislation pending in the House that I can come in as chairman of the Appropriations Committee and say that we have not any money to meet the obligation, and be telling the truth. So if we join hands I think we can accomplish a great work.

Of course, it will never be possible for us to get down to prewar costs, for we must realize that we begin the expenditures now after we have met the fixed charges. These fixed charges are upon us and we can not eliminate them. One amount is $975,000,000 for interest on the public debt. Another amounts to about $370,000,000 for the reduction on principal of the debt; another is the charge for the care of those brave and patriotic men who have served in the various wars in which the country has been engaged. The estimates for the Pension Bureau are $254,000,000 and for the Veterans' Bureau $386,000,000. These four items alone now reach the stupendous sum of almost $2,000,000,000 a year. So the cost of the Government must begin at the end of these fixed charges, and if we reach the stage where we can get the rest of the Government down to a basis commensurate with prewar costs, we will still have a tremendous expenditure.

I would like to make this recommendation: The Army and the Navy to-day combined have on hand supplies that came down from the war valued variously at $3,000,000,000. Much of these supplies are being held in storage at a tremendous cost. Much of it is deteriorating as we hold it. I think the time has come when we ought to say to the Army and to the Navy, through legislation enacted by Congress, that all war supplies now on hand shall be declared surplus by law [applause] and placed on the market for sale. After we do that we should say that the Army and the Navy shall go before the civilian board created under the budget act and justify whatever reserve they may think they ought to retain. The declaration of surplus should be made by law, and then they should be compelled to justify the amount of the surplus which they should be permitted to carry in reserve.

Mr. BANKHEAD. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BANKHEAD. The gentleman's statement as to the value of the property, $3,000,000,000—is that the present value?

Mr. MADDEN. That is the cost value. The public debt on November 30, 1921, amounted to $23,619,000,000, compared with $26,596,000,000 on August 31, 1919, or a reduction of $3,000,000,000 in a little over two years; a fairly good showing. Some of this, of course, has been paid out of the enormous Treasury balances that we had to carry during the war period and which we do not need longer to carry in such large amounts.

The public debt should be reduced $350,000,000 more during the year 1923 by the operation of the sinking fund, the franchise tax of the Federal reserve banks, and other funds available to be used for that purpose.

Treasury certificates outstanding on the 30th of November bearing 4½, 4¼, and up to 6 per cent interest amounted to $2,150,000,000, which is $600,000,000 less than the amount nine months ago. That amount should be reduced before the speech which I am making is uttered to less than $2,000,000,000. So that we are making progress even in the reduction of the public debt.

The estimated expenditures for the next fiscal year call for $167,000,000 more than the estimated receipts, but the reductions in the appropriations, if the recommendations of the Committee on Appropriations are sustained in the House and the Senate, will more than bring the expenditures within the revenue. [Applause.]

The Government has securities amounting to $11,267,038,563.57, including many railroad bonds, $183,035,000 of farm loan bonds, and notes from foreign nations covered by the war loans. It seems to me to be very important that the legislation authorizing the adjustment and refunding of the foreign war loans should be enacted without delay. There ought to be some system put into effect that will enable the country to know just what the obligations of the foreign Governments to the United States are. To-day we have nothing but their I O U's, and neither the President of the United States nor the Secretary of the Treasury has any power to make any adjustment of any kind until legislation is enacted. Of course, so far as we are concerned in the House, that legislation has been enacted, but I think it may be well seen that it is of great importance that legislation should be enacted without delay.

We have 12 farm-loan banks, 23 joint-stock land banks, and 4,200 farm-loan associations. There are $520,000,000 of bonds of the farm-loan banks and joint-stock banks outstanding; $420,000,000 of those have been issued by the farm-loan banks and $100,000,000 by the joint-stock banks. The work of the farm-loan banks has been very successful. They have made profits which have enabled them to reduce the obligations of the banks to the Government by about $2,500,000. The original amount of money invested in these banks by the Government was $9,000,000. The present investment, due to the repayments, is about $6,500,000. The banks receive about $4,000,000 annually in interest on the loans they have made. They have $4,000,000 of surplus and undivided profits. The Farm Loan Board acts in the same relation to the farm-loan banks that the Federal Reserve Board sustains to the Federal reserve banks. The Farm Loan Board has the power to examine the accounts of the farm-loan banks. There is this one difference between the examination of the farm-loan banks and the banks under the Comptroller of the Currency, the national banks.

The examiner of the national banks has the power to say whether a piece of paper is of the value it purports to be. The examiner for the farm-loan banks takes the face of the paper

without respect to its value. The farm loan bank securities, of course, are mortgages upon which they issue the bonds. If payments are not made within 90 days by the person to whom the loan is made the Farm Loan Board requires the farm loan bank to substitute some other mortgage for the mortgages against which the payments have not been made within the 90 days. The rate of interest charged on the bonds runs from 4½ to 5 per cent, and the rate of interest charged to the borrowers runs from 5½ to 6 per cent.

There should be a sinking fund in connection with the farm-loan bank system. The tremendous number of bonds that will be floated in the future, it seems to me, calls for this business principle. I called the attention of the Farm Loan Board to the advisability of a sinking fund when we had them before us for hearing. They agreed that we ought to begin it. They say they will undertake to bring that about. They say they have been compelled to take over on loans made to farmers over $200,000 worth of property. They have had the ordinary 4-year period of experience with mortgages, and have ascertained whether or not the security justifies the loan. They feel assured that the experience which they have just gone through justifies the farm loans thus far made. They have lost only $200, they say, on the sale of property taken over as the result of foreclosure proceedings, and most of the $200,000 worth of property taken has been disposed of. I think that is a very good showing.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. WINGO. I suspect the gentleman will also agree with this statement, that a comparison of the operations of farm-loan banks with private institutions of that kind as well as with similar institutions in other countries shows that our farm-loan system has been better managed, with smaller losses and smaller expense, than any similar operation either by a private company or by a Government-controlled company in other countries. In other words, our experiment has been the most scientifically safe of any ever indulged in.

Mr. MADDEN. Mr. Chairman, I am very glad to be able to join the gentleman in that statement. The investigation that I have made disclosed facts to me which give me more encouragement in connection with this activity than I ever had before. Fifty per cent of the applications for loans are denied, the board says, not because they have not the disposition to make the loans, not because they have not the facilities to make the loans, but because the security offered in 50 per cent of the cases is inadequate.

Of course, one can not expect them to make loans on inadequate securities. They have 4,200 associations. These associations, as well as the banks themselves, must be examined, and the closer the scrutiny we have over them the better it will be in the long run for the system. We have given the Farm Loan Board $10,000 additional appropriation in this bill for the purpose of enabling them to extend their examinations.

The information that we have in connection with the farm loan banks leads me to the conclusion that about $180,000,000 or $200,000,000 at the outside would be the limit in any one year beyond which the farm loan banks will be unable to go in their relief of the farmers of the country through loans. At any rate, $200,000,000 will be the limit under the present organization. First, it is physically impossible to put through more than a certain amount of work with a certain-sized organization, and with the present organization of 12 banks every loan that it is possible to put through is being put through. Then there must be taken into consideration the question of the ability of the public to absorb these securities, and these two problems combined will place a limit on the amount of farm loans that can be made through these banks.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. KNUTSON. The gentleman stated that $200,000,000 would be the limit. Does the gentleman mean per annum or the total amount?

Mr. MADDEN. Per annum, of course, I meant.

Mr. DUNBAR. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. DUNBAR. The gentleman stated there was a limit to the amount of securities to be absorbed by the public. What does he mean by that, please?

Mr. MADDEN. I mean that financial conditions of the country may be such that $200,000,000 in a year would be the limit that they would be able to go to without breaking the market.

Mr. DUNBAR. Does the gentleman know that the bonds of the joint-stock land banks, on which we authorize the payment of 5½ per cent of interest, have been largely sold by the purchasers at a premium of 3 per cent?

Mr. MADDEN. There is no doubt that when you make a 5½ interest rate you will sell at a premium where they are nontaxable; there is no question about that. I have not any desire, of course, to say anything except to help the system. I do not wish to discourage it; but, of course, there is one way in which you can expand, and that is by the creation of branch banks.

Mr. WINGO. Will the gentleman yield in that connection?

Mr. MADDEN. I will.

Mr. WINGO. I know the gentleman did not intend to leave that impression, but I am fearful that some one not familiar with the system might be misled by his reference to the question of a sinking fund, and there might be left the impression that there is no provision now to safeguard or guarantee the payment at maturity of the bonds. Section 22 of the farm loan act absolutely makes all of these receipts a trust fund and sets out specifically how they may be used, and it is so handled that to a scientific certainty every bond will have ample funds to pay that bond when it falls due. The only way by which that will not be true would be something that is true in every kind of business concern, and that would be a defalcation, embezzlement, or something like that, but if these bonds are handled according to law, on a scientific, mathematical certainty there is ample provision made for the automatic retirement of every bond.

Mr. MADDEN. I have no intention of saying anything against the system——

Mr. WINGO. I know that the gentleman did not, but some gentleman might feel that the gentleman's suggestion is a reflection on the bonds, and I know the gentleman did not intend that.

Mr. MADDEN. Now the Internal-Revenue Bureau is asking for 1,200 additional auditors and other additional employees for the purpose of auditing back schedules that are still unaudited, some since 1917. In a deficiency appropriation act, approved December 15, the Committee on Appropriations recommended 600 of the 1,200 auditors, and the House and the Senate approved the recommendation. The cost of those 600 auditors and the supplementary force which they were to begin to put on as of the 1st of this month would be for the balance of this fiscal year, $1,792,000. The absorption of the 600 auditors could not be possible without training, and so they have to put them on 100 per month, so that they will have the first 100 of the 600 we allowed on for this month and during the period of the month they are going to school and taking the special training necessary to qualify them. On the 1st of July they will have the entire 600. They wanted 600 more to be put on after the 1st of next July. The reason they ask for these men is that to-day they have 9,000 unaudited corporation schedules, some running back as far as 1917, and they have 160,000 claims pending for reimbursement for overpayment, all of which ought to be promptly and properly adjudicated. About $30,000,000 a month is being collected from back taxes under the audits of schedules that have been filed for years gone by. They said that if we gave them 600 additional men for the balance of this fiscal year that they would be able to increase the amount from $357,000,000 a year to $557,000,000 a year, and that by the adjudication of those claims for reimbursement, many of which they owe instead of being entitled to reimbursement, they will probably be able to cover in $200,000,000 more receipts a year, making it $757,000,000. The committee, however, went very carefully into this problem and finally concluded that after these 600 auditors are absorbed in the service they would be able to make rapid progress.

The next 600 would not be of any consequence for six months. It is better not to get too many people into the service and make it top-heavy.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. GREEN of Iowa. This same matter came before the Committee on Ways and Means at a time when we had more to do with these appropriations than now, and the committee came to the conclusion very much the same that the Committee on Appropriations has reached that a certain proportion of these clerks might be needed, but not near as much as they imagine. In the first place, as the gentleman, of course, is aware, the excess-profits tax will only apply for this year, and that is the tax that occasioned most of this back-tax difficulty. Then, in addition to that we made provision in the last revenue bill which authorized the Secretary of the Treasury and the taxpayer to get together in an agreement and make a final settlement in those matters which were in dispute which we believe would do away with many disputes now existing between the Treasury Department and the taxpayer.

Mr. MADDEN. I am very glad to have had the statement of the gentleman from Iowa. The Committee on Appropriations think that the 600 men which they are already authorized to put on will meet the needs and we hope will adjust these claims rapidly and without loss of time and bring in the revenue that they anticipate. They certainly ought to have the revenue.

Prior to the war the cost per hundred dollars for collecting the internal revenue was $3. It is now about 72 cents; but as the collections decrease in volume it is expected to go to $1.13 in 1923, and a little later, as the revenues decrease, to $1.80. As I said, they had 160,000 claims. The number of income-tax returns every year that have to be dealt with are 9,000,000, a tremendous volume of work, more than anybody can imagine. Duplicate payments have been made at different times, due to the fact that the collectors of internal revenue in the various sections of the country when a schedule was filed never read it, but transmitted it to Washington. Frequently it happens where the adjustments were authorized the taxpayer made his reduction on his schedule, on his next return, for any money he thought he overpaid, and while the case was in process of adjustment here it was deducted there and two payments for reimbursement were made in some instances. But that question has been eliminated now, and there is no further trouble about it, so we are informed.

Now we come to the prohibition question. For the current fiscal year the appropriation amounts to $7,500,000. The amount asked through the budget officer in this bill is $10,000,000. The amount recommended by the committee is $9,250,000. They ask for 750 additional agents. They have a field force now numbering 1,138, with 51 directors. They wanted these 750 additional field men and 153 additional clerks. They recommended increases of compensation for men from the top to the bottom of the line.

The increased compensation recommended amounted to about $550,000 for the fiscal year 1923. The Committee on Appropriations adopted the policy at the beginning of its consideration of the problems that you submitted to it to not under any circumstances recommend any increased compensation to anybody anywhere, and we have not done it. [Applause.]

Mr. LONDON. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. LONDON. Was not the recommendation of an increase for this particular department made with the object of preventing temptation by giving the employee a proper salary?

Mr. MADDEN. I will say in reply to the gentleman that they said that, namely, that the increased compensation would prevent the possibility of yielding to temptation.

Mr. SNELL. Will the gentleman yield for a question there?

Mr. MADDEN. I will.

Mr. SNELL. You spoke of 51 regional directors. That is one for each State and Territory. Does each one of these men draw exactly the same pay?

Mr. MADDEN. No, sir. They draw a little more in New York and Chicago than in other places.

Mr. SNELL. The director in New York State gets $5,000?

Mr. MADDEN. I think so. That is the limit. The pay runs from $4,000 to $5,000.

The gentleman from New York [Mr. LONDON] says they wanted to take these men out from temptation. Well, the work of a prohibition inspector is the same as the work of a policeman exactly. There is no difference. His work is the enforcement of the law. And, as far as I am concerned, I want to see the law enforced properly, but I do not want to see any sum of money appropriated by the Congress and given to anybody in any branch of the Government service in lump sum, with the right of that person to make such compensations as he may think proper, regardless of what compensation is being paid in other branches of the public service. I want to see the prohibition service treated like every other branch of the Government service, no less and no more, but treated fairly and justly, and every person in it paid a rate that accords with the rates paid for like service in every other branch of the Government.

Mr. MANN. Do we exercise any control at all on the appropriations we make in lump sum?

Mr. MADDEN. Yes; we do in this.

Mr. MANN. In the compensation which is paid from it?

Mr. MADDEN. Yes; we have a limitation in this bill that prohibits the payment of any compensation to anybody in any class more than payment for similar classes of work.

Mr. MANN. There is not any other similar work.

Mr. MADDEN. It is similar to the extent that it is like. [Laughter.]

Mr. COCKRAN. Very like.

Mr. WALSH. Will the gentleman state what this temptation is that this increased compensation was to prevent?

Mr. MADDEN. Of course, I am not a mind reader.

Mr. WALSH. I thought the effect of the law was to encourage and stimulate temptation.

Mr. MADDEN. I reach my conclusion against the increase in compensation on the theory that if a man is crooked a little increased compensation will not make him straight. [Applause.] Now, we therefore have reached the conclusion that instead of giving them $10,000,000 that we give them $9,250,000, and we hope the House will concur in that recommendation. And I may say, in this connection, that the $9,250,000 is satisfactory to the prohibition end of the enforcement section of the Government.

Mr. HOCH. Does the gentleman have the figures on the receipts of the Government in fines?

Mr. MADDEN. About $2,500,000 for this year.

The CHAIRMAN. The gentleman from Illinois has consumed one hour.

Mr. MADDEN. I will have to take a little more time. I am sorry.

Most of the distilleries in the United States are closed, I suppose. A great many distilleries that are closed from the right to make spirits are still used as bonded warehouses. The result is that we have 900 gaugers and watchmen in the various bonded warehouses, 800 of whom could be dismissed from the service if the Government would adopt a policy of centralizing the places in which liquors could be stored. I suggest the unwisdom of continuing to keep 900 people at a cost of a million dollars additional annually over what it ought to cost in order to watch places in which spirits are stored when you can reduce the number of places to five or six and reduce the cost at least a million dollars a year by the dismissal of men whose services would no longer be needed; and this could not hurt anybody, whether he is in favor of prohibition or against prohibition. This is a straight business consideration of the problem without any respect whatever to whether a man is a prohibitionist or not. As a Member of the House of Representatives, sworn to obey the law and to enforce it, I am for law observance, and to the extent that I have responsibilities placed upon me as the chairman of this committee, I will carry this responsibility out under the law, no matter how I feel personally about it. [Applause.]

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. OLIVER. Is it the purpose of the gentleman to offer an amendment?

Mr. MADDEN. There is a bill pending, I will say to the gentleman. The Committee on Appropriations did suggest that I prepare an amendment.

Mr. OLIVER. Under the Holman rule, looking to carrying out the suggestion which the gentleman has just made.

Mr. MADDEN. In looking over the situation I am afraid I shall not be able to do it, but I will talk with the members of the committee about that. But there is a bill pending and on the calendar covering that, and I think we ought to give it early consideration and get it out of the way.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. COLE of Iowa. How many gallons of whisky do we make now?

Mr. MADDEN. There are 42,500,000 gallons in bond now. I do not know how many they are making.

Now as to the temporary pay increase for the Coast Guard and the Public Health Service, it amounts to $1,248,000. As you will recall, in 1920 Congress passed an act giving increased compensation for a definite period to the men in the Army, Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey. That law, providing for this increased compensation, expires by limitation on the 30th of June. The Committee on Appropriations in making this recommendation have eliminated the increased compensation as to those activities that are provided for in this bill, and they amount to $1,248,000.

The following services have included the following amounts in their items in the Budget to provide for continuing temporary increases in pay under the act of May 18, 1920, which expire by limitation of law on June 30, 1922:

Coast and Geodetic Survey	$90,750.00
Coast Guard	783,990.00
Public Health Service	491,480.00
Marine Corps	1,178,865.60
Navy	17,856,373.00
Army	13,978,092.00
Total	34,379,550.60

We are eliminating all those sums from our recommendations to the House. We hope that the House will take into account the importance and necessity of not reenacting any law that will continue these high increases beyond that period for which the existing law prevails. There will be legislation offered, and I want from time to time to call the attention of the House to the importance of watching these things and stopping them. There is not a man in the Army—that is, an officer in the Army or in the Navy; I will not say the Coast Guard, but in any of the other services where promotions come from the military standpoint—that has not been promoted out of sight since the war closed, and they do not need any increased pay, and they ought not to get it. [Applause.] There may be some justification for a bonus to the man who is getting $60 a month in the custodial service of the Government, but there can be no justification for giving a bonus to a man who is getting high pay under a higher rank than he ever held before and who can retire with three-quarters pay at the end of his service.

So I hope that while we are considering these problems of economy we will not think alone of the men who are on the pay roll, but that we will think of the man on the farm, the man in the mill, the man on the street, who when he gets to be 45 years of age has reached the limit of his capacity for employment, and who loses every rainy hour of every rainy day of all his existence, and who works only six months in a year, and gets small pay when he works, and can not go on anybody's pension roll. These are the men we ought to visualize when we are making up these pay rolls.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I yield.

Mr. MANN. I have been told that many men in the Army who went in as second lieutenants and who, at the rate of promotion before the war, might now become first lieutenants, owing to the rapidity of promotion, are now captains, majors, or colonels, with the increase of salary that goes with those promotions. May I ask whether the gentleman knows that to be the fact?

Mr. MADDEN. Yes. The man who now, to-day, graduates from the Military Academy as second lieutenant to-morrow becomes first lieutenant, and they have 600 colonels in the Army who were promoted since the war closed, and many of the officers in the Army and Navy have been going up rank by rank and are still commanding this increased compensation as a bonus.

Mr. MANN. I have been told that some of the officers of the Army and the Navy have become dizzy owing to the rapidity of their promotion.

Mr. MADDEN. Yes; and we ought to stop it. One thing we are going to try to do, as far as the Appropriations Committee can. We propose to see if we can not cut down the number of these people. Instead of carrying a force of 14,000 or 15,000 high ranking officers in the Army, with only 125,000 men, instead of giving them a bonus to enable them to stay in the Army, we propose to see if we can not put some of them out.

Mr. CRAGO. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CRAGO. The gentleman will admit that we have the same number of second lieutenants.

Mr. MADDEN. We have not any second lieutenants. They are all made first lieutenants the day after they are graduated.

Mr. CRAGO. We have the same number of first lieutenants then and captains who are trying to get along on their low pay.

Mr. MADDEN. They do not stay second lieutenants more than about 15 minutes. The men who came out of the Military Academy in time for the war are generals now or next door to it.

Mr. CRAGO. Surely the gentleman is exaggerating in that statement.

Mr. MADDEN. I know, of course, that the gentleman is an enthusiast for the military establishment, and perhaps I ought not to deny whatever he says. I generally get near the facts.

Mr. CROWTHER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CROWTHER. I wonder if the gentleman recognizes the fact that these men also have special privileges at the commissary department over the ordinary individual in the purchase of the necessities of life?

Mr. MADDEN. Surely they have.

Now, let me get along. We have the question of the $240 bonus for the civil employees of the Government. That has been eliminated from the estimates submitted by the budget, and of course we have eliminated it, but it may be that before we get through with the consideration of these bills the House will want to give some consideration to the question. If they do, it will be time enough to do that after we find out just what we ought to do, and we do not propose to bring in any recommendation for the payment of a bonus of any kind until the end of the consideration of the appropriation bills, and then we will see what the attitude of the House is; and we hope you will agree with us on that.

In the Bureau of Printing and Engraving there is a condition under which if we put in power presses we could save a very large amount of money every year. The power press does four and one-half times as much as a hand press, but under the law that has been in existence the department has not been able to put in power presses except upon condition that they retain the plate printers regardless of what presses may have been installed. I have introduced a bill which I put into the basket yesterday, to authorize the Secretary of the Treasury to install power presses and to eliminate any expenditures connected with the operation of the Bureau of Printing and Engraving resulting from the substitution of these superior machines. [Applause.] It will be for the House to consider. We are not carrying any legislation in this bill. Wherever we disclose the necessity for legislation we are going to call the attention of the House to it, and as far as I can I will introduce bills and have them go to the proper committees and then urge the proper committees to report these bills and place them on the calendar, and we will help you to pass them.

The Public Health Service facilities are very much superior to what they were. I will not undertake to go into the details, but you will find in the hearings a most comprehensive tabulated statement of the facilities afforded to the men who need care. I think it shows that we have 7,900 and some odd surplus beds. The statement shows in tabulated form in parallel columns the number of beds for tubercular patients, the number for neuropsychiatric patients, the number of general hospital patients, the number of those patients that are in the hospitals to-day, the number that we expect to have when we reach the peak, the number of contract hospitals, and the number of facilities that we will have when we complete the work of construction under the allotment of the $18,600,000 appropriation that was made some time ago.

Mr. SNELL. Will the gentleman yield for a question there?

Mr. MADDEN. Yes.

Mr. SNELL. Did any evidence come to the gentleman's committee that there were any considerable number of men who were not receiving reasonable treatment at the present time?

Mr. MADDEN. The testimony which comes to us is that every person who asks for treatment and is entitled to it receives it.

Mr. SNELL. Except in some extreme individual cases.

Mr. MADDEN. There may be a case here and there where some poor, unfortunate man has been shell shocked and is nervous and would be restless anyway, and he might have complained.

Mr. SNELL. The gentleman is satisfied that at the present time they are all being taken care of as well as they can be?

Mr. MADDEN. I am satisfied that they are.

Mr. SNELL. I am glad to hear that.

Mr. MADDEN. I have a statement here showing in summary the amount of the appropriations for the present year, the recommendations in the budget for next year, and the increase or decrease. I would like to put that statement into the RECORD in connection with my speech.

Summary of comparative statement showing the appropriations for the fiscal year 1922 (as of Nov. 1, 1921), the estimates for the fiscal year 1923 (as stated in the alternative budget), and the increase or decrease in the estimates as compared with the appropriations.

	Appropriations, fiscal year 1922.	Estimates, fiscal year 1923.	Increase (+) or decrease (−).
I. Legislative branch:			
Regular annual	$17,692,013.39	$17,232,655.95	− 459,357.44
Permanent and indefinite	800.00	800.00	
Total	17,692,813.39	17,233,455.95	− 459,357.44
II. Executive office and independent offices:			
Regular annual	320,334,995.00	453,500,683.00	+133,165,688.00
Permanent and indefinite	5,523,000.00	6,017,000.00	+ 494,000.00
Total	325,857,995.00	459,517,683.00	+133,659,688.00
III. State Department:			
Regular annual	10,531,769.09	10,474,901.16	− 56,867.93
Permanent and indefinite	106,000.00	106,000.00	
Total	10,637,769.09	10,580,901.16	− 56,867.93
IV. Treasury Department:			
Regular annual	133,025,941.29	130,607,787.19	− 2,418,154.10
Permanent and indefinite	1,394,609,200.00	1,375,396,910.63	− 19,212,289.37
Total	1,527,635,141.29	1,506,004,697.82	− 21,630,443.47

Summary of comparative statement showing the appropriations for the fiscal year 1922, etc.—Continued.

	Appropriations, fiscal year 1922.	Estimates, fiscal year 1923.	Increase (+) or decrease (—).
V. War Department:			
Military—			
Regular annual...	$343,540,537.41	$309,373,709.47	—$34,166,827.94
Permanent and indefinite.....	2,172,300.00	1,265,000.00	— 907,300.00
Total, military	345,712,837.41	310,638,709.47	— 35,074,127.94
Nonmilitary—			
Regular annual...	42,318,975.00	46,512,408.00	+ 4,193,433.00
Permanent and indefinite.....	8,324,600.00	6,521,300.00	— 1,803,300.00
Total, nonmilitary....	50,643,575.00	53,033,708.00	+ 2,390,133.00
Total, War Department—			
Regular annual...	385,859,512.41	355,886,117.47	— 29,973,394.94
Permanent and indefinite.....	10,496,900.00	7,786,300.00	— 2,710,600.00
	396,356,412.41	363,672,417.47	— 32,683,994.94
VI. Navy Department:			
Regular annual.....	412,993,823.37	422,518,695.13	+ 9,524,871.76
Permanent and indefinite.....	13,197,696.00	3,433,672.00	— 9,764,024.00
Total.....	426,191,519.37	425,952,367.13	— 239,152.24
VII. Interior Department:			
Regular annual.....	314,229,649.67	298,218,432.00	— 16,011,217.67
Permanent and indefinite.....	30,573,500.00	27,562,900.00	— 3,010,600.00
Total.....	344,803,149.67	325,781,332.00	— 19,021,817.67
VIII. Post Office Department:			
Regular annual (only).	577,334,257.55	579,650,066.00	+ 2,315,808.45
IX. Agricultural Department:			
Regular annual.....	36,599,559.00	34,610,668.00	— 1,988,891.00
Permanent and indefinite.....	11,750,000.00	12,250,000.00	+ 500,000.00
Total.....	48,349,559.00	46,860,668.00	— 1,488,891.00
X. Commerce, Department of:			
Regular annual.....	17,262,060.00	20,672,326.25	+ 3,410,266.25
Permanent and indefinite.....	3,000.00	3,000.00	.....
Total.....	17,265,060.00	20,675,326.25	+ 3,410,266.25
XI. Labor, Department of:			
Regular annual (only).	4,904,835.75	6,564,632.00	+ 1,659,796.25
XII. Justice, Department of:			
Regular annual.....	15,509,228.50	18,219,146.00	+ 2,709,917.50
Permanent and indefinite.....	175,500.00	189,500.00	+ 14,000.00
Total.....	15,684,728.50	18,408,646.00	+ 2,723,917.50
XIII. District of Columbia:			
Regular annual.....	22,806,672.99	26,886,866.75	+ 4,080,193.76
Permanent and indefinite.....	1,380,600.00	1,624,600.00	+ 244,000.00
Total.....	24,187,272.99	28,511,466.75	+ 4,324,193.76
XIV. Increased compensation, all departments and offices ($240 per annum) (estimated)...	35,000,000.00	.....	— 35,000,000.00
XV. Grand total:			
Regular annual.....	2,269,084,318.01	2,375,042,976.90	+105,958,658.89
Permanent and indefinite.....	1,467,816,196.00	1,434,370,682.63	— 33,445,513.37
Increased compensation.....	35,000,000.00	.....	— 35,000,000.00
	3,771,900,514.01	3,809,413,659.53	+ 37,513,145.52
Less postal (payable from postal revenues).....	574,092,552.00	576,238,066.00	+ 2,145,514.00
Total, exclusive of postal.....	3,197,807,962.01	3,233,175,593.53	+ 35,367,631.52

I have not much time to go into the bill in detail, but we can go into that when we come to it under the five-minute rule.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Minnesota.

Mr. NEWTON of Minnesota. In connection with the work of the Public Health Service, I noticed in the hearings a reference to the Interdepartmental Social Hygiene Board. Have the appropriations for that work been done away with?

Mr. MADDEN. They have been done away with for next year.

Mr. NEWTON of Minnesota. I am very glad to hear it. It seems to me they ought to be in the Public Health Service.

Mr. MADDEN. Now, I want to make this suggestion in regard to the work of the Appropriations Committee. It seems to me in the consideration of problems that have come before us that a great deal can be accomplished by a rearrangement of the appropriation paragraphs by which sums of money are carried in the various appropriation bills. Some of these paragraphs are infinite in their detail and carry very small sums, while others are general and carry exceedingly large sums. Some of them express the instrumentalities for carrying on a given function without any reference to the function that is to be accomplished, and others express the function without any reference to the instrumentalities for which the money is to be expended in accomplishing that function. There is practically no uniformity of expression. For example, the main appropriation for the customs service is carried in one paragraph in one sum of $11,300,000 and occupies four or five lines. The appropriations for the Bureau of Fisheries are carried in 57 paragraphs, aggregating $1,233,100, extending over five or six pages. Many of the smaller paragraphs and smaller sums now in appropriation bills could be consolidated and merged without in any way affecting the control of Congress over the funds. Many larger sums could be subdivided and make easier the task of inquiring into them.

Such a rearrangement, however, involves the accounting system of the Government and should only be made after the Comptroller General, who has charge of prescribing the forms of accounting, and the Director of the Bureau of the Budget, whose duty it is to prepare the estimates of appropriations, have made a study of the situation and evolved a comprehensive and definite plan for the form of the appropriating paragraphs and the verbiage to be carried in them, in order that they may accomplish the purpose which Congress contemplates when it makes the appropriation. Of course, the Appropriations Committee could do the work very well, but there is a long line of comptroller's decisions on the language now employed in the bills, and if we were in a position where we could shape the accounting system it would be possible for the Appropriations Committee to adjust them, but inasmuch as we are not able to regulate the accounting system we thought it would be wise to call the matter to your attention, so that you may realize that we are thinking about the problems that confront Congress in its work and also the problem that affects the Nation.

At this point I wish, for the information of the House, to give you a few figures as to the general classification of appropriations for 1922 and the estimates for 1923 as contained in the budget to show the principal large objects of appropriations and the estimates.

In the appropriations for 1922 the interest on the public debt was $975,000,000. The estimate is $975,000,000. The sinking fund and other reductions in principal of public debt in the appropriation for 1922 were $387,942,200, and the estimate $369,338,800, or a decrease of $18,603,400. Military activities of the War Department, including the support of the Army, $345,712,837.41 for 1922, and in the estimate for 1923, $310,638,709.47, or a decrease of $35,074,127.94. Navy Department appropriations for 1922 were $426,191,519.37. The estimates for 1923 are $425,952,367.13, or a decrease of $239,152.24. Bureau of Pensions appropriations for 1922 were $266,830,920. The estimates for 1923 are $254,117,280, or a reduction of $12,713,640. The appropriations for the Veterans' Bureau was $230,573,620. The estimates for 1923 are $385,921,702, or an increase of $155,348,082. The Shipping Board for 1922 was $73,959,000, and the estimates for 1923 are $50,501,500, or a reduction of $23,457,500. The Post Office Department appropriation for 1922 was $577,334,257.55, and the estimates for 1923 are $579,650,066, or an increase of $2,315,808.45. The increased compensation, the bonus, for 1922 is estimated at $35,000,000. It is not recommended for 1923. All other appropriations, including those for the Congress, the courts, and the executive departments not enumerated in the above, amounted to $453,356,159.68, and the estimates for 1923 are $458,293,234.93, or an increase of $4,937,075.25.

The grand total of the appropriations for 1922 is $3,771,900,514.01, and the grand total recommended for 1923 is $3,809,413,659.53, a net increase of $37,513,145.52.

Mr. MANN. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MANN. How much reduction is there in the amount recommended for what you call all the other departments?

Mr. MADDEN. There is $37,000,000 increase in the grand total, including the Veterans' Bureau.

Mr. MANN. So outside of the military, the Navy Department, there is no reduction under the new budget.

Mr. MADDEN. A deficiency for 1922 of $65,000,000 was granted to the Veterans' Bureau in the deficiency act of December 15, 1921, bringing this total to $295,573,620. A further

deficiency will be necessary to complete this fiscal year, so that the increase shown in this table is larger than the actual situation will be when full provision is made for this fiscal year.

I do not know of anything more that I ought to say, Mr. Chairman.

Mr. ROBSION. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ROBSION. I notice the estimate for 1923 for the Navy shows a decrease of less than a million dollars.

Mr. MADDEN. Two hundred and thirty-nine thousand dollars in the total of regular annual and permanent appropriations for the Navy.

Mr. ROBSION. Evidently that does not take into consideration the probable reduction of armament?

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MANN. I notice in the estimates of the Director of the Budget that he recommends in every department a very large number of increases in pay.

Mr. MADDEN. That is correct.

Mr. MANN. I understand from my colleague that so far those have been eliminated.

Mr. MADDEN. They have all been eliminated and will be.

Mr. MANN. I notice in the budget also that in a very great number of cases where the appropriation for the current year was, say, for instance, $100,000, the estimate for the next year is, say, $95,000. Everyone knows that, as the usual thing, the whole appropriation is not used in most cases, because it is not possible to get at it with mathematical exactness. Is that the way the reduction is made, where there is reduction throughout the estimates—cutting it down fine upon the supposition that one could cut off a few thousand dollars, and then, perchance, get a deficiency appropriation?

Mr. MADDEN. That is not the way we reach our conclusions. I do not know how the budget officer reached his.

Mr. MANN. I did not notice in the estimates that there were very many items of expenditure cut out.

Mr. MADDEN. No; I think not, but we are cutting a good many of them.

Mr. MANN. I have the greatest regard for the budget officers, but I can not see any very great difference in the estimate of this year and the estimate of last year, except the transposition of items from one place to another, the items being the same.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. DOWELL. As I understood it, the Committee on Appropriations under the present plan has eliminated, or has intended to eliminate, the lump-sum appropriations.

Mr. MADDEN. Oh, no.

Mr. DOWELL. I notice in this bill a number of apparently lump-sum appropriations.

Mr. MADDEN. That is true. We did not intend to eliminate them.

Mr. DOWELL. I want to inquire about one item on page 4, in the Liberty Loan Register's Annex Building, a lump sum of $100,000. Is it not possible for the committee to arrive at a nearer accurate number of employees necessary than to compel leaving it a lump-sum appropriation of $100,000 for one department of the Treasury?

Mr. MADDEN. I think we have economized on the public debt service of the Government very considerably. As I recall, the consolidation of the work in connection with the Liberty loan work, instead of having triplicate audits, they have reduced it to one audit; $560,000 was eliminated from the appropriation by the department itself. Three hundred thousand dollars more have been eliminated by the recommendation of this committee.

Mr. DOWELL. And as I understand it, the committee has an itemized statement of exactly what is necessary in this department as it now is?

Mr. MADDEN. Yes.

Mr. DOWELL. Is it necessary on top of that to appropriate $100,000 for this one department in addition to what is itemized and found to be necessary by the committee?

Mr. MADDEN. There is a transfer. I can not recall the facts about it now, but I shall look them up and give the gentleman the details of it.

Mr. DOWELL. It seems to me that a large waste occurs in lump-sum appropriations, and that they ought to be cut as much as possible.

Mr. MADDEN. We have placed limitations upon the expenditure of many lump-sum appropriations in the bill.

Mr. DOWELL. But that has been fixed only so far as the amount to be paid to one individual is concerned. The committee has not limited the number at all from this item. They may employ as many as they please.

Mr. MADDEN. I think I can give the gentleman the details of that so that he will be satisfied, but I do not recall them now.

Mr. Chairman, I shall have to yield the floor at this point, and thank the members of the committee very much. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, this is the first appropriation bill which has been reported to the House under the new budget plan of procedure in the preparation and presentation of appropriation bills. Heretofore appropriation bills have been presented to Congress carrying various items of appropriation in each bill for various departments of the Government, and it has been practically impossible to determine what each department of the Government is spending. It has been necessary to examine all of the various appropriation bills and pick out the various items of appropriation carried therein in order to know just what was appropriated for a particular department. Under the new plan bills will be reported for each department, and for the independent offices, and thus enable the Congress and the country to know quickly and readily just what amount is being appropriated for a particular department without the necessity of the investigation to which I have referred. This is a plan which I am satisfied will meet with the very hearty and cordial approval not only of the Members of Congress but of the entire country.

It is only fair to say that this plan of procedure in the preparation and presentation of appropriation bills was put into effect by the distinguished chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. MADDEN], who deserves the entire credit for its inauguration. [Applause.] The gentleman from Illinois has always been a close and thorough student of governmental affairs, but since becoming chairman of the Committee on Appropriations he has devoted a very earnest study to better methods of preparing appropriation bills and also to the importance of giving to the individual Members of Congress and to the country full and complete information as to the amount of money which was being appropriated for the various governmental activities. I am sure that I voice the sentiment of every Member of Congress when I say that Congress is greatly indebted to him for this plan of procedure. [Applause.]

It is not my purpose to enter into any discussion of the details of this bill. The committee has conducted lengthy hearings, and has given very thorough consideration to every item of appropriation.

And I may say without fear of contradiction that it has endeavored to reduce every estimate submitted to the fullest extent possible consistent with a proper administration of governmental affairs. This bill has my hearty and cordial approval. I propose, with your indulgence, to discuss for a little while the general budget of estimates which has been submitted by the Director of the Budget through the President under the budget law. In transmitting the estimates to Congress the President adopts and makes a part of his message the report of the Director of the Budget. In view of the widely published claims that the present administration has adopted a program of strict economy and that great reductions in governmental expenditures have been made, I think it entirely proper in the interest of truth and in order that the exact facts be known to compare the estimates for appropriations for the fiscal year 1923 with the appropriations actually made for the fiscal year 1922. And let it be understood that I take these figures from the report which the President transmitted to Congress, for the law required the President to transmit the actual appropriations for 1922 along with his estimate for the fiscal year 1923. They are his figures or the figures of his Bureau of the Budget, not mine, and will be found in the report which he adopted and made a part of his message. The estimates of appropriations for the fiscal year 1923, including the Postal Service, amounts to $3,809,413,659.53. The actual appropriations for the fiscal year 1922 amount to $3,771,900,514. In other words, the estimates for 1923 are $37,513,145.52 more than the appropriations actually made for the present fiscal year 1922. Or, if you exclude the Postal Service, which is payable from postal revenue, the estimates for 1923 exceed the appropriations for 1922 by $35,367,631.52.

Now, my friend from Illinois [Mr. MADDEN], in the course of his remarks, referred to the fact that quite recently a deficiency appropriation was made for the present fiscal year of $65,000,000, and that in all probability additional deficiency appropriations will be necessary before the end of the fiscal year.

I am speaking of appropriations which were made for 1922 under the estimate submitted at that time, because I do not

think that it is too much to say that in 1923 there will be deficiency appropriations just as deficiency appropriations have been required for this year and preceding years. And let it be remembered that the appropriations for 1922 carry $35,000,000 for a bonus to civil-service employees which is not included in the estimates for 1923. The estimates for 1923 carry $28,035,138.94 less than was appropriated for 1922 for the War Department, made possible by the action of Congress in reducing the Army. They carry $23,457,500 less for the Shipping Board, due to the fact that it was necessary to complete the construction of a number of merchant ships this year, whereas there will be no construction in the year 1923. They carry $18,603,400 less for payments on principal of public debt than was appropriated for the present fiscal year 1922. If these items are considered and added to the $37,000,000 which I first mentioned, and I think it fair to do so, because the reductions are not due to the economy or any action of the President or his Bureau of the Budget, but are made unnecessary for 1923 by action of Congress, then it will be found that the estimates for appropriations for the fiscal year 1923 for other purposes exceed the actual appropriations made for the present fiscal year 1922 by over $142,000,000.

But let us examine for a moment the figures presented by the President as to the estimated expenditures for 1923 as compared with the estimated expenditures for the fiscal year now in progress and the actual expenditures for the fiscal year 1921. It should be stated that the Postal Service expenditures, amounting to more than $575,000,000, are not included in these figures, inasmuch as they are paid out of postal revenues, the estimated deficit in the Postal Service only being figured in as a part of the expenditures.

It is shown that the total estimated expenditures for 1923, exclusive of Postal Service, are $3,505,754,727, and the estimated total expenditures for the present fiscal year 1922 are $3,967,922,366, while the actual expenditures for the fiscal year 1921 were $5,538,040,689.30, or, as stated by the President in his message transmitting the estimates, the estimated ordinary expenditures for 1923 are $447,704,239 less than the estimated ordinary expenditures for 1922, and $1,961,241,921.20 less than the actual ordinary expenditures for 1921. Or, if the transactions in the principal of the public debt and investment of trust funds are included, they are $462,167,639 less than 1922 and $2,032,285,962.30 less than 1921. It is claimed that these figures show great economy and a close paring of the expenses of the Government by the Bureau of the Budget, acting under the immediate direction and authority of the President. But let us analyze some of the items of expenditure and see whether there has been any such real reduction as would appear from the face of the figures presented. It has been said that figures will not lie, but they can sometimes be so juggled as to conceal the real truth or mislead by failing to present all the facts necessary to a full understanding.

Let us first compare the estimated expenditures for 1923 with the actual expenditures for 1921, and then with the estimated expenditures for 1922. There was expended in 1921 on railroad claims and other expenses growing out of the Government control of railroads the sum of $730,711,669.98. There is no estimate for the expenditure of any sum for this purpose for the year 1923. As is well known, the amounts needed for this purpose in 1923 will be taken care of in another way under the transportation act. There was expended in 1921 for the War Department the sum of $1,101,615,013.32, as against the estimated sum of $369,902,107 for 1923, or a difference of $731,712,906.32, made possible, as we all know, by a material reduction of the Army by act of Congress from what it was during the years immediately following the war.

There was spent in 1921 for the Navy Department the sum of $650,373,835.58, and it is estimated there will be spent for this purpose in 1923 the sum of $431,754,000, a difference of $218,519,835.58, made possible solely by act of Congress in reducing the Navy from what it was immediately following the war and by a reduction of the naval construction program.

There was expended in 1921 for the purchase of obligations of foreign Governments the sum of $73,806,697.44 and $16,781,320.79 for the purchase of farm-loan bonds in order to enable the Farm Loan Board to function, and $922,593.14 by way of unclassified repayments, and more than $35,000,000 by way of bonus to civil-service employees. These were all necessary expenditures for 1921. It is not estimated or contemplated that any sum for any of these purposes will be spent in the year 1923.

There was expended in 1921 for the Shipping Board, largely for construction purposes, the sum of $130,723,268.26, whereas only $50,495,735 is estimated for expenditures during 1923, a difference of $80,227,535.26 arising out of the construction of merchant ships in 1921, all of which will have been completed by 1923.

There were a number of war activities, like the Food and Fuel Administration, War Finance, Grain Corporation, War Trade Board, and the like, growing out of war, which it had not been possible to fully wind up in 1921. There was expended in that year on independent offices of this kind the sum of $83,596,418.52. The estimated expenditures for 1923 are $17,034,583, a difference of $66,561,835.52, made possible by the closing of most of these offices five years after the war.

It is perfectly clear that none of the various sums which I have mentioned as having been spent in 1921, but which will not be spent in 1923, can be credited as an economy to either the administration or Congress. They were expenses growing out of the war which had not been dispensed with in 1921, but which no one would suggest should be carried on in 1923, five years after the war closed.

These sums aggregate the sum of $1,954,244,394.03. If this is deducted from the $2,032,285,962.30, which the President is so careful to point out as the difference between the actual expenditures in 1921 and the estimated expenditures for 1923, and which he claims shows economy on the part of his administration, it will be found there is a real bona fide reduction for governmental activities in operations in 1921 and in 1923 of only $82,041,568.27, or a reduction of only about 2 per cent, which I submit is a very poor showing of economy, and a very poor compliance with the pledges made to the people when it is remembered that in 1921 it was not humanly possible to wholly get away from the enormous expenditures incident to the war. It is high time now that war expenditures should be cut out and our Government get back to a peace basis of expenditure. It would not be unfair to contrast the estimated expenditures for 1923, five years after the war, amounting to $4,081,992,793, including the Postal Service, with the expenditures in 1916, the last year before the war, under a Democratic administration and Congress, and which amounted to $1,114,937,012.32, or, in other words, an excess for 1923 of nearly $27 for each man, woman, and child in the entire country.

Now, I do not mean to say that it will ever be possible, or certainly not for years to come, to get back to the expenditures of 1916. New activities have been taken on, and the Government has engaged in many things that it was not engaged in at that time. We have, of course, the interest on a large public debt to take care of, and things of that sort, but I do contend that five years after the war this Government ought to be getting back nearer to what was expended before the war. And certainly no claim, no just claim, for economy can be made when we are spending, as it is proposed to expend in 1923, an excess of nearly $27 for every man, woman, and child in the country over and above what was spent in 1916.

Mr. OLIVER. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. OLIVER. Your study of this question, then, suggests there is justification for the comment of the gentleman from Illinois [Mr. MANN] as to the pretended economy of the Bureau of the Budget?

Mr. BYRNS of Tennessee. There certainly is; and I propose to refer very shortly to the work of the Bureau of the Budget in connection with the estimates submitted.

Mr. BRIGGS. I would like to ask the gentleman to explain at that time, if he can, also the reason for the difference in the bill as reported and the estimates given by the Bureau of the Budget, which proposed to hold the amounts down to the minimum.

Mr. BYRNS of Tennessee. I will be glad to do so.

An analysis of the estimated expenditures for the year 1922 and 1923 show similar results, and an equal and utter failure of the present administration to reduce expenditures for next year from what they are this year, as was solemnly promised the people in the last campaign.

The reductions are $337,679,235, which will be paid to the railroads this year, but which will be taken care of in another way next year: $47,096,000 for the Navy Department; $19,189,299 for the War Department; $23,415,246 for the Shipping Board, and $35,000,000 for the bonus to civilian employees; or an aggregate of $461,380,880. And, mind you, all of these reductions are not due to any economy on the part of the Bureau of the Budget or on the part of the administration. They follow necessarily as the result of the action taken by Congress.

When this sum is deducted from the sum of $462,167,629, by which amount the President boasts the estimated expenditures for 1923 have been reduced from those of 1922, there is left

the exceedingly small sum of $786,759, or less than one-fifth of 1 per cent reduction in expenditures as estimated for activities which will be carried on in both the year 1922 and the year 1923. So we see, Mr. Chairman, that while there may be a reduction in expenditures in 1923 from those of 1921 and 1922, such reduction is the natural result of getting further away from the war, and not due to any contemplated economy on the part of the administration. On the contrary, an examination of the estimates will show that an increase is contemplated in many departments of the Government.

These are the first estimates submitted under the budget law. That law was designed to effect economy and cut the expenses of the Government to the lowest possible minimum consistent with proper administration. It makes the President directly responsible to Congress and to the country for the estimates submitted, and provides him with proper machinery to secure full information in order to revise and reduce the expenses of the Government and discharge the responsibility resting upon him. The law as enacted is full and complete, but its administration, as disclosed by the first estimates submitted under it, must prove a severe disappointment to those who labored so earnestly for its passage.

No better illustration of the failure to meet the expectation of the advocates of this law in the reduction of estimates can be shown than in the pending bill. The estimates for the Treasury Department for 1923 were $136,381,551.29. This sum was approved by the Bureau of the Budget and the President, and Congress was asked to appropriate that amount. But your Committee on Appropriations, after full hearings, came to the very clear conclusion that they should be reduced in the sum of $12,491,713.38, or nearly 10 per cent, and they have so recommended; and if this bill is passed as reported there will be appropriated for the Treasury Department the sum of $118,610,959.81, instead of the sum asked for by the President.

Even this is not getting back to anything like prewar expenditures, nor is it a real reduction from the appropriations for 1922 when all the facts are considered, for while it is $17,565,477.48 less, it must be remembered that the appropriations for 1922 carried $18,500,000 for hospitals for disabled soldiers, an item which is not carried in this bill. Leave out this item—and it should be done, for it was for a special emergency and not an ordinary activity of the Treasury Department—and it will be found that the amount carried in this bill exceeds the appropriations for 1922 for similar purposes by about three-quarters of a million dollars.

The figures cited show that there has not been that reduction in the ordinary expenditures of the Government which was promised an overburdened taxpaying public. The only savings result from the elimination of certain war-time activities, which should have been eliminated years ago, and for the failure to do so the majority party must be held responsible, for it has had control of both branches of Congress since March 4, 1919.

I dare say the gentleman from Wyoming [Mr. MONDELL], after the appropriation bills have been passed and before the conclusion of the session, will follow his usual custom of making an address to the Congress and the country in which he will claim great economy in the appropriations made, basing his statement on the fact that we are not spending as much in 1923 as we were two or three years after the war had come to a close and when the Government was burdened with certain hang-over war expenditures. But I wish to suggest to the gentleman that when he makes that address not to deal with glittering generalities but that he analyze the figures presented in the budget for the various departments of the Government.

Although what may be called the ordinary expenses of the Government increased to an enormous extent as a necessary result of the war, I challenge anyone to show by an analysis of the detailed estimates contained in this budget that there has been a reduction in the ordinary expenses of the Government. On the contrary, such an analysis will show an increase, as is clear from the budget estimates, which exceed the appropriations for 1922 over $37,000,000, notwithstanding the elimination of a number of war activities. It is not the fault of the budget law, which met with the approval not only of Members on both sides of the Chamber but also of everyone throughout the country who had been advocating budget legislation during previous years. In the last analysis, practically all a budget law can do is to fix definitely the responsibility upon those who are charged with the duty of presenting estimates for appropriations to Congress and to provide the proper working force and machinery for the discharge of that responsibility. This is what the budget law does. For the first time the President is made directly responsible for the estimates submitted. If, therefore, the estimates as submitted are extravagant or greater than the public need demands, the administration can not escape its responsibility.

Section 202 of the budget law provides:

> If the estimated receipts for the ensuing fiscal year contained in the budget, on the basis of laws existing at the time the budget is transmitted plus the estimated amounts in the Treasury at the close of the fiscal year in progress available for expenditure in the ensuing fiscal year are less than the estimated expenditures for the ensuing fiscal year contained in the budget, the President in the budget shall make recommendations to Congress for new taxes, loans, or other appropriate action to meet the estimated deficiency.

The President reports that there will be a deficit, or an excess of estimated expenditures over estimated revenues for the present fiscal year of $24,468,703 and for the fiscal year 1923 of $167,571,977. I respectfully submit that the President has failed to comply with the express requirement of this law in advising Congress as to how this deficit may be provided for.

Let me read all he says on the subject. He says this:

> For the purpose of providing a portion of the funds necessary to balance the budget for 1923, in which the estimated expenditures exceed the estimated receipts by the sum of approximately $150,000,000—

It is over $167,000,000—

> I recommend the following legislation in connection with the naval appropriation bill for 1923, which would result in the eventual automatic release of $100,000,000 now held in the naval supply account of the Navy Department:
>
> "Hereafter, until the naval supply account shall have been reduced to a maximum sum of $150,000,000, which shall not thereafter be exceeded, one-half of all reimbursements otherwise due to the naval supply account, whether from current issues or from sales, shall be covered into the Treasury as miscellaneous receipts, and only one-half shall be credited to the naval supply account."

As you know, the naval stores supply amounts to $250,000,000. The President has recommended that it be reduced to $150,000,000. resulting in a saving of $100,000,000; but it will be saved over a period of years and there will be nothing like $100,000,000 saved during the fiscal year 1923 to take care of the deficit which he says will exist.

Now, what does he say further?

> With continued pressure for economy in all departments and the passage of such legislation the balancing of total receipts and total expenditures for the fiscal years 1922 and 1923 should be accomplished.

Now, if that statement had been made by any person other than the President of the United States I should have called it ridiculous, but I have too high a regard for the President personally, and also as Chief Executive of the Nation, to apply that description to it. But the President is in the position of coming to Congress and solemnly saying that Congress must appropriate a certain amount of money for 1923 to meet the positive needs of the Government, and in the same message he tells Congress, in effect, that if it will reduce those estimates then this deficit which he has estimated can be taken care of.

If the President of the United States knew where those estimates could be reduced it was his duty under the plain provision of the law to have told the Congress and your committee just how the reduction could be made. More than that, he should not have asked Congress to appropriate more than is actually needed for the economical administration of the Government.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. MOORE of Virginia. In the report of the Director of the Budget does he undertake to discuss what you describe in the statement issued by your committee as the permanent and indefinite appropriations, and does he undertake to advise whether or not they are capable of reduction?

Mr. BYRNS of Tennessee. The President does not in his message, but my recollection is that the Director of the Budget does take the position that these continuing appropriations or indefinite appropriations should be discontinued, and that there should be a repeal of many of the appropriations to which the gentleman refers.

Mr. MOORE of Virginia. As it caught my attention in looking at this very interesting statement, something like 40 per cent of the annual appropriations are of that character which you describe as continuing appropriations, and what are stated in the statement to be permanent or indefinite appropriations. In other words, something like 40 per cent of the appropriations every year are not made upon an annual basis, but are made in statutes that run indefinitely. That is correct, is it?

Mr. BYRNS of Tennessee. I am sure the gentleman has investigated sufficiently to be accurate as to the percentage. I do not recall the exact figures, but the gentleman from Illinois [Mr. MADDEN], chairman of the committee, has stated that it is his firm purpose to later on bring in a bill which will repeal appropriations of that character just so far as it can properly

be done. Of course we all realize that it ought to be done in the interest of economy and good government and efficient government, because Congress should have an opportunity to pass upon these appropriations year by year, and that, of course, can only be done by a submission of the estimates and the making of annual appropriations.

Mr. MANN. That 40 per cent, however, includes the interest on the public debt and the sinking fund. What is the occasion for making an annual appropriation for the payment of the interest on the public debt? Can anybody see any reason for that?

Mr. BYRNS of Tennessee. I see no particular reason for that, because, of course, that is a fixed sum and must be appropriated and paid by the Government.

Mr. MANN. Or the sinking fund.

Mr. BYRNS of Tennessee. Except to inform Congress and the country as to just how much interest we are paying from year to year.

Mr. MANN. I am perfectly willing that that be done.

Mr. BYRNS of Tennessee. But there are many other appropriations that ought to be made annually instead of indefinitely.

Mr. MANN. I know, but when a man talks about 40 per cent it sounds large; but when the first item is more than 25 per cent what is left does not sound so big.

Mr. BYRNS of Tennessee. The deficit as estimated by the President for 1922 will be over $24,000,000. Since then Congress at the earnest request of the President has passed a bill appropriating $20,000,000 for Russian relief. True, that sum is to be paid out of funds belonging to the United States Grain Corporation; $7,000,000 of the funds belonging to that corporation are now in the Treasury, and when they are drawn out to make that payment it will necessarily increase the deficit estimated to that extent. And in addition thereto the United States Grain Corporation, I understand, has something over $12,000,000 to its credit outside of the Treasury of the United States, which if it had not been applied to that particular appropriation would have eventually been covered into the Treasury and served to reduce the deficit to that extent.

There is a further request of Congress to appropriate $11,500,000 for the purchase of the Cape Cod Canal from a private operating company, the principal stockholders of which, I am told, are New York capitalists. The plain letter of the law was not complied with as to either of these requests. Now, let me read from section 202 of the budget law:

SEC. 202. (a) If the estimated receipts for the ensuing fiscal year contained in the budget, on the basis of laws existing at the time the budget is transmitted, plus the estimated amounts in the Treasury at the close of the fiscal year in progress, available for expenditure in the ensuing fiscal year, are less than the estimated expenditures for the ensuing fiscal year contained in the budget, the President in the budget shall make recommendations to Congress for new taxes, loans, or other appropriate action to meet the estimated deficiency.

In other words, when the supplemental requests or estimates are such as to cause a deficit it was the duty of the President under the law to have told Congress how the money was to be derived, whether by taxation or loan. That plain provision of the law has not been complied with.

The budget law abolished the position of Comptroller of the Treasury and the six auditors of the Treasury and created the position of Comptroller General of the United States, who is charged with all the duties formerly performed by those officers whose position were abolished. But he is charged with additional duties, the strict performance of which are absolutely essential to a well-rounded and effective budget system. I read from section 312 of the budget law, page 7:

SEC. 312. (a) The Comptroller General shall investigate, at the seat of government or elsewhere, all matters relating to the receipt, disbursement, and application of public funds, and shall make to the President when requested by him, and to Congress at the beginning of each regular session, a report in writing of the work of the General Accounting Office, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt, disbursement, and application of public funds as he may think advisable. In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in public expenditures.

There has been no effort to comply with this express requirement. No report has been submitted; Congress has received no information. So far as known, he has only performed the duties of former auditors whose positions were abolished. So far as we know, the Comptroller General is only engaged in auditing the expenses of the Government, and no effort has been made to comply with the strict requirements of the law, which placed on him the duty to make a report to Congress and make recommendations to Congress looking to greater economy and efficiency in public expenditures as a result of his investigations. It was understood that when the Comptroller General was appointed and the budget law went into effect the Comptroller General or some of his officers would sit in with the various subcommittees on appropriations and give them information as to the expenditures of the various departments when it came to making up future appropriations for the departments.

I submit that up to this time, although the law was passed early in June, 1921, there has been a total failure on his part to comply with what I conceive to be one of the most important functions of the office of the Comptroller General, and which was emphasized by all of those who spoke on the subject when the bill was pending. He either does not know his duties or he has chosen to ignore them. Unless he performs this service, there was no reason to do away with the Comptroller of the Treasury and the six auditors, unless it was to provide him with a job at a fat salary and a long tenure.

I have not referred to this for the purpose of making captious criticism of anyone, although any official who ignores the plain letter of the law is deserving of censure. I have referred to it solely for the purpose of emphasizing the importance and necessity on the part of every official, whether high or low, to strictly comply with the provisions of the budget law, and with the hope that there may be a more faithful administration of it in the future. Laws are passed to be observed and obeyed, not to be ignored, and if the budget law is to be ignored or disregarded by any official upon whom it places responsibility, then the efforts of those who so earnestly worked for its passage will have been in vain, for it soon will become a dead letter. The budget law was designed to effect economy and promote efficiency in government, but this will not be accomplished unless it is faithfully administered. No law, however salutary, is worth the paper on which it is written unless it is properly administered, and I am anxious that this great legislative reform shall not be emasculated at the outset by the ignoring of any of its provisions, either by the executive or the legislative departments of our Government.

The majority leader, the distinguished gentleman from Wyoming, has several times boasted of the passage of the budget and has claimed for his party the credit for its enactment at the last session, notwithstanding it was earnestly supported by Democrats as well as by Republicans. He is to be excused for that, because it is about the only thing of genuine constructive importance which was done at the last session of Congress.

But let me say to him that while both the Republicans and Democrats voted for it, its administration rests entirely with his party, and if through faulty administration the law shall fail to accomplish the objects for which it was passed, then the people will hold his party responsible. In my judgment, by far the most important question which confronts Congress to-day is the reduction of governmental expenditures. The people are being taxed to death. They have been promised economy, but what they desire is more practice and less preaching. It has been repeatedly asserted that there have been great reductions, but that fact can only be demonstrated by a reduction of taxes, and this has not been done except as to the larger incomes and excess profits.

The man of moderate means has been given little if any relief, and even now there is a formidable movement for a sales tax, which is nothing more nor less than an effort to further increase the burdens of the masses of the people in order to relieve the large fortunes of the country. Basing my statement on the estimates submitted, little relief in the way of reduction of expenditures is to be expected except through Congress, and more particularly through the House of Representatives, which, after all, has been the one branch of the Government upon whom the people could rely in the last analysis for the practice of economy. It is to be hoped that the estimates as submitted will be greatly reduced, but in doing so let me express the hope that the reductions will not be made with the mental reservation that the appropriations now asked will be granted in full during the next fiscal year and after the election through the medium of deficiency appropriation bills. [Applause on the Democratic side.]

Mr. MADDEN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE. Mr. Chairman, I do not intend to discuss this bill nor take up much of the time of the House, but in the beginning of the new year I am going to take this opportunity, without complaint or criticism of anyone, to mention a few things that I want to see. I speak as a Member of the House, who holds no brief for anybody, who asks no favors of anybody, and whose sole purpose is to be of some public use.

Between now and March 27 I want to see the appropriation bills reported to the House on schedule time and promptly considered and passed, putting the House on record in favor of an early adjournment of the Congress. [Applause.] I want to see a Republican House sustain a Republican President, whose

every act since his inaugural has shown his unselfishness and his absolute devotion to his country. [Applause on the Republican side.] I want to see the legislative program of the administration enacted into law at the earliest possible moment providing a substantial foundation for the revival of business and the return of general prosperity. [Applause on the Republican side.] I want to see a Republican House, with a majority materially greater than the Democratic membership, sustain Republican policies through party solidarity, enforced if necessary by party discipline, in order that a small Democratic minority may not continue to control a Republican House and inflict upon the people its pernicious nostrums for public ills. Lastly, I want to see public expenditures pared to reasonable necessities. [Applause on the Republican side.]

If we do these things we can rest assured of the election of a Republican House in November, which will mean the continuance of economical and efficient government, continued reduction in public expenditures, and the consequent continued reduction in the burdens of taxation. [Applause on the Republican side.]

In conclusion I want to suggest a few things to remember.

Let us remember that this is a government of parties, not of men, and that great reforms can be instituted and carried to completion only through party solidarity. Let us remember that since the election of Lincoln the history of this country, in no small degree, is the record of achievements of the Republican Party. [Applause on the Republican side.] However, let us always remember that this is an age of progress, that we can not rest upon the achievements of the past but must gird up our loins to meet and solve satisfactorily the great problems of the present and of the future, because only in this way, which is a hard road to travel, requiring ability, intelligence, alertness, capacity for work, and indefatigable industry, can we retain the support and confidence of the American people. [Applause on the Republican side.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, I have been very much interested in the remarks of the gentleman from New York [Mr. MAGEE]. I was particularly struck with his very forceful appeal that a Republican House, with a majority greater than the total Democratic membership, should be disciplined into cohesion, and I thought it worth while, inasmuch as the gentleman from New York did not suggest any plan of discipline, out of consideration to the many Republican friends that I have, to bring to their attention and to the attention of the country one definite plan which has been intimated for disciplining Republican gentlemen and bringing about cohesion.

I chanced to see yesterday an interview in the Baltimore Sun of December 26 last with the gentleman from Ohio [Mr. FESS], who occupies a very responsible position as "coheser" in the Republican organization, being chairman of the Congressional Republican Committee, and who thus is in a particularly favorable situation to exercise certain powers that it is expected might bring about cohesion. It seems to me that somewhere back in the past some gentleman used an expression about "the cohesive power of public plunder." I think this interview perhaps deserves more emphasis and a wider circulation than it has as yet received. I have spoken to several gentlemen who had not heard of it, and I am going to venture to read it:

"It is true," said Representative FESS in discussing the report that plans are under way to bring about greater cohesion among Republicans in Congress through the application of pressure, "that the members of our executive committee have under consideration now a proposal that campaign funds be withheld from Republicans who will not stand with the organization on party measures.

"For the most part," said Mr. FESS, "the Republicans who have voted with the Democrats against party measures come from districts that are either normally Democratic or Republican by small majorities. Their votes in many instances are attributed to a desire to satisfy the Democratic element of their constituencies.

"On the other hand, most of the members of our executive committee come from the big contributing States, like New York, Pennsylvania, Illinois, and Ohio. They do not feel that the funds collected there should be sent into other States to help elect men who will not stand with the party after they have been elected. The question whether these funds shall be withheld in the fights for reelection has not been decided one way or the other as yet."

I do not know whether the remarks of the gentleman from New York made a few moments ago indicates that a decision on this very momentous question is being approached or not. I assume, however, that we shall hear more of this and that a decision will be reached, probably not at a very early date, but reached, ultimately—maybe about the time the tariff bill comes back, or some period about that time. [Laughter and applause on Democratic side.] At any rate, Mr. Chairman, we shall wait with great interest to see what becomes of it. [Applause and laughter on the Democratic side.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 15 minutes to the gentleman from Louisiana [Mr. LAZARO].

Mr. LAZARO. Mr. Chairman, I understand that the President, through the Secretary of Agriculture, has called a national agricultural conference for January 23, with the view of discussing agriculture from every standpoint, and finding remedial measures to meet the present farm situation and to agree upon a permanent policy for developing a self-sustaining agriculture.

Let us hope that practical representative men will participate in this conference and that they will suggest ideas which can be crystallized into law and will give relief to the people.

At this conference we should also have men engaged in allied industries, for instance, transportation, because they dovetail and must be considered together.

My judgment is, however, that we should make use of the information we have already gathered as a result of the investigation made by the joint House and Senate committee, and carry out the sensible and practical views contained in their report issued recently. That would give immediate relief while we go ahead with the conference. Let us consider for a moment some of the recommendations contained in this report.

First. The legalization of cooperating marketing combinations.

Second. The lowering of freight rates.

Third. The establishment of agricultural representatives in the foreign countries.

Fourth. Credit facilities corresponding to the farmer's turnover and having longer maturity, which would enable payment to be made from the proceeds of his farm.

Fifth. The perfection of a warehousing system, which would provide a uniform liability on the part of the warehouse proprietor and in which the moral and financial hazards would be fully insured.

It was suggested in this connection that the States pass uniform laws regulating the liability of warehousemen and the services they render, so that together the Federal Government and the State could give the producers a better system of grading their products, and a warehouse receipt that would permit him to carry on his business with his merchant and banker with more facility than he has now.

This system would not only afford protection to our products from bad weather but would also give us a better rate of insurance.

Sixth. Extension and better supervision of the statistical division of the Department of Agriculture, which would prevent, in my judgment, erroneous crop estimates, which usually fall heavy on the agricultural sections.

This would also promote better record keeping of the cost of producing farm products on the basis of the farm-plant unit and would encourage more efficient methods of farm management.

Seventh. More adequate wholesale terminal facilities, particularly for handling of perishable food at primary markets, and a more thorough organization of the agencies and facilities of distribution in the large consuming centers of the country.

Eighth. Development of better roads to local markets, joint facilities at terminals connecting rail, water, and motor transport systems, and more adequate facilities at shipping points, with a view to reducing the cost of marketing and distribution.

Ninth. Direction of greater effort in the improvement of community life.

This joint House and Senate committee is composed of experienced and practical men who have held long hearings during which representative men from every section of the country were heard, and I submit that the report just issued and those to be made by them in the future be studied very carefully.

One of the most pressing problems mentioned in the report is the one recommending a reduction in freight rates. Those engaged in transportation, as well as the Interstate Commerce Commission, should understand that unless these transportation freight rates are reduced at once, a whole lot of perishable food will rot on the farm, because it is impossible for it to bear the cost of transportation. And the result will be lessened production on the farm, acute suffering in the large consuming centers of the country, and, in the end, loss of business to the railroads.

If you will bear with me one moment I will call your attention to a concrete case on my own farm. I have here an account of a sale made a few days ago, which, I believe, ought to be interesting to the Members representing the consumers in the large cities who complain of the high cost of living, and many of whom hold the producers of the agricultural sections responsible for their suffering.

The best Porto Rican yam sweet potatoes sold at this sale brought 75 cents a barrel. I pay here 5 cents apiece for those potatoes. Blue Rose rice was sold at $2.15 a barrel. This rice retails here for 10 cents a pound. Home-made cane sirup was sold at 40 cents a gallon. Sirup much inferior to it retails here

at 25 cents a half pint. The highest offer made for corn was 30 cents a barrel in the shuck, which was not sold. The balance of cotton of 1920, which cost about 28 cents a pound to produce, was sold at 15 cents. The best Lespedeza hay made was sold at 30 cents a bale.

Now, there is a concrete case where every article produced was sold below the cost of production. Therefore you can readily understand that if such a condition continues to exist, with the high rate of taxation, it will be a question of a very short time when the farm will have to go.

We are told to diversify, and we do diversify, but what good does it do to produce an excess of food products on the farm with the view of shipping it to the large centers when the freight rates will cost more than we are paid for the products at home? I repeat, I mention this case of my own, and, of course, that is the case with every other farmer, to give the representatives from the cities a thorough understanding of the situation, so that they will help bring pressure to bear on those engaged in transportation and the Interstate Commerce Commission for lower freight rates if we are to continue to produce.

With farm products selling below the cost of production on the farm, and the exorbitant prices in the cities for food and clothes, how can we expect to get along? It means that the purchasing power of the agricultural section is absolutely destroyed, and, of course, with the purchasing power of so many people destroyed, we must expect millions of people to remain unemployed. The banker, the merchant, and the manufacturer, and those engaged in the professions can not prosper unless those who do business with them can purchase and pay for what they purchase. Then, too, in the cities those who work for wages can hardly make ends meet when they must pay such exorbitant prices.

With such a wide gap existing between the producer and the consumer, efforts must be made to bring them closer together. And we who represent the agricultural sections appeal to those who represent the congested centers to work together and in harmony with the view of correcting whatever evils exist in our system of distribution and marketing.

It is agreed by all that agriculture is the foundation of the industrial pyramid, and yet if there is no change in the drift it is very evident to one who observes that we will soon face the impossible task of making the pyramid stand on its apex.

Why not be practical and learn lessons from the past instead of discussing high-sounding theories? In Russia, for instance, where the government under sovietism attempted to compel the farmers to produce, but keeping only enough for the bare necessities of life and turning the balance into the common fund, it was soon discovered that production was diminished, transportation destroyed, causing people to starve. And to-day Lenin, who is the brain of sovietism, is appealing to Russia to recognize the principle that one must be rewarded for his work if production and business are to return.

Another lesson which can be a warning to us is the case of Austria-Hungary. Following the war the country was divided, and while Austria was left with its universities and Vienna with its bureaucratic center, the headquarters of the great railway administration and the financial and banking heart, it was soon discovered that they could not live because the plains of Hungary, which furnished the foodstuffs for the old Empire, had been taken away from them. If this political disruption was a necessity, it soon became clear that the same did not hold good for its economic organization. None of them could live alone. Each had need of the other for its economic life and development. Therefore, it became necessary to reconstruct economically. The first step was an understanding between the countries. Then came the reorganization of international navigation, and now a commercial agreement has been entered into. When this has been extended, the balance will be restored and they will all prosper together, provided, of course, they go to work, which is very much needed all over the world if we are to return to normal conditions.

No "back-to-the-farm" movement in this or any other country will succeed until the farm is made more attractive, until rural communities offer some of the attractions enjoyed by the people living in the cities. It is vital to the future security of the world that those who labor, whether on the farm or in other fields of industry, should be encouraged to work and economize with the view of owning their homes and raising their families in proper environments, because during this period of unrest, when so many wild theories of government are being preached, it is to those who own their homes and are contented mainly that we must look for the preservation of the Republic.

A good deal has been said recently about a so-called agricultural bloc. I do not know that such a thing really exists, but I do know that this propaganda was started at a time when Members representing agricultural sections began to fight together, regardless of parties, not for favors but for justice for the agricultural sections. For instance, it was made very plain to the manufacturers that the tariff could not be looked upon any longer as a political question but as an economic question, and that when the Government went to the customhouses of the country to collect a duty on imported goods, it made no difference what the duty was called, the protection that resulted from it had to be distributed equally between the producers of agricultural products and the manufacturers, and that the protection must not be to enrich a few at the expense of the many, but to make good the difference between the cost of production in foreign countries where a low standard of living exists, and the cost in America, where we have a higher standard of living, with the view of keeping up our American industries and giving employment to the American people.

It is a pity that those who worry and complain of this so-called agricultural bloc should not worry a little more when they come face to face with blocs seeking special privileges. A representative government is never in danger as a result of conflicts of ideas, ambition, and policy; it is in danger only when those in control ignore the people. Those of us who have made the fight for agriculture on this floor have never asked for special privileges or favors, but we have asked for justice for all the people from all the sections of the country. [Applause.]

Mr. YOUNG. Mr. Chairman, will the gentleman yield?

Mr. LAZARO. Yes.

Mr. YOUNG. I am wondering whether the gentleman has the items of cost of distribution; the cost, for instance, of sweet potatoes; what is the cost to the provision man and what price he gets from the retailer, and where these costs go.

Mr. LAZARO. Of course we know that the freight rate is quite a factor, but there are middlemen who must be looked after. My understanding is that the Department of Justice right now is investigating this matter with a view of finding out why products are sold so cheaply where they are produced and so dearly where they are consumed.

Now, I take it that we will have a report of that soon and something will be done to eliminate whatever useless men are found in this gap between the producer and the consumer.

Mr. GOODYKOONTZ. Will the gentleman yield?

Mr. LAZARO. I will.

Mr. GOODYKOONTZ. Last summer I was informed that watermelons in the South weighing about 30 pounds were put on cars at 8 cents apiece, or $80 a thousand; that the freight on those melons here was about 8 cents, increasing the price of the melons to 16 cents. Those melons were sold at 4 cents a pound, or $1.20, and they made it $1.25 to have round figures. Now, if that information is sound, and I have reason to believe it is, what can we do to correct a situation of that sort? We talk a great deal about it and all want to help, but what can we do to bring about the relief desired?

Mr. LAZARO. Well, my reason for speaking this afternoon and for giving the committee my own experience with the sale of products on my farm and what I was paying for what I consumed was to try to arouse a feeling among the Members, and especially of those who live in the large centers, to see if something can not be done to remedy this situation, because we know that to-day less than half the population of this country reside on the farm, and that they will not continue to produce at a loss, and certainly those who represent the consumers in the large centers must understand that unless something is done to remedy the situation production will diminish, and in the end not only will they have to pay more than they are now paying but there will be acute suffering as a result. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. VARE. Mr. Chairman, I yield 10 minutes to the gentleman from West Virginia [Mr. GOODYKOONTZ].

Mr. GOODYKOONTZ. Mr. Chairman, I have listened with interest to the address of the chairman of the Committee on Appropriations. I was glad when the gentleman [Mr. MADDEN] was elevated to that position, for I knew he had not only the intelligence but I believed the nerve, if I may so express it, the courage to stand by his convictions. We feel that he will in due time earn the title of "watchdog of the Treasury." We have faith and confidence that our great chairman will not be deflected from his main purpose of firm economy in our governmental affairs. And I was delighted to hear the speech of the gentleman on my right [Mr. BYRNS of Tennessee], who very broadly and very patriotically stood up for the budget law and courageously directed public attention to certain infractions of that law. He should be sustained in the position he has taken, and the Congress should insist that the findings of the Budget Commission be adhered to unless on account of conscience we are unable to subscribe to their findings. The gentleman from

Illinois [Mr. MADDEN] referred to the debts due us by foreign Governments and observed that the House had passed a bill empowering our splendid President and the Treasury Department to refund those debts, put the obligations in negotiable securities, but that the legislation was not yet complete. Out of delicacy he did not advert to the fact that the measure is now held up or slumbering in one of the committees of the body at the other end of the Capitol.

Mr. Chairman, I send to the Clerk's desk and ask to have read an article of news which was printed in a recent issue of the Wall Street Journal.

The CHAIRMAN. Without objection, the Clerk will read the article in the time of the gentleman.

There was no objection.

The Clerk read as follows:

NEWSPAPER SPECIALS.

American Paris dispatch says instruction to French delegates at Washington to stand firm on submarine issue is looked upon in France as hint to America that Hughes's proposals can not stand unless United States makes substantial concessions to Europe. Concessions hoped for include: That American creditors grant long delay to Belgium for payment of her war obligations, in which case Belgium is willing to forfeit 50 per cent of her priority rights to German indemnity in favor of France; that United States forego temporarily claims for payment of expenses of occupation; and that Ambassador Harvey be sent to Cannes meeting of supreme council as plenipotentiary instead of as observer.

Mr. GOODYKOONTZ. Mr. Chairman, we may or we may not indorse the business policy or subscribe to the political doctrines of the Wall Street Journal, yet I think it is true that the Journal's facilities for gathering the news are of the best and its reports of fact very dependable.

The item just read, although widely circulated, has not been denied. It will be observed that the gist of the dispatch from Paris, France, is to the effect that instructions from the French Government to her delegates now in Washington to stand firmly opposed to the proposition of Secretary Hughes concerning the limitation of undersea craft is to be regarded as a hint to the United States that if the latter shall waive certain rights in respect to claims against Belgium, France, and Germany, then France will yield in respect to the matter of limiting the number of submarines.

The American people have always held France in high esteem, but France has been acting rather strange of late, and by her conduct is jeopardizing the friendship of our people. If France is playing the game ascribed to her she will not be successful. She can pay us what she owes us and go her own way. The conference is dealing with a subject of the very highest importance—one that concerns the saving of perhaps millions of lives and the destiny of the world.

But, Mr. Chairman, there are those in this country—not many, I am pleased to know, but a few—who are encouraging France and the other nations to whom we have loaned money in the hope and belief that America will cancel such loans. The persons who thus encourage are holding out a false hope; they are doing our debtors, no less than America, a grave injury. As germane to the subject, I send to the Clerk's desk and ask to have read an excerpt from a news item which appeared in a recent number of the Washington Post.

The CHAIRMAN. Without objection the article will be read in the time of the gentleman.

There was no objection.

The Clerk read as follows:

JUSTICE CLARKE WANTS WAR LOANS CANCELED—SAYS UNITED STATES SHOULD ACT BOTH FROM FRIENDSHIP AND TO REVIVE WORLD TRADE.

(By the Associated Press.)

CLEVELAND, OHIO, *December 27.*

That the war loans made by the United States to the Allies should be "promptly and wholly canceled" was urged by Justice John H. Clarke, of the Supreme Court of the United States, in an address at the weekly noonday luncheon of the Cleveland Chamber of Commerce to-day.

After stating that the loans aggregated about $9,500,000,000, and with the interest now amounted to $11,000,000,000, Justice Clarke said he would consider the proposal to cancel them first as a matter of friendship for and justice to the nations which risked all with us and sacrificed much more than we did in support of the great common cause, and, second, on the basis of cold, practical business policy.

Mr. GOODYKOONTZ. Gentlemen will note that at the very time when the American delegates at the Arms Limitation Conference were striving with the representatives of foreign powers to come to agreement with reference to limitation of undersea craft, that a member of the Supreme Court of the United States in a public address—that was sent broadcast, all over the world—expressed the opinion—more than that, declared—that it was the duty of America to cancel the war loans of $10,000,000,000 to foreign nations upon the grounds of "friendship and justice," and also as "a good business policy." The reputation of Mr. Justice Clarke, as a citizen and jurist, has never been questioned, and what I am now saying does not in any manner reflect upon his private character or judicial reputation. But it seems to me that the learning and experience of this judge ought to have rendered him the more cautious in taking liberties that have had, in some degree, a direct tendency to encourage France to believe that by holding up the agreement to reduce submarines, she would be able to induce the Government to cancel the vast money debt she owes us.

Mr. Justice Clarke thinks that "justice" requires us to cancel the war debt. I deny that justice requires anything of the sort.

Mr. BLANTON. Will the gentleman yield?

Mr. GOODYKOONTZ. Wait until I conclude.

The CHAIRMAN. The gentleman declines to yield.

Mr. GOODYKOONTZ. Since when did England or France become a pauper or an object of charity? We spent nearly as much money in the war as England, although the latter was in it nearly three years before we got in.

Then, we are told that to cancel over $10,000,000,000 debt to our Government, when our Government is indebted to her own people over $20,000,000,000, "would be a good business policy." The fact is we do not want business that bad.

It is said that we ought to forgive this debt to the nations as an act of "friendship." The time has not come when we are required to buy friends with money. France should be our friend forever for what we have already done for her. France has been very exacting with us. She demanded damage for smoking her bridges; rental for ground occupied by our soldiers in the trenches fighting the battles. The vast war supply of goods we let her have at one-fourth their cost—and these she has not paid for—in large proportion were shipped back to America and sold to our people at a price three or four times as great as what she paid.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOODYKOONTZ. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

Mr. BLANTON. Mr. Chairman, reserving the right to object, I want to ask the gentleman if he does not think he is aiding these propagandists by placing this statement from Justice Clarke in the RECORD?

Mr. GOODYKOONTZ. No; I do not. I am warning the American people against such propagandists. Forewarned is forearmed. [Applause.]

The CHAIRMAN. Is there objection to the gentleman extending his remarks? [After a pause.] The Chair hears none.

Mr. GOODYKOONTZ. It has been calculated that if the Germans were to pay the war indemnities in gold coin it would require 85 railroad trains of 40 cars to the train to haul that gold. Since France will get the lion's share of this gold, there is no reason why she should not pay unto us that which she owes.

Mr. Justice Clarke is not qualified to speak for us on the subject involved, for the reason that he has a life job, drawing an annual salary of $14,500 that can not be diminished during his tenure, and which is not subject to taxes.

The money loaned to the Allies by the Government was the money loaned the Government by the people. And the people—not Mr. Justice Clarke—will have to be taxed to pay the bonds. As a legislative officer and as one of the people whose salary and income will be taxed by governments—national, State, and municipal—I respectfully insist that foreign Governments pay unto us every dollar that we loaned them, and with interest. Propaganda for the cancellation of the war loans should not be tolerated. Alien influences, operating in subtle fashion and covert form, most likely will be brought to bear on America to induce her to cancel the war loans.

Patriotic, courageous Americans should be ever vigilant to discover and expose insidious propaganda from whatever source and in whatever form, having as its object the annulment of the loans made to foreign Governments during the period of the war. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 15 minutes to the gentleman from Tennessee [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I desire to pay my respects to the Veterans' Bureau "as is and where is."

Everybody familiar with the subject knows that Congress has been anxious to deal liberally with our disabled soldiers. I do not believe that there has been a Member of the House who has not supported with all his soul the measures designed for the relief of those disabled in the World War.

But Congress has had great difficulty with its instrumentalities for the administration of soldier relief. Of course, at the beginning of this work in the War Risk Bureau there was great confusion. The entire forces and machinery had to be organ-

ized, and there was necessarily many faults and deficiencies. But that was over four years ago. Congress has been patient. Congress has from time to time passed laws to remedy the causes of inefficiency upon the part of these instrumentalities. We have tried to straighten out the kinks. But always the sympathetic efforts of Congress have been thwarted by the inertia and ineptitude of bureaucrats, by the inefficiency of officers chosen to pass on to the disabled men the relief voted by Congress.

Constantly we have been promised that there would be a change for the better. Constantly we have been told by those responsible that the errors, delays, and mismanagement of which just complaint was made would not be allowed to continue. With each change in the administration of the bureau created to administer the soldier relief, with each reorganization, with each step in its development, we have been promised that our troubles should be at an end. But the end of inefficiency has never come; the end has not yet come. I think the country should know, that the disabled soldiers should know, what Members of Congress are being brought to realize, that the administration of soldier relief is in many respects proceeding from bad to worse.

The time for promises and excuses is past; valid reasons for inefficiency can no longer be presented. Yet evidence is daily accumulating that instead of conditions with the bureau getting better they are becoming worse. Patience has ceased to be a virtue. We have the right to be exasperated.

RANK STUPIDITY.

Instances of lack of sympathy, of inefficiency—nay, more, of the rankest kind of stupidity—upon the part of the bureau come to my attention every day. I do not know whether I handle more soldiers' claims for compensation and training than other Members. All of us handle them for our constituents. There are thousands of these cases in my files. My office receives an average of some 50 letters a day about such claims and writes more. I give these matters my personal attention. Of course, Members of Congress are not the agents of the claimants, are not their attorneys; we are not selfishly interested in whether their claims are allowed or disallowed. But I feel it my duty as the representative of the disabled men who are my constituents to see that their claims are fairly presented, are acted upon with a fair degree of expedition, and that the claimants get a certain measure of justice. I also feel that as an American citizen it is my duty to those who offered their lives for their country to give them such proper help as I can. It is touching to receive, as I sometimes do, a letter, couched in awkward language and written in a spirit of humility, thanking me for what I have done for some poor fellow who lost his health in the service of his country. I always waive aside any thought that I am entitled to thanks for anything that I may do for these men. Always the thought comes, "If you, my boy, could make the sacrifice that you have made; if you could leave home and loved ones and suffer the discomforts of a soldier's service, with your life at stake; if you could do that for your country, surely any Congressman can well afford, is honored even, to try to do something to make good to you the loss which you sustained."

Perhaps I may handle more of these claims than other Members. Some of you have very efficient clerks that are able to relieve you of much of the work. Problems connected with them are presented to us all. These things come before me daily. I want to say to you, my friends, that I have reached the point of extreme exasperation with the methods of the Veterans' Bureau.

I do not want to make any caviling criticism. I do not call in question mere matters of judgment nor criticize where there is room for difference of opinion. Then the responsibility is with the bureau and not upon me. There are many heartbreaking delays, many inexcusable rejections, many awards of mere pittances where substantial sums should be given, many stubborn refusals to consider the statements of noninterested witnesses. But with these matters it is not my present purpose to deal. But for inefficiency, for evasion, for stupidity and indifference that reaches almost to the verge of actual perversity or malice, I feel that I must take some concern. I feel it my duty to protest, that I must not longer remain silent. It is upon Congress to take some action which will insure that these things will appear in a diminishing quantity.

ACTION WANTED, NOT WORDS.

When the present Director of the Veterans' Bureau took office I read in the press a statement from him that "the latchstring would hang outside his door." I was glad to read that, and I know the hearts of many of the boys who had been waiting and longing throughout the months for a fair decision upon their claims were gladdened to read it. But, my friends, I am not able to see that the director's fine professions have been translated into even the minimum of action. Interviews laudatory of the bureau, and obviously emanating from it, appear frequently in the press. The director or some one else down at the bureau evidently has much talent in the press-agent line. But for action, for decision, for doing justice to these boys, for making proper awards upon their claims, I look in vain; it is not there. Almost every day some bureau decision impresses me with the thought that many claimants are receiving payments of compensation to which they have small right, and on the other hand that a large number of claims which are full of merit are being denied.

I do not like mere general scolding. It is not my habit to criticize in general terms. I like to come down to brass tacks. I want to show the House by specific instances the methods that are being used by the bureau. I do not criticize idly and for no purpose. There is no use for me to write a letter to the director asking him to correct abuses. Nothing would result. From this floor is one place that the people of America can speak to their officials; they may speak through their Representatives, and something is usually done to correct evils complained of here. So that for the purpose of having inefficiency remedied, I am speaking here now. I want the director and his subordinates to read in the RECORD what I am saying. I want them to give heed to it. I want them to change their methods. I want our disabled soldiers to derive a benefit from changed conditions. I want the responsible officials to look up the cases which I shall now call to your attention and answer what I am saying if they can.

These are not selected cases. They came before me in a single day. They are mere illustrations from a day's run that came to my desk on yesterday. They are just sample cases, all coming in a day's work. Let us see from them what are the methods of the bureau.

THE CASE OF EARL E. BISHOP.

Here is the case of Earl E. Bishop, C–11488. I wrote to the bureau and made inquiries about this claim. I wrote this:

If the same has been rejected inform me whether it was upon a finding that claimant's disability arose prior to his entering the Army and was not aggravated by his service.

I got back the reply that the claim had been rejected—

because it did not appear from the medical evidence on file that Mr. Bishop had a compensable disability that was either incurred in the service or aggravated thereby.

As will be observed, my question was not answered. There was no answer that gave me any information worth anything. I was unable to determine from that reply whether that boy was disabled when he was enlisted, and a notation made of his disability under the law, so that he was not compensable, or whether his disability originated after his service. I could not even tell from the letter whether they found that he was disabled to a degree less than 10 per cent. There was not a single fact stated in the reply on which I could advise this man so as to have him furnish further evidence on which his claim would be allowed.

It was merely a blind decision; a "judgment for the defendant," as though entered by a stupid and prejudiced justice of the peace who would not give his reasons for fear they were wrong. I then wrote again and asked—

Whether said claim is rejected upon a finding that claimant is not 10 per cent disabled, or upon a finding that his disability existed prior to his service, or arose after his discharge. If upon the finding that his disability existed prior to the service, kindly inform me as to whether notation thereof was made at the time he enlisted.

I was trying to hem in the bureau so as to find out something about the facts in the case. What answer did I get? It was this:

The military records of this claimant show that he was discharged from the draft for being "practically blind in right eye, very poor vision left eye. Existed prior to service."

Mark you, now, they were saying that he had been "discharged from the draft," trying to make out that he had never been enrolled as a soldier at all. The fact is that he enlisted September 19, 1917, and was discharged for disability March 2, 1918. I asked in my letter whether his disability was noted at the time he enlisted. I got no answer. I do not yet know what the facts are. If he had the disability at the time he enlisted and it was not noted, that boy under the plain letter of the law is entitled to compensation. But what I object to so much in his case is not that he was refused compensation, for that might have been an honest mistake, but that he was refused information as to why his claim was disallowed; that I, his Congressman, was not permitted to know the findings upon which the High Mightiness of this bureau based its decision.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BYRNS of Tennessee. I yield to the gentleman 10 additional minutes.

The CHAIRMAN. The gentleman from Alabama is recognized for 10 minutes more.

CASE OF LIEUT. JOHN D. BARCROFT.

Mr. HUDDLESTON. The Bishop case is merely a type. By the same mail I got the same kind of a reply in another case, the case of Lieut. John D. Barcroft, claim 817289. Here is the bureau's statement:

This claim was rejected on October 10 for the reason that the evidence failed to show his disability to be of service origin.

Did his disability exist before he enlisted? Did it originate after he came out of the service? Did it originate in the line of duty as the result of his own misconduct? Why was this claim disallowed? I do not know. I am unable to find out from the bureau. Yet the boy says he was gassed and spent three months in a base hospital; he served his country 38 months and has been disabled ever since he was discharged.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. KINCHELOE. From the fact that the gentleman and the other Members have received so many letters of that kind, does he not think it probable that it is really a form letter?

Mr. HUDDLESTON. It was probably written by a clerk. It seems we do not need expert officials or medical advisers in the bureau, but merely clerks who have sense enough to pick out a form and send it to a Congressman who is making an inquiry. Is it possible that our time has so little value that it may be frittered away by subordinate officials with evasions and subterfuges? As I say, such action reaches beyond the realm of pure stupidity. It comes close to malice and perversity.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. CROWTHER. Does the gentleman realize that under this decentralization plan we are receiving now almost entirely form letters, especially since the records have been sent to New York and elsewhere, and that when a Congressman complains there is an exchange of form letters between Mr. Forbes and Mr. Updike?

Mr. HUDDLESTON. That statement applies to certain cases. It does not apply to these cases that I have mentioned here.

The bureau is not responsible for the so-called decentralization plan. That plan was a mistake. I need not argue that fact to those who are familiar with its workings. It is a failure. It does not produce results. But Congress did that. We took unbaked advice; but ours is the responsibility. The decentralization plan was adopted upon the urging of a committee of the American Legion. Instead of decentralization we have merely created an "Office of Circumlocution." The only good result of that plan, so far as I have been able to see, is to provide jobs for worthy ex-officers who are also true-blue Republicans.

There were perhaps some half-dozen other cases of similar nature that came to me at the same time. I will refer to only one more of them. I made inquiry in the case of Victor Perry, C–453251. Back came the bureau's characteristic reply:

The record in this case discloses the fact that all of the evidence submitted has been carefully considered and the opinion rendered that the claimant's disabilities were not due to or incident to service. Therefore no compensation is payable.

ONLY A TOTAL OF $8 FOR PERMANENT PLEURISY.

Dr. Wood Price, C–827117, served as a lieutenant in the Dental Corps. He had pneumonia, resulting in chronic pleurisy, which his physicians tell him is probably permanent—not that the disease will be fatal, but that it will trouble him more or less as long as he lives. Proofs were filed and examination held and the munificent award of $8 made to Dr. Price; $8 for a single month, mind you, not $8 monthly; but a single $8 for the month of November, 1921. Why beginning November 1 and why ending November 30? "Deponent saith not"; I have been unable to learn. In the interest of curiosity, if not in behalf of justice to a disabled soldier who served his country worthily, I would really like to know.

Alfred E. Cody, C–165536–N. His training was discontinued and he was placed on the compensation roll as total temporary from March 1, 1921, to May 26. The bureau claims to have paid him in full for this period. Cody claims that he has not been paid. I wrote the bureau:

Have claimant's award audited and inform me as to date of compensation award, amount thereof, any changes in same, and payments which have been made claimant.

The bureau replied:

The records of this bureau show that claimant entered vocational training on November 9, 1920, and was discharged therefrom on February 28, 1921. Upon his discontinuing vocational training on the latter date an amended award was approved in his favor which entitled him to compensation in the amount of $80 per month under a temporary total rating, effective from March 1, 1921, which amount was continued to May 26, 1921, the day preceding the date that claimant resumed vocational training.

I did not get the information asked for. My questions were evaded. What checks have they sent claimant? Has he really been paid in full? I do not yet know, although I have repeated my inquiry in the same terms.

A MOST EXASPERATING CASE.

The case of DuRant L. Bevill, C–473733, is one of the most exasperating that has come to my notice. The bureau started out November, 1920, by rejecting Bevill's claim for compensation on the ground "Disability not due to service." Of course, it was only a printed letter with a filled-in blank that Bevill got. That seems the only kind of letter that the disabled boys are considered by the officials of the bureau to be entitled to receive. Claimant wrote on November 22, 1920, asking the bureau what further evidence was required. No answer from the bureau; of course, no answer. Again on March 31, 1921, claimant made further inquiries—again no answer; and finally, in October, he asked me to help him with his claim. The bureau's reply to my inquiry was:

It has been determined from a review of the evidence contained in the record of the case that this claimant's disability, attributable to his service, is less than 10 per cent, and therefore not compensable under the war risk insurance act as amended.

I got no information of the least value. I inquired again. The Bureau replied:

You are advised that all evidence on file in the case has been carefully reviewed, and it is found that your constituent is not suffering from any disability of a degree of 10 per cent or greater resulting from his military service.

I filed additional proof showing claimant's disability to be substantially greater than 10 per cent, and succeeded in getting him reexamined. After repeated inquiries I received the bureau's letter, dated December 17, 40 days after the examination, from which I quote:

You are advised that this report has come to hand, and the evidence contained therein as to claimant's disability has been carefully reviewed in connection with the other evidence contained in the records of the case, and it has been found insufficient to show service connection of his disability.

The bureau had now shifted its rejection to the ground that service connection has not been shown. Yet claimant was discharged from the service for the same disease with which he is now suffering. I pushed the bureau further on this point, and was informed that his disability existed prior to enlistment. I have now asked whether his disability was noted at the time he enlisted. Thus, by pushing the bureau from point to point and exercising extraordinary patience and industry, perhaps after months of effort I may get the information which should have been given in the bureau's first letter.

COMPENSATION REDUCED WITHOUT EXAMINATION.

Now, there is another practice that is even more serious in its results than the methods I have pointed out. It appears that the bureau has now adopted the practice of reducing the compensation of disabled men without examinations. Did you know that, gentlemen? I am going to cite some instances which show such a practice. I have here the papers in the case of Simon Joseph Williams, C–61817.

Mr. GARRETT of Tennessee. Mr. Chairman, if the gentleman will permit, I will say that I have a case of that kind that came to me just this morning.

Mr. HUDDLESTON. I have personal knowledge about this case. This boy was discharged from the Navy because he had become demented. Shortly after his discharge he was found to have active tuberculosis. Since May, 1921, he has been at the tuberculosis hospital at Johnson City, Tenn., as a bureau patient. I notified the bureau by letter on June 18, 1921, that he was there. My letter was acknowledged six weeks later. He has been there ever since. He has a dependent mother, a widow. He had an award of $90 per month. On November 19 the bureau wrote me:

A recent examination has been had and a report furnished the medical division of this bureau. Based upon this medical examination, compensation has been reduced from the rating of temporary total to temporary partial, 55 per cent, which entitles the claimant to compensation in the amount of $49.50.

I was amazed to learn that this man's compensation was to be reduced. I knew that he was still in the hospital at Johnson City and demented. I knew he had had tuberculosis for many months, so I took the matter up again. I wrote the bureau that

I was informed that this boy was hospitalized, and I asked them to inform me if that information was correct; I asked also to be informed as to the basis of the proposed reduction. I got back this reply:

The files of the bureau disclose Mr. Williams is receiving compensation in the sum of $49.50 a month, according to a disability rating of 55 per cent temporary partial.

I wrote again to the bureau:

Kindly reply to the question asked in my letter of 5th instant, which is whether the proposed reduction in claimant's award is based on a physical examination. I should like to know the occasion for the proposed reduction.

The bureau replied:

You are advised that the rating of 50 per cent temporary partial is based upon the medical examination made on September 29 by Dr. G. C. Freeman in United States Public Health Hospital, No. 45, Biltmore, N. C.

The bureau had no record of the claimant having been admitted to the national sanitarium at Johnston City, Tenn.

The facts are that this man had never been at Biltmore, but had been at Johnson City all the time. Dr. Freeman had probably never been within 100 miles of Johnson City.

The examination was alleged to have been held in September. The reduction was to become effective in January. I ask you how it is possible to make a fair decision upon a claim, effective three months hence, based on what a man's condition is expected to be at that time? A claimant's condition must be found at an exact time. How can it be prognosticated that three months hence a man will have recovered from 50 per cent of his disability? It is absurd.

Now here is the similar case of Hugh C. Graves, C–372384–M. This man is suffering from chronic arthritis and has had it ever since he was discharged from the Army. He is hospitalized at Hot Springs. He is receiving $80 monthly. On December 8, 1921, the bureau wrote me that he would be cut to $8, effective January 1, 1922. By pinning them down I succeeded in learning that his last examination—the examination upon which the reduction was alleged to be based—was made on August 28, 1921.

IN HOSPITAL WITH TUBERCULOSIS—GETS 20 PER CENT RATING.

Here is the case of Jean R. Edwards, C–1128241. This man is tuberculous and has been in a hospital for months. He was discharged from the Army because he had active tuberculosis. Here is his discharge for "S. C. D." He has received an award based on a rating of 20 per cent disability. I recently had a letter from the bureau in which they said that this man's disability, lung trouble, has been rated at 20 per cent and inviting him to prove service connection. Nevertheless he is down and out in the hospital.

Now, I must close. I can not take up all the cases to which I would like to refer; there are too many. But I will not close until I call attention to the case of William Rice Brandon, C–122945. He was discharged from the Army for tuberculosis, and was rated from the time he was discharged as totally and permanently disabled. He was allowed $100 a month. His mother is a poor widow solely dependent on him. The bureau allowed her $10 a month for dependency. After paying her for 24 months, $240, they wake up and find that claimants who are permanently and totally disabled are not entitled to a dependency allowance. I have no doubt that it will be news to Members that if a man is temporarily disabled he may have a dependency allowance for as much as $135 if he is a widower with five children and his parents are dependent upon him, but if he is permanently disabled, with the same dependents, he can not get more than $100 a month. They finally waked up and demanded of this old woman that she immediately refund the $240. She could not do it; she had spent it for bread and shelter. Then they demanded it of the boy, incurably ill of consumption, fighting his last battle in some western hospital trying to live as long as he can. They demanded of him that he refund the $240. Of course, he could not do it. Then they notified him that he would receive no more compensation until the amount of the $240 had been retained from his payments.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BYRNS of Tennessee. I yield to the gentleman two minutes more.

Mr. HUDDLESTON. The final result is that the boy was forced to agree to refund it at the rate of $40 a month, so that during that time he only gets $60 a month for six months. From this he is paying his own way at the hospital, fighting for his life even as he fought for his country.

Mr. Chairman, the people of the United States are resolved that our soldier relief work shall be efficiently carried on and that men disabled by reason of their service shall be aided with sympathetic liberality. That sentiment of their constituents is fully reflected by Members of Congress. We are tired, as the country is tired, of inefficiency in the Veterans' Bureau, of neglect, indifference, evasion, and delay.

The sooner the officials and employees of the bureau realize this situation, the better it will be for them as well as for us. Congress will not sit idle while the methods are being followed as illustrated in the cases which I have presented. The director and his assistants must make up their minds either to change their practices or to vacate their positions. If they are not going to change, then the sooner they vacate the better.

The Veterans' Bureau was not created as a money-saving device. We could save more money by abolishing it. It was created as a channel for the distribution of funds appropriated by Congress for the relief of disabled soldiers. The laws are ample. They were passed in a liberal and sympathetic spirit. They should be interpreted in a like spirit. Let us have done with inertia, suspicion, and quibbling. The country wants the disabled soldiers relieved. The bureau must submit to the will of the people.

Mr. MADDEN. Mr. Chairman, I yield 15 minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. BYRNS of Tennessee. Mr. Chairman, I also yield 5 minutes to the gentleman from Nebraska [Mr. ANDREWS].

The CHAIRMAN. The gentleman from Nebraska is recognized for 20 minutes.

Mr. ANDREWS of Nebraska. Mr. Chairman, I wish to express first my congratulations to the chairman and members of the Committee on Appropriations for the splendid work they are doing in systemizing this branch of the public business. I also wish to call attention to the comment made by the gentleman from Illinois [Mr. MANN] while the chairman of the committee was on the floor. It brought out very clearly and forcefully the fact that the budget as submitted for the first time had not produced the wonders in reduction that were prophesied when we had the bill under consideration originally. My personal acquaintance with the methods and provisions employed, and those that seem to be necessary from the real nature of the work, had prepared me fairly well to endure the great surprise that may have come to others. At the same time I wish to say that there is in the system of the budget a methodical course of procedure that will in time greatly bring out the best possible results in systemizing the expenditures of the executive branch of the service. The manner in which this bill comes to us to-day discloses the business of the Treasury Department alone and will be very helpful in the future as a matter of reference for reliable information. Those who have had to deal with appropriations of different years for different branches of the service will appreciate the difficulty we have formerly had in securing accurate estimates showing the cost of each branch of the public service for a given period.

That difficulty resulted from the fact that portions of the expenditures of each branch of the service many times were carried in different bills, and it was quite impossible to know when we had reached a correct estimate of the cost of each branch of the service. It is very helpful indeed to have the facts brought together in the form in which they appear in this bill for the Treasury Department. So, I take it, it will be in connection with the other branches of the service, and when we shall have rounded out, in this session of Congress, a review and passage of the appropriation bills, we will have accurate information ready at hand upon these points.

Of course we were all very much interested in the clear, forceful analysis given by the chairman of the Committee on Appropriations [Mr. MADDEN] outlining the general provisions of the bill. I noted with special interest his statement that none of the increases of salaries suggested by the departments and recommended by the Bureau of the Budget had been allowed in the bill; in other words, that no advances had been made upon existing salaries. Immediately I asked myself this question: What provision does the bill make or does any other provision of law make for the lowering of the salaries that were boosted upward in the midst of the war? And at this point I shall be glad to have the attention of the members of the committee.

Take, for example, a few cases that I may cite indefinitely, perhaps not by name, although I could do that if desired. I can give dates and citations to the official record in support of these statements, and as I review these facts briefly I desire it to be understood that I disclose them for the purpose of showing a line of action which I think we ought to consider and ought to take.

For illustration, not long ago Congress was asked to create the position of Undersecretary of the Treasury with a salary of $10,000, in order that the head of the department might secure some one who was adequately qualified to discharge the

duties of that position. That statement, of course, conveyed the idea that some one would be sought out because of his marked ability for the particular things to be done. Congress passed the law, provided the appropriation, and immediately thereafter the person who was then serving as Assistant Secretary of the Treasury at $5,000 a year was appointed Undersecretary of the Treasury at $10,000 a year, the net result being merely an advance in salary of $5,000 a year for the appointee. Note also the fact that this same person was appointed in the department on July 8, 1918, at a salary of $3,500. His first act immediately following his appointment was the promotion of two of his subordinates to $5,000 a year each. Now I want that to stand over side by side with the proposition of business economy. I want that to reveal the policy of departmental procedure.

May I go a step further? I can give you an indefinite number of these cases, but here is an instance in which a clerk serving at $1,600 a year in 1914, is now receiving $6,000 a year.

Here is another where a clerk was receiving $1,800 in 1911, and is now receiving $6,000.

Mr. LAYTON. Will the gentleman answer a question?

Mr. ANDREWS of Nebraska. Yes.

Mr. LAYTON. Is that for the same work that he was performing then?

Mr. ANDREWS of Nebraska. There is a slight difference in assignment, but very little difference in the individual. I have not the time to go into details upon that point.

Here is another case of a clerk who in 1914 was receiving $900, who is now receiving $3,500.

Another, of a clerk who in 1911 was receiving $2,000, who is now receiving $3,000.

Here is another case of a clerk in the Post Office Department at $1,800 just before the war, transferred to the Treasury Department at $2,000, now receiving $4,500.

Here let me call attention to an item in the bill. I want to challenge the attention of the committee upon that point. The budget, as I recall it, recommended to Congress an increase in salary of $500 for the Chief of the Division of Appointments in the Treasury Department, a chief who handles the entire range of the appointment service of that department. His salary for a considerable period of time has been $3,000. No increase was made during the period of the war, strange as it may seem. The estimate as submitted asked an increase of $500. The budget recommended it. The committee reports it at $3,000 as before. Note the contrast in this case, will you, where a clerk transferred from the Post Office Department, who had been receiving $1,800, comes to $2,000, and then to $4,500 as appointment clerk in the Bureau of Internal Revenue. Place that side by side with the work and the salary of the chief of the appointment division of the department; a man handling only part of the appointment work of the department getting $4,500 a year, while the appointment clerk for the whole department gets $3,000. I will not dwell any longer upon that.

Mr. MADDEN. Of course the gentleman from Nebraska does not charge the committee with that?

Mr. ANDREWS of Nebraska. Oh, no. I simply want to put the committee into an attitude of prayerful meditation. I am calling attention to these items which I hope will receive correction. I congratulate the committee on finding as much as they have. I have been able to rummage about here and there and have found a few things that may have escaped the attention of the committee.

The McAdoo profiteers in the Treasury Department were jubilant during the period of the war. They were in safe retreat from the weapons of war at the front, while their salaries were boosted by their chief toward the sky.

Billions of dollars were squandered upon railroads and through contractors under the cost-plus system and millions more were wrung from the taxpayers and the Liberty-bond purchasers of the country to pay the increased salaries and expenses of the profiteers.

Will Secretary Mellon and Commissioner Blair have the wisdom, fairness, and courage to reduce these profiteers to an equitable level with the other employees in the civil service of the country? The people expect an affirmative reply. We await results.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. ANDREWS of Nebraska. Certainly.

Mr. CONNALLY of Texas. Was this party who was in the Post Office Department and who was transferred and who ultimately received $4,500, paid out of a lump-sum appropriation or a statutory appropriation?

Mr. ANDREWS of Nebraska. He was paid out of a lump-sum appropriation, and that is an item in this bill that we ought to consider very carefully when we reach the Bureau of Internal Revenue.

Mr. CONNALLY of Texas. How did his compensation compare with that of his predecessor?

Mr. ANDREWS of Nebraska. There was no predecessor, so far as I know.

Mr. CONNALLY of Texas. It was a new position?

Mr. ANDREWS of Nebraska. The duties were discharged before by the chief clerk of the bureau without any additional compensation.

Mr. CONNALLY of Texas. The gentleman stated that the clerk who made only a part of these appointments got more money than the man who made them all. Do the appointments made by the Internal Revenue Bureau have to be O. K.'d by the Bureau of Appointments in the Treasury Department?

Mr. ANDREWS of Nebraska. They go through the Division of Appointments in the Treasury Department proper, and the Secretary of the Treasury must pass upon them before they are consummated.

Mr. CONNALLY of Texas. Does not the gentleman's real complaint lie against the method of making lump-sum appropriations, and giving a bureau chief the right to apportion salaries?

Mr. ANDREWS of Nebraska. I call this to your particular attention when you come to the appropriation for the Bureau of Internal Revenue. I leave that matter for the present, but I want to say that the Chief of the Division of Appointments has the whole range of appointments in the Treasury Department, while the appointment clerk in the Bureau of Internal Revenue has only that bureau to arrange in detail.

Mr. CONNALLY of Texas. Has not the Secretary of the Treasury power to cut that lump-sum allotment of $4,500 to $3,000?

Mr. ANDREWS of Nebraska. He and the commissioner have, if they will do it, but I want to see a limitation placed on the appropriation bill that will compel it.

Mr. MADDEN. There is a limitation on the appropriation now to prohibit them from increasing any compensation.

Mr. ANDREWS of Nebraska. But would it decrease the compensation?

Mr. MADDEN. No.

Mr. ANDREWS of Nebraska. Then, should we not put in a provision that will bring these things to the proper level? I have here about 2,000 names which I could read if it were worth while and time would permit to bring out this story; I think I have given enough, however, to show the real purpose. Mr. Chairman, let us put these facts with these salaries listed as they were during the period of the war side by side with the bulk of the clerks in the departments who receive only $240 as a bonus.

Mr. CONNALLY of Texas. The gentleman is familiar with the Treasury Department, having served in that department. Could he not draw an amendment and offer it to this bill which would cover these lump-sum allotments so as to equalize them with the statutory roll?

Mr. ANDREWS of Nebraska. I could fix it to suit myself, but the gentleman must excuse me from undertaking that in the presence of the brilliant ability of the Committee on Appropriations.

Mr. CONNALLY of Texas. Can not the gentleman at least persuade the committee to exert itself to adopt an amendment like that?

Mr. ANDREWS of Nebraska. With the help of the gentleman from Texas that is what I am trying to do.

Mr. CONNALLY of Texas. I was suggesting——

Mr. ANDREWS of Nebraska. And I am very much obliged for the suggestion. Think of it. Here is a bonus of $240 for each of the people who have really done the work of the Government. Are you going to leave them where they are or put them down and leave these other fellows up? Is that practical, is that fair, is it just? Moreover, let these people whose salaries have been boosted in this manner stand side by side with the boys who fought in the trenches for $33 or $30 a month, as the case may be. Let them stand side by side with the taxpayers of the country who have been putting the money into the National Treasury to pay this bill; let them stand side by side with the people who bought the bonds to furnish the money to pay these salaries. You are making demands for the reduction of wages on the outside in order that commodities may come to a price that the people can afford to pay. What will this committee do, what will this House do, what will this Congress do with these salary profiteers to whom I have referred only briefly? There are 2,000 names here, showing a list beyond the level of reason, and until everybody is brought to that plane these people should come down where the other people are compelled to stay. I ask the Committee on Appropriations to meditate upon these suggestions and act in keeping with economy and the taxpayers' interests. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. CANTRILL].

Mr. CANTRILL. Mr. Chairman, on December 6, when President Harding addressed the Congress he made this statement:

> Something more than tariff protection is required by American agriculture. Every proper encouragement should be given to the cooperative marketing program.

I desire to state to the House that during the past four or five months in Kentucky we have built up a farmers' cooperative organization, and I believe it will be of interest to the House and to the country at large to know something about it. We have recently formed an organization in Kentucky of 55,000 paid-up membership farmers for the purpose of selling our tobacco crop through a cooperative marketing association, the tobacco crop being the principal money crop of the State of Kentucky. Our membership extends into the States of West Virginia, southern Indiana, and southern Ohio, which States grow the same type of tobacco that we grow in Kentucky. This organization is thoroughly perfected, now ready to do business. As I said, we have a membership, paid-up, of 55,000 farmers, controlling 200,000,000 pounds of burley tobacco, which we are now ready to put on the market, and these 200,000,000 pounds constitute 85 per cent of the entire production of that type of tobacco.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. CANTRILL. Yes.

Mr. GARNER. Is this association affiliated with the Farm Bureau Organization?

Mr. CANTRILL. The association is not affiliated with any farmers' organization. It has had the complete support of the Farm Bureau Organization, of the Farmers' Union, and of every farmers' organization which is organized in our section of the country. We have recently incorporated under the laws of the State of North Carolina. We have under our control, belonging to the organization, 115 large, complete warehouses ready to handle this tobacco crop, these warehouses costing between $5,000,000 and $6,000,000. I believe that this is the largest organization in point of numbers of any cooperative association in the United States. By the direct vote of the 55,000 members we have selected able, conservative business men to handle this organization. We expect to get a price for this tobacco crop which will total between $75,000,000 and $100,000,000, and that will be, as we hope, the average sum per annum paid to the organization.

At this time when there is a national conference to be held here in the city of Washington to discuss the welfare of the farmers, as a Kentuckian and one who has taken an active part for the past four or five months in building up this organization, I take great pride in telling the House and the country of the association, and I sincerely trust that the farmers of the country in other lines of agriculture will follow this same plan, because, say what we will, however well disposed Congress might be to help the farmer in his present plight, yet in large measure his welfare and prosperity is dependent upon what he does for himself. Some time ago, years ago, we tobacco growers in Kentucky learned that lesson. We have put an end to this senseless habit of the tobacco grower dumping his tobacco on the market and taking whatever price the Tobacco Trust sees fit to give him. We have put our industry upon a business basis. We have pledged practically the entire production of this crop to our own association. We have $5,000,000 or $6,000,000 worth of warehouses, 115 in number, in which to handle this crop, and we do not intend to sell a pound of it until we get a fair and reasonable profit on every pound that we have produced. We are tired of being the serfs and slaves of the Tobacco Trust in Kentucky, and I commend this kind of organization to the farmers of the United States in other lines of agriculture.

With the permission of the House, Mr. Chairman, and I now ask it, in the extension of my remarks I desire to incorporate in the RECORD the contract which the farmers of this association have signed. It is a contract which has stood the test of the courts. It points the way by which farmers can pool their crops upon a business basis and in a legal way, and I ask permission, Mr. Chairman, to print the contract with an explanation of the contract as part of my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD in the manner indicated by him. Is there objection? [After a pause.] The Chair hears none.

Mr. CANTRILL. Mr. Chairman, I desire to say to the gentlemen of the committee, in making this campaign to organize these farmers, which lasted four or five months, that we have the united support of practically every newspaper in our State. We had all the bankers practically in our State behind us, who had agreed to stand with us and help us finance the organization. The financing of the organization, which will require some ten to twenty million dollars, has been the easiest part of our program. The real trouble that we had was to get the farmer himself to see the necessity of this organization and to sign this contract; but, thanks to the support of the press, of our bankers, of our business men, and practically every citizen of Kentucky, we finally perfected an organization of 55,000 members, with 85 per cent of the Burley tobacco under our control. I desire to state to the Members of the House that of the 10 or 15 per cent of the tobacco farmers who did not come into the organization, that the price which they are receiving for their tobacco is double what they received last year before the association started. We expect a higher price for the tobacco pledged to the cooperative association.

Mr. SNYDER. Will the gentleman yield?

Mr. CANTRILL. I do.

Mr. SNYDER. I notice the gentleman some time ago commented upon the bankers and the different people who assisted in the organization. The gentleman started his remarks by reading a statement from the President of the United States, and I have not noticed that he commended him for that. Is he not entitled to a little consideration?

Mr. CANTRILL. Who is entitled to a little consideration?

Mr. SNYDER. The gentleman read in connection with his remarks a statement from the President of the United States——

Mr. CANTRILL. I did.

Mr. SNYDER. I had not noticed that when the gentleman commended the others who assisted in organizing the association he referred to the President in commendatory terms.

Mr. CANTRILL. Well, in answer to the gentleman I beg to say that I give the President full credit for his suggestion along cooperative lines. I took it for granted that I did not withhold any credit from him. What I wanted to impress upon the committee was——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. I yield the gentleman an additional five minutes.

Mr. CANTRILL. What I wanted to impress upon the committee was that the farmers of the country learned this lesson of cooperation before the President ever suggested it to the country, but I would not withhold credit from the President, and I heartily commend him for calling attention of the country to it, and that is why I read from his message. I give him full credit.

Mr. WINGO. If the gentleman will permit, I fear my friend misunderstood the proposition of the gentleman from New York. What he intended to ask was whether or not the gentleman from Kentucky was going to give credit to the President for admitting that the tariff bunk was not helping the farmer.

Mr. CANTRILL. In the limited time I had I did not take the floor to go into any political discussion of this matter, but simply wanted to put the facts of this organization before the House especially on the eve of this conference.

Mr. WALSH. Will the gentleman yield?

Mr. CANTRILL. I do.

Mr. WALSH. The gentleman stated this contract to which he referred had been upheld by the courts. Has it been passed upon by the Supreme Court of the United States or the courts of Kentucky?

Mr. CANTRILL. In answer to the gentleman I may say I am not a lawyer and could not say whether the Supreme Court has passed upon the contract or not, but it has been through the courts.

Mr. WALSH. This organization was formed in Kentucky without any legislation being required from the Legislature of Kentucky, was it?

Mr. CANTRILL. I will say this to the gentleman, that in Kentucky we had a very stringent antitrust law, and there was some doubt in the minds of those of us who tried to build up this organization whether or not the contract was against the Kentucky law. This organization was incorporated in North Carolina. Our legislature is now in session, began two or three days ago, and the first bill which was introduced was in reference to this matter, and the legislature is sitting in continuous session, so that the present law upon the Kentucky statute books can be repealed so as to make an absolutely clear track in reference to the legal authority for this association.

Now, Mr. Chairman, my observation has been that one of the chief troubles—and I wish I had time here this afternoon to go into all the details of this organization—but one of the first troubles in organizing the farmer into a large cooperative body is to secure the money and the means of placing the arguments before the farmer himself. No farmer can afford to

spend thousands of dollars for publicity, for speakers, and for a great campaign to organize thousands of farmers. In our State this difficulty was met by a gentleman of Kentucky, one who had the welfare of the State at heart, one who had ample means, one who is the editor of two of the greatest newspapers in Kentucky; and he, out of his own means, spent thousands of dollars and put behind the organization the full power of his great newspapers so that this organization could be put upon its feet.

I refer to Judge Robert Bingham, the editor and owner of the Louisville Courier-Journal and the Louisville Times, who, out of his own pocket to the extent of thousands and thousands of dollars, furnished the money in order that this organization might be put upon its feet. Those of us in Kentucky who are interested in the growing of tobacco feel a debt of great gratitude to him for the splendid work that he has done along this line. Another great editor who supported the organization with great power and success was Mr. Desha Breckinridge, owner of the Lexington Herald.

In the extension of my remarks I want to place the contract which the farmers signed and other information in the RECORD, with the hope that they will be of great service to the other farmers of the country who wish to organize cooperative associations. [Applause.]

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

BURLEY TOBACCO GROWERS' COOPERATIVE ASSOCIATION AGREEMENT.

WE ORGANIZE A NONPROFIT COOPERATIVE ASSOCIATION TO SELL OUR TOBACCO INTELLIGENTLY.

The undersigned propose to organize a nonprofit association, without capital stock, for the purpose of promoting, fostering, and encouraging the business of marketing tobacco cooperatively; for reducing speculation; for stabilizing the local tobacco markets; for cooperatively and collectively handling the problems of tobacco growers; and for other pertinent purposes.

WE AGREE WITH EACH OTHER—NO OUTSIDERS IN THIS CONTRACT.

We, the undersigned, in consideration of the premises and of our mutual undertakings and of the agreement of each and every party hereto, do hereby agree as follows, each for himself and collectively for the express benefit of and as the association to be organized:

WE AGREE TO BE MEMBERS.

1. We will become members of the Burley Tobacco Growers' Cooperative Association, a nonprofit association, without capital stock, to be organized under the laws of the State of North Carolina. We agree individually and collectively that the directors of the association to be organized may reincorporate the association under the laws of the State of Kentucky when suitable legislation is enacted in this State.

ONLY GROWERS OR LANDLORDS WHO HAVE TOBACCO TO SELL CAN BE MEMBERS.

2. The association may include in its membership any tobacco grower, including the landlord or tenant or lessor or lessee of land on which tobacco is grown, provided the landlord or lessor receives all or part of the rental in tobacco.

WILL HAVE 25 DIRECTORS—THE OFFICE WILL BE AT RALEIGH, N. C., OR LEXINGTON, KY.

3. The affairs of the association shall be controlled by a board of 25 directors; and the legal office of the association shall be at Lexington, Ky., or at Raleigh, N. C.; and the chief operating office shall be at Lexington, Ky.

TWENTY-TWO DIRECTORS ARE TOBACCO GROWERS—THERE WILL BE 22 DISTRICTS.

4. (a) The members shall elect 22 directors from among members actually residing and growing tobacco in districts to be fixed equitably by the organization committee on the basis of the tobacco produced by the members actually signed up prior to incorporation.

Each district shall include approximately the same estimated production as any other district; but counties within each district shall be kept intact.

The 22 directors, by a two-thirds vote, shall choose three directors at large, one from each of the States of Kentucky, Indiana, and Ohio, to represent the interests of the public on the general board. These directors need not be growers of tobacco and may take part in all the discussions in the directors' meetings. Any of these directors who are actual growers of tobacco, and if they are growers, are also members of the association, shall have a vote upon all subjects coming before the board of directors.

MEMBERS SHALL HOLD PRIMARY ELECTIONS TO CHOOSE DELEGATES—DELEGATES SHALL SELECT DIRECTORS IN EACH DISTRICT.

5. (a) The members in each county in each district shall meet annually for a primary election, to be held in the county and conducted, as, where, and when specified by the directors; and shall select one delegate for every million or majority fraction of a million pounds of tobacco represented in the preceding year by the members in such county. The said delegates shall then meet where, when, and as instructed by the directors, and shall select one member in each district to be presented as the nominee to represent such district. Such nominee must be elected as director at the general meeting.

VOTING BY MAIL.

(b) If unable to attend, the members may vote at such primary meeting by mail on a signed ballot prepared under directions of the board of directors.

The first primary to select incorporating directors shall be held within 30 days after announcement of the completion of the minimum sign up, herein provided for.

DISTRICT ALWAYS TO HAVE FAIR REPRESENTATION.

6. The organization committee, at least 20 days before the first primary meeting, and the directors, by a majority vote, at least 20 days prior to all succeeding primary meetings, shall fix and specify or change the said districts, and the counties included therein, so as to maintain at all times fair and equitable representation of the tobacco-producing counties and districts included in the membership.

BOARD WILL HAVE AN EXECUTIVE COMMITTEE.

7. The board shall appoint an executive committee of five directors to conduct the affairs of the association, subject to the general control of the board of directors.

LOCAL BRANCHES WILL BE MAINTAINED.

8. Informal local branches of the association shall be created and maintained in every district, county, and central locality. Each district shall have its own officers, who may attend the meetings of the board of directors and act in an advisory capacity.

The association will provide uniform rules for such branches.

ONE MAN—ONE VOTE.

9. Every member of the association shall have one vote.

ENTRANCE FEE, $5—CASH, TOBACCO, OR NOTE.

10. Every member shall pay an entrance or organization fee of $5.

ASSOCIATION WILL HAVE SUITABLE ARTICLES OF INCORPORATION AND BY-LAWS.

11. The association shall confine itself to the problems and marketing of tobacco and tobacco products only, and for its members only. It shall have suitable articles of incorporation and by-laws stating the purposes and powers of the association, the rights and duties of members, manner of forfeiture of membership, value of property interest on withdrawal, and any other necessary, pertinent, and important points of organization as determined by the organization committee or the board of directors.

ORGANIZATION COMMITTEE.

12. The association shall be organized by an organization committee composed of the following:

Robert W. Bingham, Louisville; Ralph M. Barker, Carrollton; Edward Bassett, Lexington; Walter Bennett, Richmond; Desha Breckinridge, Lexington; T. S. Burnam, Richmond; Johnson N. Camden, Versailles; Samuel Clay, Paris; W. A. Clements, Springfield; John T. Collins, Paris; T. J. Curtis, Richmond; L. A. Faurest, Elizabethtown; Harry Giovannoli, Lexington; H. B. Hanger, jr., Richmond; Shelby T. Harbison, Lexington; Martin L. Harris, Rising Sun, Ind.; Price Headley, Lexington; J. R. Jones, Cynthiana; J. N. Kehoe, Maysville; the Rev. John F. Knue, McQuady; Bedford Macklin, Frankfort; William A. McDowell, Lexington; Dr. Frank L. McVey, Lexington; Charles N. Manning, Lexington; L. L. Neale, Richmond; Stanley Reed, Maysville; N. C. Ridgeway, Falmouth; Joseph E. Robinson, Lancaster; W. E. Simms, Versailles; Fred C. Stilz, Lexington; James C. Stone, Lexington; Sunshine Sweeney, Lexington; B. A. Thomas, Shelbyville; C. L. Walters, Shelbyville; J. Quincy Ward, Cynthiana; John Woodford, Paris; C. A. Meek, Carrollton; J. A. Donaldson, Carrollton; George Powell, Bedford; Prentice Heath, Bedford; D. A. Bell, Bedford; R. B. Brown, Warsaw; B. F. Mylor, Warsaw; A. T. Mills, Owenton; Charles Danner, Vevay, Ind.; John R. Crockett, Sharpsburg; J. S. Hocker, Stanford; J. W. Gaines, Lawrenceburg; J. N. W. McClure, Paris; Buckner Woodford, Paris; John W. Heflin, Flemingsburg; C. D. Asbury, Augusta; R. P. Taylor, Winchester; J. H. Sousley, Flemingsburg; Lewis L. Walker, Lancaster; Robert J. Denny, Nicholasville; James C. Averitt, Lebanon; Bush W. Allin, Harrodsburg; Samuel Houtchens, Chaplin; Herdy Myers, Carlisle; Chambers Perry, Mount Olivet; Reuben F. Offutt, Georgetown; E. T. Holloway, Taylorsville; Robert S. Walker, Versailles; Lindsay Duncan, La Grange; C. O. Hempfling, Taylorsport; F. T. Logan, Danville; B. E. Allen, Lexington; V. S. Metcalfe, Dry Ridge; J. D. Craddock, Munfordville; A. D. Keith, Tolesboro; Clark B. Patterson, Mount Sterling; Martin Light, McKinneysburg.

This committee may increase its membership from time to time as may be deemed necessary. The committee may elect new members in place of any who may resign or be unable to act, and take such steps as it may deem advisable to secure subscribers for this agreement and members of the association. There will be an executive committee of five members to conduct the detailed affairs of organization work. This executive committee shall be made up of Robert W. Bingham, Ralph M. Barker, James C. Stone, W. E. Simms, and John T. Collins. It will be the duty of the executive committee to open headquarters, incur necessary obligations, make necessary expenditures, and do any and all things incident and necessary to the executive work of carrying on the membership campaign. It will have all the powers of the full organization committee.

SEVENTY-FIVE PER CENT OF THE PRODUCTION IN KENTUCKY, INDIANA, TENNESSEE, AND OHIO MUST BE SIGNED UP.

13. (a) If by November 1, 1922, signatures of tobacco growers or persons eligible for membership, covering at least three-fourths of the aggregate production of Burley tobacco in Kentucky, Indiana, Tennessee, and Ohio in 1920, shall not have been secured for this agreement, the organization committee shall so notify every subscriber at his address noted below prior to November 15, 1922, and his signature and the agreement signed by him shall be deemed canceled.

BINDING AGREEMENT.

(b) If the signatures of the growers of the said three-fourths shall be secured by the said date, November 1, 1922, then this agreement shall be binding upon all the subscribers in all of its terms and there shall be no right of withdrawal whatsoever.

STARTS WITH 1921 CROP IF YOU SECURE THE SIGN UP.

(c) If the said three-fourths is secured prior to November 15, 1921, the organization committee shall notify all subscribers and proceed to organize the association as soon as practicable, and shall handle, in addition to the crops set out in the marketing agreement, whatever of the 1921 crop the grower has on hand, free of lien, at the date of notice of incorporation of the association.

STATEMENT OF THE COMMITTEE CONCLUSIVE.

(d) For all matters of production or signatures and for all statements of fact in connection herewith, the written statement of the organization committee, signed by its chairman, shall be absolutely conclusive, with or without notice to the subscriber.

COMMITTEE KEEPS TRUE ACCOUNTS.

14. The organization committee shall keep a full, true, and detailed account of expenditures, including salaries, fees, and cost of every kind, and shall have such accounts audited and render a written report thereof to the board of directors of the association when organized, and shall thereupon turn over to the association any balance remaining in its hands and free of obligations. If it is not so organized, such balance shall be prorated among the signers hereof.

COMMITTEE AUTHORIZED TO GO AHEAD.

15. (a) We do hereby authorize the organization committee, as the representative of all the subscribers, to take such steps as it may deem proper, especially in Kentucky, Tennessee, Ohio, Indiana, West Virginia, and other Burley tobacco-growing States, to secure subscribers hereto; and when the adequate number has been secured, to hold primary elections and have the signers select delegates to elect the organizing directors from among growers subscribing hereto, together with three public directors, conforming as closely as possible to the provisions of paragraph 4; and to take all steps necessary and advisable to organize the association.

ASSOCIATION TO KEEP UP ORGANIZATION WORK.

(b) The association when organized shall make every reasonable effort to secure signatures of additional growers to the standard marketing agreement.

HOW YOU SECURE, FINANCE, AND CONTROL ANY PLANTS YOU MAY NEED FOR CURING, DRYING, PROCESSING, OR STORING ANY TOBACCO.

16. (a) After due investigation the association may cause a warehousing or other corporation to be organized in any community or district, or generally where any such need is indicated, by written request of at least 100 members, for the purpose of leasing, purchasing, or constructing and operating warehouses, drying or curing plants, storehouses or factories, or other places, to handle, treat, process, manufacture and warehouse, or store any or all of the tobacco delivered by members of the association. The association, in all such cases, shall endeavor to acquire or lease existing warehouses and plants, especially where they are owned by growers.

APPROPRIATE NAME.

(b) Such corporation shall have an appropriate name, indicating the district; and shall have common capital stock and preferred capital stock in amounts estimated as sufficient for their purposes by the directors of the association.

ASSOCIATION CAN NOT PUT UP ANY PLANTS AGAINST DESIRE OF MEMBERS.

(c) The association shall send a written notice to every member in that district, or generally notifying the members of the intention to organize such a corporation, specifying the amount of capital stock involved, nature of plants, location of plants, and specific purposes.

The members shall have two weeks within which to signify their dissent or disapproval of such a plant. If within two weeks of the mailing of such notices by the association the majority fail to file written notices of such disapproval or dissent, the association shall proceed with its program and shall organize the corporation as indicated.

COMMON STOCK HAS ALL THE VOTING POWER—ONLY MEMBERS CAN OWN THIS.

(d) The authorized common stock shall exceed in amount the authorized preferred stock. The common stock shall be sold only to members of the association at par; but no member shall purchase originally or directly more than one share or enough to qualify as a director. The common stock shall have all the voting power of the corporation.

PREFERRED STOCK HAS NO VOTE, BUT HAS GUARANTEED DIVIDENDS—ANYBODY CAN BUY PREFERRED STOCK.

(e) The preferred capital stock shall be divided into five equal classes, all bearing 8 per cent cumulative dividends and having similar preferences, subject to retirement with a bonus of 2 per cent at the rate of one class or one-fifth thereof annually, beginning June, 1923.

The preferred stock may be sold to any person, firm, or corporation whatsoever.

LIMITATION ON STOCK ISSUES IS APPROXIMATELY TWO-FIFTHS OF A CENT A POUND EACH YEAR.

(f) The original issue of preferred stock, including all five classes, shall not exceed 2 cents for each pound of tobacco of the 1920 crop covered by the membership of that district; but this amount may be increased proportionately as the membership increases.

FUNCTION OF CORPORATION AND RELATIONS TO MARKETING ORGANIZATION.

(g) The association shall make a cross contract with the corporation providing substantially as follows: That the corporation shall handle, process, dry, cure, condition, manufacture, treat, store, ship, and deliver, all as required and directed by the association, the tobacco delivered to it by and at the order of the association. Such services will be on a nonprofit basis, and the corporation shall receive therefor only the actual costs of such operations and amounts, apportioned over the operation of any one season, sufficient to pay a dividend of 8 per cent on the outstanding common stock and the dividend on the outstanding preferred stock and to retire each of the five calendar years, beginning with 1923, one-fifth of the preferred stock, or one class thereof; and sufficient amounts for taxes, insurance, depreciation, betterment, and commercial and secondary charges, all as the directors of the association may instruct and limit the corporation and not otherwise.

The corporation will agree to do no buying or selling of tobacco whatsoever.

PUBLIC WAREHOUSES.

(h) Any warehouse shall be conducted as a public warehouse, with such charges as may be imposed through an official body or with such charges as are generally prevalent in the district; and any profits made from such operation as a public warehouse shall be utilized for payment of overhead expenses of the corporation.

HOW YOU RETIRE PREFERRED STOCK.

(i) The association will retire each class of preferred stock and pay the dividends on the stock by deductions from the marketing proceeds of the members generally or within the respective districts in which or for whose use or benefit the warehouses, etc., are acquired or built and operated.

If, however, any central plants are purchased, constructed, or leased, or operated for the general benefit of several or all of the districts, such deductions shall be made from the proceeds of the several or all districts, as the directors may determine conclusively, to conform to the general extent of the beneficial purpose.

GROWERS GET CREDIT FOR ALL DEDUCTIONS TO RETIRE STOCK.

(j) As the preferred stock is retired the association will calculate the value of the contribution from each grower's tobacco toward such retirement and toward payment of dividends on the common and preferred stock, and the corporation will credit and issue from time to time to each such member common stock in an equivalent amount, at the book value thereof, as conclusively established by the directors of the corporation as soon as the aggregate deductions equal the book value of one or more shares.

MARKETING AGREEMENT IS HERE ACCEPTED.

17. (a) The subscriber agrees (1) to execute, when requested by the association, a marketing agreement in terms substantially the same as those set forth in the agreement herewith embodied; or (2) at the option of the board of directors to be bound by the terms of the following marketing agreement.

For such purposes signature to this association contract shall be deemed to all effects the same as signature to the said marketing agreement and as acceptance of the exercise of such option by the board of directors. Notice thereof shall be mailed to each subscriber at his address noted below.

THIS IS AN APPLICATION FOR MEMBERSHIP.

(b) The subscriber here applies for membership in the association when organized and expressly agrees that his signature to this association contract and to the marketing agreement, herewith embodied, and to this application for membership shall be irrevocable, except as provided in paragraph 13; and that he so agrees, in order to induce other growers to sign this agreement for his benefit as well as their own general benefit and the public welfare.

Acceptance of this application for membership and of the marketing agreement shall be deemed conclusive, upon the mailing of the notice by the association; and such mailing and notice shall be conclusively established by the affidavit of the secretary of the association.

BURLEY TOBACCO GROWERS' COOPERATIVE ASSOCIATION MARKETING AGREEMENT.

MEMBER'S AGREEMENT WITH THE ASSOCIATION.

The Burley Tobacco Growers' Cooperative Association, a nonprofit association, hereinafter called the association, first party, and the undersigned grower, second party, agree:

THIS IS FOR COOPERATIVE MARKETING.

1. The grower is a member of the association and is helping to carry out the express aims of the association for cooperative marketing, for minimizing speculation and waste and stabilizing tobacco markets in the interest of the grower and the public, through this and similar obligations undertaken by other growers.

GROWER SELLS TOBACCO TO ASSOCIATION FOR FIVE YEARS.

2. The association agrees to buy and the grower agrees to sell and deliver to the association all of the tobacco produced by or for him or acquired by him as landlord or lessor during the years 1922, 1923, 1924, 1925, and 1926.

IF YOU HAVE A CROP MORTGAGE THAT TOBACCO DOES NOT HAVE TO GO TO THE ASSOCIATION IF YOU CAN NOT CONTROL IT.

3. The grower expressly warrants that he has not heretofore contracted to sell, market, or deliver any of his said tobacco to any person, firm, or corporation, except as noted at the end of this agreement. Any tobacco covered by such existing contracts or crop mortgage shall be excluded from the terms hereof for the period and to the extent noted, if the lien holder insists upon the exercise of any right of possession or sale.

THE ASSOCIATION TELLS YOU WHERE TO DELIVER.

4. (a) All tobacco shall be delivered at the earliest reasonable time after cutting or curing, to the order of the association, at the warehouse or plant controlled or specified by the association; or at the nearest warehouse, if the association controls or specifies no warehouse or plant in that immediate district; or by shipment, as directed, to the association; and by delivery to the association of the indorsed warehouse or other receipts or bills of lading, properly directed.

POOR TOBACCO IS PENALIZED.

(b) Any deduction or allowance or loss that the association may make or suffer on account of inferior grade, quality, or condition at delivery shall be charged against the grower individually.

ASSOCIATION WILL TRY TO STANDARDIZE METHODS.

(c) The association shall make rules and regulations and provide inspectors or graders to standardize and grade the quality and method and manner of handling, curing, and shipping such tobacco, and the grower agrees to observe any such rules and regulations and to adopt the grading established by the State and Federal authorities and the association.

ALL TOBACCO WILL BE POOLED FOR EACH YEAR BY TYPE AND GRADE.

5. The association shall pool or mingle the tobacco of the grower with tobacco of a like type, grade, and quality delivered in the same crop year by other growers. The association shall classify the tobacco and its classification shall be conclusive.

The tobacco delivered in any crop year to any point at the order of the association shall be handled in one major pool; and the minor pools shall be by type and grade.

ASSOCIATION WILL RESELL ALL TOBACCO AND PAY NET PROCEEDS TO GROWER—COSTS OF OPERATION AND OVERHEAD WILL BE DEDUCTED, BUT THE ASSOCIATION FORBIDDEN TO MAKE ANY PROFIT FOR ITSELF.

6. The association agrees to resell such tobacco, together with tobacco of like type, grade, and quality delivered by other growers under similar contracts, at the best prices obtainable by it under market conditions, and to pay over the net amount received therefrom (less freight, insurance, and interest) as payment in full to the grower and growers named in contracts similar hereto, according to the tobacco delivered by each of them, after deducting therefrom, within the discretion of the association, the costs of maintaining the association and of handling, grading, and marketing such tobacco, and of creating funds for credits and other general commercial purposes (said funds not to exceed 1 per cent of the gross resale price). The annual surplus from such deductions must be prorated among the growers delivering tobacco in that year on the basis of deliveries.

EVERY GROWER GETS THE SAME AMOUNT FOR THE SAME TYPE, QUALITY, AND QUANTITY OF TOBACCO.

7. The grower agrees that the association may handle, in its discretion, some of the tobacco in one way and some in another; may sell some upon delivery; may cure or process or manufacture all or any portion thereof, but the net proceeds of all tobacco or tobacco products of like type, quality, and grade, less charges, costs, and advances, shall be divided ratably among the growers in proportion to their deliveries to each pool, payments to be made from time to time until all the accounts of each pool are settled.

The association may contract with the owners of redrying plants to redry and store the tobacco delivered by the members of the association.

THE TOBACCO WILL BE SOLD ANYWHERE—FOR EXPORT OR OTHERWISE—WHERE IT WILL BE MOST PROFITABLE.

8. The association may sell the said tobacco, within or without the United States, directly to manufacturers or exporters or otherwise, at such time and in such form and upon such conditions and terms as it may deem profitable, fair, and advantageous to the growers; and it may sell all or any part of the tobacco with or through any other agency hereafter established for the cooperative marketing of the tobacco of growers in other States throughout the United States under such conditions as will serve the joint interest of the growers and the public; and any proportionate expenses connected therewith shall be deemed marketing costs under paragraph 6.

THE ASSOCIATION CAN RAISE MONEY TO MAKE FIRST PAYMENT TO GROWERS.

9. The grower agrees that the association shall borrow money in its name on the tobacco, through drafts, acceptances, notes, or otherwise, or on any warehouse receipts or bills of lading, or upon any accounts for the sale of tobacco, or on any commercial paper delivered therefor. The association shall prorate the money so received among the growers equitably, as it may determine, for each district and period of delivery.

The association agrees to accept drafts drawn against it by the grower for any amount specified and determined by it, upon delivery of tobacco hereunder, and to assist the grower to discount such drafts, secured by the warehouse receipts, through the most advantageous banking system.

OFFICES OR PLANTS WHEREVER THEY ARE NEEDED.

10. The association may establish selling offices, warehouses, plants, marketing, statistical, or other agencies in any place.

YOU CAN STOP GROWING TOBACCO IF YOU WISH.

11. The grower shall have the right to stop growing tobacco and to grow anything else at any time at his free discretion; but if he produces any tobacco or acquires or owns any interest in any tobacco as landlord or lessor during the term hereof it shall all be included under the terms of this agreement and must be sold only to the association.

YOU DO NOT HAVE TO DELIVER ANY PARTICULAR AMOUNT.

12. Nothing in this agreement shall be interpreted as compelling the grower to deliver any specified quantity of tobacco each year, but he shall deliver all the tobacco produced by or for him.

YOU DELIVER ALL THE TOBACCO YOU RAISE.

13. (a) This agreement shall be binding upon the grower as long as he produces tobacco directly or indirectly, or has the legal right to exercise control of any commercial tobacco or any interest therein as a producer or landlord during the term of this contract.

(b) If this agreement is signed by the members of a copartnership, it shall apply to them and each of them individually in the event of the dissolution or termination of the said copartnership.

YOU MAY MAKE A CROP MORTGAGE—THE ASSOCIATION WILL TRY TO HELP YOU SECURE STANDARD TERMS.

(c) If the grower places a crop mortgage upon any of his crops during the term hereof, the association shall have the right to take delivery of his tobacco and to pay off all or part of the crop mortgage for the account of the grower and to charge the same against him individually.

The grower may place a crop mortgage upon his tobacco, and shall notify the association prior to making any such mortgage. The association will assist and advise the grower in any such transaction as far as it deems proper.

STATISTICS ARE NEEDED.

14. From time to time the grower agrees to mail to the association any statistical data requested, on the forms provided for that purpose by the association.

ALL CONTRACTS ARE ALIKE.

15. This agreement is one of a series generally similar in terms comprising with all such agreements, signed by individual growers, or otherwise, one single contract between the association and the said growers annually and individually obligated under all of the terms thereof. The association shall be deemed to be acting in its own name for all such growers in any action or legal proceedings on or arising out of this contract.

THE GROWER AUTHORIZES THE ASSOCIATION TO PROVIDE CURING OR REDRYING PLANTS IF IT NEEDS THEM.

16. (a) The grower hereby expressly authorizes the association to deliver to any warehousing or other corporation organized for cooperation with this association any or all of his tobacco for handling, processing, or manufacturing, or storing; and to charge against his tobacco and his prorated share of the funds necessary to create a reserve, equivalent to one class of its preferred stock annually plus bonus, to retire the said class; and to pay the dividends on all outstanding stock thereof.

(b) The grower shall be charged for such deductions only on account of warehouses or plants within his district or within his benefit, as determined conclusively by the association; and for such deductions the grower shall receive a proportionate interest in such corporation.

ANY OLD CROP TOBACCO MAY BE DELIVERED TO THE ASSOCIATION TO SELL.

17. If the grower has on hand, upon the date of mailing notice of the actual incorporation of the association, any tobacco of the 1921 or any other crops, free of liens and capable of delivery, he shall deliver such tobacco to the association, as it may direct, to be graded by the association and marketed by it, in pools wholly separate from all other deliveries hereunder, but generally in the manner here set forth.

DO NOT BREAK THE CONTRACT—THIS IS EXPENSIVE.

18. (a) Inasmuch as the remedy at law would be inadequate; and inasmuch as it is now and ever will be impracticable and extremely difficult to determine the actual damage resulting to the association should the grower fail so to sell and deliver all of his tobacco, the grower hereby agrees to pay to the association for all tobacco delivered, consigned, or marketed or withheld by or for him, other than in accordance with the terms hereof, the sum of 5 cents per pound as liquidated damages, averaged for all types and grades of tobacco, for the breach of this contract; all parties agreeing that this contract is one of a series dependent for its true value upon the adherence of each and all of the growers to each and all of the said contracts.

YOU WILL GET HIS TOBACCO ANYWAY.

(b) The grower agrees that in the event of a breach or threatened breach by him of any provision regarding delivery of tobacco, the association shall be entitled to an injunction to prevent breach or further breach thereof and to a decree for specific performance hereof; and the parties agree that this is a contract for the purchase and sale of personal property under special circumstances and conditions, and that the buyer can not go to the open markets and buy tobacco and replace any which the grower may fail to deliver.

VIOLATORS PAY THE COSTS OF FIGHTING THEM.

(c) If the association brings any action whatsoever by reason of a breach or threatened breach hereof, the grower agrees to pay to the association all costs of court, costs for bond and otherwise, expenses of travel and all expenses arising out of or caused by the litigation and any reasonable attorney's fee expended or incurred by it in such proceedings; and all such costs and expenses shall be included in the judgment and shall be entitled to the benefit of any lien securing any judgment hereunder.

THE CONTRACT IS COMPLETE ON ITS FACE.

19. The parties agree that there are no oral or other conditions, promises, covenants, representations, or inducements in addition to or at variance with any of the terms hereof, and that this agreement represents the voluntary and clear understanding of both parties fully and completely.

NATIONAL CENTRAL AGENCY.

20. The association is expressly authorized to exercise any or all of the grading, inspecting, marketing, or other powers or rights granted hereunder through any central agency to be organized for coordinating the activities of this and similar cooperative marketing associations in other States. The association shall, if possible, enter into any contract for such purpose and may agree to pool the products delivered hereunder with products of similar variety, grade, and quality delivered to generally similar associations under marketing agreements substantially the same in effect as this agreement; and to unite with any such associations in the joint purchase, construction, lease, or use of facilities and to assume obligations therefor.

Any costs of maintaining such central agency shall be prorated among the said associations on the basis of the gross-sale proceeds from the products delivered by them, respectively, and shall be considered part of the costs and deductions provided for in paragraph 6.

The association agrees to assist in forming such central agency as soon as any similar association is organized in the United States.

Read, considered, and signed by the grower as of the date determined by the association contract, in the State herein below indicated.

(End of marketing agreement.)

MINOR CHANGES MAY BE MADE.

21. These provisions are subject to minor modification or amendment by the organization committee on the suggestion of State officials or otherwise so as to carry out the general purposes hereof.

ALL CONTRACTS ARE THE SAME—THERE ARE NO FAVORITES.

22. It is expressly agreed that this instrument is one of a series substantially identical in terms. All such instruments shall be deemed one contract for the purpose of binding the subscribers to the same extent as if all of the subscribers had signed one such contract.

Read, considered, and signed at ———, this — day of ———, 1921.

(Do not sign without reading.)

Grower, ——— ———.

Post-office address, ———.

County, ———, State, ———.

Production in 1920 was —— pounds; 1920 acreage was ———. Share of 1920 crop I owned, ——.

Check whether landlord ( ) or tenant ( ).

1921 production, —— acres; my part as landlord ( ) tenant ( ) is ———.

A, B, C OF BURLEY TOBACCO GROWERS' MARKETING CONTRACT—READ THE CONTRACT FIRST THEN CAREFULLY READ THIS A, B, C—IT CONTAINS ANSWERS TO ALL YOUR QUESTIONS.

"A, B, C" OF BURLEY MARKETING PLAN.

Q. Who will be the members of this association?—A. Any person who grows tobacco, whether he be a landowner, a renter, or a tenant. However, landlords who do not grow tobacco themselves but rent their land out to tenants must receive at least a part of the rental in tobacco in order to join.

Q. Who will manage the affairs of the association?—A. An expert manager hired by the directors of the association.

Q. How many directors will there be?—A. Twenty-two. The whole Burley producing area will be divided into 22 separate districts, each district representing as nearly as possible the same amount of tobacco grown as every other district. Each district will probably include two or three counties, but no county can be divided between two districts.

Q. How will the directors be elected?—A. The members of each county will meet and elect a delegate. Later the delegates elected at these county meetings within a given district will meet and choose the director who is to serve on the regular board. Such director must be a grower of tobacco within the district which he represents. In addition there will be three public directors chosen, one from each State, by the regularly appointed board.

Q. Will a large grower have more votes than a smaller one?—A. No. Each member will have one vote, regardless of whether he is a landlord, renter, or tenant, or whether he is a large grower or a small one. Every member of the association must have the same right, same privileges, and the same advantages that every other member has. Consequently, each member will share equally in the control of the association.

Q. Suppose a member can not attend these meetings, what then?—A. In that event he shall vote upon a ballot which will be sent to him, and shall mail it to the judges in charge of the election.

Q. May the growers vote by proxy?—A. No. Proxies might be manipulated to the disadvantage of members. Nothing will be done in connection with the association which in any way may give one member an advantage over another.

Q. What relation will the preliminary committee have with the association? —A. None whatever. The business of the preliminary committee is merely to conduct the organization campaign, to get signatures to the contract, etc. When 75 per cent of the Burley tobacco grown in Kentucky, Indiana, and Ohio is signed up, the preliminary committee will arrange for elections in the various counties. The growers at these elections will choose their own delegates to the district meetings where the directors will be chosen. When that is done the work of the preliminary committee will end.

Q. When will this first election be held?—A. As soon as 75 per cent of the tobacco is signed up. But this must be done before November 15, 1922. If 75 per cent is not signed up by that time, all the work will be dropped.

Q. Is it planned that the association will sell this year's crop of tobacco?—A. Every effort will be made to obtain the minimum of 75 per cent by November 15, this year. If the committee succeeds in this, the association will be incorporated, the election of directors held immediately, and this year's crop will be sold by the association.

Q. How will it be known that 75 per cent is actually signed up?—A. Every grower who signs a contract will be asked to state the number of pounds of tobacco grown by him last year and his estimated production this year. The preliminary committee will total all these amounts, which must be equal to at least 75 per cent of the whole crop, before the incorporation of the association is possible.

Q. As a member of the association, will I get the same price for my tobacco as the directors get for theirs?—A. Yes. The directors' tobacco will be graded and classified in the same manner that yours will be. Consequently, a particular classification will contain a certain amount of your tobacco and a certain amount of the directors' tobacco. Since the price received for each grade of tobacco will be averaged, each grower will receive the same price for a particular grade of tobacco as will the directors.

Q. Who will sell the tobacco for the members?—A. An expert tobacco salesman hired by the directors of the association.

Q. If I grow better tobacco than my neighbor, shall I receive more for it?—A. Yes. All the tobacco will be carefully graded and each grade sold separately. For example, there may be 25 or 30 grades, and tobacco grading No. 1 put in the No. 1 classification, tobacco grading No. 2 in the No. 2 classification, tobacco grading No. 3 in the No. 3 classification, and so on down the line. If the grower delivers 1,000 pounds of tobacco to the association, and has 500 pounds of No. 1 grade, 200 pounds of No. 2 grade, and 100 pounds in each of grades 3, 4, and 5, he will be given a receipt showing just how much tobacco of each grade he has. Consequently, the more tobacco he has grading No. 1 the larger will be his returns.

Q. If I join the association, when will I receive the first payment upon my tobacco?—A. As soon after delivery as the tobacco can be graded sufficiently to determine how much the banks will loan upon it. This loan will be made and paid over to you probably from one to three days after delivery. It will constitute the first payment upon your crop. As the tobacco is sold, the first money received will be used to pay the loan at the bank. After that, it will be divided among the growers as it is received.

Q. How large will the first payment be?—A. In normal years it should be equal to about 60 or 75 per cent of the sale value of the tobacco at time of delivery.

Q. What will be done with the tobacco between the time of its delivery and its sale?—A. It will be graded, dried, and stored.

Q. Who will do the drying and storing?—A. The association?

Q. Where will it get the plants and warehouses?—A. A separate warehousing corporation will be formed. This corporation will be the property of the association.

Q. How will the association buy these warehouses?—A. An amount of preferred stock equal to the value of the warehouses to be purchased will be issued. This stock will be issued in five different classes—classes A, B, C, D, and E. It will be sold to anybody who wants to buy it, whether they are growers or not. It will be provided in the stock certificate that the stock is to be bought back by the association, one-fifth at the end of the first year, one-fifth at the end of the second year, one-fifth at the end of the third year, one-fifth at the end of the fourth year, and one-fifth at the end of the fifth year.

Q. Where will the association get the money to buy back this preferred stock?—A. By deducting it from the sale price of tobacco. The growers' tobacco, therefore, will pay for the warehouses.

Q. What credit will the grower get for this?—A. As soon as a particular class is bought back by the association the amount of money from a particular grower's crop used in the repurchase of it will be figured and the grower given common stock equal to such amount. At the end of the 5-year period, therefore, the value of the warehouses will be represented by this common stock held by the growers. Consequently the growers themselves will own the warehouses at that time.

Q. Will a grower be permitted to sell his common stock?—A. No. If he sells his farm, however, or if he does not sign a second contract at the end of the first 5-year period, the association will buy back his common stock at its face value.

Q. Where will these warehouses be located?—A. Wherever they are needed.

Q. Who will determine whether or not a warehouse is needed in a particular locality?—A. That will vary. If it is to be a central warehouse used by growers of more than one district or community, the members of the association as a whole will determine this. But the necessity for a particular local warehouse will be determined by the growers of that locality. Separate corporations will be formed so that the growers within a particular locality will be the ones who will own these local warehouses after they are paid for. Their tobacco alone will be used in paying for them.

Q. How much of the returns from the tobacco can be used for warehouse purchases?—A. Two-fifths of a cent a pound for the 5-year period.

Q. Can a grower place a mortgage upon his crop?—A. Yes; and such crop mortgage will take precedence over the contract between the association and the grower. In such cases, however, an effort will be made by the association to sell the tobacco for the holder of the mortgage.

Q. If I sign the contract will it prevent me from selling my farm?—A. Nothing is said in the contract about land. The contract doesn't run with the land; it runs with the grower. Any member can sell his farm and stop growing tobacco; but if he does, he will have no vote in the affairs of the association.

Q. To whom will the association sell its tobacco?—A. To whomever will pay the highest prices—dealers, exporters, and manufacturers. It is proposed, however, to sell direct to exporters and manufacturers in so far as is possible.

Q. What will the association do if manufacturers refuse to deal with it?—A. If that should occur, the association would have the alternative of doing its own manufacturing. But the manufacturers will not refuse to buy from the association. Manufacturers need tobacco. The association will need to sell tobacco. There should be no fear of difficulty between the association and manufacturers.

Q. Does the grower agree to deliver a certain amount of tobacco to the association?—A. No. Only the amount that he grows. He may stop growing tobacco altogether if he wishes. But if he grows tobacco during the life of the contract he must deliver it to the association.

Q. If there is an overproduction will the association see that the crop is "cut out"?—A. No. The association will never instruct its members to "cut out" growing tobacco in case of overproduction. But the association does not intend to glut the market with tobacco. In any one year it will sell only the amount required by the manufacturers. Consequently in years of overproduction there will be a "carry-over" at the end of the selling season. Growers will only receive the loan value of this "carry-over." Consequently they will be penalized for overproduction the year that it occurs.

It is reasonable to assume that if the planting season finds a lot of tobacco of the previous year's crop still unsold the growers will use their own judgment as to how large the crop should be that year. Circulars will be sent out from time to time showing the amount of tobacco on hand, the condition of the market, and the approximate amount of tobacco needed for manufacturing during the coming selling season.

Q. What will happen if a grower refuses to deliver his tobacco to the association?—A. This would be expensive to the grower. The contract provides that in such a case the association may go before a court and get an injunction against the grower forbidding him to sell any tobacco to an outsider. Then the association can get a "decree of specific performance" from the court, which decree will command the grower to deliver his tobacco to the association. If the grower refuses to comply with the demand of the court he will be put in jail for contempt. In addition, such a "welching" grower will have to pay damages to the association equal to 5 cents a pound for all tobacco sold by him before the court order was issued.

Q. How do you know that this can be done?—A. It has already been done in 14 such cases. The type of contract used by the association is absolutely binding. Courts have ruled the legality of this contract so many times that this point is settled beyond question.

ORGANIZATION COMMITTEE BURLEY TOBACCO GROWERS' COOPERATIVE ASSOCIATION.

Robert W. Bingham, Louisville; Ralph M. Barker, Carrollton; Edward Bassett, Lexington; Walter Bennett, Richmond; Desha Breckinridge, Lexington; T. S. Burnam, Richmond; Johnson N. Camden, Versailles; Samuel Clay, Paris; W. A. Clements, Springfield; John T. Collins, Paris; T. J. Curtis, Richmond; L. A. Faurest, Elizabethtown; Harry Giovannoli, Lexington; H. B. Hanger, jr., Richmond; Shelby T. Harbison, Lexington; Martin L. Harris, Rising Sun, Ind.; Price Headley Lexington; J. R. Jones, Cynthiana; J. N. Kehoe, Maysville; Rev. John F. Knue, McQuady; Bedford Macklin, Frankfort; William A. McDowell, Lexington; Dr. Frank L. McVey, Lexington; Charles N. Manning, Lexington; L. L. Neale, Richmond; Stanley Reed, Maysville; N. C. Ridgeway, Falmouth; Joseph E. Robinson, Lancaster; W. E. Simms, Versailles; Fred G. Stiltz, Lexington; James C. Stone, Lexington; Sunshine Sweeney, Lexington; B. A. Thomas, Shelbyville; W. L. Walters, Shelbyville; J. Quincy Ward, Cynthiana; John Woodford, Paris; C. A. Meek, Carrollton; J. A. Donaldson, Carrollton; George Powell, Bedford; Prentice Heath, Bedford; D. A. Bell, Bedford; R. B. Brown, Warsaw; B. F. Mylor, Warsaw; A. T. Mills, Owenton; Charles Danner, Vevay, Ind.; John R. Crockett, Sharpsburg; J. S. Hocker, Stanford; J. W. Gaines, Lawrenceburg; J. N. W. McClure, Paris; Buckner Woodford, Paris; John W. Heflin, Flemingsburg; C. D. Asbury, Augusta; R. P. Taylor, Winchester; J. H. Sousley, Flemingsburg; Lewis L. Walker, Lancaster; Robert J. Denny, Nicholasville; James C. Averitt, Lebanon; Bush W. Allin, Harrodsburg; Samuel Houtchens, Chaplin; Herdy Myers, Carlisle; Chambers Perry, Mount Olivet; Reuben F. Offut, Georgetown; E. T. Holloway, Taylorsville; Robert S. Walker, Versailles; Lindsay Duncan, La Grange.

OUTLINE OF PLAN, "COOPERATIVE" BURLEY TOBACCO MARKETING ASSOCIATION.

The organization committee on cooperative Burley tobacco marketing, with Judge Robert W. Bingham as chairman, are recommending to the growers of Burley tobacco the so-called "California plan" of cooperative marketing.

BEST AUTHORITIES CONSULTED BY COMMITTEE.

The plan was adopted after weeks of careful study and investigation, covering a series of conferences with some of the best authorities in the United States upon cooperative marketing and finance. Among them was Mr. Aaron Sapiro, the California attorney, who has led in the work of organizing the commodity associations of California and other Western and Southern States.

PLAN INDORSED AT MANY PUBLIC MEETINGS OF GROWERS.

At Louisville on April 26 and 27 Mr. Sapiro explained the plan to a meeting of 30 representative growers from the Burley producing section of Kentucky, and the plan was accepted by every one present.

On May 5 at Paris, Judge Robert W. Bingham outlined the plan to about 300 growers, and they accepted it unanimously. Mr. J. R. Howard, president of the National Farm Bureau Federation, was present at this meeting and gave his indorsement to the idea.

Bankers of group 8 of the Kentucky Bankers Association at their annual meeting at Lawrenceburg May 25, after hearing Mr. Sapiro, passed a resolution indorsing the plan as outlined to them. The resolution reads as follows:

"*Resolved*, That the eighth group of the Kentucky State Bankers' Association go on record as favoring the cooperative plan of marketing Burley tobacco outlined by Aaron Sapiro and as declaring that the plan is both wise and feasible as applied to the sale of Burley tobacco in this and adjoining States."

At Versailles the same day a meeting of 50 of the largest and most influential tobacco farmers of the whole blue grass section of the State listened to Mr. Sapiro more than two hours. It was the consensus of opinion expressed at that meeting that the Burley tobacco industry should be organized upon the so-called California plan.

On May 26 at Lexington representatives from nearly all the Burley producing counties unanimously indorsed the plan and indicated that

the organization committee on cooperative Burley tobacco marketing should proceed with the organization of a permanent cooperative marketing association for the whole Burley tobacco growing industry.

Finally the regular meeting of group four of the Kentucky Bankers' Association at Elizabethtown on May 30, after hearing Mr. Sapiro explain the plan for cooperative marketing, unanimously indorsed that method of marketing as applying to Burley tobacco, in the following language:

"*Be it resolved by the fourth group of the Kentucky Bankers' Association*, That as it is the opinion of this group that the cooperative plan for marketing Burley tobacco, as outlined by Mr. Sapiro, is feasible and well adapted to the needs of Kentucky and adjacent States, this group hereby indorses the plan and pledges its hearty support and assistance in presenting it to tobacco growers of Kentucky."

ORGANIZE ON THE CALIFORNIA PLAN.

It is proposed that growers in Kentucky, Ohio, Indiana, and other Burley-producing States organize themselves into a cooperative marketing association upon a plan similar to that of the large commodity-selling associations in California and other Western States, where cooperative marketing has been developed over a period of 25 years of successful operation.

A NONSTOCK COOPERATIVE ASSOCIATION COMPOSED OF GROWERS ONLY—GROWERS CONTRACTS UNBREAKABLE.

There will be one solid organization of Burley tobacco growers, each grower signing, with all the others, an absolutely binding contract to sell through the association all the Burley tobacco which he grows for a period of five years.

The association will be without capital stock and will be operated strictly upon a nonprofit basis. The main office will be at Lexington.

MEMBERS NOT OBLIGED TO GROW TOBACCO.

The growers will not be required to grow a given amount of tobacco—any one of them may stop growing tobacco altogether. They are merely required to deliver to the association all the Burley tobacco they raise or have an interest in as landlord or otherwise.

GROWERS WILL RECEIVE THE FULL SALE VALUE OF TOBACCO LESS NECESSARY OPERATING EXPENSES.

In return for the grower's agreement to deliver for sale through the association all the tobacco grown by him over a period of five years, the association will agree to sell such tobacco at the best prices obtainable, and return to the grower the full amount received, less actual operating expenses.

There are no profits in the management of cooperative marketing associations; expenses, therefore, are always small. For example, the California Fruit Growers' Exchange, which does a business of approximately $60,000,000 a year, makes its sales at a cost to the growers of less than 3 per cent.

MEMBERS WILL BE TREATED ALIKE, ALL RECEIVING EQUAL PRICES FOR THE SAME GRADE OF TOBACCO.

The tobacco of all the members will be carefully graded and sold according to the grades and classifications to be established by the association.

Prices received for tobacco of a given grade will be averaged and each grower will be paid the average price for all his deliveries of tobacco of that grade. Thus, all members of the association will receive equal prices for tobacco of like grades.

SUBSTANTIAL ADVANCES MADE TO GROWERS AS TOBACCO IS DELIVERED TO THE ASSOCIATION.

As soon as a member's tobacco is graded he will be given a receipt showing the amount of each grade of tobacco he has delivered to the association, and a loan will be obtained for him equal to the loan value of his deliveries. This loan will constitute the first payment upon his crop.

MONEY PAID OVER TO GROWERS AS SOON AS SALES ARE MADE.

As the tobacco is sold, returns from the first sales will be used to repay the loan. After that, money as it is received from sales will be divided among the growers according to the amount of tobacco of the different grades which each member has delivered to the association.

GROWERS WILL FORM A SUBSIDIARY WAREHOUSING CORPORATION.

The growers through their association will organize a warehousing corporation for the receiving, grading, drying, and storing of tobacco awaiting sale. This corporation will lease or purchase such warehouses and other facilities as are necessary to meet the needs of the association in every community or locality.

PREFERRED STOCK SOLD TO ANYBODY.

The financing of the warehouse corporation will be provided by the issue of preferred stock, which will be offered for sale to the investing public. In addition, the association may use this stock as payment to owners of warehouses for their plants and facilities. The preferred stock will have no vote, but will be guaranteed cumulative interest at 8 per cent.

WAREHOUSES PURCHASED UPON EASY TERMS.

The preferred stock will be sold in five classes, one class to be redeemed or repurchased at the end of each year for a period of five years. Each year a sufficient amount will be deducted or set aside from the returns on sales to buy back one class of the preferred stock. As each class is redeemed, each grower will be given common stock equal to the amount of such deductions as are made from his deliveries of tobacco for the buying back of this stock.

ONLY GROWERS CAN VOTE.

The common stock will have all the voting power, consequently the control of the affairs of the subsidiary warehousing corporation will be entirely in the hands of the members of the marketing association.

AMOUNT OF PREFERRED STOCK ISSUE LIMITED.

The contract provides that the amount of preferred stock thus issued for the purchase of local and district warehouses for handling and storing tobacco shall not exceed two-fifths of a cent per pound upon the tobacco handled each year.

ONLY GROWERS CAN BELONG.

No one not an actual grower of tobacco can be a member of the organization. As soon as a member ceases to be a grower, his membership in the organization will be automatically suspended.

AFFAIRS IN CONTROL OF GROWERS.

The Burley tobacco-producing area will be divided into 22 districts. At a special meeting the growers from the counties making up each district will elect delegates who will choose the director to represent them on the managing board. Every director must be a member grower from the district which he represents. It will be his duty always to serve the interests of the members of his district to the best of his ability.

ALL GROWERS WILL HAVE EQUAL REPRESENTATION.

All districts shall include as nearly as can be made possible, the same estimated production, but no county can be divided between two districts. If in any year the membership gains of particular districts are materially larger than those of other districts, there will be a reapportionment made by the board of directors in order to maintain approximately equal representation of the districts.

ONE MAN—ONE VOTE.

Every member of the association will have only one vote, consequently a fully democratic type of organization will be provided.

LOCAL BRANCHES WILL BE MAINTAINED.

Every district, county, and central locality shall have its own informal local branch of the organization, and in addition to the regular board of directors each district will have its own set of officers who may attend directors' meetings and advise with them in the conduct of the association's affairs.

A STRONG ORGANIZATION OR NO ORGANIZATION.

Signatures to the growers' marketing agreement covering at least 75 per cent of the total production of Burley tobacco must be secured by November 15, 1922, or all of the contracts signed up to that time will be automatically canceled. This will insure an organization big enough to be a really dominant factor in the market at all times.

MAY START WITH 1921 CROP.

A strong effort will be made to obtain the necessary 75 per cent of the crop by November 15, 1921. If the committee is successful, the organization will handle this year's crop.

INFERIOR TOBACCO SOLD SEPARATELY.

If a grower delivers to the association any tobacco of quality too poor to be sold with any of the established grades, such tobacco will be sold separately and the grower will receive only the actual price obtained upon such separate sale.

By unanimous consent, Mr. ANDREWS of Nebraska and Mr. VARE were granted leave to extend their remarks in the RECORD.

Mr. VARE. Mr. Chairman, in the consideration of this measure it might be well to remember that it is the first bill reported under the Director of the Budget and the first indication of the advantages of the budget system is shown in its compilation.

Much has been done in this measure to demonstrate that the budget is a move in the right direction. As an instance, I will cite the bill contains appropriations which are $17,770,591 less than the total 1922 appropriations for the Treasury Department, but of this amount $12,696,827 was reduced by the Appropriations Committee and not by the Director of the Budget.

The chairman of the Appropriations Committee deserves every compliment which has been given him on the speedy and efficient work he has performed in having this bill reported at such an early date and showing such wonderful savings for the Government.

Mr. MARTIN B. MADDEN has been courteous in every respect throughout the hearings on this bill, but firm in his endeavor to lower the cost of government to the people of the United States. His committee has not permitted a single increase in lump-sum appropriations for salaries and no specific increases have been allowed.

Congress and the country are to be congratulated upon having a chairman of the Appropriations Committee who has had vast business experience and who has a thorough congressional training. If he continues his aggressiveness and vigilance on all the appropriation bills, and I know he will, he very probably will achieve the title, as has been said, of the "watchdog of the Treasury." He has demonstrated that preserving and intelligent ability to secure the cooperation of the heads of the departments.

The decreases in appropriations, made one after another, were in a majority of cases made with the approval of the department chiefs. They do not represent economy of the cheeseparing variety but sound business sense injected into Government business.

Referring again to the budget, it is a framework upon which a system of constructive authority can be built around the Chief Executive with the budget officer as his mouthpiece. The only means by which the system will accomplish all it is intended to do is by presidential pressure, and presidential pressure can be slight until it becomes known that an officer of the Government under Civil Service must make his record after employment as well as during his examination for the place.

What has been done in this bill can be done in every bill, and I have every confidence in the various subcommittees of the Appropriations Committee to pare the appropriations to the limit. With the proper insistence on the part of the President,

the department heads will keep within the appropriations passed by Congress, and I venture to say that a saving of half a billion dollars will be made by the Government by the operation of the budget system within a year.

The President has held several meetings with the bureau chiefs, and this bill we are now considering reflects considerable economy. But with all this Gen. Charles G. Dawes, who is an untiring official, who is not only capable and industrious, admits that the surface has hardly been scratched. He did not have time to go into all the details of the work because of the necessity of submitting the budget to Congress at an early date according to law.

According to the hearings, however, time was not the only thing that he had to meet. Policies of the Government as laid down by Congress should be to put more business into Government affairs and to keep less Government in business. It should be said for the budget officer that at no time did he attempt to usurp the prerogatives of Members of Congress. He confined his labors to economy and efficiency based on policies laid down by Congress.

In working for economy and efficiency the Appropriations Committee and the House of Representatives are only making good to the people of the United States the pledge of the Republican Party in its platform, upon which our President and the Republican Members of this chamber were elected. I refer to the plank in the platform which pledged the party to—

a careful readjustment to a peace-time basis and to a policy of rigid economy, to the better coordination of departmental activities, to the elimination of unnecessary officials and employees, and to the raising of the standard of individual efficiency.

With the firm determination of the chairman of the committee in command the same policy of economy and efficiency as is demonstrated in the present bill will be carried out in the remainder of the appropriation bills. The public will know that these pledges of the Republican Party are to be carried out and the confidence of the people in the party, so ably demonstrated last year, will be maintained and strengthened.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield to the gentleman from the Philippines [Mr. DE VEYRA].

Mr. DE VEYRA. Mr. Chairman, I ask unanimous consent to insert in the RECORD some remarks on the so-called report of the Woods-Forbes commission.

The CHAIRMAN. The gentleman from the Philippines asks unanimous consent to extend his remarks in the RECORD in the manner indicated by him. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department for the fiscal year ending June 30, 1923, namely:

Mr. GARRETT of Tennessee. The paragraph is still open for points of order and amendment.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes, and had come to no resolution thereon.

RESIGNATION FROM COMMITTEES.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 5, 1922.

Hon. FREDERICK GILLETT,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: I beg to submit my resignation as a member of the following committees:

Roads.
Insular Affairs.
Revision of Laws and Expenditures in the Treasury Department.

Yours, respectfully,

R. WALTON MOORE.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ELECTION TO COMMITTEE.

Mr. GARNER. I offer the resolution, which I send to the Clerk's desk, and ask for its present consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 260.

Resolved, That ROBERT WALTON MOORE, Member of Congress from the eighth district of Virginia, be, and he is hereby, elected a member of the Committee on Foreign Affairs.

The SPEAKER. Without objection, the resolution is agreed to.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. OSBORNE, indefinitely, on account of illness.

Mr. STEVENSON, indefinitely, on account of sickness.

Mr. HOGAN (at the request of Mr. KLINE of New York) on account of illness.

Mr. RAKER, additional leave of absence for five days, on account of important business.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 18 minutes p. m.) the House adjourned until Friday, January 6, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

450. A letter from the Secretary of War, transmitting a statement of money expended for the encouragement of the breeding of riding animals suitable for the military service; to the Committee on Expenditures in the War Department.

451. A letter from the Secretary of War, transmitting report showing the number and cost of publications issued and distributed by the Panama Canal during the fiscal year ended June 30, 1921; to the Committee on Printing.

452. A letter from the Secretary of the Navy, transmitting draft of a bill to continue until June 30, 1923, the Naval Militia as a part of the Naval Reserve force; to the Committee on Naval Affairs.

453. A letter from the President of the United States, transmitting suggested legislation authorizing the Secretary of War to expend from the appropriation for "Disposition of remains of officers, soldiers, and civilian employees" a sum not exceeding $856,680 for the purchase of real estate in Europe for burying places for American military dead (H. Doc. No. 145); to the Committees on Military Affairs and Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SNYDER, from the Committee on Indian Affairs, to which was referred the joint resolution (S. J. Res. 59) authorizing the Secretary of the Interior to protect certain restricted members of the Five Civilized Tribes, and for other purposes, reported the same with amendments, accompanied by a report (No. 545), which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. VAILE, from the Committee on the Public Lands, to which was referred the bill (H. R. 7053) to grant certain lands to the city of Canon City, Colo., for a public park, reported the same without amendment, accompanied by a report (No. 544), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from consideration of the bill (H. R. 9146) granting a pension to Abner Lehman, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUTCHINSON: A bill (H. R. 9751) extending the time for completion of the bridge across the Delaware River authorized by an act entitled "An act to authorize the Pennsyl-

vania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912; to the Committee on Interstate and Foreign Commerce.

By Mr. BIRD: A bill (H. R. 9752) to provide for improving, remodeling, and extending the Federal grounds and buildings now housing the post office at Wichita, Kans., and acquiring other or additional site therefor, if necessary; to the Committee on Public Buildings and Grounds.

By Mr. FITZGERALD: A bill (H. R. 9753) to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KELLY of Pennsylvania: A bill (H. R. 9754) providing that proposed legislation dealing with Indian affairs be submitted to Indian councils; to the Committee on Indian Affairs.

By Mr. McSWAIN: A bill (H. R. 9755) regulating procedure in the Supreme Court of the United States; to the Committee on the Judiciary.

By Mr. KISSEL: A bill (H. R. 9756) authorizing the Secretary of the Treasury to increase the compensation of laborers in the Customs Service as he may think advisable; to the Committee on Ways and Means.

By Mr. BIRD: A bill (H. R. 9757) to provide a suitable site and for the erection thereon of a post-office building at Caldwell, Kans.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIRD: A bill (H. R. 9758) to place the name of Erwin R. Bleckley upon the Army and Navy medal of honor roll; to the Committee on Military Affairs.

By Mr. BLAND of Indiana: A bill (H. R. 9759) granting a pension to Mary E. Hulen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9760) granting a pension to Daniel L. B. Downey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9761) granting a pension to Rosetta Davis; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 9762) for the relief of J. P. Littell; to the Committee on Claims.

By Mr. FITZGERALD: A bill (H. R. 9763) granting a pension to George W. Matthews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9764) granting a pension to James U. Brigham; to the Committee on Pensions.

By Mr. HIMES: A bill (H. R. 9765) granting a pension to Catharine Davis; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 9766) granting a pension to R. T. Crews; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 9767) granting an increase of pension to Peter Urban; to the Committee on Pensions.

By Mr. SHELTON: A bill (H. R. 9768) granting a pension to Eliza F. Atkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9769) granting a pension to Julia A. Dugan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9770) granting an increase of pension to Clara Blunt; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 9771) granting an increase of pension to Henry F. Tower; to the Committee on Invalid Pensions.

By Mr. VOLK: A bill (H. R. 9772) granting a pension to Isidore Cohen; to the Committee on Pensions.

By Mr. WEAVER: A bill (H. R. 9773) granting a pension to Levi J. Tipton; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3407. By the SPEAKER (by request): Petition of J. W. H. Eason, exalted leader of the American Negro, and others, urging Congress for the early passage of the Dyer antilynching bill; to the Committee on the Judiciary.

3408. By Mr. DYER: Letter from the George P. Plant Milling Co., of St. Louis, Mo., protesting against making the Fordney tariff bill permanent; also letter from the St. Louis Cash Register Co. (Inc.), of St. Louis, Mo., asking that the present tariff bill be amended or revised; to the Committee on Ways and Means.

3409. Also, letters and petitions from the following organizations and business people in St. Louis, protesting against the increased cost in first-class postage: The Visiting Nurses' Association; South Forest Park Residents' Improvement Association; Kurlander Bros. & Harfield; Williams Patent Crusher & Pulverizer Co.; St. Louis Convention, Publicity, and Tourist Bureau; the Automobile Club; Columbia Terminals Co.; International Association of Heat and Frost Insulators and Asbestos Workers; Hess & Culbertson Jewelry Co.; International Shoe Co.; O. C. Conkling; Dr. R. L. Alsaker; Art Publication Society; Missouri Sunday School Association; Whistle Co.; Talbot Manufacturing Co.; Bayle Food Products Co.; Home Life Insurance Co.; Milbradt Manufacturing Co.; St. Louis Clock & Silverware Co.; Hibbeler Leaf Tobacco Co.; the Electric Storage Battery Co.; St. Louis Chamber of Commerce; United Christian Missionary Society; and petition from St. Louis firms; to the Committee on the Post Office and Post Roads.

3410. By Mr. GALLIVAN: Petition of William A. L. Bazeley, commissioner and State forester, Commonwealth of Massachusetts, protesting against the transfer of the Forest Service and the national forests, in whole or in part, from the Department of Agriculture to the Department of the Interior, this matter being covered by House bill 5694 and Senate bills 2740 and 2382; to the Committee on the Territories.

3411. Also, petition of the Boston Varnish Co., J. B. Lord, president, relative to the proposed duty on raw sugar; to the Committee on Ways and Means.

3412. Also, petition of the United Improvement Association of Boston, protesting against the passage of the bill now pending in Congress which would prevent the use of special-delivery stamps on any mail matter except letters; to the Committee on the Post Office and Post Roads.

3413. Also, petition of William C. Adams, director division of fisheries and game, Commonwealth of Massachusetts, recommending the passage of the bill presented by Congressman ANTHONY, of Kansas, providing for the establishment of national bird refuges and public hunting grounds; to the Committee on Agriculture.

3414. By Mr. GERNERD: Papers to accompany House bill 9736, granting an increase of pension to Mary R. Pendleton; to the Committee on Invalid Pensions.

3415. By Mr. HAYS: Petition of J. S. Clark and 16 other citizens of Douglas County, Mo., against the passage of House bill 4388; to the Committee on the Judiciary.

3416. By Mr. KISSEL: Petition of the adjutant general of the State of New York, urging the passage of House bill 7943; to the Committee on Military Affairs.

3417. By Mr. SMITH of Michigan: Petition of 62 citizens of Michigan, protesting against passage of Senate bill 1948, regulating Sunday observance by force in the District of Columbia; to the Committee on the District of Columbia.

3418. By Mr. SNYDER: Petition of Owens & Griffiths, of Utica, N. Y., opposing rates of duties advocated by California Almond and Walnut Growers' Association; to the Committee on Ways and Means.

3419. By Mr. SWING: Petition of sundry citizens of California, protesting against the passage of the Sunday compulsory observance law; to the Committee on the District of Columbia.

3420. Also, petition of various citizens of Bishop, Calif., opposing the passage of the compulsory Sunday observance law (S. 1948); to the Committee on the District of Columbia.

SENATE.

FRIDAY, *January 6, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, remembrance of past mercies compels us to recognize constantly our dependence upon Thee, and as we enter upon the duties of the day we desire Thy help. So help us that all the while in the journey of life we may realize that goodness and grace are the portion promised to those who trust Thee. Hear us for Christ's sake. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when on request of Mr. CURTIS and by unanimous consent the further reading was dispensed with and the Journal was approved.

TYPEWRITERS, ETC., EXCHANGED BY FEDERAL TRADE COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the secretary of the Federal Trade Commission, transmitting, pursuant to law, a statement showing the number of typewriters, adding machines, etc., exchanged by the commission during the fiscal year ended June 30, 1921, which was referred to the Committee on Appropriations.

PETITIONS.

The VICE PRESIDENT laid before the Senate a resolution adopted by the International Reform Bureau at its twenty-seventh anniversary meeting, December 9, 1921, favoring the enactment of legislation providing for a national uniform divorce law, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the International Reform Bureau at its twenty-seventh anniversary meeting, December 9, 1921, favoring more stringent enforcement of the so-called Roddenbery Act, relative to interstate transmission of prize-fight motion pictures and amendment of that act so as to provide punishment for violation thereof by imprisonment in addition to fine, which was referred to the Committee on Interstate Commerce.

He also laid before the Senate a resolution adopted by the International Reform Bureau at its twenty-seventh anniversary meeting, December 9, 1921, favoring the enactment of legislation excluding fraudulent devices and lottery paraphernalia from the mails, which was referred to the Committee on Post Offices and Post Roads.

He also laid before the Senate a resolution adopted by the International Reform Bureau at its twenty-seventh anniversary meeting, December 9, 1921, favoring the passage of Senate resolution 142, directing an investigation of the alleged political activities of the motion-picture industry, and the enactment of legislation to regulate motion pictures in interstate commerce, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 2411) to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia, and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street, Nicholson Street from Thirteenth Street to Sixteenth Street, Colorado Avenue from Montague Street to Thirteenth Street, Concord Avenue from Sixteenth Street to its western terminus west of Eighth Street west, Thirteenth Street from Nicholson Street to Piney Branch Road, and Piney Branch Road from Thirteenth Street to Blair Road, and for other purposes, reported it without amendment and submitted a report (No. 386) thereon.

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1878) to permit the State of Montana to exchange cut-over timberlands granted for educational purposes for other lands of like character and approximate value, reported it without amendment and submitted a report (No. 387) thereon.

He also, from the same committee, to which was referred the bill (H. R. 244) to provide for the disposition of abandoned portions of rights of way granted to railroad companies, reported it with amendments and submitted a report (No. 388) thereon.

Mr. MYERS, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1034) to establish a game sanctuary in the watershed of the South Fork of the Flathead River in the Flathead National Forest to perpetuate a breeding place for game animals, reported it with amendments and submitted a report (No. 389) thereon.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2556) for the relief of Edwin Gantner, reported it without amendment and submitted a report (No. 390) thereon.

Mr. LADD, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 1318) granting to certain claimants the preferential right to purchase certain alleged public lands in the State of Arkansas, and for other purposes, reported it without amendment and submitted a report (No. 391) thereon.

INDIAN CHILDREN IN MONTANA STATE PUBLIC SCHOOLS.

Mr. WALSH of Montana. From the Committee on Indian Affairs I report back favorably without amendment the joint resolution (S. J. Res. 140) relative to payment of tuition for Indian children enrolled in Montana State public schools. The matter being of some urgency, I ask unanimous consent for its immediate consideration.

Mr. SMOOT. I ask that the joint resolution may be read before I consent to its present consideration.

The VICE PRESIDENT. The joint resolution will be read for the information of the Senate.

The Assistant Secretary read the joint resolution as follows:

Resolved, etc., That nothing contained in the provisions of section 10 of the act of February 14, 1920 (41 Stat. L., p. 421), and of section 10 of the act of March 3, 1921 (41 Stat. L., p. 1237), shall be construed to preclude the payment of tuition for Indian children enrolled and educated in Montana State public schools, pursuant to annual or existing appropriations of public money for payment of such tuition.

Mr. SMOOT. I ask the Senator from Montana to explain what change in the law is made by this measure.

Mr. WALSH of Montana. The joint resolution is presented at the request of the Bureau of Indian Affairs. Appropriations have been made for the payment of tuition of Indian children attending public schools on the reservation. The Indians not paying any taxes, of course tuition is exacted of them, and appropriation has been made of $15,000 to cover the tuition; but there is another statute which provides that the appropriation shall not be available unless Indian children are admitted to the schools upon the same terms as white children. The comptroller has construed that statute as prohibiting the utilization of the appropriation, because he holds that the Indian children are not admitted upon the same terms as the white children, the white children being admitted without tuition while the Indian children are charged tuition. Therefore he holds up the appropriation. The department asks that tuition be permitted to be paid in accordance with the appropriation notwithstanding the provisions of the statute referred to by the comptroller.

Mr. SMOOT. I think the measure is a fair one.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEO N. LEVI MEMORIAL HOSPITAL, HOT SPRINGS, ARK.

Mr. WALSH of Montana. From the Committee on Public Lands and Surveys I report back favorably, with an amendment in the nature of a substitute, the bill (S. 2186) granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association, and I submit a report (No. 385) thereon.

Mr. ROBINSON. I ask unanimous consent for the present consideration of the bill.

Mr. CURTIS. Let it be reported.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The ASSISTANT SECRETARY. The amendment of the committee proposes to strike out all after the enacting clause and to insert:

That the exclusive right to use, occupy, and enjoy the possession of all of lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark., is by this act granted to the Leo N. Levi Memorial Hospital Association, a corporation organized under the laws of the State of Arkansas for the purpose of erecting and maintaining thereon an addition to or extension of its present hospital building, located on adjoining lots, Nos. 3 and 4, in said block 114, in said city of Hot Springs, Ark. The rights and privileges granted under this act shall continue as long as the property is used and occupied for the purposes mentioned in this act, subject, however, to the following conditions and limitations, namely, that unless said Leo N. Levi Memorial Hospital shall within five years after the passage of this act erect and equip a suitable and sightly addition to or extension of its present hospital building or if said Leo N. Levi Memorial Hospital Association shall at any time hereafter use or permit the premises to be used for any other purpose than that herein granted, or if at any time pay wards are maintained in any buildings erected upon the lots hereby granted, then and in either event all the rights, privileges, and powers by this act granted and conferred upon said association shall be forfeited to the United States.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. ROBINSON. Mr. President, the Leo N. Levi Memorial Hospital Association is now operating a hospital on lots adjoining those to be granted under the terms of the bill. It is an organization conducted almost entirely for charity. It is performing a wonderful work. While those who maintain it are of the Jewish faith, yet no racial or other distinction whatever is made in conferring benefits in the hospital. Benefits are conferred upon all classes and all races. I have visited the hospital myself within the last few months, and regard it as very useful and very beneficial to the community.

In Hot Springs there appear annually many hundreds of persons who are indigent and who require hospital treatment. This organization is furnishing that treatment. Its quarters are too small to meet present and growing requirements, and it is absolutely necessary that it enlarge its plant. The bill grants additional ground, upon which an annex may be constructed.

Hot Springs is a national park. For more than half a century its waters have been regarded as a specific cure for rheumatism, gout, and many other diseases. Thousands of poor, afflicted persons are attracted there for treatment. These conditions impose heavy burdens on the community, and there exists an imperative demand for the enlargement of the hospital operated by the Leo N. Levi Memorial Association. This enlarge-

ment will require the additional space which the lots granted in this bill afford.

The VICE PRESIDENT. The question is on agreeing to the amendment in the nature of a substitute reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 2934) to provide for the issuance to John W. Stanton by the Secretary of the Interior of patent to certain land, upon payment therefor at the rate of $1.25 per acre; to the Committee on Public Lands and Surveys.

By Mr. WADSWORTH:

A bill (S. 2935) to amend section 3 of the act entitled "An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children," approved June 30, 1921, and for other purposes; to the Committee on Military Affairs.

By Mr. STERLING:

A bill (S. 2936) authorizing the Postmaster General to investigate conditions arising from contracts in star route, screen wagon, and other vehicle service entered into prior to January 1, 1919; to the Committee on Post Offices and Post Roads.

By Mr. HALE:

A bill (S. 2937) to continue in effect paragraph 8 of the section relating to medals of honor, distinguished-service crosses, and distinguished-service medals of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1919, as approved July 9, 1918 (Fortieth Statutes, p. 871); to the Committee on Military Affairs.

By Mr. KING:

A bill (S. 2938) to prohibit building by the Federal Reserve Board, or by Federal reserve banks and branch banks, without consent of Congress, and for other purposes; to the Committee on Banking and Currency.

By Mr. BALL:

A bill (S. 2939) for the relief of the William D. Mullen Co.; to the Committee on Claims.

By Mr. NEW:

A bill (S. 2940) granting an increase of pension to Charles L. Berkheimer; to the Committee on Pensions.

APPOINTMENT OF EX-SERVICE MEN AS POSTMASTERS.

Mr. ROBINSON. I introduce a bill to authorize and provide for a preference to ex-service men in the appointments of postmasters. I ask that the bill be printed in the RECORD and referred to the Committee on Civil Service.

The bill (S. 2933) to authorize and provide for a preference to ex-service men in the appointments of postmasters was read twice by its title and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That whenever the Civil Service Commission certifies the names of persons eligible for appointment to the position of postmaster it shall certify only the names of persons who served in the military or naval forces of the United States during the World War and who were honorably discharged therefrom or separated therefrom under honorable conditions whenever any such persons are eligible for such appointment, and such persons shall be given preference and priority in such appointment.

The VICE PRESIDENT. The bill will be referred to the Committee on Civil Service.

AMENDMENT OF THE RULES—PAIRS.

Mr. BORAH. I submit a resolution which I ask may be read and referred to the Committee on Rules.

The resolution (S. Res. 205) was read and referred to the Committee on Rules, as follows:

Resolved, That the standing rules of the Senate be, and the same are hereby, amended by adding a new rule to be inserted in its appropriate place among the standing rules, to wit: That pairs will not hereafter be recognized by the Senate except in instances where a Senator is detained from the Senate on account of illness or upon the official business of the Senate.

FEDERAL RESERVE BANK QUARTERS.

Mr. McLEAN. Mr. President, I have two communications from the Governor of the Federal Reserve Board in relation to the quarters of the Federal reserve banks and their branches. I ask to have them printed in the RECORD.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

FEDERAL RESERVE BOARD,
Washington, January 5, 1922.

DEAR MR. CHAIRMAN: I am inclosing for your information copy of a letter which the board is sending to-day to the chairman of the board of directors of each Federal reserve bank.

The buildings of the Federal Reserve Banks of Richmond, Dallas, and Kansas City have been completed, and they are now being occupied by the banks. The Federal Reserve Bank of Atlanta has outgrown the building which it is now occupying, and the work of constructing an annex large enough to meet present requirements is now well under way. The building of the Federal Reserve Bank of Boston is nearly completed, and some departments of the bank have already been moved into the new building. The buildings of the Federal Reserve Banks of Chicago and San Francisco are also well advanced, and it is expected they will be ready for occupancy within the next few months. Contracts have been let in connection with the construction of buildings of the Federal Reserve Banks of New York and Cleveland which can not now be canceled, and the work of construction must accordingly proceed. The Federal Reserve Bank of Philadelphia was able to purchase a building which after certain changes and the addition of a large vault is suitable for its purposes, and this building is occupied by the bank. The contracts for the foundations of the building for the Federal Reserve Bank of Minneapolis were let some time ago, and the foundations will be completed within the next 10 days. No contracts, however, have yet been let for the superstructure. No contracts have so far been let for the building of the Federal Reserve Bank of St. Louis.

The Federal Reserve Bank of Cleveland has completed repairs and additions to the building of its branch at Pittsburgh, and has acquired a lot for the use of its Cincinnati branch, but no contracts have been let for the construction of the building and that branch is still occupying leased quarters which are very inadequate. The Federal Reserve Bank of Richmond some years ago purchased a building for the use of its Baltimore branch, which has proved to be entirely too small, and more than a year ago it acquired a larger building site in that city. It is proposed to erect a building upon the site so acquired and upon its completion to sell the building which is now being occupied by the Baltimore branch, but no contracts have been let for the new building. The Federal Reserve Bank of Atlanta has purchased a building for the use of its branch at Nashville, which must, however, be remodeled before it can be utilized, and no contracts have yet been let for these necessary changes. The Atlanta bank has purchased a site upon which it is proposed to erect a building for the use of its branch in New Orleans, but the construction contracts have not yet been let. It has also purchased a lot for the use of its Jacksonville branch, but has not yet entered into any contracts for the construction of the building. The Detroit branch of the Federal Reserve Bank of Chicago is occupying leased quarters which are entirely inadequate and unsuitable in many respects, and the Federal Reserve Bank of Chicago has recently bought the ground in Detroit upon which it proposes to erect a building, but no contracts for construction have yet been let. The Federal Reserve Bank of St. Louis more than a year ago purchased a lot upon which it proposes to construct a building for the use of its branch in Little Rock. Plans have been made but contracts have not yet been let. The St. Louis bank purchased a building in Louisville which has proved to be entirely too small, and it has since acquired 50 feet of ground adjoining on which it proposes to construct a 2-story annex uniform in style with the present building. Contracts for construction have not yet been let. The Federal Reserve Bank of Minneapolis completed some time ago its building for the branch at Helena, Mont. The Federal Reserve Bank of Kansas City has acquired a lot in Denver, but has not yet let contracts for the construction of a building which is badly needed. It has not yet let contracts for the building to be used by its branch in Oklahoma City, but has purchased a building for the use of its Omaha branch. The Federal Reserve Bank of Dallas completed about two years ago the building for its branch at El Paso, and the work of construction on the building for its branch at Houston is well under way. The Federal Reserve Bank of San Francisco about a year ago bought a lot for the use of its Salt Lake City branch, but has not yet begun the preparation of plans for a building and consequently has let no contracts.

No real estate has yet been bought for the other branches of Federal reserve banks—Buffalo (New York), Birmingham (Atlanta), Memphis (St. Louis), and Portland, Seattle, Spokane, and Los Angeles (San Francisco)—which are occupying leased quarters, which answer the purpose for the time being, but it is evident that ultimately all these branches must either be given more adequate quarters or must be abandoned.

Since the Subtreasuries were abolished the Federal reserve banks have been exercising the functions formerly performed by the Subtreasuries, and these functions have been extended, wherever present facilities admit, to the branches. In view of the large amounts of actual cash and securities held by all Federal reserve banks and branches, it is very important that they be provided with proper vault facilities. Several of the Federal reserve banks are very anxious to let contracts and proceed with the work of construction of buildings, which are urgently needed, but the board is not willing that anything should be done to defeat the intent of Congress. As a vote will be taken on the pending amendment at an early date, it is not thought that any serious inconvenience will result from awaiting an expression of the will of Congress.

It seems proper to call your attention to the fact that full and detailed reports of the building operations of Federal reserve banks have been made to Congress in the annual report of the Federal Reserve Board each year, as well as in the board's reply to Senate resolution 153, which has been published as Senate Document 75.

Very truly, yours,

W. P. G. HARDING, *Governor.*

Hon. GEORGE P. MCLEAN,
Chairman Committee on Banking and Currency,
United States Senate.

FEDERAL RESERVE BOARD,
Washington, January 5, 1922.

Subject: Building operations of Federal reserve banks.

CHAIRMEN OF ALL FEDERAL RESERVE BANKS.

DEAR SIR: On December 19, 1921, an amendment was proposed by Senator HARRIS, of Georgia, to Senate bill 2263, which by agreement will come to a vote on the 17th instant, reading as follows: "The Federal Reserve Board shall have no authority hereafter to enter into any contract or contracts for the erection of any building of any kind or character, or to authorize the erection of any building, without the

consent of Congress having previously been given therefor in express terms."

The Federal Reserve Board has never assumed that it has authority to enter into any contract for the erection of any kind of building. The directors of Federal reserve banks are, however, empowered under the provisions of section 4 of the Federal reserve act "to make contracts" and "to exercise all powers specifically granted by the provisions of this act and such incidental powers as shall be necessary to carry on the business of banking within the limitations prescribed by this act."

The board has always taken the view that the law authorizies directors of Federal reserve banks to provide their banks and branches with such buildings and equipment as may be necessary for the proper conduct of their business. There is nothing in the Federal reserve act that requires the specific approval of building contracts by the Federal Reserve Board, but under its power of general supervision (par. j, sec. 11) the board has required all Federal reserve banks to submit for its consideration all options for the purchase of real estate, all plans and specifications for buildings and vaults, and has advised the banks that they should not enter into any contracts involving investments of this kind until the board had had an opportunity to make any suggestions or offer any objections as it might deem proper.

In some cases buildings of Federal reserve banks and branches have been completed and in others contracts have been let which must necessarily be carried out. Although the amounts involved in the erection of Federal reserve bank buildings represent investments of the banks' own funds and not the expenditure of public moneys, the board feels, nevertheless, that no attempt should be made by any Federal reserve bank to anticipate any action by Congress which may tend to restrict or modify its present authority, and you are requested to advise your directors at once that the board advises that no new contracts for the construction of a building be entered into by them until there has been opportunity of ascertaining the disposition of Congress toward the amendment above quoted.

Very truly, yours,

W. P. G. HARDING, *Governor.*

FRANCO-JAPANESE PACT.

Mr. BORAH. I ask to have inserted in the RECORD a portion of an article written by Frank H. Simonds. I have marked the portion of it which I desire to have inserted. It quotes a treaty or an understanding or agreement between France and Japan with reference to Far Eastern matters and gives some comment on it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[Washington Herald, Jan. 6, 1922.]

SIMONDS SEES UNITED STATES TANGLE IN FIVE-POWER TREATY.—EXPRESSES SURPRISE THAT JAP-FRANCO PACT WOULD NOT BE ABROGATED.

(By Frank H. Simonds.)

* * * * * * *

Perhaps more important was the problem raised by the Franco-Japanese treaty of 1907. It will be recalled that the chief reason for the four-power treaty was the American desire to eliminate the Anglo-Japanese alliance and that the four-power treaty represented that substitute for the Anglo-Japanese alliance which the United States Government was willing to accept. From the American point of view the United States was willing to agree to respect the integrity of Japan and to consult with the Japanese, with the British, and with the French in case of a difference between two of the four powers signing the treaty, or in the case of a difference between one of them and an outside power. In return for this Great Britain and Japan agreed in article 4 of the treaty that the Anglo-Japanese alliance should be terminated.

TREATY TEXT SURPRISE.

What occasioned surprise yesterday was the discovery of the text and the significance of the Franco-Japanese treaty. This brief treaty is as follows:

"Animated by the desire to strengthen the relations of amity between them and to remove from these relations all causes of misunderstanding for the future, have decided to conclude the following arrangement: 'The Governments of Japan and France, being agreed to respect the independence and integrity of China, as well as the principle of equal treatment in that country for the commerce and subjects or citizens of all nations, and having a special interest to have the order and pacific state of things preserved, especially in the regions of the Chinese Empire adjacent to the territories where they have the rights of sovereignty, protection, or occupation, engage to support each other for assuring the peace and security in those regions, with a view to maintain the respective situation and the territorial rights of the two high-contracting parties on the continent of Asia.'"

Examination of this document raises several questions at once. First of all, why did not the four-power treaty provide that this Franco-Japanese alliance should be terminated when the four-power treaty should be ratified? Second, what complications are involved in a four-power agreement among France, Great Britain, the United States, and Japan, covering the regions of the Pacific Ocean, and the two-power treaty between Japan and France dealing with the mainland of China? Under the four-power treaty we are bound to consult with Japan in case she feels herself threatened by any power within or without the agreement. But the slightest examination of the terms of the Franco-Japanese alliance demonstrates a fertile field for differences between Japan and France on the one hand and China or Russia on the other. Indeed, the recent charges of the Tchita Government take on a slightly different aspect when viewed in the light of the language of this treaty.

FOUR-NATION ASSOCIATION.

At the present moment it would seem that the four-power treaty establishes an association among four nations in the Pacific. Two of them—Great Britain and Japan—were bound by a formal alliance; two—Japan and France—by a kind of contract which closely resembles an alliance. Since the four-power treaty does not specifically provide for the termination of the two-power treaty, it remains living and effective. Japan is thus able to call upon France for support in any questions arising on the mainland of Asia and in any conference called as a consequence of difficulties arising on the mainland of Asia. France and Japan would seem bound to act in unison within the four-power conference, one of the functions of which is to determine what, if any, action shall be taken in view of existing conditions.

Inquiry discloses the fact that up to the present moment there have been no discussions whatever in the conference looking to abrogation of the Franco-Japanese alliance. There was a suggestion yesterday that possibly this treaty might be disposed of in the nine-power treaty, also in process of drafting, but there was a very frank declaration that the four-power treaty had been negotiated and signed without any regard to the Franco-Japanese alliance, and that France had been asked to join Great Britain, the United States, and Japan in this Pacific agreement without receiving any request to drop the Japanese alliance.

In sum, an examination of the subject of the Pacific agreement indicated that the English expected and the Americans did not expect some kind of an agreement for conference and consultation in the five-power treaty similar to that found in the four-power treaty. And it similarly disclosed the fact that up to the present moment nothing has been done to eliminate the Franco-Japanese treaty, which parallels closely the Anglo-Japanese treaty, and pledges to all the four nations signatory to the Pacific act to mutual support on the Asiatic mainland.

FINANCIAL CONDITIONS IN FRANCE.

Mr. KING. I should like to have inserted in the RECORD a brief statement appearing in last night's Star from Mr. Paul Scott Mowrer concerning the expenditures made by France in the rehabilitation of her devastated territory. There has been, I think, very much unjust criticism of France recently in American newspapers and in the foreign press, and I believe these figures will throw some light upon the frightful financial burdens which were imposed upon France by reason of the war, and occasioned by the devastation of her territory and her efforts to restore it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[Washington Evening Star, Jan. 5, 1922.]

FRANCE LOANING ON GERMAN DEBT—GOVERNMENT HAS ADVANCED FIFTY BILLION FRANCS ON EXPECTED PAYMENTS—ADVISER EXPLAINS POLICY—CASENAVE TELLS HOW ISSUES OF NOTES WERE REPLACED BY TREASURY BILLS.

(By Paul Scott Mowrer.)

The French Government has already advanced 50,000,000,000 francs for pensions and the reconstruction of the devastated regions against the payments hopel for ultimately from Germany, according to a statement made to me to-day by Maurice Casenave, chief financial adviser to the French delegation. As a result, reconstruction is well under way. Homes have had to wait; but the fields are under cultivation again, and one sees in the devastated regions "beautifully equipped new factories, surrounded by huts, in which employer and employees alike are living in hardship.

ACCUSED OF JUGGLERY.

"The French Government has been accused of having recourse to financial jugglery instead of paying for reparations by means of taxation," continued M. Casenave. "But how could such enormous sums be covered by taxation? We have been deprived of about one-fifth of our taxable revenue by devastation. The rest of France has suffered from the war. Two million able-bodied young men are dead or crippled; the rest of the men were all mobilized. Can it be imagined that, in these conditions, the rest of France could be taxed without limit? According to calculations recently made, England is being taxed 26 per cent of its total annual income, the United States 8 per cent, Germany 12 per cent, and France 19 per cent. Is 19 per cent too little considering that of a total population of 40,000,000, 4,000,000, living in the devastated regions, were ruined, and are not taxable?

LOANS ARE FLOATED.

"To meet the reparations expenses, the Government therefore appealed to the people for loans. Direct loans were floated by the Government, others by a special bank, the Credit National, created for the purpose still others, by corporations formed to employ the organized credit of the devastated populations themselves.

"At first, the amount of paper money was also increased but the Government, considering that this inflation endangered public credit, put an end to the issue of notes by the Banque de France. In the two last years, not only has the printing of notes completely stopped but the outstanding circulation has been reduced, at the rate of about $2,000,000 francs a month, or a total of more than 2,000,000,000 francs.

EXPLAINS TREASURY BILLS.

"Instead of inflating the currency, as the Germans have done, France issued treasury bills. This policy needs explanation.

"Neither taxation nor the slow process of consolidated loans were equal to the immediate need of the devastated regions. The Government had therefore to devise means for mobilizing all the available funds of France.

"This was done by issuing treasury bills, and France has been reproached with the fact. However, thanks to these treasury bills, the 50,000,000,000 francs needed for pensions and reconstruction, which should have been paid by Germany but was not, have been successfully raised. Such a mobilization of credit is proof of the confidence the French people have in the country's financial power.

RESULTS OF POLICY.

"A policy can be judged by its results. These results are as follows:

"A large part of the work of reconstruction has been completed, a fact which will henceforth be of great help to the French treasury.

"The French people are hard at work in conditions of political and social peace. Since the war there have been strikes even in countries less hurt by the war than France; in France there are no strikes, there is no social unrest; everyone goes peacefully to his work. Of a population of 40,000,000, some 18,000 only are out of employment."

THE CALENDAR.

The VICE PRESIDENT. Morning business is closed. The calendar, under Rule VIII, is in order. The Secretary will state the first bill on the calendar.

The bill (S. 384) to require judges appointed under authority of the United States to devote their entire time to the duties of a judge was announced as first in order.

Mr. DIAL. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 581) to repeal the act prohibiting increased pay under lump-sum appropriations to employees transferred within one year was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 582) to repeal section 5 of the act approved June 22, 1906, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

VOCATIONAL REHABILITATION.

The bill (S. 1439) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. SMOOT. I will ask the Senator from Iowa [Mr. KENYON], who reported the bill, if he does not think it had better be put under Rule IX, so that it will not be necessary to state the bill every time the calendar is called, but it may be taken up for consideration and discussed under Rule IX, if that is desired at any time?

Mr. KENYON. Mr. President, when that bill was reported from the committee the bill which is known as the Sweet bill had not been passed. Some of the matters which are embraced in Senate bill 1439 are covered by the Sweet bill.

Mr. SMOOT. Most of them are covered by that bill, I will say to the Senator.

Mr. KENYON. I am under the impression that all the matters embraced in this bill are covered by the Sweet bill with possibly two exceptions. I am working on the matter now and trying to straighten it out. I shall offer an amendment to this bill or else let it go under Rule IX; but for the present I should like the bill merely to be passed over, retaining its place on the calendar.

The VICE PRESIDENT. The bill will be passed over.

ELIZABETH WHITE.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

Mr. RANSDELL. Mr. President, I desire to say to the Senator from Utah that that bill has been objected to heretofore a number of times; but the beneficiary under it is an old lady, eighty-odd years of age, and if we are ever going to give her the relief contemplated by the bill we shall have to do it very soon or she will certainly get no benefit from it. Similar bills have heretofore passed both Houses of Congress, and on one occasion a like bill passed both the Senate and the other House, but through a clerical error failed to be signed by the President. The bill is certainly very meritorious, and I hope the Senator from Utah will not insist on his objection.

Mr. SMOOT. We can not, of course, discuss the bill under the five-minute rule. It embraces a claim for sugar and molasses.

Mr. RANSDELL. I beg the Senator's pardon; it is a claim for a boat.

Mr. SMOOT. A part of the claim is for a boat, but if the Senator will permit me I will state precisely what the claim is for. The amount of $4,700 is claimed for sugar and molasses, and for the use of the steamboat *Red Chief* for 825 days there is a claim for $23,100.

Mr. President, we have not of late passed such bills as this, and I think there ought to be some better understanding than we have here from the report which has been made on the bill.

Mr. RANSDELL. Mr. President and Senators, this bill, as I have stated, has been before Congress for a very long time. It has passed both Houses of Congress, not once but two or three times, passing first one House in a Congress and then the other House in a succeeding Congress. The claim has been recognized by the Court of Claims as certainly a valid claim against the Government, so far as the Court of Claims could recognize it as a valid claim.

Mr. SMOOT. Let us see if the Court of Claims did recognize the claim as a valid claim. I read from the report of the Committee on Claims as follows:

Samuel N. White (Elizabeth White, administratrix). (S. D. 258–55–2.) Tucker Act. This claim originally presented to Southern Claims Commission; referred to court first February 12, 1887, under Bowman Act; decedent found loyal in 1892, under that reference, but court in 1893 found adversely to claimant on merits.

I am objecting to the bill upon its merits, just as the court found that there was no merit in the claim. That finding was made in 1893. Therefore, Mr. President, I ask that the bill may go over.

The VICE PRESIDENT. The bill will go over.

BILLS, ETC., PASSED OVER.

The bill (S. 1807) to aid in stabilizing the coal industry was announced as next in order.

Mr. FRELINGHUYSEN. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States" was announced as next in order.

Mr. SMOOT. I ask that that bill may go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts was announced as next in order.

Mr. BORAH. I ask that that bill go over.

The VICE PRESIDENT. The bill will go over.

The resolution (S. Res. 67) authorizing the Committee on Expenditures in the Executive Departments to hold hearings here or elsewhere and to employ a stenographer to report the same was announced as next in order.

Mr. OVERMAN. I ask that the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 63) for the relief of Lester A. Rockwell was announced as next in order.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I think the Senator from Oregon [Mr. MCNARY] yesterday said he desired to see the Secretary of the Interior in regard to certain phases of this measure, and I desire also to see him. I suggest that the bill go over for to-day.

Mr. MCNARY. Yes; I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2051) to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74, was announced as next in order.

Mr. KING. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

PUNISHMENT OF FEMALE OFFENDERS.

The bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States was announced as next in order.

The VICE PRESIDENT. The Chair will state that the bill has heretofore been considered as in Committee of the Whole and certain of the amendments reported by the committee have been agreed to.

Mr. KING. I think this is a measure in which the Senator from Georgia [Mr. WATSON] is interested, and I call his attention to it.

Mr. WATSON of Georgia. I ask that the bill may go over.

Mr. WALSH of Montana. Mr. President, are we proceeding by unanimous consent or under Rule VIII?

The VICE PRESIDENT. The calendar is being considered under Rule VIII.

Mr. WALSH of Montana. I move that the Senate proceed to the consideration of the bill notwithstanding the objection.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana that the Senate proceed to the consideration of the bill notwithstanding the objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1010)

to amend sections 5549 and 5550 of the Revised Statutes of the United States.

The VICE PRESIDENT. The Secretary will state the amendment reported by the committee, which has not been agreed to.

The ASSISTANT SECRETARY. On page 2, after line 11, it is proposed to insert a new section, as follows:

SEC. 2. That section 5550 of the Revised Statutes of the United States be, and it hereby is, amended so as to read as follows:

"SEC. 5550. The Attorney General shall contract with the managers or persons having control of such houses of refuge for the imprisonment, subsistence, and proper employment of all such juvenile or female offenders, and shall give the several courts of the United States and of the District of Columbia notice of the places so provided for the confinement of such offenders; and they shall be sentenced to confinement in the house of refuge nearest the place of conviction so designated by the Attorney General."

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. WATSON of Georgia. Mr. President, it has been some time since this matter was before the Senate, and I have had no opportunity to refresh my memory concerning it. Furthermore, I have been engaged in a committee room for some time, and have lost to some extent the run of the business of the Senate for the last few weeks. I will be very glad if the Senator from Montana will permit the bill to go over to-day.

Mr. WALSH of Montana. I will be very glad to accede to the request of the Senator if he will agree that at the next call of the calendar the bill may be taken up.

Mr. WATSON of Georgia. I thank the Senator, and I agree to that suggestion.

Mr. WALSH of Montana. I ask that the further consideration of the bill may be postponed and that the bill may resume its place on the calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

BILL PASSED OVER.

The bill (S. 62) for the relief of Charles K. Bond, alias Kimball W. Rollins, was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT OF THE RULES—CONSIDERATION OF NOMINATIONS.

The resolution (S. Res. 73) amending Rules XXXVII and XXXVIII of the Standing Rules of the Senate, so as to provide for the consideration of nominations and treaties in open executive session unless otherwise ordered, was announced as next in order.

Mr. KING. I ask that that resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

Mr. OVERMAN. I ask that the resolution may be placed on the calendar under Rule IX.

Mr. SMOOT. I have no objection to that being done.

Mr. OVERMAN. I do not think any Senator will object to the request.

The VICE PRESIDENT. Is there objection? The Chair hears none, and Senate resolution 73 is transferred to the calendar under Rule IX.

BILLS PASSED OVER.

The bill (S. 1829) for the relief of Walter Runke was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2022) promoting civilization and self-support among the Indians of the Mescalero Reservation in New Mexico was announced as next in order.

Mr. CURTIS. Mr. President, that bill will probably involve some discussion, and I ask to have it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, was announced as next in order.

Mr. POMERENE. Mr. President, that bill relates to the subject of increasing the rate of interest which may be charged by pawnbrokers in the District of Columbia. I think the rate which they are allowed to charge now is 1 per cent a month, or 12 per cent a year, and the bill seeks to do the Christian act of permitting some of these fellows to charge 2 per cent a month. I object to the consideration of the bill.

The VICE PRESIDENT. Objection being made, the bill will go over.

GEORGE A. ROBERTSON.

The bill (S. 496) for the relief of George A. Robertson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the provisions of the act approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries while in the performance of their duties, and for other purposes," are hereby extended to George A. Robertson for the loss of his right eye while employed by the Department of the Interior in Glacier National Park in the year 1913, and that he be paid such sums as would properly be due him within the provisions of section 4 of the said act of September 7, 1916. The United States Employees' Compensation Commission is hereby authorized and directed to make payments in compliance with the terms of the said act of September 7, 1916, and in accordance with the rules and regulations of said commission. Any money in the United States Treasury not otherwise appropriated is hereby appropriated for the purpose of this act.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President, I should like to ask the senior Senator from Montana just what this amendment will grant George A. Robertson. The original bill proposed to make a direct appropriation of $5,000.

Mr. MYERS. Mr. President, I think that question may be answered by the Senator from Indiana [Mr. NEW], who made the report. He is a member of the committee and made the report, and I ask him to answer the question. I think he can do it better than I.

Mr. NEW. Mr. President, it has been some time since this report was made, and I confess that I am not entirely clear in regard to it now; but this I remember, I will say for the benefit of the Senator from Utah:

Robertson was a guard in the Park Service and in pursuance of his duty and in obedience to a direct order he went with a party to a certain place where they made a fire at a Government shack. Through the negligence of the Government employees who had previously occupied that shack, a cartridge had been left in such a place that when these men kindled the fire the cartridge exploded and destroyed the sight of this man's eye.

Instead of giving Robertson a lump sum of $5,000, the committee recommended that the provisions of the Federal compensation act be made to apply to his case, the accident having occurred before that law took effect. The sum is very much less than the $5,000 originally asked for, but I can not tell just how much it is.

Mr. SMOOT. I ask that the bill go over to-day.

Mr. MYERS. I will say to the Senator from Utah that the amendment would not give the man $5,000, or anything like it. It would give him a very moderate sum of money.

Mr. SMOOT. In the past claimants have been paid, for such an injury as this, one year's salary.

Mr. MYERS. Whatever is allowed would go to him. I think it would be something like that. It would be a very moderate sum.

Mr. SMOOT. That is what I want to find out. I shall have no objection to it if it does not exceed that amount.

Mr. WALSH of Montana. Mr. President, let me ask the Senator from Utah what difference it makes what the amount is? It is exactly the amount that other Government employees suffering a like injury would get.

Mr. SMOOT. Mr. President, there are a great many persons who suffered just the same as this man did before the passage of the law, and we have paid hundreds of claims, and we have paid them under then existing law. This is taking one of those claims and putting the claimant under another law, when the injury happened at a time when a law was in existence under which we know just what would have been paid him. All I want to know is just exactly how far this goes and what it involves.

The VICE PRESIDENT. Objection being made, the bill will be passed over.

BILLS, ETC., PASSED OVER.

The bill (S. 985) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1920, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1771) to authorize the United States, through the United States Shipping Board, to acquire a site on Hazzell Island, St. Thomas, Virgin Islands, for a fuel and fuel-oil station and fresh-water reservoir for Shipping Board and other

merchant vessels, as well as United States naval vessels, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I think the Senator from Washington [Mr. JONES] is interested in that bill. When the bill was under consideration before some question arose as to the necessity of it. It went over then, as I understood, for further information. I do not see the Senator from Washington here, and I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1063) for the relief of the owners of the schooner *Charlotte W. Miller* was announced as next in order.

Mr. KING. I ask that that bill go over, because I think it is violative of the principle which heretofore has governed in these cases. I have no objection to the bill being referred to the Court of Claims for the purpose of ascertaining the facts and letting the court make findings, and then Congress can determine what course shall be taken. I think that has been the course usually pursued. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 48) authorizing retirement as warrant officers of certain Army field clerks and field clerks, Quartermaster Corps, was announced as next in order.

Mr. SMOOT and Mr. KING. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 1281) for the relief of Capt. Edward T. Hartmann, United States Army, and others, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2040) to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes, within the District of Columbia, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 32) for the relief of contractors, subcontractors, and material men who have suffered loss by reason of Government orders, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2170) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 150) to provide longevity pay for reserve officers and National Guard officers serving under orders of the War Department was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7158) to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor, was announced as next in order.

Mr. KING. May I inquire whether that bill was not under consideration before?

Mr. SMOOT. Yes; it was.

Mr. KING. I thought we passed it.

Mr. SMOOT. An objection was raised by the Senator from Wisconsin just as we were going to pass the bill. It has been read.

Mr. NELSON. I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1565) making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1976) to amend the first paragraph of section 2 of an act entitled "An act to regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1790) to place national guardsmen who entered the World War otherwise than through the draft on equal basis as to longevity and continuous-service pay with national guardsmen who were drafted was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1075) giving permanent rank to district superintendents of the Coast Guard on the retired list was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 115) directing an investigation of the administration of the Federal reserve system and the office of the Comptroller of the Currency was announced as next in order.

Mr. McLEAN. Let that go over.

Mr. FLETCHER. Mr. President, I was just going to ask the chairman of the committee if he felt that this was an important matter now.

Mr. McLEAN. I have just suggested that the resolution go over.

Mr. FLETCHER. Very well.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 2263) to amend the Federal reserve act, approved December 23, 1913, was announced as next in order.

The VICE PRESIDENT. This bill, being the unfinished business, will be passed over.

The bill (H. R. 2373) to authorize associations of producers of agricultural products was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

IMPORTATION OF SUGAR FROM ARGENTINE REPUBLIC.

The joint resolution (S. J. Res. 79) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic was announced as next in order.

Mr. KING. Let that go over.

Mr. FRELINGHUYSEN. I desire to have the joint resolution disposed of at the present time, if possible. I ask that it be taken up.

Mr. RANSDELL. Mr. President, I was going to suggest to the Senator making the objection that I hope he will withdraw it. A similar bill was passed here several days ago, where the payment of a claim almost identical with this was provided for. It seems to me that it is a terrible hardship on these parties that they can not get this money. I do not believe that the Senator opposing the measure would do so if he knew the facts of the case.

The joint resolution certainly ought to be disposed of. It is a tremendous hardship on a very patriotic firm, which acted in the best of faith for the benefit of this Government. I am sure—and I say this as a Louisianian tremendously interested in sugar—that the price of sugar for all the consumers of sugar in this Nation was materially reduced by the action of this firm in cooperating with the Department of Justice and bringing in a lot of sugar from the Argentine Republic. It actually reduced the price of sugar to the extent of millions of dollars to the consumers of America, but the result of this action was almost the ruin of the people who did it for the benefit of the Nation on the suggestion of the Attorney General. It is a terrible hardship.

It does not concern me at all. These are people up in New Jersey and New York; but I happen to have been on the committee which made a careful investigation of the claim, and I know the merits of it; and I appeal to Senators not to make an objection at this time, but to let the joint resolution be acted upon.

Mr. FRELINGHUYSEN. Was there objection?

Mr. KING. There was objection. I made the objection.

Mr. FRELINGHUYSEN. Will the Senator withdraw it?

Mr. KING. No.

Mr. FRELINGHUYSEN. I move to take up the joint resolution, Mr. President.

The VICE PRESIDENT. The question is on the motion of the Senator from New Jersey.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 79) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic, which was read, as follows:

Resolved, etc., That the President is authorized to require the United States Sugar Equalization Board (Inc.) to take over from the corporation P. de Ronde & Co. (Inc.) a certain transaction entered into and carried on by said corporation at the request and under the direction

of the Department of Justice, which transaction involved the purchase in the Argentine Republic, between the 15th day of June, 1920, and the 22d day of June, 1920, of 5,000 tons of sugar, the importation thereof into the United States and the distribution of a portion of the same within the United States, and to require the said United States Sugar Equalization Board (Inc.) to dispense of any of said sugar so imported remaining undisposed of and to liquidate and adjust the entire transaction, paying to the corporation aforesaid such sum as may be found by said board to represent the actual loss sustained by them in said transaction, and for this purpose the President is authorized to vote or use the stock of the corporation held by him, or otherwise exercise or use his control over the said United States Sugar Equalization Board and its directors, and to continue the said corporation for such time as may be necessary to carry out the intention of this joint resolution.

Mr. SMOOT. Mr. President, I notice that it is stated in the report that the importation of sugar into the United States at the time designated was handled by two firms at the request of the Attorney General. This has reference to a purchase of 5,000 tons of sugar in the Argentine. There were some 800,000 tons of sugar imported into the United States. That sugar was imported at the time Cuba was holding her sugar at a price which was not justified and at a time when the beet-sugar manufacturers were held down to a certain selling price for their sugar. That 800,000 tons came into the United States, and the result of that has been that to-day we find 1,200,000 tons of Cuban sugar of last year's crop undisposed of, with another crop of Cuban sugar now being manufactured that will produce at least 3,500,000 tons.

The sugar situation in the United States is just about as bad as it can be, and if the sugar industry is to revive, or I could go further and say if the sugar industry of the United States is to live, and if one concern in the United States is to pass through this year without absolute failure, if the 1,200,000 tons of sugar lying in Cuba now are thrown upon the market as the result originally of the importation of 800,000 tons of sugar, the losses on which have been made good to the importers by the Government, something must be done to protect those industries in this country.

Mr. FLETCHER. Mr. President, may I ask the Senator how it was that Cuba, having all that excess of sugar on hand, was able to hold the price up above 26 cents?

Mr. SMOOT. A sugar commission was appointed, and no sugar could be shipped out of Cuba unless the commission gave permission, at the price the commission stated.

Mr. FLETCHER. That was a Cuban commission?

Mr. SMOOT. It was a Cuban sugar commission.

Mr. FLETCHER. Was it financed at all by American importers?

Mr. SMOOT. No; the commission was not financed by American importers, but American money was loaned upon the sugar.

Mr. FLETCHER. There was no way of avoiding getting the sugar from Cuba. The Government had to get sugar from somewhere else or pay the Cuban price.

Mr. SMOOT. Unless it let the American beet-sugar people sell their sugar.

Mr. FLETCHER. Was there any objection to the beet-sugar people selling their sugar?

Mr. SMOOT. The price was held down to 10½ cents, when the Government of the United States compelled them to pay $10 a ton for beets, at the very time when this sugar was imported.

Mr. FLETCHER. Why did not the Government take the beet sugar?

Mr. SMOOT. They wanted that for the Western States. Those people were held down to a certain price. The situation is horrible. At that very time the beet-sugar producers had to make a contract for the purchase of beets from the farmers, and with sugar at the price then obtaining, the lowest rate the farmers would contract for was $12 a ton minimum price for beets, and $1 for every dollar obtained in excess of $12 a bag.

At the time those contracts were made sugar was selling at a high price, but before the beets were harvested and made into sugar, refined sugar had fallen to almost 6 cents a pound; not Cuban sugar but refined sugar. To-day sugar is selling for $4.70 a hundred in New York, with 2 per cent off for cash, and Cuban raw sugars are selling for less than 2 cents a pound.

I shall not object to the passage of this joint resolution, as it is stated here that the importations were made at the request of the Attorney General. That is the only reason why it should be considered at all. But I want to say to the Senate that when the price of sugar was absolutely controlled by the Attorney General, as far as the western producers of sugar were concerned, the western sugar producers were not losing merely a few cents a hundred, as these people did upon this shipment, but they lost four or five dollars a hundred on every bag of sugar sold, and not only has all their working capital gone, not only has all their reserve gone, but I say to Senators that they are in such a condition now that stock which was selling for over $20 will not bring $2, and unless there is a change very shortly in the sugar conditions which have been brought about by sugar coming from Java and from countries that never furnished this market with sugar before to speak of, the sugar industry in this country will be ruined.

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Ohio?

Mr. SMOOT. I yield.

Mr. WILLIS. I understood the Senator from Utah to say that he is not opposing the joint resolution because he understands that this action was taken at the request of the Attorney General. What authority has the Senator for that statement?

Mr. SMOOT. The report of the committee is my authority. This is what the report says:

> The necessity for this resolution arises out of the efforts of the Department of Justice to reduce the high price of sugar existing during the first half of the year 1920, when this commodity was selling throughout the United States in excess of 26 cents per pound retail.

The report says "throughout the United States." That is wrong. I think that was true as to the Eastern States.

The report further states:

> Under the food control act the Department of Justice took action toward breaking the price of sugar, which at the time was believed to be unwarranted. One of the steps taken was to increase the importation of sugar. This was undertaken by two firms at the request of the Attorney General.

Mr. WILLIS. What two firms?

Mr. SMOOT. One of the firms was P. de Ronde & Co. (Inc.), for whom relief is sought by the pending joint resolution, and the other firm is the one for whose relief we passed a joint resolution a short time ago.

Mr. WILLIS. Can the Senator cite any statement that was made by the Attorney General which gave authority for this shipment? The Senator is reading from the report. I do not so read the testimony.

Mr. FRELINGHUYSEN. Mr. President, if the Senator will allow me, I think he will find that the Attorney General wrote a letter to the senior Senator from New Hampshire [Mr. MOSES].

Mr. SMOOT. I saw that letter.

Mr. FRELINGHUYSEN. In that letter he stated that he felt it was the duty of the Government to take over the transaction and relieve P. de Ronde & Co. (Inc.) for the loss they had sustained. Furthermore, there is also a letter signed by one of the agents of the Department of Justice, who undertook to enter into this agreement with P. de Ronde & Co.

Mr. WILLIS. What is the name of that agent?

Mr. FRELINGHUYSEN. Armin W. Riley.

Mr. WILLIS. As soon as the Senator from Utah finishes, I will read the testimony of Mr. Riley on that point.

Mr. RANSDELL. The Attorney General appeared before the Committee on Agriculture and, in response to questions, said he thought that while the Government was not legally bound, under the circumstances it was morally bound.

Mr. WILLIS. I do not question that that was the opinion of the Attorney General. What I am saying is that I have been unable to find anywhere any documentary evidence whatever of any action by the Department of Justice to initiate this matter, and I think I can show that the initiation came in another way.

Mr. RANSDELL. If the Senator from Utah will permit, I will show by reading from the record that what I have stated is correct.

Mr. SMOOT. I want to say just one more word, and then the Senator can take the floor. I desire to state to the Senator from Ohio that I am not enamored of this legislation, and if a similar resolution had not passed the Senate I would not say that I have no objection to this measure.

Mr. RANSDELL addressed the Senate. After having spoken for a few minutes,

MICHIGAN SENATORIAL ELECTION.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, the unanimous-consent agreement entered into on the calendar day of November 23, 1921, becomes effective. Under that unanimous-consent agreement the Chair lays before the Senate the resolution which will be read.

The ASSISTANT SECRETARY. Senate resolution 172, submitted by Mr. SPENCER, November 15, 1921, as follows:

> *Resolved*, (1) That the contest of Henry Ford against Truman H. Newberry be, and it is hereby, dismissed.
>
> (2) That Truman H. Newberry is hereby declared to be a duly elected Senator from the State of Michigan for the term of six years commencing on the 4th day of March, 1919.

(3) That his qualification for a seat in the Senate of the United States, to which he has been elected, has been conclusively established, and the charges made against him in this proceeding, both as to his election and qualification, are not sustained.

To which a substitute was offered by Mr. WALSH of Montana, and which is pending, as follows:

Strike out all after the word *"Resolved,"* in line 1, and insert in lieu thereof the following:

"That Henry Ford, contesting the election of Truman H. Newberry as United States Senator from the State of Michigan for the term commencing March 4, 1919, not having received a majority of the votes cast at the election, is not entitled to a seat in this body.

"Resolved further, That on account of acts in gross and flagrant violation of the law of the State of Michigan on the part of the said Truman H. Newberry, his agents and supporters, intended to encompass his election, he is not entitled to a seat in this body."

The VICE PRESIDENT. The question is on agreeing to the substitute. The Senator from Louisiana has the floor.

Mr. RANSDELL. I wish to conclude the explanation I began; I shall be very brief about it, and I hope we may have unanimous consent to continue the consideration of the joint resolution.

Mr. FRELINGHUYSEN. If the Senator will allow me to interrupt him, I understand the unanimous-consent agreement provides that such other business may be considered as the Senate may, by unanimous consent, agree upon. I think at this point it will be necessary to obtain unanimous consent in order to continue the consideration of the joint resolution.

Mr. RANSDELL. I agree with the Senator. It will take me a vew few moments to conclude. I hope we may have consent to dispose of the joint resolution.

Mr. FRELINGHUYSEN. I ask unanimous consent that the Senate continue the consideration of Senate joint resolution 79, which has been under consideration.

The VICE PRESIDENT. Is there objection?

Mr. WALSH of Montana. Mr. President, I am advised that the Senator from Arkansas [Mr. CARAWAY] intends to address the Senate on the Newberry resolution this afternoon. I am indisposed to object to the further consideration of the joint resolution, although I do not wish to say anything about it myself. If the Senator from New Jersey [Mr. FRELINGHUYSEN] could assure us that it will not occupy the time of the Senate more than half an hour or an hour at the furthest I should be indisposed to object.

Mr. FRELINGHUYSEN. If it extends beyond that time, most certainly I shall ask that it go over.

Ms. WALSH of Montana. Very well.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Jersey that the Senate continue the consideration of Senate joint resolution 79? The Chair hears none.

IMPORTATION OF SUGAR FROM ARGENTINE REPUBLIC.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 79) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic.

Mr. RANSDELL resumed and concluded his speech, which is entire as follows:

Mr. RANSDELL. Mr. President, in response to the query of the Senator from Ohio [Mr. WILLIS], I ask him to look on page 6 of the report of the committee. On that page there appears a letter from Mr. Armin W. Riley, who was an Assistant Attorney General. It is a letter addressed to P. de Ronde & Co., and explains this matter. Near the bottom of that page the Senator will find these words:

On or about May 22, 1920, the Argentine Government granted permission to export the sugar, but there was some delay in the effectuation of this permit. The permit to export the sugar continued until August 1, 1920. In the discharge of my official duties as representative of the Department of Justice I was greatly interested in the importation of this sugar from the Argentine in order to relieve the shortage and break the high prices of that commodity in the United States.

I wish to say that the purpose was to get sugar from the Argentine, to bring it in from an unusual source in order to break the existing high prices. This writer goes on to say:

But in addition to actually getting sugar here, I was further and especially interested and engaged in supervising prices and regulating the method of distribution of the sugar after it arrived, so as to prevent the sugar reaching the hands of speculators and to insure its distribution to householders, canners, preservers, and essential industries.

To effectuate a reduction in price and an increase in quantity of sugar in the United States I requested representatives of the importers to meet me at my office in New York—

Bear in mind that Mr. Riley was the representative of the Department of Justice, being authorized and empowered to act in this matter, as set out by Mr. Palmer, the Attorney General—

This meeting was held, and at that time I urged them to make every effort to import sugar. I appealed to them as a patriotic duty to do everything to increase the supply of sugar. Immediately thereafter (early in June, 1920) Mr. Philip P. de Ronde, president of P. de Ronde & Co. (Inc.), of 39 Broadway, New York City, with whom I had been acquainted—

The party who would be the beneficiary under the pending joint resolution—

and in whom I had every confidence, having known him to have been an officer in the United States Navy during the war, had a conference with me. I informed Mr. de Ronde of the critical necessity of increasing the available supply of sugar and discussed with him the limited lifting of the Argentine embargo. Mr. de Ronde was not in the sugar business, but was a controlling factor in steamship companies, and one of his boats was at this time in the Argentine.

Because of our arrangements hereinafter mentioned, I had personal knowledge of the importation by P. de Ronde & Co. (Inc.) of 5,000 tons of this sugar made available for export by the Argentine Government, and I was informed that American Trading Corporation imported about 14,000 tons.

I read just a few words more now from page 7 of the report. Mr. Riley continues:

I then specified these conditions, and informed Mr. de Ronde that the Department of Justice would greatly desire his company to import this lot of sugar, provided his company would agree not to sell at a price deemed excessive by the Department of Justice, and to distribute the sugar to housekeepers, canners, preservers, and essential users, who would be approved by the Department of Justice, and provided he would refrain from selling to brokers or traders or allowing the sugar to reach the hands of speculators or others whom the Department of Justice would not approve, and provided he would accept generally the supervision, and obey the directions, of the Department of Justice in the distribution of the sugar upon arrival. Mr. de Ronde suggested that the compensation be limited to a profit of not exceeding 5 per cent, which was a little less than 1 cent per pound, and I told Mr. de Ronde that this was quite acceptable to me. Mr. de Ronde then agreed to enter into this arrangement with the Department of Justice and to purchase and bring into the United States the 5,000 tons of sugar from the Argentine upon the above terms, and to follow the directions of the Department of Justice concerning its sale price, channels of distribution, and such other terms as the Department of Justice might indicate. I told Mr. de Ronde that this arrangement between his company and me, representing the Department of Justice, was then confirmed, and that he should proceed to carry it out.

Now, just a word further. Mr. de Ronde's company in good faith, acting under that understanding with the Department of Justice, purchased the sugar, but when they were just about ready to start to the United States it was ascertained that, as a result of publicity given to the fact that sugar was going to come in, the price of sugar had dropped materially. They sought permission to unload their vessels and to sell the sugar. But the Department of Justice, acting through its officials, refused to give the permission and so the men went on in good faith, as patriotic citizens, brought the sugar here, and have suffered a very great loss, all of which was testified to by officers of the Department of Justice and confirmed by Mr. A. Mitchell Palmer himself.

Mr. HITCHCOCK. Mr. President, I would like to ask the Senator whether there is any part of this in writing? Is the request in writing?

Mr. RANSDELL. The request was not in writing, but it was testified to by the Assistant Attorney General, Mr. Riley, and confirmed by Mr. Palmer. It was not in writing, however.

Mr. HITCHCOCK. Who is prosecuting this claim in behalf of the claimant?

Mr. RANSDELL. Mr. de Ronde, whose company acted as the agent of the Government in bringing the sugar in.

Mr. HITCHCOCK. What is Mr. Riley's business at the present time?

Mr. RANSDELL. He is, I think, an attorney at law in New York. He has no interest in it.

Mr. HITCHCOCK. He has not any interest in the claim?

Mr. RANSDELL. None in the world.

Mr. HITCHCOCK. Can the Senator advise the Senate how much sugar the United States ordinarily imports?

Mr. RANSDELL. We consume, I believe, about 4,000,000 tons, and we are supposed to make, I think, something pretty close to one-half of that quantity in the beet-sugar section, in Louisiana, in Hawaii, Porto Rico, and our various insular possessions. We produce, I think, about 2,000,000 tons and we import about 2,000,000 tons.

Mr. HITCHCOCK. Does the Senator think the importation of 5,000 tons would affect the market?

Mr. RANSDELL. It is so claimed, I will state to the Senator. The trading conditions were such that the price of sugar was abnormally high at that time. Everybody was getting a very big price for it. Normally we do not bring in sugar from Argentina. The attempt was to bring a limited amount, I think possibly 20,000 or 25,000 tons, from the Argentine, and great publicity was given to that fact by the Department of Justice.

I will say to the Senator that the Department of Justice was doing everything it could to bring down the price of sugar, against my wishes, personally, for I represent Louisiana in part, and the Louisiana people did not want to see the price of sugar come down. But that was the action of the Department of Justice, and it is testified to us that as a result of the bringing

in of that sugar the price did go down. Whether that caused it or not, I do not know, but it went down, and this agent of the Government lost very heavily.

Mr. HITCHCOCK. Mr. President——

Mr. RANSDELL. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. Did not the Government have an agent in the organization known as the Sugar Equalization Board?

Mr. RANSDELL. It had.

Mr. HITCHCOCK. That board was functioning?

Mr. RANSDELL. It was.

Mr. HITCHCOCK. It had the power to import sugar?

Mr. RANSDELL. It had.

Mr. HITCHCOCK. Why was not that agency used?

Mr. RANSDELL. I think that agency was doing everything it could. It should be remembered that those were war times, and that agency was doing everything it could. Everything was abnormal at that time.

Mr. HITCHCOCK. But this was two years after the war was over.

Mr. RANSDELL. Nevertheless, we have not even yet got back to normal, I will say to the Senator.

Mr. WALSH of Montana. Mr. President, may I say to the Senator that the Sugar Equalization Board officers testified that they did not know about this transaction until the whole thing was over.

Mr. RANSDELL. I did not say they did.

Mr. WALSH of Montana. The Senator stated that the board was doing all that it could. It had nothing whatever to do with this transaction.

Mr. RANSDELL. And I repeat what I said, that the Sugar Equalization Board was doing all it could to get cheap sugar——

Mr. WALSH of Montana. But the Senator——

Mr. RANSDELL. Let me conclude, please. They were doing all they could to get cheap sugar for the American people. Their officers did say that they had nothing to do with this transaction and knew nothing about it.

Please do not put words in my mouth that I do not utter. I did not say, and do not say now, that the Sugar Equalization Board claimed to know anything about it; but I did say, and I repeat, that they were an agency created to give us cheap sugar, and they did the best they could to give us cheap sugar. This was another agency used by the Attorney General to give us cheap sugar, and, in my judgment, it had an effect in reducing the price of sugar.

Mr. WALSH of Montana. I hope the Senator will acquit me of any disposition or desire to question any statement made by him.

Mr. RANSDELL. Oh, certainly.

Mr. WALSH of Montana. He is entirely accurate in making the statement. He was asked by the Senator from Nebraska [Mr. HITCHCOCK] why this agency, created for the express purpose of dealing with the sugar problem, was not consulted and intrusted with the importation of this sugar from Argentina. The Senator from Louisiana answered that the Equalization Board was doing all that it could to relieve the situation, of course the inference being that the Sugar Equalization Board was acting in conjunction with the Attorney General and was consulted with reference to the matter.

I simply rose for the purpose of saying that so far as this transaction is concerned the Sugar Equalization Board had absolutely nothing on earth to do with it and did not know anything about it.

Mr. RANSDELL. That is correct.

Mr. WALSH of Montana. That is to say, a studious effort was made to find some other agency, because the Sugar Equalization Board would not have anything to do with it.

Mr. FRELINGHUYSEN, Mr. MCNARY, and Mr. WILLIS addressed the Chair.

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from Louisiana yield; and if so, to whom?

Mr. RANSDELL. I yield first to the Senator from New Jersey.

Mr. FRELINGHUYSEN. I simply wish to offer the suggestion that the authority which the Attorney General assumed was derived from the Lever Act. He was acting, I believe, under the direction of the President in an effort to reduce the price of sugar. So the authority at least rested with the Attorney General to do everything in his power to procure sugar to break the market.

Mr. WALSH of Montana. I wish to correct that statement. The Attorney General had no authority whatever, as I showed and as was admitted by the advocates of the B. H. Howell measure. The Attorney General was expressly denied authority to import sugar into the United States. Let that be perfectly understood.

Mr. FRELINGHUYSEN. Was he not directed by the President?

Mr. WALSH of Montana. He was; he had all the powers that were vested in the food controller, Mr. Hoover; but the power to import sugar was expressly denied by the Lever Act; that is to say, he was empowered to import certain commodities, not including sugar.

Mr. FRELINGHUYSEN. Does the Senator question the obligation on the part of the Government toward the De Ronde Co. under the authority which the Attorney General assumed he had in directing this importation?

Mr. WALSH of Montana. I do; for I can not admit because a department officer assumes to exercise an authority which Congress never granted to him that therefore the country is under any kind of obligation.

Mr. FRELINGHUYSEN. Even if he does so under the direction of the President?

Mr. WALSH of Montana. Even if he does so under the direction of the President; but, of course, the President never directed anything of the kind. The President vested the Attorney General with all the power with which he was vested under the Lever Act, but even the President was not vested with any such power as is contended in this case.

Mr. WILLIS. Mr. President——

Mr. RANSDELL. If I still have the floor, I yield to the Senator from Ohio.

Mr. WILLIS. I desire to ask the Senator from Louisiana, who is a member of the committee, does he recall how many members of the committee were present when the joint resolution was reported?

Mr. RANSDELL. I do not remember. I do not think I myself was personally present when the joint resolution was reported, but we had very full hearings on the joint resolution and there was a decided majority of the committee present when the hearings were held.

Mr. WILLIS. Mr. President, if the Senator from Louisiana has concluded his remarks, I desire to make some observations.

Mr. RANSDELL. I merely wish to say one word further in response to what the Senator from Montana has just stated. The Attorney General did not contend that the United States was under a legal obligation to pay this amount, and I do not contend that the United States was under a legal obligation to pay this amount; but, Senators, this is the situation: Sugar was bringing an abnormal price in this country; the Attorney General was doing his utmost not only to reduce the price of sugar but to reduce the price of other commodities. He was commissioned to do that by the law, and he was acting in good faith. His agent, who, he says, was fully authorized to act for him, called a meeting in the city of New York, and Mr. de Ronde attended that meeting. Mr. de Ronde is not an attorney general or any kind of an attorney; he is merely a good, ordinary, plain American citizen. He attended that meeting, which was called by the representative of the Department of Justice, and in good faith, by request of that department, discharged a portion of the cargo which had been placed in a ship of his then in the city of Buenos Aires and loaded it with 5,000 tons of sugar to bring in here in order to reduce the general price of sugar to the American people. He was to sell it at a price fixed by the Department of Justice, on terms fixed by the Department of Justice, and to the people named by the Department of Justice. He was to receive for his services 5 per cent on the amount of the sale, a very small sum. He acted in the best of faith and he acted with the duly accredited agent and representative of the Department of Justice. Under those circumstances, it seems to me, if there ever was a moral obligation, Mr. de Ronde has that moral obligation in his favor.

Mr. WILLIS. Mr. President, in this case I do not think there exists any legal obligation, nor do I think that there is any moral obligation on the part of the Government. Senators will not have failed to notice that all of the reading which has been done here from documents has been from documents which had their initiation after this question came up. There is neither in the Treasury Department nor in the State Department one single iota of evidence in reference to the matter. I now read from the committee hearings on page 12 a portion of the letter from the Secretary of State, which was written by the Secretary of State to the Senator from Nebraska [Mr. NORRIS], the chairman of the committee. The last paragraph of that letter reads as follows:

> You state in your letter that another American company, the Oriental Steamship Co., has put forth a claim that it also purchased sugar in the Argentine as the agent of the United States Government, and suffered losses similar to those suffered by the American Trading Co.

There is nothing in the files of the department which would indicate that the Oriental Steamship Co. had been designated as the agent of the United States Government in any capacity.

So that, let it be understood at the beginning, there is no documentary evidence whatever of this transaction. Therefore we are, of course, forced to rely upon parole evidence. So the testimony of Mr. Riley, from whom the Senator from Louisiana [Mr. RANSDELL] has read at considerable length, becomes quite interesting. Incidentally, the Senator from Louisiana did not read all of the letter of Mr. Riley. A paragraph of that letter is, in part, as follows, as appearing in the committee hearings at page 27:

Certain importers approached the Department of Justice at that time, requesting governmental assistance through it and the Department of State, in securing permission of the Argentine Government for the exportation of some of this sugar, and agreed if they were thus enabled to bring the sugar to this country by the lifting of the Argentine embargo against export, to cooperate with the Department of Justice in the distribution of the sugar at prices and to consumers approved by the Department of Justice.

The first sentence is significant—

Certain importers approached the Department of Justice at that time.

Then I read further.

Mr. FRELINGHUYSEN. Mr. President——

Mr. WILLIS. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. Has the Senator any evidence that P. de Ronde approached the Department of Justice?

Mr. WILLIS. I was completing the reading that was begun by the Senator from Louisiana. The Senator from Louisiana did not read all of the letter, and I was simply completing the reading.

Mr. FRELINGHUYSEN. Has the Senator any evidence that De Ronde applied to the Department of Justice to import sugar? As I understand it, the Department of State appealed to the De Ronde Co. and urged them to import sugar because they had a steamship in the Argentina.

Mr. WILLIS. The best answer to that question is found in the hearings. When Mr. Riley was writing the letter he had it all his own way, but when he was before the committee some matters were brought out that are not discussed in the letter. I read from page 39 of the hearings, where the Senator from Oregon [Mr. MCNARY] asked some questions which are illuminating. I quote the following:

Senator MCNARY. * * * Did you ever tell him at any time to acquire that sugar and bring it into this country?
Mr. RILEY. Did I direct him to do it?
Senator MCNARY. Yes.
Mr. RILEY. No, sir.

He did not direct him to do it.

Then, further on, Mr. Riley says:

I tried to get him to bring the sugar into this country.

Then the Senator from Arkansas [Mr. CARAWAY] asked the following question:

Senator CARAWAY. You finally reached the point about sugar. Did you direct him to bring it in?
Mr. RILEY. I asked him if he couldn't bring it in. I did everything I could to make it easy for him.

Further down the page Mr. Riley testifies:

I told him if he would bring that in I had arranged to have the different sugar refineries and others to supply sugar to the canners and preservers and other essential users, and if he would bring that sugar in I would allot his sugar to that committee which is representing this people and they would take all his sugar.
Senator MCNARY. Did you tell him he could receive a certain price?
Mr. RILEY. Not a price; a certain margin.
Senator MCNARY. Did you tell him he would be exempted from liability of loss if he would follow your desires?
Mr. RILEY. No, sir; I did not.
Senator MCNARY. Did he bring it in on his own hook or his own volition?
Mr. RILEY. Yes, sir.
Senator MCNARY. And he did it on his own responsibility?
Mr. RILEY. Yes, sir; he did.
Senator CARAWAY. He did it on your request?
Mr. RILEY. Yes, sir. I didn't attempt to relieve him from reliability.

Evidently he intended to say "liability."

Senator MCNARY. And he brought that in on his own ship, by his permission, of his own volition?
Mr. RILEY. Yes, sir; that is true.

That is the statement of Mr. Riley, whose testimony is relied upon to buttress this case. That makes it perfectly clear that the De Ronde Co. was an importer. I have no quarrel with this company; I do not know the gentlemen, and I have no doubt that all the Senator from Louisiana says about them is true, that they are honorable men, but we have got to look at the facts from the standpoint of the Government. Here was a company that entered into an oral arrangement with a representative of the Attorney General's office. That representative was put upon the stand and says that he gave them no guaranty at all; it was simply a business proposition. Suppose there had been profit attached to this transaction, would the Government then have come in for a share of the profit? Not at all. But since there was a loss, the Government is asked to bear it. This was a commercial transaction, and this company was in no sense acting as the agent of the Government of the United States.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. WILLIS. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. The Senator says that Mr. Riley testified that he did not direct P. de Ronde & Co. to import this sugar, but he tried to get them to do it. I refer to his letter, which is a signed letter, and, as will be recalled, he was a special agent of the Department of Justice.

Mr. WILLIS. When was that letter written? Was it not written after the transaction?

Mr. FRELINGHUYSEN. Oh, yes; it was written after the transaction, but it relates the facts in the case. Mr. Riley says:

I appealed to them as a patriotic duty to do everything to increase the supply of sugar. * * * I then specified these conditions. * * * I told Mr. de Ronde that this was quite acceptable to me.

I submit that any lawyer who reads the terms of that letter and the facts as presented by Mr. Marvin, the special assistant appointed by the Attorney General, would say there was a commitment to procure the sugar.

Mr. WILLIS. Mr. President——

Mr. FRELINGHUYSEN. I will say further to the learned Senator from Ohio that a moral obligation is involved. P. de Ronde & Co. were not international traders, such as B. H. Howell, Son & Co., who were relieved from loss the other day. They were shipping men, and the agent of the Department of Justice went to them and asked them to import the sugar; in fact, he appealed to them to do so. Has the Senator any evidence of B. H. Howell, Son & Co. or the American Trading Co. being directed to import the sugar by the Attorney General?

Mr. WILLIS. Oh, well, Mr. President, we are not discussing that case now.

Mr. FRELINGHUYSEN. We are discussing it.

Mr. WILLIS. I am not discussing it; the Senator may discuss it, if he desires, in his own time, but that case has been passed upon. However, to answer his question categorically I will say to him that there is abundant documentary evidence in that case which was produced here, and that is one of the differences between these two cases. In the case now under consideration there was simply an oral agreement; some gentlemen met somewhere in a room and had some sort of an understanding. Now my friend from New Jersey reads a letter that was written concerning this case; but the letter was written some time after the transaction took place. If there had been such a letter written before the transaction, it would have been vastly different, but written as it was it is simply an expression of opinion by the gentleman who wrote it. That expression is entitled to full weight——

Mr. FRELINGHUYSEN. Mr. President——

Mr. WILLIS. But, if I may be permitted to finish the statement, it is not entitled to so much weight as the statement by the same gentleman when he was cross-examined by the Senator from Oregon, on page 39 of the hearings, from which I have read, where he specifically says that there was no understanding that would relieve these people from liability.

Mr. FRELINGHUYSEN. He also stated, "I tried to get them to do it."

Mr. WILLIS. Yes, just that; but the Senate will not fail to note a tremendous difference between the effect of the letter that Mr. Riley wrote in the case when he had it all his own way, and the testimony that he gave under the able proddings of the Senator from Oregon.

Now, there is another significant fact in connection with this case. The Senator from Nebraska, I think, made some inquiries about the Sugar Equalization Board. That is all cleared up in the hearings. Senator MCNARY there asked the question, at page 21:

Was there any effort made to take the matter up with the Sugar Equalization Board, who had jurisdiction over this product, and who had control of it?
Mr. HALL. Not that I know of.
Senator MCNARY. When the sugar got here, do you know what the difference in the price was between the price at the time it was purchased and the price at the time when it landed in New York?
Mr. HALL. No; probably Mr. De Ronde here does. At any rate he knows the dates of the sales and the prices we got.
Senator MCNARY. Was there any effort made by you to take this matter up before the Sugar Equalization Board?
Mr. HALL. Not so far as I know.
Senator MCNARY. And ask them to recoup you for your losses?
Mr. HALL. Not so far as I know, sir.

In other words, the board—the authority to which appeal would naturally have been made—was ignored in this matter; and it was not until another measure was introduced, relating to another case, quite different from this one but bearing upon the question of sugar, that anything was said about this matter at all. These gentlemen apparently understood up to that time that it was merely a commercial transaction into which they had voluntarily entered, and expected to shoulder their losses; but now it is proposed that the Government of the United States shall intervene in this private transaction, and save these gentlemen from a loss growing out of that transaction into which they voluntarily entered.

It may further be said, touching the attitude of the Sugar Equalization Board, that farther down on page 21 of the hearings Mr. Hall says:

> No, sir. I have had this matter up for discussion with Mr. Zabriskie—

Who, as I recall, was an official of that board, perhaps the president of it—

> and Mr. Zabriskie took the position, I am perfectly frank to say, that there was a difference between the American Trading Co. case and our case. As I understood him, the Sugar Equalization Board was interested in doing justice, and whatever Congress directed them to do they would do, but they wanted to point out the distinctions between that case and ours.

So that, shorn of all of its verbiage, this case amounts simply to this bald statement of facts:

Here were parties who entered into a commercial transaction voluntarily, without any guaranty even resting in parole, without a single scrap of documentary evidence anywhere in any department of the Government; but, gentlemen, write a letter and say that some men met somewhere in a room in New York and had an understanding and therefore the Government should be held to make up this profit which they might have made. I say, Mr. President, that this is unwise legislation and ought not to pass.

Mr. WALSH of Montana. Mr. President, I desire to say just a few words in regard to this matter.

I am unable to distinguish any difference in principle, at least, between this case and the case of B. H. Howell & Co. which was under consideration by the Senate a while ago, and to which claim the Senate gave its approval despite my opposition, which I made as forceful, and my arguments, which I made as clear as I could. I desire, however, to register my opposition to this joint resolution as well, and to challenge a few of the statements made in the report upon which the Senate is presumed to act.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oregon?

Mr. WALSH of Montana. I yield.

Mr. McNARY. I wish simply to propound one inquiry. Does the Senator from Montana say that he can see no difference between this case and the one over which the contest was had a few days ago?

Mr. WALSH of Montana. None in principle. I call attention, however, to a few of the statements made in the report upon which the Senate is called upon to act, the following among others:

> Under the food control act the Department of Justice took action toward breaking the price of sugar, which at the time was believed to be unwarranted.

I deny that the Department of Justice took action under the food control act. I deny that the Department of Justice had any power or authority under the food control act to take any such action. In connection with the B. H. Howell, Sons & Co.'s claim, the bill to take care of which was before the Senate, I invited attention to section 11 of the food control act, which tells just exactly the commodities which the President was authorized by the food control act to purchase. I read that again:

> SEC. 11. That the President is authorized from time to time to purchase, to store, to provide storage facilities for, and to sell for cash, at reasonable prices, wheat, flour, meal, beans, and potatoes.

So much power was given to the President of the United States. That power he transferred to the Food Administrator, a position first held by Mr. Hoover. Afterwards all powers granted to the President by this act were conferred upon the Attorney General; but it is perfectly plain that the Congress of the United States never empowered the President of the United States to purchase and sell sugar, and the President of the United States never undertook to confer any such power upon the Food Administrator or upon the Attorney General.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana further yield to the Senator from Oregon?

Mr. WALSH of Montana. I yield.

Mr. McNARY. May I ask the Senator from Montana whether it is not true that in August, 1919, the President transferred whatsoever powers the Food Administrator had under the Lever Act to the Department of Justice?

Mr. WALSH of Montana. I have so stated.

Mr. McNARY. And is it not true that the Attorney General, construing the law upon which that authority was based, thought he had sufficient authority to make these purchases and enter into these transactions?

Mr. WALSH of Montana. I rather think not. I rather think that the Attorney General never could have looked at the act and assumed that he had any such authority. I am perfectly satisfied that he proceeded without any kind of study of the law under which he was supposed to act. Of course, the Attorney General at that time was a very able man, judged from any standpoint, and I have no doubt a very able lawyer. I therefore assume that being a man of ordinary intelligence, and being a lawyer of some capacity, at least, he could not have read the statute and have assumed to act under it in this proceeding.

Mr. McNARY. But will not the distinguished Senator from Montana concede that the Attorney General did proceed upon the theory that there was ample authority granted under the Lever Act, in sections 2 and 10, to justify him in taking this action to meet the emergencies of the situation?

Mr. WALSH of Montana. I have tried to answer that question. I regret to say that I can not believe that he had any reason to imagine that he had this authority.

Mr. McNARY. Then I want to propound another question. Assuming that he was acting in good faith, as President Wilson was acting in good faith when he transferred the authority from the Food Administration to the Department of Justice under the Lever Act, and assuming that these people in good faith entered into an agreement, believing that the law was ample, does it not place upon the Government a moral obligation to meet this transaction?

Mr. WALSH of Montana. I do not think so at all. The President of the United States undoubtedly acted in perfectly good faith in transferring all the power he had. I am willing to assume, for the purpose of the question addressed to me by the Senator from Oregon, that the Attorney General believed that he had this power; but, Mr. President, if the Congress of the United States is under a moral obligation to back up every act of a head of one of the departments done because he believed he had the power to do it, we are involved in irretrievable bankruptcy. I do not admit that there is any moral obligation at all in the premises. I do not admit that there is any moral obligation upon the Government of the United States to make good a contract which is executed by the head of one of the departments with no authority whatever in the law for the execution of that contract.

I trust I make myself perfectly clear to the Senator, and I am perfectly certain that the Senator agrees with me.

Mr. McNARY. I think we discussed that matter on a former occasion. Under a strict interpretation of the Lever Act, I am in accord with the Senator; but I say we must take a larger view, and I look at the bona fides of the transaction. We have done so in all sorts of legislation. Each case stands upon its own foundation and must be considered in that light. When the President of the United States did a thing under what he thought to be authority of law, and the Attorney General in interpreting the law differed from the distinguished Senator and able lawyer from Montana, and people who performed a public service suffered a great loss, I do not think the Senator from Montana would want his opinion to go against that of the President or the Department of Justice to the loss of some one who innocently had done an act for the benefit of his country. Those are the elements in this case which it seems to me must be considered in connection with a strict interpretation of the statute.

Mr. WALSH of Montana. So far as the President of the United States is concerned, he may be left out of it. He conferred, of course, all the powers that he had on the Attorney General.

Mr. McNARY. I can not do that. My mind can not run that far with that of the distinguished Senator from Montana. The President was the source of all this activity. He created the Sugar Equalization Board. He executed the Lever Act. He appointed the Food Administrator. He issued an order directing the Department of Justice to take up the work laid down by Mr. Hoover; and he did all of this in an effort to decrease the price of sugar, which was exorbitantly high, as the Senator knows.

Mr. WALSH of Montana. Yes; and of course we are bound to assume that in conferring these powers upon the Attorney General he said to him: "I give you all the powers that I have. Execute all those powers, and do not do anything that I have not any power to do," and the Attorney General disregarded that implied obligation.

But, Mr. President, I want to say another word in relation to the question propounded to me by the Senator from Oregon. The Senator from Oregon asks me if an obligation would not arise if an act were done by one of the departments which, under a strict interpretation of the law, it had no right to do.

Mr. President, I am ready to admit that. If a law could reasonably have two separate interpretations, and an officer of the Government, in the exercise of his authority and with the most perfect good faith, gave to the law one interpretation and eventually it was decided by the Supreme Court of the United States that his interpretation was not correct, I certainly agree that there would be a moral obligation on the part of the United States. So that if this law were capable of any two interpretations—one which would give the Attorney General the power to import sugar into the United States, and another which would not give him the power to import sugar into the United States—and in good faith he believed that by a proper interpretation of the act he had that power, I should say unquestionably that a moral obligation would arise upon the part of the United States. But, Mr. President, I can not admit the proposition that we are proceeding upon any strict interpretation of the statute. I submit, sir, that not a word can be found in the statute which will give color even to the contention that the Attorney General had the right to import sugar into the United States. I read again section 11:

That the President is authorized from time to time to purchase, to store, to provide storage facilities for, and to sell for cash at reasonable prices wheat, flour, meal, beans, and potatoes.

By what kind of an interpretation can that be held to signify that he may also purchase and sell sugar? It is not a question of two different interpretations of a statute of doubtful meaning; it is importing a power which clearly is withheld.

Mr. McNARY. Will the Senator yield at this point?

Mr. WALSH of Montana. I yield.

Mr. McNARY. I think from the Senator's statement he must concede that there is a moral obligation, because there are clearly two interpretations—one by the Attorney General, who assumed, in his statement, that he had authority, if not under section 11, which the Senator has read, then under section 10 or under section 2, under which these agencies were created.

Mr. WALSH of Montana. Mr. President——

Mr. McNARY. The Senator must concede further—if I may finish my statement—that Judge Glasgow, one of the most distinguished lawyers in the whole eastern country, attorney for Mr. Hoover, later attorney for the Sugar Equalization Board, the man who organized that great instrumentality of the Government for taking care of the Cuban sugar crop, assumed that there was sufficient authority.

Mr. WALSH of Montana. Mr. President——

Mr. McNARY. I desire to show the different lines of thought in regard to this matter.

Mr. WALSH of Montana. I want to inquire of the Senator when and where Mr. Glasgow said the Attorney General had the authority or that that interpretation could be given to the statute?

Mr. McNARY. I think that is in the hearings before the Senate committee.

Mr. WALSH of Montana. No; I do not think it is.

Mr. McNARY. In the Howell case.

Mr. WALSH of Montana. No; the Senator is in error. I am able to tell him just exactly what Mr. Glasgow said.

Mr. McNARY. Very well. I think the Senator from Montana is in error, but I will concede the correctness of his memory. We have, then, Mr. Palmer, who thought that he had authority under section 2, section 10, or section 11 of the Lever Act. I am not conceding that he had technical, legal authority, but he thought he had. He gave it that interpretation. I assume that the President of the United States, when he issued the promulgation, thought there was ample authority. That is one state of mind. The only one who disputes that theory is the distinguished Senator from Montana. That makes a division of thought, a controversy, two interpretations, and therefore when one acts in good faith under a statute which the distinguished Senator says is susceptible of two interpretations a moral obligation is created.

Mr. WALSH of Montana. I can not admit that at all. The Attorney General being interrogated said that he believed he had the authority. He did not undertake to say that he thought he had authority under section 11, or under section 2, or under section 10, or under section 12, or under any other section. He was not interrogated as to where he got the authority, and he did not undertake to say.

Mr. McNARY. I concede that, but I contend, although I have not the section before me, that if there was authority at all it was under section 2, section 10, or section 11, and doubtless he thought, when he made the statement, that the President of the United States could create agencies.

Mr. WALSH of Montana. Undoubtedly, in order to carry out the functions of the act.

Mr. McNARY. The Lever Act.

Mr. WALSH of Montana. That is to say, he could create an agency for the purpose of purchasing or of selling wheat, flour, meal, beans, and potatoes.

Mr. McNARY. I said to the Senator from Montana that I did not disagree with his construction of the Lever Act, but I am saying that the Attorney General placed a different construction on it. De Ronde & Co. followed the construction placed upon it by the Attorney General. The President of the United States placed a certain construction upon it. Therefore it is susceptible of two interpretations, and it brings about what I was trying to point out, a moral obligation.

Mr. WALSH of Montana. I do not think it is a question of the interpretation of the statute at all. I shall undertake before long to show that the Attorney General proceeded in some matters without any regard whatever for the law, or for the Constitution, for that matter. That is the situation of affairs.

Just a few words more. Further in this report it is said:

The Government was apparently very successful in breaking the price of sugar. As its various activities became known, prices fell rapidly.

I deny that the Government was apparently very successful in breaking the price of sugar. The price of sugar did fall in the month of August, but I deny that it fell by reason of any activities of the Department of Justice. It fell just the same as the prices of all agricultural products fell at that time, by reason of the general conditions. The price of beef upon the hoof began falling just about the same time, when the usual shipments began to be made. The price of wool began dropping about the 1st of June of 1920, when wool began coming upon the market. The price of wheat began dropping just about the same time, when wheat began coming upon the market. So, Mr. President, the price of sugar dropped just the same as the prices of all other agricultural products dropped. They just synchronized.

Mr. STANFIELD. Mr. President, the Senator will recall that the decline in the price of wool was brought about or precipitated through the action of a Government agency. It was precipitated at the time the Government offered a very large amount of wool on the market in Boston. Within 24 hours of the Government's sale of wool the wool market declined, because they overburdened the market and the market collapsed.

Mr. WALSH of Montana. I have no doubt that the circumstance to which the Senator from Oregon has referred was a contributing factor in the decline of the price of wool, but it was only a contributing factor, because the same considerations were operative upon all kinds of agricultural commodities at that time, and they all suffered correspondingly.

This report further says:

This company was forbidden to resell same in the Argentine through fear of disturbing diplomatic relations with that country.

There is nothing in the record which discloses that these people were forbidden to resell in the Argentine, but suppose the Department of Justice did direct that they should not resell in the Argentine or anywhere else. The testimony all discloses that they say they wanted to sell the sugar, and they wanted the assistance of the Department of Justice to get it out of the country. It was their sugar; they were in no sense agents of the United States, and they were entitled to sell their sugar in the Argentine or anywhere else as they saw fit.

Mr. POMERENE. Mr. President——

Mr. WALSH of Montana. What law authorizes the Department of Justice to forbid a man to sell anything that is his own?

I yield to the Senator from Ohio.

Mr. POMERENE. The Senator has just asked the question I was about to propound.

Mr. WALSH of Montana. The Department of Justice acted in that matter just the same as they did in the other. It was a perfectly despotic, autocratic act upon the part of the Department of Justice, such as would be exercised by a monarch having unlimited power, whose acts were not regulated by statute or by a constitution. That is the way this thing proceeded.

On page 2 of the report it is said:

Thereupon P. de Ronde & Co. (Inc.) requested the Department of Justice to permit a resale in Argentina.

* * * * * * *

The Department of Justice, however, refused to permit the reshipment to Argentina through fear of disturbing diplomatic relations with that country, and directed P. de Ronde & Co. (Inc.) to dispose of the sugar which had been purchased and imported by it at such prices as could be obtained—

And so forth.

Where does the Department of Justice get any such power or authority as that? Of course, I appreciate that talk on this matter is wasted; but, at the same time, I feel that this is plain gift to P. de Ronde & Co.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

Mr. TRAMMELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Robinson
Ball	France	Ladd	Sheppard
Borah	Frelinghuysen	McCumber	Shortridge
Broussard	Glass	McNary	Smoot
Bursum	Hale	Moses	Spencer
Calder	Harreld	Nelson	Stanfield
Cameron	Harris	New	Sterling
Capper	Harrison	Nicholson	Sutherland
Caraway	Heflin	Norbeck	Townsend
Colt	Hitchcock	Oddie	Trammell
Cummins	Jones, N. Mex.	Overman	Wadsworth
Curtis	Jones, Wash.	Page	Walsh, Mass.
Dial	Kellogg	Pittman	Walsh, Mont.
Elkins	Kenyon	Pomerene	Watson, Ga.
Ernst	Keyes	Ransdell	Willis

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is unavoidably detained from the Senate.

The PRESIDING OFFICER. Sixty Senators having answered to their names, a quorum is present. The question is, Shall the joint resolution pass?

Mr. TRAMMELL. Mr. President, it seemed probable that we were not to have a record vote upon this important measure, and it was about to be passed with some four or five Senators in the Chamber. For that reason I suggested the absence of a quorum.

I am opposed to the measure, as I was to the other measure which was enacted for the purpose of reinstating certain sugar dealers on account of losses suffered by them during or immediately after the war on account of transactions at that time. I can see no more reason why the Government should undertake to reinstate these people than that they should thousands and thousands of others who lost money due to the decline in the prices of various commodities following the war and during the reconstruction period.

There are millions of farmers throughout the country who, on account of the importunities of the Government and Government agents, increased extensively their crop production and many of them lost heavily. Many of them had to sell their products at prices far below the cost of production. We did not attempt to adjust their losses, but here are two instances of traders and dealers who have lost money and, regardless of what they may have made in speculating in sugar and in other transactions, the Federal Government is now asked to take from the pockets of the taxpayers of the country the money that they lost and recoup these losses. I am opposed to the joint resolution.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KING. The hour of 2 o'clock having been reached, I inquire whether or not the pending joint resolution is not automatically laid aside so the unfinished business may be laid before the Senate?

The PRESIDING OFFICER. The Chair will state to the Senator from Utah that the Senate is acting under a unanimous-consent agreement whereby the Senate resolution relating to the Newberry case came automatically before the Senate at 1 o'clock; but that unanimous-consent agreement, the Senator will recall, is subject to the exception that unanimous consent may be granted for the consideration of other business. Unanimous consent was asked for and granted to continue the consideration of this measure.

Mr. KING. I was not aware of the fact that unanimous consent had been asked and granted for the further consideration of the measure.

Mr. WALSH of Montana. Mr. President, there having been quite a lengthy discussion of this measure, I hope we may now have a vote on it.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

Mr. WALSH of Montana. On that I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I am paired with the junior Senator from Maryland [Mr. WELLER]. In his absence I withhold my vote.

Mr. CARAWAY (when his name was called). I have a pair with the junior Senator from Illinois [Mr. MCKINLEY]. In his absence I withhold my vote.

Mr. DIAL (when his name was called). I am paired with the senior Senator from Colorado [Mr. PHIPPS]. In his absence I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. GLASS (when his name was called). I am paired with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence I shall have to withhold my vote. If permitted to vote, I should vote "nay."

Mr. JONES of New Mexico (when his name was called). In the absence of my general pair, the Senator from Maine [Mr. FERNALD], I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. Not being able to obtain a transfer, I withhold my vote.

Mr. RANSDELL (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. DU PONT]. I am informed that if he were present he would vote as I intend to vote, and therefore I am at liberty to vote. I vote "yea."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote.

Mr. WILLIS (when his name was called). I am paired for the day with the Senator from Tennessee [Mr. MCKELLAR]. I transfer that pair to the Senator from Washington [Mr. POINDEXTER] and vote. I vote "nay."

The roll call was concluded.

Mr. OVERMAN. I have announced my pair with the Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Missouri [Mr. REED] and vote "nay."

Mr. HALE. I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the senior Senator from Indiana [Mr. WATSON] and vote "yea."

Mr. ERNST (after having voted in the affirmative). I transfer my pair with the Senator from Kentucky [Mr. STANLEY] to the junior Senator from Delaware [Mr. DU PONT] and allow my vote to stand.

Mr. BALL. I wish to announce that my colleague [Mr. DU PONT] is absent on account of illness. Were he present he would vote "yea."

Mr. GLASS. I transfer my pair with the senior Senator from Vermont [Mr. DILLINGHAM] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WALSH of Massachusetts. I wish to announce the absence of the Senator from Rhode Island [Mr. GERRY] on account of illness.

Mr. BROUSSARD. I transfer my pair with the junior Senator from Maryland [Mr. WELLER] to the junior Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. KELLOGG. I transfer my pair with the Senator from North Carolina [Mr. SIMMONS] to the Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. CURTIS. I wish to announce that the Senator from New Jersey [Mr. EDGE] is paired with the Senator from Oklahoma [Mr. OWEN], and that the Senator from Massachusetts [Mr. LODGE] is paired with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 31, nays 24, as follows:

YEAS—31.

Ball	Curtis	Jones, Wash.	Norbeck
Broussard	Elkins	Kellogg	Oddie
Bursum	Ernst	Keyes	Page
Calder	Fletcher	Ladd	Ransdell
Cameron	France	McNary	Shortridge
Capper	Frelinghuysen	Moses	Spencer
Colt	Hale	New	Stanfield
Cummins	Harrison	Nicholson	

NAYS—24.

Ashurst	Hitchcock	Pittman	Trammell
Borah	Kenyon	Pomerene	Wadsworth
Glass	King	Robinson	Walsh, Mass.
Harreld	McCumber	Sheppard	Walsh, Mont.
Harris	Nelson	Sutherland	Watson, Ga.
Heflin	Overman	Townsend	Willis

NOT VOTING—40.

Brandegee	Gooding	McLean	Smith
Caraway	Johnson	Myers	Smoot
Crow	Jones, N. Mex.	Newberry	Stanley
Culberson	Kendrick	Norris	Sterling
Dial	La Follette	Owen	Swanson
Dillingham	Lenroot	Phipps	Underwood
du Pont	Lodge	Poindexter	Warren
Edge	McCormick	Reed	Watson, Ind.
Fernald	McKellar	Shields	Weller
Gerry	McKinley	Simmons	Williams

So the joint resolution was passed, as follows:

Resolved, etc., That the President is authorized to require the United States Sugar Equalization Board (Inc.) to take over from the corporation P. de Ronde & Co. (Inc.) a certain transaction entered into and carried on by said corporation at the request and under the direction of the Department of Justice, which transaction involved the purchase in the Argentine Republic, between the 15th day of June, 1920, and the 22d day of June, 1920, of 5,000 tons of sugar, the importation thereof into the United States and the distribution of a portion of the same within the United States, and to require the said United States Sugar Equalization Board (Inc.) to dispense of any of said sugar so imported remaining undisposed of and to liquidate and adjust the entire transaction, paying to the corporation aforesaid such sum as may be found by said board to represent the actual loss sustained by them in said transaction, and for this purpose the President is authorized to vote or use the stock of the corporation held by him, or otherwise exercise or use his control over the said United States Sugar Equalization Board and its directors, and to continue the said corporation for such time as may be necessary to carry out the intention of this joint resolution.

MICHIGAN SENATORIAL ELECTION.

The Senate resumed the consideration of Senate resolution 172, submitted by Mr. SPENCER November 15, 1921, declaring Truman H. Newberry to be a duly elected Senator from the State of Michigan.

Mr. CARAWAY. Mr. President, I shall discuss this afternoon a speech made some days ago in the Senate by the Senator from New Hampshire [Mr. MOSES]. Before I do that, however, I wish to ask the Senator from Kansas [Mr. CURTIS] if I am within my rights in presuming that the interview which I hold in my hand is authentic. I do this because the Senator from Kansas said the other day, in discussing a purported newspaper interview, that nothing occurred in the Senate unless he knew of the accuracy of it. I have now in my hand what purports to be a statement made yesterday by the Senator from Missouri [Mr. SPENCER] touching the Newberry case. May I inquire of the Senator from Kansas if it is authentic?

Mr. CURTIS. Mr. President, I suggest that the Senator from Arkansas ask that question of the Senator from Missouri.

Mr. CARAWAY. Oh, no; the Senator from Missouri never was an authority upon but one thing, and that is that everything said against Mr. Newberry is not true. The Senator from Kansas is the one who is to tell us whether we can believe newspaper reports, and I wish to get his permission to use this.

Mr. CURTIS. The Senator from Kansas said nothing of the kind.

Mr. CARAWAY. What did the Senator from Kansas say?

Mr. CURTIS. The Senator from Kansas said there was not a line of truth in, or any foundation for, the report that the administration was trying to influence the appointment of a Senator from the State of Pennsylvania in the interest of Mr. Newberry.

Mr. CARAWAY. But the Senator from Kansas gave as his authority for that statement that his position in the Senate enabled him to know what was transpiring.

Mr. CURTIS. I referred to the majority organization, and I think I do know as to that.

Mr. CARAWAY. Oh, if the Senator from Kansas will read his statement, he will find that he is in error. But if the Senator from Kansas declines to inform me, I shall ask the Senator from Missouri if he was correctly reported in the interview published in this morning's Washington Post, in which he is quoted as speaking with authority respecting Senator Newberry's intention of making a speech in defense of his seat in the Senate.

Mr. SPENCER. I have not seen the interview.

Mr. CARAWAY. Let me read it.

Mr. SPENCER. I do not know what the Senator from Arkansas has in mind. If the Senator will read the interview, I will be very glad to answer his question.

Mr. CARAWAY. I will read it. It is as follows:

Senator Newberry (Republican), Michigan, the title to whose seat is to be decided next week, returned to the Capital yesterday, and it is understood began preparations to defend himself against the charges made by Henry Ford, his Democratic opponent.

Of course, he waits a long time to commence his defense.

Mr. Newberry conferred with Senator SPENCER (Republican), Missouri, chairman of the Elections Committee which conducted the inquiry into the Michigan case. Senator SPENCER, however, declined to discuss the interview, but later when the Newberry case got into debate in the Senate, the Missouri Senator said that there was "quite a probability that the junior Senator from Michigan would come before the Senate to make a statement."

Mr. SPENCER. I said that, and I should like to repeat now, so that there may be ample notice given, that it is my understanding that the junior Senator from the State of Michigan insists upon appearing before the Senate to make a statement, and will do so.

Mr. CARAWAY. He "insists." Has anybody ever denied him the right that he must thus insist?

Mr. SPENCER. In so far as his rights in connection with the Senate are concerned, of course, as the Senator from Arkansas well knows, he had that right.

Mr. CARAWAY. May I ask, then, why the Senator from Missouri used the word "insists"?

Mr. SPENCER. I used the word "insists" because there were a great many of Mr. Newberry's relatives and friends who felt that the state of his health was such that he had no business to subject himself to an ordeal which no one can better understand than the Senator from Arkansas, who is now speaking, and yet in spite of that I understand that the junior Senator from Michigan insists—and I use the word advisedly—that he will make an address before the Senate.

Mr. CARAWAY. May I ask the Senator another question? Did the junior Senator from Michigan so state to the Senator from Missouri?

Mr. SPENCER. Not in so many words, but what more does the Senator from Arkansas want when I tell him frankly and freely that what he has quoted as to my having said I did say, and that my understanding is that that is precisely the intention of the Senator from Michigan.

Mr. CARAWAY. If the Senator from Missouri will restrain his feelings——

Mr. SPENCER. I have no feelings.

Mr. CARAWAY. Then I hope he will not make such a manifestation of them. There will be plenty of occasion for the Senator to become wrought up before the matter is determined, so that there is no need to anticipate. This is what I want to know: Is the statement correct that the Senator from Michigan had a conversation with reference to this case with the Senator from Missouri?

Mr. SPENCER. Entirely so. I had a conversation with the junior Senator from Michigan.

Mr. CARAWAY. Then, I want to ask the Senator this question: The Senator from Missouri was appointed by the Senate as one of its agents to take testimony in this particular case and report this and the findings back to the Senate, was he not?

Mr. SPENCER. I was.

Mr. CARAWAY. Is not every Member of the Senate as much entitled to know what Mr. Newberry says about his case as is the Senator from Missouri?

Mr. SPENCER. That is what I have just informed the Senator.

Mr. CARAWAY. But the Senator from Missouri refused to let the minority call Mr. Newberry when his presence was desired before the committee, did he not?

Mr. SPENCER. I did not refuse, but I felt that his attendance before the committee should not be demanded.

Mr. CARAWAY. Did the Senator from Missouri not vote that the junior Senator from Michigan should not even be requested to appear before the committee?

Mr. SPENCER. That may have been the wording of the resolution.

Mr. CARAWAY. I have as much right, and every other Senator in this Chamber has, to know what Senator Newberry says in his own defense as has the Senator from Missouri. Is that not correct?

Mr. SPENCER. Undoubtedly.

Mr. CARAWAY. Well, why did the Senator from Missouri deny all other Members of the Senate the right to know what Senator Newberry's defense is and have a private conversation with him and advise him as to what he should do in this matter?

Mr. SPENCER. I have not had a private conversation with him as to what he should do in this matter, except the same kind of a conversation that I have had with those representing the other side and with the counsel of Mr. Ford, who is now in the gallery listening to the Senator from Arkansas.

Mr. CARAWAY. It is not true——

Mr. SPENCER. May I answer the Senator?

Mr. CARAWAY. Yes.

Mr. SPENCER. There is always a freedom of intercourse and conversation in such matters before the Senate. In that respect the proceedings here are entirely different from those before a court. All that the junior Senator from Michigan will say will be said upon the floor of the Senate. I do not know what it will be, and evidently the Senator from Arkansas does not know what it will be.

Mr. CARAWAY. No; I never had a chance to talk with the junior Senator from Michigan.

Mr. SPENCER. We will both hear it at the same time.

Mr. CARAWAY. Let me ask the Senator from Missouri has he never discussed this case with the junior Senator from Michigan?

Mr. SPENCER. That depends upon what the Senator from Arkansas means by "discussed."

Mr. CARAWAY. The Senator from Missouri knows what the word "discussed" means.

Mr. SPENCER. If the Senator from Arkansas will allow me to answer a question before he interrupts we should get along very much better.

Mr. CARAWAY. And if the Senator would not try to "bawl me out," we should get along better.

Mr. SPENCER. My reply to the question of the Senator from Arkansas depends upon what he means by "discussed." I have talked this matter over with Senator Newberry, as I have with those upon the other side. I do not think I have ever talked with Senator Newberry about the matter more than three or four times. If that is what the Senator means by "discussed," I have discussed it.

Mr. CARAWAY. Does the Senator from Missouri know what Senator Newberry will say about this matter?

Mr. SPENCER. I do not. Until the junior Senator from Michigan speaks I do not know any more about what he will say than does the Senator from Arkansas.

Mr. CARAWAY. It never has been discussed, then, between the junior Senator from Michigan and the Senator from Missouri as to what the defense of the junior Senator from Michigan is to be?

Mr. SPENCER. No.

Mr. CARAWAY. Did the Senator from Missouri ever discuss the question with Senator Newberry before he denied the minority the right to hear the Senator's explanation?

Mr. SPENCER. I have just stated that I had never discussed that question, and that would include the Senator's present question.

Mr. CARAWAY. That includes all of it?

Mr. SPENCER. Yes.

Mr. CARAWAY. Then, why did the Senator from Missouri take it upon himself yesterday to object to having an extension of time granted to Senator Newberry, to enable him to make his speech, and why did the Senator from Missouri make the statement that the request for the extension did not come from Senator Newberry's friends?

Mr. SPENCER. The fact that it did not come from Senator Newberry's friends was obvious, and there was no need of an extension, for there is unlimited debate from now until Monday or Tuesday, and after that an hour's debate is allowed. The Senator knows well enough that the motive that prompted the suggestion was a motive of antipathy and antagonism; the Senator knows well enough that if the junior Senator from Michigan did not speak until after the limitation began, under the interpretation of that limitation the Senate would have given him any amount of time; and the purpose of asking for the extension did not seem to me to be in good faith.

Mr. CARAWAY. What does the Senator think the purpose was?

Mr. SPENCER. To create some kind of an embarrassment for the junior Senator from Michigan, who has been subjected upon the other side and at the hands of the Senator from Arkansas, who is now speaking, to an abuse and an attack and to a vilification that to my mind——

Mr. CARAWAY. I challenge the Senator from Missouri——

Mr. SPENCER. May I finish the sentence?

Mr. CARAWAY. Just a moment——

Mr. SPENCER. That to my mind is brutal in its atrocity.

Mr. CARAWAY. I challenge the Senator from Missouri to point to one word of vilification that I have ever uttered against the junior Senator from Michigan.

Mr. SPENCER. I may simply answer by saying to the Senator from Arkansas that if he will read practically every speech that he has made upon this subject he will find the warrant for what I have been stating.

Mr. CARAWAY. I challenge that statement; and when the Senator has gone to the RECORD and looked it up, I am willing that he shall rise and make the explanation, which he will have to make with reference to the Newberry case, that he knew absolutely nothing of the matter about which he was talking.

Mr. SPENCER. Has the Senator obtained all the information from me that he desires?

Mr. CARAWAY. I have obtained all that I expected to get, which was absolutely nothing. [Laughter.]

By the way, may I ask the Senator from Missouri one other question? When is the speech he has made in defense of Senator Newberry to be published?

Mr. SPENCER. That is on a par with the Senator's other questions, if he refers to the speech delivered by me.

Mr. CARAWAY. Yes.

Mr. SPENCER. The speech has been published and has been in the RECORD for weeks. Evidently the Senator from Arkansas has treated it as he has treated the record in the Newberry case—with absolute indifference.

Mr. CARAWAY. I will admit that I did not think it bore at all upon the facts in the case, but I had overlooked its being published.

Mr. SPENCER. Then why was the Senator so anxious to know when it was published?

Mr. CARAWAY. As a mere literary curiosity I wanted to read it.

Mr. SPENCER. I will be very glad to send the Senator a copy of it if the Senator is anxious to read it.

Mr. CARAWAY. I shall be very glad, indeed, to have it. May I now, without being offensive, ask the Senator from Missouri one other question?

Mr. SPENCER. I shall be glad to have the Senator ask any question he desires, although I seem to be unable to make myself understood by the Senator from Arkansas.

Mr. CARAWAY. I think I understand the Senator perfectly.

Mr. SPENCER. But nevertheless the Senator's questions are delightful.

Mr. CARAWAY. I understand they are, and it is quite a pleasant performance for both of us. However, this is what I want to know: What does the Senator mean by saying that some suggestions come from the enemies of Senator Newberry and some from his friends? Does the Senator mean that certain Senators are going to vote for Senator Newberry because they are friendly to him, and others are going to vote against him because they are unfriendly to him?

Mr. SPENCER. I hope not.

Mr. CARAWAY. Then, what does the Senator mean?

Mr. SPENCER. The Senator from Missouri means that the impression which the attitude of the Senator from Arkansas has made upon him is one of bitter, vindictive hatred for the man. I class the Senator from Arkansas precisely as one of the leaders of those to whom I have referred as the enemies of Senator Newberry. I do not mean that the statement made by me applies to all Members of the Senate upon the other side; I know that there are Senators upon the other side who will vote against Senator Newberry from the highest motives and from convictions of judgment, and yet what I have said about those who are enemies of Senator Newberry must stand as I have said it.

Mr. CARAWAY. That means that the Senator from Mississippi [Mr. HARRISON] and myself are going to vote against Senator Newberry because we are enemies of his.

Mr. SPENCER. I do not say why the Senator from Arkansas will vote against him; I do not know how the Senator will vote; but I say with perfect frankness, because the Senator has asked me, that the impression made upon my mind by the attitude and the speeches of the Senator from Arkansas is one of vindictive hatred toward the Senator from Michigan. Does that answer the Senator's question?

Mr. CARAWAY. Yes; just as nearly as the Senator from Missouri ever answered any question. It so happens that I have never made any speech against Senator Newberry at all. I am going to make one for the enlightenment of the Senator from Missouri; but since the Senator from Missouri wants to be complimentary and says that I am bitterly and vindictively opposed to Senator Newberry—I think I spoke to him on one occasion—the Senator from Missouri has impressed the Senator from Arkansas with the fact that he was indeed a friend of Senator Newberry's and that the record in this case really did not affect that friendship at all. However, I do not think the Senator has any information he intends to give out.

Mr. SPENCER. I trust the Senator will allow me to send him a copy of my speech.

Mr. CARAWAY. That will contain no information, as I remember it.

I have said so much merely as a preliminary. I want to discuss—and I use the word "discuss" now in the same sense the Senator from Missouri used it so that he will not be misled—the speech delivered by the Senator from New Hampshire [Mr. MOSES], which was alleged to have been in defense of Senator Newberry, but which in fact was a threat against certain Members of the Senate from the Southern States.

I hope the Senator from New Hampshire has not left the Chamber. I told him I wanted to discuss his speech, although

I do not know that I blame him for going away. However, the Senator from New Hampshire made a charge against the former administration, which, if believed by the Senator himself, should have compelled at his hands an investigation. The Senator from New Hampshire said that the administration that has just gone out of power during the war swelled the returns from Republican States and shrank them from Democratic States in order to compel a larger number of Republicans to serve in the Army in proportion to their real number than those from the Democratic States; in other words, that the administration used the machinery in its hands to put boys into the service and send them across the sea to fight and die for the flag because they were Republicans and kept Democratic young men at home and gave them exemption by falsifying the census returns.

I want to say that I challenge that statement, and I want to say, sir, that if I believed that any officer of this Government had been guilty of an offense of that kind, and I had been a Member of this body, I would have risen in my seat and demanded that an investigation be had. If the President of these United States had been guilty of an offense of that kind, I would have demanded that the other branch of Congress should prefer charges against him, and eventually that he should be brought to trial before the bar of the Senate and impeached and driven out of office. So help me, Almighty God, I would not sit here and let any man, because he held an official position, use that power to send men unjustly to their death simply because they voted the Republican ticket; and I say now that if the Senator from New Hampshire had any evidence of the truthfulness of that charge, he ought to have demanded that the men who were guilty of that offense should have been brought to justice, tried, and punished.

Mr. MOSES. Mr. President, may I say to the Senator that I did not happen to be a Member of the Senate in 1917.

Mr. CARAWAY. The Senator evidently had this information, if he ever had it, when he did become a Member of the Senate; and I should like to know why he did not then demand some kind of an inquiry to develop the facts and have those punished who were guilty of such an infamous offense.

Then the Senator complained of his own embarrassment.

Mr. TRAMMELL. Mr. President, will the Senator yield for an inquiry?

Mr. CARAWAY. Yes.

Mr. TRAMMELL. The Senator from New Hampshire has been a Member of this body, though, for some years, and was a Member for some time prior to the termination of the Democratic administration. Did he make any effort, prior to the conclusion of the Democratic administration, to have anybody punished and have the matter investigated then?

Mr. CARAWAY. I am absolutely certain that he did not.

The Senator from New Hampshire then calls attention to the embarrassment under which he labored when he came into this body. He said that the administration was trying to keep Republicans from being seated, and I want to call to the attention of the Senate the only thing against which he loudly cried out. I am reading from his speech. He says:

> I hope to speak without feeling, Mr. President, but I can not forget the embarrassment of my first hour upon this floor—

Now, mark you—

> an embarrassment which arose wholly, as Senators will readily understand, because I had to remain silent.

Somebody would not let him talk, and that was the sole source of his embarrassment—that he had to be silent! Since that time he certainly has labored under no kind of embarrassment.

There is one other thing to which I want to call attention, because it is going to be interesting.

The Senator went out of his way to attack the South. Well, God bless his soul, if it affords him any pleasure the South does not object at all.

The attack, however, was coupled with a threat. First, he expressed his astonishment that Democrats from the South should assail Newberry's right to sit in this body, and then he asserted that the people of the South were suppressing votes and that the South was ruled by an oligarchy of 30 per cent of its white voters. He further said that when the reapportionment bill came up he intended to have pressed a resolution to reduce the representation of those States which denied the franchise to other classes. In other words, if his statement meant anything at all, it meant that unless we of the South were willing for them of the North to sell seats in this body to their rich political followers we should be punished by having our representation in the Congress reduced. That is all it means, or it meant absolutely nothing.

So far as I am concerned—and I think I speak for every man from the South—we do not sell our votes and we do not yield to threats or coercion. That has been tried for 50 years in my section of the country, and it has produced no results yet; and therefore it is not going to deter any man on this side of the Chamber, any man from my section of the country, from denouncing the sale and barter of seats in this body, to threaten to take away our representation unless we modify our course in this particular case.

Now I want to read the Senator's statement. It is a little long, but I hope you will bear with me. I may say, first, that attention is directed to the number of votes cast and the number of people who were entitled to vote in certain Southern States, including my own and Alabama and Florida and Georgia and Louisiana and Mississippi and North Carolina and Oklahoma and South Carolina and Tennessee and Texas and Virginia. Then a comparison is made with the votes cast in certain Northern States, showing that New Hampshire, with 460,000 people, cast more votes than the whole State of Alabama, with over 2,000,000 people. It concludes with this statement:

> I am prepared to be told, Mr. President, that all this has no connection with the election of a Senator in Michigan. I am equally prepared, sir, to resist that assertion. The adage of law is that he who seeks equity shall do equity; and it is equally aphoristic that those who declaim about the purity and integrity of the Senate should have equivalent consideration for the purity and integrity of the entire legislative establishment. The money changers were scourged not only from the porch of the temple but from the entire sacred precinct; and if elections are to be inquired into, inquiry should not hold in a few isolated States of the North, but should proceed with diligence over the whole extent of the Union. According to the figures which I have above quoted, Mr. President, no less than 37 Members of Congress and an equal number of members of the Electoral College exercise their functions on the basis of a counted, though submerged, population in contravention of the language and the intent of the Federal Constitution.
>
> It will be urged that States alone may regulate the qualifications of their voters. It will be urged, too, that under this authority many States, including my own, have cast restrictions about the exercise of the franchise. This is true, Mr. President, and so far as I am concerned I am entirely willing that my State shall pay the price which the Constitution exacts from those communities which, having for any reason abridged suffrage, shall have their representation reduced in the proportion of that abridgment. It certainly can not be claimed, sir, that New Hampshire, with a total population of 460,000, yet casting a total vote of 156,000, has abridged suffrage in any like proportion with the State of Alabama, whose population is 2,138,000, yet casts a total vote of only 232,000.
>
> Mr. President, I can not state with accuracy the reasons which the Southern States advance for their repressive election laws. I can not say whether they are necessary for preservation of law and order, for the maintenance of economical government, or even, if you please, for the upholding of white supremacy. But this I do know, that in the Southern States which I have hitherto enumerated there were in the census of 1910 more than 4,000,000 white males of voting age out of a total qualified electorate of 5,761,000, yet those States cast only 1,251,000 votes, which, even had they been exclusively white, would indicate that the oligarchy of 30 per cent is ruling both white and black in that section of the country. The privilege thus obtained is high and valuable. Why is it not worth paying for? Where is the boasted chivalry of the South?
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> * * * * * * *
>
> I speak of this now, Mr. President, because during the Sixty-sixth Congress I deemed it my duty to present a resolution calling for such inquiry. I asked that it might be referred to the Committee on Privileges and Elections, which had been so diligent in pursuing the Michigan investigation, but the Vice President referred it to the Committee on the Judiciary, where it slept painlessly.
>
> The Vice President vouchsafed no reasons for refusing my request. Later, in several southern newspapers, I read—and I now quote from the Birmingham Age-Herald:
>
> "There are southerners on the Judiciary Committee, and the resolution in all probability will die a-bornin'."
>
> Mr. President, I had and have no desire to legislate exclusively for one section of the country or against another. My desire solely is that we shall be a nation and not a group of sections; that our laws shall be fair and equitable; that the Constitution shall operate equally in every community, and that the purity and integrity not only of the Senate but of all our institutions shall be maintained. To those on the other side of the Chamber who have so vigorously opposed the resolution which we are now considering I can only say: "Why beholdest thou the mote that is in thy brother's eye but not the beam in thine own?"

Now I want to call this to your attention:

> Mr. President, the day is not far distant when the Senate will pass finally upon the contested election in Michigan. I shall vote for Senator Newberry, and I shall vote for him because I believe him innocent. The vengeance of Henry Ford has already been invoked upon the Senate.

Then, going back, I want to read this paragraph:

> Lip service was freely rendered to him—

That is, the President—

> by representative men of the Southland. It is too much to hope, Mr. President, that words may now be translated into deeds and that in view of the approaching reapportionment made necessary by the recent census we may have an inquiry, widespread and searching, so that the purity and integrity of American representative institutions shall be maintained everywhere?

I took that then, and I take it yet, to be a threat that if we do not seat Senator Newberry our representation shall be cut down; but, anyway, it was a plea for the Negro to vote.

Now, I want to read you what was testified to by the Senator from New Hampshire, who himself was the manager of a

campaign in 1920; and, by the way, strange as it may seem, he was the manager for the Southern States. He dealt with this Negro population, this "submerged" Negro population, for whose rights he here pleads, and I will read what he testified, for this reason: It shows why he should indorse the seating of Senator Newberry. It shows why he should condone every step that was taken, because his use of money in controlling the "southern delegates" to the Republican convention was exactly the same that Senator Newberry's friends used in controlling the primary election in Michigan—exactly. I could tear pages out of this book here that I hold in my hand, which is the sworn testimony of the Senator from New Hampshire [Mr. MOSES], and insert them in the record of the hearings in the Newberry case, and there is not a man living, including the Senator from Missouri [Mr. SPENCER], who could tell where one ceased and the other commenced.

Incidentally, I want to say that I sympathize with the conclusions reached by the Senator from New Hampshire, but I do not follow his desire, then, to extend further political rights to that particular class of people. He said, in effect, that when you got a vote for the Republican Party from the Negroes in the South you had to buy it, and that after you bought it you did not know whether you had it or not; that you had to take it up to the city where your convention was held, you had to furnish the vote a room, you had to feed it, you had to furnish it something to drink, and you had to watch it then to keep the enemy from slipping in and getting it after you had gone to all that expense and trouble. Yet, with that acknowledged difficulty in dealing with his own crowd—and he said he speaks with authority, because he has dealt with this particular crowd through three presidential elections—he wants to compel everybody in the South to submit to a domination of that character of people!

I want to read you his sworn testimony. It is interesting. It is very, very interesting. Incidentally, let me say that Senator MOSES was what was called the Washington representative of the Leonard Wood candidacy for the Presidency—a candidacy that failed because the methods of using money became so distasteful to the Republican Party that they refused to have anything to do with Wood's campaign—and after his friends had spent $1,500,000 in buying delegates they made him repudiate his own organization and practically retire from the race. I might say in passing that his friends have been suing each other ever since to know who was responsible for all this money that they expended, and the Lord only knows who promised to pay it. The courts never have been able to determine; but Senator MOSES had charge of $39,500 of money to buy Negroes with, and he admits that he never got his money's worth. He had a thousand dollars left when he got through, but he said he thought somebody in Maryland had a lien on that, and they would get that away from him.

He began thus—I shall omit all the preliminary questions, in which he showed his particular fitness to deal with this class of people in this particular manner, and I think it is conceded that he did.

He said he collected some money and sent it to the Chicago headquarters—$1,500 or less. Then he says:

The CHAIRMAN. How much did you receive from Chicago?
Senator MOSES. About $40,000; I think the exact amount is $39,500.
The CHAIRMAN. Whom was that sent to you by?
Senator MOSES. That was sent to me by the treasurer, Mr. Sprague, and from Gen. Burt. Two remittances came from Gen. Burt at the time when Mr. Sprague was not in Chicago.
The CHAIRMAN. Was he an assistant of some kind to Mr. Sprague?
Senator MOSES. Gen. Burt was connected with the Wood headquarters in Chicago in some way; in what capacity I do not know.

There is the same lack of definite information which runs through the Newberry case. Nobody knows his master and nobody knows his servant. It is a case of not letting the right hand know what the left hand does. Therefore you do not know who it is who sends you the money.

My acquaintance with him was wholly casual.
The CHAIRMAN. Was that all the money that you had?
Senator MOSES. Yes.
The CHAIRMAN. How large a headquarters did you keep here?
Senator MOSES. The expenses of the headquarters were about $1,000 a week.
The CHAIRMAN. How long did you keep them going?
Senator MOSES. Substantially five months; I think it was 19 weeks, to be exact.
The CHAIRMAN. The literature that you sent out—I assume that you did—you received from Chicago?
Senator MOSES. Yes; some from New York; some from Mr. Frederick Moore, who was head of the publicity department, I think, of the Leonard Wood League, with headquarters in New York. Some came to me from Chicago. I think—

He says "I think." He does not know exactly.

I think the matter that came to me from Chicago, however, was wholly playing cards bearing Gen. Wood's picture.

I would like to have informed the Senator from New Hampshire that if he had gotten dice he would have obtained better results, because in my particular section of the country playing cards are used largely by the white population, and dice are the Negro's gambling implements. I continue reading:

And I had printed here some slips of an editorial from the New York Tribune, printed in such form that they were used as envelope fillers, and one of those was put in every letter sent out from headquarters here.

I skip all that preliminary matter.

The CHAIRMAN. Did you send money into these different Southern States?
Senator MOSES. I sent money into some of the States—not to all.
The CHAIRMAN. To which ones, and to whom, and how much?
Senator MOSES. I sent into West Virginia something less than $500 which was paid to a man named Emerson—

Listen to this—

who was a field agent; he went about through the State. I would get a list of men whom I wanted him to see, and he would sound them out, and after having made a visit to them he would come back and report to me what they said.

He had only a part of West Virginia, a very small part of it, but he had a field agent, and Newberry had eight field agents, as I now recall. The Senator from Missouri will set me right if I am wrong. I continue reading:

If those men were found to be friendly, I would get into communication with them by letter and have them organize a Wood club in their town or county and generally try to get them to start the candidacies of delegates in their congressional districts who would favor the nomination of Gen. Wood.
I sent into the State of Maryland $1,000 to the Leonard Wood League.
The CHAIRMAN. Who was the party to whom it was sent?
Senator MOSES. I can not recall—

I do wish that somebody would be original and not copy the methods of the Newberry case through all its entirety. I continue:

I can not recall whether the check was made payable to Col. Hill or to Mr. Blanchard Randall, the president of the Leonard Wood League in Maryland.
The CHAIRMAN. Let me ask you about West Virginia before you leave that. That $500 you did not send to Mr. Dorch?
Senator MOSES. No; I sent no money to him whatever.
The CHAIRMAN. That would not be included in the money that he told us of having received in West Virginia?
Senator MOSES. No; but all the sums I have been speaking of would be included in the sums that Col. Procter has spoken of as having been received in the general headquarters.

That reads exactly like Charley Floyd's testimony and King's testimony in the Newberry case, to the effect that they did not know whether $5,000 was a certain $5,000 or not, but it was always included in the final sum total reported. This goes on:

I still have some obligations in connection with the Maryland primaries, but no very great sum. I have already testified that I have something like $1,000 or $1,500 still remaining in my hands. That is the sum named in my estimates as conveyed to Gen. Procter, representing the money which I would spend in connection with the Maryland campaign, and I have not learned from either Col. Hill or Mr. Randall what the amount of that obligation is; but it is within the figure I have named.
The CHAIRMAN. Mr. Hill had charge of the general Maryland campaign, did he?
Senator MOSES. Col. Hill was an officer of the Leonard Wood League. I think Col. Hill was the most active man in connection with the Leonard Wood campaign in Maryland.

He does not answer the question.

The CHAIRMAN. Let us go on to the other States.
Senator MOSES. I sent into Virginia at one time $1,000, which was used in the ninth congressional district.

I submit that if you sent the same into every congressional district, Virginia would be tolerably well taken care of by one candidate for the Presidency, since there were eight or nine running.

I do recall—and, with an apology to the Senator from Kansas, I quote a newspaper—that it was said that when the delegates met in the ninth congressional district in Virginia to instruct delegates for Wood it was charged upon the floor that they could hear the Wood gold rattling in the pockets of the delegates. I continue reading:

Mr. MOSES. I sent into Virginia at one time $1,000, which was used in the ninth congressional district, and I think a portion of it was also used in the seventh congressional district. That money was sent very early in the campaign over there and was used at the time the county mass conventions were held, and my understanding was that it was expended for the purpose of bringing the voters to the mass conventions.

How you brought them, the Lord only knows—whether you paid transportation for them or tolled them in—but it was used to pay for bringing the voters to the mass conventions. I continue:

The CHAIRMAN. How much was that?
Senator MOSES. That was $1,000.
The CHAIRMAN. To whom was that sent?
Senator MOSES. That was sent to Dr. Dougherty. I have forgotten the name of the town where he lives; he is a delegate from the ninth congressional district.

I gave—I think it was to State Senator Chase, my impression is—$300, which was spent in the field work of the nature which I have described in West Virginia.

That is, to go around and find out whether somebody was or was not and then come back and tell. I would like to read all this, but I skip some and call attention to what I now shall read:

The CHAIRMAN. Did you find evidence of expenditures by other candidates in Virginia?

Senator MOSES. Well, I heard rumors of expenditures in behalf of one other candidate, but they were so nebulous that I was not able to give much credence to them, and my impression as to Virginia is that it was not necessary to spend much money in behalf of the only opponent whom Gen. Wood met in the State, because the organization in the State was very strongly for that candidate.

The CHAIRMAN. Well, go on to the other States.

Senator MOSES. I sent $5,000 to Zeb B. Waltzer, of Lexington, N. C., which was used by him in the county mass conventions prior to the holding of their State convention.

How he used it the Lord only knows, but he got $5,000 for mass conventions in North Carolina. But that is not all. He was asked:

The CHAIRMAN. He was a colored man, was he?

Senator MOSES. No.

The CHAIRMAN. A white man?

Senator MOSES. He was a former attorney general of the State, and former speaker of the House of Representatives of North Carolina.

Senator POMERENE. What was his name?

Senator MOSES. Zeb B. Waltzer; his home is in Lexington, N. C. He is the president of the Leonard Wood League in that State.

The CHAIRMAN. Is that all that you spent in that State?

Senator MOSES. No. When it became evident that we would have a contest in the North Carolina primary, which takes place on the 5th of June, it became necessary to supplement the work that had been done prior to the conventions, and I telegraphed Mr. Waltzer that he was at liberty to draw upon me here for $3,000 additional, which he did.

The CHAIRMAN. That is $8,000.

Senator MOSES. That is $8,000.

Senator POMERENE. Will you pardon a question there? You have said that this $5,000 was used in connection with the county conventions?

Senator MOSES. Yes.

Senator POMERENE. And now you indicate that the primary will be held on June 5?

Senator MOSES. Yes.

Senator POMERENE. What is the relation between the work of the conventions and that of the primary?

Senator MOSES. The conventions, Senator Pomerene, in North Carolina choose delegates to the national convention; and those conventions are generally held very early in the course of the campaign. The date of the primary is fixed by law, and in that primary they nominate their State ticket. In connection with that State primary they may also hold a preferential primary in the presidential years; and while that vote is not mandatory it is advisory upon the delegates; and the filing for that primary was much later than all the filings for the conventions, and it was only a few weeks ago that it became evident that we would have to supplement what had already been done in North Carolina by going into the preferential primary also.

He lost his first thousand dollars by betting it on the wrong horse. I read further:

The CHAIRMAN. What other Southern States did you go into?

Senator MOSES. In South Carolina I expended something like $600, which was expended in connection with the conventions in two districts only; and that money was paid to a Mr. Andrews, a colored man who was a delegate in his district.

That is one "nigger" who got what was coming to him.

Senator POMERENE. Was this money paid to him?

Senator MOSES. Yes; paid to him in connection with the work of organizing the mass conventions in the county prior to the district convention. I do not know if you are familiar with the method of conducting conventions in the Southern States, generally speaking, Senator Pomerene.

Senator POMERENE. No.

Now, here is your authority on organizing a "nigger" convention in South Carolina, and the Senators from South Carolina ought to recognize this:

Senator MOSES. They call a lot of mass conventions in the counties, in which all the members of the party come in, and there is no registration; there is no check list; there is nothing to safeguard the voting; and these mass conventions choose the delegates to the district conventions, representing their counties, and the district conventions elect delegates to the national convention, exactly as they do in States where the party is better organized.

The CHAIRMAN. Is that all the money in that State?

Senator MOSES. That is all in South Carolina.

The CHAIRMAN. What is the next?

Senator MOSES. In Alabama——

The CHAIRMAN (interposing). What about Georgia?

Senator MOSES. In Georgia, I sent $5,000 to Roscoe Pickett, the chairman of the Republican State committee.

I would like to call attention a little later on to what one Mr. Lincoln Johnson, who is also a gentleman of color, said about Pickett's methods, because Johnson said he was trying to organize down there. Johnson is a "nigger" after my own heart. He does not believe in wasting what you have. He believes in collective bargaining. He wanted to send to Chicago a delegation uninstructed, and then offer it to the highest bidder; but Mr. Pickett, another colored gentleman, who had gotten—was it $5,000?

Mr. MOSES. Mr. President, I dislike to correct the Senator with reference to matters going on in Southern States, but I will state that Mr. Pickett is a white man.

Mr. CARAWAY. He acted more like a "nigger" than any white man I ever knew. He had all the characteristics of one, and I will tell you what the other "niggers" said about him. They said he came into the convention at Atlanta with money sticking out of every pocket, and it was Senator MOSES's money, because he was the man who sent it to him. He wanted to know what the "niggers" wanted, and he was pretending to pay their railroad fare, and one "nigger" who had paid $7.40 for a roundtrip ticket got $50, of Leonard Wood's money, through the southern headquarters, of which my friend from New Hampshire, Senator MOSES, was the manager. I still think they imposed upon Senator MOSES. I do not think Pickett is white. He may be what we call a light-colored colored gentleman.

Mr. HARRIS. He is white.

Mr. CARAWAY. Does the Senator say he is white?

Mr. HARRIS. He is.

Mr. CARAWAY. I would not admit it. I continue reading:

Senator POMERENE. What State was that?

Senator MOSES. Georgia. I have since—very recently—paid a few hundred dollars for the printing of briefs in the contested cases in Georgia.

The CHAIRMAN. Is that all the money you sent to Pickett?

Senator MOSES. That is all the money I sent to Mr. Pickett.

The CHAIRMAN. Is that all the money you sent to Georgia?

Senator MOSES. All the money I recall sending to anybody in Georgia at all.

Oh, the beauty of a memory that fails!

Senator POMERENE. How much?

Senator MOSES. Five thousand dollars.

Senator POMERENE. I thought you said a few hundred dollars?

Senator MOSES. No; I paid a few hundred dollars for printing later.

The CHAIRMAN. There has been quite an active fight in Georgia for contested delegations, has there not?

Senator MOSES. I would say that "active" was a mild adjective to use in describing it.

The CHAIRMAN. Yes; I have a communication here from Mr. Henry Lincoln Johnson, who was to be here to-day, but was unable to come, and who has sent a man in his place. Do you know Mr. Henry Lincoln Johnson?

Senator MOSES. Oh, yes.

The CHAIRMAN. He is a pretty active man down there?

Mr. MOSES. He is, indeed.

It is funny that the commonest cornfield "nigger" in the world can always fleece the smartest white man. He can just take his money off of him so fast that he would catch cold. Senator MOSES said, "He was, indeed."

Senator POMERENE. When did you get acquainted with him?

Senator MOSES. I got acquainted with him in the course of the national campaign four years ago, when Mr. Henry Lincoln Johnson and I were both favoring the nomination of Senator WEEKS.

I hate to think that a man would turn against his confederates when they part company. I believe if you start out with a man, if the other fellow hires him away from you, at least be game and take your losses. That is the rule we follow down there.

The CHAIRMAN. Mr. Henry Lincoln Johnson says in this letter, which I will put in the record—but it may be interesting to discuss it a little first—that:

"Coincident with conferences held by Republicans who believe as I did, there came into the State"——

Senator POMERENE (interposing). How did he believe?

The CHAIRMAN. He was a Lowden man, was he not?

You know they said Lowden had a barrel, too.

Senator MOSES. He told me in December that he was committed to Gov. Lowden.

And evidently Senator MOSES did not believe it.

Senator MOSES. He told me in December that he was committed to Gov. Lowden.

The CHAIRMAN. Mr. Emerson testified that he sent money to him. Mr. Johnson continues:

"There came into the State agents such as Mr. Bean, of Florida, in conjunction with Capt. Henry Blun, of Savannah, and grouped around themselves men in Georgia whom they said would make the fight for the control of Georgia's delegates by Mr. Frank H. Hitchcock."

I think he was Gen. Wood's manager, was he not? Of course, there is no use to ask. Nobody knows.

Who is Mr. Bean?

Senator MOSES. Mr. Bean is the Republican national committeeman from Florida.

The CHAIRMAN. Was he a sort of scout in that country?

Senator MOSES. After Mr. Hitchcock became more actively identified with the Wood movement, Mr. Bean visited two or three Southern States, with the view of bringing together the factions, as far as possible, for Gen. Wood.

We all know how they did it.

The CHAIRMAN. Who is Mr. Bean?

Senator MOSES. He is the national committeeman from Florida.

The CHAIRMAN. Well, Mr. Bean had authority to spend money, of course?

Senator MOSES. Not from me.

The CHAIRMAN. No; he was not under you, was he?

Senator MOSES. Oh, no.

The CHAIRMAN. And who else was with Mr. Bean through that country, do you know?
Senator MOSES. No; I do not.
The CHAIRMAN. He mentions Capt. Henry Blun, of Savannah; who was he?
Senator MOSES. Well, he lives in Georgia.

Of course, that is a full explanation.

The CHAIRMAN. Yes. Mr. Bean was a sort of "flying squadron" man going all over the South?
Senator MOSES. My first contact with Mr. Bean came in connection with the contests which arose. Mr. Bean reported to me with reference to the contests, and he gathered the evidence in some of the contested cases; but he did not do it under my direction, nor was he reporting to me, except casually.
The CHAIRMAN. Do you know anything about the expenditures of Mr. Bean?
Senator MOSES. No.
The CHAIRMAN. Do you know how long he was going through the Southern States?
Senator MOSES. No.
The CHAIRMAN. Do you know how many months he put in at it?
Senator MOSES. Well, I would say that Mr. Bean, under the circumstances, could not possibly have been engaged in that work in the South more than two months, up to now.
The CHAIRMAN. Do you know that he has been at that work for a couple of months?
Senator MOSES. Well, I know he has been doing a good many things in connection with the Wood campaign for about two months.
The CHAIRMAN. Henry Lincoln Johnson further says:
"To summarize: My side, coupled with men like J. H. Watson, of Albany; Walter S. Scott, of Savannah; E. L. Wheaton, of Macon; Col. C. P. Goree, Mr. M. H. Karnes, and Mr. J. W. Martin, of Atlanta, stood open in Georgia for uninstructed delegates, as above stated."
Do you know any of those gentlemen?
Senator MOSES. I know Mr. Goree by name, but I know none of the others.
The CHAIRMAN (reading):
"The other group, led generally by Roscoe Pickett"—

Here is where the trouble begins. These are the men whom "Col." Henry Lincoln Johnson had in mind, and coming upon the scene is Col. Pickett with $5,000 of money sent from Washington from the southern headquarters of the Wood campaign.

Mr. WILLIAMS. Mr. President, before the Senator goes further, may I ask him a question?

Mr. CARAWAY. Certainly.

Mr. WILLIAMS. I have heard him frequently refer to a Moses. Is that the Senator from New Hampshire or the original Hebrew law-giver?

Mr. CARAWAY. If they are not both one and the same, then the Senator from New Hampshire is the one I am talking about.

Mr. WILLIAMS. I just wanted to know.

Mr. CARAWAY. I do not blame the Senator for wanting to know accurately which one it is.

The chairman then asked:

He is the one you sent the $5,000 to?
Senator MOSES. Yes; he is chairman of the State committee.
The CHAIRMAN (reading):
"Clark Grier"—
Who is he?
Senator MOSES. He is very active in Georgia politics. I do not know him personally.
The CHAIRMAN (reading):
"D. C. Cole"—
Who is he?
Senator MOSES. D. C. Cole is a former business man at Marietta, Ga.
The CHAIRMAN. Then he goes on:
"and others, began honeycombing the State with agents in an endeavor to take charge of the Republican organization in this State and make a complete delivery of it to Mr. Frank H. Hitchcock. This set the stage and the fight was on."

That is what Henry Lincoln Johnson said, and I will tell you in a minute how they fought. You know ordinarily down with us a "nigger" fight means razors, but in this particular case it was not that kind of a "nigger" fight. The stage was set with $5,000 sent from Washington. Col. Pickett, of color, was the general in command, and he honeycombed the State and bought delegates, so Henry Lincoln Johnson said.

Mr. WILLIAMS. Mr. President, may I inquire who is Henry Lincoln Johnson? Does he occupy now a position under this administration?

Mr. CARAWAY. No; the administration tried to give him a position as register of deeds here in the District of Columbia, and the Senate refused to confirm him.

Mr. WILLIAMS. Oh, I understand.

Mr. CARAWAY. Yes; that is who he is.

The chairman then asked:

Is that the way you understand the stage setting?
Senator MOSES. No; I understand that Henry Lincoln Johnson had the scenery all laid before we arrived.

That is the cry, you know, of the fellow who thinks he has got the raw edge of a deal.

The CHAIRMAN. Before you arrived—and pulled off the play?
Senator MOSES. Well, he had it advertised; and the prologue had been performed.
Senator POMERENE. Who is going to deliver the epilogue?
Senator MOSES. I think the national committee and the committee on credentials—

That is, at Chicago—

The CHAIRMAN. Further on he says—

Reading from Henry Lincoln Johnson's letter—

"The Hitchcock group began in open meetings on the 4th day of December, 1919, when Roscoe Pickett and Clark Grier called a meeting in Atlanta"——
Senator MOSES (interposing). Mr. Chairman, may I interrupt you from time to time?
The CHAIRMAN. I will be glad to have you do so.
Senator MOSES. So far as Mr. Hitchcock was concerned, at the time named Mr. Hitchcock was not identified with the Wood campaign in any sense.
The CHAIRMAN. In December, 1919?
Senator MOSES. Nor had Mr. Pickett communicated with me, nor had I ever seen him.

He is repudiating the authority of his agents, but just wait, we will read the letter:

The CHAIRMAN. At that time?
Senator MOSES. At that time. I never saw Mr. Pickett or knew anything about him until some time after the 8th of January.
The CHAIRMAN. About a month later?
Senator MOSES. Yes.
The CHAIRMAN. Further, he says:

Reading from Col. Henry Lincoln Johnson's letter again:

At that meeting, though the Republican State central committee had been called for the purpose of conference by Mr. Pickett, the only, sole, and exclusive business Mr. Pickett did was to call every man who had traveled from afar and ask him to state how much his expenses had been in coming to Atlanta and offered money to all, and a few did accept.

Yes; we know how many did accept—just as many as were present.

A few did accept. For instance, Mr. Harris, of Athens, Ga., accepted $50, although the railroad fare for the round trip is $7.40. This is not a sole case; this is a type of the cases.

That is what Henry says. Honestly and seriously, now, if a man wants to launch that sort of campaign among our "niggers" I do not blame him for voting to seat Senator Newberry, but I do blame him for wanting to extend the franchise to any more of them. They are too expensive. The rest of us could not engage in that sort of a campaign. When one "nigger" costs $5,000 we could not go far where we have such a large colored population.

The chairman then inquired:

Do you know anything about that?
Senator MOSES. No. But, Mr. Chairman, I will recall to your attention the fact that Mr. King testified that he had given some money to Mr. Pickett, and at the date of which Mr. Johnson there speaks, Mr. King was the active field marshal of the Wood forces.

So evidently Pickett got more than $5,000. He skinned King out, and then came along looking for another victim and saw the Senator from New Hampshire and got $5,000 more, and incidentally the delegation, after they got to Chicago, did not vote for Wood at all, I believe.

Mr. WILLIAMS. I beg the Senator's pardon, but does he mean to charge the colored race with a degree of disloyalty that amounts to saying that they had previously promised to vote for somebody by proxy through Moses, the Hebrew prophet, and had not done it?

Mr. CARAWAY. That seems to be the evidence—that they cleaned out King and then cleaned out Moses. It is a fine thing that David did not come along, because they would have got him also.

The CHAIRMAN. I had forgotten that. Do you remember what Mr. King sent down there?
Senator MOSES. No; I do not.
The CHAIRMAN. Then Mr. Johnson follows along:
"Clark Grier then comes upon the scene, traveling all over the State, and on every side he was trying to seduce friends of my side with the offer of money in the most profligate abundance."

Oh, that is a crying out of the righteous against the methods of Senator Moses, trying to seduce "my friends by the profligate use of money." I sincerely hope the Senator from New Hampshire will not tamper with our southern "niggers" again, because he did not get anything out of it at last but disappointment. He sent out money to "niggers" and somebody promised to deliver them, but here comes another "nigger" along with money from somebody else and bought his friends away from him. Oh, the outrageous perfidy of that!

The chairman then inquired:

Do you know anything about that?
Senator MOSES. No. I have already testified that I do not know Mr. Grier at all.
The CHAIRMAN. Then he goes on:
"All sides went to the meeting of the Republican national committee in Washington, December 10, 1919."
Senator MOSES. Yes. I saw Henry Lincoln Johnson here at that time.

And incidentally I suppose Henry Lincoln saw him.

Mr. WILLIAMS. Did either one of them get anything out of it?

Mr. CARAWAY. Both of them got glory—no; Senator MOSES got glory and the "nigger" got the money.

The CHAIRMAN. You had not at that time sent anything to Mr. Pickett, however?

Senator MOSES. No; that was prior to the opening of the Washington headquarters; the Washington headquarters were not opened until after Mr. King had withdrawn from the management of the Wood campaign, and it became necessary to make a different organization.

In other words, King had got cleaned out of all he had, and they kicked him out and got a new leader, a new Moses, who was raised up in the wilderness.

Mr. WILLIAMS. From New Hampshire?

Mr. CARAWAY. Yes; and he took charge.

The CHAIRMAN. He further says—

Reading again from Henry Lincoln Johnson's letter—

The first public move in Georgia in 1920 was the calling of the State central committee February 28, 1920. Just prior to this meeting Gen. E. F. Glenn had come into Atlanta and actively taken part in the manipulation of Georgia matters.

I judge that Gen. E. F. Glenn is another gentleman of color, because *you* know they have more titles than anybody in the world.

Do you know anything about Gen. Glenn's activities through the South?

Senator MOSES. I do not know Gen. Glenn at all, except that I once saw him at the Wood headquarters in Chicago. I have had some letters from Gen. Glenn, and I do know that he went through the South, but that was under the direction of the Chicago headquarters; he did not report to me, and I do not know what his errand was.

The rest of us know. Henry Lincoln Johnson knew what it was, because he was on the ground.

The CHAIRMAN. Where is he now?

Senator MOSES. I think he is at his home in Ohio.

Senator POMERENE. He was commandant at the Chillicothe cantonment—Camp Sherman—and had charge of that camp ever since it was organized.

Senator SPENCER. Is he still in the service?

Senator POMERENE. No; I think he is on the retired list.

He is like King; he has quit.

The CHAIRMAN. He goes on.

The chairman then read further from Johnson's letter:

"Mr. Bean, of Florida, had made several antecedent visits there; Mr. Fox, from Oklahoma, had been in Atlanta."

Who is Mr. Fox, of Oklahoma?

Senator MOSES. Mr. Fox is a newspaper editor who came to Washington along in the early winter and sought me out—

Everybody that came hunted him up—and found him—

and said he was going to Florida for a vacation; that he was interested in the Wood campaign, and that he would look the ground over and send me some information. After he left here he sent me some newspaper clippings containing interviews which he had given out in some of the cities which he had visited; but that is all the connection I have ever had with him or that I know about him. I have never seen him since.

The CHAIRMAN. There are other statements in this letter with regard to the use of money which I do not think we ought to use without verifying them by witnesses. There are witnesses here; I will take that up later. He says:

Reading again:

"For instance, I was personally present at Dublin, Ga., when the eleventh district held its convention and elected S. S. Incey, a friend of mine. The fight in that convention was for the delegate to go uninstructed."

Do you know anything about that convention?

Senator MOSES. I do not.

The CHAIRMAN. He said:

"I made a fight for nobody."

Again reading from Johnson's letter:

Mr. Clark Grier spent money with a recklessness that you could scarcely believe. For instance, he gave $500 to the delegates from Emanuel County to vote for instructions.

That was a good year for the "niggers." I do not blame the Senator from New Hampshire [Mr. MOSES] for having a grievance against the South, but he ought not to take it out on us in trying to take our representation away; he ought to go down there and have it out with the "niggers" who got his money.

Do you know anything about that situation?

Senator MOSES. Not the slightest.

The CHAIRMAN. He says:

"He openly carried a wad of money in his pocket, called men in the hall, told them he wanted to pay their expenses and give them something, and did it."

Mr. WILLIAMS. If the Senator from Arkansas will pardon me again, who was it who always carried a wad of money in his pocket?

Mr. CARAWAY. Clark Grier, Gen. Wood's representative, who wanted to get delegates for Wood.

Mr. WILLIAMS. He is the present Governor of the Philippine Islands, is he not?

Mr. CARAWAY. Yes; Gen. Wood is the Governor of the Philippine Islands. He is the man who tried to buy the Presidency, but did not get it.

Mr. WILLIAMS. I am just trying to identify these men as the Senator from Arkansas refers to them.

Mr. CARAWAY. He has been rewarded for losing his money. I repeat:

He openly carried a wad of money in his pocket, called men in the hall, told them he wanted to pay their expenses, and give them something, and did it.

Do you know anything about that?

Senator MOSES. I never saw Mr. Grier in my life.

The CHAIRMAN. Where does Mr. Grier live? What is his post-office address?

Senator MOSES. I think he lives in Atlanta, but that I do not know. My impression is that I never had any communication with Mr. Grier. I may have had a letter from him; I do not think so. He was not a man that I had any contact with in connection with the campaign.

Mr. WILLIAMS. Mr. President, can the Senator from Arkansas account for the fact that the Senator from New Hampshire [Mr. MOSES] never heard of this man, but still knew his post-office address?

Mr. CARAWAY. That is as much information as anybody had in the Newberry case. Continuing the reading:

The CHAIRMAN. In any event, the money that you sent into Georgia, you do not mean to say covered all the money sent into Georgia in the Wood campaign?

Senator MOSES. I could not express any opinion on that, because I do not know.

The CHAIRMAN. Did you go down there yourself?

Senator MOSES. Never.

The CHAIRMAN. That is all I want to ask.

I have here the entire letter of Henry Lincoln Johnson. It is too long to read, but it is exceedingly interesting, and ought to be used as a textbook by the Republicans who are trying to buy southern Negroes, because it will give them some valuable information. With that idea in view I ask unanimous consent to print it in the RECORD in connection with my remarks. I think it will save a good deal of money to those who are interested in securing Republican delegates from Southern States.

The VICE PRESIDENT. Without objection, permission is granted.

The letter referred to is as follows:

ATLANTA, GA., *May 28, 1920.*

Hon. W. S. KENYON,
United States Senate, Washington, D. C.

MY KIND SENATOR: It is a matter of extreme regret on my part that professional engagements as an attorney compel me to ask relief from appearance this week before the committee of the Senate investigating expenditures of candidates for the presidential nomination.

The campaign in Georgia for delegates to the national convention has been on practically for one year. Another feature entering into the campaign making it intensive was my own personal candidacy for election by the State convention as the Georgia member of the Republican national committee.

My group of friends and myself early determined upon the program in Georgia of having delegates elected to the national convention without any instructions—leaving them free agents at Chicago to do best for the party as they might see it.

Coincident with conference held by Republicans who believed, as I did, there came into the State agents such as Mr. Bean, of Florida, in conjunction with Capt. Henry Blun, of Savannah, and grouped themselves around men in Georgia whom they said would make the fight for the control of Georgia's delegates by Mr. Frank H. Hitchcock.

To summarize: My side, coupled with men like J. H. Watson, of Albany; Walter S. Scott, of Savannah; E. L. Wheaton, of Macon; Col. C. P. Goree, Mr. M. H. Karnes, and Mr. J. W. Martin, of Atlanta, stood open in Georgia for uninstructed delegates, as above stated.

The other group, led generally by Roscoe Pickett, Clark Grier, D. C. Cole, and others, began honey-combing the State with agents in an endeavor to take charge of the Republican organization in this State and make a complete delivery of it to Mr. Frank H. Hitchcock. This set the stage and the fight was on.

The Hitchcock group began in open meetings on the 4th day of December, 1919, when Roscoe Pickett and Clark Grier called a meeting in Atlanta. At that meeting, though the Republican State central committee had been called for the purpose of conference by Mr. Pickett, the only, sole, and exclusive business Mr. Pickett did was to call every man who had traveled from afar and asked him to state how much his expenses had been in coming to Atlanta and offered money to all, and a few did accept. For instance, Mr. Harris, of Athens, Ga., accepted $50, although the railroad fare for the round trip is but $7.40 and Mr. Harris was here for but a half day. This is not a sole case; this is a type of the cases.

Clark Grier then comes upon the scene, traveling all over the State and on every side he was trying to seduce friends of my side with the offer of money in the most profligate abundance. All sides went to the meeting of the Republican national committee in Washington December 10, 1919. Shortly afterwards Mr. Pickett returned to the State and on his return to Georgia he announced to various groups of men that he was going to make an open fight in the State for delegates instructed for Gen. Wood and proceeded with the campaign. About this time Mr. Pickett was not outspoken for delivery to Gen. Hitchcock.

The first public move in Georgia in 1920 was the calling of the State central committee February 28, 1920. Just prior to this meeting Gen. E. F. Glenn had come into Atlanta and actively taken part in the manipulation of Georgia matters. Mr. Karnes will hand you a copy of a letter showing the beginnings of Gen. Glenn's activities in this behalf. At the State central committee meeting there came Mr. Sidney Beeber from Washington, D. C.; Mr. Bean, of Florida, had made several antecedent visits here; Mr. Fox, from Oklahoma, had been in Atlanta; Clark Grier and D. C. Cole came on with shameless proffers of money only to people, and then Mr. Pickett declared that he, too, was for Mr. Frank H. Hitchcock's domination of Georgia matters, and the fight came to a clear-cut issue of Grier, Bean, Beeber, Blun, Gen. Glenn, all fighting to take charge of the Republican organization in Georgia for absolute delivery to the will of Gen. Hitchcock, and our group was fighting from being thus delivered to Mr. Hitchcock.

Without money we were lost. We needed it for the employment of men and automobiles to go into the 156 counties of the State, covering

a territory over 300 miles long and 250 miles broad; printers' bills in publishing county calls, the hiring of public halls for public meetings, the employment of speakers. Clerk hire, stenographers, the maintenance of headquarters and advertising and circulating involved an elaborate outlay far greater than we had desired but to which we were absolutely driven in self-defense by the profligate expenditure of money by Clark Grier, who openly stated to me if he spent $100,000 he was going to get the delegates for Gen. Hitchcock.

The $9,000 received from Mr. Emmerson was used for the expenditures related in the paragraph above; but in all frankness, my dear Senator, I beg to assure you that was not all the money I used. I spent upward of $4,500 of my own personal property in addition, and other sums from friends throughout the State, like Mr. Joseph H. Watson, of Albany, who spent upward of $2,000 for the keeping of the control of the Georgia Republican organization in the hands of the Georgia Republicans. The aid I received from outside the State did not contain a stipulation other than a fight for uninstructed delegates to the national convention. In our group there are friends of Senator Harding, Senator JOHNSON; there are many friends of Dr. Nicholas Murray Butler; some friends for Gen. Wood, but most friends for Gov. Lowden, not by instruction but, if you will pardon the seeming egotism, because those friends know I am for Gov. Lowden.

It would weary the patience of your committee too much for me to go into the whole matter, but let me give some typical matters. For instance, I was personally present at Dublin, Ga., when the eleventh district held its convention and elected S. S. Mincey, a friend of mine. The fight in that convention was for the delegate to go uninstructed. I made a fight for nobody. Mr. Clark Grier spent money with a recklessness that you could scarce believe. For instance, he gave $500 to the delegates from Emanuel County to vote for instructions. He gave, so the man stated in his presence and with his approval, to McCray $200 just to make the motion to instruct. He openly carried a wad of money in his pocket, called men in the hall, told them he wanted to pay their expenses and give them something, and did it.

Now, the convention goes on when it had been bought by Mr. Grier. The motion was made to instruct by Mr. Grier's bought man, McCray. They gave me a chance to make an appeal for uninstructed delegate. McCray made the motion; it was seconded. Prof. H. A. Hunt, of Fort Valley, moved to lay the motion to instruct on the table; the motion was seconded, and by a vote of 31 out of 34 in all in the convention the motion to instruct was laid on the table. Thereupon, Mr. Grier ran around frantically to men in the convention and publicly exclaimed that I gave you money and you have got to give it back to me because you did not keep your promise—a public scandal and a public disgrace. My expenses on that trip on the line above outlined were $150; Mr. Grier, by his statement, spent $1,700. He failed to get an instructed delegate. I succeeded in having an uninstructed one. Now, Mr. Senator, this is but a type.

At the State convention on April 7, 1920, we had a convention of about 356 delegates. Three hundred and ten of these men, delegates by the admission of Mr. Pickett, in credentials received by him, stood in the open hall of that convention and made affidavit that they voted for Col. Goree and those that were with me, and it was the convention. The galleries were filled, and members of the Supreme Court and the Court of Appeals of the State of Georgia were witnesses. The president of the Georgia State Senate was a spectator from the galleries. Now, when the convention adjourned, my office place, at the Odd Fellows' Building, was honeycombed with agents of Clark Grier and that crowd, and in my hearing and the hearing of others told men to come and get a hundred dollars, and in that way got perjured affidavits that they will carry to Chicago. Mr. Grier, Mr. Cole, and all that crowd openly boasted that they did not need to win in the convention; that all they had to do was to hatch up a contest; that Mr. Hitchcock had in his control two-thirds of the members of the Republican national committee, and all they needed to do was to take a scratch pad and pencil and bring contests to Chicago and everything would be well.

Mr. M. H. Karnes, a citizen of Atlanta, Ga., personally accompanied me on all my goings throughout the State in this campaign. He knows very near in the last detail of everything I know, and he will be pleased, without reservation whatsoever, to make unto your committee, sir, a statement of the real truth.

Thanking you for your kind indulgence, which relieves me from sacrificing clients and appearing this week, believe me to be,

Most sincerely, yours, HENRY LINCOLN JOHNSON.

Mr. CARAWAY. This testimony continues:

Senator REED. Did you have appeals or requests for money, Senator?
Senator MOSES. From Georgia?
Senator REED. From Georgia.
Senator MOSES. Without number.

He had requests until practically he could not remember how many there were.

Senator REED. What did you do with them? Did you reply that you would not send it, or did you refer them to Chicago or to the eastern headquarters?

Senator MOSES. I generally answered that Mr. Pickett and Mr. Ackermann and Mr. Tilson were looking after Gen. Wood's interests in Georgia, and that I hoped that all Georgia Republicans who were interested in Gen. Wood's cause would get in touch with those gentlemen and cooperate with them.

Senator POMERENE. You did that very diplomatically.

Senator MOSES. I tried to be diplomatic.

Senator REED. And did you forward the requests for money on, or did you just file them away in your office?

Senator MOSES. I filed them.

The CHAIRMAN. Did you have any communication with Mr. Stebbins about business or money down there?

Senator MOSES. Never.

The CHAIRMAN. Mr. Stebbins was the eastern treasurer?

Senator MOSES. Yes; but I never had any transactions with him.

The CHAIRMAN. Can you tell us where Mr. Stebbins is?

Senator MOSES. I have not the slightest idea.

The CHAIRMAN. He is the eastern treasurer?

Senator MOSES. He was so represented to me at the only time I ever saw him, which was at the time I was introduced to him at the New York headquarters.

There is much more of that as interesting, but I am going to omit it. I merely desire to read a little bit more and then I shall be through. I wish to read this further:

Senator MOSES. In Alabama I found an inheritance from Mr. King's management, and as a result of that I gave Mr. Joseph O. Thompson, of Birmingham, $3,000, a part of which—I think about $1,000—was to repay him for money of his own which he represented to me that he had expended; the balance of that money which I gave to him was to be used in the organization of a Leonard Wood League throughout the State of Alabama, or in those districts where it seemed most likely that we could elect a Wood delegate.

That is, where you could get the most for a thousand dollars. Look the field over and select the territory where a thousand dollars will get the best results.

Later, after Mr. Hitchcock came into the campaign, he asked me if I would send $1,000 to Col. Dallas B. Smith, of Opelika, Ala., and I did so. Mr. Hitchcock later asked me if I could send $1,500 more to Col. Smith, but unhappily——

Senator POMERENE (interposing). That is Dallas Smith again?

Senator MOSES. Yes; but unhappily, I was not in funds to do it; and those are the only instances in which Mr. Hitchcock had any exchange at all with reference to funds in the Southern States.

To Florida I sent no money whatever.

To Mississippi and Louisiana I sent no money whatever.

I sent $1,000 to Dr. S. H. Thompson, of Tennessee.

Senator POMERENE. How much?

Senator MOSES. $1,000.

The CHAIRMAN. What were the total amounts that you sent into Alabama?

Senator MOSES. $4,000. And to the best of my recollection that covered all the money that I sent into any of these States.

Senator REED. Did you cover South Carolina?

Senator MOSES. Yes.

Senator REED. I did not get that; how much did you spend?

Senator MOSES. Well, I sent into South Carolina less than $1,000. My present impression is that it was between $600 and $700. I sent, as I recall, two sums to this Mr. Andrews, who was elected as a delegate.

He got one delegate for $1,000.

The CHAIRMAN. Were all the people you sent money to afterwards elected as delegates?

Senator MOSES. Oh, no.

He said that with a sigh—oh, no.

Senator POMERENE. Let me clear up this matter: As I have your testimony before me, you said you sent to two districts $600.

Senator MOSES. In South Carolina?

Senator POMERENE. Yes.

Senator MOSES. Did I say two districts?

Senator POMERENE. That is as I have the memorandum, and that is as I have the recollection about it.

Senator MOSES. No; I think I testified before, as I have just repeated, that I sent two sums—that is, on two occasions—and I think I mentioned Mr. Andrews as the man to whom I sent it.

Senator POMERENE. Yes.

Senator MOSES. And I sent money to Mr. Andrews on two occasions.

Senator POMERENE. I had in mind $600, and now you say you sent less than $1,000.

Senator MOSES. Yes; $600 or $700.

Senator POMERENE. You intended that $1,000 to include the $600?

Senator MOSES. Yes; those were all the transactions that I had in South Carolina.

The CHAIRMAN. Any other States?

Senator MOSES. No; that covers all the States with which I had to do.

The CHAIRMAN. Mr. Bean was traveling through all of these States, was he?

Senator MOSES. Well, to my knowledge, Mr. Bean traveled only in South Carolina and Georgia. And my impression is that he went into the eighth district of Virginia, after the convention was held there, and when the contest arose.

The CHAIRMAN. Who was the man from Washington who traveled through there?

Senator MOSES. Mr. Bieber.

The CHAIRMAN. Mr. Bieber—who was he?

Senator MOSES. I think Mr. Bieber was once the national committeeman from the District of Columbia; I think he is in the real estate business here.

I guess he owns his own home now.

The CHAIRMAN. He was in the employ of Gen. Wood's campaign, was he?

Senator MOSES. Not under my charge. I gave him no money whatever.

The CHAIRMAN. But you know he was, do you not? He was traveling through the South with Mr. Bean?

Senator MOSES. No; I think Mr. Bieber was a friend of Mr. Hitchcock's; whatever he did was done in connection with Mr. Hitchcock.

The CHAIRMAN. Do you know whether Mr. Hitchcock himself went into the Southern States?

Senator MOSES. I think not.

Now, just one more extract and then I shall conclude.

Mr. WILLIAMS. Just one word before the Senator from Arkansas goes any further.

Mr. CARAWAY. I yield.

Mr. WILLIAMS. Is the Senator MOSES to whom the Senator has been constantly referring in the reading the present Senator from New Hampshire?

Mr. CARAWAY. Oh, yes, sir. He is the Senator who recently made a speech and indorsed the methods of Senator Newberry in Michigan.

Mr. WILLIAMS. I ask, Can the Senator from Arkansas explain to me how it happens that a Senator from New Hampshire should be in charge of two or three Southern States?

Mr. CARAWAY. There is no question about that. He had $39,500; he had the qualifications.

Mr. WILLIAMS. What were his qualifications?

Mr. CARAWAY. He had $39,500 worth of qualifications.

Mr. WILLIAMS. Does the Senator from Arkansas know of any other qualifications that he had?

Mr. CARAWAY. The result was that he got no votes.

Mr. WILLIAMS. That was the only qualification he had, and when the niggers got that away from him he had no qualification. Did the Senator ever hear how he knew anything about the South or southern relations or its relationship to the Federal Government?

Mr. CARAWAY. In his jeremiad at the conclusion of his campaign he admits that he does not exactly understand the southern Negro.

Mr. WILLIAMS. Oh, yes. After long experience——

Mr. CARAWAY. Yes; after $39,500 worth of experience.

Mr. WILLIAMS. Can the Senator explain to me how it happened that the Republican national committee appointed him to take care of Georgia and a few other Southern States?

Mr. CARAWAY. I expect they have asked themselves that question a thousand times since.

Mr. WILLIAMS. Do I understand that the Senator's only explanation of that situation is the expenditure of $39,000?

Mr. CARAWAY. The amount was $39,500; it is better always to be exact.

Mr. WILLIAMS. I am very fond of the Senator from New Hampshire.

Mr. CARAWAY. So am I.

Mr. WILLIAMS. And I should dislike to believe that the only tie binding him to any locality, even Georgia, was $39,000. Can not the Senator account for it in some other way, just to please me?

Mr. CARAWAY. If I could, I would; but I am certain that is the only tie that binds in this instance.

The Senator from New Hampshire [Mr. MOSES], of course, lives in New Hampshire. I want to show in what school he qualified for this particular leadership.

Senator REED asked this question:

I only wanted to ask this: Senator MOSES, you have made a statement of the moneys sent by your committee into these various States. Do you know of other moneys that have been sent in that were not sent in by you personally or through your own committee?

Senator MOSES. Into these States that I have mentioned?

Senator REED. Yes; into any of these States.

Senator MOSES. Any State in the Union, do you mean?

Senator REED. Yes; but I will first say, in these particular States you have mentioned?

Senator MOSES. No; I know of no sums of money; I know in general that some money was sent from the New York headquarters to the State of Maryland; I do not know to whom, or in what sum.

Here is what I want to call particular attention to, for it shows the school in which he graduated—

The only other State that I know about is the State of New Hampshire, where, upon the appearance of the Hoover campaign in the primary there, some advertising was done, and the Wood men in New Hampshire appealed to me; but the State was not in my jurisdiction, and I appealed to the New York headquarters, and I think that $2,000 was spent in New Hampshire.

But that State was not under his jurisdiction.

If I may read a few more extracts, I shall conclude. Reference was made to contests, and in that connection I quote the following:

Senator REED. And if you could have a contesting delegation from that State—

That was from Virginia—

And if you could have a contesting delegation from that State, it might be advantageous to seat that delegation at some time, if it was necessary? That was the plan, was it not? Let me put it in plain language——

Senator MOSES (interposing). I understand you.

Senator REED. That was the plan, was it?

Senator MOSES. Yes; of course. But I declined to lend myself to any such movement of that character.

Senator REED. I understand you did as I would expect you to do. But this gentleman who made the suggestion did go on and there were some contests?

Senator MOSES. Oh, yes.

Senator REED. Do you know whether he was financed by anybody?

Senator MOSES. I do not know.

Senator REED. He was a white man?

Senator MOSES. Yes. But I think his purpose was to institute the contest on the basis of the colored Republican vote there.

Senator REED. Yes. That is to say, he wanted to get some colored delegates sent up to Chicago?

Senator MOSES. Yes.

Senator REED. And they might be very pliable, under certain conditions?

I want Senators to notice this: The Senator from Missouri [Mr. REED] suggests that "they might be very pliable under certain conditions," and the Senator from New Hampshire [Mr. MOSES] replies:

Senator MOSES. I would think that a fair inference.

Senator REED. Yes. I suppose he told you that it had been done, and that you would be neglecting a valuable opportunity if you did not embrace this scheme?

Senator MOSES. He did not have to tell me that, Senator REED; I have been through two other national campaigns.

Senator REED. You knew that was done?

The CHAIRMAN. Is that why you were selected for southern manager?

Senator MOSES. No; I think I was selected for southern manager because of my prudence and thrift—because I feel like a "piker" here, in speaking of these small sums that I expended.

Mr. WILLIAMS. Because of what?

Mr. CARAWAY. Beeause of his thrift; because he could get more Negroes for a dollar than anybody else that he knew.

Mr. WILLIAMS. Because of his thrift?

Mr. CARAWAY. His thrift; his economy. He could buy more niggers for a dollar than any other white man.

Mr. WILLIAMS. T-h-r-i-f-t?

Mr. CARAWAY. That is it.

Mr. WILLIAMS. Oh, well, then, my friend from New Hampshire was put in charge of the nigger-acquisition movement because of his thrift?

Mr. CARAWAY. Because he could buy more niggers with the money than anybody else.

Mr. WILLIAMS. I never understood it before.

Mr. CARAWAY. That is it. He said:

Because I feel like a "piker" here, in speaking of these small sums that I expended.

Senator POMERENE. Senator REED did not mean to suggest by that question that there would be anybody in the Republican convention who would make use of the pliable character of these delegates.

Senator MOSES. I hope not.

Senator POMERENE. Oh, no.

Senator REED. Did you have any reports made to you as to the amounts of money that were being used on the other side in the Southern States?

Senator MOSES. Well, I had general statements made to me about the amount of money being used in Virginia and the amount being used in Georgia.

Senator REED. What was the amount that you were informed by your assistants and agents was being used there?

Here is where he shows a real knowledge of human nature.

Senator MOSES. No sum was mentioned, but it was reported to me with frequency from those two States that other candidates were apparently well supplied with money for the purpose of carrying on their campaigns in those States.

Senator REED. What other candidates were there?

Senator MOSES. In each State, Gov. Lowden.

Senator REED. Did you understand from the reports made to you that a pretty difficult situation had been created for Gen. Wood by these expenditures that you have related?

Here is where MOSES shows that he justifies his name:

Senator MOSES. Why, Senator REED, that is the natural course of events; a field agent, or a worker, always tries to set up a bad situation, to show his own value in straightening it out, or for the purpose of securing sums of money for use.

You know, they always learn if they fool with them long enough.

Senator REED. But you did find that there was an active opposition in these States, did you not?

Senator MOSES. I did, indeed.

Senator REED. And a good deal of it was being done through the colored brethren?

Senator MOSES. In Georgia, yes; outside of Georgia, I think not.

Senator REED. Well, in Virginia, the contesting delegations were largely colored, you said; were they for Gen. Wood, or were they for Gov. Lowden, or were they just for themselves?

Senator MOSES. Well, I do not know. I have a letter received this morning from two of the contesting delegates in Virginia, who represent to me that they are for Gen. Wood, and that the expenses of the trip to Chicago would be $300, and would I please send it to them.

Senator REED. They were colored gentlemen?

Senator MOSES. I assume so.

Senator REED. Have you had other requests from other individuals who were elected delegates, or contesting delegates, or from any other persons for money to transport gentlemen to Chicago and pay their expenses?

Senator MOSES. No.

Senator REED. Have you heard of any necessity of raising money, or using money for that purpose?

Senator MOSES. I do not think so. You see, I am a little confused about that——

You know, he got dizzy—

because I am thinking about those two other campaigns with which I was connected. But I know of nothing that has come specifically to me in connection with the Wood campaign.

Senator REED. I will put it this way: Do you not understand from the information that has come to you in this campaign that there is a sort of understanding that it is necessary to have some moneys to bear the expenses of patriots from the South who may want to attend this convention?

Senator MOSES. Oh, I think that has been the case in every campaign. I do not know specifically about that——

Well, if he ever attended one, he knows.

Senator REED (interposing). Do they generally pay the railroad fare and entertainment and hotel bills of this class of delegates that we have been discussing?

Senator MOSES. Oh, I think that has been very generally done in the past.

Senator REED. And does the gentleman who furnishes the entertainment and pays the expenses generally get the votes—if he is the last man to see the delegates?

Senator MOSES. I think the ultimate destination of the vote is always problematical.

Senator REED. Well, I can see how it would take something of a campaign fund to run a southern campaign under those circumstances.

Senator MOSES. It takes a great deal of money to carry on a campaign under present circumstances anywhere, Senator Reed, whether in the South or anywhere else.

Senator REED. Well, it is not generally true in the Republican Party that you pay the expenses of delegates from other parts of the country—from that part of the Nation lying north of Mason and Dixon's line, is it?

Senator MOSES. Well, my impression is that, in the campaign of 1908, with which I had something to do, the expenses of some of the delegates outside of the South were paid at Chicago.

The CHAIRMAN. You do not believe that poor men should be shut out of being delegates, do you?

Senator MOSES. Oh, I understand the primary is the thing for the poor man; it gives everybody a chance.

Senator REED. Well, coming back to the South, generally speaking, the southern gentleman, the gentleman from the South, does not expect to have his expenses paid, or his entertainment, does he?

Senator MOSES. Oh, no. As a matter of fact, there is a delegation from one of the Southern States which I think has more millionaires on it than were testified to this morning as being connected with Senator Johnson's finance committee.

Senator REED. You do not regard that as any reflection at all on your candidate, that there happened to be some men of means on his committee, do you?

Senator MOSES. Not the slightest. On the contrary, I am glad they are with him, and feel kindly enough disposed to him to contribute.

I merely wanted to read that, not as a reflection upon the Senator from New Hampshire, for whom I have a very high regard, but as an explanation of why it is that he is so impatient with anybody who wants to vote against Senator Newberry. You know, I have forgotten who it was—it may have been Shakespeare, it may have been somebody else—who said that "imitation is the sincerest form of flattery"; and I have said that you could put these pages that I have read into the Newberry hearings, and there is not a man on the other side of the Chamber who could tell where Newberry's witnesses stopped and where Senator MOSES commenced. The methods are exactly the same, and the only difference is that the results were different. In Michigan they used their money where money got results, and the results stayed. In Georgia, Alabama, South Carolina, and North Carolina, and other places they put their money on a class of citizens who have thought for 50 years that the North owed them a living, and they collect off of them every time there is an opportunity.

The $39,500, I presume, was only a bagatelle of what was spent. All of us who have dealt with that class of citizens know that they are willing to take money from all sides, and are fertile in excuses when they fail to perform what they agree to do.

Mr. WILLIAMS. Mr. President, does the Senator from Arkansas mean to imply that the average "nigger" in the South will sell, but will not stay bought?

Mr. CARAWAY. I want to say to the Senator from Mississippi that he and I know that when it comes to being skinned with your eyes open there is not any class of sharpers in the world that are equal to the cornfield nigger.

I want to take some of the conceit out of the Senator from New Hampshire. I hate to do it, because it is very largely his stock in trade, but if he thinks he can get his money's worth by buying southern Negroes, he went to school to very little purpose. He lost his $39,500, and he lost his faith in humanity, and any of us could have told him what the result would have been if he had just asked us. We have grown up with them; we know.

This is the only thing I want to say seriously about that: The Senator from New Hampshire threatens us—and I want you to read it if you think that statement is not true—that unless we condone, unless we indorse, unless we ratify that shameless bargain and sale of a senatorial seat in Michigan, they will retaliate in the North by cutting down our representation in the South. He insists, in other words, that we shall submit to the domination of that people with whom he had his transactions and against whom he uttered his bitter complaint that "after you have bought them they will not stay bought." God bless his soul, we are not going to do it, and he is not going to cut down the representation of the South. He might as well learn that now as to learn that he can not buy Negroes and keep them. These are two facts that are settled.

Mr. WILLIAMS. By the way, even if we sold out in order to seat Newberry, would we not have to sell out in every succeeding Congress to seat some other disreputable and corrupt scoundrel who had bought a seat somewhere in the North?

Mr. CARAWAY. I hope the Senator from Mississippi will withdraw his epithets, because the Senator from Missouri [Mr. SPENCER], while not present, will be pained when he reads them, and he will class the Senator from Mississippi among the enemies of the Senator from Michigan. I have already fallen under his displeasure because he says I am bitter against the Senator from Michigan.

I am going to discuss the Michigan case next week. I want to say that I have heard it said upon this floor that there was not any evidence that money was used to corrupt the general election, but that it was all used in the primary. I want to say that unless Michigan people are liars and perjured their souls that statement is not true. I will point out to the sworn testimony of a witness who said he was a supervisor of elections on the 5th day of November, 1918, and that his duty was to make out the votes of Indians who did not know how to make out their own votes. There were a hundred of them that voted there, and he testified that every one of them came up with a Newberry card in his pocket and said, "I want to vote for this man," and that he made out their tickets, and then a Newberry supporter gave him $10 for his job. He had been promised before he did it that they would pay him for it. The corruption runs not through the primary alone.

I heard the Senator from Missouri [Mr. SPENCER] say that there was absolutely nothing in the record that touched the purity of the election in Michigan. I say that he does not know what the record shows, because the witnesses swore that they were offered money. They were supervisors of elections, and accepted money, and made out tickets, and Truman H. Newberry is a Senator from Michigan now. I say that the record is full of evidence of that kind. It would make any man who loves decency and honesty, who loves to think that the people of this country are their own masters, sick at heart to read down through the 2,000 pages of testimony in the Newberry case, every page of which starts out by saying, "'I met Paul King," or "I met Charlie Floyd," or "I met Emery, and I got $150," and "They sent me $200," and "They sent me $300," and "I got $1,500," or whatever the case may be, "and I spent $50, $75, or $80 in sending out literature, and I kept the rest of it for myself." Why, one man swore that he paid 15 men $5 apiece on election day, not knowing whether they were for Newberry or not; but he said, "I hoped very much that I would get their votes"; and I presume he did.

I want to discuss the record. I am going to do it without abusing Senator Newberry. I am going to call attention to the biggest lot of prize idiots that ever lived, because men there controlling millions and millions of dollars testify about their use of money in such a way that is absolutely astounding. They do not know to whom they paid it, nor why they paid it. Men who did not have anything to do with the campaign, who lived in New York City, sent $10,000 and $15,000 in checks, when they did not know to whom to send it, and did not know whether it was needed or not, but just had the feeling impressed upon them that there was a market for money in Michigan, and they sent it. If the Senate wants to set that sort of a precedent for seats in this body, why, you will have a chance to go on record. But if you seat Newberry you will empty your own seat.

Mr. WALSH of Montana. Mr. President, before this phase of the matter is disposed of, I want to recall to the Senate the fact that one of the first acts of the Senator from New Hampshire [Mr. MOSES] after his arrival here was the presentation of what is popularly known as a force bill, in connection with which he stated, either on the floor of the Senate or through the press, that it was not his purpose to press the bill for consideration by the Senate unless a disposition were evinced to press for consideration the contest of the seat of Senator Newberry.

One of the most eloquent extemporaneous speeches, in fact, I think, the most eloquent extemporaneous speech, delivered in this body since I became a Member, was a short speech delivered by the lamented Senator Hughes, of the State of New Jersey, on the 12th day of January, 1917, shortly before his death. I desire to read that speech in this connection. It is as follows:

Mr. HUGHES. Mr. President, I can not sympathize very much with what my colleague has had to say in this debate. I do not know of any taxes that have borne more heavily upon the people of our State than upon the people of Georgia. I do not think my colleague knows of any, either. I do not think either of us would vote for the passage of a measure which had for its object and final effect the singling out of one community or one section of the country and compelling it to bear a greater burden than its due share of the taxes of the whole Nation.

I do not like the plane upon which this whole colloquy this morning has been conducted. I thought the Republican Party years ago came to the conclusion that there was not another election to be won by waving the bloody shirt. I thought that the issue of sectionalism had been forever buried. I believe that was the case up to the time the Republican candidate in the last campaign was convinced by somebody that the fires of sectionalism and hatred could once more be fanned into flame and capitalized into Republican votes. I do not think there was anything that did more to bring down upon his head the merited indignation of the American people than the very attitude he took in that matter.

The time has gone by when men from the South can be held up as bogy men, as having horns and hoofs. They go abroad as you and I do; they go into different parts of the country. The most effective speeches I have ever heard made, speeches that were received with more rapturous applause than any other speeches I have ever listened

to, were made by these very men laying down the fundamental principles of Democracy to men in communities where there was no material gain to be derived because of their love of those principles.

We have kept the fires on the altars of Democracy lighted in the North and in the East and in the West in this country by means of the patriotic fervor and flame that has been furnished to us by these men from the South. Any student familiar with the early history of this country knows that. If he permits himself to think at all he knows that that section of the country has been oppressed by laws enacted by men from the other sections of the country. We know that for years and years they were compelled to purchase everything they purchased in the highest-taxed markets in the world, and the things which they produced and sold they sold in the free-trade markets of the world.

The Georgia farmer to-day sells his cotton in Liverpool at anywhere from 7 to 20 cents a pound, whatever the price may be, and buys his automobile in the 45 per cent taxed market of America. The figures the Senator from Michigan has laid before the Senate contain no account of that fact. In the price of every automobile that is purchased by a farmer from the South there is hidden the tariff rate that was laid years ago and has continued since to oppress the purchasers of every other section of the country.

There is one thing that comes with particularly bad grace from Senators from my section of the country. It is this continual casting in the teeth of men of another section of the country the fact that they are poorer than their critics. It may be true. John D. Rockefeller pays into the United States Treasury more money than I do. He receives a larger income than I do. But owing to that fact, is he to have a battleship placed at his disposal when his yacht floats the high seas? Is he to have a United States deputy marshal protect him? Is he to have rivers upon his private estates deepened at Government expense? Is he to have anything more done for him than is done for me? Are we to check up individuals or communities or States in accordance with the amount of money they pay? Are we to have that cheap and superficial standard? Everybody knows that the people of the State of New Jersey and the State of New York make what they make out of the people of Georgia, the people of the West and the South and the East and the North, and out of their profits they pay this money into the Federal Treasury.

We twit these men with the fact that they are living under a financial and fiscal system which does not permit them to profit to the extent that other and more favored gentlemen profit.

As far as I am concerned, I am an American citizen. I have not a single fiber in my body which entertains or could possibly entertain the slightest prejudice for any section of the country. I love the West, I love the East, the North, and the South. They are all alike. They were welded by a great fire into one Nation, and in spite of anything the gentlemen on the other side of the Chamber can say, we are one Nation.

There are to be no more elections won by the bloody shirt. Sectionalism is dead and can never be revived; and the party that attempts it again will be treated as the party that last attempted it was treated. They will bring down upon their heads again the condemnation of the American people, and they should.

Mr. HEFLIN. Mr. President, on yesterday I read to the Senate excerpts from papers published in Detroit, Mich., in 1904, which told about Senator Newberry's connection with a primary for the lower House of Congress. He was a candidate against the present Secretary of the Navy, Mr. Denby.

The Senator from Missouri [Mr. SPENCER] said the papers I read from were Democratic papers. I replied that if they were Democratic papers there must have been some foundation for the stories they published to the effect that Mr. Newberry was running a boodle campaign. Those papers said that a barrel had been opened at both ends in the interest of Truman H. Newberry as a candidate for the Republican nomination in the congressional primary.

They stated that many changes had taken place from the ranks of Denby over to the ranks of Newberry, and that they expected many more changes by the following Monday. Some of them closed by saying, "Coin plenty." There were other headlines somewhat like that.

The Senator from Missouri said they were Democratic papers, and therefore manufactured the stories. I desire now to read, for the benefit of the Senator from Missouri [Mr. SPENCER] and the Senate, some excerpts from Republican newspapers of Detroit.

The Detroit Free Press of October 18, 1904, had the following:

If workers count for anything Newberry will have a walkaway in the contest. All over the city yesterday Newberry badges were seen on coat lapels. It is said the plan of the Newberry people comprehended the hiring of two paid workers in every precinct in the city, their wages to be $5 a day. This means $30 for each of the hundred and nine precincts of the district, or over $3,000.

I am very glad to read that in the hearing of the distinguished Senator from Missouri, who has charge of the Newberry case in the Senate and who is chairman of the committee that made some sort of an investigation, but who failed to require Mr. Newberry to come before the committee and testify, or to even request him to testify, or to require his friends to produce the bank books, stubs, and checks used in the slush fund contributed in Michigan.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Mississippi?

Mr. HEFLIN. I am glad to yield.

Mr. WILLIAMS. I desire to ask the Senator from Alabama a question. As a Senator of the United States, I am very much interested in the answer to the question I am about to propound. Does the Senator from Alabama know whether or not the so-called Senator from Michigan, Mr. Newberry, is going to appear before the Senate in an honest, square way and make a speech to the Senate and tell the Senate why he thinks he ought to be seated? Does the Senator know whether he is going to do that or not?

Mr. HEFLIN. Mr. President, I do not know, but if I should judge the future by the past I would say that he would not; but it is rumored that he will, and hoping that he will, I am making this speech this afternoon for the purpose of getting some things in the RECORD, so that he may see them, and I want him to pay particular attention to them when he comes here to make his statement.

Mr. WILLIAMS. Mr. President, I am a very humble Member of this august body, and I do not want to waste my time; I have lots of things to do in my office, lots more things to do at home, lots of constituents to attend to, and I would like to ask the Senator from Alabama if he could tell me at what hour I should attend in order to hear the so-called Senator from Michigan, Mr. Newberry, defend his claim to his seat?

Mr. HEFLIN. Mr. President, I am unable to tell my good friend the Senator from Mississippi. I have had no private conversation with the Senator from Michigan, and I do not know that anyone else has except the chairman of the committee, the judge in the case, the Senator from Missouri [Mr. SPENCER]. I think he admits that he has had some private conversations with him.

Mr. WILLIAMS. Mr. President, then if it be that the Senator from Missouri [Mr. SPENCER] is present, I would like to ask him, for my own satisfaction, to tell me at what hour, approximately, the so-called Senator from Michigan will address the Senate?

Mr. SPENCER. I can not tell the Senator from Mississippi at what hour he will hear the Senator from Michigan, but I am informed that on Monday of next week, as I announced to the Senate an hour or two ago, the junior Senator from Michigan intends to address the Senate.

Mr. WILLIAMS. Whom does the Senator designate as the junior Senator from Michigan?

Mr. SPENCER. The junior Senator from Michigan is Senator TRUMAN H. NEWBERRY, whose home was in Detroit.

Mr. WILLIAMS. I thought his right to a seat here was contested. I did not know he was yet the junior Senator from Michigan.

Mr. SPENCER. Oh, yes; he was seated, and has for two years been performing his functions as a Senator in this body.

Mr. WILLIAMS. I remember now. I remember that when he first came——

Mr. SPENCER. I knew the Senator would remember when he turned his mind to it.

Mr. WILLIAMS. I remember that he did take his seat in order to make a Republican majority in this body, and that a great deal of history that has since passed out would not have passed in or out if it had not been for the fact of his fraudulent seating. But there is no quarrel between us. The Senator informs me that upon Monday the so-called Senator from Michigan will undertake to state to the Senate why he thinks he ought to be a sure-enough Senator.

Mr. SPENCER. That was not the information I gave.

Mr. WILLIAMS. I know that you have the votes, and nobody denies that you will cast them. At what hour on Monday is he to speak, because I am anxious to be present?

Mr. SPENCER. I told the Senator a moment ago, though perhaps he did not catch it, that the hour at which the junior Senator from the State of Michigan expected to address the Senate I did not know, but that my information was that he was to address the Senate on next Monday.

Mr. WILLIAMS. At some time?

Mr. SPENCER. At some time on Monday.

Mr. WILLIAMS. Between 12 o'clock and the hour of adjournment?

Mr. SPENCER. Between the opening of the Senate and its adjourning.

Mr. WILLIAMS. Mr. President, I express the utmost pleasure at that reply, because I understand that is the utmost information the Senator from Missouri could give me.

Mr. SPENCER. It is.

Mr. WILLIAMS. And I never expected from any man, not even a Republican Senator, omniscience of any description. I shall make it a point to be present upon Monday next and to watch and to hear what—did the Senator call him the junior Senator from Michigan?

Mr. SPENCER. "The junior Senator from the State of Michigan" was my designation.

Mr. WILLIAMS. What the so-called junior Senator from Michigan shall say.

It will be peculiarly welcome to me if he can show even one reason out of one hundred why he should be seated. I have been very proud of his family. It is a good old family in Michigan. The Newberrys were honest people, straight and square and fair, made their money in a right way, represented a great many things that are honest and true amongst men. I was still more proud of his wife's family, representing the same things, if not more. I should be sorry indeed if the so-called junior Senator from Michigan could not give some reason why I could conclude that he had not disgraced two respectable families.

Mr. HEFLIN. Mr. President, when I was interrupted I was reading for the edification of the Senator from Missouri [Mr. SPENCER], chairman of the subcommittee which investigated the Newberry case, what Republican newspapers had to say of Mr. Newberry in politics as early as 1904.

From the Detroit Free Press I read:

A worker in the first precinct of the seventh ward with a Newberry badge on said, "I personally like Denby, but I can't afford to work for my health. I am getting $30 for working in this precinct for Newberry and Carter, and if I carry the precinct for the combination I will get $20 more."

Mr. President, Denby was a poor man, but an honest and a very able man. He did not have money to go out and hire workers. I do not think he would have hired them if he had had the money.

Here we have a man who gives as his reason for supporting Mr. Newberry in 1904 the money that he was receiving. He was paid so much to work per day and then was promised to be paid more if the Newberry cause succeeded. That is certainly from a Republican newspaper in Detroit, I wish to say again to my friend from Missouri [Mr. SPENCER], sponsor for Mr. Newberry.

From the Detroit Free Press of October 22 I read an editorial—this is a Republican paper:

With no other argument to advance for the election of Mr. Denby than was contained in his personal qualifications for the office, he made a canvass that was effective in the face of opposition credited with a bountiful supply of money and the disposition to use it. If money was used liberally in behalf of Mr. Newberry, as is commonly reported, the nomination of Denby is almost conclusive proof, when the choice is made by direct vote, that other arguments are more weighty than those of dollars and cents.

Here is a Republican newspaper saying that against Mr. Newberry immediately following the primary, when they knew that they were going into a contest against the Democrats, where Democrats had been elected, I am informed, to the House; and yet that Republican editor felt called upon, in this fashion, to condemn the methods employed by Newberry as far back as 1904, just 17 years ago.

Does that look like Mr. Newberry was new in politics in 1918? From the Detroit Journal of October 20 I read:

Truman H. Newberry will not be under nearly as great an expense if he loses in the congressional race as if he wins, according to stories about town.

Common rumor, talk everywhere. The air was full of it.

It is stated that many men who volunteered to work for Newberry were promised certain remuneration if they delivered the goods, while on the other hand they get nothing for their pains in case Newberry does not get the votes in their district.

So he had two sets of workers—some to be rewarded when they delivered the goods and others to be paid in part for their work by the day and, if he won, so much in addition to what they had already received.

This is the Truman H. Newberry whose title to a seat in this body is under consideration to-day. Some Senators on the other side of the Chamber would have us believe and have made the argument that he was a business man, that he knew nothing about politics, and that when he got into this senatorial race his friends just went on advertising him and maybe used too much money. The Republican majority of the committee say that he spent too much money, and yet they recommend that he be seated.

Now, in the light of these statements what are the facts? Some of them would have us believe that he was a stranger to politics. He entered politics 17 years ago. What was his idea of politics and his ideal in politics, if you please? Buying a seat in the lower House? He no doubt had in mind then that if he could buy a seat in the lower House and have it said that he had been elected to Congress he could more easily buy a seat in the Senate later on. But failing to beat Denby for the lower House, still determined to occupy a seat in the Congress of the United States, he goes out in 1918 and opens his barrel again, the same Truman H. Newberry, and he uses money lavishly, unlawfully. Why, Mr. President, that little campaign against Denby, where he spent several thousand dollars in the congressional district, was a mere May morning zephyr compared to a cyclone in comparison to the 1918 campaign that Mr. Newberry made.

As I said to Senators on the other side yesterday, I know that your program is to seat Newberry, but I do not know whether you are going to succeed or not. I said several Republican Senators have been looking into the Newberry testimony. They have been making some investigation, especially since the brilliant Senator from Iowa [Mr. KENYON], a Republican, made an argument against Mr. Newberry the other day that can not be answered. Several Republican newspapers in the country are approving his speech and calling on Republican Senators to know where they stand in the Newberry case. They have been making some investigations over on your side.

Some people on the outside have suggested that it would be good politics for the Democrats if you were to seat Newberry. There is no doubt about that, because I believe that there are enough American people belonging to the two parties who will lash out of this Chamber any man who, in the face of the testimony, votes to seat Mr. Newberry. Where are those who voted to seat Senator Lorimer in this body? Gone; they are all gone but six.

Senators, the people will not permit you to tamper with the honor and integrity of this Chamber. If seats in this Chamber can be bought, this has truly become a House of Lords, where only wealth and the power of wealth can secure positions in the upper branch of Congress.

Mr. President, I desire to repeat what I said on yesterday or in a speech before that. If the money interests of America can buy 49 seats in this body, they will not care who is elected to the House, whether they be Democrats or Republicans. They will not care who are the other 47 Senators in this body. If they have 49, they will rest easy, because they know that no measure will find its way through this body unless it has the approval of sinister and predatory interests.

Senators, it seems that we are living in a strange time. There is a crisis on in this country, but a good many statesmen here do not seem to realize it. We are told that the Republican administration has brought influence to bear upon the governor of Pennsylvania to hurry a Senator here to vote for Mr. Newberry. We are told that a prominent leader on the other side of the aisle talked to the governor of Pennsylvania about that thing. We were told that they had assurances that that Senator would be here. There was another statement to the effect that the governor of Pennsylvania said he would not be coerced into appointing somebody without thorough consideration of the matter.

Mr. President, I have called to the attention of the Senate in the last 12 months the reprehensible conduct of the Federal Reserve Board. The President can ask for their resignations on a moment's notice. He asked for the resignation of a district attorney in Texas before his time was out. Why not ask for the resignation of those men who are squandering the people's money in Wall Street?

That is a pretty broad statement, but I wish to submit to the Senate my reasons for saying that. The Federal Reserve Board got an amendment to the Federal reserve act through a Republican Congress, permitting them to set aside a certain percentage of earnings to be used in providing buildings and establishments for use in the service. They accumulated $100,000,000 in a year. What do you suppose they did? Without asking Congress the Federal Reserve Board appropriated $26,000,000 or thereabout—to do what? To build a bank building in the city of New York, in Wall Street. They gave the architect $1,000,000, leaving about twenty-five millions to go into the building.

That is more money than the Capitol cost. It is more money than the House Office Building cost. It is more money than the Senate Office Building cost. It is more money than the State, War, and Navy Building cost. It is more money than all four of them cost. Think of that, Senators! I have the figures right here.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I gladly yield to my friend from Georgia.

Mr. WATSON of Georgia. I will state to my friend from Alabama that the newspapers of the State which I in part represent were publishing, as a thing to be proud of, the fact that one of the governmental agencies had loaned $3,000,000 to the farmers of that State. Those farmers will have to repay that money with interest on it.

Without referring to the enormous sum of $26,000,000 thrown away on this one building in New York, I will ask the Senator to duly emphasize the fact that here is an architect getting $1,000,000 which he is to keep—not to repay with interest, but

to keep—and that is equal to one-third of all the money that all the farmers of one State in the South have obtained, money which they will have to repay with interest.

Mr. HEFLIN. I thank my friend from Georgia for that suggestion. Think of that, Senators! One man designing a marble temple for a banking institution in Wall Street is paid $1,000,000; while all the farmers of an agricultural State, farmers who are suffering severely and are selling their produce below the cost of production, are only allowed by the Federal Reserve Board just two millions more than one Wall Street architect receives.

Mr. President, the President of the United States can not erect a building without the consent of Congress; no Cabinet officer can have a building constructed without the consent of Congress. Why is it that these men have ordered that building erected in Wall Street? It is a strange thing to me, Senators.

Mr. KING. May I interrupt the Senator?

Mr. HEFLIN. I am glad to yield to my friend from Utah.

Mr. KING. A bill has been introduced to-day to prohibit the Federal Reserve Board or any subordinate of the Reserve Board from constructing any further buildings or repairing them, except in the case of necessary repairs, without the consent of Congress.

Mr. HEFLIN. I am heartily in favor of such a measure. My friend the senior Senator from Georgia [Mr. HARRIS] has offered an amendment to a bill which is now pending, and which will be disposed of some time around the 17th of this month, which proposes to prevent the Federal Reserve Board from doing that very thing. I understand to-day that the governor of the Federal Reserve Board has given out a statement that that board is going to order the erection of buildings to be stopped. Mr. President, they may order them stopped, but we are going to fix it so that they can not order them started *again*. A Federal Reserve Board that will order a building to be constructed costing $26,000,000 in Wall Street, when the people of the South and West are in dire distress, deserves to be condemned and kicked out of the service of the Federal Government.

Mr. WATSON of Georgia. Mr. President——

Mr. HEFLIN. I yield to my friend from Georgia.

Mr. WATSON of Georgia. I was informed by one of the newspaper reporters this morning that he was in possession of a circular issued by the Federal Reserve Board and sent to all the banks of the country in which the Federal Reserve Board most insolently state that the money is their money and that they have a right to do with it as they please; but, of course, it is the Government's money.

Mr. HEFLIN. Mr. President, the time which came in the life of "Old Hickory," President Jackson, is here now. The money power defied the Federal Government in his day, and Thomas H. Benton and others fought them to the death; and I thank God there are a few here in our day who have the courage and disposition to fight. Little by little and bit by bit the money power of Wall Street is fastening its clutches upon the throat of the Nation. It is rumored now that Wall Street has demanded of the administration that Gov. W. P. G. Harding shall be kept as the head of the Federal Reserve Board. Mr. President, they could not get a man in that position who would be more satisfactory to Wall Street. W. P. G. Harding voted the Republican ticket in 1920, as I have said here before. Before Senator Warren G. Harding was elected President he—Gov. Harding—was bowing and smiling like a Democrat, and after Senator Harding was elected President he bowed and smiled like a Republican. He seemed to be willing to shape his creed for his cravings and swallow his convictions for a Federal Reserve Board job. So they immediately after the President was inaugurated announced that Gov. Harding would hold his job. This is mighty plain talk, Senators.

The time has come to call a spade a spade. The sum of $26,000,000 is ordered expended by Gov. Harding and the Federal Reserve Board upon one bank building in Wall Street, while the cattlemen of the West are asking for financial assistance to prevent the sacrifice of their breeding cattle; the grain producers of the West and the cotton farmers of the South are in dire distress, while the Federal Reserve Board, by the sanction of the Republican Party, is building a bankers' temple in Wall Street costing $26,000,000. Wall Street can do enough devilment to us with the buildings it already has. What will she do now with this marble temple, with bronze doors to it costing $25,000 each?

Senators on the other side, why do you not take a hand in denouncing this thing? You are trying to get a Senator from Pennsylvania hurried here, some of you, to vote to help make barter of seats in the Senate. Why not cry out in protest against a Federal Reserve Board that will take, without rhyme or reason, $26,000,000 and put it into one bank building in Wall Street?

Let me give Senators some figures with regard to the cost of construction of Government buildings. This Capitol, serving the needs of 110,000,000 people, cost only $2,433,000. The State, War, and Navy Building cost $10,038,000, improvements and all to date $2,000,000 additional, making but $12,038,000 in all. The Senate Office Building cost $3,732,000; the House Office Building cost $3,340,000. All of these buildings cost less than this board is said to have agreed to pay for the construction of one bank building in New York City. Senators may draw their own inference from what I will now read.

I am going to read to Senators a newspaper statement in reference to the municipal building of Philadelphia, Pa.:

> There was the municipal building that cost the people $25,000,000, and to-day stands as one of the most stupendous monuments to graft that the world has ever known.

Do you believe they are going to spend $26,000,000 on that bank building in Wall Street in New York City? If you do, you are more credulous than I am. If the truth about it could be known, there will be scandal connected with it; graft galore connected with it. What excuse, Senators, is there for erecting a bank building in Wall Street costing ten times more than this great Capitol of the United States?

Mr. HARRIS. Mr. President, may I interrupt the Senator?

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. HARRIS. I want to remind the Senator that the amount expended for the one building in New York to which he has referred is more than the Government has appropriated for post offices and all other public buildings in the entire United States during a period of several years. I should like to state further that I have requested information of the Federal Reserve Board as to how the contracts have been given and concerning other matters which I think will be of interest to the Senate.

Mr. HEFLIN. I thank my friend from Georgia for that interruption. The Wall Street banking building being erected in New York will cost more than has been distributed by the Federal Government for public-building purposes in the several States, 48 in number, for years and years. There are seven men on the Federal Reserve Board, and there they sit, with the approval of the President, and smiling blandly up into his face while they reach their arms up to the armpits into the earnings of the Federal reserve banking system and dish it out, $26,000,000 at one time, for a bank building in Wall Street.

Mr. OVERMAN. Mr. President, they are spending $71,000,000 to-day for bank buildings in this country.

Mr. HEFLIN. The Senator has reference to the Federal reserve banking system?

Mr. OVERMAN. Yes, sir.

Mr. HEFLIN. Mr. President, this thing gets worse and worse. They ought to be indicted now by a Federal grand jury and investigated at once.

Mr. WATSON of Georgia. Mr. President——

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. I beg to remind my friend, the Senator from Alabama, that the Federal Reserve Board has this money to spend because it has charged the people all the way from 20 per cent to 100 per cent on the money they have put out.

Mr. HEFLIN. That is a fact. I have called the attention of the Senate to the fact that they charged one bank in my State at the rate of 87½ per cent. They raised the rate of discount from 3 per cent to 7 per cent, and when the legal rate of interest in the State of my friend, the Senator from North Carolina [Mr. OVERMAN], was 6 per cent the banks of his State had to pay 7 per cent in order to get money to loan at 6 per cent.

The Federal Reserve Board took such action to prevent loans, and they did it. Wall Street demanded that that be done. Now, if Wall Street is not in the saddle, what interest is in the saddle?

Mr. President, my friend from Florida [Mr. TRAMMELL] has added these figures for me: The Capitol Building, the House Office Building, the Senate Office Building, the State, War, and Navy Building, all cost $19,887,000; and yet $26,000,000 is being spent by order of President Harding's Federal Reserve Board for one bank building in Wall Street; $6,123,000 more for that one institution than it cost to erect the Capitol of the country, the Senate and House Office Buildings, and the State, War, and Navy Building in the city of Washington. Senators, do you suppose there is any graft in this thing? This money does not belong to the Federal Reserve Board. Why will the President keep that board in office?

I am going to propound that question to him many a time, because the American people have got rights in this matter. They have a right to be heard. Wall Street does not control this Nation long at any one time. The American people, if properly reached and aroused, will express themselves; they will be heard from. If one administration will not turn the rascals out and run the Government in the interest of the people, we will have to put in officers that will.

The Federal Reserve Board, with the amendment of the Senator from Georgia [Mr. HARRIS] pending, and a bill introduced to-day, as my friend from Utah [Mr. KING] says, to prevent the use of any such power, I understand, have given out a statement that they are going to stop this building business. I am not willing to rest with that; I want to do to them as the farmer in Æsop's Fables did to the lion. The lion was courting the farmer's daughter and finally asked the farmer for his girl, but the farmer said, "I am afraid you may scratch her with those long claws or bite her with those sharp teeth." The lion said, "No." "Well," said the farmer, "go and have your claws cut off and your teeth knocked out and come back and talk to me." So the lion went off smiling and had his claws cut off and his teeth knocked out. When he came back he was harmless, and the farmer killed him with a hand stick.

If the President wanted to make this Nation happy—I am talking about the masses of the people, Republicans and Democrats alike—if he should announce in the morning that he had removed every member of the Federal Reserve Board he would make the American people happy. But will he do it? It is rumored that Wall Street has said that W. P. G. Harding must be retained. Now, I want to tell you of another rumor, which is in the Washington Post this morning, I believe. It is rumored that the President had two very prominent Republican Senators from the other side up there last night. I believe the rumor has it that the Senator from Kansas [Mr. CAPPER] and the Senator from Iowa [Mr. KENYON], two of our good members of the agricultural bloc, were up there. We have been working together here to bring about some measure of relief to the farmers of the South and West, and they are trying to break that up; so the story is that the President said to them that he did not like the idea of having a law say that he must put a farmer on the Federal Reserve Board. The President sat here for five years and nine months as a Senator, right under the Federal reserve act that required that two bankers should be appointed by the President upon that board, and he never once complained about that, but I am told that he tells these Senators that he does not like to be instructed by an act to put a farmer on this board.

Mr. President, I am hoping and praying that we will pass that bill placing a farmer on that board. I think we will. I knew, when I opposed postponement of that measure before Christmas, that they were going to start a propaganda. They have done so. "Why, the idea of your trying to put a farmer on the board!" They have got the big banks in certain sections bringing all the influence they can to bear upon the President and upon Congress to defeat that bill. Are they going to be able to defeat it? Are they going to be able to furnish more proof to the effect that Wall Street is in the saddle? If that bill is defeated, what will the farmers of the West say? What will the farmers of the South say? What will the farmers of the northern sections say? Why, they can not say anything else but that some influence greater than they has controlled in the matter.

Mr. President, I can not get away from these figures without looking at them once more. A bank building in Wall Street, ordered to be constructed by the Federal Reserve Board of seven men, is to cost around $26,000,000—more money than it cost to build the Capitol, the House Office Building, the Senate Office Building, and the State, War, and Navy Building in the capital of the Nation! Four great institutions in the capital cost $6,000,000 less than this one bank costs. I repeat, before I leave the subject, that it seems to me to be surrounded by and covered over with the atmosphere of graft.

Mr. HARRIS. Mr. President, may I interrupt the Senator?

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. HARRIS. I want to call the attention of the Senator to the fact that this $26,000,000 building in New York will accommodate only about 500 employees, while the State, War, and Navy Building, which cost one-third that amount, accommodates several thousand employees.

Mr. HEFLIN. I said a moment ago that the thing gets worse the more you look into it. Five hundred clerks and stenographers and coin carriers in Wall Street whose god is gold! This building will accommodate 500 people, as against buildings of less cost that accommodate thousands. Why, there are 435 Members in the House Office Building, with their secretaries. They have a clerk and a secretary each; and there are 96 Senators with their secretaries and two offices and big, fine committee rooms; and these buildings are built of marble. The Senate Office Building and the House Office Building and the State, War, and Navy Building of marble and granite, that accommodate thousands of employees, and the Capitol in which I stand—all of them cost less than this new building that is to go up in Wall Street!

That is a good point that my friend from Georgia made. I want to get the RECORD exactly right, because I think it will give the Federal Reserve Board a good deal of pleasure to peruse these lines; and if I were President, the places that know them now would soon know them no more forever. The President could not do a better thing than to put them out immediately.

We said that you had a program over there to seat Mr. Newberry. I believe the Senator from Utah [Mr. SMOOT] said to me that he had no program. I did not say that any individual had a program. It has been rumored for weeks that you polled the Republican side to find out how many Republican Senators would vote for Mr. Newberry. Listen, Senators—and this polling of Republican Senators was before any one of you had read a line of the testimony or a line of the report. You will say, "You ought not to talk that way unless you have the proof." Well, I am going to give you proof.

The Senator from Oklahoma [Mr. HARRELD] was called upon by his constituents. Your constituents are getting very wide-awake on this Newberry question. They do not think that a man should occupy a place here who secured his seat by the unlawful use of money. But the Senator from Oklahoma [Mr. HARRELD], a Republican Senator, stated, according to an Oklahoma newspaper, that when the report was made in the Newberry case you polled Republican Senators to know how they would vote in the Newberry case. Senators, think of that—a man charged with the high crime of buying from his State a nomination to the Senate, that being the principal step in the matter of coming to the Senate and getting his seat, challenged by the people of that State, convicted in a court of that State, and saved from the penitentiary only by a technicality, comes here and the Republican majority of the committee reports favorably for him, after condemning the amount of money that he spent, and saying: "Yes; that was excessive; it was too much." Well, if it was too much, what ought you to say to him at the door? Why, you should say, "You can not come in. Your credentials are covered with dollar marks. We say ourselves that you spent too much, and if you spent too much you are not entitled to a seat in this body." They ought to have said that, but they did not. They reported favorably for him.

Now let us see what the Senator from Oklahoma said about that. Here is what he said:

> Soon after the report of the investigating committee was submitted to the Senate, and when a poll of Republican Senators was taken for the guidance of Senate leaders, I told Senators I would be inclined to vote in accordance with the majority report.

That is from the Oklahoma News, Oklahoma City, of Tuesday, December 20, 1921.

Senators, does that look as though there was any concerted action on the other side to seat this man? Does that look like an effort to take snap judgment upon the American people, who have a right to demand that every man who occupies a seat in this body shall have a clean, clear title? Was that the way to try a case of this kind—to go to the men who are to sit as jurors and ask them to pledge in advance that they will vote to seat him before they read the indictment or read the testimony—before they know what the facts are?

Here was the Senator from Oklahoma [Mr. HARRELD], who says that he told them he "was inclined to vote in accordance with the majority report." He admits that he had just about halfway committed himself without ever reading the testimony. What do you think of that?

They tell us now that Mr. Newberry is coming here to talk. I hope he will. I suppose the pressure that we have brought to bear from time to time, in the name of the American people, is about to smoke him out. I hope so. The Senator from Missouri [Mr. SPENCER] said to-day that Mr. Newberry insists upon being heard.

Oh, what a noble spirit he is now about to display. When they read the indictment against him in the Federal court of Michigan he did not insist upon being heard. When they arraigned him before Federal jurors in his State he did not insist upon being heard. He sat only a few feet from the witness chair. He could have gone upon the stand at any time if he had thought it would have been to his interest to do so, but he did not do it. He was here in the Senate Office Build-

ing when this committee sat in judgment upon his case. He never once asked to be heard. The Republican majority of the committee never requested him to come before it. On the other hand, the majority of the committee refused when asked by the minority to request him to come before the committee. Does that look as though he would ever insist upon being heard? But the Senator from Missouri [Mr. SPENCER] says that he insists upon being heard!

Well, I am glad that he is insisting now. I am very anxious to have an opportunity of hearing him and of propounding a few interrogatories to him.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. HEFLIN. I am glad to yield to my good friend from North Carolina.

Mr. SIMMONS. Does the Senator from Alabama mean to tell the Senate of the United States and tell the American people that the minority members of the Committee on Privileges and Elections asked and insisted that the majority members should order or summon or request Mr. Newberry to come before the committee and be examined and the majority members refused to permit him to come?

Mr. HEFLIN. That is the fact. They declined to extend to him an invitation or to require him to come and appear before them. I am not surprised that the able Senator from North Carolina should be astonished at that. It is astounding.

Mr. SIMMONS. Mr. President, I wish to ask the Senator what excuse the majority members then gave or what excuse the majority members or the chairman or any representatives of that committee now give for this very remarkable and amazing conduct?

Mr. HEFLIN. They just simply declined to request him to come. It is astounding. The more this case is gone into the worse it looks and the worse it smells.

Now, I understand that Mr. Newberry is to come here. He signed a statement just after the primary in which his money secured for him the nomination for the Senate from Michigan and it had this provision in it. I read a part of it yesterday and I am going to read the other part now:

> I have not received any money or thing of value, nor has anyone else received for me any money or thing of value, with my knowledge or consent, from any source, to aid or support my candidacy for election as United States Senator.

Mr. President, when I read that statement I recalled the testimony of Paul King, his manager, to the effect that when he asked Paul King how much it would cost him to make the race for the Senate, and Paul told him $50,000, he employed Paul to be his manager, knowing that it was going to cost at least $50,000.

Who was going to put up that money? Mr. Newberry is a millionaire many times over. He is a money king. Who was going to put that money up? Seventeen years ago, Democratic and Republican papers tell us, he opened a barrel to secure the nomination for the lower House of Congress against Denby in Michigan. A Republican paper states that it cost him over $3,000 to pay hired workers—not voluntary workers but hired workers. He did not have any scruples about that.

Mr. KING. That was in one city only.

Mr. HEFLIN. It was in one city only, my friend from Utah suggests. One of the papers said that while they were distributing this money, Newberry was in an automobile, going through the district, giving out cigars by the box. They must have been fine, luscious fellows, costing about 10, 15, or 25 cents apiece. He was passing them around. He has not denied that he took a pretty active financial interest in that campaign, but here he says, "I had nothing whatever to do with it. I expended no money in it. Nobody has expended any for me with my knowledge or consent."

When he comes here to make his statement, I want him to bear these things in mind:

> Mr. Newberry, is Mr. Joy your brother-in-law?
> Yes, sir.
> He gave you $25,000 for your campaign fund, did he not?
> Well, I am told that he did.
> He married your sister, did he not?
> Yes.
> The relation between you is pretty close and intimate, is it not?
> Yes.
> Is John Newberry your brother?
> Yes.
> Your attorneys all admit you spent over $200,000 in your race, do they not?
> Yes.
> We charged there were three or four hundred thousand more, and asked you to bring the stubs and checks and books of the bank, and your attorneys and witnesses said they had been destroyed, did they not?
> Yes.
> But they admit $200,000, do they not?
> Yes.
> Where did that money come from, Mr. Newberry?
> I do not know.
> You were a candidate for the Senate?
> Yes.
> You paid $3,000 for hired workers in the city of Detroit for one day against Denby 17 years ago, and you were not willing now to put up a dollar, and you did not put up a dollar, to satisfy your ambition to go to the United States Senate, Mr. Newberry?
> That is what I said in my statement.
> You signed that statement, did you not, Mr. Newberry?
> Yes.
> Mr. Newberry, you stated that you did not have anything to do with anybody contributing money, and did not know about it?
> Yes.
> John Newberry is your brother?
> Yes.
> He is pretty close to you, brother and brother?
> Yes.
> Not only brothers of the blood, but you are partners in business together, are you not.
> Yes.
> Is Fred Smith your confidential agent?
> Yes.
> Is he a trustworthy man?
> Yes.
> Is he the agent of your brother, John Newberry?
> Yes.
> You and John have business together?
> Yes.
> Did not Fred Smith swear that he drew checks on your money and John Newberry's money in one joint fund, and that that money was used in Michigan?
> Yes.
> And you say that confidential agent, to whom you gave power of attorney to check on your money, Fred Smith, is still your confidential agent?
> Yes.

Well, if he checked on your bank account to the extent of many thousands of dollars without authority from you to do so, why did you continue to keep him in such a position as your confidential agent? Explain that, Mr. Newberry, to the Senate and the country.

Mr. KING. Will the Senator yield?

Mr. HEFLIN. Certainly.

Mr. KING. The Senator from North Carolina [Mr. SIMMONS] propounded an inquiry to the Senator from Alabama a moment ago relative to the action of the committee, and with the kindness of the Senator, I would like to read, for the benefit of the Senator from North Carolina, the resolution offered by the minority Members and unanimously supported by them, as follows:

> *Resolved by the Committee on Privileges and Elections*, That the subcommittee be instructed to subpœna and take the testimony of Frederick P. Smith and such other witnesses as may be suggested by any member of the subcommittee to the end that there may be a full and complete hearing respecting the issues involved in the pending contest.
>
> *Resolved by the Committee on Privileges and Elections*, That the subcommittee be instructed to invite Senator Newberry to appear before it to give testimony concerning the charges pending against him involving his title to a seat in the United States Senate.

Let me say that there were three separate resolutions, and each was voted upon separately, as I recall, and every Democrat voted in the affirmative and every Republican voted in the negative. The third resolution was as follows:

> *Resolved by the Committee on Privileges and Elections*, That the attorneys representing the contestant and the contestee in the pending investigation be invited to appear before the full committee to submit oral arguments, on a date to be fixed by the chairman of the committee.

The Democratic members of the committee wanted to give Mr. Newberry full opportunity to appear before the committee and make an explanation. They desired, first, that he be subpœnaed. That was voted down. Then they submitted a resolution that he be invited to attend. That was voted down. Then they asked that oral argument before the full committee—because the full committee had not had the advantage of hearing the testimony adduced before the subcommittee—be submitted by the attorneys for the respective parties, and that was voted down. During the contest it seemed as if there was a determined effort to forbid the facts from being known, and in New York, when a grand jury investigation was in progress, every step possible was taken by Mr. Newberry and his friends to block the investigation, and the matter had to come to the Supreme Court, as I recall, before the validity of the proceedings was conceded.

Mr. HEFLIN. Mr. President, I do not believe there is a fair-minded Senator in this body who would take that statement alone which the Senator from Utah has made and then vote to seat Mr. Newberry.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator yield to the Senator from North Carolina?

Mr. HEFLIN. I yield.

Mr. SIMMONS. With the consent of the Senator from Alabama, I would like to ask the Senator from Utah if the ma-

jority members of the committee, at the time they voted down the resolution to request Mr. Newberry to come before the committee in his own defense, and in explanation of the serious charges made against the validity of his seat in the Senate, gave any reason for that extraordinary and astounding action on their part?

Mr. KING. My memory is not quite clear in regard to it, but the only reason I recall now is that considerable testimony had been taken, and the committee was advised as to the facts, and no additional light could be thrown upon the subject matter under investigation. If I am in error, I shall be glad to be corrected.

Mr. SIMMONS. In other words, the only reason they gave is that they did not want Mr. Newberry to be subjected to cross-examination?

Mr. KING. That is the only conclusion which can be deduced from the action of the majority of the committee. My friend from Ohio [Mr. POMERENE], the ranking member of the committee on the Democratic side, perhaps, has a clearer recollection of that than I have.

Mr. POMERENE. The Senator from Utah has given the substance of all that was said. It should be borne in mind that for a period of nearly two years everything was done to block these hearings, one obstacle after another being put in the way. During a part of this time it transpired that there was an indictment, and during the pendency of that indictment, and before the trial, the members of the committee, both majority and minority, felt that there should not be a public hearing here which might perhaps tend to prejudice the defendant in the eyes of the jury. That was the only part of the time in which the members of the committee agreed that there should be no action taken. There was no further reason.

A part of this testimony was taken while I was necessarily absent for a day or two, having made an engagement when I had no reason to anticipate that the committee would be in session. Senator Wolcott, who was a member of the subcommittee, now the chancellor of Delaware, asked that the final determination of the hearings should await my return. Meanwhile he was appointed and accepted the position of chancellor of Delaware. He was succeeded on the committee by the senior Senator from Arizona [Mr. ASHURST]. We then presented substantially the same motions to the subcommittee which afterwards were presented to the full committee and which have just been read by the Senator from Utah.

There is absolutely no question in the mind of any fair-minded man that there ought to have been the opportunity for further hearings and calling of further witnesses, and there is no question in my mind that if the majority members of that committee had been sitting as a court they would have heard further testimony, and to have refused to have done so would have been reversible error if the matter had been taken up in a court. About that there can be no question.

Mr. SIMMONS. Mr. President, the Senator referred to a trial in the State of Michigan in which Mr. Newberry was a defendant.

Mr. POMERENE. I did.

Mr. SIMMONS. It was a trial growing out of the charges made with reference to his purchase of a seat in this body.

Mr. POMERENE. Yes.

Mr. SIMMONS. I believe that case went off upon a technicality?

Mr. POMERENE. It did.

Mr. SIMMONS. And he got out. I wish to ask the Senator if he ascertained in connection with the investigation, or is informed otherwise, whether Mr. Newberry himself appeared as a witness in his own defense in that case?

Mr. POMERENE. Mr. President, the Senator from North Carolina is a lawyer, and an able lawyer. Mr. Newberry was present at the trial. He was jointly indicted with probably a hundred others.

Mr. KING. One hundred and twenty-five.

Mr. POMERENE. One hundred and twenty-five, the Senator from Utah advises me. Some of those codefendants were placed upon the stand by the defendant's attorneys and testified not only in their own behalf but in Mr. Newberry's behalf; but Mr. Newberry was not equally gallant. He did not testify either in his own behalf or in their behalf, and some of those men later came before our committee and testified under subpœna. Mr. Newberry did not testify, and the majority would not invite him to come before us, though the minority members repeatedly requested it.

Mr. HEFLIN. Mr. President, I want to get along and conclude my speech. What situation does this colloquy between my friend from Ohio [Mr. POMERENE] and my friend from North Carolina [Mr. SIMMONS] disclose? Mr. Newberry was indicted with many others for violating a Federal statute which provided that he could spend only $10,000 in a senatorial primary, and who had spent, as could be shown, more than twenty times that amount.

Mr. POMERENE. Mr. President, will the Senator allow me to correct him?

Mr. HEFLIN. I am glad to have the Senator do so.

Mr. POMERENE. The statute provided only that there could be $10,000 expended excepting for certain items of expense. That was the general statute, but there was a further proviso to the effect that if there was an amount less than that prescribed by the statutes of any State, then the limitation in the State statute should apply. That amount in Michigan was limited to 50 per cent of one year's salary for both the primary and the general election.

Mr. HEFLIN. Thirty-seven hundred and fifty dollars—and I thank the Senator for the correction.

Mr. Newberry was indicted for this very grave offense—going out and literally improperly securing a nomination to this the greatest lawmaking body in the world, a body that has to do with shaping the destiny of the Nation, a body that has the power to tax the American people. He secured that nomination. No man can conscientiously deny that he obtained that nomination by the use of money. Then if he did secure it by the use of money, why is it necessary for us longer to discuss it? If he did obtain the nomination by the use of money, he is not entitled to a seat in this body. Get this point now, Senators, suggested to me by the statement of the Senator from Ohio: While Mr. Newberry was under sentence of two years to the penitentiary, I believe, the Democratic members of the committee agreed to stop the investigation here because he had already been convicted by a jury of his peers under a statute in his own State. How were they rewarded? Finally that law was declared unconstitutional upon a technicality, and he escaped punishment through the meshes of a technicality—not upon the facts, because a jury of his peers convicted him upon the facts. They convicted him of having bought the nomination to the Senate when they knew that he would have to go to the penitentiary.

Then what happened? The Democratic members of the committee agreed not to go on with the investigation because the people of Michigan were investigating the case in court. What was done while they were doing that? The bank books were being burned. The checks used in the campaign were being destroyed.

When the law was declared unconstitutional, then it was up to the Senate itself to investigate and say whether or not he should enter here. We said, "We want the bank books." They said, "We have not got them; they are destroyed."

"We would like to have the checks."

"They are destroyed, too."

"Well, give us the check stubs."

"They are destroyed."

"Get us the documents. You kept a list of the money paid out."

"All of that has been destroyed."

"All right; then let us summon Mr. Newberry. Go and ask him to come in. We were good enough to stop the investigation while he was under sentence. Now the sentence is out of the way on a technicality. We have to pass on the case here. We are each a judge in the case. We want you to invite him to come before us. We want to ask him certain questions. The Senator from Ohio has shown that the Republican members of the committee voted down that request; that each time every Republican voted against extending an invitation to him requesting him to come."

I wish to ask again, was it because of this man's wealth that you did not want to embarrass him or displease him? Was it because he contributed to your campaign fund thousands upon thousands of dollars that you dare not unseat him? What was it that prompted the majority of the committee to refuse the minority's request to bring these books and check stubs and checks? What was it that caused them to decline even to extend a courteous, mild-mannered invitation to Mr. Newberry to come before Senators from the sovereign States of this Union and explain how he obtained the nomination to the Senate.

Senators, is it not strange that you have done that? Then what did you do? Just as soon as you reported the case to the Senate you commenced to poll the Republicans to ask if they would vote to seat Mr. Newberry. They had not read the report, they had not read the testimony. They were jurors and judges in the case, and you were seeking to get them to pledge a verdict before they had read the facts. My God, Mr. President, we have fallen under Republican rule upon strange times in the Senate of the United States.

The Senator from Oklahoma [Mr. HARREL] in his statement to the Oklahoma News said that you polled the Republicans just after you made the Newberry report. He said you polled Republican Senators for guidance to the Senate leaders on that side. If that is not administration business, what is it? Your leaders usually put through administration measures. Is the seating of Newberry a part of the party program?

Mr. President, Mr. Newberry is coming here to speak. I want him to explain what Paul King meant when he said:

I did whatever was necessary to be done for Mr. Newberry without regard to expense.

That means money, Senators. There was no limit put upon Paul King's boodle barrel. The barrel is open; go to it!

I want Mr. Newberry to explain what Paul King meant when he wrote:

I have already got over 200 newspapers for you and I am going out after the other 300.

Explain that, Mr. Newberry.

Explain what Paul King meant when he wrote to you: "The labor vote in a certain place is a little doubtful, but I am going over there to-morrow. It is looking a little more favorable. I am going to have a page paid advertisement in the labor paper, and I am looking for results," or words to that effect. Explain that, Mr. Newberry.

Explain the contributions made by your brother, who is also a partner in business. Explain how he came to expend money for you without your knowledge or consent. Mr. Newberry, do you tell the Senate and the country before God that you did not contribute any money to this campaign, that you did not know that your own brother was contributing money, that your brothers-in-law were contributing money, that you did not know that money was being expended lavishly for you?

"Mr. Newberry, did you not get a letter from the lieutenant-governor of Michigan, a Republican, who wrote you that they were expending in your behalf between $250,000 and $500,000?"

"Yes."

"You say you did not know anything about this money being expended? You did not deny that, did you, Mr. Newberry?"

"No."

"You say you had nothing to do with this campaign?"

"That is what I said in my statement."

"Did you not write Paul King constantly?"

"Yes; I wrote him letters."

"Did you not write about your campaign?"

"Yes."

"Did you not write and tell him that you knew Osborn's finances were about exhausted?"

"Yes."

"Was not that having something to do with your campaign? Did you not tell him not to let up but to keep the publicity going at full pressure?"

"Yes."

"Was not that having something to do with the campaign?"

"Mr. Newberry, did you not, over your signature, acknowledge that you were going to pay the publicity bill?"

Listen, Senators, you have not heard this before. I am repeating a good many things here; there is bound to be a repetition, because I am saying a good deal of this for the benefit of people who sit in the galleries from day to day to hear this case discussed, who have never known the facts, if they live in some State where subsidized newspapers hide them. I am reiterating some of the facts in order that they may know the truth.

Mr. President, on pages 651 and 652 of the bill of exceptions in the Newberry case there is a letter from Mr. Newberry, in which he said:

Neither Mr. Templeton, Mr. King, nor Mr. Oakman have ever or expect ever to receive one cent except actual travel and publicity from me.

Now, Mr. Newberry, explain that when you come upon this floor. In that letter he stated that he was expected to pay the publicity bill. How much was it? According to the facts that were gathered, in the absence of the destroyed check stubs and bank books, it was $140,000. He admits that they were to look to him for their traveling expenses. He admits that they were to look to him for the publicity costs. Paul King said, "I do whatever I think is necessary, without regard to expense." I would like very much to know the real truth about how much that publicity bill was. I am satisfied it was anywhere from $300,000 to $500,000, but they destroyed a lot of the evidence.

"Now, Mr. Newberry, you live in Michigan. You know Gov. Osborn, a distinguished Republican, able, clean man, not possessed of many of this world's goods, but a high-toned, honorable gentleman. He ran against you, did he not?"

"Yes."

"He was in the race against you for weeks before you ever thought of Henry Ford?"

"Yes."

"Henry Ford was never even mentioned during that time?"

"I never heard of it."

"You never mentioned him in your letters to Paul King, did you?"

"No."

"You said Osborn was the man, did you not, and you rejoiced in your letter when you said his finances were about exhausted—a race for dollars with an ex-governor of your own party in your own State?"

"Yes."

"When the race was on some of the newspapers of your State all during the race cried out against the lavish and unlawful use of money, did they not?"

"Yes."

"When the race was over, the lieutenant governor wrote you that the race was the most scandalous ever conducted in the State, and that the State could not recover from it for 25 years, did he not?"

"Yes."

"Did not Mr. Osborn write you a letter after he saw that you denied knowing anything about the contributions and expenditures of money in your campaign?"

"Yes."

"Did not he, a member of your own party, a man of rigid integrity, a man twice honored with the office of governor in your State, write you a letter in which he said, 'If you deny that you knew about these expenditures, and so forth, you are a liar and an ass?'"

"Explain all these things, Mr. Newberry, when you come to talk to this body, every Member of which took an oath, standing at the altar place here, that he would protect the Constitution against all enemies, both foreign and domestic. What are you, Mr. Newberry, if you corrupt the ballot of a Commonwealth by the purchase of a seat in this body? You are an enemy to free government in America. You ought not to be permitted to come in here."

Senators, let me again sound the warning. If the day comes when money bags control in the elections in this country, it will not be long before we shall have a revolution. The people will not submit in this Republic of the West to the domination of dollars in politics. In the old days, as I told you in another speech, the question was asked as to a candidate: "Is he honest? Is he capable? Is he trustworthy? Is he qualified? All right. Then elect him; he will be our servant." But another order of things is sought to be established. The money lords of the East now ask about the candidate: "Will he be our handy instrument? Will he do our bidding? If not, let him know that we will spend big money to beat him."

I have had men from certain sections of the country tell me, when I have asked, "Why do you not run for the Senate; you are an able, strong man?" "No," they have said, "I have not money enough."

Senators, it is creeping upon us in this country. The money power is determined to control this body, for there are only 96 Senators here, and if they can buy the seats of 49, they will control in this Nation of ours. Has the time come when a fat purse and not right principles, when money and not manhood, will win in our senatorial contests? God forbid!

So, Mr. Newberry, we want to ask you some questions: "Why did you not testify? Are you going to let us propound questions to you? Will you sit here and let us read a list of questions to you and discuss them in your presence? Will you not do that, Mr. Newberry?" If not, then we must conclude that you are afraid to be cross-examined.

Why is it that Senators have framed up this program to slip this man in here at the last hour, let him rise in his place, and read his piece and walk out? Is that the scheme. You would not let him come before the committee; he has not appeared here to make a statement; we have not a line from him in all the 2,000 pages of testimony when his title to a seat in this body is involved. Senators, I fear that some of you do not realize how serious this matter is.

I want to remind you of another thing touched upon briefly yesterday. An ex-mayor of one of the towns of Michigan was convicted. The case was appealed to the higher court. The Newberry managers went after him and said, "You said you would not be for Newberry?" He said, "No; I never will be for him." Listen, Senators. Money had already done its devilish work among thousands and tens of thousands, but here is where the power of the court was invoked under the corrupt régime that existed in certain localities. They said, "Well, you

have a case against you appealed in the higher court, have you not?" "Yes." "It is to your interest to support Newberry. We stand in with the powers that be, and if you support him your case will be reversed. If you do not support him you will be convicted by the higher court. We are not going to tell you now what to do, but if you do support him we will know it; if this town goes for him we will know that you supported him; if this town goes against him we will know that you did not support him, and you will go to the penitentiary."

Senators, are you going to vote to seat this man and then undertake to face the American people with such testimony as that before you? There is an attempt to use the power of the courts to debauch the voter. A galvanized politician is bought up and sent out into the Commonwealth with Mr. Newberry's money, and when that will not work then the power of the courts is invoked, justice is tampered with, an unfortunate man's troubles are taken advantage of and he is browbeaten into voting for a man whom he said he was not for and would never be for. That is in the testimony. Every power imaginable, it seems, was employed to secure for Mr. Newberry the nomination to the Senate.

"Mr. Newberry, explain these things when you come to talk here."

One of the witnesses testified that he went into Paul King's office in Detroit, which was the Newberry headquarters, and he saw a table covered over with stacks of money, batches of bills, $10, $20, $50, to $100, I believe. That fellow's eyes just fairly glistened. They asked him how much it looked like it was. He said, "It looked to me like it was a million dollars." [Laughter.]

Mr. President, money was the dominating power in the Newberry campaign; money was the instrument that he invoked to beat Secretary Denby 17 years ago, when he ran for the House of Representatives in Michigan. The newspapers in Michigan, both Democratic and Republican, say that money was used lavishly in that campaign. A Republican newspaper said Newberry hired workers at $5 a day in one city, costing him $3,000, while the salary of a Representative at that time was only $5,000 a year. He paid those workers for that day's work within $2,000 of what the salary of a Representative was for a year.

They undertake to tell us here that Newberry was a stranger to politics; that he was merely a business man; that he got into the race, and that Ford was spending money and he had to spend it because of that. Right in that connection I want to read another statement from the Senator from Oklahoma [Mr. HARRELD]. He is writing this to his home people: They are getting after him, just as they are going to get after many Senators after they vote to seat Newberry. There will not be many days in the year when they will not wish they had voted against seating Newberry. If you were to select a man to guard your rights and you saw him betraying them, would you vote to put him back there again?

Listen to what the Senator from Oklahoma said. You are not going to be able to get away with any of the arguments which you have made, because there is not any foundation to them. Mr. HARRELD said:

> As long as Newberry's friends used their money to offset Ford's publicity, I can not see where any moral turpitude was involved.

I said yesterday and I repeat that Ford did not expend any money, and he would not let his friends expend any. The lawyers of Newberry withrew their charges to that effect. So that is removed, and my friend from Oklahoma has not a peg on which to hang his defense of Newberry's course. Ford did not use money; he would not permit his friends to use it. My friend from Oklahoma, if he was about to vote for Newberry upon the ground that he had to match dollars with Ford, will now find that his argument is gone.

Mr. Newberry's friends also stated that Mr. Newberry was a new man in politics; that he was not known; that he was just a business man. He did not know what it would take nor what they were doing. The Detroit papers in 1904, both Democratic and Republican, prove that that will not do, for they show that Mr. Newberry was in a race for Congress 17 years ago and that money was his long suit then. That is what he uses. Listen, Senators. One of these Republican papers said in effect editorially that Denby with ability qualifications won against a man with money, a man with a barrel open at both ends, 17 years ago. So that destroys the idea that Mr. Newberry was new in politics and does not know anything about it. He entered politics with a boodle barrel open at both ends.

Mr. TRAMMELL. Mr. President, will the Senator yield for a question?

Mr. HEFLIN. I gladly yield to the Senator from Florida.

Mr. TRAMMELL. Does not the record in the present case disclose emphatically and unequivocally that the excessive expenditure of money began long before Mr. Ford's name was even mentioned as a candidate for the Senate?

Mr. HEFLIN. Absolutely.

Mr. TRAMMELL. So there is nothing in that excuse whatever?

Mr. HEFLIN. Nothing. Why, Mr. Newberry mentioned Osborn and Warner, two ex-governors of his State, for weeks and weeks before Ford was ever thought of, and he singled Osborn out as the man he would have to defeat and rejoiced when he learned that Osborn's money was about exhausted and that Osborn, as I said here before in a lengthy speech, was stricken upon the plain and his money was about all gone.

Mr. SPENCER. Mr. President, will the Senator yield to me for a moment?

Mr. HEFLIN. I yield for a question.

Mr. SPENCER. The Senator has so repeatedly spoken about the exhaustion of Gov. Osborn's money and about the trampling upon the rights of the poor man by Mr. Newberry, the rich man, that I wonder if the Senator would be interested to know the fact that Gov. Osborn is and has been a multimillionaire, and, so far as money is concerned, could buy out Senator Newberry ten times over and have a colossal fortune left?

Mr. HEFLIN. I can not agree to that statement.

Mr. SPENCER. If the Senator will look into the matter he will find that to be the fact.

Mr. HEFLIN. I must look into it; I can not accept that statement. I wish, however, before he takes his seat to ask the Senator, who has such a vivid and active imagination, what did Newberry mean when he wrote Paul King that Osborn's finances were about exhausted?

Mr. SPENCER. Again, the Senator, if he wants the facts in the case, should realize that such a letter was never written stating that his finances were about exhausted. The Senator does not remember the letter. The letter said that there was some cause for congratulation that the ammunition—the Senator can look it up, if he cares to, in which event he will find it to be exactly as I am stating it—that the ammunition was exhausted. That referred to the ammunition of material; what he had to support his candidacy by way of argument. If the Senator wants the facts as to money, Gov. Osborn could discount over and over again anything that Senator Newberry ever had.

Mr. HEFLIN. I can not yield for the purpose of having a lot of strange fiction injected into my speech. To compare Osborn with Mr. Newberry in point of wealth is like comparing a little Indian mound in Missouri to Pikes Peak in Colorado.

Mr. OVERMAN. What does "ammunition" mean?

Mr. HEFLIN. Mr. President, I believe that Mr. Newberry meant money; everybody else on this side believes it, including the Republicans who sit over here, and I think that every Republican on the other side, save about three, believes that Mr. Newberry meant money when he referred to Osborn's ammunition.

Oh, Mr. President, my friend from Missouri is a smooth artist, but he will never be able to convince any wide-awake, thoughtful Senator that when Mr. Newberry referred in his letter to Paul King, to Osborn's ammunition being exhausted, that he did not mean money.

I never saw a lawyer engaged in defending a client fight harder than the Senator from Missouri is fighting for Mr. Newberry. What does he now say? He comes here now after it has been shown that Newberry is rich, and stamped all over with dollar marks, and says that Osborn could buy out Newberry many times over. Mr. President, I can not characterize that situation properly in parliamentary language. They have tried every other argument, and at last, when Republicans on the other side are deserting the Newberry standard and are going to vote according to their conscience for their States, for the Nation, and for the honor and integrity of this body, the Senator from Missouri, hard pressed, comes in and pleads that Osborn was a rich man who could buy Newberry out over and over again. Now, I am going to turn this piece of fiction against the Senator from Missouri.

If that is true, if Osborn could buy Newberry over and over again, it shows that he had too much respect for the voters of Michigan and too high a conception of the proprieties and principles that should govern in a senatorial race to buy the nomination with money. The Senator from Missouri has presented here a dangerous argument for Mr. Newberry. If Osborn has the money that he says he has, then he was able to buy the nomination, and he would not do it. He must have said, "No; I have been governor of this Commonwealth. The people here have honored me with the highest office within

their gift. I see a man coming here now with his moneybags, undertaking to debauch and buy the voters of Michigan. I have more money than he has, but I would not, if I could, do such a thing. I should like to go to the Senate to represent this people, but I am not going to corrupt the voters to do it."

Newberry writes to Paul King, "Go to it! Do not let up on publicity." Paul says, "I am doing whatever I see necessary to do, without regard to expense."

The lieutenant governor said: "They are spending from a quarter to a half million dollars of money in your race, Mr. Newberry."

The Senator from Missouri [Mr. SPENCER] has fought a lone, hard battle for his friend, Truman Newberry. The Senator from Iowa [Mr. KENYON] made a speech the other day in the Newberry case that will rise up to plague those who vote to seat Mr. Newberry. You never will be able to answer that speech, Senators. There is not any politics in that. You can not go home to your people, as you intended to do in the outset, some of you, and say, "Oh, this was nothing but a Democratic fight, and we just stood by our man. That is all there is to it," and just toss it to one side by a wave of the hand, but you can not do that now, Senators. Senator KENYON is an able and brave Republican, and he says Mr. Newberry is not entitled to a seat in the Senate of the United States. Senators BORAH and NORRIS and other Republicans say the same thing. These Republican Senators have read the testimony, they have heard arguments for and against Mr. Newberry, and, acting under their oaths, they have declared that according to the printed testimony Mr. Newberry is not entitled to occupy a seat in the United States Senate.

Mr. CARAWAY. Mr. President, does the Senator say that the people are going to read the testimony?

Mr. HEFLIN. Yes; they are going to read enough of it to convince them that Mr. Newberry bought his seat in the Senate. I want them to have this evidence in so many copies of the RECORD that it will not escape the people out in the States. I want us to have points that we can pick out here and yonder, and go to the people and fight to preserve the honor and integrity of this body, for that is what is involved here.

Why, Senators, you did not play politics when you voted to reject a Democrat from the State of Montana. You did right in turning him out. There was no talk of politics when you turned out a Republican Senator from Illinois. You did right then. There ought not to be any dividing line in this Chamber when it comes to a question like this. We ought to get together when a danger like this is presented, just like our boys did on the firing line in France, and forget Republican and Democratic politics and say, "We stand as one against all comers who undertake to buy seats in the Senate of the United States." That is the way the American people stand upon this question. You are going to learn that, many of you, when you get a chance to go before them again, or rather when they have a much-desired chance to get a lick at you.

Senators, I never have spoken in any case in Congress in a service of 17 years in the two Houses where I have received so many letters, I believe, as I have in the Newberry case. I have received them from nearly every State in the Union commending my course, and I have had them name Senators, and one of them especially said of a man whom I like personally very much:

> He has cooked his goose. You will never see him back there again.

I feel pretty deeply on this subject. I like personally some Senators who are going to vote for Newberry, and yet I should like to see them defeated if they vote to seat a man in the Senate who admits that more than $200,000 were spent in his race for his nomination to the Senate.

Senators, this is a serious thing. It strikes at the vital life of the Republic. I repeat, and it can not be said too often, if they can buy seats in this body and control it, they can control the business and the destinies of a hundred million people; and I am going to fight it as long as I have the strength to do it.

Now I want to remind you of what was said by Mr. Blair, Mr. Newberry's treasurer, who handled the funds of the Newberry campaign. Senators, I want you all to get this:

I regret that there are less than a dozen Republican Senators here listening to the arguments in a case that involves the honor and integrity of the Senate and the welfare of the American people. The average attendance of Republican Senators since we took up the Newberry case is less than 12.

Mr. Blair testified that he handled the money for the Newberry campaign committee.

> Mr. Blair, did you give out any checks for money that was used for corrupt purposes?
> No, sir; no, sir.

On cross-examination they said:

> Mr. Blair, did you know what the checks were paid out for?
> No, sir.
> You did not know, except by what the managers told you, who got the money, did you?

He said, "That is all," and yet he had sworn that none of it was used for corrupt purposes. I quote the substance of his statement to show you how willing and anxious he was to shield Mr. Newberry and to help him in every way possible. Mr. Newberry was his partner in business:

> Now, let me ask you another question, Mr. Blair. Did you not receive a check from the wife of Mr. Newberry, the candidate for the Senate?
> Yes, sir.
> How much was it for?
> Fifteen or twenty-five thousand dollars.
> Well, be as accurate as you can. What do you say it was?
> I will say it was $15,000.
> Who was that?
> That was Mrs. Truman H. Newberry.
> Is that the wife of the man who said he had nothing on earth to do with his campaign and knew nothing about any contributions being made by anybody to the campaign to which his brother-in-law was contributing, his brother was contributing, and his wife was contributing?
> Yes, sir; that is the man.
> What did you do with that $15,000?
> Well, we really did not take that.
> Why not?

Listen, Senators:

> Because the newspapers of Michigan were making such a fuss about money used in the Newberry campaign.

Did you get that, Senators? The campaign was so scandalous that the newspapers were giving broadside blows to it every day, and they tell us that Mr. Newberry did not know about it. He said:

> We did not accept it because we felt it would give the newspapers an opportunity to be more nasty than ever.

Do you get the full purport of that, Senators?

In effect he says, "We had no conscientious scruples about taking contributions from the candidate's wife. We did not care how much was used for the purpose of securing the nomination, but we were afraid"—that is the inference—"to use it, because it would give the newspapers an opportunity to be more nasty than ever."

Senators, do you believe that Mr. Newberry did not know what was going on in his primary in Michigan? My friend from Florida [Mr. TRAMMELL] has kindly furnished me the letter written by Mr. Newberry to Paul King, in which he talks about Mr. Osborn's financial condition. He says:

> There is much more information about Osborn's present plight—

This is ex-Gov. Osborn, who was also a candidate—

> I will tell you when I see you. The statement that he is short of ammunition is an absolute fact. Whether or not this was a feeler I will leave to you to judge when I talk to you about it.

Senators, there is not a lawyer in the world who would put upon that the construction that the Senator from Missouri [Mr. SPENCER] puts upon it. What else did he mean?

> The statement that he is short of ammunition is an absolute fact.

He meant campaign funds, of course.

Why, here is this rich man, Newberry, in close touch with Wall Street. Two of New York's citizens were contributing largely to his campaign. He knew, through the banks, just what Osborn's financial condition was, and he rejoiced, just like a condor would rejoice when he saw an animal bleeding, growing weaker and weaker as he fell upon the ground, the prey of the greedy condor.

Mr. TRAMMELL. Mr. President, will the Senator permit an interruption for just a second?

Mr. HEFLIN. I shall be glad to yield to my friend.

Mr. TRAMMELL. Referring to ex-Gov. Osborn's being out of ammunition, does not this record disclose the fact that they were apprehensive and worried about his ability and his capacity as a campaigner and as an orator?

Mr. HEFLIN. Yes.

Mr. TRAMMELL. Yet they claim that that is wherein he was short of ammunition, when that was what was worrying them!

Mr. HEFLIN. Why, the suggestion of the Senator from Missouri makes me laugh. He said that what Mr. Newberry meant by that was that he was out of argument. Why, there is no end to argument in a campaign. If a man has as vivid an imagination as my friend from Missouri [Mr. SPENCER] has, fictitious, fanciful, or manufactured arguments would last as long as the world stands.

Mr. WADSWORTH. Mr. President, is there any end of argument in the Senate?

Mr. HEFLIN. Well, this is one case that should be thoroughly discussed.

It is such a rare thing that I can get some of you Republicans in here to listen to the arguments in the Newberry case that I feel I should give you as many facts as possible when I do get you to listen. I like several of you personally, who seem to be very indifferent about this case, and I would like to see you face about and be saved before it is everlastingly too late.

Mr. President, there is another thing that I desire to mention just here. Some of these good people in the galleries, coming from all parts of the country, who may not come this way again, ought to have some facts to take away with them, because some of them doubtless live where the subsidized press will not permit the facts to reach them through the newspapers. I do not mean by that that all the press is subsidized.

There are a great many very fair and honest newspapers in the country, but some of them would just color the situation and give us the silent treatment; they would have us believe, like the Senator from Missouri would have us believe, that this man Newberry really needs to have a collection taken up for him.

Talk about Osborn being able to buy Newberry over many times! Why, they expended $30,000 in making up that moving-picture business of Newberry standing in a uniform on a fake battleship. Why, yes; he was out on the deck of a fake ship, a wooden ship, up in Union Square, I believe it was, in New York City, and he had it camouflaged so that it looked like a battleship at sea, and he was standing there with his glasses, peering out apparently at the enemy. A fake battleship, pure and simple. There was not any danger at all around him except the squirrels in the park, and they are exceedingly fond of nuts. [Laughter.] That expense, my friend from Ohio [Mr. POMERENE] informs me, was not included in the sworn account, and it amounted to $30,000. Why, I could read you many such items in the list that is printed in the New York World. There were thousands of dollars that were never accounted for in a sworn return or the returns that we were able to get at in spite of the loss and destruction of the checks, bank books, and stubs.

Fellow Senators, I repeat what I said on yesterday—the slime of the boodle serpent is over this man Newberry's tracks from the time he entered politics in 1904, when he tried to buy a seat in the lower House of Congress; down to the time he bought a seat in this body. That is mighty plain talk.

Mr. Newberry said that none of the expense of his campaign was made with his knowledge or consent. Now, let us see. He certainly knew that somebody was going to spend big sums of money for him, for Paul King told him that it would cost him at least $50,000. He posed for moving pictures. His own witnesses swear that he did that. He was bound to know about the expense that was being incurred there. His letter that I read to you, a copy of which is in the brief or bill of exceptions in his case in Michigan, said that he was bound only for the traveling expenses and publicity costs. I have shown you that the publicity costs were $140,000, and adding the $30,000 for the moving-picture expense gives a total of $170,000. That comes within $30,000 of being what they admit they expended, and he is responsible for it.

They say he is coming here. The Senator from Missouri would have us believe that he is sick. I sympathize with him if he is sick. I saw him here a little while back. He is a lusty looking fellow. He looked to me like he is worth $100,000,000. The Senator from Missouri will undertake to arouse sympathy for him by saying his health is exceedingly bad, and he has added to that this evening that he is almost a pauper. Certain Senators must be very hard pressed for argument to sustain them in trying to seat this millionaire.

Under the evidence in this case the vote of the Senate should be unanimous in denying to Mr. Newberry a seat in the United States Senate.

This body was once occupied by the bravest and best men that the Republic ever produced in the heyday of its power and its glory. They guarded the threshold of this Chamber with intrepid vigilance; they stood there with flaming swords, and no man could cross it who had the touch and taint of money upon his credentials. Have we reached the point where we will permit a man accused or his friends to destroy the checks used in his campaign, the check stubs, the bank checks, and refuse to come and testify before the committee, so we could have an opportunity to rebut his testimony and cross-examine him, to have a seat in this body?

Have we reached that stage where, when the report of an accused Senator reaches this body, immediately they commence to poll the other side, as the Senator from Oklahoma [Mr. HARREID] said, for the benefit of the Republican Senate leaders, to aid them in marshaling their forces to ram down the throats of the Senate and the people of the country a man who was convicted in his own State, and the evidence against him destroyed by his friends, who refused to testify, the majority members of the committee themselves refusing to request him to testify, and then polling the Senate before Senators have a chance to read the testimony and acquaint themselves with the facts? Senators, I ask again, have we reached the time when we will do that for a Democrat or a Republican? It is a dangerous day for the Republic if this thing goes through as scheduled by certain Republican leaders.

The Senator from Missouri interrupted my good friend the Senator from Arkansas [Mr. CARAWAY] when he was making one of the most brilliant and interesting speeches I have heard since I have been in this Chamber, in which he stung the Senator from New Hampshire [Mr. MOSES] like a yellow jacket. The Senator from Missouri [Mr. SPENCER] talked about the Senator from Arkansas being a bitter enemy of Mr. Newberry. I have never spoken to Mr. Newberry. I have seen him sitting over on the other side of the Chamber. I have even seen him preside over this body when an indictment was hanging over him for having bought a seat in the Senate.

What would you think if you should go to a courthouse where a man was being tried for a crime and the circuit judge should vacate his seat and let that man sit up there and preside while other matters were being transacted?

What is it about this man that causes Republican leaders to rush to his rescue, surround him with secrecy, keep him back from cross-examination, hide the facts in his case, which is about to go to a vote as to whether or not his seat in this body was bought?

I have not anything personal against Mr. Newberry. I would not permit my personal friendship or sympathy for any man to lead me to vote to clothe him with power in this body to pass upon questions that affect the destiny not only of the living but of the millions yet unborn in my country. I owe it to those living and to those yet to come to guard, as best I can, while I am here this sacred institution from the venal and corrupt use of money in politics.

There is nothing personal in it. The Senator from Arkansas [Mr. CARAWAY], like the Senator from Iowa [Mr. KENYON], like the Senator from Idaho [Mr. BORAH], who is going to address this body against Mr. Newberry, like the Senator from Nebraska [Mr. NORRIS], and other Senators whom I could name on the other side of the Chamber, is against him because he believes he bought his seat. He is against him because he is convinced by the testimony that he is not entitled to a seat here as a United States Senator—and he is not. Are you going to say by your vote that he is? Such a vote is not justified by the testimony. Do not you know that if he were entitled to a seat here, Senators KENYON, BORAH, NORRIS, and other Republican Senators now bitterly opposing him would be fighting for him to-day?

If certain Senators over there do not want to read my speech and the speeches of Senators POMERENE, WALSH of Montana, and MCKELLAR, I invite you to read the speech of the Senator from Iowa [Mr. KENYON]. I invite you to come here when the Senator from Idaho [Mr. BORAH] speaks.

The Senator from Missouri [Mr. SPENCER] can not dodge this issue by insinuating that there are those on this side of the Chamber who do not like Newberry and are just his bitter enemies. It is not a question of personal feeling at all. It is a matter of conscience. It is a matter of conviction. It is a matter of doing our duty by the Senate and living up to the oath that we took when we came here. It is a matter of courage as much as anything else. I know that when you fight the big money interests, when you fight Wall Street, you are fighting a big interest in this country.

The boys knew, when they went abroad to fight, that they were fighting a dangerous foe. They were fighting the greatest war machinery that ever appeared upon this earth in all the tide of time, but that did not keep them back. They did what their forefathers have done from the North and the South, from the days when the ragged Continental Army followed Washington over the frozen ground at Valley Forge down to the Battle of the Marne and in the Argonne Forest and on all the other hard-fought battle fields of France. They lived up to their duty. They died fighting for the principles they believed in, fighting for the honor of their country, fighting for victory for the flag. They never faltered. There was no money influence in the world that could cause them to break rank and retreat in the hour of danger and death in France.

This is the Republic they fought to save. This is the Republic that thousands of them died to save. What are we going to do toward saving it? God help every Senator here to

put his hand upon his heart and swear by all that is sacred that he will not betray his trust and vote to place seats in the Senate upon a bargain counter.

Mr. SPENCER obtained the floor.

Mr. NEW. Will the Senator yield?

Mr. SPENCER. I yield to the Senator from Indiana.

CONFIRMATION OF DISTRICT ATTORNEY HOMER ELLIOTT.

Mr. NEW. Mr. President, under the unanimous-consent agreement, under which we are operating, we can not have an executive session with closed doors. There is this condition relating to one nomination on the calendar, and that is for the office of United States district attorney at Indianapolis. The nomination has been unanimously reported from the Committee on the Judiciary. The present incumbent has resigned, his resignation to take effect January 7, and that resignation has been accepted. Unless the confirmation of his successor is had to-day, there will be a hiatus and the district will be without a district attorney.

Therefore, if there is no objection, upon that statement of fact I ask that the nomination of Mr. Homer Elliott to be United States district attorney for the district of Indiana be confirmed in open executive session.

Mr. POMERENE. Mr. President, as I understood a moment ago, in a conference with the Senator from Indiana on this subject, the term of the present United States district attorney has expired, and this is to fill a new term.

Mr. NEW. I will state the condition, and I make this statement in order that there may be no misunderstanding on that point. There have been three Democratic incumbents in the office. The first was Mr. Frank Z. Dailey, who was commissioned on the 7th day of January, eight years ago. He served for about three years of his term and resigned. Mr. L. Ert Slack was appointed to succeed him, and after having served about three years he resigned. Mr. Frederick Van Nuys was appointed to succeed Mr. Slack, and he has now served two years, so that on January 7 the three Democrats will have occupied that office for eight full years. We have not attempted to disturb them before the expiration of the full eight years.

The understanding between myself and the present district attorney is completely harmonious. There are no differences. It is not a forced resignation.

Mr. POMERENE. There is no objection on his part?

Mr. NEW. No; there is no objection on his part.

Mr. HEFLIN. This is not the district attorney for Michigan?

Mr. NEW. It is not; it is for the district of Indiana.

Mr. HEFLIN. What is the name of the candidate?

Mr. NEW. Homer Elliott.

Mr. HEFLIN. I have no objection to his confirmation.

The VICE PRESIDENT. Is there objection to the request of the Senator from Indiana that the Senate go into open executive session for the purpose of considering the nomination?

There being no objection, the Senate proceeded to the consideration of executive business in open executive session.

The VICE PRESIDENT. The question is on the confirmation of Homer Elliott, of Indiana, to be United States district attorney for the district of Indiana.

The motion was agreed to.

The VICE PRESIDENT. The Senate advises and consents to the nomination.

Mr. NEW. I ask that the President be notified.

The VICE PRESIDENT. The President will be notified of the confirmation of Mr. Elliott; and the Senate resumes its legislatitve session.

LABOR CONDITIONS IN WEST VIRGINIA.

Mr. SUTHERLAND. Mr. President, on the 22d of December, the day upon which the Senate adjourned for the Christmas holidays, the distinguished Senator from Arizona [Mr. ASHURST], in the course of a speech which he made, quoted an article which had appeared the preceding day in the Washington Times, in which certain statements were made regarding the condition of about 2,000 people in a community in the State of West Virginia, saying among other things that they were actually starving.

The speech of the Senator from Arizona was not printed in the RECORD until January 4. So I had no opportunity to know just exactly what was said, but I heard that some such statement had been made.

During the holidays I wired to the governor of West Virginia asking him to cause a thorough investigation to be made of conditions there and to advise me of the actual conditions, for the information of the Senate and for the information of the country.

I send to the desk and ask to have printed in the RECORD for the information of the Senate a letter setting forth the results of the governor's investigation and a telegram upon the same subject. I will not ask that they be read, as the hour is late.

I will add that I am quite sure the distinguished and very able Senator from Arizona did not intentionally mean to give currency to reports about my State which were exaggerated. I am sure he was misled by the article which appeared in the paper, which apparently was not based upon facts.

I wish also to say in the same connection that there is considerable unemployment in portions of West Virginia, just as there is considerable unemployment in other portions of the country. The conditions to which the article referred were supposed to be current in the coal region. In and about the coal mines, which in many instances are isolated, when the mines shut down there are no other means of employment at hand, and, of course, sometimes distress occurs. However, I am informed by those who are in close touch with the situation that there has been no suffering which has not been taken care of by the relief agencies in the counties in which those conditions may have existed, and that the conditions themselves had been very greatly exaggerated.

The VICE PRESIDENT. Without objection, the letter and telegram will be printed in the RECORD:

The matter referred to is as follows:

STATE OF WEST VIRGINIA,
EXECUTIVE DEPARTMENT,
Charleston, December 13, 1921.

Hon. HOWARD SUTHERLAND,
Member United States Senate, Washington, D. C.

MY DEAR SENATOR SUTHERLAND: I acknowledge receipt of your wire of the 28th instant, requesting information concerning reports that men, women, and children in certain West Virginia mining communities were destitute and in a starving condition.

Frankly, let me say that these reports, in so far as I have been able to determine from investigations which I caused to be initiated, are grossly exaggerated and are, seemingly, the product of imaginative minds of interested propagandists who are desirous of distorting conditions that exist in mining communities as a result of a depression in the coal industry and differences arising from the maintenance of contracts between employers and employees.

Senator ASHURST undoubtedly is misinformed as to conditions in West Virginia, and I regret very much that in a public forum he should give credence, even by publicity, to reports which he did not investigate and which are designed to injure a State and reflect upon the character of her people. Certainly if he were acquainted with the people of West Virginia he would not harbor a thought or entertain a doubt for an instant that they would permit a single family to suffer from privation while there was plenty about them. No more charitable people inhabit any State than those who live in West Virginia. There have been many untruths told about West Virginia, but none has been calculated to do more harm than the one that our people have permitted communities to starve. It is an aspersion on their character that they rightfully resent.

While there has been a depression in the coal industry and in many other forms of industry continuing for several months, this depression has been of a general nature and is as true of other States where coal is mined in commercial quantities as of West Virginia.

During the depression that has existed throughout the country, West Virginia has been one of the most favored of States and her unemployment has been much less a serious problem here than in many of her sister States, because of the diversity of industries found here. The unemployment in the whole of West Virginia has been less than in some of the cities of the country.

It is true that scattering cases of poverty have been discovered, but the welfare agencies find these cases even in times of general prosperity. And it is equally true that there has been no suffering in this State during the present depression which the local authorities or the local welfare agencies have been unable to alleviate.

When reports of suffering in the mining communities in the New River district reached me I immediately dispatched the State labor commissioner, George F. Daugherty, to the communities where suffering was reported to exist. From Fayette County I secured a personal report from Dr. S. Price, chairman of the Fayette Chapter of the American Red Cross. Their reports were substantially the same—that the reports of distressing conditions were not of a serious nature, and that the county authorities and Red Cross were prepared to give aid in any case of distress or suffering.

At my instance Labor Commissioner Daugherty also visited Raleigh County in the New River district, from whence had come similar reports of suffering. A local committee, consisting of Sheriff P. L. Blankenship, A. H. Matheny, overseer of poor, and Ralph G. Hess, editor of the Raleigh Herald, visited a number of families reported to be destitute. This committee, in its report to the governor, says:

"In no instance did we find a family starving and in every case we found they had food, enough to last for several days. To be sure, Christmas was perhaps not as bright as it might have been had the men been working, but there was no dire necessity anywhere. Mr. Matheny is and has been overseer of the poor for the past 11 years and is familiar with conditions in and about Beckley. He reports that no condition exists but that can be well taken care of locally."

The Kiwanis Club of Beckley also appointed a committee, consisting of J. L. Lineweaver, W. H. Rardin, and H. F. Willfong, to cooperate with similar committees from churches and other organizations to investigate conditions and give relief to destitute families. This committee in its report to me says:

"The undersigned committee, acting in connection with committees from some of the churches of Beckley and the King's Daughters, made a careful investigation in Beckley and a number of mining towns near Beckley, including Raleigh, Mabscott, Wickham, Riley, and some others, and found a number of families that were without means to provide for their children for Christmas as they had been in the habit of doing, and this committee purchased and distributed candies and other things for Christmas to about 57 families, in which there were about a total of 281 individuals. Out of the families visited and investigated this committee only found about three or four families that would have

been in destitute circumstances if they had not been given relief by their near neighbors. Among the families visited a number of them, where they had had sickness or for other reasons had needed help, had received help from the county, and a number of them had been helped regularly by their churches and the King's Daughters of Beckley.

"This committee wishes to further state that if at any time any person knows of any families in Raleigh County that are suffering for the necessities of life, if they will report to this committee, means will be provided for their relief. This committee further reports that, while money is not as plentiful in Raleigh County as it was when work was plentiful and wages high, we believe from our investigation that under present conditions all who are able and willing to work can have work and sufficient wages to support his family."

I believe these reports will be sufficient to dispel any belief that there has been wholesale destitution in West Virginia and that the people of this State are uncharitable.

Very truly, yours,

E. F. MORGAN, *Governor.*

CHARLESTON, W. VA., *January 4, 1922.*

HON. HOWARD SUTHERLAND,
United States Senator, Washington, D. C.:

My reference in letter of 31st instant to Fayette County is to Minden in particular. Investigations made there by labor commissioner, county authorities, and Red Cross chapter, who found reports of suffering grossly misrepresented.

E. F. MORGAN, *Governor.*

ADJOURNMENT.

Mr. SPENCER. I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 6 o'clock and 3 minutes p. m.) adjourned until to-morrow, Saturday, January 7, 1922, at 12 o'clock meridian.

CONFIRMATION.

Executive nomination confirmed by the Senate January 6, 1922.

UNITED STATES ATTORNEY.

Homer Elliott to be United States attorney, district of Indiana.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 6, 1922.*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Spirit of God, our guide and guardian be. Make every path of duty plain, and quicken us with an ardent hope and strong desire to do Thy will. May our gratitude rise to Thee as the breath of holy incense off the altars of our hearts. O give us this day the rich blessing of Thy presence, and may this be pledge of Thy fatherhood and a token of Thy love in a world without end. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. PARRISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a brief article prepared by Hon. S. C. Padelford, of Fort Worth, Tex., on the unconstitutionality of the antilynching bill.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

Following is the article referred to:

WHAT OF THE PROPOSED FEDERAL LAW AGAINST LYNCHING?

[By Hon. S. C. Padelford, Fort Worth, Tex.]

From statements in the newspapers, there is now pending in Congress a bill which provides for the punishment of five or more parties who may have been engaged in a lynching, fixing the punishment of the parties engaged, and also assessing a penalty of $10,000 against the county in which such lynching occurred.

According to the Constitution of the United States as originally adopted, the States delegated to the Federal Government only that portion of sovereignty originally held by the States which affects interstate, national, and foreign affairs and matters, and all other sovereignty not so delegated was reserved unto the States. In order that this construction of the Constitution might not be doubtful, the tenth amendment was adopted, which provides "that the powers not granted to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people thereof."

Under the original Constitution and the tenth amendment thereof, all police powers not delegated to the Federal Government for the purposes mentioned above are expressly reserved unto the States or the people thereof. Since then, by amendment, especially the eighteenth, some of the States' police power which does not relate to national, interstate, or foreign matters, has been delegated to the Federal Government, and also under certain decisions of the courts the police powers which formerly were considered as belonging solely to the States have been assumed by the Federal Government.

All crimes not relating to interstate, national, or foreign matters were originally held to be reserved unto the States and each State had jurisdiction to punish all crimes, with the exception above, committed in a State until the adoption of the eighteenth and other amendments. Under the eighteenth amendment the Federal Government has jurisdiction to punish the illegal keeping or selling of intoxicating liquors, though committed within a locality situated altogether within a State and though having no connection whatsoever with interstate, national, or foreign affairs.

This proposed bill, in effect, punishes a local murder if committed by a combination of five individuals or more, and it levies a penalty of $10,000 against the county in which a lynching may occur.

In accordance with the doctrine as established by our Supreme Court for more than a century this bill, if correctly quoted, is directly in conflict with the Federal Constitution, and especially with the tenth amendment. In the Seventh Wallace, 700, Chief Justice Chase, speaking for the court, in giving the character of our dual government, states that "it is an indestructible Union composed of indestructible States."

If Congress can pass a criminal law punishing five or more persons who have combined and committed murder wholly within a State, then it can punish one party who commits murder wholly within a State and which has no connection whatsoever with interstate, national, or foreign affairs. If Congress can pass a law punishing murder, it can pass a law punishing every crime in the catalogue of State crimes, and thereby assume and take from the States all of their police power to punish local and State offenses or to exercise any other sovereign power. There has been for years past a tendency for the Federal Government to continually extend its powers and infringe upon the sovereignty of the States, but this proposed law is the most far-reaching, extreme, drastic, and dangerous exercise of power by Congress which has heretofore been attempted, and its effect, if exercised, would so extend the Federal jurisdiction as to assume and comprehend all sovereignty now exercised by the States, and thus destroy the States, and by thus destroying the States destroy the Union by forming a consolidated empire, without any limitation whatsoever upon its exercise of sovereignty.

If the States should resume all sovereignty which was originally delegated by the States to the Union, and thus acquire all sovereignty, each State would become an unlimited sovereign empire and we would have 48 independent sovereign governments and the Union would be dissolved and destroyed.

The power of the States thus to destroy the Union by resuming unto themselves all sovereignty has been settled by the arbitrament of arms adversely to the right of the States to exercise this unlimited power.

Early in the history of our Federal Government the Federal Supreme Court established the principle that the power to tax is a power to destroy. The States can not tax the Federal Government, its officers, or agencies, because such a power carries with it the power to destroy. Neither can the Federal Government tax the States or their officers or agencies, because such a power carries with it the power to destroy the States, and the State governments are just as indestructible as the Federal Government is indissoluble.

If the power to tax is a power to destroy, the power to levy a penalty against a State or an agency of the State is equally a power to destroy. If the Federal Government can assess a penalty against a county, which is an agency and part of the State government, it can levy such a penalty against the whole State itself. It has no more power to assess a penalty against a part of a State than upon the whole. If Congress can levy a penalty of $10,000 against a county, then it can levy a penalty of millions and billions of dollars against each and every State and thereby destroy the States, and by destroying the States dissolve and destroy the Union.

The principal excuse given for the passage of this law is that the States have failed to execute its laws punishing lynching and other crimes. This is the first time in the history of our Government where the failure of the States to properly exercise the exclusive sovereignty reserved by them is claimed to delegate to the Federal Government the sovereignty thus not effectively exercised by the States. If this be a ground of jurisdiction, then Congress can claim that because the States have failed to exercise and carry into effect any or all of the sovereignty reserved by them delegates and confers jurisdiction upon Congress and authorizes the Federal Government to assume this power and exercise it instead of the States.

The financial and money powers of this Government have gradually been and are now being mobilized and concentered in the Northeast and at present the Federal Government is under the control of this heartless power, and should all sovereignty, according to the principle of the bill proposed, be assumed by the Federal Government, then this moneyed power having control of the sovereignty of the greatest Nation upon earth will gradually reduce the great mass of the people to industrial slavery. If the moneyed power can concentrate and control the sovereignty of the whole people, then the welfare and the liberty of all is in jeopardy.

As long as the States retain this sovereignty it can not be mobilized and centered in the Northeast, or in the hands of any section or class, but will remain with and under the control of the people.

This principle of divided sovereignty, the larger portion of which is partitioned among the States, lies at the foundation of our social system and is that principle which has preserved our liberties and made us what we are and have been. The principle underlying this proposed law and its effect will be and is the concentration at Washington of all sovereignty, to destroy the States, dissolve the Union, and change the form of our government, under which the people of the United States have grown happier, greater, and stronger in a shorter space of time than any other people during the ages past.

If the States can not resume the sovereignty originally delegated to the Federal Government by them and thus destroy the Union, then it is as impossible for the Federal Government to assume all of the sovereignty thus reserved unto the States or the people, and likewise as certainly destroy the Union. If the States can not by the resumption of this power destroy the Union, and if such an attempt on the part of the States would be a political crime, then equally is the Federal Government powerless, by the assumption of all the sovereignty reserved by the States, to likewise destroy the Union. If one is a political crime, the other is equally as great a political crime.

It therefore behooves the people of Texas, and of every other State, to see to it that the State laws against murder and every other crime are surely, certainly, and promptly executed, so that no such excuse can or shall be claimed for such dangerous extension and exercise of the sovereign power by the Federal Government.

Lynching of a party by a mob composed of five or any other number is simply murder, and it is the bounden duty of this and every other State to exercise all of its sovereign power if necessary to preserve the lives, the liberty, and the property of each and every individual. There

are two great enemies to our free institutions, the one is the mob and the other the monopoly. Both are equally the enemies of our liberties, our prosperity, and our happiness; they are the twin ogres which are threatening our system of independent dual governments, founded upon the principle of two separate representative democracies, acting independently of each other, but both comprising the exercise of all sovereignty necessary and proper to the true purposes of the greatest and freest Government upon earth. It is to be hoped that the Members of Congress, by enacting this proposed law, will not prostitute the welfare of our common country to the interest of party and place partisanship above patriotism.

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by presenting an argument in support of a bill that I introduced on yesterday to regulate the procedure in the Supreme Court and regulate generally the matter of the aggression of the Federal power.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

The following is the argument referred to:

Mr. McSWAIN. Mr. Speaker, I desire to direct my remarks to the dangerous tendency of centralizing authority in Washington in the hands of the Federal Government. In order to check one method of centralization and one manifestation of the concentration of power I have introduced a bill requiring that at least seven of the Justices of the Supreme Court of the United States must concur in their opinion that an act of Congress or a statute of a State legislature is unconstitutional before the court can declare such act or statute to be void for unconstitutionality.

THE CONSTITUTIONAL QUESTION.

The first question that must present itself is the constitutionality of this proposed act of Congress itself. Is it constitutionally proper for Congress to prescribe the vote in the Supreme Court as to its decisions or as to some of its decisions? I think the gentlemen will resolve this question in the affirmative when they recall it is always competent for the legislative authority to prescribe the rules of practice and procedure prevailing in courts of all degree. The Constitution of the United States merely provides that there shall be a Supreme Court, but does not prescribe the number of justices nor any of the procedure respecting same. Accordingly the Congress from the very first prescribed the mode and manner of taking appeals by either writs of error or certiorari from the inferior United States courts and from the highest courts of appeal within the several States. Furthermore, Congress has prescribed the terms of the court, and has prescribed what shall constitute a quorum of the court, and the proposed legislation merely seeks to prescribe the quorum of the courts as to decision on constitutional questions. In other words, Congress could prescribe that the Supreme Court should not have any session nor attend to any business unless all nine members of the court are present. So Congress can prescribe that at least seven members of the court must agree that an act of Congress or a statute of a State is in conflict with the fundamental law before it can be held void on that ground.

THE REASON FOR THE BILL.

The next question is as to the necessity and wisdom of the proposed legislation. I respectfully call the attention of Congress to the fact that many hundreds of State statutes and acts of Congress have been declared unconstitutional, and in nearly all of the cases the court has been almost evenly divided. Only quite recently, on December 19, 1921, the Supreme Court of the United States in the case of William Truax et al. against Michael Corrigan et al. held and declared to be void a statute of the State of Arizona by the usual ratio of five to four. In this connection I will call the attention of Congress later on to the history in the Supreme Court of the United States of the case of Pollock v. Loan & Trust Co. (157 U. S., 429), decided in 1894. In the last-named case the court had under consideration the constitutionality of an income tax law the same in principle as had been in existence from time to time since the year 1794. The decision of the court would have been in favor of the constitutionality, except for the fact that one of the judges changed his mind and tipped the balances by the narrow margin of five to four against the constitutionality of a long list of congressional acts.

LET THE COURTS RESPECT THEMSELVES.

We hear much said about lawlessness and about the lack of respect by the people for laws and for the courts, and the criticisms are justified. But I call the attention of Congress and of the country to the lack of respect by the majority of the court for the minority of the court. Courts approach the consideration of the constitutionality of a statute with the declared major premise that the act is presumed to be constitutional and must be found to be unconstitutional beyond a reasonable doubt in order to justify a court in frustrating the solemn deed of a coordinate branch of the Government. And yet in the face of this fundamental proposition we find five members of the court holding that State statutes and acts of Congress are unconstitutional, while four members of the same court file vigorous and logical dissenting opinions, arguing that these legislative acts are constitutional. We therefore have a right to ask why it is that the learned and laborious dissenting opinions do not raise a reasonable doubt in the minds of the majority. This five to four ratio is becoming a serious question in the minds of the thinking people in the country. The effect is that one man, the fifth member of the majority, is exercising the power to overthrow the will of Congress and the approval of the President, who voices the majority of more than 100,000,000 people. So it is fair to say that it is one man against at least 51,000,000 people. So in the case of appeals from the highest courts in the States. The average population of the 48 States is more than 2,000,000 people. When the Supreme Court of the United States by a five to four division holds the statutes of a State to be unconstitutional, then we have the case of one man tilting the balances and declaring null and void the solemn will of a clear majority of more than 2,000,000 people, and here again we have a ratio of one man against more than a million people.

DOES NOT DESTROY BUT PRESERVES THE COURT'S POWER.

I concede that partisan zeal and prejudice from various causes may result in acts of Congress and statutes of States that are unconstitutional, and in such case there should be power vested in the courts so to declare. But the principles of the Constitution and of constitutional interpretation have been thoroughly understood for more than 125 years. There is no excuse for a five to four decision. If the Constitution has been violated by an act of Congress or of a State legislature, that violation ought to be so manifest that at least seven judges out of nine can see it and declare it. In fact, it would not be so unreasonable to require a unanimous decision on the proper construction of a Constitution which has constantly been before the courts for more than 125 years, as it is to require the unanimous verdict by a jury which hears parole testimony from conflicting witnesses.

And yet we will not convict a bootlegger or a petty thief without a unanimous verdict, and at the same time we allow the Supreme Court of the United States by a five to four decision to declare the solemn will of the whole American people speaking through Congress, consisting of 533 men, at least 80 per cent of whom are lawyers and have taken a solemn oath to protect and defend the Constitution without mental reservation or equivocation, to be utterly null and void. At the same time by this five to four ratio the sovereign will of the people of a State with regard to matters of internal policy is set aside. It seems only necessary to call the attention of the country to this particular situation without enlarging upon its dangers or explaining how hostile it is to the ideals of democratic institutions.

The following extract, beginning at page 220 of "Federal Usurpation," by Franklin Pierce, published in 1908, is a very interesting comment upon the history of a very important line of decisions in the Supreme Court. The Wilson revenue bill having imposed a tax on all incomes of more than $4,000, the constitutionality of that tax was attacked:

The constitutionality of this act, so far as it imposed a duty upon incomes, was contested in the United States Supreme Court in a suit in equity by one Pollock against the Farmers' Loan & Trust Co. (157 U. S., 429) to prevent a threatened breach of trust by the defendant in the misapplication or diversion of its funds by the illegal payment from its capital of the income tax on its profits. Pollock was a stockholder of the defendant, and he alleged that they threatened to pay the tax and thus impair his interest, and as the payment would result in a multiplicity of suits that he asked an injunction from the equity court enjoining the defendant from paying the tax. It was the claim of the plaintiff that the income tax was a direct tax, and therefore must be apportioned among the several States according to their respective numbers, and could not be imposed as a duty, impost, or excise uniformly throughout the United States upon annual incomes.

By the act of June 5, 1794, Congress laid a tax upon carriages for the conveyance of persons, and the question whether this was a direct tax within the meaning of the Constitution was decided at that time by the United States Supreme Court, Hilton v. United States (3 Dallas, 171). Mr. Justice Wilson, who was one of the most prominent members of the convention framing the Constitution, Mr. Justice Chase, one of the ablest jurists of his time, Mr. Justice Patterson, and Mr. Justice Iredell, sitting in that court at that time, each expressed the reasons for their conclusions holding that the tax was an indirect tax or duty. Mr. Justice Patterson, who read the principal opinion, said: "I never entertained a doubt that the principal, I will not say the only, objects that the framers of the Constitution contemplated as falling within the rule of apportionment, were a capitation tax and a tax on land." This case had been cited by every textbook

writer on the Constitution from that time until the Pollock case as holding exclusively that a direct tax within the meaning of the Constitution was only a poll or capitation tax, or a tax directly upon real estate, and that all other taxes were indirect taxes, duties, imposts, or excises. For over a hundred years the United States Government had thus construed the law.

Commencing with 1798 and extending down to 1816 five income taxes had been imposed, and in every one of those cases the Government had followed the decision in the Hilton case, the assumption being that that decision had settled the law for this country. From 1861 to 1870 eight different statutes imposing taxes on income arising from both real estate and personal property had been enacted. Literally hundreds of millions of dollars had been taken from the taxpayers through income taxes of the same nature as the provision in the Wilson bill. In Springer *v.* United States (102 U. S., 586), a case decided in 1884, the question of the validity of one of the Civil War income taxes was involved. Springer was assessed on his professional earnings and on the interest of United States bonds. He refused to pay, and, his real estate consequently being sold, the suit involved the validity of the tax as a basis for the sale. The United States Supreme Court held the tax valid.

Notwithstanding this hundred years of unbroken history in its courts and in all of the departments of the Government, recognizing that a direct tax meant only a poll tax or tax on real estate, the United States Supreme Court by a majority of five to four declared the provision of the Wilson bill unconstitutional. On April 8, 1895, a partial decision of the case was made, in which the court, consisting of eight members only, was evenly divided as to the constitutionality of the tax imposed upon an income from personal property, but a majority of the court determined that the tax was unconstitutional as to the provision on incomes from real estate and municipal bonds. A final decision on the constitutionality of the law as regards personalty was deferred owing to the absence from illness of Mr. Justice Jackson. A few weeks later the court rendered its decision, but in the meantime Mr. Justice Shiras, who on April 8 had been favorable to the constitutionality of the law as to personal property, had changed his opinion; so on May 20 the whole act was declared unconstitutional, Justices Harlan, Brown, Jackson, and White dissenting.

What do you call this but judicial juggling with supreme power? It smacks of the quality of historical romance of how Rome was saved by the cackling of geese, of how overeating caused Napoleon to lose the field of Waterloo, of how the stumbling of William the Conqueror, as he stepped on English soil, was symbolic of coming victory. Constitutional liberty can not permanently play such a game of hide and seek.

ONLY PART OF GENERAL TENDENCY.

But the tendency to have State legislation reviewed in the Supreme Court of the United States is but one tendency toward the accumulation of all governmental power into Federal hands. The minority in the various States, especially the extreme reactionary element, seems determined to bring every progressive piece of legislation under the review of the Supreme Court of the United States in the hope of having the same declared to be unconstitutional, on the ground that the same is charged with violating the fourteenth amendment with respect to due process of law and equality of laws. Now, what is due process and what is equality of laws? While many definitions have been made, they are all elastic, expansive, and variable, and some of them equivocal, so that with each case that comes before the Supreme Court of the United States where a State statute is attacked on these grounds there is no hard-and-fast rule, but it resolves itself into a question before each member of the court, "In your opinion does this statute afford due process of law, or does it deny equality of protection under the laws?" And the answer to this question can be so easily influenced by the subjective sympathy and mental predilection of the members of the court. It is so easy to say, "I do not like any such legislation. It is too radical. Its logical consequence might upset my personal vested interests in another State. My social intimates do not approve of such legislation. My whole practice at the bar was in opposition to such legislation. My view of economic solidarity is in conflict with such legislation. My ethical conceptions are violated by such legislation. Therefore, while there is no hard and fast constitutional rule binding me, I vote to declare the statute of the State unconstitutional."

SEVEN TO TWO IS REASONABLE—FIVE TO FOUR IS NOT.

It is not unreasonable that seven justices of the court should be required to agree before they can set aside the sovereign will either of the Nation or of the State. To allow a dissent of two justices is more than ample to take care of the personal equation and individual idiosyncrasies. It is hard to get all men to agree upon any one proposition, but it ought not to be difficult for seven out of nine men learned in the law, who have been familiar with the Constitution of the United States and its correct interpretation anywhere from 25 years to 50 years each, to agree that the statute of the legislative body which directly expresses the will of the people is in violation of the fundamental principles of the Government as expressed in the Constitution. The spirit of the Constitution is the Constitution. The validity of statutes solemnly enacted by the legislative bodies should not be destroyed by verbal quibbling and sophistical dialectics.

ANOTHER DANGEROUS FEDERAL AGGRESSION.

In this connection I further call the attention of the Congress and the country to the vast powers now centralized in the Executive branch of the Federal Government. We find from the latest report of the Civil Service Commission that there are nearly 600,000 civilian employees on the pay rolls of the Federal Government, and every one of these persons is dependent directly or indirectly, legally or practically, upon the political sympathy of the Chief Executive. The President has the appointment under the law of about 15,000 public officials. Such power is stupendous and is full of danger. Remember that 150,000 members of the Army and 100,000 members of the Navy are also under the direct control of the President, so that you have three-fourths of a million persons under the Constitution as it exists to-day who may be influenced very powerfully by the will of the President. Our country has been blessed with good and patriotic men to guide her as President, but we must not ignore the lessons of history. Remember the history of France and the history of Germany as it has manifested itself within the memory of men now living. The Republic of France, 60 years after the great revolution, was overthrown by Napoleon III while he was President of that Republic, and yet the "Little Napoleon" did not have within his hands the same relative power that the President of the United States enjoys. And so in Germany, before the iron hand of Bismarck had molded the several German States into a consolidated empire, there was liberty, there was a spirit of democracy, there was a spirit of progress, but when this accumulated power came into the hands of a vigorous and ambitious man such as William II we find militarism and imperialism lording it over the rights and liberties of civilians, and having made all Germany an armed camp and being filled with the pride of power and drunk with ambition we find the whole nation following the "Kaiser" in a mad dash to conquer the world. Who can say but that in time to come a powerful and ambitious man may become President of this great Republic, and if such ever is the case it would be too great a temptation for him to find in his hands such enormous power. While camouflaging his ambitious schemes behind a pretended crusade for the strengthening and enriching of a Nation he could perfect his plans and by an opportune coup d'état perpetuate himself in power and make puppets of the people who hitherto have been independent and patriotic.

ALL MONEY IN CIRCULATION REQUIRED TO PAY TAXES.

The effect of aggression of power in Federal hands is nowhere better illustrated than by the increase in the national budget. It seems but a few years since the country was shocked by the announcement that the annual budget was $1,000,000,000. And yet to-day, in peace times, the annual budget is more than four and a half billion dollars, and if we deduct the interest on the debt incurred by the World War the annual budget will still be nearly $4,000,000,000. This multiplication by four of the expenditures of the National Government illustrates how swiftly the activities of the National Government have multiplied and enlarged. By way of comparison, we find that the revenues to support the State governments of all the 48 States and all the township governments within the States and all the municipalities within the States and all the school districts within the States aggregate less than one-half of the total expenses of the National Government, and in this connection it is interesting to note that taxation by both the National Government and the State governments, directly and through their various subdivisions, is becoming so voluminous, so huge, that even if every dollar of money in circulation amongst the people in all the country were to pass through the tax collector's hands once a year it would not be sufficient to pay the expenses of our dual system of government. It takes more than $6,000,000,000 a year to pay for the National Government and the State governments and their various subdivisions, and yet there is less than $6,000,000,000 in circulation, including specie, Treasury notes, greenbacks, gold certificates, silver certificates, Federal reserve notes, and every other form of money. The result is that if all the hundred million people had every dollar pass through their hands to pay the same over once a year to the taxgatherer, still the tax demands would not be satisfied.

AS NATIONAL POWER RISES STATE POWER FALLS.

My opposition to the concentration of so much power in the administrative bureaus in Washington grows out of the fact that it spells a corresponding diminution of power in the States. The enlargement of one means the shrinking of the other. My views are not based upon tradition or sectional prejudice or historic schisms. My views are based upon grounds of public policy. They grow out of a conception of government, and are developed in the light of our historic experience. Those who

framed our system of government were not inspired, but they were truly wise men. It was no accident that their work provoked that great encomium spoken by William E. Gladstone. They had had experience through the trying years of the Revolution. They had helped to establish republican institutions in the 13 several States, and had erected governments therein founded upon written constitutions. They had studied the science of government as taught by Locke and Montesquieu. They had studied the history of the great republics, ancient and modern, and they came together with the deliberate purpose of establishing a more perfect union, to insure domestic tranquillity, to provide for the common defense, and to secure the blessings of liberty to themselves and their posterity. How well they have accomplished those aims is manifested by the marvelous development of this country since that day in every direction. Our territory has been multiplied many times; our population has grown with our territory; and our institutions have expanded to the changing circumstances of science and civilization. Though it took more than half a century of debate and discussion and four years of civil war to settle forever in the minds of all the people the proper constitutional status of the States within the Union, yet that status is established and has solemnly been declared time and time again to be "an indestructible union of indestructible States."

THE STATES INSURE LOCAL SELF-GOVERNMENT.

Now, the existence of 48 States, with the power reserved to them under the Federal Constitution to legislate upon the mass of domestic concerns, is the chief guaranty to the people of this Union of the right of local self-government. Local self-government is the inheritance of all Anglo-Saxon people; it is the nursery of Anglo-Saxon liberty; it is the school of Anglo-Saxon citizenship; it is the source of our American strength. There is danger in solidifying government: The minority, which might consist of more than 50,000,000 people, would be too large and too well organized to submit freely and easily to the domination of a majority. But when this minority of 50,000,000 people is broken up into 48 different fractions, and where the people in the 48 different States are divided perhaps upon 48 different questions, cooperation amongst these minorities will be practically impossible, and the general submission to the will of the majority is accomplished. Furthermore, with a consolidated Republic seeking to legislate upon myriads of matters relating to life, liberty, and property, it would be impossible to frame general legislation so as to take care of the diverse rights, the multifarious interests, and the varying feelings of the people in all parts of the country. We must remember that people are more concerned about laws and their administration as they relate to the intimate domestic relations and business concerns than they are about national affairs. Therefore the people might easily become aroused and angered and enraged beyond the point of control by nation-wide legislation affecting the status of marriage, or the relation of parent and child, or of master and servant, or of employer and employee. But where these matters are legislated upon in 48 different States, this feeling is broken up into 48 different fractions and the ship of State goes on without feeling the slightest tremor of excitement. Rome recognized the necessity of letting her colonial Provinces and her subject peoples live under their traditional laws. Great Britain, with her far-flung Empire, recognizes the same principle. We see her to-day voluntarily voting autonomy for a part of the United Kingdom, and giving to the Irish people the chance to be governed by their own representatives. There is much diversity in this Nation between the cavalier of Virginia and the frontiersman of those great new empire States of the West. There is a great difference between the modern New England puritan and the Latin peoples of Louisiana and other Southwestern States. There is a difference between the all-white population of the Northern and Northwestern States and the biracial populations of the Southern States. There is a difference between the population of the East with the large percentage of foreigners and the native-born American population of the South. Nation-wide legislation can not properly regulate such a diverse people if it applies to the matters that come home to the breasts and bosoms of men, to the domestic and business affairs of the people.

THE STATES AS "INSULATED CHAMBERS" OF EXPERIMENT.

The 48 States pursue their several ways in the development of government, constituting a great experiment station for each other. One State enacts novel and so-called radical legislation, and if the same is a failure the other 47 States are unhurt; but if the same proves wise and progressive, the other 47 States may profit by the example. In this connection I quote an extract from the dissenting opinion of Mr. Justice Oliver Wendell Holmes in the case already referred to of Truax against Corrigan, decided on December 19, 1921, as follows:

I must add one general consideration. There is nothing that I more deprecate than the use of the fourteenth amendment beyond the absolute compulsion of its words to prevent the making of social experiments that an important part of the community desires, in the insulated chambers afforded by the several States, even though the experiments may seem futile or even noxious to me and to those whose judgment I most respect.

THE STATES AND NATION AS MUTUAL CHECKS.

The checks and balances established by the Federal Constitution within the Federal Government itself have often been commended as the agencies for restraining the radical and revolutionary spirit that seems to rise periodically in the breasts of the people. But the establishment of the Federal system whereby the National Government is restrained within the sphere marked out by the Federal Constitution and all the rest of sovereign power confined to the several States is a masterpiece in the way of creating checks and balances. It is entirely within the bounds of our history to say that the Federal Government at times comes under the domination and control of ultraradical sentiment and at other times under ultrareactionary control and domination. For illustration: It usually happens that while the Federal Government is under control of some dominant passion about one-half of the State governments remain dominated by contrary ideas and governmental policy. Under such conditions assume there be no restraint and boundary to the powers that Congress may exercise and that the other branches of Government may exercise in the administration of congressional legislation, then you will find legislation of ultraradical and idealistic policies enacted by Congress, and through the breach now proposed to be made in the defenses of State rights such congressional legislation will be driven into the States themselves, and the States (which are still the citadels of conservatism) will by Federal power be forced into the line and ranks of the radicals.

Gentlemen who advocate such legislation as this, which breaks down the barriers of State rights, should take a second thought and contemplate a change of conditions, and must remember that if this antilynching bill passes and is sustained, it will be recorded for precedent "and many an error by the same example will rush into the State." Each State has always cherished, and I believe still cherishes, the right and power to control such internal matters as domestic relations—husband and wife, parent and child, master and servant, employer and employees, landlord and tenant, and the thousands of intricate relations growing out of these. Once make an opening into the walls of defense that for more than 125 years have preserved to the States their individuality, their integrity, and their right of local self-government, and you may soon expect an invasion into the domain of State control for other reasons and upon other pretexts. It will be complained, for example, that some State is too conservative in the matters of master and servant and congressional legislation will be invoked to force that State into conformity with the social and economic ideals of a majority in Congress.

HOW THE STATES AND THE NATION MUTUALLY ACT AND REACT.

But, on the other hand, preserve to the States their constitutional power and even if the Federal Government does for a time fall into the hands of the ultraradical or the ultraconservative, still about one-half of the States will continue to be the strongholds of the contrary ideas, and from these strongholds may sally forth the champions of their cause and by reason thereof in a few years a majority of the people of the whole Nation may be convinced that a change of administration in the National Government is desirable. By reason of this condition, we may fairly expect slow but continuous progress in our republican institutions. It was Aristotle who said that a monarchy is a swift sailboat that outruns all the other barks upon the seas, but if perchance it goes upon the breakers, it is a complete wreck. On the contrary, a democracy is a raft where all the people may ride safely, though slowly, and with their feet constantly in the water. Our forefathers wisely adopted the idea of a raft as the pattern for our ship of state. We will progress slowly but surely, if we keep to the standards of our fathers. Let it be our aim, as it was the aim of "our old mother beyond the seas," from whom we brought the ideals and traditions of Anglo-Saxon liberty, to be "a land of settled government, of just and old renown, where freedom broadens slowly down from precedent to precedent."

CITIZENSHIP OF STATES AND NATION THE SAME.

And then let us in all fairness ask ourselves, "How can it be that ultimately and permanently Federal administration of law may be more efficient and effective in preventing crime than State administration of law? Are not the Federal judges and the jurors of the Federal court the same sort of men, of the same blood and bone, of the same teachings, the same traditions, as are the State judges and the State jurors? In fact, are not

the people of the United States at one and the same time the people of all of the several States? Can it be that a man as a citizen of the United States is nobler and stronger and more law-abiding than that same man is in his capacity as a citizen of his mother State?" No government can rise above its source, which is the people. There is no magic, nor majesty, nor imperial virtue merely in Federal laws or Federal officials. Distance may have lent enchantment to some people in remote sections and they may think that Federal lawmakers and Federal judges are supermen, but we who have a close-up vision of these same mortals know that they are all human, subject to the same human frailties, human fancies, and human feelings.

THE PEOPLE WILL DEFEND THE RIGHTS OF THE STATES.

I am persuaded that the people of each one of the 48 States love their respective States. I am persuaded that if the people were made to understand how such legislation tends to overreach the proper constitutional limits of Federal power and to invade the province of State power, they would rise in protest and would condemn those who suggest such course of conduct and would drive them from power. I remember how the people of nearly all the States—42 States in all—irrespective of section, were shocked and outraged by the order of the Interstate Commerce Commission that the railroads engaged in strictly and exclusively intrastate business must charge the same rates as railroads engaged in interstate business. The people proposed to fight this unwarranted assumption of Federal power, and they are fighting to-day in the Supreme Court of the United States, and if that court should sustain the order of the Interstate Commerce Commission it is almost sure to be made an issue in the next nation-wide campaign. The people of the States will say that they chartered the railroads, that they built their railroads, and that they demand the right to control their railroads, and if under existing law the Interstate Commerce Commission is held to have the power to fix one uniform schedule of rates and fares all over the Nation for every railroad, both intrastate and interstate, then the people will demand the repeal of any such legislation, and, if necessary, will demand the enactment of a constitutional amendment.

THE COMPLETE DEGRADATION OF THE STATES.

If such centralizing legislation as this antilynching bill continues to be enacted by Congress, and if the same is approved by the President and sustained by the Supreme Court, then we may wipe off the flag of our country every star that represents a State, since such stars will no longer signify statehood. The States will be mere geographical subdivisions, mere dependent Provinces. To be a governor of a State will no longer be a coveted honor but will be an empty mockery. Able men will refuse to accept positions as State legislators, State judges, and State executives. Being no longer places of power, they will become positions of peril. Any governor or any judge or any legislator will be liable at any moment to be snatched from his official station and brought before a Federal court to be indicted and tried as a criminal merely because he was seeking to discharge his duty as a State official. If Congress can punish a sheriff for the manner in which he discharges his duties as sheriff, so it can punish a governor, and if it can punish a governor it can punish all the members of the State legislature, and in like manner it can punish all the members of the Supreme Court and all the State judges, merely because the legislature may have passed a law and the governor and the sheriff may have sought to enforce a law and the judges of the Supreme Court may have construed and sustained a law which was subsequently held in a Federal court to violate due process of law and to deny equal protection of the law.

LYNCHING IS THE CULMINATION OF CRIME AND LAWLESSNESS.

I decline to be understood as defending in any way and upon any grounds the crime of lynching. There are thousands of murders being committed in every part of the country and hundreds of thousands of lesser crimes. I am sure that no one in this House defends crime or lawlessness in any form. Lynching is one form of lawlessness provoked by another form of lawlessness. Other crimes are self-originated. It can not be said that one murder provokes another murder nor that one killing provokes another killing, but it is always some crime either unspeakably heinous or less flagrant that provokes on the part of the people of a community, sometimes including the most law-abiding and God-fearing men in a community, to rush with a sort of involuntary movement to avenge some outrage. This spirit may be psychologically related to the spirit of revolution. It is not always a protest against the delay and uncertainty of the law; it is more frequently the outburst of a sort of righteous indignation against a brutal crime. I know that in the process of civilization "regulators" and self-constituted executives and a sort of rude code of justice have preceded the settled and orderly administration of law. And under certain circumstances when the veneer of civilization is scratched men may in an instant revert to primeval instincts and work a hasty and extralegal justice. I know that in the interests of civilization we must repress this tendency and, most important of all, we must repress the tendency to commit any crime of any degree by any person of any race. We need to wage in every State in the Nation a campaign against lawlessness, which has its root in sin. No State is free from lawlessness, and all should join us in a State-wide and Nation-wide campaign and propaganda to repress crime by building up a healthy sentiment and by upholding the hands of all officers of the law.

SEEKING TO DO RIGHT IN THE WRONG WAY.

But there is a right way and a wrong way in which to do a good and desirable thing. There are hundreds of economic and sociological questions waiting for solution in the several States and by the several States, but it will not do for Congress to step in, in defiance of the Constitution, and seek to solve those questions over the heads of the people of the State. Unless a people of a section be themselves self-controlled and genuinely in sympathy with the enforcement of a law that law can not be enforced, it makes no difference whether it be enacted by the Congress of the United States or the State legislature and whether it is to be enforced in a Federal court or a State court and whether the consequences of violation be confinement in a Federal penitentiary or in a State penitentiary. Criminals do not always count the consequences, and if they find that the sentiment even of the most law-abiding people in the community in which they live does not approve of the law and of the manner of its enactment and of the agency for this enforcement the criminal will become unbridled.

And again, imagine a case which would be sure to arise at an early date where the people of a community involuntarily, impulsively, with a feeling of justification, rushed to avenge some unmentionable crime, and with hundreds in pursuit the United States marshal appears on the ground with his deputies to defend the fleeing criminal, and, finding himself outnumbered, he calls on the President by telegram, and the President sends a company or a battalion of United States soldiers from the nearest Army post, and the civilians, feeling as civilians have always felt, an attitude of bitterest hostility toward the military enforcement of law in times of peace, resist the militia, and both sides begin to shoot, and good men, God-fearing men, officers in local churches, men who have offered their lives to their country in time of war, are shot down by the militia and the militia is shot down by the civilians. What will be the result? The civilian population in the surrounding territory becomes terribly incensed. The feud will be taken up by them. They will avenge the death of these civilians by murdering others of the class or race charged with responsibility for the original crime. And then will result a sort of internecine war. Bloodshed will spread from community to community and from State to State until an almost nation-wide riot will begin. The militia of the States and the whole Army will be utterly powerless to stem the onrushing tides of outraged civilians, and then we will experience something in comparison with which the East St. Louis race riot will pale into insignificance. And who will be responsible for such a result? It can not be other than those who, blinded by partisanship or bound by political promises, failed to take into account the common-sense human-nature element involved in the problem. Human government deals with human nature. Human traditions, human passions, human prejudices, whether justifiable, logical, or ethical, are factors that no wise legislator dare ignore. That great Englishman, David Lloyd-George, is wise enough to know that the prejudices and passions of hundreds of years of English misrule in Ireland can not be assuaged by soft words nor eradicated by logical arguments but must be dealt with as actual forces. It would be destructive of the morale of the people of this Nation for it to come to pass that the people of any State should look upon Federal officers brought into the State from other States as intruders, to be regarded just as the Irish people did the English police. There is danger of just this very thing. Personally, I remember the bitterest feeling of resentment among many of our best people when one white man, then a Federal officer, as a deputy United States marshal, killed another white man, and, having been indicted in the State court, removed his case out of the State court into the United States court upon a petition alleging that the act of killing was in the discharge of his duty as a United States marshal. Upon a proper motion the Federal judge remanded the case to the State court for trial. But the people were aroused, because they felt it to be a sort of insult to themselves, an imputation that the local government would not execute justice.

The people of the several States feel that if a man comes into a State, or lives in a State, and commits a crime against the laws of that State, then he should be brought to trial in the courts of that State. They recognize that persons who violate Federal laws must be tried in Federal courts, but for more than 125 years the people have known the line of distinction between Federal jurisdiction and State jurisdiction, and they resent undue and unconstitutional interference by Federal authority.

STATE OFFICERS IN ALL SECTIONS DO THEIR DUTY.

For the Federal Government to prescribe a criminal code and to try its violators in the Federal courts is certain to produce resentment and a revulsion of feeling in any State in the Union, whether it be amongst the liberty-loving people of Massachusetts or the brave and bold people of Texas. The people will ask, "Why is it that the Federal Government thinks that its moral conceptions are higher than those of the State; and why is it that Congress must become the schoolmaster of the States; and why is it that Federal judges, appointed and not elected for a whole lifetime, and not for a limited period, are better and more learned than State judges; and why are United States marshals and their deputies appointed and not elected, but chosen for political loyalty and activity, better than the State sheriffs and State deputy sheriffs, who are elected by the people and are responsible to the will of the people, and if the people demand that the laws be enforced, so surely will the sheriffs obey the popular will?" I resent the imputation that sheriffs, as a class, in the Southern States have been disloyal to their duty and have weakly submitted to the will of the mob. I recall the case of Sheriff John M. Nicholls, of Spartanburg, S. C., the uncle of former Congressman Samuel J. Nicholls, when he faced an angry mob and told them that his prisoner was to him a sacred trust and that he could be taken from the jail only over the dead body of the sheriff. But the sheriff before himself being killed would lay low with a bullet some of his assailants. The men in that mob knew that the sheriff's mettle had been tried in the fiery ordeal of battle, and they knew that his nerve was steady and his aim was true, and they recoiled before his resolute stand, and thus the prisoner was saved and the law was safe and a lynching was averted. And what was true there has been true many a time all over our country—in the East, in the West, in the North, and in the South.

FEDERAL FAILURE IN DISTRICT OF COLUMBIA.

It little behooves Congress to claim that its power will prove a panacea in preventing crime. For months the newspapers of the city of Washington have been filled with the recitals of hundreds of horrible crimes, and we have been told that the statistics show that in proportion to the population there is more crime and lawlessness in the city of Washington than in any other city on the American Continent, and yet, remember, that this less than 10 miles square constituting the District of Columbia is the only territory on the face of the globe where Congress has and exercises exclusive jurisdiction. Here in this District Congress can legislate as to the minutest details of domestic life. Congress can prescribe a curfew when all shall be in bed and a reveille when all must arise. Congress can prescribe a régime of life and of diet for every citizen in the District. Congress has created a commission to regulate the rents charged within the District, and there is no limit under the Constitution to the power that Congress can exercise in this District of Columbia. And yet, here where the towering Dome that symbolizes national greatness can be seen from every square foot of the District, here where the President and all the members of his Cabinet reside, here where the Congress of 533 Members and their families reside, here where the Attorney General and his vast entourage of assistants, examiners, and secret-service men, and detectives reside, here in the face of and under the wing of the imperial and majestic power of the Congress of the United States, we have more lawlessness and more crime than in any other place in the country. It is little consolation to the advocates for the aggression of Federal power to contemplate the dismal failure that Congress has made in Washington.

THE PROPOSED ANTILYNCHING LAW—THE DESTRUCTION OF THE FEDERAL SYSTEM.

Does the fourteenth amendment confer power on Congress to enact laws providing for the punishment of municipal subdivisions of the States or State officers? When the first section of the fourteenth amendment says that no State shall deprive any person of life, liberty, or property without due process of law, nor shall any State deny to any person the equal protection of the law, does this authorize Congress to pass affirmative legislation purporting to protect the life, liberty, and property of all persons in all the States and seeking to establish everywhere equality of all persons before the law? In other words, can Congress anticipate that the States and State officers will deny due process of law and the equal protection of the law, and in order to prevent from happening this anticipated failure, can Congress forestall State action, and take from the hands of the States and State officers the making and administration of the whole body of laws relating to life, liberty, and property?

In order to answer this question correctly we must understand what was in the minds of those who framed and ratified the fourteenth amendment. When we consider remedial legislation, such as the fourteenth amendment is, we must first understand the existing law. All must admit that if the antilynching bill ever passes and is sustained in the courts it will establish the complete subordination and subjection of the States in all the multitude of internal matters relating to life, liberty, and property to the National Government. So our question really becomes, Did the people when they adopted the fourteenth amendment intend to work such a radical and revolutionary change in the relation of the States to the Federal Government?

To find out what was in the minds of the people in 1868 when they adopted the fourteenth amendment and therefore in order to understand their language in said amendment we must ascertain what was the then existing understanding among all the people, North, South, East, and West, as to the relations of the several States to the National Government.

THE VIEWS OF THE FOUNDERS AND FATHERS.

Undoubtedly when the people established the Federal Government under the Constitution in 1789 they understood that the States were to continue independent and therefore supreme in all things except those powers conferred on the National Government by the written Constitution, or by it expressly denied to the States. The strongest friend of the idea of centralizing governmental power was Alexander Hamilton, and the following extracts from his pen contained in the Federalist, edited by HENRY CABOT LODGE, establish conclusively his admission that the States within their reserved powers were to continue sovereign and supreme. At page 50:

> The proposed Constitution, so far from implying an abolition of the State governments, makes them constituent parts of the national sovereignty by allowing them a direct representation in the Senate and leaves in their possession certain exclusive and very important portions of sovereign powers.

At page 186:

> An entire consolidation of the States into one complete national sovereignty would imply an entire subordination of the parts; and whatever powers might remain in them would be altogether dependent on the general will. But as the plan of the convention aims only at a partial union or consolidation, the State governments would clearly retain all the rights of sovereignty which they had before and which were not by that act exclusively delegated to the United States.

At page 386:

> In this spirit it may be remarked that the equal vote allowed to each State (in the Senate) is at once a constitutional recognition of the portion of sovereignty remaining in the individual States and an instrument for preserving that residuary sovereignty. So far the equality ought to be no less acceptable to the large than to the small States, since they are not less solicitous to guard by every possible expedient against an improper consolidation of the States into one simple Republic.

That the Constitution did not establish a consolidated Republic and that the States continued sovereign as to internal affairs not granted to the National Government is evidenced by the sentiment expressed by Timothy Pickering on the purchase of Louisiana in 1803, and again by Josiah Quincy when Louisiana was admitted as a State, and by the Hartford convention in 1814, and by the resolutions of the Legislature of Massachusetts passed in 1845 protesting against the annexation of Texas. The Supreme Court of the United States itself accepted the independence of the States and State officers from control by Federal authority as the major premise in the construction of section 2 of article 4 of the Constitution providing that fugitives from justice shall be delivered up by the governor of the State on demand of the governor of the State having jurisdiction of the crime, in the case decided in 1860, Kentucky against Dennison (24 Howard, 66), from which we extract the following:

But—

Said Taney—

> looking to the subject matter of this law and the relations which the United States and the several States bear to each other, the court is of the opinion the words "it shall be the duty" were not used as mandatory and compulsory, but as declaratory of the moral duty which this command created, when Congress had provided the mode of carrying it into execution. The act does not provide any means to compel the execution of this duty nor inflict any punishment for neglect or refusal on the part of the executive of the State; nor is there any clause or provision in the Constitution which arms the Government of the United States with this power. Indeed, such a power would place every State under the control and dominion of the General Government,

even in the administration of its internal concerns and reserved rights. And we think it clear that the Federal Government, under the Constitution, has no power to impose on a State officer, as such, any duty whatever and compel him to perform it. It is true that Congress may authorize a particular State officer to perform a particular duty; but if he declines to do so it does not follow that he may be coerced or punished for his refusal.

STATES AND STATE OFFICERS AS SUCH CAN NOT BE COERCED.

When the people of the country learned of the decision by the Supreme Court in the case of Chisolm against Georgia (2 Dallas), they promptly brought forward and adopted the eleventh amendment making squarely impossible a suit against a State by a citizen of another State. The first inaugural message of President Lincoln plainly admits that the National Government could not legally coerce a State, as such, and pronounced the various ordinances of secession as mere void utterances by lawless individuals. The following summary of the case is well stated by Willoughby in volume 1, page 86, of his work on the Constitution.

In a Federal State such as the United States is now agreed to be the supremacy of the national authority is never maintained by direct action against its member Commonwealths, but it is exhibited in its authority to execute its will upon all persons subject to its jurisdiction, anything in the Constitution or laws of any State to the contrary notwithstanding and irrespective of what may be the opinions and effects of those exercising the political powers of those States.

CONTEMPORANEOUS CONSTRUCTION.

In the Slaughter cases, decided in 1872 (16 Wallace, 66), we find an almost contemporaneous interpretation by the court of the effect of the fourteenth amendment upon the relation of the States to the Nation. And we find that the view that prevailed from the adoption of the Constitution down to the first inaugural of President Lincoln, was still entertained by the court, as evidenced by the following extract:

We do not see in those amendments any purpose to destroy the main features of the general system. Under the pressure of all the excited feeling growing out of the war our statesmen have still believed that the existence of the States with powers for domestic and local government, including the regulation of civil rights—the rights of person and of property—was essential to the perfect working of our complex form of government.

The States can not tax nor restrict Federal agencies and conversely the National Government can not tax nor restrict State agencies, because the power to tax or control involves the power to destroy and the continued existence of the States in the full possession of their constitutional powers is essential to the preservation of our system of Government.

From Veazie Bank *v.* Fenno (8 Wallace, 533), we extract the following:

It may be admitted that the reserved rights of the States, such as to pass laws, to give effect to laws through executive action, to administer justice through the courts, and to employ all necessary agencies for legitimate purposes of State government, are not proper subjects of the taxing power of Congress.

THE COUNTY REPRESENTS THE STATE AND IF THE COUNTY CAN BE PENALIZED SO THE STATE COULD BE, AND THUS BE FINALLY DESTROYED.

From the case of Pollock *v.* Trust Co. (157 U. S., 583), decided in 1894, we extract the following language to prove that the property and revenue of State municipal corporations are not subject to Federal taxation:

The Constitution contemplates the independent exercise by the Nation and the State, severally, of their constitutional powers.

As the States can not tax the powers, the operations, or the property of the United States, nor the means which they employ to carry their powers into execution, so it has been held that the United States has no power under the Constitution to tax either the instrumentalities or the property of the State.

A municipal corporation is the representative of the State and one of the instrumentalities of the State government. It was long ago determined that the property and revenues of municipal corporations are not subjects of Federal taxation. Collector *v.* Day (11 Wall., 113). United States *v.* Railway Co. (17 Wall., 322, 332). In Collector *v.* Day, it was adjudged that Congress had no power, even by an act taxing all incomes, to levy a tax upon the salaries of judicial officers of a State, for reasons similar to those on which it had been held in Dobbins *v.* Commissioners (16 Pet., 435), that a State could not tax the salaries of officers of the United States. Mr. Justice Nelson in delivering the judgment, said: "The General Government, and the States, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other, within their respective spheres. The former in its appropriate sphere is supreme; but the States within the limits of their powers not granted, or in the language of the tenth amendment, 'reserve,' are as independent of the General Government as that Government within its sphere is independent of the States."

CONGRESS CAN NOT TAX SALARY OF STATE OFFICER.

In Collector *v.* Day (11 Wallace, 113), decided in 1870 we find this language:

As the States can not tax the powers, the operations, or the property of the United States, nor the means which they employ to carry their powers into execution, so it has been held that the United States have no power under the Constitution to tax either the instrumentalities or the property of a State.

So in the case of Ambrosini *v.* United States (187 U. S., 1), decided in 1902 it was held that Congress could not impose a stamp tax on a bond required by State law to be given as a prerequisite to the right to sell liquor. In the language of Justice White in the case of South Carolina *v.* United States (199 U. S., 465), decided in 1905, we find the following:

It is not necessary to trace the want of authority of the United States to impose a license exacting on the agents of the State to an express provision of the Constitution, since the court has constantly held that the absence of authority in the Government of the United States to tax or burden the agencies or instrumentalities of a State government, and the like want of authority on the part of the States to tax the agencies or instrumentalities of the National Government, results from the dual system of government which the Constitution created, and that the continuance in force of such a prohibition is absolutely essential to the preservation of both governments.

THE COUNTY IS LEGALLY THE STATE.

In the case of the United States *v.* Baltimore & Ohio Railroad (17 Wallace, 322), we find the following plain language, showing that the attempt to make a county subject to a penalty of $10,000, collectible in a Federal court in a suit brought by the next of kin of any person lynched in such county, is squarely and obviously unconstitutional, unless the Constitution be stretched till it be broken and the States thereby destroyed:

A municipal corporation like the city of Baltimore is a representative not only of the State but is a portion of its governmental power. It is one of its creatures, made for a specific purpose, to exercise within a limited sphere the powers of the State. The State may withdraw these local powers of government at pleasure, and may, through its legislature or other appointed channels, govern the local territory as it governs the State at large. It may enlarge or contract its powers or destroy its existence. As a portion of the State in the exercise of a limited portion of the powers of the State its revenues, like those of the State, are not subject to taxation.

In the early case of Lane County *v.* Oregon (7 Wallace, 71), we find a clear exposition of the true constitutional status of the State, as evidenced by the following extract:

The people of the United States constitute one nation, under one government, and this government, within the scope of the powers with which it is invested, is supreme. On the other hand, the people of each State compose a State, having its own government and endowed with all the functions essential to separate and independent existence. The State disunited might continue to exist. Without the States in union there could be no such political body as the United States. * * * Now, to the existence of the States themselves, necessary to the existence of the United States, the power of taxation is indispensable. * * * If, therefore, the condition of any State, in the judgment of its legislature, requires the collection of taxes in kind—that is to say, by the delivery to the proper officers of a certain proportion of products, or in gold or silver bullion, or in gold or silver coin—it is not easy to see upon what principle the National Legislature can interfere with the exercise to that end of this power, original in the States, and never as yet surrendered. If this be so, it is certainly a reasonable conclusion that Congress did not intend by the general terms of the currency act to restrain the exercise of this power in the manner shown by the statutes of Oregon.

OPINION OF JUDGE THOMAS M. COOLEY.

Treating of taxation and describing it to be an all-pervading attribute of sovereignty, Judge Cooley in his work on "Constitutional Limitations, seventh edition, page 683, uses the following apt language:

If the State can not tax the means by which the National Government performs its functions, neither, on the other hand and for the same reasons, can the latter tax the agencies of the State governments. "The same supreme power which established the departments of the General Government determined that the local governments should exist for their own purposes and made it impossible to protect the people in their common interest without them. Each of these several agencies is confined to its own sphere, and all are strictly subordinate to the Constitution which limits them and independent of other agencies, except as thereby made dependent. There is nothing in the Constitution (of the United States) which can be made to admit of any interference by Congress with the secure existence of any State authority within its lawful bounds; and any such interference by the indirect means of taxation is quite as much beyond the power of the National Legislature as if the interference were direct and extreme." It has therefore been held that the law of Congress requiring judicial process to be stamped could not constitutionally be applied to the State courts, since otherwise Congress might impose such restrictions upon the State courts as would put an end to their effective action and be equivalent, practically, to abolishing them altogether. And a similar ruling has been made in other analogous cases.

STATE COURTS ENERGETICALLY DEFEND STATE RIGHTS.

In the above extract from the text of Judge Cooley is found a quotation approved by him from the case of Fifield *v.* Close (15 Mich., 505), some of the leading cases in the State courts are: Jones *v.* Keep (19 Wis., 390); Tucker *v.* Potter (35 Conn., 46); Moore *v.* Quirk (105 Mass., 49); Sayles *v.* Davis (22 Wis., 225); Davis *v.* Richardson (45 Miss., 503); Garland *v.* Gaines (83 Conn., 662); Warren *v.* Paul (22 Ind., 276); Smith *v.* Short (40 Ala., 385); Carpenter *v.* Snelling (97 Mass., 452); Haight *v.* Grist (64 N. C., 739); People *v.* Gates (43 N. Y., 40); Bowen *v.* Byrne (55 Ill., 467); Atkins *v.* Plympton (44 Vt., 21); Bumpass *v.* Taggart (26 Ark., 398); Duffy *v.* Hodson (40 Calif., 240).

Thus we see that the State courts from all over the Nation, without regard to sections, insist upon the integrity and the independence of the States within the sphere of their reserved powers. We believe that the State courts and the United States Supreme Court express not only the true and indisputable constitutional doctrine but also express a deep-seated and universal sentiment among the people that the State governments are the surest guarantee of the life, liberty, and property of

the people. The State governments make possible that variety and diversification of statutory and common law necessary to meet the different conditions of industry or climate, and of peculiar customs and traditions orginating in colonial days. It is absolutely impossible for a centralized government at Washington so to legislate by uniform laws as to meet the feelings and needs of the people of New England, who know democracy of the town meeting, of the people of the Southern States who for more than a hundred years have faced peculiar economic and racial problems; the people of Louisiana, with French traditions and the civil law; the people of California, with peculiar traditions and race problems; and the people of the great Northwest, still enjoying and prospering in the freedom of frontier days.

The case of Kansas *v.* Colorado (206 U. S., 46), having been decided in 1906, is not a voice from the dead past but is the ringing expression of a living condition that our constitutional system must be preserved, and that the court will not destroy the Constitution by strained and sophistical interpretation, but will insist that if changed conditions demand changed constitutional provisions, then the changes must be brought about in the constitutional method of conscious and purposeful amendment to be ratified by the people. To summarize the decision in said case we will extract a portion of the syllabus:

The Government of the United States is one of enumerated powers; that it has no inherent power of sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States, and in that alone; that the manifest purpose of the tenth amendment to the Constitution is to put beyond dispute the proposition that all powers not granted are reserved to the people, and that if in the changes of the years further powers ought to be possessed by Congress they must be obtained by a new grant from the people. While Congress has general legislative jurisdiction over the territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State except to preserve or improve the navigability of the stream; that the full control over those waters is, subject to the exception named, vested in the State.

The controversy between the parties plaintiff and defendant is one of a jurisdictional nature. By the Constitution the entire judicial power of the United States is vested in its courts, specifically included therein being a grant to the Supreme Court of jurisdiction over controversies between two or more States.

In a qualified sense and to a limited extent the separate States are sovereign and independent, and the relations between them partake something of the nature of international law. This court in appropriate cases enforces the principles of that law, and in addition by its decisions of controversies between two or more States is constructing what may not improperly be called a body of interstate law.

In view of the foregoing unbroken line of doctrines and decisions as to the proper function of a State in our Federal system, what is there in or connected with the fourteenth amendment to justify legislation which would destroy the independent status of the States, and destroy our dual system of Government, and destroy the possibility of local self-government, and to erect from the remains one single consolidated national Republic?

In order to justify a conclusion so fundamentally subversive of age-old doctrines there must be in the fourteenth amendment language plain and unequivocal indicating a positive intention to modify our form of government. It is obvious that there is no such language, and the inevitable conclusion is that there was no such intention. Then, how was it proposed that the fourteenth amendment in the particulars under consideration should function? Those who framed and adopted the fourteenth amendment certainly understood the Constitution which had then been in existence about 70 years, and they knew full well the constitutional view of a provision which merely denies certain powers to the States. They referred to section 10 of Article I, and they found enumerated quite a number of powers which the States were forbidden to exercise. They understood full well that the prohibition of a power to the States would not confer that power upon the Federal Government. They understood that Congress could not anticipate that any State would violate the Constitution, and that the remedy of any person claiming that a State had violated such prohibitions was retrospective and corrective by appeal to the United States Supreme Court. For illustration section 10, Article I, provides, "No State shall pass any law impairing the obligation of contract." Those who framed and adopted the fourteenth amendment well understood that Congress could not frame an affirmative code of laws relating to contracts and to the remedies for their breach, but Congress always presumed that the States by their legislatures, their courts, and their executive officers would keep their constitutional obligations. But when a person claimed before any court that a State had violated the Federal Constitution by impairing the obligation of a contract, then the Federal court could hold such State action to be null and void. There is no greater obligation on the Members of Congress and Federal officials to obey and defend the Constitution of the United States than there is upon members of State legislatures and State officials, because all take an oath to preserve and defend the Federal Constitution. But Congress has frequently violated its oath, not intentionally but effectually, by enacting unconstitutional legislation. Has it ever been proposed to enact criminal statutes subjecting to indictment and punishment Members of Congress who enacted unconstitutional legislation? The question seems absurd, because all men agreed that the constitutional method of disposing of void acts of Congress is to let the matter come before the courts in the regular way.

CORRECTIVE AND RETROACTIVE OPERATION.

In like manner it has been universally agreed that when State legislatures passed acts in conflict with the Federal Constitution that the proper remedy is to let the courts declare the legislation void, as in the case of acts of Congress. But the revolutionary proposition is now advanced in support of this antilynching bill that Congress may anticipate that some State may in the future enact a law that may deprive some person of life, or of liberty, or of property without due process of law, or may deny to some person the equal protection of the laws, and that Congress may prescribe a criminal penalty for the individuals who compose the State lawmaking body and put those individuals in the penitentiary. It will not do to answer that the bill does not provide punishment for State legislators and merely provide punishment for State sheriffs, constables, and policemen. The punishment contemplated for the executive officers last mentioned is upon the theory that they are enforcing a State law, that their conduct constitutes a State law, denying due process, or denying equality. In morals it is far more reprehensible to devise and enact laws which deprive one of property without due process of law than it is in the heat and hurry of action for a sheriff or other executive officer to do something that may appear to those looking at his conduct retrospectively to be negligent, and thus subject himself to criminal indictment. But the absurdity of proposing congressional legislation to punish members of the State legislatures for enacting laws subsequently held to be in violation of the Federal Constitution is manifest to every mind.

Why, therefore, will not the proponents of this antilynching bill be fair enough to see that it is equally absurd to enact legislation prescribing criminal penalties for the individual acts of a State officer under that provision of the fourteenth amendment which says that "no State shall deprive any person of life, liberty, or property without due process of law, nor [shall any State] deny to any person the equal protection of the law"? There is no escape from the logic of this position, that if this antilynching bill be constitutional whereby a sheriff may be punished in a Federal court for a single act of negligence on the theory that his act is the act of the State, then it will be equally and even more competent for Congress to prescribe criminal penalties for the members of State legislatures that enact laws found to be in violation of the due process of law clause of the fourteenth amendment, and even to punish judges of State courts which render decisions subsequently held to deny due process of law and equal protection of laws. The States must act through their three coordinate branches of government—the legislative, the executive, and the judicial—and it can not be consistently contended that Congress can provide criminal punishment to be administered by a Federal court for the executive officers of a State whose conduct may be found to deny due process of law or equal protection of law without at the same time admitting that Congress can provide criminal consequences for the legislative and judicial officers of the State who may be equally guilty with the executive officers in depriving persons of life, liberty, or property without due process of law and in denying them equal protection of the law.

HOW MAY THE FOURTEENTH AMENDMENT BE ENFORCED?

Much emphasis in argument is laid upon the fact that section 5 of the fourteenth amendment provided that Congress shall have power to enforce the provisions of said amendment by appropriate legislation. That argument can add no weight, because under section 18 of Article I of the Constitution Congress is given power to pass all laws necessary and proper to carry into execution all powers vested by the Constitution in the Government of the United States or any department or officer thereof. Yet that power did not confer upon Congress authority to pass in advance affirmative legislation providing criminal penalties for any States which might violate section 10 of Article I. There can be no fair and sound distinction drawn between those parts of the fourteenth amendment now invoked to support the antilynching bill and section 10 of Article I of the original Constitution. There is no middle ground. It must be admitted that the antilynching bill is unconstitutional or it must be contended that every State

legislator, every judge, and every executive officer from the governor down may be punished in a Federal court for acts subsequently held to deny due process of law or equal protection of the laws. Either all State officers, legislative, executive, and judicial, are exempt from responsibility for their official conduct in a Federal criminal court, or no one of them is responsible. They are all in the same class. They are either all clothed with the same immunity or they are all for the same reason and to the same extent liable to answer in a Federal court charging them with having committed a crime against the Federal Government while executing the powers of their State offices.

APPROPRIATIONS FOR THE TREASURY DEPARTMENT.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9724.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9724. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Connecticut [Mr. TILSON] will resume the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9724, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9724, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes.

Mr. BANKHEAD rose.

The CHAIRMAN. For what purpose does the gentleman from Alabama rise?

Mr. BANKHEAD. To submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. The RECORD of yesterday does not disclose it, and I want to inquire whether the office of Secretary, on page 2, was read before we adjourned?

The CHAIRMAN. It was not read. The Clerk will report it.

The Clerk read as follows:

OFFICE OF THE SECRETARY.

Salaries: Secretary of the Treasury, $12,000; Undersecretary of the Treasury, to be nominated by the President and appointed by him, by and with the advice and consent of the Senate, who shall receive compensation at the rate of $10,000 per annum and shall perform such duties in the office of the Secretary of the Treasury as may be prescribed by the Secretary or by law, and under the provisions of section 177, Revised Statutes, in case of the death, resignation, absence, or sickness of the Secretary of the Treasury, shall perform the duties of the Secretary until a successor is appointed or such absence or sickness shall cease, $10,000; assistant to the Secretary, $5,000; three Assistant Secretaries, at $5,000 each; clerk to the Secretary, $3,000; executive clerk, $2,400; stenographer, $1,800; three private secretaries, one to each Assistant Secretary, at $1,800 each; Government actuary, under control of the Treasury, $4,000; clerks—2 of class 4, 3 of class 3, 2 of class 2, 1 of class 1; chief messenger, $1,100; two assistant chief messengers, at $1,000 each; messengers—3 at $900 each, 4 at $840 each; messenger boy, $600; in all, $80,760.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order on the paragraph.

Mr. BANKHEAD. What is the reservation, I would like to inquire?

Mr. WALSH. I reserved a point of order to that part of the paragraph, Mr. Chairman, providing for an Undersecretary of the Treasury at $10,000. I would like to ask the chairman of the committee if this language was not carried in the appropriation bill heretofore providing for this officer?

Mr. MADDEN. Yes; it was. It was carried in the appropriation bill that was passed on June 16, 1921, and it was intended for the fiscal year 1922.

Mr. WALSH. This is intended to make it permanent, is it not?

Mr. MADDEN. No. It is practically the same language that we carried in the other fiscal year.

Mr. WALSH. Well, what information has the gentleman as to its being necessary to continue this Undersecretary?

Mr. MADDEN. The Secretary of the Treasury testified before the committee that it was very important for the successful conduct of the work under his charge that he should have a man who could take his place in the event of his absence, and who could act for him in the event of illness, or anything of that sort; and in justification he cited the fact that we dispensed with two Assistant Secretaries, and they thought the work was such that one man of some additional responsibility was essential to do it.

Mr. WALSH. Well, I do not know that it is very much economy to dispense with officials of lower salaries and then provide for continuing a very high-salaried official. This is within $2,000 of what the Secretary himself gets, as I recall. Is the work there piling up, so that it will require a very high-salaried man?

Mr. MADDEN. The Secretary of the Treasury was very urgent in his request for the continuation of this place. He said that without it he would be very much embarrassed.

Mr. WALSH. Is it the same man who has been there under the previous administration?

Mr. MADDEN. Yes. The committee felt that inasmuch as the House passed upon this last year by a record vote, we ought not to assume the responsibility of eliminating the item or reducing the amount. We felt that it was a matter that the House itself had acted upon, and we did not feel justified in overriding the action of the House.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARNER. The Undersecretary of State draws how much?

Mr. MADDEN. Seven thousand five hundred dollars.

Mr. GARNER. Why should the Undersecretary of the Treasury draw a higher salary than the Undersecretary of State?

Mr. MADDEN. There is only one reason why he should do it. I think the work of the Undersecretary of the Treasury is very much more voluminous than that of the Undersecretary of State, and at the urgent request of the Secretary of the Treasury last year we continued this office.

Mr. GARNER. Are you continuing him in accordance with the number of hours he works, or the importance of his office, or his ability to perform his duties?

Mr. MADDEN. We have had to act upon all of these considerations and upon what the Secretary himself said.

Mr. GARNER. I understand that the Undersecretary of State has very little to perform, and probably needs but very little ability, and the hours of work are very short, and therefore you give him $7,500 a year; but because the hours of labor in the Treasury are very long and a man of ability is needed, you give him $10,000. It seems to me there ought to be some uniformity in this Assistant Secretary business. There ought to be some uniformity of procedure and of salary, I should think.

Mr. MADDEN. I would very much dislike to have the gentleman's understanding expressed as mine.

Mr. WALSH. Will the gentleman state whether this was recommended by the Budget Bureau?

Mr. MADDEN. Yes; it was recommended by the Budget Bureau, but originally it was an office created by the House itself.

Mr. WALSH. Mr. Chairman, I make the point of order on the language providing for "Undersecretary of the Treasury, to be nominated by the President and appointed by him, by and with the advice and consent of the Senate," and the succeeding language down to the figures "$10,000," in line 12.

The CHAIRMAN. Can the gentleman from Illinois cite any existing law as authority?

Mr. MADDEN. I concede, Mr. Chairman, that the item is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DUNBAR rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DUNBAR. I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. DUNBAR. I ask unanimous consent, Mr. Chairman, to proceed for 15 minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. DUNBAR. Mr. Chairman and gentlemen of the House, the Sixty-sixth and Sixty-seventh Congresses deserve great credit for the extent to which they have reduced the operating expenses of our Government, reduced the national indebtedness, and approached a degree of normalcy. I am aware that a great many people who have not succeeded in obtaining from our Government or from Congress legislation which they have desired have united in declaiming that the Sixty-sixth and Sixty-seventh Congresses have not been economical and efficient.

Yesterday I was very much interested in the remarks made by the gentleman from Tennessee [Mr. BYRNS], in which he criticized—in a very gentlemanly manner, as he always does—the functioning of the Sixty-sixth and Sixty-seventh Congresses, and made the claim that in legislation they had not been efficient. He pointed out that the operating expenses of the Government for the year 1922 would amount to more than $3,900,000,000. This is true, but he failed to state that the public debt of the United States will be reduced something like $400,000,000 as a part of that expenditure.

The gentleman from Tennessee [Mr. BYRNS] made the remark that the estimates for the fiscal year 1922 and 1923 would show an increase in operating expenses over the fiscal year 1921 and 1922, but I wish to point out the fact that for the year 1923 the estimates carry an additional appropriation of $155,000,000 for the Veterans' Bureau over the amount of the appropriation for the fiscal year as of November 1, 1921, and that after making allowance for this amount the estimated appropriations for the fiscal year 1923 will not equal those of the current year.

Our expenses this year, not including the reduction in the public debt, will amount to $3,600,000,000; but I want to call your attention to the fact that of that amount the sum of $2,300,000,000 will be occasioned directly or indirectly by expenses incurred in the World War, for which we are still called upon to make provision.

From the estimates submitted by the Secretary of the Treasury, which call for an expenditure for the fiscal year of $3,604,000,000, we have the following expenditures which are directly a result of the war. The good-road construction cost is possibly an exception, but the sentiment in favor of the construction of national highways was in part suggested as a necessity in the event of war. These increased expenditures are as follows:

Increase public debt interest	$951,000,000
United States Veterans' Bureau	438,000,000
Transportation act	337,000,000
Increase in pensions	100,000,000
United States Shipping Board	74,000,000
Good road construction	70,000,000
Increased compensation—bonus	35,000,000
Russian appropriation	20,000,000
Government life insurance	22,000,000
Civil service retirement fund	8,000,000
Naval building program	142,000,000
Return of taxes illegally collected	40,000,000
Post Office deficiency	51,000,000
Total	2,288,000,000

The increased compensation paid to the Government employees in the nature of a bonus, amounting to $35,000,000, and the Government life insurance of $22,000,000 was occasioned by increased compensation necessitated, and Government life insurance provided for the soldier boys during the war.

We will be called upon to pay $40,000,000 as a return for taxes illegally collected during the war and which were collected as a result of the war. The Post Office deficiency of $51,000,000, which is $85,000,000 less than it was a year ago, was occasioned by the increased charges paid the railroads and to employees growing out of the increased cost of living brought on by the war.

The increased amount of annual interest that we will pay for the fiscal year 1922 over 1916 will amount to $951,000,000. We will spend for the Veterans' Bureau approximately $438,000,000. Who can say that these expenditures were not occasioned by the war? We will spend this current year for payment to the railroads of liabilities incurred under Government control nearly $337,000,000, and I want to say to you, gentlemen, that I think it is a shame that Congress has not ere this provided for the repayment of the money that we justly owe to the railroads. Who can deny that that $337,000,000 was not incurred by the war?

The pensions paid to our Civil War and Spanish-American War veterans have been increased this year $100,000,000 over what they were in 1916, occasioned largely by the fact that the recent war so increased the cost of living that Congress felt called upon to increase the amount of the pensions paid to these soldiers, and that increase amounts to $100,000,000.

Our increased naval expenses for this year, in the construction of our Navy, will amount to something like $142,000,000. Gentlemen, we had begun a constructive naval program. Ships were on the ways. What were we to do? Were we to abandon construction, or were we to go ahead and spend some money in equipping them so that they might be made serviceable and of value? That expenditure, I am sure you will all agree with me, was occasioned by the war.

This year we will pay for the Shipping Board something like $74,000,000. Gentlemen, you all know the history of the Shipping Board. What were we to do with $3,000,000,000 worth of ships if we were not to spend money to complete them, or at least to maintain them?

This year in our items of expenditure there is $25,000,000, occasioned by the United States Grain Corporation, which amount was paid to them in October, 1921. We appropriated $20,000,000 for the Russian relief. Who will say that that was not occasioned by the late war?

The sum total of all these disbursements, the figures of which are taken from the estimate of the Treasury Department of the expenditures for 1922, amount, including $25,000,000 to the Grain Corporation, all told, to more than $2,300,000,000. This year we will spend, exclusive of principal paid on the public debt, $3,600,000,000, leaving but $1,300,000,000 for the ordinary operating expenses of the Government. And, gentlemen, when you consider that in the fiscal year 1918 our operating expenses were something like $18,000,000,000 and that we incurred a deficiency of more than $13,000,000,000, I want to submit to you that the reduction in the amount of our expenditures has been marvelous.

The Post Office Department in 1916 was operating at an expense of a little over $300,000,000 a year, with receipts slightly in excess. To-day that expenditure and receipt is over $500,000,000. The increase in our postal receipts indicates that the business of the country has increased something like 70 per cent, and with this increase I submit to you that the increase in the ordinary expenses of our Government should not be expected to be below at least half that amount and that the ordinary increased expenses of this Government, aside from expenses occasioned by the war, will not this year amount to over 30 or 35 per cent.

I want to submit to you gentlemen that indirectly our departmental expenses should be expected to increase, because that man who to-day incurs no greater increased expense than 30 or 35 per cent for the maintenance of his family over prewar conditions is indeed a man who knows how to rule his own household.

Mr. SMITH of Michigan. He is also a fortunate man.

Mr. DUNBAR. Gentlemen, we are told by the gentleman from Tennessee that we have not given a good account of ourselves in our duties as Congressmen. But when he says we have not reduced our expenses as we should under afterwar conditions I want to remind you of the fact that the Sixty-sixth Congress reduced our expenses $3,000,000,000 below the amount asked by the previous administration.

It may be of interest to note the comparison of receipts and disbursements for the four previous years and the present fiscal year, which are submitted as follows:

Comparison of receipts and disbursements for the four previous and the present fiscal year.

Fiscal year.	Receipts.	Disbursements.	Deficiency.
July 1, 1917, to June 30, 1918	$3,658,546,510	$12,696,702,470	$9,038,155,960
July 1, 1918, to June 30, 1919	5,152,257,136	18,514,879,955	13,362,622,818
July 1, 1919, to June 30, 1920	6,704,414,437	6,141,745,240	[1] 562,669,197
July 1, 1920, to June 30, 1921	5,624,932,960	5,115,927,689	[1] 509,005,271
Estimated for July 1, 1921, to June 30, 1922	3,993,000,000	3,604,000,000	[1] 389,000,000

[1] Surplus.

The above statistics are obtained from the following Government publications:

1917–1918: Treasury statement June 30, 1918.
1918–1919: Treasury statement June 30, 1919.
1919–1920: Pages 255–257 Annual Report, Secretary of Treasury, 1920.
1920–1921: Pages 152–153 Annual Report, Secretary of Treasury, 1921.

In the estimate of receipts and expenditures for the fiscal year 1922 no account is taken of receipts and disbursements of Post Office Department except that disbursements are charged with an operative deficit of $51,000,000.

The reduction of the public debt less the net balance in general fund may be obtained from the quarterly comparative public debt statement issued by the Treasury Department, and which is as follows:

August 31, 1919	$25,478,592,113.25
December 31, 1920	23,477,272,773.96
March 31, 1921	23,365,510,971.05
June 30, 1921	23,427,772,446.78
September 30, 1921	23,166,432,894.45
December 31, 1921	22,951,216,822.21

Foreign Governments owe us more than $11,000,000,000, which, if it could be collected, would accordingly reduce the above indebtedness.

It will be observed that the revenue of the country has rapidly decreased, and when we have been told that taxes should be reduced, no allowance has been made for the fact that normal

taxes were reduced early in 1918 from 12 and 6 per cent to 8 and 4 per cent. The reduction in revenue which prevented a reduction in taxes was largely occasioned by decrease in business, which reduced the amount paid for corporation and income tax. The revenue for the present fiscal year will be less than $4,000,000,000, whereas for the fiscal year two years ago the revenue amounted to more than $6,700,000,000, and the estimated revenue for the fiscal year 1923 will amount to $3,445,000,000, and an estimated expenditure exclusive of any amount that may be paid on the public debt of $3,143,000,000.

This Congress and the previous Congress have reduced our expenses below the amount that was expected even by the present and former administrations. The Committee on Appropriations have carefully scanned all accounts and have reduced them to the very minimum.

Under the direction and the vigilance of the chairman and the members of the Appropriations Committee, assisted by the desire of Congress to economically administer the affairs of government, our expenses for 1923 will be considerably reduced over those of 1922. If we can succeed in doing so, with indirect war expenditure still prevailing, I feel that not only the Committee on Appropriations, but the Sixty-seventh Congress, will be entitled to receive the congratulations of the people of this great American country. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I rise in opposition to the motion of the gentleman from Indiana [Mr. DUNBAR]. My friend has made some criticism of the figures which I submitted yesterday relative to the estimated expenditures for the present fiscal year in comparison with those estimated for 1923. As I recall, the gentleman stated by way of explanation of the increase in estimates for 1923 over the appropriations for 1922 that there would be a greater expenditure for the disabled soldiers during 1923 than during the present year in the amount of $155,000,000. I wish to call the gentleman's attention to the fact that the report submitted by the Director of the Budget, which was indorsed and approved by the President of the United States, shows that the estimated expenditure for the Veterans' Bureau, which takes care of all activities on behalf of the disabled soldiers for 1923, will amount to $460,761,946 and that the estimated expenditures for 1922 amount to $442,878,744, or a difference of only $17,883,202.

The gentleman fails to take into consideration the fact that the estimated expenditures for 1923 do not include something over $369,000,000, which will be expended during the present year for payment of railroad claims and operations growing out of control of the railroads during the war. There is no such expense contemplated in 1923.

Mr. DUNBAR. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. DUNBAR. Did I say there would be an expense in 1923 of nearly $400,000,000 for railroads? What I meant to say was that the amount was money paid this fiscal year to the amount of nearly $400,000,000.

Mr. BYRNS of Tennessee. The gentleman is correct in the last statement. I did not understand the gentleman to make any reference to 1923 in connection with the expenditures on account of railroads. I was pointing out the fact that this year we are burdened with over $369,000,000 for that purpose, whereas in 1923 there will be no such burden on the Treasury—that is, by the way of direct appropriation.

Mr. DUNBAR. The gentleman is correct.

Mr. BYRNS of Tennessee. In addition to this there will be spent in 1922 $35,000,000 for bonus to civilian employees. No such estimate is made for 1923. Hence the gentleman will see when he comes to analyze the figures that there is an absolute increase in the estimated expenditures for 1923 over those of 1922 in many department activities of the Government. When I say that I refer to the ordinary expenditures. The gentleman will notice that even in this bill the estimates are more than a million dollars for the Treasury Department over and above the amount appropriated for 1922. The very comparison between the estimated expenditures for 1923 which the President approved of over $3,505,000,000 for 1923 and $3,967,000,000 for 1922 shows that there is an increase when you take into consideration that there are activities, some of which I have referred to, to be paid for this year which will not be accounted for in 1923. These figures do not include over $575,000,000 for the Postal Service.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to correct the totals.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the Clerk be authorized to correct the totals. Is there objection?

There was no objection.

The Clerk read as follows:

OFFICE OF CHIEF CLERK.

Salaries: Chief clerk, including $300 as superintendent of Treasury Building, who shall be the chief executive officer of the department and who may be designated by the Secretary of the Treasury to sign official papers and documents during the temporary absence of the Secretary, Undersecretary, and Assistant Secretaries of the department, $4,000; assistant chief clerk, $3,000; assistant superintendent of Treasury Building, $2,500; administrative clerk, $2,000; clerks—one $2,000, 4 of class 4, 1 of class 3, 4 of class 2, 5 of class 1, 1 $1,000; operator of photographic copying machine, $800; 2 messengers, at $840 each; 2 assistant messengers, at $720 each; mimeograph operator, $720; messenger boy, $420; storekeeper, $1,200; telegraphers—1 $1,400, 1 $1,200; telephone and telegraph operator, $1,200; 3 telephone switchboard operators, at $720 each; mechanical superintendent, $2,250; chief engineer, $1,400; 4 assistant engineers, at $1,000 each (including 1 for outside buildings); 8 elevator conductors, at $720 each, and the use of laborers as relief elevator conductors during rush hours is authorized; 8 firemen, at $720 each; coal passer, $600; chief electrician, $1,600; locksmith and electrician, $1,400; captain of the watch, $1,400; 2 lieutenants of the watch, at $900 each; 65 watchmen, at $720 each; foreman of laborers, $1,200; assistant foreman of laborers, $840; 8 chauffeurs, at $720 each; 4 automobile truck laborers, at $660 each; skilled laborer—1 $840, 2 at $720 each; 2 electricians, at $1,200 each; wireman, $900; 39 laborers, at $660 each; plumber, $1,100; painter, $1,100; plumber's assistant, $780; attendant for emergency relief room, $660; head of char force, $720; 85 charwomen, at $240 each; 2 carpenters, at $1,000 each. Winder Building and annex: Engineer, $1,000; 3 firemen, at $720 each; elevator conductor, $720; 4 watchmen, at $720 each; 3 laborers (one of whom, when necessary, shall assist and relieve the elevator conductor), at $660 each; forewoman of char force, $480; 12 charwomen, at $240 each; female laborer for ladies' toilets, $660. Cox Building, 1709 New York Avenue: Two watchmen, at $720 each; laborer, $660. Auditors' Building: Forewoman of char force, $480; 25 charwomen, at $240 each; 2 elevator conductors, at $720 each; 7 laborers (one of whom, when necessary, shall assist and relieve the elevator conductor), at $660 each; female laborer, $660; skilled laborer, $840; in all, $217,310.

Mr. BLANTON. Mr. Chairman, I make the point of order to the language beginning in line 23, page 2, with the word "including," and the following language:

$300 as superintendent of Treasury Building, who shall be the chief executive officer of the department and who may be designated by the Secretary of the Treasury to sign official papers and documents during the temporary absence of the Secretary, Undersecretary, and Assistant Secretaries of the department, $4,000.

I make the point of order that that language is unauthorized by law in an appropriation bill.

The CHAIRMAN. The gentleman from Texas makes the point of order against the language indicated. Has the gentleman from Illinois the law at hand authorizing it to present to the Chair?

Mr. MADDEN. Mr. Chairman, this language is the same language that has been carried every year in the legislative bill. Section 6 of the legislative bill of March 4, 1915, has this provision:

SEC. 6. The officers and other employees of the United States whose salaries are herein appropriated for are established and shall continue from year to year to the extent that they shall be appropriated for by Congress.

This same language is in the act. So that the offices to which the point of order is made are established and only dependent on the question whether we appropriate for their continuance. There is no doubt whatever but we have the authority to appropriate under the language of the act. I think the point of order would not lie against this provision.

Mr. BLANTON. Will the Chair hear me a moment?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BLANTON. The main vice in this language is that which authorizes the Secretary of the Treasury to designate another to act for him in his absence and sign official papers. There could be some very important official papers that might be signed in the absence of the Secretary which would vitally affect the Government, especially when at this time there is owing the Government of the United States nearly $10,000,000,000 in money loaned, besides one billion and a half of interest due and past due.

There could be important functions that could thus be delegated to some one with less authority than the Secretary of the Treasury in his absence.

The CHAIRMAN. The gentleman from Texas is speaking to the merits.

Mr. BLANTON. There is no language in any law, other than in an appropriation bill, which does not make it law, giving the Secretary of the Treasury authority to delegate the right to this particular officer to sign official documents for him and in his stead.

Mr. MADDEN. Mr. Chairman, I differ with the gentleman upon that. The language—

Chief clerk, including $300 as superintendent of Treasury Building, who shall be the chief executive officer of the department and who may be designated by the Secretary of the Treasury to sign official papers and documents—

Was contained in the legislative, executive, and judicial act of 1915, and in that same act section 6 provided that—

the officers and employees of the United States whose salaries are herein appropriated for are established and shall continue from year to year to the extent that they shall be appropriated for by Congress.

I maintain, therefore, that this is not subject to the point of order because the authority to appropriate exists.

Mr. BLANTON. Does the gentleman contend that there is any substantive law authorizing the words—

During the temporary absence of the Secretary?

Mr. MADDEN. Yes; exactly. This is what I do contend. In the paragraph of the act approved March 4, 1915, there is to be found the identical language against which the gentleman makes the point of order.

Mr. BLANTON. But that was an appropriation bill, and was not substantive law.

Mr. MADDEN. But wait. Section 6 of the same act provides that the officers and employees of the United States whose salaries were therein appropriated for—

are established and shall continue from year to year to the extent that they shall be appropriated for by Congress.

I maintain that this office was appropriated for in that bill which contained the section 6 from which I quoted, and that the act itself says that all places appropriated for are hereby "established."

Mr. BLANTON. Mr. Chairman, the Chair will note that the authority submitted by the gentleman from Illinois [Mr. MADDEN] is an appropriation act. There is nothing in that act cited by the gentleman to show that this particular language delegating this authority was to be permanent law.

Mr. MADDEN. Section 6 does that.

Mr. BLANTON. The section containing the language shows that it is merely the language in an appropriation act which ceases when that year ends.

Mr. ANDREWS of Nebraska. Mr. Chairman, I wish to supplement what the chairman of the committee has said and to call attention to the additional fact that this provision authorizing this officer or any other party to sign department mail does not add one single dollar of expense to the pay roll. It simply provides that the mail in the ordinary course may be signed and forwarded without delay. It is merely an authorization to the Secretary of the Treasury to designate a person such as the chief clerk to sign the mail and to avoid the delay of that mail until the Secretary may return.

Mr. WALSH. But this does not say anything about mail. It refers to official papers and documents.

Mr. ANDREWS of Nebraska. Mr. Chairman, the language there means the ordinary letters and statements of accounts and approval of contracts, and the approval of the routine business of the department, and if that business be held for a day or two days or for a week, the Secretary, upon his return, has that much accumulated matter on his desk; that is all it amounts to.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. WINGO. The language that is under discussion would merely authorize him, then, to sign these letters in the event that the Secretary and all of his assistants were absent. He is authorized under this language to do this only when the Secretary and all of his assistants are absent, and evidently the gentleman must be mistaken about its authorizing him to sign the mail.

Mr. ANDREWS of Nebraska. I am perfectly confident that the construction that I have indicated is correct. I have witnessed the routine hundreds of times. Many cases happen from day to day, from week to week, and the head of the department or the assistant is busily engaged in the discussion of policies of the department, and the mail may accumulate on the desk, and there it will stay unless the Secretary has power to expedite the mail in the manner designated here, and the people who are entitled to prompt replies may be delayed for a considerable period of time. It merely means the expedition of public business.

Mr. WINGO. The gentleman misunderstands me. It does not require authority of Congress to enable the Secretary of the Treasury to authorize his chief clerk to sign a letter.

Mr. ANDREWS of Nebraska. It does.

Mr. WINGO. It does not. We are not talking about a matter of custom. I am talking about this particular language. We all know that a lot of things are done through custom that are not authorized by law, and this language would be a restriction on the present custom, according to the gentleman's interpretation, because, according to the language, the Secretary could not even authorize the chief clerk to sign his letters unless the Secretary and all of his assistants were out of the building, which would be absurd.

Mr. ANDREWS of Nebraska. This means just that, and the request has ordinarily been for the purpose, and the specific purpose, of expediting the public business. There is no increase of expense. The law provides that the head of the department or his assistant shall transact certain business. If they find it practically impossible to meet that business on demand, they would under this provision of law have the power to forward the business without delay, and that is all there is in the proposition.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. JONES of Texas. There is no such limitation as the gentleman suggests upon the authority. This provides that the chief clerk shall sign official papers and documents. The language does not place any limitation upon the character of the documents.

Mr. ANDREWS of Nebraska. That is wholly immaterial, because if the Secretary has the power to give direction for the signing of certain papers he will exercise his good judgment in deciding what he shall instruct them to sign.

Mr. MANN. Mr. Chairman, the question is a point of order, as I understand it, and, as I had something to do with section 6 of the legislative act of 1915, the Chair will pardon me if I express an opinion upon the point of order. As the Chair will probably recall himself, there had been a great many points of order made prior to that time against items, particularly in the legislative, executive, and judicial appropriation bill, carrying employees of the Government in the District of Columbia in the main, and a great many items had been stricken out on points of order.

Officers and employees who had been provided for for many years without question, but without distinct authority of law, had been stricken out on points of order, and in some cases that bill has been practically rewritten by the Senate of the United States reinserting items which had been stricken out in the House on points of order. There were some of us in the House who did not desire to have the Government run in that way, or the legislative branch run in that way. We did not desire to pass a law providing for new places in the different departments ad libitum without any control, and the gentleman from New York, Mr. Fitzgerald, at that time chairman of the Committee on Appropriations, myself, and several others on both sides of the House conferred on this subject and we wrote into the law section 6. That provision of the law established the officers who were then named in the appropriation act of that year and made them in order in future bills.

Now, the question is whether the legislative description and authority in this bill is authorized by law, and that practically is the question, whether it is now the existing law. It seems to me that section 6 of the act of 1915 expressly provides for the officers there appropriated for according to the description in that law, and the description of this office in that law includes the additional salary and the authority for the designation to sign papers. The exact language in that law is the exact language carried in this bill. I do not think it would make any difference myself if this were stricken out, but it can not be stricken out, it seems to me, on a point of order, because it is the exact language of a law now on the statute books.

Mr. WALSH. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. WALSH. Does the gentleman think that a legislative provision conferring an authority upon the Secretary of the Treasury can at all be considered as descriptive as to apply to the office of the chief clerk?

Mr. MANN. Why, certainly it is. Here is the office of chief clerk created, with a description of the powers that the chief clerk may exercise. The chief clerk may exercise the powers to sign papers when designated by the Secretary of the Treasury. That is the law creating the office. That is just as much descriptive as any other provision in the law creating an office.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Texas [Mr. BLANTON] makes a point of order against the portion of the paragraph beginning with line 23, page 2, and ending with line 3, page 3, the point of order being that the same is not authorized by existing law. The attention of the Chair is called to section 6 of an act approved March 4, 1915, which reads:

The officers and employees of the United States whose salaries are herein provided for are established and shall continue from year to year to the extent they shall be appropriated for by Congress.

This section simplifies the point of order and makes it a question of whether or not this office is provided for in that

law. A comparison of the appropriation act referred to with the present appropriation bill indicates that the description of the duties of this officer is identical in the law and the present bill. It would seem to the Chair, therefore, that this officer having been authorized, the office having been established, both as to the salary and the duties, the duties being described in detail, and apparently in exactly the same language as here described in the present bill——

Mr. BLANTON. How about the word "Undersecretary," in line 3, page 3?

Mr. MADDEN. I move to strike it out.

Mr. BLANTON. But the gentleman can not do that. That word is not authorized, "Undersecretary," and the point of order would have to be sustained because of that one word, I submit.

The CHAIRMAN. If the word "Undersecretary" is included, that of itself vitiates the whole.

Mr. BLANTON. And, of course, makes the point of order sustainable.

The CHAIRMAN. The Chair is of the opinion that, whether the language remains in the bill or not, the officer provided for in the law would now be authorized to receive the salary and perform the duties whether the language is carried in this bill or not.

Mr. BLANTON. But because of the word "Undersecretary" being included in the paragraph, it makes the whole clause obnoxious.

The CHAIRMAN. The introduction of a new office would, of course, make the whole paragraph obnoxious to the rule.

Mr. BLANTON. Then I insist on the point of order on the ground——

The CHAIRMAN. The Chair has not examined as to that provision of the bill.

Mr. MADDEN. Will not the gentleman allow me to make a motion to strike it out?

Mr. BLANTON. That will come in the proper way after the Chair has ruled.

Mr. MADDEN. I know, but the gentleman ought not to stand on a technicality. Of course the Chair ought not to be called upon to rule on something on which he ought not to be called upon to rule.

The CHAIRMAN. If the gentleman insists upon the point of order upon the ground that the position of Undersecretary is not included in the law——

Mr. LITTLE. Mr. Chairman, this is not the only law; this provision or a similar provision was carried elsewhere for an Undersecretary but I can not put my finger on it at this moment.

The CHAIRMAN. The Chair will be glad if the gentleman will present any authority he may have on this question.

Mr. LITTLE. I think there is such a provision in previous legislation.

The CHAIRMAN. Will the gentleman present it to the Chair?

Mr. BLANTON. I insist on the point of order, because of that word, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MADDEN. Mr. Chairman, I would like to ask just what language went out under that decision?

The CHAIRMAN. All the language included by the gentleman from Texas in his point of order.

Mr. MADDEN. I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 2, line 23, after the word "clerk," insert: "including $300 as superintendent of the Treasury Building, who shall be the chief executive officer of the department, and who may be designated by the Secretary of the Treasury to sign official papers and documents during the temporary absence of the Secretary and Assistant Secretaries of the department."

The CHAIRMAN. The question is on agreeing to the amendment. The Chair is not clear as to whether the amount was stricken out or not.

Mr. BLANTON. I think it would be better to add it to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1542. An act for the relief of Philip A. Hertz;

S. 2023. An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes;

S. J. Res. 125. Joint resolution to continue the military status of persons deserting the military or naval service during the World War, and the amenability to trial of those persons who failed to comply with the terms of section 5 of the selective service law;

S. 2199. An act to provide for the marking of anchorage grounds in waters of the United States;

S. 2072. An act to authorize the Secretary of War to make and receive conveyances effecting an exchange of title to the railroad rights of way at Camp Henry Knox, Ky., and for other purposes;

S. 486. An act to provide for agricultural entries on coal lands in Alaska;

S. 2363. An act to abolish the limitation on military service without the continental limits of the United States imposed by the act of Congress approved March 4, 1915;

S. 2801. An act to amend section 21 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896; and

S. 2621. An act authorizing the President to dispose of certain arms and ammunition seized in pursuance of the act approved June 15, 1917, along the Mexican border.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 2914. An act to add certain lands to Minidoka National Forest;

H. R. 7204. An act to provide a Government-owned water service system for the Fort Monroe Military Reservation;

H. R. 5700. An act authorizing the Secretary of the Treasury to sell the old subtreasury property at San Francisco, Calif.;

H. R. 8401. An act to transfer the custody and control of the United States customhouse wharf at Charleston, S. C., from the Treasury Department to the War Department:

H. R. 9021. An act to permit the city of Chicago to acquire real estate of the United States of America;

H. R. 6380. An act to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended; and

H. R. 8344. An act to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes.

APPROPRIATIONS FOR TREASURY DEPARTMENT, FISCAL YEAR 1923.

The committee resumed its session.

The Clerk read as follows:

For salaries of employees, office equipment, fuel, light, electric current, telephone service, maintenance of motor trucks, and other necessary expenses for carrying into effect the Executive order of December 3, 1918, regulating the transfer of office material, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities, $120,000: *Provided*, That no person shall be employed hereunder at a rate of compensation in excess of $2,500 per annum, and not more than three persons shall be employed at a rate in excess of $1,800 per annum each: *Provided further*, That the said Executive order shall continue in effect until June 30, 1923, without modification, except that the price charged shall be the current market value at time of issue, less a discount for usage, but in no instance shall the discount be more than 25 per cent, and that the proceeds from the transfer of appropriations thereunder shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That the heads of the executive departments and independent establishments and the Commissioners of the District of Columbia shall cooperate with the Secretary of the Treasury in connection with the storage and delivery of material, supplies, and equipment transferred under the foregoing order: *Provided further*, That typewriters and computing machines transferred to the General Supply Committee as surplus, where such machines have become unfit for further use, may, in the discretion of the Secretary of the Treasury, be issued to other Government departments and establishments at exchange prices quoted in the current general schedule of supplies or sold commercially.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I noticed that this paragraph carries one or two provisos, and one of them is continuing in effect an Executive order until the end of the next fiscal year. What is that order? I have not had a chance to read the hearings upon this particular point.

Mr. MADDEN. The order provides that all surplus supplies and materials shall be turned over to this sales committee, and we wanted to be sure that they should be turned over to them, where the different departments could buy the material instead of going out into the market to buy new material.

Mr. WALSH. You mean the General Supply Committee?

Mr. MADDEN. Yes.

Mr. WALSH. And in the absence of that Executive order being continued what would become of it?

Mr. MADDEN. Nobody knows. We wanted to be sure that the General Supply Committee had control over the surplus so that where the departments had to make purchases they must buy from the supply committee instead of going into the open market.

Mr. WALSH. I know; but the fact is we have got a lot of surplus property that is only being handled by Executive order instead of by legislation.

Mr. MADDEN. I think this is being handled by Executive order. There were $1,900,000 of supplies, if I remember, in the possession of the General Supply Committee at the time we held our hearings, and their sales last year amounted to about $1,000,000, if I recall. As the supplies are declared surplus they are transferred into the possession of the General Supply Committee, so that they will have incoming supplies to supply the place of the outgoing supplies all the time; and unless they did it—unless we were certain they had this Executive order in effect—nobody could tell whether they would or not.

Mr. WALSH. What would become of the General Supply Committee?

Mr. MADDEN. They would then go out of existence or have nothing to do.

Mr. WALSH. And that has been all turned over to them—all these desks, furnishings, and so forth?

Mr. MADDEN. They have $1,900,000 of that sort of stuff on hand now, and they are getting it in every day under the Executive order. If the Executive order was to cease, no one knows what would become of the surplus supplies. There can be no harm in establishing that safeguard.

Mr. WALSH. I see. I withdraw the pro forma amendment.

Mr. DUNBAR. Mr. Chairman, I move to strike out the necessary number of words.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. DUNBAR. I wish to address myself to the gentleman from Tennessee [Mr. BYRNS]. My statement that there would be an increase in expenditures of $155,000,000 for the year 1923 in the Veterans' Bureau was erroneous. I find the appropriations made for the fiscal year 1921 and 1922, as of November 1, 1921, is $155,000,000 less than the estimates for the fiscal year 1923. But in all probability the excess in amount expended by the Veterans' Bureau will be the amount the gentleman from Tennessee stated. I wish to ask him, however, this question: You stated that the total estimated expenditures for 1923, exclusive of the Postal Service, would be slightly in excess of $3,500,000,000. I ask the gentleman where he gets that information?

Mr. BYRNS of Tennessee. I will say to the gentleman that I got that statement from the message of the President of the United States transmitting the budget.

Mr. DUNBAR. Is the gentleman aware that the amount includes an expenditure for the reduction of the public debt, amounting to $388,000,000?

Mr. BYRNS of Tennessee. Well, I will say to the gentleman that that is an expenditure that is made during the present year as well as next year. I do not know that any particular credit can be taken in 1923 for an appropriation which will take care of the sinking fund.

Mr. DUNBAR. But it should be accounted for in your estimate that is made for the actual operating expense?

Mr. BYRNS of Tennessee. Undoubtedly. But that is an expense similar to expenses incurred this year and last year with reference to the sinking fund.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

All purchases of typewriting machines during the fiscal year 1923 by executive departments and independent establishments for use in the District of Columbia or in the field, except as hereinafter provided, shall be made from the surplus machines in the stock of the General Supply Committee. The War Department shall furnish the General Supply Committee, immediately upon the approval of this act, a complete inventory of the various makes, models, and classes of typewriters in its possession, the condition of such machines, and the point of storage, and shall turn over to the General Supply Committee such typewriting machines in such quantities as the Secretary of the Treasury from time to time may call for by specific requisition for sale to the various services of the Government. If the General Supply Committee is unable to furnish serviceable machines to any such service of the Government, it shall furnish unserviceable machines at current exchange prices and such machines shall then be applied by the service of the Government receiving them as part payment for new machines from commercial sources in accordance with the prices fixed in the preceding paragraph. And in selling typewriting machines to the various services the General Supply Committee may accept an equal number of unserviceable machines as part payment thereon at the exchange prices quoted in the current general schedule of supplies.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. I would like to ask the chairman of the committee what that provision means, as to selling typewriting machines to the various services. It says:

The general supply committee may accept an equal number of unserviceable machines as part payment thereon at the exchange prices quoted in the general schedule of supplies.

Mr. MADDEN. The various departments have worn-out machines. They may want to get new ones. If they wanted to get a complete new machine and the general supply committee did not have one on hand they would probably have to go into the open market to buy. The general supply committee takes machines that are exchanged by the departments for the ones they sell to the departments and rebuilds them, so that, for example, if the Navy Department wanted to buy a machine that was in the possession of the General Supply Committee they would turn over to the General Supply Committee a machine they had which they were unable to use, and then the General Supply Committee would repair that machine and resell it to some other department when they came in for an exchange. That is what it means.

Mr. WALSH. Well, I do not understand that that is what that provision means.

Mr. MADDEN. If the machines could not be repaired they could not be sold outside or exchanged in commercial trade. They can either be repaired or exchanged.

Mr. WALSH. In selling a typewriting machine to the various services—if they want to sell a typewriting machine to the Treasury Department they can accept one unserviceable machine as part payment?

Mr. MADDEN. Yes.

Mr. WALSH. Now, they could not sell three typewriting machines and accept six as part payment? There must be an equal number of unserviceable machines with those sold?

Mr. MADDEN. I think that is true. It would simply be a trade. If the department wanted one machine that the General Supply Committee had, they would turn in one machine in part payment.

Mr. WALSH. I know; but the department might have 40 or 50 old machines stored away and of no use, and they might have need of only 25 new machines.

Mr. MADDEN. They would be declared surplus in that case, and they would go to the General Supply Committee and be sold through the General Supply Committee.

Mr. WALSH. I know; but there would not be any need for them to do all this if they could exchange these 40 or 50 machines for 20 new ones. Now, you are limiting them to exchanging 20 new ones for 20 unserviceable ones.

Mr. MADDEN. I think the general trend of activity should be along the line that would force the department to declare surplus and put the machines into the hands of the General Supply Committee for a useful purpose.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ARENTZ. When you speak of "dollars," there is a question of $5,000. For instance, we could transfer an automobile from the War Department.

Mr. MADDEN. We have passed that.

Mr. ARENTZ. I want to discuss that.

Mr. MADDEN. That matter has been passed and discussion of it is out of order.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MANN. This paragraph authorizes the War Department "to furnish to the General Supply Committee, immediately on the approval of this act, a complete inventory of typewriters of the various makes, models, and classes." That is the current law. I suppose that has been done. What is the need of requiring the War Department to furnish a new inventory on the passage of this act?

Mr. MADDEN. They may have a lot of surplus on hand, and they may not continue the practice of making an inventory if we do not continue this provision.

Mr. MANN. The existing law says they "shall furnish the General Supply Committee with a complete inventory of the various makes, models, and classes of typewriters in its possession, the condition of such machines, and the point of storage."

Mr. MADDEN. They might buy new ones.

Mr. MANN. I apprehend they will not buy new ones to store. I am very sure that the War Department is not buying new typewriting machines. However, it is immaterial, except for the matter of expense and time in making the new inventories that are copies of the old inventories of material turned over to the General Supply Committee.

Mr. MADDEN. They have had a lot of trouble in getting a complete inventory. Of course, we are trying to help them get it.

Mr. MANN. If they need this, I shall not object, but we ought not to require them to repeat the same thing.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SNYDER. The gentleman will recall that when the matter was under discussion during the consideration of the last appropriation bill the quantity that the Government had on hand at that time was stated to be somewhere between 200,000 and 2,000,000, and we attempted then to find out how many they had, because we wanted to find out how many were going into this supply department to enter into competition with machines now being made.

Mr. MADDEN. The department now has 12,000 typewriting machines, 9,000 of which are serviceable and 3,000 unserviceable and about 400 in a very bad state of decay.

Mr. SNYDER. I have no interest in it now, because I understand the figures here are a compromise between the governmental authorities and the manufacturers themselves. If they are satisfied, of course I am.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Office of commissioner of accounts and deposits: Commissioner of accounts and deposits, $6,000; accountant, $4,000; principal clerk, $2,500; clerk, $2,000; stenographer, $1,800; messenger, $840; in all, $17,140.

Mr. ANDREWS of Nebraska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS of Nebraska: Page 12, line 12, after the word "deposits," strike out "$6,000" and insert in lieu thereof "$3,500."

Mr. ANDREWS of Nebraska. Mr. Chairman, if we refer to the record preceding the war and to the developments of organizations in the Treasury Department during the period of the war we will find that this office was developed entirely within the period of the war. Prior to that time it had no existence under a title like this. Whether there is permanent law behind it or not I do not know. In fact, I do not care. The point I wish to make is this, that the expense for the heads of this division and the Division of Deposits, together with the Division of Bookkeeping and Warrants, before the war amounted approximately to $9,000, while we have here for this one office $6,000 for the commissioner of accounts and deposits and $4,000 for an accountant. In other words, two of the officers in this division carry more expense than the heads of the three divisions required prior to the war.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. GREEN of Iowa. What does this commissioner do? I do not know exactly.

Mr. ANDREWS of Nebraska. The hearings outline that quite clearly. He handles questions relating to deposits in banks, keeping practically the record of the amounts of certain deposits and the records in connection with the public debt. I will not take the time to review that, but let me call attention to this central fact: Prior to the war we had the Division of Public Moneys, which had charge of this question of deposits. The Division of Bookkeeping and Warrants handled a portion of the work that has been subtracted and handed over to this commissioner of deposits. The work assigned to the commissioner of accounts and deposits now is the work that belonged before to the Division of Public Moneys and the Division of Bookkeeping and Warrants. Note, now, the inconsistency in salary. Drop down to the next paragraph, Division of Bookkeeping and Warrants, chief of division, $4,000. That chief performs far more difficult and important work than does the commissioner of accounts and deposits. I speak of that which I know from an examination of the records and the methods of the business.

Turn, if you please, now, to the Division of Deposits. That is on page 13. Chief of division, $3,500. That division now handles a portion of the work segregated from the former Division of Public Moneys; so that the Division of Public Moneys was divided up and two divisions are made here, costing more than ten times what it cost to do the same work prior to the war. Oh, you say that there is more detail work to be done. That belongs to subordinates, and not to those who manage and supervise divisions. It practically means this, that this division, commissioner of accounts and deposits, has been created not entirely from public necessity. I will not add anything beyond that. I know the circumstances. I know the influences behind the whole thing.

Mr. SNYDER. Tell us what they are.

Mr. ANDREWS of Nebraska. On page 14 you have another proposition, in line 7, where I will offer an amendment in due course. Commissioner of the Public Debt, $6,000. Then below, assistant, $3,500. Here again you have carved out of the old Division of Public Moneys part of the Division of Bookkeeping and Warrants, and put here practically three new divisions in connection with the public debt and these deposits.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDREWS of Nebraska. I ask unanimous consent to proceed for five minutes additional.

The CHAIRMAN. The gentleman asks permission to speak for five additional minutes. Is there objection?

There was no objection.

Mr. WALSH. Will the gentleman yield?

Mr. ANDREWS of Nebraska. I will.

Mr. WALSH. Is the gentleman stating that he has some information relative to the influences behind the retention of these particular officers other than what is contained in the hearings?

Mr. ANDREWS of Nebraska. I have; but I am not going to give it. I stand on the record in the hearings.

Mr. MANN. Will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. MANN. What is the excuse given for putting the salary of the Commissioner of Accounts and Deposits at $6,000, while the salary of the Chief of the Bookkeeping Division is $4,000, and the salary of the Chief of the Deposit Division is $3,500, and the salary of the Chief of the Division of Loans and Currency is $3,500? What is the excuse given for making this difference in salaries?

Mr. ANDREWS of Nebraska. The work to be done is about equal to $3,500, considering the ordinary increases for other grades beyond the ordinary clerks, in the salaries fixed elsewhere.

Mr. MANN. I understand; but what is the excuse given by the department for recommending a salary of $3,500 for the Chief of the Division of Deposits and a salary of $6,000 for the Commissioner of Loans and Deposits?

Mr. ANDREWS of Nebraska. I can not answer that. Perhaps the chairman of the committee can. I see no valid reason for it. I think the $6,000 should be stricken out and the amount placed at $3,500.

Mr. MANN. Can not the gentleman tell us the excuse they offered?

Mr. ANDREWS of Nebraska. I have not the reason in connection with that. I am satisfied that it is more a matter of precedent and of certain forces which were in operation at the time these things were done.

Now, take the question of the details of the work in the Division of Bookkeeping and Warrants. Note, if you please, that in the hearings the Commissioner of Accounts and Deposits says that he received certain information from the Division of Bookkeeping and Warrants, and he conveys the idea that he has a kind of supervisory influence over that division. Not so in actual practice, to my personal knowledge. He gets the data from the Division of Bookkeeping and Warrants, the only division that can furnish the facts. Then he tabulates that work and is merely a statistical clerk in so doing. I know both of the men at the heads of these divisions. I am not offering personal criticism in relation to either of them, but I want it understood that the Commissioner of Accounts is doing practically duplication of work wherever he goes, compared with these other divisions that we have now.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. GREEN of Iowa. I can not see what reason can be given for all three of these different departments, nor can I see that this commissioner of accounts does anything except bookkeeping work.

Mr. ANDREWS of Nebraska. Practically so; and he borrows the facts from people who study the law and make an analysis and hand the facts over to him.

Mr. GREEN of Iowa. Therefore it seems to me clearly that the office ought to be dispensed with entirely and the duties assigned to these other Divisions of Bookkeeping and Warrants and Loans and Currency.

Mr. ANDREWS of Nebraska. I had hoped the chairman of the committee would see his way clear to offer that proposition, but, as he does not desire to destroy the organization in the department, I thought I would be charitable in offering these amendments which would help us to save some money and bring out the facts.

Mr. MADDEN. Mr. Chairman, I hope that this amendment will not be adopted. I think the office is one of the most important offices in the Government service. The Commissioner of

Accounts and Deposits has an important office. What does he do? He has to keep track of the amounts of money on deposit in all the Federal reserve banks, so that the Treasurer himself may know where to find the money to meet the obligations from day to day. He must make up all lists of obligations existing, find out where the money may be transferred to or from to meet the obligations of the Government in the various sections of the country. He must keep an account of the investments of money received by the Veterans' Bureau from insurance; he has charge of the investment of the funds held in the hands of the Alien Property Custodian; he has charge of very important functions, and I certainly do not believe that there should be any amendment adopted affecting the existing organization in an important branch of the Treasury Department like this without full knowledge on our part. How can we tell? We can not tell whether this man ought to get $10,000 or $3,000. It is for the Secretary of the Treasury to say what the value of the services of this officer is. From investigations I have made of the importance of his duties, I conclude that $6,000 is not too high compensation to be paid to him.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GREEN of Iowa. I do not yet see the necessity of these separate divisions. Why should it not be put under the Division of Deposits? He has simply to deposit the funds.

Mr. MADDEN. He must keep a record of the details of deposits, payments, everything connected with the Treasury Department, so that the Treasurer may know from day to day what payments have to be made and where the money is to come from.

Mr. GREEN of Iowa. The greater part of it has to be done by the Division of Deposits.

Mr. BUTLER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BUTLER. Is not that the same service that he has always performed? How has his service increased?

Mr. MADDEN. The man in charge of the division of deposits only keeps track of the money on deposit in the various banks of the country belonging to the United States Government. This man has the varied and important functions that I have described to perform, and it is necessary that he should be up to the minute with information so that there will be no chance of any mistake being made at any hour of the day. This is no child's play. It may seem easy, and may be easy for the man that is doing it, if he knows his business. Put a man in that position that does not know his business, take away the compensation to which he is entitled and prevent him from keeping the place and turning the work over to someone who knows nothing about it, and you will create a bad condition of things. I do not believe it is for us to say as to the wisdom of the organization of the department. At any rate, I do not believe we ought to say whether it is wise or unwise unless we know. If we know we can decide, but it will not do for us in this way, by an amendment offered to a pending bill, to decide that we know better what ought to be done than those who have the responsibility resting upon them after long years of experience.

Mr. BUTLER. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. BUTLER. Who is this officer the gentleman speaks of? What is his name?

Mr. MADDEN. I do not know the name of any of these officers of the Government, and thank God, I do not know. I do not want to know.

Mr. BUTLER. Let me ask the gentleman why they propose to increase the salary to almost double?

Mr. MADDEN. There is no increase, it is just the same salary.

Mr. BUTLER. The same as it was prior to the war?

Mr. MADDEN. It was not in existence prior to the war. It is an office that became necessary during the war and the Government now has all the functions to perform through the Treasury Department that it had during the war.

Mr. BUTLER. We ought not to be asked to increase the salary unless it is absolutely necessary.

Mr. MADDEN. We are not increasing the salary.

Mr. BUTLER. Can not we get along without this division?

Mr. MADDEN. I will ask my friend from Pennsylvania how can we say whether we ought to abolish the office or not?

Mr. BUTLER. If I was a member of the Committee on Appropriations I would ask the question.

Mr. MADDEN. We have asked all kinds of questions, and I commend the hearings to the gentleman from Pennsylvania to read.

Mr. BUTLER. But I have no time to read the hearings; it is the gentleman's place to tell us about it and give us the information.

Mr. GREEN of Iowa. Mr. Chairman, I think there is much in what the gentleman from Illinois [Mr. MADDEN] has said. We do not know at this time what ought to be done. My idea would be that the whole division ought to be abolished and consolidated with the other two departments or divisions of bookkeeping and warrants and division of deposits. But the gentleman from Illinois is right. We have not the information before us so that we may know whether that ought to be the proper course or not. We do not know what the effect of it would be and no one is able to state here what the duties of the office are.

Mr. MADDEN. I stated what the duties of the office were.

Mr. GREEN of Iowa. What the chairman stated was a mere matter of bookkeeping, which could be done for $1,800 a year.

Mr. MADDEN. We can not get these duties performed by anybody for $1,800 a year.

Mr. GREEN of Iowa. All he has to do is to keep track of the funds.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BYRNS of Tennessee. This officer has supervision of the other two divisions to which the gentleman referred?

Mr. GREEN of Iowa. The gentleman from Nebraska [Mr. ANDREWS] showed fairly conclusively that that was not the case.

Mr. BYRNS of Tennessee. I agree with the gentleman from Illinois that in a matter of this importance we ought to give some attention to what the Treasury Department says in reference to the duties of this division. The statement was made that this man is at the head of this division and has supervisory authority over the other two divisions. In addition to that, I regard this particular position as one of the most important in the Treasury Department. We had a billion-dollar debt before the war; we now have an indebtedness of $23,000,000,000. This particular official has charge not only of keeping track of the investments of securities of the Government but he is also in charge of the duty of keeping track of the investments of Government insurance funds, which is a very large amount, and also the funds of the Alien Property Custodian, which amount to hundreds of millions of dollars. It seems to me it is beside the question when we say that an officer of this importance to the Treasury Department is drawing too much when he gets $6,000 a year, especially when those over whom he has supervision get $3,500.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. I yield, although I would like to have a little of my own time for myself.

Mr. ANDREWS of Nebraska. Before the war all of this work was done through the Division of Public Moneys, the Division of Bookkeeping and Warrants, and the Division of Loans and Currency. This Commissioner of Deposits and Accounts must from the nature of things get his data through other divisions, and he does not act upon policy. He is little more than a statistician, a bookkeeper, and the force under him proves that he can not be any more than that.

Mr. MADDEN. But there was an indebtedness of only $1,000,000,000 before the war.

Mr. ANDREWS of Nebraska. I understand that, but this man does not handle the bonded indebtedness.

Mr. GREEN of Iowa. He does not have anything to do with that.

Mr. ANDREWS of Nebraska. And you propose a salary of $6,000 for the Commissioner of Public Debt and a salary of $3,500 for the Chief of the Division of Loans and Currency.

The CHAIRMAN (Mr. CAMPBELL of Kansas). The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to have two minutes additional.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANDREWS of Nebraska. These divisions did the work before, and this is carved out and put into that place.

Mr. GREEN of Iowa. Mr. Chairman, I agree with my friend from Illinois [Mr. MADDEN] and my friend from Tennessee [Mr. BYRNS] in their conclusions, but not in their premises. I agree that we have not sufficient information before us at this time to act on this matter, but I want to say that this is one of the matters that ought to have been taken up by the Director of the Budget.

Mr. ANDREWS of Nebraska. Absolutely.

Mr. GREEN of Iowa. I had heard very much at the time the budget proposal was before us about the consolidation of these departments and doing away with unnecessary duplication. I am absolutely satisfied that there is unnecessary duplication. Just how it ought to be handled I do not know, but I do not think we have testimony before us to determine at this time, and in that respect I agree with my friend from Illinois and the gentleman from Tennessee. I hope that such matters in the future will receive further and more attention from the officer who is especially charged with the duty of examining into it.

Mr. MADDEN. We will undertake that ourselves.

Mr. MANN. Mr. Chairman, the amendment pending is to reduce the salary carried in the bill for the commissioner of accounts and deposits from $6,000 to $3,500. I do not know but that the salary ought to be a little bit more than that.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. MANN. Not now. The bill provides a salary for the Chief of the Division of Bookkeeping and Warrants of $4,000, for the Chief of the Division of Deposits of $3,500, for the Chief of the Division of Loans and Currency $3,500, and for the Commissioner of the Public Debt $6,000. Gentlemen defending the item in the bill have given to this Commissioner of Accounts and Deposits all of the work that these other chiefs do, and if he is competent to do the work of all of the other chiefs, perhaps he ought to have the $6,000, but in that event there is no occasion for the other chiefs. Just what his duties are I do not know. Nobody seems to know except my colleague from Illinois [Mr. MADDEN], and, of course, all he knows is from the record.

Mr. MADDEN. That is true. I would like to read——

Mr. MANN. No. It is perfectly patent that this salary is out of proportion to the other salaries paid by the Government. The Commissioner of Accounts and Deposits is to receive a salary of $6,000, the accountant in his office $4,000, the principal clerk in his office $2,500, a clerk $2,000, a stenographer $1,800, a messenger $840, and they constitute his whole office. He has only two clerks under him. He has an accountant who does the work at a salary in excess of the ordinary salary paid by the Government for similar work. Everyone knows how this salary came to be this amount. It is one of the salaries created by the official of the Government having a lump-sum appropriation during or following the war, when the dollar-a-year men who came here asked higher salaries than were being paid by the Government. I have no complaint. I think we pay rather too low salaries to these men in the main. The only way that we can get any consideration of this matter is by reducing in this bill the salary carried, and then there will be plenty of explanation given to the Committee on Appropriations in the Senate and the Members of the House as to why the salary ought to be what it is to be. We will know then what the office is and how important it is. We will never know in any other way.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. WALSH. Does the gentleman contend that before this salary is increased somewhere else some reason for it will be given?

Mr. MANN. Before it is accepted by the House some reason will be given, I imagine, if it is decreased here.

Mr. MADDEN. Mr. Chairman, it seems that no one understands what the duties of this man are. I tried to explain what they are a short time ago, but evidently nobody understood me. I shall read now what his duties are:

> The duties are of two general classes; first, supervisory, as to the Division of Bookkeeping and Warrants, the Division of Deposits, and certain of the transactions in the office of the Treasurer of the United States which are related to the Accounts and Deposits activities in these other divisions, and, in addition, I am responsible to the Undersecretary for the public-debt statement issued each month by the Government, and the statement of securities owned by the United States Government, which is shown on the back of that statement.

He also has the individual accounts of the railroads in connection with the transportation act of 1920. He has all the detailed accounts of the loans to the railroads from the $300,000,000 revolving fund appropriation in the transportation act, and the duties in connection with the collection of the principal and the interest on those loans, sending out advanced notices of amounts due, and seeing that the money is collected and deposited in the Federal reserve banks to the credit of the Treasury, so that they may have control over the situation when the vital need comes. He has in custody accounts for all securities kept with the Federal reserve banks, subject to the order of the Secretary of the Treasury, and securities accepted from other Government departments, as the Treasury offers the facilities of the Federal reserve banks to each department for the safe-keeping of securities and collection at maturity. He has the accounts of the investments that the Secretary is responsible for under the law, among which are the investments of the Government life insurance fund under the Veterans' Bureau that have to be made from time to time as funds become available from the premiums on converted insurance. He has at the present time about $43,000,000 of those investments which are made from time to time in lots of $100,000 and up as fast as the funds become available. He has charge of the investment funds held by the Alien Property Custodian, and he has charge from time to time of the most part of the Treasury certificates of indebtedness. As they mature the funds have to be reinvested. The Treasury certificates can not be issued for a longer period of maturity than one year, and the reinvestment of the funds causes work from time to time in that connection. The investment amounts to about $160,000,000, and so on and so on until the end of the chapter.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GREEN of Iowa. The gentleman must certainly be a wizard to do all that with three men.

Mr. ANDREWS of Nebraska. Why do they need anybody else?

Mr. GREEN of Iowa. At least one-half of these duties that are being read here I know are performed more or less by other parties, but the others I do not know about, but even then I wonder how he can get through with three men.

Mr. MADDEN. All of this simply includes the functions that come under his jurisdiction, and, of course, the details are something about which we can not know definitely.

Mr. WALSH. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. WALSH. Is it a fact that the jurisdiction with reference to railroad advances has been taken from one of the assistant secretaries and placed under the supervision of this commissioner?

Mr. MADDEN. Well, I told the gentleman what I was told as being the duties.

Mr. LAYTON. Will the gentleman yield for a question?

Mr. MADDEN. I will.

Mr. LAYTON. Do I understand this Commissioner of Accounts is really the head of the Division of Bookkeeping and Warrants in the Division of Deposits?

Mr. MADDEN. Oh, no; I did not say that. I simply stated what his duties were, and those duties are multifarious.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. MADDEN) there were—ayes 25, noes 33.

So the amendment was rejected.

The Clerk read as follows:

> Salaries: Chief of division, $3,500; assistant chief of division, $2,500; clerks—1 $2,250, 1 $2,000, 1 of class 4, 2 of class 3, 1 of class 2; messenger, $840; in all, $17,490.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to address the House out of order for five minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed out of order for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, one who attempts to curb the excess of Government printing is, I presume, in the position of Mrs. Partington, who tried with her broom to sweep back the sea. But a few things are happening from time to time in the Government printing which should be called to the attention of Members. I have here, and I would like to have Members see it, a publication of the Federal Board of Vocational Education entitled "Diary of Home-making Activities," just printed. Two pages are printed and the other 10 pages are blank with space for making out the diaries.

The instructions on the first page say that the home maker is to write down just what she does through the day, and she is asked to sit down three or four times a day and make a note of everything she has been doing—even the little things that seem of no account. It particularly urges her to be careful to include the little services, for, as it says, "They seem little to you but multiplied they become large." These are to be sent to farmers' wives and the wives of mechanics, the plain people. Of course we all know that woman's work is never done, and

that no diary can report her necessary daily activities. Here is a sample diary for a day written out as a guide:

Saturday, November 5: 6.30 to 7 dressed self; waked husband; opened doors and windows downstairs; prepared breakfast. 7 to 7.30 ate breakfast; planned evening party with husband; called children. 7.30 to 8 dressed baby; combed Alice's hair; helped Billy put on his overalls; gave children breakfast. 8.30 to 9 put kitchen and dining room in order. 9 to 9.30 gave baby his bath and planned luncheon and dinner. 9.30 to 10 put house in order. 10 to 10.30 gathered peas out of the garden. 10.30 to 12 minded baby; mended husband's shirt; hunted his tie; washed and ironed waist. 12 to 1 gave children luncheon. 1 to 1.30 inquired about sick neighbor; planned the afternoon for the children; punished Billy for hurting Alice.

And so on. [Laughter.]

Why is this being done? I will try to explain. I want——

Mr. LAYTON. Will the gentleman yield?

Mr. JOHNSON of Washington. I can not yield in five minutes. I am sorry. Here is a companion to this publication of the diary for the plain people. This other sample diary is not from the Federal end of the vocational training institution, which as you know is one of our 50–50 propositions—half Federal and half State. The diary from which I just read is from the Federal end. The next one is from the State end—one of the States—and it is a diary to be kept by married women who have received college educations. It goes further than the one for farmers' wives. The college-bred wives are asked to tell what they did and why they did it. The trick is to get the mental operation. The instructions say that they need not give their names for the following reason. I quote:

5. Since every person thinks about things which she is reluctant to mention, we have safeguarded your identity by not asking you to sign your name. But if with this safeguard there are still items which you do not list, we ask you to make a mental note of them and to indicate in the place provided on the supplementary information sheet the kinds of things you are reluctant to enter.

That is going pretty far for information. Women with college education are asked to report what they did and why they did it. Here is printed a sample diary page:

7.30: Dressed, prepared breakfast.
9.30: Lay flat on my back and read the paper.

She gives as the reason she did that was because she was tired and curious to read the news and had finished the morning routine. [Laughter.]

9.45: A neighbor came in to show me her new coat and gown—I admired them—we discussed clothes and husbands.

The reason was:

I knew she wanted me to. The subjects interest her.

[Laughter.]

10.15: Hunted for Italian address book.
10.45: Wrote secretary's minutes for Unitarian Alliance. Cleaned out jets in Reznor stove in bathroom.

The reason she did that was this:

My husband had said they needed it to get full strength of gas.

Next she—

Wrote a letter to a library student.
Helped our chameleon change his skin.

[Laughter.]

The reason she did that is right here in the document. She says:

I am very fond of him and enjoy cheering him up.

[Laughter.]

Mr. LAYTON. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. LAYTON. I simply want to say that I do not think the House of Representatives ought to laugh at that, considering the fact that they recently voted for and took on the maternity bill.

Mr. JOHNSON of Washington. There is something to that. And in that connection I am afraid, gentlemen, that through the various 50–50 plans, 50–50 for one thing and 50–50 for another, that we have plunged into something that will carry us a long, long way from the noblest conception of popular self-government; 50–50, neither Hamiltonian nor Jeffersonian, and the end is not yet.

When I received this sample diary, I went over to the building of the Federal Board for Vocational Training, which is in the Maltby Building, to attempt to secure some information. What did I find? Why, first, that I was in an independent establishment of the Government. And these words "independent establishment" mean something, mark that. I will explain if I have time. But I found something else, which was that the paid board members—two out of the three, at least—and all of the heads of the bureaus, except one, maybe two, are out in Kansas City, where they are having a vocational education annual convention. It is, of course, a big event, and speeches are to be made, and all that.

A MEMBER. Out there at Federal expense?

Mr. JOHNSON of Washington. Why, of course, and on the business of the Federal Government and the States' government—50–50—and will undoubtedly make progress in vocational education.

But I found an assistant chief. She is an enthusiast. They are all enthusiasts, no matter which bureau or what service. She gave me what information she could. The 5,000 home activities diary did not cost much—$61.10, that is all—but she could not say what the next printing expense would be after the diary reports are in. She goes next week to Milwaukee, then back to Connecticut and Vermont, thence to Montana in March, and on to the north Pacific coast. I talked with others. In some manner I seemed to gain the impression that it is no business of Congress to concern itself very much about the printing bill of an independent establishment, for is it not half Government and half State?

Mr. WALSH. What would they do should Congress refuse to appropriate the Federal 50 per cent?

Mr. JOHNSON of Washington. Ah, then we will be assaulting roads, or education, or health, or whatever the 50–50 proposition might be.

I see we are having some trouble of another kind with an independent establishment, the Federal Reserve Board, in relation to the erection of public buildings. I notice from the papers that the board has suspended its work on the construction of buildings for the Federal reserve banks until it can get authority from Congress. The buildings are either completed, half finished, or started, and I suppose we will at this late date be compelled to authorize the work. Of course, the banks are not on the 50–50 plan but on the per cent profit plan, but apparently just outside of control of the representatives of the people—and this is a representative form of government.

As a matter of fact, I am beginning to believe that we as a Government have gone about as far as we can go on the 50–50 schemes. I can see how they develop, each and every one with some good end for the people in view, each one developed by bright-visioned enthusiasts who want to help the people, geniuses at the head of governmental bureaus who, having exhausted the possibility of getting more money from the Federal Treasury through Congress, design the plan by which they reach out and get the money from the rainbow's end out in the States, forgetful of the fact that it all comes from the same taxpayers. But the taxpayers must see that they pay these days State taxes and Federal taxes and on top of these taxes 50–50 taxes.

Mr. WALSH. Will the gentleman yield further?

Mr. JOHNSON of Washington. I yield.

Mr. WALSH. What connection does this diary of the ordinary housewife and the college-educated housewife have with the problems of vocational education?

Mr. JOHNSON of Washington. That is the interesting part, and I will try to answer. I have diverted. Now, I will be very frank and, I hope, fair. These diaries were printed only to the number of 5,000. They are to be sent out through the various official channels, and it is presumed that not more than 1,000 will come back. If the Vocational Board gets a thousand back, it says it will do well. No return franked envelope is sent out with the diary blanks in order to get them back.

My informant—the assistant over there—says if they get a thousand back as to what farm wives and workingmen's wives did during every minute of a busy day, they—the board—will be able to form a curriculum for educating young girls along the line of what the most women have to do according to these 1,000 reports. They said to me, almost in these words, that if enough wives reported that they took some time to cut papa's pants down for Willie, they hoped to show the necessity for having a study on the remaking of papa's pants in the curriculum. I asked, "Suppose enough women report that they spent half an hour a week in the making of fudge, would they have to have a fudge-making class in the economics schools?" The reply was "No;" that they did not believe in teaching fudge making. That is where modern grammar schools beat them.

Mr. WALSH. What would happen if they entered in the diary that they spanked Willie every morning? [Laughter.]

Mr. JOHNSON of Washington. It follows that they would have to have the spanking business brought into the curricula of vocational education, and give regular instruction along that important line. [Laughter.]

Mr. WALSH. And the Government would probably have to furnish the shingles?

Mr. JOHNSON of Washington. Possibly.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Now, all this is under what they are proud to call, and do call, the Smith-Hughes Act, one of the 50–50's. It is all designed for a great purpose. They said to me, "We are going to find out whether the women spend their time making bread when they might be buying it cheaper at the bakeries." And I had the pleasure of answering that in some parts of my district if they did not bake their own bread, way out in the mountains, away from the cities, they would have no bread. They said that would come in these reports. I asked how 5,000 copies were going to circulate among the States, and it developed that all the States have adopted the 50–50 plan for vocational training. It also developed that most of the officers of the organization are put on the road three-fourths of every year, and that they receive $5 a day for traveling expenses, whereas in our Immigration Service and in the Internal-Revenue Service the men on the road must get along with $4 a day.

They argued to me—and I think with some justice—that a man getting $4 a day when he is out on the Government service may turn in voucher showing $4 a day spent traveling. The assumption is that he had to spend the $4, whereas these people who get $5 a day have to turn in an itemized account, and they said that only in a few cases had they been able to live on the $5, and that it was a waste for the Government to have a large number of bookkeepers and clerks engaged in analyzing these accounts to see whether they had properly expended the $5. I agree with them on that. As a matter of fact, if a vocational educational trainer can travel around on $5 a day, is it not a pity to send, for instance, the Commissioner General of Immigration out to Chicago and give him only $4 a day to live on at a good hotel in Chicago?

Mr. MANN. There is one good thing about it. It shortens up the travel. [Laughter.]

Mr. JOHNSON of Washington. I notice, however, that out in my country that when our delightful summer time comes and in that great playground of the world, and the road to Alaska is open there is an exceedingly large number of Government employees—both the 50–50 kind and the regular kind—who find it to the interest of the Government for them to go out that way, even at the modest per diem of $4.

Mr. MANN. The gentleman will recall that during the Panama Canal Exposition at San Francisco nearly every Government official under the administration at that time discovered that he had business to be out at San Francisco at Government expense. [Laughter.]

Mr. JOHNSON of Washington. I desired to discuss waste in printing; I have digressed. We are busy. We have before us the first of the annual appropriation bills. We can not all take the time to get around to these independent establishments of the Government. It will pay Members of Congress to do so. It will pay to watch just how far the independent establishments go. They are very nice about it. When they get out of bounds it is almost impossible to get them back. That is what is making the trouble with so much of the Government printing just now. It ran wild, first in one place and then in another, until heroic methods had to be used to call a halt. No Member of Congress, certainly not myself, desires to strike down any of the good publications.

I desire to say that I think the useful and valuable publications will be quickly restored. I have introduced a bill to that end. I ask Members to look at it, and study it. In the meantime your Committee on Printing will strive to strike down the wasteful ones, the unnecessary ones, and the foolish ones. [Applause.]

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from South Carolina moves to strike out the last word.

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen, the gentleman from Washington [Mr. JOHNSON] in his very interesting statement referred to the expenditures by commissions under the 50–50 plan. He referred to the statement in the newspapers this morning as to expenditures of the Federal Reserve Board, but the fact is that the expenditures of that board are not made upon any 50–50 plan.

Mr. JOHNSON of Washington. I admit that, of course.

Mr. BYRNES of South Carolina. After a dividend of 6 per cent has been paid to the member banks as stockholders the law provides that the net earnings shall be paid to the United States as a franchise tax, with a proviso that one-half of such net earnings shall be paid into a surplus fund until it equals the paid-in capital. To the extent that the board engages in extravagance, they lessen the amount that is returned to the Treasury. The gentleman is correct in stating that the press announces that the board has ordered a suspension of construction of some bank buildings heretofore authorized. This is good news. It is remarkable that the board states that the reason for the suspension is that an amendment has been introduced by a Senator from Georgia prohibiting such construction until authorized by Congress. It is the first time I have seen such evidence of desire on the part of the Federal Reserve Board to consider the views of Members of Congress. For some reason they now do not wait for action of the Congress, but merely because an amendment is offered to a bill not pending in the Senate, but pending before a committee, they have ordered a suspension of their building program throughout the country. I care not what reason actuated them; I rejoice at the suspension. But unfortunately it does not provide for a suspension of construction of the building at New York, and it is my opinion that the real reason for the suspension announcement this morning is that they have finally awakened to the view the country entertains of their action, and the criticism of the country is due in great part to the building they have approved for the reserve bank in New York City.

Yesterday I read a letter which the Speaker of the House sent to his constituents, in which he stated that though he knew a new public building was needed at Springfield, Mass., and had been needed for some time, that in view of the financial condition of the Treasury and of the country the Congress could not pass a public building bill. For eight years Congress has refrained from passing such a bill, and throughout the country there are many cities where there is necessity for the construction of buildings. But Congress having some regard for the taxpayers has refused to pass such a bill, insisting that the people make sacrifices.

The last public building bill, passed about nine years ago, carried an appropriation of some $40,000,000, as I recall, for buildings throughout the entire country. Now we have the Federal Reserve Board approving a bank building at New York City which, according to their report to the Senate, will cost, with the annex, more than $25,000,000. They state that the furniture will cost $800,000. In this building they propose to have a gymnasium, an auditorium to seat 1,000 people, occupying 4,600 square feet, applying this space in a building on Wall Street to an auditorium for educational purposes. Club quarters are to occupy 4,400 square feet. The fees of the architect and engineer will amount to $1,106,000, enough to construct public buildings in several cities where buildings are badly needed at this time and which are not appropriated for by Congress because Members of Congress have some regard for the taxpayers at this time. Yet this board, beyond the restraint of Congress, authorizes the construction of one building for $25,000,000, which amount might otherwise be paid into the Treasury as franchise tax.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. SNYDER. Of course, the gentleman is not conveying the idea that the money for these buildings is a direct tax on the people?

Mr. BYRNES of South Carolina. Indirectly it is a tax.

Mr. SNYDER. It is paid out of the earnings of the Federal Reserve Board.

Mr. BYRNES of South Carolina. Yes; but if those sums are not so paid out, they would be turned into the Federal Treasury and thus relieve the taxpayers of the country by that much. The gentleman does not contest my statement on that, does he?

Mr. SNYDER. No. But what I rose to ask was whether the gentleman was certain about his facts as to why the reserve board was discontinuing the construction of these buildings. Does the gentleman realize that the reason for it is that whereas one year ago to-day the earning assets credited to the Federal reserve banks were something like three and one-half billions, they are now down to about one billion?

Mr. BYRNES of South Carolina. I will say to the gentleman that the only information I have is that which is contained in the Associated Press dispatches of the morning, in which the governor of the Reserve Board is quoted as stating that it was to be discontinued because of the introduction in the Senate of a bill by the Senator from Georgia with reference to that subject.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of South Carolina. I ask unanimous consent to speak for five additional minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent for five additional minutes. Is there objection?

There was no objection.

Mr. BYRNES of South Carolina. If the gentleman did not read that story, I will state to him that the governor of the Reserve Board says, further, that he had received a letter from Mr. Hoover stating that it was desirable to engage in public building work throughout the country at this time in order to relieve unemployment, but that he could not grant that request because of the introduction of this amendment in the Senate.

Mr. SNYDER. I have no doubt that that was the statement, but what I was trying to get at was the real reason.

Mr. McFADDEN. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield to the gentleman from Pennsylvania.

Mr. McFADDEN. The question of the cancellation of contracts was not entered into in that connection, was it?

Mr. BYRNES of South Carolina. No. I am simply repeating the Associated Press statement of this morning, and I have given the substance of it. Whether they have canceled contracts, I do not know.

Mr. McFADDEN. My understanding is that they simply discontinue operations on buildings that are not started or under contract. The New York building is already under contract, and it can not be stopped. Each one of these Federal reserve banks has the right under the law to put up buildings. As a matter of courtesy, the Federal Reserve Board has passed on each one of them.

Mr. BYRNES of South Carolina. I can not yield to the gentleman for a statement. I agree that the Federal reserve banks, of course, have the legal right to put up buildings and to pay present salaries, but the salaries that they are paying would never in this world be authorized by this Congress. Nobody can defend them, if they will look at the statement.

Mr. LONGWORTH. What are those salaries? Can the gentleman give them?

Mr. BYRNES of South Carolina. I can not go into the detailed figures, but there are 20 officers, whose salaries from the time of their employment, have increased 500 per cent.

Mr. LONGWORTH. What are those salaries?

Mr. BYRNES of South Carolina. One of $50,000, three at $30,000, one at $25,000, one at $20,000, two at $18,000, three at $15,000, four at $12,000, and five at $10,000. There are 20 officers with salaries over $10,000 and many more just a little less than $10,000.

Mr. McFADDEN. In comparison with the salaries paid to other bank officers, is it not a fact that the salaries paid to the Federal reserve officers are less?

Mr. BYRNES of South Carolina. I do not know.

Mr. McFADDEN. Well, it is a fact.

Mr. BYRNES of South Carolina. It would depend entirely on the banks. And the fact is that other banks like the National City Bank do business with the individual, while the reserve bank deals only with banks. And the National City has correspondent banks all over this country and abroad, while the New York Reserve Bank deals only with banks in that one district. In order that we may have a chance to consider it, I am going to introduce a bill providing that hereafter the Federal Reserve Board shall submit to the Bureau of the Budget for presentation to Congress the estimates of expenses of operating these banks, and for the salaries for their employees, so that Congress will have some power to restrain them. Let me say to the gentleman from Pennsylvania, that at this time when the people learn, as they are learning day by day, that our Government, through the Federal Reserve Board, is putting up a bank building in New York at a cost of $25,000,000, with a gymnasium and club quarters and an auditorium to seat a thousand people, and when they learn of the salaries that are being paid it will do more to incite what you call bolshevism that you talk about so much on this floor than any other thing. They are being told that the amount the board intends to put into one building is more than is being loaned for agricultural purposes in 15 States. All the States are striving to cut down appropriations for State purposes, and when they learn of this expenditure they lose heart. To-day this New York bank pays for rent, light, and heat $300,000. Now, they propose to pay $25,000,000 for a bank building on which they will pay more taxes than they now pay rent. Last year when people were suffering from the deflation policy of the Federal Reserve Board, the reserve banks made more than 100 per cent upon their capital. Now the people learn that the profits derived from interest rates that contributed to their financial ruin are to be spent in erecting $25,000,000 bank buildings.

Mr. LUCE. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield to the gentleman from Massachusetts.

Mr. LUCE. Does the gentleman understand that the Federal reserve system is a national organization?

Mr. BYRNES of South Carolina. I am not going to discuss the organization. I know that the Federal Reserve Board in their report to the Senate said these proposals for buildings must be submitted to them and approved by them, and it is because they approved those buildings that I criticize them. I can not enter into a discussion of the Federal reserve act. I know that member banks own the stock in it, but I know that the Federal Reserve Board, appointed by the President, not the banks, exercises supervisory power, and that exercising such supervisory power it approved the construction of this building. The board approved the construction of a $25,000,000 building at a time when this House and when the gentleman himself would not vote for a public building bill to put up necessary buildings, and yet the board, beyond restraint from Congress, go ahead and construct costly buildings over the country, and for doing that they properly deserve the criticism of the people. If they did not spend that money it would revert to the Treasury, and to that extent there would be that much more money in the Treasury, and you would not have to devote so much time searching for new sources of revenue. The President of the United States alone has the power to bring the pressure upon this board, and he should call upon them to change the plans of this New York building so as to cause a reduction in the cost of this bank building in New York City. It was unnecessary to buy a lot on Wall Street, at a cost of $4,500,000, or to plan a $25,000,000 building, and such extravagance at this time of financial depression deserves, and will receive, the condemnation of the people.

The CHAIRMAN. The time of the gentleman has again expired. The Clerk will read.

The Clerk read as follows:

PUBLIC DEBT SERVICE.

For necessary expenses connected with the administration of any public debt issues and United States paper currency issues with which the Secretary of the Treasury is charged, including rent in the District of Columbia, and including the salaries of the Commissioner of the Public Debt at $6,000, Chief of the Division of Loans and Currency at $3,500, two Assistant Chiefs of the Division of Loans and Currency at $3,000 each, Register of the Treasury at $4,000, Assistant Register of the Treasury at $2,500, Chief of the Division of Public Debt Accounts and Audit at $3,000, and the salaries of such assistants, accountants, clerks, and other employees in the District of Columbia as the Secretary of the Treasury may deem necessary, $3,700,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum except as above provided and except the following: Two at not exceeding $4,500, 1 at not exceeding $3,500, 10 at not exceeding $3,000, 4 at not exceeding $2,700, 23 at not exceeding $2,500, 1 at not exceeding $2,400, 5 at not exceeding $2,250, 26 at not exceeding $2,200, and 48 at not exceeding $2,000: *Provided further*, That the Secretary of the Treasury may allot such amount of this appropriation as in his judgment may be necessary, not exceeding $100,000, for expenditure in the Post Office Department in connection with the distribution, sale, and keeping of accounts of Treasury savings securities, as provided in the deficiency appropriation act approved November 4, 1918, and no person shall be employed under such allotment at a rate of compensation exceeding $2,500 per annum, and only one person shall be employed at a rate exceeding $1,800 per annum.

Mr. ANDREWS of Nebraska. Mr. Chairman, I offer an amendment.

Mr. GARRETT of Tennessee. I reserve a point of order.

Mr. ANDREWS of Nebraska. I wish to offer an amendment.

The CHAIRMAN. Not until the point of order is disposed of.

Mr. GARRETT of Tennessee. I withdraw my point of order.

The CHAIRMAN. The gentleman from Tennessee withdraws his point of order. The gentleman from Nebraska offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 14, line 9, after the word "each," strike out all the words and figures down and to the word "chief" in line 10.

Mr. ANDREWS of Nebraska. Mr. Chairman, the words to be stricken out are as follows: "The Register of the Treasury at $4,000, Assistant Register of the Treasury at $2,500."

I had intended to introduce an amendment in line 7 to strike out $6,000 and insert $5,000. I think it is unwise as a matter of policy to make appropriations for heads of divisions larger than the salary paid to the Assistant Secretaries of the Treasury. That, however, I pass because of the vote a few moments ago. Now, with reference to the Register of the Treasury. Some years ago a reorganization of the work in the department was made under the Treasury by the Secretary of the Treasury, and nearly all of the important work belonging to the office of Register of the Treasury was transferred to other agencies. From that time to this the office of the Register of the Treasury is a mere perfunctory affair. It stands, however, under provisions of law that render considerable embarrassment in the accounting work of the Government.

While the accounting offices were under the administrative control of the Secretary of the Treasury, the Register of the Treasury, supported by the Secretary, declined to deliver to the Auditor for the Treasury Department the vouchers which the law says that auditor should have. The auditor, however, without any legal authority to override that ruling of the department was compelled to accept the situation and do the best he could. The Register of the Treasury still declines to deliver to the auditor or the controller general vouchers of the public debt account that the accounting officers should have.

Now, if you note the fact that the work of the Register of the Treasury has been practically removed and assigned to another agency you will see that it now stands as a mere skeleton. What should be done? Why, that office should be abolished. The clerks now handling the work should be distributed to the offices to which these vouchers legally belong. You could thereby save all of the overhead and reduce the clerical force to a considerable extent. You have here a duplication again in the department work that ought to have been singled out by the Bureau of the Budget and recommended for discontinuance. Another commission, the Commission to Reorganize the Executive Departments, could well take this question into account and when their report comes forward this agency should disappear.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. MOORE of Virginia. Will the gentleman allow me to say that that committee, of which I happen to be a member, has not been called together since last June, nor have the members of that committee—at least so far as I am concerned—had any information from the chairman of the committee since that date. The chairman of that committee is not a Member of Congress, but is a gentleman appointed by the President to cooperate with the committee, and by the committee itself or a majority of the committee made its chairman. So, as I say, the committee has had no meeting, and there has been an unbroken silence for over six months.

Mr. ANDREWS of Nebraska. Mr. Chairman, I was quite aware of the fact stated by the gentleman from Virginia, and I am very glad to have him offer the suggestion. I believe a sufficient number of us, however, have faith in the doctrine of the resurrection, and possibly this committee on reorganization may be resurrected. Possibly the Committee on Appropriations, possibly the department itself, may find their way clear to come in with a specific recommendation for legislation that will remove the useless expense and provide for an adjustment of business.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Nebraska have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. If the gentleman will yield, I want to say that I was impressed by what the gentleman said about the duties of the Register of the Treasury and that many of them had been turned over to these other divisions. As I recall, the law specifically imposes on the Register of the Treasury certain duties. Now, if we abolish the office by failing to appropriate the salary for the Register of the Treasury, what authority would the Secretary of the Treasury have to designate other officials to perform duties which are specifically imposed upon the Register of the Treasury. I think if we abolish the office we should do it by a legislative bill and not on an appropriation bill, but we ought to give the matter very careful consideration before anything is done.

Mr. ANDREWS of Nebraska. I thank the gentleman for his suggestion. May I ask the gentleman from Tennessee whether his committee has a provision of that sort in contemplation?

Mr. BYRNS of Tennessee. It has not. The Appropriations Committee is not a legislative committee.

Mr. ANDREWS of Nebraska. May it not offer a friendly suggestion to the legislative committee that has jurisdiction of the matter?

Mr. BYRNS of Tennessee. I think the gentleman is performing that function right now much better than I could possibly do.

Mr. ANDREWS of Nebraska. With the aid of the gentleman from Tennessee and the gentleman from Illinois, I hope we will bring something out of this question by and by. Gentlemen, this is a proposition that ought to have been settled five years ago. We have been running year in and year out with useless expenses aggregating at least $25,000 a year, and we ought to have abolished it long ago. I called attention to this matter for the purpose of emphasizing it. I may not be able to write a law, but as Horace said about writing poetry, I may be the whetstone for the man who can.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. REED of West Virginia. Is not there some provision of law by which the Register of the Treasury has to sign the currency that is issued?

Mr. ANDREWS of Nebraska. Yes; he signs one, and then they make a plate for all the others.

Mr. REED of West Virginia. You would have to substitute some one for that duty.

Mr. ANDREWS of Nebraska. But that could be readily provided for in the bill, of course.

Mr. MADDEN rose.

Mr. ANDREWS of Nebraska. I yield to the gentleman from Illinois.

Mr. MADDEN. Oh, I wanted to take the floor in my own right.

Mr. ANDREWS of Nebraska. Mr. Chairman, I am very glad that the gentleman from Illinois is going to take the floor in his own right and is going to tell us just how he proposes to work this out. Therefore I shall yield back the remainder of my five minutes in order that he may begin while he is in the humor.

Mr. MADDEN. Mr. Chairman, it is a very commendable function that the gentleman from Nebraska is performing. We are anxious to economize in every way we can, and every suggestion made by any Member of the House naturally calls the subject more emphatically to our attention. But I submit to the House that we ought not to act without deliberation on questions of as great importance as this. The paragraph before us is that which deals with the public-debt service. The public-debt service is a great service. It became a tremendously important service during the war, and it has lost none of its importance since that time. When the war came on it was provided in the authority for the issuance of various securities by the Secretary of the Treasury that payments should be made out of the moneys received from the sales of these securities, and it ran into the hundreds of millions of dollars. There was no special fund appropriated to pay those who were engaged in this branch of the public service, except as the money to pay them was taken out of the revenues collected from the sale of war securities. There are four different functions in connection with the public-debt service. Each one of these functions is important. Each one of the functions had an audit. These audits were not only duplicated but triplicated and quadruplicated, and it cost a vast amount of money. Lately, through the ingenuity of men who are there, they have devised a scheme by which we have only one audit in connection with the activities of this branch of the Government service. The Register of the Treasury is one of the functionaries needed in connection with the audit now necessary to be made. As a result of the consolidation of the activities through this paragraph—and it is the first time they have been consolidated—the Director of the Budget was able to cut $560,000 a year from the expenses incident to the work covered in the paragraph.

The further investigation and help in the simplification of the work by the Committee on Appropriations resulted in a still further reduction of $300,000, so that we have before us on the face of the facts an activity that will be conducted in 1923 for $800,000 less than it cost in the present year. I submit to the committee that that is evidence of fairly deliberate consideration of the questions before us, and of our desire to economize in the conduct of the Government.

The Office of the Register of the Treasury is an office created by law. I do not believe that we could abolish that office by striking out the appropriation for the salary. He is acting to-day as one of the chiefs of bureaus in connection with the public-debt service, and, if I understand the situation, he still retains all the functions that are imposed upon him by law. I desire to read briefly from the record in this connection:

During the fiscal year ended June 30, 1921, the Register's Office has handled an enormous volume of United States securities which have been canceled and retired. These securities represent redemptions, exchanges, and conversion of bonds, notes, certificates of indebtedness, war-savings securities, and interest coupons, and reach a total for the year of 227,850,967 pieces——

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield there?

Mr. MADDEN. Yes.

Mr. ANDREWS of Nebraska. Those very securities are vouchers, not accounts to be audited, and the accounting officer never gets the voucher.

Mr. MADDEN. Let us see what more there is. Those securities represent a value of something over $24,000,000,000. All of them were examined and filed promptly following their re-

ceipt and appropriate clearance given the Federal reserve banks or other fiscal agency or office concerned. The record further says:

Prior to the beginning of the fiscal year 1921, by direction of the Secretary, a reorganization of the public-debt work was made affecting the handling of the public-debt securities in the Office of the Register and the Division of Loans and Currency.

Mr. Chairman, as a result of this reorganization we have to-day only one audit instead of three or four.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANDREWS of Nebraska. "Under the present plan of the accounting office, one audit." Mr. Chairman, it has been frequently asserted before that there were three or four audits by accounting officers. That is wholly incorrect. I reviewed the record in full.

Mr. MADDEN. But we must take the statements of those responsible for the Treasury Department, or where will we land? At any rate, we have cut the expenses under this provision of the bill some $860,000 a year below what they are for the present fiscal year. I suggest the wisdom and the propriety of being a little orderly in the matter of changing the law, so that we will not do anything foolish, so that we will not do anything unadvisedly, without facts, without studies, fraught, as it must be, with the danger that if we do we will disturb the equilibrium of one of the greatest and most important departments of the Government.

Mr. ANDREWS of Nebraska. Mr. Chairman, I ask unanimous consent to withdraw the amendment. I see that the committee is on the right line now.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word. The gentleman from Nebraska [Mr. ANDREWS] referred in the course of his remarks a few moments ago to the committee on reorganization of the departments. It seems to me that it is time that the gentleman from Nebraska and other gentlemen recognize the fact that for all practical purposes that committee became a memory about six months or more ago. The House of Representatives, in cooperation with the Senate, created a Joint Committee upon Reorganization of the Departments. The gentleman from Virginia [Mr. MOORE], as I now recall it, in a former Congress had introduced the first specific measure looking toward departmental reorganization. Other gentlemen in the beginning of this Congress introduced similar resolutions. The House was impressed by those resolutions, and agreed unanimously to the appointing of a joint committee, and the same thing was true in the Senate. The gentleman from Nebraska, Mr. REAVIS, the gentleman from Pennsylvania, Mr. TEMPLE, and the gentleman from Virginia, Mr. MOORE, all of them of recognized ability, students of governmental affairs, were placed upon that committee on the part of the House.

With the beginning of this administration, very shortly in the extra session of the Congress, the President of the United States requested or demanded—I do not know which—that he be permitted to name a representative upon that committee, and furthermore that that representative named by the President should be paid out of the contingent funds of the House and Senate. The minority made very grave opposition to it—not because of any personal feeling toward the man who was appointed—I have forgotten his name——

SEVERAL MEMBERS. Brown.

Mr. GARRETT of Tennessee. Not because of any feeling against the President of the United States, but because of a realization of the fact it was an interference on the part of the Executive with the legislative branch. Their protests were unavailing. It was predicted at that time if that member were appointed that he would become chairman. There was denial at the time; and yet within 10 days after authority had been given to appoint him as a member he did become chairman of that committee. He was not a Member of Congress, not responsible to the Congress, but appointed by the President and paid out of the contingent fund of the two bodies; and yet he became chairman of that committee. The gentleman from Virginia [Mr. MOORE] is authority for the statement, because he made the statement just a few moments ago, that not since last June has that committee had a meeting, and yet in the press we see statements carried to the country of what that committee is doing. Within the last fortnight there appeared in the Washington Post an editorial undertaking to comment upon the work which that committee was doing. That committee is doing no work. The minority members of the committee, of course, protested against his being made chairman of the committee, because it was not proper that he be made chairman, and because they knew it probably meant the end of the committee's usefulness. If there was any reason on earth for his appointment, he might have been appointed as a representative of the President to communicate with the committee, to work with the committee, and he ought to have been paid out of some Executive fund and not out of the contingent funds of the House and Senate. In no event ought any joint congressional committee to have as its chairman one not a Member of the Congress. All hope of results from that reorganization committee was absolutely destroyed the moment this body and the Senate chose to turn the power over for an outsider to become the chairman of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McFADDEN. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, in view of the statement made by the gentleman from South Carolina [Mr. BYRNES] I want to insert in the RECORD, with the permission of the House, the correspondence which I have received from the Federal Reserve Board in regard to these building operations. I also want to state, in view of what the gentleman from South Carolina said, that the 12 Federal reserve banks are privately owned institutions. The stock of all of those banks is owned by the member banks. The Government did not contribute one dollar to the stock and is not a stockholder in any sense of the word. Under the law those 12 Federal reserve banks individually have the right to provide suitable buildings. That matter is entirely under the control and direction of the directors of each of the 12 banks. Of the nine directors of each of these banks six of them are chosen by the stockholders of the bank and three are by appointment by the Federal Reserve Board, so that the direction and control of buildings is entirely in the hands of the 12 banks. The Federal Reserve Board under the law has no jurisdiction over the operations which are specifically conferred under the Federal reserve act with reference to suitable buildings. Under one section of the act, however—

The board has always taken the view that the law authorizes directors of Federal reserve banks to provide for their banks and branches with such buildings and equipment as may be necessary for the proper conduct of their business.

Under paragraph J, section 11, of the Federal reserve act, the board has required all Federal reserve banks to submit for its consideration all options for the purchase of real estate, all plans and specifications for buildings and vaults, and has advised the banks that they should not enter into any contracts involving investments of this kind until the board has had an opportunity to make any suggestions or offer any objections as it might deem proper.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. McFADDEN. I have only five minutes.

Mr. BYRNES of South Carolina. I yielded to the gentleman.

Mr. McFADDEN. Go ahead.

Mr. BYRNES of South Carolina. In the report to the Senate by the Federal Reserve Board it is stated that the board advised the reserve banks that all plans and specifications for buildings and vaults should be presented to them and that "they should not enter into any contracts involving expenditures for these purposes until authorized to do so by the board." If they have not the power, why did they advise the reserve banks not to enter into a contract until authorized to do so by the board?

Mr. McFADDEN. Under the power conferred under section 11, paragraph J, the question of supervision of the 12 banks' operations by the board was provided for, but they can act independently of the Federal Reserve Board in the matter of providing suitable quarters for the orderly conduct of their business in their respective localities.

Mr. BYRNES of South Carolina. As a matter of fact, the board in the letter states that they did approve of this building program, did not they?

Mr. McFADDEN. My understanding is that practically all of these building propositions were approved by the Federal Reserve Board, and the man who has raised this question of costs and salaries at this time is the former Comptroller of the Currency, John Skelton Williams, and he while acting Comptroller of the Currency and acting member of the Federal Reserve Board approved of these authorizations from time to time as they were made. I might also say that, in regard to the salaries which the gentleman criticizes, this same gentleman

approved of them and of all the increases. It ill becomes a former member of the board, who has been retired by mutual consent from the public pay roll, to now criticize his own previous action while a member of the board, in an attempt to gain some cheap notoriety for selfish or political reasons.

Mr. LONGWORTH. May I ask the gentleman, Is this building at New York to be used for any other purpose except for that of a Federal reserve bank?

Mr. McFADDEN. My understanding is entirely for the Federal reserve bank.

Mr. LONGWORTH. Will the gentleman state how many employees there are?

Mr. McFADDEN. I have not those figures before me.

Mr. LUCE. My recollection is it was about 3,000.

Mr. LONGWORTH. Does the gentleman think it is necessary for an ordinary banking institution employing 3,000 persons to spend $25,000,000 on a building?

Mr. LUCE. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. LUCE. The $25,000,000 is in the aggregate. The present sum available is about $14,000,000 net.

Mr. BYRNES of South Carolina. I want to ask the gentleman from Pennsylvania whether he agrees with the statement of the gentleman from Massachusetts after reading the report made to the Senate by the Federal Reserve Board?

Mr. McFADDEN. The gentleman from Massachusetts is covering the cost of the building proper. He is not including the site.

Mr. BYRNES of South Carolina. The figures of the board and the gentleman's figures are not in accord.

Mr. McFADDEN. The original cost of the New York building, being site, is stated at $4,797,882. Cost of new buildings in course of construction is $758,072. Total cost to September 1, 1921, $5,555,954. The outside cost for the entire building, equipment, and costs, except vaults and fixtures, $17,900,347 for 14,000,000 feet, or $1.08 per net foot.

I want to take this occasion to call the gentleman's attention to Senate Document No. 75, being a letter from the governor of the Federal Reserve Board, transmitted in response to a Senate resolution of October 14, 1921, concerning certain information relative to the number and salaries of employees of the Federal reserve banks, expenditures and erections of buildings, expenses of general administration, and amount of net earnings paid to the Government as franchise tax, and to say to the gentlemen of the House that this Senate document contains the full information in regard to both salaries paid and buildings bought and built for the 12 Federal reserve banks and its branches to date, and those in process of completion or under contract, and buildings in contemplation, not contracted for.

I find on page 21 of this report that the cost of bank premises of Federal reserve banks to September 30, 1921, state the original investment as $16,923,580; cost of remodeling buildings, $1,811,463; that the cost of new buildings in course of construction, $17,423,013; total cost to September 30, 1921, is $36,158,056; that there has been depreciation allowances charged off of $6,684,213, and that the book value on September 30, 1921, of these bank properties is $29,473,843.

The above figures refer to the 12 Federal reserve banks. The cost of bank premises of branches of the Federal reserve banks to September 30, 1921, is—

Original investment	$2,358,397
Cost of remodeling buildings	439,685
Cost of new buildings in course of construction	414,267
Total cost to Sept. 30, 1921	3,212,349

Depreciation and allowances charged off, $346,369, and that the book value, September 30, 1921, is $2,865,980.

The Federal reserve act requires in section 10 that the Federal Reserve Board shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of Congress.

The Federal Reserve Board has transmitted such reports annually and the details of these reports have set forth from time to time the operations of the system regarding the matter of buildings as well as salaries of its officers.

From my own personal knowledge of the manner in which the business of the Federal Reserve Bank of New York is conducted, being located in the Equitable Life Building at 120 Broadway, New York, there are various departments scattered on different floors of this large office building which subjects the transaction of their business to very grave risks, and when you take into consideration the vast amount of its daily transactions, coupled with the large amount of gold reserves and cash held by this institution, together with the fact that they are not enabled to have in their main offices sufficient space to cover their requirements, but that they are housed in some six different rented buildings elswhere in the city, indicates to me the grave need for proper protection and proper housing for this most important bank of the 12.

It is not incumbent upon me as chairman of the Committee on Banking and Currency to have supervision over the buildings erected by any of the 12 Federal reserve banks. This responsibility is placed under the law with the boards of directors of each of the 12 banks. As I have previously explained, the Federal Reserve Board have assumed supervisory functions over the operations of the different banks.

It is interesting to note, in connection with the criticism of large salaries paid, more particularly by the Federal Reserve Bank of New York, that at a meeting of the Federal Reserve Board on September 14, 1918, Hon. W. G. McAdoo, then Secretary of the Treasury and ex officio chairman of the Federal Reserve Board, advocated approval of a salary of $50,000 per annum, which the directors of the Federal Reserve Bank of New York had voted for the governor of that institution, and stated that his attitude had been that during the formative period of the Federal reserve system comparatively low salaries should be paid until the business of the banks could be established and a fair measure obtained of their operations and a more accurate realization reached of the dimensions of the problems and responsibilities of the bank's officers, stating further that previously he had opposed an increase in the salary under consideration only because the country was at war. He said further that as the business of the banks had been well established and they were making large earnings for the Government, the time had come when the office of governor of a Federal reserve bank should command other merits, a fair and just compensation, and that he would vote to fix the salary of the governor of the Federal Reserve Bank of New York at the amount proposed by the directors of the bank, to wit, $50,000 per annum.

It is interesting to note, also, that the then Acting Comptroller of the Currency and ex officio member of the Federal Reserve Board, John Skelton Williams, was present and acquiesced in the fixing of this salary.

On page 13 of this Senate document a comparison of the average annual salaries paid to officers by each Federal reserve bank and by three of the larger banks in each Federal reserve bank city as of October, 1921, discloses that the average salary of Federal reserve bank officers is $7,743 and the average salaries of officers of the larger member banks is $13,092, or 69 per cent in excess of that paid by the Federal reserve bank to its officers.

Under the Federal reserve act it is true that out of the net earnings, after the payment of a 6 per cent dividend on the stock owned by the member banks and the creation of a surplus as provided by law, there shall be turned into the Public Treasury annually 90 per cent of the then net earnings, leaving 10 per cent of the net earnings to remain with the 12 Federal reserve banks to be added to their surplus accounts. It is true that the earnings of the Federal reserve system have been large during the last few years, owing to the large transactions which it has had, caused by the war and the fact that a large amount of Federal reserve notes were outstanding. Had the earnings of the system been used in payment of the franchise tax which is provided for under the law, these surplus earnings would have gradually gone monthly or at stated periods into the Public Treasury and the published net earnings of the system would have shown much less.

I want to make it clear that the stock of these 12 banks is owned by the member banks and that the majority of the board of directors are elected by the members of the stockholding banks, and that the conduct of the business of these 12 banks is in the control of the board of directors.

It is true that the Federal Reserve Board has supervisory jurisdiction over all of the 12 banks and makes periodical examinations of the banks, but I maintain that the earnings of the institutions, until they are distributed as net earnings, are entirely under the control and dominion of the 12 banks.

Mr. Chairman, I place in the RECORD at this point letter from the governor of the Federal Reserve Board under date of January 5, inclosing copy of letter written by Herbert Hoover under date of October 17, 1921, to the Federal Reserve Board, and copy of Gov. Harding's reply under date of October 18, 1921; also copy of letter from Gov. Harding, of the Federal Reserve Board, addressed to me under date of January 5, 1921, inclosing copy of letter from the Federal Reserve Board under date of January 5, 1922, to the chairmen of all Federal reserve banks:

FEDERAL RESERVE BOARD,
Washington, January 5, 1921.

Hon. L. T. MCFADDEN,
Chairman Committee on Banking and Currency,
House of Representatives.

DEAR MR. CHAIRMAN: I inclose herewith, as a matter of probable interest to you, copies of correspondence which I had during October last with the Secretary of Commerce, which is self-explanatory.

Very truly, yours,

W. P. G. HARDING, *Governor.*

—

OCTOBER 18, 1921.

Hon. HERBERT HOOVER,
Secretary of Commerce.

MY DEAR MR. SECRETARY: I acknowledge receipt of your letter of the 17th instant, which I brought to the attention of the members of the board at the meeting this morning. Several of the Federal reserve banks are now actively engaged in their building operations, while others are just about to commence them. The board is preparing a response to a resolution of the Senate adopted last Friday and will describe at length the building operations of the Federal reserve banks and branches which have been authorized. Plans have been approved for most of these projects, and it seems probable, unless Congress should intervene by legislation, that the work of construction will be actively under way at several Federal reserve cities and branch cities throughout the winter.

Very truly, yours,

W. P. G. HARDING, *Governor.*

—

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, October 17, 1921.

Hon. W. P. G. HARDING,
Federal Reserve Board, Washington, D. C.

MY DEAR GOV. HARDING: I hope you won't mind my personally calling to your attention the following resolution which was passed unanimously by the President's National Conference on Unemployment, as follows:

"The Federal authorities, including the Federal reserve banks, should expedite the construction of public buildings and public works covered by existing appropriations."

I am taking the liberty of writing to you about it at this time, because I am told that there is a very large amount of work in prospect, under control of the Federal Reserve Board, which perhaps might be expedited. If it should be undertaken at once, instead of next spring or later, it could not help having a most helpful effect upon the present emergency of unemployment.

I do not need to point out to you that the great hope is, in all sound ways, to provide work for those who are now without it. This is, of course, far better than anything in way of charity or doles. In my judgment the situation is serious, and is likely to become more so as the weather becomes more severe. I feel that public works which are approved and can be started now certainly should be in order to contribute their share toward ameliorating the situation.

With best regards, I am,

Very truly, yours,

HERBERT HOOVER.

—

FEDERAL RESERVE BOARD,
Washington, January 5, 1922.

Hon. L. T. MCFADDEN,
Chairman Committee on Banking and Currency,
House of Representatives.

DEAR MR. CHAIRMAN: I am inclosing for your information copy of a letter which the board is sending to-day to the chairman of the board of directors of each Federal reserve bank.

The buildings of the Federal Reserve Banks of Richmond, Dallas, and Kansas City have been completed and they are now being occupied by the banks. The Federal Reserve Bank of Atlanta has outgrown the building which it is now occupying, and the work of constructing an annex large enough to meet present requirements is now well under way. The building of the Federal Reserve Bank of Boston is nearly completed and some departments of the bank have already been moved into the new building. The buildings of the Federal Reserve Banks of Chicago and San Francisco are also well advanced and it is expected they will be ready for occupancy within the next few months. Contracts have been let in connection with the construction of buildings of the Federal Reserve Banks of New York and Cleveland which can not now be canceled, and the work of construction must accordingly proceed. The Federal Reserve Bank of Philadelphia was able to purchase a building which, after certain changes and the addition of a large vault, is suitable for its purposes, and this building is occupied by the bank. The contracts for the foundations of the building for the Federal Reserve Bank of Minneapolis were let some time ago and the foundations will be completed within the next 10 days. No contracts, however, have yet been let for the superstructure. No contracts have so far been let for the building of the Federal Reserve Bank of St. Louis.

The Federal Reserve Bank of Cleveland has completed repairs and additions to the building of its branch at Pittsburgh, and has acquired a lot for the use of its Cincinnati branch, but no contracts have been let for the construction of the building, and that branch is still occupying leased quarters which are very inadequate. The Federal Reserve Bank of Richmond some years ago purchased a building for the use of its Baltimore branch, which has proved to be entirely too small, and more than a year ago it acquired a larger building site in that city. It is proposed to erect a building upon the site so acquired, and upon its completion to sell the building which is now being occupied by the Baltimore branch, but no contracts have been let for the new building. The Federal Reserve Bank of Atlanta has purchased a building for the use of its branch at Nashville, which must, however, be remodeled before it can be utilized, and no contracts have yet been let for these necessary changes. The Atlanta bank has purchased a site upon which it is proposed to erect a building for the use of its branch at New Orleans, but the construction contracts have not yet been let. It has also purchased a lot for the use of its Jacksonville branch, but has not yet entered into any contracts for the construction of the building. The Detroit branch of the Federal Reserve Bank of Chicago is occupying leased quarters which are entirely inadequate and unsuitable in many respects, and the Federal Reserve Bank of Chicago has recently bought the ground in Detroit upon which it proposes to erect a building, but no contracts for construction have yet been let. The Federal Reserve Bank of St. Louis more than a year ago purchased a lot upon which it proposes to construct a building for the use of its branch in Little Rock. Plans have been made, but contracts have not yet been let. The St. Louis bank purchased a building in Louisville which has proved to be entirely too small and it has since acquired 50 feet of ground adjoining, on which it proposes to construct a two-story annex uniform in style with the present building. Contracts for construction have not yet been let. The Federal Reserve Bank of Minneapolis completed some time ago its building for the branch at Helena, Mont. The Federal Reserve Bank of Kansas City had acquired a lot in Denver, but has not yet let contracts for the construction of a building which is badly needed. It has not yet let contracts for the building to be used by its branch in Oklahoma City, but has purchased a building for the use of its Omaha branch. The Federal Reserve Bank of Dallas completed about two years ago the building for its branch at El Paso, and the work of construction on the building for its branch at Houston is well under way. The Federal Reserve Bank of San Francisco about a year ago bought a lot for the use of its Salt Lake City branch, but has not yet begun the preparation of plans for a building, and consequently has let no contracts.

No real estate has yet been bought for the other branches of Federal reserve banks, Buffalo (New York), Birmingham (Atlanta), Memphis (St. Louis), and Portland, Seattle, Spokane, and Los Angeles (San Francisco), which are occupying leased quarters, which answer the purpose for the time being; but it is evident that ultimately all these branches must either be given more adequate quarters or must be abandoned.

Since the Subtreasuries were abolished the Federal reserve banks have been exercising the functions formerly performed by the Subtreasuries, and these functions have been extended wherever present facilities admit to the branches. In view of the large amounts of actual cash and securities held by all Federal reserve banks and branches it is very important that they be provided with proper vault facilities. Several of the Federal reserve banks are very anxious to let contracts and proceed with the work of construction of buildings, which are urgently needed, but the board is not willing that anything should be done to defeat the intent of Congress. As a vote will be taken on the pending amendment at an early date, it is not thought that any serious inconvenience will result from awaiting an expression of the will of Congress.

It seems proper to call your attention to the fact that full and detailed reports of the building operations of Federal reserve banks have been made to Congress in the annual report of the Federal Reserve Board each year, as well as in the board's reply to Senate resolution 153, which has been published as Senate document 75.

Very truly, yours,

W. P. G. HARDING, *Governor.*

—

FEDERAL RESERVE BOARD,
Washington, January 5, 1922.

Subject: Building operations of Federal reserve banks.

CHAIRMEN OF ALL FEDERAL RESERVE BANKS.

DEAR SIR: On December 19, 1921, an amendment was proposed by Senator HARRIS, of Georgia, to Senate bill 2263, which by agreement will come to a vote on the 17th instant, reading as follows: "The Federal Reserve Board shall have no authority hereafter to enter into any contract or contracts for the erection of any building of any kind or character or to authorize the erection of any building without the consent of Congress having previously been given therefor in express terms."

The Federal Reserve Board has never assumed that it has authority to enter into any contract for the erection of any kind of building. The directors of Federal reserve banks are, however, empowered under the provisions of section 4 of the Federal reserve act "to make contracts" and "to exercise * * * all powers specifically granted by the provisions of this act and such incidental powers as shall be necessary to carry on the business of banking within the limitations prescribed by this act."

The board has always taken the view that the law authorizes directors of Federal reserve banks to provide their banks and branches with such buildings and equipment as may be necessary for the proper conduct of their business. There is nothing in the Federal reserve act that requires the specific approval of building contracts by the Federal Reserve Board, but under its power of general supervision (par. j, sec. 11) the board has required all Federal reserve banks to submit for its consideration all options for the purchase of real estate, all plans and specifications for buildings and vaults, and has advised the banks that they should not enter into any contracts involving investments of this kind until the board had had an opportunity to make any suggestions or offer any objections as it might deem proper.

In some cases buildings of Federal reserve banks and branches have been completed and in others contracts have been let which must necessarily be carried out. Although the amounts involved in the erection of Federal reserve bank buildings represent investments of the banks' own funds and not the expenditure of public moneys, the board feels, nevertheless, that no attempt should be made by any Federal reserve bank to anticipate any action by Congress which may tend to restrict or modify its present authority, and you are requested to advise your directors at once that the board advises that no new contracts for the construction of a building be entered into by them until there has been opportunity of ascertaining the disposition of Congress toward the amendment above quoted.

Very truly, yours,

W. P. G. HARDING, *Governor.*

Mr. WINGO. Mr. Chairman, I remember quite well the discussion that took place on this very question when the Federal reserve act was framed. There was not any doubt then in the minds of those who studied the act that the supervisory control is vested in the board, and I think no doubt in the minds of any lawyer now, that none of the Federal reserve banks have authority to make any extraordinary capital permanent expenditure without the authority or approval of the Federal Reserve Board. I think that is conceded. Gov. Harding before our committee has admitted that the board approved these expenditures by the New York bank, and if you pick up the paper of this morning you will find that he states that he has wired the different banks throughout the country that have not yet let contracts for buildings not to let them, even though the plans have been approved by the board; so I presume there is

no question in the minds of the board that it has authority to control such expenditures and that buildings can be erected only by their authority or approval. The question of whether or not they should have authority to erect buildings is one that no one thought in the beginning could not be safely left to the governmental board that was given supervisory control over the system. And, gentlemen, how any man can defend the Federal Reserve Board for approving these extravagant expenditures in New York City is beyond my comprehension.

Mr. MADDEN. That is not the only place.

Mr. WINGO. Certainly; but that is the worst.

Mr. McFADDEN. Is not the gentleman aware that the cost per foot for construction in New York City is less than the cost in Richmond, Va.?

Mr. WINGO. Oh, you are trying to consider only the dispute between Williams and Harding. Whatever may be charged against Williams does not justify Harding and the present board for approving the extravagant proposals for the erection of these buildings. I say that there is not a man that looks into it but will admit that there is not a private directorate in the country that would stand the wanton, wasteful extravagance that is proposed to be entailed in the erection of the Federal reserve bank in New York City, for, according to their own statement of what they intend to do, it is going to cost not only $14,000,000, but it is going to cost on the present estimate, in my opinion, over $27,000,000. Before they get through with the decorations, the furnishings, and extraordinary fittings and equipments it is going to total pretty close to $30,000,000.

Mr. MADDEN. I wish to say for the information of the Members of the House that do not have the information, that the cost of building now is 166 as compared with 100. During the peak of the war it was 246. I suppose the cost of these buildings will be two to one over what they ought to cost in ordinary times.

Mr. WINGO. That does not go to the principle of the thing. Here is what I merely rose to say. It is the supercilious, contemptuous contention that is continually put forward by the directors of these banks that these are strictly private institutions in which the public has no interest, because forsooth the member banks own all the stock. And I am surprised to hear that from the chairman of the Banking and Currency Committee. Why did you establish the Federal reserve system? Was it for the sole benefit and profit of the stockholders of the banks? No. They deliberately settled the question, not only in the committee, but in the caucus and in the full House, that they should be nonprofit-making institutions and held down their dividends to 6 per cent, the balance of their profits to be paid into the Public Treasury.

Two prime functions do those banks have. One is that they shall be quasi public institutions to hold the reserve funds of the banks of this country free from the spirit and the venturesome profit making and desire of private institutions that possibly might put them beyond safe reach in an hour of stress and storm.

Mr. MADDEN. The idea was to mobolize the reserve.

Mr. WINGO. Another idea was to furnish an elastic currency and furnish a market that would be storm proof against panic, so that in a time of stress and storm the member banks could go to these Government controlled quasi public institutions and put up their paper and receive gold demand obligations on the National Treasury.

You tell me that any institution that gets that kind of a public benefit should be free from control? Do you tell me that they are mere private profit-making institutions? Such a contention is absurd and ridiculous to anyone who is familiar with the law, the conditions that induced the creation of the Federal reserve system, and the service it was intended to render. But it has been contended that Congress authorized these banks to set aside and retain from their earnings a surplus for the purpose of erecting these costly buildings. I deny it.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. In 1919 we amended the law by providing that Federal reserve banks might create a surplus out of earnings equal to 100 per cent of capital, but the Banking and Currency Committee were told it was necessary to give the banks standing, and not for the purpose of piling up funds to be wasted by extravagant buildings. We were told that the Federal reserve bank of New York had been discredited in Argentina and the Argentine Government criticized because it had agreed to making that bank a depository of certain funds. There was a certain fund of gold, as I now recall, that, by agreement between the Argentine and United States Governments, was deposited in that bank. But the arrangement was not continued, because the enemies of the Argentine ministry criticized the matter on the ground that the Federal reserve bank had a small capital and small surplus and was not a great, stable financial institution, like the Bank of England or Bank of France. That was the argument made to the committee that induced it to report the bill favorably, and not the need of surplus funds to erect expensive buildings.

Congress would not have approved such a scheme had it been presented. Did Gov. Harding then tell us that it was necessary to build up a surplus in order that they could erect these magnificent buildings? I will ask the gentleman from Pennsylvania [Mr. McFADDEN], the chairman of the Committee on Banking and Currency, if that is so?

Mr. McFADDEN. No. The matter of the construction of buildings was not discussed. It was a matter of establishing a surplus.

Mr. WINGO. Yes; and the statement that Gov. Harding has given out is erroneous. He stated that the Committee on Banking and Currency approved it, and he has stated that when the bill was passed to authorize them to increase the surplus one of the reasons assigned was that it was necessary for them to build these bank buildings.

Mr. McFADDEN. I think the gentleman will admit that when Gov. Harding was before our committee he made a statement in relation to the necessity of building a building in Washington, because he stated to the committee that they did not have authority to put up a building in which to house the Federal Reserve Board.

Mr. WINGO. That was at another meeting. When he asked for permission to build up a surplus did he assign as the reason for it the necessity for the construction of Federal reserve bank buildings? No. It was true then and it is true now that under the law if the Federal Reserve Board permits them, they can spend all their surplus, and I say that the Federal Reserve Board is responsible for this waste and extravagance.

If the governor of the Federal Reserve Board had the authority to issue the order that he issued yesterday, why did he not issue his order in the beginning, or, rather, refuse to approve these extravagant plans? Does the gentleman contend that $25,000,000 is a reasonable and necessary expenditure for a Federal bank building in New York City? Does the gentleman defend that expenditure?

Mr. McFADDEN. I will say to the gentleman that I was discussing the authority of these individual banks. They have supreme authority in that respect to build buildings under the law.

Mr. WINGO. Does the gentleman approve the expenditure of $27,000,000, or even $20,000,000, for the construction of that building and equipment?

Mr. McFADDEN. I have not looked into the reasons assigned for it, and therefore I am not qualified to give an answer to the gentleman.

Mr. WINGO. Has not the gentleman been furnished with information by the Federal Reserve Board and by John Skelton Williams as to that matter, and will the gentleman say, as the chairman of the Committee on Banking and Currency, he has inserted in the RECORD this report, which he asked leave to do, without reading it, and without knowing whether he approved it?

Mr. McFADDEN. I referred to the statement that was published this morning, and which was referred to by my friend from South Carolina [Mr. BYRNES].

Mr. WINGO. If the gentleman will permit me to use an illustration, without intending any offense, I fear he is like the young jay bird in his committee nest, takes whatever worm the Federal Reserve Board puts down his legislative throat.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MADDEN. Mr. Chairman, I think we shall have to stop this discussion. I want to proceed with the bill.

Mr. LUCE. Mr. Chairman, I move to strike out the last word.

Mr. MADDEN. Mr. Chairman, I insist that the debate should be on the bill. This discussion is not in order on the bill.

Mr. LUCE. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For expenses incident to the discharge of the duties imposed upon the Secretary of the Treasury by the transportation act, 1920, the Federal control act, approved March 21, 1918, as amended, and for expenses arising in connection with loans and credits to foreign Governments under the Liberty loan acts and the Victory Liberty loan act and in connection with credits granted or conditions entered into under

the act providing for the relief of populations in Europe and contiguous countries, and in connection with credits granted or conditions entered into under the act providing for the sale of surplus war material, including personal services in the District of Columbia, $25,000.

Mr. LUCE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. LUCE. Mr. Chairman, perhaps it will not unduly interfere with the consideration of these matters if I should now say a word in reply to my friend from Arkansas [Mr. WINGO], expressing my sympathy with his position and my anxiety to relieve him from embarrassment, if it is possible. The gentleman from Arkansas, as a leading member of one of the great political parties, shared in the construction of the Federal reserve system and he has taken great pride therein. That system was put into operation under a Democratic administration, which went before the country and demanded credit for its achievement. It was placed in charge of members of that party, and the head of the system was an appointee of the Democratic President. Unfortunately, the Democratic President saw fit to nominate a Democratic Comptroller of the Currency, and now these two Democratic appointees have fallen out and are now engaged in a party row, which gentlemen at my right hope to turn to their party credit or advantage. With the usual adroitness of gentlemen on the Democratic side of the House they point now to the derelictions of this Democratic appointee and now to the derelictions of that Democratic appointee and at the same time ask the favor of the people by reason of the fact that both of the two gentlemen criticized are Democrats.

Mr. WINGO. I challenge the gentleman's authority for that. Those in authority under the present administration boasted that Gov. Harding would be retained because he had done so much to help elect his namesake to the Presidency, that his service was highly appreciated. The Washington Post is my authority for that statement.

Mr. LUCE. I am sorry for the occasion to express my sympathy with the gentleman now who is attempting to provide for party ends by attacking the workings of a system for which his party was responsible and for which he himself had claimed a share of credit that I believe is justly due him.

Mr. WINGO. I am treating it as a nonpolitical question. Does the gentleman approve the expenditure of $25,000,000 of the Federal Reserve Board on a building in New York City?

Mr. LUCE. I will cross that bridge on proper occasion when I come to it.

Mr. WINGO. Will the gentleman, after his long experience in matters of banking, state whether, in his judgment, it is necessary to spend as much as $20,000,000, if not $27,000,000, in the construction of a bank building in the city of New York?

Mr. LUCE. Sometimes I think I have a single-track mind and can only operate in one direction at a time.

Mr. WINGO. Very well.

Mr. LUCE. At the present time I want to say that my friend and his associates brought into being an institution for which they are entitled to credit. But they brought it in under the guise of a private institution, fearing the shade of Andrew Jackson rising from his tomb and protesting against the organization of a United States bank. They did not dare to favor the establishment of a United States bank. They said then, and until very recently they have continued to say, that this is not a Government institution; but now for the purpose of argument they are attempting to demonstrate that it is a Government institution. Is it fish or is it flesh or fowl, or what is it? It is either a Government institution or it is a private institution. Let them base their conclusions upon one premise and not try to ride two horses at the same time, and let them squarely tell us whether this is or is not another United States bank, and whether they do or do not still adhere to the faith of their predecessors in the time of Andrew Jackson.

Mr. WINGO. Will the gentleman yield for a question?

Mr. LUCE. Certainly.

Mr. WINGO. Will the gentleman say that the public has no interest in the expenditure of these funds? Does the gentleman say it is strictly a private institution?

Mr. LUCE. I am pointing out to the gentleman what he said and what his party said, not what I believe. My beliefs are of slight consequence in the matter.

Mr. WINGO. Does the gentleman contend that it is strictly a private institution, and that they can spend this money as they please, and that it is not the business of the Government?

Mr. LUCE. I am making no contention as to that. You were responsible for it.

Mr. WINGO. No; we did not approve it.

Mr. LUCE. You created it.

Mr. WINGO. The gentleman knows that ever since he has been on the committee I have protested against extravagant expenses in this way.

Mr. LUCE. But you wrote the law.

Mr. WINGO. Yes; but nobody ever dreamed that under this Republican administration the chairman of the committee and a very responsible member of it would stand here and state that they did not know whether or not it was a wise expenditure. Nobody ever dreamed that.

Mr. LUCE. I still express my regret that the gentleman should have occasion here to rise and criticize the operation of a Democratic institution administered by Democratic appointees. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. In opposition to the pro forma amendment I would like to call the attention of the committee to what was divulged here a few moments ago on the Vocational Board. I should like to call the attention of the committee to the possibility of some change. The original act known as the Smith-Hughes Act which creates the Vocational Board, in section 7 made an annual appropriation of $200,000 for the purpose of making studies and investigations and reports on agricultural processes and requirements, agricultural workers, trade industries, and so on. I think now that it was a mistake to make this a permanent, perpetual appropriation, annually of a fixed amount to be used for investigational work. Before the passage of this law we had no cooperative work on educational subjects pertaining to vocations, and it was thought wise that we create the power and give the means to organize this work, which would require considerable investigation. Now that work has been organized. The investigations have been made. The cooperation has been established between the Government and the State. If there is any other investigation to be made along the lines of agriculture it could be made in cooperation if not entirely under the direction of the Department of Agriculture. And if there are investigations along the lines of trade that ought to continue, that could be done in cooperation with or under the direction of the Department of Commerce. All this work has been done since 1917, and I see no imperative necessity for such annual outlay. I am ready, as a member of the Committee on Education, to make an investigation as to the character of these studies that are made, their importance and their necessity. I frankly say that if the report that was read here by my friend from Washington is a sample, the quicker it is discontinued the better. Such a report can certainly have but on effect, namely, to discredit the real work of the board. If that is the sort of work that is being done, for which we provided this annual appropriation, I shall be very glad to offer an amendment to the vocational bill to eliminate that part of the appropriation of $200,000 so employed, retaining only a sufficient amount to maintain the necessary overhead in organization, which would not be anything like the sum originally planned for investigation purposes.

It is difficult for the membership of the House to understand how a governmental agency can seriously expend public funds as suggested by the bulletin just read. It sounds more like some burlesque upon education.

Mr. MADDEN. Will the gentleman yield?

Mr. FESS. I yield to the chairman of the committee.

Mr. MADDEN. The Appropriations Committee are now making a thorough study of all the permanent appropriations, and we have already compiled the information affecting them, and when we finish with all the appropriation bills it is our purpose to take those up for consideration, and we expect to report a bill back to the House dealing with all the permanent appropriations, and this, of course, will be included with them.

Mr. FESS. I thank the chairman, because that would be very much more orderly than for some particular amendment to be offered here and there. I would state to the Members of the House that while I was on the commission that reported the needs of vocational education and recommended the bill which became law in July, 1917, I had my doubts about the necessity of an independent board.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. I ask for three minutes more in which to complete my statement.

The CHAIRMAN. The gentleman from Ohio asks three additional minutes. Is there objection?

There was no objection.

Mr. FESS. Whatever be the importance of it at first, the work of that board is now certainly completed. There is no valid reason why it should continue. The work, however, must continue, but it can continue under a director instead of a board of three, each at $5,000 a year. The public welfare bill which I introduced at the beginning of the special session pro-

vides for the abolition of the board, and I did it as a friend of vocational education. I do not think the board is now necessary. In the provisions for carrying on studies and investigations in the bill which was recently passed, the rehabilitation of the industrial cripple, there was provided an allowance of $75,000 to make these studies, but it was limited to four years. By that time this work will all be done. But here is a case that is perpetual, and while I voted for it, believing it necessary, I am thoroughly convinced that as long as we make any appropriation, great or small, it will all be spent, whether wisely or unwisely, and the chairman will have my sympathy and support in so far as this particular item is concerned when he brings in his bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DIVISION OF APPOINTMENTS.

Salaries: Chief of division, $3,000; assistant chief of division, $2,250; executive clerk, $2,000; clerks—four of class 4, six of class 3, eight of class 2, eight of class 1, three at $1,000 each, one $900; messenger, $840; assistant messenger, $720; in all, $50,310.

Mr. WALSH. I move to strike out the last word. What particular function does this Division of Appointments perform?

Mr. MADDEN. It keeps the record of the appointments of all employees in the department, the record of separations from the service, the record of those certified over to the Civil Service Commission, and the record of those who may be certified back from the commission. They have charge of the surety bonds and everything that goes with the employment in the department.

Mr. WALSH. Have they charge of the reappointments?

Mr. MADDEN. If some one leaves the service and has a record that justifies it, he is certified to the Civil Service Commission as eligible for reappointment.

Mr. WALSH. Does this division initiate appointments?

Mr. MADDEN. No; it deals with the records.

Mr. WALSH. My observation has been that there has not been a great many appointments made in the bureaus of the Treasury Department.

Mr. MADDEN. I understand the people have been there a good many years and are there now still functioning.

Mr. WALSH. The chief of the bureau has been there quite a while, six or seven years. Is that the system in the Treasury Department—that once you obtain a position you are to retain it for life?

Mr. MADDEN. I am glad to say that I do not know anyone in any of the departments of the Government, from the head down. I have purposely avoided knowing anybody. They are making transfers and appointments every day. Resignations being accepted, new appointments being made, and all come from the Civil Service Commission, and the records of these people must be kept.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GREEN of Iowa. That is particularly true of the Commissioner of Internal Revenue office, where there are many resignations.

Mr. WALSH. They have not been able to pry anybody loose from that division up in some parts of the country.

The Clerk read as follows:

For collecting the revenue from customs, including not exceeding $200,000 for the detection and prevention of frauds upon the customs revenue, $11,300,000.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word, and I do it for the purpose of asking the chairman of the committee if this large lump-sum appropriation of $11,300,000 is in the usual form.

Mr. MADDEN. Yes; and that is what I criticized in my speech yesterday.

Mr. GREEN of Iowa. That is the reason I asked the gentleman the question.

Mr. MADDEN. It has always been appropriated for in this way. I said yesterday that the time had come when these items ought to be revamped. There are items or paragraphs containing very large sums in a few lines, and others with small sums in, as I said in one instance, 57 paragraphs. But we could not change the language without having reference to the accounting officer and the budget officer and have time to study that question.

Mr. GREEN of Iowa. This item was not corrected because the gentleman thought the committee did not have sufficient information in regard to it?

Mr. MADDEN. We were afraid that if we undertook to do the thing now we might make a mistake. We felt that we could not do it without having it conform to the accounting methods, and in order to do anything in this line we must know what the accounting system was, and we would have to do it in conjunction with the chief accounting officer and the Comptroller General. So that it will take some time to work it out. In some places the form of the language should be restricted and in other places enlarged.

Mr. GREEN of Iowa. Let me ask the gentleman another question. We have had a complaint before the Ways and Means Committee about the inspectors of customs and some others that are covered by this paragraph.

Mr. MADDEN. Yes; they are in this paragraph.

Mr. GREEN of Iowa. The complaints were that they were not receiving sufficient salary.

Mr. MADDEN. They are receiving a good salary. Some of them receive up to $12 a day and travel allowance. The inspectors two years ago were given a million dollars for increase of salaries. They have had the salaries increased to that extent.

Mr. GREEN of Iowa. How are the salaries fixed?

Mr. MADDEN. Let me say that there has been no request for an increase of compensation of any of these people in the service, because, as I say, they used a million dollars for an increase of salary all along the line, and they are getting all they ought to get.

Mr. GREEN of Iowa. I am not prepared to say that the gentleman is not correct. Perhaps this item does not cover the particular employees that I had in mind.

Mr. MADDEN. Yes; it covers them all.

Mr. GREEN of Iowa. Very well; I think the gentleman has given a sufficient explanation of the item which I rose to inquire about, and I think it ought to be corrected, because the ordinary Member can tell very little about what is contained in these lump-sum appropriations.

Mr. MADDEN. The man in charge of the Customs Service was before the committee and he knew nothing whatever about the service, and I was compelled to send him back for details of the department over which he presides and come back with the information.

Mr. McKENZIE. Will the gentleman from Illinois yield?

Mr. MADDEN. I will.

Mr. McKENZIE. I would like to ask the chairman whether or not in this lump sum of $11,300,000 there is carried the additional $1,000,000 that the gentleman spoke about as an increase for the salaries of the men in the Customs Service?

Mr. MADDEN. This is for the salaries as they are at present.

Mr. McKENZIE. In other words, the item is based on the present salaries and the committee did not go back to the former salaries?

Mr. MADDEN. The million dollars was given for fixing the salaries that were then inadequate. They were the worst-paid people in the Government service, and they had to get additional compensation on which to live.

Mr. McKENZIE. You are permitting them to have the increase?

Mr. MADDEN. We have nothing to do with it. It was done two years ago.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. WILLIAMSON. Does this take into consideration the laborers?

Mr. MADDEN. Yes; it takes in everybody.

The Clerk read as follows:

BUREAU OF THE BUDGET.

Director, $10,000; Assistant Director, $7,500; for all other necessary expenses of the bureau, including compensation of attorneys and other employees in the District of Columbia, printing, binding, telegrams, telephone service, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, traveling expenses, street car fares, per diem in lieu of subsistence not exceeding $4 for officers and employees while absent from the seat of government on official duty, $137,300; in all, $154,800.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

Before proceeding directly to a discussion of this particular paragraph, I take this opportunity to compliment the Committee on Appropriations, and especially the gentleman who is the chairman of that committee, for having presented this bill in such form and accompanied by such documents as for the first time to enable the ordinary Member of Congress to get some idea of what is being done without his being compelled to go through the Book of Estimates to find out how the appropriations compare with previous appropriations and what money is being used. Nor is this the only reform which the very able chairman of that committee has instituted.

I rise more particularly, Mr. Chairman, to call attention to this particular item appropriating $154,800 for the Bureau of the Budget. At the time it was proposed to establish the budget

system I went before the Committee on the Budget and made the statement that it would not result in any substantial economy if it were established. I had no hesitancy in making that statement. The result has fully verified my expectation. As a matter of fact we find now that the executive departments are costing more instead of less, and I am not surprised for another reason. The gentleman who has been in charge of the budget has shown great ability in the use of language in which ordinarily mule drivers are said to be particularly proficient, but if he has manifested it in any other way it does not appear in the budget statement. We have heard much about what he was going to do, but we have seen nothing accomplished. The committee has found it necessary to cut down his estimates, and I think they could properly have gone even further than they have. It is evident that if there are to be any deep cuts Congress must make them.

However, Mr. Chairman, I did expect one thing from this budget system, and it may yet come, although I am not very hopeful of it now. That was referred to by the gentleman from Tennessee [Mr. BYRNS] yesterday when he said that the real and especial function of the budget was to fix the responsibility for expenditures upon the executive officers of the Government.

For some reason or other the country declines to put that responsibility where it belongs and still persists in holding Congress responsible for every item of waste and every item of unnecessary expenditure that may occur in any of these appropriations, when every gentleman within the sound of my voice knows that we here in Congress, in all the committees, from the chairmen down, and outside of the committees to the individual Members, are engaged in a continual struggle with the chiefs of the departments, with the executive officers, to stop extravagance and limit expenditures. Notwithstanding this, the other day a prominent banking and statistical concern, I think located in New York City, sent out a statement to the country at large saying that the executives and the administration are engaged in an attempt to lower these expenditures, but that Congress is continually frustrating all attempts made in that direction. I do not know how we are to get the real facts about this question before the country, but I do know that if we could accomplish that one thing to which the gentleman from Tennessee refers, viz, the placing of responsibility for these appropriations upon the executive departments, and especially upon the Director of the Budget, we will have accomplished much.

The budget as carried on at the present time, and as shown by the short distance that we have gotten in this bill, is not working out the way we expected it. We thought we were going to get rid of duplications and yet, although we have gone but a few pages in this bill, we find a number of duplications that have not been eliminated. We expected that large economies would be effected. They have been as a result of the work of the committees of Congress, but they have not been effected as a result of the working of the Budget Bureau. If there were some way that the real situation could be gotten before the country at large there would be a great service performed by the budget system. Then it would be known where the responsibility really rests. As the matter stands, I am unable to see how we are getting the worth of the $154,800 appropriated in this paragraph.

Mr. MADDEN. Mr. Chairman, it is very interesting and attractive to hear the criticisms of this new activity of ours known as the budget, and I wish to say that, of course, it was not possible to do everything that we expected in the short time since the budget law went into effect. We all recall that the Director of the Budget was appointed only a short time before the 1st of last September. We also recall that the law required that all of the estimates be in his hands by the 15th of September. We must not forget, either, that when we passed the law we gave him the right to appoint, I think, only four people who might be qualified to act as executives. No man living, no matter how well qualified or how much knowledge he might have, would be able to assimilate all of the activities of the Government in the short period of time that was allotted to the Budget Director. The department chiefs themselves, although they may have been in the department for a quarter of a century, would not be able to do what we called on the Director of the Budget to do. We required the Director of the Budget to submit the annual estimates in the Book of Estimates, as has always been done, and at the same time to make a recommendation under the alternative budget.

In order to function at all it was necessary for the Director of the Budget to invite people from all over the United States who had especial experience to come in to make personal investigations for him in the various departments of the Government, which they were glad to do and did do without any expense whatever to the Government. It was upon the report made to him by these people that he was obliged to rely for the information on which he finally acted. He had no organization with which to make the complete research that the law contemplates. He does not make any claim that he made such a research. He admits that he was unable to do so. We all realize that the work done is not as completely done as we looked forward to having it done, but I think I may say that we may with more than hope look forward in the days to come to a realization of our anticipations in the development of the budget work.

The budget officer to begin with, as I say, had only four paid people outside of a few civil-service clerks, who knew nothing about the work. He had to make an organization and he had a very short time in which to make it. The organization began at his own office. It went up from his office to the various departments. In each department he originated the idea of having a budget officer appointed by the Cabinet member of that department. The budget officer was to be a liaison officer between the bureau chiefs in the department and the Cabinet chief. The Cabinet chief in turn was to deal with the Director of the Budget and the Director of the Bureau of the Budget was to communicate his final determination to the President, who was finally to send it here through the Speaker. Because it was necessary to make this organization within a very few months, of necessity we must expect that it is not perfect. In addition to that, it seems that in some of the departments the budget officer of the particular department appointed by the Cabinet officer was not in sympathy with the theory of the budget, and in one case we have not been able to get the cooperation which we should be able to get.

We have only had one case. Most of the people in all the departments have been glad to cooperate, and those who have not manifested a disposition to cooperate, if I have any influence that can be exercised, will be either compelled to cooperate or leave the Government service. [Applause.]

Mr. GARNER. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GARNER. What became of this legislative committee of which this man Browne was at the head?

Mr. MADDEN. That has nothing to do with this bill.

Mr. GARNER. I understand that.

Mr. MADDEN. I do not know, but do not charge me with being connected with that; I am not interested in that.

Mr. GARNER. I was just wondering whether the gentleman was going to carry the salary again this year in the appropriation bill?

Mr. MADDEN. It is not in this bill.

Mr. GARNER. Oh, yes; I remember it is paid out of the contingent fund.

Mr. MAGEE. Is not the gentleman going to emphasize the fact that the budget system has saved a vast amount of money?

Mr. MADDEN. I am going to get to that. I want to say in commendation of the work done by the Budget Director that he really did a wonderful work under the circumstances. He does not claim that his work is perfect, and he does not claim that it is more than a once over job; he would not claim anything else. He could not claim anything else, because he had not the time or the organization; but he has an organization in contemplation, and I shall outline it to you, and I think it will work to the satisfaction of the Treasury, of the taxpayer, of the Congress, and of the people. Now what is it? First, there is the Director of the Bureau of the Budget, and then there is a chief deputy, and then three or four experts that he has selected from among the best men in the service, with long years of experience and of understanding of the Government. He has taken those men over and out from under the control of those who had jurisdiction over them in the past. Then he proposes to select men, one man particularly, in every department, those with special qualifications, those of ability, of genius in organization, and he proposes when he finds that man to have him released from the duty he is performing, not to put him on another pay roll, mind you, not to incur any new expense, but to transfer him to the jurisdiction of the President of the United States, at the same time allowing him to be paid out of the appropriation from which he is already paid. And he will take one man like that in each department, relieve him from responsibility to his department chief, make him the instrumentality of the President in the department, give him authority to make research in every bureau, and with his knowledge of the department and

his release from responsibility to the department chief, with the power and protection which he has from being under the President and responsible to no one else but the President, it can be readily seen that he will be glad to ferret out any weaknesses anywhere and to furnish information upon which to base many reforms in the future.

Mr. VARE. Will the gentleman yield?

Mr. MADDEN. In a moment; we have been in hearty cooperation with the Director of the Bureau of the Budget along these lines and hope that the day is not far distant when we will be able to bring to you evidence of the value of the service rendered by the Bureau of the Budget. Now, I yield.

Mr. VARE. It might be well to state that the budget officer has cut $122,000,000 off the estimates furnished by the departments.

Mr. MADDEN. Yes; the Bureau of the Budget officer has cut more than that from the estimates, and I think through his instrumentality the departments for 1922 were induced to save something like $122,000,000, and he has reduced the proposals submitted by the departments. And he has done more than that. He has frightened a good many from coming with proposals that they otherwise would have come with, and if he had done nothing more than that, it is a great accomplishment. Now, the Committee on Appropriations, every member of which is the servant of the House, realizes the responsibility we have not only to you but to the country. We are awake to the necessity and the importance of meeting the needs of the hour in the matter of economy. We are delving into everything we can find that will enable us to bring something to you that will give you evidence of better government, and we will continue to do that, and we believe that with the cooperation we can give to the Budget Bureau and the work they can give to the Nation you will have the proof in the next year or two of the value of the budget system. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, I am very much interested in the remarks of the gentleman from Iowa [Mr. GREEN]. In view of the fact that every speech made upon the majority side of the Chamber for political purposes has emphasized the passage of the budget law—though it passed by practically a unanimous vote—as perhaps the only real achievement of the majority party during this administration, I am wondering whether or not the sacrilegious remarks of the gentleman from Iowa [Mr. GREEN] may not bring him in danger of that threat which was contained in an interview by the gentleman from Ohio [Mr. FESS] which I had the pleasure of reading yesterday to the Committee of the Whole House on the state of the Union. Now, the gentleman from Iowa is more nearly right than he is wrong about this matter—does the gentleman desire me to yield?

Mr. GREEN of Iowa. I was just about to remark as the gentleman referred to the disciplining of certain members of the Republican Party whether the trouble was on the gentleman's side and they did not have any way of disciplining those who got out of the ranks over there on several bills.

Mr. GARRETT of Tennessee. Oh, we are getting along finely over here. We will get along well enough. We have won nearly every substantial fight that we have made in this Congress, although we have only 132 Members.

But I started to say that the gentleman from Iowa is more nearly right than he is wrong about this budget matter. That is to say, there has been so much piffle about the thing. Now, as I said in some remarks made here just before the adjournment of the extra session, it looks like some of the newspapers are carrying standing headlines about Dawes's savings. We have read where he saved $30,000,000 or more by remaining away from lunch for half an hour, where he saved a million dollars between cuss words, or things of that sort. Now, as a matter of fact, Gen. Dawes has taken the estimates placed before him by the departments and has done what the Appropriations Committee would have done in any event if it had followed the unbroken precedents of the last 40 years, namely, cut those estimates. There has not been a Congress under any administration with the history of which I am at all familiar that has not always cut the appropriation bills below the estimates of the departments.

Mr. BYRNS of Tennessee. May I remind the gentleman that the Appropriations Committee has cut Gen. Dawes's estimates in this bill nearly 10 per cent?

Mr. GARRETT of Tennessee. I was just going to say that, and I thank the gentleman. These Dawes's savings that have been advertised to the country have been entirely misleading, and the statements in regard to them have been worded in such a way as to disgust men who are accustomed to deal with public questions with frankness and candor and plainness.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. The estimates in this bill were $131,000,000. The recommendations by the committee are $118,000,000.

Mr. GARRETT of Tennessee. The committee has cut the estimates which Gen. Dawes sent in, of course, and will cut them more and more. I presume that Gen. Dawes has been of service to the committee in that he did a lot of preliminary cutting which the committee would have done in any event had they been sent in from the department.

Now, as far as Gen. Dawes not having aid enough up there is concerned to enable him to make all the cuts, of course, the situation about that is this, if I remember it correctly: He had an allowance of $225,000. He could employ four men besides himself. He gets a salary, I believe, of $10,000, and he could have employed four men at a salary not to exceed $5,000.

Mr. BYRNS of Tennessee. He could employ four at a salary exceeding $5,000 and as many as he pleased at a salary of $5,000 or less.

Mr. GARRETT of Tennessee. I do not think it can be claimed that he has not had furnished him by the Congress all the facilities that he needed to enable him to do the work. And I should not like for his failure to cut these estimates to the point where the Committee on Appropriations has found it necessary to cut them to be charged up to any failure of Congress to give him all the financial aid he needed in order to get assistance to enable him to do the work. It ought to be stated, in frankness and candor to the people of the United States, that what he has done is merely to review estimates, cut estimates, and not have it continuously and persistently drummed into the ears of the people all over the country every day that he is saving millions of dollars between bites in the lunch room and thousands between cuss words.

Mr. GARNER. As to the budget system, the principal suggestion as to its merits was first in the direction of the elimination of duplication, and so far as I know up to this time there has not been a single elimination of a bureau or activity of the Government where it is duplicating the work of some other department.

Mr. GARRETT of Tennessee. That has been pointed out, and it appears right in this bill.

Mr. MAGEE. Mr. Chairman, I was one of those who did everything I could to get the budget system adopted, and I am not going to sit in my seat and hear it lambasted by people who have, I assume, the best intentions, but, in my judgment, do not know what they are talking about. I am satisfied that Gen. Dawes——

Mr. GARRETT of Tennessee. Is the gentleman referring to the gentleman from Iowa [Mr. GREEN] or to me? [Laughter.]

Mr. MAGEE. Well, you are both my friends. I hold the gentleman from Tennessee [Mr. GARRETT] in the highest esteem, as I do the gentleman from Iowa, and I do not think either one of you would intentionally do any injustice to Gen. Dawes. But I am going to have my say, because I am a member of the committee. Gen. Dawes appeared before the committee. I heard his statement, and I am absolutely satisfied that the budget system up to date has saved at least several hundred millions of dollars to the taxpayers of this country, and we have not yet got the system into efficient operation, as it were. Now, at this time to criticize the work and Gen. Dawes, who left his business to come to Washington to do what he could in the interest of the Government and of the country, is something that I do not propose to stand for. I think every Member of this House wants to do justice to Gen. Dawes. I am satisfied that the success or failure of the budget system depends to a vary large extent upon Executive pressure. I am satisfied that there is no person who can make the budget system a success except the Excutive.

I do not think you can get anywhere by making a larger appropriation—that is, by increasing the number of employees in the Bureau of the Budget.

You have got to work through Executive pressure. My idea is that the President must select some man from each department who is familiar with the work of that department, and who, as the direct representative of the Executive, can go to the head of that department and say, "You have got to pare your expenditures."

It is absolutely untenable to claim that the whole responsibility for economy is on the Director of the Budget. His word is not the last word. The last word is with the Members of the House, primarily with the members of the Committee on Appropriations, and, after they have made their report, with you. It is not to be assumed—and Gen. Dawes, I think, would be the

last person in the world to assume—that you will take the items as submitted by the Director of the Budget and not review them and reduce them whenever it is possible to do so.

Mr. GOODYKOONTZ. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from West Virginia?

Mr. MAGEE. Well, I have got my mind running now on this subject, and if the gentleman will just wait until I express my thoughts.

What I mean to say is this: I do not think there is any person in the world who would welcome more than Gen Dawes would the action of the Committee on Appropriations in making its own investigation of the items which he has submitted through the Bureau of the Budget. I think that Gen. Dawes would feel that the members of the Committee on Appropriations would be derelict in their duty if they did not do it. Why should we not do it? The responsibility ultimately is upon us to reduce public expenditures. We can not shift that burden.

I think we should give credit to whom credit is due. I feel that I know what I am talking about. I did not spend my Christmas vacation at home; I stayed here and worked with the distinguished chairman of the committee and attended these hearings, and did what I could to get out this bill. I do not want to do any man an injustice. I say that Gen. Dawes is entitled to the gratitude of the House and of the country for the efficient work which he has done. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MAGEE. May I have two minutes additional?

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. GOODYKOONTZ. I object.

Mr. BYRNS of Tennessee. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last two words.

Mr. BYRNS of Tennessee. Mr. Chairman, I have no personal criticism to make of Gen. Dawes as Director of the Budget. But as I stated on yesterday, I am disappointed at the progress that has been made thus far in the administration of the budget law. The gentleman from New York [Mr. MAGEE] referred to the budget law and to his very earnest support of it. That law was passed with practical unanimity by Congress. It is a good law. But no law, however perfect it may be, will bring results unless it is properly administered. I realize, of course, that there is something in the contention that this is a new law, it having only been passed early in June of last year; but I think just criticism can be made of the fact that, despite the claims that were made to the effect that the enactment of a budget system would serve to reduce expenditures, the first report of the Budget Bureau and the result of its work have resulted in a request for an increase over the appropriations made for the present fiscal year, those appropriations having been made without the assistance of the Budget Bureau; and if Congress were to accept the estimates submitted by the Director of the Budget Bureau, then Congress would appropriate for next year over $29,000,000 more than was appropriated for the year 1922. I repeat, I think there is some criticism due, because it was in the minds of every Member of Congress on both sides of this Chamber when the law was passed that a proper administration of the budget law would bring about a reduction in the estimates.

Gentlemen have referred to the fact that the Director of the Budget has reduced some of the estimates which were submitted to him by the departments before they were sent to Congress, and for this they attempt to claim credit for the bureau.

I think the trouble on the other side of this Chamber is that they have gotten into the habit of claiming a mere reduction of estimates as a real saving that they can not get out of that habit now in the discussion of the estimates submitted by the Director of the Bureau of the Budget. The only proper way to determine whether there has been a saving is by a comparison of the estimates with previous appropriations which have been made for similar purposes.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. GARNER. I want to say to the gentleman that if the Congress appropriated the amount of money asked for by the Budget Bureau it will be necessary either to pass additional revenue legislation or else there will be a deficit of between $700,000,000 and $800,000,000 for next year. The gentleman was on the Budget Committee, and, as I recall, one of the arguments made in behalf of a budget was that when we had a budget system and the law was properly administered we would be able to determine within a margin of $5,000,000 what would be the aggregate of the estimates for a given year, and what would be the amount of revenue that would be required to meet them. Now, if the proper help is given by this Congress to the Bureau of the Budget it is hoped that the revenues received into the Treasury and the expenditures under the estimates might be balanced, and if that can not be done there will either be a deficit or it will be necessary to obtain, in addition to the revenue from the tariff, a difference of some $700,000,000 or $800,000,000 additional revenue.

Mr. BYRNS of Tennessee. Yes. The fact is that we are in the same situation that we were in before the budget law was passed, due not to the law but its administration. It is necessary for the Congress to greatly reduce the estimates submitted by the Bureau of the Budget or we shall incur a deficit and have to increase taxes or issue certificates of indebtedness.

Now, as I said yesterday, the budget law provided and made it the duty of the President and the Director of the Bureau of the Budget to tell Congress how the Government was going to take care of an anticipated deficit, but no such information has been given.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. McKENZIE. Mr. Chairman, I ask unanimous consent that the gentleman may have one additional minute. I want to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McKENZIE. I desire to ask the gentleman from Tennessee if it is not a fact that one of the virtues of the budget system lies in the fact that if Congress cuts below the estimates submitted by the Budget Bureau, we get the credit therefor, but if they go beyond and increase the appropriations above the estimate made by the Bureau of the Budget then we come in for severe criticism?

Mr. BYRNS of Tennessee. Naturally that is one of the effects; but, Mr. Chairman, I fear that the Director of the Budget in making his reductions that have been referred to has followed the practice that he followed when he told Congress and the Committee on Ways and Means, which was preparing the revenue bill, that $350,000,000 would be saved during the present fiscal year. How did he do it? It was disclosed in the hearing. He went to these bureaus, and without considering whether or not they needed the money, arbitrarily directed them to set apart 10 per cent of the amount that had been appropriated. I will give you one instance. The Bureau of Public Health had over $4,080,000 appropriated for surgical and hospital supplies. He directed the Bureau of Public Health to set aside $400,000, which of course went to make up the $350,000,000 which he claimed was an economy this year. Yet in November, when the deficiency bill came before this Congress, the Bureau of Public Health stated that it was necessary to use $200,000 of that reserve; and I have no doubt that all of it will be used between now and the first of the next fiscal year, and the same is true of many other appropriations.

The Clerk read as follows:

For expenses of assessing and collecting the internal-revenue taxes, including the employment of the necessary officers, attorneys, experts, agents, accountants, inspectors, deputy collectors, clerks, janitors, and messengers in the District of Columbia and the several collection districts, to be appointed as provided by law, telegraph and telephone service, rental of quarters outside the District of Columbia, postage, freight, express, and other necessary miscellaneous expenses, and the purchase of such supplies, equipment, furniture, mechanical devices, printing, stationery, law books and books of reference, and such other articles as may be necessary for use in the District of Columbia and the several collection districts, $34,409,690: *Provided*, That not more than $100,000 of the total amount appropriated herein may be expended by the Commissioner of Internal Revenue for detecting and bringing to trial persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violation.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. In the paragraph on page 25 I note that without limitation there is authority for employing certain attorneys and officers in this department. May I ask the chairman of the committee if there are not in this department a definite number of officers, attorneys, and employees without the general authority to employ $34,000,000 extra?

Mr. MADDEN. It is general authority, I will say to the gentleman.

Mr. DOWELL. May I inquire if this $34,000,000 is above and beyond all of the regular employees of the department?

Mr. MADDEN. It is above all the statutory salaries. It includes the field officers and the clerks of the internal revenue

office, and all their employees everywhere throughout the United States.

Mr. DOWELL. But what I mean is, Does this include those that are specified and their salaries fixed, or is this an additional number? This says in the District of Columbia.

Mr. MADDEN. Yes.

Mr. DOWELL. It would refer to the officers in the District?

Mr. MADDEN. Part here and part throughout the United States. If the gentleman will give me an opportunity I will try to explain just what it does mean.

Mr. DOWELL. I would like to have it explained. From the reading of it, it indicates that there is a general authority to employ officers and attorneys for these purposes, and from my reading of it I understand that it would be outside of the regular employees of the department. I would like to have the gentleman's explanation of it, if he will be kind enough to give it to the committee.

Mr. MADDEN. The appropriation covered under this provision for the current fiscal year was $29,162,000, plus a deficiency appropriation of $1,792,000. This $1,792,000 was appropriated in the last deficiency act, and authorized the employment of 600 additional auditors, whose employment was authorized to begin as of the 1st of this month.

The proposal under which that $1,792,000 was appropriated contemplated the installation of 100 of these 600 men in each month—January, February, March, April, May, and June. They are to be expert auditors and field inspectors. The occasion for their employment is the fact that the returns of 9,000 corporations, running back as far as 1917, have not yet been audited. Some of these corporation returns are very voluminous. They are the returns of corporations having subsidiary companies. The employment of these auditors and supplementary employees, which include deputy collectors, field agents, clerks, and inspectors, was authorized for the further reason that there are 160,000 claims for reimbursement under tax returns. Many of these run back for several years. A year ago, in the sundry civil act, the sum of $8,000,000 was appropriated for this activity on the promise of the Internal Revenue Bureau that they would raise $157,000,000 in back taxes as the audits were brought current and $200,000,000 more as the field auditors were able to complete their work. That was the basis of the appropriation that was allowed. They have made good to the extent of turning in from back taxes $357,000,000 a year, taxes that they were able to divulge as the result of the examination of the returns that had been made. They told us that in addition to the $357,000,000 to be raised from the sources indicated as a result of the $8,000,000 appropriation, if we would give them 600 additional auditors and the supplementary force and $1,792,000 additional money for the balance of this fiscal year, they would raise $200,000,000 more within the year; that if we would give them 600 more men as of the 1st of July in addition to these 600 they would be able undoubtedly to bring these 160,000 claims for reimbursement out of the pigeonholes, adjust them, and they undoubtedly would be able, judging from their past experience, to raise $200,000,000 more instead of refunding a large amount, because in most cases where claims were made for refunds it would develop that the people who demanded the refunds owed the Government money.

The committee decided that we would give them the first 600 auditors and the supplementary force, which we did under the deficiency act passed just before the Christmas adjournment. Then when they came to ask for the other 600 auditors we said, "Well, no; we will give you the 600 and carry them for the fiscal year 1923." The fiscal year 1923 carrying the 600 would mean $4,300,000, because of the constant employment of these 600 men and the supplementary force, whereas to-day the first 600 were employed for five months, the second hundred for four months, the third hundred for three months, and so on. They would all be employed for the entire year next year, so that makes up $4,300,000, which, added to the $29,000,000 and some odd thousands, makes that $34,000,000. We believe the employment of these additional men and the granting of this additional appropriation will yield additional revenue to the amount of over $250,000,000 at the very lowest. And it will do more than that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended for five minutes. Is there objection?

There was no objection.

Mr. MADDEN. It will do more than that; it will finish the work up sooner. Many of the people who have filed returns for taxes are in a state of uncertainty as to what is going to happen when their schedules are audited. They want these schedules audited as much as the Government does. They want to know whether they are to be responsible for a million dollars more or a million dollars less. There may be four or five million dollars involved in some of these schedules, and there is not a business man that wants to be stood up in the air all the time; he wants to know what he owes. He may die, and he wants to know the condition of his estate before he dies. We have made an appropriation with a limitation later on that no part of the appropriation for Internal Revenue Service of the Government shall be used for increases in compensation within any class.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. LONGWORTH. The gentleman may have answered this, but I want to ask the gentleman in that connection whether the final audit for the year 1917 is completed?

Mr. MADDEN. No; that is the trouble. Most of the audits for 1917 that are uncompleted are in connection with the large corporations, and some corporation returns are very voluminous. It will take two or three wagons to carry a schedule and exhibits. There are 9,000 of them. It is said that no man living can audit more than 10 or 15 of these returns in a year.

Mr. LONGWORTH. Can the gentleman state how much money there is in dispute?

Mr. MADDEN. They have 160,000 claims, and there are 9,000,000 schedules filed every year, including the monthly report of sales under the stamp act.

Mr. LONGWORTH. I have been informed that there is more than a billion dollars in dispute.

Mr. MADDEN. They say that if they get all of the returns audited there is no doubt that they would raise the billion and a half dollars, and if we give them the means to do what they are now proposing to do under this provision of the bill they tell me that they will at least give us $557,000,000 and maybe $750,000,000 in revenue.

Mr. BANKHEAD. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BANKHEAD. I am pleased to hear that they are making additional allowance for the auditing of these schedules. It seems to me that that is one of the most important business functions that ought to be looked after because of the fact that some of these accounts have not been audited for 1917. Does the gentleman think that 600 additional auditors and supplementary employees are sufficient to bring the job up to date?

Mr. MADDEN. Yes; we went carefully into that, and we figured that if we gave the 1,200 they want the force might get top-heavy. It was done not with a view to economize in force but to economize in the work.

Mr. BANKHEAD. The men are appointed under the civil service?

Mr. MADDEN. Yes; and all trained men.

Mr. BANKHEAD. Will the Civil Service Commission be able to furnish a list of eligibles of trained men?

Mr. MADDEN. Yes; they have a force already assembled so that they can get them without any trouble. They send them to school after they get them. A man must have a fundamental knowledge upon which you can base a superstructure that will enable him to do the work intelligently and effectively. An ordinary man would not be able to do it; you must have a certain class of education to do it, and on top of that they must be trained for this particular work.

Mr. BYRNES of South Carolina, Mr. MCFADDEN, and Mr. FOCHT, by unanimous consent, were given leave to extend their remarks in the RECORD.

Mr. HOCH. Mr. Chairman, I rise in opposition to the pro forma amendment. I have no disposition to thresh over old straw, but, inasmuch as the paragraph under consideration has to do with the Internal-Revenue Service, I take this opportunity to submit an observation or two relative to the surtax question. It is apparent from statements that are appearing in the public press and elsewhere that there is still quite a general misapprehension in the country as to the effect of the new surtax rates in the recently enacted revenue law. The gentleman from Oregon [Mr. SINNOTT] placed in the RECORD a few days ago some figures on this matter. Some time ago I prepared a table that is similar to his but which gives the comparison in a somewhat different way. A number of Members have asked that I insert the table in the RECORD. This table shows the amount of surtax for various incomes under the old law, the amounts under the new law, and also what the amounts would have been had the House provision been adopted instead of the Senate provision. It also shows the amounts of reduction in surtax under the new law and what the reductions would have been for various incomes had the House proposal been adopted instead of the Senate provision.

During the surtax controversy practically all the press publicity centered around the difference in the maximum rates provided in the Senate and the House bills, as though that were the only difference in the two proposals. The fact is that the difference in the method of readjusting the surtax rates was, in the view of many of us, of equal if not greater importance. The House provision gave no surtax relief whatever to incomes below $68,000. It bunched all its relief on the 11,000 surtax payers with incomes above $68,000. The Senate provision, on the other hand, readjusted the rates from the bottom to the top, starting the relief with incomes of $6,000—which are the lowest incomes subject to surtax—and cutting down the rates clear through to the highest incomes. The Senate provision gave a measure of relief to all the 657,000 surtax payers from the lowest to the highest.

Further, unless a man's income is more than $86,000 a year, he will pay less surtax under the new law than he would have paid had the House provision been adopted instead of the Senate provision. It is only the incomes above $86,000 which will pay more surtax than they would have paid if the House provision had been adopted, and it must not be forgotten that even these vast incomes receive substantial reductions below the old law. There is practically no one in many Western and Southern States who would have received a cent of surtax relief under the House provision. Indeed, the men who would have been benefited would have been comparatively few in any State. It was this utter unfairness of the readjustment in the original provision in the House bill which abundantly justified the House in receding and agreeing to the rates provided in the Senate bill. And it was this difference more than anything else which to many of us from the very start made support of the House proposal impossible.

This table has been submitted to the Treasury Department for verification, and perhaps it would be well for the sake of certainty to submit that portion of the reply of the department bearing upon the matter, which is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 28, 1921.

Hon. HOMER HOCH,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Your letter of the 27th instant, together with the inclosed table, is at hand. I have checked the figures of the table, and find them correct.

Respectfully,
JOS. S. McCOY,
Government Actuary.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. HOCH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting the table that I have referred to.

The CHAIRMAN. Is there objection?

There was no objection.

The table referred to is as follows:

The surtax.

Income.	Amount of surtax.			Amount of reduction in surtax below old law.	
	Old law.	New law after 1921.	House bill, 32 per cent maximum, rejected.	Senate proposal, 50 per cent maximum, adopted.	House proposal, 32 per cent maximum, rejected.
$6,000	$10	$00	$10	$10	None.
$8,000	50	20	50	30	None.
$10,000	110	40	110	70	None.
$12,000	190	80	190	110	None.
$14,000	290	140	290	150	None.
$16,000	410	220	410	190	None.
$18,000	550	320	550	230	None.
$20,000	710	440	710	270	None.
$22,000	890	600	890	290	None.
$24,000	1,090	780	1,090	310	None.
$26,000	1,310	980	1,310	330	None.
$28,000	1,550	1,200	1,550	350	None.
$30,000	1,810	1,440	1,810	370	None.
$32,000	2,090	1,700	2,090	390	None.
$34,000	2,390	2,000	2,390	390	None.
$36,000	2,710	2,300	2,710	410	None.
$38,000	3,050	2,620	3,050	430	None.
$40,000	3,410	2,960	3,410	450	None.
$42,000	3,790	3,320	3,790	470	None.
$44,000	4,190	3,700	4,190	490	None.
$46,000	4,610	4,100	4,610	510	None.
$48,000	5,050	4,520	5,050	530	None.
$50,000	5,510	4,960	5,510	550	None.
$52,000	5,990	5,420	5,990	570	None.
$54,000	6,490	5,900	6,490	590	None.
$56,000	7,010	6,400	7,010	610	None.
$58,000	7,550	6,920	7,550	630	None.
$60,000	8,110	7,460	8,110	650	None.

The surtax—Continued.

Income.	Amount of surtax.			Amount of reduction in surtax below old law.	
	Old law.	New law after 1921.	House bill, 32 per cent maximum, rejected.	Senate proposal, 50 per cent maximum, adopted.	House proposal, 32 per cent maximum, rejected.
$62,000	$8,690	$8,020	$8,690	$670	None.
$64,000	9,290	8,600	9,290	690	None.
$66,000	9,910	9,200	9,910	710	None.
$68,000	10,550	9,820	10,550	730	None.
$70,000	11,210	10,460	11,190	750	$20
$72,000	11,890	11,120	11,830	770	60
$74,000	12,590	11,800	12,470	790	120
$76,000	13,310	12,500	13,110	810	200
$78,000	14,050	13,220	13,750	830	300
$80,000	14,810	13,960	14,390	850	420
$82,000	15,590	14,720	15,030	870	560
$84,000	16,390	15,500	15,670	890	720
$86,000	17,210	16,300	16,310	910	900
$88,000	18,050	17,120	16,950	930	1,100
$90,000	18,910	17,960	17,590	950	1,320
$92,000	19,790	18,820	18,230	970	1,560
$94,000	20,690	19,700	18,870	990	1,820
$96,000	21,610	20,600	19,510	1,010	2,100
$98,000	22,550	21,520	20,150	1,030	2,400
$100,000	23,510	22,460	20,790	1,050	2,720
$150,000	49,510	46,460	36,790	3,050	12,720
$200,000	77,510	70,960	52,790	6,550	24,720
$300,000	137,510	120,960	84,790	16,550	52,720
$500,000	263,510	220,960	148,790	42,550	114,720
$1,000,000	583,510	470,960	308,790	112,550	274,720
$1,500,000	908,510	720,960	468,790	187,550	439,720
$2,000,000	1,233,510	970,960	628,790	262,550	604,720

Mr. GOODYKOONTZ. Mr. Chairman, I move to strike out the last two words. I have not the honor of a personal acquaintance with Gen. Dawes, but he comes highly recommended by our colleagues from Illinois. The fact that he has been appointed by the President is a guaranty of his ability. The fact that it has been necessary for the standing committee to reduce his recommendations to the extent of 10 per cent thereof is somewhat discouraging, but he is a new man, and I have no doubt but that in due season he will establish a good reputation for himself as an active agent of the Government operating in the interests of economy in national expenditures.

What I purpose to say on this occasion relates to economy. We have in this House on the Republican side a preponderating majority which at times somewhat disintegrates. On the Democratic side we find a small minority which acts with solidarity—largely voting as one man. Since I have been in Congress I have observed that when an amendment is offered having as its object the increase of an appropriation a certain segment of the majority votes for it, and the minority, acting in solidarity, also votes for it, and the amendment carries. In nine cases out of ten I have voted against amendments offered to increase appropriations; nine times out of ten I have voted for amendments intended to reduce appropriations; but ten times out of ten the minority has voted to increase, and never to decrease, the appropriation. If gentlemen on the Democratic side are in good faith about carrying out the letter and spirit of the budget law, that good faith time will prove. If they are sincerely in good faith, and I have no right to challenge their good faith—they are gentlemen of honor, of culture, and reputation, largely from the South—I say time will prove their good faith and sincerity. Thus far they have been playing a little game of politics. If they can convict the Republican Party of swelling the appropriations, they believe that a few more Democrats will creep into the House after the next election. What I am concerned about is the welfare of the country without regard to politics, having in mind the fact that the people are having to pay the bills and that their interests should be considered and looked after a little bit while we are here. Time will determine if the Democratic side of the House is in good faith about standing by the budget law. If these gentlemen stand by the recommendations of the standing committee, we will know that they are at heart in favor of the budget law; but if they vote to disregard the recommendations of the Director of the Budget when upheld by the Appropriations Committee and to increase the amount of the appropriations, then we will know that they want the budget law to break down and fail. [Applause on the Republican side.]

The Clerk read as follows:

For expenses to enforce the provisions of the "national prohibition act" and the act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon,

all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, as amended by the "revenue act of 1918," including the employment of executive officers, agents, inspectors, chemists, assistant chemists, supervisors, clerks, and messengers in the field and in the Bureau of Internal Revenue in the District of Columbia, to be appointed as authorized by law; the securing of evidence of violations of the acts, and for the purchase of such supplies, equipment, mechanical devices, laboratory supplies, books, necessary printing and binding, and such other expenditures as may be necessary in the District of Columbia and several field offices, and for rental of necessary quarters, $9,250,000: *Provided*, That not to exceed $49,500 of the foregoing sum shall be expended for rental of quarters in the District of Columbia if space can not be assigned by the Public Buildings Commission in other buildings under the control of that commission: *Provided further*, That not to exceed $750,000 of the foregoing sum shall be expended for enforcement of the provisions of the said act of December 17, 1914: *Provided further*, That not to exceed $25,000 of the total amount appropriated shall be available for advances to be made by special disbursing agents when authorized by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, the provisions of section 3648 of the Revised Statutes to the contrary notwithstanding.

Mr. HILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HILL: Page 26, line 18, after the word "quarters," strike out the figure "9" and insert the following at the end of the line: "Any further moneys required shall be paid by the individual States, if they so desire, under the concurrent power conferred upon them by section 2 of the eighteenth amendment to the Constitution."

Mr. MADDEN. Mr. Chairman, I make a point of order against the amendment, in that it is a change of law and is not in order.

Mr. HILL. Will the gentleman reserve the point of order?

Mr. MADDEN. I will reserve it for five minutes.

Mr. KETCHAM. Mr. Chairman, I make the point of order. We have heard this speech a number of times, and I make the point of order.

Mr. HILL. I ask to be heard on the point of order. I move to strike out the last word.

The CHAIRMAN. With a point of order prevailing, the gentleman can not; but the Chair will hear the gentleman briefly on the point of order.

Mr. HILL. Mr. Chairman and gentlemen of the committee, this is entirely nonpartisan matter of economy, and if you vote for this simple amendment, by striking out the figure "9" you save $9,000,000 a year to the American people. I am sure that it is not out of order, but a proper thing to submit a smaller sum than——

Mr. BANKHEAD. I think the gentleman, being given permission to discuss the point of order, certainly should confine himself to a discussion of that phase of the matter.

The CHAIRMAN. The Chair assumes the gentleman was simply laying his foundation by stating some general facts, but the Chair will hear the gentleman briefly.

Mr. HILL. The second portion of the amendment deals entirely with the second section of the eighteenth amendment to the Constitution dealing with the concurrent power to enforce national prohibition, and I submit that this being an appropriation bill, this amendment being an amendment to reduce an appropriation from $9,250,000 to $250,000 is in order.

The CHAIRMAN. The Chair is ready to rule. It is clear that it is attempted legislation on an appropriation bill; if not, the language is meaningless; and if it is legislation, it is obnoxious to the rule.

Mr. HILL. Mr. Chairman, I ask unanimous consent to strike out all except that portion of the amendment which reduces it from $9,250,000 to $250,000.

The CHAIRMAN. The gentleman has the right to offer such an amendment.

Mr. HILL. I move to amend by striking out "$9,250,000," line 18, page 26, and substitute therefor "$250,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 18, after the word "quarters," strike out the figures "$9,250,000" and insert in lieu thereof the figures "$250,000."

The question was taken, and the Chair announced the noes seemed to have it.

Mr. BANKHEAD. Mr. Chairman, I ask for a division. I withdraw the demand for a division.

The Clerk read as follows:

For medical examinations, medical, surgical, and hospital services and supplies for beneficiaries (other than patients of the United States Veterans' Bureau) of the Public Health Service, including necessary personnel, regular and reserve commissioned officers of the Public Health Service, personal services in the District of Columbia and elsewhere, maintenance, equipment, leases, fuel, lights, water, printing, freight, transportation and travel, maintenance and operation of motor trucks and passenger motor vehicles, transportation, care, maintenance, and treatment of lepers, court costs, and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane, and reasonable burial expenses (not exceeding $100 for any patient dying in hospital), $5,627,394: *Provided*, That no part of this sum shall be used for the quarantine service, the prevention of epidemics, or scientific work of the character provided for under the appropriations which follow.

Mr. CROWTHER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. CROWTHER. To move to strike out the last word. Mr. Chairman, there was a vote cast here a little while ago—an hour or two ago—that demonstrated pretty clearly the condition that confronts the Republican side of the House. We tried a few days ago to get a quorum and found it very difficult. Members on the other side of the House—Democrats—deliberately hotfooted from the chamber like a lot of Jack Garner's Angora goats up in the Panhandle, and could not be found anywhere. But to-day when there was a vote and it was necessary to have some support to maintain a salary to which there was an amendment for a reduction in an office held by a Democrat, why, they were right on hand and voted for it.

I want to say to you that there has been considerable undeserved criticism all over the country regarding this Congress. I read in to-day's papers that the administration is looked upon with great favor by the people of the country, but that they do not look with kindly eyes on the Congress, presumably this Republican Congress. I want to say to you that the administration does not help us very much by allowing all the departments here in Washington to remain filled with Democrats. I want to say to you that you have got to parade through a lot of them before you get to the chief of a bureau.

Mr. GARNER. Will the gentleman yield?

Mr. CROWTHER. I can not yield. I have only a few minutes.

I want to say to you that the principal thing that is heard by us when we get home is, "Why are there so many Democrats in office under a Republican administration?" There are Democrats in the Treasury Department, in the Commerce Department, and in the mint; all sorts of jobs are held down by Democrats. I do not want to be extremely partisan, but it seems to me that when an administration changes there should be a political change in the personnel. I will give the Democrats credit for this: The Democratic Party everywhere, in municipal or State governments, turns every Republican out of office, but we are so mighty considerate that we keep Democrats in office. I do not know what the right term is that I should use, but I know the principle is wrong. One of the distinguished Senators from the West asked the Secretary of the Treasury during the preparation of the tariff bill if we had no Republican experts. Democratic experts assisted in the preparation of the tariff bill under a Republican administration, a bill that has sleeping sickness in the Senate hospital at the other end of the Capitol. [Laughter.]

They have Democratic employees in the Civil Service Commission that are making it difficult for us to secure proper reports on our candidates for the post offices. They have Democratic inspectors that are going around and reviewing and curtailing the service in the different communities, and you can not get a report on a post office that is against a man, even though his conduct of the office is reprehensible, because a Democratic inspector will go there and write you a letter and say that the post office is being run like the Bank of England, even though the postmaster is a bootlegger. [Laughter.] That is the kind of a position we are in. There has been some talk of cohesiveness here and what would produce it. I want to say to you on this side we do not intend to be divided by sectional lines, and you can not make me believe that the agricultural bloc is dividing the Republicans on this side in a way that is to be permanent. I want to say to you who represent the bloc that we need you on this side. You can not get any legislation of any kind by uniting yourselves with that aggregation of Democrats over there. [Applause on the Republican side.] We are diametrically opposed on all the real fundamentals of government. And I ask you in a friendly spirit to stay on our side and do not let these sectional questions divide our strength. [Applause on the Republican side.]

The Clerk read as follows:

For wages of workmen and other employees, $8,200. For incidental and contingent expenses, $5,000.

Mr. BLANTON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BLANTON. I offer a pro forma amendment, on page 43, line 25, to strike out the word "employees," for the purpose of asking a question. I will ask the chairman, if I may, if he knows how many employees we have now in Washington?

Mr. MADDEN. In the Treasury Department?

Mr. BLANTON. In Washington.

Mr. MADDEN. I think it is 71,000 or 72,000. I am not exactly sure, but I will try to get it.

Mr. BLANTON. Is it not 74,000?

Mr. MADDEN. I was not sure exactly, and I was just trying to get it in order to refresh my recollection. It was 78,805 on July 31, 1921.

Mr. BLANTON. And it is 74,000 now?

Mr. MADDEN. About 74,000 now. It was 90,000 on July 1, 1920, and now it is about 72,000.

Mr. BLANTON. I understood about 74,000.

Mr. MADDEN. Maybe it is 74,000.

Mr. BLANTON. Is it not a fact that just before the war we had 35,000?

Mr. MADDEN. I think we had between 35,000 and 37,000. I am not sure exactly.

Mr. BLANTON. Was not the gentleman of the opinion before he became chairman of the Appropriations Committee that when we had 80,000 we ought to send about 40,000 of them home?

Mr. MADDEN. I still think so.

Mr, BLANTON. The gentleman still thinks that, now?

Mr. MADDEN. Yes. Of course, then we had a smaller number. Of course, we did not then have the Veterans' Bureau.

Mr. BLANTON. That would give us 5,000 more than we had before the war, even to send 40,000 home.

Mr. MADDEN. Another thing they did not have: They did not have the enlarged Internal Revenue Bureau, due to the large collections.

Mr. BLANTON. But the gentleman has not receded from his former position?

Mr. MADDEN. I have not.

Mr. BLANTON. And being in the official position of the chairman of the Committee on Appropriations, that holds the purse strings, does the gentleman think he is going to be able to send these employees back home?

Mr. MADDEN. Yes. We have sent home a good many, and in this bill we have reduced a great many more.

Mr. BLANTON. Would the gentleman mind telling, for the information of the people of the country, how many of these employees he believes we can get rid of by the 1st of next January?

Mr. MADDEN. Well, I can not tell that exactly. I do not know how many. It is impossible to tell.

Mr. BLANTON. It is still going to be the purpose of the gentleman, as chairman of the Committee on Appropriations, to cut them loose and send them back home, if possible?

Mr. MADDEN. I will say to the gentleman that one thing I have in mind is, if we can, to consolidate the bonded warehouses. I have an amendment for that. I would have introduced it to-day if we could have worked it out. That will take out 900.

Mr. BLANTON. I mean in Washington.

Mr. MADDEN. And another thing, within the year we will be through with the work of the Director General of Railroads, and there will be over 2,000 turned out there, and there will be other places where reductions will be made, and I think there will be a large number reduced in the Bureau of Engraving and Printing. I am going to help in the work in every way I can.

The CHAIRMAN. The time of the gentleman from Texas has expired. The Clerk will read.

The Clerk read as follows:

Oswego, N. Y., post office: For restoration of stone cornice and wall facing, replacing roof construction and covering, new gutters, downspouts, etc., $35,000.

Mr. DALLINGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. DALLINGER offers the following amendment: On page 45, after line 17, insert "Washington, District of Columbia: National Archives Building: For site of building, including $25,000 for technical services, $500,000."

Mr. BLANTON. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from Texas reserves a point of order on the amendment.

Mr. DALLINGER. Mr. Chairman, this matter is a matter of vital importance to the country. A national archives building was authorized in 1913, and it has been realized more and more that the Government ought to have such a building. A short time ago there was a fire in the building occupied by the Department of Commerce and all the old records of the Census Bureau were destroyed, and just after that the gentleman from Ohio [Mr. FESS] made a strong speech here on the floor of the House, which met with universal approval among the Members, urging that this building should be constructed at once and that these priceless records of the Government that are now scattered all around the District in buildings that are not fireproof should be housed in a fireproof building.

This item was in the estimates submitted by the Treasury Department and was also included in the report of the Director of the Budget. In the hearings, page 849, the chairman asked the Acting Supervising Architect, "When was this authorized?" To this Mr. Wetmore replied, "The building itself, in my opinion, has never been authorized. There are some who hold that the legislation as it now stands authorizes the building. The site is authorized." As the hearing goes on it is plain from the questions asked by the chairman that he thought that, if no building was authorized, it would not be good business to buy a site and take that amount of property out of the taxable property of the District of Columbia and hold it until some future time. Probably it was for this reason that the item was omitted from the bill as reported by the committee, for there was no objection to the site itself, Mr. Wetmore testifying that there is no unoccupied land belonging to the Government centrally located of sufficient size without having to buy some additional land.

Now, as a matter of fact, the act of June 28, 1916, chapter 183, after repealing certain existing legislation on the national archives building—provisions relative to a preliminary inspection of archives in Europe, provisions which by reason of the war had become impossible of execution and for other reasons have now become unnecessary—said explicitly: "And the construction of the said building according to the terms of said act of March 4, 1913, is hereby authorized without such inspection and consultation in Europe."

It is not known on what grounds the Acting Supervising Architect, in the face of this explicit language of the statute, could say that the building had not been authorized, the statement which evidently led the committee to omit the item providing for the site. As a matter of fact, the acquisition of the site could be immediately followed by the erection of the building without other legislation than a suitable appropriation.

The Supervising Architect of the Treasury is entirely wrong about the matter. This building was authorized by law, and is still authorized by law. I am aware that my time is limited and that the committee desires to get through this bill this afternoon, but I ask the indulgence of the members of the committee, so that they can see that the information given to the chairman of the Committee on Appropriations at the hearing was absolutely wrong. Section 21 of the act of March 4, 1913, entitled—

[United States Statutes at Large, Sixty-second Congress, 1911–1913, vol. 37, p. 866, Mar. 4, 1913.]

An act (H. R. 28766) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes—

Provides as follows:

"SEC. 21. That the Secretary of the Treasury be, and he is hereby, authorized and directed to prepare designs and estimates for a fireproof national archives building of modern library-stack type of architecture, containing not less than 3,000,000 cubic feet of space, suitable for the orderly storage of records, documents, and other papers which have accumulated in the various departments, independent establishments, and executive offices and in the files of the Senate and House of Representatives and are not needed for current use.

"That the said designs and estimates shall be prepared with a view to the erection of the said building in the city of Washington, D. C., upon a lot of land large enough to contain ultimately a building embracing 8,900,000 cubic feet of space.

"That the said designs and estimates shall make provision for a building capable of subsequent extension, without impairing its architectural appearance, from a capacity of 3,000,000 cubic feet to a capacity of 8,900,000 cubic feet.

"That before the said designs and estimates are completed inspection shall be made under the direction of the Secretary of the Treasury of the best modern national archive buildings in Europe, and consultation shall be had with the best authorities in Europe on the construction and arrangement of archive buildings.

"That the said designs and estimates shall provide for the construction of a building the total cost of which, including heating and ventilating apparatus, elevators, and approaches, complete, shall not exceed the sum of $1,500,000.

"That whenever the said designs and estimates have been approved by a commission consisting of the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Treasury, the Secretary of War, and the Secretary of the Interior, then the Secretary of the Treasury shall be, and he is hereby, authorized and directed, in his discretion, to purchase, or cause to be taken for public use, by condemnation or otherwise, as a site for said building, any piece of land of the size defined in this section the purchase of which shall be approved by the said commission.

"That for the preparation of said designs and estimates the sum of $5,000, or so much thereof as may be necessary, is hereby authorized to be expended for employment of technical and engineering services in the office of the Supervising Architect."

The CHAIRMAN. The time of the gentleman has expired.

Mr. DALLINGER. I ask unanimous consent that I may proceed five minutes longer.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. DALLINGER. The only change that has been made is in chapter 183, an act approved June 28, 1916, which simply provided—

That paragraph 4 of section 21 of the public-buildings act, approved March 4, 1913, which reads as follows: "That before the said designs and estimates are completed inspection shall be made under the direction of the Secretary of the Treasury of the best modern national archive buildings in Europe, and consultations shall be had with the best authorities in Europe on the construction and arrangement of archive buildings," be, and the same is hereby, repealed; and the acquisition of a site for a national archives building, and the construction of the said building according to the terms of said act of March 4, 1913, is hereby authorized without such inspection and consultation in Europe.

Mr. Chairman, it seems to me that this Congress will be grossly negligent of its duty if it allows the construction of this building to be put off any longer. What are we going to do? Are we going to wait until some other department buildings that we are leasing from private parties, and which are not fireproof, burn down? It seems to me this matter ought to be attended to without any further delay.

At the present time the archives of the Department of State are stored in various parts of the State, War, and Navy Building, of which a recent report by the National Board of Fire Underwriters says: "The building itself has low combustibility, but owing to its arrangement and inflammable contents the fire hazard is high. If a fire were to get beyond initial control, the chance of excessive loss to both building and contents is very great."

The most important archives of the War Department, including, indeed, nearly all its archives, are now housed in a temporary structure at Seventh and B Streets, which is far from being fireproof, and can barely be described as of slow-burning construction. Here are all the headquarters records and papers of the American Expeditionary Forces in France, those of the historical section of the Army War College, those of The Adjutant Generals' Office for all preceding wars, as well as the recent World War, all the muster rolls of previous wars, and all the personal-service records of individual soldiers in this last war.

Furthermore, the papers of the war-time camps and cantonments, which have been ordered transferred to Washington, but have not yet arrived, are now stored in highly inflammable buildings at many scattered points, under no satisfactory care.

The archives of the Treasury Department are much scattered. Those of the Secretary's office are stored mainly in the attic of the Treasury Building, where they are exposed to extremes of heat and cold and where they are deteriorating rapidly. The fire hazard in the attic is very great, and the archives stored there would be totally destroyed if a fire were once started. Other Treasury archives are stored under the north lawn of the Treasury Building in a kind of cellar built around the foundations of the fountain, and still others are in the basement of Poli's Theater. A storage warehouse on E Street—Merchants' Transfer—is filled with public records, largely from the Treasury Department. These records are on wooden shelves, placed as close together as possible, and the records kept there are in the worst possible condition. Here, again, the fire hazard is great because of the crowding and of the combustible nature of the contents of the building.

The Land Office and the Indian Office records, although now stored in the new Interior Department Building, are badly crowded, and are liable to suffer from fire in the same way that the records of the Census Bureau, stored in a building of similar construction, suffered some months ago.

The conditions of storage in the Post Office Department Building are such that a small fire once started would do irreparable damage to the most important records of the department.

Finally, the records of the special war boards are for the most part housed in temporary wooden structures. Those of the War Trade Board, by far the most important for the history of international relations during the war, are in temporary building No. 5, a building mostly of wooden construction, where not long ago they narrowly escaped a destructive fire. Those of the Food Administration, of the United States Grain Corporation, and some records of the Department of Labor are in wooden buildings at Nineteenth and D Streets, the construction of which may be judged from the fact that they have been lately lined with a metallic mesh to protect the records from the depredations of rats. The records of the Federal Trade Board are at New York Avenue and Twentieth Street in a building not much better.

In this connection, I desire to read the following attested copy of a memorial adopted by the council of the American Historical Association at its last meeting:

For 13 years, beginning in 1908, a committee of the American Historical Association has annually urged upon Congress the erection of a suitable national archive building in Washington in which the records and papers of the Government, now kept in a hundred different repositories, mostly unfit and unsafe, may be preserved in safety, arranged in good order, found rapidly, and consulted with ease.

During that time Congress has authorized the erection of the building and provided for preliminary plans, and the Public Buildings Commission has selected a site, but the recommendations and estimates annually submitted by the Treasury have not thus far been followed by any appropriations for purchase of site or beginning of construction.

Meanwhile during these 13 years, and especially since the beginning of the World War, the situation has grown far worse and calls more loudly for remedy. The material needing to be preserved—partly in the interest of history, but much more largely in the interest of the Government as a business organization, whose papers represent great sums of money—has increased very largely in amount.

A larger number of unsuitable places have been pressed into service to receive the overflow. Thus the records and papers of the American Expeditionary Forces in France and all those of The Adjutant General's office relating to all previous wars are kept in a building not fireproof. Another collection, representing many millions of dollars in recent tax claims, lies in the basement of a theater in Washington. Government papers stored elsewhere in the United States or at our legations abroad are in quite as bad case, exposed to fire and destruction. And the rent annually paid for unsuitable quarters in Washington would pay interest on the cost of the finest national archives building in the world.

In the interest of security, in the interest of economy, in the interest of system, in the interest of the rapid and efficient conduct of the public business, and, not least, in the interest of American history, the Council of the American Historical Association respectfully urges Congress to make at this present session an adequate appropriation for at least the purchase of the site for the national archives building.

Signed by the members of the council present, viz:

Charles H. Haskins, professor in Harvard University, first vice president of the association; John S. Bassett, professor in Smith College, secretary of the association; Charles Moore, president of the Fine Arts Commission, treasurer of the association; Arthur L. Cross, professor in the University of Michigan; Sidney B. Fay, professor in Smith College; Carl R. Fish, professor in the University of Wisconsin; Carlton J. H. Hayes, professor in Columbia University; J. Franklin Jameson, Carnegie Institution of Washington; Frederic L. Paxson, professor in the University of Wisconsin; St. George L. Sioussat, professor in Johns Hopkins University.

Certified copy, attested:

[SEAL.] PATTIE W. WASHINGTON,
Assistant Secretary of the American Historical Association.

Mr. Chairman, this is the only country in the world that has not a national archives building, and it is about time we had one. We should have had one long ago. This was authorized in the act of 1913, but at each session of Congress the Committee on Appropriations omits this item on the plea of economy. I again ask the Members of the House this question, Are we going to wait until fire after fire has taken place and sets of records that are priceless and that can never be replaced are destroyed before we begin to acquire the site for this building that is already authorized? I trust that the amendment which I have offered will be adopted.

Mr. BLANTON. Mr. Chairman, I make the point of order, because there is no authority of law for the proposal contained in the amendment.

I should like to state to the Chair that the only authority cited by the gentleman was merely an authorization for a preliminary survey. The sum of $5,000 was appropriated to pay the expenses of that survey. As far as it went, under the most liberal construction it provided that upon the meeting of minds of five different Government officials, then they would be authorized under such circumstances to purchase a site; but nowhere in that act or in the supplementary act, which merely amended it in one particular, will there be found any authority for the construction of this building. I am not discussing the merits of it, but the matter was presented in detail to the Committee on Appropriations. I presume that the chairman of the Committee on Appropriations has just as much at heart the interest of the Government as the gentleman from Massachusetts [Mr. DALLINGER] has, and if he had deemed it necessary to have this building constructed he would probably have put it in this bill. The chairman has not seen fit to do that, the Committee on Appropriations have not seen fit to do it, and I insist on the point of order.

The CHAIRMAN. The Chair would like to ask the gentleman from Massachusetts if the provisions of the act of March 4, 1913, as to the preparation of designs, estimates, and so forth, have been complied with? In the act referred to there is a provision—

That whenever the said designs and estimates—

Described in the preceding paragraphs—

have been approved by a commission consisting of the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Treasury, the Secretary of War, and the Secretary of the Interior, then the Secretary of the Treasury shall be and is hereby authorized and directed, in his discretion, to purchase or cause to be taken for public use, by condemnation or otherwise, as a site for said building any piece of land of the size defined in this section the purchase of which shall be approved by the said commission.

This is all that the Chair can find authorizing the purchase of a site.

Mr. DALLINGER. I am informed that has been done, and there was an item in the bill providing for a site, in the last Congress, as I recall, but in conference between the two Houses it was dropped out.

Mr. MADDEN. There is no information before the Committee on Appropriations to the effect that any such conditions as have been read by the Chairman have been complied with, and I do not believe they have.

Mr. DALLINGER. I understand they have been.

The CHAIRMAN. So far as the Chair has been able to ascertain by a somewhat hasty examination, the only law authorizing the purchase of a site for an archives building is the conditional provision found in the act of March 4, 1913, and unless advised that the conditions therein contained have been complied with, the Chair will be compelled to rule that the amendment is not in order. The Chair sustains the point of order.

The Clerk completed the reading of the bill.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise and report the bill with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committe rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9724, making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. MADDEN. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The motion was agreed to.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MADDEN a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE LATE SENATOR PENROSE.

Mr. FOCHT. Mr. Speaker, within a few days the Nation has sustained a great loss in the death of Senator PENROSE, of Pennsylvania, and particularly heavy has this blow fallen on our own great State. In pursuance of the affectionate regard in which Senator PENROSE was held by the people of Pennsylvania, the Members representing that State in the Halls of this House on yesterday by unanimous declaration prepared a tribute to the deceased statesman and delegated me to present the same to the House with the request that it be read and become a part of the House records.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the statement referred to be read. Is there objection?

There was no objection.

The Clerk read as follows:

BOIES PENROSE.

The members of the Pennsylvania delegation in the United States House of Representatives, who only a few brief months ago were bereft by the death of their distinguished colleague, Senator Philander Chase Knox, again have had suddenly snatched from them another colleague, BOIES PENROSE, long distinguished as a Senator of the United States from Pennsylvania. The wounds these separations inflict, the personal losses they entail, are acute, not easily healed or repaired, and are suffered alike by our constituents and theirs, and by the whole people in whose service they were faithful unto death.

BOIES PENROSE passed into the larger sphere just as a dying year took its place in the hoary register of time as man records it, followed immediately by the joyful acclaim of merrymakers heralding the advent of a new-born year. Never more applicable the saying: "In the midst of life we are in death." We are reminded of the saying: "Even in laughter the heart is sorrowful; and the end of that mirth is heaviness."

BOIES PENROSE, whom nature fashioned in gladiatorial form, died fighting, his earthly armor battered and worn, but his courage unshaken. His spirit was dauntless; his will power adamantine; his personality well-nigh resistless. He was an integer—one thing. Yet he had many sides. In few men could be found so prominently developed those elements which were recognized in him and which stamped him in the public mind as a statesman in politics and a politician among statesmen. BOIES PENROSE was as keen in judgment of men and of political situations as he was farseeing in the higher realm of politics called statecraft. He tutored himself in the practicalities and intricacies of that school of politics which has primarily to do with preferments and platforms, while not neglecting that other school where trusted public servants give first thought and consideration to national policies. This man then was both politician and statesman, so regarded by friend and foe alike. And as able, determined, and unflagging in the one pursuit as in the other—so combining dual attributes in the one nature as never to suggest two-sidedness, but presenting oneness or unity of character and purpose rarely to be found in a public servant whose motives, whose purposes, and whose actions were so long subjects for the crucible of public opinion.

For 38 years, more than half his lifetime, BOIES PENROSE was a legislator. Endowed with natural mental power, of studious habits, taking advantage of opportunities offered by early environment, he acquired learning, and from Harvard went out into the world, first becoming a lawyer.

Thus equipped he entered the Pennsylvania Legislature, where his service of 13 years in house and senate was interrupted that he might take up the mantle of J. Donald Cameron in the Senate of the United States. Meanwhile, his party called him to political service of great responsibility requiring that sagacity and acumen which he possessed markedly, so necessary in a State chairman and in a national committeeman of any State, and superlatively in the great Commonwealth of Pennsylvania.

For a quarter of a century United States Senator PENROSE was a commanding figure in the Senate. Contemporaneously he served there with outstanding and preeminent figures and lost no prestige by comparison with them either in constructive ability or in knowledge and grasp of public questions. There indeed was the forum in which PENROSE'S highly developed intellect, his tremendous capacity for hard and difficult tasks, his intuitive judgment and appraisements, even his sardonic wit and humor, found opportunity for full play; and there, as was to be expected, he closed a career of usefulness. Useful to his country with patriot's zeal in the advocacy of measures and policies which he thought embodied right principles of government consonant with the Constitution; useful to his own State in all of its diversified activities; useful to individuals whose number is legion; useful to friends, whom he never betrayed. And his usefulness, his outpouring of self, resulted in vicarious sacrifice of health.

His splendid, rugged physique could not always carry the burden. But after long illness, against which his fighting spirit rebelled, that same spirit in a tired frame resumed tasks, made more difficult by added responsibilities, fought on to the last and only succumbed to the inexorable summons which separated it from the crumbling earthly dwelling and from his friends. But—

"The spirit grows in its allotted spaces,
The mind is narrowed in a narrow sphere."

On behalf of the Pennsylvania delegation in the House of Representatives.

By the committee.

H. W. TEMPLE.
WM. S. VARE.
B. K. FOCHT.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 486. An act to provide for agricultural entries on coal lands in Alaska; to the Committee on the Public Lands.

S. 1542. An act for the relief of Philip A. Hertz; to the Committee on Military Affairs.

S. 2023. An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes; to the Committee on Agriculture.

S. 2072. An act to authorize the Secretary of War to make and receive conveyances effecting an exchange of title to the railroad rights of way at Camp Henry Knox, Ky., and for other purposes; to the Committee on Military Affairs.

S. 2363. An act to abolish the limitation on military service without the continental limits of the United States imposed by the act of Congress approved March 4, 1915; to the Committee on Military Affairs.

S. 2621. An act authorizing the President to dispose of certain arms and ammunition seized in pursuance of the act approved June 15, 1917, along the Mexican border; to the Committee on Military Affairs.

S. 2801. An act to amend section 21 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896; to the Committee on the Judiciary.

S. 2199. An act to provide for the marking of anchorage grounds in waters of the United States; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 125. Joint resolution to continue the military status of persons deserting the military or naval service during the World War, and the amenability to trial of those persons who failed to comply with the terms of section 5 of the selective service law; to the Committee on Military Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 6998. An act to amend section 17 of an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, as amended by the acts of February 5, 1903, and March 2, 1917.

H. R. 6557. An act to authorize the Secretary of the Treasury to repair and rebuild customs buildings in Porto and to pay for same out of duties collected in Porto Rico.

ADJOURNMENT OVER.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-night it adjourn to meet on Monday. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, for the benefit of Members who desire to be informed in regard to the program, I will say that we will probably take up District business on Monday. And my understanding is that there is perhaps enough District business to occupy the day. On Tuesday we will probably proceed to debate the unfinished business before the House.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p. m.) the House adjourned until Monday, January 9, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

454. A letter from the Secretary of the Federal Trade Commission, transmitting statement showing the number of typewriters, adding machines, and other similar labor-saving devices exchanged by the commission during the fiscal year ended June 30, 1921; to the Committee on Interstate and Foreign Commerce.

455. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Fox River, Wis. (H. Doc. No. 146); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BARBOUR, from the Committee on the Public Lands, to which was referred the bill (H. R. 7598) authorizing the Secretary of the Interior to dedicate and set apart as a national monument certain lands in Riverside County, Calif., reported the same with amendments accompanied by a report (No. 546), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SWANK: A bill (H. R. 9774) to provide for the purchase of a site for a public building at Stillwater, in the State of Oklahoma; to the Committee on Public Buildings and Grounds.

By Mr. NEWTON of Minnesota: A bill (H. R. 9775) to reorganize and to promote the efficiency of the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. VOLSTEAD: A bill (H. R. 9776) to authorize accounting officers of the United States to relieve certain disbursing officers or special disbursing agents of the United States from accountability in certain cases; to the Committee on the Judiciary.

By Mr. BYRNES of South Carolina: A bill (H. R. 9777) to require the Federal Reserve Board to annually submit to Congress, through the Bureau of the Budget, an estimate of expenses of the Federal Reserve Board and of the Federal reserve banks; to the Committee on Banking and Currency.

By Mr. TILSON: A bill (H. R. 9778) authorizing the Secretary of War to transfer and convey to the city of New Haven, Conn., all right and title now vested in the United States to land and buildings thereon known as the old lighthouse property at Lighthouse Point in said New Haven; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 9779) authorizing the Postmaster General to investigate conditions arising from contracts in star-route, screen-wagon, and other vehicle service entered into prior to January 1, 1919; to the Committee on the Post Office and Post Roads.

By Mr. BELL: A bill (H. R. 9780) to repeal the national bankruptcy act; to the Committee on the Judiciary.

By Mr. ECHOLS: A bill (H. R. 9781) to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States, as amended and reenacted by an act approved the 22d day of August, 1914; to the Committee on the Judiciary.

By Mr. EDMONDS: Joint resolution (H. J. Res. 250) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SCOTT of Tennessee: Joint resolution (H. J. Res. 251) requesting the Supreme Court to rehear case of Farrington *v.* United States, and waiving all defenses of United States by reason of statutes of limitations or laches against direct taxes collected under act of July 1, 1862, and acts amendatory thereof; to the Committee on War Claims.

By Mr. REECE: Concurrent resolution (H. Con. Res. 41) authorizing the appointment of a joint commission of transportation inquiry; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS of Pennsylvania: A bill (H. R. 9782) for the relief of William H. Paules; to the Committee on Claims.

By Mr. CONNELL: A bill (H. R. 9783) granting a pension to Michael J. Monahan; to the Committee on Pensions.

Also, a bill (H. R. 9784) granting an increase of pension to Abel B. Conger; to the Committee on Pensions.

By Mr. DALE: A bill (H. R. 9785) granting a pension to Charles Frizzell; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 9786) for the relief of James W. Hitchens; to the Committee on Military Affairs.

Also, a bill (H. R. 9787) granting a pension to Peter Lacher; to the Committee on Pensions.

Also, a bill (H. R. 9788) for the relief of Samuel W. Phillips; to the Committee on Claims.

Also, a bill (H. R. 9789) for the relief of Frank H. Anderson; to the Committee on Claims.

By Mr. MICHAELSON: A bill (H. R. 9790) for the relief of Rose Van Cohen; to the Committee on Claims.

Also, a bill (H. R. 9791) for the relief of D. Brown; to the Committee on Claims.

By Mr. MOORE of Virginia: A bill (H. R. 9792) granting an increase of pension to Thomas McCormick; to the Committee on Pensions.

Also, a bill (H. R. 9793) granting an increase of pension to Richard H. Atkinson; to the Committee on Invalid Pensions.

By Mr. SWANK: A bill (H. R. 9794) granting a pension to F. M. Snider; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9795) granting an increase of pension to Thomas D. Bearden; to the Committee on Pensions.

Also, a bill (H. R. 9796) granting a pension to Amanda Baker; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 9797) granting an increase of pension to Lora Belle Fasig; to the Committee on Invalid Pensions.

By Mr. WARD of North Carolina: A bill (H. R. 9798) granting a pension to Maud M. Williams; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3421. By the SPEAKER (by request): Petition of Local Union No. 2999, United Mine Workers of America, of Wendelm, W. Va., deploring the present state of conditions in the coal fields there and asking that some effective action be taken by Congress; to the Committee on Mines and Mining.

3422. Also (by request), petition of Charles W. Straughan, of Washington, D. C., praying for justice from court proceedings in the District of Columbia; to the Committee on the Judiciary.

3423. By Mr. ANSORGE: Petition of Julia C. B. Nichols, urging the passage of House bill 7708, relating to the change in the military record of John McNickle; to the Committee on Military Affairs.

3424. Also, petition of Fred R. Moore, of New York City, urging the passage of the Dyer antilynching bill; to the Committee on the Judiciary.

3425. Also, telegram from the Washington Heights Chapter of American War Mothers, strongly protesting against the passage of the contemplated change in medical personnel of United States Public Health Service Reserve; to the Committee on Interstate and Foreign Commerce.

3426. By Mr. EDMONDS: Petition of the Philadelphia Board of Trade, opposing the bill regarding the appointment of a farmer to fill the first vacancy occurring in the Federal Reserve Board; to the Committee on Banking and Currency.

3427. By Mr. KIESS: Evidence in support of House bill 9740, granting a pension to Walter L. Hartman; to the Committee on Pensions.

3428. By Mr. KISSEL: Petition of E. C. Atkins & Co. (Inc.), a committee of the New York Patent Bar, and Ford Instrument Co. (Inc.), all of New York City, urging the early passage of House bill 7077; to the Committee on Patents.

3429. By Mr. PERKINS: Petition of Englewood Post, No. 78, American Legion, protesting against the dismissal of Army doctors from Government hospitals; to the Committee on Military Affairs.

3430. By Mr. SWING: Petition of citizens of San Diego, Calif., favoring the passage of the Towner-Sterling bill creating a department of education; to the Committee on Education.

SENATE.

SATURDAY, *January 7, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we would call upon our entire being to glorify Thy name. We would have it evidenced in our conduct that we believe in Thee, believe in the teachings of Thy word, and are ready to be counseled all the while by the wisdom which cometh from above. Hear and help us in every difficulty, glorify Thyself in and through us; and may great grace be our constant portion. Through Jesus Christ, our Lord. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

Mr. WARREN. I ask that the bill which has just come from the House of Representatives be referred to the Committee on Appropriations.

The bill (H. R. 9724) making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. WILLIS presented a resolution of South Side Post, No. 531, the American Legion, of Toledo, Ohio, protesting against the proposal to pay a soldiers' bonus from funds raised by taxing beer and light wines, which was referred to the Committee on Finance.

He also presented petitions of the Optimist Club, of Columbus, and sundry citizens of Columbus, Worthington, Clyde, Bucyrus, Powell, Lorain, Coalton, St. Marys, Terrace Park, Wooster, Sandusky, Newark, Alice, Clarksburg, Brooksville, Chillicothe, Morrow, Oak Park, Gallipolis, Cleveland, and Bellaire, all in the State of Ohio, praying for the enactment of legislation providing protection for the national forests and the reforestation of denuded lands, which were referred to the Committee on Agriculture and Forestry.

Mr. TOWNSEND presented a memorial of the Homer Business Men's Association and sundry citizens of Homer, Mich., protesting against the discontinuance of village mail delivery, which was referred to the Committee on Post Offices and Post Roads.

He also presented three memorials of sundry citizens of Ypsilanti, Mich., remonstrating against the enactment of Senate bill 1184, to suppress the sale of firearms, etc., which were referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

Mr. McNARY. I introduce a bill, with reference to reclamation, which is similar to one I introduced some time ago, though in a slightly different form. I ask that it be referred to the Committee on Irrigation and Reclamation.

By Mr. McNARY:

A bill (S. 2941) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States; to the Committee on Irrigation and Reclamation.

By Mr. McKINLEY:

A bill (S. 2942) for the erection of a vault building for the use of the Treasury Department, Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. SHIELDS:

A bill (S. 2943) to provide for the establishment of a dairying and live-stock experiment station at Gallatin, Tenn.; to the Committee on Agriculture and Forestry.

NORTH PORTLAND HARBOR, OREG.

Mr. McNARY submitted an amendment authorizing a preliminary examination and survey of North Portland Harbor (Oregon Slough), Oreg., with a view to modifying the existing project, to secure a channel 300 feet wide and 25 feet deep at low water from the Interstate bridge to the main ship channel of the Columbia River at the mouth of the Willamette River, the work to be done at the sole cost and expense of the Port of Portland, Oreg., intended to be proposed by him to the bill (S. 2881) authorizing appropriations and contracts for the prosecution and maintenance of public works on canals, rivers, and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

FEDERAL PROHIBITION ENFORCEMENT SERVICE.

Mr. STERLING submitted an amendment providing that all executive officers, persons authorized to issue permits, agents, and inspectors employed in connection with the enforcement of national prohibition be placed in the classified service without further examination, and that no appointment shall be made hereafter to any position in the Federal prohibition enforcement service except in accordance with the civil-service act and rules promulgated thereunder, etc., intended to be proposed by him to House bill 9724, the Treasury Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

ANNUAL REPORT OF WAR FINANCE CORPORATION.

Mr. MOSES submitted the following resolution (S. Res. 206), which was considered by unanimous consent and agreed to:

Resolved, That 25,000 copies of House document No. 143, Sixty-seventh Congress, second session, being the Annual Report of the War Finance Corporation for the year ended November 30, 1921, be printed for the use of the Senate document room.

THE PUBLIC HEALTH SERVICE.

Mr. SMOOT. Mr. President, I ask unanimous consent for a few moments to make a statement to the Senate in relation to a telegram found in the Post this morning, and I suppose in all the other papers, in relation to the Public Health Service.

The VICE PRESIDENT. Without objection, the Senator from Utah will proceed.

Mr. SMOOT. I know that every Senator has been bombarded with telegrams, all exactly alike, in relation to the Reserve Medical Corps of the Public Health Service. I wish to read this telegram into the RECORD and then make just a few remarks upon it. The telegram is dated New York, January 6, and reads:

A telegram from the United States Public Health Service stating that President Harding had given assurance no active orders placing service physicians on a civilian basis were contemplated was received to-day by Dr. R. W. C. Francis, morale officer at the Fox Hill Hospital on Staten Island.

The telegram was in reply to a protest sent to Washington by 600 crippled veterans against any proposal to reduce the medical staff of the service with a 20 per cent cut in pay.

To-day's message asserted the President would back up no such transfers of physicians, and that Brig. Gen. Sawyer, the presidential physician, regretted the suggestion had caused so much anxiety.

Mr. President, I wish to say that there has never been a proposition made by anybody that I am aware of to cut the pay of the reserve officers of the Public Health Service one penny. There has been a proposition, and I am heartily in favor of it, to take the reserve medical officers out of the position they are now occupying, where they are being treated just the same as the regular officers of the Army and Navy; in other words, allowed commutation of quarters, allowed longevity pay, allowed retirement privileges, and all the privileges granted to Army and Navy officers. The Public Health Service even went so far,

contrary to law, as to give commutation of quarters and longevity pay to nurses and administrative assistants. If something had not been done to stop it, we would have had thousands of such assistants and nurses upon the retired list in a short time, and some of the administrative assistants who do nothing but clerical work would have been placed on the retired list.

The propaganda that has been going on comes from one source and one source only—I will modify that, not from one source only, but it is inspired from one source only, namely, from the Public Health Service. They are trying now to make it appear that if these physicians in the Reserve Corps now in the service of the Public Health Service are not given all the privileges of the officers of the Army and the Navy the disabled soldiers are going to suffer. My desk is covered with telegrams relating to the matter, and every telegram is word for word alike. They all have this statement in them:

> If movement be accomplished, entire medical personnel would be replaced by civilian physicians and nonservice men unfamiliar with the needs of disabled soldiers.

Why, Mr. President, I have a letter here from the chairman of the Veterans of the World War of the United States, dated January 4, 1922, and they have even impressed him with this idea and told him that we are undertaking to reduce the wage of these physicians, because in his letter to me appears the following:

> We refer to the proposed reduction of the pay of reserve officers in the United States Public Health Service to such an extent that it will force most of them to resign, and those who do not resign will be the poorer class of men who have not made a success in the medical profession on the outside.

I want every Senator to understand that there has never been a proposition to cut the pay of these physicians. In the salary that shall be granted to them they will be given an increase to take care of all the longevity pay which they are now granted and commutation of quarters as well, but it is provided that these reserve officers shall not be given retirement privileges unless through their service in the Public Health Service they shall then belong to the regular corps by promotion.

Mr. FLETCHER. Mr. President, may I interrupt the Senator to inquire if the proposition was to the effect that the reserve officers would be taken out of the hospitals and that the soldiers in the hospitals would be treated by private physicians under some contract arrangement?

Mr. SMOOT. No, no; the proposition is that these same men shall continue to treat the soldiers in the hospitals just the same as they are doing to-day and be paid the same amount they are being paid to-day, but denying them retirement privileges. I do not believe it is necessary to have a man clothed with the power of an officer of the Regular Army before he can attend to a wounded soldier.

Here is Mr. A. C. Weaver, president of the Reserve Officers' Association, Public Health Service, writing a letter to me which contains this statement:

> Again, it is very evident that a medical man in order to develop the best in him to render the best service possible must be free from all worries of any uncertainty of his future.

In other words, they can not do the best work in them unless we shall say we are going to take care of them forever or as long as they live. We have got to assure these men that they are going to get $4,000 or $6,000 a year, and that when they reach a certain age they are to be retired and the taxpayers of the country are to carry them on their backs as long as they live or else they can not take care of the disabled soldiers.

Mr. President, I do not wish to take the time of the Senate this morning again to call attention to what has been going on in the Public Health Service. I am simply going to content myself by saying that if the Public Health Service does not correct the evils that have existed in that service—aye, Mr. President, the looting of the Treasury—something is going to happen to that organization that will bring it to its senses and cause it to follow the object that Congress intended in creating it.

Mr. JONES of Washington. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. Certainly.

Mr. JONES of Washington. I wish to ask the Senator whether or not there is any law authorizing the condition that I have understood does exist in the Public Health Service; that is, is there any law authorizing retirement? Is there any law putting their physicians upon the footing of Army officers, or has it been done by a regulation or the practice of the department?

Mr. SMOOT. The regular corps has that privilege by law, but not the Reserve Corps. I will say to the Senator that they had a bill introduced in Congress, in both branches, a few years ago, and it has been reintroduced in nearly every Congress—it was reported favorably from the Public Health and National Quarantine Committee by the Senator from Maryland [Mr. FRANCE]—granting some six hundred and eighty-odd additional officers to the Public Health Service. What was the object of such legislation? It was in part to cover up the acts of the Public Health Service up to that time that were beyond question unlawful.

I am informed now that past payments that were made for longevity and commutation of quarters to nurses in the Public Health Service are being investigated, and the accounts are now being audited, and I have been informed that there have been requests made on the part of the Government to nurses to refund to the Government the amounts that were thus paid.

Mr. JONES of Washington. If the Senator will permit me, I wish to get information. I understand there is quite a great deal of the force of the Public Health Service that in some way has been put under the retirement privilege, if you please, but without authority of law.

Mr. SMOOT. The regular reserve are authorized by law to have commutation of quarters, longevity pay, and retirement privileges, but not so with the Reserve Corps.

Mr. JONES of Washington. The Senator just said that the Reserve Corps has the retirement privilege and commutation of quarters. Is there any part of the Public Health Service force that has the retirement privilege and commutation of quarters that is not entitled to it under the law? Is the Reserve Corps entitled to it?

Mr. SMOOT. I can not positively say, but I doubt whether it has.

Mr. JONES of Washington. I want to get this information. I have been getting a lot of telegrams. I do not remember having received any telegram where they referred to a reduction in pay, but they all referred to an order contemplated by Secretary Mellon under which they seem to think that the service men who are in the Medical Reserve Corps will be put out. I want to get at just what the situation is and what is contemplated by the Secretary, if the Senator can tell me.

Mr. SMOOT. There was a move on foot to make the Reserve Corps a civilian body. That was all that was intended.

Mr. JONES of Washington. Can that be done without legislation?

Mr. SMOOT. I think it can. In fact, the Treasury Department thinks that an order of the President is sufficient under the law to accomplish that.

Mr. JONES of Washington. That did not contemplate, however, taking these ex-service men out but simply giving them a civilian status rather than the status of Army officers?

Mr. SMOOT. Absolutely; and not only that but I will say to the Senator that they were to be paid a compensation sufficient to cover all the benefits they are receiving to-day.

Mr. JONES of Washington. But it would take away from them the retirement privilege?

Mr. SMOOT. Yes; the retirement privilege.

Mr. JONES of Washington. Of course, I do not know what are the provisions of the law; but it seems rather strange to me that we have a corps here created that has retirement privileges which the President could take away by an Executive order.

Mr. SMOOT. More than likely it has been granted by an Executive order, I will say to the Senator.

Mr. JONES of Washington. That is what I am trying to find out.

Mr. DILLINGHAM. Mr. President, may I make an inquiry in this connection? Is it not true that all these regulations regarding the Reserve Corps were purely regulations that were recommended by the Public Health Service and accepted by President Wilson during the war?

Mr. JONES of Washington. But is it possible that Congress has authorized an executive officer by Executive order to extend the retirement privilege to employees of the Government? I can hardly conceive that as being possible.

Mr. SMOOT. I will say to the Senator that the condition is as the Senator has stated; it is done by regulations, and those regulations are approved by the President of the United States. Therefore, an Executive order could undo what has heretofore been done.

Mr. JONES of Washington. I understand; but what law is there conferring such authority on the President?

Mr. SMOOT. There is no authority of law of which I am aware.

Mr. JONES of Washington. That is what I am trying to get at.

Mr. SMOOT. There is no such authority of law of which I am aware any more than there was authority of law to give a similar privilege to nurses.

Mr. JONES of Washington. That comes back, then, to my first suggestion, that, in the opinion of the Senator from Utah, there is no authority of law giving the retirement privilege to those who are in the Reserve Corps?

Mr. OVERMAN. That is true; but have we not been making appropriations to carry out such regulations?

Mr. JONES of Washington. That may be true, but the law providing for such appropriations is not a permanent statute.

Mr. OVERMAN. It is all wrong; and yet Congress has been making appropriations to enable those regulations to be carried out, and the money to be paid.

Mr. SMOOT. I do not believe when Congress made the appropriations its Members knew that such an Executive order had been issued, and I do not believe that Congress is going to continue to do so when it learns the true situation.

Mr. JONES of Washington. So that, as I understand the position of the Senator from Utah, in his opinion, what is contemplated is really to get this matter back to its original status, undoing what has been done under an assumed authority, which is not justified by law; in other words, coming back to the law?

Mr. SMOOT. Yes; so that the money shall be expended only for what Congress really appropriated it.

I wish again to emphasize my position. I am not opposed to paying any physician who is laboring in any hospital in the United States all that his services are worth; I am not asking that there shall be a penny of reduction in the amount of pay which is to-day granted reserve officer physicians; but I do object, Mr. President, to taking men who are not in the Regular Army, having them employed by the Public Health Service, and then putting them on an Army or Navy basis. There is no necessity for doing that. I am not in accord with the statement read by me, that in order to get any valuable services out of a physician he must be assured that he will be taken care of for the remainder of his life.

Mr. FLETCHER. Mr. President, if I may ask the Senator a question, as I understand the Senator, he states that if this Executive order be made it will simply mean that these officers in the Reserve Corps are given a civil status instead of a quasi military status, but that they are not to be displaced in the hospitals where they now serve, that they will still be members of the Reserve Corps and the Public Health Service, and will still be engaged in rendering the same services which they are now rendering.

Mr. SMOOT. Exactly.

Mr. FLETCHER. The purpose is not to get rid of them and to put them out of the service and to let to private physicians the contracts for attending ex-soldiers who are patients in hospitals and elsewhere?

Mr. SMOOT. Not only that, but I will go further than that. I will say that I am perfectly willing that wherever there is a vacancy in the regular corps the appointee shall be selected from the Reserve Corps.

MICHIGAN SENATORIAL ELECTION.

The Senate resumed the consideration of Senate resolution 172, submitted by Mr. SPENCER November 15, 1921, declaring Truman H. Newberry to be a duly elected Senator from the State of Michigan.

Mr. TOWNSEND obtained the floor.

Mr. SPENCER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Elkins	McKinley	Shields
Ball	Ernst	McLean	Shortridge
Borah	Fernald	McNary	Smoot
Brandegee	Fletcher	Moses	Spencer
Broussard	Glass	Nelson	Stanfield
Bursum	Gooding	New	Sterling
Calder	Hale	Nicholson	Sutherland
Cameron	Harris	Norbeck	Swanson
Caraway	Harrison	Norris	Townsend
Colt	Heflin	Oddie	Trammell
Culberson	Hitchcock	Overman	Walsh, Mass.
Cummins	Jones, N. Mex.	Page	Walsh, Mont.
Curtis	Jones, Wash.	Phipps	Warren
Dial	Keyes	Ransdell	Watson, Ga.
Dillingham	Ladd	Robinson	Williams
Edge	McCumber	Sheppard	Willis

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is unavoidably detained from the Senate. I ask that this announcement may stand for the day.

Mr. WALSH of Massachusetts. I wish to announce that the Senator from Rhode Island [Mr. GERRY] is detained on account of illness.

The VICE PRESIDENT. Sixty-four Senators have answered to their names. A quorum of the Senate is present. The Senator from Michigan is entitled to the floor.

Mr. TOWNSEND. Mr. President, I had not supposed it was possible for the spirit of animosity, hatred, and misstatement to go so far as it has been demonstrated to have gone by some of the Senators during the debate on the question now before the Senate. I have always been perfectly willing, indeed, to accord the utmost candor and sincerity of purpose to every Senator who opposed me on any matter which I advocated; but I have always reasonably expected that such opposition would be based upon the facts in the case, and that there would be no evident intent upon the part of any Senator to bring disgrace and suffering to a colleague in the Senate unless it was from conscientous convictions of duty.

It seems to me that it is necessary at the beginning, in order to arrive at a clear understanding of the question now before the Senate, that Senators should know and appreciate the conditions under which the primary campaign to select candidates for the Senate of the United States was waged in the State of Michigan in 1918. At that time we were in the midst of the war; the spirit of loyalty as against the spirit of disloyalty, of defense of the country as against pacifism was very pronounced in Michigan, as it was elsewhere throughout the United States. The President of the United States, advised and counseled by certain practical Democratic politicians in Detroit, took advantage of the situation then existing and advised Mr. Ford to be a candidate for the Senate. It was known for months that Mr. Ford's friends, who knew what they wanted, expected to put Mr. Ford into the race if, in their minds, there was an opportunity for success. Mr. Ford was called to the White House, and when he emerged from it stated that he had been drafted by the President of the United States to enter the race for United States Senator in Michigan. Those who had inaugurated the scheme proposed that his name should be placed on both tickets; that he should run for Senator on both the Republican and the Democratic tickets in our State. Under our primary law that is possible, and he did run for Senator on both tickets.

Mr. Ford had been greatly advertised for years. In 1916, 1917, and 1918 he had paid for whole pages in the leading newspapers and magazines in the country to advertise his opposition to war and to preparation for war. He had spent thousands of dollars in the campaign of 1916 advocating Mr. Wilson's reelection, on the theory that he had kept us out of war. It is admitted that Mr. Ford was a pacifist.

Senators are familiar with the various means which he employed at that time to exert his influence as only a well-advertised and very wealthy man could exert it. He spent, I repeat, thousands of dollars—nobody knows how much—in placing himself before the country and in advocating Mr. Wilson's reelection. He, of course, had a right to do that; but it was in antagonism to a very strong spirit in our State and throughout the country that believed such efforts to be really disloyal to the country, which was then in the war. Newberry and Ford were at the opposite poles of public sentiment. The latter had and still has the most extensive organization ever known in our State. It extended into every hamlet. It was held together by business contracts and obligations. Mr. Ford was a strong advocate of the Versailles treaty. That was not exceedingly pleasing to the majority of the people of Michigan. This added to the intensity of the hostile feeling that existed in our State against Mr. Ford as a pacifist.

Mr. Newberry, when the war broke out, offered his services to his country, entered the Navy, and asked for assignment to active duty.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield a moment?

Mr. TOWNSEND. Certainly.

Mr. WALSH of Massachusetts. I understood the Senator to say that Mr. Ford was strongly in favor of the Versailles treaty.

Mr. TOWNSEND. Yes, sir.

Mr. WALSH of Massachusetts. And that that was a factor in the election.

Mr. TOWNSEND. Yes, sir.

Mr. WALSH of Massachusetts. The Versailles treaty was not known of during the campaign of 1918. The war was still on, and the armistice was not signed until November 11, 1918.

Mr. TOWNSEND. Absolutely. I am speaking about the sentiment that exists in the State of Michigan.

Mr. WALSH of Massachusetts. But I do not see how the Versailles treaty could be an issue in a primary election before the war had ended.

Mr. TOWNSEND. No; I am confusing the 1918 campaign with the one of 1920.

I repeat, when the war broke out Mr. Newberry enlisted in the Navy and asked for assignment to active duty, but Secretary Daniels did not see fit to give him that assignment. He nevertheless entered the service and was made commander of the third naval district. He had two sons, who also enlisted in the service, one in the Army and the other in the Navy. He had a daughter. Her husband enlisted in the Army and saw most distinguished service in France. It is well known that Mr. Ford's son did not enlist. I do not mention this to criticize him, because I do not want to indulge in any unjust criticism; but I am describing the situation as it existed in Michigan.

Mr. Newberry had also served actively in the Spanish-American War as a sailor on board the *Yosemite*, a comrade of the present Secretary of the Navy, Mr. Denby, and he rendered distinguished service. That service was recognized by Mr. Roosevelt, who became a warm personal friend of Mr. Newberry and first made him Assistant Secretary of the Navy and later Secretary of the Navy. His record was one of distinguished patriotic service to the country, and it can not be charged—I think no one will charge—that that service was rendered for any other purpose than the good of his country. He had no personal ambitions to promote through that service—neither he nor his sons nor his son-in-law.

Mr. Newberry entered the race for Senator not willingly. He was not a candidate in the ordinary sense of the term, as the record will disclose; but he finally accepted, at the request of his friends, because of a sense of duty. He considered the matter a long time before he accepted, but finally entered the race. He knew little about politics. He was not experienced in politics, but was a business man. He had thought, prior to his accepting the suggestion of his friends, of entering politics for the benefit of his former chief, President Roosevelt. He believed that Roosevelt would be a candidate for President in 1920; at least he hoped that he would be. While considering the question he had some correspondence relative to the situation, and what he ought to do, with Mr. Miller, a friend of his who is the managing editor of the Detroit News. It was suggested to him that Mr. Hayden, who was a representative of the Detroit News here in Washington, would make a good secretary for him. He sent for Mr. Hayden, who went to New York, where Mr. Newberry was and where he remained during the whole of the campaign, the primary, and the election. He talked with Mr. Hayden and suggested to him that he wanted a political secretary, as he expected and hoped to take a more active part in politics thereafter. Mr. Hayden felt that he could not accept the position. In the course of their talk it was suggested, I think by Mr. Hayden, that the fact that Mr. Newberry was a wealthy man would be of some disadvantage to him. Perhaps it was Mr. Miller who also suggested that. Mr. Newberry stated then that he would not tolerate, he would not make, a money campaign, and he called attention to the various Senators who had made such campaigns in the past and without credit to themselves.

Mr. Hayden did not feel like entering into an engagement of that kind as the political secretary of Mr. Newberry. Afterwards Mr. Newberry thought it over and finally concluded to be a candidate for Senator. Many of his friends, prominent people in Michigan, had talked with him about being a candidate and had written to him about it, or talked with him, at least; among them the then governor of the State, Mr. Sleeper; Mr. Andrews, a prominent editor in the upper peninsula of Michigan; Mr. Peterman, as I remember also a former member of the senate of the State of Michigan from Calumet. I repeat, Mr. Newberry concluded to be a candidate and his friends felt that they should organize a campaign for him, and that they would make a campaign for him such as they felt ought to be made under the circumstances.

Mr. Templeton, a very prominent man in Michigan, a business associate of Mr. Newberry for years, talked with Mr. Newberry about this matter, or Newberry brought it up to him, and said, "I am thinking about being a candidate, and if I am I hope we can have a business men's committee, and I should like to have you identified with it." Mr. Templeton said he would be glad to do it. Senator Scott, who had also talked with various gentlemen, especially through the upper part of the State, who were interested in Newberry's campaign or in his being a candidate, suggested that Mr. Paul King would be an excellent manager or director for a campaign of that kind. He spoke to King about it. Mr. Templeton and Mr. Cody also talked to Paul King about his acting as chairman or as executive manager of the campaign.

Mr. King was a man who had had great and successful experience. He had managed my campaign the first time I ran for the Senate. He was then a young man serving in the State legislature as clerk of the senate, a man whom almost everybody knew, and whom everybody loved, and whom everybody who knows him well to-day loves and respects, as clean and as fine a gentleman as I ever knew. He had managed my campaign. He had acted as secretary of that campaign and really had the management of it, and so he was naturally turned to by these gentlemen as a proper man to manage Mr. Newberry's campaign. Mr. King did not feel like giving an answer to them until he had thought it over and talked it over with his wife and family and until he had talked with Mr. Newberry himself, because he and Mr. Newberry had had very serious differences of opinion at the State convention in 1912, which met at Saginaw to select delegates to the national convention.

The State central committee had selected Mr. Newberry for temporary chairman of that convention and announced it beforehand. Mr. King, who was for Mr. Taft for President and who was then, as I remember, secretary of the State central committee, got the majority of the committee together, and they concluded to have some other man for chairman, as Mr. Newberry was known to be strongly for Mr. Roosevelt; and it was an unfortunate convention, because force was used to keep one party out and let the other party in. Finally both got in after a fashion, but Mr. King was successful, and the convention was organized for Mr. Taft and the delegates to the national convention were Taft delegates. Mr. Newberry was kept out of the convention, except that he had a seat in the gallery as an onlooker. Mr. King felt that under those circumstances he would not want to work as manager of the citizens' Newberry committee unless it was agreeable to Mr. Newberry himself—a very reasonable attitude for him to take. He went to New York, talked with Mr. Newberry, they went over that incident, and Newberry said it was all right.

At that talk Mr. Newberry asked Mr. King what a campaign by his friends such as he had in mind would cost. Mr. King said: "Senator TOWNSEND's campaign cost $20,000. He was better known than you are, and I should think your campaign would cost at least $50,000." It was not intimated that Mr. Newberry was to pay the $50,000. Mr. Newberry therefore knew, of course, that such a campaign as they proposed to put up would probably cost at least $50,000. There is not any doubt at all about that.

Mr. Templeton was made general chairman of the committee. Mr. King was made manager. Mr. Blair, who had not talked with Mr. Newberry, was made treasurer, and Mr. Floyd, a young, successful business man and clean up to the time Senators here saw fit to attack him, was made secretary. That constituted what is known as the Newberry committee.

It is charged that Mr. Newberry selected this committee and is therefore responsible for whatever it did. The only thing that Mr. Newberry had to do about it was, before he became a candidate, while he was thinking of being a candidate, that he suggested to Mr. Templeton that if he did become a candidate he hoped Mr. Templeton would be identified with the committee.

Mr. President, my contention is that this committee was a business men's committee, selected by representative people of the State of Michigan because of their deep interest in the campaign and its result. They had no particular care as far as Mr. Newberry was concerned as above any other man that represented what they believed to be the patriotic sentiment of our State.

I can not well overestimate or overemphasize the situation that existed there. These men served without compensation as officers of this committee. They were very industrious, some of them. Mr. Templeton had very little to do about it except as a figurehead, to act as chairman. Mr. Blair drew the checks. Mr. Floyd, the secretary, and Mr. King, the manager, were very active.

Mr. President, there are several questions that have been brought up here that seem to be conclusive on the part of many Senators, or will be conclusive according as those propositions are understood by them. One of them I have already referred to, and that was the selection of his committee.

One of the great questions that is raised here, and I think thoroughly misrepresented, is the charge that Mr. Truman H. Newberry financed his own campaign; that this money which was expended was his own money, or that he caused it to be expended or subscribed by what are known as his relatives and friends, and that therefore he is responsible for it.

Of course, it is understood by everyone that Mr. Newberry was indicted and convicted under the Federal statute which

the Supreme Court afterwards declared to be unconstitutional. I am not going to make any attempt to defend anything wrong on account of the law having been determined unconstitutional, because it was in existence at the time this primary was held. While it would be a proper defense in court, and would be upheld, I do not want to bring it as such here, although I wish the Senate to act judicially and properly in considering all questions connected with this case; but Mr. Newberry was indicted and convicted under the Federal statute. His case was appealed to the Supreme Court, and there reversed on the ground that the law was unconstitutional.

The four minority members of the court, who did not join in the decision that the law was unconstitutional, made some suggestions with reference to why the case ought, in their judgment, to be reversed. I hope I will not be considered as begging the question if I say that after listening to the hearing in the Supreme Court and the questions which were asked by the court of the attorneys, I claim that the court was unanimous on the proposition that a fair trial had not been had at Grand Rapids; that the trial court misconstrued the statute. It is proven and admitted that John Newberry paid something like $90,000 or more toward the campaign, and it is charged that it is inconceivable that Truman H. Newberry did not only know about it but, in fact, inspired that contribution. The committee heard John Newberry—the minority and the majority members as well. They are better able to judge of John Newberry than those who did not see him and do not know him.

John Newberry owes what he has, according to his admission, to his brother Truman. He feels under obligations to him and is devoted to him. When he heard that a citizens' committee was to be created or that his brother was to be considered as a candidate he said, "I want to finance the campaign." He is a man who cares very little about money. So long as he has enough of what he wants, he is not particularly interested in it. He was interested in his brother, who he said had done everything for him and made it possible for him to have what he did possess.

So he went to Mr. Smith and said to him, "I want to finance this campaign, and what money is needed I want you to pay for me. He made no stipulations as to what was to be done with it, asked for no report about it; it would not have been like John Newberry to have done so.

There is no more doubt about John Newberry making that statement without consulting his brother than there is that I am talking to you this minute, and every one who knows John Newberry knows that to be true. He put that money in without any consultation with Truman Newberry and without his knowledge. When the war broke out, he went up to the Great Lakes and entered the Navy, and stayed there as Truman had done at New York, till the end of the war. He was in the Navy.

John Newberry, I repeat, and the evidence can not contradict it, paid this money voluntarily or had it paid for Truman Newberry's campaign, and unless it was improperly spent and unless it was used to corrupt the voters of Michigan, and did corrupt them, to the extent of securing Senator Newberry's nomination, Truman Newberry is not responsible under any law.

Other people contributed as the campaign progressed. Relatives of Mr. Newberry, some of them, of course, contributed. They were able to pay, they wanted to pay, and they had a right to pay. Some were not relatives, but interested in Mr. Newberry as against Mr. Ford. That was the moving spirit, that was the thing which induced them to contribute to this campaign, and you have to believe, Senators, that all of these witnesses are perjurers—Truman Newberry, John Newberry, Henry Joy, Smith, Templeton, King, all of them—you have to find that they are perjurers if you find that Truman Newberry is not legally entitled to his seat.

Mr. Templeton has said he never talked with Mr. Truman Newberry about the campaign contributions or about the cost. He is one of the most respected men in the State of Michigan.

John Newberry said his brother knew nothing about it, that he never talked with him even about his campaign, and I repeat that those who saw him and listened to him, those who knew him, know that that is John Newberry. He would have told the truth had it been anything else. He would not have stopped to count the cost, but he would have told the truth, and he did tell the truth.

Mr. King managed the campaign. He had the statutes before him, the State statute and the Federal statute, and believed he was following them. I think he was. He believed that he had a right to spend the money. He said, "I was not interested in where it came from. It was not my business to raise the money. I was told that I could have whatever money was necessary to use in doing whatever I thought ought to be done."

The quotation from King's testimony that was given yesterday, to the effect that he said that whatever was necessary to be done he did, is not correct. He said that whatever he thought ought to be done that was right he did. He was out to elect Mr. Newberry by lawful means, and he was assured that he could have all the lawful means he needed to carry on that campaign.

Mr. Joy is a brother-in-law of Truman Newberry. He is a man in poor health and has been for two or three years threatened with some heart or arterial trouble which has compelled him to quit business. When the committee met, it was said that Mr. Joy was not well. Mr. Lucking said that he was a very desirable witness and must be had; he said he could not very well get along without him; that he had to have Mr. Joy's statement because he considered that he is an honest man and will tell the truth. He knew him. He stated to the committee that Mr. Joy is an honest man and will tell the truth. The doctors had made a certificate to the effect that he could not be brought to Washington and could not be subjected to the excitement of cross-examination without endangering his life. So it was agreed between the counsel, Mr. Lucking acting for Mr. Ford, that Mr. Lucking should prepare the questions that he wanted to submit to Mr. Joy and they would send them down to Detroit to Mr. Joy and he would answer them. That was done. Mr. Ford's head surgeon, or the man at the head of his hospital in Detroit, went and made an examination of Mr Joy as to his physical condition. Mr. Joy answered those questions and immediately he became a perjurer.

The man who had said he was honest and could be believed and that his testimony was absolutely necessary in order that the committee could act properly—that he could be believed when he gave the reasons for making his contributions—when he gave those reasons and stated that Mr. Newberry had nothing to do with it and knew nothing about it, then he became a perjurer not entitled to consideration. Though he was a man with an unblemished record for years, he then became a perjurer.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Michigan yield to the Senator from Montana?

Mr. TOWNSEND. I yield.

Mr. WALSH of Montana. The Senator can not be very familiar with this feature of the controversy when he advises the Senate that Mr. King was assured that whatever money was necessary to carry on the campaign would be provided. Will the Senator state from what source he was so assured and by whom?

Mr. TOWNSEND. I think Mr. King testified it was from Mr. Templeton.

Mr. WALSH of Montana. Does the Senator remember what Mr. Templeton said about it?

Mr. TOWNSEND. I do.

Mr. WALSH of Montana. Will the Senator state what it was?

Mr. TOWNSEND. He said he did not remember that at first, but if Mr. King said so he no doubt did say it.

Mr. WALSH of Montana. For whom was Mr. Templeton speaking when he said the funds would be supplied?

Mr. TOWNSEND. Undoubtedly for John Newberry, directly or indirectly, who had given instruction that he would furnish the money.

Mr. WALSH of Montana. The testimony of Mr. John Newberry is that he never talked with Mr. Templeton about the matter at all.

Mr. TOWNSEND. There is no doubt that that is what was done in that case. Mr. John S. Newberry got a little confused on some of his dates.

Mr. WALSH of Montana. But the testimony is further from Mr. Templeton that he never talked with Mr. John S. Newberry about it.

Mr. TOWNSEND. No; I do not think that is true.

Mr. WALSH of Montana. Oh, yes; it is true. That is his statement.

Mr. TOWNSEND. I would be very glad to have the Senator look that up, because I would like to see it.

Mr. WALSH of Montana. I shall be glad to show that that is the situation of affairs.

Mr. TOWNSEND. I know that Mr. King testified——

Mr. WALSH of Montana. Mr. King testified that Mr. Templeton told him so. I am curious to know, if Mr. Templeton did say so, for whom he was speaking and who were back of Mr. Templeton, who were the parties who were to furnish the money.

Mr. TOWNSEND. Whatever that may be, as to whether there is some admission there that has not been made clear or not, it is undisputed, is it not, that Mr. John Newberry said that he was financing it and wanted to finance the whole campaign?

Mr. WALSH of Montana. Mr. John S. Newberry said that he never talked with Mr. Templeton.

Mr. TOWNSEND. I do not know anything about that. I am just talking about the facts as they exist as we come to these things. I am not tracing out all the little details that would not be remembered, but which would have been fixed up if these men were dishonest and were planning and scheming to evade the law.

Mr. WALSH of Montana. Let me recall to the Senator the further testimony of Mr. Templeton, to the effect that no one, not even John S. Newberry, authorized him to make any such statement.

Mr. TOWNSEND. I do not know whether that is true or not.

Mr. WALSH of Montana. I can assure the Senator that it is true.

Mr. TOWNSEND. I say that I do not know whether that is true or not. I know it is a fact that John Newberry did state that he wanted to finance his brother's campaign. He said that he did, and it was known that Templeton went to John Newberry or his attorney, Smith, for the money and got it.

Mr. POMERENE. If the Senator objects to an interruption, I do not care to interfere with his remarks.

Mr. TOWNSEND. I do not object at all to a question. I do not care to yield for any argument, but for any question I am glad to yield.

Mr. POMERENE. The Senator was asked by the Senator from Montana with reference to John Newberry, and if the Senator from Michigan will pardon me I would like to read just a few questions and answers.

Mr. TOWNSEND. From what page?

Mr. POMERENE. From page 306 of the record.

Mr. ALFRED LUCKING. Did you confer with any member of the committee about it?

That is, about money.

Mr. NEWBERRY. No, sir.
Mr. ALFRED LUCKING. You did not?
Mr. NEWBERRY. I did not.

Mr. ROBINSON. Whose testimony is the Senator reading?

Mr. POMERENE. John Newberry is the witness.

Mr. ALFRED LUCKING. On that committee, to be specific, were Mr. Templeton—you knew Mr. Templeton?
Mr. NEWBERRY. Yes, sir.
Mr. ALFRED LUCKING. And Mr. Paul King. You knew him?
Mr. NEWBERRY. I know him now. I did not know him during the campaign.
Mr. ALFRED LUCKING. You did not?
Mr. NEWBERRY. No, sir.
Mr. ALFRED LUCKING. And Mr. Blair. Did you know, Mr. Blair?
Mr. NEWBERRY. I knew of him; knew him by sight. I never had any conversation with him.
Mr. ALFRED LUCKING. Did you ever have any business relations with him before?
Mr. NEWBERRY. No, sir.
Mr. ALFRED LUCKING. Did you ever have any conversation with him about this campaign?
Mr. NEWBERRY. No, sir.
Mr. ALFRED LUCKING. Or with Mr. Templeton about it?
Mr. NEWBERRY. No, sir.
Mr. ALFRED LUCKING. Or with Mr. Paul King?
Mr. NEWBERRY. No, sir.
Mr. ALFRED LUCKING. Did you ever have any conversation with Mr. Fred Cody about it?
Mr. NEWBERRY. No, sir.

Mr. SPENCER. Mr. President, perhaps it may be interesting to the Senator from Montana to know that he is mistaken in the proposition that Mr. Templeton did not know Mr. King. He will find on page 415 of the record where Mr. Templeton was in consultation with Mr. King, and he will also find that Mr. King made the statement explicitly that he understood from Mr. Templeton that there would be no trouble about the finances of the campaign. When Mr. Templeton was asked about that, Mr. Templeton said—I read the question first:

Mr. ALFRED LUCKING. Did you give assurances to Mr. King that the friends and business associations of Mr. Newberry would finance the campaign?

I am reading from page 415 of the record. Mr. Templeton replied:

He—

That is, Mr. King—

made such a statement, and if he made it I would not question his word. I must have said it at some time or other. I do not remember when or where or anything about it.

But the previous question shows that Mr. King and Mr. Templeton were in consultation.

Mr. WALSH of Montana. Will the Senator read the following testimony in which he said if he did make the statement he never was authorized by anybody to make it?

Mr. SPENCER. I think it is undoubted that so far as he had any authority from John S. Newberry his testimony does bear that out?

Mr. WALSH of Montana. Did anybody else?

Mr. SPENCER. Yes; but what is away back in the Senator's mind is, was there anything which would connect Truman H. Newberry with it, and I believe there is not a scintilla of evidence that does.

Mr. WALSH of Montana. I do not care about that.

Mr. SPENCER. I thought the Senator would care about it.

Mr. WALSH of Montana. I want to know who Mr. Templeton was representing when he said, if he ever did say, that the friends of Mr. Newberry would finance the campaign. Who authorized that statement?

Mr. TOWNSEND. This we know, and we have a right to say from the evidence, that Truman H. Newberry did not.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Florida?

Mr. TOWNSEND. I yield.

Mr. TRAMMELL. I would like to ask the Senator upon what he predicates that opinion? The testimony shows that Mr. Templeton was more frequently in conference with Truman H. Newberry than anyone else, and it shows that he acted as an emissary for him in going out to organize and bringing people into the organization. How does the Senator presume that he was not the man who made the statement?

Mr. TOWNSEND. Mr. President, I shall not yield for any such statement as that, because that is clearly an inference not backed by the testimony. Such is the basis of practically all the arguments that have been made here. I shall not yield for any such statement as that, because there is no evidence upon which can be founded such a suggested conclusion.

Mr. CARAWAY. Mr. President——

Mr. TOWNSEND. Mr. President, I merely want——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Arkansas?

Mr. TOWNSEND. I yield for a question, but I do not yield to an argument by the Senator from Arkansas.

Mr. CARAWAY. Oh, well, the Senator does not have to yield at all.

Mr. TOWNSEND. Very well.

Mr. CARAWAY. The Senator can not make conditions when he yields to me.

Mr. TOWNSEND. Mr. President, I have listened to what has been said by certain Senators, and I have kept my seat in silence and tried to possess my soul with as much patience as possible, but I do not feel especially like yielding to any more of that kind of talk in my time.

Mr. CARAWAY. Is the Senator referring to anything that I said?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Arkansas?

Mr. TOWNSEND. I will not yield, Mr. President. I desire to proceed with what I have to say.

The PRESIDING OFFICER. The Senator from Michigan declines to yield.

Mr. CARAWAY. I object to the Senator making any statements about me and then declining to yield.

The PRESIDING OFFICER. The Senator from Michigan declines to yield. The Senate will be in order.

Mr. TOWNSEND. I wish to read, in order that it may be in the RECORD, what I had attempted to quote from Mr. Lucking's statement relative to Mr. Joy:

Mr. ALFRED LUCKING. Mr. Joy is one of the most important witnesses in this case.

Later on Mr. Lucking says, on page 347 of the record.

We want Mr. Joy's testimony. We believe he is an honorable gentleman and that he will tell the truth about this transaction.

Later on still further he says:

We feel it is absolutely essential to have Mr. Joy here.

In reply to a question by the Senator from New Jersey [Mr. EDGE], Mr. Lucking again made a most significant statement. The Senator from New Jersey said:

As I understand, you are endeavoring to establish, I assume from your line of examination, that Mr. Newberry personally gave that money? Is that the idea?

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Ohio?

Mr. TOWNSEND. I do.

Mr. POMERENE. Will the Senator advise us as to what he is reading and from what page?

Mr. TOWNSEND. I am now quoting from the record before the committee. I will give the Senator the pages of the record where he will find the matter. The first question which was asked by Mr. Lucking was on page 347 of the record; the second is also on page 347; and the third is on page 358. What I am now reading is on page 401. Senator EDGE said:

As I understand, you are endeavoring to establish, I assume from your line of examination, that Mr. Newberry personally gave that money? Is that the idea?

Mr. ALFRED LUCKING. We think so. We think the same applies to John S. Newberry and, I have no doubt, to Joy and Victor Barnes.

* * * * * * *

Mr. ALFRED LUCKING. I really feel it would inform the committee fully as to this matter if Mr. Joy could answer some questions.

And Mr. Joy did answer the questions that were prepared by Mr. Lucking, but the answers not being satisfactory Mr. Joy then became a perjurer.

I wish to say here just one word further relative to the men who are principally connected with this case—Mr. Templeton, Mr. Blair, who is the head of the Union Trust Co. of Detroit, Mich.; Mr. King, of whom I have spoken; Mr. Joy; Mr. Green, who has been abused here because, as he stated, without solicitation he helped to raise the deficit of $10,000 after the campaign was over. Why did not Mr. Newberry pay it? If they were his expenses, why should Mr. Green or anybody else be asked to pay anything on that bill? The campaign was over.

It was not necessary to go outside. If we are to believe the statement of Senators that Mr. Newberry paid it all, $10,000 more or less did not amount to anything. Certainly enough has been presented to show that if Mr. Newberry was guilty, the payment of the additional amount of money would not have made him more guilty; but Mr. Green says that he himself paid it, and he paid it because he wanted to aid in Mr. Newberry's campaign, to settle up the account which came in afterwards.

It has been said that after the campaign was over Mr. Green gave employment to Mr. Floyd, who was the secretary of the campaign, in order to pay Mr. Floyd for something that he had done in the campaign. All of the questions of Mr. Lucking with reference to Mr. Green indicate that Green and Newberry were not even close friends, but Mr. Green paid the money and he took Mr. Floyd, who is an active, clean, upright business man, and put him in his employ, giving him the place of a man who had not been a success. Mr. Floyd, I repeat, is a clean, successful young man, and both he and Mr. Green have said that Mr. Newberry had nothing to do with the employment of Mr. Floyd by Mr. Green as compensation for what Floyd had done during the campaign. Mr. Floyd said he was not employed as compensation for what he had done during the campaign, that his employment was freely given by Mr. Green. If Green was not a close friend of Senator Newberry, why should he employ Floyd to settle a Newberry obligation?

As to Mr. Cody, much has been said about him, and I think that much more could be said. I am sorry that Senators do not know Mr. Cody. For if they did, I do not think they would charge Mr. Newberry with selecting Mr. Cody as his confidential representative. Mr. Cody was Mr. Newberry's loyal friend, but a very voluble one. He has always been a friend of mine. As I have intimated, he is very talkative, but he is a man who likes to help his friends—there is no doubt about that—and he likes the credit for doing so; but Mr. Newberry never trusted him to manage his campaign or to transact any financial or confidential matters for him.

Mr. Newberry had helped Cody when the latter was in a Detroit school years and years ago. When sickness came into his family or something happened to his position, Mr. Newberry helped him out, and Cody was grateful to him. He did a good deal of talking, there is no doubt about that, but in no place in the testimony can it be shown that Mr. Newberry was either responsible for what Mr. Cody said or bound by what he said. I do not know that Mr. Cody said anything, I can not find anything in the record, that is detrimental to Mr. Newberry, but he was very active and very much in evidence in various places. He and Mr. Templeton were two of those who asked Mr. King to be chairman, the executive officer of the campaign committee. He was present in Mr. Newberry's office in New York on several occasions when people called.

I never go to New York but I see Mr. Cody. He is very friendly; he has always been my friend, as I think he is the friend of everybody; but it is really almost a joke to argue that Mr. Cody was intrusted with the carrying out of these alleged malign, corrupt agreements. There is nothing in the record to prove it.

Mr. Emery was really the active treasurer; he acted for Mr. Blair very frequently. He was a very active man. I think the senior Senator from Arkansas [Mr. ROBINSON] knows Mr. Emery, as I do. He is a good, clean man. He had been in charge of a Government park up at Mackinaw Island, and later of the Colville Indian Reservation in the State of Washington. Mr. Emery was to do office work for the committee; he had charge to a considerable extent of the money that was expended in the office and of the accounts there. He acted in place of Mr. Blair, who had deputized him evidently to do this work. Mr. Emery knew very much about these affairs, but he could not appear before the committee. When the time came to call him as a witness he was not able to appear—and for what reason? When the Senate directed that the ballots up in Michigan be counted they sent men into the State to collect the ballots under an agreement between the counsel and under the law. Mr. Emery was one of the men sent out with one of the Ford agents in a Ford machine, but the driver of the machine tipped the car over and Mr. Emery's skull was broken in five places, and he was otherwise so terribly injured that when the trial was held at Grand Rapids he was tried, convicted, and sentenced without ever being in court. Of course, his counsel agreed that that might be done, if it were possible, and there is no complaint about that; but he was not able to be there, and is to-day a mental and physical wreck, as anyone may readily imagine. So when the committee conducted its examination here it went into the facts as to Mr. Emery's condition, and I think they agreed that he was not able to come before the committee; that his testimony could not be taken, and even if it could be taken it would be of no value whatever.

It has been stated that when it was desired to serve a subpœna on Mr. Emery he had gone over into the north woods of Canada. The fact is that he had gone across the line to the home of a relative, or he had been taken there as a poor, miserable wreck; and he is now wandering about, going to some place he calls his office as often as he can, but is nevertheless a wreck. So his testimony could not be taken. It is unfortunate that that is so because his testimony, like the testimony of others, would have stated the truth and set forth the facts as they existed.

It is stated that the books of the Newberry estate could not be found; that letters and correspondence were destroyed. Of course all of the correspondence that was purely formal and of no consequence was destroyed. If those connected with the Newberry campaign wanted to corrupt the election why did they not destroy everything? Why did they allow any of the correspondence between Senator Newberry and Mr. King and others to be preserved? If they were desirous of being crooked, if it was their intention to destroy the evidence, why did they allow any of it to be preserved? The fact is that they destroyed or caused to be destroyed only those letters which encumbered the office, which had to be turned over the next day to the State central committee. So a portion of the papers was destroyed.

Now, in reference to the books——

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Florida?

Mr. TOWNSEND. I yield for a question.

Mr. TRAMMELL. I will ask the Senator a question. If they preserved and retaind a part of the evidence, why did they not preserve all of it?

Mr. TOWNSEND. The reason why they preserved a part of it and did not destroy it was evidently satisfactory to them. They would have destroyed all of it, however, if they were intent upon destroying damaging evidence that could be brought against them. If it had not been for Paul King taking the stand at Grand Rapids and setting forth this correspondence this case would have even a poorer foundation to stand on than it has now; but when Mr. Murfin opened that case in Grand Rapids he stated all of the facts in the case. At the close of the Government's case Mr. Newberry's attorneys felt that no case against the defendants had been made, but nevertheless they put Mr. King, who ran the campaign, upon the stand and he put in the correspondence with Mr. Newberry. They need not have done it, and in doing it they made it possible for the court practically to direct a verdict against the defendants in that case. If there was any intent to do wrong or to defraud, the defendants were great bunglers in what they did.

But, Mr. President, reference has been made to the books of the Newberry estate which were destroyed. The fact is that the accounts of this estate are voluminous. From time to time its books are closed and stored. This practice has been followed for many years. The Newberry estate has a large business, and the books and papers in connection with that business accumulate rapidly. So they have been in the habit, after a certain length of time, of taking their books out and putting them in what is called a barn, which, perhaps, had better be

called a storeroom. They had been doing that for years. However, all of the particular books in question in response to subpœna were taken to the trial at Grand Rapids and laid before the grand jury. The man who examined them before the grand jury was Mr. Souter, who was the clerk of the grand jury and also one of the attorneys of Mr. Ford in connection with the investigation before the Senate committee. He stated before the committee that the books were all before the grand jury and that he made the notes concerning the testimony before the jury. It was he who before the petit jury testified as to what witnesses had said before the grand jury.

It was proven that in some instances he was right and in others he was wrong; but Mr. Souter, who, as I have said, was one of the attorneys of Mr. Ford in this case, made the notes and examined the books, and there was nothing in them that was hostile to the case of Mr. Newberry or harmful from his standpoint, or else Souter would have disclosed it.

After the trial the books were taken back to Detroit, and it was said that they were put in the barn or storeroom to which I have referred. When, however, the investigation before the committee took place, they could not be found, and it is therefore argued that they were destroyed, in order that they might not be produced here. Senators, knowing as I do the parties who have been connected with this case, I could with better reason say that those books were stolen out of the barn, because it would be easier and better for those who were opposing Mr. Newberry to say, just as it has been said about Mr. Joy's testimony, that he would tell the truth, "if we had the books, even though we did not preserve what they disclosed at the Grand Rapids trial, we could prove something that we are now prevented from proving because of the destruction of these books."

Those books had been presented, as Mr. Souter says, to the grand jury. Then when the trial at Grand Rapids was over they were placed in the storeroom or barn, and then something happened to them, so that it was not possible to find them. But what was to be proven by them? What is claimed in reference to what could be shown from the books? The admitted testimony is that Mr. Frederick Smith, the confidential agent of the Newberrys from, I think, the time of their father's death down to the present day, handled the affairs of the Newberry estate under powers of attorney from Mr. Truman H. Newberry, from Mr. John Newberry, as I remember, from Mrs. Joy, and others. Without consulting them, he conducted the affairs of that estate to the extent of keeping the bank balances right, because sometimes one's bank account would be overdrawn, and then he would check money from another's to balance the overdraft, and then in due course it was all paid back and the balances finally settled. Understand, this did not originate in this case, but it had been the custom of that concern for years. It may be possible that in checking on Mr. John Newberry's account they overdrew it, and that Mr. Smith balanced the account by taking the necessary amount from another account that had a balance on the right side, and then paid it all back, and that without even notifying the interested parties.

They say that Mr. Newberry had a long-distance telephone conversation with Mr. Smith, and afterwards Mr. Smith wired that he had been mistaken in what he had said to Mr. Newberry over the telephone, namely, that the primary was on the 27th of July.

It ought to have been on the 27th of August, he said, and he was confused about the matter. He said that Mr. Truman Newberry was interested in knowing why the accounts of the concern were being so drawn down. He was disturbed by the balances of the concern. Why should he say that, if Mr. John Newberry was authorized to spend Truman Newberry's money in this campaign? This is what is already in evidence, and it is all that could be shown from the Newberry books and what they did show at Grand Rapids. The prosecution must have something speculative. The Senate must find, I repeat, that all of these people are perjurers; it must find that there is something sinister and bad in all of the things that were done, or else we must vote to retain Senator Newberry in his seat.

It is charged that Mr. Newberry made a false oath to the Senate, and, therefore, that he is a perjurer, and if he made a false oath to the Senate he is not entitled to retain his seat here. The blank report was sent to Mr. Newberry at New York to sign. He did not take the advice of any counsel, as Mr. Ford did, in making out his statement. He did not go to a lawyer, but he filled it out himself. He did write that he knew nothing about the expenditures; that there was nothing done, or no expenditures made, or something of that kind, with his knowledge and consent. He did not mean by that that he did not know that money had been expended in his campaign, or that somebody had been contributing money to his campaign. That would be a stupid thing for him to say. What he meant was that not with his procurement, not with his knowledge, was it done, because he could not have told of a dollar that had been paid by anybody, nor could he have told of a dollar that had been paid to anybody out of the campaign fund that had been raised for him. So he did not lie about that. If he had taken advice, his report would have been worded a little better, just as you Senators word your returns. You know how to do it, and you do do it. You put it in such form that it tells the truth—that you do not know about these things, this thing, that, and the other—but nevertheless you have every reason to believe that they were done, and you say "Not to my personal knowledge."

I maintain that considering the magnitude of this campaign, considering the organizations that were made throughout the State, there are fewer causes for regret on the part of Mr. Newberry than is usually the case with Senators. We all suffer from our fool friends. There are some people who do things that we neither approve, nor do we know at the time they are done. We are not responsible for those mistakes, unless they result in our election by fraud. There is no such claim of fraud here because of the few isolated cases of indiscretion in this testimony, which all deplore. Neither Mr. Newberry nor his committee were responsible for them.

I refer to such cases as, for instance, the testimony of one witness that he had been threatened by a supporter of Mr. Newberry that his sentence that had been pronounced in the lower court would be affirmed by the Supreme Court unless he carried that precinct or his community for Mr. Newberry. It is said that that precinct was carried, and the Supreme Court of Michigan reversed his case. There is not a Senator here who believes that the Supreme Court of Michigan was influenced by this alleged incident. If this threat was ever made—and I doubt if it ever was—it was foolish and not caused or sanctioned or known by Mr. Newberry or the committee. If it was made it was the fool statement of an overzealous friend. We are not responsible for those things. If we were, God help us all. If you can bring in here isolated cases that were not approved by the committee nor by Mr. Newberry, nor promulgated by them or either of them, and secure a conviction, then there is no safety for anyone who has a contested campaign for United States Senator.

I have had a Senator tell me of this instance that occurred in his State since this trial began: A man was running for the legislature in his State; was very fearful that he was not going to carry his own precinct. He had heard that it was against him; he saw the chairman of the election board at noon and said to him, "How are things going in the precinct?" He said, "You are all right." The candidate replied, "Why, I think they are going to vote against me." The chairman said, "Well, it is all right." "How do you know that?" "Well, when they went out for lunch I opened the boxes and found out." It almost drove the candidate crazy to think that that had been done, and he said, "If that should be the decisive element in my election I shall have to resign." Fortunately, it did not happen to be decisive.

Should a candidate be chargeable with that kind of a thing? I think not. It ought not to be even considered.

It is said, however, that the State law of Michigan was violated. I do not think, as I have said, that the Federal law was violated; and if there had been a proper charge to the jury, as it seems to me, there would have been no conviction at Grand Rapids. But it is said now that a State statute was violated. I want, however, first to refer to that Senate affidavit once more.

Mr. Newberry was brought before the grand jury down in New York and subjected to indictment proceedings because he had made a false report to the Senate. That jury proceeded to hear many witnesses, and, finally, when it came to asking Blair and Templeton to testify, they, under the advice of counsel, refused to testify before the grand jury. An appeal was taken to the Supreme Court of the United States, and, of course, they were compelled to testify if called upon, but they were never called back. It was published in the press at the time that that grand jury, which was dismissed because these two witnesses did not appear, said that its members were a unit, save one, in favor of Mr. Newberry. That case never was finished; but when they got down to Grand Rapids Mr. Newberry was indicted on this same ground, namely, that he had committed perjury in presenting his affidavit to the Senate; but Mr. Palmer, after the other counts had been tried, ordered that count or that indictment against Mr. Newberry dismissed. No; they did not have confidence in that charge, and the count was dismissed.

But how about the State law? In 1909 there was enacted a statute in Michigan which, among other things, prohibited the hiring of workers either on primary day or prior thereto. In

1915 or 1913, I have forgotten which year, there was passed another statute in which 11 things were enumerated for which men could be hired. I maintain, sir, that nothing was done in this campaign, when it is rightly understood, that was in violation of the act of 1913. That was a State statute. Mr. Ford's friends have been active since the beginning of the primary until this hour; hired attorneys have been constantly on the job; and the Federal authorities were also active, through their secret agents, all over the State of Michigan. If Mr. Newberry had violated the State statute, do you imagine that they would not have brought a prosecution against him in the State of Michigan? They do not believe that the State law was violated in its spirit and intent.

When some Senator stated here the other day—I think it was the Senator from Montana [Mr. WALSH]—that men were hired to work on primary day, I said there was nothing in the evidence that I knew of that would establish that fact, and the Senator showed me that I was mistaken. There were one or two witnesses who testified that they were going to hire men, or had hired men, provided for some six or seven men at $5 a day to work on primary day.

I shall have to impose upon you by making a statement which is not in the testimony, but I simply state it upon my honor. I know from Mr. King—now, you may not think that is reliable, but to me it is entirely reliable; when Paul King makes a statement of fact to me, I take it for the truth—he told me that he sent out orders to all of the people, his committees in these counties, that they must have nobody at the polls on primary day; not that it was a violation of this statute to be working to canvass the votes but because we had a statute that a man must keep away from the polls a certain distance on election day, and he did not want anyone to violate it.

Mr. TRAMMELL. Mr. President, in view of the fact that the Senator has testified outside of the record, will he yield for a question?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Florida?

Mr. TOWNSEND. I do.

Mr. TRAMMELL. Does not the record disclose that Mr. King himself stated, in a letter to Mr. Newberry, that he would have men at the polls until the close of the polls in every election precinct in the State?

Mr. TOWNSEND. I think not.

Mr. TRAMMELL. There is a letter of that kind in the record.

Mr. TOWNSEND. I shall be very glad to see that letter, because I did not know that any such thing was there. I have no doubt that Mr. King notified him that he was going to keep up this campaign until its close.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Ohio?

Mr. TOWNSEND. Yes.

Mr. POMERENE. In view of the issue that is made here now, I will state that I do not recall the testimony just exactly as the Senator from Florida presents it; but the record does show, and I quoted it in my speech, that one of the field agents who had been in a certain section where there were 10 or 11 or 12 counties—I have forgotten the number—said in this letter that there would be one or more workers at every precinct poll in that district.

Mr. TOWNSEND. That is what the Senator from Montana [Mr. WALSH] called my attention to.

Mr. POMERENE. I do not pretend to quote the exact language.

Mr. TOWNSEND. I think that was Mr. Myron J. Sherwood, from Marquette. There were five or six men there, and I think somebody called my attention to somebody else who said he would have workers at the polls. I must ask the Senator from Florida to present to the Senate the statement he made as to Mr. King's testimony, if it is in the record.

Referring, however, to the statute of 1913, there was nothing done by this committee that was not, in its judgment, in accordance with the law and that has been practiced in that State and other States always. Voters were canvassed through county organizations.

Mr. WALSH of Montana. Mr. President, will the Senator suffer an interruption?

Mr. TOWNSEND. Yes.

Mr. WALSH of Montana. I want to say that the record here is replete with testimony of the employment of men to work on primary day. I did call the attention of the Senator to one item of testimony; but here is the testimony of Mr. Habermann, given at the trial in Grand Rapids, in which he testified about Mr. Yelland, who was one of the principal workers out in the State. He says:

> I remember Mr. Yelland gave me some pamphlets at that time and later he gave me $10. I think he came back to Gladstone before the primary at that time. I think he was alone in the car.

Mr. SPENCER. Mr. President, will the Senator be good enough to give me the page?

Mr. TOWNSEND. Will the Senator give us the page?

Mr. WALSH of Montana. Page 322 of the bill of exceptions:

> He asked me when he was there the first time to get some other fellows to do work for Mr. Newberry in the fourth ward, to help distribute a little literature for Newberry. He requested me to get these men to work at the polls on primary day. He gave me some money for other people afterwards, but that was probably later on, when he brought the literature over there at that time. Mr. Yelland gave me $30—$10 for me, $10 for another man, and $10 for still another man, each of whom was to go to a different precinct and to stay at the polls on primary day.

Mr. TOWNSEND. Mr. President, as I said, my contention is that unless somebody was employed right at the polls, contrary to the prohibition of the statute relative to proximity to the polls, everything that was done at the primary was justified under the statute of 1913, framed after the act of 1909. Mr. Yelland's testimony, quoted by the Senator from Montana, clearly related to distribution of literature, and that was certainly lawful. These men must be workers if they do the things that they are permitted to do under the statute. There is no use of quibbling over that. Of course they were workers. It is legal to hire men to do these things, and that is what was done; but, Mr. President, how does Mr. Newberry's campaign, or the campaign that they conducted in Michigan, differ from my campaign or from your campaign? Is it true that the mere amount of money that a man spends in his election, if it is legally spent, is improper, and that he should be ousted from his seat in the Senate for that reason?

In other words, they had a very few people employed during the campaign for my benefit—one or two stenographers. They had one or two field men out, so I am informed. In other words, suppose I should organize 6 counties in Michigan or 10 counties in Michigan by having my committees there properly at work canvassing votes and trying to promote my candidacy. I could get into 10 counties of the 83. Another many comes along and employs the same tactics exactly and gets to the whole 83 counties. Is the one right and the other wrong? Is publicity a good thing if it is legal? If it is, can you have too much of it? I realize that this is a mooted question.

The last time I ran for the Senate in Michigan I had one of the wealthy men in our State as my opponent. It was claimed that he reached all the people, every one of them, at least four times during that campaign. I sent out 10,000 letters from Washington to different people over my State, telling them what the situation was so far as I was concerned. I did not make a speech in my State, as I recall, during that campaign. I was criticized by my friends because, they said, "You have a millionaire against you and you are doing nothing." I carried every county but two in our State.

Senators, it is my theory that there was too much money spent in Michigan. For Mr. Newberry's good there was too much money spent. The mere statement of the amount offends the ordinary citizen. The opposition uses it as a synonym of corruption. But was its use corrupt or unlawful? A poor man running there, well known, would have received the nomination. As it was, we had three millionaires in our State running for the office of Senator. Much has been said about poor Mr. Osborn. I do not think he will take that as a compliment. I am very fond of Gov. Osborn. I value him as a personal friend. But he is a wealthy man. So is Mr. Ford, I think it will be admitted, and so is Mr. Newberry. They were all reputed to be wealthy men.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Florida?

Mr. TOWNSEND. I yield.

Mr. TRAMMELL. If the Senator will permit a question as a matter of securing information, as he has brought out the fact and testified as to the wealth of Mr. Osborn, will he please state outside of the record—there is no evidence in the record, of course—whether or not Mr. Osborn's friends spent over $200,000 in behalf of his candidacy in this particular race?

Mr. TOWNSEND. I have no reason to believe he did. No one has intimated that he did. I repeat that I am very fond of Mr. Osborn, the same as I am of Mr. Newberry. To those who know, it is simply ridiculous for Senators to say that Mr. Newberry's letter, when he said Mr. Osborn was running out of ammunition, meant that he was running out of money.

Mr. ROBINSON. Then what did he mean?

Mr. TOWNSEND. He meant that he was running out of campaign material; that he was running out of arguments against Mr. Newberry. That is what he meant, and nothing else. Anything else would have been ridiculous to any Michi-

gander who knows what the situation is in reference to these men's finances. No; that was not it. It was simply that his arguments were running low; that the things he was saying and doing were not counting for much; that he did not have enough in reserve at that stage of the campaign. That is how Mr. Truman Newberry felt about it, undoubtedly.

Mr. SPENCER. Mr. Osborn was a very rich man.

Mr. TOWNSEND. I believe he was. I do not think anybody from Michigan will even question the fact that Mr. Osborn is a wealthy man. I do not think he is as wealthy as the Senator from Missouri said he was, that he was many times richer than Mr. Ford. I do not think that. There are probably not very many men in the United States as rich as Mr. Ford. But he is a millionaire without any question. I heard of one transaction in which he is reported to have made about $2,000,000. I hope and believe he did. He is a good business man.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. TOWNSEND. I yield for a question.

Mr. HEFLIN. Does the Senator mean a transaction where ex-Gov. Osborn got $2,000,000?

Mr. TOWNSEND. Yes; and legitimately.

Mr. HEFLIN. Who is the wealthier man, ex-Gov. Osborn or Truman H. Newberry?

Mr. TOWNSEND. I do not know. I do not know how rich either of them is.

Mr. HEFLIN. The Senator from Missouri said Osborn was a much richer man than Newberry.

Mr. TOWNSEND. I said I thought the Senator from Missouri was mistaken about it, although I thought he was referring to Ford instead of Newberry, but I do not know. His guess may be just as good as mine. As you know, when a man gets to be reputed a millionaire, his wealth grows very rapidly in the public mind. If he is once in that class, he is worth many, many millions right away. I do not know the difference in wealth between them, but I know that from my standard they are all rich men. There is no doubt about that at all. This was not a campaign against a poor man. No poor man lost any chances in this campaign, because there was no such man in the race.

Mr. President, there are very many things that I wish to discuss. One of them is that Mr. Newberry is charged with participation in his campaign, which, it is claimed, amounted to a violation of the statute, and would make him responsible for what money was paid in or what was paid out, the claim being that he was kept posted in reference to his campaign, and he must have known it was taking a lot of money to carry on such a campaign as he was written about, and therefore he is guilty of the actions of the campaign committee, that he is responsible for them, that he must have known about this expenditure of money because he was socially and in a family way related to most of the donors who were afterwards found to have been subscribers to this fund.

This question was discussed in the Supreme Court by Mr. Chief Justice White. The trial judge ruled at Grand Rapids that if Mr. Newberry was so intimately acquainted with the conditions which existed in Michigan during his campaign, they had a right to infer that it was his subscription and that his campaign was being personally conducted by him. Mr. Chief Justice White and Mr. Justice Pitney spoke about this. Mr. Justice Pitney's judgment was approved by the two other justices who did not render a separate opinion. If I may, I will ask the Secretary to read the portions of the opinion of the Chief Justice and Mr. Justice Pitney, which I have marked. It would save my voice perhaps a little.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The ASSISTANT SECRETARY. Reading from the opinion of the Supreme Court, Senate Document No. 10, page 18——

Mr. TOWNSEND. Mr. President, let me interrupt the reading to state that the fifth count was the charge of bribery. The fifth count was the charge that the nomination had been secured by fraud through an improper use of money, through bribery, in other words. That count the trial court at Grand Rapids took from the jury.

Mr. WALSH of Montana. Mr. President, there is some considerable misapprehension with respect to that matter, and if the Senator will yield to me I should like to assist in clearing it up at this time.

Mr. TOWNSEND. I yield to the Senator.

Mr. WALSH of Montana. The fifth count was a charge of conspiracy to bribe voters. Until the 18th day of October, 1918, there was no Federal statute which made the bribery of voters at a congressional election a crime. We passed such an act, the bill being introduced by the Senator from Rhode Island [Mr. GERRY]. It became effective by the signature of the President of the United States on the 18th day of October, 1918. So, no matter how much bribery occurred prior to October 18, 1918, in the Michigan campaign it was no offense against any law of the United States. The primary occurred on the 27th day of October, 1918. Consequently no act of bribery at the primary could be availed of to establish the charge in the fifth count and accordingly no testimony was proffered.

Mr. TOWNSEND. Does the Senator claim that that was the reason why it was taken away from the jury?

Mr. WALSH of Montana. That is the reason why it was taken from the jury.

Mr. TOWNSEND. That is the reason the court gave.

Mr. WALSH of Montana. That is the reason why it was taken from the jury. No evidence was offered of any bribery prior to the time when the statute became effective because no evidence was admissible upon it.

Mr. TOWNSEND. It was taken from the jury because no evidence had been presented of bribery. I do not recall that the trial judge gave the qualified statement given by the Senator from Montana [Mr. WALSH].

I will ask the Secretary to read from the opinions of the Chief Justice and Mr. Justice Pitney.

The ASSISTANT SECRETARY. Mr. Chief Justice White, dissenting from the opinion, but concurring with a modification in the judgment of reversal, said in part:

At the trial, before the submission of the case to the jury, the court put the fifth count entirely out of the case by instructing the jury to disregard it, as there was no evidence whatever to sustain it. The bribery charge, therefore, disappeared. The second, third, and fourth counts, dealing, as I have said, with one general subject, were found by the court to be all in substance contained in the first count. They were, therefore, by direction of the court, either eliminated or consolidated with the first count. Thus, as contained in that count the matters charged in the first four counts were submitted to the jury, as was also the sixth count; but the latter we need not further consider, as upon it there was a verdict of not guilty.

The case therefore reduces itself solely to the matters covered in the first count. That count charged a conspiracy on the part of the defendants, 135 in number, including Newberry, to commit an offense against the United States—that is, the offense on the part of Newberry of violating the corrupt practices act—by giving, contributing, expending, and using and by causing to be given, contributed, expended, and used, in procuring his nomination and election as such Senator at said primary and general elections, a sum in excess of the amount which he might lawfully give, contribute, expend, or use, and cause to be given, contributed, expended, or used for such purpose under the laws of Michigan, and in excess of $10,000, to wit, the sum of $100,000; and on the part of the other defendants of aiding, counseling, inducing, and procuring Newberry as such candidate to give, contribute, expend, and use, or cause to be given, contributed, expended, or used, said large and excessive sum, in order to procure his nomination and election.

Conspiracy to contribute and expend in excess of the amount permitted by the statute was, then, the sole issue, wholly disassociated from and disconnected with any corrupt or wrongful use of the amount charged to have been illegally contributed and expended. As putting out of view the constitutional question already considered, the errors assigned are based solely upon asserted misconstructions of the statute by the court in its charge to the jury, we bring the statute at once into view. It provides, so far as relevant to the case before us:

"No candidate for * * * Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election, any sum, in the aggregate, in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: *Provided*, That * * * no candidate for United States Senator shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding $10,000 in any campaign for his nomination and election:" * * *

Coming to deal with the statute, the court, after pointing out in the most explicit terms that the limitation on the amount which might be lawfully contributed and expended, or caused to be contributed and expended, in the case at hand was $3,750 (that being the limitation imposed by the laws of Michigan adopted by the statute of the United States just quoted), then proceeded, over objections duly reserved, to instruct as to the significance of the statute, involved in the prohibitions, (a) against giving, contributing, expending, or using, and (b) against causing to be given, contributed, expended, or used, money in excess of that permitted by the statute, saying on these subjects, as follows:

"(a) It is important, therefofe, that you should understand the meaning of the language employed in this corrupt practices act, and that you should understand and comprehend the effect and scope of the act, and the meaning of the language there employed, and the effect and scope and extent of the prohibition against the expenditure and use of money therein contained.

"The words 'give, contribute, expend, or use,' as employed in this statute, have their usual and ordinary significance, and mean furnish, pay out, disburse, employ, or make use of. The term 'to cause to be expended or used,' as it is employed in this statute, means to occasion, to effect, to bring about, to produce the expenditure and use of the money.

"The prohibition contained in this statute against the expenditure and use of money by the candidate is not limited or confined to the expenditure and use of his own money. The prohibition is directed against the use and expenditure of excessive sums of money by the candidate from whatever source or from whomsoever those moneys may be derived.

"(b) The phrase which constitutes the prohibition against the candidate 'causing to be given, contributed, expended, or used excessive sums of money' is not limited and not confined to expenditures and use of money made directly and personally by himself. This prohibition ex-

tends to the expenditure and use of excessive sums of money in which the candidate actively participates, or assists, or advises, or directs, or induces, or procures. The prohibition extends not only to the expenditure and use of excessive sums of money by the candidate directly and personally but to such use and expenditure through his agency or procurement or assistance.

"To constitute a violation of this statute knowledge of the expenditure and use of excessive sums of money on the part of the candidate is not sufficient; neither is it sufficient to constitute a violation of this statute that the candidate merely acquiesces in such expenditure and use. But it is sufficient to constitute a violation of this statute if the candidate actively participates in doing the things which occasion such expenditures and use of money and so actively participates with knowledge that the money is being expended and used."

Having thus fixed the meaning of the prohibitions of the statute, the court came to apply them as thus defined to the particular case before it, saying:

"(c) To apply these rules to this case: If you are satisfied from the evidence that the defendant, Truman H. Newberry, at or about the time that he became a candidate for United States Senator was informed and knew that his campaign for the nomination and election would require the expenditure and use of more money than is permitted by law and with such knowledge became a candidate, and thereafter, by advice, by conduct, by his acts, by his direction, by his counsel, or by his procurement, he actively participated and took part in the expenditure and use of an excessive sum of money, of an unlawful sum of money, you would be warranted in finding that he did violate this statute known as the corrupt practices act."

Whether the instructions marked (a) and (b), if unexplained, were, in view of the ambiguity lurking in many of the expressions used therein, prejudicially erroneous, I do not think necessary to consider, since I see no escape from the conclusion that the instruction marked (c), which made application of the view of the statute stated in the previous passages (a) and (b), were in clear conflict with the text of the statute, and were necessarily of a seriously prejudicial nature, since in substance they announced the doctrine that under the statute, although a candidate for the office of Senator might not have contributed a cent to the campaign or caused others to do so, he nevertheless was guilty if he became a candidate or continued as such after acquiring knowledge that more than $3,750 had been contributed and was being expended in the campaign. The error in the instruction plainly resulted from a failure to distinguish between the subject with which the statute dealt—contributions and expenditures made or caused to be made by the candidate—and campaign contributions and expenditures not so made or caused to be made, and therefore not within the statute.

There can be no doubt when the limitations as to expenditure which the statute imposed are considered in the light of its context and its genesis, that its prohibitions on that subject were intended not to restrict the right of the citizen to contribute to a campaign but to prohibit the candidate from contributing and expending, or causing to be contributed and expended, to secure his nomination and election a larger amount than the sum limited as provided in the statute. To treat the candidacy, as did the charge of the court, as being necessarily the cause, without more, of the contribution of the citizen to the campaign, was therefore to confound things which were wholly different, to the frustration of the very object and purpose of the statute. To illustrate: Under the instruction given, in every case where to the knowledge of the candidate a sum in excess of the amount limited by the statute was contributed by citizens to the campaign, the candidate, if he failed to withdraw, would be subject to criminal prosecution and punishment. So, also, contributions by citizens to the expenses of the campaign, if only knowledge could be brought home to them that the aggregate of such contributions would exceed the limit of the statute, would bring them, as illustrated by this case, within the conspiracy statute and accordingly subject to prosecution. Under this view the greater the public service and the higher the character of the candidate, giving rise to a correspondingly complete and self-sacrificing support by the electorate to his candidacy, the more inevitably would criminality and infamous punishment result, both to the candiate and to the citizen who contributed.

Mr. Justice Pitney, concurring in part, said in part:

Since the majority of the court hold that the act is invalid, it would serve no useful purpose to spend time in discussing those assignments of error that relate to the conduct of the trial. It may be said, however, that, in my opinion, the trial court did not err in refusing to direct a verdict for the defendants for want of evidence of the alleged conspiracy; nor in instructing the jury that the prohibition of the statute against the expenditure and use of money by a candidate beyond the specified limit is not confined to his own money but extends to the expenditure or use of excessive sums of money by him, from whatever source and from whomsoever derived; nor in instructing them that in order to warrant a verdict of guilty upon an indictment for conspiracy it was not necessary that the Government should show that defendants knew that some statute forbade the acts they were contemplating but only to show an agreement to do acts constituting a violation of the statute, their knowledge of the law being presumed.

I find prejudicial error, however, in that part of the charge which assumed to define the extent to which a candidate must participate in expenditures beyond the amount limited in order that he may be held to have violated the prohibition—an instruction vitally important because it was largely upon overt acts supposed to have been done in carrying out the alleged conspiracy that the Government relied to prove the making of the conspiracy and its character, and because, unless the purposes of defendants involved a violation of the corrupt practices act, they were not guilty of a conspiracy to commit an "offense against the United States" within the meaning of section 37, Criminal Code.

The instruction upon this topic, excepted to and assigned for error, was as follows:

"The phrase which constitutes the prohibition against the candidate, 'causing to be given, contributed, expended, or used' excessive sums of money, is not limited and not confined to expenditures and use of money made directly and personally by himself. This prohibition extends to the expenditure and use of excessive sums of money in which the candidate actively participates, or assists, or advises, or directs, or induces, or procures. The prohibition extends not only to the expenditure and use of excessive sums of money by the candidate directly and personally, but to such use and expenditure through his agency, or procurement, or assistance. To constitute a violation of this statute knowledge of the expenditure and use of excessive sums of money on the part of the candidate is not sufficient; neither is it sufficient to constitute a violation of this statute that the candidate merely acquiesces in such expenditures and use. But it is sufficient to constitute a violation of this statute if the candidate actively participates in doing the things which occasion such expenditures and use of money and so actively participates with knowledge that the money is being expended and used. To apply these rules to this case: If you are satisfied from the evidence that the defendant, Truman H. Newberry, at or about the time that he became a candidate for United States Senator was informed and knew that his campaign for the nomination and election would require the expenditure and use of more money than is permitted by law and with such knowledge became a candidate, and thereafter by advice, by conduct, by his acts, by his direction, by his counsel, or by his procurement he actively participated and took part in the expenditure and use of an excessive sum of money, of an unlawful sum of money, you will be warranted in finding that he did violate this statute known as the corrupt practices act."

However this may be regarded when considered in the abstract, the difficulty with it, when viewed in connection with the evidence in the case to which the jury was called upon to apply it, is that it permitted and perhaps encouraged the jury to find the defendants guilty of a conspiracy to violate the corrupt practices act if they merely contemplated a campaign requiring the expenditure of money beyond the statutory limit, even though Mr. Newberry, the candidate, had not, and it was not contemplated that he should have, any part in causing or procuring such expenditure beyond his mere standing voluntarily as a candidate and participating in the campaign with knowledge that moneys contributed and expended by others without his participation were to be expended.

The language of the corrupt practices act (37 Stat., 28) is: "No candidate * * * shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised," etc. A reading of the entire act makes it plain that Congress did not intend to limit spontaneous contributions of money by others than a candidate, nor expenditures of such money except as he should participate therein. Of course, it does not mean that he must be alone in expending or causing to be expended the excessive sums of money; if he does it through an agent or agents, or through associates who stand in the position of agents, no doubt he is guilty; qui facit per alium facit per se; but unless he is an offender as a principal there is no offense. Section 332, Criminal Code, declares: "Whoever directly commits any act constituting an offense defined in any law of the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal." Clearly this makes anyone who abets a candidate in expending or causing to be expended excessive sums a principal offender; but it can not change the definition of the offense itself as contained in the corrupt practices act so as to make a candidate a principal offender unless he directly commits the offense denounced. Spontaneous expenditures by others being without the scope of the prohibition, neither he nor anybody else can be held criminally responsible for merely abetting such expenditures.

It follows that one's entry upon a candidacy for nomination and election as a Senator with knowledge that such candidacy will come to naught unless supported by expenditure of money beyond the specified limit, is not within the inhibition of the act unless it is contemplated that the candidate shall have a part in procuring the excessive expenditures beyond the effect of his mere candidacy in evoking spontaneous contributions and expenditures by his supporters; and that his remaining in the field and participating in the ordinary activities of the campaign with knowledge that such activities furnish in a general sense the "occasion" for the expenditure is not to be regarded as a "causing" by the candidate of such expenditure within the meaning of the statute.

The state of the evidence made it important that, in connection with that portion of the charge above quoted, the jury should be cautioned that unless it was a part of defendant's plan that Mr. Newberry should actually participate in giving, contributing, expending, using, or promising, or causing to be given, contributed, expended, used, or promised moneys in excess of the limited amount—either himself or through others as his agents—his mere participation in the activities of the campaign, even with knowledge that moneys spontaneously contributed and expended by others, without his agency, procurement, or assistance, were to be or were being expended would not of itself amount to his causing such excessive expenditure. The effect of the instruction that was given may well have been to convey to the jury the view that Mr. Newberry's conduct in becoming and remaining a candidate with knowledge that spontaneous contributions and expenditures of money by his supporters would exceed the statutory limit, and his active participation in the campaign, were necessarily equivalent to an active participation by him in causing the expenditure and use of an excessive sum of money, and that a combination among defendants having for its object Mr. Newberry's participation in a campaign where money in excess of the prescribed limit was to be expended, even without his participation in the contribution or expenditure of such money, amounted to a conspiracy on their part to commit an offense against the act.

For error in the instructions in this particular the judgment should be reversed, with directions for a new trial.

Mr. Justice Brandeis and Mr. Justice Clarke concur in this opinion.

Mr. TOWNSEND. Mr. President, I take it for granted there is no one here who believes there was any fraud or corruption connected with the election itself after the primaries. The ballots were recounted at the request of the Senate, and from that recount it was found that Mr. Newberry was entitled to his seat so far as the election ballots were concerned, so that all of the very serious charges that were submited by Mr. Ford in the beginning in reference to the election have now disappeared and no one is contending that any such fraud or any fraud whatever attached to the election except as it came through the primaries. A committee of the Senate have had this matter under investigation. They accepted, as I have stated, the testimony that was taken at Grand Rapids, which was largely the testimony that was repeated by Mr. Souter, Mr. Ford's attorney, who at the time was clerk of the grand jury.

The committee also called some witnesses; every witness they wanted was called, except Mr. Newberry. Mr. Ford's attorney asked for Mr. Newberry. Every other witness that they asked for who could be brought here was brought. The majority of the committee, for reasons evidently satisfactory to themselves,

did not see fit to call Mr. Newberry before the committee, the assumption being that no case had been made against him and that there was no reason why he should appear. The testimony that was taken, I repeat, was just such testimony as the minority, as Mr. Ford's attorney, wanted taken. He did not call Mr. Cody. Mr. Cody was the witness concerning whom Senators on the other side have said so much. Why they did not call Mr. Cody I never could understand. If he was the go-between, if he was the man who was responsible in this case, and through whom Mr. Newberry worked, as they have intimated, to spend the Newberry money, why have they not called him? They did not do it. It is evidently safer to speculate in reference to witnesses than it is to call them and take their testimony. It is easier to say, "This man is a crook and he did not testify to the truth before the grand jury," than it is to call the man before the committee and examine him there and take his testimony.

Finally, the unfortunate part of it was, that in the Committee on Privileges and Elections the contest resulted in eight Republican members voting to seat Mr. Newberry and the five Democratic members voting to unseat him. I say this is unfortunate, especially as Senators on the other side deplore the fact that politics has got into this matter. Of course, I maintain that it is a political job from beginning to end. Its genesis was politics and its exodus will be politics very largely. Some of the Senators who have been so bitter, so regardless not only of the feelings of a Senator but of the feelings of the Senator's friends and family, would not have acted as they have if it had been the case of a man on their side of the Chamber. I am sure that is so.

Mr. President, the Senator from Iowa [Mr. KENYON] the other day said that there was a "social lobby" at work in behalf of Mr. Newberry. I do not know just exactly what a "social lobby" means; perhaps the Senator does, but I do not. I am not an expert on social activities. Perchance it means friendship. So far as I am concerned, sir, I had rather be subjected to the influences of friendship than to the influences of partisan hatred and contemptible self-serving politics. I know of no "social lobby" here, however, that is at work in this matter; I have seen no manifestation here of lobbies in behalf of Mr. Newberry; but I have, day after day, seen in the galleries paid representatives of Mr. Ford, and I have seen Senators in consultation with them in the lobbies.

I know now that an attempt is being made to influence the votes of Senators by threats as to their political existence. In January, 1919, Mr. Ford was interviewed in the Los Angeles Sunday Times. I quote a portion of that interview, as follows:

Mr. Ford is still keenly interested in the contest he instituted to unseat United States Senator Newberry, his successful opponent in the November election in Michigan, and says he is prepared to spend millions if necessary to attain his ends in this fight, which he insists is against machine politics and not against Mr. Newberry personally.

He is prepared to spend millions.

Mr. SPENCER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. TOWNSEND. I yield.

Mr. SPENCER. Will the Senator be good enough to give the date of the interview he is quoting? I did not catch it.

Mr. TOWNSEND. It is dated January 25, 1919. I hold in my hand here a portion of a copy of the Washington Times of September 28, 1921, which reads, in large letters:

Henry Ford to fight slush-fund Senators. Auto king grinds ax to battle enemies. Will carry drive against Newberry allies directly to the voters for action.

And so on. Some letters have been sent out to the same effect; and since this case has been on trial before the Senate certain Senators have never hesitated to threaten with defeat other Senators who would vote for Mr. Newberry, and to gloat over the prospect of their remaining at home because of their vote in this case.

An attempt has been made to coerce Senators into voting against their convictions of duty in this matter. Why these threats? Think of what it would cost in millions of dollars if there were carried out the Ford threat to go into the States of all the Senators who vote to seat Mr. Newberry? Is it in the interest of decency in politics and against the extravagant use of money that this is to be done? What must a self-respecting Senator think of all this?

I have received letters threatening me with defeat; I have received a printed circular which has been sent out stating "Get in touch with Senator TOWNSEND at once, and tell him that he will be defeated if he speaks or votes for Senator Newberry." Oh, it would have been infinitely easier for me, and possibly better for me politically, if I had my political fortune only in mind, if I had remained silent here, violating the oath of office which I took at yonder desk, and said, "I am consulting my own personal political fortunes; it is easy for me to remain silent"; but by remaining silent I would stultify myself, my conscience would have been outraged; and, Senators, if such action would elect me I should feel that I had purchased my seat through betrayal of duty. Membership here is not worth such a price. I have never known anything but the hardest and most grinding work since I have been here, and I can see nothing else ahead; but when I quit, sir, I must have the satisfaction of an approving conscience and not carry with me the knowledge of a violated oath and of a surrender of conviction to cowardly fear of political defeat. No; I shall vote my judgment here, under no obligation to anyone except to my State and country. I deplore the fact, if it is a fact, that some Senators may be influenced in their vote in this case by the thought of what will happen to them back home.

I remember that the senior Senator from Washington [Mr. JONES] first voted to unseat Mr. Lorimer, and then on the second occasion, when the question came up, after the Senator from Washington had been put on the committee to investigate and the investigation had been concluded, he voted to seat Mr. Lorimer. When he did so the great Roosevelt, who was then so antagonistic to Mr. Lorimer, said to the people of Washington and of the country that the Senator from Washington and other Senators should be defeated because of their votes for Lorimer. They were not defeated. Thank God, the Senator from Washington was not defeated, because his defeat would have robbed his State and the Nation of one of the ablest and most conscientious Senators who ever sat in this body. So, Mr. President, it is a cowardly, a dastardly argument to threaten Senators with destruction if they do not happen to vote as the man who makes the threat thinks they ought to vote.

The country is not in so much danger from the use of extravagant sums in elections as it is from the betrayal of the confidence placed by the people in the Members of the House and Senate. The people can and will change their representatives when they please and for what they please; but the influence of the promoter of class prejudice, of the time server who poisons the public mind with unjust reflections upon men in public life, inflicts a permanent injury upon society.

I expect to be a candidate for reelection; I expect to have opposition backed by millions of dollars, but it does not frighten me. Of course, if I shall not be elected that will not be important; but I have never seen the time yet when merit would not win in an election in the State of Michigan, and if I shall be defeated I shall know I am not entitled to win. So if I have the merit I shall expect to carry the election, and if I do not have it I will be defeated, but that thought does not weigh with me an ounce in this matter.

Mr. President, I was speaking of the threats made that we are to meet opposition at home if we vote our judgment and that judgment should happen to be in favor of Mr. Newberry. I repeat in all candor that for myself I do not know how anybody who has studied this case from beginning to end and knows all the circumstances connected with it can vote to unseat Mr. Newberry. I say the fight against him was born in politics. When Mr. Wilson put Mr. Ford in the ring and into the campaign, that was the real genesis of this case. Mr. Wilson had said he wanted none but Democrats sent to the Congress, and it looked as though he could divide the Republican Party in Michigan by putting Mr. Ford on both tickets.

It is true that the Newberry committee was organized before Mr. Ford declared himself a candidate, and before that time comparatively little money was expended. It was, however, known that Mr. Ford was a strong possibility. So long as he is in the hands of politicians who know what they want he will be a political possibility. I am not complaining about his political ambitions; he has the same right as every other man to aspire to public position; but his great wealth and disposition to advertise give him great power and influence.

Mr. HEFLIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. TOWNSEND. I yield for a question.

Mr. HEFLIN. I think the Senator does President Wilson an injustice by saying that he asked that none but Democrats be elected to Congress. He wanted a majority of his party elected to Congress just as Mr. McKinley, Mr. Lincoln, and Mr. Roosevelt on former occasions asked that a majority of their party be elected.

Mr. TOWNSEND. Very well; with that explanation my statement may stand.

Now, Mr. President, I am not standing here alone because of my belief in Mr. Newberry's title to his seat. I know he is a patriot, and not one act of his since he became a Senator has been

criticized. When he was here and permitted to work every Senator, Democrat and Republican, will bear evidence to his splendid ability. No; there is nothing against him, so far as his service here is concerned. There can be nothing against him so far as his service to his country is concerned; there can be no question raised as to that. Although he has been abused shamefully, he is a clean man; he was clean before and has been clean since that primary. Did he and others associated with him in the campaign become corrupt overnight? In one campaign did they become corrupt? I do not believe they did, and not so believing, I shall certainly not vote against him.

But, Mr. President, I am interested in the State of Michigan. If that election was bought, somebody sold it. If Truman Newberry or his friends bought his election, thousands of people of Michigan sold it; and yet, sir, there has not been one word of evidence to show that there was any fraud or even any indirection connected with that election. By a majority of several thousand our people said that they preferred Newberry to Ford, and now, sir, before I, as a Senator from my State, will permit an act for personal political reasons, because of feelings of cowardice, or for any other reason to be done, I must raise my voice in protest in behalf of the people of my own State, than whom there are no better people in any State in the Union. This is an indictment not only of a Senator but of the people of the State of Michigan, and I believe it has not been properly brought.

The junior Senator from Alabama [Mr. HEFLIN] on yesterday made some remarks during the course of which he stated that he was going to ask the junior Senator from Michigan certain questions, if he appeared on this floor. If the junior Senator from Michigan permits such questions to be asked and for the purpose for which they will be asked, I shall have less respect for him than I have now. The junior Senator from Michigan will submit to proper questions, but neither the Senator from Alabama nor any other Senator has any right to cross-examine any Senator on this floor, and every Senator would resent such an attempt. If the junior Senator from Michigan speaks here, it will be upon his honor as a Senator, and I submit that that honor is as high as that of any other Senator in this body.

Mr. HEFLIN. Mr. President, will the Senator yield there?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. TOWNSEND. I yield.

Mr. HEFLIN. The Senator holds, then, that Truman H. Newberry should be permitted to come here and say just what he desires to say and nothing else, and that Senators must sit silent and permit points that they would like to have elucidated go unexplained?

Mr. TOWNSEND. I would accord the junior Senator from Michigan the same rights that I would accord the Senator from Alabama, and that the Senator from Alabama would demand. The Senator from Alabama would talk as he pleased if he took the floor, and he would yield when he pleased. Senator Newberry will do the same thing, I have no doubt, although I have not talked with him about this point.

Mr. HEFLIN. If my seat were involved, like his, I would be willing to be questioned by Senators about every phase of the case.

Mr. TOWNSEND. That is a question for the Senator himself to decide. How many times have I been on this floor and heard questions asked of Senators which they resented, because they said: "You can not cross-examine me, and you must say nothing to me that reflects upon my honor."

Mr. HEFLIN. That must have been where a Senator's right to sit here was not questioned. Now we are talking about a man whose right to sit here is questioned.

Mr. TOWNSEND. It is questioned by some of the Senators. He will answer questions, no doubt, that are proper; but for Senators to think that they can rise before another Senator and heckle him, insult him, possibly, and give notice beforehand that they propose to heckle him, that they propose to ask him all kinds of questions, pertinent and otherwise, to my mind, is intolerable.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan further yield to the Senator from Alabama?

Mr. TOWNSEND. I yield.

Mr. HEFLIN. It was not my purpose to heckle him. It was my purpose to ask him about testimony submitted by an ex-governor of his State and the present lieutenant governor of his State about the situation.

Mr. TOWNSEND. Neither the late governor of the State of Michigan nor the lieutenant governor have testified to anything except hearsay in reference to this campaign, and both of them wrote letters to Newberry congratulating him upon his election. I do not care anything about that. It is pure hearsay.

I repeat what I said before, that Senator Newberry is a Senator here. Until you vote him out, he is a Senator. He has a right to appear here on this floor upon his honor as a Senator. That is what he will do, if he comes at all, and what he says is entitled to respect. He is the peer of any one of you, here or there. He has demonstrated it in his life. Many of you have had scandals about elections in your States—most of you have. At the same time that this question arose in reference to Newberry in 1918 there were some half dozen on this floor who were also published in the papers as having had peculiar methods employed in their elections. There is not any question about that. I do not hold you guilty because those rumors were prevalent. I state that you are entitled to the respect of the Senate until the vote has been taken and you are denied a seat here.

No Senator ought to rise in his place for the express purpose of embarrassing a Senator in his statements of fact, and especially a Senator who has suffered the tortures of hell, and who no doubt would give every dollar he has if he had not entered the race at all. He has had nothing but sorrow and suffering and persecution from the beginning until this hour. He is entitled to decent respect, decent treatment, at least, on the part of his colleagues on this floor.

Mr. President, I have already talked longer than I expected to do.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Montana?

Mr. TOWNSEND. Yes.

Mr. WALSH of Montana. I hope that before the Senator gets through he will favor us with his views concerning the legality and the propriety of the employment of this great army of paid workers that the testimony shows were employed in this case and give us his views concerning the meaning of the Michigan statute upon that subject.

Mr. TOWNSEND. I thought I had already covered that. I shall be glad to do it again. I discussed that to some extent. I hate to repeat myself, but I shall be very glad to say that I do not think the Michigan statute was violated by committee employment, unless it were in some isolated cases, without authority, that somebody had somebody else at the primaries, at the polls, within an improper distance of the polls. I do not know of any such case.

Mr. WALSH of Montana. Of course, I do not refer to the isolated cases. I should like to hear the Senator concerning the entire system of going out about the State and employing agents.

Mr. TOWNSEND. I stated a moment ago, Mr. President, that this campaign for Mr. Newberry was just like the Senator's campaign and every other campaign, but on a smaller scale. We all organize or attempt to organize as best we can for our election when we are nominated or seeking the nomination. We try to get our friends interested in our behalf. If we are able to do it, we make a canvass of the voters. We get a list of names, the poll list, from the secretaries or somebody else. We send out such literature as we feel we are able to send out. Some of us, already in the Senate, send it out at public expense, putting it in franked envelopes to send around, which reduces the cost to us but immensely increases the cost to the people. We do that. We send out the literature, our speeches; we send out such things as we think will be helpful to us. Now and then we hire some space in the newspapers and pay for it. Where the paper will not voluntarily take it and publish it for us as daily news we buy space, sometimes, and pay regular advertising rates for it. We all do that. There is no use of denying it. I think it is lawful.

There are some people who say they do not have to spend any money. Well, in the past I have been reasonably popular in my State, and did not require, perhaps, any more than the ordinary amount of advertising, but I have tried to do the best I could always to advance my cause.

What is the difference between that and the Newberry case, as I understand it? Mr. Newberry organized all of the counties in our State, save one, in that way. Instead of advertising in six or eight papers, as I did, he advertised in 300, all of the papers. He put his advertisements in all of the papers. Now, I attempted to say what I will repeat: Can we draw a moral line or a legal line, and say that the amount of advertising, the amount of publicity, the amount of canvassing, must be limited to the amount of my means, a poor man? Will that be the limit? Will it be said that if a man is worth twenty-five, thirty, or forty thousand dollars, what he can pay shall be the limit of the expense to which all can go in the way of advertising in the

papers; or shall we say "It is legal to do this, and anybody can do little or much of it, as he sees fit"?

I do not believe that the State statute was violated. I believe that they had the right to hire the workers that they spoke about, unless they were within the confines of the polls or too near there, as canvassers. The statute was passed after the act of 1909, but they were workers, nevertheless.

Mr. WALSH of Montana. Of course, the Senator spoke about newspaper advertising. I want to get his view about that later; but for the present I should like to direct his attention to the subject of the paid workers. Mr. Phillips, for instance, was a paid worker.

Mr. TOWNSEND. Does the Senator think it was illegal under the statute to pay Mr. Phillips?

Mr. WALSH of Montana. I do. There is a vast number of such cases. Every county chairman was a paid worker and was paid for his services. There was a man hired to travel around the State and go among the Masons and endeavor to persuade the Masons to support Mr. Newberry.

Mr. TOWNSEND. In other words, to canvass.

Mr. WALSH of Montana. We will get to that directly. Another man was employed to go about among the fraternal organizations generally to persuade them. Another man was employed to go about among the veterans of the Spanish-American War.

Another man was employed to go about among the laboring men, and so on, and so on. I am speaking about paid workers. I want to know from the Senator if it is his view that the employment of such paid workers, their activities being reported daily to Mr. Newberry in New York, is forbidden by the statute of the State?

Mr. TOWNSEND. I do not think it is.

Mr. WALSH of Montana. What has the Senator to say, then, in respect to this statute which I have before me, section 45 of the laws of his State of 1909:

> Every person who, directly or indirectly, by himself or by any other person in his behalf, gives, lends, or agrees to give or lend, or offers or promises any money or valuable consideration, or promises or endeavors to procure any money or valuable consideration or office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce or have such person induce any voter to vote for or refrain from voting for, or support or oppose any candidate, or on account of such voter having voted or refrained from voting at any primary election in this State; every person who by any means receives, agrees, or contracts for any money, gift, fee, loan, or valuable consideration, office, place, appointment, or employment for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting in a particular manner at any such primary election; or for inducing or undertaking to induce any other person to vote in a particular manner, or to do or perform any of the acts of things forbidden by this act, or on account of doing or agreeing to do, or having done any campaign work, electioneering, soliciting votes for such candidates on primary day or prior thereto, or who after any primary election in this State, directly or indirectly, by himself or by any other person in his behalf, gives or receives any money or valuable consideration or place, position, or employment on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any such primary election; or having induced or undertaken to induce any other person to vote in a particular manner or for any particular candidate at any such primary election, or on account of any person having done or been a party to doing anything forbidden by this act, it being the intent of this clause to prohibit the prevailing practice of candidates hiring with money and promises of positions, etc., workers on primary day and prior thereto; also, every person who in behalf of any firm, partnership, association, or corporation gives, lends, or receives, or agrees to give, lend, or receive, or offers or promises any money or valuable consideration, place, position, or employment, or promises or endeavors to procure any money or valuable consideration, in order to aid or promote the nomination of any particular candidate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment for a period of not more than six months, or by both such fine and imprisonment, in the discretion of the court.

What has the Senator to say about that?

Mr. TOWNSEND. I discussed that matter, too, when I was on the subject before. The act of 1913, four years after that, mentions 11 things that can be legally done involving the spending of unlimited amounts of money.

Mr. WALSH of Montana. Yes; I have that statute before me.

Mr. TOWNSEND. That statute mentions 11 things that can be done, practically every one of them meaning a worker that can be employed. Another thing, if the Senator please: This statute has been the law in Michigan since 1909. It was the law when this primary ended, and Mr. Ford's hired men knew it. They have known it. They have seen it violated, if the Senator's construction is right, at every election, because they do employ men to make canvasses, which includes the things the Senator has mentioned.

Mr. WALSH of Montana. Upon what record does the Senator say that Mr. Ford employed workers?

Mr. TOWNSEND. Why, he has had his attorneys with him all the time, from the beginning.

Mr. WALSH of Montana. Working for him? Electioneering for him?

Mr. TOWNSEND. Oh, I am not saying that. I am talking about looking after his interests in this case and against Mr. Newberry.

Mr. WALSH of Montana. Let us not get away from the issue here. We are talking about hiring workers to electioneer.

Mr. TOWNSEND. I am talking about that, too. If that is the law as the Senator reads it now, why have they not prosecuted these people in Michigan? Why was not Newberry prosecuted under that law?

Mr. WALSH of Montana. Of course, that is no answer. That is all the answer the Senator cares to make; is it?

Mr. TOWNSEND. That is all the answer I care to make. I insist that the act of 1913 permits the things that have been done here.

Mr. WALSH of Montana. I have the act of 1913 before me. I shall read it, and ask the Senator to——

Mr. TOWNSEND. That has been read over and over again. It has been read by the Senator; it has been read by other Senators. I think we are all familiar with it. There is a chance for an argument as to what a worker means, and whether the statute of 1913 does permit the things that we are talking about, and which have been practiced every year since the act of 1913, at least, was passed, nobody questioning them.

Mr. WALSH of Montana. Oh, but it is really no answer to say that no prosecutions have ever been had under the act. Of course, it has been repeatedly stated here that illegal acts have been perpetrated in connection with many elections, many more than have been prosecuted. That is no answer that ought to satisfy any man. We ought to have, it seems to me, from the Senator from Michigan—who is a lawyer of distinction and of reputation that is very well deserved—his construction of this statute, what it means. Apparently the Senator contends now, and his view is, that this statute of 1909 did prohibit the employment of workers.

Mr. TOWNSEND. That was a criminal statute.

Mr. WALSH of Montana. Exactly. The Senator's view is quite different from the view expressed by the distinguished Senator from Missouri [Mr. SPENCER].

Mr. TOWNSEND. No; now, just a moment. That was a criminal statute that was passed in 1909, and it had reference, no doubt, to criminal acts or practices that had existed in the way of men going out and inducing, through money and promises, men to vote a certain way by buying their votes. There is no charge that any such thing was done in this case.

Mr. WALSH of Montana. Oh! Then the Senator agrees, apparently, with the Senator from Missouri [Mr. SPENCER] that the proper construction to be given to the act of 1909 is that it does not prohibit the employment of men who are simply to go out and use arguments and proper persuasions with the voters around the State, but it only prohibits the employment of men who are to go about and bribe voters. That is the construction of the statute given by the Senator from Missouri, as I understand it.

Mr. TOWNSEND. I agree with that.

Mr. WALSH of Montana. The Senator agrees with that?

Mr. TOWNSEND. I know where the Senator is going from there, too.

Mr. WALSH of Montana. Then I want to call the Senator's attention to this part of the statute:

> It being the intent of this clause to prohibit the prevailing practice of candidates hiring with money and promises of positions, etc., workers on primary day and prior thereto.

I want to inquire of the Senator if it was the prevailing practice in his State for candidates to hire workers to go out around the State to bribe voters?

Mr. TOWNSEND. I do not think it was the practice, but I think it was indulged in in my State as it was in the Senator's State.

Mr. WALSH of Montana. It was the practice, apparently, to hire workers, and that is the practice which was to be prohibited.

I wish to interrogate the Senator about this act of 1913. It is there provided that—

> No candidate and no treasurer of any political committee shall pay, give, or lend, or agree to pay, give, or lend, either directly or indirectly, any money or other valuable thing for any election expense whatever, except for the following purposes:
>
> First. For traveling expenses and personal expenses incident thereto.

Mr. TOWNSEND. Is the Senator still addressing himself to me?

Mr. WALSH of Montana. Yes.

Mr. TOWNSEND. Is the Senator still asking questions?

Mr. WALSH of Montana. I wish to find out under what law or statute of Michigan the Senator from Michigan finds any justification for the employment of this great army of paid workers. I do not refer to any particular instance in which these workers may have used what might be spoken of as corrupt means. There are, of course, instances of that in the record, but I do not refer to them. I refer to the entire system under which this campaign was conducted, the general employment of paid workers for the purpose of going out and urging other citizens to vote for Mr. Newberry, and helping to organize the counties, as it is expressed, and all that kind of thing.

I read:

For traveling expenses and personal expenses incident thereto for printing, stationery, advertising, postage, expressage, freight, telegraph, telephone, and public messenger service.

The Senator would not contend——

Mr. TOWNSEND. Anyone who was advertising would be a hired man, of course. He would be paid for advertising and under that clause he would be a worker.

Mr. WALSH of Montana. Would the Senator say that this clause would justify the employment, for instance, of a man who traveled around the State securing the support of fraternal institutions?

Mr. TOWNSEND. No; I think he would be justified in paying him for going around and advertising.

Mr. WALSH of Montana. What did the Senator say?

Mr. TOWNSEND. I think he would be justified in hiring men to go around advertising, whether he went among the Masons or the seamen or the laboring men or what not. He had a right to do this, to give publicity, and he could hire men to do it.

Mr. WALSH of Montana. What I want to know from the Senator is whether this particular clause justifies the employment of these men?

Mr. TOWNSEND. Not all of them, but read on.

Mr. WALSH of Montana. I read:

Second. For traveling expenses and personal expenses incident thereto, for printing, stationery, advertising, postage, expressage, freight, telegraph, telephone, and public messenger service.

Would that justify such employment?

Mr. TOWNSEND. Public messenger service would cover something, but it would not cover all that the Senator has in mind.

Mr. WALSH of Montana. It would not cover, for instance——

Mr. TOWNSEND. The Senator is going to read the balance of it?

Mr. WALSH of Montana. Oh, certainly. Would it cover, for instance, the specific case which I have spoken of, where men traveled around among the laboring men and endeavored to secure their support?

Mr. TOWNSEND. He might be justified in going around and advertising, circulating documents, or publicity matter.

Mr. WALSH of Montana. Oh, yes; but I am speaking about the general organization, the Senator understands, the men who did the general work. I do not mean the boys who were employed to scatter dodgers around.

Mr. TOWNSEND. There is no distinction between boys and men in that clause.

Mr. WALSH of Montana. No; not at all. Of course, if a man was employed to scatter literature and that was all he was called upon to do, that would be one thing. If he was employed for the purpose of endeavoring to induce other people, by persuasion and argument, and so on, to support his candidate the Senator would recognize that that would be quite different.

Mr. TOWNSEND. Suppose he was employed in a county to organize the county for the purpose of publicity, would that be proper or improper?

Mr. WALSH of Montana. That would depend on whether his duties devolved some exercise of persuasion and inducement, or whether he was merely to pass bills around. If he was to do a mechanical act, of course, he was not liable. I read further:

Second. For the dissemination of printed information to the public.

Would that justify the employment of these men?

Mr. TOWNSEND. The employment of whom?

Mr. WALSH of Montana. For the dissemination of printed information.

Mr. TOWNSEND. Would it justify the employment of whom did the Senator say?

Mr. WALSH of Montana. Of the general run of men who were employed?

Mr. TOWNSEND. I think it would justify the employment of any men who did that thing to disseminate information.

Mr. WALSH of Montana. Exactly.

Mr. TOWNSEND. I do not think there is any question about it.

Mr. WALSH of Montana. Let us take, for instance, a man who was employed to go around among the laboring men.

Mr. TOWNSEND. They can use literature just the same as anyone else.

Mr. WALSH of Montana. Is it the understanding of the Senator that those men had nothing to do except to disseminate literature?

Mr. TOWNSEND. They might have done several things under the very statute the Senator is reading.

Mr. WALSH of Montana. But I mean under this particular subdivision. Would the Senator think it could be justified under this subdivision?

Mr. TOWNSEND. In doing what?

Mr. WALSH of Montana. In going around among laboring men.

Mr. TOWNSEND. I think so, for advertising and the dissemination of information.

Mr. WALSH of Montana. Of course, if the Senator thinks so, I need not go any further.

Mr. TOWNSEND. Very well; that is the way I think.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The question is on agreeing to the amendment, in the nature of a substitute, offered by the Senator from Montana [Mr. WALSH].

Mr. SPENCER. Mr. President, I do not intend to speak upon the pending resolution, but I do wish to say a word in answer to the question of the Senator from Montana [Mr. WALSH]. I know what a distinguished lawyer the Senator from Montana is. We might just as well fairly face the question that we have a long statute to construe, which the Senator read in its entirety and read accurately. All I want to say to the Senator from Montana is this:

The Senator from Montana seriously contends upon the floor of the Senate of the United States that the statute of the State of Michigan makes it unlawful to hire any worker on primary day or prior thereto. If the construction which the Senator from Montana puts upon that statute is correct, it means that if any man in Michigan hires a man to distribute cards or hires a man to obtain the names of voters in a precinct, or visits the people of a precinct to talk with them about the election or about the candidate—things which the Senator from Montana knows have been done in every State in the Union—if the construction which the Senator puts upon that statute is right those things are criminal——

Mr. WALSH of Montana. Not at all.

Mr. SPENCER. And the man who does them is a criminal, because that man is a hired worker——

Mr. WALSH of Montana. Not at all.

Mr. SPENCER. Working before the primary.

Mr. WALSH of Montana. Not at all. He does not——

Mr. SPENCER. Will the Senator from Montana say why not?

Mr. WALSH of Montana. The distinction is clearly pointed out in the opinion of the court of appeals of the Senator's own State. The distinction is that when a man is employed merely to do a mechanical act he does not violate the statute. The statute never was intended to cover that kind of a case. It is only when he goes about to induce by persuasion or discussion or argument or other matters of that kind.

Mr. SPENCER. Let us put it the way the Senator from Montana now puts it, that the man who for hire goes among his neighbors or his associates to present the claims or the facts of a candidate, thus being a hired worker, is a criminal himself, and the man who hired him is a criminal?

Mr. WALSH of Montana. Yes.

Mr. SPENCER. Yet those things are not only done but ought to be done in every election.

Mr. WALSH of Montana. They ought not to be done for hire, however.

Mr. SPENCER. Yes; for hire.

Mr. WALSH of Montana. Oh, no.

Mr. SPENCER. For hire, and it has so been done always, and always will be so done.

Mr. WALSH of Montana. And the courts have always held that it is against public policy.

Mr. SPENCER. So they have; and the case to which the Senator referred in the court of appeals in my own State had nothing to do with the crime of an act. It was a civil case where a man was seeking to recover pay that he claimed was due him for some such work. The court of appeals said that

that was such an employment against public policy, having to do with an election, that they would not enforce the contract. But there was nothing morally wrong about it, and there is no parallel in the case before us.

The Senator knows well enough that if the Senator and I were to have a wager of a dollar upon some event in which we were interested, and if I lost and the Senator attempted at common law to enforce that wager, the court would say, "No; it can not be enforced." But the guilt, the moral burden, would be upon myself who failed to carry out my agreement.

There are a multitude of things which, according to public policy, can not be enforced in a court of law in a civil proceeding. That is not what we are talking about. We are talking about whether the Senator from Montana really seriously contends that because, not an army—the Senator could count them in a minute so far as the record goes—but that because here and there and elsewhere in the State of Michigan men were hired to do things not regular in themselves, no bribery, no corruption, but to disseminate information and to arouse legitimate interest in the campaign, they are criminals.

Mr. WALSH of Montana. The testimony is that the chairman and secretary in every county in the State was paid.

Mr. SPENCER. Paid, but not paid except for the legitimate expenses which they incurred. The Senator can not put his finger upon one line of testimony which shows the payment of a dollar for a corrupt or improper purpose or for bribery or a dishonest use.

Mr. WALSH of Montana. They were paid for their services.

Mr. SPENCER. Let me finish my statement, if I may. If the Senator's construction of that statute is correct, if it is wrong to pay a man the expenses which he has incurred in a county, if it is wrong to pay a man for the time he uses and gives in disseminating information about a candidate or a cause or a principle, if those things are wrong under a statute of Michigan and are branded as criminal, why is it, as the senior Senator from Michigan [Mr. TOWNSEND] intimated a moment ago, that in that State, where politics run high and where men are keen to avail themselves of every advantage which may benefit their party, that not once in the history of Michigan in a single county has there been a prosecuting officer who ever presented a charge for what the Senator from Montana now thinks is a crime in the State of Michigan?

Mr. WALSH of Montana. The Senator does not know that there was not.

Mr. SPENCER. If there had been, that fact would have been brought out on the floor of the Senate. I have examined into it myself as far as I have been able, and I make the statement from that examination that there is not the record of a single proceeding of that kind. In this case, when the activity and money and vindictiveness of Mr. Ford have been evidenced a thousand times, if there was any chance of enforcing the law as the Senator from Montana construes it, does not the Senator presume that it would have been considered by the agents of Mr. Ford and a proceeding started in every county in Michigan? If in every county the statute had been violated, as the Senator from Montana construes it, does the Senator think, from what he reads in this record, that Henry Ford would have allowed a single man in Michigan to escape the enforcement of a law which he believed had been violated in the interest of Truman H. Newberry?

There is no argument which is conclusive in that state of facts, but it must be persuasive to a fair mind that the Senator's interpretation of that law may be unwarranted. With deference to the Senator's judgment as a lawyer, I differ with him in toto in the interpretation of that law. I challenge the Senator to read again the opening sentences of that law, which clearly stamp its purpose that runs like a scarlet thread through the whole section. It has to do with the giving of money or position to induce a voter to vote a certain way. I say that it is a strained construction which the Senator from Montana seeks to give to the law when he says that because a man is hired to do a legitimate thing he becomes a criminal under that construction.

The Senator from Montana has forgotten, too, in his construction of the law, which construction, I think, is strained, what he is seeking to establish, that a Senator of the United States shall be unseated because of a failure of whom? Of some men in the State of Michigan whose names, so far as the record goes, are unknown to Senator Newberry, with whom he had no connection, with whom there is not a word of evidence to show that he ever held a word of conversation.

The Senator from Montana contends that because some man in some county hired a man to do a perfectly legitimate thing, for that reason the junior Senator from the State of Michigan ought to be expelled from his seat in this body.

I say it is atrocious in its brutality. I say that the great facts of the case are forgotten. The Senator knows that a man might start out to view the great Pikes Peak of Colorado and, looking at a single spot with a microscope before his eyes, see nothing but a puddle of mud. Yet the Senator from Montana, of all men, for he lives in the West, where men look upon mountain tops, knows that if such a man, who would come back and say, "Yes; I have seen Pikes Peak, I watched it this morning, it is nothing but a puddle of mud; that is the way it looked through a microscope," had looked at the mountain top would have seen it in all its majestic grandeur.

I say to the Senator from Montana, with all the conviction I can put into it, that the big things of this record, the vital, crucial things that would determine the case before a judge, are all one way, and that a microscopic examination into details, with which there is not the slightest evidence to connect Truman H. Newberry, is not fair in any proceeding before this body.

Mr. WALSH of Montana. Mr. President, I derive a great deal of satisfaction from the fact that this able disquisition upon a simple proposition of law, namely, the construction of a statute, was listened to by the distinguished senior Senator from the State of Rhode Island [Mr. COLT], long a judge, called upon to determine questions of that character. I submit that if that kind of an argument were made before him as a judge of his court upon the construction of a statute it would not, as I think, be very persuasive.

Neither do I think he would find much force in the contention that a certain construction of criminal statutes was not correct, because if it had been correct prosecutions would have been instituted under it. That kind of talk may do very well in some places, but it would not have any persuasive force with a body of lawyers nor with a body of intelligent men who are endeavoring to seek what the statute means. The statute expressly prohibits paying for electioneering. What does that mean? Everybody understands it. The boy who goes about the street distributing cards or newspapers or periodicals or the billposter who posts up bills upon a board does not engage in electioneering. Electioneering means something else; it means the use of persuasion, the use of argument, the use of the arts that are ordinarily employed to induce a man to accept one view or another.

Mr. President, there is no way of getting away from this. The statute of 1913, to which the Senator from Michigan has referred, expressly provides, in subdivision 7, that money may be used "for the payment of public speakers and musicians at public meetings and their necessary traveling expenses." That means that money may not be legitimately paid in the State of Michigan to private speakers who do not address public meetings, but who speak privately to the voters.

Mr. JONES of Washington. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Washington.

Mr. JONES of Washington. I should like to have the Senator's construction of the ninth subdivision of the act, which reads in this way:

> For making canvasses of voters.

Mr. WALSH of Montana. I shall be very glad to give the Senator my construction of that language.

Mr. JONES of Washington. I should like to have the opinion of the Senator from Montana as to what that language means.

Mr. WALSH of Montana. I am perfectly satisfied as to what that means. I have heretofore given the dictionary definition. It means ascertaining how the voters will vote.

Mr. WALSH of Massachusetts. Will the Senator from Montana again state the provision of the law?

Mr. WALSH of Montana. The ninth subdivision of the law reads:

> For making canvasses of voters.

"Making canvasses of voters" means exactly the same as making canvasses of Senators. I dare say that some one is now engaged in making a canvass of the Senators upon the question which is before us. A Senator goes around upon the other side to ascertain how Senators are going to vote in the Newberry case. One Senator says, "I shall vote for the resolution to seat him," and another Senator says, "I shall vote against it." When the task is completed he says, "This is a canvass of Senators which I have made." The Senator understands that that is an ordinary part of a political campaign. I have paid men in my State for a list showing how the voters in certain localities were going to vote, one way or the other.

The man who does that work may possibly be a partisan, and while he is going around doing the work he may possibly use some persuasion; but that is another thing. The statute re-

fers to the man who is employed to canvass the voters and does not do anything else but merely ascertains mechanically how the voters are going to vote.

Mr. JONES of Washington. Does the Senator think that if a man who is going around ascertaining how the voters will vote should go further under his instruction and use arguments in order to convince the voters how they ought to vote, that would bring him within the penalty of the statute?

Mr. WALSH of Montana. It would if he were employed to do it. The manager of a campaign might very properly employ a man to go around and make a canvass of the voters, stating, "That is your job; that is what I am going to pay you for." Of course, if he was employed to do that, and he went beyond that and used persuasion, he would not have been employed for that purpose, and therefore neither he nor the other man could be subject to the penalties of the act.

Mr. JONES of Washington. Does the Senator from Montana construe the testimony here as showing that the men, for instance, those to whom he has referred, were not employed primarily to make a canvass of votes but to go about and influence the voters?

Mr. WALSH of Montana. Certainly. For instance, it is in the testimony in this case that Paul King wrote to Mr. Newberry "we do not intend to get the ordinary fellow; we intend to get the leaders in every community," for the purpose, of course, of influencing the community in that direction. Why employ the leading man in the community—the banker or the lawyer or the leading merchant—to go around and ask Jones and Smith how they are going to vote? Of course, anybody could do that, but that was not satisfactory. They were employing the leading man in every community, the men of influence.

Mr. SPENCER. Mr. President, will the Senator yield for a question?

Mr. WALSH of Montana. Just one moment. To illustrate, I call attention to the case of the Hansons. They said, "We need the Hansons. We can not carry their part of the county without them. We could get other men, of course, but we can not accomplish much unless we get the Hansons." And they proceeded to get the Hansons. It is shown that they came and slipped them some money, but the Hansons were good enough to return it; they did not want the money; they worked without it. So, Mr. President, it is not conceivable that we can read this evidence as signifying that all of the men who were employed were employed merely for the purpose of getting a list of voters and showing whether or not they would vote for Newberry or for Osborn, as the case might be.

Now I yield to the Senator from Missouri.

Mr. SPENCER. Can the Senator point anywhere in the testimony to a case where any man was hired to influence the voters or to persuade the voters to vote in any way, either for or against Newberry?

Mr. WALSH of Montana. I can do so in innumerable instances.

Mr. SPENCER. Will the Senator be kind enough to point to one?

Mr. WALSH of Montana. Yes; I shall be very glad to do so, but I have not the testimony at hand. However, I shall be very glad before we get through with this discussion to supply to the Senator from Missouri a list of such cases.

Mr. SPENCER. I shall be very glad to have the Senator do so from the testimony.

Mr. WALSH of Montana. I could easily turn to my notes and find such cases.

Mr. POMERENE. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Ohio.

Mr. POMERENE. If the Senator from Missouri really wants the information for which he asks, I desire to say that if he will read the minority report he will find most of it there.

Mr. SPENCER. I have read the minority report with care and with very great pleasure, because it was prepared by the Senator from Ohio.

Mr. POMERENE. The Senator from Missouri while he was reading the report must have been preoccupied with some other subject, otherwise he would have had the information for which he has asked the Senator from Montana.

Mr. SPENCER. It would be difficult to be preoccupied to any such extent when reading anything which had been produced by the Senator from Ohio. My question, however, was as to whether or not there is any evidence to show that men were hired to induce or to persuade voters. I do not now yield to a construction that would make such an act criminal along any ordinary lines, but because of the point which the Senator from Montana [Mr. WALSH] has just so clearly made, I desire to say that I doubt if there is one word of testimony to show that any man was hired to persuade or induce voters. There were men who were hired to organize counties.

Mr. WALSH of Montana. Let us understand the Senator.

Mr. SPENCER. I am trying to make myself understood.

Mr. WALSH of Montana. Let us understand the Senator from Missouri. When a man is employed to organize a county, is he not employed to endeavor to induce the voters of that county to vote for some one?

Mr. SPENCER. By the methods, of course, which are provided by law; he is not presumed to be employed to do an unlawful thing. There are many ways of organization—by public meetings and by publicity, for instance—that are expressly authorized by the statute of Michigan; but I asked the Senator a question. He said—and he was quite right—that where a man is employed to canvass there was nothing illegal in that, but if in the canvassing he should happen to make an argument to a voter, and should do it for hire, at the suggestion of the man who hired him, that then, in the judgment of the Senator from Montana, there was a criminal act instantly committed.

Mr. WALSH of Montana. Under the plain language of the statute.

Mr. SPENCER. Under what the Senator thinks is the plain language of the statute. Now I raise the point that, so far as I remember, there is no testimony to show that men were hired with instructions to do even what the Senator from Montana complains of. The testimony shows that when they were hired the law was before them, and they were hired to organize, as they had a right to do, even under the Senator's interpretation, for they were doing things that were permitted under the laws of Michigan.

Mr. WALSH of Montana. Of course, if I read the record aright, they were all hired to electioneer, to induce their fellow voters to vote for Newberry.

Mr. SPENCER. That is the Senator's inference, but I am asking him if there is any evidence to sustain that contention?

Mr. WALSH of Montana. I think it is in the testimony.

I very much regret that the Senator from Michigan [Mr. TOWNSEND] is not here, for I really had intended to get his view about the matter of advertising. If I gathered the position of the Senator from Michigan aright, he takes the view—and I do not controvert it—that advertisements may be placed in any number of newspapers if it is a mere matter of bargain and sale affecting the advertising space without any understanding, express or implied, that the editorial policy is thereby to be controlled. I should like to have the opinion of the Senator from Missouri on that subject.

Mr. SPENCER. I think that any amount of money spent for advertising is permitted by the law of Michigan. I agree with the Senator from Montana that money spent under the guise of advertising but indirectly for the bribery of the editor of a paper is unlawful in Michigan and in every other State.

Mr. WALSH of Montana. Does the Senator think there was not anything of that kind in the Michigan case?

Mr. SPENCER. I do not think there was. I know what the Senator from Montana has in mind. I think he has in mind an instance referred to in the record, and I can quite understand the inference which the Senator from Montana may draw from that.

Mr. WALSH of Montana. I wish to read, then, some excerpts from the testimony.

Mr. SPENCER. I will be glad to hear them again, although the Senator has read them heretofore.

Mr. WALSH of Montana. Of course, the Senator might go out among school children and get them to believe that in the Newberry campaign money was spent for mere advertisements such as the grocery man and the dry goods man put in the paper; but the conclusion that the influence of the newspaper through its editorial columns and otherwise was expected, just exactly the same as the influence of the man who was employed to organize a county was expected, is irresistible from the record. However, there is more specific proof than that. I have collated some matters from the record. I refer, first, to the testimony of James Haskins, which is found in the record on page 872. He was one of Mr. Hopkins's assistants, Mr. Hopkins being the director of publicity. Mr. Haskins testified as follows:

> The original intention of Mr. Hopkins was to spend about $130,000 on the publicity work, but that of course $130,000 did not begin to cover it. He said also that he and Mr. Hopkins both, in the beginning, supposed that it was to be mainly a publicity campaign, and they afterwards found out that large sums of money were being spent, and Mr. Haskins spoke to Paul King about it, and he did not seem to like the statements that were made, but he did not deny them.

I refer next to the testimony of Fred D. Keister, found on pages 507 and 656 of the record. Mr. Keister asked for an automobile to do Newberry work, but he was paid $250 instead. He

testified that he was the publisher of the Elsie Sun and also a paper at Pewamo and editor of the State Journal at Lansing. His testimony in the record is as follows:

That at the time Mr. Floyd talked with me he said it was not necessary for me to state my connection with the work, as they did not want to antagonize Mr. Fehling; also that the work would be more efficient, or more effective, rather.

James Fisher (record, p. 507), a banker, who was active in Newberry's support, testified as follows:

He stated that he hired men to distribute literature; that he hired some boys whom he paid one or two dollars apiece for distributing literature, but where he could he hired men, for the reason that they probably would have more influence. He also stated that he gave $80 to a Finnish paper and $40 to Polish paper; that he paid a couple of Frenchmen for work; also several men in and about Larium amounts from ten to fifty dollars; one man, I think he stated, he paid $50 to. * * * Mr. Fisher also stated that he received $500 from Mr. McGregor as a gratuity. * * *

Paul Woodworth (record, p. 888), a prosecuting attorney in Huron County and secretary of the Newberry organization there, testified:

Newspaper men in county all got money. I received a letter from Newberry during the campaign thanking me for my services, and after the primaries I received a telegram and a letter from him.

Edward A. Nowack (record, p. 875, and bill of exceptions, p. 221), editor of the Kalkaska Publishing Co.—and this is a matter that I encountered the other day while going through the record again—testified:

He said that the advertising amounted to about $56 and this was paid from the Newberry headquarters at Detroit. He said that they also furnished him a ton of newsprint paper from the Central Michigan Paper Co. at Kalamazoo.

Bear in mind that he received his pay for advertising by check and got a ton of newsprint paper in addition.

He said it was plain paper. He said Floyd promised to send this to me. This was in June, shortly after I went to Kalkaska. * * * He told Charles Floyd he did not care to work for Mr. Newberry just for the advertising, and so they sent him a ton of paper to use for my paper for Newberry. He said the value of the paper was about $125. He said that he also received $50 from Charles Floyd at Grand Rapids on one occasion.

Dr. James B. Bradley (record, p. 652) in charge of the Newberry campaign in Eaton County, among other activities, testified before the grand jury as shown by the record as follows:

He also stated that he saw Mr. DeFoe, editor of the Charlotte Republican, in an endeavor to purchase the support of that paper for Mr. Newberry, and that Mr. DeFoe asked him $250 for the support. He afterwards saw him again and he had raised the amount to $500 which he wished for the support of the paper. He talked it over with Mr. King, and Mr. King told him to use his own judgment. He told Mr. King he did not think it was worth $500.

It was not a question of buying the paper, but it was a question of the price.

Another witness named King (record, p. 618) testified on this point as follows:

Mr. DeFoe wanted a larger sum for the advertising than Dr. Bradley thought was fair, and I believe volunteered to throw in the editorial support of the paper. Dr. Bradley spoke to me about it and wanted to know if we would pay any such sum.

* * * * * * *

I have forgotten whether it was $500 or more. It was something like that. I told Dr. Bradley that we were not buying editorial support of the Charlotte Republican or any other paper, and I would not consider it, and that he should tell Mr. DeFoe that it was entirely improper and we would not do it.

* * * * * * *

Mr. SPENCER. Mr. President, will the Senator read the last sentence again?

Mr. WALSH of Montana. I shall be glad to do so. It is as follows:

I told Dr. Bradley that we were not buying editorial support of the Charlotte Republican or any other paper, and I would not consider it, and that he should tell Mr. DeFoe that it was entirely improper and we would not do it.

Mr. ALFRED LUCKING. Did you not tell Dr. Bradley that you would leave it to his judgment whether he should pay $500 or not?

Mr. KING. I do not recall that I did.

Mr. President, if they were absolutely not doing business of that kind, why should he not recall that he had not said anything of the kind. The answer of Mr. King was, "I do not recall that I did."

Mr. ALFRED LUCKING. Did he not so testify?

Mr. KING. I do not know.

Mr. ALFRED LUCKING. And that he thought that it was not worth it? Is not that the truth about it?

Mr. KING. I do not know about that.

A telegram dated August 19, 1918 (bill of exceptions, p. 356), from Dr. J. B. Bradley to Paul King, at Detroit, reads:

* * * I tried to get the other Charlotte paper to-day but he turned me cold.

J. B. BRADLEY.

A witness by the name of E. C. Goodman (record, p. 890, and bill of exceptions, p. 538), a newspaper owner in Oscoda County, who was made secretary of the local Newberry county committee, testified:

He said that with the $100 we paid for advertising in my paper, one display advertisement and one reading notice marked advertising, and I also used my editorial column. He said I received a total of $170; the other $70 came from Detroit. * * * He stated that his advertising amounted to about $188 and that he had a circulation of his paper of about 900 copies weekly. He said the advertising ran throughout the entire campaign. He said that after his transaction with Prescott he entered into a contract with the Newberry senatorial committee—that is, for the advertising; that out of the $170 his expenses were paid; * * * that he went to Roscommon, and cost about $10 on that trip, and he went there to interview the editor of the paper in that town, but that the editor had already been taken care of.

A man by the name of Toaffer (bill of exceptions, p. 532), testified as follows:

I live in Detroit and am advertising man for the Abend Post, a German daily paper. During the 1918 primary the Abend Post carried Newberry readers—no display advertisement—only readers, written articles marked as advertising. * * * Our total bill for the Newberry advertising in the primary was $200. * * * I was shown this morning a certified copy of the Blair report. I did not discover the item there. * * * I received pay for that advertising from Mr. Oakman. * * * This advertising was not charged to the Newberry committee, but to Mr. Oakman.

That is a side issue.

John B. Mulder (bill of exceptions, p. 535) testified:

I live in Holland, Mich., where I publish the weekly newspaper called De Grandwet, published in the Holland language. I had an arrangement by which my paper published the Newberry advertising during the primary of 1918. * * * A part of this advertising was sent me by Mr. Hopkins. Mr. Floyd, of the Grand Rapids headquarters, had an arrangement for "readers." This reading matter which I call "readers" amounted to about sixty-odd dollars. I have looked through the report filed by Mr. Blair twice, but I could not find any name or the name of the paper. I received this $160.80 in different payments.

For advertising that was worth $60 at the regular rates.

I think one or two bills were sent to the committee just before the primaries. I received one payment in August, the balance of the payments in September.

George R. Murray (bill of exceptions, p. 195) testified:

I am the president of the Railway Men's Relief Association, whose headquarters are at Muskegon. * * * We publish a monthly magazine in connection with our work, of which I am the editor. * * * In the spring of 1918 I saw Mr. King and Mr. Floyd together at the headquarters of this relief association in Muskegon, where I had a conversation with them. They stated they were there in behalf of Mr. Newberry's candidacy for United States Senator, and they asked me if I was going to support Mr. Newberry, and I told them yes. They asked me if there was anything I could do to help to get the railroad men lined up for him, and I assured them I would give them my support. * * * Before leaving they said anything I could do along the line they would take care of me. Later I was given $300 for attending meetings, and then incidental expenses, such as postage and mailing out the Relief Signals. This $300 included the incidental expenses. * * * I got no money from Floyd beside the $300; $400 was paid to the magazine that we published. * * * In the month of July a display advertisement was published in this railway men's relief magazine, and then in the month of August there was a personal letter direct from me to the railroad men. There were no other display advertisements besides the one month of July. I think our bill for the one display in July was $150.

And so on, and so on. I refrain from reading further; but it is perfectly evident from all of this that the advertising was a mere cover for the purchase of the editorial influence of the paper.

Mr. SPENCER. Mr. President, the Senator from Montana has read a list, which might have been much longer, of money that was paid to newspapers for advertising. The report shows that out of the whole expense more than three-fourths of the money was paid to newspapers for advertising. The Senator has shown that the first and only time the matter came up to anyone in control he said that he would not buy the editorial policy of a paper; that paper or any other. I submit to the Senator that any attempt to deduce or infer or suspect because newspapers sold their advertising space that they thereby became corrupted is unwarranted, and that there is not the slightest evidence in this record to show the purchase of newspaper editorial policy.

[Mr. TRAMMELL addressed the Senate. After having spoken for nearly an hour he yielded the floor for the day.]

Mr. SPENCER. Mr. President——

Mr. HARRISON. Is the Senator from Missouri going to move to adjourn?

Mr. SPENCER. I was going to move to adjourn, but I yield to the Senator from Mississippi.

Mr. HARRISON. Mr. President, I do not care to have it read, but I should like to have inserted in the RECORD an article which appears in the New York Herald of this morning, which is entitled "Senator Newberry's opportunity." The New York Herald is a great Republican newspaper and has indorsed the policies of the administration. The editorial which I desire inserted is very illuminating.

The VICE PRESIDENT. Without objection, the request of the Senator will be granted.

The editorial referred to is as follows:

SENATOR NEWBERRY'S OPPORTUNITY.

The United States Senate, which by virtue of the Constitution is the judge of the election and qualifications of its Members, is expected within a few days to come to a vote on the question of whether Truman H. Newberry, of Michigan, who defeated Henry Ford in the election of 1918, is to retain his seat.

To some statesmen and newspapers this matter appears in the light of a considerable issue within the Republican Party. Others regard it as an issue chiefly of importance to the Senate itself.

Both of these angles may be visible to Senator Newberry; probably they are. But there is a third and very important angle, and this is the issue between Senator Newberry and himself.

Putting aside the honesty or falsity of the charges of corrupt practices which were made against the Newberry campaign and assuming that Senator Newberry was personally guiltless of any conscious violation of law or ethics, the fact remains that Ford's persistent charges for three years have raised the Newberry case to the dignity of a real issue.

The case has reached a stage when, no matter what the weight of evidence for or against, the vote in the Senate will be regarded as a political vote.

Under those circumstances, even if Senator Newberry's right to his seat should be sustained by the Senate, he would inevitably be handicapped by the incessant war that has been made on him for the last three years. The very fact that he is a member of the political party dominant in the Senate would be a matter of embarrassment.

Some of the best friends of Senator Newberry, jealous for the preservation of the good record he made in his country's service, believe that under the circumstances it would be the brave thing and the wise thing for him to resign his seat and submit his case to the people of the State of Michigan by standing for reelection.

In that course lies the only way to that clear-cut vindication which a man of Truman Newberry's character must desire far more than he desires mere continuance in the Senate.

MOTION-PICTURE INDUSTRY IN POLITICS.

Mr. HARRISON. Mr. President, one of the most powerful influences in America is the motion-picture industry. I do not know how many billions of dollars are now invested in it, but the sum is very large. Hundreds of thousands of men and women are employed in it. It touches every part of the United States and its influence is second only to the press. It has grown by leaps and bounds. Persons have entered into it, at first making only small salaries, who now receive, in some instances, hundreds of thousands of dollars a year. It is a popular industry. Old men and old women attend "the movies" in order that they may be inspired and amused. Young children go, so that they may not only be amused but educated in current events. That industry, so far as I know, has never entered politics. Censorship has been attempted to be imposed in various States—censorship in one form or another—but the industry has been reckoned to be clean, and has not attempted to control elections, and, so far as I know, has held itself aloof from even the suggestion of playing politics.

I read the other day with a great deal of interest and some disappointment an article stating that one of the great leaders of the dominant party in this Chamber has been offered a place, or that he is considering a place—whether it was offered or whether it was sought I do not know—by means of which he is to be at the head of the whole motion-picture industry of this country, and is to receive a salary, some papers said, of $100,000 a year, others $150,000 a year.

In yesterday morning's Post I read this. It is headed:

HAYS IS TO ANSWER FILM OFFER JANUARY 14.

"It is not true," the Postmaster General said. "There is nothing further to add to my statement made in New York last Monday, and there is no change in the situation as then indicated."

Mr. Hays, on that occasion, admitted he had received a business and legal offer from the moving-picture people, but added that he could not give the matter the thought and consideration it deserved. He said, however, that he would meet the moving-picture representatives in Washington January 14 and announce his decision. Until then the Postmaster General will have nothing to say about his remaining in the Cabinet.

It is believed, however, that Mr. Hays will retire from his present position to become the general arbiter of the associated motion-picture companies, and their business and policy director.

Their business and policy director!

The Postmaster General, it is understood, has made known to the President that he has under consideration the offer made by the motion-picture industries.

Mr. President, if the United States Steel Corporation or the American Woolen Co. should come to Washington and make an offer of one hundred or one hundred and fifty thousand dollars a year to one of the Cabinet members to direct its policies, and he should accept it, not only would the person accepting it be condemned, but the administration to which he belonged would be reprimanded. It was not long ago when the baseball trust, so to speak—and I have no fault to find with them, because I am a baseball fan—invaded the bench and offered some fabulous sum to a judge to play the part of an arbiter and policy director. Now, why is Mr. Hays selected by the motion-picture industry to be its policy director and to receive therefore such a fabulous sum? What is the purpose of the motion-picture industry in making him this tender and entering into a contract for that sum?

Is it because he is close to the "powers that be?" Is it because he to-day controls the mails and four or five hundred thousand post offices throughout the country? Is it because he has the ear of the President of the United States, and sits in the family circle determining administration policies? Is it because he helped to elect the Republican House of Representatives, whose duty it is to consider censorship legislation and to frame the tax and tariff laws? Is it because he played such a large part in the selection of Senators who control policies and pass legislation for the administration in this body?

I know not what influenced the motion-picture industry, after scanning the whole country, to choose as the most qualified man in it for its head the present Postmaster General.

Accept? Why, of course he is going to accept. He is now receiving $12,000 a year. It is to be increased through this offer, as some say, $138,000 a year. I imagine that they are not offering it because they want the Postmaster General to play as a motion-picture star and show himself on the screen with Doug. Fairbanks or Fatty Arbuckle or Mary Pickford. I have never heard of his talents along that line. They have chosen him because they think he can do their work.

It is not because of any exceptional ability along business lines that the Postmaster General may have shown in the past. It is not because they think he can exert more influence than anyone else in the United States in elevating the motion-picture industry to a higher standard of morals. No, Mr. President, those are not the reasons that have prompted the motion-picture industry to make this very tempting offer to Mr. Hays.

More significance attaches to the offer being made to the Postmaster General than it would be to any other Cabinet official. It would be wrong, and should be condemned, if it were made to Mr. Hughes or to Mr. Weeks or to any other of the Cabinet members; but more so for Mr. Hays. He is the politician of the President's Cabinet. He came into prominence because of his qualifications as an organizer and an astute politician of rare force and energy. He is the late chairman of the Republican national committee; and it was under him that the Republicans obtained control of the House and Senate three years ago.

Mr. President, many questions come up in the Senate and in the House that affect the motion-picture industry. It was only recently that the question of imposing a tax upon entrance into motion-picture shows was discussed and acted upon in this body. That tax was removed. There is now before the Finance Committee of the Senate the question of imposing a tariff or retaining a tariff upon films imported into this country. The Federal Trade Commission is now threatening an investigation into some of the motion-picture concerns. Is it because the motion-picture industry might have a weather eye out on that tariff proposition or the Federal Trade Commission's investigation and they think that he might be influential because of his closeness to certain Senators here, or to Representatives in the other body, or to certain members of the Federal Trade Commission, or to the present President of the United States, that he is selected?

It is currently rumored that we are going to have another tax bill. So many people, so many Members here, are disgusted with the recent one that was passed that now they say we will have a supplemental tax bill; and the question of the imposition of taxes on the motion-picture industry may come up in the consideration of that bill.

Mr. SUTHERLAND. Mr. President, will the Senator yield?

Mr. HARRISON. Gladly.

Mr. SUTHERLAND. While the Senator is in the field of speculation, he might also speculate why it was that the same industry selected Mr. William G. McAdoo, took him out of the Treasury Department, and put him in a similar position—the man who was son-in-law of the then President of the United States.

Mr. HARRISON. I thought the Senator would ask that question. The Senator knows that Mr. McAdoo resigned the office of Secretary of the Treasury because he said that he could not make a living on the salary that was paid him. He had given some of his best years to the public service, and he felt it was his duty to self and family to retire and practice his profession. It was after he had resigned as Secretary of the Treasury that the offer came to him as an attorney to represent four persons in the motion-picture industry. I forget those four—Douglas Fairbanks and Mary Pickford and two others. This, however, is quite a different case. Mr. McAdoo had resigned as Secretary of the Treasury and had started the practice of law when the offer came to him; and he represented only four actors in the industry.

Here is a Cabinet member who now sits around the table advising and promoting the policies of the administration, an

ex-chairman of the Republican national committee, who is dickering with these motion-picture industries to enter into a contract for $100,000 or $150,000, to represent not four actors or actresses in the industry but all the amalgamated interests of the motion-picture industry. He is to be the head of every motion-picture concern in the country that belongs to the motion-picture organization. His will will be the law, just the same as Judge Landis's will is now the law in baseball. He will direct the policies of the industry.

Mr. President, I believe that the motion-picture people are taking a very false step. They are deceived. Their movement is prompted by bad advice. If Mr. Hays wants to resign his place because of the small salary that is coming to him, in order to take this very remunerative offer, that is all right. That is a matter for Mr. Hays to decide; but when the motion-picture industry attempts to procure as its head the biggest politician in the Republican Party we on this side must look upon it with suspicion.

I know the adroitness of this man. I know that he is smart and he is a good organizer; but as one of the minority party who has very much desired to see the motion-picture industry kept out of politics and exert its influence for high morals and good government, I regret to see it employ a man who, they think, can control the Republican majority in the Senate and the House and the administration in the White House and thereby obtain favorable legislation. May I suggest to this great industry that the party in power is of short duration, and so far as the House is concerned you will have need to get rid of Mr. Hays after the coming election?

I am not unmindful of the fact that Hays when he came in as Postmaster General removed and condemned censorship.

As an official, he may have thought that was a correct policy; but I am a little bit fearful, if he becomes the head of the great motion-picture industry, that he will believe in employing a censorship against the Democratic Party that will react against the industry and meet the condemnation of its patrons.

Why, when you go into one of the motion-picture houses now, and they throw the face of the present President of the United States on the screen, people hang their heads in disgust; but when they throw on the screen the picture of that man whom you criticized, condemned, and maligned, that one who is rapidly coming back in the high respect and esteem of the people, the applause in the theater is so deafening that the rafters shake and the building trembles. It may be that Mr. Hays, should he become director, might desire to change his policy of censorship and invoke censure against such exhibitions. If they think that Mr. Hays can be of great force and influence down in some States or over in some States or up in some States that are controlled by Democratic legislatures in preventing censorship or modifying censorship they are just mistaken. This man has not the influence that the motion-picture industry thinks he has. Why, you Senators are sore at him because he to some degree has winked at civil-service requirements in the selection of postmasters. There is a big howl in the Republican cloakroom at the other end of the Capitol over the way he is selecting postmasters.

Mr. ROBINSON. Mr. President, will the Senator from Mississippi yield to me?

Mr. HARRISON. Yes; gladly.

Mr. ROBINSON. Does the Senator from Mississippi desire to leave the impression that under the present administration postmasters are being selected according to civil-service rules and regulations?

Mr. HARRISON. Indeed, I do not. They are working the thing around so that if it is possible they can get a Republican in; but they are trying to tell the civil-service people in a hypocritical way—the same tactics that they have always employed—that they have some kind of civil service, but the kind Mr. Hays has imposed is not satisfactory to any Senator nor to Republican Congressmen generally.

Mr. ROBINSON. Will the Senator from Mississippi yield further for a question?

Mr. HARRISON. Yes.

Mr. ROBINSON. Does not the Senator from Mississippi know that under the Executive order issued by President Harding the President is at liberty to select any one of the highest three on the eligible list, and that in many instances persons who have not, under the examination, succeeded in getting on the eligible list have been arbitrarily declared or made eligible, either by a change of the rating or by some other process, and appointed?

Mr. HARRISON. Yes; I think, in fact I know, that there is instance after instance of that being shown.

Mr. President, I have nothing more to say about this matter now. I had hoped that this great industry, which we are all glad has developed and succeeded so well and which when conducted on high moral ground and free from politics, rendered a high source of amusement, education, and service to the people, would continue aloof from politics. I am sorry to see them now begin to enter the Cabinet and procure one of the Cabinet members and ex-chairman of the Republican campaign committee to mold and direct its policies. If this is the beginning of any such policy, then I serve notice that we watch their step and see to it that public opinion will rise up and disapprove such methods.

POPULATION AND SELECTIVE DRAFT STATISTICS.

Mr. MOSES. Mr. President, in the interval since adjournment last night I have given myself the pleasure of reading the speech delivered by the junior Senator from Arkansas [Mr. CARAWAY], in the course of which I notice that he expressed the hope that I had listened to him. I wish to assure him that I did, and to assure him further that I never leave the theater when the star comedian holds the floor.

I also wish to compliment the Senator upon the high average literary quality of his speech, largely made up of quotations from my oral utterances and from the writings of Henry Lincoln Johnson; but particularly I wish to call attention to the challenge which the Senator made to me regarding a statement which I had made here some days previously to the effect that the last administration had increased the population in Northern or Republican States and had decreased the population in Southern or Democratic States for the purposes of the conscription law.

I hope the time will never come in this body or elsewhere when I shall be making unsupported statements. I have gone to the official record, and I wish to say now that in January, 1917, the Census Bureau under the last administration compiled for public information a careful estimate of the population of the several States. In July, 1917, it issued an entirely different estimate of population as the basis for the conscription law. I have had these figures tabulated and ask that they may be printed in the RECORD. I will not comment upon them. They tell their own story.

It is sufficient to say that according to these official figures of the estimate of population put out by the Census Bureau in January, 1917, and the estimate put out by the same bureau for purposes of conscription in July, 1917, 14 Southern States benefited by a decrease in population of 3,716,000, while 14 Northern and Western States suffered through an increase of 5,970,000.

I commend the study of the table to the Senator from Arkansas, who challenged my statement.

The VICE PRESIDENT. Without objection, the table will be printed in the RECORD.

The table referred to is as follows:

Estimate of population for purposes of conscription.

State.	Population, census estimate, January, 1917.	Population, for conscription, July, 1917.	Increase.	Decrease.
Alabama	2,348,273	1,946,536	.....	[2] 401,737
Arizona	259,663	409,203	149,537	.....
Arkansas	1,753,033	1,594,835	.....	[2] 158,198
California	2,983,843	3,189,998	[1] 206,155	.....
Colorado	975,190	895,336	.....	79,854
Connecticut	1,254,926	1,719,623	[1] 464,697	.....
Delaware	214,270	234,710	[1] 20,440	.....
District of Columbia	366,631	346,856	.....	19,775
Florida	904,839	925,641	20,802	.....
Georgia	2,875,953	2,486,544	.....	[2] 389,409
Idaho	436,881	441,684	4,803	.....
Illinois	6,193,626	7,227,952	[1] 1,034,326	.....
Indiana	2,826,154	2,738,893	.....	87,261
Iowa	2,224,771	2,327,079	[1] 102,308	.....
Kansas	1,840,707	1,626,226	.....	214,481
Kentucky	2,386,866	2,024,353	.....	[2] 362,513
Louisiana	1,843,042	1,688,862	.....	[2] 154,180
Maine	774,914	646,588	.....	128,326
Maryland	1,368,240	1,292,091	.....	76,149
Massachusetts	3,747,564	3,939,561	[1] 191,997	.....
Michigan	3,074,560	4,015,053	[1] 940,493	.....
Minnesota	2,296,024	2,377,938	[1] 81,914	.....
Mississippi	1,964,122	1,501,345	.....	[2] 462,777
Missouri	3,420,143	3,240,679	.....	[2] 179,464
Montana	466,214	952,478	[1] 486,264	.....
Nebraska	1,277,750	1,270,301	.....	7,449
Nevada	108,736	131,232	22,496	.....
New Hampshire	443,467	403,884	.....	39,583
New Jersey	2,981,105	3,255,407	[1] 274,302	.....
New Mexico	416,966	352,392	.....	[2] 64,574
New York	10,396,778	11,187,798	[1] 821,020	.....
North Carolina	2,418,559	2,146,266	.....	[2] 272,293
North Dakota	752,260	706,992	.....	45,268

[1] 14 Northern and Western States, increase 5,970,693, or 96 per cent of total.
[2] 14 Southern States, total decrease 3,716,601, or 71 per cent of total.

Estimate of population for purposes of conscription—Continued.

State.	Population, census estimate, January, 1917.	Population, for conscription, July, 1917.	Increase.	Decrease.
Ohio	5,181,220	6,074,771	[1] 893,551	
Oklahoma	2,245,968	1,822,470		[2] 423,498
Oregon	848,866	675,092		173,774
Pennsylvania	8,591,029	8,981,082	[1] 390,053	
Rhode Island	620,090	573,583		46,507
South Carolina	1,634,340	1,384,203		[2] 250,137
South Dakota	707,740	626,359		81,381
Tennessee	2,296,316	2,024,893		[2] 271,423
Texas	4,472,494	4,397,097		[2] 75,397
Utah	438,974	451,932	12,958	
Vermont	364,322	296,426		67,896
Virginia	2,202,522	1,951,521		[2] 251,001
Washington	1,565,810	1,166,855		398,955
West Virginia	1,399,320	1,353,907		42,413
Wisconsin	2,513,758	2,576,931	[1] 63,173	
Wyoming	182,264	245,223	62,962	
Alaska	64,873	64,912	39	
Hawaii	217,660	219,580	1,920	
Porto Rico	1,223,981	1,231,889	7,890	
Total	104,337,620	105,366,055	6,254,103	5,225,673

[1] 14 Northern and Western States, increase 5,970,693, or 96 per cent of total.
[2] 14 Southern States, total decrease 3,716,601, or 71 per cent of total.

ADJOURNMENT.

Mr. SPENCER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned until Monday, January 9, 1922, at 12 o'clock meridian.

SENATE.

MONDAY, *January 9, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, Thou hast continued to us Thy mercies. We are here the recipients of Thy goodness. As the day opens before us with its responsibilities, we ask the guidance of Thy Spirit and Thy help in all the decisions that may be rendered. So direct the affairs of our country that the highest welfare of the people may be conserved and the glory of Thy name advanced among us. We ask in Jesus Christ's name. Amen.

TRUMAN H. NEWBERRY, a Senator from the State of Michigan, appeared in his seat to-day.

The reading clerk proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORT OF THE COMPTROLLER OF THE CURRENCY.

The VICE PRESIDENT laid before the Senate a communication from the Comptroller of the Currency, transmitting, pursuant to law, his annual report for the year ended October 31, 1921, which was referred to the Committee on Banking and Currency.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 2914. An act to add certain lands to Minidoka National Forest;

H. R. 5700. An act authorizing the Secretary of the Treasury to sell the old Subtreasury property at San Francisco, Calif.;

H. R. 6380. An act to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended;

H. R. 7204. An act to provide a Government-owned water-service system for the Fort Monroe Military Reservation;

H. R. 8344. An act to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes;

H. R. 8401. An act to transfer the custody and control of the United States customhouse wharf at Charleston, S. C., from the Treasury Department to the War Department; and

H. R. 9021. An act to permit the city of Chicago to acquire real estate of the United States of America.

HOSPITAL TREATMENT OF EX-SERVICE MEN IN THE SOUTHWEST.

Mr. ASHURST. Mr. President, I have within the past year addressed the Senate a number of times, pointing out the necessity for additional hospitalization of ex-service men who are now and for a year past have been pouring into the Southwest trying to find relief from tuberculosis in the hope that in the Southwest the progress of their disease may be arrested. I have delivered and certainly I have received some hard blows in my contest to secure proper hospitalization for these ex-service men. Inasmuch as my charges against the Public Health Service and the Veterans' Bureau were made here on the Senate floor, it would be contemptible in me to suppress or conceal the reply or decision of the Veterans' Bureau on this subject. Although I am not in accord with all the views expressed in this letter or reply, nevertheless, out of a spirit of fairness, which should characterize our contest, I ask unanimous consent that the letter from Mr. C. R. Forbes, Director of the United States Veterans' Bureau, be printed in the RECORD.

Mr. WALSH of Massachusetts. Mr. President, the subject matter of the letter is evidently important; but if the letter is a long one, I ask the Senator from Arizona to consent that it be printed in the RECORD.

Mr. ASHURST. Very well. I ask that it be printed in the ordinary 8-point RECORD type without reading at the desk.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The letter referred to is as follows:

TREASURY DEPARTMENT,
Washington, January 6, 1922.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

DEAR SENATOR ASHURST: The policy of the United States Veterans' Bureau as to the treatment of its beneficiaries in the State of Arizona suffering from tuberculosis is depicted in the following paragraphs:

A brief presentation of some of the statistics and facts on which the policy is predicated is obviously essential to proper understanding of the problem; these will now be reviewed. December 15, 1921, 11,947 beneficiaries of this bureau were being hospitalized on account of tuberculosis; of this number, 987 were in hospitals in Arizona, in round numbers 8 per cent of the total. Approximately 11,500 men were accepted for service in the World War from the State of Arizona, or about three-tenths of 1 per cent of the total accepted.

The medical profession has recognized for a number of years that many cases of tuberculosis, particularly incipient ones, convalesce promptly in the dry and elevated regions of Arizona. This view became so prevalent, even among the laity, that thousands of invalids have yearly hastened to the Southwest oblivious or ignorant of the fact that many other factors, as proper medical supervision, adequate facilities, especially as to rest, food, nursing attention, etc., were equally if not more important than climate in promoting a cure.

It is now an accepted view of the National Tuberculosis Association and most tuberculosis specialists that under proper medical supervision and adequate facilities as to food, nursing, sanatorium care, etc., equally good results can be obtained in many States of the Union as in the Southwest with the majority of tuberculous invalids.

Out of deference to the opinions of the above-mentioned high authorities and in order to obtain the manifest advantages of hospitalizing as many patients as close to their homes as possible, the bureau is now operating or has under construction 10 hospitals east of the Mississippi River.

A large tuberculosis hospital is now being operated at Whipple Barracks, Arizona, by the United States Public Health Service for this bureau. December 15 there were 631 patients and 131 vacant beds in this institution. Upon the completion of the extension now under way, it will accommodate close to 1,100. About 250 patients are also in a more or less temporary hospital at Tucson and over 100 patients are in contract hospitals in the State. These figures are of December 15, 1921.

At the present time over 2,300 vacant beds exist in Government tuberculosis hospitals throughout the United States. At the same time, there are still more than 3,000 in contract hospitals.

In the spring we estimate that over 3,000 additional beds will be available in tuberculosis hospitals, of which 422 will be at Whipple Barracks, 250 in New Mexico. Six hundred additional beds have just been made available at the Fitzsimons General Hospital, Denver, Colo. We believe this program will

satisfactorily provide for the 1,000 beneficiaries of the bureau said to be now in Arizona, who have not yet been hospitalized.

In view of the above, we do not believe it wise or expedient to buy or construct additional hospitals in Arizona at this time. Should the need be shown to warrant it later I would advocate further additions to the already existing hospital at Prescott.

It is the opinion of this bureau, a view concurred in by the National Tuberculosis Association, that the cities of Tucson and Phoenix are not desirable sites for tuberculosis hospitals. On the other hand, the climate of Prescott is admirable for such purposes. This stand is strongly supported by meteorological data obtained from the United States Weather Bureau which shows that the average maximum temperature at Phoenix, Ariz., annually is as follows:

April	81
May	89
June	100.6
July	100.4
August	100.8
September	96.4
October	85.4

The mean maximum temperature even in January is 64. The highest temperatures reported by months are, as follows:

January	81
February	91
March	94
April	102
May	114
June	116
July	117
August	113
September	112
October	105
November	92
December	80

Average for the year, 83.5.

The same source of information shows that during the hottest months of the year at Phoenix, Ariz., namely, May, June, July, August, September, and October, the temperatures are much lower at Prescott, Ariz. I contrast the temperatures for these months at these two places in tabular form for the purpose of comparison:

	May.	June.	July.	August.	September.	October.	Annual average.
Phoenix	89	100.6	102.4	100.8	96.4	85.4	83.5
Prescott	57.4	66	72.7	70.7	63.9	53.9	52.7

Great heat is absolutely detrimental to the favorable treatment of tuberculosis. Therefore there is no question that the climate of Prescott, plus its elevation, is infinitely superior to that of Phoenix for the treatment of tuberculosis.

The elevation at Prescott, Ariz., is 5,320 feet.

The elevation at Phoenix, Ariz., is 1,108 feet.

It is obvious from the above that if additional hospital facilities are provided at Phoenix or Tucson an equal number of beds should be furnished at more suitable sites during the hot summer months—in brief, duplicate institutions. This policy would also involve expenses incident to closing or materially curtailing hospital activities at one place during the summer and at another during the winter, as well as heavy transportation charges for patients and personnel between the points involved.

The bureau stands ready to transport any of its claimants suffering from tuberculosis who may require hospital treatment now in Arizona either to Prescott, Ariz., to Denver, Colo., or to Camp Kearney, San Diego, Calif., where there are available beds in Government hospitals, and to provide necessary attendants to care for those who require such assistance.

From the foregoing you will see that there is no justification for providing additional hospital facilities either at Tucson or Phoenix, Ariz. When the bureau offers to transport claimants of the bureau to modern well-equipped tuberculosis sanatoria located at points climatically suitable for the treatment of tuberculosis I do not believe that it is right or the intention of Congress that Government money should be expended in the construction or purchase of hospitals at points unsuited for the care of such patients simply because the patients themselves desire to have the facilities furnished to them at the places which they happen to have chosen as suitable for the treatment of their disabilities in their own opinions.

The bureau in its desire to provide proper care for the beneficiaries of this bureau seeks and has sought the best professional advice obtainable in the country, and its policies in this respect are indorsed by the National Tuberculosis Association.

Your activity in presenting to this bureau the needs of its claimants residing in Arizona as you see them is fully appreciated. The reasons given herein are those which have convinced me that my original statement to you that I desired to purchase the Deaconess Hospital, Phoenix, Ariz., had not been given sufficiently careful consideration by me.

It is hoped that what I have said in this letter presents the subject to you in such a way that it will also convince you that the action of the bureau is correct in this respect.

Very truly, yours,

C. R. FORBES,
Director United States Veterans' Bureau.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a resolution adopted by the Commercial Club of the city of Sheridan, Wyo., protesting against the proposed removal of the Forest Service from the Department of Agriculture to the Department of the Interior or to any other department, which was referred to the Committee on Public Lands and Surveys.

Mr. LADD presented a resolution adopted at a mass meeting of citizens of Wilder, Idaho, and vicinity, December 19, 1921, favoring the enactment of Senate bill 2604, the so-called Ladd honest money bill, which was referred to the Committee on Banking and Currency.

Mr. SHORTRIDGE presented a memorial of sundry citizens of Chico, Calif., remonstrating against the enactment of Senate bill 1948, providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Current Events Section of the Town and Country Club, of Woodland, Yolo County, and the executive board, First District California Congress of Mothers and Parent-Teacher Associations, of South Pasadena, both in the State of California, favoring the enactment of legislation to create a department of education, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by the California Cattlemen's Association, of San Francisco, Calif., protesting against transfer of the Forest Service from the Department of Agriculture to the Department of the Interior, which was referred to the Committee on Public Lands and Surveys.

He also presented a resolution adopted by Presidio Parlor, No. 194, Native Sons of the Golden West, of San Francisco, Calif., favoring the establishment of a naval base at Alameda, Calif., which was referred to the Committee on Naval Affairs.

He also presented a resolution adopted by the San Diego Natural History Society, of San Diego, Calif., favoring the enactment of legislation providing for establishing shooting grounds for the public, game refuges and breeding grounds for migratory birds, etc., which was referred to the Committee on Public Lands and Surveys.

Mr. McLEAN presented a petition of sundry members of Wadsworth Chapter, Daughters of the American Revolution, of Middletown, Conn., praying for the passage of Senate bill 1967, proposing to make a national military park at Yorktown, Va., which was referred to the Committee on Appropriations.

He also presented resolutions adopted by employees of the William L. Gilbert Clock Co., of Winsted, and the American Fabrics Co., of Bridgeport, both in the State of Connecticut, favoring inclusion of the American valuation plan in the permanent tariff bill, which were referred to the Committee on Finance.

He also presented a memorial of the Fowler & Huntling Co. (Inc.), of Hartford Conn., protesting against the proposed increased rates of import duties on shelled almonds, shelled walnuts, and shelled filberts as contained in the pending tariff bill, which was referred to the Committee on Finance.

He also presented a resolution adopted by members of Wheeler-Young Post, No. 201, Veterans of Foreign Wars of the the United States, of Waterbury, Conn., favoring removal from office of Dr. Edmund Spicer, United States Public Health (reserve) officer in Waterbury, Conn., and the appointment of a local physician qualified to hold the office and sympathetic with the needs of ex-service men, which was referred to the Committee on Finance.

He also presented a telegram in the nature of a petition from Walter J. Smith Post, Veterans of Foreign Wars of the United States, of New Britain, Conn., praying for the enactment of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented three telegrams in the nature of memorials from the Connecticut Department, American Legion; David E. Fitzgerald, mayor; and the Connecticut State tuberculosis commission, all of New Haven, Conn., protesting against the proposed transfer of reserve officers, United States Public Health Service, to civilian status, which were referred to the Committee on Finance.

He also presented a memorial of sundry members of Wadsworth Chapter, Daughters of the American Revolution, of Middletown, Conn., protesting against the proposed dispossession of Mojave-Apache Indians from their reservation in the Verde Valley, which was referred to the Committee on Indian Affairs.

He also presented a petition of the Employers' Association of New Haven County, of New Haven, Conn., praying for the enactment of legislation to increase the force and salaries in the Patent Office so as to more adequately safeguard the issuance of patents, which was referred to the Committee on Patents.

He also presented resolutions adopted by the committee on forests and parks by the Connecticut State Chamber of Commerce, the New Haven Chamber of Commerce, and the Connecticut Forestry Association, of New Haven, all in the State of Connecticut, protesting against the proposed transfer of the United States Forest Service from the Department of Agriculture to the Department of the Interior, which was referred to the Committee on Public Lands and Surveys.

REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 2736) providing for the conveyance to the town of Marblehead, in the State of Massachusetts, of Fort Sewall Military Reservation for public use, reported it with amendments and submitted a report (No. 392) thereon.

Mr. WARREN, from the Committee on Appropriations, to which had been referred the following bills, asked to be discharged from their further consideration and that they be referred to the Committee on Commerce, which was agreed to:

A bill (S. 2689) making additional appropriation for improvement of the channel from Clearwater Harbor through Boca Ceiga Bay to Tampa Bay, Fla.; and

A bill (S. 2699) providing for a lightship at Grays Harbor.

Mr. MYERS, from the Committee on Military Affairs, to which was referred the bill (S. 140) for the relief of Peter Shell, reported it with an amendment, and submitted a report (No. 393) thereon.

He also, from the same committee, to which was referred the bill (S. 2498) to correct the military record of Alonzo C. Shekell, reported it with amendments, and submitted a report (No. 394) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (S. 2810) to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States, as amended and reenacted by an act approved the 22d day of August, 1914, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 2319) to amend an act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States," asked to be discharged from its further consideration and that it be referred to the Committee on Irrigation and Reclamation, which was agreed to.

Mr. CAPPER, from the Committee on Military Affairs, to which was referred the bill (S. 994) for the relief of Henry von Hess, submitted an adverse report thereon, which was agreed to, and the bill was indefinitely postponed.

INVESTIGATION OF EXAMINING DIVISION, CIVIL SERVICE COMMISSION.

Mr. CALDER. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably, with an amendment, the resolution (S. Res. 199) to appoint a special committee to investigate the proceedings of the Examining Division of the Civil Service Commission.

Mr. ROBINSON. I ask unanmous consent for the present consideration of that resolution.

Mr. CURTIS. I wish to ask the Senator if it will take any time or lead to any debate?

Mr. ROBINSON. I think it will require only a few moments to dispose of it. If the Senate proceeds to consider it and it appears that debate will result, I shall be glad to have it lie on the table.

The VICE PRESIDENT. For the information of the Senate, the Secretary will read the resolution.

The ASSISTANT SECRETARY. A resolution (S. Res. 199), submitted by Mr. ROBINSON December 20, 1921, as follows:

Resolved, That a committee of five Senators, who shall be members of the Committee on Civil Service, be appointed by the President of the Senate, and the said committee is hereby authorized and instructed to investigate the proceedings of the Examining Division of the Civil Service Commission, and particularly to ascertain whether political influence has been used in said examinations and in the making and alteration of grades relating to the same, and whether the act of Congress giving preference to ex-service men in appointment to office under civil-service regulation has been observed and executed.

Said committee is empowered to sit during the recess and sessions of the Senate, at such times and places as by it may be deemed advisable, to require by subpœna or otherwise the attendance of witnesses and the production of books, papers, and documents, to administer oaths and to employ stenographers at a cost not exceeding $1.25 per printed page, and such clerical assistance as may be necessary. All expenses of the committee incurred under this resolution shall be paid out of the contingent fund of the Senate on vouchers authorized by the committee and signed by the chairman thereof.

Said committee shall report its proceedings and findings to the Senate within 90 days.

The committee reports the following amendment: After the word "documents," in line 16, page 1, insert:

Except those that have been received by the commission under pledge of confidence.

Mr. ROBINSON. The Senator from New York [Mr. CALDER] has explained to me the purpose and effect of the amendment which the committee proposes. I understand that it is suggested at the instance of the Committee on Civil Service or some of the members of that committee, and I shall be glad if the Senator from New York will make a brief explanation of the amendment.

Mr. TOWNSEND. Mr. President, I was occupied at the moment and do not quite understand how the resolution has been brought up at this time.

The VICE PRESIDENT. The Senator from Arkansas asked unanimous consent that the Senate proceed to the consideration of the resolution which the Secretary has just read for the information of the Senate.

Mr. TOWNSEND. Under the circumstances I feel constrained to object.

Mr. ROBINSON. It will only require perhaps one or two minutes more to dispose of the resolution. It has come before the Senate upon a report of the Committee to Audit and Control the Contingent Expenses of the Senate. That committee has reported an amendment to which I have no objection. The entire resolution, with the amendment, will be disposed of in a moment, in my opinion. I have already stated that if it requires prolonged discussion I shall make no objection to the resolution lying on the table.

Mr. TOWNSEND. I do not know what the resolution is. I have no doubt that I shall not object to it, but I wish to understand it better. It will require some discussion, and I think in the present stage of affairs before the Senate this matter can certainly wait for a few days. I shall have to object to taking up any matter at this time which will lead to any debate. This resolution will require some explanation.

Mr. ROBINSON. Very well. In view of the objection of the Senator from Michigan and in conformity with my statement made at the beginning, I ask that the resolution may lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 2944) for the relief of Nelle S. McDonough (with accompanying papers); to the Committee on Claims.

A bill (S. 2945) to enlarge the United States post office at Laramie, Wyo.; to the Committee on Public Buildings and Grounds.

By Mr. SHEPPARD:

A bill (S. 2946) for the relief of D. C. Darroch; and

A bill (S. 2947) to amend an act entitled "An act for making further and more effectual provisions for the national defense and for other purposes," approved June 4, 1920; to the Committee on Military Affairs.

By Mr. MYERS:

A bill (S. 2948) to appropriate money for the erection and equipment of a Government hospital for disabled former service men at Elkhorn Hot Springs, in Beaverhead County, Mont.; to the Committee on Appropriations.

By Mr. NELSON:

A bill (S. 2949) granting an increase of pension to Lucious O. House; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 2950) to authorize the establishment of a game sanctuary within the Wasatch National Forest, Utah; to the Committee on Public Lands and Surveys.

A bill (S. 2951) for the relief of the Uintah and White River Tribes of Ute Indians of Utah; to the Committee on Indian Affairs.

By Mr. SHORTRIDGE:

A bill (S. 2952) granting a pension to Ovid B. Orr; to the Committee on Pensions.

IMPROVEMENT OF SIUSLAW RIVER, OREG.

Mr. STANFIELD submitted an amendment proposing that $35,300 be authorized to be appropriated to improve the Siuslaw River, Oreg., Acme to entrance, in accordance with report submitted in House document No. 173, Sixty-fifth Congress, first session, intended to be proposed by him to the bill (S. 2881) authorizing appropriations and contracts for the prosecution and maintenance of public works on canals, rivers, and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

MICHIGAN SENATORIAL ELECTION.

The VICE PRESIDENT. Morning business is closed. The Chair lays before the Senate Senate resolution 172.

The Senate resumed the consideration of Senate resolution 172, submitted by Mr. SPENCER November 15, 1921, declaring Truman H. Newberry to be a duly elected Senator from the State of Michigan.

Mr. TRAMMELL resumed and concluded the speech begun by him on Saturday last. His entire speech is as follows:

Saturday, January 7, 1922.

Mr. TRAMMELL. Mr. President, I shall not attempt to go into specific incidents of the use of money for the purpose of influencing the electorate; but I will state that upon a scrutiny of the record it will be found that money was used from the beginning to the conclusion of this campaign, not for the purpose merely of hiring people to do legitimate work as authorized by the statute but for the purpose of hiring and engaging them to go out and do work that was forbidden by the statutes of Michigan.

The Senator from Missouri [Mr. SPENCER] says there was nothing wrong in morals or in law about the manner in which this campaign was conducted, and he gives it the stamp of his approval. Upon this question I disagree with the Senator from Missouri. The record discloses that it was wrong, according to my opinion, in law, and my conception of good morals convinces me that it was disgraceful in morals. I do not approve of the idea of those representing a candidate for office selecting some man in a community whose influence they desire, but who they understand is probably favorable to another candidate, and laying their plans with a view to obtaining his support, not by legitimate arguments in favor of the candidate they are supporting, not upon the basis of the principles and the policies which that candidate is advocating, but by a little shrewd piece of corruption.

This is about the way it was done in that campaign. The record is full of it, and I challenge the Senator from Missouri to deny it.

They picked out Mr. Brown, as an illustration, of a certain community. He was leaning toward Gov. Osborn for the Senate. "We have got to get Mr. Brown." One of these hirelings representing Mr. King, and Mr. King representing Mr. Newberry, goes to Mr. Brown and talks around a little with him. Mr. Brown says, "Well, I had been looking with a little favor upon Mr. Osborn." They discuss the matter a little more, and it has been heralded all around the community that "the lid is off" and "the sky is the limit," as stated by their man that they now want to repudiate, Mr. Cody. This hireling talks along with Mr. Brown a little while and says, "Of course we appreciate patriotic citizens. We appreciate the efforts of our friends. We will give you about $75 or $100 a week to go out and corrupt somebody else." They did not say "to go out and corrupt somebody else," but that was what it meant, or else practice deception upon their friends, as was practiced in a great many instances by nothing but hirelings, men whose influence had been bought. They were bought and paid for absolutely. So this fellow falls under the influence of the glittering dollars, and he decides that he will work for Newberry.

In some instances it was a man who was a secretary even of a fraternal organization. They go and buy him. He had not been leaning toward Mr. Newberry. He cared nothing for Mr. Newberry; but they go around there talking about money, $75 or $100 a week, and they buy him. They were buying everybody that they could buy in that campaign.

Then there was the man occupying a position of confidence in connection with some fraternal organizations. There are a number of them mentioned. After being bought in a rascally, scoundrelly, misrepresenting, and misleading way to those that are associated with him in that fraternal organization, he by deception goes out and represents that he is for Mr. Newberry, and writes letters appealing to them to support Mr. Newberry. Does the Senator from Missouri approve of any such conduct as that in good morals, whether it is against the law or not? The record is full of such corrupt methods.

The Newberry workers select a railroad man, an engineer who is prominent in his brotherhood. They go around and pay him about $50 a week for his influence. He draws his $50 a week, and goes ahead engaging in his usual work, and yet it is claimed that that is not using money for any illegal or any immoral purpose! It is using money to buy voters—that is what it is using it for—pure and simple.

King and other Newberry workers went to fraternities; they went to the ministry; they went into the official life of the State. They bought county officers. They were hiring them under some pretext or other, but the main object and purpose of the expenditure of the money was to buy their influence. That is the reason why rather rapid progress was made in this campaign.

I knew an old fellow once in my State, a very kindly and agreeably disposed man, who came into my office one day—this was just when I was starting out as a young lawyer—and said that he had been a local county officer. They seem to like to get hold of these fellows, you know, if they can. That seemed to be the way with them in Michigan. They wanted to get hold of all of them that they could. He said—this old man—"You know, for a while I felt disposed to support Mr. A." I said, "Well, he is a good man. I am glad you feel that way." Now, this actually occurred. This is no fiction. "But," he said, "do you know, I had a letter the other day," or else "I saw somebody"—I will not be sure as to that detail—"and he told me that if I would take my horse and buggy and drive down through the county and talk in the interest of Mr. B, and distribute literature for Mr. B, he would pay me $50 a week; and," he said, "I have decided that Mr. B is the best candidate." He said, "At first I thought Mr. A was the best man for the office, but I have been persuaded that Mr. B is the man who should be elected to this office." I said, "Yes; they have bought you. That is all there is to it. Now, if I were you, representing yourself and posing as an honorable man, I would tell those people that I would not sell my birthright for $50 a week—and that is what it means."

I am thankful to say that that practice never prevailed much in my State; but that was the common, customary, ordinary way of going out and buying people and getting men to represent the Newberry interests in this campaign.

We find that in some instances they had county judges, in some instances sheriffs, and in some instances State senators; and it is conspicuous in most or all of these instances, as far as the record discloses, that these men were not active until they had been persuaded by a pretty liberal contribution of the "long green"; yet they claim they were not trying to corrupt! Yet that is all in keeping with good morals—going out and spending money in that way. Not according to my idea.

The Senator from Michigan [Mr. TOWNSEND], for whom I have a great deal of respect and whose friendship I appreciate, touched upon the question of the connection of this man Cody with the Newberry campaign and rather repudiated Mr. Cody. Now, I never saw or heard of Mr. Cody until I saw his name connected with this case. I do not know anything about him and I do not care anything about him; but the record discloses that Mr. Cody was the emissary of Mr. Newberry, who came to Washington first for the purpose of trying to get Mr. Hayden to become the campaign manager for Mr. Newberry. That is uncontradicted and undisputed by the testimony which was before the courts and which was before the investigating committee of the Senate. I will read, in order that it may again appear in the CONGRESSIONAL RECORD, the testimony bearing upon that question.

On page 58 of the bill of exceptions Mr. Jay G. Hayden made the following statement:

> Just before Christmas I had a conversation with Mr. Cody in the press gallery of the United States Senate. Mr. Cody said that he came representing Truman H. Newberry. He said that Mr. Newberry was considering becoming a candidate for United States Senator. He said that he had told Mr. Newberry that I was the man that he should secure as campaign manager. He said Mr. Newberry told him that he did not know me, but that he would like to have him come and talk with George Miller, and if George Miller agreed with him to go and see him. Mr. Miller was at that time the Washington correspondent of the Detroit News and I was his associate in the office. Mr. Cody said that he had been to see Mr. Miller and that Mr. Miller had agreed that if they could get me I would be a good man for the job.

That testimony is uncontradicted—that Mr. Cody came here as the representative of Mr. Newberry, with a view to interesting and engaging or having Mr. Newberry engage Mr. Hayden as his campaign manager. The statement of Mr. Hayden is also corroborated by letters which passed between Mr. Newberry and Mr. George Miller. It seems that Mr. Newberry and Mr. Miller were old friends, having been associated together, I believe, in the Navy Department at a previous time. Right along about the same time Mr. Newberry wrote Mr. Miller here in Washington

and told him that he had matters of a confidential and personal nature that he wanted to discuss with him, and the correspondence following the first letters demonstrated that it was the question of his candidacy for United States Senator that he desired to discuss. That was about Christmas of 1917, preceding the primary of August 27, 1918.

Mr. Hayden explains in the record, upon the page already referred to, that he did not want the job—that was his language—because it would be more or less of a temporary nature, and that he had seen some other newspaper men who had given up their newspaper connections and become campaign managers, and he did not think much of it. Hayden said that during this conversation—using his language:

> Mr. Cody at some time in the conversation mentioned the sum of $500 a month as compensation that might be paid me.

Now, understand, he had come here as a representative of Mr. Newberry, not as the representative of any committee. No committee was in existence at that time. There had been no committee organized, no committee suggested. Mr. Hayden further said:

> I don't know that Mr. Cody said anything specifically about money in the campaign during the conversation. He mentioned the fact that Mr. Newberry was very wealthy.

Some more moral persuasion!

> He, Mr. Cody, stated: "Mr. Newberry wanted me [Mr. Hayden] to come to New York to see him. * * * He said that Mr. Newberry wanted to advise with me respecting the campaign, whether I took the job or not; that they were not going to take 'No' for an answer; and that I would hear from him again."

That is the substance of the conversation between Mr. Cody and Mr. Hayden, Mr. Cody having visited here for the purpose of seeing Mr. Hayden and representing that he was here on behalf of Mr. Newberry.

Mr. Cody returned to New York, and on the next day after returning to New York, found on page 59 of the bill of exceptions, Hayden says—I am quoting from Hayden's testimony:

> On the last Friday of 1917 Mr. Cody called me on the telephone. He said that Mr. Newberry was tied up in his Navy job in New York and it was absolutely impossible for him to come to Washington and that he was very anxious to see me and asked me if I could not come over the following afternoon, Saturday afternoon, and see Mr. Newberry on Sunday. I finally told him I would come.

Hayden, according to his agreement, went to New York, and after spending part of the morning with Mr. Cody he then visited Mr. Newberry at Mr. Newberry's hotel; and he says that in the conversation there with Mr. Newberry, Mr. Newberry, in substance, made the following statement. M. Hayden says this, in substance, was the conversation:

> Mr. Newberry * * * said that I had been suggested to him as a man who should be associated with the campaign. He said he realized that the position for the mere term of the campaign was not very desirable, but that he expected that Theodore Roosevelt would be a candidate for President in 1920 and that he wanted to take a greater interest in politics than he had in the past for a period to and including that campaign and that he needed a political secretary to look after his interests. I told him, as I had told Mr. Cody, that I could not consider the proposition.

Then more or less conversation ensued and Mr. Newberry asked Mr. Hayden for suggestions, according to the statement of Mr. Hayden, which is uncontradicted. Mr. Hayden ventured one suggestion. On page 61 of the bill of exceptions Mr. Hayden said:

> I said to Mr. Newberry, "If you permit me to offer one word of personal advice, do not attempt to make a barrel campaign in Michigan."

It is rather significant that they keep thinking about the boodle campaign. They discussed that more or less and Mr. Newberry said that he, of course, did not agree with the idea, and specific reference was made in the conversation to approval not being given to a campaign in the nature of that which had been carried on in the Mitchel campaign in New York and the Herrick campaign in Ohio. I do not know which suggested the conversation on that particular point, but anyway they both agreed that they should not have a boodle campaign such as had been carried on in Mitchel's campaign in New York and Herrick's campaign in Ohio. A report of this conversation is found in the record at the page to which I have just referred.

I make specific mention of the Herrick campaign in Ohio and I will connect it up with a little more testimony just at this time. We find Mr. King, who was the campaign manager for Senator Newberry, engaged by him, called into the service by him, directed by him throughout the campaign and not by anybody else, in a letter which he addressed to Mr. Newberry on March 8, 1918, wrote as follows:

> I am going to Cleveland to-night for the purpose of talking with the man who successfully managed Herrick's campaign for the senatorial nomination under conditions very similar to ours, and I think I will be able to pick up some good pointers.

Only two months prior to this letter of King's, Mr. Newberry, in conversation with Mr. Hayden, who seemed to have an aversion to a money campaign or barrel campaign, as he described it, had joined with Mr. Hayden in expressions of condemnation of such a campaign, referring specifically to the Mitchel campaign in New York and the Herrick campaign in Ohio; but within 10 days or 2 weeks after King became the manager of Mr. Newberry, within 3 or 4 days after they had opened campaign headquarters, we find King, Newberry's campaign manager, hiking off to Cleveland, if you please, to see whom? To see some manager who had successfully managed the Herrick campaign for the primary nomination in Ohio. We witness King going to the very source to get his information that presumably his principal, Mr. Newberry, especially when talking to Mr. Hayden, had disapproved and had condemned.

I think King must have gotten some valuable information and some valuable pointers. He stated in the letter that "they were carrying on their campaign under similar conditions." I do not know anything in detail about the Herrick campaign or what was done by him, but evidently Mr. King thought he could get some very good pointers because the Herrick campaign and the Newberry campaign were carried on "under similar conditions." I have heard that there was a barrel of money turned loose in that Ohio campaign. I have heard that they employed workers scattered around over the State, and very likely there was a considerable similarity in the conditions surrounding the two cases and the expenditure of money. The Newberry campaign was a "boodle campaign" anyway. This is clearly established.

Did Mr. Newberry disapprove of the idea of his campaign manager, Mr. King, going to confer with the successful manager of the Herrick campaign, which Mr. Newberry had previously apparently disapproved? We have nothing to indicate his disapproval. Certainly Mr. Newberry cooperated with Mr. King and approved of the manner in which the Newberry campaign was conducted. In my opinion, from the record and the testimony of the witnesses, Mr. Newberry knew as well what Mr. King was doing as any candidate ever knew of the activities of and what was being done by his campaign manager. It is a reflection upon the intelligence of men of ordinary minds for the chairman of the subcommittee to suggest in his report that Mr. Newberry had nothing to do with this campaign and financing it or directing it or supervising it in any respect.

We find that Mr. Cody came here to see Mr. Hayden. Hayden suggested that he could see Mr. Newberry some time when he came to Washington. Immediately upon returning Cody found that Mr. Newberry did not want to come to Washington, could not come on account of his duties, so Mr. Cody called up Mr. Hayden the very next day after he had returned to New York and asked Mr. Hayden to come there to see Mr. Newberry, and he went there and saw him and had a conference, and the conversation, as heretofore related by me, took place at that time.

The senior Senator from Michigan [Mr. TOWNSEND] would seem to cast aside this man Cody as though they had not had anything particular to do with Cody. The testimony in the case shows that Cody was one of the close, bosom, confidential friends, personal and political, of Mr. Newberry, as far as this campaign is concerned, and I am surprised that the senior Senator from Michigan should come in here and repudiate him now. He was a mighty good man before the primary, but he does not count for very much now. I do not know whether Senator Newberry shares that view in regard to Mr. Cody or not; I do not know Mr. Cody myself.

Let us see whether he was a friend and representative of Mr. Newberry or not. I do not mean to attach too much importance to a question of this kind, but this argument and this character of logic is about the only kind that we have found in the speech of the senior Senator from Michigan in defense of his colleague, trying to make it appear that whatever Cody said did not amount to anything in particular because he was no particular friend of Mr. Newberry.

Cody was one of the men who went out in Michigan and reported back to Newberry, and he and Templeton suggested that they should have Paul King for campaign manager. In fact, it was Cody who first made the suggestion. It was Cody who arranged for the first conference with King. What did he have to do with that? The record states most emphatically, and it is the testimony of Mr. King himself, that when he went to New York for the purpose of seeing Mr. Newberry in regard to whether or not he would become the campaign manager, Mr. Cody and Mr. Newberry were the only two present except himself. So I think Cody did have something to do with the matter of assisting Mr. Newberry in arranging for his campaign manager.

The record further discloses that Mr. Cody, in so far as Mr. Hayden going to New York was concerned, had paid Hayden's

hotel bills, returned him the money for his fare from Washington to New York, and had purchased a ticket for him to come back to Washington. So Mr. Cody seems to have been a very good man during the campaign.

Of course, I understand why the senior Senator from Michigan wishes to repudiate Mr. Cody now. It is because Mr. Cody had not been quite as successful as some had hoped he would be in keeping from the record some testimony which might be used against Mr. Newberry. Of course, there is nothing in the record to show that Mr. Cody is not still the good friend of Mr. Newberry that he was previously.

Furthermore, on this question of Cody, whom the Senator from Michigan claims was not representing Mr. Newberry—that is really the statement of the senior Senator from Michigan—the testimony absolutely contradicts what he had to say upon the subject. Let us see who it was by whom the order was placed for the service of the same clipping bureau that was furnishing clippings with regard to the campaign to Mr. Newberry.

We find in the record that Mr. Fred P. Smith, the confidential secretary of Senator Newberry and the whole Newberry family, addressed a letter to the clipping agency in New York, in which he requested that that agency furnish to Mr. Cody at his New York address the same clipping service which was being furnished to Mr. Newberry and that the bill for this service should be sent to Mr. Truman H. Newberry. That order was placed in that way. Now, if Mr. Cody was not in the confidence of Mr. Newberry and was not representing Mr. Newberry, why was it that they selected Mr. Cody to have him furnished with the same service from the clipping agency in New York that was being extended to Mr. Newberry?

Mr. Fred P. Smith also requested that the bill for this service should be sent to Lieut. Truman H. Newberry. Of course, we know why Mr. Smith requested that. Mr. Smith requested that because Mr. Newberry had asked him to request it. After the campaign was over we find in the record that Mr. Newberry, along about the latter part of August, sent a notice to this agency, stating that they should discontinue sending this service to Cody, "as per your bill number," giving the number of the bill. The campaign was over then and, of course, they had no further use for the clipping service. There is an abundance of evidence to show that Mr. Cody was really one of Mr. Newberry's right-hand men. There is no question about that.

The senior Senator from Michigan very touchingly spoke upon the question of having come to the United States Senate as a poor man, and that he would probably remain poor. I do not know whether he made the latter statement or not, but most of us who come here poor remain poor. This has been my experience, I am sure. I am very glad, indeed, that in the State of Michigan, at the time the distinguished senior Senator from that State aspired first to represent his State in the United States Senate, it was possible for a poor man to be elected to one of the highest offices within the gift of the people of his State.

But, Mr. President, if we are to approve of the conduct which brought about the nomination of Mr. Newberry in the case now before the Senate, then the door of opportunity to fill the highest office within the gift of the people, so far as it might otherwise stand ajar to the poor young men of the country, as the Senator said it did when he first was elected to the Senate, will have been closed and they will have no such opportunity.

In this campaign there were two hundred-odd thousand dollars expended. That much was proven to have been expended. What could a poor man do, especially if a new man in public life, running against that kind of a proposition? The Newberry organization looked out upon the field and they saw a county they wanted. They went out and hired people to work for them, presumably just hired them to work for them, and that is the way they influenced them.

If such methods are to control in our elections and if the Senate of the United States is to approve of a campaign conducted in such manner, no man in this country would be able to be elected to office unless he had a barrel of money and was willing to expend it for the purpose of corrupting the electorate.

I have always been very proud of the fact that I lived in a Republic where the youth of the land would grow up to young womanhood and young manhood with the hope and promise from the conditions which existed throughout the Nation that they might achieve success in the commercial world or that they might occupy prominent stations in civil life or in statesmanship, and that the question as to whether or not they should achieve such positions of eminence should not be governed by their ability to buy their way or to go out and purchase them.

Personally I feel kindly toward Senator Newberry, but I very much condemn the conduct of the campaign which made it possible for him to come to the Senate. In this instance I dare say that Mr. Newberry would never have been nominated had it not been for the excessive use of money in connection with his campaign. All the indications, however, were that it was fully realized by Mr. Newberry, Mr. King, and everybody else connected with the campaign that they had to spend a lot of money; that that was the only way they were going to get Mr. Newberry nominated for the Senate.

The senior Senator from Michigan [Mr. TOWNSEND] may think that a campaign of this character, in which money was expended in an amount of over $200,000 in order to obtain a seat in the United States Senate, is conducive to the perpetuation of the opportunity for the young manhood of this country to attain prominence in affairs of state, in the affairs of commerce, and in the social life of this country. He may think it will be encouraging to the poor man or even to the man of moderate means, but, so far as I am concerned, I consider it most destructive to the opportunity of those who are not so fortunate as to have wealth.

But, Mr. President, the question of the opportunity of a poor man or a rich man to get into the United States Senate is not the greatest one involved in this controversy. The great question is the preservation of the purity of our elections, the maintenance of our institutions, and of our form of free government. If we are going to make the dollar superior to manhood, if we are going to put offices up for purchase by the highest bidder, then this body and every other legislative body in the country will be dominated and controlled by the few who are able to buy their way into office if the policy approved by the Senate prevails. It will not long prevail, however, because the voters, a very large majority of whom are honest, will go to the polls and sweep out of public life those who believe in office buying.

If the Senator from Missouri [Mr. SPENCER] and the senior Senator from Michigan desire to approve of a policy which will lead to a condition of that kind, we have reached a parting of the ways on that particular subject.

There has been quite a good deal said here as to the relation of Mr. Ford to this contest. The Senator from Missouri, the chairman of the committee, in his opening speech delivered some weeks ago endeavored to excuse excessive expenditures made in the Newberry campaign by reason of the fact of Mr. Ford's candidacy. The Senator from Missouri said Mr. Ford was a man well known in Michigan and all over the country, that his name was a household word—I think that was probably the expression—and that Mr. Newberry, of course, when he went into the race knew that he labored under that handicap. If the facts had sustained such a contention as that, then, of course, it might have had a little more force, even if no merit, but the facts do not sustain any such contention. I can not approve of Mr. Newberry or any other man going out and spending money in the way in which he spent it in connection with his campaign, whether he was running against Mr. Ford, whose name was a household word, or against any other man. However, what are the facts? Mr. Newberry began his activities in connection with his aspirations to become a Senator of the United States States long before Mr. Ford's name was ever even mentioned. The Senators who think that they are going to take refuge behind the argument that it was necessary because Mr. Newberry was running against Mr. Ford to make these large expenditures are going to find themselves driven from that harbor of refuge.

I notice that one Senator has already given that as an excuse for his intended vote in an interview given some time ago to a newspaper in his home State. He used the line of argument that Mr. Newberry was running against Mr. Ford, and so on, but the people in his State are going to find out some day, if they have not already found it out, that, according to the evidence, Mr. Newberry was a candidate for the Senate, or he was carrying on his activities just as though he were a candidate, at least two and a half or three months before Mr. Ford's name was ever in anywise even mentioned in connection with the campaign. The record discloses that Mr. Newberry's idea and that of his campaign manager, Mr. Paul King, was to put on all steam and speed and pressure possible for the purpose of discouraging the candidacy of Gov. Osborn and also for the purpose of frightening Senator William Alden Smith, who was then in the Senate, and ex-Gov. Warner.

There were also two or three others whom they were interested in keeping out of the race. So we find in the correspondence of Mr. Newberry to Mr. King and of Mr. King to Mr. Newberry that they had an eye single at that time to bringing about such a condition as to discourage the candidacy of Gov. Osborn, a Republican, and the probable candidacy of William Alden Smith, a Republican; two or three others who were then mentioned, notably ex-Gov. Warner, who, the record discloses, had

been governor of the State three times and was a Republican, not a Democrat. He was another one whom they were after and anxious to brush off the track. He was trying to get into the race, or there was some talk and some discussion, at any rate, of his doing so. Mr. Newberry and his managers were not thinking about Mr. Ford. There is no Senator who is going to vote to seat Senator Newberry who, if he will study the record, can defend or justify himself upon the contention that it was for the purpose of defeating Mr. Ford that this boodle campaign was carried on in the interest of Mr. Newberry. The Newberry campaign was under full headway for months before Ford's entrance. They had already spent $40,000 or $50,000 before the name of Mr. Ford was suggested; they had largely perfected their entire organization; they had made their plans for publicity through the newspapers at a cost which was at first estimated as being from $25,000 to $30,000. The record establishes the fact, and it is uncontroverted, that their publicity man had planned a series of campaign advertisements, covering a period of 13 weeks, which should be published in all the newspapers of the State, except Democratic newspapers; and such newspapers are very few in Michigan, I understand. That had all been done prior to the time that Mr. Ford's name was mentioned; prior to the time that Mr. Newberry or Mr. King either had given any thought or any consideration whatever to Mr. Ford, so far as the evidence discloses.

About the first evidence of any notice having been taken of Mr. Ford's candidacy was in letters passing between Mr. King and Mr. Newberry along during the first week or 10 days of April of that year. Mr. King in a letter which he wrote to Mr. Newberry said something about somebody trying to get Mr. Ford to run—I do not now remember the name of the person who was trying to get him to run—or that some company had proposed that he should run, or something to that effect. It did not frighten Mr. Newberry much. Mr. Newberry in reply said he did not give much thought or consideration to the question of Mr. Ford's candidacy.

Mr. Ford's probable candidacy, which was at that time just developing, did not seem to worry either one of them very much; but prior to that time the expenditures had begun; the barrel had been opened, and every pressure possible was being put forth to keep Gov. Warner out of the race, to keep William Alden Smith out of the race, to get a lead on Gov. Osborn. So the Senator who thinks that he can shelter himself under the idea that the expenditure of this money was made to defeat Ford, and that some people who do not like Ford would excuse him on that account, is going to find that the informed and intelligent public is going to ask the question, "When did these excessive expenditures begin? When did this plan of corrupting the electorate of Michigan begin? Was that corruption carried on only for the purpose of defeating Ford, whom some people dislike?" The Senator might say, "Yes; that seems to have been about the truth of it." But the questioner is going to say, "Yes; but if you read the testimony and study the case, you will find that Mr. Newberry's campaign was being carried on in that corrupt way long prior to the time when Mr. Ford's name was mentioned; you will find that they were expending excessive amounts; that they were buying up influence; that they were laying all the plans for spending a barrel of money not for the purpose of defeating Mr. Ford," for Mr. Ford was not known in the campaign at that time, but for the purpose of winning the nomination over Osborn, over Senator Smith, over ex-Gov. Warner, all of whom, so far as I know, stand very high in the State of Michigan. I have never heard of anything to indicate that all of them did not stand quite high in the State and very high in the Republican councils of the State of Michigan. So there is nothing in the excuse about the question of trying to defeat Ford. The alleged expenditure for the purpose of defeating Mr. Ford is not established, and if it was it should not receive the stamp of approval by this body. We should not vote to seat any man in the Senate whose election has been obtained by corrupt methods.

[At this point Mr. TRAMMELL yielded the floor for the day.]

Monday, January 9, 1922.

Mr. TRAMMELL. Mr. President, as I understand, the position of the majority of the Committee on Privileges and Elections, which has recommended that Mr. Newberry shall be exonerated and that he shall retain his seat in the Senate, is that Mr. Newberry had no knowledge whatever of his campaign, either upon the question of financing it, in the matter of directing it, or in incurring the expenditures. That seems to be the contention of the majority of the committee, including its chairman, the Senator from Missouri [Mr. SPENCER], who addressed the Senate. I find on page 6 of the majority report this statement by the committee in its effort to exonerate Truman H. Newberry. The committee states:

> Truman H. Newberry was absent from the State of Michigan continuously during the entire campaign and until long after the election had been held. He took no part whatever either in the financial or other features of the primary campaign or its direction or control. Nor did he take any part in the general election.
>
> Forty-four witnesses were examined under oath by the committee in this hearing.
>
> The inevitable conclusion of all the testimony is that there is no evidence whatever to sustain the charge of improper use of money at the primary or the general election.

Mr. President, I submit that any fair-minded man, any man who does not desire to whitewash Truman H. Newberry, could never have written those words into this report if he had given any consideration to the testimony which was before the court which tried Mr. Newberry, and if he had given any consideration to the testimony which was presented before the Senate investigating committee. I will read that statement again. Its absurdity, its ridiculousness, its misleading quality should be called to the attention of the Senate and to the attention of the Nation. The report, as I stated, was presented by the junior Senator from Missouri [Mr. SPENCER] and opens up with this bold, daring statement in defense of Mr. Newberry:

> Truman H. Newberry was absent from the State of Michigan continuously during the entire campaign and until long after the election had been held. He took no part whatever either in the financial or other features of the primary campaign or its direction or control. Nor did he take any part in the general election.
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> The inevitable conclusion of all the testimony is that there is no evidence whatever to sustain the charge of improper use of money at the primary or the general election.

Mr. President, if the record establishes that the majority of the committee were in error when they took that position, then Mr. Newberry is not entitled to a seat in the Senate.

Another defense that is offered by those speaking in behalf of Mr. Newberry, and it is one which is rather inconsistent with this bold statement of the committee that Mr. Newberry had nothing to do with the campaign, is that if there were large and excessive amounts of money expended in that campaign, it was made necessary because Mr. Newberry was in a contest with the well-known Mr. Ford, whose name was a household word not only in Michigan but throughout the country. Mr. President, again I say that if the evidence produced at the trial and the evidence presented before the Senate committee disproves that such was the real motive and the real object and purpose of the excessive expenditures, then again those who are presenting Mr. Newberry's claim for exoneration fail in their contention.

I lay down two propositions in contradiction of the contention made by the majority of the committee: First, Mr. Newberry did take part in the campaign from beginning to end; second, that the evidence establishes that of the more than $200,000 that was expended in the campaign, a large part of it was corruptly and improperly expended.

In my opinion, the evidence establishes that Mr. Newberry knew all about his campaign, knew all about its management, knew all about the excessive expenditures; that he was the supreme power in directing the campaign; and that he participated in financing his campaign. I assert also that these excessive expenditures, this corrupting of many of the electors of Michigan and buying of influence had begun long before Mr. Ford's name was even suggested or considered in connection with the senatorship.

Let us consider for a few moments, Mr. President, Mr. Newberry's activities and his connection with the campaign. What is about the first written page upon that subject? We find, first, that prior to Christmas, 1917, Mr. Cody, a friend of Mr. Newberry, came to Washington as a representative of Mr. Newberry for the purpose of endeavoring to obtain Mr. Hayden as his campaign manager. The record proves and establishes beyond any question of doubt, and it has not been denied by anyone that Mr. Cody came here upon such a mission and that Mr. Cody came to this city as the representative of Mr. Newberry. I would not heckle Mr. Newberry, as has been suggested, when he comes before this body to make a statement to-day, but if he desires to deny that Mr. Cody came here as his representative, then in all courtesy I ask him when he addresses the Senate to-day to state whether or not Mr. Cody came here representing him upon that occasion.

Everyone knows that there could be no heckling about that; everyone knows that there is nothing improper or discourteous in an inquiry of that kind, which merely seeks to get at the very basic facts in connection with this case. So in all courtesy I ask Mr. Newberry when he comes before the Senate to state whether or not Mr. Cody was his representative when he came to Washington to see Mr. Hayden and told him that they desired to get him for Mr. Newberry's campaign manager. Of course, I know Senator Newberry is not going to deny that.

Why is he not going to deny it? Because there is conclusive evidence in the record to establish that he did send Mr. Cody

here, and that Mr. Cody came representing him in the matter of trying to get Mr. Hayden for his campaign manager.

We find on page 640 of the bill of exceptions that Mr. Newberry, who was at that time in New York, under date of December 18, 1917, addressed this letter to Mr. George Miller, in Washington:

MY DEAR GEORGE: I am sure you will realize that my duty here absolutely prevents my getting to Washington, and as I can not see you in person, I am asking Mr. Fred Cody—

This is a letter, if you please, Senators, addressed by Mr. Newberry to his friend, Mr. Miller—

I am asking Mr. Fred Cody, who is going down to Washington, to have a talk with you on some confidential matters, and I am hoping that you have not as yet gone home on your Christmas vacation, so that you will arrange to meet him.

With kind regards, and wishing you all the compliments of the season.

Sincerely, yours,

TRUMAN H. NEWBERRY.

That is the Mr. Cody that the Senator from Michigan [Mr. TOWNSEND] sought to impress upon the Senate was in nowise connected with Mr. Newberry, and he said, "Oh, well, he is rather a talkative fellow; rather a talkative fellow." That shows how much the senior Senator from Michigan knows about the record in this case. The record is full of evidence to show that Mr. Cody was connected with Mr. Newberry in this campaign.

Mr. Cody came just as Mr. Newberry said he would. He visited with Mr. Hayden. He visited with Mr. Miller. The evidence establishes that beyond question. What does Mr. Hayden say upon that subject?

Mr. Cody came here as the emissary of Mr. Newberry about Christmas of 1917 and saw Mr. Hayden for the purpose of getting Mr. Hayden to become Mr. Newberry's campaign manager. That is uncontradicted. We find, on page 58 of the bill of exceptions the testimony of Mr. J. G. Hayden, who testified as follows:

Just before Christmas I had a conversation with Mr. Cody in the press gallery of the United States Senate. Mr. Cody said that he came representing Truman H. Newberry. He said that Mr. Newberry was considering becoming a candidate for United States Senator. He said that he had told Mr. Newberry that I was the man that he should secure as campaign manager.

Then he goes on further about Mr. Newberry saying he did not know Mr. Hayden.

In the same testimony Mr. Hayden said Mr. Cody informed him as follows:

That he had been to see Mr. Miller, and that Mr. Miller had agreed that if they could get me, I would be a good man for the job.

Corroborating absolutely my position that when Mr. Newberry addressed this friend Miller, telling him that Cody was coming here upon confidential matters, he was sending him here for the specific purpose of conferring with Mr. Miller in regard to Mr. Hayden for his (Mr. Newberry's) campaign manager.

At that conference Mr. Hayden talked as though he could not take the management of the campaign, because it would be rather in the nature of a temporary appointment. Mr. Cody returned to New York. He reported to Mr. Newberry, because there was no one else to whom to report. There was no committee of any description at that time. He had come here as the representative of Mr. Newberry. Then, immediately, the next day after Mr. Cody left Washington and returned to New York, he called Mr. Hayden over the long-distance telephone and told him that Mr. Newberry would be unable to see Mr. Hayden in Washington, and that they desired him to come to New York.

It was on the Friday before Christmas that that communication took place by telephone. Mr. Hayden agreed that he would go to New York. He did go to New York. He had a conference with Mr. Newberry. If anyone on the committee wants to challenge that statement, let them show the proof that that is not positively the assertion in the evidence, uncontradicted in any respect.

Mr. Hayden discussed the matter with Mr. Newberry, and after some discussion he did not accept the management of the campaign. When Mr. Newberry found that he could not obtain him as campaign manager he then asked him for some of his ideas in regard to the campaign, and so forth, and the one note of warning that Mr. Hayden gave to Mr. Newberry was that he should not have a barrel campaign. Mr. Newberry acquiesced in the idea, and said that he did not think they ought to have a barrel campaign; and in that conversation he condemned such campaigns as the Mitchel campaign in New York and the Herrick campaign in Ohio. Mr. Hayden returned, and by his refusal of the offer Mr. Newberry had not succeeded in getting a campaign manager.

What is the next step showing the activities of Truman H. Newberry in his own behalf and in his own candidacy? Cody—this man Cody whom the senior Senator from Michigan would repudiate—is found out in Detroit in February. What is Mr. Cody doing in Detroit? Mr. Cody is in Detroit seeking to arrange to obtain Mr. Paul King as the campaign manager of Mr. Newberry. He arranges a conference with Mr. Paul King. To that conference Mr. Templeton, the business associate and partner of Mr. Truman H. Newberry, was invited.

Why do you suppose that Mr. Templeton was invited? He was invited because he was a business associate. He was invited because Mr. Newberry had told him, not very long before, that if he got into the campaign he wanted Mr. Templeton to be the manager of a business men's committee. So the conference was arranged. I shall read from the testimony touching upon that question.

I know that the reading of testimony and the quoting of evidence is rather tedious and wearisome, and I would not go to the extent that I am going to do in presenting this case along that line if it were not for the fact that Senators here representing the cause of Mr. Newberry like to shout that those who are opposed to Mr. Newberry's retaining his seat are not confining themselves to the facts. With all courtesy I say that the Senators who take that position are not confining themselves to the facts in connection with this case.

Here is the testimony of Mr. Templeton in regard to the first step initiating the employment of Mr. Paul King as campaign manager. I read from page 413 of the hearings, from the testimony of Mr. Templeton. Mr. Lucking was the lawyer propounding the interrogatories:

Mr. ALFRED LUCKING. How did you come to get into the committee? Who got you into it?

Mr. TEMPLETON. I think Mr. King made me general chairman. I never knew how it happened. The first I knew of it I saw my name in the letter book.

Think of that, will you. They are trying to make it appear that it was a voluntary committee, a committee of friends to carry on this campaign; and here the man who was put at the head of the committee as its chairman said he did not know how he got to be chairman, and the first that he knew of it was when his name appeared in the letter book. What have Senators to say who try to make it appear that this was a voluntary committee? Do you not think Mr. Templeton was drafted by some one? Do you not think it was merely a piece of fiction, and an effort to evade the law, that they ever had a so-called campaign committee?

Mr. ALFRED LUCKING. Did you not have something to do with getting him in?

He is referring now to Mr. Cody getting Mr. King as campaign manager.

Mr. TEMPLETON. I think I suggested that he would be a good man for the job.

Mr. ALFRED LUCKING. Did you not see him in connection with it?

Mr. TEMPLETON. I saw him once in connection with it.

Mr. ALFRED LUCKING. With whom?

Mr. TEMPLETON. With Mr. Cody.

Mr. Cody being the same Mr. Cody who had come to Washington as the representative of Mr. Newberry for the purpose of trying to interest Mr. Hayden in becoming campaign manager for Mr. Newberry.

Mr. ALFRED LUCKING. Fred Cody, of New York?

Mr. TEMPLETON. Yes, sir.

Mr. ALFRED LUCKING. Who suggested to you that Paul King would be a good man?

Mr. TEMPLETON. I think Mr. Cody.

Mr. ALFRED LUCKING. You personally did not know Mr. King before that, did you?

Mr. TEMPLETON. I had met him two or three times when he was receiver for the Pere Marquette.

Mr. ALFRED LUCKING. Had you had anything to do with him in a political way at all?

Mr. TEMPLETON. Not at all.

That is what Mr. Templeton says about it. Mr. Templeton said that Mr. Cody came to Detroit, that he arranged a conference with Mr. Paul King, that he went to the conference and met the gentlemen at the hotel in Detroit, and that prior to that time he had had nothing at all to do with the campaign of Mr. Newberry. He afterwards qualified that by making this statement: He said that when he was in New York, a short while prior to that, Mr. Newberry had brought up the subject with him; and here is what Mr. Templeton said that Mr. Newberry stated, or his reference, at least, to their discussion of the matter. He says, in his statement on page 414 of the testimony, quoting from Mr. Newberry—that is, I am quoting from Mr. Templeton's testimony in regard to this conference—

He—

Mr. Newberry—

said, "If I should decide to go, I hope you will interest yourself in my candidacy." I said, "I do not know anything about politics. I would not know what to do. If you decide to run and there is anything that I can do to assist you, I would be glad to do it, as a business associate and a friend." He said if he decided to run he hoped

I would help, and I said, "In what way am I to be of assistance?" He said he was very anxious that if he should run to have a business man's campaign and that perhaps I would be willing to have a business man's committee in Detroit. I said if that was all there was to it, I saw no objection. That ended the conversation.

This took place a few weeks prior to February 20, 1918, when he and Mr. Cody saw Mr. King at the Statler Hotel in Detroit. I read a question asked by Mr. Lucking of Mr. Templeton, page 415:

Then, you and Cody sought to have King manage the campaign? Was that the idea?

Mr. TEMPLETON. I would not put it that way. I had nothing to do with it. But Mr. Cody invited me and Mr. King to come to the hotel. We met at the hotel and the suggestion was made, as I remember it, by Mr. Cody to Mr. King that he become active in the Newberry campaign, and I acquiesced.

How about your man Cody having nothing to do with this? Who was Mr. Cody? Mr. Cody was the man whom Mr. Newberry had sent out upon the very first mission in connection with this campaign. He was the man he had sent to Washington for the purpose of interviewing his close friend Miller in a confidential matter, and that matter was the question of obtaining Hayden for campaign manager. Cody was the man whom he had sent to Washington for the purpose of seeing Mr. Hayden as far back as during the Christmas season of 1917 in regard to becoming his campaign manager. He was still representing Mr. Newberry when he went to Detroit for the purpose of seeing Paul King and endeavoring to get him to become Mr. Newberry's campaign manager. If that is not true, in all courtesy I ask Mr. Newberry to state that it is not true when he appears upon the Senate floor to-day. I ask of Mr. Newberry to state whether or not he sent Mr. Cody out to Detroit, representing him, for the purpose of endeavoring to get Mr. Paul King to become his campaign manager.

Even a knave or a fool can get no other construction from the testimony in this case, and if it is not true I would like to have some light from Mr. Newberry upon that question.

What was the outcome of that conference in Detroit in which Mr. Cody importuned Mr. King to become Mr. Newberry's campaign manager? Within a very few days thereafter Mr. King went to New York to see Mr. Newberry. They met in New York; and who was present, corroborating the idea that Mr. Cody was representing Mr. Newberry? At that conference Mr. Cody, Mr. King, and Mr. Newberry were present, and no one else. None of this mysterious business men's committee were present. None of these people who were seeking to have honor thrust upon Mr. Newberry, and who wanted him to run for the Senate when he was in an apathetic and don't-care attitude, were present. Who was present? Mr. Cody, Mr. Newberry's confidential agent, who had come on that mission to Washington to get Mr. Hayden, and who had gone upon a similar mission to Detroit for the purpose of obtaining Mr. Paul King as his campaign manager.

The senior Senator from Michigan [Mr. TOWNSEND] would try to make it appear that Mr. Cody had nothing to do with the campaign. I would like to know what Mr. Cody was doing in Washington, what Mr. Cody was doing in Detroit, what Mr. Cody was doing in conference with Mr. Newberry in the important negotiations of the employment of his campaign manager, if he had nothing whatever to do with this campaign. The most important and vital question to be determined by a candidate, as far as his future success is concerned, is that of selecting a suitable and capable campaign manager.

As a result of that conference Mr. King became the campaign manager of Mr. Newberry, and only a very few days after he was in New York he entered upon his duties as campaign manager.

Mr. President, to show that Mr. Newberry was directing his own campaign, he not only started out with Mr. Cody as his representative for the purpose of carrying on the preliminary negotiations for the obtaining of a campaign manager, but all throughout the campaign Mr. Cody frequented his office, as is shown by the testimony. All during the campaign Mr. Cody was frequently found at his office with Mr. Newberry's campaign manager, King, having gone there for conferences. Mr. Cody was the one man who was so near to Mr. Newberry that Fred P. Smith, the confidential agent and attorney for Mr. Truman H. Newberry, had requested of the clipping bureau that he be furnished with the same newspaper clippings that were being furnished to Truman H. Newberry and that the bill for those clippings should be sent to Truman H. Newberry. I can cite the testimony showing that if necessary. Do not Senators think Cody was representing Mr. Newberry? Was not Mr. King Mr. Newberry's campaign manager? He unquestionably was. Furthermore, at the close of the campaign, Mr. Newberry himself notified the clipping agency to discontinue sending clippings to Mr. Cody "as per your bill number so-and-so."

The senior Senator from Michigan [Mr. TOWNSEND] tried to make it appear that Cody was not representing Mr. Newberry, that he was not in his confidence, that he was not one of his friends, and that he was not one of the moving spirits in connection with the campaign. Why did he want those clippings to go to Mr. Cody if Mr. Cody had nothing to do with it? Of course, the natural conclusion in the mind of any reasonable man would be that Mr. Cody and Mr. Newberry were in frequent conference and that Mr. Cody was assisting and furnishing suggestions in regard to the direction of Mr. Newberry's campaign, and for that reason Mr. Newberry wanted him well posted as to what was going on.

I never saw a case in which there was such effort to depart from the ordinary, natural conclusions and constructions which would be arrived at by sensible and fair-minded men, from the evidence, as there has been in this case. I say that courteously, but it is a fact, and anybody will see it if he will read the record and study the testimony in this case. Yet Senators talk about the men who are opposing this man holding his seat in the Senate being actuated by any principles other than those of the protection of their Government, the preservation of its institutions, and the stamping out of corrupt practices in connection with elections. That is the intimation that has been made by several who have spoken on the other side. I say, Mr. President, that it appears to me that the effort of those who are defending Mr. Newberry is to uphold an attempt to evade the law, uphold one of the most corrupt, one of the most brazen and bold endeavors to purchase a seat in the United States Senate that has ever been recorded in the annals of the political history of this country.

As for my part, I shall take my stand in opposition to them at the peril of being charged with being actuated with motives other than honest and patriotic and a desire to preserve my country, to preserve its institutions which were handed down to us by our immortal forefathers, and to perpetuate our system of free elections in the Nation.

Mr. President, Mr. Templeton also wired Mr. Newberry at the time Mr. Cody was in Detroit, and I ask to have that telegram inserted in the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

[Western Union Telegram.]

DETROIT, MICH., *13.*

TRUMAN H. NEWBERRY,
Hotel Gotham, New York, N. Y.:

Have spent past two days in conference with Cody men from out in the State and city, and everyone thinks, including Frank Blair, that Paul King quite necessary. King will be in New York Saturday and Sunday this week; Mr. Blair next week. Report satisfactory progress.

A. A. TEMPLETON.

Mr. TRAMMELL. In view of the contention of those who are attempting to have Mr. Newberry retain his seat in the Senate, is it not rather strange that they would even have wired Mr. Newberry? Why did they wire Mr. Newberry, if his candidacy was thrust upon him? Why should they have wired him if this was the spontaneous efforts of his friends to bring him into a campaign?

That is not all. There is testimony to show that Paul King was obtained through the instrumentality of Mr. Cody, the representative of Mr. Newberry, and King himself testified. I ask to have his testimony printed in the RECORD at this point without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

I went to New York to see him. When I got to New York I saw Commander Newberry and had a short conference with him at his apartment in the Hotel Gotham. Later he went to the Biltmore. Mr. Fred Cody, the commander, and I were present at the conference. Mr. Newberry met us at the door and shook hands, and he said, "Well, young man, I have not seen you since the day over in Bay City, when you made me sit on the church steps across the street from the armory." I said, "Well, that is quite a while ago; I had forgotten about it myself"—something of that kind. The conference, if you might call it that, was very brief. He was about to leave for the hospital to see Col. Roosevelt, who was ill. We discussed generalities, political conditions generally in Michigan, and Mr. Cody said that some of Commander Newberry's friends were anxious that he should be a candidate for United States Senate and that the matter had been mentioned to me, and that I was considering whether or not I would take an active part in the campaign, but that I wanted to know what Commander Newberry's personal feeling was toward myself individually before I decided the matter.

Mr. TRAMMELL. Mr. King stated that Mr. Cody invited a Senator Scott, a State senator, and himself to the Statler Hotel in Detroit for a conference, that they went there for the conference, and that Mr. Cody mentioned the question of him becoming campaign manager for the Newberry campaign, and that they had dinner in Mr. Cody's room.

Mr. Cody was the representative of Mr. Truman Newberry in trying to obtain Mr. Hayden. He was his representative in

obtaining Mr. Paul King. That was the outcome of the negotiations which he brought about.

We find, up to this point, that Mr. Newberry had taken the first step in his campaign. Those who like to talk about committees can not say that a committee had taken the first step in the campaign, because there was no committee at that time.

I challenge the chairman of the subcommittee, the Senator from Missouri [Mr. SPENCER], who has been so earnest in his defense of Mr. Newberry, to point to the testimony, if there is any, disclosing that up to the time Mr. King was engaged as campaign manager there was any campaign committee whatever.

So whose agent was Mr. Paul King? Mr. Paul King was Mr. Newberry's agent. He had been secured by Mr. Newberry.

We find up to this stage of the campaign the conspicuous and outstanding figure in connection with it is Truman H. Newberry, the candidate himself, with Cody assisting him. Paul King returned from New York to Detroit and opened up campaign quarters there immediately. What were Mr. Paul King's assurances as to campaign funds? He did not know anything about that, if we believe Mr. Templeton, because what did they say on the question of campaign funds? That is a very significant phase of the evidence in this case, Senators.

The only evidence in regard to Paul King's claimed knowledge of the source from which the campaign fund was to be obtained was that Mr. Templeton told him that it was to be raised by the friends of Mr. Newberry. King said no one else had said anything to him about campaign funds. What did Mr. Templeton say on this subject? Mr. Templeton said most emphatically, when he was first questioned upon that subject, that he did not tell Mr. King that. That was his testimony. If it is not his testimony I desire to have some Senator when he speaks in behalf of Mr. Newberry refute it by facts contained in the record.

Then he began his explanation. When he found out that Mr. King had said that he was the man who told him they would get it through friends, Mr. Templeton said, "I do not remember anything about it whatever, but if Mr. King said I told him, I must have done it." Now, just think of that. He said, "I must have done it." Mr. Templeton was further questioned upon the subject, and those further inquiries developed the fact that he stated that if he did tell Mr. King that, he had no authority to tell him, and that nobody had told him that the friends of Mr. Newberry were going to finance the campaign. That is the evidence. He had not told him how they were going to finance it.

What is the situation with regard to financing the campaign? The only effort which Mr. King made to establish that he had any knowledge of where the funds were coming from for the campaign has been absolutely exploded by the testimony of his so-called campaign committee manager, Mr. Templeton. Of course, as reasonable men with average intelligence we would naturally believe that Mr. Templeton was talking with Mr. Newberry in New York prior to the time when King had been engaged to act for Mr. Newberry, the business friend and associate of Mr. Templeton, the personal friend of Mr. Templeton, who was importuning Mr. Templeton to become manager of his business committee. Mr. Newberry would very probably have imparted to his friend Templeton, whom he had asked to become manager, the fact that his friends were going to finance the campaign, if this was true, but Templeton said that no one ever told him that the friends of Newberry were going to finance the campaign.

Mr. King having been employed, he opened up campaign headquarters. Then the campaign manager began to connect up with the politicians and the people throughout Michigan. We find that from the beginning of the management of the campaign of Mr. Paul King for Mr. Truman H. Newberry to its conclusion Mr. Newberry was as intimately in touch with the campaign as it would be possible for any candidate to be in touch with his campaign. Does anyone say he knew nothing about it and had nothing to do with it? The record refutes that a thousand times.

One of the first things after he went out was to begin to address letters and telegrams to Mr. Newberry and make reports to Mr. Newberry, and Mr. Newberry communicated with him, and the whole situation was well in hand by Mr. Newberry from the day he engaged Mr. Paul King until the day next following the primary, when he began to send out his telegrams of thanks and congratulations to his friends, most of whom, according to the telegrams that are in the record, were the hired workers who had been employed by his organization. We find telegram after telegram in the record where Mr. Newberry, the very next day after the primary, said: "I wish to congratulate you upon the results in your county and to thank you for your noble work in my behalf," or something to that effect. There are many of these telegrams that were addressed to men who had been working for so much per month or per day, some of whom had been corrupted themselves and who had corrupted other people as far as it was possible for them to do so with their influence and their money. He knew their names; he knew they had been at work; yet Mr. Newberry knew nothing about his campaign, so contended by some Senators.

On July 4 Mr. Newberry, writing to Mr. King, said among other things:

> I acknowledge your two letters of the 30th and your letters of the following dates: June 27, June 28, June 28, June 28, June 28, and June 30—

He got five or six letters from him dated June 28—

> all of which have been greedily devoured.

That looks like he knew a little about the campaign. But, Mr. President, I have known of no one who said that he had nothing to do with the campaign except the majority members of the committee in their report. Of course, they tried to make it appear that he was in New York, having nothing in particular to do with the campaign, but I do not believe any Senator has tried to make it appear that he had nothing to do with it, except the committee, who try to create that impression.

The VICE PRESIDENT. The Senator from Florida will suspend for a moment. The Chair will rule that each Senator is entitled to speak one hour on any pending question. The Chair does not know what the intention of the Senator who now has the floor will be, but his time will expire at 1 o'clock and 19 minutes.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the parliamentary inquiry.

Mr. KING. As I understand the situation, practically two questions are now before the Senate. May not the Senator, anticipating the chronological presentation of each of those questions, continue addressing himself, theoretically at least, to the second proposition?

The VICE PRESIDENT. When the second proposition comes up he will then have an opportunity to discuss it if he desires. Of course, there can be but one question pending at a time, and there is now but one question pending.

Mr. TRAMMELL. Mr. President, I hope this time will not be charged to me.

The VICE PRESIDENT. It will not be charged to the Senator.

Mr. TRAMMELL. I think the ruling is contrary to the rulings heretofore made, but I accept it out of respect to the Chair. Heretofore any measure pending might be discussed when a Senator was discussing the main question, and very properly so. The idea of a Senator being precluded from the privilege of discussing a substitute to the main proposition until it comes up is something new. It is up now; it is pending. Both questions are the main question and the substitute. I accept the decision of the Chair respectfully, but I expected to have two hours at this time. I was going to put in a lot of testimony, but I shall not have the opportunity now to do so.

Mr. KING. Mr. President, will the Senator yield?

Mr. TRAMMELL. My time is so limited now, that I do not like to yield.

Mr. KING. It may be taken from my time. I am speaking in the interest of the Senator now occupying the floor. It occurs to me that the Senator now occupying the floor, if he desired, or any other Senator, might suggest a substitute or indicate that he intended to offer as a substitute some proposition to take the place of the recommendation of the majority members of the committee and address himself during the second hour to that and to cognate questions. I suggest that for the consideration of the Chair when the matter shall finally be presented to the Chair for a ruling.

The VICE PRESIDENT. The Senator will have an opportunity to speak when any other question arises. There can be but one question pending at a time, and there is now but one question pending.

Mr. TRAMMELL. I appreciate the courtesy of the Chair, but it would have come at a more opportune time when I began speaking than to have waited until I had only seven or eight minutes remaining of the hour which the Chair now allows me. I appreciate the courtesy of the Chair, however. I would have arranged my address quite differently had I known in advance I was going to be limited to one hour.

I can not conclude, as I had expected, in seven or eight minutes, but I lay down the proposition that the testimony shows that Mr. Newberry largely directed his own campaign; that he engaged his own campaign manager; and that he at least con-

tributed a part of the money that was expended, and in addition to that he had knowledge of the expenditures that were going on. He had conferences with his manager almost weekly; he had conferences with the publicity men, and helped to plan the movie advertising. He knew all about the publicity work; he knew all about the field operations, because he received reports weekly from Mr. King. There are letters in the record showing that conclusively.

Mr. Newberry thanked Mr. King for his field reports, covering the weekly activities, and said it was a good idea that he had his field agents come in every Monday.

Who were the field agents? The field agents were men who were employed and paid so much per week for their services. Some of them were not for Mr. Newberry until they had been employed and paid for their services. On the question of whether or not he had anything to do with the expenditures, Mr. Newberry, in a letter which he wrote to his friend Mr. Miller, in response to some condemnation which Mr. Miller had uttered against "barrel" campaigns, I judge, stated that he agreed with everybody else that there should not be any improper use of money in connection with his campaign. It is a significant feature of that letter of Mr. Newberry that in it he said that neither Paul King, Templeton, nor Oakman are to receive "one cent (except actual travel and publicity costs) from me." He did not say from somebody else, but he said "from me." That letter is set forth in the record a number of times. Those were the men with whom he had been in touch; they were the men who were his representatives. When he had received some statement, probably of disapproval, from Mr. Miller, either through his paper or by private letter, Mr. Newberry wrote that none of the gentlemen mentioned were to receive "one cent from me, except actual travel and publicity costs." His letter bears no other construction than that he was to pay their "actual travel and publicity costs."

We find an item of $146,000 for publicity. The methods for obtaining field and other workers in this campaign were most reprehensible. The campaign was carried on primarily by Mr. Newberry and Mr. Paul King. Then came in the field agents, the intermediaries; then came in the county campaign committees. Field agents, county committee chairmen, and secretaries were practically all paid salaries. It was a very common thing, I understand from the evidence, for them to go and talk with a man, asking him to support Mr. Newberry. In many instances the voter they approached was for some other candidate.

They would talk along a little while and then the Newberry agents would say, "Well, of course, we did not expect you to work for nothing," and some weak fellow frequently would give way, and before the conference ended they would have bought that man by paying him $75 or $100 or perhaps $30 a week for his services. They would go and interview railroad engineers; they picked men in all vocations of life. I never heard of a campaign that was any better systematized or which was carried on with any more shrewdness and ability if one were going to buy his way into the United States Senate. They bought off men occupying such confidential relations as the heads of fraternal organizations. They went into industrial organizations, and they would persuade a man either by holding out the glittering coin to him or they would get him up by other methods. They went after newspapers, and, as stated in a letter by Paul King, on one occasion, when a newspaper that had been supporting Osborn was weakening, "this week I am sending a man to put a page advertisement in his paper." We all gather the significance of that; that a page advertisement would probably finish the job and that that newspaper would support Mr. Newberry.

Those were the methods employed. Mr. Paul King reported to Mr. Newberry constantly, daily, by telephone and by letter. He also sent him a copy of the report of his weekly meetings with his field agents; he sent him a list of the field agents. Mr. King sent Mr. Newberry a list of his supporters, and Mr. Newberry, according to the testimony, would write them a personal letter, thanking them for their support. And yet some Senators say that he had nothing to do with the campaign! The cost of stamps alone for the letters which Mr. Newberry himself signed and mailed out from New York would no doubt exceed the amount which he was permitted to expend under the law. So certainly Mr. Newberry knew something about that expense. He knew that money was being expended by the tens of thousands of dollars.

Mr. President, it is an absolute subterfuge to talk about the reason for these expenditures arising out of the necessity of defeating Mr. Ford, because the testimony is full of instances from beginning to end showing that Mr. Paul King, Mr. Newberry's manager, and Mr. Newberry were concerned for months, during which they were expending money, long after the "barrel" had been opened, not in regard to the candidacy of Mr. Ford, for Mr. Ford had not then appeared upon the horizon, but the names mentioned in the telegrams and letters which passed between Mr. Newberry and Mr. King were those of ex-Gov. Osborn, ex-Gov. Warner, Senator William Alden Smith, and one or two others who were also on the list. Mr. Newberry, in referring to ex-Gov. Warner, as my recollection is, stated that he does "not think there is any probability of him coming in now that we have advanced so well, and with continued heavy pressure of publicity we shall keep him out of the way." This expenditure was not caused by the candidacy of Mr. Ford, but from the time the campaign was begun the large and excessive expenditures were made with a view to defeating ex-Gov. Warner, ex-Gov. Osborn, and others. It set out with Mr. King in the very first instance having told Mr. Newberry that the campaign would cost probably $50,000. The testimony shows that, and such an expenditure was in violation of law. The corrupt methods were continued after Mr. Ford entered the race, but this was only a continuation of what had been going on from the opening of the Newberry campaign months before Mr. Ford's entrance into the contest.

An expenditure of $50,000 was in violation of the law of the United States and was in violation of the law of Michigan. In good conscience, Mr. President, while I feel kindly personally toward the junior Senator from Michigan, I can not vote to exonerate him, and I believe that he should not be permitted to retain his seat in this body. I will never give my approval to the purchase of a seat in the Senate at $200,000 or for any other sum. I would be untrue to my State, the Nation, and myself if I should give the stamp of approval to the "boodle" campaign which resulted in Mr. Newberry's election to the Senate.

Mr. NEWBERRY obtained the floor.

Mr. SPENCER. Mr. President, if the Senator will yield to me for a moment, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKinley	Shortridge
Ball	France	McLean	Simmons
Borah	Frelinghuysen	McNary	Smith
Brandegee	Glass	Moses	Smoot
Broussard	Gooding	Nelson	Spencer
Bursum	Hale	New	Stanfield
Calder	Harreld	Newberry	Sterling
Cameron	Harris	Nicholson	Sutherland
Capper	Harrison	Norbeck	Swanson
Caraway	Heflin	Norris	Townsend
Colt	Hitchcock	Oddie	Trammell
Culberson	Jones, N. Mex.	Overman	Wadsworth
Cummins	Jones, Wash.	Owen	Walsh, Mass.
Curtis	Kellogg	Page	Walsh, Mont.
Dial	Kenyon	Phipps	Warren
Dillingham	Keyes	Pittman	Watson, Ga.
du Pont	King	Poindexter	Watson, Ind.
Edge	Ladd	Pomerene	Weller
Elkins	McCormick	Ransdell	Williams
Ernst	McCumber	Robinson	Willis
Fernald	McKellar	Sheppard	

The VICE PRESIDENT. Eighty-three Senators have answered to their names. There is a quorum present.

Mr. HARRISON. Mr. President, before the Senator from Michigan proceeds, will he yield to me for a moment, so that I may make a unanimous-consent request?

Mr. NEWBERRY. I yield.

Mr. HARRISON. I ask unanimous consent that the unanimous-consent agreement limiting debate that was adopted by the Senate some days ago may be modified so that it will not apply to the Senator from Michigan, so that he may proceed as long as he desires.

Mr. NEWBERRY. Mr. President, I appreciate the courtesy of the suggestion, but my remarks will not occupy more time than allowed under the agreement already in force.

Mr. President, I can not remain silent any longer during the consideration of my right to represent the State of Michigan as one of its Senators. I did not volunteer to appear before the committee of the Senate which took testimony in this matter because I really had no information that would assist in the investigation of the charges filed by my opponent. It seems to me that the time has come to speak, because my silence may be misunderstood by my friends.

As my colleagues in this body know, and as is also well known by my associates and constituents in the State of Michigan, I am not accustomed to public speech, and whatever service I have been able to render to my country or to others has been entirely along lines remote from oral debate. Therefore, I earnestly request my associates in the Senate to permit me to proceed with my statement without interruption. I shall state the whole case as I know it——

Mr. POMERENE. Mr. President, will the Senator yield just for one preliminary question, so that there may be an understanding?

Mr. NEWBERRY. I will, if the Senator will please let me proceed thereafter without interruption. For this time, I will.

Mr. POMERENE. Yes. I simply desire to ask the Senator from Michigan whether, after he has concluded his statement, he will then be ready to answer some interrogatories?

Mr. NEWBERRY. I shall try to cover the whole case, as far as I know it, in my statement; and before I leave the floor I will yield for any reasonable question that is asked for information. I do not propose to take part in discussions of the law, for which I am not qualified, nor to comment on the opinions or testimony of others. I am here in my right as a Senator to give the facts, and nothing more.

I shall state the whole case as I know it, fully, frankly, and honestly, as in the presence of God and before my fellow Senators in this great tribunal; and I shall do this just as completely as I am able to do it. I can add absolutely nothing to what I am about to state to the Senate. I must abide by whatever effect it may have upon the conscience and the judgment of the Members of this body.

It is perhaps unnecessary for me to say that I shall confine myself strictly and entirely to the facts as I know them to be and shall not attempt in any sense, either by argument or by appeal, to affect in the slightest degree the judgment of this body. As far as I am concerned, I desire that the facts as they are shall determine this matter.

On the 6th day of June, 1917, I was commissioned a lieutenant commander in the United States Navy, and on the 23d of the following month—that is, July 23, 1917—I was assigned to the third naval district, with headquarters in the Brooklyn Navy Yard, which were some months later moved to Chambers Street, New York City. I immediately took up my duties there; and from that day, July 23, 1917, until after the signing of the armistice, November 11, 1918, I was never in Michigan a single hour. To be exact, I never put foot in Michigan again until the holidays following the armistice. The primary election and the general election of 1918 occurred during my absence from the State of Michigan.

In the early fall of 1917 I began to receive visits and letters from men active in public and political affairs in Michigan urging me to become a candidate on the Republican ticket for United States Senator. I was not unmindful of the suggested honor, and yet I fully realized that I certainly would not resign my commission in the Navy to become a candidate for any political office, and that I could not take any personal, active interest in a campaign while I continued to be an officer on duty in the United States Navy.

While I was considering whether or not it was my duty to become a candidate for the United States Senate at the November election of 1918 I said to Mr. Allan Templeton, a citizen of Detroit, who was actively engaged in a large industry in which I was a stockholder and who was also president of the Detroit Board of Commerce, that if I should decide to become a candidate I hoped it would meet with the approval of my Detroit business friends and associates and that I trusted that the campaign might be looked after by business men of that description. This is as far as I had any direct connection with the selection of the committee of business men, whose management of the campaign I shall remember with gratitude as long as I shall live.

Mr. Paul H. King was induced to accept the active management of the campaign. The selection of Mr. King did not originate with me. It was not in any way arranged by me. I knew Mr. King but slightly. My last contact with him had been in 1912, when we were political opponents. I was a supporter of Theodore Roosevelt and Mr. King was a supporter of William H. Taft in that campaign. Mr. King was successful in keeping me and the Roosevelt delegates entirely out of the famous Bay City convention that year, of which I had been invited to be chairman by the State committee.

In my judgment Paul King is a man of the highest character and sterling integrity, and when he had been selected as manager of the senatorial campaign in Michigan, which was done without the slightest knowledge on my part, he insisted that before he would even accept, much less undertake to enter upon the work of the campaign, he should and must learn for himself, because of our differences in 1912, whether or not his management of the senatorial campaign would be entirely acceptable to me.

He came to New York and we had a brief interview there. We did not discuss, even indirectly, a single detail of the campaign. I recall that during the conversation had at that time Mr. King, in answer to a question as to how much it had cost the friends of Senator TOWNSEND, whose campaign Mr. King had managed, said it had cost approximately $20,000, and added that in view of the situation then existing in Michigan he thought it would cost my friends approximately $50,000 to make a comprehensive and successful campaign. This is the only amount of money which, directly or indirectly, I ever heard mentioned in connection with the senatorial campaign in Michigan until after the primary election and the report of the committee was filed.

I did not solicit or expend, directly or indirectly, one single dollar in the campaign for Senator in Michigan in 1918, nor did I know of the contributions made until afterwards. The two statements which I made under oath to the Senate are absolutely and wholly true. The first is dated August 14, 1918, and, omitting the printed form with which you are all familiar and to which I sincerely subscribed, I wrote in my own hand as follows:

> The campaign for my nomination for United States Senator has been voluntarily conducted by my friends in Michigan. I have taken no part in it whatever, and no contributions or expenditures have been made with my knowledge or consent.

In the second, dated August 28, 1918, with the same omissions as to the printed form and in addition to the printed form, to which I sincerely subscribed, I wrote with my own hand as follows, under the head of "Contributions":

> None with my knowledge and consent.

And under the head of "Disbursements"—

> None with my knowledge and consent. I have read a general public statement of Paul H. King concerning expenditures made by a voluntary committee of my friends, but these were made without my knowledge or consent.

As every Senator knows, this form refers only to campaign contributions, disbursements, and promises, and I think other things of value, and to nothing else.

I had not the slightest intention of misleading anyone in making this statement, nor do I believe that any fair-minded man was in the least deceived thereby.

The form of report furnished by the Senate under the act of Congress then supposed to be in force—but which has since been declared to be void—called for a full, correct, and itemized statement, under oath, of all campaign contributions, names of contributors, all expenditures, and the purposes for which the expenditures were made.

I had not the knowledge required to make such a verified report. Had my affidavit so stated this fact, all criticism would have been avoided. I made the statement in the form it was made in, without consultation with anyone, and it was literally true. I had taken no active part in the campaign. I had not even been in Michigan. I had neither received nor expended any funds and had no personal knowledge to enable me to make the report called for.

In my statement filed with the secretary of the State I did call attention to the report of the campaign committee at Detroit, which report, as called for by the Michigan law, includes a full statement of receipts and disbursements, as reported by the treasurer of that committee.

After our interview in New York, Mr. King went back to Michigan and prosecuted a campaign, conducting it entirely in his own way. He managed a campaign of publicity and organization which was most effective and for which I have frequently expressed to him the gratitude which I feel. I have to-day, as I always have had, a personal admiration for Paul King's character as a Christian gentleman, for his honesty and integrity as a man, and for his splendid ability as an organizer and campaign manager. I am proud of the friendship of Paul King. Not more than a half-dozen times did I see Mr. King throughout the campaign, and each time it was in the city of New York. He kept me constantly informed as to the progress of the campaign, in which I was, of course, keenly interested. On one or two occasions questions of policy were discussed between us, and in each instance the judgment of Mr. King controlled.

As I recollect the facts, in one or two instances his action was the exact opposite of what I felt was the best thing to be done. I do not mean to say that I did not know generally what was going on in Michigan. I had constant knowledge, as far as information was concerned, regarding the progress of the campaign, but I had no direct participation in it.

I knew, as a matter of fact, that a campaign of publicity was being extensively carried on, and I realized that such a campaign must necessarily cost a considerable sum of money; but I did not have the faintest idea as to the amount of money that actually was expended until after the report was made public. The cost of the campaign was about $195,000, according to the report, and when I learned of this amount I was at once filled with amazement and regret.

I have no criticism to make of those who managed the campaign which resulted in my election to the United States Senate. Whatever may happen, it is a gratification for me to remember that in the examination before the grand jury in New York City, in the diligent and detailed examinations which were made by numerous agents of the Department of Justice from Washington, in all that was brought out in the minute investigation of every step in the campaign in Michigan, in all that was presented to the grand jury at Grand Rapids, and before the petit jury who tried the Grand Rapids case, there was not the slightest evidence which involved moral turpitude in the remotest degree, nor was there any evidence, so far as I have been able to learn, of a single dollar that was spent dishonestly for corruption or bribery. The amount expended was large, more than I had any idea was being expended, and more than ought to be necessary to expend in any ordinary campaign. But this was not an ordinary campaign.

I shall not dwell upon the reasons which the committee thought imperatively demanded a campaign of newspaper publicity involving this expenditure of money. I can only say that I regret exceedingly the fact that so large an amount of money was necessarily expended. I can further say that in the acquisition of that money, in the solicitation of that money, in the collection of that money, in the use of that money, I had nothing whatever to do. I knew nothing whatever about it—not even the amount of it.

I make this statement not to escape any responsibility but in order that the actual facts in the matter, as I know them, may be presented to the Senate. How the money was spent in the State of Michigan, how the books of account were kept, who were engaged in the work, or what they did, I did not know. I do not know now, except from the accounts of the hearings which have been held, and the report filed after the primary.

It is and always has been my understanding that in so far as the primary in Michigan is concerned, if the cost is not borne by the candidate himself, the committee in charge of the campaign may spend whatever amount it pleases for the 11 enumerated objects which are set forth at length in the Michigan primary law. I, therefore, assumed from the start, and I still believe, that the law was carefully obeyed by this independent committee, which had the campaign for my primary election in hand.

The testimony shows that after the report of the campaign committee had been filed, an amount of money aggregating ten or fifteen thousand dollars was still due, largely for advertising bills which had not been sent in. This fact I did not know until Andrew H. Green testified before the Senate committee here in Washington, nor did I know until that time of his generosity which made the payment of these bills possible. I made my statements under oath to the Senate, as provided by law, in the firm belief that they were full and fair statements of the absolute truth, and I so believe to this hour. I made them without consultation and without legal advice; and with only the same facts before me, I would make exactly the same statements to-day that I made then.

As to the campaign fund, the question of its acquisition or of its expenditure was never called to my attention by anyone connected with me or the campaign committee; and when I stated that no money was spent with my knowledge or consent, I endeavored to convey the same impression which I now endeavor to make clear, namely, that as for myself, I was spending no money, and that I knew nothing about the expenditure of money in the campaign. I want to make this point just as strong as I am able to do, because it has been hinted that money which was contributed, without my knowledge or consent, by relatives and friends of mine, was subsequently, in some way, directly or indirectly, repaid by me, or was to be repaid by me. There is not even a shadow of truth or the slightest foundation for any such statement. I did not know what amounts were given to the campaign. I did not know by whom these amounts were given. I did not know either their source, their amount, or their use. I have never agreed, either directly or indirectly, to repay, or in any way to reimburse such contributions, either in whole or in part, nor have I, directly or indirectly, repaid or reimbursed such contributions, in whole or in part. I have never made any agreement to do so, nor have I any intention of so doing.

So far as I am personally concerned, I did not spend in the primary campaign in Michigan a single dollar, directly or indirectly, and with the exception of a personal contribution of $1,500 to the Republican State central commitee, this is equally true of the general election. In spite of the fact that the whole people of my State were bombarded from every side by every means of publicity and appeal, with every detail of every charge made against me in connection with the primary, I was elected fairly and honorably a Senator from the State of Michigan.

The people of my State knew the whole story from beginning to end, and whatever action the Senate of the United States may take, I shall remember as long as I live the staunch loyalty of the people of Michigan, who, with complete and full knowledge of every allegation made against me, and of the charges that were made and placarded throughout the State in connection with the primary campaign, held me in such confidence and believed in me sufficiently to elect me one of the Senators from Michigan.

I can add nothing to this statement to which the Senate with so much patience and courtesy has listened. It presents fully and frankly all the facts in the case as I know them to be.

As God is my witness, I am not to this day and hour conscious of having done in connection with either the primary campaign, or the general election of 1918 in the State of Michigan, a single act that was, or is, in any way unlawful, dishonorable, or corrupt, and this I say to the Senate of the United States, without reservation or qualification.

Upon these facts, as I then believed them to be, and as I now believe them to be, I shall abide the result with a clear conscience.

Mr. WALSH of Montana. Mr. President——

Mr. NEWBERRY. I yield to the Senator from Montana.

Mr. WALSH of Montana. Pursuant to the very frank and courteous statement made by the Senator from Michigan, to the effect that he was quite willing that he should be interrogated with a view to eliciting any facts, I desire, if he will permit me, to address a few questions to him in entire conformity with the spirit of the suggestion made by him and without any disposition whatever to engage in any discussion or attempt to heckle him.

I desire to refer the Senator to the proceedings at the trial at Grand Rapids. I note from the record that witnesses were interrogated in behalf of the defendants in that case, but that the Senator himself, a defendant in the case, did not go upon the stand. Is that correct?

Mr. NEWBERRY. It is.

Mr. WALSH of Montana. Other witnesses were examined, however, for the defendants. The Senator did not appear as a witness either before the Senate committee investigating this matter, did he?

Mr. NEWBERRY. The Senator is perfectly familiar with the facts. Please state them and ask the question. I do not wish a running examination or a cross-examination. I appreciate the kindness with which the Senator started out, and I wish to respond in exactly the same spirit. If the Senator will ask directly what he wishes to know, and if the facts are within my knowledge, I shall be delighted to tell the truth.

Mr. WALSH of Montana. I shall be very glad to pursue that course. In view of the fact that the Senator did not appear as a witness in the Grand Rapids trial, although other defendants were interrogated, in view of the fact that he did not appear before the committee as a witness, nor make any public response to the letter of Mr. Vandenberg, the editor of the Grand Rapids Herald, who addressed him upon the subject that is under consideration here, I wish to inquire of the Senator why he did not make before the statement which he has made this morning?

Mr. NEWBERRY. I did not appear on the stand at Grand Rapids because I was what lawyers might call a good client. I followed the advice of the lawyers in charge of the case, who said that I had no information to give. I did not volunteer before the Senate committee for the reasons I have given in my statement to-day.

Mr. WALSH of Montana. Will the Senator tell us why he did not make the statement that he makes this morning in answer to the letter of Mr. Vandenberg, which was given publicity in Michigan?

Mr. NEWBERRY. I did not see any reason why I should encourage my political critics in their efforts to defeat me. I did not do more than that with Mr. Vandenberg because I thought I had done all that was right and proper at that time.

Mr. WALSH of Montana. The Senator has referred in his very succinct statement to a number of interviews that he had with Mr. Paul King during the course of the campaign in the city of New York. Were there any other gentlemen connected with the campaign in any way in consultation with the Senator in New York during the primary campaign?

Mr. NEWBERRY. I think there were others from time to time. I referred to Mr. King because he was the man who was in charge of the campaign.

Mr. WALSH of Montana. The Senator is not associated in any business way with Mr. King?

Mr. NEWBERRY. None whatever.

Mr. WALSH of Montana. I think the Senator stated he had some business relations, however, with Mr. Templeton?

Mr. NEWBERRY. I had for many years.

Mr. WALSH of Montana. But none with which Mr. King and he are jointly associated?

Mr. NEWBERRY. None with Mr. King.

Mr. WALSH of Montana. So that if he and Mr. King and Mr. King's secretary, Mr. Sibben, and Mr. Andrews were in New York at one time it was presumably upon some matter connected with the primary campaign during that period?

Mr. NEWBERRY. Probably if they saw me they talked about it.

Mr. WALSH of Montana. I wish to call the attention of the Senator to the record, which discloses that on March 24 Mr. King and his wife; Mr. Andrews, of Menominee, Mich., I believe, or some place in the northern part of the State; Mr. Templeton, and Mr. Sibben, were in New York in consultation with the Senator, I take it, in relation to the primary campaign. Does the Senator recall?

Mr. NEWBERRY. Yes; I think they were.

Mr. WALSH of Montana. I read from page 227 of the bill of exceptions:

On March 24, 1918, Roger Andrews and his wife registered in room 432; Mr. and Mrs. A. A. Templeton in room 332; Mr. and Mrs. Paul King in room 334; and C. L. Sibben in room 447. Mr. Truman H. Newberry did not register there on that occasion. Mr. and Mrs. Roger Andrews departed March 26. Templeton and wife, Paul H. King and wife, and C. L. Sibben departed on March 25. Their bills in the following amounts, A. A. Templeton and wife, $13.90; Robert Andrews and wife, $41.10; Paul King and wife and C. L. Sibben, $19.20, were charged to the account of Truman H. Newberry. He also registered in rooms 340 and 342 the same day. He had the use of those rooms for the day, presumably for a couple of hours, and departed the same day.

Do you recall having paid those bills, Mr. Newberry?

Mr. NEWBERRY. I do not.

Mr. WALSH of Montana. Do you assert that you did not?

Mr. NEWBERRY. I do not understand the question. Will the Senator ask it again?

Mr. WALSH of Montana. Do you assert that you did not?

Mr. NEWBERRY. Did not what?

Mr. WALSH of Montana. That you did not pay those bills.

Mr. NEWBERRY. I have no knowledge of having paid those bills. I do not know anything about paying those bills.

Mr. WALSH of Montana. I read further:

On April 20 Allan A. Templeton, of Detroit, registered in room 1917; Paul King, room 1919; C. L. Sibben, room 2017; and Bert D. Cody, room 262. Their bills, in the following amounts, C. L. Sibben, $4.80; Bert D. Cody, $9.85; Allan A. Templeton and Paul King, $12.11, were all charged to the account of Truman H. Newberry. H. A. Hopkins was registered on April 21 in room 2025, and he departed on April 23. His bill on that occasion, amounting to $23.33, was charged to Truman H. Newberry. A. A. Templeton, of Detroit, was registered May 31 in room 1043, and he remained until June 1. The account, amounting to $5, was charged to Truman H. Newberry. He, Truman H. Newberry, resided at the Biltmore from June 1 to September 18, 1918. Thomas P. Phillips was there from June 2 to June 5, and his account was paid by Truman H. Newberry. Mr. Phillips was registered again in room 725 and departed on June 3. On June 1 a Charles Keiser was registered in connection with the Newberry party in room 1046. I believe he is Mr. Newberry's valet. He was registered during all the time that Mr. Newberry was there.

Mr. NEWBERRY. It might throw some light on the situation if I stated that at that time and during the war I had no home except two hotel homes—one at the Gotham, where I stayed when Mrs. Newberry was at home, and one at the Biltmore, where I spent the summer when my wife was away. For a great many years—I think it must have been from the day the Holland House was opened in New York—I have had a continuous bill at the Holland House and its successor, the Biltmore. I have numerous friends, and I have always permitted and encouraged my children, when they travel, when they were going to the theater in New York, to go to the hotel and charge their accounts to me.

I can not say those bills to which the Senator refers were not paid. I say I have no knowledge of their payment, nor would I have knowledge of the detailed statements coming from the Biltmore Hotel that were paid in my office and included my children and friends and theaters for myself or for them. If those were charged there, I say on my honor as a Senator they were not charged by my direction, with my knowledge, nor so far as I know did I pay them, and still they might have been paid.

Mr. WALSH of Montana. Does the Senator know who did authorize the clerk to charge them to the account of Truman H. Newberry?

Mr. NEWBERRY. I do not; and I was a little worried when I found that anybody charged anything to me without my knowledge. We may all of us have enthusiastic friends who think we are more generous than we are, and somebody overtrained on my generosity. That is my theory.

Mr. WALSH of Montana. The Senator, of course, knows Mr. King, and I suppose probably Mr. King would not be one of those who would thus presume upon the generosity of the Senator. I read further from the testimony of the clerk of the Biltmore, as follows.

Mr. NEWBERRY. Does the Senator object if I sit down for a moment?

Mr. WALSH of Montana. Oh, certainly not.

Mr. NEWBERRY. I am willing to be questioned, but would like to get as much rest as I can.

Mr. WALSH of Montana. I read further from the testimony of the clerk of the Biltmore:

On July 14 Mr. Paul King, of Detroit, and Mr. Sibben were registered in room 1018. They departed on the 15th. Their accounts were charged to Truman H. Newberry.

Can the Senator tell us who authorized the charging of that account to Mr. Newberry?

Mr. NEWBERRY. I have no further answer that I can make about those charges. I have tried to be frank and fair and tell all I know about them.

Mr. WALSH of Montana. In the course of the remarks of the Senator he told us he knew nothing about the contributions which had been made until some time afterwards. I dare say the Senator's attention has been called to the testimony of Mr. Fred P. Smith in the record concerning the telegram and the conversation he had with the Senator in which he said the Senator was "kicking about the balances." I read the testimony——

Mr. NEWBERRY. I recall it.

Mr. WALSH of Montana. I read the testimony to the Senator for the purpose of refreshing his recollection.

Mr. NEWBERRY. I recall it. If that is the purpose of the reading, it is entirely unnecessary.

Mr. WALSH of Montana. Apparently a telegram was sent by Fred P. Smith to yourself under date of July 28, 1918, reading as follows:

Lieut. TRUMAN H. NEWBERRY,
Third Naval District, 280 Broadway, New York:
I misinformed you this morning the date of close of regular expenses. Should have said August 27. The circular work, advertising, clerical help, postage, and all regular overhead expenses will naturally continue until primary. Have written.

FRED P. SMITH.

Mr. Smith testified that he was in conversation with you over the telephone. He said that you, Commander Newberry, wanted to know when all this was going to end, and the question was asked:

Is that the idea?
Mr. SMITH. I think that is right.
Mr. ALFRED LUCKING. You got the date wrong in your talk, and so you sent this telegram to him?
Mr. SMITH. Yes, sir; that is right.
Mr. ALFRED LUCKING. And you say:
"I misinformed you this morning the date of close of regular expenses. Should have said August 27."
In other words, you should have said that the expenses would then be cut off?
Mr. SMITH. Yes, sir.
Mr. ALFRED LUCKING (reading):
"The circular work, advertising, clerical help, postage, and other regular overhead expenses will naturally continue until primary?"
Mr. SMITH. Yes, sir.
Mr. ALFRED LUCKING. And that is what he had been talking with you about over the phone?
Mr. SMITH. He was kicking about the balances.
Mr. ALFRED LUCKING. Yes; the drain was pretty heavy, and he wanted to see it stopped?
Mr. SMITH. Yes, sir; that is true.

Do you care to say anything in respect to that matter?

Mr. NEWBERRY. Mr. Smith's recollection and my recollection are quite different, so far as the inferences which may be put on his answer are concerned. My recollection of that incident is that my inquiry was caused by the newspaper criticism of the expense of that campaign. It disturbed me and I expressed the hope that the time had come when it was over. Senators may get the idea of what a fine politician and candidate I was when I did not even know and Smith did not know within 30 days of when the thing would be over. I wanted the thing over and I hoped that the newspaper criticisms would come to an end, and this harping about expenditures, which I hated then and hate worse now, and I was asking "When, for goodness sake, will this thing stop?" And Mr. Smith answered, as the Senator from Montana has read, that expenditures for this, that, and the other were to go on for another 30 days. When, however, he states that I was "kicking about the balances" his statement is unintelligible to me. I was not kicking about the balances, and I did not know anything about any balances.

Mr. WALSH of Montana. What reason had you to suppose that the expenditures were running high?

Mr. NEWBERRY. The newspapers were my advisers as to that.

Mr. WALSH of Montana. Did Mr. Fred Smith have anything at all to do with the making of these expenditures?

Mr. NEWBERRY. His testimony is in the record, and he has testified that he did not have.

Mr. WALSH of Montana. These expenditures were all incurred by Mr. Paul King, were they not?

Mr. NEWBERRY. I will not comment on Mr. King's testimony. I do not think they were. The statement I have made covers everything that I know about the matter. As to how the expenditures were made and who made them, I knew nothing, and I can not here reply intelligently to questions except as to the facts within my knowledge, and as to such facts I am prepared to answer if I know how to answer.

Mr. WALSH of Montana. Very well.

Mr. NEWBERRY. But I do not want to impute motives to others or to construe their ideas or their testimony.

Mr. WALSH of Montana. All I desire to ask is why you complained or called the matter to the attention of Fred P. Smith, who had absolutely nothing whatever to do with the running of the campaign, instead of Mr. King or Mr. Templeton or Mr. Blair?

Mr. NEWBERRY. I have already answered the question as to why I called up Fred Smith. I did not want to call up the others because I did not want to criticize their campaign, if there was anything to criticize. It was an inquiry that I was trying to make, and I thought some fellow on the outside could find out something about it.

Mr. WALSH of Montana. Really all that Fred Smith had to do with the matter was to draw checks, was it not?

Mr. NEWBERRY. I am not prepared to discuss Mr. Fred Smith's position.

Mr. WALSH of Montana. Senator NEWBERRY, I want to call your attention to the fact that the record discloses, in the bill of exceptions, at page 281, that the first contribution made by John S. Newberry was a thousand dollars, which was made on March 22, 1918. This is from the official report which is filed by the committee. It also appears, at page 117 of the record, that on March 6 Mr. Paul King opened an account under the heading of "Paul King, Chairman," and deposited $2,000 in the bank. Mr. John S. Newberry's first contribution, according to the report and according to his own testimony, was on March 22 of $1,000. Mr. Paul King deposited $2,000 on March 6, 1918. Do you know where that money came from?

Mr. NEWBERRY. I do not know. I know nothing whatever about it.

Mr. WALSH of Montana. Let me remark in that connection, the account thus opened by Mr. King was closed out on May 7, 1918, at which time Mr. Blair was appointed treasurer of the committee. Up to that time the committee operated without a treasurer. What part, if any, did you have in the selection of Mr. Blair as treasurer?

Mr. NEWBERRY. None whatever.

Mr. WALSH of Montana. Did you know when he began to act as treasurer?

Mr. NEWBERRY. I do not think so. No; I did not know.

Mr. WALSH of Montana. That fact was not reported to you?

Mr. NEWBERRY. I do not recall when he began to act or whether it was reported to me.

Mr. WALSH of Montana. Were you familiar with the provision of the Michigan law that not a dollar could be paid by a committee that had not a treasurer?

Mr. NEWBERRY. I can not say that I am very familiar with it, although I generally know what the law is in the State in which I live.

Mr. WALSH of Montana. There are a few expressions in some of your letters to Mr. King which I should like to quote.

Mr. NEWBERRY. I desire to say to the Senator from Montana in advance that I am not prepared to defend every sentence in each letter I ever wrote. I ask the indulgence of the Senator in asking these questions that he will kindly consider that when those letters were written we were in the midst of a war, and I was in the midst of the busiest part of war in the United States in the harbor of New York. I wrote those letters in a hurry, without any study and without any knowledge and without any thought that each and every word could be picked up here by lawyers of the highest standing in our country. To split hairs and quibble over the use or the omission of words in the letters which I wrote at that time I consider distinctly unfair.

Mr. WALSH of Montana. We will have the circumstances in mind.

Mr. NEWBERRY. I do not think the Senator from Montana is going to be unfair, but somebody might be unfair. Now go ahead and shoot, and I will try to do the best I can. [Laughter and applause in the galleries.]

The VICE PRESIDENT rapped with his gavel.

Mr. WALSH of Montana. I have in mind the statement which was made by the Senator in the course of his remarks that he had nothing whatever to do with the expenditure of this money. I call attention to a letter appearing in the record at page 704 from you to Mr. King, in which you say:

> I am glad Mr. Warner is scared out for the present, and as long as we keep up our publicity work at full pressure it will be harder and harder for any new man to get any kind of a start that will make it seem worth while for him to be a serious candidate.

Just what did you mean by "our publicity work" to be kept up "at full pressure"?

Mr. NEWBERRY. Mr. President, in those letters which I wrote, and in that letter in particular, I was trying by every means in my power to encourage and to cheer on the men who were undertaking this work. My position might be compared to that of a man watching a contest, athletic or otherwise, and, because of heart interest, I was on the side line, howling and yowling for my side as loud as I could to encourage them whenever I could in every way.

Mr. WALSH of Montana. I desire to call the attention of the Senator from Michigan to a similar expression in a letter under date of May 23, 1918.

> MY DEAR PAUL: I return herewith the draft letters with a few notations. Please be assured that these were made with no intent to criticize, and only as a suggestion.
>
> When you finally settle on the forms, please send me an index descriptive of the people to whom the various letters are intended to be sent, together with clean copies of the forms you finally decided to use.
>
> If, in your opinion, I should, by the use of these letters, now declare myself to be a candidate under the primary law, would it not terminate our present plan of publicity?
>
> Sincerely, yours,
>
> TRUMAN H. NEWBERRY.

Did you intend by that to signify that you were an integral part of the organization that was carrying on this publicity?

Mr. NEWBERRY. No; I did not. I have tried to cover that point heretofore.

Mr. WALSH of Montana. I want to call your attention to just one other letter appearing in the bill of exceptions at page 651. It is a letter which you wrote to Mr. George Miller under date of April 6, 1918. It is rather lengthy, and I shall not undertake to read it all, but I dare say that you have the letter in mind.

Mr. NEWBERRY. I have; yes, sir.

Mr. WALSH of Montana. I read the following extract from it:

> Every intelligent person whole-heartedly agrees with your four negative reasons, and no one is more opposed than I to any improper or even questionable use of money, and not one cent will be spent by me or in my behalf with my knowledge and consent that can not be published to the world, and this keystone principle of my candidacy I wrote out and delivered months ago to those concerned. Neither Mr. Templeton, Mr. King, nor Mr. Oakman have ever or expect ever to receive one cent (except actual travel and publicity cost) from me.

Did you pay any of the traveling expenses of Mr. Templeton, Mr. King, or Mr. Oakman?

Mr. NEWBERRY. Not that I know of.

Mr. WALSH of Montana. Well, what did you mean by saying that none of them ever expected to get a cent from you except for travel and publicity expenses?

Mr. NEWBERRY. What I tried to convey in that letter, Senator, was the fact that none of those men was to receive anything from me. It would have been more intelligent, my idea would have been better expressed, if I had added "by me or the campaign committee," because I was not going to pay anything to anybody.

Mr. WALSH of Montana. But you did not say campaign committee; you said "from me."

Mr. NEWBERRY. I agree with you that that letter might have been better expressed; I am telling you what I tried to say.

Mr. WALSH of Montana. Really what you meant was that they could not get anything from the committee except traveling and publicity expenses?

Mr. NEWBERRY. I did.

Mr. WALSH of Montana. But you did say "from me"?

Mr. NEWBERRY. I have stated what I meant.

Mr. WALSH of Montana. That reminds me of something else. The Senator spoke about the business men's committee. What business men of Detroit were members of that committee?

Mr. NEWBERRY. I can not recall the names of all the members of the committee. There were quite a number in the organization. I think Mr. King testified to that, probably, and that is in the record.

Mr. WALSH of Montana. Mr. King was a resident of Detroit?

Mr. NEWBERRY. I think so; yes.
Mr. WALSH of Montana. Was he a business man there?
Mr. NEWBERRY. Mr. King was a lawyer.
Mr. WALSH of Montana. There was Mr. Templeton, who was a business man in Detroit.
Mr. NEWBERRY. Yes.
Mr. WALSH of Montana. And Mr. Blair?
Mr. NEWBERRY. Yes.
Mr. WALSH of Montana. Was there anybody else?
Mr. NEWBERRY. I do not know with whom they consulted from time to time; they never told me; but that there were others I know.
Mr. WALSH of Montana. That is all.
The VICE PRESIDENT. The time of the Senator has expired.

Mr. EDGE. Mr. President, I feel confident that no one could listen to the frank and manly statement of the junior Senator from Michigan [Mr. NEWBERRY] and to his cross-examination on the part of the distinguished and able lawyer, the Senator from Montana [Mr. WALSH] and have any doubt whatever as to his sincerity and as to his honesty. It seems that one of the points brought out in the cross-examination, which required some passage back and forth, was that friends of the junior Senator from Michigan had registered at prominent New York hotels, and there was a possibility that hotel bills contracted in that manner might have been paid by the Senator from Michigan. While I am not a lawyer, as all my colleagues thoroughly understand, nevertheless it seems to me, Mr. President, that only by a very wide stretch of the imagination could it be held to be a violation of the corrupt practices act even if the Senator from Michigan, when the accounts were rendered by the hotel, had finally paid for the board and lodging or other expenses in New York of friends of his from Michigan, New York being 1,500 miles away from the campaign. I am going to speak very briefly, principally because I served as a member of the subcommittee of the Committee on Privileges and Elections, on which committee devolved the responsibility of investigating this case.

Reams of print paper have already been consumed for the purpose of recording fiery and mostly partisan speeches demanding the unseating of Senator Newberry. If anyone takes the time to look over most of these speeches he will find that they do not attempt to deal with the evidence adduced in the investigation, but for the most part they consist of partisan demands and statements that the moral conscience of the American people has been so shocked that, irrespective of the legal facts, the Senator from Michigan must be sacrificed and disgraced, and his seat declared vacant.

Frankly, Mr. President, some of the denunciatory expressions that have been used by Senators on the other side, usually speaking in generalities and not in any way referring to the actual evidence and facts in the case, would be far more fitting if delivered in a night police court before a police magistrate trying some criminal case than in this Chamber, where it is at least expected by the country that calm consideration of facts and evidence shall alone influence the mind and votes.

It was my privilege to serve as a member of the subcommittee of the Committee on Privileges and Elections, which subcommittee was charged with the important responsibility of investigating this case and reaching a conclusion. Therefore, Mr. President, I feel that in the few moments of the time of the Senate I shall consume I am equipped to talk from a standpoint of familiarity with evidence and facts, rather than inspired by partisanship or prejudice.

In my judgment no question of more serious import can come before this body for a decision than that which decides a man's honor, and particularly that of a Member of this body.

I have heard Members on the other side, in hurling their invectives, frequently make the statement that if Senators on this side would read the testimony they were positive the result would be a vote to unseat Senator Newberry. I join with them in the devout wish that not only Members on this side but Members on the other side as well will read the testimony, as I had the opportunity of hearing the largest portion of it; and then, Mr. President, I am quite positive that there would be less denunciation and implied criminal action and more adherence to facts.

I always endeavor to be fair and considerate of others' viewpoint, and I have no criticism to make of the action of those Senators, either on this side or the other side, who have made up their minds as to their vote in this case if their conclusion has been arrived at and formulated through a careful analysis and study of the evidence and facts. But, equally, I have no patience with efforts being made to inflame the minds and judgments of Senators on either side by simply discussing election corruption in general terms, and practically assuming, notwithstanding the decision of the Supreme Court of the United States, that the Senator from Michigan is guilty of all of the crimes possible against the sacredness of the franchise.

Mr. WILLIAMS. Mr. President——
The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from New Jersey yield to the Senator from Mississippi?
Mr. EDGE. If the Senator will permit me to finish this very short statement, I shall be glad then to yield.
The PRESIDING OFFICER. The Senator declines to yield.
Mr. WILLIAMS. I merely wanted to ask the Senator a question there, because he referred to the decision of the Supreme Court.
Mr. EDGE. I shall refer further to that in what I am about to say.
Mr. WILLIAMS. Would the Senator mind telling me what was the decision of the Supreme Court? I understood it to propound a case of nonjurisdiction in that particular case.
Mr. EDGE. I can not discuss the legal features of the decision of the Supreme Court; I would not attempt to do it for one moment; but, in a general way, the decision of the Supreme Court of the United States certainly reversed the decision of the lower court in Michigan, not only as to jurisdiction, but it at least stated in effect that the lower court in Michigan had no power or right under the law to indict and convict, or I assume it would not have reversed its decision.
Mr. WILLIAMS. Yes; but upon the ground of a lack of Federal jurisdiction in the particular case.
Mr. EDGE. I can not undertake to discuss the technical features.
Mr. WILLIAMS. I will withdraw the question and let the Senator go on, because it is very necessary that he should complete what he is reading.
Mr. EDGE. I am entirely ready to answer the question.

Now, Mr. President, what are the facts? I am not going to make any effort—I thought I would reach what the Senator from Mississippi has in mind, to some extent—I am not going to make any effort to discuss the legal side of the question. I am not capable of entering into such a discussion. I was the only layman who served on the subcommittee, and to a large extent I must reach my conclusion from the layman's viewpoint. So far as the legal standpoint is concerned, it seems to me that that was well and ably and properly disposed of when the Supreme Court of the United States reversed the decision of the court of Michigan, and in effect declared that the indictments and convictions there were contrary to the law and should therefore be reversed. Perhaps that is not the exact language that the learned Senator from Mississippi would use, but the effect, I contend, is just the same.

So far as concerns the moral crime involved, or an analysis such as a layman must necessarily make, I think I can sum up my view in a very few sentences.

In the first place, the subcommittee was confronted by two general charges on the part of Henry Ford designed to bring about the unseating of Senator Newberry—one that he did not receive a majority of votes cast, and the other violation of the election statutes.

The first charge has been dropped. After the expenditure of much time and considerable money on the part of the Government of the United States, a complete recount of the ballots was carried out, and it was proved beyond the doubt of any member of the committee, either Democrat or Republican, that Senator Newberry had received a clear majority of the votes cast at the election; so this charge was dropped and is no part of the final conclusion of either a majority or minority of the committee.

So much for that.

The general charge of violation of the law, of course, was tried in the Federal court in Michigan, and indictments and convictions secured; and, as I have already stated, the entire proceedings were reversed by the highest court in the land.

Now we come to the moral side as it would naturally be viewed by a populace inflamed by denunciation and partisanship. True, the expenditure of approximately $200,000 by the Newberry committee shocked the morals of the public, and properly so; and your committee clearly expressed this view in the report before you, and it is at this expenditure that most of the criticism and denunciation seem to have been leveled.

But, Mr. President, a solemn consideration of our oath and the exercise of our high privilege and what it means to an honored fellow citizen would not for one moment justify us in voting to unseat Senator Newberry if he has committed no crime; and I contend it has been proven by the evidence that Senator Newberry violated no law of the State of Michigan or of the

United States, and that he stands to-day absolutely innocent of any crime against society or the Government. The fact that the moral conscience of the public has been aroused because of this huge expenditure—and it has been—is, however, in itself no justification for disgracing Senator Newberry if he be innocent of wrongdoing and was not in any sense a party to either the acquisition or the expenditure of this campaign fund which had its origin and its use in a committee independent of Mr. Newberry. Out of the hundreds of pages of evidence taken before the committee I defy anyone to point to one line which proves that Senator Newberry violated any law.

There was no denial on the part of his committee that this large sum of money was expended in his campaign. As required by the laws of Michigan, a complete statement of these expenditures was filed with the proper State official; and, as I recall the figures, three-fourths of the large sum was spent for the entirely legitimate purpose of advertising, in order to offset to some extent the propaganda of years before which had advertised his opponent, Mr. Ford.

Do not misunderstand me, Mr. President. I am not endeavoring to condone for one moment the absolute evil of spending these large sums to elect men to office, whether spent legitimately or otherwise; but when it becomes our duty and our responsibility to decide by our votes whether a fellow Member of this body shall be disgraced for life or otherwise, then I think it becomes our first duty to decide for ourselves, irrespective of other conditions, whether or not this man has violated his oath or the laws of the land.

The laws of Michigan do not prohibit the spending of money for the purpose for which this sworn report demonstrated this money was expended. The laws of Michigan, as I understand them, place no limit upon the amount of money that can be expended for these purposes. I consider such lack of limitation very unfortunate, but you can not blame or hold up to public disgrace Senator Newberry because Michigan does not so limit the expenditures.

Mr. TRAMMELL. Mr. President, will the Senator permit a question there?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Florida?

Mr. EDGE. I do.

Mr. TRAMMELL. Is not the Senator mistaken when he says that the laws of Michigan do not prohibit the expenditure of this amount of money by the candidate himself?

Mr. EDGE. I have not referred, either directly or indirectly, to the candidate spending it. I am referring to a committee spending it.

Mr. TRAMMELL. Does not the law say that for the specific purposes which this report covered—of course, I take it that other purposes, as well, were covered under these heads—the candidate himself can not expend or have expended exceeding, I think, $3,700? The law states that that amount can be expended for those purposes, and it does not allow the expenditure of anything whatever for other purposes by the candidate, and yet this man's campaign manager expended two hundred and odd thousand dollars, and in my opinion Mr. Newberry knew of it.

Mr. EDGE. The Senator has asked me a question entirely apart from any statement that I made. So far as the contributions from the candidate himself are concerned, my recollection is that the law permits the personal contribution to primaries of $3,750; and as I recall further, and also from listening to the statement of the Senator from Michigan [Mr. NEWBERRY], he did not contribute one penny to the primary, but did contribute $1,500, I believe, to the general election; so the expenditure of the candidate does not enter into the argument at all.

Mr. TRAMMELL. It does not come in——

Mr. EDGE. Just a moment. The Senator has asked me a question, and I will try to answer it. As far as the committee is concerned, as I recall the evidence, the corrupt practices statute of Michigan does not place any limitation upon the expenditures of a committee for advertising purposes. I have not a copy of the act before me, but if there is a limitation it certainly was not exceeded, by the sworn statement of the committee.

Mr. TRAMMELL. There is no limit on the committee.

Mr. WILLIAMS. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Mississippi?

Mr. EDGE. I will answer the question of the Senator from Mississippi, if I can.

Mr. WILLIAMS. Is it or is it not true that the contestant from Michigan swore in the office of the Secretary of the Senate that he had not spent a dollar, and, so far as he knew, nobody else had spent a dollar in his behalf, or with his knowledge, in order to secure his nomination and election? Is that true or not?

Mr. EDGE. That is another legal question which the Senator has propounded.

Mr. WILLIAMS. No; it is not a legal question; it is a question of fact.

Mr. EDGE. Senator Newberry is not the contestant in this case, to start with.

Mr. WILLIAMS. I did make a little mistake in the last syllable. I should have said the "contestee."

Mr. EDGE. The Senator honors me by considering that I can even discuss legal questions.

Mr. WILLIAMS. Is it or is it not true that the contestee made oath in the office of the Secretary of the Senate that he had not spent a dollar, and that nobody else, to his knowledge or with his consent, had spent a dollar in his behalf for the nomination or for the election? Is that true or not, as a matter of fact?

Mr. EDGE. Mr. President, I can only answer the Senator from Mississippi by referring him to the language of the Senator from Michigan, in what I think was a very comprehensive explanation of the words.

Mr. WILLIAMS. I am not asking about the language of the Senator from Michigan.

Mr. EDGE. The Senator must permit me to answer his question in my own way.

Mr. WILLIAMS. Did he or did he not make that statement under oath?

Mr. EDGE. He made a qualifying statement, that no additional money, or words to that effect, had been spent with his knowledge or consent, and he described that in his statement a few moments ago.

Mr. WILLIAMS. How was the statement qualified? I have seen the affidavit. There is no qualification accompanying it that I remember.

Mr. EDGE. I can not repeat the statement. I do not remember the exact words of the statement. I can simply refer the Senator to the Secretary's office, and he can discuss the statement, and if he considers that it is an illegal statement that is a matter for his judgment. I think the statement was made as a statement would be made by an honest man who realizes and recognizes, as he stated frankly, that a committee of his friends in Michigan were endeavoring to elect him Senator, or nominate him as Senator, and in order that there should be no misunderstanding of the affidavit required to be filed with the Secretary of the Senate he carefully wrote out in his own handwriting his position in the matter. I can not discuss it any further.

Mr. WILLIAMS. Mr. President, the Senator will pardon me a moment, because he and I are trying to arrive at the truth of this matter.

The PRESIDING OFFICER. Does the Senator from New Jersey yield further?

Mr. EDGE. No, Mr. President; I have only a little more to say, and I desire to conclude.

Mr. WILLIAMS. I take it for granted we are trying to arrive at the truth.

The PRESIDING OFFICER. The Senator from New Jersey declines to yield.

Mr. WILLIAMS. The Senator from Michigan either made the affidavit or he did not. The Senator from New Jersey declines to answer my question.

Mr. EDGE. Mr. President, the Senator may put it that way if he wishes. I had just stated that I considered the lack of limitation a very unfortunate one, but you can not blame or fairly hold Senator Newberry up to public disgrace because Michigan does not so limit these particular expenditures.

Again, while I thoroughly appreciate that much has been made of the fact that a large proportion of the money raised for this campaign was contributed by members of Senator Newberry's family and close personal friends, still I again contend that outside of the moral effect that this fact excites Senator Newberry violated no law, and there is not one iota of testimony adduced before our committee that proves that Senator Newberry personally contributed one dollar for the primaries. He has taken his oath that he did not. No man brought before the committee in any way proved that this oath was false. The brightest lawyers representing Mr. Ford made every effort to infer that contributions from relatives and friends were in fact from Senator Newberry, but inferences can not and should not convict.

Mr. President, while I am in no way attempting to minimize the natural moral effect of such a situation, still again I must emphatically and unhesitatingly state that as the law did not

prohibit it and no evidence in any way proves the guilt of Senator Newberry, then any Senator who feels under such circumstances that he is justified in unseating him is, in my judgment, taking a position—well, of course, he must and will be responsible to himself.

Mr. President, when I have the opportunity to vote for the retention of his seat by the Senator from Michigan I will do it with a clear conscience that I am performing my duty absolutely as I should perform it. Under all the conditions and circumstances, whatever the feeling may be against these large expenditures—and I thoroughly appreciate its justification—there is no reason, in my judgment, why we should disgrace a man who has been held to be, in the decision of the highest court in the land, and who from every particle of testimony brought out at our hearings is, innocent of crime.

Mr. STERLING. Mr. President, I respectfully ask that I be allowed to proceed without interruption in the course of my remarks.

I am free to confess that for a time the question of Senator Newberry's right to retain his seat as United States Senator from the State of Michigan gave me much concern. The amount expended in behalf of his candidacy for the primary nomination is inordinately large, according to the majority report, about $195,000; according to the minority view, about $263,000.

Mr. POMERENE. Mr. President, the Senator stated he did not care to be interrupted, and I do not care to interrupt him, but he has referred to the minority report.

Mr. STERLING. Yes; I have.

Mr. POMERENE. The minority report stated that the minimum amount expended, as conceded, was $188,000. They only referred to the fact that it was claimed by the Ford interests that the amount was two hundred and sixty and odd thousand dollars. We made no finding on that.

Mr. STERLING. Very well. It was hard for me to conceive of the necessity of spending so large a sum in a fair election, and I was led to wonder whether or not it might not be a plain and logical inference from the amount, in connection with other evidence which the record might disclose, that the election had not been a fair one and that some part of the very large sum expended had been used unlawfully to prevent a fair and honest expression of the people's choice.

I yield to no one, Mr. President, in the contention that our elections must be free; free from bribery, free from corrupting influences, from intimidation or coercion of any kind. The voter at the primary, or at the general election, or in the making up of his mind as to how he shall vote at either, must be free to exercise his own individual choice, without fear of evil consequences to himself, without reward or promise of reward for himself.

Such freedom on the part of the electorate is necessary to the life of the Republic. The man who knowingly, by any of the means mentioned, interferes with, hinders, or prevents the exercise of that freedom, is an enemy of the Republic.

If Truman H. Newberry procured or sought to procure the Republican nomination for United States Senator at the primary election in the State of Michigan, in August, 1918, by interfering with, hindering or preventing the free choice of the people of that great State, or any number of the people—the electorate—then he should not be permitted to represent that State or its people in this body. But, Mr. President, his unfitness for a seat in this body must, I think, be shown by other evidence than proof simply that $195,000, or even $263,000, was spent in behalf of his candidacy in that primary campaign.

To illustrate, suppose Mr. King did tell Mr. Newberry that his primary campaign for Senator would cost "his friends" at least $50,000. I admit that he did. The contribution of that amount by "his friends" was, according to the opinion of Chief Justice White, the very thing "his friends" might do or make. And they might make the contribution with Senator Newberry's knowledge. Further, the contributions and expenditures need not be limited to $50,000; they could be made in any amount.

The fact that the contributions were made, and the fact that he knew they were made, if such be the fact, did not require him to withdraw his candidacy for the nomination. Nor did the contributions by his friends make them liable; they violated no law, State or Federal. Under the view that they did violate the law, the words of the Chief Justice become, indeed, pertinent, for he says:

> Under this view the greater the public service and the higher the character of the candidate, giving rise to a correspondingly complete and self-sacrificing support by the electorate to his candidacy, the more inevitably would criminality and infamous pulishment result, both to the candidate and to the citizen who contributed.

To same effect is the opinion of Mr. Justice Pitney, concurred in by Mr. Justice Brandeis and Mr. Justice Clarke.

Mere knowledge on the part of the candidate that he can not succeed unless more is spent in his campaign than the specified statutory limit does not come within the inhibition of the statute. While his candidacy may be the "occasion" of the expenditure, the fact of his knowledge does not make the candidate the cause of the expenditure.

These opinions, Mr. President, were delivered in criticism of the charge of the presiding Federal district judge to the jury before whom was tried the Newberry case. The statute under which Mr. Newberry and his codefendants were tried provides in terms, as follows:

> No candidate for * * * Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election any sum, in the aggregate, in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: *Provided*, That * * * no candidate for United States Senator shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding $10,000 in any campaign for his nomination and election. * * *

The trial court having laid down certain rules for the guidance of the jury, proceeded with his instructions, as follows:

> (c) To apply these rules to this case: If you are satisfied from the evidence that the defendant, Truman H. Newberry, at or about the time that he became a candidate for United States Senator, was informed and knew that his campaign for the nomination and election would require the expenditure and use of more money than is permitted by law, and with such knowledge became a candidate, and thereafter, by advice, by conduct, by his acts, by his direction, by his counsel, or by his procurement, he actively participated and took part in the expenditure and use of an excessive sum of money, of an unlawful sum of money, you would be warranted in finding that he did violate this statute known as the corrupt practices act.

Commenting on the instructions just quoted, the Chief Justice goes on to say:

> I see no escape from the conclusion that the instructions marked (c), which made application of the view of the statute stated in the previous passages (a) and (b), were in clear conflict with the text of the statute, and were necessarily of a seriously prejudicial nature, since in substance they announced the doctrine that under the statute, although a candidate for the office of Senator might not have contributed a cent to the campaign or caused others to do so, he nevertheless was guilty if he became a candidate or continued as such after acquiring knowledge that more than $3,750 had been contributed and was being expended in the campaign. The error in the instruction plainly resulted from a failure to distinguish between the subject with which the statute dealt—contributions and expenditures made or caused to be made by the candidate—and campaign contributions and expenditures not so made or caused to be made, and therefore not within the statute.

And that, Mr. President, would seem to be this case. The fact that there has been an investigation by the Senate Committee on Privileges and Elections and that we are acting on the report of that committee does not change the essential features or issues involved. Five of the Supreme Court justices held in the Newberry case that the Federal corrupt practices act which I have quoted, and for conspiracy in violating which Mr. Newberry and others were tried, is unconstitutional. Had they not reached this conclusion, had they had the occasion to examine the whole record, is there any question but that a majority of the court would have joined in a reversal of the judgment of conviction because of the obvious error in the instructions to the jury? Is there any doubt that the court would have been unanimous in their opinion that the charge was erroneous and prejudicially so?

I submit, is there any doubt that the court would have been unanimous in their opinion that this charge was erroneous and prejudicially so?

The charge to the jury was given on the trial for conspiracy to violate the Federal statute. The Michigan statute here invoked is hardly susceptible of a different interpretation than that given the Federal statute by these justices of the Supreme Court, so far as Mr. Newberry is concerned; but if it were susceptible of a different interpretation—one under which the principal defendant in the Newberry case would have been held liable—I should say without hesitation that the Michigan statute should, in our consideration of the pending question, be ignored. The Senate being the judge of the qualifications and election of its own Members, we have the undoubted legal right to ignore it. But I would place disregard of that statute on higher ground, and that is that the fitness or unfitness of any candidate should be made to depend upon contributions and expenditures made or caused to be made by the candidate, and not upon contributions or expenditures not so made.

Much stress is laid by the minority report upon the activities of so-called "hired workers," whose employment by Mr. King or the senatorial committee and the work done by them, it is alleged, was in violation of section 45 of the Michigan statute set out in the report. The names and the testimony of a number of workers are also set out in the report. On examination it will be found that much of, though not all, the work they did was work permitted under section 3830, which makes 11 different exceptions to the prohibitions against the payment

out of money by the candidate himself or by the treasurer of any political committee. Among these exceptions is the one "for traveling expenses and personal expenses incident thereto, for printing, stationery, advertising, postage, and so forth; second, for dissemination of printed information to the public." Advertising is a comprehensive term. One definition is "to inform or notify, give notice or advise." If we accept that definition as applicable, advertising may be by word of mouth as well as by the printed page. Section 45 does not, of course, prohibit advertising or the work of disseminating printed information to the public. And my view is that it does not prohibit the creating of county or township or precinct organizations or organizations among particular nationalities, and an inspection of the record will disclose that this was a large part of the work in which the so-called hired workers were engaged, and for this they received expenses and compensation against which there was no prohibition. I grant there were some excesses in expenditures for and on behalf of hired workers; that Mr. King in his zeal did not guard as carefully as he should have done these outlays of money; but the men who were thus engaged and paid were not thereby bought or bribed to support Newberry. They were Newberry men to begin with. Moreover, I do not believe the entire record will show that any of the so-called hired workers ever gave, loaned, or paid, or promised to give, loan, pay, or deliver to a single voter any money or any other thing of value to secure his vote for Newberry or as a consideration for his refraining to vote for any other candidate.

There is then this outstanding, if not determining, fact, that great as was the amount of money expended, this campaign in behalf of Mr. Newberry seemed to be absolutely free from bribery or corruption or any attempt to bribe or corrupt any voter or class of voters. Mr. King was probably the master spirit in directing the campaign. I give him credit for putting it on a plane above methods which involved the corruption of the electorate.

A tremendous sum was spent in advertising and publicity—according to the majority report, $147,860.16. But the name of his opponent was a household word in every Michigan home. Mr. Newberry, although he had been Assistant Secretary of the Navy and Secretary of the Navy under President Roosevelt, held these places when the activities of the Navy were hardly in evidence. It had escaped my mind that he ever had held these positions. He was comparatively little known, and there was reason for thorough advertising and publicity. It was essential to the success of his campaign against at that time so formidable an opponent, and formidable largely because that opponent had been so thoroughly advertised throughout the length and breadth of the State. But the law fixed no limit on the amount that might be spent in advertising and publicity, and the only possible interest we can have in that question is as to whether it could have in any way interfered with the freedom and purity of the election. Suppose literature went to every home, office, shop, and store, to men in the fields; that the Senator's picture was on every billboard in every town, on every telegraph or telephone pole; who can say that it affected the free and untrammeled choice of the voters? Imagine the ridicule which would greet the man who charged that the advertising was a false and fraudulent pretense whereby his vote was secured, or that because of the advertising he voted under duress.

The minority lay stress upon Mr. Newberry's alleged part in the organization and activities of the committee. Mr. President, I see nothing in this to reflect upon the motives or integrity of the candidate. If he decided to run, he wanted Mr. Templeton, his business associate, to assist in the organization of a business men's committee in Detroit. What was there sinister about that?

Mr. Floyd was chosen secretary of the committee. Has anybody questioned the fitness of that selection or the character or veracity of Mr. Floyd?

Mr. King, as manager, wrote Mr. Newberry every day. That was natural. But when Mr. King wanted him to issue a declaration of views prepared by King, he declined on the ground that he thought it might be incompatible with his position as naval commander and that it might displease the Secretary. Was there anything reprehensible in that?

I pause to mention one feature of this contest and one feature of the cross-examination by the able and distinguished lawyer, the Senator from Montana [Mr. WALSH], whose integrity and ability I indeed esteem very highly. They dwelt on the expression used in one of Mr. Newberry's letters, "our publicity." What is there sinister about that? Of course, he knew that publicity was going on. He knew that it was occasioned by his candidacy, and it was entirely appropriate for him to speak of it as "our publicity," which did not at all involve any knowledge on his part of who was contributing to the campaign funds to pay for the advertising and publicity.

Mr. WILLIAMS. Mr. President——

Mr. STERLING. Mr. President, I stated at the beginning that I would decline to yield. I asked that I should not be interrupted.

Mr. WILLIAMS. I ask merely for information——

Mr. STERLING. I shall have to decline to yield to the Senator.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The Senator from South Dakota declines to yield.

Mr. STERLING. Mr. Newberry gave positive instructions that no attack whatever was to be made upon Mr. Ford. Was this not praiseworthy on his part—an attitude not always assumed by candidates for the United States Senate even?

The minority must know that these incidents by themselves are of no consequence so far as the issues are concerned, but from them they would have us draw the wholly unwarranted inference that Mr. Newberry personally exercised control over the committee and personally knew all methods used in the solicitation and use of funds for his campaign. His own statement, the statements of King and others, Mr. Newberry's own position and duties in New York are a complete answer to this position of the minority.

In this effort to make Mr. Newberry the directing force of the primary campaign itself, his opponents put themselves into conflicting positions in regard to Mr. King. From one standpoint they see Mr. Newberry as supreme dictator, controlling and directing all, with Mr. Paul King as the subordinate, receiving and obeying orders, but from the other standpoint they view Mr. King—and I quote from page 13 of the minority report—as Mr. Newberry's "astute political manager, who had had as much political experience in campaigning as any other resident of the great State of Michigan."

Mr. Newberry is nowhere referred to as a politician nor did he have that reputation nationally or in the State. King was right when he said, "I ran that campaign." He consulted, as he says, with Commander Newberry from "time to time upon various matters connected with the campaign, but I did as my judgment dictated." Under the admissions of the minority report, Mr. King kept from Mr. Newberry knowledge of the financing. I read from page 13 of views of the minority, as follows:

> We have already pointed out his part in the organization, his intimacy with everything that related to the campaign excepting only knowledge of the financing, which Mr. King and his associates purposely, we think, kept away from him, because once it appears that he has participated in this financing, his is the responsibility, and he could not have made that campaign and kept within the financial limitations which are placed upon him or upon any other candidate by the primary statutes of Michigan.

Mr. President, this admission, I contend, is absolutely fatal to the case of the opposition. It first admits that knowledge of the financing was kept from Newberry by King and his associates; and, second, by giving the reason for withholding the knowledge of the financing from Newberry, the admission shows that it was deliberately done and in furtherance of what was considered a wise policy. It is the intrinsic evidence of the truth of the admission, and I say under that admission, Mr. President, for all there is in this record and for all we are trying Truman H. Newberry for, he stands exonerated. He did not know how the campaign was being financed, therefore he did not participate in the financing. Moreover, the admission is, in effect, that the liability of the candidate for expenditures under the primary statutes of Michigan is not greater than under the Federal statute under which Mr. Newberry and his codefendants were tried. As we have already shown, four Justices of the Supreme Court, including the late great and distinguished Chief Justice, held that unless the excessive contributions were made or caused to be made by the candidate, the candidate is not liable.

Under these opinions of the Justices, Mr. King and his associates were much more circumspect in not giving information in regard to the financing than they need to have been. They could have freely given him the names of all contributors to the campaign fund, together with the amounts contributed, even if in excess of the statutory limit, without making him the cause of the contributions or liable under any statute.

So, Mr. President, whatever may have been my concern about this case at the outstart, whatever my preconceived notions about the apparently inexecusable extravagance of these expenditures, how can I, in the light of this record and these opinions, which must appeal to every man as founded upon sound reason and the highest conceptions of justice, vote to unseat Senator Newberry? To do so may comport with the sense of fair play of others; I am not the keeper of their consciences, but it does not with mine.

Mr. WILLIAMS rose.

Mr. STERLING. I respectfully decline to yield. I so stated at the beginning, and I hope the Senator will excuse me.

It may seem strange that John S. Newberry, the Senator's brother, should have been so generous a contributor to this campaign—to the extent of $99,000, or a little more. It did to me at first. But I could not share in the implication that the transaction was only colorable; that it was really the money of Truman H. Newberry that was thus contributed, or at most it was money only loaned, and that if it has not been paid back it is a valid obligation owing from Truman H. to John S. Newberry.

Upon this question, if the evidence were evenly balanced, and we were considering with an open mind, free from prejudice, what should be the decision—one which involves guilt or one which recognizes a transaction consistent with the innocence of the party accused? Following all the rules and precedents of our Anglo-Saxon jurisprudence, what must we do, convict or acquit? Of course, the rule in the criminal case is proof beyond all reasonable doubt. We might grant for the purposes of this proceeding that a preponderance of evidence should suffice. I do. But there is no preponderance of evidence against the accused. The evidence is not evenly balanced. It is all in favor of the accused, unless, indeed, we are willing to permit a bare suspicion arising from the apparent novelty of the transaction to outweigh and override the testimony of the only witnesses who knew its true nature. And if that is our attitude, are we qualified to sit as impartial jurors in the case?

Mr. Frederick P. Smith was the trustee and confidential agent of both Truman H. and John S. Newberry. He had from each of them a broad power of attorney. John S. Newberry left the matter of his contributions to his brother's campaign funds to Mr. Smith without placing any limit on the amount, and then went away—this in March, 1918. He had given Smith to understand that he was going to finance the campaign, and when he went away, left it all in Smith's hands, and the reason he gives for this action on his part, as expressed in his own language: "It was the love and loyalty and affection I had for my brother," and this was the reason he told Smith to "go ahead and use what money you want."

In pursuance of these broad instructions, and under his power of attorney, Mr. Smith made contributions to the campaign fund for Mr. John S. Newberry, the contributions being for the most part by check, payable to Mr. A. A. Templeton, general chairman of that committee, who, it must not be forgotten, purposely kept knowledge of the financing of the campaign from candidate Truman H. Newberry.

The checks drawn by Mr. Smith for campaign purposes were all drawn on the John S. Newberry account. Senator Wolcott, of the committee, questions Mr. Smith, as follows:

Senator WOLCOTT. I want to find about the checking out of these funds by you, Mr. Smith, to the Newberry primary committee. Those checks were all drawn against what account in your office?

Mr. SMITH. Against Mr. John S. Newberry's account.

Senator WOLCOTT. Are you positive they were invariably drawn against that account and no other?

Mr. SMITH. Absolutely.

That was his answer, spoken apparently with the positiveness of a man who knew what he was talking about.

And then Mr. Smith tells how he transferred from the other accounts into John S. Newberry's to cover overdrafts, and that this was a procedure that had been current for years. There were 10 or 12 different Newberry interests represented by as many different personal accounts. There were the accounts of Truman H. and John S. Newberry, and their wives and sons. It was a family matter, apparently, and Mr. Smith was general factotum in whom all had confidence, and therefore the very comprehensive power of attorney he had to draw checks upon one to cover shortages or overdrafts in another, and to reimburse the account upon which any such check had been drawn.

Senator WOLCOTT again asks:

Then the funds in their two accounts went to keep the John S. Newberry account up to a sufficient fund so as to enable you to have enough money out of that account to pay these primary expenses?

Mr. SMITH. In case there were overdrafts they would make up enough balance to cover the overdraft.

Senator Wolcott now asks him the direct question:

Were those funds from Truman H. Newberry's account and Mrs. Truman H. Newberry's account to John S. Newberry returned in due course to those accounts from which they were originally taken?

Mr. SMITH. Yes, sir.

So, Mr. President, we have the testimony of Mr. John S. Newberry as to what he authorized Mr. Smith to do, and the purposes of the authorization, namely, to finance his brother's primary campaign, and the testimony of Mr. Smith as to what he did in pursuance of his authority. The motive of Mr. John S. Newberry, according to his own language, was the love, the loyalty, and affection that he had for his brother. Considering the relationship of the parties, the motives of loyalty and affection of John S. Newberry toward his brother, that in the matter of the accounts they were only acting according to a long-time practice, that it was in accord with the policy of the committee in respect to financing the campaign, I see nothing unreasonable in their version, and I must take the testimony of these unimpeached witnesses as to what was in fact done rather than yield to a suspicion that something else might have been done merely because it was within the range of possibilities for it to have been done.

Let us at least indulge in the ordinary presumptions, namely, that a man is innocent until proven guilty; that fraud is not intended; and that the man sworn to tell the truth is, when on the witness stand under oath, telling the truth.

Mr. President, in conclusion, I had no acquaintance whatever with Mr. Newberry before he came to the Senate. I had never seen him. I have had little opportunity to cultivate his acquaintaince since he came. In the position I take on this question there is, therefore, no personal tie to bind, no personal interest to serve. My sense of duty and responsibility as a Senator alone has been my guide in considering the question whether he shall be permitted to retain his seat.

I know I am accountable to the people of my State for what I do here; but, Mr. President, in my nearly 40 years of residence in South Dakota I have learned not to fear but to trust the people of that progressive State, and whether I am right or wrong on any given question, I know they will believe that I have spoken or voted according to the dictates of my conscience and my best judgment. In this case, as in others, I leave the issue with them to consider and decide.

With no evidence whatever to show that Mr. Newberry committed or caused to be committed any act in violation of law, either State or Federal, or that he participated in or connived at any violation of the law; with no evidence to show that the election was vitiated by the bribery by others of enough voters to overcome his majority, or that he disqualified himself by the bribery or attempt to bribe a single voter, or that he disqualified himself by any other unlawful act, I can not find it in my heart to vote that he is not entitled to his seat. The great essential is, after all, was this a fair and free election, where every citizen was absolutely free to vote for the man of his choice, without coercion, fraud, intimidation, bribery, or corrupt practice of any kind that would induce him to vote otherwise than his free choice? To my mind, Mr. President, the evidence shows conclusively that it was that kind of an election.

Mr. WILLIAMS. Mr. President, a lawyer is a curious creature. He can split a hair betwixt the nor' and nor'west side and maintain the respect of his audience while he is doing it. There are all sorts of lawyers, of course, and in the very highest class of lawyers I place the Senator who has just taken his seat, Mr. STERLING, a man of fine feeling, a man of an acute sense of ethics, but yet a lawyer; and when he undertakes to argue a case of any description as a lawyer he argues as a lawyer and does not argue as a man nor even as a candidate for office.

I think I remember, unless I am mistaken, that when the Senator first came to this body the main reason which he gave for his election at the hands of the people was that his opponent had voted to seat Lorimer in this body. Lorimer had bought an election in Illinois. He had bought it from the hands of the legislature. He had not bought it from the source of original power, the people themselves, in a primary. Therefore Lorimer was a very much less guilty party than the Senator's present client. I do not mean by that his private client; I mean his partisan client; his political client upon this occasion. If I am not mistaken, the Senator owes his seat in this body to the fact that he rose in magnificent indignation against a man who dared, as a Member of this body, compromise his integrity by voting to allow Lorimer to retain a seat here.

Mr. STERLING. Mr. President, if the Senator will just allow me to say so——

Mr. WILLIAMS. I will differ from the Senator. He declined to let me interrupt him; but as I am not reading what I say, and am not afraid of getting "off my trolley," as the Senator as a lawyer perhaps might have been, I will permit him to interrupt me.

Mr. STERLING. I did not grow personal in any statements I made, nor did I intend to be; so the Senator had no such excuse for interrupting me as I have, I think, for interrupting him.

Mr. WILLIAMS. I am not being personal. I am simply speaking from the record.

Mr. STERLING. I remember something about the Lorimer case and the two investigations of the Lorimer case, and I

remember that the investigation was had upon a memorial from the Legislature of Illinois charging Mr. Lorimer with bribery and corruption in bribing certain members of the Illinois Legislature.

Mr. WILLIAMS. I do not want to enter into the details of the Lorimer case. I argued that, you know.

Mr. STERLING. Yes; that is all right; but that was altogether a different case, not parallel to the case at bar at all.

Mr. WILLIAMS. They are not parallel in one respect only. Mr. Lorimer bribed the legislature, while Mr. Newberry expended a very large amount of money at the primary. Whether he bribed anybody directly or not I am not quite certain; nor was it ever proven in the Lorimer case that Mr. Lorimer gave A, B, C, D a number of dollars. It was merely proven that Mr. Lorimer had spent a whole lot of money, and had had a whole lot of meetings, and a whole lot of "winings," and a whole lot of dinings, and that at the end of it Mr. Lorimer had been "elected."

Mr. President, that is the difference between a man who appears before the people to be elected to an office and a man who appears before the Senate as a shrewd, honest lawyer defending a case—defending a case—*defending a case*. Why should it need defense? Why is any defense necessary? Was any needed for the Senator from South Dakota when he came to this body? Was any needed for me when I came here? Was any needed for the Senator from Iowa [Mr. CUMMINS] when he came here?

Another Senator preceded the Senator from South Dakota a few minutes ago, and he also read a defense—afraid to get off the trolley, afraid to speak from the heart, afraid to speak from the head. You must have it all drawn up beforehand like a lawyer's brief, and you must read it, and you must announce beforehand that you do not intend to be "heckled," and you do not intend to be interrupted.

Mr. President, whenever a man engaged in the public discussion of a public question in a public body declines to be interrupted and declines to answer questions, it is generally because he has something to conceal—not necessarily morally, but at least mentally; at least logically, something to conceal. No man ever was afraid of an interruption who had nothing to conceal. He welcomes it, because it may help him to think on his feet, and, helping him to think on his feet, may help him to clasp his argument and to rivet it on the other side.

Oh, Mr. President, "the loyalty and affection he bore his brother"! Did you notice that? It was like a lawyer appealing to a jury on behalf of the family. It all came from "the loyalty and affection he bore his brother"! [Laughter in the galleries.] Utterly pathetic, is it not? And yet, Mr. President, if everything in the world in politics is to be excused——

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). The Senator from Mississippi will suspend for just a moment. The occupants of the galleries will preserve order and not show signs of approval or disapproval of the remarks of the Senator from Mississippi.

Mr. WILLIAMS. What did the Chair say? I did not hear him.

The PRESIDING OFFICER. The Senator will proceed with his address.

Mr. WILLIAMS. All right. I do not yet understand why I was interrupted, but I will go ahead.

I find that a good deal of this corruption, a good deal of this immense money fund, a good deal of this irresponsible distribution of it, a good deal of this lack of knowledge of where it came from and whither it went, is owing to "the loyalty and affection he bore his brother"! Some day I am going to write a little comic tragedy and I am going to call it "A Family Affair, or The Newberry Case." Then I am going to picture all the brothers, and then the wife, and then the wife's brothers and the wife's other relations, and all of the Newberry family, all of them, contributing to an immense fund to carry through a primary in a State of the American Union and each of them as he comes in and deposits his check, running up in the aggregate to nearly $300,000, as I remember—although I believe the Senator said $200,000—each one of them as he comes in upon the arena and deposits his check is going to say, "For the loyalty and affection I bear my brother." Another one will say, "For the loyalty and affection I bear my wife," "For the loyalty and affection I bear my son-in-law," "For the love and affection I bear my brother-in-law," "For the loyalty and affection I bear my sister's brother."

Mr. President, we do not need lawyers in this case; we need honest men. We need men who can speak to the American people with honest hearts, who have nothing to conceal and nothing to evade.

I did not really expect it, but I expressed the hope here the other day that when the Senator from Michigan [Mr. NEBERRY] should have made his statement I hoped I might find it possible to clear stain from two great families, two honest families, two typically American families—his own and his wife's.

Mr. President, I listened to the Senator from Michigan to-day. I listened to him with a sympathizing feeling, personally speaking. I did not hear one word from him which was not a word of evasion, evasion of the issue, evasion of the fact that nearly a third of a million dollars had been expended in Michigan in a primary election. Will one of you tell me, or dare tell me, that that amount of money can be honestly expended in a primary election in any State of the American Union for legitimate and honest purposes? You know it can not be. You are liars in your hearts if you say it can be. I would be a liar in my heart if I said it, anyhow. I shall have been in public life 30 years when my term expires on the 4th of next March, and I have never seen the time when I needed over $7,000 in the State of Mississippi to carry me through a primary election throughout the entire State. The heaviest expense I was ever put to was $6,833 and some cents.

Do you tell me that for the "loyalty and affection I bear my brother," for the loyalty and affection I bear my husband, for the loyalty and affection I bear my cousin, for the loyalty and affection I bear my brother-in-law, $300,000 is needed to make the intelligent people of the State of Michigan—I presume they are intelligent—find out what man they are going to vote for in a primary election of the Republican Party, which pretends to be the party of intelligence everywhere? Of course, it is not, but it pretends to be, and I have a right to take them at their word for that, and I have a right to assume that the Republican Party in Michigan is composed of fairly intelligent sort of "folks," quite up to the level of "folks" in Mississippi. The Republicans will contend they are quite above it, but does it take almost $300,000 to quiet the conscience and convince "the intelligence" of the most "intelligent element" of the population of the State of Michigan?

The Senator from South Dakota [Mr. STERLING] knows, and I know, that if he spent that amount of money in his State, or if I spent it in mine, or if any of the people spent it for us, even though we swore that it was "without our knowledge and consent," there must be rottenness in that particular Denmark.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Montana?

Mr. WILLIAMS. I yield.

Mr. WALSH of Montana. The Senator from Mississippi was interrupted by my very dear old friend, the Senator from South Dakota [Mr. STERLING], when reference was made to the vote of his predecessor.

Mr. WILLIAMS. I do not care anything about that.

Mr. WALSH of Montana. The Senator from South Dakota interrupted the Senator from Mississippi to say that the Lorimer case, to which the Senator from Mississippi referred, was radically different from the case before us.

Mr. WILLIAMS. I just said it was not.

Mr. WALSH of Montana. He pointed out that proceedings were instituted in the Lorimer case because of a memorial by the Legislature of the State of Illinois. I want to have the permission of the Senator to interrupt him to show that these cases are not at all different in that respect.

Mr. WILLIAMS. I do not care about that. I am arguing this case now, not the Lorimer case. The Senator will pardon me.

Mr. WALSH of Montana. If the Senator will pardon me, I want to read a part of this record touching the matter referred to by the Senator, namely, that there was a memorial.

Mr. WILLIAMS. I understood what the Senator wanted to do, but I just said I did not care about it. I understand the Lorimer case. I argued it, I voted on it, I know all about it, and it is not "radically different." When we say there is a "radical" difference, we mean a difference going to the roots of a controversy.

The root of that controversy and the root of this controversy are exactly the same, to wit, corruption, corruption by money. That is not all; they are alike in another respect. There was a very strong social influence in Washington for Lorimer, and there is a strong social influence in Washington to-day for Newberry.

"Radically" different? The two cases do not even differ from one another superficially. The only difference between them was the object upon which the money was to be applied. In one case it was the legislature, and in the other case it was that superabundant intelligence which composes the Republican Party, voting at a primary.

Mr. STERLING. Will the Senator allow just a question?

Mr. WILLIAMS. Certainly.

Mr. STERLING. So much reference has been made to the Lorimer case that I desire to ask the Senator if there is any evidence in this case that a single voter was offered a dollar for his vote.

Mr. CARAWAY. Oh, yes.

Mr. STERLING. Was there not evidence in the Lorimer case that money, a thousand dollars or more, was offered to a legislator to vote for Lorimer?

Mr. WILLIAMS. Mr. President, the Senator is again being a lawyer; he is again evading the issue. This record is chock full of evidence that man after man was "paid for his time" when he went out to advocate the nomination of Mr. Newberry. Is there a man in this body who is a gentleman, is there a man in this body who is honest, who will allow any human being to "pay for his time" for advocating a man for a public office upon the ground that he was best fitted for a public trust? The Lorimer case suffered from paucity of proof by comparison with this one.

Mr. STERLING. Mr. President, does the Senator from Mississippi see any difference between paying a man for his time in disseminating literature or in organizing a county for that man and a man being paid for his vote?

Mr. WILLIAMS. Mr. President, as far as I am concerned I see a difference between a man being paid for his vote and a man being paid for services performed in a campaign in the way of distribution of literature; but as far as I am concerned I can see no difference between a man being paid for his vote and a man being paid for trying to get another man to vote for the candidate. I see this difference, if it be a difference, that if I sell my vote I sell something that theoretically belongs to me, and if I sell the vote of the Senator from Montana [Mr. WALSH]—if any human being under God had that power—I would be selling something that did not belong to me but belonged to him, and I would have to divide the spoils somehow, thus doubling the corruption.

Mr. President, there is no use trying to evade this issue. There is no use trying to disguise it. Nearly $300,000 were expended. Who denies it? The Senator from Missouri, the chairman of the subcommittee? No. My good friend who has just interrupted me? No. Then why was it expended? Is there an honest man in the sound of my voice who does not know why? Editors received a lot of it, not merely to publish advertisements of the candidate's writing at so much per line but to advocate the candidate. Billy goats in their particular communities who led the goatherd were paid so much for their time, hoping that the other goats, male and female, would jump over the fence after them; and the other goats did, to a very large extent.

Do not try to evade the issue. Do not be dishonest with one another on this floor, or with the people of Michigan, or with the other people of the United States. You know and I know that $300,000 invested in a primary election, in the ordinary "piping times of peace," at that, was not innocently invested.

Then the Senator tells me that there was a holy alliance, or an entente cordiale, between the executive committee which spent the money and the candidate, under the terms of which the candidate "must not be informed." In other words, all you have to do to violate the State laws or the Federal laws in a primary is to pass around the word to a committee of your own naming, "Do whatever you darned please, boys, but don't tell me about it. Don't say anything to me about it until after I have made my oath in the office of the Secretary of the Senate."

My friends, what was that oath, and what is generally an oath before you speak about it? It is an attestation in the presence of God, while a man makes a statement. He calls on the great Almighty to witness that, without mental reservation, without evasion, what he is saying is the truth, the whole truth, and nothing but the truth. That is an oath, and an oath made in the office of the Secretary of the Senate is an oath not at all different although made in the anteroom of this august body.

Do you think that a statement in the presence of God to the effect that although I had definite or indefinite knowledge that certain men were doing certain things and expending indefinite moneys in my behalf, though I had charged them or they had charged me, or one another, not to have any personal communications upon the question, would hide me from the wrath of God at judgment?

Here is the oath. I have the original. It is in his handwriting:

I have not received any money or thing of value, nor has anyone else received for me any money or thing of value with my knowledge or consent—

Consent!—

from any source to aid or support my candidacy for election as United States Senator.

Is there a man within the sound of my voice who believes that is true? Oh, my friends, it is a horrible thing to accuse a gentleman of perjury. It requires the great weight of public obligation to make any man do it, especially a good-natured man.

From any source with my consent—

Not foreknowledge merely but consent—

from any source to aid or support my candidacy for election as United States Senator. I have not given, contributed, expended, used, or promised any money or thing of value, nor has any money or thing of value been contributed or expended or used or promised—

Now and then we can thank God for a lawyer when he uses so many verbs that nobody can escape perjury when he swears to them—

by my agent, representative, or other person—

Not only agent or representative but "or other person"—

for or in my behalf, with my knowledge or consent, for the purpose of promoting my election as United States Senator.

Now, do you believe that? Do you believe it? Is there a Senator around me who believes that is true? You know that it is as false as the gates of hell. I have him in his own handwriting again:

The campaign for my nomination for United States Senator—

Here he is hedging just a bit; watch it—

has been voluntarily conducted by friends in Michigan.

Voluntarily conducted! When you [referring to Mr. CUMMINS] ran for Senator in Iowa, the whole business was just voluntarily carried on among your friends, and you did not have anything to do with it. When I ran in Mississippi, I "did not want" to be elected. The boys were just electing me "voluntarily," you know, and whenever they did anything it was just voluntary upon their part and I "did not have anything to do" with it. I was deus ex machina, or really outside of the machine, looking down upon it and had nothing to do with it at all particularly, and they were just voluntarily electing me because they loved the office so much and they loved me so much that they wanted us united and never wanted us divorced.

Do you believe that?

He goes on:

The campaign for my nomination as United States Senator has been voluntarily conducted by friends in Michigan—

I reckon by that that he did not even have to announce himself as a candidate—

I have taken no part in it whatever—

Now, Senators, I wish you would watch that. Of course, as the "niggers," say, he may have "overspoke himself," but still he is not a "nigger." He was a lieutenant commander in the Navy. He was Assistant Secretary of the Navy at one time. He is now seeking to be a Senator of the United States. This is written in his own handwriting—

I have taken no part in it whatever.

Do you believe that? If there are six Senators on this floor who believe that, they are not fit to be Senators, because they are too gullible for anything.

No contributions or expenditures have been made with my knowledge or consent.

"Or consent." Even after the primary, up to the date of the time he took this oath. It might have been consent after the time, but he swears it was not even that.

No promise nor pledge has been made by me or anyone in my behalf with my knowledge or consent.

And the record is full of the promises and pledges. But this is continued:

I further certify that no promise or pledge has been made by me, or by anyone for me with my knowledge or consent or to whom I have given authority to make such promise or pledge, relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in a county, State, or the Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or any person in my candidacy as aforesaid.

And here are all these men going around and being paid "for their time." I see before me a Member of Congress from the good State of Louisiana. What do you reckon would happen to a candidate in Louisiana or to a candidate in Mississippi if he went to a man and said, "I want you to help me, but I want to pay you for your time?" We may be barbarous down there, but I believe about the third man I made that proposition to would shoot me.

Here is another one:

I have not received any money nor thing of value, nor has anyone else received for me any money or thing of value with my knowledge or consent, and I have not contributed, expended, used, or promised any money or thing of value, nor has any money or thing of value been contributed, expended, used, or promised to an agent, representative, or other person, for or in my behalf, with my knowledge or consent.

Now, Senators, these affidavits were made before the Secretary of the Senate. If the usual forms were gone through

with the man Newberry raised his right hand, attesting the presence of God, while he made the statement "in the presence of God." Do any of you believe the statement? Do any of you believe he believed it when he made it? Do any of you believe that the clerk who received it believed it?

Some of my Democratic colleagues have warned you that if you dared to vote to seat Newberry you would be unseated. I do not participate in that warning. I know better. I remember a story once when old Thad Stevens was in the House of Representatives when there was a contested-election case and, Mr. President, I will be excused, I hope, on the score of quotation—he stepped into the House quite quickly, and turned to Morton of Indiana, and he said, "Morton, which is our son of a gun?" Being informed, he voted accordingly without the slightest knowledge of the evidence.

I do not believe the people of Iowa would send the Senator from Iowa [Mr. CUMMINS] to private life because he voted to seat Newberry. They would say, "Oh, well, he was a Republican; the Republicans were wound up that way, and they were going to do it that way anyhow, moral law or no moral law, code or no code. A contested election is sort of a party affair of some sort, so let him go easy this time."

But if you think your *party* can escape the burden, not you individually, but your party, you are mistaken. You can no more escape it than you could ever have escaped the burden of seating Lorimer. You can no more escape it than you can escape the party burden of any other useless and semicriminal thing.

Mr. President, I have no sort of personal feeling against the contestee. While he was in Washington years ago he treated me very nicely. He has always been very nice to me since. If I could find it within my heart to vote to help him keep this seat, if I could find it within my heart to say upon my conscience and honor that he was an honest, truthful man, who in those oaths before the Secretary of the Senate had told the truth as he thought it to be, I would vote for him. But I do not believe him. I can not believe him.

Mr. President, when the Pretorian Guard sold the Roman Empire to Didius Julianus, they had sufficient decency afterwards to go out and execute Didius Julianus and sell the empire over again to another fellow, and then after they had sold it to him they had sufficient decency to execute him, and then gave it without price to the great Roman imperator who illustrated his faithfulness to the Roman Empire by his services against the barbarians.

If you Republicans are going to seat this man with one or two half preachers and laymen before you leading the fight, for God's sake put the blamed office up again for another sale and let somebody else buy it, and then after the other fellow buys it, refuse to seat him and let somebody else then honestly elected take the place. I said honestly elected. I did not mean that. I mean honestly nominated. Of course, a yellow dog could have been elected Republican Senator that year, so far as the general election was concerned, in the State of Michigan, but if I understand it correctly, the usual majority in the State of Michigan had been about 125,000, and such was the revulsion of the morals of even the so-called better element, the "intellectual element" of the people of Michigan—the Republican element—that somehow or other Newberry got a majority of only between 2,000 and 3,000. I do not remember the figures, but it went down under 10,000 from having been above 100,000.

Do you not think you had better take a little warning from that lesson? If that many dyed-in-the-wool, arrogant Republicans in Michigan, who imagine that they have been specially created by the Lord Almighty to be a superior element, went back on Newberry anyhow and reduced the majority of over 100,000 down to less than 10,000, do you not think you had better take warning for your party's sake?

Perhaps, after a while they might have a good all-around conscience, instead of a merely "respectable Republican Party conscience"; and if they should have, there is no telling what might happen in Michigan. I am not hoping much from it, because I have always found that the Republican rank and file, under the Republican leaders, are ready to do anything for Republican success, even to the crucifixion of the greatest character that has appeared in two centuries upon the arena of the world; but it might be well to take a little warning.

The Senator who has just taken his seat made another argument. He said this man King cleared Newberry of all offense because King rose up, swelled out his breast, probably threw back his head and said, "I ran that campaign." Well, I have had party leaders run my campaigns, too; so have other Senators; but they never ran them without our knowledge or consent, did they? We were not asses enough just to leave them to do whatever they blamed please while we stay back, silent—unknowing, unsqueaking—poor, little, innocent, fat creatures, with rubicund countenances and heavy jaws and half-sleepy eyes—stand back in the rear and say, "Let the boys do what they please; it does not affect me. It is true I am a candidate, but that does not bother me. My brother is going to see me through on account of his love and affection; all my wife's relatives are going to see me through on account of their loyalty and affection, and really, you know, I am not running except temperamentally as a nominee." "I *think* I am a candidate, I halfway asked to be a candidate, and have put in an application for that purpose, but really it does not concern me a bit. I have nothing to do with it." "For God's sake, boys, don't tell me anything about it." The Senator from South Dakota says King said "he ran the campaign" and that that took all the burden off Newberry. Then he quoted King long afterwards as saying, "We purposely kept away from Mr. Newberry"—and then I missed the balance of the Senator's statement, because he was speaking and I was writing—but he purposely kept away from him all they had to do; that was the substance of it.

Mr. President, the United States Senate calls itself an "august body," but I came to the conclusion some time ago that it is not very august, considering the original Latin definition of the word "august," but still it is a respectable body. If, however, the time has come when a man, either through a primary or through a general election, can buy his way into this body through his friends and his relations and his wife's relations, especially when he is so stupid as to have it all "happen" "without his knowledge or consent," "before the fact or after the fact," then this body ceases to be respectable. It not only ceases to be respectable but it ceases to be intelligent, because if men of that kind are to be seated here we are going to fill up this body with absolute fools, for if what the junior Senator from Michigan says is true he is an ass without sense enough to get out of the rain.

Is there one of you who believes that his very best friends and all his wife's relatives and all his relatives could have carried on a campaign in his State involving an expenditure of $300,000, and he have known nothing about it? Is there one of you who believes that if you were he and had known anything about it you would have come up and taken that oath before the Secretary of the Senate, and said that it "happened" "without your knowledge or consent" and that you had not spent a dollar and that nobody else had done so with your knowledge or consent in order to promote your nomination or election? Could you do that if it were true without being a fool, and could you have done it if it were untrue without being perjured? Could any man or any number of people go out into the State of Missouri and spend $300,000 for the Senator from Missouri in an election and the Senator from Missouri *know nothing about it?* If he did know anything about it, would he come here and swear that he did not? The Senator knows he would not. The old Presbyterian bluestocking covenanters behind him, even though they are dead, would rise in their graves and kick him out. Such a thing could not happen without his knowledge or consent; and if it did happen with his knowledge or consent he would not swear that it had happened without his knowledge or consent for fear of being mistaken for an unadulterated ass.

Mr. President, we do not need any lawyers in this case. One thing which made me always believe in the divinity of Jesus Christ was His prejudice against scribes, pharisees, and lawyers. Lawyers always quibble around about words and split hairs here and there. I say that without any prejudice against the profession, of which I am myself a member, as my father was, as my grandfather was, as his grandfather was, and his grandfather's grandfather was. But lawyers *do* finally acquire the habit of quibbling. They do finally acquire the habit of splitting hairs; they do finally acquire the habit of being advocates; they do finally acquire the habit of taking a side, and *then* trying to find out a reason for having taken it, instead of first ascertaining the reasons and then taking the side.

I do not believe there is a Senator in this Chamber who can read the record in this case, with all of the letters which passed between Smith and King and the contestee, and all the proof as to the editors and the workers and the other people being hired to perform services, without coming to the conclusion to which I have come.

The Senator from Missouri [Mr. SPENCER] the other day took a position which seemed to me very curious for him—I do not say it for an ordinary man, but I say "for him"—that it is perfectly right for a candidate to hire men to go around and blow his horn and advocate his election.

Mr. President, what is an election? It is an appeal by two or three or four men to the electorate for an office, and in making the appeal each one thinks or ought to think, or else he ought

not to be a candidate, that he is the best fitted by training, by native ability, by honest intent or otherwise, to fill the position. To hire a man to go out and *tell other people* that *you* are by intent or native ability or training best fitted to fill a position is bribery. For a friend to go out and of his own accord say all of that because he believes it is loyalty, and loyalty is the highest virtue of which mankind is capable. If I would say of the Senator from Missouri, if I were a citizen of his State, "I think he is honest; I think he is competent; I think he is able"—to use Thomas Jefferson's phrase as to the test of an officeholder—that would express my loyalty to a superiority, mental or moral, and would put me in the category of those who are capable of a feeling outside of and above themselves; but when I am paid $5 a day, or $20, or $50, or $100, as some of these men were, to do that I am a contemptible—Oh, Mr. President, I despair of expression; there is no parliamentary language in which to say what.

Mr. HEFLIN obtained the floor.

Mr. WALSH of Montana. Mr. President, will the Senator yield to me?

Mr. HEFLIN. I yield to the Senator from Montana.

Mr. WALSH of Montana. I thank the Senator from Alabama. Mr. President, when the Senator from Mississippi was descanting upon the criticisms made in his first campaign by the distinguished Senator from South Dakota against his predecessor for having voted to seat Mr. Lorimer he was interrupted by my very good and dear friend the Senator from South Dakota, who said that there was a marked difference between the case before us and the Lorimer case, and the particular difference to which he adverted was that in the Lorimer case the Senate of the United States had been memorialized by the Legislature of the State of Illinois.

Mr. President, the Legislature of the State of Michigan did not memorialize Congress in connection with this particular matter, but the lieutenant governor of the State of Michigan in his inaugural address called the attention of the Senate of the United States and of the country to the matters which have been under investigation and discussion here, and in that connection publicly as a part of his official inaugural address, made the following statement:

> Primary elections will call for action on your part. From what has occurred during the past political campaign it would afford me relief if I could pass by this question, but experience teaches that the disagreeable acts of an office are the ones people demand the most strenuously. More communications on this line asking for legislative action have come to me by far than all others combined, and almost without exception Republicans, not only from all parts of Michigan but from other States.
>
> This, you know, is the outgrowth of a candidacy that doubtless cost more money than ever before was paid for a nomination for office in all the world's history.
>
> You also know this candidacy from one of the best-known families of the State, of a man of high standing, unquestioned integrity, and acknowledged ability, in the face of an abnormally large party majority, came near an ignominious defeat through the resentment from nearly every voting precinct in the State, of the farmer, the laborer, the business and professional voter, because of the enormous amount of money acknowledged to have been used in his behalf, and generally believed to have been used contrary to laws several sections of which were enacted for the stipulated purpose of restricting the use of large sums of money in campaigns.
>
> The case is now agitating Congress, the Federal and Michigan courts, with a strong suspicion by many that for political purposes it will be there suspended as long as possible before the country at large as an unsavory act of Republican primary in Michigan, hoping by such course to produce an effect that will deprive the party of the majority secured at the November elections.
>
> If the courts had given a decision as to who is to blame for this undesirable condition it would have cleared the way for your action. If, however, there is any question as to violation of the primary statute it should be so amended that the interpretation relative to restrictions in the use of money and who to blame for violation shall be made plain and simple.
>
> In legislative action I believe the utmost caution should be used to climinate the name of any candidate and avoid all appearance of politics in considering this subject. The individual or even party interests are of but little note when the sanctity of the ballot and safety of democracy are at stake.
>
> From almost every part of the State have come to me pleas that this legislature make it impossible in the future to witness the sale of a public office on the auction block, but rather that the laborer, the farmer, the business, or professional voter, however humble, but able and respectable, may have a chance with the man of millions.
>
> The war's end has been termed a victory for safe democracy. No democracy is safe with a polluted primary or election, made so by money or otherwise. And no great amount of money will be used except for the purpose of making votes, and to make votes by the use of money is polluting, corrupting, and the user should be treated as a baser criminal than the laborer who steals a sack of flour for his family. * * *

I submit, Mr. President, that the Senate of the United States and the Committee on Privileges and Elections were no more at liberty to disregard this public declaration upon the part of one of the principal officers of the State of Michigan than they were at liberty to disregard the protest of the Legislature of the State of Illinois against the seating of Mr. Lorimer from that State.

Mr. HEFLIN. Mr. President, I have said here on two or three former occasions in the last week that this is the most important question that the Senate will be called upon to decide at this session or at any other session of Congress. We are trying to determine here whether the Senate of the United States will demand of every Member who comes here that his title be clean and clear, free from the lavish use of money, or whether we shall set up a new order of things and simply say that if the candidate will keep out of the State while the contest is on and finally come in here himself in his own behalf and say that his seat was bought without his knowledge or consent and that he personally was not a party to the bargain, that will be sufficient and the Senate will accept his statement and accept his credentials, and thus put the stamp of its approval upon the sale of a seat in the Senate.

That is the situation presented here to-day.

Mr. President, we listened this morning to the prepared statement of Mr. Newberry, prepared doubtless by some lawyer who knew how to dodge and evade, how to slip and slide around the cold facts in the case. He would not accept the suggestion of the Senator from Mississippi [Mr. HARRISON] that he be given additional time to answer questions propounded to him by Senators who, under their oath, are to decide the question whether or not he is entitled to a seat in this body.

I must confess that his statement did not make a favorable impression upon me. I suppose that some Senators on the other side had insisted that he come in and make some kind of a statement. I have heard that some Senators on the other side said: "Unless he comes in here and makes a satisfactory statement about this whole thing I will vote against him." Now, I want to ask those Senators if they accept his statement to-day as one that is satisfactory?

He admits here from his own lips that nearly $200,000 were expended in his behalf in a primary for the Senate in the State of Michigan. He follows that by a statement that this money was necessarily spent. He follows it by a statement that he has no criticism to make of the committee that conducted his campaign; and if he has no criticism to make, he certainly indorses the conduct of his committee. Whether he criticizes the committee or not, whether he indorses its conduct or not, is not the question for us to determine here. The question that we must determine is, Are seats for sale in the Senate? I do not care whether they are bought by Mr. Newberry in person, bought by his brother, bought by his brother-in-law and the other relatives of the Newberry family, or bought by Wall Street, and some contributions were made by New York citizens. What difference does it make? Are seats in the Senate for sale? That is the question that the American people want us to determine.

Some Senators on the other side impress me with the idea that they look at this thing as if it were a case being tried between two profligate citizens. Senators, that is not the issue here. You have no right to permit your personal sympathy for Mr. Newberry to cause you to vote to seat him in this body. The Senate is an important public institution established by the founders of the Republic, and the people of the whole country are vitally interested in the outcome of a case that affects the honor and integrity of the Senate. They realize what its freedom from the lavish use of money in politics means to the American people.

Mr. President, could it have been imagined by those who achieved our independence, who died in the Continental Army to bring forth this Republic, to establish liberty in this Western World, that at some distant day so near as this a majority of the Senate would stand with uplifted hands before God and vote to seat in this body a man who had spent money amounting to more than $2 for every vote he received in the State primary for the Senate? Senators, are you going to vote for this man with that record behind him?

Mr. Newberry, I regret, did not accept the offer of additional time so that we could cross-question him. We wanted the Senator from Ohio [Mr. POMERENE] to ask him a few questions. He is the ranking Democrat on the committee, and he knows this case thoroughly. He is a great lawyer. We wanted him to follow the great lawyer from Montana [Mr. WALSH], who did propound a few questions and had to quit because his time had expired. I wanted to ask him some questions; others wanted to ask him questions; but he dodged and evaded and denied us the opportunity to ask those questions. The Senator from Mississippi [Mr. HARRISON] rose and asked that he be given additional time, and he declined to have his time extended so that questions could be asked him. On this side the other day unanimous consent was asked that Mr. Newberry be granted additional time, unlimited time, so that he could be questioned, but his friends on the other side objected. Does not all this seem rather strange to you Senators? Senators, this is an ugly case. The more you go into it the uglier it gets.

Mr. Newberry said this morning:

> I had not the faintest idea that such an amount of money was being spent.

Senators, Mr. Vandenburg, a Republican and splendid citizen of Grand Rapids, Mich., wrote to Mr. Newberry on August 8, 19 days before the primary, about the lavish use of money and the scandalous campaign being conducted in his behalf.

Mr. Newberry wrote him that he would turn his letter over to the committee in charge of his campaign. He never said that he would not stand for or tolerate such a campaign and that he would publicly condemn and repudiate it; he wrote Mr. Vandenburg that he would turn his letter over to the committee, and to show that he did not in any way intend to even offer his protest against such a campaign he wrote Paul King, his manager, that he was inclosing to him a copy of his letter to the Grand Rapids people—meaning Mr. Vandenburg—in which he, Mr. Newberry, had answered the charge of a boodle campaign in a very "flimsy manner."

You do not find in that letter to Paul King a single word of protest against the dangerous and demoralizing conditions mentioned to Mr. Newberry by Mr. Vandenberg. He treats it very lightly, and admits that he answered Mr. Vandenberg in a very flimsy manner. Is his statement in this regard satisfactory, Senators?

And yet he said to-day that he had not the faintest idea that such an amount of money was being spent. Strange statement in view of Vandenberg's letter and his letter to Paul King. In order to bring it a little closer home to him, I will quote from a man high in authority in Michigan, in Republican politics, and in the civic household of that Commonwealth. He is the lieutenant governor of that State, a Republican, Mr. Dickinson. He wrote to Mr. Newberry while the campaign was on and told him, in substance: "They are expending in your race anywhere from $250,000 to $500,000. It is the most scandalous campaign that has ever been conducted. It will take the State 25 years to recover from the evil effects of it, and I ask you, in the name of the Republican Party and the State, to withdraw from the race."

Senators, that statement will burn for many a day in the ears of those of you who vote to seat this man. A lieutenant governor of his own party in the State asked him to withdraw because his campaign was debauching the voter, making barter of the ballot, and doing so much harm that the State would not recover from its evil effects for a quarter of a century, and yet he has told you this morning, and asked God to witness his statement, that he had no idea that large expenditures of money were being made.

Mr. KING. Mr. President, will the Senator yield?

Mr. HEFLIN. I will.

Mr. KING. The Senator will recall that Mr. Newberry was told, in the letter to which the Senator first referred, that rumor charged that the amount being expended exceeded six figures. He was told at that early date by a Republican, one of the leaders of his own party in his own State, that this committee was expending such a large sum that the amount exceeded six figures; so when Mr. Newberry to-day said that he did not know of these expenditures until more recently it is obvious that he had either forgotten the letters or that he was attempting to deceive the Senate.

Mr. HEFLIN. Oh, Mr. President, as I said on a former occasion, and I desire to repeat it again to-day so as to get it in the same RECORD with his speech, the trail of the boodle serpent is over this man's pathway from the time he tried to buy a seat in the House of Representatives 17 years ago against Mr. Denby, the present Secretary of the Navy, both of them running for the Republican nomination; and Denby defeated him. The papers of Michigan at that time referred to his campaign as a boodle campaign, and charged that he paid hired workers in one city in one day $3,000, and that he himself was in an automobile going over the district giving out cigars by the box to managers and to those who were to look after the election.

And yet some of his friends here tell you that he is a stranger to politics. He just backed off into the mysterious nooks and corners of political secrecy. He backed up until he reached the deck of a fake battleship in Union Square, New York City, and he upon that deck posed as a commander, and they made pictures of him to use in Michigan to make those people think he was actually commanding a battleship in the United States Navy; and the moving pictures cost $30,000. I wonder who paid for that heroic performance!

But they say that he did not know anything about what was going on in the campaign in Michigan. I wonder if he knew that he was posing for the movies! I guess he saw that fellow snapping away with his camera.

What business did he have on that battleship? That was a recruiting concern, out on Union Square, surrounded with poll parrots and English sparrows and squirrels. It was not at all in line with the shore service that he was supposed to be engaged in. He was not a sea commander, but, Mr. President, he just backs off and off when you mention his boodle campaign in Michigan.

It reminds me of Alice in Wonderland. My friend the Senator from Georgia [Mr. WATSON] told about her description of the cat; how it backed through a hole in the fence. The first thing to disappear was the tail, and the next thing was the hind legs of the cat, the next thing was the back and shoulders of the cat, the next thing was the head of the cat, and the last thing she saw was the grin of the cat. All of it was gone but the cat's grin. He backed off into the State of New York, and if you accept his statement made here to-day, you must admit that he had backed so far away that you could see nothing of him but his grin of approval, for he wrote Paul King: "I am devouring your reports greedily."

Did you ever see a fellow eat greedily? Whenever you see a man doing that, he has no dyspepsia; he is paying strict and enthusiastic attention to his business. He wants the food and he is really relishing the food. That is the idea that Mr. Newberry meant to convey when he wrote Paul King that he devoured greedily the reports about his campaign.

Mr. President, I want to call attention to the fact that when this campaign was over, and after the Grand Rapids man, Vandenberg, had written to Mr. Newberry and told him of his scandalous situation, and after the Republican lieutenant governor, Mr. Dickenson, had written to him and begged him to withdraw from the senatorial race and that the committee was expending from two hundred and fifty to five hundred thousand dollars, he sat down and wrote Paul King a letter thanking him for all he had done. His letter is in the testimony, and when he wrote it he expressed approval of the methods employed to secure his nomination.

Hundreds of people were hired to work for Mr. Newberry. I want to call to your attention the fact that on November 15, 1918, Albert H. Fowler, a prominent Republican of Michigan, filed charges with the Senate Committee on Privileges and Elections against Mr. Newberry and associates, protesting his election because of the corrupt use of money in large sums, and demanding an investigation.

William G. Simpson, a candidate in the Republican primaries for United States Senator, filed charges with the United States district attorney in August, 1918, to the same effect.

I want to read again a portion of the inaugural address of the lieutenant governor of Michigan, which the Senator from Washington so appropriately read a moment ago. This was January 1, 1919, after the primary in August, after the election in November, and the lieutenant governor had not ceased to hear about the scandalous campaign of Mr. Newberry. He told the legislature:

> More communications on this line, asking for legislative action, have come to me by far than all others combined. This, as you know, is the outgrowth of the candidacy that doubtless cost more money than ever before was paid for a nomination for office in all the world's history.

Are Senators going to vote to seat a man in this body when the lieutenant governor of his own State, charging the legislature in the interest of new laws, tells them that more money was expended to secure his nomination than was ever expended before for a nomination for office in all the history of the world? Can you afford to do that, Senators?

To give an idea of what was going on, permit me to read this from the Detroit News, August 19, 1918:

> A communication from Merlin Riley, member of State legislature. Campaign is a disgrace to the State.

This was in August, nearly 10 days before Mr. Newberry's nomination.

> Incurring great expenses and can not be denied; proven by these facts.

Listen, he gives five reasons:

1. Large headquarters for months, with force of 30 to 40 clerks.
2. Class of workers who do not work without pay.
3. Banquets in county after county.
4. A superexpensive advertising campaign in 700 papers of the State.
5. Plan to have autos at the precincts to bring out the voters.

Senators, do you see in that the door closed in the face of a poor man? There it is. Do you see in that the passing of the time when the people sought the man for the office? Do you see in that the going of the day when merit and manhood, real qualifications, honor and integrity, were the things to be desired in a Senator? Away with them all, this new order demands. Go out and hire your workers. Pay them. Open up big headquarters. Hire as many clerks as you want. Buy up all the newspapers you can. Go to it under full pressure with your paid publicity work. That is what Mr. Newberry wrote to Paul King. Do you know how long they carried on

that full publicity work? Thirteen weeks in the newspapers of Michigan.

Mr. Paul King wrote to Mr. Newberry:

In counting up the papers that we have for you to-day I count 201.

That is a fine showing. They are going out after the others.

"Mr. Newberry, who financed your campaign?"

"I do not know."

Senators, you are the jurors in this case. A judge in the trial of a case in court would tell you, in charging you in a particular case, that you are the judges of the facts, and that you can consider the witness and his testimony from the standpoint of the interest he has in the matter. Mr. Newberry is much interested here. He wants to hold this seat. A man who will expend from $250,000 to $500,000 for a seat in the Senate will do a great deal to hold it. Oh, they say he did not know anything about the expenses; he deplores the fact that they had a money campaign. Listen, Senators, I want to call attention to this phase of his case. He admits that Paul King came to him and told him it would cost $50,000. What did he say to Paul? Did he say that he told Paul King he would not pay it? Did he say that he told Paul King he would not be a candidate with that understanding? No. Did he say he would not permit such an amount to be expended? No. What did he do by his silence? He admitted that it was all right to spend $50,000, and he went into that race with the knowledge that it was going to cost at least $50,000. They spent four times $50,000, and Mr. Newberry speaks to-day of all of it as money necessarily spent. Are we going to accept Mr. Newberry's idea of what is necessary and right and proper to expend in a senatorial race? Are we in the interest of common decency, good morals, and honest politics going to set up a standard for the good of our common country?

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Utah?

Mr. HEFLIN. Yes; I yield to my friend from Utah.

Mr. KING. I wish the Senator would comment upon the fact, or recall to the Senate the fact, that Mr. Newberry to-day stated that his was not an ordinary campaign, and that he indorsed all that Paul King did; that he had no criticism of it, and only regretted that so large an amount of money was necessarily expended. In other words, Mr. Newberry to-day damns himself beyond any power of salvation when he states upon the floor of the Senate that he has no criticism of Paul King, and only regretted that so large a sum was necessarily expended.

Mr. HEFLIN. Ah, Mr. President, that is one of the keynotes in the case. Mr. Newberry has ratified the expenditure of about $200,000. I wish we could have asked him to-day, "Mr. Newberry, where are the checks? You say you have not furnished any money. We wanted to get the checks but they have been destroyed, and they have been in the hands of your friends. Where are the check stubs, Mr. Newberry? They, too, are destroyed. The bank books are destroyed. All the lists containing the money expended have been destroyed. How do you explain that, Mr. Newberry?"

He comes here and sanctions this thing, indorses it; says he regrets that so much money was necessary to be expended. He did not know that so much was being expended, but here it is in black and white from the lieutenant governor, who wrote him that it was being expended, and a distinguished citizen, Mr. Vandenberg, from Grand Rapids, Mich., writing him that it was being expended; and his own witness, Mr. Blair, his campaign treasurer, testified that the reason they did not accept Mrs. Truman Newberry's check for $15,000 was that the newspapers in Michigan were making so much fuss about the expenditure of money in the Newberry campaign that they thought that if they accepted her check it would give them an opportunity to be more nasty.

Mr. President, when my friend from Utah, Mr. KING, interrupted me, I was asking if we are going to accept Mr. Newberry's statement of what is necessary and right to spend in securing a seat in this body and make it the standard of the Nation, or are we going to set up an honest standard and ask Michigan and all the other States, in the interest of clean politics, to accept it.

That is what Senators on the other side must consider. I want to say this to you, Senators, whenever you vote to seat Mr. Newberry you vote your indorsement and approval of his conduct and that of his committee in securing the nomination. You can not get away from that, because the Bible tells us that "by their fruits ye shall know them." So those who vote against him are opposed to the methods he employed, and those who vote for him can not deny that they indorse his methods. There can be no escape from that conclusion.

I want to read an editorial from the Detroit News of August 30, 1918, after Mr. Newberry was nominated:

The good name of Michigan is at stake, and patriotism demands that they see to it—

Speaking of those in authority—

that no man shall be able to assert that in this State political preferment is for sale to the highest bidder, or that the law in Michigan means nothing to those who can command money enough.

Oh, Mr. President, I was saying a moment ago that in 1904 these newspapers in Michigan said that Newberry had opened the barrel, and that it was open at both ends; that money was plentiful; and finally that Denby, with nothing but his personal qualifications, had beaten a man for Congress with large amounts of money and with a disposition to use it. They said that of this man Newberry 17 years ago, and some of you would undertake to have the Senate and the country think that he is just a big, rich, business man, and did not and does not know anything about politics.

I want to bring another phase of this case to your attention briefly before I close. Old man Stephenson, of Wisconsin, when you considered his claim to a seat in this body, acknowledged that he furnished his own money for his campaign for the Senate. Then Mr. Lorimer came along, and he tried the Newberry tactics. He said, "I did not furnish any money. I had nothing to do with it. My friends furnished the money."

The Senate of the United States said, "It does not make any difference whether you furnished it or your friends furnished it; you got your seat unlawfully and in the wrong way; you got it by the use of money," and they put him out as they should put Mr. Newberry out. Now, Mr. Newberry, profiting by his experience with Mr. Denby in 1904, when the papers charged him with opening a barrel campaign when he was going through the district in person giving out cigars by the box, decided to get out of the State. His friends said, "Let your committee claim to be doing it voluntarily, and when they ask you about it say you know nothing on earth about it, and then they can not do anything with you." That was the plan. He said his lawyers advised him. He said his lawyers told him not to go on the witness stand. They were smart lawyers, because they knew if ever he opened his mouth he was gone. He talked here to-day and he is gone, if you are going to take the statements he made and read them in connection with the facts in the record. He never once denied, but admits, that Paul King told him it would cost at least $50,000. I repeat, then was the time for him to say to Paul King, "I will not go into a race that will cost $50,000. I am opposed to that sort of politics." But not one word of that character did he utter.

What did his managers do in the final wind-up of the case here in the Senate? They said, "We have nothing to apologize for; we are not ashamed of anything we did." He said practically the same thing here to-day. He said, "I do not criticize my committee for the campaign they made." Not only that, as I said before, he wrote Paul King a letter thanking him for all that he had done. Then he indorses the campaign committee for the campaign they made.

If he indorses the senatorial campaign conducted in his behalf he places his approval upon campaign methods that Lieut. Gov. Dickenson denounced in a letter to him as the most scandalous one ever conducted in the State and one from which the State would not recover in 25 years.

Now they come here to-day and ask us to seat him. I venture the suggestion that nearly every paper in the United States will carry his speech to-morrow. It will probably cost him $25,000, but I predict that every line of that speech will be carried. But what about the speeches of those who speak against him and his money barrels? What about the speeches of those who fight here day in and day out to protect the honor and integrity of this body and safeguard the rights of the American people? Senators, this is a critical time in your history, a critical time in the history of this body. I pray that you will not permit this thing to be done.

One more reference to what they were doing according to this Republican member of the Legislature in Michigan. Listen, Senators:

Banquets in county after county.

It costs money to have banquets in county after county. Where did they get the money? What did Paul King, his manager, swear? What did Paul swear before the committee? He said, "I did whatever I thought was necessary without regard to expense." That is what he said. Banquets in county after county. Oh, Senators, that costs a lot of money. Take the men of moderate means in this body. Suppose you are called upon to furnish a banquet in each county in your State? I could

see you now stand up and say, "Ladies and gentlemen, I have had an ambition to go to the Senate. I wanted to serve in that great body. I have always had a desire to be one of the lawmakers of this great Nation. But I am not relying on money to elect me. I intended to run on what I thought was my fitness to fill the place, my merit, if I have any. I never thought the proposition would be put up to me that I would have to buy it. If the place is for sale, you must excuse me. I am not a candidate."

I hold to the doctrine that if a man will buy a seat in the Senate he in turn will sell it. I do not care whether he is a Democrat or a Republican, if he buys it he will sell it. He may buy it, but he is not going to have the opportunity to sell it with my consent.

No bought credentials or money-acquired title shall ever receive my vote as a Member of this body. I said if a man buys a seat here he will sell it, and he will. If a man goes out to the auction block and buys a piece of real estate he has the right to do what he pleases with it. It is his. He has paid for it. If he goes out and buys a mule he can trade that mule off or give it away; it is his. If his seat is bought in this body, why will he not vote like Wall Street wants him to vote? If they put up the money to buy the seat it belongs to them. I pray God the day will never come when seats here become a matter of barter, put upon the auction block for sale and traffic to the highest bidder.

A superexpensive advertising campaign was conducted in 700 newspapers in the State for 13 weeks. When I learned that Truman H. Newberry had run ads in 700 newspapers for about 13 weeks I said $500,000 will not cover his bill. I believe now he spent $750,000, every dollar of it—13 weeks in 700 papers, daily papers, weekly papers.

What did Paul King write him? He said, "The labor situation is a little weak over here at a certain point, and I am going over there to take a full-page paid advertisement in a labor paper. I think that will help the situation some." What did he mean by that? He meant he was going to get that support because of the money he was going to expend with that newspaper.

They not only went after the newspapers but they hired workers, they hired automobiles to carry people up to the election places and take them home, against two or three candidates who were not able to do that. The man with the biggest purse got the nomination. Money was the controlling factor in the campaign. I do not believe there is a Senator on the other side of the Chamber who can deny that. But for the money, how could they have used all those newspapers, 700 of them, for 13 weeks? They could not have done it. They published everything about Mr. Newberry, including how he was standing on the deck of that ship up in Union Square yearning for a German. How could any other candidate get his reply and his criticism in unless he had $500,000 to buy up the same newspapers? He could not do it. The other candidates were just relegated to the rear, and Mr. Newberry said to Paul King, "Keep up our publicity at full pressure."

Mr. TRAMMELL. Mr. President, will the Senator yield?

Mr. HEFLIN. Yes; for a brief question.

Mr. TRAMMELL. In connection with this picture, did they not buy up a thousand feet of an old film that had been taken showing or illustrating some previous naval review?

Mr. KING. It was 8,000 feet of film.

Mr. TRAMMELL. It was some old reel of film that had been taken of some old naval review.

Mr. HEFLIN. Certainly. They had that ship swimming across the movie screen with this brave warrior standing up there on the deck four square to every wind that blew. How innocent he is. "Did you know anything about this expenditure?" "Oh, no." "Did you know anything about that?" "Oh, no."

"What about these people," asked that great lawyer, the Senator from Montana [Mr. WALSH], "who went up in droves and stopped at the hotel and charged their accounts to you? They were paid by you. What about it?" He said, "I never paid them that I know of." You might ask a man, "Did you go to bed last night?" and he might say, "Not that I know of," and you would then probably say, "You must have been in a stupor or dazed condition." A man usually knows whether he has paid bills or not.

Here is the fact about it: Fred Smith, his confidential agent, had power of attorney from him to give checks. If he did not, then Fred Smith is a falsifier, because he swore that he had, and he swore that he checked on Truman Newberry's money and John Newberry's money. He said their funds were in there together, with all the balance of the Newberry family, in that big partnership. So Fred Smith paid those hotel bills, Fred Smith gave checks for money in the campaign in Michigan, and Mr. Newberry stood far away and said, "I do not know anything on earth about it. Go to it, boys." Oh, how ridiculous, how ridiculous!

He still has Fred Smith as his confidential agent, so I do not suppose he violated any instructions. Paul King published a statement in the Detroit Journal just before the primary, in which he said:

> There are, of course, expenses. Anyone with any sense knows that.

What a reflection he made on his chief, Mr. Newberry. His chief declares that he had no knowledge of any expenditures, and so forth, and Paul says any man who did not have any knowledge of it was a fool. Senators will recall that Paul King swore that he kept Mr. Newberry informed about the conduct of the campaign and Mr. Newberry wrote Paul, "I devour your reports greedily."

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. HEFLIN. Certainly; I am glad to yield to my friend from Arkansas.

Mr. CARAWAY. In connection therewith, it will be remembered that the junior Senator from Michigan swore that there was no expenditure with his knowledge or consent. He swore that twice in order to make it true. Yet he to-day said that he was told that this campaign would cost $50,000, and he consented to become a candidate with that knowledge.

Mr. HEFLIN. Certainly.

Mr. CARAWAY. And he never even told us on whom he thought he might rely to put up that $50,000.

Mr. HEFLIN. Not at all.

Mr. CARAWAY. In other words, here is a business man going into a campaign that he knows in advance will cost $50,000, and according to the sworn testimony he never had the faintest idea who would put it up, and he swears now that there was nothing spent with his knowledge or consent, when he consented in the beginning that they might spend $50,000.

Mr. HEFLIN. Absolutely, and he certainly had knowledge that they were going to expend at least $50,000. What would a numbskull do if he were to go into a race for the Senate and did not have any money or was not going to expend any money, if the man whom he intended to make his manager were to tell him it would cost $50,000? He would either say, "I will not be a candidate," or he would say, "Who is going to put up the money?" He would certainly say one or the other of these things. Yet here is a man just imagining that his campaign was going to run itself while he was running the other way so as to know nothing at all about campaign expenses. Who is going to put up the money? John Newberry? Mr. Newberry's sisters? Mr. Newberry's brothers-in-law?

Senators, can they get away with that? They could not get away with it before a precinct jury, before a justice of the peace, not for a minute.

Let me read another line from this paid advertisement, an excerpt from the formal statement issued from Newberry headquarters justifying his campaign expenses:

> Volunteer workers for Newberry are numbered by tens of thousands in 83 counties.

We need not wonder as to that. There was banquet after banquet in county after county. Tens of thousands of workers were in the 83 counties. Listen to what they say in conclusion as to that:

> There has never been a campaign in Michigan like it.

Senators, that is true; and I pray God there never may be another one in Michigan like it. Banquets were held in the counties. There was a revel in Michigan. One witness swore that he went into Paul King's office and saw stacks of money piled up, and when asked how much there was, said it looked like a million dollars; but they were not satisfied with the accumulation of thousands and hundreds of thousands of dollars to be expended in the counties.

There was a Belshazzar feast in every county in the State; workers were dragged in and paid $30 a week, $50 a week, and some more. Newberry campaign agents even approached a little fellow who was running a newspaper—the Senator from Montana [Mr. WALSH] called attention to it the other day—and paid him for advertising, I believe it was $170. However, he did not think that was quite enough to warrant his support. They then said to him, "We will send you a ton of print paper besides." And print paper was then selling for $125 a ton. Money, I repeat, was the dominating, controlling power in the Newberry campaign. Senators, the trail of the boodle serpent is over it all. Are you going to permit this thing to go through?

What is the law as to stolen property? The burden of proof shifts to the man who has to explain his possession of it; he has got to satisfy you beyond a reasonable doubt how he got it, or you will convict him of stealing it. The burden of proof shifts in this case.

Mr. Newberry is charged with having secured this seat by the lavish and unlawful use of money. That $200,000 has been expended can be established without the checks and stubs and bank books. How much more could be established if we had those records God, and God only, knows. Mr. Newberry, where are those books? They were in your possession. Where are those stubs? They were in your possession, in the hands of your agents and friends. Where are the checks? All of them have been destroyed; none of them are here, and you stay out until the eleventh hour and then you come in and make a lame and very evasive statement.

The colleague of the junior Senator from Michigan [Mr. TOWNSEND] says that the junior Senator from Michigan has suffered the torments of hell. Well, that is always the fate of the evildoer, because the Bible tells us the way of transgressor is hard. I can say, in conclusion, that Mr. Newberry can blame nobody but himself. The men and women who believe that this Government belongs to the people and that nobody should be put in control who buys place and power with money must stand arrayed against Mr. Newberry in this serious matter. He has nobody to blame but himself. His situation is described in the language of the poet, who said:

The thorns which I have reaped are of the tree that I have planted; they have torn me, and I bleed.

DEATH OF DELEGATE JONAH KUHIO KALANIANAOLE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. JONAH KUHIO KALANIANAOLE, late a Delegate from the Territory of Hawaii, and transmitted the resolutions of the House thereon.

Mr. SPENCER. Mr. President, I ask that the resolutions of the House be laid before the Senate.

The VICE PRESIDENT laid before the Senate the resolutions of the House of Representatives, which were read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
January 9, 1922.

Resolved, That the House has heard with profound sorrow of the death of Hon. JONAH KUHIO KALANIANAOLE, the Delegate from the Territory of Hawaii.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. SPENCER. I offer the resolutions which I send to the desk.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 207) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. JONAH KUHIO KALANIANAOLE, late a Delegate from the Territory of Hawaii.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Mr. SPENCER. As a further mark of respect to the memory of the deceased Delegate from Hawaii, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 5 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 10, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 9, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, Thou hast taught us by the words of Him who spake as never man spake to call Thee "Our Father"; then as Thy children we wait before Thee. O may we breathe our prayer through Him who told us how to pray and do. Thou accept it as the desire of everyone. Upon our hearts do Thou write the words of wisdom and in our memories do Thou put the words of instruction. Come to us through the gateway of our need. When we are cast down help us up; when the load is heavy lighten the weight, and when the darkness gathers direct the way, and may all our sins be forgotten in the depths of Thy infinite mercy. In the name of Jesus. Amen.

The Journal of the proceedings of Friday, January 6, 1922, was read and approved.

EXTENSIONS OF REMARKS.

Mr. DAVILA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a message sent to Congress by the Porto Rican delegation to Congress now in Washington on the subject of an autonomous form of government for Porto Rico.

The SPEAKER. The Commissioner from Porto Rico asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

The message referred to is, as follows:

CANADA IN 1839—PORTO RICO IN 1922.

It needs no change in the principles of government, no invention of a new constitutional theory, to supply the remedy which would, in my opinion, completely remove the existing political disorders. It needs but to follow out consistently the principles of the British constitution and introduce into the government of the great colonies those wise provisions by which alone the working of the representative system can in any country be rendered harmonious and efficient.

The responsibility to the United Legislature of all officers of the government except the governor and his secretary should be secured by every means known to the British constitution. The governor * * * should be instructed that he must carry on his government by heads of departments in whom the United Legislature shall repose confidence, and that he must look for no support from home in any contest with the legislature except on points involving strictly imperial interests.

LORD DURHAM.

PETITION OF THE PORTO RICAN DELEGATION TO CONGRESS THROUGH THE RESIDENT COMMISSIONER FROM PORTO RICO.

The delegation that is now in this country petitioning for a remedy to the political situation prevailing in Porto Rico deems it its duty to reprint in pamphlet form the introductory note to a volume published by Mathuen & Co., London, 1902, because by placing that great and noble example within the reach of those who are going to legislate for us in Congress, we will help demonstrate to them, although they know it beforehand, that in all problems from race to race and from people to people there exists no wiser or more practical solutions than equality and justice.

It is surprising to find the really astonishing similarity there is between the political situation in Canada in 1839 and that of Porto Rico in 1922. Both peoples, at the different times, went through a deep crisis and suffered the pains inherent to a profound metamorphosis. It may be that the situation of the former 75 years ago differed in some minor details from that of the latter at the present moment; but, generally speaking, the causes being identical, so much the effects be and appear. The Canadian crisis was solved by the British parliament under the advice of Lord Durham: the Porto Rican crisis is to be solved by the American Congress. In the first case, Canada was redeemed by the principles of British liberty; in the latter, Porto Rico hopes to be redeemed by the principles of American liberty.

The American Congress is fully advised as to conditions in Porto Rico. Proceeding by elimination, it seems to be generally understood that statehood is not possible.

Ethnical and economic problems of no probable solution will ever be in the way to that end. Great American statesmen, as Root and Stimson, have openly declared against it saying that the insular possessions should be governed by laws strictly autonomous in their character. Statehood is to be preceded by incorporation. And here lies the crux of the whole question. But what does this word incorporation, so much used and abused, impart? What does it mean? It means assimilation, as Mr. Snow aptly says:

"The régime which the French call the régime of assimilation, the majority of the Supreme Court in the insular tariff cases call the régime of 'incorporation.' The French word seems the more proper. 'Incorporation' means 'admission into the body and personality' of the State. In the case of a State under popular government, incorporation of lands and populations can only occur by admission of them to a representation in the legislature on equal terms with the lands and populations already constituting the body and personality of the State, and with equal participation in the vote for the executive if he is elective. In the case of a Federal State, incorporation of lands and populations can only occur when they form a State and that State is admitted into the Union as a State, on equal terms respecting representation in the Congress or parliament, and with equal participation in the vote for chief executive if he is elective. Lands and populations, however, though not incorporated into the State, may be dependent upon the State under a régime similar in all respects, except participation in the election of the central government, to that which prevails in the lands and populations which are actually incorporated into the State. Such a dependency is under the régime of 'assimilation' as distinguished from the régime of 'autonomy.'"

Knowing now that the words "incorporation" and "assimilation" represent equal concepts, we ask is assimilation possible in Porto Rico, hundreds of miles apart from the national environment, with a native population numbering nearly 1,300,000 souls? Mr. Paul Reinsch, writing on the subject in his admirable work "Colonial Administration," says:

"* * * The policy of assimilation has thus far in practice proved unsuccessful and at times even disastrous.

"The policy of assimilation rests upon the old rationalist doctrine of the universality of human reason. An institution once declared rational must as such be applicable at all times and in all places; and though individuals may at first resist the introduction of such institutions they will, if forced to accept them, be ultimately liberated thereby and raised to a higher plane of existence and civilization. The essential element in this belief is that reason is the one controlling force in human conduct, and that rational institutions are productive of rational action and hence are the sole requirement for well-ordered and civilized life. As a matter of fact, however, the science of the nineteenth century has abandoned this belief in the universal supremacy of the conscious rational faculty. Men are governed far more by their inherited beliefs, customs, and instincts than by a conscious choice between different courses of action. This is true among ourselves * * *. The doctrine of assimilation makes a demand upon the rational element in human nature which not even the action of the most highly developed individuals, to say nothing of nations, could justify. The natives are to abandon the entire complex of customs

and beliefs which have thus far guided them through life, and by an act of selective reason, to adopt institutions foreign to their social experience. Modern science is agreed that inherited psychological elements—the constitution of the mind—are the most persistent phenomena of which we have any knowledge. New ideas may be poured into the consciousness, may even be understood by the rational faculties, but they will leave no trace upon the mental constitution and upon the real spring of action.

"The actual experience of colonizing nations and the results of scientific investigation leave room for but one opinion upon the policy of assimilation, that it rests upon a purely idealogical basis and runs counter to the scientific laws of psychic development."

Basing himself undoubtedly on reasons of like import Mr. Alpheus Snow, in his book "The Administration of Dependencies," says:

"All the insular dependencies of the Union and Alaska are probably destined never to be incorporated into the Union as States, because it is best for them and for the Union that they should permanently remain in a relationship of dependence on the Union. In the latter relationship, they can properly have a higher degree of statehood than in the former. Under a well-balanced and expert administration * * * they can have that distinct community life which their *isolated* position makes necessary."

Only an autonomous form of government seasonably granted to Porto Rico will solve the present political situation. It will create contentment, enhance the affection and good faith always evidenced by the people of the United States toward the people of Porto Rico, and bring about a closer tie that time will prove indestructible. The United States can be as generous to Porto Rico as Great Britain has been to Ireland. In short, paraphrasing from the pamphlet we reprint, it will be hailed as an honor to this the greatest of all democracies to make a Porto Rico governed by itself, a country where freedom should beget loyalty, and we venture to say that the last hand which will wave the American flag on our island will be that of the Porto Rican.

FELIX CORDOVA DAVILA,
Resident Commissioner at Washington.
ANTONIO R. BARCELÓ,
President of the Senate.
MIGUEL GUERRA MONDRAGON,
Chairman House Finance Committee.
WALTER MCK. JONES,
Member of the House.

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a statement on pending Alaskan legislation, setting forth the situation in the Territory.

The SPEAKER. The Delegate from Alaska asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. SUTHERLAND. Mr. Speaker, there are to-day pending in Congress four bills for the relief of Alaska, two in the Senate introduced by Senators CUMMINS and NEW and two in the House introduced by the gentleman from California [Mr. CURRY] and the gentleman from Pennsylvania [Mr. MCFADDEN].

There may be diversity of opinion among Members of Congress as to why Alaska has come to a condition that requires immediate relief or what the cause of that condition may be, but there can be no doubt in any mind that the great northern Territory is to-day on the downgrade, industrially as well as in population.

It seems strange that at a stage in our history when the population of the country is increasing rapidly, and this largely by foreign influx, the population of this our greatest Territory, with its almost limitless natural resources, should be declining. One would naturally believe that the pioneering spirit must exist in the American people to-day to an extent that should impel population toward the northland with its possibilities and opportunities for the establishment of industry. Its fishery resources are greater than those of any country on earth, including the United States proper; its mineral wealth is largely undeveloped; its 100,000 square miles of tillable land waits for the advent of the homesteader; its forests, greater than those of any of the States, stand adjacent to its abundant water power ready for manufacturing enterprise.

Reference to bulletins of governmental departments whose activities extend to Alaska will convince one that there is no exaggeration in this statement regarding its natural resources.

THE REASON FOR DECLINE OF POPULATION AND INDUSTRY.

There must be a reason for this depressed condition in Alaska that causes her population to depart for other sections, a reason other than the general business depression throughout the United States, as this condition does not seem to cause any noticeable movement of population from one section of the country to another.

We of Alaska may disagree on practically every political question that arises, but there is no dissension on the primal cause of our declining industry.

This is the opinion of our Republican governor, Hon. Scott C. Bone:

Vital and urgent is the problem of transportation. The completion of the Government railroad does not solve it, but only makes its solution the more vital and urgent.

Separated by foreign land, as well as by water, from the United States, adequate steamship transportation and equitable ocean rates are the necessary prerequisites to the successful operation of the railroad and the development of the Territory. Steamship and rail are equally essential and mutually dependent utilities. Alaska can not prosper and progress without either. The great domain, its unparalleled resources yet scarcely touched, must remain largely a waste and wilderness until the twin problem of water and land transportation is rightly solved.

And this is the claim of our recent Democratic governor, Hon. Thomas Riggs, jr.:

When will these increases cease? War conditions no longer exist. Slowly the abnormal prices brought about by abnormal conditions are commencing to readjust themselves. It would seem that new rates becoming effective should be lowered instead of increased. Small competing lines have been eliminated. It is evident to all of us that Territorial development can not continue when operating under the handicap of almost prohibitive freight and passenger rates.

We should dig direct to the root of our discontent. Every other question sinks to insignificance, for back of it all remains the basic fact that unless relief is afforded us in our most vital need, moneys expended on roads, schools, charities, and on all other constructive projects constitute merely stop-gap measures, never to bear full fruit, for Alaska will gradually lose population and revert to a vast territory unpeopled save for a seasonal fishing population along the southern coast and the operatives of a few great mines.

This is the view of the Alaska Advisory Committee, appointed in 1920 by the Secretary of the Interior, Hon. John Barton Payne:

It was the opinion of practically every person appearing before the committee that money could not be attracted to Alaska, industries dependent upon transportation by regular lines started, or general development go forward freely under existing rates, and this was the conclusion reached by the committee.

From these published statements of governors and departmental boards one must conclude that the trouble with Alaska is inadequate transportation and excessive rates.

THE ALASKA TRANSPORTATION MONOPOLY.

The present excessive rates to Alaska are maintained by a transportation monopoly conducted by the Alaska Steamship Co. and the Pacific Steamship Co.

The two operating companies have for years controlled the water transportation from Seattle to Alaska. There is no evidence of joint ownership or interlocking directorates in the published reports of the two organizations, but their harmonious work in extorting exorbitant freight rates from Alaskan shippers for these many years would indicate that a common financial interest exists somewhere, and nothing serves to illustrate their common interest in throttling Alaskan industry as the cooperative and combined work of their Washington lobby, whose activities are paid for indirectly by the Alaskan shipper. "The small competing lines have been eliminated," says Gov. Riggs, and he, as well as the people of Alaska, know that they were eliminated by cooperative action on the part of the major companies. The Alaska Steamship Co. controls all ore shipments from Alaska, for the reason that the same interests that own the Alaska Steamship Co. own and control the smelter at Tacoma, Wash., where Alaskan ores are treated.

THE COPPER MONOPOLY AN AID TO THE TRANSPORTATION MONOPOLY.

There is but one copper mine operating to-day in Alaska outside of those that are operated by the interests that control the steamship monopoly and the Tacoma smelter, of the American Smelting & Refining Co., at Tacoma, Wash.

Many copper properties on the coast of Alaska are closed down by reason of exorbitant smelter charges and freight rates. The following quotations from letters addressed to Federal officials by the proprietor of the one copper mine that has managed to continue its operation, despite monopolistic effort to close it down, will serve to convey some idea of the state of mind of an individual who has spent the best years of his life in the development of an excellent copper mine and finds that, regardless of how rich it may be, there is no profit in operating it as long as he is dependent on the monopoly for transportation and smelter treatment.

From letter to the governor of Alaska, July 28, 1920:

This mine, which has been operating steadily for the last 11 years, may soon have to close, unless we can get from the Smelter Trust's plant at Tacoma a smelting rate that is not prohibitive.

I believe that all the other producers of smelting ore in Alaska, outside the Smelter Trust, have been suppressed by the Smelter Trust, so that their monopoly is now complete, with the exception of this one property.

They are now asking us a prohibitive smelting rate, which is clearly intended to put us out of business, and is a warning to all others to stay out. At the same time they are accepting ore of the same smelting character from a foreign country at a much lower rate.

The Territorial legislature at the last session adopted a memorial, senate joint memorial No. 10, requesting that smelter graft and extortion be dealt with by Congress.

I have had some correspondence with the Department of the Interior and the Department of Justice and have acquainted them with the situation. I have not found that either department has taken any practical interest up to this time. I am hoping you will. It seems to me it is time to begin to save productive Alaska industries, if there are to be any left outside those belonging to the Smelter Trust.

I hope you will realize that this is not a prospective industry, but an existing industry. It will weather the storm if our public officers are not blind to Smelter Trust graft and deaf to Smelter Trust victims.

From a letter to the Delegate from Alaska, September 1, 1921:

At the solicitation of the Ketchikan Commercial Club the Tacoma smelter reduced their rate to me August 12 for 1,500 tons of ore, as follows: Treatment charge, reduced from $3.50 to $3 per ton. Copper deducted from copper contents per ton was 26 pounds; is now 15 pounds.

While this is not as well as they could afford to do, still it is better than nothing. If they make honest returns at these rates, I shall be able to keep going.

However, I fully expect that they will more than absorb these reductions by making dishonest returns on the ore. That is, I expect that they will falsify the moisture contents, the weights of the ore, and adulterate the assay samples with barren rock. They practiced these methods upon us for about five years—1910–1915.

The Tacoma smelter had robbed us of about $13,000 in cash and put us about $22,000 in debt. And they evidently thought that no developing property owned by an individual with no capital could overcome such a handicap.

Notwithstanding the reduction in smelter charges, I think the Federal Trade Commission should make the investigation which the Alaska Legislature asked for. It is to be hoped that the Department of Justice will also investigate.

As a matter of fact, I can not understand why it is that the business and practices of a great combine like the smelter trust, which absolutely controls the production of smelting ores in so many localities, especially Alaska, should never have been made the subject of official inquiry or investigation.

That a mine producing 10 per cent copper ore can not operate at a profit would not be credited in any copper-producing section of the United States, and yet these assertions of an individual, forced to the wall by arrogant and cold-blooded monopoly, serve to prove that in Alaska 10 per cent ore is not rich enough to overcome the extortions of smelter and steamship companies.

Under this system of crushing monopoly the ambition of every copper prospector on the coast of Alaska to develop a paying mine is thwarted, and it is not surprising that population is declining. Men who have pinned their hopes for success on Alaska and its opportunities have had those hopes blighted until they now search for other fields of endeavor beyond the reach of monopoly.

The prospector is naturally an optimist. He believes that the next blast of powder will open up rich ore, rich enough to overcome transportation and smelter charges. He is a pathetic figure in the coastal section of Alaska, holding onto his property from year to year, believing that economic conditions will change and that he will come into his own. Years ago he was notified by the great copper interests operating outside of Alaska that they could not take any interest in Alaska properties, as they did not care to enter into competition with the organization that controls that Territory, and yet the prospector's optimism continues. To-day there are splendid copper prospects lying idle that if located in any other section of the United States would be in operation, giving employment to labor and stimulating industry. To say that the present state of the copper market does not warrant investment in mines does not answer the question for Alaska, as these same conditions that exist there to-day have continued through all fluctuations of the copper market for the past 12 years.

Representative Mason, of Illinois, just before his death, told me of a friend of his who was leaving the Territory of Alaska, driven from some enterprise in which he was engaged, by excessive freight rates.

Mr. Mason's letter to me is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 5, 1921.

Mr. DAN A. SUTHERLAND,
House of Representatives, Washington, D. C.

MY DEAR COLLEAGUE: I have been looking for the letter which I received from an acquaintance in Alaska. I recognized his name when I received the letter and put it in my pocket, intending to hand it to you. In general terms, it was a very bitter protest against the freight rates in Alaska. I acknowledged it when dictating a number of letters to an outside stenographer. I will make another search for it and forward it to you should I find it.

Sincerely, yours,
WM. E. MASON.

Mr. Mason's friend was only one of the many Alaskans who have come in contact with monopolistic operations in Territorial commerce and were compelled to yield to its superior power.

THE EXTORTIONATE RATES CHARGED ALASKANS BY THE TRANSPORTATION MONOPOLY.

The ocean freight rates to Alaska have not decreased since the close of the war, and it is not the intention of the monopoly to reduce them even though it has fought a seaman's strike against a 15 per cent reduction in wages successfully and has recently been granted a liberal mail subsidy by the Post Office Department.

There has not been nor will there be any reflection of the reduced operating expenses or greatly increased income in the nature of governmental gratuity in the rates paid by the Alaskan shipper. The same old system of publication of false tariff rates continues and the shipper still pays double rates under the weight or measurement option exercised by the transportation companies.

ILLUSTRATION OF EXTORTION UNDER THE WEIGHT OR MEASUREMENT SYSTEM.

The Washington lobby, which is maintained continuously by the Alaska transportation monopoly, inserted in the record of supplemental hearings on H. R. 5694 and other bills before the House Committee on the Territories on November 8 last the following false and misleading statements:

Based upon these distances, I submit tabular statements of rates on important commodities now in force to Alaskan ports compared with existing rates on the Seattle-San Francisco, Los Angeles, and San Diego routes which show that the rate per ton on most commodities is lower to Alaska than to the California ports for like distances.

The information given shows that the Alaska rates and fares are not unfair or unreasonable and that they are far below the rates and fares between other Pacific coast ports.

The following are the tables referred to:

[NOTE.—The rates given to California ports are taken from Tariff F–No. 48 of the Pacific Steamship Co., effective October 15, 1921, on file with the United States Shipping Board—that is, they are computed from the rates prescribed by that tariff.]

Freight rate per ton from Seattle to Alaska on carload and less than carload lots.

Freight.	Juneau (1,033 miles).		Skagway (1,153 miles).		Seward (1,743 miles).	
	Less than carloads.	Carloads.	Less than carloads.	Carloads.	Less than carloads.	Carloads.
Agricultural implements	[1] $9.00	[1] $9.00	[1] $10.00	[1] $10.00	[1] $13.50	[1] $13.50
Canned fish	.....	7.50	.....	7.50	.....	8.00
Canned goods	[1] 9.00	[1] 9.00	[1] 10.00	[1] 10.00	13.50	12.50
Coal	5.50	4.00	6.50	4.50	7.50	5.00
Coffee	[1] 9.00	[1] 9.00	[1] 10.00	[1] 10.00	[1] 13.50	[1] 13.50
General merchandise	9.00	9.00	10.00	10.00	13.50	13.50
Household goods	9.00	9.00	10.00	10.00	12.00	12.00
Machinery	9.00	9.00	10.00	10.00	[1] 13.50	[1] 13.50
Salt	.....	5.50	.....	5.50	11.00	7.00
Shoes	[1] 9.00	[1] 9.00	[1] 10.00	[1] 10.00	16.00	16.00
Soap	[1] 9.00	[1] 9.00	[1] 10.00	[1] 10.00	[1] 13.50	[1] 13.50
Sugar	[1] 9.00	[1] 9.00	[1] 10.00	[1] 10.00	13.50	12.50
Clothing	[1] 9.00	[1] 9.00	[1] 10.00	[1] 10.00	16.00	16.00

[1] "General merchandise" rate applies.

Freight rate from Seattle to California per ton on carload and less than carload lots.

Freight.	San Francisco (940 miles).		Los Angeles (1,360 miles).		San Diego (1,470 miles).	
	Less than carloads.	Carloads.	Less than carloads.	Carloads.	Less than carloads.	Carloads.
Canned goods	$11.00	$6.00	$17.40	$9.50	$19.00	$11.10
Clothing	21.00	21.00	31.60	31.60	35.40	35.40
Coal	11.00	8.00	19.40	12.70	21.90	14.00
Coffee	11.00	8.00	17.40	10.60	.....	.....
Household goods	27.10	27.10	35.00	35.00	40.00	40.00
Machinery	21.00	10.00	31.60	15.20	35.40	16.80
Shoes	21.00	21.00	31.60	31.60	35.40	35.40
Salt	8.00	4.00	14.40	6.60	16.90	7.50
Soap	12.00	7.00	15.00	9.00	17.00	10.60
Sugar	12.00	6.00	16.00	8.20	19.50	9.80

NOTE.—The rate shown in California tariffs is per 100 pounds. The ton rate here given was arrived at by multiplying said 100 pound rate by 20.

Knowing the statement that water rates are as low from Seattle to Alaskan points as from Seattle to California points was absolutely false, I wired to Alaskan towns for receipted expense bills paid by merchants on shipments from San Francisco to Alaskan ports via Seattle, and from those received I have tabulated those of most recent date, which in almost every case are dated subsequent to the date of the tariff rates submitted by the lobby, which went into effect October 15, 1921, and I herewith submit a tabulated list of shipments from San Francisco via Seattle to Ketchikan, Alaska, merchants.

Ketchikan is the first port of call in Alaska. It is one of the largest and most important towns in the Territory. All boats of the transportation monopoly call at Ketchikan, both north and south bound.

The distance from Seattle to Ketchikan is 742 miles, or 198 miles less than the distance given from Seattle to San Francisco in the table submitted by the lobby.

Table showing immense increase of freight charges on same shipments from San Francisco to Seattle, when these are transshipped at Seattle to Ketchikan, Alaska, which declares an advanced cost on the short haul of 36 per cent.

Date, 1921.	San Francisco shipper.	Ketchikan consignee.	Class of freight.	Cubic feet.	Weight, pounds.	Cost of freight, San Francisco to Seattle, 940 miles.	Cost of same freight from Seattle to Ketchikan, 742 miles.	Excess cost of short haul.	Lower cost of short haul.
Sept. 13	Nathan Dohrman Co.	H. R. Thompson	4 cases pottery	96	1,419	$11.46	$19.20	$7.74	.....
29	J. A. Folger Co.	....do	4 cases coffee	15	377	2.07	3.00	.93	.....
Nov. 4	Schilling Co.	Tongass Trading Co.	5 cases ground coffee	18.6	421	2.32	3.70	1.38	.....
4	Folger Co.	....do	6 cases roasted coffee	22	559	3.07	4.40	1.33	.....
4	Hills Bros.	....do	5 cases roasted coffee	17	435	2.39	3.40	1.01	.....
18	J. A. Folger Co.	....do	12 cases coffee spice	31	758	4.52	6.20	1.68	.....
18	M. J. Brandenstein	....do	2 cases coffee	8	206	1.13	1.60	.47	.....
18	Hawaiian Sugar Refining Co.	Ketchikan Mercantile Co.	320 packages sugar	.....	32,319	96.96	129.28	32.32	.....
18	Walton V. Moor Engbax	Tongass Trading Co.	1 case dry goods	3	55	1.00	.75	.....	$0.25
18	A. Schilling Co.	....do	5 cases baking powder	6	151	1.21	1.20	.....	.01
Dec. 1	American Tobacco Co.	Ketchikan Mercantile Co.	10 packages tobacco	42	825	7.85	8.40	.55	.....
1	Baer Notion Toy Co.	F. J. Hunt	1 case toys	28	361	3.79	5.60	1.81	.....
1	Hills Bros.	Tongass Trading Co.	5 cases roast coffee	18	462	2.54	3.60	1.06	.....
1	Eaton, Crane & Pike	F. J. Hunt	1 case papereries	14	240	2.52	2.80	.28	.....
1	Schilling Co.	Tongass Trading Co.	5 cases ground coffee	21	447	2.46	4.20	1.74	.....
	Total					145.29	197.33	52.30	.....
								—.26	.....
	Total excess cost							52.04	.....

Note carefully what it costs the Alaskan merchant to transport his consignment from San Francisco to Seattle and then compare it with the cost from Seattle to Ketchikan.

The actual cost of transportation of freight from Seattle to Ketchikan, not including the wharfage charges at Seattle, is 36 per cent greater than the charges from San Francisco to Seattle, a distance 200 miles greater.

The fraudulent system under which these rates are extorted from the public by the monopoly is one under which it has worked for many years and is as follows:

Under the option whereby these companies may transport freight by weight or measurement all freight from San Francisco to Seattle is carried by weight. Upon its arrival at Seattle it is carried across the dock to the Alaska bound boat and billed through on measurement provided the measurement tonnage exceeds the weight tonnage.

It will be noted that in the tariff tables of the steamship companies on file with the Shipping Board, effective October 15, 1921, the tariff on sugar in less than carload lots from San Francisco to Seattle is $12 per ton, and from Seattle to Juneau $9 per ton. The actual freight cost of the consignment of sugar to Ketchikan carried by weight on both stages of the voyage is 33 per cent greater on the short stage to Ketchikan than on the longer stage from San Francisco to Seattle, and yet the Washington lobby blithely informs committees of Congress that rates are lower to Alaska than to other Pacific coast sections.

It will be noted that in the tariff list the freight on coffee in less than carload lots from San Francisco to Seattle is $2 more per ton than from Seattle to Juneau, an approximately equal distance. The absolute falsity of this tariff sheet is shown in the excessive charges indicated in the seven consignments of coffee to Ketchikan.

There is no classification of pottery in the tariff tables, but the consignment to Ketchikan cost over 70 per cent more for the short haul than for the long haul.

The question naturally arises, Do men of supposed honor and business standing thus deliberately misrepresent and make false statements to Members of Congress? The answer is that this is the day of the profiteer, and he brazenly carries his wartime methods into reconstruction days. He has exploited the Territory in the past while the appeals of the people to governmental agencies for relief were unheeded; why should he now relinquish his strangle hold on the commercial life of the Northland when he considers it to be his own particular field of exploitation?

The following editorial from a recent issue of the Ketchikan Chronicle serves to further expose the methods of the transportation monopoly in Alaska:

[Editorial in Ketchikan Chronicle Dec. 10, 1921.]

In Gov. Bone's annual report, in speaking of transportation rates, he says that Alaskans are not being discriminated against, as compared with the other people of the Pacific coast. As a statement of fact, this may be indisputable, and without a careful study of the situation no attempt will be made to question it. But this is a fact also which can not be disputed, that during the years of the war freight rates to Alaska were increased tremendously, exorbitantly, on the excuse that the cost of labor and fuel was mounting rapidly.

Since the war the fuel costs have dropped very much and the steamship companies fought through successfully a battle to cut wages. So why now do the Alaskans not get any benefit as the result, as they were made to bear the burden when the costs were going up.

Furthermore, it may be brought to the attention of the governor that the tariff sheets of the companies catering to Alaska are snares and delusions and the Chronicle will cite one little experience of its own, one which is undoubtedly similar to those of many other business firms. The base rate, whatever that means, on newsprint from Seattle to Ketchikan is $8 a ton, but the Chronicle paid $22 a ton, or more than a cent a pound. Newsprint paper is brought from Norway to the Pacific coast for less money, is landing so much more cheaply, in fact, that dealers in it were able, only a few weeks ago, to undersell the American manufacturers.

The statement in the governor's report that Alaska was not discriminated against in freight rates is, of course, based on the false tariff sheets and on the false statements of representatives of the transportation monopoly.

When men of large affairs issue tariff sheets and publish statements regarding the conduct of their business the presumption is that they are true, but we know that in this case they are false.

This editorial simply shows that what is termed by the editor a "delusion and a snare" whereby he is mulcted out of 200 per cent over the advertised rate on newsprint is practiced on all shippers of various classes of freight.

The editor wonders why the result of the "successful battle to cut wages" was not indicated in the Alaska freight rates. The answer of the monopoly to this is that they lost money by their suspension of traffic during the battle to cut wages. The only inference is that the public must bear the monopoly's expenses in its industrial wars. This industrial innovation on the part of the transportation companies might be extended to reimbursement of the seamen who were involved in the battle for loss of opportunity to earn. In the industrial war, wherein the transportation companies forced a reduction of wages of seamen, the public showed considerable sympathy with the companies as it was assumed that the reduction in wages would eventually mean reduced freight rates, but there the public as usual fooled itself, as the saving in operating expenses went entirely into the coffers of the monopoly. The public should long ago have learned that transportation monopolies are not conducted in the public interest.

The monopoly's explanation of why the $100,000 subsidy for carrying mails can not operate to reduce freight rates is "that fuel oil is likely to increase in price at any minute," and thus freight rates are maintained in anticipation of increased operating costs that do not exist at present.

At this point I insert a table to show what it costs Wrangell merchants to import goods from California via Seattle under the weight or measurement option system since the tariff became effective October 15, 1921.

Wrangell is a port of call on the run from Seattle to Skagway and is located 842 miles from Seattle. A majority of the boats to Alaska make this port.

Table showing immense increase of freight charges on same shipments from San Francisco to Seattle when these are transshipped at Seattle to Wrangell, Alaska.

Date, 1921.	San Francisco shipper.	Wrangell, consignee.	Class of freight.	Cubic feet.	Weight, pounds.	Cost of this freight from San Francisco to Seattle, 940 miles.	Cost of same freight from Seattle to Wrangell, 842 miles.	Excess cost of this short haul.
Oct. 18	American Tobacco Co.	Lyons & Blackington	1 case tobacco, cigarettes	10	138	$1.45	$5.25	$3.80
18	Bollman & Co	do	4 packages tobacco	6	129	1.15	1.95	.80
Nov. 18	Hills Bros	D. Sinclair	3 cases coffee	12	310	1.71	2.70	.99
	Total					4.31	9.90	5.59

The Wrangell merchant pays over 125 per cent more on his freight for the shorter haul from Seattle to Wrangell than on the longer haul from San Francisco to Seattle, and yet the lobbyists represent to Congress that the California-Seattle rates are highest.

SKAGWAY RATES.

Reference to the rate sheet submitted to the House Committee on the Territories by the lobby show that the rates to Skagway, located at a distance of 1,153 miles from Seattle, are considerably less per ton in less-than-carload lots than the rates on corresponding quantities from San Francisco to Seattle, a distance of 940 miles. But there is no occasion for expressions of thanks to the monopoly by the residents of Skagway for the magnanimous treatment indicated in the rates published by the lobby for the benefit of Members of Congress, as the herewith inserted tabulation of freight costs via Seattle on their importations from California since the tariff rates became effective, October 15, 1921, should dissipate any delusion they may have labored under.

Table showing immense increase of freight charges on same shipments from San Francisco to Seattle, when these are transshipped at Seattle to Skagway, Alaska.

Date, 1921.	San Francisco shipper.	Skagway consignee.	Class of freight.	Cubic feet.	Weight, pounds.	Cost of this freight from San Francisco to Seattle, 940 miles.	Cost of same freight from Seattle to Skagway, 1,153 miles.	Excess cost on Skagway haul.
Nov. 4	Baer Notions & Toy Co	Skagway Drug Co	1 case toys	25	240	$2.52	$6.25	$3.73
4	Bollman Co	Mrs. Percy Hem	9 packages tobacco and cigarettes	12	262	2.41	4.63	2.22
Nov. 18	Hills Bros	P. H. Gauty	5 cases coffee	19	470	2.59	4.75	2.16
	Total					7.52	15.63	8.11

Under the weight and measurement scheme while the published tariff rates are less to Skagway than to San Francisco the Skagway merchants are held up for over 100 per cent more on the northern half of the voyage than they are charged on the southern half.

How much longer must the people of Alaska be subjected to this robbery by the transportation monopoly?

JUNEAU.

I hold a number of expense bills for freight from San Francisco to Juneau via Seattle, but these bills are all dated long prior to the date of the tariff rate under discussion. They consist mostly of freight of equal weight and measurement and indicate an increase of 15 per cent on the northern stage of the voyage. There is not the slightest doubt that the Juneau merchants are robbed in the same manner as those of Ketchikan, Wrangell, and Skagway.

If one could secure their expense bills, their freight costs could be known.

This extract from the letter of one of Juneau's leading citizens, who was asked to obtain expense bills from shippers, and who did obtain some, serves to explain the reason why I am unable to present a tabulated statement of rates to Juneau:

The shippers are a little reluctant to give out information of this nature without knowing the purpose of the request, thinking it might prejudice the transportation companies against them if their action became known.

And thus through fear of the monopoly, the public is prevented from knowing just how much is contributed in the increased prices paid for food and other necessities imported into the Territory. But this fear of the monopoly on the part of shippers was well known to my predecessor, Mr. Grigsby, for in his brief to the conference committee heretofore mentioned he presented the attitude of the Alaskan shipper in this language:

The people of Alaska do not feel, and justifiably so, that the matter of freight regulation has so far been intelligently handled by the Shipping Board. Every application for permission to increase rates by private carriers has been granted. The applications are based on figures submitted by the steamship companies, their investments being based upon war valuations, interest on investment, depreciation and insurance on the same basis, so that naturally a sufficient showing has been made to justify the raising of rates. The Alaskan shipper, the merchant, is not represented and ordinarily can not be represented at the hearings before the Shipping Board for two reasons: (1) The average shipper has not enough individual interest to justify the expense, and (2) fear of reprisals by the companies.

And thus holding complete sway over the Alaskan shipper through fear of reprisals and with its lobby working continously here in Washington to prevent the passage of relief measures, the Territory remains under the complete domination of the monopoly while commercial life is thereby stagnated until a land that once was bright with promise for its industrious inhabitants has become a land of disappointed hopes and ruined ambitions.

ANOTHER LINE OF TRANSPORTATION GRAFT INCIDENTAL TO ALASKAN SHIPMENTS ONLY.

At this time I would call attention to an outrageous system of extortion practiced by transportation companies at the port of Seattle whereby the Alaskan shipper is held up for tribute which is not exacted from the shippers or consignees of any country on earth to which American commerce extends.

The Seattle terminal charges on freight destined for Alaska and on that destined for other countries is as follows. The tonnage weight is in all cases 2,000 pounds:

On shipments originating in the east and consigned to Hawaiian Islands or Oriental ports: Wharfage, 30 cents per ton.

On shipments of same origin destined for Alaska: Unloading cars, 65 cents per ton; wharfage, 50 cents per ton; from wharf to ship's slings, 60 cents per ton; total, $1.75 per ton.

On local shipments to Hawaii or Oriental ports: Handling charges, 30 cents per ton.

On local shipments to Alaska: Handling charges, 60 cents per ton; wharfage, 50 cents per ton; total, $1.10 per ton.

Why should all terminal charges on oriental freight in excess of 30 cents per ton be absorbed by the transportation lines and the Alaskan merchant be bludgeoned out of five times as much as the Oriental merchant when his freight is passing through Seattle?

How long must the Territory bear with this outrageous discrimination? Just as long as transportation monopoly holds sway and those who have the power to rectify such conditions decline to act in the interest of an exploited people.

THE WORK OF THE ALASKAN MONOPOLY LOBBY IN WASHINGTON.

This lobby has operated here in Washington for many years, and although composed of two resident members, its number is always promptly augmented by additions from New York, Seattle, and even from Alaska when the S O S is sent out requiring their presence to prevent remedial legislation for Alaska or to assist in obtaining special legislation for the benefit of the monopoly. The two resident members are always on the job gumshoeing around the congressional office build-

ings and in the departments. The chief lobbyist, when appearing before committees introduces himself as an "economist," whose interest in pending legislation is "that of the public," sometimes he claims to represent the National Merchant Marine Association, sometimes he announces that his presence before committees is "involuntary," sometimes he arranges for an attaché of the Shipping Board to present him to committees.

That there is something about his work as paid lobbyist of the Alaskan transportation monopoly that he is ashamed of is evidenced by his studied efforts to prevent his real status of paid lobbyist being known by Members of Congress.

He occasionally, when pressed, will admit that he holds a retainer from the Pacific Steamship Co., but inasmuch as he is working for their combined interest in the prevention of legislation for the benefit of Alaska, it is safe to assume that he is employed by the combination.

My predecessor, Mr. Grigsby, in a brief presented to the House conference committee on the merchant marine bill in 1920 described this lobbyist as—

> one who appeared before the Senate Commerce Committee as the avowed representative of the Pacific Coast Co., and who up until recently also represented the Alaska Steamship Co.

Former Delegate Wickersham in a brief on Alaska transportation filed with the Shipping Board describes the lobbyist as—

> pretending to represent the Alaskan fishing interests, but, in fact, representing the Alaskan transportation monopoly.

That this fellow imposes himself on the National Merchant Marine Association as well as on officials of the Shipping Board in order to enhance his standing before committees of Congress there can be no question, for I assume that these organizations do not intentionally stand as sponsors for lobbyists of this type. The people of Alaska are to-day paying all the salaries and other expenses of this Washington lobby in the freight rates that are extorted from them. In other words, when the Alaskan shipper is compelled by the monopoly to pay double the rate that is paid for a haul of equal distance on the Pacific coast a considerable part of this tribute money is used in paying the lobbyists for their prevention of measures in Congress that might bring relief to the Territory. Was there ever on earth a monopoly that used more unscrupulous means to maintain its strangle hold on the public? Was there ever a people on earth exploited as the people of Alaska are exploited by this monopoly?

WHAT OF RELIEF?

Senator CUMMINS and Mr. MCFADDEN, knowing of Alaskan conditions through correspondence with friends in Alaska in whom they have absolute confidence, have introduced practical measures for the benefit of the Territory. These bills provide that a few of the Government-owned ships now rusting at their moorings may be placed on a direct route between Pacific coast ports and Seward, the terminal port of the new Government-owned railroad in Alaska. These bills are being most viciously opposed by the Washington lobby of the monopoly.

The passage of the Cummins or McFadden bills would not cause interference with the traffic of the monopoly only to the extent of carrying the freight destined for interior Alaska over the Government railroad and to points intermediate, but the monopoly, through its lobby, says no. If the new railroad is to carry freight on a weight basis, the Government is going to get the same deal in the matter of water rates that the coast shippers are now getting under the fraudulent weight or measurement scheme of the water transportation companies.

The Secretary of the Interior, knowing much of existing conditions in Alaska, asks for power to relieve these conditions by congressional authorization of the use of Government-owned steamships in connection with the railroad, but this is arrogantly opposed by the lobby, even though the Secretary stated his object in asking for the legislation in this language:

> With reference to the proposition to turn over to the Interior Department the transportation problems in Alaska, I may say to you, Mr. Chairman and gentlemen, that this was not my original idea. It is my thought that if it were ever enacted into legislation it would only be as a last resort under any circumstances that I should avail myself of any such authority, because I am frank to say to you that I do not believe in Government operation of transportation lines when it is possible to avoid it, whether it is transportation by ships or transportation by railroads. My idea was that if we had the power, to be used in case of necessity, the necessity would not be so likely to arise.

Doubtless the Secretary desired this legislation only for the purpose of compelling the monopoly to give reasonable water rates or freight destined for points on the railroad.

Under present conditions wherein an absolute monopoly of ocean freight to Alaska is held by the transportation company, the railroad is at their mercy to be exploited in the same manner that the people of the Territory have been exploited in the past and are being exploited at the present time, and thus a Government investment of over $50,000,000 for the development of Alaska is to be used for the selfish ends of monopoly.

WHY LEASE THE RAILROAD?

There is one feature of the proposed legislation that the lobby does not oppose, namely, the lease of the Government railroad to private interests. To whom will it be leased? To the monopoly?

The provision in pending bills whereby the Alaskan Railroad might be leased to private interests has aroused the fear of the people of the interior section of the Territory that it is to pass into control of the monopoly.

I have many letters and telegrams from all sections of Alaska urging me to try to prevent any transfer of the railroad from the Government to private interests, and the following telegram from the geographical center of the Territory is expressive of the sentiment in all sections:

> POORMAN, ALASKA, VIA MELOSRI, ALASKA,
> *December 30, 1921.*
>
> D. A. SUTHERLAND,
> *Delegate from Alaska, Washington, D. C.:*
>
> We, the people of the Poorman district, in mass meeting earnestly request that you, our Delegate, use all your influence and every means within your power to maintain the Alaska Railroad under Government ownership and management.
>
> EDDY M. GETTIGAN, *Chairman.*
> JOHN SHROPSHIRE, *Secretary.*

Should the monopoly get its clutches on the railroad, the whole interior section of the Territory will be at its mercy just as the coast is at present.

During all the discussion of methods for the development of Alaska through the agency of the almost completed railroad it is not recorded that a single overture toward cooperation has been made by the transportation monopoly, whose interest in the welfare of the Terrtiory one would believe should be almost as great as that of the Government itself. It seems to look upon the railroad project as something provided for its benefit rather than for the benefit of the people of Alaska. The Secretary of the Interior has the responsibility of successful operation of the Government railroad upon his shoulders. Why should Congress deny him any facility he may request that he believes will aid him in his work?

Regarding the Cummins-McFadden bill the Secretary has said, "In so far as I am personally concerned, that legislation would be perfectly satisfactory to myself." The lobby opposes that legislation most strenuously. It is most unsatisfactory to the monopoly.

Who is the most interested in the upbuilding and development of Alaska, the Secretary of the Interior or the transportation monopoly?

A CONCISE STATEMENT OF THE SOLUTION OF THE ALASKA PROBLEM.

A communication published in the Juneau Capital on October 23 last sets forth so clearly and succinctly the situation in Alaska regarding transportation that I herewith insert it in the RECORD:

> A man might start across a desert with everything necessary to make his trip a comfortable one except a sufficient quantity of fresh water to last him during the journey. It would make no difference how rich a country lay beyond to which he was en route, without water failure is certain and death probable.
>
> So it is with the development of Alaska. Without transportation across the waters separating us from the continental portion of the United States, the development of Alaska will be a failure and the depopulation of the country a certainty. Transportation from the States to Alaska is what water is to the wayfarer crossing the desert; without it Alaska must die.
>
> It is idle to discuss any other reason as to why Alaska is "advancing backward" until the question of transportation is settled, for as long as the Alaska Syndicate "carries the canteen" only those whom it desires to survive will prosper in Alaska. It makes but little difference whether there are 30 or 1,030 different bureaus governing Alaska, as long as the "man with the canteen" refuses to quench their thirst they must be his slaves.

The consolidation of the activities of Federal bureaus operating in Alaska, although desirable for an improvement in administrative functions, is, indeed, a minor feature of the pending bills. A correction of the transportation system will bring relief to Alaska, will develop its mines, its fisheries, its agricultural lands. The passage of the Cummings-McFadden bill would, I believe, bring the desired results.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a short statement made by the president of the Federal Land Bank of Omaha. There are some figures in it which I think will be valuable for the information of Members.

The SPEAKER. Is there objection?

There was no objection.

The statement referred to is as follows:

STATEMENT BY D. P. HOGAN, PRESIDENT FEDERAL LAND BANK OF OMAHA.

With $3,125,000 paid-up capital, $625,655.07 surplus and undivided profits, and $56,597,340 in loans, the Federal Land Bank of Omaha is the largest of the 12 Federal land banks and the largest cooperative institution in the United States. The Federal land banks are truly cooperative. The farmer borrowers furnish the capital. All net earnings belong to them.

The suit attacking the constitutionality of the Federal land banks was decided in favor of the banks February 29 of this year, and immediately the Federal Land Bank of Omaha made preparations to resume loaning operations.

Forty million dollars' worth of 5 per cent 20-year bonds were sold for the Federal land bank system in May at par, and a like issue of $60,000,000 in bonds was sold in October at par. Loans have been closed during the year amounting to $9,257,200.

The net earnings of this bank for the year 1921 amount to $400,359.81. A dividend of 6 per cent per annum was declared for the first half of the year, and a dividend of 8 per cent per annum was declared for the last half of the year. The rate charged borrowers on new loans during the year was 6 per cent per annum on the 33-year amortization plan.

Borrowers who secured their loans through this system five years ago at 5 per cent now realize their good fortune. Their loans continue at 5 per cent without renewal charges, while their less fortunate neighbors who borrowed on the old five-year plan are now obliged to renew their loans at a high interest rate with excessive commissions.

The market for farm loan bonds has greatly improved during the past three months and there is every reason to believe that a much larger issue of bonds will be taken by investors in the next bond sale than has been taken in the last year.

In spite of adverse agricultural conditions during the past year the loans of the Federal Land Bank of Omaha have proved their high quality by the very limited number of delinquents shown in the monthly statements to the Farm Loan Board. Those remaining past due longer than 60 days are so small as to be practically negligible.

The officers of the Federal Land Bank of Omaha are fully informed of the urgent need of farm loan funds in this district and are making every effort in their power to secure as large a supply of funds for loans as possible.

There is every reason to hope that the market for Federal land bank bonds will continue to improve and that within the next six months the supply of funds will fairly well take care of the demand of eligible borrowers for good loans.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed joint resolutions and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 79. Joint resolution authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic;

S. J. Res. 140. Joint resolution relative to payment of tuition for Indian children enrolled in Montana State public schools; and

S. 2186. An act granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association.

SENATE JOINT RESOLUTIONS AND BILL REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolutions and bill of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. J. Res. 79. Joint resolution authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic; to the Committee on Agriculture.

S. J. Res. 140. Joint resolution relative to payment of tuition for Indian children enrolled in Montana State public schools; to the Committee on Indian Affairs.

S. 2186. An act granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association; to the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2914. An act to add certain lands to Minidoka National Forest;

H. R. 8344. An act to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes;

H. R. 7204. An act to provide a Government-owned water-service system for the Fort Monroe Military Reservation;

H. R. 5700. An act authorizing the Secretary of the Treasury to sell the old Subtreasury property at San Francisco, Calif.;

H. R. 9021. An act to permit the city of Chicago to acquire real estate of the United States of America;

H. R. 8401. An act to transfer the custody and control of the United States customhouse wharf at Charleston, S. C., from the Treasury Department to the War Department; and

H. R. 6380. An act to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended.

CORRECTION.

Mr. DYER. Mr. Speaker, the gentleman from Kentucky [Mr. LANGLEY] is absent from the city on official business, and he asked me to request unanimous consent that roll call No. 28, January 4, be corrected. He voted "aye," but was paired with the gentleman from Florida [Mr. CLARK]. He wishes permission to withdraw his vote of "aye" and be recorded "present."

The SPEAKER. That can not be done at this time. However, the statement of the gentleman from Missouri will appear in the RECORD.

Mr. DYER. He wanted to do justice to the gentleman from Florida [Mr. CLARK].

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BLACK, for three days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. HIMES was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of John M. Doddridge, H. R. 13345, Sixty-sixth Congress, no adverse report having been made thereon.

DISTRICT BUSINESS.

Mr. FOCHT. Mr. Speaker, while there is much legislation now ready for consideration in the House from the Committee on the District of Columbia, yet in deference to the high regard in which the House held the distinguished Delegate from the Hawaiian Islands, Mr. KALANIANAOLE, whose death occurred Saturday last, and out of respect for him and his services in this House, I feel constrained to yield our claims upon the House for this day.

DEATH OF MR. KALANIANAOLE.

Mr. CURRY. Mr. Speaker, it is my sad duty to announce to the House the death at Honolulu at 37 minutes past 2 o'clock last Saturday morning, of that patriotic American and splendid representative of his people, the Hon. JONAH KUHIO KALANIANAOLE. At some future time the House will undoubtedly set aside a day on which to adequately commemorate his services to his people and to the country. At present I offer the following resolution which I send to the desk.

The Clerk read as follows:

House resolution 261.

Resolved, That the House has heard with profound sorrow of the death of Hon. JONAH KUHIO KALANIANAOLE, the Delegate from the Territory of Hawaii.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT.

Accordingly, in accordance with the resolution heretofore agreed to (at 12 o'clock and 11 minutes p. m.), the House adjourned until to-morrow, Tuesday, January 10, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

456. A letter from the Secretary of the Treasury, transmitting request for the passage of legislation contained in House Document No. 531, Sixty-fifth Congress, transferring portion of old public-building site at Baltimore, Md.; to the Committee on Public Buildings and Grounds.

457. A letter from the Secretary of the Treasury, transmitting a tentative draft of legislation authorizing the sale of certain parcels of land acquired for Federal building sites, etc., which are no longer needed for the purposes of the Government; to the Committee on Public Buildings and Grounds.

458. A letter from the Secretary of the Treasury, transmitting request for the passage of the legislation contained in House Document No. 532, Sixty-fifth Congress, concerning deed for land for site of post-office building in New York City; to the Committee on Public Buildings and Grounds.

459. A letter from the Comptroller of the Currency, transmitting text of the annual report of the Comptroller of the Currency for the year ended October 31, 1921; to the Committee on Banking and Currency.

460. A letter from the Secretary of the Treasury, transmitting the fifth annual report of the Federal Farm Loan Board for the year ended November 30, 1921 (H. Doc. No. 147); to the Committee on Banking and Currency and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4933) granting a pension to W. W. Cooper; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 9147) granting a pension to William Lehman; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

A bill (H. R. 9759) granting a pension to Mary E. Hulen; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 9799) to continue until June 30, 1923, the Naval Militia as a part of the Naval Reserve Force; to the Committee on Naval Affairs.

By Mr. DOWELL: A bill (H. R. 9800) to amend section 1 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, as amended; to the Committee on the Post Office and Post Roads.

By Mr. HICKS: A bill (H. R. 9801) for the acquisition of certain land as a site for a naval aviation station at Galveston, Tex.; to the Committee on Naval Affairs.

By Mr. MADDEN: A bill (H. R. 9802) to increase the rate for the use of market spaces on the north side of B Street along the south front of Center Market, Washington, D. C.; to the Committee on the District of Columbia.

By Mr. APPLEBY: Joint resolution (H. J. Res. 252) proposing an amendment to the Constitution of the United States; to the Committee on Election of the President, Vice President, and Representatives in Congress.

By Mr. ARENTZ: Joint resolution (H. J. Res. 253) extending the time for the performance of certain acts under the act of Congress approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," and for other purposes; to the Committee on the Public Lands.

By Mr. FOCHT: Joint resolution (H. J. Res. 254) amending section 764 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DARROW: A bill (H. R. 9803) authorizing the President to appoint Philip P. Heron to the position and rank of captain of Quartermaster Corps in the United States Army; to the Committee on Military Affairs.

By Mr. KINKAID: A bill (H. R. 9804) granting a pension to Helen M. Holt; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3431. By the SPEAKER (by request): Copy of a resolution adopted by the members and friends of the Kenwood Methodist Episcopal Church, of Milwaukee, Wis., urging that nothing be done to weaken the eighteenth amendment—the Volstead Act, as strengthened by the Willis-Campbell Act—and that full measures be taken thoroughly to enforce the legislation mentioned throughout the country; to the Committee on the Judiciary.

3432. By Mr. ANSORGE: Resolution adopted by the Republican Club of the seventeenth aldermanic district, New York City, protesting against the prospective Executive order authorizing the removal of medical reserves from the hospitals of the United States and placing in their place and stead civilian employees; to the Committee on Interstate and Foreign Commerce.

3433. Also, resolutions adopted by the employees of the New York Navy Yard, urging relief for employees of navy yards who will be out of employment under certain conditions if the Conference on the Limitation of Armament is successful; to the Committee on Naval Affairs.

3434. Also, copy of resolutions adopted by about 1,000 men and women at a dinner given under the auspices of the National Council of American Importers and Traders in the Hotel Waldorf-Astoria protesting against the American-valuation plan; to the Committee on Ways and Means.

3435. By Mr. APPLEBY: Petition of the Quiet Hour Club, of Metuchen, N. J., urging the United States Government to protest against the withdrawal of the French troops at present protecting the Armenians; to the Committee on Military Affairs.

3436. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, opposing the extension of the activities of the War Finance Corporation; to the Committee on Banking and Currency.

3437. By Mr. GALLIVAN: Petition of Tel-U-Where Co., of Boston, Mass., suggesting certain cash-on-delivery postage permit plans; to the Committee on the Post Office and Post Roads.

3438. Also, petition of the E. E. Taylor Co., of Boston, Mass., protesting against duty of 2 cents per pound on Cuban sugar; to the Committee on Ways and Means.

3439. By Mr. KISSEL: Petition of the New York State tax department, relative to House bill 9579; to the Committee on Banking and Currency.

3440. By Mr. MacGREGOR: Resolution adopted at a session of the council of the city of Buffalo, held on the 4th day of January, 1922, relative to excessive coal prices; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *January 10, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Almighty God, from whom come all blessings and direction in the great affairs of life, we would humbly represent before Thee our needs and seek from Thee guidance to-day and every day, so that we may live acceptably before Thee. We pray for direction this morning. Grant unto him who assumes to-day grave responsibility the wisdom that cometh from above. May he and all others in connection with this honorable assembly find it their highest pleasure to do the will of God and serve the Nation accordingly. We ask in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SENATOR FROM PENNSYLVANIA.

Mr. LODGE. Mr. President, I present the credentials of GEORGE WHARTON PEPPER, a citizen of the State of Pennsylvania, appointed by the governor to fill the existing vacancy in the Senate from that State.

The VICE PRESIDENT. The Secretary will read the credentials.

The Assistant Secretary read as follows:

IN THE NAME AND BY AUTHORITY OF THE COMMONWEALTH OF PENNSYLVANIA,
Executive Department.

To the President of the Senate of the United States:

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Pennsylvania, I, William C. Sproul, the governor of said State, do hereby appoint GEORGE WHARTON PEPPER a Senator from said State, to represent said State in the Senate of the United States until the vacancy therein, caused by the death of the Hon. BOIES PENROSE, is filled by election, as provided by law.

Witness: His excellency our governor, and our seal hereto affixed at Harrisburg, this 9th day of January, in the year of our Lord 1922.

[SEAL.] WM. C. SPROUL, *Governor.*

By the governor:
BERNARD J. MYERS,
Secretary of the Commonwealth.

The VICE PRESIDENT. The credentials will be placed on the files of the Senate.

Mr. LODGE. Mr. PEPPER is here and ready to take the oath.

The VICE PRESIDENT. The Senator appointed will present himself at the desk.

Mr. PEPPER, escorted by Mr. LODGE, advanced to the Vice President's desk, and the oath prescribed by law having been administered to him he took his seat in the Senate.

REINTERMENT OF SOLDIER DEAD.

The VICE PRESIDENT laid before the Senate a communication from the Acting Quartermaster General of the Army, Brig. Gen. C. R. Krauthoff, Quartermaster Corps, transmitting lists of American soldier dead returned from overseas, to be reinterred in Arlington National Cemetery, Thursday, January 12, 1922, at 2.30 p. m., which, with the accompanying papers, was ordered to lie on the table for inspection by Senators.

PETITIONS AND MEMORIALS.

Mr. LADD presented a resolution adopted by the Alfalfa Grange, of Grand View, Idaho, favoring the enactment of Senate bill 2604, the so-called Ladd honest money bill, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted at a meeting of Royal Arch Masons of the fifth Masonic district of North Dakota, held at Lisbon, N. Dak., January 3, 1922, favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented 12 petitions of sundry citizens of Hampden, Edmore, Loma, Galesburg, Hope, Hunter, Driscoll, Steele, Rocklake, Wheelock, Carpio, Fessenden, Merricourt, Tioga, Kintyre, Marion, and Divide County, all in the State of North Dakota, praying for the enactment of legislation reviving the Government Grain Corporation and its management by officials not connected with grain exchanges, middlemen's interests, or millers, which were referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a resolution adopted by the Alumni of the Yale University Forest School, of New Haven, Conn., protesting against the proposed transfer of the United States Forest Service from the Department of Agriculture to any other department, which was referred to the Committee on Public Lands and Surveys.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. ROBINSON, from the Committee on Miltiary Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1456) for the relief of Col. Herbert Deakyne, Corps of Engineers, United States Army (Rept. No. 395); and

A bill (S. 2493) to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith (Rept. No. 396).

Mr. ROBINSON, from the Committee on Military Affairs, to which was referred the bill (S. 2173) to loan to the College of William and Mary in Virginia two of the cannon surrendered by the British at Yorktown on October 19, 1781, reported it with amendments and submitted a report (No. 397) thereon.

Mr. CAPPER, from the Committee on Military Affairs, to which was referred the bill (S. 2824) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty, asked to be discharged from its further consideration and that it be referred to the Committee on Public Lands and Surveys, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 2953) for the relief of Fred N. Dunham; to the Committee on Claims.

A bill (S. 2954) granting an increase of pension to Wilbur A. Richardson (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 2955) granting a pension to Helen G. Noyes (with accompanying papers); to the Committee on Pensions.

BONUS COMPENSATION FOR GOVERNMENT EMPLOYEES.

Mr. SMOOT. Mr. President, I have received a great many letters from Government employees asking me whether it was necessary for them to join a Federal Employees' Union in order that they may receive the bonus for the coming fiscal year. If there had been only a few of such letters, I could have answered them all; but there have been so many of them that I deem it right and proper to make a statement to the Senate with reference to the matter.

Every Senator has undoubtedly noticed the drive that is being made among Government employees to get them to join the union, it being given as a reason that every Government employee ought to do it because of the fact that in so doing they can thus force the Congress to act favorably upon the bonus for the coming year.

I am going to take this means of saying to the Government employees that it is not necessary for them to join any union with the thought that by so doing they are going to change any action of Congress in relation to the bonus. I have no idea that Congress is going to take $240 off of the pay of the employees of the Government if the reclassification bill is not enacted into law by July 1, 1922. In some cases it could not be done without bringing hardship and, indeed, actual want upon a certain class of employees, and I know that Congress will not undertake to do such a thing. I feel like saying to the employees that if they desire to join a Federal union they may do so and pay their money to the said union, but it is not going to influence Congress one iota as to the bonus or any other legislation.

This statement will be an answer to the many, many letters that I have received from various Government employees. There is no necessity for the drive, there is no necessity for the employees being disturbed over the matter, and I am quite sure when I say this that I voice the sentiment of both the House and the Senate.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the senior Senator from Utah yield to his colleague?

Mr. SMOOT. Certainly.

Mr. KING. I would like to ask my colleague whether by anything he has said he intended to convey the idea that it was the policy, so far as he may speak for the administration, that the employees of the Government should join unions—not unions of Federal employees, among themselves—but unions affilliated with some international or national organization which might be deemed extraneous to the Government itself?

Mr. SMOOT. I never heard any member of the administration—referring now to the President and the members of his Cabinet—express himself upon that point. I have reference to the Federal Employees' Union.

LEAGUE OF NATIONS.

Mr. KING. Mr. President, two years ago, as I recall, the League of Nations began its activities. I have here a very brief résumé of its accomplishments and its activities during that period. I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Democratic Research Bulletin, Jan. 10, 1922, No. 20. Bureau of Political Research, Robert Goldsmith, director Democratic National Committee, Woodward Building, Washington, D. C.]

SECOND ANNIVERSARY OF THE LEAGUE—THE LEAGUE OF NATIONS WAS 2 YEARS OLD ON JANUARY 10.

The following résumé of the league's activities and accomplishments to date was prepared by the League of Nations News Bureau:

CONSTITUENCY AND CHARACTER OF THE LEAGUE.

Two years ago when the league came into being it was composed of but 13 former allied powers. Since then all the allied powers, except America, have joined; the 13 former neutral powers invited to adhere have done so; and 2 of the 4 ex-enemy States and half a dozen new States born in the war have been admitted. To-day, on its second anniversary, the league numbers 51 nations, the largest collection of States ever brought together.

In those two years there has been built up a loose, flexible association of cooperating nations able to focus attention on any international problem from a purely humanitarian project to the most serious diplomatic issue. The outline of a general international structure has been drawn to be filled in as time and experience seem to justify. In certain major matters of common interest most of the world's nations, whether of Europe, the Americas, Asia, or Africa, have learned to confer about a common table.

There are now functioning an annual assembly of 51 nations; a council of the 8 larger nations; a permanent court of justice; a permanent secretariat; technical organizations on international health, finance, economics, and freedom of communications and transit; an international labor office; permanent committees on armaments and mandates; special bodies on the suppression of the international opium and white-slave traffics, repatriation of prisoners, the relief of typhus in Poland, the protection of minorities, and the administration of the Saar Basin and the free city of Danzig.

NIPPING WARS IN THE BUD.

The league's first task, of course, is to prevent war. Already five disputes threatening world peace have been brought before it. Three have been settled finally and two are in negotiation. Procedure wholly new in diplomacy has been used on several occasions, but force never.

The first conflict settled was that between Sweden and Finland over the strategic Aaland Islands, when detailed negotiations gave the sovereignty of the islands to Finland, assured absolute protection to their predominant Swedish population, and effected their neutralization through a 10-power treaty.

Second was the Polish-Lithuanian dispute, where the league has prevented the hostilities threatened by Zoligovski's seizure of Vilna and offered a project of settlement which is still being negotiated.

Third was the Upper Silesia dispute, which because of the deadlock between Great Britain and France threatened the break-up of the Entente and which was solved only when the league was called in and drew up an entirely new form of solution safeguarding economic as well as nationality interests.

Fourth was the Jugo-Slav invasion of Albania, when Lloyd-George's telegram to the league requesting the application of the economic blockade against Serbia for having begun hostilities without arbitration, and immediate public sessions of the councils sent Jugo-Slav exchange tumbling, held up an important loan, and forced the Jugo-Slav Government to withdraw its troops behind the frontier.

Finally the three-cornered Tacha-Arica dispute was argued at length in public session on demand of Bolivia, and although the results were not conclusive it is interesting to note that Chile has since initiated direct negotiations with Peru on the question and has definitely proposed a plebiscite.

REMOVING CAUSES OF WAR.

But the mere settlement of disputes already arisen is not sufficient guaranty of peace, for if disputes are allowed to develop until they become critical, the time is certain to come when one amongst them will get out of hand and the world's peace be again ruptured. Consequently, an even more constructive work has been undertaken, first in setting about removing as many general causes of difficulty as possible, and, second, in providing a permanent machinery to be ready at all times.

ASSEMBLY.

The crown of that work is the assembly, where representatives of the 51 league members come together automatically on the first Monday in every September to discuss any question which any nation wishes to bring up as affecting the peace or well-being of the world. Through its two sessions at Geneva the assembly has become a well-oiled, smooth-running forum, without power of compulsion but with great moral authority.

COUNCIL.

The council, consisting of representatives of Great Britain, France, Italy, and Japan permanently and of Belgium, Brazil, Spain, and China temporarily, will hold its sixteenth meeting at Geneva to-day (January 10). It is a small, informal body charged with the general direction of the league and able in emergencies to meet on a week's notice. It was just some such body as this that Sir Edward Grey failed to find when the Austrian crisis of 1914 precipitated the World War.

SECRETARIAT.

The third central body is the secretariat, an international civil service of about 250 people and over 30 nationalities, charged with carrying on all the daily work of the league, serving as an international center of experts named for their knowledge rather than their politics, and specifically entrusted with the publication of all treaties registered by league members, some 250 of which have already been received.

COURT.

Next is the permanent court of international justice, a court of law basing its judgments not on diplomatic adjustment but on legal principle, and entrusted, with the council, in making effective the covenant's fundamental principle that no nation shall go to war without arbitration or conciliation. Here the league has achieved its greatest single triumph, for as against the failure of The Hague and other conferences it has succeeded in creating a court of 11 judges and 4 deputy judges, which will hold its first meeting on January 30. This court is of peculiar interest to America because Elihu Root helped draft its statute and John Bassett Moore sits as one of its judges.

TECHNICAL ORGANIZATIONS.

Beyond these bodies are the technical organizations, so called because dealing in technical questions as distinct from political and diplomatic. Most highly developed is that on freedom of communications and transit, which has already held an international meeting of 40 nations at Barcelona and worked out draft treaties aiming to assure a readier flow of trade between nations by removing certain of the unnecessary war barriers. Next is that on finance and economics, which directed the Brussels financial conference of some 35 nations, including the United States and Germany, worked out the details of the so-called Ter Muelen scheme, and laid down a complete program for the reconstruction of Austria, which only awaits the release of liens by the United States to be put into operation. Finally is the health organization for coordinating the activities of the various nations for the prevention of world epidemics, as shown in the work already undertaken in helping relieve typhus in Poland by means of about a million dollars contributed by the members of the league, and in the present conference at London, which America is officially attending, for the international standardization of antitoxic sera.

HUMANITARIAN ACTIVITIES.

Certain humanitarian tasks were also intrusted to the league in the peace treaties. First is the oversight of the mandated territories containing about 13,000,000 backward peoples. Though the United States several times delayed this work by protests on points of detail, the mandates for former German Southwest Africa and the former German Pacific islands were confirmd a year ago; the Japanese and the Australian Governments have already sent in the required annual reports; and the permanent mandates commission, composed of colonial experts, begun its work of oversight.

At the same time the Saar Valley, a vital coal area of about 625,000 people between Germany and France, has been administered for over a year by a league commission composed of a French, Belgian, Danish, Canadian, and Saarlouisian member; and the free city of Danzig has been enabled to work out its difficult relationships with Germany and Poland through the protection of the league. Similarly, some dozen treaties have been signed with nearly all the nations of eastern Europe and the Balkans promising certain minimum rights to their racial, religious, or linguistic minorities and recognizing the league as the agency of interpretation or appeal.

So, also, two important prewar social projects have been taken over by the league. As regards the suppression of the traffic in opium, the expert advisory committee has begun its work, and the council and the assembly have gone far beyond anything ever before attempted to initiating definite plans not only that the traffic be controlled but that the production be limited to purely legitimate needs. As regards the suppression of the international white-slave traffic, a conference of 30 nations was held at Geneva last spring; a new convention was drawn up and indorsed by the assembly, and 23 nations have already put their signatures to it.

Moreover, certain specific humanitarian emergencies have been met. Under direction of Dr. Nansen over 400,000 prisoners of war, many of whom had been in exile for five and six years, have been returned to their homes. The plight of the 800,000 Russian refugees squeezed out of Russia into the neighboring States and that of unnumbered thousands of Armenian women and children dragged off into Turkish harems are slowly being ameliorated through the league.

TOWARD REDUCTION OF ARMAMENTS.

Where the league has achieved least success is in reduction of armaments. Progress has been impossible in naval questions because of America's absence, and delayed in military matters by Europe's unstable political situation. Nevertheless certain preparatory work has been effected; the question of budgetary limitation and statistical information studied; and two corollary projects, the suppression of the traffic in arms and munitions to backward countries and the control of the private manufacture of arms initiated.

SUMMARY.

In the past two years, then, it may safely be said that the League of Nations has built up a flexible structure for international cooperation; has solved several serious conflicts between nations and established the machinery for solving others that may arise; has begun the creation of a new kind of international law; has advanced certain highly humanitarian projects; has provided a broad forum for international conference whether on general or technical questions; and demonstrated that nations can cooperate without losing their sovereignty, without using force, and with mutual advantage to all.

Members of the League of Nations—51 nations.

NAME AND POPULATION OF NATION.	
Albania	850,000
Argentina	8,533,332
Australia	5,419,702
Austria	6,139,000
Belgium	7,600,000
Bolivia	3,000,000
Brazil	30,650,000
Bulgaria	5,000,000
Canada	8,370,000
Chile	4,100,000
China	400,000,000
Colombia	5,847,000
Costa Rica	460,000
Cuba	2,900,000
Czechoslovakia	14,000,000
Denmark	3,269,000
Esthonia	1,800,000
Finland	3,300,000
France	36,700,000
Greece	5,000,000
Guatemala	2,000,000
Haiti	2,000,000
Holland (The Netherlands)	6,840,000
Honduras	553,446
India	319,075,132
Italy	40,000,000
Japan (Empire)	77,005,112
Latvia	1,504,000
Liberia	2,000,000
Lithuania	2,000,000
Luxemburg	260,000
New Zealand	1,218,270
Nicaragua	600,000
Norway	2,700,000
Panama (with Canal Zone)	426,879
Paraguay	1,000,000
Persia	10,000,000
Peru	3,530,000
Poland	24,000,000
Portugal	6,000,000
Rumania	17,400,000
Salvador	1,300,000
Serb-Croat-Slovene (Jugoslavia)	11,400,000
Siam	8,900,000
South Africa	6,000,000
Spain	20,500,000
Sweden	5,885,000
Switzerland	3,860,000
United Kingdom (England, Ireland, Scotland, Wales)	47,157,749
Uruguay	1,400,000
Venezuela	2,848,000

Nonmembers of the League of Nations—19 nations.

NAME AND POPULATION OF NATION.	
Armenian Republic (membership application pending)	7,000,000
Azerbaijan (membership application pending)	5,000,000
Hedjaz (membership application pending)	750,000
Iceland (membership application pending)	93,000
Liechtenstein (membership application pending)	10,716
Monaco (membership application pending)	22,956
San Marino (membership application pending)	12,000
Ukrainia (membership application pending)	46,000,000
Georgia (member league's technical organizations)	3,500,000
Abyssinia	8,000,000
Andorra	5,231
Dominican Republic	1,000,000
Ecuador	1,300,000
German Republic	60,900,000
Hungary	7,841,000
Mexico	16,000,000
Russia	136,000,000
Turkey	8,000,000
United States (Continental)	105,710,620

The VICE PRESIDENT. Morning business is closed.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. HARRIS. Mr. President, I desire to give notice that on Friday, the 13th instant, I shall address the Senate on the bill (S. 2263) to amend the Federal reserve act approved December 23, 1913.

MICHIGAN SENATORIAL ELECTION.

The Senate resumed the consideration of Senate resolution 172, submitted by Mr. SPENCER November 15, 1921, declaring Truman H. Newberry to be a duly elected Senator from the State of Michigan.

The VICE PRESIDENT. The pending question will be stated.

The ASSISTANT SECRETARY. The amendment proposed by the Senator from Montana [Mr. WALSH], in the nature of a substitute, denying the right of Truman H. Newberry to a seat in the Senate.

Mr. BORAH obtained the floor.

Mr. HEFLIN. Will the Senator yield to me for a moment?

Mr. BORAH. I yield to the Senator from Alabama.

Mr. HEFLIN. May I inquire what time I have left out of my hour?

The VICE PRESIDENT. The Senator has 11 minutes.

Mr. HEFLIN. Thank you.

Mr. BORAH. Mr. President, if this controversy involved alone the question of Mr. Newberry occupying a seat in this Chamber for the next four years, I should content myself with my vote and not trespass upon the time of the Senate in the further discussion. But it is the precedent that is about to be established which concerns me much more than the other proposition, important as that may be. A somewhat careful study of the law and an investigation of the facts in this controversy lead me to the following conclusions, which I shall briefly undertake to sustain.

First. That the primary is a part of the election process, and that the improper use of money in the primary has the same effect in invalidating the election as the use of money in the election proper.

Second. That the amount expended in the Michigan election was such as to lead to the conclusion that it was intended to and did corruptly affect the result of the primary election.

Third. That no man can be the beneficiary of a corrupt election when such corruption was had in his behalf, whether he personally participated in the corrupt methods or not.

Fourth. That the committee which expended this money was Mr. Newberry's committee. If not actually selected by him, it was accepted by him, and he cooperated with it. Therefore, the committee's acts became his acts.

Fifth. That Mr. Newberry had such knowledge of the expenditure of the money and the doings of the committee and the methods of expenditure as to charge him with responsibility for whatever the committee did.

Sixth. That the State statute was repeatedly violated.

Seventh. That the Federal statute, not as yet declared unconstitutional, was violated.

Eighth. That the election being tainted with corruption and controlled through the use of money is void, and the seat occupied by the sitting Member should be declared vacant.

Mr. President, no one justifies the amount of money which was expended in the Michigan senatorial primary election. It has been condemned alike by those supporting Mr. Newberry's contention and by those who are opposed to it. The Committee on Privileges and Elections in its majority report condemns the amount expended; the minority of the committee also condemns it; and, so far as I have been able to listen to or to read the remarks of the different Senators speaking upon the subject, it has been condemned by all. Not only the amount expended has been condemned but it seems to me that the manner of the expenditure has not been successfully defended.

The question then seems to turn upon the relationship of Mr. Newberry to his committee and his knowledge of what transpired during the campaign. I might contend, and I think successfully under the law, that if the election were actually corrupted no one could be the beneficiary of that election, especially no one in whose behalf the corruption took place. That has been the law in some countries, particularly in England, for many decades, and I believe is the law to which we shall ultimately have to come if we are to protect the purity of elections in this country. It is not necessary, however, as I view it in this controversy, to go to that extent.

I want to take up first the question of whose committee it was that did the things which no one now defends and what relationship did Mr. Newberry bear to that committee.

The chairman of that committee was Mr. Templeton, long a business associate, acquaintance, and friend of Mr. Newberry. Mr. Newberry met Mr. Templeton in New York and had an interview with him about acting as chairman of that committee. It has been said that the campaign committee was a business man's committee. To some extent it was, but the idea that it should be a business man's committee and as to who should head it came from the sitting member himself.

The interview between Mr. Templeton and Mr. Newberry was not, so far as it is given in the record, an extended interview, but it very clearly demonstrates the relationship of the chairman of that committee to Mr. Newberry and Mr. Newberry's relationship to the committee thereafter. I quote from the record the following excerpt from the testimony of Mr. Templeton:

> He [Newberry] said he was very anxious that if he should run to have a business man's campaign, and that perhaps I would be willing to have a business man's committee in Detroit. I said if that was all there was to it, I saw no objection.

That is all the testimony bearing directly upon the selection of Mr. Templeton, according to his testimony, as chairman of the business man's committee; but the suggestion with reference to the committee and the kind of committee first came from Mr. Newberry, and also that Mr. Templeton should have charge of the committee or "to have a business man's committee," as he puts it in his testimony. He said that if that was the extent of it, he had no objection. That seems to close the transaction and Mr. Templeton became chairman.

This conversation between Mr. Templeton and Mr. Newberry took place prior to the time, as I read the record, that anybody else had suggested Mr. Templeton as chairman; prior to the time that anybody else had suggested to Mr. Newberry that Mr. Templeton should be the chairman or be the head of the business man's committee. So far as we have the origin of this organization and the committee, it originated in the conversation between Mr. Templeton and Mr. Newberry in New York, and then and there Mr. Templeton accepted the position which Mr. Newberry wished him to have.

Templeton said that this was weeks before the interview, upon which so much stress has been laid, which took place in the Statler Hotel between Mr. Cody, Mr. King, and Mr. Templeton. At this interview in the Statler Hotel in Detroit there was a conversation which has been construed, as I understand, to have been the beginning or the initiation of the organization of the committee; but Mr. Templeton advises us that his conversation with Mr. Newberry was long prior to the time that he had the conversation in the Statler Hotel with Mr. King and Mr. Cody.

Now, who was it that suggested the chairmanship of the committee and the kind of a committee that should be organized? It did not originate with the business men of Detroit; it was not initiated at home; it was initiated in New York, suggested there, and concluded there. Does anyone suppose that Mr. Templeton would have been the chairman of the committee if he had not been solicited by Mr. Newberry? Does anyone suppose that Mr. Templeton would have taken a part in the campaign at all had it not been at the request and upon the express desire and wish of Mr. Newberry? In other words, whose chairman was he? Who solicited him? Who made him the head of the committee? In whose mind did the thought originate? Who conceived the idea of a business man's committee and the chairmanship of it? The sitting member himself, as he practically admitted in his statement upon yesterday.

Now, I undertake to say, Mr. President, that both in morals and in law Mr. Newberry was responsible for Mr. Templeton's acts after that conversation; neither in morals nor in law could he ever release himself, unless he did so by an open repudiation. In other words, whatever Mr. Templeton did as the chairman or the head of the committee, or that the committee did under the leadership of Mr. Templeton, was the act of Mr. Newberry from that time on, regardless of whether we appeal to the principles of morals, of ethics, or clean politics, or of law.

I may give an illustration, Mr. President, which it seems to me would be applicable at this time: Suppose that there had been in contemplation some offense to be committed in the State of Michigan, and that some particular individual, Mr. Jones, had been interested in the commission of the act, and the man who was at the head of the organization in consummating that offense should have been found to be in conversation with Mr. Jones in New York prior to that time, arranging for the criminal act, would he not be held responsible not only in morals but in criminal law unless he thereafter disclosed an utter repudiation? Would the mere fact that Mr. Jones was out of the State when the crime was committed release him of responsibility? After he set his agent in motion could he escape by being physically absent? Oh, no; he would be just as guilty as if he had gone to Michigan and physically participated.

Mr. President, it also appears that Mr. Templeton solicited funds; but as to that I am not particularly concerned at this time.

Who was the next important member of the Newberry campaign committee? It was Mr. Paul King; but Mr. Paul King never became the manager of the committee, or accepted the responsibility for it, until after he had an interview with Mr. Newberry. It is true that his name was suggested by another party; but it was only a suggestion, and the suggestion did not ripen into the managership until after Mr. King had gone to New York and had his interview with Mr. Newberry, in which Mr. Newberry and he came to an understanding in regard to it. I read very briefly from the testimony of Mr. King as found on page 324 of the record:

> Mr. ALFRED LUCKING. You finally got in touch with Mr. Newberry, did you not?
> Mr. KING. I went down to see him; yes, sir.
> Mr. ALFRED LUCKING. Who got you in touch with him?
> Mr. MURFIN. That was all gone over at great length in the record.
> Mr. ALFRED LUCKING. Who got you to go and see Mr. Newberry?
> Mr. KING. I think it was my own idea.
> * * * * * * *

Mr. ALFRED LUCKING. Somebody proposed that you should be the manager of this campaign. Who was it?
Mr. KING. As I said, Mr. Scott was one. Mr. Fred Cody was another. Mr. Allan Templeton was another.

They were the gentlemen with whom Mr. Newberry had talked some weeks before.

Then, from page 467 of the record, I quote the following:

Mr. ALFRED LUCKING. Cody made arrangements for you to go to New York to meet Newberry, did he not?
Mr. KING. I think not.
Mr. ALFRED LUCKING. Who did?
Mr. KING. It seems to me it was Commander Newberry.

In other words, not until Mr. Paul King had gone to New York and had a conversation with Mr. Newberry, in which they talked over the campaign and the probable amount of expenditures, did he stand in the relationship of manager of Mr. Newberry's campaign. Now, what difference does it make whether Mr. King's name was first suggested by Mr. Cody or by Mr. Templeton? The fact is the suggestion did not ripen into the managership until Mr. Newberry and Mr. King met and conversed in the city of New York. Thus we see the two parties who were the head of the organization, including the man who particularly controlled the campaign and managed it, had no relationship to the campaign except by way of suggestion until they had interviews with Mr. Newberry.

I ask as a matter of practical common sense, and as a matter of morals and of law, who selected Mr. King as the manager of this campaign? Do Senators suppose that Mr. King would have been manager if he had not seen Mr. Newberry and conversed with him? Do Senators think that Mr. King acted as manager by reason of suggestions which came from people at home, or by reason of suggestions made by Mr. Newberry in New York? Mr. King advises us not only with reference to the conversation between Mr. Newberry and himself, but he advises us that every man who became identified with the committee had his name submitted to Mr. Newberry for approval. There were no volunteers on this committee; it was not a business man's committee in so far as any initiation upon the part of the business men was concerned.

It was a committee selected in the first instance by Mr. Newberry, or always ratified by Mr. Newberry. Mr. Floyd, who was the secretary and one of the important factors, had his name sent in for approval by Mr. King, but he was not secretary until Mr. Newberry approved. Mr. Blair had his name sent in for approval, but he was not treasurer until Mr. Newberry approved. I ask my senatorial friends, Whose committee was this? Who selected this committee? Under whose supervision did they have to pass for approval? Whose sanction must they receive before they started upon this campaign?

Mr. President, there is another gentleman of importance in this matter, and that is Mr. Smith. We have first the chairman, second the manager, third the secretary and treasurer, and then we have the man who was to supply the funds. It does not make any difference just now, so far as I am concerned, where the money came from. I will speak of that later if I can find time; but the man who was to find the funds—I do not care whether he went into the safes of New York or the safes of Detroit—was the confidential agent, and had been for years, of Mr. Newberry. He held his power of attorney. He was entitled to check not only against Mr. Newberry's brother's funds and the funds of the other members of the estate, but he was entitled to check against Mr. Newberry's funds also. He held, so far as the testimony discloses, an unlimited and uncircumscribed power of attorney. He stood in the place, in contemplation of law, of the sitting Member. He had all the power to check money that the sitting Member had against his own funds if he saw fit to do it.

So, sir, we have the chairman selected specifically by Mr. Truman Newberry, the manager approved by him, the other members approved by him, and the man who was checking the money holding his power of attorney. I ask, therefore, can we start out with the theory that this was the committee of anyone except Mr. Newberry? Will men seriously contend that it was not Mr. Newberry's committee, tested by all rules of law and all rules of common sense?

But suppose, Mr. President, that we pass by entirely the question of the selection of this committee. There is another rule of law and another rule of morals just as well established upon which there can not be any possible controversy in this matter, and that is that if there is suggested to me the name of a man who is to represent me and I accept it, receive reports from him, report to him, converse with him, and advise with him, he is my committeeman, my representative, and my agent just as conclusively as if his name had been in the first instance suggested by me.

What is the fact? The fact is that Mr. Newberry was in close touch with this committee every day from the time that he talked with its members, in the first instance, until the returns came in from the primary. Will Senators undertake to say that you can hold your relationship to men through a campaign, advising with them, counseling with them, receiving reports from them, and then repudiate the fact that they were your committee when the campaign is over? Neither in law nor in morals, in decency nor in ethics, could any such proposition ever be sustained. It is for that reason that I said in the beginning of my remarks that I am vastly more concerned with the precedent which is being established in this case than I am with who shall occupy this seat for the next four years. The question of the mere holding of the seat is a single question, but such a precedent as will be established by the success of this defense will work evil so long as it stands, put a premium upon corruption, and menace the whole fabric of representative government.

If the contention be sustained here that you may have a committee in the field tacitly accepted by you, operating under your direction and control, or advising with you and making reports, and nevertheless anything that this committee does in the way of corrupting an election, is not binding upon you, the candidate, then we have opened the doors wide to unlimited and uncircumscribed corruption, and there is no way in the world by which it can be prevented. A man may take his vacation in the retreats of the South during the time that the campaign is on, or vice versa, or he may go to Europe, and before he starts he may call into his room, for example, Mr. Templeton, and say: "I am going to be a candidate for the Senate. I am going to Europe. I want you to have a committee look after my interests while I am gone." Mr. Templeton goes and absolutely corrupts an election, we will say, expends untold amounts of money, and when the election is over he reports to the gentleman who went to Europe: "Your election is secured." The seat is contested, and all that the man who went to Europe would have to say would be: "I was in Europe when the corruption took place. I do not know how much was expended. True, I am the beneficiary of it; I am here claiming the results of the campaign; but I do not know what they expended, and therefore this election ought to stand." A more shameless exhibition of unblushing effrontery you could not offer to the decent citizen who is concerned in the purity of the ballot.

It is the precedent, the rule, the principle which you are invoking in this case and laying down that is infinitely more important and will longer rise to plague you than any question of who shall occupy this seat for the next four years.

Now, Mr. President, let us go a little further and see how much knowledge Mr. Newberry had as to what was actually going on.

In the first place, in the conference which took place between Mr. King and Mr. Newberry at the time Mr. King consented to be Mr. Newberry's manager, Mr. King told Mr. Newberry that it would cost at least $50,000 to conduct a campaign, and gave him the reasons. Here we have them going over, at the very first interview, the question of the expenditure of money, and the sum estimated to begin with is $50,000—a sum which of itself was calculated to arouse the anxiety of any one who desired to keep within the law. I do not contend that $50,000 could not have been expended under the law of Michigan without getting outside the law. There were certain things for which it could be expended; but when Mr. King advised Mr. Newberry that it would cost $50,000, that was notice to Mr. Newberry that he must be on guard to see that the $50,000 was expended along certain lines and compelled to flow in certain channels.

It has been a little interesting to me to understand why, if this was a business men's campaign and conducted by the business men and paid for by the business men, Mr. Newberry should be interested in the first instance in knowing the expense of the campaign. He could be interested only for one of two reasons: First, because he was going to pay it—and he says he was not—or because he knew that such sums might be turned loose as would get outside of the law. In any event, he was put upon his inquiry, he was put upon his guard, as to the amount of expenditure; and this was away back in April, 1918. The very amount suggested was one which called for vigilance upon the part of Newberry.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Idaho yield to the Senator from Florida?

Mr. BORAH. I would rather not be interrupted, because I have only an hour in which to speak.

Mr. TRAMMELL. I simply wanted to ask one question.

Mr. BORAH. Mr. President, it is conceded upon all hands that Mr. Newberry had full knowledge of the campaign except

as to the details of the expenditures. Nobody denies, his attorney does not deny, that he had full knowledge of everything except the dangerous things; that he advised and counseled upon every question which arose; that he sent out letters which were sent to him for that purpose; that he saw individuals whom it was necessary to see in New York; that he kept track of the amount of publicity; and that he was fully informed as to the entire campaign in all its details, except the details of the expenditure of money. That is denied.

In the brief of the attorney for Mr. Newberry it is stated:

From that time on Commander Newberry was kept advised of the progress, development, and general nature of this campaign. This has never been denied, has never been a secret. He admittedly had nothing to do with the active management or the giving of orders. He frequently made suggestions, and conferences on questions of policy were not unusual. That he knew anything as to the detail of what was going on can not be successfully claimed by anyone, but that he was kept advised in general of the nature and character of this campaign there is no doubt. * * * The campaign—

Says the attorney—

was undoubtedly the most pretentious, the most thoroughly planned, the most far-reaching, and the best organized that had ever been staged in any community.

Of which Mr. Newberry had full knowledge at all times, except, it is said, as to the expenditure of the money.

The Senator from Indiana [Mr. WATSON], who listened to the testimony before the committee, and one of the members of the committee, said:

Of course, Mr. Newberry fully understood the situation. The only denial that he makes at all is in reference to the financial knowledge. Mr. Newberry knew precisely what was going on.

So we have, to start with, the proposition that Mr. Newberry was fully informed of all concerning the campaign except the question of the actual expenditure of money. That is a controverted question here; but how, I ask as a practical proposition, could Mr. Newberry have his committee, with which he was cooperating, and have full knowledge of everything that was going on, and not include the knowledge with reference to the expenditure of money? The other knowledge which it is confessed he had necessarily included the knowledge of the expenditure of the money.

I do not contend that Mr. Newberry, for instance, knew, perhaps, that John Doe was paid $50 for this service, or that another man was paid $100 for that service, or that this or that newspaper was paid for this or that particular matter. That is a subject about which there can be a legitimate difference of opinion, and I am perfectly willing to give Mr. Newberry the benefit of the doubt, because I apprehend that in all probability he did not know the details; but that he knew that the money was being expended in this tremendous amount, that he knew in a general way the purposes for which it was being expended, that he was kept thoroughly informed by his committee as to all the facts, is an uncontroverted and an indisputable proposition in this controversy.

Let us go a little further.

On July 28, prior to the election, having this general knowledge of what was going on, and being in daily touch with his campaign committee, Mr. Newberry makes complaint as to the expenditures. He wanted to know when these expenditures of this large amount of money were going to cease. He knew in the beginning it was $50,000, and of that he made no complaint. On the 28th of July it had risen to such a stupendous figure apparently that he came to the conclusion that he must make further inquiry in regard to the amount which was to be expended. How can it be contended, my friends, that Mr. Newberry did not then and there have all the knowledge which was necessary to put him upon inquiry as to the details of all the expenditures? It is a rule of law, as well as of morals, that if a man has knowledge which puts him upon inquiry he has knowledge of everything to which that inquiry would lead; and Mr. Newberry, knowing that this amount of money was being expended, far beyond anything he thought was reasonable, could not close his eyes to the investigation of how it was being expended. That was on the 28th day of July.

Mr. President, it was during this time that there was a reason why Mr. Newberry should be concerned in this expenditure, which, I must say, reflects very strongly upon the good intent behind this defense. On the 28th of July he had this knowledge, and made inquiry. What was Mr. Fred Smith, his confidential agent, doing at that time? He was checking in great amounts against John Newberry, until John Newberry's account was run down to the point where he had to check the money out of Truman Newberry's account into John Newberry's account, and then from John Newberry's account into the treasury of the campaign.

It is an indisputable and an uncontroverted proposition that money was checked out of Mr. Truman Newberry's account into Mr. John Newberry's account when John Newberry's account got down to the point where it needed supply, and it was at that time, or about that time, as near as I can gather, that Mr. Newberry said, "Where is this expenditure going to stop?" Yet it is said in the Senate of the United States that the expenditure of this money is not to be visited upon the seat itself, and the question of its purity or impurity thereby determined.

I call attention, now, Mr. President, to another form of knowledge. This expenditure of money had reached such a climax and to such a point in the State of Michigan that it was not only discussed by the newspapers, not only declared to be an issue in the campaign in the State of Michigan, but it spread out over the adjoining States of the Union, and became a matter of national notoriety and a scandal throughout the country.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. BORAH. I yield.

Mr. EDGE. If Senator Newberry did have knowledge of the expenditure of this large sum, which in a general way he certainly did, by his own acknowledgment, and if this money was expended entirely within the law, as stipulated and analyzed in the sworn report filed, would that make Senator Newberry guilty of any crime, even if he had known of it?

Mr. BORAH. No; but I am coming to that in a few moments. Of course, I can cover only one point at a time. Replying briefly to the Senator, I contend that the evidence is ample that this money was not expended within the law. But I want to say another thing before I conclude on that proposition, that my conception of the law with reference to the purity of elections would lead me to vote this seat vacant if there were no statute upon the statute books of the State of Michigan, or Federal statute, either. I am arguing it from the Senator's standpoint now, however, and not from mine. I undertake to say that the law is well established that if money has been used to such an extent that a reasonable mind would say that it has controlled or affected the election, that of itself is sufficient to invalidate the election, regardless of whether there has been any statute passed or not. I will come to that a little later, but I am now discussing it from the standpoint of the Senator.

Mr. Newberry did have knowledge, which was his knowledge, because his agent, with his written authority in his hand, was checking out of Truman H. Newberry's account, and in law and in morals that was his knowledge. Mind you, it is not the knowledge of Mr. Smith as an agent alone that he was checking money out of John Newberry's account, and then, when it ran down, checking it out of Truman's into John's account, but that was Truman Newberry himself, because the man held his power of attorney, and in law and in morals he is bound by the act, just the same as if Mr. Smith had said to him over the 'phone, "I am checking out of your account."

It seems to me we would not dare to lay down the rule in the Senate that a man may give a power of attorney to check against his account and then not be held responsible for what that man does in the way of filling the coffers for the purpose of corrupting an election. That is infinitely worse than the seating of Mr. Newberry. The defense in this case, in my judgment, is much worse than the original offense, because it establishes a precedent fraught with danger for all time.

But, as I was saying when interrupted, not only did Mr. Newberry have this knowledge but he had the knowledge which every man in the State of Michigan had, a knowledge that the manner in which the campaign was being conducted was such as to cause it to be described and designated as a scandal and in violation of the law.

I was in the State of Michigan a few months after this happened, traveling over the State of Michigan, and if Mr. Newberry, as a citizen of the State of Michigan, did not know all about this proposition he was about the only man, I venture to say, who had a citizenship in the State of Michigan who did not.

But his attention was particularly called to it by communications from men who stood high in the community. They might have been his political opponents; I do not know. I understood him to say yesterday they were his political opponents. That would make no difference as to the knowledge which they brought home to him.

The editor of the paper at Grand Rapids wrote him a letter and called his attention to the fact that the campaign had become a scandal, that they were doling out money without regard to decency or the purity of elections, or the standing of the State of Michigan itself. Not only that, but there was put upon the

wires an interview, carried by the Associated Press, which went all over the country, by the lieutenant governor of the State of Michigan, as to what was going on in the State of Michigan.

Will it be said, Mr. President, that a man can have such knowledge as that and still sit quietly in the State of New York, knowing what is going on in his behalf, and not thereafter be held responsible, in case the transgression of the law or of morals has been established by the act of those agents? We are undertaking to establish the fact that notwithstanding the information came to everyone else, it was shut out of the knowledge of Mr. Newberry because he refused to consider it when it reached him.

Mr. President, let us go for a few minutes to the question of the manner of the expenditure of this money, because I am compelled to hasten through. Mr. Frank P. Bohn testified, record page 880:

I employed about 15 men to work primary day, and paid them $5 a piece, 2 of them $10. They worked before the primaries.

He said the men selected had worked for him in politics before. He testified further:

I did not know who they were supporting before I hired them. My purpose was to get them to support Mr. Newberry.

In other words, he employed the men and paid them a consideration to work upon primary day, in order to get them to support Mr. Newberry. That was certainly in direct violation of the statute.

I am aware that it has been contended here, it seems to me without very great success, that this statute did not cover the employment or hiring of men to work upon primary day or prior thereto, that it only covered the actual purchasing of a vote; but the statute, while I will not take the time to read it, provides against the hiring of men on primary day or prior thereto, in order to inhibit the custom which had prevailed of paying men for their work in elections. Certainly the evidence discloses that the men were hired upon primary day, and the record is full of evidence which discloses beyond all question that a number of men were hired for dollars and cents to work for Mr. Newberry prior to the day of the election.

Mr. Sherwood said that the money came from Detroit by mail on two occasions, the first time either $500, $700, or $1,000. He testified:

I employed men to work at the polls on election day in five precincts of our city. I correct that. He said he employed men to work at the polls on election day; that there were five precincts in the city; he had put men in each of the four precincts, but none in the other. He said, "I paid these men $7 per day."

In four of the precincts of the city he had men employed working at $7 a day, the very thing which the statute was designed to inhibit.

It is in a measure purchasing votes, Mr. President, but it comes under the statute under the term "prohibiting the hiring for work upon election day or prior thereto."

Mr. Glocheski, the Polish worker, testified that his expenses were about $400 and his salary amounted to $600. He received two or three checks from Detroit signed by Mr. Blair.

Mr. Connelly testified that he received altogether, expenses and salary, $1,200.

Mr. Prescott testified:

I received a total of approximately $1,300 from the Newberry committee while engaged upon the Newberry work.

You will observe that all these witnesses testify, as they run along in their testimony, that it was Mr. Newberry's committee, and nobody understood anything else.

Mr. McLean said he was to receive, and did receive, $200 a month as salary, and, in addition to that, all his expenses.

Mr. Clago testified that he worked through the factory organization in Detroit; that he received a salary of $300 a month, and that he received his pay from the Newberry senatorial committee.

These are simply cited for the purpose of illustration. They do not cover by any means the number which might be cited and which are cited in the brief. In other words, they began hiring men for so much per day to work for Mr. Newberry some two or three months prior to the primary, and they continued the hiring until the very day of the primary, when they put men at the primary polls, paying them so much per day as compensation. This statute, as I read it, was designed to inhibit just that kind of practice.

But, Mr. President, let us pass by the statute for a minute and go to the general proposition as to whether we are willing to place no limit upon the amount of money which a candidate or his committee may expend in the way of compensating men for going about over the State and working for their election. The Senate will say here by its vote, if it seats Mr. Newberry, that $200,000 or $250,000 is not too much. If $200,000 or $250,000 is not too much, what amount is too much? What amount would receive our condemnation? I heard Senator Frye say once that he denounced in unmeasured terms the expenditure of $15,000 by a Senator to secure his election to a seat in this body.

When the matter of Mr. Stephenson was heard, the veteran Senator from Maine, Mr. Frye, said, in contemplation of the constant growth of the use of money in politics, that while he had always been an optimist as to the future of the Republic, yet for the first time in his life he began to despair of the salvation of the Government. We started with $15,000; we contested an instance in which a party was charged with spending $107,000; and now we have $200,000 or $250,000. Do not forget that the great mass of the American people will ask, "What is the limit that you men sitting there representing the purity of election and of the American ballot box are going to establish?" We may excuse such things here, we may employ sophistry, but out yonder in the open with the plain people, out there where this Government must find its final security, they will not listen to such miserable sophistry.

I had intended to call attention to some of the methods of payment. Possibly I can do so. May I ask the Chair how much time I have left?

The PRESIDING OFFICER. The Senator has 15 minutes left.

Mr. BORAH. I wish to retain a few moments at my disposal when I close. I shall not discuss the question of the press at this time, but I wish to call attention to another matter.

I said a moment ago that there was a general law, a common law, outside of any statute law which, I think, is to be invoked in this kind of a controversy. England once had to contend with just this kind of a situation. The corruption of elections in England became so pronounced that it had to be dealt with in a most drastic fashion. She has succeeded, so we are informed, in purifying her elections. How did she do it? She did it by establishing in her law that the corruption of an election avoided the election, regardless of whether the party claiming the seat had participated in the corruption or not. Judge Willes said in a celebrated decision in the Litchfield case:

Bribery at common law equally, as by act of Parliament, avoided any election at which it occurred. If there were general bribery, no matter from what fund or by what person, and although the sitting member and his agents had nothing to do with it, it would defeat an election on the ground that it was not a proceeding pure and free as an election ought to be, but that it was corrupted and vitiated by an influence, which coming from no matter what quarter had defeated it and shown it to be abortive.

Again he said in a later decision:

It is the common law with respect to the election of members of Parliament that no matter how well the member may have conducted himself in the election, no matter how clear his character may be from any imputation of corrupt practices in the matter, yet if an authorized agent of his, a person who has been set in motion by him to conduct the election or canvass voters on his behalf is, in the course of his agency, guilty of corrupt practices, an election obtained under such circumstances can not be maintained. As it has been expressed from early time, no person can win and wear a prize upon whose behalf the contest has not been legitimately and fairly carried on.

That is the true rule. That is the only rule which will save the American ballot box from the contaminating influence of the corruptionist.

Mr. President, this is the third time since I have been a Member of the Senate in which it has been charged and, to my mind, proven that seats in this body have been secured through corruption. It is the belief in many quarters that these three instances by no means tell the whole story. The fact is it is being made more and more difficult to secure a seat here in any other way. Issues are put aside, great questions are pushed into the background—issues and questions around which the people might be organized and elections won—and money, the power of money, is relied upon to secure political honors. The preconvention campaign for the Presidency last year was, in part, a coarse, vulgar, venal, impudent, shameless, hideous attempt to hand over the nomination without cost to the nominee. The same thing was declared then as now, to wit, that devoted friends, enthusiastic supporters, volunteer committees, and public-spirited citizens were financing and managing the deal—that the candidate stood out clean and untainted, not only untainted, but helpless to stay the debauch, yet willing and anxious to be its beneficiary. These are the things which are taking place in a Nation less than a century and a half old—still young in years as we measure the life of nations. But though young in years, we are old, prematurely old, and well-stricken in those political practices and vices which eat out the heart of republics. We are already ancient, if age is to be measured by the extent to which the leprous disease of venality has fastened itself upon the body politic through the cursed customs and evil practices which seem to luxuriate in the soil of free peoples. There was a Rome once so sordid, so base, and so corrupt that she has been designated in history as "Venal Rome." We point to her as a revolting example of political degeneracy, and

to that attribute her fall. But I venture to say that we have traveled further over the road of money in politics in 100 years than Rome traveled in 500 years. And with this shameless debauch before us, with the precedent established for which Senators here contend, who can feel other than discouraged with the outlook? There is, it seems, only one hope and that is to take our appeal from this tribunal to the open forum where we must look for the final judgment on all such matters, and which judgment, I shall not doubt, will be both righteous and drastic.

Mr. HEFLIN. Mr. President, I have 11 minutes left of the hour upon which I started yesterday. The Washington Post of this morning in an article upon the Newberry case said:

> Barring the accident of unexpected absenteeism, the margin of votes in his [Newberry's] support is adequate.

I wonder how the Washington Post learned that Mr. Newberry is to be seated? I have asked the question before and I now ask it again. Is it a part of the administration program to seat him? Is that why the social lobby has been so active? Is that why Senators can not attend a reception unless wealthy women of the East besiege them and ask them to support Mr. Newberry? Is that why, when the report was made by the committee, a poll was had of Members on the other side before the report had been read or the testimony read by sworn Senators who are to pass judgment upon this case? How is it that this Washington Post man can say that a majority of votes will be marshaled for Mr. Newberry?

In that same article in the Post, it is said that no argument has been made here that large sums of money were expended for Mr. Newberry in Michigan. That is not true. The record in this case teems with statements that money galore was expended in Michigan for Mr. Newberry. Mr. Newberry's own brother, his partner in business, testified that he had put up thousands and thousands of dollars that were expended in Michigan. Mr. Newberry's brothers-in-law, two of them, spent thousands and thousands of dollars in Michigan. Yet the Washington Post would have the country believe that no argument has been made here that vast sums of money have been expended in Mr. Newberry's behalf in Michigan.

Mr. President, if it is the program of the other side or of the administration to seat Mr. Newberry we would like to know it. I wonder if $200,000 and more is to be accepted as the amount proper to expend to secure a seat in this body? Oh, Mr. President, I would that every Senator here could have heard the speech of the able Senator from Idaho [Mr. BORAH]. It had the right ring about it. It was a masterful appeal in favor of clean and honest politics in the selection of United States Senators. It was pure, old time, 100 per cent Americanism. There was not any influence from Wall Street that could be used to prevent that speech nor was there any influence from the White House that could influence the man who made that speech to vote for Mr. Newberry. That speech is in keeping with the highest and best interests of the American Republic. I do not see how any Senator here can read that speech and then vote to seat Mr. Newberry.

Mr. President, during the whole trial of the Newberry case we have not had an average of 12 Republican Senators present in the Chamber. It is a shame, a burning shame.

The Republican Party has 24 majority in this body, and Senators are sworn to pass upon this case, not for themselves personally but for the American people, whose Senate this is and whose Government this is. Yet they are out and about, but not here. They will not stay here and hear the testimony read and the arguments made. The Washington Post says that some of us repeat points we have made before. That is the only way we will ever get some of these Senators to hear them. They will not read the testimony; they will not stay here and listen to it when it is read in the Chamber, and so we have to reiterate these things in order to reach some of them at all. I do not expect to reach all of them.

I understand some of them have already said to-day, "Why, of course I am going to vote to seat him." Are you, Senators? The Senator from Idaho told you how expenditures in senatorial contests had progressed from $15,000 years ago, condemned by Senator Frye, of Maine, then to $110,000 later, and now you come and tell us that the majority on your side of the Chamber are going to the country with a vote approving an expenditure of $200,000 and more in one senatorial primary. As I said here once before, that amount of money will pay the salary for one year of 26 United States Senators. I will not believe that a majority of Senators will vote to seat Mr. Newberry until I see it.

I have reminded Senators before, and I remind them again, that the men who voted to seat Lorimer are all gone but six, and when the roll is finally called and your name goes down in that column as voting to make barter of ballots in the Commonwealths of this Union, to approve the sale of seats in this body, there are going to be more that will go as the supporters of Lorimer went—and God speed the day!

No man has a right to sit here who will vote to seat a man who acknowledges they have expended $200,000 and more in his behalf. Can he say that because he did not know about the details that should excuse him? Suppose I were to set a big steel trap across a much-used pathway and I were to go a thousand miles away and a little boy were to come along that way and that trap snapped and cut his foot off at the ankle, would they convict me for doing it? Certainly they would. The same principle applies here. They would hold me responsible and convict me although I might be a thousand miles away, because I knew that it would do just such a thing when I put the trap in order. What did Mr. Newberry do, according to the speech of the Senator from Idaho [Mr. BORAH]? He set the trap; he put Templeton in charge of the machinery; he passed on Blair; he selected King; he fixed the trap, and it caught the voters of Michigan, costing him $2 a head to do it. He got the nomination; he got the game; he got it wrongfully, immorally, corruptly, unlawfully. Are Senators going to vote to seat him? God help them to vote to the contrary.

The PRESIDING OFFICER. The question is on the resolution offered by the Senator from Montana [Mr. WALSH] as a substitute for the resolution submitted by the Senator from Missouri [Mr. SPENCER].

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	France	Moses	Shields
Ball	Glass	Myers	Shortridge
Brandegee	Hale	Nelson	Simmons
Broussard	Harreld	New	Smith
Bursum	Harris	Nicholson	Smoot
Capper	Harrison	Norbeck	Spencer
Caraway	Heflin	Norris	Sterling
Colt	Jones, N. Mex.	Oddie	Sutherland
Culberson	Jones, Wash.	Overman	Swanson
Curtis	Keyes	Owen	Townsend
Dial	King	Page	Trammell
Dillingham	Ladd	Pepper	Wadsworth
du Pont	La Follette	Phipps	Walsh, Mass.
Edge	Lodge	Pittman	Walsh, Mont.
Elkins	McKellar	Pomerene	Warren
Ernst	McKinley	Ransdell	Weller
Fernald	McLean	Robinson	Willis
Fletcher	McNary	Sheppard	

Mr. HARRIS. I desire to announce that my colleague [Mr. WATSON of Georgia] is absent on official business.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Seventy-one Senators having answered to their names, a quorum is present.

Mr. WALSH of Montana. Mr. President, before proceeding to the consideration of some of the more serious features of the matter now pending, I desire briefly to advert to that aspect of it with which the senior Senator from Michigan [Mr. TOWNSEND] opened his defense of his colleague, namely, the high patriotism of the latter. The junior Senator from Michigan [Mr. Newberry], we are told, served in the Spanish-American War; he tendered to the Government his services on the breaking out of the World War, in which he had a creditable part; his two sons braved its perils; and vicariously, through his son-in-law, who was decorated for distinguished services by one or more Governments, the junior Senator from Michigan further earned the gratitude of his country.

Mr. President, so far as I know, none of those of us who feel impelled to assert that the junior Senator from Michigan is not entitled to his seat in this body has any disposition whatever to question his patriotism. We all believe that he is no less and no more patriotic than the millions of Americans who, when the life of the Nation was threatened, eagerly sought and gladly embraced any opportunity that presented itself to aid in preserving it. Many of those who came forward in that time of crisis, unlike the junior Senator from Michigan, surrendered lucrative positions or quit their business at large financial loss, while still others left behind them needy families.

I have no doubt that the junior Senator from Michigan is entitled to credit for other virtues than patriotism. I make no doubt at all that he is a good father and a good husband. I doubt not that he is moved by tales of want and distress as are most men, and that he is a generous giver to deserving charities. All these things, however, have nothing at all to do

with the question as to whether or not he bought his seat in this body or whether others bought it for him.

However, Mr. President, seeing that such prominence is given to the high character of the services rendered by Lieut. Commander Newberry in the Navy during the World War, it may not be altogether inappropriate, inasmuch as all this is outside of the record, to say, also outside of the record, that the only scandal that occurred in connection with the Navy during the World War arose in the office of which the junior Senator from Michigan was the head. I do not desire to have it understood that that scandal touched Lieut. Commander Newberry even by the remotest suspicion; nobody suggests anything of the kind; but the fact remains that a report is on file in the Navy Department in which he is mildly censured for not having exercised a keener supervision over his subordinates who were guilty.

It is likewise not at all without significance that some at least of the rich men's sons who corruptly obtained promotions or were assigned to desirable details were introduced at the personnel office by Mr. Fred D. Cody, whose pernicious activities in the Newberry senatorial campaign have been the subject of some comment in this debate.

But, Mr. President, let us take up something serious. Various lines of argument have been advanced not on the floor, where they can be met, but circulated around the corridors and in the cloakrooms and other places where Senators meet, the purpose being to accord to those who would like to vote for the junior Senator from Michigan upon personal or other grounds some basis upon which they may found their action. So it is said that it is a matter of no consequence, that all of the illegal acts charged to have taken place in the Michigan senatorial contest transpired in the campaign for the nomination and at the primaries and before the primaries; that the election itself was entirely free from any suspicion of illegality, and the argument is made that whatever irregularities, whatever violations of law occurred at the primaries, whatever corruption may have occurred in the primaries, it is a matter of no consequence whatever. I combat that view.

In the course of some remarks which I made earlier in the debate, I was interrogated by one of the Senators as to whether the matters that were then being discussed and canvassed and criticized with some degree of severity were not all in connection with the primary, rather than with the ultimate election; and it was then stated that there was a radical and material difference in the importance of the two matters.

Sometimes people confound a proceeding to expel a Member with a proceeding to inquire into the question as to whether he ever was elected a Member of this body; and it has often been suggested, in connection with election contests in this and the other body, that the matters adduced were pertinent upon a motion or resolution to expel, which of course requires a two-thirds vote in order to carry, and that they were not relevant to the question as to whether or not the Member claiming the seat was legally elected, a resolution touching which need have no more than a majority vote in order to prevail. It has been universally held that when the Member has actually taken his seat, and the question arises not upon the legality of his election but upon something else, the proper motion is to expel him, and then the two-thirds vote is necessary; but that whenever the question is directed to the election, and the inquiry is as to whether or not he ever was legally elected, a majority is all that is required.

The matter to which I have adverted—the question of the importance of irregularities and corruption in connection with the primary—was the subject of very earnest debate in this body in connection with the Stephenson case.

The view was urged there that all the irregularities in the Stephenson case having taken place in connection with the primary, they could not be availed of to question the title of the seat of Mr. Stephenson. At that time the legislature still elected Senators, but a law was passed by the legislature of the State of Wisconsin providing for the holding of a primary for nominating candidates for United States Senator, whose nomination, of course, would be presumed to be influential with the members of the legislature when they came to select the Senator. It was in connection with that primary that the charges were made against Senator Stephenson.

It was contended on the one hand that acts of that character were entirely irrelevant, and on the other hand that they were all important in connection with the question as to whether Senator Stephenson had or had not been elected. The affirmative of that proposition was asserted upon the floor of the Senate by Senator Heyburn, of Idaho, and in a way by Senator Root, of the State of New York, although the Senator last mentioned subsequently modified in a very material way his views upon the subject. It was controverted, however, by the following Senators in speeches upon this floor: Bristow, Borah, Kenyon, O'Gorman, Cummins, Lea, Sutherland, and Poindexter. I state the proposition as it is set forth in the reports of the majority and the minority of the Committee on Privileges and Elections in the consideration of that case.

This is from the majority report, made by Senator Heyburn:

It seems from this consideration of the question we must conclude that the direct primary proceedings can not be held to affect the validity of an election by the legislature.

That was his contention. The minority answered that as follows:

The power to inquire into the practices and methods employed in the primary election is questioned. The majority in this case find that we have this power, and with that conclusion we agree. In this we are fully sustained by principle and precedent.

It appears by the record that several candidates for the legislature announced during their candidacy that, if elected, they would vote for the candidate for Senator receiving the highest vote at the primary. If the primary choice was secured by corrupt methods and practices would not the vote in the legislature secured thereby be corrupt, however innocent the member casting it? Several members of the legislature announced when they voted for Stephenson that they did so solely because he was the primary choice. If the primary was carried by corrupt methods and practices these votes were corrupt, though honestly cast, and if the Senate can not inquire into such corrupt methods and practices, then the power given to us to judge of elections of our Members is a mere shadow. That we have this power is in accord not only with reason and justice, but is sustained by precedent.

There was a separate minority report in that case, concurred in by two of the Senators who joined in the majority report, Senators POMERENE and Sutherland, who did not subscribe to the proposition set forth in the majority report to which I have adverted. They said:

It will be conceded that while the result of a primary election under the present constitutional provisions could not control the State senators and representatives in their choice of a United States Senator, would not an expression of the will of the people at a primary election have great weight with their representatives in casting their votes? And if this be so, ought not the primary election held to declare this choice be carefully guarded by suitable penalties? We have no hesitancy in saying that if the evidence disclosed the use of corrupt methods at the primaries it would affect the result of the election by the general assembly, and the Senate would be justified in taking cognizance of that fact and unseating any Senator who was thus delinquent.

Out of the many able speeches upon that subject in the Senate at that time I select two, not only because of their clearness and succinctness, but because the Senators delivering them are still Members of this body. I read first from the speech of the Senator from Iowa [Mr. CUMMINS], expressed with his usual felicity and clarity.

He said:

Repeating, with slight paraphrase, the most serious and the most impressive utterance I ever heard in debate, I fear that the Senate is about to commit a grave mistake. I fear that the Senate is about to inflict all the injury that it can inflict upon the modern policy of nominating candidates for the Senate of the United States at a primary or popular election.

Some Senators here who have joined in the majority report openly and frankly avow that purpose. Other Senators, it seems to me, will lend the weight of their influence to the same result unintentionally and unconsciously. If the Senate declares that a candidate for the Senate of the United States can corrupt the primary election in which he is seeking a nomination and still hold a good title to his seat, then primary elections for the nominations of candidates for the Senate will become dangerous instrumentalities instead of an honest expression of the public will. This is one of the issues we must now determine.

* * * * * * *

The senior Senator from Idaho [Mr. Heyburn], who is in charge of this measure or this resolution, believes—and I have no doubt he believes honestly—that a primary election for the selection of a candidate for the Senate of the United States is not only unconstitutional but is vicious. He intends to draw as many Senators after him as he can in order to disparage and discredit throughout the United States the policy of allowing the voters of a political party to select their candidates for the Senate of the United States, and he intends to do it by having the Senate declare, if he can, that no matter how completely and comprehensively the primary election may be corrupted, nevertheless the title conferred upon the man who is elected by the legislature of the State is without a stain.

I think it is due to the country that those Senators who may inferentially stand with the senior Senator from Idaho upon this most extraordinary proposition shall be heard before we close this debate, for I am curious to know how many men there are in this country who espouse a doctrine so full of menace, so destructive to peace and good order.

* * * * * * *

If that be true, Senators, what will you say to a proposition which in effect declares that the primaries at which the selection is made can be corrupted and yet the legislature following the direction of the primary can give a valid title to a seat in this body? To me the proposition is so abhorrent not only to good morals, as we have known good morals for years and years, but so abhorrent to the tendency toward a closer tie between the voters and Senators of the United States that I confess it is hard to be complacent when it is known that a vote is about to be had from which the people of this country can infer, at least, that the Senate looks upon the corruption of the primary as a remote and not a proximate cause of the election by the legislature—a Senate that looks upon the corruption of the primary as so far removed from its membership and the laws under which the

election of its Members takes place as to be beyond the examination and the consideration of the Senate in determining whether the seat has been honestly or dishonestly won.

Now I read briefly from the speech of the Senator from Washington [Mr. POINDEXTER], as follows:

It is contended in this case by those who are defending the Senator from Wisconsin on the claim that his election was a valid election—some of them, at least—that all of the evidence relating to the primary is immaterial. They refuse to consider that. I understand that is the position of the Senator from Idaho [Mr. Heyburn]. That was practically the sole basis upon which the counsel for the Senator from Wisconsin based his case in the proceedings before the committee—a most elaborate, I think, and artificial and sophistical argument, on the proposition that no attention could be paid to proceedings in a primary election, even though the evidence should show it was corrupt. The Senator from Idaho bases his contention upon the proposition that it had no legal effect upon the legislature, that it was not binding upon the legislature, and consequently had no appreciable or legal effect upon the election of the Senator from Wisconsin.

The importance of the primary election is not in its legal binding effect upon the action of the legislature, but in its persuasive force. In the same way, if money had been used directly with members of the legislature and not legally binding upon them to vote for the man who gave it to them, it would be a persuasive and a corrupting force. So with the primary election. The result was the Senator from Wisconsin became the nominee of his party and was entitled by the party rule, entitled by the statutes of the State, in the regular proceedings to have the votes of the members of his party in the legislature, and it had a persuasive and powerful influence upon the members of the legislature. Can it be logically said that an influence of that kind, an influence which was controlling, although not legally binding, brought about by fraud, brought about by corruption, would not vitiate the election?

So, Mr. President, it may be equally asked here, can it be contended that a nomination for United States Senator brought about by corrupt means at the primary does not enter into and vitiate the general election which followed, particularly in those States where, as in the State of Michigan, a nomination has always signified an election? In many of the States, particularly in the South, the whole contest is in the primary, there being none whatever in the election, it being established almost without question that whoever secures the primary nomination will be elected at the general election following.

In the Stephenson case reference was made to two cases that are entirely pertinent here.

Mr. SIMMONS. Mr. President, may I call the Senator's attention to the fact that in some States—I think it is true in our State—in registering for the primary vote the elector obligates himself to vote for the candidate nominated in that primary.

Mr. WALSH of Montana. That is not uncommon in these statutes.

Reference was had in the discussion of the Stephenson case to what is known as the Payne case—the election of Mr. Payne as a Member from the State of Ohio. There, according to the custom that was prevalent at that time, the members of the legislature of the party of Mr. Payne held a caucus, and the bribery took place in the caucus. The members of the caucus were bribed to vote for Mr. Payne in the caucus. It was contended that notwithstanding the caucus the members of the legislature could do exactly as they pleased about it; they were not obliged to vote in accordance with the determination of the caucus; but it was argued by able Senators here, and not controverted, as I understand, by anybody, that the influence thus secured undoubtedly was operative and probably controlling in the selection of Mr. Payne by the legislature, and therefore that it affected it.

So, likewise, reference was made to what is known as the Caldwell case, from the State of Kansas. Caldwell bought off his opponent, and without the knowledge of the purchase the supporters of the candidate who was thus bought off went to the support of Mr. Caldwell in the legislature. That was held to be a corruption of the legislature itself. So that I do not believe we can get away from the proposition that corruption and violation of the law for the purpose of securing the nomination is just as important, so far as the right of the Member to a seat in this body is concerned, as if the illegal acts occurred in connection with the last election.

When I addressed the Senate before upon the subject I was endeavoring to establish the proposition, which has not, as I understand, been controverted, that all the contracts and agreements by which persons were hired by the wholesale to go out and work for Newberry were contrary to public policy and void.

I want to show, Mr. President, that not only is that the rule with respect to the final election, but it is the rule with respect to primaries. It is just as heinous, before the law, to hire men to work at the primaries as it is to hire them to work at the final election. I speak of it now not with respect to the statute of the State of Michigan or any other State; I speak of what the common law was before any statute was enacted; and lest anybody should think this is a technical matter, I desire to show that the common law merely expresses the general and common conviction of the people that the practice is against public policy, and has a tendency to introduce all manner of evil into the body politic.

I referred at that time to the case of The Exchange National Bank against Henderson, reported in Fifty-first L. R. A., at page 550, and I read, and I now propose to read again, a note telling what was decided in the case of Whitman against Ewin, a Tennessee case reported in the Thirty-ninth Southwestern Reporter. In that case the court said, speaking of the employment of a man to work for the election of another:

The greater his influence the more powerful his eloquence, the more persuasive and effective his arts and skill, the more important it is that such powers and capabilities should be preserved and protected, unbought and unpurchasable, for the benefit of the State and the public weal, and only allowed to be brought into pernicious activity from purely patriotic and unselfish motives. * * * All such contracts as the one alleged are corrupt, contrary to public policy, illegal, void, and unenforcible in the courts.

The Michigan statute, making these things a crime, simply makes criminal and penal, punishes by a penalty, the things which the common law always denounced as contrary to public policy, even if it did not make them crimes.

I want to refer to the case of Livingstone against Page, reported in Ninety-third American State Reports, a decision of the highest court of the State of Pennsylvania. It doubtless will be of interest to the distinguished gentleman who took his place in the Senate this morning from that State. That was a case in which a publisher of a Democratic newspaper agreed for hire to throw the influence of his paper to a Republican candidate. The court considers that question, and then quotes as follows from the case of Nichols against Mudgett:

The plaintiff in that case was a candidate for the office of town representative and a creditor of the defendant. The defendant's party affiliations were such as would naturally lead him to vote for the opposing candidate. Conversations were had which resulted in a mutual understanding that the defendant should use his influence in favor of the plaintiff's election, and that, if the plaintiff was successful, the defendant's indebtedness should be treated as paid. Induced by this agreement, the defendant supported the plaintiff's candidacy until his election was declared.

Now note, Mr. President:

There was no agreement that defendant should vote for the plaintiff unless it was implied in the above understanding. He voted for the plaintiff, however, and did so because of the understanding. The suit was for the recovery of the indebtedness referred to, and the defendant claimed that it had been satisfied. The court considered that there was a sale of the defendant's influence and vote, held the agreement void, and gave judgment for the plaintiff.

The court continues:

The agreement in that case involved both the defendant's vote and his influence upon the votes of others, but the court's discussion of the subject does not leave much doubt as to what its conclusion would have been if the undertaking had been confined to the latter service. Certainly no distinction could properly be made between the two. But that contract had reference to the votes to be cast at an election; and the plaintiff contends that, inasmuch as caucuses and conventions are not creations of the law, contracts for services in influencing the choice of delegates and the action of a convention can not be considered against public policy.

They canvassed that, and the conclusion was expressed in the following language, after citing the New York case:

We can not doubt the correctness of this conclusion. The rule would largely fail of its purpose if not so applied. When the voters are unevenly divided into two parties the nomination of the stronger organization is usually equivalent to an election. And when party action is less decisive the subsequent efforts of the voters are ordinarily confined to a selection from the candidates regularly presented. The individual voter of a large electorate can seldom give an effective expression to a choice that is not in line with the action of some party convention. To secure a free and exact expression of the sovereign will there must be a proper selection of candidates as well as an honest election. If the choice of delegates and the action of the nominating convention are improperly determined, the election ballots will fail to express the real judgment of the voters.

Mr. President, I inquire now whether the election in the State of Michigan, in view of the enormous expenditure that was made in order to get the name of Mr. Truman Newberry on the ballots at the final election as the candidate of the Republican Party, does express the real choice of the people of the State of Michigan?

There is another line of argument which has been pursued here. Many Senators are going to vote for Mr. Newberry because of Mr. Ford. Many Senators are not in their seats; there are on the Republican side not half a dozen Senators, but I propose to put in the RECORD evidence showing that large sums of money were expended before Mr. Ford's candidacy was heard of, so that when those Senators go before their home people for a justification of their acts here they will not be entitled to say to them that they did this in order that Mr. Ford might not have a seat in this body.

I call attention to the fact that Mr. Newberry began his consideration, at least, of becoming a candidate months before Mr. Ford's name even was mentioned in connection with this place. It appears from the evidence that on October 3, 1917, a

meeting was held at Port Huron, Mich., attended by Fred D. Cody, who came out there all the way from New York for the purpose of considering the question of Mr. Newberry's candidacy. The results of that meeting were immediately communicated to him.

Later, on the 17th day of November, a Mr. Andrews, who attended that meeting, wrote a letter to Commander Newberry in New York. Bear in mind, Mr. President, that this was in 1917. I shall show you that as early as the month of August, 1917, less than 60 days after he undertook the duties of a lieutenant commander in the United States Navy, he had this matter under consideration.

On the 17th day of November, 1917, bear in mind, Andrews wrote a letter to Newberry in New York concerning the matter of his candidacy, and Mr. Newberry replied to that letter upon November 22, 1917. Bear that in mind. In the month of January following Newberry actually became a candidate.

While Paul King started in upon the management of this campaign about the 6th of March, 1918, it was not until at least a month afterwards, although voluminous correspondence had passed between him and Commander Newberry, that Ford's name was ever mentioned between them. In a letter found on page 703 of the bill of exceptions is the first indication we find of Ford's candidacy being mentioned.

After the talk he had had down in New York, Paul King opened up on the 6th of March. On the 11th of February he wrote Newberry as follows, after telling about the other Republican candidates who might possibly enter the race:

Confidential information also this morning indicates that the people behind the Ford candidacy are the Booths, and that they are planning to circulate his petitions and try to force him to run anyway. This does not scare me very much either.

Then he added:

Mr. Warner is scared by the Ford bogie, and is postponing his announcement for a month. I would not be surprised if it ultimately works out so that he will not enter at all.

I propose to show, Mr. President, that they had not the slightest concern about the Ford candidacy. They treated it as a thing which was not to be regarded even seriously, clear down to the time when he finally made his announcement.

Mr. Newberry replied to that letter on April 13, two days afterwards, as follows:

There is no doubt but that Mr. O'Brien's advanced age would not help him any in the campaign. The other men you mentioned have been talked over many times. The fact that the Booths are behind Mr. Ford seems reasonable to me, but that does not explain their campaign against millionaires.

At page 706 appears this in a letter from Mr. King dated April 17:

Nothing more has been heard from Mr. Couzens and there is some talk about the Ford candidacy.

At the time the other letter was written—that is, April 11—they had already had contributions from John S. Newberry amounting to $8,000, which had actually been spent, apparently, because the contributions were made in sums of about a thousand dollars before Ford's name was even mentioned between them. Under date of April 17, 1918, Mr. King said:

Nothing more has been heard from Mr. Couzens and there is some talk about the Ford candidacy.

On May 2 they had forgotten about it. Two weeks had gone by, and Ford's candidacy was not made the subject of a letter that passed between them meanwhile, but on May 2 Commander Newberry wrote from New York as follows:

There was some interest shown by Senator PENROSE who was in town last night and talked with Currie, and by Senator CALDER, who was in to see me the other day, about the republicanism of Henry Ford. This matter will be brought to the attention of Mr. Hays, chairman of the national committee, which I think is very necessary and desirable, because the control of the Senate may in another year or two hinge on the republicanism of the next Senator from Michigan, and, therefore, our party is vitally interested in seeing that no man from our State is elected on a false pretense, and the very fact that the Democrats are prepared to indorse anyone in Michigan for this responsible position should cause everyone interested to "sit up and take notice."

That is all the attention he paid to that matter. It was not treated by them as serious at all, as will appear from the record at page 715, where there appears a letter from Senator Newberry to Paul King under date of May 6. Paul King was not concerned about it at all, as he said in his letter, but Senator Newberry wrote from New York as follows:

I have no doubt that people here—

That is, people in New York—

with interests in Michigan are already beginning to fear the advent of Henry Ford, and until this positive danger is eliminated I do not feel that we will have any straight and easy sailing. I do feel very strongly, as I think I told you before, that this menace of Henry Ford's false Republicanism is something that should be handled entirely by the national committee or the campaign committee of the Senate, and I don't want to have anybody associated with me in this matter begin any attack on Henry Ford of any kind.

By that time, May 6, 1918, the Paul King committee had already expended $20,000 in fixing up their affairs around the State for the purpose of excluding such Republican candidates as ex-Gov. Osborn, ex-Gov. Warner, Mr. Warren, and William Alden Smith. The fight had been going on against them for two months and $20,000 had been expended before Mr. Ford was regarded as even a possibility or probability in the campaign.

At page 739 of the record the same view is expressed. Paul King writes:

You have doubtless seen the press clippings relative to Mr. Ford and Mr. Warner. According to them, Mr. Ford is not saying a thing, but his political friends, who, by the way, are entirely unknown, are circulating petitions, and Mr. Warner will make an announcement of his candidacy about the first of the month. Let them come. I think we shall be able to give a good account of ourselves, no matter how many enter. Warner's candidacy will probably help us as much as it will hurt, and maybe more. Mr. Ford can, I think, be effectively dealt with.

He is not very much alarmed about it, is he? At page 775 Paul wires to Newberry, under date of June 11:

Democratic conference at Lansing Tuesday evening reported to have adopted resolution calling for Henry Ford as compromise candidate of all parties as supporter of administration and calling on Republican candidates to withdraw. Some nerve. Interesting but not alarming.

PAUL.

At page 780, on June 14, 1918, we find the following:

JUNE 14, 1918.

HON. TRUMAN H. NEWBERRY,
New York City:

Washington dispatches announce Henry Ford's candidacy with President's indorsement, as you undoubtedly know. Suggest we simply go ahead with our campaign just as we have been doing. Am not at all alarmed. Do not think it necessary or advisable for us to make any statement at this time. Am driving through Oceana and Newaygo Counties to-day. If you wish to wire me, send telegram to Grand Rapids, care Charles A. Floyd. He will get message to me. Will phone you from Grand Rapids Saturday morning.

PAUL H. KING.

At that time they had already expended $28,500 in the campaign. I think that is all that need be said about Ford.

Mr. President, I pass now to another matter. Mr. Newberry admits that at least $195,000 was spent in his behalf in order to secure for him the nomination. It is contended upon the part of those who take the opposite view that he ought not to be seated here, that the record shows that at least $250,000 was expended in his behalf; but it is not to be understood that it is contended that that is all that was spent. We merely say that that is all the record shows. Let me show you a few things that are not in the record.

I called attention yesterday to the fact that Paul King had an account in the bank that included something like five thousand-odd dollars that we insist is not included in the $156,000. I shall not go into the other items at this time, because my time will not permit, but I wish to call attention to a few items of testimony here that disclosed that $250,000 is a mere suggestion as to the amount of money that was paid out in the State of Michigan to accomplish the nomination of Mr. Newberry.

Two distinguished politicians of the city of Detroit were Milton Oakman and a Mr. Marx. They went to New York on the 14th of January, as will appear from the record at page 74. They went there at the request of Mr. Newberry. He wanted to get these two men. He got Milton Oakman, but he could not get the other man, Mr. Oscar B. Marx. I read from the cross-examination of Mr. Marx at page 74 of the bill of exceptions:

I have known Mr. Frederick Cody a great many years. His home was in Detroit.

He is telling about a conversation he had in New York when he and Oakman were there.

His mother and his brother, whom I know very well, live in Detroit. I have seen Mr. Cody in Detroit very often throughout the past 10 years and I have seen him in New York every time I have been there throughout the past five years. On this occasion in January, 1918, when Mr. Newberry said he might be a candidate, and he and Mr. Cody came up to my room at the Biltmore, Mr. Cody spoke to me personally, aside from Mr. Newberry, and I imagine it would be out of his hearing. We went to the window. In that conversation he said it would help matters, or relieve Mr. Newberry's mind, in the event that he did run, to know that he had the support of the Marx organization. I said it could not be done.

But he got Oakman, as I have indicated to you.

Gov. Osborn tells us that Oakman admitted to him having received $25,000, as appears from the record at page 224.

Will the Chair kindly advise me how much time I have left?

The PRESIDING OFFICER. The Senator's time will expire at 2 o'clock and 16 minutes.

Mr. WALSH of Montana. Very well, I shall have to hurry on. I read from the testimony of Gov. Osborn:

I have known the defendant, Milton Oakman, 10 or 15 years; a goodly while.

I skip a little now and read further. He is talking about a conversation he had with Oakman. This is Gov. Osborn, of the State of Michigan, it will be understood, who said:

As an old friend and acquaintance, we had a talk. I said to him, "Milt, I understand why you are not supporting me"—he had been supporting me—"but I have no feeling in the matter whatsoever. It seems to be to your interest. I was up there in Lansing, and they told me you were to receive $25,000, and at that time had $12,500, etc. He said that it was made very clear to him that his interest was to be with Mr. Newberry, and he had to look out for himself; that I knew the character of the fight, and what it took to put it up in Wayne County, and it was to his interest. I said, "I don't blame you." But he said, "John Smith will be for you." I said, "That is very wonderful, if this doesn't take the entire organization." He said, "John Smith is loyal to you"; parenthetically he claimed to have been all through, and very pleasantly so. I don't think I asked him directly whether he had received the other half of the $25,000. I simply said, "I know you are to receive $25,000 or more," and I think I said, "Make it cost them what you are worth," something of that sort.

He made practically the same admission to a Mr. Montgomery, as will appear from the record at page 445, where Montgomery said:

Later I had another talk with Mr. Oakman in which he informed me that he did not intend to support Mr. Osborn, but intended to support Mr. Newberry. He said that he was very sorry that he could not be with Gov. Osborn, that he was going with Mr. Newberry. I do not remember just exactly the words, but it was to the effect that he could not afford to be with Gov. Osborn; he would have to be with Newberry because of the money there was in it. I had a subsequent conversation with him on that same subject, probably two or three weeks afterwards, in his office in the county clerk's office. He said that he was going to be with Newberry on account of his brother Bob. Bob told him that he would have to be with him; that Newberry was the only one that had been a real friend of his in their real estate crisis there in Detroit. Bob asked him to be with Newberry, and he would do anything for his brother Bob. He said, "Johnny Smith will be with Osborn; nobody could get him away from Chase." I had one conversation with him in which he asked me if I was getting paid well for being with Mr. Osborn. I told him I was not getting anything. He said I was foolish if I did not. He said that he was getting his; that he had got through; said something about he had come to a time in life when he had to look out for himself; something like that. He said, in substance, "I am getting well paid for what I do, and you are a blank fool if you are not getting paid well for what you do." He said something one night about $20,000. I think his words were something like it was worth $20,000 that he had been promised and was to receive $20,000 for managing the Wayne County campaign for Mr. Newberry.

At page 329 of the record it is disclosed that $50,000 was paid for the support of the county committee of Wayne County. I am obliged to omit some testimony that would connect it up better, but I read as follows. A man by the name of Robards, speaking concerning one Chilson, one of the defendants on trial in Grand Rapids, said:

I said, "This is a very quiet, peaceful, little city; we do not have much news." "Well," he says, "I was down to Detroit the other day, down to the Newberry headquarters, and those boys down there are doing business." I says, "Is that so?" "Yes," he says; "they have tapped the barrel, and the very first thing, right off from the bat, they gave the city committee of Detroit $50,000 for their influence for Newberry." I said, "Fifty thousand dollars?" He says, "Yes; I know it." He says, "They are spending money like drunken sailors." At that time the customers passed by and I went up to the window and I identified him with Mr. Rothelisberger.

Let us find out what Fred Henry got, who is interested in this to a considerable extent. It is told by Jesse H. Prescott at page 480 of the record:

I think I attended three of the Newberry meetings at Mr. Henry's home during the campaign. I talked with Mr. Henry several times during the campaign with reference to his work for Mr. Newberry. At one of our talks which took place at the Electric Cigar Store shortly before primary day he asked me to line up six or eight different men to work for the Newberry campaign at the Buick factory. I told him I would speak to them, and I did. He said I could tell them that he would take care of them financially. I took nobody to Mr. Henry, but I afterwards introduced him to a man of the name of Love in the Electric Cigar Store. I told Mr. Henry I had decided that I would not be a Newberry man. He said I was foolish; there was a chance to get a nice piece of change out of it; that he had just banked $2,000 and more was on the way, or more was coming; I would not say which.

A man by the name of Fletcher, who figured throughout this as one of the field agents in the Newberry campaign, paid certain bills. At page 316 we learn something about the method of the operations of Fletcher. I omit reading it, because I have not the time, but he went into a certain community and put it right squarely up to candidates running for local county offices that if they did not get in line for Newberry every one of them would be snowed under because of the money they were going to put into the campaign.

I now go to the record at page 251, where we get some information about what Fletcher knew about this campaign. A man by the name of Sparks is testifying:

I have lived in Grand Rapids slightly over 15 years. I am associate editor of the Grand Rapids Herald and have been acting in that capacity for about four and one-half years. I have known the defendant, Richard Fletcher, at least 10 years, possibly more. I had a conversation with Mr. Fletcher in his office in Lansing in which the matter of the expenditures by the Newberry senatorial committee in the Newberry senatorial campaign was referred to. The conversation occurred, as near as I can figure, on March 11, 1919. The matter came up incidentally; I was in there with reference to another story, and in the course of the conversation it drifted around to the matter of the recent campaign, and something was said about the matter of expenditures; I do not recollect just what, and I made the statement that I believed that rather than $176,000, that the campaign must have cost nearer a half million, and Mr. Fletcher said, "A half million, h—l! It cost nearer eight hundred thousand, and I know what I am talking about."

The junior Senator from Michigan in the course of his remarks yesterday told how he did not know anything at all about these expenditures. The argument of the Senator from Idaho [Mr. BORAH] upon that phase of the matter needs no supplement at all from me. I showed yesterday in the course of the examination that Mr. Newberry had Paul King down in New York at the hotel with him at least half a dozen times, and at the very time the newspapers were filled with charges that enormous sums were being used for corrupting the electorate of the State of Michigan. Paul King was right there and knew all about it. He had all the books at his command and under his control, and all Mr. Newberry had to do in order to learn the facts was to ask Paul King or telegraph out to Mr. Smith, his own representative, who had the books right before him and could tell him every dollar that had been expended. If he did not know, it was because he willfully declined to inquire.

Mr. President, much must be said in the way of generalities to wipe away the damning testimony in this record; but, sirs, if this violation of the fundamental rights of the American people goes unrebuked by the Senate of the United States, the Government of this country may well be regarded as in the direst peril, for I undertake to say that no case will ever again be brought before the Senate with any hope of success unless a precedent shall be set in this case that a man can not go out and secure a seat in this body by the means that have been disclosed by this record.

Mr. HEFLIN. Mr. President, I have two minutes of time remaining, and I wish to read from the testimony of Fred P. Smith, the confidential agent of Mr. Newberry, as follows:

Mr. ALFRED LUCKING. What did John Newberry say to you?

Mr. SMITH. He came to me, as near as I can remember it, the latter part of February or the first part of March—it was the late winter—and told me that if the committee made any demands for campaign funds, if his brother should be in the senatorial race, to give them the money. I do not remember whether he mentioned Mr. Templeton's name or not. I knew Mr. Templeton quite well. The first call was from him. The checks that were given after that were all given to Mr. Templeton the same as the first one.

Mr. ALFRED LUCKING. You have given us, in substance, all that transpired, have you?

Mr. SMITH. Yes, sir.

Mr. ALFRED LUCKING. No other discussion, except to direct you, if they wanted money and came and asked for it, to give it to them?

Mr. SMITH. Yes, sir.

Mr. ALFRED LUCKING. No limits as to amounts placed on you?

Mr. SMITH. No, sir.

Mr. ALFRED LUCKING. And no reports made to him as to the amounts you paid?

Mr. SMITH. No, sir.

Mr. ALFRED LUCKING. And no inquiries by him as to what it was used for?

Mr. SMITH. No.

Mr. President, is it any wonder that John S. Newberry did not make any inquiry as to how much money was to be spent? He was not furnishing the money; he was merely the go-between for his brother, Truman H. Newberry, and when he told Fred P. Smith to furnish all the money needed in the campaign, it was to remove Truman H. Newberry as far as possible from the scene. They were framing up the situation so as to enable Truman Newberry to say he had had nothing to do with financing the campaign. Does anybody believe that John Newberry would turn a senatorial campaign committee loose on his bank account without restrictions of any kind? The fact that he gave no instructions as to the amount that he was willing to give shows that he knew that that money was going to be drawn from Truman Newberry's account.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Frelinghuysen	McKinley	Shortridge
Ball	Glass	McNary	Simmons
Broussard	Gooding	Moses	Smith
Bursum	Hale	Myers	Smoot
Calder	Harreld	Nelson	Spencer
Cameron	Harris	New	Sterling
Capper	Harrison	Nicholson	Sutherland
Colt	Heflin	Norbeck	Swanson
Culberson	Hitchcock	Norris	Townsend
Curtis	Jones, Wash.	Oddie	Trammell
Dial	Kellogg	Page	Walsh, Mass.
du Pont	Kenyon	Pepper	Walsh, Mont.
Edge	King	Phipps	Watson, Ind.
Elkins	Ladd	Poindexter	Willis
Fernald	La Follette	Pomerene	
Fletcher	Lodge	Robinson	
France	McCormick	Sheppard	

Mr. WALSH of Massachusetts. I desire to announce that the Senator from Rhode Island [Mr. GERRY] is absent on account of illness.

Mr. HARRIS. I wish to announce that my colleague [Mr. WATSON of Georgia] is absent on official business.

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present.

Mr. ROBINSON. Mr. President, when the announcement was made in the press some days ago that the sitting Member, the junior Senator from Michigan [Mr. Newberry], would address the Senate in his own behalf touching the charges that have been pending against him for approximately three years, I with many other Members of this body indulged the hope that in his statement relative to the subject he would be frank and in detail discuss the incidents which it is charged reflected knowledge upon his part of the method by which his campaign was conducted. Yesterday there was presented in this Chamber a scene which will be remembered by those who were present for many years. Thousands of persons were attracted to the Capitol, some from curiosity and others as the friends of Senator Newberry, in the hope that at last the Senate of the United States and the people of the country were to hear his viewpoint touching the charges that, in order to encompass his nomination and election as a Member of this body, there had been expended admittedly more than $188,000, and, as claimed by many, more than a quarter of a million dollars, according to the proof.

The statement made by the junior Senator from Michigan in his own behalf may be epitomized in a few words; it may be summarized as follows: "I had left the State of Michigan in the discharge of my duty as an officer of the United States Navy; I was urged to become a candidate for the Senate; I did not return to the State during the progress of the campaign, and, while I was kept advised as to its general progress, I never knew anything definite respecting the character of the campaign that was being conducted in my behalf and as related to the expenditure of enormous sums of money for me."

Mr. President, the defect in that defense which to a lawyer and a patriot is and must remain unanswerable is that a candidate for Senator can not, in that or any other way, divest himself of the responsibility imposed upon him by the Constitution and laws of this Nation, the laws of his State, and the rules of morality and ethics which govern gentlemen and citizens in their transactions, to see that his campaign is conducted in accordance with law and ethics.

A citizen can not announce his candidacy for the United States Senate and then treat it as of such little importance that he shall give no thought or attention to the manner in which that campaign is conducted. The moral obligation is upon him, when he seeks a seat in this body, to do what he can in fairness, and with all the intelligence he possesses or can acquire, to see that his campaign is conducted decently and with due respect to the laws of the State and Nation. When the proposition is stated in that way, I do not believe that any Senator can or dare controvert it.

When the title by which a man holds or claims membership in this body is assailed the rules of criminal law ought not to be invoked. A Senator can not be heard to say, "Under the Constitution I may not be compelled to give testimony against myself, and thus incriminate myself." The moral obligation is upon him, when his title to a seat is challenged in the way that the title to the seat of the sitting Member from Michigan has been challenged, to meet the issue. Courageous, manly conduct, it would seem, should prompt him to advance to such an issue rather than retreat from it.

Three years and more have come and gone since the primary was held in Michigan. The undisputed evidence discloses that throughout the campaign it was publicly charged in the press of the State that the campaign was a boodle campaign; that enormous sums of money were being expended in order to encompass the nomination of the sitting Member. The evidence shows that a newspaper man, Vandenberg, wrote the sitting Member prior to the primary election that it had become a matter of State-wide scandal that his friends were making an effort to purchase the nomination. That letter and the newspaper articles which from time to time were published relative to the subject put the Senator from Michigan on notice, as they must have put on notice every intelligent man who was interested in the subject, that the character of the campaign was being assailed. The sitting Member has rested under this charge for more than three years as if he recognized no obligation to repel it.

The Senator from Michigan [Mr. Newberry] replied to Vandenberg's letter. I thought yesterday, when he took his place in this Chamber and said that he intended to tell the Senate all that he knew about these charges, that he would not think of retiring from this presence without explaining the answer which he made to Vandenberg. That answer was a letter written by himself. It related to facts and circumstances which he claimed, when he wrote the letter, were within his knowledge. The Senator from Michigan, in substance, wrote Mr. Vandenberg: "The campaign is being conducted by a committee in accordance with law, and when the campaign is over the accounting requirements of the statutes will be complied with." That statement implied knowledge, definite knowledge, on the part of the writer, the sitting Member, as to the manner in which the finances of his campaign were being conducted.

If a Senator on either side of the Chamber thinks that my interpretation and application of the facts connected with this letter is erroneous, I ask him to rise now and point out the error in the statement. It was charged by a written communication that his friends were disgracing and scandalizing his State by the corrupt expenditure of money to encompass his nomination. He sends back an answer which in substance implies: "I know what is going on. The charges are untrue. The committee is conducting an honest and a fair campaign, and it will make the reports that the law requires it to make."

I say that that was not an honest letter, using the word "honest" in the sense that the law defines it. I point you to the fact that immediately following his reply to Vandenberg Mr. Newberry wrote his executive chairman, King, characterizing it as a noncommittal answer: "How did you like my noncommittal answer?"

If he was acting in good faith, why did he write a letter which he himself characterized to his political manager as a noncommittal answer? The charge was a serious one. It called for frankness and sincerity, and he himself characterized the method in which he replied to it as noncommittal.

That is not all. In the same letter he said: "It is true that it covers the situation in a flimsy manner."

Is there a Senator here who honestly wants to know what Mr. Newberry knew about that case who would not like to have him say what he meant by the reply he made when the charge was brought home to him by a citizen of his own State that a dishonest and a corrupt campaign was being waged in his own behalf? He denied it. What did he mean when he said that his denial was "noncommittal" and "flimsy" or trivial? The responsibility and obligation was upon him, when those charges were brought home, to put a stop, or try to do it, to that method of campaigning if it was in progress.

What would be the conduct ordinarily expected under such circumstances of one who intended to act in good faith? If he did not have knowledge of the truthfulness of the charges, he would say: "Paul King, Vandenberg says you are running a corrupt campaign. I am too busy to keep track of the details of this campaign, but, as my agent, tell me what you are doing, and how you are doing it"; and if the facts revealed by the inquiry thus made showed that the charges of Mr. Vandenberg were true, it was the obligation of the candidate to stand up like a man and say: "I will not receive the benefits of such a campaign. I will not be the beneficiary of such methods." Instead of pursuing that course, however, he wrote a "noncommittal" reply, a reply which he said was noncommittal, and which, according to his own statement, covered the situation in a "flimsy" manner. In his statement yesterday he approved Paul King and his methods cordially, and expressed gratitude to the committee. Is that consistent with good faith in his contention that he did not know the character of the campaign that was being waged in his behalf?

Mr. President, not only is the good faith of his declaration that he had no knowledge of the character of the campaign that was actually being made regarding the expenditure of money controverted by his own letter, but it is also controverted by other circumstances which are admitted to be true. When Paul King, who afterward became executive chairman, first called upon Mr. Newberry in New York, the first inquiry was, according to Paul King, "What is this campaign going to cost?" The answer came back, in substance, "It cost Senator TOWNSEND $20,000, but on account of the fact that you are not well known throughout the State it will cost you at least $50,000." Listen, what arrangement was made for meeting that $50,000?

Is it consistent with the motives which control ordinary human transactions that, with the knowledge that $50,000 at least would be required, Mr. Newberry should leave to chance or accident the manner in which the campaign should be financed? He was put on notice by the declaration of Paul King that the campaign would cost, in round numbers, ten times as much as the Michigan statute permitted any candidate to expend. No objection was made. He had called Allan Templeton and said, "I want a business men's committee." Mr. New-

berry now says, and his friends declare, that he has no responsibility for the activities of that committee. The evidence shows that he was the first man to suggest the organization of the committee. It was to be a business men's committee, and his partner and intimate friend, Allan Templeton, who had never engaged in politics, was asked to organize the committee and take the nominal leadership of the campaign.

Is it consistent to say that the Senator from Michigan could call his intimate friend and business associate to lead the campaign, and then, with the knowledge that it would cost at least $50,000, make no provision whatever, either express or implied, for the payment of that fund?

The only inference which a jury, sworn to try a case according to the law and the evidence, would arrive at from that state of facts is that knowing it was to be an expensive campaign, and that sums in excess of the amount which the statute authorized the candidate to expend must be expended if it were to be successful; that there originated, either expressly or impliedly, a plan so to arrange and conduct the campaign that the candidate should know little about the details of expenditures that were being made, so that he would not be in a position to file the statement the statute required him to file. No other conclusion can be reached from the admitted facts in evidence.

With that in mind and that circumstance established, let us see how the campaign was conducted. But before proceeding to that proposition, let me point out other circumstances which tend to show that the Senator from Michigan was not wholly ignorant of the manner and the methods employed to secure his nomination. He had already had a conference with Hayden, in which Hayden had warned him against making a "barrel campaign." He had been told by Paul King that the campaign would cost at least $50,000. We find that from New York he was making efforts to secure the support of Mr. Davidson, of the United States Steel Corporation; that he was also attempting to interest the great labor leader, John Mitchell, in his behalf; that he exercised supervision of form letters mailed out; that he directed King to permit no attack on Henry Ford; that he gave assurances to Vandenberg that the finances would be properly handled and accounted by the committee. In addition to that, the individual authorized to draw checks for the payment of the expenses of the campaign was his attorney in fact, with unlimited authority. Mr. Newberry was a stockholder in the corporation of which Mr. Blair, the treasurer of the committee, was the head.

So that instead of it being true that he took no part in the campaign, as he erroneously certified to the Secretary of the Senate of the United States, he was actively engaged in the campaign from beginning to end. It is true that his other duties, and his preference in all probability, kept him out of the State during the campaign, but the record shows that daily reports were made to him by his manager and that he himself said he "devoured" those reports.

In spite of all those facts and many others which have been reviewed by Senators during the course of this debate, it is now claimed that out of consideration for the public good, unselfishly, while serving his country in time of war, the sitting Member permitted his name to be used as a candidate for the Republican nomination for the Senate in Michigan, and just left to chance or Providence the manner in which his campaign should be financed, notwithstanding the fact that he knew it was to be a barrel campaign and that it was to cost at least $50,000. You could not induce the most ignorant juror who ever tried a case to accept such a conclusion of fact.

The Senator from Mississippi a day or two ago declared that the sitting member filed a false certificate with the Secretary of the Senate when he said that he had taken no part whatever in the campaign, and that if any money had been expended it had been done without his knowledge or consent. I do not want to be uncharitable to Mr. Newberry, who is in a difficult situation, but with the facts I have already reviewed in mind, the fact that it was he who first mentioned his candidacy, he who first suggested the creation of a business men's committee, he who summoned Allan Templeton and asked him to head that committee, he who concurred in the appointment of Paul King as executive chairman, he who throughout the course of the campaign was exerting, from his far-away position in New York, every power and influence that he could exert to encompass his nomination, the fact that all these things occurred and that he then filed a certificate that he had taken no part whatever in the campaign, reflects upon his good faith, if it does not establish the dishonesty of his motives.

Do Senators believe that a Senator can legally pursue the course which the evidence in this case shows was pursued—create a committee, direct its activities, supervise the letters issued, insist on increasing publicity, the maintenance of publicity at full pressure, insist that everything possible be done to keep other candidates out of the field, use his personal influence to secure the support of representatives of great combinations and of labor unions, permit his bank account to be drawn upon without limit, and then, in order to escape responsibility for the measures that were employed, declare that he had taken no part in his own campaign?

I do not remember who it was, but I recall in reading the record that after the primary was over some Michigan Republican of prominence wrote Mr. Newberry a letter in which he said, in substance, "Newberry, everybody in Michigan knows the character of campaign you have made. Do not try to make the people of Michigan or anyone else believe that you knew nothing about that campaign. Come out like a man and say that you understood what was going on, but under the impulse and the heat engendered by the campaign you and your friends were driven to measures which are not to be approved. Do that and you will restore yourself to the confidence of the people of Michigan and you will win my respect." I am reminded that was the suggestion of ex-Gov. Osborn.

The Senator from Michigan told us a day or two ago that he understands this controversy fully, and that the people of Michigan understand it. Yes, Mr. President, but the people of Michigan know and understand that more money was expended in that campaign than had ever been expended in a primary campaign in the history of the United States. They know that in almost every part of the State many politicians were racing about with their hands behind them, inviting others to join them in an effort to secure boodle from the Newberry campaign committee. The Senator from Montana [Mr. WALSH] read to the Senate a few moments ago the testimony of a number of witnesses which shows that it was understood among many of the workers that this was an opportunity to get easy change.

But it is said, indeed that is the effect of the statement yesterday by Mr. Newberry, that, notwithstanding the expenditure of approximately a quarter of a million dollars in the primary, there was no violation of law and no particular disregard of the rules of ethics or of morality governing the matter. That subject has been made so clear by the Senator from Ohio [Mr. POMERENE], the Senator from Iowa [Mr. KENYON], the Senator from Idaho [Mr. BORAH], the Senator from Montana [Mr. WALSH], the Senator from Alabama [Mr. HEFLIN], and the others who have spoken that I do not feel justified in again reviewing the testimony in detail, which shows that the campaign was conducted in flagrant disregard of the Michigan statute.

In order to escape that conclusion the Senator from Missouri [Mr. SPENCER] has claimed that under the Michigan statute it is only unlawful to hire workers if those workers are for the purpose of bribing voters. He has repeatedly taken the position in this body that it is not unlawful to hire workers at any price, or in any number, for any length of time, if they are only to use persuasion, argument, or other personal influence. Yet upon that question the Michigan statute is so clear that it is difficult to understand how a layman, much less a lawyer, could place such a construction upon it. The Michigan statute expressly says that it is the purpose of this law to prevent the hiring of workers at the polls or prior thereto.

The Senator from Michigan [Mr. TOWNSEND] says that that was impliedly repealed by the subsequent act of 1913 or 1915, which states 11 purposes for which money may be expended, but upon an analysis of those 11 purposes nowhere is it stated that workers at the polls or prior thereto may be employed.

So it can not be successfully contended that the subsequent act repealed or modified the act of 1909 in that the latter measure expressly prohibited the hiring of workers. The statute says that it is the purpose to proscribe the prevailing custom. That does not mean that the custom prevailed in Michigan of bribing voters. That means that the prevailing custom which it was attempted to end was the hiring of workers, either on election day or prior thereto, to advocate the cause or by personal influence to promote the candidacy of the candidate. No other construction can fairly be given.

I repeat that the subsequent statute—whether it was enacted in 1913 or 1915 the Senator from Michigan did not recall nor do I—did not permit the hiring of workers. It defined and legalized expenditures for 11 different purposes, and upon an analysis of those 11 different purposes it will be seen that there is no express or implied mention of the hiring of workers. The hiring of workers is prohibited by law in Michigan, and if the Michigan statute is to be given any force whatever it must be given that construction.

Surely at this stage of the debate it is not necessary to repeat the list of the many persons who were hired as workers.

The evidence shows that all the county chairmen, many public officers, many men who were in positions of responsibility as related to fraternal organizations, heads of banks, mercantile establishments, real estate concerns, men engaged in every sphere of industry, were hired to work for Mr. Newberry, and in every instance the hiring constituted a violation of the Michigan statute.

But the statement is made that the Senator from Michigan—the sitting Member—had no personal knowledge of these transactions. When it was brought to his attention that enormous sums of money were being wrongfully expended he ought to have made an investigation. He was put upon notice and inquiry. He can not be heard to say, "With many newspapers in the State charging all forms of misdeeds and crimes committed in my name and in the name of the committee which was conducting my campaign, I wash my hands of the matter; let them do what they please," and then escape responsibility for it because he did not know the details of it.

Do Senators know what that precedent means? The Senator from Idaho [Mr. BORAH] spoke of that feature. If by your vote in this case you say that a citizen can become a candidate for the United States Senate, leave the State, do what he pleases in connection with the conduct of his campaign, organize a committee or direct its organization, make no arrangements for the financing of his campaign, knowing that it was to be an expensive campaign, and then escape responsibility for the manner in which it was conducted, it means that powerful influences who want representatives in the Senate or in other legislative bodies may expend any sum that they choose and the beneficiary of those expenditures, instead of being denied the fruits of dishonorable methods, be lauded and applauded.

For my part, measuring my words, I regard it as more wholesome, in so far as the public interest is concerned, to put upon the candidate the responsibility of supervising the financing of his campaign and to deny to outside secret influences the privilege of corrupting an election in order to secure as their choice a favorite. You can take that statement and measure it, and you will find that it means that in so far as securing legislation in the interest of the public is concerned it is better to say to the millionaire, "Go out and do anything you please to secure your nomination or election, organize business men's committees, hire workers, pay county officers, buy up in that way the influences that ordinarily control the politics of your State, and then openly and boldly walk into the United States Senate and claim your seat." It is better to recognize that practice than it is to say to a candidate, "You can spend but a small sum of money, but if you can be clever enough to conceal your connection with it and your responsibility for it, you may become the beneficiary of all the wealth of men who may see fit to conserve their selfish aims and appropriate and expend for the promotion of your personal ambitions unlimited sums."

The statement was made yesterday that under the Michigan law those advocating the election of Mr. Newberry could lawfully expend a billion dollars in order to encompass his nomination. That is the conclusion to which this precedent would lead. If a quarter of a million dollars may be passed out through the hands of an executive committee to control the choice in a primary, why not a billion dollars? And yet every fair man realizes that the expenditure of such enormous sums in an election means the debauching of the electorate, means the degradation of public office, means in the end the downfall of the Republic and all its institutions that have been made dear to patriots by the labors and votes of the millions who have glorified the name of America by heroic service in the past.

No; you can not make the United States Senate a millionaire's club. God protect the Republic against the day when it becomes such. A man is no better and no worse by reason of the fact that he is poor or rich. I do not subscribe to the doctrine that a candidate is to be looked upon with disfavor merely because by intelligence, thrift, and activity he may have amassed a fortune; but I do say that having amassed that fortune you can not use it legitimately to buy yourself into power. If you can not do it yourself openly, you can not properly be the beneficiary of it when it is done by others in your behalf.

The Senator from Michigan on yesterday did not discuss a single fact in this case which would throw any light on the question of his title to his seat. The evidence shows that in a telephone conversation he was told by his attorney in fact, in response to his inquiry as to when the campaign would close, that this would happen on a certain day. That attorney in fact wired him the following day—I am stating merely the substance of the message:

I made a mistake. The greater portion of these expenses will not terminate until the primary is held some 30 days later than the time I stated. Have written.

What were the contents of that letter? In view of the fact that those communications were explained by Smith, his attorney in fact, as relating to the practice of drawing funds out of Mr. Newberry's account and the accounts of other individual members of the Newberry family and putting the proceeds to the credit of John S. Newberry, whose account was nominally financing the campaign, it appearing that Mr. Newberry was complaining about the balances, I would like to have asked him, "Why did you make that protest? If you were not interested in the financial end of this campaign, why were you protesting against the continuance of the expenditures? Why were you asking about the balances?" What sums were drawn from your account and placed to your brother John's credit?

Why, of course he was interested. His account was being depleted to replenish the account of John S. Newberry from time to time, and while it must be admitted that the sitting Member did not know and under the method of campaign that was adopted could not have known the intricate details of those expenditures, he must have known from the newspaper reports, from the letter of Vandenberg, from the condition of the bank accounts, that public sentiment in Michigan was being justly aroused, that morality was being disregarded, that sums beyond reason were being expended in his behalf, and as an honest man, as a courageous man willing to face and meet the responsibilities which by virtue of his position rested upon him, he ought to have taken charge of the situation, investigated the methods that were pursued, and stopped the scandalous expenditure of moneys which have made Michigan's name contemptible among her enemies, if she has any, and pitiable among her many friends. Any other construction of the duty that devolves upon one who would claim a seat in this body, where Webster's eloquence thundered, where Calhoun and Hayne wrought miracles in debate, where Senators glorious throughout the history of the Republic have valiantly met their responsibilities and courageously performed their duties—any other construction of the relationship of this candidate to his candidacy makes for corruption and inefficiency and dishonor in office.

I reserve the remainder of my time.

Mr. ASHURST. Mr. President, I would not speak, except that I can not escape the feeling that, having sat as a member of the committee which heard the testimony in the case, and having submitted my views as one of the minority of the committee, I feel that it is a duty incumbent upon me to review some of the testimony.

Mr. President, this case has aroused interest, not because of the eminence of the family of the sitting Member but because there is a vital principle involved. Between the alpha, and, if it ever should come, which we hope it will not, the omega of this Government there runs as a dark and perilous thread the constant attempt of wicked wealth—all wealth is not wicked; I say of wicked wealth—to control this Government. When we were weak we had some reason to fear the attacks of external strength, but I have come to believe, from a reading of history—and I have read no more than other Senators—that nations such as ours, and, indeed, most of the first-class powers of the earth, have but little to fear from the aggressions of external strength. It was not external barbaric strength that overcame the Roman Empire.

When the schoolboy reads of the bats and owls that inhabit the forum and that haunt the voiceless places where once eloquence spoke, he is taught that the Roman Empire fell because the vandals, barbarians, or the Goths swept down upon it. That is partly true, but not wholly true. The Roman Empire had degenerated itself and reduced itself into a condition of ineptitude and debility, because it permitted without rebuke just such scandals as that which we are facing to-day. It was only when the Prætorian Guard sold the imperial purple for so much gold counted out upon the drumheads that imperial Rome was reduced to a position of such debility that she was easily overcome by the barbarians.

I join with the Senator from Arkansas [Mr. ROBINSON], who has just concluded his address, in the assertion that in this Government the suggestion must find no place that a man is debarred from public office because of his wealth. The fact that a man may be rich or poor should have nothing to do with the contest for an office. There is no reason, in logic or in morals, why a millionaire may not be President or Vice President or Senator or governor; there is no reason why a poor man may not be President or Vice President or Senator or governor or occupy any other office to which he is called by the free and unpurchased vote of the electorate.

What are the facts? Senators are called upon here to vote as jurymen in a case which causes us not a little embarrassment.

It is a delicate subject, a subject which involves the seat of a fellow Member. I shall therefore ask Senators to recur to the record alone, for upon that record they must form their judgment and cast their vote in this case. What is the testimony in the case? I have grouped here some of the salient points of the testimony that throw a clear and unbroken light upon this case.

Before the Committee on Privileges and Elections Mr. Frederick P. Smith was examined, and testified, in part, as follows:

Mr. ALFRED LUCKING. What do you call your position, secretary or executor?

Mr. SMITH. No; I call myself agent.

Mr. ALFRED LUCKING. You are their confidential financial man, are you not?

Mr. SMITH. Yes.

Mr. ALFRED LUCKING. You have, I think it has been said here, powers of attorney from both Mr. Truman and Mr. John Newberry?

Mr. SMITH. Yes; practically all of the interests in the office.' I carry their powers of attorney.

It might be said at this point that Mr. John Newberry is a brother of Mr. Truman Newberry. What in my judgment is a beautiful affection exists between those two brothers; each knows what the other is doing. It has existed since their boyhood, and it is to be admired; but that affectionate regard between the two brothers can not now be denied and avoided so as to justify the statement that during the Newberry campaign one did not know what the other was doing. I resume the quotation from the testimony:

Mr. ALFRED LUCKING. And there are others also interested?

Mr. SMITH. Yes.

Mr. ALFRED LUCKING. What others?

Mr. SMITH. Mrs. Truman Newberry's individual interests and Mrs. John S. Newberry's individual interests, and their sons.

* * * * * * *

Mr. ALFRED LUCKING. What did John Newberry say to you?

"To you"—the financial agent of the Newberry family—

Mr. SMITH. He came to me, as near as I can remember it, the latter part of February or the first part of March—it was the late winter—and told me that if the committee made any demands for campaign funds, if his brother should be in the senatorial race, to give them the money. I do not remember whether he mentioned Mr. Templeton's name or not. I knew Mr. Templeton quite well. The first call was from him. The checks that were given after that were all given to Mr. Templeton the same as the first one.

Mr. ALFRED LUCKING. You have given us, in substance, all that transpired, have you?

Mr. SMITH. Yes, sir.

Mr. ALFRED LUCKING. No other discussion, except to direct you, if they wanted money and came and asked for it, to give it to them?

Mr. SMITH. Yes, sir.

Mr. ALFRED LUCKING. No limits as to amounts placed on you?

Mr. SMITH. No, sir.

Mr. ALFRED LUCKING. And no reports made to him as to the amounts you paid?

Mr. SMITH. No, sir.

That is the sworn testimony of Mr. Fred P. Smith, who holds the power of attorney of Truman H. Newberry and his brother.

A man may not under our plan of government announce himself as a candidate for an office and then close his eyes and willfully be oblivious to all that takes place in the course of the campaign in his behalf.

There was once a man in Delaware, whose name I will not mention, because any resentment the American people ever cherished against that man has perished in the misfortunes that came upon him later; but he was a perpetual candidate for the Senate, an all-around corrupter of men, and he made it a part of his policy or plan of action when his committee were in session or when the caucus were about to discuss any question involving the improper expenditure of money to say, "Gentlemen, just suspend your conversation at that point until I retire from the room, so that I will not be legally guilty, and when you have concluded discussing that subject, rap on the door, and I will return, and thus I will be legally innocent."

Such a thing might have been done in Delaware 20 years ago, but it can not be done anywhere in the United States to-day. A candidate for office may not wash his hands with invisible soap in imperceptible water or retire from the room while his agents contrive corrupt schemes, and then return and say, "I know nothing about it."

The sitting Member, in good temper, as became him, came before the Senate yesterday and made a statement. He stated that he was entirely oblivious of the expenditures in his behalf; that when the campaign, which attracted attention throughout the length and breadth of the United States, was concluded, to his astonishment he read that he had been elected at a cost of some $176,000, but that all through his campaign he had been oblivious to that feature thereof of which everybody else in the United States was aware, namely, the improper expenditure of money.

Let us see if he was entirely oblivious to every angle and every feature of the campaign:

Mr. ALFRED LUCKING. Mr. Truman Newberry asked you about the expenses at times, did he not?

Mr. SMITH. I do not remember that he did.

Mr. ALFRED LUCKING. You reported to him every day what was going on, did you not?

Mr. SMITH. No.

Mr. ALFRED LUCKING. Did you not send him a telegram every night of what occurred during the day?

Mr. SMITH. I sent him a telegram generally at night regarding what the papers said.

Mr. ALFRED LUCKING. About what the newspapers were saying?

Mr. SMITH. About what the newspapers were saying.

* * * * * * *

Mr. ALFRED LUCKING. I do not want anybody to accuse us of absolutely misleading the witness when it is plain he is mistaken. May I call your attention to page 219, to the following telegram:

DETROIT, MICH., *July 28, 1918.*

Lieut. TRUMAN H. NEWBERRY,
Third Naval District, 280 Broadway, New York.

I misinformed you this morning the date of close of regular expenses. Should have said August 27. The circular work, advertising, clerical help, postage, and all regular overhead expenses will naturally continue until primary. Have written.

FRED P. SMITH.

Did you send that telegram?

Mr. SMITH. Yes; I did.

Mr. ALFRED LUCKING. Then, it was not about when the primary was; it was when the expenses would cease that you were talking with him and writing him about. Is that right?

Mr. SMITH. That is probably it. I do not know what the conversation was, but I had told him July 27. I misinformed him as to the month.

Mr. ALFRED LUCKING. You had been talking to him. He wanted to know when these expenses were going to stop, did he not?

Mr. SMITH. I do not believe so. I think his conversation was about the drain on the balances in the office, and he was complaining about the money that was being spent.

The sitting Member's complaint was about the drain on the balances in the office. How may a man complain to his agent about the drain on his balances, be told by that agent that he must endure that drain for another 30 days, and then come here and say he was oblivious to everything which took place and say that to his astonishment and amazement he woke up and found himself elected to the United States Senate?

Passing over, as time requires me to do, much of the testimony we find the following questions by former Senator Wolcott:

Senator WOLCOTT. I want to find out about the checking out of these funds by you, Mr. Smith, to the Newberry primary committee. Those checks were all drawn against what account in your office?

Mr. SMITH. Against Mr. John S. Newberry's account.

Senator WOLCOTT. Are you positive they were invariably drawn against that account and no other?

Mr. SMITH. Absolutely.

Senator WOLCOTT. You spoke of transferring funds from the other accounts into his.

Mr. SMITH. Yes, sir. It is a procedure that has been current for years. When one account gets low it is fed from the others. We have 12 different accounts. Of course, we do not feed from the corporations, but the personal ones. I have done it this last week.

What does that mean? It means that when Mr. John S. Newberry's account grew low by reason of his contributions to his brother's campaign Mr. Frederick P. Smith, attorney in fact, drew drafts upon the account of Truman H. Newberry and deposited them to the credit of John S. Newberry, and then drew against the account of John S. Newberry for expenses of the campaign.

Mr. WALSH of Massachusetts. How much were those drafts?

Mr. ASHURST. John S. Newberry's aggregated $99,900.

Senator WOLCOTT. Did you transfer funds from Truman H. Newberry's account over to John S. Newberry's?

Senators, listen to that.

Senator WOLCOTT. Did you transfer funds from Truman H. Newberry's account over to John S. Newberry's?

Mr. SMITH. Yes, sir.

Mr. WALSH of Massachusetts. Is there a record of that amount?

Mr. ASHURST. I will find it.

Mr. SMITH. Yes, sir; or Mr. Truman's to John S., or from Mrs. John S., around either way, and always have done it.

Senator WOLCOTT. All these funds in those various accounts, barring the corporation accounts, went to supply ready money to John S. Newberry's account?

Mr. SMITH. No; I do not think they all did in this case.

Senator WOLCOTT. Then the funds in their two accounts went to keep the John S. Newberry account up to a sufficient fund, so as to enable you to have enough money out of that account to take care of these primary expenses?

Mr. SMITH. In cases where there were overdrafts they would make up enough balance to cover the overdraft.

Senator WOLCOTT. Were those funds advanced from Truman H. Newberry's account and Mrs. Truman H. Newberry's account to John S. Newberry returned in due course to those accounts from which they were originally taken?

Mr. SMITH. Yes, sir.

On business transactions, be they ever so small, business men keep accounts; at least, they keep accounts where the

transaction is regular on its face and no inquiring eye or exploring hand is feared.

Senator WOLCOTT. Have you the books showing all these transactions?

Mr. SMITH. No; I have not.

Senator WOLCOTT. Were those books taken by the cashier down to Grand Rapids?

Mr. SMITH. I do not remember about it. I did not pay any attention to what he took.

Briefly, as in keeping with this case, the books are gone or lost—lost! On yesterday the Senator from New Jersey [Mr. EDGE] rose at the conclusion of the speech of the sitting Member and addressed the Senate.

The Senator from New Jersey is a member of this committee. He was so disgusted that he animadverted upon the methods adopted by the Newberry committee in its failing to keep the books so that they could be examined.

Business men know that when men have transactions of which they are not afraid the muniments and the memorials thereof are placed away for safe-keeping; a business man knows that when men have transactions, and the written records or the muniments thereof may later arise to confound persons, they pay but scant attention to what becomes of the papers. These questions were asked:

Senator EDGE. What was the reason for adopting what would seem to me to be a very complicated system of bookkeeping for a temporary activity like an election campaign is necessarily? It seems to me that it would meet all the necessities of the law in making your report if you had kept the usual ledger, journal, and daybook and entered the accounts in the ordinary way. All this percentage is not required at all under the law.

Mr. FLOYD. No. * * *

Senator EDGE. It is quite simple to do that without working out a percentage basis. You would simply charge publicity at whatever it is, the men employed in that particular work, copy writing, etc.

Mr. FLOYD. We did that indirectly.

Now, who asked those questions? Some partisan, seeking to make political capital out of this misfortune that has happened to the sitting Member? No; it was an efficient, upstanding Republican who first criticized the indirect methods and the concealment of the books.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Arizona yield to the Senator from Massachusetts?

Mr. ASHURST. I yield.

Mr. WALSH of Massachusetts. Did the treasurer of this campaign committee keep a bank account?

Mr. ASHURST. Will the Senator let me answer that by reading some more of the testimony? I do not want to misquote the testimony.

Mr. WALSH of Massachusetts. And if he did, I want to know if that bank account or checking account was produced.

Mr. ASHURST. The Senator, I know, would prefer to have the testimony rather than my remembrance of it. I will read that.

Mr. WALSH of Massachusetts. In other words, I want to know if that was among the lost papers.

Mr. ASHURST. I will reach that point.

Senator WOLCOTT. Did you ever inquire of this cashier what he did with the books and checks?

Mr. SMITH—

The financial agent—

No, sir.

These were transactions involving thousands of dollars. It will not do to say that it was an opulent family, and that they paid no attention to books because their opulence was great, and the expenditure of a couple of hundred thousand dollars made no difference. That argument will not stand up when we find in the record a letter from Truman H. Newberry saying: "Those stamped envelopes you sent me were too small. Do not waste stamps in that way. Send ones that are larger," showing that he was giving patient, careful attention to the details of his campaign.

Senator WOLCOTT. Did you ever make any investigation about their whereabouts after they came back from Grand Rapids?

Mr. SMITH. No; I did not.

Mr. ALFRED LUCKING. Well, do you know the total amount that you charged against John S. Newberry on the books?

Mr. SMITH. I do not know what was charged—

Here is the fiscal and financial agent, the attorney in fact, holding their power of attorney—

but I know that the credits, taking credits for what came back, because there were moneys coming back along about the time that the report was made up. It made, as near as I recollect, either $99,000 or $99,900.

Mr. WALSH of Massachusetts. No. I understood the Senator to state that no records could be obtained for the examination of the committee.

Mr. ASHURST. So far as the committee was concerned.

Mr. WALSH of Massachusetts. Now, I want to know what records were kept that disappeared. Was there a treasurer's bank account and a checking account that disappeared?

Mr. ASHURST. Some of the testimony was to the effect that such books were kept, but such books as were kept were not available to your committee.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Utah?

Mr. ASHURST. I yield.

Mr. KING. If I may answer the Senator, all the books that were kept by the committee which would throw any light upon the expenditures or the receipts were lost or were claimed to have been lost. Check books, bank accounts, deposit slips, everything, vanished as well as the checks themselves. It was alleged that they were taken from the offices where they were kept and deposited in a barn where the Newberry accounts, the accounts of the estate and the representatives, were usually kept, and they all disappeared. That is the only explanation. Mr. Newberry upon the floor did not discuss their disappearance, did not account for them, did not attempt to account for their disappearance, nor to explain the contents of his own bank account or his brother's bank account, the amount that was drawn from his own bank account or his brother's account or from the 10 other accounts of Newberry's that were controlled by this one man, Smith, who had power of attorney over them.

Mr. WALSH of Massachusetts. And there is no evidence in existence to either confirm or disprove the report of expenditures made under the law?

Mr. KING. They have either lost or have deliberately destroyed all the evidence which shows these enormous expenditures that would condemn Mr. Newberry before any honest jury.

Mr. ROBINSON. Mr. President, with the permission of the Senator from Arizona——

Mr. ASHURST. I yield.

Mr. ROBINSON. The evidence does show that not only was a considerable sum, not embraced in that account, found to be due after the account was filed but also that considerable sums which were actually expended were not accounted for at all.

Mr. POMERENE and Mr. WALSH of Massachusetts rose.

The PRESIDING OFFICER. Does the Senator from Arizona yield?

Mr. ASHURST. I will yield to all Senators, but, of course, I do not want to consume my hour in yielding.

Mr. WALSH of Massachusetts. This is an important matter, and I hope the Senator from Arizona will permit full inquiry and discussion.

Mr. ASHURST. I yield first to the Senator from Ohio.

Mr. POMERENE. In this connection permit me to say, as the Senator will recall, that after the committee had discovered that all the Newberry books were either destroyed or stolen or taken away and we discovered that their accounts had been kept in the banks—that is, John Newberry's account, Truman Newberry's account, all these other Newberry accounts—and we asked to have the bankers subpœnaed to bring their books showing these accounts, then it was that the majority of the committee voted down our motion to call those witnesses before us.

Mr. ASHURST. The Senator has stated the matter with accuracy.

Mr. WALSH of Massachusetts. I trust the Senator will excuse me for pressing the matter.

Mr. ASHURST. I yield.

Mr. WALSH of Massachusetts. I think this phase of the question is very, very important, the disappearance of all papers and documents to prove or disprove the accuracy or correctness of the report when nearly $200,000 were used in the campaign. Disappearance of evidence is frequently affiliated with other acts of fraud. Now, may I ask the Senator another question?

Mr. ASHURST. I yield further.

Mr. WALSH of Massachusetts. I understand $140,000 was paid out to newspapers for advertising and publicity purposes in the State of Michigan.

Mr. ASHURST. That is about the sum.

Mr. KING. One hundred and forty-seven thousand dollars plus.

Mr. WALSH of Massachusetts. Are there any documents, any records, any receipts, any checks, any vouchers, to show what newspapers got that sum of money, what sums each received, and how generally it was distributed and expended?

Mr. ASHURST. The vouchers or receipts or papers which would prove or disprove anything along that line mysteriously disappeared, and were not available to your committee.

Mr. KING. If the Senator will allow me, they were destroyed, and destroyed by the order of Mr. King, or some of the campaign committee of Mr. Newberry.

Mr. ASHURST. In other words, this status of affairs arose; although the Nation had become shocked, and the sitting Member says he was shocked with the excessive expenditures, and although the lieutenant governor and the former governor and thousands of citizens complained and demanded an investigation, the Newberry managers said, in effect, "We thought these books showing the expenditure of a couple of hundred thousand dollars were of no value and no importance." At least, Mr. President, the accounts were in the custody and control and charge of the sitting Member and his agents, and were not available to your committee. That is the ultimate fact, and your committee did not destroy them, but tried to get them, and could not.

Mr. SPENCER. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. SPENCER. I think the record will show beyond peradventure that the facts in this case are that there was not a single book destroyed, that there were no books kept, as you and I use the term books——

Mr. ASHURST. Let me interrupt the Senator before he goes further, to ask how could the Senator from New Jersey [Mr. EDGE] complain before the committee about the indirectness of the bookkeeping, if there were no books kept?

Mr. SPENCER. I do not want to intrude upon the Senator's time——

Mr. ASHURST. I yield. The question is important, and I yield.

Mr. SPENCER. I thought the Senator might like to know what the exact facts are.

Mr. ASHURST. I should be glad to know.

Mr. SPENCER. There were no books kept. The term "books" was used by some one before the grand jury and ran through the record. What the testimony shows was that they kept a kind of a card index, or a memorandum of every contribution and of every expenditure, and then, at the end of the campaign, they tabulated them all in two exhibits, No. 135 and No. 136. First they came before the grand jury, and then we had them, and those were called books. They were the original books of entry as to all the expenditures of the committee, and there was no book destroyed.

The testimony of Mr. King, whose namesake inadvertently made the remark a moment ago that the books had been destroyed by order, is uncontradicted; that the only things which were destroyed were the stereotyped formal letters, which accumulated in mass, and were no good to anybody, and when the campaign was over he said, "Let them go," and the janitor took them out. But there was no evidence in the record of the destruction of a single book. Let us get the facts clear.

Mr. ASHURST. Now, I am going to talk for a moment along the line suggested by the able Senator from Missouri. Let us assume that no books were destroyed, we will say. Mr. President, I have not laid emphasis on the books. Did Senators pay enough attention to what I said to know what I referred to? I did not say "books" alone. I said the memorials; I said the muniments showing the guilt or innocence of the parties. I do not care whether you call them ledgers, journals, daybooks, cashbooks—I care not what you call them—check books, letter books; I asseverate here, and the record shows, that whatever memorials or muniments of writing were kept were not available to your committee, and were destroyed, with the consent of the sitting Member's friends and agents.

Mr. SPENCER. Will the Senator yield for a question?

Mr. ASHURST. Just a moment. Of course, this is coming out of my time——

Mr. SPENCER. I do not want to have this taken out of the Senator's time.

Mr. ASHURST. I feel that it is my duty to yield.

Mr. SPENCER. There is no question about it.

Mr. ASHURST. I feel I ought to be corrected if anything has been misquoted, but will the Senator make it as brief as possible?

Mr. SPENCER. I will take but a moment. Is the Senator referring, in what he calls memorials, to books or memoranda having to do with the expenditures of the committee?

Mr. ASHURST. I am.

Mr. SPENCER. Then he will find the complete record of them printed in our record. They were not destroyed. He should not say they were destroyed, but that we have not got them.

Mr. ASHURST. I am referring to the books and papers and memorials which the Senator from Missouri, because he is a member of the committee, knows disappeared, having first been taken by Mr. Newberry's agent to a barn, and from that point they disappeared.

Mr. SPENCER. The Senator is mistaken as to the fact. Those were never taken to Mr. Newberry's barn.

Mr. ASHURST. I said a barn.

Mr. SPENCER. Or to any barn. I am not quibbling about words.

Mr. ASHURST. Then the testimony is false. That is the testimony.

Mr. SPENCER. No; the Senator is confused. The books of account of the committee were not. It was the private checks and books of the Newberry estate which were taken to the so-called barn and lost. The Senator is merely mistaken as to the testimony.

Mr. KING. Will the Senator yield to me for a moment?

Mr. ASHURST. I yield.

Mr. KING. I challenge the accuracy of the statement of the Senator from Missouri which he made a few moments ago in reply to a statement I made. The facts are these, that the books of the Newberry estate and of Truman Newberry and of John S. Newberry and of the Newberry accounts relating to the expenditures in connection with the campaign were taken, as the record shows, to the Newberry barn, and are lost. The record also shows that whatever accounts, books, receipts, documents, memoranda, whatever you may be pleased to call them, were kept by Mr. Floyd, or by those who were conducting the campaign and making the distribution of the money, were deliberately destroyed, and the record will show it.

Mr. WALSH of Massachusetts. Is that disputed?

Mr. SPENCER. It is absolutely disputed, and the Senator can not point to a word in the record to prove it. I can point to the record——

Mr. KING. I have not yielded to the Senator.

Mr. SPENCER. I can point to the record where the contrary is shown.

Mr. KING. I challenge again the accuracy of the statement of the Senator from Missouri. I repeat, they were destroyed.

Mr. ASHURST. Mr. President——

Mr. KING. Will the Senator yield in my time?

Mr. ASHURST. I will yield for another sentence; but I trust the Senator will let me finish.

Mr. KING. Mr. Floyd was brought in a day or two before the report was to be filed, and he, from the memoranda, the receipts, the books, and the reports, whatever they were, made up a pretended account of the receipts and disbursements, and those two exhibits are here, but I deny from the record that they are accurate, or that they contain a true record of the receipts or the disbursements which were made during the campaign.

Mr. ASHURST. Mr. President, I hope my impatience will not be offensive, but it will be remembered that this comes out of my time.

Now, I am going to reach a lowest common denominator upon which we can all agree, that the checks, books, papers, muniments, and memorials in writing relating to the expenditures in the Newberry campaign were not available to the committee. There is a common denominator upon which we all agree——

Mr. SPENCER. The Senator will have to change his denominator.

Mr. ASHURST. That we all agree upon, and the Senator from Missouri would not want to resort to such a procedure as to say they were available, because he is a frank man. They were not available to your committee. The books, whatever they were; the papers, records, memorials, and muniments, whatever they may have been, evidencing the expenditure of money, were called for by some of your committee. My learned friend who so well represents the State of New Jersey in part, who has just come into the Chamber, was, I repeat, so struck with the indirect method, efficient type of statesman that he is, that he criticized the Newberry committee, which I have just read, because of their method of keeping books, their indirection.

Mr. SPENCER and Mr. EDGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield, and if so to whom?

Mr. ASHURST. I yield to the Senator from Missouri.

Mr. SPENCER. The Senator will find in this record Exhibits 135 and 136, to which I referred, on pages 812 to 860, inclusive.

Mr. ASHURST. I thank the Senator. I would not have known that if he had not told me. Now, I yield to the Senator from New Jersey.

Mr. EDGE. Inasmuch as the Senator from Arizona has brought my name into this debate——

Mr. ASHURST. I was complimenting the Senator.

Mr. EDGE. Permit me to state in a very few words what that particular criticism referred to.

Mr. ASHURST. The Senator did not explain that in his speech; will he not do it after I conclude?

Mr. EDGE. I can do it in two minutes.

Mr. ASHURST. I will give the Senator one minute.

Mr. EDGE. I can do it in 30 seconds.

Mr. ASHURST. Very well.

Mr. EDGE. That was a criticism, and a very proper criticism, of the method of keeping the so-called books, which were in the nature of memoranda. I admit that I thought the method adopted was an entirely unbusinesslike one, and so commented at the hearing; but so far as the Senator refers to the refusal to have other papers and books brought before us, I can not get the connection at all.

Mr. ASHURST. The Senator must not imagine that I have put into his mouth words that would seem to make him say he was criticizing the nonproduction. I say that the methods pursued respecting such fragmentary and meager papers as we had were so indirect as to draw a rebuke, and a just rebuke, from that model of efficiency in business, the Senator from New Jersey.

Mr. EDGE. Mr. President, I thank the Senator for his very kind reference; but I must repeat that my criticism of the method employed in keeping the accounts was directed at that particular method of keeping a record of their expenditures and disbursements, and that we could very much more readily have arrived at our decision if they had been kept in the usual ledger form. I adhere to that view.

Mr. ASHURST. I agree with the Senator.

Now, some more of the testimony. I am not going to say what somebody said or somebody heard somebody say, but let me confine myself to the testimony. Mr. Paul King—and it will be remembered that he was the young man who had full charge of the Newberry campaign—with the consent of the sitting Member, said in his testimony:

I consider myself a free agent, a free lance, to do just as I felt should be done in the management of that campaign, in the way I conducted it. All questions were referred to me for decision and were passed upon to the best of my ability. With the assistance of Mr. Templeton, I conducted that campaign. I am glad of it and proud of it.

Mr. President, in the eventide of life, when he comes to reflect upon the impetuosity of youth, he will regret the statement that he was "glad and proud of it." I believe when men come toward the sere and mellow years, impetuous statements that looked so well in youth may not appeal to us. When the silver of the years touches our temples we begin to think we might well have left some of those things unsaid, and I rather think he might have left unsaid the statement that he was glad and proud of the campaign. I think, however, he tried to tell the truth.

Mr. ALFRED LUCKING. Did you report every day to Mr. Newberry?

Mr. KING. I wrote to him very frequently, and when I was out meeting people I wrote him practically every day, telling him whom I met and what they said and how they felt about his candidacy.

Mr. ALFRED LUCKING. How the campaign was progressing?

Mr. KING. Yes, sir.

Mr. ALFRED LUCKING. And went down to consult with him frequently?

Mr. KING. Several times; not frequently.

Mr. ALFRED LUCKING. About matters of policy?

Mr. KING. Yes, sir. (H., 469.)

I was the organization manager of that Newberry campaign, and I started out to make an organization that was the best one Michigan ever had, and I tried my best to do it, and I think I did. (H., 472.)

The man's impetuosity did not lead him into saying something there that was untrue. He said: "I started out to make that the best campaign organization that Michigan ever knew." It is true that he did it, because in the long and proud history of that State, from the first year when she elected a Senator down through the silent years, she has contributed statesmen here, she has contributed to the wealth and strength and glory of this Republic, but it was her unique distinction to give us a specimen of a political machine that could move with a celerity and a momentum theretofore unknown in politics.

The Quay machine and the Platt machine were mere tyros compared to this one. This machine, without slipping a cog, without the presence of even the candidate to commit himself, moved forward, and remorselessly crushed or drove out of the campaign every other man, rich or poor, who got into it. So Mr. King's boastfulness that he had the best organization Michigan had ever had is justified by the record and by the results. Later he was congratulated by the sitting Member.

Let us examine some of the testimony about hiring men to work. I realize that speakers who go about telling of our merits and concealing our demerits do so with the expectation on every one's part that they should get their expenses, a hall, a band, and a supper. I would not be such a fool and such a Pharisee as to claim that I do not know anything about those things. We all know about them. I am not talking about the supper for the candidate and his managers; I am not talking about the band, the hall, the advertisements, and so forth. I am talking about going to men and handing them money to go about and "work" for the candidate.

That was against the law in Michigan. All the obliqueness, all the tangled lines, all the sinuosities of sophistication, can not drive away from them the knowledge of the fact that the statutes of Michigan prohibited the hiring of workers in election campaigns.

Paul King said further:

Mr. Newberry approved of my plan of publicity.

On April 14, 1918, Mr. Newberry wrote Mr. King that—

I am glad Mr. Warner (three times governor of Michigan) is scared out for the present, and as long as we keep up our publicity work at full pressure it will be harder and harder for any new man to get any kind of a start that will make it seem worth while for him to be a serious candidate.

Men who manage campaigns are not babes in the woods nor an Alice in Wonderland. When men running a campaign, shrewd, bold, daring men, receive a letter from their principal instructing them to "Keep up your campaign publicity at full pressure and you will keep all the other men out," they know what that means. They know that such an order means "Go the limit."

Mr. Thomas P. Phillips testified as follows:

I reside in Detroit and received $60 a week from the Detroit News before I went to work for the Newberry committee. Mr. King hired me at $100 a week as publicity man for the campaign. I made four trips to New York and saw Mr. Newberry and took some moving pictures of Mr. Newberry. I talked to Mr. Newberry, and from what I gathered of his past life I wrote certain publicity. (H., 352).

I do not think there is anything wrong in his going to New York and getting the past history of the candidate. The gravamen of the offense was in the sitting Member saying he was oblivious of everything that took place. Mr. Phillips continued:

Mr. King told me that he had made arrangements to take more moving pictures of Mr. Newberry and asked me to go to New York and see that the pictures were made.

I am not going to condemn that. I suppose in all campaigns we are glad to see ourselves in pictures, so I will pass that over, but it cost $3,788.

Mr. John S. Newberry (brother of the sitting Member, and who contributed $99,900 to the Newberry campaign fund) testified, inter alia, as follows (H. 317):

Senator POMERENE. And you want the committee to understand, do you, that you placed no limit upon the amount which Smith was to draw out of your account for the financing of that campaign?

Mr. NEWBERRY. No, sir; I never thought about it. I just said, "Go ahead and use what money you want."

That man told the truth. He might have violated some law in his unlawful expenditures, but John S. Newberry would not commit perjury. It was a small matter from his viewpoint to spend this money in his brother's behalf, but he scorned to commit perjury and testified, "I placed no limit. I said to spend all the money that was necessary, and I contributed $99,900."

I continue reading:

Senator POMERENE. Do you mean to say you do not know whether any money was borrowed from one or the other?

Mr. NEWBERRY. No, sir; I don't.

Mr. ALFRED LUCKING. The fact is that since your father's death your brother has practically run your business affairs?

Mr. NEWBERRY. Yes, sir.

If that be true, then Truman H. Newberry, having charge of his own brother's affairs, was contributing to his own account when his brother contributed $99,900, because he had practical charge of the affairs of John S. Newberry.

Let us take a specimen of the methods resorted to by the Newberry managers. George Murray was president of the Railway Men's Relief Association, with 10,000 members, with headquarters at Muskegon. He was editor of the monthly magazine published by his association.

In May, 1918, Mr. King and Mr. Floyd came to him and paid him $300 to work for Mr. Newberry, and an additional $400 was paid to the magazine and went into the association's funds.

Up to that time Mr. Murray had not advocated the nomination of Mr. Newberry in his magazine nor had he published anything about Mr. Newberry's candidacy until Mr. King and Mr. Floyd told him "that they would take care of him on the proposition." (B. E., 195.)

After being paid this money Mr. Murray started out to work for Mr. Newberry and to line up the railroad men for him.

Mr. Murray then started making speeches among the railway men for Mr. Newberry and in all attended 33 meetings.

In the month of July an advertisement was published in Mr. Murray's railway magazine, and in August Mr. Murray pub-

lished a personal letter "direct from him to the railroad men." In this letter Mr. Murray says:

MUSKEGON, MICH., *July 30, 1918.*

To my friends in the railway service:

I feel it is due you all to know why I am indorsing and supporting the candidacy of Commander Truman H. Newberry for the office of United States Senator.

There are no facts given. He does not say his candidate is in favor of woman suffrage, he does not say he believes in a man's right to strike for a better wage, but he finds refuge behind that general statement, "I believe he is a good man."

Behind the general statement, "He is a good fellow," more evil has been done to the public at the ballot box than behind any other sort of statement I can recall. He did not say he received $700. He said:

Mr. Newberry's record, public and private, is such as to inspire the confidence of every man. * * *

I have investigated his character, and find that it stands the test. * * *

I trust that my friends among the railway men of Michigan will put their shoulders to the wheel and make this result absolutely certain. The primaries come on August 27. * * *

I personally indorse Mr. Newberry's candidacy, the man, and the principles of sturdy Americanism which he represents.

On August 8, 1918, nearly three weeks before the primary election, Mr. Vandenberg, of the Grand Rapids Herald, wrote to Mr. Newberry as follows:

DEAR SIR: I desire to direct your attention to certain phases of the Michigan Republican senatorial campaign, which seem to demand very clear and explicit public statement from you well in advance of primary election day. * * * I direct your attention to these specific charges which have appeared in responsible newspapers.

He then goes on to point out that charges of illegal and excessive expenditures of money have been made against Mr. Newberry. Mr. Newberry replies courteously and says in conclusion:

I thank you for writing me and appreciate the opportunity thus offered to state the truth.

I have not paid nor am I obligated to pay anything in connection with the senatorial primary, nor have I any official information thereof beyond the assurance of the Newberry committee that their accounts will be filed as required by law and all expenditures made only for such purposes as allowed by law. I have forwarded your letter to the committee, requesting them to send you a clear, comprehensive, and adequate statement for publication with your letter as you suggest.

He then wrote a letter to his own business manager, inclosing Mr. Vandenberg's letter, and in writing to his business manager he said, under date of August 9:

I am inclosing a copy of my noncommital reply to the Grand Rapids people, which covers the situation in a rather flimsy manner.

Mr. OWEN. What kind of a manner?

Mr. ASHURST. A rather flimsy manner.

Mr. CARAWAY. Would it interfere with the Senator if I should ask him a question?

Mr. ASHURST. I will yield for a question.

Mr. CARAWAY. While the Senator is speaking of the letter which Mr. Vandenberg had written to the junior Senator from Michigan, the Senator will recall that Mr. Newberry telegraphed to Vandenberg in effect: "I am informed that the Newberry senatorial committee can justify this expenditure." Who informed him of that? That was on the 11th day of August. If he had that information on the 11th day of August about these expenditures, and knew what they were, and that they were justified, when he held up his hand on the 14th of August and swore before Almighty God that he did not know of any money that had been expended, at that time did he tell the truth?

Mr. ASHURST. I perceive.

Mr. CARAWAY. One of those statements was not true.

Mr. ASHURST. Yes. It is disclosed by Government Exhibit No. 60 (B. E., 253) that the sum of $176,586 was disbursed by the Truman H. Newberry senatorial committee, according to statements on file in the office of the county clerk of Wayne, Mich., and this does not include several thousand dollars disbursed later in payment of additional expenses incurred.

The majority of the committee say: "The amount of money spent at the primary was large—too large—* * *," and, further, "Your committee condemns the use of such a large sum of money in any primary campaign * * *." To these expressions I will simply add that the law and public policy also condemn the use "of such a large sum of money in any primary campaign."

The men who managed the campaign for Mr. Newberry, the sitting Member, exhibited fertility, efficiency, and industry that could well be admired, if employed in transactions not discreditable, but in this episode, as is apt to be the fate of most feats of left-handed wisdom, their mystifying methods and their juggling of accounts aroused a public resentment which in no small degree contributed to the very results these campaign managers thought they were avoiding—detection and trouble.

The failure of the Newberry campaign committee to keep regular accounts, the shifting of records and papers concerning the campaign from one place to another, the juggling of money from one account to another, and the adoption of mysterious and unusual methods and roundabout ways regarding matters that might just as well have been performed in the open are not the methods and habits of candidates seeking to obey the law.

The Lorimer case has been mentioned. Mr. Lorimer denied the charge which was made against him; and Lorimer never wrapped the Stars and Stripes around him while he and his agents bribed the electorate.

He who in possession of evidence, in the form of books, papers, and vouchers, tending to exculpate him carefully preserves the same and is anxious and willing at the proper time to exhibit the same.

He who knows of the whereabouts of vouchers, books, and records which he suspects may in the future confound and embarrass him spends but little time or effort to preserve such evidence.

The testimony in this case shows that the senatorial campaign in Michigan in 1918 partook more of the character of an auction than an election. From its inception to its conclusion it was a reckless and illegal foray of opulent men—a foray conducted with a disregard of public morality and with a boastfulness that would be comical if it were not sinister. If the desperate and dubious expedients resorted to in the senatorial contest in Michigan in 1918 to obtain a seat in this body were to become the general rule or the custom of persons seeking membership here, then no man of limited means—indeed, no man of ample fortune if honest—could enter the senatorial contest with even a conjectural probability of success.

To encourage the methods practiced in the senatorial contest in Michigan in 1918 would be to embolden and to multiply the most baleful assaults that can be made upon representative government.

The testimony shows that the sitting Member was privy to and inevitably, in the nature of events, had knowledge of those facts concerning his own campaign, which scores of thousands of men in Michigan well knew. He was warned by the editor of the Grand Rapids Herald and by Lieut. Gov. Dickinson as to the improper course of his campaign. His agents and managers kept him fully and constantly supplied with reports, but he failed to put a stop to the disbursement of moneys made by his agents, with the obvious purpose of improperly influencing voters, and it is puerile to say that a seat in this body thus obtained may not be declared vacant because, forsooth, the candidate says he was oblivious to that one feature of his own campaign, which overshadowed all others of the contest, which feature was so widely discussed and so notorious as to be known not only in Michigan but throughout the length and breadth of the land.

Of all the persons interested in that campaign Truman H. Newberry, the sitting Member, was the most interested. He was the candidate; he was the man for and in whose behalf the expenditures were made; he was the luminary around whom all the satellites revolved; from him they received their light and heat and life. To him the daily reports were made; from him the managers received suggestions, words of encouragement, and orders to proceed "at full pressure." He was the motive power of the "organization" built to secure for himself a seat in this body—an organization which moved with a celerity and momentum that crushed or purchased opposition to its plans or purposes.

The credentials of the sitting Member are stained by fraud and tainted by illegal expenditures of money. His seat should be declared vacant.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The question is on the resolution offered by the Senator from Montana [Mr. WALSH] as a substitute for the resolution offered by the Senator from Missouri [Mr. SPENCER].

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Dial	Harrison	McCormick
Ball	du Pont	Heflin	McKellar
Broussard	Edge	Hitchcock	McKinley
Bursum	Elkins	Jones, N. Mex.	Moses
Calder	Fletcher	Jones, Wash.	Myers
Cameron	Glass	Kenyon	Nelson
Capper	Gooding	Keyes	New
Caraway	Hale	Ladd	Norris
Curtis	Harris	Lodge	Oddie

Owen	Robinson	Swanson	Warren
Page	Sheppard	Townsend	Watson, Ind.
Pepper	Smith	Trammell	Willis
Pittman	Smoot	Wadsworth	
Poindexter	Spencer	Walsh, Mass.	
Pomerene	Sutherland	Walsh, Mont.	

Mr. HARRIS. My colleague [Mr. WATSON of Georgia] is absent on official business.

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present.

Mr. SPENCER. Mr. President, I understand the Senator from Arkansas [Mr. CARAWAY] desires to speak upon this matter, but would much prefer to speak to-morrow, as he is not feeling very well this afternoon. Therefore I shall move that the Senate take a recess until to-morrow.

Mr. WADSWORTH. Is no other Senator ready to speak?

Mr. SPENCER. I understand not; but if any other Senator desires to speak this afternoon I shall, of course, not make the motion.

Mr. WADSWORTH. It is only 20 minutes after 4 o'clock.

RECESS.

Mr. SPENCER. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, January 11, 1922, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 10, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, somehow and everywhere the darkness settles only to be lifted by the morning light. Surely in Thee we have our Fatherhood and over us is brooding Thy loving, patient heart. We would not hide from Thy face, but we would look up and beseech Thee to freely grant us pardon of all our sins. Enable us to be wisely jealous of all Thy rights and help us to value this day in its immediate duty and see in it a helpful service for our country. As our time ebbs and flows lead us forward, onward, and upward until we reach the evening of life's little day. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

REAL ESTATE HELD BY THE WAR DEPARTMENT.

Mr. KAHN. Mr. Speaker, I desire to have the following report of the subcommittee of the Committee on Military Affairs printed as a House document for the use and information of the Members of the House.

The SPEAKER. The gentleman from California asks unanimous consent to have printed as a House document a report which the Clerk will report by title.

The Clerk read as follows:

Report of the subcommittee of the Committee on Military Affairs concerning real estate held by the War Department.

Mr. WALSH. Mr. Speaker, reserving the right to object——

Mr. MANN. Mr. Speaker, why should it be printed as a House document?

Mr. KAHN. It is not a bill, and I do not see any other way in which it can be printed.

Mr. MANN. Well, is it a report to the House?

Mr. KAHN. It is a report to the full committee of the Committee on Military Affairs, and it contains a great deal of useful information.

Mr. MANN. I thought it was made as a report of the Committee on Military Affairs, in which case it would require it to be printed as a House document.

Mr. KAHN. The House subcommittee of the Committee on Military Affairs.

Mr. MONDELL. As I understand it, the Committee on Military Affairs should be authorized to report this as a part of their proceedings?

Mr. KAHN. Yes.

Mr. MONDELL. However, it is a very important question, and I think it would have more general attention if it was published as a House document. It seems to me it would.

Mr. WALSH. Reserving the right to object, Mr. Speaker, this is a report from a subcommittee to the full committee. Now, the full committee has not considered it?

Mr. KAHN. No. And the full committee has not had an opportunity even to see it, because it is not printed.

Mr. WALSH. Why does not the chairman of the committee have it printed as a committee document?

Mr. KAHN. The chairman was of the impression that the Members of the House were very much interested in the whole subject, and the committee thought it might be well to have it printed.

Mr. MONDELL. It is a statement of facts, as I understand it, in regard to the real estate the Government owns.

Mr. GARRETT of Tennessee. Is it expected that the full committee will take some action on it?

Mr. KAHN. The full committee will take some action on it later.

The SPEAKER. Is there objection?

Mr. DYER. What is the request?

The SPEAKER. That it be printed as a House document.

Mr. DYER. I have no objection.

The SPEAKER. The Chair hears no objection.

CALL OF THE HOUSE.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently no quorum is present.

Mr. MONDELL. Mr. Speaker, I move the call of the House.

The motion was agreed to.

The roll was called and the following Members failed to answer to their names:

Barkley	Fess	Lanham	Rainey, Ala.
Beck	Fish	Larson, Minn.	Rainey, Ill.
Beedy	Focht	Lawrence	Rayburn
Black	Free	Lee, N. Y.	Riordan
Bland, Ind.	Fulmer	Lineberger	Rodenberg
Bowers	Gallivan	McArthur	Ryan
Brinson	Goldsborough	McDuffie	Sabath
Britten	Gould	McFadden	Schall
Brooks, Pa.	Greene, Vt.	Mansfield	Shaw
Cantrill	Harrison	Michaelson	Siegel
Carter	Herrick	Moore, Ill.	Slemp
Clark, Fla.	Hooker	Morin	Smith, Mich.
Classon	Humphreys	Mott	Stiness
Cockran	Johnson, S. Dak.	Mudd	Strong, Pa.
Cole, Iowa	Keller	Nelson, John M.	Sullivan
Cramton	Kennedy	Nolan	Tague
Cullen	Kindred	O'Brien	Taylor, Colo.
Deal	Kirkpatrick	Ogden	Tinkham
Dunn	Kitchin	Osborne	Ward, N. Y.
Dupré	Knight	Park, Ga.	Wingo
Echols	Kreider	Patterson, N. J.	Winslow
Edmonds	Langley	Pou	Woodyard

The SPEAKER. Three hundred and thirty-nine Members have answered to their names. A quorum is present. The Doorkeeper will open the doors.

The doors were opened.

Mr. VOLSTEAD. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Minnesota moves that further proceedings under the call be dispensed with. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Tennessee asks for a division.

The House divided; and there were—ayes 188, noes 71.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Tennessee asks for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on agreeing to the motion to suspend further proceedings under the call. Those favoring the motion will, when their names are called, answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 272, nays 56, not voting 102, as follows:

YEAS—272.

Ackerman	Bland, Va.	Butler	Cooper, Ohio
Almon	Blanton	Byrnes, S. C.	Cooper, Wis.
Andrew, Mass.	Boies	Byrns, Tenn.	Copley
Andrews, Nebr.	Bond	Cable	Coughlin
Ansorge	Brand	Campbell, Kans.	Crago
Anthony	Brennan	Chalmers	Crisp
Appleby	Briggs	Chandler, Okla.	Crowther
Arentz	Brooks, Ill.	Chindblom	Curry
Atkeson	Brown, Tenn.	Christopherson	Dale
Bacharach	Browne, Wis.	Clague	Dallinger
Bankhead	Buchanan	Clarke, N. Y.	Darrow
Barbour	Bulwinkle	Clouse	Davis, Minn.
Begg	Burdick	Codd	Dempsey
Benham	Burke	Cole, Iowa	Denison
Bird	Burroughs	Cole, Ohio	Doughton
Bixler	Burtness	Colton	Dowell
Blakeney	Burton	Connell	Drewry

Dunbar	Ireland	Millspaugh	Smithwick
Dyer	James	Mondell	Snell
Echols	Jefferis, Nebr.	Montague	Snyder
Elliott	Johnson, Ky.	Montoya	Speaks
Ellis	Johnson, S. Dak.	Moore, Ohio	Sproul
Evans	Johnson, Wash.	Moore, Va.	Stafford
Fairchild	Jones, Pa.	Moores, Ind.	Steagall
Fairfield	Kelly, Pa.	Morgan	Stedman
Faust	Ketcham	Murphy	Steenerson
Fenn	Kiess	Nelson, A. P.	Stephens
Fisher	King	Newton, Minn.	Strong, Kans.
Fitzgerald	Kinkaid	Newton, Mo.	Summers, Wash.
Focht	Kissel	Nolan	Sweet
Fordney	Kleczka	Norton	Swing
Foster	Kline, N. Y.	Olpp	Taylor, N. J.
Frear	Kline, Pa.	Padgett	Taylor, Tenn.
Freeman	Knutson	Paige	Temple
French	Kopp	Parker, N. Y.	Thompson
Frothingham	Kraus	Patterson, Mo.	Tilson
Fuller	Kunz	Perkins	Timberlake
Funk	Lampert	Petersen	Tincher
Gahn	Lankford	Porter	Towner
Garner	Larsen, Ga.	Pou	Treadway
Gensman	Layton	Pringey	Underhill
Gernerd	Lea, Calif.	Radcliffe	Vaile
Glynn	Leatherwood	Raker	Vare
Goodykoontz	Lee, Ga.	Ramseyer	Vestal
Gorman	Lehlbach	Ransley	Vinson
Graham, Ill.	Little	Rayburn	Voigt
Greene, Mass.	London	Reavis	Volk
Griest	Longworth	Reber	Volstead
Hadley	Lowrey	Reece	Walsh
Hardy, Colo.	Luce	Reed, N. Y.	Walters
Haugen	Luhring	Reed, W. Va.	Wason
Hawes	McClintic	Rhodes	Watson
Hawley	McCormick	Ricketts	Webster
Hayden	McKenzie	Roach	Wheeler
Hays	McLaughlin, Mich.	Robsion	White, Kans.
Hersey	McLaughlin, Nebr.	Rogers	White, Me.
Hickey	McLaughlin, Pa.	Rose	Williams
Hicks	MacGregor	Rosenbloom	Williamson
Hill	Madden	Rossdale	Wise
Himes	Magee	Sanders, Ind.	Wood, Ind.
Hoch	Maloney	Sanders, N. Y.	Woodruff
Hogan	Mann	Scott, Mich.	Woods, Va.
Houghton	Mapes	Scott, Tenn.	Woodyard
Hudspeth	Martin	Sears	Wurzbach
Hukriede	Merritt	Shelton	Wyant
Hull	Michener	Shreve	Yates
Husted	Miller	Sinclair	Young
Hutchinson	Mills	Sinnott	Zihlman

NAYS—56.

Aswell	Fields	Lyon	Sisson
Bell	Garrett, Tenn.	McSwain	Stevenson
Bowling	Garrett, Tex.	Mead	Stoll
Box	Gilbert	O'Connor	Sumners, Tex.
Carew	Hammer	Oliver	Swank
Collier	Hardy, Tex.	Overstreet	Taylor, Ark.
Collins	Huddleston	Parks, Ark.	Ten Eyck
Connally, Tex.	Jacoway	Parrish	Thomas
Davis, Tenn.	Johnson, Miss.	Quin	Tillman
Deal	Jones, Tex.	Rankin	Tyson
Dominick	Kincheloe	Rouse	Upshaw
Drane	Lazaro	Rucker	Ward, N. C.
Driver	Linthicum	Sanders, Tex.	Weaver
Favrot	Logan	Sandlin	Wright

NOT VOTING—102.

Anderson	Fish	Langley	Rainey, Ala.
Barkley	Free	Lanham	Rainey, Ill.
Beck	Fulmer	Larson, Minn.	Riddick
Beedy	Gallivan	Lawrence	Riordan
Black	Goldsborough	Lee, N. Y.	Robertson
Bland, Ind.	Gould	Lineberger	Rodenberg
Bowers	Graham, Pa.	McArthur	Ryan
Brinson	Green, Iowa	McDuffie	Sabath
Britten	Greene, Vt.	McFadden	Schall
Brooks, Pa.	Griffin	McPherson	Shaw
Campbell, Pa.	Harrison	Mansfield	Siegel
Cannon	Herrick	Michaelson	Slemp
Cantrill	Hooker	Moore, Ill.	Smith, Idaho
Carter	Humphreys	Morin	Smith, Mich.
Chandler, N. Y.	Jeffers, Ala.	Mott	Stiness
Clark, Fla.	Kahn	Mudd	Strong, Pa.
Classon	Kearns	Nelson, J. M.	Sullivan
Cockran	Keller	O'Brien	Tague
Connolly, Pa.	Kelley, Mich.	Ogden	Taylor, Colo.
Cramton	Kendall	Oldfield	Tinkham
Cullen	Kennedy	Osborne	Ward, N. Y.
Dickinson	Kindred	Park, Ga.	Wilson
Dunn	Kirkpatrick	Parker, N. J.	Wingo
Dupré	Kitchin	Patterson, N. J.	Winslow
Edmonds	Knight	Perlman	
Fess	Kreider	Purnell	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. MCARTHUR with Mr. SABATH.

Mr. WINSLOW with Mr. MANSFIELD.

Mr. CANNON with Mr. COCKRAN.

Mr. BEEDY with Mr. HUMPHREYS.

Mr. MORIN with Mr. LANHAM.

Mr. PERLMAN with Mr. OLDFIELD.

Mr. TREADWAY with Mr. RAINEY of Illinois.

Mr. RODENBERG with Mr. BARKLEY.

Mr. SIEGEL with Mr. HOOKER.

Mr. MCPHERSON with Mr. GALLIVAN.

Mr. MOORE of Illinois with Mr. WILSON.

Mr. LINEBERGER with Mr. KITCHIN.

Mr. KENNEDY with Mr. TAGUE.

Mr. DUNN with Mr. CANTRILL.

Mr. FREE with Mr. GRIFFIN.

Mr. KAHN with Mr. DUPRÉ.

Mr. OSBORNE with Mr. WINGO.

Mr. STRONG of Pennsylvania with Mr. CULLEN.

Mr. BLAND of Indiana with Mr. MCDUFFIE.

Mr. KNIGHT with Mr. PARK of Georgia.

Mr. LAWRENCE with Mr. CARTER.

Mr. STINESS with Mr. BLACK.

Mr. OGDEN with Mr. RIORDAN.

Mr. PATTERSON of New Jersey with Mr. KINDRED.

Mr. KEARNS with Mr. O'BRIEN.

Mr. FESS with Mr. CAMPBELL of Pennsylvania.

Mr. PURNELL with Mr. SULLIVAN.

Mr. GRAHAM of Pennsylvania with Mr. BRINSON.

Mr. BROOKS of Pennsylvania with Mr. HARRISON.

Mr. GREENE of Vermont with Mr. TAYLOR of Colorado.

Mr. EDMONDS with Mr. GOLDSBOROUGH.

Mr. KRIEDER with Mr. RAINEY of Alabama.

Mr. CONNOLLY of Pennsylvania with Mr. FULMER.

Mr. ANDERSON with Mr. JEFFERS of Alabama.

The result of the vote was announced as above recorded.

Mr. GARRETT of Tennessee. Mr. Speaker, I move that the House do now adjourn.

Mr. LONGWORTH. I make the point of order that that motion is dilatory.

The SPEAKER. The Chair thinks the motion is dilatory, but he is open to conviction, and will hear the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Mr. Speaker, this is the only motion to adjourn that has been made to-day.

The SPEAKER. Is that all the gentleman wishes to say? Then the Chair will rule. The rule says that no dilatory motion shall be entertained by the Speaker.

Mr. GARRETT of Tennessee. Well, Mr. Speaker, I think it would be going a long way to hold the first motion to adjourn dilatory. I know the rule about motions to adjourn having been held dilatory, but this is the first motion to adjourn that has been made to-day, and I feel that it would be going rather a long way to hold it dilatory.

The SPEAKER. The Chair does not think the fact that it is the first time to-day that the motion to adjourn has been made proves that it is not dilatory. The Chair believes that it is well known to all Members of the House that when this anti-lynching bill has been up before, or has been imminent, there has been a deliberate attempt at obstruction led by the gentleman from Tennessee, and to-day on the vote just taken the gentleman from Tennessee demanded the yeas and nays on the motion to dispense with further proceedings under the call, a mere formal motion on which a record vote meant nothing. That obviously was done to kill time.

In deciding what is dilatory the Chair thinks he should be very careful, because his decision is final; but, on the other hand, he does not think there can be any question in the minds of any of the Members of the House present that the purpose of the gentleman from Tennessee in making this motion is delay, and not the expectation or intention of accomplishing any other result by the motion. Therefore the Chair thinks that the motion is dilatory.

Mr. GARRETT of Tennessee. Mr. Speaker, I am surprised that the Chair and the majority are in such a hurry to ruin the Constitution. [Laughter.]

Mr. VOLSTEAD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the further consideration of the antilynching bill, H. R. 13, and on that I ask for the yeas and nays.

Mr. GARRETT of Tennessee. That is dilatory.

Mr. LANKFORD. Obviously so. [Laughter.]

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 13, and on that motion he demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 224, nays 92, answered "present" 3, not voting 111, as follows:

YEAS—224.

Ackerman	Bacharach	Boles	Burroughs
Anderson	Barbour	Bond	Burtness
Andrew, Mass.	Beck	Brennan	Burton
Andrews, Nebr.	Begg	Brooks, Ill.	Butler
Ansorge	Benham	Brown, Tenn.	Cable
Anthony	Bird	Browne, Wis.	Campbell, Kans.
Appleby	Bixler	Burdick	Chalmers
Atkeson	Blakeney	Burke	Chandler, N. Y.

Chindblom	Green, Iowa	MacGregor	Shreve
Christopherson	Greene, Mass.	Madden	Sinclair
Clague	Hadley	Magee	Sinnott
Clarke, N. Y.	Hardy, Colo.	Maloney	Snell
Clouse	Hawley	Mann	Snyder
Codd	Hays	Mapes	Speaks
Cole, Iowa	Hersey	Mead	Sproul
Cole, Ohio	Hickey	Merritt	Stafford
Colton	Hicks	Michener	Steenerson
Connell	Hill	Miller	Stephens
Connolly, Pa.	Himes	Mills	Strong, Kans.
Cooper, Ohio	Hoch	Millspaugh	Summers, Wash.
Cooper, Wis.	Hogan	Mondell	Sweet
Copley	Hukriede	Montoya	Swing
Coughlin	Hull	Moore, Ohio	Taylor, N. J.
Crago	Husted	Morgan	Taylor, Tenn.
Crowther	Hutchinson	Murphy	Temple
Curry	Ireland	Nelson, A. P.	Thompson
Dale	James	Newton, Minn.	Tilson
Dallinger	Jefferis, Nebr.	Newton, Mo.	Timberlake
Darrow	Johnson, Ky.	Nolan	Tincher
Davis, Minn.	Johnson, S. Dak.	Norton	Tinkham
Dempsey	Johnson, Wash.	Olpp	Towner
Denison	Jones, Pa.	Paige	Treadway
Dowell	Kearns	Parker, N. Y.	Underhill
Dunbar	Kendall	Patterson, Mo.	Vaile
Dyer	Ketcham	Perkins	Vare
Elliott	Kiess	Perlman	Vestal
Evans	Kissel	Petersen	Volk
Fairchild	Kline, N. Y.	Pringey	Volstead
Fairfield	Kline, Pa.	Radcliffe	Walsh
Faust	Knutson	Ransley	Walters
Fenn	Kopp	Reece	Wason
Fitzgerald	Kraus	Reed, N. Y.	Watson
Focht	Kunz	Reed, W. Va.	Webster
Fordney	Layton	Rhodes	Wheeler
Foster	Lea, Calif.	Ricketts	White, Kans.
Frear	Leatherwood	Roach	White, Me.
Freeman	Lehlbach	Robsion	Williams
Frothingham	Little	Rose	Williamson
Fuller	London	Rosenbloom	Winslow
Funk	Luce	Rossdale	Wood, Ind.
Gahn	Luhring	Sanders, Ind.	Woodruff
Gensman	McCormick	Sanders, N. Y.	Woodyard
Gernerd	McKenzie	Schall	Wyant
Glynn	McLaughlin, Mich.	Scott, Mich.	Yates
Gorman	McLaughlin, Nebr.	Scott, Tenn.	Young
Graham, Ill.	McLaughlin, Pa.	Shelton	Zihlman

NAYS—92.

Almon	Drane	Lazaro	Sandlin
Aswell	Drewry	Lee, Ga.	Sears
Bankhead	Driver	Logan	Sisson
Bell	Favrot	Lowrey	Smithwick
Bland, Va.	Fields	Lyon	Steagall
Blanton	Fisher	McClintic	Stedman
Bowling	Garner	McSwain	Stevenson
Box	Garrett, Tenn.	Martin	Stoll
Brand	Garrett, Tex.	Montague	Sumners, Tex.
Briggs	Gilbert	O'Connor	Swank
Buchanan	Hammer	Oldfield	Taylor, Ark.
Bulwinkle	Hardy, Tex.	Oliver	Ten Eyck
Byrnes, S. C.	Harrison	Overstreet	Thomas
Byrns, Tenn.	Hawes	Padgett	Tillman
Carew	Hayden	Parks, Ark.	Tyson
Collier	Huddleston	Parrish	Upshaw
Collins	Hudspeth	Pou	Vinson
Connally, Tex.	Jacoway	Quin	Ward, N. C.
Crisp	Johnson, Miss.	Raker	Weaver
Davis, Tenn.	Jones, Tex.	Rankin	Wilson
Deal	Kincheloe	Rayburn	Wise
Dominick	Lankford	Rouse	Woods, Va.
Doughton	Larsen, Ga.	Sanders, Tex.	Wright

ANSWERED "PRESENT"—3.

Goodykoontz	Reber	Rucker

NOT VOTING—111.

Arentz	French	Lampert	Porter
Barkley	Fulmer	Langley	Purnell
Beedy	Gallivan	Lanham	Rainey, Ala.
Black	Goldsborough	Larson, Minn.	Rainey, Ill.
Bland, Ind.	Gould	Lawrence	Ramseyer
Bowers	Graham, Pa.	Lee, N. Y.	Reavis
Brinson	Greene, Vt.	Lineberger	Riddick
Britten	Griest	Linthicum	Riordan
Brooks, Pa.	Griffin	Longworth	Robertson
Campbell, Pa.	Haugen	McArthur	Rodenberg
Cannon	Herrick	McDuffie	Rogers
Cantrill	Hooker	McFadden	Ryan
Carter	Houghton	McPherson	Sabath
Chandler, Okla.	Humphreys	Mansfield	Shaw
Clark, Fla.	Jeffers, Ala.	Michaelson	Siegel
Classon	Kahn	Moore, Ill.	Slemp
Cockran	Keller	Moore, Va.	Smith, Idaho
Cramton	Kelley, Mich.	Moores, Ind.	Smith, Mich.
Cullen	Kelly, Pa.	Morin	Stiness
Dickinson	Kennedy	Mott	Strong, Pa.
Dunn	Kindred	Mudd	Sullivan
Dupré	King	Nelson, J. M.	Tague
Echols	Kinkaid	O'Brien	Taylor, Colo.
Edmonds	Kirkpatrick	Ogden	Voigt
Ellis	Kitchin	Osborne	Ward, N. Y.
Fess	Kleczka	Park, Ga.	Wingo
Fish	Knight	Parker, N. J.	Wurzbach
Free	Kreider	Patterson, N. J.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. MCPHERSON (for) with Mr. DUPRÉ (against).

Mr. BLAND of Indiana (for) with Mr. MANSFIELD (against).

Mr. SIEGEL (for) with Mr. JEFFERS of Alabama (against).

Mr. MOORE of Illinois (for) with Mr. BARKLEY (against).

Mr. DUNN (for) with Mr. WINGO (against).

Mr. FREE (for) with Mr. HUMPHREYS (against).

Mr. LAWRENCE (for) with Mr. BLACK (against).

Mr. LINEBERGER (for) with Mr. KITCHIN (against).

Mr. KENNEDY (for) with Mr. MOORE of Virginia (against).

Mr. KAHN (for) with Mr. CANTRILL (against).

Mr. MORIN (for) with Mr. HOOKER (against).

Mr. MCARTHUR (for) with Mr. BRINSON (against).

Mr. PATTERSON of New Jersey (for) with Mr. PARK of Georgia (against).

Mr. OSBORNE (for) with Mr. RAINEY of Alabama (against).

Mr. KNIGHT (for) with Mr. CULLEN (against).

Mr. FISH (for) with Mr. LANHAM (against).

Mr. OGDEN (for) with Mr. CARTER (against).

Until further notice:

Mr. RODENBERG with Mr. RUCKER.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. GOODYKOONTZ with Mr. LINTHICUM.

Mr. REAVIS with Mr. GALLIVAN.

Mr. WURZBACH with Mr. GRIFFIN.

Mr. GRIEST with Mr. KINDRED.

Mr. EDMONDS with Mr. O'BRIEN.

Mr. LONGWORTH with Mr. RAINEY of Illinois.

Mr. PORTER with Mr. RIORDAN.

Mr. ARENTZ with Mr. SABATH.

Mr. LAMPERT with Mr. TAGUE.

Mr. GOODYKOONTZ. Mr. Speaker, on this roll call I voted "yea." I am paired with the gentleman from Maryland [Mr. LINTHICUM]. I wish to withdraw my vote and to answer present.

Mr. HERRICK. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. HERRICK. Not when my name was called. I just came in a minute ago.

The SPEAKER. The gentleman does not qualify under the rule.

The result of the vote was announced as above recorded.

ANTILYNCHING BILL.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 13, to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, with Mr. CAMPBELL of Kansas in the chair.

Mr. VOLSTEAD. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman and gentlemen, what a happy world this would be if there were no crime anywhere; and what a happy people the American people ought to be, for they above all the rest of the world have privileges that no other people enjoy. Of all the nations in the world this Nation certainly should be the most law-abiding, for here as nowhere other in all the world the powers of the Government come up from the people to the State, while in every other nation rights go down from the State to the people. The privilege of being an American citizen is the greatest privilege that can be granted to man. The responsibility that an American citizenship carries is great, and the responsibility should be assumed along lines that are in keeping with the privilege. There ought to be no man anywhere in America either above or below the law. This is a government of laws and not of men. The law should be supreme. The humblest citizen, no less than the most exalted, should have the protection of the law. No citizen or combination of citizens should be permitted under any circumstances to arrogate to themselves the right to control the law. No mob violence should be tolerated in America. America has made the most wonderful progress of all the nations of the world. She is the leader in belief of liberty to the citizen. She believes in the uplift of the human race everywhere. We boast of the freedom we have extended to subject races in other lands, and yet we forget the humility that is imposed on 12,000,000 people in our own land.

The bill under consideration pending before the House is one that seeks to remedy an appalling evil, one which ought not to be permitted to exist in a civilized nation, one which is the most serious blot on American supremacy among the nations of the world. The bill that is pending before us seeks to remedy that awful evil. We do not hesitate to say that we are willing to divide the police power of the State with the Nation to enforce prohibition, but we hesitate, or many do, to divide the police power of the State with the Nation to preserve human life.

The question is, Is human life less sacred than the appetite of the individual which we seek to control through our prohibition legislation? Human life should be taken only after the most sacred and painstaking legal consideration. Crime should be punished by whomsoever committed, but it should be punished only after a fair trial in the courts of the land by a jury of our peers. [Applause.] The Constitution of the United States guarantees life, liberty, and property. Is life less sacred than property, less sacred than liberty, that we should permit to go unpunished mobs here and there and everywhere who take unto themselves the right of life and who punish by lynching some one, perhaps, who may be charged with a heinous crime for which the courts would punish that person if the case was properly presented and tried?

The time has come when we can not call this the land of human dignity and human liberty unless we eradicate this appalling evil. Among the greatest achievements ever accomplished by civilized nations was that accomplished by America when it freed the slaves. It gave to the world the evidence of our desire to place men where they could have an opportunity to make progress as men and not as chattels.

They have made this progress to a greater extent than that of any race that history reveals. To-day the Negroes of America have among them teachers, preachers, doctors, artists, merchants, manufacturers, bankers, and are engaged in every useful occupation which America affords. They have men of education and refinement among them. Their heart beats with as much love for their offspring and for the liberties that they ought to enjoy as the heart of any other man in any other race. Why should we as a great Nation, claiming the leadership in the world's progress, any longer hesitate as to what our attitude shall be with respect to the treatment of this great people?

The antilynching bill pending before the House is not a bill in favor of the protection of the Negro particularly. It is in favor of law and order. [Applause.] It is in favor of law enforcement. It is a bill to provide for the enforcement of the law in sections of the Nation where the political units of the Nation refuse to enforce it themselves.

Will anybody doubt the wisdom or the justice of the law that will punish crime? Does anybody deny that this law pretends to do anything more than that? Will anybody doubt the necessity and importance of giving to the world a declaration such as this law will contain, and that is that America now and henceforth proposes to wipe this stench from the annals of its activities? Will anybody doubt that life should be protected and that mob violence should be eradicated and eliminated? Will anybody say, no matter who he is or how much he may be opposed to any freedom for the Negro, that he is not entitled to the protection of the law in the land where he has been accorded the rights of citizenship? Will anybody say that the nation which commands his life in time of war, drafts him into the service, where he must give everything he has for the freedom and protection of the nation under which he lives, that he is not entitled to the protection of the nation which he is giving his blood to preserve? [Applause.] Will anybody say that mobs may be organized anywhere and that no law exists for their punishment? Will anybody charge or assert that because some man, forsooth, who may be a Negro, is charged with the commission of a crime, that he is not entitled to a trial before a jury of his peers? Why do we organize the courts? Is it for the purpose of protecting only one class, or are they representative of the citizenship of the Nation?

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MADDEN. No; not now. I am not in favor of permitting anywhere in this land the organization of any number, no matter how powerful they maye be, to take the law into their own hands.

Many men have been lynched because it has been said that they committed rape. No man who would commit rape should be allowed to live, but he ought to be tried and convicted by the courts, I do not care whether the man be black or white. Such a crime should not go unpunished any longer than it takes to try and convict the man who commits it, but who shall say that the courts are not to be permitted to try the case? Shall some mob somewhere be permitted to take a man charged with crime from his own home, perhaps a man it may be who is innocent, and who frequently is, and lynch him because his skin is black? How many of these lynchings have happened in the case of white men? Not many. That would not last long. These people who presume to arrogate to themselves the right to dictate the law of the land while they are violating the law would not go very far in the communities where they lived if they undertook to lynch white men, and why should they go along very far when they undertake to lynch black men or black women? If the courts are impotent in the sections of the country where these crimes are committed to punish those who commit the crimes, then there ought to be some remedy. What is the remedy? This bill proposes the remedy. I want to see it passed. I want to see the laws of the land enforced as to everyone, the rich and poor, black and white, Jew and Gentile. Everyone in America, no matter what the color of his skin may be, as long as he behaves himself is entitled to the protection of the law. Everyone in America who fails to behave himself and violates the law should be punished.

I am in favor of law enforcement to the letter, not only in connection with this sort of crime but in connection with all crime. I do not believe there is any man in America who should be powerful enough to escape the punishment that is justly his for any crime that he may commit, after a fair trial; but he ought to have the right of a fair trial.

The laws of the land provide that he shall have. If he does not have, then the laws of the land are violated. I know of no crime that anybody can commit against which the law should be more rigidly enforced than this crime of lynching. A man may commit murder and he may do it in a passion, in the heat of the moment, but you would not lynch him for that. You would give him a fair chance to be tried, you would give him a chance to be tried before a jury of his peers. If the evidence was against him, you would convict him, but if it was proven that he was not guilty of the offense of murder he would be either acquitted or perhaps be convicted of a less crime. Nobody can say that a mob, organized deliberately for the taking of life and foiling the law of the land, does what it does in the heat of passion or without deliberation. There can be no question but that the organizers and participants in a mob should be tried, and should be tried instanter—without delay, and a quick and sure punishment should be meted out for the crime they commit; but even then I would not advocate that those people should not be permitted to be tried. I would not let some other mob take the law into his own hands to punish those who were guilty in the first mob. I would insist even then that they should be tried. Every man who commits a crime in America is entitled to a trial. He is entitled to the protection of the law. If the law provides that his life shall be taken because of the crime that he commits, then his life ought to be taken; but it does not provide anywhere in the law, it is not written on any statute book anywhere in America, that any number of men outside of the law, even officials of the Nation, shall be permitted to take the law into their own hands and hang innocent men or even guilty men. So, Mr. Chairman, I am in favor of this bill and I am anxious to see it passed, and passed without delay. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

By unanimous consent, Mr. MADDEN was granted leave to extend his remarks in the RECORD.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 45 minutes to the gentleman from Arkansas [Mr. TILLMAN]. [Applause.]

Mr. TILLMAN. Mr. Chairman, I ask the same privilege which has been accorded other Members who have spoken upon this subject. If I fail to conclude my remarks in the time allotted me, I ask unanimous consent to extend and revise them in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TILLMAN. Mr. Chairman, I quite agree with the gentleman who has so long and ably represented the first district in Illinois [Mr. MADDEN] in what he said about the desirability of law enforcement. Americans ought to be and in the main are a law-loving, law-respecting people. The law should be supreme, and no man who has spoken on our side of the House and no one over here who shall speak upon this question but will deprecate mob murder. No man can justify or excuse it. I have a few words to say in explanation of why it occurs, but no man will go further than I or than our side will go to prevent lynching in America.

I believe also that we should respect the fundamental law of the land, the Constitution of the United States, and I assert that there is not a judicial officer in the State of Missouri, where lives the author of this bill, from the chief justice of the supreme court down to the humblest justice of the peace, who will say that this measure is warranted by the Constitution.

Mr. CHANDLER of New York. Mr. Chairman, will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. CHANDLER of New York. How does the gentleman know that? Has there been any adjudication upon the subject?

Mr. TILLMAN. Everybody, even the gentleman from New York, knows that this particular bill has not yet passed, and this fact answers his query as to whether or not there has been a judicial interpretation upon this measure, but if the gentleman respects the Constitution and will listen to me, I think I can convince him that the highest court of the land has said emphatically in so many words that the principles and provisions of this bill are without constitutional warrant.

Mr. CHANDLER of New York. The gentleman will admit that this bill has not yet been passed into law.

Mr. TILLMAN. I have just so stated, but a similar question or exactly the same question has been passed on. This bill is based upon the fourteenth amendment, and I will get to the legal proposition later and ask that I be not interrupted for a time.

The partisan majority have selected an unpropitious time to propose a measure which in its scope and purpose is radical, revolutionary, and sinister. Its proposal precipitates sectional bitterness and sectional strife. This, too, in a season of peace on earth and good will to men, and yet in this season of blessed peace you are declaring war against the philosophy of our system of government and are seeking by this bill, utterly without constitutional warrant, to impair, if not destroy, all that is left of local self-government and State sovereignty.

To-day England, our ancient enemy; Japan, our late potential foe; France, always our friend and ally; and our own Government are entering into peace agreements that promise partial relief for generations from war and war burdens. Nations now are stripping for peace, not arming for conflict. To-day Great Britain and Ireland have just settled a seven-century quarrel. Yet in the midst of preparations for world peace the haughty majority in this House, blinded by party passion and obsessed by a pitiless lust for punishing the section which furnishes the small minority in this Chamber, have tossed between your side of the House and ours an apple of discord in the form of House bill No. 13, which you well know will provoke violent controversy, and which we know and you know will aggravate, not cure, the inexcusable crime of lynching.

Let us have peace at home and throughout the world. You will get this iniquity through the House by your usual strong-arm methods, but never through the Senate. We lose patience sometimes with the Senate because of its perennial and copious outpourings of words, because of its archaic rules permitting unlimited debate, but its lack of cloture once saved us from the force bill, and it will save us from this vicious but silly assault on the Constitution.

While I am not enrolled as an accredited adviser of the Republican organization, I doubt if there is any party advantage to you in the tactics involved in attempting this character of legislation. I know this will weaken your party in the South. You have made gains in the South through your protection policy. You will neutralize these gains by the advocacy of this bill. Party history will repeat itself. At the close of the war between the States the radicals were in control in both House and Senate, and party strategy suggested to them punitive legislation toward the prostrate and stricken South. Thaddeus Stevens, forceful, truculent, and cynical, a fanatical hater of the South, but with a keen, logical mind, dominated the Thirty-ninth Congress, and on December 5, 1865, introduced the fourteenth amendment. This amendment was not adopted until after a three-year spirited struggle. Conservative men of the North and West stoutly opposed it. Its clear purpose was to punish the South, to elevate the Negro to equality with the white race, to centralize power in the hands of the Federal Government, and to perpetuate the radical Republican Party in power. At this time your party disfranchised the intelligent southern white man and enfranchised the ignorant southern black man. The adoption of the fourteenth amendment and accompanying legislation all but destroyed the Republican Party. In 1874 they lost the House, all but lost the Senate, and in 1876 lost the Presidency. Tilden and Hendricks were elected, but be it said to their shame the Republicans stole the Presidency after the Democrats had won it.

Under the fourteenth amendment various radical congressional measures similar to the one attempted by H. R. 13 came before the Supreme Court for interpretation, and this tribunal repudiated the radical ideal of the scope of measures similar to the one under discussion, holding that the police power of the States still was in force. The Supreme Court, in a leading case seven years after the adoption of amendment 14, interpreted the amendment in its relation to wrong done by individuals to individuals, exactly the issue before the House to-day, and held in United States *v.* Cruikshank (92 U. S., 542) that this amendment offered no protection from individual invasion of individual rights, and that Congress had no authority to make affirmative laws for its enforcement.

The recent case that reaffirms this doctrine, and which is conclusive as to the unconstitutionality of this measure, should it be made a part of the statutes, was the opinion delivered by Judge Brewer in James *v.* Bowman (vol. 190, U. S. Supreme Court). This case involved the construction of the fifteenth amendment, and it is the veriest quibble to say that because this decision interpreted legislation under the fifteenth amendment that it does not control in a judicial interpretation touching exactly the same language used in the fourteenth amendment.

Listen to the language of the fourteenth amendment:

> Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

I ventured to interrupt the gentleman from Kansas [Mr. CAMPBELL] when he was asking for the adoption of the rule making this bill in order, and suggested to him that the word "State" was clearly the subject of the verb "deny," and yet the gentleman from Kansas denied this clear inference and said in effect that it meant no individuals or individual should deny, and so forth. If his contention is correct, then this last clause should read:

> Nor any individual deny to any person within its jurisdiction—
>
> Within the individual's jurisdiction—
>
> the equal protection under the law.

The pronoun "its" as used in the amendment has the word "State," of course, for its antecedent.

The fifteenth amendment provides that the right to vote shall not be denied or abridged by any State—mark you, by any State, not by any individual or individuals—on account of race, color, and so forth.

The prohibition in the two amendments are identical. Now, Judge Brewer, a Republican and one of the best lawyers that ever graced the Supreme Court bench, flatly says that the clauses in both the fourteenth and fifteenth amendments "relate to action by a State and not by individuals."

Louis XIV said, "I am the State," but no private individual and no group of private individuals in America can arrogate to themselves State sovereignty, or have this dignity conferred upon them by congressional legislation. In this connection I appeal from Louis XIV to the Supreme Court of this Nation. I appeal from the dictum of the gentleman from Kansas [Mr. CAMPBELL] to the judicial opinion of a greater Kansan, Judge Brewer. This sorry measure, if any supreme bench could be found to declare it warranted by our organic law, would mean the changing of the American Republic. The State legislatures and State courts would be reduced to pitiable impotency. Citizens of any and every State would be in the same attitude as were subject citizens of the Roman State under the most tyrannical of the Caesars; they would be under the surveillance of the central government, looking to it for protection in their persons and property and dreading its arbitrary power should they willfully or without intention go contrary to any of its regulations or requirements.

If a law can be enacted and enforced, providing that counties must be penalized in the sum of $10,000, every citizen thereof being innocent of wrongdoing, should a man afterwards lynched be carried through the same, then we will take a backward step of nineteen centuries.

Gen. Lew Wallace, in "Ben Hur," relates an incident, although fiction, it was typical of many actual occurrences in parts of the Roman Empire of that day. Ben Hur was upon the roof of his mother's palace watching the Roman soldiers march by, and inadvertently loosened a tile, which fell upon Valerius Gratus, the new procurator of Jerusalem, knocking him senseless from his horse. For this act Ben Hur, his mother, and sister were arrested. Ben Hur was sentenced to the galleys for life by Roman officers, not in the local courts of the Jews, and a detachment of Roman legionaires went to his mother's palace and nailed on its walls a notice in choice Latin, "This is the property of the Roman Government." In the haughty Roman mind this sententious announcement was thought sufficient, and it was.

Now, you propose a more drastic law than Caesar Augustus sanctioned, worse than any purple-clad Roman Emperor ever promulgated. You propose to invest a centralized Government with the power to visit upon innocent taxpayers of counties guiltless of wrongdoing a flat fine of $10,000, and by Federal decree to proclaim that this huge sum, the money of some one-time sovereign county in some one-time sovereign State, as the property of the Federal Treasury. It may be in a small mountain county of West Virginia or Kentucky or some sparsely settled county of Wyoming or Montana or a desert section of

Arizona or Nevada, where a levy of $10,000 would mean to the taxpayers thereof immediate bankruptcy. Woe to the Members from those sections who vote for this infamous measure when these counties are called upon to pay such a penalty. Such Members will certainly be mobbed politically, if not physically lynched. [Applause.]

Gentlemen say this is an important measure. Oh, supremely important; so important that the Judiciary Committee must report the same during the special session. The Attorney General's office must be drafted to overrule Judge Brewer with regard to its constitutionality. The Rules Committee must strong-arm it to a place on the calendar and to a vote. Indeed, it is heavy stuff. The gentleman from New York [Mr. COCKRAN] should have withheld his declaration as to the decadence of the House of Representatives until the advent of this flash of real statesmanship, then he would have felt more hopeful of the House. Soldiers' bonus bills, tariff, revenue, refunding bills, the great supply bills, and a thousand important measures must halt and wait until this most important matter is considered. The great world question of stabilizing exchange, so necessary for our foreign trade, must wait on this great bill. The proud English pound sterling is still 70 cents below its prewar value. The French franc, the Italian lire, the Austrian crown, the German mark, are almost valueless, and the all-important thing to do is to take legislative steps to appoint a commission to cooperate with foreign powers to stabilize world currency, but this world-wide issue must wait until this Republican Congress stabilizes the value of dead rapists. [Applause.]

You have been deflating many things. You have deflated corn from $2 a bushel to almost nothing, but now you propose to inflate dead criminals from almost nothing to $10,000 each. Seriously, why not address yourselves to the task of creating a foreign market for our surplus corn, wheat, copper, live stock, and manufactured products instead of creating an artificial and inflated home market for surplus criminals, white or black?

The bill provides, first, that a mob or riotous assembly is composed of five or more persons acting in concert for the purpose of unlawfully depriving a person of his life as a punishment for crime. Under this freak measure if four or a less number of people lynch a man they are not affected by this proposed legislation.

Second. That if any State or governmental subdivision fails, neglects, or refuses to provide and maintain protection to the life of any person within its jurisdiction against a mob or riotous assemblage such State shall by reason thereof be deemed to have denied to such person "the equal protection of the laws" of the State.

Third. That any State or municipal officer charged with the duty and authority of such officer to protect the life of any person that may be put to death by the mob, or who has such person in his charge as a prisoner, who fails, neglects, or refuses to make all reasonable effort to prevent such person from being put to death, shall be guilty of a felony.

Fourth. Any State or municipal officer charged with the duty of apprehending or prosecuting any person participating in such mob who fails, neglects, or refuses to make all reasonable effort to apprehend and prosecute to final judgment under the laws of such State shall be guilty of a felony, and so forth.

Fifth. Any person who participates in a mob, who takes from the possession of any State or municipal officer any prisoner held by such officer and puts such prisoner to death shall be sent to the penitentiary for life or not less than five years.

Sixth. Any person who participates in a mob, who obstructs or in any way prevents a State or municipal officer in discharging his duty to apprehend, prosecute, protect, or punish any person suspected of or charged with any public offense and puts such person to death shall be guilty of a felony and punished as above stated.

Seventh. That any person who participates in any mob by which a person is put to death shall be guilty of a felony and punished as above stated.

Eighth. That any county in which a person is put to death by a mob or any county into which or through which the victim is carried before he is put to death shall forfeit $10,000 to the family or, if he has no family, to the Government.

Ninth. That the Federal judge in whose court such forfeiture is recovered shall have the power to issue a mandatory order commanding the tax-levying officer of such district or county to levy a tax on the property of all the taxpayers of the entire county for the payment of such forfeiture, and if such State officer refuses said Federal judge shall have the power to commit such officer to jail as for contempt of court.

Mr. REAVIS. Will the gentleman yield?

Mr. TILLMAN. I shall be glad to yield.

Mr. REAVIS. Under the terms of this bill as presented to the House it is not essential that the crime be committed in the county.

Mr. TILLMAN. No; if the mob simply passes through the county it must respond in a fixed penalty of $10,000.

Mr. REAVIS. If they pass through there in the nighttime——

Mr. TILLMAN. Without a single citizen of the county ever knowing it, the mere ingress into a county costs that county $10,000. [Applause.]

In the speeches so far made on this bill no proponent of the same has deplored the awful crime which provokes many lynchings. The majority of the Judiciary Committee, in its report recommending the passage of the bill, seem to view with silent unconcern this important feature of the subject. I am opposed to the abominable cult of mob murder. It is barbarous, indefensible. The southern press, southern ministers, public men, judges, and officers condemn the frightful practice and do everything in their power to prevent it, and yet they deplore and attempt to stop the shameful and brutal crimes against women, and while these crimes are not the only ones for which mobs visit upon criminals what they consider wild justice, if that crime can be prevented I think it would be easy to stop lynching altogether.

The attitude of the majority and other partisans of this measure in stressing the enormity of lynchings and in ignoring the crime largely responsible for the same is bearing and will continue to bear its inevitable fruit.

Mr. KEARNS. Is it not true that every State in the Union has a law that gives to anyone who is injured by mob violence a certain indemnity?

Mr. TILLMAN. He has the right of suit, or his estate would have, against the party or parties who commit a tort against his person.

Now, please let me proceed without further interruption.

My good friend, Dr. FESS, the imperial highbrow from Ohio [laughter], spoke for this measure on December 19, as did others, decrying lynching and not condemning assault upon women. The motion to consider the bill in the Committee of the Whole was passed on the 20th, and on the 21st the Washington Post says the following outrage happened in the Capital City of the Nation, the Capital of a proud people, who respect womanhood:

> Thomas Minar, colored, of 2002 Eleventh Street NW., was committed to jail yesterday by Police Judge Hardison and charged with assaulting Mrs. Helen Lowe, of 1107 Eleventh Street NW., Monday.
>
> * * * * * * *
>
> According to the story told by Mrs. Lowe, as she entered the hallway to her apartment she was attacked by the Negro, who was lurking in a dark spot, and was choked and struck several times in the face. The alleged assailant of Mrs. Lowe is said to have been frightened off when a door was opened in another apartment in the building.
>
> When the victim of the attack entered court yesterday morning and saw Minar sitting at the trial table, she turned to her husband and trembling, seized his arm and collapsed.

This wretched bill and the conduct of its friends and proponents will multiply assaults upon women and thus increase materially the number of lynchings.

This is a delicate subject to discuss in polite English, and yet I feel that the issues presented by it should be debated with candor and in plain speech. We are so builded that we sometimes lose control of ourselves when our loved ones are made victims of foul assault, and I make this trite observation, not in defense of lynching but in explanation of its prevalence. There is no man in this House, I take it, who would not rather see his daughter, mother, wife or sister dead than to see her made the victim of a brutal assault, and girls and women in many sections of the South where criminal Negroes live are in constant danger of a fate a thousand times worse than death. The feeling of the average man as regards his women's honor was well set forth in stirring verse by Lord McCauley in the Roman ballad "Virginia." Virginia, an innocent schoolgirl, with her small tablets and satchel, not dreaming of shame or harm, went bounding home from school and was seized by Marcus, who wanted her for his master, Appius Claudius, for a shameful purpose. Her father, grim old Virginius, in kindness to her as well as to himself, snatched a knife from a booth, determined to save his daughter:

> From nameless evil that passeth taunt and blow,
> Foul outrage which thou knowest not, which thou shalt never know.
> Then clasp me round the neck once more and give me one more kiss,
> And now my own dear little girl, there is no way but this.
> With that he lifted high the steel and smote her in the side,
> And in her blood she sank to earth, and with one sob she died.

His further purpose in doing this was set forth in the couplet that follows:

> Still let the maiden's beauty swell the father's breast with pride,
> Still let the bridegroom's arms enfold an unpolluted bride.

That feeling in the breast of Virginius impelling him to slay his own daughter dwells in the breast of every red-blooded father in America to-day, and I lose patience with men who dwell at length on the enormity of mob murder, and it can not be defended, and yet offer no word of complaint because of the crime largely responsible for it. The solemn truth is that the most dangerous and deadly animal living is not the man-eating tiger of the jungle, nor the blood-thirsty lion of the desert, nor the hooded cobra of India, not the diamond rattlesnake of the western plains, but the lewd brute, black or white, who would defile or pollute pure girlhood or womanhood. And all through the South to-day a million sweet-faced Virginias with tablet and satchel go singing on their way to school, not knowing what lechery and outrage mean, pure as the lily's spotless leaf, but covertly watched by the vulture eyes of black criminals, ready and eager to assault and to ruin them. [Applause.]

Several years ago Margaret Lear, 14 years old, was coming home from the Shreveport, La., High School. She lived with her mother, a poor widow, on the edge of the city, and her way took her past a Negro saloon. Out of that saloon staggered a Negro named Coleman, "drunken," from the testimony, "on cheap gin." He followed her to a ditch on the edge of a field, assaulted her, and then shot her. When he had gone the child dragged herself along the field to her mother's gate, and there, clutching the pickets, she died. She was the daughter of a widowed mother. She had no father to protect her, "no brother in a sister's quarrel bold," and it seems to me more desirable to protect the life and virtue of the orphan Margaret Lears of the country and more important to vote penalties to keep the wolf from the door of their widowed mothers, after they are murdered by black brutes, than it is to vote penalties to the survivors of lynched victims. The Negro Coleman was saved from a mob by the authorities and was legally tried and executed.

What a handsome insurance policy without premiums required you are presenting to millions of potential criminals. We Democrats voted our soldiers a $10,000 policy, the maximum, but required them to pay for it. You are voting the vicious criminal element of the country a princely nonforfeitable policy, no premiums asked. The soldiers' compensation measures must wait while you vote generous gifts to rapists and murderers, and do you not know that these policies will encourage the vicious to take chances on committing crimes for which lynching is usually meted out, knowing that if they are lynched their families will be well cared for? The insurance companies are well aware of the danger of losing money by suicide and guard against it. Do you not know that under this bill, if it passes, lynching bees will become popular, because they will pay huge dividends? Aunt Malinda will want to cash Rastus in. Alive he is a liability; dead he is a fortune, and she and five confederates will form a battalion of death, and when Rastus visits a hen roost or threatens to commit or does commit some public offense, as mentioned in section 1, he will be lynched by five men in masks in due and ancient form, strictly following the terms set out in this threatened legislation. The bereaved widow of the departed can settle with the mob on easy terms and have money enough left to attract a better-looking husband. [Applause.]

It is said that the Negro Coleman, who murdered Margaret Lear, was drunk on cheap gin, such as was then manufactured by Lee Levy & Co. at 206 Market Street, St. Louis, Mo. One potent influence that prompted many southern Members to vote for prohibition was to remove, if possible, from the Negro intoxicating liquor. It inflamed him and rendered him more liable to commit the crime for which Coleman was hung, and I am afraid that some of the wets from the North are urging this legislation to even up with southern Members who supported prohibition.

The author of No. 13 is a stalwart wet.

The author of this bill represents the twelfth district of Missouri. In his district are the following wards in the city of St. Louis containing Negro citizens:

Ward 5	4,708
Ward 6	7,665
Ward 7	1,742
Ward 16	9,412
Ward 17	13,378
Ward 15 (11 precincts out of 14)	1,211
Ward 23 (13 precincts out of 15)	4,977
Total	43,113

The Negroes have a majority in ward 17 and clearly hold the balance of power in this district, and at the last election Mr. DYER was opposed by a Negro named Robert Owen, the nominee of the Farmer-Labor Party, and Samuel Rosenfeld, a Democrat. The following item published in the Times of October 23, 1920, may be of interest and may be regarded as significant:

Frequent interruptions marked a mass meeting of more than 2,000 Negroes at Louisiana Hall, 911 North Vandeventer Avenue, last night, when Congressman DYER, Republican candidate for reelection, made a plea for the support of his candidacy.

Hecklers from rival camps were on the outskirts of the audience and for a time made it impossible for DYER to go on.

DYER appealed to the voters to vote for him, declaring that every vote cast for Robert Owen, Negro nominee of the Farmer-Labor Party, would mean a vote for Samuel Rosenfeld, whom he branded as a "Texas Democrat."

Not so bad, the inference is, for the Negro Owen to go to Congress, but for heaven's sake do not discredit the State by sending a "Texas Democrat" to Washington. The item proceeds:

Henry Lincoln Johnson, a Negro Republican national committeeman from Georgia, urged the Negroes to vote the straight Republican ticket, saying that during the régime of President Wilson 3,961 Negroes have been lynched, 23 of whom were women, and all of whom were members of the Nation's overseas force.

The majority report mentions only 10 Negro ex-soldiers and only 2,522 Negroes altogether, as having been lynched in the last 30 years. Now, that was an interesting meeting. Louisiana is a warm State, and Louisiana Hall, in St. Louis, the night of October 22, 1920, was a warm hall, as it was crowded with over 2,000 perspiring Negroes, and there was much heckling on the outskirts. So from the Times's description we know that meeting was noisy, turbulent, and Republican, even if it was not as fragrant as a gentle summer zephyr that had just swept over a bed of violets. [Laughter.]

Henry Lincoln Johnson, who is he? He is the Negro appointed recorder of deeds for the District of Columbia by the President, and whose nomination went out of the Senate Chamber on the toe of the Senatorial boot. He further appears in the published hearings on the subject of "Presidential campaign expenses," on page 952. I will put him on the stand and allow him to speak for himself. I quote from the published testimony taken under Senate resolution No. 357:

Senator REED. You must be quite an influential man.

Mr. JOHNSON. Well, I do not know about that. I am simply a fellow, Senator REED, who has been under considerable tribulation. I have never hesitated to speak out about the matter of the barbarous incineration of human beings in Georgia.

The CHAIRMAN. How much money did you receive from the Lowden forces?

Mr. JOHNSON. About $9,000.

And the Georgians say he has since been called the Nine Thousand Dollar Georgia Peach. Now, Henry Lincoln Johnson did not want the St. Louis Negroes to vote for Robert Owen, lest a Texas Democrat might be elected to Congress from the twelfth Missouri district, and lest the House be further handicapped with some new JOHN GARNERS, SAM RAYBURNS, or EUGENE BLACKS, or others of the sterling men composing the exceptionally strong delegation from the Lone Star State. This Negro Johnson, who suffers agony at the lawlessness of southern Democrats, further deposes and testifies under oath in room 653, Federal Building, Chicago, Senator WILLIAM S. KENYON presiding, as follows:

The CHAIRMAN. What do you say about the expenditure of money by Clark Grier?

Mr. JOHNSON. He spent it around, down over a little hall over the drug store. He called all the boys in and excluded all the rest of us, saying he had personal conversations to have with them.

Grier handled the Wood corruption fund, and when he lost in the convention, Johnson further says:

Mr. Grier lost his head and just went around like a wild man, hollering to the delegates, and he said to them, "I have given you money and I have paid you money here and you have let Link Johnson come here and carry you astray," and asked for a return of the money. The boys came to me and I said, "Why just keep what you have got." So my friends were left with the money and I was glad to have it that way.

The CHAIRMAN. He paid them before they voted?

Mr. JOHNSON. Oh, yes, sir; it was before taking, Senator.

The CHAIRMAN. And he is considered a good political manager, is he?

Mr. JOHNSON. We thought he was up to that hour.

The CHAIRMAN. Can you give us any idea of the amount of money the Wood forces spent in Georgia?

Mr. JOHNSON. In a general way, I think they spent about all the way from $65,000 to $80,000.

So Johnson, who got $9,000 of bribe money from the corruption fund of the Republican governor of Illinois, who said the Wood people—Gen. Wood was then head of the Army and is now Governor of the Philippines—spent for corruption purposes among the Negroes of Georgia $65,000 to $80,000, wants lawlessness put down in the South, but only Democratic lawlessness.

Johnson was appointed recorder of deeds of the District of Columbia. And men advocating this unconstitutional measure have voted to deny the ballot to intelligent white women, and yet weep tears enough to turn the water wheel at a grist mill because men who sell their votes and then refuse to stay bought are not given political equality with white men in the South.

A man, white or black, who will sell his vote should be denied the right to vote, and the man who will buy a vote is worse than the man who sells it.

Now, good friends, sweep off a little of the mud on your door steps before you lose so much sleep thinking of the dust that lays at our door.

The Republican Party has never played fair with the Negro and never will. You made him believe that he would be accorded social and political equality with the whites and you knew that to be impossible. You tell him he must have political equality, which means a degree of social equality as well, and yet no Negro has been or will be appointed postmaster in a single city in Ohio, Indiana, or in any northern State, and Negroes have the balance of power in many northern districts. You never place Negroes on your State or county tickets in the North. Moreover, you know this bill is impossible, unwarranted by our organic law, and will never pass the Senate. Your treatment of the Negro, so far as redeeming your many promises to him is concerned, is a full half century of false pretense and deceit.

When the test comes, who is his real friend? The southern man who gives him work and pays him for it, and who votes and pays taxes to educate his children, or the northern Republican who promises him political equality and offices, and desires him to have those things only in the South, where you know that he can not obtain them?

Here is what you are doing for him now in the South: Arkansas is a typical far Southern State, and the Republican Party there in 1920 formed themselves into a lily white party and informed the Negro that there was room for him only on the outside. The Negroes then nominated one of their own race for governor and voted for him.

Virginia is a typical southern border State, and ranks with the best American Commonwealths; and what happened there last fall? They openly repudiated the Negro there. Col. Henry W. Anderson was nominated by the lily white faction, and the Negroes nominated a man of their own color for governor. Listen to plank 6 of the lily white platform. I will say in passing that there were just seven planks enumerated in this southern Republican platform. There are always just seven planks in such platforms—the five Federal office loaves and the two Federal office fishes. Plank 6 reads as follows:

> That the white people of Virginia, constituting over two-thirds of its population, holding 94 per cent of its property, with centuries of discipline and training in self-government, are charged with the solemn duty to all the people of the State to see that the State and local governments of the Commonwealth, are conducted and administered in accordance with these self-evident principles.

And the lily white candidate for governor of Virginia, having the backing of Dr. FESS, chairman of the Republican congressional committee, who fired the opening salvo the other day in behalf of the antilynching bill, boldly uttered the following statement in a public speech at Lynchburg a few days before the election last November:

> The idea of a Negro being elected governor of Virginia is nonsense. If he should be elected, why there are trees in the Capitol Square.

This is a threat that if the Negro were elected he would be lynched, and that Col. Anderson, Dr. FESS's choice for governor of Virginia, advocated and favored such action. I here quote an editorial on the subject taken from the Lynchburg News of November 1, 1921, a paper owned by Senator GLASS:

> BY FRAUD, VIOLENCE, OR BY LAW?
>
> When Henry W. Anderson suggests, as he did in his address in Lynchburg that there are trees available for Negroes who aspire, with prospect of success to public office in Virginia he virtually says:
>
> "Give the Negro the right to vote as the Republican Party advocates in its platform and upon which platform I plant myself solidly and the promises of which platform I solemnly pledge myself to have carried out, if elected, but if by the exercise of the right of suffrage we give him, the Negro in those 21 counties in which he outnumbers the whites, elects one of his own race to office, why lynch him."
>
> Mr. Anderson is asking the people of Virginia to undo the work of the constitutional convention of 1902, which disfranchised 140,000 Negroes, and to restore to those 140,000 Negroes the ballot. Asking that, he can not escape the results with a shrug of the shoulder or with pretended indignation. He promises to give those Negroes the ballot. That he protests because Negro election judges having been appointed under the amendment his party forced into the Constitution of the United States at the point of the bayonet does not alter the fact that he solemnly pledges himself to give every Negro, man and woman, not a criminal and not insane, the right to go to the polls and vote for whom he pleases and to elect anyone, white or black, he may have the necessary number of votes to elect to any elective office in Virginia.
>
> Mr. Anderson urges the election of school trustees by the people. In the same breath he urges that Negroes be given the right to vote for these trustees. In 21 counties in Virginia, including his own county of Dinwiddie, there are more Negroes than whites. What is to prevent those Negro voters from electing black school trustees to choose the teachers for the public schools of those counties? A rope and a tree, says Mr. Anderson.
>
> There is also fraud at the ballot box. Those desiring to make the choice can vote for Anderson; those desiring to prevent Negro domination by legal methods will vote for the candidate of the party which adopted those methods and saved the State from Negro councilmen, Negro Congressmen, and from the necessity to fight by whatever means were available to prevent the election of even more Negroes to office.

Your trouble is you play fast and loose; you blow hot and cold with your colored brother, and he has about found you out.

We do not deceive the Negro. We encourage him to acquire property, and the majority report shows that the people and the laws of Georgia are so fair to him that he has accumulated there 1,664,368 acres of land and pays taxes on $47,423,499 worth of property. He sometimes leaves the South, but he soon finds the northern Republicans are uncongenial and he comes back home, where the climate and the people are more to his liking.

The gentleman from New York [Mr. ANSORGE] is greatly shocked at the barbarism exhibited at the burning of the Negro, Henry Lowrey, at Nodena, in my State, a year ago. He does not seem in the least disturbed over the fact that the Negro had killed in cold blood in their own home Mr. Craig and his daughter, Mrs. Williamson. While the gentleman from New York holds up my State for this and other murders, which we condemn and strive to prevent, I remind him that there is no State in the Union in which more shocking and revolting crimes are committed than in his own State of New York.

Our Republican brethren from Massachusetts are supporting this measure. They can find no justification, no extenuating circumstances, to excuse or condone the crime of lynching. Nor can we; but Massachusetts statesmen should remember that as late as the seventeenth century on Witch Hill at Salem, 30 miles from cultured Boston, women and girls were burned, mobbed, for so-called witchcraft. I quote a few sentences in the handwriting of Ezekiel Cheever, a part of the official record at the trial of Sarah Osburn, charged with being a witch:

> Q. What evil spirit have you familiarity with?—A. None.
> Q. Have you made no contract with the devil?—A. No; I never saw the devil in my life.

The people who sanctioned witch burning—the Rev. Cotton Mather was a leader in this sport—were not ignorant people. They were Greek and Latin scholars, ministers of the Gospel, and learned men. Deputy Gov. Danforth directed arrests and filled the prisons with persons charged with witchcraft. Of course, these people burned were not witches, but that fact did not deter our Massachusetts friends from burning scores of innocent girls and women suspected of witchcraft. They had a unique method or test at Salem for determining if a suspected person was a witch. They would throw her in a deep pond. If she sank and drowned, she was not a witch. If she did not drown, she was a witch and had to be burned.

Now, the Massachusetts conscience is acutely aroused over the burning of an occasional ravisher in the South. You stopped burning witches without long-distance governmental interference, let us stop southern lynchings without long-distance governmental interference. We can and will do so. It is not a Federal but a local problem.

Speaking of Massachusetts, and I greatly respect the State and her strong delegation in this House, I wish to say that one of the gentlemen from the Bay State [Mr. TINKHAM] is quite active in season and out of season, mainly out of season, in thundering philippics at the South because she limits Negro suffrage. I see the gentleman is here. He is always present when we discuss black men or red liquor. [Laughter.] I find that on page 93 of the CONGRESSIONAL RECORD of May 21, 1919, the following Members from Massachusetts voted to deny the ballot to women: GREEN, LUCE, WALSH, and TINKHAM. So these gentlemen, particularly the honorable Member last above named, who has so often with dramatic fervor gibbeted the South for denying suffrage to Negroes, by his vote on universal suffrage said in effect that Mrs. Harding, Mrs. Wilson, and Jane Addams are not worthy of the ballot, but that the idle, the criminal, the ignorant Negro men of the South should not be restricted in their free use of the ballot by laws held constitutional.

I find it difficult at times to understand the Massachusetts conscience, or to follow the Bay State reasoning. For example, the Republican Members from Massachusetts want southern counties to pay a flat rate of $10,000 of the only good money in the world for the body of a colored dead rapist, when their forbears never thought of charging a southern planter prior to 1860 more than one-tenth of that sum for a vigorous live field hand.

Our northern friends are always publicly complaining of the South's treatment of the Negro, but not often privately. Whenever a strong and a weak race live side by side, the strong

race dominates. It is fate, Kismet, destiny, God. Where the Anglo-Saxon plants his foot, he becomes a conqueror. Ella Wheeler Wilcox catches the true vision in her poem "The White Man":

Wherever the white man's feet have trod,
(Oh! far does the white man stray),
A bold road rifles the virginal sod,
And the forest wakes out of its dream of God,
To yield him the right of way.
For this is the law: By the power of thought,
For worse, or for better, are miracles wrought,

Wherever the white man's pathway leads,
(Far, far has that pathway gone),
The earth is littered with broken creeds,
And always the dark man's tent recedes,
And the white man pushes on.
For this is the way: Be it good or ill,
All things must yield to the stronger will.

Wherever the white man's light is shed,
(Oh! far has that light been thrown),
Though nature has suffered and beauty fled,
Yet the goal of the race has been thrust ahead,
And the might of the race has grown,
For this is the law: Be it cruel or kind,
The universe sways to the power of mind.

It is difficult to find more real philosophy than this anywhere in poetical literature.

You make the Negro think that he should share political honors with the governing white class in the South.

Those best fitted to rule should govern and will govern in the long run. A few times in history, the criminal, the vicious, the depraved have seized the reins of government and made a sorry mess of it. This class ruled for a time during the French Revolution, and the guillotine in the Place de la Concorde worked overtime cutting off the heads of those who wore clean linen and bathed regularly. The reds selected a painted courtesan, as their ideal and proclaimed her as such. The men and women who had made France great and Paris beautiful were under surveillance and suspicion. It was Citizen Jean, Citizen Jacque, citizen everybody. Red terror and red murder reigned supreme. The same thing now obtains in poor afflicted Russia. It is Comrade Lenin, Comrade Trotski, comrade everybody, and the richest portion of the earth, once the mightly Slavic nation, fair, fertile Russia, is a howling, cootie-infested waste. Clothe the illiterate, lewd, vicious criminal black man with a little authority, brief or otherwise, and he will make a mess of things also. A race of tip takers can not become a race of rulers. [Applause.]

Men of the business North, you have more reds to-day than Russia has. A party was formed in New York on December 24, 1921, whose avowed purpose is to overthrow this Government with force. One of the convicts recently pardoned by the President addressed the convention and was loudly cheered, when he said he had no thanks to extend to the President for setting him free. As between the foreign red and our white brother at home, I am for the white American. As between our white brothers of the Pacific coast and the brown alien he distrusts, I am for the white man. You may need the help sooner than you think of the Anglo-Saxon conservative, property loving and property respecting southerner. Some day, sooner than you think, the red terror, speaking in a hundred strange tongues, may seize your factories, your banks, and your stores as they did in Russia. Then racial lines will be stronger with us and with you than party lines.

Many of you, with due respect, are implacable partisans; instead of playing at your favorite outdoor and indoor sport of South baiting, why not stretch forth friendly hands across the border and give us real and substantial help and encouragement in our efforts to stop lynching, which we in all sincerity are attempting to do.

If you are seeking to gain votes by pressing this iniquity, let me suggest to you that no legislative vote is quite so risky as a vote that imposes a tax, and I can imagine no tax so odious and unjust, or so dangerous to him who votes to impose it, as the tax of $10,000 fastened by this bill upon innocent and unoffending counties. The law always looks with disfavor upon penalties, and it is rarely desirable to hold one person for the tort or crime of another.

What will you do with the various $10,000 lump sums you are going to require innocent counties to pay into the Federal Treasury, when the lynched victim has no relatives? Let me suggest that when this fund grows to sufficient proportions, when county after county in what once were imperial commonwealths but reduced by this legislation to impotent, beggarly provinces, have been mulcted in penalties until they aggregate a hundred thousand, then build with this treasure wrung from sweaty and reluctant hands, build with these shameful dollars, a monument out of coal black marble in the image of the Negro Coleman who outraged and murdered little 14-year old Margaret Lear. [Applause.]

We of the South, first of all, are for America, for sovereign statehood, for State rights, and for the flag of Stars and Stripes, with 48 stars, not one big star representing a stateless empire. What are you attempting to do to that flag? By destroying State courts, wiping out State lines, wrecking State sovereignty, as this bill proposes to do, you blot out the 48 stars from the blue field of the flag. You wipe out its white lines. You destroy its red stripes and you are seeking to substitute for the starry banner of the Republic, a black flag of a tyrannical centralized government, a black flag indeed, black as melted midnight, black as the dust on the hinges to the gates of hell, black as the face and heart of the rapist Coleman, who deflowered and killed Margaret Lear. [Applause.]

The CHAIRMAN. The gentleman from Texas [Mr. SUMNERS] has used 140 minutes and the gentleman from Minnesota [Mr. VOLSTEAD] has used 60 minutes.

Mr. VOLSTEAD. Mr. Chairman, I yield 20 minutes to the gentleman from West Virginia [Mr. GOODYKOONTZ].

Mr. GOODYKOONTZ. Mr. Chairman, I have listened with interest to the argument of my friend on the Judiciary Committee from Arkansas [Mr. TILLMAN]. He has animadverted upon certain matters that seem to be a little extrinsic. Nevertheless he has presented argument from his own viewpoint, is conscientious in his convictions, and has been fair in his treatment.

Mr. Chairman, under general debate there is now being considered the antilynching bill fathered by my friend, the distinguished gentleman from Missouri [Mr. DYER]. The bill has been challenged on constitutional grounds. The position thus taken, by opponents of the bill, does not alarm the supporters of it because we are firm in the faith that in the Constitution there reposes ample provision for the protection of the life and the liberty of every citizen, regardless of race or color or of social status. The guaranties for the protection of the citizen are clearly defined in the organic law and particularly in the articles that appertain to life, liberty, property, and the pursuit of happiness.

The right to live comes first, because to live is the greatest of all human rights, and next to the right to live comes liberty—tantamount, almost paramount to life itself; for what is life worth, unless with it goes liberty and freedom?

The Constitution, according to the expressions of its preamble, was intended to insure union, justice, domestic tranquillity, the common defense, the general welfare, and last, but not least, the blessings of liberty.

The terms and provisions of this Constitution, letter and spirit, amply supporting the measure before us, are to be found in the fifth, sixth, thirteenth, and fourteenth amendments thereto.

The demand, based upon facts which can not be successfully controverted, being pressed upon us from almost every quarter by patriotic people for the correction of the vice known as lynching, that is not only injuring the Nation's reputation at home and abroad, but which constitutes a menace to our modern civilization, is urgently insistent, can not be ignored, and calls for the immediate exertion of the force of Federal power.

The fifth amendment says that—

no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury. Nor be deprived of life, liberty, or property without due process of law.

It is said that this provision constitutes a prohibition against Federal power only.

By the sixth amendment it is declared that—

in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury * * * to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

By the thirteenth amendment—the final decree of Civil War—it was ordained that—

neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to its jurisdiction.

By the fourteenth amendment—an award also due to the arbitrament of war—we are told that—

all persons born and naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside—

And, furthermore, that—

no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States—

And then comes the great declaration, the sovereign command, saying—

nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person the equal protection of the law.

By the fifth paragraph of the fourteenth amendment Congress is empowered to carry its terms into execution by appropriate legislation.

I have thus read in your hearing the provisions of the American Constitution that undertake to safeguard life and liberty and freedom, neither of which can be impaired or taken away or jeopardized except and unless by due process. But what is due process? Primarily process means notice and due hearing. Where crime is charged there should be presentment or indictment by a grand jury and trial by a petit jury; the accused should be confronted by the witnesses, entitled to compulsory attendance of his own witnesses, and defended by counsel. These rights of the citizen come within the spirit and the letter of the Bill of Rights of the American Constitution, and in principle are the same as were extorted from the barons at the Battle of Runnymeade, when John was the king. It must be remembered that these primary, inalienable rights of man existed prior to the Constitution and are primordial and can not be waived.

Thus briefly have I reviewed the organic law, provided at the expense of blood and suffering, in order that men might be free. Notwithstanding these plain, elemental provisions of the Constitution, written in the light of reason by men who loved liberty and who wanted to live in the pure air of freedom, there are those who have some doubt as to the constitutionality of Mr. DYER'S bill, they who fear the consequences if the measure be upheld by the courts; as for me, I confidently believe that the bill comes well within constitutional limitations, and that if the measure shall become a law, then that law will prove not only a great blessing but shall stand as a great precedent, a rock, for refuge of those whose lives and liberties are endangered.

In the lynching during the past 30 years of more than 3,000 men and women there were, undoubtedly, several hundred thousand participants. Of this vast number of lawbreakers we may be safe in saying that not one-tenth of 1 per cent were ever indicted, much less convicted, for their crimes. In fact indictments for these destructions of human life—in many instances accomplished by the most atrocious methods, characterized by torture and extreme cruelty—seldom were made, and convictions under the very few indictments that were returned were practically nil.

Mr. Chairman, we have been told that the measure contravenes the Fenedal Constitution in this, that the attempted enforcement of it would constitute an invasion of the rights of the several States under that Constitution; that Congress was powerless to act, and that legislators, with folded hands, must sit here, Congress after Congress and session after session, with full knowledge of the constantly recurring, and, in certain sections, ominously increasing criminal destruction, by the foulest methods, of human life, and do nothing to remedy the mischief that was being done. With that group of publicists, who assert that the General Government is impotent in the premises, I can not agree, and from their opinion I must respectfully dissent.

As for me, I know that in not a few of the States of the Union—States in which lynching is practiced as a pastime and enjoyed after the fashion of the Romans, who found pleasure in feeding their victims alive to ferocious animals—the States, in practical effect, have abdicated their prerogative of punishing the lyncher who offends not only against the laws of God and of the State but against the sovereignty of the United States as well. The failure of the State to protect the life of the victim, where the latter is in custodia legis, is due to lack of a sufficient force of vigilant and zealous officers necessary to guard him from violence at the hands of the mob; and in the case where the victim had not been taken into official custody, then the unlawful doing away with him was entirely due to the criminal conduct of certain denizens of the county where the lynching took place.

Where lynching has taken place, the loss of the person's life has been due to the failure of the State to provide protection. Lack of knowledge on the part of the executive and those under him was not a factor to be considered. The person lynched was within the State; the State owed that person complete police protection.

In view of the fact that lynchings are of almost daily occurrence—28 cases of such having occurred since the standing committee reported this bill to the House, as I have been informed—does it not seem perfectly clear that the States are depriving men of life and liberty without due process of law? And since it is obvious that the vastly preponderating majority of the victims are Negroes, does it not seem also true that the States are denying to this class of our citizens the equal protection of the law?

The colored people in my district are well-behaved. They were patriotic and loyal during the Great War. Their boys fought with courage and came home proud of their flag.

Their women worked faithfully for the Red Cross and other activities. Their men, too old for military service, toiled in mine, field, and on railroad, and bought the Liberty bonds. Therefore, we find no complaint against the colored people and no cause for their mistreatment. These are entitled to the equal protection of the law.

According to the opinion of competent authorities, the bill can rest upon the fifth amendment alone, but the supporters of the measure find in the fourteenth amendment a sufficient reservoir of power to enable Congress to act. The command there given is that no person shall be deprived of life without due process of law. Can it be said that lynching is due process? The mandate is the voice of Federal power, and should be enforced by Federal authority. The great declaration is that a person shall not be deprived of his life except by the processes of the courts. But yet these persons are being deprived of their lives, and there are some who argue that in such case there is no deprivation. To me it is plain that if the States are not depriving of life then the Federal Government is depriving of life, and hence the necessity of this legislation. They—the opponents of the bill—take refuge under the phrase, "Nor shall any State deprive," found in the fourteenth amendment, which reads, in part, thus:

Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person the equal protection of the law.

Mr. CLOUSE. Mr. Chairman, will the gentleman yield right there for a question?

Mr. GOODYKOONTZ. Yes.

Mr. CLOUSE. Under the language of the Constitution that the gentleman has just read, whereby no man shall be deprived of life, liberty, or property without due process of law, how does he justify the provision in here fixing a forfeiture of $10,000 for a lynching that occurs in a county, though the citizenship of that county knows nothing about it?

Mr. GOODYKOONTZ. For the very reason that any measure that we pass here should carry in it a penalty to secure the punctual enforcement of that law.

Mr. CLOUSE. Would that apply to the miners down in his own State of West Virginia?

Mr. GOODYKOONTZ. Absolutely. The bill is intended to apply to every State in the Union, to every man, whether he be black or white or red or yellow, in this country. This is not a sectional law. This law is intended to safeguard or enforce the guaranties of the Constitution. I want to know whether or not these provisions that men fought and bled and died for in the Revolution amount to anything; whether Members of Congress are going to come here and sit supinely by when these things go on day after day, week after week, and month after month, and year after year, and not raise their hands to provide a remedy for them. [Applause.]

Mr. CLOUSE. One additional question. Of course, we all agree upon the question that lynching is an intolerable thing, but when I took an oath in this House to support the Constitution the gentleman, or some other gentleman, must show me some constitutional reason for supporting this bill, or else I shall vote against it.

Mr. GOODYKOONTZ. I can not yield further, but answering the gentleman's question I will say that if you do not make anything out of these provisions of the Constitution which guarantee life, liberty, and property, and that these inalienable rights can not be taken without due process of law, then, of course, I would be unable to afford the gentleman any light on the subject.

When the man or the woman is lynched, we are told that the deprivation of life is not to be laid at the door of the State. That although the majority of the victims were colored men and colored women, yet that there were no denial of the equal protection of the law. Such argument I confidently believe to be unsound. At least one of the sources of the power of Congress to legislate on the subject is to be found in the fifth amendment. If the provision therein contained means nothing, then is the entire Constitution a farce, a mere snare, and a delusion.

The mob with bloodhounds drives out of the swamp and the thicket and captures the man against whom suspicion rests, and the mob takes him away and either burns him alive at the stake or causes him to dangle from the limb of a tree; and then,

as if to make his death the more horrible, riddles his body with leaden balls; and for this crime, we are told, there can be no remedy except that we wait on the pleasure of the State and see what it will do. We have waited, only to observe for 30 years that instead of growing better the condition in certain sections of our country has been steadily growing worse, during which time we have been greatly concerned about affairs in other lands—Cuba, the Kongo, Armenia, Ireland, the Jews in Russia—all these seem to have agitated the minds of many people in America in far greater degree than the atrocities here at home. When foreigners at New Orleans were mobbed, the Government hurriedly made compensatory reparation to the families of the victims; but in the case of the citizen who has been lynched, his family is treated with perfectly cold indifference.

By a recent amendment the manufacture, transportation, and sale of intoxicating liquors was forbidden. Bills carrying this constitutional provision into execution were passed in both branches of Congress by largely preponderating majorities, and the legislators seemed not to worry over the term "intoxicating liquors," although the bill arbitrarily defined "intoxicating liquors," as liquors containing "one-half of 1 per cent or more." Gentlemen hurried to the Chamber of the House to unite their voice in the mighty chorus, and following the leadership of the intrepid champion of prohibition—the gentleman from Minnesota [Mr. VOLSTEAD]—all, or practically all, voting "aye," the Member who is now addressing you being one—as gayly as ever a pack of foxhounds gave voice and followed "bugle," their gallant leader.

But this bill to prevent lynching seems to be a coat of another color. Members, especially from certain communities, having great reverence for the Constitution, express fear and doubt and misgiving concerning the constitutionality of the bill. We, so they say, are about to do violence to this great bulwark of human liberty.

Gentlemen contend that the document that was framed to protect liberty and life will be violated if we undertake to rest upon it a law which will forbid men being burned and roasted alive and hanged and riddled by leaden balls until their bodies fall apart. That the intervention of Congress would constitute an invasion of the States' rights, would give increased incentive to those who practice these brutal and inhuman methods, and would thereby provoke them to an increase of the volume of such lynchings and murders, outrages and crimes, directed against the Constitution and organized society, in this "the land of the free and the home of the brave."

As to the constitutionality of the bill, we are fortified with the opinion of ex-Attorney General Moody, later an associate justice of the Supreme Court; by the opinion of the learned Attorney General, Mr. Daugherty; and that of his splendid assistant, Judge Guy D. Goff; also by the judgment of a majority of the Committee on the Judiciary, the lawyers' committee of the House.

The plain language of the Constitution speaks for itself. I have shown you already that by the fifth and by the fourteenth amendments provision is amply made that no person shall "be deprived of life, liberty, or property without due process of law." May I ask, do these provisions need any explanation, construction, or interpretation? To insist that the intention of the framers is mooted would be about as illogical as to assert that the taking of a man by a mob and hanging him by the neck or by burning him at a stake until he were dead was due process of law.

Lynchings, while vastly more numerous in the Southern States, are not confined to that region, and although in the large majority of cases originating in that section, the colored man has been the victim, yet the white man has not been exempt. It is even true that women of both colors have suffered the same fate. Of a list of reported lynchings from 1889 to 1918, it is shown that 3,224 were killed by mobs; of those, 702 were white persons and 2,522 were negroes, hanged, shot, or burned; of the total, 11 were white and 50 colored women. Just how many of these were guilty, we do not know. Of the number lynched, Georgia seems to have drawn the grand prize, having 386 to her credit. Mississippi was next in line with 373 as her quota, and Texas followed with the very good showing of 335.

Bear in mind that these figures do not cover the time since 1918, a period of nearly three years. Conditions became so terrible in Georgia as that on April 22, 1921, her then governor, Hon. Hugh M. Dorsey, a worthy man and a good officer, since relegated to private life, having called a conference of the leading citizens of that State, laid before them a report detailing a statement of facts in the case of over a hundred negroes that within two years next prior had been lynched, held in peonage, driven out of the State by organized lawlessness, or subjected to cruelty.

Had I the time I would take up and set forth the facts in these cases one by one in order that every Member of the House and every reader of the CONGRESSIONAL RECORD might be informed as to conditions in that State—Georgia—but my time being limited I shall use certain cases from each of the four classifications merely to illustrate the character of such crimes against men and women in Georgia. Gov. Dorsey says that the 135 examples he has grouped are not all; that he has made no attempt to collect every case; that "if such an effort were made I—he—believe the number could be multiplied." The governor further says that "in some counties the Negro is being driven out as though he were a wild beast." In other counties that he is being held as a slave. In other counties "no Negroes remain," and furthermore, that "in only two of the 135 cases cited is the 'usual crime' against white women involved."

Dorsey's investigation concerning one case revealed that in July, 1919, two white men, drunk, went in the nighttime to the section of the town occupied by colored people; that an elderly colored man got his gun and went into the streets to protect the women of his race; that in the shooting that followed one of the white men was killed; the Negro was taken by a mob and lynched. That in October, 1919, a Negro who was a preacher and teacher had a dispute with a farmer about wages; that the farmer attacked the Negro with an ax; that the Negro shot the farmer with bird shot; that the Negro was taken from the sheriff and lynched; that the man who was shot is alive.

That a Negro, being suspected of murdering a white woman, was arrested and placed in jail, taken therefrom, and "in the midst of a mob of 3,000 was burned to death by a slow fire, the torture being prolonged as much as possible."

The examples I have cited merely illustrate cases of lynching in Georgia, of which she had, down to and including the year 1918, 368 to her credit. For 1919 her record shows that of the victims taken from officers and jails she again headed the list, five of her victims being burned at the stake.

Dorsey—whose term has since expired and who failed of election to the Senate—exposed a condition of peonage in Georgia that was truly revolting and which also constituted an indictment of the last national administration for failure to enforce the laws against peonage. In a public statement recently made the present Attorney General indicated that he had ordered that peonage violators be indicted and prosecuted.

When Roosevelt was the President a lot of peonage violators were sent to the penitentiary, but during Mr. Wilson's administration these traffickers in human labor again grew bold and were allowed to carry on their human slavery unmolested and unafraid.

Gov. Dorsey shows that the worst forms of peonage have existed in Georgia. When Negroes "escaped" they were arrested and brought back, even from other States, and "sold" from one man to another. That Negroes were "cheated and swindled," "threatened," and "struck in the face" and "severely whipped" and "put to work," "guarded," and "locked up" every night. I also find the following concerning two Negroes who had "run away." Gov. Dorsey says:

> They were caught, brought back, and whipped. The other Negro begged to be killed. The white owner shot him.

A weight was put about him and he was sunk in a pond. Under the heading "The Negro driven out by organized lawlessness," the governor of Georgia reveals a system of practices that for meanness and cruelty is almost beyond human imagination and beggars description.

Sometimes "when a Negro becomes too prosperous" he receives threatening letters directing him to leave the community. He finds a skull and cross bones chalked on his porch. The Ku Klux, or those pretending to be the Ku Klux, give him attention. His lodge hall is burned. Gov. Dorsey, in describing one case, says—I quote his precise language:

> January, 1920, the Negroes living in one district of this county were threatened. Their churches, schoolhouses, and homes were burned. Several families were driven out of the community.

Dorsey then takes up the subject of individual acts of cruelty toward the Negro. I give you the following as a mere illustration of other cases quite as bad:

> COUNTY NO. 26.
>
> 6. The sheriff of this county with two other men were in an automobile on the road to the county seat. They were drinking. The sheriff asked a Negro in the road to get him a drink of water. The Negro answered that he was not at his own home, but that he supposed there would be no objection to getting him a drink of water.
>
> The sheriff left the car and struck the Negro twice with a pistol. The man brought the water. The sheriff made him get in the car, carried him 300 yards, and made him leave the car and go into the woods, where he beat him over the head with a pistol and stick. The bleeding Negro was forced into the car again and made to lie down.

He was carried 10 miles, the sheriff kicking him in the body and head. One eye was virtually knocked out. There the sheriff made him get out. He was beaten again on his naked body. The sheriff stopped to cut another stick, when one of his companions advised the Negro to run if he wished to live. This he did, hiding in the woods until later a passer-by carried him into town. The sheriff was indicted for assault with intent to murder. The latter was acquitted.

The Negro beaten has the reputation of being a peaceable, law-abiding, hard-working man. He was threatened with death if he testified against the sheriff.

Is it any wonder that the colored man sells his little farm and his stock and moves away, at the same time wondering how the Constitution does protect him in respect to liberty and property? Under these circumstances does it not appear to gentlemen that in the State of Georgia citizens of the United States domiciled in that State are actually being deprived of their life and liberty and property without due process?

I have faith that the Attorney General will see to it that the laws against peonage are duly enforced and that those engaged in this evil practice will be brought to the bar of public justice and required to answer for their crimes.

That Congress should have so long failed to enact a law against lynching is a shame to our civilization, but it were better that it should act late than never.

Let us pass the bill and thereby arm the Department of Justice with a weapon that can be used to vindicate the rights of all citizens, irrespective of their color, race, or condition, within the protecting aegis of the Federal Constitution.

Mr. BANKHEAD. Will the gentleman yield for a brief question?

Mr. GOODYKOONTZ. I yield.

Mr. BANKHEAD. I notice in to-day's paper that one of the two States which last year passed antilynching laws was West Virginia. Is the gentleman afraid to intrust to the courts of his own State the prosecution of people who may be guilty of the infraction of that law?

Mr. GOODYKOONTZ. I will say to the gentleman, not at all. We look upon these remedies as concurrent. In the town where I live, last spring we had a case of an assault made upon one of our girls. The court was in session. Within 24 hours the perpetrator of that crime had been indicted, tried, convicted, and placed under sentence of death. [Applause.]

Mr. BANKHEAD. But does the gentleman think that this law against lynching would be enforced more effectively in a Federal court in West Virginia than it would in the State courts of West Virginia under an identical law?

Mr. GOODYKOONTZ. Well, I could not say as to that. Of course, I was for the antilynching bill before West Virginia passed that statute. The law ought to be general. Some of the States do not have such a law. The State of South Carolina has one, and whatever the reason has been, since that law has been on the statute books there has been a constant diminution of lynching in that State. I do not therefore see any reason why, if the law proves effective in the State of South Carolina, it should not likewise prove efficacious in the State of West Virginia, and should all the States pass laws similar to the ones existing in South Carolina and West Virginia, then, perhaps, the necessity of Federal action would be obviated, would not be necessary.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. GOODYKOONTZ. Yes.

Mr. HARDY of Texas. I understood the gentleman to say a moment ago that the Federal Constitution granted to every citizen the right to life, liberty, and property.

Mr. GOODYKOONTZ. Yes.

Mr. HARDY of Texas. Now is there anything left under the sun for the States to guarantee if this bill were enacted? Is there anything else that the Federal Government would not apply to?

Mr. GOODYKOONTZ. I can not yield further. It seems to me if there be any function to be performed by the Federal Government, it is to safeguard the lives of its citizens, who stand in a dual capacity, being citizens of the State and also of the Federal Government. It is the duty of the Federal Government to safeguard the life of that citizen at home as well as on the high seas or in a foreign country, and to vindicate his right whenever and wherever he is, and to challenge an assault upon it whether it be in a State in the North or in a State in the South. [Applause.]

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. GOODYKOONTZ. Yes.

Mr. FOSTER. Reference has been made to antilynching laws passed in West Virginia and in South Carolina. In the State of Ohio a similar statute has existed since 1896. I had the pleasure of serving eight years as public prosecutor under that law, and I am glad that I can state that in my experience it has had a deterrent effect. But the effect of the law in deterring goes further. If the person is taken from one county to an adjoining county and lynched, that county incurs a penalty. The law has been in operation since 1896, and has twice gone to the Supreme Court of the State of Ohio and twice has been declared to be constitutional.

Mr. GOODYKOONTZ. I thank the gentleman. Sometimes the innocent must suffer with the guilty. A man convicted of crime has to go to the penitentiary and necessarily he brings on his family disgrace and sorrow and suffering.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. GOODYKOONTZ. My time has been shot up pretty badly.

Mr. HARDY of Texas. Does not the gentleman recognize the vast difference between the right of a State and the right of the Federal Government to impose such penalties as were mentioned and as were imposed by the State of Ohio?

Mr. GOODYKOONTZ. Let me answer the question as best I can. The States by inaction may deprive a man of his life or liberty or property. A State may sit supinely by, looking on and never raising its hand in protest.

But my argument is that the State may be in default either through its legislative, executive, or judicial department; either one, with all the attributes of State sovereignty, may be at fault; but when the State government does not act and a man is lynched, then the State government is in default beyond question. Lynchings usually occur where sheriffs and jailers and constables fail in the performance of their public duties.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. GOODYKOONTZ. Yes.

Mr. SUMNERS of Texas. Does not the gentleman recognize that the imposition of a penalty on a county is an extreme exercise of the police power vested in a State, and not vested in the Federal Government?

Mr. GOODYKOONTZ. That would depend or hinge on the constitutionality of the bill. If the basic facts are here, we have a warrant in the Constitution for congressional exertion. Having moved in that direction, we have a right to go a little further and do whatever may be necessary to see that that law becomes efficacious, just as in the case of the Volstead law—the prohibition law. We said here by our vote that any liquid which contained in excess of one-half of 1 per cent of alcohol would be regarded as alcoholic or intoxicating liquor. As a matter of fact, we know that that is not strictly true, but the Supreme Court upheld the act, saying that, having a constitutional warrant for our action, we may do whatever may be necessary within the bounds of reason to carry the amendment into execution. [Applause.]

Mr. Chairman, public opinion is behind this legislation. The ablest constitutional lawyers say that it is valid. The greatest newspapers in the land are supporting it.

Here is an editorial from the Herald-Dispatch of Huntington, W. Va., under date of December 24, 1921, by the pen of Mr. Boyd Jarrell, one of the brightest newspaper writers in the country:

[From the Huntington (W. Va.) Herald-Dispatch, Dec. 24.]

LYNCHING AS A STATE RIGHT.

One of the queerest debates yet heard in the House of Representatives pertained to the antilynching bill pending in that body. Southern Congressmen in general accepted the theory and supported it. These things developed while the Dyer bill was the order of business early in the present week.

This is not a partisan or sectional measure in any sense, except as its opponents choose to make it so. Lynchings have occurred in many States North and South. As Representative SIMEON D. FESS, of Ohio, remarked in arguing for the bill, "One of the most indescribable lynchings that ever took place in this country occurred in my own State of Ohio," the victim being a man who had boasted of his activity in the cause of prohibition.

This measure seeks to hold States and counties to some responsibility for the acts of "mobs and riotous assemblages." It would subject to a fine of as much as $5,000 or to imprisonment for as much as five years any sheriff or other officer failing to do his utmost to protect a prisoner from a mob. It would subject a county where a lynching occurred to a fine of $10,000, payable to the Federal Treasury. It has been carefully drawn and highly recommended as a promising means of dealing with a national disgrace by bringing mob murder within the province of the Federal courts.

Though there seems no reason why right-minded persons should object to the plan, southern Democrats in the House have fought it bitterly from the first. Their floor leader, Representative FINIS GARRETT, of Tennessee, says it "invades State rights." If it does, so does the Volstead law and so do other Federal statutes. Protection to human life and ending of a national humiliation are more important than quibbling over the ancient question of State rights. Mr. GARRETT also denounces the antilynching bill as unconstitutional and various other things. He even argues, rather paradoxically, that it would increase the number of lynchings rather than decrease it, since people would look upon lawful punishment of offenders as less certain and severe—that is, would regard the antilynching law as effective in its purpose.

In their hopeless minority Democratic Congressmen resorted to filibuster tactics to prevent Republican Members from bringing the measure to vote before the holiday recess. "For more than three hours, during which no business whatever was transacted, the Democrats prevented the House from going into a Committee of the Whole to take up the bill," says one account published in a Democratic organ. Rather than permit the measure to be brought to vote on its merits, Democratic Members absented themselves, prevented a quorum, and blocked national business. "At 2.50 o'clock," according to the same unprejudiced account, "the House having been in session since noon, a roll call disclosed that there were 174 Republicans present and only 7 Democrats."

The Dyer bill ought to become law and doubtless will eventually. Some such businesslike treatment of the subject has been needed altogether too long. The resistance offered to this very reputable measure is not creditable to its authors and can have no other effect than to disgrace the partisans of mob violence—as sensible Democrats and southerners doubtless realize.

Under the privilege given me of extending my remarks I will print in the RECORD an editorial (issue of Dec. 20, 1921) from the Spartanburg (S. C.) Herald.

The editorial is as follows:

[From the Spartanburg (S. C.) Herald, Dec. 20, 1921.]

FEDERAL LAW AGAINST.

There is, of course, no defense for lynching and any measure, county, State, or National, that will reduce the number of lynchings deserves support from all right thinking people. Congress is just now considering Federal legislation, and the further the consideration goes the more difficult the problem becomes. Mob violence is like fire, its prevention is the thing. And the Federal authorities are now endowed more with ability to tell where this sort of trouble is to break out than county or State authorities. It is crime and quick vengeance and usually in remote sections of the country.

The call for Federal legislation in this business is, of course, brought on by failure of State authorities to act. And the hands of the State authorities are often tied by the refusal of county authorities to assume their part of the responsibility in such cases. Local influence shields the lynchers and there the matter ends. This is the disgrace of the thing. And it silences nearly every argument that may be very honestly and very properly advanced against this interference by the Federal authority with the rights of the States.

The passage of a Federal law does not stop the crime it is aimed at. It simply registers public sentiment. Public sentiment is against lynching and will support the Government in anything necessary to make the business more hazardous for those who take part in that sort of crime.

Also one from the Tyler (Tex.) Times, of December 1, 1921, as follows:

PAYING FOR LYNCHING.

The Volstead-Dyer antilynching bill now pending in Congress contains a clause providing that a county in which a lynching occurs shall forfeit the sum of $10,000 to the heirs of the victim.

In South Carolina a few days ago, in a case in which the widow of a Negro who had been lynched was suing the county for damages, the jury returned a verdict awarding her the sum of $2,000. The verdict was returned under the authority of the constitution of South Carolina, which makes the county in which a lynching occurs liable in exemplary damages to the legal representatives of this victim in a sum not less than $2,000.

So it appears that this idea of counties being liable for damages to the relatives of lynching victims is not only not original with the northern authors of the bill before Congress, but that it was borrowed from the constitution of a Southern State which contains a heavy Negro population.

It is true that the heirs of mob victims in South Carolina do not seem to have invoked the law of the State in seeking damages, but a precedent has now been set, and in the future we may expect to see less lynching in that State. Every county has been put on guard—that it must prevent such occurrences or pay for them.

The Federal bill making the forfeiture $10,000 by the counties is more drastic than the South Carolina law, and it is the real "teeth" in the proposed antimob law. It would place the power of the United States Government behind the heirs of mob victims in collecting the indemnity from the county, and the incentive to prevent mob action would be even stronger than where the county is merely made liable in a civil court for damages.

But whether it be a State court or a Federal court that enforces this indemnity provision, the reason for it is the same. When counties have their tax burdens directly increased by reason of lawless outbreaks by mobs, the taxpayers and the better element of citizens generally will show less indifference to lynching and will help to suppress it.—Houston Post.

Also, a letter and exhibits from Mr. Robert R. Moton, principal of the Tuskegee Normal and Industrial Institute, reading thus:

THE TUSKEGEE NORMAL AND INDUSTRIAL INSTITUTE, FOR THE TRAINING OF COLORED YOUNG MEN AND WOMEN,
Tuskegee Institute, Ala., December 21, 1921.

Hon. WELLS GOODYKOONTZ,
House of Representatives, Washington, D. C.

MY DEAR SIR: In connection with the discussion of the antilynching bill, it occurred to me that you would be interested in seeing these statistics on lynching which have been compiled in our department of records and research.

Yours, truly,
R. R. MOTON, *Principal.*

NUMBER OF LYNCHING FOR SIX YEARS.

(Compiled by Monroe N. Work, Department of Records and Research, Tuskegee Institute, Ala.)

The total number of lynchings for the past six years and the number charged to rape are as follows:

1915.

Total number, 54; number charged with rape, 11; 10 Negroes and 1 white. That year there were 3 women lynched.

1916.

Total number, 54; number charged with rape, 14; all Negroes. Included in this record are 3 women.

1917.

Total number, 38; number charged with rape, 12; 11 Negroes and 1 white. Included in this record is 1 woman.

1918.

Total number, 64; number charged with rape, 16; all Negroes. Included in this record are 5 women.

1919.

Total number, 83; number charged with rape, 19; all Negroes. Included in this record is 1 woman.

1920.

Total number, 61; number charged with rape, 18; all Negroes. Included in this record is 1 woman.

FOUR-FIFTHS OF LYNCHINGS FOR CRIMES OTHER THAN RAPE.

(Compiled by Monroe N. Work, Department of Records and Research, Tuskegee Institute, Alabama.)

In the 35 years 1885–1920, there were 810 persons—59 whites and 751 Negroes—put to death by mobs under the charge of rape or attempted rape. This is one-fifth, or 20 per cent, of the total number of persons—4,033—who were lynched during that period. This refutes the charge that the majority of lynchings are for the crime of rape.

JANUARY 2, 1922.

Mr. R. R. MOTON,
Tuskegee Institute, Ala.

MY DEAR SIR: I thank you for your two letters inclosing further statistics relative to the antilynching bill. These will be useful to me in connection with debate on the measure when it comes up in the House.

With best wishes for the new year,
Very truly, yours,
——— ———.

Also a letter dated January 8, 1921, received by me from Mr. Moorfield Storey, one of the very foremost authorities on the Constitution in this country.

The letter reads as follows:

BOSTON, *January 6, 1922.*

Hon. WELLS GOODYKOONTZ,
House of Representatives, Washington, D. C.

DEAR SIR: I take pleasure in sending you my opinion upon the antilynching bill in response to a request that I do so.

There are in the United States some 12,000,000 of colored people, who by the terms of the fourteenth amendment are citizens of the United States and of the State in which they reside. The United States demands of them military service and taxes them directly, without the interposition of the State government. They are potential soldiers and actual taxpayers, upon whom rest the most serious burdens of citizenship, who contribute to the national strength, and who owe allegiance to the Government of the United States. There is a general principle that a government owes protection to those who owe it allegiance.

For a great many years in large parts of the country the lives and property of these citizens have been denied protection by any government. They have, on suspicion of crime, been seized and murdered by mobs without an opportunity to be heard before any court of justice, without any presentment of a grand jury, in violation of every right secured by the fifth and sixth amendments to the Constitution, and often with the most cruel tortures.

The men who do this do it openly, in broad daylight, in the presence of their fellow citizens, and seem not to suffer in popular estimation. The officers of the States in which these things occur as a rule make no attempt to punish the murderers. The governors do not interfere to protect, officials do not prosecute, juries do not convict, and about the facts there is no dispute. It is clear that the people of the States in which these tragedies occur approve them, or at least do not disapprove them, so far as to make any attempt to prevent the repetition of such crimes or to punish the perpetrators. The official representatives of the States wherever found by their silence seem to approve, and by their nonaction protect the men who are guilty of crimes which disgrace the name of the United States. The equal protection of the law and the right to a trial by jury may be denied, as well by inaction and the refusal or neglect to enforce the law as by affirmative action, and the State certainly acts when its officers, with the silent approval of the whole people, refuse to its citizens the protection which the Constitution and laws give them.

It is impossible that these conditions should continue, and the years which have passed without any attempt to remedy the evil make it clear that it is idle to hope for efficient action on the part of the States where these horrors occur. In the long run such wrongs will be followed by the most disastrous consequences, and in my judgment the inaction of the States makes action by the United State imperative. The Constitution in the fifth amendment expressly provides that no person shall be deprived of life, liberty, or property without due process of law, and this applies to everyone within the jurisdiction of the United States. In my judgment it is the clear duty of Congress to pass whatever laws are necessary to protect the citizens of the United States against lynching and to secure for them the rights to life, liberty, and property which in the Declaration of Independence are held to be inalienable. If a citizen of a foreign state were to attack a citizen of the United States and treat him as colored men are treated by their fellow citizens, we should hold the government of the country to which these ruffians belonged responsible for the injuries. It seems absurd to suppose that the Government of the United States can not protect its citizens against attacks made by men who are subject to its jurisdiction and its control.

I am, therefore, clearly of opinion that the proposed legislation against lynching is imperatively required and is authorized by the Constitution of the United States.

Yours, truly,
MOORFIELD STOREY.

My files are full of letters, editorials, and opinions all supporting the bill, but I shall not further encumber the RECORD.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. GOODYKOONTZ. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to extend and revise his remarks. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 30 minutes to the gentleman from Maine [Mr. HERSEY].

The CHAIRMAN. The gentleman from Maine is recognized for 30 minutes.

Mr. HERSEY. Mr. Chairman and gentlemen of the committee, I am suffering from a cold, and my voice is not in good condition. If you will give me your attention for a little while, I shall try to hold it after that.

The late Republican national convention at Chicago desired above all things to break up what is called the "solid South" and to win and secure, if possible, for the Republicans the vote of the colored people. Accordingly the makers of the platform inserted the following:

> We urge Congress to consider the most effective means to end lynching in this country, which continues to be a terrible blot on our American civilization.

What Congress could do "to end lynching" never troubled the politicians at Chicago. It was enough for them, for the time being, to persuade the colored voters of the South to believe that a Republican Congress and a Republican President, if elected, would "consider the most effective means to end lynching in this country."

The author of this bill, the gentleman from Missouri [Mr. DYER], in his speech in this House January 4, attempted to make this bill a party issue and a Republican measure. He said:

> In the last general election the people expressed their wishes in this regard also. They indorsed the action of the Republican Party at its last national convention, when in its platform it said:
> "We urge Congress to consider the most effective means to end lynching in this country, which continues to be a terrible blot on our American civilization."

At the outset I want my Republican colleagues in the House to remember that the national Republican platform nowhere advocated a Federal antilynching bill. The platform never contemplated that a Republican Congress would attempt to pass such legislation as is found in this bill. The politicians at Chicago had more political tact than to advocate legislation in violation of the Constitution or an antilynching bill like this that would endanger the success of the Republican Party in the presidential campaign.

After his election, to which several Southern States contributed, President Harding found himself confronted by this declaration in his party platform, and therefore in his first message to Congress, April 12 last, he said:

> Somewhat related to the foregoing human problems is the race question. Congress ought to wipe the stain of barbaric lynching from the banners of a free and orderly, representative democracy. We face the fact that many millions of people of African descent are numbered among our population, and that in a number of States they constitute a very large proportion of the total population. It is unnecessary to recount the difficulties incident to this condition, nor to emphasize the fact that it is a condition which can not be removed. There has been suggestion, however, that some of the difficulties might be ameliorated by a humane and enlightened consideration of it, a study of its many aspects, and an effort to formulate, if not a policy, at least a national attitude of mind calculated to bring about the most satisfactory possible adjustment of relations between the races, and of each race to the national life. One proposal is the creation of a commission embracing representatives of both races, to study and report on the entire subject. The proposal has real merit. I am convinced that in mutual tolerance, understanding, charity, recognition of the interdependence of the races, and the maintenance of the rights of citizenship lies the road to righteous adjustment.

The gentleman from Missouri [Mr. DYER] says the Republicans in this Congress should make his bill a party question and vote for it because he says the President in his first message to Congress advocated it, and that we as Republicans should stand by the President.

I want my Republican associates in this House to bear in mind that the President in his message did not advise or recommend that the Congress should pass any Federal antilynching bill. He had given the race question, as he does all matters that affect the peace and welfare of the Nation, his careful consideration, and the only suggestion or recommendation to Congress he made was this:

> * * * The creation of a commission embracing representatives of both races, to study and report on the entire subject. The proposal has real merit.

What proposal? Not an antilynching bill; that never was in his mind. Here is the proposal that in addition to the commission which he says "has real merit," he said further:

> I am convinced that in mutual tolerance, understanding, charity, recognition of the interdependence of the races, and the maintenance of the rights of citizenship, lies the road to righteous adjustment.

The gentleman from Missouri [Mr. DYER], who represents a large Negro voting population in the city of St. Louis, immediately at the opening of this Congress introduced, not a resolution authorizing the creation of a commission representing both races to study and report on the entire subject as recommended by the President but he introduced the bill under consideration, with this misleading title, "A bill to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching."

I want my Republican colaborers in this House further to remember that never in the party conferences or party caucuses have we as Republicans voted or pledged ourselves to stand by or advocate this antilynching bill as a party measure or otherwise, and when in the course of this debate we hear the party whip crack and are told by the advocates of this measure that our national platform, President, and party have pledged us as Republicans to favor or vote for this Federal antilynching bill repudiate that as a misleading and unfair statement.

The Southwestern Christian Advocate, the organ of certain societies formed to stir up race hatred and race prejudice, under date of December 29 advocates the passage of the Dyer bill by the Republicans of this House as a bill to pay the debts of the Republican Party. It says:

> Let it be said that if the party's debt to the Negro can be canceled by consummating this vast moral reform, which means so much for the future perpetuity of the Nation, the bargain would be legitimate and the Negro welcomes the deal.

Of course the Negro welcomes the "deal." Under the false statements of certain agitators, who are working to bring about race riots, the Negro will welcome the "deal." This bill will give him the opportunity in large cities to hide up dark alleys and in crowded buildings and shoot up innocent men, women, and children on the streets with United States courts and marshals hundreds of miles away.

I want to say as a Republican that there is no deal or bargain made by the Republican Party to pay off any alleged debts to the Negro by the passage of this antilynching bill. We as a party owe the colored people nothing, and for one I refuse to be politically blackmailed. [Applause.]

Do not, I beg of you, allow partisan appeals and party prejudice to blind you to disturb the peace and harmony of our national household and do a terrible injustice and wrong to our own people in any section of this great and united Nation.

This bill was referred to the Judiciary Committee, of which I am a member. We held extended hearings, principally upon the question of the constitutionality of such a law as was contemplated in this bill.

It is admitted by everyone that the only authority for this legislation is found in the last clause of the first section of the fourteenth amendment to the National Constitution, and that if that amendment does not authorize this legislation then it would be unconstitutional and void. The last clause of the amendment reads as follows:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States * * * nor deny to any person within its jurisdiction the equal protection of the laws.

The Constitution very plainly and distinctly gives exclusive powers to each State to pass and enact its own police and criminal laws, to establish and conduct its own courts, to execute and enforce its own laws, but it does not in any way allow, suffer, or permit Congress, by legislation, to interfere with these powers exclusively given to the States. The tenth article of the Constitution of the United States reads as follows:

> The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.

To a committee of lawyers the legislation suggested by this bill gave rise at once to grave doubts as to its constitutionality and to the right of Congress to make a criminal code for the States or to deny to the States the enjoyment and discharge of their constitutional rights and powers.

To assist the committee on the question of the constitutionality of the provisions of this bill we called before us the Attorney General of the United States. He sent his assistant, Mr. Goff, an able lawyer and one well qualified to advise the committee. In the course of his testimony, as set forth in the hearings, it seemed to me that the Attorney General's office considered itself in duty bound to support and recommend this bill as a party measure and advise its passage, because it was claimed by its author that it was so pledged by the Republican platform and recommended to Congress by the President.

Mr. GOODYKOONTZ. Mr. Chairman, will the gentleman yield?

Mr. HERSEY. I regret I can not yield. I borrowed my time

In other words, the Assistant Attorney General argued his case for the proponents of the bill with all the skill and ingenuity of a paid attorney representing a certain client's interests. Every decision and authority cited was so arranged, colored, and quoted as to make out a prima facie case for the bill and to advise the committee, in substance, that even if its constitutionality was in doubt, it ought to be put up to the Supreme Court. In other words, that Congress should pass its responsibility on to the United States Supreme Court. In the hearings there is a letter from the Hon. Moorfield Storey, of Massachusetts, who is attorney for an organization of agitators known as the National Association for Advancement of Colored People, which has its headquarters in New York City, an organization whose work is to stir up the race question in the South and to induce the ignorant Negroes to believe that they are the victims of imaginary wrongs at the hands of the whites and that Congress can stop all lynchings. Mr. Storey, in recommending this legislation, said:

It has seemed to me a very doubtful question whether legislation by Congress against lynching in the States is constitutional, but I am very clearly of opinion that it ought to be tried. I think the South expects it, and many of our southern citizens who are opposed to lynching will welcome it. At the most, the country will be no worse off if the experiment fails than it is now.

Mr. Storey seems to voice the sentiment of the proponents of this bill, first, that they are very doubtful of its constitutionality; second, it is therefore the duty of Congress to enact it and pass it on to the courts. I can understand the zeal of those who view this bill from the standpoint of political expediency. They say in so many words "This Republican Congress can satisfy the colored people of the South by the enactment of this legislation. If the Supreme Court declares it unconstitutional, which it doubtless will, if enacted, then the colored voters will have nobody to blame but the Supreme Court, and as the judges of that court are appointed for life and do not, like Representatives, come up every two years to be elected, they can suffer no harm, and the party will discharge its responsibility and in another way have taken care of the recommendation of the President." [Applause.]

During the past 10 years there has been a large exodus of Negroes from the South to the big cities of the border States. To-day many Congressmen outside of the Southern States find in their districts strong organizations of colored voters who call themselves Republicans and who hold the balance of power and can elect or defeat many of the present Members of this House. They have only one political policy or interest, and that is to defeat for reelection any Member of Congress that votes against the Dyer bill. I know the awful pressure that is brought to bear upon certain of my party colleagues to vote for this bill with the hope and expectation that the Supreme Court will finally save the Nation from the folly of the Republican leaders, who by a party rule attempt to force this bill through the House.

I am what is known as a "regular Republican." Whenever I possibly can do so I work, act, and vote with my party. I support, if possible, the reports of the committees who have measures in charge and follow the party and the President at all times whenever I can do so conscientiously and without—in my opinion—violating my oath to support the Constitution. I have no criticism to make of those members of my committee who by a small margin voted out this bill. They have a right to their opinion the same as I. I am not the keeper of their conscience, even of their political conscience. I have carefully, seriously, and thoroughly investigated this legislation, and without any doubts I have arrived at the conclusion that this bill, if enacted, would violate the Constitution of the United States, and if it should possibly be held legal and constitutional by the Supreme Court of the land, then its effect upon the Nation as a whole would be most unfortunate and disastrous to peace and good order in the Nation, and as a law it would be necessarily vicious legislation, unwise, unenforceable, and unworkable. I am, therefore, driven by my investigation to oppose this bill by every proper means. I believe with Abraham Lincoln that—

No man who has sworn to support the Constitution can conscientiously vote for what he understands to be an unconstitutional measure, however expedient he may think it.—Abraham Lincoln (Cooper Union, Feb. 27, 1860.)

[Applause.]

I hold, with our President, that this lynching problem presents conditions that can not be removed. I indorse the solution of this problem when he said in his message:

Some of the difficulties might be ameliorated by a humane and enlightened consideration of it, a study of its many aspects, and an effort to formulate, if not a policy, at least a national attitude of mind calculated to bring about the most satisfactory possible adjustment of relations between the races and of each race to the national life

I also favor, as a sensible and practicable step in the right direction, the further suggestion of the President, that there should be created a commission of both races to study and report on the entire subject.

One of the most unfortunate features of this debate is the idea put forth by the advocates of this bill that its passage will forever stop all lynchings. The newspaper from which I last quoted in the same issue said:

Passage of H. R. 13, commonly known as the Dyer antilynching bill, now pending in Congress, will mark this the epochal Congress in the life of the Nation since the days of the great Lincoln, because it will settle in security the otherwise insecure lives and liberties of 12,000,000 colored American citizens and render stable the now shaking foundations of our American Government.

The advocates of this antilynching bill totally disregard the recommendations of the President and in its place they attempt by Federal statutes to invade the States with a horde of high-salaried United States marshals, attorneys, and carpetbaggers, and set aside the criminal laws of all the States and proceed to punish the innocent for the acts of the guilty.

The only evidence, if it may be called evidence, before the House that any State has legalized lynching or has denied to any person the equal protection of the laws comes to us from two interested and prejudiced sources. First, propaganda furnished through the mails to each Member of Congress from an organization in Alabama called The Tuskegee Institute for the Training of Colored Men and Women. Their matter consists of statistics prepared by some one unknown, purporting to show the total number of lynchings in the United States for the last 36 years. The average is 112 a year, and for the last year, that of 1921 complete, 62, or about one-half the average. They do not furnish one bit of evidence as to what any State has done or neglected to do to stop or punish these lynchings. They do not furnish the history of a single case as to what was done in the courts of the State to prevent the lynching or to punish the lynchers. They do not give a single fact as a basis for Congress to say that any State has denied to any person the equal protection of its laws.

2. The only other evidence before us is a mass of propaganda sent also through the mails to the Members of this House from a New York City organization called and known as the National Association for the Advancement of Colored People. They furnish Congressmen with a lot of copies of sensational newspaper headings and highly colored "write-ups" about the lynching of one Lowrey for the killing of a farmer and his daughter in Arkansas a year ago. These newspaper clippings fail to state in what way the State denied the equal protection of its laws to the Negro who was lynched, not a word as to what was done to prevent the lynchers, but only the fact of the killing with its sensational "write-up" from the pen of a "cub" reporter and that is all, except the strained and senseless inference that if we had during this time a Federal antilynching law like the one before us no lynching would have taken place. This New York organization also furnished to Members of Congress a clipping from the New York Evening Post, which said of the present bill:

Even if the lynching law should be declared invalid by the Supreme Court, its mere enactment will have gone far to serve its purpose. Notice will have been served on States which have been derelict in their duty that the conscience of the Nation will not tolerate the perpetuation of an abuse and a crime that make us a by-word in the public opinion of mankind. It is argued by the World this morning that no proof exists that the States as such have legalized or tolerated lynching. Yet we have the fact that in 1920 the mobs took 61 lives and in the present year 63 lives. There is no escape from the alternative that the States are either unable or unwilling to suppress mob murder.

The absurd logic of the Post is the position of the friends of this bill, to wit: If there has been committed in any State a murder, the fact is proof positive that the State is either unable or unwilling to suppress murder, and has therefore denied to the person killed the equal protection of the laws. [Applause.]

Some one in the course of this debate said, in substance, that the fact that more Negroes are lynched than whites is proof positive that the Negroes do not receive the equal protection of the laws. [Applause.] By that same logic, if in a certain State last year four persons were lynched, two Negroes and two whites, then in that case there would be equal protection of the laws. Such nonsense is not worthy the serious consideration of this national lawmaking body.

As one Member of this Congress, I refuse to pass my responsibility on to the courts. [Applause.] I decline to take the statistics of murder in the several States as proof that these States are denying to any person the equal protection of its laws. I do not believe that Congress by doubtful Federal statutes can conduct the affairs of the States of the Union better and more efficiently than the States themselves.

For the crime of lynching there is no excuse or apology; the whole soul and being of every true citizen, every lover of law and order, cries out in condemnation of what has been called "the most cowardly of crimes"; and if I could see my way clear to favor any lawful measure that would in any way prevent or lessen this crime no one would be more enthusiastic in its support than I. [Applause.]

What does this bill propose to do to lessen or prevent the crime of lynching? The first section attempts to define the phrase "mob or riotous assemblage," as it is used in this act, and provides that to give the Federal courts jurisdiction five or more persons must participate in a lynching. If but four persons do the lynching, then this bill gives no authority to the Federal courts and officers to interfere. This makes this bill impossible of enforcement at the very start.

Section 2 is an attempt to make the Congress, acting in a legislative capacity, construe judicially the first section of the fourteenth amendment to the Constitution of the United States, and to put this legislative body in the absurd position of saying what the fourteenth amendment means, and what, under that amendment, is a denial by a State of the equal protection of the laws, attempting thereby to usurp the functions of the Supreme Court, which functions are not a part of the prerogatives of Congress.

It seems an almost absurd position for the Congress to say that whenever there is a lynching in a State it is proof positive that the State has denied to the person so lynched the equal protection of the laws under the Constitution. The Assistant Attorney General, to recommend this bill, was driven to the necessity of taking the position that Congress by this enactment could foreclose the Supreme Court from declaring the law unconstitutional by the mere force of section 2.

Mr. Goff, in his testimony before the committee, on page 38 of the hearings on House bill 13, says:

Mr. GOFF. I contend this: If the State, in the mind of Congress, denies this right because all legislation assumes the existence of an evil to be corrected, then Congress, having legislatively determined that fact, the courts will not consider whether Congress was or was not justified, but will assume because of Congress having passed appropriate legislation that the States have denied the rights in question.

If the Supreme Court is to say that the passage of this bill is conclusive proof that the Congress has found, as a matter of fact, that the States have denied to any person the equal protection of the laws, then quit your responsibility as men and first obtain the evidence. How shall we obtain the evidence? Answer: By the creation of such a commission as was recommended to us by the President in his message; and then base our legislation, if any, on the report, findings, and recommendation of that commission.

Mr. Goff holds that we have no right to enact this bill unless Congress finds as a matter of fact that the States have denied to persons the equal protection of the laws. In this matter there is no evidence before Congress that any State in the Union has denied to any person the equal protection of the laws.

Mr. Goff is driven by this position to say, on page 39:

If Congress saw fit to pass a law which came within the meaning, as the courts have defined that meaning, of the fourteenth amendment, that then the courts could not conduct an inquiry as to whether Congress was justified in deciding what is generally termed a legislative fact.

The Attorney General thus shifts the responsibility to Congress for the enactment of this most unwise legislation, and we have not one bit of evidence on which to base this bill according to the Attorney General.

There was not a word of evidence before our committee that any State of the Union had denied to any person the equal protection of the laws. There was no evidence that any State in the Union had enacted laws or had now upon its statute books any laws discriminating against any person or had denied by its provisions to any person or class of persons the equal protection of the laws. The only evidence whatever—if it might be called evidence—was some tables submitted by the proponents of the bill showing the number of lynchings in the Nation over a period of 30 years. The report on the bill of the gentleman from Missouri [Mr. DYER] shows that in the year 1919, 83 persons were lynched in the United States, 4 whites, 2 Mexicans, and 77 Negroes; that in 1920, 65 persons were lynched in the Union, 6 whites and 59 Negroes; that in 1921, 4 whites and 48 Negroes were lynched in the Nation. If these figures are correct, they go to show that the crime of lynching is growing less in the United States every year and have been reduced 25 per cent the past year. What was done by the States in these several cases to deny equal protection of the laws to the persons lynched was not shown. What efforts were made, if any, to stop the lynchings by the State, or its officers, were not shown. What proceedings were taken in the State courts, what trials were had in the State courts of the lynchers, was not shown.

In other words, the only evidence before the committee was the statement from these tables that certain persons from time to time are lynched in the United States, and there was no evidence whatever to show that any State had in any way through its laws or by its acts denied to any person so lynched the equal protection of the laws. It seems to me no lawyer in this House can deny for a moment that the mere fact that a murder had been committed would be any evidence that the State had denied the equal protection of its laws to the person killed, and yet this bill proceeds upon that assumption, and the Attorney General's office holds, if it holds anything, that notice of the fact of the murder is all that is necessary to enact a law to make a State liable in the Federal courts under this bill for the unlawful killing of a citizen by a mob. On page 43 of the hearings Assistant Attorney General Goff states:

If the Congress of the United States, in view of the fact that a State has a law punishing murder, says there should be a Federal law punishing murder in order that there may be conceded to the people of that State an equal, vigorous, and speedy enforcement of the law and the protection of their lives and their property, then Congress would have the right, in the exercise of the correlative duty of protection, to do so.

My colleague from Nebraska on the committee [Mr. REAVIS] asks Mr. Goff (p. 43):

Would you carry that further, to burglary, larceny, and assault and battery?

Mr. GOFF. Of course, the principle would carry us there.

Yes; of course "the principle would carry us there." Reason and logic carry us there. Our own common sense tells us that there is no escape from the absurd position in which the Congress would be placed if we should pass this bill. If we can enact a code of Federal law to punish the crime of lynching, we can pass a code of Federal criminal law for all the States to punish every offense now within the jurisdiction of State courts. We could send a host of new Federal judges into every State to replace the State courts. We could infest every State with a swarm of Federal officers to punish every crime known to the law, and the States of the Union would have left no rights that politicians in Congress would be bound to respect. [Applause.]

In Barbier *v.* Connolly (113 U. S., p. 13) the Supreme Court, in speaking of the fourteenth amendment, said:

Neither the amendment—broad and comprehensive as it is—nor any other amendment was designed to interfere with the powers of the State, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, education, and good order of the people.

During the debate on the rule the gentleman from Kansas [Mr. CAMPBELL] attempted, as chairman, to justify the action of the Committee on Rules in making this bill in order. The gentleman from Michigan [Mr. KELLEY] interrupted to put to the gentleman from Kansas the following question:

Mr. KELLEY of Michigan. The gentleman has undoubtedly given the constitutional phase of this question a good deal of attention. I should like to ask directly for his opinion in reference to section 2. It provides that when any State or governmental subdivision fails to protect life that State or subdivision shall be guilty of a violation of the provision of the Constitution which says that equal protection of the law shall be afforded. Does the gentleman think that a State, acting in perfect good faith and doing everything in its power to enforce the laws, when it fails to protect life transfers its jurisdiction over those crimes to the Federal Government?

Mr. CAMPBELL of Kansas. That is the large question in this case.

Yes, it is indeed "the large question in this case"; but that question, however large, has been definitely settled by the highest court in the land. That court by a mass of decisions has held that the jurisdiction of the State to enact and enforce its own criminal laws can not by Congress be transferred to the Federal Government.

In Virginia *v.* Rives (100 U. S., 313) the Supreme Court of the United States, in speaking of the limitations of the fourteenth amendment, said:

These provisions of the fourteenth amendment have reference to State action exclusively, and not to any action of private individuals.

Lynching is the action of private individuals.

Section 3 of this bill provides that if any State or municipal officer fails, neglects, or refuses to make all reasonable efforts to prevent a mob or riotous assemblage from putting to death a person, or fails, neglects, or refuses to make all reasonable efforts to apprehend or prosecute to final judgment under the laws of his State all persons so participating in such mob or riotous assemblage, shall be guilty of a felony, and if convicted may be punished by imprisonment for five years and a fine of $5,000, or both fine and imprisonment.

Under this section Congress denies the right of the State to make and enforce its own criminal laws or to punish the neglects and delinquencies of its own officials.

Under this act a town constable, before his town has time to act, can be haled before a Federal court in some distant State, and if a Federal jury find that the constable did not, in their opinion, make all reasonable efforts to prevent the lynching or to apprehend the lynchers, then they may fine him $5,000 and imprison him for five years.

If such a law as is contemplated in this bill is enacted and declared constitutional, then there will be no police, no officers of the law provided by any State in the Union, because no sane person would accept the position of a peace officer with this terrible risk and penalty and punishment awaiting him in case a lynching should happen in his State. [Applause.]

This section further provides that any person who participates in a mob that takes from the custody or possession of any State or municipal officer any person held by such officer to answer some offense, or participates in putting such person to death, or obstructs or prevents any State or municipal officer in the discharge of his duty in the punishment of persons charged with the crime of lynching, shall be guilty of a felony and upon conviction may be imprisoned for life.

On Monday, December 19, the gentleman from South Carolina [Mr. McSWAIN] extended his remarks in the RECORD on this measure. His argument was a fine presentation of the unconstitutionality of this bill. I wish you all could read it before you vote upon this measure. On page 644 of the RECORD, he says:

> It must be admitted that the laws of all States require arresting officers to protect their prisoners. In like manner under the laws of all States every participant in a lynching is a murderer. Can it be fairly said that because an officer occasionally fails in his duty to protect his prisoner from lawless mobs that such exceptional act amounts to the action of the State as a subdivision of organized society in denying due process of law and in denying equal protection of law?
>
> If Congress can by law provide punishment in a Federal court for a State sheriff for his acts or neglect of action as sheriff, then Congress could provide punishment for the governor of a State for his acts or failure to act as the State's chief executive. And if the State's executive officers may be punished by fine or imprisonment under congressional laws, so may the chief justice and all judges of the State. And by the same token the members of the State legislatures may be punished for enacting laws found to be violative of the fourteenth amendment.

I wish here in this connection to again call your attention to the fact that every State in the Union has laws making it a crime to interfere with or obstruct an officer in the performance of his duty, and can it be constitutional that whenever that crime is committed in any State the United States marshals may arrest the offender and take him before a Federal court in another State and, if in the opinion of a Federal jury, he did so obstruct the officer he may be convicted and imprisoned for life? Such an act would not be a denial by the State of the equal protection of the laws under the Constitution, but it would be a denial of the rights of the States and the rights of all persons under the national Constitution.

Section 4 removes the last vestige of the rights of the citizens of the several States. It provides that any person who participates in any mob or riotous assemblage by which a person is put to death shall be guilty of a felony, and on conviction thereof may be imprisoned for life.

Lynching is nothing but murder. All who engage in it are murderers. Every State in the Union has laws against murder, and until it is shown by proper evidence that a State has enacted laws denying to persons the equal protection of the laws the Federal power can not interfere. This bill is an attempt to enact a Federal statute to punish in Federal courts the crime of murder in the several States. If enacted and held constitutional it could be used to sweep away all the laws of the States. Not a single State criminal law would remain superior to the Federal statutes, for, in the language of the Assistant Attorney General, "the same principle would apply to larceny, burglary, assault and battery." [Applause.]

Section 5 provides that any county in which a person is put to death by a mob shall forfeit $10,000 for the use of the family of the person so put to death. If he had no family then it goes to his parents, and if he had no parents then it is given to the United States.

A county is but a subdivision of a State. Under this bill it is not necessary that the county itself should have failed in any particular to do its utmost to prevent the lynching. It is not necessary that the county should have any knowledge of the lynching or have failed in any particular to prevent it. It is sufficient to punish the county in a Federal court that a lynching has taken place within its borders. The sheriff of the county may have tried his utmost to prevent the lynching. He may have been shot to death by the lynchers, but under this bill his family would receive nothing, while the family of the person so lynched would receive $10,000 from the innocent taxpayers of the county.

If such a Federal law is constitutional, then the inhabitants of a county, however innocent of wrong, have no rights whatever and may be deprived of property, liberty, and the pursuit of happiness by a Federal law every time a murder is committed within its borders. [Applause.]

Section 6 is the worst of all. It provides that if any person so put to death has been transferred by a mob from one county to another between capture and death each county through which he was so transported shall forfeit $10,000. It is not necessary to show that the murder was committed in that county or that the county had anything to do with the lynching or had neglected to do anything to stop it or even had any knowledge that it was being committed. It is sufficient under this bill to penalize the county, that in the darkness of night a mob crossed your county or mine or entered upon its soil, even by a few rods, while engaged in its work of lynching.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. HERSEY. I can not yield to anyone, because I have borrowed my time, and the gentleman says he will not give me any more time if I yield.

I now turn from the very unsatisfactory light given by the Attorney General's office and the proponents of this bill to some of the decisions of the highest court in the land, which decisions have construed the fourteenth amendment of the Constitution, an amendment under which the friends of this bill claim that this legislation has a legal right to live or it must die.

The fourteenth amendment was born in the stormy days of reconstruction. Many of the Southern States, after slavery was abolished, passed laws discriminating against the Negro in his civil rights; and to give him equal protection in his civil rights, in his voting, as a citizen, in his business, in the courts, in the selection of jurors, and in all other civil rights, the fourteenth amendment was enacted.

In the Slaughterhouse cases (16 Wallace, U. S., p. 81) Justice Miller told us the object and purpose of the fourteenth amendment. He said:

> In the light of the history of this amendment and the pervading purpose of them, which we have already discussed, it is not difficult to give a meaning to this clause (equal protection of the laws). The existence of laws in the States where the newly emancipated Negroes resided, which discriminated with gross injustice and hardship against them as a class, was the evil to be remedied by this clause, and by such laws are forbidden.

In the case of Strauder *v.* West Virginia (100 U. S., 303) a law which denied colored persons the right to sit on juries was declared void. The court said:

> It (the fourteenth amendment) was designed to assure to the colored race the enjoyment of all the civil rights that under the law are enjoyed by white persons and to give to that race the protection of the General Government in that enjoyment whenever it should be denied by the States.

The particular action of the State prohibited by the fourteenth amendment is fully set forth in the Civil Rights cases, United States against Stanley, Ryan, and others, found in the United States Reports, volume 109, page 11, in which the court said:

> It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation and State action of every kind which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws. * * * The last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition. To adopt legislation for correcting the effects of such prohibited State laws and State acts, and thus to render them effectually null, void, and innocuous. This is the legislative power conferred upon Congress, and this is the whole of it. It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation, but to provide modes of relief against State legislation or State action of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights, but to provide modes of redress against the operation of State laws and the action of State officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the fourteenth amendment, but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect, and such legislation must necessarily be predicated upon such supposed State laws or State proceedings and be directed to the correction of their operation and effect.

Mr. Justice Field, in the One hundred and thirteenth United States Reports, page 27, in the case of Barbier against Connolly, made plain the purpose of the fourteenth amendment and its limitations. He said:

> The fourteenth amendment, in declaring that no State "shall deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws," undoubtedly intended not only that there should be no arbitrary deprivation of life or liberty or arbitrary spoliation of property but that equal protection and security should be given to all under

like circumstances in the enjoyment of their personal and civil rights; that all persons should be equally entitled to pursue their happiness and acquire and enjoy property; that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs and the enforcement of contracts; that no impediment should be interposed to the pursuits of anyone except as applied to the same pursuits by others under like circumstances; that no greater burdens should be laid upon one than are laid upon others in the same calling and condition; and that in the administration of criminal justice no different or higher punishment should be imposed upon one than such as is prescribed to all for like offenses. But neither the amendment, broad and comprehensive as it is, nor any other amendment was designed to interfere with the power of the State, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, education, and good order of the people.

This was followed by the decision of the Pembina Mining Co. against the State of Pennsylvania, One hundred and twenty-fifth United States Reports, page 181, in which the court said:

The inhibition of the amendment that no State shall deprive any person within its jurisdiction of the equal protection of the laws was designed to prevent any person or class of persons from being singled out as a special subject for discriminatory and hostile legislation.

A later decision is found in James against Bowman, One hundred and ninetieth United States Reports, pages 127 to 137. There the late Justice Brewer construed the fourteenth amendment as follows:

The equality of the rights of citizens is a principle of republicanism; every republican government is in duty bound to protect all its citizens in the enjoyment of this principle if within its power. That duty was originally assumed by the States, and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the Government is limited to the enforcement of this guaranty.

The late James G. Blaine, of my State, was a Member of Congress when the fourteenth amendment was passed. In his great work Twenty Years of Congress, volume 2, page 313, he makes plain what Congress intended to be the purpose and limitations of that amendment. He says:

Under it the citizen of foreign birth can not be persecuted by discriminatory statutes, nor can any citizen of dark complexion be deprived of a single privilege or immunity which belongs to the white man. Nor can the Catholic or the Protestant or the Jew be placed under the ban or subjected to any deprivation of personal or religious right. It curtails the power of the States to shelter the wrongdoer or to authorize crime by a statute.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. SUMNERS of Texas. I yield to the gentleman five minutes more.

Mr. UPSHAW. Give him five minutes of my time.

Mr. HERSEY. I would like to have 10 minutes.

Mr. SUMNERS of Texas. All right.

Mr. HERSEY. It was contended in our committee and by friends of this bill in the debate in the House that this Federal antilynching legislation was justified and constitutional because it is claimed that there is a precedent in the late Volstead enforcement code making the manufacture and sale of intoxicating liquors a Federal offense.

This contention of the proponents of this bill is very unfortunate for the constitutional side of this bill. A moment's thought must satisfy us that the eighteenth amendment, instead of being in favor of this legislation, is directly opposed to it.

Many years ago some of the States of the Union, like Maine and Kansas, enacted prohibitory laws outlawing the manufacture and sale of intoxicating liquor within the borders of their States. They passed also amendments to their State constitutions making it unlawful to manufacture or sell liquors. On appeal to the United States Supreme Court that court held these statutes and amendments to their State constitutions were lawful under the police power given to the States by the Federal Constitution.

The Supreme Court said in substance the States have a right to enact their own criminal laws. They have the police power, and it is not only their duty but it is their exclusive duty to enforce the police powers under the Constitution.

Afterwards the friends of prohibition appealed to the Congress to enact Federal statutes making it a crime to manufacture and sell intoxicating liquors in every State in the Nation. In other words, they demanded of Congress Federal prohibition. Congress rightfully replied that they had no authority to enact such laws without an amendment to the Constitution. This position was admitted by all lawyers, and afterwards Congress did submit to the people and there was duly passed and made a permanent part of the Federal Constitution the eighteenth amendment, making it a Federal crime to manufacture or sell intoxicating liquors, giving the States concurrent power with the Federal Government in the enforcement of laws to carry out the amendment, and giving Congress authority to enact an enforcement code to carry out the purpose of the eighteenth amendment.

The gentleman from Minnesota [Mr. VOLSTEAD], chairman of the Judiciary Committee, immortalized himself as author of what is known as the Volstead enforcement act, which provides for the enforcement of the eighteenth amendment by Federal authority in conjunction with and in concurrence with the States.

On appeal to the Supreme Court by the breweries, distillers, and liquor sellers that Congress had no right to enact this enforcement code, the Supreme Court has recently held that Congress had that right because of the eighteenth amendment, which made the manufacture and sale of intoxicating liquor a Federal offense, and that Congress received from the eighteenth amendment authority to enact a Federal enforcement code, and so held the act of Congress constitutional.

What do we find in the bill before us? Not a resolution of Congress submitting the twentieth amendment to the people of the Nation, making lynching a Federal offense in every State in the Union, and authorizing Congress to enact a Federal code for the enforcement of the amendment. Nothing of the kind, but in its place we find this strange situation, not another Volstead enforcement code but the Dyer enforcement bill to enforce an amendment not now in existence.

Neither in the fourteenth amendment nor in any other amendment is lynching made a Federal offense, and until it is made a Federal offense by a constitutional amendment to the Federal Constitution and authority given to Congress to enact an enforcement code to carry out the purposes of such an amendment Congress has no power whatever to enact this bill.

If this bill should pass and become a law, and after that a person should be arrested for participating in a lynching and taken before the Federal court and convicted, and he should appeal to the Supreme Court on the ground that the law under which he was convicted was unconstitutional, I can imagine the scene in the Supreme Court of the United States when the constitutionality of that law should come up for argument.

When the code to enforce the eighteenth amendment was before the Supreme Court my chairman, Mr. VOLSTEAD, was for the law and its constitutionality, because, as he claimed, he was backed by the eighteenth amendment.

On the other side then was my friend from Missouri [Mr. DYER], author of this bill, who was opposed to the national prohibitory law on the ground that it was not constitutional and that Congress had no right to enact it. Now, when this bill comes before the Supreme Court, there is a wonderful change. On the day that the Constitution is to be crucified by the antilynching bill Pilate and Herod become friends. The gentleman from Missouri and the gentleman from Minnesota are now claiming that this law, this antilynching bill, is constitutional without any constitutional amendment whatever.

When the Supreme Court asks Mr. VOLSTEAD for his authority for the enactment of this legislation by Congress without an amendment to the Constitution making lynching a Federal offense, Mr. VOLSTEAD will stammer and say that his friend Mr. DYER will present that side of the case, because he, Mr. VOLSTEAD, is more familiar with the eighteenth amendment than he would be with Mr. DYER's bill, and the court would call upon Mr. DYER to answer the person convicted how the court could hold this antilynching enforcement law constitutional without a constitutional amendment authorizing it, and Mr. DYER would say in substance, as he said the other day to us:

"I have here, your honor, clippings from many newspapers all over the land recommending this legislation. I want to tell your honors about the awful riot out in St. Louis, my old State, some four years ago, known as the race riots, where 100 persons were shot and burned. I do not know who did the shooting, but it was done in a riot and by a mob, and it was caused by race feeling and prejudice, and for that reason we want this legislation to be held constitutional."

I can see the kindly Chief Justice, with that well-known broad smile spreading over his face, saying to Mr. DYER: "The court is not interested in the St. Louis riot or any newspaper clippings about the advisability of preventing lynching. We want you to point out to us the constitutional amendment that justifies making lynching a Federal offense." And Mr. DYER would say, "We rely upon the fourteenth amendment, your honor." And the court would say to Mr. DYER, "The fourteenth amendment is to prevent discriminatory legislation on behalf of the States; it aims at State enactments and not the acts of individuals, and our court has held that by repeated decisions by Justice Miller, Justice Field, and very lately by the late Justice Brewer that, under the fourteenth amendment, Congress has no right to enact a Federal code of criminal law for the States, and that the fourteenth amendment is limited

to discriminatory legislation by State laws that do not give to all persons the equal protection of the laws." And then the court will say, "That the appeal is sustained and the law declared unconstitutional, indictment dismissed, and prisoner discharged."

If the court should render any further opinion, it would hold, as it has held so many times, that Congress can not make individual acts a Federal offense without a constitutional amendment. The court might, however, refresh the recollection of the gentleman from Missouri [Mr. DYER] by citing the following case:

The Supreme Court of the United States in United States *v.* Harris (106 U. S. Repts., p. 638) construed the purpose and limitations of the two sections of the fourteenth amendment. The court said:

It is a guaranty against the acts of the State government itself. It is a guaranty against the exertion of arbitrary and tyrannical power on the part of the government and legislature of the State, not a guaranty against the commission of individual offenses; and the power of Congress, whether express or implied, to legislate for the enforcement of such a guaranty does not extend to the passage of laws for the suppression of crime within the States. The enforcement of the guaranty does not require to authorize Congress to perform the duty that the guaranty itself supposes it to be the duty of the State to perform, and which it requires the State to perform.

I want to say a word as to the effect of this legislation, should it be passed by Congress and be held constitutional by the courts. The law will be most unwise and absolutely unworkable. It could never be enforced by all the Federal courts of the Union and all the United States marshals in the Nation. The States must be left to work out their own destiny, to enact and enforce their own laws in accordance with the Constitution. The Federal power ought not to enter the domain of the State and take possession of the prerogatives, duties, and responsibilities of the States and attempt to perform their work. The fourteenth amendment contemplates that where States enact laws that discriminate between persons, and deny to any person the equal protection of the laws, that such enactments of any State are null and void. The fourteenth amendment goes no further.

It is generally claimed by the advocates of this bill that if enacted into law it is for the purpose of preventing lynching in certain Southern States, and particularly the lynching of the Negro.

If there are more Negroes lynched than whites, it is because of certain monstrous crimes committed by the Negro that arouse the blood of the white race. The terrible crime of rape was a legacy left to the South after the destruction of slavery. The South must deal with this awful problem. They are dealing with it. Every Southern State has laws punishing the crime of lynching. It is said that the State of Georgia is the greatest offender, and yet I find in a late edition of the Concord (N. H.) Monitor, the following:

[From the Concord (N. H.) Monitor.]

On a Friday morning recently two Negroes committed a heinous crime in Wayne County, Ga. By the following Wednesday morning the criminals had been caught, indicted by jury in open court at the county seat, found guilty, and sentenced to death. That sentence is soon to be executed.

The whole proceedings, says an Atlanta newspaper, with pardonable pride, "passed off with dignity, order, and precision." The community in which the crime was perpetrated is satisfied, and all the more so because fundamental justice has been done without any sacrifice of self-respect.

The only excuse for lynching has been its effectiveness. The legal procedure in this case was just as effective as a lynching bee. This is the way, and the only way, to stop lynching in criminal cases that involve race prejudice or invite the moral hatred of a community.

The New York World, in a recent issue under the title "High cost of lynching," says:

The award of $2,000 damages made by a South Carolina court to the widow of a victim of mob violence establishes an interesting precedent. In April, 1920, Joe Stewart, a Negro, was taken from the jail at Laurens, S. C., and hanged. Suit for this amount under the constitutional requirements was brought by the widow in the common pleas court, and the presiding justice directed the jury to return a verdict against the county for the full sum. * * * If it is going to cost even $2,000 to lynch a Negro in South Carolina, it is conceivable that the price may prove a deterrent to lynchings.

The gentleman from Missouri [Mr. DYER] inserts in the RECORD a clipping from a newspaper that wants the Dyer bill because it says it will stop all lynchings. It says of the efforts of southern governors to prevent lynchings, as follows:

Morrow, of Kentucky, puts through an automatic removal law against officers derelict in the face of mobs and employs State soldiery to prevent lynching.

McRae, of Arkansas, demands most stringent laws and their enforcement against lynchers.

Cooper, of South Carolina, made a Nation-wide reputation by his use of National Guard against would-be lynchers.

Under the fearless administration of Bickett, that great defense of the Goldsboro courthouse against the mob became practically possible.

Dorsey, of Georgia, organized a State-wide movement against the continuance of the foulest and longest of all lynching records.

And now Gov. Neff, of Texas, goes up and down the State appealing for law enforcement and for order.

However sincere and courageous, the southern governors' efforts to stamp out lynching, they come to naught.

The President said the condition could not be removed.

The President further said:

I am convinced that in mutual tolerance, understanding, charity, recognition of the interdependence of the races, and the maintenance of the rights of citizenship lies the road to righteous adjustment.

Under the Dyer bill there is to its advocates no other road but Federal laws, United States marshals, Federal troops and the bayonet, civil war, and race riots.

The Southern States are enforcing laws to-day similar to the one provided in this bill. It is their duty to so enact and enforce such laws. It is not the duty of Congress to interfere in the working out of this great problem by the States of the Union.

Over 30 years ago the immortal Henry W. Grady left his southern home and made a fraternal visit to the people of the North. He was the best friend the colored people ever had. He told us that the great race problem could not be settled by Federal statutes by sending to the Southern States United States marshals and a new force of "carpetbaggers" on the problem that this bill seeks to settle.

Grady said:

The future holds a problem in solving which the South must stand alone, in dealing with which she must come closer together than ambition or despair have driven her, and on the outcome of which her very existence depends. This problem is to carry within her body politic two separate races, and nearly equal in numbers. She must carry these races in peace, for discord means ruin. She must carry them separately, for assimilation means debasement. She must carry them in equal justice, for to this she is pledged in honor and in gratitude. She must carry them unto the end, for in human probability she will never be quit of either.

This burden no other people bears to-day—on none hath it ever rested. Without precedent or companionship, the South must bear this problem, the awful responsibility of which should win the sympathy of all humankind and the protecting watchfulness of God alone, even unto the end.

What wonderful progress the South has made in giving to the colored race the equal protection of the laws during the last 30 years! It is not contended by the proponents of this bill that to-day any State of the Union has in its constitution a single provision in violation of the fourteenth amendment of the Federal Constitution. It is not claimed for a moment that any of the States have now a single statute that discriminates against any person or class of persons. No one claims as an excuse for this bill that any State in all this broad land has laws that deprive any person or class of persons of the equal protection of the laws.

To-day each State has its own constitution, patterned after and in accordance, conformity, and harmony with the Constitution of the United States. Every unconstitutional provision of the past that has discriminated in any manner against the colored race has been swept aside and declared null and void by the Supreme Court of the United States. Every State has its own legislature that enacts laws for the government, guidance, and protection of all its citizens. Every State has its courts to construe its laws and dispense justice to its people. Every State has its governors, sheriffs, and police officers to enforce its laws. These are sacred rights reserved by the Constitution of the United States to the several States, and these rights you and I under oath are sworn to preserve and protect.

Since the days of Blaine and Grady the sons of the Blue and the Gray have fought side by side on land and on sea, first to liberate the slaves of Spain. Then next the soldiers of the North and the South, forgetting partisanship and sectionalism, have borne the Old Flag of the fathers to triumphant victory on the blood-red fields of France, and while I am speaking to you together the sons of the Blue and the Gray sleep side by side under the poppies of Flanders Field. Only yesterday the path of the President was strewn with flowers by the people of the South. Never was this Nation more happily united. Here in the Capital of the Nation we have been spending the past two months with the great leaders of the civilized world. We have been trying to demonstrate how beautiful it is for nations to dwell together in unity.

In the afterglow of these happy Christmas hours through which we have just passed, when our hearts cry out "Peace on earth, good will toward men," it is no time to enact this monstrous law that can have no other effect or result than to fan into flames the expiring embers of race and class hatred and bring back again to the beautiful Southland the awful horrors of those days of darkness that followed the Civil War.

God help us as Republicans to forget the doubtful political value of this bill and work together, North and South, East and West, for the peace, prosperity, glory, and grandeur of a united Republic. [Applause.]

Mr. VOLSTEAD. I yield 20 minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman, the first time that two men left to another man the decision of their disputes society became possible. When the first community arranged a tribunal to pass upon the offenses and rights of the citizen, government was established. That agreement is the corner stone of all society and of all government. Whenever men cancel that foundation agreement, government falls, society is dissolved, and civilization is a wreck. Whenever men disregard the courts and undertake to take into their own hands decisions upon the offenses or rights of other men, you have seen the beginning of the end of human society and they are lapsing into barbarism.

Respect for the law and its decisions is absolutely essential to the maintenance of a democratic form of government. Yet lawlessness, disregard for the law, refusal to leave to the law, decisions on other men's guilt or innocence, never were as rampant in this country as now. In the future generations they will discuss this lynching era with as much curious interest as we do now the witchcraft era. Unless our people leave their disputes to the courts it is only a question of time as to the collapse of the Republic.

The States have given up any effort to enforce the constitutional guaranty that the lives of all men shall have equal protection. The time has come when Congress must remember its oath and proceed with its duty of enforcing that guaranty of the Constitution. For that purpose, this antilynching bill is presented. Whenever under this bill the State, or sheriff, for example, has failed, neglected, or refused the protection of the laws to any man against a mob, that duty will then devolve upon the Federal Government, or the United States marshal, if this bill passes.

The Federal Government, perhaps, can not enforce this guaranty until the State has thus denied that equal protection. The cases adduced by our opponents simply suggest that this constitutional guaranty can not be enforced by Congress until the State by its officers refuses a man protection. They have no relation to this proposed legislation because it specifically providss that its terms do not become effective until the State refuses to do its duty, and the minute that point is reached the State officer who refuses a man protection and the private individuals who take advantage of his refusal and aid him in his violation of the Constitution will be tried and punished in the Federal courts and the counties whose officers are thus guilty will be liable for such damages as are proven.

Now, every man seems to think that whenever he and his neighbor can get a mask and a long white nightgown, they can call you out and whip you or hang you or burn you, if in their judicial minds you deserve that. Come, gentlemen, let us breed back to sanity again.

No Republic is safe, gentlemen, except upon the respect for law which has been the backbone of Anglo-Saxon civilization. Whenever our people lose that, our society begins to dwindle and fade. This is a big Government, a democratic Government with no big armies, with no autocrats, and we must depend upon the respect of the people for the law. If the sheriff can stand by and smile while a mob takes out and burns a Negro, this country is on the road to the dissolution which so many have predicted this afternoon if they can not have their own way.

The Constitution of the United States provides in the first section of the fourtenth amendment that whenever a State denies to any man the equal protection of its laws it has violated that Constitution. The fifth section of that amendment provides that whenever a State denies equal protection this Congress shall have the power to take the necessary steps toward enforcing that guaranty of the Constitution.

We have heard a lot of pretty good oratory and pretty bad law about this constitutional question.

Since this Government began there have been about thirty-five times in which the Federal Supreme Court has held unconstitutional what this Congress sought to do in passing a particular bill, yet any time anybody brings up any proposition here there are 15 or 20 constitutional lawyers who rise to their feet to tell you that it is unconstitutional; but only thirty-five times out of thousands of bills that we have passed have they been so declared.

I have listened with a great deal of interest to the "constitutional" debate. Several gentlemen just tell us plainly and frankly that this bill is unconstitutional. I want to dispose of that assertion first. I am going to tell you just as plainly and frankly that it is constitutional. We are even so far. Now, let us leave it to the Supreme Court. Here are a few of their cases, and I believe the best way to get at it will be to read them and dispense with this eloquence.

The question arises, of course, whether there is any distinction between these cases that have been dragged in here—I do not know why they have been brought in—and the case now at bar. There is a very simple and plain distinction. Practically every one of these decisions is based upon the fact that the indictment or law did not say that the State had denied any rights to anybody. The case decided by Judge Brewer, of my State, was a case in which somebody was arrested for intimidating Negroes at the polls; and whoever drew the indictment forgot to say that they did it because they were Negroes, which was essential, and they forgot to say that it was done by the aid of the State by denying anything. But this bill in its very inception says that it only takes effect when the State has denied equal protection. If I am chased by a mob, and I appeal to the sheriff for protection, and he smiles and does nothing, the minute that he refuses to assist me I am entitled to the protection of the Federal Constitution and to your protection, and you have taken an oath that I shall have it.

Mr. HERSEY. Will the gentleman yield?

Mr. LITTLE. No; I have not time. The gentleman must excuse me.

There is the case of the Commonwealth of Kentucky against Dennison, governor, reported in Sixty-fifth United States, page 66. That case is quoted by the gentleman from Texas [Mr. BUCHANAN]. On page 107 of the decision in that case Mr. Justice Taney says:

> And we think it clear that the Federal Government, under the Constitution, has no power to impose on a State officer, as such, any duty whatever and compel him to perform it.

Now, gentlemen, if that is the law we have no case. If that decision is to stand we have no business in this court. But let us see about that. I will call your attention to a case that these gentlemen have already quoted, entitled Ex parte Virginia, One hundredth United States, and let us turn to page 347, where the Supreme Court of the United States says:

> A State acts by its legislative, its executive, or its judicial authorities. It can act in no other way. The constitutional provision, therefore, must mean that no agency of the State, or of the officers or agents by whom its powers are exerted, shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a State government, deprives another of property, life, or liberty, without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibition; and as he acts in the name and for the State, and is clothed with the State's power, his act is that of the State. This must be so, or the constitutional prohibition has no meaning. Then the State HAS clothed one of its agents with power to annul or to evade it.
>
> But the constitutional amendment was ordained for a purpose. It was to secure equal rights to all persons and to insure to all persons the enjoyment of such rights, power was given to Congress to enforce its provisions by appropriate legislation. Such legislation must act upon persons, not upon the abstract thing denominated a State, but upon the persons who are the agents of the State in the denial of the rights which were intended to be secured. Such is the act of March 1, 1875, and we think it was fully authorized by the Constitution.
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> The argument in support of the petition for a habeas corpus ignores entirely the powers conferred upon Congress by the fourteenth amendment. Were it not for the fifth section of that amendment, there might be room for argument that the first section is only declaratory of the moral duty of the State, as was said in Commonwealth of Kentucky *v.* Dennison (24 How., 66). The act under consideration in that case provided no means to compel the execution of the duty required by it, and the Constitution gave none.
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> But the Constitution now expressly gives authority for congressional interference and compulsion in the cases embraced within the fourteenth amendment. It is but a limited authority, true, extending only to a single class of cases; but within its limits it is complete. The remarks made in Kentucky *v.* Dennison and in Collector *v.* Day, though entirely just as applied to the cases in which they were made, are inapplicable to the case we have now in hand. We do not perceive how holding an office under a State and claiming to act for the State can relieve the holder from obligation to obey the Constitution of the United States or take away the power of Congress to punish his disobedience.

Judge Taney's case is gone and "done for," because it has been reversed or modified by the Supreme Court of the United States on the authority of the first and fifth sections of the fourteenth amendment, on which this bill is based, and that amendment is the supreme law of the land.

Now, more of these cases have been decided in the One hundredth United States Reports than in any other. In Tennessee against Davis, page 258, the court held:

> The General Government must cease to exist whenever it can not enforce the exercise of its constitutional powers within the States by the instrumentality of its officers and agents.

And the court held that such criminal prosecutions may be removed to the Federal courts.

In Strauder against West Virginia, One hundredth United States, pages 303 and 310:

The fourteenth amendment not only gave citizenship and the privileges of citizenship to persons of color but denied to any State the power to withhold from them the equal protection of the laws, and invested Congress with power by appropriate legislation to enforce its provisions.

And the court said:

A right or an immunity, whether created by the Constitution or only guaranteed by it, even without any express delegation of power, may be protected by Congress. (Prigg *v.* The Commonwealth of Pennsylvania, 16 Pt., 539.) So in United States *v.* Reese (92 U. S., 214) it was said by the chief justice of this court: "Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and manner of the protection may be such as Congress in the legitimate exercise of its legislative discretion shall provide. These may be varied to meet the necessities of the particular right to be protected." But there is express authority to protect the rights and immunities referred to in the fourteenth amendment and to enforce observance of them by appropriate congressional legislation.

VIRGINIA *v.* RIVES.

The case of Virginia against Rives is found on page 313 of volume 100, United States Supreme Court Reports, and is based on section 641 of the Revised Statutes of the United States, which provides, among other things, that when any criminal prosecution is commenced in any State court against any person who is denied or can not enforce in the judicial tribunals of the State or in the part of the State where such prosecution is pending any right secured to him by any law providing for the equal civil rights of citizens, such prosecution may on the defendant's petition at any time before the trial or final hearing be removed for trial into the next circuit court to be held in the district where it is pending, and on the filing of that petition all further proceedings in the State court shall cease. Two Negroes were being tried for alleged murder, and after the conviction of one they asked for removal to the Federal court, stating that there were no men of their race on the jury that indicted them nor on the jury that was summoned to try them. The Supreme Court states that if the officer who was entrusted with the duty of selecting the juries confined his selections entirely to white people, the injustice could be remedied in the judicial tribunal, and if it should not be, an appeal could be taken to the supreme court of the State, and until that was done he could not truly say that he "is denied or can not enforce in the judicial tribunal of the State" his rights as to a jury, and therefore it was not a proper case for removal. The Supreme Court said:

In such a case it ought to be presumed that the court will redress the wrong.

The Supreme Court continues:

Denials of equal rights in the action of the judicial tribunals of the State are left to the revisory powers of this court.

The court simply said that the petition for removal did not state a proper cause for removal to the Federal court. It said that the proper remedy was to complete the hearing in the Virginia courts, and then ask for the revisory powers of the Supreme Court of the United States.

The opponents of the proposed legislation have some way gotten the idea from this case apparently, that because these causes could not be removed after trial to a Federal court, a sheriff could refuse to enforce the law and Congress could find no corrective legislation that it could make. They entirely overlook the direct statement in this case of the Supreme Court, that these men had an appeal to the Supreme Court of the United States whenever it appeared that the judicial tribunals of Virginia had definitely shown that they could not do justice to the men on trial. Indeed, this cause is crowded with statements of the principles involved, which affirm over and again the authority of the Federal Government to establish corrective legislation whenever a State denies to any man equal protection before its laws. I hope that every lawyer interested will read this cause, because it is a library of legal jurisprudence that absolutely determines every proposition involved in this debate and affirms the absolute authority of Congress to pass this bill. It is very curious that it should be cited by those who are opposed to the antilynching bill. Much of it is too valuable to omit. The Supreme Court says:

We do not say that Congress could not have authorized the removal of such a case into the Federal courts at any stage of its proceedings whenever a ruling should be made in it denying the equal protection of the laws to the defendant. Upon that subject it is unnecessary to affirm anything. It is sufficient to say now that section 641 does not * * *. It left them to the revisory powers of the higher courts of the State and ultimately to the review of this court.

There the court explicitly states that the Federal Government in its courts can see that the Federal courts can review a denial of justice to a State citizen in State courts; and yet people bring that case here as if it sustained their objections to the rights of the Federal Government to see that the State does give a man justice. Here the orators were asleep at the switch again or they never would have challenged our attention to this case of Virginia against Rives. The Supreme Court continues, page 321:

If, as was alleged in the argument, though it does not appear in the petition or record, the officer to whom was intrusted the selection of the persons from whom the juries for the indictment and trial of the petitioners was drawn, disregarding the statutes of the State, confined his selection to white persons and refused to select any persons of the colored race, solely because of their color, his action was a gross violation of the spirit of the State's laws as well as of the act of Congress of March 1, 1875, which prohibits and punishes such discrimination. He made himself liable to punishment at the instance of the State and under the laws of the United States. In one sense, indeed, his act was the act of the State and was prohibited by the constitutional amendment.

And, again, page 318.

It is doubtless true that a State may act through different agencies, either by its legislative, its executive, or its judicial authorities, and the prohibitions of the amendment extend to all action of the State denying equal protection of the laws, whether it be action by one of these agencies or by another. Congress, by virtue of the fifth section of the fourteenth amendment, may enforce the prohibitions whenever they are disregarded by either the legislative, the executive, or the judicial department of the State. The mode of enforcement is left to its discretion. It may secure the right—that is, enforce its recognition—by removing the case from a State court, in which it is denied, into a Federal court, where it will be acknowledged. Of this there can be no reasonable doubt. Removal of cases from State courts into courts of the United States has been an acknowledged mode of protecting rights ever since the foundation of the Government. Its constitutionality has never been seriously doubted.

In the above paragraph the Supreme Court again explicitly calls attention to the fact that under the fifteenth amendment a State may deny equal protection by either its legislative, judicial, or executive authorities, and Congress "may enforce the prohibitions whenever they are disregarded by either" and "the mode of enforcement is left to its discretion." The court simply says directly that when the time comes that the constitutional guaranties should be upheld by Congress, "the mode of enforcement is left to its discretion." Here is ample room and verge enough in the powers of Congress to enact a law that shall accomplish every necessary essential to guarantee the rights of the citizen against their denial by any State. Why, the argument of the learned barristers on this floor against the constitutionality of this proposed legislation is simply a reiteration and reaffirmance of the declarations of the Supreme Court in favor of such legislation. They cite case after case which amply demonstrates the fallacy of all their argument.

"I can call spirits from the vasty deep," said Glendower. "Aye, so can I, and so can any man, but will they come?" said Hotspur. These debaters against the antilynching bill have summoned the spirits, and thank God they come, they come, upholding the authority of the Congress of the Republic to guarantee equal rights before the law to its humblest citizen in its remotest township. These gentlemen have essayed to draw from their sources the principles of the supreme law of the land as interpreted by the Supreme Court of this great Republic, and there they are, gentlemen of the House, shedding the sunlight of human rights upon every human being within the limits and boundaries of this Nation of free people.

EX PARTE VIRGINIA.

This case, page 339, immediately followed the Rives case. In this case the United States arrested Judge Coles, of Virginia County, alleging that he kept men off the jury because they were black, in violation of the law in Virginia, and they asked for an order that he be discharged, and the State presenting its similar petition for it, and the Supreme Court held that the indictment was all right, "that he is correctly held to answer it." If he was guilty he ought to be punished for keeping black men off the jury because they were black, which they held would be denying a man the equal protection of the laws. The court says:

We held in the Strauder case that such an equal right to an impartial jury trial and such an immunity from unfriendly discrimination are placed by the amendment under protection of the General Government and guaranteed by it. We held further, that this protection and this guaranty, as the fifth section of the amendment expressly ordains, may be enforced by Congress by means of appropriate legislation.

In other words, the court held in this Virginia case that Congress can enact the law now proposed, and the court continues—

All of the amendments derive much of their force from this latter provision. * * * It is the power of Congress which has been enlarged. Congress is authorized to enforce the prohibitions by appropriate legislation. Whatever legislation is appropriate to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power. Nor does it make any difference that such legislation is restrictive, or what the State might have done before the constitutional amendment was adopted. It is said the selection of jurors for her courts and the administration of her laws belongs to each State, that they are her rights. This is true in the general. But in exercising her rights, a State can not disregard the limitation which the Federal Constitution has applied to her power.

The court continues:

A State acts by its legislative, executive, or judicial authorities. It can act in no other way. The constitutional provision, therefore, must mean that no agency of the State, or of the officers or agents by whom its powers are exerted, shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a State government, deprives or takes away the equal protection of the laws, violates the constitutional inhibition, and as he acts in the name and for the State and is clothed with the State's power his act is that of the State. This must be so, or the constitutional prohibition has no meaning. Then the State HAS clothed one of its agents with power to annul or evade it.

But the constitutional amendment was ordained for a purpose. It was to secure equal rights to all persons; and to insure to all persons the enjoyment of such rights power was given to Congress to enforce its provisions by appropriate legislation. Such legislation must act upon persons; not upon the abstract thing denominated a State, but upon the persons who are the agents of the State in the denial of the rights which were intended to be secured.

You should read this case. It is nearly a library of the law on this subject, and I am divided between gratitude and wonder that the gentlemen who claim this bill is unconstitutional have introduced this decision to the argument.

They omitted, I believe, Ex Parte Clark, in which an Ohio election officer was convicted in the Federal courts for fooling with the ballot box at a congressional election. The court says:

The principal question is whether Congress had constitutional power to enact a law for punishing a State officer of election for the violation of his duty under a State statute in reference to an election of a Representative to Congress. Our opinion is that Congress had constitutional power to enact the law. The petitioner therefore must be remanded to the custody of the marshal for the southern district of Ohio, and it is so ordered.

In a very profound dissenting opinion Justice Field very aptly calls attention to the logical deductions from these decisions which knock Kentucky against Dennison in the head. He says, "I am not aware that the doctrine of this case which" (sic) "is so essential to the harmonious working of the State and Federal Government, has ever been qualified or departed from by this court until the recent decisions in the Virginia cases." That distinguished jurist, like the opponents of this proposed legislation, could not yet really believe that the fourteenth amendment meant anything, and I commend his logical deductions to these other students of ancient history (p. 414):

These decisions do indeed, in my judgment, constitute a new departure. They give to the Federal Government the power to strip the States of the right to vindicate their authority in their own courts against a violator of their laws when the transgressor happens to be an officer of the United States or alleges that he is denied or can not enforce some right under their laws. And they assert for the Federal Government a power to subject a judicial officer of a State to punishment for the manner in which he discharges his duties under her laws. The power to punish at all existing, the nature and extent of the punishment must depend upon the will of Congress and may be carried to a removal from office. In my judgment—and I say it without intending any disrespect to my associates—no such advance has ever before been made toward the conversion of our Federal system into a consolidated and centralized government.

The learned judge's logical mind saw at a glance the end of the reign of Judge Taney's case and the beginning of a new era. Forget it, gentlemen. Come out of the medieval fogs and stand with us in the sunlight of human freedom, won on battle fields and in courts, buttressed by the eternal principles of liberty and equality, under which the fourteenth amendment gives to all men equal protection under the laws of every State and enforces it by the officers of the United States in the courts of the United States.

Now, I am going to refer you to perhaps the best case there is in support of this legislation. Gentlemen have quoted cases all around it, but did not cite this one. I want to help them out with the case they overlooked entirely.

EX PARTE SIEBOLD.

(100 U. S., 387, 388, 389, 392, 393, 394, 395, and 396.)

In this case the Supreme Court says:

It is objected that Congress has no power to enforce State laws or punish State officers, and especially no power to punish them for violating the laws of their own State. As a general proposition this is undoubtedly true, but when in the performance of their functions State officers are called upon to fulfill duties which they owe to the United States as well as to the States has the United States no means of compelling such fulfillment? It certainly is not bound to stand by as a passive spectator of congressional elections when duties are violated and outrageous frauds are committed. The duties of the officers at Federal elections are owed as well to the United States as to the State. A violation of duty is an offense against the United States, for which the offender is justly amenable to the Government. No official position can shelter him from this responsibility.

The objection that the laws the violation of which is made punishable by act of Congress are State laws, and have not been adopted by Congress, is no sufficient answer to the power of Congress to impose punishment. The State laws which Congress sees no occasion to alter, but which it allows to stand, are in effect adopted by Congress. It simply demands their fulfillment. Content to leave the laws as they are, it is not content with the means provided for their enforcement. It provides additional means for that purpose, and we think it is entirely within its constitutional powers to do so.

Another objection made is that if Congress can impose penalties for the violations of State laws, the officers will be made liable to double punishment. The court then proceeds to suggest that probably he is so liable.

As a general rule it is no doubt expedient and wise that the operations of the State and National Governments should, as far as practicable, be conducted separately, but there is no reason for laying this down as a rule of universal application. It should never be made to override the plain and manifest dictates of the Constitution itself. We can not yield to such transcendental view of State sovereignty. The Constitution and laws of the United States are the supreme law of the land, and to these every citizen of every State owes obedience, whether in his individual or official capacity.

The court then speaks of the concurrent jurisdiction in such instances, the State, of course, being subordinate:

The views we have expressed seem to us to be founded on such plain and practical principles as hardly to need any labored argument for their support.

It seems to be often overlooked that a National Constitution has been adopted in this country, establishing a real government, operating upon persons, territory, and things, and which, moreover, is or should be as dear to every American citizen as his State government is; but if we allow ourselves to regard it as a hostile organization, opposed to the proper sovereignty and dignity of the State governments, we shall continue to be vexed with difficulties as to its jurisdiction and authority.

Somewhat akin to the argument which has been considered is the objection that the deputy marshals authorized by the act of Congress to attend these elections are authorized to keep the peace, and that this is a duty which belongs to the State authorities alone. It is argued that the preservation of peace and good order in society is not within the powers confided to the Government of the United States but belongs exclusively to the States. Here again we are met with the theory that the Government of the United States does not rest upon the soil and territory of the country. We think that this theory is founded on an entire misconception of the nature and powers of that Government. We hold it to be an incontrovertible principle that the Government of the United States may by means of physical force exercised through its official agents, execute on every foot of American soil, the powers and functions that belong to it. This necessarily involves the power to command obedience to its laws and hence the power to keep the peace to that extent. "This Constitution and all laws which shall be made in pursuance thereof shall be the supreme law of the land." Without the concurrent sovereignty referred to the National Government would be nothing but an advisory government. Its executive power would be absolutely nullified.

Why do we have marshals at all, if they can not physically lay their hands on persons and things? What functions can they perform if they can not use force? Must they call on the nearest constable for protection and rely on him to keep the peace while they are soliciting and entreating parties and bystanders to allow the law to take its course? This is the necessary consequence of the positions that are assumed. If we indulge in such impractical views and keep on refining and re-refining, we shall drive the National Government out of the United States and relegate it to the District of Columbia or perhaps to some foreign soil. We shall bring it back to a condition of greater helplessness than that of the old Confederation. It must execute its powers or it is no government, and to do this it must necessarily have power to command obedience, preserve order, and keep the peace.

Gentlemen of the House, in other words the Supreme Court says that whenever the sheriff refuses to give protection to one attacked by a mob, the United States marshal "must necessarily have power to command obedience, preserve order, and keep the peace," and to snatch the victim from the funeral pyre or the noose and arrest for punishment this criminal sheriff and those other criminals who aid and abet him by violating the Constitution and hanging or burning a man without trial.

Gentlemen, let us come to the point. Every decision you have quoted with regard to the powers of Congress under the thirteenth, fourteenth, and fifteenth amendments has been a case in which there was no claim at all that the State had denied anybody any right, except cases like Ex parte Virginia, where the State officer was held for trial by the United States court, and its jurisdiction approved. The cases that will be brought under this law will be brought because the State, through its officers, has denied men equal protection. There is not the slightest doubt that Congress has power to make such a law enforcing equal protection, in each State under its laws, of the guaranties of the fourteenth amendment. We have solemnly sworn to support those guaranties as much as any other part of the Constitution. Shall we carry out that oath?

The only question here is whether we will respond to requests from all over this country, among which we heard to-day those of the governors of Arkansas and Texas, that there shall be no more murderous riots like those at Chicago, East St. Louis, Tulsa, and no more such burnings as the recent one in Arkansas, where the governor had guaranteed the man a protection which the State was unable to give, just as Oklahoma, Illinois, and other States have been unable to give men the protection of their own State laws. It is a well-settled fact that the officers will not do their duty and that the States can not stop these mobs and it is now up to the Government of the United States to say whether its constitutional guarantee to men, of protection under State laws, "is a mere scrap of paper," or whether it is as our fathers have said to us, the supreme law of the land, under which all men can be assured that their sons will not be burned by drunken mobs, but will have fair trials in courts of justice, not trials before Judge Lynch, who never demands any evidence. That is the question here, and not a question of constitutionality, which has been absolutely settled by

the very cases its opponents have cited, as well as by the Siebold case and the Clyatt case (197 U. S., 217).

THE CIVIL RIGHTS CASES.

I turn now to One hundred and ninth United States, pages 3 and 13, and direct your attention to the cases known as the Civil Rights cases, which these gentlemen have so eloquently cited here. I am going to cite them right back at them. The court decides this very issue, and I invite your grave consideration of this:

The fourteenth amendment is prohibitory upon the States only, and the legislation authorized to be adopted by Congress for enforcing it is not direct legislation on the matters respecting which the States are prohibited from making or enforcing certain laws, or doing certain acts, but is corrective legislation, such as may be necessary or proper for counteracting and redressing the effect of such laws or acts.

This bill is not direct legislation to stop one man from mobbing another. It is corrective legislation, when the sheriff refuses to assist a particular man, and the Supreme Court has held that that is very proper.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. I can not yield; I have so brief a time. I read further from these cases, the civil rights cases:

And so in the present case, until some State law has been passed or some State action through its officers or agents has been taken, adverse to the right of citizens sought to be protected by the fourteenth amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity, for the prohibitions of the amendment are against State laws and acts done under State authority. Of course, legislation can and should be provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws, or State action of some kind, adverse to the rights of the citizen secured by the amendment. * * *

In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation; that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which by the amendment they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. LITTLE. Mr. Chairman, the gentleman from Minnesota [Mr. VOLSTEAD] promised to yield me 10 minutes further.

The CHAIRMAN. The Chair will recognize the gentleman for 10 minutes more.

Mr. LITTLE. Mr. Chairman, this case is perhaps as strong as any, and I shall conclude this part of it with another few sentences from the Supreme Court:

Under the fourteenth amendment it [the Congress] has power to counteract and render nugatory all State laws and proceedings which have the effect to abridge any of the privileges or immunities of citizens of the United States, or to deprive them of life, liberty, or property without due process of law, or to deny to any of them the equal protection of the laws. Under the thirteenth amendment the legislation, so far as necessary or proper to eradicate all forms and incidents of slavery and involuntary servitude, may be direct and primary, operating upon the acts of individuals whether sanctioned by State legislation or not; under the fourteenth, as we have already shown, it must necessarily be, and can only be, corrective in its character, addressed to counteract and afford relief against State regulations or proceedings.

That is when a sheriff refuses a man's rights. How can Congress be corrective, if not by such a bill?

THE UNITED STATES *v.* HARRIS.

Now, we hear a fanfare of trumpets, and the gentlemen lead into the ring The United States *v.* Harris (106 U. S., 629–639). They entered this steed in the wrong class, which should have been announced as that decision of the Supreme Court of the United States which sustains the constitutionality of the anti-lynching bill now before the House. In that case the Supreme Court says, speaking of the fourteenth amendment:

When the State has been guilty of no violation of its provisions; when it has not made or enforced any law abridging the privileges or immunities of citizens of the United States; when no one of its departments has deprived any person of life, liberty, or property without due process of law, or denied to any person within its jurisdiction the equal protection of the laws; when, on the contrary, the laws of the State, as enacted by its legislative and construed by its judicial and administered by its executive departments, recognize and protect the rights of all persons, the amendment imposes no duty and confers no power upon Congress.

Well, if the State has left undone everything it should have done and has done everything it should not have done, what have you to say then? Of course, the converse of the above at once becomes true. The Supreme Court has thus, in effect, stated what the law is, which will read as follows:

When the State has been guilty of violations of the fourteenth amendment; when it has made or enforced laws abridging the privileges or immunities of citizens of the United States; when any of its departments have deprived a person of life, liberty, or property without due process of law, or has denied to any person within its jurisdiction the equal protection of the laws; when the laws of the State as enacted by its legislative and construed by its judicial and administered by its executive departments, do not recognize and protect the rights of all persons, the fourteenth amendment imposes the duty and confers the power upon Congress of enforcing the guaranty of the fourteenth amendment that no State shall deny to any person the equal protection of the laws.

This bill was drawn to enforce that guaranty in pursuance of the decision of the Supreme Court in this United States against Harris, and unless it is constitutional the judgments of the Supreme Court are as idle as a summer dream and the guaranties of the Constitution of the United States are as ineffective as the decrees of Shakespeare's kings as they strut the stage.

This much heralded Harris case simply states that Congress can not act to protect human rights under this provision of the Constitution until the State has declined to do its duty, and that whenever the State has refused to do its duty of giving a man equal protection, Congress can act and must act to maintain this guaranty. The trouble with the statute was, as the Supreme Court says on page 639:

It applies no matter how well the State may have performed its duty.

The reason this bill is constitutional is that if the State does its duty through its sheriff or other agents this legislation will not apply at all.

Sometimes it seems from the cases our opponents cite that either they are lost in the mist and maze of their eloquent and exuberant oratory or presume upon the laziness of the friends of this bill as to analyzing the citations.

In the Reese case (92 U. S., 217) the Supreme Court says:

Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and the manner of the protection may be such as Congress, in the legitimate exercise of its legislative discretion shall provide. These may be varied to meet the necessities of the particular right to be protected.

In the Cruikshank case (92 U. S.), which they cite with a great deal of glee, Chief Justice Waite says:

The equality of the rights of citizens is a principle of republicanism. Every republican Government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States; and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guaranty.

Yes, our powers are limited to enforcing this guaranty that all men shall have equal protection of the State's laws; and, gentlemen, our duty is to see that that guaranty which we are authorized to enforce is enforced.

JAMES *v.* BOWMAN.

This James case, found in One hundred and ninetieth United States, page 127, simply holds, like these other cases, that the authority granted Congress to make corrective legislation does not take effect until the State through some of its agencies has denied to a man his rights on account of race or color or previous condition of servitude, but makes it still more clear that whenever that denial comes from a State, Congress can make corrective legislation. Incidentally, the court held that the intent of the Constitution was that the Federal Government could only legislate as to voting, under that fifteenth amendment, when the denial was due to race, color, or former servitude, and that since the indictment failed to allege that the intimidation of colored voters in Kentucky was because of their color it failed to state proper grounds for a prosecution. This is simply another instance in which the Government needed a good lawyer. The decision cites many of the former cases, and in the citation from the Civil Rights Cases, One hundred and ninth United States, page 3, it reiterates the announcement as to what Congress can do when it says:

In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation; that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing; or such acts and proceedings as the States may commit or take and which by the amendment they are prohibited from committing or taking.

Yet the gentleman from Arkansas [Mr. TILLMAN] actually cited this very case as his authority for the declaration that this bill is unconstitutional.

In the debate on this subject a distinguished Member made the mistake of saying that in this James against Bowman case, "It was again declared that Congress possesses no power under either the thirteenth, the fourteenth, or the fifteenth amendments to enact such legislation as is here proposed."

This case of James against Bowman is made entirely under the fifteenth amendment and has no relation to the thirteenth or fourteenth. In the next place, of course the Supreme Court has never at any time held that Congress can not enact such legislation as is here proposed, but in practically every case

cited here by our opponents it very distinctly and explicitly said that this is what Congress can do.

I revert to some of these cases here that these gentlemen have quoted, in Virginia *v.* Rives (100 U. S., p. 318), the Supreme Court says:

> It is doubtless true that a State may act through different agencies, either by its legislative, its executive, or its judicial authorities; and the prohibitions of the amendment extend to all action of the State denying equal protection of the laws.

Does it or does it not? Does it mean what it says? If it does, vote for this bill. It says further:

> Whether it be action by one of these agencies or by another.

You may enforce the provision. The mode of enforcement is left to the discretion of Congress. It may secure the right, it continues—

> By removing the case from a State court, in which it is denied, into a Federal court, where it will be acknowledged.

These cases, my friends, with two exceptions have been taken entirely from cases which these gentlemen have cited to me and to you heretofore.

In the course of a week or 10 days I have not been able, of course, to go all over the cases that might have been found. I am mostly justifying this contention of mine upon their cases. There is not a single one of them that supports their argument except the Taney case, which was reversed by the fourteenth amendment as applying to the principle involved there and the case I cited.

Gentlemen, we have a sworn duty to perform here. There is the Constitution, and it says that every man shall have equal protection before the law. You know that at East St. Louis and in Chicago and in many other places that was not done. The Constitution says that you have the power to take whatever steps are necessary.

HODGES, RIGGINS, POWELL, AND THE SLAUGHTERHOUSE CASES.

The first three went out on the Hodges case, and the Supreme Court said of the indictment that no action of the State was complained of. Under the antilynching bill there will be plenty of complaint about the action of the State, and that is the reason it is constitutional and these other indictments were not.

In the Slaughterhouse cases the Supreme Court held that the State of Louisiana could create a monopoly of butcher houses in New Orleans and compel all the butchers to kill their cattle there, "for the health and comfort" of the people, provided the grant was "properly guarded." I guess the theory of the opposition must have been that because a butcher couldn't kill his steer in Audubon Park the sheriff could stand around and do nothing while the mob hanged a man in Plaquemine Parish. There is no connection between any of these cases and the discussion now before us.

Probably the Supreme Court will construe the various items of the bill together; but I think I shall offer an amendment that makes each by its very terms dependent upon the first provision that it is provided for a case where the State has failed, refused, or neglected to do its duty.

Under the Constitution the minute the sheriff refuses to give a man protection against a mob, then the Federal courts can have jurisdiction and the Federal marshal can proceed to do his duty of preserving the peace, of which the Siebold case speaks. He can arrest the sheriff who violated the terms of the Constitution and the proposed legislation. He can arrest the members of the mob who aid and abet the sheriff in violating this law and the Constitution, and who took advantage of the sheriff's refusal to do his duty, by committing or attempting to commit murder and violating the laws of their own State, and thus getting themselves within the jurisdiction of the courts of the United States, which are their courts, maintained under the Constitution of their country, whose laws it is their duty to respect and obey.

Most of the States of the Union have laws that cities and counties may be sued for damages done by mobs they permit, and that such cases may be maintained is elementary law which I have not heard discussed even in this debate as yet. If two counties are jointly or severally guilty of disobeying the law by their officers they would be jointly or severally liable. The law that cities and counties are liable in such cases is probably the oldest in the world, and is found in the Code of Hamurabi, which is more than 4,000 years old, and in the laws of most countries.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. LITTLE. I am sorry I have not the time. The Supreme Court has said over and again in these cases I have cited and most of which have been cited by them, too, that when denial of protection is made Congress may legislate in whatever way seems best. I am sorry to say it has been suggested here that "a dead nigger would then become more valuable than a live one." Perhaps equal protection would make the live as valuable an asset as the dead. This is not a race question; it is a question of justice to all men, white and black. I noticed a suggestion here this afternoon that we are all of the same race in this Congress, as if that should be taken into consideration, and it reminded me of something that happened down in the Moro country during the Philippine wars. A young colored soldier from Kentucky and a young white lieutenant from the South were caught in a mountain defile by a band of Moros, who called to the black man to come out, that they were black, as he, and were only after the white man, to which he gave no attention. The gallant young white lieutenant urged him to go on out and save his life, saying it would not help the lieutenant any to have the black boy die; that they were as good as dead anyway, and that he should take advantage of the opportunity. Getting no response, he spoke sarcastically of the Negro and the little he owed to the whites, endeavoring, of course, to thus move him out. The colored boy said nothing, but—

> He put his hand to his cartridge belt,
> And back to his belt again,
> And loaded and fired like a well-drilled man,
> Till he counted his dead to ten.

And then he spoke:

> I aint fightin' fer love of you,
> Ner love of the breed you brag;
> I'm fightin' fer mammy in ole Kentuck,
> An' love of my country's flag.
>
> You 'tend to dem niggers along your front,
> An' I'll 'tend to mine,
> An' we'll go up to de gates of God,
> An' settle dat color line.

The general principles of equity always apply to every situation and in the long run are the best for all concerned.

Almost every man that has spoken has said he is opposed to lynching, and on that we agree. This bill, gentlemen, is bound to improve the situation. We all share the joint and several duty of sustaining the Constitution in this matter by appropriate legislation. There is another thing we all agree on. The gentlemen state very strongly that they are in favor of virtue, and I have been talking it over with those here on our side, and they are, too. [Laughter.] We agree upon everything except the constitutionality of this case. Now that the Supreme Court has settled that, let us stop lynching. Can you name one single case, except Taney's, that says that after a State, by its officers, has denied a man protection, the Federal Government can not step in? Go and find a case and bring it in here? You have not brought it here yet. Every single, solitary case has demonstrated if a State by its agents denies a man protection Congress can give him protection, and that is what this antilynching bill will do. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. TAYLOR].

Mr. TAYLOR of Tennessee. Mr. Chairman and gentlemen of the House, I am in thorough sympathy with the spirit of the legislation proposed by the measure under consideration. Relief of the nature provided by this bill is absolutely necessary if the nefarious practice of lynching is to be stamped out in this country. It may be that some of the provisions of this measure are subject to criticism and should be amended, but let me remind you, gentlemen of the Congress, that the lynching disease is so deep-rooted and malignant that it will not yield to ordinary treatment; it requires the scalpel of the surgeon; colorless and teethless legislation will not suffice.

I take it that there is not a man in this Chamber that has the inclination much less the hardihood to attempt to defend, extenuate, or justify the practice of lynching. It is universally condemned, whether committed in the North or in the South. Whether practiced in New England or west of the Mississippi, we all admit that it is a wicked, damnable, diabolical crime, disgraceful of any community in which it may be perpetrated. The mob is a relic of the Dark Ages and is a product of barbarism. It has no eyes nor ears nor conscience. It is blind to justice and deaf to reason and is void of pity or compassion. Vengeance is its sole shibboleth, and in its bloody wake is found the charred and mangled bodies of its unfortunate victims, guilty and innocent alike. Fired by the mob spirit men become veritable maniacs, their "reason flees to brutish beasts," their sense of justice departs, and often crimes are committed too horrible for description or contemplation.

An incident occurred in my own district recently which shows the grim unreasonableness, the absolute recklessness, the utter disregard for justice of the mob, and demonstrates the imperative need for some sort of legislation of this character. A

white woman had been assaulted. A poor, illiterate, unfortunate Negro tramp who happened to be in the locality where the dastardly crime was committed was arrested on suspicion and cast in prison. A mob immediately assembled. A cry went up for vengeance. A victim was demanded. Fired by the characteristic spirit of the mob, the jail was stormed, and in the excitement and stress of the hour a score or more of persons, many of whom were innocent by-standers—men, women, and children—were shot, trampled upon, or otherwise injured. The officers of the law successfully resisted and repelled the attack and saved the life of the poor, unfortunate Negro. The excitement of the affair soon subsided, and in less than 10 days the innocence of the Negro was established beyond the peradventure of a doubt, and he was discharged from prison and went his way without further molestation.

We all admit that every means should be provided to protect and safeguard the womanhood of the land. We all agree that the crime of rape is the most hideous and heinous to be found in the criminal catalogue. No death could be invented too cruel for the rape fiend. By his foul deed he forfeits every right to any sort of respectable or honorable consideration. Yet in the interest of law and order, yea in the interest of our boasted civilization, his punishment must be inflicted according to the forms of law, after he has been duly, legally, and constitutionally convicted. The demands of justice may be delayed for a few days, and peradventure some guilty fiend may escape punishment; but, Mr. Chairman and gentlemen, it were far better that a guilty man escape punishment occasionally than that an innocent man undergo the terrible tortures and ignominy of death at the hands of a cruel and relentless mob. [Applause.] Mr. Chairman, does any Member believe that the fear of the mob has ever deterred anyone from the commission of this unspeakable crime? Certainly not. The infernal brute who attacks women is so steeped in degradation and is so void of conscience and soul that neither the noose nor the torch have any terrors for him. I am not influenced in my attitude on this bill out of any consideration whatever for the rapist. I am opposed to the mob because it moves without reason or responsibility, and thus menaces the innocent as well as the guilty. I am opposed to lynching as a matter of principle. I am opposed to it, because it is degrading and demoralizing in its very nature; because it is in defiance of law and breeds contempt and disrespect for our governmental institutions, and is therefore a species of anarchy.

The committee report accompanying and supporting this bill recites that from 1889 to 1921, 3,377 persons met their death at the hands of a mob in this country. Of the total number thus barbarously murdered, 2,658 were Negroes, 617 were whites, and 2 were Mexicans; and of this number 51 were women and 10 were ex-service men. Thus it appears that the mob neither respects the color nor the sex of its victim. If it were absolutely known that every person lynched was guilty of the crime imputed to him the enormity of the situation would be somewhat reduced, but the verdict of a mob is inexorable and is not subject to appeal or review, and therefore the guilty and the innocent suffer alike.

It is a common impression, Mr. Chairman and gentlemen, that all Negroes lynched have been charged with a crime against women, but the report of the committee exposes this fallacy. Less than one-third of the persons lynched, both white and black, have been charged with this unspeakable crime.

While I realize that numerous lynchings have occurred in this country which were beyond the power of the civil authorities to prevent, nevertheless, in my candid opinion, a large per cent of these outrages would not have happened had the officers charged with the upholding and enforcement of the law performed their full duty.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Tennessee. I beg the gentleman's pardon. I can not. I have not sufficient time.

The fourteenth amendment to the Federal Constitution guarantees to every citizen the "equal protection of the law," and it is the solemn duty of every officer charged with the responsibility of upholding the law to employ every effort and means to make this provision of the Federal Constitution effective. This bill not only makes those who participate in a mob guilty of a felony but it also makes guilty of a felony any officer—State, county, or municipal, charged with the power or authority to protect the life of any person that may be put to death by a mob—who fails, neglects, or refuses to make all reasonable efforts to prevent such person from being so put to death. Too often, Mr. Chairman and gentlemen, the officers charged with upholding the law are in sympathy with law violations and merely make a pretense and a mockery of law enforcement.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from Tennessee is recognized for two minutes more.

Mr. TAYLOR of Tennessee. The whole country is sick nigh unto exhaustion with such travesty. The law must be enforced whether good or bad if our institutions shall prevail and our civilization continue. A good law should be enforced for manifest reasons, and only the genuine enforcement of a bad law will develop and expose its viciousness and lead to its repeal. With laws based on simple justice, sound human experience, and the spirit of the teachings of the meek and lowly Nazarene, and with officials with the courage, fidelity, and integrity to enforce them the future safety of our Nation is secure. The individual or community that can not trust the regular, ordinary governmental agencies and institutions to make good the guaranties of the Republic is sadly lacking in the essential elements of good citizenship. The majesty of the law must be vindicated and upheld, and order must be maintained irrespective of cost or hazard.

Mr. Chairman, the lofty sentiments of the immortal Lincoln are peculiarly apropos to-day:

> Let every American, every lover of liberty, every well wisher to his posterity, swear by the blood of the Revolution never to violate in the least particular the laws of the country, and never to tolerate their violation by others. As the patriots of '76 did to the support of the Declaration of Independence, so to the support of the Constitution and laws let every American pledge his life, his property, and his sacred honor. Let every man remember that to violate the law is to trample on the blood of his father, and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and almanacs, let it be preached from the pulpit, proclaimed in the legislative halls, and enforced in courts of justice. In short, let it become the political religion of the Nation.

[Applause.]

Gentlemen, I thank you.

Mr. HERSEY. Mr. Chairman, not having the opportunity to complete my remarks, I handed my manuscript to the reporter. I ask unanimous consent of the House that it may be printed in the RECORD in full.

The CHAIRMAN. The gentleman from Maine asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LITTLE. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SUMNERS of Texas. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point that there is no quorum.

The CHAIRMAN. The gentleman from Tennessee makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and three gentlemen are present—a quorum. The gentleman from Minnesota [Mr. VOLSTEAD] is recognized.

Mr. GARRETT of Tennessee. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Tennessee moves that the committee do now rise. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. GARRETT of Tennessee. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 41, noes 72.

The CHAIRMAN. The committee refuses to rise.

Mr. VOLSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from Colorado [Mr. VAILE].

The CHAIRMAN. The gentleman from Colorado is recognized for 10 minutes.

Mr. VAILE. Mr. Chairman and gentleman, I am not going to undertake a constitutional discussion of the pending question. In the first place, I am not by any means the best qualified man to do it, and in the second place I could not do it in 10 minutes. But I am going to try to tell you a little story, a family story, that I think may be pertinent to the bill under consideration.

Most of us do not remember many incidents that occurred before we were 5 years old. Some familiar situations and some particular events, however, do stand out very clearly in our memories.

Generally my mother dressed my little sister and myself in the mornings, and while the process was going on we would hear father stropping his razor and we would call to him. He would come in to see us, and sometimes he would tease us and our mother by kissing us when the lather was on his face. But one Sunday morning our aunt, who lived with us, dressed us quite silently and hushed our noise, because, she said, papa was asleep and must not be disturbed. But I slipped into his room and did not find him there. Somehow there was a sort of awe throughout the house. I took my sister's hand, we tiptoed downstairs, and there we saw him. He was lying, in his shirt and trousers, on the old horsehair sofa. His eyes were closed. Mother was sitting beside him, bathing his face, and crying a little. There was a cut on his cheek and a small bruise on his forehead. In mother's lap was a washbasin half full of reddish water. She started to shoo us out of the room, but father put out his hand before we went and patted each of us and smiled at us.

Perhaps I would not now remember the incident of my father being sick that morning if it were not for another thing that happened several hours later. That thing was a joke to some people who saw it, and it seems ludicrous now, in a kind of a horrible way, but my sister and I were very much frightened at first and my father was angrier than I ever saw him at any other moment of my life.

The atmosphere of the house seemed to be charged with a sort of mysterious dread that morning. Nobody would talk to us children and we were vaguely uncomfortable, but pretty soon we saw something very interesting outside. Two farmer's boys, a little older than we were, appeared in the edge of the orchard dragging old Tige, our dog, with a rope around his neck. The rope was so tight that Tige could hardly yelp. One of the boys climbed into an apple tree and put the rope over a limb. Then he climbed down and both started to pull on it. Tige was heavy and they could not quite lift him. He was squirming and whining piteously. We ran out, shrieking to the boys to stop hurting Tige. With us pulling at the dog and the other youngsters pulling on the rope the poor beast was nearly gone when my father rushed upon us like a cyclone. He shook and cuffed the boys unmercifully. He seemed almost frantic. He grabbed each of us by the neck and hustled us into the house, and all the way he was exclaiming, "Children! My God! Children!"

I did not understand till long afterwards what it was all about, but later I knew that early in the morning the telephone had got father out of bed with the news that a mob was taking a man from the jail. My father was the prosecuting attorney. He ran most of the way into town and met them at the town end of the railroad bridge. He stood on the end of the bridge and held up his hands. He was young and vigorous. He was a popular public official. He was a most earnest and eloquent speaker with a strong, clear voice. They listened to him for several minutes. But no words could stay them from their purpose. If any words could have done it I am sure that his words would. He was pleading not so much for the life of one probably guilty wretch as for the life of the State. But words failed. The mob finally surged upon and over that brave, unarmed, devoted man. They left him, bruised and bleeding, on the ground, and they hanged their victim from the bridge.

No; that was not in the South and the victim was not a Negro. It happened at Kokomo, Howard County, Ind.

Later in the day my father was able, as I have said, to rescue a poor cur which children, inspired by the bloody example of their elders, would have killed in play.

Father never discussed that particular Indiana lynching with me. What I learned of the details I learned, as a boy, from others. But he talked with me many times about lynching. If there was any one thing which would particularly rouse his wrath it was the lawless resort to violence as a substitute for the law. Hatred of lynch law was his religion and he impressed that religion on me as the very essence of patriotism.

He wrote to me once on the subject when I was in college. We were living in Denver then. An Italian saloon keeper had killed an old soldier in a dispute over payment for a single glass of beer. A mob battered a wide breach in the side of the county jail and hanged Dan Arata near the courthouse yard. The repaired wall, with its slightly different brick, bears to this day a blot which is more than a blot on the wall. It is a blot on the soul of Colorado.

My father wrote to me:

> This sort of thing is the one great failure of the American people. It is a failure that may foreshadow the death of the Nation, because it means that our heart is not sound. The injustices of our laws can be ironed out—and most of them are gradually ironed out after they become apparent—but the contempt for the law itself is basic. It is a confession of our inability to govern by law. It destroys the only foundation upon which the Republic can rest.

In this flame of religious patriotism which lighted my father's clear thought on this subject I would have as little suspected the slightest smudge of partisanship or sectionalism as I would have doubted the honor of my mother. Father spoke very little of the South. He regarded lynching as a national vice, and he was especially depressed by cases of it in communities where he was himself a citizen and an officer of the law. He was not "self-deluded by the bluster of heroic words" like the Member from Texas [Mr. BUCHANAN], who fired in the RECORD the opening barrage against this bill, and to him "self-control" was a thing to be actually exercised by communities, not merely prated about in the CONGRESSIONAL RECORD as an excuse for not exercising it.

I had hoped that my father might see me at such an hour as this; but, now that the hour has come, I am at a loss for words. I do not know how it is in my power to reply to the argument which has been put into the RECORD by a gentleman from Texas. My mind is unable to deal with its contemptible pettiness.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. VAILE. No; I can not yield. In passing I want to say that I am glad the gentleman from Texas, by his interjection, has called my attention to his presence here, because I desire to pay him here my heartfelt and sincere compliment on the able, scholarly, and patriotic manner in which he has handled his side of this question, and because I want at the same time to comment on the very different handling of the subject in the opening barrage fired against this bill by another Member from his own State. I think it ought to be called to the attention of the House. This was the opening argument in the RECORD against this bill by the gentleman from Texas [Mr. BUCHANAN]. The most effective reply, I think, is to exhibit it so that it may show for itself how far it is the "attitude of intemperate passion" which it professes to denounce. Listen:

> Mr. Chairman, with the Republican Party platform declaring:
> "We urge Congress to consider the most effective means to end lynching in this country, which continues to be a terrible blot on our American civilization"—
> and, with the President's message, April 12, 1921, insisting that—
> "Congress ought to wipe the stain of barbaric lynching from the banners of a free and orderly representative democracy"—
> we have no misgivings as to the principles fostered in this Republican antilynching movement. It is politics and nothing but partisan politics from start to finish of the most reckless and virulent kind.
> Its political aim is partisan power.
> Its political motive is partisan advantage.
> Its political hope is partisan privilege.
> Its political fear is partisan loss.
> Its political prayer is partisan votes.
> Its political spirit is partisan greed.
> Its political principle is sectional hate.
> Its political passion is partisan life everlasting, ad infinitum, and with all the political plunder and perquisites. * * *
> Coming down, Mr. Chairman, to the spiritual merit of this Dyer bill and its kindred and associated measures, which constitute the summum malum of the entire dastardly budget of unpatriotic wickedness, leveled so unscrupulously at the heart of the Nation, the astounding fact is that such a practically impossible proposition can even have a day in court.

I do not know what the gentleman means by "ad infinitum," an expression neither Latin nor English, nor belonging to any other language, so far as I am aware. I do not know how one "levels" a budget. Like a pistol, I suppose. But I concern myself with the spirit and not with the form of these remarks.

Partisan? For Congress to consider the most effective means to end lynching?

Partisan? For the President of this Republic to urge that we wipe the stain from the banners of free and representative democracy? Who but a man whose vision has never lifted itself above the blindfold of partisan darkness could make such an assertion? Who but a man whose soul has never been lighted by a single ray of national spirit could pen those words?

Thank God, I was reared in a different light!

The only words which can describe the gentleman's speech are the words of the speech itself, "the summum malum of the entire dastardly budget of unpatriotic wickedness leveled so unscrupulously at the heart of the Nation." [Applause.]

Mr. VOLSTEAD. I yield 10 minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Chairman, I believe I have listened to every word uttered during this debate, in an earnest effort to see both sides of this question, if indeed two sides there be, and I am of the opinion, strengthened by the debate, that this Congress will be faithless to itself and to the Constitution if it fails to take effective measures now to wipe from our banners the stain of lynching. The challenge is here and we must answer it.

Mr. Chairman, it is a terrible thing to take ruthlessly and unlawfully the life which no human power can restore. But it is a more terrible thing to strike a murderous blow at the life of the American Nation through lynch law.

I saw the other day a ghastly photograph of a Negro victim of a mad mob, hanging from a tree, his body riddled with bullets.

Staring out of that picture of bestial ferocity was a fact that struck like a blow, "Not this helpless black man was lynched here, but the laws of the United States."

I saw another picture of even greater horror. A young colored man lying in a flaming fire which ate the flesh from his bones, while a blood-thirsty mob jeered at his agony.

In letters of flame across the black picture was a warning for all who have eyes to see, "Not this Negro was burned here but the Constitution of the United States."

Mr. Chairman, the fundamental basis of the American Government is equal rights. It was to establish that idea and ideal that this Nation was founded. To carry it into effect is America's separate and sacred mission in the world.

The Declaration of Independence is the immortal announcement of that doctrine:

We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men.

The Constitution was drafted and adopted for the express purpose of securing an organization which should secure the rights of life and liberty and the pursuit of happiness to every American citizen. Its stated purpose is to

form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty.

The class of citizens was enlarged and their rights guaranteed by three separate amendments to the Constitution. The thirteenth amendment made free men out of slaves, and I believe made them citizens. But to make assurance doubly sure the fourteenth amendment declared them citizens of the United States, entitled to all the rights, privileges, and immunities of such citizens.

The moment the thirteenth amendment was ratified slavery was outlawed. The Negroes took exactly the status they would have had if they had never been enslaved. They became a part of the people of the State and the Nation.

This amendment repealed every enactment that upheld slavery and erased every judicial decision against freedom. It blotted out of the Constitution itself every clause that recognized the right of property in human flesh and blood.

That amendment should have been sufficient. By making men free it made them citizens. But it was found by bitter trial that the legal destruction of slavery and involuntary servitude, still left the Negro a helpless victim. The fourteenth amendment was submitted and ratified in an effort to make sure that the protection of the flag belongs to every citizen, black or white.

But it was still more than that. Justice Field of the United States Supreme Court well stated the reasons for the adoption of this amendment. He said:

The fourteenth amendment grew out of a feeling that a nation which had been maintained at such costly sacrifices was, after all, worthless if a citizen could not be protected in all his fundamental rights, North and South, East and West, throughout the limits of the Republic. The amendment was not, as held in the opinion of the majority, primarily intended to confer citizenship on the Negro race. It had a much broader purpose. It was intended to justify legislation extending the protection of the National Government over the common rights of all citizens of the United States, and thus obviate objection to the legislation adopted for the protection of the emancipated race. It was intended to make it possible for all persons of every race and color to live in peace and security wherever the jurisdiction of the Nation reached. It therefore recognized, if it did not create, a national citizenship. This national citizenship is primary and not secondary.

Mr. Chairman, the fourteenth amendment imposes a sacred obligation upon the Federal Government to protect its citizens everywhere. The power to do so is contained in it. Under it the Federal Government can go into every State, with effective remedy—must do so if the weakest or humblest citizen is not protected against tyranny and oppression.

It is a contract between the Government and the citizen. That contract calls for loyal allegiance on the part of the citizen and sure protection on the part of the Nation. The fourteenth amendment made us all citizens of the Nation. The United States can not shirk its sacred duty, its first and greatest responsibility, the securing of exact and equal justice to every citizen beneath the flag, whether he dwell in a Negro hut or in a millionaire's palace.

The States have proved themselves unable or unwilling to prevent lynching. The rule of the mob which defied the Constitution must be overthrown by national action.

This problem knows no geography. Lynching is not sectional. North and South, East and West all have alike witnessed the palsy of local government in the face of outlawry. State after State has added to our shame. Every orgy of lawlessness has disgraced the Nation.

In 31 years there have been 2,600 Negroes murdered by mobs in this land of the free and home of the brave. Against the wildfire of the mob they have had no defense. During all this long period, covering an entire generation, every five days has witnessed that most terrible sight—an American citizen dangling on a tree or burning at a stake, while red-handed and black-hearted lawbreakers roared out their scorn of American laws and America's Constitution. Every lynching was a brutal assault upon the majesty of the law, but in all that period no party of lynchers was ever brought to justice.

In 1919, the year after our great adventure to make the world safe for democracy, 78 colored men were deprived of the American right of a fair trial and were murdered in cold blood. Fourteen of these were burned to death, 31 were shot, 24 were hanged, 2 were beaten to death, 1 cut to pieces, and 1 drowned.

How ruthless were these assaults upon that Constitution which Madison said would have a beneficent effect upon the human race. What an attack upon the Government organized to secure equal and exact justice to all. It matters not what heinous crimes were charged against these victims. No individual offense in all the black code of criminality justifies the destruction of the very foundation of ordered government.

I point no finger of scorn at the South when I say that my own State of Pennsylvania has had the experience which has followed mob massacres in Georgia, South Carolina, and other Southern States.

On Sunday, August 13, 1911, Zack Walker was taken out of the hospital in Coatesville, dragged half a mile along the ground, thrown upon a pile of wood, drenched with oil, and burned alive.

Walker was accused of the murder of a private policeman at the steel mills. Hundreds of persons took part in this anarchistic disregard of the laws and the Constitution.

There was a chorus of execration from every newspaper in the State. The governor issued a proclamation calling for the punishment of the guilty ones. The State constabulary was called out. Judge Butler on the bench made a vigorous charge to the grand jury, but not a single guilty man was punished.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I have not much time, but I will yield.

Mr. GARRETT of Tennessee. Could a Federal judge have done more than the State judge did?

Mr. KELLY of Pennsylvania. I believe so. I believe the county was in such an inflamed condition at that time that an impartial trial was not granted and that a wider jurisdiction would have assured justice in a State with a record of 200 years against slavery and racial oppression.

Mr. GARRETT of Tennessee. I thought the gentleman said there was no indictment.

Mr. KELLY of Pennsylvania. No; I did not mean that. The grand jury indicted several individuals, and the cases were brought to trial at the county seat. The jury brought in a verdict of not guilty, in spite of the instructions of the judge that every person abetting the act with his presence and assent was legally guilty of murder.

The prosecution collapsed. Not a single member of the mob was punished, although the leaders and instigators of the crime were known to thousands. Any secret-service man could have secured the facts in a day.

Mr. Chairman, that is the exact situation in almost every lynching and mob murder. The local authorities can not or will not enforce the laws against fiendish murders. The time has passed to apologize for lynching, or even to explain it. It must be stamped out.

The Nation must deal with this national menace of mob rule. As President Harding has said:

Congress ought to wipe the stain of barbaric lynching from the banners of a free and orderly representative democracy.

When a Negro is lynched it is an open declaration of supreme contempt for the black race. The whole machinery of law is in the hands of the whites. There is no danger of any guilty Negro cheating the ends of justice. To lynch the accused man is not to punish crime but to express hatred and contempt for a race.

One of the marvelous things in our history is the patience with which these millions of a race brought here against their will have endured outrages.

They have peacefully petitioned for redress of their grievances and Congress has kept them like squirrels in a cage, treading the wheel of vain endeavor.

Once, in 1903, despairing of remedy, they issued an address to emperors and kings of the Old World praying for intervention.

We have—

They declared—

time and again pleaded and appealed to Congress to enforce the law and stop wholesale murder, but every plea and appeal has been in vain.

This pitiful plea was sent to the Kaiser of Germany, the Czar of Russia, the Sultan of Turkey, the Mikado of Japan, and the other rulers. To such length had the refusal of the American Government to protect its own citizens driven millions of Americans.

But the next year and every succeeding year the Negroes have come to Congress asking for their protection in inalienable rights.

Not many months ago I took a midnight train from Pittsburgh to Washington. I was sitting alone in the smoking room and as we came to a stop at a station a packet of papers was tossed through the window and alighted at my feet. I picked it up and found it was a proclamation from the United Communist Party, addressed to the Negroes of the United States. It called attention to the Tulsa massacre and the other race riots and to various lynchings.

In large black letters I read this anarchistic appeal to the Negroes:

Our Negro workers were supposed to have been emancipated during the American Civil War. The Constitution is supposed to guarantee their freedom. Since then they have been burned alive, lynched, murdered, and brutally assaulted upon the slightest provocation. The hideous accusation of rapine has been fastened upon their entire race. This is the kind of freedom that the capitalist Constitution guarantees to the working class. That is the only kind of freedom that the workers can expect from the capitalist Government of the United States. The communist party calls upon our colored comrades to organize and with arms in their hands to resist the murderous armed assaults upon their homes, their women, and their children.

There was a great deal more in a similarly red strain. I dropped one of the leaflets on the floor, and when the colored porter came in I was busily engaged reading my newspaper. He saw the circular, picked it up, and read it through carefully. Then, with a grunt of disgust, he tore it into very small pieces and threw them out of the window, rubbing his hands together as though to rid them of something unclean. [Applause.] The poisoned arrows of the red propaganda had failed to find a mark in him. Member of a race which has suffered from red uprising, he scorned a lawless reprisal.

Mr. Chairman, his individual action is typical of the action of the colored race as a whole. In spite of soul-sickening injustices, they have remained steadfastly true to American institutions. No race has ever shown more patient submission to injustice. Never yet has America seen a Negro organization bent on the overthrow of Government by force. Never yet has the Negro flaunted the red flag of anarchy in defiance of the Stars and Stripes.

Always he has been humbly faithful to this country. In 1750 a young Negro by the name of Orispus ran away from his master in Framingham, Mass. Advertisements were inserted in the newspapers, but he could not be found. Twenty years later he was a member of a little band in Boston that resisted the tyranny of King George III. When the King's soldiers attempted to use the bayonet against them, he led the first charge against the British despotism. He fell the first martyr for American liberty, with five bullets in his body.

In the War of 1812 Gen. Andrew Jackson, in a public proclamation, paid a glowing tribute to the colored soldiers under his command. During the Civil War they fought with the Union with bravery sufficient to win the highest praise from gallant commanders. Nick Bidder, a Negro, was the first man wounded in the Union cause. During the last war they kept to their record faithfully and performed their duty, whether in the fighting line or in other service.

No finer tribute has been paid the Negro soldier than by Col. James A. Moss, who said in 1918:

Understanding the Negro as I do, and knowing his responsibilities as a soldier, I consider myself fortunate in having been assigned to the command of a colored regiment. Of my 23 years' experience as an officer, I have spent 18 with colored troops, having commanded Negro troops in the Cuban campaign and in the Philippines campaign, so that what I say about the Negro soldier—my faith, my confidence in him—is based on long experience with him in garrison and the field; in peace and in war. I do not hesitate to make the assertion that if properly trained and instructed, the Negro will make as good a soldier as the world has ever seen. The proper training and instruction of the Negro soldier is a simple problem—it merely consists in treating him like a man, in a fair and square way, and in developing the valuable military assets he naturally possesses in the form of a happy disposition, pride in the uniform, tractibility, and faithfulness. Anyone who says that the Negro will not fight does not, of course, know what he is talking about.

The first fight I was ever in, the battle of El Caney, Cuba, July 1, 1898 I had Negroes killed and wounded all around me, 20 per cent of my company having been killed and wounded in about 10 minutes' time, and the behavior of the men was splendid. At no time during that and in subsequent fights did my men hesitate at the command to advance or falter at the order of charge. I expect my colored regiment to be fully as well drilled, as well instructed, as well behaved, and as good fighters as any other regiment in the National Army. Lest some might think that what I have to say about the Negro soldier is only fulsome words of a Yankee negrophile, let me say that I am a native Louisianian, who did not leave the confines of the State until I went to West Point at the age of 18.

Mr. Chairman, if America calmly continues on a course of indifference to the lynching horrors which still blacken our record, it will go guilty of a faithlessness beyond that of any nation in the history of the world. Surely no man with a spark of decent feeling but will admit that the Negro is entitled to a square deal under the flag he has so gallantly defended.

The requests of the colored people are so moderate in view of the facts that they shame us. They do not ask for revenge for the numberless crimes committed against them; they ask only justice for the future. They are willing to forget the past, forget the miseries and the murders, the tears and the agonies, the lynchings and burnings of 50 years.

We dare not refuse their cry for justice. If this is a Nation whose Government is bound to protect its citizens, if the Constitution is no weak, faltering thing which is shorn of power by the color line, then this Congress must decide whether Judge Lynch or the Constitution shall be supreme. The real American will never fear this law, but the anti-American will and should fear it.

This measure will help do exactly what the fathers intended, it will reestablish the broken faith of the sixties and help make the Constitution a law to which all men who here abide shall render respect and obedience, without exception, and a shield for the rights of every human beneath the Stars and Stripes. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13, the antilynching bill, and had come to no resolution thereon.

CLEARWATER, ST. JOE, AND SELWAY NATIONAL FORESTS.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests, disagree to the Senate amendments thereto, and ask for a conference.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees on the part of the House:

Mr. SINNOTT, Mr. SMITH of Idaho, and Mr. RAKER.

EXTENSION OF REMARKS.

Mr. SANDERS of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a statement made in the New York Times by the Senator from Indiana [Mr. WATSON] giving a review of what has been accomplished by the Republican administration.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in connection with the anniversary of the Battle of New Orleans, fought on January 8, 1815, by incorporating therein a paper read before the Louisiana Historical Society by W. O. Hart, a distinguished citizen and jurist.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. O'CONNOR. Mr. Speaker, under leave to extend my remarks in connection with the anniversary of the Battle of New Orleans, fought on January 8, 1815, by incorporating therein a paper read before the Louisiana Historical Society by W. O. Hart, a distinguished citizen and jurist, whose contributions to New Orleans newspapers have been the source of a liberal education in themselves to thousands of our people—boys and girls, men and women, young and old. I append herewith said address. Mr. Hart is a splendid civilian, he is an ornament to the Louisiana bar, and, as a magnificently equipped lawyer, is a valuable member of the American Bar Association and many law fraternities. He is a great Louisiana historian, writing page after page of its more recent history

into newspapers, law journals, and the records of our courts. But above all these he is a great American, kind, considerate, and affectionate to all. He has indeed lived to bless mankind.

The address is as follows:

CLARK MILLS.

[Paper read before the Louisiana Historical Society on June 28, 1921, by Mr. W. O. Hart.]

Clark Mills, the sculptor of the three Jackson statues and of other great works of art, was born in Onondaga County, N. Y., on December 1, 1815, and died in the city of Washington, D. C., on January 12, 1883.

He was left an orphan at the age of 5 years, and then lived with a maternal uncle, but becoming dissatisfied with his home ran away in 1828. After a hard experience working on a farm, cutting cedar posts in a swamp, and learning the millwright's trade, he reached New Orleans, La., where he stayed a year and then went to Charleston, S. C. Here he learned the stucco business, which he followed until 1835, when he discovered a new method of taking a cast from the living face, which enabled him to make busts so cheaply that he soon had as much work as he could do. He then resolved to try cutting in marble, and began a bust of John C. Calhoun, for which he was awarded a gold medal by the city council of Charleston, and it was placed by them in the city hall. Subsequently he executed busts of John Preston, Wade Hampton, and other eminent South Carolinians. He was invited in 1848 to furnish a design for an equestrian statue of Andrew Jackson, to be erected in Washington. He completed his model in eight months and it was accepted. His treatment was entirely original. The statue was unveiled on the anniversary of the Battle of New Orleans, in 1853. It stands on Lafayette Square, and was cast from cannon taken from the British during the War of 1812. Later he obtained a second commission for a colossal equestrian statue of George Washington, and purchased ground in the vicinity of Washington, where he built a complete foundry. His statue of Washington represents a scene in the Battle of Princeton. It was dedicated in Washington on February 22, 1860. Meanwhile Mr. Mills also executed a replica of his Jackson statue for the city of New Orleans, La. In 1860 he began his statue of "Freedom," after Thomas Crawford's designs, which was completed in 1863, and now stands above the Dome of the Capitol. The latter part of his life was spent in making busts, and he invented a method of putting plaster on the face of his subjects, thereby adding greatly to the truthfulness of his casts.

The first equestrian statue of Andrew Jackson was erected in the city of Washington in what is known as Lafayette Square and was unveiled on January 8, 1853, the thirty-eighth anniversary of the Battle of of New Orleans, where the orator of the day was Stephen A. Douglas, of Illinois, then a Member of the Senate of the United States and one of the unsuccessful candidates for the Presidency in 1860.

At the close of the address of Mr. Douglas, amidst shouts of the thousands who had surrounded him, Clark Mills was introduced. He had no words to express his feelings, and in lieu of words he pointed to the veiled statue; the veil was instantly withdrawn, and Jackson on his steed, as if in full action, full of life and energy, was revealed. That was his speech, and none could have been more appropriate. Without instruction, without instruments or appliances, with but little encouragement, and against the remonstrances and hindrances of men of art and men of science, he labored for years and by a simple gesture he pointed to the result of his labors. The scene was most picturesque, and at the close of the ceremonies many of the spectators lingered in admiration of the matchless work which the hands of a man of the people had fashioned.

The first replica of the statue is in Jackson Square in New Orleans and was unveiled on February 9, 1856, when Mr. Mills explained to the people the idea which guided him in fashioning the statue in this language:

"The statue before you represents one who, with a handful of men, proved himself the savior of your beautiful city. Gen. Jackson is there represented as he appeared on the morning of the 8th of January, 41 years ago. He has advanced to the center of the line in the act of review; the lines have come to present arms as a salute to their commander, who is acknowledging it by raising his chapeau, according to the military etiquette of that day. His restive horse, anticipating the next move, attempts to dash down the line; the bridle hand of the dauntless hero, being turned under, shows that he is restraining the horse, whose open mouth and curved neck indicate that the animal is feeling the bit. I have thought this explanation necessary, as there are many critics who profess not to understand the conception of the artist."

The fantastic story regarding this statue that the horse stands balanced without even being bolted is incorrect, because a recent examination thereof by Mr. Robert Glenk, a member of the society, has shown that the horse is securely fastened.

The last public appearance of the great sculptor, Mr. Mills, was when the third of the Jackson statues was unveiled in the city of Nashville on May 29, 1880, where Louisiana was most worthily represented by Gen. W. J. Behan, a member of the Louisiana Historical Society, and several others, including four veterans of the Battle of New Orleans. This was the last public address of Mr. Mills, and here is what he said:

"Ladies and gentlemen, having been requested to make some remarks on this occasion before the distinguished people of Nashville, I will state that the statue before you is a triplicate of the one now standing in front of the President's House in Washington, which was not only the first equestrian statue ever self-poised on the hind feet in the world, but was also the first ever molded and cast in the United States.

"The incident selected for representation in this statue occurred at the Battle of New Orleans, on the 8th of January, 1815. The commander in chief has advanced to the center of the lines in the act of review. The lines have come to present arms as a salute to their commander, who acknowledges it by raising his chapeau 4 inches from his head, according to the military etiquette of that period. But his restive horse, anticipating the next evolution, rears and attempts to dash down the line, while his open mouth and curved neck show that he is being controlled by the hand of his noble rider.

"I have deemed this explanation important to answer a criticism upon the fact that the horse is rearing and Jackson has his hat off. Critics should reflect that a spirited war horse, although brought to a halt, will not long remain so.

"The city of Nashville has just cause for pride from the fact that of the three statues cast from the same model the one before you is the most perfect of them all."

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MOORE of Illinois, at the request of Mr. BROOKS of Illinois, for 10 days, on account of important business.

To Mr. HUMPHREYS, for continued leave of absence for one week, on account of the illness of his wife.

To Mr. LANHAM, for to-day, on account of illness.

To Mr. HAMMER, from January 11 to January 17, 1922, on account of business.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 2914. An act to add certain lands to Minidoka National Forest;

H. R. 5700. An act authorizing the Secretary of the Treasury to sell the old Subtreasury property at San Francisco, Calif.;

H. R. 6380. An act to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended;

H. R. 7204. An act to provide a Government-owned water system for the Fort Monroe Military Reservation;

H. R. 8344. An act to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes;

H. R. 8401. An act to transfer the custody and control of the United States customhouse wharf at Charleston, S. C., from the Treasury Department to the War Department; and

H. R. 9021. An act to permit the city of Chicago to acquire real estate of the United States of America.

ADJOURNMENT.

Mr. VOLSTEAD. Mr. Speaker, I move that the House do now adjourn.

Mr. GARRETT of Tennessee. Mr. Speaker, before that motion is put I desire to submit a parliamentary inquiry.

The SPEAKER. Does the gentleman withhold the motion?

Mr. VOLSTEAD. Yes.

Mr. GARRETT of Tennessee. Mr. Speaker, at an earlier hour to-day I made a motion to adjourn, and the Speaker held the motion to be dilatory. The gentleman from Minnesota makes this motion to adjourn and nothing is said about it. Is that the equal protection of the constitutional laws that we are working for in the consideration of the antilynching bill? [Laughter.]

The SPEAKER. If the gentleman intends that as a point of order, the Chair overrules the point of order. The question is on the motion of the gentleman from Minnesota that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 11, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

461. A report from the chairman of the Committee on Military Affairs, transmitting report of the subcommittee of the Committee on Military Affairs, concerning real estate held by the War Department (H. Doc. No. 148); ordered to be printed.

462. A communication from the President of the United States, transmitting an estimate of appropriation for the United States Shipping Board Emergency Fleet Corporation, under the subhead "Emergency shipping fund," in the amount of $100,000,000, as a substitute for the estimate submitted in the budget for the fiscal year 1923 (H. Doc. No. 149); to the Committee on Appropriations and ordered to be printed.

463. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Coos Bay Harbor and Isthmus Slough, Oreg. (H. Doc. No. 150); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MAPES, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2776) to authorize the construction of a bridge over the Columbia River at a point approximately 5 miles upstream from Dalles City, Wasco County, in the State of Oregon, to a point on the opposite shore

of the State of Washington, reported the same with amendments, accompanied by a report (No. 547), which said bill and report were referred to the House Calendar.

Mr. VESTAL, from the Committee on Coinage, Weights, and Measures, to which was referred the joint resolution (H. J. Res. 227) extending the term of the National Screw Thread Commission for a period of five years from March 21, 1922, reported the same without amendment, accompanied by a report (No. 548), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SNYDER, from the Committee on Indian Affairs, to which was referred the bill (S. 2532) for extending the time within which allotments may be made in the Crow Reservation, Mont., reported the same without amendment, accompanied by a report (No. 549), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 7426) creating a revolving fund of $30,000 for the Rosebud Sioux Indians, reported the same without amendment, accompanied by a report (No. 550), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9383) to authorize the erection of a monument as a memorial to Indians of the Rosebud Reservation who lost their lives in the World War, reported the same without amendment, accompanied by a report (No. 553), which said bill and report were referred to the House Calendar.

Mr. PARKER of New York, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2199) to provide for the marking of anchorage grounds in waters of the United States, reported the same with an amendment, accompanied by a report (No. 554), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH, from the Committee on Reform in the Civil Service, to which was referred the bill (S. 2802) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, reported the same without amendment, accompanied by a report (No. 555), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SYNDER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 8256) authorizing the issuance of a patent in fee to Perry H. Kennerly for land allotted to him on the Blackfoot Reservation, Mont., reported the same without amendment, accompanied by a report (No. 551), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8669) authorizing the issuance of a patent in fee to Jerome Kennerly for land allotted to him on the Blackfoot Reservation, Mont., reported the same without amendment, accompanied by a report (No. 552), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TINKHAM: A bill (H. R. 9805) fixing the compensation of employees in the motor vehicle service, Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. FRENCH: A bill (H. R. 9806) to add certain lands to the St. Joe National Forest, Idaho; to the Committee on the Public Lands.

By Mr. SINCLAIR: A bill (H. R. 9807) to appropriate $5,000,000 for the purchase of seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture; to the Committee on Agriculture.

By Mr. BACHARACH: A bill (H. R. 9808) to provide adjusted compensation for veterans of the World War, and to provide revenue for payment thereof; to the Committee on Ways and Means.

By Mr. RUCKER: A bill (H. R. 9809) to revise, amend, and codify the laws relating to contributions and expenditures made for the purpose of influencing the election of candidates for the offices of Senator and Representative in Congress of the United States, limiting the amount which may be expended by candidates and committees, regulating the action of committees, extending the jurisdiction of Federal courts, providing for the publicity of campaign expenses, and for other purposes; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. ELLIS: A bill (H. R. 9810) to prescribe methods of districting and redistricting States to comply with acts of Congress apportioning Representatives among the several States; to the Committee on the Census.

By Mr. REECE: A bill (H. R. 9811) to provide for the erection of a public building at Jonesboro, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 9812) to authorize the Secretary of War to sell real property acquired as a site for Camp Humphreys, Va.; to the Committee on Military Affairs.

By Mr. WINSLOW: A bill (H. R. 9813) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER: A bill (H. R. 9814) amending the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service; to the Committee on Indian Affairs.

By Mr. MONDELL: A bill (H. R. 9815) authorizing the construction of an addition to the post-office building at Laramie, Wyo.; to the Committee on Public Buildings and Grounds.

By Mr. KIESS: A bill (H. R. 9816) to provide for the discontinuance of certain Government publications and to establish branches of the Government Printing Office; to the Committee on Printing.

By Mr. CROWTHER: Joint resolution (H. J. Res. 255) making May 30 a legal holiday; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 9817) to authorize a survey of Essington Channel, Pa.; to the Committee on Rivers and Harbors.

By Mr. CABLE: A bill (H. R. 9818) granting a pension to Ruth M. Deardoff; to the Committee on Pensions.

By Mr. CRAGO: A bill (H. R. 9819) granting a pension to Russell Dewalt; to the Committee on Pensions.

By Mr. DEMPSEY: A bill (H. R. 9820) granting a pension to Amelia C. States; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 9821) granting a pension to Mary Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9822) for the relief of Mary Shine; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 9823) for the relief of the heirs of Lou Hodson and Minnie Davis; to the Committee on Claims.

By Mr. GILLETT: A bill (H. R. 9824) granting a pension to Leada McCarthy; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 9825) granting a pension to Mary A. Comings; to the Committee on Invalid Pensions.

By Mr. HAWES: A bill (H. R. 9826) granting a pension to Bertha Reinhart; to the Committee on Pensions.

Also, a bill (H. R. 9827) granting a pension to Kate Warren; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 9828) granting a pension to Mary Arthur; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 9829) granting a pension to Mary H. Swats; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 9830) granting an increase of pension to Mary Kelly; to the Committee on Invalid Pensions.

By Mr. LUHRING: A bill (H. R. 9831) granting a pension to Helen Rose; to the Committee on Pensions.

Also, a bill (H. R. 9832) granting a pension to Silas A. Day; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 9833) providing for refund to the Haberle-Crystal Springs Brewing Co. of a sum paid in excess of certain special excise tax; to the Committee on Claims.

By Mr. MOORE of Virginia: A bill (H. R. 9834) granting a pension to Richard Rodgers; to the Committee on Pensions.

By Mr. MURPHY: A bill (H. R. 9835) granting a pension to Ida A. Richardson; to the Committee on Invalid Pensions.

By Mr. A. P. NELSON: A bill (H. R. 9836) granting a pension to George Crago; to the Committee on Pensions.

Also, a bill (H. R. 9837) granting a pension to John M. Quinlan; to the Committee on Pensions.

By Mr. OLDFIELD: A bill (H. R. 9838) granting a pension to Claude L. Chappelle; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 9839) granting a pension to Frank Wentworth; to the Committee on Pensions.

Also, a bill (H. R. 9840) granting an increase of pension to Frank C. Miller; to the Committee on Pensions.

Also, a bill (H. R. 9841) granting a pension to Walter W. White; to the Committee on Pensions.

Also, a bill (H. R. 9842) granting an increase of pension to Lucinda Viles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9843) granting an increase of pension to Jesse J. Renfro; to the Committee on Pensions.

By Mr. ROBSION: A bill (H. R. 9844) granting an increase of pension to Darius N. Tidrow; to the Committee on Pensions.

Also, a bill (H. R. 9845) granting a pension to Leander Thomas; to the Committee on Pensions.

By Mr. SWEET: A bill (H. R. 9846) granting a pension to Hattie A. Hardy; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9847) granting an increase of pension to Agnes Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9848) authorizing the Secretary of the Treasury to pay the claim of Thomas H. Ingram; to the Committee on Claims.

By Mr. UNDERHILL: A bill (H. R. 9849) for the relief of Francis M. Roberts; to the Committee on Claims.

By Mr. VOIGT: A bill (H. R. 9850) granting a pension to Albert Ullman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3441. By the SPEAKER (by request): Petition of Local Union No. 4939, of Nellis, W. Va., deploring the present state of affairs of the coal fields of West Virginia, etc.; to the Committee on Mines and Mining.

3442. Also (by request), petition of the Milwaukee Christian Endeavor Union, against any amendment that will nullify the eighteenth amendment; to the Committee on the Judiciary.

3443. By Mr. ANSORGE: Resolutions adopted by the Rotary Club of New York, urging the immediate passage of House bill 7077, granting relief to the Patent Office; to the Committee on Patents.

3444. By Mr. BEGG: Petition of the Perrysburg (Ohio) Civic Association, protesting against the proposed discontinuance of village mail delivery; to the Committee on Appropriations.

3445. Also, petition of the Commercial Club of North Baltimore, Ohio, protesting against the proposed discontinuance of village mail service; to the Committee on Appropriations.

3446. By Mr. COLE of Ohio: Petition of various citizens of Columbus, Ohio, indorsing House bill 129; to the Committee on Agriculture.

3447. By Mr. DALLINGER: Resolution of the Boston Allied Printing Trades Council, in favor of the principle of American valuation in determining tariff rates; to the Committee on Ways and Means.

3448. By Mr. DRIVER: Petition of John W. Farley, of Memphis, Tenn., in support of House bill 7077; to the Committee on Patents.

3449. By Mr. FROTHINGHAM: Resolutions adopted by the Boston Allied Printing Trades Council, favoring the American valuation plan upon all imports; to the Committee on Ways and Means.

3450. By Mr. FULLER: Petition of the National Game Conference, favoring Senate bill 1452 and House bill 5823, establishing game refuges and breeding grounds; to the Committee on Agriculture.

3451. Also, petition of the American Legion, Department of Illinois, protesting against placing Army physicians on the civil list; to the Committee on Military Affairs.

3452. Also, petition of the Western Clock Co., of La Salle, Ill., concerning the tariff on clocks; to the Committee on Ways and Means.

3453. Also, petition of the executive committee of the Rockford (Ill.) Branch, National Association for the Advancement of Colored People, favoring the Dyer antilynching bill (H. R. 13); to the Committee on the Judiciary.

3454. By Mr. GALLIVAN: Petition of the Massachusetts State Federation of Women's Clubs, opposing House bill 7452 in its present form; to the Committee on the Public Lands.

3455. By Mr. KELLY of Pennsylvania: Resolution of Pittsburgh Chamber of Commerce, opposing regulation of the coal industry; to the Committee on Interstate and Foreign Commerce.

3456. By Mr. KISSEL: Petition of the German-American Citizens' League of the United States, of Chicago, Ill., relative to disarmament and the reduction of the United States Navy; to the Committee on Foreign Affairs.

3457. Also, petition of George Borgfeldt & Co., of New York, N. Y., urging the passage of House bill 17290; to the Committee on Patents.

3458. By Mr. LINTHICUM: Petition of the Daughters of the American Revolution, of Baltimore and Chestertown, Md., requesting support for House bill 6774; to the Committee on Military Affairs.

3459. Also, petition of the Baltimore Federation of Labor, indorsing that item of the tariff which would protect the printing trades from competition of foreign countries; also, petition of the H. B. Davis Co., of Baltimore, Md., protesting against change in present tariff on China wood and perilla oils; to the Committee on Ways and Means.

3460. By Mr. TAGUE: Resolution adopted by the Boston Allied Printing Trades Council, urging the adoption of the American-valuation plan on all imports; to the Committee on Ways and Means.

3461. By Mr. TINKHAM: Petition of the Boston Allied Printing Trades Council, of Boston, Mass., pleading for protection against imported goods flooding the United States and praying for an adequate tariff; to the Committee on Ways and Means.

3462. Also, petition of Veterans of Foreign Wars, Department of Massachusetts, protesting against decrease of pay for the medical division of the Public Health Service; to the Committee on Interstate and Foreign Commerce.

3463. By Mr. VOLSTEAD: Petition of 93 citizens of Porter, Minn., urging the construction of an ocean waterway from the Great Lakes to the sea; to the Committee on Rivers and Harbors.

3464. Also, petition of 221 citizens of Canby, Minn., urging the construction of an ocean waterway from the Great Lakes to the sea; to the Committee on Rivers and Harbors.

SENATE.

WEDNESDAY, *January 11, 1922.*

(Legislative day of Tuesday, January 10, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Glass	McKellar	Poindexter
Broussard	Gooding	McLean	Pomerene
Bursum	Hale	McNary	Ransdell
Capper	Harris	Moses	Robinson
Caraway	Harrison	Myers	Sheppard
Colt	Heflin	Nelson	Spencer
Culberson	Hitchcock	New	Stanfield
Cummins	Jones, Wash.	Nicholson	Sterling
Curtis	Kenyon	Norris	Townsend
Dial	Keyes	Oddie	Trammell
Edge	King	Owen	Walsh, Mass.
Fernald	Ladd	Page	Walsh, Mont.
Fletcher	Lenroot	Pepper	Warren
France	McCormick	Phipps	Willis

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent attending the Conference on Limitation of Armament. I will let this announcement stand for the day.

Mr. WALSH of Massachusetts. I wish to announce that the Senator from Rhode Island [Mr. GERRY] is detained on account of illness.

Mr. CURTIS. I was requested to announce the absence on official business of the Senator from North Dakota [Mr. MCCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. MCLEAN], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from New Jersey [Mr. FRELINGHUYSEN].

Mr. HARRIS. My colleague [Mr. WATSON of Georgia] is absent on official business.

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. There is a quorum present.

PROPOSED SALE OF MUSCLE SHOALS PLANT.

Mr. HARRIS. Mr. President, when legislation was pending before the Senate in regard to the development of the large water power at Muscle Shoals it was charged by me and by others that the Fertilizer Trust and the Power Trust were trying to defeat the legislation. It was denied at the time by those who opposed this legislation. I wish to refer to a circular just issued by

the National Fertilizer Association in relation to this matter. They have sent these circulars to Members of Congress, newspaper correspondents, and others.

The Secretary of War is handling the matter for the Government, and every Senator knows that he is one of the ablest business men who has occupied that position in a long time. He has the confidence of the Members of the Senate. He formerly served here as a Member of this body, and we know that he is taking care of the Government's interests. But the National Fertilizer Association do not think so, and they think we need help from them, as if the able Secretary of War was not competent to advise us what is best for our Government. They send information to us about Muscle Shoals which they think will prejudice Congress against the development of this great power, and close by saying:

The National Fertilizer Association, at 1010 Arch Street, Philadelphia, Pa, will be glad to furnish you further information on this subject.

I simply wish to call it to the attention of the Senate to show that the Fertilizer Trust has been from the very beginning of the Muscle Shoals development trying to defeat it in order that they may maintain the high prices of fertilizer, which the farmers of the South and West must pay.

Every other Government among the great powers except the United States has a nitrate plant for the manufacture of munitions in times of war, but we are dependent upon getting nitrates from Chile, and the War Department urged the development of Muscle Shoals power plant to make us independent of Chile or any other country in times of war. The Muscle Shoals plant would be used in times of peace to manufacture cheap fertilizers to be sold to the farmers at cost and also to furnish power in competition with the power trusts of that section. The Fertilizer Trust is trying to prevent our Government preparing for war, because in peace times the farmers could buy cheap fertilizers. Farmers have suffered more than those engaged in any other industry, and we should help them every way possible.

CONDITION IN PUBLIC SCHOOLS OF WASHINGTON CITY.

Mr. DIAL. Mr. President, I wish to call the attention of the Committee on the District of Columbia and the Committee on Appropriations to the condition of the school buildings in this city, more particularly to the question of heat and light in some of the buildings. Within the last 30 days on two different occasions one school, to wit, the Morgan School, had to send the children home because the furnace would not give sufficient heat. I am not certain about the others, but in that building they had no light except gas, which is very inadequate. On a day like to-day, when it is dark and cloudy, it is very difficult for the children to study.

The thought occurred to me that perhaps around some of these abandoned Army camps they might have a furnace which would be suitable to heat some of the school buildings in this city. I have had the matter up with some of the officials, but I am referred by one to another, as is usual in Government matters, and have not yet been able to locate the responsible party. It seems to me very important that we furnish the children of the District with sufficient heat and light, at least. I am greatly in favor of economy, but it is false economy not to provide these facilities in connection with their education.

PERSONAL EXPLANATION.

Mr. KING. Mr. President, during the course of the debate yesterday there was some confusion on the floor and the Assistant Secretary, Mr. Rose, was making some observations to the occupant of the chair, which I now understand related to the procedure of the Senate. Owing to the confusion, I misunderstood the situation and perhaps said something that was construed as criticizing Mr. Rose. I think I did the Assistant Secretary an injustice. Mr. Rose, the Assistant Secretary of this body, is one of the most efficient men in public life. I do not know what the Senate would do without him. We could get along without some Senators, but we could not get along without Mr. Rose. Not only as Assistant Secretary are his services invaluable but as a parliamentarian he measures up to the highest standard. His fairness and impartiality, his loyalty to the Senate, and his fine and able services make him an indispensable factor in the work of this body.

PETITIONS.

Mr. CALDER presented 10 petitions of sundry citizens of Tompkinsville, Brooklyn, West New Brighton, Port Richmond, Staten Island, and New York City, all in the State of New York; New Haven, Conn.; and Hoboken and Elizabeth, N. J., praying for the recognition of the Irish republic by the Government of the United States, which were referred to the Committee on Foreign Relations.

JOINT RESOLUTION INTRODUCED.

Mr. SMOOT introduced a joint resolution (S. J. Res. 154) creating the President's forest within the present Kaibab National Forest, Ariz., as a game sanctuary and forest preserve for the benefit and enjoyment of the people, which was read twice by its title and referred to the Committee on Public Lands and Surveys.

PAIUTE INDIAN LANDS IN NEVADA.

Mr. ODDIE submitted an amendment providing that the Secretary of the Interior be authorized to bring 4,887 acres of Paiute Indian lands in the State of Nevada within the provisions and benefits of a drainage district, organized pursuant to the laws of said State, for the purpose of draining lands within the Newlands irrigation project, and appropriating $2,500 for the purpose of paying the first installment assessable against said lands: *Provided, however*, That the total amount of the charges assessed against said lands shall not exceed $49,603.05, and shall be payable in 20 annual installments, etc., intended to be proposed by him to the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

MICHIGAN SENATORIAL ELECTION.

The Senate resumed the consideration of Senate resolution 172, submitted by Mr. SPENCER November 15, 1921, declaring Truman H. Newberry to be a duly elected Senator from the State of Michigan.

The PRESIDENT pro tempore. The pending question will be stated.

The READING CLERK. The amendment proposed by the Senator from Montana [Mr. WALSH], in the nature of a substitute, denying the right of Truman H. Newberry to a seat in the Senate.

Mr. CARAWAY. Mr. President, the junior Senator from Missouri [Mr. SPENCER], in his anxiety to charge that Senators on this side of the Chamber were actuated in their attitude in the so-called Newberry case by their animosity toward the junior Senator from Michigan [Mr. NEWBERRY], said that every speech I had made on this subject had indicated that I myself was animated by that spirit. I said then that I had not discussed the Newberry case, but expected to do so. This morning I wish to occupy for a brief time the Senate with an examination of one issue of the case.

It has been said over and over again by the apologists for the junior Senator from Michigan that while the expenditures were large not a dollar of the money had been shown to have been used for corrupt purposes, for bribery. I purpose to discuss that phase of the case this morning. If I can not show by the sworn testimony of witnesses, whom nobody so far has under his oath undertaken to contradict, that bribery was one of the objects and one of the methods of securing the nomination of the sitting Member from Michigan, I shall not further oppose his seating. Unlike the senior Senator from Michigan [Mr. TOWNSEND], who was impatient and discourteous with me when I wished to ask him a question, I shall be glad at any time to be interrupted for the purpose of a correction. I shall point Senators to the names of witnesses, the pages of the record where their testimony is shown, who substantiate my statement. I am going to show that the common practice was bribery; that it was not in isolated cases, but it was the rule. People were told that if they would work for Newberry they would be paid $5 or $7 or $10 a day, as the case might be, and some of them even hundreds of dollars; that if they would get results they would be paid twice as much. Some of them were put to work with the understanding that they should not be paid at all unless they could show results. I shall show that promises were made, that offices were promised, that rewards of one kind or another were held out to those whose influence it was desired to secure, and that threats of punishment were hurled against others if they did not succumb to the wishes of the so-called "business men's committee," the voluntary committee which was conducting the campaign in Michigan for the nomination of Truman H. Newberry.

First let me read what the Supreme Court of Indiana and other courts have approved as the meaning of the word "bribe":

A bribe may be defined as a gift, advantage, or emolument offered, given, or promised to an elector to influence his conduct or vote.

In other words, it is not necessary in order to constitute a bribe to give an elector money or something else of value to have him vote as desired, but if he is induced to change his attitude toward a candidate's candidacy; to become active when otherwise he would have been passive, or to become passive when he otherwise would have been active, whoever induces him to do that for a consideration gives a bribe, and the man

who accepts it receives a bribe. The Supreme Court of Indiana has said so.

Now, when Mr. Newberry's managers asked a man to become active for Newberry and he said, "Well, I should like to do it but I can not do it for nothing"; and they said, "Very well, we will pay you to become active," they bribed that man as much as if he had said, "I will not vote for Newberry," and then he had been told if he would vote for Newberry he would be given $5, and he had accepted the $5 and voted for Newberry. One would be as much of a bribe as the other, or the supreme court so quoted does not know what bribery is. And one is as great an enemy of good government as the other. The record is full, from beginning to end, of instances of men who were so employed to act for Newberry for a consideration. Every one of them was bribed and every man who gave the consideration was guilty of giving a bribe.

The junior Senator from Missouri [Mr. SPENCER] said, if I understood him correctly, that it was rather a common practice in politics in Missouri so to hire people to do acts in political campaigns. Well, if it is, and if the courts know what is bribery, then the common practice in Missouri is to bribe.

However, before I reach that point, let us examine for a moment one other feature of the case. The junior Senator from Michigan, whose "friends"—and I use that word in quotations—kept him from appearing before the Committee on Privileges and Elections in order that he might not be questioned about what he did know about this case, came before the Senate with a "prepared statement." It was said in the newspapers days before he came that he would have "a prepared statement." I presume the word "prepared" means that somebody prepared it for him. Everybody who heard him read it knows that he was not familiar with it; that he read it with hesitation; that he misconstrued what he really had on the paper and had to go back and correct it. Therefore, I am sure that it was as unfamiliar to him as it was to anybody who listened to him read it. Therefore, he had "a prepared statement." Who prepared it, I do not know; whether it was one of his "friends" here in the Senate who the Senator from Missouri assured me in his colloquy with me were supporting Senator Newberry, or whether it was one of his "friends" on the outside who did it, I do not know; whether it was one of his "friends" who put up hundreds of thousands of dollars——

Mr. FRANCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Maryland?

Mr. CARAWAY. I yield.

Mr. FRANCE. I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. FRANCE. I hold that the words used by the Senator from Arkansas are in violation of one of the rules of the Senate. I refer to section 2 of Rule XIX, which reads:

2. No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

It seems to me, Mr. President, that the Senator from Arkansas has intimated that a Senator here has had a speech prepared for him which he has read on the floor of the Senate.

Mr. CARAWAY. Well——

Mr. ROBINSON. Mr. President, if my colleague will yield to me, I suggest that, upon the very face of the point of order and the statement of it by the Senator from Maryland, the point of order does not come within the rule quoted by him.

Mr. SPENCER. Mr. President——

Mr. CARAWAY. Let us not argue that question.

Mr. SPENCER. I merely wish to add to the point of order which the Senator from Maryland has raised, that the Senator from Arkansas——

Mr. CARAWAY. I ask that this be not taken out of my time, Mr. President.

Mr. SPENCER. The debate in reference to the point of order will not come out of the Senator's time, as I understand. The Senator from Arkansas also stated that "bribery is the common practice in the State of Missouri," which statement is in violation of another rule of the Senate. I had no intention of paying any attention to the matter, because it is so absolutely false——

The PRESIDENT pro tempore. The Chair will——

Mr. CARAWAY. The Senator from Missouri——

The PRESIDENT pro tempore. Will the Senator from Arkansas suspend for a moment until the Chair rules upon the point of order? The Chair is of the opinion that the point of order is not well taken, and it is overruled.

Mr. CARAWAY. Of course, everybody understood that. The Senator from Missouri says the statement that bribery is common in Missouri is false. That may be true, but if it is, his statement in regard to hiring people to go out and work for candidates is also false, because the courts have said that is bribery.

Mr. SPENCER. Mr. President, will the Senator from Arkansas yield?

Mr. CARAWAY. Yes.

Mr. SPENCER. Do I understand the Senator from Arkansas to contend that if in my campaign some man comes to me and says, "I should like to be active for you"—to use the language of the Senator from Arkansas—"but I can not afford to be active for you unless I am paid for my time"; and I say to him, "I recognize that, and I will pay you for your time. Distribute these cards, canvass these voters, and I will pay you for your time"—do I understand the Senator from Arkansas to say that under those circumstances a bribe was either offered or received?

Mr. CARAWAY. Let me ask the Senator from Missouri, in order that his statement may be fuller, if the man would have worked for him unless he was paid?

Mr. SPENCER. Otherwise he would not be active in my campaign, as he wanted to be.

Mr. CARAWAY. Let me read what the courts say about it:

A bribe may be defined as any gift, advantage, or emolument offered, given, or promised to an elector to influence his conduct or vote.

The man to whom the Senator from Missouri refers was going to be passive; he was not going to open his mouth; but the Senator from Missouri pays him to open his mouth; to become active. The courts say that is a bribe. The Senator's argument is with the courts.

Mr. President, I wanted to call attention when the Senator from Maryland interjected his point of order——

Mr. SPENCER. The Senator from Arkansas did not answer my question.

Mr. CARAWAY. Oh, I did; I said "yes"; the courts said so.

Mr. SPENCER. May I ask one other question of the Senator from Arkansas?

Mr. CARAWAY. Oh, yes.

Mr. SPENCER. Does the Senator from Arkansas mean to say that if in my campaign I should desire that the Senator from Arkansas should come to Missouri and make a speech either for or against me and he were to write and say "I can not come unless my expenses and a compensation are paid me, although I would like to come, I sympathize with you," and then I should say to him, "Come, and your expenses and a compensation will be given to you"? Under such circumstances does the Senator from Arkansas say that he would be bribed and that I would bribe him?

Mr. CARAWAY. No; the Senator from Missouri could not bribe me to make a speech for him. [Laughter in the galleries.]

Mr. SPENCER. The Senator is quite right, Mr. President——

Mr. CARAWAY. I am going to answer the Senator further——

The PRESIDENT pro tempore. The Senator from Arkansas and the Senator from Missouri will suspend. The Chair desires to announce that it is one of the rules of the Senate that there must be no indication of approval or disapproval on the part of the galleries, and if there are any such demonstrations on the part of the galleries hereafter it will be the duty of the Chair to clear the galleries.

Mr. SPENCER. Mr. President, the Senator from Arkansas is quite right; it would be impossible for him to make a speech for me for more reasons than one; but I do not understand, because the Senator says I could not bribe him to make a speech for me, that the inference is to be drawn that I could bribe him for anything else.

Mr. CARAWAY. That is as nearly a correct inference as the Senator ever draws, but there is no use to discuss that hypothetical question. I have answered the Senator's question. The Senator, however, knows the difference between an elector and an outsider, and I am not an elector in the State of Missouri.

Mr. SPENCER. For which I express my pleasure and gratitude.

Mr. CARAWAY. Yes, sir; I am rather inclined to think that the Senator should feel that way about it. I had the misfortune to have been born in Missouri, but as soon as I found it out I left there. I was six months old when I got away, and if I had been a precocious child I would have gone earlier, but I did not realize where I was. [Laughter.]

Mr. SPENCER. The Senator will be glad to know that Missouri has advanced by leaps and bounds since his departure. [Laughter.]

Mr. CARAWAY. I am very glad to know that, for there was plenty of room for improvement the last time I was over there, about three months ago.

But, Mr. President, all of this is aside from what I really cared to say. The junior Senator from Michigan, who read his prepared statement, said among other things:

The cost of the campaign was about $195,000, according to the report, and when I learned of this amount I was at once filled with amazement and regret.

The statement to which I presume he refers, for it was the only statement in evidence, does not disclose that $195,000 had been expended, but it undertook to show that $178,000 had been expended, which shows how inaccurate in the use of language the Senator was. However, the matter to which I wanted to call the attention of the Senate and the country is that the junior Senator from Michigan whose seat is now in question, whose "friends"—and I think the word "friends" should be in quotation marks—and relatives, if not himself, put up the money to buy a seat here, says that the expenditure of $195,000 filled him "with amazement and regret." Well, if it should have filled the Senator who was the beneficiary of the expenditure with amazement, I am sure that it filled the country with amazement and regret. If it should have filled with amazement the sitting Member, who was familiar with the details of this campaign, who had furnished through his family, if not directly, the money to finance the campaign, and who, the Senator from Indiana [Mr. WATSON] said, was familiar with its details—if he should say that he was amazed that it took $195,000 to get a seat for him in the Senate, he need not complain, nor need his defenders here on the floor of the Senate complain, if the country is amazed. If people are amazed who do not share the views of those who think that $195,000 is well expended if a Senator is brought here from Michigan, the country will be amazed.

However, let me proceed further.

The Senator's "friends"—and I use that word again in quotations—here in the Senate have said that while it is a large sum to have expended, it was done without Senator Newberry's knowledge or consent. Now, the law of agency is if one acts for another, the party who is the beneficiary, if he desires to free himself from the acts of the person who holds himself out as his agent, must repudiate that agent's acts when they are called to his attention. If he sits quietly by and enjoys and approves and accepts the benefits of the acts of his agent, he can not afterwards repudiate his acts, although they may have been done "without his knowledge or consent."

The Senator from Michigan [Mr. Newberry] said:

There was not the slightest evidence which involved moral turpitude in the remotest degree, nor was there any evidence, so far as I have been able to learn, of a single dollar that was spent dishonestly for corruption or bribery. The amount expended was large, more than I had any idea was being expended, and more than ought to be necessary to expend in any ordinary campaign. But this was not an ordinary campaign.

Then the remark follows that he is everlastingly grateful to this committee that carried on the campaign. So the Senator stripped his friends of any defense of himself by saying that if he did not know in advance that they were expending this money he is glad they did it, because that is all it means; that "whether I knew you were going to buy this election or not, I do not now stop to quibble, but I am glad that you did buy it"; and I say now he bought it, for this reason:

Every Senator who has spoken on that side of the question who has been defending Senator Newberry has justified this expenditure because it was necessary in order to elect Senator Newberry. In other words, they say that by reason of the fact that one of his opponents was well known and popular and he—Newberry—was not well known, and therefore not popular, if they had not expended this amount of money Senator Newberry would not have received the nomination, and therefore would not have been elected; so there is a confession that it was not the popularity of Senator Newberry, it was not the influence of his friends, but it was the expenditure of $195,000 that got him his seat here. But they have always said that it was spent without his knowledge, and therefore that it was lawful for them to do it. He says now, stripping them of that defense, "I did not know in advance exactly how you were spending it, but I ratify it, I adopt as my own every act that you did, and I congratulate you, and I shall be everlastingly grateful to you for having done these things that resulted in my nomination," which was the buying of the election.

I desire now, if I may, to direct attention to specific cases where men bought votes.

On page 505 of the record appears the testimony of Henry R. Dotsch, repeated in the record as it was by reason of the fact that it was given before the trial court at Grand Rapids. I want to read it, and I should like to ask the Senator from Missouri [Mr. SPENCER] if he commends and approves the methods which were employed:

Henry D. Dotsch said that he resided at Escanaba and was the city attorney for that city; said he had always been a supporter of Mr. Osborne, but was not for him last fall; that is, the fall of 1918; that early in the primary campaign in 1918 James F. McGregor, of Detroit, came to see me; he said, we had our first talk at the Delta Hotel at his room; this was in the month of June. He asked me about Mr. Young to manage the campaign in Delta County. He also told me that he, Mr. McGregor, was the field man for Newberry—

Incidentally, I should like to call attention to the fact that McGregor was hired by Paul King and paid $300 per month for his services, and Senator Newberry wrote a letter to Paul King and said:

I am glad that you were able to take care of Jim McGregor. It will please Warren's friends.

So that McGregor was the agent of Newberry, and Newberry knew it, and was pleased with it, and wrote a letter of commendation.

He asked me about Mr. Young to manage the campaign in Delta County. He also told me that he—Mr. McGregor—was the field man for Newberry, and he stated about one week later Mr. McGregor called at my office and informed me that Judd Yelland would look after Newberry's interests in Delta County. He said, I saw McGregor several times later on in the county with Yelland. He said that Mr. McGregor was in his office two or three times after the visit at the hotel. He also said that at the first talk in my office he asked me how I felt about Newberry, and I told him that I would support him. That prior to the meeting with McGregor I was in Detroit on business for the city; that during the time he was there he met Mr. Groesbeck; had lunch with him; went to his office the next day. He said, we went into a room there, met Mr. Will Oats and Sam Odell and another man, and that they were discussing the Ford and Newberry candidacy. He said Mr. Groesbeck was favoring Mr. Ford. Mr. Odell said he didn't know whether Ford was a Democrat or a Republican. He said—

Now, that is Dotsch—

I told Groesbeck if Ford went in as a Republican I would try to do what I could for him in the primary. This was after that that I saw Mr. McGregor.

He had made a public statement that if Ford became a candidate he would support Ford; but he said that it was after that that he saw Mr. McGregor, and after that he became a Newberry supporter.

He nor Yelland ever talked to me about money that Yelland was receiving. He said that in July, 1918, Yelland and McGregor and I made a tour of the county.

Here is what I should like to call to the attention of the Senator from Missouri:

We went to Gladstone; there saw Philip Lewis, and Yelland gave him $10 and also Newberry literature. We either then went to Mr. Young or Mr. Haberman's office——

Mr. SPENCER. Will the Senator state from what page he is reading?

Mr. CARAWAY. Page 505 of the record.

that Yelland either gave Young $20, and either gave Haberman $20 or promised him. He said he also gave a Mr. Weber $15 or $20 and some literature. He said each got literature. He said the talk was in the office in the city hall; that is, with Mr. Young and Mr. Haberman. I understood that they wanted each to vote and use influence for Newberry.

I want you to notice that. They wanted them to vote as well as to use influence.

He said, we next went to Kipling, and that there they gave Mr. Berry, the supervisor, $10 and literature, and Mr. Corbett, the deputy sheriff, $10. They then went to Rapid River and gave Mose Buchman $10 and literature, and a man at Collins Lumber Co. yard or office. Yelland gave Mr. Dotsch $10 to hand to those men and some literature. Said they were also in Mr. Messenger's office, and the talk there was between Mr. Messenger, Mr. Yelland, and Mr. McGregor. Mr. McGregor told Messenger that he should get in with the winner; he would get more out of it. He said they next went to Baldwin Township, at a place called Perkins, and saw Henry Lankor; that Yelland asked Lankor to work for Mr. Newberry, and that Yelland told him—that is, Mr. Dotsch—that he had made arrangements with Lankor to do the work. He said, I don't know what Yelland paid him; I don't know whether he has paid him anything or not. He said he gave a Swedish man, John Logan, $10 and some literature.

Next went to Maple Ridge Township and stopped at Rock and went into Larson Bros.'s store and talked to Mr. Bridges, the bookkeeper. He said Yelland told him Bridges was going to work for Newberry. He said they next went to Lathrop, and Yelland gave me $10 to give to Ernest Fosterling. He said the next day Yelland and I went to Nahma and talked with Joe Bushak, and Yelland told me he gave him $10 to distribute literature. He said, we then went back to Ford River Township and gave Andrew Englund $10, and then to Bark River Township, where he gave Mr. Dubuie, postmaster, $10. He said they looked for a man by the name of Romain, but did not find him. He said the following day Mr. Yelland gave me $10 and some literature to mail to Ed. Bero, jr., at Garden City, Mich., also $10 for me to give to Harry De Vett, and the following day $10 more to give to Carl Andree, I believe it is—possibly Carl Anderson—at Escanaba, and $20 to give to Charles Johnson, $10 for Johnson and $10 for Johnson to get another man to work in the fifth ward, and $10 to give to John Shehan. I believe he gave me $5 to give to Mike Harrington. He said Mr. Yelland gave him $50 for his work. He said there were five wards in Escanaba, four in Gladstone, and there were also 13 townships, and I believe all were organized for Newberry.

He said on the trip Yelland had the money in bills in a roll in his pocket. He said, I received my subpœna—that is, the subpœna to appear before the grand jury—on Saturday, last week, about 5 o'clock. Mr. H. J. Rushton got in touch with me soon afterwards and asked me to come to his office. He said he went up there and found Yelland, and they said to him—asked him if he was subpœnaed, and he told them that he was, and they wanted to know when he was going to Grand

Rapids, and he told them on Sunday. They said they were discussing the primary election law, and that there was going to be some witnesses in his office—that is, Mr. Rushton's office—that evening, and asked me to be there. He said that he refused. He said I do not know that the meeting was held. He said I do know Yelland and Rushton left for Detroit that evening.

Now, listen:

He said the ulterior motive for paying out the $10 and $20 was to get votes and influence for Newberry. He said Yelland would never tell him how much he got. He said Mr. McGregor asked me to go out in the county with him and said that I would be taken care of financially, but he said I refused to go. He said that Yelland informed me that he is a stockholder in the Morning Press paper, reorganized, I believe, after the primary.

Mr. OWEN. Mr. President, the Senator who recites that matter evidently must have in mind the sections of the Michigan statute to which I call his attention, sections 45 and 48. I think he should put them in the RECORD.

Mr. CARAWAY. Without taking the time to read them, because they have been published in the RECORD, I ask permission to insert as part of my remarks sections 45 and 48 of the Michigan Statutes.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SEC. 45. Every person who, directly or indirectly, by himself or by any other person in his behalf, gives, lends, or agrees to give or lend, or offers or promises any money or valuable consideration, or promises or endeavors to procure any money or valuable consideration or office, place, or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce or have such person induce any voter to vote for or refrain from voting for, or support or oppose any candidate, or on account of such voter having voted or refrained from voting at any primary election in this State; every person who by any means receives, agrees, or contracts for any money, gift, fee, loan, or valuable consideration, office, place, appointment, or employment for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting in a particular manner at any such primary election; or for inducing, or undertaking to induce any other person to vote in a particular manner, or to do or perform any of the acts or things forbidden by this act, or on account of doing or agreeing to do, or having done any campaign work, electioneering, soliciting votes for such candidates on primary day or prior thereto, or who after any primary election in this State, directly or indirectly, by himself or by any other person in his behalf, gives or receives any money or valuable consideration or place, position, or employment on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any such primary election; or having induced or undertaken to induce any other person to vote in a particular manner or for any particular candidate at any such primary election, or on account of any person having done or been a party to doing anything forbidden by this act, it being the intent of this clause to prohibit the prevailing practice of candidates hiring with money and promises of positions, etc., workers on primary day and prior thereto; also every person who in behalf of any firm, partnership, association, or corporation, gives, lends, or receives, or agrees to give, lend, or receive, or offers or promises any money or valuable consideration, place, position, or employment, or promises or endeavors to procure any money or valuable consideration, in order to aid or promote the nomination of any particular candidate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment for a period of not more than six months, or by both such fine and imprisonment in the discretion of the court.

SEC. 48. It shall be unlawful for any person, after he has declared himself a candidate for any office included in the provisions of this act or filed his primary petition therefor as herein provided, and before the close of the polls on primary day, for the purpose of promoting his candidacy therefor, or for use in his campaign for such office, directly or indirectly, to print or cause to be printed, pay or cause to be paid for printing, circulate or distribute, or cause to be circulated or distributed, any campaign cards, hand bill, banner, poster, or other advertising matter larger than 2½ inches in width by 4 inches in length, except postal cards and letters, or which contains any lithograph, half-tone engraving, photograph, or other likeness of himself, which likeness is larger than 1½ inches in width by 2 inches in height, excepting advertisements in newspapers as hereinafter provided, or to publish or cause to be published, pay for publishing, or cause to be paid for publishing, any printed matter whatsoever, or any lithograph, half-tone engraving or other likeness of himself, or any other political advertisement of any kind or nature whatsoever which is intended, published, or manufactured for the purpose of promoting or advancing his candidacy for such office, or influencing voters relative to his said candidacy in or upon any magazine, program, bill of fare, ticket for any ball or other entertainment, or upon or in any other substance or publication whatsoever, except in a daily, weekly, or monthly newspaper which has been regularly and bona fide published and circulated for at least three months before such advertisement is to be inserted therein. It shall be unlawful for any other person to do or perform for or on behalf of any such candidate or to help or injure the candidacy of any candidate, any of the acts or things which it is by this act made unlawful for such candidate to do.

Mr. CARAWAY. I see that the Senator from Missouri [Mr. SPENCER] did not give what I have read any attention, and therefore I shall not ask him whether he approves it or not. That is the testimony of that witness.

This is not an isolated instance. I want to read what Senator Connelly said, merely for whatever it is worth. Connelly got $1,200, and this is what he said he did with it. I am reading from page 512 of the record:

Senator POMERENE. Let me ask a couple of questions to clear up what I have in mind, and if there is any explanation anyone else wants to make, go ahead and do it, and Mr. Connelly likewise, if he wishes. How much money did you receive all told from the committee?

Senator CONNELLY. $1,200.

Senator POMERENE. And you accounted for how much?

Senator CONNELLY. $200, by expense statement, and verbally for the balance.

Senator POMERENE. A written memorandum, you mean.

Senator CONNELLY. Typewritten memorandum.

Senator POMERENE. $200?

Senator CONNELLY. Approximately; I believe a little less.

Senator POMERENE. That left one thousand. Did you account for that?

Senator CONNELLY. To Mr. Floyd from time to time as it was expended.

Senator POMERENE. For what purpose was that expended?

Senator CONNELLY. A portion of it for my own compensation.

Senator POMERENE. How much?

Senator CONNELLY. Approximately $600.

Senator POMERENE. So that there were $600 additional that you accounted for from time to time, orally?

Senator CONNELLY. Yes, sir.

Senator POMERENE. As expense to cover your traveling and hotel expenses?

Senator CONNELLY. And for men employed for the distribution of literature and for speakers and for bands, which are not in this testimony, but which I reported to the grand jury. I conducted a regular "whoop-'em-up" campaign in a county where the candidate was not known at all, and we put him over in good shape.

For $1,200 in a county where he was not known at all.

Some things are small, but there was a little church which wanted to make some improvements, and Senator Newberry took counsel of King, as campaign manager, to know how much he should give. He asked King how much he ought to give under the circumstances. (Record, p. 525.)

A man by the name of James B. Bradley, who, by the way, was good enough to be a Republican election officer in Michigan, testified with regard to the effort, with King's approval, to buy the editorial support of the Charlotte Republican. The editor's name was Mr. De Foe. He talked it over with Mr. King, and Mr. King told him to use his own judgment. De Foe first wanted $250 and then he wanted $500, and Bradley, who was the agent, thought that was too high, and he came back to get King's approval of it, and King said, "Use your own judgment." King denied that, but I am curious to know what interest Bradley would have in testifying to that matter if it were not true. He was the friend and supporter of Senator Newberry, he had worked for him, he had accepted his money, he was one of his campaign managers, and I repeat that he did not turn around and lie against him. All of us who have practiced law know from experience that witnesses, honest as they may be, do what they can to protect their friends; that honest men do not lie at all, and dishonest men who do not mind lying, do not lie against their friends; they lie about their enemies. Whenever a man swears a lie, he does not care what the truth is, and therefore he always swears it to help himself or his friend, and not to hurt himself or his friend, and I know that Bradley told the truth when he swore Paul King authorized him to buy the editor of the Charlotte Republican, although Paul King denied that he did it.

I want to read to the Senate the testimony of a man by the name of Tetro, found on page 883 of the record. This is what he swore:

Robert G. Tetro said he lived in Stephenson, Menominee County, was township clerk, and also in the life-insurance business. He said that during the early part of the 1918 Newberry campaign Roger Andrews asked him to come to his office in Menominee, and he went, and Andrews asked him to use his influence and distribute circulars for Newberry. Wanted to know how much time I could devote to it, and he asked me what I wanted. I said $2.50 or $3 per day. He asked me to employ men to work for Newberry and said that he expected to pay them. He left it to me to pay them. I employed a lot of them, but only paid seven of them. Paid them $5 each. Some of the men were Al Haines, Mr. Shanahan, at Harris; Mr. Kane, at Harris; Charles Berdstrum, at Stevens. Said he sent them literature to distribute, and he paid out $35, and that Andrews paid him; said Andrews paid him about $260 in all. He said that his first talk with Andrews was at the first part of the campaign, and that he kept at work right through the election; that he paid the men only for the time on election day for work on street. He said that $260 was not paid all at one time. He said the last time I went there I asked him for $35, and he made out a check for $135. I did not notice it at first, but I kept it all. He said he was in Stephenson and saw a notice of a Ford meeting, and that he notified Andrews; that Andrews instructed him to use my picture-show house the same night and put on a free show, and he paid him about $60 for this. He also said he received a card on one occasion to meet Mr. King at the Dresden Hotel at Escanaba; that he went and met King and they went around with King in the interests of Newberry; that he also went to Gladstone with Mr. King. Mr. Tetro came into the room a little later and was asked concerning the names of a number of other men that he had stated that he had employed, and they went over that list of names with him. Said he did not employ Mr. Bergstrom or John Adams, Tony Morris, C. N. Watkins; that he did employ Al Haines; did not employ Anton Case and Joe Pond, a man by the name of Fred Dan, I believe it is, or Anton Olson. Said that he promised a man by the name of A. Anderson—no, I will change that. Anton Olson he promised to pay, but did not, and that he did not employ a man by the name of A. Anderson. He said that Mr. DuQuaine, the sheriff, had furnished him with a list of names whom he did employ. He said the $35 might have been extra to the $260 I paid out that he sent the $5 to each of the men by registered mail; also that he gave $5 to Pat Leaveck. Said he had talked it over with Pat since we got here—that is, got here for the grand jury—and he gave Pat the $5 for work on election day; that Pat came down and got the literature and he was

not there, but Pat came back later and he paid him. Jack Leaveck also worked in the campaign, but Roger Andrews said he would settle with him direct. Mr. Tetro said that he told the men he would judge them according to the way their precinct went, and if it went good he would pay them, but did not pay them until after election, so as to see first how it went. In answer to a question he said, "Yes; it was probably in book in instructions to vote for Newberry." Said he met Judd Yelland and King at Escanaba at the Delta Hotel, but did not see any money transaction. All my dealings were with Roger Andrews.

But in this particular case the men were told they would get money if they got results, and if they got no results, they got no pay.

I do not intend to go through the whole record, because it is too long, but a man by the name of Charles L. Carpenter said he hired men, he paid them $5 a day, and he said, "If you get results, I will give you twice as much." I shall read just the concluding part of Carpenter's testimony. He is an intelligent man. He is a teller in the Ellis Bank in Grand Rapids, and I presume a man of character, who would not lie. I read from the account of Carpenter's testimony:

He also said after the primary George Welsh gave me $50. He said Welsh gave me the money I gave out. I had told him about how much I would need to get the men. [He also said that George Welsh told me to tell the men that if Newberry was nominated they would get more money, or, as he put it, would get double. They all came back, and I referred them to Welsh. My purpose was to get them out to work and vote for Newberry; I told them to work and vote for Newberry.]

That is what he hired them for. He hired them as much for their votes as he did for their work. He swears it, and he is the teller of a bank, is unimpeached, is a Republican, is a friend of Newberry, and he testified, under oath, "I hired the men. I paid them for their votes and influence, and I told them they would get twice as much if they got results."

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. CARAWAY. I yield with pleasure.

Mr. KING. I have read the record very carefully, some portions of it three times. I felt that the question involved was so important that a thorough acquaintance with the record was demanded. Does not the Senator reach the conclusion from the examination which he has made of the record that hundreds, if not thousands, of men were employed to work for Mr. Newberry, and either directly or indirectly to vote for him at the primary election?

Mr. CARAWAY. Of course.

Mr. KING. And that only a part of the amount paid them has been reported, so that the statement of Mr. Fletcher, one of the district workers for Mr. Newberry, that more than $800,000 was spent in the primary election finds ample support in the record, and that the record shows that Mr. Fletcher knew what he was talking about?

Mr. CARAWAY. I do not think there is any question about it, and I do not think there is any doubt on earth that Senator Newberry knows where practically every dollar of that came from, and knew it before he made his oath. I am not going to indulge in mere criticism of Senator Newberry, because, personally, I rather like his appearance, and I say here and now that I do not think Senator Newberry at heart is a bad man. I do not think Senator Newberry realized the enormity of the offense he was committing. I do not think Senator Newberry did all these things of his own volition. I think certain interests, that decided it would be worth whatever it cost them to have him in the Senate, put up the money. I think, however, it was largely family pride, and they put up the money and he put up the money.

Mr. KING. May I interrupt the Senator again?

Mr. CARAWAY. I yield with pleasure.

Mr. KING. May it not be thought by some that the Senator is condoning too much what many believe to be an offense upon the part of Mr. Newberry? If it be true that Mr. Newberry was merely a tool of his friends or certain interests, as has been suggested, or that family pride prompted him to make this race, does not the Senator think that if the sitting Member had that high and fine sense of honor which has been attributed to him and which ought to characterize a man in the position which he now occupies, he would have come upon the floor of the Senate after learning of the facts shown in the record, of the lavish, if not corrupt, use of money to secure his nomination in the primary election, after learning that hundreds of thousands of dollars were so expended, and openly repudiated the conduct of his agents or those who pretended to act in his behalf, instead of saying that it was a peculiar campaign and his regret is that so much was "necessarily expended"?

If Mr. Newberry had come upon the floor of the Senate and condemned in unmeasured terms the debauching of the State of Michigan, though he had gone from here by reason of the vote of the Senate, he would have gone wearing the crown of an honest man, and with the respect and admiration of many who now condemn him. By this statement I do not intend to characterize his conduct in pursuing a different course. Later I may have something to say upon this aspect of the case.

Mr. CARAWAY. Mr. President, what I undertook to say was that men have different viewpoints. Their education, their environment, their experiences, make them see things differently. I do not think any word of extenuation could be said for the interest and the influences and corruption that put Senator Newberry in the Senate, but I do say that he possibly had, and I am rather inclined to think he has, that viewpoint that whatever you can buy you are entitled to get. That is a view that some men who have been "successful" take, that if a thing is for sale, buy it and it is yours, and it is nobody else's business.

I think that this seat was for sale. I so take it from the statement of the senior Senator from Michigan [Mr. TOWNSEND] himself, who said that this was not a poor man's year in Michigan, that a poor man had nothing coming to him that year in the way of offices—whatever he got was by selling, not buying; I am interlarding that—that there was nothing for sale in 1918 that a poor man could buy, that the seat in the Senate that was offered for sale in Michigan that year was for sale to millionaires only, and of the three who sought it he preferred that Senator Newberry get it. I am interpolating and I am putting a reasonable construction on what he said when he said there was no poor man who had a chance in Michigan that year; in other words, that it was well understood that a seat in the Senate was to be sold, and Senator Newberry, having the viewpoint that if there was a seat for sale, family pride and interest all prompted him to get it, bought it. He knew all about it and yet he is not quite so corrupt personally as a man with a keener sense of honor who would have stooped to do that thing.

I say that Senator Newberry knew all about it. Let us take Smith's telegram to him. I am diverging slightly from the line of argument I have intended to make, but I want to get to that right now. I shall not take the time to refer to Senator Newberry's explanation in his answer to the cross-examination of the Senator from Montana [Mr. WALSH] that he and Smith did not understand what they were talking about in the same way; that what he was talking about was the newspaper attacks, and he facetiously said that neither he nor Smith knew the date of the primaries.

Senators on the other side of the Chamber in explaining the telegram all seem to take for granted that the telegram had to do with the date of the primary, that was the only information that Smith was trying to convey, and that that was the information necessarily for which Senator Newberry was asking. The truth about the matter is that Senator Newberry's answer was not in accordance with the facts nor is the explanation in accordance with the fact that this telegram had anything to do with the date of the primary. It was, as Smith said, altogether dealing with the question of expenses.

Now, Senator Newberry said his explanation was that he wanted to know when these newspaper attacks were going to stop, and that that is what he was talking about. What is queer about it is that the conversation to which he was referring occurred on the 28th of July, 1918, and the newspaper attacks did not commence until August, so that it could not have been true that they were talking about the attacks on Senator Newberry or his committee for expenditures. That was not the subject of the conversation, because that had not yet happened. His explanation is not true, but Smith's explanation is.

Now, let us see what the telegram said. It did not refer to the date of the primary. Senator Newberry need not have covered himself with shame when he laughingly said—I am not using his exact language: "We were two such boobs, Smith and I, that we did not even know within a month when the primary was going to be held." Just to intimate that Senator Newberry, who was keeping in daily touch with it, who had seen the big interests such as the United States Steel Corporation, who had talked with all his friends, and had constantly written and suggested and advised, did not know within a month when his primary was going to be held, is ridiculous. Why, God bless your soul, I have a boy 6 years old, and if he could be fooled with a story like that I would send him to a school for the feeble-minded, because he could not learn anywhere else.

A full-grown white man, manager of an estate of his own, of his brothers, of his wife, and of all his kinfolks, who made all of them rich, a man who had been Secretary of the Navy under

the great Theodore Roosevelt, who had tried to buy a seat in Congress against the present Secretary of the Navy away back in 1904, who spent millions of dollars for one purpose or another, who then was a lieutenant commander in the Navy and in charge of the personnel office in the greatest naval district in the United States, did not know what month the primary was to be held in which he was an active participant for the great office of United States Senator? Oh, I tell you, you make him pay too big a price for the honor when you make him come here and declare himself a fool in order to be excused of a crime. I say seriously that I would rather be mistaken for a knave than a fool any day, because a knave may reform, and a fool never can.

To make a man of Senator Newberry's attainments, of his position, say that he was such an idiot that he did not know within a month when his primary was to be held in order to get around the fact that he knew whose money was being used to finance the campaign is making him pay too big a price for the honor. It is stripping him of all that for which he paid his money.

Here is a telegram of Smith's dated July 28, 1918. Fred Smith was the confidential agent, the man who managed all the Newberry estate, who had their power of attorney to draw checks and pay out their money by the hundreds of thousands of dollars and never be asked what he did with it, the more than confidential agent, the man who spoke for them and acted for them and did whatever in his judgment he thought would further their interests, sent this telegram to Truman H. Newberry:

I misinformed you this morning the date of close of regular expenses.

Not the criticism of the newspaper, as Senator Newberry would have you understand, but the date when the regular expenses would close.

Should have said August 27. The circular work, advertising, clerical help, postage, and all regular overhead expenses will naturally continue until primary. Have written.

He knew that Newberry knew August 27 was primary day, because he said these expenses will naturally go on until primary day; yet Newberry says that they were talking about the newspaper criticism and the date of the primary. Then why did he not say, "I expect, though I do not know, that those criticisms will go on until primary day"? No; he said the expenses, the overhead charges, the circularizing, the clerical help, and all those expenses will naturally go on until primary day. Oh, well, anybody, whether he aspires to a seat in the Senate of the United States or whether he wants to be a justice of the peace in the blackest township in the most densely ignorant community in America, who would pretend they were talking about newspaper criticism, the date of the primary, and that Newberry did not know what day his primary was to take place, belittles his own intelligence.

I know that whoever votes to seat Senator Newberry will know down in his heart, if he has read the record, if he heard that statement of Senator Newberry, that he has voted to seat a man in the Senate who did not have the courage to admit the substance of the conversation for fear it would show, as it does show, that it was he who was furnishing the money.

Oh, you can condone his offense here, you can give him a seat here, as I know the other side of the Chamber is going to do, but let me say, instead of feeling exceedingly bitter against Senator Newberry, if he is the man that he himself makes himself out to be, if he has no more intelligence than to proclaim, as he did, that he was such an idiot, I would rather have him than any other Republican I know of because he could do less harm than anybody I can conceive. If he does not know enough to know within a month the date of the primary at which he is a candidate, he is just about as harmless as anybody that I can conceive would be. I concede that some Senator from Michigan will be elected; that he will be a Republican. Of the two, so far as geniality is concerned, I infinitely prefer the junior to the senior Senator from Michigan; therefore I have no personal feeling against the junior Senator at all. If they want to seat him I shall regret it for the honor of the Senate, I shall regret its effect upon the country at large, but politically I feel absolutely certain that it will be a very sad mistake for the other side, though very helpful to this side.

Let us read what Smith said they were talking about. It has been read before, but I wish to repeat it:

Did you send that telegram?

Mr. SMITH. Yes; I did.

Mr. ALFRED LUCKING. Then, it was not about when the primary was; it was when the expenses would cease that you were talking with him and writing him about. Is that right?

Mr. SMITH. That is probably it. I do not know what the conversation was, but I had told him July 27. I misinformed him as to the month.

Mr. ALFRED LUCKING. You had been talking to him. He wanted to know when these expenses were going to stop, did he not?

Mr. SMITH. I do not believe so. I think his conversation was about the drain on the balances in the office, and he was complaining about the money that was being spent.

He was complaining about the money that was being spent.

Mr. ALFRED LUCKING. Complaining about the large amount of expenses being drawn?

Mr. SMITH. Or the money that was being spent and drawn from the account all the time and put into his brother's account to keep from being overdrawn.

Mr. ALFRED LUCKING. And his funds, as well as his brother's, were used?

Mr. SMITH. And everybody else's.

That was on the 28th day of July. The evidence shows that there had not been spent up to that time in excess of $40,000 or $50,000, according to the filed report. The other money was expended later. John S. Newberry had up to that time contributed every dollar that had been contributed, according to the sworn testimony of King and others, and John S. Newberry's account showed the contribution of only $40,000. John S. Newberry continued to contribute through Smith, but not through himself, until he had contributed $120,000, according to the testimony. One day, however, Smith found that somebody had walked into his office—he does not know who—with a paper bag and handed it to him, and he counted the money contained therein and found that it amounted to $21,000. It was some kind of a rebate he got back; but he was not curious about it, and does not know much about it anyway; it was not at all interesting to him; but, anyway, according to their figures, that left John S. Newberry contributing $99,900, or $59,900 after Truman H. Newberry knew that Smith was taking his, Truman H. Newberry's, money and giving it to this campaign through the process of passing it, first, into John S. Newberry's account, and then, through John S. Newberry's account, to the committee, to be expended for Truman H. Newberry, in order that he might secure a seat in the United States Senate.

The PRESIDENT pro tempore. The time of the Senator from Arkansas has expired.

INTERCHANGEABLE MILEAGE TICKETS.

Mr. ROBINSON. On the 22d day of December last, upon my request, the bill (S. 848) to amend section 22 of the interstate commerce act by permitting the issuance of interchangeable mileage tickets on railroads, and for other purposes, was made a special order for this day. At the time that special order was made it was generally thought by Senators, in fact, it was unanimously thought, I believe, that previous to this date the Newberry case would be disposed of. The arrangement under the unanimous-consent order, to which I have referred, touching Senate bill 848 contemplated that at the conclusion of the morning business to-day the Senate should proceed with the consideration of the interchangeable mileage ticket bill.

I do not feel justified in raising the question as to whether the subsequent order affecting the mileage book bill would temporarily displace the Newberry case, for I believe that Senators quite generally feel the latter case should be proceeded with to a conclusion. In view of the conflict, however, which has arisen, I feel justified at this time in requesting another unanimous-consent order, and I shall now submit the request. I shall not ask that the order which I am about to submit shall embrace an arrangement for a time to vote on the bill to which I refer, for it is my purpose to leave the subject open to whatever disposition the Senate may desire to make of it. All that I shall attempt to do is to commit the Senate to proceed to the consideration of this bill and to such disposition of it as the Senate shall desire to make.

I, therefore, ask unanimous consent, Mr. President, that on the 18th day of January, following the conclusion of the morning business, the Senate shall proceed to the consideration of Senate bill 848, being the bill which relates to the issuance of interchangeable mileage books by railroads.

The PRESIDENT pro tempore. Is there objection to the request made by the senior Senator from Arkansas?

Mr. KING. May I inquire whether upon the day mentioned by the Senator from Arkansas there is any other measure featured for consideration?

Mr. ROBINSON. There is not.

The PRESIDENT pro tempore. The Chair hears no objection to the unanimous consent requested by the Senator from Arkansas [Mr. ROBINSON], and the agreement is entered into. The unanimous-consent agreement entered into on the 22d of December, 1921, is, therefore, modified accordingly.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and

Selway National Forests; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SINNOTT, Mr. SMITH of Idaho, and Mr. RAKER as managers of the conference on the part of the House.

MICHIGAN SENATORIAL ELECTION.

The Senate resumed the consideration of Senate resolution 172, submitted by Mr. SPENCER November 15, 1921, declaring Truman H. Newberry to be a duly elected Senator from the State of Michigan.

Mr. TRAMMELL. I desire to offer an amendment to the main resolution which is now pending.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Florida.

The ASSISTANT SECRETARY. In the resolution submitted by the Senator from Missouri [Mr. SPENCER] it is proposed to strike out lines 7, 8, 9, 10, and 11 in the following words:

(3) That his qualification for a seat in the Senate of the United States, to which he has been elected, has been conclusively established, and the charges made against him in this proceeding, both as to his election and qualification, are not sustained.

Mr. TRAMMELL. Mr. President, I understand, under the unanimous-consent agreement, any Senator who may have exhausted his hour of debate upon the substitute resolution offered by the Senator from Montana [Mr. WALSH] may now, if he so desires, occupy one hour in debating the amendment which I have just proposed.

The PRESIDENT pro tempore. The Chair is of the opinion that the pending question is on the substitute resolution offered by the Senator from Montana.

Mr. TRAMMELL. I desire to be heard upon the ruling of the Chair. Under Rule XVIII in regard to amendments we find the following provision:

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert.

Here is the main point involved in that rule——

The PRESIDENT pro tempore. The Chair has not suggested that the Senator from Florida is not entitled to speak upon the proposal which he has just made.

Mr. TRAMMELL. If I have that privilege, I misunderstood the Chair.

The PRESIDENT pro tempore. The Senator from Florida will proceed.

Mr. TRAMMELL. Mr. President, of course, the amendment proposed by me does not conform to my idea as to what should be the result of this contest. I believe that there is only one course for the Senate to follow if duty is to govern, and that is to deny Truman H. Newberry the privilege of sitting as a Member of the Senate. My amendment in substance provides that if a majority sees proper to seat him, then that majority shall not embrace in the resolution seating him a statement that his election and nomination have been honestly and legally obtained. Therefore, if the resolution to seat him is to be adopted, I think there should be stricken from it that clause which may be termed one of exoneration, because certainly, with the great array of facts before the Senate proving conclusively that Mr. Newberry is not without guilt in the conduct and the direction of the boodle campaign which resulted in his nomination and afterwards his election in the State of Michigan, why should the Senate, even if the majority, regardless of the facts and conditions, seat Mr. Newberry, stultify itself and write into the resolution seating him a clause of exoneration and of commendation? He should neither be seated nor exonerated.

Mr. President, if the amendment proposed by me shall be adopted, then only paragraph 1 of the committee resolution will remain intact. That paragraph merely states that Mr. Newberry shall be seated as a Member of the Senate. I do not believe if, regardless of everything, the majority are going to seat him, that the majority should give affirmative approval and sanction in express language to a campaign which was so corruptly conducted as to be known throughout the country as a "barrel campaign" and the greatest election scandal within the history of American politics.

Mr. President, since my early entrance into political life I have always had an aversion to the corrupt use of money in connection with campaigns. I have felt that the lavish use of money was destructive to and calculated to undermine the very foundations of our Government; that it would in course of time, if permitted and encouraged, result in the overthrow of those bulwarks upon which rests the destiny of the Nation. So far as maintaining a representative government is concerned, the American people have their security and their safety only in the ballot box. If we are going to permit money to be used to purchase influence, to purchase votes, and in that way to defeat the unfettered, the free, honest, and patriotic will of the people of any State, then we destroy the very rock upon which rests the destiny of the Republic. I can not conceive how any Senator or any man who loves his country, who appreciates its institutions, who has a proper regard for the maintenance of a government in which the people shall have a voice, can either by advocacy or by his vote condone and approve of an election which was bought in the manner in which Mr. Newberry bought his nomination and afterwards his election to the United States Senate.

There is no use of anyone deceiving himself by thinking that he is going to fool the American people when he contends that this election was not corrupt and claims that Mr. Newberry was not a party to the election debauchery which was perpetrated upon the people of Michigan and upon the Nation in the conduct of this campaign.

I was talking the other day with a man who had not read the testimony in this case. He has not occupied up to the present time, and I dare say he never will occupy, a seat in the United States Senate. He said to me, "Why, it is absurd and ridiculous to say that Mr. Newberry did not know anything about what was going on. The natural inference," stated this man, "was that Mr. Newberry knew what was going on in connection with this campaign;" and until that natural inference is overthrown by facts it should be the governing and controlling factor in passing upon Mr. Newberry's innocence or guilt in connection with this campaign. That is, if there was an absence of evidence touching upon the situation. In this case there is an abundance of evidence, and the testimony from beginning to end discloses that Mr. Newberry was not ignorant as to what was going on; that Mr. Newberry was not inactive; that he was not refraining from participating in the campaign. The testimony discloses that no such condition as that existed; but, upon the other hand, the evidence is conclusive and convincing that Mr. Newberry was displaying that usual and natural interest in his campaign that is the custom with all candidates. He was manifesting the eager interest that usually exists on the part of anyone who aspires to high office.

As we review the testimony, we begin with Mr. Newberry having set out to obtain Mr. Hayden as his campaign manager and sending his friend Cody to Washington to see him. That fact is uncontroverted. As a result of that visit, Hayden goes and has an interview with Mr. Newberry in New York. Mr. Newberry does not obtain him as his campaign manager. Next we find his friend Cody out in Detroit acting for Mr. Newberry in negotiating for a campaign manager. Mr. Cody arranges a conference with Mr. Paul King. In consequence of that conference Mr. Paul King goes to New York within a very few days and sees Mr. Newberry. At that conference Mr. Cody, Mr. Newberry—the sitting Member—and Mr. King were present, and no one else.

Mr. KING. Mr. President, will the Senator yield just for a suggestion at that point? Mr. Newberry appeared before the Senate and had an opportunity, if he chose, to deny important matters.

Mr. TRAMMELL. I do not want this charged up to my time.

Mr. KING. Mr. Cody told Mr. Hayden that he came as the personal representative of Mr. Newberry. Mr. Newberry did not deny that at any time, at any place, or at all. So the record now shows that Mr. Cody was the personal representative of Mr. Newberry, and Mr. Cody set in operation the machinery which eventuated in the organization of this so-called Newberry campaign committee.

Mr. TRAMMELL. Mr. President, I had expected to reach that point. I thank the Senator, however.

Mr. Cody said that he was Mr. Newberry's representative, and that never has been denied by anyone. It was not contradicted by the sitting Member when he appeared before the Senate in his own behalf on Monday. Of course, we know that Cody was representing him, because Mr. Newberry had written a letter to Mr. Miller here, telling him that Mr. Cody was coming here on a confidential mission, which he desired to discuss with him.

Shortly after Mr. King visited Mr. Newberry in New York he opened up campaign headquarters in Detroit. The opening of those campaign headquarters was the result immediately following the conference with Mr. Newberry.

Practically simultaneously with the opening of those campaign headquarters, Mr. King began to communicate almost daily with Mr. Newberry. This fact is clearly established by the evidence. At the time that Mr. King was engaged by Mr. Newberry in New York as his campaign manager, and also at

the time that Mr. King opened campaign headquarters in Detroit, this fake business men's committee had not come into existence. That so-called committee was just about as much of a fake as the fake wooden battleship upon which the sitting Member posed in a public park in New York. What an inspiring and thrilling scene it must have been to the audiences in all the movies throughout Michigan as they beheld upon the canvas Commander Newberry, presumably upon a real battleship, with his glasses upraised, patriotically and vigilantly on the outlook for the enemy, with as much seriousness as though the wireless had just communicated the information that an attack was imminent. But what disgust and chagrin must have prevailed in Michigan when it was learned that this thrilling picture was not a real fighting ship of the United States Navy, but only a fake wooden ship anchored amidst the flower beds and green lawn of a park in New York. This piece of deceptive advertising cost thousands of dollars.

Mr. Templeton, the head of the so-called committee, states that he did not know how he came to be chairman of the committee; that the first he knew of it was when his name was found in the letter books as chairman. Now, whom do you think Paul King was representing? Paul King was representing the sitting Member. The sitting Member had attempted to engage Hayden. He could not engage him. He then engaged Paul King as his campaign manager. They had a conference. Paul King was no novice in the management of campaigns in Michigan. He was not entirely an ignoramus upon the question of the law; so I can see them now, sitting in secret conference in New York, planning just how they can carry on a barrel campaign, and yet do so in evasion of the law. So Paul King suggested, or Senator Newberry already had that idea himself: "We shall have to get up some kind of a business men's committee"; so they opened campaign headquarters, and Paul just put down Templeton's name for the chairman of the committee. Templeton did not know it. Then, later on, they got Mr. Blair and the others.

The campaign had already been started, and these men who were later placed upon that so-called committee were nothing more nor less than figureheads. One of them himself said that he was nothing more nor less than a figurehead. He was a figurehead set up for the purpose of trying to evade and dodge the law, so that they could spend money and have it said that it was contributed and expended through a committee.

My friends, are we going to allow a proposition of that kind to be put over? A jury in Michigan—composed, as I understand, of 11 members who were Republicans and only 1 who was a Democrat—would not permit them to get off with any such scheme or put over any such fake idea as that upon them. Are the Members of the United States Senate going to display less intelligence? Are they going to display less patriotism, less of a conception of public duty, than was displayed by a jury composed of citizens of this man's own State?

That jury heard this testimony. Talk about partisanism! If that jury had been controlled by partisanism and not by their sworn duty, their leaning would have been more toward Mr. Newberry, because 11 out of the 12 were Republicans. Yet a Michigan jury convicted Mr. Newberry of having been guilty of violating the laws of the United States, of having been in a conspiracy—this is not the technical language of the verdict, but that is what it means—to purchase a seat in the United States Senate. But for the fact that the United States Supreme Court, by a divided opinion, 5 to 4, rendered a decision, not upon the facts in the case but merely upon a constitutional question, declaring the law unconstitutional, the situation would be quite different.

To-day, but for that decision, Mr. Newberry, doubtless, as the result of the verdict of a jury of his own peers, instead of standing here pleading his cause and asking that he may be seated in this body, would have been behind the walls of a Federal prison, would have probably been making his appeal and his petition to the President to be pardoned of the offense of which he had been convicted and sentenced to two years' imprisonment by a Federal judge of his own State. Yet some Senators say that there is no evidence or testimony in this case to indicate that anything wrong was done! Nothing wrong was done! I tell you, Senators, the sense of duty, the conception of public policy, the sense of patriotism which actuated that jury that convicted Mr. Newberry, that judge who sentenced him, is only representative of the sentiments and the impulses that throb within the hearts of 99 per cent of our American citizens. If you think that a precedent established by this body is going to result in establishing or in perpetuating the policy that a boodle campaign can be carried on, with the result of electing a man to a seat in the Senate or any other high office in this country, you are going to find that you are mistaken. The Senate may go on record in favor of a seat being purchased in this body, but the voters will not at the ballot box confirm and approve the action of the Senate.

Senators, you may seat Mr. Newberry, but with respect and without meaning it as a threat I warn you that a large majority of you who approve of the corruption and debauchery so conspicuous in his campaign will yourselves be unseated when you again seek an expression of the confidence of the voters of your States.

Your action will not be approved, but you will find that there will be an uprising of the free electorate of this country, which believes in honest elections, and they will place the stamp of disapproval upon any efforts on the part of any candidate to purchase his way into office. Some of you may approve of a seat in this body being knocked off to the highest bidder, but the American people will not ratify your approval of the barter and sale of public office. The seat Mr. Newberry seeks was corruptly bought, at a price of more than $200,000. Are you going to approve this purchase?

Mr. Newberry was active in the campaign and intimately in touch with all its details. There is no gainsaying that fact unless we are to brush aside and ignore the evidence and the testimony in the case. Had Mr. Newberry not participated in this campaign, had Mr. Newberry had nothing whatever to do with the expenditures, had it been carried on by others in his absence, and had he been truly innocent and without guilt, do not Senators know that Mr. Newberry would have appeared to testify before the court when the case was being tried? Do they not know that Mr. Newberry would have appeared before the Senate investigating committee to testify? But he did not do it. Where was he? Where was this man who was being charged with heinous crimes? Where was this man when the Senate investigating committee was investigating his right to sit in the Senate? He sat by and maintained masterful silence. We have often heard that silence is golden. His lawyer in this case thought silence was golden. Mr. Newberry stated, when he spoke before the Senate the other day, that he was what a lawyer would call a good client.

I have practiced law a few years myself, Mr. President, and my observation has been that when a lawyer advised a client to refrain from going upon the stand, it has not been because he thought that to place him upon the stand would better his own cause. We all know why that lawyer advised Mr. Newberry to stay off that stand. His lawyer knew that Mr. Newberry knew all about his campaign. His attorney knew that if Mr. Newberry went upon the stand and testified, that while he would make an abstract statement that he was innocent, that he was over in New York fanning away peacefully and calmly, paying no concern to what was going on out in Michigan, before he got through testifying he would have questions propounded to him which would result, in all probability—even though Mr. Newberry was guarded in testifying—in his disclosing facts that would draw from his own lips his connection with the campaign. So the attorney suggested that Mr. Newberry not go on the stand. I do not think that was very commendable.

Furthermore, had he gone on the stand and made statements before the court or before the investigating committee, other witnesses could have been called, either to corroborate or to rebut his testimony. His lawyers fully realized this. Indeed, Mr. President, silence was golden. I am not surprised that an astute lawyer advised him to maintain masterful silence. He maintained masterful silence until some of his friends in this body sent out the call of danger, sent out a storm warning, to the effect that, "We are a little afraid that if you do not come before the Senate some of the Senators on the Republican side, who evidently have an aversion to corruption in politics and do not believe in men buying seats in the United States Senate or any other body, are likely to vote against you, because it does look a little strange that you have been silent so long, just a little peculiar for a man who claims innocence."

So at their insistence he appeared before the Senate. Appeared with a prepared statement and said he would not answer questions regarding the testimony of others and regarding the law. This would largely preclude all questions pertinent to the case. What an absurdity for anyone to say the prepared statement he read to the Senate helped his case. He simply made an abstract denial of his guilt. He made no explanation of the evidence of others contained in the record indicating his guilt. He produced no proof to support his claim of innocence. In my opinion, he injured instead of helped his case by his appearance before the Senate.

Ex-Gov. Osborn, a man prominent in his State, prominent in Republican counsels, in a letter addressed to Mr. Newberry after his nomination, but before the election in November, in substance, said:

You knew all about this. There is no use of your trying to fool the public, and if you will make a full, frank, open confession, I think the people will probably forgive you, but if you do not do so, then you brand yourself as an ass and a liar.

These are not the words of a Democratic Senator. This is the language of ex-Gov. Osborn, a prominent Republican of Michigan.

My friends, nobody except a few Senators think Senator Newberry had nothing to do with that campaign, neither Republicans nor Democrats, in Michigan or elsewhere. You can go out and walk the streets of any city; you may go throughout the highways and hedges of the Nation, and wherever you find people informed on this subject, whether Republican or Democrat, they say that no man who obtained a nomination and election under circumstances which characterized this campaign should be permitted to occupy a seat in the United States Senate.

Mr. Newberry had a most intimate knowledge of the campaign. The testimony establishes that fact beyond question. In the very beginning of the campaign Paul King began making daily reports to him. In the very beginning of the campaign he sent frequent telegrams and letters to Paul King, his campaign manager. Paul King had not been in office more than a week or two before he wrote and gave Mr. Newberry a field report of his activities during the week. That was early in the campaign. In reply Mr. Newberry wrote back and told him he would like to have him write him oftener and to come down occasionally. That was before the campaign was more than a week or 10 days old. Then as it progressed he made reports to Mr. Newberry daily, telephoning and telegraphing and by letters. Once a week King sent him a copy of the minutes of the meetings of what they called the field agents. I call them "hirelings." I call these so-called field agents, or a large majority of them, men who have sold their birthright for a mess of pottage. Many of them were brought into the Newberry ranks as a result of the purchasing power of a dollar, and that was all. Paul King sent in these reports weekly of the minutes of the weekly meetings of the field agents. Mr. Newberry wrote Paul and told him that was a fine idea, and to send them in to him, that he wanted to get them.

Then Paul King, Mr. Newberry's campaign manager, had monthly meetings of what they called the chairmen of the county committees. He furnished him with minutes of the meetings of the county committees. Who were the chairmen of the county committees? In almost every instance they were men who had been employed, who had been paid salaries. Do Senators think for one moment that Senator Newberry did not know it was costing money to organize, to operate, to function this organization of field agents, this organization of county chairmen, spending time in weekly meetings and making daily reports? He knew all about it, and knew it cost money. There is no question about that. Many of those chairmen of the committees did not enter into work in behalf of Mr. Newberry until they had been given a monetary consideration for their services.

Senators talk about Mr. Paul King. I never saw or heard of Mr. Paul King until I saw his name in the testimony. Some Senators and Mr. Newberry would hold him up as a very honorable, high-toned, Christian gentleman. He may be that; but if I am to draw my conclusions from the testimony presented in this controversy I would not want to stultify myself by accrediting Mr. Paul King with being a high-toned, honorable, Christian gentleman who would not do anything wrong. Mr. Paul King directed or had knowledge of practically all the details of the campaign, as the testimony shows, and he knew that money was being spent in all kinds of questionable ways. He himself was buying men for their influence. Within 10 days after he entered the service as campaign manager he advised Mr. Newberry he was going to Cleveland to see a man who had successfully managed the Herrick campaign under rather similar conditions to the Newberry campaign and that he would no doubt get some good pointers. The Herrick campaign in Ohio was a boodle, a barrel campaign. It is said it was one of the most corrupt campaigns ever conducted in the United States. Did Mr. Paul King get "some good pointers"? His management of the Newberry campaign would indicate that he did.

Mr. Paul King on the witness stand displayed a most conspicuous disposition to dodge and evade facts.

When asked about the paying of the chairmen of these county committees, he at first said that they received no pay. Upon having the question tightened down upon him a little more he admitted that they did receive some compensation. Why did he deny it? Paul King knew it was wrong. Paul King knew that the buying of an election by purchasing men's influence in the State of Michigan, or any Commonwealth in this Nation, was an atrocious and an inexcusable offense against our Republic, against the right of the people of this country to their free ballot.

How about the secretaries of the committees? Paul King, this very honorable gentleman, first said they did not get any pay, but when the lawyer said, "Mr. King, I hate to have to read three or four hundred names and ask you about each one of them as to whether he received any pay or not," then Paul sort of weakened. He said, "Yes; some of the secretaries did get some compensation." First he wanted to make it appear that they did not get anything. Why did Paul King want to make it appear that they did not get anything? He knew it was wrong in morals, he knew it was a violation of the law, and he did not want to condemn his fellow conspirators and build up evidence against himself and Mr. Newberry. The testimony in the case shows that a large majority of the county chairmen were paid and that they had furnished them money to pay others. They each were paid from a few hundred up to $1,200 and more. The evidence shows a check for $20,000 was made to a man named Oakman.

How about this testimony? Two or three Senators have attempted to make a great play, speaking in behalf of Senator Newberry, to the effect that the Newberry agents carried the books before the grand jury. What books did they carry before the grand jury? They carried some books in regard to bank accounts and some books of items that they were willing to charge upon the record in their offices. You can rest assured they did not take all of the records before the grand jury.

But what became of the great preponderance and bulk of the records of the Newberry agents bearing upon this campaign? The letters, the record in details, the field reports, the minutes of the meetings that were held once a week, the copies of the thousands of letters written by Paul King to Truman H. Newberry; the letters received from Mr. Newberry in which he asked Paul King to treat the matter in confidence—what became of all those? They were destroyed at the direction of Paul King almost before the counting of the ballots had ceased. Paul's testimony is to the effect that in less than a week after the primary was over he had directed that they take the correspondence out of the office, take it down into the basement of the Ford Building, and burn it. I do not blame Paul for doing that. If I had been mixed up with a thing of this kind—and I trust to Heaven that I will never so far depart from my conception of right and wrong that I will ever soil my hands with any such conduct as that which was attempted and carried on by Paul King and those associated with him in this campaign—I probably would have done the same thing.

Paul King under the circumstances knew that that was the advisable thing to do. If they had gotten hold of that evidence, they would have had letters there from these grafters, they would have had letters from Mr. Newberry showing his intimate knowledge of the campaign, and no doubt in instances touching upon the question of finances, touching upon the men who were employed, how we are going to get this fellow and how we are going to get certain newspapers. They would have had copies of Paul's letters back to him. But all this had disappeared—destroyed under order of Paul King. Senators, do not you know he would have preserved this correspondence instead of destroying it had he felt it would have helped to vindicate Mr. Newberry and himself? The charge of corruption had already been made.

The senior Senator from Michigan [Mr. TOWNSEND], for whom I have a very high regard in a general way—although I do not agree with his position in this controversy and probably he does not appreciate mine, but that is merely a matter of policy and a matter of conception of public duty—would rather believe somebody else stole them. Upon what can he base such belief? Nobody stole them. Paul King had a large part of the records burned, according to his own testimony. If he had a part of it burned, according to his own admission, the more natural conclusion is that he directed the destruction of all missing records. That answers that question. Paul King had the records burned. He said there was a great bulk of it there and somebody else was going to move in, and so on. This was his flimsy excuse. He knew it had been publicly charged they had conducted a barrel campaign; that corruption had been practiced. Why, why did he not retain all correspondence to disprove the charge, if the records did not contain incriminating information? Paul did not want anybody else to see those records.

Mr. President, I take the position that the family and the friends of the candidate should not be permitted to furnish

the money to corrupt an election in the interest of Mr. Newberry, and that if they did do that then Mr. Newberry, even under those circumstances, is not entitled to his seat in the Senate. I will just give you a little idea of a layman's viewpoint. A stranger with whom I was talking a few days ago said to me, "If anybody is going to buy the office, it would be preferable for the candidate to buy it himself than it would be to have it bought by his friends, because then at least he could be his own master if it was bought and paid for by himself; but if it was bought and paid for by some one else, then, of course, he is not his own master."

This is not a case of a man having a campaign forced upon him. It is not a case of a man having been involuntarily placed in the race as a candidate for the United States Senate. It is not a case in which the friends and the family alone defrayed the expenses of the corrupting campaign, as some Senators contend, but in this case Mr. Truman H. Newberry, the candidate himself, stands out preeminent and prominent as the moving spirit and power of the campaign from its very inception. The testimony will support that conclusion absolutely.

Senator Newberry arranged for the campaign manager; he arranged the so-called campaign committee, and so far as the testimony discloses he did this because of a burning aspiration of his own to serve in the United States Senate. He was a candidate for the House in 1904, and it was charged then that he conducted "a barrel campaign." They talk about friends drafting him into the race, that he was importuned to become a candidate. He made that statement upon the floor of the Senate on Monday, but he did not give the name of a single person, nor did he furnish a letter from a single person who had importuned him to become a candidate for the Senate. There is not one line of testimony in the record showing that any person asked Mr. Newberry to become a candidate. The Senators who contend he was urged to run have not one word of evidence to support them, except the bare statement of Mr. Newberry.

Upon the other hand, there is an abundance of testimony showing that he eagerly interested himself in the matter of becoming a candidate and that he himself was laying his plans in 1917 to become a candidate. Do you not know if a lot of people had been beseiging Mr. Newberry to become a candidate he would have given the names of some of them here the other day? Do you not know that if Mr. King, or Mr. Smith, the confidential agent of Mr. Newberry, Mr. Newberry's brother, and some of these people had known something of this spontaneous solicitation for him to become a candidate they would have gladly furnished the proof?

That is a part of the setting of the stage, to make it appear that he had this campaign thrust upon him. That is a part of the plan to make it appear that Mr. Newberry was very unconcerned and disinterested. That is a part of the scheme to make it appear that the campaign was directed by a business man's committee—a business man's committee that did not come into existence until after Mr. Newberry had tried to employ one campaign manager and had failed, until after he secured a campaign manager, Mr. Paul King. What a subterfuge this so-called business committee was. This fake business man's committee was organized, composed entirely of men selected by Paul King or else by Senator Newberry, and in any event approved by Mr. Newberry. One of them said he was a figurehead.

On the question of expenditures the so-called committee made a report of about a hundred and seventy-odd thousand dollars. When this investigation was begun witnesses were brought in, and I dare say they did not get all of them. It developed from their evidence that about fifty-odd thousand dollars had been expended that had not been reported by the committee. An expert, in trying to figure that out, said there could possibly have been some of this amount included in their account, but there was at least $29,000 that was not included in their account. That is the testimony. Why was it they did not report all these things? Why was it that Paul King and others intimately connected with this campaign intimated to these field agents, some of them, to these county chairmen, some of them, to "report as much as you can on account of telegrams, on account of postage, on account of stationery."

They knew it was wrong and they did not want these people putting into their reports a statement of $10 given to Bill Jones to buy his influence or a statement of $40 given to John Smith to purchase his influence; "so put as much as you can under the head of postage and telephone and stationery." I submit myself that did look very innocent to the unsophisticated. That would come nearer obtaining a favorable verdict from somebody who wanted to acquit Newberry, but it makes no impression upon people who go right to the real facts of the case.

A little piece of strategy has been employed on the part of some to try to divert the minds of the public from the main issue in the case. They like to talk about Ford and Newberry. I do not care anything about Ford. I do not care anything about Newberry. Personally I feel kindly toward him. He is a pleasant gentleman personally. But all I am governed by and all that any Senator should be governed by are the facts in the case.

It is said they had to have big expenditures on account of Ford. Ford was not in the race until months after those expenditures began. The able Senator from Montana [Mr. WALSH] yesterday developed that the evidence disclosed that more than $28,000 had been expended by these gentlemen, and in addition to that $28,000, according to the statement of the publicity man of Mr. Newberry, a publicity campaign through the newspapers had already been planned that would cost from $25,000 to $30,000. There is $28,000 and $30,000, and we thus have almost $60,000 already expended or planned for before Mr. Ford's name had ever been mentioned in correspondence between Paul King and Mr. Newberry, or had ever been mentioned as a probable candidate.

Oh, this corruption, this buying of the election, this whole scheme was in full force, was in "full pressure," to use Mr. Newberry's expression, long before Mr. Ford's name was mentioned, so there is no use of trying to appeal to any prejudice that anyone might have against Mr. Ford on that question. Sixty thousand dollars was expended and planned for to drive ex-Gov. Osborn, ex-Gov. Warner, and Senator Smith from the field before Ford was considered.

The senior Senator from Michigan said this was no poor man's race; that there were three millionaires involved. It may not have been a poor man's race—and I agree that it was not—but the testimony discloses that there was only one millionaire, his campaign manager, and his friends, who were going out and corrupting the electorate of Michigan. The testimony establishes that there was only one millionaire, his campaign manager, and his friends, who were buying workers, who were spending money in all kinds of questionable ways to purchase a seat in the United States Senate.

I asked the senior Senator from Michigan [Mr. TOWNSEND], when he was speaking the other day, whether or not there was any testimony or any evidence that ex-Gov. Osborn, whom he said was a wealthy man, had spent excessive amounts in his campaign; if he had gone out and carried on any such inexcusable campaign of debauchery as that conducted by the Newberry crowd. He has not yet answered that question.

I take off my hat to and I honor the rich man who, as a candidate, has sufficient sense of honor and patriotism, sufficient appreciation for the welfare of his country and the right of his people to a free election, to refrain from expending money for the purpose of trying to purchase a seat in the United States Senate. What a pity all millionaires who aspire to high office do not have this high sense of honor and love for the purity of the ballot. I say, all honor to those other two millionaires in that race if they refrained from such debauchery, such corruption as that which characterized the Newberry campaign.

However, to talk about the others being millionaires is begging the question.

Mr. Newberry spoke of the question of money in a letter to Mr. Miller. He said that neither King, Oakman, nor Cody were to receive any money, to use his language, "except actual travel and publicity costs from me." That was in April. Certainly if he was not to pay any actual travel costs, or any actual publicity costs, he would not have said "from me." The acknowledged "publicity costs" of the campaign was $140,000.

Another significant thing showing that Mr. Newberry was connected with the expenditures, and that he knew what was going on, was his letter to Paul King under date of May 23, 1918, which reads as follows:

MAY 23, 1918.

MY DEAR PAUL: I return herewith the draft letters with a few notations. Please be assured that these were made with no intention to criticize and only as a suggestion.

When you finally settle on the forms, please send me an index descriptive of the people to whom the various letters are intended to be sent, together with clean copies of the forms you finally decide to use.

This, Senators, is very significant:

If, in your opinion, I should, by the use of these letters, now declare myself to be a candidate under the primary law, would it not terminate our present plan of publicity?

Sincerely, yours,

TRUMAN H. NEWBERRY.

He knew nothing about the campaign, and yet he wanted Paul King to give him a descriptive index of all the men to whom he was going to mail the letters.

Then, according to the way in which the letter was worded, he asked if it constituted an announcement of his candidacy would it interfere with their plans for publicity? What objection could there have been to announcing? There could have been none whatever, except that they were going upon the idea that when Mr. Newberry once formally announced his candidacy, then there was, under the Michigan and the United States laws, a restriction upon and a prohibition against certain campaign expenditures, and that until he did so that limitation and prohibition did not prevail. That, and nothing else, is what he had in mind. While he had not already made a formal announcement, he was in fact a candidate, and had been for months. Thousands of dollars had already been expended in his behalf. They were trying to evade the law by withholding the formal announcement. They could not dodge the law by any such tactics.

Now, Senators, the question of Mr. Newberry personally is not the paramount and primary one. The big American question is whether or not the United States Senate is going to place itself upon record as approving, condoning, and commending the purchase of a seat in the United States Senate by Mr. Newberry himself, by his family, or by anyone else at an acknowledged cost of at least $200,000. Some of you may give your approval, but as for me, I condemn without reservation "the boodle," "the barrel," and corrupting campaign, resulting in the nomination and election of Truman H. Newberry to a seat in this body. His commission is tainted all over with corruption. He should not be seated. The Senate should not approve of this campaign which recorded the greatest election scandal known to American politics.

The PRESIDING OFFICER (Mr. SMOOT in the chair). The time of the Senator from Florida has expired.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Harreld	Moses	Simmons
Borah	Harris	Nelson	Smith
Brandegee	Heflin	New	Smoot
Bursum	Hitchcock	Nicholson	Spencer
Calder	Jones, N. Mex.	Norbeck	Stanfield
Cameron	Jones, Wash.	Norris	Sterling
Capper	Kellogg	Oddie	Sutherland
Caraway	Kenyon	Overman	Swanson
Colt	Keyes	Owen	Townsend
Curtis	Ladd	Page	Trammell
Dial	La Follette	Pepper	Underwood
du Pont	Lenroot	Phipps	Wadsworth
Edge	Lodge	Pittman	Walsh, Mont.
Elkins	McCormick	Poindexter	Warren
Ernst	McCumber	Pomerene	Weller
Frelinghuysen	McKellar	Ransdell	Williams
Gooding	McKinley	Sheppard	Willis
Hale	McNary	Shields	

Mr. HARRIS. I desire to announce that my colleague [Mr. WATSON of Georgia] is absent on official business.

The PRESIDING OFFICER. Seventy-one Senators having answered to the roll call, there is a quorum present.

Mr. OWEN. Mr. President, before this question is disposed of, I intend to offer an amendment in the nature of a substitute, to strike out all after the word "Resolved" and insert in lieu thereof the following:

That Truman H. Newberry is not entitled to a seat in this body because his relatives and friends, against a sound public policy, confessedly expended approximately $200,000 at the primary election to acquire the nomination for him, and because such a precedent would be harmful to the honor and dignity of the Senate of the United States and contrary to the best interests of the United States Government.

I intend by that proposed substitute to eliminate the question of whether or not Mr. Newberry has been guilty of any moral turpitude. So far as the amendment which I propose to offer is concerned, it will strike out every disputed point, and leave nothing involved except whether or not $200,000 or $2,000,000 can be expended to control a seat on this floor. I feel compelled by a sense of profound public obligation to express my opinion on this matter, because I believe that this precedent would be in the highest degree dangerous to this Republic.

Mr. President, regardless of the question of Mr. Newberry's moral turpitude, I can not refrain from reminding you that an indictment was found against him by a Federal grand jury and by a petit jury of 12 disinterested citizens, 11 of whom were Republicans, and before a Republican judge, Mr. Newberry was nevertheless convicted by a unanimous vote of that jury, who were sworn to give the defendant the benefit of every doubt; and he was released from the judgment of that court only by a technical opinion of the Supreme Court that Congress did not have the right to limit expenditures in a primary election. But, Mr. President, I call the attention of the Senate to the language of the Supreme Court in the closing words of that opinion. The court said:

"As each House shall be the judge of the elections, qualifications, and returns of its own Members," * * * the National Government is not without power to protect itself against corruption, fraud, or other malign influences.

In other words, the Supreme Court of the United States has said to the Senate, "You are in charge of the safety of this Republic with the power to pass upon Mr. Newberry's right to retain his seat. The responsibility rests upon you, Senators. Although we, as members of the Supreme Court, find technically that this judgment is not sustained you, as Senators of the United States, charged with the duty of passing upon his qualifications, have it in your hands to say whether or not this shall stand as a precedent."

The country is observing you. Every State in this Union has its eye upon this case. The honor and the dignity of the Senate of the United States is involved in this case. The safety of the Republic is involved, because if a man's friends can buy seats on the floor of the Senate this has ceased to be a democracy and has become a plutocracy, ruled by the corruption of wealth, regardless of all principles of honor, of decency, and of righteousness.

Mr. Newberry, in coming before the Senate, in his defense said to the Senate that when Mr. Templeton came to him in New York he said to Mr. Templeton that if he went into the campaign he hoped his business friends and associates in Michigan would organize a committee and take charge of the campaign. It was more than the expression of consent; it was the expression of a desire. It was his avowed hope that his associates and friends would do this. It was more than an invitation; it was an earnest invitation. Mr. Templeton himself swears that Mr. Newberry urged him to become a member of the committee, and to be active in it. Mr. Newberry, on the floor of the Senate, advises us that when Mr. King was sent up by this committee, organized by his business friends and associates in pursuance of the hope of Mr. Newberry, he talked with Mr. King about the expense, and said, "What is it going to cost?" "Well, Senator TOWNSEND's expenditures amounted to $20,000, but in this case it will cost your friends $50,000 at least."

Mr. Newberry in his defense extols Mr. King for the campaign he conducted, says twice the expenditures were "necessary"; that the Michigan law, as he understood it, allowed the committee to spend whatever it pleased; that he regretted to see $195,000 had been expended.

But he should have known better than to say he believed then and believes now the expenditure of such a sum was permissible under the Michigan law, for the law (sec. 48, 1915 election law) expressly forbids the candidate or his friends to expend over $3,750 on such a primary for Senator, and Mr. Newberry had available the best legal advice. At all events, he knew his chairman would expend at least $50,000, and probably more.

Did Mr. Newberry rebuke King for such an expression of opinion? No; he gave him his blessing. He consented to his being the chairman. He confirmed Mr. King as the chairman of the committee which his business friends and associates organized in response to his wishes to take charge of the campaign; and then the crux of the whole matter was explained to the Senate by Mr. Newberry himself, who said that as he understood the Michigan law any amount could be spent that the committee pleased under the enumerated 11 heads of the Michigan statute, just so the candidate himself did not expend it. There was his theory of the law.

Is that the law of Michigan? It is not. The law of Michigan is very plain:

SEC. 48 (act. 1915). * * * It shall be unlawful for any other person to do or perform for or on behalf of any such candidate, or to help or injure the candidacy of any candidate, any of the acts or things which it is by this act made unlawful for such candidate to do.

The candidate himself could not spend over $3,750. Three thousand seven hundred and fifty dollars was the limit of his expenditures under the law, and under section 48 nobody else could do more than he could do. Why, here is this Michigan statute, also declaring that—

SEC. 46. Every person who, directly or indirectly, by himself or by any other person in his behalf, gives, lends, or agrees to give or lend, or offers or promises any money or valuable consideration, or promises or endeavors to procure any money or valuable consideration or office, place, or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce or have such person induce any voter to vote for or refrain from voting for, or support or oppose any candidate; * * * every person who by any means receives, agrees, or contracts for any money, gift, fee, loan, or valuable consideration * * * on account of doing or agreeing to do, or having done any campaign work, electioneering, soliciting votes for such candidates on primary day or prior thereto, * * * it being the intent of this clause to prohibit the prevailing practice of candidates hiring with money and promises of positions,

etc., workers on primary day and prior thereto, * * * shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment for a period of not more than six months, or by both such fine and imprisonment in the discretion of the court.

That is the law of Michigan; and shall a man through his friends be permitted to spend hundreds of thousands of dollars in violation of the statutes of his State and in violation of the laws of the United States and still be permitted to retain a seat on the floor of this body?

Why, Mr. President, one of the witnesses, Mr. Fletcher, testified that he was satisfied, from his knowledge of the matter, that $800,000 was spent. I remind you that the two hundred and odd thousand dollars confessedly spent here does not include the list of expenditures made by the hired workers, the leaders in that State. There was shown to be 200 of them. A long list of the individuals is presented to the Senate in this record, showing how much this one got and how much that one got. It is not added up in the final enumeration. Regardless of whether Mr. Newberry knew anything about this or not, regardless of whether Mr. Newberry spent any money or not, the bare question that is going to be submitted to you is, Will you on your honor as a Senator stand for this precedent as a sound, honest public policy?

Do not permit party exigencies or party gratitude to influence you too far in this matter. It is quite true that it was Newberry's vote that enabled you, in the preceding Congress, to organize the Senate. Mr. Newberry was the means by which the Senator from Massachusetts [Mr. LODGE] became the chairman of the Committee on Foreign Relations, which was then packed and organized for the defeat of the Versailles Treaty. Every Republican chairman of every controlling committee owed his seat to Mr. Newberry. Politically, you are under great obligations to him; but the very fact that one vote in this body can change the current of American history and the history of the world, and that that vote should be controlled by such grossly corrupt and unlawful means, imposes all the more strongly upon you the obligation to remember that this is a precedent which you are setting—a precedent, I take the liberty of advising you, which the American people are not going to stand for. This is going to be one of the leading issues in the next campaign; and we shall see whether or not the American people will approve your conduct in having Mr. Newberry retain this seat, which was in effect bought for him by organizing over 2,000 precincts in Michigan, by paying unnumbered men, all the active workers in the State, by sending money to every newspaper in the State, by hiring group workers, by moving pictures, and by every sort of device which the unlimited use of money could engage.

If you think the American people will stand for that, I advise you to recall the interesting case of Mr. Lorimer and those who supported him, and what became of them when the elections came around.

The only question that the Senate need consider is whether or not this precedent shall be made. All disputed questions can be eliminated, and the question comes down at last to this: Is it to the honor and the dignity of the Senate of the United States to allow seats on this floor to be bought? Is it to the safety and the welfare of the American Republic to allow such a precedent to stand? The people of Michigan expressed their opinion as to this matter in their statute, and strictly forbade the candidate or his friends to commit these corrupt practices. The people of the United States have through their Representatives in Congress declared such corrupt practices unlawful in the corrupt practices act which the American Congress passed, which not only forbids a man himself expending above a stated sum but also provides that he shall not cause or have others do so in his behalf, and it was under that statute that Mr. Newberry was convicted. The Supreme Court released him on a technicality, but the Supreme Court admonished the Senate of the United States that it was charged with the responsibility of passing upon the qualifications of its own Members. You are now sitting as the highest court in the world to determine whether such corrupt practices, such unlawful acts under the State and Federal laws shall be approved and ratified and made the future policy of our Government. Will you sustain the honor and the decency of the Senate and the rights of the American people to honest and righteous government or will you not?

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair suggests to the Senator from Mississippi that no business has intervened since the last call for a quorum.

Mr. HARRISON. There has been a very splendid speech, which might not have sounded very good to some Senators.

The PRESIDING OFFICER. The Chair can do nothing but enforce the rules, and it has been ruled that after a quorum has been developed a quorum can not again be called until there has been intervening business.

Mr. UNDERWOOD. Mr. President, if the Senator from Mississippi desires to have a quorum present, for the purpose of accomplishing that result I move that the Senate adjourn, and on that I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Alabama moves that the Senate adjourn, and on that he demands the yeas and nays.

Mr. SPENCER. Mr. President, certainly by unanimous consent a quorum can be called, and I ask unanimous consent that a quorum be called.

Mr. UNDERWOOD. That will be satisfactory to me. I withdraw my motion.

The PRESIDING OFFICER. The motion is withdrawn. The Senator from Missouri asks unanimous consent that the request made by the Senator from Mississippi, that a quorum be called, be granted notwithstanding the rule. Is there objection? The Chair hears none, and the Secretary will call the roll.

The reading clerk called the roll and the following Senators answered to their names:

Ashurst	Gooding	McKinley	Shortridge
Ball	Hale	McNary	Simmons
Brandegee	Harreld	Moses	Smith
Broussard	Harris	Nelson	Smoot
Bursum	Harrison	New	Spencer
Calder	Heflin	Nicholson	Stanfield
Cameron	Hitchcock	Norris	Swanson
Capper	Jones, N. Mex.	Oddie	Townsend
Cummins	Jones, Wash.	Overman	Trammell
Curtis	Kellogg	Owen	Underwood
Dial	Kenyon	Page	Wadsworth
du Pont	Keyes	Pepper	Walsh, Mass.
Edge	King	Phipps	Walsh, Mont.
Elkins	Ladd	Pittman	Watson, Ind.
Ernst	La Follette	Poindexter	Weller
Fernald	Lenroot	Pomerene	Williams
Fletcher	Lodge	Ransdell	Willis
France	McCormick	Reed	
Frelinghuysen	McCumber	Sheppard	
Glass	McKellar	Shields	

Mr. HARRIS. I desire to announce that my colleague [Mr. WATSON of Georgia] is absent on official business.

The PRESIDING OFFICER. Seventy-seven Senators having answered to their names, there is a quorum present.

Mr. OWEN. Mr. President, I desire to offer a substitute for the pending resolution, which I ask to have read and lie on the table.

The PRESIDING OFFICER. It will be read, and lie on the table.

The READING CLERK. An amendment in the nature of a substitute intended to be proposed by Mr. OWEN, of Oklahoma, to the resolution (S. Res. 172) declaring Truman H. Newberry to be a duly elected Senator from the State of Michigan, namely: Strike out all after the word "*Resolved*," in line 1, and insert in lieu thereof the following:

That Truman H. Newberry is not entitled to a seat in this body because his relatives and friends, against a sound public policy, confessedly expended approximately $200,000 at the primary election to acquire the nomination for him, and because such a precedent would be harmful to the honor and dignity of the Senate of the United States and contrary to the best interests of the United States Government.

Mr. UNDERWOOD. Mr. President, the case now before the Senate does not present the ordinary question as to whether a Senator has been fairly and honestly elected to a seat in this body. It is not a question which confines itself either to the seat involved in the Senate or to the personality of the candidate for the office. As I see this case, and as I believe the country will see the case, the issue involved here is whether or not the Republican Party as a party intends to obey the law of the land. I think that is the issue involved here.

It is seldom that you find a contested case that is so closely connected with party organization as this case is. I am not saying this with any desire to stir up political animosities. I am only saying it because I believe it is a fact which every man in this Chamber must recognize; it is a fact growing out of conditions.

We all know that at the close of the Great War it was very doubtful at one time as to which great political party would be in control of the Government. The Senate of the United States was so close that it was wavering on a knife edge as to whether the great committees of the Senate would be dominated by the party on this side of the Chamber or the party on the other side, and as to whether that party atmosphere would be reflected in the legislation to be enacted in closing the era of the Great War.

I am not critical of the party on the other side of the Chamber because it desired to control the Senate and control legislation, and have its policies and its principles and its viewpoint reflected in the after-war legislation. That was a perfectly proper and natural desire. That was the condition, and one seat in the Senate could affect the result, and did affect the result, and that was the seat now occupied by Senator Newberry.

How do we find that that question was approached? A gentleman was running for the Republican nomination in Michigan whose political atmosphere was not satisfactory to the leadership of the Republican Party, a man whom they did not believe they could dominate and control if he was elected to the Senate, and probably they did not believe that if he was elected to the Senate under that nomination his viewpoint would coincide with their ideas of the legislation that was to come before the Senate.

Now, what was done? It is admitted what was done. A candidate for the United States Senate was selected by the Republican Party, not merely the Republican Party in Michigan, but you know as well as I know that the Republican leadership of the Nation was consulted in the selection of that candidate. It has been said on the floor of the Senate that Mr. Newberry is not at fault in this matter, that he was drafted by his party to make a fight within the machinery of the Republican Party. No man can deny that. There is not a man within the sound of my voice who does not admit that statement to be a fact.

Then when the issue became doubtful, when through the ordinary course of the campaign it developed that the drafted leader of the organization of the Republican Party, Truman H. Newberry, could not win, it was determined to buy the seat. Now, that is true. It was deliberately determined to buy the seat. I do not know how much money has been spent. It has been variously estimated in very large sums. But I do know that Senator Newberry, standing at his desk the day before yesterday, announced to the Senate that $195,000 had been spent by his friends in that campaign. It was probably more than that, but it is not necessary to go to a larger amount.

You know and I know that when a candidate for the United States Senate from any State in the Union spends $200,000, in round numbers, in a campaign for a nomination or an election for that one office, that money is not being spent for legitimate campaign purposes. Regardless of any limitation of law, it is not being spent for legitimate campaign purposes. It is an effort through the method of propaganda to mislead a people or, through the method of purchasing votes, to buy a seat. It is corruption in politics, and it does not make any difference whether the individual who occupies the seat temporarily is a party to the transaction or not. Somebody was guilty, and admittedly guilty, of an effort to change the will of the people of Michigan in an election to this seat in the United States Senate, by one method or another of corrupting that election and changing the vote from the channel where it naturally intended to be cast to the column of the man who would not have won or would not have received the certificate if it had not been for the corrupt use of money.

I am not charging that this money was used to buy votes. I believe that it is just as corrupt for a man or a party, in violation of the law of his State, to purchase newspapers to circulate political propaganda as it is to pay $5 a head for votes in the street. There is no moral distinction; there is no distinction, so far as the body politic is concerned. I challenge any man on the other side of the Chamber to say that when you admit you spent $195,000 in the State of Michigan and the law limited your party management to the expenditure of $3,750 it was not for a corrupt purpose.

Mr. SPENCER. Mr. President, may I, in answer to the challenge of the Senator from Alabama, say that the testimony is uncontradicted that under the law of the State of Michigan any amount of money can be spent, without limit, for advertising purposes. One hundred thousand dollars, five hundred thousand dollars, any amount of money can be spent. Of that fact I think the Senator will find there is no dispute. There are 11 specified objects under the law of Michigan for which an unlimited amount of money can be spent, and one of them is advertising.

Mr. UNDERWOOD. The only difference between the Senator and myself is that he said the testimony does not show it. I do not know what the testimony shows, because I have not read the testimony, but I know what the law of the State of Michigan shows.

Mr. SPENCER. I was referring to the law of the State of Michigan. If the Senator has it before him he can read it; if not I will refer to it in the record, because it is set out in full in the record. There are 11 objects specified.

Mr. UNDERWOOD. I do not think I have the exact clause before me.

Mr. SPENCER. The Senator will find it in the record at page 932. I know how fair the Senator is. He will find section 3830 of the laws of the State of Michigan set out in full on page 932 of the record. Paragraph 3 has 11 specified objects, with regard to each of which there is no limit as to the amount of expenditure. The Senator will find that advertising is the first of those 11 specified objects.

Mr. UNDERWOOD. Of course, I am familiar with that class of work. Unfortunately, I have had to face it sometimes myself.

Mr. POMERENE. Mr. President, will the Senator yield for a suggestion?

Mr. UNDERWOOD. I yield. I am glad to have the suggestion.

Mr. POMERENE. While there has been some discussion as to whether or not there was a limitation which might be placed on a committee for the 11 purposes, that question need not be decided either one way or the other to determine this case, for the reason that under the evidence in this case, as we think it has been clearly shown by the minority report and the speeches which have been made here, that committee was Newberry's committee, organized by him; it was his agency, and if he can not expend by himself to exceed $3,750 he can not create an agency by which he can evade the law. In other words, that was his agency and he was responsible for what that agency did. As a matter of law, in my humble judgment, there can be no question about that position.

Mr. UNDERWOOD. The Senator, who is on the committee, is more familiar with the law than I am. As I have read the law and if I understand it—and I would like him to assure me if I do or correct me if I am wrong—it is that the candidate is limited in the State of Michigan to $3,750 for all purposes. Is that correct?

Mr. POMERENE. Yes; the candidate.

Mr. UNDERWOOD. Does the Senator from Missouri agree to that?

Mr. SPENCER. He does.

Mr. UNDERWOOD. That was my understanding of what I was coming to, that the candidate in this election was limited to $3,750, and his friends, not a political party organization but an organization of Truman H. Newberry's campaign management, come here and admit they spent $195,000. Do you think the Republican Party is justified in giving a seat on this floor to a man when the law of his State prohibits him from spending more than $3,750, and when he admits that a party of gentlemen organized into a campaign committee spent in his interest practically $200,000? Now, that is the issue.

Mr. EDGE. Mr. President, will the Senator yield to me?

Mr. UNDERWOOD. Certainly.

Mr. EDGE. When it is admitted on all sides that the limitation, so far as the candidate's own contribution is concerned, is $3,750, the Senator certainly does not mean to infer that there is any limitation in the statute of Michigan on collecting from friends of the candidate and adding to that fund?

Mr. UNDERWOOD. I do not understand it in that way. I do not understand that to be the law. I am sure that the Senator from New Jersey agrees with me that nobody could understand in good morals that it would be the case that when the people of a State limit the amount of funds to be spent by a candidate in order that an election shall not be corrupted yet a man could say in good morals that his friends might corrupt the electorate for him.

Mr. SPENCER. Mr. President, may I say to the Senator that the language of the law is—and he will find it in section 3828—that so far as the candidate himself is concerned as to the amount "to be paid by him"—and that is a quotation from the law—he is limited to one-half the annual salary of the office he seeks. In this case that amount is $3,750. Then in the next section but one it is provided that any political committee that may have charge of the matter may spend without limit for 11 specified purposes, and one of them is advertising. Certainly the Senator does not mean to say that newspaper advertising about a candidate is immoral?

Mr. UNDERWOOD. I do say this and I mean it, that when newspaper advertising is carried to the extent of paying for newspaper columns to the extent that it controls the newspaper, it is a way of purchasing the paper.

Mr. GLASS. Mr. President——

Mr. UNDERWOOD. I will yield in just a moment. The Senator from Missouri says he is standing on the law in this

case. The Senator from Missouri ought to be more familiar with the law in this case than am I, but I wish to call attention to section 48 of the Michigan statute, which I have here before me, which reads in this way:

> It shall be unlawful for any other person to do or perform for or on behalf of any such candidate, or to help or injure the candidacy of any candidate, any of the acts or things which it is by this act unlawful for such candidate to do.

The Senator from Missouri seeks to give an interpretation to this statute that a committee of friends may spend an unlimited amount of money for certain purposes that the candidate can not spend himself, and yet I find right in the body of the act, in section 48, a provision which says that nobody shall do for the candidate what the candidate can not do himself. What is the reasonable construction of the meaning of this law—the construction which the Senator from Missouri puts on it or the construction which I put on it? What was the purpose of the Legislature of Michigan in limiting the amount of campaign expenditures in that State? It was to prevent the corruption of the electorate; to make sure that men should not attain office merely because they had pocketbooks and had dollars to spend; to guarantee to the great mass of the electorate of that State an honest election, an election that would fairly reflect the sentiment of the electorate. Then to say, although that was the manifest purpose of the Legislature of Michigan in passing a law limiting the expenditures, that the legislature intended that if a man had any friends his friends could spend an unlimited amount of money to do just what the law said he could not himself do, I say is an absurd construction of the law.

Mr. EDGE and Mr. GLASS addressed the Chair.

Mr. UNDERWOOD. I will yield to the Senator from New Jersey in a moment, but I promised first to yield to the Senator from Virginia.

Mr. GLASS. Mr. President, the Senator from Missouri [Mr. SPENCER] suggested that no Senator would say that newspaper advertising was a form of corruption in politics. I call the Senator's attention to the fact that in one of the letters which were written by one of Mr. Newberry's managers to Mr. Newberry himself the writer specifically states that a certain newspaper—giving the name thereof—was "weakening," and adds "an advertisement goes forward to-day." What is the implication in that letter if it is not that the advertising which goes forward is to determine the position of that paper and to corrupt its publisher and editor?

Mr. POMERENE. And it was a labor paper, too, in which he was going to insert the advertisement.

Mr. GLASS. I should like to ask the Senator from Missouri what implication he gets from that statement?

Mr. SPENCER. I say, as the Senator from Virginia puts it, that the implication would be precisely as the Senator from Virginia indicates. The marvel, however, to my mind is that the Senator from Virginia should pick out an insignificant detail, of which the junior Senator from Michigan never knew and which had no sanction from him, and should attempt to build up a case of expulsion around it.

Mr. GLASS. Oh, I am not attempting to build up a case around it.

Mr. SPENCER. The record does not give the testimony of the man himself, but runs something like this: Mr. Souter comes before the jury and Mr. Souter says that Mr. Dotsch said that Mr. MacGregor said, and then he announces the fact. If it is true, as the Senator from Virginia quotes from such a roundabout hearsay expression, that a newspaper was doubtful and that in its doubtful condition an advertisement was sent in, of course, the natural inference is that it was for the purpose of stiffening up the newspaper; but that is not the testimony of the record in its entirety.

I might as well call the Senator from Virginia a reckless, untidy man, because there should happen to be a spot on his coat, when everyone knows that the Senator's manner and appearance are delightful.

Mr. GLASS. If there is a spot on my coat, there is a spot on my coat, is there not?

Mr. SPENCER. There is no doubt of that.

Mr. GLASS. And if one of the managers in the Newberry case writes to Mr. Newberry that a certain newspaper in Michigan "is weakening" and that "an advertisement goes forward" to it, that happened, did it not?

Mr. SPENCER. I have admitted the very inference which the Senator from Virginia makes.

Mr. GLASS. Then, as a newspaper publisher of 40 years' experience, I say if anybody had said that about me I would have supposed he was trying to bribe me, and he would have been trying to bribe me.

Mr. SPENCER. I do not know whether the rumor was true or not, but if it was true, I do not differ from the Senator from Virginia.

Mr. GLASS. It was not a rumor, but it was a statement of one of the Newberry managers in a letter to Mr. Newberry, and the statement was that the newspaper was "weakening" and that "an advertisement goes forward to-day." What did it go forward for?

Mr. KING. It went forward to bribe the newspaper.

Mr. WILLIAMS. Mr. President——

Mr. UNDERWOOD. Mr. President, there is a limit to my time.

Mr. WILLIAMS. I merely wish to ask the Senator from Virginia a question.

Mr. UNDERWOOD. I yield to the Senator for that purpose.

Mr. WILLIAMS. The question I wish to ask the Senator from Virginia is, regardless of the question as to whether or not there is a spot on his coat, if there was a spot on his coat and he swore positively that there was not a spot on his coat, does he not think that would have something to do with the case?

Mr. GLASS. The Senator's question answers itself.

Mr. UNDERWOOD. Mr. President, this matter is rather aside, but it is pertinent to the case, and I think it is well that there appear in the record just what the record does show. Mr. King tells Mr. Newberry, for instance, in the letter which he wrote to him on August 15——

Mr. SPENCER. Is the Senator from Alabama reading from the brief of Mr. Lucking?

Mr. UNDERWOOD. Yes; but the letter which I am about to read is taken from the record and is in the bill of exceptions at page 888. This is what Mr. King tells Mr. Newberry on August 15, 1918:

> Our only weakness is with the labor vote, and my reports indicate that we are getting stronger there. The Flint Labor News, which has been strongly Osborn, is weakening, and I am sending a man there to-day with a page advertisement for insertion just before the primaries.

That is what the head of Mr. Newberry's committee reported to Mr. Newberry as to the expenditure of a part of the $200,000 that has been admittedly expended in one manner or another to corrupt the electorate of Michigan.

Mr. EDGE. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from New Jersey.

Mr. EDGE. Before the Senator from Missouri and the Senator from Virginia entered into their colloquy, if I understood the Senator from Alabama correctly, he made the assertion that, under his interpretation, the corrupt practices act of Michigan would only permit a contribution of $3,750 from the candidate, and that no further contributions could be received from any other source; in other words, that $3,750 would be the total sum which could be legally received and expended for the purposes of a primary campaign. Is that correct?

Mr. UNDERWOOD. I was not talking about contributions. I read a section into the record in the presence of the Senator from New Jersey. Section 48 of the Michigan statute which provides distinctly that no person shall commit the acts which the candidate himself is prohibited from committing.

Mr. EDGE. I recall that.

Mr. UNDERWOOD. I say that when section 48 of the corrupt practices act of the State of Michigan provides that no other person shall commit an act that the candidate is prohibited from committing, then it prohibited Mr. Newberry's friends from attempting to use money in one way or another to buy the nomination just as much as it prohibited Mr. Newberry from doing so.

Mr. EDGE. Mr. President, I do not care to press the question from the standpoint of the moral side at all——

Mr. UNDERWOOD. I have given the Senator the legal side.

Mr. EDGE. But I simply desire to get the pure legal interpretation of the Senator. I ask again, does the Senator from Alabama, from his study of the act, believe that contributions could legally be received from other sources?

Mr. UNDERWOOD. I do not know whether it could legally be received or not, but I am sure there could not legally be expended in excess of $3,750. They might have been received, and the Senator dwells on the reception of the money. That, however, is not the question; it is the expenditure of the money that counted.

Mr. EDGE. That is precisely what I wanted to lead up to. Then, does the Senator under his interpretation of the law believe that if additional contributions from various sources could legally be received, there could not be expenditures

without limit under the various headings designated in the corrupt practices act, some 11 in number, I believe? I refer now to the legal aspect and not to the moral aspect of the expenditure.

Mr. UNDERWOOD. Of course, I do not think the United States Senate ought to decide on a technical issue this great case, involving the rights of the American people. I know that Mr. Newberry himself said to the Senate that it was the understanding in Michigan that this money could be spent for certain purposes. I came here to listen to his speech, for I wanted to hear it; and he said that this money could be spent. He said he did not spend it, but that it was the understanding in Michigan that his friends had a right to spend it. I am not arguing the case from the standpoint of Mr. Newberry's friends or of the politicians in Michigan, but I say that when section 48 provides that no other person shall commit an act which the candidate is prohibited from committing, then there can be no other legal interpretation than that this money was unlawfully spent. That is my view of the legal aspect of it; and, so far as the moral aspect is concerned, I do not see how any man can stand in his shoes and dispute for a moment the fact that an organization of a part of the Republican Party went into Michigan with the sole intent and purpose of securing a seat in this body that would enable them to control the destinies of the United States Senate, and control them by a man of their own selection.

Mr. SPENCER. Mr. President, will the Senator, in the interest of fairness, let me read one sentence here? I am glad the junior Senator from Virginia [Mr. GLASS] is in the Chamber, because the letter which the Senator from Alabama read indicated to the mind of the Senator from Virginia that there was an attempt to bribe that paper. Mr. King made his statement in regard to it, and his statement was to the effect that the purpose of sending that advertisement to the paper was not at all to influence the attitude of the paper, but was in order that its readers before the primary might get the facts as Mr. King believed them to be with regard to Mr. Newberry. This question was asked him. I will read it, with the Senator's permission, and then I am through.

Mr. GLASS rose.

Mr. UNDERWOOD. I will say to both my friends that I am always willing to yield, but I have only a limited time.

Mr. SPENCER. It is an imposition; but Mr. King was asked by the chairman this single question:

> Was there any direction given to that man to insert the advertisement only in case they would support Senator Newberry?

Which is the inference that the Senator from Virginia had. Mr. King answers:

> Not at all. We simply wanted to get this advertisement before the readers of that paper just before the primaries.

If that is true, the Senator, I am sure, will agree with me that there was no impropriety or wrong in it.

Mr. GLASS. Yes; but the Senator from Virginia does not think it is true.

Mr. SPENCER. That may be.

Mr. GLASS. And I hope I do not look as simple as the Senator from Missouri seems to think I am. [Laughter.]

Mr. SPENCER. I did think so.

Mr. UNDERWOOD. Mr. President, of course when there is a reasonable amount of money spent in newspaper advertising to place a candidate's position before the people, everybody understands that that is not an attempt to corrupt the newspapers; but when there is a very unusual amount of money spent in advertising by an individual or his party friends, then you naturally have to believe that there is some other purpose behind the expenditure of that money than the mere conveying to the people of the candidate's position in the primary, and that is self-evident in this case.

Mr. KENYON. Mr. President, we have heard so much here about the right, under these exceptions of the statute, to expend hundreds of thousands of dollars for advertising that I should like to ask the Senator this question: Does it not really become a question of fact whether the money is spent for proper advertising or whether it is used for the purpose of influencing the opinion of the newspaper?

Mr. UNDERWOOD. Absolutely; absolutely. There is no question about that; and I think it is very clear in this case that the large amount of money that went into the newspaper columns was not for the purpose of conveying to the public of Michigan the position of Senator Newberry.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. UNDERWOOD. I yield.

Mr. NORRIS. I want to follow that question with another one which I think logically should follow it. Wherever the amount of money spent for advertising was so very large, would it not be fair, morally and legally, to lay down the proposition that in that case the burden of proof to show that it was not spent for the purpose of intimidation and bribery is on the person who spent it?

Mr. WILLIAMS. Why, the amount itself would prove it.

Mr. UNDERWOOD. Absolutely. The Senator from Mississippi has answered the question fully. The statutes of the State of Michigan prescribe that not more than $3,750 shall be expended; and when a candidate expends one dollar more than that amount undoubtedly the burden of proof is on him to show that the additional sums of money expended were legitimately expended. Here is nearly $200,000 in excess of that amount admittedly expended in this case, and no adequate justification is shown to the Senate of the United States.

Senators, I think I can say to this body that, although I am a partisan in the sense of believing in my party's principles and my party's cause, I do not engage in partisan debate in this body; I do not appeal to partisan issues; but I would be recreant to the position I occupy here if I did not say to you that it is not Senator Truman H. Newberry who is under indictment in this case; it is the Republican Party. It is not only Senator Newberry who is charged with violating the corrupt practices act of the State of Michigan, but it is the Republican Party. Your party has been foremost—we have taken our part with yours, but you have been just as prominent as our party has in the past—in demanding that this class of legislation prohibiting corrupt practices and limiting expenditures of money in political campaigns be placed on the statute books. Did you place it there merely to catch the sentiment of the people with the intention of denying it and repudiating it in fact? Did you place those laws on the statute books to enforce them honestly, and to abide by them honestly, or did you put those laws on the statute books with the intention in your hearts of breaking them and repudiating them whenever it was convenient for you to do so?

That is the issue that confronts the Republican Party, and you can not avoid it. You know as well as I know that Senator Newberry's friends spent a vast sum of money, more than the law contemplated or authorized, and more than the constituency of Michigan expected him to spend. He holds his commission to a seat in this body undoubtedly by reason of the expenditure of that money. If you confirm him in the title to that seat, you confirm the action of the Republican committee that elected him by these methods.

That is the issue that is before the country; and that is the issue, if you are going to plead guilty to it by a vote of confidence in Mr. Newberry and his committee, that we, as the opposition party, are entitled to carry to the American people and condemn you for the position you have taken.

Mr. SPENCER. Mr. President, I so cordially agree with what the Senator from Alabama [Mr. UNDERWOOD] says with regard to his fairness and nonpartisanship in this body that I venture to say one or two things in connection with the statements he made as he closed.

The Senator said that this enormous expenditure of money was greater than the constituency in Michigan ever expected would be made. I want to call his attention, and particularly the attention of those upon the other side who historically, at least, have always believed in the doctrine of State rights and State sovereignty and State government, to the fact that every dollar of the expenditure in the primary, the method of its acquisition, the way it was expended, the amount of it, the contributors who gave it, every one of those facts when the primary was ended was published throughout the length and breadth of Michigan. Everybody in Michigan knew about them. They were the issues of the campaign at the general election in 1918. The people of Michigan, with all the facts before them, placarded upon every wall and published in every paper, in the general election rendered their verdict as to what they thought about that fact.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. SPENCER. Just a moment, and then I will yield to the Senator from Ohio.

More than that; under the law of the State of Michigan—and I call the Senator's attention to this—when a report is made, as it must be made after a primary is completed, it must be published, and every detail of it made public; and by the express provision of law any citizen in the State of Michigan who thinks the statement is unfair or incomplete or wrong has his

opportunity of preventing the certificate of nomination or election from issuing until that question is determined.

Is it not passing strange that in the whole State of Michigan, with the power and purpose of Mr. Ford back of it, there was not one single citizen to complain of these things that now with vehemence are proclaimed as vitiating that election?

Mr. WILLIAMS rose.

Mr. SPENCER. In a moment I will yield; not now.

Does any Senator imagine for a moment that if there had been any truth in the allegations that we now hear, Mr. Ford would have allowed them to slumber; that he would not have availed himself of them; that the courts of Michigan would not have been invoked; that complaint would not have been made?

When Michigan is silent, and the matter is brought here first, it looks, to quote the language of a Senator upon this floor, more like the persecution of an individual than the vindication of the Senate. After all, the Nation is concerned—of course, it is concerned—in the qualifications of the Members of this body. The States are so interwoven that what concerns one concerns every other; but the primary interest is in the State which a Senator is supposed to represent, and I ask again, is it not strange, if the things which we hear now are true, that there never was a single whisper of them in the State of Michigan; that nobody complained; that nobody availed himself of the statute; that no interposition of any kind interfered with the certificate of nomination or election? The truth of the matter is that Michigan knew about it, and Michigan believed in the junior Senator.

At least six men were indicted with the junior Senator from Michigan, who subsequently ran for public office in that State. Senators will remember that the general election we are now speaking about was in 1918. One man, Deland, who was indicted with the junior Senator, ran for secretary of state in 1920. The people of Michigan had an opportunity to speak as to how they felt on the so-called Newberry campaign, because it was made the issue of that campaign, and all over Michigan it was proclaimed, "Deland for secretary of state, the man who was indicted with Newberry, who was tainted with every bit of tar that tainted him, who was as guilty as Newberry himself was? Elect him to public office in Michigan?" It was the issue of the campaign. What was the result? When the people of Michigan had a chance to vote upon the question, by a majority of more than 500,000 he was elected, and he ran 125,000 ahead of the governor, who was running at the same time. That is the way the people of Michigan feel upon this matter.

I now yield to the Senator from Mississippi.

Mr. WILLIAMS. The Senator from Missouri, in his eloquent and impassioned manner—and I do not blame him for feeling impassioned at all, but I realize that nobody else does; it is a hard trial upon his conscience—says that any citizen of the State of Michigan had a right to complain, and he says that no citizen of the State of Michigan did complain. Yet there stands the fact that a jury of 12 Republicans not only found certain men guilty but found Mr. Newberry guilty, and penalized him to a term in the common jail, and the only way he ever got out of it was by the Supreme Court of the United States deciding that under the circumstances it had no jurisdiction, and relegating the trial of the case to the Senate of the United States. So much for no single citizen of the State of Michigan having complained. Twelve petit jurors, all Republicans, after indictment by a grand jury whose politics I do not know, tried the case in the Federal court and decided it.

Mr. OWEN. The grand jury indicted over 100 men.

Mr. WILLIAMS. As the Senator says, they indicted over a hundred men, and certain of them were convicted.

Mr. SPENCER. Will the Senator from Mississippi allow me to yield the floor to him so that this will not come out of my time?

Mr. WILLIAMS. Amongst the men intended to be punished was Truman H. Newberry, who was condemned to imprisonment, and he afterwards got out of it before the Supreme Court upon a legal technicality——

Mr. SPENCER. Mr. President——

Mr. WILLIAMS. To wit, that the court had no jurisdiction in that particular case.

Mr. SPENCER. Will the Senator allow me to yield the floor?

Mr. WILLIAMS. Wait just one minute.

Mr. SPENCER. Mr. President——

Mr. WILLIAMS. Now, the impassioned Presbyterian elder would have us believe that the people of Michigan indorsed what was done in that campaign. What the Senator from Missouri has said amounts to this: That if Michigan were bought, it stayed bought for the next election; that is all.

Mr. SPENCER. I thank the Senator. I yield the floor.

Mr. WILLIAMS. It may be that it did and it may be that it did not.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Mississippi in his own right.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. As the Senator from Mississippi does not claim the floor, the Chair recognizes the Senator from Nebraska.

Mr. NORRIS. Mr. President, they had a public sale up in Michigan. The property that was placed on the auction block was a seat in the United States Senate. The sale was public, the bidding was in the open, and the property was knocked down to the highest bidder. Every citizen of Michigan had an opportunity to get in and bid. Why, then, Mr. President, all this fussing and fuming? The only question before the Senate is, Shall that sale of a seat in this Chamber be confirmed? It is a question of confirmation of a sale which is admitted, it seems to me, to have been according to the rule.

The sale was public; the price was adequate. In fact, it rather seems to me as though the purchasers paid more than the blamed thing was worth. Why, then, should Senators hesitate to confirm this sale so made, so conducted, before the people of the entire country?

It is said by some of those who are opposing the confirmation that this would establish a precedent by which the poor man would be eliminated from the Senate Chamber.

Suppose it does. What business has a poor man here, anyway? If he catches cold, or some member of his family gets a toothache, so that he has to consult specialists or dentists in the city of Washington, he will be looking straight into the front door of the poorhouse.

As I look at it, Mr. President, this is just exactly what it is intended it should be, the establishing of a precedent so that we will have more men of means in this Chamber, and that seats will be put up in the marketplace, just as seats on the stock exchange. This will insure a high-class membership.

But, Mr. President, it does not follow that we mean any hardship for the poor man on that account. If the poor man has not money enough to put up the ante in the senatorial poker game, let him go to the back alley and engage in a game of craps. If he can not raise money enough to run for the United States Senate, let him run for constable, road overseer, or even for that ancient and honorable office, justice of the peace.

It is not intended by the establishment of this precedent to hurt the poor man. Senators do not realize how important this question is. If we do not confirm this sale, the first thing we know we will have a lot of poor men here. Mr. President, there will be farmers in the Senate, a "bloc" of farmers whom you can not control by loaning public money on cotton or inviting them to a presidential dinner, farmers with whiskers, yes, whiskers that will put in the shade the beautifully trimmed beard which adorns the face of our illustrious leader.

Mr. President, if we only knew it, we will accomplish much more when we confirm this sale than we realize, and it has been decreed by our masters that this sale shall be confirmed. It is all right for Senators to insurge and go against the machine occasionally, but we have come to a time now when you have to show your colors and obey the command, or in some future election you will find yourselves without friends and without money.

It is not for us to reason why, but it is for us to obey or die.

It is said by some Senators that if we confirm this sale we will be going contrary to the evidence. What has the evidence to do with this thing, anyway? This is not a question of evidence. This is a question of obedience, and, after all, a great deal can be said, and even has been said, by Senators on this floor, to the effect that the confirming of this sale is according to the evidence. It was said by the Senator from Missouri, on some phases of it, that the evidence stands uncontradicted. For instance, one of the questions involved in this case is, Whose money was spent, anyway? The attorney for Mr. Newberry, and various other Newberry interests, testified that he had 10, 11, or 12 accounts, and that he transferred money from one to the other as occasion demanded.

Now, some inquiring member of the committee said, "Let us subpœna these bankers with their books, and that will throw some light on the ownership of the money that was really spent in this campaign." But the committee very properly and very wisely decided that could not be done. In other words, the evidence of this attorney who testified that Mr. Newberry knew nothing about it stands uncontradicted. So how dare you go back on it? The committee were so wise and so judicious as to see to it that it should remain uncontradicted.

After all, the evidence does show in a good many respects just as has been claimed, and we ought, I think, to pass a resolution of thanks to that committee for making it so easy for us to follow the well-marked-out path that is determined upon for us to follow. It was their wisdom and their celerity that to some extent made this record so that it is easy for us to obey.

It was proposed that Mr. Newberry be summoned before the committee. He had been silent. That was very properly blocked by this very dutiful committee, and he was not requested and not subpœnaed, and would not perhaps have been permitted to testify if he had appeared. That helped us out on the record a great deal, because there is now nothing to show that he knew anything about any of these things. It is uncontradicted. Again, they prevented by their course of action what might have been embarrassing and made it embarrassing for us who are faithful to cast the vote here that we are expected to cast. Then, Mr. President, how humiliating and embarrassing it would have been to have subjected a United States Senator to a cross-examination by an ordinary representative of the common people.

It is said, Mr. President, by some of the Senators, that anyone who votes to confirm this sale will be defeated for reelection if he is a candidate for reelection to this body. Now, that is a threat that is unworthy of a Senator to make. In addition to that, it is poppy-cock, and there is nothing to it. The people will forget it. They will not remember this. There will be various other things that will get into the campaign, and they will forget about this.

Let me say to my friends who are threatening us with that dire disaster before the people that that situation is pretty well cared for now. It has always been the custom of both the great political parties to arrange soft berths for the lame ducks who are wounded while faithfully following the commands of our masters. If the people should be so unthinking and so unreasonable as to defeat any Senator for reelection because he voted to confirm this sale, those Senators who are still faithful and follow their leaders will find that they will be properly cared for when the time comes, and some place, somewhere, they will be tucked away in a soft berth with a salary attached to it greater and larger than that which attaches to a place in this body. So you can not scare us with that kind of talk. We are too well armed and too well fortified for that kind of threat to have any influence on us.

It is going to be said of us when we get through, as was said of some other great people, "He seen his duty and he done it." [Laughter.] Notwithstanding all that talk we are going to carry out the program; do not worry about that. To the faithful, those who are faithful unto the end, will come the reward for hard labor and for duty conscientiously and faithfully performed and when we have established this precedent we will have a Senate to be proud of composed of men of means, we will make Washington the social center of the world. We can then employ experts to do our thinking and Senators will have more time to give to golf and other kindred social duties.

Mr. REED. Mr. President, I have been very much interested in two speeches made this afternoon, the delightful bit of irony indulged in by the Senator from Nebraska [Mr. NORRIS] and the unctuous and indignant speech of the junior Senator from Missouri [Mr. SPENCER].

I desire, however, as a consolation to my friend from Nebraska to remark that he has overlooked one solacing consideration. The bitterness of his soul ought to be mitigated to some extent by the fact that this custom, which he tells us is to be established by this precedent, will at least have the virtue of putting a great deal of money in circulation, so that if the common people, of whom he speaks with such tenderness, do not get the offices they can at least get some of the coin.

But I desire to address myself very briefly to the latter part of the speech of the junior Senator from Missouri. His defense seemed to be that there is no case here because the people of Michigan had not instituted prosecution under the State law. That defense might be made by nearly every citizen who is arrested in a Federal court on a charge for anything from violation of the Mann Act to using the mails to defraud, because it always happens that when the Federal Government takes charge the State authorities stand back and allow the Government to proceed.

It happens in this case that almost immediately after the election the Federal authorities began an investigation and that fact was known throughout the land. That investigation proceeded with the full knowledge of the people of the State of Michigan until it was consummated by an indictment. The case was finally tried, the verdict of conviction was pronounced, and the sentence of the court was imposed. Under such circumstances what becomes of the plea that the people of Michigan did not act?

The Federal Government was there with all its machinery; it not only took a Federal grand jury and the agencies of the Department of Justice weeks and months to get at the facts in this case, but it took the Committee on Privileges and Elections of this body not only weeks and months, but, if I recall correctly, over a year and a half of time more fully to develop those facts. What individual citizen of the State of Michigan, therefore, under such circumstances, would file a charge in a State court, and what becomes of this vehement argument that the failure of citizens of Michigan to prosecute constitutes a defense?

After all, if the case were being tried in the Federal court, what kind of a lawyer would plead that his client might also have been prosecuted under a State statute, and that the failure of the State to prosecute is a good defense to a charge brought by the Federal Government?

Mr. SPENCER. Mr. President, will the Senator yield to me?

Mr. REED. Certainly.

Mr. SPENCER. I wonder if the Senator is aware of the fact—of course, he is—that the primary occurred in Michigan in August, 1918, and the Department of Justice of the United States did not commence its work in Michigan until the summer of 1919, a whole year thereafter.

Mr. REED. Oh, certainly. The Department of Justice began in the summer following the election; in the meantime evidence was being accumulated to lay before this body, as was well known. Everybody knew that it would take many thousands of dollars to dig down into these crooked transactions, to trace them to their end. And when these thousands of dollars have been expended to develop the facts and the sworn testimony is before us, the junior Senator from Missouri rises to state that these facts were not adduced by a citizen of Michigan, but by some one else. Imagine a man arrested for any crime, if you please, who would make such a plea as we have heard to-day.

The question is, Was the money expended, and was it expended in such a manner as to charge Senator Newberry with full notice of the fact? Indeed, I think I agree to the doctrine that if no notice had ever been brought home to him in the world, if it were proven that others had expended this vast sum of money and that it had affected the result, the election would be tainted by that money. Whether the votes were bought by A, B, or C without the knowledge of the candidate, that would not improve his title to his seat.

But in this case to argue that candidate Newberry did not know what was going on is to argue that he is without sufficient mental capacity to find his way from this Chamber to his hotel. To assume that a man is intelligent enough to rise to a point of distinction where, even with his money, he can secure a nomination; that his money can be expended in his campaign through his closest and most trusted friends, through political adherents with whom he consults daily and weekly, and then to assert that he knows nothing about what is going on, is either to imagine he is an idiot or else to conclude that the person who indulges in the assertion is mentally deficient.

It is absolutely silly to talk in that way to men who have had experience in politics. I grant you, of course, a man might be running for office and some individual here and there might do something, might expend money, or might even do a criminal act without his knowledge, and he might be held wholly acquit from any responsibility, but here was a tissue woven to cover an entire State; every thread in it ran back into the fingers of Mr. Newberry or his closest and most intimate friends. The strands twined into his bank account; they ran into his brother's bank account; they ramified through the members of his family; they touched every hamlet and village in the Commonwealth; they reached tens of thousands of homes. The organization was as broad as the State, as complete as human ingenuity could create, and it is more clearly proven than any conspiracy has ever been proven in any court of justice in any case I have ever tried or of which I have ever read. It requires an unusual amount of piety and a grace of soul that must be inspired by the very light from above to enable a man to look at the record in this case and say that there is not sufficient evidence to find that Mr. Newberry knew exactly what was going on.

The truth about the matter is that there is only one plea that can be made, and that is the plea which Bossie offered in "The Texas Steer." When the old man was away, as Senators will recollect, Bossie, the favorite daughter, having full access to his bank account, went to a practical politician and drew liberally upon the old gentleman's account. So when the old

man came home, he was indignant and said he would not take the office; that he did not want to come to Congress. Bossie tearfully exclaimed, "I do not see why Daddy should not take the office; I am sure he came by it honestly. We paid for every vote he got." [Laughter.]

The evidence in this case is a demonstration; it is complete; it is absolute; it is overwhelming. The defendant, if I may so term him, had an opportunity to appear upon the witness stand in court, but he exercised his constitutional right and kept silent and did not speak in his own defense. I have tried enough cases to know why the defendant is kept off the stand. Other lawyers here of greater experience than myself know that reason. A lawyer never keeps a defendant off the stand unless he is afraid he will break down under cross-examination or unless he knows he is too conscientious to tell a story that will help him. But I waive that because the ancient right of a citizen to remain off the witness stand is one which must not be broken down.

I come now to the circumstance that we had an investigation going on for months by the Committee on Privileges and Elections of the Senate, the presiding genius being my beloved and esteemed colleague from Missouri [Mr. SPENCER]. When that investigation was continuing, after the evidence had been massed and with counsel able and distinguished to assist, I asked why the defendant did not then appear and submit himself to an examination. Certainly he was not afraid that he would be browbeaten or in any manner abused by the genial and kindly soul who presided at the examination. He certainly could not have felt that he was in a hostile court or that his right to speak would be denied him or that his privileges as a citizen would be abused.

Certainly he would have felt as he sat there confronting the beautiful and smiling countenance of my colleague like a bride seated before an ardent lover waiting to impose his embraces. [Laughter.] He could hardly, therefore, have been in any state of terror or hesitancy of spirit because of the character of the committee. He would have known that all the questions propounded by my genial colleague would have come from loving lips in soft and dulcet tones, accompanied by beaming glances of affection. He would have understood that each irrelevant question would have been excluded; that everything incompetent would have been eliminated; that the privilege of counsel would have been accorded; and that under those conditions and in that environment he could tell his story in his own way and make his defense to the very utmost of his ability.

Mr. SPENCER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to his colleague?

Mr. REED. I yield.

Mr. SPENCER. I am sure my distinguished colleague will let me add just a brush of paint to the picture which he has so rapidly and vividly portrayed.

Mr. REED. I have no doubt the Senator can embellish it.

Mr. SPENCER. My colleague has had but little to say with regard to himself, but with all the power of his own personality he is a member of the same committee. His gentleness of speech, his moderation in action, and his sympathy with those whom he attacks would doubtless have assured to the junior Senator from Michigan every consideration in the hearing.

Mr. REED. Ah, but I was not a member of the *subcommittee;* that was the committee of my distinguished colleague, and I was not a member. So, no doubt the junior Senator from Michigan could have had the protection, the kindliness, and the gentleness of my colleague without being at all disturbed by my harshness of demeanor or cruelty of soul. I have thought that when the majority picked the subcommittee possibly I was left off for reasons, but I was glad to be left off, particularly when I learned that the respondent was not going to testify.

Let me repeat in this connection what I said a few days ago: I have, from the personal standpoint, nothing but the most kindly feeling for the junior Senator from Michigan. In the few times I have met him he has demeaned himself as so much of a gentleman that it seemed to me then and seems to me now a very sad duty to vote against him. I make no attack upon him such as I might make were it not for the state of my feelings. But when I hear the absurd argument made that there is no evidence—although here it is as a wall of granite through which you can not drive—I can not but think that it is a good thing some people have a God to forgive them. Surely, a man who did not have full faith that he could be forgiven for his sins in case of repentance would hardly dare make that kind of a statement.

Mr. President, this is a question above personalities. The Government of the United States is, after all, composed of a few agents of the people. A single man in the White House, with almost unlimited power in many respects, a man chosen from the body of the people, and always a man of high character, but an individual; a legislative body composed of two Houses, the one with 96 individuals, the other with 435 Representatives, and a Supreme Court of 9 men. Such is the Government of 110,000,000 human beings. Into the keeping of these few men is consigned the destiny of the greatest Republic and the greatest people ever erected under the providence of Almighty God. If the canker of corruption shall begin to eat into the heart of that Government, then this structure—which is, after all, the product not of one age or one Nation, but of the thought, the effort, and the struggle of centuries—will topple and will fall.

Liberty was not born in a day. Out of the night of time we hear the clank of fetters, the groans of slaves, the swish of cruel whips laid on the backs of suffering men. We see them rise and strike blindly at their oppressors. We behold brutal armies mustered by more cruel masters, a tidal wave of flesh and blood sweeping back and forth over Europe until all her plains were sodden with gore and all her fields were white with bleaching bones. To gain liberty for men thousands of heroic souls have lain in dungeons until brown locks turned to gray and rotted on their temples.

That we might be free men have been stretched upon the rack, have felt the torture of the thumbscrew, and have stood rigid at the stake to give their lives amidst the flames that consumed them. Out of it all, and at the end of it all, there came a consummation in our country's struggle for independence and the creation of this Government. This, for which men hoped through the ages, is temporarily in our keeping. Will we hold it secure? Will we protect its purity? Will we keep the edifice strong and mighty and enduring? Or will we, to give one man a seat in this body, permit corruption to gain the day, and villainy to reap its reward?

Mr. President, there was a time in ancient Rome when the Pretorian Guard marched to the capitol, slaughtered the just Pertinax upon its marble steps, and, standing in his weltering gore, sold the government of the world at auction. I am unwilling that any part of the Government of the United States shall be sold in the opening hours of this great century. I am unwilling that the serpent of corruption shall coil its scaly folds about the central pillar of the temple of freedom, or that it shall thrust its forked tongue into the face and bury its poisonous fangs in the heart of the Goddess of Liberty. I protest, in the name of the Republic and in the name of the heroic dead who erected it, against the sale of a seat in the United States Senate.

Mr. HITCHCOCK. Mr. President, in my opinion the question before the Senate is not the guilt or the innocence of Senator Newberry. It is not even the question whether he knew of the scandalous character of the campaign which resulted in his election or whether at the time he was ignorant of that character.

In my opinion the real question before the Senate is not a legal question. It does not involve the constrtuction of any law of the State of Michigan or of the United States. To my mind this question goes much deeper.

The Constitution of the United States makes the Senate the sole and only judge of the elections, the returns, and the qualifications of its Members. Upon that great power vested in the Senate there is absolutely no limit. It is a power and a duty which rests solely and only in the conscience of Senators. It was not given to the Senate of the United States for the purpose of punishing candidates who resorted to lawless methods. It was not given to the Senate of the United States for the purpose of punishing committees that corrupted elections. It was given to the Senate of the United States for the purpose of protecting the integrity of this great body as a part of this representative Government.

We therefore on the present occasion are called upon to decide, upon our consciences, whether or not such methods as imperil the integrity of this body were resorted to in the Newberry case. We are called upon to establish a standard for the future. We are called upon to make a precedent to be followed hereafter.

That the election was a scandalous election is admitted. We need not go into the controverted parts of the testimony. Senator Newberry himself stood here and told us that $195,000 was expended in the various stages of his election. He told us that when he learned of that amount he was filled with amazement and regret. That is a pretty broad admission for the beneficiary of the election to make; nor is that all, Mr. President.

An attempt has been made here to show that Michigan was satisfied with this result. The fact is that at the meeting of

the legislature which followed this scandalous election the lieutenant governor made his inaugural address before the State senate largely upon the topic of the scandalous election that had been held, and he demanded of the legislature that some effort be made by the legislature itself to prevent such scandals in the future.

It should be remembered that Michigan is an overwhelmingly Republican State; that the body addressed was, as I recall, a solidly Republican body; that the lieutenant governor who made the address was himself a Republican; and here is what he said:

> Primary elections will call for action on your part. From what has occurred during the past political campaign it would afford me relief if I could pass by this question, but experience teaches that the disagreeable acts of an office are the ones people demand the most strenuously. More communications on this line asking for legislative action have come to me by far than all others combined, and almost without exception Republicans, not only from all parts of Michigan but from other States.
>
> This, you know, is the outgrowth of a candidacy that doubtless cost more money than ever before was paid for a nomination for office in all the world's history.
>
> You also know this candidacy from one of the best-known families of the State, of a man of high standing, unquestioned integrity, and acknowledged ability, in the face of an abnormally large party majority, came near an ignominious defeat through the resentment from nearly every voting precinct in the State, of the farmer, the laborer, the business and professional voter, because of the enormous amount of money acknowledged to have been used in his behalf, and generally believed to have been used contrary to laws several sections of which were enacted for the stipulated purpose of restricting the use of large sums of money in campaigns.

I omit a couple of paragraphs and include the following:

> From almost every part of the State have come to me pleas that this legislature make it impossible in the future to witness the sale of a public office on the auction block, but rather that the laborer, the farmer, the business or professional voter, however humble, but able and respectable, may have a chance with the man of millions.

Mr. President, that shows pretty clearly, it shows conclusively, that the Republican people of Michigan were outraged by the corruption of the ballot in that State. It shows very clearly that that State did resent, even if it did not through its State courts prosecute, the great crime against government which was committed there.

Mr. President, we see a further evidence of that when we glance at the election returns by which Mr. Newberry procured his seat. In the previous senatorial election, which resulted in the election of Senator TOWNSEND here, Senator TOWNSEND received a majority at the polls of 106,707 votes; but the resentment of the Republicans and voters generally was so great against the boodle campaign which was carried on by Senator Newberry's committee that when the votes were counted and after they were verified by the committee of the Senate Senator Newberry's majority instead of being 106,707 was only a little over 4,000. It was a hundred thousand less than that of his colleague. I think that is very good evidence that this campaign was regarded by Senator Newberry's own State as an outrageous thing, something that his people could not indorse.

Mr. President, this is not a party question. I have heard it stated here by the Senator from Missouri [Mr. SPENCER], who presided over the deliberations of the subcommittee, that political hatred and personal animosity were behind this effort to deny Senator Newberry a seat in the United States Senate. To my mind, the exact opposite is true. The Democratic Party has nothing to gain politically by throwing Senator Newberry out of the Senate. The Republican majority is painfully large, and we would gain nothing at all by denying him a seat.

Not only that, but Senator Newberry has been here long enough, and he was well enough known to many of us before he came here, so that he has many personal friends here, not only on the Republican side of the aisle but on this side of the aisle as well, and there are men who will vote to deny him a seat with the greatest personal regret. If they followed their personal feelings, they would vote to give him his seat. But the issue is something more than a Senator's personal interest; it is larger than a single seat in the Senate of the United States. The issue here is of the integrity of representative government. The issue here is whether we shall lay down a standard for elections hereafter which may be followed. If in Senator Newberry's case a committee can expend $200,000 or $300,000 to elect him, then committees in any State are at liberty to expend $200,000 or $300,000 to elect their candidates, and if we so hold we will have destroyed practically the integrity of the Government; we will have impaired the confidence of the people in the Senate of the United States.

I know what public opinion is on this subject. I think we all know. The testimony of newspaper men is that this question to-day is the one of absorbing interest to the country. The papers all over are calling for more special reports on this particular case than have been called for on any pending question in a long time. There has not been an issue before the Senate of the United States in some time which has interested the people so much as this particular election case is interesting them. The people want to know whether it is possible to elect Members of the United States Senate by the unlimited use of money, and it is for the Senate to answer that question.

Senator Newberry is not on trial; the Senate of the United States is on trial. The Senate of the United States is squarely up against a great responsibility under the Constitution. It can not hide behind the decision on criminal responsibility made by the Supreme Court; it can not hide behind technicalities; it can not hide behind friendship for the individual. The Constitution gives it the power to set the standard. The Constitution places no limit on what we shall decide as to the returns, the elections, or the qualifications of Senator Newberry in this case, and if we say that the election was legitimate, if we say that $200,000 or $300,000 can be spent on the election of any Senator, we say that it may be spent in the election of every Senator.

I say, therefore, that the Senate of the United States is on trial, and if we expect to retain the respect of the voters of the United States, if we want them to respect the laws which we pass, we must vindicate ourselves by saying, in plain language, "It makes no difference whether Senator Newberry knew of this expenditure or not. It makes no difference whether he spent it personally, or whether it was expended by the committee which he created. It makes no difference whether he furnished the money or his brother furnished the money or his relatives furnished the money, or his business associates furnished the money; it was the corruption of an election, and the Senate of the United States will not in the future tolerate such a destruction of representative government."

I say that the public opinion of the United States will brush aside all technical questions. The people of the United States will brush aside all of the defenses which have been raised in this case. The people simply want an answer to the question: Will the Senate in the future tolerate the expenditure of hundreds of thousands of dollars in a campaign for a single Senator?

I think I know what the answer to that will be by the people of the United States. I am not acquainted, of course, with the public opinion in all the States. I know very well what the public opinion will be in my State and in the State of my colleague—Nebraska. It will be a public opinion, not of Democrats only but of Republicans and of men of all parties, that the expenditure of $200,000 by anybody or any committee, with the knowledge of the candidate or without the knowledge of the candidate, to secure a seat in the Senate, constitutes a scandal and a subversion of popular election.

I believe that is the opinion in the adjoining State of Iowa, the State from which Senator KENYON comes. I believe that is the public opinion in the State south of Nebraska, the State of Kansas, from which Senator CAPPER comes. I believe it is the public opinion in North Dakota and in South Dakota, which lie to the north of Nebraska, and I am sure that it is the state of public opinion in Oklahoma and all the other Western States. It will be the public opinion in Oregon particularly, which was foremost in bringing about the constitutional amendment for the election of Senators by the direct vote of the people, by establishing the Oregon plan, in order that legislatures might no longer be trusted to elect Senators.

Why was that constitutional amendment adopted? Why was the constitutional power taken from legislatures to elect Senators of the United States? It was because of the scandals which had arisen from the expenditure of money in the various legislatures, and the use of corporate influences in those legislatures, and the people believed that if they could take that power away from the legislatures they would end the scandals. The people believed that if they could vest in popular elections the right to elect United States Senators, the Senate would be free from the corrupting influence of money in elections.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from Nebraska yield to the Senator from New Jersey?

Mr. HITCHCOCK. I yield.

Mr. EDGE. Granting all that the Senator has said as to the state of public opinion to be true—and I believe it is, and properly so—does the Senator feel that if the committee confined its activities within the law, even though the law apparently is a very bad one, not limiting expenditures along certain lines, and if Senator Newberry himself broke no law, admitting all the moral issues which the Senator has discussed, does he still feel that Senator Newberry, under such conditions, should be disgraced and made a sacrifice, and does the Senator feel that the people of the United States would not be satisfied

if, as a result of the necessary and proper publicity which has surrounded the debate of this case, legislatures would properly limit expenditures under the separate corrupt practices acts so that a repetition of such a shock to the moral sense of the Nation would be impossible?

Mr. HITCHCOCK. I have already stated that in my opinion Mr. Newberry is not on trial. It is the Senate of the United States which is on trial.

Mr. EDGE. Does the Senator believe that Mr. Newberry should be made a sacrifice?

Mr. HITCHCOCK. Neither should he be the beneficiary of this outrage. Individuals count for nothing. It is a question of protecting the integrity of the Senate of the United States, and if Michigan had passed no law and if the United States Congress had passed no law it would still be the duty of the United States Senate, under its constitutional powers, to protect its membership from the corrupt and outrageous use of money in a campaign to secure a seat in the Senate; and that is the opinion of the people. They will brush aside these technicalities. They will say, "Let the Supreme Court pass upon the guilt or innocence of Newberry. Let the courts do that, but let the Senate of the United States protect its own seats. Let the United States Senate lay down a standard. Let the United States Senate in good morals and decency say to the voters hereafter and to committees hereafter, 'You can not spend a scandalous amount of money in procuring the election of Senators, even within the technicalities of local statutes. The Senate will not tolerate it, because the Senate is going to protect its own integrity.'"

Mr. EDGE. Does the Senator consider it a mere technicality to disgrace a man for life, to vote him out of his seat in the greatest legislative body in the world, if he has not broken any law whatever? Is it not the duty of the Senate, if in any way possible, to try to create a sentiment throughout this country so that legislatures will pass acts which will make it impossible to have it repeated? Why should we take a pound of flesh from Senator Newberry, who has been duly elected by the people of his State, a recount demonstrating that conclusion? Even after this primary occurred the people of Michigan elected him to the Senate. So far as I have heard the debate, no one questions the proper shock to the moral sense of the American people because of this tremendous expenditure and explanations as to its necessity, so far as I have heard them, have made little impression on me; but I do feel that it is our duty to prevent the opportunity and not punish an innocent man.

Mr. HITCHCOCK. Mr. President, I will not permit the supporters of Senator Newberry to take me on to a ground where, in order to vote against him, I have to convict him of a penitentiary offense. I say that is for the courts. I accept his vindication in the courts. But I say, on the other hand, that Senator Newberry is not on trial here. It is the Senate that is on trial, and if the Senate of the United States seats Senator Newberry under these circumstances, it gives ratification to all the acts of the committee which expended hundreds of thousands of dollars in procuring his election. It lays down a standard for the future, and if the Senate does that it can not question any other candidate when he comes here as the beneficiary of an expenditure of hundreds of thousands of dollars to procure his election.

Senator Newberry was not elected to the Senate of the United States. Two hundred thousand dollars were elected. That is what carried the victory in Michigan. That is what won the election. Notwithstanding the fact that the lieutenant governor has denounced the election as a purchase, as an auction of the Senatorship in the State of Michigan; notwithstanding the fact that the voters resented it at the polls by reducing a majority of 106,000, which Senator TOWNSEND had two years before, to a mere bare majority of 4,000, the Senator from New Jersey insists on asserting that Senator Newberry was vindicated by the people.

Mr. EDGE. Mr. President, did not the lieutenant governor, in his address at the opening of the legislature, make the address, as a lieutenant governor or the presiding officer of a legislative body usually does, for the specific purpose of having that weak corrupt practices act amended by the legislature?

Mr. HITCHCOCK. Yes; but, Mr. President, the Senate of the United States can not hide behind the Legislature of Michigan. They had their duty then; we have our duty now. It is for us to say here, by our votes, whether we are going to establish it as a standard for the future that candidates may be elected by the expenditure of hundreds of thousands of dollars in a campaign. That is the issue; and I repeat, the Senate of the United States is on trial, and individual Senators are on trial, and individual Senators are going to be held responsible by their constituencies; and if the Republican majority seats Senator Newberry under these circumstances, in spite of the great rebellion of many Republican Senators, the Republican Party will have to defend that act in the next campaign, and one of the big issues will be whether seats in the Senate of the United States can be bought by the expenditure of hundreds of thousands of dollars. I repeat, not only is the Senate on trial but individual Senators are on trial also.

Mr. HEFLIN. Mr. President, I wish that all Senators could have heard the speeches of the junior Senator from Nebraska [Mr. NORRIS] and of his colleague [Mr. HITCHCOCK]. One of them said that the question here was whether we would confirm the sale of a seat in this body. The other one said that the question was, Are seats for sale in this body? So these two Senators, coming from a great Western State, one a Republican and the other a Democrat, are agreed upon the issue and they are going to vote alike on the roll call.

Mr. President, the Senator from Idaho [Mr. BORAH] in his speech on yesterday made a powerful and masterly argument, and in the course of his remarks laid down two propositions that can not be gainsaid. I read one of them:

> That the amount expended in the Newberry election was such as to lead to the conclusion that it was intended to and did corrupt the results of the primary.

Another one I desire to read:

> That the committee which expended this money was Newberry's committee. If not actually selected by him, it was accepted by him and he cooperated with it, so that the committee's acts became his acts.

There is not a lawyer worthy of the name who can deny that proposition. Whether he selected the committee or not, if that committee went into the State of Michigan to conduct a campaign for Truman H. Newberry for the Senate and did conduct that campaign, and if Mr. Newberry had to do with that committee, had reports from that committee, wrote instructions to that committee, he is bound to be held responsible and accountable for the acts of the committee.

If he ever repudiated that committee, there is no testimony on record anywhere to that effect. We do know that when the primary was over he eagerly seized the fruit of their work, rejoiced in it, thanked them for what they had done in securing it, accepted it, and came to this body. Now, can he be heard to say that he knew nothing about it? Will Senators here accept that statement? How can they do so in the face of the facts? He selected his manager, and he went into the race after his manager, Paul King, told him that the campaign would cost at least $50,000.

I repeat what I said the other day: Then was the time for him to say to Mr. Paul King, "I do not indorse a money campaign. I will have nothing to do with a money campaign. If it is going to cost $50,000, as you say, I will not be a candidate." That has the right ring to it for a real patriot who wants to safeguard the ballot and the rights and liberties of the American people. But he did not say that. He went into the campaign knowing that it was going to cost $50,000 and more.

Then, Mr. Newberry stepped to one side. The curtain goes down upon him, and John S. Newberry appears, full-blood brother of Truman H. He calls Fred Smith to one side, the confidential agent of both of them, and says, "If my brother is a candidate and they want money, give it to them, let them have it." Mr. Smith, did Mr. John Newberry put any restrictions upon you? No, sir. He did not tell you when you drew $50,000 to let him know about it? No, sir. When you drew $100,000 on him, were you to remind him? No, sir. He just told you to let them have it and put no limits or restrictions on you whatever? That is right. Senators, that is the proper inference. He did not ask what you were going to expend it for? No, sir. He did not ask you to report to him at any time regarding the expenditure of a single dollar? No, sir.

Senators, is there a man in the world who would run a campaign like that if the money to be checked upon were his own? Here is the truth about it: That money was Truman Newberry's money, and John S. Newberry told Fred Smith what he did in order to shield Truman Newberry and to keep Truman Newberry from being connected with any money transaction. That is the proper inference to draw and conclusion to reach. Why did not John Newberry ask to have some report made of moneys spent? It was because the money was not his. If it had been his, would he not have had some limitation or restriction on its expenditure? If he had had any sense he would have done so, because if that fellow would turn a Michigan campaign committee, such as the Truman Newberry campaign committee, loose on his bank account without any kind of restriction he ought to be sent to an institution for the feebleminded.

The senior Senator from Michigan [Mr. TOWNSEND] said that John Newberry told them the money would be furnished. To

whom did he tell it? Why, Mr. Templeton, I suppose. The Senator himself does not seem to have read all of the testimony. The Senator from Ohio [Mr. POMERENE] rose and reminded him that John Newberry swore that he never had any conversation at all with Templeton, Mr. Newberry's chairman; no conversation with Oakman; no conversation with King, his manager. Now, Senators, as soon as John Newberry performed his little service of shielding his brother and eliminating him, as he thought he had done, from connection with the money end of the campaign, why he went off and would have nothing more to do with it, and the money is checked out of his fund and Truman Newberry's fund by Fred Smith, and we find Mr. Truman Newberry objecting later on about his bank account running low. John did not object; John never did object; but Truman Newberry objected, so Fred Smith said under oath. Why did he object? If he was not spending a dollar, why did he object? Is not that a fair question to ask? If Truman Newberry was not having anything to do with the financing of the campaign, why did he object? You will hear that question many times, Senators, those of you who vote to seat him.

Mr. President, the Senator from New Jersey [Mr. EDGE] asked us if we wanted to drag a man down and punish him for something he has not done. Mr. Newberry indorses the conduct of his committee. He said so in his speech in this body. He said this money was necessarily spent. He therefore approves the expenditure of it and the purpose for which it was used, and nobody can deny that.

Did Truman H. Newberry repudiate his committee's conduct? Not a bit of it. On the other hand, he approves it. Then if he approves it, it is his act. He is here, and we must act on him and not on the committee. Whether he bought the seat or his committee bought it, the principle is the same. I wish to show Senators how bold and arrogant those who represent Mr. Truman Newberry were and are, and the attitude that they assumed before a committee of the Senate of the United States. Listen, Senators, to this statement of Mr. Newberry's attorneys. They concluded their case with this statement:

No man connected with the Newberry senatorial organization in a managerial or executive capacity has had the slightest occasion to apologize for or be ashamed of anything he did in that connection.

What do you say about that, Senators? Are you going to apologize to Mr. Newberry's lawyers? Is the Senate of the United States called upon to bow the knee and truckle to that arrogant spirit displayed by men who have literally bought a seat for Mr. Newberry in the United States Senate?

Then, following that suggestion of his attorneys, Mr. Newberry himself comes in here, when whipped and lashed by Senators in this Chamber and by public opinion, and denies Senators the opportunity to ask questions and refuses to accept additional time for that purpose. The manager of his campaign in the Senate, Mr. SPENCER, also refused to have time granted him for this purpose. Mr. Newberry makes a brief statement, and, in substance, congratulates the committee for what it did, declines to repudiate its acts, and boasts of the friendship that he has for the man who managed his campaign, who conducted it in such a reprehensible fashion that the Nation is aroused to-day because of this, the most scandalous senatorial campaign in all its history. That is what you have before you to-day, Senators.

I wish to comment again upon our inability to keep Republican Senators in the Chamber. Mr. President, it seems that we have come upon the degenerate days of the boss-ridden Republican Party. Here is a case of the very highest importance that can come before us, now pending, liable to be voted upon at any time, a question involving the honor and integrity of this body, a question of pure and clean elections in the sovereign States, clean politics in America, and yet we can not keep constantly here more than half a dozen Republican Senators. At no time will more than a dozen of them remain.

They have a majority of 24 in this body, and we can not keep even half of their majority present. What will the people think of your conduct in this matter?

I think the Republican Party is drunk on the victory achieved in 1920. They had a majority of 7,000,000. We hear that boasted of frequently. I suppose they think because money was so lavishly furnished, and undoubtedly some of it by Mr. Newberry, that they can buy elections in the future and that the die is cast so far as this seat is concerned, and that they are going to seat Mr. Newberry without regard to the evidence and without regard to the principles involved.

I want this record to teem with the facts in this case, and the situation that exists here. The other day when the senior Senator from Michigan [Mr. TOWNSEND] made his speech, several Republicans came in, heard what he had to say, and then left the Chamber. Then Mr. Newberry appeared, and the Senator from Missouri [Mr. SPENCER] said he insisted upon being heard. That is the first time I ever heard him insist on anything but keeping as silent as the tomb. He was brought in and he read his statement, and we could not get an opportunity to ask more than a very few questions. He turned and walked out, and several of them walked out with him.

Mr. President, we are the sworn jurors in this case; we are to pass upon it. Suppose some of the jurors trying Mr. Newberry in Michigan had walked out of the courthouse and frolicked about the streets, had been absent while the testimony was going in and while the arguments were being made. Mr. Newberry's counsel would have arisen and said, "If your honor please, we insist that the jurors who are to pass on this man's case be required to remain here and to hear the facts and the arguments." The judge in the court would have insisted upon it. If the jurors had been permitted to wander out and engage in conversation with the enemies of Mr. Newberry and then came back and sat down just in time to vote on the verdict, everybody would have said the verdict was unfairly reached and ought to be set aside. Now, we are about to pass on this case and we have only about five Republicans present.

Mr. SPENCER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. HEFLIN. I will yield merely for a question.

Mr. SPENCER. The Senator from Alabama has once or twice made a remark as to the number of Senators who are present in the Chamber, both Republicans and Democrats. I have had prepared a brief statement covering about two hours of to-day's session showing the actual number of the Democrats and Republicans who were present in the Senate Chamber at five-minute intervals; and, if the Senator from Alabama has no objection, I will put it into the RECORD. It may be illuminating. It commences at 11.50 this morning and goes down to 1.35 this afternoon.

Mr. HEFLIN. I will not allow that to be done in my time.

Mr. SPENCER. I desire to put it into the RECORD.

Mr. HEFLIN. I do not yield for that purpose. If the Senator desires to tell about it, he may tell about it when he comes to speak in his own time.

Mr. SPENCER. I am not going to discuss it; I merely want to put the statement into the RECORD.

Mr. HEFLIN. The Senator may put it in in his own time if he desires to do so, but not in mine.

Mr. SPENCER. Let it be read.

Mr. HEFLIN. No; not now.

Mr. SPENCER. I thought perhaps the Senator might not want to hear it.

Mr. HEFLIN. Not in my time. I want to keep the Senator here. The American people must know, they shall know, about this case.

My good friend from Missouri is a mighty clever gentleman personally, and he has certainly manifested a keen interest in this Newberry case. I want to read from an Associated Press dispatch published at the time the Senate committee were investigating the case:

Chairman Spencer interrupted the examination, and though Alfred Lucking protested vehemently, held to his decision that "This is enough about these checks."

They were trying to get a summons to have the checks brought in, but could not get it. Mr. Spencer and the majority of the commitee would not permit it.

Senator POMERENE (Democrat), of Ohio, however, left the committee room in some heat after trying to force an adjournment.

Out of the morass of flying checks, stubs, check registers, and accounts was drawn from Floyd, an explanation of one transaction which all concerned agreed was outside and above the reported Newberry expenditure.

Now, listen, Senators:

Mr. Green (the industrial leader summoned) came to me (Paul King) after the primary, and after our report was made up he said, and drew me a check for between $12,000 and $15,000, and I paid all bills that had come in after our accounting report.

Mr. President, there was $15,000 in just one item of this big slush fund that they failed and refused to report in campaign expenses. This amount is the salary of a Senator for two years. When the chairman of the committee was trying to stop the cross-examination the Senator from Ohio got angry and threatened to leave the committee room. The witness said, before he left the stand, that one item of $15,000 was paid by Mr. Green after the campaign was over and they had not accounted for it.

Senators, if these big concerns were buying this election for Mr. Newberry they must have expected to profit by it after he was elected.

The senior Senator from Michigan [Mr. TOWNSEND] belittles Mr. Cody. He said he was his (Mr. Newberry's) friend, his very talkative friend, and he wanted to laugh Mr. Cody out of court because Mr. Cody, representing Mr. Newberry, came to Washington and saw Mr. Hayden, who said he did not want to have anything to do with a money campaign, that he could not take the chairmanship; but Cody told him, in substance, "Do not say that; he (Newberry) will pay you so much money that you can not afford to refuse it." They were going out to influence people with money to start with.

Who is this man Cody that the senior Senator from Michigan would have us think was merely a talkative fellow? Mr. Fred Cody was the chief manager and intimate friend of Mr. Newberry. He "has an office in the downtown section of New York, and ostensibly is an insurance man, but is principally a lobbyist for the American Telegraph & Telephone Co., the American Book Co., Standard Oil Co., and other large and important Wall Street interests."

Who put up the $15,000 which Mr. Green paid after the campaign had closed? Mr. Cody was an active man in all of this, and he represented Wall Street interests. Mr. Cody is the man who went to Hayden; Mr. Cody is the man who arranged for the meeting with Paul King; Mr. Cody is the man who saw nearly everybody for Mr. Newberry; and Mr. Cody represents Wall Street interests. That accounts for two New Yorkers giving $25,000 each to the Newberry campaign fund.

Another item may be interesting in this connection. According to another Associated Press dispatch—

> Mr. Smith (Fred P. Smith) said he did not want to repeat gossip, but that "officials of the American Exchange National Bank (of Detroit) were very anxious to see Newberry nominated."

Mr. Blair, who was the head of the Union Trust Co., of Detroit, was Mr. Newberry's treasurer and Mr. Newberry's partner in business. Oh, Mr. President, these big interests were hugging this campaign mighty close to their heart all the way through the race.

It would be interesting if I had time in this speech to call to the attention of the Senate what the Senator from Iowa [Mr. CUMMINS] said so ably and well against Senator Stephenson, of Wisconsin, when he bought a seat in this body, and to read—which I shall do before I finally finish in this case—the statement of my good friends, the senior Senator from Washington [Mr. JONES] and the junior Senator from Washington [Mr. POINDEXTER] and others who stood here with drawn swords and defended the honor and integrity of this body. I want to read into the RECORD, for the benefit of the country, what they stated so ably and well here against a Senator who had bought a seat in this body; but I must pass on.

Mr. President, I referred here a few days ago to an instance cited by the Senator from Arkansas [Mr. CARAWAY] of Newberry workers seeking out a man of prominence, an ex-mayor of his town, who had been convicted in the court, and telling him that if he supported Newberry they would keep him out of the penitentiary, but if he did not support Newberry he could go to the penitentiary. The senior Senator from Michigan [Mr. TOWNSEND] does not deny that and can not deny it, but he says a man can not be held responsible for the acts of his fool friends. I submit to the Senate and to the country that when Mr. Newberry's campaign committee and workers were permitted to go out and use such tactics as that, and when they are called to his attention, as they were in a general way by Vandenberg, of Grand Rapids, and by the lieutenant governor of the State, who wrote Mr. Newberry that his was the most scandalous campaign ever conducted, and he does not come out and protest against them in the newspapers of the State, he condones and approves them.

Now, I wish to cite to you, Mr. President, another instance that we will place in the CONGRESSIONAL RECORD to be read by the people of the country, the men and the women who still believe, although it may be old-fashioned, that this Capital belongs to the people of this country; that this Government is theirs, and that its institutions belong to the great American masses. The men and women who read this RECORD after the roll is finally called will have an opportunity to see what sort of facts looked Senators in the face when they voted to barter a seat in this body.

Now, I want to show you how the Newberry managers worked on the farmers of Michigan; how they slipped up on their blind side; how they obtained their votes under false pretenses. Listen. A man by the name of Ladd, a lecturer for the Grange of Massachusetts, was sent out from Massachusetts into the Michigan campaign by Mr. Newberry's friends. They hired him, a Massachusetts man, to come into Michigan to lecture amongst the farmers and urge them to support Mr. Newberry.

Listen, Senators: He said they told him not to announce that he was speaking for Newberry; that he could do more good just by lecturing and working on the side and doing what he could for Mr. Newberry. That is the substance of his testimony. Was there ever a campaign like it? Paul King said not, and I am satisfied there never was, and I pray there never will be again.

The senior Senator from Michigan [Mr. TOWNSEND] told us that he is a candidate for reelection, but, said he, "I know that there will be millions put up against me." That statement is testimony already of the demoralizing influence of the Newberry campaign of 1918. The senior Senator from Michigan practically admits that this thing has already taken hold, and in effect that Newberry bought his seat, and they want to undertake to buy another seat. If they are going to put up millions against the senior Senator from Michigan, had he not better vote against setting a precedent for the sale of seats in this body?

Mr. President, if a goodly number of Republicans will not stay here, I ask those who are here to cease their conversation over there in the corner. They disturb me. If they do not want to hear the speech, they may go, like the others have gone, to play golf or sit around in the theaters or somewhere else.

The PRESIDING OFFICER. The Senate will be in order, and the Senator from Alabama will proceed.

Mr. HEFLIN. Mr. President, they had a nice thing staged here for the Senate. The senior Senator from Michigan [Mr. TOWNSEND] said he—Newberry—knew nothing about politics; he was just a business man; his friends begged him to run, and he ran from a sense of duty. I wonder what kind of sense it was that ran him in 1904, when the papers of Michigan charged that he had a barrel campaign. We do not have to take the statements of men who resort to fiction. The Bible says: "By their fruits ye shall know them"; and the papers of Michigan tell us that in 1904 he opened a barrel campaign against Denby, now Secretary of the Navy, and that he himself, in person—Truman H. Newberry—was out, going through the district, giving out cigars by the box. Now, you know, he learned about politics from that experience. When this campaign came on he said to himself: "They accused me of having a barrel opened in a congressional race in 1904. I was on the ground and participating in it. I will get out of the State and have nothing to do with this one, and say I had nothing to do with it, and maybe I can get by with it."

Now, listen, Senators:

If Mr. Newberry would go to the extent of opening a barrel for a seat in the House in 1904, how far would he go in 1918 to secure a seat in the Senate? Yet they would have us believe that he had nothing to do with it; that he was busy up in New York, so busy that he did not even notice what he was writing to Paul King. He hardly knew what was going on, he was so absorbed in his business. A race for the Senate was on, the ambition of his life at stake. He had tried to get in the House with a barrel and failed. He did not want to fail now, and yet they undertake to have us believe that he just backed off; he knew nothing about it; John and his friends were furnishing the money. Well, the Senator from Michigan [Mr. TOWNSEND] was right. He said, "A man has fool friends."

Now, I want to submit this for the consideration of Senators:

If we do unseat Mr. Newberry—which we ought to do under our oaths before our country and God—he can stand up and say, if he chooses, if that will give him any comfort: "You did not unseat me for anything I did, because I laid it on the committee. Of course, I indorsed what the committee did. The committee is responsible for nominating me. Therefore the committee is guilty of the thing for which they have turned me out, and I do not feel hurt or humiliated about it. The committee did it." Let him unload on the committee.

I want to comment on this feature of this case just here.

Why was it that Mr. Newberry did not go upon the witness stand in Michigan? His lawyers told him not to. Why? Because he doubtless told them what he knew about the case, and they said, "Well, you stay off the witness stand." He said here that they advised him to stay off the witness stand.

When he came to the Senate, after the prosecution was wiped out and the verdict set aside upon a technicality by the Supreme Court, he came here in the hands of his friends, and they would not let him testify. They would not invite him. They would not request or require him to appear and tell United States Senators the truth and the whole truth about his case. He would not volunteer to come, and we never had an opportunity to cross-question him. What do you say to that, Senators?

Then we said: "If we can not get Mr. Newberry, let us have the bank books. You said John Newberry did this." "Yes, sir." "You say you transferred money from one account to another, Mr. Fred Smith?" "Yes, sir." "All right; we want those books and checks, so that we can see." "Oh," they said, "they are gone. They have been destroyed. They have disappeared."

Senators, how would a jury look upon a case like that in court if a man were to destroy testimony that was against him? What happened at Grand Rapids, Mich.? "Oh," they say, "some of his bank books and checks were there." My reply is, "Yes; and upon the testimony they disclosed the grand jury indicted him."

Now, before we can get them they are destroyed. If a grand jury composed largely of Republicans would indict him for a serious offense that meant going to the penitentiary if he should be convicted, right in his home State, the testimony must have been exceedingly strong, Senators.

Mr. President, if Mr. Newberry's friends saw the powerful and damaging effect of that testimony before a grand jury in Michigan and before a petit jury in Michigan, was not that the motive for destroying it before they came down here? Would not any fair lawyer argue that point to the court? If so, why can we not argue it here? Then when we say to them: "Go bring the bank books," they say, "They are gone." "Let us see the stubs." "They, too, have disappeared." "Will you not bring the checks?" "They, too, are gone. They all are gone." "All right; if they are gone and if Mr. Newberry will not testify, then let us summon the bank officials"; and the committee over which my friend from Missouri [Mr. SPENCER] presided would not summon the bank officials!

What do you say to that, Senators? Do you think he can get away with a case like that at the judgment bar of the American people—hiding the evidence in the case, the Senate committee arbitrarily refusing to summon men who know the facts, keeping it all hidden from this senatorial jury sworn to return a true verdict under its oath, and the man himself refusing to testify? Can he get away with it?

Then they bring him into this Chamber under the limitation of one hour, when his right to a seat in this body is involved, and our rights are at stake and those of the American people, and the Senator from Mississippi [Mr. HARRISON] says, "Let us give you unlimited time, so that we can ask you questions," and the effect of his answer was, "No; I want to get out of here as soon as I can." Then the Senator from Mississippi asked the other day, "Let us give him unlimited time, so that we can ask him questions, and he can have an opportunity to answer all of the questions that we want to propound"; and the Senator from Missouri [Mr. SPENCER] objected to that.

What do you think of that, Senators?

Oh, Mr. President, there are some curious things in this case. Why is this man shielded? Is there any politics in it? There ought not to be. The Senator from Iowa [Mr. KENYON] said that if Mr. Newberry were a Democrat he would have been turned out long ago. I suppose that is true. There ought not to be any politics in a case like this. I am reminded of what occurred in Tennessee when Bob Taylor—the lamented and beloved Bob Taylor of Tennessee—was a candidate for the Senate, and they gave him such a large vote. Some one asked a Republican in a Republican county: "What was the vote in your county?" He said: "Bob got 1,500 majority." The first man said: "I did not think the majority was over 100, one way or the other, sometimes Democratic and sometimes Republican." The Republican replied: "You know, it is this way: When old Bob is running we don't have any politics. We are all together then."

Senators, when the honor and integrity of this body is at stake, there ought not to be any politics in this Chamber on either side. I have indorsed that course of action before. I indorsed it at the time the Senate turned out a Democrat from Montana and when you turned out a Republican from Illinois. There ought to be no division amongst us with regard to politics when a man comes here with no other right to his seat except that he has bought it in the political market place.

I have undertaken to show to the Senate, in the five or six speeches that I have made in this case to the Senate, that these votes that Mr. Newberry got cost him more than $2 each, probably more than $5 each, because the testimony of some of the witnesses is that he spent $500,000 to $800,000. And, excepting the Newberry committee, God only knows how much was spent.

Here is another point I want to make, Mr. President, to my friends on the other side, for some of whom I have a great affection personally, and I do not want to see them tie their names up to this thing, because they are not going to hear the last of it:

There never has been in the history of this Government a case like this—not one. The Stephenson case was not a circumstance to it. The Lorimer case pales into insignificance compared to it. It is the rottenest, the most damnable purchase of a primary nomination that ever has been perpetrated on a free people in the Commonwealths of this Union, and I do not want to see them hurt in the wrath and indignation that is bound to come from the American people.

Here is the point: Do you remember that we have had to rely upon evidence that we have got from this man's witnesses, from witnesses who tried to shield him at every turn, from witnesses who were in his employ, from witnesses who drew thousands of dollars from him?

I should like to know what Paul King received for his service. I am satisfied that they paid him $50,000, not a cent less. Here are these men. They are trying to shield their chief, Mr. Newberry; they want to protect him. They wanted him to get this seat. They stood by him, and yet we have convicted him upon their testimony. How are Senators going to get around that? I propound that question to you in the closing hours of this debate.

Listen, Senators: Newberry refused to go on the witness stand in Michigan. Paul King, his manager, went on the witness stand, and when he had told his side of the case just exactly like he wanted to tell it, he said: "I am sick"; and went off the witness stand, and they never had a chance to ask him a single question—not one.

That is the kind of stuff that surrounds this case. What did those 11 Republican jurors do under their oaths, sworn to return a verdict according to the facts, citizens of that commonwealth, partisans, 11 of them, 11 Republicans and 1 Democrat? They returned a verdict of "guilty," and a Federal judge, a Republican in the Commonwealth of Michigan, pronounced a sentence of two years in the penitentiary upon a man who had just emerged from a primary covered all over with the slime of a slush campaign.

Those are the facts in the case. Senators, let me ask you a question: Do you not know that in my State, where I got votes enough to be elected to the Senate, and in your State, where you got votes enough to be elected to the Senate, the assembling of a grand jury that would indict you or me would be impossible except upon evidence overwhelming against us; and even after they had indicted you or me if the Federal petit jury knew that a conviction meant the penitentiary for you or for me, would they not have made a mistrial, or would they not have said, "We find him not guilty," in order to keep us out of the penitentiary, if the evidence had not been so strong and convincing against us? But, Senators, they convicted Mr. Newberry on the testimony of his own witnesses, and the judge sentenced him, and the Supreme Court never touched the question of his guilt or innocence. They simply said that the act was unconstitutional; and they said more than that. They said: "The Senate is the judge, and must itself decide whether or not Mr. Newberry is entitled to a seat here." And here we are to-day grappling with that question as men sworn to try it according to the testimony and to do our duty in the case.

Let me read again. Do you wonder that the grand jury indicted him? Do you wonder that the petit jury convicted him?

No man connected with the Newberry senatorial organization in a managerial or executive capacity has had the slightest occasion to apologize for or be ashamed of anything he did in that connection.

I would hang my head in shame if I should go to a poor, unfortunate man who had been convicted, appealing to the courts of his country, hoping that justice would prevail, and who was trying to save himself and his family from the disgrace of his going to the penitentiary, and take advantage of his misfortune. They stand over him with the Newberry candidacy and say, "If you do not vote for Newberry you will go to the penitentiary. If you do, you will stay out." They went to the newspapers. They purchased the support of many of them. They bought supporters for Newberry, and yet they say we are not sorry for anything we did. Ten dollars a week, $20 a week, $30 a week, $70 a week, $100 a week, $300 a month, thousands of dollars a month, and on up, were spent to hire men to go out to induce people to vote for Mr. Newberry. And then Senators say we can not turn him out; that we can not declare the seat vacant. Why not?

Mr. President, in this connection I want to bring out this point: What did Mr. Templeton say he was doing in New York? They said, "You were up there talking to Mr. Newberry about the campaign?"

"Well," he said, "you know, we are partners in business, and we were selling to the Government large amounts of supplies."

They were making money out of the Government. I think he said the Government was one of their largest customers at that time. The Government was buying from Mr. Newberry and Mr. Templeton supplies galore, and they were charging all sorts of prices to the Government. That throws a little light on the fact that John Newberry did not put any restriction on Fred Smith with regard to checking out money.

Mr. President, I know how they feel about it. They feel and act like they think that Mr. Newberry has bought this seat and he is entitled to it. Are we going to sanction that? That is what we have to decide. There is no getting around it. If a man buys a seat, if the committee that tries him says he spent too much money, if he himself admits that they spent too much money, and if I know that they spent too much money, and that money caused him to be here, and I vote to seat him, I can not escape the conclusion that I indorse the sale of the seat. There is no getting around that.

I shall conclude my remarks in a very little while if Senators want to adjourn, because there have been four or five here over on the other side, and I thank them for staying here to-day. I do not want to keep them here too long, or they might get the habit of their colleagues and go somewhere else to-morrow. I wish they would use their influence to bring the others in.

But I want to say this before I conclude, that the Senator from Missouri [Mr. SPENCER] tells us that these facts were before the people of the State of Michigan and that the people of Michigan elected Mr. Newberry in spite of them. I deny that; I challenge that statement of the Senator from Missouri. The people of Michigan did not know the facts that have been brought out before the committee here. These facts were not before them. If they had had the facts that we brought out in this committee, he would in all probability have been defeated. Henry Ford lacked only 4,000 votes of defeating him in a State where the Republican majority is normally 100,000.

Let me tell Senators what happened in that State. A week before the general election the Newberry papers covered the State, placarded it, with this statement: "Newberry has been vindicated. There will be no investigation." They did that when it was so late the voters could not learn the facts. So they obtained the general election under false pretenses.

Before I sit down, let me say that Henry Ford is out of it. He is not entitled to a seat here. Newberry is not entitled to a seat here. Let us say, then, it does not make any difference who the Senator is, whether he is a friend of the President and sits with him in box parties at the theaters, and the social lobby works for him at the receptions and every other place, and he dines in the White House, or whether he is covered all over with dollar marks, that we shall say by the help of God that no man shall come into this Senate and help shape and control the destinies of this people, unless his credentials are without spot and blemish, and his title clean and clear.

I reserve the balance of my time, Mr. President.

Mr. SPENCER. Mr. President, after consultation with Senators upon the other side, I suggest a unanimous-consent agreement, to the effect that at 4 o'clock to-morrow afternoon the Senate shall proceed to vote, without any further debate, upon the pending resolution, or upon any amendment or substitute offered thereto.

Mr. ROBINSON. I take it there is no intention on the part of the Senator from Missouri, in submitting the unanimous-consent request, to preclude a motion to recommit, with or without instructions, if any Senator desires to make such a motion.

Mr. SPENCER. If such a motion is in order.

Mr. ROBINSON. There has been some discussion in anticipation of such a motion. I do not yet know whether it will be presented or not, but I want to have it understood that the unanimous-consent agreement will not preclude such a motion. A number of Senators, I understand, have made engagements which will take them out of the city at an early date, and it therefore seems important that an agrement be reached, if it can be done.

Mr. HITCHCOCK. I would like to ask the Senator from Missouri whether we could have an understanding among ourselves that the time shall be equally divided?

Mr. SPENCER. I quite agree to that. It can not be put in the unanimous-consent agreement, I suppose, but among ourselves it can be understood that the time shall be equally divided between the two sides.

Mr. HEFLIN. I want to occupy the time of the Senate for about 35 minutes to-morrow on some phases of the case I have not yet touched, which I am saving for a final appeal to my friends on the other side in the hope that some of them may be converted. I can not give my consent to the proposed agreement unless I can be assured now that I will have that time to-morrow, because I do not want any home-stretch work, such as the bringing in of Mr. Newberry at the eleventh hour, and Republicans filling up the RECORD with their speeches to-morrow. I think we had better let this matter go over until 11 o'clock to-morrow, and see how the land lies then.

Mr. KING. I think the Senator from Alabama is right.

Mr. SPENCER. If the Senator objects, there is no use to say anything more at this time.

Mr. HEFLIN. I can not agree to it now.

Mr. KING. If the Senator from Alabama does not object, I do.

The PRESIDENT pro tempore. Objection is made.

Mr. SPENCER. Mr. President, the Senator from Alabama [Mr. HEFLIN] has said so much about the number of Republicans and the number of Democrats who were in the Senate at different times that I had compiled the number of Republicans and the number of Democrats in the Senate to-day, commencing at 11.50, at five-minute intervals, until 1.35 to-day, and I ask leave to insert the memorandum in the RECORD.

Mr. HEFLIN. I suppose that covers the time when Senators were at lunch.

Mr. HARRISON. What does it show at 12.20?

Mr. SPENCER. As the Senator from Mississippi knows, because I showed him the figures a few moments ago, at 12.20 it shows that 12 Republicans and 16 Democrats were present. For my own peace of mind, I may add that at 1.25 it shows 27 Republicans and 17 Democrats.

Mr. HEFLIN. The Democrats were eating their lunches at that time.

Mr. TRAMMELL. I would like to ask the Senator if he went out and brought them in in order to have them here?

Mr. SPENCER. The record was not kept by me; it was kept by one of the officials of the Senate.

Mr. HEFLIN. It was the first time the Democrats had seen so many Republicans here for quite a while, and they decided to take advantage of their presence and get something to eat, as that was the lunch hour.

The PRESIDENT pro tempore. Is their objection to the request of the Senator from Missouri?

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

Time—January 11.	Republicans.	Democrats.
11.50 a. m.	8	7
12 m.	8	8
12.05 p. m.	13	11
12.10 p. m.	12	11
12.15 p. m.	16	14
12.20 p. m.	12	16
12.25 p. m.	16	13
12.30 p. m.	15	7
12.35 p. m.	13	5
12.40 p. m.	15	6
12.45 p. m.	13	5
12.50 p. m.	13	5
12.55 p. m.	11	6
1 p. m.	8	4
1.05 p. m.	10	4
1.10 p. m.	9	4
1.15 p. m.	8	6
1.20 p. m.	10	7
1.25 p. m.	27	17
1.35 p. m.	9	7

Mr. JONES of Washington. Mr. President, I desire to take just a few moments of the time of the Senate to state briefly my position with reference to this case.

I agree fully with all the legal propositions laid down on yesterday by the able and eloquent Senator from Idaho [Mr. BORAH]. I doubt if those who support the right of Mr. Newberry to a seat in this body can question the soundness of many, if any, of them. Over their application to the facts in this case there is room for honest differences of opinion.

Some of the propositions of those opposed to the right of Mr. Newberry to a seat in the Senate are utterly abhorrent to me and to my conception of the duty of a Senator, and are, in my judgment, more dangerous to our system of government than the acquisition of a seat in this honorable body by methods and practices which, to say the least, have been followed and acquiesced in for many years, and which have not yet been banned by legislative enactment in many of the States of the Union.

The chairman of the Democratic national committee, Mr. Hull, a few days ago threatened the Republican Party with the wrath of the people if Mr. Newberry is given a seat in the Senate. Similar arguments are hurled at us on this floor. This is not and can not be made a party question. It must be

determined upon the individual judgment and conscientious convictions of Senators, and they will be held responsible by their respective constituencies. Can the Democratic Party take the position as an organization that if it is given control of the Senate it will settle cases of this kind upon the partisan demand of the people and not upon the merits of the cases? If it dares to take such a position, the people will repudiate it more signally than they did at the last election.

Senators are threatened from within and without with the wrath of the people if they vote to seat Mr. Newberry. No man within the party and no man without the party will dare to make a campaign against a Senator on that issue. Is there a man so ignorant of the sense of justice of the American people as to dare to ask them to elect him to the Senate on the issue that if he is elected to the Senate he will vote in cases of this kind on his fear of the people's wrath and not upon his honest convictions of duty upon the merits of the case? The people will make but one response to an appeal of that sort. They will prefer a man who may be conscientiously wrong to a man who may happen to be cowardly right. Some impulsive citizen may denounce his Senator for voting as he may, but if he believes in the honesty and courage of his Senator, on second thought he will honor and respect him for voting his convictions rather than his fears.

This telegram came to me yesterday:

Am sure your conscience will dictate your vote in reference to retaining seat by Senator Newberry with which the people should and will be satisfied. Resentful feeling against any attempted outside influence is expressed. People here know much less regarding the facts than do you. On yourself rests the responsibility.

Not all my telegrams are like that, but I am sure that that telegram represents the sober judgment of the great mass of the people of my State, regardless of politics, not only as to myself but as to all Senators. I am proud of it. I hope I am worthy of it. That should be the sentiment of the people of every State in the Union, and every Senator should strive to justify that sentiment and confidence.

When they stop to think, the people know what our duty is. They know that the Constitution makes us the sole judges of the qualifications and election of our Members. We are supreme. No power can overturn our verdict. No special rules of evidence, no fine legal distinctions, hamper us. We are the sole judges of the qualifications of the man who presents himself here and of the methods used to get here.

There is much to appeal to me on behalf of Mr. Newberry. He is a man of fine character, education, and refinement, a gentleman in every sense of the term. In two wars he has done a patriot's part. While the campaign for his nomination and election was on he was in New York doing his work as a lieutenant commander in the Navy. Political conditions in his State were exceptional and encouraged lavish expenditures of money.

At the request of friends he became a candidate for the Senate. While he did not give up his naval duties he went about making arrangements for an effective campaign. Paul King, recognized as one of the strongest political leaders in the State, was suggested for the manager of his campaign, and after a conference was selected as such. He became Mr. Newberry's agent and carried on his campaign in his behalf. His authority was unlimited. Mr. Newberry placed no restrictions upon him, either as to the raising of money or of spending it. He was kept advised from time to time as to the campaign, but apparently nothing was said as to the money that was being raised or expended. For some reason he made no inquiry about this, and says that he had no knowledge of the large expenditures and that they were made without his consent. I can not see how it can be truly said that this money was raised and spent without his consent. Grant that he had no actual knowledge of its raising or expenditure, he did know his campaign was being carried on. He knew it was going to cost a whole lot of money. Mr. King had told him so, and had even said it would cost at least $50,000. He knew a great deal was being spent from what was being done. He made no protest. He seeks to benefit from it. His consent must be conclusively presumed.

It is conceded that not less than $195,000 was raised and spent in his behalf in securing the nomination. It is not certain that it was not over $250,000. The expenditure of such a vast sum of money in a primary where the issue was what man should be named by a political party as its candidate for the office of United States Senator must shock every man who believes in and reveres our principles of government. This conceded fact is one that the people can clearly grasp, and I can not escape the conclusion that its approval or condonement by the Senate will tend to undermine the foundations of the Republic and alone justifies and demands the rejection of Mr. Newberry.

There is another outstanding fact which, in connection with the admitted spending of such a vast sum of money, compels me to the conclusion I have reached. The spirit and, I believe, the very letter of the Michigan primary election laws have been violated, and the Senate should not approve or condone the violation or disregard of State laws in the election of its Members.

The people of Michigan have seen certain methods and practices grow up in connection with primary elections that are obnoxious to pure elections. In 1909 they passed stringent laws against such practices and made them apply to the nomination of United States Senators.

I ask that I may print without reading, because I think it has been read and referred to many times, section 45. There are three numbers given in the report with reference to this section, 858, 3554, and 45. It is found on page 939 of the hearings in this case. I ask that I may print it without reading.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

(858) § 3554. SEC. 45. Every person who, directly or indirectly, by himself or by any other person in his behalf, gives, lends, or agrees to give or lend, or offers or promises any money or valuable consideration, or promises or endeavors to procure any money or valuable consideration or office, place, or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce or have such person induce any voter to vote for or refrain from voting for, or support or oppose any candidate, or on account of such voter having voted or refrained from voting at any primary election in this State; every person who by any means receives, agrees, or contracts for any money, gift, fee, loan, or valuable consideration, office, place, appointment, or employment for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting in a particular manner at any such primary election; or for inducing or undertaking to induce any other person to vote in a particular manner, or to do or perform any of the acts or things forbidden by this act, or on account of doing or agreeing to do, or having done any campaign work, electioneering, soliciting votes for such candidates on primary day or prior thereto, or who after any primary election in this State, directly or indirectly, by himself or by any other person in his behalf, gives or receives any money or valuable consideration or place, position, or employment on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any such primary election; or having induced or undertaken to induce any other person to vote in a particular manner or for any particular candidate at any such primary election, or on account of any person having done or been a party to doing anything forbidden by this act, it being the intent of this clause to prohibit the prevailing practice of candidates hiring with money and promises of positions, etc., workers on primary day and prior thereto; also every person who in behalf of any firm, partnership, association, or corporation, gives, lends, or receives, or agrees to give, lend, or receive, or offers or promises any money or valuable consideration, place, position, or employment, or promises or endeavors to procure any money or valuable consideration, in order to aid or promote the nomination of any particular candidate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment for a period of not more than six months, or by both such fine and imprisonment in the discretion of the court.

Mr. KING. Will the Senator include in that section 48?

Mr. JONES of Washington. I am going to include another section, which is probably the one the Senator has in mind.

Mr. KING. That ought to go into the RECORD.

Mr. JONES of Washington. I shall not discuss the evidence at all at length. I will refer to one feature of it. It is clear to me that men were hired to go out and induce men to vote for Mr. Newberry. One man was hired to go among the laboring men and induce them to vote for him. Another was hired to go among the Masons to induce them to vote for him. One was hired to go among the Poles to induce them to vote for him. And still another was hired to go among the soldiers to induce them to vote for him.

All this in the very face of the statute which I have just read, and I wish to call especial attention to one declaration in the statute which makes clear what the Legislature of Michigan intended to prevent by the passage of this section. It says:

It being the intent of this clause to prohibit the prevailing practice of candidates hiring with money and promises of position, etc., workers on primary day and prior thereto.

It is urged that the act of 1913 permits this. I can not think so. I ask that I may print as a part of my remarks without reading (668), section 3830, or section 3, found on page 932 of the record of the hearings.

The PRESIDENT pro tempore. Without objection it is so ordered.

The section referred to is as follows:

(668) SEC. 3830. SEC. 3. No candidate and no treasurer of any political committee shall pay, give or lend, or agree to pay, give or lend, either directly or indirectly, any money or other valuable thing for any nomination or election expenses whatever, except for the following purposes:

First, for traveling expenses and personal expenses incident thereto, for printing, stationery, advertising, postage, expressage, freight, telegraph, telephone, and public messenger services;

Second, for dissemination of printed information to the public;

Third, for political meetings, demonstrations, and conventions;

Fourth, for the rent, maintenance, and furnishing of offices;

Fifth, for the payment of clerks, typewriters, stenographers, janitors, and messengers actually employed;

Sixth, for the employment of challengers at primaries and elections, to the number allowed by law as such;
Seventh, for the payment of public speakers and musicians at public meetings, and their necessary traveling expenses;
Eighth, for copying and classifying of election registers or poll lists and investigating the right to vote of the persons listed or registered therein, and conducting proceedings to purge the registers and lists, and prevent improper or unlawful registration or voting;
Ninth, for making canvasses of voters;
Tenth, for conveying infirm or disabled voters to and from the polls;
Eleventh, for employing as counsel attorneys licensed to practice in accordance with the laws of the State, and for the necessary expenses of such counsel.
None of the provisions of this act shall be construed as relating to the rendering of services by speakers, writers, publishers, or others for which no compensation is asked or given.

Mr. JONES of Washington. As I take it from a careful reading of the exceptions made in this section, the only exception which can be claimed to permit what I have just referred to is the exception relating to the canvassing of votes, which reads as follows:

9. For making canvasses of voters.

I can not construe this language in that way. It is not intended and does not permit the hiring of men to solicit and induce men to vote for a certain candidate which the former statute was specifically framed for the purpose of preventing.

Mr. President, looking at the expenditure of this vast sum of money as I do, feeling that its condonement by the Senate will tend to destroy the pillars of the Republic, and firmly believing that the spirit and the very letter of the Michigan primary laws have been violated, I can not vote for Mr. Newberry to retain a seat in this body.

Mr. WALSH of Montana. Mr. President, with the permission of the Senate I desire to withdraw the substitute resolution offered by me and to tender in lieu thereof the following.

The PRESIDENT pro tempore. The Secretary will read the proposed substitute.

The Assistant Secretary read as follows:

Amendment in the nature of a substitute intended to be proposed by Mr. WALSH of Montana to Senate resolution 172 declaring Truman H. Newberry to be a duly elected Senator from the State of Michigan, viz: Strike out all after the word "*Resolved*," in line 1, and insert in lieu thereof the following:

"That Henry Ford, contesting the election of Truman H. Newberry as United States Senator from the State of Michigan for the term commencing March 4, 1919, not having received a majority of the votes cast at the election, is not entitled to a seat in this body.

"*Resolved further*, Considering that it is against a sound public policy that huge sums of money should be spent for the nomination or election of a candidate for the United States Senate, and that such excessive sums were spent to secure for Truman H. Newberry the Republican nomination as such candidate for the State of Michigan at the primary election in that State for the term mentioned, and considering that the campaign for his nomination was conducted in gross and flagrant violation of the laws of the State of Michigan and in contravention of the statutes of the United States, he was not duly elected and is not entitled to a seat in this body.

CLEARWATER, ST. JOE, AND SELWAY NATIONAL FOREST LANDS.

The PRESIDENT pro tempore. If there be no objection, the Chair will lay before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. SMOOT, Mr. NORRIS, and Mr. MYERS conferees on the part of the Senate.

Mr. NORRIS. Mr. President, a proposition to amend the rules of the Senate in regard to the appointment of conferees was proposed by me, I think, during the last Congress. After a great deal of talk among Members it was finally taken up at a conference of Republican Senators and a committee was appointed to take the matter under consideration and report to another conference. That was done. At that conference a resolution was agreed to, amending the rules of the Senate and providing that when conference committees were appointed any Senator who was chairman of any one of the so-called major committees, which includes the Committee on Agriculture and Forestry, should not be appointed as a member of a conference committee on the part of the Senate on any bill that was not passed on by the committee of which he was chairman.

The Republican leader [Mr. LODGE], under instructions of that conference, introduced the resolution, and it was supposed it would only be a matter of form until it became a part of the rules, but it was never reported out from the committee. The Committee on Rules has never acted on it and it has laid there and slumbered, but I take it that, at least as long as the Republicans are in control of the Senate, they will obey the spirit of that resolution.

That is the reason why I rose to suggest now, and I can do it with perfect propriety at this time because it happens that I have been appointed by the Chair as a member of this conference committee on the part of the Senate, that, being chairman of the Committee on Agriculture and Forestry, if that resolution is in force I should not be appointed, and I therefore ask the Chair to name another conferee.

Mr. SMOOT. Was not the proposed rule a little different from the way the Senator states it? The Committee on Public Lands and Surveys was not one of the major committees, but if it had been one of the major committees the statement made by the Senator would be correct. That committee not being a major committee, the Senator from Nebraska can serve on the conference committee which has just been appointed.

Mr. NORRIS. I may be in error about it. If I am, I stand corrected.

Mr. SMOOT. I am quite sure the Senator is in error.

Mr. NORRIS. I have no objection to serving on the conference committee. At the same time I was the author of the proposition to amend the rules, and although the Republican conference took it out of my hands and never did anything with it afterwards, I feel as though we are morally bound to carry it out. I should like to see it carried out. It ought to be part of the rules.

Mr. SMOOT. I am quite sure that it applies only to major committees.

Mr. NORRIS. The Senator may be right. It may be that it did not apply to the minor committees, of which the Committee on Public Lands and Surveys is one.

ADJUSTMENT OF WAR CONTRACTS.

The PRESIDENT pro tempore. If there be no objection, the Chair lays before the Senate a communication from the Secretary of War, transmitting, pursuant to Senate resolution 159, information relative to action taken under the act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, which will be referred to the Committee on Claims.

Mr. KING. That reply is in response to a resolution which I offered some time ago. It contains very important information which I am sure the Senate will be glad to receive, and I ask that the reply of the Secretary of War be printed as a document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS.

Mr. SPENCER. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate took a recess until to-morrow, Thursday, January 12, 1922, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 11, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Spirit of God, do Thou impart to us Thy presence according to Thy will and word. We would have the wisdom that longs and seeks for the best things of life. Help us to lean upon Thee that our hearts may be inclined in this way. O turn our doubts into faith, our loss into gain, and our grief into joy. The Lord see to it that the hungry have bread, the poor have shelter, and that the people everywhere have great comfort. When our course runs out at the ebb of the world and we have our last look upon the earth that we love, may we stand as victors through Him who hath loved us. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed the following resolution:

Senate resolution 207.

Resolved, That the Senate has heard with profound sorrow of the death of Hon. JONAH KUHIO KALANIANAOLE, late a Delegate from the Territory of Hawaii.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

TRANSFER OF BILL.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent that the bill (H. R. 9060) on the Private Calendar, No. 136, be transferred to the Public Calendar. It is to all intents and purposes a public bill, and my purpose in asking that is so that I can put it on the Calendar for Unanimous Consent.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the bill No. 136 be transferred from the Private to the Public Calendar. Is there objection?

Mr. WALSH. Reserving the right to object, we ought to know something about what the bill is.

Mr. ANTHONY. It authorizes the Secretary of War to transfer a lease on which a water plant is located on the military reservation at Leavenworth, Kans., from the corporation that owns it to the city of Leavenworth, which has purchased the plant. The only parties involved are the corporation of the city of Leavenworth and the War Department.

Mr. WALSH. Therefore it would seem to be proper on the Private Calendar.

Mr. ANTHONY. There are only public interests involved in it now.

Mr. WALSH. There are often bills on the Private Calendar in which the public is interested, but it seems unfair to pick out one particular bill and transfer it.

Mr. ANTHONY. We place bridge bills, for instance, on the Public Calendar, giving permits to construct bridges across navigable streams. Now, this bill is much more public in its nature than is a bill granting the privilege to a corporation or a person to construct a bridge.

Mr. MANN. Will the gentleman yield?

Mr. ANTHONY. I yield.

Mr. MANN. At different times this class of bills has been placed on the Private Calendar and then again on the Public Calendar. For myself, I think they belong on the Public Calendar. They are printed as public laws and not as private laws. They are not private bills in fact. I have no criticism of the Speaker for ordering them placed on the Private Calendar, but I think that bills that run to a public corporation ought to be on the Public Calendar.

Mr. WALSH. Of course, how they are printed as laws will not control the House as to how they should be considered or on what calendar they might be placed.

Mr. MANN. Certainly not. It does not control the House. Still they are recognized as public laws after they are printed.

The SPEAKER. Without objection, the transfer will be made to the Union Calendar.

DESIGNATION OF SPEAKER PRO TEMPORE.

The SPEAKER. The Speaker will be away to-morrow and possibly for two or three days, and designates Mr. WALSH of Massachusetts to act as Speaker pro tempore.

CALENDAR WEDNESDAY.

The SPEAKER pro tempore (Mr. LONGWORTH in the chair). This is Calendar Wednesday. The Clerk will call the roll of committees.

The Clerk proceeded to the call of committees.

Mr. LAMPERT (when the Committee on Patents was called). Mr. Speaker——

Mr. WALSH. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALSH. I make the point of order there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Ninety gentlemen are present, not a quorum.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

Ansorge	Dunn	Hogan	Lawrence
Barkley	Dupré	Hooker	Lee, N. Y.
Black	Echols	Humphreys	Lineberger
Bland, Ind.	Edmonds	Husted	Linthicum
Brennan	Fields	Johnson, S. Dak.	Luhring
Brinson	Fish	Kahn	McArthur
Britten	Free	Keller	McDuffie
Browne, Wis.	Fulmer	Kelly, Pa.	McPherson
Cannon	Gallivan	Kendall	Mansfield
Cantrill	Goldsborough	Kennedy	Michaelson
Carter	Gorman	Kindred	Moore, Ill.
Clarke, N. Y.	Gould	Kirkpatrick	Morin
Classon	Graham, Pa.	Kitchin	Mott
Cockran	Greene, Vt.	Kline, N. Y.	Mudd
Codd	Hammer	Knight	Murphy
Crowther	Hawes	Kraus	Nelson, J. M.
Cullen	Hays	Kreider	Norton
Doughton	Hill	Lanham	O'Brien
O'Connor	Rainey, Ill.	Ryan	Strong, Pa.
Oliver	Reavis	Sanders, N. Y.	Sullivan
Osborne	Reed, N. Y.	Shaw	Taylor, Colo.
Patterson, N. J.	Riddick	Siegel	Taylor, N. J.
Porter	Riordan	Smith, Mich.	Towner
Radcliffe	Rodenberg	Snell	Voigt
Rainey, Ala.	Rucker	Stiness	Ward, N. Y.

The SPEAKER. On this vote 330 Members have answered to their names. A quorum is present. The Doorkeeper will open the doors.

The doors were opened.

Mr. STAFFORD. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman from Wisconsin moves that further proceedings under the call be dispensed with. The question is on agreeing to that motion.

The motion was agreed to.

THE PATENT OFFICE.

Mr. LAMPERT rose.

The SPEAKER. The gentleman from Wisconsin is recognized.

Mr. LAMPERT. I call by direction of the Committee on Patents the bill (H. R. 7077) to increase the force and salaries in the Patent Office, and for other purposes.

The SPEAKER. The gentleman from Wisconsin calls up the bill H. R. 7077, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 7077) to increase the force and salaries in the Patent Office, and for other purposes.

The SPEAKER. The bill is on the Union Calendar. The House automatically resolves itself for its consideration into Committee of the Whole House on the state of the Union. The gentleman from Illinois [Mr. GRAHAM] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7077) to increase the force and salaries in the Patent Office, and for other purposes, with Mr. GRAHAM of Illinois in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7077), which the Clerk will report by title.

The title of the bill was again read.

Mr. LAMPERT. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. WALSH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. This bill is being considered, as I understand it, under the Calendar Wednesday rule, under which there is an hour given to those in favor of the bill and an hour to those opposed, in general debate?

The CHAIRMAN. The Chair so understands it.

Mr. WALSH. And if no member of the committee opposes the measure, some other Member will be recognized at the proper time in opposition?

The CHAIRMAN. That is the understanding of the Chair. The gentleman from Wisconsin [Mr. LAMPERT] is recognized for one hour.

Mr. LAMPERT. Mr. Chairman and gentlemen of the committee, the bill H. R. 7077 is almost identical with H. R. 11984, which was twice passed by the House in the Sixty-sixth Congress.

So far as the number of employees is concerned, and so far as the salaries are concerned, it is identical with the measure which twice passed the House, except for the salaries paid three officials.

This bill has three main provisions—

First. It provides a necessary increase in salaries.

Second. It provides a slight increase in force, 48 in all.

Third. In order not to make an additional charge on the taxpayers during the present time of retrenchment, it provides an increase of fees to cover the increased expenditures.

When H. R. 11984 went to the Senate after having passed the House the first time, a so-called Federal Trade Commission section, having nothing to do with the administration of the Patent Office, was added by the Senate and the bill was otherwise amended and then passed. The House refusing to consent to the Senate amendments, the bill was sent to conference. All the conferees agreed upon the salary features of the bill, but one Senator refused to sign the report as long as it contained the

Federal Trade Commission amendment. Finally, however, the House again passed the bill, even including the Federal Trade Commission section. When the bill went back to the Senate, it failed to pass, owing to the opposition aroused all over the country to the Federal Trade Commission section.

As above stated, this Federal Trade Commission section is not germane to the bill, since it has nothing to do with the administration of the Patent Office, and it has been omitted from the present bill, H. R. 7077.

The present bill has the approval of the Patent Office and has been unanimously reported by the House Committee on Patents.

The history of the original bill, H. R. 11984, was given by former Chairman NOLAN of the House Committee on Patents—see the CONGRESSIONAL RECORD of March 5, 1920, page 3908. From that I quote as follows:

Mr. NOLAN. Mr. Chairman, the bill, H. R. 11984, is the committee substitute for three bills introduced early in this Congress by myself, as chairman of the Committee on Patents—H. R. 5011, 5012, and 7010. These bills were prepared by the patent committee of the National Research Council, consisting of a number of gentlemen connected with the arts, science, and industries of the country. They made an extensive investigation of the conditions in the Patent Office with regard to the Patent Office force and salaries. The Committee on Patents devoted considerable time during the month of July, 1919, to hearings on these bills, the hearings consisting of 320 pages. Appearing in favor of the measures was the patent committee of the National Research Council—I will not weary the House with the reading of the names, as you will find them in the report—the former Commissioner of Patents, Hon. Thomas Ewing; the present Commissioner of Patents, Hon. James T. Newton; a number of prominent inventors and scientists, as well as representatives of a large number of big manufacturers' associations of the country. The trouble in the Patent Office has been that during the war and since the signing of the armistice probably no other bureau of the Government has suffered from raids, or the taking away of its employees, both by other Government agencies and by the big industrial concerns of the country, as the Patent Office. The testimony that was presented to this committee was to the effect that the men would sooner retain their positions with the Government than go to outside institutions if there were any inducements in the way of salary or promotion. The statement was made and figures produced to show a large number of men, especially in the examining corps, had left the Patent Office during the war and since the signing of the armistice. The statement was made that at times we had as high as 80 temporary examiners on the roll. At the present time they have approximately 40 temporary examiners on the roll. It seems impossible to get the right caliber of men, or men with the necessary foundation in the way of technical education, to take the examination for examiners in the Patent Office or any of the other technical positions in that department.

* * * * * * *

I just stated that the Patent Office force, especially the examining corps, have left the Patent Office to a greater degree than any other Government agency, due to the lack of opportunity in the way of promotion and the increased salaries and excellent opportunities offered to men of their technical knowledge on the outside, going with patent lawyers, going with the patent departments of the big industrial institutions of the country, going with engineering organizations and chemical organizations, as well as all kinds of positions where men of high technical training are needed. All industrial organizations in the country that have any considerable amount of patent business or business with the Patent Office have a patent department, and they have made a systematic raid on the Patent Office for their best men.

The "raid" on the Patent Office examiners referred to by former Chairman NOLAN has continued and is continuing, so that the Patent Office has come to the breaking point. In fact, during 16 months preceding the last fiscal report 110 examiners had resigned, 1 out of every 4. During 32 months 231 examiners resigned—more than half the entire examining corps. Resignations are still coming in, and the Civil Service Commission is unable to fill all the vacancies. "Green" or inexperienced men have taken the place of experienced examiners, and it takes years to train these men to any degree of efficiency. The consequence is that the Patent Office has fallen in most divisions from 6 to 12 months behind with its work, and complaints are received from all parts of the country.

The work in the Patent Office is increasing by leaps and bounds, as may be seen from the following:

During the calendar year 1919 the number of patent applications filed rose to over 76,000—exceeding by 19,000 the number in 1918. Nineteen hundred and twenty exceeded 1918 by 24,000 patent applications; 1921 exceeded 1918 by 30,000.

The increase of work is also shown in the cash receipts of the Patent Office, which in 1918 amounted to $1,977,000; in 1919 to $2,417,000; in 1920 to $2,680,000; and in 1921 to $2,775,000—an increase of $800,000, or 40 per cent, over 1918.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. LAMPERT. Yes.

Mr. SNYDER. Does the gentleman mean 1921 or 1920?

Mr. LAMPERT. 1921.

Mr. SNYDER. Has the gentleman a complete record for the applications for patents for 1921?

Mr. LAMPERT. I think that is correct.

Mr. SNYDER. I just wanted to make sure of that; that is all.

Mr. LAMPERT. I have a comparison here:

Comparison calendar years 1918 and 1921.

	1918	1921	Increase in number.	Increase in per cent.
Patents	57,180	87,408	30,228	53
Designs	2,232	5,596	3,364	150
Trade-marks	6,846	16,234	9,388	137
Total	66,258	109,238	42,980	65

Increase in work in 4 years, 65 per cent.
Increase in personnel in 4 years, 5½ per cent.

(The biggest year—1916—in the history of the Patent Office, prior to the war, showed receipts of 68,000 patent applications, 2,684 design applications, and 8,628 trade-mark applications; 1921 showed an increase of 38 per cent in work and $435,000 in cash receipts over that year.)

The increase of work is overwhelming and the Patent Office is hopelessly in arrears.

There are now over 59,000 patent applications and 6,000 trade-mark cases awaiting action, and with more than one-half the force composed of untrained men the Patent Office can not escape going further in arrears.

Even with the relief afforded by the present bill, it will take several years to build up the present force, with so many inexperienced men, into a stable, competent examining corps, able to make any material impression upon the arrears of work already piled up.

Without relief, the situation is hopeless.

Relief is, therefore, imperative. An increase of salaries is the only thing that will save the Patent Office. The 110 examiners who resigned in a little over a year were experienced examiners, with from 2 to 20 years' training. It is needless to state that young men just graduating from college and with no patent experience can not act on intricate technical cases, such as automatic telephones, calculators, adding machines, metallurgical and chemical inventions, as rapidly as those who have spent years in the Patent Office on these specially intricate and technical subjects. Not only does it take years to train these examiners but in the meantime all their actions must be minutely supervised by the remaining experienced men, in order to prevent mistakes which would be costly alike to the inventors and to the manufacturing industries of the country. In fact, the time of the experienced examiners is being dissipated in training the inexperienced men.

THE AMOUNT OF SALARY INCREASE.

The bill as reported raises the salaries of the chief or principal examiners from $2,700 to $3,900 per year, and the assistant examiners are given increases ranging from $150 per year to $900 per year. The salary of the principal examiner is the key to the whole situation. Back in 1848 the principal examiner was paid the same salary as was paid to Congressmen—$2,500 per year. He now receives the same salary plus only $200 per year. The American Patent Law Association has taken a referendum vote among its members resident in 47 different cities of this country, and many believe the salary of the principal examiner should be at least $5,000. In fact, as far back as 1912 the Taft Economy and Efficiency Commission fixed $3,600 as the proper salary. The National Research Council placed it at $4,200, in endeavoring to put it at a figure that would pass Congress during a time of economy and retrenchment. Under the Lehlbach bill as it passed the House the principal examiner can draw from $3,720 to $4,620. The Wood-Smoot measure provides still higher pay. While it is generally believed that the salary of the principal examiner should be higher than $3,900, as fixed by the present bill, this figure was agreed upon at the time the bill originally passed the House with the hope that the bill would immediately pass as an emergency measure to save the Patent Office pending the reclassification of all Government employees.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. LAMPERT. I would rather finish this first, but I will yield to the gentleman.

Mr. JOHNSON of Mississippi. I understand that patent attorneys do not have to have the legal training that the usual practitioner has, and that the bar association will take no action in matters of complaints of fraudulent practices on the part of patent attorneys, because they are really not attorneys at law. Is there any provision in this bill whereby a party who has a grievance against a patent attorney can get any redress? If not, does not the gentleman think that this bill ought to contain a provision that will give them some redress? A patent attorney is not allowed to practice law as a regular

attorney is allowed. He is not required to have the same legal training and skill and experience, and so forth. I want to ask the gentleman if he does not think that the public ought to have some protection by having a provision inserted in this bill that will correct that evil?

Mr. LAMPERT. If the evil exists; yes. I have no objection.

Mr. JOHNSON of Mississippi. I ask the gentleman the question because he is the chairman of the committee, and he ought to know, and I presume he does know. I would like to have him answer that question.

Mr. SNYDER. Mr. Chairman, will the gentleman yield? I would like to get some information if the gentleman will give it to me.

Mr. JOHNSON of Mississippi. I would like the gentleman to answer my question. Did he answer the question? If so, I did not hear him.

Mr. LAMPERT. No.

Mr. JOHNSON of Mississippi. Well, I think that the gentleman does not know.

Mr. LAMPERT. The Commissioner's salary is increased from $5,000 to $6,000—$1,500 less than recommended by the National Research Council and $1,500 less than paid the Director of the Census or the Director of the Bureau of Mines—the First Assistant Commissioner from $4,500 to $5,500; the Second Assistant Commissioner from $3,500 to $5,000; five members of the Board of Examiners in Chief—who must be appointed by the President and who, under the statute, must have both scientific and legal training—from $3,500 to $5,000; chief clerk, who must be skilled in patent matters, from $3,000 to $4,000; one solicitor—who must represent the Patent Office before the courts—from $2,750 to $5,000; five law examiners from $2,750 to $4,000; two examiners of interferences, who act as judges in patent and trade-mark suits—interferences—from $2,700 to $5,000, and so on.

At the time the bill passed the House, March 5, 1920, it was predicted that the resignations would soon fall off, and it was also prophesied that the influx of work had reached the peak.

The opposite has proved to be the fact.

As already explained, the work has increased by leaps and bounds and the resignations have been and are continuing.

The present situation at the Patent Office is without parallel. The Patent Office with an accumulated surplus of $8,500,000 of inventors' money piled up in the Treasury above all expenses, and making annually from $150,000 to $300,000 above all expenditures, is in the unique position of having its patrons from all over the country rush to its defense, and in order to get an increase of salaries for the officials of the Patent Office these patrons agree that the fees shall be increased to pay the bill. Usually our constituents demand that their bill for public services be paid out of the Public Treasury, but in this case all the big institutions from every part of the country have appeared before the various committees of Congress asking for the increase of salaries and cheerfully agreeing to the additional fees to pay for such increase in salaries, so that the expense shall not fall upon the already burdened taxpayer.

Among the institutions appearing before the committee in support of this bill are the following:

The National Research Council, the Manufacturing Chemists' Association, the American Institute of Electrical Engineers, the American Patent Law Association (having members in 47 different cities from Portland, Me., to San Francisco), the National Association of Manufacturers (representing 5,000 manufacturers, who sent a special delegation to Washington in behalf of the patent bill), the Patent Law Association of Chicago, the Cleveland Engineering Society (composed of about 1,000 members), the Chamber of Commerce of Cleveland (3,500 members), the Merchants' Association of New York (over 6,000 members), the American Society of Civil Engineers, the National Automobile Chamber of Commerce, the American Society of Mechanical Engineers (12,000 members), the Automotive Electrical Association, the Westinghouse Co. (with plants in 15 different localities in the United States, employing an army of men), the Electrical Manufacturers' Club, the American Institute of Mining and Metallurgical Engineers (6,000 members), the American Bar Association, the New York County Lawyers' Association, the American Chemical Society, the American Engineering Council (comprising 150,000 engineers), and many others.

SENATE COMMITTEE REPORTS "LEGISLATION OF THIS KIND ABSOLUTELY NECESSARY."

In report No. 596 of the Sixty-sixth Congress the Senate Committee on Patents unanimously reported (May 18, 1920) as follows:

Your committee, after a full investigation of the subject, have reached the conclusion that some legislation of this kind is absolutely necessary for the efficient management and handling of the business of the Patent Office.

Thousands upon thousands of letters and resolutions have been received by Congress, and newspapers from all parts of the country are demanding relief for the Patent Office.

The inventors have not only paid for the Patent Office Building but, as above stated, they have piled up a surplus of $8,600,000 above every expense of the Patent Office, and now the inventors of this country are asking merely that sufficient money be expended out of their fees to insure their inventions reasonably prompt and accurate adjudication. [Applause.]

Comparison of reclassification bill, H. R. 8928, as it passed House, and H. R. 7077.

Title.	Reclassification bill.	H. R. 7077.
Principal examiners	$3,720 to $4,620	$3,900
Assistant examiners	1,620 to 3,540	$1,500 to 3,300
Solicitor (grade 5)	4,860 to 5,460	5,000
Law examiners (grade 4)	3,720 to 4,620	4,000
CLERICAL FORCE.		
Chiefs of divisions	2,340 to 2,880	2,500
Assistant chiefs	1,860 to 2,340	2,100
Clerks	1,080 to 2,340	1,100 to 1,800
MESSENGERS AND LABORERS.		
Messengers	1,080 to 1,200	1,080
Laborers (all adults) [1]	1,080 to 1,200	1,080
Messenger boys (copy pullers)	720 to 780	720
Examiner's aids (boys)	720 to 780	720

[1] These are laborers in name only; 25 do clerical work.

Mr. SNYDER. Mr. Chairman, will the gentleman yield before he sits down?

Mr. WALSH. Mr. Chairman, I rise to oppose the pending bill.

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. WALSH. I am.

The CHAIRMAN. Is there any member of the committee who is opposed to the bill and who desires recognition?

Mr. DAVIS of Tennessee. No. The members of the committee are unanimously in favor of the bill. It is unanimously reported.

Mr. LAMPERT. Mr. Chairman, how much time have I expended?

The CHAIRMAN. Twenty-three minutes have been expended.

Mr. WALSH. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MADDEN] 10 minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. MADDEN. Mr. Chairman and gentlemen of the committee, there is no doubt in the world that something ought to be done to reorganize and rehabilitate the Patent Office. But there is no justification whatever for the compensation fixed in the bill pending before the House.

Mr. BLANTON. Mr. Chairman, the gentleman who is addressing the House is chairman of the Committee on Appropriations. I am sure the membership ought to hear him, and I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and forty-three Members present, a quorum.

Mr. MADDEN. We want to remember that there are more than 300,000 other employees of the Government outside of the Postal Service. The salaries of the employees of the Postal Service have been classified, but there are more than 300,000 other employees in the Government service whose salaries have not yet been classified. There is a bill pending to classify the salary of every Government employee, including those in the Patent Office. That bill has passed the House. The compensation fixed in the bill before us to-day is much higher than the compensation fixed for like service in the classification act which has passed the House.

Mr. DAVIS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. No; I do not want to yield now. The classification bill which passed the House provides for the classification of men engaged in professional service and fixes the compensation in the various grades. Now, these men in the Patent Office are engaged in professional service. The bill that is before us provides that the pay of the commissioner shall go up from $5,000 to $6,000 at once. The bill that passed the House provides that the pay of the commissioner shall go up to $5,400

and eventually as high as $6,600, depending entirely upon the volume of the business, the importance of the work, and the efficiency with which he conducts the office.

The next salary in the bill before us is that of first assistant, and it is provided in this bill that it shall go from $4,500 to $5,500. The bill which passed the House a short time ago provides that the salary of the first assistant shall go to $4,860 instead of to $5,500, and finally, in the course of the years to come, his salary may go as high as $5,460.

As to the second assistant, provided for in this bill, he is now getting $3,500. The bill provides that he shall get $5,000, an increase of $1,500. The bill that we passed in the House a short time ago provides that he shall get $3,720 to begin with, and that finally his salary shall go up as high as $4,620.

Examiners are now getting $3,500. This bill proposes to put them up to $5,000, while the bill that passed the House proposes that they shall get $3,720 instead of $3,500, and that they shall go up as high as $4,620 later, in various steps.

The solicitor is now getting $2,750. The bill proposes to give him $5,000. The classification act that we passed a short time ago provides that he shall go up to $3,720, and finally up to $4,620 in the course of the years.

Chief clerk. He now gets $3,000. It is proposed in the bill to pay him $4,000. We propose that he shall get, to begin with, $2,940, a reduction of $60, and that he shall finally go up as high as $3,660.

The law examiners get $2,750 to-day. This bill carries them up to $4,000. We propose to put them at $2,820 in the bill that passed the House and to go up as high as $3,540 eventually.

The principal examiners are getting $2,700. This bill proposes to put them at $3,900, and we propose under the bill that we passed to give them $2,820 to start with and finally up as high as $3,540. The first assistants are getting $2,400, and this puts them up to $2,900, $3,100, and $3,330. We propose in the bill that passed the House to give them $2,100, $2,280, $2,460, and $2,640.

The second assistants now get $2,100. This bill proposes to give them $2,350, $2,500, and $2,800. In the bill that passed the House they are classified in grade 2.

Gentlemen of the House, remember that these places are all classified in the bill which has passed the House.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LONGWORTH. When will these increases of salaries become effective in the bill which has passed the House?

Mr. MADDEN. The hope of the Senate is that they will pass the bill by the 1st of April. That is what the chairman of the committee over there says.

Mr. MACGREGOR. Will the gentleman yield?

Mr. MADDEN. Wait. I am answering the question of the gentleman from Ohio. I talked with the chairman of the committee over there, and he told me that he expected to have the classification act passed by the 1st of April. Of course, the bill as it passed the House provided that it should not become effective until the fiscal year 1924, but there is no reason why it can not become effective before that.

But remember that it is not the money involved in this bill that is at stake. It is the money that is involved in a further increase of the pay of the other 300,000 people in the Government service who are included in the Lehlbach bill.

Mr. MACGREGOR. Will the gentleman yield?

Mr. MADDEN. Not now. You are not dealing merely with the Patent Office. You are dealing with the entire Government service. What right have we to think that if we pass this bill to increase the salaries in the Patent Office we will not have to increase the salaries in the Lehlbach bill from top to bottom, as to the other 300,000 people? Does anybody suppose that people engaged in like service, performed by equally competent men, as thoroughly trained in the technique of the law, doing professional work for the Government in all the other departments, will be satisfied with the increases carried in the Lehlbach bill if you put these men in the Patent Office much above them?

Gentlemen, we have a serious proposition before us. It is the problem of the American people. The problem with which the American people are struggling is how to get bread, how they are to keep shelter over them; not how to increase their compensation, but how to get any kind of compensation.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. MADDEN. I do not yield now. The question for us is, Do we speak for the American people in the conditions which they are compelled by existing conditions to confront, or do we speak merely for those who want to get their arms up to their shoulders into the Federal Treasury? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Idaho. I ask unanimous consent that the gentleman's time may be extended for two minutes in order that I may ask him a question.

Mr. MADDEN. I have used all the time that I care to occupy.

Mr. LAMPERT. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. VESTAL].

Mr. VESTAL. Mr. Chairman, I want to answer the distinguished gentleman from Illinois on this proposition of salaries. I undertake to say that an examination will show that the statement he made in reference to the salaries in the Lehlbach bill and the salaries of this bill would show a difference of 50 per cent is erroneous.

Mr. MADDEN. I gave the figures.

Mr. VESTAL. The figures the gentleman used as a basis for his comparison were figures in a bill that was considered two years ago. After that bill was considered a new bill was passed.

Mr. MADDEN. I gave the same figures that were in the Lehlbach bill.

Mr. VESTAL. I beg the gentleman's pardon, and I will show that they are not. After the first bill was considered the committee considered another reclassification act, and upon that act the Lehlbach bill was drafted and they have in that bill a patent-examiner group, and under the patent-examiner group as shown by the Lehlbach bill every salary in this bill comes within the Lehlbach classification bill except the salary of the assistant commissioner.

Here are the groups: Grade 1, as proposed in the bill the salaries range from $1,800 to $2,100. The Lehlbach bill has the salaries ranging from $1,620 to $1,980. That is the first grade under the patent-examiner group. In this bill upon which the Lehlbach bill was fashioned and drafted in committee, under grade 2 the bill provides salaries from $2,340 to $2,880. Under the Lehlbach bill the salaries are $2,100 to $2,640. Under grade 3 the bill as finally passed the compensation ranges from $2,820 to $3,540. I am giving you the figures to show that they are the same figures as the gentleman in his statement said were before the House. Under grade 4 the compensation is $3,720 to $4,620. Grade 5, the compensation is from $4,860 to $5,460. Grade 6, from $5,400 to $6,600.

Take the salaries as set forth in the bill under consideration and see where they fit into the Lehlbach bill. Take the first assistant commissioner, and in the statement read by the gentleman from Illinois that is the only one I say in which the salary proposed in this bill is out of line with the Lehlbach bill. In the Lampert bill they propose a salary of $5,500.

Mr. WALSH. Will the gentleman yield?

Mr. VESTAL. I can not yield now. The first assistant under the Lampert bill receives a salary of $5,500; under the reclassification bill, under the patent-examiner group, under grade 5, which gives the Assistant Commissioner of Patents the maximum salary of $5,460. Now, as I say, that is the only one in which the salary is at all out of line with the classification bill that we passed.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. LAMPERT. Mr. Chairman, I yield the gentleman five minutes more.

Mr. VESTAL. Now, take the examiner in chief. The examiner in chief as set out in the reclassification act under the patent-examiner group, and that is the last one, the one upon which this was made, they are set out under group 5. There are five examiners in chief, constituting the board of appeals, and these are appointed by the President and confirmed by the Senate, and at the time they were first appointed, as shown by the chairman of the committee, they received the same salary as a United States district judge. They do appellate work entirely. If they decide that an invention is patentable, their decision is never reviewed by the commissioner. They carry on the most advanced professional work. In fact, the judges perform the same work as the commissioner, except they do not have the administrative duties. They certainly would go under group 5 in this reclassification bill, which allows them a salary of from $4,860 to $5,460, and we give them a flat salary of $5,000.

Now, gentlemen, it is not a theory but a condition that confronts the Patent Office. They are 60,000 applications behind that they are unable to pass upon. You have got to have somebody competent to pass upon them if you expect the Patent Office to do its work, and the salaries should be commensurate with the service rendered.

Mr. WALSH. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. WALSH. Does the chief examiner go into the same class?

Mr. VESTAL. Absolutely.

Mr. WALSH. I do not think the gentleman will find any authority for that in the Lehlbach bill.

Mr. SNYDER. Will the gentleman yield?

Mr. VESTAL. I will.

Mr. SNYDER. The gentleman says that the Patent Office is 60,000 applications behind. Has the gentleman considered that there are always 40,000 applications in the Patent Office? He does not mean that they are 60,000 behind, but 60,000 in the office.

Mr. VESTAL. No; 60,000 behind.

Mr. SNYDER. All right. Then we have that cleared up if the gentleman is correct in his statement.

Mr. VESTAL. I want to take up now the solicitor. We give the title of solicitor to one of the law examiners because of the duties he has to perform. Let us see what his duties are and whether he ought not to be placed in group 5. This particular solicitor of the Patent Office represents the commissioner as counsel in the court of appeals in the District of Columbia. During the last four years he has argued 66 cases before this court alone. On the November call he had 11 cases; on the January call, now running, he has 20 cases. He has appeared as counsel for the commissioner and has had opposed to him the best patent lawyers from all parts of the country. In addition to that, he has to act as counsel for the Commissioner of Patents in all mandamus cases before the court.

If you will read the Lehlbach bill through, it is doubtful whether you will find any place fixed for a solicitor in the Government. But on account of the important work placed upon the solicitor of the Patent Office, it seems to me that he ought to come under or within grade 5. He serves as a consulting specialist, using the language set out in grade 5 in the reclassification bill.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. LAMPERT. Mr. Chairman, I yield two minutes more to the gentleman from Indiana.

Mr. VESTAL. Let us now take up the law examiners and the principal examiners. Grade 4 of the Lehlbach bill provides for those who perform independent and highly expert professional work, or for those in charge of minor divisions of a large organization. Their salaries range in this bill, under group 4, from $3,720 to $4,620, while our bill provides for $3,900 flat. Yet under the reclassification bill the salaries would run from $3,720 to $4,620, while we fix the salary at $3,900 flat, as I say. Each of the principal examiners performs independent and highly expert professional work, and, moreover, is in charge of a minor division of a large organization. Each of these examiners has from 8 to 10 professional assistants, besides the ordinary clerks; and their work is of such an independent and highly expert professional character that if they decide an invention to be patentable there is no appeal from their decision; and I submit that the only place provided for those principal examiners in the reclassification bill is under grade 4, and the salaries, as before stated, in this grade range from $3,720 to $4,620, while we provide a salary of $3,900.

Mr. FAIRCHILD. Which represents a saving of $720 a year.

Mr. VESTAL. Yes.

Now, let us take the law examiners. The law examiners at the present time are regarded by the statute as a trifle higher than the principal examiners, as may be shown by the fact that the present statutory salary is $50 more per year.

These law examiners are detailed by the commissioner to take certain classes of work of a highly technical and professional nature, and they are, in fact, "consulting specialists." They perform the most advanced work in the Patent Office, and they, with the principal examiners, belong in grade 4.

Mr. BEGG. Mr. Chairman, will the gentleman yield for a brief question?

Mr. VESTAL. I have only one minute more. Let us take the chief clerk. Certainly he should go under group 4. The range of salary in this grade is from $3,720 to $4,620, and the salary we fix is $4,000. We fix the salary of the principal examiners at $3,900.

ASSISTANT EXAMINERS.

House bill 7077 provides for four grades of assistant examiners, as does the present statute, and these assistant examiners are paid from $1,500 to $3,300 per annum. They fit within grades 1, 2, and 3 of the Lehlbach bill, which provides for from $1,620 to $3,540 per annum.

As an example, let us refer to the first assistant examiners as styled by H. R. 7077. These first assistants are compelled to act as principals in the absence of the principals; they have at all times to do highly professional and technical work, because there are from 8 to 10 assistants under the principal, and one principal can not review all the work. The volume of work in each division is such that the first assistants have to be left largely to themselves, so that, in the words of the Lehlbach bill, they—

perform duties independently or with a small number of subordinates in the junior or assistant professional grade.

Frequently two or three of the junior assistants, as, for example, the fourth and third assistant, have to be supervised by a first assistant. Hence, these first assistants come within grade 3, which provides for services—

the duties of which are to perform independently or with a small number of subordinates, in the junior or assistant professional grade, responsible professional work requiring training and previous experience.

The assistant examiners are all scientifically trained, and almost all of them are members of the bar and hold degrees. All of the examiners are compelled to pass examinations in French or German upon entrance in this work.

The first assistants under H. R. 7077 receive from $2,900 to $3,300, while under the Lehlbach bill, in grade 3, they would receive from $2,820 to $3,540.

The second, third, and fourth assistants would fit into grades 1 and 2.

Grade 2 of the Lehlbach bill would take care of most of the second assistants, but there are a number of the second assistants who must necessarily and often do perform professional work involving the exercise of independent judgment, and therefore the senior assistants should not be placed in grade 2 but under the minimum salary provided for in grade 3 of the Lehlbach bill.

In addition to the fact that two-thirds of the second assistants should go into grade 2, this grade would also take care of the third assistants. These third assistants perform "under general direction assigned professional work requiring professional training and previous experience, but not the exercise of independent judgment." For this reason the third assistants can not go into grade 1, but must go into grade 2, because they have all had "professional training and previous experience." In fact, some of the fourth assistants could very properly go in this grade also, since they have had "professional training and previous experience." However, most of the fourth assistants undoubtedly belong in grade 1, since the duties of this grade are "to perform under immediate supervision the simplest kinds of work requiring professional training."

This bill should be passed without delay. The Patent Office is having resignations every day. The number of resignations during the first six months of 1921 were 28, for the last six months 24. The receipts of the office for 1918 were $1,977,000 and for 1921 were $2,775,000, an increase of $800,000, or 40 per cent.

Patent applications filed in 1918 were 57,000 and in 1921 87,000, an increase of 52 per cent.

The increase in personnel has been about 5½ per cent.

The Patent Office two and a half years ago was behind in its work 18,000 cases. March, 1921, they were behind 42,000 cases. December 31, 1921, they were behind 60,000 cases.

Is it any wonder we are asking for relief. We can not wait for the reclassification bill for the following reasons:

First. The reclassification bill does not provide additional employees.

Second. The reclassification bill does not take effect until July 1, 1923, and the Patent Office must have immediate relief.

Third. The reclassification bill places the expenses of the increase of salaries on the already overburdened taxpayer, whereas H. R. 7077 provides an increase of fees to pay for the increase of salaries, so that the taxpayer does not have to bear one cent of the burden.

We need the relief now. This bill gives us relief without increasing the burden of the taxpayer.

I hope the bill will be speedily enacted into law.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

[By unanimous consent Mr. VESTAL was granted leave to extend and revise his remarks in the RECORD.]

Mr. WALSH. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present. This gentleman is the chairman of the Reclassification Committee, and I think he should have a hearing.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-five Members present, a quorum.

Mr. LEHLBACH. Mr. Chairman, the bill under consideration and its terms are an excellent example of the viciousness of

the present system of fixing compensation for the personnel of the civil service of the Government. A committee, such as the committee reporting this bill, is interested especially with the work of the particular Government activity over which its jurisdiction extends, and is generally in sympathy with it and desires to give it all of the assistance possible. It has no special interest and no knowledge of conditions in departments doing commensurately equal work throughout the Government service. It makes no comparison with other departments and bureaus and divisions in other departments and treats the particular bureau and division for which it reports legislation independently, without such reference to other governmental work that is being carried on.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. DEMPSEY. Does not the gentleman think the work in this office is of a highly specialized kind, which would require special consideration and men of unusual attainments?

Mr. LEHLBACH. Certainly; and there are dozens of governmental activities that require likewise highly specialized employees and men of unusual attainments, and we have them by the thousands throughout the service of the Government. It has been stated here that the salaries in this bill are commensurate with and approximately equal to and within the scope of the salaries in the reclassification bill passed by this House on the 15th of December.

Mr. DAVIS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. DAVIS of Tennessee. According to the gentleman's philosophy stated a while ago, is it not a fact that if that were pursued the House should disregard the recommendations of all committees dealing with different departments and leave it to only one committee, upon the supposition that that committee could become more familiar with all of the various departments of the Government than several other committees?

Mr. LEHLBACH. As to substantive legislation, certainly not; but when it comes to fixing the salaries of Government employees that ought not to be done by one committee of the House having knowledge only of a particular bureau, but it ought to be done generally. That is the fundamental principle of the reclassification bill which this House only a few days ago passed by an overwhelming vote.

The schedules in the reclassification bill as revised by the House in Committee of the Whole provide in general terms for the broad services of the Government and the grades into which the employees in those services shall be divided.

The original plan for a reclassification was by a classification by titles of positions. Here is a bill, H. R. 15225, which was introduced in the Sixty-sixth Congress, which is such classification. By name and title it provides for the various occupations and positions in the Federal service and fixes a salary range for them. It was manifestly impossible to ask Congress to give consideration to a bill of this volume and to read it and consider it section by section and line by line. Furthermore, it was deemed that a classification by precise positions throughout the service was a too rigid classification, and it was determined that it was better to take this classification and generalize it and divide it into appropriate services and divide those services into grades into which each one of these positions so classified would find an appropriate place and a salary range fixed, and that was done.

The classification bill that you passed is based upon the classification of specific positions in H. R. 15225, of the Sixty-sixth Congress, and by reference to it you can find where each one of these patent positions were supposed to be allocated. You take the position of principal examiner of patents, and we have examiners in chief; we have special examiners for various subjects; and then we have the examiners themselves, who have first, second, third, and fourth assistants. Those are the principal examiners, and they have these assistants. Their duties are defined specifically in H. R. 15225, which is the basis of the classification bill passed by the House, and we find on page 94 of the bill, under grade 3, patent examiner; patent examiner—trade-marks and designs; patent examiner—patent interferences; patent examiner—classification; assistant chief clerk, Patent Office; patent adviser. Those come within this grade, and their duties are defined as follows:

To perform under direction the most difficult technical and legal work involved in examining and making disposition of applications for patents or designs, or for registration of trade-marks, and in making related investigations and reports; to assist in supervising the work of a patent or interference or trade-mark division; to assist in determining the proper classification of patents and patent applications; to assist the chief clerk of the Patent Office in clerical administration; or to perform highly technical patent and related legal work for a department, bureau, or independent establishment of the Federal Government.

This is exactly the definition of the work that the principal examiners do, and the range of compensation is from $3,120 to $3,840, which by the House was scaled down in the bill from those figures to $2,820, $3,060; $3,300, and $3,540.

Now, this work is described as highly specialized, requiring technical knowledge and legal knowledge. And in all other departments there is work of that character, or in a good many departments, namely, in scientific, technical, and legal bureaus, and that is the range of pay for this work throughout the Government service for that. And we find in the Lampert bill, while everybody else is doing specialized work requiring training, experience, and specific knowledge of a given subject as well as legal knowledge, that while in all the other departments of the Government they get but $2,820 they are to start in under this bill at $3,900, an increase of $1,200 over the present pay. Is that fair to every scientist and lawyer in every other department who is not going to get the benefit of specific legislation?

Mr. VESTAL. Will the gentleman point out any other branch of the service in Washington, any other Government service, where they have the same class of people as mentioned in the Patent Office, that are getting the salary which the gentleman mentions?

Mr. LEHLBACH. The Bureau of Chemistry, the Bureau of Standards, and the Attorney General's office, the Customs Service, and in dozens of other services, where a man has to have a lifetime of training and experience and has to know all about a commodity, its origin, the manner of its manufacture, and its constituent parts. The Bureau of Standards will come and tell you the same story, and the Attorney General's office will come and tell you the same story, and all these stories are just.

And I admit that in the Patent Office the necessity for relief is immediate. I hope the bill passes giving immediate relief in anticipation of reclassification, but the relief ought not to be so inordinately out of line with the salaries that Congress deemed proper for like work in other departments of the Government.

Mr. MACGREGOR. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. MACGREGOR. Last summer, I think, the gentleman informed me that under this reclassification bill it was not the intention to lower the pay or salary of any governmental employee.

Mr. LEHLBACH. And it will not happen unless the employee is receiving a salary in excess of the maximum fixed for the grade in which he falls.

Mr. MACGREGOR. Has the gentleman been informed that the reclassification bill reduced the compensation of 1,700 employees in the Agricultural Department?

Mr. LEHLBACH. I do not so know, but it may be possible. The scaling down of the pay in the bill as it was originally reported to the schedules as finally passed was a proposition that was yielded to in deference to the wish of the House. It may effect such a reduction in the Department of Agriculture in these grades, but I do not know. But if it does reduce the salaries, then in the judgment of the House those individuals were being paid in excess of what was reasonable and fair compensation. That was the judgment expressed by the House in accepting the amendments to the bill as it was reported to my committee.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent for two minutes more.

Mr. WALSH. Mr. Chairman, I yield two additional minutes to the gentleman.

Mr. PERKINS. Will the gentleman yield for one question?

Mr. LEHLBACH. I yield.

Mr. PERKINS. If this bill be passed and afterwards the reclassification bill be passed, will not the salaries in the Patent Office be subject to the reclassification and not to this bill?

Mr. LEHLBACH. Surely.

Mr. PERKINS. Then would it not be a good idea to pass this as an emergency measure?

Mr. LEHLBACH. Well, it would be a good thing to pass it as an emergency measure, but I do not think it is a good policy to give people anywhere from $500 to $1,000 more per annum than you intend they should have permanently, and particularly in view of the fact that it is intended to bring a lot of new employees into the office. It is not fair to them or to the Government to bring them in on a salary which you intend in a short time to cut by 50 per cent.

Mr. Chairman, I shall insert in the RECORD with my remarks a comparison of the present salaries in the office, running from commissioner down, and the second assistant examiner of pat-

ents, both the present salaries, the salaries contained in the Lampert bill, the salaries in the reclassification bill as passed, and the salaries in the reclassification bill as reported originally, and also the salaries as they would be under the Wood-Smoot bill, which was under consideration at the time reclassification was considered.

Now, briefly, I pick the principal examiner as an example, but in every instance we find the same increase. Now, here are the law examiners, increased by the Lampert bill from $2,750 to $4,000. The reclassification bill which you passed increased their salary, initially of $2,820, to $3,540. But here you jump them to $4,000, higher than the topmost salary provided for that grade in the reclassification bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEHLBACH. Mr. Chairman, I insert here the table to which I have referred, as follows:

Salaries in the Patent Office.

Title.	Present salary.	Lampert bill.	Reclassification bill as passed.	Reclassification bill originally.	Wood-Smoot bill.
Commissioner	$5,000	$6,000	$5,400, $6,000, $6,600 (professional service, grade 6).	$6,000, $6,600, $7,200 (professional service, grade 6).	$5,700, $7,500 (grade 17, p. 2).
First assistant	4,500	5,500	$4,860, $5,160, $5,460 (professional service, grade 5).	$5,400, $5,700, $6,000 (professional service, grade 5).	$4,500, $5,700 (grade 16, p. 3.)
Second assistant	3,500	5,000	$3,720, $4,020, $4,320, $4,620 (professional service, grade 4).	$4,140, $4,440, $4,740, $5,040 (professional service, grade 4).	Do.
Examiners in chief	3,500	5,000	do	do	Do.
Solicitor	2,750	5,000	do	do	$4,500, $5,700 (grade 16, p. 2).
Chief clerk	3,000	4,000	$2,940, $3,180, $3,420, $3,660 (clerical service, grade 6).	$3,300, $3,540, $3,780, $4,020 (clerical service, grade 6).	$3,000, $3,600 (grade 13, p. 10).
Law examiners	2,750	4,000	$2,820, $3,060, $3,300, $3,540 (professional service, grade 3).	$3,120, $3,360, $3,600, $3,840 (professional service, grade 3).	$3,600–$4,500 (grade 15, p. 5).
Principal examiners	2,700	3,900	$2,820, $3,060, $3,300, $3,540 (professional service, grade 3).	$3,120, $3,360, $3,600, $3,840 (professional service, grade 3).	$3,000–$3,600 (grade 13, p. 8).
First assistants	2,400	2,900 3,100 3,300	$2,100, $2,280, $2,460, $2,640 (professional service, grade 2).	$2,340, $2,520, $2,700, $2,880 (professional service, grade 2).	$2,460–$3,000 (grade 11, p. 19).
Second assistants	2,100	2,350 2,500 2,800			

Employees begin at lowest salary in grade unless receiving more, in which case they begin at rate nearest present pay not involving decrease. Increases only to next salary rate in range, upon high efficiency rating, and only when increase is appropriated for by Congress.

Heads of departments may fix for position any salary within the limits of the grade in which the position falls. No legislative restrictions on increases within grades.

Mr. LAMPERT. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. NOLAN].

Mr. NOLAN. Mr. Chairman and gentlemen of the committee, the chairman has told you that this bill is almost identical with the bill which passed in the Sixty-sixth Congress. The bill passed the House and it passed the Senate with a Senate rider, but with just three changes in compensation.

There is not a branch of industry, there are not any people who are interested in the arts and sciences in this country who are not interested in the immediate passage of this bill. To-day as chairman of the Committee on Labor I passed the call of the committee; although we have on the calendar subject to call what I considered a very important bill, and a bill which passed this House on a previous occasion, namely, the minimum wage bill. The reason why I passed the call that our committee has is that the reclassification bill practically carries the same basis as the minimum wage bill, and I do not think we ought to have too much legislation on that subject. I do think, however, so far as the Patent Office bill is concerned, that it is one of the most important bills that this House could consider during this session of Congress. Business in this country is prostrate. Here is an institution that can do something to revive it. Five years ago they were passing upon 50,000 applications for patents a year. To-day the annual average will go over 100,000 applications. And do you know what they are doing, due to an inefficient force and due to a force not sufficient to take care of it? They are 60,000 applications behind, and it takes about nine months to get at them in the Patent Office. They can not get the proper caliber of men to go into that office to train them to become examiners—not examiners in chief, but subordinate examiners. Every one of these men must have a legal training as well as a very high technical training, and when one of them passes upon an application of your constituent he is either passing out a valid patent or he is giving your constituent a certificate for a lawsuit. That is what they have been getting recently at the Patent Office on account of its inefficiency and on account of the low salaries paid there.

There are 447 positions practically that are receiving these increases. There are 100 fourth assistant examiners, there are 100 third assistant examiners, there are 100 second assistant examiners, there are 100 first assistant examiners, and there are 47 primary examiners, and here is how they start: They try to get boys or young men out of the colleges. They do not start at exorbitant salaries. They start at $1,500. There are 30 fourth assistant examiners under this bill, under which it is claimed exorbitant salaries will be paid. There are 40 fourth assistant examiners. There are 30 at $1,650 and there are 30 at $1,800.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. NOLAN. Mr. Chairman, will the gentleman give me five minutes more?

Mr. LAMPERT. Mr. Chairman, how much more time have I?

The CHAIRMAN. The gentleman from Wisconsin has expended 40 minutes. He has 20 minutes remaining.

Mr. LAMPERT. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from California is recognized for five minutes more.

Mr. NOLAN. Look at the list of third assistant examiners. You will find that when they are promoted as third assistant examiners 30 of them will get $1,925, 30 will get $2,050, and 40 of them will get $2,200. Look at the second assistant examiners, and these are the men that you are absolutely dependent upon for valid patents. The calendars of your circuit and district courts throughout the country are congested with Patent Office cases, simply because in the last four or five years the Patent Office has broken down and industry has suffered.

Gentlemen, you can not compare the Patent Office with any other branch of the Government service with respect to the caliber of men that are needed to render efficient service, not alone to the Government, but to industry and to the arts and sciences.

Let me tell you what this bill does. Practically all of the work on a patent is done when the application is first made, and the first fee is $15. The secondary fee upon the granting of the patent under the present law is $20. This bill raises the primary fee from $15 to $20, and it will bring into the Treasury of the United States over half a million dollars, and it is the only piece of legislation in the way of wage increase that has been brought out that not alone pays for itself but that will bring revenue into the Treasury.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield for a question?

Mr. NOLAN. Yes.

Mr. LEHLBACH. Does the gentleman think it is just and equitable that a man in an office producing revenue for the Government should get more money than a man in another kind of an office?

Mr. NOLAN. No. That is not the only reason. The reason why you are fighting this bill is not because you are raising salaries; it is because some of our leaders, our so-called leaders here, are howling about economy. That is the reason that is forcing the fight upon a measure of this kind.

This is a constructive measure, and it ought to be passed, as it has already passed this House. [Applause.] In the last Congress it passed the House and it passed the Senate, and it would have been enacted and become a law if it had not been for the Senate rider.

I would like to make an argument to-day that would be possible if I had my health with me. I want to say that if you want to stimulate business, if you want to do something of a constructive nature, you must on both sides of the House pass this Patent Office bill immediately, and when the reclassification bill goes to the Senate do not let it go through so that

these salaries will be reduced; let it be understood that an amendment will be offered to it over there to protect that class of men who mean so much to industry in this country. They should be the most technical, they should be the most efficient and the best trained corps of men you have got. The Bureau of Standards is a great institution, but it does not compare with the Patent Office.

It does not mean to industry in this country what the Patent Office means to it. Why should we quibble here to-day because we are going to give to the highest-trained corps in the Government of the United States just a little bit more than the gentleman from New Jersey [Mr. LEHLBACH] provided for in the reclassification bill? [Applause.]

Mr. WATSON. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. Mr. Chairman, I yield eight minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Chairman and gentlemen of the committee, it is useless to say over again that just a few days ago we passed through this House, after considerable discussion and debate and investigation, a reclassification bill that was supposed to reclassify the salaries of the Government employees in all the branches of the service within the District of Columbia. Now to-day, about a fortnight afterwards, we are asked to pass a special bill for a particular group, on the ground that this is a special case and that we ought to give them salaries above what we set as a fair and respectable scale of salaries for Government employees in all classes. It may be true that we were mistaken, and it may be possible that we set the scale of salaries too low. If that is true we, to be consistent, should repeal the bill we just passed. It may be true also that the salaries in the Patent Office to-day are entirely too low. I shall not argue that proposition at all. If those salaries are out of harmony with the scale of salaries set in the reclassification measure, which was the best judgment of this House, then I am most heartily in favor of making those the salaries at once if you can prove that the Patent Office is ceasing to function because of a low salary schedule.

The charge is made that they can not keep the personnel. Yet my good friend from California [Mr. NOLAN], who spoke just before me, said that the personnel in the Patent Office was the best there was anywhere in the Government service. He said that business would be revived if you would raise their salaries. The report of the committee is to the effect that one-half of the personnel now in the Patent Office is less than two years old. If you should pay them $10,000 apiece, they could not do one dollar's worth more of work than they are now doing if they are doing their duty. The congestion in that office will not be relieved by increasing salaries. The new force coming in must come under the civil service; you can not get it in the open market, and those men must be trained.

Mr. NOLAN. Will the gentleman yield?

Mr. BEGG. I am sorry that I can not.

Mr. NOLAN. I do not want the gentleman to misconstrue my statement. What I intended to convey was that they had to have the highest training to make them competent.

Mr. BEGG. I will quote the gentleman accurately. I dispute that. I will simply take the legal training of the Attorney General's department and I will match every man they have in the Patent Office with men in the Department of Justice. As far as basic training is concerned in the Department of Agriculture, I will match every hour's academic study and preparation in the Patent Office with like preparation in the Department of Agriculture, and you can apply that in every department of the Government.

I want to take up the question of losing men. Is it a calamity to have the Government lose some of its men because they are good? You business men, I want to ask you, would you rather have a man so good that you could not hold him, if you could have him during the period of his growth, or would you rather have a man satisfied to stay in your service and never have ambition beyond $4,000 or $5,000 a year? Why, I need only to refer you to the captains of industry. Henry Ford earned a hundred dollars a month as an engineer. Well, will any man stand up and say that because Henry Ford was worth $20,000 or $20,000,000 a year the engineering business could afford to pay him that amount of money to keep him at work as an engineer? Charles M. Schwab was a puddler in a steel mill at one time at less than $100 a month, but because Charles M. Schwab had the stamina and the ability to climb out of that do you mean to say that the puddlers ought to be paid the same salary that Charles M. Schwab can earn to-day?

Mr. WINSLOW. Will the gentleman yield?

Mr. BEGG. You can not run the Government business on the basis of bidding against the competition of private industry. Nor do we want to. Now I yield to the gentleman from Massachusetts.

Mr. WINSLOW. The gentleman has answered the question I wanted to ask.

Mr. VESTAL. Will the gentleman yield for just one question?

Mr. BEGG. A brief one.

Mr. VESTAL. What about the conditions in the Patent Office, when other Government bureaus having patent work go into the Patent Office and take their best men out and pay them higher salaries in other Government bureaus?

Mr. BEGG. That would not happen if we raised the salary on a par with every other department, which I favor. God bless them, I never saw a man in the United States who could not be displaced. What would happen to the Patent Office if a hundred of them should die this year? Are you going to close it down? There is nothing in that argument that you have got to bid to hold the men.

Mr. VESTAL. I do not think the gentleman understands——

Mr. BEGG. I can not yield any further. I want to ask you how many men have you lost during the last year in the time of idleness? Of course, they left during the flush times of the war. Of course, they had opportunities then. Every business lost men during those days.

Mr. PERKINS. Will the gentleman yield for an answer to his question?

Mr. BEGG. I can not yield any further.

Mr. PERKINS. For an answer to his question?

Mr. BEGG. I can not yield. I say to you men, seriously, the Republican Party is pledged to a platform of economy, to cut down expenses. Everybody the world over is cutting down expenses to-day except this Congress, and we bring in bill after bill wanting to raise salaries when the farmers are compelled to cut down or go into the bankruptcy court. And what is true of the farming community is true of the manufacturing interests of New England and of business everywhere.

I want to go back to the matter of bidding against the outside world in Government business. I maintain that it is not the business of the Government to set the pace in wages. There is a certain accretion to every man's earning power by having an opportunity to serve his Government during a certain period of time. I am worth more to myself in an earning capacity than I ever was before because of the experience I have had in the last four years. Every man who serves the Government gains something for himself. If that is not true, I do not know what is. I picked up a circular from my table this morning in which it says that Lincoln Orr is the most expert man there is on the question of fine poultry, and when I say fine poultry I mean for the profit business. He is an ex-department agricultural employee, and so advertises, and there are 25 who have left the Department of Agriculture since 1918. Are you going to come in here and say that because a few men have ambition and quit their salary job and go out and establish a business, capitalize their education and experience—are you going to say that you can pay with Government money enough to hold those men in their position? I am glad they leave, for they are usually successful business men.

Mr. VESTAL. Will the gentleman yield for me to answer his question?

Mr. BEGG. I am sorry, but I can not yield. Now, will this bill if passed clear up the conditions in the Patent Office. We will concede that there is congestion there and that some employees have left. I will vote to give them all the help they want on a par with that of any other department—the Interior Department, the Attorney General's department, and all that. But when it comes to raising a salary and saying that it does not cost anything, that is all a hoax and camouflage. I could come in and ask for an increase of salary for employees in the Attorney General's department, multiplied by 5 on the earning power of the Attorney General's department, because last week they earned for the Government over $2,000,000. You come in here and say that because the Patent Office earns $400,000 that we ought to give it to the fellows that earn it. There is just as much sense in saying "give the Department of Justice the amount of money that it earns."

I question seriously whether the Patent Office has more influence on the prosperity, welfare, and happiness of the human family than does the Agricultural Department or some of the rest of them. I for one shall vote against making an exception of any department. I will vote for a bill, for an emergency bill giving them the same salary that we are providing for other departments, and I think it is only giving other departments a lever to come in here and say: "Well, you are paying the Patent Department employees $6,000 or $5,000 or $4,800, and

you must pay us the same." They will say that "my department is just as important as the Patent Department."

Mr. WALSH. Mr. Chairman, how much time is there remaining under the control of those opposed to the bill?

The CHAIRMAN (Mr. MANN). The gentleman from Massachusetts has 28 minutes remaining and the gentleman from Wisconsin has 15 minutes.

Mr. WALSH. Mr. Chairman, I yield eight minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, there is no doubt that there is a very great pressure on Congress for the enactment of legislation for the relief of the Patent Office. How much of it comes from men who are really acquainted with the facts and how much of it is pure propaganda, we can not say. I have more than 100 telegrams on my desk relating to this legislation, received within the last 48 hours. Ordinarily I am not very much impressed by that sort of thing, because our experience is that floods of telegrams very frequently reach us with regard to legislation relative to which those sending the telegrams have only a very general notion.

This bill is urged particularly upon the ground that the House has passed it twice. I think that very fact should give us pause in proposing to pass it again in exactly the same form. Something has been wrong with it. Gentlemen claim to believe that the Senate had no objection to the salary list, but to other features of the bill. It is my opinion, based, I think, on very excellent information, that this bill has not become a law because, first, some of those who voted for it here were not certain that its rates and its provisions as to personnel were justified, and, second, because in another body there was a very definite, clear, and strong opinion that the higher rates were too high and the personnel provided unnecessarily large.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. MONDELL. I am sorry, I have only eight minutes. Since this measure was considered there was presented here a bill for reclassification of the Federal service. That bill was violently opposed on the floor on the ground that it increased Federal salaries. So strong was the opposition to it that it became necessary to present amendments reducing the salaries carried in the bill about 10 per cent in order to get the bill through the House. And yet gentlemen who proclaim their love and desire for economy and who fought the general classification bill vigorously find themselves, for some curious reason, supporting a bill which proposes to take one bureau of the Government out from the others and raise the salaries 50 per cent above the rates finally fixed in the classification bill.

Who can justify such action as that? On what theory can it be justified? It is claimed by some that the Patent Office differs from the other services of the Government, and that service there requires greater knowledge and experience than elsewhere. Everyone familiar with the public service knows that is not true, knows that professional and technical training and knowledge are just as essential in various bureaus of the Government scattered through the various departments as in the Patent Office.

Mr. NOLAN. Mr. Chairman, will the gentleman yield for one question?

Mr. MONDELL. The Department of Agriculture with its scientific bureaus, the Bureau of Mines, the Geological Survey, the Topographical Survey, the legal and professional services in the Department of Justice, and through all of the departments of the Government, all require the same or greater training and experience than this office does. I yield to the gentleman from California.

Mr. NOLAN. Will the gentleman show me one place in this bill where there is an increase of 50 per cent, not over the reclassification measure, but over the present rates? Show me one case.

Mr. MONDELL. Oh, there are many.

Mr. NOLAN. Show me one.

Mr. MONDELL. There are many.

Mr. NOLAN. Show one.

Mr. MONDELL. The gentleman has had his own time. Will the gentleman be good enough to give me mine. The gentleman knows that without a copy of the bill before me, I can not in the time allotted me pick out all the cases of large increase.

Mr. NOLAN. But the gentleman spoke of a 50 per cent raise.

Mr. MONDELL. I said approximately, and that is true—approximately 50 per cent. This bill ought to be returned to the committee with instructions to bring its rates within the rates provided in the general classification bill, and no other vote can be justified here or elsewhere.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LEHLBACH. Does the gentleman wish me to give several examples of where the present bill increases the salary about 50 per cent?

Mr. MONDELL. Certainly.

Mr. LEHLBACH. For instance, the two examiners of interference, from $2,700 to $5,000; the first assistant examiner of trade-marks and designs, from $2,500 to $3,000; one second assistant examiner of trade-marks and designs, from $1,500 to $2,700; one from $1,500 to $2,500.

Mr. MONDELL. The gentleman has given enough to show that I am right; there are many more.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, when this bill passed the House on March 5, 1920, the same arguments then were made that we hear to-day, that unless the bill were passed immediately the Patent Office would go to the bowwows. Yet it is still functioning. The other day the chairman of the Committee on Appropriations admitted here on the floor that neither Gen. Dawes nor the Budget Committee can effect economy and stop waste of themselves, that after all it must be done by Congress, that they can only recommend, that it is the action of the Members on the floor of the House by our votes that eventually must effect it. The chairman of the Committee on Appropriations [Mr. MADDEN] recommends that this bill be not passed. He told us the other day that if he were to give us information that he has about the finances of this country it would astound us. He recommends that the bill be not passed. The chairman of the committee who has had reclassification in charge [Mr. LEHLBACH] recommends that the bill be not passed. The majority leader of the House [Mr. MONDELL] recommends that the bill be not passed, and yet with these recommendations are we to go ahead blindly because of the propaganda that we have received within the last month and pass the bill nevertheless? That is what we are asked to do. We are asked to pass it because of the propaganda that we have received. I have received more propaganda in behalf of this bill from interested parties within the last 30 days than I have received on any other piece of legislation except one since I have been in Congress. Yet because of that propaganda we must push this piece of legislation on the people of the country.

It is said that no objection was made by the Senate to the salary raises in the last bill. The Senate itself, if gentlemen will remember, reduced those salaries very materially when the bill went over to the other body. They took up each position and reduced the salary in some instances nearly $1,000 from the bill that is now proposed, and it was only in conference that those reductions were afterwards set aside, and the vote upon that conference afterwards when only a very few Members were present who knew what was going on with respect to the legislation.

If the action of the House with respect to the reclassification bill means anything, we ought to pay some attention to the work that this committee has done with regard to the rights of technical employees in all of the departments of the Government. There are bureaus in the Department of Commerce, there are bureaus in the Department of the Interior, there are various bureaus in the Department of Agriculture where there are men of just as great scientific training as you will find in the Patent Office. I warn gentlemen of this fact. Whenever you go to appointing so many second and third and fourth and fifth assistants for bureau chiefs, you will find that the bureau chief himself can not ever be found when you want him. He is delegating his work to somebody else. Ring him up on the telephone and you can not get him. Go down and look for him and he is not there. Ask for his first assistant and his first assistant is not there; ask for the second assistant and he is not there, and finally you will find about the third or fourth assistant in charge, doing the work. If you want the work done and done rightly, put it up to the man himself and not arrange it so he may delegate it to be done by somebody else.

I think this bill is giving entirely too many employees down there. Go down and look at them. Is there any rush? Are they in any great hurry?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LAMPERT. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. DAVIS], the ranking minority member of the committee.

Mr. DAVIS of Tennessee. This is no new or ill-considered proposition. The bill in substance, the same measure as this, was carefully considered and investigated by the Patent Committee of the Sixty-sixth Congress. We held extensive hearings,

which have been published, constituting several hundred printed pages, and after this thorough investigation the committee unanimously reported the bill, and in March, 1920, the bill practically unanimously passed this House. The gentleman from Texas [Mr. BLANTON] stated that at the time it was then considered there were not many here, but the RECORD shows that he made a motion to recommit the bill with instructions to reduce the salaries in certain specific instances, and only 6 Members voted for that motion to recommit, including himself, while 272 Members voted against the motion to recommit.

Among those 272 who voted against the motion to recommit and ultimately voted for the bill was every Member who has to-day spoken against this bill, except the gentleman from Texas [Mr. BLANTON]. The RECORD shows that the gentleman from Wyoming [Mr. MONDELL], the gentleman from Illinois [Mr. MADDEN], the gentleman from Ohio [Mr. BEGG], the gentleman from New Jersey [Mr. LEHLBACH], and the gentleman from Massachusetts [Mr. WALSH] all voted against that motion to recommit, which merely involved a reduction of the salaries as now carried in the bill. And then subsequently the conference report was adopted by this House without a record vote, but a motion was made to recommit that involved certain reductions in salaries, and that motion to recommit was defeated by a vote of 272 to 54.

Mr. MONDELL. Will the gentleman yield?

Mr. DAVIS of Tennessee. For a brief question.

Mr. MONDELL. Will all the gentlemen on that side who then voted to reduce these salaries help to reduce them now?

Mr. DAVIS of Tennessee. I am not prepared to state, but there were very few on either side who voted for the reduction then. Now, since the gentleman from Wyoming has arisen, I wish to refer to a statement he made a while ago to the effect that the fact that we had twice passed this bill through the House by overwhelming majorities was reason why we should all the more pause and consider, because the bill was not passed by the Senate. The bill, after hearings by the Senate committee, was unanimously reported by that committee. There were a number of amendments adopted in the Senate; the bill went to conference, and the conferees, both on the part of the House and the Senate, unanimously agreed upon a conference report, with the exception of Senator BRANDEGEE, who declined to sign the report solely on account of the Trade Commission section, which had been placed in the bill by a Senate amendment, he stating that he favored all the other provisions. And that bill was held up and finally failed to pass in the Senate, according to those who were opposed to it, not because of the salaries carried but because of the Trade Commission section which was then embodied in the bill. But that provision is not in the bill now under consideration. Those are the facts. It did not fail to pass on account of the salaries or any of the other provisions, but on account of that Trade Commission section.

In this connection I wish to state that there are other very important provisions in this bill besides those carrying an increase in force and salaries.

Mr. NOLAN. Will the gentleman call the attention of the House to the fact that in the last 16½ months 110 examiners out of a total of 437 have resigned?

Mr. DAVIS of Tennessee. That is true, and they are still resigning every month at the same rate that they have heretofore, although it was previously predicted that when the industrial depression and conditions of unemployment had arisen resignations would stop, but the fact is that they have continued, and we are confronted with a condition and not a theory. The gentlemen can theorize all they want to, but the conditions exist as they have already been described here, and the only relief that can be had is in the manner indicated by this bill.

Now, they talk about propaganda. That propaganda, as you call it, is not worked-up propaganda, fostered by a professional or hired lobby, but it arises from a necessity for action for the relief of the Patent Office. It comes from the inventors, and from the manufacturers, and from the patent attorneys all over this country, who are willing to pay a $5 additional filing fee, which more than covers the increase in salaries, in order to obtain expeditious and accurate service. When this bill passes, this increase in filing fees will not only cover the increase in salaries but the receipts of the Patent Office will still be something like $300,000 per annum more than the expenditures in behalf of that bureau.

In 1848 Congress considered patent examiners such important officials that their salaries were then fixed at $2,500, same as the salaries of Members of Congress and district judges at that time. There has been an increase of only 10 per cent in the salaries of the employees of the Patent Office in the last 72 years. It is suggested by some of the speakers that we ought not to take up one department at a time; that we ought to wait for this reclassification bill. They have been holding up this bill on account of the reclassification bill for an indefinite period of time, and the reclassification bill has not become a law yet, and we have no assurance that it will ever become the law. The fact that it has passed the House is no assurance that it will pass the Senate, because there are more bills that pass the House and do not pass the Senate than there are bills that pass the House and then pass the Senate.

If the reclassification bill passes, it will become applicable, and if it does not pass, this bill will, at least to some extent, give the relief that is so necessary, not only from a governmental standpoint but from the standpoint of the interests of the entire country that are so deeply interested in the passage of the bill.

Now, it was suggested, as I said, that we ought not to take up one department at a time. Well, that policy has been applied to the Patent Office in the past, because, as I said, there has been an increase of only 10 per cent since 1848. But that does not obtain in the other departments. And the result is that in the Bureau of Standards, in the Agricultural Department, and in other departments, there are numerous employees of the same general character who are now, before the passage of the reclassification bill, receiving higher salaries than even the primary examiners will receive in the Patent Office if this bill becomes a law. Those who are opposed to this bill speak only of the primary examiners who will be paid $3,900 under the provisions of this bill. There are now 21 technical employees in the Agricultural Department receiving salaries of $4,000, $4,500, and $5,000, and there are about the same number in the Bureau of Standards receiving similar salaries, yet the highest salary, with the exception of a few higher officials, paid any examiner, the primary examiner, would be $3,900. And those are only of the higher grade. There are four lower grades of patent examiners, and even under this bill their salaries range from $1,500 to $3,300. [Applause.]

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SNYDER].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. SNYDER. Mr. Chairman and gentlemen of the committee, of course, I, like many other gentlemen here, would favor almost anything that would expedite the consideration of applications for patents through the Patent Office to final decision. But there seems to be considerable misunderstanding in regard to the statements that have been made as to the amount of business which the Patent Office is receiving and turning out, and I am one of those who believe that since this bill has been before the House for the past two years there has been a disposition on the part of those in the Patent Office to not expedite the business of that office, but probably to retard its consideration, with a view of showing the necessity which some of the friends of this measure are advocating so thoroughly and fully and enthusiastically here.

Now, it is stated that they are 60,000 applications behind. That, however, is not borne out by this report. The report says they were 47,000 behind. It is also stated here that this is 60,000 applications behind the normal amount that would naturally be in the Patent Office at all times. It seems to me that some one ought to be able to straighten up that situation.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I have only five minutes. I regret I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. SNYDER. Yes; I must decline to yield.

That phase of the matter has not been cleared up by any member of the committee. It is also stated that more than 80,000 applications were received in 1921. The report only shows the receipt of applications to May 31, 1921. In this very short limit of time, of course, I am unable to make all the points I desire to make, but it strikes me that if a different system were employed in the Patent Office and different rules and regulations were put in operation, so that the applicant for a patent might be limited to a reasonable number of claims covering a certain application for a patent, much of the work and much of the time that is wasted down there to-day would be saved, and the work very much expedited.

Now, this question of our continually increasing salaries at this time is a very important matter, to my mind. Those of us who are interested in production in this country are faced with an economic situation in order to bring about a change in the cost of the necessaries of life in this country, and bring them to a point where you and I are in sympathy with the price charged for them. Further and great reductions must be made in wages throughout the United States; and here we are setting the example day after day of increasing salaries and putting

the stamp of congressional approval upon the increase of salaries. What position are we going to be in back home with our people, when many hundreds of thousands of them are to-day out of work? Right now reductions are being made in order to meet competition in most lines of merchandise, and——

Mr. WINSLOW. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. Yes.

Mr. WINSLOW. What has the gentleman to say about the interests of great numbers of manufacturers throughout this country who are asking that this legislation be put through in order to stimulate their activities?

Mr. SNYDER. If we wait for prosperity to return on account of the advantage to be gained by the passage of this bill, we shall have long whiskers and gray hairs before it is brought about.

Mr. WINSLOW. That is all right; but I would like the gentleman to answer the question.

Mr. SNYDER. There is no doubt but that this would help in some degree, but it is not a general panacea that will bring back industrial conditions to normal. It is only one of a number of things that should be done.

Mr. WINSLOW. The gentleman will admit that the condition that exists in the Patent Office interferes with the development of American industries? Why is it that men who have to pay these salaries, the men who are willing to pay this bill, come forward, almost without exception, and urge us to do this very thing, one of the very things which, among other lines of business, we are sent here to represent?

Mr. SNYDER. In my judgment that is simply because of the propaganda that is put upon them by the men who make applications for patents, and not the patentees themselves.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes.

Mr. BYRNS of Tennessee. Mr. Chairman and gentlemen of the committee, I realize that there is a situation in the Patent Office that needs adjustment, but it is very difficult for me to understand just how we are going to get the relief, which gentlemen say is so badly needed, by simply increasing the salaries of officials now employed in the Patent Office all the way from 25 to 50 per cent, as, some one has stated, is proposed to be done by this bill.

There is not a man on the floor of this House upon either side of the Chamber who was not elected at the last election upon a pledge of economy to the people. The President of the United States told Congress, in his message presenting the budget, that there would be a deficit of $24,000,000 for this fiscal year.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. No. I regret I have not the time. I am sorry.

Since that time Congress has added to that deficit at least $7,000,000 by passing a certain bill carrying $20,000,000. The President of the United States told Congress that there would be a deficit for the next fiscal year, unless economy were practiced by Congress, amounting to more than $167,000,000.

Now, gentlemen, Congress can not practice economy by passing bills creating new commitments and making new drains upon the Treasury of the United States. Why, it is said that this bill will pay for itself. I deny that assertion. It is true that under the estimate here it is stated that the increase for fees will amount to $409,000, in round figures. This increase in salaries for the Patent Office amounts, in round figures, to $447,740. It is true that by another piece of legislation, passed several years ago, $112,000 is being derived by way of an increased cost of copies of patents from 5 to 10 cents. But gentlemen who were in Congress at that time will remember that that provision was carried in a bill to take care of an increase of appropriations made at that time for the Patent Office because Congress since 1917, at the instance of the former Commissioner of Patents, Mr. Ewing, of New York, has made appropriations which were approved by him and approved by the Patent Office at that time, which carry a total increase of over $180,000, and providing 92 additional employees, and the committee was told at the time that these appropriations would enable the work of the Patent Office to be made current. Now it is sought to pass this bill in spite of the fact that the House has only recently passed a reclassification bill. I am willing to accept the statement of the gentleman from New Jersey [Mr. LEHLBACH], who had more to do with the framing and preparation of the reclassification bill than any other Member of the House, and who showed great ability in bringing about its passage—I am willing to accept his statement that in this bill we are proposing to increase the salaries of the employees in the Patent Office over and above the amounts allowed in the reclassification bill, and I do not think it is fair to other departments and bureaus of this Government, merely because patent attorneys and others interested have worked up a propaganda all over this country, to single out the Patent Office to the exclusion of other offices that are demanding increases of salaries and who, if you will listen to them, can present a case equally good. Why, this bill seeks to increase the salary of the Commissioner of Patents to $6,000.

It provides for increasing the salary of the First Assistant Commissioner from $4,500 to $5,500 and to increase the salary of the Second Assistant Commissioner from $3,600 to $5,000. Why, the Bureau of Patents is under the Interior Department, and the Assistant Secretary of the Interior gets only $5,000. Yet you propose by this bill to give the Second Assistant Commissioner of Patents as much as you pay the Assistant Secretary of the Interior, who acts for the Secretary of the Interior in his absence, and who, of course we all know, has much more responsible duties.

Gentlemen, I say that under our pledges, in the situation which confronts our Treasury, this bill ought not to be passed at this time, but we ought to wait until the reclassification bill becomes a law and let the employees of the Patent Office receive the same salaries for similar services that employees in the other bureaus and departments of this Government will receive. I realize that there may be need of some kind of relief, but I do not agree with the proponents of this bill that the way to obtain it is by increasing salaries to the extent of nearly a half million dollars, nor am I in favor of discriminating between different bureaus of the Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. How much time have I remaining?

The CHAIRMAN. Five minutes remain to each side.

Mr. WALSH. Mr. Chairman, I am sure the millions of men who are now out of employment, many of whom are standing in the bread lines, will be delighted to learn from the spokesman of the laboring class on this floor that if we pass this bill increasing the salaries in the Patent Office, they will soon be able to return to their jobs. That is quite a remedy, and I am surprised that the gentleman had not thought of passing this bill in order to relieve the starvation in Russia, instead of appropriating $20,000,000 out of the Treasury. As a matter of fact, it will not make a particle of difference. It may be that 110 examiners resigned during the past 16 months; but how many of those places are vacant to-day? Very few. Those who have been chosen to fill their places will require some time before they will become as skilled as those whose places they took.

Mr. COCKRAN. Will the gentleman yield?

Mr. WALSH. I decline to yield. Under the rules and regulations of the Patent Office claims are required to be subdivided and again subdivided, and they encourage the filing of claims against applications for patents. Of course, that is a very good thing for the patent attorneys who undoubtedly inspire this propaganda that we get in our mail, and who are undoubtedly behind the dozens and scores and hundreds of telegrams that we have received. Why, there has been almost as much paid for telegrams and for printer's ink behind this measure as would pay the increased cost.

I am opposed to going beyond the scale fixed in the reclassification bill. If it is necessary that the increases in that bill be given to the Patent Office at once, let us say so and let us not make them wait until the reclassification bill shall have become effective; but why should we pick out this particular bureau of the Government simply because it has a few technical experts in it and pass a reclassification bill for them and a general reclassification bill for the rest of the Government service? Gentlemen, if you do it you need not expect to see either one of these measures travel back along the corridors of the Capitol for further consideration in the House. I submit that this bill, if not recommitted to the Committee on Patents, ought to be amended, and we ought to put into effect the same increases, the same rates, and the same classifications as we included in the general reclassification bill.

This is no time to say to the country at large, in this winter season when many who heretofore have been employed at good wages are now without work, that one of the great constructive pieces of legislation of the Republican Party, aided by the gentleman on the other side, was the passage of a bill increasing the force and increasing the salaries and compensation of the technical men in the Patent Office of the United States Government. That is not constructive legislation at this particular time, nor is it constructive to increase the rates so that possibly the

increases in salaries may be taken care of by the increased receipts. We have made one job of this heretofore. Now, why should we not wait and let that law go upon the books? Notwithstanding the excess work in the Patent Office, I believe that if we increase the salaries we can reduce the personnel in that office. We were very liberal with them during the war. As I recall it, we gave them several lump-sum appropriations, not very large in amount, but we increased their personnel. When this bill first came up there was a great rush for patents, and the business prospects of the country looked as though prosperity was coming on us in a great wave; but that wave of prosperity has paused in its progress, and I say that we had better stop, and that if there is sufficient emergency to warrant our putting into effect this reclassification, and apply it immediately to the Patent Office, then let us amend this bill and bring the rates down commensurate with those in the general reclassification bill, and not give other departments of the Government cause and justification for saying that they have been treated unfairly. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMPERT. I yield five minutes to the gentleman from New Jersey [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, none of those who are opposing this bill have dealt with the practical proposition of the conditions existing at the present time in the Patent Office. The number of applications for patents is constantly increasing, while the examining force for many years has been insufficient and has not increased in proportion to the business. In the last two and one-half years the business in the Patent Office has increased 40 per cent, while the personnel has been increased less than 5 per cent.

In March, 1919, the Patent Office was 15,000 patent applications in arrears. In August, 1921, there were 49,000 applications awaiting first action. To-day there are 60,000 applications awaiting first action. The increase in the business of the office has been from 62,000 applications in 1919 to approximately 100,000 in the year 1921.

By reason of the great increase in business in the office and the failure to provide a corresponding increase in the personnel, many patents have been granted which would not be granted if the examiners had time to make a thorough search. Now, what man in this House who has ever conducted a business would continue to conduct it on that basis?

The chief argument made against this bill is that it clashes with the reclassification bill. As a matter of fact this bill is needed principally as an emergency measure. So far as salaries are concerned it will be effective only until such time as the reclassification bill is passed and becomes effective. There is no certainty as to the final passage of the reclassification bill, but there is absolute necessity for relief of conditions in the Patent Office by the passage of this bill.

Mr. MONDELL. Will the gentleman yield?

Mr. PERKINS. I can not; I have only five minutes.

It has been urged that this bill ought to be defeated on the ground of economy. This bill will not increase the taxes one cent, since it provides that applicants who ask for patents shall pay larger fees, which will pay the increase of salary and still leave a surplus over every expense of about $300,000 per year. Furthermore, the Commissioner of Patents has stated in a letter that the Patent Office can be much better handled with 500 examiners, graded up to and including grade 4 of the Lehlbach reclassification bill, than it can with 700 or even 800 examiners graded in the first three thereof. Five hundred examiners under the first four grades will cost $1,471,250, while 700 under the first three grades will cost $1,711,514, or about $240,000 more, and that from an intensive study of conditions in the Patent Office he is convinced that 500 examiners under the first four grades will do more and better work than 700 examiners under the first three grades.

The Patent Office has always been self-supporting. It pays a profit into the Treasury of the Government of about $300,000 a year, and has a Treasury credit of upwards of $8,000,000. The argument for economy is in favor of and not against the bill.

The opposition to this measure has repeatedly charged on the floor of the House that there is a propaganda on foot in favor of the bill. The people who are asking for the passage of the bill, who are charged with conducting a propaganda, are the 60,000 applicants for patents, who are waiting for first action on their applications and who, unless this bill be passed, will wait a year longer before their applications are duly acted upon. These are the persons who are behind the propaganda. If any Member of this House had an application for a patent lying in the Patent Office unacted upon for six or seven months, do not you think he would be justified in writing a letter or sending a telegram asking that this bill go through?

This bill does two things: First, it increases the personnel of the office by 48 members; and, secondly, it raises the salaries to take effect at once and subject, as I said before, to the passage of the reclassification bill.

No one questions that the increase in personnel is imperative and that the Patent Office can not function properly without more examiners.

The only semblance of argument against the bill is that it raises salaries. In the last 70 years the salaries in the Patent Office have been increased by less than 10 per cent. The result of underpaying the force is a vast turnover of the help. In 16 months 110 examiners have resigned, or 1 out of every 4. In 32 months 231 examiners have resigned—more than one-half of the force. During the calendar year 1920, 142 clerks resigned. In one division there are 31 new employees out of a total of 61. Previous to the resignation of the 231 examiners the Patent Office was 15,000 applications in arrears. In 1921 there were 49,000 cases in arrears. On the 1st day of January last there were 60,000 in arrears. There is no other remedy, and no one has even attempted to suggest one, except to increase the salaries as provided for in this bill.

Now, gentlemen, it is not only the man making the application for a patent who is interested, it is not only the employee looking for an increase of wages so that he may remain with the Patent Office, but it is the people who are interested in the industries of America who are asking for the passage of this measure. The American patent system is one of the most potent factors in the development of prosperity in our country. If a man by thought and study produces a new method or new machine, he should have as a reward the right to control the use of that invention. He ought not to be obliged to wait years before he can get first action from the Government on his patent. He is entitled to have his invention considered within a reasonable time. The development of methods and machinery which will harness the forces of nature for the service of man is the basis of our industrial progress. The condition existing to-day in the Patent Office is seriously hampering our industrial progress. The way to bring about this progress is to promote the activity of inventors by giving relief in the Patent Office.

At the dedication of the library in Springfield before he was nominated for President, Abraham Lincoln said that there were certain incidents in the history of the human race that were of preeminent consequence. One of them was the discovery of America; one was the invention of printing; the third was the establishment of a patent system. The patent system is preeminently an American institution. The patent systems of other countries are more or less copies of the American system. We established our patent system in this country under the provision of the Constitution which says that Congress shall have power for the promotion of the useful arts to grant to an inventor a monopoly of his invention for a limited term. This was a radically new idea. The American people have taken advantage of the establishment of this system. At the present time there is a great increase in the number of applications, notwithstanding the gentleman from Massachusetts who said that the wave of prosperity has passed away and that we have gone back. Two years ago there were only 69,000 applications. Last year there were over 90,000 applications filed in the Patent Office. Gentlemen, you have got to do one of two things, either let the Patent Office fall into a decline from which it can never emerge or pass this bill as an emergency measure. [Applause.]

The CHAIRMAN. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 477 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 477. The salaries of the officers mentioned in the preceding section shall be as follows:

"The Commissioner of Patents, $6,000 a year.

"The First Assistant Commissioner of Patents, $5,500 a year.

"The Assistant Commissioner of Patents, $5,000 a year.

"Five examiners in chief, $5,000 a year each."

Mr. LEHLBACH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 7, strike out "$6,000" and insert in lieu thereof "$5,400."

Mr. LEHLBACH. Mr. Chairman, that amendment intends to fix the salary of the Commissioner of Patents at the figure at which it would be fixed if the reclassification bill, which passed the House recently, were in effect to-day. I intend, as the various items are reached, to introduce similar amendments, and as far as possible make the salaries as they would be were the reclassification bill effective.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. CHINDBLOM. Does the gentleman intend in every case to propose the minimum salary?

Mr LEHLBACH. I propose to fix the salary at such figures, as far as I can judge, as would be applicable under the reclassification—what the salary would be at which the man would enter. These are the actual salaries that the employees would get if the reclassification were to go into effect to-day, because the reclassification bill provides, unless it involves a reduction of salary, that every entrant goes in at a minimum salary and has an opportunity to work through the range to the maximum salary. In each case I do not put the minimum of the grade, because in some instances the employee is receiving an excess of the minimum.

Mr. CHINDBLOM. The highest salary in this grade is $6,600.

Mr. LEHLBACH. But nobody can get that unless he gets $5,400 and then $6,000.

Mr. CHINDBLOM. I wanted to make sure that I had the right grade.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. DAVIS of Tennessee. If your bill becomes a law, will not some of the employees start in with $6,000?

Mr LEHLBACH. Not unless they are getting $6,000 now, or in excess of $5,400 now.

Mr. DAVIS of Tennessee. There are various officers less important than the Commissioner of Patents receiving $6,000.

Mr. LEHLBACH. No; I do not think so.

Mr. KELLY of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment. The amendment offered by the gentleman from New Jersey [Mr. LEHLBACH] is to decrease the salary provided for the commissioner from $6,000 to $5,400. The commissioner is in fact a judge in charge of a court which is different from any other court in the Government, as I understand it. He acts in a judicial way, and appeals are not taken from the commissioner to the Secretary of the Interior as in the case of the other bureaus.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. WALSH The gentleman realizes that this amendment would even provide an increase in the salary of the commissioner and not a decrease.

Mr. KELLY of Pennsylvania. I understand. I am showing that here is a position which is entirely different from that of heads of other bureaus. The appeals from the Commissioner of Patents do not go to the Secretary of the Interior. They do not even go to the Supreme Court of the District of Columbia, but go to the Court of Appeals. The power of this commissioner is the same as that of a supreme court judge in the District of Columbia. Six thousand dollars a year is not too high for an office which carries such responsibility, in connection with the most scientific, technical, and legal questions.

I had a conference last Friday with the Commissioner of Patents on a very interesting matter. One of the large manufacturers in Pittsburgh, a man who has been in business for years, who himself is an inventor of several nationally used devices of various kinds, came to my office. He showed me that he had perfected a process by which he can use a waste product, which has never been used before, producing many valuable products worth millions of dollars; ample capital was ready for investment as soon as patent protection was afforded to the investors.

I took this manufacturer to the Commissioner of Patents and explained the situation to him. I showed him how the money was available and how thousands of men could be put to work. The commissioner told us that in the ordinary procedure it would take 10 months before this application could be reached and a patent granted. The commissioner saw the value of the process, and upon the filing of an affidavit showing the employment of labor now idle, he made it special, and in two weeks we will get a decision upon it. I was told that in Rhode Island within the last three months $760,000 had been put into a plant, where some 800 men are employed, because the Patent Office had made a case special. Out in California there is another case which was made special, and men are being employed because they could get capital through patent protection. But in all cases not made special the invention waits 10 months because 60,000 patent applications are clogging all the machinery of the bureau.

Mr. Chairman, two years ago I stood upon this floor and urged action upon a similar measure and made the argument that the reorganization of the Patent Bureau was a matter of vital importance. I outlined at that time the situation which has since come to pass. Sixty thousand patents are held up, men are out of employment because inventors are unable to get action, and we hear sneers on this floor this afternoon for the suggestion that here is a measure which will lessen the unemployment situation in the country, which will employ capital, and start new industries. I say to you that it was a mistake two years ago, and it will be an inexcusable mistake if this Congress fails to pass this bill at this time. The additional salaries will be raised from the fees paid by willing inventors. It will be an economy—not the kind of economy which some one says is like a brier before the eye which shuts out the light of the sun, but the real economy of creative, constructive achievement. The business men who are paying the taxes, whose dreadful condition has been bemoaned so piteously this afternoon, are unanimously for the passage of this bill; the workmen of the country are for it, and it can be put into operation without an additional cent of burden on the Treasury of the United States. I am hopeful that this Congress will see a vision of the possibilities of the Patent Bureau, different from any other bureau of the Government, with its power to set men to work and to put capital to work, and will perform a real public service by encouraging the industries of the country which are bound up in the patent system. [Applause.]

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I have voted for this bill in two Congresses and I speak as a friend of the bill. I shall support the amendment offered by the gentleman from New Jersey [Mr. LEHLBACH]. I have had some legislative experience, and I believe that the wise thing for the friends of this measure is to support the amendments, one of which has already been offered and others which will be offered if this amendment prevails, reducing the salaries proposed in the bill so as to bring them into alignment with the salaries fixed in the reclassification bill. I know the need for increased help and increased pay in the Patent Office, although I am not a patent lawyer and never had a case in the Patent Office except as I have had official occasion to know something about it. I shall vote for the bill whether the reductions in salaries are made or not, although I am inclined to think that if the reductions as suggested are not made the chances are that I or other Members of the next Congress will have an opportunity then to consider this bill again at the fourth trial. There will be many rocks and precipices in the path of this bill if it now be determined that we shall step away from the road laid out by the reclassification bill and endeavor to fix higher salaries for a particular service of the Government in spite of the reclassification salaries. If we do it in this case, of course we will be called upon to do it in other cases. Therefore, speaking as a friend of the measure, I think it is wise to increase the salaries now in the Patent Office along the lines of the salaries fixed in the reclassification bill rather than to have no increase, as I think would be the case if we declined now to accept these amendments.

Mr. Chairman, the Patent Office is a great institution. It does require technical knowledge. The men in it ought to be men who remain a long time in the Government service. No new examiner going into the Patent Office can render the same service to the Government which one who has been there a long time can render. The Patent Office is a Government school. They teach the men there how to perform their duties, and inevitably there always will be many who leave the Patent Office, because, so far as salary is concerned, the Government can not compete with great private institutions, who insist upon a particular man at whatever salary he requires in order to obtain him. This bill is opposed, and I undertsand from the speeches that have been made that an effort will be made to recommit the bill. If the bill is recommitted it is practically dead. This bill comes up on a Calendar Wednesday call; the Committee on Patents is reached on that call. I do not know when it will be reached again. If the bill should be recommitted probably it will not be reached in time to do any good, as far as the bill is concerned, at this session. I shall not vote for a recommitment, in any event, so far as I am concerned. I believe that the Government managing this great business institution ought to be willing to pay reasonable salaries, ought to provide sufficient personnel to keep the business in that bureau up to date, or practically up to date. The men who pay for the service ought to receive service. They pay the bill. The money paid the Patent Office does not come out of the general taxes of the people at all.

It comes out of funds contributed by the men who apply to that office for service, and in the last House we increased the filing fee as carried in this bill from $15 to $20, and the increase will pay all the additional expense of the Government in maintaining the office with sufficient personnel and with sufficient salaries.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MANN. In just a minute.

The Government that takes money from a man to perform a certain function of the Government ought to apply sufficient money to render the service. That is all the Patent Office asks for.

Now, I yield to the gentleman from Ohio.

Mr. LONGWORTH. Speaking also as a friend of the bill, I would like to ask the gentleman whether he believes that if this amendment and the other amendments to be offered by the gentleman from New Jersey are adopted, conditions will be substantially improved in the Patent Office?

Mr. MANN. I certainly believe they will not only be substantially improved but sufficiently improved to make the Patent Office a business institution down to date. No one in the Government receives as much pay as he would like to get, most of them do not receive as much as they think they ought to have. These other gentlemen will remain in their places at the existing salaries. But if we fix the salary of the commissioner, for instance, at $5,400 and the reclassification bill takes effect, his salary will be automatically increased, if the same man remains as commissioner, until it becomes higher than is provided in this bill, and the inducement by the proposed increases will be sufficient to keep an ordinary man on the job.

I want to increase the efficiency of the Patent Office. I think the wise thing to do is to make these reductions and pass the bill.

Mr. PARKER of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

I am speaking to the gentleman who has just spoken, the gentleman from Illinois [Mr. MANN], as well as the rest who are friends of the bill, to point out that the Patent Office is not a mere Government institution employing clerks. These men, the Commissioner of Patents and the principal examiners, are judges. They can say whether a man shall have a patent or no. On their judgment the millions and millions of dollars which come from the use of patents depend. There must not only be enough of them, but they must be men of judicial character, who can not be tempted by money, who will decide great questions that come before them according to law and according to a very complicated and difficult examination of facts in the office.

This not only, in my judgment, distinguishes them from the rest of the employees of the Government, and that was the theory when the present Patent Office system was established, at a time when Government salaries were way down below $1,000. So they gave the examiners in the Patent Office by the act of May 27, 1848, $2,500, which was the salary of most of the judges of the United States at that time, the salary that was paid to a Member of the House, and the salary that was paid to a Member of the Senate. This then high salary was fixed not simply because of the amount of work that was done, but because of the character of work and responsibility that was given to and imposed upon the Patent Office examiner and commissioner as a judge acting for the industries of this country, as well as for the Government, and to see that right should be done. The United States can not get that character of man for a small salary. He is no clerk. He is an examiner or he is a commissioner, and he is the examiner or commissioner that has to determine matters that involve millions of dollars, and where he makes a refusal it will be final.

Mr. Chairman, that is all I have to say.

Mr. NOLAN. Mr. Chairman, I rise to oppose the amendment of the gentleman from New Jersey [Mr. LEHLBACH].

I want to say to the friends of the bill, and I want to say to the gentleman from Illinois [Mr. MANN] who just took his seat, that when I came here in 1913 a new Patent Commissioner was appointed, a very high-class lawyer, and probably one of the best patent attorneys in America, Mr. Ewing. During the Democratic administration three Patent Commissioners resigned, largely on account of the salary. Now, if the amendment of the gentleman from New Jersey [Mr. LEHLBACH] carries it will increase the present salary of the Patent Commissioner from $5,000 to $5,400.

Let me give you a little bit of the history of this bill. The Patent Committee of the House did not draft it. This bill was presented to Congress as one of three. One of the bills was for the purpose of reclassifying and raising the salaries of the Patent Office employees; another was to make the Patent Office an independent institution and to carry a Cabinet officer; and the third dealt with general legislation. The bill providing for salaries for the Patent Office employees carried a salary for the commissioner of $7,500 a year. The Committee on Patents of the House in the Sixty-sixth Congress sat during the month of July, 1918, for approximately the entire month, hearing from those who were in favor of increasing the personnel and pay of the Patent Office, and were in favor of these bills. Sprague, the great electrical inventor; Sperry, the inventor of the gyroscopic compass; and some others of the greatest inventors of America and representatives of the National Research Council all drafted a measure, and they came before our committee and argued tooth and nail for the stipulated sums that they put in, starting with $7,500 for the commissioner.

We sat for a month. You can find in the committee room of the Committee on Patents of the House testimony, covering three hundred and some-odd pages, taken in connection with this bill. And after we took that testimony we went over it item by item, and we fixed what we thought were decent salaries for not only the Commissioner of Patents but every employee of the Patent Office. Now, the chairman of the Committee on Reclassification—I do not know whether it is pride of authorship or not—is desirous of making the Patent Office fit his ideas of reclassification. We sat for months——

Mr. LEHLBACH. Will the gentleman yield?

Mr. NOLAN. In a moment.

Mr. LEHLBACH. They are not my ideas. The House passed the bill.

Mr. NOLAN. Yes; but the gentleman is trying to incorporate it in this bill, and his name is on the reclassification bill. We gave weeks and months of study to what we thought ought to be done for the Patent Office, and we decided on the rates that are in this bill; and you friends of the Patent Office, you men who want to see industry in this country thrive, you men who want to see the inventors of this country get a square deal, should start in right now and vote down these amendments and vote for the committee bill. That is the only way you can put a firm foundation under the Patent Office.

Let me call your attention to what has happened. During the first five months of this year they had 37,740 applications for patents and six thousand and some odd hundred applications for trade-marks.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. NOLAN. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. NOLAN. A total for the first five months, gentlemen, of 44,690 applications. Three years ago, after the war or during the war, they had only 57,100 applications all told. If they keep up a corresponding rate for this entire 12 months you will have over 100,000 applications in the Patent Office, during a period of depression, during 1921, not during times of great prosperity, but during a period of depression; and you are going to get for every one of those applications, if you pass this bill, $5 additional, which will mean over half a million dollars each year.

Gentlemen, the rates in this bill are not too high, notwithstanding your general classification measure. There is no general measure that passes this House that is altogether perfect. There is no committee of the House that can consider itself perfect. But the Committee on Patents of this House is a better judge of what ought to be done for the Patent Office than is the Reclassification Committee, which gave only a general thought to the idea of salary classifications in the Government service.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. BEGG. On that same argument the gentleman would contend that the Committee on Agriculture and committees interested in all the other departments ought to come in and make special recommendations in behalf of their departments.

Mr. NOLAN. If they told us that the Department of Agriculture or other great interests in this country are suffering because of a certain condition existing down here in the Department of Agriculture which means the breaking down of that department I would say yes.

Mr. BEGG. Will the gentleman permit another question?

Mr. NOLAN. Yes; I will.

Mr. BEGG. Can the gentleman cite a single——

Mr. NOLAN. And, further, I will take their testimony and I will take their judgment before I will take the judgment of the Reclassification Committee.

Mr. BEGG. Will the gentleman cite a single industry in the United States that is closed down or even handicapped because of any breakdown in the Patent Office?

Mr. NOLAN. I will say to the gentleman that lately I have not been physically able to keep up with the Patent Office, but I will say this to the gentleman: The gentleman from Pennsylvania [Mr. KELLY] said something about several institutions where because their applications have been made special they

have started in and are doing business. Only the other day, after I got out of bed, I took up with the Commissioner of Patents the matter of making special an application for a patent on an invention of a man in California, and they told me that if I could get that man to show by affidavit that he could improve conditions and set men to work they would make his application special but that if he could not do it they could not do anything within 10 months.

Mr. PERKINS. The National Metallurgical Co., of New Jersey, was operating under a blast system patented by this Government, and had invested a hundred million dollars, and——

Mr. NOLAN. Gentlemen, you have got to make your choice on this bill now. You have got to beat this amendment, and you have got to beat the rest of the amendments. You have a fair bill. The Committee on Patents has given a great deal of time to the preparation of this bill. It is a bill that will pay for itself. The taxpayers of this country will not have a dollar taken away from them, but the taxpayers of this country, if this measure goes through, will see several hundred thousand dollars of additional money paid into the Treasury of the United States. Vote down this amendment and vote down the other amendment and adopt this bill as it was reported by this committee. [Applause.]

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to address the committee for 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. MONDELL. Mr. Chairman, I have no particular interest in the personal differences that gentlemen may have arising out of pride of opinion with regard to this or any other legislation, but I do feel that the House is confronted with a very important question, and that as we shall vote on it we shall show whether in voting in detail under pressure on behalf of a certain individual or service we vote differently than we do when voting our best judgment with regard to the public service generally.

If the Commissioner of Patents should have a salary of $6,000, the Commissioner of the General Land Office should have a salary equally as high or higher, because, with all due deference to the Patent Office, the duties and responsibilities of the Commissioner of the General Land Office are much greater and more important and involve very much more of vital interest to the American people.

Mr. NOLAN. Mr. Chairman, will the gentleman yield for a brief question?

Mr. MONDELL. Just briefly.

Mr. NOLAN. Does the gentleman know that the only appeal from the decisions of the Commissioner of Patents is to the courts, but that there is an appeal from the Commissioner of the General Land Office to the Secretary of the Interior?

Mr. MONDELL. I do not think that that has anything to do with it.

Mr. NOLAN. I think it has.

Mr. MONDELL. A great majority of the men who are defending the interests of the Government in the matter of patents in the Department of Justice receive salaries ranging from $2,500 to $3,500. It is necessary that they shall be learned in the law and have experience in patent legislation. If these salaries in the Patent Office shall be advanced, as proposed, we must equally advance salaries in the Attorney General's office and many other Government offices.

Something has been said about the action taken upon and the attitude of gentlemen touching this legislation in the past. Although I do not fully recall, I probably voted for a similar bill twice. The bill was first brought here under very great pressure, at a time when we were expecting a very great expansion of business at the close of the war. There was a most active and aggressive propaganda behind it, a propaganda more active than has been behind any similar bill in my recollection. That pressure affected and influenced the committee, affected and influenced the Committee on Rules, and a rule was brought out for consideration of the bill. It was my duty at that time to do all that I could to aid the Committee on Rules in having the bill presented and considered. I then examined the bill carefully. I then believed that the higher salaries were too high. I believed that the increase in the personnel was rather liberal. But conditions were such that it was insisted that it was necessary to have immediate action or the Bureau of Patents would cease to function. That was two years ago. The Government still goes on, business is still proceeding in the customary way. At that time we had fixed no yardstick of Government service. It might have been said, and it was said, in support of the legislation at that time when salaries and wages were very high all over the country, that this was a salary and wage rate we would be justified in applying to the public service generally. We had adopted no yardstick with which to measure or form a judgment as to the general level of governmental salaries. Since then we have adopted a yardstick in the reclassification by an overwhelming vote in the House, and we shortened it after the bill came here on the insistent demand of gentlemen on both sides.

Now, the ink is scarcely dry on that general measure when we are asked to lift one bureau above, beyond, and out of all harmony with the general plan and purpose of classification and establish a rule with regard to that bureau that does not apply to any other governmental service.

If gentlemen want to do that under pressure of the patent attorneys and those who feel that this legislation must be had, let us abandon all thought of a logical, reasonable, businesslike reclassification of the Government service. If we are to do this, we shall be expected to dip into the Government service here and there as pressure comes, as demand is made, as telegrams and letters are sent, and raise or lower or shift, not in accordance with our judgment but in view of the pressure that is brought upon us.

Mr. COCKRAN. Will the gentleman yield?

Mr. MONDELL. In a moment. Now, I am a friend of the Patent Office. I have long believed that something ought to be done for the Patent Office. I have pleaded with men who claimed they wanted to do something for the Patent Office to let us do something practical instead of insisting on forcing through the House legislation that failed to become a law. If you crowd this through out of all harmony with the balance of the Government service, I agree with the gentleman from Illinois [Mr. MANN] that the probability of the bill becoming a law under these circumstances is faint and uncertain. If we pass a reasonable bill in harmony with the Government service generally and plans we have proposed for it, there is no reason why it should not become a law promptly. Now, I will yield to the gentleman from New York.

Mr. COCKRAN. I want to ask the gentleman if there is any question of the fact stated here on one side that the arrearages of business in the Patent Office have risen from 15,000 to 66,000 cases?

Mr. MONDELL. I think there is; I think there is some question about the accuracy of the figures that have been stated. At any rate, some of the figures stated are not in harmony with the report, but it may be that the report is wrong and the gentleman right. But let me call attention to the fact that it is not an unusual thing for the Government service to get behind in its business.

The General Land Office of the Department of the Interior has been several months behind now in passing upon applications for permits to prospect on the public domain. If the General Land Office had pursued the same policy that this office has, there would have been the same pressure on Members to increase the force and the salaries there that there is here. If every time anyone went to the Land Office and asked to have their matters attended to they were told that attention to their business depended on the action of Congress in increasing salaries and personnel, we would have had the same pressure on Congress in regard to that bureau that we have in regard to this. But that bureau has taken a different view of its obligations to the Government and the administration. They evidently have not believed that it was proper to burden everyone who approached their doors, or had anything to do with their activities, with complaints with regard to the state of business in the office.

The gentleman from New York, who is familiar with these matters, has placed his finger squarely on one of the great difficulties, one of the reasons, perhaps the principal reason, for the present condition in the Patent Office. The Patent Office, I understand, has encouraged the practice, which is increasing, of greatly multiplying claims under applications for patent. If the policy goes on and is constantly encouraged, you may equip the Patent Office with double the present personnel and the business will still be delayed and congested.

Mr. COCKRAN. I want to ask the gentleman if it is equally conceded that there have been a great number of resignations from the Patent Office service?

Mr. MONDELL. During the war and following the war——

Mr. COCKRAN. I am speaking of the last 16 months.

Mr. MONDELL. In the last 16 months, according to the report. I do not know just when the report was made. That was some time ago. It would not be 16 months from to-day, but it would be 16 months from the date of the report. There are half a dozen bureaus of the Government with regard to

which the same statement can be made. The personnel of the Geological Survey was largely depleted during and immediately after the war because of the demand for those men in the mining regions and particularly in the regions where oil was being developed. Men drawing $2,500 a year were offered and given $5,000, $10,000, $15,000, and $25,000 in private business. And furthermore that will continue in all these public services so long as time runs whenever business is good.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. May I have three minutes more?

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. COCKRAN. I want to ask this: It is stated that there have been a great number of resignations and that they have been chiefly on account of the low salaries paid; is it a fact that under this bill the increase, whatever it may be, will be supplied by additional fees that will be paid by the persons who are asking for the passage of this bill?

Mr. MONDELL. I think that of all the arguments that have been advanced in support of this increase of compensation that is entitled to the least consideration.

Mr. COCKRAN. I am not making an argument. I am asking if it is a fact.

Mr. MONDELL. Assuming that it were true, at one time I sat at a desk in what is known as the Patent Office Building, just across the corridor from the office of the Commissioner of Patents. Would I have been happy or comfortable, or would those who were serving in the Land Office about me have been happy or comfortable had our salaries been 10, 20, or 30 per cent below those of employees of the Patent Office? Would we have been satisfied and content with the explanation that, while it was assumed that the taxpayers generally were paying our salaries, it was assumed that some individual taxpayer was paying the salaries across the corridor, and therefore those salaries ought to be higher.

Here is another matter which has not been given proper consideration. It is known to all men who have had to do with the Government service, and with this service, that, as a matter of fact, since the Patent Office was established—and that is true of certain other scientific and technical bureaus of the Government—men have sought employment in those departments and bureaus for the purpose of securing the experience essential to enable them successfully to conduct certain classes of private business. There is no other school on earth, except the Bureau of Patents, where a man can receive the education, the training, and the information which it is necessary and essential to any firm of patent attorneys, and men by the score enter this service with the expectation of leaving it so soon as their experience in the service brings them a bid from private employers. That is true not only of this service but it is true of several technical services under the Government and always will be. If we should double the salaries we would not, in times of extraordinary commercial and industrial activity and expansion, prevent the withdrawal from these bureaus and departments of the best and the brightest and the most capable of the employees.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DEMPSEY. Mr. Chairman and gentlemen, I came into the House to-day prepared to vote for this bill, and to vote for it as it was drawn. I have listened to all the debate with an open mind, desirous simply to arrive at a correct conclusion.

Now, let us see how far we have gotten. Nobody in the House is opposing the relief of the Patent Office. We are simply in a dispute as to how that can be best effected. On the one hand, here is the veteran legislator from Illinois, who says that if we will accept a bill in accord with the reclassification affecting all of the departments of Government he believes that the bill will speedily be enacted into law and will afford the relief which we seek.

On the other hand, here is the bill itself, higher than that provided by the reclassification. Now, one of the most troublesome things to legislators is the question of the passage of bills fixing the compensation of Government employees.

Mr. VESTAL. Will the gentleman yield?

Mr. DEMPSEY. No; not for the present. I prefer not to. It is one of the difficulties that is with us always, and we have been endeavoring by a general bill to settle that question and to settle it for some considerable time. We have agreed upon that bill. It passed overwhelmingly. The only contest in this House upon that bill was as to whether it was not too high. That is what we met, and it was only after we had overcome it by reducing the amounts in the bill that it passed the House. We are all of us ready to grant relief to the Patent Office. Every man of us believes in it and in the enormous benefits which will result to the business of the country.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. DEMPSEY. No; not at present. Not one man of us disputes the benefits which would come from relieving the Patent Office. We all realize that in this country, where we produce more inventions and where we advance productiveness by the genius of our people in inventions more than anywhere else in the world, we all realize that the machinery of the Patent Office for the granting of patents must be efficient, and we must give them help enough so that they can do their work. But here come the men who say, "We have passed this general reclassification bill. It is soon to become a law. We have passed it at as high a rate as the condition of the country will warrant in a time of depression. We are in hard times, we are in times of unemployment, we are in times when men are walking the streets, and we say that in such times as that we have passed this bill at as high a rate as we can. Let us try this bill and see if putting these employees on a higher basis, giving them an increase above the present rate, but granting it only in accord with this general rule, will answer the purpose."

We can do this speedily. The other thing may not be done at all, and at best it will only be done after a long and a hard fight. We all want to keep the general principle of the reclassification bill, if we can. Let us make the effort along the lines of granting the reclassification increase, keeping to that rule, and if that fails, if we do not get enough technical help in the Patent Office at that rate, I am ready, and every man here will be ready, to grant a still further increase; but let us make this trial first and see if it will not answer the purpose. [Applause.]

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINSLOW. Mr. Chairman and gentlemen of the committee, this Patent Office discussion has become more or less academic, whereas, as a matter of real fact, it is a cold-blooded, away-down, fundamental business proposition. We have heard about our division of thought and mind and votes as affecting different industries of the country—and I have no objection to it—but here is a time when the manufacturers all over this land, who employ millions of people who buy the foodstuffs of the people who raise them, are asking us to give them a chance to obtain their fair rights in business, so that they may furnish the money for their employed people to buy the food and land products of the other half. Ten months is not much time, as an academic proposition, for the issuance of a patent, but if the 10 months must round out into 12 and the 12 into 15 and the 15 to 18, and so on, we will become more and more behind.

I have heard no one in the discussion of this matter refer to the activities of foreign countries in respect of keeping up their patent-office divisions. Those who have had experience know mighty well that the patent-office regulations of Germany, of France, and of Great Britain are tagging right on to us, like a terrier after your flapping trousers, every day in the year, keeping at us, and it takes a force of lawyers now to keep any American manufacturer straight, in order to protect a patent in any one of those countries, and yet we are willing to sit here and become academic and perhaps consider for the sake of a few dollars, whether more or less I do not know, the possibility of staving off the operations of our Patent Office. We are to-day in the process of reconstructing many industries. We are about to meet a competition from the manufacturing world keener than ever before. We have to meet the finest minds of the world in countries where they produce at a time when those minds are actuated by the keenest endeavor to obtain and retain trade.

Mr. BEGG rose.

Mr. WINSLOW. I shall come to the gentleman later, if he will make an effort to have my time extended.

Mr. BEGG. I shall do it if I can.

Mr. WINSLOW. I thank the gentleman. Meanwhile for myself: The inventors of other countries in the world will be stimulated by all the incentives which come to us, and more and yet beyond, by virtue of being in a worse financial condition than we are. We will have contrivances and mechanical inventions in the next 10 or 20 years that will outstrip anything that the world has ever known. People right now in this country, the operatives, the inventors, the men who work at the lathe and the bench, have had nothing to do for months, and in my own neighborhood, which is typical of the best of them from a mechanical and manufacturing and producing point of view, there are scores and hundreds and thousands of men who are sitting around their houses scheming up something in the way of mechanical devices which will help along the work in the

factories of which they are a part. The man who invents as a rule is not the proprietor of a vast business. He is apt to be the practical man, the man who works at a machine. He gets an idea and he carries it to the boss of the concern or the proper official and says, "Here, I have this idea." "Very well." "Is it of use to you? What will you give me for it?" And so forth. These ideas are generally picked up by the heads of concerns and handed over to engineers to work out, and eventually a patent is taken as being conceived in its invention by John Smith, and assigned to corporation X Y Z on some arrangement between them. The corporation then undertakes to put it through. They have their engineers to prepare the specifications and the plans. They have their attorney draw up the legal specifications and they go to the Patent Office and request a patent.

That opens the field in another direction. In the last 25 years the manufacturing and producing concerns as soon as they arrive at a point of income enough to warrant it have put on engineers, draftsmen, chemists, physicists, laboratory men for all purposes, and many now, not all of them the biggest in the country, but many of moderate size, have a resident patent attorney to keep pace with everything that is going on and look out for their business of such character. It is true that the Patent Office in Washington is a fitting school for these young men. They go out of the law school perhaps and go immediately into the Patent Office, or they may go through some law office and decide to become patent lawyers, or they meanwhile may go to a technical school, but ultimately many of them wind up in the Patent Office.

They take positions in the low grades and they get enough money to skin along on maybe, and they get by for two or three years. They do not stay there, however, long enough to fill the offices at the top and to make of themselves good men who become resident and so be of real importance to the Government. The result is that they go into private practice in one way or another. They can not afford to and they will not stay in the Patent Office. We want those men here. There is a great deal of difference on the one hand between the opinion of a man who goes superficially over a patent and on account of whose decision a patent is issued, only to be contested in the courts and later thrown out, and the findings of a man who, on the other hand, has had long experience in one of the departments of the Patent Office, whose opinion and decision are worth something. You can not upbuild that department too much. The manufacturers of this country, the fabricating element, have come before you now and have asked that this be done. They say they are willing to pay for it. They do not regulate the amount they shall pay to any fee that the Government has set, but they offer to pay any fee in order to get the service. It is all well enough for an academic debater to stand here and talk about propaganda and the influence of telegrams and letters, and all that sort of thing, but great heavens, how in the world is a business man to get his ideas before Congress if he can neither speak, write, nor telegraph? [Laughter and applause.] They have to find some way of conveying individual and public thought. I remember a time when I was besieged to vote for woman suffrage, when telegrams and letters and telephones and skirts were in evidence all of the time. I did not hear anything from the gentleman from Wyoming then about propaganda stunts. He was the leader of the procession. [Laughter.] But we all have to take it for one reason or another.

I will tell you, my friends, that the practical, hard-headed idea is that the Patent Office is a thing apart. It may well be regarded as the exception which proves the rule. And why should we not pay any select department more than we pay another which is ordinary and can easily be filled up, if the laborer in the former case is worthy of his hire? [Applause.] We want to have the men. I do not believe we would have any difficulty in this House—I hope not—in raising the pay of the Department of Agriculture in certain lines of endeavor if all the great farmers of this country—North, South, East, and West—would come to us with propaganda, or otherwise, and say, "We believe you should attract better men there, and they can not work for the present salaries. Raise their pay." [Applause.]

I will vote for the salary of any set of men whose merit can be demonstrated. It is not enough to say in an easy-come easy-go sort of a way that some of the rest of them will feel bad. Of course they will feel bad, but if they are not qualified by virtue of experience or training to proceed in one of the lines of human endeavor which requires a special talent and ought to bring in a special reward, they are to be pitied, but the men who have that talent should not be blamed or penalized. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WINSLOW. Mr. Chairman, if the gentleman from Ohio will get me a little more time, I will try to answer his questions.

Mr. BEGG. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts may have five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Massachusetts have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. BEGG. I want to ask the gentleman a question seriously. More personnel and more help will turn out more work——

Mr. WINSLOW. Far from it. That is the curse of the departments here now. We have too much personnel, too much help, too little efficiency, and not enough courage to "kick the rascals out" and put good, well-paid men in their places. [Applause.]

Mr. BEGG. The gentleman has no quarrel with me on that score, and if he can get the executive department to break the civil service, I am with him.

Mr. WINSLOW. We can begin to puncture situations right here.

Mr. BEGG. Why does not the gentleman introduce such a bill, then. He will find some support for it. I want to ask the gentleman seriously—and I know he is a good kidder [laughter]—is the personnel that is now in the department doing all it can?

Mr. WINSLOW. I never heard to the contrary until I came in here this afternoon.

Mr. BEGG. I did not hear that. Now, then, will merely increasing the salaries of the men that are in there now above the salaries of everybody else in the Government produce more work?

Mr. WINSLOW. No.

Mr. BEGG. That is all you propose to do. That is everything the gentleman is advocating.

Mr. UPSHAW. If the gentleman will allow, I would like to answer the gentleman from Ohio, that increasing the salary will prevent the further resignation of magnificent men, expert men, without whom the Patent Office can not rightly function.

Mr. WINSLOW. Amen! [Laughter and applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from New Jersey [Mr. LEHLBACH].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. LEHLBACH. Division, Mr. Chairman.

The committee divided; and there were—ayes 30, noes 103.

So the amendment was rejected.

Mr. LEHLBACH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: Page 1, line 8, after the word "patents," strike out "$5,500" and insert "$4,800."

Mr. VESTAL. Mr. Chairman, I offer as a substitute for the amendment offered by the gentleman from New Jersey, that the figures $5,500 be stricken out, and the figures "$5,000" inserted. That keeps it within the classification bill. That is a committee amendment.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Substitute offered by Mr. VESTAL for the amendment offered by Mr. LEHLBAH: Page 1, line 8, strike out "$5,500" and insert in lieu thereof "$5,000."

Mr. VESTAL. Mr. Chairman, I make this motion for this reason, that this is the only salary mentioned in the bill H. R. 7077 that is above the reclassification bill. All the other salaries mentioned in the bill H. R. 7077 come within the provision of the reclassification bill that was passed. I only make this motion so as to bring this within the reclassification.

Mr. FESS. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. FESS. Then the bill thus amended would not in anywise conflict——

Mr. VESTAL. Would not conflict with the reclassification bill in any particular.

Mr. LEHLBACH. Mr. Chairman, I did not intend to take up any further time of the committee, but I can not let the last statement go unchallenged, because it is made in misapprehension of the provisions of the reclassification act. The reclassification act provides for each grade and range of salary and provides that, unless an employee at the present time is receiving a salary in excess of the minimum salary fixed within that range of salaries, he is to have his salary fixed at the lower

rate in the range, and progress from there by merit, and by recommendation based on ascertainment of merit, to the higher ranges.

To state that under the terms of the reclassification bill these salaries contained in the Lampert bill for the various positions are in consonance with the terms of the reclassification bill is not to state the facts, because in this instance the salary would be $4,860, and the lines of promotion would be to $5,160 and $5,460. There is no salary at all in the reclassification bill for a position known as that of the First Assistant Patent Commissioner at $5,000. The salary is not what it would be under the reclassification bill if it were passed.

I have here, Mr. Chairman, if I may be permitted to digress from the subject matter of this amendment, amendments prepared for substantially the greater portion of these positions, which would reduce the figures in the present bill to the figures that would be received by the incumbents of these positions under a classification immediately to be effective. I desire that these comparisons be inserted in the RECORD, as this bill is under consideration; but I do not wish to take up the time of the committee by offering them seriatim. I therefore ask unanimous consent that I may submit this series of amendments as amendments that I would have offered had I not deemed it useless to do so. Under an extension of remarks I offer to have printed these amendments which I refrain from offering now.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD in the way indicated. Is there objection?

Mr. WINGO. Mr. Chairman, do I understand the gentleman is going to insert in the RECORD amendments to the bill?

Mr. LEHLBACH. For the information of the House; amendments which, if there was favorable opportunity for action, would actually be offered. But in view of the situation it is useless to waste the time of the committee and that of the gentleman from Arkansas [Mr. WINGO] by pursuing that course. The amendments ought to be before the House for its information, just as amendments are sometimes inserted in the RECORD for information at a time when they are not actually offered. I ask unanimous consent to do that here. The amendments are very instructive, and they are immediately pertinent and germane to the subject matter of the bill.

Mr. WINGO. I appreciate the gentleman's solicitude about my time being valuable, but——

Mr. MANN. Mr. Chairman, I understand that the amendments are offered only to be put in the RECORD to show what the gentleman from New Jersey would have offered if he had opportunity. If he gets leave to extend his remarks he should state what it ought to be. Of course, that is explanatory and shows what the gentleman would propose. Merely printing the amendments would not mean anything, because they refer to amounts in the bill.

Mr. LEHLBACH. Mr. Chairman, I withdraw my further request, and having spoken so far on the pending amendment, I ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LEHLBACH. Mr. Chairman, the following amendments I would have offered were there a chance of their adoption. In each instance the salary proposed in lieu of the amount carried in the bill is the pay the incumbent would receive were the reclassification placed in effect to-day:

Page 1, line 10, after the word "Patents," strike out "$5,000" and insert "$4,860."

Page 2, line 7, after the word "matters," strike out "$4,000" and insert "$3,720."

Page 2, line 1, after the word "chief," strike out "$5,000" and insert "$3,720."

Page 2, line 7, after the word "solicitor," strike out "$5,000" and insert "$3,720."

Page 2, line 7, after the word "at," strike out "$4,000" and insert "$3,720."

Page 2, line 8, after the word "classification," strike out "$4,200" and insert "$3,720."

Page 2, line 9, after the word "at," strike out "$5,000" and insert "$3,720."

Page 2, line 10, after the word "designs," strike out "$3,900" and insert "$2,820."

Page 2, line 11, after the word "designs," strike out "$3,000" and insert "$2,460."

Page 2, line 12, strike out "$2,700"; after the word "at," strike out "$2,500" and insert "$2,280."

Page 2, line 17, after the word "at," strike out "$3,900" and insert "$2,820."

Page 2, lines 18 and 19, after the word "at," strike out "$3,300, $3,100, and $2,900" and insert "$2,640."

Page 2, line 20, strike out "$2,800, $2,500, $2,350" and insert "$2,460."

The CHAIRMAN. The Clerk will read.

The Clerk began the reading of section 2 of the bill.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment as a new section.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD——

Mr. WINGO. Mr. Chairman, I make a point of order.

The CHAIRMAN. What is the gentleman's point of order?

Mr. WINGO. The Clerk was reading at the time the gentleman from Wisconsin interjected his amendment.

The CHAIRMAN. A point of order is made that the Clerk was reading.

Mr. STAFFORD. I was merely standing on my feet and submitting an amendment to follow other amendments to the section.

Mr. WINGO. I also was standing on my feet. The Clerk can not stop reading because the very handsome gentleman from Wisconsin was standing on his feet.

Mr. STAFFORD. Of course; nor should the Clerk stop reading because the gentleman from Arkansas was standing on his feet.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Page 2, after line 1, insert a new section, to read as follows:

"That the provisions of section 6 of the act of March 3, 1921, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, shall not apply to any of the employees whose compensation is fixed by this act."

Mr. WALSH. Mr. Chairman, I reserve a point of order on the amendment.

Mr. STAFFORD. Mr. Chairman, section 6 of the legislative, executive, and judicial appropriation act provides the bonus of $240 to all of the employees in the Government service. This bill is predicated upon the idea that the salaries carried will be the maximum salaries, regardless of the bonus. If the bill becomes a law before the expiration of the present fiscal year, it should not include the bonus for the remainder of the fiscal year. Should provision be made for a bonus for the next fiscal year, an exception may be made so as to exclude the employees provided in this act. But suppose this bill becomes a law—and we have good reason to expect that it will become a law within a month or two—and we are fixing the maximum salaries of all these clerks, based upon the idea that the bonus is included; certainly the bonus ought not to be added to the salaries provided for in this act. The Lehlbach bill was predicated upon the idea of including the bonus in the salaries as carried. It was admitted on the floor that the present bonus of $240 was included in those salaries. If the salaries carried in that bill are predicated on that idea—and I do not think it is questioned—then, certainly, $240 ought not to be added to the increased salaries as here provided.

Mr. PARKER of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. PARKER of New Jersey. The bonus applies only to salaries up to $2,500, and if it were added to a salary of $2,500 it would raise that salary up to $2,740. It does not touch it at all.

Mr. STAFFORD. This bill also increases the messenger service at $1,080. It increases the salaries of typists, who are receiving only $780, up to $1,100. This amendment is predicated on the idea of taking care of that feature. If the bill becomes a law, we do not wish to add $240 when we have already included that in the framing of the bill. That is the purpose of the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the Chairman announced that the "ayes" appeared to have it.

Mr. NOLAN. Division, Mr. Chairman,

The committee divided; and there were—ayes 47, noes 26.

Accordingly the amendment was agreed to.

The Clerk read as follows:

SEC. 2. That so much of section 440 of the Revised Statutes as follows the words "in the Patent Office" and refers to said office only be, and the same is hereby, amended to read as follows:

"Chief clerk, who shall be skilled in patent matters, $4,000; 1 solicitor, $5,000; 5 law examiners, at $4,000 each; examiner of classification, $4,200; 2 examiners of interference, at $5,000 each; examiner of trade-marks and designs, $3,900; first assistant examiner of trade-marks and designs, $3,000; 1 second assistant examiner of trade-marks and designs, at $2,700, and 1 at $2,500; 1 third assistant examiner of trade-marks and designs, at $2,200, and 1 at $2,050; 6 fourth assistant examiners of trade-marks and designs—2 at $1,800 each, 2 at $1,650 each, and 2 at $1,500 each; examiners—48 principals, at $3,900 each; 100 first assistants—40 at $3,300 each, 30 at $3,100 each, and 30 at $2,900 each; 100 second assistants—40 at $2,800 each, 30 at $2,500 each, and 30 at $2,350 each; 100 third assistants—40 at $2,200 each,

30 at $2,050 each, and 30 at $1,925 each; 100 fourth assistants—40 at $1,800 each, 30 at $1,650 each, and 30 at $1,500 each; financial clerk, who shall give bond in such amount as the Commissioner of Patents may determine, $2,500; librarian, $2,700; 8 chiefs of nonexamining divisions, at $2,500 each; 8 assistant chiefs of nonexamining divisions, at $2,100 each; private secretary, to be selected and appointed by the commissioner, $2,000; translator of languages, $2,400; assistant translator of languages, $2,000; clerks—22 of class 4, at $1,800 each; 33 of class 3, at $1,600 each; 100 of class 2, at $1,400 each; 125 of class 1, at $1,200 each; 100, at $1,100 each; skilled draftsmen, 1 at $1,800 and 3 at $1,600 each; 3 draftsmen, at $1,400 each; 40 copyists, at $1,100 each; 36 messengers, at $1,080 each; 13 laborers, at $1,080 each; 47 examiners' aids and 39 copy pullers, who shall be selected without regard to apportionment, $720 each.

"For special and temporary services of typewriters certified by the Civil Service Commission, who may be employed in such numbers, at $3 per diem, as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing manuscript copies of records, $7,500.

"For purchase of law, professional, and other reference books and publications and scientific books, and expense of transporting publications of patents issued by the Patent Office to foreign Governments, $10,000.

"For investigating the question of public use or sale of inventions for two years or more prior to filing applications for patents, and such other questions arising in connection with applications for patents as may be deemed necessary by the Commissioner of Patents, and expense attending defense of suits instituted against the Commissioner of Patents $2,500.

"For the share of the United States in the expense of conducting the International Bureau at Berne, Switzerland, $750."

Mr. WALSH. Mr. Chairman, I move to strike out the last word. In view of the action taken by the committee, which was so emphatic upon the matter of salary increases, I only wish to direct the attention of the committee to the fact that in 1917 the net increase in the personnel of the Patent Office was 13 and the net increase in the appropriation was $52,650.

In 1919 the net increase in personnel was 26, with a net increase of appropriation of $46,500.

In 1920 the net increase in the personnel was 17 and the net increase in the appropriation was $16,400.

In 1921 the net increase in personnel was 36 and the net increase in appropriation was $67,300.

For 1918 we gave them a lump sum of $10,000 to keep the work current and for furnishing copies. In 1919 we gave them $5,000 for the same purpose, and apparently by 1920 their work had become current because that appropriation was dropped. For the year 1922 the total of appropriations for the Patent Office was $2,329,550, of which $1,500,200 was for salaries.

Now, of course, the action taken by the committee in adopting the increases in the bill will probably make unnecessary any increases in appropriations for the Patent Office——

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. I want to ask the gentleman from Massachusetts whether he stated the total number of employees?

Mr. WALSH. The total number of additional employees provided for since 1917 is 92 and the total increase in appropriations is $182,850.

I was about to say that the action of the House upon the amendment offered by the gentleman from New Jersey [Mr. LEHLBACH] will probably make unnecessary any increases in appropriations, because we will probably not have this bill back here.

Mr. CHINDBLOM. Mr. Chairman, in opposition to the pro forma amendment I wish to say that I think in this connection it is fair to have stated in the RECORD that this very bill proposes to increase the revenues of the Patent Office perhaps $500,000. The report estimates an increase of $409,235, based upon the applications of the first five months in 1921. Also a recent increase in the price of copies furnished by the Patent Office during the last year provided an additional income of $112,000.

Mr. NOLAN. Will the gentleman yield?

Mr. CHINDBLOM. I yield to the gentleman from California.

Mr. NOLAN. Would it not be well to call the attention of the gentleman from Tennessee [Mr. BYRNS] and the gentleman from Massachusetts to this fact also, that in 1918 the fees received were $1,961,704.32, in 1919 they were $2,400,071.77, and in 1920 they were $2,658,948. Increasing the personnel a few employees and increasing the appropriation a few thousand dollars resulted in bringing into the Treasury of the United States hundreds of thousands of dollars through that office. [Applause.] Let gentlemen be fair in their statements.

Mr. BYRNS of Tennessee. Mr. Chairman, I want to call the attention of gentlemen to this fact, that the increase in the charge for copies, which the gentleman states amounted to $112,000, was made to take care of the increases to which the gentleman from Massachusetts [Mr. WALSH] refers, and therefore can not be counted as an increase which will take care of these proposed increases in salary.

Mr. CHINDBLOM. I did not mean to say that they will take care of these increases, but certainly the approximately $500,000 which will result from the increases in the business of the Patent Office will be more than sufficient to provide for these increases here.

Mr. PERKINS. Will the gentleman yield for a statement?

Mr. CHINDBLOM. I yield to the gentleman from New Jersey.

Mr. PERKINS. Supplementing the last statement, the total receipts from the Patent Office for 1921 were $2,775,000.

Mr. DAVIS of Tennessee. Mr. Chairman, with respect to these figures as to appropriations and increased personnel in the Patent Office, according to the figures furnished by the gentleman from Massachusetts [Mr. WALSH] there was an increase in personnel of about 9 per cent, while during the same time, according to the actual figures which we have here, there was an increase in business of nearly 50 per cent in the number of applications actually filed. Consequently it will be seen that a 9 per cent increase of personnel, with the corresponding increase in appropriations, attempted to take care of this enormous increase in business, but it was unable to take care of it, and the result is that, as has already been stated, the Patent Office is now 66,000 applications in arrears. That does not simply mean that many pending, but there are that many applications that have been filed that are awaiting any action whatever.

During the last year there were 87,000 applications for patents, whereas in 1917, before this increase was made that was referred to, the number of applications was about 16,000 less. The result is that the whole Patent Office is falling down in its work, and necessarily so. In all the proof that has been introduced before the Committee on Patents and in all the communications we have received nobody has claimed that the Patent Office is not doing the best it can. Nobody claims that it is not rendering as efficient service as it is able to render; but right on that point, any man knows that a new, inexperienced examiner can not transact as much business and can not perform his duties as efficiently as he can after he becomes experienced.

Patent examiners have been and are resigning at the rate of about 25 per cent annually, and it naturally happens that they are practically all experienced examiners who resign. They are the ones who are taken out into private business at largely increased salaries. The result is that the patent examining force is largely made up of inexperienced men, and it is growing worse. There are 20 places now filled by temporary appointments because they can not get a sufficient number of even new men who can qualify to fill the places.

Mr. TILSON. Can the gentleman speak as to the injury that is done by examiners making mistakes?

Mr. DAVIS of Tennessee. Yes; I was coming to that. The Government does not guarantee a patent. The Government does not guarantee that the owner of a patent has exclusive rights. All that the Government purports to do is to have an examination made, and if they do not discover any patent in conflict with the application and if the invention is otherwise patentable, a patent is issued. If an examiner makes a mistake and issues a patent to a man not entitled to it for the reason that some one has already obtained a patent on the same invention, the owner of the patent may go to a large expense in manufacturing it and putting it on the market before he finds out that he has infringed on a previous patent. Consequently, not only ought we to have the business transacted expeditiously but it should be transacted accurately, and those making applications for patents and paying therefor are entitled to that service. [Applause.]

You gain some conception of the labor and skill required in making a proper search in order to determine whether an invention has been previously patented when you are reminded that our Patent Office has issued millions of patents.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 6, strike out the words "who shall be skilled in patent matters" and insert "who shall be qualified to act as principal examiner."

Mr. MANN. Mr. Chairman, the language I propose is language carried in the Nolan bill two years ago, and is the language carried in the appropriation bill making appropriations for chief clerk since 1908. It is appropriate language for a chief clerk and means something, while the language in the bill "skilled in patent matters" means what the officials choose to call it.

Mr. WALSH. Does the gentleman think that these patent attorneys and scientists who drafted the bill do not know better what language should be employed than the Committee on Patents?

Mr. MANN. I hope the gentleman has eased his mind, as the question does not call for an answer. [Laughter.]

Mr. LAMPERT. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 2, lines 9 and 10, after the words "trade-marks," strike out the words "and designs."

Mr. MANN. Mr. Chairman, it was intended two years ago to create a division of trade-marks and designs. That language was carried in the bill two years ago. Since that time there is a Division of Trade-marks and also the Division of Designs, and while the other examiners may be assigned to either division, the chief examiner ought to be only an examiner of trade-marks.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That the third paragraph of the act of January 12, 1895 (ch. 23, sec. 73, 28 Stat. L., p. 619), as amended, be, and the same is hereby, amended to read as follows:

"Third. The Official Gazette of the United States Patent Office in numbers sufficient to supply all who shall subscribe therefor at $5 per annum; also for exchange for other scientific publications desirable for the use of the Patent Office; also to supply 1 copy to each Senator, Representative, and Delegate in Congress; also to supply 1 copy to eight such public libraries having over 1,000 volumes, exclusive of Government publications, as shall be designated by each Senator, Representative, and Delegate in Congress, with 100 additional copies, together with weekly, monthly, and annual indexes for all the same; of the Official Gazette the 'usual number' shall not be printed."

Mr. WALSH. Mr. Chairman, I move to strike out the last word for the purpose of asking what change is made in this section of the bill.

Mr. DAVIS of Tennessee. Mr. Chairman, the only change from existing law occurs on page 6, in line 6, in which the word "weekly" is inserted, which simply permits the issuance of those copies weekly as well as monthly and annually.

Mr. WALSH. Weekly indexes?

Mr. DAVIS of Tennessee. Yes. The only change in existing law is the insertion of the word "weekly."

Mr. WALSH. Why is it necessary to include that word, if the indexes have not been so issued heretofore?

Mr. DAVIS of Tennessee. I do not recall the reasons given by the Commissioner of Patents, but I think there is a demand for this, and they are paid for when issued. They are issued to those who call for them at specified prices.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. STAFFORD. Will the gentleman give us his interpretation of what is meant by the language "with 100 additional copies"? Is it meant that each Representative shall have at his disposal 100 additional copies? What is the purpose of that language? At the present time, as I understand it, we are not privileged to designate any copies of the Official Gazette to any library in the District.

Mr. WALSH. That means 100 additional copies after these others are taken care of.

Mr. STAFFORD. I am seeking information as to what is meant by the language "with 100 additional copies." The language is rather ambiguous as I read it.

Mr. DAVIS of Tennessee. That is in the existing law. The only change in the existing law in this section is the insertion of the word "weekly" in line 6.

Mr. WALSH. I suppose the 100 additional copies is the number of copies to be issued after these distributions and subscriptions have been taken care of.

Mr. DAVIS of Tennessee. I think they exchange them with other countries and I think they furnish them to certain libraries.

Mr. STAFFORD. If the gentleman will permit, let us read the language—

also to supply one copy to each Senator, Representative, and Delegate in Congress; also to supply one copy to eight such public libraries having over 1,000 volumes, exclusive of Government publications, as shall be designated by each Senator, Representative, and Delegate in Congress, with 100 additional copies.

Mr. WALSH. But the gentleman must read the first part of the first sentence:

Third. The Official Gazette of the United States Patent Office in numbers sufficient to supply all who shall subscribe therefor at $5 per annum.

That is a paragraph in section 73, and I assume it will be necessary to refer to the first part of section 73 in order to get just what is meant by that language.

Mr. STAFFORD. To me it does not give clear intendment as to its purpose.

Mr. WALSH. The gentleman is surrounded by members of the committee who are familiar with the law.

Mr. DAVIS of Tennessee. I think they found from experience that that covers about the number of additional copies they have applications for, and they sell them.

Mr. MANN. This provides that the Gazette shall be printed in sufficient numbers to supply those who subscribe for them, to furnish each Member of Congress with a copy, to furnish 8 copies to the libraries in congressional districts and 100 additional copies. That is all it says.

Mr. STAFFORD. But the punctuation and the phraseology do not give that intendment.

Mr. DAVIS of Tennessee. That means just 100 extra copies, not counting those who subscribe for them by the year.

Mr. MANN. There is 100 copies for the office.

Mr. STAFFORD. It does not say so.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 5. That section 4883 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4883. All patents shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall either be signed by the Commissioner of Patents or have his name printed thereon and attested by an Assistant Commissioner of Patents or by one of the law examiners duly designated by the commissioner, and shall be recorded, together with the specifications, in the Patent Office in books to be kept for that purpose."

Mr. WALSH. Mr. Chairman, I move to strike out the last word, for the purpose of inquiring about the change in existing law in this section.

Mr. DAVIS of Tennessee. Mr. Chairman, beginning on line 14, after the word "patents," and extending through the balance of the paragraph—in other words, the present law simply authorizes the patents to be signed by the Commissioner of Patents, and it had become such a very burdensome duty, involving so very much time, that upon the recommendation of the Commissioner of Patents this additional language was added in order that these specified officials, when duly designated by the commissioner, might attest the patents when the commissioner's name was printed thereon.

Mr. WALSH. This permits the patents to be signed by these other officials?

Mr. NOLAN. It permits the attesting of the signature of the Commissioner of Patents by one of the assistant commissioners.

Mr. DAVIS of Tennessee. Instead of signing it in longhand it permits his name to be engraved and attested by these officials when duly designated to do so by him.

Mr. WALSH. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 6. That section 4898 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4898. Every patent or any interest therein shall be assignable in law by an instrument in writing, and the patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under his patent to the whole or any specified part of the United States. An assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration without notice, unless it is recorded in the Patent Office within three months from the date thereof or prior to such subsequent purchase or mortgage.

"If any such assignment, grant, or conveyance of any patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any commissioner of any court of the United States for any district or Territory, or before any secretary or legation or consular officer authorized to administer oaths or perform notarial acts under section 1750 of the Revised Statutes, the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant, or conveyance."

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Will the gentleman state briefly what the change is in existing law?

Mr. DAVIS of Tennessee. The only change in existing law occurs in lines 9 and 10 on page 7. The existing law reads "or any commissioner of the United States circuit court," and this is changed so as to substitute in lieu of the words "United States circuit court" the words "any court of the United States for any district or Territory."

Mr. WALSH. I withdraw the motion, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 7. That section 4906 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4906. The clerk of any court of the United States, for any District or Territory wherein testimony is to be taken for use in any contested case pending in the Patent Office, shall, upon the application of any party thereto, or of his agent or attorney, issue a subpœna for any witness residing or being within such District or Territory, com-

manding him to appear and testify before any officer in such District or Territory authorized to take depositions and affidavits at any time and place in the subpœna stated. But no witness shall be required to attend at any place more than 40 miles from the place where the subpœna is served upon him; and the provisions of section 869 of the Revised Statutes relating to the issuance of subpœnas duces tecum shall apply to contested cases in the Patent Office."

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Will the gentleman state briefly the change in this section?

Mr. DAVIS of Tennessee. Yes, sir. The change occurs in the addition of the language beginning with the word "and" on page 8, line 4, and then the language in lines 5, 6, and 7. That language does not appear in the existing law.

If the gentleman will yield further, I wish to state that in my reply to the gentleman's question as to the preceding section I inadvertently overlooked one other change, and that is that on page 7, line 5, there is added to the existing law the words "or prior to such subsequent purchase or mortgage."

Mr. WALSH. Now, can the gentleman state what the provisions of 869 are relative to the issuance of subpœnas? What are these provisions that are made applicable to a contested case in the Patent Office relative to subpœna?

Mr. DAVIS of Tennessee. Without looking it up, I will state that it gives the detailed manner in which subpœnas duces tecum shall be issued, and this language was added upon the recommendation of the patent committee of the national research council.

Mr. WALSH. I understand this entire measure is the product of their recommendation?

Mr. DAVIS of Tennessee. Part of it.

Mr. WALSH. There is nothing in the report. The report stopped with the salary feature. Here is a change of existing law in reference to the issuance, and, I assume, the service, of subpœnas, and making section 869 applicable to contested cases in the Patent Office.

Mr. DAVIS of Tennessee. Yes, sir.

Mr. WALSH. Is that intended to facilitate action?

Mr. DAVIS of Tennessee. I think it is to make it conform to the general practice.

Mr. WALSH. They have not been conforming to the general practice, apparently, heretofore. They have not been acting under this section. Nobody knows what it is, but I would like to know if the committee gave any consideration to this matter at all, or had any hearings which would disclose what the provisions of this section are?

Mr. BLANTON. Will the gentleman yield?

Mr. WALSH. I yield.

Mr. BLANTON. It just provides this, that under the former law the subpœna could be issued for a party. They did not require the party to bring certain documents with him, but this provides the subpœna duces tecum may be issued, which will direct the party to bring certain documents or instruments connected with the inquiry with him.

Mr. FAIRCHILD. Or, in other words, under the present law there is no power now to issue a subpœna duces tecum, and this gives that power.

Mr. WALSH. I thank the gentleman for the information. It ought to be in the RECORD in connection with this particular section of the bill. I withdraw my motion.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. That section 4921 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4921. The several courts vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for an infringement the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby, and the court shall assess the same or cause the same to be assessed under its direction. If on the proofs it shall appear that the complainant has suffered damage from the infringement or that the defendant has realized profits therefrom to which the complainant is justly entitled, but that such damages or profits are not susceptible of calculation and determination with reasonable certainty, the court may, on evidence tending to establish the same, in its discretion, receive opinion of expert testimony, which is hereby declared to be competent and admissible, subject to the general rules of evidence applicable to this character of testimony; and upon such evidence and all other evidence in the record the court may adjudge and decree the payment by the defendant to the complainant of a reasonable sum as profits or general damages for the infringement: *Provided*, That this provision shall not affect pending litigation. And the court shall have the same power to increase such damages, in its discretion, as is given to increase the damages found by verdicts in actions in the nature of actions of trespass upon the case; but in any suit or action brought for the infringement of any patent there shall be no recovery of profits or damages for any infringement committed more than six years before the filing of the bill of complaint or the issuing of the writ in such suit or action, and this provision shall apply to existing causes of action. And it shall be the duty of the clerks of such courts within one month after the filing of any action, suit, or proceeding arising under the patent laws to give notice thereof in writing to the Commissioner of Patents, setting forth in order so far as known the names and addresses of the litigants, names of the inventors, and the designating number or numbers of the patent or patents upon which the action, suit, or proceeding has been brought, and in the event any other patent or patents be subsequently included in the action, suit, or proceeding by amendment, answer, cross bill, or other pleading, the clerk shall give like notice thereof to the Commissioner of Patents, and within one month after the decision is rendered or a decree issued the clerk of the court shall give notice thereof to the Commissioner of Patents, and it shall be the duty of the Commissioner of Patents on receipt of such notice forthwith to indorse the same upon the file wrapper of the said patent or patents and to incorporate the same as a part of the contents of said file or file wrapper; and for each notice required to be furnished to the Commissioner of Patents in compliance herewith a fee of 50 cents shall be taxed by the clerk as costs of suit."

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Will the gentleman state briefly what the change in existing law is under this section?

Mr. DAVIS of Tennessee. The change consists of the insertion of the language beginning on page 8, line 20, after the word "If," and concludes on page 9, line 10, with the word "litigation." The remainder of the section is just as it is in existing law.

Mr. WALSH. Now, what was the reason or the emergency that persuaded the committee to accept this language?

Mr. DAVIS of Tennessee. It very frequently occurred that a patent had been infringed and damages sustained, but that it was impossible to go into court and prove with any mathematical accuracy what the damages were. For instance, a patent is granted upon a feature of a piano. Some other manufacturer of pianos incorporates that patented device in his piano and proceeds, perhaps for an indefinite period of time, to manufacture and sell that piano with this infringed device as a feature. When the owner of the patent goes into the court and undertakes to recover damages or royalty for this infringement, of course it is utterly impossible for him to prove with any degree of mathematical accuracy what the value of the sale of this device bears to the sale price of the piano. This permits him in a case of that kind to introduce expert testimony and arrive at the value.

Mr. NOLAN. That was indorsed by a number of the circuit judges.

Mr. DAVIS. A large number of Federal judges.

Mr. WALSH. It probably has some merit.

Will the gentleman state about section 5, line 14, where it says the Commissioner of Patents may have his name printed thereon? Now, that would mean that these people could attest printed names; they could be stamped on there with a rubber stamp. Should it not provide that he could have his signature engraved thereon, and let that be attested?

Mr. DAVIS of Tennessee. I see no objection to that, but I will state this to the gentleman, that in order to provide against any abuse of that privilege we provide that only those few named officials who are duly and specifically designated shall exercise it, and furthermore that a record shall be kept in a book provided for the purpose of all patents where they have been authorized to sign.

Mr. WALSH. Yes; but an official might be designated to sign one document, and the signature might be printed on it, and people might procure the printing of that name on other documents, and there might be an abuse.

Mr. DAVIS of Tennessee. If it were engraved the only objection would be a question of expense.

Mr. WALSH. If it is a profit-making and profit-sharing institution the expense ought not to stand in the way of making secure these documents when issued, so that there can be no doubt, when the commissioner's signature is engraved on a patent, that there is assurance that it is official and authentic. I suggest that to the committee, and I believe it would be a better practice.

Mr. NOLAN. Later on we may take it up and get some language to take care of it.

Mr. WALSH. I thank the gentleman from California, and in view of his suggestion I will withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 9. That section 4934 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4934. The following shall be the rates for patent fees:

"On filing each original application for a patent, except in design cases, $20.

"On issuing each original patent, except in design cases, $20.

"In design cases: For 3 years and 6 months, $10; for 7 years, $15; for 14 years, $30.

"On every application for the reissue of a patent, $30.

"On filing each disclaimer, $10.

"On an appeal for the first time from the primary examiners to the examiners in chief, $10.

"On every appeal from the examiners in chief to the commissioner, $20.

"For uncertified printed copies of specifications and drawings of patents, 10 cents per copy: *Provided*, That the Commissioner of Patents may supply public libraries of the United States with such copies as published for $50 per annum: *Provided further*, That the Commissioner of Patents may exchange copies of United States patents for those of foreign countries.

"For copies of records made by the Patent Office, excluding printed copies, 10 cents per hundred words.

"For each certificate, 25 cents.

"For recording every assignment, agreement, power of attorney, or other paper of 300 words or under, $1; of over 300 words and under 1,000 words, $2; and for each additional thousand words or fraction thereof, $1; for each additional patent or application included or involved in one writing, where more than one is so included or involved, 25 cents additional.

"For copies of drawings, the reasonable cost of making them."

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 10, line 21, after the word "cases," strike out "$20" and insert in lieu thereof "$15."

Mr. CHALMERS. Mr. Chairman, I rise in opposition to the amendment. I tried to get a few minutes under general debate. Now, I want to get in this way.

I have no interest in the political side of this proposition nor in the personnel of the office. I am interested in the $5 proposition, and I know several hundred men in my home city who would get $5 or more each day if this bill would assist in putting over a certain patent. That part of it I am interested in. The factory in which those men are employed is quiet to-day because they can not assure the men who have the money to invest that a certain machine is patentable, and without the capital they can not operate that factory.

I filed affidavits as to the number of men they would employ, and tried to get preferred action on this patent, and I understood yesterday from the officials of the Patent Office that perhaps in nine months they might reach it, but that the number of applications in the Patent Office could not be cleaned up in the ordinary course of events in less than three or four years. Now, I am interested in that part of it, and I hope that if this bill will bring more efficiency to the department, as the committee think it will, it will pass this House. Therefore I simply want to raise my voice in favor of this bill if it will hasten action and increase the efficiency of the Patent Office. [Applause.]

Mr. MONDELL. Mr. Chairman, from the votes that have been taken on the amendments to-day I judge that this bill is likely to pass. I congratulate the gentlemen who have been behind the propaganda which will put it over. They have done a great job. Since I last spoke 42 additional telegrams have come to my office. [Laughter.] I will guarantee there are not 2 out of the 42 signers of those telegrams who know of any really good reason why these salaries should be what they are or who are really insistent that these salaries be paid.

I recall that just a few days ago in the discharge of my duties I arranged to have a general reclassification bill brought before the House. It came before the House in the form in which the committee after due deliberation had reported it. Not only was there criticism on the floor with regard to it, but gentlemen came to my office and met me in the lobby and wanted to know why that kind of a bill was presented to the House, why in these days when we are preaching economy it was proposed to increase the cost of the public service, as they understood it would be increased by this bill. Gentlemen who have been supporting this bill to-day claimed that that bill as originally presented would have increased the cost of the public service $20,000,000, and one of them said $40,000,000 per annum. I do not know but what one gentleman in his exuberance went still further.

Now, if it is true that the reclassification bill as originally presented would have increased the cost of the public service $10,000,000, this bill, if applied to all the public service, would certainly increase its cost $50,000,000, and that is a very conservative statement. Yet gentlemen who insisted on having that general bill reduced, and who were not very good-natured, some of them, in the way they talked about it on the floor and elsewhere are now supporting this bill, which adds more to the pay of individuals in the public service than ever has been added to individual pay at one time in all the history of the Government, so far as I recall. They support this bill with enthusiasm. Well, gentlemen may believe that they are justified, but I hope if they do so feel they will be a little more reasonable in the future when measures are brought here that are believed to be conceived with some notion of governmental economy. It may be that here is a service that ought to be raised 50 per cent above all the other Government services, but I do not believe it and I can not understand how any other gentleman can in his heart believe it. But the pressure is strong and the bill undoubtedly will pass, but not to-day.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. BLANTON].

The question being taken, the amendment was rejected.

Mr. ZIHLMAN. Mr. Chairman, I am strongly in favor of passing H. R. 7077 as unanimously reported by the House Committee on Patents.

I would be in favor of this bill even if the additional salaries and other expenses were charged directly to the taxpayer, but when I find that instead of being paid by the already overburdened taxpayer the increases are paid entirely out of the increase of fees provided by the bill, I can see no reason whatever for any opposition to the bill, and when I learn from the printed report of the Committee on Patents that after all the increases are paid for there will be an annual surplus of almost $300,000 per year, I am enthusiastically for the bill.

Our American patent system is a feature of our Government distinctly and wholly American. As the New York Tribune said in its leading editorial of December 1, 1921:

America is America largely because of its inventions.

The Tribune goes on to state that many important business and industrial enterprises depend directly upon patents and that unless the patents are granted operations can not be begun, with the result that the factories are compelled to wait from six to eight months or longer for an official action concerning whether or not the invention is to be patented.

The New York Times in its editorial of December 17, 1921, said:

Inventions are the main builders of American manufactures. Nine-tenths of our industries have sprung from patents. They are the great makers of employment, the creators of new channels for labor. They have doubly helped the farmer by providing him with improved implements and machinery and by enlarging vastly the markets for his products.

After setting forth the needs of the Patent Office for a whole column on its editorial page, the New York Times asks:

How long will it take to hammer into the head of Congress that larger salaries must be paid to the Patent Office examiners. * * * If the work of the Patent Office is to go on; if it is to retain the comparatively few veterans it still has; if it is to be able to fill vacancies, Congress must provide better pay. The House bill for that purpose is much too modest, even though by raising fees it avoids tapping the taxpayer's pocketbook.

The New York Globe, of December 2, 1921, says:

Hundreds of millions of dollars and the encouragement of progressive ideas are involved in the decline of efficiency forced upon the Patent Office by congressional false economy.

The New York Herald, of December 5, 1921, says:

Clogging the Patent Office means clogging American industry, which rests largely on American invention. * * * The remedy is by Congress raising the salaries of examiners and assistant examiners. * * * This is a Nation of inventors. Our American system was the best on earth; it is on the way to be the poorest. The disintegration should be checked at once.

The Duluth Herald, of December 5, 1921, urges larger salaries for the Patent Office, and says:

Inventors eat their hearts out in costly suspense and the country waits, unknowingly but nevertheless at a loss, for whatever good to it there may be in these many inventions. * * * The policy that suffers this condition to continue is as stupid, as unintelligent, and as costly as it is to hire five clerks to do what one clerk could do easily. * * *

The Boston Post, of December 13, 1921, says:

Let's have no false economy of the kind that has been going on in the Patent Office for years.

The Joliet (Ill.) Herald News, of November 25, 1921, says:

The breakdown [of the Patent Office] has a bearing on industry. There are many complaints of delay in the handling of patent applications from all parts of the country, and manufacturing activity which would be stimulated by the production of new inventions is checked.

The Minneapolis Tribune, of December 1, 1921, characterizes conditions in the Patent Office as disgraceful.

The Minneapolis Tribune, of December 6, 1921, says that the bill for increasing the pay of the Patent Office examiners should be expedited.

The Cleveland Plain Dealer of December 14, 1921, quotes Secretary Fall as saying—

that the Patent Office has more business than it can attend to—

And that—

Cleveland, as an industrial city, is much interested in seeing the Patent Office conditions corrected.

The Clarksburg (W. Va.) Telegram of December 12, 1921, states that—

The Patent Office is closely allied with the progress of industry in this Nation of inventors, and it is highly desirable that this department of the Government be made to function properly and usefully.

Mr. Chairman, I think that we have never had a bill brought before this House for increasing salaries which has had so much justification, both as a matter of right and logic, and which is so universally supported by the press of the country. The only regret I have in connection with the bill is that, as the New York Times puts it, "the bill is much too modest." It should provide still higher salaries and many more employees. The chairman of the Patent Committee shows that patent applications have increased from 57,000 in 1918 to 87,000 in 1921, or 52 per cent. During the same time trade-marks, so essential to commerce, have increased from 6,846 per year to 16,240, or 137 per cent. The fees taken in by the Patent Office were $1,977,000 in 1918 and more than $2,750,000 in 1921, an increase of $800,000, or over 40 per cent, while the personnel has increased only 5½ per cent and the salaries not at all. With this staggering amount of work before it, and with the trained examiners resigning every month, the Patent Office is at the parting of the ways.

I earnestly support the bill and urge is passage.

The Clerk resumed and completed the reading of the bill.

Mr. LAMPERT. I move that the committee do now rise and report the bill with the amendments favorably to the House.

The motion was agreed to.

Accordingly the committee rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, Mr. GRAHAM of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 7077) to increase the force and salaries in the Patent Office, and for other purposes, had instructed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LAMPERT. I move the previous question on the bill and all amendments thereto to the final passage.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. NOLAN. I demand a separate vote on the Stafford amendment.

The SPEAKER pro tempore. Does the gentleman from Massachusetts withdraw the point of no quorum?

Mr. MADDEN. I hope the gentleman will withhold it a minute.

Mr. WALSH. I understand there is an important appropriation bill to be reported, and I will withhold the point temporarily.

Mr. LAMPERT. I move the previous question on the bill and all amendments thereto to the final passage.

The SPEAKER pro tempore. The gentleman from Wisconsin moves the previous question on the bill and amendments to the final passage.

The previous question was ordered.

Mr. SLEMP. Mr. Speaker, I desire to report the Post Office appropriation bill.

Mr. NOLAN. Mr. Speaker, will that deprive me of my right to demand a separate vote on the Stafford amendment?

The SPEAKER pro tempore. It will not.

POST OFFICE APPROPRIATION BILL.

Mr. SLEMP, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes (Rept. No. 558), which was read the first and second time and, with accompanying papers, referred to the Committee of the Whole House on the state of the Union.

Mr. GARNER reserved all points of order.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. OLIVER, for two days, on account of sickness in family.

To Mr. FIELDS, for to-day, on account of illness.

To Mr. STEVENSON, for to-day, on account of illness.

CLARENCE B. MILLER.

Mr. LARSON of Minnesota. Mr. Speaker, I ask unanimous consent to make a very brief announcement.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. LARSON of Minnesota. Mr. Speaker, I am grieved to announce the untimely and unexpected death of the Hon. Clarence B. Miller, who died at St. Paul yesterday afternoon. Mr. Miller was for 10 years a Member of this House. He served in the Sixty-first, Sixty-second, Sixty-third, Sixty fourth, and Sixty-fifth Congresses. He represented with distinction the eighth congressional district of Minnesota, which I now have the honor to represent. He served his country faithfully and well. He always took an active and leading part in the proceedings of this House. He was a ready debater and a brilliant, convincing, and eloquent orator. After his retirement from this House he became the secretary of the Republican national committee, which position he held at the time of his death. He had real genius for political organization and management. All who had the good fortune to be acquainted with him grieve his passing away.

EXTENSION OF REMARKS.

Mr. VOLK. Mr. Speaker, I ask unanimous consent to extend my remarks on House resolution 258 and House resolution 259.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. BANKHEAD. Reserving the right to object, what are those resolutions?

Mr. VOLK. They call for an investigation of the narcotic question in the United States.

There was no objection.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Thursday, January 12, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

464. A letter from the Secretary of the Treasury, transmitting report as to rent received from properties located on sites of proposed public buildings purchased by the United States Government in Washington, D. C.; to the Committee on Public Buildings and Grounds.

465. A letter from the Acting Secretary of the Interior, transmitting a statement prepared by the Commissioner of the General Land Office, showing the withdrawal and restorations made during the year ending November 30, 1921; to the Committee on the Public Lands.

466. A communication from the President of the United States, transmitting an estimate of an appropriation for the Post Office Department, for personal or property damage claims for the fiscal year 1923, in the amount of $35,000, supplementing the budget estimates (H. Doc. No. 151); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MAPES, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution (S. J. Res. 124) to amend Senate joint resolution 89, approved March 14, 1912, amending the joint resolution to prohibit the export of coal and other material used in war from any seaport of the United States, approved April 22, 1898, reported the same with an amendment, accompanied by a report (No. 557), which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CROWTHER, from the Committee on Military Affairs, to which was referred the bill (H. R. 1482) for the relief of James T. Farrill, reported the same with an amendment, accompanied by a report (No. 556), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9647) granting a pension to Alma W. Yewell, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 9851) authorizing aids to navigation in the Lighthouse Service in or at Calumet Harbor and

Calumet Pierhead Light Station, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER: A bill (H. R. 9852) to authorize the Secretary of the Interior to appraise tribal property of Indians and to pay individual members their pro rata share; to the Committee on Indian Affairs.

By Mr. ROSSDALE: A bill (H. R. 9853) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, providing for retirement by a 30-year service period and for increase of annuities; to the Committee on Reform in the Civil Service.

By Mr. SUTHERLAND: A bill (H. R. 9854) to authorize the use of lands in the Territory of Alaska for oil camps, tank farms, refineries, loading terminals, wharves, and docks; to the Committee on the Public Lands.

By Mr. ZIHLMAN: A bill (H. R. 9855) to amend section 764 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended; to the Committee on the District of Columbia.

By Mr. GORMAN: A bill (H. R. 9856) to amend an act entitled "An act to reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis," approved June 5, 1920; to the Committee on the Post Office and Post Roads.

By Mr. REBER: A bill (H. R. 9857) increasing the limit of cost for a Federal building at Tamaqua, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9858) to provide for the erection of a Federal building at Pottsville, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. SLEMP: A bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes; to the Committee of the Whole House and ordered to be printed.

By Mr. VOLSTEAD: Joint resolution (H. J. Res. 256) proposing payment to certain employees of the United States; to the Committee on the Judiciary.

By Mr. SCOTT of Michigan: Resolution (H. Res. 262) authorizing the Committee on the Territories to maintain and conduct the office of the late Delegate from Hawaii, and to employ a clerk; to the Committee on Accounts.

By the SPEAKER: Memorial of the Legislature of the State of Oregon, urging relief for the disabled ex-soldiers of the Spanish-American War; to the Committee on Pensions.

By Mr. KISSEL: Memorial of the Legislature of the State of Oregon, urging relief for the disabled soldiers of the Spanish-American War; to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARBOUR: A bill (H. R. 9860) granting a pension to Mary Ann Fisher; to the Committee on Invalid Pensions.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 9861) granting a pension to Catharine Longshore; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 9862) for the relief of the Fred E. Jones Dredging Co.; to the Committee on Claims.

Also, a bill (H. R. 9863) for the relief of William Mahone from the provisions of the act of March 4, 1921, and the act of June 16, 1921; to the Committee on the Judiciary.

By Mr. DRANE: A bill (H. R. 9864) granting an increase of pension to Mary J. Lamb; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 9865) granting an increase of pension to Ruth Moss; to the Committee on Invalid Pensions.

By Mr. HOGAN: A bill (H. R. 9866) authorizing the Pan American Petroleum & Transport Co. to sue the United States to recover damages resulting from collision; to the Committee on Claims.

By Mr. JONES of Pennsylvania: A bill (H. R. 9867) granting a pension to William Franklin Shearer; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 9868) granting a pension to Ruth C. Weatherford; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 9869) granting a pension to Clara Enyeart; to the Committee on Invalid Pensions.

By Mr. LAMPERT: A bill (H. R. 9870) granting an increase of pension to Bridget Palmer; to the Committee on Invalid Pensions.

By Mr. MILLSPAUGH: A bill (H. R. 9871) granting a pension to Mary Shoemaker; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 9872) granting a pension to Mary E. Spilker; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 9873) granting a pension to Thomas Bush; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 9874) for the relief of William A. Miles; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 9875) granting a pension to Katie Kenedy; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 9876) granting an increase of pension to George F. Bryant; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 9877) granting a pension to Frances E. Dunwoody; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 9878) granting a pension to Jacob F. Rosenberger; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3465. By the SPEAKER (by request): Petition of the International Reform Bureau (Inc.), urging Congress to amend the Roddenberry Act promptly by providing that punishment for violation of that law shall in every case include not only fine but imprisonment, etc.; to the Committee on the Judiciary.

3466. By Mr. BURTNESS: Petition of officers and members of Lodge No. 34, Order Eastern Star, Walhalla, N. Dak., urging the passage of the Towner-Sterling educational bill; to the Committee on Education.

3467. By Mr. CONNOLLY of Pennsylvania: Resolutions adopted by the Three hundred and fifteenth Infantry Association, of Philadelphia, Pa., favoring prompt action by Congress providing adjusted compensation for the veterans of the World War; to the Committee on Ways and Means.

3468. By Mr. FRENCH: Resolution that Congress extend and create a broad policy of reclamation adopted by the Rotary Club of Pocatello, Idaho; to the Committee on Irrigation of Arid Lands.

3469. Also, resolution that Congress extend and create a broad policy of reclamation presented by the Chamber of Commerce of Nampa, Idaho; to the Committee on Irrigation of Arid Lands.

3470. By Mr. FULLER: Petition of the Federated American Engineering Societies, favoring immediate enactment of the Lampert Patent Office bill (H. R. 7077); to the Committee on Patents.

3471. Also, petition of the B-Z-B Knitting Co., of Rockford, Ill., favoring the American valuation provision of the Fordney tariff bill; to the Committee on Ways and Means.

3472. By Mr. KELLY of Pennsylvania: Resolution of the Pittsburgh Chamber of Commerce, favoring the passage of the Snell forestry bill (H. R. 129); to the Committee on Agriculture.

3473. By Mr. KISSEL: petition of the Eagle Picher Lead Co. and the Knitted Outerwear Manufacturers' Association, of New York City, relative to certain legislation; to the Committee on Ways and Means.

3474. Also, petition of the Federated American Engineering Societies, of Washington, D. C., urging passage of the bill to increase pay for Patent Office; to the Committee on Patents.

3475. Also, petition of A. Schraders Son (Inc.), of Brooklyn, N. Y., urging passage of the bill to increase pay of personnel of Patent Office; to the Committee on Patents.

3476. Also, petition of the One hundred and sixth Infantry Post, of Brooklyn, N. Y., relative to certain legislation; to the Committee on Military Affairs.

3477. Also, petition of Goepel & Goepel, Sipe & Sipe, and Arbuckle Bros., of New York City, urging passage of the bill to increase personnel and pay of Patent Office; to the Committee on Patents.

3478. By Mr. MEAD: Petitions of J. T. Loree, general manager of the Delaware & Hudson; O. P. Goepel, of New York City; the Federated American Engineering Societies, of Washington, D. C.; and the Holophane Glass Co., of New York City, urging the speedy passage of House bill 7077; to the Committee on Patents.

3479. By Mr. STINESS: Petition of the Rhode Island State Federation of Women's Clubs, indorsing the Sterling-Towner bill; to the Committee on Education.

3480. By Mr. TAYLOR of New Jersey: Petition of sundry citizens of the State of New Jersey, protesting against the passage of House bill 4388; to the Committee on the District of Columbia.